A WORKSHOP ON OPTIONS FOR RESTRUCTURING ALASKA’S SALMON FISHERIES

October 28-29, 2002
University of Alaska Anchorage • Commons 106

Sponsored by the University of Alaska and Washington Sea Grant Program
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The Goal of this Workshop

The Alaska salmon industry is facing serious challenges. Throughout the salmon industry and Alaska, people are discussing what can be done to address these challenges. This workshop has been sponsored by the University of Alaska and Washington Sea Grant to help facilitate this discussion.

One of the issues being discussed by the salmon industry is whether to restructure Alaska salmon fisheries in order to reduce costs, increase value, or achieve other objectives. The goal of this workshop is to explore options for restructuring the management of Alaska’s salmon fisheries, and their potential implications. The workshop will address the following broad questions:

• What are potential reasons for restructuring Alaska salmon fisheries?
• What are potential options for restructuring Alaska salmon fisheries?
• What are the key design features and/or variations associated with these options?
• What are potential effects of and issues associated with each option?
• What has been the experience in fisheries where these options have been tried?
• What issues would different options raise for fishery managers?
• What issues would different options raise for processors?
• What issues would different options raise for communities?
• What are legal and constitutional issues relevant to different options?

The workshop will take a long-term view of restructuring options, exploring not only changes that could be made easily within a short period of time, but also those that might be more difficult and might take longer.

The goal of the workshop is not to advocate in favor of or against particular options for particular fisheries. Our starting premises are that each salmon fishery is different, that there are no one-size-fits-all solutions, that there are no easy answers, and that any restructuring option is likely to involve difficult tradeoffs between different kinds of important objectives.

Restructuring is a big and complex topic. Because of time limitations this workshop cannot address all of the issues of importance in the detail they deserve. Many of the topics discussed in this workshop, such as buybacks and coops, could easily be the subject of an entire workshop by themselves.

There are many different perspectives on restructuring. We have tried to include a diverse set of panelists with a wide range of perspectives and expertise. Again, however, because of time limitations it is not possible to include panelists who can fully represent all the different perspectives that are important or need to be heard in the public discussion of restructuring.

For these reasons, this workshop should be considered only a beginning in a long and important debate. We hope it can help to stimulate new ideas and further discussion.
Organization of the Workshop

The workshop will consist of twelve sessions, each focused on a particular topic. Each session will begin with presentations by panelists. These presentations will be followed by general questions and discussion among all workshop participants.

The first day of the workshop (Monday, October 28) will review a range of options for restructuring the Alaska salmon industry. The focus of the first day will be on describing different kinds of options and discussing the logic behind them, key design issues, and past experiences where similar options have been tried. In general, the focus of the first day is on how different restructuring options might affect salmon harvesters.

The second day of the workshop (Tuesday, October 29) will focus on gaining four other kinds of perspectives about options for restructuring Alaska’s salmon fisheries. Session 8 will focus on implications of different options from a management point of view: how different options would affect managers’ ability to achieve escapement goals, cost, and enforceability. Session 9 will focus on how different options would affect processors and the processing sector. Session 10 will focus on how different options would affect fishing communities. Sessions 11 and 12 will focus on legal and constitutional issues associated with restructuring.

Workshop Groundrules

The workshop will attempt to discuss a wide range of topics in a short period of time on a subject which can be highly controversial and which matters a great deal to many people. It will help us get the most out of the workshop if all participants observe the following groundrules:

• Be polite and respectful of other workshop participants.

• Be concise. Try to make your point, and then provide someone else an opportunity to talk.

• Stay on the topic. Try to reserve comments for those sessions where they are most relevant.

• Respect the moderators’ efforts to keep the discussion moving and on topic.

• If you are a panelist, stick to the allotted time for your presentation. We have a tight schedule. If you take extra time, someone else will have less time.

• Feel free to come and go quietly. We have two long and full days. There is no expectation that everyone will have the time, interest or stamina to sit through all of the sessions.
## Workshop Schedule (Summary)

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<tr>
<th>Day</th>
<th>Session</th>
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<th>Break time (minutes)</th>
<th>Session start time</th>
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<tr>
<td>Monday</td>
<td>1  Welcome</td>
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<td>October 28</td>
<td>2  Overview of Options for Restructuring Alaska Salmon Fisheries</td>
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<td>3  Options Not Involving Permit Number Reductions or Harvest Allocations</td>
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<td>4  Options Involving Permit Number Reductions</td>
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<td>5  Options Involving Harvest Allocations, Part I</td>
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<td>6  Options Involving Harvest Allocations, Part II</td>
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<td>7  Options Involving Gear Changes</td>
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<td>Tuesday</td>
<td>8  Management Perspectives on Restructuring Options</td>
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<td>9  Processing Sector Perspectives on Restructuring Options</td>
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<td>10 Community Perspectives on Restructuring Options</td>
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<td>11 Legal And Constitutional Perspectives on Restructuring Options (Part I)</td>
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<td>12 Legal And Constitutional Perspectives on Restructuring Options (Part II)</td>
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### Workshop Panelists (Summary)

*Note: Unless they specifically state otherwise, workshop panelists are speaking for themselves and are not representing the views of organizations of which they may be a member. The organizational affiliations listed in this program are only for purposes of identification.*

<table>
<thead>
<tr>
<th>Day</th>
<th>Session</th>
<th>Panelists</th>
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<tr>
<td>Monday</td>
<td>1  Welcome</td>
<td>Paula Cullenberg, UA Marine Advisory Program</td>
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<td>October 28</td>
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<td>Pete Granger, Washington Sea Grant Program</td>
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<td></td>
<td>2  Overview of Options for Restructuring Alaska Salmon Fisheries</td>
<td>Gunnar Knapp, University of Alaska Anchorage</td>
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<td>Kurt Schelle, CFEC</td>
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<td>Parzival Copes, Simon Fraser University</td>
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<td>Michael Link, LGL Environmental Research Associates</td>
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<td>MODERATOR: Pete Granger</td>
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|   | Options Not Involving Permit Number Reductions or Harvest Allocations | Kurt Schelle, CFEC  
|   | Ray Hilborn, University of Washington  
|   | John Herschleb, PWS Seiner & PWSAC Board Member  
|   | Michael Link, LGL Environmental Research Associates  
|   | MODERATOR: Gunnar Knapp |
|   | Options Involving Permit Number Reductions | Kurt Schelle, CFEC  
|   | Michael Sturtevant, NOAA Fisheries, Financial Services Division  
|   | Sandy Buker, Fishing Vessel Owners Association of BC  
|   | Ray Hilborn, University of Washington  
|   | MODERATOR: Pete Granger |
|   | Options Involving Harvest Allocations, Part I | Axel Kopun, Chignik Seafood Producers Alliance  
|   | Dean Anderson  
|   | Heather McCarty  
|   | Chuck McCallum, Chignik Seiners Association  
|   | MODERATOR: Gunnar Knapp |
|   | Options Involving Harvest Allocations, Part II | Phil Smith, NMFS RAM Division  
|   | Sandy Buker, Fishing Vessel Owners Association of BC  
|   | Pat Martin, Area M Drift Gillnetter  
|   | Frank Charles  
|   | Larry Vander Lind, Bristol Bay Drift Gillnetter (by telephone)  
|   | MODERATOR: Gunnar Knapp |
|   | Options Involving Gear Changes | Terry Johnson, U of A Marine Advisory Program  
|   | Steve Colt, University of Alaska Anchorage  
|   | Brian Hartman, Nelson Lagoon Set-Netter  
|   | MODERATOR: Pete Granger |
|   | Management Perspectives on Restructuring Options | Jeff Regnart, Alaska Department of Fish & Game  
|   | Michael Link, LGL Environmental Research Associates  
|   | Phil Smith, NMFS RAM Division  
|   | MODERATOR: Pete Granger |
|   | Processing Sector Perspectives on Restructuring Options | Don Giles, Icicle Seafoods (by telephone)  
|   | Norm Van Vactor, Peter Pan Seafoods  
|   | Dave Forbush, Sr., Wards Cove Packing Company  
|   | Bob Waldrop  
|   | Chuck McCallum, Chignik Seiners Association  
|   | MODERATOR: Gunnar Knapp |
|   | Community Perspectives on Restructuring Options | Sue Aspelund, Cordova District Fishermen United  
|   | Laura Stepanoff, Chignik Lagoon Village Council (by telephone)  
|   | Parzival Copes, Simon Fraser University  
|   | Phil Smith, NMFS RAM Division  
|   | MODERATOR: Paula Cullenberg |
|   | Legal And Constitutional Perspectives on Restructuring Options (Part I) | Lance Nelson, Asst. AG, Nat Resources Section  
|   | Jim Barnett, Attorney  
|   | Mike Stanley, Attorney  
|   | Bruce Twomley, CFEC  
|   | Dan Coffey, former Board of Fish member & attorney  
|   | MODERATOR: Gunnar Knapp |
|   | Legal And Constitutional Perspectives on Restructuring Options (Part II) | (same panelists as Part I) |
SESSION 1: WELCOME

TIME: Monday, 8:00-8:15 a.m. (15 minutes)

PANELISTS:

Pete Granger, Director, University of Washington Sea Grant Program
Paula Cullenberg, University of Alaska Marine Advisory Program
Gunnar Knapp, University of Alaska Anchorage Institute of Social and Economic Research

FORMAT:

In this brief opening session, the workshop organizers will briefly discuss the goals of the workshop, the organization of the workshop, and the groundrules for the workshop.
SESSION 2: OVERVIEW OF OPTIONS FOR RESTRUCTURING ALASKA SALMON FISHERIES

TIME: Monday, 8:15 a.m.-9:30 a.m. (75 minutes)

The goal of this session is to set the stage for the workshop by describing a range of potential options for restructuring Alaska salmon fisheries (and variations on them) and the basic rationale behind each option. The goal is not to discuss whether or not different options are feasible or infeasible, practical or impractical, or effective or ineffective at achieving different goals: that is what will happen in the rest of the workshop. It is simply to begin to define the kinds of options people are talking about, as well as other kinds of options we should be talking about.

PANELISTS:
Gunnar Knapp, UAA Institute of Social and Economic Research
Kurt Schelle, Commercial Fisheries Entry Commission
Parzival Copes, Simon Fraser University
Michael Link, LGL Environmental Research Associates
MODERATOR: Pete Granger

QUESTIONS:
What do we mean by “restructuring”?  
What are potential reasons for restructuring Alaska salmon fisheries?  
What is the range of options for restructuring Alaska salmon fisheries?  
How can we categorize and name different restructuring options so that we have a common understanding of what we are talking about when we discuss them?  
What are the key design features and/or variations associated with different restructuring options?

FORMAT:
Gunnar Knapp will begin the session with a presentation proposing answers to these questions (30 minutes). The other panelists will then comment on this presentation and propose additional answers (10 minutes each). The moderator will then invite comments from all workshop participants (15 minutes).
SESSION 3: OPTIONS NOT INVOLVING PERMIT NUMBER REDUCTIONS OR HARVEST ALLOCATIONS

TIME: Monday, 9:30 a.m.-10:30 a.m. (60 minutes)

This session will focus on restructuring options which do not involve either reducing the number of permits or harvest allocations, such as permit stocking and dividing permit holders into groups which fish at different times.

PANELISTS:

Kurt Schelle, Commercial Fisheries Entry Commission
Ray Hilborn, University of Washington
John Herschleb, Prince William Sound Seiner & PWSAC Board Member
Michael Link, LGL Environmental Research Associates
MODERATOR: Gunnar Knapp

QUESTIONS:

What kinds of restructuring options not involving permit number reductions or harvest allocations are being discussed for Alaska salmon fisheries?
What other options of this type should we be talking about?
What is the logic or rationale behind these options?
What kinds of concerns or issues are raised by these options?
What are examples of fisheries where these kinds of restructuring options have been tried? What can we learn from these examples?

FORMAT:

The moderator will ask each panelist in turn to discuss these questions or related issues (10-12 minutes each). The moderator will then invite comments and questions from all workshop participants (12-20 minutes).
SESSION 4: OPTIONS INVOLVING PERMIT NUMBER REDUCTIONS

TIME: Monday, 10:45 a.m.-12:00 noon (75 minutes)

This session will focus on restructuring options based on reducing the number of permits, such as buybacks and permit retirements.

PANELISTS:

Kurt Schelle, Commercial Fisheries Entry Commission
Michael Sturtevant, NOAA Fisheries, Financial Services Division
Sandy Buker, Fishing Vessel Owners Association of BC
Ray Hilborn, University of Washington
MODERATOR: Pete Granger

QUESTIONS:

What are existing mechanisms under Alaska state law for buyback programs in limited entry fisheries?
How do federal buyback programs work? Are they potentially applicable to Alaska salmon fisheries? What has been the experience with federal buyback programs in other fisheries?
How were buyback programs structured in British Columbia salmon fisheries, and what were their effects?
What kinds of buyback or other permit reduction programs might help to address problems in Alaska salmon fisheries? How might these programs be structured?
What are the major issues and concerns in designing buyback or other permit reduction programs?

FORMAT:

Kurt Schelle will begin by discussing existing mechanisms for buybacks under Alaska state law, and issues associated these types of buybacks (15-20 minutes). Next, Michael Sturtevant will discuss federal buyback programs and experience in other fisheries (15-20 minutes). Next, Sandy Buker and Ray Hilborn will discuss buyback programs in British Columbia salmon fisheries (10 minutes each). The moderator will then invite comments and questions from all workshop participants (15 minutes).
SESSION 5: OPTIONS INVOLVING HARVEST ALLOCATIONS, PART I

TIME: Monday, 1:00 p.m.-2:15 p.m. (75 minutes)

One of the most significant recent changes in the management of an Alaska salmon fishery was the allocation by the Board of Fisheries to a Cooperative in the Chignik salmon fishery. The Chignik Coop has been the subject of a great deal of interest and discussion. The goal of this session is to review details of the “Chignik model,” to help in thinking about whether or not what was done in the Chignik fishery (or variations on this approach) represents a useful model for restructuring in other Alaska salmon fisheries. (Note: The management of the Chignik fishery will be discussed in detail before the Board of Fisheries in Anchorage on December 5 and 6.)

PANELISTS:
Axel Kopun, Chignik Seafood Producers Alliance
Dean Anderson
Heather McCarty
Chuck McCallum, Chignik Seiners Association

MODERATOR: Gunnar Knapp

QUESTIONS:
Why and how was the proposal made to Board of Fisheries for an allocation to a Coop? What were the important issues in the discussion? What action was taken by the Board? How the Coop was organized? What were the lessons from this experience about practical details (articles of incorporation, insurance, etc., involved in setting up a harvester Coop?)
How did the Coop operate? How did it organize fishing, tendering, marketing, and administration? How were the proceeds of the Coop distributed among members? How was the fishery managed by the Department of Fish and Game to achieve allocations to the Coop and the “Competitive” fleet? How did fishing change for those permit holders who did not join the Coop? Overall, how did the change in management affect those permit holders who joined the Coop and those who did not? How did the change in management affect tenders and processors? What are other effects of the change in management of the Chignik salmon fishery that are important to understand?

FORMAT:
Axel Kopun will begin the discussion by describing how the Coop was proposed, approved and organized and how it operated during the 2002 season (20 minutes). The other panelists will then offer additional perspectives, in turn (15 minutes each). The moderator will then invite comments and questions from all workshop participants (10 minutes).
SESSION 6: OPTIONS INVOLVING HARVEST ALLOCATIONS, PART II

TIME: Monday, 2:45 p.m.-4:00 p.m. (75 minutes)

This session will look at alternative approaches for restructuring salmon fisheries based on allocating part of all of the harvest to groups or individuals. The goal of the session is to understand

PANELISTS:

Phil Smith, NMFS Restricted Access Management Division
Sandy Buker, Fishing Vessel Owners Association of British Columbia
Pat Martin, Area M Drift Gillnetter
Frank Charles
Larry Vander Lind, Bristol Bay Drift Gillnetter (by telephone)
MODERATOR: Gunnar Knapp

QUESTIONS:

What can we learn from the experience of other fisheries where allocation-based management has been adopted that may be relevant for Alaska salmon fisheries?
Hatcheries receive allocations for cost-recovery harvests. What can we learn from the experience with cost recovery harvests?
If we make allocations in our salmon fisheries, what should the allocations be based on?
Equal shares? Catch histories? Other approaches?
Is it practical or desirable to allocate commercial salmon harvests to groups other than permit holders? For example, could there be community allocations?
Should allocations be transferable? What are the implications of transferability?
Should allocations be permanent? What are the implications of permanent vs. temporary allocations?
Should there be restrictions placed on who may receive or benefit from allocations?
Should there be requirements that persons benefiting from allocations participate in harvesting the allocations? If so, what kinds of requirements are practical?
Should groups or individual receiving allocations from the State have to pay for them?
Is allocating part of the fishery while keeping part of the fishery competitive (such as was done in Chignik) a good idea? What are potential advantages and disadvantages?

FORMAT:

The moderator will ask each panelist in turn to discuss one or more of these questions or related issues (10-15 minutes). The moderator will then invite comments and questions from all workshop participants (5-10 minutes).
SESSION 7: OPTIONS INVOLVING GEAR CHANGES

TIME: Monday, 4:15 p.m.-5:15 p.m. (60 minutes)

The goal of this session is to explore options for restructuring involving changes in the types of gear used in Alaska salmon fisheries, including alternative gear options and how fisheries could be restructured to allow different kinds of gear to be used.

PANELISTS:

Terry Johnson, University of Alaska Marine Advisory Program
Steve Colt, Assistant Professor of Economics, University of Alaska Anchorage
Brian Hartman, Nelson Lagoon Set-Netter
MODERATOR: Pete Granger

QUESTIONS:

What alternative salmon harvesting methods are in use in other countries? What might be the advantages and disadvantages of these harvesting methods for Alaska salmon fisheries?
What was Alaska’s historical experience with using fish traps to harvest salmon? When, why and how were fish traps banned? What does Alaska’s historical experience with fish traps suggest about the potential advantages and disadvantages of using fish traps to harvest salmon?
What management changes are needed in order to change the type of gear used in Alaska salmon fisheries? Would new types of gear require allocations?

FORMAT:

Terry Johnson will begin the session with a discussion of alternative harvesting methods in use in other countries (20 minutes). Next Steve Colt will discuss the economic history of salmon traps in Alaska (10-15 minutes). Next, Brian Hartman will discuss a proposal for using a fish trap in Nelson Lagoon (10-15 minutes). The moderator will then invite comments and questions on these and related issues from all workshop participants (10-20 minutes).
SESSION 8: MANAGEMENT PERSPECTIVES ON RESTRUCTURING OPTIONS

TIME: Tuesday, 8:00 a.m.-9:20 a.m. (80 minutes)

The goal of this session is to examine the implications of different restructuring options (those discussed on Monday, as well as others) from the point of view of fishery managers.

PANELISTS:

Jeff Regnart, Alaska Department of Fish & Game
Michael Link, LGL Environmental Research Associates
Phil Smith, NMFS Restricted Access Management Division
MODERATOR: Pete Granger

QUESTIONS:

What opportunities and challenges do different restructuring options pose with respect to the demands placed upon managers?
How would different options affect managers’ ability to achieve biological/escapement goals?
What are the financial implications for managers of different restructuring options?
What enforcement issues are associated with different options?
What other kinds of issues would different options raise for managers?
What kinds of salmon fisheries are more or less suitable for different options?

FORMAT:

The moderator will ask Jeff Regnart to begin by suggesting answers for each question (20 minutes). The moderator will then ask each of the other panelists to comment on Jeff Regnart’s remarks, indicating the areas where they agree where they disagree, and adding additional perspectives of their own (15 minutes each). For the remainder of the session, the moderator will invite comments and questions from all workshop participants, with panelists responding as appropriate.
SESSION 9: PROCESSING SECTOR PERSPECTIVES ON RESTRUCTURING OPTIONS

TIME: Tuesday, 9:35 a.m.-10:55 a.m. (80 minutes)

The goal of this session is to examine the implications of different restructuring options (those discussed on Monday, as well as others) from the point of view of fish processors and, more generally, the fish processing sector and its economic viability.

PANELISTS:

Norm Van Vactor, Peter Pan Seafoods
Dave Forbush, Sr., Wards Cove Packing Company
Bob Waldrop
Don Giles, Icicle Seafoods (by telephone)
Chuck McCallum, Chignik Seiners Association
MODERATOR: Gunnar Knapp

QUESTIONS:

How would different restructuring options affect the economic viability of the processing sector (and more generally the salmon industry)?
What are the implications of different restructuring options for existing processors?
How would different restructuring options affect relationships between processors and fishermen?

FORMAT:

The moderator will ask each panelist in turn to comment on these questions or related issues. (10 minutes each). The moderator will then invite the panelists to comment if they wish on remarks of other panelists (2 minutes each). For the remainder of the session, the moderator will invite comments and questions from all workshop participants, with panelists responding as appropriate (20 minutes).
SESSION 10: COMMUNITY PERSPECTIVES ON RESTRUCTURING OPTIONS

TIME: Tuesday, 11:10 a.m.-12:30 a.m. (80 minutes)

The goal of this session is to examine the implications of different restructuring options (those discussed on Monday, as well as others) from the point of Alaska communities.

PANELISTS:
Sue Aspelund, Cordova District Fishermen United
Laura Stepanoff, Chignik Lagoon Village Council (by telephone)
Parzival Copes, Simon Fraser University
Phil Smith, NMFS Restricted Access Management Division
MODERATOR: Paula Cullenberg

QUESTIONS:
What issues are of greatest concern to Alaska communities in discussing potential restructuring of the Alaska salmon industry?
How have different approaches to restructuring affected communities in other fisheries and other places?
What lessons can we learn from the introduction of Limited Entry for salmon and herring about the effects of restructuring on communities?
What are the implications of different restructuring options for Alaska communities?
What kinds of protections for Alaska communities could or should be incorporated in different restructuring options to protect the interests of Alaska communities?
What changes are Alaska communities likely to experience if we do not restructure Alaska salmon fisheries? To what extent would different restructuring options exacerbate or mitigate these changes?

FORMAT:
The moderator will ask each panelist in turn to comment on these questions or related issues. (10 minutes each). The moderator will then invite the panelists to comment if they wish on remarks of other panelists (2 minutes each). For the remainder of the session, the moderator will invite comments and questions from all workshop participants, with panelists responding as appropriate (20 minutes).
SESSION 11: LEGAL AND CONSTITUTIONAL PERSPECTIVES ON RESTRUCTURING OPTIONS (PART I)

TIME: Tuesday, 1:45 p.m.-3:15 p.m. (90 minutes)

The goal of this session is to review the constitutional and statutory framework under which Alaska salmon fisheries are managed and within which restructuring must occur. (Part II of this discussion will address specific constitutional and legal issues related to restructuring.)

PANELISTS:

Lance Nelson, Assistant Attorney General, Natural Resources Section
Jim Barnett, Attorney
Mike Stanley, Attorney
Bruce Twomley, Commercial Fisheries Entry Commission
Dan Coffey, former Board of Fisheries member & attorney
MODERATOR: Gunnar Knapp

FORMAT:

The panelists will address the questions listed below, in order. For each question, one panelist will take the lead in suggesting an answer. Other panelists may then comment or add additional perspectives. Because the topic is big and time is limited, the moderator will hold comments and questions from the audience until the end of the session, time permitting.

QUESTIONS:

1. What are basic facts about the Alaska constitution that are important to understand in discussing restructuring of the salmon industry? What are the critical relevant sections of the constitution? Why are they critical? What is different about the status of fisheries resources than other resources such as land, oil or minerals? What are important cases that have helped to define the meaning of the Alaska constitution with respect to fisheries management? (About 30 minutes; Mike Stanley will begin this discussion.)

2. What are basic facts about the United States constitution and federal law that are important to understand in discussing restructuring of the salmon industry? (About 15 minutes; Jim Barnett will begin this discussion.)

3. Under State law, what is the authority of the Board of Fisheries and the Commissioner of the Alaska Department of Fish and Game that may be relevant to restructuring salmon fisheries? Who has the authority to make what kinds of changes? What statutes define this authority? What are areas of uncertainty with respect to the authority of the Board and the Commissioner? (About 15 minutes; Lance Nelson will begin this discussion.)
4. What is the Limited Entry Act? What provisions of the Limited Entry Act may be relevant to restructuring salmon fisheries? What are important areas of uncertainty? *(About 15 minutes; Bruce Twomley will begin this discussion.)*

5. What are the important legal and constitutional differences between state-managed fisheries (salmon and herring) and federally managed fisheries, from the perspective of management and restructuring? *(About 15 minutes; Jim Barnett will begin this discussion.)*
SESSION 12: LEGAL AND CONSTITUTIONAL PERSPECTIVES ON RESTRUCTURING OPTIONS (PART II)

TIME: Tuesday, 3:30 p.m.-5:00 p.m. (90 minutes)

The goal of this session is to address specific constitutional and legal issues related to restructuring Alaska salmon fisheries.

PANELISTS:

Lance Nelson, Assistant Attorney General, Natural Resources Section
Jim Barnett, Attorney
Mike Stanley, Attorney
Bruce Twomley, Commerical Fisheries Entry Commission
Dan Coffey, former Board of Fisheries member & attorney
MODERATOR: Gunnar Knapp

FORMAT:

The moderator will ask the questions listed below, in order and as time permits, and invite responses from the panelists. The final twenty minutes of the session will be reserved for each panelist to make a brief closing statement

QUESTIONS:

Note: These questions were chosen because they are relevant to the policy debate about restructuring Alaska salmon fisheries. If you have additional or alternative questions that you would like to suggest, or you would like to suggest a change in the order of the questions, please provide your suggestions to Gunnar Knapp in writing before lunch on Tuesday. Before the session, the panelists will review these suggestions, and may add new questions or change the order of the questions.

1. The Commercial Fisheries Entry Commission (CFEC) stated in its December 1998 report on “Outline of Options for Fleet Consolidation in Alaska’s Salmon Fisheries” that “The Alaska Supreme Court in Johns vs. CFEC raises the possibility that a fishery could become too exclusive.” Because of this, CFEC suggested that efforts to reduce permit numbers, such as buybacks or permit retirements, are subject to a risk of being found unconstitutional by the Alaska Supreme Court. Is there general agreement among natural resource lawyers with this point of view?

2. Could the State charge a resource “royalty” on salmon (analogous to the royalty payments that oil companies pay on production from State oil leases)? If the State chose to do so, to what extent would that allow more “exclusive” salmon fishing arrangements (fewer permits, allocations to fewer numbers of individuals)?
3. The Board of Fish allocated a share of the Chignik salmon harvest to the Chignik Coop. Does the recent court decision settle the issue of whether the Board of Fisheries has the authority to make such an allocation, or is this likely to remain an area of dispute? If so, what are the basic relevant arguments?

4. If the Board of Fish or the Legislature makes an allocation to a group of permit holders, what are the limitations to the basis for the allocation? Does it have to be based primarily on the proportion that the group represents of total permit holders, as was done with the allocation to the Chignik Coop? Could it be based on historical catch shares of the permit holders in the group? Are there other criteria it could be based on?

5. If a group of permit holders is given an allocation in a fishery (such as that given to the Chignik Coop), what are the limitations to how the proceeds from the fishery may be distributed among the members of the group? Does this “internal” distribution have to be equal among members of the group? Could it be based on historical catches of members of the group, or other criteria? Does the method used for “internal” distribution affect the eligibility of the group to receive an allocation?

6. Could limited entry permits be permanently “converted” into allocation shares in a fishery (to be fished jointly or individually as specified by legislation or the Board of Fisheries)? If so, would the shares have to be equal? Could they be unequal, based on historical catch or some other criterion?

7. If the Board or the Legislature wished to make restructuring of a fishery subject to a vote of permit holders in a particular fishery (requiring some specific percentage of total permit holders for a change to go forward), would it have the authority to do so?

8. What law or laws currently prohibit the use of fish traps in Alaska? If the state wished to allow the use of fish traps, what kind of action would be needed?

9. (Closing question for each panelist; the final twenty minutes of the session will be reserved for these closing remarks). What are the most important points that you would like to make in closing with respect to constitutional and legal perspectives on restructuring Alaska salmon fisheries? What are important points that you would like to reiterate, or that may not yet have been brought out in this discussion?
The results of the workshop will be summarized in two reports:

- *Options for Restructuring Alaska Salmon Fisheries: Proceedings of a Workshop*
- *Legal and Constitutional Issues in Restructuring Alaska Salmon Fisheries: Proceedings of a Workshop*

Both reports will be distributed in printed form by the Institute of Social and Economic Research and will also be posted on the University of Alaska’s “Tools for the Salmon Industry” website at [www.sfos.uaf.edu/salmontools](http://www.sfos.uaf.edu/salmontools).

Panelists and other workshop participants who would like to submit materials for inclusion in the proceedings are encouraged to do so. Materials should be sent to:

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