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# I. STATE LAND CLASSIFICATION PLANNING, CLASSIFICATION, AND MANAGEMENT

## LAND AND RESOURCE PLANNING

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All land classification actions are based on a land use plan prepared by the Department of Natural Resources. The planning process is described in Figure 1, below. Land use plans provide guidance for the use and development of state land and resources. State law requires that these plans be consistent with local governmental land use plans to the maximum extent determined to be consistent with state interests. The department prepares three types of land use plans: area plans, management plans, and site-specific plans.

Area plans, such as the 15.5-million acre Bristol Bay Area Plan, cover relatively large regions of the state. With participation by agencies and the public, resources are identified and land use values are determined. Area plans allocate state land for primary and secondary uses. To ensure multiple use and avoid conflicts, the allocations are accompanied by management intent statements which give direction to land managers and guidelines for applying specific land classifications. About 70 million acres of state land are now covered by adopted area plans in populated as well as rural regions of the state. (See Figures 2 and 3.)

The table below shows ten completed area plans. Two previously completed area plans, Delta-Salcha (1982) was encompassed in the Tanana Basin Plan when it was recently updated. The Willow Sub-basin Area Plan will also be encompassed in the upcoming Susitna Area Plan update.

Completed area plans listed below show approximate state acreage within their planning areas. This acreage includes not only patented, tentatively approved, and selected state land which have come to the state under various federal land entitlements, but also shore, tide and submerged land granted under the federal Submerged Lands Act of 1953.

Table 1A:	ADOPTED AREA PLANS	ACRES	COMPLETION DATE
	Bristol Bay	15,500,000 acres	1984
	Copper River Basin	3,300,000 acres	1986
	Haines-Skagway	400,000 acres	1979
	Kuskokwim	16,000,000 acres	1988
	Northwest	16,000,000 acres	1989
	Prince William Sound	5,300,000 acres	1988
	Prince of Wales Island	1,035,000 acres	1990
	Susitna	9,500,000 acres	1985
	Tanana Basin (updated)	14,804,000 acres	1990
	Willow Sub-basin	<u>460,000 acres</u>	1982
	<b>TOTAL</b>	<b>82,049,000 acres</b>	

Table 1B:	AREA PLANS IN PROGRESS	PROJECTED COMPLETION DATE
	Kenai Area Plan	December, 1993
	Central Southeast Area Plan	December, 1993
	Yakataga Area Plan	June, 1993

FIGURE 2.

# Alaska Department of Natural Resources AREA PLANS






January 1991



Alaska Department of  
**NATURAL  
RESOURCES**

### AREA PLANNING STATUS

-  Completed area plans
-  Area plans in progress
-  Not scheduled for area plans at this time

MEMORANDUM

DATE: March 1, 1991

TO: Representative Cliff Davidson, Chairman, House Resources Committee

FROM: Representative Mike Navarre *Mike*

SUBJECT: House Bill 57, An Act relating to leases of state land for fisheries development.

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Historically, land plans have been considered important to the proper growth and development of the resources of the State of Alaska. Shore fisheries have developed in some cases without the benefit of a land use/management plan. The Department of Natural Resources for a variety of reasons has not completed or in some instances started the planning process. In recent times applicants have gone through the process and when the end appears to be near the applicant is told that DNR cannot issue the lease because there is no land management plan.

HB 57 provides that DNR may issue setnet leases in lieu of an operable land plan. This will expedite the leasing process and at the same time offer protection to the shore fishery user.

HB 57 requires that land management plans in shore fishery areas be completed in a timely manner, specifically January 1, 1995. The bill sunsets the authority of the Director to issue the setnet lease without a land management plan.

Enclosures

- Fact Sheet on Shore Fishery leasing
- CS for House Bill 57
- Sectional analysis of CSHB 57
- Chase decision
- Memo ( 7/30/90) from assistant AG Larrie Spengler
- AS 38.05.082, Leases for shore fisheries development
- AS 38.05.945, Notice
- Letters of support
- Table of Area Plans



## Fact sheet:



# Shore Fishery Leasing

Division of Land & Water Management • May 1990

As manager of most of the state's tidelands out to the three-mile limit, the Department of Natural Resources issues shore fishery (set net) leases. A shore fishery lease gives the leaseholder first priority to use a shore fishery site for commercial salmon set net fishing on state-owned tidelands. This "first priority" applies only when the leaseholder is personally fishing the site.

### Is a shore fishery lease required for set net fishing?

No, a shore fishery lease is not required for set net fishing. However, a person holding a valid shore fishery lease may exclude others from set net fishing within his or her lease area.

### Who may apply for a shore fishery lease?

An applicant must have a valid limited entry permit or an interim-use salmon set net permit. In addition, the applicant must be a citizen of the United States, and must be at least 18 years of age. A lease for a minor who is at least 10 years old may be issued to a legal trustee until the child reaches age 18. Then the lease is automatically transferred to the child's name.

### When may I apply for a shore fishery lease?

New applications may be filed each year between May 1 and September 1.

### How do I apply for a shore fishery lease?

First, decide where you want to locate your lease. Then check land status. Generally, if the tidelands are not already leased to another setnetter, you may stake your lease area. After that, you have thirty days to file your application to the Department of Natural Resources at the address shown on the back of this fact sheet. You must also turn in a sketch map with your application and meet the other requirements of 11 AAC 64.260 (part of the Department of Natural Resources shore fishery regulations). Later, you will have to prepare and file a shore fishery diagram.

### What fees are charged for a shore fishery lease?

A non-refundable filing fee of \$50 is required with each application. There is a \$75 diagram review fee and rent is \$150 per year. The first year's rent must be paid before the lease is issued. Applicants must also pay the cost of public notice (newspaper ad).

### Do I have to stake my site?

Yes. Each site must be staked on the shore above the high tide line before submitting an application. The stake must carry a sign with your name, mailing address, limited entry permit number and date of staking. An application must be filed within 30 days of staking the site.

### Does staking give me exclusive use of a site?

No. Staking is part of the application process for a shore fishery lease. It notifies others that you have applied to lease the site. Only after a lease has been issued do you have first priority to fish your site when you are physically set net fishing there.

### What areas are open to set net leasing?

Only certain areas in Southcentral Alaska are open. They are located in the Alaska Peninsula area, Bristol Bay, Kodiak Island waters, Cook Inlet, and the Eshamy Bay district in Prince William Sound. These areas are defined in the Board of Fisheries' commercial finfish regulations.

### May I locate my site anywhere I wish within the open areas?

No. You must contact the Department of Fish and Game to find out which tide and submerged lands are open to set net fishing on a permanent basis. Set net leases will not be issued in areas that are opened only on a temporary or irregular basis.

### Does the state have a list of set net sites available for leasing?

No. You must locate your own site within the open areas.

### How long is a shore fishery lease valid?

A lease is issued for up to 10 years. The leaseholder may apply for a renewal at the end of the lease term.

### How many set net sites may I lease?

The number varies depending on the commercial finfish regulations for the area, except for Cook Inlet where the maximum is three sites.

### Do I have to apply separately for each set net site?

No. Sites that are within a reasonable distance (approximately two miles) of each other may be included in one application.

*continued*

### **What is a shore fishery diagram?**

It is a detailed map that shows the exact site and location of your site, and its relationship to neighboring sites. It is more detailed than the sketch map that you attached to your application.

### **Who is responsible for preparing the shore fishery diagram?**

You are. However, most people hire a surveyor or drafts-person to do the drawing. After the Division of Land and Water Management approves your lease application, you will be sent a packet with detailed instructions for preparing a diagram. You must submit two copies of the preliminary diagram within 90 days after you receive the packet.

### **Do I have to survey my set net site?**

You do not usually need to survey the set net site. However, under unusual circumstances, such as where shoreline erosion or accretion causes problems in locating the site, or conflicts appear to exist with neighboring sites, you may be required to survey your site.

### **May I use my shore fishery lease area for purposes other than salmon fishing?**

No. A shore fishery lease is issued only for the purpose of commercial salmon set net fishing.

### **May I put improvements within my shore fishery lease area?**

No, you may not put improvements such as a cabin or storage building within your lease area.

### **Must I fish my site myself?**

Yes. You must personally fish each leased site as depicted on your diagram at least every other year, for at least four legal fishing periods during the commercial fishing season. Failure to do so is grounds for lease termination.

### **May I move my nets within my lease area?**

Yes, you may move the nets. However, the nets must remain within the lease area and can be no closer to the boundaries of the lease area than one half the minimum distance allowed between nets by the Board of Fisheries commercial finfish regulations.

### **May I change the location of my lease site after the lease has been issued?**

Yes. We call these changes amendments. Amendments may be applied for between May 1 and September 1 of any year. Most amendment applications require the same fees and steps as a lease application.

### **May I sublease my set net site?**

No. Subleasing is not allowed under the terms of shore fishery leases.

### **May I assign my shore fishery lease to another person?**

Yes, you may assign your lease (transfer all your lease rights) to a person who is qualified to apply for a lease, if the lease is in good standing. The assignment cannot take effect until it is approved by the director, Division of Land and Water Management. Qualifications and procedures for an assignment are described in shore fishery regulations, 11 AAC 64.430.

### **If my family and I have been fishing the same section of beach for several generations, do we have "grandfather" rights to fish this beach and exclude all others?**

No. No one is given exclusive rights to a set net site because of previous use. The length of time a person has fished a certain site is important only when more than one person applies to lease the same site. It is one of the major factors considered when deciding who is most qualified to lease the site.

### **If I acquire an unleased site from a family member or another setnetter who has fished it for several years, can I claim this time when I apply to lease the site?**

No. You must personally fish a site in order to have the time apply.

### **What precautions should I take before buying a set net site?**

Before you buy a site from an individual, it is a good idea to check land ownership records at the Division of Land and Water Management.

### **For information about shore fishery leases, contact:**

Department of Natural Resources  
Division of Land and Water Management  
Southcentral Region—Shore Fishery  
3601 C Street, Suite 1034  
P. O. Box 107005  
Anchorage, AK 99510-7005  
(907) 762-2469

Land & Water Management has seasonal summer offices in Dillingham, Homer and Valdez.

### **For information about commercial fishing contact:**

The Alaska Department of Fish and Game  
P. O. Box 3-2000  
Juneau, AK 99802  
(907) 465-4100

Fish and Game has regional offices in: Anchorage, Cold Bay, Kodiak, Bethel, Dillingham, Sand Point, Chignik, King Salmon and Unalaska.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FACSIMILE: (907) 586-2754

March 5, 1991

The Honorable Cliff Davidson, Chair  
House Resources Committee  
P.O. Box V  
Juneau, AK 99811

Dear Representative Davidson:

Subject: CSHB 57 (Resources), which relates to leases of state land for fisheries development.

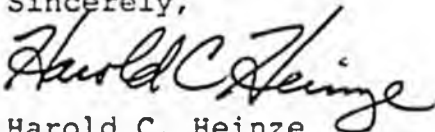
Position: The department supports the <sup>proposed</sup> House Resources Committee substitute for HB 57.

Background: Currently, DNR cannot issue set net leases without completing the required state land planning and classification process for the area. Potential set net site lessees are concerned that the department cannot act quickly on applications for sites where the land planning and classification process has not been completed.

This bill grants a temporary exemption to DNR from state land planning and classification requirements for set net lease sites in non-planned areas of the state. Until 1995, the department may classify land for set net lease sites in areas without a land plan after issuing a public notice under AS 38.04.065. By January 1, 1995, however, the department is to have completed plans for all state tidelands proposed for set net leases, which will end the need for the set net site planning/classification exemption.

Please let me know if you need additional information about this matter.

Sincerely,



Harold C. Heinze  
Commissioner

cc: Committee members  
Representative Navarre  
Bruce Kendall, Legislative Liaison, Office of the Governor

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSHB 57

Revision Date: 4-Mar-91 Department Affected: Natural Resources  
 Title: Lease of State Land for Fisheries Development BRU: Land & Water Management  
 Components: Land & Water Management  
 Sponsor: Representative Navarre  
 Requestor: House Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES		102.7	102.7			
TRAVEL		15.0	15.0			
CONTRACTUAL		14.0	14.0			
SUPPLIES		1.0	1.0			
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	132.7	132.7	0.0	0.0	0.0

*For Plan completion*

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		132.7	132.7			
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	132.7	132.7	0.0	0.0	0.0

POSITIONS:

FULL-TIME		2.0	2.0			
PART-TIME						
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Ron Swanson Phone: 762-2680  
 Division: Land and Water Management Date: 4-Mar-91  
 Approved by Commissioner: Harold Heinze Date: 4-Mar-91  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Fiscal Note for CSHB 57 (Resources), continued

Area plans generally take several years to complete. This plan would not be started until FY 93.

100 <u>Personal Services</u> :	NRM I (18A)	\$ 54.6
	NRO II (16A)	48.1
200 <u>Travel</u> :	Anch. & Kodiak Planning Team Meetings	5.0
	Public Meetings (8-10 locations)	10.0
300 <u>Contractual</u> :	Planning Brochure	2.0
	Copying, Newsletters, Ads.	3.0
	Inventory, Mapping	6.0
	Plan Printing	3.0
400 <u>Supplies</u> :	Miscellaneous Supplies	1.0
	<b>Total</b>	<b>\$132.7</b>

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

### MEMORANDUM

March 2, 1991

**SUBJECT:** Leases for Shore Fisheries Development (CSHB 57)  
(Work Order No. 7LS-0334\S)

**TO:** Representative Mike Navarre  
Attn: Tom Ackerley

**FROM:** Jerry Luckhaupt *JEL*  
Legislative Counsel

You have requested a sectional for the above-referenced version of a committee substitute for HB 57. Preliminarily, please note that a sectional analysis should not be considered an authoritative interpretation of a bill - the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it relates to a particular set of circumstances, please advise.

Section 1 of the bill provides a purpose clause.

Section 2 of the bill amends AS 38.05.082(b), to provide an exception allowing the director of the division of lands of the department of natural resources, to classify lands for shore fisheries development leases, in areas of the state where an area or regional land use plan under AS 38.04.065 has not been completed. An additional change on p. 2, line 10, requested by DNR, provides for a longer appeal period from the director's decisions.

Section 4 of the bill provides that the department of natural resources shall adopt land use plans for those areas of the state with tidelands and which currently do not have land plans. DNR is to accomplish this by January 1, 1995.

Section 6 of the bill provides an effective date making section 1,2, and 4 of the bill effective immediately under AS 01.10.070(c).

Section 3 of the bill amends AS 38.05.082(b) to remove the exception (other than the extended appeal period requested by DNR) provided by section 2 of the bill.

Representative Mike Navarre

March 2, 1991

Page 2

Section 5 of the bill provides that section 3 of the bill is effective January 1, 1991, the date all the land plans are supposed to be completed under section 4 of the bill, which thereby removes the necessity for the exception.

GPL:mi

91-042.mai

**DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

**COPY**

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

**MEMORANDUM**

February 14, 1991

**SUBJECT:** Review of Alaska Survival v. State (HB 57)

**TO:** Representative Mike Navarre

**FROM:** Jerry Luckhaupt  
Legislative Counsel

Pat Malone of your staff requested a short review of the Alaska Supreme Court case, Alaska Survival v. State, 723 P.2d 1281 (Alaska 1986), also known as the Chase decision. Specifically, Pat wanted to know if this decision supported an interpretation that no leasing of state lands may occur absent a regional or area land use plan or if the decision was only applicable to disposals of state land. I hereby respond as follows.

The Alaska Survival case involved the disposal of agricultural lands by the state. Among other issues presented the court considered whether the Department of Natural Resources violated AS 38.04.065 by classifying the lands in question as agricultural lands before the completion of a regional or area land use plan.

AS 38.04.065 provides:

(a) Except as provided in (d) and (h) of this section, the commissioner shall, with local governmental and public involvement under AS 38.05.-945, adopt, maintain, and, when appropriate, revise regional land use plans that provide for the use and management of state-owned land.

...

(c) The commissioner shall adopt regional land use plans for state land. Each regional land use plan must identify and delineate

(1) areas of settlement and settlement impact, where land must be classified for various private uses, renewable and nonrenewable resource development, and for public recreation, open space, and other public uses desirable in and around settlement; and

(2) areas that must be retained in state ownership and planned and classified for various uses and purposes under AS 38.04.015.

(d) The commissioner may adopt as a land use plan a comprehensive plan adopted by a municipality having planning and zoning powers or

a land management plan adopted by another governmental entity if the commissioner determines that the plan adequately recognizes and protects state interests. A decision to adopt the plan must be preceded by public hearings in affected and interested communities and by a draft decision, available for public review, that describes the state's interests and how the state will implement the plan.

(e) Land shall be classified as provided in AS 38.05.300.

(h) Before the commissioner adopts a regional land use plan, a land classification may be made on the basis of a site-specific land use plan, except a classification for a land disposal under AS 38.05.057, AS 38.08, AS 38.09, or a new commercial agriculture project under AS 38.05.-020(b)(6). After adoption of a regional land use plan, land classifications shall be made under the plan.

In interpreting this statute as it then appeared the court said:

In our view, both the organization of the statutory scheme and the particular language of AS 38.04.065(c) and (d) express an unambiguous intent that regional planning precede land classifications and disposals. . . . To interpret these provisions to allow classification and disposal before regional planning defies logic. It makes little sense to require comprehensive regional planning after the relevant land use decisions already have been made, especially irrevocable disposal decisions. . . . the statute's meaning is plain: it mandates a comprehensive, broad-scale planning process prior to site-specific planning and classification. . . . For these reasons, we conclude that AS 38.04.065 requires regional planning to precede land classification. . . .

Alaska Survival, supra, at 1289 - 90.

From this discussion it appears that classification of state lands, for any purpose, may not occur absent a regional or area land use plan adopted under AS 38.04.065, or as provided in subsection (h) of that section. Accordingly, the Attorney General's opinion to you concerning the inability of the state to lease state land for shore fisheries development in any area where the state has not adopted a land use plan, appears to be correct.

And, while the Alaska Survival decision the decision does not limit itself to those situations nor does the language of the statute. Accordingly, I conclude that the decision appears to have a broad application to all classifications of state land.

If you have further questions, please contact me at your convenience.

GPL:pl:gc  
91-080.plm

LAW OFFICES OF  
JENSEN & JENSEN

TELECOPY (907) 373 6883

ANCHORAGE  
3003 MINNESOTA DR SUITE #301  
ANCHORAGE ALASKA 99503  
(907) 563 5811

WASILLA  
167 EAST PARK AVENUE  
WASILLA ALASKA 99687  
(907) 376 3235

February 1, 1991

Representative Navarre  
P.O. Box V  
Juneau, Alaska 99881

Attn: Tom Ackerley

Re: House Bill No. 57 - An Act relating to leases of State land for fisheries development and providing for an effective date.

Dear Tom:

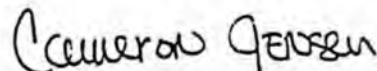
Thank you for speaking with me by telephone today about House Bill 57.

Edward E. Crane, President of the Alaska Commercial Fishing & Agriculture Bank, asked that I confirm with you the Bank's support for Bill No. 57 introduced by Representative Navarre. In that regard, the Bank offers any help your office may require with respect to the bill as it moves through the legislative process.

Please pass along my thanks to Pat Malone for also discussing this bill with me.

With best regards,

Jensen & Jensen



Cameron Jensen

CJ/pjt

Suzanne Haines  
Box 3932  
Homer, AK 99603-3932  
235-8922

Feb. 19, 1991

Representative Mike Navarre  
PO Box V  
Juneau, AK 99811

Dear Rep. Navarre

Thank you for sponsoring House Bill 57. I completed my filing materials for my fish site at the Kenai River in May, 1990, and awaited word from the Div. of Shore Fishery Leases at DNR regarding advertising and final closure. It was then I was informed of the quagmire regarding the halting of shore fishery leases because of the lack of a lands use policy. Therefore, I have no legal claim to the sites I have fished for three seasons.

A great deal of my resources and time has gone into these sites, and I am not in a position to ward off site jumpers who could challenge my fishing spot, since - without a lease - I have no legal authority to prevent them from doing so. This potential situation is a threat to my safety and livelihood.

I realize you understand my situation, which is similar to many other Cook Inlet fishermen. I don't believe it is in the best interest of these fishermen who have acted in good faith in accordance with the State of Alaska to penalize us because of a technicality created within the Dept. of Natural Resources.

Thank you, again, for supporting our efforts to follow the state's requirements. Please let me know how I can assist you in getting this piece of legislation through the House and Senate. Best wishes and good luck.

Sincerely,

*Suzanne Haines*

Suzanne Haines

GEORGE A. MOERLEIN  
7300 O'MALLEY ROAD  
ANCHORAGE, ALASKA 99516

907-346-3784

February 14, 1991

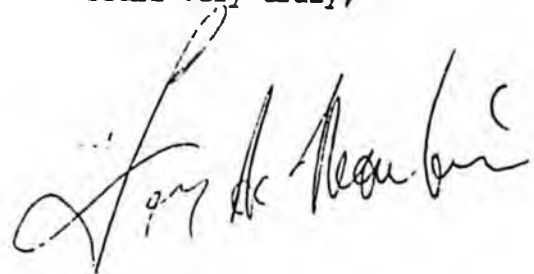
Representative Mike Navarre  
P.O. Box V  
Juneau, Alaska 99811

Re: HB 57

Dear Mr. Navarre:

I fully support HB 57 which will allow setnet leases to be renewed and new ones issued in Cook Inlet prior to the completion of a Land Use Policy. I urge that this bill be passed this session in order to permit an orderly continuation of the setnet fishing industry in this area.

Yours very truly,



cc - Betty Bruckman  
Dave Choquette  
Virginia Collins  
Rick Halford  
Arliss Sturgulewski

Soldotna, Ak. 99669  
Feb. 20, 1991

Dear Rep. Navarre,

We support your efforts on  
HB57.

It is important that renewal  
of leases in place go on while  
the lands use policy is  
being developed

Sincerely  
Robert and Lutz Krou  
Box 1163  
Soldotna, Ak 99669

**Kenai Peninsula Fishermen's Association**

P.O. Box 546

Soldotna, Alaska 99669

(907) 262-2492

*Dear Mr. Navarre,*  
*I certainly support*  
*your HB 57.*

*Wendell Honea*  
*Joyce Honea*  
*P.O. Box 533*  
*Kenai, Ak. 99611*

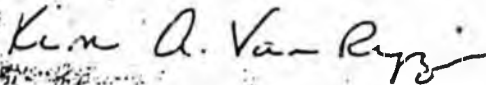
February 20 1991

TO: Representative Navarre

RE: Cook Inlet Shore Fishery Leases

My wife and I are Salmon Set Net permit holders in Cook Inlet. We support bill HB-57 authorizing Shore Fisheries Leases to be issued or renewed before a Lands Use Policy is in place. We appreciate your sponsoring this legislation.

Sincerely,



Chris and Kim Van Ryzin

PO. BOX 315

STERLING, AK 99672

907-262-5923

FEBRUARY 20 1991

TO: REP. MIKE NAVARRE

FROM: THOMAS HUNHORE

SUBJECT: HB 57

OUR FILE:

YOUR FILE:

MIKE THIS IS A LETTER OF SUPPORT  
 CONCERNING HOUSE BILL 57. WAITING 3 TO 5 YEARS  
 FOR A LANDS USE POLICY IS UNACCEPTABLE TO MOST  
 OF ALL COMMERCIAL FISHERMAN. THEREFORE I WISH  
 YOU THE BEST LUCK WITH THIS BILL.

SINCERELY YOURS

THOMAS HUNHORE

Feb. 19, 1991

Geralynn Ransom  
Box 74  
Kasilof, Alaska 99610

Rep. Mike Navarre  
Box V  
Juneau Alaska 99611

To: Rep. Navarre

I am writing to thank you for introducing and supporting HB 27. My husband and I are setnetters in Cook Inlet. We have a lease pending and appreciate your efforts on our behalf. It is nice to hear of something positive coming out of Juneau regarding our fishery. We hope we can depend on your continued support.

Thank-you

*Geralynn Ransom*  
Geralynn Ransom

Tom

# JOHN SWISS

Pilot - Guide - Outfitter

120 F STREET  
ANCHORAGE, ALASKA 99501

TELEPHONE 272-1725



Representative Marine  
P.O. Box 1207  
Seymour Washburn 99811

Dear Mr. Washburn

My wife (D.) has a full supply

of traps (all H B 57)

but have been set with no success for over 40 years.  
Could have set out (early) since 1900.

If our license are not renewed this  
year we will have a problem of people  
coming to fish when we have practically  
nothing for 40 years.

Please try to get them full passed

at Anchorage. Was for over 40 years and  
last year I had over 1000 people but  
the state was fishing for short season.

I would like to see you if you can  
come to Anchorage at 11:00 AM  
on 11/11/24

Alaskan Trophy Hunts

P.O. Box B  
GumEAU Ak. 99800

Dear MR. NAVWAKE

I John T. Swiss am a  
long time commercial setnet salmon  
fisherman and lease holder in Cook  
Inlet. My father began fishing our  
leased sites in 1950 and myself in 1960

I am in full support of House  
Bill # 57 and without this bill  
being passed I could suffer considerable  
hard ship this summer and following  
years till the lease system is straitened  
out

Since my lease is up for renewal and  
will not be renewed at this time I  
can only anticipate a very tense and  
less profitable fishing season due to the  
fact other fisherman can now legally fish  
on my previously leased sites.

Please do everything you can to  
get HB 57 passed.

Thank You

John T. Swiss

Permit # S04H59183N

129 F St., Anchorage Ak. 99501

Sincerley  
John T. Swiss

Introduced by: Glick,  
O'Connell, McLane, Walli  
Date: February 5, 1991  
Vote: UNANIMOUS  
Action: ADOPTED AS AMENDED

KENAI PENINSULA BOROUGH

RESOLUTION 91-14

A RESOLUTION IN SUPPORT OF THE EASTSIDE COOK INLET SETNET FISHERY

WHEREAS, the offshore setnet fishery in Cook Inlet has been a legal and accepted method of fishing for over thirty years; and

WHEREAS, the Alaska Board of Fisheries established boundaries on this fishery in 1978 of one and one-half miles offshore south of the Kenai River and one mile offshore north of the Kenai River; and

WHEREAS, the vast majority (87%) of Cook Inlet setnet permit holders are Alaska residents with over two-thirds being residents of the central Kenai Peninsula; and

WHEREAS, the eastside setnet fishery is a major economic factor within the Kenai Peninsula Borough, with an annual ex-vessel catch value for the past five years averaging \$27.9 million, employing many people in the fishery, processing and transportation industry, and directly contributing to the Kenai Peninsula Borough through real and personal property, sales and raw fish taxation; and

WHEREAS, the Alaska Department of Fish and Game and the Alaska Board of Fisheries have developed and implemented a biologically based management plan providing protection reduced interception of king salmon by establishing both minimum and optimum escapement goals; and

WHEREAS, the eastside setnet fishery targets the red salmon run and has taken measures to reduce the catch of king salmon, significantly reducing the incidental harvest in recent years and plans to institute a voluntary program dedicating the revenues from incidental catch of king salmon to improvement of Kenai River habitat;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Assembly of the Kenai Peninsula Borough urge Governor Walter J. Hickel, the Alaska Board of Fisheries, and the Alaska State Legislature to fully examine the biological,

social, and economic impacts of any proposed action to limit setnets along the eastside of Cook Inlet.

Section 2. That the Alaska Board of Fisheries be allowed to promulgate regulations regarding fisheries management and allocation issues based upon biological considerations.

Section 3. We respectfully request that new and continuing members of the Alaska Board of Fisheries exhibit a high degree of integrity and an ability to be fair and impartial in arriving at their decisions.

Section 4. That the Alaska Department of Fish and Game be allowed to manage fisheries according to the management plans and regulations established by the Alaska Board of Fisheries without interference.

Section 5. That copies of this resolution be sent to Governor Walter J. Hickel, members of the House and Senate Resources Committees, and members of the Kenai Peninsula delegation.

Section 6. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS  
5th DAY OF February, 1991.

ATTEST:

Janet A. Sumey  
Janet A. Sumey, Borough Clerk

James W. Skogstad  
James W. Skogstad, Assembly President

# I. STATE LAND CLASSIFICATION PLANNING, CLASSIFICATION, AND MANAGEMENT

## LAND AND RESOURCE PLANNING

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All land classification actions are based on a land use plan prepared by the Department of Natural Resources. The planning process is described in Figure 1, below. Land use plans provide guidance for the use and development of state land and resources. State law requires that these plans be consistent with local governmental land use plans to the maximum extent determined to be consistent with state interests. The department prepares three types of land use plans: area plans, management plans, and site-specific plans.

Area plans, such as the 15.5-million acre Bristol Bay Area Plan, cover relatively large regions of the state. With participation by agencies and the public, resources are identified and land use values are determined. Area plans allocate state land for primary and secondary uses. To ensure multiple use and avoid conflicts, the allocations are accompanied by management intent statements which give direction to land managers and guidelines for applying specific land classifications. About 70 million acres of state land are now covered by adopted area plans in populated as well as rural regions of the state. (See Figures 2 and 3.)

The table below shows ten completed area plans. Two previously completed area plans, Delta-Salcha (1982) was encompassed in the Tanana Basin Plan when it was recently updated. The Willow Sub-basin Area Plan will also be encompassed in the upcoming Susitna Area Plan update.

Completed area plans listed below show approximate state acreage within their planning areas. This acreage includes not only patented, tentatively approved, and selected state land which have come to the state under various federal land entitlements, but also shore, tide and submerged land granted under the federal Submerged Lands Act of 1953.

Table 1A:	ADOPTED AREA PLANS	ACRES	COMPLETION DATE
	Bristol Bay	15,500,000 acres	1984
	Copper River Basin	3,300,000 acres	1986
	Haines-Skagway	400,000 acres	1979
	Kuskokwim	16,000,000 acres	1988
	Northwest	16,000,000 acres	1989
	Prince William Sound	5,300,000 acres	1988
	Prince of Wales Island	1,035,000 acres	1990
	Susitna	9,500,000 acres	1985
	Tanana Basin (updated)	14,804,000 acres	1990
	Willow Sub-basin	<u>460,000 acres</u>	1982
	<b>TOTAL</b>	<b>82,049,000 acres</b>	

Table 1B:	AREA PLANS IN PROGRESS	PROJECTED COMPLETION DATE
	Kenai Area Plan	December, 1993
	Central Southeast Area Plan	December, 1993
	Yakataga Area Plan	June, 1993

FIGURE 2.

# Alaska Department of Natural Resources AREA PLANS



January 1991



Alaska Department of  
**NATURAL  
RESOURCES**

### AREA PLANNING STATUS

- Completed area plans
- Area plans in progress
- Not scheduled for area plans at this time

# Setnetting resolution approved

By CATHY BROWN  
Peninsula Clarion

## Resolution: Borough Assembly sends message on setnet policy to governor

Continued from page 1

The Borough Assembly Tuesday night passed a resolution supporting the eastside Cook Inlet setnet fishery and urging Gov. Walter J. Hickel not to let politics dictate fisheries policy.

The resolution, which had the backing of the Kenai Peninsula Fishermen's Association, was sponsored by Assembly members Betty Glick, Pat O'Connell and Sam McLane. The resolution passed unanimously. A similar ordinance goes before the Kenai City Council tonight.

KPFA board member Ken Coleman said his organization was pushing the resolution because of a message Clem Tillion, Hickel's administrative assistant in charge of fishing issues, delivered to local fishermen in December.

"We were put on notice by the governor through ... Tillion that our fishery needed to be reduced or possibly eliminated," Coleman said Tuesday afternoon.

Coleman and KPFA vice president Gene Palm said they are concerned that decisions regarding local fisheries management will be made for political reasons, rather than biological reasons.

Kenai River sport fishermen have blamed the eastside setnet fishermen for catching too many king salmon in their sockeye salmon nets and weakening the king salmon runs in the Kenai River.

When he spoke in December Tillion talked of limiting the number of offshore eastside setnet fishermen.

But the setnet fishermen say there is no biological evidence that limiting the offshore setnetters will help the Kenai River king run. And they told the As-

sembly a reduction in the \$27.9 million setnet fishery would put people out of work and hurt the borough's economy.

"The facts do not support what they want to do," Palm said in an interview Tuesday afternoon. "When he (Tillion) spoke, he said, the facts don't matter. This is a political decision, pure and simple. The governor wants this reduced.

"We're hoping if there are to be any changes, they're done on biological need, not on the perception that we look bad," Coleman said. "'It looks bad' is not an acceptable reason to lose any part of a \$27.9 million industry."

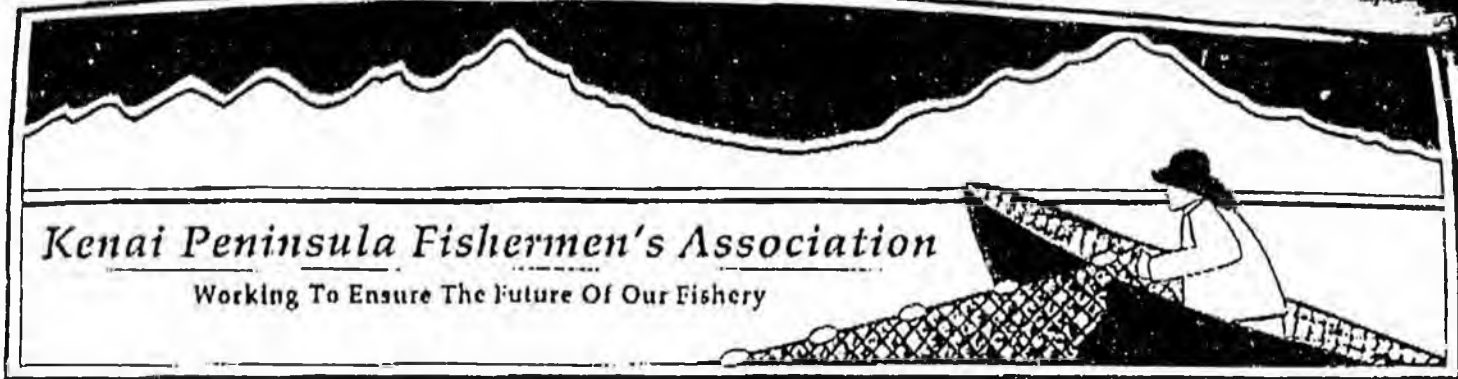
He said the fisheries management plans

now in place already provide protection for the Kenai River king runs.

Coleman and Palm said Tillion also indicated Hickel planned to replace the Board of Fisheries with people who subscribe to his point of view.

"We'd like some impartial, fair-minded people that don't have a preconceived agenda on the board," Coleman said.

The Assembly resolution asks that the Board of Fisheries "be allowed to promulgate regulations regarding fisheries management and allocation issues based on biological considerations." It also requests that "new and continuing members of the Alaska Board of Fisheries exhibit a big degree of integrity and ability to be fair and impartial in arriving at their decisions."



34824 Kalifornsky Beach Road • Suite E • Soldotna • Alaska • 99669 • (907) 262-2492

March 1, 1991

Representative Mike Navarre  
P.O. Box V  
Juneau, Alaska 99801

Dear Representative Navarre:

Subject: House Bill No. 57 - An Act relating to leases of State land for fisheries development and providing for an effective date.

The Kenai Peninsula Fishermen's Association supports HB 57. We would like to thank you for introducing this bill and for your efforts to get it passed. As you know our organization primarily represents east side setnetters in Cook Inlet. Many of our members have been affected by the Attorney General's ruling that DNR cannot issue or renew tideland leases until a Land's Use Policy is in place. Our office has received numerous calls from frustrated fishermen who are trying to get their leases. We feel that HB 57 will help to resolve some of the problems associated with shore fishery leases.

We recently wrote to our members asking them to support HB 57. A copy of this letter is enclosed. Our staff will also be listening to the teleconference on Wednesday, March 6, 1991. Please let us know if there is anything else we can do to help get this bill passed.

Sincerely,

*Brent Johnson*

Brent Johnson  
President

enclosure