

**ALASKA LEGISLATURE**

**2534**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 2003-2004**



# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB205  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): April 11, 2003 Dept. Affected: Revenue  
 Title PFD: Peace Corps Volunteers BRU Revenue Operations  
and Miscellaneous Component Permanent Fund Dividend  
 Sponsor Representative McGuire  
 Requester House Finance Committee Component No. 981

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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>						
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<b>CHANGE IN RES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1050 Permanent Fund Dividend Fund						
<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 (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

See attached page for discussion of bill.

Prepared by: Larry Persily, Deputy Commissioner Phone 465-5469  
 Division Department of Revenue Date/Time 4/11/03 1:32 PM  
 Approved by: Larry Persily, Deputy Commissioner Date 4/11/2003  
 Agency Department of Revenue

**House Bill 205**  
**Department of Revenue**

**Page 2 of 2**

**BILL SUMMARY**

This legislation would:

- Re-establish volunteer service in the U.S. Peace Corps as an allowable absence in determining eligibility for the Permanent Fund dividend.
- Start the annual application period for the dividend on January 1 each year instead of January 2. The use of online applications allows the Dividend Division to accept applications on January 1, even if it is a holiday.
- Allow the Department of Revenue to assess administrative penalties of up to \$3,000 each and forfeiture of dividends against individuals who willfully misrepresent information on their application or in the review process for the Permanent Fund dividend. Applicants would have the right to a formal hearing before a hearing examiner to determine whether the fine is appropriate, and, beyond that, applicants could appeal to court. Under existing statute, the only method for the Department to assess a penalty against an applicant who willfully misrepresents information is to file criminal charges in the case. The state is reluctant to file criminal charges because of the great expense. Therefore, the Dividend Division loses out on using such penalties as an effective enforcement tool against fraud. This bill would solve that problem by providing administrative penalties as a lower-cost alternative.

# Alaska State Legislature

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**Representative Lesil McGuire**  
Chair, Judiciary Committee

## **Sponsor Statement for HB 205** **PFD Eligibility for Peace Corp. Volunteers**

**"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."**

Alaskans are known for their volunteer spirit. Our young people often consider serving their country as a way to give back what this country has given to them. Many serve in the military, while others choose to make conditions better for someone else by devoting two years of their lives to the Peace Corps. Like military service, the Peace Corps has played a major role in promoting democracy in other countries. But we the legislature, have overlooked this valuable service to our country.

Alaska college students, those taking care of a loved one outside or being a merchant marine all qualify as exemptions when applying for the Permanent Fund Dividend. Spending two years of your life in a third world country as a Peace Corps' volunteer not only means going without your P.F.D., it also means that as a volunteer, you are not paid a salary. Instead, you receive a stipend to cover your basic necessities - food, housing expenses, and local transportation. At the conclusion of your service as a volunteer, you will receive a "readjustment allowance" of \$225 for each month of service. The annual dividend check would help these men and women to better their lives while they are serving our country and helping those less fortunate.

Additionally, the committee substitute before you adds language to existing statute that will give the Department of Revenue a new tool for enforcing fraud. For many years we have tried to catch and prosecute those who would lie and cheat to get a check, only to be frustrated by an overcrowded and costly court system.

The changes will bring the investigation and prosecution of these cases into the Department under Administrative Rule. Fines of up to three thousand dollars (\$3,000) can be levied through this process and will send a message to those looking for that check illegally, that they will face consequences for their actions.

Committee Substitute for House Bill 205 amends the application period from January 2 to January 1. This change is due to the fact that applicants could not file for their PFD electronically until recently, and had to wait to file a paper application until January 2.

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**Representative Lesil McGuire**

Chair, Judiciary Committee

## TALKING POINTS

### PFD Eligibility for Peace Corp. Volunteers

**"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."**

- The Peace Corps is an entirely voluntary government service, just as the military is.
- Peace Corps Volunteers make a two-year minimum commitment to serve their country overseas.
- Alaskan Peace Corps Volunteers (PCVs) were originally eligible to receive permanent fund dividends until they were removed in 1998. The only other group ever removed from the allowable absence list was U.S. national team (Olympic) athletes.
- Even after the PCVs and athletes were removed in 1998, a new group, the merchant marines, was added in 1999 that had never been on the allowable absence list before.
- According to the Peace Corps Office of Communications, there are currently 32 Peace Corps Volunteers from Alaska (although this number fluctuates as volunteers start or complete their 2 years of service) and 711 Alaskans have served or are serving since 1961.
- If Peace Corps Volunteers are added to the number of Alaskans eligible to receive permanent fund dividends, the reduction (if any) in the amount of each check would be a matter of pennies. In 2000 and 2001, each check would have been eight cents smaller.
- Peace Corps Volunteers only receive a only small living stipend while they serve overseas. Receiving the Alaskan Permanent Fund would nearly double their yearly income while abroad. And today's younger volunteers face higher student loan debt and re-establishment costs when they return home.
- Peace Corps Volunteers answer questions about what its like to be an Alaskan and an American every day they are abroad. They are the best ambassadors of goodwill we have. In the words of President Bush, "they are willing to sacrifice for causes greater than themselves."

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: HB 205  
(H) Publish Date: 4/4/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
Title PFD: Peace Corps Volunteers BRU Revenue Operations  
and Miscellaneous Component Permanent Fund Dividend  
Sponsor Representative McGuire  
Requester House State Affairs Component No. 981

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	20.0	20.0	20.0	20.0	20.0	20.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1050 Permanent Fund Dividend Fund	20.0	20.0	20.0	20.0	20.0	20.0
<b>TOTAL</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>

Estimate of any current year (FY2003) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

See attached page for discussion of bill.

Prepared by: Larry Persily, Deputy Commissioner Phone 465-5469  
Division: Department of Revenue Date/Time 3/28/03 5:05 PM  
Approved by: Larry Persily, Deputy Commissioner Date 3/28/2003  
Agency: Department of Revenue

**House Bill 205 - FN#1  
Department of Revenue**

**Page 2 of 2**

**BILL SUMMARY**

This legislation would:

- Re-establish volunteer service in the U.S. Peace Corps as an allowable absence in determining eligibility for the Permanent Fund dividend.
- Start the annual application period for the dividend on January 1 each year instead of January 2. The use of online applications allows the Dividend Division to accept applications on January 1, even if it is a holiday.
- Allow the Department of Revenue to assess administrative penalties of up to \$3,000 each and forfeiture of dividends against individuals who willfully misrepresent information on their application or in the review process for the Permanent Fund dividend. Applicants would have the right to a formal hearing before a hearing examiner to determine whether the fine is appropriate, and, beyond that, applicants could appeal to court. Under existing statute, the only method for the Department to assess a penalty against an applicant who willfully misrepresents information is to file criminal charges in the case. The state is reluctant to file criminal charges because of the great expense. Therefore, the Dividend Division loses out on using such penalties as an effective enforcement tool against fraud. This bill would solve that problem by providing administrative penalties as a lower-cost alternative.

**OPERATING EXPENSES**

The Department of Revenue estimates it will need to increase its contract with the Department of Law by \$20,000 per year to handle the additional workload (an estimated 50 penalty cases per year, of which an estimated 20 would go to formal hearing and of which two would likely be appealed to Superior Court).

The \$20,000 would cover the work involved in screening the cases and handling the appeals. Revenue would use an RSA to pay Law for its work.

The money would come from the Dividend Fund, not the state General Fund.

# Alaska State Legislature

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**Representative Lesil McGuire**  
Chair, Judiciary Committee

## NOTABLE QUOTES ON THE PEACE CORPS FROM AMERICA'S PRESIDENTS

*"To those people in the huts and villages of half the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves..."*

**President John F. Kennedy**

*"The spirit of the Peace Corps springs from the deepest wells in our culture, from the reasoned and strongly felt impulses of our people to share with their neighbors their caring and their labor."*

**President Jimmy Carter**

*"Each one of us is responsible for building the society we want. Peace Corps volunteers do that with people-to-people exchanges, using their energy, their spirit, and their creativity to solve problems. This is the American way. Once we see a need, we want to serve — even when the neighbor we reach out to help is halfway around the world."*

**President Ronald Reagan**

*"The generous spirit of the American people has produced in this country a great and long-standing tradition of voluntary service. During the past three decades, that tradition has been carried on with dramatic and far-reaching effort by the members of the United States Peace Corps".*

**President George Bush**

*"The Peace Corps is a remarkable tradition that emphasizes that our country is about more than power and wealth. It is also about the power of our values and the power of a helping hand, the ethic of service, and the understanding that we have an obligation not only to our own people, to people around the world to help them make the most of their own lives."*

**President Bill Clinton**

*"America Needs Citizens to Extend the Compassion of Our Country to Every part of the world. So we will renew the promise of the Peace Corps, and double its volunteers over the next five years."*

**President George W. Bush**

# AKpeacedividends.org

***Working to see that Alaska's Peace Corps Volunteers once again receive Permanent Fund Dividends they've earned.***

(Note: Also see the talking points current as of 4/4/2002)

The Peace Corps is an entirely voluntary government service, just as the military is. Peace Corps Volunteers make a two year minimum commitment to serve their country overseas.

Alaskan Peace Corps Volunteers (PCVs) were originally eligible to receive permanent fund dividends until they were removed in 1998. The only other group ever removed from the allowable absence list was U.S. national team (olympic) athletes.

Even after the PCVs and athletes were removed in 1998, a new group - the merchant marine - was added in 1999 which had never been on the allowable absence list before.

Q: Why were peace corps volunteers removed from the list of those eligible to receive permanent fund dividends? We don't know. Nor do we know whose idea that was. All we do know is that it happened. A bill meant to change the rules for PFD eligibility for spouses was amended in the Senate Finance Committee in the spring of 1998 to remove peace corps volunteers and olympic athletes from the list. The change took effect beginning in 1999.

Q: Why should anyone out of state for more than six months receive a dividend? Maybe no one should. That's not the question we're asking. The question is, with the way dividends are now, should eligibility for Peace Corps Volunteers be restored?

Q: If Peace Corps Volunteers should get a dividend, why shouldn't missionaries and others? Maybe they should. Maybe a lot of other groups should. That isn't the question we're asking. The question is, should eligibility for Peace Corps Volunteers be *restored*? Missionaries have never been eligible before, and their service is different because it's not a U.S. Government service like another allowable absence, the military.

Q: What groups are currently allowed to be out of state for longer than six months and still receive their dividend? They include full-time college or vocational training students, persons serving in the armed forces duty or the merchant marine, Alaskans who are absent for medical treatments or caring for an ill parent, spouse, sibling or child.

Q: How many Alaskans are in the Peace Corps right now? According to the Peace Corps Office of Communications, there are currently 26 Peace Corps Volunteers from Alaska (although this number fluctuates as volunteers start or complete their 2 years of service) and 711 have served or are serving since 1961.

Q: If Peace Corps Volunteers are added to the number of Alaskans eligible to receive permanent fund dividends, how much would that reduce the amount of each check? In 2000 and 2001, each check would be eight cents smaller.

Assuming that all 26 PCVs were added to the estimate of the number of eligible applicants (which they aren't - the estimate isn't arrived at that way), then the same \$1,092,451,347.17 appropriated in 2001 would have to be split 590,449 ways instead of 590,423 ways. The amount of the 2001 check would have been reduced from \$1,850.28 per person to \$1,850.20 - a difference of eight cents (the amount of each check is rounded to the nearest even number of cents). The same \$1,150,429,188 appropriated in 2000 would have to be split 585,826 ways instead of 585,800 ways. The amount of the 2000 check would have been reduced from \$1,963.86 per person to \$1,963.78 - a difference of eight cents.

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**НВ**

**2009**

**HFIN**

**FILE**

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 209(CRA)  
 (H) Publish Date: 4/9/03

Revision Date/Time (Note if correction):  
 Title Muni Tax: Property Affected by Disaster

Dept. Affected: DCED  
 BRU Comm Assist & Ec Dev (405)  
 Component Community & Business Development  
 Component No. 2486

Sponsor Representative Chenault  
 Requester House Community & Regional Affairs

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<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 (FY2004) cost: \_\_\_\_\_  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This Legislation removes current statutory language requiring a disaster declaration from the governor or president in order to have a reassessment of an area which suffered a natural disaster. This is a local tax issue and would have no fiscal impact on this department.

Prepared by: Gene Kane, Acting Director  
 Division: Community and Business Development  
 Approved by: Edgar Blatchford, Commissioner  
 Agency: Department of Community and Economic Development

Phone 269-4580  
 Date/Time 4/7/03 4:04 PM  
 Date 4/7/2003

# STATE OF ALASKA

**REPRESENTATIVE  
MIKE CHENAULT**

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**HOUSE OF REPRESENTATIVES**

## **SPONSOR STATEMENT HB 209**

HB 209 will allow municipalities to provide for a tax reduction for property destroyed, damaged or otherwise reduced in value as a result of a disaster. A municipality can adopt by ordinance criteria for assessment or reassessment of property values.

This legislation broadens the municipalities' authority to define "disaster" to include for example, a fire or flood that occurs within a home. It repeals Section 29.45.230: (e) In this section "disaster" means a major disaster declared by the President of the United States under federal law or a disaster declared by the governor under AS 26.23.010-26.23.110.

Arizona, California, Idaho, Mississippi, Pennsylvania, and South Dakota are states that currently provide pro-ration of taxes for casualty loss. Many other states are currently considering similar legislation.

**HB**

**210**

**HFIN**

**FILE**



# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 210(RES)  
 (H) Publish Date: 4/7/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
 Title: Chitina Dip Net Fishery BRU: Resource Development  
 Component: Claims, Permits & Leases  
 Sponsor: Coghill, Stoltze  
 Requester: (H) RES Component No.: 2460

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
<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 (FY2003) cost: None  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill eliminates the \$25 fee for the Chitina dip net fishing permit and requires state agencies to publicize and mark state land that provides access to the fishery. The \$25 fee has been appropriated to Fish & Game in past years to pay for sewage and trash disposal, and to pay for the public's right to use land owned by Ahtna and Chitina Native Corp. Elimination of the fee eliminates the source of funding for sewage and solid waste cleanup for the approximately 7,000 dipnetters and their families who use this area.

DNR is working with other agencies regarding the responsibility for the signage as required in the bill.

Prepared by: Bob Loeffler, Director Phone: 907-269-8625  
 Division: Mining, Land & Water Date/Time: 4/4/2003  
 Approved by: Tom Irwin, Commissioner Date: 4/4/2003  
 Agency: Natural Resources

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 210(RES)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 5/7/03 3:00 p.m. Dept. Affected: Fish and Game  
 Title Chitina Dip Net Fishery Permit Fee BRU Sport Fisheries  
 Component Sport Fisheries  
 Sponsor Representatives Coghill, Stoltze  
 Requester House Finance Component No. 464

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	(172.8)	(172.8)	(172.8)	(172.8)	(172.8)	(172.8)
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>

CAPITAL EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009

CHANGE IN REVENUES ( 1024 F&G )	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
	(172.8)	(172.8)	(172.8)	(172.8)	(172.8)	(172.8)

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund	(172.8)	(172.8)	(172.8)	(172.8)	(172.8)	(172.8)
<b>TOTAL</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>

Estimate of any current year (FY2003) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)  
 For the past three years (2000, 2001, 2002) the cost of a Chitina dip net fishing permit has been \$25.  
 Revenues from the fee have been utilized as follows:  
 • \$5 from each permit has been used to pay contractual costs for site waste management services including portable restrooms and garbage receptacles;  
 • \$2 from each permit has been retained to pay for administration of the permit program and services;  
 • \$18 from each permit has been allocated for contractual agreements with the Chitina and Ahtna Corporations for guaranteed access on corporation lands by permit holders and eligible family members.

Prepared by: Kelly Hepler, Director Phone 465-4180  
 Division Sport Fish Date/Time 5/7/03 3:08 PM  
 Approved by: Kevin C. Duffy, Commissioner Date 5/7/2003  
 Agency Alaska Department of Fish and Game

**FISCAL NOTE**

**STATE OF ALASKA  
2003 LEGISLATIVE SESSION**

**BILL NO. CSHB210(RES)**

**ANALYSIS CONTINUATION**

The number of permits issued for the past three calendar years is as follows: In 2002 and 2001, permits were sold by the department's licensing section through the same vendors who sell fishing and hunting licenses. In 2002, 5880 permits were sold and 534 free permits issued to seniors. In 2001, 8535 permits were sold and 506 free permits issued to seniors. In 2000, permits were not sold by the department's licensing section but by the Division of Sport Fish. A total of 8151 permits were issued in 2000 and we are assuming that 500 of these permits were free to seniors, making a total of 7651 actually sold. Based on this information, average annual sales for the past three years has been 7355. Funds generated from the sales of 7355 permits would be \$183.8.

With the recent change in classification of the fishery from subsistence to personal use, permittees will be required to have a sportfish license. We believe that a high percentage of participants have annually held sportfish licenses as they participated in sportfishing elsewhere. For this fiscal note, it is assumed that 10% of the permittees have not held sport fish licenses and will now purchase them in order to participate. The sale of these additional licenses would result in revenue to the Fish and Game Fund of \$11.0. This results in the net revenue decrease of \$172.8.

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 210(RES)  
 (H) Publish Date: 4/7/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
 Title Chitina Dip Net Fishery BRU Resource Development  
 Component Claims, Permits & Leases  
 Sponsor Coghill, Stoltze  
 Requester (H) RES Component No. 2460

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2003) cost: None  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill eliminates the \$25 fee for the Chitina dip net fishing permit and requires state agencies to publicize and mark state land that provides access to the fishery. The \$25 fee has been appropriated to Fish & Game in past years to pay for sewage and trash disposal, and to pay for the public's right to use land owned by Ahtna and Chitina Native Corp. Elimination of the fee eliminates the source of funding for sewage and solid waste cleanup for the approximately 7,000 dipnetters and their families who use this area.

DNR is working with other agencies regarding the responsibility for the signage as required in the bill.

Prepared by: Bob Loeffler, Director Phone 907-269-8625  
 Division Mining, Land & Water Date/Time 4/4/2003  
 Approved by: Tom Irwin, Commissioner Date 4/4/2003  
 Agency Natural Resources

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:

3340 Badger Road, Suite 290  
North Pole, AK 99705  
(907)-488-5725  
Fax# (907)-488-4721



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 204

## REPRESENTATIVE JOHN COGHILL

---

### Sponsor Statement – Chitna Dipnetting Fee

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HB 210 would eliminate the \$25 fee for a Chitna Dipnetting Permit. In 2000 the legislature imposed the increased fee to guarantee access to the fishery by utilizing \$18.00 per permit to pay to Ahtna and Chitna Corporations a trespassing fee for river access across their land.

Legislation promoted by Senator Pete Kelly provided funding to undertake a survey in 2001. There was a specific \$100,000 appropriation for survey and signs. DCTPF was able to obtain the surveyor who had done the majority of surveying for native allotments and used aerial photography. There is approximately \$54,000 remaining for brochure design and printing costs for enough brochures as recommended by fish and game. DOTPF believes there might be enough and possibly put two information signs at the Pavillion and O'Brien

The results of the survey indicate that the vast majority of access to the river is public land, thus there is no reason for people to trespass on private lands to access the Chitna fisheries. A key facet of this legislation is to make sure public access is adequately marked to protect private property owners from trespasses.

In testimony last year, Gordy Williams, legislative liaison for Fish & Game, acknowledged that the Chitna dipnet fishery is the largest fishery in the state and that in 2001 the department issued over 8,000 household permits.

The elimination of the fee completely is a policy call that addresses Chitna as the only fishery in the state that has been singled out to pay a maintenance fee. Chitna should be maintained in the same manner as any other fishery in the state.



Corporation

P.O. Box 3 Chitina, Alaska 99565  
Tel: (907) 823-2222  
Fax: (907) 823-2202  
Chitina Native Corporation

May 8, 2003

House Resource Committee  
State Capitol Building  
Juneau, Alaska 99801

Re: HB 210

Dear Committee Members,

Chitina Native Corporation would like to take this opportunity to submit comments to you on HB 210. In the past, we have offered you comments in regards to this bill and the issues surrounding the Chitina dipnet fishery. The following are the points we would like to emphasize to you in regards to making a decision on HB 210.

The impacts these dipnetters have and the pressures placed on our private property seem to be overlooked and forgotten each time this issue is discussed. We would like to remind everyone about the pressures and impacts placed on our private property by these dipnetters.

Pressures on the land itself:

- Cutting of trees
- Building of new trails
- Fire rings and fires
- Left behind trash at campsites
- Parking and camping
- Shooting
- Fish remains from cleaning

Pressures on the community and services:

- Dumping of trash prior to leaving Chitina in any dumpster available
- Stress placed on very limited EMS services
- Additional and heavy traffic, speeding and damage to roads
- Increased use of laundry facilities and public water wells
- Increased potential for forest fires requiring additional monitoring by Chitina's volunteer fire department
- Increased numbers of visitors for enforcement to have to deal with and monitor

This is an access issue, regardless of this fisheries classification, the dipnetters are going to be accessing the Copper River across our private property. But it seems that comments offered want to make it seem that the fee should be determined based on the classification. The access is the same regardless of the classification and should not be a factor in establishment of the fee. Access is access, and that is what the fee is for. The requirement of a sport license should not impact the amount of the fee.

With the land slide just south of O'Brien Creek closing the road, these dipnetters will be impacting mainly our private properties because the right of way is closed at the slide. This also creates a very unsafe situation similar to what happened on the Denali Highway several years ago. The State of Alaska closed the highway, and yet a car was allowed to travel the highway. The passengers got stuck and froze to death. A similar situation here, the right of way is closed at the slide, but the State is not doing anything to prevent dipnetters from passing this point, risking their lives and placing the State in a very bad legal situation. This ground is unstable and not scheduled to be repaired this season due to the very large costs, and when dipnetters drive past the closed signs the ground above them could give way and bury them or push them in their vehicle into the Copper River.

Between 8,000 and 10,000 people descend on our town of 123 residents a year, and many make multiple trips a year. During the height of the fishery, 2,000 people may be present daily. Proportionately, this would be like 500,000 tourists descending on Juneau's population of 30,000 people in a single day! These people all have trash and sewage that must be disposed of. But unlike Juneau, we have no local police force for law enforcement or other infrastructure due to our population.

Another issue is a mis-use of the right of way. Would the State of Alaska allow 10,000 people to camp and recreate within the Glenn Highway in Anchorage, the answer is no. This right of way is the same as the Glenn highway, but the State of Alaska is encouraging it to be used for recreation and not for its intended purpose of a transportation corridor through private and public properties.

People have talked about putting up signs and fences. In the past, wooden signs ended up being used for firewood, and metal signs for target practice. Fencing of our property is not in the best interest of the viewshed, tourism or the Alaskan landscape. We have fenced some of our gravesites, and even these have been desecrated.

The legal width of the right of way is not in agreement. The legal case Chitina Native Corporation had against the State of Alaska in the early 1990's was not pursued as aggressively because of a good faith offering by the State of Alaska for the establishment of this fee. Now the State of Alaska wants to back out of its agreed position. The ADOT's own documentation shows the very same right of way at the end of the road near McCarthy to only be 200 feet and that is what the State of Alaska knows it can claim with this right of way, 200 feet. But in the case of this fishery, and for what seems to be convenience, the State of Alaska chooses to take 300 feet to allow for the free public use of private property.

The State of Alaska has a responsibility to protect the private property located in proximity to this fishery. This issue also seems to only be focused on the one side of this fishery where the right of way is located. These fishermen use both sides of the river and

do not stay below the ordinary mean high water mark, which has never been established by the State of Alaska or the BLM on the Copper River. If you consider how much private property is included in this fishery for both sides of the river, the State of Alaska has approximately 25% at most of the land being used by these fisherman.

We frequently see releases of raw sewage from RV's along our roadways and in gravel pits. People clean their fish at Suzy Lake and leave their fish remains behind, creating problem bears for the town. Chitina, a town of a few dozen people, is left with the trash of 8,000 to 10,000 people to dispose of. The dumpsters and toilet facilities that are available now through the fee are not adequate, and our dumpsters, toilets, or our land then become the dumping grounds for the public.

The funds for proper enforcement for this fishery is not going to be increased. That means little or no monitoring and enforcement of trespass laws for the State of Alaska on our private properties. The best solution is for the State of Alaska to continue its agreement for the incidental use of our 75% of private property through these agreements. The amount of dipnetters being represented by the Chitina Dipnet Association is a very small minority, their membership of at most 500 people, when there are 9 to 10,000 dipnetters who use this fishery each season. Yet, you are being asked to take action from these small few who continually get looked at as the spokes group for the dipnetters, when they are not.

The negative impacts brought by these dipnetters to Chitina are growing. You are considering removing one of the only funding sources of our Village to work towards being able to deal with these pressures on all of our other properties impacted by not only these users, but all visitors to the area. Leaving this fee in place does not deny anyone access to the fishery, they will still be able to harvest salmon in Chitina. They would simply be asked by the State of Alaska to assist in paying for their access to do so, and clean up the trash and toilets they use.

Before there was an agreement between the state and Chitina and Ahtna, we patrolled our lands and were met with angry dipnetters who were distraught because they could not access the river. Many dipnetters bring weapons with them to Chitina, and when combined with alcohol, this creates an unsafe situation. This can, and likely will, lead to a range war situation where Ahtna and Chitina representatives may be injured or indeed killed in the process of protecting their lands. Although no one wants to say it, Native lands are not viewed in the same light or treated with the same respect as other private lands. Dipnetters would not wander, throw trash in, or relieve themselves in someone's back yard in Kenai on their way to dipnetting there with the same abandoned that they will at Chitina.

For the near future, I would recommend that you not pass HB 210, allow the State of Alaska, ADF&G to enter into an agreement with a fee of \$15 per permit for the next year, and allow for additional meetings to be established for all interested parties to participate in. The focus of those meetings to be looking at long-term solutions to the issues and concerns raised. The proper members of the State of Alaska departments can be asked to present the answers they have to the many questions, and the private property owners can bring forward their reasons for compensation for the impacts.

The time is very short. The dipnet fishery opens in less than a month, and there is not time to deal with all the unresolved issues. Chitina requests an extension of the current agreement for another year during which time all of the issues can be worked out. Whether there is a fee or not, the costs to the community remain great, and there is not time to address them this year.

I thank you for your time and consideration and would strongly request that you amend HB 210 to allow for a reduced fee for the next year to \$15 per permit and direct the State of Alaska Department of Fish and Game to begin immediately on scheduling the needed meetings to bring these issues to the table for further discussion and understanding by all.

Respectfully,

Joseph Hart  
General Manager  
Chitina Native Corporation



P.O. Box 3 Chitina, Alaska 99566  
Tel: (907) 823-2273  
Fax: (907) 823-2202  
Chitina\_Alaska@alaska.net

April 29, 2003

House Finance Committee  
HB 210 House Finance Committee Hearing  
Alaska State Capitol Building  
Juneau, Alaska 99801-1182

Re: HB 210

Dear Finance Committee members,

Chitina Native Corporation would like to request you not to pass HB 210. This bill removes the only compensation offered to private property owners for the trespass that occurs on our property by the residents of Alaska traveling for miles invited by the State of Alaska through this fishery. The State has a responsibility to compensate private property owners or protect their private property if there will be trespass. This responsibility has not been outlined as to how the State of Alaska plans to take action to meet the protection or compensation for this trespass that occurs.

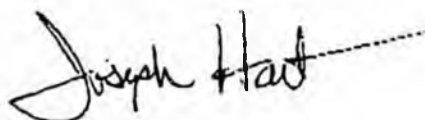
You hear that 50 to 60 percent of the right of way extends into the Copper River, and that provides enough public access to dismiss this fee the dipnetters pay. What you do not hear is that many of the people don't have a clue where this 50 to 60 percent is located at, and how to avoid the 40 to 50 percent of private property. If the State of Alaska desires to discontinue charging these dipnetters a fee for their dipnetting, that is fine, as long as there is something in place to ensure your responsibilities are met in regards to the private property. Currently, there is nothing and you will be adding to the confusion, complicating the situation and making trespass on our private property legal.

These dipnetters cut trees, leave trash, park and camp within the right of way, and want to be able to do so for free. You also should ask if the use of this right of way is legal, could one person travel to Anchorage and camp within the right of way for the Glenn Highway, build a fire, cut trees, park and stay for days at a time, I am sure they would be cited and forced to remove themselves from the right of way or face further punishment under the law. The State of Alaska is allowing this to happen in this right of way, the right of ways are the same, to permit public travels across private properties to public properties beyond.

Leaving this fee in place does not deny any harvest of salmon, and does ensure that the State of Alaska has the needed funds to continue the compensation to the private property owners without taking funds away from any of the other programs you fund. Simply put, users of a resource paying their own way instead of the State paying it for them.

Please do not pass this bill, HB 210 should be voted down. I thank you for your time and do ask you to vote no on HB 210.

Sincerely,



Joseph Hart  
General Manager  
Chitina Native Corporation  
P.O. Box 3  
Chitina, AK 99566  
(907) 823-2223  
(907) 823-2202 fax  
chitina\_native@cvinternet.net

Post-it® Fax Note	7671	Date	4/29	# of pages	2
To	Liana	From	GLH LIO		
Co./Dept.	H-FIN	Co.			
Phone #		Phone #	822-5588		
Fax #		Fax #			

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Fax (907) 463-3172  
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April 25, 2002

*Jesse -  
8 pages total  
includes other  
background*

Ms. Mildred Buck  
President and CEO  
Chitna Native Corporation  
P.O. Box 3  
Chitna, AK 99566

Dear Ms. Buck:

Thank you for your letter concerning issues related to the subsistence fishery in the Chitina subdistrict of the Copper River. The focus of state involvement has been to maintain access to the fishery, while at the same time being good neighbors and responsible stewards of the area's resources. Since 1992, this has been accomplished by the collection of fees from dip net fishermen. The bulk of these receipts were paid to the Chitina and Ahna corporations through contractual arrangements that provided access across corporation lands.

When the Legislature passed Senate Bill 301 in 2000, increasing the Chitina dip net fee from \$10 to \$25, it also contained language directing the Alaska Department of Fish and Game (ADF&G) to work with private landowners, the Department of Natural Resources (DNR), and the Department of Transportation and Public Facilities (DOT/PP) to "identify the portion of the Copper River Railroad right-of-way associated with the Chitina dip net fishery." Last summer DOT/PP staff completed this legislatively funded survey, which showed that at least 60 percent of the length of the right-of-way between O'Brien Creek and Haley Creek affords legal public access to the Copper River.

The results of this survey places the state in the awkward position of collecting fees from a portion of users in the Chitina subsistence fishery to pay for access that is not needed in order to participate in the fishery. Given the new survey and in response to inquiries from legislators, ADF&G is considering a proposal that would repeal or reduce the access fee. The state recognizes the need for garbage and sanitation services for the visiting public, and ADF&G is working with legislators to arrive at an arrangement to ensure those services continue to be provided.

Ms. Mildred Buck

April 25, 2002

Page 2

In letters to both the Chitina and Ahna Corporations in February 2002, ADF&G staff articulated the state's position. Although ADF&G believes collecting the full access fee is not justifiable, they will cooperate on other important issues. ADF&G and DOT/PP staff will work together to produce a map useful in locating public access points to the river along the right-of-way. DOT/PP staff will work with survey professionals to mark the right-of-way so the public can avoid trespass. Additionally, the state will work this season with private landowners to help mark private lands, and will include a statement on the Chitina subsistence permit about the need to avoid trespassing on private lands. If your corporation is interested in collecting a fee for access across your private lands, campgrounds, or for other services on your lands, ADF&G will offer assistance to you.

I am confident that by working together we can find solutions that recognize the rights and needs of all parties involved with fisheries access and impacts in the Chitina area.

Sincerely,



Tony Knowles  
Governor

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 210(RES)  
 (H) Publish Date: 4/7/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title Chitina Dip Net Fishery Permit Fee BRU Sport Fisheries  
 Component Sport Fisheries  
 Sponsor Representatives Coghill, Stoltze  
 Requester House Resouccs Component No. 464

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	(181.3)	(181.3)	(181.3)	(181.3)	(181.3)	(181.3)
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>

CAPITAL EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009

<b>CHANGE IN REVENUES ( 1024 F&amp;G )</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund	(181.3)	(181.3)	(181.3)	(181.3)	(181.3)	(181.3)
<b>TOTAL</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>	<b>(181.3)</b>

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

For the past three years (2000, 2001, 2002) the cost of a Chitina dip net fishing permit has been \$25.

Revenues from the fee have been utilized as follows:

- \$5 from each permit has been used to pay contractual costs for site waste management services including portable restrooms and garbage receptacles;
- \$2 from each permit has been retained to pay for administration of the permit program and services;
- \$18 from each permit has been allocated for contractual agreements with the Chitina and Ahitna Corporations for guaranteed access on corporation lands by permit holders and eligible family members.

Prepared by: Kelly Hopler, Director Phone 465-4180  
 Division Sport Fish Date/Time 4/4/03 9:54 AM  
 Approved by: Kevin C. Duffy, Commissioner Date 4/4/2003  
 Agency Alaska Department of Fish and Game

**FISCAL NOTE #2**

**STATE OF ALASKA  
2003 LEGISLATIVE SESSION**

**BILL NO. CSHB 210(RES)**

**ANALYSIS CONTINUATION**

The average number of permits sold annually for 2000 through 2002 is 7,253 (7,123 in 2000, 8,756 in 2001, and 5,880 in 2002). Funds generated from the sale of 7,253 permits equals \$181.3.

The removal of the fee requirement for the Chitina dip net permit eliminates the funding source that has been used for agreements for access across Native corporation lands, and for garbage pick-up and sanitary services.

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 210(RES)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Chitina Dip Net Fishery Permit Fee BRU: Sport Fisheries  
 Component: Sport Fisheries  
 Sponsor: Representatives Coghill, Stoltze  
 Requester: House Finance Component No. 464

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	(170.4)	(170.4)	(170.4)	(170.4)	(170.4)	(170.4)
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( 1024 F&amp;G )</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund	(170.4)	(170.4)	(170.4)	(170.4)	(170.4)	(170.4)
<b>TOTAL</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>	<b>(170.4)</b>

Estimate of any current year (FY2003) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

For the past three years (2000, 2001, 2002) the cost of a Chitina dip net fishing permit has been \$25.

Revenues from the fee have been utilized as follows:

- \$5 from each permit has been used to pay contractual costs for site waste management services including portable restrooms and garbage receptacles;
- \$2 from each permit has been retained to pay for administration of the permit program and services;
- \$18 from each permit has been allocated for contractual agreements with the Chitina and Ahtna Corporations for guaranteed access on corporation lands by permit holders and eligible family members.

Prepared by: Kelly Hepler, Director Phone 465-4180  
 Division: Sport Fish Date/Time 4/29/03 12:01 PM  
 Approved by: Kevin C. Duffy, Commissioner Date 4/29/2003  
 Agency: Alaska Department of Fish and Game

**FISCAL NOTE**

**STATE OF ALASKA  
2003 LEGISLATIVE SESSION**

**BILL NO. CSHB210(RES)**

**ANALYSIS CONTINUATION**

The average number of permits sold annually for 2000 through 2002 is 7,253 (7,123 in 2000, 8,756 in 2001, and 5,880 in 2002). Funds generated from the sale of 7,253 permits equals \$181.3. With the recent change in classification of the fishery from subsistence to personal use, permittees will be required to have a sportfish license. We believe that a high percentage of participants have annually held sportfish licenses as they participated in sportfishing elsewhere. For this fiscal note, it is assumed that 10% of the permittees have not held sport fish licenses and will now purchase them in order to participate. The sale of these additional licenses would result in revenue to the Fish and Game Fund of \$10.9. This results in the net revenue decrease of \$170.4.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

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- 550 WEST 7<sup>TH</sup> AVENUE, SUITE 1400  
ANCHORAGE, ALASKA 99501-3650  
PHONE: (907) 269-8431  
FAX: (907) 269-8918

August 5, 2002

Mr. Ken Johns  
President/CEO, Ahtna Incorporated  
PO Box 649  
Glennallen, Alaska 99588

Mr. Harry Billum  
President, Chitina Corporation  
PO Box 3  
Chitina, Alaska 99566

Dear Sirs:

The State of Alaska would like to pursue potential long-term solutions to land use issues in the Chitina area. This approach follows legislation passed in 2000 and is in concert with testimony before the legislature on Chitina dip net legislation at the end of the last legislative session. The recent completion of the land survey that was called for in the 2000 legislation provides information that we believe is valuable in furthering discussions between the parties.


The goal of such discussions would be the long-term resolution of access issues to the mutual satisfaction of the landowners and the State. We believe a solution that provides both public access to the Chitina dip net fishery and adequately addresses local impacts can be found. The current year-to-year compensation process has been difficult for all parties, and given information from the survey and other developments, we do not believe that the current arrangement is sustainable. A bill with a January 2003 repeal of the \$25 Chitina dipnet fee, which is the basis for the current access contracts, passed the State Senate last session and would likely have passed the House as well if it had not been so close to the end of the session.

The State is committed to working with your corporation on long-term Chitina dip net fishery related land issues. Potential solutions may involve land trades, leases, or other mutually acceptable agreements. We stand ready to discuss issues and solutions with you, and look forward to hearing from you about your desire to proceed.

Sincerely,

  
Pat Pourchot

Commissioner Alaska Department of Natural Resources

  
Frank Rue

Commissioner Alaska Department of Fish and Game

RECEIVED  
AUG 07 2002  
SPORT FISH

cc: Commissioner Joe Perkins - DOT&PF  
Bob Loeffler - DNR  
Kelly Hepler - ADF&G  
Ralph Swarthout - DOT



# Alaska Outdoor Council

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Jesse Vander-  
Zanden  
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The Honorable John Coghill  
Majority Leader, Alaska State House  
State Capitol, Room 502  
Juneau, AK 99801

Dear Majority Leader Coghill,

On behalf of the Board of Directors and collective membership of 12,000 Alaskans, I am writing to express our appreciation to you for introducing House Bill 210 "An Act relating to the Chitina dip net fishery." Please know you have our strong support and commitment to passing this legislation.

House Bill 210 is very timely. As you may be aware, a survey of the lands in and around Chitina was completed in the summer of 2001. This survey conclusively showed that up to 60% of the area utilized by dipnetters is public land. In addition, public corridors were identified that will allow dipnetters access to fishing sites without crossing private lands. The initial \$25 fee established by the legislature to secure access across private lands is no longer necessary.

Two letters speak to this point, the first from former Governor Tony Knowles to the Chitina Native Corporation dated April 25, 2002. The letter states, "Last summer DOT/PF staff completed this legislatively funded survey, which showed that at least 60 percent of the length of the right of way between O'Brien Creek and Haley Creek affords legal public access to the Copper River." Further, "The results of this survey places the state in the awkward position of collecting fees from a portion of users in the Chitina subsistence fishery to pay for access that is not needed in order to participate in the fishery." Governor Knowles concludes, "...ADF&G is considering a proposal that would repeal...the access fee."

The second letter, from then Commissioners Pat Pourchot, DNR, and Frank Rue, ADF&G, to AHTNA Incorporated, dated August 5, 2002, stated, "The current year-to-year compensation process has been difficult for all parties, and given information from the survey and other developments, we do not believe that the current management arrangement is sustainable." The letter went on to state that a bill seeking to repeal the fee passed the Senate and "would likely have passed the House as well if it had not been so close to the end of the session."

It is our hope that through your efforts and others, dipnetters will no longer be forced to pay a private entity to access public lands. The facts in this case are clear: 1) the \$25 private land trespass fee is no longer needed now that public access has been identified;

*"Protecting your hunting, fishing, trapping, and outdoor heritage since 1953."*

2) the agencies responsible for marking and informing the public about this access have received funds to do so but have not done so because the fee remained in place unnecessarily, and 3) this bill in no way limits private landowners from charging for access across their lands should public patrons wish to utilize their lands. We believe it's a win-win for both landowners and the public and would strongly encourage HB 210's passage this year.

Again, thank you for introducing HB 210 and know we stand in support of its passage.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Burnett".

Jerry Burnett  
President

CC: Frank Murkowski, Governor, State of Alaska  
Kevin Duffy, Commissioner, Alaska Department of Fish and Game  
Gene Therriault, Senate President, Alaska State Legislature  
Pete Kott, House Speaker, Alaska State Legislature

*Richard H. Bishop*  
*1555 Gus's Grind*  
*Fairbanks, AK 99709*  
*907-455-6151 [rmbishop@attalaska.net](mailto:rmbishop@attalaska.net)*

April 4, 2003

Rep. John Coghill, Majority Leader  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182  
By FAX 465-3251

Dear Rep. Coghill:

I strongly support passage of HB 210. Thank you for sponsoring the bill.

The Chitina dipnet fishery permit fee was an acceptable compromise during the many years that ownership of lands crossed to reach dipnet sites was uncertain. That uncertainty has been removed. As your bill requires, public access needs to be clearly marked so that dipnetters and other users of public lands and waters can avoid trespassing on private land.

There should be no permit fee to fish by dipnet at Chitina. Currently a sport fishing license is again required to dipnet.

Responsibility for garbage and waste services should not be ADF&G's, nor should the cost of garbage and waste services be paid out of Fish & Game funds. Garbage/waste management at Chitina should be handled similarly to state parks, waysides, or boating access points such as at the Salcha River. If a "service fee" is needed, it could be implemented by DNR or DOT regulations, according to which Department assumes public service responsibilities.

I support the "user fee" for garbage/waste service at Chitina, but not dressed up as a fishing permit. I do not support continuing the payments to private landowners as compensation for possible trespass, nor a permit fee of any kind to provide such payments.

Please include this letter in the Committee hearing packet if possible.

Thank you.

Sincerely,

  
Richard H. Bishop

in accord with Alaska laws regulating seasons, bag limits, methods of taking, etc., but military personnel are not required to comply with licensing requirements while on reservation. 1964 Op. Att'y Gen. No. 2. Since AS 16.05.940(14) does not grant special resident privileges to military personnel, which is a requisite for requiring them to purchase licenses for use on military reservations under 10 U.S.C. 2671(a)

(2), they cannot be required to do so. 1964 Op. Att'y Gen. No. 2.

Construing this section and AS 16.05.340 against federal law (10 U.S.C. § 2671(a)), a member of the military who does not qualify as a resident under AS 16.05.940(20) is not required to obtain an Alaska trapping license to trap on military lands. 1977 Op. Att'y Gen. No. 21.

NOTES TO DECISIONS

**Rural residency requirement unconstitutional.** — The requirement contained in the 1986 subsistence statute (ch. 52, SLA 1986), that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates Alaska Const., art. VIII, §§ 3, 15, and 17. McDowell v. State, 785 P.2d 1 (Alaska 1989).

Applied in State v. Graybill, 695 P.2d 725 (Alaska 1985).

Cited in Baum v. State, 24 P.3d 577 (Alaska Ct. App. 2001).

**Collateral references.** — 35 Am. Jur. 2d, Fish & Game, § 45.

38 C.J.S., Game, § 15.

Applicability of state fishing license laws or other public regulations to fishing in private lake or pond. 15 ALR2d 754.

Right to kill game in defense of person or property. 93 ALR2d 1366.

Public rights of recreational boating, fishing, wading, or the like in inland stream the bed of which is privately owned. 6 ALR4th 1030.

*Sec. 16.05.331. Elk farming. [Renumbered as AS 16.40.050.]*

**Sec. 16.05.335. Complimentary licenses.** The commissioner shall annually, at the request of the governor, provide the governor with not more than 50 complimentary fishing and hunting licenses and appropriate big game tags which the governor may distribute to distinguished visitors to the state for their use in any one season during their visits to the state. The complimentary license for sport fishing or hunting or both shall be inscribed by the governor with the inclusive dates for its authorized use. The governor shall advise the department on any complimentary issuances, which information shall be available to the public. (§ 1 art II ch 94 SLA 1959; am § 1 ch 61 SLA 1962; am § 1 ch 31 SLA 1963; am § 1 ch 6 SLA 1965; am E.O. No. 73 § 2 (1989))

**Cross references.** — For authority of the commissioner of fish and game to issue, until December 31, 2003, complimentary sport fishing licenses for September 11, 2002, emergency responders who visit the state, see ch. 132, SLA 2002, in the 2002 Temporary and Special Acts.

**Effect of amendments.** — The 1989 amendment, effective March 11, 1989, deleted "of revenue" following "commissioner" in the first sentence.

**Sec. 16.05.340. License, permit, and tag fees.** (a) Fees for licenses, permits, and tags are as follows:

- (1) Resident sport fishing license ..... \$ 15
- However, the fee is 25 cents for a resident who is blind.
- (2) Resident hunting license ..... 25
- (3) Resident hunting and trapping license ..... 39
- (4) Resident trapping license ..... 15
- (5) Resident hunting and sport fishing license ..... 39
- (6) Resident hunting, trapping, and sport fishing license ..... 53;
- (A) however, the fee is \$5 for an applicant who
  - (i) is receiving or has received assistance during the preceding six months under any state or federal welfare program to aid the indigent; or
  - (ii) has an annual family gross income of less than \$8,200 for the year preceding application;

(B) a person paying \$5 for a resident hunting, trapping, and sport fishing license must provide proof of eligibility under this paragraph when requested by the department.

- (7) Nonresident sport fishing license — valid for the period inscribed on the license
  - (A) For 14-day license ..... \$ 50
  - (B) For seven-day license ..... 30
  - (C) For three-day license ..... 20
  - (D) For one-day license ..... 10
- (8) Nonresident annual sport fishing license ..... 100
- (9) Nonresident hunting license ..... 85
- (10) *[Repealed, § 10 ch 74 SLA 1997.]*
- (11) Nonresident hunting and trapping license ..... \$250
- (12) Fur dealers
  - (A) Resident fur dealer biennial license ..... 150
  - (B) Nonresident fur dealer biennial license ..... 500
- (13) Taxidermists
  - (A) Resident taxidermy biennial license ..... 200
  - (B) Nonresident taxidermy biennial license ..... 500
- (14) Aquatic farming triennial license ..... 400
- (15) Nonresident big game tags

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under this paragraph. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

- (A) Bear, black, each ..... \$225
- (B) Bear, brown or grizzly, each ..... 500
- (C) Bison, each ..... 450
- (D) Caribou, each ..... 325
- (E) Deer, each ..... 150
- (F) Elk, each ..... 300
- (G) Goat, each ..... 300
- (H) Moose, each ..... 400
- (I) Sheep, each ..... 425
- (J) Wolf, each ..... 30

A nonresident is not required to have a nonresident wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.255 for all or a portion of the game management unit.

- (K) Wolverine, each ..... 175
- (L) Musk oxen, each ..... 1,100
- (16) Resident big game tags
  - (A) Bear, brown or grizzly, each ..... \$25

The Board of Game may, by regulation effective for not more than one year, eliminate the resident brown or grizzly bear tag and fee for all or a portion of a game management unit.

- (B) Musk oxen, each ..... 500

However, the Board of Game may by regulation reduce or eliminate the fee for a resident big game tag for musk oxen for an open season.

- (17) Waterfowl conservation tag ..... \$5

(A) A person may not engage in waterfowl hunting without having the current year's waterfowl tag in the person's actual possession, unless that person

- (i) qualifies for a \$5 license fee under (6) of this subsection;
- (ii) is a resident under the age of 16;
- (iii) is 60 years of age or older and is a resident;

(iv) is a disabled veteran eligible for a free license under AS 16.05.341. 1

(B) The Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) — (4).

- (18) Game farming
  - (A) Game mammal or game reptile farming biennial license ..... \$250
  - (B) Game bird farming biennial license ..... 50
- (19) Nonresident small game hunting license ..... 20
- (20) Nonresident alien hunting license ..... 300

A nonresident alien may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under (21) of this subsection. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

- (21) Nonresident alien big game tags
  - (A) Bear, black, each ..... \$300
  - (B) Bear, brown or grizzly, each ..... 650
  - (C) Bison, each ..... 650
  - (D) Caribou, each ..... 425
  - (E) Deer, each ..... 200
  - (F) Elk, each ..... 400
  - (G) Goat, each ..... 400
  - (H) Moose, each ..... 500
  - (I) Musk oxen, each ..... 1,500
  - (J) Sheep, each ..... 550
  - (K) Wolf, each ..... 50

A nonresident alien is not required to have a nonresident alien wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.255 for all or a portion of the game management unit.

- (L) Wolverine, each ..... 250
- (22) Chitina dip net fishing permit ..... 25

A person who has received a permanent identification card issued under AS 16.05.400(b) may obtain a Chitina dip net fishing permit without charge. The members of the family of a person who has obtained a Chitina dip net fishing permit are not required to have a Chitina dip net fishing permit while they are engaged in dip net fishing at Chitina if they are engaged in fishing in the presence of the person and the person has the Chitina dip net fishing permit in the person's physical possession. In this paragraph, "family" means persons who are related by blood, marriage, or adoption and who live in the same household on a permanent basis. The legislature may appropriate the receipts from the sale of the permit to the fish and game fund.

- (23) Resident anadromous king salmon tag ..... 10

A resident may not engage in sport fishing for anadromous king salmon without having the current year's anadromous king salmon tag in the resident's actual possession, unless that person

- (A) qualifies for a 25 cent license fee under (1) of this subsection;
- (B) is under the age of 16;
- (C) is 60 years of age or older and has been a resident of the state for at least one year;
- (D) is a disabled veteran eligible for a free license under AS 16.05.341; or
- (E) qualifies for a \$5 license fee under (6) of this subsection.

- (24) Nonresident anadromous king salmon tag — valid for the period inscribed on the tag
  - (A) for a one-day tag ..... \$ 10

(B) for a three-day tag ..... 20  
 (C) for a seven-day tag ..... 30  
 (D) for a 14-day tag ..... 50  
 (E) for an annual tag ..... 100.

A nonresident may not engage in sport fishing for anadromous king salmon without having a valid anadromous king salmon tag in the person's actual possession, unless that person is under the age of 16. Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.415, may obtain an annual nonresident military anadromous king salmon tag for \$20.

(b) The commissioner may issue without cost a permit to collect fish and game, including fur animals, subject to limitations and provisions that are appropriate, for a scientific, propagative, or educational purpose. The commissioner also may issue a permit for the collection of bivalve spat for use in connection with an aquatic farm. In addition, the commissioner shall issue a permit for the collecting of wild fur animals for improving the genetic stock of fur farm animals. Permits issued under this subsection shall be in accordance with current sustained yield management practices for the species of wild game for which the permit is requested. The annual permit fee for an Alaska resident to collect wild fur animals for fur farming purposes is the same as the fee for resident trappers.

(c) The commissioner may issue a duplicate license or a duplicate tag as a replacement for a license or tag issued under (a) of this section. A fee of \$5 shall be charged for each duplicate license or tag; however, a fee of \$2 shall be charged for each duplicate of reduced fee license issued to an indigent or low income person under (a)(6) of this section. The duplicate license or tag may not be issued unless the commissioner or a delegate is satisfied that the original has been lost or destroyed.

(d) Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.415, may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate, under (a)(15) of this section.

(e) *[Repealed, § 27 ch 71 SLA 1986.]*

(f) *[Repealed, § 4 ch 81 SLA 1992.]*

(g) A hunting, trapping, or fishing license, tag, or permit for which a fee is authorized under this section or for which the fee is waived or modified under AS 16.05.330 — 16.05.430 may be issued only to a natural person. (§ 2 art II ch 94 SLA 1959; am § 1 ch 96 SLA 1959; am §§ 7 — 13 ch 131 SLA 1960; am § 1 ch 16 SLA 1963; am § 1 ch 29 SLA 1963; am § 2 ch 31 SLA 1963; am §§ 2, 3 ch 75 SLA 1964; am § 1 ch 83 SLA 1966; am § 2 ch 32 SLA 1968; am § 1 ch 4 SLA 1972; am §§ 1, 2 ch 180 SLA 1972; am §§ 2, 3 ch 82 SLA 1974; am § 1 ch 198 SLA 1976; am §§ 1, 2 ch 268 SLA 1976; am §§ 1, 2 ch 73 SLA 1979; am § 2 ch 19 SLA 1980; am §§ 1, 2, 4 ch 57 SLA 1980; am §§ 16, 17 ch 94 SLA 1980; am §§ 1 — 6 ch 40 SLA 1982; am §§ 2, 3 ch 23 SLA 1983; am § 1 ch 35 SLA 1983; am § 3 ch 71 SLA 1984; am §§ 15 — 17 ch 81 SLA 1984; am §§ 3 — 5 ch 96 SLA 1984; am §§ 12, 13 ch 132 SLA 1984; am § 27 ch 71 SLA 1986; am § 3 ch 70 SLA 1987; am §§ 4, 5 ch 88 SLA 1987; am § 2 ch 6 SLA 1989; am E.O. No. 73 § 3 (1989); am §§ 1 — 3 ch 28 SLA 1990; am §§ 3 — 14 ch 211 SLA 1990; am § 14 ch 21 SLA 1991; am § 4 ch 81 SLA 1992; am § 2 ch 2 FSSLA 1992; am § 44 ch 63 SLA 1993; am § 3 ch 9 SLA 1994; am § 16 ch 30 SLA 1996; am § 1 ch 38 SLA 1997; am §§ 1, 2 ch 70 SLA 1997; am §§ 2 — 8, 10 ch 74 SLA 1997; am §§ 68, 69 ch 21 SLA 2000; am § 2 ch 50 SLA 2000)

# Fairbanks Daily News-Miner

## Coghill bill would nix Chitina dipnet fee

By TOM MORAN

Tuesday, March 25, 2003 - News-Miner Juneau Bureau

JUNEAU--It won't cost any silver to dipnet in the Copper under a proposal by House Majority Leader John Coghill.

Coghill, R-North Pole, has introduced a bill to eliminate the \$25 fee currently charged to dipnet salmon in the Copper River at Chitina. He argues that a recent survey of the area has shown that the state shouldn't have to pay fees to local Native corporations to ensure river access, meaning most of the \$25 charge is unnecessary.

"The reason for having the fee to begin with was they were charging them a trespass fee," Coghill said. "People kept purporting that there was state access; it just never got checked out."

The dispute over right-of-way access to dipnetting spots at Chitina began two decades ago. The local Native corporations have long claimed the state has no right-of-way access to the Copper River at Chitina, but the Alaska Superior Court ruled in 1992 that there is a 300-foot right-of-way open to public use along the route of the long-defunct Copper River Railroad, which parallels the river.

But with no legal survey to establish the exact right-of-way, the dispute persisted. For the last 11 years the state has agreed to pay the Chitina and Ahtna Native Corporations a small fee each year to allow for public access, with the money coming from a fee charged to dipnetters.

The fee originally was \$10 a year and was raised to \$25 a year in 2000. The state sold about 6,800 permits in 2002--a down year--resulting in about \$170,000 in state income. Of the \$25 per pass, \$18 goes to the Native corporations, \$5 is for garbage collection and upkeep of the Chitina area and \$2 goes to the state to pay for issuing permits.

Then a 2001 survey by the Department of Transportation determined that about 3.2 miles of the 5-mile road running along the former railroad route, and containing many spots for river access, is within the state right-of-way.

Using the results of that study, Coghill has proposed dropping the fee. His bill would also order the Department of Fish and Game and the DOT to prepare a map for distribution indicating which areas are open to the public, and to clearly mark and signpost the boundaries of public rights of way.

"What I'm saying is, if there's state access, let's open it up," Coghill said. "The only thing I'm asking in this bill is that there's signage showing where there is private property."

The change would mean a significant portion of the area currently used for fishing would not be open to the public, and Coghill said it would be up to the Native corporations whether they want to charge their own fees for gaining access in those areas, which include the entire east side of the Copper River.

"It is good and prime land on the Native land," Coghill said. "They're sure able to do whatever assessment they want to for people coming across their land."

Coghill said he put the bill together based on a clamor from constituents.

"I have a lot of my North Pole constituents interested in this," he said. "A lot of people in Fairbanks, North Pole, along that area take advantage of the ability to go get fish for their own family use."

Were Coghill's bill to become law, the state would still have to come up with around \$47,600 a year to cover the costs of the permitting and upkeep of the area currently covered by \$7 of the \$25 fee. Coghill said he wouldn't support the bill costing the state more money and wants to get more information about the cost.

"I'll probably push the discussion to find out," he said. "It may get amended, I don't know."

Coghill's bill is not the first attempt to repeal the fee based on the results of the study: A bill introduced by the Senate Judiciary Committee last year would also have abolished the \$25 charge. That bill passed the Senate late last session but never worked its way to a House vote.

Coghill's bill has been referred to the House Resources and Finance committees. No hearings have been set.

Reporter Tom Moran can be reached at [tmoran@newsminer.com](mailto:tmoran@newsminer.com) or (907)463-4893.

**Subject:** Chitna

**Date:** Tue, 25 Mar 2003 08:19:35 -0900

**From:** "Mac Carter" <maccarter@starband.net>

**To:** "John Coghil" <Representative\_John\_Coghil@legis.state.ak.us>

Representative Coghil

Thank You for the effort in correcting the permitting of salmon dip netting in Chitna, I too had many request on my travels from people to do away with charging to fish. I do question the cost for policing and cleaning up?

Keep up the good work!

Mac Carter

[maccarter@starband.net](mailto:maccarter@starband.net)

**Subject: Copper River Dipnetting**

**Date:** Fri, 14 Feb 2003 16:55:46 -0900

**From:** "jimmayo" <jimmayo@wildak.net>

**To:** "Rep Pete Kott" <Representative\_Pete\_Kott@legis.state.ak.us>,  
"Rep John Coghil" <Representative\_John\_Coghil@legis.state.ak.us>,  
"Sen Ben Stevens" <Senator\_Ben\_Stevens@legis.state.ak.us>,  
"Rep Carl Morgan" <Representative\_Carl\_Morgan@legis.state.ak.us>,  
"Rep John Harris" <representative\_John\_Harris@legis.state.ak.us>,  
"Sen Gene Therriault" <Senator\_Gene\_Therriault@legis.state.ak.us>,  
"Sen Georgianna Lincoln" <Senator\_Georgianna\_Lincoln@legis.state.ak.us>

TO OUR STATE REGISTRATOR'S:

LAST YEAR IT WAS FOUNDED, THAT IN FACT, WE, THE DIPNETTER'S, WERE ACTUALLY DIPNETTING FROM THE STATE RIGHT OF WAY BUT WE PAID THE \$35.00. BUT NOW THIS COMING SEASON, KNOWLY THAT MOST OF THE LAND ALONG O'BRIEN CREEK ROAD FALLS WITHIN THE STATE RIGHT OF WAY, WE, THE DIPNETTER'S, HAVE TO PAID A \$10.00 TRESPASSING FEE!!!! GET ME A BREAK, THAT DON'T EVEN MAKE IT RIGHT. COME ON, LET'S GET IT RIGHT THIS YEAR BEFORE THE SEASON START'S. JIM MAYO, P.O.BOX 201, DELTA JUNCTION, AK 99737

**HB**

**210**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 MAY 15 2003  
 SENATE FINANCE COMMITTEE

DATE: 5/13/03

FURTHER:

DATE TURNED IN TO OFFICE: 15 May 2003

Finance Committee considered CS FOR HOUSE BILL NO. 210(RES)

HB 210 CHITINA DIP NET FISHERY

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

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
F&G	5/7/03	(172.8)		#3
DNR	4/16/02		✓	#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Adrian H. Taylor</i>	✓			
<i>Bob Bunker</i>		✓		
<i>Ken Stevens</i>	✓			
<i>Alvin C. Bell</i>		✓		
COCHAIR:				
COCHAIR: <i>Cosy Wickens</i>	✓			

MAY 15 2003

SENATE

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 210(RES)  
(H) Publish Date: 4/7/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
Title: Chitina Dip Net Fishery BRU: Resource Development  
Component: Claims, Permits & Leases  
Sponsor: Coghill, Stoltze  
Requester: (H) RES Component No.: 2460

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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>

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						
Other (Specify Type--Do not abbreviate)						
<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 (FY2003) cost: None  
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill eliminates the \$25 fee for the Chitina dip net fishing permit and requires state agencies to publicize and mark state land that provides access to the fishery. The \$25 fee has been appropriated to Fish & Game in past years to pay for sewage and trash disposal, and to pay for the public's right to use land owned by Ahtna and Chitina Native Corp. Elimination of the fee eliminates the source of funding for sewage and solid waste cleanup for the approximately 7,000 dipnetters and their families who use this area.

DNR is working with other agencies regarding the responsibility for the signage as required in the bill.

Prepared by: Bob Loeffler, Director Phone 907-269-8625  
Division: Mining, Land & Water Date/Time 4/4/2003  
Approved by: Tom Irwin, Commissioner Date 4/4/2003  
Agency: Natural Resources

COMMITTEE COPY

# FISCAL NOTE

REPORTED OFF  
MAY 15 2003  
SENATE FINANCE  
COMMITTEE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
Bill Version: CSHB 210(RES)  
(H) Publish Date: 5/9/03

Revision Date/Time (Note if correction): 5/7/03 3:00 p.m. Dept. Affected: Fish and Game  
Title: Chitina Dip Net Fishery Permit Fee BRU: Sport Fisheries  
Component: Sport Fisheries  
Sponsor: Representatives Coghill, Stoltze  
Requester: House Finance Component No.: 464

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	(172.8)	(172.8)	(172.8)	(172.8)	(172.8)	(172.8)
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( 1024 F&amp;G )</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund	(172.8)	(172.8)	(172.8)	(172.8)	(172.8)	(172.8)
<b>TOTAL</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>	<b>(172.8)</b>

Estimate of any current year (FY2003) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

For the past three years (2000, 2001, 2002) the cost of a Chitina dip net fishing permit has been \$25.

Revenues from the fee have been utilized as follows:

- \$5 from each permit has been used to pay contractual costs for site waste management services including portable restrooms and garbage receptacles;
- \$2 from each permit has been retained to pay for administration of the permit program and services;
- \$18 from each permit has been allocated for contractual agreements with the Chitina and Ahlna Corporations for guaranteed access on corporation lands by permit holders and eligible family members.

Prepared by: Kelly Hepler, Director Phone 465-4180  
Division: Sport Fish Date/Time 5/7/03 3:08 PM  
Approved by: Kevin C. Duffy, Commissioner Date 5/7/2003  
Agency: Alaska Department of Fish and Game

FISCAL NOTE #3

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

BILL NO. CSHB 210(RES)

**ANALYSIS CONTINUATION**

The number of permits issued for the past three calendar years is as follows: In 2002 and 2001, permits were sold by the department's licensing section through the same vendors who sell fishing and hunting licenses. In 2002, 5880 permits were sold and 534 free permits issued to seniors. In 2001, 8535 permits were sold and 506 free permits issued to seniors. In 2000, permits were not sold by the department's licensing section but by the Division of Sport Fish. A total of 8151 permits were issued in 2000 and we are assuming that 500 of these permits were free to seniors, making a total of 7651 actually sold. Based on this information, average annual sales for the past three years has been 7355. Funds generated from the sales of 7355 permits would be \$183.8.

With the recent change in classification of the fishery from subsistence to personal use, permittees will be required to have a sportfish license. We believe that a high percentage of participants have annually held sportfish licenses as they participated in sportfishing elsewhere. For this fiscal note, it is assumed that 10% of the permittees have not held sport fish licenses and will now purchase them in order to participate. The sale of these additional licenses would result in revenue to the Fish and Game Fund of \$11.0. This results in the net revenue decrease of \$172.8.

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:

**3340 Badger Road, Suite 290**  
**North Pole, AK 99705**  
(907)-488-5725  
Fax# (907)-488-4721



**Session Contact:**  
(907)-465-3719  
FAX# (907)-465-3258  
**State Capitol**  
**Room 204**

## REPRESENTATIVE JOHN COGHILL

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### Sponsor Statement – HB 210 Chitna Dipnetting Fee

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HB 210 would eliminate the \$25 fee for a Chitna Dipnetting Permit. In 2000 the legislature imposed the increased fee to guarantee access to the fishery by utilizing \$18.00 per permit to pay to Ahtna and Chitna Corporations a trespassing fee for river access across their land.

Legislation promoted by Representative John Davies and Senator Pete Kelly provided funding to undertake a survey in 2001. There was a specific \$100,000 appropriation for survey and signs. DOTPF was able to obtain the surveyor who had done the majority of surveying for native allotments and used aerial photography. There is approximately \$54,000 remaining for brochure design and printing costs for enough brochures as recommended by fish and game. DOTPF believes there might be enough and possibly put two information signs at the Pavillion and O'Brien Creek.

The results of the survey indicate that the more than 60% of the access to the river is public land, thus there is no reason for people to trespass on private lands to access the Chitna fisheries. A key facet of this legislation is to make sure public access is adequately marked to protect private property owners from trespasses.

In testimony last year, Gordy Williams, legislative liaison for Fish & Game, acknowledged that the Chitna dipnet fishery is the largest fishery in the state and that in 2001 the department issued over 8,000 household permits.

I acknowledge that there are problems of maintenance to overcome, but am committed to help solve them in the same manner as any other fishery in the state. One solution would be for Ahtna and Chitna Corporations to build parking spaces, camping facilities and boat ramps that could be utilized for a fee.

The elimination of the fee completely is a policy call that addresses Chitna as the only fishery in the state that has been singled out to pay a maintenance fee. Alaskans dipnetting in the Chitna fisheries should be treated the same as those utilizing other fisheries.

Representative\_John\_Coghill@LEGIS.state.ak.us

**White Paper**  
**HB 210, an Act Relating to the Chitina Dipnet Fishery**  
**Prepared by: The Alaska Fish and Wildlife Conservation Fund**  
**May 2, 2003**

**What does HB 210 do?**

HB 210 seeks to take the Chitina dipnetting fee out of state statute and by doing so, foster a regulatory process that would address services such as waste and trash removal. HB 210 also requires DOT to clearly delineate public and private access in and around Chitina and provide a public brochure showing ownership patterns. Currently there are no land markings nor public information about land ownership patterns at Chitina. HB 210's intent is to clearly show the public what access is legal and what access is trespass and by doing so, reduce, if not eliminate, trespass on private lands in and around Chitina. Further, HB 210 opens the door to private landowners seeking to charge an access fee across their lands, an option currently not authorized under existing statute.

**Why HB 210?**

In 2000, the Legislature established a \$25 Chitina dipnetting fee in response to trespass concerns from private landowners. Of this \$25, approximately \$17 went to private landowners for trespass impacts, \$5 went towards services such as trash and waste removal, and the remaining amount to administration.

In addition to the \$25 fee, the legislature also authorized \$100,000 to conduct a survey of lands in and around Chitina. This survey was completed in 2001 and clearly showed that at least 60% of the lands in and around Chitina were public. While some contend the percentage of public land is much higher, that fact that much of the area is public raised the issue of whether the trespass fee was legally valid. As the State noted soon thereafter, it placed them in the precarious position of charging a public fee to pay private landowners for access across public lands. No other agreement of this nature between the state and private landowners existed before then and none exists now, except at Chitina. If this precedent is allowed to prevail, it would create serious legal issues for the state as well as an economic hardship of undefined magnitude. This precedent must be taken seriously.

**Concerns with HB 210:**

Private landowners (Chitina and Ahtna Native Corporations), in a letter from Chitina Native Corporation to Representative Bill Williams, expressed several concerns. Each concern from the letter is enumerated below in addition to HB 210's statutory response.

*"The State has the responsibility to compensate private property owners or protect their private property if there will be trespass."*

The occurrence of trespass is assumed in this statement. As noted earlier, HB 210 would reduce or even eliminate trespass by requiring DOT to clearly mark public and private access and provide a public brochure showing these access points. Currently no markings nor public information exists to assist citizens seeking to avoid trespass.

Further, under existing statute, it remains virtually impossible for citizens to know if they are trespassing. Private landowners have posted no signs and until 2001 when the survey was conducted, the question of ownership remained unanswered. The ambiguity of ownership – what was public and private – was precisely the reason for the initial fee. HB 210 seeks to eliminate this ambiguity by getting the necessary land ownership information to the public. By doing so, private landowners will be able to fully prosecute trespass if they choose to do so and will have the added benefit of the state marking their lands for them (as opposed to doing it themselves). By marking these lands, trespass will be significantly reduced, and if not, prosecuted under law, further, private landowners will now be able to charge trespass fees across their lands whereas before this was not possible due to lack of marking. This provision is a win-win for both the individual citizen and private landowners.

It should be noted that never before has the state made payments to private landowners *if* something may happen on their land. The obligation in statute to prevent trespass is placed upon two parties: private landowners and individual citizens. Private landowners seeking to reduce or eliminate trespass can post signs, build fences, and otherwise implement measures to avoid public exposure. Similarly, individual citizens are required to know what is public and private and should they knowingly trespass on private lands, they can be prosecuted under law.

*"Many of the people (dipnetters) don't have a clue where this 50 to 60 percent (of public land) is located at."*

This is true because private landowners have not marked their lands nor has the 2001 survey showing land ownership been allowed to be produced and disseminated to the public. HB 210 allows this information dissemination to occur to reduce private property impacts. Under existing statute, individual citizens accessing the Chitina fishery *are not required* to know what is private because they pay a trespass fee to the private landowners expressly for the purpose of accessing these lands. The letter is inconsistent in that it appears to expect private citizens to know where the private land exists without acknowledging that 1) the land is not marked, and 2) citizens pay a fee to access these lands.

*"These dipnetters cut trees, leave trash, park and camp within the right of way, and want to be able to do so for free."*

The letter is correct in that people do park and camp within the right of way. This is encouraged to minimize any impact on private property, consistent with private landowners concerns. The letter is also correct in that trash is generated by users – with 10,000 people accessing the fishery on an annual basis, this is to be expected. It also highlights the state's responsibility to accommodate these users by providing trash and waste removal services.

The letter is flat wrong however when it states, *"...to do so for free."* This wholly ignores the fact that dipnetters have been paying for services for nearly two decades. It also ignores the fact that dipnetters have been paying for "trespass" access across public lands. If any discussion regarding remuneration for use is to occur, we submit that it should also include compensation by either the state or private landowners to the dipnetters who have historically paid "trespass fees" to private landowners for access to public lands.

#### **Summary:**

The Chitina Native Corporation letter states, *"If the State of Alaska desires to discontinue charging these dipnetters a fee for their dipnetting, that is fine, as long as there is something in place to ensure your responsibilities are met in regards to the private property."*

HB 210 does exactly this. It goes above and beyond the state's responsibilities in that the state is offering to mark private lands to avoid trespass, an action that historically and generally falls to the private landowners.

The passage of HB 210 will accomplish the following objectives: 1) assist in reducing or eliminating the impact to private lands, 2) afford private landowners the opportunity to charge discretionary access fees for trespass across their lands, 3) bring the State back into compliance with existing statutes regarding public payments for private access, 4) foster a regulatory process that could address services at Chitina in a long-term sustainable manner, 5) transfer the job of providing trash and waste removal from the ADF&G to a more appropriate agency such as DNR or DOT, and 6) make the Chitina dipnet fishery consistent in management and practice with all other fisheries in the State.

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

Richard H. Bishop  
1555 Gus's Grind  
Fairbanks, AK 99709  
907-455-6151 [rmbishop@otl.alaska.net](mailto:rmbishop@otl.alaska.net)

April 4, 2003

Rep. John Coghill, Majority Leader  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182  
By FAX 465-3258

Dear Rep. Coghill:

I strongly support passage of HB 210. Thank you for sponsoring the bill.

The Chitina dipnet fishery permit fee was an acceptable compromise during the many years that ownership of lands crossed to reach dipnet sites was uncertain. That uncertainty has been removed. As your bill requires, public access needs to be clearly marked so that dipnetters and other users of public lands and waters can avoid trespassing on private land.

There should be no permit fee to fish by dipnet at Chitina. Currently a sport fishing license is again required to dipnet.

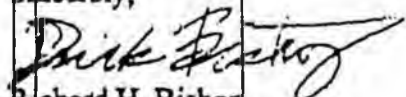
Responsibility for garbage and waste services should not be ADF&G's, nor should the cost of garbage and waste services be paid out of Fish & Game funds. Garbage/waste management at Chitina should be handled similarly to state parks, waysides, or boating access points such as at the Salcha River. If a "service fee" is needed, it could be implemented by DNR or DOT regulations, according to which Department assumes public service responsibilities.

I support the "user fee" for garbage/waste service at Chitina, but not dressed up as a fishing permit. I do not support continuing the payments to private landowners as compensation for possible trespass, nor a permit fee of any kind to provide such payments.

Please include this letter in the Committee hearing packet if possible.

Thank you.

Sincerely,



Richard H. Bishop



# Alaska Outdoor Council

PO Box 73902

Fairbanks, AK 99707-3902

Ph: (907) 455-4262 / FAX: 455-6447

outdoor@polarnet.com

www.alaskaoutdoorcouncil.org

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7anden  
airbanks

The Honorable John Coghill

Majority Leader, Alaska State House

State Capitol, Room 502

Juneau, AK 99801

Dear Majority Leader Coghill,

On behalf of the Board of Directors and collective membership of 12,000 Alaskans, I am writing to express our appreciation to you for introducing House Bill 210 "An Act relating to the Chitina dip net fishery." Please know you have our strong support and commitment to passing this legislation.

House Bill 210 is very timely. As you may be aware, a survey of the lands in and around Chitina was completed in the summer of 2001. This survey conclusive' showed that up to 60% of the area utilized by dipnetters is public land. In addition, public corridors were identified that will allow dipnetters access to fishing sites without crossing private lands. The initial \$25 fee established by the legislature to secure access across private lands is no longer necessary.

Two letters speak to this point, the first from former Governor Tony Knowles to the Chitina Native Corporation dated April 25, 2002. The letter states, "Last summer DOT/PF staff completed this legislatively funded survey, which showed that at least 60 percent of the length of the right of way between O'Brien Creek and Haley Creek affords legal public access to the Copper River." Further, "The results of this survey places the state in the awkward position of collecting fees from a portion of users in the Chitina subsistence fishery to pay for access that is not needed in order to participate in the fishery." Governor Knowles concludes, "...ADF&G is considering a proposal that would repeal...the access fee."

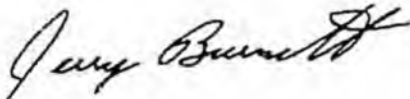
The second letter, from then Commissioners Pat Pourchot, DNR, and Frank Rue, ADF&G, to AHTNA Incorporated, dated August 5, 2002, stated, "The current year-to-year compensation process has been difficult for all parties, and given information from the survey and other developments, we do not believe that the current management arrangement is sustainable." The letter went on to state that a bill seeking to repeal the fee passed the Senate and "would likely have passed the House as well if it had not been so close to the end of the session."

It is our hope that through your efforts and others, dipnetters will no longer be forced to pay a private entity to access public lands. The facts in this case are clear: 1) the \$25 private land trespass fee is no longer needed now that public access has been identified;

2) the agencies responsible for marking and informing the public about this access have received funds to do so but have not done so because the fee remained in place unnecessarily, and 3) this bill in no way limits private landowners from charging for access across their lands should public patrons wish to utilize their lands. We believe it's a win-win for both landowners and the public and would strongly encourage HB 210's passage this year.

Again, thank you for introducing HB 210 and know we stand in support of its passage.

Sincerely,



Jerry Burnett  
President

CC: Frank Murkowski, Governor, State of Alaska  
Kevin Duffy, Commissioner, Alaska Department of Fish and Game  
Gene Therriault, Senate President, Alaska State Legislature  
Pete Kott, House Speaker, Alaska State Legislature



TONY KNOWLES  
GOVERNOR  
governor@gov.state.ak.us

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

P.O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3132  
www.gov.state.ak.us

April 25, 2002

*Jesse -  
8 pages total  
includes other  
brochures*

Ms. Mildred Buck  
President and CEO  
Chitina Native Corporation  
P.O. Box 3  
Chitina, AK 99566

Dear Ms. Buck:

Thank you for your letter concerning issues related to the subsistence fishery in the Chitina subdistrict of the Copper River. The focus of state involvement has been to maintain access to the fishery, while at the same time being good neighbors and responsible stewards of the area's resources. Since 1992, this has been accomplished by the collection of fees from dip net fishermen. The bulk of these receipts were paid to the Chitina and Ahma corporations through contractual arrangements that provided access across corporation lands.

When the Legislature passed Senate Bill 301 in 2000, increasing the Chitina dip net fee from \$10 to \$25, it also contained language directing the Alaska Department of Fish and Game (ADF&G) to work with private landowners, the Department of Natural Resources (DNR), and the Department of Transportation and Public Facilities (DOT/PP) to "identify the portion of the Copper River Railroad right-of-way associated with the Chitina dip net fishery." Last summer DOT/PP staff completed this legislatively funded survey, which showed that at least 60 percent of the length of the right-of-way between O'Brien Creek and Halcy Creek affords legal public access to the Copper River.

The results of this survey places the state in the awkward position of collecting fees from a portion of users in the Chitina subsistence fishery to pay for access that is not needed in order to participate in the fishery. Given the new survey and in response to inquiries from legislators, ADF&G is considering a proposal that would repeal or reduce the access fee. The state recognizes the need for garbage and sanitation services for the visiting public, and ADF&G is working with legislators to arrive at an arrangement to ensure those services continue to be provided.

Ms. Mildred Buck

April 25, 2002

Page 2

In letters to both the Chitina and Ahtna Corporations in February 2002, ADF&G staff articulated the state's position. Although ADF&G believes collecting the full access fee is not justifiable, they will cooperate on other important issues. ADF&G and DOT/PP staff will work together to produce a map useful in locating public access points to the river along the right-of-way. DOT/PP staff will work with survey professionals to mark the right-of-way so the public can avoid trespass. Additionally, the state will work this season with private landowners to help mark private lands, and will include a statement on the Chitina subsistence permit about the need to avoid trespassing on private lands. If your corporation is interested in collecting a fee for access across your private lands, campgrounds, or for other services on your lands, ADF&G will offer assistance to you.

I am confident that by working together we can find solutions that recognize the rights and needs of all parties involved with fisheries access and impacts in the Chitina area.

Sincerely,



Tony Knowles  
Governor

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

- 400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FAX: (907) 465-3886
- 550 WEST 7<sup>TH</sup> AVENUE, SUITE 1400  
ANCHORAGE, ALASKA 99501-3650  
PHONE: (907) 269-8431  
FAX: (907) 269-8918

August 5, 2002

Mr. Ken Johns  
President/CEO, Ahtna Incorporated  
PO Box 649  
Glennallen, Alaska 99588

Mr. Harry Billum  
President, Chitina Corporation  
PO Box 3  
Chitina, Alaska 99566

Dear Sirs:

The State of Alaska would like to pursue potential long-term solutions to land use issues in the Chitina area. This approach follows legislation passed in 2000 and is in concert with testimony before the legislature on Chitina dip net legislation at the end of the last legislative session. The recent completion of the land survey that was called for in the 2000 legislation provides information that we believe is valuable in furthering discussions between the parties.

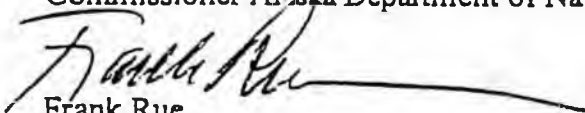
The goal of such discussions would be the long-term resolution of access issues to the mutual satisfaction of the landowners and the State. We believe a solution that provides both public access to the Chitina dip net fishery and adequately addresses local impacts can be found. The current year-to-year compensation process has been difficult for all parties, and given information from the survey and other developments, we do not believe that the current arrangement is sustainable. A bill with a January 2003 repeal of the \$25 Chitina dipnet fee, which is the basis for the current access contracts, passed the State Senate last session and would likely have passed the House as well if it had not been so close to the end of the session.

The State is committed to working with your corporation on long-term Chitina dip net fishery related land issues. Potential solutions may involve land trades, leases, or other mutually acceptable agreements. We stand ready to discuss issues and solutions with you, and look forward to hearing from you about your desire to proceed.

Sincerely,

  
Pat Pourchot

Commissioner Alaska Department of Natural Resources

  
Frank Rue

Commissioner Alaska Department of Fish and Game

RECEIVED  
AUG 07 2002  
SPORT FISH

cc: Commissioner Joe Perkins - DOT&PF  
Bob Loeffler - DNR  
Kelly Hepler - ADF&G  
Ralph Swarthout - DOT

Chitna

**Subject:** Chitna

**Date:** Tue, 25 Mar 2003 08:19:35 -0900

**From:** "Mac Carter" <maccarter@starband.net>

**To:** "John Coghill" <Representative\_John\_Coghill@legis.state.ak.us>

Representative Coghill

Thank You for the effort in correcting the permitting of salmon dip netting in Chitna, I too had many request on my travels from people to do away with charging to fish. I do question the cost for policing and cleaning up?

Keep up the good work!

Mac Carter

[maccarter@starband.net](mailto:maccarter@starband.net)

**Subject: Copper River Dipnetting**

**Date:** Fri, 14 Feb 2003 16:55:46 -0900

**From:** "jimmayo" <jimmayo@wildak.net>

**To:** "Rep Pete Kott" <Representative\_Pete\_Kott@legis.state.ak.us>,  
"Rep John Coghill" <Representative\_John\_Coghill@legis.state.ak.us>,  
"Sen Ben Stevens" <Senator\_Ben\_Stevens@legis.state.ak.us>,  
"Rep Carl Morgan" <Representative\_Carl\_Morgan@legis.state.ak.us>,  
"Rep John Harris" <representative\_John\_Harris@legis.state.ak.us>,  
"Sen Gene Therriault" <Senator\_Gene\_Therriault@legis.state.ak.us>,  
"Sen Georgianna Lincoln" <Senator\_Georgianna\_Lincoln@legis.state.ak.us>

TO OUR STATE REGISTRATOR'S:

LAST YEAR IT WAS FOUNDED, THAT IN FACT, WE, THE DIPNETTER'S, WERE ACTUALLY DIPNETTING FROM THE STATE RIGHT OF WAY BUT WE PAID THE \$35.00. BUT NOW THIS COMING SEASON, KNOWLY THAT MOST OF THE LAND ALONG O'BRIEN CREEK ROAD FALLS WITHIN THE STATE RIGHT OF WAY, WE, THE DIPNETTER'S, HAVE TO PAID A \$10.00 TRESPASSING FEE!!!! GET ME A BREAK, THAT DON'T EVEN MAKE IT RIGHT. COME ON, LET'S GET IT RIGHT THIS YEAR BEFORE THE SEASON START'S. JIM MAYO, P.O.BOX 201, DELTA JUNCTION, AK 99737

INTERIOR REGION :

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## Where to Get Copper River Personal Use and Subsistence Permits

There are two different permits available for salmon fishing in the Copper River, the "**Chitina Subdistrict Dipnet Permit**", and the "**Glennallen Subdistrict Dipnet or Fishwheel Permit**". The Chitina permit is for dip netting **downstream** of the Chitina-McCarthy Bridge. The Glennallen permit is for dip netting **OR** using a fishwheel **upstream** of the Chitina-McCarthy Bridge to the confluence of the Slana River.

A household may choose **EITHER** a Chitina Subdistrict Permit (below the bridge) **OR** a Glennallen Subdistrict Permit (above the bridge), **not both**.

[Chitina Subdistrict Permit](#)[Glennallen Subdistrict Permit](#)[Chitina Home](#)

## Where to Buy Chitina Subdistrict Dipnetting Permits

Duplicates for lost or misplaced permits are available at ADF&G offices **only**

### Anchorage

ADFG - Anchorage	333 Raspberry Rd	(907) 262-2218
B & J COMMERCIAL	2749 C ST	(907) 274-6113
CARR'S #10	900 E DIMOND BLVD	(907) 341-1000
CARR'S #1805 AURORA VILLAGE	1650 W NORTHERN LIGHTS BLVD	(907) 297-0500
CARRS/SAFEWAY #1813	1501 HUFFMAN RD	(907) 348-1300
FRED MEYER	1000 E NORTHERN LIGHTS BLVD	(907) 264-9600
FRED MEYER	2000 W DIMOND BLVD	(907) 267-6700
FRED MEYER, ANCHORAGE DEBARR	7701 DEBARR RD	(907) 269-1700
KMART CORP. ANCH. #7569	8601 OLD SEWARD HWY	(907) 522-8900
Mountain View Sports Center	3838 Old Seward Hwy	(907) 563-8700
WAL-MART #2070	3101 A ST	(907) 563-5900

### CHITINA

CHITINA GROCERY	PO BOX 76	(907) 823-2211
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### CHUGIAK

PETERS CREEK TRADING POST, INC	23108 BARBARA ST	(907) 688-2121
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### COPPER CENTER

COPPER RIVER CASH STORE	PO BOX E	(907) 822-3266
KENNY LAKE MERCANTILE	HC 60 BOX 230	(907) 822-3313

### DELTA JUNCTION

GRANITE VIEW SPORTS AND GIFTS	PO BOX 51	(907) 895-4990
THE TANANA TRADING POST	PO BOX 1067	(907) 895-4145

### EAGLE RIVER

WAL-MART STORE #2188	18600 EAGLE RIVER RD	(907) 694-9780
----------------------	----------------------	----------------

### EIELSON AFB

EIELSON BASE EXCHANGE	BLDG 3310	(907) 372-2139
<b>Fairbanks</b>		
ADFG - Fairbanks	1300 College Rd	(907) 459-7207
BIG RAY'S ALASKA, INC	507 2ND AVE	(907) 452-3458
Chitina 1 Stop	PO Box 752553	(456) -30-01
FRED MEYER	19 COLLEGE RD	(907) 459-4220
FRED MEYER	3755 AIRPORT WAY	(907) 474-1400
J & L SPORTS	910 COLLEGE RD	(907) 451-7210
MLG INC. DBA SENTRY HARDWARE	250 3RD ST	(907) 452-4774

**FORT WAINWRIGHT**

NORTHERN ALASKA EXCHANGE	PO BOX 35029	(907) 356-1215
<b>Glennallen</b>		
ADFG - Glennallen	186.3 Glenn Highway	(907) 822-3309
HUB OF ALASKA INC.	PO BOX 14	(907) 822-3393
LITTLE NELCHINA FARM	HC 1 BOX 2292	(907) 822-3059
TAZLINA RIVER TRADING POST	PO BOX 364	(907) 822-3277

**NORTH POLE**

MOOSE CREEK GENERAL STORE	3349 CLAUDE ST	(907) 488-0910
SENTRY PLAZA HARDWARE	301 N SANTA CLAUS LN	(907) 488-6521

**PALMER**

ALASKA OUTFITTERS	HC 3 BOX 8449	(907) 746-1696
CARRS #14	PIONEER SQUARE SUITE #14	(907) 745-7505
TESORO TO GO	400 GLACIER VIEW DR.	(907) 745-0405
THE STORE	HC 4 BOX 7246	(907) 746-6510

**SALCHA**

SALCHA STORE & SERVICE	7666 RICHARDSON HWY	(907) 485-9097
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**SOLDOTNA**

FRED MEYER, SOLDOTNA	43843 STERLING HWY	(907) 260-2200
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**VALDEZ**

HOOK LINE AND SINKER	PO BOX 1345	(907) 835-4410
SOUTH CENTRAL HARDWARE	PO BOX 428	(907) 835-2300
Valdez Prospector	PO Box 1090	(835) -38-58

**WASILLA**

CARR'S #1811	595 E PARKS HWY STE 300	(907) 376-2421
FRED MEYER	1501 E PARKS HWY	(907) 352-5014
VALLEY COUNTRY STORE #1	PO BOX 870729	(907) 376-7888
WAL-MART #2074	1350 S SEWARD MERIDIAN PRKWY	(907) 376-9780

[Chitina Subdistrict Permit](#)

[Top of Page](#)

[Chitina Home](#)

**Glennallen Subdistrict Dipnet or Fishwheel Permits**

Glennallen subdistrict permits for dipnetting and fishwheel use will be available only at ADF&G offices in: **Glennallen, Tok, Delta Fairbanks, Palmer, and Anchorage.**

**All fishwheels must be registered and can only be registered at the Glennallen or Tok ADF&G offices.**

**NOTE:** The Glennallen subdistrict is more difficult dipnetting habitat because the river widens. The same number of fish which are funneled through the canyon in the Chitina subdistrict are more spread out in the Glennallen subdistrict. So, dippers have to venture out further into the river to dip salmon with a lower degree of success on average. Access to the Copper is also more difficult in the Glennallen subdistrict, as most of the land is private property.



[SF Interior Home](#) | [Sport Fish Home](#) | [ADF&G Home](#) | [State of Alaska Home](#)  
Sport Fish Interior Region Webmaster: [sf3web@fishgame.state.ak.us](mailto:sf3web@fishgame.state.ak.us)  
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## Senate RESOURCES Minute



May 08, 2002

### SB 366-CHITINA DIP NET FISHERY PERMIT FEE

**CHAIRMAN JOHN TORGERSON** called the Senate Resources Committee meeting to order at 3:50 p.m. and announced SB 366 to be up for consideration.

**SENATOR WILKEN** explained that three years ago, the legislature enacted legislation that requires a \$25 fee per family to fish the Chitina dipnet fishery of which \$18 went to the Ahtna and Chitina Corporations and \$7 went to the Alaska Department of Fish and Game (ADF&G) for maintenance. There has also been some discussion, after a survey was completed, that perhaps no trespass fees are required anymore. This bill addresses changing the fee to a certain amount that doesn't pay the trespass fees.

**MR. GORDY WILLIAMS**, legislative liaison, ADF&G, said the Chitina dipnet fishery is the largest fishery in the state and varies from year to year. Last year over 8,000 household permits were issued. A fee has been in place since 1992; it was initially \$10 but was increased to \$25 in 2000 by SB 301. That bill also changed language to reflect that the Board of Fisheries had changed the fishery from personal use to subsistence and it contained intent language directing the Administration to do several things. The Administration was to enter into an agreement by February 1, 2001 that would last for at least three years and ADF&G was to work with other state and federal agencies on long-term solutions. It also required the state to work with private owners to identify and survey the right-of-way.

ADF&G was unable to enter into a three-year contract with the Chitina and Ahtna Corporations, but it has entered into two successive one-year contracts, the last of which expired in December. Those contracts continue to provide guaranteed access for dipnetters across the Chitina-Ahtna lands that lie between the boundary of the public right-of-way and the ordinary high water line of the Copper River. The fee has provided \$10 to Chitina Native Corporation, \$8 to Ahtna for guaranteed access, \$5 to ADF&G for maintenance contracts for solid waste and garbage, and a \$2 administrative fee for the department. He explained:

A survey was undertaken using funds appropriated by the legislature last year and that survey is not totally final yet. There are still drafts going back and forth between DOT and the contractor. But the preliminary estimates are that about 60% of the dip net use area is accessible from the right-of-way. Money for that appropriation is also, as is spelled out in language last year, to publish a brochure and for DOT to go out and put some on-ground marking in to try to indicate where the public right-of-way does access the river and where the private lands are.

**MR. WILLIAMS** said the survey has provided important new information on the land status and confirms a real patchwork of public and private land ownership along the river. People use several very key areas for fishing, camping, parking, and

ancillary activities, such as the mouths of O'Brien Creek and Haley Creek, that are private lands or they ask ADF&G questions about the ordinary watermark. He added:

So, while we recognize that there are policy issues which [indisc.] in light of this new survey, we believe the best option for 2002 is to retain the fee at \$25 and to enter into one-year agreements again with the Chitina and Ahtna Corporations and we've had discussions with them along those lines. We believe that will result in a more orderly fishery and provide both the atmosphere for further discussions on long-term solutions as directed by SB 301 - possible land trades. Those discussions can use the new information from the survey and be able to sit down, hopefully, with private landowners and talk about the various options.

Also, the fishery has been impacted by a landslide, which is south of O'Brien Creek, which currently blocks the road. DOT is looking at options for removing that landslide but it's a difficult area. The original landslide was in the last year and then there's been a couple of smaller ones since. It's a very unstable area. They need to get in and do some assessment work. Part of that would be on Ahtna lands and they look forward to working cooperatively with the landowners on those kinds of issues.

In summary, we recognize that there's important new information on land status in the area that came with the survey. It is, however, very new information and with the final survey not in yet. The 2002 season is likely to start in mid-June and people will be looking to buy the permits here in the next few weeks. Certainly, by the first of June, people will start to look to buy their permits. We think keeping the fee at \$25, having access contracts in place will provide an orderly fishery and will allow us to go forward in a hopefully productive manner this year working towards long-term solutions that would benefit both the state and the local landowners.

CHAIRMAN TORGERSON asked if the state is paying the Ahtna Corporation for access to state land.

MR. WILLIAMS replied, "It was always recognized that there was some private land. It just wasn't known how much of it is and now the estimate is about 60%, but some of that 40% is pretty important key land."

CHAIRMAN TORGERSON asked why ADF&G couldn't configure this to pay the 40% and not 60%.

MR. WILLIAMS replied that the discussion has centered around the policy issue of going to the area and access to the fishery, but because of the patchwork ownership pattern, it would be difficult for people to stay off of the private land. With 30,000 to 40,000 people using the fishery, private landowners think people will trespass either knowingly or unknowingly. It's more of a policy call about should there be a fee, not about how much. ADF&G is saying that given the status this year - the need to work on long-term solutions and DOTPF needing time to work on the landslide problem, ADF&G believes the fee should be maintained this year. That would allow everyone to have guaranteed access

MR. HEPLER replied that it is about a mile below O'Brien Creek.

SENATOR WILKEN asked if Rand Creek and Haley Creek are private or public.

MR. HEPLER replied that a lot of it is private and that it's harder to determine the high water mark on a river delta than in other places.

SENATOR WILKEN asked if boat access to the river would be available if the O'Brien Creek and Haley Creek boat launches were closed.

MR. HEPLER replied if they shut down the Haley Creek boat launch, people would probably have to go to where the bridge crosses. It would be a longer run.

SENATOR WILKEN asked if options are available for both parties to look at during the negotiations to start to come to some conclusion or whether they are so far apart that there hasn't been a real discussion.

MR. HEPLER replied that discussions have been two-fold. One discussion has been about what an agreement would look like if they come to an agreement this year. The corporations want to have the same agreements they had in previous years. At the same time they have been talking about long-term solutions. The energy is there to come up with something.

SENATOR WILKEN asked when the preliminary survey was completed and when the final would be available.

MR. WILLIAMS replied that Mr. Swarthout and Mr. Bennett, with ADF&G in Fairbanks, could answer that.

SENATOR WILKEN said his intent in this fishery is to have an accessible, productive, safe fishery and he could support a continuation of the \$25 fee knowing that this is the end and that next year there will be some agreement between the state and the corporations. He would also consider an effective date. He didn't want to be talking about \$18 or \$25 and having an inaccessible, unproductive, unsafe fishery for Fairbanks people.

CHAIRMAN TORGERSON said he didn't see why they couldn't continue to pay \$25 for access across private land and leave the state lands at \$10, "and you do that basically by grouping the two and dividing it by the total."

MR. WILLIAMS said, "It's one fee that's \$25. Out of that, \$5 goes to maintenance, \$2 to us, \$18 to the corporations."

CHAIRMAN TORGERSON asked, "Are we maintaining their land, too?"

MR. WILLIAMS replied that they pick up trash.

CHAIRMAN TORGERSON said he didn't mind paying for access to that land, but he didn't see why the state was paying for the use of its own land. He stated, "According to this, you're paying \$18 for use on 60% of the state's land and we're paying an entity that has no control over that. It's our land - if your survey is right."

MR. WILLIAMS replied they could assume \$15. The \$5 service fee is for trash pick up and porta-potties, leaving \$10.

CHAIRMAN TORGERSON said, according to their figures, 3,800 users don't use the private land, but the state is paying \$18 per head for them as if they were.

SENATOR ELTON said his understanding is that the \$25 fee is per family.

CHAIRMAN TORGERSON said that 40% is Native land. He thought it was fair to reimburse them for what the public is using.

MR. WILLIAMS said that the 40% and 60% figures don't apply to the number of permits; they apply to the land status.

CHAIRMAN TORGERSON asked if the \$100,000 survey only shows who owns the land.

MR. WILLIAMS replied yes.

CHAIRMAN TORGERSON asked if they know how many people go over the private land.

SENATOR WILKEN asked Mr. Ralph Swarthout, Northern Regional Director, DOTPF, to go over the survey process. Mr. Swarthout indicated that Mr. John Bennett would go over it.

MR. JOHN BENNETT, Right-of-way Chief, DOTPF, said he was the contract manager and took the task from ADF&G. He did a professional services agreement with a survey company out of Anchorage called Crazy Mountain Joint Venture. The company was tasked with mapping the location of the Copper River Highway right-of-way because DOTPF had no information on that. He explained:

They prepared an as-built survey of the centerline geometry from the Copper River Bridge on McCarthy Road through Chitina down to Haley Creek. The next task was to determine as best they could the ordinary high water line on the Copper River along that stretch - basically so we could determine the relationship between the edge of the right-of-way, which is 150 feet on each side of the center line of the Copper River Highway and the ordinary high water line, therefore, being able to determine in what areas you could actually go from the road right-of-way to the state owned lands below the high water lines without getting into a trespass situation.

The survey was commenced sometime in the fall of last year. I don't have the dates with me. The mapping was done over the course of the winter. We have one task left to perform, but we had deferred it after the annual Chitina Dipnetters meeting when we found out that it's our understanding that we're going ahead with the status quo on the permit fee...

With the milepost markers and the map we intend to publish in a brochure and give to each dipnet permittee, they will be able to walk or drive down the road, look at the milepost markers and determine if they're at a location where they can go directly to the water without being in a trespass situation.

SENATOR WILKEN asked him when the survey was completed.

MR. BENNETT said the fieldwork was completed late last fall. He

explained:

The milepost markers will either be completed this fall or, if this bill passes, we're going to have to scramble out there and do it this week.

SENATOR WILKEN asked if he had a preliminary report on what the survey shows as far as what is public and what is private.

MR. BENNETT replied that he had a map that was just delivered by the survey contractor yesterday and he didn't know if Mr. Williams had received copies of what he plotted out.

MS. SUE ASPELUND, Executive Director, Cordova District Fishermen United (CDFU), opposed the reduction of the fee this year because the timing is inappropriate given the lateness, relative to how soon the fishery should commence for the prosecution of an orderly fishery. In addition, because resource management can be costly, CDFU encourages future discussion of using a fee similar to this one to reimplement much needed in-season reporting requirements in the future for the Chitina dip net fishery.

MR. BRUCE CAIN, Executive Director, Native village of Eyak, said the original Copper River railroad right-of-way was 100 ft., not 300 ft. as is proposed, and it was only valid as long as it was used as a railroad.

MR. JOSEPH HEART, resource manager, Ahtna Incorporated, said he is also the Chairman of the Land Committee for Chitina Native Corporation as well as the Vice President of the Corporation. He is one of the main negotiators on behalf of the Native corporations with ADF&G. He stated, "Ahtna and Chitina, both, do not support the passing of SB 366."

He said that both corporations have been cooperative. However, they feel strongly that when the state invites people to use the resource and invites them to come near or across their property, the land rights need to be protected or an agreement needs to be worked out to compensate for the impacts, like trash collection, tree cutting, fire rings, etc. He said hardly anyone lives in Chitina and the only time large negative impacts occur is when the fishery is operating. He has been working with Commissioner Rue and others and believes the fee should be left in place this year so they can address a lot of the issues, like the right-of-way the state has on 60 % of the land for access to the river and the intent of that.

SENATOR ELTON said the previous testifier suggested that the right-of-way ought to be 50 ft. from the centerline and the department has testified that it is using 150 ft. in each direction from the centerline. He asked Mr. Heart what their stance is on that.

MR. HEART replied that the original right-of-way was in place for the railroad and it was 100 ft. In the 1980s, when Chitina Corporation started charging people to cross its land, DOTPF realigned the highway access and that's how this agreement came into being. At that time, everyone knew the right-of-way was 100 ft. The state courts decided the right-of-way was 150 ft. Their paperwork still shows it as a 100 ft. right-of-way. Native allotments on that same road show a 100 ft. right-of-way on their titles. They feel it should still be a 100 ft. right-of-way.

SENATOR ELTON asked his opinion of an amendment that would provide an effective date some time after this summer instead of

immediately.

MR. HEART said for this year a later effective date would be okay if the state is willing to work out some of the issues.

MR. TOM TALBY, ADF&G, Glennallen, said he was available to answer questions.

MR. MIKE TINKER, Fish and Game Advisory Committee, said:

There are about 5,000 netters in the Dip Netters Association that live in the Fairbanks-Delta Junction-Nenana area. There are 5,001 in the Mat-Su area. So, to talk about this as a Fairbanks issue is not correct. About a year and a half ago, the Board of Fisheries found that the Chitina dipnet fishery was a subsistence fishery. This fee makes it the only subsistence fishery in the State of Alaska that we charge for. Fifty miles up the road from Chitina, Ahtna maintains a fee schedule for access to the Gulkana and other waters and both collect the fee themselves for trespass over their property and maintains a protection force or an advisory force for people who want to find out where to get a permit or that might be trespassing. The fact that the state should continue to do this for them at Chitina is just ludicrous. Discussions that they're talking about now and they're worried about having for the next year, and the next year, have been had for the last five or six years with the fee going up. It's time to end it. Our constituents on the Advisory Committee and our constituents here in Fairbanks really don't feel there should be any fee at all unless you are going to start to require subsistence fishermen statewide to buy a simple general fishing permit as they would a hunting permit to go hunting. Going to \$10 is certainly a jump in the right direction and allows the services that could be there. You might ask Mr. Hepler how we got to this point. My letters to some of you and to him started in late February and that was after a month of discussions here in Fairbanks. Before that he was all for doing away with the fee schedule until the commissioner got a letter from Ahtna in mid-March, which he and the other fishery guys didn't get until April and now all of a sudden it's a crisis.

MR. TINKER said the issue is whether or not we're going to charge a fee for the subsistence fisheries.

**TAPE 02-28, SIDE B**

MR. STAN BLOOM, President, Chitina Dip Netters Association, said last year they supported raising the fee to \$25 but the survey now shows that 60% of the land is on one side of the river. This fee does not cover anybody who goes on the other side of the river or in a boat. He pointed out:

So, you should do away with the fee that pays the Native corporations for trespass. If they want to put up posted signs and they want to charge a fee, let them do it. It's hard enough paying for our services. We're the only group that pays for our own services in the state. When you go to the Kenai you don't pay \$10 so you can use a toilet or have someone pick up the trash. The state does that. The state should do that in this case..

He said that all subsistence users are required to have a state hunting license.

No subsistence user is required to have a state fishing license. It's ludicrous to let all of us people fish free when you must manage the fishery. I say drop the word 'sport' out of paragraph 1, charge everybody \$15 for a fishing license, use that money to provide the services and put it in DNR. Let me tell you, Fish and Game doesn't have to make a contract for toilets and for trash pick up. I took pictures of the toilets last year that would gag a maggot. The trash was piled up so high that when I pulled up with my truck that says "Chitina Dipnetters" on it, three guys went out and started piling trash bags into a pick up truck to haul them away before I took a picture of it. Fish and Game is not the person to handle services. Put it in DNR or DOT or somebody that's got some kind of expertise in that kind of stuff and let Fish and Game go out there and count little fishies and do what biologists do. I say do away with the permit fee period, make everybody have a fishing license and the state provide services just like they do on the Kenai or any other place they hold a fishery...

MS. LISA HARBO said she fished the Chitina Dipnet fishery with her family since she was a kid and opposes the permit fee that they pay for several reasons. One is that no other subsistence fishery in the state requires a fee. In the federal fishery for the Chitina sub district in the same area, people are paying no fee and have higher limits. She also didn't think they should have to pay a trespass fee when they can cross a public easement path and didn't think their legal rights to dipnet should be tied to the trespass fee payments.

MR. HERB SIMON said he is testifying as a private individual from Nelchina whose family has been there since after World War II. He agreed with the gentleman from Fairbanks who suggested requiring a state license instead of fooling with the dipnet fee.

He would like to believe that the negotiations have been in good faith, but apparently that isn't the case. He thought they should get a kick-back because they have been paying this fee for years and there is public access and the same fees are not being charged for access in other places.

MR. DICK BISHOP, Alaska Outdoor Council, supported SB 366 and suggested attaching a sunset provision to the \$10 fee so it could eventually be removed. People have noted that it is the only fee on a subsistence fishery in the state and they feel that is not appropriate. He added:

We agree with the rationale that the fee should be reduced at this time. The whole point of the several-year dialogue here has been to identify and provide the public access, relieve the public of the problem of trespassing and relieve the state of the obligations of negotiating contracts to cover potential trespass and make it possible for people to access that fishery on the public lands that are available to access it...We would like to see if there needs to be a fee to cover the cost of services there such as trash and waste disposal. Then it should be under a different guise and not as a subsistence fishing permit fee. It should

perhaps be a service fee and normally those things are handled through a general fund appropriation to another department...

CHAIRMAN TORGERSON said the committee was working on amendments as they talked, but a quorum of the committee wasn't present, so he would hold the bill.

---

Bill Root:



TO REPORT PROBLEMS WITH BASIS INQUIRY

LIVE KTOO STREAMS 

[Return to Basis Main Menu \(22 Legislature\)](#)

[Return to Legislature Home Page](#)

# Senate RESOURCES Minute



May 08, 2002

## SB 366-CHITINA DIP NET FISHERY PERMIT FEE

CHAIRMAN TORGERSON announced that the committee would take up SB 366 again, as a quorum was now present.

SENATOR WILKEN moved to adopt Amendment 1 to replace \$25 with \$0 in Section 1, to change the effective date to 1/1/2003 in Section 2, and to add a new Section 3 that says, conceptually, the Department of Fish and Game will report to the legislature the final results of the Chitina fishery access negotiations by February 1, 2003.

There were no objections and Amendment 1 was adopted.

CHAIRMAN TORGERSON asked if there was any objection to moving the bill.

SENATOR WILKEN reiterated that it is important to have a safe, productive and accessible fishery at Chitina this year and that, "By this time next year, we'll have this problem fixed."

There were no objections and CSSB 366(RES) moved from committee.

Bill Root:



TO REPORT PROBLEMS WITH BASIS INQUIRY

LIVE KTOO STREAMS 

[Return to Basis Main Menu \(22 Legislature\)](#)

[Return to Legislature Home Page](#)

SENATE FINANCE COMMITTEE

SIGN-IN

HB 210-CHITINA DIP NET FISHERY

NAME: Jesse VanderZanden Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: Alaska Outdoor Council Phone: 455-4262

Address: 20 Box 73902, FBAS Zip: 99709

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

**SITE: FAIRBANKS LIO**

**COMMITTEE: (S) FIJ**

**DATE: 05/15/03**

**SUBJECT OF MEETING:**

**HB210**

**UPDATE #:3**

# PLEASE SIGN IN

DO YOU WANT

**P R I N T YOUR NAME**

**ADDRESS (MAILING & ZIP)**

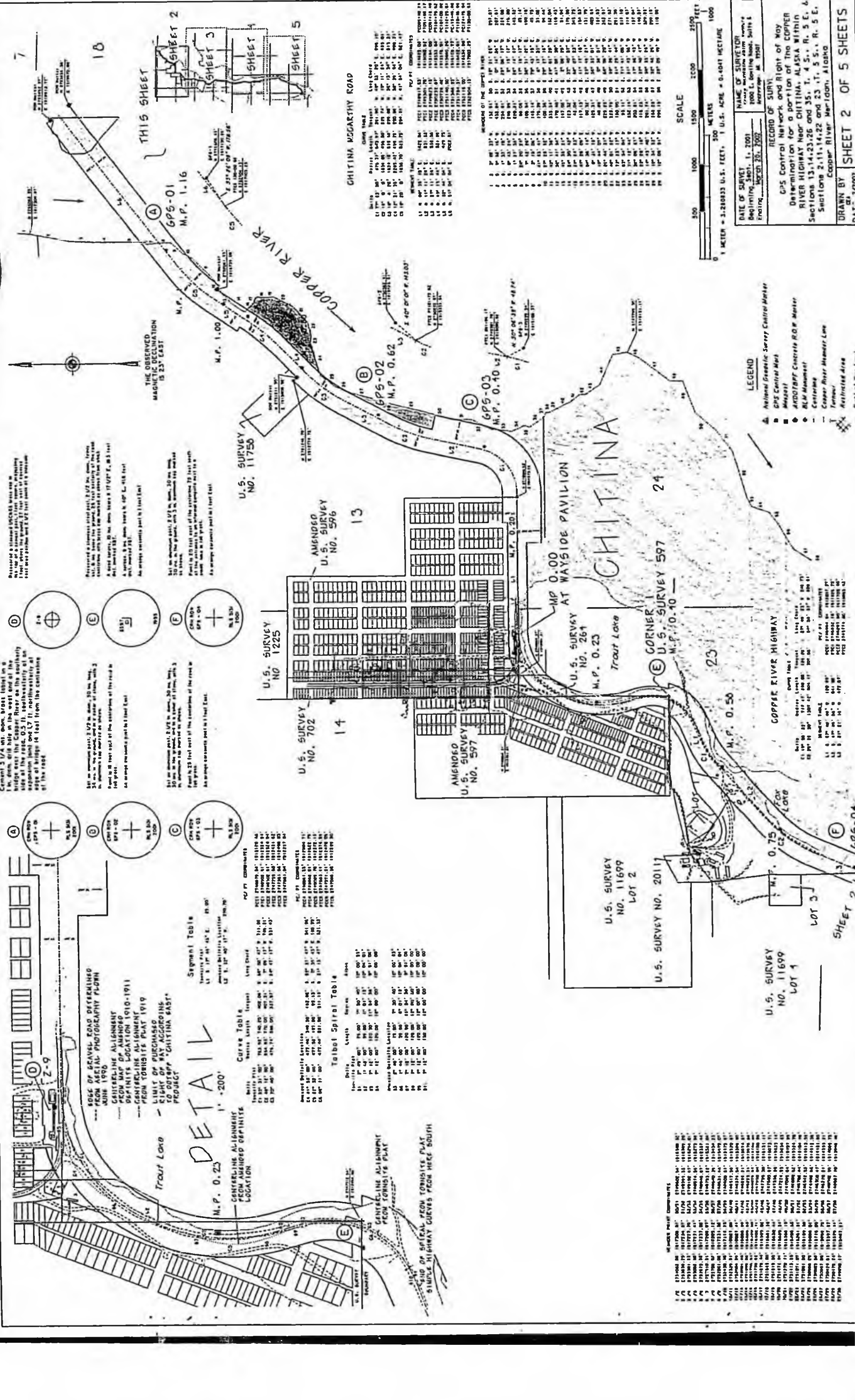
**REPRESENTING**

**TO TESTIFY?  
Y OR N**

<input checked="" type="checkbox"/> <b>Byron Haley</b>			<b>Y HB 210</b>
Email address:			
<input checked="" type="checkbox"/> <b>Paul Holland</b>			<b>Y HB 210</b>
Email address:			
<input checked="" type="checkbox"/> <b>Mark Heim: Hem</b>			<b>Y HB 210</b>
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			



THE FOLLOWING DOCUMENT HAS NOT  
BEEN FILMED BUT IS AVAILABLE IN THE  
ORIGINAL FILE.



Received & returned check with the  
 1/4" dia. iron pipe in the west end of the  
 bridge over the Copper River on the southerly  
 side of the road, 0.271, southerly of an  
 edge of bridge 18 feet from the centerline  
 of the road.

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 1/4" dia. iron pipe in the west end of the  
 bridge over the Copper River on the southerly  
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 edge of bridge 18 feet from the centerline  
 of the road.

**DETAIL**  
 1" = 200'

SOGE OF BRANVEL ROAD DETERMINED  
 FROM AERIAL PHOTOGRAPHY PLANN  
 JUNE 1990

CHITINA ALIGNMENT  
 FROM MAP OF AMENDED  
 DEFINITE LOCATION 1910-1911

CHITINA ALIGNMENT  
 FROM TOWNSHIP PLAT 1919

LIMIT OF PURCHASED  
 TO CORNER CHITTINA EAST

PRODUCT

TROUT LAKE

CHITINA ALIGNMENT  
 FROM AMENDED DEFINITE  
 LOCATION

CHITINA ALIGNMENT  
 FROM TOWNSHIP PLAT

END OF SPIRAL FROM TOWNSHIP PLAT  
 SIMPLE HIGHWAY CURVES FROM HERE SOUTH

U.S. SURVEY NO. 11699 LOT 1

U.S. SURVEY NO. 11699 LOT 2

U.S. SURVEY NO. 2011 LOT 3

U.S. SURVEY NO. 597

U.S. SURVEY NO. 702

U.S. SURVEY NO. 1225

AMENDED U.S. SURVEY NO. 597

AMENDED U.S. SURVEY NO. 596

U.S. SURVEY NO. 11750

GPS-01 M.P. 1.16

GPS-02 M.P. 0.62

GPS-03 M.P. 0.10

MP 0.00 AT WAYSIDE PAVILION

U.S. SURVEY NO. 281 M.P. 0.23

CORNER U.S. SURVEY 597 M.P. 0.10

COPPER RIVER HIGHWAY

TROUT LAKE

CORNER U.S. SURVEY 597 M.P. 0.50

U.S. SURVEY NO. 11699 LOT 1

U.S. SURVEY NO. 11699 LOT 2

U.S. SURVEY NO. 2011 LOT 3

U.S. SURVEY NO. 597

U.S. SURVEY NO. 702

U.S. SURVEY NO. 1225

AMENDED U.S. SURVEY NO. 597

AMENDED U.S. SURVEY NO. 596

U.S. SURVEY NO. 11750

GPS-01 M.P. 1.16

GPS-02 M.P. 0.62

GPS-03 M.P. 0.10

MP 0.00 AT WAYSIDE PAVILION

U.S. SURVEY NO. 281 M.P. 0.23

CORNER U.S. SURVEY 597 M.P. 0.10

COPPER RIVER HIGHWAY

TROUT LAKE

CORNER U.S. SURVEY 597 M.P. 0.50

**Curve Table**

Station	Radius	Length	Area	Chord
11+00	100	15.71	1570.80	31.42
12+00	100	15.71	1570.80	31.42
13+00	100	15.71	1570.80	31.42
14+00	100	15.71	1570.80	31.42
15+00	100	15.71	1570.80	31.42
16+00	100	15.71	1570.80	31.42
17+00	100	15.71	1570.80	31.42
18+00	100	15.71	1570.80	31.42
19+00	100	15.71	1570.80	31.42
20+00	100	15.71	1570.80	31.42

**Segment Table**

Station	Length	Area	Chord
11+00	15.71	1570.80	31.42
12+00	15.71	1570.80	31.42
13+00	15.71	1570.80	31.42
14+00	15.71	1570.80	31.42
15+00	15.71	1570.80	31.42
16+00	15.71	1570.80	31.42
17+00	15.71	1570.80	31.42
18+00	15.71	1570.80	31.42
19+00	15.71	1570.80	31.42
20+00	15.71	1570.80	31.42

**Tablet Spiral Table**

Station	Length	Area	Chord
11+00	15.71	1570.80	31.42
12+00	15.71	1570.80	31.42
13+00	15.71	1570.80	31.42
14+00	15.71	1570.80	31.42
15+00	15.71	1570.80	31.42
16+00	15.71	1570.80	31.42
17+00	15.71	1570.80	31.42
18+00	15.71	1570.80	31.42
19+00	15.71	1570.80	31.42
20+00	15.71	1570.80	31.42

**Legend**

- ▲ National Geodetic Survey Control Marker
- GPS Control Mark
- Monument
- ARCO/BPT Concrete R.O.W. Marker
- BLM Monument
- Centerline
- Copper River Streamer Line
- Turnover
- Restricted Area
- Mark of West Line

**Scale**

1 INCH = 200 FEET

1 METER = 3.28083 U.S. FEET, 1 U.S. ACRE = 0.4047 HECTARE

**DATE OF SURVEY**  
 Beginning Sept. 1, 2001  
 Ending March 20, 2002

**NAME OF SURVEYOR**  
 M. J. [Name]

**RECORD OF SURVEY**  
 GPS Control Network and Right of Way  
 Determination for a Portion of the COPPER  
 RIVER HIGHWAY NEAR CHITTINA, ALASKA WITHIN  
 Sections 13, 14, 23, 26 and 35, T. 4 S., R. 5 E., 6  
 Sections 2, 11, 14, 22 and 23, T. 5 S., R. 5 E., 6  
 Copper River Meritonia, Alaska

**DRAWN BY** SHEET 2 OF 5 SHEETS  
**DATE** 7/20/02

LOCATION	GROSS SQ. FT.	NET SQ. FT.	COST/YR. 20 YR. AMORIZATION & JANITORIAL, HEAT ELEC. ETC.	CAPITOL COST	CU L CO	R.	COST/SQ. FT. TO OWN/YR.	ESTIMATED COST/SQ. FT. FOR COMPARABLE RENTAL SPACE/YR.
<u>Sitka</u>						14,971		
Court & Office Bldg.	27,164	18,200	213,077	1,576,090			7.84	8.40
[.056]	(1,526)	(1,023)	(11,484)	(84,730)				
Public Safety Main Bldg.	22,750	18,200	177,325	1,311,188			7.79	8.40
Phys. Ed. Bldg.	18,016	16,215	105,593	665,264			5.86	7.20
<b>TOTAL SITKA</b>	<b>67,930</b>	<b>52,615</b>	<b>495,995</b>	<b>3,552,542</b>		<b>44,971</b>		
<b>GRAND TOTAL</b>	<b>798,661</b>	<b>660,377</b>	<b>7,066,855</b>	<b>54,667,231</b>		<b>2,532,024</b>		
			<b>-(996,752)</b>	<b>-(7,919,686)</b>				
			<b>6,070,103</b>	<b>46,747,545</b>				

\*\*Either State or City Land

\* Includes Kenai, Homer & Soldotna

[ ] Denote % use of Buildings by Department of Labor

NOTE: Figures shown in ( ) denote Department of Labor space which will be filled by Federal Manpower Administration.

2/29/72

-228-

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

LOCATION	GROSS SQ. FT.	NET SQ. FT.	COST/YR. 20 YR. AMORIZATION & JANITORIAL, HEAT ELEC. ETC.	CAPITOL COST	CUR L CO	R.	COST/SQ. FT. TO OWN/YR.	ESTIMATED COST/SQ. FT. FOR COMPARABLE RENTAL SPACE/YR.
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			<b>-(996,752)</b>	<b>-(7,919,686)</b>				
			<b>6,070,103</b>	<b>46,747,545</b>				

\*\*Either State or City Land

\* Includes Kenai, Homer & Soldotna

[ ] Denote % use of Buildings by Department of Labor

NOTE: Figures shown in ( ) denote Department of Labor space which will be financed by Federal Manpower Administration.