



## RESOURCES FOR ALL ALASKANS

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### FOR IMMEDIATE RELEASE

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## Alaska Supreme Court Denies Voter Initiative to Ban Salmon Setnet Fishers in Urban Areas in Alaska

On December 31, 2015 the Alaska Supreme Court (Court) overruled a decision by a Superior Court judge that would have allowed a public vote on an initiative to ban set net salmon fishers in urban areas of Alaska. The ruling affirms the Lieutenant Governor's decision to decline certifying the initiatives because it would violate the Alaska Constitution's prohibition of allocating state assets by initiative.

"We are thankful the Court saw this initiative for what it really was: a not so veiled attempt to eliminate more than 700 family run set net fishing businesses in Upper Cook Inlet," said Jim Butler, President of Resources for All Alaskans (RFAA). "All fishermen stand ready to share the burden of conservation when fishery managers think it is necessary. Targeting a particular fishery for elimination by ballot box biology was a serious threat to not only the commercial fisheries statewide but for other natural resources industries in Alaska."

In its amicus curiae brief to the Supreme Court RFAA argued the proposed ban would eliminate an historical user group not just a type of fishing gear as decided by the Superior Court. The Court agreed with RFAA that salmon set netting is a distinct commercial fishery and stated that "it was error for the superior court to conclude that commercial set netters do not comprise a discrete user group."

In its decision, the Court also found that "this proposed ballot initiative would completely appropriate salmon away from set netters and prohibit the legislature from allocating any salmon to that user group." Further, the Court determined "the initiative would result in a give-away program of salmon stock from set netters to other types of fishers, and it would significantly narrow the legislature's and Board of Fisheries' range of freedom to make allocation decisions." The Court's final statement on the matter reads: "We accordingly REVERSE the superior court's order requiring the Lieutenant Governor to certify the initiative."

Resources for All Alaskans is a growing statewide coalition that includes concerned citizens and organizations from fishing communities who oppose misguided or unconstitutional efforts to improperly allocate or restrict reasonable access to Alaska's vast natural resources. The organization is composed of a 6-member board, including Jim Butler, President, John Garner, Vice President, Jerry McCune, Dale Kelley, Duncan Fields, and Norm VanVactor.

To review the Court's opinion, check here:

<http://www.courtrecords.alaska.gov/webdocs/opinions/ops/sp-7073.pdf>

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