

**ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON FISHERIES**

March 23, 2005

8:35 a.m.

**MEMBERS PRESENT**

Representative Gabrielle LeDoux, Co-Chair  
Representative Bill Thomas, Co-Chair  
Representative Jim Elkins  
Representative Woodie Salmon  
Representative Peggy Wilson  
Representative Mary Kapsner

**MEMBERS ABSENT**

Representative John Harris

**COMMITTEE CALENDAR**

HOUSE BILL NO. 192

"An Act relating to requirements to obtain and maintain a fisheries business license; relating to security required of fish processors and primary fish buyers; and providing for an effective date."

- MOVED CSHB 192(FSH) OUT OF COMMITTEE

HOUSE BILL NO. 174

"An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date."

- MOVED CSHB 174(FSH) OUT OF COMMITTEE

HOUSE BILL NO. 37

"An Act relating to public access to fishing streams."

- HEARD AND HELD

PRESENTATION: REDFERN RESOURCES REGARDING THE TULSEQUAH CHIEF MINE

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 192

SHORT TITLE: FISHERIES BUSINESS LICENSE; BOND

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/02/05	(H)	READ THE FIRST TIME - REFERRALS
03/02/05	(H)	FSH, L&C, FIN
03/09/05	(H)	FSH AT 8:30 AM CAPITOL 124
03/09/05	(H)	Heard & Held
03/09/05	(H)	MINUTE(FSH)
03/16/05	(H)	FSH AT 8:30 AM CAPITOL 124
03/16/05	(H)	Scheduled But Not Heard
03/21/05	(H)	FSH AT 8:30 AM CAPITOL 124
03/21/05	(H)	-- Meeting Canceled --
03/23/05	(H)	FSH AT 8:30 AM CAPITOL 124

BILL: HB 174

SHORT TITLE: FISHING PERMIT AND VESSEL LICENSE FEES

SPONSOR(S): REPRESENTATIVE(S) SAMUELS

02/24/05	(H)	READ THE FIRST TIME - REFERRALS
02/24/05	(H)	FSH, RES, FIN
03/23/05	(H)	FSH AT 8:30 AM CAPITOL 124

BILL: HB 37

SHORT TITLE: PUBLIC ACCESS TO FISHING STREAMS

SPONSOR(S): REPRESENTATIVE(S) GARA

01/10/05	(H)	PREFILE RELEASED 12/30/04
01/10/05	(H)	READ THE FIRST TIME - REFERRALS
01/10/05	(H)	FSH, RES
03/21/05	(H)	FSH AT 8:30 AM CAPITOL 124
03/21/05	(H)	-- Meeting Canceled --
03/23/05	(H)	FSH AT 8:30 AM CAPITOL 124

**WITNESS REGISTER**

CHUCK HARLAMERT, Juneau Section Chief  
Tax Division  
Alaska Department of Revenue  
Juneau, Alaska

POSITION STATEMENT: Presented the committee substitute for HB 192 on behalf of the governor and answered questions.

IAN FISK, Staff  
to Representative Bill Thomas  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Presented an amendment to HB 192 on behalf of Representative Thomas.

REPRESENTATIVE RALPH SAMUELS

Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Presented HB 174 as bill sponsor.

FRANK HOMAN, Commissioner

Commercial Fisheries Entry Commission (CFEC)  
Alaska Department of Fish & Game  
Juneau, Alaska

POSITION STATEMENT: Answered questions regarding HB 174.

JERRY McCUNE, Lobbyist

for United Fishermen of Alaska (UFA)  
Cordova, Alaska

POSITION STATEMENT: Testified in support of HB 174.

REPRESENTATIVE LES GARA

Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Presented HB 37 as sponsor.

BOB CHURCHILL, President,

Alaska Council of the Federation of Fly Fishers (FFF)  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 37.

#### **ACTION NARRATIVE**

**CO-CHAIR GABRIELLE LEDOUX** called the House Special Committee on Fisheries meeting to order at [8:35:00 AM](#). Representatives LeDoux, Thomas, Wilson, Salmon, and Elkins were present at the call to order. Representative Kapsner arrived as the meeting was in progress.

HB 192-FISHERIES BUSINESS LICENSE; BOND

[8:35:50 AM](#)

CO-CHAIR LEDOUX announced that the first order of business would be HOUSE BILL NO. 192, "An Act relating to requirements to obtain and maintain a fisheries business license; relating to security required of fish processors and primary fish buyers; and providing for an effective date."

8:35:59 AM

REPRESENTATIVE WILSON moved to adopt the committee substitute for HB 192, Version 24-GH1013\F, Utermohle, 3/17/05, as the working document. [There being no objection, Version F was before the committee.]

8:36:28 AM

CHUCK HARLAMERT, Juneau Section Chief, Tax Division, Alaska Department of Revenue (DOR), presented the committee substitute for HB 192 on behalf of the governor. He reviewed the changes that the CS would make to the original bill. The first change is in Section 1, page 2, lines 7 and 22, which he said is "an additional requirement for licensure; ... it basically places local fisheries taxes among the list of obligations that must be paid by a processor in order to licensed." The second change is that a new Section 2 has been inserted which he said:

gives processors a break during the period between January 1 and March 31. ... Under current law they are required to post security covering their unpaid estimated tax for the prior year, which is not paid yet, and the new license year. During that three-month window they essentially are stuck with posting security for two years of tax. This [bill] allows the [DOR] to accept ... the same security for both years during that short period if it's acceptable to [DOR], and that should provide a significant cash flow benefit to processors during that tight period.

8:38:04 AM

MR. HARLAMERT, in response to Co-Chair LeDoux, said that the processors are not required to pay the prior year's tax until March 31, therefore, under current law the processor would have to either pay that tax before the due date or "pony up" an additional year's worth of security. He noted that for this change to apply, the processor must be current in its taxes and be licensed during January through March.

MR. HARLAMERT pointed out that the third change to the original bill is in Section 3, which was previously Section 2; on page 4, line 7, tenders are added as bond beneficiaries. He noted that under current law, employees, fishermen, and the Alaska Department of Labor and Workforce Development can file a claim against the bond. He said, "This adds tender operators to that

list. They are required to get a judgment; having done so, they can collect against the bond."

8:40:01 AM

MR. HARLAMERT turned to the next change in the bill, which is on page 6, line 14. The word "may" was changed to "shall" so that the bill would conform to existing law and the commissioner would be required to waive the filing of a performance bond under certain conditions.

8:41:09 AM

REPRESENTATIVE WILSON asked if the bill would prevent processors from not paying fishermen.

MR. HARLAMERT replied that the bill wouldn't automatically prevent that from happening. He noted:

Under existing law, you actually have to have a claim paid from the bond in order to affect the bonding requirement of the [processor], and ... in all cases, old and under this proposed law, fishermen have to pursue a claim. Under current law, if they pursued a claim, it could impact the processor's bonding requirement, and under this law it will impact it.

REPRESENTATIVE WILSON asked if there is a simple procedure that all fishermen know to follow if they have not been paid by a processor.

MR. HARLAMERT replied that he assumed that fishermen know, but they may not. Where they have to go, under current law and this bill, he said, is to the court to obtain a judgment.

8:43:08 AM

CO-CHAIR LEDOUX remarked, "I thought somebody was going to look into the constitutionality of simply allowing a short, administrative hearing for tendermen and fishermen and employees to be able to go against the bond without going through a full court hearing."

MR. HARLAMERT replied that he was not aware of that expectation.

CO-CHAIR THOMAS noted that he had filed against a bond once and he didn't hire an attorney but instead went to a magistrate.

CO-CHAIR LEDOUX commented that it depends on the amount a person is seeking; a small claims court action would be dealt with through a magistrate.

[8:45:04 AM](#)

CO-CHAIR LEDOUX asked for confirmation that the bond is \$10,000.

MR. HARLAMERT replied that the basic bond level is \$10,000, which is unchanged from prior law. He noted that this is the highest bond in the country for fish processors. He continued, "It makes the bonding requirements, stepping up to either the \$50,000 or the \$100,000 level, more responsive to [processor] behavior, so it's easier to have the bond increased under this bill than it is under current law."

[8:46:11 AM](#)

CO-CHAIR LEDOUX closed public testimony.

[8:47:02 AM](#)

CO-CHAIR THOMAS moved to adopt [Amendment 1], which read [original punctuation provided]:

p.6, line 21: delete "employee or fishermen"  
add "employee, fishermen, or contracted raw fish transporter"

p.8, line 7: delete "employee or fishermen"  
add "employee, fishermen, or contracted raw fish transporter"

p.8, line 11: delete "employee or fishermen"  
add "employee, fishermen, or contracted raw fish transporter"

IAN FISK, Staff to Representative Thomas, Alaska State Legislature introduced [Amendment 1] on behalf of Representative Thomas. He explained that the amendment would allow "contracted raw fish transporters" to obtain final judgment against a processor's bond.

[8:48:06 AM](#)

There being no objection, Amendment 1 was adopted.

[8:48:16 AM](#)

CO-CHAIR THOMAS moved to report CSHB 192, Version 24-GH1013\F, Utermohle, 3/17/05, as amended from committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 192(FSH) was reported from the House Special Committee on Fisheries.

HB 174-FISHING PERMIT AND VESSEL LICENSE FEES

[8:48:57 AM](#)

CO-CHAIR LEDOUX announced that the next order of business would be HOUSE BILL NO. 174, "An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date."

REPRESENTATIVE RALPH SAMUELS, Alaska State Legislature, presented HB 174 as bill sponsor. He stated:

In 2001, the [Carlson v. State of Alaska] decision found that the method of charging nonresident commercial fishing permits three times the resident permit was discriminatory, and legislation in 2003 replaced the 3:1 formula as determined by the court. The permit fee structure that we currently have since the Carlson decision has a steady decline in value in some of the fisheries around the state. It's caused a steady decline in funds to [the Commercial Fisheries Entry Commission (CFEC)]. [House Bill] 174 will help fund CFEC by removing the arbitrary \$300 cap and allowing the permit renewal fees [to be] based on true value of the fishery. Some of the points of it are: it changes the nonresident fee differentials on a per person rather than on a per permit basis. It charges nonresidents who qualify for the reduced permit fee by meeting low-income standards the full allowable nonresident differential. ... It increases the annual fees for commercial vessels beginning in 2006 by various length categories, and it authorizes CFEC to charge reasonable fees for the initial issuance and replacement of stickers for display of the [Alaska Department of Fish & Game (ADF&G)] numbers.

[8:50:56 AM](#)

FRANK HOMAN, Commissioner, Commercial Fisheries Entry Commission (CFEC), Alaska Department of Fish & Game, reiterated that the bill was formulated in response to Carlson. He noted that the CFEC has recently had a decline in revenues and therefore it would like to adjust the permit fees and the vessel license fees. He continued:

Because CFEC is a receipt-supported agency, it has no general funds. Our outlook with declining revenues is that in [2006], we wouldn't be able to cover our budgetary obligations. ... We have been talking to a number of the fishing associations and ... our proposal is that with the passage of the bill, we would have a public hearing process to establish new fee categories....

COMMISSIONER HOMAN noted that his letter to Representative Samuels, which is in the committee packet, discusses the public hearing process. A new fee structure would be required if the cap was lifted, and he remarked that the [CFEC] would determine that structure in cooperation with the fishing community.

[8:54:31 AM](#)

CO-CHAIR LEDOUX asked if there is proposed fee schedule out now.

COMMISSIONER HOMAN replied that a list of proposed fees is included in the committee packet. He stated, "Those fisheries that are economically healthy would be in a higher fee class; they wouldn't artificially be held to the \$300 cap as they were previously."

REPRESENTATIVE KAPSNER remarked that she is pleased to see that the proposed fee schedule is based on a sliding scale.

COMMISSIONER HOMAN replied that the current minimum [permit fee] is \$60 and the minimum would rise to \$75 under the proposal, but "because we're going to a public hearing that could also be modified." He noted that there is a poverty category for those who are on federal assistance, which costs half the regular fee.

REPRESENTATIVE KAPSNER asked Commissioner Homan if he would consider referring to it as anything other than "poverty."

COMMISSIONER HOMAN replied, "Certainly."

[8:58:09 AM](#)

CO-CHAIR THOMAS asked at what increment the sliding scales go up.

COMMISSIONER HOMAN responded that he could get that information. He added, "Where there is a limited fishery, the value is established by the permit value, and where it's an unlimited fishery, it's by the gross earnings in that fishery."

[8:59:07 AM](#)

CO-CHAIR THOMAS commented on longline fisheries in outside waters that have Individual Fishing Quotas (IFQs) that [the state] can't assess. He opined, "It's too bad that we can't somehow ... figure out how you tap into that ... big resource."

COMMISSIONER HOMAN replied:

We do issue halibut and black cod permits, and they are based on the same principle of permit value or gross earnings, and so we do try to recognize the differences in those fisheries by that method, but ... in the public hearing process we'd be looking also at those blocks of IFQs that are very small [that] are sometimes lumped into the larger blocks. ... We're trying to come up with a mechanism that recognizes that difference.

CO-CHAIR THOMAS clarified that he was referring to the "IFQ gulf fishermen" which is inside Alaskan waters. He remarked that the CFEC doesn't assess those fisheries by volume of fish caught; everyone pays the same amount, regardless of how many pounds they have.

[9:01:33 AM](#)

COMMISSIONER HOMAN replied that this was an issue that the CFEC was aware of and plans to look at during the public hearing process.

REPRESENTATIVE WILSON asked if the largest increase resulting from this bill would be \$90.

COMMISSIONER HOMAN pointed out that this was for the vessel license.

REPRESENTATIVE WILSON asked by how much the permit fee would increase.

COMMISSIONER HOMAN referred to a spreadsheet contained in the committee packet.

[9:03:57 AM](#)

REPRESENTATIVE WILSON asked for further clarification regarding the bill.

COMMISSIONER HOMAN replied that there are two parts to the bill: a permit fee increase and a vessel license fee increase. He explained that for a limited fishery, the permit fee would equal 0.4 percent of the value of the permit, and for an unlimited fishery, the fee would equal 0.4 percent of the gross earnings.

REPRESENTATIVE KAPSNER asked if the formula was "adjusted depending on what CFEC is looking at for their [fish] tickets from the previous year."

[9:05:38 AM](#)

COMMISSIONER HOMAN reiterated that the fees are adjusted each year based on either permit values or gross earnings from fish tickets.

REPRESENTATIVE KAPSNER asked how the CFEC assesses the gross value of a permit.

COMMISSIONER HOMAN replied that the value of the limited permit is a marketplace reflection of the fishery.

[9:07:55 AM](#)

CO-CHAIR LEDOUX asked if the maximum fee for the permit fee would be \$3,975, as listed in the spreadsheet.

COMMISSIONER HOMAN replied that the numbers were not set, but were an illustration to show how the fee would reflect the economic return of a fishery. He explained that the new fee schedules would be produced during the public hearing process.

CO-CHAIR LEDOUX commented that the fees would then have nothing to do with each individual fisherman's receipts. She remarked on another concern, that "the trawlers in Kodiak can conceivably

be paying as much for their permits as the big at-sea processors out west."

[9:09:32 AM](#)

COMMISSIONER HOMAN noted that he had discussions with fishermen from [Kodiak], and said, "We can make those distinctions in the public hearing process ... [to ensure that] the fishermen would be in a class with like fishermen and not in a class with significantly different [sized boats]."

[9:10:28 AM](#)

CO-CHAIR THOMAS asked if the CPEC had considered putting a 1 percent tax on top of the raw fish tax to be used as a revenue source. He noted that this type of tax would "hit the people who are making more on the top end."

COMMISSIONER HOMAN replied: "I think that might be a reasonable approach. I think it's a more complicated approach for us right now, but I think it's something that the state [should] certainly look at as a way to ... consolidate the various fees."

CO-CHAIR THOMAS pointed out that this type of tax would hit each fishery in a different way, based on their income.

[9:12:02 AM](#)

REPRESENTATIVE WILSON asked for further clarification of the nonresident fees.

COMMISSIONER HOMAN replied that there is a nonresident differential which doesn't show in the bill because "all the fees, resident or nonresident, are the same in the same fisheries, but for the nonresident we add a \$115 differential." He stated that each nonresident would pay one \$115 fee regardless of how many permits they hold. This would bring in less revenue than before, he noted.

[9:15:20 AM](#)

REPRESENTATIVE KAPSNER asked if there is a way to attach a sliding scale to nonresident fisherman.

COMMISSIONER HOMAN responded that there is not.

REPRESENTATIVE WILSON commented that there is never enough money in the budget for Alaska Department of Fish & Game (ADF&G) to "do what they need to do." She pointed out that under this bill, the largest increase any boat would have to pay in vessel fees would be \$90, and the smallest increase would be \$15. She remarked that she thought this would be a worthwhile fee raise.

[9:17:31 AM](#)

COMMISSIONER HOMAN stated that the CFEC budget "has been fairly flat for years." He commented, "[In the past], fees that have been collected have first gone to fund CFEC and then there have traditionally been excess funds that ... the legislature has appropriated to the [ADF&G] for commercial fisheries support activities and projects."

REPRESENTATIVE WILSON pointed out that the fiscal note shows that the fees would bring in another \$300,000.

COMMISSIONER HOMAN replied that the proposed vessel fees would indeed bring in an additional \$300,000. He noted that the permit fees would generate an additional \$2 million, and therefore the bill in total would generate about \$2.3 million.

REPRESENTATIVE WILSON asked if the \$2.3 million would be allocated to CFEC.

COMMISSIONER HOMAN replied that that was a legislative decision, but traditionally that has been the case.

[9:21:00 AM](#)

JERRY McCUNE, Lobbyist for United Fishermen of Alaska (UFA), testified in support of HB 174. He commented that the fishermen are prepared to negotiate the higher fees.

REPRESENTATIVE WILSON asked Mr. McCune if he had received any complaints regarding the vessel license fee.

MR. McCUNE replied that he had not heard any complaints.

REPRESENTATIVE WILSON pointed out that the fishermen plan to negotiate permit fees to a lower price; however if the vessel fees were eliminated, the CFEC would have to raise the additional \$300,000 via the permit fees.

Mr. McCUNE replied that as he understood it, if the permit fees were imposed as written in the bill, the CFEC would be over budget even without the vessel fees. He concluded, "There's room for negotiations still without the increase in the vessel fees."

[9:23:40 AM](#)

REPRESENTATIVE WILSON responded that this bill is a chance for the CFEC to increase its budget. She commented, "I understand where the fishermen are coming from, but this is for their benefit. ... These are little increments that might make a difference for the [CFEC]." She reiterated that the largest fee increase would be \$90.

CO-CHAIR THOMAS pointed out that the bill would increase vessel fees 40-60 percent. He noted that he represents a lot of small-vessel owners to whom this increase would be considerable.

[9:27:10 AM](#)

CO-CHAIR LEDOUX closed public testimony.

CO-CHAIR THOMAS remarked that he would like to omit the vessel fee. He commented that the fee would adversely affect hand trollers in several of the communities that he represents.

[9:28:21 AM](#)

CO-CHAIR THOMAS moved to adopt [Amendment 1], which read [original punctuation provided]:

- P.2, Line 5: Delete Sec. 2
- P.3, Line 17: Delete Sec. 4

REPRESENTATIVE WILSON objected for discussion purposes. She asked Co-Chair Thomas how large the [hand troller] boats are.

CO-CHAIR THOMAS replied that the boats are 25-50 feet long.

REPRESENTATIVE WILSON pointed out that the increase in fees for those boats would be \$30.

CO-CHAIR THOMAS commented that a lot of the hand trollers gross about \$5,000-\$6,000 per year, and they already have high fuel costs to contend with.

[9:29:32 AM](#)

REPRESENTATIVE WILSON asked what kind of permits the fishermen with the 25-50 foot boats have.

CO-CHAIR THOMAS replied that most of them would fall under the [currently] \$180 fee range, which by this bill would be increased to \$225, and therefore the increase would be \$45.

REPRESENTATIVE WILSON summarized that with both the vessel fee increase and the permit fee increase, these fishermen would be paying a total of less than \$100 additional each year.

CO-CHAIR THOMAS noted that this would be true if a fisherman has only one permit; however, if a fisherman owns several permits, he/she would pay a different fee for each permit. He remarked that the insurance rates for fishing vessels have gone up almost 100 percent in the last four years.

REPRESENTATIVE WILSON withdrew her objection.

[9:31:47 AM](#)

There being no objection, Amendment 1 was adopted.

[9:31:53 AM](#)

REPRESENTATIVE KAPSNER moved to report HB 174, as amended, out of committee with individual recommendations and the accompanying fiscal note. There being no objection, CSHB 174(FSH) was reported from the House Special Committee on Fisheries.

HB 37-PUBLIC ACCESS TO FISHING STREAMS

[9:32:21 AM](#)

CO-CHAIR LEDOUX announced that the final order of business would be HOUSE BILL NO. 37, "An Act relating to public access to fishing streams."

[9:32:54 AM](#)

REPRESENTATIVE LES GARA, Alaska State Legislature, presented HB 37 as bill sponsor. He explained that the bill is an attempt to ensure public access to stream bank lands. There are a number of streams in Alaska where people hike and fish with the

assumption that the land is public, but it's actually privately owned, he pointed out. He stated, "There's a fear among some in the fishing community that while today things are fine, [in the future] as these lands get developed, people won't have access to their trout streams and steelhead streams and salmon streams any more." He opined that the state has generally done a very good job at maintaining public access to fishing streams; since the 1980s the state has been required to maintain public access to and along fishing streams when it gives away land. However, prior to this requirement, there were a number of federal land transfers to private parties where no public access was reserved. He explained that under HB 37, ADF&G would identify certain areas where the public would benefit from public access to fishing streams, and the resulting list would "create public discussion about whether or not we should ever negotiate to try and get some of these lands back into public ownership, or get public easements back."

[9:35:27 AM](#)

REPRESENTATIVE GARA emphasized:

The land trades or land purchases could only occur with a willing, voluntary landowner who wanted to engage in a land trade or land sale. ... There's nothing about this bill that gives the state the power to take anything from anybody; it's just a voluntary program, and really the list is created in a way to create public discussion so we can get some of these stream bank lands back into public ownership before they're developed.

REPRESENTATIVE GARA presented a few examples of streams and rivers where the public fish on private lands. He pointed out that the Anchor River on the Kenai River is a highly valued steelhead and salmon stream, and much of it is privately owned but hasn't been developed yet. There are many privately owned fishing streams along the Parks Highway as well. He stated that the streams haven't been developed much yet, but "one of these days [they] will be and the public will lose access to them." Therefore, he said:

That's the motivation behind the bill: it's to keep this quality of life we have here where we're able to access the outdoors, and use the outdoors, and enjoy the outdoors in a way where, in other states, many of the prized fishing streams you have to pay for access,

sometimes thousands of dollars a week to a rancher or to a lodge owner to access a fishing stream. We just want to make sure that doesn't become the case here.

[9:37:26 AM](#)

CO-CHAIR LEDOUX asked, regarding the specific pieces of land that had been mentioned in the presentation, what was the reaction of the owners of these properties.

REPRESENTATIVE GARA replied that the landowners have not been contacted; "if they decide they don't want to trade or they don't want to sell, they just won't." He mentioned that a property owner on Deep Creek has expressed an interest in selling her property to the state.

[9:38:28 AM](#)

CO-CHAIR LEDOUX asked if there was a fiscal note.

REPRESENTATIVE GARA responded that there was a zero fiscal note from ADF&G because it can do this as part of its current duties. The Alaska Department of Natural Resources (DNR) would have to do appraisals and land surveys, and therefore they have a \$40,000 fiscal note.

[9:39:17 AM](#)

CO-CHAIR THOMAS asked if the bill would be continuous, with no sunset date.

REPRESENTATIVE GARA replied that ADF&G would put together a list of streams and the state would decide if and when to trade or buy the land on the list. The ADF&G could add to the list, but "if at some point the state decides [that it is] not going to buy or trade for anymore land, the list probably won't change anymore and it will just remain there.

[9:39:58 AM](#)

CO-CHAIR THOMAS turned to page 3, line 24, and voiced concern about the need to allow for an appeal.

REPRESENTATIVE GARA explained that an appeal process was left out of the bill because "we'd like [ADF&G] to come up with a list of sort of high value areas that we'd like to get public access back on. We can do that in a very easy way and say,

'Look you have the expertise within your agencies and within DNR to know what those areas are now' take public testimony, get some public comment, and that's provided for in the bill, and then just come up with a list. Or we could impose very specific standards on which lands they would have to pick, and if we did that and had an appeals process that required more formal studies to determine which lands would end up on the list, I think it would just become very expensive and so I tried to avoid any sort of formal process that would impose the expense of appeal, that would impose the expense of studies, that ... ok the expense of staff. The bill as it is written right now is pretty informal

[9:41:38 AM](#)

CO-CHAIR THOMAS turned to page 4, line 12 and voiced concern that the state would take over the private property for a very low price.

REPRESENTATIVE GARA answered that the intention of the bill was "to do the exact opposite," and give the state the ability to offer more than the fair market value for property. He mentioned that he would be willing to take this part out of the bill if the committee so wished. He also noted, "There can never be a land purchase under this bill unless the private property owner wants to sell it."

[9:43:09 AM](#)

REPRESENTATIVE KAPSNER commented that the Bethel region is all federal land and native allotments, and she stated, "I'm worried about the regions of the state where the rivers abut state land or private land, and then the access of subsistence users."

REPRESENTATIVE GARA remarked that there is already public access to federal lands and so this bill would have no impact on those. He continued:

The intent is to allow public access for all Alaskans, whether it's subsistence users, sport fish users, other recreational users, [or] commercial users; it's to maintain public access so all Alaskans can enjoy the public resource. ... This bill actually doesn't change the law anywhere or have any impact except that it allows the state to try and engage in voluntary land trades and purchases to get some more public access with a willing property owner.

9:44:25 AM

REPRESENTATIVE GARA, in response to Representative Kapsner, reiterated that the state would only buy land from landowners who wish to sell.

9:45:15 AM

REPRESENTATIVE WILSON asked how the state would deal with the Alaska Mental Health Trust Land near Wrangell.

REPRESENTATIVE GARA replied that when the state retained easements and public access to streams when it transferred lands to the Mental Health Trust.

9:46:18 AM

REPRESENTATIVE WILSON stated concern about the list because local residents may not want others to know the locations of the nearby fishing streams.

REPRESENTATIVE GARA responded, "It's the conflict between trying to protect an area and not wanting to talk about it." He noted that the areas Representative Wilson referred to are probably already publicly accessible and therefore wouldn't end up on the list. He continued:

We're trying to keep the list very small, [naming only] the highest priority lands ... where the public doesn't have access, and so we said roughly ... two miles' worth of land should be on the list, so they probably wouldn't get into an area like [Representative Wilson is] talking about anyway. ... But I don't know how to get public access to a stream without mentioning it. ... The list isn't a list of places that are great places to fish; it's a list of places where there's no public access.

9:48:55 AM

REPRESENTATIVE SALMON remarked that this bill would be bad for his district. He expressed concern that if "[the state wants] that land they'll get it, no matter how.... If they want to get it, they'll get it. ... Privately dealing with [the state] is not good for the public to begin with." He opined that the state should have allowed for public access to begin with. He

commented that he viewed the bill as an attempt to expand Anchorage, because "Anchorage is in kind of a little fishbowl area and now [Anchorage residents] want more room to play, and if they should play, then they should pay."

[9:51:12 AM](#)

BOB CHURCHILL, President, Alaska Council of the Federation of Fly Fishers (FFF), testified in favor of HB 37. He commented that he understood the concern regarding the possible influx of people to areas, but he stated that he didn't think this would happen because travel is very expensive in Alaska. He did express concern that if land passes into private ownership and then "gets locked up," then average Alaskans can no longer use those streams. He said:

There may be a belief that you're going to get inundated in areas outside of the population centers; [however] I think [that HB 37] is far more advantageous to those that live in those areas now, that they can continue to have access. I see the land being bought by folks from out of state, and those of us that live here and pay our taxes and raise our children are going to be the very ones excluded if we don't start moving to ensure we continue to have public access to these waterways.

MR. CHURCHILL noted that there was an effort on the Kenai Peninsula about 4-5 years ago where the landowners voluntarily [sold stream access to the state].

[9:53:50 AM](#)

CO-CHAIR LEDOUX closed public testimony.

[HB 37 was held over].

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at [9:54:09 AM](#).