

SCOMM

#31:22

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_____ :they were five years down the road.

_____ : Back in 1973, I got one and he got a different one.

_____ : But you both be getting the same value basically out of both of them, so where's the real discrimination of....

_____ : Well, since you will be getting the same value out of both of them, then why don't you just buy them out of thethat was my argument.

_____ : If you are really getting the same value, there is no advantage to that system at all.

_____ : There's no advantage to the State.

_____ : ...is that you are probably not getting things done.

_____ : You're going to be getting less than fair market value....It won't be fair market.

_____ : It will . . . The thing that you can justify on it if you want and I'm perfectly willing to come back to where I left it two hours ago when I had to go to a committee meeting and that's just, figure this level, give them all a transferable license and forget about it. But if you want to, it will take this 10% down alot quicker. I mean this ten years will take that lower half down a lot quicker even though they know they can

hold out because the thing is that what you've graded it to "B" category are those people who probably,.... the bulk of them won't have any long range investments in the fishery. That's why they're in deep. And the bulk of them will, within three to five years, which is the turnover here in this state, be putting their license up and selling and willingly moving out. And they wouldn't sell that license to the State otherwise. They'd sell it to a friend. someone they work with, or a friend they work with or something like this, so you will get that category out of circulation alot quicker and you won't really have robbed anybody. And, hey, I don't think if you left the rest of the bill, is that one bad, is that system, do you mind A and B?

_____ : We worked it into this in all the drafts.

...we put in there.

_____ : I didn't get to go through all that. Can you buy that John?

_____ : I think a few confusions ...

_____ : John is gonna take a walk that day anyway.

_____ : I don't want him to take a walk. I just want him to shut up and vote yes.

_____ : He will probably shut up and vote no.

_____ : Don't do that because eleven votes, do you know your vote is worth twice what mine is.

_____ : Why do you think we have spent all afternoon with you here for? Let's... ..and take a copy of each of these drafts and, as you say, just work on our own this evening.

_____ : That's what I'd like to do.

_____ : Indiscernible

_____ : What two drafts?

_____ : You've got the one that I did.

_____ : The amalgamated draft and the one that we requested.

_____ : EFJ.

_____ : Yeah, the one with the draft.

_____ : Is yours much different from his?

_____ : The last version that I got was one that was sent to me in the mail of Senate Bill whatever it is.

_____ : That's the one that I and Joe worked on here...

_____ : And we couldn't come to an agreement.

_____ : Well, I thought we had come to an agreement.

_____ : No, I don't think so. We kept setting aside all the hard problems.

_____ : I think we worked it out pretty well. We only had one trouble....(tape off and turned on again) .

_____ : I believe it was the final determination yesterday that under optimum predetermination, under the determination of optimum number of units of gear that we were going to include that number three criteria allowing for, or is this a hard spot?

_____ : It's a very hard spot.

_____ : Okay, they have discussed that with me and there are a number of implications that follow from that that I can't ...

_____ : Okay, the only thing is that on page one, if indeed, depending on what happens with that one, we are either going to delete or add some language.

_____ : Umhum

_____ : Right, Nothing on page two of your draft. Joe, did you have anything here?

_____ : No.

_____ : Okay, under qualifications we discussed it with Bob this morning, Senator Palmer, and he would like to see in 050, production or management included back in there with a definition of vested interest. I realize that there is a common law definition but if we can statutorily tie this thing down and give the fishermen some comfort exactly as to what they can and can't do.

_____ : Okay, then explain to me what a vested interest in the management of a commercial fishery would be. Who would have the vested interest in management?

_____ : The commissioner of Fish and Game.

_____ : He doesn't have a vested interest. That's not the definition of vested interest. He doesn't have any economic investments, or he may or not have, the assumption would be that he

_____ : We are discussing vested interest and I don't think that it's proper to imply that a Commissioner of Fish and Game, assuming that he has no monetary investment, that's (indiscernible)

_____ : Well, how about interest, vested and otherwise?

_____ : Vested interest is a commercial interest.

_____ : Well, I sure as hell hope that they have the otherwise kind. That's what we are appointing him for.

_____ : Indiscernible.

_____ : Okay have a commercial interest vested.

_____ : Take a property loss ... feasible about it that take it away...quality

_____ : Ownership, stock ownership or ownership in a company or something, but not vested professional interest ...could be a management biologist or something.

_____ : What happens if you say he has economic interest instead of vested? If they do mean to include those people?

_____ : Then I would object to that because I don't think... Anybody who is an expert on the fisheries is going to have a vested professional interest in the management or the success of any program having to do with the fisheries and the only thing you could hope to be excluding would be someone who has a vested property or commercial interest.

_____ : What about instead of vested say economic interest? Isn't that what you're talking about?

_____ : Let's drop back then and say, has a vested interest in the commercial harvest or production of the fishery resource.

_____ : But then you are automatically precluding any management biologist who has had experience in Alaska.

_____ : In the commercial harvest or production?

_____ : Production. Production is ambiguous in that particular sense.

_____ : Indiscernible.

_____ : You've got two different issues floating around. Let's tie it down. Is the intent to get at something other than a commercial interest, to get at something like a professional interest or political interest?

_____ : No, I ...

_____ : The intent was not to have the Commissioner of Fish and Game on this. Whatever he represents, it's not commercial.

_____ : Right.

_____ : Why? I mean it wouldn't be conceivable that he could hold two full time jobs. What about past commissioners or potential future commissioners? What about a past commissioner of Fish and Game? You intend to not have somebody like that on there?

_____ : Well, at that point, I, in sitting through and the committee discusses that at great length, I had no

no feeling that it was anything political or that type of consideration. They just want it tied down very very tightly if the three people that are the commissioners do not have a vested interest.

_____ What's meant by vested interest? Ownership in a cannery, a fishing boat?

_____ : Right.

_____ : And professional owners.... It's a commercial ownership type interest in the fisheries?

_____ : Right, that was the way that I....

_____ : But then, what,.... A cannery owner has a vested interest in the harvest of the resource. You don't add anything by saying harvest and production. I don't think.

_____ : Would the economic interest in the fishery broadened...

_____ : That's what I wondered. Is where you get rid of vested and say anyone who has a economic interest in the commercial harvest of the fishery resource.

_____ : Why don't they say ^{vested} economic interest and that sort of thing?

_____ : The only reason I think the notion vested is important is for the reason the professor pointed out. Every body has a potential of economic interest in the fishery or someone who has fished in the past or might want to fish in the future, or might be living in a

community which is very much effected by fishing. What if I own a part ownership in a hardware store that sells nets or something. Am I precluded from being on the commission? Let's apply it at Kodiak, the Cold Storage, the guy that has stock in a cold storage company.

_____ : Right, he would be.

_____ : He probably would be. What about a guy that going to be more indirectly impacted, like a merchant in Kodiak?

_____ : The problems you are facing seem to grade off gradually and I don't even know why you are going to stop.

_____ : I would have read that just to have prevented say a board member of the processing company from, "A", number one, serving the commission.

_____ : Maybe you better spell it out. Any interest, "an economic interest in the fishery through ownership of" and then specify the things you are concerned about, vessels, gear processing equipment, or plant.

_____ : I'd go for that. "Vested economic interest through ownership of," and then list the things that you think are coefficient of any ineligible... (Indiscernible)

_____ : Ownership or any interest in...

_____ : Indiscernible

_____ : What did you say... "and shall not have an ownership interest"...

_____ : Partial or full ownership.

_____ : An ownership interest would include partial.

_____ : That's right, an interest.

_____ : An interest in vessels, gear, processing plant, or entry permits or you could have a series of things here, commercial fishing.

_____ : Can we go back again to Palmer's original proposal?

_____ : The original proposal was "the commission shall have a broad range of professional experience." Now, we've gone through and we've taken out this permit holding thing in the Senate draft. We didn't feel that that was necessary because that automatically is a vested interest, period. And we've already taken care of it so it would read, "Broad range of professional experience, none of whom have a vested or commercial interest in the harvest, production or management of the commercial fishery resources. For the purposes of this section, vested interest means a present or fixed interest or right of present or future enjoyment of something of value, the nature of which could consider this chapter, reasonably be considered to conflict with the public interest."

_____ : That's pretty good.

_____ : Now if we'd just said, "none of whom have a vested economic interest in the fishery resource," with this definition, will that do what we want it to?

_____ : Read the definition again.

_____ : This is it, page three.

_____ : Why don't we just stick vested interest in there?

_____ : I don't like that at all. I think we just ought to say, "shall not have an ownership interest in any commercial fishing vessel and gear or any commercial fishing processing company," or something. Tie it down because you've gotten completely nonspecific at the end of that. You say, "which could considering this chapter reasonably be considered to conflict with public interest."

_____ : It all hangs on "reasonably" then.

_____ : If my second cousin has a...

_____ : But that's not reasonable, Dave.

_____ : Well, it looks reasonable so far but you're not tying it down and making it clear. You have a governor kick a guy off for some pretty arbitrary reason if you leave it that way.

_____ : It seems like one of the purposes somewhere else that would try to insulate this guy from, the commission from changing it every administration.

_____ : How would it be written then?

_____ : "Shall not have an ownership interest in any commercial fishing vessel or gear or in any commercial fishing processing, something - something.... processing company, or...."

_____ : How about this? "Shall not have an ownership

interest in any commercial fishing vessel or gear or any commercial fish processing business."

_____ : Now you got into the guy who might have an interest in a boat building company.

_____ : No, it's not commercial vessel or fishing gear.

_____ : Well, we'd probably let him in.

_____ : Yeah, I wouldn't worry too much about the boat builder.

_____ : All you don't want him to be is a fisherman or a processor, right?

_____ : Right.

_____ : How about a marketer?

_____ : Processing or marketing commercial fish, processing or marketing business.

_____ : Okay.

_____ : It's my understanding that the Senate didn't want anybody involved in management biology, commissioner of Fish and Game, or any of that type.

_____ : Well, as David says,...

_____ : I'm completely impartial. Completely disassociated...

_____ : ...from a practical matter, if you've got a guy who is a full time commissioner of Fish and Game, it is logically impossible to also have him as a full time Commissioner. That's automatically excluded.

_____ : The Department of Fishery, University of Washington hired a Professor of So and So, a fish biologist, would he be eligible for the commission?

_____ : Indiscernible

_____ : Well, why should he not be?

_____ : That's what I want to know. I want to know if there are any objections.

_____ : There are certain kinds of professional confidences that you might want to seek on this commission.

_____ : If you want to prohibit anybody who had ever been involved with the Fish and Game Department in Alaska, I think you ought to do it under a different subsection because its not the notion of vested commercial interest. It's an entirely other kind of notion.

_____ : If the assumption is that somebody who has worked for the Department of Fish and Game is going to tinker with the entry permit system in some way that will influence fisheries management decisions made by the Department and the board, then you ought to identify that and treat it separately. I think that has certain problems if you want to pursue it in that you are eliminating a whole sphere of professional confidences that you might want to include at some point.

_____ : Indiscernible

_____ : I'd like to put back in the word, "have a vested ownership interest," I think that would make it clear.

_____ : I'd dump the word myself.

_____ : Alright, then . .

_____ : Vested has caused no end of trouble in future interest law and I don't know whether it would here or not.

_____ : Okay, Dave can you give me the read through?

_____ : And shall not, alright, "The Commission members shall have broad range of professional experience and shall not have an ownership interest in any commercial fishing vessel or gear or in any commercial fish processing or marketing business."

_____ : Okay, pick it up at interest again.

_____ : It's inelegant isn't it?

_____ : That's alright we can clean that up later.

_____ : And ownership interest.

_____ : "In any commercial fishing vessel or gear or in any commercial fish processing or marketing business."

_____ : "Gear or in any," I'm sorry, I wish I took shorthand.

_____ : Why don't we do this, maybe, if it would speed things up, David's handwriting is generally pretty legible. Why don't we let him run a master copy and we can xerox it.

_____ : No, I object.

_____ : No? You object, you want Mike to run a master copy. Alright.

_____ : I'll run my own copy.

_____ : Alright.

_____ : I might get lazy that way.

_____ : Indiscernible

_____ : We haven't explicitly included entry permits.

_____ : That's true.

_____ : So what?

_____ : No, they were very definite about that.

_____ : I just want "comma entry permits, comma or in any commercial fish processing business or marketing business."

_____ : Right.

_____ : Indiscernible

_____ : Here is page three

_____ : Okay, page four. Number five. "Designate, when necessary to accomplish the purpose of this chapter, specific fishery resources for which separate entry permits will be issued. We know what you mean but it wasn't clear to us that that's what you are saying, Dave, and we are suggesting, "Designate, when necessary to accomplish the purposes of this chapter, subcategories of a fishery for which separate interim use permits or entry permits will be issued." We had trouble with specific fishery resources. I know that you are trying to get to the difference between tanner and dungeoness.

_____ : You realize that you changed the definition of "fishery" back here?

_____ : Right and we are working within that definition.

_____ : Commercial taking of a specific fishery resource in a specific administrative area by a specific type of gear.

_____ : But you are saying specific...

_____ : I'm not objecting. I'm just trying to talk it through.

_____ : Right. My question is then that when you say specific fishery resource, does that reflect this definition that you have in the back?

_____ : This was written before the definition, but we were trying to make a definition.

_____ : In other words in most fisheries you aren't going to have to refer, in your entry permit, a specific fishery resources, cause in some you are.

_____ : Right.

_____ : So the definition of fishery ought to be inclusive of both those....

_____ : Right, because, I started through it and in a number of places you do mention "fishery resources" and if the term "fishery resources" does reflect that definition, there's going to have to be some cleanup.

_____ : Not "fishery resources," "specific fishery resource."

_____ : Did you change the idea of what a fishery meant?

_____ : Not really, we just made it more specific. When you speak of the fishery, we want to make it clear that you are talking about the area and type of gear and, where necessary, the species. Now in most areas you don't need to add the kinds of species.

_____ : Okay, _____ gear will self define that.

_____ : Right. That's exactly right.

_____ : Indiscernible

_____ : Suppose that gear is salmon, you don't need to say salmon. But in some areas shellfish pots is a type of gear. Shellfish pots catch four different types of crab and shrimp. There you would have to designate shellfish pots for king crab.

_____ : We were suggesting that sub categories are specific fishery resource within all commercial fisheries to clear up maybe a possible ambiguity that entry permits be issued only for certain fishery resources. In other words to get the idea across that they would be issued for all.

_____ : David, shouldn't the way the definition reads, this thing go, "Designates, for purposes of this chapter," according to their thought, "sub categories of fisheries resources for which separate entry permits will be..."

_____ : That's what we were, it seems like specific fishery resources . .

_____ : Or rather, pardon me, "sub categories of fisheries," resources has got to be out of there because resources is included in your definition of fishery in the back. In other words, "Designate specific fisheries sub categories for which," isn't that the idea.

_____ : Well, you say, "Designates specific, designates certain fish," I mean why don't you say, "species" if that's what we mean? And we've already said you don't have to do it all the time.

_____ : Designate a species within a fishery, specific species within a fishery,...

_____ : Why do you need that? You get into trouble now if you start using the word "fishery." You mean anything other than what you just got through saying it meant. Indiscernible

_____ : The only notion is to designate species within an area.

_____ : It doesn't really matter does it?

_____ : No.

_____ : I mean they could designate them for the whole damn state or for any number of areas that they wanted.

_____ : Which, _____ the intersection of all three, species, the area and the type of gear.

_____ : Right.

_____ : And all you are trying to do here is make it clear that they can go by these species specific if they wanted to.

_____ : Right and we didn't feel that specific fishery resources wasn't Can we say, "particular species for which separate entry permits"?

_____ : When they see the word "fish." You know you can speak, can you really speak of fishery resources and include crab but can you really speak of crab as a fish, I don't think so.

_____ : Come up with a better word?

_____ : Yeah.

_____ : Designate certain species for which separate entry permits will be issued.

_____ : There also ought to be a comma after designate.

_____ : What about the idea of within the broad category?

_____ : They are never going to be not subject to their area and gear type. Everything has to be issued by area and gear type. Now, I am not following you, Joe.

_____ : Tanner crab within the basic definition of crab.

_____ : Tanner crab or separate species

_____ : There is a difference between genus and species.

_____ : Species is specific, yes.

_____ : How does it read now?

_____ : Designates when necessary, to accomplish the purpose of this chapter certain species.

_____ : I like particular better. Maybe its just a nigling thing. If it is just forget it.

_____ : No it certainly the particular species.

_____ : Yeah particular species, for which separate interim use permits and we talked about interim entry and interim use and I'm not sure its a big thing but we just feel that we don't want it confused with entry permits and we don't there to be any implication by the furthest stretch of the imagination that because an individual gets interim use permit or an interim entry permit that he will hopefully get an entry permit.

_____ : I don't see that as a problem.

_____ : I disagree, I don't think that's a problem.

_____ : The same people that would think that are going to think it no matter what you call it.

_____ : The people who would think that are the same people who would think that if they get a temporary drivers license can get a permanent drivers license. That's their problem.

_____ : Anyway there isn't any need to repeat any of these terms in every one of these things is there? I don't care.

_____ : I was with Mike on the terminology here but I think it's a mechanical matter to make sure that there is no confusion. As long as you are clear I don't think it makes alot a difference.

_____ : Do you want to call it interim use permits?

We'll call them interim use permits.

_____ : (indiscernible) ... some places where you talk entry permits then somebody is going to say well that does not specifically say the entry permit, therefore ...

_____ : Okay, call it interim use permit? We just have to make sure that the entire bill now says interim use permits, right? Wherever we talk about those things?

_____ : I've gone through and marked most of those spots.

(Irrelevant text omitted.)

_____ : Okay, particular species for which separate interim use permits or entry permits will be issued. Now you are going to run through here and and stick in the interim use permits where ever we also have interim entry permits, right?

_____ : Right. In some of these it's going to be a long time before we get around to issuing initial entry permits so we are going to be operating under these interim use permits for a long time. It's a mechanical thing

_____ : I'm sure you guys really caught me when I tried to slip in on you too. We didn't get around to discussing that section. We didn't have time. Interim use permits becauseprobably....

_____ : Now, number seven, it reads through issue entry permits to qualified applicants for each administrative area. Number seven on page four. Now does that mean that because he's qualified he gets, well we suggested changing it to "issue entry permits to applicants for each administrative area for which they qualify."

_____ :eliminate all status for whether he in fact is qualified he then gets a permit for each administrative area.

_____ : The problem is that if you started to describe the basis on which you issue, and not giving all the details, maybe you just better stop to sayto issue permits.

_____ : Issue permits to qualified applicants, semicolon.

_____ : (indiscernible) going to be the persons to qualify.

_____ : Because you've got a section on the issuance of entry permits later on that explains in detail what the hell it is.

_____ : Right, is there anything wrong with going through applicants orentry permits

_____ : "qualified applicants semicolon." Okay, number eight, Entry to use, interim use permits. In twelve now, you are providing for, is this a gear to gear transfer ratio?

_____ : You bet you.

_____ : No, you aren't going to slip it in. The way it was worded I wasn't exactly sure but I had a damn good feeling.

_____ : Like the professor says, we've got to have flexibility on

_____ : We'll concede too. You do have a transfer system, or don't you.

_____ : We did have a transfer section in there back later and left it out (indiscernible)

_____ : What does it say?

_____ : Provides for transfer and reissuance of entry permits for alternative types of legal gear in a manner consistent with the purposes of this chapter.

_____ : How are they going to do that, any idea?

_____ : The ideal is this, way on down the line on it, and this is one reason for leaving it out, it's not an issue that we want to surface because there is a lot of animosity between people who fish different types of gear. Working in conjunction with the board and the Department and maybe some additional encouragement from the legislature, you might want to make it possible for a guy, who let's say in Southeastern, had a purse seine boat or a gillnetter, let him get into purse seining, but you have to, because of the fishing power, the fishing effort isn't equal. You'd have to establish transfer rates, you have to say like order of gill net (indiscernible).

_____ : But then you get into this awkward situation, you are not wishing that person to be able to have more than one permit unless it happened to be for varied fisheries, something of that sort.

_____ : Well, now we wouldn't get into that because the guy is still going to be trading one for another. He's only going to be fishing one type of gear (indiscernible)

...

_____ : We have five guys who want to go from gill net to seine, one out of five gets there because the ratio (indiscernible)...

_____ : Now wait a minute David, what we lost, we lost in the redraft here I think. We had under the conditions for which a person could hold more than one permit, we had a provision in there which allows for the accumulation of permits for such a transfer.

_____ : You could also have it happening this way... (indiscernible)

_____ : And they'd have to do that.

_____ : You would have four gill netters and the four gill netters who decided "we could make more money if we went into partnership on a purse seine boat...." It would just empower them eventually to allow that kind of thing to happen without getting into the details of it right now.

_____ : If you think they could work it out why that's fine.

_____ : The charm of it to me is that the Canadians right now are going through, and they have been for the past couple years, an attempt at what they call a rationalization of the fisheries. They've tried various drafts and proposals and everything gets shot down by one participant or another, one interest group or another. What they want to do is figure out what the most efficient type of gear is in each area and arrange it so that that is where you end up. And the way we view this particular provision, this allows sort of the engine of economics to gradually bring about the same thing. Because if it turns out that guys are making more money fishing purse seiners than they are gill netters, eventually people are all going to want to convert. If it turns out that purse seiners are impossible in Bristol Bay because it's too shallow, then they are out and you end up with just gill nets. Naturally over a period of 20 years, 30 years, you get this sort of rationalization of the fisheries, _____ maximum economic efficiency by allowing transfers between kinds of gear. We felt it was very important to leave that in there so that we don't lock everybody into the status quo.

_____ : I'm not objecting to it being there, I just want to make sure that what you've done is workable. I suppose that if you give them power, that then the rest of your staff's got a frame work, they can work this out.

_____ ; I would think they could even perhaps adopt regulations saying, "The purpose of this chapter for _____ a transfer, an individual can hold more than one permit, not fishing and hunting"...(indiscernible).. I agree with you in the sense, Mike, it's something that I didn't want to surface in a whole new section or something. It's too damn complicated. There are too many problems in this fishery. You see everybody is locked into areas and types of gear linked with areas and fishing districts, and everybody feels very, very possessive that this is the way the system should be and....

_____ : I'm not sure that just because one way is more efficient people will necessarily gravitate to _____.

_____ : No, but at least I want the opportunity there. I don't feel its appropriate for the government to step and order people to convert to a different type of gear. At least that option ought to be open.

_____ : This transition will probably work the other way too. Probably work away from purse seines toward gill net boats, because they are cheaper, cost less money to get into it. You know you've got less tied up, smaller crew, you can run with one man or two men. That's what purse seiners are terrified of.

_____ : Okay five, David deleted 44.62.640, which is definitions, and 650, which is a short title. Did you really mean to delete definitions because then you are...

_____ : Well I put the definitions at the end.

_____ : Well definitions of 44.62.010 through 320 wouldn't, as I understand it, wouldn't be defined because you've left out 640.

_____ ; I'm sorry I'm not following you.

_____ : Okay, page five, line 25, 26, application of administrative procedures act.

_____ : Lets get the statute. I meant to leave out the administrative adjudication procedures part.

_____ : Okay, you did, but then when we were talking the other day you scratched out 640 and 650. 650 is a short title and 640 is the definition for the whole...

_____ : Well, that was an error. Donna and I worked. Donna looked at that and said we left it in by mistake. She thought we left in the administrative adjudication procedures and what we did was go back up and.....

_____ : No, those had been omitted earlier I believe.

_____ : 640 does sound like a definition. Lets have a look.

_____ : Mike, did you try to Xerox these?

_____ : Yeah we did we got

_____ : You're right and I'm wrong. But where is that administrative adjudication part? It's earlier right?

_____ : I don't remember where it is.....

_____ : Okay, I don't know how we did that but you are correct. We are putting 640 and 650 back in.

_____ : Do we need 650? Short title? I didn't even read it I just saw definitions.

_____ : Alright, very good.

_____ : Okay, here we come to 160. Maximum number of units of gear. Pick up on these other systems that I've been sort of trying to feed in.

IRRELEVANT TEXT OMITTED

_____ : Like in that lines three and four page 60 as long as you just said "for which specific commercial fishing regulations are written" you would really cover that phrase about the legality of types of gear.

_____ : Yeah, I think at the time even Donna was against me on that. I was putting it in there just so the, I don't know, maybe I had some arguments, at least if people thought that we meant, if they thought of the regulations as being openings and all that stuff and the other parts the regulations..... I agree with you, Joe.

_____ : Specific commercial regulations are written?

_____ : Yeah, I don't think it adds a damn thing.

_____ : What are we doing? Eliminating part of line three?

_____ : Just stopping pretty much. Joe suggested that the legality of types of gear is just a subsec of commercial fishing regulations. There's no reason to have all that extra stuff in there.

_____ : I'll buy that.

_____ : Would you want to still leave the phrase.....

_____ : Say "are written by the Board of Fish and Game."

(background conversations indistinguishable).....

_____ : Why don't you say "are written" or "adopted by the Board of Fish and Game."

_____ : I guess we don't have to come to these quite yet.

_____ : (background conversation indistinguishable) Regulations are established by the Board of Fish and Game. The fishing regulations are established by the Board of Fish and Game.

_____ : I don't think that it's necessary to think about this in the sequence that I did but I simply thought it helped for my own thinking to come up with this organization of this next material and at the moment when we are coming down from maximum numbers, you'll find my treatment of it under what I've called Roman Numeral IV sub part three. Now, doing that if you'll look at these typewritten pages, you'll find a series that begins with 191, 192 and so on. 191 would correspond to IV2. In other words, I picked up this idea that we are going to have some fisheries as to which there will be a necessity for imposing a maximum, fairly strict sort as to which hardship is important. Then ones which were not and I divided them as between severely threatened and all others. I think we used yesterday the distressed. It

gets across the same idea. If you look at the determination of the maximum then that's under the second page of this typewritten one under the number of 192. The three subsections there deal respectively as follows, A and B deal with what I call severely threatened ones. Those are the ones which you are, by looking ahead, confident that the optimum number is going to be less than the total number you are going to let in right off the bat. Or at least is not going to be any more than that. Then the C category deals with those areas in which there is no concern. So that there is latitude to let more people in. But I suggest that there ought to be some kind of a limit on it. Do you want to take a minute and read through those?

_____ : Yes.

_____ : I still have a problem with C. I think we still want to leave some fisheries, the designation of maximum to kind of float and to be set by the commission at some kind of an appropriate time. (indiscernible) 150%, there isn't any magic numbers, is what I'm suggesting. Because we have a fishery in Southeastern now that has three gear licenses. And it may grow to somewhere around 200 or 300. Then we'd be in trouble. 150% wouldn't make any sense to apply for a _____.

_____ : Well, you notice my second question in that bracket. Should the commission be permitted to designate

fisheries for which no limit is presently set? And I suppose that makes some sense. To have that capacity there too. But there may be others as to which you, maybe want to give them power, the moment you move away from these more distressed ones, give them power to decide which ones they are going to set a limit on and if so, what it should be.

_____ : Yes, maybe you could reach the same point in terms of A and B by saying something along the lines that "when the commission determines that the optimum number, that the optimum number of units of gear will be the same as or less than the present level of fishing efforts" something or other. In those cases the maximum number of units of gear shall be one, the average number.

_____ : Right, now that's what I tried to get at under A and B. That's the Idea.

_____ : So the fisheries are either at or above the optimum level.

_____ : Then you are down into C and at that point I think you can tolerate a lot more latitude of judgement on the part of the commission as to what to do as to how many to will let in. I think give them at least the power to say, you couldn't have at least 200% increase.

_____ : Of course except for your treatment of the people in the priority classification, how is the operative

effect any different from, I realize it probably is, I'm not, than what you really wind up with here where the commission has the discretion that the level shall be no less than the highest number of units for last four years.

_____ : I don't know if the operative effect really is much different, I simply like the way I arrived at the results. But I do think I had introduced one factor that maybe you had not and that was in the determining of this maximum, it was with respect to what we call severely threatened now, those fisheries that the maximum is the lesser of two numbers. Either the maximum is determined by this averaging over the four years or by the number of hardshipped people so that you don't ever get anybody into those fisheries as to which you can't say there is any hardship at all, which I don't think you should do. Because if you are going to have a distressed fishery, the only people you want to give any entry permits to are those that can show some measureable hardship.

_____ : Yes, we've got a couple notions of distressed fishery floating around now, like when the house bill designated those certain distressed fisheries and said we could take an initial cut which was a number formula. This would say any fishery where you are at or above what would be the optimum level, you don't have to let anybody

in who isn't a hardship case.

_____ : You should not let anybody in.

_____ : The only place that I have any trouble then and I like that idea because if it worked right it would enable you to make an initial cut, in some of those fisheries, below the present level. But I'm still nervous about the hardship category. We can discuss that later on. I like the idea of doing it that way.

_____ : The category system that we used, that I used when I got down to hardship was essentially the ones we used yesterday.

_____ : Do you have it in here so I can (indiscernible)

_____ : Yes, it comes up in the next section, somewhere along the line, priority classifications under 195.

_____ : One thing that gives me a little bit of problem here. I'm in 192, C, and perhaps up further. The January 1, 1973, that is in there for issuing. Wait, this is the maximum number of entry permits to issue. I think we did it in this version. Anyway the problem is that it works fine for fisheries we are looking at right away today. But take a fishery that the commission doesn't get around to until 1978.

_____ : But that's in C. That will be in C.

_____ : The problem is that the date is in C. Obviously, I don't know about the legal problems but the practical problems make it very clear because you can't start in 1978 and say "Well hell, guys, what ever you did after

1973 doesn't count, we are only looking before that because there might have been nobody fishing here in 1973 and if it was a fishery that developed only up until 1978, so there is a problem in taking that particular date. You know where you are, language we said, in the four years prior to the designation by the commission of such and such.

_____ : That's what we did before. (indiscernible)

Well, now when you are in the C category you have a little different constitutional problem before you. You are not really telling all the rest of the world that you can't get in because you are in a position where you can let some people in. You may not want to let very many in. I think it's logically though as among those you are going to get in you want to give some kind of preference to the person as to whom still it would be tough if you told him he couldn't get into it. In a sense that gets you back where you started, grandfathering him, aren't you?

_____ : What you want to do, you want to avoid a last year rush to get in, for one thing, which we are going to have in the salmon fishery, except I think in this draft here, we jimmied the language around with the 1975 date which effectively makes it impossible to have that work in the salmon fishery. But you want to avoid a last year rush in something the people know the commission is going

to act and yet they have a year's grace. And the other thing you want to be able to do is to give the Commission the opportunity, if the fishery just booms in one year, the opportunity, if the fishery just booms in one year, like the scallop fishery in one year all of a sudden we had either 12 or 16 boats here. You want the commission to have the opportunity to put a lid on it. Say "Wait fellas" and then afterwards, if it decides that the optimum is higher than where that lid is, let more people on but it has to somehow be able to put a brake on it before the thing gets out of hand and you have to have a buy back program to bring it down.

_____ : You'd have to have a little bit of retroactivity. There's a lot of tax law does, depend on what you did last August that determines how much tax you pay.

_____ : Right, so ideally that's the kind of mechanism we are looking for. One that will allow the Commission to work in the future treating new fisheries or fisheries in which currently there's no problem. And not be pegged with the 1973 date.

_____ : Do you suppose in practicality that the way the commission will operate will be with respect to those fisheries which the optimum is finally set, will probably turn out to be lower or at least not higher than the total number that we come up under these the hardship

categories or under this business of averaging the last four. As to the ones that you have called severely threatened, which I used that label for, as to those who think the Commission is likely to act with reasonable confidence (indiscernible) in a sense that have a feel of the pressure that they were supposed

_____ : Well, we threw into the powers and duties, number two on page three, when we redrafted this. The only thing we did wash establish priorities for the application of the provisions of this chapter and various commercial fisheries of the state. It gets right in there that they better get with it.

_____ : And some of it is also covered in letter of intent.

_____ : Well, it seems to me then logical to make that distinction between, on the one hand, as to the severely threatened, to use the date January 1, 1973, but as to C down here, put it on a floating basis. I can't see a reason why you couldn't. Didn't I read somewhere January 1 of the year immediate preceding or the year in which to determination (indiscernible)....

_____ : Yeah, I think we've got language like that somewhere later on in our bill.

_____ : I think that's alright. Sure it might be a good idea to do that.

_____ : That way and this of course you're

_____ : Sign this and hold it for a few days. Or until they hear something.

_____ : It amounts to the same thing. We're talking about levels of gear and you're talking about number of entry permits.

_____ : (indiscernible) You end up in the same place. And so that's our concern. And we can see, if you start immediately, well for instance the herring fishery in southeast is lucrative and doesn't have too many people in it right now but we know a hell of a lot of people who are thinking awful hard about going there. This is one where the commission would have to be able to set a maximum, say "hold it guys," and then maybe later set an optimum higher. Just so that they can't wipe it out before anything goes.

_____ : If you go to a maximum, they can set it higher in terms of what they set the optimum for. Because they'd be in a position then where they could probably decide optimum just as well as they could act on what essentially an interim basis here.

_____ : Well, the idea is that your maximum is sort of a rough tool. It allows you to halt it. It's a leading system. Then in doing your optimum you have the time to go through some more refined studies, but as to these figures (indiscernible) ...

_____ : going to be coming up later presumably

then they will be in fair shape in terms of their determination of optimum too. So suppose you said for example that the maximum shall be no higher than the person engaged in fishery in the year preceding January One in the year in which they make the determination that there shall be a maximum code.

_____ : That's what we have.

_____ : Yes, Okay. You're not unduly limiting yourself then (indiscernible)

_____ : Where is that language, can you find it?

_____ : It's in there somewhere. I'll pick it out here.

_____ : Because that gives them the flexibility and then they can do their studies. Fish and Game here can let them conduct this research and you can reach an intelligent decision on maximum. Bottom of page eight D and E is two ten.

_____ : Well, let's not bother with particular language at the moment.

_____ : Isn't what you are really doing, getting back to the priority classification, is saying everybody in A is in and B is in only if you are below the optimum level.

_____ : That's C in different sequence but I'd first have the commission classify fishery so that you come up with ones, now that we are concerned with are

only those in which the estimated optimum level is higher than the total number of persons, that the average number that fished over whatever this period of say four years. So here your optimum number, something you are either going to have to stop where you are or indeed work down together. Now, the person who decides that undesirable characteristic of your fishery, who are going to get in it, are going to be limited in total number to, first of all, whatever that maximum figure was, its average of four years or something, but further limited to the total number made up of both A and B put together. Now there might be a certain sense I suppose that people could come in and establish themselves as category B people. But the maximum figure would turn out to be lower. Remember we talked about that yesterday and decided that if there were indeed people in the hardship category who would be cut out because of this maximum that should be willing to let some of them in. Actually, I think we decided we'd let some of those in to establish some substantial hardship. We talked about significant or severe or I forget the word. If your maximum, as determined by the formula approach, is lower than the total number that you get by listing all the persons that come under the hardship, you still have some hardship people get in there if they have a fairly decent showing of hardship.

_____ : A always gets in. B gets.

_____ : They might cut into A even if your maximum turns out of it in spite of (indiscernible) discuss the matter ever would or not.

_____ : If they put a particular fishery the first of the fore going two numbers determines the maximum number of initial issue entry permits and if by use of that number any person within priority classification A of this chapter would be excluded. That maximum number shall be increased to include all persons otherwise excluded.

_____ : Who can show that they are A.

_____ : To include all A's.

_____ : Well, no, you see, you cut off to go over to B only when you get down to something called slight.

_____ : Oh, so you've really got three.

_____ : In a sense you do, if in fact your maximum happens to cut across in the middle of A. I think it must be (indiscernible) ...

_____ : You've got a discretionary area at the bottom end of A. You don't have to let all those other people in.

_____ : Yeah, it kind of depends on, I don't know in fact how this formula figure is going to cut across the group that composes the hardship group. Is it ever going to cut across the middle of the A's? If you took the last four years?

_____ : It depends entirely on how you define the A and B. You see this is the issue that I think, I follow you and I think that this basic notion of you don't want to let anybody in who's not really going to be hurt if you are in one of these problem fisheries. But the whole problem is one of being able to really apply those definitions of A and B. Are they the kinds of things that can be applied?

_____ : I think you've got to. I don't see any way out.

_____ : Because what you really, isn't what you are really doing saying before look at the whole pool of fishermen, you can conceivably divide them up into A and B before we ever started doing anything else.

_____ : I would duck it, we could duck it to some first of all, by deciding between severely and not severely and then you may also be able to do a very rough grouping of people because your maximum as arrived at by this formula is fairly high. So that you for sure would include all those persons as to which there is any hardship. In which case you wouldn't have to grade them according to hardship. You would have to say you make a showing of any hardship and you are in.

_____ : You are going to have more applicants in every fishery than you have permits. But you won't

have more people who would be even negligibly harmed.

_____ : Right, okay, that's C category under there and that's fine. They are not going to make it. I put them down there just because, just to recognise the fact that you are going to have some more applicants. On this severely threatened fishery they aren't going to make it.

_____ : Isn't there a difficulty? At least there is when I tried to think it through of coming up with a sort of objective criteria to demonstrate degrees of hardship. I'm just making this up as I go along. I don't even know if it makes sense. Could you somehow relate hardship to the standard that we use degree of economic dependence, where at least you can establish objective criteria and you can rank people and you won't have 2000 people coming in _____ and having public hearings all the time.

_____ : When you get over here somewhere on priority classification, 195 that's page D ends up with a bracket that says "what to use" question mark. And it's at that point you pick up some of these delineations and I'm not really too insistent about exactly what you say but it will be at that point at which you would put in a reasonable balance of the following: economic dependence on the fishery, alternate livelihoods, investment in gear, all of these other variables.

_____ : If we can objectify somehow these standards for hardship it begins to make sense to harmonize a little bit. But otherwise substantial significance, severe, or great murky, you know value relevancy you tie down.

_____ : I don't think you are going to get away from the necessity as I see it of actually deciding hardship.

_____ : No, that's alright. All I want to do is see if we can come up with a neat way so that you can look at at out there instead of just having six guys listen and say "Gee, that really hurts, you get one."

_____ : No, I'm in favor reciting some refining measures. I simply got down to the point where I didn't write it out (indiscernible)

_____ : What did that do for you, David?

_____ : I think we'er getting closer. I again, if you leave hardship, if you have yourself no ruler to measure hardship then I run from it because it's unworkable. Everbody that you exclude will claim that he is a hardship case. He may be.

_____ : I don't think you have to say you leave it completely _____ .

_____ : And again it isn't even adjusted to relevant nature you know to look at a given fishery and the people in it and say "listen, you've only been in it two years, we've got to kick either you or your buddy

over here, he's been in it ten years, out. Wouldn't you agree that we are being most fair by giving him first crack at it?" Or something like that. Most people will go with that because they can see. That was why, again in terms of public acceptance, I like what you've got in here. Some setting of the maximum before you start categorizing people. Because it's one thing to say we've got this many permits to issue, now, who comes first and who comes second? But the last guy under the fence is almost always going to look just about the guy right after him and if you open up a hole in the fence and start letting a few people through after an addition to that level, the people that are already in are going to get mad that you opened the whole in the first place. The people that don't get through the hole in time are going to be mad because you let a few through and didn't let them through. It creates, I think what will happen in practice is you will have about 1,300 appeals.

_____ : Well, in British Columbia when they set their standard of having to have ten thousand pounds of commercial landings for the two years preceding the cut off date and if you didn't make--t tough shit you didn't get an entry permits. They allowed a procedure for hardship and they had 1,200 appeals in the first year.

_____ : That's all that was said was hardships and they had 1,200 appeals. I think about seven or eight of them were granted.

_____ : That's probably stopped several hundred of them.

_____ : But still the whole Canadian system _____ and the authority that they had to do that was much different. We're not in that position and we don't want to put anybody who is going to be involved in this commission is what is a very awkward position of having to rule on hardship when there are no objective criteria to look at.

_____ : I'm quite with you. I agree that they should be specified. By and large I think we have come to a _____ in describing them. I've got one set objection to one aspect of it but that's all.

_____ : And we've conceded ... (indiscernible)

_____ : Yeah, I had a chat with Ray and he, if it's a red flag in such an important part let's get rid of the red flag.

_____ : Alright, what you would wind up doing, I think, in terms of working this in, is really saying there has to be a designation. The only reason we use distress is because it's from our constitutional aspect.

_____ : And I think it's probably a good enough reason.

_____ : A designation of those fisheries where you are going to set a maximum of, on the four year formula, right. And then to say, really only two priority classifications, A and B. I really like that because what you are trying to do is you are defining the important line.

_____ : You know the beauty of it is that all you really have to do if your maximum is a little bit higher than most turn out to be, you have to go only one line and that's at the bottom of B, because A and B get in. You don't draw any other lines.

_____ : If the maximum would let all A and B.

_____ : That's right, if it would. The only place you are really going to start getting into more trouble is if that maximum starts getting down lower and then you are going have to use your subgrouping to make the line somewhere up the line on it on a gradual scale.

_____ : Somehow I'm still drawn to trying to define the line rather than the groups on either side of it and letting their priority classifications follow as they will. I don't have any objections on that.

_____ : The strong reason that I am impelled to say that you must eventually face up to a decision as to what's hardship is of my premise of your

_____ : What I would say is you should go into a fishery and rather than at the offset saying let's

define A and B, you say at the offset let's define priority classifications. Somebody might have five, somebody might have three, somebody might have more and then you say we've got these ranks in decending order, where does this line get drawn? Between this classification, between this classification and you have to come in and say in these designated priority classifications those people are suffering only minor hardships and above here the hardship is severe enough that they should be treated as a, that is they should all get in. But all I'm suggesting is that two lumps is usually too large so you are going to have to break it down any way.

That's all that counts. That it might be more flexible.

_____ : I think if you can duck the necessity, as you probably will in most instances, for making gradations within areas that your commissioner should be happy to accept.

_____ : They might. What about the case, one reason we did priority classification is because we knew two things. Number one, the number of permits you could issue was going to cut through some class and number two.

_____ : The ultimate number or the initial issue?

_____ : The initial issue. And number two, you can't really rank people, one, one, one, one, because this is

too closely situated. To be fair you've got to try to look for similarly situated. And then within this lowest group where the line cuts through to use a lottery system that's something that would be acceptable. because you're not going to be able to tell the difference between the divisions.

_____ : I've incorporated all that in here. The whole idea is there. I just think that in many instances if you've chosen your formula to produce a fairly high number you probably won't have to do that for some fisheries.

_____ : That was my point. That's why I feel sort of futile one that session yesterday because I know in 95% of the cases we all talked about letting in the same people.

_____ : Maybe this all comes out that way.

_____ : As a matter of fact I think the other formula is more harsh in a lot of settings because in a fishery where you'd have most people in four and five if you are going to issue up to the maximum level you are not even going to care which category they are in. You are going to issue to all of them. How would you go about locking in A. You have the line drawn and if your maximum number was above, then you'd increase the maximum number to allow all these in.

_____ : Only, no, it seems to me that you, _____

policy and I'm trying to reflect what I perceived yesterday, that you'd go down toward the bottom of A but you probably wouldn't reach it because the line between A and B is as between what is minor or negligible. Whereas you would not go that far but taking only those persons who had some more severe showing of hardship. That was where the word significant category, severe or significant. That to me suggested stopping short before you hit the bottom of A. That's in here. I've got that just _____ although I haven't settled on the word. Do you think we should settle on "significant"? I think that was the word people used.

_____ : I guess that's, now I can make some sense. I think you've got to designate the priority classification. You've really got two lines in here. You've got the line between A and B and you've got the line in A between significant and not significant. If you have to use it. But I think you've got to designate those in terms of priority classifications that are developed separately for each individual fishery.

_____ : Oh, yes, that's right. This is separately for each fishery. Now I suggested by question mark, possibly eliminating negligible and leaving it with the one adjective "minor". In other words "negligible" is almost deminimus and I really didn't want anybody to say that you didn't mean any. Then as in 192 would pick up significant.

_____ : Do you need a C category in 195, B?

_____ : All you tell those people who end up there is that they don't get permits but I suspect you will have persons applying for admission into severely distressed or distressed fisheries who end up in category C and therefore don't get a permit.

_____ : But logically don't they fall in either A or B?

_____ : Oh, well, I hope not.

_____ : It would seem to me that the switch from minor hardship to no hardship, for the fact of the matter I'm wondering whether it would occur.

_____ : I don't know. I just kind of assumed it would.

_____ : Any guy who makes \$150 a year commercial fishing is going to say that he's got \$150 hardship.

_____ : That to me would be a minor hardship. On the other hand if it's somebody who hasn't fished for four or five years, he's had a gear license but there's no hardship at all you tell him he's got to get out, then you tell him he's got to get out.

_____ : You're saying you don't want any of the C category?

_____ : I'm asking whether you need it. I'm not saying you don't really need it. I'm just trying to explore what type situation .. (indiscernible)...

_____ : What would be wrong with somehow coming up with B category being sort of minor or less. Not to throw back in negligible. Some concept that everybody there and down.

_____ : I think I understand what people want to do however, is to allow persons who have some showing of hardship even though minor to get initial entry permit into a fishery that's a distressed fishery.

_____ : That is a distressed fishery?

_____ : Yes.

_____ : I thought you said the lesser of the two numbers.

_____ : But it's the lesser of the two and the other measure that is the total of A and B put together.

_____ : But in a distressed fishery where A and B would be greater than (indiscernible)....

_____ : That's a question of fact and I wasn't sure that it was so. I kind of assumed _____ be the other way around. The average number of four year participants would be higher than the A and B put together.

_____ : But then you wouldn't have the situation which you just described where you'd be wanting to let in to the initial everybody in B even though you are above your maximum level or you are above this average number.

_____ : If A and B are together are above this average number, the average number is what's going to control.

_____ : Well, that will be in the situation most of the time. Almost all the time. B include minor hardship right?

_____ : That's right it does.

_____ : We know that it will be probably twice that because what you're saying, if you are going to throw in the part timers, the people who make a couple hundred bucks a year and the people that fish sporadically one year and miss another, Then you are going to be way above the average in four years (indiscernible) in almost all these fisheries. So then the tough one will be which B's get in. Which A's get in. I guess you say no B's will get in if you don't ..

_____ : That depends on your facts, Dave. It's conceivable that in the distressed fisheries some of the upper range B people could get in.

_____ : No, if A, what he's doing is he's saying some of the people in the lower range of A could be excluded in certain fisheries but they would have to be let. You don't ever have to let in anybody in B, right?

_____ : If you are above that four year average thing if you're not.

_____ : But then you just said that you thought the desire yesterday was to guarantee that these got in.

_____ : I thought in most fisheries people were thinking that that would be so.

_____ : Well, this is what the whole argument's been about because the start of this wanting to cut those guys out. It was, I think, the Senator wanted to let them in.

_____ : I knew that was were it started but I thought it moved. If that's the case and if in fact your four year average or what ever figure you take is going to eliminate a good chunk of the B, that's fine with me. I think the more people you eliminate in a sense the better off you are up to the point where you're _____ severe hardship you get to process arguments from them and I don't think we are at that stage.

_____ : I guess, again we are not talking very clearly about B. I am thinking about B as the whole group, those people below the line of minor hardship and less. You'll have a lot of applicants, people who have fished some time in the past. A whole lot of them that will be down there and coming in and applying. What I like about this is what I came away with yesterday is that you'll let in up to the maximum level which will be no more than the greatest number of the last four years. Then if you have people left over who would suffer significant hardship you let them in too. You won't ever let in above your present level people that have only minor hardships.

_____ : That sounds great with me. It won't take much jockeying to get to that too.

_____ : That's what you've got here really isn't it?

_____ : Not quite, but darn near it.

_____ : Well, I'm sorry because I thought it was.

_____ : Well, maybe it will work out that way automatically.

I think that's right because under issuance I said to pick up your BCB's of 220 which would give this idea of going through it in decending order and then get to the last group which you might have to cut across the middle, you do it by lot within that last subgroup.

_____ : But under yours if you had more applicants, in other words if you are up to the maximum level of the four years. You would never be obligated to let in B, Right? You can let them in if you've got enough permits to go around and if there are less A's than the maximum number then you go ahead and let B's in. Under yours here would you be eligible?

_____ : I want to stop.

_____ : I do too, that's why I like it. And then you only let more people in if they can show significant hardship. I think that's great.

_____ : Let me think of it the other way around. Let's take the unusual one which I thought was the usual one. The one which by this formula you come up with what turns out to be a fairly high number. Then

you look at all the people who are applying if you are going to fill up to that high a number you're way down on that B category somewhere or we've got a C category you might even have to go that far. I have used then as a limit on the total number. The total of A plus B put together. So you'd never let in C and that to me serves a useful purpose because that wouldn't let anybody in who could show no hardship. I felt that was a factor to the system. We can leave that in but _____ is not going to be a very important matter (indiscernible) ...

_____ : It depends on where you define B is started.

_____ : No, as to where you would end. Starting which from which end. It depends on where it is when you go down toward a C category where you cut off the bottom of B. I think we've accomplished everything that you want to accomplish right here and now. You are not automatically going to let B's in if what's going to be your limiting factoring fact is this formula.

_____ : Why not have minor hardship and negligible hardship be C or something. I'm not trying to make it more complicated. Is that the notion you are trying to get at?

_____ : Let's let it be worded the way it is because it serves a doctrinal purpose and that's to say that

"look judge, we are not letting anybody in here who can't show hardship." On the line right here between B and C. The fact is we may be cutting off a lot of B's too, in many of these distressed fisheries.

_____ : I guess if you are not to your maximum level, you're right, in this sense, if you are at or above where you want to be, you sure shouldn't let anybody in. You shouldn't grandfather anybody that can't show hardship. That's been your basic tendency. As long as we are just letting it float for a while those fisheries that are below therefore we don't even have to come in and set an optimum yet or where we know if they are not in trouble yet. We are just going to let those go ahead. New people come into them and then we'll put a lid on it. Just like we discussed, problem with it. In other words the minute we start making these hardship categories we already are into a fishery that's at or above where we want to be.

_____ : Because we don't call for, what did i say with this?

(end of tape)