

**Senate Resources Meeting 4.23.21**

**Letters of Support to SB 44**

**Chitna Dipnetters Association- Charles Derrick, Paul Delys**

**KRSA- Ben Mohr**

**AOC-Rod Arno**

**Mike Fox**

**Kenneth Federico**

**For questions contact Betty Tangeman  
Senator Revak's Office  
465-3879**



Chitina Dipnetters Association  
PO Box 72665  
Fairbanks, AK 99707  
Chuck Derrick, Pres.  
cderrick@chitinadipnetters.com

4-21-21

CDA support SB44 to Senate Resources Committee.

Chairman Revak and members of the Senate Resources Committee thank you for this opportunity to testify in support of SB44, a Personal Use Priority.

My name is Chuck Derrick and I am the President of the Chitina Dipnetters Association, representing the interests of the some 10,000 dipnetters who annually participate in the Chitina Personal Use Dipnet Fishery (CPUDF). Personal Use category is a Alaska resident only use and allows citizens of Alaska the opportunity to supplement their yearly food supply by the harvest of Alaska's consumptive natural resources. In this way, Personal Use is much akin to subsistence in the ability of Alaskans to feed their families off Alaska's bounty.

What you would think is a given right of all Alaskan residents is not always shared by those who would fatten their wallets off those same consumptive resources and continuously attack Personal Use harvest. As an example, several proposals submitted for review by the Alaska Board of Fisheries at their upcoming December meeting concerning Prince William Sound and Copper River finfish seek to restrict participation or harvest in our fishery. Proposal 19 submitted by the Cordova Drift Fishermen United requires the loss of 2/3rds of the Chitina Personal Use dip net fisheries salmon allocation if the Copper River Commercial salmon harvest by June 1 is 50% below the 10 year average. If approved this would severely restrict the number of Alaska residents who dip net in our fishery and this allocation loss would exist for the remainder of the dip net season even though the salmon run shortage, which caused the triggering of this restriction, could soon reverse as a later surge in the salmon run occurs.

Proposal 20 submitted by a lodge owner and sport fish guide seeks to significantly reduce the annual salmon bag limit for the CPUDF, apparently wanting to increase the salmon opportunity for his customers whether resident or non-resident.

A state priority for the Personal Use category would eliminate the need to constantly defend what should be a forgone conclusion and that is the ability of Alaska residents to harvest Alaska consumptive resources in amounts that truly help feed ones family for the coming year.

Respectfully,  
Charles Derrick, President



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Retired President, AK USA FCU

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President, Brady Investments, LLC

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Retired, Alaska Pasta Company

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President, The Mulder Company

#### KRSA Emeritus

Bob Penney  
Founder and Chairman Emeritus

March 18, 2021

Senator Joshua Revak  
Chair, Senate Resources Committee

For electronic delivery

Dear Senator Revak,

The Kenai River Sportfishing Association (KRSA) is a nonpartisan, nonprofit fishery-conservation organization that works to ensure the long-term health and sustainability of fishery resources in the Kenai River, Cook Inlet and elsewhere in Alaska, through advocacy of sport and personal use fisheries and the promotion of science-based fishery management and conservation.

We are writing today to express our support for Senate Bill 44, Personal Use Fishing Priority, which was introduced by Senator Kawasaki and referred to your committee. AS 16.05.258 speaks to the requirements of the Board of Fisheries to provide for subsistence harvest in certain areas of the state. These statutes make it clear that the priority of the State in managing our commonly held fish and game resources is for Alaskans to be able to feed themselves and their families, and to share with those in need. This protection of subsistence priority is particularly important in times of low abundance, as expressed in the tiered management directives expressed by the Legislature in AS 16.05.258(b).

Senate Bill 44 expresses the same sentiment for Alaskans who live and/or harvest in non-subsistence areas of the state. Personal use fisheries, which are limited only to Alaska residents, represent a source of food security for many people. These fisheries are a unique melting pot of all Alaskans, all gathered to enjoy Alaska's public trust fishery resources for the same reason: to sustain their families, to share with friends, and to care for those less fortunate.

Like Alaska's subsistence fisheries in rural areas, Alaska's personal use fisheries are essential to the cultural, social, and economic values associated with the taking and use of Alaska's fish resources. In times of low abundance these fisheries should be prioritized, which is what SB44 seeks to do.

We appreciate your consideration of this matter, and look forward to committee action which may help move this important bill forward.

Sincerely,

Ben Mohr  
Executive Director

## Max Robicheaux

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**From:** Robin ODonoghue  
**Sent:** Friday, February 5, 2021 3:15 PM  
**To:** Max Robicheaux  
**Subject:** FW: AOC support for SB44 "Personal Use Fishing Priority"

**From:** Rod Arno <rodarno@gmail.com>  
**Sent:** Wednesday, January 27, 2021 3:00 PM  
**To:** Robin ODonoghue <Robin.ODonoghue@akleg.gov>  
**Cc:** ed@alaskaoutdoorcouncil.com  
**Subject:** AOC support for SB44 "Personal Use Fishing Priority"

Greetings Robin,

I'm Rod Arno, Policy Director for the Alaska Outdoor Council (AOC). Thank you and Senator Kawasaki for reaching out to AOC for support on getting SB44 passed into law during the 32nd Alaska Legislature.

No doubt you are aware of AOC's effort starting back in the 25th Alaska Legislature with HB 254 to get AS 16.05.251 amended to prioritize the Personal Use fishery over commercial harvest. Representative Bill Stoltze introduced HB 254 in 2007, over a decade later SB44 asks for the same amendment to AS 16.05.251.

HB254 died in House Special Committee on Fisheries (H)FSH. As did all similar bills introduced by Representative Stoltze to prioritize personal use of fish for Alaskans over commercial interests in; 2010, HB266, 2011, HB20, and in 2013, HB18. Even though none of these bills ever made it out of the (H)FSH special committee AOC was thankful Representative Kawasaki did sign on as a cosponsor of Representative Stoltze's HB18 in 2013. It's been a long battle in the House without there ever being a committee hearing out of H(FSH). As of yet public outcry has not been enough to break legislation out of one House special committee that advocates for the commercial Fisheries industry over individual Alaskans.

Senator Kawasaki's SB99 to prioritize the personal use fishery during the 31st Legislature also never made it to a committee hearing. AOC and it's membership are prepared to let legislators know of the importance of the Personal Use fisheries to themselves, as well as their families, when it comes to assuring their "food security". That makes getting SB44 scheduled for public hearings an important factor in gather legislators support, based on what the maximum use is consistent with the public interest, to pass SB44 into law. It's important that AOC is notified of upcoming legislative Committee hearings on SB44 in order to engage our membership in the public process.

Let myself and AOC Executive Director, Caleb Martin know if there is anyway we may do to help facilitate the passage of legislation to prioritize the personal use fishery to help Alaskans feed themselves.

Take care,  
Rod Arno  
907-841-6849

Good afternoon, my name is Robin O'Donoghue and I work for Senator Scott Kawasaki. Our office is currently in the process of putting together our bill packet for the Senator's "Personal Use Fishing Priority" (Senate Bill 44) legislation. I am reaching out to your organization to see if you would be interested in supporting this legislation and providing a letter of support for us to include in our packet. Attached is a PDF version of the bill and a sponsor statement. Please do not hesitate to reach out to me with any concerns or questions. My email is [robin.odonoghue@akleg.gov](mailto:robin.odonoghue@akleg.gov) and our office number is 907-456-7423.

We look forward to hearing from you! Thank you for your time.

**Robin O'Donoghue**

Office of Senator Scott Kawasaki

Sent from Rod Arno's iPad.

## Max Robicheaux

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**From:** Robin ODonoghue  
**Sent:** Friday, February 5, 2021 3:15 PM  
**To:** Max Robicheaux  
**Subject:** FW: personal use fish notes

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**From:** Robin ODonoghue  
**Sent:** Thursday, December 24, 2020 2:01 PM  
**To:** michael fox <mfoxak@gmail.com>  
**Cc:** Joe Hayes <Joe.Hayes@akleg.gov>; senator.scott.kawasaki@akleg.gov  
**Subject:** RE: personal use fish notes

Thanks Mike really appreciate it! I sent off the legislation for pre-file so I will be in touch once we have an actual bill number. Have a great Christmas!  
-Robin

**Robin O'Donoghue**  
Office of Senator Scott Kawasaki  
[robin.odonoghue@akleg.gov](mailto:robin.odonoghue@akleg.gov)  
907-456-7423  
1292 Sadler Way Suite 314

**From:** michael fox <[mfoxak@gmail.com](mailto:mfoxak@gmail.com)>  
**Sent:** Wednesday, December 23, 2020 1:40 PM  
**To:** Sen. Scott Kawasaki <[Sen.Scott.Kawasaki@akleg.gov](mailto:Sen.Scott.Kawasaki@akleg.gov)>  
**Subject:** personal use fish notes

Robin O'Donahue,  
Pursuant to our conversation 12/22/20. The following is a general collection of notes in regards to Personal Use Fishing. Mike Fox.

[Senator.Scott.Kawasaki@akleg.gov](mailto:Senator.Scott.Kawasaki@akleg.gov)

We have a chronic problem in Alaska of not being able to efficiently fulfill our personal use fish needs.

For Example:

Juneau residents are not allowed to participate in federal subsistence activity. And, the state has designated the Juneau area as a non-subsistence use area.

Juneau is literally surrounded by commercial salmon fisheries, with gillnet fisheries in districts 15 and 11, and trolling in 12.

ADF+G has data available from 2001 to 2019 that clearly shows the Taku River (near Juneau) sockeye run consistently ends with a surplus available harvest. The sockeye catch there has averaged 98.5% commercial and 1.5% PU.

We have been trying for several board cycles to seek relief with proposals to allow increased personal use fishing opportunity there.

The board's and management's response has usually been sympathetic, but unsupportive. We can only guess at the true reason for their lack of support, because the reasons they voice are vague or seemingly disingenuous. For example we hear comments like, "This is just not the time for this".

#1-Alaska residents are not being allowed reasonable and fair opportunities to efficiently fulfill their personal use fish needs.

#2-The Board of Fish and ADF+G Management are aware of this and have not taken significant action to insure Alaskans can efficiently fulfill their personal use fish needs.

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The statutory definition of personal use fishing was enacted in 1986 as part of a bill attempting to place Alaska back in compliance with the subsistence provisions of the Alaska National Interest Lands Conservation Act

Legislative history indicates that related provisions were intended to authorize the board to adopt regulations allocating fishery resources for purposes of personal use and to require the board to provide a "fair and reasonable" opportunity for personal use fishing. See, e.g., 1985 House J. 584-585, 920-921, 1230-1231 (transmittal letter and letters of intent); secs. 3, 11, ch. 52, SLA 1986. AS16.05.251.

The underlying purpose of the board's creation of the personal use fishing category was to allow efficient harvesting of fish by individuals who were precluded from participating in subsistence fisheries. See, e.g., 5 AAC 77.001.

As stated above...The purpose and intent of the personal use category is to provide "efficient" harvest opportunities for residents who are precluded from subsistence fisheries .

*Juneau residents are an excellent example of the reason why the personal use category was created; and, also how the Board and ADF+G Management have knowingly failed to comply.*

#1-The Federal Government has precluded Juneau residents from federal subsistence fisheries.

#2-The State has designated Juneau area waters a non-subsistence use area.

#3-Juneau is literally surrounded by marine waters that support commercial net, troll, and longline fisheries.

#4-There is very little personal use fishing opportunity and none that could be considered "efficient" in the Juneau area.

The importance of a locally sourced food supply is being made even more evident by the Covid 19 pandemic's interruption of the food supply chain.

The statewide news has been reporting that food security interests have inspired residents to plant more and bigger gardens. Residents will likely feel the same need for protein (fish) and be more inspired to efficiently gather a locally sourced supply.

Sadly, a wedge has been driven between many Alaskans and their fish resources. That separation needs to be mended. From any perspective, legal or social, residents of Alaska should be provided with an efficient way to harvest fish for their personal use.

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COPY OF A MESSAGE TO ADF+G COMMISSIONER AND HIS RESPONSE 5/6/20

Commissioner Vincent-Lang,

We have a chronic problem in Juneau of not being able to efficiently fulfill our personal use fish needs.

Juneau residents are not allowed to participate in federal subsistence activity. The state has designated the Juneau area as a non-subsistence use area. And Juneau is literally surrounded by commercial salmon fisheries, with gillnet fisheries in districts 15 and 11, and trolling in 12.

We have been trying for several board cycles to seek relief with proposals.

ADF+G Management's response has usually been sympathetic, but unsupportive. We can only guess at the true reason for their lack of support, because the reasons they voice are vague or seemingly disingenuous.

For example: When discussing proposals for more personal use sockeye opportunity we have heard comments like, "This is just not the time for this". And, "We can issue you a permit for pinks".

To continue the effort this board cycle I submitted a simple proposal to increase opportunity by allowing personal use fishing for sockeye in commercial district 11B during periods closed to commercial fishing.

ADF+G has data available from 2001 to 2019. It clearly shows the Taku River sockeye run consistently ends with a surplus available harvest. And in regards to allocation, the catch has averaged 98.5% commercial and 1.5% PU.

I will be providing you with additional information on this topic, in the hope that you can appreciate our dilemma, and are willing to help provide the residents of Juneau with a fair and reasonable opportunity to personal use fish for sockeye.

Thank you,  
Mike Fox.  
Juneau.  
[mfoxak@gmail.com](mailto:mfoxak@gmail.com)  
907-723-8890



Vincent-Lang, Douglas S  
(DFG) <[doug.vincent-  
lang@alaska.gov](mailto:doug.vincent-lang@alaska.gov)>  
to Samuel, David, Glenn, me  
Michael,

May 7, 2020, 8:03 AM

At its foundation, the issue you are presenting is an allocation issue that is best addressed by the Alaska Board of Fisheries. Personal use by regulation does not have a priority over other uses and if you wish to have expanded opportunities that come at the expense of other uses that decision will need to be made by the Board. I assure you we do not have a bias against the Board creating more opportunity if that is their decision and we will work with them to craft opportunities that are sustainable if they so choose to consider expanded opportunity. As such, if you see opportunities you would like considered please submit a proposal to the Board for their consideration.

Doug

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PAST NOTES TO LEGISLATORS.....

Alaska residents are being denied a "fair and reasonable" opportunity to efficiently fulfill their personal use fish needs as required by statute. AS16.05.251 (d)

This does not have to be an either/or situation.

Let's keep in mind that Alaskan residents own the resource. We can continue to give most of our fish to industry, but we should also provide residents a fair and reasonable opportunity to efficiently fulfill our own personal use needs, as required by AS16.05.251 (d).

The following bill proposal, along with a clear message of intent, would help solve this problem.

**PROPOSAL.....**

**AS 16.05.251 (d) (1)**

***The Board shall allow personal use fishing for all species of salmon, with efficient gear types such as gill nets and troll gear, in all districts open to commercial salmon fishing.***

**References.**

**AS.16.05.251 (d)...**{shall} provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

The board promulgated the following regulation that is clearly contrary to Legislative Intent and the above statute.

**Article 14 SE Alaska - 5aac 77.682 (c)** Personal use salmon fishery. The department will not issue a permit for the taking of king or coho salmon... (The Board banned personal use fishing for 2 species of salmon throughout SE.)

Every commercial fisherman, including non-residents, are allowed by the following regulation to efficiently fulfill their personal use needs; including all species without any limit.

**5AAC 39.010 (a)** A person engaged in commercial fishing may retain finfish from lawfully taken commercial catch for that person's own use. (The Board and ADF+G management recognize the need for

commercial fishermen to have an efficient way to harvest fish for personal use yet deny other Alaska residents similar opportunities)

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## Max Robicheaux

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**From:** KENNETH FEDERICO <kenfederico@mtaonline.net>  
**Sent:** Wednesday, March 17, 2021 6:51 PM  
**To:** Max Robicheaux  
**Subject:** Re: SB 44 Materials

To Max, I will write a letter on this. My friends office program is messed up. Just cut and paste. Thanks, Ken Federico  
907-715-8363

To the Alaska Legislature,

From Ken Federico, Chair of the South Central Alaska Dipnetters Association (SCADA)

I am writing on behalf of SCADA, that we all totally support SB 44.

When the resource is on a downside, Alaska residents should have priority over other users. These are Alaskan residents, trying to feed their families. We all believe that the people that live here should have first access, before out of state residents are allowed access.

With the Covid-19 happening, this should put Alaskans being first, after subsistence.

We must consider the people who live here, before others; Even if this is considered a federal resource. The state has management responsibility once this resource enters the rivers of Alaska. Please consider those that live here before others.

Any questions, feel free to contact me.

Thank you,

Ken Federico  
Chair, SCADA (907)715-8363