

**HB**

**216**

**HOUSE BILL NO. 216**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

**Introduced: 3/26/01**

**Referred: House Special Committee on Fisheries, Resources**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the emergency order authority of the commissioner of fish and game  
2 and to meetings of the Board of Fisheries."

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

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 **INTENT.** It is the intent of the legislature to

7 (1) clarify the roles of the Board of Fisheries and the commissioner of fish and  
8 game and to recognize that the commissioner is better able to respond quickly to changing  
9 conditions on the fishing grounds by authorizing the commissioner to supersede a regulation  
10 or fishery management plan adopted by the board as necessary to assure that fishery resources  
11 are managed for sustained yield;

12 (2) formalize the procedures for setting the agenda for meetings of the Board  
13 of Fisheries in order to provide adequate notice and to avoid surprises and inconvenience to  
14 the public that is affected by the decisions of the board;

1           (3) maintain the customary practice by which the Board of Fisheries may  
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4 that an agenda change to address a fishery conservation issue be subject to the determination  
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7       \* Sec. 2. AS 16.05.060 is amended by adding a new subsection to read:

8           (d) The commissioner, as necessary to manage fishery resources for sustained  
9 yield, may exercise authority under this section to supersede a regulation or fishery  
10 management plan adopted by the Board of Fisheries.

11       \* Sec. 3. AS 16.05.300 is amended by adding a new subsection to read:

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CLARION

Web posted Tuesday, August 22, 2000

## Pink fishery could be considered today

By DOUG LOSHBAUGH  
Peninsula Clarion

The Board of Fisheries could consider today whether to give upper Cook Inlet commercial fishers the chance to harvest a bumper run of pink salmon.

The United Cook Inlet Drift Association has been asking the Department of Fish and Game since Aug. 9 to reopen commercial fishing to take advantage of the bumper run of pink salmon, said Bob Merchant, the group's president.

That idea surfaced again Friday, when the head of Gov. Tony Knowles' Disaster Policy Cabinet visited Soldotna to hear how this year's dismal sockeye salmon run has affected the Kenai Peninsula and how the state can help.

"Let us go fishing. I could be fishing silvers, humpies and dogs right now and not have to come in here and beg for money," Homer drift skipper Wes Humbyrd told Maj. Gen. Phil Oates, head of the disaster team.

"We can't fish anything but sockeyes anymore. We used to make ends meet if at least we could fish something besides sockeyes later on."

Oates asked Jeff Fox, area biologist for the Division of Commercial Fisheries, to call Department of Fish and Game Commissioner Frank Rue. Returning, Fox said Rue could open commercial fishing, but would not.

"The reason is, we're dealing with pinks and chums vs. silvers that are allocated to someone else," Fox said.

**'We went to Fish and Game and asked for emergency order authority because there was a huge run of fish coming in. The time to do it is way past.'**

**—Bob Merchant, president of United Cook Inlet Drift Association**

08/22/01

STORY BY JENNIFER FOX, FOR NNS.

He said Rue advised commercial fishers to petition the board. Friday afternoon, setnet fisher Paul Shadura and driftnet skipper Steve Tvenstrup did just that.

Their petition asks the board to eliminate the Aug. 7 season closure for eastern inlet setnetters and the Aug. 9 closure for driftnetters, allow fishing for pink and chum salmon during the regularly scheduled weekly fishing periods and authorize the Department of Fish and Game to authorize one additional period each week by emergency order.

Diana Cote, executive director of the Board of Fisheries, said she faxed the petition to board members Monday morning. She planned to send them information about stock status, run timing and what is happening now on Cook Inlet as soon as she received that from Fish and Game.

Then, board members will vote whether the petition meets the criteria for an emergency meeting.

The criteria define an emergency as an unforeseen event that threatens a fish or game resource, or an unforeseen situation where a biologically allowable harvest would be precluded by a delay in regulatory action, and the resource would unavailable in the future.

Cote said that if the board agrees to meet, she expects to have teleconference sites in Soldotna, Anchorage and Juneau where the public can listen. The board would not take testimony, she said.

If it agrees to change the regulations, it could do so for this season only, until its regular fall 2001 meeting on Cook Inlet issues or permanently.

"Are there fish surplus to escapement needs? Yes," Fox said. "Do they have to do something quickly if they're going to do it? Yes."

The pink salmon run usually peaks about Aug. 15, he said. The peaks of the chum and coho runs likely also have passed.

Board chairman Dan Coffey said he wants to see Fish and Game's analysis before he casts his vote.

"I don't know anything about the abundance of pinks, or if you don't have a lot of chums, how you avoid harvesting them if you harvest pinks," he said.

Coffey said regulations the board adopted in February 1999 ban a commercial fishery for Cook Inlet pink salmon until there is a pink salmon management plan.

Fish and Game has no means to count Cook Inlet pinks and chums, he

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"We want management plans so that we don't fish strong stocks to the detriment of weak stocks," he said. "My question is, where is the management plan we talked about 18 months ago? We still don't have enumerators. The only information we have is anecdotal. We see lots of jumpers. My question is, where is the information? I want that data from the department."

It long has been known that even-year upper inlet pink salmon runs are strong, he said, so it is legitimate to ask whether the present situation is an emergency.

He also questioned why the emergency petition did not come until Friday.

Fox said that before the board set the Aug. 9 closure, 30 to 50 driftnet boats used to fish until early September. When the sockeye run was very weak, more boats would fish late.

Now, though, many drift fishers already have pulled their boats from the water.

"Meanwhile, you're only looking at making a few hundred dollars a day past expenses," Fox said. "You put four or five of those together, and you've made \$1,000."

Merchant guessed that just 10 or 20 boats would fish pinks, now. Many processors already have laid off their crews.

"That's why we tried to get this done on the 9th," he said. "We went to Fish and Game and asked for emergency order authority because there was a huge run of fish coming in. The time to do it is way past."

Merchant said UCIDA asked Fish and Game first because its members did not believe there was time to petition the board. Hundreds of thousands of pink salmon can enter the rivers in a single day, and there is no time call seven Board of Fisheries members, he said.

"That's why the commissioner has the statutory authority to open it," he said.

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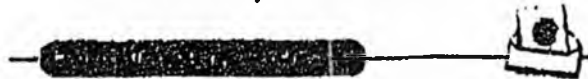
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Research by the U.S. Forest Service's Pacific Northwest Research Station in Juneau suggests that decomposing salmon play a key role in maintaining a healthy fishery. They promote the growth of algae and bacteria, which feed aquatic insects, which in turn feed juvenile salmon. The carcasses also feed bears, eagles and other animals, and fertilize shore plants that shelter young fish.

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10 (2) emergencies should be held to a minimum and rarely be found to exist;

11 (3) a fish resource emergency is

12 (A) an unforeseen event that threatens fish resources; or

13 (B) an unforeseen resource situation in which a biologically allowable  
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1 and the delay would significantly burden the public because the fish resource would be  
2 unavailable in the future;

3 (4) the ability to respond quickly to changing conditions on the fishing  
4 grounds is often necessary for efficient use of fish resources and to avoid undue burden on the  
5 public;

6 (5) the commissioner of fish and game is, in certain circumstances, better able  
7 to respond quickly to changing conditions on the fishing grounds.

8 (b) The legislature also finds that

9 (1) public participation in the Board of Fisheries process for developing  
10 fishery management regulations is an important element of the process;

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13 are important to the public;

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18 (1) clarify the roles of the Board of Fisheries and the commissioner of fish and  
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30 cannot be resolved under current regulations.

31 \* Sec. 2. AS 16.05.060 is amended by adding a new subsection to read:

1 (d) Notwithstanding (a) of this section, the commissioner may, on the basis of  
2 new information, supersede a regulatory decision of the Board of Fisheries by  
3 exercising authority under this section to allow or extend a fishing season to prevent  
4 the loss of a biologically allowable resource harvest that would otherwise be precluded  
5 by delayed action and be unavailable in the future. The commissioner may exercise  
6 authority under this subsection only upon a determination that the basis for the board's  
7 regulatory provisions can be adequately addressed. This authority may not be used for  
8 the purpose of summarily changing the allocation of fishery resources among users  
9 established by regulation. An emergency order issued under this subsection does not  
10 supersede or amend regulatory decisions by the board beyond the scope or time set out  
11 in the emergency order. This subsection does not amend or repeal the process of  
12 petitions for regulatory proposals to the Board of Fisheries under AS 44.62  
13 (Administrative Procedure Act) or regulations adopted jointly by the Board of  
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*Alaska State Legislature*

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Toll Free 800-463-2693  
Fax 907-465-3835



**INTERIM ADDRESS:**  
35477 Suite 101-B Spur Hwy  
Soldotna, Alaska 99669  
Phone 907-260-5236  
Fax 907-260-3044

*Representative Ken Lancaster*  
*District 8*

April 2, 2001

House Resources Committee  
Capitol Building  
Juneau, AK 99801

Dear Honorable Committee Members:

I would like to document my support for House Bill 216, relating to the emergency order authority of the Commissioner of the Department of Fish & Game, and to meetings of the Board of Fisheries.

The piece of legislation documents the necessity to clarify the commissioner's authority to expeditiously issue emergency orders to preserve the state's fisheries resources. It would also better define the role of the Board of Fisheries and its limitations.

I believe House Bill 216 would enhance the roles of Alaska's fisheries authorities to better serve the public.

Cordially,

A handwritten signature in black ink, appearing to read "Ken Lancaster".

Ken Lancaster, Representative

E-Mail: [Representative\\_Ken\\_Lancaster@legis.state.ak.us](mailto:Representative_Ken_Lancaster@legis.state.ak.us)

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# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 216  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Relating to emergency order authority of the BRU: Commissioners Office  
commissioner of fish and game Component: Commissioners Office  
 Sponsor: House Resources Committee  
 Requester: House Resources Committee Component Number: 2175

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2002    | FY 2003    | FY 2004    | FY 2005    | FY 2006    | FY 2007    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                          |            |            |            |            |            |            |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts    |            |            |            |            |            |            |
| 1003 GF Match            |            |            |            |            |            |            |
| 1004 GF                  |            |            |            |            |            |            |
| 1005 GF/Program Receipts |            |            |            |            |            |            |
| 1037 GF/Mental Health    |            |            |            |            |            |            |
| Other (Specify Type)     |            |            |            |            |            |            |
| <b>TOTAL</b>             | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

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

The impact of adoption of HB 216 on the department is difficult to quantify. It is unknown how many requests to supersede regulations or management plans may come to the commissioner, how complicated the issues involved might be, and how many of the requests might be approved or denied. The Commissioner's Office, the Division of Commercial Fisheries, the Division of Sport Fish, and the Boards Support Section may all have additional demands placed upon them to properly evaluate requests and build a record for defending actions taken.

Prepared by: Gordy Williams Phone 465-6143  
 Division: Commissioners Office Date/Time 4/2/01 9:00 AM  
 Approved by: Commissioner Frank Rue Date 04/02/2001  
 Agency: Department of Fish and Game

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HB216

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Amendment 2 CSHB216 (Rep. Masek)

Page 3 Line 3:

To add after under this section to close a fishery, or allow or extend a fishing season.

Renumber accordingly

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HB216

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**CLARION**

Web posted Tuesday, August 22, 2000

## Pink fishery could be considered today

By DOUG LOSHBAUGH  
 Peninsula Clarion

The Board of Fisheries could consider today whether to give upper Cook Inlet commercial fishers the chance to harvest a bumper run of pink salmon.

The United Cook Inlet Drift Association has been asking the Department of Fish and Game since Aug. 9 to reopen commercial fishing to take advantage of the bumper run of pink salmon, said Bob Merchant, the group's president.

That idea surfaced again Friday, when the head of Gov. Tony Knowles' Disaster Policy Cabinet visited Soldotna to hear how this year's dismal sockeye salmon run has affected the Kenai Peninsula and how the state can help.

"Let us go fishing. I could be fishing silvers, humpies and dogs right now and not have to come in here and beg for money," Homer drift skipper Wes Humbyrd told Maj. Gen. Phil Oates, head of the disaster team.

"We can't fish anything but sockeyes anymore. We used to make ends meet if at least we could fish something besides sockeyes later on."

Oates asked Jeff Fox, area biologist for the Division of Commercial Fisheries, to call Department of Fish and Game Commissioner Frank Rue. Returning, Fox said Rue could open commercial fishing, but would not.

"The reason is, we're dealing with pinks and chums vs. silvers that are allocated to someone else," Fox said.

**'We went to Fish and Game and asked for emergency order authority because there was a huge run of fish coming in. The time to do it is way past.'**

**--Bob Merchant, president of United Cook Inlet Drift Association**

0208H

interviewed by JOURNALIST NAME, AKA NAME.

He said Rue advised commercial fishers to petition the board. Friday afternoon, setnet fisher Paul Shadura and driftnet skipper Steve Tvenstrup did just that.

Their petition asks the board to eliminate the Aug. 7 season closure for eastern inlet setnetters and the Aug. 9 closure for driftnetters, allow fishing for pink and chum salmon during the regularly scheduled weekly fishing periods and authorize the Department of Fish and Game to authorize one additional period each week by emergency order.

Diana Cote, executive director of the Board of Fisheries, said she faxed the petition to board members Monday morning. She planned to send them information about stock status, run timing and what is happening now on Cook Inlet as soon as she received that from Fish and Game.

Then, board members will vote whether the petition meets the criteria for an emergency meeting.

The criteria define an emergency as an unforeseen event that threatens a fish or game resource, or an unforeseen situation where a biologically allowable harvest would be precluded by a delay in regulatory action, and the resource would be unavailable in the future.

Cote said that if the board agrees to meet, she expects to have teleconference sites in Soldotna, Anchorage and Juneau where the public can listen. The board would not take testimony, she said.

If it agrees to change the regulations, it could do so for this season only, until its regular fall 2001 meeting on Cook Inlet issues or permanently.

"Are there fish surplus to escapement needs? Yes," Fox said. "Do they have to do something quickly if they're going to do it? Yes."

The pink salmon run usually peaks about Aug. 15, he said. The peaks of the chum and coho runs likely also have passed.

Board chairman Dan Coffey said he wants to see Fish and Game's analysis before he casts his vote.

"I don't know anything about the abundance of pinks, or if you don't have a lot of chums, how you avoid harvesting them if you harvest pinks," he said.

Coffey said regulations the board adopted in February 1999 ban a commercial fishery for Cook Inlet pink salmon until there is a pink salmon management plan.

Fish and Game has no means to count Cook Inlet pinks and chums, he

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said.

"We want management plans so that we don't fish strong stocks to the detriment of weak stocks," he said. "My question is, where is the management plan we talked about 18 months ago? We still don't have enumerators. The only information we have is anecdotal. We see lots of jumpers. My question is, where is the information? I want that data from the department."

It long has been known that even-year upper inlet pink salmon runs are strong, he said, so it is legitimate to ask whether the present situation is an emergency.

He also questioned why the emergency petition did not come until Friday.

Fox said that before the board set the Aug. 9 closure, 30 to 50 driftnet boats used to fish until early September. When the sockeye run was very weak, more boats would fish late.

Now, though, many drift fishers already have pulled their boats from the water.

"Meanwhile, you're only looking at making a few hundred dollars a day past expenses," Fox said. "You put four or five of those together, and you've made \$1,000."

Merchant guessed that just 10 or 20 boats would fish pinks, now. Many processors already have laid off their crews.

"That's why we tried to get this done on the 9th," he said. "We went to Fish and Game and asked for emergency order authority because there was a huge run of fish coming in. The time to do it is way past."

Merchant said UCIDA asked Fish and Game first because its members did not believe there was time to petition the board. Hundreds of thousands of pink salmon can enter the rivers in a single day, and there is no time call seven Board of Fisheries members, he said.

"That's why the commissioner has the statutory authority to open it," he said.

UCIDA members did not believe reopening the commercial fishery would conflict with the board's allocation of cohos to sport fishers, since the strong run of cohos should sustain the incidental take by drift fishers targeting pinks, Merchant said.

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pitchfork tossing the carcasses back into the water.

Bower, a former member of the state Board of Fisheries, advocates fertilizing the river with dead fish. On Friday he was sounding a lot like Martha Stewart: "When I hit 'em with a pitchfork, the flesh breaks out and clouds the water, and that's a good thing, because of the nutrients it's putting in the water."

Research by the U.S. Forest Service's Pacific Northwest Research Station in Juneau suggests that decomposing salmon play a key role in maintaining a healthy fishery. They promote the growth of algae and bacteria, which feed aquatic insects, which in turn feed juvenile salmon. The carcasses also feed bears, eagles and other animals, and fertilize shore plants that shelter young fish.

But there's no denying the smell. Meehan said her family's just waiting for freeze-up to provide some relief.

"We laugh about paying for this fine riverfront property," she said.

Discuss this story in our Discussion Forum



Comments or questions? Contact the web master at [Peninsula@clarion.com](mailto:Peninsula@clarion.com)

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**HB 216**



**CITY & BOROUGH of YAKUTAT**

P.O. Box 160  
Yakutat, Alaska 99689  
Phone (907) 784-3323  
Fax (907) 784-3281

April, 6, 2001

United Fishermen of Alaska  
211 Fourth Street Suite 110  
Juneau, AK 9908-1143

ATTN :Jerry

VIA FAX 907-463-2545

At the Borough Assembly of April 3, 2001, motion was made and seconded to support House Bill 216. We would also like to express our appreciation for you work regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tom Maloney".

Tom Maloney  
Mayor

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 222  
 () Publish Date: \_\_\_\_\_  
 Dept. Affected: Natural Resources  
 BRU: Minerals, Land & Water Dev  
 Component: Claims, Permits & Leases  
 Component Number: 2460

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: An Act relating to annual rental fees for  
mining claims  
 Sponsor: Fate, Foster, and Wilson  
 Requester: (H) RES

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2002     | FY 2003     | FY 2004     | FY 2005     | FY 2006     | FY 2007     |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Personal Services      | 48.0        | 32.0        | 32.0        | 32.0        | 32.0        | 32.0        |
| Travel                 |             |             |             |             |             |             |
| Contractual            | 24.0        |             |             |             |             |             |
| Supplies               |             |             |             |             |             |             |
| Equipment              |             |             |             |             |             |             |
| Land & Structures      |             |             |             |             |             |             |
| Grants & Claims        |             |             |             |             |             |             |
| Miscellaneous          |             |             |             |             |             |             |
| <b>TOTAL OPERATING</b> | <b>72.0</b> | <b>32.0</b> | <b>32.0</b> | <b>32.0</b> | <b>32.0</b> | <b>32.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |        |           |           |           |           |           |
|-------------------------------|--------|-----------|-----------|-----------|-----------|-----------|
| <b>CHANGE IN REVENUES ( )</b> | (90.2) | *(100.0+) | *(100.0+) | *(100.0+) | *(100.0+) | *(100.0+) |
|-------------------------------|--------|-----------|-----------|-----------|-----------|-----------|

**FUND SOURCE** (Thousands of Dollars)

|                          |             |             |             |             |             |             |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts    |             |             |             |             |             |             |
| 1003 GF Match            |             |             |             |             |             |             |
| 1004 GF                  |             |             |             |             |             |             |
| 1005 GF/Program Receipts | 72.0        | 32.0        | 32.0        | 32.0        | 32.0        | 32.0        |
| 1037 GF/Mental Health    |             |             |             |             |             |             |
| Other (Specify Type)     |             |             |             |             |             |             |
| <b>TOTAL</b>             | <b>72.0</b> | <b>32.0</b> | <b>32.0</b> | <b>32.0</b> | <b>32.0</b> | <b>32.0</b> |

Estimate of any current year (FY2001) cost: None  
 Check this box if funding for this bill is included in the Governor's FY2002 budget proposal: [ ]

**POSITIONS**

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| Full-time |   |   |   |   |   |   |
| Part-time | 1 | 1 | 1 | 1 | 1 | 1 |
| Temporary |   |   |   |   |   |   |

**ANALYSIS:** (Attach a separate page if necessary)  
 The \$48.0 in personal services for FY 2002 is to perform regulation, form and factsheet amendments and fund a half-time Natural Resource Officer I position to assist with the increased processing of new locations that would be staked from abandoned locations that previously had a higher rental. \$4.0 contractual would pay for public notices and reprinting of forms, factsheets and regulations for locators' use. The \$32.0 in FY 2003-2007 is necessary for this position to adjudicate and process the increased number of locations following abandonment and re-location, to track the different types of claims, and to continue to track the differences in claim type by owner. The remaining contractual (Continued)

Prepared by: Bob Loeffler Phone 269-8600  
 Division: Mining, Land and Water Date/Time 08-Apr-01  
 Approved by: Pat Pourchot Date 09-Apr-01  
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

monies for FY 2002 (\$20.0) would fund mainframe programming work to amend the DNR computerized land records and billing system, which automatically calculates mining rental fees and mails billing notices. Changes would be needed to compute rentals based on locator, age of location, and total acres under control of a single owner.

The change in revenue for FY 2002 is calculated based on records for last year showing that 3,778 state mining locations less than five years old were held by locators with 50 or fewer locations. If the rental on these 3,778 locations were \$1 per location (\$.025 per acre) instead of the current \$25, the state would collect \$90,672 less in rental revenue.

\*The revenue change (loss) shown for FY 2002 could be expected to increase over time as locators become familiar with the bill's provisions. Higher-rental locations would likely be abandoned and relocated to qualify for the reduced rental, and locators with more than 50 locations would reorganize them under different ownership arrangements. Although difficult to estimate, total state revenue losses could approach half a million dollars annually.

22-LS0774L  
Uternohle  
4/6/01

**CS FOR HOUSE BILL NO. 216(RES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): HOUSE RESOURCES COMMITTEE**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to the emergency order authority of the commissioner of fish and game**  
2 **and to meetings of the Board of Fisheries."**

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

4 **\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 **FINDINGS AND INTENT.** (a) The legislature finds that

7 (1) in rare instances, circumstances may require changes to fishery  
8 management regulations outside of the process prescribed in the Joint Board Petition Policy  
9 adopted by the Board of Fisheries and the Board of Game;

10 (2) emergencies should be held to a minimum and rarely be found to exist;

11 (3) a fish resource emergency is

12 (A) an unforeseen event that threatens fish resources; or

13 (B) an unforeseen resource situation in which a biologically allowable  
14 resource harvest of a fish resource would be precluded by delayed regulatory action

1 and the delay would significantly burden the public because the fish resource would be  
2 unavailable in the future;

3 (4) the ability to respond quickly to changing conditions on the fishing  
4 grounds is often necessary for efficient use of fish resources and to avoid undue burden on the  
5 public;

6 (5) ~~the commissioner of fish and game is, in certain circumstances, better able~~  
7 to respond quickly to changing conditions on the fishing grounds.

8 (b) The legislature also finds that

9 (1) public participation in the Board of Fisheries process for developing  
10 fishery management regulations is an important element of the process;

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08/22/01

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"We want management plans so that we don't fish strong stocks to the detriment of weak stocks," he said. "My question is, where is the management plan we talked about 18 months ago? We still don't have enumerators. The only information we have is anecdotal. We see lots of jumpers. My question is, where is the information? I want that data from the department."

It long has been known that even-year upper inlet pink salmon runs are strong, he said, so it is legitimate to ask whether the present situation is an emergency.

He also questioned why the emergency petition did not come until Friday.

Fox said that before the board set the Aug. 9 closure, 30 to 50 driftnet boats used to fish until early September. When the sockeye run was very weak, more boats would fish late.

Now, though, many drift fishers already have pulled their boats from the water.

"Meanwhile, you're only looking at making a few hundred dollars a day past expenses," Fox said. "You put four or five of those together, and you've made \$1,000."

Merchant guessed that just 10 or 20 boats would fish pinks, now. Many processors already have laid off their crews.

"That's why we tried to get this done on the 9th," he said. "We went to Fish and Game and asked for emergency order authority because there was a huge run of fish coming in. The time to do it is way past."

Merchant said UCIDA asked Fish and Game first because its members did not believe there was time to petition the board. Hundreds of thousands of pink salmon can enter the rivers in a single day, and there is no time call seven Board of Fisheries members, he said.

"That's why the commissioner has the statutory authority to open it," he said.

UCIDA members did not believe reopening the commercial fishery would conflict with the board's allocation of cohos to sport fishers, since the strong run of cohos should sustain the incidental take by drift fishers targeting pinks, Merchant said.

Discuss this story in our Discussion Forum

pitchfork tossing the carcasses back into the water.

Bower, a former member of the state Board of Fisheries, advocates fertilizing the river with dead fish. On Friday he was sounding a lot like Martha Stewart: "When I hit 'em with a pitchfork, the flesh breaks out and clouds the water, and that's a good thing, because of the nutrients it's putting in the water."

Research by the U.S. Forest Service's Pacific Northwest Research Station in Juneau suggests that decomposing salmon play a key role in maintaining a healthy fishery. They promote the growth of algae and bacteria, which feed aquatic insects, which in turn feed juvenile salmon. The carcasses also feed bears, eagles and other animals, and fertilize shore plants that shelter young fish.

But there's no denying the smell. Meehan said her family's just waiting for freeze-up to provide some relief.

"We laugh about paying for this fine riverfront property," she said.

Discuss this story in our Discussion Forum



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**HB 216**



**CITY & BOROUGH of YAKUTAT**

P.O. Box 160  
Yakutat, Alaska 99689  
Phone (907) 784-3323  
Fax (907) 784-3281

April, 6, 2001

United Fishermen of Alaska  
211 Fourth Street Suite 110  
Juneau, AK 9908-1143

ATTN :Jerry

VIA FAX 907-463-2545

At the Borough Assembly of April 3, 2001, motion was made and seconded to support House Bill 216. We would also like to express our appreciation for your work regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tom Maloney".

Tom Maloney  
Mayor

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 216  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Relating to emergency order authority of the BRU: Commissioners Office  
commissioner of fish and game Component: Commissioners Office  
 Sponsor: House Resources Committee  
 Requester: House Resources Committee Component Number: 2175

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2002    | FY 2003    | FY 2004    | FY 2005    | FY 2006    | FY 2007    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                          |            |            |            |            |            |            |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts    |            |            |            |            |            |            |
| 1003 GF Match            |            |            |            |            |            |            |
| 1004 GF                  |            |            |            |            |            |            |
| 1005 GF/Program Receipts |            |            |            |            |            |            |
| 1037 GF/Mental Health    |            |            |            |            |            |            |
| Other (Specify Type)     |            |            |            |            |            |            |
| <b>TOTAL</b>             | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

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

The impact of adoption of HB 216 on the department is difficult to quantify. It is unknown how many requests to supersede regulations or management plans may come to the commissioner, how complicated the issues involved might be, and how many of the requests might be approved or denied. The Commissioner's Office, the Division of Commercial Fisheries, the Division of Sport Fish, and the Boards Support Section may all have additional demands placed upon them to properly evaluate requests and build a record for defending actions taken.

Prepared by: Gordy Williams Phone 465-6143  
 Division: Commissioners Office Date/Time 4/2/01 9:00 AM  
 Approved by: Commissioner Frank Rue Date 04/02/2001  
 Agency: Department of Fish and Game

For distribution information, call the Governor's Legislative Office

## Bill History/Action Display



BILL: HB 216                      SHORT TITLE: BD OF FISHERIES MEETINGS/EMERGENCY ORDERS  
 BILL VERSION:  
 SPONSOR(S): RESOURCES  
 CURRENT STATUS: (H) RES STATUS DATE: 03/27/01  
 HEARING: (H) RES Apr 02 1:00 PM CAPITOL 124

TITLE: "An Act relating to the emergency order authority of the commissioner of fish and game and to meetings of the Board of Fisheries."

[Full Text](#)

No Fiscal Notes Available

[Committee Action with Bill History](#)

| Jrn-Date | Jrn-Page             | Action                              |
|----------|----------------------|-------------------------------------|
| 03/26/01 | <a href="#">0730</a> | (H) READ THE FIRST TIME - REFERRALS |
| 03/26/01 | <a href="#">0730</a> | (H) FSH, RES                        |
| 03/27/01 | <a href="#">0746</a> | (H) FSH REFERRAL WAIVED             |
| 03/27/01 | <a href="#">0746</a> | (H) REFERRED TO RESOURCES           |

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[FISH & GAME \(FISH\)](#)  
[REGULATORY ACTIONS](#)

Bill Root:  [Display Bill Root](#)

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# UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112  
Juneau, Alaska 99801  
907/586-2820  
Fax: 907/463-2545  
E-Mail: ufa@alaska.net

April 2, 2001

Representative Drew Scalzi  
Co-Chair, House Resources Committee  
Alaska State House of Representatives  
State Capitol, Interdepartmental Mail Stop 3100  
Juneau, AK 99801-1182

Dear Representative Scalzi,

United Fishermen of Alaska supports House Bill 216 by the House Resources Committee.

Section 2 clarifies the existing authority of the Commissioner of Fish and Game to respond in a timely and responsible manner to new information or developing situations in a fishery.

Section 3 clarifies the Board of Fisheries regulatory language concerning out-of-cycle agenda procedures. The Department of Fish and Game is charged with providing the scientific basis for out-of-cycle considerations; after all, they are the biologists and scientists most knowledgeable of the fisheries. This section brings a higher standard to determine a conservation problem, by adding the requirement of concurrence with ADF&G to determine a legitimate conservation concern.

Sincerely,

*Thomas M. Gemmell*  
Tom Gemmell  
Executive Director

#### MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Longline Fishermen's Association • Alaska Trollers Association • Bristol Bay Driftnetters Association • Concerned Area "M" Fishermen  
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association  
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Northwest Selnelters Association • Peninsula Marketing Association  
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative  
United Alaska Salmon Association • Southern Southeast Regional Aquaculture Association • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters



# ALASKA STATE LEGISLATURE

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REPRESENTATIVE DREW SCALZI  
State Capitol, Juneau  
Alaska 99801-1182

OFFICIAL BUSINESS

(907) 465-2689; (800) 665-2689

Fax: (907) 465-3472

Email: Representative\_Drew\_Scalzi@legis.state.ak.us

## SPONSOR STATEMENT

### House Bill 216

***"An Act relating to the emergency order authority of the Commissioner of Fish and Game and to meetings of the Board of Fisheries."***

When the Legislature created the Board of Fisheries, it delegated to it specific rule-making powers. The Legislature protected the limits of these powers by vesting the Department of Fish and Game with statutes that guaranteed decision-making based upon sustained yield and conservation. The Legislature provided all the checks and balances through statute to facilitate a responsible public process and protection of the fishery resources.

Through statutes and appropriations, the Legislature enables the Department of Fish and Game to develop the science necessary for identification of conservation and sustained yield issues. Because the Board of Fisheries is comprised of lay members, the Department of Fish and Game is better able to determine critical fishery decisions on a day-to-day basis.

House Bill 216 clarifies two of the areas the Legislature has defined for the Board of Fisheries. The first management tool provides the flexibility necessary for issuing emergency orders during times of surplus harvest. This tool is especially necessary now with the federal co-management system that now exists in our state.

The second change adds the board's own regulatory language of agenda procedures, and adds concurrence with the ADF&G to determine what constitutes a legitimate conservation concern.

Providing the public with an amenable process is what the Legislature intended when it created the Board's governing statutes. The House Resources Committee respectfully requests the support of our colleagues in clarifying this vital public process as outlined in House Bill 216.

April 2, 2001




ALASKA STATE LEGISLATURE  
REPRESENTATIVE JOHN HARRIS  
STATE CAPITOL 513, JUNEAU, ALASKA 99801-1182 (907) 465-4859

MEMORANDUM

March 29, 2001

To: Representative Drew Scalzi, Co-chair  
Representative Beverly Masek, Co-chair  
House Resources Committee

From: Representative John Harris 

Subject: HB 216

House Bill 216, clarifying the Legislature's original intent for the operation of the Board of Fisheries, is important legislation to protect the public interest, which I support.

This bill reaffirms the necessity for the Department of Fish and Game to have sufficient flexibility to ensure that all fisheries are managed for sustained yield and that conservation is adequately addressed. I fully support its passage and hope the committee will take positive action on it.

**Letters of Support from:  
Alaska Legislators; Fisheries  
Associations; Alaskan  
fishermen**

Alaska State Legislature  
Representative Carl E. Moses



Member  
House Finance Committee



**SESSION**  
State Capitol Building  
Juneau, Alaska 99801-1182  
Phone: (907) 465-4451  
800-898-4451  
Fax: (907) 465-3445

**INTERIM**  
P.O. Box 730  
Unalaska, Alaska 99685  
Phone: (907) 581-2275  
Fax: (907) 581-4949

March 30, 2001

Rep. Drew Scalzi, Co-Chairman  
House Resources Committee  
Alaska House of Representatives

Dear Representative Scalzi:

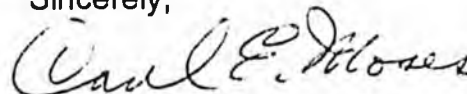
I would like to write in support of House Bill 216, relating to the emergency order authority of the Commissioner of the Department of Fish & Game, and to meetings of the Board of Fisheries.

Clarifying the authority of the commissioner to expeditiously issue emergency orders to protect the state's fisheries resources is long overdue. This bill will enable the commissioner to respond in a timely and responsible fashion to critical situations which would demand faster action than regulations permit, or than would be possible by actions of the Board of Fisheries.

I also appreciate the provision in HB 216 that would allow the Board of Fisheries to amend its agenda to better respond to the public in matters which arise affecting the conservation of the resource, and unforeseen circumstances which fall under the board's area of responsibility.

If I can further substantiate the value of this bill, please contact me.

Sincerely,



Rep. Carl E. Moses  
House District 40

# STATE OF ALASKA

REPRESENTATIVE  
MIKE CHENAULT



Official Business

Interim:  
145 Main St. Loop, Second Floor  
Kenai, Alaska 99611  
(907) 283-7223  
Fax: (907) 283-3075

Session:  
Capitol Building, Room 432  
Juneau, Alaska 99801-1182  
(907) 465-3779  
Toll Free: (800) 469-3779  
Fax: (907) 465-2833

HOUSE OF REPRESENTATIVES

March 30, 2001

The Honorable Drew Scalzi  
State Capitol Building Rm. 13  
Juneau, Alaska 99801

Dear Representative Scalzi:

One of the most relevant issues on the Kenai Peninsula is how our fishery resources will be best managed. It is necessary to construct a foundation to provide for a stable economy in the fishing industry and to preserve the fish as a future resource.

Through the Legislative process the tools and responsibilities have already been given to the Department of Fish and Game to manage this important Alaska resource. In statutes and through appropriations the legislature has empowered the Department of Fish and Game to develop the science necessary for conservation and sustained yield issues. The Department of Fish and Game is therefore better able to assess the critical fishery decisions on a day to day basis.

The intent of the Legislature through HB 216 will more clearly define the role of the Board of Fisheries and its limitations. Section (2) addresses the need to protect and facilitate a responsive public process, which I strongly support.

I support the assertions represented in HB 216 and would like to encourage the legislature to give their support as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Chenault".

Representative Mike Chenault

cc: Resources Committee  
Representative Bev Masek, Co-chair



# Alaska State Legislature

Representative Peggy Wilson  
Putting Alaska's Families First

DATE: March 30, 2001

TO: Representative Drew Scalzi

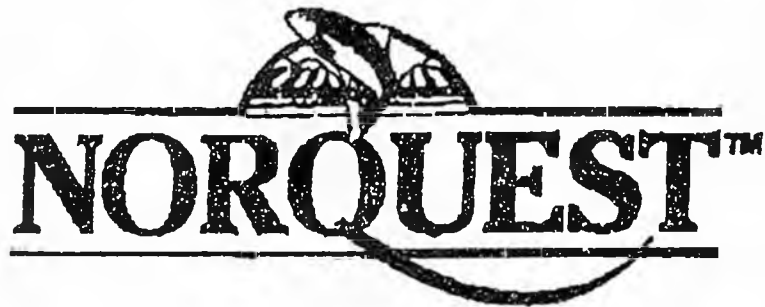
FROM: Representative Peggy Wilson, Co-Chair *PL*  
Representative Gary Stevens, Co-Chair *PL*  
Special Committee on Fisheries

RE: HB 216

As Co-chairs of the House Special Committee on Fisheries, we are writing this letter in support of HB 216.

This bill clarifies existing statute on Emergency Orders for in-season management for sustained yield.

It also addresses the process by which the Board of Fisheries' agenda may be changed. This enhances the public process and helps the board better respond to legitimate conservation issues.



Norquest Seafoods  
545 Railroad Ave.

P.O. Box 260 Cordova AK 99574

PHONE: (907) 424-5390

FAX: (907) 424-5395

Dear Sirs;

House Bill #216, needs to be supported and passed, as you must be aware the Board of Fish forced the fishers and fishing industry to undergo a long and expensive process to rebut ACR-10. This ACR should never have come before the Board's general meeting process in January, it should have been thrown out last September, but due to certain Board members personal agenda's and their influence this proposal was permitted to enjoy some validation from the board. In doing so the Board took a out of cycle proposal, which was totally unwarranted as a conservation concern by their own definition, and inflict onto the fishermen of Area E and the communities in which they live a very stressful, expensive and time consuming fight. For the fishermen of area E there was never any hope of winning a thing. Only to expose the truth and in so doing protect themselves from a further unwarranted intrusion of the fishery by a few misinformed, misguided individuals whose own agenda's was not in the interest of salmon stock conservation but only to reallocate the resource for their personal gain.

This Board of Fish must be sent a clear message that they are to act appropriately for the public good, there is no place for their own personal agenda's in the board's public process. The process must be used to protect the resource and to correct errors in regulation or the unforeseen impacts of a regulation change. The standard must be held high enough that they be only used to address a conservation concern of such magnitude that the Department, through the Commissioner, determines its legitimacy. If the Board is allowed to continue to act inappropriately, it will continue to impact the public and their communities in a negative fashion. With all the other pressures on the Fishing Industry and the effected communities we must ask you to support H.B.216 and so require of the Board of Fish a Higher standard of professionalism than they have exhibited in the recent past.

Sincerely  
William S. Gilbert  
Norquest Seafoods  
Cordova, Alaska

# Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen **U** Alaska  
P.O. Box 939 Cordova, Alaska 99574 / Telephone (907) 424-3447 / Fax **U** **United** 30

March 28, 2001

House Resources Committee  
c/o Co-Chair Representative Drew Scalzi  
State Capitol (MS 3100)  
Juneau, AK 99801-1182

SENT VIA FACSIMILE TO 907.465.3472


Dear Committee Members,

CDFU represents the fishing fleets of Area E - the Copper River and Prince William Sound. We are--unfortunately--eminently qualified to comment on HB 216 having just rebuffed an ACR accepted by the Alaska Board of Fisheries. The toll that it took on our fishing-dependent community was totally unwarranted and unnecessary. While any out-of-cycle consideration is time-consuming, expensive, destabilizing, and stressful, ACR 10 was particularly so for our industry and community because ADF&G advised the Board unequivocally during its ACR acceptance deliberations that there was absolutely no scientific basis for the alleged conservation concern. We are gratified to see legislation that acknowledges that science should be the guide in determining out-of-cycle considerations, and that ADF&G is the agency charged with providing substantive evidence of that concern.

A predictable public process is necessary to provide for community and industry stability. Out-of-cycle regulatory determinations are very serious and should be considered so by the Board; further, they must be held to a very high standard. When used for other than correction of an error in regulation or the unforeseen impacts of a regulation change, the standard simply must be only to address a conservation concern of such magnitude that the Department, through the Commissioner, determines its legitimacy. Otherwise, ACR's will continue to be used inappropriately, with indiscriminate negative impacts to the affected publics and communities. Fishing economies are already subject to uncontrollable variability. We do not need to add regulatory instability to that list.

We strongly urge your support for HB-216. Please don't hesitate to contact us if we may be of further assistance.

Respectfully,



Sue Aspelund  
Executive Director



**United Cook Inlet Drift Association**

P.O. Box 389 - Kenai, Alaska 99611-0389 ~ (907) 260-9436 ~ fax (907) 260-9438 ~ [ucida@kenai.net](mailto:ucida@kenai.net)

March 30, 2001

House Resources Committee  
Representative Drew Scalzi, Co-Chair  
State Capitol, Room 13  
Juneau, Alaska 99801-1182  
Fax 465-3472

Dear Chairman Scalzi,

On behalf of the approximately 585 drift fishermen in Cook Inlet, we wish to express our support for HB 216, and further, wish to thank the committee for submitting this timely and necessary bill.

It is our belief that the Commissioner has the authority now and has always had the authority to supercede a regulation or management plan should certain unforeseen circumstances, not previously considered, become known to him. However, there does seem to be some confusion regarding this authority. HB 216 will serve to clarify and end the confusion.

We also believe that in the recent past the Board of Fisheries has used the Agenda Change Request authority to deliberate issues out of cycle by using the conservation criteria, when in fact, the issues turned out to be allocative. Allocative issues are strictly confined to regular three-year cycle meetings, at which, full public participation is possible.

By requiring substantial proof and concurrence from the Commissioner and Department that a conservation concern does exist, the public and the state will save substantial dollars and time, and allocation issues will be debated in the proper forum during regular cycle meetings.

Respectfully yours,

A handwritten signature in cursive script that reads "Bob Merchant".

Bob Merchant  
UCIDA President

Sylvia Lange  
P.O. Box 135  
Cordova, Alaska 99574

March 29, 2001

Fax memo to: 907-465-3472

Subject: In support of HB 216-House Resources Com.-Board of Fish

Dear Representative Scalzi,

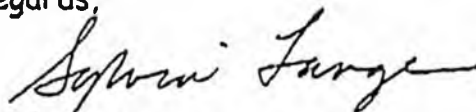
My family has now for at least 3 generations been completely dependent on a healthy and well-regulated salmon harvest of the Copper River. As a commercial fishing family and subsistence user, we have contended with poor runs, raging weather, earthquakes, oil spills, and a market gone south. These things we have little control over. The one thing we can hope to achieve with our State Government is some stability in the regulatory process.

The Board of Fish, when it takes up issues out of cycle in its deliberations and does so without the recommendations of the ADF&G's expert staff, is a hazard that is expensive, unnecessary and foolhardy. It also creates some very hard feelings among those of us in the small coastal communities that once again, the political machine is at work, and we have become the losers, for being a small group of voters.

Alaska's diverse communities and resources require and deserve protection from the hordes.

Thank you for your consideration,

Regards,



Sylvia Lange

**Subject: HB 216**

**Date: Wed, 28 Mar 2001 15:02:38 -0900**

**From: jean seaton <jsseaton@ptialaska.net>**

**To: <Representative\_Drew\_Scalzi@legis.state.ak.us>**

Hello:

I am a Copper River commercial fisherman. I started fishing here in 1981 and moved to the Bay in 86 because of the perceived threat to the Copper of allocation battles. I bought back in last year partly because of the BOF management plan.

I would like you to limit the BOF's authority to use ACR's and emergency petitions. I just spent weeks fighting an attempt at back-door reallocation by Chitna Dip-netters with ACR 10. It was gratifyingly voted against unanimously, BUT it sure plays havoc with my fisheries' stability.

I also object to the costs, both to myself and the State, in dealing with out of cycle ACR's without sound science behind them. I want ADFG to be able to decide if there is a biological concern before an ACR is accepted. ADFG are the professionals and that's what we pay them for.

Sincerely,

Scott Seaton

cliff

---

From: cliff <cliff@concentric.net>  
To: <Representative\_Drew\_Scalzi@legis.state.ak.us>  
Sent: Wednesday, March 28, 2001 1:30 PM  
Subject: HB 216

Dear Rep. Scalzi,

I'm a Cordova resident commercial fisherman who participates in the Drift gillnet salmon fishery that harvests Copper River salmon as well as those of Prince William sound. This past BOF session caused real undue stress that was completely without merit had certain out of cycle issues not been able to be brought before the board, namely the ACR slipped into the schedule by the China dipnetter's Asen (Stan Bloom's bone to pick). I respectfully request that any issue that is added to the daunting agenda of the BOF be backed by sound scientific data, evidence, or ADF&G recommendation, not the contrary. That issue alone took up so much time and money of not only of com fisherman who would be devastated by it's implication, but the towns and the people that have support interests and businesses that would've been affected by it's implications.

Many of my fleet were so affected by the possibilities implied that business planning was put on hold, thus revenues that could've boosted winter economies both in Cordova and elsewhere never developed.

In my own case, sighting the instability in my primary livelihood, I opted not to have a new boat built, which may make me less competitive for this coming season.

Please seriously consider HB 216 as a sane and rational step towards fostering stability in the industry, economies, and citizens' lives in the towns affected by otherwise halfbrained attempts.

Sincerely, Cliff Ward

3/30/01

**Subject:** [Fwd: HB 216]

**Date:** Fri, 30 Mar 2001 09:25:25 -0900

**From:** Representative Drew Scalzi <Representative\_Drew\_Scalzi@legis.state.ak.us>

**To:** Pat Hartley <Pat\_Hartley@legis.state.ak.us>

---

**Subject:** HB 216

**Date:** Fri, 30 Mar 2001 09:15:10 -0900

**From:** "Robert B. Carroll" <RCarroll@anvilcorp.com>

**To:** Representative\_Drew\_Scalzi@legis.state.ak.us

Dear Sir

I am writing to you about HB 216. I am strongly in favor of it. Anything that can limit the power of the Board of Fish is needed. They have become more and more a financial and stressful burden to my family and I. With them taking a look at ACR's out of cycle it causes great financial burdens on my and every family affected to defend our positions on these issues. It also seems to be a waste of time when they decide to look at out of cycle ACR's with absolutely no scientific backup. I strongly urge you to support this bill.

Robert, Kylinn and Kassidi Carroll

[Fwd: HB 216]

**Subject:** [Fwd: HB 216]

**Date:** Mon, 02 Apr 2001 06:17:02 -0900

**From:** Representative Drew Scalzi <Representative\_Drew\_Scalzi@legis.state.ak.us>

**To:** Pat Hartley <Pat\_Hartley@legis.state.ak.us>

---

**Subject:** HB 216

**Date:** Sat, 31 Mar 2001 14:30:23 -0900

**From:** Joan Phillips <phil1565@ptialaska.net>

**To:** Representative\_Drew\_Scalzi@legis.state.ak.us

Dear Rep. Scalzi:

I am a resident of Cordova and a commercial fisherman on the Copper River Delta. I am writing to state my support for HB216.

The misuse of the ACR process this winter is ample demonstration of the need to allow the Dept. of Fish and Game, as professionals, to handle conservation emergencies.

Sincerely,

Jeff Phillips  
Box 1565  
Cordova, Ak. 99574

**Subject: [Fwd: Support for HB216]**

**Date: Mon, 02 Apr 2001 06:17:47 -0900**

**From: Representative Drew Scalzi <Representative\_Drew\_Scalzi@legis.state.ak.us>**

**To: Pat Hartley <Pat\_Hartley@legis.state.ak.us>**

---

**Subject: Support for HB216**

**Date: Sun, 01 Apr 2001 22:42:11 -0800**

**From: "H. Daniel Hull" <dnhull@alaska.net>**

**To: Representative\_Drew\_Scalzi@legis.state.ak.us**

Representative Scalzi,

I am writing to express strong support for HB 216. I am a Copper River driftgillnet fishermen, and I believe that this bill will greatly improve the BOF decision making process and better serve the interests of the public. It is critically important that the burden of proof for BOF approval of ACRs be credible and of a higher standard than currently exists.

The approval of ACR 10 this past fall, and the subsequent failing of that proposal in January, illustrate the need to protect the public and the public process from frivolous proposals that are not based on real conservation concerns. Stakeholders, fisheries managers, and the general public incur huge and unnecessary costs, in time as well as money, as a result of these kinds of proposals. The people and communities who depend on these resources deserve a more stable and predictable regulatory process. The resources will be better managed, and the interests of the public will be better served by the changes proposed in this bill.

Dan Hull  
Anchorage, AK