

1144

HRES

HB 665

114

Representative Alvin Osterback:

Concerning HB 665 ("late Filer Bill")

With fuel prices nearly double last years; boat maintenance, gear and all other expenses up nearly as much fishermen are looking at a 25%-50% decrease in price! Further, the Alaska Dep. of Fish & Game has announced extensive cutbacks and closures will have to be effected this season due to more gear and pressure in the fisheries than they can sustain.

Please consider that HB 665 will further this problem of too much gear, and cause even more restrictions. Fishermen simply cannot afford further restrictions in fishing time and remain in business.

Sincerely,

Robert Darris

Box 1234

Petersburg, Alaska

99833

Yakutat ak. 99689 - Apr. 1 - 80

4/2/80

Representative Osterbacke - sir:-

Bill HR 665 - No, no, no, Yakutat area is

already over fished, no more permits,
we have short weeks now. Begun 1 1/2 days a
week to divide the fish among the fishermen we
already have. Yakutat has had dozens of drownings
of rookies trying to learn. Rivalry for sets causes
disappearances. Frank W. Johnson

HB 665

Kauffman
R.R. 4-4253-5
Juneau, AK

3-30-80

99803

Dear Rep Alvin Osterbuck,

I am a fisherman and deeply concerned about HB. 665 - a bill to issue limited Entry permits to those who filed late.

Yes, I have a vested interest in the outcome of that legislation. My objection is this. The increase or decrease of limited entry permits is a process that ~~involves~~ should involve the Dept. of Fish and Game, limited Entry Commission, and State Board of Fisheries. If they feel an increased number of permits should be issued because the resource has come back and can stand the + that's fine. But to have the legislature mandate permits in the polited arena, where the issuance of a large number of permits would be tantamount to buying votes is ridiculous.

I well remember the effort put out to get people to respond in qualifying for a permit. Some folks did not get permits who had a good case - however if they were fishermen and not speculators they acquired permits and continued to fish. Such opportunities are not denied anyone - many people have worked their way into fishing under limited entry. H.B. 665 would put too much gear in the water and would in all in fishing time, I oppose it.

Thank you, Dave Kauff

Mar 26

Dear Rep Osterback,

We are against the passage of bill HB 665, for several reasons. For one, it is not fair for the state to eliminate offering free permits - throughout it was hard to get a lot of money ^{therefore} to my distrust of permits I had to result to making a tremendous investment in order to get mine, if they start being handed out to free, this is a waste for me, my 100% permit value will drop to nothing. I will not only have missed out on a free permit but my investment becomes worthless. Also the addition of less fishermen to the bay would be devastating. There isn't enough rain or moil to handle them. Yours A.P.

DALE D. DONER
BOX 7
ANCHOR POINT, AK
99556

SAN FRANCISCO
The City by the Golden Gate



FISHERMAN'S WHARF, SAN FRANCISCO

5:5F 35

One of the most picturesque sights in San Francisco is this scene of Fisherman's Wharf. Here many hundreds of fishing boats berth daily. On the street side are located San Francisco's outstanding, world renowned Sea Food Restaurants.

Color photo by Igor Stchogolev

address

Rep. Alvin Stefaniak

Pouch V
Bureau
Alaska

Dear Alvin:
Please vote against
bill HB 665. We
have too much gear
in the fisheries now.
Can't afford more cuts in
our fishing time.
Walt W. Doner.

79811

P.O. Box 80,
Skamokawa, Wa. 98647,
March 26, 1980.

Senator Clem Tillion,
President of the Senate,
Alaska State Legislature,
Pouch V,
Juneau, AK 99811.

Dear Senator Tillion,

We are writing regarding House Bill 665, the "late filer" bill which would effectively end limited entry in the Bristol Bay area. Commercial fishing is our source of living, and half our income comes from Bristol Bay. Although expansion of permits seems reasonable in the light of the 1979 season and the 1980 prediction, we feel that this is a short-sighted view. We have not forgotten the lean years from 1970-1978, and a thirty percent increase in licenses in future lean years could well be disastrous for those of us who depend upon the fishery for a living.

The Bristol Bay fishery is cyclical in nature, with some years being very good and some being very poor, and a few moderate years in between. We would like to see the fishery managed so that full-time fishermen can make a living from it. There is no doubt about the efficiency of the present fleet to harvest the largest runs into the Bay. The problem is one of markets, and the legislature could be very helpful in providing assistance in developing such markets. We are looking at a poor price this year simply because the markets are not available, and of course the State of Alaska will lose revenue for this same reason. Rather than expanding the fleet to directly compete for an already limited market, which in turn will drive down prices and tax revenues, we would like to see an aggressive market program on the part of the State.

It should also be pointed out that increasing the number of licenses will create undue political pressure on the Alaska Dept. of Fish and Game during the lean years, to open the seasons when they should perhaps remain closed. We would suggest that the Bristol Bay fleet not be permitted to expand until several years of this cycle have gone by. We suspect that those who now want permits in order to make a "quick buck" will vanish as soon as the going gets a little rough, leaving those of us who are committed to the fishery facing a shorter season and curtailed income.

Thank you for your attention to this very important issue.

Yours truly,

Kent Martin
Ken Martin

Kent and Irene Martin.

cc: Sen. Sumner, Hohman, Rep. Anderson, Usherback, Gardiner

March 28, 1980
Kirkland, Washington

Representative Alvin Osterback
Pouch V
Juneau, Alaska 99811

Dear Sir:

In reference to the late-filer legislation, please note that many areas of Alaska are hard hit by depleted runs and overfishing.

Copper River's five hour King season, no red season, and no immediate relief in sight is an example. Prince William Sound has a disaster forecast, The Southeast has a poor forecast, and Kodiak and the Cook Inlet forecasts are not too good, either.

Limited Entry has made it possible for fishermen to borrow to purchase safe efficient vessels which are not paid for and may never be. It has saved loss of life and accident. It has made it possible for families to run boats and thereby earn an acceptable living which also improves family life.

These late filers could have and would have filed if they had foreseen a monetary value in the permits, most of them boat pullers who still have the same opportunity as before to fish.

Many fishermen who had quit filed and got in by the skin of their teeth so to speak, only to immediately sell the permit, thus adding to the already overfished conditions.

These late filers could be put on a waiting list to be issued a permit if and when an area needed more fleet to efficiently make the harvest. Meanwhile, they still have the original option of boat-pulling.

I do not like to see a fishing and the livelihood of a fleet destroyed by these people who were too lackadaisical to get on the bill when there may have been a chance which they were not interested in. Most of them would be no threat to the active fleet, but the industrious enterpriser who they would sell their permits to would hurt the fisheries.

I speak with over 40 years experience as a boat owner and fisherman.

Sincerely yours,

Carl (Rud) Becker

Carl R. Becker
13912 103rd N.E.
Kirkland, wa. 98033

March 27, 1980

Representative Aris Ostrback

Pouch V

Juneau, Alaska 99811

Honorable Sir:

Capt Busalacchi
2050 23rd Ave
San Francisco, Ca 94116



Any increase in permits at this time would be an increase in problems the fish buyers and the fishermen find themselves in.

Lot of fish were lost due to spoilage as long string of boats had to wait a long period of time ^{to unload}, result rotten fish.

As you know this year we face a depressed market a big decrease in price.

Please see Vote No on Bill HB665
Thanking you
Yours truly
Capt Busalacchi



A & A BOAT STORAGE INC.

2911 Kenoyer Ct. • Bellingham, WA 98225 • (206) 671-0229
P.O. Box 198 • Naknek, Alaska 99633 • (907) 268-4219

March 27, 1980

Dear Sir,

In regards to Bill HB 665, concerning limited entry, please do your best to see that it does not pass. I've been a Bristol Bay fisherman for seventeen years and I am thirty-nine years old. If you are a true fisherman you make sure your applications and permits are in order.

In the past, and it looks like again in the future, the problem will be in handling the fish. The land base processors have never been able to handle the run regardless of the size. There are too many boats at present and another 560 wouldn't even make sense.

I wish I could go into one of the major problems which is Japanese involvement in American processing and marketing of our Salmon, but that will come in the future.

It is important that you look to the future when the cycles are down and weigh the impact of 30% more permits in the Bay. It would really be a disaster!

I appreciate you taking the time to read this letter and hope you will consider the views of the fishermen when making your decision on Bill HB 665.

Yours Truly,

Nick Aliotti
Nick Aliotti

3-26-80

ALVIN Osterback

I'm writing in regard to HB 65
FIRST OF ALL I'm strongly OPPOSED
to ANY MORE gear. There has
been more than enough time to
apply for permits when they were
being issued. It seems to me
the REAL issue is high prices for permits
IF they weren't transferrable
about half the applicants would
drop out of the fact of a couple
good years seems to attract the
other half. IF IN FACT they
WERE fishermen they would of
MADE SURE they applied when
the rest of us did.

I fished Bristol Bay in 1972 ~~the~~
year used to base the amount
of gear. what my question is where
ARE all the boats coming from.

IT SEEMS EVERY YEAR THERES MORE
BOATS. I KNOW FOR A FACT THERES
MANY BOATS FISHING WITH OUT
PERMITS EACH YEAR. IT SEEMS
TO ME THE LAW COULD BE
ENFORCED INSTEAD OF CONTINUING TO
ADD MORE YEAR.

WITH THE PRICES LOOKING GOOD
THIS YEAR AND MAYBE MANY YEARS
TO COME BECAUSE OF JAPANESE CONTROL
AND ADDON YEAR I FOR ONE MIGHT
BE NEW TO THE LAST SEASON AND MANY
MORE PEOPLE WITH MUCH LARGER
INVESTMENTS THAN MINE I JUST
WONDER HOW WERE GONNA PAY FOR
OUR INVESTMENTS.

I WOULD SUPPORT NON-TRANSFERABLE
PERMITS EXCEPT TO THE IMMEDIATE FAMILY
I WOULD CERTAINLY WANT TO BE ABLE TO
GIVE MY SON MY PERMIT WHEN I QUIT FISHING.
THANK YOU
Dennis Brown
Copper Center AK 99573

3-26-80

Representative Alvin Odlebeck

Dear Sir

as a 43 yr. Resident and 15 yr Cook
Inlet Salmon fisherman I
Respectfully Request you do not
Support H.B. 665.

I believe anyone who did not apply
with all previous opportunities has
little grounds to apply now
I know in the case of Cook Inlet
we do not need any more fish
in the water to further reduce
our already severely restricted
fishing time. add to that the
dismal forecast both for runs and
price in the Inlet & hope you
can see why I feel as I do

Sincerely

Lionel S. Hadenzon
5 E. RT Box 450
Anchor Point, AK. 99556

Clyde W. Smith
Rt. 2 Box 595
Buckley, WA. 98321

March 27, 1980

Mr. Alvin Osterbeck;

Please do not vote for the increase in Limited Entry permits. An increase would cut fishing time and decrease the value of permits. There are plenty of permits issued already.

Thank you kindly,

Sincerely,

Clyde Smith
Clyde Smith

3/27/80

Rep. Alvin Osterback
Pouch V

Juneau, Alaska 99811

Dear Alvin,

I am writing to you in regard to H B C C T which allows late filing for limited entry permits.

In my opinion, all of the salmon fisheries of Alaska are troubled by too much gear. This has been a problem since statehood and before.

Since retiring from A D F I G, I spent the 7th season on a seiner in S. E. Alaska and the last 2 on a power trawler. There are a lot of boats, more than enough to harvest the fish, in both of these fisheries.

I urge you not to support this bill. More gear will mean less fishing time for all.

Sincerely,
Stan Swanson

4-4-80

Representative Alvin Osterback
Pouch 1
Juneau, Ak.

Dear Mr. Osterback,

I am writing to you about the bill H.B. 665. I understand this bill will allow more people to file for limited entry permits.

As a powertrucker in Southeast Alaska, I am concerned. Naturally I would not like to see many more permits in our fishery. We are already losing fishing time yearly the way it is.

I hope you will fully consider the disadvantages and harm this bill will cause as well as the benefits.

Thank you,

Murray R. Hays
Box C 8471
Ketchikan, Ak

April 2, 1980

Representative Alvin Osterback
Pouch V
Juneau, Alaska 99811

Dear Sir:

I am writing this letter in regard to HB665, "The late filer bill."
There is already plenty of fishing gear in most of our fisheries.
Anything that would increase the amount of gear would result in a loss of
fishing time.

On the surface it may look as if today's fishermen are getting rich,
while in reality expenses are extremely high and most fishermen have very
large mortgage and interest payments to make.

The market for salmon doesn't look very good at the present time. I'm
sure that we are facing a sizable reduction in price.

With the above mentioned points in mind I am opposed to any legislation
that would increase the amount of gear in Alaska waters.

Thank you for your consideration in this matter.

Sincerely,

Kenneth G. Teter
Kenneth G. Teter

1211 2335 13.52 JA01 0023 13.52 04/04/80

TO REP. MILES AND REP. OSTERBACK AND ALL MEMBERS OF THE HOUSE
RESOURCES COMMITTEE
REP. RAMONA BARNES

FROM: RON KUCZEK
6009 WINDING WAY
ANCHORAGE 99501 333-1162

JOE FOUTS
6208 STAEDEN DRIVE
ANCHORAGE 333-6025

I WOULD LIKE TO VOICE MY STRONG OPPOSITION TO HOUSE BILL 665. WITH THE
PROJECTION FOR VERY LOW PRICES THIS YEAR, COUPLED WITH THE MARKETING
PROBLEMS ASSOCIATED WITH SALMON PRODUCTS AND A GENERAL EXCESS SUPPLY,
I FIND IT DIFFICULT TO ACCEPT ANOTHER APPLICATION PERIOD. THIS IS
DOUBLY TRUE WHEN YOU CONSIDER THAT THERE HAVE BEEN TWO PREVIOUS
APPLICATION PERIODS TO ENABLE INDIVIDUALS TO APPLY THAT HAD FAILED TO
DO SO. INSTEAD, I PROPOSE THAT A SYSTEM OF "USE YOUR PERMIT OR LOSE
IT" WOULD BE FAR MORE APPROPRIATE. THIS SYSTEM WOULD ENABLE OTHER
FISHERMEN TO ENTER THE FISHERY AND NOT DESTROY THE VALUE I HAVE PAID
TO ACQUIRE MY PERMIT BY FURTHER SATURATING THE FISHERIES WITH EXCESS
GEAR.

THANK YOU FOR YOUR CONSIDERATION.

March 31, 1980

Bert Nagel
Box 843
Petersburg, Alaska 99833

Representative Alvin Osterbeck

I wish to express my opposition to H.R. 665. The passage of this bill would threaten the economic viability of many current permit holders as well as put additional stress on fishery resources and their management.

I'm a Bristol Bay permit holder. Last year was a good season; the price was high and the fish were there. This year, however, things aren't quite so rosy. Sure, there'll be plenty of fish but the collapse of the Japanese salmon (as well as crab and herring) market will result in my earning 40 or 50 percent of what I did in 1979. Still, if I'm lucky, if none of my equipment breaks down, if the canneries don't put me on a catch quota, and if the fish return predictions are correct, I might make a living from the coming season, not much more.

One must not lose sight of the forest for the trees; one must look beyond a sequential year or two to the economic viability of any given fishery whether it be in Bristol Bay or Southeast. The Bristol Bay fishery is a cyclic boom and bust phenomenon which tends to repeat itself in 5 year intervals: one good year, a near good year, and three poor ones. On the good season, perhaps with the help of the mediocre year, the fisherman is expected to earn enough money to finance his operations over a five year period. From this year on the viability of the wealthy Bristol Bay will better quickly evaporate.

Allowing more people into the business could hurt on the good years but on the bad ones, on the ones when the fisherman get by on the skin of their teeth, the increased competition would be financially ruinous for many current permit holders.

Further, this bill is unsound from the standpoint of resource management and threatens to exacerbate the quality control problems now facing the industry. Better prepare this year than in 1979, the processors still admit that the fishermen can catch more fish than they will be able to handle. If the current permit holders can readily supply all the fish that can be processed and more, to add more fishermen to the fleet would only increase the harvesting of fish which would ultimately go to waste and rot. Such practices are ecologically criminal.

I encourage you to vote no on H.R. 665; my vote goes to the man who does so.

Thank You,



Bert Nagel

March 29, 1980

POUCK V
Juneau, Alaska 99811

Dear Representative Alvin Osterback:

Regarding Bill HB665 to establish new application permits.

As you well know how things are this year, especially with a big run predicted, and we are looking at a dismal price projections for this coming year.

I understand considerable processors are cutting down on boats and many do not have a market. Also, the processors are using it as a wedge to keep prices down. Just imagine how many will suffer - also, by having less fishing time in future lean years.

Many of us have gone over our heads in debt by purchasing new boats and gear, as you will see in the bay this year. I know of two who purchased new boats and have no market.

Whoever did not apply for permits had two chances to do so in the past. They had equal opportunities.

Furthermore, I do not see where the Alaska Legislature should tell us how much we should ask for selling our business, because that's what it is - A BUSINESS!

Sincerely,

Robert A. Bonanno
Robert A. Bonanno
11 Robinsdale Road
Martinez, California
94553

March 28, 1980

Phil Daniel
Executive Advisor
United Fishermen of Alaska
197 South Franklin
Juneau, Alaska 99801

Dear Sir:

I just received a letter from you folks and must say I'm appalled to think that legislation is trying to increase the entry permits.

I fought for limited entry knowing that someday I would have to pay for the privilege of making a living in Alaska and the entry program was necessary to help insure that living.

I feel I was cheated once in the beginning by having to serve two years in the military, one in Vietnam. I did this at the time with no reservations because I believed we were in a just war only to find out it was not. Those two years could have meant a free permit for me. I care none to no job but was "lucky" to have landed a job later on a steaming vessel in Southeast Alaska.

After that year, I had the fishing fever and still do. I spent eight years in the fishing industry and then decided to venture into my own business of gillnetting. I sold literally everything I had including home, vehicles and almost all personal effects that I had collected so as I could fish. I competed with almost 300 gillnetters (free Pt.) for most of the year in an area that would support only half that number. After paying all debts, I was left with nothing which I accepted as dues especially for my first year of skippering.

Now I am being told that we stand a good chance of losing what we have because of a group of people who feel they deserve the right to fish. Where were they when limited entry began? I was working my rear off trying to get the money to operate a business and now I may lose what I have.

I don't understand why these special interest groups may get something for little or nothing, for something I paid for dearly and am still paying for. When will I ever play mean something. What will happen to the fishermen in the end, the little guy who sweated blood for his opportunity to make a living. I've always been an optimist in my work - but find little to be optimistic about now.

I would like to donate money sincerely but I'm so broke that I'm having a tough time getting even enough money to start the fishing season.

cc: Phil Daniel
Executive Advisor, U.F.A.
Rep. Nelson Johnson
Rep. Alvin Osterback
Rep. Terry Gardner
Senator Clem Pillion
Senator Bill Sumner
Senator George Holman

Respectfully yours,

Donald W. Bartlett
Donald W. Bartlett
P.O. Box 1
2916 E. Cockburn Rd.
Mount Vernon, WA

Representative Alvin Osterback

April-9-1980

Dear Mr. Osterback

May I have a moment of your time please to point up a few items of interest to consider before voting on HB-665.

By way of introduction, I am a resident of Anka Bay, Alaska and engaged in commercial fishing not part time but year around.

Limited Entry is here. You helped put it into effect. The year after its startup we were asked to prove we really wanted this program in its entirety. The choice was made. We wanted it to work just as it had been designed to do, limit the amount of gear in proportion to available stocks in each fishery.

As can be seen by the last several years fishery returns through limited Entry, the control of amount of gear, is working. Our returning runs are building.

Bristol Bay this year will be a bonanza. Remember several years back, these fishermen were asking the state for financial disaster aid, because of poor returns.

Happy days were on the way up.

Since we now know that a plus has been made with the Entry program, lets look at that program further.

Reflecting then on these factors, how can we possibly think of undermining a good working program, Limited Entry. Devastating and far reaching results will follow if we allow this bill, HB-665 into law. Bill after Bill will be introduced for each one who has a special interest.

The Limited Entry program was voted on by all of us, it passed the test. Let us not now start tearing it down. Let us instead strengthen that program to help build those runs in each fishery. Above all make it work as it was intended to - by controlling the amount of gear in the fisheries.

Thank you -
Eugen K. Holmstrand
Box 373
Auke Bay, Alaska 99821

APRIL 1, 1980

DEAR REP. OSTERBACK,

IN A YEAR WHEN THE PRICE OF FISH COULD BE HALF, THE COST OF FUEL DOUBLE, AND THE HEALTH OF MOST OF THE SALMON FISHERIES IS IN QUESTION, I FIND IT HARD TO BELIEVE THAT OUR LEGISLATURE IS CONSIDERING ISSUING MORE PERMITS. I REFER YOU TO HB 665, THE "LATE FILER" BILL PROPOSED BY NELS ANDERSON. THE PROBLEMS THAT WOULD ARISE IF SUCH A BILL WERE PASSED WOULD BE DEVASTATING AND FAR REACHING. JUST THE PROVING OF QUALIFICATIONS SEEMS AN IMPOSSIBLE TASK FOR EVEN INCOME TAX RECORDS ARE NOT AVAILABLE AFTER THIS LENGTH OF TIME. THEN TOO, CONSIDER BRISTOL BAY SET NET PERMITS WERE ISSUED AT "0" POINTS. YOU JUST HAD TO HAVE FISHED TO QUALIFY. THE NUMBER OF PERMITS ISSUED WOULD HAVE NO BEARING ON WHETHER THAT PARTICULAR FISHERY COULD HANDLE THAT AMOUNT OF EXTRA GEAR.

IT BEEMS TO ME THAT ONE OF THE REASONS THIS TYPE OF LEGISLATION HAS BEEN INTRODUCED IS TO APPEASE THE PUBLIC BY ALLOWING MORE PERMITS TO BE ISSUED. IN THE LIMITED ENTRY BILL, PROVISIONS FOR JUST THAT HAVE ALREADY BEEN MADE. IF SUFFICIENT RECOVERY OF A FISHERY WARRANTS ADDITIONAL PERMIT MAY BE ISSUED. THE CRITERIA

MUST BE ESTABLISHED AS TO WHAT CONSTITUTES
A RECOVERED FISHERY. BOTH BIOLOGICAL AND
ECONOMICAL FACTORS HAVE TO BE CONSIDERED.
AT PRESENT, THESE NEW-ISSUE PERMITS WOULD
BE AUCTIONED OFF TO THE HIGHEST BIDDER.
THIS STILL DOESN'T ADDRESS THE PROBLEM OF
MAKING THESE PERMITS MORE AVAILABLE TO THE
AVERAGE PERSON INTERESTED IN GETTING INTO THE
FISHERY. I FEEL AN APPRENTICESHIP PROGRAM
ALONG WITH A TARGETED LOAN PROGRAM COULD
HELP SATISFY THIS NEED. "LATE FILERS" COULD
APPLY FOR AN APPRENTICESHIP AND AS A HIGH,
FOR NAUTICAL AND FISHING EXPERIENCE WOULD BE
IMPORTANT QUALIFICATIONS.

I URGE YOU TO CONSIDER THIS SERIOUSLY
BEFORE A VOTE IS TAKEN ON HB 665.

SINCERELY,

Kerry J. Becker

KERRY J. BECKER, FISHERMAN (NON-PERMITTEE)
P.O. Box 373
PUKE BAY, ALASKA 99821



3/31/80

Representative Alvin Osterback
Juneau, Alaska

Dear Mr. Osterback,

I am writing to protest against passage of Bill HB 665, now before the state legislature. Passage of this bill would undermine limited entry by allowing a flood of new permits into fisheries that are already overloaded with gear, suffering from reduced fishing time and facing a depressed market in 1980.

As a permit holding fisherman in Bristol Bay I am not looking for an unfair advantage - just some consistency and stability within the system.

Please give limited entry a chance
to work by voting against HB 665.

Sincerely,

David Gath
South Natenek,
Alaska

3-31-80

Dear Representative Ostebach:

I am writing to you regarding HB 665, which would allow a large number of limited entry permits to enter into an already overcrowded fishery. I for one know because I have not been able to fish the Copper River Flats for the last two years and it looks like the same story this year. This is directly related to the amount of gear in that fishery. I know the Bristol Bay area predicts a big year but they have been known to have some real lean ones too. Would you want help that situation before we keep allowing more gear to come in. Let's see how this current limited entry works out. Before half of these recent applicants didn't even start fishing, until the permit prices went up, now everyone and their uncle wants to play fisherman. I realize there were

(2)

Some folks who missed out on permits that should be fishing today but there is already too many people in the game already. Because of the value of their permits, it forces them to stay and fish harder. Next step is, the powers that be will start cutting down our fishing time, length of year and the heart and spirit of the Alaskan fishermen who was out there long before limited entry came around. We need a break, we are all not hitting big season, like many are led to believe. At this time I ask that you vote against allowing any significant amount of gear into the fisheries.

Thank you very much.

Resident 16 years Tom Keenan

Fisherman 14 years 2716 FORE RD.

NACHOZGO AK 99607

P.S. Would you please discuss this with the other representatives or if it is tough to contact each and everyone of them. Thank you

HB665

Mms

April 1, 1980

The Honorable Alvin Osterback
House of Representatives
Pouch V
Juneau, Alaska 99811

RE: H B 665

Dear Mr. Osterback:

As the holder of entry permit SO3A 56637K, I would like to express my objection to any change in limited entry laws that would materially increase the number of permits.

I am in the process of moving to Petersburg, and, of investing well over \$100,000 in the salmon fishery. This investment could not be justified if it were not for limited entry.

While regulation of the catch maintains the resource, limited entry maintains a viable and efficient harvesting industry.

Last year's excesses in Bristol Bay did not reflect a deficiency in harvesting capability. Rather, they demonstrated deficiencies in transportation and processing of the catch. More gear in the fishery would only have aggravated the problems.

Poor price expectations for 1980, in part, reflect a glut of relatively poor quality fish processed in 1979. Accordingly, you might do well to emphasize quality assurance programs to protect this vital aspect of the industry.

Very truly yours,

R. W. Isett
245 Park Lane - Apt. 210
Palatine, Illinois 60067

April 8, 1980

Dear Representative, A. Osterback:

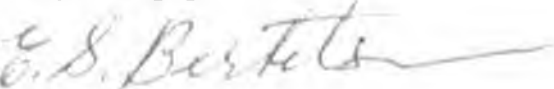
I respectfully urge you to vote against bill HB665, known as the "late filer bill". This bill presently before the legislature, if passed would create 560 new drift permits in the Bristol Bay drift fishery alone.

On the surface this bill looks good, in that it would create over 1200 new jobs in the Bristol Bay area alone, while increasing state revenues from license fees and income taxes. This bill would be god sent if the salmon runs are good every year. Unfortunately, this is not so. Lets look back to 1972, 1973 and 1974. In these years over 95% of the fishermen lost money in this area. In 1972, for example, 200 to 300 fishermen went home early on the verge of bankruptcy. (Please review the reprint of Anchorage Daily News enclosed.)

Presently, the companies operating in the Bristol Bay area cannot process the fish fast enough to keep up with the fishermen we now have fishing in these waters. When this happens, the fishermen are put on limit or are told not to deliver fish until they can catch up. What would happen if we had 560 new permits?

I would urge the state of Alaska to attract mor companies to process the fish that are caught before we can think of adding more permits.

Very truly yours,



E. S. Bertelsen

Representative Alvin Osterback

We, the undersigned, wish to protest HB-665 (the Late Filer Bill, which will grant approximately 500 additional permits for Bristol Bay alone). We feel that there are more than enough units of gear already fishing in Bristol Bay. Also, there are over one hundred sixty-five (165) known fishermen without markets at present.

We also feel that this bill would benefit more outside fishermen than residents, because the ratio of present drift permits is much higher for outside fishermen. With the present number of permits, the fishermen can catch all the fish that the processors can handle on good years, and on poor years we are on the beach because of too many fisherman for the fish available.

If this Bill is passed, 500 additional permits would put everyone in the fishery on a poverty level in the poorer cycle years, which is 3 out of 5.

Name	Address
Michael M. Hatala	Box 58 Nuknek, Alaska 99633
Ben Angel	" 143 " " "
Thomas Baker	" 72 " " "
George Wilson	Box 198 " " "
John Ludgwick	Box 101 " " "
K.A. Johnson	Box 30 " " "
Just M. Piche	Box 5 " " "
Thomas P. Menden	Box 103 " " "
Nicholas Menden	Box 103 Nuknek, AK
Wendell McLaughlin	Box 200 Nuknek, AK
Daniel Agard	Box 171 Nuknek, AK
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William Johnson	Box 127 Nuknek, AK
Emile J. Anderson	Box 13 Nuknek, AK
Ant. J. H.	Box 152 " " "
Ronald Mairala	Box 206 " " "
John Mairala	Box 152 Nuknek, AK
Steve Lee	Box 39 Nuknek, Alaska
Anders J. H.	Box 55 Nuknek, AK

We, the undersigned, wish to protest HB-665 (the Late Filer Bill, which will grant approximately 500 additional permits for Bristol Bay alone). We feel that there are more than enough units of gear already fishing in Bristol Bay. Also, there are over one hundred sixty-five (165) known fishermen without markets at present.

We also feel that this bill would benefit more outside fishermen than residents, because the ratio of present drift permits is much higher for outside fishermen. With the present number of permits, the fishermen can catch all the fish that the processors can handle on good years, and on poor years we are on the beach because of too many fishermen for the fish available.

If this Bill is passed, 500 additional permits would put everyone in the fishery on a poverty level in the poorer cycle years, which is 3 out of 5.

Name	Address
Randy Briggs	Ugashik Alaska
William Asplund Jr.	Box 202, Naknek, Ak.
Bernadine Stedman	Box 108, Naknek, Alaska
Wilmer B. Thompson	Box 103 " "
Robert Stedman	Box 109 " "
Stan Chmiel	Naknek, AK.
Clyde R. Dewey	Box 146 " "
John Lundgren Jr.	Box 101 " "
Robert F. Frazier	Box 107 " "
W. Hillman	Box 167, Naknek, Ak. 99633
Tim Cook	Box 142, Naknek, Ak. 99633
John C. Knutson	Box 143, Naknek, Ak. 99633
Helen M. Herrmann	Box 63, Naknek, Ak. 99633
Kenny C. Neuman	Box 63 Naknek, Ak. 99633
Wilbur Carlson	Box 2844 Kodiak Ak 99615
Rafel Ayon Sr.	Box 334 King Salmon Ak. 99613

MEMORANDUM

State of Alaska

TO: The Honorable Nels Anderson
Majority Leader
House of Representatives

DATE: February 25, 1980

FILE NO:

TELEPHONE NO:

FROM: The Commercial Fisheries Entry
Commission

SUBJECT: HB 665: Additional Appli-
cation Period for Limited
Entry Permits

SUMMARY

Based upon data reflecting participation of gear licensees during the years 1969 to 1974, the Commission staff has determined that there are approximately 4,144 known eligible individuals who failed to file a timely application during the application periods for the 19 fisheries originally placed under limitation. An unknown number of fishermen who operated gear from 1960-68 were also eligible to apply.

There were 602 individuals known to be eligible to apply in the Arctic-Yukon-Kuskokwim (AYK) fisheries who did not file timely applications. Those 6 fisheries were limited in 1976 based upon fishing histories in the years 1970 through 1975.

Of the number who failed to file timely applications during the various application periods, 393 submitted late applications for the original 19 fisheries, and 69 submitted late applications for the AYK fisheries. These applications were not accepted by the Commission.

Of the non-filers described above for the original 19 fisheries, 442 had pre-printed point totals at or above the current issuance levels for entry permits. In the AYK fisheries, 28 non-filers had pre-printed points at or above the issuance level.

The possible impacts of a new application period on selected fisheries is reflected by an analysis of the known non-filers in the Bristol Bay drift gill net and Kuskokwim gill net fisheries. We have estimated the probability of successfully verifying sufficient points to award a permit for all known non-filers with pre-printed histories. That analysis indicated a probability of 55¹ new permits being issued in the Bristol Bay drift fishery and 50² in the Kuskokwim fishery.

¹ 4 additional permits would be issued to non-filers with pre-printed points at or above the issuance level.

² 12 additional permits would be issued to non-filers with pre-printed points at or above the issuance level.

In determining the feasibility of providing a new application period we believe it is not possible or advisable to limit the affected class to less than all eligible applicants as defined in present law.

A large number of additional permits would likely have adverse effects on the economic health and stability of the fisheries, increase management burdens, be expensive for the State, and would cause considerable administrative burden. The precedential effect on future fisheries placed under limitation is of concern to us and the question of whether or not the new application period would affect limited herring fisheries should be considered. Also, it was impossible to determine the number of additional individuals who may be eligible to apply based upon participation from 1960 to 1968. Every eligible applicant would have an excellent chance of being awarded a permit in many of the set gill net fisheries.

Should the Legislature decide to provide a new application period, the Commission offers the following suggestions for consideration as possible statutory provisions:

1. permits be issued only to those who can demonstrate they would suffer significant economic hardship by exclusion from the fishery;
- ✓ 2. the new class of permits would be non-transferable;
3. evaluation of the new applications be stayed until the original application process has been completed; *4200,000 by FY1*
- NOA.* the new permits would be usable only in years when the predicted returns are higher than the average for the particular fisheries;
- ok 5. 1981* prohibit the award of multiple permits to the same applicant;
6. provide for permits awarded via point-pooling be non-transferable;
7. applicants under the new application period would not be eligible for interim-use permits pending the outcome of point verification;
8. provide that estates not be eligible to apply; and
9. provide that each provision of the new legislation be non-severable from the rest.

HISTORY

Nineteen (19) salmon fisheries were the first fisheries subject to entry limitation. They included all net fisheries (except those in the AYK region) and the statewide power troll fishery. After establishing a maximum number for each fishery, an application period began in November 1974 and ended in April 1975. Persons with known participation as gear licensees from 1969 to 1972 were sent "yellow cards" indicating that they were eligible to apply for permits and could use a detachable portion of the yellow card to request a pre-printed application from the Commission. Yellow cards were also made generally available throughout the State. Upon receipt of a yellow card, the Commission would print information about the applicant and as many points as could be determined from state records on an application form. (Points were pre-printed in the categories of past participation and consistent participation in 1969 through 1972, residency, and vessel ownership. No income dependence points were pre-printed.) These pre-printed applications were sent to the requestors at the addresses provided on the returned portions of the yellow cards. Any interested person could also obtain a blank application in any of the numerous locations around the state.

In 1976, the Commission brought under limitation the six salmon fisheries of the AYK region. All known eligible applicants, based upon participation data from 1970 through 1975, were mailed pre-printed applications at their last known address. The application period for these fisheries ran from March 10 to June 10, 1976.

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Isakson

A Supreme Court ruling allowed those persons who were licensed gear operators for the first time in 1973 and 1974 to apply for entry permits in the original 19 fisheries. This so-called Isakson application period ran from January through September of 1977. People who had recorded landings as gear licensees during this period and who did not have recorded participation in the period 1969 to 1972 were sent application packets.

Non-Filers

Utilizing the computerized records of fishing histories from 1969-74 for the original 19 limited salmon fisheries and 1970-75 records for the AYK salmon fisheries, and the various application files of the Commission, we have estimated that at least 4,785 additional eligible applications could have been timely submitted in all salmon fisheries limited through 1976. A more detailed analysis follows:

Original 19

Commission records indicate that 4,142 applications could have been submitted by fishermen with fishing histories in the years 1969-74. Of that total, 442 have pre-printed point totals at or above the issuance levels for the various fisheries. The Commission also received requests for pre-printed applications from 1,817 people

without a history of participation during that time period. A more detailed breakdown of the status of various non-applicants follows:

1. 511 pre-printed applications were mailed to eligible applicants at their request, but were not returned to the Commission;
2. 2,306 known eligible applicants with fishing history during the period 1969-72 did not contact the Commission;
3. 934 persons who may have been eligible to apply during the Isakson application period did not return applications that were mailed to their last known addresses;
4. 181 applications with pre-printed points were returned late and were not accepted;
5. 279 applications were received late and not accepted from individuals for which the Commission had no computerized history of participation;
6. 1,817 individuals without computerized histories requested applications but did not return them;
7. 574 AYK applications were mailed with pre-printed history but were not returned to the Commission.

Bristol Bay Drift Gill Net

We have completed a probability analysis for the Bristol Bay drift gill net fishery to estimate how many eligible applicants that have pre-printed point totals below the issuance level for that fishery (17 points) might eventually verify sufficient points to receive a permit if a new application period was established. This was accomplished by determining the success rate of all applicants who

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submitted applications with from 0 to 16 pre-printed points. Based upon that analysis, we estimate that 551 applicants would receive permits for this fishery. This total, plus four applications with more than 16 pre-printed points, could result in an additional 555 drift permits in the Bristol Bay fishery if another application period were opened utilizing the same standards of issuance as utilized in the original application period.

AYK

In the 6 AYK fisheries, 574 pre-printed applications were not returned to the Commission. As of January 21, 1980, an additional 28 applications with pre-printed points were returned late and were not accepted. Also, 41 applications with no pre-printed history were received late.

Of the 602 unaccepted and known eligible applications, 24 have sufficient pre-printed points to automatically receive a permit at present issuance levels. An additional 11 have point totals at a level insufficient to receive a permit at present but may eventually qualify for one depending upon the outcome of adjudications and appeals.

Kuskokwim Gill Net

We have completed a probability analysis for the Kuskokwim gill net fishery in the same manner as was explained for the Bristol Bay drift gill net fishery. Besides the 12 applications which currently have pre-printed points totals above the issuance level,

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we have estimated that an additional 50 applications would eventually be awarded sufficient points to receive a permit. This makes a possible total of 62 additional permits in this fishery.

SUMMARY OF LATE APPLICATION DATA BY FISHERY

(Original Nineteen Fisheries)

Fishery	Eligible ¹	Eligible ²	Received Late ³		Total ⁴	Automatic Issue ⁵		Total ⁶
	Requested	No Request	Elig.	Inelig.		Resident	Nonresident	
Southeast Purse Seine	11	45	1	4	61			0
Southeast Drift Net	29	92	6	7	134			0
Statewide Power Troll	61	308	8	11	388	2	0	2
Yakutat Set Net	14	33	3	6	56	2	0	2
Prince William Sound Purse Seine	13	38	2	8	62			0
Prince William Sound Drift Net		177	7	6	231	1	0	1
Prince William Sound Set Net	6	5	0	1	12	7	2	9
Cook Inlet Purse Seine	3	18	0	0	21	1	0	1
Cook Inlet Drift Net	46	228	22	29	324	2	1	3
Cook Inlet Set Net	32	139	4	5	180	34	2	36
Kodiak Purse Seine	16	130	7	7	161	1	0	1
Kodiak Beach Seine	1	13	0	1	15	11	0	11
Kodiak Set Net	12	71	4	4	91			0

<u>Fishery</u>	<u>Eligible¹</u>	<u>Eligible²</u>	<u>Received Late³</u>		<u>Total⁴</u>	<u>Automatic Issue⁵</u>		<u>Total⁶</u>
	<u>Requested</u>	<u>No Request</u>	<u>Elig.</u>	<u>Inelig.</u>		<u>Resident</u>	<u>Nonresident</u>	
Chignik Purse Seine	1	5	1	8	15			0
Peninsula-Aleutian Purse Seine	7	27	0	8	42			0
Peninsula-Aleutian Drift Net	5	41	1	6	53			0
Peninsula-Aleutian Set Net	6	17	0	7	30			0
Bristol Bay Drift Net	151	602	60	65	878	9	0	9
Bristol Bay Set Net	56	317	27	55	454	263	106	369
TOTAL:								444

- ¹ Applications with pre-printed points for the years 1969 through 1972 which were requested on yellow cards and mailed to the applicants, but which were not returned to the Commission.
- ² Applications with pre-printed points for the years 1969 through 1972 which were not requested by the applicants, not mailed, and for which no "blank" applications were submitted.
- ³ Applications received late and not accepted by the Commission. Eligible applications are those with pre-printed history for 1969 through 1972. Ineligible applications are those with no pre-printed history. Figures through January 21, 1980.
- ⁴ Total applications in preceding four columns.
- ⁵ Number of permits that would be automatically issued (at current point levels) to the preceding non-filers and late applicants if they were allowed to apply in a new application period. Residency was determined by the most current address on file with the Commission, 1969-1980.
- ⁶ Total number of permits with pre-printed points above the current issuance levels.

SUMMARY OF LATE APPLICATION DATA BY FISHERY

(Arctic-Yukon-Kuskokwim Fisheries)

<u>Fishery</u>	<u>Eligible¹ Applications Not Submitted</u>	<u>Eligible² Applications Submitted Late</u>	<u>Ineligible³ Applications Submitted Late</u>	<u>Total⁴</u>	<u>Automatic⁵ Issue</u>
Upper Yukon Gill Net	18	1	6	25	0
Upper Yukon Fishwheel	20	5	14	39	0
Kuskokwim Gill Net	178	8	8	194	12
Kotzebue Gill Net	83	3	1	87	8
Lower Yukon Gill Net	191	9	7	207	6
Norton Sound Gill Net	84	2	5	91	2

¹ Mailed applications with pre-printed points for the years 1970 through 1975 which were not returned to the Commission.

² Applications with pre-printed points for the years 1970 through 1975 which were submitted late and not accepted.

³ Applications with no pre-printed history which were submitted late and not accepted.

⁴ Total of the preceding three columns.

⁵ Total number of permits that would be automatically issued at current point levels if the applications were submitted in a new application period. Does not include the eleven applications which, if submitted, would be still pending a final decision in certain fisheries.

PROBABILITY OF PERMIT ISSUANCE TO ELIGIBLE LATE APPLICANTS
 BY PRE-PRINTED POINT LEVEL FOR THE
 BRISTOL BAY DRIFT GILL NET FISHERY

Pre-Printed ¹ Point Level	Number ² Awarded	Number ³ Denied	Total Number ⁴ Received	Percent ⁵ Awarded	Late and ⁶ Non-Applicants	Projected Awards
16	165	1	166	99.40%	9	8.95
15	89	0	89	100.00	3	3.
14	79	2	81	97.53	12	11.7
13	51	0	51	100.00	8	8.
12	46	2	48	95.84	5	4.8
11	105	11	116	90.52	30	27.2
10	75	6	81	92.60	10	9.3
9	60	5	65	92.31	31	28.6
8	58	9	67	86.57	25	21.65
7	34	10	44	77.28	18	13.9
6	53	20	73	72.61	61	44.3
5	75	42	117	64.11	112	71.8
4	25	7	32	78.13	26	20.3
3	58	42	100	58.00	205	118.9
2	19	22	41	46.35	80	37.1
0*	38	28	66	57.58	211	121.5
	1,030	207	1,237		846**	551

Pre-printed above issuance level: 4

TOTAL: 555

- 1 Points were pre-printed based upon fishing data from 1969 through 1972 in the areas of past participation, consistent participation, residence, and vessel ownership. No points were pre-printed for the years 1960 through 1968 or income dependence and crewman participation in any year. In this fishery a very high percentage of fishermen were awarded income dependence points. (This factor, together with the 1960-1968 history, accounts for the high probability of permit issuance.)
- 2 Actual number of applications awarded permanent entry permits.
- 3 Actual number of applications denied permanent entry permits. This figure includes those applications still in the hearing and adjudication processes and those that were denied due to late submittal.
- 4 Total number of applications received by the Commission for each point category below the present issuance level.
- 5 Percent of the total applications received that were awarded permanent entry permits. This percent is the estimate of the probability of issuance of an entry permit at each point level.
- 6 Number of eligible applications (with pre-printed history for the years 1969-1972) which were either not submitted or submitted late.
- 7 Number of permits that would be awarded if the eligible non-applicants and late applicants submitted applications in a new application period, as projected by the probability of issuance of a permit at each point level below automatic issuance.

- * Multiple Operators - more than one fisherman using the same ADF&G number. Individuals with no history other than as multiple operators were printed out at zero points.
- **We believe there is a possibility of at least a 5% error in this estimate, due to an inability to verify the number of eligible non-filers using the application control log books.

PROBABILITY OF PERMIT ISSUANCE TO ELIGIBLE LATE APPLICANTS
BY PRE-PRINTED POINT LEVEL FOR THE
KUSKOKWIM GILL NET FISHERY

<u>Point¹ Level</u>	<u>Number² Awarded</u>	<u>Number³ Denied</u>	<u>Number⁴ Pending</u>	<u>Total⁵ Received</u>	<u>Percent⁶ Awarded</u>	<u>Late and⁷ Non-Applications</u>	<u>Projected⁸ Awards</u>
7 ⁴	6	0	1	7	86	2	1.7
6	31	6	4	41	76	21	16.0
5	86	27	10	123	70	24	16.8
4	5	5	0	10	50	7	3.5
3	15	73	30	118	13	69	9.0
2	2	21	0	23	9	26	2.3
1	1	38	0	39	3	25	.8
							<u>50.1</u>
						Pre-printed above issuance level:	<u>12</u>
						TOTAL:	62

- ¹ Points were pre-printed based upon fishing data from 1970 through 1975. Unlike the original nineteen fisheries, AYK fisheries points were pre-printed for all of the qualifying years.
- ² Actual number of applications awarded entry permits.
- ³ Actual number of applications denied entry permits. This figure includes those applications still in the hearing and adjudication processes and those applications that were denied due to late submittal.
- ⁴ Number of applications pending a final determination of the issuance point level in this fishery. At present, all applications with 6 or fewer points are denied, all applications with 8 or more points are awarded, and applications with 7 points are issued interim-use permits pending final determination of their eligibility for an entry permit.
- ⁵ Total number of applications received by the Commission in each point category below the present issuance level.

- 6 Percent of the total applications received that were awarded permanent entry permits. This percent is the estimate of the probability of issuance of an entry permit at each point level below automatic issuance.
- 7 Number of eligible (with pre-printed history for the years 1970-1975) applications which were either not submitted or submitted late.
- 8 Number of permits that would be awarded if the eligible non-applicants and late applicants submitted applications in a new application period, as projected by the probability of issuance of a permit at each point level.

EQUITY

This section will discuss several issues which bear heavily on the question of whether another application period is necessary or desirable. The Commission realizes the likely possibility that a class of fishermen may exist who, through no fault of their own, did not take full advantage of the application process because they did not comprehend the importance of the one-time-only application process, did not know that they could submit multiple applications, or were geographically located in such a place as to not hear of the implementation of limited entry. However, there is an even larger class of eligible fishermen who did not submit applications because of a conscious decision not to apply for as many reasons as there are members of this class. After several attempts to distinguish the first group from the second, the Commission is convinced that no fair and equitable way can be devised to allow a specific class of persons to apply while excluding others who are similarly situated. Additionally, we believe that use of the application process as a means of screening out otherwise eligible applicants is a misuse of the methodology utilized to limit entry into commercial fisheries. The major criteria should be the relative hardship realized by exclusion rather than who will and will not be allowed to apply.¹ Following is a discussion of several factors that will be affected by the passage of HB 665.

¹ The Commission obviously believes that the class of eligible applicants should be limited to gear operators, since they are the only class specifically addressed by the limited entry law.

Biological Impact

One of two prime considerations of entry limitation is to ease or arrest the growth of pressure of exploitation on a biological resource. At present, the salmon fisheries are subjected to greater fishing pressure than any time in recent history. This is due to the establishment of high maximum numbers, an overage of permit issuances due to court rulings, and increased individual fishing pressure through greater capital investment (resulting in higher efficiency) and increased average individual fishing time. Further issuance will increase management costs and uncertainty.

Economic Impact

The other primary consideration of entry limitation is to create an environment of economic stability which will not exist in an open entry fishery. Additional permits will increase the cost of harvesting the same number of fish (thus diminishing the value of a public resource) and could affect the value of existing permits which have been freely transferred. It should be noted that Bristol Bay has been declared a disaster area several times with the present level or fewer units of gear participating in the fishery.

Availability of Evidence

The establishment of relative hardship is accomplished by measuring several indicators in the two general areas of past participation and economic dependence, and ranking individuals by use of

a point system. Specific evidence is required to verify point claims. Valuable evidence is embodied in tax records, records of expenses, and records of gear and vessel ownership as of certain dates. Much documentary evidence that was available in 1975 at the close of the original application period will now no longer be available. Federal and State tax records for the crucial years of 1971 and 1972 have been destroyed or are in the process of being destroyed by the responsible government agencies.

Consequently the Commission would have to accept less conclusive evidence to treat new applicants in a manner similar to the original applicants, which would have the concomitant disadvantage of subjecting the system to more frequent occurrences of fraudulent claims. Should this indeed prove necessary, we believe that the estimate of an additional 555 permits in the Bristol Bay drift gill net fishery is realistically possible.

Low Issuance Levels

A number of set gill net fisheries had original permits issued at either very low point levels, or zero points in the cases of the Bristol Bay and Prince William Sound set net fisheries and the Kodiak beach seine fishery. If a new application period is established, these fisheries could realize phenomenal increases in effort now that there is general knowledge of the value of entry permits. The situation is exacerbated by the large, unknown number of fishermen who participated prior to 1969 and who did not submit original applications

because they had departed from the fisheries. It is safe to assume that a great number of those individuals would take advantage of a new application period.

Legal Issues

The Commission has defended in court both the notice provided of the application periods and the efficacy of the application assistance programs. In all three Superior Court rulings, the Commission efforts have been upheld. If the Legislature suggests that the necessity of the new application period is due to the failure of the Commission to fulfill its responsibility to supply adequate notice or assistance, it would destroy a precedent that we believe the Commission needs to preserve.

As presently drawn, the bill would allow the estates of all eligible applicants who have died since January 1, 1973 to apply during the new application process. Additionally, the passage of HB 290 provided for point pooling and would allow additional permits to be issued as a result of combining points from new and timely applications.

Expense

Another application process would cost a substantial amount for the Commission to administer, especially considering the great interest in the program at this time, and because of the high hearing rate that can be expected in response to the loss of otherwise verifying evidence.

600 Applications Still Pending

Another application period at this time could cause additional expense and uncertainty for those applicants from the original application period who are still awaiting a final decision from the Commission. At the least, we would hope that their interests would be provided for before giving special consideration to a new class of applicants who had the same application opportunities as the original applicants.

Late Application Handling

We have reviewed Commission records of late application handling at the close of the original application periods. After the regulatorily established deadlines, the Commission provided for a period when applications could be accepted for good cause. The Commission was very lenient in accepting applications during this period. There was a changing policy, however, if applications were received after the good cause period. After the original good cause period which ended in 1975, the Commission first responded to late applicants by saying that they had "no discretion" to accept late applications. Later, some applications were accepted through special showings. Most recently, we have utilized a two-part test to determine whether or not late applications should be accepted. Hence, all late applicants were not treated equally. This will be true of any quasi-judicial agency, however, just as a court of law develops new precedents in time.

Unequal Opportunity

Even though it would seem that late applicants might generally have the same opportunity as the original applicants, they would generally have an advantage over many of the original applicants. As the Commission has progressed through several hundred adjudications, and the courts have overturned some Commission regulations and interpretations, new rules have developed. Points that would not have been awarded under the original application program would now be available to new applicants. So long as the benefits of the new rules only accrued to a few, it did not dramatically affect the equities of the situation. However, a whole new class of applicants would all benefit from the new rules, to the comparative disadvantage of those who submitted timely applications and were denied permits.

One-Time-Only

While we may all wish to believe that giving everyone one more chance would provide for the ultimate fairness, it most probably would not be a one-time-only demand for such a second chance. Already, roe herring fisheries have been limited and some eligible fishermen missed the application deadline. Would this new application period apply to those individuals as well?

We also worry about the precedential considerations for all fisheries limited in the future. Will, or should, the fishing public expect the Legislature to provide one more opportunity to apply after each fishery is limited? It is clear that the greatest number of late and

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non-applicants will be associated with the original salmon fisheries that were limited. As long as the present system is utilized, there will be some fishermen who do not file timely applications in the future when additional fisheries are limited. You may wish to reevaluate the use and necessity of the present application process to ameliorate future application deadline problems.

FURTHER CONSIDERATION

Should the Legislature decide that the equities lie with establishing a new application period, then we offer the following suggestions for your consideration to mitigate the possible negative impacts of such a decision.

Non-Transferrable Permits

Many fishermen advise the Commission that if they could get a permit they would not sell it, but only want to fish until retirement. If this attitude is embodied in the minds of those who would be served by the new application period, then non-transferrable permits would not be seen as detrimental. Additionally, non-transferrable permits would not interfere with the present system of free transfer of permits.

Should you wish to pursue this point in more detail, you might also consider providing a mechanism for the Commission to reissue these non-transferrable permits based upon some hardship ranking system, or simply to have them retire with the holder.

Should the Legislature decide that these permits are to be freely transferable, then you may wish to consider some way to recover for the State some portion of the windfall benefit which is being given to the late applicants.

Different Issuance Standards

The Commission believes that many fisheries would be drastically harmed if a new application period were established utilizing the same

standards of issuance as used in the original application periods. We feel it is imperative to raise the standards of issuance for this class of applicants.

AS 16.43.250(b) provides for the establishment of a class of persons who would suffer significant economic hardship if excluded from the fishery, and AS 16.43.270(a) directs the Commission to issue permits to every applicant in this class regardless of whether that would require issuing more than the maximum number established for a fishery. You may wish to consider requiring that a new applicant, in order to qualify for a permit, must meet the standards established by the Commission in implementing AS 16.43.250(b).

New Applications Considered After Final Classification of Original Applications

To ensure fair treatment for those applicants still awaiting final agency action on their applications, we request that you provide for evaluation of the new applications only after final evaluation of the timely submitted applications.

Special Use Standards

In addition to providing for non-transferable permits as suggested above, you may wish to consider limiting the use of permits issued under the new application period. One example would be to provide for the Commission, in conjunction with the Department of Fish and Game, to allow these permits to be fished in years when conditions are better than average for a particular fishery.

Prohibition of Awards of Multiple Permits

If it is the Legislature's intent to alleviate hardship with the passage of this legislation, you may wish to consider prohibiting the award of a permit to an applicant who has previously received a permit by application. To receive one permit by application indicates that the applicant was at least aware of the necessity to submit a timely application. Those applicants who for some reason were constrained from applying in all fisheries for which they were eligible most likely applied in the fishery that they were most interested in.

Point Pooling

The provisions of an amendment enacted last year would allow points from these new applications to be pooled with points on any other application submitted by that fisherman so long as the same gear type was involved. If it is the Legislature's intent to allow point pooling to be applicable to applications submitted under HB 665, we suggest that you consider providing for such permits to be non-transferable.

Ineligible for Interim-Use permits Pending Final Evaluation

Present legislation provides for the Commission to allow those applicants who still have a mathematical possibility of receiving an entry permit to fish in the pendency with an interim-use permit. We have found that the durational use of these interim permits is often a primary motive for pursuing an application which will more than

likely be denied. We strongly urge that the Legislature preclude the issuance of interim permits to new applicants who are awaiting final agency action.

Estates

We suggest that you consider changing the qualification characteristics from those presently provided for in AS 16.43.260. That language would allow the estates of all eligible fishermen who have died since January 1, 1973 (for the original 19 fisheries) or January 1, 1976 (for the AYK fisheries) to apply for entry permits. This change is especially valid if you wish to implement the suggestion of providing for non-transferable permits.

Non-Severability

Should you decide that some conditions be placed on any permits issued as a result of a late application period, and that those conditions are tantamount to achieving something resembling equity, then you may wish to add a non-severability clause to the conditions.

Buy-Back

It would seem quite evident that the 1973 Legislature believed that the Commission would initiate a buy-back program shortly after the salmon fisheries were limited. Now, seven years later, buy-back is still some time in the future. Should you decide to allow for additional permit issuance through a supplementary application period, we

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would suggest that the Legislature consider the question of buy-back and when it might be appropriate to begin the process.

We hope that our comments are of some use. Please do not hesitate to ask if we may be of further assistance.

For an Act entitled; "An Act relating to the limitation of entry into various fisheries; and providing for an effective date."

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

Section 1. FINDINGS. The Legislature finds that

- (1) many persons who are otherwise qualified for entry permits into certain fisheries have not received them solely because of their failure to submit an application to the Alaska Commercial Fisheries Entry Commission before the closing date for applications set by the Commission in accordance with AS 16.43.260(b);
- (2) many persons whose past participation in and economic dependence upon certain fisheries, measured under AS 16.43.250 and the regulations promulgated thereunder, demonstrates that they would suffer hardship by exclusion from the fisheries, were not adequately notified of the nature of a limited entry fishery or the significance of the original application period;
- (3) in order to prevent economic distress among fishermen and those dependent upon them for a livelihood, to regulate entry into the commercial fisheries without unjust discrimination, and to ensure that permits are awarded on the basis of hardship, as defined by AS 16.43.250, it is necessary to ensure that persons who were eligible for permits but who were not given adequate notice as to the nature of a limited entry fishery or the significance of the original application period are not denied permits solely because of a failure to apply in a timely fashion;
- (4) the factors relevant to a determination in a given fishery as to whether adequate notice was given of the nature of a limited entry fishery and the significance of the original application period are
 - (a) the percentage of eligible applicants who failed to timely file applications in the fishery,
 - (b) the average educational level of persons eligible to apply in the fishery and any cultural and language barriers to an understanding of the nature of a limited entry fishery or the significance of the application period,
 - (c) the communications system available during the application period to publicize limited entry and the closing date for applications, and
 - (d) the availability and effectiveness of outreach assistance in those areas in which such assistance would be reasonably necessary for the completion of applications;

fisheries, it is apparent that many persons were not adequately notified of the nature of a limited entry fishery and of the significance of the original application period, and that it is necessary to provide for a new application period in those fisheries in order to prevent economic distress among fishermen and those dependent upon them for a livelihood, to regulate entry into the commercial fisheries without unjust discrimination and to ensure that permits in that region are awarded on the basis of hardship as defined in AS 16.43.250;

(6) the number and percentage of eligible applicants failing to timely file applications for entry permits is significantly less in fisheries other than those in Bristol Bay, and insufficient information is available to determine the adequacy of notice in those fisheries, it is therefore necessary to establish a process for the Commission to investigate these fisheries for the purpose of making such a determination.

Section 2. PURPOSE. It is the purpose of this act to direct the Alaska Commercial Fisheries Entry Commission to accept applications for entry permits in the Bristol Bay salmon fisheries and to establish a process for determining whether adequate notice was given in the other salmon fisheries of the nature of a limited entry fishery and the significance of the original application, by reference to the factors listed in section 1 of this act, in order to prevent economic distress among fishermen and those dependent upon them for a livelihood, to regulate entry into the commercial fisheries without unjust discrimination and to ensure that permits are awarded on the basis of hardship.

Section 3 APPLICATIONS FOR ENTRY PERMITS IN BRISTOL BAY.

(a) Notwithstanding the provisions of AS 16.43.260(b), the Commission shall accept applications for entry permits for the Bristol Bay salmon fisheries from all persons who meet the eligibility requirements of AS 16.43.260(a) but who failed to apply within the time period established by the Commission. Persons who have previously submitted applications to the Commission after the closing date but before the effective date of this Act shall be considered to have applied under this section. The application period established by this section shall open on the effective date of this act and close on December 31, 1980.

(b) The Commission shall process applications received under this Act in accordance with its regulations applicable to the fishery into which entry is sought, except that a reasonable period of time is to be afforded for the

submission of supporting evidence. Permits shall be issued to persons applying under this Act who demonstrate hardship equal or greater than that shown by persons previously issued permits in that fishery notwithstanding the fact that such issuance causes the maximum number established by the Commission under AS 16.43.230-240 to be exceeded. This section does not authorize the Commission to revoke a permit previously issued.

Section 4. APPLICATIONS FOR ENTRY PERMITS IN SALMON FISHERIES OTHER THAN BRISTOL BAY.

The Commission shall research each salmon fishery which is subject to limited entry as of January 1, 1980, for the purpose of determining whether adequate notice was given as to the nature of a limited entry fishery and the significance of the original application period, utilizing the factors set forth in section 1 of this Act. The Commission shall annually prepare a report to the Legislature recommending in which fishery a new application period should be established and the scope and extent of the application period. The Commission shall have researched all fisheries and made its recommendations pursuant to this section by January 1, 1983.

4/18/80

TELECONFERENCE HEARINGS



* PST

TELECONFERENCE CONTACT SHEET

TAKEN BY deborah

TOPIC: 'LIMITED ENTRY'

CONTACT ADENHARD

COMMITTEE: House Resources

PHONE 3738

DATE: ~~3/18/80~~ DAY: Thursday

DATE SCHEDULED 3/3/80

TIME: ~~10:00 AM~~ SCHEDULED DURATION: 2 hrs
3 PM

LOCATION VALDEZ

MODERATOR PAT HICKOK

SITES PARTICIPATING:

CONFERENCE MODE: Audio Video

PUBLICITY:

PERSONS PARTICIPATING

SITE

chairman: REP. OSTERBACK

JUNEAU

Invitational

Committee making contacts

PSAs date quantity

News Release date quantity

Summary to be provided

Text to be provided

Quotes to be provided

Direct Mail date quantity

Phone date quantity

Post at Info. Office

Post other local locations

SPECIAL NOTES:

*info. on exact # of sites to be supplied

JUNEAU LOCATION:

Rm. 119

POST-TELECONFERENCE NOTE:

Participants 3

Observers 16

Total 19

Alaska State Legislature

TELECONFERENCE HEARINGS



DATE: March 3, 1980

LOCATION: VALDEZ, ALASKA

SUBJECT: LIMITED ENTRY

NAME	REPRESENTING	ADDRESS	PHONE	HERE TO OBSERVE	HERE TO TESTIFY
Walter Day	myself	Box 448 Valdez	935-4218		✓
Robert Day	Pat Day	Box 101 Cordova	424-3355		✓
Peggy Day	myself	Box 788 Valdez	835-4110		✓
Laurie A Day	self	Box 788 Valdez	935-4404		✓
Ed Saturn	"	Box 213 Valdez	924-4559	✓	
Ronald L. Ferrier	"	Box 434 Valdez	935-4550	✓	
Heleen Long	✓	Box 503 Valdez	—		
Del Ferris	✓	Box 272 "	935-4550		
Bob Heltness		Box 213	835-4539		
Janet Holman		Box 728 Valdez	835-4110		✓
Nancy Ann Collins	self	Box 422 Valdez	835-4413	✓	?

TELECONFERENCE HEARINGS



Please Print.
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME Patrick A Day

Here to Testify

REPRESENTING SELF

Here to Observe

MAILING ADDRESS P.O. Box 788 zip 99686

TELEPHONE NUMBER 835 4404

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Patrick A Day
(signature)

EVALUATION: Have you participated in other legislative teleconferences? No If so, how many? _____

How did you learn about this hearing?
SENATOR PERTTULA

Would you have participated in this hearing if the network were not available? YES

If yes, did you use the network
_____ instead of travel
_____ instead of phone conversations
 instead of mailed testimony?

Are you also providing written testimony? No

DATE 1/20/80 SUBJECT ABGGS LOCATION VALDEZ

TELECONFERENCE HEARINGS



Please Print.
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME Peggy Day

Here to Testify

REPRESENTING myself

Here to Observe

MAILING ADDRESS Box 788, Valdez AK zip 99686

TELEPHONE NUMBER 907(835-4404)

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Peggy Day
(signature)

EVALUATION: Have you participated in other legislative teleconferences? no If so, how many? _____

How did you learn about this hearing?
Sandra Ruthven R.P. Anderson

Would you have participated in this hearing if the network were not available? no

If yes, did you use the network
_____ instead of travel
_____ instead of phone conversations
X instead of mailed testimony?

Are you also providing written testimony? yes

DATE 11-2-88 SUBJECT HR 665 LOCATION VALDEZ

TELECONFERENCE HEARINGS



Please Print.
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME Robert E. Day

Here to Testify

REPRESENTING Pat Day

Here to Observe

MAILING ADDRESS Box 64 CORDOVA, AK zip 99574

TELEPHONE NUMBER 424-3355

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Robert E. Day
(signature)

EVALUATION: Have you participated in other legislative teleconferences? NO If so, how many? _____

How did you learn about this hearing?
Senator Hirtulla

Would you have participated in this hearing if the network were not available? YES

If yes, did you use the network
_____ instead of travel
_____ instead of phone conversations
 instead of mailed testimony?

Are you also providing written testimony? Yes

DATE 1/22 & 23/80 SUBJECT APL Sunset Review LOCATION Anchorage
33 HB 665 VALOR

TELECONFERENCE HEARINGS



Please Print.
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME [Handwritten Name]

Here to Testify

REPRESENTING myself

Here to Observe

MAILING ADDRESS Box 4218 Valdez Alaska Zip 99686

TELEPHONE NUMBER 877-4718

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

[Handwritten Signature]
(signature)

EVALUATION: Have you participated in other legislative teleconferences? Yes If so, how many? 2

How did you learn about this hearing?
[Handwritten Answer]

Would you have participated in this hearing if the network were not available? No

If yes, did you use the network
 instead of travel
 instead of phone conversations
 instead of mailed testimony?

Are you also providing written testimony? No

DATE March 22 SUBJECT Home Bill 655 LOCATION Valdez

Send
To H. Resources

ANCHORAGE

LA11 1323 10.37 JAG1 0027 10.56 03/04/89

TO BUYE
FR KATHI

WITNESSES AT HOUSE RESOURCES HEARING, HB 630, 631 & 665

ROBERT J. ROWAN
JACK McLEAN (FOR FRANK CORREA)
MIKE HOUGH
NICK SHUKALOFF
DOUGLAS POPE
BOB LOHN
DET. ROBERT BROWN



P. O. Box 578
Girdwood, Alaska 99587
April 17, 1980

Representative Alvin Osterback
Pouch V
Juneau, Alaska 99811

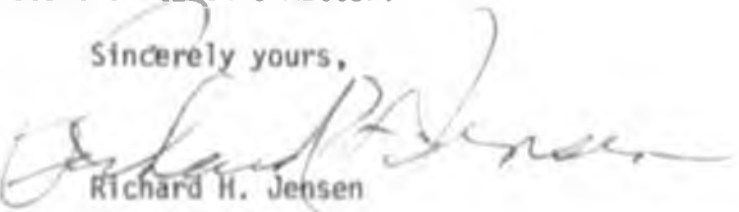
Dear Alvin:

I have been trying to get my limited entry permit since 1974, when I was ill-advised by Commissioner Jay Stovall that I did not qualify. The enclosed letter is the latest sent to the Commission; it is in reply to their denial of my application. The second letter is a copy of the reason for my late application and outlines the tremendous amount of research I have accomplished while compiling data to support my claim. The third letter is one I finally received from former Commissioner Stovall after I had completed my application and had submitted it. I forwarded it onto the Commission, but was still denied a permit.

I know that I am not the only one that has fallen afoul of this bureaucratic bungle, so I am offering to share my information with you to assist other justified applicants. Please let me know if I can help clean this up; and, if you can do anything to expedite my hearing or issuance of a permit, please do.

Thank you for your attention to this matter.

Sincerely yours,



Richard H. Jensen

RHJ:cj

Enclosures

P. O. Box 578
Girdwood, Alaska 99587
April 17, 1980

Ms. Kathy Bailey
Application Technician
State of Alaska
Commercial Fisheries Entry Commission
Pouch KB
Juneau, Alaska 99811

Dear Ms. Bailey:

I have your letter of April 10 acknowledging the return of my check to Richard L. E. Jensen in Anchorage; also acknowledging that I am requesting an administrative hearing. In confirmation of this, I hereby resubmit my original check for \$20.

The reason for this request is self-explanatory by examination of the sworn documents submitted with the application. I am entitled to a limited entry permit; and, except for the explicit ill-advice of one of the original commissioners who was engaged in traveling around the State advising and assisting groups of fishermen applicants, would have participated in the past five seasons. Without conjecture, I have been deprived of more than \$300,000 income.

Instead of this participation, I have months of time and effort involved amassing proof of my claim to a right that was taken from me and immersed in a jungle of bureaucratic requirements that emerge as barrier after barrier in attempting to regain the original freedom. I will give you one example: After I first discovered the fact in late 1977 that others in like circumstances were seeking and receiving limited entry permits, I inquired of some of my friends in staff positions with Fish and Game. They admitted some knowledge of this situation, but could not tell me of the special circumstances, nor did they have limited entry applications or regulations. I talked then to some of the returning fishermen who were gearing up for the 1978 season. They confirmed the fact that the commission was issuing belated permits. I then wrote the commission; and after an exchange of letters, received an application along with regulations and instructions. This packet arrived three years, six months and 19 days after I originally contacted a commissioner in regards to acquiring same. I immediately set out to complete the application as per the instructions - line by line. Throughout the application, the emphasis is on point accumulation. The supporting data is all relevant to verifying these points. I spent months locating and digging through 24 years of business records; I spent more months going the alternate method of seeking affidavits from the best sources I knew. I still was

April 17, 1980

nowhere near the required 20 points last summer when I finally called Commissioner Ingraham. During our conversation, he casually mentioned that if I could prove fishing effort between 1960 and 1972; and in addition, provide the proof of being ill-advised by a representative of the commission, I quite likely could receive a permit; since few, if any, points were required for set net permits in Bristol Bay. "Stop, hold the phone and say that again"---he repeated the statement. I was flabbergasted! Nowhere on the application or in the instructions does it remotely indicate that the Bristol Bay set gill net fishery was so far under quota that any qualified applicant would be issued a permit. Had this been made evident, I could have submitted this application a week after I received it, e.g., August 1978.

Perhaps this frustrating example will in a slight way indicate the desire for some form of recourse.

Sincerely yours,



Richard H. Jensen

RHJ:cj

Enclosure: Personal check #1441 in amount of \$20.

cc: Representatives Nils Anderson, Bill Miles and Alvin Osterback

②

P. O. Box 578
Girdwood, Alaska 99537
December 28, 1979

Commercial Fisheries Entry Commission
Pouch K B
Juneau, Alaska 99811

Gentlemen:

Along with my application, I submit this explanation concerning its tardiness. In late 1974, I took the responsibility for my family of staying abreast of the new limited entry law and its implementation. Therefore, this explanation is valid for Iris E. Jensen as well as Richard L. E. "Duffy" Jensen, my son, who are also applying.

In the first place, we did not receive any yellow cards put out by the Commission for requesting applications; nor did we get pre-printed applications which many fishermen received. In fact, I did not know of the information packets and application forms until several years later. My only source of information in 1974 was the newspapers, the radio and other fishermen (who were as confused as I).

However, sometime in December of 1974, I made a point of meeting with Commissioner Jay Stovall as he passed through Anchorage International Airport. We had lunch and I talked to him about getting our limited entry permits. He asked if we had fished during the 1969 through 1972 seasons. I told him "no"; and he said he was not sure, but that he thought we would not be eligible. Although he said that all the rules were not "cut and dried" as yet. As he left, I told him I would keep in touch. Meanwhile, we still received no official notice from the Commission. Which, in retrospect, indicates to me it was the Commission's opinion, at that time, that we were not eligible to fish in the Bristol Bay set net fishery. Had I received the packet, I could have read the criteria for myself. Moreover, I recall hearing via the news media reports from Juneau, that the fishing seasons of 1969 through 1972 were emerging as a critical period toward qualifying for permits; all of which supported Commissioner Stovall's original guesstimation.

Some weeks later, on January 17, 1975, to be exact, my wife and I went to Juneau for Governor Jay Hammond's inauguration. On January 19, I took advantage of the trip to visit Commissioner Stovall again and talk about our limited entry permits. We visited Jay in his home; and I explained that we wanted to continue fishing in the Bay and needed permits in order to do so. His response at that time was very positive; stating that if we had not participated in the fishery during the 1969 through 1972 season, we could not qualify for permits.

I reminded him that my son had been in Vietnam most of those years and while he was gone, I had paid our tidelands lease fees and maintained the sites and gear. He replied that leased sites would have no bearing on the issuance of a permit; he failed to mention, however, that military service would be an important factor. I was bitterly disappointed at this news and my wife and I had a lengthy discussion about the inequities of losing another of our rights which we had pioneered way back prior to statehood. She recalls my conversation with Commissioner Stovall and attests to its truthfulness by affidavit (Exhibit B1).

After this second meeting with Stovall, I resigned myself to the fact that we had been excluded from the fishery and notified my son, Duffy. Since we had known the Stovall family very well for 20 years, we had no reason to doubt his official advice--either then or now. Thus, the deadline of March 13, 1975, which I had noted on my desk calendar (Exhibit B2) came and went, as did the extended deadline of May 13, 1975. We had no applications on file; and furthermore, we did not seek an interim permit for that season since it was forecast to be a "scratch" year and we would have no permits for the following one anyway.

I never did receive anything from the Commission which gave us notice or recognized our possible eligibility for a permit, nor did I catch it in the newspaper legal notices. It was not until 1977, while I was in Bristol Bay during the fishing season, when I learned that late applications were being processed and set gill net permits were still being issued. This rekindled my interest and I talked to many of my friends who had fished with us. After some investigation, I found that many eligible applicants had missed getting permits for the same reason that I had. Specifically, they had been ill-advised by a representative of the Commission. In many cases in the Naknek/Kvichak area, this bad advice came from the agent assigned to the Bristol Bay Native Association who was designated to assist the local natives with their applications. (See Exhibit 8)

By this time, Commissioner Stovall had left the Commission and I had no personal contact with him or the other commissioners; but, I talked to friends in the Department of Fish and Game about my chances of seeking a belated set net permit. They advised contacting the Commission directly, which I did on June 1978 (see Exhibit B3). I received a reply from Commissioner Garner (Exhibit B4) and after an exchange of letters (Exhibits B5, B6, B7) finally received a packet of limited entry instructions and application forms. Thus, for the first time, in July 1978, did I get a chance to see the requirements for a permit. As I read them, I realized that we had, indeed, been eligible to apply prior to the 1975 deadline; and I began wondering why we had been advised against it? What had happened to change the picture? These two questions had to be answered in order to reconcile the great difference between the written regulations and the spoken word.

I immediately set out to complete my application and compile the documentation to compute my points. The requirements were very confusing, but I learned that the Commission had scheduled a public hearing in Naknek and planned to attend it in order to get some assistance. October 12, 1978, was the hearing date; but the meeting generated more noise and confusion than information, and I left still with the impression that it took 20 points to qualify for a set net permit in Bristol Bay. One fact that emerged from the meeting that amazed me was the number of eligible fishermen who after four years did not have permits. I searched

through all of our old records diligently for supporting information, but found that most of them had been destroyed by wind and rain. Those that I found appear with the applications, however, most of the evidence is in the form of sworn affidavits. Compiling these has been a long, slow process.

Last summer, I visited the Anchorage office of Fish and Game seeking an affidavit and other information. A friend suggested a call to Commissioner Dave Ingraham. On November 28, 1979, I called the Commissioner in frustration over my application and the documentation necessary for my points. I explained my problems with the point scoring; he stopped me then, and asked two questions: No. 1 - Had we fished in Bristol Bay during the period 1960 to 1972? Upon receiving an affirmative answer, he asked question No. 2 - Had we filed a timely application, and if not, why not? I described the previous advice I had received from Commissioner Stovall on the two occasions I had talked with him in 1974 and early 1975. After my explanation, Commissioner Ingraham stated that if we were able to substantiate that one fact to the Commission, we might be granted permits, since very few points were required for set gill nets in Bristol Bay. This statement regarding the low-point requirements for Bristol Bay set nets completely surprised me, because according to inferences in the instructions, it would require a substantial point-showing to acquire any permit. Here, then, was another quandary. At any rate, Commissioner Ingraham ended by stating that if we could prove that we were, indeed, ill-advised, we quite likely could get permits.

I flew down to Bristol Bay on December 11, 1979, and spent a week talking to other fishermen about the problems they encountered while seeking their late permits. In all cases, I found confusion and outright ill-advice which had been passed out by various spokesmen for the Commission. For instance, quite a few fishermen who had first been in the set net fishery and then advanced to drift netting during the 1969-1972 period were told they could not qualify for their set net permits; although some fishermen have since received them. All of this brought back to mind the discrepancy I encountered between what I had been told as opposed to what the regulation read. There had to be an answer and I felt that I must resolve this mystery in order to satisfy the Commission that I had, indeed, been misinformed. I left the Bay with that intention.

I called Commissioner Stovall, whom still lives in Juneau and whom I have not seen in three or four years. I reminded him of the several conversations we had concerning our set net permits. He remembered the occasions, but did not remember telling me that we could not qualify. He said that in most cases, where there was any doubt, he had recommended filing anyway. That sounded like he was hedging, since his last advice to me had been a definite "no." I was again mystified and wondered if there was some kind of a conspiracy going on, or had the ground rules been changed somewhere along the way and the prudent advice changed accordingly. I think that I have established this is exactly what did happen, particularly in the case of the Bristol Bay set gill net fishery.

Several weeks after my telephone conversation with former Commissioner Stovall, I sought out Mr. Darwin Biber who served on the Commission for four years. He joined the Commission in July 1973, three months after it was formed by legislative action. He was the state fisheries biologist until 1976, and thereafter, succeeded Allan Adasiak as Executive Director while continuing to serve as biologist

for the balance of his tenure. He told me that he had attended the preliminary hearings all over the state with Chairman Roy Rickey and other commissioners. He said that the resultant regulations and the overall point system which applies statewide were designed to fairly well screen out the non-professional fisherman who was not currently engaged in the fishery; in other words, those who had not engaged in their fishery during the 1969 through 1972 seasons. And, he claims they did a pretty good job except in Bristol Bay where there are very few professional fishermen. Here the Commission found, after the fact, that the point system allowed entry into the set gill net fishery of almost everybody who had fished during the entire qualifying period between 1960 and 1972. However, by the time this fact did emerge, the final application deadline of May 18, 1975, had long since past.

I have talked with Mr. Biber at length on this point and he acknowledges that because of the above-misjudgement of the points required, the various representatives of the Commission could easily have ill-advised many fishermen who were, indeed, eligible to apply, that they "could not qualify," and with good conscience. He further admits that later as it became apparent to the Commission that the points required to qualify for a Bristol Bay set gill net permit were going to be very low, that a different word went out from the Commission to these fishermen.

It seems that the critical point here is found in the, quote, "those fishermen eligible to apply," unquote (all 1960 to 1972 participants); and those who, quote, "could qualify for a permit," unquote, as deemed by the Commission (1969 to 1972 participants). In other words, it was the Commission's view that only current professional fishermen who could tally the higher points awarded for 1969-1972 participation would be able to get limited entry permits. This did not prove to be true. At that point in time, this mistaken assumption thwarted not only us, but others as well. In our case, we received neither applications or notices from the Commission or any of the regulations. Furthermore, when we made great effort to seek out a Commissioner who knew of our personal involvement in the Bristol Bay fishery, we were ill-advised that we "did not qualify for a permit"; thus, we passed the deadline without a timely application on file. I believe that when former Commissioner Stovall is questioned about this application, and as he recalls those early days prior to implementation of the Act, he will agree that the possibility certainly existed for misinformation having been dispersed to interested applicants in the Bristol Bay set net fishery.

With this lengthy explanation, I rest my case.

Sincerely yours,


Richard H. Jensen

RHJ:cj

Enclosures

P. S. I am awaiting a letter or affidavit from former Commissioner Stovall, hopefully, that will verify my contention.

(3)
Rt. 3, box 5050
Juneau, Alaska

February 5, 1980

Richard H. Jensen
P. O. Box 578
Girdwood, Alaska 99587

Dear Dick,

In answer to your letter of January 17, 1980, I thought I had better put some of my statements on this matter in a letter to you rather than by telephone. As you are aware, I will not be available for any Commission hearings from about March 15 to September 10. During this period I will either be in Bristol Bay or in transit to or from the Bay with the brine tender "Balena".

I do remember talking to you and discussing your Bristol Bay fishing history during your visit to Juneau for Governor Hammond's first inauguration. At that time my personal feelings were that any one who had not fished commercially after 1966 would stand very little, if any, chance of receiving a permit. I think that my statement to you was that "you had about the same chance as a snowball in Hell".

As we are well aware, it did not work out that way in the Bristol Bay set net fishery. Had you made application I am sure that you would have qualified for a permit, particularly in view of your ownership of fishing equipment and the tideland lease from the State of Alaska on your set net site. At the time I left the Commission in 1977 we had not received enough applications to match the maximum number of permits to be issued in that fishery. Of more than twenty fisheries this was the only fishery where that occurred. All of the other fisheries received many more applications than there were permits to be issued.

I hope this will be of help to you and I am certainly sorry that my pessimism at the time influenced you in not making application before the dead line.

If I can be of any further help please feel free to call on me.

Sincerely,


Charles J. Stovall

TELECONFERENCE HEARINGS



* PST

TELECONFERENCE CONTACT SHEET

TAKEN BY deborah

TOPIC: LIMITED ENTRY

CONTACT ADENA AIDE

PHONE 3738

COMMITTEE: House Resources

DATE SCHEDULED _____

DATE: 3-3-80 Monday

LOCATION _____

TIME: 3:00 pm PST Duration: 2 hrs
1:00 pm PST

MODERATOR _____

SITES PARTICIPATING

CONFERENCE MODE: Audio Video _____

PUBLICITY:

PERSONS PARTICIPATING

SITE

Chairman: Rep. OSTERBACK
 will be discussing these bills only.

1. HB 66	JUNEAU
2. HB 631	Bechar
3. SS HB 630	Sillingham
	Kodiak

Invitational

Committee making contacts

PSAs date quantity

News Release date quantity

Summary to be provided

Text to be provided

Quotes to be provided

Direct Mail date quantity

Phone date quantity

Post at Info. Office

Post other local locations

SPECIAL NOTES:

* info. on exact # of sites to be supplied

JUNEAU LOCATION:

Rm. 119

POST-TELECONFERENCE NOTE:

Participants	<u>1</u>
Observers	<u>6</u>
Total	<u>17</u>

Alaska State Legislature

TELECONFERENCE HEARINGS



DATE: 3-3-80
 LOCATION: Bethel
 SUBJECT: Limited Entry Bills.

HERE TO OBSERVE HERE TO TESTIFY

NAME	REPRESENTING	ADDRESS	PHONE	HERE TO OBSERVE	HERE TO TESTIFY
Frank Fox ^{duty}	Nunam Kitlutsisti	P.O. Box 267 Bethel AK 99559	543-2956	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Wilson E. Simpson	Self	P.O. Box 291 Bethel, AK 99559	543-2015		<input checked="" type="checkbox"/>
Arthur T. Nelson	Self	P.O. Box 231 Bethel, Alaska 99559			<input checked="" type="checkbox"/>
Jerry Kortebein	Self	Box 309 Bethel		<input checked="" type="checkbox"/>	
Peter Alessi	Self	Box 392 Bethel		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Kerri ^{file}		Box 232 Bethel			<input checked="" type="checkbox"/>
David Arnold	Self	Box 32 Bethel	543-2814	<input checked="" type="checkbox"/>	
Robt. White ^{Kathy file}	Self	Box 143	543-2322	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kimberly Martin	Alaska Legal Ser	Box 298	2237	<input checked="" type="checkbox"/>	
Ken Hamon ^{Sindiga Writter}	Nunam Kitlutsisti	Box 1243	543-2385		<input checked="" type="checkbox"/>
Jae Henrich	Self	Jim Del Tokocok Bay AK 99637	546-8001	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

