

1113

HRES

HB

665

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II

fished myself at ^{the} end or latter part of the season at least two weeks using a company boat. In 1960 right up to 1979 I fished with my father (Earl). I've been trying, trying get my permit. I went to Alaska Legal Services office in Aly. about permit they had told me about having a meeting in Aly. Mar. 3rd to testify for a permit eventually I didn't go to the meeting they had in Aly. I hopefully fill out another application for a permit.

Sincerely,
John Westmont

Alvin Osterback, Co. Chairman
House Resources Committee
Alaska State Legislature
Pouch 1
Juneau, Alaska 99811

Mar 13, 1980

Dear Mr. Osterback

I support House Bill 665
Cause. when the Limited Entry
Permit came in and when I had to
go to work out of town, and I
had my wife take the application
to Alaska Legal Service, and they
told me I didn't have the points
and they told me not to send in
my application in, so she didn't.
and when I got home from out
of town. she told me and I was
late, and then I have sent in my
application in Juneau. couple of
times, and I get the same answer
all the time, and now that I am
back where I was born, and want
to live here, since most of my
children are on their own, and
the wife want to live here.

over

I have a hard time to make a
living, since she dont want me to
leave here for months at a time,
and that what it takes if I have to
work for wages. but if I could
fish most of the time. I wont
be gone over six weeks then I
would be home with her, and the
two children that is still home
with us.

Sincerely yours,
Vincent Roche

LA34 1562 12.58 JA01 0052 12.58 03/18/80

For

TO JUNEAU
FROM DILLINGHAM

PLEASE RELAY THE TWO MESSAGE BELOW TO REPRESENTATIVE ALVIN OSTERBACK,
CHAIRMAN OF HOUSE RESOURCES COMMITTEE TO BE PRESENTED AS TESTIMONY
ON HOUSE BILL 665, LATE FILERS BILLS

FROM: GEORGE SMITH, BOX 36, TOGIAK ALASKA

I'M SORRY I CAN'T MAKE IT FOR THIS HEARING. I HAVE NO WAY OF PAYING
MY FARE OVER TO DILLINGHAM AND BACK. I WOULD LIKE TO APPLY FOR A PERM
IT.

I CAN'T SPEAK ENGLISH OR WRITE. (THIS MESSAGE WAS TAKEN BY DAVID SNYD
ER,
ALASKA LEGAL SERVICES FROM GEORGE SMITH)

FROM: PAT KOHLER, JR., ALEKNAGIK, ALASKA

I WAS WORKING ON THE PIPELINE IN 1975. I NEVER GOT ANY PAPERS FROM
JUNEAU FOR MY PERMIT. I HAVE BEEN FISHING SINCE 1963, BUT ONLY AS A
PULLER SINCE I CAN'T GET MY PERMIT. I WANT THE LEGISLATURE TO PASS TH
E
LAW SO I CAN APPLY FOR MY PERMIT.

Juneau L.I.O.

Please give a copy to the following Legislators:

Osterback
Miles
Zharoff
Parney
Cotton
Gardiner

Fuller
Chatterton
Ellason
Halford
Anderson
Tillion

From Bethel

March 3, 1980

Dear People,

My name is Joseph A. Therchik and I am a fisherman for many years starting from when I was a young man.

My problem is this, when the deadline came around for applying for permits I was away from home attending training. I heard nothing about this deadline until I returned home to fish in 1976 and the deadline had passed by then. I tried to apply even though it was late but was denied because the deadline had passed.

I am in favor of this House Bill 665 and feel it should be passed so that people as myself who missed the deadline can get their permits and make a living. If I got my permit I would fish it and this would help me with my many bills as I support my parents.

THANKYOU,

Joseph A. Therchik
JOSEPH A. THERCHIK

COMMUNITY FINISHER

RESOLUTION NO. 80-10

**A RESOLUTION SUPPORTING HOUSE BILL 665 AND
THE ESTABLISHMENT OF NEW APPLICATION PERIOD
FOR LIMITED ENTRY PERMIT.**

WHEREAS, many rural residents of the State of Alaska, including the Yukon-Kuskokwim Delta region have not received limited entry permits for which they were otherwise qualified, solely because of their failure to submit timely applications to the Commercial Fisheries Entry Commission; and,

WHEREAS, the individual persons failure to submit a timely application was due to factors beyond his or her control: namely, the lack of understanding by such individuals of their rights under the Limited Entry Act and of the need to submit an application or be forever barred from pursuing their livelihood; the shortness of the application period; the geographical remoteness of the communities in which such individuals lived from the centers of communication and application assistance, and the misinformation prevalent concerning the standards of eligibility for limited entry permits; and,

WHEREAS, those individuals are now prevented from participating in one of the few or only occupations they have known, or that is available to them in their community; and,

WHEREAS, the State of Alaska has an obligation to rectify the injustice caused by the implementation of the Limited Entry Act,

NOW, THEREFORE, BE IT RESOLVED that the Lower Yukon/Kuskokwim Agriculture Association supports House Bill 665 and the establishment of a new application period for limited entry permits.

DATED: 2-28-80

James R. Charles
Vice-President

LA61 3995 17.18 JA01 0089 17.18 03/25/80 4

TO: SENATOR BOB MULCAHY
TO: REPRESENTATIVE FRED ZHAROFF
TO: ALL MEMBERS OF THE HOUSE RESOURCES COMMITTEE
Chairmen

AN EMPHATIC YES FOR HOUSE BILLS 665 AND 808. I AM PERSONALLY ACQUAINTED WITH RESIDENT FISHERMEN SUFFERING HARDSHIPS BY PRESENT LIMITED ENTRY RESTRICTIONS, FROM FALSE PASS TO KETCHIKAN. MYSELF INCLUDED. LET US OLD TIMERS GET BACK INTO FISHING ALASKA.

HAROLD BUMPH
BOX 1215
KODIAK, AK. 99615

LA61 4032 17.30 JA01 0091 17.30 03/25/80 4

TO: SENATOR BOB MULCAHY
TO: REPRESENTATIVE FRED ZHAROFF
TO: ALL MEMBERS OF THE HOUSE RESOURCES COMMITTEE
Chairmen

SIRS:

I WOULD LIKE TO GO ON RECORD OF SUPPORTING HB'S 665 AND 808. THE PAST BILLS WERE TO HARD ON OUR PEOPLE AND THERE SHOULD HAVE BEEN MORE WAYS FOR OLD-TIMERS OF THIS STATE TO QUALIFY FOR A PERMIT - LET'S TAKE CARE OF OUR OWN PEOPLE FIRST. BEING A 32 YR. RESIDENT THESE BILLS ARE OF IMPORTANCE.

YOURS TRULY,
ANTHONY PEREZ
BOX 6
KODIAK, ALASKA 99615 \

LA61 4047 17.34 03/25/80 JA01 0001 07.36 03/26/80 4

TO: SENATOR BOB MULCAHY
TO: REPRESENTATIVE FRED ZHAROFF
TO: ALL MEMBERS OF THE HOUSE RESOURCES COMMITTEE
Chairmen

I BOB ALDRICH, DIRECTOR OF COUNSELING FOR THE KODIAK COUNCIL ON ALCOHOLISM WISH TO EMPHATICALLY ENDORSE HOUSE BILLS 665 AND 808. DURING MY FOUR YEARS IN KODIAK I HAVE BEEN OVERWHELMED BY THE INJUST AND BLATENT DISCRIMINATION USED IN ISSUING LIMITED ENTRY PERMITS.

I FEEL THAT IT IS HIGH TIME TO LET "ALASKAN FISHERMAN" FISH IN ALASKAN WATERS.

SINCERELY,
BOB ALDRICH
KODIAK, ALASKA 99615 \

Dear Mr. [unclear]
The [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]



POST OFFICE
[unclear]
[unclear]
[unclear]
AFTER FIVE DAYS RETURN TO
[unclear]

NOTE

Thank you very much
I miss McLaughlin

Dear Sir
I am working to respectfully ask
for the passage of Bill RE H B 665 that
so coming up for vote. A lot of people from
the our have a lot of state with the Bill.

Forgiveness, work

HB 665

CITY OF TOGIAK
TOGIAK, ALASKA
RESOLUTION NO. 01

AB 665

A RESOLUTION SUPPORTING HOUSE BILL 665 AND
THE ESTABLISHMENT OF NEW APPLICATION PERIOD
FOR LIMITED ENTRY PERMIT.

BE IT RESOLVED IN SUPPORT OF HOUSE BILL 665 THE CITY
COUNCIL AND RESIDENTS OF TOGIAK, ALASKA HEREBY STATE
THE FOLLOWING:

WHEREAS, many rural residents of the State of Alaska, including
the Bristol Bay region have not received limited entry
for which they were otherwise qualified, solely because of
their failure to submit timely applications to the Commercial
Fisheries Entry Commission; and,

WHEREAS, the individual persons failure to submit a timely ap-
plication was due to factors beyond his or her control: namely,
the lack of understanding by such individuals of their rights
under the Limited Entry Act and of the need to submit an appli-
cation or be forever barred from pursuing their livelihood; the
shortness of the application period; the geographical remoteness
of the communities in which such individuals lived from the
centers of communication and application assistance, and the
misinformation prevalent concerning the standards of eligibility
for limited entry permits; and,

WHEREAS, these individuals are now prevented from participating
in one of the few or only occupations they have known, or that
is available to them in their community; and,

WHEREAS, the State of Alaska has an obligation to rectify and
injustice caused by the implementation of the Limited Entry
Act,

NOW, THEREFORE, BE IT RESOLVED that the Togiak City Council
and residents of Togiak supports House Bill 665 and the
establishment of a new application period for limited entry
permits.

APPROVED this 4th day of March, 1980

Andrew Franklin
President

ATTEST:

Anuska T. Barilla
Secretary

Residents

David B. Navabook
Pellie Blue

William P. Casperhook
Henry L. Lavin

Residents:

Sam Gesuk (if Tog.)	Frank Logusak Tog
Nellee Park (Togink)	Fannie Logusak Togah
Bruce Parian	Togink
Edwin And	Togink
Martha Aposik	Togink Ak
George Akandypik	Togink Alaska
Paula Seak (Dritt Permit Schone permit)	Togink
Walter Kube	Togink
Walter Walter	Togink
Robert Mikota	Togink
Samuel Bl	Togink
Jill J Brilla	Togink
Harry H Moore	Togink
Conrad J Dukaya	Togink
Louis Dyasuk	Togink
Andrew Dyasuk	Togink
Annika Dyasuk	Togink
Samson Dyasuk	Togink
Martha Eckert	Togink
Willie Eckert Sr	Togink

Residents:

Teddy Cooperick

Natalia Cooperick

John Cooperick

Joseph Nick

Ted P. Smith

Oliver J. Sutton

Moses Nick

Mary Nichola

Annie Blue

Billy Blue

Wasilia Kuchchuk

Frank P. Future

Mary K. Lictine

John Moore

Erin Logusak

Dave Markoff

John H. Paulin

Samson Nyozak

X Anne Nyozak

X Mary Suckale

Togalak A.K.

Togalak -

Togalak H.K.

Togalak, AK

Togalak, AK

Togalak, AK

Togalak

Togalak, AK

Togalak

Togalak a a

Togalak H.K.

Togalak, AK

Togalak H.K.

Trina Hill

Togalak, AK

Togalak AK

Togalak, Alaska 99618

Togalak, Alaska 99618

Togalak, Alaska 99618

Togalak

Residents:

NAME

Anuska Ayojiah

Jogjak

Nelen Rikwelan

Jogjak

George Smith Sr

Jogjak

Charlie Kozanick

Jogjak

Nilda Kramone

Margaret Wessell

Jogjak

Jora E Komkpor

Jogjak, No. 99678

Mary Ann Cassin

Jogjak, ak 99678

Clara J Andrews

Jogjak 99678

Herbert Sockak

Jogjak 99678

Elizabeth Dickaya

Jogjak, ak 99678

John Nel

Jogjak Ak 99678

Henry J. Jozanick

Jogjak

Sammy J. Taberling

Jogjak

Ray J. Sewell

Jogjak ak 99678

Willie Nicholas

Jogjak

Evelyn Krambe

Jogjak

Ethel G. G. G.

Jogjak

Joshua Johnson

Jogjak

Louise Dyack

Mary

Alvin Osterback
 House Resources Committee
 Alaska Legislature
 Juneau,

Apr 19, 1982

Dear Mr. Osterback

I have set net(s) in Cutbank in South Naknek since 1959. I have fished every year since ~~1959~~ 1959 except for one year in 1972.

When I went to get my permit, the guy who was helping fill them out said if I didn't fish in 1972 I couldn't get my permit. When he told me this, I didn't try to apply for my permit.

Since I'm getting older, I have been fishing with my mother. I would like to fish my own set net so if I could get my permit, I hope I can apply for my permit again.

I live in Newdale, Alaska and have lived here since I was born in 1942.

Elma Nettles

14 April 1980

Dear; Rep. Osterback

I am writing to let you know that I am in favor of the late files bill # HB665.

I was born and raised in Bristol Bay and fishing was my only income. I went onto the marine corps, and was not informed about the limited entry and nothing was sent to me. When I got discharged I could not fish with my own boat like I planned.

I am trying to get a permit under this bill, with the help of Alaska legal services.

Many people in this area support this bill.

Andrew O. Peterson Jr

April 17, 1980

Dear Mr. Alvin Osterback,

I am writing in regards to the bill to open a new application period for limited entry permits.

It is important to me and my family that we have a permit since I have a family of four and plan to increase in the future. And what my husband makes being a crew member isn't enough to provide sufficiently for the year. We have to ask for subsistence from another source during the winter months to get our food, clothing, and fuel.

The reason I didn't apply for the permit when other people were first applying, I was away in school out in Oregon. Since then I married and have a family of four.

It's been six years we've been living here and there, living with

people. We're trying to get settled
but it's hard not having a permit.
And wanting a home for us.
We need a permit very bad.
Having one will help us get
what we need.

Thank You,

Sincerely,

Mr. Mrs. Paul Panamarioff
Koliganek, Alaska
-99576-

Right now we are living with people in
Dillingham. Hopefully we'll be moving
to Koliganek after fishing if my husband
makes enough to build a small house.

Helen M. Chythlook
Box 11
Dillingham AK 99577

April 17, 1980

Alvin Osterback
House Resources Committee
Pouch V
Juneau AK 99811

Mary

RE: H.B. 665 - Late Applications
for Limited Entry Permits

Dear Mr. Osterback:

I am writing to you because I support H.B. 665 - Late Applications for Limited Entry Permits Bill. I was denied the privilege of getting my Limited Entry Permit because the Limited Entry Commission said I applied too late. So, I have been using my mother's permit to commercial fish salmon.

Since fishing is my main occupation, I would like to get my own permit, so that I can transfer mom's permit back to her, and be satisfied with myself of owning my own permit.

I only work on C.E.T.A. eligible jobs, when they're available, but at \$700.00 a month take-home-pay, that's not very much. The C.E.T.A. monies that I earned have all been "eaten-up" by monthly living expenses. Especially here in Dillingham, house and apartment rents range from \$550.00 - \$1,000.00 a month. This does not include utilities and heating expenses, or for food, clothing expenses. If it were not for my partial dependance on subsistence foods, I don't think I would make it financially.

It's tough living in small towns and villages. I'm sure you already assume that. A lot of the Native people here in Bristol Bay also use bush airplane taxis to get around and they are all charter rates. We need the fishing money we earn to survive, both financially and economically.

Let me give you a sample village Native family so that you can visualize what village living is really like. Most of the Native persons who were denied permits parents are older, the approximate age of their parents are between 50 to 65 plus. The Native parents, who were never educated, except to 4th grade, live mainly on subsistence foods, such as: salmon, wild berries, wild greens in the summer; moose, late wild berries, fish, ducks in the fall; trout, pike fish, ptarmigan, stored berries, seal in the winter and spring. The parents are getting some monthly public assistance funds from the State--Old Age Benefits, which varie, an approximate amount received per month for both parents could be \$400.00 a month, if the parents are eligible.

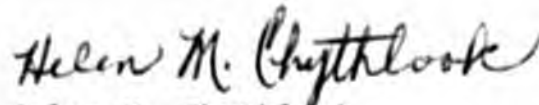
Alvin Osterback
House Resources Committee
April 17, 1980
Page Two

This Old Age Benefits is the older Native parents monthly income. Again, this money goes for living expenses, such as stove oil, gas, and bush plane fares, as well as food expenses. Could you stretch \$400.00 a month on all that with 6 children to feed and clothe and still meet your living expenses?

The above example, is a typical village lifestyle for most of the way the Natives of Bristol Bay life.

Therefore, I strongly urge you to pass the House Bill 665 - for Late Applications for Limited Entry Permits, for us Alaska Natives who did not get Limited Entry Permits, and feel that something has been taken out from us, the right to salmon fish in our own Bristol Bay waters with the pride that we will have cash for the harsh winter, after the salmon season closes.

Sincerely,



Helen M. Chythlook

cc: Fred Torresi, Attorney, Dillingham
Dave Snyder, Alaska Legal Services

HB 665

April 16, 1980

From; Gilly Jacko
Pedro Bay (907)793-8001
Alaska 99647

Subject; H.B. 665-Late Applications for Limited Entry Permits.

To Whom It May Concern;

Dear Sir's,

I want to apply for a limited entry permit. I live in a small village of Pedro Bay Alaska. I have tried to get my permit for several years now, but to date I have not. I fished for Red Salmon cannery for about Ten years. I also fished for Alaska Packers for over Twenty years. I am an old man, but I have lots of children, We live from fishing, I raised my whole family from fishing. I and my family need the chance to live like other people, with a permit. With a permit in the family we can live again, my children are fisherman but without a permit, I had a fishing license before that, the same year it went to limited entry, nobody let me know about it, nobody came here and told me that it went to limited entry. The next year after that we had a fire in the house, and my old licenses were burned up in that fire, then I had nothing to show that I had over thirty years of fishing in Bristol Bay. I tried since then to get my permit but its hard for me because I need somebody to help me. The fact is that the reason I did not know to apply for a permit when people were first applying is that I did not know about it, nobody told me you had to apply for it, then that year I went fishing, they said I could not, because I needed that permit, and I have been trying for it since then, but to no progress. If I get my permit, I will not sell it to anyone, I will keep it in my family, for me and Momma, for my Sons, for us to use like we did before in raising our families. I have lots of grandchildren that there papas could work for me for percentage of the catch,. I and my wife, my sons and my son-in-laws, not to mention all my grandchildren need that permit, we make our sole living from fishing, our life is based on fishing, Please help us, we need to live good again, like other people are supposed to live. Now they tell me to apply again, but it dont look good, we need that permit for this season, for 1980 fish run. Please follow with the House Bill No. 665, We lived our whole lives from fishing, our ancestors lived from fishing, Please help us. You make your living at what you do best, We also do the same thing as you. If you were told you could not make your living, what would you do then ? We need our living back, Please give it to us. Please comply at once with this urgent letter, as Me and my family, as humans, need to fish again.

Sincerely Yours,

Gilly Jacko
Gilly Jacko

HB 665

FREDERICK TORRISI

Attorney

Box 10047
Dillingham, Alaska 99576
842-6308

April 14, 1980

Alvin Osterback, Co-Chairman
Resources Committee
House of Representatives
Pouch V
Juneau, Alaska 99811

re: HB 665

Dear Representative Osterback:

After the teleconference hearing on HB 665, during which over 50 persons testified in support of the bill, the United Fishermen of Alaska mailed the enclosed letter to an unknown (but large) number of permit holders. It is my understanding that many of these persons have written to oppose the bill since then. Because the primary beneficiaries of the bill are rural Alaskans, many of whom live in small villages without access to the media, I would like to respond to what I perceive as a misdirected effort by those misinformed by the UFA letter.

First of all, the Commission report which supplied the 560 figure for Bristol Bay drift was refuted by attorneys practicing in Anchorage, Homer, Kodiak and Dillingham at the teleconference. Yet UFA and the Commission continue to use the figure as if it were true, and UFA made matters worse by speaking of 560 new permits as if the bill created rights heretofore nonexistent. In fact, 560 is the maximum theoretical number of such permits possible if absolutely everyone who failed to apply in 1975 did so this time and if the correlation between preprinted (computerized) points and actual points were the same as in the original period. Clearly this would not be true, in that many of the persons failing to apply in 1975 did so because they did not have a chance at proving enough points to obtain a permit. The only ones with enough points to get a permit who failed to apply were those misinformed of the nature and procedure involved--primarily rural Alaskans.

Those of us representing persons failing to apply by the deadline know by experience that most persons who will try to obtain a permit if HB 665 becomes law will fail to prove enough points to do so. None of the nonresidents who have called me in this regard appear to have enough points, and in fact few of the local people seeking drift permits would actually qualify. But those who did miss the opportunity to obtain a permit have suffered a devastating loss, as was evident at the teleconference, and that loss becomes no less of one because 3000 opportunists might also try to take advantage of a new application period. The bill does not change the point system in any way, a point not made by UFA and not understood by the Outside persons who think HB 665 will allow them to receive permits for which they were not--and are not--qualified.

Representative Alvin Osterback
April 14, 1980
page two

From the beginning, limited entry has been misunderstood by large numbers of those who had to deal with it. As one who was in Dillingham in 1974-75, I can tell you that explaining the concept and application procedure was a formidable task. Many village residents don't understand today what has occurred, and especially older persons. Because the 1975 ADF&G forecast was poor, many local persons ignored the limited entry publicity (such as there was; KDLG was not on the air then, on the assumption that they would apply the following year. Others who had retired didn't apply because they failed to appreciate that a new species of property had been created and that their sons and daughters might not be able to qualify for permits because they lacked the requisite number of points.

In the last five years, many of these people, or their children, have learned what has occurred. While a new application period would not reach everyone, it would place permits in the hands of a sizable number of Alaskans, for whom there exists no alternative source of income. This result is well worth the administrative inconvenience to the Commission caused by re-applying the 1975 point system to new applications; it would appear in any event that the CPEC budget needs to be increased.

Please contact me if you have questions on any of the foregoing. As the UFA letter indicates, there are a lot of misconceptions about HB 665, and in fairness to the disenfranchised men and women denied permits, it is necessary to correct these before the Committee votes on the bill

Thank you.

Sincerely,


Frederick Torrasi
Attorney

FT/tm

cc: Neils Anderson, Jr., Majority Leader
Terry Gardiner, Speaker
Senator George H. Hohman
Senator Bill Sumner



UNITED FISHERMEN OF ALASKA

MAILING ADDRESS: 7 19801
1976
1976
1976

Sharon MacBlin
Executive Director

TO: ALASKA'S FISHERMEN

FROM: PHIL DANIEL
Executive Advisor, UFA

Limited Entry is in big trouble! There is a bill before the legislature, that, if passed would create 560 new drift permits in the Bristol Bay drift fishery alone. That would amount to a 30% increase in the number of permits that presently exist in that fishery. Unfortunately, no one knows how many new permits would be issued in the other limited fisheries in the state. These figures are simply not available.

This bill, HB 665, is known as the "late filer bill", and it would establish a new application period for people who failed to apply for permits during the two previous application periods. At least 4,000 people would be allowed to apply. Needless to say, drastic increases in the number of fishermen entering the fishery will most likely result in losses of fishing time.

The United Fishermen of Alaska is trying to amend the bill to get the numbers down. If that approach fails, we will be forced to try and kill the bill. You should be advised, however, that this legislation has strong support in the legislature.

We need your support! The most effective weapon that UFA has rests on your willingness to make yourself heard. We desperately need a flood of letters and telegrams to key legislators.

Please write or send telegrams to the following members of the legislature: Representative Nels Anderson, Representative Alvin Gustafson, Representative Jerry Gardiner (Speaker of the House), Senator Clem Latham (President of the Senate), Senator Bill Sumner, and Senator George Holman, as well as your local senator and representative. Send your letters addressed to: Pouch V, Juneau, Alaska 99811. It is not possible to overemphasize the importance of doing so immediately!

Please be polite. You should emphasize the fact that there is already too much gear in most of our fisheries, that we cannot afford further reductions in fishing time and that we are looking at dismal price projections for this coming year.

You should also be advised that the UFA's lobbying effort is in financial difficulty. We have tried to raise money for what we assumed would be a major Limited Entry battle this year. The crisis is now upon us, and the money has not come in. Some of you have contributed, and we appreciate your support very much. The fact remains, however, that most fishermen have failed to respond. If you believe that large increases in the amount of gear in your fishery is desirable, then you should do nothing. On the other hand, if you view this bill as a danger, you should send a check to the Limited Entry Defense Fund, c/o the United Fishermen of Alaska, 197 S. Franklin Street, Juneau, Alaska 99801.

If more money does not come in we will be forced to cut down on our lobbying effort.

A personal note: If it becomes necessary to cut back, I will be the first to go. Since there are other things that I would just as soon be doing, it's not such a bad idea from my viewpoint. In my opinion, however, we are in deep trouble, and I am not convinced that we can afford a cut in the lobbying effort at this time.

LIMITED ENTRY DEFENSE FUND
c/o U.F.A. 197 S. Franklin St., Juneau, AK 99801

Enclosed is:

NAME

ADDRESS

CITY

STATE

ZIP CODE

COMMENTS:

Lucy E. Gloko
P.O. Box 8
Manokotz, AK
99628

April 16, 1980

Nels Anderson Jr.
House of Representatives
Pouch V-- Capitol
Juneau, Alaska 99811



Dear Representative Anderson,

I am in support of HB 665 I am in favor of applying
for a entry permit.

I have fished most of my life as a fishing partner
and have fished as a set net gear holder. (1964- 1966)
Set netting in Bristol Bay has been my only source of
income. If I am awarded a permit it would give me back
my traditional summerjob. Not having a permit has caused
a hardship because I am unable to set net anymore.

I failed to file for a permit since I was not aware
of the Limited Entry but until it was to late the following
year.

Sincerely Yours,

Lucy E. Gloko
Lucy E. Gloko

cc:
Governor Jay Hammond
Alvin Osterback
House Resources Committee

RESOLUTION NO. 57-70

MW

A RESOLUTION SUPPORTING HOUSE BILL 665 AND
THE ESTABLISHMENT OF NEW APPLICATION PERIOD
FOR LIMITED ENTRY PERMIT.

WHEREAS, many rural residents of the State of Alaska, including the AYK region have not received limited entry permits for which they were otherwise qualified, solely because of their failure to submit timely applications to the Commercial Fisheries Entry Commission; and,

WHEREAS, the individual persons failure to submit a timely application was due to factors beyond his or her control: namely, the lack of understanding by such individuals of their rights under the Limited Entry Act and of the need to submit an application or be forever barred from pursuing their livelihood; the shortness of the application period; the geographical remoteness of the communities in which such individuals lived from the centers of communication and application assistance, and the misinformation prevalent concerning the standards of eligibility for limited entry permits; and,

WHEREAS, these individuals are now prevented from participating in one of the few or only occupations they have known, or that is available to them in their community; and,

WHEREAS, the State of Alaska has an obligation to rectify the injustice caused by the implementation of the Limited Entry Act,

NOW, THEREFORE, BE IT RESOLVED that the
supports House Bill 665 and the establishment of a
new application period for limited entry permits.

DATED: *March 13, 1980*

James Willie Mayor
Embraygo Vice Mayor

City of Noyah

- Heckfala Evan* member
- George N B lly* member
- Eric C Paul* member
- Carl Matgin* member

March 5, 1980

P. O. Box 114
Dillingham, Alaska 99576

Representative Alvin Osterback
Chairman, House Resources Committee
House of Representatives
Pouch V
Juneau, Alaska 99811

Representative Nels A. Anderson, Jr.
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Osterback and Anderson:

I would like to present written testimony for the record on HB 665. I am in favor of HB 665 and would like you to read the following information that gives an example of someone who is considered a late filer.

Frank Brothers, my son-in-law began fishing with me in Bristol Bay in 1967. In 1968 and 1969, Mr. Brothers worked in Kodiak as a fisherman. In 1970, he fished my boat because I was disabled and couldn't fish. Following that, he fished as a partner in 1971, 72, and 73. He then went to work on the pipeline. While working on the pipeline, he wrote for information on getting a limited entry permit. He was sent the information and an application. He sent the application back to the Commission and did not receive an answer or acknowledgement of receipt of the application. He wrote again and they wrote back and told him he was too late and that he missed the filing deadline. He figured that he was ineligible and continued to work in the fishery as a boatpuller. In 1976 he reapplied for a limited entry permit, but was refused or denied because he did not meet the filing deadline. Mr. Brothers had enough points, however. The reason his application was denied was because of the filing deadline.

He has worked as a fisherman for many years and has a wife and four children and they are all dependent upon fishing as their main source of income and livelihood.

Is there any way for your people to check on this for me and for my son-in-law Frank Brothers? I would appreciate receiving an answer after you have had a chance to look into this case with the Limited Entry Commission offices. I will be looking forward to hearing from you. Can you please send a copy of my letter to the Limited Entry Commission? Thank you very much for your time and help in this matter.

Sincerely,

Frank Hiratsuka, Sr.

LA61 3986 17.12 JA01 0086 17.12 03/25/80

10

TO: SENATOR BOB MULCAHY
TO: REPRESENTATIVE FRED ZHAROFF
TO: ALL MEMBERS OF THE HOUSE RESOURCES COMMITTEE,

*Halford
Chatter, Hay, Eliason
Osterback, Miles,
Carney, Cotten, Fuller*

I CAME HERE LAST YEAR FROM FLORIDA. I CAN APPRECIATE A LIMITED ENTRY PROGRAM MAINLY FOR KEEPING THE "FISH POPULATION" UP.

HOWEVER, IN REGARD TO HB 808 AND 665 I FEEL THAT FAIRNESS AND RESPECT TO THE "OLD TIMERS" HERE HAS BEEN NEGLECTED. THEY SHOULD BE ALLOWED PERMITS SIMPLY BECAUSE THEY ARE ALASKAN RESIDENTS AND HAVE BEEN FOR SOME TIME. THE INCOME THEY MAKE FISHING STAYS HERE IN ALASKA WHERE AS A LOT OF PERMIT OWNERS TAKE THEIR MONEY BACK TO THE "LOWER 48" WITH THEM. I THINK THESE ALASKANS SHOULD BE ALLOWED PERMITS.

JOHN A. SPRAGUE
KODIAK, AK. 99615

LA61 3909 17.06 J401 0084 17.06 03/25/80

10

TO: SENATOR BOB MULLAHEY
TO: REPRESENTATIVE FRED ZHAROFF, ALVIN OSTERBACK, BILL MILES,
CHAT CHATTERTON, RICHARD ELIASON, RICHARD HALFORD, PATRICK CARNEY,
SAMUEL COTTEN, JOHN FULLER

I FULLY SUPPORT HB 508 AND 665 IN LIMITED ENTRY FOR ALL PIONEER
FISHERMAN OF ALASKA DURING THE EARLY DAYS OF ALL THE HARDSHIPS AND
THEY DESERVE EQUAL RIGHTS. I BELIEVE THESE TWO BILLS DO PROVIDE.

AS A RESIDENT OF ALASKA OF OVER 30 YEARS AND NOW I LIVE IN KODIAK,
I URGE THESE BILLS TO BE PASSED.

FRANK LEE
BOX 3198
KODIAK, AK. 99615

LA34 3392 15.29 JAO1 0062 15.29 03/25/80

TO JUNEAU
FROM DILLINGHAM

PLEASE RELAY THE MESSAGE BELOW TO REPRESENTATIVE NELS ANDERSON'S OFFICE,
AND REPRESENTATIVE ALVIN OSTERBACK, CHAIRMAN OF THE HOUSE RESOURCES COMMITTEE
AND OTHER MEMBERS

THOMAS TINKER CAME INTO THE LEGISLATIVE INFORMATION OFFICE TO URGE SUPPORT
OF HB665, THE LATE FILERS BILL. HE FISHED MOST OF HIS LIFE AND SERVED
IN
THE MARINE CORPS DURING 1972 TO 1974 AND WAS AWAY DURING THE APPLICATION PERIOD
FOR LIMITED ENTRY PERMITS. HE WOULD URGE THAT THIS BILL BE PASSED FOR
THOSE
PEOPLE WHO MISSED THE APPLICATION THE FIRST TIME AROUND SO THAT THEY CAN BE
GIVEN A CHANCE TO RE-APPLY FOR LIMITED ENTRY PERMITS. THIS IS THE MAIN SOURCE
OF INCOME.

FROM: THOMAS TINKER, BOX 26, ALEKNAGIK, ALASKA 99555
E

Nunam Kitlutsisti
P.O. Box 267
Bethel, Alaska 99559

Mr. Bill Miles
Mr. Alvin Osterbach
Co-Chairmen
House Resources Committee
Alaska House of Representatives
Pouch V -
Juneau, AK 99811

Re: HB 665

Dear Representatives Miles and Osterbach:

Enclosed please find a petition from residents of Tuntutuliak, Alaska, in support of HB 665 regarding "late" applications for limited entry permits. The petition was mailed to our office and I am forwarding to you.

Sincerely,



Kenneth R. Hamm
Fisheries Coordinator

cc: Mr. James Charles
Tuntutuliak

We the citizens of Tuntutuliak, Alaska
support the House Bill No. 665 introduced
by Rep. Nels Anderson.

James G. Charles
Eddie R. Angapok
Nancy H. Jimmie
John Paula
Frank Fugger
Peter Joseph's
William Massie
John G. Anderson
Katie A. Joff
Anna C. Andrew
Mary B. Miller
Nancy Charles
Anna Joseph.
Leon White
Aklia White
Martina Chris
Pancy Lypie
Dawn Groh
Alvin H. Fitts
Robert Andrew
William K. Andrew
Larky Daniel

City of Napakiak

GENERAL DELIVERY
NAPAKIAK, ALASKA 99634
(907) 543-2062

Mary

Representative Alvin Osterback
House Resource Committee
Pouch V
Juneau, Alaska 99811

March 14, 1980

Dear Alvin:

Enclosed you should find Resolution 80-10 and signed by the City Council of Napakiak. The City Council met with the community on March 13, 1980 and when this Resolution was presented the Council voted to support the Resolution concerning HB 665.

Thank you for accepting this Resolution.

Sincerely,

Fritz J. Willie

Fritz J. Willie
City Manager

PJW/men

11 New since 1st inta put in files

KENNETH R. HAMM
ATTORNEY AT LAW
P.O. Box 1243
Bethel, Alaska 99559
(907) 543-2385

File: TOSH
3 Game

March 5, 1980

Mr. Bill Miles
Mr. Alvin Osterbach
Co-Chairmen
House Resources Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

RE: HB 665

Dear Mr. Miles and Mr. Osterbach:

I'm an attorney in Bethel who has worked with limited entry problems in the Bethel service area for the past three and a half years, first as an attorney with Alaska Legal Services, and now with Nunam Kitlutsisti. I would like to take this opportunity to make some very brief comments on HB 665.

HB 665 is a very narrow bill aimed at a specific problem: persons who have enough points to obtain a permit but failed to apply in a timely fashion. It is my understanding that the Commission is claiming that the passage of such a bill will result in a flood of new permit holders which will overcrowd the fishery. My experiences do not lend credence to this assertion. During the past three and one-half years I have spoken with approximately 250 individuals concerning the problems they have had with limited entry permits. Out of that number only 10 or 15 would receive permits if a new application period were opened. Although the Commission might expect numerous applications if such an application period were opened, I do not believe that the administrative problem which this would create justifies the continued denial of permits to persons who have enough points but failed to apply in a timely fashion.

Those persons who had enough points but failed to apply on time were not at fault. There seem to be two classes of persons who failed to apply on time. The first class consists of individuals who were not physically present in the area during the application period and had no knowledge of the limited entry system or application period until it was too late. The reasons for such absence are varied: military service, higher education, and incarceration are but a few. The second class of such individuals are generally older, fail to understand English, and are culturally and geographically isolated from the Commission's chain of paperwork. Both classes of individuals were long-time commercial fishermen who depended upon the industry for their income and will suffer severe financial hardship if they continue to be excluded from the fishery. I can see no rational justification for continuing to exclude this handful of individuals from the fishery.

Mr. Bill Miles and Mr. Alvin Osterbach
3/5/80
Page 2

The one concern which I have about HB 665 is that it does not go far enough. The bill would simply open a new application period. The bill does not guarantee that persons with sufficient points will receive permits since they are still required to apply for a permit. Needless to say, many of the reasons that persons failed to apply during the original application period, such as linguistic differences, cultural and geographical isolation, and absence from the State, continue to the present day, and it might be expected that these reasons will continue to frustrate the smooth flow of paperwork. Consequently, I recommend that the bill contain a provision that simply requires the Commission to inspect its records and automatically issue permits to those persons with a sufficient number of points. Such a provision would insure that the problem which the bill seeks to address is actually corrected.

In the absence of such a provision, the bill should require a lengthy application period (at least one additional year) coupled with strong outreach requirements insuring that persons with sufficient points are notified by the Commission of the new application period and informed that they appear to qualify for a permit.

Sincerely,

Kenneth R. Hamm

Kenneth R. Hamm
Attorney at Law

cc: Members of the House Resources Committee
Nels Anderson
Terry Gardiner
Clem Tillion
George Holman

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION

R. O. BOX 181
DILLINGHAM, ALASKA 99576
TELEPHONE 842-5653

March 28, 1980

Representative Alvin Osterback, Co-Chairman
House Resources Committee
Alaska State Legislature
Pouch U
Juneau, Alaska 99811

Re: House Bill 665

Dear Representative Osterback:

Enclosed is a statement in support of HB665 which was submitted to me. Please have this included in the record of proceedings.

I have been speaking with Nels Anderson's office in regards to this bill. I hope to be in Juneau during April for any further hearings before your committee and to help support this bill.

If you have any further specific concerns regarding this bill, please do not hesitate to contact me.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION


David J. Snyder
Supervising Attorney

DBS:ml

Enclosures

RE: Statement in Support of House Bill 665

From: Timothy E. Troll, City Manager, St. Mary's, Alaska.

First I want to thank you for the opportunity to make this statement. I am sorry that I cannot be here personally but my duties in St. Mary's prevent it.

Before becoming the Manager for the City of St. Mary's I was an attorney for Legal Services Corporation in Bethel and spent a large part of my time working to obtain permits for people in this area. I consider the work I did in the area of Limited Entry law to be the most rewarding and most important work I did.

House Bill 665 is needed to correct a grave injustice that has occurred in the administration of the Limited Entry law. I completely disagree with those opinions you may have heard that this law will open the floodgates to new ~~applicants~~^{permits}. It certainly will not in the AYK fisheries. Regardless, I don't think this consideration the most important. House Bill 665 does no more than implement what is already required by existing law.

I would like to read to you Section 16.43.270.

Sec. 16.43.270. Initial issuance of entry permits. (a) The commission shall issue entry permits for each fishery, first to all qualified applicants in the priority classifications designated under § 2540b) of this chapter and then to qualified applicants in order of descending priority classification, until the number of entry permits issued equals the maximum number of entry permits established under §§ 230 - 240 of this chapter for each fishery, except that no person within a priority classification specified under § 2540b) of this chapter may be denied an entry permit.

You will note that the last sentence in this section says 'that no person within a priority classification specified under §250(b) of this chapter may be denied an entry permit.' Referring to §250(b) it says: "The commission shall designate in the regulations those priority classifications of applicants who would suffer significant economic hardship by exclusion from the fishery. The sole criteria established is economic hardship. Time of application is not a factor in determining hardship. As such according to §270(a) any person who has enough points to receive a permit will suffer economic hardship if excluded from the fishery and thus cannot be denied a permit.

On the Kuskokwim that point level is eight (8) and on the Lower Yukon that point level is ten (10). Any person who comes within these point levels cannot be denied a permit under the present law, even if he did not submit a timely application.

To add to the unfairness of using an application deadline to exclude people from the fishery consider that the Entry Commission knew most of the persons entitled to receive permits before it sent out the applications. In many cases the Commission preprinted points on the application and often the points preprinted were enough for a permit. Why didn't the Commission just send a permit? What was the need for having an application at all? Three of my clients at Legal Services had precisely this problem. Each was sent an application with enough points preprinted to receive a permit. By the Commission's own standards these individuals suffer significant hardship by exclusion from the Fishery, yet they are excluded. Their exclusion is at bottom a penalty for not reading or understanding english.

Mrs. Farris R. Crookston
286 N. 2650 E.
Layton, Utah 84041

April 1, 1980

Representative Alvin Osterback

Dear Sir:

I have been trying for three years to get my limited entry permit to no avail of course. I was a late filer. Not because I didn't know about filing but because I didn't think I qualified. (See enclosures).

I know you are busy - and I have included most of the correspondence concerning it. If you can't take time to read it all - please read my letters to the Commission and the red lined portions of the last letter from the Commission.

Since then I have called several times and they said they would mail my file and give me a new rundown - but they didn't. Also I think it is worthy to note that they accepted my check for the permit - told me they would give me a permit, then subsequently did not - but they did keep the check. That has been almost three years. It seems to me that if they had my money then I should get the permit.

I have fished side my side with my land on Palmdale beach in Loma since 1973 and still do - I need and desire that permit. Please help me get it.

Enclosure of 12/6/79 will ensure ... Please vote for it.

Very hopefully yours,

Farris R. Crookston

August 31, 1977

Gentlemen:

According to your instructions you will not accept this application for an entry permit. I am submitting it irregardless of the instructions and for good reason.

It would have been submitted in the beginning had it not been for confusion created by the commission itself as to who could qualify for such a permit.

I fished side by side with my husband on our set net site since 1965. I had gear license (probably) during the years 1970, 1971, 1972, 1973, 1974. My sons held them from 1965 through 1969 and would have applied for entry permits had not the same confusion you created existed in their minds.

I have never had a commercial license because the law states that a wife fishing with her husband need not have one.

I have never delivered fish in my name because we saw no need for more than one account at the cannery for a family operation. All fish were delivered in my husbands name.

I own half of the set net site and half of the gear.

The confusion of which I speak was generated when we first received application for entry permits. The implication (at least in our minds) was that it would take 20 points to qualify for such a permit and since my husband was the only one with 20 or more points he was the only one of us to apply. Never in our wildest dreams did we ever imagine that 6 points would ever qualify one of us.

About a year ago I wrote and explained some of these things, and rather than a reply, we received a list of names of people who might sell. I don't want to buy one. I want my own. Couldn't you have sent some information at that time and at least tried to be helpful?

My husband phoned the other day and found out the 6 points was all that was necessary to qualify. Weren't we naive not to recognize that the 20 points mentioned would eventually be lowered to 6 points? On that basis, I had three sons and one daughter that may have qualified.

I therefore submit the following application and ask for special consideration because I refuse to believe that the Great State of Alaska is so rich and untending that they will not help solve a problem which they themselves generated.

We need one entry permit. Please help us get it.

Respectfully yours,

Signature in Original
J.H.C.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

COMMERCIAL FISHERIES ENTRY COMMISSION

POUCH RB - JUREAU 0001

November 9, 1977

Mrs. Farris Crookston
286 N. 2650 E.
Layton, Utah 84041

Dear Mrs. Crookston:

Governor Hammond has requested that I reply directly to your letter to him concerning your application for an entry permit for the Cook Inlet set net fishery. Please excuse the delay in acknowledging the letter you sent to the Entry Commission on August 31, 1977, along with an entry permit application form. The form you used was for a special group of applicants made eligible under a State Supreme court decision and is part of a different application process. Consequently, it got routed into a different part of the system.

Your letter of August 31st indicates that you did not apply during the original application period which ran from December 19, 1974 through May 1975 because of confusion created by the Commission that caused an implication in your mind that it would take 20 points to qualify for a permit.

Item 8 on the original application form is a box containing the following statement:

"Any time you have 20 or more verifiable points, you will receive an entry permit and you may skip to part 3 on the reverse side. Since permits may be awarded to those with fewer verifiable points, all other applicants, including those uncertain of points, are urged to complete all lines from 9 - 24."

Page 2 of the general instructions for these applications repeats that information.

Under the cover sheet for the instructions, the first item is a letter from then acting chairman of the Commission, Roy A. Rickey. The third paragraph of that letter begins,

November 9, 1977

"Should you need assistance in completing the application, do not hesitate to call our Juneau office (area code 907 586-3456) if you cannot find anyone to help you locally." Concerning other points raised in your letter of August 31st:

1) The instructions on pg. 5 and 6 explain specifically what it is necessary to do to receive credit for active participation as a gear license holder if fish were not landed in your name.

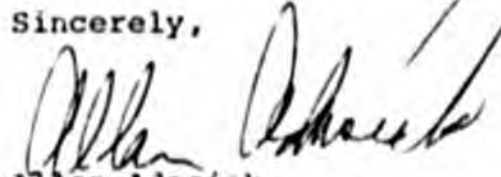
2) The instructions concerning crewman credit on pgs. 7 and 8 explain what is to be done to receive crewman credit in years when you did not fish as a gear license holder.

3) The note at the bottom of pg. 8 of the instructions explains the procedure to be followed if you were a crewman for your husband and not required to have commercial license.

If you were confused, there was an opportunity to telephone or write the Entry Commission, or contact one of its agents, to receive application assistance. Your file does not indicate any such contact with the Commission.

While the application process is admittedly complex, the Entry Commission has made all reasonable efforts to be clear, to dispell confusion, and to provide application completion assistance. It is regrettable that you did not submit an application during the 1974-75 application period. If you can demonstrate that you were clearly misled or erroneously advised by the Commission or one of its agents, then the Commission may be able to accept a late application from you, depending on the nature of the evidence submitted. Given the information currently before the Commission, there is no authority under which we may accept a late application from you.

Sincerely,



Allan Adasiak
Chairman

AA:eb

cc: Jay S. Hammond
Governor

November 16, 1977

State of Alaska
Commercial Fisheries Entry Commission
Pouch KB
Juneau, Alaska

Dear Mr. Adasiak:

It was with a great deal of disappointment that I read your letter dated November 9, however I feel fully justified in asking that you reconsider my case. Fishing Cook Inlet is our life and our lively-hood. What ever else we do during the year is secondary and the day we arrive in Utah at the end of the season is the day we begin our preparations for our return trip back to Kenai. Mr. Adasiak, we need that permit, please help us get it.

There is no new information, no new facts, but may I point out to you some things I feel are worth the consideration of the Commission.

In your letter, which I include here for your convenience, you mention that my application was misrouted and that was the reason for the delay in answering. You merely asked to be excused for your confusion, yet I attached a note directly to the application stating that it was a late application and not of the category mentioned. If your people were confused by my one paragraph, then try to imagine, if you can, the confusion that we must have felt as we ploughed through 41 pages of instructions, maps and directions, you sent to us. Not to mention the 10 or 12 years of fish slips closing statements and old applications for gear license and etc.. We were confused.

In your closing paragraph you mention that if I can demonstrate I was misled or erroneously advised that you could reconsider my position. I think I can demonstrate that we were clearly misled by the very paragraph (item 8) that you quote as that portion which clarifies the matter. It all boils down to what you communicated or thought you communicated to me, and I didn't think you said what you thought you said. The inclusion of the word fewer makes the whole paragraph highly subjective depending on ones point of view. For example, "a lot of snow" to a person in southern Utah could mean 10 or 15 inches, but a lot of snow to a person in northern Utah would have to mean 10 or 15 feet, and thats a pretty broad interpretation for four simple words.

A person who saw no need for limited entry and was against it would probably have applied after reading item 8 if they had only one point. We felt that limited entry might be a fine thing and talked about the fact that perhaps Alaska had a system that might hold up in court after a couple of failures, and we adopted the position that, and this is in the God's truth, that fewer than 20 points might mean 19 points or maybe even drop as low as 18 points. We never even once considered that it might go as low as 15 points. We felt at the time that I might have 10 or 12 points and never once did it cross our minds that fewer than 20 might some day mean 6.

That brings me to the top of page two of your letter. Having taken the position that we did on item 8 we felt in our hearts that a call to Juneau would only serve to varify our conviction that fewer might mean 18 or 19 points. We did not pursue points 1, 2 and 3 because we felt we had already been defeated by item 8, so naturally there is no record of a phone call or inquiry. We filed for a permit for my husband, put the directions away and considered the matter closed until we learned this summer that 6 points could have qualified me. If this is not a clear cut demonstration of clearly being mislead, however unintentional on your part, then I shall probably never see one.

It is easy for you to look back in retrospect and tell me how what I should have done then, but that is hardly necessary, I can do that.

Another point: Can you honestly say that at the time the document was written that you thought 6 points might qualify a person? If you didn't then your position on item 8 was such like mine, and if you did, then don't you feel you could have made it more clear by indicating that fewer than 20 points could have meant as few as 6 points.

I told the only other fisherman down here, that I know of, that I was reapplying for an entry permit, and his reply was that it wouldn't do any good because one had to have 20 points to qualify. He (Ken Carlson) has fished in Kenai since about 1958, and had the very definite impression that a permit could not be granted with less than 20 points. That was in October of this year, and he got his impression from the same 41 sheets of instruction as I did. I was clearly not the only one who was misled. His address is 92 N. 2nd E. Box 234, Wickham, Utah 84321. If you care to contact him or I can get a written notarized statement from him if it would be helpful.

You also mentioned in your last paragraph that if I could demonstrate I was clearly misled by the Commission on one of your agents that you would reconsider my application.

On August 31, 1977 I submitted a letter and application to the Commission asking for consideration on the very matter we are discussing. Sometime later I received a form letter from the Commission acknowledging receipt of the application. The letter stated that the application had been accepted, that my twenty dollars was on deposit and that they hoped to have all of the applications processed sometime in November. It further stated that if I had the necessary 6 points I would receive an entry permit. If I did not have the necessary 6 points that my money would be refunded to me. Since I had at least 6 points I was fully confident that my entry permit was assured.

May I quote from your closing paragraph, "It is regrettable that you did not submit an application during the 1974-75 application period." This is clearly an admission that I had the necessary points to qualify, otherwise there would be nothing to regret.

Further my son Kent Crookston Star Route 1957 Hogard Road, Palmer, Alaska 99575, called the Commission to see if he might qualify for a permit. While on the phone he inquired about the status of my application. He was told that my application was received and a special hearing would be held considering it. He too would file a signed notarized statement to that effect for your inspection.

About a week before I received your disappointing letter, Germa Farnham of LUNA, Idaho called me and offered to sell me her permit because she had a buyer for it and wanted to give me a chance to buy it. She had given me first rights of refusal last spring. I told her of the letter I had received from the Commission. She felt as I did, that my entry permit would be forthcoming, and so offered her permit to the other party. I mention this to point out how sure I was of the information I received from the Commission. Now I find that the information was erroneous. There will be no entry permit forthcoming. I think this demonstrates that I have been given erroneous information by the Commission or one of its agents. I therefore ask that the Commission accept my late application, and that they make a decision in my favor.

I will get signed statements from the two parties and forward them to you for inclusion but feel this letter cannot wait for them now.

I committed no crime in filing late, I ask to be excused for my ignorance or stupidity, or whatever you choose to call it. I cannot offer you any documentation other than that which I have mentioned. My only weapon is the truth and I pray to God that you will recognize it as such. I am a deeply religious person and would offer you nothing else.

I do not seek a permit to resell at a profit, I seek it to use, then pass on to my sons for their use when we turn our set net site over to them at some future date.

I further ask, Mr. Adasiak, that you reverse your decision and that you become my personal champion in convincing the Commission that they should issue me an entry permit.

This probably sounds like I am trying to rationalize for my own short comings, or blame the Commission. Please rest assured that such is not the case. I feel as you do, that the Commission tried in every way to make the information say what you wanted it to say. Unfortunately that is seldom possible, not necessarily because of the complexity of the system so much as the complexity of the human mind. I only hope I am capable now of conveying to you that which I think I said.

If you can think of anything I might be able to send you that would be of help, please advise me as to the nature of it and I will try and supply it to you.

What more can I say? I rest my case and I thank you very much.

Respectfully yours,


Harris Crookston

COMMERCIAL FISHERIES ENTRY COMMISSION

POUCH 28 - BUREAU 2001

November 30, 1977

Mrs. Farris Crookston
286 N. 2650 E.
Layton, Utah 84041

Dear Mrs. Crookston:

We are most sorry to inform you that the Commission cannot under the Limited Entry Law and regulations accept your late application for a Cook Inlet set net entry permit.

The Commission is authorized to issue 686 entry permits for the Cook Inlet set net fishery. By regulation, an application period extending through April 18, 1975 was established in which applications were accepted. An additional application period for selected individuals not included in the original application period was later ordered by the Alaska Supreme Court. Only where an application was lost in the mail, or where the Commission erred in advising an individual, has the Commission deviated from these application periods. The reason for an application period may not be readily apparent: it is because until all applications are finally before the Commission and processed, no final decisions on the point level of issuance can be made. All permits for the Cook Inlet set net fishery have now been issued.

The Commission cannot accept the proposition that it misadvised you in its statements in the application form and accompanying instructions. We recognize that the application was complex; this was caused primarily by the complexity of the law itself, by the requirement that we obtain all information relevant to an applicant's qualifications, and by the fact that the application was necessarily designed to apply to applicants for 19 different salmon fisheries.

To be quite frank, the Commission had no idea what number of points would be required for issuance of a permit for each of the 19 salmon fisheries addressed by the application form. The issuance level simply was contingent upon too many factors over which the Commission then had no control or knowledge, including:

- the Commission did not know how many eligible fishermen would apply for their permit
- the Commission had no computerized form of data for years prior to 1969
- the Commission had no accurate information concerning the number of applicants that would qualify for set net site ownership
- the Commission had no data for estimating the number of crewman participation points that would be awarded
- the Commission was unable to project what portion of the entry permit applicants would qualify for income dependence points

In short, the issuance level would not be known until all applications were finally processed. We did, however, encourage every eligible applicant to apply for his or her entry permit.

It is also most unfortunate that you did not contact the Commission during the application period to obtain assistance in determining your actual point qualification. According to the information you have to date given us, together with existing state records, it appears that you would have qualified for in excess of 70 points, and thus would have received a permit at the outset. You did hold gear licenses each year from 1965 to 1972, and apparently fished with your husband during all the time he fished. This represents 16 points. You also fished with him each year in at least a crewman capacity (by assisting the fishing operation) in each year from 1965 to 1966. For this you would have received four points. You also qualified for at least four points for investment in set net gear and site, as you apparently recognize. This is a total of 24 points, and we have not addressed the possibility of income dependence points (a potential of 10 points).

Furthermore, based just on the information you apparently had during the application period, it appears you could have demonstrated qualification for 18 or more points (which you believed to be within the realm of possibility). You knew you had a gear license in 1970 and 1972 (since you sent us those licenses), and that you had participated at least as a crewman every other year

Mrs. Farris Crookston

-3-

November 30, 1977

from 1965 to 1971. This is a total of 14 points. You also knew that you qualified for at least four points for site and gear ownership, or four more points. This equals 18 points without any consideration of potential points for income dependence upon the fishery.

We can understand your distress at finding that you would have qualified for an entry permit had you applied, but the Commission has no other choice at this time. I am sorry we cannot be of assistance to you.

Sincerely,

John N. Garner
John N. Garner
Commissioner

LET'S GIVE THEM AN CHANCE NOW!

VOTE FOR HB665

City of Anchorage
to Anchorage Alaska
1962



The Honorable Representative Alvin C. York
Alaska State Legislature
Juneau
Juneau Alaska 99801

CITY OF KWETHLUP
RESOLUTION NO. 500

RECEIVED
4-9-80

A RESOLUTION SUPPORTING HOUSE BILL 665 AND THE ESTABLISHMENT OF NEW APPLICATION PERIOD FOR LIMITED ENTRY PERMIT.

WHEREAS, many rural residents of the State of Alaska, including the Yukon-Kuskokwim region have not received limited entry permits for which they were otherwise qualified, solely because of their failure to submit timely applications to the Commercial Fisheries Entry Commission; and

WHEREAS, the individual persons failure to submit a timely application was due to factors beyond his or her control; namely, the lack of understanding by such individuals of their rights under the Limited Entry Act and of the need to submit an application or be forever barred from pursuing their livelihood; the shortness of the application period; the geographical remoteness of the communities in which such individuals lived from the centers of communication and application; and the absence of information regarding the standard of responsibility for limited entry permits; and

WHEREAS, these individuals are now precluded from participating in all the law or only a few of them, they have a right to that which is available to others in their community; and

WHEREAS, the State of Alaska has an obligation to rectify the wrongs caused by the implementation of the Limited Entry Act;

NOW, THEREFORE, BE IT RESOLVED that the State Legislature support House Bill 665 and the establishment of a new application period for limited entry permits.

PASSED and APPROVED this 7th day of April, 1980.

[Signature]
Mayor

ATTEST: *[Signature]*
CITY CLERK

[Signature]
CITY ADMINISTRATOR

The President's representatives that day
Alaska state legislators
Lambert
Lambert (Alaska 1980)



City of Ketchikan
Ketchikan, Alaska 99821

CITY OF KWETHLUK

RESOLUTION NO. 500-1990

RECEIVED
4-9-80

A RESOLUTION SUPPORTING HOUSE BILL 665 AND THE ESTABLISHMENT OF NEW APPLICATION PERIOD FOR LIMITED ENTRY PERMIT.

WHEREAS, many rural residents of the State of Alaska, including the Yukon-Kuskokwim region have not received limited entry permits for which they were otherwise qualified, solely because of their failure to submit timely applications to the Commercial Fisheries Entry Commission; and

WHEREAS, the individual persons failure to submit a timely application was due to factors beyond his or her control; namely, the lack of understanding by such individuals of their rights under the Limited Entry Act and of the need to submit an application or be forever barred from pursuing their livelihood; the shortness of the application period; the geographical remoteness of the communities in which such individuals lived from the centers of communication and application assistance, and the misinformation prevalent concerning the standard of eligibility for limited entry permits; and

WHEREAS, these individuals are now prevented from participating in one of the few or only occupations they have known, or that is available to them in their community; and

WHEREAS, the State of Alaska has an obligation to rectify the injustice caused by the implementation of the Limited Entry Act;

NOW, THEREFORE, BE IT RESOLVED that the State Legislature support House Bill 665 and the establishment of a new application period for limited entry permits.

PASSED and APPROVED this 2nd day of March, 1980.

[Signature]
Mayor's signature

ATTEST [Signature]
City Clerk

[Signature]
City Administrator

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

110665
JAY S. HAMMOND, GOVERNOR

POUCH K--STATE CAPITOL
JUNEAU, ALASKA 99811

465-3600

April 25, 1980

Representative Nels A. Anderson, Jr.
Eleventh Legislature -
Second Session
Pouch V
Juneau, Alaska 99811

Re: HB 665

Dear Representative Anderson:

Yesterday, at House Resource Committee Hearings on HB 665, you requested that this department prepare a legal opinion on the constitutionality of that legislation. The legislation would provide for a second application period for fisheries currently placed under limited entry, and would allow the commission to exceed the maximum numbers established in AS 16.43.230-240 to accommodate additional permits issued under the legislation.

As I informed the committee orally yesterday, the legislation suffers no clearly fatal constitutional deficiency. There is, however, a constitutional question which the legislation raises which cannot be disregarded. Under existing law, the commission sets issuance levels for each fishery according to its point system -- that issuance level reflecting the number of permits which can be issued in a particular fishery without exceeding the maximum numbers established pursuant to statute. For example, if the maximum

number for a particular fishery is 1,000, and the commission determines, after reviewing all the timely applications, that 1,000 persons have finally been classified at 17 or more points, the issuance level will, of course, be 17.

The maximum number, in turn, is set at historical gear intensity levels. AS 16.43.230-240. In light of the Alaska Supreme Court's recent decision in CFEC v. Apokedak, _____ P.2d _____ (Op. No. 2011; February 5, 1980), we believe there is little question that it is constitutionally permissible for the legislature to initially freeze gear intensity in a particular fishery to historical levels. Since the commission's point system had been previously upheld by the court (Yunker v. CFEC, 598 P.2d 917 (Alaska 1979)), there would appear to be no question that the commission may properly distinguish, in our hypothetical fishery, between persons with 16 points, and persons with 17 points, as long as the issuance level is tied to the maximum numbers established in §§ 230-240.

Under HB 665, however, testimony before the committee indicates that no one knows how many additional permits, above the maximum number, may be issued if the legislation passes. As a result, the distinction between those with 16, and those with 17 points may become blurred if substantial numbers of additional permits are issued by legislative choice. Thus, a person with 16 points may now be able to argue that the legislature has voluntarily abandoned the maximum number concept, and has not replaced it with any other independently

derived gear intensity figure which would justify an issuance level of, again, 17.

A response, of course, would be that the Act already envisions that maximum numbers may be exceeded in order to accommodate all those gear license holders who would suffer significant hardship by exclusion from the fishery. AS 16.43.250(a). Since the legislature has already, properly, accommodated this type of "hardship" in the point scheme, it is likewise competent for the legislature to accommodate the perceived "hardship" created by the legislature's previous establishment of application deadlines. The analogy is less than clean. First, under HB 665, late applicants would be eligible for permits at the issuance level, rather than at the "significant hardship" level. Second, even if this aspect of HB 665 were amended, in most fisheries the bill would result in the maximum numbers being exceeded for reasons other than the accommodation of those who have demonstrated significant hardship, since, under the bill, those with less than 20 points would be able to retain their permits, even if the consequence of that retention was the substantial exceeding of the maximum number.

Again, it is difficult to judge the likely success of this argument. The legislature should retain substantial flexibility to adjust any particular piece of legislation to deal with a particular problem which arises after the fact. We would hope, after the supreme court's decision in CFEC v.

Apokedak, supra, that the law is no different in Alaska. Whatever the ultimate resolution of this question by the supreme court, we would be less than honest in failing to note that some in this state have been less than restrained in their eagerness to initiate litigation concerning limited entry. This department currently handles some 150 limited entry law suits, and, although recent court decisions have substantially reduced our incoming case load, the cold fact remains that there is a tendency in this state to grope for grounds for litigation on this program, regardless of the merits of the arguments concocted. */ As a result, this department is, perhaps, overly conservative in its concern over any legislative initiative which would raise additional legal issues -- irrespective of their weight.

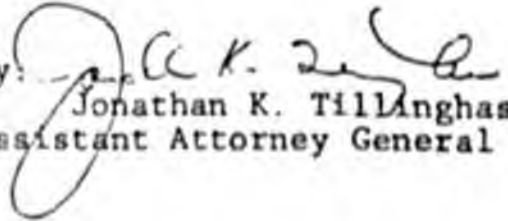
In sum, we believe that the better view of the law is that HB 665 is constitutional. In all likelihood, however, it will result in additional litigation. First, litigation may arise with respect to the issue that I have described in this letter. Second, this legislation envisions a second application period, with, of course, a second application deadline. We haven't the slightest doubt that the same

*/ Much of this litigation involves late application cases where inadequate notice was alleged. Three separate superior courts have ruled that the commission clearly satisfied any conceivable notice requirement.

complaints raised with respect to the initial application period will also be raised with respect to the second application period established by the legislature -- regardless of the efforts taken by the commission to notify persons of the pendency of this deadline. As you are aware, the efforts arranged by the commission, with respect to providing notice of the initial application deadline, in large part through the Bristol Bay Native Association in your area, were undertaken because many concerned parties believed, and represented through a consent agreement with the state, that these steps would be adequate to notify potential applicants. For some reason, many of those parties no longer believe those efforts were adequate. Given this course of conduct, we are deeply concerned that a second, unfortunate round of fault finding may well occur with respect to the efforts which would be initiated under this bill.

If you have any further questions, please feel free to contact me.

AVRUM M. GROSS
ATTORNEY GENERAL

By: 
Jonathan K. Tillinghast
Assistant Attorney General

JKT/jb

cc: Representative Al Osterback
John Williams, Commissioner
CFEC

ALASKA LEGAL SERVICES CORPORATION

1000 B
DILLINGHAM, ALASKA 99576
TELEPHONE 465-1662

HB 665
rec'd
4/25/80
5 26

April 28, 1980

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

RE: HB 665

Dear Representative Osterback:

I have just received a copy of an opinion letter dated April 25, 1980 from Jonathan Tillinghast of the Attorney General's office which finds that HB 665 would be constitutional. Mr. Tillinghast's comments at the April 24th hearing were somewhat ambiguous and I thought you would want to know his final opinion.

Mr. Tillinghast states that there is a possibility that there will be additional litigation which of course is true for any piece of legislation. However, the constitutional questions do not seem to be significant and the Bill is clearly constitutional as now written.

The only change that we have proposed to the bill as written is to prohibit issuance of permits to persons who would suffer only "minor economic hardship" by exclusion from a fishery as defined by the Commercial Fisheries Entry Commission. This would be accomplished by adding the following words after the second sentence of Section 3 of the bill:

" , except that no permits shall be issued to persons who would suffer only minor economic hardship from exclusion under A.S. 15.43.250(c)."

PROPOSED
AMENDMENT

I appreciated the opportunity to be able to address the Committee on this issue which is of paramount concern to the rural citizens of this state. I would like to reiterate my support for this bill and my belief that no adverse impacts will be felt by fishermen or the fishery.

If you have any further questions concerning this legislation, please feel free to contact me.

Sincerely yours,
ALASKA LEGAL SERVICES CORP.

David B. Snyder
David B. Snyder
Supervising Attorney

cc: House Resource Committee Members

HB 665

Rural Alaska Community Action Program, Inc.

CPC RESOLUTION #80-1

ENTITLED: "In Support of HB 665"

WHEREAS, Representative Nels Anderson has introduced Legislation (HB 665) which would permit certain individuals to file applications for Limited Entry Permits, in spite of the fact that certain deadlines have passed; and,

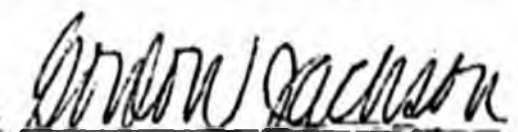
WHEREAS, one of the identified problems with the present Limited Entry Statute is that many Alaskan Residents, primarily rural residents, were denied the opportunity to apply during the allotted time; and,

WHEREAS, although estimates vary as to the number of persons who may qualify for Entry Permits under the terms of the Legislation, it is safe to say that the overall impact would be minimal, especially in light of the demonstrated biological recovery of the Salmon Resource;

now, therefore be it

RESOLVED: That the Citizen's Participation Conference does hereby support and endorse HB 665, and urges the Alaska Legislature to pass said bill.

DATED this 20th day of March, 1980, in Juneau, Alaska.


Gordon Jackson, President
Rural CAP Board of Directors


Phil Smith, Director
Rural CAP

Aleutian/Pribilof Islands Association, Inc.

1689 C Street
Anchorage, Alaska 99501
Phone (907) 276-2700

St. Paul
St. George



Resolution #80- 2

A Resolution Supporting House Bill 665 and the Establishment of a New Application Period for Limited Entry Permits.

WHEREAS: Many rural residents of the State of Alaska, including the Aleutian Peninsula region have not received limited entry permits for which they were otherwise qualified, solely because of their failure to submit timely applications to the Commercial Fisheries Entry Commission; and

WHEREAS: The individual persons failure to submit a timely application was due to factors beyond his or her control; namely, the lack of understanding by such individuals of their rights under the Limited Entry Act and of the need to submit an application or be forever barred from pursuing their livelihood; the shortness of the application period; the geographical remoteness of the communities in which such individuals lived from the centers of communication and application assistance, and the misinformation prevalent concerning the standards of eligibility for limited entry permits; and

WHEREAS: These individuals are now prevented from participating in one of the few or only occupations they have known, or that is available to them in their community; and

WHEREAS: The State of Alaska has an obligation to rectify the injustice caused by the implementation of the Limited Entry Act,

NOW THEREFORE, BE IT RESOLVED, that the Aleutian/Pribilof Islands Association, Inc. supports House Bill 665 and the establishment of a new application period for limited entry permits.

PASSED this 14th day of February 1980

ATTEST:
[Signature]
Secretary

[Signature]
Chairman, Board of Directors
Aleutian/Pribilof Islands Association, Inc.

To: House Resources Committee
re: HB 665
April 24, 1980
from: David B. Snyder, Alaska Legal Services, Dillingham
Fred Torrisi, Dillingham

a. The persons affected.

In 1975, the Commercial Fisheries Entry Commission began the implementation of a unique program of limiting entry into Alaska's fisheries. That year, 13 salmon fisheries were limited. Applications were accepted through May 18, 1975. Except for persons proving postal error or Commission misadvice, no-one who failed to apply for an entry permit by the deadline has been able to fish in any of these fisheries as a gear license holder since then.

A separate application period was established for the Arctic-Yukon-Kuskokwim areas in 1976. In this area also, a number of persons eligible for permits under the Limited Entry law failed to apply and lost forever their right to harvest salmon as a gear license holder.

It is our sincere belief that most of the persons who met the hardship standard for entry permits established by AS 16.43.250 but who failed to apply, were Alaska residents. The Commission, faced with the task of reaching thousands of widely scattered fishermen, mailed cards to those persons whose eligibility could be programmed on its computer, and issued press releases which were widely disseminated in newspapers and radio. But no radio station was in operation in Bristol Bay until after May 18, 1975, and no newspaper of general circulation exists even now.

In retrospect, it is apparent that a much longer application period should have been held. When the Alaska Native Claims Settlement Act was passed, 2 years was given to enroll everyone and Congress later passed a late application law to catch those who were missed. The Commission could have held the application period open for a long time while simply requiring that permits be obtained prior to actually fishing. Instead, understandably anxious to begin the final classification of applicants so that the issuance level of the point system could be determined, a shorter period was used (less than six months) and people missed the cut-off date.

The 1975 application period was fraught with problems. Former Commissioner Jay Stovall, in a letter dated February 5, 1980, recalls that he told an eligible set net fisherman in Bristol Bay that he had virtually no chance for a permit because he didn't have enough points. In fact, so few eligible persons applied in that fishery that everyone received a permit. Others recall hearing that 20 points were required for a permit; in fact, 20 points guaranteed a permit. This was the first year of a novel program and many mistakes were made.

The ADF&G forecast for the Bay in 1975 was very bad. Those electing not to fish often didn't realize that they needed to apply in order to fish in future years. After generations of applying for licenses annually, it took some families some time to realize what the concept of limited entry was all about.

The Commission did outreach to contact people, but it took hours just to complete one application even after one was familiar with the 40 page instruction booklet. The literacy rate in western Alaska is among the worst in the country.

House Resources Committee

HB 665

April 24, 1980

page two

and a large percentage of people either don't understand English at all, or speak it as a second language.

Older persons were especially likely to miss the deadline, because they didn't understand the fact that their daughters and sons would not necessarily be able to obtain permits on their own. Of the more than 200 late applicants represented by Alaska Legal Services, many are older Alaska Natives who do not read (or often speak) English.

Other persons failed to apply because they didn't get any notice at all. Some were away at school, others in the military. Still others filled out the cards requesting applications and thought that the card itself was the application. But whatever the reason, it is apparent that the less sophisticated, the poor and the uneducated were the ones most often losing the permits.

b. HB 665

The bill before the Committee does not change the point system or make anyone eligible for permits who was previously ineligible. It does not "open things up." What it does is allow the Commission to exceed the "maximum numbers" to accept late-filed applications, until December 31, 1980.

The "maximum numbers" represent the amount of gear in the water during the highest year between 1969 and 1972. For example, in the Bristol Bay drift fishery the maximum number was 1669 (although there are about 1700 permits issued for that fishery for various reasons including the Isakson Supreme Court decision). The optimum number of units of gear (AS 16.43.290) has not been determined for any fishery, nor has the buy-back authorized by AS 16.43.310 been implemented. It is possible that the optimum number may exceed the "maximum" number in some fisheries; the United Fishermen of Alaska are supporting a bill (HB 1015) to issue new permits in those fisheries which have "recovered" since 1975.

If the improved management techniques and the 200 mile limit do not result in Alaska's fisheries being able to support more gear (a question perhaps as much related to marketing as biology), then the buy-back is the remedy--not denying permits to those who depend on fishing for their livelihood.

c. Testimony prior to 4/24/80.

Approximately 50 persons testified at the teleconference hearing held March 3, 1980, and no-one testified against the bill. Persons failing to apply explained what happened to them and the consequences during the last five years. Clearly this is a bill which will benefit these Alaskans far more than will the tax repeal or distribution of oil wealth; this bill will return to them their chosen occupation.

The letters and telegrams since that date have been somewhat divided on the bill, but in numbers they overwhelmingly support it due to the presence of numerous resolutions and petitions. Village councils of several western Alaska villages have passed resolutions supporting the bill, and the City of Kodiak filed a petition signed by about a hundred residents. The Aleutian-Pribilof Island Association, Inc., the Kodiak Area Native Association, the lower Yukon-Kuskokwim Aquaculture Association, the Rural Alaska Resources Association

House Resources Committee

HB 665

April 24, 1980

page three

and the Bristol Bay Native Association all passed resolutions supporting the bill, and the Citizens' Participation Conference held in Juneau endorsed it as well. It is significant that organizations and municipalities of the region primarily impacted by the bill support it (in this writer's examination of the letters written against the bill, only two were found from residents of western Alaska).

d. The number of permits likely to be issued.

Anyone fishing as a gear license holder between 1960 and 1972 is eligible to apply for a permit. The point system is then used to determine if one will qualify for a permit. Because applications have not been processed for those not applying before the deadline, it is impossible to predict exactly how many new permits will be issued.

It is, however, possible to perceive certain factors and draw inferences with respect to the number of permits likely to result. Because the Commission has attempted to do this in its memorandum of 2/25/80 for the Bristol Bay drift gillnet fishery, some discussion of this fishery may be instructive.

According to computer records some 813 eligible applicants failed to timely apply for permits for this fishery. As noted earlier, many of these persons had the belief that 20 points were required for permits and elected not to apply. It is our opinion that the magnitude of the problem is illustrated by the fact that so many eligible persons failed to apply--but it does not follow that several hundred permits will be issued in this fishery if HB 665 becomes law.

The Commission memo states that its computer has information verifying only 9 eligible applicants at 17 points or more (the issuance level in this fishery), but goes on to postulate 551 will end up proving 17 points. This of course assumes that everyone applies in a second application period, an assumption clearly invalid, although it is again impossible to state exactly how many would in fact apply.

But more importantly, the Commission's second assumption is also erroneous. Although only 37 persons have more than 11 points (according to computer info), and 634 have less than 6 points, the Commission assumes 551 will obtain permits by projecting actual point totals by analogy to the class of persons who in fact applied in 1975. That correlation, while placing an upper limit on permit awards is clearly inapplicable directly to non-filers because many non-filers in fact made conscious decisions not to apply because they did not have very many points.

It is not a contradiction to say a) the application period failed because a lot of people failed to apply, and b) most of those people won't qualify for permits. In the ideal system, all eligible persons will apply and those who qualify will receive permits. But if two fishermen receive applications with -0- preprinted points and one has fished all his life and the other fished only one year, the former is far more likely to apply--leaving the latter on the computer run of eligible persons who failed to apply. For those who did not comprehend the nature of limited entry or received no actual notice--the persons this bill seeks to help--the correlation is true; but for that large group of more informed persons who knew they had little chance of qualifying for permits, it is not.

House Resources Committee

HB 665

April 24, 1980

page four

In three fisheries, so few applications were received that permits were issued at -0- points. We suggest that section 3 of the proposed bill be amended by adding, at the end of the second sentence, the words "except that no permit shall be issued to persons who would suffer only minor hardship from exclusion under AS 16.43.250(c)." This would require, for example, that permits only be issued in the Bristol Bay set net fishery to those proving more than 6 points. Those suffering hardship were supposed to receive permits; those suffering only minor hardship can properly be excluded in those fisheries for which the maximum number has been reached.

e. Administrative burden on the Commission.

The Commission is administering a program of tremendous importance to Alaskans, and it should be funded in an amount sufficient to enable it to do its job. The amount of outreach assistance spent in Bristol Bay in 1975 was less than the present value of one drift gillnet permit there.

The fiscal note submitted with this bill includes a substantial amount to clear up the Commission's backlog of cases; if it is funded in the amount requested, it should be made clear that applicants under the new application period should receive permits to which they are entitled expeditiously.

f. Conclusion.

It is true that some persons will receive permits under this bill who consciously elected not to apply for them in the original application period. It is also true that in some years, in some fisheries, there will be an increased amount of gear in the water when there should be less. But neither of these reasons is sufficient to refuse to award permits to the persons who testified at the teleconference and who inhabit virtually every village of southwestern Alaska. The "maximum numbers" are a completely arbitrary set of gear limitations which were selected as a starting point to limit entry; the Commission has yet to determine optimum numbers. While everyone excluded by limited entry may cry for a change, one group stands out as equitably entitled to their permits as the intended beneficiaries of the original act: those who would suffer hardship by exclusion from the fishery for which they were eligible. HB () would rectify this inequity. If the State's marketing efforts fail, or if the determination is made in a given fishery that the resource cannot support the number of units of gear in the water, then the buy-back provisions of the statute should be implemented. Neither of these conclusions is evident at this point, and it is unfair to penalize qualified fishermen by forever excluding them from the fishery.

Against

HB665

TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
JUNEAU, AK 99802



8 02235 NL TDA EKVOX AK 107 04-28 418P AST

PMS REP ALVIN OSTERBACK
A394

JUNEAU

JOHN AND VALERIE YUKLUK OF EKVOX SUPPORT HB665 LATE APPLICATIONS
FOR LIMITED ENTRY PERMITS. OUR FUTURE DEPENDS ON THIS BILL I JOHN
YUKLUK AND THE SON OF SIMON YUKLUK AND BROTHER OF STEPHAN YUKLUK
WE WERE ELIGIBLE FOR PERMITS BUT DIDNT APPLY BECAUSE MY FATHER
COULDNT READ OR SPEAK ENGLISH. MY BROTHER WAS IN JAIL DURING THE
APPLICATION. I FISHED MOST OF MY LIFE AS A BECKHAND WITH MY
FATHER AND BROTHER AND OTHER PEOPLE AND I WOULD LIKE TO BE ABLE
TO APPLY FOR MY FATHER OR BROTHER PERMITS SINCE THEY ARE BOTH
DECEASED. I WAS IN SCHOOL AT MT EUCLEUMBE DURING THE FILING
PERIOD. SINCERELY

JOHN AND VALERIE

APR 28 9 18 PM '00

April 16, 1980

House Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Sirs:

I do not support H.B. 665 for the following reasons:

With a possibility of larger boats after December 31, 1981 in the Bristol Bay area, the outer limits will probably have to expand to fit the needs of the larger fleet.

With the amount of gear in the water now it is ortrageous. With excess gear it will be worse than maggots, especially when the runs are in certain areas and most of the fleet concinbrates in that area.

I feel people selling thier permits, the state should have fisrt priority. Then lease thcr to the people who depend or have a hardship if they depend on the fishery for cash economy. Of course at a low price, or depending on the catch. Then after the permits have been paid off by leasing each year, issue them to the qualified people who depend on the fishery for a living. For your information I do not have a permit, and do not wish to obtain one at this time. I am a fishing partner though.

Sincerely,

Marilyn Nelson

Marilyn Nelson

Thomas H. Wagoner
Box 3969
Kenai, AK 99611



April 3, 1980

Alvin Osterback
Pouch V
Juneau, Alaska 99811


Dear Sir:

In response to HR 665, I would like to express my opposition to this bill based upon the following reasons:

1. I have watched the fishing time become less and less in the Cook-Inlet during the last ten years.
2. Since limited entry began, fishermen have been able to improve their equipment by investment in newer and safer boats, many of which have been financed by State loans, if HR 665 passes our fishing time will be diminished accordingly and the State of Alaska may be the owner of a rather large fleet of modern gillnetters.
3. Prices being quoted today surely will be a large economic blow to most of the Gillnetters in Alaska without having fishing time reduced by the addition of more permits to various areas.

One thing that stands out more than any other factor when reviewing the limited entry program is: This program is presently working, so give it a chance to totally succeed. I am not requesting total immunity from scrutiny since all programs should be subject to a critical review from time to time; however, with this in mind, please be reminded that many areas, such as Cook Inlet where I fish, produced fish enough to average \$18,000 to \$22,000 gross income per boat in the drift fleet during 1978 which was the best season in the last 20 years.

Respectfully,



Thomas H. Wagoner

3-27-80

Dear Sir -

I am writing to protest bill HB665.
I feel there is already too much gear
in most of our fisheries so that
we cannot afford further reductions
in fishing time. We are also
looking at dismal price projections
for this coming year. It is hard
enough making a living at fishing,
please do not make it harder!

Sincerely -

Tom Firtle
Bx 774
Cordova AK.
99574

Re: HB 665

3/26/80

Dear Rep. Osterback:

As a life time fisherman & one who was granted one limited entry permit (SE seine) and who saved and worked hard in order to purchase an outboard (power Trawl) & thus broaden my fishing activities I urge you to seriously consider not increasing the no. of permits.

Fishermen in SE AK have already been severely restricted in area openings, fishing time, gear & now are experiencing huge fuel ^{price} increases along with depressed prices for our fish. The forecast for a poor SE seine year plus perhaps lifting of limit seine restrictions does not brighten the picture.

Having entered other fisheries (i.e. longline) I find the same problem is already developing in

That was.

Obviously There are some
Tough years ahead - Those of us
who will keep fishing regardless
because this is what we have to
do would just like a fighting
chance to make a living.

Sincerely,

Mae Johnson

P.O. Box 929
SITKA AK 99835

JAGG 0004 14.07 JAGG 0103 14.08 03/06/80

HPB lks

TO: ALL LEGISLATION
FROM: W.M. INFO. OFFICE

THE FOLLOWING IS FROM ROGER ENON, COMMERCIAL FISHERMAN, 7316
BUNKER STREET, EDECHIKON, ALASKA - 99501
I AM CONCERNED ABOUT THE IMPACT HB 665
WILL HAVE ON ME IF IT PASSES. I FISH THE LIMITED SALMON PURSE
LIMIT FISHERY IN SOUTHEAST ALASKA. THIS FISHERY IS ALREADY IS
ALREADY OVERCROWDED. PAGE ITS OPTIMUM NUMBER OF PERMITS. THE
FISHERY SOURCE IS IN BAD ENOUGH SHAPE WITHOUT ADDING IT WITH
MORE BOATS. I FEEL THE PURPOSES OF LIMITED ENTRY WOULD BE VERY
DAILY IMPACTED IF THIS BILL PASSES. 10M/00P

JAGG 0005 14.14 JAGG 0105 14.14 03/06/80

TO: ALL LEGISLATION
FROM: W.M. INFO. OFFICE

THE FOLLOWING MESSAGE IS FROM SOUTHEAST ALASKA BEING BOAT OWNERS
AND FISHERMEN ASSOCIATION, PISCHELLA AVENUE, 100 WATER, EDECHIKON
ALASKA - 99501.

WE ARE VERY CONCERNED ABOUT THE EFFECT HB 665 WOULD HAVE
ON THE LIMITED FISHERY. IN PARTICULAR THE SALMON BEING FISHERY IN
SOUTHEAST ALASKA. THIS FISHERY IS ALREADY UNDER A HEAVY STRAIN AND
WE WOULD ADD THE BOATS ON IT INCREASED. WE WOULD ADD THE
BOATS ON THIS MATTER MORE THOROUGHLY BEFORE ADDING
THE BOATS. IT IS IMPORTANT TO FIND OUT THE PROBABLY NUMBER OF
BOATS WHICH WOULD BE ISSUED IN EACH FISHERY. 10M/00P

Homer AK. Mar. 26

To Representative Alvin Osterback

Dear sir

Please Sir do any thing you can to keep any thing from getting
by that would increase the number of salmon fishermen (HB 665) for
one. This thing of 8 to 16 days a season is bad enuf without makeing
it worse , thats Cook Inlet.

Last summer was the first time in year; That I lost Money salmon
fishing , the other time I blew an engine.

Yours Truly

Clarence Platt

MR. CLARENCE H. PLATT
BOX 1007
HOMER, AK

3-26-80

DEAR SIR

I AM A COMMERCIAL FISHERMAN OF
COOK INLET. MY NAME IS LEO STEPHAN.

I'M AGAINST OPENING LIMITED ENTRY
AT THIS TIME, THERE IS NO JUSTIFICATION
FOR IT AT THIS TIME.

THERE ARE ENOUGH FISHERMAN NOW IN
COOK INLET. WE HAVE 12 W. FISHING
PERIODS 2 DAYS A WEEK. IF THE TIDES
ARE WRONG WE FISH ABOUT 8 HOURS PER DAY.
OPENING LIMITED ENTRY NOW WILL BRING
ON MORE FISHERMAN FOR THE SAME AMOUNT
OF FISH. OUR FISHING TIME WILL BE
REDUCED TO ONE DAY A WEEK. MAKING
A LIVING OF FISHING IS HARD
ENOUGH NOW.

I AM AGAINST, HO 665

Leo Stephan

127 N. PARK ST. MT. VIEW

PNCH. AK. 99504

LA11 1285 11.05 JA01 0022 11.05 03/28/80

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TO REPS. ANDERSON, OSTERBACK, GARDINER, AND SENATORS HOYMAN AND TILLIO
N

FROM KEN MUELLER, PHD.
SRA BOX 382X, ANCHORAGE 99504
344-9014

CONGRATULATIONS ON HB 630 AND SB 391 AND 392 (GOOD CONTROLS). PLEASE

DO NOT SUPPORT HB 665 BECAUSE OF IT'S DISASTEROUS EFFECTS ON BRISTOL
BAY, I.E., OVER THREE HUNDRED FISHERMEN DO NOT HAVE MARKETS, DOCKING
SPACE NOT AVAILABLE, EXCESSIVE GEAR IN THE WATER. THANK YOU FOR YOUR
SUPPORT.



GERD METZ
HUNTING COORDINATOR



5121 LAFOUCHE • ANCHORAGE, ALASKA 99504 • PHONE (907) 272-3040

Representative
Alvin Osterback
Juneau Ak. 99811
Pouch V

Anchorage, March 25th 1960

I, as a fisherman of the Bristol Bay & a holder of a Limited Entry Permit, strongly oppose the bill HB665.

I did not qualify for a permit & had to pay a handsome sum in order to keep on fishing.

Twice those people had a chance to apply for permits & failed to do so & now, since fishing became a big business, everybody wants a permit without paying for it.

I would like to hear your answer on this.

Sincerely

26 March 1980
5412 E. 22nd Ave
Anchorage, Ak 99504
Ph: 907 333-8461

Representative Alvin Osterback
Pouch V
Juneau, Ak 99811

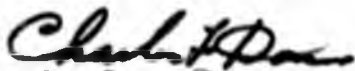
RE: HB 665

Dear Rep. Osterback:

On our Cook Inlet fish sites we have five permits, which are more than adequate. We have been fishing in Cook Inlet for more than 12 years. Every year our records verify that less and less salmon are being caught by us and our fellow Limited Entry permit fishermen along the West Foreland Cook Inlet Sites. The only fact sustaining the Commercial Fisherman's living is the fact that salmon prices keep increasing every year due to the fact that there is less fish.

To allow HB 665 to pass would be disastrous to the Commercial Limited Entry Fishermen. We already have enough Alaskan citizens trying to make a living from commercial fishing.

Sincerely,



A. Lurene Davis
Charles F. Davis
A. Lurene Davis

1238 N. W. Norcross Way
Seattle, Washington 98177

March 27, 1980

The Honorable Alvin Osterback
Representative for the State of Alaska
Pouch V
Juneau, Alaska 99811

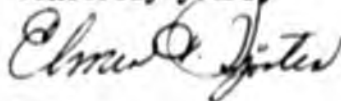
Sir:

I urge you to vote against HB 665.

There is already too much gear in Alaska and to issue more permits would ultimately result in the loss of fishing time. We cannot afford this because of the price projection for the coming year.

I have fished in Bristol Bay and the Port Moller area for thirty years. Many of us have many thousands of dollars invested in gear. Please don't put this in jeopardy.

Sincerely yours,



Elmer T. Hjorten

Robert White
Box 916
Gold Beach, Ore
97444

Mon 28, 1988
Box 916
Gold Beach, Ore.
97444

Dear Sir

I just read there is a bill
before the legislature to increase
the number of permits in the
fisheries.

It is a fact the current
number of fishermen is able
to flood the market & please
dont add any more year to the
fishery.

Yours truly
Robert White

April 1, 1980

Dear Concerned Legislator:

I am a commercial fisherman and am married to one. I would like to express my concern about HB 665, the 'late-filers' bill.

I genuinely feel there were several people left out of the Limited Entry system through no fault of their own. Anyone who did not apply because their village was not properly notified, or because a language barrier was not considered should have a chance to file, even this late. /x

So--Please, please, please look at some compromises.

If HB 665 goes through as it is now, not only those deserving permits, but also financial speculators will be able to enter the fishery. There were many people who did not apply back then because they did not think the fishery could provide enough income and they did not realize the potential growth of the value of the permit. To safeguard against unscrupulous 'carpetbaggers', make any new permits non-transferable.

I urge you to consider that if you support this bill in its present form, you shake the whole basis of the fishery. Limited Entry was voted on by the people of the state to protect us from encroachment from outside the state. Limited Entry must remain. Without it, we would have tremendous numbers of fishermen, bot residents and non-residents, and no one would be able to make a living. The vast majority of fishermen do not make what those in Bristol Bay or Chignik have recently made. Please look at statewide fishing net incomes.

The Limited Entry Commission already has laws it can act upon to increase the number of permits in any fishery that has recovered biologically and economically to stand extra fishing effort. Please pursue this angle. The Commission right now seems to be unwilling to do this; it is afraid of lawsuits. Push it; push it hard to allow more permits. And see that those persons who most deserve a permit under the 'late-filers' bill get first priority. Make the Commission do its job.

To summarize: If you feel you must pass this bill, please amend it. It would be far better though, to use existing legislation to allow more permits to be issued.

Thank you for your time. Work to protect the right of fishermen to earn a living!

Alice Bartoo

Alice Bartoo
Box 847
Juneau, AK 99902