

SB

301

HFIN

FILE

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: April 13, 2000

FURTHER REFERRALS:

Date of Committee Action: 7/19/00

The FINANCE Committee considered:

CSSB 301(FIN)

CS FOR SENATE BILL NO. 301(FIN)

CHITINA DIPNET FISHING PERMIT

"An Act relating to the Chitina dip net fishing permit; and providing for an effective date."

recommends it be replaced
with the following committee substitute

HCS SB 301 (Fin)

the same title
 a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) F-G

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Gene Therriault</u> Therriault			X	
<u>Elden Mulder</u> Mulder	X			
<u>Carl Bunde</u> Bunde	✓			
<u>Alvin Gusterman</u> Gusterman	X			
<u>Jim Davies</u> Davies	Y			
<u>Ben Grussendorf</u> Grussendorf			X	
<u>John L. Davis</u> Davis			X	
<u>W.K. Williams</u> Williams	X			
<u>Keith Phillips</u> Phillips	✓			
<u>[Signature]</u>	X			

CHAIR'S SIGNATURE

Gene Therriault Elden Mulder

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSSB 301(FIN)

Revision Date/Time (Note if correction) 04/06/00 Dept. Affected Fish and Game
 Title CHITINA DIPNET FISHING PERMIT BRU Sport Fisheries
 Component Sport Fisheries
 Sponsor Senate Finance
 Requester Senate Finance Component No. 464

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	150.0	150.0	150.0	150.0	150.0	150.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	150.0	150.0	150.0	150.0	150.0	150.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	150.0	150.0	150.0	150.0	150.0	150.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	20.0	20.0	20.0	20.0	20.0	20.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund	130.0	130.0	130.0	130.0	130.0	130.0
TOTAL	150.0	150.0	150.0	150.0	150.0	150.0

Estimate of any current year (FY2000) cost: 57.9

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Kevin Delaney
 Division: Sport fisheries
 Approved by: Commissioner Frank Rue
 Agency: Department of Fish and Game

Phone: 465-4180
 Date/Time: 4/6/00 11:34 AM
 Date: 04/06/2000

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Alaska Department of Fish and Game
Fiscal Note on CSSB 301(FIN)
Attached analysis

During a December 1999 Board of Fisheries meeting, the board reclassified the Chitna dipnet fishery from a personal use fishery to a subsistence fishery. The existing permit is specific to a personal use fishery. SB 301 amends the existing permit so it applies to the Chitna dipnet fishery whether it is classified as personal use or subsistence.

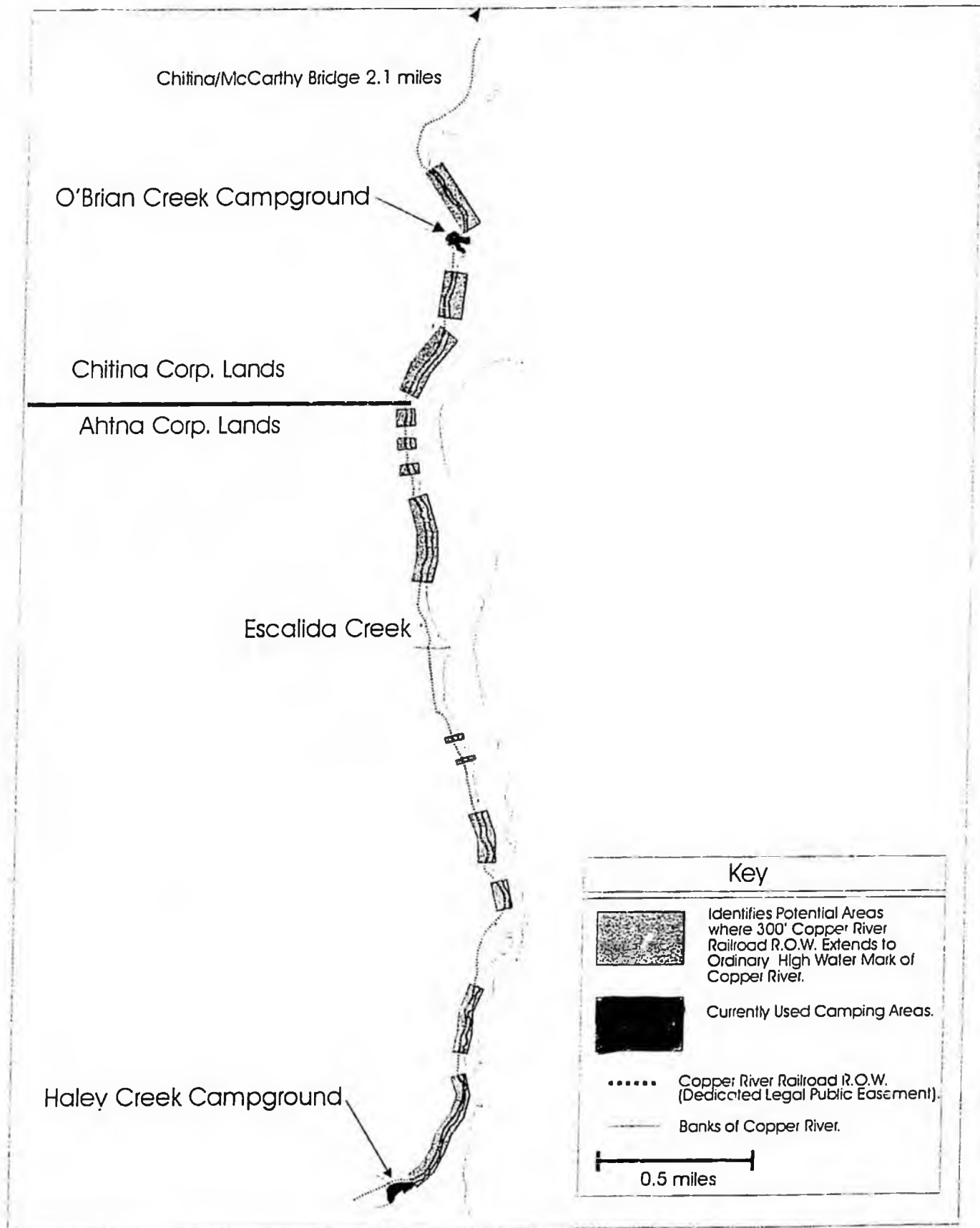
The change in revenues reflects the increase in the Chitna dipnet permit fee from \$10 to \$25, minus the amount exempted for senior citizens. Based on 1998 and 1999 sales of approximately 10,000 licenses, it is estimated that 8 percent of the permit holders participating in the Chitna fishery will qualify for the exemption, reducing revenues by \$20,000.

The sources of revenue to cover the listed expenditures will be sales of Chitna permits (\$130,000) and general fund (\$20,000.) The general fund will replace those permits fees waived to qualifying senior citizens.

Permit fees and general funds will be used to pay the Chitna and Ahtna Corporations for use of their lands to access the Copper River where the fishery is conducted, to pay for disposal of human and solid wastes generated by the thousands of participants in the fishery, and to pay a portion of the costs of administering the issuance of permits.

This fiscal note requests appropriation of an additional \$150,000, which together with the revenue of \$100,000 from the existing personal use permit generates \$250,000, the estimated annual cost for providing access and disposal services for the Chitna dipnet fishery.

Copper River Railroad Right-of-Way and Approximate Land Ownership (Chitina and Ahtna Native Corporations)



insert after page 2 line 11

"
Department of Natural Resources, and the Department of
Transportation and Public Facilities to identify the portion
of the Copper River Railroad right-of-way, associated with
the Chitina dip net fishery, utilizing the most cost
efficient methodology available, to carry out this intent "

Insert on page 2, line 11 after "Department of Natural Resources"

and the Department of Transportation and Public Facilities to identify the portion of the Copper River Railroad right-of-way, associated with the Chitina dip net fishery, utilizing the most cost efficient methodology available, to carry out this intent

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

No. 1
Bill Version: SB 301
(S) Publish Date: 4-4-00

Revision Date/Time (Note if correction) _____ Dept. Affected Fish and Game
Title CHITINA DIPNET FISHING PERMIT BRU Sport Fisheries
Component Sport Fisheries
Sponsor Senate Finance
Requester Senate Resources Component No. 464

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	44.8	44.8	44.8	44.8	44.8	44.8
Travel	1.2	1.2	1.2	1.2	1.2	1.2
Contractual	196.0	196.0	196.0	196.0	196.0	196.0
Supplies	8.0	8.0	8.0	8.0	8.0	8.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	250.0	250.0	250.0	250.0	250.0	250.0

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Fish and Game Fund	250.0	250.0	250.0	250.0	250.0	250.0
TOTAL	250.0	250.0	250.0	250.0	250.0	250.0

Estimate of any current year (FY2000) cost: 57.9

POSITIONS

Full-time					
Part-time					
Temporary					

ANALYSIS: *(Attach a separate page if necessary)*

These expenses cover the printing of the permits and other administrative costs associated with the issuance of Chitna dipnet permits out of the Anchorage, Fairbanks, Glenallen, Palmer, and Chitna offices. Also included are payments to the Chitna and Ahtna Corporations for use of their land in the conduct of the dipnet fishery. These payments are pursuant to the terms of contracts between the Department of Fish and Game and the corporations.

Prepared by: Kevin Delaney
Division: Sport Fisheries
Approved by: Commissioner Frank Rue
Agency: Department of Fish and Game

Phone: 465-4180
Date/Time: 4/3/00 9:07 AM
Date: 04/30/2000

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Juneau, Alaska 99801-1182

SPONSOR STATEMENT

SB 301

An Act relating to the Chitina dip net fishing permit; and providing for an effective date.

Over the past decade, the Chitina fishery has grown to be one of the largest fisheries in our state and is used by over 30,000 Alaskans. This legislation will: 1) raise the price of the Chitina dip net fishing permit from \$10 to \$25, eliminating the need for a \$15 sport fish license, 2) will slightly change the name of the permit, and 3) exempt permanent identification card holders from paying the fee.

The \$25 amount was recently negotiated between the Department of Fish and Game and the Chitina and Ahtna Native Corporations. The Department uses a portion of the fees (\$10 to Chitina Corporation & \$8 to Ahtna Corporation) to pay for access for fishermen across private land owned by the Corporations, but since the permit is in AS 16.05.340(a)(22), it requires legislation to change this fee.

The bill will also change the name of the permit from "Chitina personal use salmon dip net fishing permit" to "Chitina dip net fishing permit". This is a result of the Fish Board changing the designation of this fishery from a sport fish to a subsistence fishery and so the term, personal use, must be removed from the name of the permit.

Last summer, any Alaskan who wanted to fish at Chitina needed a \$15 sport fish license and a \$10 Chitina permit. Because the fishery is now a subsistence fishery, people will not be required to have a sport fish license and a Chitina dip net permit, and will only need to have a Chitina permit. If the price of the permit is \$25, the total amount required of individuals will remain the same.

The bill also exempts permanent identification card holders, i.e. senior citizens, from paying the fee for the Chitina permit. Family members who reside in the same household as the cardholder will also be exempt from paying the fee, as long as the cardholder is present.

The Chitina permit is a household permit, so a family of two last summer had to pay \$30 for their sport fish licenses and a \$10 Chitina permit, for a total of \$40. This year, a family of two will only be required to pay \$25 for the Chitina permit, thus being a savings for families.

With the increase in permit fees, the Department of Fish and Game will be able to provide increased and improved services for those who use the fishery. It will also allow for maximum public access to the fishery with minimal conflict with private landowners.

This legislation is supported by the Alaska Outdoor Council, the Chitina Dipnetters Association, and local Fish & Game Advisory Councils around the state.

COPPER RIVER PERSONAL USE FISHERY



*Dept. Handout
re reqs @
Chitina*

**COPPER RIVER
(CHITINA)
PERSONAL USE
SALMON DIPNET
FISHERY**



**Information regarding:
When the fishery is open
and**

Chitina permit station operating hours

can be obtained by calling one of the following recorded messages:

- Glennallen - 822-5224**
- Fairbanks - 459-7382**
- Anchorage - 267-2511**

*Alaska Department of Fish and Game
Division of Sport Fish*

*1300 College Road
Fairbanks, Alaska 99701
(907) 459-7207*

*PO Box 47
Glennallen, Alaska 99588
(907) 822-3309*

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NOTICE: This summary of regulations is not complete, nor quoted verbatim from State law. It is an informative abstract of 5 AAC 77, simplified for your convenience. For further details, or to inspect a copy of the official codified personal use fishing regulations, consult your local Department of Fish and Game representative or Department of Public Safety, Fish and Wildlife Protection Division office.

A 40-Year History of the Copper River Dipnet Fishery and Access to O'Brien Creek

Year	Event
1960	<ul style="list-style-type: none"> *Permit system for fish wheels and dipnets begins. *Edgerton Highway is upgraded, resulting in an increase in dipnetters from outside of Copper River basin.
1963	<ul style="list-style-type: none"> *State destroys old trestles because they are unsafe.
1964	<ul style="list-style-type: none"> *U.S. Geological Survey creates switchbacks on Copper River Highway outside of 200-foot right-of-way (ROW).
1972	<ul style="list-style-type: none"> *Improvements to Copper River Highway permit vehicular traffic 20 miles south of Chitina.
1973	<ul style="list-style-type: none"> *Sierra Club and Alaska Conservation Society obtain court injunction halting road construction.
1974	<ul style="list-style-type: none"> *Chitina Native Corporation (CNC) files selection applications for land near Chitina.
1975	<ul style="list-style-type: none"> *An agreement between state and federal agencies and the two conservation groups results in closure of the Copper River Highway at O'Brien Creek
1978	<ul style="list-style-type: none"> *Road at O'Brien Creek opened again in December.
1980	<ul style="list-style-type: none"> *Area where fish wheels permitted is moved above McCarthy Road Bridge. *Flood washes out approaches to O'Brien Creek Bridge.
1982	<ul style="list-style-type: none"> *BLM approves interim conveyance of CNC selections with easements and a 300-foot highway ROW. *CNC files notice of appeal for 13 reservations of easements including two at O'Brien Creek. *Appeal referred to the BLM hearings division. *Hearing at Copper River results in settlement of all but the two easements at O'Brien Creek. *Road improvements to O'Brien Creek stopped after CNC disputes ownership of the road.
1983	<ul style="list-style-type: none"> *State replaces O'Brien Creek Bridge.
1984	<ul style="list-style-type: none"> *Two contested easements at O'Brien Creek (for parking, camping, and road access) rescinded. *BIA funds used to construct several houses in Chitina on road ROW.
1985	<ul style="list-style-type: none"> *Final conveyance of land to CNC. *CNC blocks road at Fox Creek and charges fee for entrance.
1986	<ul style="list-style-type: none"> *CNC continues entrance fee. Use of boats for access from Chitina-McCarthy Road bridge increases. *Protest by dipnetters over access fee results in announcement by Governor Sheffield that talks with CNC are underway.
1987	<ul style="list-style-type: none"> *CNC lawyer proposes a long-term lease of access at O'Brien Creek. *State completes a maintenance contract with CNC to remove litter, clean toilets and construct 7 new toilets for \$15,000 (money provided from Department of Transportation and Public facilities [DOTPF]).

A 40-Year History of the Copper River Dipnet Fishery and Access to O'Brien Creek

Year	Event
1988	<ul style="list-style-type: none"> *Office of the Governor negotiates access and campground maintenance contract with CNC for \$22,000. *Legislature appropriates \$15,000 for access to O'Brien Creek and \$7,500 for a long-term access study. *DOTPF completes road work to O'Brien Creek placing road within ROW at Fox Creek Bridge at O'Brien Creek widened and road graded halfway to Haley Creek.
1989	<ul style="list-style-type: none"> *CNC objects to road work and states that archeological and grave sites may have been disturbed. *State decides not to pay for O'Brien Creek access in 1990. *CNC closes camp area at O'Brien Creek and posts no trespassing signs. *Attorney General opinion issued concerning road ROW.
1990	<ul style="list-style-type: none"> *Legislature approves \$10 permit fee for Chitina dipnetters, effective January 1991. *Legislature appropriates \$22,000 for O'Brien Creek access and campground maintenance. *CNC road ROW survey reveals O'Brien Creek bridge and part of road outside of 200-foot ROW. (1960 - 1990 information prepared by the Legislative Research Agency, August 1990 (90.355b).
1992	<ul style="list-style-type: none"> *Alaska Superior Court (3rd Judicial District) gave partial summary judgement in favor of State of Alaska, thereby recognizing a 300 feet ROW and dismissed all prior trespass claims. *Contract with O'Brien Creek and Haley Creek land descriptions and fee disbursement of \$30,000 to Ahtna and CNC Corporations.
1993	<ul style="list-style-type: none"> *Contract changed with corporations receiving \$30,000 (\$20,000 for access, \$2,000 for trash, and \$8,000 for campground maintenance.)
1994	<ul style="list-style-type: none"> *Contract changed so that CNC received 50% of actual fees collected, Ahtna Corporation received 40%, and the state received 10% for administration.
1998	<ul style="list-style-type: none"> *1994 Contract expires. Negotiations begin with Corporations expressing interest in fee increase as fishery gains popularity as number of permits increase.
1999	<ul style="list-style-type: none"> *One year agreement signed. Terms and conditions similar to 1994 contract - fee remained the same. a short time line before the fishing season began. *Fish Board changes designation to a subsistence fishery.
2000	<ul style="list-style-type: none"> *March - Agreement between Fish & Game and Corporations is signed. Terms include a fee increase to \$25, with dispersment of the fees the same and additional services provided. This agreement is contingent upon passage of SB 301 or HB 442 to amend AS 16.05.340 (a) (22). The legislation would change the name of the permit to "Chitina dip net fishing permit" and would change the fee to \$25 (the fee agreed upon by the DF&G and the Corporations.) (Information from 1992 - 2000 prepared by Department of Fish and Game - March 31, 2000.

Alaska Outdoor Council

PO Box 73902
Fairbanks, AK 99707-3902
Tel./FAX: (907) 455-4AOC (4262)
outdoor@polarnet.com

April 3, 2000

The Honorable Rick Halford, Chair
Senate Resources Committee
Alaska Legislature
Juneau, AK 99801

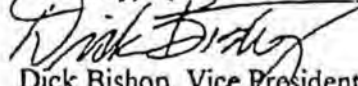
Dear Senator Halford:

The Alaska Outdoor Council strongly supports SB 301. We respectfully request that your committee pass the bill as soon as possible. We recommend one amendment below.

The Council recommends that SB 301 be amended to waive the permit fee for Alaskans who qualify for the Permanent Identification Card and thereby are not required to buy fishing hunting, or trapping licenses. We have heard this recommendation from several people who observed that otherwise the Card holders will actually have to pay more under the new rules than previously, while regular license holders would not, because a sport fishing license is no longer required for the dipnet fishery.

The Council very much appreciates the efforts of the Dept. of Fish and Game, Ahtna and Chitina corporations, Chitina Dipnetters Association, Senate Finance Committee, and Senator Wilken's office in working out an agreement on the Chitina dipnet permit fee and getting the bill underway. We trust that the Legislature will pass SB301 so that the public will be able to participate in the dipnet fishery this season under a solid agreement.

Sincerely,


Dick Bishop, Vice President

Still getting a good deal

For what it's worth, here are my two cents on the increased fee for the Chitina dipnet fishery on the Copper River.

Assuming the Alaska Legislature approves it, which it is expected to do this week, the fee will be raised from \$10 to \$25 this year as a result of a new contract negotiated by the Alaska Department of Fish and Game with the Ahlana and Chitina Native corporations.

Tim
Mowry



Most of the fee—\$18—goes to the two Native corporations in the form of a "trespass fee," which basically means dipnetters won't get arrested if they dipnet on Native land, something a good number of them do.

The other \$7 goes to Fish and Game to issue the permits and contract out collection of garbage and sanitation.

There's no doubt the Native corporations are going to collect a good chunk of change through the deal. Fish and Game has issued more than 10,000 permits each of the last two years. That translates to almost \$200,000 for the Native corporations.

What do dipnetters get out of the deal?

Not much, to be honest. There will be a few more garbage cans and portable toilets at places like O'Brien and Huley creeks, and they will probably be serviced a little better than they have been in the past. You'll probably see a few more signs, too, telling you not to cut wood and where you can and can't go.

You won't get any more fish. The road will probably be just as rough as it always has. The wind will still blow like crazy and fill everything with glacier dust.

But if you ask me, \$25 is still a pretty good price for 30 of the world's finest tasting salmon.

If you come home with 100 pounds of salmon, that's \$.25 a pound. Last time I checked the seafood department in the supermarket, fresh sockeye salmon was going for \$.79 a pound.

1993, but the number of dipnetters at Chitina has more than tripled since then. That translates into three times the amount of traffic, garbage and human waste. More people means more erosion on the trails they have carved out leading down to the river.

Let's face it, times are changing and this is a sign of the times. Native corporations have realized there is money to be made by charging trespass fees to hunters and fishermen under the guise of "protecting our rights as landowners," as Native corporations like to put it.

Go king salmon fishing on the Klutina River and chances are you will have to pay a trespass fee. The same is true on parts of the Gulkana River.

Like it or not, that's the way things go these days. It's no different than going to a professional baseball or football game in the Lower 48 and seeing people rent out parking spots on their front lawn for \$5 or \$10. They're just trying to make a quick buck like everyone else in the world today.

Also, let's not kid ourselves into thinking this is a subsistence fishery, even if the Alaska Board of Fisheries did designate it as such in its December meeting in Valdez, a decision, by the way, which is currently being reviewed by the Fish Board.

I would wager to say that 98 percent of the people I see at Chitina are not living a subsistence lifestyle. If they are, I would like to find out how they can afford to drive new, four-wheel-drive pickup trucks to Chitina and pull 24-foot riverboats behind them while maintaining a subsistence lifestyle?

I'll bet most of those dipnetters go home and store their fish in a freezer, too, rather than splitting it and hanging it to dry on wooden racks. If they smoke it, they probably do so with a smoker and wood chips they bought at a local department or hardware store.

That's subsistence?

Also, why the heck are there guides shutting dipnetters back?

See MOWRY, Page C-2

and forth for \$50 a whack if it's a subsistence fishery? Since when is employing a guide part of subsistence?

It should also be noted that because it has been designated a subsistence fishery, a sport fishing license won't be required to get a dipnet permit. A sport fishing license costs \$15, which means dipnetters have really been paying \$25 for permits for the last seven years, though the majority of dipnetters who go to Chitina buy a fishing license regardless of whether they go dip-

netting or not.

Those opposed to the \$15 increase should be more concerned about the skyrocketing price of gas than the increasing cost of a dipnet permit. After all, the current price of about \$1.60 a gallon, it will cost about \$15 more to drive to Chitina this year than it did last year, when gas was at around \$1.20 a gallon.

That's something to gripe about.

News-Miner outdoor editor Tim Mowry plans to be on the banks of the Copper River again this year to scoop up his 30 red salmon.



Compliments of...

Gary Wilken

Senator, West Fairbanks

SB 301 Summary

Background on Chitina fishery:

- The Chitina fishery is one of the largest in the state. Over 10,000 household permits are issued each year, with approximately 20,000 - 30,000 Alaskan residents participating. Approximately 118,000 salmon are harvested.
- In Dec. 1999, the Alaska Board of Fisheries reclassified the Chitina Personal Use fishery to a Subsistence fishery. The designation of the dip net fishery as subsistence will have little impact on the way the fishery is managed and has little to do with the need to secure public access and provide services.
- Regulations governing the Chitina Fishery require people to have a permit issued by the Department in their possession. This permit serves as the harvest record.
- AS 10.05.340 (a) (22) sets a fee for a "Chitina Personal Use Dip net Permit" at \$10. This fee has been in place since 1990. (There is a chronological history of the fishery in bill packets.) Proceeds from this fee go the fish and game fund and have been used to pay Chitina & Ahtna Native Corporations for access across their lands and for outhouse and garbage services. An agreement between the Department of Fish and Game and the Corporations determines the percentage distribution and services.

What does SB 301 Do?

- SB 301 amends the existing statute by renaming the "Chitina Personal Use Salmon Dip net fishing Permit" to "Chitina Dip net fishing Permit", and increase the permit fee from \$10 to \$25.
- It changes the name of the permit to remove the words "personal use", as it is no longer a "personal use" fishery.
- It changes the fee to coincide with the new agreement reached between the Corporations and the Department of Fish and Game.
- This new agreement is intended to provide for maximum legal public access to the dip net fishery while minimizing conflicts between the private landowners and the fishermen at Chitina.
- It was amended to ^{exempt} allow senior citizens from paying the fee.

What are the effects to dip netters?

- In 2000, dip netters will pay \$25 for their permit. Since the fishery is now designated a subsistence fishery there is no requirement for a sport-fishing license to fish there. In 1999, people were required to have a \$15 sport fishing license and the \$10 Chitina permit, for a total expense of \$25. Under this plan, only the proposed \$25 Chitina permit will be required.

- Since the Chitina permit is a household permit, families could save under this plan. For example a family of two adults paid a total of \$40 last year, this year it will only be \$25.
- Services will be significantly increased and improved over past years.
- Access to the Native lands is more identified than in previous agreements.
- The process of obtaining the permit will be available from Department offices in Anchorage, Palmer, Fairbanks, Glennallen and Chitina. This will allow better service to the public, making it easier and faster to obtain the permit, and decreasing the management costs to the Department of Fish & Game.

What happens with no SB 301?

- Without a change in the name of the permit, the Department is unable to collect a fee for the permit, because it is not a personal use fishery.
- Without the permit fee or other provisions, funding for services and access would be unavailable.
- It is uncertain what the Corporations would do with regard to affecting access to the river, but families going to Chitina this summer could be faced with the potential for conflict.

What are the terms of the agreement?

- An agreement of exactly this kind has been in place since 1998 and was renewed for one year for the 2000 season.
- Dip netters will have access to all Native lands along the Copper River from O'Brien Creek to the expansion of lands since previous agreements at Haley Creek and O'Brien Creek.
- Services under the 2000 agreement will contribute to the growth of the fishery.
- The \$25 fee will be distributed according to:
 - \$5 to Fish and Game for sanitation and
 - Remaining \$20 is split between Ahtna and the Department (10%) for administration

In your bill packets you have a letter of support from the Alaska Outdoor Council. The AK Dipnetter's Association + the Fairbanks Fish & Game Advisory Committee also supports SB 301.

Who owns the land at Chitina?

- In 1992, the Alaska Superior Court gave a partial summary judgement in favor to the State of Alaska.
- This judgement recognized the 300' right of way and dismissed all prior claims against the state for trespass.