

HB505

(11)

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Date Referred: March 20, 1992

Date of Committee Action: 4/22/92

The FINANCE Committee considered:

HB 505

HOUSE BILL NO. 505

FISHERY ALLOCATION: GUIDED SPORT FISHERY

"An Act authorizing the Board of Fisheries to allocate fishery resources to the guided sport fishery."

RECOMMENDATIONS:

be replaced with CSHB 505 (FIN)

the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note HFC 4/22/92

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
EP Maclean	✓	Ray Brown		✓	
Mike Savane	✓	Patricia & James		X	
Mark Bouyer	X	(2000 EC REC)	✓		
Robert	✓	Ronald J. [unclear]		X	
Robert [unclear]	X	Bob [unclear]	X		
John Almer	X				

Mike Savane EP Maclean
CHIEF CLERK SIGNATURE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHR 505 (FIN)

Revision Date: _____ Department Affected: FISH AND GAME
 Title: FISHERY ALLOCATION: GUIDED SPORT BRU: SPORT FISH
 Component: SPORT FISHERIES
 Sponsor: REPRESENTATIVE MACKIE
 Requestor: HOUSE FINANCE COMMITTEE COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Co-Chair Eileen MacLean *Eileen MacLean* Phone: 465-4835
Co-Chair Mike Navarre *Mike Navarre* Phone: 465-3779
 Division: House Finance Committee Date: 4/22/92

Approved by Commissioner: _____ Date: _____
 Agency: _____

CS FOR HOUSE BILL NO. 505 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the guided sport fishery, regulation of sport fishermen, allocation of
2 fishery resources, and the definition of 'fishery.'"

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 16.05.251(a) is amended to read:

5 (a) The Board of Fisheries may adopt regulations it considers advisable in accordance
6 with the Administrative Procedure Act (AS 44.62) for

7 (1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the
8 state over which it has jurisdiction, subject to the approval of the legislature;

9 (2) establishing open and closed seasons and areas for the taking of fish; if
10 consistent with resource conservation and development goals, the board may adopt regulations
11 establishing restricted seasons and areas necessary for persons 60 years of age and older to
12 participate in sport, personal use, or subsistence fishing;

13 (3) setting quotas, bag limits, harvest levels, and sex and size limitations on the
14 taking of fish;

1 (4) establishing the means and methods employed in the pursuit, capture, and
2 transport of fish;

3 (5) establishing marking and identification requirements for means used in pursuit,
4 capture, and transport of fish;

5 (6) classifying as commercial fish, sport fish, guided sport fish, personal use fish,
6 subsistence fish, or predators or other categories essential for regulatory purposes;

7 (7) watershed and habitat improvement, and management, conservation, protection,
8 use, disposal, propagation, and stocking of fish;

9 (8) investigating and determining the extent and effect of disease, predation, and
10 competition among fish in the state, exercising control measures considered necessary to the
11 resources of the state;

12 (9) prohibiting and regulating the live capture, possession, transport, or release
13 of native or exotic fish or their eggs;

14 (10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;

15 (11) establishing the times and dates during which the issuance of fishing licenses,
16 permits, and registrations and the transfer of permits and registrations between registration areas
17 is allowed; however, this paragraph does not apply to permits issued or transferred under
18 AS 16.43;

19 (12) regulating commercial, sport, guided sport, subsistence, and personal use
20 fishing as needed for the conservation, development, and utilization of fisheries;

21 (13) requiring, in a fishery, observers on board fishing vessels, as defined in
22 AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c),
23 after making a written determination that an on-board observer program

24 (A) is the only practical data-gathering or enforcement mechanism for that
25 fishery;

26 (B) will not unduly disrupt the fishery;

27 (C) can be conducted at a reasonable cost; and

28 (D) can be coordinated with observer programs of other agencies,
29 including the National Marine Fisheries Service, North Pacific Fishery Management
30 Council, and the International Pacific Halibut Commission;

31 (14) establishing nonexclusive, exclusive, and superexclusive registration and use

1 areas for regulating commercial fishing;

2 (15) regulating resident or nonresident sport fishermen as needed for the
3 conservation, development, and utilization of fishery resources.

4 * Sec. 2. AS 16.05.251(e) is amended to read:

5 (e) The Board of Fisheries may allocate [SHALL ESTABLISH CRITERIA FOR THE
6 ALLOCATION OF] fishery resources among personal use, sport, guided sport, and commercial
7 fisheries. The board shall adopt [FISHING. THE] criteria for the allocation of fishery
8 resources and shall use the criteria [MAY,] as appropriate to particular allocation decisions.
9 The criteria may [,] include factors such as

- 10 (1) the history of each personal use, sport, guided sport, and commercial fishery;
11 (2) the number of residents and nonresidents who have participated in each fishery
12 in the past and the number of residents and nonresidents who can reasonably be expected to
13 participate in the future;
14 (3) the importance of each fishery for providing residents the opportunity to
15 obtain fish for personal and family consumption;
16 (4) the availability of alternative fisheries resources;
17 (5) the importance of each fishery to the economy of the state;
18 (6) the importance of each fishery to the economy of the region and local area
19 in which the fishery is located;
20 (7) the importance of each fishery in providing recreational opportunities for
21 residents and nonresidents.

22 * Sec. 3. AS 16.05.940(12) is repealed and reenacted to read:

23 (12) "fishery" means a specific administrative area in which a specific fishery
24 resource is taken with a specific type of gear; however, the Board of Fisheries may designate a
25 fishery to include more than one specific administrative area, type of gear, or fishery resource;
26 in this paragraph

27 (A) "gear" means the specific apparatus used in the harvest of a fishery
28 resource; and

29 (B) "type of gear" means an identifiable classification of gear and may
30 include

31 (i) classifications for which separate regulations are adopted by the

1 Board of Fisheries or for which separate gear licenses were required by former
2 AS 16.05.550 - 16.05.630; and

3 (ii) distinct subclassifications of gear such as "power" troll gear
4 and "hand" troll gear or sport gear and guided sport gear;

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 505 (RE)

Revision Date: 2/18/92

Department Affected: Fish and Game

Title: Fishery allocation: guided sport
fishery

BRU: Sport Fish

Component: Sport Fisheries

Sponsor: Representative Mackie

Requestor: House Resources
Expenditures/Revenues: (Thousands of Dollars)

COMPONENT SERIAL NO.

4	6	4
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OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	63.0	63.0	63.0	63.0	63.0	63.0
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	30.0	30.0	30.0	30.0	30.0	30.0
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	100.0	100.0	100.0	100.0	100.0	100.0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
FEDERAL FUNDS	75.0	75.0	75.0	75.0	75.0	75.0
OTHER FUND SOURCE: 1024	25.0	25.0	25.0	25.0	25.0	25.0
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	1	1	1	1	1	1
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)
1024 is Fish and Game Fund. See attached sheet for analysis.

Prepared By: Rocky Holmes

Phone: 465-4180

Division: Division of Sport Fish

Date: 3/9/92

Approved by Commissioner: *Tom Somerville*

Agency: Department of Fish and Game

Date: 3/9/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

ANALYSIS OF FISCAL NOTE FOR HB 505

This bill provides the mechanism for specific fishery allocations to the guided sport industry. This bill would not, in and of itself, result in any increased costs to the Division of Sport Fish. However, this bill does define another gear group, and it lists specific criteria that the Board of Fisheries is to follow when making allocation decisions among all gear groups. The Alaska Department of Fish and Game has the responsibility of providing information on these allocation criteria to the Board. Without additional monitoring, information about the newly defined gear group (guided sport fishermen) would not be available to the Board. Via this fiscal note the Division of Sport Fish proposes statewide guide registration and fish ticket monitoring program of the guided sport fishery. If the Board of Fisheries chooses to institute specific guided sport fishery allocations and regulations, there would be associated costs for monitoring the affected fisheries. This fiscal note does not make the assumption that the Board will automatically adopt fiscally significant regulations. It does, however, make the assumption, that the Board requires information on the new gear group upon which to base their allocative decisions.

Presently, the Division of Sport Fish monitors allocations/guideline harvest levels to the sport fishery as a whole (guided and unguided anglers combined). The two primary methods used to monitor sport fisheries are: on-site creel surveys, and the statewide sport fish harvest survey. If specific allocations are made to guided sport fisheries, additional methods could be required to segregate this portion of the harvest. The programs that we could implement are: annual registration of all sport fishing guides/charter operators in the state; a fish ticket/log book program to monitor the harvest by sport fishing clients of all guides; modifications of the statewide sport fishing harvest survey to estimate catch by guided sport anglers as well as unguided sport anglers; and additional creel surveys to monitor specific fisheries to assure that the allocations to guided anglers are not exceeded. Guided sport fishery allocations could also increase costs associated with preparation and printing the annual regulations summary and added staff time to attend advisory committees, prepare for Board of Fishery meetings, and attend Board meetings to deal with guided sport fishing allocation issues.

As a first step in monitoring guided sport fisheries, the Division of Sport Fish recommends that a statewide registration and fish ticket program be initiated. This would allow for an accurate reckoning of the number of sport fishing guides in the state, and it would provide annual estimates of harvest by sport fishermen who use guide services.

Our best estimate is that there are about 2,100 guides operating in the state at this time. To register these guides each year, obtain monthly fish ticket harvest data, and analyze the catch data will require the services of a permanent seasonal Fishery Biologist II.

The summary of costs are as follows:

Personal Services

FY93	FY94	FY95	FY96	FY97	FY98
63.0	63.0	63.0	63.0	63.0	63.0

Fishery Biologist II (11 months): \$63.0

Travel

FY93	FY94	FY95	FY96	FY97	FY98
3.0	3.0	3.0	3.0	3.0	3.0

Travel and per diem to visit regional offices to provide instructions for completing forms and attend Board of Fisheries meeting to provide data.

Contractual

FY93	FY94	FY95	FY96	FY97	FY98
30.0	30.0	30.0	30.0	30.0	30.0

Printing costs for registration forms and fish tickets, and communications expenses.

Supplies

FY93	FY94	FY95	FY96	FY97	FY98
4.0	4.0	4.0	4.0	4.0	4.0

Office and other operating supplies.

Equipment

FY93	FY94	FY95	FY96	FY97	FY98
0.0	0	0	0	0	0

Total

FY93	FY94	FY95	FY96	FY97	FY98
100.0	100.0	100.0	100.0	100.0	100.0

A second method for estimating harvest from guided sport fisheries would be desirable, because it would allow for an independent estimate that could be used to verify the accuracy of estimates obtained from the fish ticket program. Without a second method of estimating harvest, the accuracy of the fish ticket estimates would be suspect. On-site creel surveys, or the statewide harvest survey (modified to obtain estimates from guided sport fisheries) could be used as a check on the accuracy of the fish ticket estimates. The costs for these programs could be as much as \$200.0. These potential costs are not included in the attached fiscal note.

If the Board of Fisheries makes individual allocations to guided sport fisheries, and requires in-season management of those fisheries, on-site creel surveys will be needed. Depending on the number and magnitude of the fisheries involved, the total cost of this program could easily be \$400.0. Costs for creel surveys are high because they are labor intensive. The potential costs of in-season management are not included in the attached fiscal note.

REPRESENTATIVE
JERRY MACKIE

P. O. BOX 73
CRAIG, ALASKA 99921
(907) 826-3008 OFFICE
(907) 826-2930 HOME

CHAIRMAN,
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,
TRANSPORTATION COMMITTEE

Alaska State Legislature



House of Representatives

WHILE IN JUNEAU
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4925

SPONSOR STATEMENT

on

HB 505, relating to guided sport fishing.

I introduced HB 505 to ensure that the Board of Fisheries has the regulatory ability to respond to the growing charter fishing industry. It allows the board to distinguish charter fishing operations as a subgroup separate from sports fishing.

The charter fishing industry is an important and rapidly growing commercial activity in Alaska, which I support. It has stimulated many local economies with its infusion of outside money. In certain areas, however, its growth has impacted other commercial, sport, and personal use harvests.

This is currently the case in Southeast where a strict catch quota for King salmon have been set by international convention. The charter industry is pitted against traditional sports and commercial harvest for the limited allocation. It is also the case for the popular Kenai River King salmon fishery. I believe that other such conflicts will inevitably develop with the continued growth of this important new industry.

This bill is not intended to restrict the charter industry but rather to provide a level playing field for all competing users of the state's fish resources. It allows the Board of Fisheries to use the full range of tools to fairly regulate the harvest of resources by sport, personal use, charter, and commercial gear users when conflicts develop.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

March 11, 1992

SUBJECT: CSHB 505 (); Summary

TO: Representative Jerry Mackie
ATTN: Dave Gray

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum summarizes CSHB 505 (), an Act relating to the guided sport fishery, regulation of sport fishermen, and the definition of "fishery".

CSHB 505 () clarifies the authority of the Board of Fisheries to regulate the guided sport fishery as a distinct fishery. The board has ample authority under the provisions of AS 16.05.221 and 16.05.251(a) to regulate the guided sport fishery and that authority should be construed liberally to promote the conservation and development of the fishery. See, Kenai Peninsula Fisherman's Co-operative Association v. State, 628 P.2d 897, 903 (Alaska 1981). The board's authority to distinguish between user groups and between subgroups of users has been recognized by the Alaska courts in numerous decisions that occurred before the legislature eventually recognized those groups or subgroups in statute. Kenai, at 901 - 02; State v. Hebert, 743 P.2d 392 (Alaska App. 1987), aff'd, 803 P.2d 863, 865 (Alaska 1990); Meier v. State, Board of Fisheries, 739 P.2d 172 (Alaska App. 1987). The board has the authority to distinguish between guided and unguided sport fishermen as necessary for the conservation and development of fisheries in the state. The board may also make such distinctions under its authority to regulate the manner and means of taking fish. However, by specifically mentioning the guided sport fishery as a fishery subject to regulation by the board, the legislature may be able to avoid a lawsuit testing the board's authority.

Section 1 of the bill amends

(1) AS 16.05.251(a)(6) by adding "guided sport fish" to the classes of fish that the Board of Fisheries may adopt for regulatory purposes;

Representative Jerry Mackie

March 11, 1992

Page 2

(2) AS 16.05.251(a)(12) by adding the guided sport fishery to the list of fisheries which the Board of Fisheries is specifically authorized to regulate.

The bill also adds a new paragraph to AS 16.05.251(a) authorizing the Board of Fisheries to regulate resident or nonresident sport fishermen as needed for conservation, development, and utilization of fishery resources.

Section 2 of the bill amends AS 16.05.251(e) by adding the guided sport fishery to the list of fisheries for which the Board of Fisheries must develop fishery resource allocation criteria.

By inserting a reference to the guided sport fishery into AS 16.05.251(e), the legislature is acknowledging the existence of a guided sport fishery and is requiring the board to adopt criteria for making allocations of fishery resources to the fishery. The bill does not require that allocations be made to the guided sport fishery, but if the board does decide to make such an allocation the board must do so in accordance with the criteria adopted under AS 16.05.251(e).

Section 3 of the bill amends AS 16.05.940 by repealing and reenacting the definition of "fishery". Previously "fishery" was defined only in terms of commercial fisheries, even though AS 16.05 used the term in the context of noncommercial fisheries such as sport, personal use, and subsistence fisheries. See, AS 16.05.251(e). The new definition of "fishery" defines the term in a manner that is generally applicable to sport, personal use, and subsistence fishing as well as commercial fishing. The terms "gear" and "type of gear" are also defined for purposes defining "fishery".

The term "guided sport" is not defined. The Board of Fisheries will have the discretion to define the term.

If I may be of further assistance, please advise.

GU:gc:lmb
92-056.lmb



UNITED FISHERMEN OF ALASKA

211 4th Street, Suit 112
Juneau, AK 99801
907-586-2820
Fax# 907-463-2545

MEMBER ASSOCIATIONS

Alaska Crab Coalition
Alaska Independent Fishermen's
Marketing Association
Alaska Longline Fisherman's
Association
Alaska Trollers Association
Bering Sea Fishermen's Association
Bristol Bay Driftnetters Association
Concerned Area 'M' Fishermen
Cook Inlet Aquaculture Association
Copper River Fishermen's Cooperative
Cordova District Fishermen United
Kenai Peninsula Fishermen's Association
North Pacific Fisheries Association
Northern Southeast Regional
Aquaculture Association
Peninsula Marketing Association
Petersburg Vessel Owners Association
Prince William Sound
Aquaculture Association
Prince William Sound Seiners Association
Seafood Producers Cooperative
Southeast Alaska Seiners
Southern Southeast Regional
Aquaculture Association
United Cook Inlet Drift Association
United Southeast Alaska Gillnetters
Western Alaska Cooperative
Marketing Association

February 27, 1992

MEMORANDUM

TO: Representative Cliff Davidson, Chairman
and Members of the House Resources Committee

FROM: Greg Seider, Executive Director *Greg Seider*

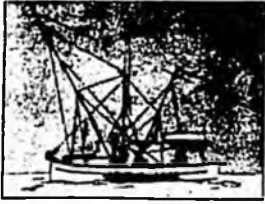
SUBJECT: HB 505

The United Fishermen of Alaska supports legislation identifying charter-guided fishing operators as a distinct user group.

UFA urges the House Resources Committee to adopt HB505. We support all efforts to enable definitive management of this rapidly growing user group.

GS:RD:phl

RECEIVED MAR 3 1992



Alaska
Trollers
Association

130 Seward St., No. 213
Juneau, Alaska 99801
(907) 586-9400

February 29, 1992

House Resources Committee
Pouch V
Juneau, AK 99811

Dear Committee Members:

The Alaska Trollers Association (ATA) would like to issue their strong support for HB 505, which seeks to identify guided sport as a separate user group for allocative purposes under AS 16.05.251(e).

ATA recognizes the importance of sportfishing to Alaska's tourism industry. However, we are concerned about the recent, accelerated expansion of the unregulated guided sportfishing industry, and its potential to adversely impact commercial trollers and resident sportfishermen. At its present rate of growth, it is not unlikely that guided sport operations will soon be capable of harvesting a significant portion of each years U.S./Canada Treaty chinook quota. Without clearly defined management tools in place, commercial fishermen and traditional sport anglers are at risk of being displaced by an up and coming industry.

Our understanding is that HB 505 does nothing more than provide the Board of Fisheries some added flexibility when selecting allocative prescriptions for Alaska's fisheries. Simply enacting this piece of legislation does not mandate the Board of Fisheries to take any particular action. Any change in allocation strategies around the state will still occur only at the Board's discretion, through the full public process. ATA could not support such a bill if we believed otherwise.

We urge you to support HB 505 and move it through the system posthaste. The Board of Fisheries should be granted every means available to allocate in a fair and equitable manner between the diverse users of our fisheries resource.

Sincerely,

Dale A. Kelley
Dale A. Kelley
Executive Director

RECEIVED FEB 25 1992

February 23, 1992

Cari Rosier, Commissioner
Alaska Department of Fish and Game
Box 3-2000
Juneau, Alaska 99802-0200

Dear Commissioner Rosier,

After talking with several sport fishermen about the increasing numbers of hatchery fish now being caught by sports in Alaska, most agree that somehow sports should be contributing to the enhancement of salmon. I will address specifically chinook in this proposal although I believe that all enhanced fish could be considered.

The five year average of hatchery chinook caught by sport fishermen from 1985-1990 has been 5,077 salmon. In 1991 this figure increased to 26,700, an increase of over 500 % in just 2 years. I believe the majority of the money used to produce these hatchery fish came from two sources. The 3% enhancement that commercial fishermen voluntarily assess themselves and mitigation money from the Pacific Salmon Treaty (PSC) marked to compensate trollers for the loss of chinook. There may be other sources that have contributed and they could be figured in accordingly.

If trollers are not able to access these fish because of the current management system and the harvest restrictions imposed upon them by the PSC, somebody should. But in all fairness, those who harvest these enhanced fish should compensate the gear group that did produce them. Not only did sports catch 26,700 of what I would say is fish reared for commercial harvest, but those fish, if they made it back to the hatcheries, would have been used for cost recovery.

What I would visualize is not money paid in advance to the eventual return of hatchery fish by the sports but a pay back system. they would only pay for fish caught. The hatchery operators in southeast know how much money it takes to produce one king salmon and I am sure that they have a figure of what they receive for each chinook for cost recovery. If the average price paid to the hatcheries for each chinook for cost recovery was only \$20, this still adds up to a loss of revenue to the hatcheries of \$534,000.

I make my living commercial fishing and as most commercial fishermen I also hold a sport fishing license. I think it would be fair to me that the license fee be increased and this increase be used to pay back hatcheries for the loss in cost recovery. Possibly a chinook card could be introduced. If a person wants to catch a chinook they would be required to purchase this card and money from this card would then be then used to pay back hatcheries. There may be other plans more acceptable. I don't know.

I would like to hear from you if you have any other ideas on this enhancement pay back plan.

Sincerely,

George Eliason

cc: Governor Walter Hickel
Senator Lloyd Jones, Chairman-Senate Resources
Representative Cliff Davidson, Chairman-House Resources
Southeast Legislators
Alaska Trollers Association
Southeast Seiners Association

Ketchikan Marine Charters, Inc.

representing Alaska's largest sportfishing charter boat fleet

February 24, 1992

Representative Jerry Mackie
Alaska State Legislature
P.O. Box V(MS 3100)
Juneau, Alaska 99811

Dear Representative Mackie,

I am writing this letter at the request of the membership of Ketchikan Marine Charters Association. House Bill No. 505 entitled "An Act authorizing the Board of Fisheries to allocate fishery resources to the guided sport fishery." certainly raises the same interesting questions as Senate Bill No. 397 in as much as the wording of HB 505 is exactly the same as SB 397.

Is the "guided sport fishery" a "fishery"? AS 16.05.940(12) defines "fishery" as the commercial harvest of a specific fishery resource by a specific gear type with intent to sell. The intent to sell is implied in the term commercial which is indirectly defined in 16.05.940(4) "commercial fisherman" and 16.05.940(5) "commercial fishing". It can be argued that the "guided sport fishery" is not a "fishery" as currently defined by Alaska Statute in as much as "sport fishing" as defined by AS16.05.940(28) is specifically limited to "not for sale" use.

Is "guided sport" a separate and distinct user group? The concept of "use" is fundamental to the definition of "user group" and to the differentiation of separate and distinct resource "user groups". "Use" is indirectly defined by statute as either "for sale" or "not for sale". "For sale" use is commercial fishing and "not for sale" use is either subsistence, personal use, or sport fishing use. Commercial fishing is a "user group" that for regulatory purposes is differentiated by gear type. On the other hand, "gear type" is the basic statutory differentiation between two user groups; namely "personal use fishing" and "sport fishing" as defined in AS16.05.940(23 & 24). "Hook and line" is the "gear type" that defines "sport fishing" as a resource "user group". It can be argued that "guided sport" is a statistical category and not a separate and distinct "user group" unless clearly defined by a separate and distinct "gear type" other than "hook and line" or on the basis of some other use than "not for sale".

page 2

In our opinion, "guided sport" is a redundant and expensive management "tool" in as much as "sport fishing" is already a carefully defined and tightly regulated user group that is presently managed to be consistent with the principles of conservation of the resource and sustained yield; and in as much as "guided sport" will necessitate "in season" management techniques in order to maximize the economic contribution of "guided sport fishing" which will force the Department to either increase their budget or to reduce present management.

In our opinion, "guided sport" is a politically expedient resolution of a Southeast "problem" at the expense of the rest of the State and the State as a whole.

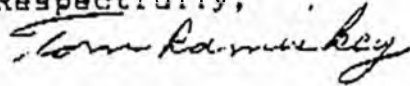
In our opinion, misunderstanding is the basis of the Southeast "problem". Possibly, the term "sport fishing" is partly to blame in as much as it is not indicative of "use". Sportanglers fish for fun and enjoyment; but they also fish for something to eat. Possibly, the "guided sport" industry is partly to blame because of it's inability to define what it does. The "guided sport" industry is a service industry that sells the "opportunity to fish and the reasonable expectation of a catch" to sportanglers. (Sport Fishing Institute of B.C. Jan. 1992).

page 3

Ketchikan Marine Charters has explored several reasonable opportunities to negotiate resolution of this "problem" over the past several years and is firmly convinced that House Bill No. 505 is simply a "quick-fix" that will only aggravate the "problem" and that HB 505 is inconsistent with the Constitutional principle of common property resource management.

Thank you for your time and consideration.

Respectfully,



Tom Ramiskey, vice-president

cc: Governor Walter J. Hickel
Representative Ben Grussendorf
Representative Cheri Davis
Representative Robin Taylor
Representative Eileen Panigeo MacLean
Representative Dave Donley
Representative Cliff Davidson
Representative Johnny Ellis
Senator Richard Eliason
Senator Pat Pourchot
Senator Rick Halford
Senator Lloyd Jones
Senator Fred Zharoff
Commissioner Carl Rosier

enclosures: Joe "six-pack"---spends Dollars
DATELINE WEST article "Sport caught salmon---"
Southeast Opinion

SOUTHEAST OPINION

PACIFIC FISHING, March 1992, (article, Paradise Lost) stated "Sharks and sea lions take a small percentage of the trollers' catch, which is annoying enough; but the fleet is particularly upset these days about their losses to another breed of predator-sport fishermen."

This lends credibility to the question. "What does it take to make a fisherman happy?" Answer: "A fish." "What does it take to make a troller happy?" Answer: "No other fishermen."

Almost all reported troll caught fish leave the State. A large number of trollers take their money and leave each Fall. Now the trollers want the sport fishermen to leave without fish and still expect them to leave their money.

The trollers appear to have enough political influence on the Board of Fish and in the Alaska legislature that they can just demand and take with no public hearing, no accurate statistics, and no concern for the public or the State resources.

Alaska has entered into legal agreement with Canada and neighboring states to save a diminishing public resource. If current fishery management proposals are not followed, we risk being out of compliance with the U.S./Canada Treaty.

The February 1992 ALASKA FISHERMAN'S JOURNAL quotes our Senator Eliason as saying, "If we are out of compliance, it's just too damn bad. Let them take us to court."

If the other treaty signers have a similar attitude, it may well herald the end of all Southeast Alaska salmon fishing. After Eliason and the trollers eliminate the sport fishermen, the only other fishermen they can attack are the fishermen of the other treaty signers. Senator Eliason is right about one thing. It is too damn bad!

RECEIVED FEB 24 1982

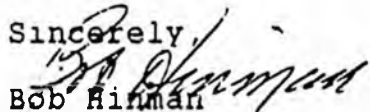
Representative Cliff Davidson
House of Representatives
P. O. Box V
Juneau, AK 99811

Dear Representative Davidson,

I am very concerned about, and highly opposed to, the current efforts of the commercial troll fishing industry to curtail the recreational fishing for king salmon in southeast, to benefit commercial fishing. SB 397 and the companion HB by Rep. Mackie are part of this effort. These bills appear on the surface to be innocuous, but would inevitably lead to severe restrictions and limiting of charter boat operations in southeast. Charter boats accommodate primarily nonresident visitors, who bring a great deal of money into our local economies. Each salmon caught by a visitor is worth far more to southeastern's economy than one caught by a commercial troller. Charter boats don't catch fish; they are the platform or transportation method used by sport fishermen to catch fish.

Please don't be misled by the seeming innocence of these bills. Please oppose them for the sake of our tourist industry and our resident sport fishermen.

Sincerely,


Bob Hinman
9019 Tournure St.
Juneau, AK 99801

SALMON BUSTERS RECEIVED FEB 24 1992

Guided Fishing

3222 Tide Avenue South
Ketchikan, Alaska 99901

Owner - Dan McQueen

Telephone - 907-225-2731

February 15, 1992

All Members of the Alaska
Senate & State Legislature
State Capitol
Juneau, Alaska 99801-1182

To All Members:

There are currently two bills, Senate Bill #397 and Robin Taylor's 502. Both concern limited entry. I would hope that before you take any actions on these two bills you will all read my following statement.

Many of us sport fishing guides support some type of limited entry. I, for one, feel that in the areas that have seen the ceiling hit in places like Ketchikan and possibly Juneau, an immediate moratorium should be enacted.

I feel that many of our smaller communities can benefit from more growth in sport fishing.

I have lived in Pt. Baker and I have seen the numbers of nonresident and resident sport fishermen spending money in the bar and store. True, these bush towns live on trolling, but a smaller amount of sport caught fish will provide thousands of dollars of new money to be left in Pt. Baker, Hoonah, etc.

Before people as smart as yourselves rush into any type of limited entry, you should remember this: a person from in-state and out-of-state would gladly pay a troller to take him or her fishing. If the troller caught only 2 fish for six people, those two fish would bring in \$450.00 apiece, not to mention the person that rents accommodations to them.

I don't want to see either trollers or sport fishing guides hurt. If a lot more time is taken so you could talk to the people that were at our Ketchikan Advisory Board meeting and listen to the concerns of the people in attendance, then you will see that there is lots of headway being made.

2.

From what I gather from 2 nights of careful listening we the people (both trollers and sport fishermen alike) are all ready to talk. The advisory board's own vote will prove even they have questions.

When you hear the number (409 in 1991) of charter boats, remember 27% of those registered boats are also trollers. So limiting entry will only give an operation like that the best of both worlds. Already, a troller has a valuable limited entry permit. If he is granted another, it would be unfair, because he has not used his charter license. Acquiring one was just insurance for them.

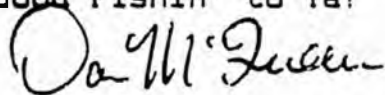
I own a small 21-ft. boat. Due to a back injury and two major surgeries, this is my only way to help support my family.

We fishing guides beg you folks in Juneau to let us have some input into this entry issue. We as an industry need for you to discuss this with us, the people who have been here and seen every document, every data sheet. We have many many ideas that will be acceptable to all concerned. Please before you pass or even discuss any of the two bills, Senate 397 and Robin's 502, please give me a chance to talk to each and every one of you, if need be.

We made history when all of us (trollers, sport fishermen, and sport fishing guides) sat and talked like men; we didn't yell and fight. I would also suggest that you subpoena copies of the tape recording that was made by the press (KRBD?). That tape shows we in Ketchikan want to work this whole issue out before any type of bill is passes.

If any of you want to talk to me, please call me at 1-225-2731. Please don't let these bills be rushed through by special interest lobbying.

Thanks and Good Fishin' to Ya!



Dan McQueen

TO ALL LEGISLATORS:
(REGARDING SB397 & HB505 "Guided Sportfishing")

"Why"

3-26-92

Sam McDowell supports passage of SB*397.

Example #1) The upper Cook Inlet population represents over 100% of Alaska's statewide population and an equal % of sport fishermen.

In my opinion the Kenai River King Salmon fishery will be in real trouble if our Legislators don't pass SB*397 that would allow our Board of Fisheries to regulate guided sport fishing separate from sport fishing.

Less than 300 sport fish guides harvested 65.75% of the total Kenai River King Salmon harvest based on 1990 and 1991 harvest records. 80% of the guided angler harvest were harvested before these King had passed the Kenai River bridge in Soldotna.

Due to the guided sport fish harvest interception, the upper Kenai River sport fishery is being foreclosed.

In times past there was a six week late run of Kenai River King Salmon, however, due to the vastness of the guided sport fish interception this run is depleted.

There are increasingly few King in the upper River sport fishery before July 31st when the Kenai River Sport King Salmon fishery closes.

Example #2) Due to the helicopter guided sport fisheries into several of the West Cook Inlet area clear water streams (Lewis River, Theodore River, and Chuitna River) these sport King salmon fisheries will be depleted in the very near future and closed.

Using helicopters to spot, land and harvest fish in these small clear water streams must be stopped (statewide).

3-26-92

Yes, I am of the opinion it is extremely important for our Alaska State Legislators to pass SB# 397, and give our Board of Fisheries the tools needed to regulate the guided sport fisheries like they do all other fisheries. Your consideration to pass SB# 397 will be truly appreciated.

Thank you
Have a good day
Sam E. McDowell
Concerned Alaskan
P.O. Box # 240329
Anchorage, Alaska
99524
Alt# 907-272-1405

P.S.

Again I'm of the opinion Alaskans who oppose this legislation are sending a clear message - they support special interests, over professional sustained yield management of our fisheries resources.