

AK LEGISLATURE SPECIAL COMMITTEE FILES SCOMM 147 3175₁₉

PERSONAL USE AND SUBSISTENCE FISHERIES

Alaskans travel from around the state to participate in the Copper River dipnet personal use and fishwheel subsistence fisheries. PWSAC salmon play an important role in these fisheries. Alaskans harvested 316,000 PWSAC-origin sockeye from 1999 to 2005. In 2005 alone an estimated 70,900 PWSAC sockeye were taken in these fisheries. Data for 2006 is not yet available. Residents of Fairbanks harvested more of these fish than residents of any other community, followed by Anchorage, Wasilla, Copper Center, and North Pole. Residents of Palmer, Glennallen, and Eagle River also harvested large numbers of PWSAC sockeye in these fisheries.

Table 6
Number of PWSAC Sockeye Harvest, by Fishermen's Place of Residence,
Copper River Personal Use and Subsistence Fishery, 1999-2005

City	1999	2000	2001	2002	2003	2004	2005	Grand Total
Anchor Point	-	-	-	-	-	19	104	123
Anchorage	9,388	4,896	5,071	18,190	9,634	4,525	12,593	64,297
Anderson	19	72	35	89	33	-	144	392
Barrow	76	25	35	95	90	39	134	494
Big Lake	219	84	133	387	252	91	167	1,333
Cantwell	46	19	25	20	16	4	15	145
Central	9	30	6	39	40	9	45	178
Chickaloon	171	38	37	96	90	34	271	737
Chistochina	-	-	-	-	-	271	186	457
Chitina	340	179	188	982	932	334	758	3,713
Chugiak	681	406	392	1,178	770	316	832	4,575
Clear	28	13	27	51	9	60	138	326
Cooper Landing	25	28	18	162	52	26	99	410
Copper Center	2,209	1,253	1,255	6,466	4,174	1,308	4,686	21,351
Cordova	3	9	49	272	28	20	44	425
Delta	1,288	762	674	2,597	1,672	777	2,973	10,743
Denali	27	18	14	9	15	6	24	113
Dot Lake	10	8	12	24	51	-	30	135
Eagle River	2,352	868	1,149	4,278	2,063	970	3,294	14,974
Eielson	606	402	264	848	395	173	531	3,219
Elmendorf AFB	103	70	73	139	61	29	52	527
Ester	176	92	104	451	333	192	521	1,869
Fairbanks	7,333	4,614	3,829	18,268	9,605	5,367	17,031	66,047
Fort Richardson	72	50	53	206	80	21	90	572
Fort Wainwright	390	190	151	694	217	156	548	2,346
Gakona	834	888	768	1,829	1,234	496	2,193	8,242
Girdwood	101	54	44	358	173	78	141	949
Glennallen	2,254	1,100	944	5,175	2,652	688	2,964	15,777
Gulkana	-	-	-	-	-	127	-	127
Healy	117	75	90	184	81	72	264	883
Homer	69	32	22	54	55	10	87	329
Houston	43	19	36	58		9	8	173

Table 6 (continued)
Number of PWSAC Sockeye Harvest, by Fishermen's Place of Residence, Copper River
Personal Use and Subsistence Fishery, 1999-2005

City	1999	2000	2001	2002	2003	2004	2005	Grand Total
Indian	5	10	11	15	10	10	33	94
Juneau	45	11	17	44	49	14	55	235
Kenai	30	21	7	33	16	7	7	121
Kenny Lake	-	-	-	-	-	334	-	334
Kodiak	6	10	15	37	48	7	10	133
Kotzebue	4	-	1	30	11	-	5	51
McCarthy	38	1	1	67	-	89	5	201
Nenana	66	25	64	383	207	-	-	745
Ninilchik	17	19	15	37	18	1	20	127
Nome	10	7	7	13	30	-	10	77
North Pole	2,312	1,287	1,243	5,223	3,026	1,636	5,459	20,186
Northway	150	40	29	-	100	70	429	818
Palmer	2,221	1,209	1,211	5,232	2,466	-	-	12,339
Paxson	14	7	7	15	93	-	-	136
Salcha	223	101	89	412	303	220	565	1,913
Seward	35	17	12	49	44	8	59	224
Slana	190	107	138	259	309	340	454	1,797
Soldotna	53	30	33	80	44	16	20	276
Sutton	163	49	50	342	131	95	242	1,072
Talkeetna	83	42	66	140	85	30	173	619
Tanacross	-	-	-	-	-	-	186	186
Tazlina	-	-	-	-	-	282	-	282
Tok	736	448	367	1,075	822	657	1,865	5,970
Trapper Creek	30	-	2	-	-	6	7	45
Two Rivers	61	32	55	198	114	42	144	646
Valdez	1,182	769	744	3,010	1,271	814	2,224	10,014
Wasilla	3,246	2,045	1,853	8,067	4,105	2,106	7,647	29,069
Willow	164	121	75	378	187	69	102	925
Willow	-	-	-	-	-	-	-	171
Other Alaska ²	185	83	59	273	188	107	243	1,138
Grand Total	40,300	22,800	21,700	88,600	48,500	23,200	70,900	316,000

Source: ADF&G, McDowell Group estimates.

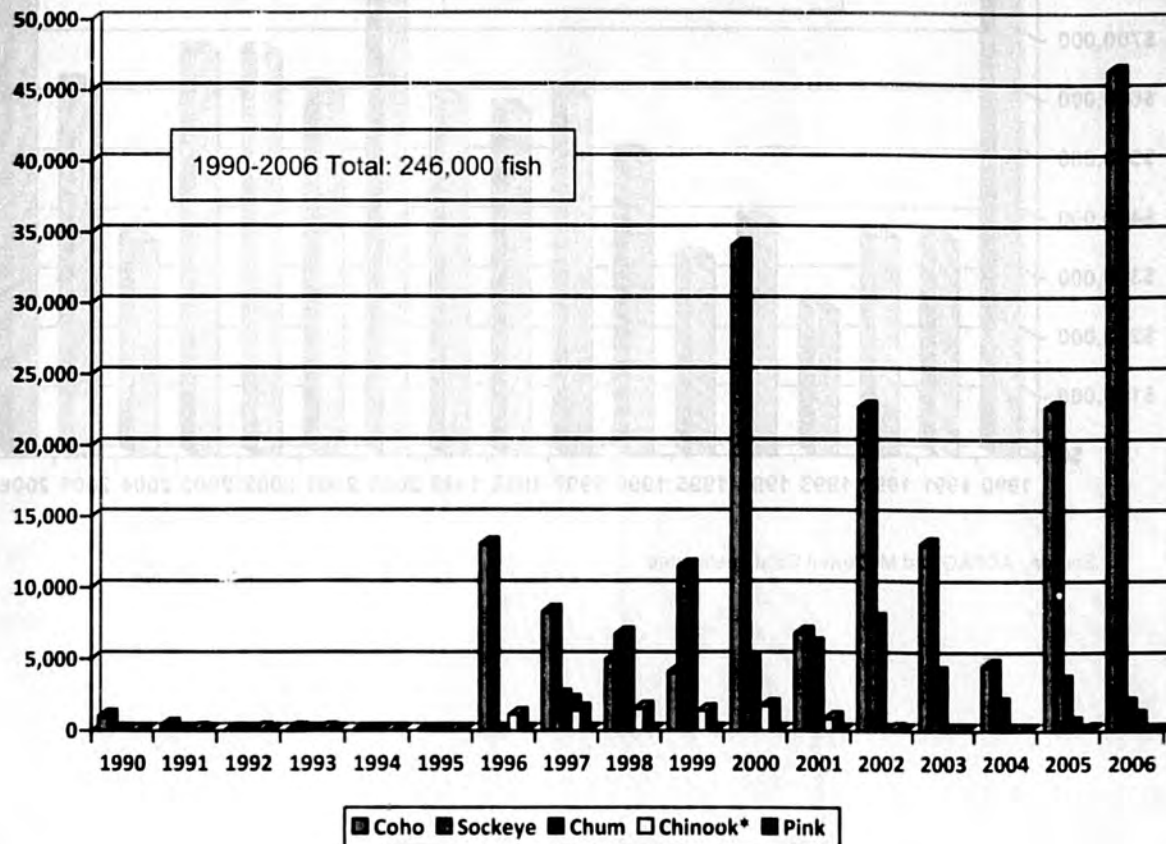
1. Reporting requirements were changed in 2000. Prior to 2000, a punch card to record each salmon harvested was required to be turned into ADF&G following each trip. In 2000, harvesters recorded the date and number of fish on a form, and did not have to submit the form until the end of the season.
2. "Other Alaska" includes communities whose residents harvested 50 fish or fewer from 1999 to 2005.

RECREATIONAL FISHING INDUSTRY

Recreational Harvest of PWSAC Salmon

PWSAC salmon play an important role in the Prince William Sound sport fisheries, with 49,000 fish harvested in sport fisheries in 2006 and 27,000 in 2005. Overall, PWSAC contributed 246,000 fish to the sport fishery from 1990-2006 (Figure 10). Three quarters of the fish harvested were coho, followed by sockeye (20 percent). Others contributed a total of about 5 percent of the fish. The 2006 all-species harvest of 49,000 fish generated estimated direct expenditures of \$419,000. The estimated economic impacts of this activity are \$524,000 in total economic output, including \$262,000 in payroll and 13 jobs.

Figure 10
Recreational Harvest of PWSAC Salmon, 1990-2006
(in numbers of fish)



Source: ADF&G and McDowell Group estimates.

* PWSAC no longer produces chinook salmon. Final returns for the species occurred in 2002.

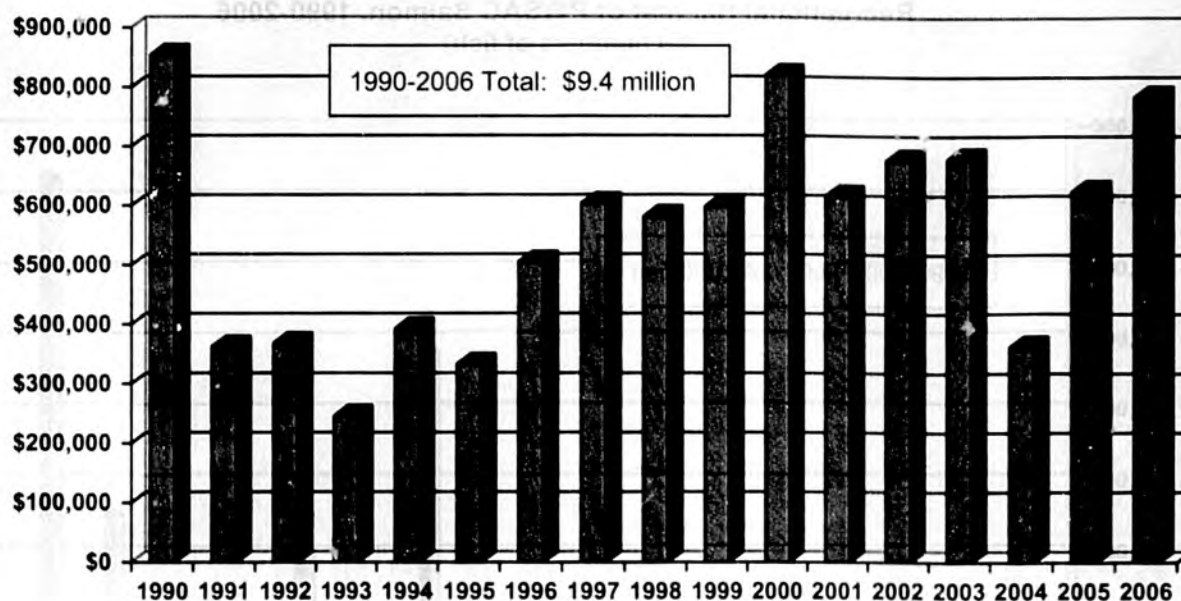
The PWSAC salmon sport harvest is spread over a wide area, including the entire Prince William Sound area and the Gulkana River in the Copper River drainage.

SALMON ENHANCEMENT AND FISHERIES BUSINESS TAX

As with all salmon commercially harvested and processed in Prince William Sound, PWSAC salmon are subject to a 3 percent State of Alaska Fisheries Business Tax, which is deposited into the state's General Fund.

From 1990 to 2006, Prince William Sound commercial salmon fishermen paid an estimated \$22 million in total fisheries business tax. The tax on PWSAC salmon accounted for about \$9 million of this total value, including fisheries business taxes paid on PWSAC cost recovery fish (Figure 11). Estimated receipts in 2006 were \$780,000; in 2005 they were \$620,000.

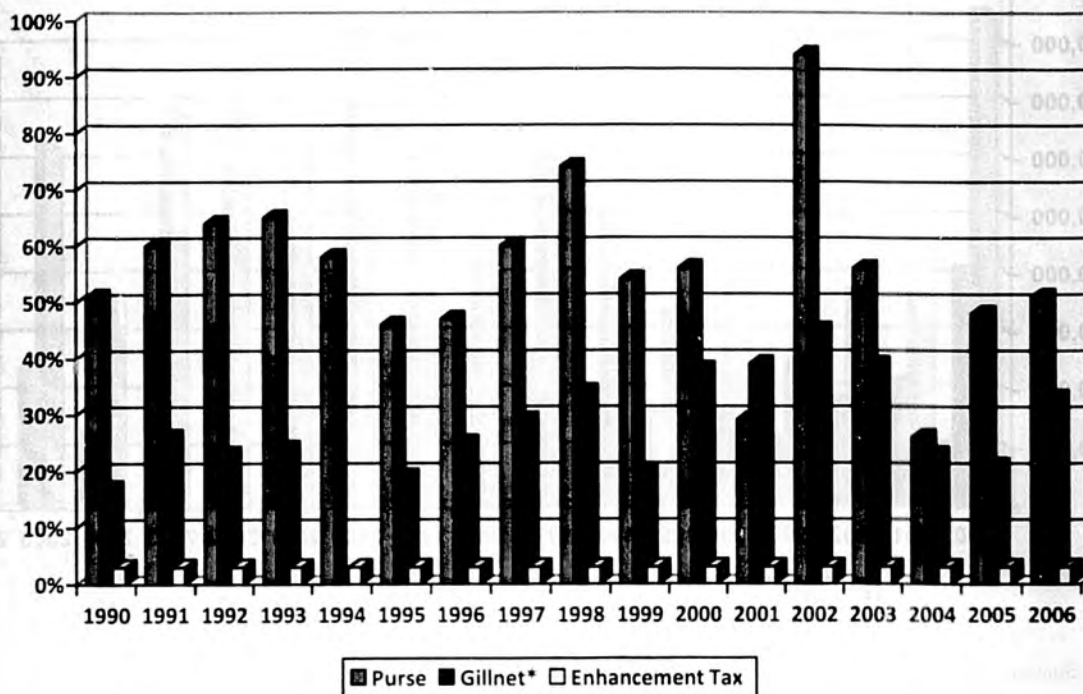
Figure 11
State Fisheries Business Taxes Paid on PWSAC Fish, 1990 to 2006



Source: ADF&G and McDowell Group estimates.

Commercial fishermen fishing in Prince William Sound also pay a 2 percent Salmon Enhancement Tax to fund PWSAC operations. The return on this investment is substantial. From 1990 to 2006, purse seiners derived 53 percent of their incomes from PWSAC fish. Gillnetters derived 27 percent of their incomes from PWSAC fish (Figure 12).

Figure 12
Percent of Ex-vessel Value for Seine and Gillnet Harvesters from PWSAC Salmon Versus
the Salmon Enhancement Tax Rate
1990 to 2006

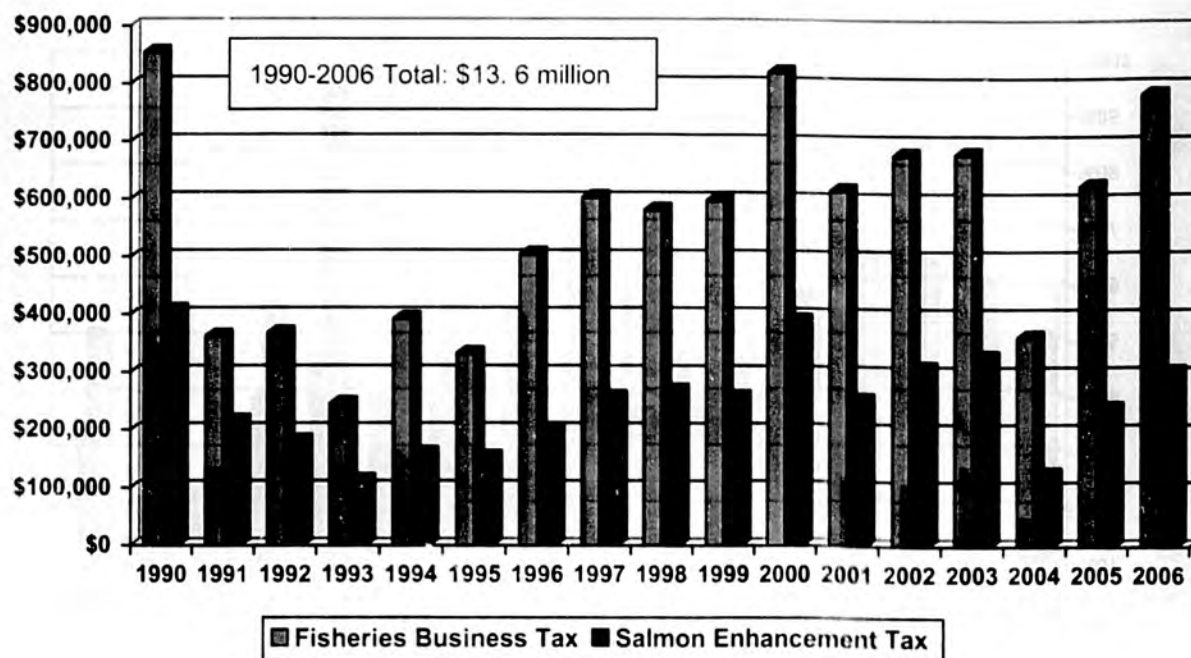


Source: ADF&G and McDowell Group estimates.

* Gillnet includes setnet and drift gillnet gear.

In 2006, commercial fishermen contributed \$300,000 in enhancement taxes in Prince William Sound, and \$239,000 in 2005. From 1990 to 2006, contributions totaled \$12 million in enhancement taxes. Over the same period, PWSAC fish contributed \$207 million in ex-vessel value to the commercial fishery, a return to fishermen of \$17 for every \$1 of tax paid (Figure 13).

Figure 13
Salmon Enhancement and Fisheries Business Taxes
Paid on PWSAC Fish, 1990 to 2006



Source: ADF&G and McDowell Group estimates.

IMPACTS OF PWSAC BUSINESS EXPENSES

The PWSAC organization has substantial impacts on the regional economy. PWSAC directly creates 72 full-time equivalent jobs. Payroll and in-state operating expenses totaled just under \$3.5 million in calendar year 2006, plus out-of-state spending for fish feed, employee health insurance and miscellaneous equipment of about \$2.5 million.

In calendar year 2006, PWSAC spending was spread out among 19 Alaska communities, with purchasing the highest in Juneau, Anchorage, Valdez, Cordova and Whittier (Table 7).

Table 7
PWSAC Spending by Community, 2006

Community	Expenditures
Juneau	\$1,774,900
Anchorage	747,200
Valdez	442,700
Cordova	247,900
Whittier	136,900
Seward	28,700
Fairbanks	25,500
Glennallen	24,000
Gakona	15,400
Palmer	15,100
Wasilla	7,700
Eagle River	5,100
Anchor Point	4,600
Homer	2,800
Delta Junction	2,600
Girdwood	1,700
Chenega Bay	1,600
Sitka	600
Bethel	< \$100

Source: PWSAC and McDowell Group estimates.

Total economic impact of the spending includes approximately \$17 million in total output, 190 jobs and \$5.7 million in labor income.

A Preliminary Look at the 2007 Season

An Addendum to

*Economic Impacts
of the Prince William Sound Aquaculture
Corporation: 2006 Update*

The Prince William Sound Aquaculture Corporation (PWSAC) regularly commissions comprehensive studies of the economic impact of its activities on the economy of the Prince William Sound region and other areas of Alaska. These reports, typically completed every two to three years, provide information on harvests of PWSAC-origin salmon by the commercial salmon fleet, by the sport fish sector, and by personal use and subsistence harvesters. They also provide information on the market conditions that contributed to the value of the commercial fishery, and the salmon processing activity and impacts that the harvests supported.

In early 2007, PWSAC commissioned a report to examine the cumulative impacts through the 2006 harvest season. Throughout Alaska, salmon harvests that rely heavily on pink salmon experience biennial abundance cycles, with every second year typically yielding a more significant return. Despite being a lower cycle year, the 2006 PWSAC impacts for commercial harvesters were estimated at \$15 million to harvesters, with an estimated wholesale value in excess of \$81 million. The total economic output in Alaska was estimated at \$135 million.

By contrast, 2007 was a year of significant abundance. Pink and chum fish returning to PWSAC hatcheries approached all-time records. Paired with strong market conditions for salmon, and pink salmon in particular, the resulting impact of the fishery in Alaska was likely significantly higher.

The Alaska Department of Fish and Game and the Commercial Fisheries Entry Commission continue to compile the complete harvest and value data from the season, and key data sets will not be available until well into 2008. While the complete economic impact methodology can not be replicated in advance of the full data availability, in-season harvest data and up-to-date market information provide a basis for considering the magnitude of the fisheries' 2007 value, as compared to the 2006 season. The complete 2006 impact analysis provides more specific information on the manner in which PWSAC's impacts flow to communities and regions, and examines product form and species trends for the seafood product in greater detail.

Prince William Sound is home to some of the most significant pink and chum fisheries in the state of Alaska. Productive salmon hatcheries and abundant wild stocks contribute to a diverse fishery with participation by commercial seiners, drift gillnetters and setnetters, as well as sport, personal use, and subsistence harvesters.

In 2007, the region enjoyed near-record harvests in multiple species, and the third largest catch overall in the history of Prince William Sound. Pink salmon typically experience a biennial peak in returns; in Prince William Sound, this peak occurs in odd-numbered years. The 2007 peak pink harvest also

corresponded with a strong chum salmon return and a strong sockeye return.

Fish produced in the PWSAC hatchery facilities around Prince William Sound contribute a significant percentage of the total harvest of salmon in the region. In a given year, PWSAC production can range from one-quarter to one-half of the commercial harvest. The organization's hatcheries are spread throughout western Prince William Sound, with some additional sockeye capacity in hatcheries on the Copper River system. Release locations are dispersed through the region.

Commercial and Sport Harvests of PWSAC Salmon

All three commercial salmon gear groups in Prince William Sound (drift gillnet, setnet, and seine) benefit from PWSAC production, with gear groups tending to focus on different species due to their particular harvesting strengths and the timing of the returns. Generally, the seine fleet harvests significant amounts of PWSAC pink and chum salmon, while the drift gillnet fleet is more focused on sockeye runs.

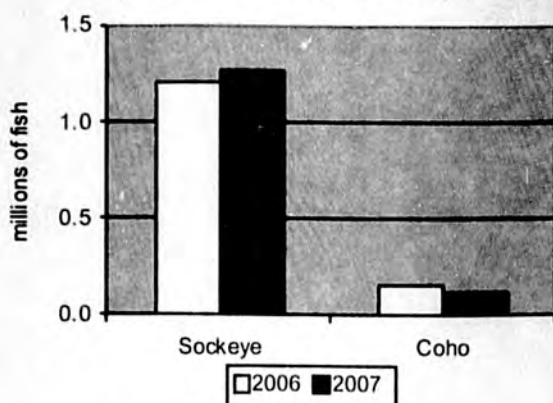
In 2007, commercial harvests of PWSAC-origin pink salmon approached 22 million fish, or nearly 74 million pounds. It was the third-highest harvest of PWSAC pink salmon on record (following 2003 and 2005). The harvest of PWSAC chum salmon was also the third-highest on record, at 2.5 million fish, or approximately 17 million pounds. Sockeye harvests were also notable, at 913,000 fish, or 5.7 million pounds.

Sport harvesters pulled 24,000 PWSAC coho from the waters and a smaller number of sockeye and coho. Personal use and subsistence harvesters took more than 34,000 sockeye salmon in systems supported by PWSAC production. These fish are primarily harvested in Interior river systems linked to the Copper River.

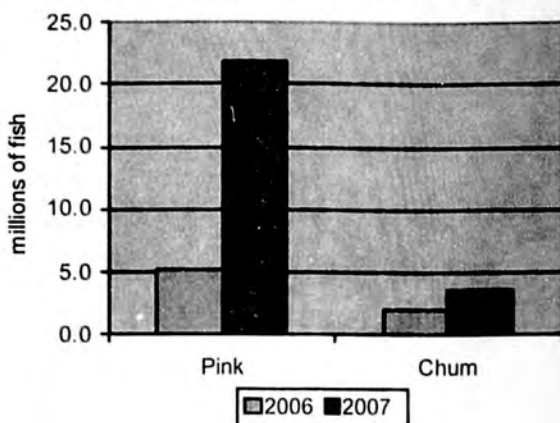
VALUE OF THE COMMERCIAL HARVEST

Based on preliminary figures, the estimated ex-vessel value of the 2007 PWSAC-origin harvest was \$26 million. This amount, paid to fishermen upon delivery of their catch, included \$11.8 million for pink salmon, \$8.5 million for sockeye salmon, and \$5.2 million for chum. The balance was for coho.

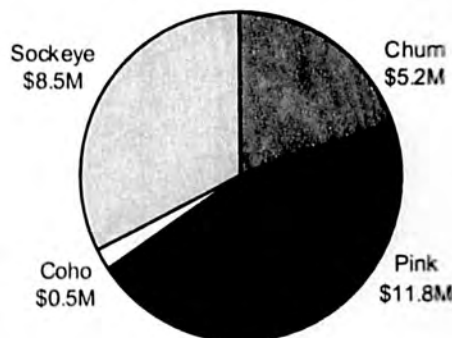
Total Returns, Sockeye & Coho, 2006-07



Total Returns, Pink & Chum, 2006-07



Ex-vessel Value, by Species, 2007



The ex-vessel value paid for a vessel's catch must cover all of the operating expenses of the harvesting activity, including the costs of crew (generally paid to crew members as a "share," or percentage of the value of the catch), fuel, food, gear, maintenance, vessel upgrades, insurance, and any other fixed or variable costs associated with the fishing operation. While datasets maintained by the State of Alaska reflect the ex-vessel value per permit holder, it is

important to recognize that the entirety of the ex-vessel value does not accrue directly to the individual. Profits by individual harvester are not available.

However to the extent that provisioning, maintenance repair work, and other vessel support expenditures occur in Alaska, those dollars can be expected to flow through the Alaska economy.

Differences in Hatchery Ownership: PWSAC and the State of Alaska

PWSAC owns and operates two hatcheries in Prince William Sound: the Armin F. Koernig Hatchery, located in the southwest corner of the Sound, near Montague Strait; and the Wally Noerenberg Hatchery, on Esther Island, near Whittier.

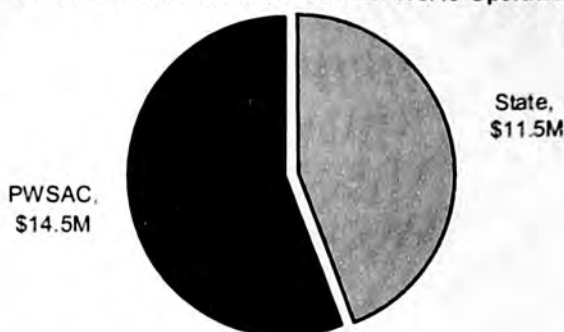
In addition, the State of Alaska contracts with PWSAC for operation of three State-owned hatcheries in the region: the Cannery Creek Hatchery in the northern part of Prince William Sound; the Main Bay Hatchery, southeast of Whittier; and the Gulkana Hatcheries, located inland on the Copper River. PWSAC has had contracts for operation of these hatcheries for as long as 20 years.

Production at the two PWSAC-owned hatcheries includes pink salmon at Armin F. Koernig, and pink, chum and coho salmon at Wally Noerenberg. In 2007, 100 percent of the organization's chum and coho salmon came from these two facilities, as well as three-quarters of the pink production.

The state-owned facilities account for all of the organization's sockeye production, with about 90 percent of the 2007 sockeye return originating from the Main Bay Hatchery outside Whittier, and the balance from the Gulkana Hatcheries on the Copper River. In addition, pink salmon from the Cannery Creek facility in northwestern Prince William Sound

contributed about one-quarter of PWSAC's total pink return in 2007.

**Total 2007 Ex-Vessel Value
for PWSAC Hatcheries**
PWSAC-Owned and State-Owned/PWSAC-Operated



THE CASE OF CANNERY CREEK HATCHERY

PWSAC's operation of the Cannery Creek Hatchery is the longest-running of its management relationships with the State of Alaska. Since assuming operational control of the hatchery in 1988, PWSAC has overseen significant changes to the hatchery, and the successful production and return of 108 million salmon.

When PWSAC assumed control of Cannery Creek Hatchery, it implemented production increases and infrastructure developments. First, the organization roughly doubled its egg-take for pink salmon. At the same time, the infrastructure at the remote hatchery facility was improved, with an addition to

the bunkhouse and the construction of a duplex housing unit. These accommodated the increased staff size necessary to handle the higher production levels. In 1990, chum salmon production at the facility was discontinued, allowing the organization to increase the pink production once more, to the current level of 152 million eggs annually.

Hatchery technology and practices have evolved in the 20 years since PWSAC took over operation of Cannery Creek. In the early years of operation, hatchery salmon were marked with coded wire tags to differentiate them from wild stocks, a necessity for sound management of mixed wild and hatchery stocks. This practice was labor intensive, and employment levels following the 1989 production increases included 6 full-time employees and an additional 35 seasonal staff.

In 1995, funding from the Exxon Valdez Oil Spill (EVOS) Trustee Council enabled PWSAC to purchase and install a thermal otolith marking system at the hatchery. Otoliths are the small "ear" bones in fish, and controlled changes to the temperature the salmon fry's environment result in permanent, identifiable markings on the bone. These are later retrieved by fishery managers and used as a tool for mixed stock management. This new system replaced the wire-tagging program.

In 1996, a mechanical egg-take system was added at the Cannery Creek Hatchery. The system also included an electro-anesthesia unit, which stuns the salmon prior to the egg extraction, making the process far more efficient. It also allowed the organization to reduce staffing levels to 6 full-time employees and 11 part-time seasonal. These staffing levels have remained constant ever since.

The lifestyle of hatchery workers has also changed significantly over the last two decades. Through the mid-1990s, the hatchery experience was one of remote adventure, with staff's connection to the

outside world limited to daily radio checks with the PWSAC main office, and mail and supply barge drops every second week. In the present day, employees are far more connected to the world beyond the hatchery. The facility at Cannery Creek has cell phone coverage, satellite television, and Internet access.

Other organizations and agencies are also able to take advantage of the existence of the remote hatchery infrastructure at Cannery Creek to support programs and data collection. The National Oceanic and Atmospheric Administration (NOAA) has used the Cannery Creek Hatchery as a weather station since 1978. Additionally, the Alyeska Pipeline Service Company's oil spill prevention and response program, SERVS (Ship Escort Response Vessel Systems), has staged equipment at the Cannery Creek Hatchery. Hatchery staff function as first-responders in the event of an oil spill in the area, and receive biennial trainings from the SERVS personnel. Since its deployment at the Cannery Creek Hatchery in 1990, this equipment has been used multiple times to respond to small spills from sinking fishing and fish tender vessels.

The commercial value of the fish produced at the Cannery Creek facility has been significant over the years, totaling approximately \$28 million in ex-vessel value since 1990, including an estimated \$3 million in 2007. In addition to these earnings by fishermen from salmon from Cannery Creek, there are earnings by PWSAC for their cost-recovery sales. In 2007, this totaled \$1 million. In total, parties that benefit from PWSAC fish include harvesters, the processing sector, which employs people to process the fish, and other portions of the economy that are indirectly affected by the fish harvesting and processing activity. Impacts ripple through a range of seafood industry support businesses, retailers, local utilities, and other parts of the general regional economy.

Processing Activity

PWSAC-origin salmon are processed in plants around the Southcentral region, with additional product moving to other areas of the state as run strength and processing capacity dictates. In 2007, processors in Prince William Sound included Bear & Wolf Seafoods, Ocean Beauty Seafoods, Copper River Seafoods, Norquest/Trident Seafoods, Great Pacific Seafoods, and Peter Pan Seafoods. On the Kenai Peninsula, Icicle Seafoods processed in Seward. In addition, with the significant volumes of salmon produced in Prince William Sound, some processing companies tendered fish to plants in Kodiak and Southeast Alaska to optimize processing capacity.

First wholesale values, by product type, are reported to the Alaska Department of Revenue through the Alaska Salmon Price Report. First wholesale is the price paid to primary processors the first time product is sold outside their primary production networks.

The estimated first wholesale value of the 2007 PWSAC harvest is \$130 million. The McDowell Group's study of the *Economic Impact of Prince William Sound Aquaculture* for the 2006 season estimates the wholesale value of the PWSAC-origin salmon at approximately \$81 million. The 2006 and 2007 estimates are based on different wholesale price data sources and cannot be compared directly

(the estimates for 2006 vary by approximately 10 percent, depending on the data source). However, it is clear that the wholesale value of product from PWSAC is up significantly, corollary to the significant increase in harvest.

Assuming profitable operation, these revenues should cover the costs of producing and selling the seafood product. These costs include the cost of purchasing the raw material (or the ex-vessel value paid to fishermen), supplying required labor (the processing workforce), providing packaging and processing materials (such as cans, boxes, labels, or other inputs), power costs, marketing and sales costs, as well as any processor profits. Depending on the level of reliance on non-Alaska goods and services, some of these expenditures result in additional economic activity in the Alaska economy.

The wholesale value of the harvest takes into account those fish processed for cost recovery purposes, as well as those taken in the common property harvest by seiners and gillnetters. Pink salmon contributed more than 68 percent of the total value, with the balance from chum (19 percent), sockeye (12 percent) and coho (1 percent). Roe products are an important component of the value picture, contributing 28 percent of the total value despite being less than 10 percent of the finished product weight.

Market Conditions for Salmon

PWSAC production is focused on pink and chum salmon with additional minimal production of coho and sockeye. Market conditions for all four species showed stable or positive price trends. At the same time, the marketplace is currently dynamic, with flux in product forms and traditional markets.

PINK SALMON

Strong market conditions have created a positive situation for Alaska pink production in recent years. With strong interest in frozen pinks for value-added processing, and decreasing carryover inventories of canned pink salmon, new harvest production is in

high demand, and is driving ex-vessel prices upward.

A chronic surplus of canned salmon suppressed pink markets for much of the last ten years, with record oversupply and holding prices down. Prices bottomed out during 2002-2004, with statewide average ex-vessel years of production adding to the prices around 9-10 cents per pound.

In 2005, values began to improve, as demand for frozen pink salmon as a value-added product ingredient grew. The Alaska product form composition shifted away from canned salmon, creating additional opportunity for inventories of canned to decline. In 2006, the low statewide pink return accelerated the shift in product forms and accompanying price increases. Wholesale prices for 48-tall canned pink salmon rebounded from the low of \$34 to \$57 per case. Ex-vessel pink prices increased to 16 cents per pound in 2006 and preliminary statewide price for 2007 is 17 cents per pound.

This product form shift is consistent with global trends in seafood production and demand, and is unlikely to change in the near future. Pink salmon will likely continue to gain traction as a raw ingredient for value-added processing.

CHUM SALMON

Statewide average chum salmon prices have improved substantially in recent years, from 19 cents per pound in 2003 to 32 cents per pound in 2006. Preliminary ex-vessel price for chums declined slightly to 30 cents in 2007, still a relatively strong price considering the 10-year average of 24 cents per pound.

Roe value has traditionally been a significant driver for the ex-vessel price of chums, but the recent

increases result from increased wholesale value of chum salmon meat products.

The previous 10-year peak for statewide chum price was 2001, when average ex-vessel price was 34 cents per pound. This was driven largely by strong wholesale values for chum roe, at or near \$11 per pound. More recently, chum roe has been selling at first wholesale prices in the \$6-7 range and has remained fairly steady at that level since 2003.

In comparison, first wholesale value of frozen headed and gutted (H&G) chum has risen steadily since 2003, from the mid-40-cent range in 2003 to \$1.09 per pound in early 2007. Frozen chum fillets show similar first wholesale value growth, from the \$1.30-1.40 range in 2003 and 2004 to \$2.00 per pound in 2006.

The improved price for chum salmon meat products are widely considered to be a function of the continued growth in broad consumer demand for salmon, and the ongoing success of efforts to differentiate wild salmon from farmed product. Post-season wholesale chum prices of 2006 may also have been buoyed by substitution activity associated with the pink salmon harvest shortfall that year.

SOCKEYE SALMON

The sockeye market generally was stable in 2007, particularly for frozen products, but flux in overall product form composition and export trends may result in long-term changes. Processing is shifting toward frozen product, including fillet, and exports to China for reprocessing have increased significantly. The traditional Japanese market has taken less of the product overall (though much of the Chinese reprocessed product is likely moving into Japan) and European buyers, fueled by the strong Euro, have purchased a greater proportion of the catch.

Price data for the first eight months of 2007 showed wholesale price for H&G frozen sockeye up 8 percent from the previous year, from \$1.86 to \$2.01 per pound. However, a good deal of the 2007 frozen sockeye pack remained unsold at that time, so these prices should be viewed only as early indicators. Fresh and frozen sockeye fillet prices dropped by 10-20 cents per pound, a decrease of less than 5 percent.

The canned salmon market is beginning to show some weakness, with consistent high production over the last four years resulting in some oversupply. Though price softening has been minor, accelerated decreases in the wholesale price may be possible.

Sockeye trends for the near future are expected to include significant increases in fillet production, particularly in Bristol Bay. As the product form mix changes, export and sales patterns are likely to continue to shift, with accompanying market adjustments.

COHO SALMON

The market position for Alaska coho salmon faces strengths and challenges at present. On the positive side, the first wholesale value of coho has increased steady since 2003, reflective of the generally increased demand for wild salmon in the marketplace. Frozen H&G coho, which makes up 55 percent of the Alaska production volume, saw increased prices from \$1.40 per pound in 2003 to \$2.35 in 2006. Prices for frozen fillets saw marked increase, as well, from \$2.70 to \$4.20. The value growth in the coho market has increased more steeply than that for sockeye. This may be due in part to the capture method for the majority of Alaska coho, which are primarily taken in troll fisheries in Southeast Alaska and in gillnet fisheries in Prince William Sound.

However, statewide coho production has been declining for three years, and 2007 harvests fell below 4 million fish for only the second time in 20 years. Though the short-term market response has been strong prices and strong demand, the risk of marketplace substitution increases as the era of low volumes continues.

Sport and Personal Use Harvest of PWSAC Salmon

Harvest of PWSAC-origin salmon extends to sport fishermen and personal use/subsistence users as well. Sport efforts are primarily focused on coho salmon, particularly in areas near Whittier, with some additional effort near Cordova and Chenega. In 2007, the sport harvest near Whittier totaled 14,300 coho salmon. Another 4,200 were taken near Cordova, and 5,900 near Chenega. When considering sport fishing activity it is important to note that actual harvest is not necessarily representative of catch or effort, as participants may release a portion of their catch, or have limited success even when targeting particular species.

Personal use harvests tend to focus on sockeye salmon, with the greatest portion of the total take coming from fisheries upriver on the Copper River system. These fish originate from the Gulkana Hatcheries, which are owned by the State of Alaska and operated by PWSAC. In 2007, 34,000 personal use sockeye were taken in these fisheries. Historically, the primary users of these personal use sockeye resources have been residents of the Railbelt region and the Richardson Highway corridor who participate in dipnet and fishwheel fisheries at Chitina and Glennallen.

The sport and personal use impacts of PWSAC's harvest represent some of the more broadly available benefits of the organization's activities. The broad range of user types, from vessel- and shore-based harvesters near Whittier or Cordova, to

the far upriver users in the Copper Valley region, mean the fishery resource is distributed broadly throughout households and communities around Alaska.

The Magnitude of the Impact

Seafood harvesting and processing change the face of communities across Alaska on a seasonal basis. Ports, processing plants and support businesses all ramp up for intense activity. Depending on the community, summer time populations can soar with influxes of harvesters and processing workers.

Some processing facilities draw from local populations of workers to staff their processing lines during peak harvest times. Others hire people from elsewhere in the state, country, or even internationally. Similarly, permit holders for fisheries live around the country and beyond. The seasonal influx of people and earnings has effects that can be felt throughout a regional economy. Businesses ranging from restaurants to grocery stores to real estate rental to industry support trades all see changes in their business volume as a result of fishing activity.

In addition to the direct fishing and processing, the operation of the PWSAC organization itself also impacts the regional economies. With an operating budget of more than \$11 million in 2007, PWSAC's expenditures included salaries for 74 full time equivalent employees, supplies, cost recovery contracts, professional services, and other necessary business inputs.

Though data sets to support a full evaluation of the PWSAC economic impact in 2007 are not yet available, it is possible to examine the relative size of the 2007 harvest to that from 2006 and earlier years and consider the magnitude of the change. In general, the salmon return in 2007 was significantly

larger than that in 2006, with major increases in pink and chum abundance and more modest increases in sockeye. Coho experienced a moderate decrease.

In 2006, the total ex-vessel value of the harvest, excluding hatchery cost recovery fish, was estimated at \$15 million. In 2007, that estimated value increased more than 70 percent, to \$26 million. The first wholesale value of PWSAC salmon also increased, but by a slightly lower factor of approximately 60 percent.

In the 2006 update, which included a full economic impact analysis, we estimated the total statewide impact of the commercial harvest of PWSAC fish to be \$135 million. This was based on the ex-vessel value earned by Alaska resident commercial harvesters, processing activity, sport fishing, and PWSAC's own organizational expenditures. It included the downstream spending effects of these activities in communities around the state.

It is beyond the scope of this research to fully model the economic impacts of the 2007 PWSAC harvest. However, given the magnitude of the 2007 fishery as compared to 2006, it is possible that the overall economic footprint in Alaska associated with PWSAC production in 2007 could total \$175 million. It is clear from the sheer scale of the 2007 harvest and the estimated impacts of PWSAC's activities in more modest years that the 2007 PWSAC salmon returns created significant economic benefit in the State of Alaska.

SCOMM

147:21

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
345 W. Sterling Hwy
Suite 102B
Homer, Alaska 99603
Phone: (907) 235-2921
Fax: (907) 235-4008



Session Address:
State Capitol, Room 102
Juneau, Alaska 99801
Phone: (907) 465-2689
Fax: (907) 465-3472

REPRESENTATIVE PAUL SEATON DISTRICT 35

HB 15 Sponsor Statement

HB 15 expands the ability of Board of Fish members to offer their experienced viewpoint during board debates.

Current law requires board members to declare a conflict and recuse themselves from discussion and voting if they have a personal or financial interest in a matter before the board. This requirement prevents commercial fishermen and sport fishing guides from discussing fishery issues that they are intimately familiar with through their participation in the fishery. HB 15 allows commercial and sport fishermen to deliberate and vote on fishing issues in which they have a conflict of interest based on their participation in the fishery. Disclosure of potential conflicts is still required.

The Board of Fish is composed of seven members. If one or two members are conflicted out of a decision because of their in depth knowledge, the entire process suffers. On average between 2001 and 2006 individual board members were required to recuse themselves on nearly ten percent of the proposals in each board cycle.

HB 15 does not allow board members to participate on issues in which they have a paid financial interest as a consultant or a lobbyist.

HB 15 contains a sunset of 2011, giving the legislature the opportunity to review the effect of the changes imposed by the bill. The Department of Fish and Game is to submit a report to the legislature at this time, detailing the recusals prevented by this change in statute, and providing a recommendation on whether or not the statutory change should be allowed to expire.

25-LS0114\C
Kane
3/13/07

CS FOR HOUSE BILL NO. 15()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES SEATON, Wilson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to participation in matters before the Board of Fisheries by members**
2 **of the board; and providing for an effective date."**

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

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

6 **PURPOSE.** The purpose of this Act is to preserve and enhance the ability of the Board
7 of Fisheries to act as a lay board. To accomplish this goal, this Act allows members of the
8 board to participate in the issues that come before the board even though the members have a
9 personal or financial interest in the matter by virtue of their participation in a fishery.

10 *** Sec. 2.** AS 39.52.120 is amended by adding a new subsection to read:

11 (f) Notwithstanding any other provision of this chapter, a personal or financial
12 interest in a matter arising directly from involvement of the member of the Board of
13 Fisheries or an immediate family member conducted under a permit or license issued
14 under AS 16.05, AS 16.40.270, or AS 16.43 does not disqualify a member of the

1 Board of Fisheries from participating in a matter before the board. Before
2 participating, the member shall disclose the interest on the record.

3 * **Sec. 3.** AS 39.52.120(f) is repealed.

4 * **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to
5 read:

6 REPORT AND RECOMMENDATIONS. The Department of Fish and Game shall
7 review AS 39.52.120(f), added by sec. 2 of this Act, and not later than January 31, 2011,
8 submit a report to the legislature that compares the effect of that subsection on the rate of
9 recusals by members of the Board of Fisheries in matters that have come before the board and
10 makes a recommendation regarding whether the effective date of the repeal of
11 AS 39.52.120(f), made by sec. 6 of this Act, should be extended.

12 * **Sec. 5.** Sections 1 and 2 of this Act take effect immediately under AS 01.10.070(c).

13 * **Sec. 6.** Section 3 of this Act takes effect June 30, 2011.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB015-DFG-DAS-03-13-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____

Title Board of Fisheries conflicts of interest

Dept. Affected: Fish and Game

RDU Administration and Support

Component Fish & Game Boards & Advisory

Committees

Sponsor Seaton, Wilson

Requester House Fisheries Special Committee

Component No. 2825

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0					
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CHANGE IN REVENUES ()	0.0					
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal: ☐

POSITIONS

Full-time	0					
Part-time	0					
Temporary	0					

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact for the department.

Prepared by: Tom Lawson, Director

Division Administrative Services

Approved by: Denby Lloyd, Commissioner

Agency Fish and Game

Phone 465-5999

Date/Time 3/13/07 12:00 AM

Date 3/13/2007



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 12, 2007

Representative Paul Seaton
Chairman, House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Seaton,

United Fishermen of Alaska supports passage of HB 15 to provide for Board of Fisheries members to participate in matters before the Board, if they declare their personal or financial interest in a fishery.

Members are on the Board for their expertise in some aspect of fishing. It is vital that all seven Board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions and decision making process on matters before the Board..

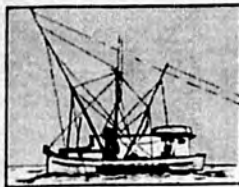
UFA is the largest statewide commercial fishing trade association, representing 36 organizations participating in fisheries throughout Alaska and its offshore waters. We appreciate your consideration on this legislation.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Dragger's Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association
Alaska Shellfish Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve
Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters
Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen



Alaska Trollers Association

130 Seward St., No. 211
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

March 9, 2007

Representative Paul Seaton, Chair
House Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Seaton and Committee Members:

The Alaska Trollers Association strongly supports HB 15, which seeks to allow Board of Fisheries (BOF) members to act on all matters before the Board, so long as they have declared their personal or financial interests.

In years past, BOF members were able to fully participate in all discussions and votes. Board members used a recusal process similar to the North Pacific Fishery Management Council and were rarely found to have a true conflict of interest. Due to grey areas in the state law, this has not been the case in recent years, and extremely capable Board members have been restricted from addressing and voting on the very issues they are most knowledgeable about. ATA believes that, at times, this has been damaging to the decision-making process and has been a deterrent to some well-qualified people who might have applied to serve the state on this lay regulatory board.

The strength of the BOF process is directly related to the caliber of its membership and the science, law, and policy that underpin its actions. An exceptional group of fishermen have served on the BOF over the years. When they were fully enabled to act, the resource, industry, and communities have benefited.

ATA believes that the voting mandate that serves the state legislature also serves its regulatory boards. We encourage you to pass HB 15 – let all members of the Board of Fisheries vote!

If I can be of assistance on this or other matters, feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dale Kelley".

Dale Kelley
Executive Director

John E. Jensen
P.O. Box 681
Petersburg Alaska
907-772-4635
omasou@pci.net

March 22, 2007

House Fisheries Special Committee

Dear Chair Seaton and Committee Members,

This is a note in support of HB 15.

My name is John Jensen and I'm a commercial fisherman and also a member of the Alaska Board of Fisheries. Two other members of my immediate family are commercial fishermen and are permit holders.

It is frustrating at times not being able to participate in the discussions on proposals that come before the Board of Fish that we are involved in. These three permits kept me from participating in 61 proposals (a third of the SE proposals) last year during the Southeast Alaska portion of the yearly cycle.

I am one of the two commercial seats on the board. I am a life-long fisherman from Southeast Alaska and I couldn't provide my expertise and perspective on the subjects before us in order to provide a better understanding for the rest of the Board members on the issues.

I believe a person should be able to disclose his or her interests on record and then be able to fully participate in the matters before them. Many issues require clarification that I can provide.

There is a set of criteria that we have to follow on allocative issues; these are found in AS 16.05 .251 (e). These 7 criteria are our guide lines for allocating fish between user groups and are read into the record for each allocative issue using one or all seven criteria. These criteria, in my opinion, if followed would keep personal interests on the straight and narrow.

As stated in AS 16.02. 221 (a),

The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and the ability in the field of action of the board and with a view to providing diversity of interest and points of view in the membership.

Currently I am not able to fully utilize *my ability in the field of action*, and my job on the Board is compromised.

I urge you to please consider and pass HB15 so that I may fully participate in the process and be a totally effective member of the Board of Fisheries.

Respectfully submitted,
John E. Jensen

HB 15 Testimony

My name is Christine Koski, I have held a Cook Inlet salmon set net permit for 15 years and have actively fished in Cook Inlet for over 25 years. I am a single mom with 4 children. The majority of my income comes from commercial fishing. I currently live in the Kenai/Soldotna area. My children are also actively involved in commercial set net fishing and have been since they were born.

Approximately 35% of women are permit holders involved in Cook Inlet salmon set net commercial fishing as well as being involved in other commercial fisheries in the entire State.

I have attended BOF regulatory meetings for decades and in the last 5 years I have been active in the process. My involvement is to ensure that there is an opportunity for my children to continue commercial fishing as their parents and grandparents have.

It is impossible to express my concerns or to suggest changes to improve my capability to harvest salmon when I feel that there is no way to communicate with representation from the current members of the BOF.

Since I have been involved in the process there has been no set net commercial fishing person. To make matters worse it is difficult to converse with the gender bias on the Board. I can appreciate that there is a 14% representation for my gender currently, it still leaves me with a significant impediment with communicating and making changes relative to my situation. I want active participants from my area so that not only will I be able to communicate but so will other similarly situated stakeholders.

HB 15 moves to open up more representation for individuals like myself. Please consider the changes that will give more fair and equitable representation to the commercial fisher women in the State. Committee members please realize that Cook Inlet set net fisher women are hard working individuals who do not wish entitlements but want to make our own way and to instill in our children the lessons of hard work and just rewards. The majority of my livelihood is derived and supplemented with part time employment. We are not wealthy, we do not make 10's of thousands of dollars. Please support HB 15 as presented.

MULLEN	STEVE
ABFALTER	WILLIAM
ADFG ANCHORAGE	
ADRIAN	DANIEL
ANDERSON	MARK
ANDERSON	HAROLD
ARMSTRONG	SARAH
ARNESS	JAMES
ARNESS	JAMES
ARNESS	REBECCA
ARNESS	JAMES
ARNESS	JOSEPH
ARNOLD	KELLY
ARNOLD	ROBERT
BAILEY	DON
BAILEY	GLORIA
BAILEY	VON
BAILEY	REBECCA
BAILEY	LANCE
BARBER	EDWARD
BARBER	EDWARD
BARBER	PATRICIA
BARKSDALE	KEVIN
BARNES	H
BAXTER	SERA
BEAUDOIN	SYLVIA
BEAUDOIN	JEFF
BEDINGFIELD	SIMEON
BEEMAN	EDWARD
BENJAMIN	LESLIE
BENNETT	JOHN
BERCEE	LOVERNE
BEREAN	MARK
BERGA	AMY
BERGA	NATHAN
BILLMAN	DANIEL
BIRCH	JOCELYN
BISMARCK	ROBERT
BISMARCK	FREDRICK
BLOCH	FAY
BLOSSOM	DOUGLAS
BLOSSOM	MARY
BLOSSOM	DOUGLAS
BLOSSOM	MITZI
BLOSSOM	DEBRA
BLOSSOM	KATIE
BLOSSOM	DAVID
BLOSSOM	BRIAN
BLOSSOM	DAVID
BOUSSELAIRE	GEORGE
BRAUND	STEPHEN

35%
Women

BRAUND	ERIK
BRENNEMAN	JEROLD
BROWN	BERNICE
BROWN	MATTHEW
BROWN	RITA
BUNKER	DEAN
BUNKER	MAZIE
BUNKER	TRAVIS
BUNKER	DANIEL
BUNKER	TAMMY
BURRIS	JOSEPH
BUTLER	JAMES
BUTLER	TANA
BYERS	WAYNE
CARAWAY	KELLY
CARAWAY	TIMOTHY
CASTNER	KENNETH
CAULKINS	DONALD
CHALUP	ELAINE
CHALUP	EMILY
CHARLES	RANDY
CHARLES	SCOTT
CHARLES	BRENDA
CHARTIER	BRYAN
CHARTIER	DAVID
CHASE	BRIAN
CHASE	MICHAEL
CHASE	ELIZABETH
CHASE	CALEB
CHESSIK	DAVID
CHESSIK	DEREK
CHESSIK	NORBERT
CHESSIK	ELIZABETH
CHICKALUSION	LEONARD
CHILDERS	JAMES
CHRONIC	STEVE
CHUITT	PATRICK
CLARKE	CAMILLE
CLAYTON	LESTER
CLEVELAND	BRYNDA
CLEVELAND	BENNETT
CLUCAS	CAMILLE
CLUCAS	ROBERT
CLUCAS	ROBERT
CLUCAS	MARK
COLEMAN	KENNETH
COLEMAN	BYRON
COLEMAN	VICTORIA
COLLINS	TONYA
COLLINS	LLOYD
CONFER	LISA

CONKLIN	RICHARD
CONNER	LINDA
CONSTANTINE	GEORGE
CONSTANTINE	CORNELL
COOPER	TERRY
CORESON	LORLANN
CORESON	TERRY
CORREIA	CAROLINE
CORREIA	STACY
CORREIA	ROBERT
CORREIA	RAY
CRAIG	ROBERT
DAIGLE	PATRICK
DAIGLE	SIMEON
DAUGHERTY	KAREN
DEIMAN	KELSEY
DEIMAN	GARY
DEKERLEGAND	GENE
DENBLEYKER	MICHAEL
DENBLEYKER	MARVA
DENT	JEFF
DEXHEIMER	STEPHEN
DILLON	EDWARD
DILLON	JOYCE
DILLON	WILLIAM
DONER	JOEL
DONER	TIMOTHY
DONER	MARK
DONER	AUDRA
DORMAN	TYRA
DRAGSETH	GINA
DRAGSETH	ROSETTA
DRAGSETH	ROSETTA
DRAGSETH	MARVIN
DUCKER	JEANNETTE
DUCKER	SUZANNE
DUCKER	MARK
DUCKER	CRYSTAL
DUCKER	DANELL
DUCKER	AARON
DUCKER	SAMANTHA
DUNCAN	DIANA
ECKHARDT-CAUL	DENISE
EDELMAN	ROSALIND
EDELMAN	EDWIN
EFFENBECK	DENNIS
ELVSAAS	FRED
ENCELEWSKI	RICHARD
ENCELEWSKI	KAREN
ENCELEWSKI	IVAN
EPPES	MARVIN

ERICKSON	KEN
EVANS	KENNETH
EVANS	MATTHEW
EVERITT	JOHN
EVERY	MARILYN
EVERY	IVAN
FARRER	DAN
FEJES	JAMES
FIELD	DOUGLAS
FIELD	LOLA
FIELD	WILLIAM
FILKILL	DAVID
FINCH	LOUIS
FINCH	HARVEY
FISHER	COURTNEY
FRANCISCO	ROGER
FROSTAD	GENE
FROSTAD	LARS
FULTON	KEVIN
GABRIEL	BRIAN
GABRIEL	EDITHANNE
GABRIEL	CHRISTOPHER
GABRIEL	JAMIE
GABRIEL	LISA
GALLIAND	WILLIAM
GARRANT	RONALD
GARRANT	SHEILA
GARRANT	SARA
GEIERMANN	SUZETTE
GILCRIST	GEORGE
GILCRIST	BETTY
GILCRIST	JOHN
GOELDNER	PETER
GORDON	TOM
GRADWELL	SHELLY
GRANGER	ALFRED
GREEN	CONNIE
GREENE	TIMOTHY
GUARIN	BRYSON
HAEG	ROBERT
HAEG	DAVID
HAINES	SUZANNE
HALE	RICHARD
HAMILTON	RICHARD
HAMILTON	PATTI
HANNAMAN	MICHAEL
HANSEN	MARTHA
HARRISON	BRIAN
HARRISON	STEPHEN
HARRISON	HERBERT
HARTLEY	TONI

HARTLEY	ROBERT
HARTLEY	KIRK
HASBROUCK	THOMAS
HATTEN	LAURA
HAYES	DUSTEN
HAYES	GREGORY
HAYES	BEVERLY
HAYNES	MACHELLE
HELLEN	JOHN
HENLEY	CHERYL
HERMANSEN	HERMAN
HERMANSEN	MARIE.ELISE
HERMANSEN	DOROTHY
HERMANSEN	MARTIN
HERMANSEN	GORDON
HERMANSEN	LAURA
HERMANSEN-JEN	SUSAN
HERMON	DONA
HERMON	MARK
HERMON	KENT
HERMON	GEORGE
HERMON	SAM
HERMON	MARIANNE
HERMON	JAMES
HERMON	THOMAS
HERRING	PAGE
HERSHBERGER	GARY
HIBBS	ANDREW
HILLEARY	ANGELA
HILLEARY	RICHARD
HILLSTRAND	NANCY
HINDMAN	THOMAS
HINDMAN	ROMAYNE
HOLLIER	DEBRA
HOLLIER	CARRIE
HOLLIER	JOANNA
HOLLIER	SARAH
HOLLIER	GARY
HONRUD	CODY
HUDSON	SCOTT
HUDSON	CHARLES
HUDSON	BRUCE
HUEBSCH	LILY
HUEBSCH	DAVID
HUGHES	CHARLES
HUGHES	INA
HUHNDORF	STANLEY
HUHNDORF	JOSHUA
HUHNDORF	MICHAEL
HUTCHENS	MARDI
JACKINSKY	JOANN

JACKINSKY	BENJAMIN
JACOB	RONALD
JARVIS	JOHN
JENT	JOHN
JOHNSON	PRESTON
JOHNSON	RUTH
JOHNSON	JASON
JOHNSON	TIM
JOHNSON	ARNOLD
JOHNSON	JUDITH
JOHNSON	EARL
JOHNSON	GINGER
JOHNSON	KEITH
JOHNSON	CAREY
JOHNSON	MELVIN
JOHNSON	CYNTHIA
JOHNSON	CHARINE
JOHNSON	RETA
JOHNSON	ROBERT
JOHNSON	JUDY
JOHNSON	NATHANAEL
JOHNSON	JONI
JOHNSON	EDWARD
JOHNSON	BRENT
JOHNSON	ROSS
JOHNSON.DEIMA	SHARON
JOHNSON-SPRAK	LINDA
JONES	GLENDA
JONES	SHAWN
JONES	STEVEN
JORDAN	MARJORIE
JORGENSEN	JAMES
JULIUSSEN	MICHAEL
JULIUSSEN	KATHERINE
KALLANDER	NORMAN
KAY	MARY
KAY	BARNEY
KEENER	MARILYN
KEENER	CLINTON
KEENER	LEONARD
KEENER	LINDSAY
KELLEY	TIMOTHY
KIDD	TAMARA
KIEL	ROSE
KIEL	KASSI
KIRCHER	KARL
KIRCHER	CYNTHIA
KISSEE-ROLLM	CORINNE
KIZER	STUART
KOCH	BARRY
KOPP	CHARLES

KORNSTAD	RENA
KORNSTAD	JANEECE
KORNSTAD	VERN
KORNSTAD	REID
KOSKI	MILDRED
KOSKI	JOE
KOSKI	GARY
KOSKI	CHRISTINE
KRAGER	JOAN
KRAGER	WILLIAM
KROGSTAD	ROBERT
KROLL	MARY
KROLL	HENRY
KROTO	MARVIN
KURTZ	STEVEN
KURTZ	MARJORIE
KURTZ	HELEN
KVASNIKOFF	WALLY
KVASNIKOFF	EMERSON
KVASNIKOFF	ERIC
KVASNIKOFF	DANIEL
KVASNIKOFF	JAMES
LADD	CLARENCE
LAMSON	LEWIS
LAMSON	JAMES
LANIER	JAMES
LAPE	MARY
LAPE	BRUCE
LARSON	ERIK
LAWALTER	GREGORY
LEMAN	NICK
LEMAN	JOSEPH
LEMAN	JUSTIN
LEMAN	LOREN
LEMAN	MARIAN
LEMAN	KRISTA
LEMAN	NICOLE
LEMAN	SHELLE
LEMAN	BOYD
LEMAN	HARRY
LEMAN	WHITNEY
LEMAN	ERIK
LEMAN	CAROLYN
LIGHT	JOHN
LIMACHER	MICHAEL
LITTLE	CHRISTOPHER
LLESHI	IAN
LOCKWOOD	MARK
LOCKWOOD	MICHAEL
LOCKWOOD	SUSAN
LORENTZ	PATRICK

VANHOOSE	WILLIAM
VANMETER	EVELYN
VANMETER	DUSTY
VASKO	RANDAL
VAUGHN	KYLE
VAUGHN	DARYL
VEAL	NANCY
VEATCH	JAMES
VERSTEEG	JAKE
VINCENT	MARK
WAGGONER	CHAD
WAGGONER	DANN
WAGGONER	CARL
WALKER	JOSEPH
WALKER	DIANA
WALKER	JO
WATSON	ADAM
WATSON	DAWNITA
WATSON	DAVID
WATSON	ANNA
WEAVER	JACOB
WEISSMAN	MICHAEL
WELLS	SUSAN
WERNBERG	ALLEN
WHIP	KATHLEEN
WHIP	BROOKE
WIK	GLORIA
WILD	RANDY
WILD	RONALD
WILD	SHARON
WILEY	HOLLY
WILEY	MICHAEL
WILEY.WONG	HEIDI
WILKES	JANE
WILKES	TIMOTHY
WILLIAMS	VANESSA
WILLIAMS	ROBERT
WILLIAMSON	BRIAN
WILSON	MARILYN
WONG	MAKAYLA
WONG	WAYNE
WORTHINGTON	MONTY
WRATE	DOUGLAS
YOUNG	THOMAS
ZINCK	BRIAN
GARRETT	GREGORY
HOPKINS	JERRY
PEARSON	JERRY
WEISSMAN	ELIZABETH
ALLDRIN	LANCE
ALLDRIN	CHARLES

ALLDRIN	CALEB
BAILEY	JAMES
BAILEY	JOHN
BAILEY	FRANK
BAILEY	KAREN
BLOCH	ALVIN
CARR	NICOLE
CARR	JUSTIN
CASEBEER	STACY
GLEASON	KAREN
JOHNSON	GERALD
JONES	MARK
JONES	PATRICIA
KISTLER	BRUCE
KODYSZ	JANET
KULHANEK	JON
ROOD	MICHAEL
SPLAN	PAUL
CLUCAS	RITA
CLUCAS	JON
HAYDEN	GEORGE
HAYDEN	SHARLA
KELLY	PATRIK
MARTIN	CLAIR
HISASHIMA	LINDA
DARCH	JAN
DARCH	ALYSSA
DARCH	NORMAN
MILLAR	ROBERT
BARNETT	SHAWN
BLANCHARD	DAVID
BLANCHARD	HORACE
BLANCHARD	DAVID
BLANCHARD	DANIEL
BLANCHARD	LORENA
BLANCHARD	LAURA
CLARE	BENJAMIN
CLARE	KELSIE
KISTLER	CANDICE
KISTLER	ROBERT
KRAGER	SUSAN
EVERITT	JOHN
BENJAMIN	ANN
BENJAMIN	BART
CHACON	CHANCE
ELLIOTT	JENNIFER
HAINES	BRIAN
HAINES	SANDRA
PATSOS	JUDY
STETZ	MATTHEW
ZIELINSKI	ROBERT

CLARK
CLARK
BOTNER
CHRISTENSEN
JOHNSON
JOHNSTON
JOHNSTON
JOHNSTON
PEDERSON
PEDERSON
SEATER
SVEICAR
SACK

RUSSELL
WHITNEY
SAM
DEBBIE
DONALD
AARON
MELVIN
LEANN
EDWARD
LEE
WILLIAM
DREW

Last Name	First Name
CARR	RAYMOND
HADELLA	PAUL
HALSEY	RONALD
HALSEY	DEBBIE
JOHNSON	CHRIS
LOUDERMILK	KRISTIN
RYBACKI	TRENTON
ANDERSON	JACOB
CAMPBELL	BEVERLY
CAMPBELL	BOYD
CROOKSTON	PAUL
CROOKSTON	TED
CROOKSTON	LAURIE
PETERSEN	CYNTHIA
PETERSEN	W.BRYAN
WOOD	JERRY
BARNES	ROBERT
BARNES	LEDA
DOW	LENORE
DUPUIS.LUND	LOREAL
DUPUIS.LUND	JOHAN
FOYE	PATRICIA
FROULA	DANIEL
GRANNUM	ROBERT
GRANNUM	DIANE
GRANNUM	WILLIAM
GRANNUM	AMY
HAGEL	AMBER
HARRISON	CRAIG
HUDKINS	SARAH
HUDKINS	JASON
JEWELL	ADAM
JEWELL	RICK
JOHNSON	DUSTIN
JOHNSON	DEBORAH
JOHNSON	TYLER
JOHNSON	MASON
JOHNSON	PATRICIA

14

**United Southeast Alaska Gillnetters**

P.O. Box 23378, Ketchikan, AK 99901 Phone & Fax (907) 247-2471 Email: usag@kpunet.net

March 16, 2007

Representative Paul Seaton, Chair
House Special Committee on Fisheries
Alaska State Legislature
Juneau, AK 99801

Send Via Fax to: 907-465-3472

Dear Chairman Seaton,

The United Southeast Alaska Gillnetters (USAG) supports HB 15 which would give the members of the Alaska Board of Fisheries the same privileges with respect to conflict of interest regulations as other members of Alaska's boards and commissions. Under the current restrictions, an Alaska Board of Fisheries (BoF) member must excuse themselves from the table when issues in which they have a financial interest, no matter how slight, are addressed. This makes the knowledge of the board member who is most familiar with the issues involved in an area or situation unavailable to the other board members. USAG believes one result of this is less informed decisions and in some cases inaction on particular problems that would have been addressed if the conflicted member had been able to participate. We believe the passage of this legislation will result in the BoF making better decisions in all areas of the State. Implicit in this support is the provision that the conflicted member will fully disclose any such conflicts in advance of board action.

Thank you for introducing this important Bill and considering our support for it.

Yours Truly,

Kenneth Duckett
Executive Director

**QINUYANG -
South Naknek Village
Council**

P.O. Box 70029
South Naknek AK 99670
(907) 246-8614
(907) 246-8613 Fax
southnaknek@starband.net

February 1, 2007

Honorable Bryce Edgmon
Alaska State Legislature
House of Representatives
State Capitol, Room 424
Juneau, AK 99811

Re: House Bill 15

Dear Representative Edgmon:

The South Naknek Village Council objects to House Bill No. 15. The House Bill proposes to play a game of gamesmanship with Alaska Ethics Rules at the same time that there is a magnifying glass regarding the banality of our public servants. We object. I will describe some of the ways that House Bill 15 proposes to make a mockery of the principles of accountability and duties owed to the public by individuals accepting positions as public officials.

Section 1 of the legislation proposes to relax ethical rules so that members of the Board of Fisheries may participate in issues that come before the Board "even though the members have a personal or financial interest in the matter by virtue of their participation in a fishery." This "purpose" appears to be completely at odds with the requirements applicable to all public officials under A.S. 39.52.220. That statute requires a process leading to determine a member's right to vote if he/she has a personal or financial interest in the outcome. Thus, the laudable goal of citizen participation is significantly diminished by personal interests. The greater the financial interest, clearly, the more a position such as a member of the Board of Fisheries may be abused. Yet, Section 1 proposes to alter the existing balance in favor of those with greater power and access to power within our state. And that is wrong.

If this were not enough, Section 2, which is also to take effect immediately, would expressly permit (by deletion) a public officer who is a member of the Board of Fisheries from acting on matters before the Board without disclosing his/her financial interest or personal interest in a business or organization relating to the resource under consideration. Section 2 also further strips any oversight with respect to ethical conduct that A.S. 39.52.220 is intended to foster. Indeed, because A.S. 39.52.220 specifically requires full disclosure and a neutral, unbiased determination of the right to vote, while the proposed Section 2 eliminates that requirement, the amendment encourages self-interest in order to advance individual financial and personal agendas when dealing with public resources, and that is wrong.

● Page 2

February 1, 2007

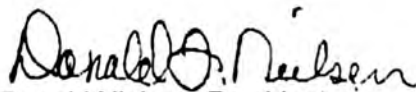
Section 3, by virtue of Section 7 to the proposed House Bill 15, would allow any appointees to the Board of Fisheries a free pass for a period of four years, that is, coincidentally, the length of time of the first term of the present administration with respect to the Board of Fishery matters. Section 3, pursuant to the clear language of Section 7, would not take effect until June 30, 2011. That is special interest legislation in order to protect one of two members of the Board of Fisheries, and it is wrong. It is an abuse of the public process.

Similarly, Section 4 is also intended to shield a public official sitting on the Board of Fisheries from public scrutiny with respect to his/her personal and financial interests brought to the Board of Fisheries for a period of four years. Indeed, Section 4, in referencing the 'Public Officials Ethical Rules' (Ch. 52, Title 39, Alaska Statutes), expressly permits any member with a personal or financial interest in a matter coming before him/her to participate in the matter, limited only to not selling his or her vote to a third person paying for the representation. The member, under such circumstances, is only required to disclose his/her interest on the record, but that disclosure is expressly not subject to the Conflict of Interest Rules under A.S. 39.52.220, which would otherwise expressly prohibit votes based upon self-interest.

Proposed Section 4 simply confirms the cynical and self-interested reasons for HB 15: The people of the State of Alaska will be regulated with respect to fisheries resources by individuals whose sole ethical constraint is not to sell his/her vote to the highest bidder. Section 4 expressly permits such self-interested "public" service, including the use of public funds and public facilities in order to benefit that public official's personal or financial interest.

HB 15 is a bad bill. Alaska has had enough of the scandals involving public officials making decisions to benefit their own personal or financial interests involving public resources. HB 15 is an embarrassment; is a travesty; it should be soundly defeated if it is ever brought for a vote in or out of any committee.

Very truly yours,



Donald Nielsen, President
South Naknek Village Council

cc: Governor Sarah Palin
Senator Lyman Hoffman
Members House of Representatives

Southeast Alaska Fishermen's Alliance

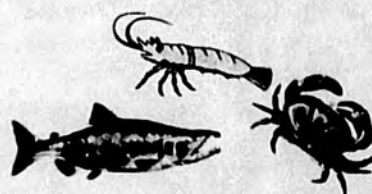
9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

Website: <http://www.seafa.org>



E-mail: seafa@gci.net

February 19, 2007

Representative Paul Seaton
Alaska State Legislature
State Capitol, Room 102
Juneau, AK 99801

RE: Support HB 15

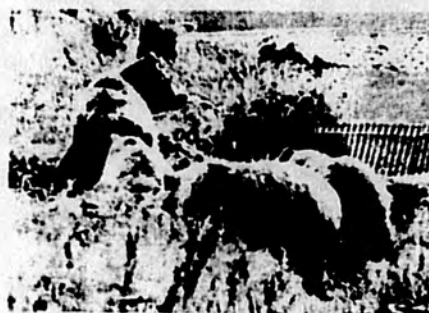
Southeast Alaska Fishermen's Alliance (SEAFa) supports HB 15 (conflict of interest) which deals with the issue of allowing a Board of Fish member that is confirmed by the legislature to participate in the process. One of the main strengths of the Alaska process for the management of the fisheries is the Board of Fish and the layman board and full public process but it doesn't make sense to have a layman board and then prohibit them from participating.

We believe that passage of this legislation will make more applicants more interested in participating in the process.

Sincerely,

Kathy Hansen

Kathy Hansen
Executive Director



Fish & Game Transition Team

Issues Report to

Governor Sarah Palin

Members

Dick Bishop, co-chair
Ben Mulligan
Craig Compeau
Eric Olsen
John Winther
Mark Vinsel
Roland Maw
Trefon Angason

Ken Johns, co-chair
Bruce Knowles
Dave Donald
Joe Klutsch
Larry Cotter
Phil Cutler
Tom Gemmel

Clem Tillion
Dave Otness
Dr "Jack" Frost
Linda Kozak
Rod Arno
Tony Gregorio



Board of Fisheries and Board of Game Conflict of Interest

Issue Statement: Currently Board of Fisheries (and perhaps Board of Game) conflict of interest rules bar commercial representatives with knowledge in a fishery from discussing the topics, losing a valuable source of information in discussions.

Discussion:

The conflict of interest interpretation has been expanded too far in the case of commercial fishermen or not far enough for other individuals. A commercial fisherman who tries to sit on the Board of Fish will be conflicted out of any discussion of any fishery he holds a permit for and additionally for any fishery that his parents, wife, brothers or sisters or children own. But in comparison a charter operator is almost never conflicted from action on any proposal even if they benefit the industry in allocation issues in an area they operate in or if they have a business partner that holds permits. At the time a proposal comes up for discussion that a board member has a conflict with the meeting is stopped until the board member has left the table and entered the audience. This policy makes it extremely difficult to get good individual to submit their name for the board of fish, and keeps the informed from participating on many matters pertaining to commercial fishing. When Board members are prevented from voting the balance of votes may be swayed.

In essence, the more you know on commercial fishing, the less likely you will be able to provide input if you are on the Board of Fisheries.

The issue does not seem to affect the Board of Game, as there are no professional market hunters that would be deemed to be at the same level of conflict of interest. A change in Board of Fisheries regulations may affect Board of Game conflicts in the future.

The Transition Team subgroups agree on the concept of allowing those with expertise to deliberate, but there are differing views as to whether those with conflicts should be allowed or required to vote, or excluded.

Recommendations:

-Legislative bills have been introduced in the last two sessions, and are expected to be introduced in the coming session, so this may not be an action item for the Governor, but the Transition Team feels compelled to advise her of the problem.

-Only the household members or immediate family should be considered for conflict so as not to unfairly bias the process against longstanding families with extensive affected relatives.

Consequences Of Inaction:

Lack of valid information in Board of Fisheries deliberations
Reluctance of well qualified members to serve on Board. Lack of public confidence in the Board of Fisheries Process, and state management.

Alaska Statutes

Title 16. Fish and Game.

Chapter

- 05. Fish and Game Code (§§ 16.05.010 — 16.05.950)
- 10. Fisheries and Fishing Regulations (§§ 16.10.010 — 16.10.800)
- 20. Conservation and Protection of Alaska Fish and Game (§§ 16.20.010 — 16.20.690)
- 25. Stocking of Public Land (§ 16.25.010)
- 30. Destruction of Big Game Animals and Wild Fowl (§§ 16.30.010 — 16.30.030)
- 35. Predatory Animals (§§ 16.35.200, 16.35.210)
- 40. Commercial Use of Fish and Game (§§ 16.40.010 — 16.40.299)
- 43. Regulation of Entry into Alaska Commercial Fisheries (§§ 16.43.010 — 16.43.990)
- 45. Pacific Marine Fisheries Compact (§§ 16.45.010 — 16.45.040)
- 51. Alaska Seafood Marketing Institute (§§ 16.51.010 — 16.51.180)
- 52. Fishery Industrial Technology Center (§§ 16.52.010 — 16.52.070)
- 55. Shooting and Firearm Safety (§§ 16.55.010 — 16.55.040)

Revisor's notes. — The provisions of this title were redrafted in 1983 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982. Other minor word changes were made in this title in 1981, 1983, and 1987, 1992, and 2004.

Cross references. — For fisheries business license, taxes and assessments, see AS 43.76.

Administrative Code. — For fish and game, see 5 AAC.

NOTES TO DECISIONS

Prejudgment Interest. — In a lawsuit centering on whether Alaska could charge nonresidents more for commercial fishing licenses than it charged resident commercial fishers, because AS 43.05.280 served as the primary justification for providing the class with a refund, the prejudgment interest available

under AS 43.10.210 in other actions extended to the recovery of prejudgment interest for overpayment of commercial fishing fees, even though those were ostensibly created under this title. *State v. Carlson*, 65 P.3d 851 (Alaska 2003), cert. denied, 540 U.S. 963, 124 S. Ct. 387, 157 L. Ed. 2d 305 (2003).

Collateral references. — 35A Am. Jur. 2d, Fish, Game and Wildlife Conservation, § 35 et seq.

36A C.J.S., Fish, §§ 9, 28; 38 C.J.S., Game, §§ 3, 51 et seq.

Chapter 05. Fish and Game Code.

Article

- 1. The Department of Fish and Game (§§ 16.05.010 — 16.05.210)
- 2. Boards of Fisheries and Game (§§ 16.05.221 — 16.05.320)
- 3. Licensing of Sport Fishing and Hunting (§§ 16.05.330 — 16.05.430)
- 4. Licensing of Commercial Fishing Crewmembers and Vessels (§§ 16.05.440 — 16.05.723)
- 5. Management of Fish and Fisheries (§§ 16.05.730, 16.05.735)
- 6. Miscellaneous Provisions (§§ 16.05.780 — 16.05.905)
- 7. General Provisions (§§ 16.05.920 — 16.05.950)

Effective dates. — Section 11, ch. 70, SLA 2004, makes this article effective January 1, 2005.

Sec. 16.40.260. Sport fishing operator license. (a) The department shall issue an annual sport fishing operator license to a person who

(1) holds a current business license under AS 43.70 to provide services to sport fishermen;

(2) presents proof satisfactory to the department of a general liability insurance policy or marine protection and indemnity insurance policy, covering the services provided by the person and the person's employees to sport fishermen, that provides coverage of at least \$100,000 for each incident, and \$300,000 for all incidents in a year;

(3) pays the license fee prescribed by AS 16.05.340(a); and

(4) satisfies all additional requirements adopted in regulation by the Board of Fisheries.

(b) A person may not provide sport fishing services unless the person holds a current sport fishing operator license and has current insurance coverage as required in (a)(2) of this section.

(c) A person who holds a current sport fishing operator license may contract to provide sport fishing guide services to a sport fisherman through an employee who holds a current sport fishing guide license under AS 16.40.270.

(d) A person who holds a current sport fishing operator license may not directly provide sport fishing guide services to a sport fisherman unless the person also holds a current sport fishing guide license under AS 16.40.270(b).

(e) A person who holds a sport fishing operator license may not aid in the commission of a violation of AS 16.05 — AS 16.40 or a regulation adopted under AS 16.05 — AS 16.40, including regulations relating to the proper method to release fish, by a sport fishing guide who is employed by the person or by a sport fisherman who is a client of the person.
(§ 6 ch 70 SLA 2004)

Delayed repeal. — Under § 8, ch. 70, SLA 2004, this section is repealed January 1, 2010.

Sec. 16.40.270. Sport fishing guide license. (a) A natural person may obtain an annual sport fishing guide license if the person

(1) is a citizen of the United States, Canada, or Mexico, or is a resident alien;

(2) is certified in first aid by the American Red Cross or a similar organization;

(3) holds a license to carry passengers for hire issued by the United States Coast Guard if the person operates a vessel in the provision of sport fishing guide services and the license is required by the United States Coast Guard for the area in which the fishing guide provides fishing guide services;

(4) holds a current sport fishing license from this state;

(5) pays the license fee prescribed by AS 16.05.340(a); and

(6) satisfies all additional requirements adopted in regulation by the Board of Fisheries.

(b) A natural person may obtain an annual sport fishing operator and sport fishing guide combined license if the person satisfies the requirements for a sport fishing operator license under AS 16.40.260 and for a sport fishing guide license under this section and pays the license fee prescribed by AS 16.05.340(a).

(c) A person may not provide sport fishing guide services unless the person

(1) holds a current sport fishing guide license; and

(2) holds a current sport fishing operator license or is an employee of a person who holds a current sport fishing operator license.

Sec. 16.40.290. Penalty. (a) Except as provided in (b) and (c) of this section, a person who knowingly violates AS 16.40.260 — 16.40.299 or a regulation adopted under AS 16.40.260 — 16.40.299 is guilty of a class A misdemeanor.

(b) A person who, without any culpable mental state, violates AS 16.40.270(e) is guilty of a violation.

(c) A person who knowingly violates AS 16.40.270(e) or who knowingly fails to comply with a requirement for timely submission of reports required by a regulation adopted under AS 16.40.280(b) is, for a

- 1) first offense in a three-year period, guilty of a violation; and
- 2) second or subsequent offense in a three-year period, guilty of a class B misdemeanor.

(d) In addition to any other penalty provided by law, a court may revoke the sport fishing guide license of a person who is convicted under (a) or (c)(2) of this section.

(e) In this section, "knowingly" has the meaning given in AS 11.81.900. (§ 6 ch 70 SLA 2004)

Delayed repeal. — Under § 8, ch. 70, SLA 2004, this section is repealed January 1, 2010.

Sec. 16.40.299. Definitions. In AS 16.40.260 — 16.40.299,

(1) "sport fishing guide" means a person who is licensed to provide sport fishing guide services to persons who are engaged in sport fishing;

(2) "sport fishing guide services" means assistance, for compensation or with the intent to receive compensation, to a sport fisherman to take or to attempt to take fish by accompanying or physically directing the sport fisherman in sport fishing activities during any part of a sport fishing trip; "sport fishing guide services" does not include

(A) sport fishing services; or

(B) services provided by an assistant, deckhand, or similar person who works directly under the supervision of and on the same vessel as a sport fishing guide;

(3) "sport fishing services" means the indirect provision of assistance, for compensation or with the intent to receive compensation, to a person engaged in sport fishing in taking or attempting to take fish or shellfish by a business that employs a sport fishing guide to provide sport fishing guide services to the person during any portion of a sport fishing trip; "sport fishing services" does not include

(A) an activity for which a sport fishing guide license is required; or

(B) booking and other ancillary services provided by a tour broker or agent to a sport fishing services operator. (§ 6 ch 70 SLA 2004)

Delayed repeal. — Under § 8, ch. 70, SLA 2004, this section is repealed January 1, 2010.

Chapter 43. Regulation of Entry into Alaska Commercial Fisheries.

Article

1. Alaska Commercial Fisheries Entry Commission (§§ 16.43.010 — 16.43.120)
2. Entry Permit System (§§ 16.43.140 — 16.43.180)
3. Initial Issuance of Entry Permits (§§ 16.43.200 — 16.43.270)
4. Reduction to Optimum Number of Entry Permits (§§ 16.43.290 — 16.43.320)
5. Educational Entry Permits (§§ 16.43.340 — 16.43.390)
6. Special Harvest Area Entry Permits (§§ 16.43.400 — 16.43.440)
7. Vessel Permit System for Bering Sea Hair Crab Fishery and Weather-vane Scallop Fisheries (§§ 16.43.450 — 16.43.520)
8. Point System for Commercial Fishing Violations in Salmon Fisheries (§§ 16.43.850 — 16.43.895)
9. General Provisions (§§ 16.43.940 — 16.43.990)

(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's

(1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs; or

(2) action or influence would have insignificant or conjectural effect on the matter.

(c) The attorney general, designated supervisors, hearing officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions. (§ 1 ch 87 SLA 1986)

NOTES TO DECISIONS

Significance of personal or financial interest.

— Substantial evidence supported the hearing officer's findings that Department of Corrections' official had neither a personal nor a financial interest in the awarding of a contract concerning the housing of

minimum security prisoners to a bidder for whom she had served as vice-president of operations. *KILA, Inc. v. State, Dep't of Admin.*, 876 P.2d 1102 (Alaska 1994).

Cited in *Gates v. City of Tenakee Springs*, 822 P.2d 455 (Alaska 1991).

Sec. 39.52.120. Misuse of official position. (a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.

(b) A public officer may not

(1) seek other employment or contracts through the use or attempted use of official position;

(2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests;

(4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;

(5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or

(6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of the communications equipment in the governor's residence so long as there is no special charge to the state for the use; in this paragraph, "for partisan political purposes"

(A) means having the intent to differentially benefit or harm a

(i) candidate or potential candidate for elective office; or

(ii) political party or group;

(B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.

(c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.

(d) In this section, when determining whether a public officer is considered to be performing a task on government time, the attorney general and personnel board shall consider the public officer's work schedule as set by the public officer's immediate supervisor, if any. A public officer other than the governor and lieutenant governor who, during the work days, engages in political campaign activities other than minor, inconsequential, and unavoidable campaign activities shall take approved leave for the period of campaigning.

(e) Except for supplying authority to make the final decision in the case administrative hearing hearing officer or individual decision in the case assigned

(1) contact is made representatives and the

(2) fact and substance parties to the hearing are am § 5 ch 121 SLA 199

Cross references. — For otism, see AS 39.90.020.

Official action not requiring use of official position not require "official action," but use their position for personal ment. *Skvore v. State Person* (Alaska 2000).

Solicitation of compensation Since the ethics statute does

Sec. 39.52.130. Imp receive, directly or indirectly entertainment, hospital to the officer's personal reasonably be inferred duties, actions, or judgments

(b) Notice of the receipt including the name of the must be provided to the

(1) if the public officer

(2) if the gift is connected

(c) In accordance with from the attorney general; ited.

(d) The restrictions on contribution to a candidate regulations governing election

(e) A public officer who or from an official of another Office of the Governor appropriate disposition foreign government or territory, or another jurisdiction

(f) A public officer who received a gift because the public officer shall officer's designated supervisor it had been received by be prohibited under this

(e) Except for supplying information requested by the hearing officer or the entity with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a public officer may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer or individual, board, or commission with authority to make the final decision in the case assigned to the hearing officer unless the

(1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or

(2) fact and substance of the contact is promptly disclosed by the public officer to all parties to the hearing and the contact is made a part of the record. (§ 1 ch 87 SLA 1986; am § 5 ch 121 SLA 1992; am §§ 81, 82 ch 74 SLA 1998; am § 59 ch 163 SLA 2004)

Cross references. — For prohibition against nepotism, see AS 39.90.020.

Effect of amendments. — The 2004 amendment, effective July 1, 2005 added subsection (e).

NOTES TO DECISIONS

Official action not required. — The statute prohibiting use of official position for personal gain does not require "official action," but only that employees use their position for personal gain or to seek employment. *Skvorc v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Solicitation of compensation sufficient. — Since the ethics statute does not require that a viola-

tion involve actual or present receipt of money, solicitation of compensation, including prospective or contingent economic benefits, suffices. *Skvorc v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Cited in *Gates v. City of Tenakee Springs*, 822 P.2d 455 (Alaska 1991).

Sec. 39.52.130. Improper gifts. (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment.

(b) Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt

(1) if the public officer may take or withhold official action that affects the giver; or

(2) if the gift is connected to the public officer's governmental status.

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.

(d) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

(e) A public officer who, on behalf of the state, accepts a gift from another government or from an official of another government shall, within 60 days after its receipt, notify the Office of the Governor in writing. The Office of the Governor shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.

(f) A public officer who knows or reasonably ought to know that a family member has received a gift because of the family member's connection with the public office held by the public officer shall report the receipt of the gift by the family member to the public officer's designated supervisor if the gift would have to be reported under this section if it had been received by the public officer or if receipt of the gift by a public officer would be prohibited under this section. (§ 1 ch 87 SLA 1986; am §§ 83, 84 ch 74 SLA 1998)

Section

- 230. Reporting of potential violations
- 240. Advisory opinions
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Section

260. Designated supervisor's report and attorney
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270. Disclosure statements

Sec. 39.52.210. Declaration of potential violations by public employees. (a) A public employee who is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190 shall

(1) refrain from taking any official action relating to the matter until a determination is made under this section; and

(2) immediately disclose the matter in writing to the designated supervisor and the attorney general.

(b) A public employee's designated supervisor shall make a written determination whether an employee's involvement violates AS 39.52.110 — 39.52.190 and shall provide a copy of the written determination to the public employee and to the attorney general. If the supervisor determines that a violation could exist or will occur, the supervisor shall

- (1) reassign duties to cure the employee's potential violation, if feasible; or
- (2) direct the divestiture or removal by the employee of the personal or financial interests that give rise to the potential violation.

(c) A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190. (§ 1 ch 87 SLA 1986; am §§ 87, 88 ch 74 SLA 1998)

NOTES TO DECISIONS

Silence is not approval of activity. — Because the ethics statute requires an employee involved in activities potentially barred by the statute to refrain from taking any official action relating to that matter until a determination is made, approval is a prereq-

uisite to entering into any otherwise prohibited contract, and a failure to respond may not be construed as approval. *Skvore v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Sec. 39.52.220. Declaration of potential violations by members of boards or commissions. (a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor and to the attorney general. The supervisor shall determine whether the member's involvement violates AS 39.52.110 — 39.52.190 and shall provide a copy of the written determination to the board or commission member and to the attorney general. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member shall refrain from voting, deliberating, or participating in the matter.

(b) The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190. (§ 1 ch 87 SLA 1986; am § 89 ch 74 SLA 1998)

Sec. 39.52.230. Reporting of potential violations. A person may report to a public officer's designated supervisor, under oath and in writing, a potential violation of AS 39.52.110 — 39.52.190 by the public officer. The supervisor shall provide a copy of the report to the officer who is the subject of the report and to the attorney general, and shall review the report to determine whether a violation may exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor determines that the matter

may result in a violation of the
74 SLA 1998)

Sec. 39.52.240. Ad-
supervisor or a board of
ing this chapter. The re
attorney general in or
request, the attorney g

(b) The attorney general may, in his discretion, suspend the provisions of this section in any case where such suspension is necessary to avoid inconvenience or detriment to the public.

(c) The designated determination based on general provides more under AS 39.52.110 — shall, after consultation appropriate and advise the problem.

(d) A public officer in accordance with a determination disclosed all relevant

(e) The attorney general shall, at any time, including upon request for the opinion of the attorney general, advise the president of the United States of the results of the investigation.

(f) A person may re

(g) A request for ad

(h) The attorney general (44.62.175), with sufficient cause, may determine that the attorney general's applicability to execute

Opinion not required. personal or financial interest in the contract, and given the fact that they do not participate in or influence the

Sec. 39.52.250. Access to records. Upon request, in writing, a public body or attorney general shall make available all opinions in accordance with

(b) A former public
accordance with the a
officer fully disclosed
(§ 1 ch 87 SLA 1986

Sec. 39.52.260. D

(a) A designated supervisor states the facts, circumstances, and reasons for the proposed action.

(b) The attorney general may require a specific disclosure and

may result in a violation of AS 39.52.110 — 39.52.190. (§ 1 ch 87 SLA 1986; am § 90 ch 74 SLA 1998)

Sec. 39.52.240. Advisory opinions. (a) Upon the written request of a designated supervisor or a board or commission, the attorney general shall issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

(b) The attorney general may offer oral advice if delay would cause substantial inconvenience or detriment to the requesting party.

(c) The designated supervisor or a board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provides more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 — 39.52.190, the designated supervisor or the board or commission shall, after consultation with the officer, determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

(d) A public officer is not liable under this chapter for any action carried out in accordance with a determination made under AS 39.52.210 — 39.52.240 if the officer fully disclosed all relevant facts reasonably necessary to the determination.

(e) The attorney general may reconsider, revoke, or modify an advisory opinion at any time, including upon a showing that material facts were omitted or misstated in the request for the opinion.

(f) A person may rely on an advisory opinion that is currently in effect.

(g) A request for advice made under (a) of this section is confidential.

(h) The attorney general shall post on the Alaska Online Public Notice System (AS 44.62.175), with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section, the advisory opinions issued under this section that the attorney general determines to be of major import because of their general applicability to executive branch officers. (§ 1 ch 87 SLA 1986; am § 2 ch 54 SLA 2000)

NOTES TO DECISIONS

Opinion not required. — In the absence of any personal or financial interest in the contested contract, and given the fact that state official did not participate in or influence the contract award process,

official was not required to contact the Attorney General regarding the alleged conflict of interest. *KILA, Inc. v. State, Dep't of Admin.*, 876 P.2d 1102 (Alaska 1994).

Sec. 39.52.250. Advice to former public officers. (a) A former public officer may request, in writing, an opinion from the attorney general interpreting this chapter. The attorney general shall give advice in accordance with AS 39.52.240(a) or (b) and publish opinions in accordance with AS 39.52.240(h).

(b) A former public officer is not liable under this chapter for any action carried out in accordance with the advice of the attorney general issued under this section, if the public officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice. (§ 1 ch 87 SLA 1986)

Sec. 39.52.260. Designated supervisor's report and attorney general review. (a) A designated supervisor shall quarterly submit a report to the attorney general which states the facts, circumstances, and disposition of any disclosure made under AS 39.52.210 — 39.52.240.

(b) The attorney general shall review determinations reported under this section. The attorney general may request additional information from a supervisor concerning a specific disclosure and its disposition.

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Boards & Commissions

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Fisheries

Board: Board of Fisheries**Board identification number:** 037**Department:** DEPARTMENT OF FISH AND GAME**Authority:** AS 16.05.221**Status:** Active**Sunset date:****Requirements:** Legislative Confirmation and Financial Disclosure**Prohibitions:** None**Term:** 3 years

Description: 7 members appointed by Governor: residents of the state, appointed without regard to political affiliation or geographical location of residence; Commissioner of the Dept. of Fish and Game is not a member, but serves as ex-officio secretary. Appointments must be done by April 1st. Terms begin July 1.

Function: Conservation and development of fishery resources

Chair: Board selects.

Special facts: Regulatory: Quorum - majority of the members of the board; may be removed only for inefficiency, neglect of duty, or misconduct in office (AS 16.05.280). Statute requires board to hold at least one meeting a year where the board selects time and place. May hold at least one meeting per year with the Board of Game in joint session. Historically meets four times each year, for a total of approximately 50-65 days. Joint Boards of Fisheries and Game historically meet for approximately 7-15 days each year. May meet at any time upon the call of the commissioner or upon the request of two board members. Compensation is based on salary schedule for Juneau.

Compensation: Standard Travel and Per Diem. Range 20A for board meetings; 1/2 Range 20A for other mtgs.

Meetings: Historically meets 4 times/year, total 50-65 days; Joint F&G Boards meet approximately 7-15 days.

For further information contact:

Mr. James Marcotte

Executive Director

Board of Fisheries, Boards Support Section

ADF&G, P.O. Box 25526, M/S 1100

Juneau, AK 99802-5526

Phone: (907) 465-6095, FAX: (907) 465-6094

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Article 02. BOARDS OF FISHERIES AND GAME

Sec. 16.05.220. The Board of Fish and Game. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.221. Boards of fisheries and game.

(a) For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

(b) For purposes of the conservation and development of the game resources of the state, there is created a Board of Game composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Game, but shall be ex officio secretary.

(c) Members of the Board of Game serve staggered terms of three years and, except as provided in AS 39.05.080 (4), each member serves until a successor is appointed. An appointment to fill a vacancy in the membership of the Board of Game shall be made in the same manner as the original appointment and, except as provided in AS 39.05.080 (4), an appointment to fill a vacancy is for the balance of the unexpired term.

(d) Members of the Board of Fisheries serve staggered terms of three years. The terms of members of the board begin on July 1. Notwithstanding AS 39.05.080 (1), by April 1 of the calendar year in which the term expires, the governor shall appoint a person to fill the vacancy that will arise on the board due to expiration of the term of a member of the board and submit the name of the person to the legislature for confirmation. If a vacancy arises on the board, the governor shall, within 30 days after the vacancy arises, appoint a person to serve the balance of the unexpired term and submit the name of the person to the legislature for confirmation. A person appointed to fill the balance of an unexpired term shall serve on the board from the date of appointment until the earlier of the expiration of the term or the failure of the legislature to confirm the person under AS 39.05.080.

Sec. 16.05.230. Term of office. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.240. Powers excluded. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.241. Powers excluded.

The boards have regulation-making powers as set out in this chapter, but do not have administrative, budgeting, or fiscal powers.

Sec. 16.05.250. Regulations. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.251. Regulations of the Board of Fisheries.

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for

(A) persons 60 years of age and older to participate in sport, personal use, or subsistence fishing; or

(B) persons under 16 years of age to participate in sport fishing;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture, and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

(13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475 (d), that are registered under the laws of the state, as defined in AS 16.05.475 (c), after making a written determination that an on-board observer program

(A) is the only practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530;

(17) promoting fishing and preserving the heritage of fishing in the state.

(b) *[Repealed, Sec. 12 ch 52 SLA 1986]*.

(c) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must, consistent with sustained yield and the provisions of AS 16.05.258, provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

- (1) the history of each personal use, sport, guided sport, and commercial fishery;
- (2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;
- (3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- (4) the availability of alternative fisheries resources;
- (5) the importance of each fishery to the economy of the state;
- (6) the importance of each fishery to the economy of the region and local area in which the fishery is located;
- (7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

(f) Except as expressly provided in AS 16.40.120 (e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with a permit issued under AS 16.40.120.

(g) The Board of Fisheries shall consider a request of the commissioner for approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's

next regular or special meeting that follows the receipt by the board of the request for approval of the petition and that allows time for the notice required under this subsection. The board may consider the request of the commissioner for approval of the petition only after 15 days' public notice of the board's intention to consider approval of the petition. The board shall consider whether the commissioner, in support of the request for approval of the petition, has adequately shown that the fishery meets requirements for a moratorium on new entrants under AS 16.05.050. The board by a majority vote of its members at the meeting when the petition must be considered shall approve or disapprove the petition.

(h) The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.

(i) Notwithstanding AS 16.43.140 (c)(5), the board may adopt, at a regularly scheduled meeting at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

Sec. 16.05.253. Operation of stationary fishing gear.

(a) The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when the permit holder is at or traveling to or from the location of

- (1) a sale of fish caught in the gear; or
- (2) other stationary gear of the permit holder.

(b) In this section, "fishing site " means fishing site as defined by the Board of Fisheries and includes any structure used for providing shelter in support of the operation of the net gear or other stationary fishing gear.

Sec. 16.05.255. Regulations of the Board of Game; management requirements.

(a) The Board of Game may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

- (1) setting apart game reserve areas, refuges, and sanctuaries in the water or on the land of the state over which it has jurisdiction, subject to the approval of the legislature;
- (2) establishing open and closed seasons and areas for the taking of game;

(3) establishing the means and methods employed in the pursuit, capture, taking, and transport of game, including regulations, consistent with resource conservation and development goals, establishing means and methods that may be employed by persons with physical disabilities;

(4) setting quotas, bag limits, harvest levels, and sex, age, and size limitations on the taking of game;

(5) classifying game as game birds, song birds, big game animals, fur bearing animals, predators, or other categories;

(6) methods, means, and harvest levels necessary to control predation and competition among game in the state;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of game;

(8) prohibiting the live capture, possession, transport, or release of native or exotic game or their eggs;

(9) establishing the times and dates during which the issuance of game licenses, permits, and registrations and the transfer of permits and registrations between registration areas and game management units or subunits is allowed;

(10) regulating sport hunting and subsistence hunting as needed for the conservation, development, and utilization of game;

(11) taking game to ensure public safety;

(12) regulating the activities of persons licensed to control nuisance wild birds and nuisance wild small mammals;

(13) promoting hunting and trapping and preserving the heritage of hunting and trapping in the state.

(b) *[Repealed, Sec. 12 ch 52 SLA 1986].*

(c) If the Board of Game denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must provide that, consistent with the provisions of AS 16.05.258, the taking of moose, deer, elk, and caribou by residents for personal or family consumption has preference over taking by nonresidents.

(e) The Board of Game shall adopt regulations to provide for intensive management programs to restore the abundance or productivity of identified big game prey populations as necessary to achieve human consumptive use goals of the board in an area where the board has determined that

(1) consumptive use of the big game prey population is a preferred use;

(2) depletion of the big game prey population or reduction of the productivity of the big game prey population has occurred and may result in a significant reduction in the allowable human harvest of the population; and

(3) enhancement of abundance or productivity of the big game prey population is feasibly achievable utilizing recognized and prudent active management techniques.

(f) The Board of Game may not significantly reduce the taking of an identified big game prey population by adopting regulations relating to restrictions on harvest or access to the population, or to management of the population by customary adjustments in seasons, bag limits, open and closed areas, methods and means, or by other customary means authorized under (a) of this section, unless the board has adopted regulations, or has scheduled for adoption at the next regularly scheduled meeting of the board regulations, that provide for intensive management to increase the take of the population for human harvest consistent with (e) of this section. This subsection does not apply if the board

(1) determines that intensive management would be

(A) ineffective, based on scientific information;

(B) inappropriate due to land ownership patterns; or

(C) against the best interest of subsistence uses; or

(2) declares that a biological emergency exists and takes immediate action to protect or maintain the big game prey population in conjunction with the scheduling for adoption of those regulations that are necessary to implement (e) of this section.

(g) The Board of Game shall establish population and harvest goals and seasons for intensive management of identified big game prey populations to achieve a high level of human harvest.

(h) *[Repealed, 2000 Ballot Measure No. 6].*

(i) For the purpose of encouraging adults to take children hunting, the board shall establish annual hunting seasons in appropriate areas of the state for big game, other than bison and musk ox, that are open before schools start in the fall and before regular hunting seasons begin. Only a resident child accompanied by a resident adult or a child accompanied by the child's resident parent, resident stepparent, or resident legal guardian may take big game in an area where a season established under this subsection is in effect. The adult, parent, stepparent, or legal guardian who accompanies the child may only assist the child in taking big game. A big game animal taken under this subsection must be counted against the bag limits of both the child and the adult, parent, stepparent, or legal guardian who accompanies the child. In this subsection,

(1) "adult" means an individual who is 21 years of age or older;

(2) "child" means an individual who is not more than 17 years of age and not younger than eight years of age.

(j) In this section,

(1) "harvestable surplus" means the number of animals that is estimated to equal the number of offspring born in a game population during a year less the number of animals required for recruitment for population maintenance and enhancement, when necessary, and the number of animals in the population that die from all causes, other than predation or human harvest, during that year;

(2) "high level of human harvest" means the allocation of a sufficient portion of the harvestable surplus of a game population to achieve a high probability of success for human harvest of the game population based on biological capabilities of the population and considering hunter demand;

(3) "identified big game prey population" means a population of ungulates that is identified by the Board of Game and that is important for providing high levels of harvest for human consumptive use;

(4) "intensive management" means management of an identified big game prey population consistent with sustained yield through active management measures to enhance, extend, and develop the population to maintain high levels or provide for higher levels of human harvest, including control of predation and prescribed or planned use of fire and other habitat improvement techniques.

(5) "sustained yield" means the achievement and maintenance in perpetuity of the ability to support a high level of human harvest of game, subject to preferences among beneficial uses, on an annual or periodic basis.

Sec. 16.05.256. Nonresident and nonresident alien permits.

Whenever it is necessary to restrict the taking of big game so that the opportunity for state residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game may, through a permit system, limit the taking of big game by nonresidents and nonresident aliens to accomplish that purpose.

Sec. 16.05.257. Subsistence hunting regulations. [Repealed, Sec. 12 ch 52 SLA 1986].

Repealed or Renumbered

Sec. 16.05.258. Subsistence use and allocation of fish and game.

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;