

1105

HRES

HB

350

1105

# COMMITTEE REPORT

(9)

## HOUSE

2/21/80

FURTHER: JUDICIARY

Date: 4/17/80

Mr. Speaker:

The Committee on RESOURCES has had SSHB 350

"An Act relating to limited entry permits for hand trolling."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SSHB 350  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendations
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

[Signature]  
[Signature]  
[Signature]  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

[Signature] - D.H.P.  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
[Signature]  
CHAIRMAN



# Alaska State Legislature

## House

HOUSE RESOURCES COMMITTEE

**FISH & GAME ISSUES**  
Alvin Osterback, Chairman

Pouch V, State Capitol  
Juneau, Alaska 99811  
(907) 465-3715

### HEARING NOTIFICATIONS

Re: Limited Entry for Handtrappers

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
CS SS HB 350	4/10	Letter	To all members of local fish and game advisory committees in Southeastern Alaska and to mayors of S.E. municipalities	4/17
	4/11	4100	Dept. of Fish & Game	4/17
	4/10	3818	Rep. Duncan, Sponsor	4/17
	4/11		Rep. Eliason, Co-sponsor	4/17
	4/10	6-3456	Commercial Fisheries Entry Commission Bob Simon, Commissioner (to provide fiscal memo)	4/17
	4/11	6-2820	United Fishermen of Alaska	4/17
	4/11	784-3335	Hank Porter, Yakutat	4/17



# Alaska State Legislature

## House

### HOUSE RESOURCES COMMITTEE

#### FISH & GAME ISSUES

Alvin Osterback, Chairman

Pouch V, State Capitol  
Juneau, Alaska 99811  
(907) 465-3715

### HEARING NOTIFICATIONS

Re: Limited Entry for Handtrrollers

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
SS HB 350	3/5	586-1827	Chuck Porter, Juneau handtroller	3/18
	3/6	747-8201 & letter	Bill Stokes, President of Southeast Handtrrollers Assoc.	3/18
	3/6	3818	Rep. Duncan, Prime Sponsor	3/18
	3/6	3876	Rep. Eliason, Co-sponsor	3/18
	3/6	586-1572	Ross Soboleff, Sealaska	3/18
	3/6		John Wilcox, Pres. Juneau Handtrrollers Association	3/18
	3/10	586-3456	Commercial Fisheries Entry Commission To provide fiscal note, John Williams & Bob Simon, Commissioners will testify	3/18
	3/10	Letter, (see attached)	Notification of hearing sent to all Local Fish and Game Advisory Committees in Southeast Alaska	3/18
	3/13	4100	Dept. of Fish & Game	3/18
	3/13	586-2820	United Fishermen of Alaska - will testify	3/18

Notice. U-498350  
on schedule

John Trout  
Ketchikan  
Kwan Doo

784 3335

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John Trout  
Ketchikan Handrollers  
225-6978 Assoc.  
Box 6237  
Ketch, AK 99901

STATE OF ALASKA  
THE LEGISLATURE

POUCH V - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 30, 1980

SUBJECT: Handtrolling Entry Permits  
Amendments to CSSSHB 350

TO: Representative Jim Duncan  
Attn: Dale Staley, A.A.

FROM: Kenneth E. Vassar  
Legislative Counsel *KEV*

RECEIVED  
MAY 5 1980

BUDGET/AUDIT  
COMMITTEE

Enclosed are the amendments you requested for CSSSHB 350. The amendments provide for a preference right to handtrolling permits reissued by the commission for people who qualify for the longevity bonus and for residents of areas designated by the commission as economically dependent upon the handtrolling fishery. The instructions you gave me were not clear as to how this preference right should be implemented. You will note that the amendments make this an absolute preference by requiring the commission to reissue the entry permits first to the applicants who qualify for the longevity bonus, then to the residents of the areas designated as economically dependent upon the handtrolling fishery, and finally to the other applicants. The preference right of residents of areas economically dependent upon the handtrolling fishery, as you requested, is limited to a number of permits equal to 50 percent of the permits reissued since the last application period. The details of these provisions may need to be revised; please let me know if they do not comply with your intent.

I am concerned about some constitutional questions these amendments would create if incorporated in the bill. The amendments establish special treatment for various categories of people; i.e., persons who qualify for the longevity bonus and residents of certain areas of the state. It is true that the voters approved a constitutional amendment several years ago to allow limited entry in Alaska; however, within that limited entry system, the requirements of the equal protection clause, the prohibition against exclusive rights

April 30, 1980

or special privileges of fishery, and the prohibition against local and special legislation still apply. With regard to each of these constitutional provisions, the question which arises is, what legitimate state interest is fairly and substantially related to the classifications created in the legislation.

Is there a legitimate state interest served in allowing the issuance of entry permits to people who qualify for the longevity bonus limited only by the number of those people who qualify to apply for the permits; that is, limited only by the number of them who are able to presently participate in the fishery? Is there any indication that this class of people suffer a greater hardship from being excluded from the fishery than other people? It should be noted that the criteria for ranking applicants for reissuance in the bill do not prohibit people who qualify for the longevity bonus from demonstrating hardship along with other applicants. Therefore, this amendment will benefit only those people who, by the terms of the bill itself, do not demonstrate hardship from being excluded from the fishery to the same extent as other applicants who would otherwise receive a permit. The same questions and comments apply to the special preference given to people who live in a certain area of the state. There are already criteria in the bill which take into consideration the fact that some people in some areas of the state will be more dependent upon the fishery than others. This special preference will not be limited to assisting those people, but will apply to anyone who lives in a particular area of the state. Again, the amendment will benefit only those who cannot otherwise show hardship from being excluded from the fishery to the same extent as other applicants who would otherwise be entitled to a permit.

Finally, the constitutional provision which specifically allows the state to create a limited entry system contains language which expresses the purpose for which such a system may be created. That language should be noted. Article VIII, sec. 15, Constitution of the State of Alaska provides in part:

This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to

Representative Jim Duncan  
Page 3  
April 30, 1980

promote the efficient development of aquaculture in the  
State. (Emphasis added).

Are these amendments aimed at preventing economic distress  
"among fishermen"? They are not so limited in their effect.

KEV:ljb

Enclosure

A M E N D M E N T S

Offered in the HOUSE

TO: C S S S H B 3 5 0

Page 4, between lines 12 and 13:

Insert the following new material:

"(c) This section does not apply to entry permits issued, under AS 16.43.274(g)(1), in excess of the maximum or the optimum number of entry permits for the handtrolling fishery under AS 16.43.240 or 16.43.-290."

Page 4, line 13:

Delete "a new section" and insert "new sections"

Page 4, between lines 13 and 14:

Insert the following new material:

"Sec. 16.43.235. DESIGNATION OF AREAS ECONOMICALLY DEPENDENT UPON THE HANDTROLLING FISHERY. For the purposes of AS 16.43.274(g)(2), the commission shall designate areas of the state which, in the commission's determination, are economically dependent upon the handtrolling fishery. In making its determination, the commission shall consider

(1) the number of residents of the area whose incomes are, in whole or in part, from handtrolling;

(2) the availability of other types of employment in the area; and

(3) other factors the commission considers relevant to its determination."

Page 6, line 7 beginning with "order of descending prior-" through line 9:  
Delete all material and insert the following in its place:

"the following order:

(1) first, to applicants who qualify for a bonus under AS 47.45.010 in order of descending priority classification until all applicants who qualify for a bonus under AS 47.45.010 have been issued an entry permit; if necessary, the commission shall issue new entry permits for the handtrolling fishery in excess of the maximum number or optimum number established for the handtrolling fishery under AS 16.43.240 or 16.43.290 to provide all applicants who qualify for a bonus under AS 47.45.010 with an entry permit under this paragraph;

(2) then, if additional entry permits are available for reissuance under this subsection, to applicants who are residents of areas designated under AS 16.43.235 as economically dependent on the handtrolling fishery in descending order of priority classification; however, the number of entry permits reissued under this paragraph may not exceed 50 percent of the number of permits initially issued for the fishery under AS 16.43.270 or reissued since the last application period held under (e) of this section, whichever is later;

(3) finally, if there are entry permits still available for reissuance under this subsection, to the remaining applicants in order of descending priority classification until the next application period or until all the applicants have received an entry permit for the handtrolling fishery."

FINAL  
(VERSION REPORTED  
OUT)

Original sponsors: Duncan and Eliason

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 350

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to limited entry permits for the hand-  
7 trolling fishery."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

10 (1) ~~the existing limited entry system has worked extremely well in~~  
11 ~~the other fisheries of the state, but~~ the salmon handtrolling fishery is  
12 unique because of the large number of participants in the fishery, its  
13 marginal profitability, the high rate of turnover of participants in the  
14 fishery, the use of the fishery by participants for entry into the commercial  
15 fishing industry, and the use of the fishery by participants to generate  
16 supplemental income;

17 (2) the establishment of nontransferable entry permits will allow  
18 entry into the handtrolling fishery without allowing market prices to develop  
19 for the entry permits;

20 (3) the low capital cost of entering the handtrolling fishery will  
21 encourage people who lack experience in commercial fishing and who lack the  
22 desire to make commercial fishing a substantial part of their livelihood to  
23 apply for entry permits for handtrolling; therefore, in order to promote  
24 safety among those who receive entry permits for handtrolling and to prevent  
25 economic distress among fishermen, it is appropriate to include in the cri-  
26 teria for ranking applicants for entry permits for handtrolling considera-  
27 tions relating to past participation in the handtrolling fishery and ex-  
28 perience as a crewmember in the waters where handtrolling is regulated.

29 (b) The purpose of this Act is to preserve the unique nature of the

1 salmon handtrolling fishery and to avoid market prices for entry permits  
2 issued for the handtrolling fishery by allowing a large number of partici-  
3 pants in the fishery, by allowing a continued high rate of turnover among the  
4 participants and by preventing transferability of entry permits issued for  
5 the handtrolling fishery.

6 \* Sec. 2. AS 16.43.150(h) is amended to read:

7 (h) Except as provided in (i) of this section, upon [UPON] the  
8 death of an entry permit holder, the entry, [PERMANENT] permit shall be  
9 transferred by the commission directly to the surviving spouse by right  
10 of survivorship unless a contrary intent is manifested. When no spouse  
11 survives, the rights of the decedent pass as part of his estate.

12 \* Sec. 3. AS 16.43.150 is amended by adding new subsections to read:

13 (1) An entry permit issued for the handtrolling fishery shall be  
14 forfeited to the commission

15 (1) upon the death of the permit holder unless the permit  
16 holder has designated an individual under AS 16.43.181 and the desig-  
17 nated individual demonstrates present ability to participate in the  
18 handtrolling fishery at the time of the permit holder's death;

19 (2) upon failure of the permit holder to verify significant  
20 active participation in the handtrolling fishery each season to the  
21 commission in accordance with regulations adopted by the commission,  
22 unless the failure is waived by the commission for good cause.

23 (j) The commission shall prepare an application form for a waiver  
24 for good cause under (i)(2) of this section and shall distribute the  
25 application form to each holder of an entry permit for the handtrolling  
26 fishery. The commission shall include with the application form a  
27 statement explaining "good cause" for the purpose of (i)(2) of this  
28 section.

29 (k) An entry permit issued for the handtrolling fishery may be

1 voluntarily transferred to the commission, without compensation.

2 (1) In (1) of this section,

3 (1) "significant active participation" shall be defined by  
4 regulation of the commission as a minimum number of verified landings of  
5 fish caught by handtrolling; the regulations may require not less than  
6 three landings nor more than 10 landings in each season;

7 (2) "good cause" means the inability of the permit holder to  
8 actively participate in the fishery as a result of serious injury or  
9 illness of the permit holder, the loss of the use of the permit holder's  
10 fishing vessel as a result of sinking, destruction or extensive mechani-  
11 cal breakdown, or service in the military, ~~or in a state or federal~~  
12 ~~elective office.~~

13 \* Sec. 4. AS 16.43.170(b) is amended to read:

14 (b) Except as provided in (c) and (e) of this section, the holder  
15 of an entry permit may transfer his permit to another person or to the  
16 commission upon 60 days notice of intent to transfer under regulations  
17 adopted by the commission. No sooner than 60 days nor later than 12  
18 months from the date of notice to the commission, the holder of an entry  
19 permit may transfer his permit. If the proposed transferee, other than  
20 the commission, can establish present ability to participate actively in  
21 the fishery, the commission shall approve the transfer and reissue the  
22 entry permit to the transferee.

23 \* Sec. 5. AS 16.43.170 is amended by adding a new subsection to read:

24 (c) Notwithstanding the provisions of (a) - (c) of this section,  
25 an entry permit for the handtrolling fishery is transferable only to the  
26 commission, except as provided in AS 16.43.180(a).

27 \* Sec. 6. AS 16.43.180(b) is amended to read:

28 (b) The commission shall adopt regulations providing for the  
29 temporary transfer of an entry permit issued for any fishery except the

1 handtrolling fishery upon the death of the permittee pending final  
2 disposition of the permit as a part of the permittee's estate.

3 \* Sec. 7. AS 16.43 is amended by adding a new section to read:

4 Sec. 16.43.181. DESIGNATION OF INDIVIDUAL BY HOLDER OF ENTRY  
5 PERMIT FOR HANDTROLLING. (a) The commission shall allow an applicant  
6 for or a holder of an entry permit for handtrolling to designate in his  
7 application and in each renewal of the entry permit the individual to  
8 whom the entry permit shall be reissued in the event of his death. The  
9 commission shall immediately reissue the permit, upon the death of the  
10 permit holder, to the individual designated by the permit holder under  
11 this section, ~~if the individual demonstrates present ability to partici-~~  
12 ~~pate in the handtrolling fishery at the time of the permit holder's~~  
13 ~~death.~~

14 (b) In an application form or a renewal form for an entry permit  
15 for handtrolling, the ~~commission~~ shall include a statement that an  
16 individual designated under (a) of this section is required to demon-  
17 strate present ability to participate in the handtrolling fishery at the  
18 time of the permit holder's death to receive a permit under (a) of this  
19 section.

20 \* Sec. 8. AS 16.43 is amended by adding a new section to read:

21 Sec. 16.43.274. ISSUANCE AND REISSUANCE OF HANDTROLLING PERMITS.

22 (a) The commission may not issue an entry permit for the handtrolling  
23 fishery unless the applicant has demonstrated his present ability to  
24 participate actively in the handtrolling fishery under regulations  
25 adopted by the commission.

26 (b) An entry permit for the handtrolling fishery which is for-  
27 feited to the commission under AS 16.43.150(d) or (i) or 16.43.360,  
28 transferred to the commission under AS 16.43.150(j) or revoked by the  
29 commission under AS 16.43.355, shall be promptly reissued by the com-

1 mission to an applicant who

2 (1) applied for an entry permit for the handtrolling fishery  
3 during the initial application period established under AS 16.43.260(b);

4 (2) harvested fishery resources commercially while partici-  
5 pating in the handtrolling fishery as a holder of a gear license or an  
6 interim-use permit before the qualification date established under  
7 AS 16.43.260(e);

8 (3) demonstrates present ability to participate in the hand-  
9 trolling fishery; and

10 (4) was not previously issued an entry permit for the hand-  
11 trolling fishery.

12 (c) Entry permits shall be reissued under (b) of this section to  
13 applicants in order of descending priority classification as provided in  
14 AS 16.43.270(a).

15 (d) If within the lowest priority classification of applicants to  
16 whom entry permits for the handtrolling fishery may be reissued under  
17 (b) of this section, there are more applicants than there are entry  
18 permits to be reissued, the allocation of entry permits within that  
19 priority classification shall be by lottery.

20 (e) After all the applicants described in (b) of this section have  
21 been issued entry permits for the handtrolling fishery, the commission  
22 shall establish annual application periods for the reissuance of entry  
23 permits for the handtrolling fishery.

24 (f) The commission shall adopt regulations to rank applicants who  
25 apply for an entry permit for handtrolling during an application period  
26 established under (e) of this section. The regulations shall define  
27 priority classifications of similarly situated applicants based on a  
28 reasonable balance of the following hardship standards:

29 (1) availability of alternative occupations;

1 (2) past participation in the handtrolling fishery;

2 (3) demonstrated need for alternative sources of income,  
3 taking into consideration the applicant's gross income, age, number of  
4 dependents and other factors;

5 (4) commercial fishing experience, including experience as a  
6 crewmember, in the area of the handtrolling fishery.

7 (g) After ranking the applicants under (f) of this section, the  
8 commission shall promptly reissue entry permits for the handtrolling  
9 fishery which are forfeited to it under AS 16.43.150(d) or (i) or  
10 16.43.360, transferred to it under AS 16.43.150(j), or revoked by it  
11 under AS 16.43.355, and which are not withheld by the commission to  
12 reduce the number of outstanding entry permits to the optimum number  
13 established under AS 16.43.290 - 16.43.300. The commission shall re-  
14 issue the entry permits to the applicants in order of descending prior-  
15 ity classification until the next application period or until all the  
16 applicants have received an entry permit for the handtrolling fishery.

17 (h) Notwithstanding (o) of this section, if the commission re-  
18 issues entry permits for the handtrolling fishery to all the applicants  
19 who applied during the most recent application period before the sche-  
20 duled time for the next application period, the commission shall prompt-  
21 ly open a new application period in place of the next scheduled applica-  
22 tion period.

23 (i) An application for the reissuance of an entry permit for  
24 handtrolling lapses at the time a new application period is opened under  
25 (o) or (h) of this section.

26 (j) If, upon appeal under AS 44.62.560 of a final action of the  
27 commission on an application made during an application period estab-  
28 lished under (e) of this section, a final judgment of the superior court  
29 is entered which requires the commission to rank the appellant in a

1 priority classification which would have entitled the appellant to  
2 receive an entry permit in the year in which he made the application,  
3 the commission shall issue the appellant an entry permit in the appli-  
4 cation period immediately following the entry of the final judgment.  
5 The number of entry permits available for reissuance under (g) of this  
6 section shall be reduced by the number of entry permits issued in accor-  
7 dance with this subsection.

8 \* Sec. 9. AS 16.43.300(b) is amended to read:

9 (b) If the commission decreases the optimum number of entry per-  
10 mits for a fishery, other than the handtrolling fishery, the number of  
11 entry permits may be reduced only under the voluntary buy-back provi-  
12 sions set out in AS 16.43.310 - 16.43.320.

13 \* Sec. 10. AS 16.43.300 is amended by adding a new subsection to read:

14 (c) The commission may review and adjust the optimum number of  
15 entry permits for the handtrolling fishery at four-year intervals. If  
16 the optimum number of entry permits for the handtrolling fishery exceeds  
17 the maximum number of entry permits established under AS 16.43.240, the  
18 commission shall issue additional entry permits in accordance with the  
19 procedure described in AS 16.43.274.

20 \* Sec. 11. The Alaska Commercial Fisheries Entry Commission shall prepare  
21 and submit a report to the Fourteenth Legislature by February 10, 1985. The  
22 report shall include the commission's comments and recommendations relating  
23 to the implementation of this Act. If, between the effective date of this  
24 Act and January 1, 1985, the average annual number of entry permits reissued  
25 under AS 16.43.274 is less than 25 percent of the total number of entry  
26 permits for the handtrolling fishery issued under AS 16.43, the Alaska  
27 Commercial Fisheries Entry Commission shall include in its report recommenda-  
28 tions for legislation to increase the rate of reissuing entry permits for the  
29 handtrolling fishery.

NEW

WO 6605  
Vassar ✓

Original sponsors: Duncan and Eliason

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 350

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to limited entry permits for the hand-  
7 trolling fishery."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

10 (1) the existing limited entry system has worked extremely well in  
11 the other fisheries of the state, but the salmon handtrolling fishery is  
12 unique because of the large number of participants in the fishery, its  
13 marginal profitability, the high rate of turnover of participants in the  
14 fishery, the use of the fishery by participants for entry into the commercial  
15 fishing industry, and the use of the fishery by participants to generate  
16 supplemental income;17 (2) the establishment of nontransferable entry permits will allow  
18 entry into the handtrolling fishery without allowing market prices to develop  
19 for the entry permits;20 (3) the low capital cost of entering the handtrolling fishery will  
21 encourage people who lack experience in commercial fishing and who lack the  
22 desire to make commercial fishing a substantial part of their livelihood to  
23 apply for entry permits for handtrolling; therefore, in order to promote  
24 safety among those who receive entry permits for handtrolling and to prevent  
25 economic distress among fishermen, it is appropriate to include in the cri-  
26 teria for ranking applicants for entry permits for handtrolling considera-  
27 tions relating to past participation in the handtrolling fishery and ex-  
28 perience as a crewmember in the waters where handtrolling is regulated.

29 (b) The purpose of this Act is to preserve the unique nature of the

1 salmon handtrolling fishery and to avoid market prices for entry permits  
2 issued for the handtrolling fishery by allowing a large number of partici-  
3 pants in the fishery, by allowing a continued high rate of turnover among the  
4 participants and by preventing transferability of entry permits issued for  
5 the handtrolling fishery.

6 \* Sec. 2. AS 16.43.150(h) is amended to read:

7 (h) Except as provided in (i) of this section, upon [UPON] the  
8 death of an entry permit holder, the entry [PERMANENT] permit shall be  
9 transferred by the commission directly to the surviving spouse by right  
10 of survivorship unless a contrary intent is manifested. When no spouse  
11 survives, the rights of the decedent pass as part of his estate.

12 \* Sec. 3. AS 16.43.150 is amended by adding new subsections to read:

13 (i) An entry permit issued for the handtrolling fishery shall be  
14 forfeited to the commission

15 (1) upon the death of the permit holder unless the commission  
16 allows the permit to be transferred to a dependent of the permit holder  
17 in accordance with AS 16.43.180(c);

18 (2) upon failure of the permit holder to verify significant  
19 active participation in the handtrolling fishery each season to the  
20 commission in accordance with regulations adopted by the commission,  
21 unless the failure is waived by the commission for good cause.

22 (j) An entry permit issued for the handtrolling fishery may be  
23 voluntarily transferred to the commission, without compensation.

24 (k) In (i) of this section,

25 (1) "significant active participation" shall be defined by  
26 regulation of the commission as a minimum number of verified landings of  
27 fish caught by handtrolling; the regulations may require not less than  
28 three landings nor more than 10 landings in each season;

29 (2) "good cause" means serious injury or illness of the

1 permit holder or the loss of the use of his fishing vessel as a result  
2 of sinking, destruction or extensive mechanical breakdown.

3 \* Sec. 4. AS 16.43.170(b) is amended to read:

4 (b) Except as provided in (c) and (e) of this section, the holder  
5 of an entry permit may transfer his permit to another person or to the  
6 commission upon 60 days notice of intent to transfer under regulations  
7 adopted by the commission. No sooner than 60 days nor later than 12  
8 months from the date of notice to the commission, the holder of an entry  
9 permit may transfer his permit. If the proposed transferee, other than  
10 the commission, can establish present ability to participate actively in  
11 the fishery, the commission shall approve the transfer and reissue the  
12 entry permit to the transferee.

13 \* Sec. 5. AS 16.43.170 is amended by adding a new subsection to read:

14 (e) Notwithstanding the provisions of (a) - (c) of this section,  
15 an entry permit for the handtrolling fishery is transferable only to the  
16 commission, except as provided in AS 16.43.180(a) and (c).

17 \* Sec. 6. AS 16.43.180(b) is amended to read:

18 (b) The commission shall adopt regulations providing for the  
19 temporary transfer of an entry permit issued for any fishery except the  
20 handtrolling fishery upon the death of the permittee pending final  
21 disposition of the permit as a part of the permittee's estate.

22 \* Sec. 7. AS 16.43.180 is amended by adding a new subsection to read:

23 (c) To alleviate hardship and prevent economic distress among  
24 those dependent on holders of entry permits for handtrolling, the com-  
25 mission shall adopt regulations providing for the temporary emergency  
26 transfer of an entry permit issued for handtrolling upon the death of  
27 the permit holder. A temporary emergency transfer under this subsection  
28 may be made by the commission only to a dependent of the permit  
29 holder and shall expire no later than the first application period held

1 under AS 16.43.274(e) at least one full season after the death of the  
2 permit holder. In adopting regulations under this subsection, the  
3 commission may require an applicant for or a holder of an entry permit  
4 for handtrolling to designate in his application and in each renewal of  
5 the entry permit the dependent to whom the entry permit shall be trans-  
6 ferred in the event of his death.

7 \* Sec. 8. AS 16.43 is amended by adding a new section to read:

8 Sec. 16.43.274. ISSUANCE AND REISSUANCE OF HANDTROLLING PERMITS.

9 (a) The commission may not issue an entry permit for the handtrolling  
10 fishery unless the applicant has demonstrated his present ability to  
11 participate actively in the handtrolling fishery under regulations  
12 adopted by the commission.

13 (b) An entry permit for the handtrolling fishery which is for-  
14 feited to the commission under AS 16.43.150(d) or (i) or 16.43.360,  
15 transferred to the commission under AS 16.43.150(j) or revoked by the  
16 commission under AS 16.43.355, shall be promptly reissued by the com-  
17 mission to an applicant who

18 (1) applied for an entry permit for the handtrolling fishery  
19 during the initial application period established under AS 16.43.260(b);

20 (2) harvested fishery resources commercially while partici-  
21 pating in the handtrolling fishery as a holder of a gear license or an  
22 interim-use permit before the qualification date established under  
23 AS 16.43.260(e);

24 (3) demonstrates present ability to participate in the hand-  
25 trolling fishery; and

26 (4) was not previously issued an entry permit for the hand-  
27 trolling fishery.

28 (c) Entry permits shall be reissued under (b) of this section to  
29 applicants in order of descending priority classification as provided in

1 AS 16.43.270(a).

2 (d) If within the lowest priority classification of applicants to  
3 whom entry permits for the handtrolling fishery may be reissued under  
4 (b) of this section, there are more applicants than there are entry  
5 permits to be reissued, the allocation of entry permits within that  
6 priority classification shall be by lottery.

7 (e) After all the applicants described in (b) of this section have  
8 been issued entry permits for the handtrolling fishery, the commission  
9 shall establish annual application periods for the reissuance of entry  
10 permits for the handtrolling fishery.

11 (f) The commission shall adopt regulations to rank applicants who  
12 apply for an entry permit for handtrolling during an application period  
13 established under (e) of this section. The regulations shall define  
14 priority classifications of similarly situated applicants based on a  
15 reasonable balance of the following hardship standards:

- 16 (1) availability of alternative occupations;  
17 (2) past participation in the handtrolling fishery;  
18 (3) demonstrated need for alternative sources of income,  
19 taking into consideration the applicant's gross income, age, number of  
20 dependents and other factors;  
21 (4) commercial fishing experience, including experience as a  
22 crewmember, in the area of the handtrolling fishery.

23 (g) After ranking the applicants under (f) of this section, the  
24 commission shall promptly reissue entry permits for the handtrolling  
25 fishery which are forfeited to it under AS 16.43.150(d) or (i) or  
26 16.43.360, transferred to it under AS 16.43.150(j), or revoked by it  
27 under AS 16.43.355, and which are not withheld by the commission to  
28 reduce the number of outstanding entry permits to the optimum number  
29 established under AS 16.43.290 - 16.43.300. The commission shall

1 reissue the entry permits to the applicants in order of descending  
2 priority classification until the next application period or until all  
3 the applicants have received an entry permit for the handtrolling  
4 fishery.

5 (h) Notwithstanding (e) of this section, if the commission re-  
6 issues entry permits for the handtrolling fishery to all the applicants  
7 who applied during the most recent application period before the sche-  
8 duled time for the next application period, the commission shall prompt-  
9 ly open a new application period in place of the next scheduled applica-  
10 tion period.

11 (i) An application for the reissuance of an entry permit for  
12 handtrolling lapses at the time a new application period is opened under  
13 (e) or (h) of this section.

14 (j) If, upon appeal under AS 44.62.560 of a final action of the  
15 commission on an application made during an application period estab-  
16 lished under (e) of this section, a final judgment of the superior court  
17 is entered which requires the commission to rank the appellant in a  
18 priority classification which would have entitled the appellant to  
19 receive an entry permit in the year in which he made the application,  
20 the commission shall issue the appellant an entry permit in the appli-  
21 cation period immediately following the entry of the final judgment.  
22 The number of entry permits available for reissuance under (g) of this  
23 section shall be reduced by the number of entry permits issued in accord-  
24 ance with this subsection.

25 \* Sec. 9. AS 16.43.300(b) is amended to read:

26 (b) If the commission decreases the optimum number of entry per-  
27 mits for a fishery, other than the handtrolling fishery, the number of  
28 entry permits may be reduced only under the voluntary buy-back provi-  
29 sions set out in AS 16.43.310 - 16.43.320.

1 \* Sec. 10. AS 16.43.300 is amended by adding a new subsection to read:

2 (c) The commission may review and adjust the optimum number of  
3 entry permits for the handtrolling fishery at four-year intervals. If  
4 the optimum number of entry permits for the handtrolling fishery exceeds  
5 the maximum number of entry permits established under AS 16.43.240, the  
6 commission shall issue additional entry permits in accordance with the  
7 procedure described in AS 16.43.274.

8 \* Sec. 11. The Alaska Commercial Fisheries Entry Commission shall prepare  
9 and submit a report to the Fourteenth Legislature by February 10, 1985. The  
10 report shall include the commission's comments and recommendations relating  
11 to the implementation of this Act. If, between the effective date of this  
12 Act and January 1, 1985, the average annual number of entry permits reissued  
13 under AS 16.43.274 is less than 25 percent of the total number of entry  
14 permits for the handtrolling fisher issued under AS 16.43, the Alaska Commer-  
15 cial Fisheries Entry Commission shall include in its report recommendations  
16 for legislation to increase the rate of reissuing entry permits for the  
17 handtrolling fishery.

# MEMORANDUM


# State of Alaska

TO: The Honorable Jim Duncan  
House of Representatives

DATE: April 17, 1980

FILE NO:

TELEPHONE NO:

FROM: Robert J. Simon   
Chairman  
Commercial Fisheries Entry  
Commission

SUBJECT: Fiscal Note Revision  
of CS for SS HB 350 -  
Limited Entry for Hand  
Troll

Following is a chronological outline of steps leading to regulation of entry into the salmon handtroll fishery:

1. Discussion of ranking system with hand troll associations.
2. Draft proposed point system regulations.
3. Hold public hearings on the proposed regulations in mid-summer of 1980.
4. Adopt regulations before January 1, 1981.
5. Promulgate entry limitation regulations in the hand troll fishery.
6. Develop applications and establish an application period for entry limitation in the hand troll fishery.
7. Begin issuing permanent entry permits.

The Commission anticipated implementing entry limitation in the first half of FY 81 under existing law. The operating budget request includes FY 1981 implementation costs under our existing legislation. The Bill would establish an entirely new system. It would impose an additional administrative workload due to increases in the applications processed and hearings required, and the need to respond rapidly to annual permit and applicant classification demands. First-year funding is requested for expediting the application process and development work preparatory to the new transfer system.

The original fiscal note (see Attachment A) was developed for a full fiscal year based on draft CS SS HB 350. Under the current draft of HB 350 the Commission has revised this estimate and believes that \$140.1 (see Attachment B) of the original \$426.7 will be needed in FY 81.

The Honorable  
Jim Duncan

(2)

April 17, 1980

At this funding level, the Commission is concerned about a bottleneck that likely will occur if a substantial portion of permit forfeitures and annual application hearings must be adjudicated by the full Commission. Consequently, we ask that you consider amending HB 350 to provide for special adjudicatory procedures for hand troll forfeiture and reissuance hearings. 1/

By January 1981, the Commission will have a much better idea of the total workload attributable to the implementation of HB 350 and will be better able to analyze its total fiscal impact which can be addressed in the Governor's FY 82 budget document. Meanwhile, our best estimate for FY 82 fiscal impact is \$426.7 plus inflationary factors.

Attachments

1/ We suggest the following language:

AS 16.43.100(a) is amended by adding the following:

(16) utilize administrative law judges to adjudicate the forfeiture and reissuance of hand troll entry permits.

## MEMORANDUM


State of Alaska

TO: Robert J. Simon  
Chairman  
Commercial Fisheries Entry  
Commission

DATE: March 14, 1980

FILE NO:

TELEPHONE NO:

FROM: Derrill L. Johnson   
Director of Administration  
Commercial Fisheries Entry  
Commission

SUBJECT: Financial Analysis of  
CS for SS HB 350 -  
Limited Entry Permits  
for Handtrolling

You asked that I prepare a preliminary estimate of the incremental costs should the draft CS for SS HB 350 be enacted. I utilized the following assumptions:

1. We will receive approximately 10,000 hand troll applications to be reviewed and classified in FY 81 (5,000 will make application based upon initial eligibility; 5,000 will want to register for the permit recipient list);
2. over 800 hearings will be held in issuing the original permanent permits;
3. there will be a permit turnover rate of 30% each licensing year;
4. 150 hearings will be held each year to determine if good cause prevented a permit holder from achieving active participation; and
5. Section 10 will be deleted.

This estimate doesn't provide for application assistance or other professional services.

It is my understanding that the current version of HB 350 is to be amended in a manner which may affect the fiscal impact. I hope this memorandum will suffice until a formal fiscal note is required. Because of the complexity of this bill and the short time allowed to complete this estimate, I believe there could be a 10% adjustment factor in the final figure of \$426.7 (see attached), even if the bill is not amended.

Attachment

Fiscal Note - CS for SS House Bill No. 350

PERSONAL SERVICES

	#	<u>Salary</u>	
1. Hearing Officer (20A) @ 3039/mo.	2	\$ 72,936	
2. Programmer III (18A) @ 2640/mo.	1	31,680	
3. Application Tech. (13A) @ 1870/mo.	3	67,320	
4. Secretary I (10A) @ 1564	1	18,768	
5. Clerk Typist III (8A) @ 1393/mo.	<u>1</u> 8	<u>16,716</u> 207,420	
Benefits @ 30%		<u>62,225</u> \$269,646	269.6

TRAVEL

\$ 10,000 10.0

CONTRACTUAL

310 - Phone Charges/Long Distance	\$ 3,600
Installation of new phones	2,500
Postage	12,000
320 - Forms, Cards, Apps.	5,000
Central Duplicating	5,000
Advertising	18,000
330 - Space Leasing @ 110 sq.ft./ person, 110 X 8 = 880 sq.ft. X \$1.60 =	16,896
200 sq.ft. storage and file space @ \$1.60.sq.ft. =	3,840
360 - General Leasing:	
Xerox	3,000
Data Processing Services:	
2 terminals @ \$300/mo.	
Transaction processing @ \$228/mo./terminal/mo.	5,472
Network charges \$124/mo./ terminal/mo.	2,976
Disk storage \$3.58/meg. - 40 meg. \$143.20/mo.	1,800
Maintenance:	
Pitney Bowes Postage Machine	3,500
Xerox	
Word Processing Equipment:	
6/452 @ \$175/mo.	2,100
6/420 @ \$107.50/mo.	1,290

**CONTRACTUAL (cont'd)**

**390 - Staff Development: 2,500**

Training in Administrative Law and Procedures, secretarial training and records management, instruction and investigation procedures in accordance with the Administrative Procedures Act.

**\$ 89,474 89.5**

**COMMODITIES \$ 9,000 9.0**

General Office Supplies  
Paper, ribbons, card stock, envelopes, letterhead, etc.

**EQUIPMENT**

Purchase one IBM System 6 Word Processing Center:

1 6/452 Information Processer @ \$15,370 \$ 15,370  
1 Processing Feature @ \$750 750  
1 6/420 Information Processer @ \$7,050/ea. 7,050

Installment Charge - one time 1,000

**Office Setup:**

Executive Desks	@ \$472.00	(6)	2,832
Desk Chairs	@ 450.00	(6)	2,700
Coat Racks	@ 48.00	(4)	192
File Cabinets-			
4-Drawer LL	@ 307.00	(2)	614
4-Drawer SL	@ 272.00	(5)	1,360
2-Drawer SL	@ 198.50	(6)	1,191
5-Drawer Lt.L	@ 752.00	(5)	3,760
Bookcase-			
3 Shelves	@ 168.00	(6)	1,008
Working Table	@ 95.00	(3)	285
4-Tier Out-			
baskets	@ 17.00	(8)	136
Wastebaskets	@ 20.00	(8)	160
Pentaflex Frms	@ 8.00	(13)	104
(Legal)			
Pentaflex Frms.	@ 6.00	(36)	216
Tape Recorders-			
(Portable)	@ 296.00	(2)	592

EQUIPMENT (cont'd)

Sec. Desk	@ 662.00	(2)	1,324	
Chair	@ 346.00	(2)	692	
Typing Stand	@ 166.00	(2)	332	
Transcriber*	@ 537.00	(2)	1,074	
Dictation*	@ 537.00	(6)	3,222	
*Dictaphone 2500 Model				
Typewriter-Correcting				
Selectric	@ 1000.00	(2)	2,000	
Calculators	@ 150.00	(4)	600	
			<u>\$ 48,564</u>	48.6

GRAND TOTAL: 426.7

ATTACHMENT B

FY 81 FISCAL BREAKDOWN  
FOR SECOND HALF OF THE YEAR

Personal Services*	79.7
Travel	5.0
Contractual*	18.4
Commodities	3.0
Equipment	<u>34.0</u>
	140.1

\* Based on 6 mos. costs.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for SS HB 350  
 Title Limited Entry Permits for Handtrolling  
 Requested by Duncan and Eliason Date 04/17/80

II. FISCAL DETAIL

Agency Affected Office of the Governor--Alaska Commercial Fisheries Entry  
 Program Category Affected NRMEC Commission  
 BRU, Program, or Subprogram(s) Affected Alaska Commercial Fisheries Entry Commission  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES			79.7	269.6	269.6	269.6
200 TRAVEL			5.0	10.0	10.0	10.0
300 CONTRACTUAL			18.4	89.5	89.5	89.5
400 COMMODITIES			3.0	9.0	9.0	9.0
500 EQUIPMENT			34.0	20.7	2.0	2.0
600 LAND & STRUCTURES					-0-	-0-
700 GRANTS, CLAIMS, ETC.					-0-	-0-
Inflation 10%/year				39.9	79.8	125.4
<b>TOTAL</b>			<b>140.1</b>	<b>438.7</b>	<b>459.9</b>	<b>505.4</b>

FUNDING (Thousands of Dollars)

GENERAL FUND			140.1	438.7	459.9	505.4
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME			5	8	8	8
PART TIME			0	0	0	0
TEMPORARY			0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill would direct an entirely new system for implementation of entry limitation. While total implementation of this proposed transfer system may be one year away the Commission will begin the necessary research and methodology development to carry out the legislative intent.

IV. DATE 04-17-80 PREPARED BY Derrill L. Johnson  
 AGENCY Commercial Fisheries Entry Commission  
 PHONE 465-4081  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

# MEMORANDUM


# State of Alaska

TO: Robert J. Simon  
Chairman  
Commercial Fisheries Entry  
Commission

DATE: March 14, 1980

FILE NO:

TELEPHONE NO:

FROM: Derrill L. Johnson   
Director of Administration  
Commercial Fisheries Entry  
Commission

SUBJECT: Financial Analysis of  
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Limited Entry Permits  
for Handtrolling

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This estimate doesn't provide for application assistance or other professional services.

It is my understanding that the current version of HB 350 is to be amended in a manner which may affect the fiscal impact. I hope this memorandum will suffice until a formal fiscal note is required. Because of the complexity of this bill and the short time allowed to complete this estimate, I believe there could be a 10% adjustment factor in the final figure of \$426.7 (see attached), even if the bill is not amended.

Attachment

Fiscal Note - CS for SS House Bill No. 350

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4. Secretary I (10A) @ 1564	1	18,768
5. Clerk Typist III (8A) @ 1393/mo.	<u>1</u> 8	<u>16,716</u> 207,420

Benefits @ 30%

62,226  
\$269,646

269.6

TRAVEL

\$ 10,000

10.0

CONTRACTUAL

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Installation of new phones 2,500  
Postage 12,000

320 - Forms, Cards, Apps. 5,000  
Central Duplicating 5,000  
Advertising 18,000

330 - Space Leasing @ 110 sq.ft./  
person, 110 X 8 = 880 sq.ft.  
X \$1.60 = 16,896

200 sq.ft. storage and file  
space @ \$1.60.sq.ft. = 3,840

360 - General Leasing:

Xerox 3,000

Data Processing Services:  
2 terminals @ \$300/mo.

Transaction processing @  
\$228/mo./terminal/mo. 5,472

Network charges \$124/mo./  
terminal/mo. 2,976

Disk storage \$3.58/meg. -  
40 megs. \$143.20/mo. 1,800

Maintenance:

Pitney Bowes Postage Machine 3,500

Xerox

Word Processing Equipment:

6/452 @ \$175/mo. 2,100

6/420 @ \$107.50/mo. 1,290

CONTRACTUAL (cont'd)

390 - Staff Development: 2,500

Training in Administrative Law and Procedures, secretarial training and records management, instruction and investigation procedures in accordance with the Administrative Procedures Act.

\$ 89,474

69.5

COMMODITIES

\$ 9,000

9.0

General Office Supplies

Paper, ribbons, card stock, envelopes, letterhead, etc.

EQUIPMENT

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Word Processing Center:

1 6/452 Information Processor

@ \$15,370

\$ 15,370

1 Processing Feature @ \$750

750

1 6/420 Information Processor

@ \$7,050/ea.

7,050

Installment Charge - one time

1,000

Office Setup:

Executive Desks @ \$472.00 (6)

2,832

Desk Chairs @ 450.00 (6)

2,700

Coat Racks @ 48.00 (4)

192

File Cabinets-

4-Drawer LL @ 307.00 (2)

614

4-Drawer SL @ 272.00 (5)

1,360

2-Drawer SL @ 198.50 (6)

1,191

5-Drawer Lt.L @ 752.00 (5)

3,760

Bookcase-

3 Shelves @ 168.00 (6)

1,008

Working Table @ 95.00 (3)

285

4-Tier Out-

baskets @ 17.00 (8)

136

Wastebaskets @ 20.00 (8)

160

Pentaflex Frms @ 8.00 (13)

104

(Legal)

Pentaflex Frms. @ 6.00 (36)

216

Tape Recorders-

(Portable) @ 296.00 (2)

592

EQUIPMENT (cont'd)

Sec. Desk	@ 662.00	(2)	1,324	
Chair	@ 346.00	(2)	692	
Typing Stand	@ 166.00	(2)	332	
Transcriber*	@ 537.00	(2)	1,074	
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*Dictaphone 2500 Model				
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Selectric	@ 1000.00	(2)	2,000	
Calculators	@ 150.00	(4)	600	
			<u>\$ 48,564</u>	48.6

GRAND TOTAL: 426.7

**SUMMARY OF SEALASKA CORPORATION'S COMMENTS  
FOR SC SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 350  
AN ACT RELATING TO LIMITED ENTRY PERMITS FOR THE HANDROLLING FISHERY**

**TECHNICAL COMMENTS:**

On page one line 10 and 11, we recommend deletion of the words "the existing limited entry system has worked extremely well in the other fisheries of the State, but"

on page one, lines 23 and 24, we recommend deletion of the word "in order to promote safety among those who receive entry permits for handtrolling and"

Or we recommend in lieu of that amendment deletion of all of section 3 on lines 20-28.

On page 2 pertaining to section 3 AS 16.43.150 the amendment adding new subsections under sub (i)(1) on lines 15, we recommend deletion of the words " unless the commission allows"

**COMMENT**

We are concerned about the involvement of the commission in the event of a death of a permit holder. In conjunction with AS 16.43.150 (h) it is our opinion that a permit should be transferred to a spouse by right of survivorship unless a contrary intent is outlined in a will. Where no will exists and the spouse does not utilize the permit then the right of a heir or a dependent should be provided by the legislature in statute without the involvement of the commission.

On page 2 and 3 starting with lines 29 on page 2 and lines 1 and 2 on page 3, the definition of "good cause" should be amended to provide for notice procedures and forms of that notice to be provided by the commission.

On page 4 on line 10 and then also on lines 24 and 25 are the words "demonstrated his present ability"

**COMMENT:** we recommend that this clause be defined in more specific terms.

It is our opinion that this clause is broad in its effect and has the potential for problems in terms of judgement by the commission and potential for discrimination.

On page 5 section F lines 11-22 we recommend the addition of an additional subsection:

Subsection 5 - Preference to applicants of legislatively designated fishery economic development areas.

(dependent)

Comment: We are concerned that residents of rural areas and areas of economic dependence on fisheries resources will not have the opportunity under this procedure of ranking applicants and methods of distributing reissued permits to receive fair consideration. The result being that very few permits will go into the areas where fishing actually takes place.

On page 7, sections 10 and 11 lines 1-17, discusses the optimum number of entry permits, however, it never establishes the optimum number to be legislatively designated or regulatorily designated. It is our understanding that by agreement between the fisheries commission and the governor or some other combination of public officials agreement, a number of 2150 permits have been set. We strongly suggest that the legislature set the number of permits to be administered. Our support would be of a number of 2150 which we understand the Limited Entry Commission has tentatively set.

Our last suggestion, we are not sure where we should put in the legislation, deals with elderly applicants. In essence our suggestion goes as follows: applicants who are 65 years or older have preference for receipt of permits. These permits are not transferable nor are they subject to provisions for transfer after death. These permits would revert back to the commission. Additionally, permits granted to elderly persons would be over and above the limit established by the legislature or the Limited Entry Commission.

Sealaska Corporation supports passage of this legislation and supports the concept of no saleable handroll permits. We urge the legislature to adopt SC for Sponsor Substitute for HB 350 and consider these suggested amendments.

A M E N D M E N T S

Offered in the HOUSE

TO: CSSH B 350

Page 4, between lines 12 and 13:

Insert the following new material:

"(c) This section does not apply to entry permits issued, under AS 16.43.274(g)(1), in excess of the maximum or the optimum number of e. / permits for the handtrolling fishery under AS 16.43.240 or 16.43.-290."

Page 4, line 13:

Delete "a new section" and insert "new sections"

Page 4, between lines 13 and 14:

Insert the following new material:

"Sec. 16.43.235. DESIGNATION OF AREAS ECONOMICALLY DEPENDENT UPON THE HANDTROLLING FISHERY. For the purposes of AS 16.43.274(g)(2), the commission shall designate areas of the state which, in the commission's determination, are economically dependent upon the handtrolling fishery. In making its determination, the commission shall consider

(1) the number of residents of the area whose incomes are, in whole or in part, from handtrolling;

(2) the availability of other types of employment in the area; and

(3) other factors the commission considers relevant to its determination."

Page 6, line 7 beginning with "order of descending prior-" through line 9:  
Delete all material and insert the following in its place:

"the following order:

(1) first, to applicants who qualify for a bonus under AS 47.-45.010 in order of descending priority classification until all applicants who qualify for a bonus under AS 47.45.010 have been issued an entry permit; if necessary, the commission shall issue new entry permits for the handtrolling fishery in excess of the maximum number or optimum number established for the handtrolling fishery under AS 16.43.240 or 16.43.290 to provide all applicants who qualify for a bonus under AS 47.-45.010 with an entry permit under this paragraph;

(2) then, if additional entry permits are available for reissuance under this subsection, to applicants who are residents of areas designated under AS 16.43.235 as economically dependent on the handtrolling fishery in descending order of priority classification; however, the number of entry permits reissued under this paragraph may not exceed 50 percent of the number of permits initially issued for the fishery under AS 16.43.270 or reissued since the last application period held under (e) of this section, whichever is later;

(3) finally, if there are entry permits still available for reissuance under this subsection, to the remaining applicants in order of descending priority classification until the next application period or until all the applicants have received an entry permit for the handtrolling fishery."

Alaska House of Representatives



COMMITTEE ON NATURAL RESOURCES  
POUCH V • JUNEAU, ALASKA 99811

April 10, 1980

NOTICE TO LOCAL FISH & GAME ADVISORY COMMITTEES AND SOUTHEASTERN MUNICIPALITIES

On Thursday, April 17, at 3:00 pm, the House Resources Committee will again take up the issue of limited entry permits for handtrollers. The meeting will be in Room 118 in the Capitol Building in Juneau. Committee Substitute for Sponsor Substitute for House Bill 350 has been re-drafted and this new version is enclosed for your consideration. Several important changes have been made in the bill and the Resources Committee is interested in hearing your views on them. If you wish to present written testimony, please send it right away to Rep. Alvin Osterback, Chairman, House Resources Committee, Attention: Mary Levan, Pouch V, Juneau, Ak 99811.

If you plan to attend the hearing and wish to testify in person, please notify this office in advance at 465-3715 or 465-3781.

*I do not believe there is any "free lunch". The fish of U.S. waters are the property of all U.S. citizens and they should be allowed under our constitution to harvest them under existing law. This negates limited entry.*

*The only fair equitable management plan is to pre-register fishermen & gear, divide it into the allowable take and announce the fishing time in each fishing period. Economics will control the fleet. When a mine runs out of ore, it shuts down. Nobody squawks. And so with fish - it was entirely optional on the part of every person to enter the fishery. If the resource is limited, somebody is going to get "frozen" out. And so be it.*

*The present plan of limited entry has been inequitable, unworkable and illegal under the US Constitution.*

*Sincerely*

*Robert T. Beards  
Fishery Biologist - Ret.*

CO-CHAIRMEN

REP. ALVIN OSTERBACK (465-3715) • REP. BILL MILES (465-3779)

VICE-CHAIRMAN

REP. FRED ZHAROFF

REP. PAT CARNEY • REP. C.V. CHAT CHATTERTON • REP. SAM COTTEN  
REP. DICK ELIASON • REP. JACK FULLER • REP. RICK HALFORD

# Alaska House of Representatives



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### CO CHAIRMEN

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### VICE CHAIRMAN

REP. FRED ZHAROFF

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REP. DICR ELIABON • REP. JACK FULLER • REP. RICK HALFORD

# Alaska House of Representatives



COMMITTEE ON NATURAL RESOURCES  
POUCH V • JUNEAU, ALASKA 99811

March 10, 1980

## NOTICE TO LOCAL FISH & GAME ADVISORY COMMITTEES

On Tuesday, March 18, at 3:00 p.m., the House Resources Committee will hold a public hearing on Sponsor Substitute for House Bill 350 regarding limited entry permits for handtrolling. This meeting will be in room 118 in the Capitol Building in Juneau. As this issue is of interest and importance to many of your communities, you may want to attend this hearing or send someone to testify. Anyone wishing to speak at the hearing, please leave your name with the Resource Committee's Administrative Assistant in room 118 or call 465-3715. If you wish to submit letters, telegrams, or written testimony regarding SSHB 350, please send them as soon as possible to Rep. Alvin Osterback, Chairman, House Resources Committee, State Legislature, Pouch V, Juneau, Ak 99811.

A copy of SSHB 350 is attached for your consideration.

### CO CHAIRMEN

REP. ALVIN OSTERBACK (465-3715) • REP. BILL MILES (465-3778)

### VICE CHAIRMAN

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Alaska House of Representatives



COMMITTEE ON NATURAL RESOURCES  
POUCH V • JUNEAU, ALASKA 99811

March 6, 1980

Bill Stokes, Chairman  
Southeast Handrollers Assoc.  
Box 1141  
Sitka, Ak 99835

Dear Mr. Stokes:

This is to confirm that we have put SSHB 350, regarding limited entry for handrollers, on the House Resources Committee calendar for Tuesday, March 18, 1980. The meeting will be at 3:00 p.m. in Room 118 of the Capitol. Representative Eliason wanted me to notify you in writing of this planned hearing of the bill.

If your Association has anything to submit to the Committee in writing, please get it to us a while in advance so we can get it xeroxed and distributed to the members' files.

We'll see you on the eighteenth.

Sincerely,

A handwritten signature in cursive script that reads "Mary Levan".

Mary Levan, Administrative Assistant  
to the House Resources Committee

ML:cb

CO-CHAIRMEN

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Alaska House of Representatives



COMMITTEE ON NATURAL RESOURCES  
POUCH V • JUNEAU, ALASKA 99811

March 10, 1980

NOTICE TO LOCAL FISH & GAME ADVISORY COMMITTEES

On Tuesday, March 18, at 3:00 p.m., the House Resources Committee will hold a public hearing on Sponsor Substitute for House Bill 350 regarding limited entry permits for handtrolling. This meeting will be in room 118 in the Capitol Building in Juneau. As this issue is of interest and importance to many of your communities, you may want to attend this hearing or send someone to testify. Anyone wishing to speak at the hearing, please leave your name with the Resource Committee's Administrative Assistant in room 118 or call 465-3715. If you wish to submit letters, telegrams, or written testimony regarding SSHB 350, please send them as soon as possible to Rep. Alvin Osterback, Chairman, House Resources Committee, State Legislature, Pouch V, Juneau, Ak 99811.

A copy of SSHB 350 is attached for your consideration.

FOR YOUR INFO:

~~REP. ALVIN OSTERBACK~~

This notice was sent on 3/11/80 to all members of all local F & G Advisory Committees in S.E. Alaska.

CO-CHAIRMEN  
REP. ALVIN OSTERBACK (465-3715) • REP. BILL MILES (465-3770)  
VICE-CHAIRMAN  
REP. FRED ZHAROFF  
REP. PAT CARNEY • REP. C.V. CHAT CHATTERTON • REP. SAM COTTEN  
REP. DICK ELIASON • REP. JACK FULLER • REP. RICK HALFORD

Mary Loran, A.A.  
House Resources

P.O. Box 154  
Hoonah, Alaska 99829  
Tele. No. 945-3302

April 7, 1980

The Honorable Alvin Osterback  
Alaska House of Representatives  
Pouch V - H.S. 3100  
Juneau, Alaska 99811

Dear Representative Osterback:

The residents of Hoonah, and others similarly situated, are concerned about the commercial salmon hand troll in the rural communities of the Southeast. It appears that the various approaches to the hand troll need to be coordinated. I say this because of the following factors:

(1) The Legislature has before it, several measures that address the hand troll issue as pertains to limited entry. Most notably is that of House Bill No. 350 -- which attempts to address the manner in which the State will address its application as a policy -- once, the CLEC imposes limited entry;

(2) the Commercial Limited Entry Commission has also been active on this issue. The Commission has announced that limited entry will be imposed eventually at 2150 permits. That decision still stands;

(3) the Department of Fish & Game too has become engaged in regulating, or attempting to regulate the hand troll in a series of actions. At least two or three of their own issued regulations were overturned on their own action -- when public pressure was brought to the public attention. Some hand trollers say they would accept limited entry if ADFG issued little or no regulation, not both. Those who favor limited entry went along with the latest regulation of reduction of gear. ADFG has also imposed a 8 day opening - 6 day closure as a means of control of harvest. Virtually all actions ADFG has taken has been modified.

(4) the North Pacific Fisheries Management Council too has its concern of the cape fisheries in the troll fishery. The Council is concerned over the Chinook Salmon enroute to Canada, Washington and Oregon, and has recommended a substantial reduction of the take on the Fairweather grounds.

The Hon. Alvin Osterback  
Re: Limited Entry

-2-

April 7, 1980

Joint hearings, or separate, have centered on several factors. ADFG, with overall fishery management responsibility disseminates between what it terms as user groups. The rural Communities of Angoon, Hoonah and Kake claim that all approaches affect the rural communities adversely. These three communities were upset over the 8-6 opening and closure. Hoonah now says 130 limited entry hand troll permits will severely injure the lifestyle and wreck its economy. The three stress that so far, all focus has been on the urban communities.

Against that backdrop then, we would like to call upon the Resources Committee Chairman of the Senate and House, Commercial Limited Entry Commission, Alaska Department of Fish & Game and the North Pacific Fisheries Management Council to meet as a panel in a formal session on April 18 and 19, at Hoonah in the Hoonah ANB Hall. Further, that the emphasis be on the rural Southeast communities that would be affected by any action at all.

We have notified preliminarily all hand trollers and they are very pleased that this may occur. If you would notify me that this is in the works, I will call the principles who will arrive from Angoon and Kake, and possibly Hydaburg, of the hearing, and preparations on the ANB Hall will begin.

Thank you in advance for your interest on trying to resolve this seemingly complex problem.

Respectfully,

ALASKA NATIVE BROTHERHOOD  
HOONAH CAMP 12

*Richard G. Dalton, Sr.*

Richard G. Dalton, Sr.,  
President

cc: Robert J. Simon, Chairman  
Commercial Fisheries Entry Commission

Ronald O. Skoog, Commissioner  
Alaska Department of Fish & Game

RGD:in

# Alaska House of Representatives



COMMITTEE ON NATURAL RESOURCES  
POUCH V • JUNEAU, ALASKA 99811

April 11, 1980

Richard Dalton, Sr.  
Alaska Native Brotherhood  
P.O. Box 154  
Hoonah, AK. 99829

Dear Mr. Dalton:

Thank you for your letter of April 7 and your invitation to come to Hoonah to discuss the issues affecting handrollers. I agree that these issues are very complex and that the actions taken by the legislature, Entry Commission, and Fish and Game Department concerning handtrolling will have important impacts on the people of southeast, particularly in villages. I do regret to say, however, that it is impossible for me to attend your proposed meeting for several reasons. The legislature has been informed that no out of Juneau meetings will be authorized by the Speaker of the House or the Senate President after April 1. Also, as we are nearing the end of the session we're having meetings, floor sessions, and budget hearings constantly and I cannot be away from the Capital during this hectic time. I'm sorry your invitation came so late in the session and was such very short notice as I do understand your concerns and would like to meet with you. I do however want to assure you that the House Resources Committee has not heard only the urban side of these issues. We have worked hard to speak with many village people and understand the issues involved from their points of view. We have been involved in much redrafting of Representative Duncan's bill (SSHB 350) concerning limited entry for handrollers in an effort to come up with a revised version of the bill which would help to insure the involvement of village people in handtrolling to make sure that future permits will go to rural people. It is a difficult problem to resolve especially because there is little or no agreement between villages and we even hear lots of opposing ideas coming from people from the same towns. We have gone out of our way to keep southeast villages informed of meetings and action concerning SSHB 350. Before our first hearing we sent notifications to over 150 people. Again this week, as soon as the new version of the bill was finished we sent copies of it (along with an invitation to testify or send written opinions) to over 160 people including each member of every local Fish and Game advisory committee in southeast and

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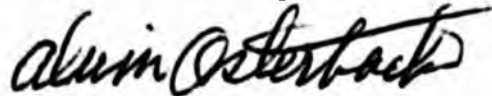
all southeastern mayors. Very few people have sent us any constructive ideas for the revising of the bill or alternative solutions to handtrolling problems. As I understand it, if some version of this bill does not pass the legislature within the next couple of weeks, the Entry Commission will enact a regular limited entry program within the next year, so that any future entry into handtrolling will be by purchase of a permit on the open market as in all other limited entry fisheries.

Time is short and probably it is already too late to get any bill through both the House and Senate yet this year. But we want to know how you and other village people feel about these options.

Please feel free to call or write to me or my staff or other members of the House Resources Committee. We hope that Hoonah will let us know before Thursday's meeting how you feel about the newest version of CSSHB 350 or will have someone at the hearing to express your opinions.

Again I am sorry not to be able to attend your meeting.

Best personal regards,



Alvin Osterback  
Chairman  
House Resources Committee

AO:ss

November 2, 1979

## HAND TROLL

Limited Entry Commissioners:

The years 1975 through 1978 being considered for points for hand troll permits, I recommend past participation be the first to be used to qualify.

1. Those that fished the four years;
2. That State and Federal tax returns filed by individuals be used in giving economic points (all their income);
3. No points be given for vessel ownership, unless they use all four years of vessel ownership (points be same for each of the four years);
4. The only fish to be considered be salmon;
  - (a) Not halibut or any other species caught.
  - (b) The State is trying to cut down the amount of salmon caught (not halibut) in the hand troll fleet.
  - (c) The people not depending on fishing want halibut thrown in to bring up their poundage (bigger vessels).
  - (d) A \$25,000 cruiser (n.s. a little skiff (handtroller) the small vessel cannot handle halibut in any amount.
  - (e) I do not want to see someone that fished only 1978 get enough points to get a permit, some that only fished three years be denied.
  - (f) It happened before. Some that fished 1972 only got 21 points. Need 6 points for vessel ownership (no other year could you get vessel points). Also sold all their gear, vessel in 1972, and got investment back and still got a permit to fish again or sell (Xmas).

I wish to point out something at this time. Under the Statute it says this for past participation, "years fished." No place does it say year or years fished.

The devil in me writes the following. How many people do you know in Juneau that handtroll that are working for the legislators, or family, Department of Fish and Game, City Police, State Troopers, Forest Service, Coast Guard, businessmen, Bureau of Indian Affairs? It's simpler to check the register in the Federal Building for agencies, right? Ah! Yes! Don't forget the lawyers working for the State and private lawyers.

Yes, I'm on the side of the hand troller that makes his living at it. I'll help you all I can. Now you see why I wanted limited entry out and some sections redone in 1976. I knew what was going to happen. The price of permits going up and up. Fish prices started major jumps from 1967 til present. (Court Cases 166+)  
200 mile limit I was positive would be in, and is.

World demand for fish.

I have a habit of looking 10 to 20 years from the present.

The people that want tax write-offs look elsewhere.

Give the little guy a break.

*Yours*  
*Leo A Land*  
*Box 122*  
*Haines Alaska*  
*99827*

Testimony by phone from Eric Jordan, Secretary, Sitka Fish and Game Advisory Committee.

Following are results of meeting and responses of members.

- 3 - in favor of SSHB 350
- 5 - opposed
- 2 - in favor with changes
- 2 - in favor if Hand Trollers favored it

On the issue the comments were communicated:

Two persons favored the bill with changes

One person felt he could support it if the number of permits could be reduced.

One person gave these specific objections:

1. Section 1(h) line 10 - eliminate the portion that does not allow the permit to be inherited by spouse. Family should be able to inherit.
2. Page 1, line 20, delete number 1.
3. Line 25, page 1, Board of Fisheries should determine "substantial quantity" rather than the Commission.
4. Page 2, line 20 - 21 - delete "issued for any fishery except a handtrolling fishery upon the death of the permittee".
5. Page 2, line 29, change "may" to "shall".
6. Page 3, line 2 insert "hand trollers" before gear licensing.
7. Page 3, line 14 - use "immediately" instead of "promptly"
8. Line 21, - add "handtrollers" in front of gear license.
9. Line 17-18-19, Page 4 - Opposed to this section, should be same as for other fisheries:
10. Page 4, line 22 - delete "other than a handtroller"

Two persons, not handtrollers, would favor the bill if the handtrollers favored it.

Henry Benson, Chairman, Sitka Community Association and Chairman, Tribal Council

The whole act does not relate equally between power and hand trollers. It forces handtrollers to be productive and discriminates. He is opposed because the State has not documented where handtrolling is a threat to the fishing industry. Before State passes this legislation, it should prove that handtrolling is damaging the fisheries. All or most are part time fishermen. People who fish part time and work the rest of the time should not be penalized to favor the person who fishes part time and vacations the rest of the year. Alaskans should have an advantage, especially those born in Alaska, in entering and remaining in the fishery.

He is opposed to handtrollers being singled out for regulation and legislation. Fails to see how this legislation meets any conservation goals.

Eric Jordan - Personal Comments

A handtroller who has earned a permit should be able to sell it and get into other fisheries. He favors a freely transferable permit. Regulation and legislation have jeopardized small handtrolling operations. They need the means to get into other fisheries to improve income. He is opposed to State control of permits, ex. determining who gets them and who doesn't.

Of those responding to a questionnaire mailed in the Sitka area, (approx 50 people) 70% favored a freely salable permit and 30% favored a non transferable permit.

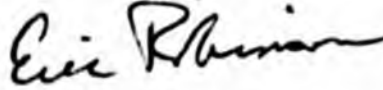
116

Apr. 18, 1979

Dear mr. OSTERBACK

Please find enclosed, the thought and preparation of The Southeast Hand Troll Association which led to Mr Duncan introducing House Bill 350. This bill lacks a section dealing with reissuance of permits by the Limited Entry Commission. Mr Duncan is aware of this problem and has assured us that the reissuance section can be added in committee.

Thank you,



Eric Robinson

Sec./Tres. SE Hand Troll Assoc.

**ANNUAL MEETING OF THE SOUTHEAST HANDTROLL ASSOCIATION**

**March 2 and 3, 1979**

**Minutes of the meeting and proposal for  
amendment to limited entry law for  
Handtrolling if Handtrolling is included**

**Juneau, Alaska**

**ANNUAL MEETING  
SOUTHEAST HANDTROLL ASSOCIATION**

Meeting called to order at 3:00 P.M., Friday, March 2, 1979 at Chuck Porter's house (regular meeting place not available until Saturday, March 3, 1979).

Members present: Fred Shewey, Ketchikan; Ken Proctor and Mick Diamond, Sitka; Kelly St. Clair, Hoonah; Jim Lockhart, Hydaburg; Chuck Porter, Chairman; Dick Woodward, Secretary-Treasurer; Eric Robinson, Juneau. Absent: Chuck Peadra, Wrangell.

First item was to recess official meeting and go into informal discussion.

The subject of continuance of the Southeast Handtroll Association (SHA) was brought up by the Chairman. All agreed it was essential to continue and so the subject was dropped.

Secretary-Treasurer gave existing balance of \$1,600.00 and advised that Hoonah and Juneau had yet to pay their 1979 dues. Hoonah advised that their dues were on the way, as did Juneau, so all present were in good standing.

The Chairman asked what the members wanted to do in reference to payment of expenses for the out of town representatives. The vote was unanimous to pay the return air fare, plus hotels for those so lodged, plus pay for no host dinner on Saturday night.

It was also voted to pay return air fare for another Ketchikan representative, Jim Jones. The basic theme of all was to help the smaller communities attend by paying part of their expenses whenever possible.

The Chairman advised that we may be having quests attend. No one objected.

The membership then voted to forgive past debts due SHA. The vote was unanimous.

Various ideas were discussed as to how to make the Association more active and responsive. They were:

- 1) Sending out a monthly news bulletin.
- 2) Setting up another Association meeting early in the fall before proposal time.
- 3) Each community should cross-reference the others with copies of their monthly meetings.

The Chairman asked for an expression on Limited Entry from each. The responses follow:

Ketchikan: Yes, no alternative.

Sitka: Yes, on the concept. no other alternative.

Juneau: Yes. no alternative.

Hydaburg: No, Period.

Hoonah: Yes, 100% against, but no alternative.

Wrangell: absent.

The only other alternatives to Limited Entry brought out ranged from gear reduction to sport rods only to more fish. Gear reduction to sport rods only was unacceptable to the majority.

Meeting recessed till 9:00 A.M. Saturday morning.

Meeting called to order at 9:00 A.M., Saturday, March 3, 1979. Same members present.

The Chairman introduced guest speaker John Garner, Chairman of the Limited Entry Commission.

His talk was on the present status of where Limited Entry is in reference to Handtrolling; what problems we can expect; and, what legislation is necessary in order to change the existing law to conform to what we felt was necessary to eliminate the severe deficiencies found in it.

The changes to be made were:

1) Transferability:

- a) Permit remains property of the State.
- b) State issue and re-issue.
- c) Need "use it or lose it" provisions.
- d) Need "ready, willing, and able" provisions.

2) Other criteria:

Retired persons and military.

3) Moratorium on Handtroll transfers so as not to snarl up - possible Limited Entry transition.

Some added comments were:

He hoped to have the first draft of proposed regulations by late summer of 1979. This would be followed by a couple of months for public digestion, followed by public hearings.

Tentative cut-off date for eligibility is 1-1-79. However,

if unable to complete by 1-1-80, then the cut-off date would be 1-1-80.

The previous Limited Entry program history was 12 years, later revised to 15.

The existing law requires a reasonable balance to be struck between participation and economic dependence but can shift emphasis from one to the other depending on public desires.

He then answered questions from the floor.

After Garner's presentation, the group took up the sample Limited Entry program for discussion.

The net result was adoption of the attached. A summary follows:

- 1) Basic criteria.
- 2) Expanded criteria definition, except under the "ready, willing, and able clause", the group agreed to the concept only and did not use the 3 items as listed.

And, finally, specific points of the program.

It should be noted that a point system was not set up. In lieu of this, we recommended to the Commission that they establish a point system based on a percentage of each criteria as follows:

Past participation	50%
Economic dependence	25%
Investment-vessel, gear	12%
Domicile	13%

They also recommended under new criteria the following:

That pioneers, as defined by the State, be given a lifetime permit, not includeable in the optimum number.

Hoonah asked if there was some way that a community could retain the same number of permits as under the initial issuance number rather than have reversion going to another community.

It was felt that this was a good idea, but it would not work equitably and also would tend to defeat the fast turn-over in the program.

The group also did not like the idea of being required to specify which type of gear a person wanted to fish when he made the initial application (i.e. this choice would be a "forever" choice of gurdie or rod and reel).

The meeting adjourned at 6:00 P.M..

## PROPOSAL I

### A. BASIC CRITERIA:

1. Initial issuance at a level that will insure all Commercial Handtroll fishermen, having a history of Commercial Handtrolling in any one year out of at least the past five years, would be considered under this system as having met the basic requirements for application.
2. All permits remain the property of the State of Alaska under a "non-sale provision".
3. That all permits issued, be issued on a "use it or lose it" basis to those who are "now ready, willing, and able" to enter into or continue in the fishery.
4. That an "optimum" number of desired permits be established by the Limited Entry Commission/Department of Fish and Game and that this "optimum" number be reached through an attrition factor.

### B. BASIC CRITERIA EXPANDED COMMENTS:

1. Initial Issuance Level - This level, when established, should be such that all Handtroll fishermen who are seriously engaged in the Commercial harvesting of salmon by Handtrolling be assured that they will receive a Limited Entry permit. When considering the term "serious" it is interpreted to mean one who in fact did sell at least 500 pounds during a given season.
2. Non-Sale Provision - This provision is required to prevent speculative application for permits by those who may be qualified but are no longer involved in the fisheries and would not normally reapply for an interim use permit in the future. Additionally, this provision is required to enable a method of reaching the optimum number desired by the means of attrition which in turn permits eventual new entry by re-issuance of permits to new applicants.
3. Use It or Lose It Provision - This aspect is also needed to enable reduction through attrition to optimum levels. This term is intended to mean a person who does not use his permit during any one fishing season without good cause, such as physical disability, loss of boat, district or area closures, etc.. Additionally, this is intended to be an additional vehicle which will enable permit re-issuance in a rapid fashion.

"Use it" is defined as a minimum of 500 pounds of salmon sold during one season.

4. Optimum Desired Participation Level - If required, this optimum level would permit management to adjust the level of participation to that which would be in the best interest of the fisheries and is intended to be a level which could be adjusted up when the condition of the fisheries permit and should be examined annually for permitted adjustment.
  
5. Permit Re-Issuance - Once initial issue has been accomplished and optimum number established, all permits would then revert to the State of Alaska and become dormant. In order for permits to become dormant the following criteria would have to be established to allow attrition.
  - a. Death of permit holder.
  - b. Voluntarily returned.
  - c. Conviction of a serious fisheries violation.
  - d. Use it or lose it criteria not met (dormancy).

Once optimum number is reached, those permits that become available below the optimum are then re-issued to new applicants by means of an established application procedure and waiting list. New applicants would then be selected from the top of the list and issued the next available permit provided they are "ready, willing, and able" to enter into the fishery. Applicants would be assigned to the waiting list on a first come, first serve basis.

6. Ready, Willing, and Able - All persons, desiring a permit at time of initial issuance and then re-issuance, must be in a posture that would permit active participation within the fisheries within a reasonable length of time after notification.

## LIMITED ENTRY PROGRAM

### To be based on:

1. Non-saleable permits. They remain the property of the State.
2. Past participation and economic dependency.
3. The State issue and re-issue.
4. Fisherman ready, willing, and able to fish (concept).
5. Hardship clause but must show past participation history in this or other fishery.
6. Permit must be fished annually. Minimum poundage 500 pounds or reverts back to the State for re-issuance (unless unable due to good cause - good cause needs to be defined and provided).
7. Permit reverts to the State
  - a. by death of the holder,
  - b. by conviction of a fishery offense,
  - c. donated back,
  - d. or, by use it or lose concept.
8. In lieu of setting up criteria for a point system, it was decided to set up guideline proposals as follows and let the commission establish a point system based on the following percentages:

a. Past participation:	50%
b. Economic dependence	25%
c. Investment-vessel, gear	12%
d. Domicile	13%
9. Additionally, under a new section for retired persons, under initial issuance:
  - a. would be given a permit to handtroll and not be counted in the optimum number, upon reaching pioneer status as such is defined by the State. Such a permit is for a lifetime and subject to the same reversion clauses as regular permits.

## PROPOSALS FOR CONSIDERATION

1. The initial number of permits issued should consider active participants in the Handtroll fishery for the last five years.
2. The optimum number of permits for Handtrolling should be reached through attrition as described in the proposal.
3. The requested amendments to the existing Limited Entry Law are intended to insure: a reasonable turnover of Handtroll permits to allow new entry to the fishery, that speculators efforts would be frustrated to a position of non-participation and that the individual economic situation of persons interested in entering the Handtroll fishery would not exclude them. i.e. a large price tag on the Handtroll permit.
4. That the concept of ready, willing and able be defined; the intent is described in the proposal.
5. The present surf line closures for Handtrolling are discriminatory and should be repealed.
6. That the Department of Fish and Game be granted the ability to incorporate volunteer public help in projects of enhancement and rehabilitation of natural stocks that are, by definition (the standards and terms used for the jurisdiction of restrictions and regulation on the user group), endangered.

November 2, 1979.

## HAND TROLL

### Limited Entry Commissioners:

The years 1975 through 1978 being considered for points for hand troll permits, I recommend past participation be the first to be used to qualify.

1. Those that fished the four years;
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200 mile limit I was positive would be in, and is.

World demand for fish.

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Give the little guy a break.

*Yours*  
*Leo A Land*  
*Box 122*  
*Haines Alaska*  
*99827*

TO: REP ECLASON / HOUSE RESOURCES  
RE: HB350

I would like to comment on HB 350, Jim Duncan's handtroll limited entry bill. I am a professional handtroller; fishing has made 90% of my income for the past three years.

Many people have commented on the dislocations and hardships that will be forced on rural communities by increasing regulation of the hand-troll fishery. It is this regulation of fishing areas and times that has made us embrace limited entry as the only alternative to a fishery made up entirely of part-time recreational fishermen. However, I have seen no comment on the equal hardships that non-transferable permits will cause to the people of Alaska, especially those in the rural communities. Non-transferable permits would be "frozen" - for all practical purposes unavailable to new entrants, however serious their intent or

limited their choice of livelihood.

Even if the very liberal recommendation of 2100 permits were adopted, we can, I think, safely assume that the waiting list will have around 3000 names the first year, since over 5000 permits were issued last year. With increasing interest in the fisheries and increasing population, how rapidly will that figure grow? (It may become a popular lottery, since banks have already shown that credit is virtually guaranteed to a permit holder.) How long will the wait be; how often will a permit become available? It is reasonable to assume that once gained, a permit will not be released lightly. Only the river will not realize that to avoid permanent loss of his permit a fisherman might buy his 500-pound quota from another fisherman, or fish for only a few days. (And

raising the quota will only ~~increase~~ increase pressure on the fish stocks and on fishermen with genuine hardships) It is clear that even those who sign up immediately will wait a long time, probably many years, to get a permit, because there is no incentive for anyone to let his go — he would have nothing to gain and everything to lose.

Who does stand to gain? Certainly not the taxpayers, who foot the bill for verifying quotas, sniffing out frauds, ~~enjoining~~ adjudging special cases, and administering lists. The Entry Commission is unwieldy enough without a parallel bureaucracy — within a bureaucracy. Certainly not the rural communities, which must see their youth go to the cities to find jobs because their names won't come up for years. Certainly not the professional fishermen, since the applicant with only a casual

interest is just as likely to be next on the list as the applicant who is serious about fishing as a vocation. Certainly not the Alaskan fisherman who can no longer keep a permit in the family but must surrender it to the state to dole out to someone, perhaps from out-of-state, who happens to hold the next number.

If the legislature wants to do something about the high price of permits, consider an addition to the fisheries loan program. That would be a legal way to give preference to ~~state~~ Alaska residents, rural residents, the needy, those already fishing, or whomever the legislature specifies.

On the surface, non-transferability looks great; in practice, everybody loses. Please look <sup>beneath</sup> ~~at~~ the surface and vote against HB 350

Jamie Dorn Chevalier  
Box 830 Sitka

Testimony by phone from Eric Jordan, Secretary, Sitka Fish and Game Advisory Committee.

Following are results of meeting and responses of members.

- 3 - in favor of SSHB 350
- 5 - opposed
- 2 - in favor with changes
- 2 - in favor if Hand Trollers favored it

On the issue the comments were communicated:

Two persons favored the bill with changes

One person felt he could support it if the number of permits could be reduced.

One person gave these specific objections:

1. Section 1(h) line 10 - eliminate the portion that does not allow the permit to be inherited by spouse. Family should be able to inherit.
2. Page 1, line 20, delete number 1.
3. Line 25, page 1, Board of Fisheries should determine "substantial quantity" rather than the Commission.
4. Page 2, line 20 - 21 - delete "issued for any fishery except a handtrolling fishery upon the death of the permittee".
5. Page 2, line 29, change "may" to "shall".
6. Page 3, line 2 insert "hand trollers" before gear licensing.
7. Page 3, line 14 - use "immediately" instead of "promptly"
8. Line 21, - add "handtrollers" in front of gear license.
9. Line 17-18-19, Page 4 - Opposed to this section, should be same as for other fisheries.
10. Page 4, line 22 - delete "other than a handtroller"

Two persons, not handtrollers, would favor the bill if the handtrollers favored it.

Henry Benson, Chairman, Sitka Community Association and Chairman, Tribal Council

The whole act does not relate equally between power and hand trollers. It forces handtrollers to be productive and discriminates. He is opposed because the State has not documented where handtrolling is a threat to the fishing industry. Before State passes this legislation, it should prove that handtrolling is damaging the fisheries. All or most are part time fishermen. People who fish part time and work the rest of the time should not be penalized to favor the person who fishes part time and vacations the rest of the year. Alaskans should have an advantage, especially those born in Alaska, in entering and remaining in the fishery.

He is opposed to handtrollers being singled out for regulation and legislation. Fails to see how this legislation meets any conservation goals.

Eric Jordan - Personal Comments

A handtroller who has earned a permit should be able to sell it and get into other fisheries. He favors a freely transferable permit. Regulation and legislation have jeopardized small handtrolling operations. They need the means to get into other fisheries to improve income. He is opposed to State control of permits, ex. determining who gets them and who doesn't.

Of those responding to a questionnaire mailed in the Sitka area, (approx 50 people) 70% favored a freely salable permit and 30% favored a non transferable permit.

March 14, 1980

To the House Resources Committee:

We truly regret being unable to attend your hearing on the 18th. We submit this written testimony on Sponsor Substitute for House Bill 350.

My husband and I fish commercially for our total income; we gillnet, longline, jig, crab, as well as handtroll. My husband began handtrolling commercially 'n 1963. We feel limited entry for handtrolling is necessary, although regrettable.

Our comments begin with Page 1, lines 22 through 29, which deal with the waivers for non-landings. Although it is difficult to be specific and enumerate all instances in legislation, we find this passage overly vague. How does the commission decide just what constitutes a substantial quantity of fish? Will it be a fixed figure, or will it change every year, based on the resource's expected return? Also, who on the commission decides what is "good cause" for failing to catch enough fish? We ourselves are vitally interested in knowing how much of our income must be derived from handtrolling alone. Last year, approximately 15 % of our income (and 1/6 of our time) came from trolling; yet 100% of our earnings came from our fishing efforts.

Regarding the issuance of permits, Page 3, lines 6 through 26, especially section (b)(4). Under this ruling, if a person ever loses his permit, for whatever reason, he is ineligible to ever receive another. This seems a little harsh; there are few mistakes we may make in life that have such a final consequence.

These are our main comments at this time. We will wait to see the outcome of this hearing before we contribute other testimony. We urge you to examine this bill thoroughly so as to make the fairest decisions possible.

Thank you,

Russ and Alice Bartoo  
Box 847  
Juneau, AK 99802

Gen. Hel.  
Nookak, Ak.

3-15-80

Gentlemen -

A recent conversation with Ron Miller of the Limited Entry Commission Office seemed to indicate that the Commission intent relative to "Hand Trolling" is to ultimately reduce the permanent permits to the number which the Commission shall determine as sufficiently restrictive to assure those allowed to participate to do so profitably. This line of reasoning fits neatly within the confines tolerated by the advocates of the "inevitable" rigidly planned and controlled economy.

The term "hand troller", as currently applied, refers

to the least efficient of all methods of taking salmon. Available statistics would have to be skewed drastically to allow them to show any but an occasional "hand troller" who nets better than 40% - 50% of his gross over a period of years.

To my mind, with prevailing energy conditions and escalating engine capacities, there is no way "hand trolling" can be justified as a subsidized operation, especially under the auspices of proposals which arbitrarily preclude an authentic hand troller's participation.

I have been denied an interim permit on grounds of not having participated during the years 1975-79

In 1907, I hand trolled from a plywood skiff with no power other than oars and became convinced it is still possible for a willing back to make a substantial portion of a subsistence income via this method, for a lifestyle geared to this type operation. It bothers me considerably that anyone can be given or assume authority to deny me the right to try an unsubsidized simple way of living.

I have recently completed a 15' 4" dory designed to be powered exclusively manually and am having difficulty seeing justice in proposals bent on eroding a preserve for inefficiency through policy attempting to dissuade

the indissoluble correlation  
between "right" and "need".

Are we actually this  
far down the tube?

Sincerely,

Bert E. Stewart

# Alaska State Legislature

## House of Representatives



MEMBER  
FINANCE COMMITTEE

REPRESENTATIVE JIM DUNCAN  
CHAIRMAN  
BUDGET & AUDIT COMMITTEE

STATE CAPITOL  
POUCH V  
JUNEAU, ALASKA 99811  
465-3018

HOME ADDRESS  
RR 4 BOX 4318  
JUNEAU, ALASKA 99803  
788-8782

### MEMORANDUM

TO: Rep. Alvin Osterback, Chairman  
House Resources Committee

FROM: Rep. Jim Duncan

DATE: February 22, 1980

SUBJECT: House Bill No. 683 and  
Sponsor Substitute for House Bill No. 350

I would like to request a hearing on House Bill No. 683, Relating to Fishing Vessels for Charter Purposes, and the Sponsor Substitute for House Bill No. 350, Relating to Limited Entry Permits for Handtrolling, at your earliest convenience.

Thank you for your consideration.

JD:jp

District 4

HAINES

JUNEAU - DOUGLAS

KLUKWAN

SKAGWAY

# ALASKA NATIVE BROTHERHOOD

CAMP No. 1. P. O. Box 72 • SITKA, ALASKA 99835

March 26, 1980

Alvin Osterback, Chairman  
House Resources Committee  
State Legislature, Pouch V  
Juneau, Alaska 99811

STB 350

Dear Sir

The Alaska Native Brotherhood, Camp #1 of Sitka, Alaska opposes HB 350 regarding limited entry permits for handtrolling.

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The problem with the use or lose as written, it defeats the intent of helping out the real fisherman, the people from the small communities, i.e., Hoonah may have 100-150 permits initially, but, what happens if someone dies. His permit is turned back in, taken out of Hoonah, and since the larger communities like Juneau, Sitka, Ketchikan, etc. will have a lot of applicants for permits on file, the permit turned in by Hoonah w'll most likely be issued to someone from the larger communities. This will keep up until your lose or use systems runs the small villages out of the handtroll business instead of protecting them. If you must use a use or lose system, then slot them by communities, i.e., if someone turns one in from Hoonah, it will be reissued to someone from Hoonah, etc., etc. There should also be the ability to pass on your permit to another member on your family, like a son or daughter.

Another point, everyone states concern about over-fishing, fishing-out an area, so you propose limites, either on gear or area, then, you turn right around and say, if you don't use your permit and catch a lot of fish I will take it away and give it to someone who will catch a lot of fish!?!

Much is made to do about many of the handtrollers being part time fishermen. Yet in reality, all fishermen are part time fishermen, with the exception of the very few, mostly handtrollers, who fish for Kings year-round. In fact the only people that can afford to buy a power troll permit are the people with good paying jobs. For instance, a lot of the teachers in the small villages and the larger communities, hold power troll permits. They teach for nine months, fish for 3 months, and yet you only point to the fact that some hand trollers have other jobs besides fishing. Another example, Rep. Eliason spends his winters in Juneau, and not for free, in fact got a raise this year, and still claims to be a full time fisherman? No one can convince us that permit holders from

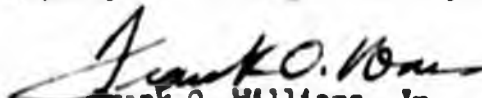
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Many times the issues include the depletion of stock, your solutions always seem to start with controlling the fisheries that constitute 10% or less of the troll fisheries. Common sense will tell you that maybe you'd have more luck at putting more limitations on the part that produces 90% of the impact.

Constitutional rights, and equality are big issues nationally. Delete all portions that require handtrollers to turn in their permits upon death, or limited use, etc., or, apply the provisions to all troll fisheries.

Consider this, many of the people born and raised in Alaska grow up fishing. But, because it is almost impossible to survive on fishing alone, and to make use of our education, many of the people find year round jobs during critical years of the family. Like myself, I was born in Glacier Bay. I grew up fishing, starting with hand trolling. When I say hand trolling I am talking about trolling by rowing, and with a cotton line. I started when I was 5-6 years old with my dad, graduated to going by myself, using a 5 horse Johnson outboard, eventually went power trolling with my uncle, seining with my uncle or dad, gill netting with my grandfather in Haines, etc., etc. Presently I work with IHS, I have a daughter in college, another a senior in high school who wants to go to college, another a freshman in high school, and a son in 7th grade. I work in health services, a service much needed in this state, I also serve in many public service offices, i.e., ANB, state health comp. planning, organizing HSA, etc. In doing so I am busy year around and for now my fishing time is limited. Under your guidelines I stand a chance of losing my permit. I think I have the right to serve the people in much the same way Rep. Eliason does in Juneau, he does his thing part time, I do my year around for now, but, in 3-5 years I plan to return home, or retire from full time employment, my children will have finished school, etc., then I will be more of a full time fisherman. But, it sound like you will try to take my permit if I don't use it enough. Yet to the public you are saying, there are too many fisherman, and the fisheries are over-fished, to us you say, I will take your permit if you do not fish enough, and give it to someone who will <sup>fish more</sup> add to our problems of fishing ~~more~~ an over-fished fisheries!?

The ANB wants to protect the people who are born fisherman, are fishermen because they love it, and even if they are doing something else right now that takes up their time, they are Alaskans who live here, will be here thorough the good and the bad times. Many of your so called fishermen from out of state are fortune hunters, just like the gold miners that came with the gold rush, when the gold is gone, they will be gone. The true Alaskan fishermen will still be here, still trying to live a life they love. For ones protect the Alaskans' rights, current legislation seems to worry more about everybody else's rights first, what about ours?

  
Frank O. Williams, Jr.  
President, Sitka ANB  
ANB Executive Committeeman

# ALASKA NATIVE BROTHERHOOD

CAMP NO. 1, P. O. BOX 72 • SITKA, ALASKA 99835

March 26, 1980

Alvin Osterback, Chair  
House Resources Committee  
State Legislature, Pouch V  
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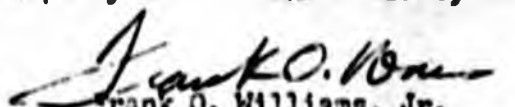
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State Legislature, Pouch V  
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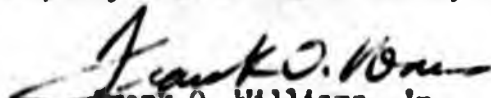
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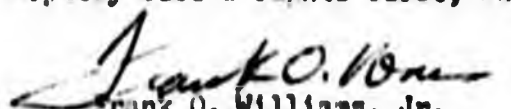
out of state sit around all winter when they go home. A large part of the fishermen that go north, like to Bristol Bay are people with better than "low income" salaries, they take 2 weeks to a month vacation, go north and fish, and brag about how they earned 25-40 thousand dollars on their vacation! But, if a handtroller dare make 3-6 thousand a year during his off time, you think its wrong.

Many times the issues include the depletion of stock, your solutions always seem to start with controlling the fisheries that constitute 10% or less of the troll fisheries. Common sense will tell you that maybe you'd have more luck at putting more limitations on the part that produces 90% of the impact.

Constitutional rights, and equality are big issues nationally. Delete all portions that require handtrollers to turn in their permits upon death, or limited use, etc., or, apply the provisions to all troll fisheries.

Consider this, many of the people born and raised in Alaska grow up fishing. But, because it is almost impossible to survive on fishing alone, and to make use of our education, many of the people find year round jobs during critical years of the family. Like myself, I was born in Glacier Bay. I grew up fishing, starting with hand trolling. When I say hand trolling I am talking about trolling by rowing, and with a cotten line. I started when I was 5-6 years old with my dad, graduated to going by myself, using a 5 horse Johnson outboard, eventually went power trolling with my uncle, seining with my uncle or dad, gill netting with my grandfather in Haines, etc., etc. Presently I work with IHS, I have a daughter in college, another a senior in high school who wants to go to college, another a freshman in high school, and a son in 7th grade. I work in health services, a service much needed in this state, I also serve in many public service offices, i.e., AIB, state health comp. planning, organizing HSA, etc. In doing so I am busy year around and for now my fishing time is limited. Under your guidelines I stand a chance of losing my permit. I think I have the right to serve the people in much the same way Rep. Eliason does in Juneau, he does his thing part time, I do my year around for now, but, in 3-5 years I plan to return home, or retire from full time employment, my children will have finished school, etc., then I will be more of a full time fisherman. But, it sound like you will try to take my permit if I don't use it enough. Yet to the public you are saying, there are too many fisherman, and the fisheries are over-fished, to us you say, I will take your permit if you do not fish enough, and give it to someone who will <sup>fish more permit</sup> add to our problems of fishing ~~over~~ an over-fished fisheries?!

The AIB wants to protect the people who are born fisherman, are fishermen because they love it, and even if they are doing something else right now that takes up their time, they are Alaskans who live here, will be here thorough the good and the bad times. Many of your so called fishermen from out of state are fortune hunters, just like the gold miners that came with the gold rush, when the gold is gone, they will be gone. The true Alaskan fishermen will still be here, still trying to live a life they love. For once protect the Alaskans' rights, current legislation seems to worry more about everybody else's rights first, what about ours?

  
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