

# Representative Rebecca Himschoot

Angoon, Craig, Edna Bay, Elfin Cove, Hollis, Hoonah, Hydaburg, Kake, Kasaan, Klawock, Kupreanof, Naukati, Pelican, Petersburg, Port Alexander, Point Baker, Port Protection, Sitka, Tenakee Springs, Thorne Bay & Yakutat

## *Session*

Alaska State Capitol  
120 4th Street  
Juneau, AK 99801  
(907) 465-3732  
(888) 461-3732  
**Rep.Himschoot@akleg.gov**



## *Interim*

201 Katlian Street Ste 103  
PO Box 844  
Sitka, AK 99835  
(907) 747-4665  
(877) 747-6276  
**Rep.Himschoot@akleg.gov**

## HOUSE BILL 201

### RESIDENCY REQ: HUNTING, TRAPPING, FISHING

Version U

“An Act changing the residency requirements for hunting, trapping, and sport fishing privileges; and providing for an effective date.”

### WRITTEN TESTIMONY INDEX

(Updated 2.2.24)

1. Petersburg Borough Assembly, Petersburg, AK
2. Silverthorn Charters, Inc., Thorne Bay, AK
3. Glen Holt, Thorne Bay, AK
4. Ketchikan Fish and Game Advisory Committee, Ketchikan, AK
5. Craig Fish and Game Advisory Committee, Craig, AK
6. City and Borough of Sitka Assembly, Sitka, AK
7. Craig Tribal Association, Craig, AK
8. Jose h Johnson, Klawock, AK
9. City of Craig, Craig, AK
10. Resident unters of Alaska
11. Yakutat City and Borough, Yakutat, AK
12. Safari Club International, Alaska Cha ter, Eagle River, AK
13. Kathleen Wiest
14. Craig Ma es, Tenakee S rings, AK
15. John oag, Se uim, WA
16. Kurt Whitehead, Klawock, AK (Invited Testimony)
17. Scott ewman, Petersburg, AK (Invited Testimony)
18. Leif Wilson, Tok, AK (Invited Testimony)
19. Robert Riley, Prince of Wales Island, AK
20. Jake Combs, Tok, AK
21. PJ Olson, Coffman Cove, AK
22. Larry Powell, Yakutat, AK
23. Matt Snyder, Mentasta Pass, AK
24. Jim Steffen, Sitka, AK
25. Mary Corcoran, Delta Junction, AK
26. David Egelston, Thorne Bay, AK



# Representative Rebecca Himschoot

Angoon, Craig, Edna Bay, Elfin Cove, Hollis, Hoonah, Hydaburg, Kake, Kasaan, Klawock, Kupreanof, Naukati, Pelican, Petersburg, Port Alexander, Point Baker, Port Protection, Sitka, Tenakee Springs, Thorne Bay & Yakutat

## ***Session***

Alaska State Capitol  
120 4th Street  
Juneau, AK 99801  
(907) 465-3732  
(888) 461-3732  
**Rep.Himschoot@akleg.gov**



## ***Interim***

201 Katlian Street Ste 103  
PO Box 844  
Sitka, AK 99835  
(907) 747-4665  
(877) 747-6276  
**Rep.Himschoot@akleg.gov**

## **HOUSE BILL 201**

### **RESIDENCY REQ: HUNTING, TRAPPING, FISHING**

Version U

“An Act changing the residency requirements for hunting, trapping, and sport fishing privileges; and providing for an effective date.”

### **WRITTEN TESTIMONY INDEX CONTINUED**

(Updated 2.2.24)

27. Allen Edsall, Klawock, AK
28. Patsy Baskett, Prince of Wales Island, AK
29. Roberto Medina, Klawock, AK
30. William Pattison, Prince of Wales Island, AK
31. Kurt Whitehead, Klawock, AK (Written Testimony - Background Information)
32. Sara Yockey, Coffman Cove, AK





December 18, 2023

Dear Legislators of the 33<sup>rd</sup> Alaska Legislature,

The Petersburg Borough Assembly supports House Bill 201, sponsored by Representatives Himschoot and Hannan, which will change the residency requirements for hunting, trapping, and sport fishing privileges to align with the requirements to receive a Permanent Fund Dividend (AS 43.23).

Passage of HB 201 will benefit all Alaskans by:

- 1) limiting the amount of time and reasons one can be absent from the state and still qualify for a resident license;
- 2) making residency requirements easier to enforce; and
- 3) protecting subsistence resources for year-round Alaska residents.

The statute changes proposed in HB 201 will ensure that Alaskans who qualify for a resident hunting, trapping, or sport fishing license are in fact year-round residents of Alaska who deserve the increased bag limits that are the privilege of state residents.

We urge the 33<sup>rd</sup> Legislature to pass HB 201 into Alaska law.

Respectfully,

Mark Jensen  
Mayor





Silverthorn Charters, Inc.

Thorne Bay, AK 99919

December 10, 2023

RE: Alaska HB201 (Residency Req: Hunting, Trapping, Fishing)

To Whom It May Concern:

This letter is in regards to our support of HB201. Silverthorn Charters, Inc. was started in 2016 and provides a charter fishing service based out of Thorne Bay AK.

We support this bill for the following reasons:

- Eliminate seasonal visitors with secondary homes from falsely claiming residency; it will improve enforcement and deter criminal activity.
- Clearly identify definition of State of Alaska resident vs non-resident for purpose of fishing, hunting, or trapping licenses; it will generate additional revenue for the State of Alaska and ADFG.
- It will improve our lives and better protect our subsistence resources for those who need them most.

We would like to be a voice of support of and urge you to vote yes on HB201!

Thank you!

Jim & Shannon Silverthorn  
Silverthorn Charters, Inc., Owners



**Date:** December 27, 2023

**To:** The State of Alaska Legislature and Resources Committee  
Representative, Rebecca Himschoot  
Representative, Sara Hannan

**From:** Glen Holt

at-large newly elected member of the East POW Island Fish &  
Game Advisory Committee. Lived in Alaska full time 41 years.  
Full-time current resident and homeowner in Thorne Bay, Alaska.

[REDACTED]

Thorne Bay, AK 99919

[REDACTED]

[REDACTED]

Dear Legislature and all Committees:

I support legislation proposed in ***HB 201 Resident Requirements for Hunting, Trapping, and Fishing Licenses*** as currently amended. Please pass this important legislation. It will protect the rights of real residents and enhance revenues to ADF&G as they manage our fish and game resources for everyone.

People who cannot qualify to receive the Alaska Permanent Fund Dividend Check should not be allowed to purchase resident licenses. Our lifestyle is the reason we remain residents of this beautiful state.

Having a seasonal domicile or address should not qualify anyone for residency.

Thank you for your consideration.

Sincerely,

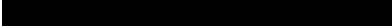
Glen Holt



# Ketchikan Fish and Game Advisory Committee

---

*Beau Dale, Chair*

  
*Ketchikan, Alaska*

---

January, 5 2024

Alaska State Legislators,

The Ketchikan Advisory Committee supports HB 201

Thank you,

Ketchikan Advisory Committee



December 5, 2023

Alaska State Legislators,

The ADFG Craig Advisory Committee is pleased to offer its unanimous SUPPORT for House Bill 201.

The Craig AC is a diverse group of 14 members from the Craig, AK area.

Below, we have listed a few of the many reasons we support HB201.

-It will improve our lives and better protect our subsistence resources for those who need them most.

-It will generate additional revenue for the state and ADFG.

-It will improve enforcement and deter criminal activity.

-It will not change the requirements for a bonafide, year round, Alaskan resident to obtain a sport fishing, hunting or trapping license.

We urge you to vote YES on HB201.

Thank you,

The ADFG Craig Advisory Committee



**CITY AND BOROUGH OF SITKA**

**RESOLUTION NO. 2024-01**

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA SUPPORTING  
HOUSE BILL (HB) 201: AN ACT CHANGING THE RESIDENCY  
REQUIREMENTS FOR HUNTING, TRAPPING, AND SPORT FISHING PRIVILEGES**

**WHEREAS**, HB 201 aligns requirements for an individual to receive a resident hunting, trapping, or sport fishing license with the requirement to receive a Permanent Fund Dividend (AS 43.23); and

**WHEREAS**, passage of HB 201 will limit the amount of time and reasons one can be absent from the state and still qualify for a resident license while at the same time making residency requirements easier to enforce; and


**WHEREAS**, HB 201 ensures that Alaskans who qualify for a resident hunting, trapping, or sportfishing license are in fact year-round residents of Alaska who deserve the increased bag limits and reduced costs that are the privilege of state residents.

**NOW, THEREFORE, BE IT RESOLVED** that the Assembly of the City and Borough of Sitka supports the passage of House Bill 201 by the Alaska State Legislature.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska on this 9<sup>th</sup> day of January, 2024.

  
Kevin Mosher, Deputy Mayor

ATTEST:

  
Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> and final reading: 1/9/24

Sponsor: Administrator





Craig Tribal Association  
P.O. Box 828  
Craig, Alaska 99921  
Tel: 907-826-3996  
Fax: 907-826-3997

July 19, 2023

Alaska State Capitol  
120 4<sup>th</sup> Street  
Juneau, AK. 99801

Dear Representative Rebecca Himschoot,

The Craig Tribal Association is pleased to support the House Bill 201, Residency Req: Hunting, Trapping, Fishing aligns requirements for and individual to receive a resident hunting, trapping, or sport fishing license with the requirement to receive a Permanent Fund Dividend.

This Bill 201 is in the best interest of Alaska residents who live here year-round, invest in their communities, and should be the only ones benefiting from the residential license. This will also benefit the state's revenue for out of state licenses.

We thank you for the opportunity to support this Bill 201 for the best interest of Alaska residents and our tribal citizens.

Sincerely,

A handwritten signature in black ink that reads "Clinton E. Cook Sr." in a cursive, flowing script.

Clinton E. Cook, Sr.  
Tribal President



Thank you for the opportunity to tell my story.

I was originally born and raised in southern Utah. When I was about 15, a man who was friends with my father at the time asked if he could take me to Alaska for the summer. It was an opportunity of a lifetime for me. This man brought me to Alaska and had me help him build a house. He also took me fishing a few times that summer. I developed a relationship with this man and I also developed a love for Alaska. He brought me back to Alaska multiple Summers starting the summer of 2000.

This man makes his living putting on multi-day equestrian events. He holds multiple events every year. He always offered dinners at the end of every day at these events usually the last day of an event he will offer Alaskan halibut or salmon. He always made sure to let everybody know that this was fish that he caught himself.

This man has maintained an Alaska residency for well over 25 years now. Never once has he spent more than 3 months in the state of Alaska. He has all his vehicles registered in Alaska and almost none of them have ever even been in the state of Alaska. I no longer associate myself with this man for many reasons.

I'm not an avid fisherman. I didn't know what the regulations and rules were for fishing. I have now lived full time on Prince of Wales Island for over 4 years now. Over the last 4 years, I have learned a lot about fishing and hunting.

Several years ago it finally dawned on me what this man was doing. He was sport fishing as a resident and he was bringing kids like me and friends to Alaska every single summer to go fishing.

I wasn't big into eating fish so I never questioned where my fish was going. In hindsight, I never put a single fish that I caught over all of those years in my own freezer, it was always in his.

Looking back on it, this man has hauled a lot of fish down to the lower 48 and sold it for a profit.

This is my personal experience. I have been on both ends in regards to where this man caught his fish and where he sold it and I have seen it with my own eyes. From what I can tell, he is definitely not the exception to the rule.

It is clear as day to me now that people and corporations from all over the world are taking advantage of Alaska's weak regulations.

Alaska's resources are being plundered via loopholes.

I ask that you act on this bill and take steps towards closing some of these loopholes.

Sincerely Joseph M Johnson.





January 19, 2024

Dear Legislators of the 33rd Alaska Legislature,

The Craig City Council supports House Bill 201 sponsored by Representatives Himschoot and Hannan and Senate Bill 171 sponsored by Senator Bjorkman. These bills will change the residency requirements for hunting, trapping and sport fishing privileges to align with the requirements to receive a Permanent Fund Dividend (AS 43.23).

Passage of HB 201/SB 171 will benefit all Alaskans by:

- 1) Limiting the amount of time and reasons one can be absent from the state and still qualify for a resident license;
- 2) Making residency requirements easier to comprehend and enforce;
- 3) Protecting subsistence resources for year-round Alaska residents;
- 4) Decrease illegal guiding; and
- 5) Increase funding for the state of Alaska.

The statute changes proposed in HB 201/SB 171 will ensure that Alaskans who qualify for a resident hunting, trapping or sport fishing license are in fact year-round residents of Alaska who deserve the increased bag limits that are the privilege of state residents.

We urge the 33rd Legislature to pass HB 201/SB 171 into Alaska law.

Respectfully,

A handwritten signature in blue ink, appearing to read "Kasey", followed by a long horizontal line.

Kasey Smith  
Mayor, City of Craig





## RESIDENT HUNTERS OF ALASKA

unapologetically **FOR ALASKAN RESIDENTS**

Working hard to ensure our wildlife is managed sustainably with an emphasis on protecting and enhancing resident hunting opportunities!

[www.residenthuntersofalaska.org](http://www.residenthuntersofalaska.org)

January 22, 2024

To: Representative Himschoot, Representative Hannan

Re: HB 201 – Residency requirement for hunt/fish/trap license

Dear Representative Himschoot and Representative Hannan,

Thank you for introducing HB 201. Resident Hunters of Alaska (RHAK) is in **support** of this bill, but we have some concerns about how it may affect certain Alaskans who may need to travel out of state for work, that don't fall under the current PFD exemptions.

One example came up at the Fairbanks Fish & Game Advisory Committee meeting discussion of HB 201 on January 10<sup>th</sup>, 2024. One of the members of that committee is an iron worker and explained that he can't find enough work in the state and often must work out of state for more than 180 days. He owns a home here, where his wife and children live, and doesn't receive benefits from another state. And as mentioned, he is a member of the Fairbanks F&G Advisory Committee, which requires one to be a local resident.

As HB 201 is currently written, he would not be able to receive a resident hunt/fish/trap license. He would not be considered a resident. There are likely many more who fall under the same scenario.

We recommend consideration of an amendment for an exemption for Alaskans like this who may work out of state more than 180 days.

Sincerely,

Mark Richards

Executive Director Resident Hunters of Alaska (RHAK)





**CITY & BOROUGH of YAKUTAT**

P.O. Box 160  
Yakutat, Alaska 99689  
Phone (907) 784-3323  
Fax (907) 784-3281

Tuesday, January 23, 2023

Representative Rebecca Himshoot  
State Capitol Room 409  
Juneau, Alaska 99801

Dear Representative Himshoot,

The City and Borough of Yakutat's Borough Assembly voted unanimously to offer their support for HB 201 at their January 18 regular meeting. This bill makes a great deal of sense and many of our members were surprised to find that the resident requirements for hunting and fishing licensing were so broad.

We thank you for calling our attention to this important matter. We sincerely hope the passing of this bill will create a fair environment and better conditions for true Alaskans.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Erickson", written over a horizontal line.

Jon Erickson, Borough Manager

cc: File





**SCI Alaska Chapter**  
**Eagle River, Alaska 99577**  
**Cell (907) 903-8329 Tel: (907) 980-9018**  
[www.aksafariclub.org](http://www.aksafariclub.org)

January 25, 2024

Alaska Legislature  
State Capitol  
Juneau, AK 99811-0001

Re: SCI-AK Support for House Bill 201 RESIDENCY REQ: HUNTING, TRAPPING, FISHING

Honorable members of the House Resources Committee,

The Safari Club International Alaska Chapter supports House Bill 201 RESIDENCY REQ: HUNTING, TRAPPING, FISHING.

Founded in 1971, Safari Club International is the country's leading hunter rights advocate and additionally promotes worldwide wildlife conservation. SCI's approximately 50,000 members and 200 Chapters represent all 50 of the United States as well as 106 other countries. The Safari Club International Alaska Chapter (SCI-AK) is a 501c4 conservation non-profit Corporation established in Alaska in 1977. We currently have over 1,150 members. Our mission statement is "First for Hunters - First for Wildlife."

The Permanent Fund Dividend (PFD) gets a lot of attention in the political sphere as well as the media; however Alaska's true wealth lies in its sustainably managed fish and wildlife resources. Residents of the state get to enjoy reduced license and permit fees and—more importantly—increased bag limits and access to resident-only hunting opportunities so that they can fill their freezers to get through the winter months.

This legislation amends Fish and Game residency determination statutes for licensing of sport fishing and hunting to match the qualifications to receive a PFD payment. HB 201 states that a person may only be absent during that 12-month period as allowed under the PFD allowable absence statutes (including college students, medical travel, caring for an ill family member, serving on active duty in the military, etc.) to qualify as a resident for licensing purposes. If a person is absent from the state for more than 180 days and does not qualify for an additional allowable absence, they would no longer be considered a resident for purposes of applying for a resident license. This bill does not prevent non-resident or guided hunters from purchasing permits. SCI AK supports increased opportunity for resident and subsistence hunters and fully supports this bill.

Thank you for your consideration.

**John Sturgeon**  
**SCI Alaska Chapter President**

E-mail: [president@aksafariclub.org](mailto:president@aksafariclub.org), Cell: (907) 230-0072

***Safari Club International Alaska Chapter***  
***First for Hunters - First for Wildlife***



**From:** kpwiest [REDACTED]  
**Sent:** Friday, January 26, 2024 5:55 AM  
**To:** Rep. Rebecca Himschoot <[Rep.Rebecca.Himschoot@akleg.gov](mailto:Rep.Rebecca.Himschoot@akleg.gov)>  
**Subject:** HB201 testimony

Dear Honorable Himschoot,

Please include my statement as part of the public record in today's hearing.

I am troubled by the change in requirements to receive an Alaska Resident Hunting, Trapping and Fishing license as proposed in HB201.

This bill, if it passes will exclude people like me whose true and permanent home is in Alaska, but travel widely throughout the year. I do not have residency in any other state or country, but I am in Alaska fewer than 180 days per year. My domicile is in Alaska, my vote is in Alaska, and all my licenses are in Alaska, and NOWHERE ELSE.

If requirements need to change, it would be better to tie the requirements to where a person votes and is licensed to drive.

Sincerely,

Kathleen Wiest.



**From:** Craig Mapes [REDACTED]  
**Sent:** Thursday, January 25, 2024 7:16 PM  
**To:** Rep. Rebecca Himschoot <[Rep.Rebecca.Himschoot@akleg.gov](mailto:Rep.Rebecca.Himschoot@akleg.gov)>  
**Subject:** HB 201

Honorable Rebecca Himschoot,

Please include this testimony in the House Resources Committee hearing on Friday, January 26th, 2024 as part of the public record. Thank you.

As a constituent I would like to let you know why I am opposed to HB 201.

I am an Alaska Resident and have lived in Alaska since 1980. My home is in Tenakee Springs where I am currently serving my 2nd term on the City of Tenakee Springs City Council. I vote in Tenakee Springs. As I enjoy travel, I have been doing a lot of travel outside Alaska since I retired from teaching in the Juneau School District in 2011. Each year I apply for a PFD but more often than not, I do not qualify for a PFD since I am usually traveling outside the State and sometimes country for more than 180 days. Typically I spend 5 - 6 months in Alaska these days. I never miss a City Council meeting thanks to Zoom.

This bill will penalize me and I believe is unfair to those of us residents that enjoy travel. While I am out of state I do not receive my retirement COLA but then do receive COLA benefits when I am in state. **I do not receive any benefits from any other state.** Since I enjoy hunting and fishing, if this bill passes, I will have to get an out of state license to hunt and fish at my home.

What if the Alaska Hunting and Fishing license was tied to voting in the State of Alaska rather than to the PFD?

Residence in most places is where you have your home and where you vote, not based on time home.

Sincerely,  
Craig Mapes

[REDACTED]  
Tenakee Springs, Alaska 99841



From: John Hoag [REDACTED]  
Sent: Thursday, December 21, 2023 10:04 AM  
To: Rep. Sara Hannan <[Rep.Sara.Hannan@akleg.gov](mailto:Rep.Sara.Hannan@akleg.gov)>; Rep. Rebecca Himschoot  
<[Rep.Rebecca.Himschoot@akleg.gov](mailto:Rep.Rebecca.Himschoot@akleg.gov)>  
Cc: Deborah Downs [REDACTED]  
Subject: HB 201

I am 76 years old and have had a permanent hunting/fishing license since I was 60. I moved to Alaska in 2006 and declared that it was my residence at that time. My wife, Deborah Downs, has resided in Alaska for over 30 years, She is 74 years old and also has a permanent license.

A number of years ago we decided that wintering in Petersburg placed us at risk from falling due to the ice and snow, so we obtained a second residence in the lower 48 about the time that COVID showed up. That caused us to restrict our traveling back and forth to Petersburg as frequently as we had planned to do so. The need for specialty health providers also played a role in our life styles. So for the last few years we have not qualified for the PFDs as we have been in Alaska around 4 months out of a year. We still own our residence in Petersburg and vote there.

We are asking you to consider amending HB 201 to at least grandfather those of us who have been using our permanent licenses for years and still maintain a residence in Alaska that we call our home.

Thank you for considering our request for the bill.



Hello,

My name is Kurt Whitehead. I started working in Alaska as a fly fishing guide for a remote lodge in Bristol Bay, June of 1995 shortly after graduating from the University of Wyoming. I moved to Alaska full time in 2000 and later to Sitka in 2004 and finally to Klawock in 2008. My wife, Trina Nation, and I own and operate Treasure Hunter Lodge which offers fully guided charter fishing trips and fully guided black bear hunts. We have operated off the dock in the Klawock harbor since 2007. I am also the Secretary for the East Prince of Wales AC, the Klawock AC and the Craig AC.

House Bill 201 originally started in the East Prince of Wales Advisory Committee meeting on Dec. 13, 2018. That meeting was the first meeting for the AC since 2009 and represents the communities of Kasaan, Whale Pass, Coffman Cove, Hollis and Thorne Bay. I am the only full time hunting guide/outfitter that lives on PoW so I figured I should be involved. Incidentally, there are 84 different ADFG approved Advisory Committees in the state but not all of them are active. Advisory Committees have a max of 15 members and are normally comprised of local, informed hunter, anglers and/or resource users.

At that December meeting, the roughly 15 members in attendance agreed that the number one issue on PoW was Seasonal Residents. At the last SE AK Board of Fish cycle, the East PoW AC submitted proposals to change the definition of the word 'domicile' as well as a proposal to increase the requirements to purchase a resident hunting fishing, trapping license. The BoF correctly ruled that both of these would take a statute change.

On Feb. 1 and 2, 2023, I flew to Juneau on my own dime and met with 24 different legislators and/or aides drumming up support for this issue and Representative Himschoot and Representative Hannan have graciously sponsored House Bill 201.

Along the way, I bought the ADFG public file of every hunting/fishing/trapping/commercial license that AK sold so we could cross reference the Seasonal Residents in our communities that we thought were purchasing resident licenses just so they could increase their harvest, participate in personal use and/or subsistence fisheries and in general cheat the locals and state out of its fish, resources and money. With this file, we identified many of these "residents".

In Ketchikan, AK there are multiple 'residents' using the same address for their Alaskan 'domicile' but it is really a private mail box forwarding business in the Plaza Mall.

In Craig, AK one of them shipped over 840lbs of frozen fish to his real home in the lower 48 at the end of a summer. He entertained a steady stream of friends in the process. He has been doing this for years and we see him on the water nearly every day in the summer.

In the Klawock harbor there is an individual that "lives" on his boat, has claimed residency for 25+ years and comes up for a few weeks every year with "friends" to catch as many fish as possible and return as little as possible back to the community. You have an in depth letter about him in your files. He is one of many.

Yesterday, I spoke with the Klawock City Administrator about Seasonal Residents and we discussed all the properties in town that have their utilities turned on just during the summer.

Many Seasonal Residents also hunt in AK and pay \$0 for their licenses and tags. The state is missing a windfall of money on license fees and big game locking tag fees as well as missing out on the 3 to 1 federal matching funds from both the Dingell-Johnson Sport Fish Restoration Act and the Pittman-Robertson Wildlife Restoration Act.



Seasonal Residents are the main reason ADFG recently passed regulations prohibiting crabbing in front of the communities of Klawock and Whale Pass during the last BoF cycle and another area will be proposed in front of Thorne Bay at the future BoF cycle.

In Coffman Cove, 102 of the 197, that's 52% of the residents are Seasonal Residents! Many of them return with a new batch of "friends" every week and whack and stack fish. Some of them even launch and haul their entire boat out of the water every single day so the rest of people on the dock can't see the fish. Who does that? Illegal guides certainly do it.

The definition of illegal guiding is being "compensated" for your services. This doesn't mean a monetary transaction has to take place, but this is often the case.

If the 'friend' pays for more than 50% of the food, fuel, bait, etc. for a trip it is illegal guiding.  
If the 'friend' leaves you a tent after the hunt, it is illegal guiding.  
If the 'friend' barter anything for a fishing/hunting trip, it is illegal guiding.

Many Seasonal Residents fall into this category either knowingly or unknowingly. Many of them trade a fishing trip for a business dealing or straight up for cash. Many of the Seasonal Residents also take advantage of the Permanent ID license once they reach 60 years of age so they are not paying the state a single nickel for their hunting/fishing/trapping license.

**Seasonal Residents that purchase non-resident licenses are not the issue.**

**Non-resident clients legally hunting, trapping or fishing with guides are not the issue.**

**Passage of this bill will make the residency requirements easier to comprehend and enforce, decrease illegal guiding, increase funding to the state, leave more fish/game in the water and on the land for true year-round residents and in general, improve our lives, our communities and our state.**

Prince of Wales and all of Alaska sincerely appreciates your help on this important issue.

Thank you!

Kurt Whitehead  
Treasure Hunter Lodge LLC

██████████  
Klawock, AK 99925  
██████████



Hello,

My name is Scott Newman. I am a lifelong Alaskan, born and raised in Petersburg where I have raised my family of four with my wife Cindy, who I have been married to for 33 years. I grew up commercial fishing and have fished the Bering sea, Gulf of Alaska, Bristol bay and all of SE Alaska. I am a Master hunting guide and had my own guide service for 30 years. I currently own and operate Petersburg Flying Service LLC flying a DeHavilland Beaver as a part 135 air taxi with an FAA Air Carrier Certificate. I am also currently serving as an Assembly member on the Petersburg Borough Assembly.

I support HB 201 because the issue of residency requirements and specifically maintaining that requirement is overdue. In fact it is absent. For decades now I have personally witnessed people who have moved to Alaska for work and lived here for a period of years and then retired or moved back to their home state. These people will come back during the summer months to fish and hunt and claim residency because according to them they have paid their dues. I have always wondered how these people could get away with paying resident license fees when they clearly are no longer Alaska residents. When confronted with the issue their first reply is that they do not claim the Permanent fund dividend. The implication is that they're not taking money from the State of Alaska. When in reality, they actually are, because they are not paying their fair share to access Alaska's fish and wildlife resources.

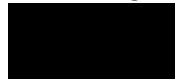
The real reason they are not claiming the PFD is that under PFD program regulations, there is a requirement for maintaining Alaska residency and they do not meet it. They also know that the PFD program definition of residency is the 'tool in the toolbox' that enables enforcement to effectively determine and hold people, that leave the State for long periods of time, legally accountable for their claim of residency. Enforcement has all but given up on going after these people, that take advantage of this loophole in the system, because the current weak definition doesn't hold up in court. HB 201 will align with the residency requirement of the PFD program, and effectively give enforcement the means necessary, the 'tool in the toolbox' if you will, to ensure actual Alaska residents receive the benefits of maintaining residency, while non residents pay their fair share to support Alaska's management of the fish and wildlife resources.

Thank you for the opportunity to comment.

Scott Newman  
Petersburg Flying Service LLC



Petersburg, AK 99833





**From:** [REDACTED]  
**To:** [Thatcher Brouwer](#)  
**Subject:** Testimony  
**Date:** Tuesday, January 23, 2024 1:40:23 PM

---

Hello My Name is Leif Wilson I was born in Glennallen and live in Tok I have been a Alaska resident for 60 years. I am a third generation Alaskan and one of four generations of my family currently living in Alaska.

Thank you for allowing me to testify today.

I am in support of HB 201 I feel like the current law allows us the people of this state to be taken advantage of.

Big Game hunting is a big draw for people in the area of Alaska that I live in.

About ten years ago a fellow that I know from Georgia that had hunted in Alaska off and on since the late 60s started looking at what it would take to become a resident. He stayed in the state for a year he established residency here. he then got his permanent license and started hunting and fishing as a resident. He rents a post office box and some years leaves a vehicle in the state. He has hunted moose, Caribou, sheep, and bear since then. furthermore he has taken advantage of the second degree of kindred laws and brought several of his family members up to hunt Guide required animals with him. Specifically Sheep and Bear.

He researched it and talked to enforcement officers and made sure he was following the law. Since establishing residency he comes to Alaska for between two weeks and a month each year. As I understand it this is all legal.

I think living in the state at least half of the year to time to qualify for resident hunting and fishing privleges is still a low bar to set. It is not out of line at all. I understand the snowbird issue some of my family are snowbirds but

If you really care about this state and not just what you can personally gain and what resources you can harvest and take back to your real home. I think you will support this bill.



**From:** [REDACTED]  
**To:** [Thatcher Brouwer](#)  
**Subject:** HB 201  
**Date:** Monday, January 29, 2024 10:29:07 AM

---

Please support this bill. It is right for Alaskans.  
thanks, Robert Riley



January 26, 2024

To whom it may concern,

I fully support and agree with the basis of HB 201. With more people, better technology and generally less resources in the state than in the past I think this is a vital time to take measures to ensure the people that actually reside in the State of Alaska have the resources they need.

I feel that spending 6 months here to continue to have all the privileges that a resident receives is still an overall low standard. On the average I would say a person may have to endure 30 days of non-optimum temperatures or conditions to meet their required time here in the summer months. This is very little to ask of a person for the benefits they receive maintain their resident privileges.

The privileges of resident hunting/fishing benefits far outweigh the benefits of the PFD for an individual. The same can be said for the negative effect to the State of Alaska. Yet the PFD program has a mechanism so that residents of the state are the ones receiving it. The monetary loss for the state and gain for the individual is hard to quantify but here is a small example.

If a non-resident hunted in Alaska for moose alone they would pay roughly \$1200 in license and fees. That seems to be a fairly average PFD payment. This is a 1 species hunt that meets or exceeds the normal monetary value of the PFD. This doesn't factor in extra species of hunting big game, fishing or waterfowl, or the potential of second degree kindred as well. The monetary value of resident hunting and fishing far exceeds the PFD in my opinion.

Why does the PFD have a mechanism and the hunting/fishing not have any mechanism for protection against blatant abuse?

Bottom line is the state should not allow a system that people are abusing and using for their personal gain over the resources of the state.

Jake Combs



I support passage of HB 201 as an effective step toward protecting the rights of Alaskan residents while protecting the fish and game resources so many of us rely on.

My family first arrived in Alaska when my Great Grandfather traveled to Nome to search for gold. He eventually settled in Fairbanks where he built a business and raised a family and we've been here ever since.

Our family has always been working class, earning a paycheck that never seemed to be enough so we hunted and fished to supplement our lifestyle. We relied mostly on moose, caribou and salmon that we harvested ourselves to fill out our winter diet when construction work was scarce and money was tight.

My wife and I are both from mainland Alaska but we decided to retire to Southeast and we now live in Coffman Cove on Prince of Wales Island.

Local events prompted me to become more politically active and I'm currently a Coffman Cove city councilman, a former mayor and a former member and chairman of the East POW AC. I joined the AC when it was reformed and I was one of the members who originally brought the question of residency for hunting, fishing and trapping forward.

I brought this question forward after watching out of state residents purchase property, establish a vacation residence, spend only summers here before returning to their true homes in the Lower 48 but then declaring themselves as Alaska residents who qualified for the same benefits that full time residents have earned.

The majority of them, at least those I know personally, have never overwintered in state. They arrive in the Spring and leave in the Fall and in between they host a parade of out-of-state friends and relatives who they take out fishing, sending them home with loaded fish boxes. Then as the weather begins to turn they pack it up, close down the house, load up their own set of fish boxes and disappear back down to the Lower 48.



Many of them like to call themselves snow birds but they're not. They're actually vacationers.

A snow bird is an Alaskan who earned the right to be called a resident by living and working here. They made Alaska their true domicile. They raised families in our state. They spent the long winters here. They moved here lock, stock and barrel and now they have the opportunity to winter outside the state. They go from here to there with every intention of returning home, to Alaska.

Vacationers are the exact opposite. They never established a true home in Alaska. They have all the trappings of residency, property, homes, an Alaska DL, boats and vehicles they leave here and they even register to vote locally but when they arrive in the Spring they're going from there to here with every intention of returning to their true stateside domiciles in the Fall. They're on vacation in Alaska. They do not live here and that's the real difference between a snow bird and a vacationer, an actual resident and someone pretending to be a resident just to obtain resident benefits.

Real Alaskans harvest our natural resources for personal use, to feed their families and to ease the financial burden of living here. Most of what they harvest gets eaten in the state.

Vacationers harvest our natural resources for fun and then they go home where the cost of living is lower and shopping is plentiful. Most of what they harvest leaves the state.

Alaska's resources should always go to the people who actually live here first and in times when the resources are declining and restrictions are being imposed the State Legislature must look to the needs of the people they represent first and foremost.

HB 201 is a good step toward tightening up residency, protecting both the real residents and our resources and as a real full time Alaskan I support passage of this legislation.



Thank you.

PJ Olson.

Coffman Cove, Alaska.



**From:** Larry Powell [REDACTED]

**Sent:** Thursday, January 25, 2024 3:06 PM

**To:** Rep. Rebecca Himschoot <[Rep.Rebecca.Himschoot@akleg.gov](mailto:Rep.Rebecca.Himschoot@akleg.gov)>

**Subject:** Re: Announcement - Public Testimony Opportunity for HB 201 - Strengthens Requirements for Resident Hunting, Trapping and Sport Fishing Privileges

Rep Rebecca

Sent from Gmail Mobile

I will not be able to testify in person by phone but wanted you to know that I agree with the intent of this proposed bill.

Thanks

Larry Powell



**From:** Matt Snyder [REDACTED]  
**Sent:** Friday, January 26, 2024 11:25 AM  
**To:** Rep. Thomas McKay <[Rep.Thomas.McKay@akleg.gov](mailto:Rep.Thomas.McKay@akleg.gov)>; Rep. Rebecca Himschoot <[Rep.Rebecca.Himschoot@akleg.gov](mailto:Rep.Rebecca.Himschoot@akleg.gov)>  
**Subject:** HB201

1/26/24

To whom it may concern.

I fully support HB201. Hunting, fishing, and trapping licenses should match the PFD resident definition. People that don't live in Alaska but claim residency in Alaska, shouldn't be competing with true residents for fish and game. They definitely shouldn't qualify for subsistence seasons. Having the opportunity to harvest more species as a resident and then ship it all back to the Lower-48 and probably give a large portion it away to friends is just not right.

This is even more of a problem when resources are low. Lower fish and game numbers seem more common now and the numbers of hunters and fishermen seem way higher!

If they can afford a home in the lower 48 and a place in Alaska, they can surely afford to buy a nonresident license.

Matt Snyder

Alaska resident, near Mentasta Pass



From: Jim Steffen [REDACTED]  
Sent: Thursday, January 25, 2024 2:27 PM  
To: Rep. Thomas McKay <[Rep.Thomas.McKay@akleg.gov](mailto:Rep.Thomas.McKay@akleg.gov)>; Rep. Rebecca Himschoot  
<[Rep.Rebecca.Himschoot@akleg.gov](mailto:Rep.Rebecca.Himschoot@akleg.gov)>  
Subject: Hb 201

my wife and I support passage of this bill for the good of fairness and our resources.  
Jim Steffen



From: Mary Corcoran [REDACTED]  
Sent: Friday, January 26, 2024 12:04 PM  
To: House Resources <[House.Resources@akleg.gov](mailto:House.Resources@akleg.gov)>  
Cc: Rep. Sara Hannan <[Rep.Sara.Hannan@akleg.gov](mailto:Rep.Sara.Hannan@akleg.gov)>; Rep. Rebecca Himschoot  
<[Rep.Rebecca.Himschoot@akleg.gov](mailto:Rep.Rebecca.Himschoot@akleg.gov)>  
Subject: PUBLIC TESTIMONY HB 201

Thank you, Chair McKay, Vice Chair Rauscher and Committee Members for this opportunity to testify about HB201.

I support this bill. As a 46+ year resident, I have observed that our fish and game resources have diminished due in part to hunting/fishing pressure and budget. It is hard to justify allowing a pass to individuals who have managed to maintain a minimal resident status. If the requirements to satisfy residency for a PFD are deemed OK, then an equivalent should be applied to hunting, fishing, trapping licenses.

I understand the challenge of enforcing a change in requirements, but that is not a reason to back off from it. Perhaps more applicants will be honest and pay a fair truly non-resident cost to harvest our fish and game.

Thank you for your work.

Sincerely,  
Mary Corcoran  
Delta Junction AK



From:

Subject:

Date:

Fw: HB201

Friday, January 26, 2024 11:11:29 AM

[Thatcher Brouwer](#)

Thank you for allowing me to add my comments regarding HB201. My name is David Egelston. I am a resident of Thorne Bay on Prince of Wales Island. I am a retired Colonel from the New York State Environmental Conservation Police and a former New York State Trooper. I spent over 30 years in law enforcement enforcing state and federal laws and regulations, mainly fish, wildlife and environmental statutes. I am a member of the East Prince of Wales Advisory Committee.

I have extensive experience enforcing laws as well as writing and/or critiquing them while in the legislative processes. I fully support HB-201 and am grateful to Representative Himschoot and her staff for their work to get this bill in front of you.

You have heard many reasons why this bill is important. Let me give you some specifics from Thorne Bay. A couple years ago a few of us went through the resident sporting license sales for communities on Prince of Wales Island. In our small second class city approximately 5% of the supposed residents who purchased that type of license were not legal residents. Most of them were in town for between two and four months each year at the most. Some of them would travel back and forth to their out of state homes during the summer. None of them owned a snow shovel in Alaska.

They all had their real jobs and homes in the lower 48. A few had fishing lodges here in Alaska. One might think that this is not a big deal because it is a small community way down in the southeast. You should know that some of these fake residents, vacationers, also go north regularly and hunt caribou, sheep, goats and brown bear. Their activities are not limited to the panhandle. Undoubtedly this situation is found statewide in other areas popular for fishing and hunting.

I have only lived in Alaska for twelve years, but it is my home until I don't need one anymore. I dealt with non-resident issues in my law enforcement career and thought I was done with it when I retired. I am dealing with it again because I have a strong belief that our resources are very important to all of us residents. I believe that our fish and wildlife should first feed us before we share them with outsiders. When we do allow non-residents to partake in the harvest of our resources they should be following our rules and respecting our ways. They should pay for the privilege as we pay as non-residents in other states.

This bill will not change the residency status of current Alaskans. They may retire and become snowbirds. As long as they maintain their requirements for the PFD, they remain residents. They may leave the state for six months and remain residents. They may leave for even longer periods if they meet the requirements found in AS 43.23.008.



There should be no grey area when it comes to residency. We may not be able to force people to act ethically, but we can charge those who unethically play the system.

Please move this bill forward and give our Wildlife Troopers, prosecutors and the courts an easier and quicker way to prosecute those who cheat the system. Not only will we be protecting our resources, but we will also be bringing in hundreds of thousands of dollars into the state coffers. We can use it.



**From:** [REDACTED]  
**To:** [Thatcher Brouwer](#); [Rep. Rebecca Himschoot](#)  
**Subject:** Al Edsall  
**Date:** Friday, January 26, 2024 11:47:19 AM

---

**From:** Allen Edsall [REDACTED]  
**Date:** January 26, 2024 at 11:00:47 AM AKST  
**To:** Rep.Rebecca.Himschoot@akleg.gov  
**Cc:** Kurt Whitehead [REDACTED]  
**Subject:** Fwd: HB 201

Hello

My name is Allen Edsall and a resident of Alaska full time for 43 years. I have a degree in Aquaculture . I have worked for 20 as an employee for a nonprofit aquaculture company raising literally millions of salmon for the Alaskan commercial fishing industry and common property harvest to include sport and subsistence. I am also a seated member of the Klawock Advisory committee for fish and game.

The community consensus is it's unfair to year around residents that depend on fish and wildlife harvests to supplement their diets as well to the Alaskan commercial fishers who depend on these fish for a living. This as opposed to vacationers posing as sportsmen involved in potential unlicensed for profit ventures. These vacationers are induced by loopholes and inconsistencies on determining what is considered residency.

I know of people who show up in our community on a yearly basis for a month or two that fish every day regardless of weather conditions rotating different groups, yet this activity has been ongoing for years.

For the record I support HB 201 as reasonable means of addressing this issue as well as the other valid concerns on this matter from your constituents.

Thank You,  
Allen Edsall



**From:** [REDACTED]  
**To:** [Rep. Rebecca Himschoot](#); [Thatcher Brouwer](#)  
**Subject:** HB 201  
**Date:** Sunday, January 28, 2024 4:18:49 PM

---

January 28, 2024

I would like to show my support for this bill for many reasons.

I've lived year round on Prince of Wales island for nearly 28 years. It's absolutely beautiful here and it's my home. Like many actual year round residents of POW have noticed, we have a lot of people whom only come up in the summer / fall months, claim to have their residency status be of Alaska, just so they can benefit from our natural resources and subsistence hunting and fishing.

They don't spend no where near enough time here to see the effects of the way they treat our resources of fishing and hunting. It's just sport for many of them, and quite frankly, I don't think they realize how it effects those of us who have to deal with the consequences of their actions long after they return back to the lower 48 where they primarily live and work.

There's even people whom obtain a subsistence halibut permit so they can run a skate line. And it's an amazing way for us to get enough fish for a year in just one set, saving us valuable time and money.

However, the summer time people will set their skate line every day. Taking anywhere from 5-25 fish, of various sizes as well as any other fish caught on their fishing poles. You multiply that by 7 days or more of them fishing, that is quite obviously more fish than even a large family can utilize and consume in 12 months.

It's mind blowing how much I see this happening all over the island. And I'm sure the situation is the same or worse state wide.

I would like to see this bill take effect in order to protect our residents with the resources we depend on, so we still have the ability to hunt and fish for many generations to come, and to share the experience with non residents in a more sustainable way for all of us.

Sincerely,  
Patsy Baskett



**From:** [REDACTED]  
**To:** [Rep. Rebecca Himschoot](#); [Thatcher Brouwer](#)  
**Subject:** House bill 201  
**Date:** Friday, January 26, 2024 1:10:49 PM

---

I am a lifelong resident of Prince of Wales and a member of the Tlingit and Haida tribes, I am a lifelong resident of the Tlingit village Klawock. I strongly support the bill, I have watched my homelands become decimated due to seasonal visitors with summer homes, many of which are friends, however I need voice my heartbreak watching them leave with upwards of 20, 50 pound fish boxes at summer's end. Most of these homes are out of city limits therefore do not pay taxes, they don't contribute to the local economy as most of them barge up their summer supply from the lower 48. Bragging on social media about the size of their shipping containers of goods and the low price they received and bragging again how big their containers are going back with our fish. I hope this statement finds you well. I am also a local charter fishing operator, many of my colleagues are the biggest offenders. But I cannot watch my homeland be raped anymore, action must be taken.

Thank you. Roby Medina. [REDACTED]



**From:** [REDACTED]  
**To:** [Rep. Rebecca Himschoot](#); [Thatcher Brouwer](#)  
**Subject:** HB201  
**Date:** Friday, January 26, 2024 12:48:52 PM

---

Hello, My name is William Pattison, I'm a born and raised Alaskan, I've spent my entire 34 year life in southeast Alaska, I served 2 terms on the council for the city of whale pass.

I'm an avid trapper, hunter, and fisherman. I spent 8 years as a sport fish guide, Im also the Vice chairman for the East Pow AC. I currently work in the private non profit sector for salmon enhancement and I Fully Support HB 201 since this bill supports Alaska residents at its core.

I hear all the time from year round snow shoveling residents that this is the biggest issue we face. Some say that the permanent fund isn't 100% perfect and there should be even more done to help protect this resource and manage it.

The one thing we agree on is it's a huge leap in the right direction to protecting Alaska's resources and giving Alaskans a fair shot to fill their freezer with tasty fish and game meats for the long winters, when work and income for family's is at a minimum.

After all we have bag limits for non residents and alaska residents for a reason, these regulations favor Alaskans, not non resident's.

Vacationer or snow bird Alaska residents are not what we are talking about, we are taking about people who come to alaska and have no skin in the game and can use a loop hole to benefit them and take away from Alaskans who need these resources.

I also Support any improvements to the bill that can be made to make it more effective protecting Alaskans benefits from out siders and any improvements that can be added to HB201 to help AWT have the necessary means and tools to do there job effectively and efficiently.

Thank you for allowing me to comment on  
HB 201,

Vice Chairman of the EPOW AC  
and a concerned alaska resident

William Pattison



Legislators,

Thank you for allowing me to meet with you or one of your aides on Feb. 1st & 2nd, 2023 in Juneau.

I was impressed with how accommodating, helpful and hard working all of you and your staff are and how committed everyone is to improving Alaska.

In our meetings, we discussed the seasonal resident problem we have in SE Alaska.

Seasonal residents claim to be AK residents but really they are just visitors to AK who fish/hunt/trap with a resident license to take advantage of our generous resident fishing/hunting/trapping bag limits.

They show up during fishing season and/or hunting season to harvest as much as possible then leave shortly afterwards.

### **THE ASK:**

Sponsor and/or co-sponsor a bill that would increase the requirements for residency when purchasing a resident hunting/fishing/trapping license.

### **THE PROBLEM:**

Our dwindling resources, specifically king salmon and halibut, are making it difficult for real year-round Alaskans to secure food. We have an increasing number of seasonal residents that come to our coastal communities, drive up property values, harvest our precious resources with little regard to conservation and don't contribute much of anything back into local communities after their initial investment of property and/



or home ownership. They come here for a few weeks or months during harvesting season to catch as much as possible. Shortly afterwards they leave and head back to their true residence in the lower 48.

### **THE SOLUTION:**

Make the resident hunting/fishing/trapping requirements mirror the Permanent Fund requirements.

We aren't suggesting they need to receive the PFD, just that they must meet the requirements. Another great option would be to keep the current requirement of one full continuous year AND add the PFD requirements for the successive years.

### **THE NUMBERS:**

The Dingell Johnson Act is a 10% federal excise tax on sport fishing and boating equipment that provides money for state fish restoration and management plans and projects.

The Pittman Robertson Act is a 11% federal excise tax on all guns and ammunition that provides funding to each state to manage wildlife.

For every dollar that the State collects in licenses and tags these two Acts match three to one dollars.

Annual non-resident sport fishing license is \$145.

Annual Non-Resident King Salmon stamp is \$100. Total is \$245.

The 3:1 Dingell-Johnson match is  $\$245 \times 3 = \$735$ .

$\$245 + \$735 = \$980$  total from one non resident angler directly to ADFG!

Annual Resident sport fishing license is \$29.



Annual king salmon stamp is \$10. Total = \$39.

$\$39 \times 3 = \$117$ .  $\$39 + \$117 = \$156$  from one resident angler to ADFG.

The difference is \$824 per angler!

It is even more substantial if they are playing the permanent ID game. If so, the difference is \$980 per angler AND the community also gets sales tax revenue.

The State is losing \$824 for every seasonal resident fisherman who is getting a resident license. If the seasonal resident has been able to get a Permanent License, then the State is missing out on the full \$980 annually. Those funds would go a long way in ADFG budgets to benefit more anglers.

The financial loss to AK for each seasonal non resident for sport fishing alone is quite substantial without considering Commercial Fisheries licenses, subsistence, Halibut SHARQ cards and other benefits related to Alaska Residency.

In addition to the financial benefits for a seasonal resident angler to pay less for the resident license, the resource incentive is large. For example, current regulations in SE Alaska during the summer allow resident fisherman to catch one or two King Salmon and a Ling Cod daily and 2 halibut of any size.

A non-resident angler has an annual limit of three Kings, one Lingcod and one or two halibut per day depending if they are guided or unguided.



Other areas of Alaska have also met with the issue of residency as it relates to seasonal residents and their domicile. In larger communities it might be more difficult to know who these seasonal residents are but in small communities it is much easier to spot them.

## **THE SUPPORTING EVIDENCE:**

Several members of both the Klawock AC, the Craig AC and the East POW AC purchased the ADFG licensing list for the entire state. The list confirmed that many seasonal residents are purchasing resident ADFG licenses or have a Permanent Identification Card.

In Craig, AK a seasonal resident shipped 17 boxes of fish home on the barge after being here for just two months. He has been doing this for years.

In Klawock, a seasonal resident claims residency because he has a cabin on a nearby island and has been coming here for decades harvesting as much as possible then feeding it to his guests when he operates his business in the lower 48.

Many seasonal residents in SE AK claim their boat as their principal home, even though they are only here for a few weeks or months.

Many in Klawock rent cabins or RV spaces, maintain a PO Box, have a drivers license, fish nearly every day, use a maximum number of crab pots, fill up their freezers and/or canning jars then go back to their true residence shortly afterwards.



In the Mary Jackson subdivision of Klawock, we have dozens of lots owned by seasonal residents. Some have a building but many just have an RV, a vehicle and/or ORV and/or a boat that are parked and dormant for 9 months or more.

In Coffman Cove, they have a census of almost 200 but there are only about 92 year-round real residents.

Nearly 108 of them are here just in the summer. Many of them have beautiful homes. A few entertain a steady stream of “friends” every week.

New “friends” that all fish under the guise of resident anglers and/or unguided nonresident anglers.

Some even pull their boats completely out of the water every night because they don’t want to unload their fish in front of anyone, instead, taking the boat “home” where they process fish in privacy.

Few boat owners rarely ever go through that much effort to haul/launch every day since it makes no sense.

**The disparity in the halibut regulations between residents/unguided nonresidents vs guided nonresidents is what’s driving this increasing halibut fishing effort.**

Currently unguided nonresident anglers are allowed 2 halibut of any size. Same as residents.

Guided anglers have a much more restrictive bag limit of 1 fish under 40” (subject to change every year) or 1 fish over 72” with no retention at all on Mondays starting July 24th.



**We can't do much about halibut regulations since they are managed by the feds but WHAT WE CAN DO is increase the requirement for Alaskan resident hunting/fishing/trapping licenses to mirror the PFD requirements.**

The PFD requirements are well thought out and have withstood challenges in the courts.

This change will force residents to spend the majority of their time in Alaska and make them contribute to our economies instead of competing with real Alaskans and depleting our precious and important natural food resources.

Currently, you can get an AK drivers license the day you arrive.

Thirty days later you can get a voter ID and a PO Box.

After you serve one full year of residency in the state you are free to come and go as you please to your true residence in the lower 48.

As long as you don't claim residency in another state, enforcement and the courts have a very difficult time proving these seasonal resident cases.

It takes enforcement an inordinate amount of time to prosecute these cases and many times they are thrown out because the judge has a different interpretation of the word "domicile".

Our local troopers have stopped prosecuting these cases because of the time involved and low success rate.



Anyone who buys a summer place and pays the electric bills and/or city utility bills even if they never actually come here can show twelve months of “evidence” that they’re “residents.”

The truth is that no one issuing licenses can verify real residence status and once a seasonal resident lies and pays for their license, the entire burden of proving non-resident status falls onto the State of Alaska. Judges are throwing cases out due to their interpretation of the word “domicile”.

After enough years have passed and the person reaches 60 years of age, they leverage their now long-standing “resident” status to get a PID then they never have to worry about it again. The state receives no money for licenses, the community receives no sales tax then they leave with full freezers.

Seasonal residents are getting away with hiding their true domicile information because it’s easy to sign your name to a license that includes a false affirmation of residency but time consuming and costly for the state to compile evidence proving otherwise.

There are a few cases where enforcement has successfully charged these seasonal residents and gained convictions.

Even cases where the non-resident has registered to vote in Alaska, gotten an Alaska DL and bought local property. Some of these people have histories going back ten years.

And the Alaska Supreme Court has confirmed that it is constitutional for the state to impose different durational



residency requirements for different purposes and has laid out conditions under which judges and juries can distinguish between real residents who are temporarily absent and seasonal residents who are temporarily present in Alaska.

Those conditions include many of the factors we've discussed such as seasonal residency, wife and kids living in the states, property owned in the states, etc.

The courts, at all levels, are relying on the history and demonstrated intentions (versus stated intentions) of these people.

The few enforcement efforts the state has pursued have targeted higher profile cases which is to be expected given constrained law enforcement resources.

For example, in a 2012 Sitka case, two men were convicted for falsely claiming residency. They had been getting resident licenses since 1997 and 1998 respectively. The facts of the case included many of the same things we discussed: both owned property in Alaska that they claimed as their domicile but their wives and children lived in the Lower 48, both owned homes in the Lower 48, and both traveled to Alaska for the summer but left in the winter. They even co-owned a fishing lodge in Sitka.

In a 2013 Elfin Cove case, two other fishing lodge co-owners were similarly charged. The facts of the case were about the same and one of the investigating officers stated: *"His actions are consistent with that of a seasonal business owner who comes up to the state of Alaska to run a sport fish charter*



*business during the summer months then returns to his true home state once the season is over instead of electing to stay in the state in which he is claiming resident benefits,”*

A 1991 case in Circle, AK resulted in conviction for a man who owned a cabin but had never spent a full 12 months in the state. He'd been coming up in the summer and leaving in the winter for 9 years.

It is extremely easy to get away with lying about your residency status to receive a resident hunting, fishing or trapping license. All it really takes is an unverified false oath of resident status and once a person has claimed resident status the burden of proving otherwise falls to the state which must accumulate enough factual evidence to overcome the presumption of innocence built into our justice system.

The Alaska Supreme Court has upheld both different residency requirements for different state purposes **AND** a durational residency requirement for the PFD.

The problem with the CURRENT law is a lack of law enforcement resources to adequately investigate potential residency violations.

Investigating officers are doing a lot of research into property records, travel histories, residency status of spouses and children, school records, vehicle and other registrations, voter registrations, benefits received in other states, statements made by suspects on other government documentation...essentially a deep dive into everything about the suspect.



That's expensive and time consuming but necessary to counter the red herrings and other misdirections that defense attorneys are so practiced at throwing out to generate doubt in the minds of jurors and judges.

If this is the real problem then law enforcement leadership would be motivated by budgetary concerns to prioritize more serious crimes (murder, rape, assault, theft, etc) over licensing violations and, when resources are dedicated toward licensing violations, to prioritize higher profile or more serious cases.

To win cases under the current law, more resources must be allocated toward investigating license violations. Thorough investigations will provide prosecutors with the evidence they need to feel confident of a win and that's what they need to justify dedicating their time, effort and budget toward these cases.

Other more serious and high profile crimes will always come first over lying about your residency status.

If budgetary concerns are actually the problem that should be reflected in the direction that law enforcement leaders and district attorneys are handing down to their subordinates. Are licensing violations being prioritized or downplayed? If downplayed then our problem is probably budget and we need to focus on that.



If these licensing violations have been given normal or enhanced priority the budget isn't the issue and something else is going on.

In that case we need to review the arguments being made by prosecuting and defense attorneys and the decisions being written by judges to find out where the weaknesses are.

It is a broken system that non-residents are abusing.

### **KEY POINTS:**

1. A resident is physically present in the state with the intent to remain in the state indefinitely.
2. The person must have maintained domicile in the state for the immediately preceding 12 months.
3. Domicile is the true and permanent home from which the person has no present intention of moving.

Show through travel records that a person has never spent a full year in state and that their travel originated and ended in another state and a first year law student should be able to win a conviction.

If you haven't physically been in the state for 12 months, ever (as shown through travel records), then you cannot claim domicile in Alaska and if you can't claim domicile then you cannot be a resident for purposes of obtaining a resident hunting, fishing or trapping license.

It's completely straightforward.



For cases where it is unknown if the person has ever spent 12 months in the state it takes more in-depth research to prove non-residency.

**Sec. 16.05.415. Determination of residency.**

(a) In AS 16.05.330 – 16.05.430, a person, except as provided in (c) – (f) of this section, is a resident if the person

(1) is physically present in the state with the intent to remain in the state indefinitely and to make a home in the state;

(2) has maintained the person's domicile in the state for the 12 consecutive months immediately preceding the application for a license;

(3) is not claiming residency in another state, territory, or country; and

(4) is not obtaining benefits under a claim of residency in another state, territory, or country.

**Sec. 16.05.940. Definitions.**

In AS 16.05 – AS 16.40,

(11) "domicile" means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game;

(28) "resident" means

(A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;



(B) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation;

(C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made;

(D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; or

(E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

In a past seasonal residency case on POW, the magistrate convicted on the theory that the one year domicile requirement hadn't been met based on information from a PFD application. On appeal the defense demonstrated that the PFD information had been interpreted incorrectly.

On appeal the court is limited in what facts it can rely on...the appeal isn't a retrying of the facts of the case so the appeal judge is restricted to the trial record.



The defense successfully argued that the magistrate had incorrectly determined that the domicile period in question had begun one day later than it had.

The appeal judge had no choice but to overturn the conviction.

The mistake here was not arguing at trial that the defendant lacked the intent to remain indefinitely in the state as one of the points for conviction.

If that had been presented as a legal theory at trial the appeal judge could have addressed that under the precedent set in Thomas v. State of Alaska and might have upheld that the defendant lacked the required intent as demonstrated by his intention to leave the state every single year after spending what amounts to a long vacation here during the fishing and hunting seasons.

AS 16.05.415 (a) (1) defines three requirements, one being "*intent to remain in the state indefinitely.*" It is impossible to prove an intent to remain in the state indefinitely if all you've ever done is travel to Alaska during the hunting and fishing season with the intention to leave every single winter. The fact that the person leaves every year is prima facie evidence that they lack an intent to stay indefinitely. They may have an intent to return every year for the season but that would be properly considered as a vacation.

Every seasonal resident who has **never** spent a winter in Alaska, only coming here for what is really nothing but a



vacation of varying length, can be convicted under this legal theory.

AS 16.05.415 (a) (2) concerns domicile. AS 16.05.940 (11) defines domicile.

Domicile is a second, independent of intent, legal concept that lays the foundation for a second legal theory to prosecute on.

Domicile is harder to convict on because of subjectivity around what the defendant claims as his true and permanent home, his intentions to return when away, etc.

But...a person who has an out of state home that he leaves to vacation in Alaska but that he then returns to every winter would have an uphill battle convincing a judge that the out of state home isn't actually his true and permanent home, especially if he owned the home prior to purchasing a home in Alaska.

Every residency case taken to trial should include both of these legal theories so that if one is rejected the other might convict or stand up on appeal.

The case we just looked at had only domicile and should have included intent to remain indefinitely because it's obvious that there is no intent to remain if you have a history of leaving every year AND have never spent a full year in the state.

It would be interesting to have a seasonal resident cited and then tried under both intent to remain indefinitely and domicile.



**CONCLUSION:**

At the past Board of Fish meeting March 20-24, 2022, the East POW AC submitted two proposals that were also supported by the Craig AC and the Klawock AC.

**Proposal 235:** Improve the definition of the word “domicile” to make it easier to convict seasonal residents.

**Proposal 236:** Increase the requirement for resident fishing/hunting/trapping licenses to mirror the PFD.

The Board of Fish correctly determined that both of the above proposals required a statute change not a regulation change.

Hence the need for a bill from one of you.

We can save the state a lot of time, money and our natural resources by tightening the residency requirements for fishing/hunting/trapping licenses to mirror the PFD requirements.

Thank you very much,

Kurt Whitehead and all the real residents of POW.



I, Sara Yockey, am submitting my written testimony in support of HB 201 to protect the rights of full time Alaskan residents and our resources many Alaskans depend on to feed their families. I am a lifelong resident of Prince of Wales Island (POW), my family first arrived on POW in 1959. When my grandparents were one of the first families to settle in Hollis and then moving to Thorne Bay. My husband is also a lifelong resident of POW residing in Coffman Cove. Both of our families relied heavily on venison, fish, shellfish and other subsistence foods to feed their families growing up.

My husband and I both completed our high school education in Klawock and Craig and moved back to Coffman Cove in 2004 with our two sons and have lived here since. We have raised our children the way we were raised and to live from the land.

In recent years there has been a heavy incline of individuals claiming residency in order to obtain the rights of those who truly reside in Alaska year-round. By claiming Alaska residency allows those individuals to purchase hunting, fishing, and trapping licenses as residents although they only reside here in the months where harvesting is robust, typically June through October. Most bring group after group of “friends and family” who leave with numerous fish boxes full of resources we all depend on to subsist through the tough winter months when travel to grocery stores or ordering groceries via float plane is difficult due to weather and cost. Then they depart with a truckload of freezers full of our resources for themselves. These people are mostly people who purchase vacation homes here on POW and retreat to the lower 48 when the weather and harvesting becomes adverse to their liking.

As a full time Alaskan resident, I am sickened by the number of people who are allowed to break the laws or slip through the cracks claiming to be an Alaska resident when they are only in our State four to five months out of the year. These people are also not contributing to our local economies. They typically bring all of their groceries, fuel and other goods with them, visiting the local restaurant or bar is their only contribution to our communities.

In the lower 48 the word “subsistence” can have so many different definitions, going to the grocery store, going to a restaurant, etc. Here in Alaska, specifically for my family, on POW the word subsistence has a whole different meaning. Many of us don’t have the means to go to the grocery store or out to eat in a variety of restaurants, if it is due to weather or cost. Subsistence to us full time Alaskan residents means we hustle through the harvest season to fill our freezers and put up as much local food as we can to feed our families throughout the winter months with hopes of making it to the next harvest season to start again.

When I was young, the resources were plentiful, it was and is always work, but today and for the past several years it is becoming more and more difficult to harvest the foods we are used to harvesting. I believe this is due to the incline in people with vacation homes in Alaska, claiming residency, and the allowance to obtain resident rights to our resources.

I believe the passage of HB 201 will be a positive action for our legislature in doing what they are in their positions to do, protect the rights of true, full time Alaskan residents, our resources we depend, and prevent the further decline of said resources. I respectfully ask you listen to the Citizens of Alaska and what so many are advocating for by showing our support and speaking for the passage of HB 201.

Thank You,



Sara Yockey