

HB

20

<TARGET><BILL>HB 20</BILL><SUBJECT>HB
20</SUBJECT><COMM>HFSH27</COMM></TARGET>

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Alaska Court System
Department of Public Safety
Department of Law

Member:
Legislative Council
Committee on Committees
Legislative Budget & Audit (alt)
House Finance Subcommittees for;
Governor's Office
Legislature
University of Alaska



Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
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District:
600 E. Railroad Ave.
Wasilla, AK 99654

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

Sponsor Statement

HB 20

An Act providing for a priority for a fishery that is restricted to residents when fishing restrictions are implemented to achieve a management goal

Insuring that residents have access to Alaska's fisheries resources is vitally important as we continue to grow as a state. Right now, user groups are growing both in size and number, splitting the allocation of our resources into smaller and smaller percentages. However, one thing all Alaskans can agree on is that we should have a priority over people coming from elsewhere in the country and the world to utilize and harvest our fisheries resources.

Fisheries that are restricted to residents only are meant to enable Alaskans to access their fisheries resources for their personal use and consumption. Currently, there are many personal use fisheries throughout the state. Excluding the priority that is already contained within statute for subsistence, HB 20 directs the Board of Fisheries to place restrictions on sport and commercial fisheries before putting restrictions on personal use fisheries when the harvest of a stock or species is limited to achieve an escapement goal.

I ask for your consideration and support of HB 20 so Alaskans can be assured that they will continue to have access to their fisheries resources to the benefit of themselves and their families.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version HB 20 / A
 () Publish Date _____

Identifier (file name) HB 20-DFG-CO-03-11-11 Dept. Affected ADF&G
 Title Personal Use Fishing Priority Appropriation Administration and Support
 Allocation Commissioner's office
 Sponsor Representative Stoltze and Keller, et.al
 Requester House Fisheries Committee OMB Component Number 2175

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2012 | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | | | | | | | | |
| Travel | | | | | | | | |
| Services | | | | | | | | |
| Commodities | | | | | | | | |
| Capital Outlay | | | | | | | | |
| Grants | | | | | | | | |
| Miscellaneous | | | | | | | | |
| TOTAL OPERATING | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|

| | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|
| CHANGE IN REVENUES | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | | | |
|--------------------------|--|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | | |
| 1003 GF Match | | | | | | | | |
| 1004 GF | | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | | |
| 1037 GF/Mental Health | | | | | | | | |
| Other (please identify) | | | | | | | | |
| TOTAL | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2011) cost _____

POSITIONS

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

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version of bill.

Prepared by Ben Mulligan, Legislative Liaison
 Division Commissioner's Office
 Approved by Kevin Brooks, Administrative Services Director
Department of Fish and Game

Phone 907-465-6184
 Date/Time 3/11/2011 2:55PM
 Date 3/11/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 20/A

Analysis

After consultation with the Division of Commercial Fisheries, Sport Fish Division, and Boards Support Section it was determined that the passage of this bill would not have a fiscal impact upon any of their programs and/or operations.

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, on 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.

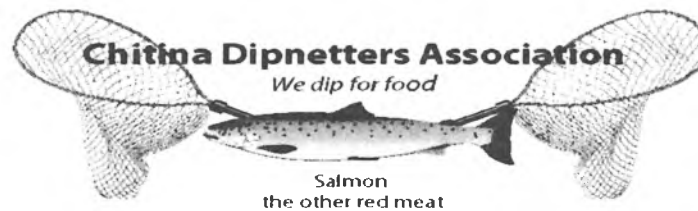
(g) The Board of Fisheries shall consider a request of the commissioner for approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's next regular or special meeting that follows the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

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(j) Except as provided by AS16.05.258, when the harvest of a stock of species is limited to achieve a management goal, the Board of Fisheries shall place restrictions on all other fisheries before restricting personal use fisheries. In this subsection, "management goal" means the escapement of estimated population size of the exploited stock that provides the greatest potential for sustained yield as established by the board.



January 27, 2011

Dear Alaska State Representative,

We, the Board of Directors for the Chitina Dipnetters Association, representing the thousands of families that partake in the Copper River Dipnet Fishery, respectfully request your support of House Bill 20, sponsored by Representatives Stoltze, Keller, Neuman, and Johnson and co-sponsored by Representative Thompson. This no-nonsense, simplistic bill is about putting the needs of Alaskans first and ensuring our rights to feed our families, with fish from our rivers.

Article VIII of our Alaska State Constitution was written explicitly to ensure that our natural resources are managed as a public trust. It clearly states that our "*fish, wildlife, and waters are reserved to the people for common use*" and that they shall be managed "*for the maximum benefit of its people*". House Bill 20 will better ensure that fisheries management is in alignment with our State Constitution and it will also help the Alaska Department of Fish and Game manage our fishery resources "*for the maximum benefit of its people*".

You will hear a great amount of opposition to this Bill from the commercial fishing industry, as seen when this Bill was submitted as HB266 during last year's legislative session. Much of the written testimony from the commercial fishing industry opposing that Bill centered on how "*personal use and the commercial fleet should share restrictions to meet escapement goals*" and that we "*must share equally in the burden of conservation*".¹ We strongly encourage you to educate yourself on the current allocation rates if you have not done so already. Commercial fishing fleets of the Copper River Fishery for example, take nearly 90% of our harvested salmon. In comparison, personal use fishermen, and their families, representing the largest user group, take only 7% of total harvest from this same fishery. Calls to restrict the ability of Alaskans to feed their families are untenable and nonsensical under the current allocation regime.

HB20 is a "no-brainer". It is a common sense solution to ending the allocation conflicts between commercial fishing interests and Alaskans choosing to feed their families with fish they harvest themselves. Please, do what is right for Alaska *and* Alaskans and support HB20.

Thank you for your time and efforts representing Alaskans.

The Chitina Dipnetters Association, Board of Directors
1002 Pioneer Rd.
Fairbanks AK 99701-2818

¹ (<http://housemajority.org/spon.php?id=26hb266> and Additional Public Comments on Subsistence Finding Standard and Chitina Dipnet Fishery March 16-21, Hilton Hotel Anchorage).

Petersburg Vessel Owners Association

PO Box 232

Petersburg, AK 99833

Phone & Fax: 907.772.9323

pvoa@gci.net • www.pvoaonline.org

March 7, 2011

Representative Steve Thompson
Chair, House Committee on Fisheries
State Capitol, Room 428
Juneau, AK 99801-1182
Via email: Representative_Steve_Thompson@legis.state.ak.us

RE: HB 20- PERSONAL USE FISHING PRIORITY, OPPOSE

Dear Representative Thompson and House Fisheries members,

Petersburg Vessel Owners Association (PVOA) appreciates the opportunity to comment on HB 20 Personal Use Fishing Priority. PVOA is a diverse group of 100 commercial fishermen and businesses operating primarily in Southeast Alaska. Our members provide millions of meals to the public annually by participating in a variety of fisheries statewide including salmon, herring, halibut, cod, crab, blackcod, shrimp, and dive fisheries. Many PVOA members are also active sport, personal use, and subsistence fishermen who depend on sustainable and conservative management of Alaska's fishing resources to ensure healthy fisheries for the future.

It is our understanding that HB 20 as introduced would mandate a Legislative personal use fishing priority after subsistence. As active participants in the fisheries management process including the Board of Fisheries (BOF), we are OPPOSED to any action that would take away the ability of the BOF and the Alaska Department of Fish and Game (ADF&G) to effectively manage Alaska's fisheries resources. Alaska is the poster-child for sustainability and fisheries management. Any actions that erode or eliminate the ability of the BOF or ADF&G to effectively manage our sport, personal use, subsistence, and commercial fisheries should be opposed.

Careful consideration is urged when placing any priority on Alaska's fisheries resources. Our commercial and sport fisheries are both viable and culturally significant to Alaska. Commercial fishing is Alaska's largest private sector employer, and third in revenue generated behind oil/gas and Federal Government. Commercial fishermen not only support their families and community, but also provide most Alaskans with access to the resource.

Although decisions made by the BOF may not always be popular, it is extremely important that the public process with input provided by all user groups is protected. As per the Alaska Constitution, with only subsistence harvest taking priority, we are ensuring that the sport, personal use, and commercial fisheries *all* share in the burden of conservation of Alaska's fisheries resources.

In closing, we urge the House Fisheries Committee to support the public BOF process and the sound management ability of ADF&G by opposing HB 20. Thank you for your time and dedication to Alaska's fishery resources. If we can provide further information or answer any questions as you make this important decision, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julianne Curry".

Julianne Curry
Director

Bill Black
309 Observation Avenue
P.O. Box 204
Cordova, Alaska
99574
salmonbill@comcast.net

February 10, 2011

Dear Chairman Steve Thompson and the Fisheries Special Committee,

I've fished commercially Area E, the Copper River-Prince William Sound area, since 1971 and primarily for salmon. The positive advances in Area E made by the commercial fishing sector during that time, even with a few setbacks (primarily the Exxon Valdez), have been amazing. When I began fishing in 1971 neither the Prince William Sound Aquaculture Corporation nor the Valdez Fisheries Development Association existed. Both of these commercial fisher originated and driven organizations have been instrumental in vastly increasing harvest levels for ALL users whether they be subsistence, sport, personal use or commercial.

I write to you today to register my advice that House Bill 20, submitted by Representative Stoltze, is a bad idea. As you are aware and currently the only user group that has a priority is subsistence. The other user groups are on equal footing. This is as fair as it can be and as realistically manageable as it can be. House Bill 20 would upset that important equilibrium.

There are many Alaskan families engaged in the family business of commercial fishing who are looking to the leadership of our great state, which you are, to help keep our fisheries vital, strong and thriving for everyone. Please reject HB 20.

Bill Black

From: Mikal Berry [mikalberry@gmail.com]
Sent: Tuesday, February 01, 2011 11:52 AM
To: Jomo Stewart
Subject: HB 20

Dear Mr. Stewart

I would appreciate it if you would pass on my comments directed toward HB 20 to the "Fisheries Special Committee" as I tried to get into the POM website but was unable to do so

I have worked in the Cordova AK fishery since 1993. I have also volunteered in our local organizations that sustain and promote thousands of returning salmon, each year, for use by all.

The subsistence, sports, personal use & commercial user groups all share the bountiful harvest that PWSAC provides in Prince William Sound and the Copper River.

We, the commercial user group, pay for this corporation with 2% of our gross fishing income, collected by the State of Alaska each season.

The only user group that has a priority is subsistence.

In times of fishing restrictions subsistence is the only user group not limited.

HB 20 changes this balance, it wants to give a priority to the "personal use" user group.

I am in direct opposition to this plan. HB 20 is basically the mirror image of last year's HB 266 (submitted by the same State Representative), HB 266 did not achieved enough support, so Rep. Stoltze is back again with a new bill. HB 20 does nothing to improve relations between the fisher user groups, it in fact, pits one against another.

Thank you for your consideration.

Best,

Mikal Berry

POB 1032

Cordova Alaska 99574

907-424-5251

miklaberry@gmail.com



UNITED FISHERMEN OF ALASKA

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

March 15, 2011

Representative Steve Thompson, Chairman
House Special Committee on Fisheries
Alaska State Legislature
State Capitol, 120 Fourth Street
Juneau, AK 99801-1182

Dear Chairman Thompson and Committee Members,

United Fishermen of Alaska opposes HB 20.

United Fishermen of Alaska (UFA) represents 38 Alaska Commercial fishing organizations, and hundreds of individual fishermen and related businesses.

Fisheries management in Alaska is renowned throughout the world for its emphasis on sustainability. While most of the world long ago lost their historic runs of wild salmon, Alaska shows a remarkable history of restoring salmon runs throughout the state, after a long period of decline during the period before Alaska gained statehood.

Among the most important tools that have helped Alaska restore and retain healthy salmon populations are the Board of Fisheries process by which allocative actions are made on a case by case basis based on science and public input, and real time management by the Department of Fish and Game based on scientifically established escapement goal ranges.

Alaska's constitutional mandate to manage fisheries for the maximum benefit of its citizens requires careful consideration of the range of benefits that fisheries provide, including nutritional needs, history and usage by residents and non residents, importance to the economy of the state, region and local area, and recreational opportunity. These factors are considered for each regulatory proposal in the deliberative process of the Board of Fisheries, as well as management decisions of the Department of Fish and Game.

We strongly caution against creating a priority for personal use fisheries, because it will shift allocation and opportunity away from commercial fisheries that provide income to state and local governments, to fisheries that do not. It also would increase the perception of "entitlement" by Alaska residents to fisheries resources that are limited by nature.

Personal use fisheries are open to all Alaska residents, with only the requirement to hold a resident sport fishing license. As the population grows in one area of the state, the perceived entitlement to fisheries resources in other areas of the state that have established personal use fisheries pits one region against another.

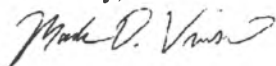
The intent by the Board of Fisheries in establishing Personal Use fisheries is clear in 5 AAC 77.001 (4) (b): "...allowed when that taking does not jeopardize the sustained yield of a resource and either does not negatively impact an existing resource use or is in the broad public interest." Since that time in 1981, we see extreme population growth primarily in one area of the state, and we can expect this to continue. We currently have 95 personal use fisheries that have been established throughout the state that are open to all residents. If HB 20 were to pass and establish a priority for the Personal Use fisheries over other uses (besides Subsistence), the growth of one region of the state will have detrimental impacts on other regions and historical patterns of use.

We are also concerned that such a priority would handcuff the Board of Fisheries and Department of Fish and Game in the ability to allocate and manage fisheries, and leave many allocative and management decisions open to lawsuit based on a perception of interference with a Personal Use fishery.

If Alaska is going to avoid the decline of salmon runs as has occurred elsewhere, we need to avoid the pattern of fighting over the fish, pitting one region or user group against another, while industrial development and population eliminate one stream or run at a time until the fish are gone.

We strongly urge this committee, and the Alaska State Legislature, to leave the prioritization of fishery allocations within the Board of Fisheries, and the management within the Department of Fish and Game, and reject HB 20.

Sincerely,



Mark Vinsel
Executive Director

From: ALAN T. CROOKSTON [alancrookston@me.com]
Sent: Tuesday, February 01, 2011 11:53 AM
To: Jomo Stewart
Cc: Jomo Stewart
Subject: Re: OPPOSE HB 20

Dear Decision Makers.

OPPOSE HB 20.

I have been on the Kenai Peninsula since I was born.

I and have seen the gammit of "personal use" fishing; from guys picking fish in conoes to Ford Broncos getting stuck in front of incoming tides (while trying to pull nets in) and the list could go on.

I have seen residents and NON-residents selling their PU fish online, in Newspapers, freezing it shipping to extended family out of state, donating it organizations, offering it as a "tourist attraction," or simply letting hundreds of fish go to waist (caught too many - oops), again the list could go on.

This is a world Natural Resource that lies within the Borders of the USA. It feeds and sustains millions, and therefore must be managed (legislated) with justice and the best science available. Based on previous years, Resident Personal Use Priority has seriously lacked in professional management and scientific data to sustain this viable Natural Resource. Its levels of efective harvest ability are more drastic than the fishtraps of old due to their location, and the popularity (and abuse).

I strong urge you to OPPOSE HB 20.

Thank you,

Alan T. Crookston

From: James Mykland [jl_mykland@yahoo.com]
Sent: Monday, January 31, 2011 6:38 AM
To: Jomo Stewart
Subject: Opposition to HB 20

To Jomo Stewart.

Please pass on my comments directed toward HB 20 to the "Fisheries Special Committee:

I have been a commercial fisher, based out of Cordova, AK, since 1976. I am proud to be part of the Prince William Sound Aquaculture Corporation, that provides for thousands of returning salmon, each year, for use by all fishery user groups of Alaska. The subsistence, sports, personal use & commercial user groups all share in the bountiful harvest that PWSAC provides in Prince William Sound and the Copper River. We, the commercial user group, pay for this corporation with 2% of our gross fishing income, collected by the State of Alaska each season.

The only user group that has a priority is subsistence. In times of fishing restrictions they are the only ones not limited. That is the way that needs to be maintained. HB 20 changes the status quo, it wants to give a priority to the "personal use" user group. I am in direct opposition to this plan. HB 20 is basically the mirror image of last year's HB 266 (submitted by the same State Representative), HB 266 did not achieved enough support, so Rep. Stoltze is back again with a new bill. HB 20 does nothing to improve relations between the fisher user groups, it in fact pits one against another.

Thank you for your consideration,

James Mykland

PO Box 1241
Cordova, AK 99574
907 903 8251

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone: 907-586-6652

Email: seafa@gci.net

Fax: 907-523-1168

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



February 18, 2011

Alaska State Legislature
House Fisheries Committee
Representative Steve Thompson, Chair
State Capitol
Juneau, AK 99811

RE: Oppose HB 20

Representative Steve Thompson, Chair and Fisheries Committee Members,

Southeast Alaska Fishermen's Alliance (SEAFA) appreciates this opportunity to express our concerns regarding HB 20 which mandates a personal use priority after subsistence. Our association is comprised of 85% Alaskan residents, who participate in personal use and sport fisheries in addition to their commercial fishing livelihood. Southeast Alaska Fishermen's Alliance has always supported the importance of personal use fisheries to the residents of the State of Alaska as is evidenced by our testimonies to the Board of Fish. However, personal use fisheries also need to have limits and share in the burden of conservation along with commercial and sport fishermen.

This legislation as written is flawed. The subsistence priority statute AS 16.05.258 (f) clearly states that the subsistence priority is to provide for a reasonable opportunity. This legislative language mandates development of a personal use priority without any qualification. Further, it does not provide language, as the subsistence priority does, to share the resources with other users. As the Alaska population continues to grow, the language as written will ultimately close commercial and sport fisheries, regardless of the economic harm to the state or local communities, without any express concern over conservation in order to provide a personal use priority.

This legislation as written severely ties the hands of the Board of Fish preventing their ability to fulfill the obligations listed in AS 16.05.251. This legislation contradicts with the allocation criteria between commercial, sport and

personal use fisheries. As written this legislation creates an elevated right for personal use fishermen, which can very easily be used in court to challenge any allocations that the Board of Fisheries makes in which they feel any restrictions at all during any part of the lifecycle. Clearly this violates fundamental precepts embedded in the Alaska Constitution, regarding Uniform Application, and Common Use.

Does this legislation even allow the Board of Fish to set limits or develop management plans that include the personal use fisheries?

At what point can management decisions affect the personal use fishermen and still allow commercial and sport fisheries to exist?

Would ADFG have to stand by and allow a system to fail to meet their management target because a commercial fishery had an opening so therefore the personal use fishery could not be restricted? In many fisheries it is not possible to allow a commercial fishery to wait until escapement is met and all personal use needs are met because by then the fish have swam past the point a commercial fishery can be conducted. Do we in these situations in order to provide for a personal use priority, forgo economic opportunity and close the commercial and sport fisheries? The current State of Alaska management system is considered superior to all other regions due to the public process through the board of fish and the end mandate for maximum sustained yield provided for in the State Constitution. Are we now going to ignore what has worked and take away the Board of Fish authority to allocate and ADFG flexibility to manage the resource in real time allowing for all users to share in the burden of conservation?

Commercial fishing is an important industry to the State of Alaska ranking third behind Oil & Gas and Federal Government in generating basic economic activity in Alaska with a total economic contribution of \$5.8 billion to Alaska's economic output and over 78,000 jobs in 2007. In addition, the raw fish taxes paid into the general fund and shared with the local coastal communities are critical to their economy.

For many residents of coastal Alaska, their only access to our sustainable fishery resources to provide healthy protein to their diet is through the commercial fishery. Is it fair to take away their primary access?

There are allegedly businesses being built to supply, outfit and provide transportation for personal use fisheries. This seems to be in conflict with the original intent during development of the personal use fishery. We believe the original intent of the personal use fishery was to allow Alaskans access to fishery

resources in a non-subsistence areas, or access to fisheries with negative C&T findings by providing differential bag limits than non-residents, because it was acknowledged that in many cases these Alaskans were using the resource to provide for their own family consumption.

Thank you for this opportunity to testify on this legislation. If you have any questions about our testimony or points raised in the testimony, please contact the office, we would be glad to provide additional information.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Hansen" followed by a long horizontal line extending to the right.

Kathy Hansen
Executive Director

From: jeff phillips [jdpcordova@hotmail.com]
Sent: Saturday, February 05, 2011 5:36 AM
To: Jomo Stewart
Subject: HB20

Dear Sir:

I am writing to state my opposition to HB20 which would give personal use fisheries priority in times of low fish numbers. I am a commercial fisherman and longtime resident of Cordova. This bill would greatly harm my fishing business. Priority is and always has been a status for subsistence users. It should remain that way. That priority is meant to protect a way of life. Allowing personal use priority protects a way of "sport".

I am asking that HB20 be defeated.

Thank you.

Jeff Phillips
Cordova, Alaska

From: Ted Crookston [tedcrookston@me.com]
Sent: Monday, January 31, 2011 10:02 PM
To: Jomo Stewart
Subject: OPPOSE HB 20

OPPOSE HB 20

I am a resident of Kenai and have observed the evolution of the Personal Use Fishery from the "temporary biologically necessary" measure that is was in 1989 because of the closure of the inlet due to the Exxon Valdez Oil Spill to the uncontrolled mania that it is now.

This measure—seeking a Resident Personal Use Priority above all other user groups is the EPITOME OF THE ENTITLEMENT MENTALITY.

All user groups bear the same responsibility and obligation to support the ADF&G in achieving the Escapement Goals to assure the future sustainability of the fishery.

This measure has rightfully been defeated repeatedly in the past and should be again.

I urge you to OPPOSE HB 20.

Ted Crookston
Kenai, AK

From: Paul Crookston [pjcrookston@me.com]

Sent: Tuesday, February 01, 2011 11:19 AM

To: Jomo Stewart

Subject: Oppose HB 20

I am a resident of Kenai and I have observed and know of many abuses of the personal use fishery on the Kenai River. Legislation like his would only add to this problem and add to the unchecked madness that is the dip-net fishery. All user groups need to share in any fishing restrictions to achieve optimal sustained yield for the fishery.

From: Norm [galeforce@mtaonline.net]
Sent: Monday, January 31, 2011 1:59 PM
To: Jomo Stewart
Subject: HB20

Mr. Stewart,

I am vehemently against HB20.this is the same bill that Mr.Stoltz tried to pass last year as HB266.It was voted on and failed unanimously by the Board of Fish.it was a bad Bill then and is a bad Bill now.I would hope Mr. Stoltz would quit wasteing yours and my time with this Bill.

Thank You,

Norm Campbell
Big Lake,Alaska