

A LIMITED ENTRY COLLAGE:

SOME PUBLISHED ASPECTS, 1974/1975

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Edited by Sig Jaeger

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## FOREWORD

The following 73 pages of clippings are not organized as an argument for or against limited entry in the commercial fisheries. The clippings were cut from the Kodiak Mirror, the Fishermen's News, National Fisherman, Seattle Post Intelligencer, and news releases from the Commercial Fisheries Entry Commission of the State of Alaska. The publications from which these items were taken represent in part the fisheries media which flows through this office from day to day.

Chronologically, this material extends from May, 1974 into July, 1975, a period of rather intensive comment on limited entry for the salmon fisheries as proposed in Washington State and is being implemented for the same species in the State of Alaska. But implications for other fisheries are also a part of this fabric. All fishermen read into these published accounts their own situation, as they understand the proposed controls, and as the understanding is further clarified when the effects of application become more apparent. Their reactions are voiced here in letters to editors, guest editorials, and in news releases.

Some North Pacific fishermen have sold their limited entry permits, some have purchased them. Others have gone to the court or to legislative bodies contesting the issues. In Alaska there has been one court decision upholding the state's limited entry law, but a subsequent decision (Sept. 29, 1975) rules against this law.



What are the issues? They are not limited to the salmon fisheries, nor to issues of fisheries management. They cut deeply in many other respects. In part, these issues are biologic with respect to the harvest, they are both political and economic with respect to proposed allocation of fishing as a privilege for a selected few, and the issues deeply impact a highly individualistic way of life.

There is an echo here of the 19th century friction in the middle and far West, when the fence builders moved into what had been the open and free range. A basic difference is, however, that the fencing out West was not decided solely by political or institutional fiat, but by a competitive and consensual movement full of resistance before any equilibrium was reached.

The concept of limited entry has been developed primarily in an institutional atmosphere. Its target, the fishing industry, has not been involved except in selected areas. Attempts to implement limited entry through law and to bring it into effect must involve the fishing industry itself - the resisting medium which brings the whole concept into open and public debate for the first time. The concerns expressed within these pages is an initial marshalling of statements and arguments that should eventually strip away or expose the misplaced logic, the non sequiturs of "economically efficient harvest"; "limitation by competition alone"; access based on "need versus economic efficiency"; administrative selectivity substituting for competence and efficiency; and the high potential that exists for an arbitrary transferring of modes of application to dissimilar fisheries.

The statements and arguments set forth in these clippings comprise in the aggregate a struck chord rather than a tone from a single key. The statements are logical and illogical, emotional and unemotional. They are eloquent, colorful, repetitious, agonizing, prescient, relevant and irrelevant. They range from the prophetic to the cliché.

But all stem from a deep and aroused concern for the future of the fisheries itself, and for those people on whom a vital fishing industry is dependent - the present and future involved fishermen.

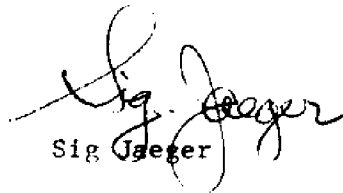
It is obvious then that limited entry is not just a tool for fisheries stock management. It threatens to cut through and overturn generations of fishing tradition; surgically removing from future exercise much of the innovative character of the industry that still remained after harvesting restraints only were instituted for biological fisheries management.

The fences are moving in from the horizon. An equitable and lasting equilibrium will be reached through time and evolution, proposal and counter-proposal, and through the ever-present resistance that these developments must characteristically move.

The variety and richness of commentary herein are a microcosm of an international fisheries problem. However, the deep and relevant concerns expressed, and the thought and time taken to express them in writing, comprises an aggregated voice from the North Pacific fishing industry.

Special thanks are given to Lois Hansen for her reading, her comments, and her unflagging interest in pursuing the lengthy and tedious chore of assembling from a variety of sources and putting under one cover these commentaries. Without her, this project would not have been initiated, much less completed.

The foregoing introductory and editorial comments are mine. Their precision (or lack of it) and their objectivity (or lack of it), are intended to provoke a more fulsome consideration of all issues involved in the concept called limited entry.



Sig. Jaeger

SJ/1h

October, 1975

# LIMITED ENTRY FISHERIES AHEAD FOR PUGET SOUND

THE UPCOMING moratorium, or limiting, of commercial salmon fishing licenses in Puget Sound has been under discussion for many years, and now seems close to fulfillment. In the Sound it is no less a complex and difficult solution to control fisheries than in other areas of the world's fisheries. However, such controls have been used in the Sound—in specific fisheries—for some time.

At present there are around a dozen countries that have imposed license limits or that are experimenting with controlling

(limiting) the number of fishing units. In the Pacific Northwest, only Canada and the State of Alaska have fully implemented license control programs under way. The Canadian program affects fishermen of both the Pacific and Atlantic coasts and has been in operation since 1968. The Alaskan limited-entry program became effective in January, 1974.

Washington Dept. of Fisheries senior biologist Henry O. (Hank) Wendler, in charge of salmon management for the department,

has reviewed the problems presented by the limiting of licenses in Washington, along with reasons for such limitation. Wendler pointed out that in Washington some forms of limited entry into specific fisheries have been practiced for a number of years. For example, the reef net fishery presently is limited to certain locations in northern Washington waters by legislative mandate (and at the request of the reefnetters in 1955). Special permits are required to fish in Carr Inlet (Minter Creek area), and the number of vessels allowed to fish is limited by (1) the number of fish estimated to be available for harvest, (2) the harvesting capability of the vessels, and (3) the size of the area in which fishing is permitted. Commercial harvesting of geoducks is, in a sense, a limited-entry program. More recently, the Department has entered into a joint program with the National

Marine Fisheries Service to determine, among other things, ways and means of controlling the number of vessels and gear which fish for Dungeness crab. Finally, the requirement for license validation has truly limited entry into an expanding herring roe fishery. Without such validation, management of northern Puget Sound herring stocks would have been a

shambles.

## Salmon Fisheries Now Wide open

For all practical purposes, anyone with the correct price may obtain a license to commercially fish for salmon in this state. The principle of unlimited access to our common property resources has resulted in a tremendous increase in the number of fishing vessels and fishermen being added to the fleet. This had had the effect of "too many fishermen chasing too few fish" since the number of salmon available for harvest is limited by the environment which produces it.

A simple example would be this: Assume that River X can produce an average annual harvest of 20,000 salmon. Also assume that 10 commercial vessels can harvest these fish and maintain a reasonable living standard for the fishermen. Under the unlimited access principle, however, there is now no limit as to the number of vessels which may fish for the 20,000 available fish; thus, these fish are then divided among more and more fishermen who, in turn, make less and less money.

From a more technical point of view, says Wendler, it must be understood that fishery manage-

ment consists of more than simply regulating a stock of fish on biological grounds. Management must integrate the biological requirements of the resource and the social and economic impact of man upon it. A viable commercial fishery, whether it is for salmon, herring, crab, or whatever, has three essential elements, viz., the resource, people, and profits.

Introduction of some form of control program (license limitation or limited entry) may be appropriate if one or more of the following conditions occurs:

1. The fishing fleet is operating on a unit stock of fish, e.g., salmon as an entity.
2. The resource is highly vulnerable to the fishing gear being used.
3. It is desirable to maintain high economic returns to the fishermen.
4. The product from the resource is such that the price paid has the potential of rising at a rate faster than the rate of inflation.

If, for example, Item 3 is paramount, the number of licenses should be based upon the lowest expected annual catch. In this way, the fishery would be profitable to the fisherman with the added benefit that the license itself acquires a monetary value.

In salmon, as in other species, there are wide annual fluctuations in abundance which are not necessarily associated with fishing activities. For example, pink salmon in Washington are available during odd-numbered years only; coho salmon are subject to the vagaries of weather during a critical portion of their early life history; etc. Despite these very real problems which annually face the salmon resource and the fishermen, there has been an escalation in the number of fishing vessels which, in turn, has resulted in a decrease in the average catch per boat. As more and more vessels and gear enter the salmon fisheries, the Department has been forced to shorten seasons or take other remedial steps in order to assure adequate escapement. Despite these actions, some salmon stocks have been overfished, escapements have suffered, as has good fishery management.

## Fisheries Dept. View

Some form of license control program on salmon would obviously help stabilize fishing effort at a time when the resources under escalating pressure and individual catches are declining. The State legislature recently passed a bill to "freeze" the issuance of salmon fishing licenses at some previous year's level (moratorium). The Fisheries Department supported the bill but such action may be too late to have a major effect on the economic problems facing the salmon fisheries.

The Department has, and must retain, the ability to respond to any change affecting the resource, adversely or otherwise. Because of increased units of gear and subsequent efficiency, often times the shortened seasons (say, one to two days per week) imposed on the fishery have not permitted adequate response to changes in abundance. This has on occasion, resulted in less than desired escapement in some cases and more than desired in others.

Managers are still groping for ways of providing the best method of controlling entry into various fisheries. The use of control programs as a fishery management tool can be applied to maximize some facet of the

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## Limited Entry Fisheries

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resource yield. Most economists agree that production of fishery products requires joint use of labor, capital, and natural resources and that to maximize the economic yield includes taking the harvest in the most efficient manner. A control program, if properly designed, can provide a method of at least partially controlling the exploitation rate and capital input. Implementation, of course, requires close contact between the industry (fishermen), the scientists, and the poor soul who has to administer the program.

## Survivors may apply for Entry Permit

**Juneau, Alaska**--The estate of a deceased commercial fisherman may apply, in certain circumstances, for an entry permit for fisheries subject to limited entry in the 1975 seasons, the Alaska Commercial Fisheries Entry Commission said recently.

The Commission said that it will accept an application on behalf of any fisherman who was alive as of January 1, 1973, if he was eligible to apply as of that date.

Commission records indicate that more than 75 fishermen who were potential applicants have died since that time.

The Attorney General has advised the Commission that for fisheries to be put under limited entry in 1975, "we must examine an individual's situation as of January 1, 1973, and may not look after that date to determine an individual's qualifications for an entry permit."

If a fisherman was alive as of January 1, 1973 and eligible to apply for an entry permit at that time, the Commission said, "the authorized representative of his estate may apply for a permit in his name if he has died subsequent to the qualification date established for the fishery for which he was eligible."

Such applications will be handled in the same manner as applications received from eligible fishermen presently living, the Commission said.

Applications for entry permits are expected to be available in November. Interim-use permits will be required for all other commercial fisheries in Alaska that are not subject to limited entry for the 1975 seasons.

December 1974

# LIMITED ENTRY 1975 FINAL REGULATIONS

The Power Troll fishery and all salmon seine and gill net fisheries in Alaska, except those in the Arctic-Yukon-Kuskokwim area, will have limited entry starting in 1975.

## I. OVER VIEW—HOW LIMITED ENTRY REGULATIONS WILL WORK IN 1975.

1. The commission has set the maximum number of permits that can be issued for each fishery based on highest number of units of gear actually fished in any year between 1969-1972.
2. It is likely that the number of fishermen applying for entry permits will be higher than the maximum of permits to be issued.
3. Applicants will be ranked according to a point system based on past participation and economic dependence.
4. Each point level will be considered a separate category. Those applicants who receive 20 points or more will receive a permit even if it means exceeding the maximum number.
5. Once everyone with 20 points is given a permit, all those applicants who receive 19 points will be given a permit, then 18 points, and so on down the point categories until all permits are issued.
6. If there are more people than there are permits to be issued for the last of these descending point categories there will be a lottery.
7. For those fisheries which do not have limited entry in 1975, fishermen will only be required to have an interim-use permit just as this year.

## II. THE POINT SYSTEM.

### PAST PARTICIPATION—20 POINTS POSSIBLE.

1. Years active as gear license holder. Must have actually landed fish in the fishery you are applying for. Year Points

Year	Points
1972	3
1971	3
1970	2
1969	2

One additional point for each year fished as gear license holder in the fishery applying for 1965-1968.

2. One point for each year fished as a crewman in fishery applying for from 1965-1972.

3. Consistent Participation. Must have fished a minimum number of weeks as gear license holder in order to qualify for points. This minimum varies from fishery to fishery.

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Year	Points
1972	2
1971	2
1970	1
1969	1

## ECONOMIC DEPENDENCE—20 POINTS POSSIBLE

1. Income Dependence. Compares gross earnings from the fishery you are applying for with earnings you receive from non-fishing employment.

Gross earnings will be determined by taking the total pounds of the fishery resource caught times the average price paid or by another verifiable figure.

### Non-Fishing Occupational Income (NFOI)

does not include earnings you make as a crewman or gear license holder in other fisheries does not include earnings from investments, pensions, or trusts.

does include earnings made in fish processing plants and other sources not directly earned by harvesting fish.

does include self-employment earnings outside fishing.

Actual formula is:

$$\frac{\text{Gross earnings}}{\text{Gross earnings} + \text{NFOI}} \times 100 = \text{percent income dependence}$$

Separate percentages have been set for each fishery.

1972 High Percentage	= 6 Points
1972 Low Percentage	= 3 points
1971 High Percentage	= 4 points
1971 Low Percentage	= 2 points

## 2. Investments in Vessels and Gear or Set Net Site.

Must have owned as of December 31, 1972. Vessel must have been used in the fishery for which you are applying.

vessel or set net site ownership = 6 points  
gear ownership = 3 points  
You may claim a maximum of six (6) points.

## 3. Availability of Alternative Occupations. Based on your place of domicile.

If census district or county with a population that is more than 80% rural or less than 10,000 total population...4 points

If in census district or county with a population that is more than 40% rural or less than 25,000 total population...2 points

## III. HOW TO APPLY FOR AN ENTRY PERMIT

1. To be eligible to apply you must have fished as a gear license holder in the fishery you are applying for prior to January 1, 1973.

2. Applications will be received during a period of 90 days to begin December 19, 1974 and closing March 18, 1975.

3. If you intend to apply for an entry permit, you will speed processing of your application by mailing a post paid postcard notifying the commission of your intent. Please mail at the earliest date possible. These are now available.

4. The commission, upon receipt of the postcard, will mail you an application with all records now held on commission files pre-printed on the application. The mailing will take place in early December.

5. Applications will also be available in field locations, but none of your records will be supplied by the commission unless you submit the postcard.

6. Once the commission has your completed application, you will receive a Notice of Classification. This will tell you how many points you have received.

7. You will have 45 days to contest the Notice of Classification and request an Administrative Appeal.

## Limited Entry Permit Applications Mailed

The Commercial Fisheries Entry Commission this week mailed more than 9,000 applications to commercial fishermen seeking entry permits for the 19 salmon fisheries that will be subject to limited entry in 1975.

The application period for these fisheries is from Dec. 19 of this year to March 18, 1975.

Those fisheries in which an entry permit will be required in order to fish legally are the salmon power troll fishery, and all salmon net fisheries in Alaska except those in the Arctic-Yukon-Kuskokwim area.

Interim-use permits are required to fish legally in all other commercial fisheries of the state. Application for an interim-use permit may

be made at any time, but a fisherman must have the permit in his possession while he is operating a unit of gear.

In addition to an interim-use permit or an entry permit, a commercial fisherman must get all other legally required licenses and registrations.

Applications for entry permits to the 19 salmon fisheries being subject to limited entry were mailed to all fishermen who have sent the commission a postpaid card indicating the fisheries for which they wanted applications.

Additional entry permit applications will also be available at field locations, including fish and game offices and commercial fish-

ing license vendors within a few weeks.

Acting commission chairman Roy Rickey urged all applicants to complete their applications and return them to the commission "as soon as possible so that entry permits may be issued before the 1975 fishing seasons."

The applications use a point system to rank people who might be eligible to receive an entry permit. Any applicant with 20 points or more out of a possible 40 is assured of receiving an entry permit, although applicants with fewer points are also likely to receive permits in many fisheries.

Wherever possible, the commission pre-printed

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points on an application mailed to an individual fisherman based on its records of his fishing activity.

Using various parts of the application, fishermen will have the opportunity to correct and supplement commission records.

"Fishermen who have used a commission postcard to request an application are urged to wait until the application arrives in the mail instead of picking up a blank application at field locations, since pre-printed points will save applicants a great deal of time," Rickey said. "If a fisherman does not receive an application within a reasonable time after he requested it, then he should definitely use one of the application forms available in the field," he added.

For all points not pre-printed on an application, fishermen are required to submit evidence substantiating points they claim.

# AN OPEN LETTER TO THE FISHERMEN OF ALASKA

You had better think the Limited Entry Program over, once more. In the first place, it is in direct violation of the

United States Constitution which guarantees every citizen an equal opportunity and an equal right to the

natural resources as a whole. No matter how proponents of the program try to white-wash the intent, the fact remains that certain fishermen who qualify under an utterly stupid point system will be allowed to fish, and the ones who don't will be refused an entry permit. Proponents say this gives every citizen an equal right because people will be allowed to buy permits. I say "Hog wash" unless, under this program, the Entry Commission can guarantee that there will be permits for sale, at any time, to any citizen, the whole program is in direct violation of the United State's Constitution. It's time to face facts. If a certain group of fishermen have entry permits and they are allowed to fish to the exclusion of all others, what could possibly be more discriminatory?

Before I continue, let me be the first to say we definitely have a problem. It's nothing new. It's been with us for many years. With the increased efficiency of our equipment, it has grown to major proportions — too many fishermen for the amount of fish. In this food-hungry world, maybe more fish would be a much more reasonable solution? I say, legislating part of the fishermen out of business is absolutely against every principle that made this country great. In some respects, it's like a cart with an ass in front and a bureaucrat riding it, holding a carrot in front. Believe me, Brother Fishermen, if you're talked into accepting this program you will be the one between the bureaucrat and the carrot.

If you will remember a few years ago someone came up with an idea to solve this same problem. The idea was area fishing. This was going to solve all our problems; make us rich even. It sure did. It resulted in a larger-than-ever-before fleet in each area stacked on top of each other with not enough fish to go around — a stationary fleet.

Let's get back to limited entry. I don't know who thought up the program, or whether it was copied from Canada's socialized system or not. I do know this isn't Canada. I do know that the motive behind it isn't the fishermen's welfare. The motive is pure and simple control. Every time the bureaucratic monster gains a little more control you lose a little more freedom. Let's face the fact that there isn't too much more to lose. The United States at this moment is on the brink of economic disaster. This is cold fact. To those of you who would welcome more bureaucratic control, more government bungling, more people concerned with your welfare, more loss of freedom as the answers to our economic distress, I say "Wake up!" Who do you think is responsible for the mess we are in now. I say the name of the game is control, and if you think those little applications for entry permits are ridiculous, wait until

Brother Commissioners have been in power for a few years.

Another common statement I've heard in support of limited entry is, "Look at all the other industries in the United States. Most of them are controlled, regulated, taxed, subsidized, and owe their very existence to some board or commission." This is true, and I won't go any further than to say, "Let's take a look at the condition they're in right now along with the rest of the country." ~~That~~ is

putting it mildly. My main rebuttle to the foregoing argument in favor of limited entry is the fact that I'm not interested in how much the other industries are controlled. I've always felt that United States, where a man fishermen are a "breed apart," and that's why I have stuck with it for so many years, even though it's not very rewarding financially. The fishing industry is one of the last strong-holds of free enterprise left in the

United States where a man is his own master and has to answer to no one for his vocation, or his chance to compete. It's true also that the people who want to help us are quite apt to succeed. We may go down the tube, so to speak, along with the wild-cat drillers and the gypo loggers. Well, this is also true. I will fight them all the way down the line. As long as there is a breath left in my body, I will fight with every means at my disposal.

I realize that all some of you can see are dollar signs. Don't forget: "Not all is gold that glitters." Don't sell your children's heritage for the few bucks you think your permit will be worth some day. That's exactly what you will be doing, so look at yourself in the mirror and think it over once more. To those of you with native blood, I can only add: What would your forefathers say if they could see your ~~original~~ rights compromised and stomped into the ground?

In conclusion I'd like to support my argument against limited entry by stating that if you don't agree that our country is in big economic trouble you have only to look at who owns the controlling interest in almost every cannery in Alaska. What if the same people that bought up all of the canneries decided in a

few years to form an American parent corporation and buy up all the entry permits, regardless of cost? I'm the first to admit that, in all probability, this will never happen, but what if. After

you've bargained away your freedom, what next?  
G. GALE ALLEN  
P.O. Box 55  
Cordova, Alaska 99574  
(34 years of commercial fisherman)



## Editorial

Alaskan salmon fishermen who followed the suggestions of the Alaska Department of Fish and Game and shifted their fishing effort from area to area in accordance with seasonal abundance are now being penalized by the Limited Entry Commission (LEC) for complying with ADF&G recommendations.

According to LEC regulations, an Alaska fisherman can apply for an entry permit in only one area. The critical period for all LEC point calculations is that between 1969 and 1972, inclusive. During that period, the canned salmon pack, a good indication of general salmon abundance, varied in Western Alaska from 286 thousand to 1.26 million cases. In Central Alaska the pack fluctuated from 680 thousand to 1.7 million cases, and in Southeastern from 300 thousand to 750 thousand cases.

Obviously it doesn't take as many fishermen to catch fish during a 286-thousand-case year as it does during a 1.26-million-case year, and a fisherman who, in 1969, shifted his effort from Southeastern where only 300 thousand cases were packed to Central where 1.4 million cases were packed was doing the logical thing according to economics, biology and the ADF&G.

Many of the best fishermen shift their areas of operation following the forecasts of the ADF&G, making their decision on the basis of the number of fish and the number of fishermen expected in any given area. These same fishermen are now being repaid for their compliance with the ADF&G regulations by being denied a permit to fish salmon anywhere in Alaska.

A fisherman, for example, who fished his own boat and gear in Prince William Sound in 1971 and 1972 and in Cook Inlet in 1970 and 1969 does not have enough points under the LEC regulations, to fish in either area in 1975.

Limited entry is a sticky problem at best, but any scheme which penalizes full-time, professional fishermen simply because they went along with the ADF&G's requests to relieve fishing pressure on small runs and to simplify management problems, is unacceptable.

The LEC should take a long look at that particular aspect of their regulations and make appropriate changes prior to the 1975 season. By doing so, they will save many valid Alaska fishermen from economic suffering this year and themselves from long and costly court cases which they are apt to lose next year.

January 1975—First Issue

## First Suit Filed Against Alaska Limited Entry Regulations

SEATTLE, WASH.—Steve Mason, a Prince William Sound gillnet fisherman, was one of the first to be hit by the new Alaska limited entry regulations and is the first, as far as we know to bring suit against the state over those regulations.

Mason who fished with his own boat and gear during the 1973 season, was denied a permit for the 1974 season because he had not held a gear license prior to January 1, 1973.

He fished during 1974 anyway, and was arrested by the state for fishing without an entry permit during the second week of the 1974 season.

On January 2, his attorney,

Randall Weddell of the Juneau law firm, Faulkner, Bamfield, Dugan and Holmes, filed for dismissal of the State of Alaska's charges in the Kodiak district superior court. Mason's attorney argues that his client was denied his constitutional rights when the State of Alaska refused to grant him a fishing license and that the limited entry regulations unduly discriminate against similar peoples in defiance of Article One of the Alaska Constitution and of Article Fourteen of the U.S. Constitution.

Mason, his attorney and several other Alaska fishermen have also formed an organization to test the gear limitation regulations in the

courts. The group, the Limited Entry Offense Committee, will bring a class action against the state.

Another group headed by John Randle, an Alaska troller, and his attorney Jim Clark of Juneau have formed a similar organization and the two groups are going to work together to fight the new regulations, according to Mason.

Mason is one of the first Alaska fishermen to be "hurt" by the new limited entry regulations and thus can take his case to court. He is interested in contacting other fishermen who have been or will be denied the right to fish in Alaska, and can be contacted at Box 1006, Cordova, Alaska or at 17 West Raye, Seattle, Wash. 98119.

## CFEC to help fishermen fill out forms

JUNEAU—The Commercial Fisheries Entry Commission announced January 8 that a program to assist fishermen in villages and towns in Alaska to complete applications for entry permits has been initiated.

"The method used for assistance will vary from area to area," Commissioner Roy Rickey said, "but we intend to be sure that all eligible applicants are able to file their applications and receive the maximum credit for which they are entitled toward their entry permits. We are asking Native organizations and other groups to assist in our efforts. Adequate notice will be given fishermen in an area when assistance will be available."

The commission also announced that the application procedure has

been simplified by the addition of licensing and fish ticket information in the commission's Juneau office., Fishermen need no longer submit copies of their commercial license or gear licenses to claim credit for past participation in a fishery unless they have them readily available and wish to do so. The commission can also document fishing activity in the

years from 1960 to 1972 as long as applicants provide the correct set net or ADF&G number under which their fish were actually landed.

The application deadline for entry permits in the 19 salmon fisheries having limited entry is March 18, 1975.

# 100 Fishermen Pledge to Fight Limited Entry Law

KODIAK MIRROR  
FEBRUARY 11, 1975  
Page 1

by Nancy Freeman

One hundred Kodiak fishermen raised their hands in opposition to Limited Entry during a meeting at the KEA auditorium Saturday and pledged their support to have the law repealed.

The meeting was called by fishermen Ron Anderson and Steven Horn who, with the help of Dave Herrnsteen, asked for assistance in forming a large committee to (1) "support the people that already have a legal fight going," and (2) "to try and repeal the whole law in the legislature. Eventually we'll have to get some people who will take the time, at the right time, to go down to Juneau and testify and lobby against it."

"It's not going to be an easy fight; it's going to take a lot of work."

Herrnsteen, who was in Juneau when the legislation was being formulated, said, "where I balked is when they put the dollar sign on the permits."

"I said that might work for trollers and gill netters because your permits still wouldn't get so high that a guy couldn't (buy one). But I said it is never going to work for Kodiak's diversified fisheries. But the state kept on saying 'That's the basis of the constitutionality (of the law). All the ideas people come up with that sound

nice, like just limiting entry to residents, are unconstitutional' — or that's what they would always tell us. They would say the basis of the constitutionality of our Limited

Entry is the fact that we are going to buy and sell permits."

A Seldovia fisherman in the audience said "Entry into the fishery, as it has been

in the past, anyway, has always controlled itself. It is the same thing that happens to animals when there are too many and not enough feed, some starve out. The

same thing happens in the fishery.

"If it is economically feasible for a fisherman to make a living in the business, he continues with the business. When it becomes impractical and he can't make it any longer, then he goes on to something else."

"For this reason we have shrimp fishermen and crab fishermen and some who are (fishing) tanner — it has to be spread out because not everybody can make it on salmon."

"So actually it's going to be a case if he can make a living at it he is going to stay at it. And those who can't, aren't; they're going to go on to something else."

"And so I don't think there has to be another solution for how we are going to control the number of fishermen. It (Limited Entry) definitely isn't conservation because the Alaska Department of Fish and Game controls conservation completely. They may not even open a season during a whole summer. It could be limited to five fishermen and if the ADF&G never opens the season those five fishermen wouldn't make it anymore than if there were 500 fishermen." "So there is no reason for Limited Entry in conservation. And fishermen, if it is economically feasible, will make a living at it and if they don't

they'll go on to something else. But there is no reason for Limited Entry period."

Another man said when he first heard about Limited Entry he wondered "Why do we want it?" He was told, "We want to get rid of the Outside Fisherman."

"I said, that sounds good. That would be good if we could do it. But he is an American citizen and I am a firm believer that when you violate my rights you still have rights, too, and I can't violate yours."

"Now if there's a workable solution, I'm all for Limited Entry. But the meeting they had here when Roy (Rickey) and Stovall were here and they said we could not discriminate against the Outside Fisherman. I knew

then that was just a pile of junk and right there, at that time — before it went any further — it should have been voted on."

"Another thing, when they (the state) told us in past years that they could not — that they did not have money to set up stream guards — I want to know now where did they get a million and a half now to work this (LE) proposal? It doesn't seem sensible to me that you have money for one thing and not another."

A Kodiak fisherman asked about how the "up to seven per cent buy-back program for crab and shrimp" was included in the law and Herrnsteen said "there was a Senate Fisheries Committee that was set up to pass the legislation. And the United Fishermen of Alaska and the fishermen who were involved at that time knew all about it. Some weren't as crazy about it as others but the idea sounded nice — gee, you buy out all these people and that means there are fewer fishermen so you make more money."

"I never liked the idea because you are giving someone a permit and then everyone else is going to pay money to buy that permit back from someone you just gave it to. It is going to be awfully expensive when you are talking about buying out crab boats and shrimp boats."

(continued)

Herrnsteen said later that the first year, "the appropriation to the LE Commission was half a million dollars — now they've had a million dollars just to run the commission. And of course that million dollars comes from our permit fees that we've been paying them for everything we do."

"And, without a doubt, this is going to go up and up and up. In other words, we're spending all this money to fight this."

"And these guys are in jobs they're trying to save so they're going to be sending people down here to try and fight us back — and they're being paid through money we paid — it's the damndest thing."

Agreeing to testimony from the audience that Limited Entry is hurting old people as well as young people," he said "I remember when the bill was going through. Particularly in Petersburg, there were halibut fishermen there who had been fishing may be as crewmen or sometimes with their own halibut boat but, you know, they're old-timers who have been fishing a hard, tough fishery — they wanted to semi-retire by going trolling and they couldn't do it. They were the ones that testified against it (LE) but there weren't enough of them."

Burnie Lindsey, who already has a LE permit for salmon, went on record as being opposed to Limited Entry because "I don't think there is anyway you can take say 500 fishermen and cut it down to 250 and do it so it is fair and without hurting somebody."

"I say let free enterprise govern the thing."

As president of the United Fishermen's Association, here, he said he would ask his membership "if they want to take a position on it."

A fisherman asked: "Who is Limited Entry supposed to benefit?"

Herrnsteen: "It was supposed to help the fishermen. They passed it because they got a dozen fishermen down there (Juneau) in the halls and they pushed it through. It is supposedly helping fishermen."

From the audience: "That money could be used far better in salmon rehabilitation."

People signed up to work on a committee that will further the goal of the group; and representatives plan to meet with Phil Daniels, head of the state-wide United Fishermen's Association, who is expected in Kodiak sometime this week.

# 'Seems Like Our Kids Are Going to Be Sitting On the Beach While the Outsiders Fish . . .'

by Nancy Freeman  
and Nell Waage

## Calvin Skonberg

Calvin Skonberg, a home owner in both Chignik and Kodiak, says he qualified for a Limited Entry permit to go salmon fishing "just by the skin of my teeth. Otherwise, all those years of fishing would have been for nothing."

Skonberg bought his 36 foot F/V ROSALIE in 1971.

"I am for Limited Entry up to a point," he says. "I think they should go by how much a person depends on fishing. If it is your main source of income, you should be able to fish and run your own boat."

"If it is strictly for 'vacation' money, work as a crewman. But a full-time fisherman should be able to run his own boat."

## Father of three sons.

Skonberg says his 10-year-old, Arnold, has been fishing since he was five. "Two of my crewmembers quit, so Arnold filled in and he has been fishing ever since."

"My nine-year-old, Clayton, is coming fishing with me this summer."

The youngest, Artin, "has a little ways to go yet" — but he is only two.

## Nick Shangin

"I'm for limiting gear,"

says life-long salmon fisherman Nick Shangin, "but there should be some other approach to this besides telling the kids just growing up they can't have a license."

Shangin has three boys and "the only thing they know how to do to earn a wage is fishing. All of a sudden there is a law that says they can't get a license

to operate (salmon) gear."

His sons Stephen, 12, Edgar, 17, and Russell, 18,

"have been fishing ever since they were 10 and 11 years old." The provisions of the Limited Entry Law, as they apply to salmon, prevent Russell from operating a boat this year.

Shangin, who has been operating gear for 25 years, says he doesn't expect his kids to go on working for him but, "under this law, they're licked before they even start" in attempting to run their own boats.

## Andy Shangin

Andy Shangin, 24, is still attempting to secure a permit to go salmon fishing this year.

A veteran of 13 salmon seasons, Andy says "I feel Limited Entry is not right. What about the other people

who will not be able to run boats later on?"

Andy has fished on the C/OLA and the ALICE A.

## Alec Brandal

Alaska born and raised, Alec Brandal began salmon fishing 27 years ago and has been a skipper for the past 20 years. Although Alec calls Chignik home, he has wintered in Kodiak for the past few years so his kids can attend high school here.

Eligible for a limited entry permit himself, Alec says his concern is for his five kids—ages 12 through 19 and "all fishermen."

"I was all for limited entry (in the beginning) and I feel (now) I have two boys who've been fishing with me for eight years — one started when he was nine, the other when he was three years old — I feel they've earned the right to fish."

Alec is also upset about others who he feels are getting permits unjustly. "I've heard about one guy who fished only six years but got two permits."

Explaining that he doesn't believe the limited entry law is constitutional, Alec says, "It looks like our kids are going to be sitting on the beach while the outsiders fish."

"Seems like the people with money are going to have all the licenses."

## Ralph Skonberg

With 12 years of salmon fishing under his belt and a wife and four kids to think about, Chignik-born and raised Ralph Skonberg, 27, has this to say about being excluded from the salmon fishery:

"It hurts — I just got my own gear last year — limited entry is helping outsiders more than the local people. A lot of young people coming up can't get licenses."

Ralph has skippered a cannery boat for the past few salmon seasons, waiting his chance to purchase the gear and boat which may have made him eligible for a permit if it had come a year or two sooner.

## Gus Skonberg

Gus Skonberg at 18 already had 7 years' salmon fishing behind him. As a youthful member of a well-known "fishing family" Gus typifies the plight of the young fisherman who is just now realizing the implications of the limited entry law.

What it means to him is "if it goes through I'll never be able to have my own boat." The tradition in his family, as well as many others in Kodiak and Chignik, is to grow up, be a fisherman and eventually own your own boat.

It's the American way.

# Those Permits Are Going to End Up In Controlled Big Business Industry

(This letter, from Blaine Kendall, one of the plaintiffs in the suit to halt limited entry, appeared in the Cordova TIMES Feb. 6. Cordova fishermen have been leading the fight against limited entry and have been recently joined by south-eastern and Kodiak fishermen.)

P.O. Box 486  
Cordova, AK 99574  
Feb. 4, 1975

Dear Editor:

The following is an expose on limited entry:

Fact: The number of fishermen who support limited entry is shrinking rapidly. The reasons are multiple. The fact is slowly becoming apparent to many that their rights and their freedom of choice were sold down the river.

Fact: Recently a group of concerned fishermen met with an elected representative from this district. During the course of the conversation at that meeting, he made the statement that he was of the opinion from the very beginning that he didn't think limited entry would stand a constitutional test. Later in the same discussion he made the statement that he had voted for the bill because he thought that it was what the fishermen wanted. I hope the message is conveyed very soon to this man that the fishermen of Alaska

do not want this unconstitutional mess anywhere near their state.

Fact: There are still an estimated two dozen fishermen in the Cordova area who are in favor of limited entry, as could be witnessed by the fact that they had a float in the recent Iceworm Festival. We will attempt to change their minds right here and now.

First, we want to mention heritage. Shame! Shame on anyone who would dispense with an inherent right, handed down from genera-

tion to generation. There is no reward great enough to justify this betrayal of a sacred trust. The only rebuttal of this that we've heard is that some young fellows starting out will be able to buy permits or possibly inherit them. Don't be naive; don't be stupid. Those permits are going to end up in a controlled, big-business industry, and you are looking at the absolute end of a father and son related industry that has survived for many, many years.

Fact: The buy-back program which can be instituted at any time by the commissioners has a seven per cent assessment involved that many fishermen think is seven per cent of their gross catch for the year. This, in itself, is a pretty stiff price, but what most don't realize is the fact that it's seven per cent of each per-

mit they're talking about. In other words, a fisherman who gill nets in the spring and fall could be taxed seven per cent of that gross. If he seines in the summer, he would pay seven per cent of that gross also, and if he ~~that would call for another~~ seven per cent.

Fact: If you hold a permit and do not participate in the fishery for which the permit is valid, you are liable and will be assessed seven per cent of the average catch for the year. Therefore, if you would like to hold a gill net permit and go to work on the pipeline, be prepared to pay for it. If the average gross catch is \$10,000, you could be liable for a \$700 tax and conceivably forfeit your permit if you didn't pay.

Fact: The State of Alaska did kick the door wide open in Bristol Bay without regard for the law last year. For some reason, hardly anyone knew that interim permits were handed out like popcorn at a ball game, while people in other distressed fisheries were denied permits.

Fact: There is a misconception right now that the only ones who are crying about limited entry are the ones who don't qualify for one permit or the other. This simply is not true. Fishermen all over Alaska who do qualify for their permits are beginning to wake up to the fact that the whole limited entry program is a giant-sized can of worms. They are mobilizing and will continue the fight to obtain justice in the courts and/or the repeal of limited entry.

Fact: The Limited Entry Commission has total and absolute authority over the fisheries of Alaska (all the fisheries). They do not have to answer to anyone except the governor. The salary of the three commissioners is \$40,000 a year each. Think about it. In seven short years this amounts to almost a million dollars. Think what this could have done for our still non-existent gravel incubators. This is not taking into consideration all the other salaries that are involved, and administrative expenses.

Fact: The time to rid the state of this program is right now, before we have 10 or 20 million dollars sunk into something that will accomplish nothing but total control of the fisheries by three men, who could conceivably be totally ignorant of the fishing industry. It will make nobody rich. It will only totally destroy a way of life.

We have every reason to believe that the equal protection clause of the United States Constitution will be upheld in the courts. It will be very costly to carry the case to the Supreme Court of the United States, but rest assured, if necessary, it will be. We should have an immediate repeal of the limited entry law. We solicit your support in our court

action and/or the immediate repeal of the Limited Entry Act.

Sincerely yours,  
Limited Entry Opposition  
Blaine Kendall

## In the Mailbag

To the Editor:

Your editorial regarding the Alaska Limited Entry Law in the January 1975 issue of *Fishermen's News*, underscored a basic problem that any attempt at limiting units of gear must deal with: the fisherman who has become mobile enough to harvest fishery resources in more than one area, often with more than one type of gear. The law adopted by the Alaska Legislature opted to consider qualifications of each applicant on a fishery by fishery basis. It did not choose to issue a permit good for any fishery in which the applicant has participated, with qualifications being the summation of the applicant's total history in all Alaska fisheries. This approach was rejected for several reasons. Permits which are valid in more than one area would probably not tend to reduce gear pressure, since there would be a shifting of fishing effort according to the forecasted harvest of each fishery. Additionally, assuming that a limited number of permits can be issued, who is more qualified: the person who has participated in the fishery only sporadically, or the person who depends solely on the fishery?

There were indeed difficult choices to be made. However, it was felt that the legislation as adopted would reasonably accommodate the mobile as well as the more stationary fisherman. The example given in the editorial shows this flexibility. The applicant who fished in Prince William Sound only in 1971 and 1972 can potentially receive 30 points under the commission's regulations. The same applicant who fished in Cook Inlet up through 1970 could receive 20 points. Thus the hypothetical fisherman could be issued, contrary to the assertion in the editorial, two permits

immediately. In fact we have already issued more than one permit to an individual in several instances. Additionally, based on preliminary research, the commission has every reason to expect that in most fisheries under limited entry in 1975, permits will be issued to people with less than 20 points, although the exact number cannot now be determined at this time.

While there may be rare cases in which an applicant cannot qualify in any of several fisheries for which he is eligible, generally there should be little difficulty for the professional fisherman in qualifying for one or more entry permits.

Sincerely,  
Roy A. Rickey,  
Chairman, State of  
Alaska Commercial  
Fisheries Entry  
Commission

## Alaska helps Fishermen with new forms

Office of the Governor, Juneau, Ak.—Governor Jay Hammond has taken steps to help fishermen who are having difficulty applying for Commercial Fisheries Entry permits. Hammond called members of the Entry Commission to his office to ask about continuing

complaints by fishermen centering around the complex application forms. The result of the meeting was an authorization by the Governor for a request of \$32,000 in supplemental appropriations. The money would be used in six general areas of the State.

Six persons would travel over a two month period to the Bristol Bay area, the Alaska Peninsula-Aleutian Islands, Kodiak, Cook Inlet-Prince William Sound, Yakutat-Southeast Alaska, and the Yukon-Kuskokwim area. They would assist local residents, who are eligible, to make the necessary application for the permits.

Some training programs in the application process have already been held, but the Governor said he was authorizing the supplemental appropriation request to make sure no qualified Alaskan is overlooked due to the volume of red tape involved in the permit application process.

The close of the application period is March 18, 1975.

## Restraining Order Denied

A temporary restraining order which would have halted Alaska's Limited Entry for a time, was not granted by Superior Court Judge Thomas Stewart, Juneau, Monday.

The judge set Feb. 24 for oral arguments on a move by 11 fishermen to obtain a preliminary injunction in a suit claiming the law is unconstitutional.

Most of the fishermen are ineligible for entry permits because they did not hold licenses or fish commercially prior to 1973, the cutoff date for qualifying under guidelines based on past participation and economic dependence on fishing.

The suit alleges the law sets up a special class of fishermen and fails to meet requirements of an amendment to the state constitu-

tion, adopted by voters in 1972, which allows limited entry to protect fish or promote the industry.

The ruling followed by two days a resolution adopted by a fisheries conference in Juneau requesting a one-year moratorium be placed on the law.

The conference, sponsored by the Alaska Federation of Natives, proposed the state continue issuing interim permits to salmon fishermen during 1975, until apparent confusion over a point system used to determine eligibility is resolved.



## Limited Entry Topic On TV Interview at 5:54

A group of Kodiak fishermen will tell their feelings on the state's Limited Entry Law this evening at 5:54 on KOTV.

In an interview with Mary Jo Simmons (filmed yesterday) Burnie Lindsay, Dave Herrnsteen, Steve Horn, Pete Olsen and Ray Wadsworth explain why many Kodiak fishermen have decided to fight the law, passed by the legislature in 1972.

The special interview will follow Mary Jo's Today's Day news show. The group opposing limited entry encourages everyone to tune in.

## Editorial

It's time the politicians who dreamed up the limited entry bills in the State of Alaska stopped fooling the public and admitted that the regulations were written in an attempt to solve social problems, not to conserve fish.

Biologists who want to conserve fish set limits on how many fish from each year class can be taken and where. Unfortunately, for many years, fisheries legislation has been written to minimize the efficiency of the individual fisherman and to assure the continued participation of inefficient operators in the industry. The belief in political circles was that such fisheries legislation would provide an income for those who would ordinarily be on various state relief and unemployment roles, thus easing the drain on state budgets. Unfortunately, the theory wasn't sound, there was no relief for the state's unemployment roles, and efficient fishermen found their growth limited by restrictive regulations.

Because the earlier regulations did not solve the social problem and, in fact, hurt the industry, the new limited entry regulations were established.

Again, however, those who drafted the regulations neglected the health of the industry and of the fish runs in an attempt to favor those who "needed" to fish to stay off welfare roles. No industry in the western world has ever survived based on the premise that it should employ those who need to work rather than those who can work.

It is unlikely that the new Alaska limited entry regulations will solve Alaska's social problem or the problems that face the fishing industry in that state. It is likely that the new regulations will increase the cost of doing business in the Alaskan fishing industry and spawn a whole new generation of bureaus and bureaucrats in the Alaska State government.

Most important, however, the new regulations will do nothing to improve the fish runs nor the management of those runs.

Fisheries legislation should be written to assure the maximum number of harvestable fish and regulations should be based on sound biological principals only. Until those who write and propose fisheries legislation forget their preoccupation with social problems and politics, fisheries regulations will continue to be unsuccessful as management tools for conserving the resource.

R.H.P.

## Bill seeks one year moratorium on Alaska's limited entry regs

**JUNEAU**—A one-year moratorium on Alaska's limited entry regulations is the object of a bill now being written by Representative Neils Anderson, Jr., chairman of the Alaska House Natural Resources Committee and a Democrat from Dillingham.

The bill will allow all Alaska salmon fishermen who fished in 1973 and in 1974 to fish in 1975 under an interim permit.

On Mar. 5, an injunction brought by 11 Alaska fishermen to halt the application of the Limited Entry regulations was turned down by a Federal judge in Juneau.

Anderson said the one-year moratorium will allow the Limited Entry Commission and the state to work out problems associated with the new regulations.

Hearings on Anderson's bill will be held on March 13-16 in Bristol Bay, Homer, Kodiak, Cordova and Anchorage.

# 1800 Seattle Boats May Be 'Looking for a Home' Up North

by Nancy Freeman

Phil Daniels dropped a lot of words on Kodiak fishermen during his visit here last week but did little to ease the anxiety some have about the new Limited Entry Law.

Daniels, executive secretary of United Fishermen of Alaska, said he was here to see what Kodiak fishermen want in regard to limited entry: "whether you want the bill changed, whether you want it obliterated completely — it's a thing we call a feeling of the pulse of the fishermen."

"The only way we can get a really good handle on what you guys are thinking is by coming here and meeting with you. Initially, of course, we hope you'll send delegates to the March 3 meeting in Juneau because we're going to go through the bill (LE) with a fine tooth comb at that point and there have already been suggestions for amendments from the organization. What the UFA does is going to be determined at that meeting regardless of what I feel or what any individual delegate feels. It is going to be done by majority vote and I can not say what amendments may be made; what will happen."

"But I am going to be very interested in hearing your reaction; and I would like to say, briefly, some of the things that have occurred in some of the other meetings

and what seems to be the major concern of the other organizations. I will say this: that at this point in time it looks like most of the organizations are very concerned to see some form of Limited Entry."

"Now, whether it's precisely the form that is in that bill is another question. But I think one of the reasons for their concern is the Bolt decision in Seattle, or

in Washington, is affecting 15 (hundred) or 1800 boats. For those of you not familiar with the Bolt decision, it allocates 50 per cent of the fish in Washington to the Treaty Indians, and that's the treaty of 1855, I believe."

"I know some guys down there — evidently they are very, very concerned themselves about what the impact might be on Alaska and they're worried if the Bolt decision were to stand up whether many of these boats would actually — you know, when you take away 50 per cent of the fish it's obvious you're not going to have a very good fishing season so there are guys looking for a home — it's been predicted that some of these boats would be headed north. How many? It's hard to know. But there are about 1800 of them."

"For those of you who have real upsets or are really unhappy with the way (LE) is put together, I can certainly agree with that. In acknowledgement of that situation, we have helped lobby through an appropriation to send people out into the field to help anybody who is having trouble with the forms."

"I do have some sympathy for the (LE) Commission in that they were charged by the Legislature to come up with something that would be defensible in court. Consequently, of course, they simply cannot be arbitrary in their decisions. They have to ask for evidence or else they're likely to be just thrown lock, stock and barrel out of court; and they are already being challenged, by the way by a couple of court actions."

"So I know why they ask for that data and I know how guys may feel about it, as far as the complexity of it. As to whether or not Limited Entry is needed, at all, I am going to be interested in — I will open this

up to statements from the floor here very shortly."

"I will say this: Initially, backing the concept of Limited Entry I think we did it essentially for this reason: 66 2/3 of the salmon that used to come back to

Alaska are gone. It's not one of those situations where you really need time to wait and see whether you got a

problem. There's no question about the fact that in the salmon fishery and in some other fisheries there is a problem."

"In the 12 years preceding the enactment of the bill, the number of gear licenses issued in the state of Alaska rose 78 per cent; the number of vessel licenses some 57 per cent, I believe. So you had a situation where your stocks are declining and your number of gear licenses were accelerating rather rapidly and I think this is one of the major factors that convinced the UFA initially to become involved in supporting the bill that was passed."

"There is no question, of course, that we could not see down the road at that point in time, even as no one else could, at what kind of point system or what kind of process was going to be used to discriminate among the fishermen as to who got licenses."

"It certainly is clear, of course, that we have many, many people who want licenses — and when you have a bill that states only the maximum number out of the

last four years is going to get the license — you've got to have some method of saying one guy gets it or one guy doesn't. Whether or not a point system is the best way to go I'd be glad to hear from the floor very shortly.

(continued)

"I will say some form, some method — if you want Limited Entry that draws a line at essentially that level — has to be utilized. You could have a form as has been suggested, I believe, by Governor Hammond that you leave the license purchasing wide open for one year and let everybody buy as many licenses as they want to buy for that given time and then you shut the thing down. And certainly all you are discriminating against is that as yet unborn people not around to make that move."

"There has been a lot of worry about the complexity of this particular piece of legislation. There are more simple formulas and one of the ones that was considered would be to let anyone buy a license who had a license one year out of the last five. Now the problem

you get into there is that 18,500 people would be made eligible for licenses under that formula. Now the current licensing level is about 9,000. I think the Legislature felt, and I think the fishermen felt, at meetings at that time — at any rate — that anytime you create a situation where there are an enormous number of licenses available than already exist that you really haven't limited entry very much. And so that was one of the reasons we shied away from that particular formula."

"I will say, very bluntly, that not everything they put into that bill was supported; there were many things in the bill that we didn't want in there and for various reasons we couldn't get 'em pruned out of there because there were some other very strong lobby groups down there."

Dave Herrnsteen: "Just a couple of things I felt should be corrections. I think we were all very well aware of the Point System when down there; we knew what the cut-off dates were going to be; we knew how the points

were going to be determined; we knew how many years the eligibility included. We were sure of that. And the other part is I wasn't aware of which strong lobbying groups besides UFA was down there and we were the ones that gave the impetus to the bill."

"I wasn't aware of any other lobbying groups that had any interest and were that powerful by any means."

"The thing about this whole bill — we spent two weeks with UFA, and you and I were down there three

months. The legislators had committees going all the time, the state was studying it for six months and there is just no simple way to do it. And it is not going to be easy to say 'Sure, we'll do away with this, do away with that — I think it is a can of worms."

Daniels said he could not agree with all that Herrnsteen said and, also, "I would say that I was not aware of the Point System." He said it would be rather foolish to put it together before the Act was passed.

Herrnsteen: "We didn't know the details but we knew there was going to be a point system. It was all in the law."

Daniels: "What I'm trying to say is that we didn't know how that thing was going to work. All we had in the bill

was that certain things would be considered: for example, longevity in the fishery, economic dependence. Beyond that the commission, of course, put together the particular points in the formula they came up with."

"I wasn't aware of what formula would be there."

A little later Daniels said he thought the big concern of fishermen is the "big erosion of fishing time. He said they used to fish seven days a week in southeastern and "now it's one day, maybe two days a week sometime, but no three days a week."

"The question I think a fisherman has to ask is just how much fishing time loss can you live with? Maybe a person can. I think when they drew the bill up — I think what they were worried about is not faulting a man who has alternative occupations. In my case, I've got one, and I think a lot of people do because they may not be making enough money from fishing."

"Here you got a little different situation, most of the guys are diversified and

fishing more the year 'round type fishing. One of the things they were trying to get away from, however, is the situation where a guy MUST have a very substantial alternative occupation income in order to be able to afford to fish."

"And in some fisheries, where the time was out low enough, there were guys going out, perhaps, because they liked the write-off but they obviously didn't need to make very much money. It really puts a burden on the guy who is trying to raise his family fishing. I think that is the consideration that went into this, whether erroneously or correct."

"But whatever the case, we have lost 66 and two-thirds of our fish, now whether that's from foreign encroachment, or because it has been managed improperly or how, I don't know."

Daniels also said "the Commissioner (of Fish and Game) says it is possible to manage it (the fisheries) without Limited Entry," but that Brooks the only biologist so far to make that statement.

# Invites Gov. to Come Discuss LE With Kodiak Fishermen

KODIAK MIRROR  
FEBRUARY 18, 1975  
Pages 1, 5 and 8

David Herrnsteen, local fisherman and boat owner, has written Governor Jay Hammond asking him to reconsider the state's Limited Entry Law and inviting him to come to Kodiak, "listen and talk with the fishermen."

Although Dave lobbied for passage of the law two years ago, he says he now feels it "is a grave mistake." He's co-chairman of a group recently formed, known as Kodiak Limited Entry Opposition.

Dave writes: "Dear Governor Hammond: I am strongly in favor of repeal of the Limited Entry Law. Two years ago I wrote newspaper articles and memos supporting the concept, spoke up at hostile public meetings in Juneau defending limited entry, and spent three months of my time, money and emotions working on the legislation. Even though I had bitter disagreements over parts of the final bill, I still supported it and thought it was better

since you and the legislature that the Limited Entry Law should be repealed.

It's hard to pinpoint this uprise of opinion against the law. It's not just the great injustices to those who are being left out, or the emotions of those who don't fully understand the law. I think it is the slow realization of the drastic changes the law will have on our industry and town in future years, and the composition and attitudes of fishermen in the future, which just plain goes against the grain of so many.

I think your inaugural address applies well — "Too many of our bureaucratic brainchildren are conceived in confusion and some of the worst, which do not mercifully abort in blunder, are laid at the doorstep of pro-

than no bill, despite the fact that it would very possibly deny me my own dreams for owning a boat.

Two years has changed a lot — now I'm part of the 'in' group, and my wife and I have a 42-foot boat and are successfully fishing shrimp. I have no fears of limited entry ever shutting me out, but I think the law is a grave mistake. I admit that I was wrong two years ago, and I hope others can admit this also.

Last Saturday a crowd of 100 fishermen filled KEA auditorium in opposition to limited entry, and organized as Kodiak Limited Entry Opposition. I feel safe in saying that a majority of the established Kodiak and Chignik fishermen, those qualifying for permits in their fisheries, are against the present law. Through the use of media, petitions, letters, and sending a group of fishermen to Juneau, we are going to attempt to contesting foster parents who're compelled to feed the foundlings with their own tax dollars. "(Gov. Hammond,

January, 1975). It was chaotic in Juneau. Fishermen here only had a vague notion of what limited entry was all about. Now many call it a monster. It wasn't designed for Kodiak and our multiple fisheries. People need flexibility to move from one fishery to another, and object to paying permit fees and later probable assessments to support bureaucratic red tape. Many say our money would be much better spent by improving our pathetic protection and by enlarging rehabilitation programs. Spend the money to help the fish instead of harassing many fishermen. The scariest part of this whole law to me is that once the first permits are successfully bought and sold, the whole

system will be unabortable—we'll be stuck with it forever. Governments sometimes make mistakes, but unlike other inept government programs that can be discontinued by relocating employees, etc., the state will never be able to significantly change the Limited Entry law once the permits are permanently issued. We have dormitories here reminding us of the discarded regional high school program, for example, but fishermen and our children will be adversely affected forever if this law isn't stopped.

Your administration has a strong general emphasis on planning and impact statements, but I have yet to see even a simple written projection of the economic and social changes Limited Entry will have on our industry, to prove that the bureaucrats know what they are

really doing to us. Two years ago I presented many injustices, inadequacies, problems and fears of the program on memos that are still in the Commission's files, but it is now over a million dollars later and I have yet to hear of any answers, solutions or proposed amendments coming from the people we're paying to solve these problems. The future is clearer in my mind after two years — that's why I'm now against the program.

My personal conclusions are that limited entry is an impossible dream that turned into a nightmare, and that the greatest roots of our problems are in the federal tax laws that give people the dollar incentives to over-capitalize our fleets. Let's expend Alaska's efforts in drastically needed improvements in protection and rehabilitation. We do not need to give up on competition and free enterprise among fishermen.

We heartily invite you to personally come to Kodiak listen and talk with the fishermen, and hopefully take lead in solving this problem of overwhelming importance to our town and state. I understand if you don't be cause you're busy and this is a hot potato, but I sur wish we could see you here Sincerely,  
Dave Herrnsteen,  
Co-Chairman  
Kodiak Limited Entry  
Opposition."

*What Others Say . . .*

## This Is War Without a Gun

Limit Entry — smells like it is a Japanese Orientation. With control of our shore canneries and the right to fish the three mile limit and now from what source comes Limited Entry, control of our fishermen, the sacrifice of our young generation. Their heritage and right to own license and participate in the control of our fisheries.

A direct aim to break the back of our Marketing Association, and negotiation in fish conferences. This is war without a gun, I feel like I am applying for a license to fish the shores of a foreign country.

—M. A. Paige, Kodiak

# 'We Are Facing a

# Heavy Load of Legislation'

Feb. 21, 1975

Kodiak Daily MIRROR  
P.O. Box 1307  
Kodiak, Alaska 99615

I'd like to use this letter as a means of communicating some of the happenings of this Legislative Session, especially in the Senate Committee on Natural Resources, of which I am chairman.

The Legislature is quite active this year, introducing a far greater than average number of bills for consideration. Consequently, there are prevailing rumors that this session will be quite lengthy.

In the Senate Resources Committee, we are facing a

very heavy load of legislation. The situation is compounded by the timely importance of a number of issues before our committee. Let me elaborate on a few of them.

To begin, the Limited Entry Law was enacted this year, and a flood of opinion has been pouring into every office of the Legislature as well as to the Governor. A number of endorsements for and against Limited Entry have been received. Those opposed to the program have presented a wide range of alternative approaches — from repeal to any number of amendments and/or delays.

It is my feeling that we must allow the court decision to be issued on the legality of the present act before anything should be attempted. We are all aware

that Limited Entry has some ingrained faults, but my support for this approach to the solving of the problem of declining fisheries stocks will not allow me to endan-

danger the entire Limited Entry Act before the present format has been thoroughly tested in court. Unfortunately because of the tremendous chore before the Resources Committee this session, I am unable to take as much time as necessary to explain my position in detail to the many number of inquiries I receive each day.

The interior city of Fairbanks is also plagued with an issue of great concern to them this winter. Wolves have made great number of attacks in the city; killing dogs, horses, a goat, and a pet moose. Many citizens were concerned about the welfare of their children walking home from school. In response to the correspondence we were receiving, public hearings were held in our committee for the purpose of gathering all the facts and information relevant to the situation.

As many of the people across the state are aware, the Perenosa Timber Sale of Afognak Island remains a very emotional issue in the state. I have introduced a resolution which has been referred to our Committee to put the Legislature on record as opposing the wholesale timbering of much of the habitat area of Afognak Island.

The Governor of Alaska has introduced a Bill which will completely revamp the Board of Fish and Game. The Bill would remove all

special interest concerns from the board and isolate it from the legislative and governor pressures. The general format he is proposing would be much like the present Board of Education in the state. Also, a bill has been introduced which would divide the present board into two boards; one for fisheries and the other for game. We will be holding public hearings on this issue in four locations in the state: Juneau, Fairbanks, Anchorage and Kodiak. More details will be forthcoming at a later date.

In addition to the above major concerns, our committee will deal with two major pieces of legislation in response to three extremely important issues. First and foremost, is the accelerated leasing of the Outer Continental Shelf (OCS) lands for oil exploration as proposed by President Ford. This will have a dramatic impact on the State of Alaska, and without question, the people of Kodiak. The Legislature and Governor alike will be exploring our alternatives in protecting Alaskan interests and preparing for the very large impact which we as a people will feel.

Tied very closely to the OCS leasing program is the legislation recently introduced to enact an Alaska Coastal Zone Management Act, as required by the fed-

## Alaskans Defend Entry Law

JUNEAU, Alaska — (AP) — After casting a wary eye at a confused fisheries picture in Washington State, a major Alaska-based fishermen's group is coming to the defense of the state's limited entry law.

The United Fishermen of Alaska filed a motion to intervene in a constitutional challenge of a law aimed at protecting sagging salmon stocks. Oral arguments on a motion by other fishermen for an injunction against the law will be heard today by Superior Court Judge Thomas Stewart of Juneau.

In filing the motion Friday, the association said it was "gravely concerned" that if limited entry is overturned, as many as 2,200 additional fishermen could flock to Alaska to escape a federal court decision granting Indian tribes in Washington State half the commercial salmon catch.

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# Limited Entry Program For Chamber Luncheon

Kodiak Mirror  
February 26, 1975  
Page 1

The public is invited to the Kodiak Chamber of Commerce luncheon - meeting Thursday, beginning at 12 noon at the Captain's Keg.

"The program, will be Limited Entry" says chamber director Hazel Hogan.

"Facts about the law will

be discussed by a panel," she says, "moderated by Chamber president Gary Stevens."

The audience will be encouraged to submit written questions to the panel.

Telephone luncheon reservations to the chamber office, 486-5557, as soon as possible. Cost for lunch is \$3.50.

## Full-Time Help With LE Applications

Full-time help for fishermen filling out their limited entry application forms is now available in Kodiak and other communities on the island will also be provided with the service, according to Wayne Marshall,

who says the local Kodiak Area Native Association office has received the contract from the state to provide the help.

Marshall is also available in the office to answer questions local people have on

applying for a permit.

Marshall stresses that although the state has awarded the contract to the Kodiak Area Native Association to provide the service, it is for native and non-native fishermen.

## Staff to Help Fill Out Limited Entry Form

"We're rapidly approaching the March 18 deadline for applying for Limited Entry permits," an employee of the commission says, but there will be help for those who need it in Kodiak next week.

Jim Owers and Darwin Biver of the Limited Entry Commission staff plan to be available to help fishermen fill out the application forms and answer other questions about Limited Entry Tuesday, Wednesday and Thursday at the Department of Fish and Game building.

Owers said, that in helping other fishermen throughout the state, they often discover a person is entitled to twice as many points as he thinks he is and is often eligible for a permit or is eligible under another provision of the law.

## LE Staff Here To Help With Applications

Two members of the Commercial Fisheries Entry Commission - Jim Owers and Darwin Biver - are in town this week to help fishermen in filling out their application forms for Limited Entry Permits. (March 18 is the deadline for application forms.

Owers and Biver are helping fishermen at the Alaska Department of Fish and Game building today and this evening, Thursday and "maybe" Friday.



## LIMITED ENTRY 1975

The Power Troll Fishery and all Salmon Seine and Gill Net Fisheries in Alaska, except those in the Arctic-Yukon-Kuskokwim area, will have limited entry starting in 1975.

Those fisheries affected for the Kodiak District are: salmon purse seine, salmon set gill net, salmon beach seine.

To be eligible to apply for a limited entry permit, you must have fished as a commercial gear license holder in the fishery for which you are applying after January 1, 1960 and prior to January 1, 1973.

Applications for Limited Entry Permits will be accepted by the Commercial Fisheries Entry Commission until March 18, 1975.

If you have any questions concerning applying for a permit, or need assistance in completing your application, contact Wayne Marshall at the Kodiak Area Native Association\* Office above the Post Office, P.O. Box 172, telephone number 486-5727. Office hours are from 8:30 a.m. - 5:00 p.m., however alternate hours for appointments will be set upon request.

\*The Kodiak Area Native Association has adopted no position on limited entry. The above assistance program was obtained through a professional services contact with the State Commercial Fisheries Entry Commission.

# 'A Man Will Have the Opportunity to Make a Decent Living'

KODIAK MIRROR  
FEBRUARY 28, 1975  
Page 1 and 3

by Nancy Freeman

A lot of the problems fishermen have had up to now with the new Limited Entry Law have had to do with the application itself, says Jim Owers, a member of the Commercial Fisheries Entry Commission staff.

Owers and Darwin Bliwer were in Kodiak this week to help fishermen fill out their application forms for Limited Entry Permits.

"There are people who have fished all their lives and only get a few pre-printed points," Owers explained; "they fail to understand that our records are incomplete and there is information that we have no records on at all so that we couldn't pre-print points."

"Basically, pre-printing of points was simply a device to save fishermen time. People who get between 10 and 12 points in most cases probably have 20 points," (thereby eligible for a Limited Entry permit for salmon).

"Also, people don't understand that if you get less than 20 points you still stand a fairly good chance for a

permit in many fisheries. For example, the Kodiak set-net (fishery) I don't think is going to be very tight. I don't know yet about purse-seine."

People, he said, "just have to take the time to sit down and read the instructions or seek help if they need it. There are two people that we hired through the Kodiak Native Association that will provide assistance to anybody needing it. Or they can call us."

There are also problems, Owers said, "with people who misunderstood the Limited Entry Act and began fishing in 1973 for the first time as gear license holders; and of course these people are not eligible to apply for permits."

"There are other people who may have stopped fishing ten years ago and are upset that they are not going to get a permit. But the basic aim of the regulations was to see that those people who are active in the fisheries most recently are the ones that get entry permits."

"There are getting to be serious problems in the shellfish industry, Owers said, "and we would like to limit entry before reaching the situation we have with salmon, which is a chaotic mess right now."

"There are also a number of misconceptions fishermen have about the program and one is the buy-back program. There have been a lot of questions about that."

"People are very anxious because they think that everybody is going to be assessed 7 per cent of their gross earnings. In the first place, there will only be a few salmon fisheries where we will actually have a buy-back program."

"The Kodiak purse-seine fishery was initially one of those that we thought might need a buy-back program but some of the more recent data we've collected indicates that we may not have to. In any case, before a decision is made on a buy-back program there will be extensive public hearings. So everybody will have a chance to comment."

"Since buy-back will apply to a specific fishery only, if you were a crab fisherman and there was a buy-back program in the salmon fisheries you have nothing to do with it."

"So your assessment would only apply to the fishery in which you are actually engaged in. The reason for doing this is that the people that were in the fishery would be the ones that would be benefited by a reduction in gear."

Question: "If after there are public hearings and the local fishermen feel that there isn't too much gear, say in shellfish, it is possible that Limited Entry could be applied anyway?"

Owers: "You mean if all the testimony we get is adverse testimony? Well, there are three things that have to be considered: what the biologists tell us, what the fishermen tell us and what we turn up on our own economic and biological research."

Question: "Isn't it true that Limited Entry is an economic measure?"

Owers: "Yes, it certainly gets into economic. Virtually every coastal fishery in the United States now is

suffering from too much gear. Obviously, this is a serious social problem and, of course, is one thing that Limited Entry is looking at."

"But also, of course, it does lead to a severe management problem. You really see it in salmon. During the 30s the state was producing on an average 90 million salmon a year. During the 40s we were producing an average of 80 million fish a year. In the 50s it dropped drastically down to about 37 million fish a year. Then it rose slightly during the 60s to about 45 million fish. Of course the recent cold winters have just knocked the bottom out of it."

"It is being argued, and I think correctly, that the recent decline has been due cold winters, but there is very little doubt that the decline began back in the mid-30s, and it has been a fairly steady decline."

"It is also reasonably clear that this is due to overfishing. Theoretically you could manage a resource in such a way that you could prevent

(Continued from Page 1)

overfishing with almost any level of gear. You just cut them back farther and farther on fishing time. But really, as a practical matter, this hasn't happened because biologists are human beings and they see that if they don't open the season that many people are going to be hurt. So management

tends to be a more on the liberal side than it probably should be. Biologists are under a tremendous amount of pressure to keep seasons open, so — in effect — you get some overfishing year after year."

"In the situation we are in now, the biologists would have to shut down many commercial fisheries in the state which is the alternative to Limited Entry."

"At some point you simply have to start dealing with the social problems involved in your management decisions. You simply can't manage a resource with only the biology in mind when the industry that's dependent on it would be forced out of business."

"What it gets down to is that open access to a resource — a common property resource like fisheries — or timber, or public grazing lands or minerals invariably leads to over exploitation of the resource."

"It's only been in the last 30 years that we've been exploiting ocean resources heavily and now we are realizing that the same abuses that occurred with our land resources during the late 1800s are now happening to the ocean. This is the essence of what is being argued at the Law of the Sea. The question is, who

owns the oceans?"

"So the Limited Entry program is an attempt to develop a system of use rights. Many other states in the United States are going in this direction. For example, Washington state has passed a Limited Entry Bill and of course British Columbia has one; Oregon is going in that direction; California is considering one; the Maine legislature is considering one; Maryland actually passed one in the 1940s."

"Alaska's law is the most comprehensive but the fisheries industries are very important to Alaska whereas in other states commercial fishing is not really of great importance. Traditionally, Alaska has about the best management of resources, I think, and also has been in the forefront of a lot of legislation relating to fisheries."

"The Limited Entry concept — regardless of what happens to this particular bill — is coming; and I think it is inevitable that the federal government will do it once we get some form of extended jurisdiction."

"People argue this (LE) created a closed and privileged class but I think that's incorrect because I think what they're really arguing is that certain people are getting these permits for nothing and certain people are going to have to buy them. I can't see that you can argue it will create a privileged class if anybody can buy a permit."

"You may have to pay for it but it's no more a closed class than buying a house in Kodiak."

Fifteen years from now, Owers said, there will be very few people left that were initially issued permits for nothing. "Everybody is going to have to buy a permit 10 or 15 years from now."

"People have the idea that once that you've invested this \$25,000 (hypothetical figure) that's it. They don't recognize that when you leave the fishery you're getting your \$25,000 back. It's almost as though you're making a deposit on the permit because once you sell it, your investment comes back to you."

The price of the permit is going to reflect what a man can make in a fishery, Owers said, "so that if no one is making any money and everybody is going out of a business in a fishery, obviously the permit isn't going to be worth anything."

"But if the price of the permit goes up, that means that the income level of the fishery is going up."

"When a guy gets into a fishery, sure he has to pay some money, but he also has the opportunity of making a decent income. Now you can get into a fishery without paying any money but your opportunity of making an income is just about nil."

Owers said the economic study conducted by the state in Kodiak last spring showed that the "average guy (purse-seiner) actually lost \$3500 on the season."

# When Half the People Say Don't Give Me My 20 Grand

by Neil Waage

"When half the people say 'don't give me my 20 grand,' there's gotta be something wrong," commercial fisherman David Herrnsteen told the audience at the Kodiak Area Chamber of Commerce luncheon yesterday.

Herrnsteen had just explained one of his objections to limited entry, as the state is now implementing it.

"~~Right here in the Kodiak~~ salmon fishery," he said, "there will be roughly 350 purse seine permits, conservatively worth \$20,000 each, for a total of \$7 million; 150 set net permits, valued at about \$10,000 each, total \$1½ million, for a grand total of 500 permits (to be issued to local salmon fishermen) worth approximately \$8½ million."

"Yet over half of those who will be issued permits don't like the present limited entry law," Herrnsteen said. One objection they have is the money being tied to the permit system, he said.

"The question you have to ask," Dave said, is "why are we doing this and do we have to?"

Both Dave and fellow panelist, Steve Horn, also a commercial fisherman, said they don't believe management problems are due to too many boats.

Horn explained that the limited entry system in Alaska differs from that in Can-

ada. "In British Columbia," he said, "The permits are on the boat — in Alaska they are on the man." What it means, Steve explained, is although the number of boats may stay the same in Alaska, they may get bigger and more efficient. "Pretty soon you're going to have nothing but limit seiners running around."

Bringing a round of applause was Tom Sweeny's announcement, the VFW, of which he is state commander, opposes and will lobby against the state's limited entry law, as it now stands, on the grounds it discriminates against the Vietnam era veterans. He explained that young men who served in the military during the Vietnam conflict may be denied a permit.

## Decision on LE Injunction By Tuesday, 3/4

Superior Court Judge Thomas Stewart Tuesday said he expects to decide within a week whether to allow an injunction to temporarily halt the state's Limited Entry Law.

The judge listened to eight hours of testimony Tuesday on the constitutional challenge brought by 11 commercial fishermen — most of them from the southeastern area. The suit contends the Limited Entry Law violates the U.S. and Alaska

constitutions by creating an exclusive fishery. They have asked for the preliminary injunction to prevent the state from excluding scores of fishermen from the salmon fishery this year and allow time for the case to be heard. It is eventually headed for the Alaska Supreme Court.

Lawyer James Clark of Juneau urged Stewart to prevent the state from excluding scores of fishermen this year through the issuance of permanent entry permits.

"Many, many people would suffer," Clark said, "if this egg has to be unscrambled" later.

The law adopted two years ago prohibits salmon fishing by anyone who did not hold a commercial gear license before 1973. Those who did must qualify for permanent permits under a point system based on past fishing time and economic dependence.

Commissioner of Fish and Game James Brooks told the court limited entry would be very helpful in managing salmon fisheries but that it was likely many areas, particularly in Southeast Alaska, would be closed this year, despite the law.

"We will have more gear available to fish — even with the limited entry program — than we had in years of the big runs," he said.

Estimates by state biologists predict a catch of 19 million salmon this year, the worst commercial haul in 75 years. Last year's catch was 21 million salmon statewide, compared to more than 88 million in 1970.

Brooks also said he was fearful several thousand more fishermen from Washington state could flood Alaska, if the law is overturned. The influx could be generated by a federal court decision in Tacoma, Wn., granting some Indian tribes access to half the commercial catch.

Stewart heard testimony from Carl Rosler, director of the Division of Commercial Fisheries, and Dr. James Crutchfield, an economist at the University of Washington. Three plaintiff fishermen also appeared.

Stewart made no ruling on a motion by the United Fishermen of Alaska to intervene on behalf of the state.

Application for entry permits are due by March 18, although the commercial fisheries entry commission has indicated the deadline might be extended in some fisheries.

# 'The Foreigners Must Truly Have Our Over-All Fisheries Management as a Situation Comedy'

A Guest Editorial  
by Bart Eaton  
Commercial Fisherman

Limited Entry, when considered in relation to the American economic system, has to be classed as the height of economic equine excrement. Anytime the people vote approval of a nebulous social economic concept, such as Limited Entry, and expect anything less than bureaucratic anarchy in return, they are truly in for a crash course in "Political Power Grab."

The greatest threat to our fisheries is coming, and will continue to come, from ecological and economic mayhem resulting from unplanned, un-coordinated and shortsighted programs and regulations on both the state and national level.

The State of Alaska, through Limited Entry, is trying to cut back on the amount of gear and boats in order to establish an economic sustained yield. The federal government is subsidizing the fleet in order to increase the amount of gear and boats. The seven percent tax credit, Capital Construction Fund (Rabbit Bill) and other investment incentives, have laid the basis for

the boom of vessel construction.

These federal programs have led to the over production of resource productivity potential, which will outstrip resource availability. These same programs have also made economic principles of high debt effective. While high debt works well for large corporations, because of their staying power (through large write-offs and access to borrowing capital), it leaves the individual, independent fisherman highly vulnerable to short term economic crisis.

This is especially true when dealing with a natural resource which is subject to availability and political changes. Because of this trend we see a growing rift between the small and the large boats within Alaska.

While investment incentives are needed when pioneering and developing a new industry, they should be judiciously used when developing a natural resource. If a developing industry proves to be economically viable, it should be able to generate its own capital investments. By continuing these incentives to plow back generated funds, and attract outside investors into

new vessels, the fishing industry will soon be able to produce too much in relation to available resource and management principles of biological sustained yield.

If this continues, our fleet will spend more and more time laying idle. Prime examples of this are the short King Crab and Tanner Crab seasons. The continued use of these incentive programs on the federal level, without also supplying needed protection devices such as import tariffs and quotas, is economic suicide for the American fleet.

These incentives also invite further governmental programs to temporarily sustain the industry. If we are going to continue the development of our fleet we are going to have to gain protection for our markets from foreign production.

Through the 60's we could depend on greater productivity to offset higher cost. In the 70s, since quotas have been established, we have been able to offset these costs by passing them on to the consumer. Now that both of these concepts have been eroded we will have to attempt to develop a higher productivity for each dollar invested and man hour worked, including greater recovery at the processing plant. After the past Tanner season, in view of the price structure, it seems evident that we may be seeing a deflationary trend developing on consumer demand, while we are caught in an inflationary spiral on production cost. The output for each manhour worked by the nation's labor force fell 5.5 per cent the first quarter of this year, which is a prime cause of inflation.

In the fishing industry the government has been the main cause of this reduced productivity. As the fleet develops the abilities to pro-

(continued)

duce a better productivity per man hour worked, we have been repeatedly stifled. Pot limits, area registrations, support of non-producing administrative bureaucrats, and other social economic regulations, have driven investment and production costs continually upwards.

These regulations, as management principles, have proved to be a dismal failure. They have turned into a cancer, with the cure being worse than the disease. A purported cure is Limited Entry which will place another license fee and 7 per cent tax on the industry which will be added to the inflationary cost of production.

While there is much rhetoric accompanying every demand for more restriction of areas and regulations, they are really just another demand for government to try and manage people, not the fisheries. By this continued reducing of fishing areas and options we are

also creating an isolation of economic fishing units making each area more vulnerable to an isolated crisis.

Areas may work fine when they can produce an economic yield large enough to sustain them. The first time these areas cannot produce such a yield there are more demands for stop-gap measures, benefiting isolated economic units for the short term, and speeding us on our way to an uncontrollable crisis and socialization of our fisheries. Our fisheries have been managed to the point where some type of Limited Entry program sounds attractive. From the past performance of our government I can only conclude that this situation has been deliberately created.

It is clear that Limited Entry is just another experiment in political, social, economic legislation. If it fails, the bureaucratic hucksters will be able to retreat into the refuge of an entrenched bureaucracy of

their own creation. We, the fisherman, cannery workers and operators, who are the primary producers, will be left with an economically devastated industry.

While the state functionaries hold periodic hearings in order to justify Limited Entry as a panacea for our problems, they are really trying to construct better defenses so that they can better entrench themselves.

It is obvious that they will become a bureaucracy that will usurp any form of democratic power which we have access to through the Alaska Board of Fish and Game. If their evolution follows past performances, they will soon develop a self-interest of their own, which we already have an abundance of in government. These bureaucratic verbal performers are very verbose when stating how they are going to "save the fisheries." I have not yet seen any statement in relation to what is the true basic cause of our problem. We, the fishermen, are going to have to identify our true enemies.

In any view, our worst enemies have been our own governments, state and federal, through their lack of coordinated policies. It must be a psychologically painful and politically hazardous experience for one bureaucracy to admit that their sole reason for being

is the passed bungling of another bureaucracy. I would hope that our elected officials would recognize this and provide some leadership that will benefit the primary producers.

The American fisherman is backed up against his own beach. He must compete on the same grounds for the same resource with the foreign fleets. He brings his share home and has to sell to a processing industry that is partially owned by foreigners. These same foreigners often maintain fleets with whom the American fisherman has to compete; they also have control of any of his markets because of a lack of import quotas and tariffs. The taxes and license fees of the American fisherman go to programs that attempt to cut his efficiency and raise his cost of production, thereby inflating the cost on the market that the foreign producers take advantage of through this same lack of any import controls. The foreigners must truly view our over-all fisheries management as a situation comedy.

# 'We Cannot Live With This Law'

KODIAK MIRROR

Tuesday, March 4, 1975—5

Edward Sargent

... Fisherman Writes the Governor

Box 15  
Kodiak, AK 99615  
March 2, 1975  
Governor Jay Hammond  
Juneau, Alaska 99801  
Dear Sir:

I have been fishing for 29 years here at home in Kodiak. My family has been associated with the industry since before WWI. I have trained seven young boys to become skippers, and have worked under a few of them. I am presenting my views on this regrettable law.

The Limited Entry proposals were initiated to help the salmon industry economically and to preserve a future stability in salmon stocks. The first mistake made was to select three individuals totally unaware of the many convoluted facets of the fisherman (read human being). These three gentlemen — one a young Kansas lawyer, another a Public Relations man, and the third a statistician — constructed the law from the arcane workings of computers digesting material given by various bureaus. As a result we have a commission that has to implement a law. This commission has only one man connected from the fisheries and he is from one of the bureaus.

These three men have to administer this law that has restricted them to three specific years. There is little or no reference and influence of previous years' experience. The future fishermen, many who have had 10 to 12 years' experience, who are young, aggressive, capable have no chance at all. The three men of the

commission have in their grasp the financial and social livelihood of the fisherman and of his sons.

The point system constructed mainly around three years constitutes an injustice in several ways. A person can have fished as a crew member one year, bought gear, boat and license the next, and conceivably be eligible for the exalted Entry Permit. Another may have fished 30 years company gear and missed two key seasons, but still remains ineligible. A young man may have fished since childhood as a crew member then takes service time or schooling during the all important three years remains ineligible. One person who was a crewman most of his fishing career now is eligible for entry permits in two different areas.

It is stated in the law those ineligible may buy a permit. This computes very well in a machine. However, the law purports to help.

Human nature, being somewhat avaricious, will and has changed this. For instance a young man fortunate enough to purchase a \$50,000 to \$70,000 boat and equipment has now to outlay an additional 20 to 25 thousand for this restricted to salmon "permit."

Those many in Kodiak and Chignik who are not eligible for permits are to all intents and purposes denied their legal and natural rights. Must they, because of some obscure bureaucrat or computer, remain on the Beach? The young men have trained and dreamt of this their final and greatest hope. Can the Lawyer, P.R. Man or the Computer operate with their

Law help them? Furthermore these young men have not had the opportunity for extended secondary occupations. They do not have the inclination, for their idea of going into another choice is a different fishery.

In composing the law preliminary studies were made by the statistician. Of these

studies some were incomplete, some were inaccurate and some were contradictory. In the last few years, for instance, the Kodiak fleet declined in numbers actually used. With the exception of one or two years the fleet remained relatively stable in the last 15 years. Thus, at least in Kodiak, it is not proliferation of gear that has had the influence in declining salmon stocks. The statistics did take the vital point of severe winters influencing the returns on several years.

ADF&G Management was doing well. In the early 60s runs were well up as well as numbers of boats. The research department was budgeted out. Then followed three catastrophic winters. The result was poor returns, and plans for development of several water shed systems were neglected. It is felt given the proper funding combined with adequate enforcement would insure ample future salmon stocks. The fishermen, the industry and ADF&G management all agree on this.

The small boat owner is fearful of some implications that appear in the Limited Entry Law. The basic characteristics of operating a small fishing vessel is mobility. In order to make it economically feasible and

(continued)



diminish the gamble an owner must diversify. Diversification in itself is expensive. But this size boat one must have salmon, shrimp, king crab or halibut gear in order to cover a bad season in one or perhaps two. For any of them the outlay is at least \$5,000 for gear and equipment. Now were a fisherman to have all this and have to purchase all four permits the expense is stifling. Restricting small boat owners to one chance is terrible and making him pay extra for permits is discriminating. In other words lateral mobility is essential to the success of a small boat (50' or less).

Another problem of mobility is horizontal. Through the Vocational Adult Education program, young men are and have been trained in several aspects of commercial fishing. The program states that the student will be able to operate and maintain a 42' boat (\$70,000). He will also be able to catch shrimp, crab, halibut and salmon. Further he shall be able to maintain records. Now then, given fine marks in all those above, where is this remarkable student go-

ing to get financing for a boat, gear (multiple), permits and insurance. The young man would have to come up with approximately \$150,000. This of course is impossible. Without Limited Entry a person can buy a boat, cannery financed, rent the gear from some one and start on his way. Perseverance and hard, aggressive enterprising effort may get him by. He has a chance!

This is all these young people ask. The opportunity, planned on and hoped for since they were toddlers. They are not afraid of competition. They fear paper restrictions evaluated by computer and issued by an indifferent bureaucrat. We fishermen as a whole, those who have been eliminated and those not, have many apprehensions. We are not bookkeepers but fishermen. We are not lawyers but fishermen. We certainly are not statisticians, only fishermen. The proliferation has not been in salmon gear but in papers. We carry no filing cabinets on the boats. We now have to pay for several papers and it has become no small tax on our income. There is in the law a small, but deadly loophole that leaves the commission the right to raise those payments. No ceiling is mentioned.

That is mere compared with the proposed buyback program. This plan to reduce the fleet from a possible 375 to perhaps 200 entails a financial undertaking that will cost even more. More than money it will seriously disrupt the financial structure of many people — indeed of many communities on the island. We are against this law. We cannot live with this law. We are against it because of its origins. We cannot live with it because of its future restrictions. We know our course. We ask the law to follow our course — not its own.

The early spring brings out in a true fisherman the eager and turgid anticipation of the coming season. His thoughts, plans and preparations begin to unfold much sooner than necessary. The question is which side looks best or whether to go for halibut or not.

Will you help us repeal Limited Entry?

# The Permit Is Solid and Real, Only the Man Is Interchangeable

To Senator Kay Poland:  
Dear Senator:

Thank you for your letter recently published in the KODIAK MIRROR. We'd hoped you could come and meet with us in Kodiak and perhaps you will. I think if you did you'd be surprised at the number of us here in Kodiak for whom Limited Entry has become something of a dirty word. But we are thinking and learning fast. You might be interested in some of our local happenings of late such as:

The Chamber of Commerce had a luncheon meeting to discuss limited entry. They wanted a panel of fishermen to represent these three stances:

1. For Limited Entry.
2. For Limited Entry with changes
3. Against Limited Entry.

Although applicants were in abundance for the third group they could not find the necessary two for the second group. But for the first group, Senator Poland,

although by their own account they searched, not one man stepped forward.

The Lion's Club has taken an interest. Upon learning that every fisherman in Port Lions was against Limited Entry they also formed a discussion group including some of us in the Kodiak Limited Entry Opposition (KLEO) and spokesmen from Port Lions. Their response was somewhat like the one I often encounter when explaining Limited Entry to a non-fisherman. They were aghast.

There is now official statewide opposition to Limited Entry in the VFW.

Our Shrimp Marketing Association and our Crab Marketing Association have polled their members. Although I'm not at liberty to disclose the results I can say you might be very interested in the results and could easily obtain them.

The superintendents and personnel in our canneries have been very sympathetic

although for reasons of their own they have not come forward. They have the realities of the business world to consider, but as members of the community they have given us their support! They are caught. As business men they are already gearing up for the buying and controlling of their share of the permits.

This is as necessary as breathing for them. Where as before the canners did business with men and their boats now it will be the all important permit. The permit is solid and real, only the man is interchangeable. Just one of the many dehumanizing aspects of Limited Entry.

Ah, so this is progress. I don't want to waste words running down the many evils of Limited Entry. Something we do around here now is gnash our teeth a lot. Where ever you look you see another broken

dream. The kid on the dock still wants his chance and it hurts to see it. Even many of the fisherman on "Easy Street" who've got all the permits can't make it fit into their conscience.

There are people here in Kodiak coming up with some pretty good alternatives to Limited Entry, alternatives that utilize the principals of natural growth. There are no such principals in Limited Entry. The bill must be scrapped. We all know that some thing that wrong at the core can't be changed to any thing other than some thing less wrong. Let's throw it out and do something right.

One more local happening: Or two marketing associations held a special meeting to discuss amendments to make Limited Entry more palatable. The meeting was announced a day in advance. Everybody met at Fishermen's Hall at 12! I'm sorry I missed it. Not enough showed up to held a meeting and of the dozen who did, most were against the whole concept.

So where are the champions of Limited Entry?

I speak for myself and the thousands -- yes I said thousands -- who feel as I do. We don't want it. A lot of people had to die for their dreams to give me the freedom that's been dropped in my lap. The right to take my boat to sea and catch a fish and sell it. I've owned my own boat for 12 years and will receive any permit I file for but I don't want it.

I personally feel that you could do no greater service to your profession as senator, to your constituents, and to yourself, than help us throw this law out.

Sincerely,  
John L. Finley  
KLEO

(Kodiak Limited  
Entry Opposition)

cc: Gov. Jay Hammond  
Rep. Ed Naughton

Kodiak Daily MIRROR

What Others Say . . .

*Who is going to pay for the limited entry?*

## Do Push for Repeal of Limited Entry

to the Editor:

A man will have the opportunity to make a decent living?

That sounds great. Let's stop and think for a moment. The Limited Entry Commission is selling 358 permits (approximately). This amount is the highest year of gear license holders.

Now I read in Mr. Ower's article on Feb. 28 that the Kodiak purse seine fishery was initially one of those that we (the Commission) thought might need a buy-back program, but some of the more recent data collected indicates that we may not have to.

Now I think we all have been lead to understand that the sole purpose of Limited Entry was to reduce the amount of gear, whereas the end result would be better fishing and increased income.

So, what I mean is, if the Commission is saying now that we don't need a buy-back program, then why do we need Limited Entry? Let's assume we did get into the buy-back scheme.

Consider the cost.

To reduce the gear level of that of last year the commission — or I should say the salmon fishermen in Kodiak — would have to buy approximately 100 boats' gear and permits.

Let's estimate them at around \$50,000 each. This comes to around five million or at a 7 per cent assessment on the remaining boats. It would take many years and dollars before any noticeable reduction in gear could be accomplished.

Don't be fooled fishermen, the 7 per cent clipped off;

your gross will hurt. The value of your permit could soon be eaten up in assessments.

Mr. Owers also states in his article that "In any case, before a decision is made on a buy-back program, there will be extensive public hearings so everybody will have a chance to comment."

Now let me ask you this:

Did we have any opportunity to vote or make our feelings known when they were pushing the law through the legislature? Their extensive research consisted of one meeting in Kodiak.

I attended this meeting. We were given about 15 minutes to look over the material given to us at the door. Then they asked for comments. The villagers around the island had no opportunity to express their views about Limited Entry.

I shared the feeling of other fishermen at that meeting. We felt like their mind was made up. That the meeting was only a formality. I certainly hope this example is not what they mean by extensive research.

Don't let them white-wash this program.

Don't give three men the power to control our fisheries.

Don't let our young people down.

Do support hatcheries, stream improvement and enforcement.

Do push for the repeal of the Limited Entry Law.

—Charles A. Lewis

# Naughton Bill Calls For Repeal of LE Law

Representative Ed Naughton, D-Kodiak, in a call to the MIRROR this morning said he had introduced a bill to repeal the controversial limited entry law this morning.

The representatives of the nation's second largest fish-

ing port cited the strong reaction of the public and particularly the fishermen of his own district and other communities in his decision to put down the 1973 law.

Naughton has been a critic of the free transferability feature of the law as

he has pointed out on numerous occasions, to make financial capability a screening process puts Alaskans at a disadvantage.

The Limited Entry Law makes a permit saleable in the same way that property

is bought and sold. Fishermen in outlying communities without permits would have a good deal more trouble arranging financing to purchase available permits than would a Seattle resident. Once a permit is held in Seattle it is reasonable to assume it would likely never be sold back to an

Alaskan again.

"If this law stays on the books for a generation, the permits will be owned in large part by Seattle residents, just simply because they have easier access to financing," Naughton said.

"The issues that have been discussed since the adoption of the law have pointed out conclusively that while the concept might be desirable the actual application and operation of the law is impossible. When a law is so complex that the application for a simple permit requires

a 41-page booklet of instructions, it is rather obvious that the program is more bureaucratic than responsive. The real purpose of the law when conceived was to facilitate management of the resource but the commissioner of Fish and Game for the state stated last month that the resource could be managed without limited entry," Naughton concluded.

"This is the State of Alaska, we ought to be working for Alaskans, not Washingtonians!"

## What Others Say . . .

### Full-Time Fishermen Oppose LE

To the editor:

The majority of fishermen in the Kodiak area are opposed to Limited Entry.

Kodiak has a year-round fishery, including salmon, halibut, shrimp, herring, king crab and tanner crab.

The majority of U.F.A. member organizations in the state may support Limited Entry, however, Kodiak is by far the most important fishing community in Alaska.

Kodiak fishermen were paid over 29 million dollars for seafood landed in Kodiak last year, second in the United States only to San Pedro, Calif.

The opinions of the full-time fishermen of the Kodiak area should be given prime consideration in the Limited Entry controversy.

James R. Sandin

A full-time fisherman  
for 15 years

## When Fishing Booms Then There Are People Who Boom With It

A natural form of limited entry has prevailed in our fisheries for many years. We have seen many boats come and go in different fisheries. When there have been good predictions on the salmon runs in one area — and not such good predictions in others — we may have seen an increase in boats into the good prediction areas, and a decrease in the low prediction areas. Fishermen have moved about within the fisheries, have invested time and money, and have competed for a hopefully good return on this investment. When a fisherman goes to sea to fish and returns home after the season, he has either made money or not. If he continues to go to sea and continues to lose money in a certain fishery, he gets out and looks for a fishery which he feels would be more economically feasible.

For as long as I have been involved in the fisher-

ies, and from talking to many who have been involved for longer than I have — that has been the case. A prime example of this may be seen in our purse seine fishery. It can be compared to a gold rush. When the gold (fish) is plentiful, you can see an influx of people moving towards the bonanza — all of them hoping to profit in the end. When fishing booms, then there are people who boom with it. When times get tough, only those who can still make it stick with it. Many of the Kodiak seine fleet have found that, due to factors such as harsh winters, dry summers, foreign fishing, mismanagement, or under-equipped management, they have been forced to a decision — to continue in their seine fishery or to diversify. That is the name of the Kodiak fisheries — diversified. When

the fisherman can do well in one fishery, he continues when he can't, he finds another one. When he loses money, he gets out — thus the fisheries are limited.

Right now, we have a drastic step that has been taken in our state that seems to make the decision for us. Many fishermen who are willing to compete — are

willing to be one of the ones who may come out ahead, and ready to gamble on their future, are, under limited entry — not permitted to do so. This brings us to another type of competition — competing to buy a permit. In many cases, a man may have a good chance to compete with others for a share of the fish. But when it comes down to competing with others to buy a permit — then many who have modest financial resources will be left in the wake of big money and will be frozen out.

ANDRE NAULT

## State Should Limit Bureaucrats Not Fishermen

To the editor :

The Bristol Bay salmon fishery had more units of American gear in the water during the sealboat era than today. That fishery produced good harvests almost consistently until the intrusion of Japanese gill nets offshore.

The American fishery is controlled by gear length and closures to ensure escapement.

Limited Entry is not the solution to the depletion

problem of the Bristol Bay salmon fishery. The problem was caused by lack of action in Washington.

The creation of a state bureaucracy to further restrict Americans will not solve the problems caused by an inept federal bureaucracy.

Considering the financial state of Alaska, a program to limit bureaucrats would be more beneficial than this (Limited Entry) burden on the taxpayers and fishermen. — James R. Sandin, Bristol Bay L. E. Permit No. 03T55264B.

# LE Permit Deadline Extended

Eligible commercial fishermen will now have until April 18, to apply for entry permits in the 19 salmon fisheries subject to limited entry this year.

A one-month extension of the application deadline was made March 6 in an emergency regulation issued by the Commercial Fisheries Entry Commission.

In a second emergency regulation the commission set 30 days as the maximum period of time in which a person could submit an application after the new deadline, provided he can show good cause why he did not make the deadline.

Commission chairman Roy Rickey emphasized that the application period for per-

mits for the salmon fisheries now under limited entry "is a one-time thing for the foreseeable future."

He added that "some years from now, if certain significant long-term changes occur in the fisheries, we may issue a number of additional entry permits, but the chances appear remote that anything like that will happen within the next five years or so."

The power troll fishery and all salmon net fisheries in Alaska, except for salmon fisheries in the Arctic-Yukon - Kuskokwim area, are now under limited entry.

Rickey urged all eligible applicants to submit their applications for entry per-

mits immediately "regardless of the number of points claimed."

"The commission cannot know with certainty the point level to which entry permits will be issued until all applications have been processed," he explained, "so it is best if you're eligible to apply, to submit an application regardless of the number of points claimed."

Rickey added that anyone who did not receive an entry permit would have his application fee refunded.

He said the commission decided to extend the application deadline for entry permits in limited entry salmon fisheries by one month for two reasons:

—Uncertainty about application procedures has caused some people to delay in submitting their applications. This is being remedied by the commission's application completion assistance program.

—A reluctance by some fishermen to complete an application while an attempt was being made in court to block the legal requirement for entry permits in 1975. A Juneau Superior Court denied a request for a preliminary injunction this week leaving the limited entry law in effect while a legal challenge is pursued in the courts.

There is still no deadline for getting an interim-use permit for other commercial fisheries not subject to limited entry this year, as long as the interim-use permit is in a person's possession when he goes fishing.

Alaska law requires that a commercial fisherman have the appropriate permit from the commission in his possession in order to operate a unit of gear.

Locally, people may see Wayne Marshall at the Kodiak Area Native Association office for assistance with filling out permits or for answers to questions.

What Others Say . . .

## TELLS NAUGHTON 'KEEP UP THE GOOD WORK' ON L.E. REPEAL

Burnie Lindsey  
Box 951  
Kodiak, Alaska  
99615  
March, 8, 1975

Representative Ed Naughton  
Pouch V  
State Capital  
Juneau, AK 99801  
Dear Ed,

I am pleased you introduced a bill to repeal the limited entry law.

I agree with you that the

"actual application and operation of the law is impossible."

Although I am president of the "United Fishermen's Marketing Association" I am speaking for myself when I say I favor repeal.

The association sent out questionnaires to the members. With 97 of the 163 questionnaires returned the vote stands like this:

1. Fifteen approve of the

existing LE legislation.

2. Thirty-nine disapprove of the existing legislation.

3. Forty-three approve of the concept of LE but favor amendment of the existing legislation.

However, I feel that after two years work and perhaps a million and a half dollars spent we shouldn't throw any more good money after bad to trying to amend it. I think it is impossible to satisfy all the diverse interests, especially those who will be denied permits.

The poll does show that the overwhelming majority are against the present law.

I think it would make a lot more sense to put the money into salmon rehabilitation and enforcement.

I am not concerned for myself since I already have my salmon permit.

Keep up the good work.

Best regards,

Burnie Lindsey

cc: Hon. Jay Hammond,  
Sen. Kay Poland,  
Kodiak MIRROR

# Money Being Spent on LE Should Be Spent on Salmon Rehabilitation

by Nancy Freeman

After hearing three hours of testimony at Kodiak Community College last night, State Representative Alvin Osterback concluded that (1) Kodiak fishermen are against Limited Entry; (2) they are willing to let the Alaska Department of Fish and Game manage the salmon



**STATE REP. Leo Rhode:** "I have a question for Jack Wick. Where's Solly's?"



**STATE REP. Alvin Osterback:** "I don't like the way it is written myself."

on resource and close it down if necessary; and (3) they feel the money being spent on Limited Entry should be spent on salmon rehabilitation.

Osterback and State Representative Leo Rhode, Homer, explained the public hearing on Limited Entry was one of several being conducted in the state. Osterback said "Probably everybody in Bristol Bay is for it; in Southeastern some are for, some against; Angoon is against. We need some way to guide us. I don't like the way it is written myself."

Some 150 fishermen attended the hearing — their cars and pickups lining the entrance to the college and spilling over onto the Cutoff Road — and dozens testified against Limited Entry.

Jack Wick said "Very seldom have I seen so many fishermen stay so long at a meeting. Usually by this time (10 p.m.), half would have left for Solly's. Limited Entry isn't working." Wick said limited entry was like deciding how many men

get to ride a dying horse. "Whether you let 10 guys ride it or one guy ride it, it's going to die anyway."

John Finlay, a Kodiak fisherman "for 10 or 12 years," said Kodiak is the second largest port in the country. If Limited Entry goes through, I don't see any way it can work. If we do not like it, how can it go?

We deliver 60 to 70 per cent of the fish."

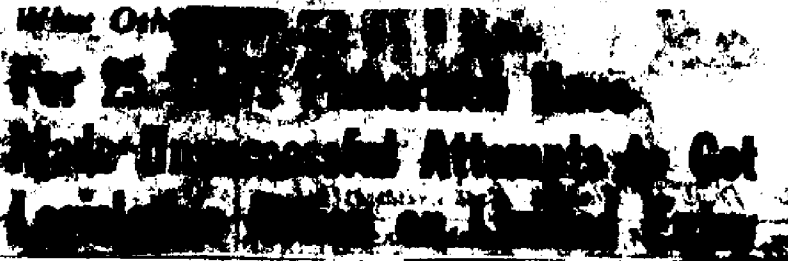
Acknowledging that Kodiak fishermen are opposed to Limited Entry, the legislators said they need help. Osterback agreed letters — even one-sentence letters written to Resource Committee — would help. (Address letters to Resources Committee, House of Repre-

sentatives, Pouch V, Juneau, AK.)

After discussion had turned serious for several minutes, State Rep. Rhode said: "I have a question for Jack Wick. Where's Solly's?"

The two legislators are scheduled to conduct hearings on Limited Entry in Homer, Anchorage and Cordova in the next few days.





March 11, 1975

Kodiak Mirror  
P. O. Box 1307  
Kodiak, AK. 99615

For 25 years - or more - the fishermen of Alaska have made unsuccessful attempts to get legislative action on some means of limiting or controlling the number of fishermen engaged in salmon fishing. These have been disqualified for one reason or other - mostly on the basis of constitutionality or discrimination. Finally we were able to get a Limited Entry bill passed by our legislature. One that could stand the test of the courts.

The Bill, as passed by our legislature, is not the finished product, and even its staunchest supporters will readily admit that the bill as a tool of controlling the fisheries will have to be amended to best serve the people and industry involved. Perhaps even adapted to fit the needs of specific areas.

Even our legislators acknowledge this to be a starting point--and from it can be developed the complete and acceptable tool whereby the fishermen and the industry can mold an instrument to best serve those engaged in fishing as a means of livelihood.

Much criticism has been directed at Limited Entry - but so far no one has come up with an acceptable alternate proposal, and from the type of criticism being leveled at LE its safe to assume that the majority of its critics have not read the bill and are accepting the statements of opponents of LE as being wholly fact. There are alternate solutions-- that involve simple modifications of the bill ----- to the other extreme of no control at all. One suggestion was that canneries determine who and how many fish for them -- of course this places the fisherman wholly at the mercy of the processors. And a very weak position to bargain from.

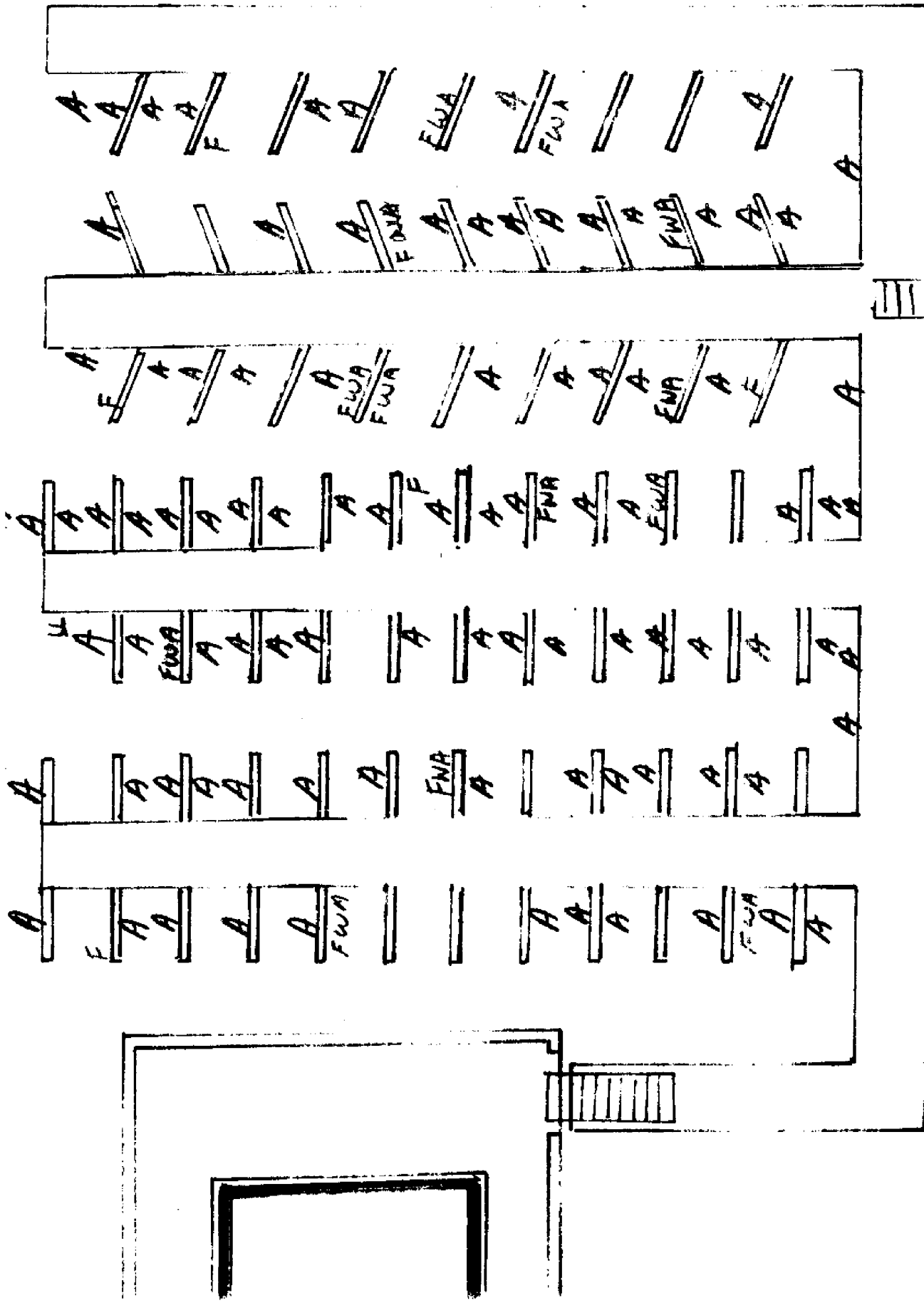
Could a drastic reduction in gear length be another solution--or make the use of power blocks illegal?

Or fishing time limited to 12 hour periods depending on how the run develops and other regulations curtailing both gear and effort.

The resource cannot sustain all those who could participate, neither the fishermen nor the resource would survive.

Obviously there has to be controls; regulations and laws are necessary to maintain a continuing return of resource for those engaged in the catching and processing of salmon.

Is it not better there be a regulated number producing raw product with the assurance of a reasonable chance of making a decent living than no controls and only the processors survive?



LIMITED ENTRY POLL OF FISHING BOATS,

KODIAK MUNICIPAL BOAT HARBOR

BY DAVE HERRNSTEEN

MARCH, 1975

A - Against L.C.

F - For L.E.

FWA - For L.F., with amendments

# Pete Olsen: a Gentle-Spoken Man Who Enjoys the Free Life

by Nancy Freeman

Pete Olsen is a gentle-spoken man who enjoys the "free life" of fishing and has raised eight children in Kodiak from his earnings as a salmon fisherman and carpenter.

A Kodiak Island resident since 1940, Olsen owns the 32 foot purse-seiner MICHELLE M. Against the Limited Entry Law, Olsen testified at a public hearing last week before State Representative Alvin Osterback and Leo Rhode. He also talked about predators, both domestic and foreign.

"I am opposed to Limited Entry," Olsen said. "Right now I have a FISHERMEN'S NEWS, January issue, a man wants to buy a permit for \$10,000. This is in January. I am not satisfied (with LE) and we can't do anything until we have a solution."

Olsen suggested a program where a deckhand has to be on a boat for 5-7 years before he's allowed to run it. "A system like this would give you competent men on boats."

"In other words, if I were to get on your boat — you're a total stranger — my life is being jeopardized. These are the things I think we should get away from. We create a hardship for the Coast Guard, too."

"As I see it — and correct me if I'm wrong — the way everybody sees it now, we have too many boats and not enough fish. Is this the problem?"

"That's right."

He referred to a graph from a booklet on Limited Entry which shows "we have less boats fishing here in the last five years than we had prior to that. The (salmon)

boats have gone down some 82 boats since '70. And if you look at the graph through the years it pretty well regulates itself under several categories: How many fish are we going to have this year? poor season? Then the Fish and Game says we will only fish two days a week. So a lot of people turn to something else."

"A lot of them are forced to. This, than, regulates the boats so I can see no problem with the boats."

"We have a problem going on up north where the conservationists don't want to see them kill off any wolves because the wolves are eating up the moose. Here we have an edible resource and some people say 'Let us not kill a predator, let them eat up the resource.' We find this same thing going on

today when we are not allowed to kill a seal and sea lion in Kodiak."

"I think what they're trying to do is right, just the approach is wrong."

Olsen said he was chartered for a sea otter survey and the Fish and Game man with him estimated there are some 20,000 sea lions in the Kodiak area. "We know a sea lion can eat at least a dozen fish a day."

Even with conservative estimates, Olsen said, "If one sea lion eats one fish a day and there are 20,000 sea lions in the Kodiak area alone, in three months they

would consume 600,000 salmon." Again, if there are 50,000 seal on Kodiak Island and each one ate only one salmon a day, in 30 days the take totals 1,500,00 salmon.

"Instead of the millions of dollars going into Limited Entry, Olsen says, put it into "our reproductive harvest. Why can't the state spend the money to see how we could right the balance between predator and salmon?"

"I am definitely not against destroying the sea lion altogether because I believe he needs to be there for a balance. But I do believe he should balance along with the salmon. The seal — you go down to Tugidak Island in May — and that whole island is loaded with seal — I would venture to say that there are 50,000 to 100,000 seals there — this is my own guess. But let them eat one fish a day, which they eat, look at the amount of salmon that is being consumed then in a season."

"Now, let's take the bird. Mr. Osterback knows pretty well — he's come between Kodiak and Sand Point on his boat; he can see the amount of seal we have and sea lion all along this coast. I would venture to say that, in Kodiak alone, we have a million birds of various types. Let each bird eat one fingerling a day and let's find out then how many fish they are eating." (About 30 million fingerlings a month).

"Now, why can't we utilize all of this. Get a program going to utilize this into a dog food. We see they're killing beef for dog food, the food that man consumes. Yet, we have all types of meat here, high in protein, high in food value, that would be good for the dogs. If that food is as good as it should be — as I think it might be in value — people who have money will buy premium dog food for their dogs."

(Continued)

"Going back to Limited Entry, I have a boy 14 years old now. If I can in five years say 'OK, you can take over the boat,' I know he would be very capable of doing it. Because I taught him myself how to operate in bad weather as well as the good. He would be capable of taking that boat out and not jeopardizing his life and other lives because of ignorance."

"He wouldn't just come up here out of the blue because he had a few dollars and a chance to buy a boat because (he heard) a good year was coming up." Issue him a fishing permit for free, Olsen said, "where he would have to show that he had spent X number of years fishing, that he would like to continue to fish, that he knows something about operating an engine — if it breaks down — that he knows the rules of the road because he's familiar with reading charts and compasses which many fishermen cannot do."

Olsen said a fishermen should show "that he has the background — he's familiar with this area because he has fished here" to qualify for a permit.

"I have one son now that's old enough to run a boat, he has, and he is very capable. I would trust going out with him more than I would with many, many people because he is not excitable when the going gets rough. If anything happens to me, I could turn over the boat to him immediately, and this is what we need."

Olsen said the Limited Entry Law should be studied "instead of in a couple years saying now this is the program — we're going to shove it down your throat."

"I think we should say, 'Well, let us study this' and after you study it come back, bring it to a committee of fishermen, and then say 'Is this what we want?'"

"And if we say this is what we want, then let us live with it because we have asked for it and we are getting it."

Olsen said the number of boats would stabilize themselves, according to the season. "If we have a good season, we should have more boats coming in to harvest it so we have more money in circulation. And, if they are bad years, that's going to take care of itself."

"Look at 1967. We had only 125 boats fishing Kodiak Island but we had a total disastrous year. They had to close the whole thing down. Right after that it climbed slowly up as the fish started returning. Then in '69 we had a good year, and in the following year the amount of boats shot right up."

Olsen concluded fishermen should not have to pay any money for a permit "and jeopardize the chance of our children going into the fisheries — which mine are now — unless they've got X number of dollars and they don't have it."

"Unless a cannery likes the looks of them and they say we'll back you on it."

About foreign fishing off Alaska, Olsen said "we know that monofilament is the most deadly type of gear that you can get — that's why it's banned in America. Because it never rots; it drifts on forever. It not only takes salmon, it takes seal, sea lion; it takes crab; it takes halibut — anything it comes into contact with tangles in it and continues to die."

"While we're on the subject, then, what about the treaty in 1970 when we gave the Japanese pollack — Not too long ago in our paper it said we gave the Japanese the right to take 14 million crab and they took 80 million."

"These are some of the questions I want to see not

only asked but answered. It is very true, unless we do something about them we are always going to get just the very few salmon that escape."

Pete and his wife, Nina, have eight children, all of them living in Alaska: Ruth (Dawson), Lydia (Abbot), Kathy (Webber), Christine (Abell), Margaret Olsen, Mark, David and Peter.

The senior Olsen grew up fishing in Cordova and Nina is from Afognak.



Pete Olsen

## All 17 Testified for Repeal

Kodiak fisherman Dave Herrnsteen, a member of the local opposition to Limited Entry, called from Anchorage this morning to report on his group's progress in Juneau, testifying before the House Resources Committee.

Herrnsteen said State Rep. Leo Rhode reported in Juneau that 17 persons had testified at the Kodiak hearing on Limited Entry. Rhode said "all were in favor of repealing the present Limited Entry Law. The paramount reasons for repeal of the law were essentially as follows: discrimination, unjust, no flexibility, denial of

free choice, eliminates crewmen of long-standing, locks fishermen into one area, and violates the free enterprise system."

Herrnsteen said "State Rep. Alvin Osterback, Sand Point, a long time fisherman, is against Limited Entry and so is Ed Naughton, our representative from Kodiak."

What concerns Herrnsteen, however, is that in a conversation with Senator Clem Tillon in the hall of the governor's office in Juneau Thursday, Tillon reportedly said, "I want to put it (LE) on the king crab

fishermen most of all."

Herrnsteen said "I said crab fishermen don't want this Limited Entry Law. The

whole crab industry is against this thing."

Tillon said the people of Cook Inlet want it and, according to Herrnsteen, "you are wasting your time. I've got this nalled down in the Senate."

Herrnsteen says "I believe in Democracy, not Dictatorship," and urges other fishermen to make their views known to their local representatives.

*What Others Say . . .*

## Want Repeal Of Limited Entry

(Editor's note: This is a copy of a letter sent to Governor Jay Hammond.)

Dear Sir:

Thank you for replying to my letter. However, you have succeeded in making me properly angry!

As a fisherman of many years, you should know that this Limited Entry law cannot work in any shape or form. In order to make it flexible enough to cover all the variables in fisherman economics, the law would have to be overly cumbersome.

Such restrictions can only slow down fishermen's economic workings and, indeed, might have far-reaching economic effects. We need a program to increase the resource, not decrease fishermen!

Anything like the present

law can only create headaches for Alaskan fishermen. Somebody has succeeded in baiting us with the illusion of money-lined pockets, but it's not that easy!

Sometimes I wonder what the real reasons are for the Limited Entry program!

Kodiak fishermen have recently met with Rep. Osterback and Rhode and left them with knowledge of our overwhelming support of Ed Naughton's Repeal Bill. Please take notice, we don't want amendments, we want repeal! Also notice, the UFA does not represent many

Alaskan fishermen.

All the scare talk about Washington fishermen is belied with no basis in fact. Washington fishermen had an entirely satisfactory salmon season, even though the natives did get 50 per cent of the catch!

If Alaska would promote private hatcheries, stream rebuilding and strict enforcement, as Washington and Oregon are now doing, we might have a few fish to catch.

The opinions you and Senator Kay Poland expressed in your letters about doing nothing at this time sounds like pure bureaucratic buck-passing. You'd better do something to help repeal this law, or many fishermen will think twice about who they vote for next time.

Do something about a 200 mile limit!

Very sincerely,

Darrell R. Short

*What Others Say . . .*

## Supports LE

Robert E. Day  
P.O. Box 64  
Cordova, AK 99574  
March 17, 1975

Kodiak MIRROR  
Kodiak, Alaska 99615

Dear Editor:

The Limited Entry Law, supported by the majority, was enacted into law to protect the salmon fishermen of Alaska. In the early stages

of the law it had the opposite effect due to the fact that a permit would have monetary value. Units of gear increased drastically in some areas.

Now to have a one year moratorium, it would have disastrous effects for these same reasons. I feel that a one year moratorium will only weaken the law and help to destroy the original intent.

Now, more than ever, we need this law because of the state of the fisheries in Washington. I hope the loud voice of the minority will not influence the State Government to take action that would lead to the failure of this law.

Sincerely,

Robert E. Day  
Commercial Fisherman

# SE Paper Endorses Repeal of LE

Kodiak Mirror  
March 27, 1975  
Page 1

Reprinted From  
**SOUTHEAST ALASKA EMPIRE**

The state's limited fisheries entry law, embroiled in lawsuits and possible change by the legislature, is growing into more of a problem every day.

The Limited Entry Commission has already granted one delay in implementation of the law, and another delay may be possible. Action is pending on the lawsuit filed by 11 fishermen seeking to have the law declared unconstitutional. And, to add to the confusion, bills changing and even repealing the law are pending in the legislature.

While this state of limbo continues, fishermen on both sides of the permit fence are being victimized by the bureaucratic process.

The market for permits — which under law may be bought and sold according to supply and demand — is reflecting this uncertainty. Until recently the going price for permits was \$10,000, but now the situation ranges between the extremes of hopeful fishermen unwilling to buy permits now, to permits going for \$20,000.

Something must be done soon. Fishermen with and without permits need to know what the future holds so they can plan accordingly. It is unfair to expect fishermen to postpone gear purchases — or to even wait out this season — while the courts, the commission and the legislature decide what the law will be.

The legislature especially deserves criticism in this matter. The courts have sets procedures which must be followed for due process, and those procedures have apparently been moving along as swiftly as can be reasonably expected.

The legislature, however, can and must act quickly. If action so far this session is any indication, lawmakers have not been excessively bogged down with other issues. And most legislators are familiar enough with the situation to know their positions.

Assuming this, there is no reason the House and Senate can't act on the bills one way or another within two weeks at most. Such timely and decisive action would be a great service to Alaskans.

Until today we have not taken an editorial stand on Alaska's limited entry fisheries law. There are valid points supporting both sides of the issue, and to weigh the arguments and decide where the scales tip is no easy task.

However, the time has come. The limited entry law should be repealed. We urge the Alaska Legislature to immediately adopt Rep. Ed Naughton's bill to that effect.

Under the Alaska Constitution the state has the right to limit the number of commercial fishing licenses allowed. This, we believe, is just.

But the present limited entry law has become a nightmare which, instead of preserving and protecting Alaska's fishermen, threatens not only the industry itself but also the people engaged in it.

Two basic precepts of the present law make it objectionable. First is the point system whereby some fishermen get permits and others — often times persons equally dependent upon fishing for a living — are rejected.

It might be that a system is indeed the least unfair way to allocate permits, assuming the entry level is to be set far below the number of fishermen presently in business. However, we believe the only fair way to limit entry is to establish the cutoff point at the number presently fishing, letting that number decrease, if necessary, over a period of time by attrition.

But to exclude fishermen who for reasons beyond their control were not fishing in the key years — such as the fisherman who worked construction for a couple of years to buy a new boat — is plain wrong.

Limited entry's second major drawback is the provi-

sion allowing permits to be bought and sold on the open market.

Anyone can see that the law of supply and demand will over the years exclude the average Alaskan from fishing. All permits will eventually be in the hands of the wealthy. Open market permits will gravitate to Seattle where plenty of financing is available to fishermen.

Creating an exclusive class of well-heeled permit holders was certainly not the intent of the law, but this is where it is leading us.

It seems only rational that permits not used should revert back to the state for reissue to eligible Alaska fishermen, and we simply do not understand why present law does not provide for this.

Perhaps the biggest fault of limited entry is not with the law itself, but rather with the state's attitude. Along with limited entry — if it must be — Alaska should have a massive program of fisheries rehabilitation. But we don't.

State scientists know how to rehabilitate a stream salmon run through the small hatchery process. Alaska should go into this on a massive scale; the millions spent in such efforts would be well worthwhile.

*What Others Say . . .*

## HOW CAN THE NUMBER OF BOATS CONTROL THE NUMBER OF FISH?

March 24, 1975  
Box 2616

Kodiak, Alaska

Dear Mrs. Poland,

Thank you for responding to my letter. I guess you must be getting much mail concerning limited entry so I couldn't really blame you when my husband received an identical letter.

We, in Kodiak are more concerned with this unjust law than you seem to think. You must take a stand against limited entry! Your wait and see attitude probably is politically advantageous under most conditions; you make fewer enemies, step on fewer toes. In this case you're making more enemies than you know. You aren't bound to your position of waiting for Naughton's bill to go through research and judiciary committees and the House floor before it gets to the Senate. What about a bill of your own on the subject so dear to your constituents. This law has to be hashed out before it's too late.

Wasn't last week, with people in Juneau to testify in the House concerning LE, an ideal time to open discussion in the Senate? Why not discuss it? Is this issue too controversial? Have you made up your mind concerning Limited Entry? Maybe you have good reasons for the law and could convince us. Or maybe you will surprise us by coming out strongly against Limited Entry after thoroughly researching it. I learn more of the atrocities of the law every day. I guess I've always believed that legislators were supposed to be responsible to the public.

You say that Limited Entry will conserve and manage the fisheries; this promise is a total fallacy. How can the number of boats control the number of fish? That's the fish and games' department, they have to see that the streams get their escapement.

But, I see -- fewer boats; more profit; more taxable income; more money to put into protection and research. I just thought of an ironic situation: in order to save the fish for our children and children's children you prevent them from fishing. It's the wrong way of going about it. Why not repeal Limited entry and raise license fees (\$500 resident and \$1500 non-resident) so as to discourage the non-serious fisherman. This would eliminate the expensive bureaucratic machine associated with LE and all the proceeds could go to the fisheries.

We've also talked about a raw fish tax. Maybe fishermen are ready to tax themselves, accept a slightly lower price for catches to enable the canneries to pay the tax -- if they knew the money was going to research, rehabilitation and protection. I sure would. It would be far more equitable and just than this present atrocious law.

Maybe you have an idea for an alternative? Please Kay, listen to us. I hope we won't have to be fighting your re-election because of this issue.

Yours,

Ms. Mary Jacobs  
Sent to Mrs. Poland and  
Kodiak MIRROR



## Alaska Limited Entry Eligible Fishermen have Until April 18, 1975

JUNEAU—Eligible commercial fishermen will now have until April 18, 1975, to apply for entry permits in the 19 salmon fisheries subject to limited entry this year.

A one-month extension of the application deadline was made today in an emergency regulation issued by the Commercial Fisheries Entry Commission.

In a second emergency regulation the Commission set 30 days as the maximum period of time in which a person could submit an application after the new deadline provided he can show good cause why he did not make the deadline.

Commission Chairman Roy Rickey emphasized that the application period for permits for the salmon fisheries now under limited entry "is a one-time thing for the foreseeable future."

He added that some years from now, if certain significant long-term changes occur in the fisheries, we may issue a number of additional entry permits, but the chances appear remote that anything like that will happen within the next five years or so."

The power troll fishery and all salmon net fisheries in Alaska, except for salmon fisheries in the Arctic-Yokon-Kuskokwim area, are now under limited entry.

Rickey urged all eligible applicants to submit their applications for entry permits immediately "regardless of the number of points claimed."

"The Commission cannot know with certainty the point level to which entry permits will be issued until all applications have been processed," he explained, "so it is best if you are eligible to apply, to submit an application regardless of the number of points claimed."

Rickey added that anyone who did not receive an entry permit would have his application fee refunded.

He said the Commission decided to extend the application deadline for entry permits in limited entry salmon fisheries by one month for two reasons:

—Uncertainty about application procedures has caused some people to delay in submitting their applications. This is being remedied by the Commission's application completion assistance program.

—A reluctance by some fishermen to complete an application while an attempt was being made in court to block the legal requirements for entry permits in 1975. A Juneau Superior Court denied a

request for a preliminary injunction this week leaving the limited entry law in effect while a legal challenge is pursued in the courts.

There is still no deadline for

getting an interim-use permit for other commercial fisheries not subject to limited entry this year, as long as the interim-use permit is in a person's possession when he goes fishing.

Alaska law requires that a commercial fisherman have the appropriate permit from the Commission in his possession in order to operate a unit of gear.

## No chance seen for passage of bill to repeal Limited Entry Law

There is no chance that the bill introduced by Alaska State Representative Naughton to repeal the Limited Entry Law will pass, according to knowledgeable observers, but there is a good chance that limited entry will be substantially changed this session the Alaska State Legislature has been in session for 60 days, and will probably continue in session for the next 60 days and during that time some modifications to the Limited Entry Law will probably be introduced and passed.

There is "about a 50-50 chance" that a moratorium on Limited Entry will be agreed upon, but so far no bill to that effect has actually been introduced.

Feeling is running extremely high in Juneau with representatives of various fisheries groups lobbying vigorously, and, some-

time violently, for their particular position.

"Right now opponents of the law have the momentum", said a usually reliable source. How far that momentum will carry them remains to be seen.

The law has also been challenged in the courts, and a decision is expected sometime this spring, but it may not come in time to make much difference to the fishing industry this year. The suit is given about a 50-50 chance of success.

Alaska Legislators are frightened of limited entry legislation because they see it as a threat to their political lives. Alaskan constituencies are so divided that no matter which way the politicians vote, they will make enemies.

At press time the situation was chaotic and it did not appear that any change in the limited entry law would come about soon.



**To the Editor:**

I am 45 years old a 32 year resident of Sitka, Alaska. I have been in or connected with fishing the entire time. I have been self-employed in fishing for the past 17 years and held no other jobs! I started in trolling and worked into longline. I missed some of the magic years in the entry commission's point system and had only 12 points, even though buying a troll gear license of my own for the past 21 years. This didn't stop my fellow fishermen from electing me chairman of SEATA, Southeast Alaska Trollers Association for 1972 and 1973. At that time SEATA boasted about 300 members and associate members. Many people like myself thought this would be a good way to promote hatcheries and rehabilitation programs.

However, some of the members thought we should be included on any limited entry scheme for our own protection???? Now I understand SEATA is down to about 60 total members.

I am not complaining for myself as I do fine longlining, if they don't take that away from me, and my retired trolling father has offered me his permit on trolling. I just think that this limited entry scheme is one of the most wasteful, costly, and unproductive schemes thought up by man. It benefits only the people operating it and a few lawyers hired to fight it. Makes you wonder don't it?

Sincerely,

Barton Sollars, Sr.

**FV BERTHA B.**

P.O. Box 771

Sitka, Alaska 99835

# Shrimp Trawlers Oppose LE

**Statement of the Kodiak Shrimp Trawlers Association on the existing Limited Entry Law:**

Kodiak Shrimp Trawlers Association, as an entity composed of 100 members, has until now exercised restraint in taking a position on the subject of limited entry to the fisheries.

Our reasons for not taking a stand until this time are as follows:

1. Because its application directly affects each fisherman's livelihood, very strong emotions are involved.

2. It became apparent when the limited entry law was applied to the salmon fishery a period of time would be required for our fishermen to become knowledgeable of the law's application to their situation and to form an opinion.

3. The directors of our association had to be convinced that a substantial majority of the membership had formulated a clearly defined opinion on the matter.

At a general membership meeting held March 25, a decision was reached that the Kodiak Shrimp Trawlers Association go on record supporting legislative action to

repeal the State of Alaska Act, Section 1, AS 16, Chapter 43, Regulation of Entry Into Alaska Commercial Fisheries.

We do not take the position that the present law is not suitable or acceptable by most fishermen engaged solely in the catching of salmon. That is not of direct concern to we who earn our livelihood from catching shellfish products. Therefore, our opposition stems solely from the diverse fishing situation in which we engage.

Our vessels range in length from 70-feet to over 100-feet. Their market value, in many cases, is \$500,000.

To meet the fixed expenses of such costly vessels, or more to the point, realizing acceptable returns that will equal applicable opportunity costs, the vessels must bring in product throughout most of the year. If our fishermen are locked into one fishery and one area, they are threatened with financial disaster.

For some time we seriously contemplated suggesting amendments to our legislatures for consideration during the present session. However, when we have suggested such action, the reply has been that the present statute must not be altered until its constitutionality is tested in the court system. One gets the distinct impression that many persons in positions of influence consider constitutionality paramount to a law that would be applicable to the needs of all fishing situations.

In all probability, a final conclusive ruling on the constitutionality of the existing law will not occur before year's end. This means that by that time the Limited Entry Law will have been implemented and a number of permits changed hands. Once the system is functioning, major changes to it will

be extremely difficult to accomplish.

For reasons of the imposed constraints stated above our only recourse is to oppose retention of the present statute limiting entry into the various fisheries.

—Oscar W. Boswell, Mgr.

*What Others Say . . .*

## **The Small Boat Operator Will Be Eliminated**

Box 951  
Kodiak, AK 99615  
March 31, 1975  
Honorable Jay Hammond  
Office of the Governor  
Juneau, Alaska 99801  
Dear Governor Hammond,

For the record I do not support Limited Entry as stated in your letter of March 27.

It has been reported to us that permits are selling for \$8,000 a ton in Canada. This means a half million dollars for a 100 ton vessel. I trust you can foresee the harm this will do. The small boat operator will be eliminated in the crab fisheries for sure. It will no longer be possible for a man of limited means to enter the fishery.

I am opposed to limited entry altogether but particularly to selling permits in the open market. I hold a salmon permit so this is not a personal concern.

Sincerely,

Barnie Lindsey

cc: Sen. Poland,  
Rep. Naughton,  
House Resources  
Committee  
Senate Resources and  
Finance Committee,  
Kodiak MIRROR

*What Others Say . . .*  
**LE Law Written  
To Protect A  
Selected Few**

Have you filed for your limited entry fishing permit?

Everyone who is interested in Alaska's fisheries should take a closer look at what is being done. You will find that the Limited Entry Fisheries Law will deprive many Alaskans from their right to ever fish.

It has nothing to do with conservation of the fishery. It was written to protect the rights of fishermen. Not all fishermen, but a selected few — of a few, by a few and for a few. This is not part of our constitution!

Let's take a closer look and see who will NOT be among the selected few. They will be those with insufficient qualifying points because:

1. Participation was split between several fishing areas.
2. Participation was split between several types of fishing.
3. Gear license was not held by the same member of

the family each year.

4. Inability to show present investment in a boat or gear.

5. Participation only as a deck hand.

6. Present insufficient economic dependence.

**Note:**

This includes the kids who are fishing as deck hands, most will never be permitted to own and operate their own boat. This includes all of those who have been out of the industry to save enough to invest in boat and gear. This includes all who have incomes from outside the industry to an extent that would show lack of economic dependency. This includes anyone who has planned to fish to supplement their income during retirement. In fact, the Limited Entry Commission plans to exclude most of the Alaskans who are interested in the fishing industry for now and generations to come.

How long will it be before the selected few are disqualified for some reason as stated or yet to be devised?

Any person who believes that the Limited Entry Law should be repealed stand up and be counted! Send a card or letter to: "Stinky" Jones, Box 684, Homer, AK 99603; or Evan Cundiff, Sterling Route, Homer, AK 99603.

What Others Say . . .

## LIMITED ENTRY ISN'T SLOWING THE FOREIGNERS DOWN ONE BIT ✓

Dear Editor,

A reprint from the Alaska Fish and Game in the February issue of *The Fisherman's News*, brought to my attention just one more of the completely idiotic events concerning the state of the fisheries in Alaska.

The Fish and Game Department has been conducting a study on the Japanese catches of king salmon in the North Pacific and the Bering Sea.

Their findings show that Japanese high seas fishing is a very major factor in the declining salmon stocks in Alaska's fisheries.

The Japanese have been reported to have taken as many as 685,000 king salmon from the North Pacific and the Bering Sea in one season.

These studies also show that most of the salmon caught by the mothership fleet originally came from western Alaska streams. Also, from 70 to 90 per cent of the kings captured by the mothership fleet are immature, and would normally continue to feed and grow in the ocean for an additional one to three years before returning to spawn in their streams of origin. Kings taken by the Japanese in high seas' fishing operations average six pounds, compared to 20 to 23 pounds for mature fish taken by commercial fishermen in western Alaska.

The Japanese high seas' harvest of king salmon in the Bering Sea in 1969 and 1970 was larger than the U.S. catch in western Alaska for the same years.

We have an ironic situation here. Some people are defending the Limited Entry Law, saying we must limit entry into our fisheries—limit the influx of Americans into our fisheries to help protect fish stocks, to improve management, etc., etc.

I'm sick to death of this mealy mouthed approach. Limiting Americans while there is this continued unchecked expansion of foreign fleets plundering immature fish stocks off our coasts is absurd and so nonsensical that it might be laughable if it were not so directly effecting so many of our people and our futures.

Why don't we give the Japanese and other foreigners the whole works outright—then we can all go to work for them and we won't need to sit around and discuss the relative merits of issues like limited entry.

It's time we woke up and got rid of this bureaucratic mess and started channeling our energies in the direction of more pressing and basic problems.

Limited Entry isn't slowing the foreigners down one bit. Imagine their glee!!!

Sincerely,  
ANDRE NAULT  
Box 922  
Kodiak, AK 99615

## What Others Say . . .

# GOV'T. CONTINUES FINANCIAL SUPPORT WHILE INITIATING L.E.

Dear Editor:

For 10 years the government has been pouring money into our fishing boats in the form tax shelters and low cost loans — and they continue to do so while at the same time they use the size of our fleet to justify limited entry.

I think the blood is running thin in our veins. In another country or another time an insult like this would have resulted in bonfires in the streets. In Kodiak, however, the conversation still turns to the same old safe subjects. After all, aren't we too small and too weak to do anything about it? Isn't that what our legislators are paid to do? Isn't limited entry too complicated?

The point we're missing is that in a democratic system it is the individual who is sovereign. It's a system of checks and balances. Bureaucratic control builds to the point of intolerance and the people push back. When the people pass up the chance to push they've betrayed the trust, the balance is lost.

Why should I worry about limited entry? I'm not a fisherman. But somewhere along the line somebody taught me that another man's freedom is like my

own. Maybe that's my bad luck.

I notice there's a group of young men who've organized (LEO) to fight for repeal of this law. Space prohibits an explanation of limited entry, so I'd suggest if you know nothing about it you contact one of these men (or practically any fisherman).

I have a habit of trying to look at things as they might be in the future. Limited Entry will create a preserve for a few fishermen who, if they're not taxed to death, will become enormously successful. Your children will work for them but they'll never be able to compete with them. This law, which could be replaced by some honest legislation and taxation, will stagnate and im-bitter us in the years to come.

I would also suggest that when you've become informed, you write a letter and send copies to:

Ed Naughton, Pouch V, Juneau; House Resource Committee, Pouch V, Juneau; Senate Resource Committee, Pouch V — Juneau.

There's a statewide movement to repeal this law and the only thing the movement

can't do without is you dear reader.

Can you spare the time?

HAROLD CURLEY  
General Delivery  
Kodiak, Alaska



## Kodiak Fishermen In Juneau Fight For LE Repeal

Last night the fishermen from Kodiak pressed for and obtained a hearing before a joint meeting of the House and Senate Resources Committee. This group increasing the total of fishermen from Kodiak to 17 testifying to the legislature (all of whom have opposed limited entry) spoke to the joint committee meeting last night. The following persons were in Juneau and at these meetings: Oral Burch, Oscar Boswell, John Hall, Bart Eaton, Coogan Fox, Pete Peterson and Tim Abena. Two others who had testified earlier in Juneau, Dave Herrnsteen and John Finlay, were also present.

During the hearings urged by the Kodiak fishermen, limited entry repeal and fishermen representation in Washington, D.C., were discussed. The legislators, Nels Anderson, chairman of the House Resources Committee, and Kay Poland, chairman of the Senate Resources Committee, offered helpful advice on representation in Washington, D.C. Rep. Anderson stated, however, in answer to a question on his stand on limited entry that regardless of pressure the limited entry repeal bill **WOULD NOT** pass out of his committee.

Rep. Terry Gardiner stated at the urging of Rep. Dick Eliason of Sitka that he would hold hearings on repeal while fishermen were in town but that he also would not pass a repeal bill out of his committee. Nels Anderson is working for special amendments to open the fishery to Bristol Bay youth. Rep. Gardiner, a holder of a purse seine limited entry permit, has been criticized by a number of his own constituency for support of limited entry.

In answer to the same question on her stand on the status of the Senate version, of repeal, Kay Poland stated that the bill was not in her committee.

Ed Naughton reported that the repeal bill would pass out of the Senate Judiciary Committee and into Poland's Resources Committee within five days, as he was promised by chairman Bob Ziegler.

KODIAK MIRROR  
April 11, 1975  
Page 1

## Bristol Bay Fisherman Tells Resource Committee

# 'You Won't Have Jails to Hold Us'

The House Resources Committee held another hearing on Naughton's limited entry repeal bill this week in Juneau.

Sources in the capital city are speculating that chairman Nels Anderson of Bristol Bay intends to sit on the bill instead of sending it on to the legislature for a vote, a source in the capital city told the MIRROR. As usual the hearing was attended by members of the Limited En-

try Commission and efforts were towards compromise.

There was, however, one new face. Nick Gregory, long time resident and spokesman for Bristol Bay and a newly appointed member of the state fish and game board, was there with an amendment he said would make limited entry acceptable to his people.

When told that his amendment would probably ruin

the constitutionality of limited entry and could not be considered, he politely stated, "Most of our people live and die in Bristol Bay. We must be allowed to fish. We don't want to break the law but I'm afraid you won't have jails to hold us all if we are denied the right to fish. I also see no provision in the law for the massive welfare program that will be needed for my people under limited entry."

## What Others Say . V .

### LE May Result In Some Very Bad Law Suits

March 31, 1975

Dear Governor Hammond,  
I am writing you this letter in regards to the Limited Entry Law. I feel that for the benefit of the state of Alaska some things should be brought to light. I would like to cite my case which is not unique to many others.

In 1971 we bought our first vessel, skippered that year by another man with the gear license in his name. I crewed to learned how to seine. In 1972 we were licensed and sat at the dock in the closed area of Prince William Sound. Being a family venture the gear license was in my wife's name. The vessel fished in 1973 and 1974.

Now, since the Limited Entry Law was not passed until 1973 any vessel that does not receive a license under the point system which is bound to be illegal. By post dating a law. Is condemned property by the state. Being this case the state must expect many expensive law suits. We wouldn't be just talking the gear etc. We must consider the rehabilitation in a new business, the years of hardship, anticipated profit and so on.

Now if we proceed further

and fishermen continue to fish because this law (Limited Entry Law) is considered by many to be unconstitutional by State and Federal Constitutions. Now if the state apprehends the fishermen and they are fined and/or imprisoned. Because they are fishing with all legal gear licenses but without the Limited Entry Permits. This law if not being defeated in the state will most likely be in the federal courts. These people you possibly will be prosecuting illegally will surely result in some very bad law suits. I know I wouldn't take it kindly being imprisoned for an illegal law.

Now, since the state is working so slowly on what they are going to do I would like to point out that April 15th all gear license are required to be bought. If the fishermen are not eligible now, but might be at a later date and they fail to be able to get their gear license because of the time date. That it would appear that they would be in a position to place a law suit for what they lost by not being able to fish because of the state being responsible for their missing the season.

Now let us explore the sale of these Limited Entry Permits, which some I understand have all ready changed hands. Now, if this law is proved at a later date to be illegal, I would assume

that these people would place law suits with the state for reimbursement of their losses. I believe each one of these are between \$5,000 and \$10,000 at this time.

I feel strongly for the state's benefit that this program be done away with. It has no place in a free country. If nothing else, table

it for a year until the legal aspects can be determined.

At this time I myself or I should say my wife has been denied the right to be able to fish. Being my whole families income. My vessel and myself, Str, will fish this season. With or without a Limited Entry Permit. I will continue to do this until

the state either gives us a license or buys us out. I can not withstand 10 years of my life's savings wiped out by the state. I have been told by others that I won't be alone and a rough number will be at least 100 and possibly 200. I would like to point out that I am not hap-

(Continued on Page 6)

(Continued from Page 2)  
py about what I might have to do. But at my age the biggest thing I can do is try to leave this free country for my children. If this does manage to go through I will feel the three years I spent in the Marine Corp. and in Korea, I should have been looking behind my back.

This is not wanted by the majority of the people. I find very few want this, but yet it is still being pushed down our throats. It is hard to believe the government has turned to this.

Yours truly,  
JARVIS L. JONES,  
Valdez, AK 99686

# Entry Commission Emergency Regs

The commercial fisheries Entry Commission announced today it has adopted several emergency regulations affecting fishermen applying for entry permits in the 19 salmon fisheries under disposition in 1975.

The deadline for applications is April 18, and all eligible commercial fishermen were encouraged by the commission to submit applications regardless of the number of points they might have, with or without the emergency regulations.

The emergency regulations adopted by the commission increase the number of points fishermen may receive in

certain circumstances and they make two specially affected groups of fishermen eligible to apply for entry permits.

One regulation allows fishermen to claim point credit for fishing back to 1960 in certain cases.

Under that regulation, points may be claimed for fishing as a gear license holder in a particular fishery between 1960 and 1964 if a fisherman also fished in the same fishery as a gear license holder after 1964.

Two other changes allow fishermen to receive appropriate point credit if they

(Continued on page 8)

## Entry . . .

(Continued from Page 1)

can demonstrate that unavoidable circumstances affected their participation in a fishery in any year between 1960 and 1972.

Prior to these changes, point credit could be given only for special circumstances that affected fishing in the years 1969 through 1972.

Another regulation recognizes that the Prince William Sound purse seine fishery was closed for the entire 1972 season. It makes fishermen eligible to apply for Prince William Sound purse seine entry permits if they can show that they were the owner or part-owner of a purse seine vessel and would have fished as gear license holders in 1972 except for the closure of that fishery.

Another set of regulations takes into consideration the termination of the Lynn Canal net fishery in 1972. The regulations make these set netters eligible to apply for southeastern Alaska gill net entry permits, taking unique set net site, vessel and gear ownership circumstances into consideration.

The Commission said it adopted the emergency regulations because "exceptional circumstances, unforeseen at the time the final regulations were adopted in November, 1974, have come to

the attention of the commission during the application process."

The Commission said it will adjust applications already received "to the extent that we have the necessary information on hand."

"We'll be contacting some fishermen for additional information, however, to be sure they receive all of the points they are entitled to," the commission said.

# What Others Say . . .

## 'Fighting Like A Pack Of Sled Dogs'

Kodiak MIRROR  
P.O. Box 307  
Kodiak, AK 99615  
Dear Editor:

When fishing is poor, the catches skimpy, the runs late or scattered, we ask ourselves: Why are there no fish? What went wrong? What happened? There was a time when all the blame could be placed on bad luck, a broken down boat, poor

gear or bad weather.

But now things have changed. We have better reasons to blame our misfortunes. Rightly, blame can be placed on foreign encroachment into our fishery. Fleets of foreign nations are poaching our fish before they reach our grounds. Then to make matters worse, hordes of southern immigrants are competing with us for the slim quotas that are allotted. Alaskans have banded together to fight this insidious invasion. Some appeals have been made and some law makers prodded, but the foreign fleets are still here. It seems Alaska's needs are being sacrificed to further international diplomatic gains. Also the southern immigrants are still with us. It has been decreed unconstitutional to prohibit them from fishing our waters. If this be so, it is equally unconstitutional to prohibit any American from fishing in Alaskan waters.

Somewhere in this fight we lost our objective. Instead of fighting the encroachment of others, we formed the Limited Entry Commission! No greater ploy could have been conceived by the governments of those foreign fishing fleets. We have turned against ourselves, fighting like a pack of sled dogs, Alaskan against Alaskan. Friend against friend — Father against son — American against American.

The Limited Entry Commission was formed to divide! The plan is to divide the fewer number of returning fish amongst a selected few fishermen. Where is the logic to this? If the growing number of foreign trawlers are not stopped from glutting on our fish, what will there be left to divide? This plan will also divide the power of fishermen. If we feel that we are too few to gain the attention of Congress, what chance will we have if our ranks are decimated? I think we had better back up and take another look at the situation. It may be as Pogo, our friendly philosopher sez: "We have met the enemy and he is us."

KODIAK MIRROR  
Page 1, 3 8  
April 15, 1975

I believe in the Constitution of the United States and that our problem can be solved in a democratic way.

I believe that if properly presented, the citizens of our country are more concerned with the welfare of Americans and the American fishery than they are of the opinion of a few foreign nations, on this issue.

I believe that this is not just a matter of regional welfare, but a challenge of American principles that cannot be ignored.

I believe the resounding electoral voice of the mass of voters, who are directly or indirectly involved can shake the halls of Congress.

I, therefore, propose:

1. That we repeal the Limited Entry Law.

2. That we abide by the Constitutional law and not discriminate against any American from fishing our waters.

3. That we enjoin all Americans to help us, and themselves, in the fight against foreign encroachment.

4. That we form a permanent organization with an Alaskan Chapter, not to regulate nor to study, but with a clear objective — to protect and promote the American fishery.

Now is the time to speak out. Don't wait until our harvest is added to the list of endangered species.

Contact: Evan Cundiff, Sterling Route, Homer, AK 99603, member of Anti-Limited Entry Committee.

EVAN CUNDIFF

## ENTRY COMMISSION EXPECTS LANDSLIDE OF APPLICATIONS

... Prior to April 18 Deadline

The chairman of the Commercial Fisheries Entry Commission said today he expects "a landslide of Entry Permit applications" to come in during the week before the April 18 deadline.

Roy A. Rickey observed that "in all likelihood, filling out an application is something like doing your

pounds of razor clams were harvested by commercial diggers on Swikshak and Big River beaches in 1974.

In the past, as much as 400,000 pounds have been taken from the vicinity.

Also answering questions at the meeting were Gil Blinn, superintendent for the Katmai National Monument; and Everett Stone, environmental health administration officer, Kodiak.

income tax — many people put it off until the last minute."

Some people, he said "believe that if they are not going to fish this year they can apply for an Entry Permit next year."

"That is not true," the commission chairman said. "For the power troll fishery and all salmon net fisheries, except those in the Arctic - Yukon - Kuskokwim region, the application deadline is April 18 of this year, whether you plan to fish this year or not."

All applications must be postmarked or in the commission's office by April 18. He said, "unless good cause can be clearly shown why the commission should accept a late application."

"Come people," Rickey

continued, "have apparently decided they do not have enough points to get a permit and have not sent in an application."

At this time, it appears certain that permits will be issued in some fisheries at levels considerably below 20 points, he said, urging people to send in entry permit applications "regardless of the number of points they have."

The commission cannot determine the point cutoffs in the various fisheries until all applications are received and verified, he said.

Rickey said the commission will refund the application fee of anyone who is not issued an Entry Permit or an Interim-Use Permit for the 1975 limited entry fisheries.

## Naughton Reports From Juneau

With the fish and game board hearings in Juneau this week, fishermen from around the state are meeting here. Of chief concern to many of them is limited entry repeal. Almost weekly, legislators have met with fishermen from Kodiak and other fishing communities who seek the repeal of the law.

Slowly the legislators have begun to seriously consider this action due to the great amount of support and input they have received. There are two bottlenecks in the House.

Although his committee has received legal counsel advising against his objective, resource committee chairman, Nels Anderson, is working to amend the law as it stands to include specifically all Bristol Bay youth as they become eligible to enter the fishery. The purpose of this would be to limit entry of other fishermen into Bristol Bay. Because of Rep. Anderson's misconception the Bristol Bay fishermen are being denied their opportunity to fight this law which would especially hinder the Bristol Bay youth from entering the fishery. This would happen because of the difficulties in financing permits to persons in

outlying regions, like Bristol Bay.

The next assignment of the bill will be to the judiciary committee, Terry Gardiner, chairman. Rep. Gardiner is under fire by both the Ketchikan fishermen and the Ketchikan Daily NEWS for not responding to the voice of the community he represents because of his opposition to repeal.

On the Senate side, Pete Meland's bill to repeal the limited entry law is in the Senate Judiciary Committee, Bob Ziegler, chairman. It is expected to pass out this week. Its next assignment will be the Resources Committee, Kay Poland, chairman.

# Naughton Calls for Initiative on LE Repeal

Kodiak's state representative, Ed Naughton, Friday issued a statement announcing a call to action of an organization to begin the process of bringing limited entry repeal before the voters of Alaska.

Naughton's complete statement follows:

"Today I called to action an organization to commence an initiative action to put before the people the question of repeal of the limited entry act. On March 7, I filed a bill for repeal of limited entry. And in spite of widespread support for the bill the chairman of House Resources and Judiciary Committees and the Governor are on public record as refusing to allow the legislative process to function.

This is the classic situation that the framers of our constitution contemplated when they provided for initiative and referendum. There is a ground swell of consensus that limited entry is detrimental to Alaska and goes against the American system and belief that the individual should be free to pursue whatever occupation one chooses. The legislature and the governor failing, the problem is now being put before the source of power, the electorate.

Mechanics of initiative are this: First a group of no less than 100 sponsors are identified, who then carry the petition around the various state districts and gather the number of signatures of voters equal to 10 per cent of the number who voted in the last general election. That means that more than 10,000 signatures will be required. This must be accomplished before this legislature sits next January. In order to put the question on the 1976 ballot.

I have never seen such a clear cut issue. There have been well defined reactions from every area of the state. I have talked to people from Bristol Bay, for instance who when asked what they would do if this law stayed on the books, replied, "there are not enough jails to hold us all who would fish in spite of it." I have heard from people in Anchorage, who are not connected with fisheries but who have a sense of right and wrong and they see that it is wrong to remove the right to pursue whatever occupation one chooses. And this is the crux of the issue, that the American Way has been and shall remain free enterprise — molded by economics, not government.

It is lamentable that this course is necessary but this is a course I must take. The

injustices and injuries that the law perpetuates on Alaskans must be redressed. I

look forward to a very busy and interesting summer throughout the state."

*What Others Say . . .***Just Seen the Little Toe of LE**

Kodiak, Ak.  
April 21, 1975

Dear Editor,

That letter from Cathy Short of Bear Island in last

Thursday's paper deserves some comment. Cathy, if you think there's "no room in Limited Entry for the "Little Guy" your right. LE

is here and it's law but that doesn't mean we have to take it laying down. You don't have to be a follower of Thoreau or Joan Boez to know about civil disobedience. In this case I'd say it's not only your right, but your obligation to your children. Buy your license from Fish and Game and go fishing. And lend time and support to various political actions which will be taking place. You have been ignored by the Limited Entry Commission, ignored by your governor, ignored by your own senator.

The crushing of human rights by bureaucracy is usually done so slowly you can't see it. But here, in one full swoop, the professional fisherman has lost control of his business while the young have lost the right to try their hand at it.

I'm an old man, but my memory's good. I've been watching big brother ever since he came into the mid-west with his wheat allotment program which over the years was directly responsible for wiping out the small farmer, me included.

Believe me, you've just seen the little toe of Limited Entry. Ten years from now businessmen will be wondering what happened to the resident fisherman who bought all the goods, who provided a broad stable base for the economy and who, with their seaworthy boats of all sizes made Kodiak a mobile and self-reliant town.

Don't be fooled into laying down. If you don't want Limited Entry, don't accept it!

Sincerely,  
HAROLD CURLEY,  
General Delivery  
Kodiak, AK

Wednesday, April 23, 1975—5

*What Others Say . . .*  
**I Might As Well Add My Uninformed Coin**

April 18

To Whom It May Concern,

I guess that since a lot of supposedly "informed" people have already put in their two cents I might as well add my "uninformed" nickel.

I'm speaking of opening up the long worded explanations of this "Limited Entry" and digging out the straight word. I'm not a professional fisherman, but I'm an Alaskan and my children might want to fish. Alaska is about the last place in America where a man can be his own boss. If any kids want to be fishermen in Alaska they damn well shouldn't have to ask the Japanese for permission.

Why don't the law makers of the state clarify what they are doing to us. I just want to know the real story of what's giving on, and who's doing it to us.

JIM COBIS,  
Bell's Flat  
Kodiak, Alaska



Fishing . . .

## Time to Throw Away the Aspirin

by Sharon Chasna Naughton  
For the Alaska Center of  
Environment

Alaska's most important renewable resource is her fisheries, and right now that resource is in big trouble. We've legislated and controlled the fishermen in an attempt to cure the problem of a dwindling resource. Yet this has been like giving an aspirin to a dying man — it won't make him well again. In this instance the aspirin is our Limited Entry Law. If an aspirin could hasten a dying man's death, this analogy would be perfect. For not only is Limited Entry not helping ease the pain, it's adding to it.

A situation anticipated by many Alaska fishermen and one that the Limited Entry Commission itself anticipates is that Limited Entry will result in more fish taken by fewer numbers of boats with no resultant conservation. In their 1974 Report to the Legislature the Limited Entry Commission said, "Any sys-

tem of limited entry may result in each unit of gear becoming a more intensive and efficient operating unit. Where an individual may have been using a skiff, the tendency will be to replace it with a larger, more efficient vessel with a greater ability to catch fish. When earnings increase, fishermen will be tempted to 'over-invest' after a particularly good season. This has been the experience in British Columbia where the number of vessels fishing has declined by over a thousand but the actual fishing power has increased."

Since its passage in 1973 the Limited Entry law has cost nearly \$2 million to operate. The budget for 1976 is \$805,300. That's more aspirin.

The history of the Alaska fishery goes back several hundred years. In the beginning, as in all of Alaska resources, it was seen as plentiful, impossible to over-exploit. The salmon stocks

have had steady declines since 1900. Prior to statehood the fisheries were controlled by Outside-operated canneries.

With statehood fishermen demanded control be taken away from the Outsider and that management be handled by the state. Combinations of cold years, fluctuating temperatures and a pitifully small amount of management and enforcement created the poor conditions we find in the salmon industry today.

Early in the game "aspirin" was used restricting fishermen to specific areas was first seen as a possible way to prevent over capitalization, and then limiting their gear. When the stocks continued to go down, the next approach was to limit the numbers of fishermen. The problem with this approach is that with the decreasing numbers of fishermen the gear and harvesting ability increased.

The Alaska Department of Fish and Game has been ineffective in managing fisheries. In its infancy Alaska Fish and Game lacked management tools and research capabilities, and the growth of that department has been slow and its enforcement incredibly poor. As an example, between 1960 and 1971 the state spent on commercial fisheries an average of only 1.18 per cent of the total wholesale value of the fish caught during that period.

An example of what could happen with proper management is the king crab and shrimp industry in Kodiak. In the mid-1960s the king crab were being wiped out. The crab catch decreased

from 95.8 millions pounds in 1965-66 to 73. in '66-67 to 43.9, in '67-68 to 18.7, in '68-69 and on down. Fishermen were hurting. They were also realizing that the resource had not been managed, and they felt the effect in their pocketbooks.

As a result, fishermen and state biologists got together in study groups. The combination worked. Fishermen and biologists really understood the resource intimately from two different perspectives, yet each were in their own way concerned for the protection and growth of the resource. Because the department and the fishermen were not fighting each other, they expended their energies in creating a positive environment in the Kodiak area for crab. The stocks began to increase again. The fishermen made more money and fished more crab. The same process is happening in this area with the shrimp resource. Unfortunately, however, this is the exception.

The Department of Fish and Game has to date operated on a brush-fire princi-

— Thursday, May 1, 1975

ple: when a fishery shows signs of trouble, then it's time to worry. To cure the ills of the fishing industry the department must demand a change in the state philosophy. They must find out what resource we actually have — how to cultivate it — how to protect it. THEN ENFORCE PROTECTION. Money is spent lavishly in other state programs. This program, however, is the pauper of the state government. This cannot continue.

The fishermen themselves have a saying, "You can't make a season on the grub bill," and in any business you have to spend money to make it — be it food, strength, or on product to sell. Penny-pinching management of fisheries is going to mean no fishermen. And fishermen are taking a new look at their resource. They, too, must learn to change their philosophy and lobby for increased taxes to help create the harvest that they reap.

Money must be spent, but not on aspirin.

# What Others Say . . .

## L.E. WOULD CREATE THE BEST MONOPOLY YOU EVER HEARD OF

Dear Gov. Hammond:

I have read several letters in the MIRROR recently regarding Limited Entry. (Like most of the letter writers, I too, am against limited entry in its present form.)

As a background for the reasons I am about to give let me state that I have lived in Alaska for over 40 years, so I am not a Cheechaco. All of this time I was involved either directly or indirectly with the fishing industry.

My first job, in Alaska was night fireman in a herring reduction plant in Prince William Sound in 1933.

I believe this limited entry law was written without very much thought of what it means.

A judge in Juneau denied an injunction asked by some fishermen because they did not show that it (LE) would create a monopoly.

While I can't say how it would be in other districts, I know it could create the best monopoly you ever heard of in the Kodiak area.

Off hand, there are three groups here, anyone of which could create it. The group with the best chance to have a complete monopoly is the Native Corporation on the island. The people of Old Harbor, Karluk and Larson Bay have bought the Alaska Packers cannery at Larson

Bay.

I have heard 360 as the number of seining permits for this district.

Assuming the natives from these villages are issued 160 permits and they decide they want the other 200. The Konlag Corporation of which they are members, has or will have 38 million dollars to invest. It wouldn't hurt them to pay 50 thousand dollars for each of those permits or 10 million dollars for the 200. They would get tenders and can the fish at their own cannery at Larson Bay. If that wouldn't create a monopoly, I don't know what the meaning of the word is. As an investment for Konlag Corporation think how fast they could get their money back if they had the whole Kodiak area for themselves. It would put the rest of the salmon canneries on the Island out of business because they couldn't bring in any more boats.

The second group is the Japanese who have money invested in Kodiak Island canneries. Again this group has the money to buy those 200 permits if the natives didn't want them.

With the Konlag Corporation and the Japanese working together, they could divide the island between them. Quite a nice monopoly. Maybe this one would work better than having the natives take it all. The Japanese could let the natives fish the Japanese owned permits and the Larson Bay cannery would have a market for their salmon roe.

The third group I think has possibility, is the Fisherman's Marketing Association, since most of the salmon fisherman probably are members. Think how nice this would be if their business agent could approach a cannery owner and say, "If you pay us X amount for our salmon you will get all we produce."

This way, only two canneries operate on the island, Larson Bay and the one that makes the deal.

Another thing I don't like about the present limited entry law is the way permits can be sold at any time.

I think that anyone who receives a permit should have to hold it for five years and fish it for at least four years before it becomes his to sell. If he doesn't fish it four years out of five he loses it.

I believe the limited entry is absolutely the wrong way to build up the salmon fishery.

The salmon pack started to decline about 35 years ago. Up until the start of World War II the fish streams were protected by stream watchmen. Most of these watch-

men were college students who were taking fisheries' courses, and the rest were retired fishermen and other Alaskans. Then, when the draft started, there were fewer young people available and some others took better paying jobs in their work, so some streams were unprotected. A few years later it was decided that a better way to protect the streams was with boats and airplanes. That way became too expensive so some of the boats and planes were pulled off.

That is the situation now. The fish streams are not protected as well as they should be, and as the fish get scarcer and the price goes up, there is more creek-robbing now than there used to be.

In the 40s and 50s, when salmon traps were legal, there was a lot of talk that if the traps were outlawed it would cure all the fish problems. One of the main reasons for voting for statehood was that if Alaska became a state, we would eliminate the traps. That went over big with all the coast residents, me included, so we became a state and the traps went in 1959 or 1960. Then more and larger boats came to Alaska with the result that now the salmon pack is down to about 25 per cent of what it was 35 years ago.

Recently there was a Japanese fishing vessel confiscated for fishing in U.S. waters. That is a drastic change from the token fines that were levied five years ago. Now I think the Japanese will be more careful where they fish. I think the same thing should be done with any American fisherman caught fishing behind the markers or in a closed area or period.

That is the only way the fish that get to the streams will be able to reproduce. To help nature along, I think we should do as the Canadians have done with the red run on the Fraser River. Twenty-five years ago the red salmon (they call them sockeye or blue-back down there) run was getting dangerously low. The Canadian fisheries experts took bulldozers up to the spawning ground and widened the streams and cut new channels to more than double the spawning area. Then by setting careful catch quotas the run has come back.

If the Canadians can do it, I see no reason why we can not.

T. T. FULLER  
cc: Kodiak MIRROR  
Rep. Ed Naughton  
Sen. Kay Poland

## Initiative Petition Is Only Last Minute Chance

Reprinted From Ketchikan Daily News

Limited entry repeal is dead in this session of the legislature. We are afraid the monster suddenly grew too big to kill. That growth can be attributed to the sudden money value of permits. The going price is \$10,000.

~~Nobody will dare kill the plan now or the permit holders will clamor for a payment to offset their losses.~~

We've heard that the permits are such financial bonanzas that an attorney for the estate of a deceased fisherman applied for the fisherman's permit. Although the fisherman has been dead for some time and couldn't fish if he had a permit, the permit is valuable to his estate.

We have no objection to a fisherman making a few dollars in a method other than catching fish. But the long range effect will be to put control of the permits in the canning companies, just as they took over the boats, and, before statehood, fish traps.

The only last minute chance to repeal the law is for an initiative petition to put the issue on the next election ballot. After a few years the dollar value of permits will be too embedded in the economy to be eliminated in any way.

What Others Say . . .

## Fleet Builders Have Over-Capitalized Our Fleets

Editor:

Limited Entry is a governmental attempt to solve the problem of too many boats by creating a new bureaucracy instead of trying to find the real roots of the problem, which on closer examination turns out to be the failure of other government bureaucracies.

Last year was the first time in my working life that I didn't pay income taxes, because Uncle Sam and

Alaska said, Dave, you are doing the country a favor by buying a boat. I used the Investment Credit and took seven per cent of the value of my shrimp boat and deducted it directly off my tax bill. If I should have good seasons the next two years I could put all profits into a capital construction fund set up by the NMFS, promise to build a new boat or make major improvements in my old boat, and for two years

continue to pay no income taxes. The fourth year I could buy a new boat using a low interest, low down, long term federal loan, and not even have to sell my first boat since I could have a substantial down payment in my capital construction fund. Also, since Congress has just raised the investment credit to 10 per cent I would have a new big tax break with my second boat, and continue to pay no taxes.

These are some of the ways that processors and fleet builders have over-capitalized our fleets. I'm an independent Alaskan fisherman -- I like my boat and don't want another, so this and future years I'll be paying taxes and subsidizing the fleet builders I'm competing with.

This is the problem of our way of promoting growth -- particularly when applied to our fishing industry. I

imagine MacDonalds avoid paying taxes as long as he keeps building more hamburger stands, and the hamburger-eaters might keep growing in number, but we only have a limited number of fish at the present.

Fishermen are out there catching not just fish, but dollars. Most fishermen's minds are like a cash register -- they know the payday before they hit the dock. Instead of the government's handing fishermen dollars with tax subsidies and write-offs, it should eliminate the subsidies and let our industry get back on an even keel, and then maybe in the future take away a few dollars in taxes and plow that money back into more fish. That would be a natural form of limiting entry that would help the fish and the fishermen and cut down government costs instead of this present uncoordinated, multi-headed monster that is driving us crazy, wasting our money, doing nothing for the fish, and putting brother against brother. Let's repeal Limited Entry, work to eliminate the tax gimmicks, and get on with some positive programs to help the fish. Limited Entry is an attempt to hold down the lid on a pressure cooker with force instead of simply turning off the fire.

DAVE HERRNSTEEN  
Box 1704  
Kodiak, AK 99615  
April 29, 1975

(Fourteen years an Alaskan; nine years full time commercial fisherman; owner-operator F/V BONANZA; B. A. in Economics, 1964).

*Note: But ADF&G continued to sell gear licenses after cutoff date!*

## Fishermen Will Appeal LE Suit to Supreme Court

Attorney for 11 southeastern fishermen said Monday he would appeal the decision of Superior Court Judge Thomas Stewart upholding Limited Entry to the Alaska Supreme Court.

Judge Stewart's decision to uphold the law ended any chance for delaying implementation of limited entry before it takes effect this summer.

The fishermen filed the suit on grounds of unconstitutionality, particularly of a section of the law eliminating all persons who did not hold a gear license prior to 1973 from obtaining a permit.

*Note*  
The state contended the cutoff date was designed to prevent a gear rush expected due to a treaty granting Indians in Washington state increased take of salmon. In announcing his decision Judge Stewart said.

"If a gear rush had occurred, as the facts indicate was threatened," Stewart said, "there would have been great danger of increased fishing efforts damaging both the resource and the economic stability of all participants in the fisheries.

"Hence, this test alone serves the general stated purpose of the act, to promote the conservation and sustained yield management of Alaska's fishery . . ."

Fishermen who held licenses before 1973 can qualify for entry permits under a complex point system based on past experience and their degree of economic dependence on fishing. More points are awarded, for example, to a veteran fisherman who lives in an Alaska fishing village than a school

teacher in Seattle.

The law does not grant much leeway to those who may have fished as crewmen or simply as members of a fishing family.

Stewart said the 1973 cutoff date and the point system were "transitional measures, and as such should be viewed as resultingly less arbitrary in long-range effect." In addition, he said the "cutting edges of both (criteria) are blunted by the rights to buy and sell permits."

About 7,500 permits are being issued under the program this year. Scores of them already have been thrown onto the market, some with purchase prices ranging up to \$10,000, or higher if a fisherman includes his vessel in the deal.

For those who are beached by the law, Stewart, "there are also the alternatives . . . to participate as crew members with permit holders, to enter fisheries other than for salmon and additional possibilities within the industry . . ."

James Clark, a Juneau attorney, said there was "no question we will appeal. Absolutely.

"I don't view the thing as closed," he said. "This is going to take time, but we will file our notice of appeal early next week."

Clark said nonpermit holders who hoped to fish this season might turn to the legislature — "our only hope" — but he acknowledged that a reprieve was unlikely. Bills introduced in both houses to repeal or delay the law have been bottled up in committees.

Rep. Ed Naughton, D-Kodiak, has announced a drive for 10,000 signatures to put

the question of repealing limited entry on the ballot in 1976. Voters in 1972 adopted a constitutional amendment which embraced the limited entry concept but did not enact the law.

The Limited Entry Opposition (LEO) organization which sponsored the suit proclaimed its full backing of the initiative efforts last week. The group claims about 400 contributors.

# Signing Up Sponsors For LE Repeal Initiative

Kodiak shrimp fisherman Dave Herrnsteen is back in town this week after nearly a month of lobbying in Juneau to repeal the Limited Entry Law.

Now Herrnsteen is signing up sponsors who will be willing to circulate petitions for an Act entitled: "An Act repealing the limited entry program for commercial fisheries."

Herrnsteen explains spon-

sors must be registered voters; "I hope to have the first 100 sponsors by Monday."

Sponsors throughout Alaska and here will seek a total of 10,000 signatures, approximately the number required to put the Act on the next statewide election ballot August, 1976.

He says the sponsors will have until Jan. 1 to obtain the signatures; and it will "also give the legislature a

chance to act.

If they won't repeal it, it will be on the ballot."

Herrnsteen is one of four on the statewide committee organizing the petition drive. Others are State Rep. Ed Naughton, Kodiak; and fishermen Gale Allen, Cordova; and Tom Williamson, Sitka.

On his way back to Kodiak, Herrnsteen said, "I stopped in Homer over the weekend. There is a lot more opposition to Limited Entry there than people have been led to believe."

KM  
5-9-75

## Don't Tell an Alaskan He Can't Go Fishing

Tell an Alaskan he can't go fishing and you are about as popular as the guy who shot the musher's lead dog.

Seventeen local fishermen have dug deep in their pockets in recent weeks to attend Limited Entry hearings and workshops in Juneau. They have traveled to Juneau to lobby against the Limited Entry once, twice and three times.

Out of 10 who made the first trip five do qualify for entry permits for salmon this season.

"It's not true," says shrimp fisherman Dave Herrnsteen, "that only the guys without permits are opposed to Limited Entry."

That's why he feels sponsors of an initiative petition asking for the repeal of Limited Entry will have no trouble finding 10,000 signatures.

And the signatures are important because they will tell legislators how their particular constituents feel about Limited Entry long before the next statewide general election in August 1976.

If Kodiak's senator sees that 3,000 fishermen in her district are against Limited Entry, for example, she should get the message.—NF

## Naughton Reports From Juneau

5-29-75

The free conference committee on the budget began last Friday and for the first three days the pace was slow for the three House members and three Senate members.

During the last two days, however, the work accomplished has increased and the committee promises to complete initial consideration of all nine budget categories Tuesday.

The committee will then consider those areas where there was disagreement on first go-round. The Senate side of the free conference committee on the budget has exhibited initial resistance to acceptance of programs outside Juneau.

Of course, the Senate group is dominated by veteran Senate fighter Bill Ray, who historically blocks monies destined to be spent anywhere other than in Juneau.

The key legislation this session — needed to prevent the increasing of personal taxes — Senate bill 297, the tax on oil bill — is making

slow progress this week in free conference committee. Progress is being made only after long hours of negotiation and consideration.

Within the next day the initial sponsor petition will be filed to begin the repeal of limited entry.

Petitions by sponsors have been received in Rep. Naughton's office from all parts of Alaska. Additional sponsor names may be submitted after this first filing and request to serve as a sponsor "to gather signatures on petitions requesting the question to repeal limited entry be put on the next statewide election ballot" may be directed to: Committee to Repeal.

Repeal Limited Entry, Box 1704, Kodiak, AK 99615.

More on limited entry — Senator Clem Tillion, prime mover and supporter of limited entry avowing impartial interest in the law couldn't qualify for a permit on the first try. He was just issued a permit.

## Feeling Pinch Of Limited Entry

HOONAH, ALASKA — Alaska natives have begun to realize, perhaps too late for some of them, that "limited entry" into Alaska fisheries will not be applied solely to whites or to fishermen from "out of state," especially to those seiners and gillnetters of Washington who long have worked in Alaska.

Late in January, residents of Hoonah, a village of about 800 persons on Icy Strait on the north coast of big Chichagof Island west of Juneau, began to appeal to new Gov. Jay Hammond for some kind of relief.

The chance of any such relief appears faint indeed.

Almost all the people of Hoonah are Indians, most of them Tlingits, whose arrival on Chichagof and other islands of Southeastern Alaska's great Alexander Archipelago dates back hundreds of years. (Until fairly recent times there seems to have been a great shifting of native populations over these areas as stronger and more warlike people or the pursuit of food forced tribes to move elsewhere.)

And Hoonah's chief occupation, as it has been for those centuries, is fishing, especially for salmon. It is the salmon fishery that is most affected by pending rules of the limited entry legislation. (NF, February 1975.)

The entry privilege is based on a point system of which the major element is the holding of a gear license — seine, drift gillnet, troll or set gillnet — before Jan. 1, 1973, in order to be eligible for consideration for a license for the 1975 season.

An allowance is made also for "income dependency" as well as other minor factors. But it is the prior possession of gear licenses that draws the most water. This is what hurts many of the natives of Hoonah and other Indian towns as well as many white fishermen.

### VETERANS OUSTED

These men had fished for years as crewmen, especially on seiners, obviously, and never had considered the potential need for a gear license of any nature. Most

Indian seiners carry larger crews than do vessels manned by whites. (This reporter has seen Hoonah vessels in Icy Strait and Cross sound, for example, with as many as eight men aboard while similar boats owned by whites, fishing the same gear, carried only five or six men.) Part of this overmanning undoubtedly is due to the close Indian family relationships.)

Copies of the letters as well as a petition to Gov. Hammond depict the plight of the would-be fishermen quite explicitly. One from Patrick Mills of Hoonah, dated Jan. 27, puts the situation as succinctly as any of them:

"I am a young man living in Hoonah. I don't presume this letter will be any different than one that might come from Angoon, Kake, Klawock, Metlakatla, Wrangleil, Bethel or any one of our many native towns and villages in Alaska.

"This bogus point system that has been set up is selective, bigoted and outlaws us as native Alaskans to fish. Sure, I know I

can buy a permit (from an eligible holder, not from the state — Ed.) for possibly thousands of dollars to have the right to fish but why should I do this while my brother can fish free and I am outlawed?"

Robert Greenwald, of Hoonah, explained his quandary to the governor on Jan. 24 like this:

"For some time I had planned to build a trolling boat. . . . This plan finally came to fruition about four years ago after some years of saving. . . .

"I had to leave the fishing field a few years back because of the illness of my wife who finally died of cancer. In order to care for her, I had to sell my boat and gear. . . .

"Now my new boat is almost complete and I will have a total of nearly \$100,000 invested in it. I have fished Alaskan waters a good share of my life. I am a resident, born and reared in the state. My plans for returning to fishing and the building of my new boat were in effect long before the "limited entry" was passed.

"How was I to know that such a law would be passed to outlaw me? Will the legislators buy my boat from me? What provisions did they make for cases of my type?"

"How could I help it that my wife was taken so ill that I had to quit fishing to help her out?"

### OFFICIAL JOBLESS

Raymond Dick, president of the Hoonah Chapter of the Alaska Native Brotherhood, found himself in the same boat and in a letter to Gov. Hammond Jan. 24 he tells his story.

"I have been fishing all my life and this my only means to support my family. This right to fish has been taken away from me by limited entry. Do they purpose (sic) to have me sit on the beach and starve? What gives one man the right to outlaw another man from making a living?"

"Why pick on me, a native resident, to be cut off and let an outsider who has only been here four years, take what should be my prior rights to fish?"

"Is this the equality that the constitution guarantees an Alaskan and all its citizenry? How outrageous to even think

that this might come under the guise of conservation. We need help. I appeal to you. I want to live and so does my family."

And from Paul Dybdahl Jr., on Jan. 24, also to Hammond comes this:

"... as a fisherman I was told limited entry would eliminate the moonliters (sic) and now when finally passed, it has eliminated us as fishermen and keep many of the moonliters. (They) say all I need to do is buy a permit. First of all I have to try to find one (from a legal holder) and then the asking price seems to be from 10 thousand to 20 thousand or even up to 30,000 dollars.

"It is impossible to absorb such a debt."

This sampling of letters to the governor was accompanied by a petition signed by 18 permit holders of Hoonah, who agreed with their distraught fellows and added, for themselves:

"We are strongly opposed to the limited entry law even though we are qualified for permits ourselves.

"It outlaws the fishing rights of many in our community and this is wrong, unfair and unjust. They should not be outlawed from making a living to be left to suffer privations and hardships.

"We feel we have been greatly deceived and misled in the original presentation of limited entry. The final law cannot be recognized. We know hundreds of fishermen . . . who feel as we do."

It would appear from such complaints — and there must be hundreds of them directed to the state — and from suits filed against the limited entry law that a final resolution of the problem may take years.

Under present rules, at least, a buy-back plan probably would not work as it has in British Columbia or as one tentatively (if money ever comes up) is designed for Washington State.

The difference is that B.C. and Washington license the boat; the gear licensing in effect in Alaska would probably result in an influx of new boats into the salmon fishery when old ones were bought back, if that should come to pass, because any legal gear permit can be used on any vessel.

—Bob Browning



## In the Mailbag

To the Editor:

I have fished in Alaska since 1923 on halibut schooners and salmon gillnetters every season except 1951 when I was injured on the "Cape Clear" and was unable to fish that year. From 1940 to 1966 (minus 1951) I gillnetted every year in Bristol Bay. I rebuilt my boat in 1967. In 1968 and 1969, I gillnetted in Southeastern out of Ketchikan. In 1970, I changed over and fished halibut, 1970-71-72-73 and 74 out of Cordova, Seward, Homer, Port Williams, and Kodiak.

I went to the Alaska Fish and Game Office in Seward to apply for my Limited Entry Salmon Gillnet Permiot on 16 April two days before the deadline and was told that it would be useless to apply since I didn't fish the Magic year. My only crime was that I alleviated the pressure on salmon by switching over to halibut cost me any future in salmon.

I became a citizen of the United States in Ketchikan one December in 1942 and always have been proud of it, but now my Constitutional Rights are being stolen by Professional Leaches making \$3,500.00 a month.

George E. Parr  
"M.V. MARLEE"  
Box 382  
Seward, Alaska 99664

## Troll entry permits raised

JUNEAU—The Commercial Fisheries Entry Commission has raised the maximum number of entry permits to be issued for the salmon power troll fishery to 895 from 800.

It has also made changes in the areas where certain permits can be used and has redescribed three administrative areas.

Commission Chairman Roy A. Rickey said that in comparing 1974 power troll fishery information with previous years "the Commission indentified a data handling defect and undertook the research to remedy it."

He explained that "the way the incidental halibut landings were handled by the computer, using halibut information for the two years the State put it on tape, resulted in undercounting the units of gear that fished."

The chairman noted that the cause for the maximum number change is "unique to the power troll fishery, and the maximum number for each of the other 18 salmon fisheries under limited entry will not change because of it."

The Commission has also allowed certain interim-use permits or entry permits to be used in "overlap" areas where State Board of Fish and Game regulations have permitted fishing in areas adjacent to Prince William Sound and Bristol Bay since the early 1960's.

In addition, it has made the descriptions of its administrative areas conform with new ones for areas U, W, and Y recently adopted by the board.

All changes were made in emergency regulations adopted by the Commission Monday, May 12,

## Limited Entry passes first legal hurdle

JUNEAU, ALASKA—The Alaska limited entry regulation passed their first legal hurdle early in May when Alaska Superior Court Judge Thomas B. Stewart ruled that there is no fundamental constitutional right to hold a fishing license and that the regulations "rationally further a legitimate state purpose."

The constitutionality of the law

was challenged by a group of Alaska fishermen who promise to appeal the decision to the State Supreme Court, but it is not likely that the court will make a decision in time to affect the 1975 season.

Attorney's for the State of Alaska based their argument on the threat that delaying or overturning the law would open the Alaska salmon fishery to as many as 2,000 fishermen from Washington State who would migrate to Alaska to escape the Indian fishing rights decision handed down by U.S. District Court Judge Boldt in Tacoma.



## In The Mailbag

### To the Editor:

The inequities of the "Point System" of Alaska's Limited Entry scheme are so preposterous, unfair, prejudiced, discriminatory, and downright unconstitutional that it makes me want to vomit. I am not questioning the legality of the concept of Limited Entry because it is already in the courts. However, I am questioning the constitutionality of the "Point System" that establishes eligibility for a permit.

I have gillnetted Alaskan waters in three different areas for 14 years in addition to two years, 1971 and 1972, which I lost because of documented injury and engine breakdown. The Limited Entry Commission has denied me a fishing permit even though I am 100% dependent on fishing for my livelihood.

I am not the only one with many years in the Alaska salmon industry who has been denied a permit.

One fisherman I know has owned and fished his boat in several different areas in Alaska every year for twenty-five years and he is not eligible for a permit anywhere. Alaska has encouraged the fishermen all these years to stay out of the poor predicted areas and to fish each year where the predicted runs of salmon were good. There has never been a Law that denied us this right to pick which area we wanted to fish as long as it was only one area in each particular year. The fact now is a person who started fishing and just fished 1971 and 1972 is guaranteed a permit and is more eligible than a person with many years and his life and blood invested in the industry.

Let me ask some questions about the Limited Entry Commission's point system:

1. Why should the Alaska LEC allow more points for 1970, 1971 and 1972 than for other years?

2. Why should the LEC allow more points for consistency in those three years than in other years?

3. Why should the LEC penalize fishermen for fishing in several different areas when the ADF&G encouraged the same?

4. Why should the LEC penalize fishermen for not going to Alaska in 1971 when Gov. Egan broadcast through the news media asking fishermen to stay out of Alaska that year because of poor salmon runs?

5. What do the four points that are allowed for living in an area of less than 10,000 population have to do with fishing? When a man is 100% dependent on fishing for a living, it makes little difference where he lives.

6. Is one any less dependent on fishing for a living because one has transferred fishing operations from one area to another? The LEC seems to think so.

7. Why doesn't the LEC allow one to apply points from all fishing areas to one area for purposes of accumulating permit points?

Many fishermen have yet to receive their permits and are unable to buy gear until they do. Time is already short for the coming season, and those fishermen are in a quandry about their future. The LEC seems apathetic about these fishermen.

The price for permits is also inequitable. Purse seiners, gillnettings, and set netters all pay a different fee. This is wrong because the fisherman is not buying a license to fish, but a simple permit to purchase a license.

How many aliens will get permits? I know of several who fly from the old country to fish the season and then fly right back

How many aliens will get permits? I know of several who fly from the old country to fish the season and then fly right back without spending a dime in this country.

Dead people are eligible for permits and their heirs can transfer them to people who have never even seen Alaska.

The permits should have a market value, but I believe fishermen who have insufficient points and young people who have spent years as boat pullers should have first chance to buy them.

Fishermen I could go on describing the inadequacy of the point system and I know there are many of you in my predicament who have fished in several areas in Alaska and cannot get a permit. I am not giving away my right to fish in any of the areas, points or no points, without a battle.

There are several of us that are forming a Class Action Lawsuit against the State of Alaska on this inequitable and unconstitutional point system. I am sure after talking with my Attorney we will win this litigation.

If you would like to be a party to this Lawsuit send me a resume of your own experiences with the Alaska Limited Entry Commission.

This litigation will be limited to long time fishermen who have fished in several areas and do not want to give up their rights to any area they have vested years in.

Sincerely,  
Loren Bergh  
9517 8th N.W.  
Seattle, Wash. 98117

Dave Herrnsteen has been in Juneau the last week finalizing the steps required to begin the limited entry repeal initiative. He is preparing material and getting the preliminary petition which will then require signatures by registered voters who will act as sponsors to circulate the initiative petition. These will be ready during the middle of the week. He plans to work on a statewide campaign effort and be back in Kodiak at the end of this week with the petitions. He is asking Kodiak residents contact people they think would be interested in becoming sponsors in other parts of Alaska and

## Limited-entry Law In Alaska Upheld

JUNEAU, Alaska -- (AP) -- The legality of Alaska's limited entry law survived a court fight by fishermen Monday, leaving a hotly contested regulatory net over at least the 1975 salmon season.

Although an attorney for the fishermen promised to appeal quickly to the State Supreme Court, a decision by Superior Court Judge Thomas B. Stewart blunted any chance of delaying the law before it takes effect this summer.

Stewart ruled there was no fundamental constitutional right to hold a fishing license and that the 1973 law "rationally fur-

thers a legitimate state purpose."

The Legislature two years ago adopted the law in hopes of bringing a growing number of boats into line with declining salmon stocks in 19 of the state's 21 major salmon fisheries.

More recently, attorneys argued that if the law were delayed or overturned, as many as 2,000 fishermen from Washington State could migrate to Alaska to escape a decision by U.S. District Judge George Boldt granting treaty Indians an increased take of salmon.

*What Others Say*

## **50 Years Of Fishing But No LE Permit**

I have fished in Alaska since 1923 on halibut scooners and salmon gill netters every season except 1951 when I was injured on the "Cape Clear" and was unable to fish that year. From 1940 to 1966 (minus 1951) I gill netted every year in Bristol Bay. I rebuilt my boat in 1967. In 1968 and 1969, I gill netted in southeastern out of Ketchikan. In 1970, I changed over and fished halibut, 1970, 71, 72, 73 and 74, out of Cordova, Seward, Homer, Port Williams and Kodiak.

I went to the Alaska Fish and Game office in Seward to apply for my Limited Entry salmon gill net permit on April 16, two days before the deadline and was told that it would be useless to apply since I didn't fish the magic years. My only crime was that I alleviated the pressure on salmon by switching over to halibut cost me any future in salmon.

I become a citizen of the United States in Ketchikan one December in 1942 and always have been proud of it, but now my Constitutional Rights are being stolen by professional leaches making \$3,500 a month.

**GEORGE E. PARR**  
"M.V. MARLEE"  
Box 382  
Seward, Alaska 99664

# STATE OF ALASKA

## COMMERCIAL FISHERIES ENTRY COMMISSION

JAY S. HAMMOND, Governor

POUCH KB  
JUNEAU 99801  
(907) 586-3456

June 4, 1975

### NEWS RELEASE

The chairman of the Commercial Fisheries Entry Commission said today he was confident that the Alaska Supreme Court will uphold a Superior Court decision supporting the legality of the State's limited entry program.

Commercial fishermen waging a legal challenge against the program filed notice of their appeal of Judge Thomas B. Stewart's decision Tuesday.

Stewart's decision sided with the legal arguments made by the State and against those made by the plaintiffs, who contend in their appeal that the Court erred in reaching its conclusions.

Commission Chairman Roy A. Rickey said he was "pleased with the appeal, because it will take a higher court's opinion to establish clearly the legal foundation of a program that is of importance to the future health of commercial fisheries not only in Alaska but in other coastal states of our nation as well."

## The Fisherman Pro

Reprinted From the Anchorage Daily News

I'm not just a fisherman. I want you to know;  
The State of Alaska has made me a pro.  
Jobs I've been offered, but I've learned my lesson.  
That working on land just ain't my profession.  
So I've earned my vacation, September through May..  
And during the season I work a long day,  
And when I'm not fishin' I've got plenty of time  
To argue my case and fool with this rhyme.  
I've followed the Salmon and taken my share.  
Though their numbers have dwindled, I'm not in despair.  
Cause the market's been good and prices have doubled;  
I make twice the money at one half of the trouble.  
But who is the culprit in the Fishes' sad tale?  
Foreign fleets, Fish and Game, Offshore Oil, Beluga whale?  
I don't have the answer, but I do know it's true.  
If it were't for that schoolteacher, I'd have his fish, too.  
So to Juneau we want to get legislation  
To weed out the novice in the name of conservation.  
And while the Salmon's sad story was told,  
I got a government loan to widen my hold.  
Now all you young fellows if you want to go fishin',  
You'd better go first to the Entry Commission.  
And don't give them stories of hardship and woe,  
They want your credentials as of '72.  
The rules have been fair, although there're debates,  
They've even issued permits to decedent's estates.  
And if your point total falls short to their wish,  
I'll sell you mine (when I've caught the last fish).  
Fellow Alaskans, it's a comfort to know  
That it just takes a permit to make you a pro.  
Farmers and trappers — even politicians —  
Limited entry's the answer to your competition.  
(As for the profession of verse,  
I'll try not to forget,  
This state has a limit of one laureate.)

John Rate — Palmer

May 20, 1975

## Number of Troll Permits Upped By LE Commission

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All changes were made in emergency regulations adopted by the commission Monday, May 12.

June 6, 1975

## Interim Use Fishing Permits <sup>LE</sup>

The Commercial Fisheries Entry Commission is issuing Interim Use Permits to those purse seine fishermen who applied for a permit to fish the Kodiak Area and may at a later date receive an Entry Permit.

Only those applicants with 15 or more provisionally verified points will receive an Interim Use Permit. It will be valid only for the 1975 season.

Purse seine fishermen with 15 or more provisionally verified points who plan to fish in 1975 may pick up their Interim Use Permit at the fish and game office here in Kodiak.

Obtaining and using an Interim Use Permit for this season will not affect the final determination made on a fishermen's application for a permanent entry permit.

Interim use permits for the Kodiak Beach Seine and Set Gill Net fisheries will be available next week. They will also be issued only to applicants with 15 or more provisionally verified points.

Interim use permits are being issued because the commission was unable to complete the processing of applications prior to the opening of the Kodiak area salmon fisheries.

These permits will not be issued to estates or to those applicants who have not submitted fees.

While applications have been provisionally verified to allow the issuance of interim use permits, the final verification of application information and the setting of point levels for the Kodiak area salmon fishery will not occur until fall.

Permanent entry permits will be issued after that time to all qualified applicants who have not already received them.

# LE Challenge To Supreme Court

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# 'We All Recognize That the Law Was Not Brought Down by Moses'

KODIAK MIRROR - JULY 9, 1975

June 3, 1975

Mr. Oscar Boswell  
Business Manager  
Kodiak Shrimp Trawlers  
Association  
P.O. Box 991  
Kodiak, Alaska 99615  
Dear Mr. Boswell:

Thank you for your additional comments on limited entry. They provide greater insight into the way your membership views the application of limited entry to the shellfish fisheries. I hope that this is the beginning of a productive dialogue that can later be continued and expanded with the Commercial Fisheries Entry Commission to permit the development of the most effective and beneficial program.

The Limited Entry Law was intended to allow the Commercial Fisheries Entry Commission on the flexibility to take into account the unique characteristics of Alaska's various fisheries in implementing limited entry programs. Nonetheless, we all recognize that the law was not brought down by Moses, and if after public hearings, study and investigation it appears that certain amendments might be required to implement the law more effectively, I can assure you that the commission will propose them and this administration will support them.

It will well be possible to proceed within the framework of the current law, however, and we will only know that if the commission starts first with public hearings, study, investigation, proposed regulations, and public hearings on them. The success of the shrimp study group in Kodiak prior to the recent Board of Fish and Game meeting suggests an additional and possibly useful approach that the commission may use, although the complexities of setting up study groups for the more encompassing questions involved in applying limited entry to the shellfish fisheries have not yet been re-

solved. Certainly, continued input from your group and other affected groups and individuals is desired by the Commission, no matter what form it takes. I am sure the Commission will be in touch with you and others to work out the details of a means for exchanging and contributing information and views.

I wholeheartedly agree with you that Alaskans should enter additional bottomfish fisheries. One purpose of the Limited Entry Law is to encourage fishermen to diversify into new fisheries. It appears that diversification into bottomfish might take some of the growing pressure off the shellfish fisheries, but the varied state of gear in the shellfish fisheries and the equally varied potentials for conversion or adaptation to multiple gear make it unclear what the total effect might be.

The State of Alaska is following the move toward extended jurisdiction by the federal government and will make every effort to influence policy decisions so that Alaskan fishermen will be able to participate in fisheries throughout the area of extended jurisdiction. The Commercial Fishery Entry Commission intends to work to enhance the possibility of our fishermen expanding, diversifying and utilizing any fisheries that now exist or may be developed in the future.

We also recognize the problems created by federal programs which provide incentives to fishermen to overcapitalize or to enter overcrowded fisheries. The state has directed comments to the National Marine Fisheries Service to this effect and I expect that the Alaskan king crab fishery will shortly be designated a "conditional fishery," meaning funds will no longer be provided for construction of vessels or guaranteeing loans in that fishery. The problem is, of course, that there

are many more federal and private sources of loans, as well as tax incentives which lead to overcapitalization in the fleet. Furthermore, the availability of such credit might be desirable if a large bottomfish fishery begins, so the real problem becomes more one of channeling credit availability rather than cutting it off entirely.

It is heartening to see that your recent letter reinforces my earlier observation that you are not in opposition to the concept of limited entry itself but are concerned with specific aspects of the law as it might apply to the shellfish fisheries. Generally speaking, the shellfish industry currently appears to face the prospects of escalating operating costs and relatively poor markets in the near future. In terms of both income to the participants and management of the resource, some form of limited entry to stop continued growth in the number of units of gear would appear to be desirable. Without limited entry, more gear must provoke an intensification of the traditional methods of managing fisheries, and since these rely on reducing effectiveness of efficiency of each operating unit, such action would make no business sense in current conditions.

Once again, please accept my appreciation for the willingness of you and your organization to consider various aspects of limited entry and work toward a reasonable means of applying the program in the shellfish fisheries.

Sincerely,  
JAY S. HAMMOND  
Governor



