

HB

505

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 505

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						
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: [Signature]

Agency: Department of Fish and Game Date: 2/18/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DAR, Gov. Legis. OBC., & 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.



Alaska State Legislature

Please enter into the record my testimony to the House Resources Committee
committee name

committee on HB 505, dated 3/10/92
bill/subject

House Bill 505 is premature. There has not been enough facts and information gathered to determine if a problem exists; and, if so, how to solve it. If passed, this Bill will create problems of: regulation - enforcement - cost to State - individual hardships - legality - constitutionality; and the possibility of law suits.

What it WILL NOT DO is solve the Commercial Trollers' problems, which is supposedly what the Bill is all about. What needs to be done is drop the Bill, gather all available information and facts, determine if there is a problem; and, if so, then take a calm, reasonable and intelligent approach to come up with a fair and just solution.

3 / 11 / 92

MALCOLM DOIRON
P.O. BOX 725

WARD COVE, AK 99928
247 - 2265

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TO THE ALASKA STATE REPRESENTATIVES;

AS A WASHINGTON STATE RESIDENT I'VE ENJOYED THE LAST TWO SUMMERS SPORT FISHING IN ALASKA. TO READ HOUSE BILL 505 I'M THINKING TWICE ABOUT COMING SPORT FISHING TO ALASKA. IN MY OPINION I FEEL I'M BEING DISCRIMINATED AGAINST. WHY SHOULD I COME TO ALASKA AND FISH FOR THE SAME BAG LIMIT AS WASHINGTON STATE. NOW I'M LOOKING TOWARD CANADA AS A MEANS OF FISHING FOR KING SALMON. MY DAD HAS BEEN TOLD OF MY FISHING TRIPS TO ALASKA AND WANTS TO COME TO ALASKA AS A NON-RESIDENT AND FISH AND EXPERIENCE THE SAME FISHING THAT I HAVE HAD OVER THE LAST TWO SUMMERS. NOW WITH H.B. 505 WHY SHOULD MY DAD COME TO ALASKA AND FISH? I'M ONE VOICE IN MANY NON-RESIDENT SPORT THAT COME TO ALASKA AND FISH BUT I FEEL I CAN TALK FOR ALL WHO COME TO ALASKA AND FISH, FOR KING SALMON, AND SAY WHY SHOULD I GO SPORT FISHING IN ALASKA ANYMORE IF H.B. 505 IS ENACTED? IN AN ARTICLE I READ THEY RELEASED RESULTS OF A 1990 STATE WIDE SPORT FISHING SURVEY SHOWING THAT NON-RESIDENT SPORT FISHERMEN BOUGHT MORE FISHING LICENSES THAN RESIDENT SPORT FISHERMEN. THAT WAS A FIRST FOR ANY STATE IN THE UNION. I SEE WITH ENACTING H.B. 505 YOU WILL CUT DOWN ON THE NUMBER OF NON-RESIDENT FISHERMEN(LIKE ME) WHO ARE BUYING LICENSES AND PUTTING MONEY INTO THE SYSTEM. YOU, I WOULD THINK, SHOULD ASK YOUR SELF DO WE WANT MORE OR LESS MONEY COMING IN FROM NON-RESIDENT FISHING LICENSES? THE STATE OF ALASKA PROMOTES TOURISM TO A GREAT EXPENSE, NOT ALL COME HERE TO SPORT FISH BUT TO CUT OFF THE NON-RESIDENT FISHERMAN IS LIKE CUTTING OFF YOUR OWN FOOT. I CAN STILL LIVE WITHOUT A FOOT BUT IT'S A LOT EASIER WITH TWO FEET. I HOPE TO SE THE STATE REPS. WEIGH ALL THE FACTS AND SEE THAT H.B. 505 NOT BE ENACTED. ONE DAY I HOPE TO BRING MY CHILDREN TO ALASKA AND FISH FOR THAT GREAT KING SALMON.

THANK YOU FOR YOUR TIME.

Mark W. Tuschhoff

MARK W. TUSCHHOFF
BELLEVUE, WA.

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



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

House of Representatives

March 11, 1992

MEMORANDUM

To: Rep. Davidson, Chair
House Resources Committee

From: Rep. Mackie 

Re: HB 505 committee substitute.

Attached is a proposed committee substitute for HB 505 (Utermohle, 3/10/92) and an accompanying summary for your review and consideration.

The new section 1 adds "guided sport fish" as a specific mention in the board's regulatory powers section of law, AS 16.05.251(a). This is the statute that relates to setting seasons, areas, bag limits, methods and means, etc. Also added on page 3, line 2 is the ability to distinguish between resident and non-resident sport fishermen.

Section 2 of the CS is identical to the provisions of the original bill, relating to allocations.

Section 3 is a result of a Department of Law request that the definition section in statute, AS 16.05.940 (12), be revised to more suitably complement the changes in sections 1 and 2.

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
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(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

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



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

House of Representatives

SPONSOR STATEMENT

on

HB 505, relating to guided sport fishing.

I introduced HB 505 to allow the Board of Fisheries to establish criteria for the allocation of fishery resources to the charter fishing industry. It recognizes charter fishing operations as a distinct commercial activity 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. But its continued growth will most certainly impact other commercial, sport, and personal use harvests.

This is currently the case in Southeast where strict catch quotas for King salmon have been set by international convention. This pits the charter industry against traditional sports and commercial allocations. The continued viability of the power and hand troll fishery is seriously threatened. I believe that other such conflicts will inevitably develop with the continued growth of this 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 gives the Board of Fisheries a tool to fairly allocate resources between sport, personal use, charter, and other commercial gear types.

MEMORANDUM

State of Alaska
Department of Law

TO Hon. Carl L. Rosier
Commissioner
Alaska Department of
Fish and Game

DATE March 7, 1993
FILE NO 663-92-0077
TEL NO 465-3600
SUBJECT Allocation of SE Chinook
Salmon

Stephen M. White

FROM Stephen M. White
Assistant Attorney General
Natural Resources -- Juneau

You informed us that the Alaska Trollers Association petitioned the Alaska Board of Fisheries ("Board") to allocate a portion of the available chinook salmon quota to the commercial troll fleet. In essence, this allocation would create an allocation to southeast Alaska chinook anglers (sport fishers).

You have asked the following questions concerning this proposal. We have given our answer and discussion after each question.

Question 1. Can the Board adopt regulations for anglers who use commercial services and facilities, like charter boats and lodges, and that are different from regulations for anglers who do not use them?

Answer: Uncertain. Under existing statutes, it is not clear whether the legislature has given the Board statutory authority to allocate fishery resources between anglers who use commercial services and those who do not.

Discussion:

A. General Principles Governing Board Regulations.

For all of these questions, we believe it would be helpful to review legal principles that govern Board regulations.

The Alaska Supreme Court has held that the Board of Fisheries, when it adopts regulations, must comply with two general principles. Under the first principle, the Board must stay within its statutory authority. That is, the Board must pursue permissible purposes, and it must use means that are within its powers. Meier v. State, 739 P.2d 172, 173 (Alaska 1987). This is because "administrative agencies are creatures of statute, deriving from the legislature the authority for the exercise of any power they claim." Rutter v. State, 688 P.2d 1343, 1349 (Alaska 1983).

The Board was created "[f]or the purposes of the conservation and development of the fishery resources of the state

...." AS 16.05.221. For sport fishing, the legislature has given the Board authority to adopt regulations needed for conservation, development, and utilization of fisheries. AS 16.05.251(a)(12). The Alaska Supreme Court has held that words "conserving" and "developing" involve the utilization of resources, and these purposes permit the board to establish priorities for use between fishing groups due to sharp competition between them for a limited fishery resource. Meier, 739 P.2d at 174.

Under the second general principle, Board regulations must be reasonable and not arbitrary. That is, the regulations must be consistent with and reasonably necessary to the purposes for which the Board was created, i.e., conservation and development. Meier, 739 P.2d at 173.1/

B. Board's Statutory Authority to Adopt Different Sport Fishing Regulations for Users of Commercial Support Services.

The permissible ways that the Board can regulate sport fisheries are set out in AS 16.05.251(a). The Board can regulate, among other ways, by (1) establishing open and closed seasons and areas for taking fish, (2) setting quotas, bag limits, harvest levels, and sex and size limitations, and (3) establishing methods and means employed in the pursuit, capture and transport of fish. AS 16.05.251(2), (3), and (4).

It is not clear from your request what type of different regulations are envisioned for sport anglers who use commercial services. The most restrictive regulations would cause an outright ban on the use of these services.

If an absolute ban is intended, we have previously advised that, under the Board's power to establish "methods and means", it has statutory authority to absolutely prohibit support services. Such a prohibition, however, cannot be arbitrary or unreasonable, and, in this context, it must be consistent with and reasonably necessary to the conservation and development of southeast Alaska chinook stocks. Gilbert v. State Dept. of Fish and Game, 803 P.2d 391 (Alaska 1990). Also, it must satisfy constitutional requirements such as equal protection. (See discussion in Question 3.)

1/ This principle is reiterated in AS 16.05.251(d) which says that Board regulations must, consistent with sustained yield and the subsistence law, provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishers.

On the other hand, the Board may allow anglers to use support services, but adopt more restrictive area, season, period, bag, possession, or equipment regulations for them. As we understand it, the intended purpose for this type of regulation would not be for conservation. The fish that would be spared by these regulations would not contribute to escapement, but instead, would be available for harvest by anglers who do not use these services. The purpose, then, would be for allocation.

Concerning allocations, the Alaska Supreme Court held that the Board's duty under AS 16.05.221(a) to conserve and develop fishery resources implies a concomitant power to allocate fishery resources among competing users. Kenai Peninsula Fisherman's Co-op Ass'n v. State, 628 P.2d 897, 903 (Alaska 1981). In that case, the court held that the Board's allocation power permitted it to establish priorities for use between commercial and recreational fishermen as a response to sharp competition between the two groups for a limited fishery resource. Id. In a later case, where there was keen competition between two subgroups of commercial fishermen, i.e., between commercial setnet and driftnet fishermen in Bristol Bay, the court said that the Board's power allows it to allocate salmon between these two subgroups. Meier, 739 P.2d at 174.

Here, the Board would be allocating fishery resources between two "subgroups" of another overall user group, sport fishers. The two subgroups are (1) anglers who use commercial services and (2) those who do not. This raises the question of what authority the Board has to identify subgroups for allocation purposes.

Alaska Statute 16.05.251(e) directs the Board to establish criteria for making allocation decisions.^{2/} Among the criteria that the Board may use are seven criteria that are listed in this statute. The Board has said that it will consider factors such as the seven statutory criteria if they are appropriate to allocation decisions. 5 AAC 39.205.

Six of the seven allocation criteria deal with the characteristics of "fisheries". AS 16.05.251(e)(1)-(3), (5)-(7). Thus, the legislature intended that allocations could be made between subgroups that are "fisheries".

^{2/} This statute has been interpreted to apply to allocations between commercial "subgroups" as well as to allocations among overall user groups, i.e., among personal use, sport, and commercial fishers. Peninsula Marketing Ass'n v. State, ___ P.2d ___, Op. No. 3754 (Alaska, Sept. 20, 1991).

Hon. Carl L. Rosier
Commissioner
Alaska Dept. of Fish & Game

March 7, 1992

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The statutes define a "fishery" as "a specific administrative area in which a specific fishery resource is commercially taken with a specific type of gear", with the Board having authority to designate that a fishery has more than one area, gear type, or resource. AS 16.05.940(12), emphasis added. The terms "type of gear" and "gear" are defined in a statute that pertains to the Alaska Commercial Fisheries Entry Commission, and thus are also defined in the context of commercial fishing. See AS 16.43.990(4) and (8).

Accordingly, for allocations within the overall user group of commercial fishing, we believe that the statutes identify permissible subgroups according to (1) the geographic fishing area(s), (2) the fishery resource(s) harvested, and (3) the type(s) of apparatus used to harvest the resource, such as purse seine, drift gillnet, set gillnet, power troll, or hand troll. For a permissible allocation between two groups of commercial fishermen, the groups should differ by at least one of these characteristics.

For subgroups within the overall user group of sport fishing, however, the allocation statute - AS 16.05.251(e) - is not helpful. As mentioned above, this statute refers to competing "fisheries" which, in AS 16.05.940(12) and AS 16.05.990(4) and (8), are defined according to commercial fishing. Even if the allocation statute "fit" a sport fishery allocation, it would not help the present one. Since anglers who use commercial services share the same waters, fish with the same "gear", (i.e., rod and reel), and fish for the same resource (i.e., chinook salmon) as anglers who do not use these services, they cannot be considered separate "subgroups" under this statute.

On the other hand, it may be argued that the Board is not limited in its discretion to define subgroups for allocation purposes. That is, it could be argued that the Board is authorized to define sport fishing subgroups according to their "methods and means" - such as whether or not they use charter boats and lodges - and then allocate different fishing opportunities among them.

This argument would be aided by the fact that fish and game laws are to be "liberally construed." Kenai Peninsula, 628 P.2d at 897. Other case law holds that when a statute delegating authority to an administrative agency does not expressly provide a standard, the standard may be implied from the general policy and purposes underlying the statute. Kenai Peninsula, 628 P.2d at 907.

Under these precedents, one can argue that the clear purpose of AS 16.05.251(e) is to allow the board to allocate "among . . . sport . . . fishing" and that the "methods and means"

authority of AS 16.05.251(a)(4) is a permissible way to identify allocation groups. Although we believe that the contrary argument is stronger, it is not conclusively so.

Question 2. Can the Board adopt regulations that set bag, possession, and size limit regulations for resident anglers that are different from such regulations for nonresident anglers?

Answer: Uncertain. Again, it is not clear whether the legislature has given the Board statutory authority to discriminate against nonresident anglers.

Discussion: As noted above, the Board must stay within its statutory authority. That is, the Board must pursue permissible purposes, and it must use means that are within its powers. Meier v. State, 739 P.2d 172, 173 (Alaska 1987). The question, therefore, is whether the Board has statutory authority to set bag, possession, and size limits that discriminate against nonresident anglers.

As we understand it, the reason that the Board would be adopting more restrictive regulations for nonresidents is not to allow the spared fish to escape to spawning streams, but instead, to enable resident anglers to catch them. Thus, the regulations would have to be justified on allocation, not conservation grounds.

There is statutory authority that would allow the Board to consider resident and nonresident use of fish when making allocations among fisheries. Alaska Statute 16.05.251(e) directs the Board to adopt allocation criteria, and it says that these may include (1) the participation of residents and nonresidents in each fishery, (2) the importance of each fishery in providing for residents' consumption, and (3) the importance of each fishery in providing recreational opportunities for residents and nonresidents. AS 16.05.251(e)(2), (3), (7).

The authority to account for resident and nonresident participation and recreational opportunities, and the authority to account for residents' consumption, is not clear legislative authority to establish different fishing opportunities for these two groups. However, it is not logical that the legislature, having authorized the Board to account for resident and nonresident use when deciding allocations, intended that these accountings would not be reflected in the decisions themselves. We believe that the authority to account for resident and nonresident use is a strong implication that the Board is authorized to treat residents and nonresidents as separate subgroups for allocation purposes.

Hon. Carl L. Rosier
Commissioner
Alaska Dept. of Fish & Game

March 7, 1992

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On the other hand, we note that the legislature has clearly authorized the Board of Game to limit nonresidents' taking of big game in a particular situation. AS 16.05.256.3/

A rule of statutory interpretation says that when a specific activity is designated by statute, it must be inferred that all omitted activities are intentionally excluded. 2A N. Singer Sutherland Statutory Construction, § 47.23 (5th Edit. 1992). Here, the rule means that if the legislature has granted a certain kind of authority in one area, its failure to grant the same type of authority in another area means that it withheld the authority in that second area.

Thus, it could be argued that the legislature's clear grant of authority to the Board of Game to discriminate against nonresidents, and its failure to give the Board of Fisheries the same clear authority, supports a conclusion that it did not intend for the latter to have this power. This is buttressed by the fact that the definition in AS 16.05.940(12) does not identify resident and nonresident anglers as separate "fisheries" when they fish in the same area for the same species with the same tackle.

Accordingly, we caution the Board against adopting different regulations for resident and nonresident anglers unless the legislature gives it clear authority to do so. If the Board does discriminate against nonresidents under its present authority, the Board should exercise restraint. Depending upon the method, degree, and purpose, such a discrimination may raise state and federal constitutional problems.

We have previously advised the Board about constitutional concerns that arise if state residency is used as an allocation criteria in commercial fisheries. 1988 Inf. Op. Att'y Gen. (Nov. 15; 663-89-0200). Except for violation of the Privileges and Immunities Clause of the federal constitution (U.S. Const. art. IV, § 2), these same concerns, as well as equal protection, would be raised by regulations that discriminate against nonresident sport fishers.

At this time, we do not know the manner in which the Board would discriminate against nonresidents. Once there is a specific proposal that identifies the method, degree, and purpose

3/ The legislature has enacted other laws that distinguish nonresidents. For example, it has set higher license and tag fees for nonresidents who take fish and game (AS 16.05.340(a), 16.05.480), and it has required nonresidents to be accompanied by guides when hunting certain big game species. (AS 16.05.407).

for treating nonresident anglers differently, we will be able to advise the Board on these constitutional issues.

Question 3. Can the Board limit the catch in a sport fishery in order to allocate to a limited entry commercial fishery the fish that the sport anglers might have caught if no catch limit were imposed? Would this be consistent with the common use and equal protection provisions of the Alaska Constitution?

Answer: Yes to both questions.

Discussion:

A. Statutory Authority.

As discussed in our answer to Question 1., the Board's allocation power allows it to establish priorities for use between commercial and recreational fishers. Kenai Peninsula, 628 P.2d at 903. In the Kenai Peninsula case, the Board adopted a policy that closed commercial fishing on late-run cohos so that sports fishers could catch them.

Here, the Board would be doing the opposite of its actions in Kenai Peninsula - it would be allocating in favor of commercial fishers to the detriment of sport fishers. Nevertheless, we believe that the holding of that case applies regardless of which user group benefits.

Like any other allocation, this one must be consistent with and reasonably necessary to the conservation and development of Alaska fishery resources. Meier 739 P.2d at 174. Also, in making the allocation, the Board must consider the appropriate allocation criteria set out in AS 16.05.251(e). 5 AAC 39.205.

B. Constitutional Issues.

The "common use" clause (Alaska Const. art. VIII, § 3) and two other clauses in the Alaska Constitution - the "no exclusive right" clause (Alaska Const. art VIII, § 15) and the "uniform application" clause (Alaska Const. art. VIII, § 17) - are often referred to as the "equal access" clauses. See McDowell v. State, 785 P.2d 1, f. 14 at 8 (Alaska 1989). The Alaska Supreme Court has consistently held that these clauses are implicated only when the state places limits on the admission of persons to resource user groups. Id. Also, the court has consistently distinguished the state's power to limit admission to user groups



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*

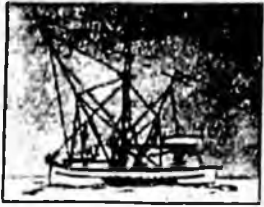
SUBJECT: HB 505

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 Sr., 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

February 27, 1992

Representative Cliff Davidson
 1000
 Juneau, AK 99811

28 HR 525

Dear Representative Davidson:

I am a resident of Alaska since 1974, a lifelong sport fisherman supporting myself as a fishing guide and I would respectfully make comment to you about this bill. I realize that the growth of the sportfishing industry is perceived as a threat by the cronies. I would hope that after some thought this perception would be altered to one of opportunity for economic growth in the state.

Alaska Department of Fish and Game (ADF&G) data shows since 1988 the price per pound of a troll caught chinook has dropped from \$1.49 to \$1.13 in 1991. The average weight of these chinooks was about 15#, resulting in an exvessel value of \$23 per fish in 1988 down to \$18 per fish in 1991. A recently released Southeast Alaska Sport Fishing Economic Study established the value of a 1988 sport caught chinook for all anglers at \$923. Even with adjusting the exvessel value for retail market by doubling it, a comparison of value (2 x \$18 = \$36 vs \$923) would place in suspect the wisdom of those who would restrict the opportunity to harvest these chinooks for the greater economic value.

The 1988 Southeast Alaska Sport Fishing Economic Study determined that the economic value of the chinook sport fishery to southeast Alaska was \$22.9 million for 9% of the chinook harvest. By comparison the exvessel value of the commercial troll caught chinooks in 1988 was \$13.5 million (doubled for processing = \$27 million) for 83% of the chinook harvest. In 1991 the exvessel value of the troll caught chinooks dropped to \$9.6 million (doubled value of processing = \$19.2 million) for 72% of the catch. During this time ADF&G data indicates a 260% increase in southeast Alaska sport chinook harvest. Using the sport fishing economic survey numbers to estimate the economic growth from 1988 to 1991, it is arguable that 2.6 times \$22.9 or \$59.5 million was the 1991 economic contribution to southeast Alaska by sport fishers taking 19% of the chinook harvest. That's a 10% shift in harvest from commercial to sport resulting in a net economic gain of \$28.8 million (commercial down \$7.8 million, sport up \$36.6 million).

Consider also A.D.F.&G. data showing the mortality rates on those chinooks released by the commercial trollers while harvesting legal fish (23%) exceeds by more than twice the total number of chinooks harvested by the sport fleet (9%). Think about it. The southeast Alaska sport fleet's mortality rate on those caught and released chinooks exceeds by more than twice the number of chinooks harvested by sport anglers in southeast Alaska. How realistic can we afford to continue to treat our resources in this manner?

The Board of Fisheries has already acted on separate allocations within four groups as defined in AS 16 05 251. The Board did not need legislative action to separate gill nets from seine nets from trollers and I do not see why they need help from the legislature to separate guided from non-guided sports anglers. The Board did not need it for the Kenai River where having defined the use of a guide as a method, they had sufficient authority to enact separate regulations affecting guiding activities and guided angler access to the resource.

Finally, would you have you look at the rest of AS 16 05 251 (e)(1) through (7), (the seven allocative criteria). Can the demands made by the trollers association be considered reasonable under these criteria which the Fisheries Board must apply to allocations?

Supporting the sport fishing industry growth, which has so alarmed the trollers by urging them to take actions from which I predict we will see little gains and even all losses for all fisheries in Alaska, is a source of opportunity for southeast Alaska. Sure it requires some changes but look at the gain for just for the fishermen but for the local economy not to mention the health of the resource.

HB 505 will accomplish nothing except to divide and confuse sportfishing interests! The course the goal is to eliminate this opportunity of economic growth.

Respectfully,


Dennis H. Randa
Box 3055
Soldotna, AK 99669

cc House Resources Committee
Senate Resources Committee

10/1/88

RECEIVED FEB 25 1992

February 25, 1992

Carl 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 (PST) 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 PST, 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.

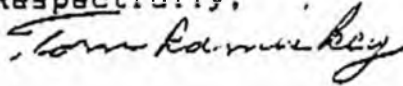
In our opinion, misunderstanding is the basis of the Southeast "problem". Possibly, the term "sport fishing" is partly to blame in as much as it is not indicative of "use". Sportanglers fish for fun and enjoyment; but they also fish for something to eat. Possibly, the "guided sport" industry is partly 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 Panigee 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

JOE "SIX-PACK" SPORT ANGLER SPENDS DOLLARS

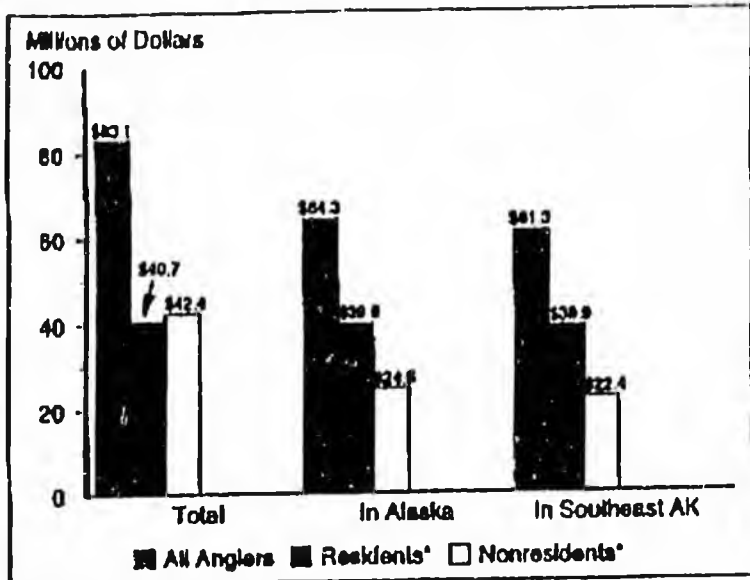
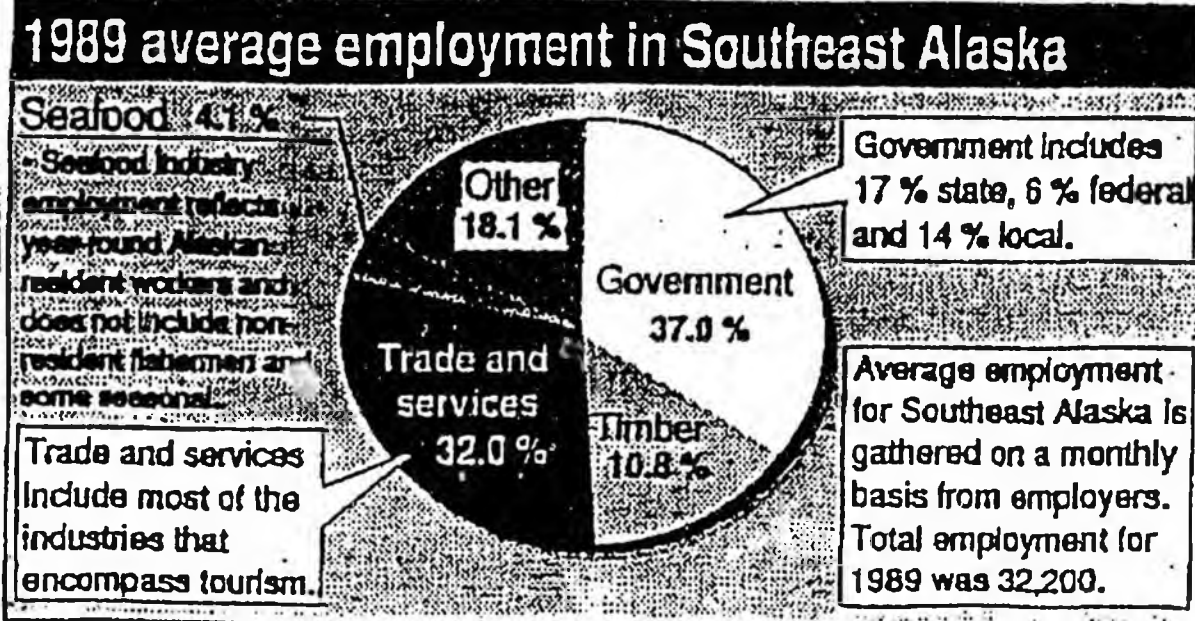


Figure 2. Angler spending for 1988 Southeast sport fishing.

Table 1. Estimated angler spending (millions of dollars) by harvest area for 1988 Southeast Alaska sport fishing

Harvest Area	Resident Angler Spending	Nonresident Angler Spending	Total Angler Spending
Ketchikan	6.6	13.7	20.3
Petersburg	3.0	6.7	9.7
Sitka	6.1	4.6	10.7
Juneau	21.0	6.2	27.2
Prince of Wales	2.1	3.9	6.0
Haines-Stagway	1.1	4.5	5.6
Glacier Bay	0.3	0.4	0.7
Yakutat	0.5	2.4	2.9
Total	40.7	62.4	103.1



*Information is obtained from Jones & Stokes Associates, Inc. 1991. "Southeast Alaska sport fishing economic study."

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 19, 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, Hoonan, 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.

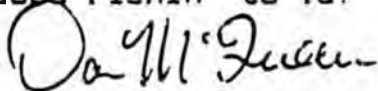
I own a small 21-ft. boat. Due to a back injury and two major surgeries, this is my only way to help support my family.

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



The sport of kings

Non-charters seek separate and at least equal status

By **BELVEDA CHASE**
Daily News Staff Writer

Some Southeast sport fishermen say they want to be separated from the sport charter fishery, and have signed a petition to voice their concerns.

About 500 signatures were collected for the petition in 10 days in Ketchikan. The petition is being sent to the Board of Fisheries and state legislators.

The petition requests the Alaska Board of Fisheries give at least 50 percent of the long resource, allocated to the sport fishermen under the existing user group, to non-charter sport fishermen. Local residents who fish periodically, charter boat operators and resort guides are now grouped under the same sport fishing user group.

A similar petition is being circulated in Wrangell, Craig and Sitka, said Shawn Richardson, a local non-charter sport fisherman who helped start the effort.

This is the first major response from the resident sport anglers (non-charter) relating to the issue.

The petition states that non-charter sport fishermen are unable to target the wild and hatchery chinook seven days a week, like the charter/resort sport fishermen do.

The proposed 50 percent allocation within the sport fishery would "preserve the lifestyle of residential (non-charter) sport fishermen," according to the petition.

"For this reason I do not feel I should be classified in the same user group as the charter boat/resort sport fishermen," the petition states.

Richardson said he started the effort after he went to a Tongass Sportfishing Association meeting, where 95 percent of the people there were charter fishermen. It was apparent "they weren't

See 'Sport of kings,' page 2

Adams received

Sport of kings

Continued from page 1

willing to stand on their own under their own user group," he said.

"The residents here should have the first crack, after subsistence users, at the resource, said Richardson.

His complaint doesn't lie with the troller or charter fleets. Ketchikan needs both enterprises — trolling and charter fishing.

"The issue is whether you should be involved with a commercial user group or not," he said.

He believes the best way to address the issue is to get the king salmon quota increased, which is set by the U.S.-Pacific Salmon Commission.

Increased hatchery enhancement also would help solve the problem. He said he is willing to pay an extra \$10 for his sport fish license, to be put towards salmon enhancement.

The salmon commission initiated a treaty in 1935 to help restore salmon stocks along the West Coast and Alaska.

The quota set by the salmon commission can be allocated by the state as it sees fit.

The only allocation from the quota now goes to the commercial net gear fisheries. The sport fish king harvest is estimated annually by the Alaska Department of Fish and Game and taken off the top of the quota. The troll fleet receives the remainder of the quota.

Trollers have asked the Board of Fisheries to allocate a percentage of the king quota to the fleet, because of their dismal summer seasons. Trollers fished 7 1/2 days for summer kings in 1991.

The board has scheduled a special meeting March 7-16 in Juneau to review the issue.

If the trollers were given an allocation, sport fishermen also would likely receive an allocation, according to Fish and Game information.

Two Southeast legislators have introduced companion bills that would allow the Board of Fisheries to allocate fishery resources to the guided sport fishery (charter fishermen).

Senate Bill 397, introduced by Sen. Dick Rilaasoo, D-Sitka, has been discussed for three days in the Senate Resource Committee. Public testimony

throughout the state was taken on the bill Friday, Saturday and Monday. About 20 people attended the hearings at the Ketchikan Legislative Information Office.

The bills have been fervently opposed by many people involved in the charter boat industry, but supported by trollers.

Ken Dole, managing general partner for Waterfall Resort, said the bill is a support mechanism to allocate kings to the sport fishermen.

"I see it as a clear message that a separate allocation is supported by our

'Why does this have to be done now?'

— Ken Dole

legislators," he said.

The bill is premature because the Board of Fisheries has not yet met, said Dole.

"Why does this have to be done now," Dole asked. "Why not wait until the Board of Fish decides what they want to do."

Waterfall Resort operates 25 guided boats, which have the capacity to accommodate 84 fishermen a day. In 1991, 2,000 people visited Waterfall, and the majority who fished were non-residents, he said.

Dole provided the information when asked by Rep. Jerry Mackie, D-Craig. Mackie has introduced the same bill (HB 306) in the House of Representatives and has attended the Senate committee's hearings on the issue.

Mackie and Rilaasoo repeated numerous times during the three days of testimony that the bill's intent is to provide a tool to the Board of Fisheries.

"This bill is not an allocation, this clearly gives them (the board) a tool," Mackie said.

Gary Plumb, a charter boat owner, said he opposes the bill because it is "discriminatory legislation."

It would be unfair to take a client out, who had to release his kings, while a resident fishing nearby is keeping kings.

Plumb said the legislation was introduced for special interest groups noted Rilaasoo is a power troller.

Testimony from charter fishermen came from around the state, as the ramifications would reach beyond Southeast.

Six Bonney, a guide fisherman or Kasil River and a former Board of Fisheries member, said he is opposed to the bill because it will create a new group.

"It would unfairly and perhaps illegally limit the access to Alaska's fishermen," he said.

The bill is aimed at the South sport king fishermen, "but it encroaches the whole guided sport fishery the state," he said.

He wanted the legislators that the bill passes, "it will most certainly be tried in court."

Troller Maurice Ingman, who supports the bill, said "something has to be done to stop the charter fleet ... we can no longer just take the leftover."

He suggested the following options:

- A moratorium could be put on charter fleet. That would give the state two years to look at the issue.

- A percentage of the sport fishery could be earmarked for hatchery programs.

- Non-residents could be given a smaller bag limit.

- A fair quota from the treaty commission could be requested.

Richard Hoffman, a commercial fisherman in Juneau, said "the real issue is not one of economics, but conservation of the resource."

"The recreational segment has been made aware that a resource conservation problem exists," he said. "Common property users need to be conserving the resource and enhancing the resource."

Brad Maynard, a Juneau sport fisherman, said he supports the bills.

"For too long the resident sport fishermen have been identified with the charter industry," he said. "The fishermen are being used ... I am unwilling to have steps taken to serve the king fishery," he said.



ple

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op to let people through they

Kayhi pool

Continued from page 1

any symptoms of chlorine-related distress, according to Greg Kolesan. There were no injuries or ill effects

a week-long closure while the system was replaced.

The recent breakdown isn't related to a chlorine level problem at the pool on Nov. 11, 1991, Kolesan said.

Written testimony to: House Resource Committee
I support House Bill # 505

I'm a commercial trawler very much concerned with the rapidly expanding charter fleet, and their big increase in chinook catches the last couple of years.

I live in Port Alexander, Ak. where commercial trawling is our major means of income. Between salmon trawling and halibut fishing my family and I are just getting by with the high cost of living these days.

We Alaska trawlers are not being rewarded by the Pacific Salmon Treaty for our past sacrifices which have helped chinook stocks rebound.

Commercial trawlers have barely endured the large cuts in our chinook quota and steadily shortening seasons. We simply cannot stand the charter fleet taking a very significant chunk of our quota.

The State of Alaska is allowing a relatively new charter industry to harvest chinook with no quota or cap. This favors an industry that just experienced a rapid growth within the past few years, and threatens the livelihood of the commercial troll fishing which has been in existence since the early 1900's. This has to stop!

Trawling is important for employment in S.E. Alaska. There are a lot of jobs at stake for captains and crew alike. Trawling also provides a lot of on shore processing jobs in S.E. There is a high proportion of trawlers residing in the State of Alaska and spend their money here.

I don't want to see undo restrictions put on resident fishermen, but need to bridge the run away

The charter fleet + guided sport fishing lodges are obviously running a commercial business, and should be designated and regulated as a commercial fishery, not sport.

The Board of fish should allocate the sport and charter fishermen a combined quota of about 8 percent of the total chinook quota. (Eight percent was the approximate sport-charter catch in 1985 when the treaty went into effect, and we began operating under the present system. Regulations should be imposed on the charter fleet and non resident sportsmen to ensure enough quota is left for the residents sportsmen's reason. One idea is to lower the chinook bag limit for non residents to one chinook per day, and or, there could be a limited number of chinook stamps available for non resident sportsmen to purchase. I'm sure there are a lot of possibilities for regulations. Please lend a helping hand. The time to act is now.

Sincerely,
Marty Remund
P.O. Box 8147
Port Alexander, A.L.
99836

THE GUIDED SPORTFISHING BOOM

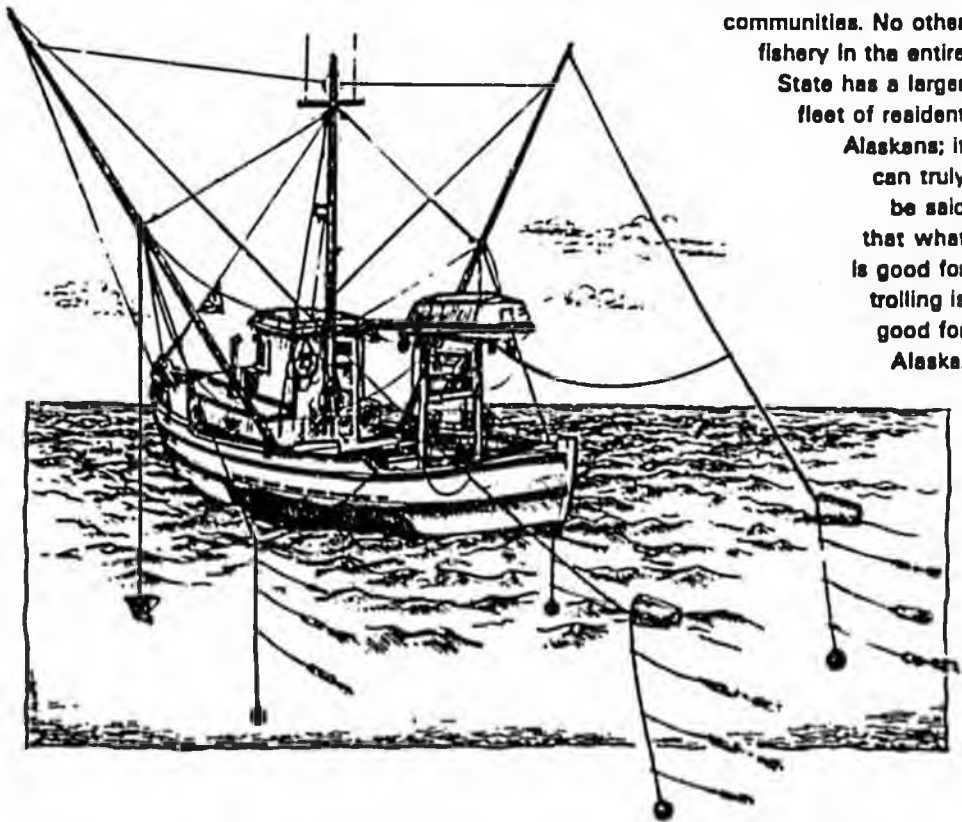
--It's Impact on Southeast Trollers--

As opposed to the large, indiscriminate, and often destructive nets used by trawlers, trolling is a selective fishery targeting certain salmon species by hook-and-line. TROLLERS are fishermen skilled in the art of enticing adult salmon to strike individual lures. The special care and prompt processing techniques used by trollers produce high-quality salmon that are prized throughout the world.

Entry into the troll fishery is limited by the State of Alaska, which also regulates fishing time and trolling gear to maintain the continuing good health of the salmon stocks. While other salmon fisherman must use large nylon nets to harvest their catches, we trollers fish with small hooks, thus minimizing any possible negative interaction with the marine environment.

Trolling is a unique, environmentally responsible fishery that has been one of the primary components of the Southeast Alaska economy for over 75 years. No other fishery produces greater employment or profit to citizens throughout Southeast Alaska than trolling. And, while the financial advantages of the other major Southeast salmon fisheries are concentrated in the larger cities and towns, trolling is a broad-based individualistic effort which is especially

beneficial to the smaller communities. No other fishery in the entire State has a larger fleet of resident Alaskans; it can truly be said that what is good for trolling is good for Alaska.



ISSUE OVERVIEW

U.S./Canada Pacific Salmon Treaty

- 1.) The Pacific Salmon Commission has failed to adjust Southeast's chinook quota to reflect the current abundance of king salmon.
 - a.) Conservation measures taken by Southeast Alaska, Lower 48, and Canadian fishermen have led to a large increase in chinook abundances, but southeast's quota does not reflect that.
 - b.) The PSC has granted increases to Alaska's chinook quota only twice since 1985; (39K in 1990; 10K in 1991)
 - c.) The Department of Fish and Game says it should take trollers just four days to meet the 1992 summer quota, partly because of a high abundance of chinook.

Guided Sport Fishing Expansion

- 1.) Sport charterboat expansion is unregulated. Charterboats do not subscribe to a limited entry program, so the industry grows unchecked.
- 2.) Guided sportfishing harvests are regulated the same as traditional sportfish harvests, so the charterboat catch is lumped with the sport catch. The sport catch is deducted from the trollers' quota, therefore trollers are losing more and more quota chinook to an unregulated, growing industry.
- 3.) Recent large sport catches have caused Alaska to exceed it's chinook quota. This "overage" will be deducted from the 1992 trollers chinook quota, but the guided sport-fishing industry will not be penalized.
- 4.) The 1991 total sport harvest was 51% over the 1980-84 average. The 1991 commercial troll harvest was 14% under the 1980-84 average.

The trolling industry in Southeast Alaska is in dire straits. Treaty parties and an unregulated guided sport-fishing industry are nudging commercial trollers out of business. The two combined spell formidable consequences for a vital Alaskan industry.

U.S./CANADA SALMON TREATY

In 1980, chinook harvest limits for southeast fishermen were set jointly by the North Pacific Fisheries Management Council and the State Board of Fisheries, to protect salmon populations which had begun to dwindle. A collaborative effort by the U.S. and Canada was initiated to protect and replenish the chinook salmon both nations share. The U.S./Canada Pacific Salmon Treaty was signed in 1985. The Treaty was an attempt to structure salmon fisheries in Oregon, Washington, Southeast Alaska and Canada in a way that would allow salmon populations to rebound. Conservation efforts were coupled with an enhancement plan, designed to replenish salmon populations using a voluntary 3% tax assessed against commercial fishermen, and federal mitigation funds.

The Pacific Salmon Commission became the implementing body of the Treaty. The Commission imposed harvest limits (quotas) on southeast and several Canadian fisheries. Washington and Oregon did not receive quotas.

Southeast fishermen have lost millions of dollars in the name of conservation, and the salmon populations have rebounded dramatically, prompting an abundance of chinook. However, the commission has failed to adjust the southeast quota accordingly. The southeast quota for 1992 will be 23% less than the 1970-79 pre-treaty average of 342,000. 1992's quota is the same quota allocated to our fleet at Treaty signing. A larger quota is a just reward for years of conservation and fisheries enhancement practiced by southeast fishermen, but the commission has granted small increases to Alaska's chinook quota only two times since 1985.

Prior to 1980, the summer chinook fishery lasted 169 days. Officials estimate this year trollers may catch the summer quota in just four days. The 1992 summer fishery is slated to be the shortest ever!

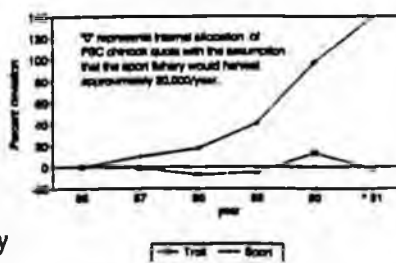
Demands by the Commission on southeast commercial fishermen have been unfair and inequitable. Our commercial fishermen were promised they would eventually share the benefits of conservation if they shared the pain of conservation. Our fishermen feel betrayed.

The state Board of Fisheries divides the chinook quota among the user groups. Net fisheries get 20,000 fish a year, and trollers and sport fishermen get the rest. When the Treaty was signed, southeast trollers agreed to deduct whatever sport fishermen caught from the trollers' quota. Trollers trusted the sport catch would stay at it's historical average of about 20,000 fish a year. No one foresaw the explosion of the guided sportfishing industry.

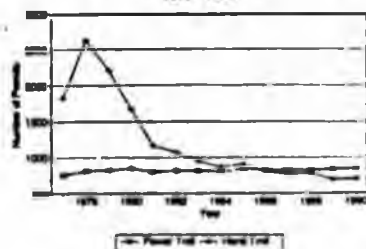
THE SPORT CHARTERBOAT EXPLOSION

ATA supports all sport fishermen. We always have. However, trollers make a distinction between resident sport fishermen and the guided sport-fishing industry. Sport charterboats are classified sport boats, even though they make a profit, own business licenses, and file business taxes. The expansion of the guided sport-fishing industry has caused the sport chinook catch to grow rapidly, and trollers are footing the bill. Trollers agreed to absorb the sport catch within the troll quota when the Treaty was signed, but they believed the sport catch would remain at about 20,000 fish a year. Last year alone the sport fleet caught 42 thousand quota fish, causing Alaska to exceed the quota. The "overage" will be deducted from the trollers 1992 quota, but the guided sportfishing industry will not be penalized. In addition, guided sportfishermen caught 26 thousand Alaska hatchery fish, which are paid for mostly by the 3% tax commercial fishermen pay voluntarily.

Deviation from 1986 harvest levels
"Quota" chinook



Southeast Troll Permits Fished
1977 - 1990



Troll fleet participation is controlled through Alaska's limited entry program. The guided sportfishing fleet is not limited, therefore it grows unchecked. Unlimited growth of this user-group may eventually displace traditional chinook users.



Southeast Charter Boat Registrations 1978 - 1991

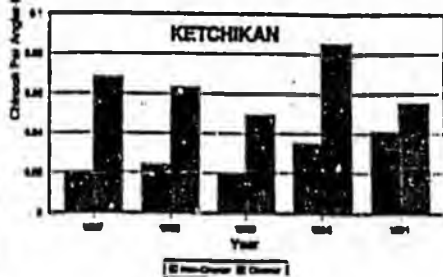
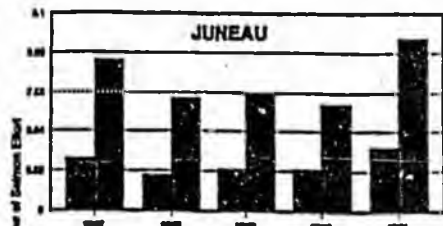
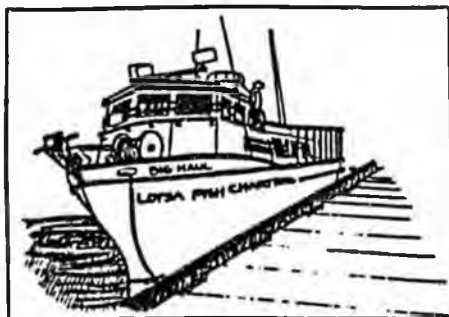
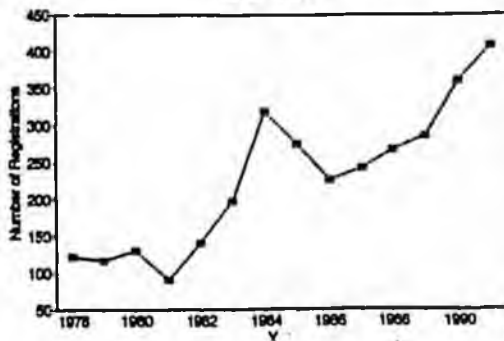


Chart uses the same scale (shown above) for both Juneau and Ketchikan. The chart of the non-guided portion of the Juneau and Ketchikan charts are identical for the years 1987 to 1991. Data are from available commercial reports.

-Alaska Post & Courier

Traditional sportfishing and guided sportfishing are *not* the same. The expertise of the guided sportfishing operators increases the probability that their clients will catch fish. Statistics show guided sportfishermen are more efficient than traditional sport fishermen. They catch more fish in less time.

Southeast trollers have watched their fair-share of chinook shrink to accommodate the guided sportfishing industry. Commercial trollers have conserved fish and paid for fisheries enhancement. Money spent has created an abundance of chinook, and guided sportsfishermen are reaping considerable benefits. The present system is forcing Southeast trollers to subsidize their own destruction.

A.T.A. POLICY STATEMENT

Guided Sport Industry

A.T.A. has a strong regard for Alaskan sportfishing, be it by traditional sportsmen, or through commercial operators of charterboats and lodges, or guiding services. Our association appreciates the significance of the sportfishing "experience" by residents and non-resident alike. A.T.A. also recognizes the importance of sportfishing to the tourism industry which helps support our communities in Southeast. However, the threat posed by an unlimited guided sport industry to the livelihoods of Southeast trollers has prompted A.T.A. to outline its position on the issue.

→ Limited entry was imposed on the commercial salmon fishery to protect the resource and ensure the continued viability of Alaska's historic fisheries. Neither the resource or the fleets can bear the burden of an additional, unlimited user group.

→ A.T.A. believes there is room to accommodate a *regulated* guided sportfishing industry.

→ A.T.A. is dedicated to curtailing the *unregulated* growth of the southeast guided sportfishing industry.

→ Guided sport fishers must be recognized as a user group distinct from sport fishers utilizing traditional means.

→ Due to the uncontrolled growth and efficiency of the guided sport fishing industry, A.T.A. believes the potential exists for this user group to harvest a significant portion of the Treaty quota and displace traditional commercial and sport fisheries.

→ A specific allocation of chinook salmon to the troll fishery is necessary to protect fleet viability.

→ The rapid expansion of the guided sportfishing industry has serious ramifications for the economic health of many small southeast communities which rely on the troll fleet.

→ A.T.A. notes that Alaska is the only state or province on the west coast that does not make a distinction between traditional sport fishing and the guided sport industry.

ALASKA NEEDS THE TROLLING INDUSTRY!

- The troll fleet is the region's most significant employer among the major salmon fleets. When troll-induced processing employment is added, the fishery provides southeast Alaska with 7% of its basic industry employment.
- Alaska's troll fleet employs more residents than any other fleet. More than 2,300 Alaskans hold troll fishery permits, and about 1,000 of them live in rural communities.
- One of every 25 southeast residents works on a troll vessel.
- The troll industry employs 56% of all Alaskans employed in the southeast salmon fisheries.
- Troll harvesting employment adds an average annual equivalent of 691 year-round jobs for residents to the southeast economy.
- Trolling brings income to 27 southeast communities. The economic problems of the troll fleet touch virtually every community in southeast.
- 76% of all troll dollars remains in Alaska.
- For the region as a whole, half of all southeast permit owners in all fisheries are trollers.
- In 12 communities, over 75% of all permit holders are trollers.
- Most communities rely significantly on the troll fleet. In 21 communities, over 50% of all active fishery permit holders are trollers.
- Half of all southeast permit owners in all fisheries are trollers.



Juneau Empire 3-9-92



MARK KELLEY/JUNEAU EMPIRE

Signs of the times: Demonstrators line sidewalk outside Board of Fisheries meeting on Saturday.

Fish board's powers questioned

THE ASSOCIATED PRESS

The legal adviser to the Alaska Board of Fisheries said at the board's meeting Saturday that it's uncertain whether the board has authority to allocate fish stocks between anglers who charter guides and those who don't.

Assistant Attorney General Stephen White's report was the first of 12 presented to the board as its eight-day meeting opened.

The board is considering an Alaska Trollers Association petition seeking a specified allocation of king salmon for power and hand trollers. Because the entire Southeast salmon harvest this year is capped at 263,000 wild-run kings, an allocation to commercial trollers amounts to a de facto limit on what sport fishers can catch.

In response to the petition, the board has said it may consider limit-

ing sport catches from guided charter boats, while leaving unguided fishermen unregulated.

About 25 people picketed the meeting, with signs calling for "equal rights" for all sport anglers.

Charterboat operators say they're simply a taxi service for sport fishermen and regulation of guided sport fishing would discriminate against their clients.

White said nothing in state law

now differentiates between sport fishermen in charterboats, private skiffs or on a dock. And he said it wasn't clear if the board is authorized to issue different regulations for those groups.

The board was expected to rule on the trollers' petition Tuesday or Wednesday. It then is scheduled to begin reconsidering the increase of chum salmon bycatch in the False Pass fishery.

PETITION
IN SUPPORT OF SENATE BILL 397/HOUSE BILL 505

MEMBERS OF THE LEGISLATURE: I AM A RESIDENT OF ALASKA AND SUPPORT SENATE BILL 397 AND HOUSE BILL 505. I UNDERSTAND THAT THESE BILLS WILL RECOGNIZE TWO SEPARATE "SPORT" USER GROUPS - GUIDED SPORT AND SPORT. BECAUSE OF THE GROWTH IN NON-RESIDENT AND GUIDED SPORT FISHING IN ALASKA WE NEED TO PROTECT RESIDENTS RIGHTS TO FISH IN OUR WATERS FOR BOTH RECREATION AND FAMILY CONSUMPTION. WITH THESE BILLS IN PLACE IT WILL GIVE THE BOARD OF FISH THE OPPORTUNITY TO MANAGE SPORT FISHING IN THE BEST INTEREST OF THE RESIDENTS OF ALASKA.

NAME	ADDRESS	PHONE
Nebbie Petersen	Box 211345 Anchorage	9-2502
Muen Murray	Box 327104 W. AK	9-5050
Randy Brown	6590 Glacier Hwy #242	780-4845
Janet Fisher	6590 Glacier Hwy #242	780-4845
Greg Germain	PO Box 24073 Douglas AK 99824	586-4740
Janis Elderman	615 West 10th St. Juneau AK	586-2079
William J. Cate	P.O. Box 32142 Juneau, AK	789-0491
Craigie Court	Box 34130 Juneau, AK	789-1675
Jon Canyon	70 B 22342 Juneau, AK	463-5884
Eric Martens	P.O. Box 34534 Juneau AK 99803	789-4079
Raymond	1624 Grant Ave Juneau	6-1923
Richard L. Dietrich	P.O. Box 210402 Auke Bay	789-7675
Eugene M. Thorsrud	P.O. Box 210402 Auke Bay	789-7675
John M. Lee	1108 Wee Burn Drive Juneau	463-4897
Bill Wright	1108 Wee Burn Dr. Juneau	463-4897
Don V. Smith	PO Box 32524 Juneau	780-4401
Chicki Deach	P.O. Box 35093 Juneau	790-2254
Kathie Nicholas	P.O. Box 35093 Juneau	790-2254
W. A. Smith	6310 Glacier Hwy #19	790-6450
Wendy Madril	2202 Murray St Juneau	790-3419
William Helms Will	AK-9031 Co. est. Juneau	789-5951
Dan H. Gowdy	PO 125 Douglas St	369-3270-789-4985
Paula Smith	Box 32856 Juneau	789-5418
Loth	PO 33646 Juneau, AK	99803
Don Higgins	5136 Barber Ave	789-0223
Bob V. Vinner	3819 Killewick Dr. Juneau AK	789-2433
Beverly Vinner	3819 Killewick Dr Juneau AK	789-2433

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NAME	ADDRESS	PHONE
J.H. A. A.	10392 MENDENHALL LOOP	789-4681
Jane Swinicki	10392 Mendenhall Loop	789-4681
Janis Erickson	2698 David St. Douglas AK 99801	381-2664
Al Hall	2668 David St Douglas, AK 99801	364-2667
Larry A. Ost	PO Box 22441, JUNEAU, AK 99802	789-2459
Jim Janeman	800 F ST C-4 JUNEAU AK	586 1379
Robert McLaughlin	PO 210605 Auke Bay, AK	789-3048
Jim Marshall	4473 Mountanside Rd Juneau	780-8615
Donald Bond	3601 E 20th AVE Anvik AK	89277-4971
John A. Blah	P.O. Box 210825 Auke Bay, AK 99821	715-59
John P. McCall	Box 210162 Auke Bay AK 99821	789-9267
Paul Kalton	Box 21793 JUNEAU AK	789-9564
Tom Parkhill	3925 W Douglas Juneau AK	586-3535
Norman Smith	9724 C. St. Juneau AK	586-1961
Myron Walling	P.O. Box 22622 Juneau, AK 99802	586-3515
Terrance Quinn	PO Box 210545 Auke Bay AK 99821	7-1442
KEVIN WILKINSON	PO Box 34753 JUNEAU AK 99803	759-5736
MARK VALL	4142 N. Douglas Hwy JUNEAU AK 99801	
Jim Wilkerson	PO Box 34753 JUNEAU, AK	759-5736
K. K. Hillier	PO Box 32614 JUNEAU, AK	789-1290
John Wilson	Box 211013 Auke Bay, AK	789-0490
Don Parker	3500 STREAM CT JUNEAU AK	789-7982
Colin Miller	5500 Reintown Juneau AK	787-7963
K. K.	9315 STEVENSON Bldg JUNEAU AK	789-2665
K. K.	8750 HARBOR Way AK	789-4968
Arthur G. G.	5976 Land St Juneau AK	780-4509
KIRKILL KNIGHT	2993 BILKWOOD JUNEAU AK	789-3402

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NAME	ADDRESS	PHONE
<i>[Signature]</i>	Box 210154 Anchorage AK 99821	789-0429
<i>[Signature]</i>	17200 Andrewoff Dr. Juneau	99801 789-6789
<i>[Signature]</i>	15860 Glacier Hwy Juneau	789-5633
Louisa Ethier (d)	8459 Kimberly St Juneau	789-0395
Charlie McMillan	3805 Portage Blvd Juneau	789-2341
Richard Jensen	PO Box 33814 Juneau	99803 789-6402
GREG ROTH	3252 HOSPITAL DR. Juneau	99801 586-9833
FRED Wilson	PO Box 210843 Nulken Juneau	99821 789-3238
<i>[Signature]</i>	8105 Circle Dr Juneau	AK 99801 789-0231
George Houston	141 Belvidere Ave Juneau	586-2450
Jim Hainey	3291 Douglas Hwy Juneau	586-1497
Matt Neumann	1991 Highway 11 Juneau	789-4132
Russ Maxwell	9499 Marine Way Juneau	789-7627
John Anderson	P.O. B. 22176 Juneau	789-5967
Ronald R Metzgar	P.O. Box 20546, Juneau, AK-99802	789-0196
GERALD GEARITY	800 FST C-5 JUNEAU, AK 99801	586-1301
<i>[Signature]</i>	3060 Glacierwood Drive AK 99801	789-5163
<i>[Signature]</i>	PO Box 211088 Auto Bay AK 99821	789-4219
<i>[Signature]</i>	PO Box 211055 Auto Bay AK 99821	789-4219
<i>[Signature]</i>	13311 Men Pen Rd. Juneau	99801 789-9468
Lawrence Stewart	6735 Marguerite Juneau	99801 463-3047
Alvin H. Carlson	4500 Prospect Way Juneau AK	789-2328
Stan D. [Signature]	4170 Glacier Hwy Juneau AK	789-4201
Bob [Signature]	1565 H.P.R. Sitka AK 99835	(907) 747-8383
Kimberly Birchhoff	3280 Maxwell Juneau AK	99801 907-586-2267
Tom [Signature]	622 Hemlock Juneau AK	
<i>[Signature]</i>	9147 Parkwood Dr. Juneau AK	99801

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NAME	ADDRESS	PHONE
<i>(mirrored signature)</i>	4370 Henderson Blvd	789-1610
<i>(signature)</i>	11687 Auke St JUNEAU	789-7377
<i>(signature)</i>	Box 16629 LENA Court #01/MD	9-2989
<i>(signature)</i>	3340 Howell Apt F JUNEAU	789 5861629
<i>(signature)</i>	Box 33014 SNO AK 99803	789-9500
<i>(signature)</i>	Box 34534 JUNEAU AK 99803	789-7079
<i>(signature)</i>	PO Box 22780 JUNEAU AK 99802	
<i>(signature)</i>	601 JunEAU AK 99801	
<i>(signature)</i>	601 JunEAU AK 99801	
<i>(signature)</i>	3733 EL CAMINO 99801	789-4990
<i>(signature)</i>	9469 Berners Ave 99801	789-7050
<i>(signature)</i>	P.O. Box 32433 99803	789-0040
<i>(signature)</i>	6751 MALQUARITE 99801	586-9672
<i>(signature)</i>	4034 DEBORAH DR. 99801	789-7357
<i>(signature)</i>	8495 Thunder Mt. Rd	789-1413
<i>(signature)</i>	2865-025 MOUNTAIN RD. 99801	789-5836
<i>(signature)</i>	24354 Glacier Hwy 99801	789-3241
<i>(signature)</i>	8314 Aspen Ave - JUNEAU	99801 789-5703
<i>(signature)</i>	6590 Glacier Hwy #36 99801	789-4152
<i>(signature)</i>	5205 Churchill	789-4898
<i>(signature)</i>	3071 Mountainview Circle	789-0466
<i>(signature)</i>	3808 Melrose	789-7091
<i>(signature)</i>	4460 Windward Ave.	789-5884
<i>(signature)</i>	4460 Windward	789-5884
<i>(signature)</i>	PO Box 21024 Auke Bay	789-0961

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NAME	ADDRESS	PHONE
Andrew Whit	P.O. Box 33627 Juneau 99803	789-9732
Ronald P. Davis	1535 E. 2nd Ave Juneau 99801	789-3766
Wesley W. ...	10601 HORIZON AVE AK 99801	586-5650
Robert ...	2519 SCOTT DR. JUNEAU AK 99801	789-6194
...	5875-76 (Hwy 101) JUNEAU AK 99801	789-4389
Theresa ...	P.O. Box 240151 Douglas, AK 99824	364-3344
Kim ...	Box 2525 JUNEAU AK 99801	3-1577
KRISTINE JORGENSEN	Box 32552 JUNEAU AK 99803	9-2472
Michael ...	6001 Lemay St. Juneau 99801	789-4442
Mark ...	10726 Horizon Dr. Juneau 99801	463-5807
Betty Johnson	11726 Horizon Dr. Juneau 99801	463-5807
ALFRED L. MEDVED	3706 AMARAL ST JUNEAU 99801	789-9261
John Langworth	6026 Chatham Dr. JUNEAU 99801	789-4685
Gary D. ...	P.O. Box 33632 Juneau 99801	789-1867
Manuela ...	P.O. Box 33714 Juneau 99801	789-4770
Rose ...	P.O. Box 33632 Juneau 99801	789-1862
Thomas E. TUNE	6590 GLACIER HWY #191 JUNEAU AK 99801	789-5110
Marcine Tune	6590 Glacier Hwy #191 JUNEAU AK 99801	789-5110
KAYMOND DEKOSIK	P.O. Box 210455 HOKI BAY 99821	
...	9007 Emery Way Juneau AK	789-4239
William ...	110' F" Douglas AK	99804
ART YORK	GEN-DEL VALLEY	789-2296
Larry ...	P.O. Box 310035 Auke Bay	789-5713
Frank L Cox	9507 Fairview Lane Juneau	360-3302
...	...	AK 789-7164
...	Box 20937 Juneau 99802	789-3850

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NAME	ADDRESS	PHONE
Judith Krout	32411 S. GROSS ST # F	789-5407 789-5407
MIKE NICHOLS	8439 KIMBERLY	789-4135
Vern VOSS	1501 5th St Duvy	364-3435
Dale Banks	P.O. Box 20691 Juneau	789-5407
BODDIE L KRAIG	P.O. 210396 AK	9-1411
Tony Meyer	3360 Nowell Ave AK, Juneau	8-3657
Charles Ferguson	P.O. Box 34292 Juneau AK 99803	790-2170
HELEN WHITE	P.O. BOX 20762 ANCHORAGE AK 99507	790-2488
Cacey Gregg	PO Box 33985 Juneau AK	99803 789-3501
Larry White	P.O. Box 21928 Juneau AK 99802	789-3235
Russell Christensen	P.O. Box 22401 Juneau AK 99803	789-2144
STEVE SYLWICK	PO Box 33546 Juneau 99803	789-5325
Gannor Noreen	P.O. Box 367 Douglas AK 99824	586-9064
Mary K Franklin	361 Distin Ave #101 Juneau AK	99801 463-3780
Bill Pennington	on boat	789-1276
Dunkle M. J. [unclear]	8477 Thunder Pt	789-8426
Martha [unclear]	P.O. Box 33396 99803	790-3033
Terry [unclear]	P.O. Box 34863 99803	789-1779
Bonnie Kelly	PO Box 33452 99803	789-6940
Diamond Behnke	PO Box 210893 99821	789-7562
Claire Behnke	PO Box 210893 99821	789-7562
Lois MARTINSON	PO Box 210893 99821	789-7562
Nick Mauer	PO Box 20856 Juneau AK	789-4784
Debbie Meyer	PO Box 210836 Juneau AK	789-4784
Maude Mauer	PO Box 210936 Juneau AK	789-4784
Marilyn Hsu	6590 Alac Hwy #137	780-4416
Tracy Hsu	6590 Alac Hwy #137	

PETITION
IN SUPPORT OF SENATE BILL 397/HOUSE BILL 505

MEMBERS OF THE LEGISLATURE: I AM A RESIDENT OF ALASKA AND SUPPORT SENATE BILL 397 AND HOUSE BILL 505. I UNDERSTAND THAT THESE BILLS WILL RECOGNIZE TWO SEPARATE "SPORT" USER GROUPS - GUIDED SPORT AND SPORT. BECAUSE OF THE GROWTH IN NON-RESIDENT AND GUIDED SPORT FISHING IN ALASKA WE NEED TO PROTECT RESIDENTS RIGHTS TO FISH IN OUR WATERS FOR BOTH RECREATION AND FAMILY CONSUMPTION. WITH THESE BILLS IN PLACE IT WILL GIVE THE BOARD OF FISH THE OPPORTUNITY TO MANAGE SPORT FISHING IN THE BEST INTEREST OF THE RESIDENTS OF ALASKA.

NAME	ADDRESS	PHONE
White Corcoran	PO Box 32318 Juneau	789 3072
Barbara Salzman	420 W 10th	862 719
Frank Ayer	5868 Churchill	9-4776
Carol Hedberg	4513 Loop Rd.	789-9880
Tom Angus	9083 Sherwood Way	9-2977
Maude Kubler	POB 210591 Duke Bay, AK	99821
Deanna Grather	PO Box 32678 Juneau, AK	99803 789-2387
Ted Thorg	Box 482 Juneau AK	99807
W.P. Henry	3841 Melrose Juneau	789-3517
Mary Ann Hennig	3841 Melrose Juneau, Ak	789-3517
W.D. Wall	3842 Lee Ct Duke Bay	789-2581
Norman White	8221 Cedar Dr Juneau	789-7406
Tom Sel. Bond	9037 Puyallup Lane	789-0629
W.M.	5895 Sunset Juneau AK	780-4435
Frank White	10105 Silver St	789-9105
John England	P.O. Box 228 Skagway	983-2310
Roger Bjorklund	P.O. Box 240182 Douglas, AK	99824 790-2080
W.D. Wall	PO Box 41222 Juneau AK	99803 789-7222
John A. Johnson	PO 33406 Juneau AK	99803
Dr. Michaelson	P.O. 32901 Juneau AK	99803
David Somers	8097 Threadneedle St. Juneau AK	99803
Diane Somers	8097 Threadneedle Juneau, Ak	99803
Michael O'D	6590 Glacier Hwy #85 Juneau AK	99801
Garry B. Miller	P.O. 20490 Juneau Alaska	99802
Thomas V. Vance	PO Box 2834 Juneau AK	99802 789-1900
W.D. Wall	PO Box 35352 Juneau AK	99803
W.D. Wall	PO Box 33382 Juneau AK	99803 9-5030

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NAME	ADDRESS	PHONE
Freud Kellgren	8515 Nugget St Juneau	799-1799
Toni Swilly	BOX 21-1134; ALICE BAY AK	789-7058
Jim Pittman	Box 210195 Alice Bay, AK	789-0736
Gauri Weiss	POB 210195 Alice Bay, AK	9-0736
David Culbert	4391 Thule Blvd	789-7233
Glenn D. Hand	Box 211187 Alice Bay, AK	99821
LARRY WACH	1770 Mendenhall Penn Rd	789-3072
John Maclean	5875 GLACIER HWY	780-5185
Mark Stutts	PO Box 22630 Juneau	465-2758
Billy Conell	9951 Sprucewood #89 Juneau Ak.	790-2509
Vat Muzhyn	PO Box 33106 Juneau, AK	99801
Robert W. McVey	Box 211413 Alice Bay	99827
Sam Fitzgerald	12175 61 Hwy A103 Billings AK	99901
WILLIAM BERRY	PO 52725 JUNEAU, AK	99803 789-0124
George Castellon	Box 210496 Alice Bay	789-7425
SOUSOMERON	210622 ALICE BAY AK	
Elizabeth Colwell	Box 210113 ALICE BAY, AK	789-9816
Caroline Fischer	18575 The Way Juneau AK	789-4841
Tom Lumbert	1017 ALICE BAY Juneau AK	789-0124
Bernardo Gutierrez	POB 20985	789-5442
Cheryl Carada	14020 Glacier Hwy Juneau, AK	99801 789 003

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PETITION
IN SUPPORT OF SENATE BILL 397/HOUSE BILL 505

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NAME	ADDRESS	PHONE
Lloyd Lunka	4568 Toki Blvd Juneau	789-9644
Kenneth W. Cook	10465 Elan Hwy	789-2445
Mike Herrick	2345 KASU Av Juneau	789-2218
Ken Eubank	16295 PT LENA LP	789-5105
KAREN MASSEY	POBx 35003 Juneau AK	780 7777
Kimberly D. Mahood	PO Box 21093 Anchorage AK	99521 789-2481
Dave Lullin	Bx 210821 " "	789-5519
Bob [unclear]	POB 210296	Anchorage AK 99521 9-7872
Dennis Eubank	PO 10 ELFIN COVE	239 2230
William D. [unclear]	PO 210674	Anchorage AK 789-7414
Bill Baumgart	9350 Northland St. Juneau	789-9553
Travis L. Smith	9000 27th Ave Juneau	789-7265
[unclear]		
Nancy A. [unclear]	9635 Moraine Way Juneau AK	99801
Mavis Matthe	2216 Radcliff Rd Juneau, AK	99804
Earl Stamer	PO Box 21077 " "	99802
Frank [unclear]	7620 Eagle St 99801	789-5663
Chris [unclear]	Box 344 Neah Bay, Wash.	78357-
George E. [unclear]	4943 Steelhead Juneau AK	99801 789-9231
John [unclear]	4943 Steelhead Juneau	99801 789-9231
Tadine [unclear]	2967 Maxwell Ave Juneau, AK	99801 586-9475
Geert Nymalm	604 5th St JUNEAU, AK	99801 586-782
Jenny [unclear]	5461 Dayton St Juneau	99802 586-3773
Ken [unclear]	4441 Columbia Blvd. Juneau	99801 789-070

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NAME	ADDRESS	PHONE
Donald Zenger	P.O. Box 240492 Douglas AK 99824	364-3477
TERRY LENNON	5993 PINE ST. JUNEAU, AK 99801	
Ronald L. Baxter	P.O. Box 240574 Douglas, AK 99824	364-3373
Larry Bayler	P.O. Box 240731 Douglas, AK 99824	364-3488
Alan J. Wood	205 5TH ST Douglas AK 99824	364-2100
Honora M. Voss	1501 5th St. Douglas, AK 99824	364-3437
John	4488 E. 1st Juneau AK 99801	
Kathy Barker	P.O. Box 240731 Douglas AK 99824	364-3488
Robert Dupre	5530 N. Douglas AK	586-1249
Joyce Dupre	5580 N Douglas	586-1249
Fredrick Kasniak	3960 Glacier Hwy	780-4104
Rachel Kasniak	3960 Glacier Hwy Juneau, AK	980-4104
Deborah Zenger	Box 240492 Douglas AK 99824	364-3477
Judy Johnson	Box 240478 Douglas 99824	364-3432
Michael Long	Box 240478 Douglas AK 99824	364-3412
Charles Krasniak	P.O. Box 240863 Douglas AK 99824	364-2145
Scott Anderson	P.O. Box 240534 Douglas, AK 99824	364-2548
John	1310 4th St Douglas, AK 99824	364-2212
DAN CORCORAN	P.O. Box 240133 Douglas, AK 99824	364-2212
Martha J. Corcoran	P.O. Box 240505 Douglas, AK 99824	364-3532
Robert Ward	615 5th Street Douglas Alaska 99824	364-2212
James Ward	615 5th Street Douglas, Alaska 99824	364-2212
JESSE WATERS	1005 2nd St. Douglas, AK 99824	364-3690
Jeffrey C. Hill	P.O. Box 22557 JUNEAU, AK 99802	364-2711
John Smith	P.O. Box 22411 Juneau AK 99802	364-2711
Don S. Koko	P.O. Box 240521 Douglas AK 99824	364-3212
John Pearson	Box 240497 Douglas AK 99824	364-3477

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NAME	ADDRESS	PHONE
TED M. AZEVEDO	4119 DORWOOD	780-2111
M. W. AM MONETTE	PO Box 20733 JUNO	780-4217
ETIENNE MONETTE	PO Box 20733	780-4217
Jon Hanson	Bx 33014	790-2255
Napoleon Simmons	Bx 211342	None
Richard Brown	Bx 211342	789-2728
Jason Jay HAMM	Bx 220985	7873498
Frank S. ...	7602 7th st	789-3649
Timothy G.P. VERA	9800 S.R.D.	790-2561
Walt ...	2321 ...	789-0139
Lisa Ritter	15120 Pt. Stephens Rd.	789-7838
Jon Deu	Box 33771 JUNEAU	
K. ...	P.O. Box 20724 JUNEAU	
DEWEY SMART	4101 BIRCH LANE JUNEAU	
Gerry Crossley	3816 Melrose	789-2574
ARND SMITHERS	4290 BROTHERS	789-9425
A. WAYNE	2255 MENDOW LANE	789-9017
ERIC FAXO	PO BOX 20357 JUNEAU	463-2675
Tom ...	P.O. Box 32332 JUNEAU	789-0079
Craig ...	8177 Thibodeau	789-8100
Craig Bennett	8824 GAIL AVE	789-3589
JAVIER CAMERON	1610 Lennie Lane	780-4457
Roy Thomas	435 B Taku Blvd	789-3758
Vikki Parson	6590 Glacier Hwy #49	780-4160
John PARSON	6590 Glacier Hwy #49	780-4160
CHARLES ROSS	P.O. Box 21206 JUNEAU	
Davin A. Smith	5841 Churchill Way JUNEAU	780-6182

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NAME	ADDRESS	PHONE
Anthony Price	8910 Gee St	789-1506
Dale Kautzer	220 Troy St.	586-3128
Rob Hays	10828 Steep Dr. EIR AK	694-6877
Robert Young	2529 Scott Dr. Juneau AK	586-9755
Bill Foster	Box 22851 Juneau AK	
SHARON L. SANDERS	BOX 22851 JUNEAU AK	
Tom WALDRIP	2380 ODAY JUNEAU	789, 214
Les Hamley	2349 Kevin Ct. Juneau	789-2635
Ray Didie	4064 DEBORAH DR. JUNEAU AK.	99801
Jim Wolfe	9322 Northland St Juneau AK	99801
Ginny Johns	4236 Dtarimigan Juneau AK	99801
Chris Caste	9225 Long Run Dr Juneau	99801 789-79
Dave McCourtney	4526 Chelsea CT Juneau AK	99801
Mark Hixon	8708 Valley Ave Juneau	9-3028 78915
Elden DeWitt	5955 Thane Road Juneau, AK	99801 586-354
Ann Huxley	8548 Steep Place Juneau AK	99801 789-503
Bruce Wright	8548 Steep Place Juneau AK	99801 789-503
John Smith	2800-y Poter Lane Juneau AK	99801 463-516
Ed Smith	4192 Taku Blvd. Juneau AK	99801 789-3
Jeffrey Moore	Box 34776 Juneau AK	99803 750 455
George Jones	7760 Geneva Hwy Juneau AK	99801 789 3580
Mark	Box 210336 Anka Bay, AK	789-008
John P. Jones	3220 BIRCH JUNEAU AK	99801 9-343
Charles	713 7 th St. #1 Juneau AK	99801 467-
Walter Green	5292 No Douglas Hwy JUNEAU AK	99801 586-6
W. J. ...	4920 Glacier Hwy Juneau AK	99801 0-4

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NAME	ADDRESS	PHONE
Thomas Whalen Jr	BOX 22167 JUNEAU AK 99802	364-3364
EARL Hubbard	PO. Box 132, Douglas AK	364-3366
Kenneth I P Wiloy	Box 22628 JUNEAU	99802 364-2311
Jim SCAOLL	PO Box 22297 JUNEAU	364 2247
Neli BARMON	PO 21916 JUNEAU AK 99802	4633427
MANUEL C Moss	2740 Rosec St JUNEAU AK 99801	364-3382
Larry King	8746 N Douglas JUNEAU AK	586 1852
Jeff Prother	7457 BERNERS AVE #24	789-0273
John S. King	P.O. Box 22909 - JUNEAU AK	586-3322
Mike Sotomalis	PO. Box 71551 - AK BAY	586-6811
John Lee	230 S. Faulk - ST #708	463-5863
Ken Keeney	PO. Box 32221	463-2467
Dick Kardall	299 N. FRANKLIN	463-5051
Harlan Winkelman	1693 Harbor Way	463-4871
Kenneth Casotto	8179 Erin ST	789-3390
John E. King	2222 Ritchie Rd	790-2285
Mark M. Keown	5848 North St	780-4529
Joseph Pusch	Box 32411 JUNEAU AK	739-4215
William D. Milligan	PO. Box 23141 JUNEAU AK	

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NAME	ADDRESS	PHONE
Frank Biff	8307 V. Hwy Ave	(907) 789-0307
A. M. Williams	4101 W. Humboldt Blvd	(907) 789-7824
David Jensen	4101 W. Humboldt Blvd	(907) 789-7824
David Jensen	1779A Pt. Stephens Rd	907 789-9672
Bob Johnson	3521 S. Mutt Dr. Jun.	(907) 789-9610
Michael D. Johnson	307 Spruce St Katvik	(907) 225-2532
Edward J. D.	12020 Loop Road	907 789-9200
Ed Hall	Box 1947 Juneau Ak	(907) 789-9846
Bob Johnson	1617 2nd St Douglas	364 2501
Jim Johnson	Box 21009 Ruby Bay	789-9227
Alvin Smith	208 7th St Juneau	586-3351
Dennis W. Freeman	3446 Meander Way, Juneau	789-3463
Robert J. Paquin	P.O. Box 845 Douglas Ak	586-8043
Nancy Lewis	302A 1st St Juneau AK	586-3351
David Logan	3653 Portage Blvd Juneau	789-765
Paul Allen	4245 N. Riverfront Dr. Tuleen	789-0926
Joe Bandetola	5992 Houghton St Jun	789-4207
Jerry E. Carr	Box 32639 Juneau AK	789-3228
James Hendt	Box 070881, Juneau, AK	789-2932
George L. Binkett	Alondale St #39	789-7960
Steve Carter	P.O. Box 22620 Juneau 99802	789-4789
Jim Bouschet	P.O. Box 21212 Juneau 99802	789-4577
William J. Newman	P.O. Box 32691 Juneau 99803	789-2257
Bill	1400 Glacier Hwy #103 Juneau 99801	463-2688
Mike Willard	10518 Fox Farm Trail Juneau AK 99801	
Cham M. Davis	3705 Amalgam St Juneau 99801	
Donald E. Jones	304 5th St Douglas AK	99824-0

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NAME	ADDRESS	PHONE
KEVIN M SISKI	210 ADMIRAL WAY	586-2750
MIKE HALVORSON	5905 Churchill Way #81	750-6080
AVEN M. ANDERSEN	3361 MEANDER WAY JUNEAU	789-4269
LARRY HOWARD	2312 MEADOW LANE JUNEAU	789-3189
MIKE PAVINO	6006 Lemon St JUNEAU	780-4408
GARY McCELLER	1521 King Ct. JUNEAU. 99801	780-4264
MAX M. -KO	4502 GARDEN SIDE RD	789-0865
Larry White	8196 Erin St JUNEAU	789-3235
JAMES GRENER	POB 71864 JUNEAU, AK	586-1685

7-LS2066ND
Utermohle
3/10/92

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

BY

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, and the
2 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) waterhed 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 shall establish criteria for the allocation of fishery resources
6 among personal use, sport, guided sport, and commercial fishing. The criteria may, as
7 appropriate to particular allocation decisions, include factors such as

8 (1) the history of each personal use, sport, guided sport, and commercial fishery;

9 (2) the number of residents and nonresidents who have participated in each fishery
10 in the past and the number of residents and nonresidents who can reasonably be expected to
11 participate in the future;

12 (3) the importance of each fishery for providing residents the opportunity to
13 obtain fish for personal and family consumption;

14 (4) the availability of alternative fisheries resources;

15 (5) the importance of each fishery to the economy of the state;

16 (6) the importance of each fishery to the economy of the region and local area
17 in which the fishery is located;

18 (7) the importance of each fishery in providing recreational opportunities for
19 residents and nonresidents.

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

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

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

27 (B) "type of gear" means an identifiable classification of gear and may
28 include

29 (i) classifications for which separate regulations are adopted by the
30 Board of Fisheries or for which separate gear licenses were required by former
31 AS 16.05.550 - 16.05.630; and

- 1 (ii) distinct subclassifications of gear such as "power" troll gear
- 2 and "hand" troll gear or sport gear and guided sport gear;