

SB

301



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
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, and 2) will slightly change the name of the permit.

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 to pay for access 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 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 land owners.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SB 301

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

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 *[Signature]*
 Division: Sport fisheries
 Approved by: Commissioner Frank Rue *[Signature]*
 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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Alaska Outdoor Council

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Fairbanks, AK 99707-3902
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April 3, 2000

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

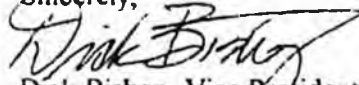
Dear Senator Halford

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.

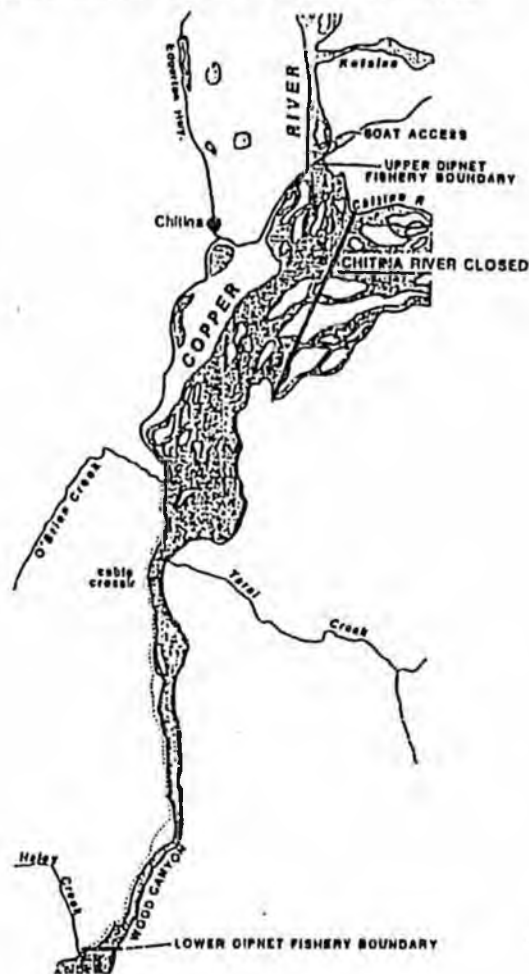
The Council very much appreciates the efforts of the Dept of Fish and Game, Ahtna and Chitina corporations, Chitina Dipnetters Association, Senate Finance Committee, and Senator Wilken's office in working out an agreement on the Chitina dipnet permit fee and getting the bill underway. We trust that the 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

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*

The Alaska Department of Fish and Game administers all programs and activities free from discrimination on the basis of sex, color, race, religion, national origin, age, marital status, pregnancy, parenthood, or disability. For information on alternative formats available for this and other department publications, contact the department ADA Coordinator at (voice) 907-465-4120, or (TDD) 907-465-3846. Any person who believes s/he has been discriminated against should write to: ADF&G, PO Box 25526, Juneau, AK 99802-5526, or O.E.O., U.S. Department of the Interior, Washington, DC 20240.

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.

WHAT IS THIS FISHERY?

This fishery has been authorized by the Alaska Board of Fisheries to provide Alaskans an opportunity to harvest salmon for *personal use* with dip nets. The fishery is managed under the Copper River Personal Use Management Plan (5 AAC 77) and requires that a permit must be obtained to participate in the fishery.

A dip net is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

This is **NOT** a *subsistence fishery*. The Board has also established a subsistence salmon fishery for the Glennallen Subdistrict which is the upstream portion of the Copper River upstream of the Chitina-McCarthy bridge to Slana. The Board has mandated that an Alaskan may participate in either the subsistence or personal use fishery, but not both. A summary of subsistence regulations is available.

Personal use fish are for use by the individual and immediate family. Personal use fish or their parts cannot be bought, sold, traded or bartered.

WHO MAY PARTICIPATE?

Only Alaska *residents* who have a current Alaska resident sport fishing license can participate in this personal use fishery. Dipnetters are reminded that they must have their sport fishing license as well as their Copper River personal use permit in their possession to participate in this fishery.

WHAT AREA IS OPEN TO FISHING?

The area open to the Copper River personal use fishery is restricted to the waters of the Chitina Subdistrict which consists of all waters of the mainstem Copper River between the downstream edge of the Chitina-McCarthy bridge and ADF&G regulatory markers located on an east-west line crossing the Copper River about 200 yards upstream of Haley Creek (in Wood Canyon).

All tributaries to the Copper River in this area, including the Chitina River, are closed to personal use fishing.

Much of the land in the Chitina area is privately owned and public access is limited. Maps depicting public access areas are available at the ADF&G trailer in Chitina. Not all private land is posted. The Department urges dipnetters to respect the rights of landowners.

WHEN IS THE FISHERY OPEN?

Under the Copper River Personal Use Management Plan, salmon may be taken in the Chitina Subdistrict from June 1 through September 30 during periods established by emergency order. Emergency orders are issued throughout the season based on escapement estimates at the Miles Lake sonar and harvest levels during previous periods. Information regarding fishery openings will be updated on recorded message numbers listed on the back of this pamphlet.

PERMIT REQUIREMENTS

A Copper River Personal Use Fishery permit is required and *must* be in the dipnetter's possession to participate in this fishery and when transporting fish caught under the permit. The permit is in two parts: the punchcard and the transport card.

Only one Chitina Subdistrict personal use salmon fishing permit may be issued to a household per year.

There is a \$10 access fee which covers the cost of a negotiated contract allowing dipnetters to cross private land to reach the river.

Permits may be obtained at the ADF&G office in Fairbanks, the Chitina Field office, and in September at the Glennallen office. Operating hours for the Chitina permit station are available at Department of Fish and Game offices in Glennallen, Anchorage and Fairbanks. Call the recorded message numbers listed on the back of this pamphlet for the updated office hours.

Permittees must record their harvest on the permit immediately upon landing fish by punching the appropriate area. Both tips of the tail fin must be removed from each salmon taken under the authority of a Copper River personal use salmon fishing permit before the salmon is concealed from plain view or transported from the fishing site.

Permit holders must return the punchcard portion of their permits to the ADF&G trailer in Chitina, or the drop box near the trailer, after each fishing trip to the area. Punchcards will be on file and may be picked up at the Chitina office for use for additional trips throughout the season. Retain the transport portion of the permit for the remainder of your trip and for subsequent trips.

Return of catch data is necessary for the management and conservation of the Copper River salmon resources. The final deadline for permit returns is October 31. A permittee who fails to return his or her personal use fishing permit will be ineligible to receive a personal use permit for the Copper River for the following calendar year.

PROXY FISHING

If an applicant for a personal use salmon fishing permit is unable to personally take salmon due to a 70% physical disability, blindness, or being over 65, the permit may be issued to his or her authorized designee (proxy) to take salmon for the applicant as follows:

While taking or possessing salmon, the proxy must possess:

- i). A completed current years Proxy Fishing Information Form (11-203, rev 5/96)
- ii). Their own valid resident sport fishing license;
- iii). The applicant's valid resident sport fishing license or permanent identification card;
- iv). The applicant's personal use fishing permit;

It is illegal to be an authorized designee for more than one applicant simultaneously.

BAG & POSSESSION LIMITS

The annual limits for this fishery are 15 salmon for a single household and 30 salmon for a household of two or more. Only 4 fish out of the total limit may be king salmon. In years of very high escapement, bag limits may be increased by emergency order, requiring a supplemental permit obtained at the Chitina field office only.

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
Frank Rue, Commissioner

Contact: Mac Minard
Regional Supervisor
Division of Sport Fish
Fairbanks 459-7350

NEWS RELEASE - IMMEDIATE RELEASE

Thursday, March 30, 2000

**Alaska Department of Fish and Game, Chitina and Ahtna Native Corporations
sign new access agreement for Chitina Dipnetting**

Fairbanks- A new agreement has been reached to guarantee access for Chitina dipnetters at the Copper River fishery. Today, the Alaska Department of Fish and Game, Chitina and Ahtna Native Corporations signed a one year agreement that will expand the legal access areas to the fishery and significantly improve services necessary to support the fishery. Much of the Copper River dipnet fishery falls within Native Corporation land, and public access to it has often been a point of conflict in the past. Trespassing on Native owned land and garbage problems have been the main complaints.

More than 20,000 Alaskans participate in this fishery and some 118,000 salmon are harvested by dipnetters each year. The agreement will guarantee that the fishery will continue, and that the Native corporations will work with the state to ensure that Alaskans will be able to participate in the annual salmon harvest. According to Mac Minard, Regional Supervisor with the Division of Sport Fish in Fairbanks, this agreement is intended to maximize legal public access and minimize the potential for conflict. "We worked very hard to strike an agreement that would provide Alaskans with the opportunity to participate in the fishery to the maximum extent allowable under regulations and still address the concerns of the upland land owners".

A new \$25 permit fee per household will be introduced to cover increased costs for access and services. There has been no permit fee hike in ten years, but the number of dipnetters has more than doubled over that time, putting a strain on resources and services. Minard said, "Its essentially its the same cost as before. Under the old Personal Use Fishery regulations, participants were required to hold a \$15 sport fishing license before you could purchase a \$10 Chitina dipnet permit. Under the new Subsistence designation the requirement for a Sport Fishing license has been removed so the new fee is comparable to what it cost an individual last

year. It could even save families money. Anyone over 16 participating in the dipnet fishery was required to have a sport fishing license, so a family of four would have had to pay for four licenses at \$60 and a \$10 Chitina dipnet permit. Now you only need a \$25 dipnet permit for the entire family, so in that case it's a savings of \$35," Minard added.

In addition, the agreement includes plans for improvements of services this summer. The permit fee will cover the cost of boosting services in the area, providing more outhouses and garbage disposal sites. These services, managed by the Alaska Department of Fish and Game, will provide much needed improvements for the public. Last year, ADF&G also introduced new permit issuing sites in Fairbanks so that Alaskan residents taking part in the fishery were not tied to the opening hours of the Chitina permit office.

"We're trying to make it easier for all Alaskans who want to take part in the dipnet fishery. There are more than ten thousand Alaskan households that rely on the Chitina fishery to put food on their tables each year," said Mac Minard. "It's one of the largest and most important fisheries in the state," he added.

For more information contact Mac Minard, Regional Supervisor, at the Alaska Department of Fish and Game, 459-7350.

###

Friday, March 31, 2000

OUTDOORS

Tim Mowry, Outdoors Ed

**Dipnetters
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 Ahtna 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 Haley 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 \$7.99 a pound.

The \$10 fee has not increased since it was implemented in 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 shuttling 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, at 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 outdoors 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.

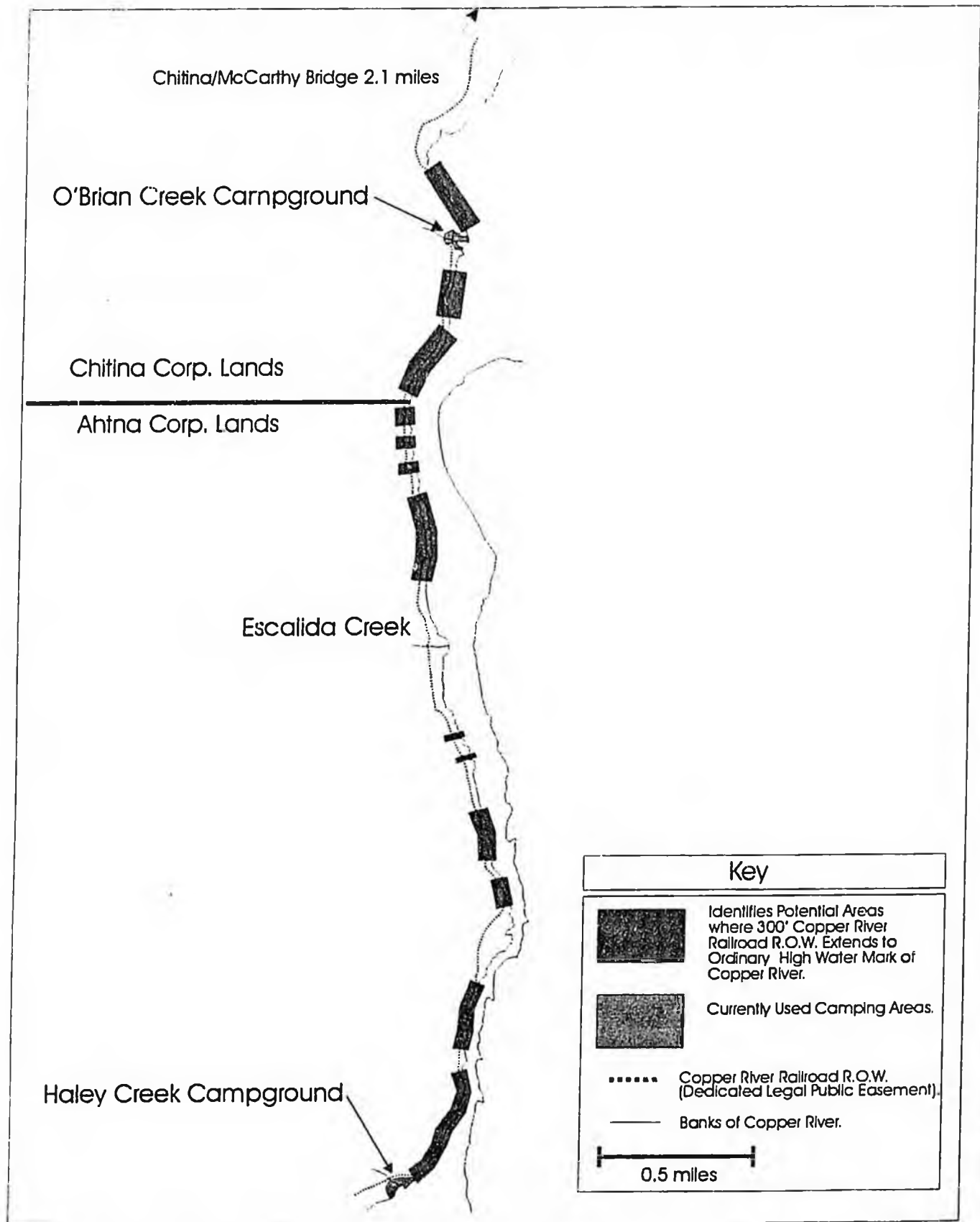
A 40-Year History of the Copper River Dipnet Fishery and Access to O'Brien Creek

| 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. |

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



SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/29/00

FURTHER: Finance

Date of 5-Day Notice: 3/30/00
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/4/00

Resources Committee considered

SENATE BILL NO. 301

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

and recommends:

- be replaced with _____ CS SB 301 _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | NR | DNP | AM |
|--------------------|----|----------------------------|----|-----|----|
| <i>[Signature]</i> | ✓ | <i>Idris Taylor</i> | ✓ | | |
| | | <i>Lyle Green</i> | ✓ | | |
| | | | | | |
| | | | | | |
| | | | | | |
| CHAIR: | | CHAIR: <i>Rick Halford</i> | ✓ | | |

NEW FISCAL NOTE(S):

| Department | Date | Zero | Fiscal |
|------------|--------|------|--------|
| F & G | 4/3/00 | | ✓ |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTE(S):*

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

CS FOR SENATE BILL NO. 301(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

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

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

4 * Section 1. AS 16.05.340(a)(22) is amended to read:

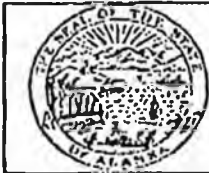
5 (22) Chitina [PERSONAL USE SALMON] dip net fishing
6 permit 25 [10]
7 A person who has in the person's physical possession a permanent identification
8 card issued under AS 16.05.400(b) and members of the person's family who are
9 in the presence of the person are not required to possess a permit while engaged
10 in dip net fishing at Chitina. In this paragraph, "family" means persons who are
11 related by blood, marriage, or adoption and who live in the same household on
12 a permanent basis. The legislature may appropriate the receipts from the sale of
13 the permit to the fish and game fund.

14 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

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NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

4 pages



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the SENATE RESOURCES & Finance
 Committee on SB 301 Committee Name
Bill / Subject Dated 4/4/00

Hon. Senators;

On D.O.T.'s planning board is a little known fact which will, or should, affect your decision regarding the dipnet fishery in the Copper river Chitina. A "Bicycle Path" is to be constructed from the "One mile lake" outside of Chitina Townsite, to the turnout by Trout lake. From there plans are to repair, widen ect, the 300' R.W. past O'Brian & Haley creek ending at Unanatis River. Some 20 miles +/- To be completed around the year 2002. This will in my opinion affect the Chitina Dipnet fishery. - Tourists - traffic ect.

SIGNED:

E. N. Hemser, E. N. Hemser.
 Testifier

Member Chitina dipnet assoc. Hem enterprise of Chitina
 Representing

Box 118 Chitina 99566 - Box 74844 Tok, 99707
 Address / Phone Number

457-2838 - 456-3001

#1 - R. N. HEMSER

been first in time in actual survey or construction, as this case may be, shall be deemed first in right.

SEC. 9. That the map and profile of definite location of such railroad, wagon road, or tramway, to be filed as hereinbefore provided, shall, when the line passes over surveyed lands, indicate the location of the road by reference to section or other established survey corners, and where such line passes over unsurveyed lands the location thereon shall be indicated by courses and distances and by references to natural objects and permanent monuments in such manner that the location of the road may be readily determined by reference to descriptions given in connection with said profile map.

SEC. 10. That any citizen of the United States twenty-one years of age, or any association of such citizens, or any corporation incorporated under the laws of the United States or of any State or Territory now authorized by law to hold lands in the Territories, hereafter in the possession of and occupying public lands in the District of Alaska in good faith for the purposes of trade, manufacture, or other productive industry, may each purchase one claim only not exceeding eighty acres of such land for any one person, association, or corporation, at two dollars and fifty cents per acre, upon submission of proof that said area embraces improvements of the claimant and is needed in the prosecution of such trade, manufacture, or other productive industry, such tract of land not to include mineral or coal lands, and ingress and egress shall be reserved to the public on the waters of all streams, whether navigable or otherwise: *Provided*, That no entry shall be allowed under this Act on lands abutting on navigable water of more than eighty rods: *Provided further*, That there shall be reserved by the United States a space of eighty rods in width between tracts sold or entered under the provisions of this Act on lands abutting on any navigable stream, inlet, gulf, bay, or seashore, and that the Secretary of the Interior may grant the use of such reserved lands abutting on the water front to any citizen or association of citizens, or to any corporation incorporated under the laws of the United States or under the laws of any State or Territory, for building and wharves, with the provision that the public shall have access to and proper use of such wharves, and landings, at reasonable rates of toll to be prescribed by said Secretary, and a roadway sixty feet in width, parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway: *Provided further*, That in case more than one person, association, or corporation shall claim the same tract of land, the person, association, or corporation having the prior claim, by reason of actual possession and continued occupation in good faith, shall be entitled to purchase the same, but where several persons are or may be so possessed of parts of the tract applied for the same shall be awarded to them according to their respective interests: *Provided further*, That all claims substantially square in form and lawfully initiated, prior to January twenty-first eighteen hundred and ninety-eight, by survey or otherwise, under sections twelve and thirteen of the Act approved March third, eighteen hundred and ninety-one (Twenty-sixth Statutes at Large, Chapter five hundred and sixty-one), may be perfected and patented upon compliance with the provisions of said Act, but subject to the requirements and provisions of this Act, except as to area, but in no case shall such entry extend along the water front for more than one hundred and sixty rods: *And provided further*, That the Secretary of the Interior shall reserve for the use of the natives of Alaska suitable tracts of land along the water front of any stream, inlet, bay, or sea shore for landing places for canoes and other craft used by such natives: *Provided*, That the Aleutic, Pribilof Islands, and the islands leased or occupied for the propagation of foxes be excepted from the operation of this Act.

That all affidavits, testimony, proofs, and other papers provided for by this Act and by said Act of March third, eighteen hundred and ninety-one, or by any departmental or Executive regulation thereunder,

Indication of location on profile map.

—surveyed lands.

—unsurveyed.

Purchase of land embracing the improvements by area paid for purposes of trade.

Reserve. Entries on navigable water, limit. Alternate spaces reserved.

Use of for wharves, etc.

—roadway reserved.

Adverses claimants.

Purchases for trade.

Vol. 26, p. 1100.

Landing places for natives.

Certain islands reserved.

Admissibility of sections 12, etc. Vol. 26, p. 1002.

2392

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

AHTNA, INCORPORATED, an)
Alaska corporation, and)
CHITINA NATIVE CORPORATION,)
an Alaska corporation, and)
the CHITINA TRADITIONAL)
COUNCIL, an Alaska Native)
village,)

#2 - E. N. HEMER.

Plaintiffs,)

vs.)

STATE OF ALASKA DEPARTMENT)
OF TRANSPORTATION AND PUBLIC)
FACILITIES,)

Defendant.)

Case No. JAN-91-6957 CIV

ORDER ON MOTION FOR PARTIAL SUMMARY JUDGMENT

This court has reviewed the defendant's motion for partial summary judgment, opposition thereto and heard oral argument.

The court concludes that there are no genuine issues of material fact.

Partial summary judgment is hereby issued in favor of the defendant as follows:

1. The State of Alaska acquired through quit-claim deed from the federal government a 300 foot wide easement through the lands which are the subject matter of the plaintiff's complaint. Said easement was among other things intended for use as a public highway. Plaintiff is not entitled to any damages or just compensation for the 300 foot right-of-way.

2. All claims for trespass against the defendant are inappropriate and hereby dismissed. Any remaining claims for

monetary award from defendant for use of plaintiff's lands shall be limited to a claim for just compensation under the doctrine of inverse condemnation. Plaintiff is not entitled to any monetary award for the 100 foot right-of-way.

3. Plaintiff's claims for punitive damages are inappropriate and hereby dismissed.

DATED at Anchorage, Alaska this 3rd day of April, 1992.

Karl S. Johnstone

KARL S. JOHNSTONE
Superior Court Judge

I certify that on:

4-3-92
a copy of the above was mailed to each of the following at their addresses of record.

M. [Signature]
Secretary/Clerk
Litigator
D. Brock
AG-Russia