

HB 52

House Resources Committee

Testimony Packet

House Bill 52 hurts the citizens of Homer. It hurts Cook Inlet fishermen. It hurts Alaska's State Park System. And it hurts Alaskans.

Introduced by Representative Sarah Vance during the last legislative session, House Bill 52 (HB 52) removes Tutka Bay Lagoon and uplands—totaling 123.45 acres—from the heart of Kachemak Bay State Park.

This bill gives up these public lands to the narrow special interest of the Tutka Bay Lagoon Hatchery (TBLH), which is managed by Cook Inlet Aquaculture Association (CIAA). Giving our public lands to this fiscally irresponsible operation that brings almost no benefit to Cook Inlet fishermen sets a dangerous precedent for all Alaska's State Parks.

There is no practical, financial, or ecological reason for the land exchange proposed in HB 52. We do not need to give up lands to add lands to the park.

HB 52 does not meet the Constitution's requirement that Alaska's lands and waters be managed "for the maximum benefit of its people" (Article 8, Section 7) or the requirement for "efficient development of aquaculture in the State" (Article 8, section 15).

Representative Sarah Vance is holding the China Poot Dipnet Fishery as ransom.

She says that if we do not cut Tutka Bay Lagoon out of the Park, China Poot Dipnetting will shut down. This does not have to happen. She is using it as political blackmail.

Remember that China Poot ran for 9 years when the hatchery was closed from 2005 to 2014. This is because the Reds are raised at the Trail Lakes Hatchery near Moose Pass. All that happens in the lagoon is a short-term "remote egg-take" and short-term "remote release" of China Poot broodstock. This can continue under the new Park Plan, and ADF&G can develop a Sockeye Stamp to cover costs. If Sarah Vance were acting in good faith, she would get behind this effort to keep China Poot alive. If Cook Inlet Aquaculture Association doesn't want to run it, ADF&G should take over, just as they stock lakes all over the state.

Moving the hatchery will help fishermen.

Lower Cook Inlet Commercial Fishermen do not depend on TBLH: 95% of the Lower Cook Inlet common property salmon harvest is elsewhere—in Kamishak Bay, on the Outer Coast, etc. Why? Since 1991, the hatchery has caught nearly all the returning Pinks, just to try to cover expenses, leaving an average of 11% of the returning fish for fishing families.

HB 52 would permanently give up valuable public resources to a failing operation.

According to publicly available figures from ADF&G and BDO, TBLH has been losing large sums of money every year since 1991, and there is no long range financial plan to turn things around.

The Lagoon is a fundamentally flawed location for a hatchery. Deeper water, better freshwater input, and improved access are needed to make it self-supported.

Who pays?

CIAA has \$16 million of outstanding debts to the State, and part of their loans have been used at the TBLH facility. All Cook Inlet Fishermen are liable for CIAA's debts.

All Cook Inlet fishermen pay for TBLH through the Salmon Enhancement Tax, yet only a handful catch Tutka fish. Closing the hatchery is a win for 97.5% of Cook Inlet fishermen.

WE, THE PEOPLE OF ALASKA, are in favor of keeping Tutka Bay Lagoon in Kachemak Bay State Park.

We support management of our lands in line with the Alaska Constitution Article 8, Section 7 that says public resources must be managed for the welfare of all Alaskans and not for the exclusive benefit of special interest groups.

Paul Knight

483 Ocean Dr. Loop

Homer, AK 99603

Hello,

I have owned property in Homer since 1989 and enjoyed many years exploring Kachemak Bay State Park.

I have seen first hand the fish swimming into Tutka Bay lagoon and fished the China Poot run.

My ex-husband, Michael Brooks, was involved with the Valdez fish hatchery for many years and I understand the relevance of hatcheries, however,

Tutka Bay has never proven itself as a viable fish hatchery. It would be a far wiser move to relocate the hatchery and not set a precedent by claiming public land for a narrow interest group.

The Kachemak Bay State Park Management has already devised a plan, developed by local scientists and including a public input process, including fisherman who would actually benefit more if the hatchery is relocated by as suggested.

I encourage you to go with the knowledgeable scientists and fisherman and not the monetized thinking espoused by CIAA, who simply don't want to lose their investment.

Please STOP THIS BILL FROM PASSING!

~laura brooks

483 A Ocean Drive loop

Homer, AK 99603

907-299-2060

I strongly oppose HB 52. Removing the land from Kachemak Bay State Park and favoring the Tutka Bay hatchery is a terrible idea. Not only would it put at risk the salmon, it also puts the health and well being of the park at risk. Representative Vance's bill simply is misguided and plainly overstepping her field. There have been experts who have spoken to this misguided Bill, I have included links below, please take a moment to consider what they say. Removing the hatchery rather than the land is clear. Swapping land for land on the other side of the bay is not an equivalent and does not compensate for the loss of this land.

- Hatchery Misinformation
- Rep Vance's Bill is Anti-Fishermen
- Moving the Tutka Bay Lagoon Hatchery Makes Good Sense
- Bad Hatchery Bill
- HB 52 Would Hurt Commercial Fishing and Community

Thank you for not supporting HB 52.

Mannfried Funk

40963 China Poot Street

Homer, Ak 99603

Dear Elected Leaders,

I am writing to express my concern about HB 52. Please do not pass this legislation. For one, hatcheries are a known nuisance to wild salmon stock. For two, Tutka Bay Lagoon is a gem in our State Park system. Removing the land from Parks in order to benefit a private company is a terrible precedent for our public lands. Phasing out the hatchery will benefit Alaskans and Alaska's wild salmon stocks. As a tour operator that benefits from public lands, my business will be positively affected by keeping this land protected as a State Park. Trust your skilled Park staff that has created a management plan that phases out the hatchery and returns the structures and land to a more inclusive public use.

Thank you for your time.

Sally Andersen

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O: 907-479-8203

C: 907-388-4910

Good afternoon my name is Dave Seaman; I live in Little Tutka Bay, about 10 miles from Tutka Lagoon. In the 4 decades since I've lived in this neighborhood I have had quite a bit to do with the hatchery. When it was still run by F+G several of the residents of Little Tutka worked there taking eggs. I had a fish boat named the Marona and used to carry their mail, supplies, and personnel back and forth to Homer. I also operated the Marona as a salmon tender and bought many seine fish around the bay.

At some point F+G gave up on fishery enhancement, a smart move as it turned out...In the 3 decades since CIAA has had it there has been almost no fish provided to the common property fishery. All proceeds have gone to cost recovery. Every year they have bigger plans, hire more people, trash more habitat, and make more promises. If you were a bank would you loan them money?

They are like a private fiefdom up there, hiring their own people, selling their own fish, and I'm surprised the other fishermen in Cook Inlet who are charged the 2% aquaculture tax and getting nothing out of it are so silent.

This is State Park land, where is the Park in defending their turf?

I object to this hatchery for other reasons. Our local biome is made up of many mollusks and crustaceans whose larvae are free swimming. The release of the salmon fry is timed to optimized when those plankton and the phytoplankton they feed on are at their max, thus gobbling up the next generation...this is what hatcheries call science, instead of doing research to determine what the effects are... And all for the lowly pink salmon, low in price, easy to grow, and flooding the shores of SC Alaska and the feeding grounds at sea where they compete with fish from natural runs and supplanting the natural fish out of their streams when they return.

When they tried to move their operations out into the bay proper, putting in many acres of net pens (before they blew out and carried away), the prevailing attitude up there was "if you don't like all the buoys, paint rainbows on em haw haw haw..."

The idea to give them valuable Park land to squander further is ridiculous... Dave Seaman

HB 52 to remove land from Kachemak Bay State Park in favor of the Tutka Bay hatchery is misguided. It compromises the integrity of the park and the health of local salmon stock. While Representative Vance's bill is well-intentioned, she is misinformed. If you have not yet read some of the responses referenced below, please do so as the case for removing the hatchery rather than the land is clear. Swapping land for land on the other side of the bay is not an equivalent and does not compensate for the loss of this land.

Here are some recent op-eds on the issue.

- Hatchery Misinformation

- Rep Vance's Bill is Anti-Fishermen
- Moving the Tutka Bay Lagoon Hatchery Makes Good Sense
- Bad Hatchery Bill
- HB 52 Would Hurt Commercial Fishing and Community

Thank you for supporting the park and the fish and the fishermen and not supporting HB 52.

Marcia Kuszmaul

40963 China Poot St.

Kachemak City, Alaska 99603

(4 mi. East End Road)

Legislators,

I am writing today to voice my strong opposition to HB52 and the removal of Tutka Bay Lagoon from State Park Protections. This bill goes against the Kachemak Bay State Park Management Plan that was created after a long, public process. Rep. Vances bill appears to be motivated to help a failing commercial industry that should not have been allowed in there to begin with. The bill is anti fisherman as 590 setnet and 502 drift businesses are denied access to participate in this exclusive, privileged, inaccessible Lower Cook Inlet Tutka Hatchery fishery.

I ask that you not support this inappropriate bill.

Sincerely

Becky Hutchinson

Soldotna, AK

Please help protect and preserve this very beautiful, historical and loved land.

It's so important for "All Creatures Great and Small," including our families....

as well future generations.

Thank you for your consideration and assistance.

Robyn K Bolton

130 Skyline Parkway

Athens, GA 30606-6006

To House Resources,

We disagree with the effort to remove the Tutka Bay Lagoon area from the Kachemak Bay State Park.

As a property owner in Little Tutka Bay we have used the lagoon to harvest red and pink salmon for the last decade. As much as we may miss this opportunity we firmly believe that a private enterprise in a state park is inconsistent with park regulations and unfair to the majority of residents. It's time for hatchery operations to be shuttered and the lagoon returned to its original natural status.

We ask that you nix House Bill 52.

Jim & Ruth Lavrakas
PO Box 1459
Homer, AK 99603

Representative Patkotak, Chair

Representative Hopkins, Vice Chair

Members of the House Resources Committee

House Bill 52

2/6/2022

Dear Chair Patkotak, Vice Chair Hopkins, and members of House Resources,

My name is Cristen San Roman, I am a resident of the Homer area and I am Opposed to House Bill 52.

I have been following this bill since it was heard in House Fisheries last spring, and since then I have learned a lot about the Tutka Bay Lagoon Hatchery, how the community feels about its operation, and how Representative Vance is responding to that. The community has gotten together and discussed this bill in forums such as Homer City Council meetings, Kachemak Bay Citizen Advisory Board meetings, and recently a Town Hall hosted by Representative Vance. There has also been informal community discussion on online social media platforms, and through locals raising up their voices via op-eds and letters to the editor in various newspapers.

Across these forums there has been a clear majority of folks speaking out against this bill. People are passionate about issues like the precedent that this bill will set for removing protected park land, the hatchery sitting in a critical habitat area, Rep. Vance using the China Poot fishery as a red herring, illegal ILMA's, permit violations, and potential violations of Article 8 of the Alaska Constitution. These are just a few of the many concerns surrounding this bill.

Some of the only arguments that I've heard in support of HB 52 is that "the hatchery is beneficial to fishermen" and "profitable to the State of Alaska". I wholeheartedly disagree with these statements. Tutka Bay Lagoon Hatchery is funded by harvesting returning fish through cost recovery, as many

hatcheries are. They hire a small group of seiners to harvest a portion of the returning fish that they put out, and the statewide average for hatchery cost recovery is harvesting 15-20% of their produced fish, with 80-85% going to common property fishermen/the public. The problem with the Tutka hatchery is that on average they are harvesting 85% of fish produced to cover costs, leaving only 15% for everyone else. An inverse of what the state's model of efficient aquaculture is.

I've heard this analogy before and I think it puts things into perspective... by "depositing" these fish into the bay and "withdrawing" them, they are treating Kachemak Bay like their own personal ATM, and not sharing the resource as efficient aquaculture should. To add to this insult, Cook Inlet Aquaculture Association, the operators of the hatchery, are charging 1100 Lower Cook Inlet fishermen a "Salmon Enhancement Tax", although only 15-20 of them are actually allowed to harvest fish from them. This means that 98% of our local fishermen are being forced to funnel money into an operation that they are not even allowed to benefit from.

Despite harvesting the incredible majority of produced fish and receiving revenue generated from taxing fishing families, this hatchery is still hundreds of thousands of dollars in the deficit each year. To cover themselves being in the red they receive continuing loans from the state. Cook Inlet Aquaculture Association is already over \$16 million dollars in debt and Tutka Bay Lagoon Hatchery is pushing them deeper and deeper into it, while dragging the State of Alaska down into the deficit with them. They argue that sure, they have never missed a loan payment, but that does not mean that they have a plan for full repayment, especially when they are continuously losing money.

With all this considered, how could it be explained that this hatchery is beneficial to the fleet of Lower Cook Inlet fishermen and to the State of Alaska? Representative Vance has made it clear she is not interested in hearing about the merits or shortcomings of this hatchery, and that she is only concerned with curing the land disposal issue... I just cannot understand why she is working so hard to "save" this operation without giving consideration to the many problems created by it, or consideration to the outcries of us folks in her district. If she is truly only concerned about curing the land disposal then she should drop her bill. By doing so, the hatchery will close in 2031, and there will no longer be a disposal issue.

I ask that you members of House Resources please look into what is really going on with the Tutka Bay Lagoon Hatchery, and do your own research outside of what Cook Inlet Aquaculture and Representative Vance have to say about it. It would be absurd to support HB 52 and the continuation of this hatchery without thorough review of all factors and consideration of how the residents of this community feel about it. I ask that you support our Lower Cook Inlet fishermen, the State of Alaska's fund, and our beloved Kachemak Bay State Park by opposing House Bill 52.

Thank You,

Cristen San Roman

To whom it may concern,

I am a resident of Homer and am writing to express my opposition to House Bill 52. Please withdraw this bill. It hurts the citizens of Homer, Cook Inlet fishermen, Alaska's State Park System, and Alaskans. This bill gives up public lands to a narrow special interest group, the Tutka Bay Lagoon Hatchery (TBLH), setting a dangerous precedent for all Alaska's State Parks. HB 52 goes against the Draft Kachemak Bay State Park Management Plan and the extensive 7-year public process that created it. The Park Plan would relocate the hatchery out of the Park by 2031 and convert structures in the lagoon into "group camp facility." HB 52 seeks to overturn this decision and the public process behind it. This bill just doesn't make sense.

Thank you,

Eric Knudtson

46560 East End Rd

Homer, AK 99603

HB 52 seeks to overturn the Draft Kachemak Bay State Park Management Plan and the extensive 7-year public process that created it. In the Park Plan, the hatchery would be phased out of the Park by 2031 and would convert structures in the lagoon into a "group camp facility," making the area accessible to all Alaskans, not just for the benefit of a few.

This bill gives up public lands to a narrow special interest group, the Tutka Bay Lagoon Hatchery (TBLH). This bill is not only fiscally irresponsible, but also sets a dangerous precedent for all Alaska's State Parks.

Tutka Hatchery is illegal, makes other hatcheries look bad, and needs to go away.

Carol Harding

PO Box 2154

Homer, Alaska 99603

907-252-6008

Please keep your hands off our state park and don't support HB 52. TBLH is obviously a mismanaged money pit and shouldn't be allowed to continue. Do not support HB 52.

Pat Irwin

Homer

Dear House Resources Committee Members,

Thank you for your careful review of HB52, which proposes to remove the lands and waters associated with the Tutka Bay Hatchery from Kachemak Bay State Park. I have grave concerns about the precedent this bill sets for removing lands from state parks and ask that you evaluate the bill from this perspective.

Many of you have state parks in or near your districts and I ask you to examine the big picture posed by this bill—that land can be removed from a state park for any reason that appears plausible. State park lands have been designated for a wide variety of reasons, but they have been set aside for their functions and values that benefit all Alaskans. It should not be easy to remove those lands from state park status, for any reason.

I understand the conundrum of the Tutka Bay Hatchery and appreciate Representative Vance's interest in solving the problem. I harbor no ill will to Cook Inlet Aquaculture Association and those who participate in the cost recovery fishery at Tutka Bay Hatchery—they are my friends and neighbors.

There must be a better way to solve the problem. During your hearing on Monday, February 7, Alaska DNR stated that if HB52 does not pass, they intend to work with CIAA over the next 10 years to develop a solution. I suggest that there is time for the parties to work together to find a way through that does not lead to the estuary of Tutka Bay Lagoon being removed from Kachemak Bay State Park.

Tutka Bay Lagoon is a unique feature in all of Kachemak Bay State Park. It once was a nursery for many invertebrate species important to the ecology of Kachemak Bay until low oxygen levels caused by rearing hatchery salmon slowly reduced their numbers and diversity.

The lands adjacent to the Cottonwood-Eastland unit of Kachemak Bay State Park proposed as a land swap should be added to the park and this process was in the works before HB52. No land swap is needed and a separate bill could add those lands in coordination with Alaska DNR, the Kachemak Bay State Park Advisory Committee, and the Friends of Kachemak Bay State Park.

I implore you to slow down and examine what is truly at stake with this bill.

Thank you for your time and consideration,

Donna Aderhold

(Wildlife biologist, Alaska Salmon Fellow, member of a program monitoring the marine ecosystem of the Gulf of Alaska including Kachemak Bay, Homer City Council member)

353 Grubstake Ave.

Homer, AK 99603

House Resources Committee

house.resources@akleg.gov

Re; House Bill 52

February 8, 2022

Committee Chair, Josiah Patkotak and all resource committee members:

Greetings,

My name is Bruce Friend. I am a resident and business owner in Homer Alaska. I moved to Alaska over 50

years ago. My wife and I have owned a recreational cabin on Big Tutka Bay since 1983. It is located about

2 miles from the Tutka Bay Lagoon and Hatchery.

I oppose House Bill 52.

The Kachemak Bay State Park was established in 1970. It is a very special place. It provides an incredible opportunity for state residents and tourists to experience pristine coastal wilderness.

Operations of the hatchery, as run by Cook Inlet Aquaculture Association, has significantly degraded the environment of both Tutka Bay Lagoon and Big Tutka Bay over the past 25 years.

Most aspects of HB 52 are simply a smokescreen in order to chop 123 acres including all of Tutka Bay Lagoon and it's infrastructure from the heart of Kachemak Bay State Park. I'm sure you are aware that Parcel A is in the process of transfer from DNR to provide road access. Parcels B and C are already transferred and are being managed by the Kachemak Bay State Park now.

The Alaska Department of Natural Resources and ADF&G are utilizing what has turned out to be an illegal Interagency Land Management Assignment as it pertains to their service agreement with Cook Inlet Aquaculture. This boondoggle is not the fault of our state residents. They should not be forced to give up any parkland.

CIAA has operated this hatchery for more than 25 years starting back in 1994. They have failed to

produce any consistent salmon returns that would demonstrate financial viability for either their own operations, or for the Cook Inlet commercial fisherman as a whole. They have committed themselves and their supporting Cook Inlet permit holders to 16 million dollars of debt as a result of multiple loans from the State of Alaska Revolving Fund Program.

If a person cares to look deeper you would find corrupt financial activities by several CIAA Board members and furthermore, no corrective actions against current board members who have been convicted of serious illegal commercial fishing activities.

Representative Vance seems to think that our agency mistakes, (illegal ILMA's) and the poor performance of CIAA should be rewarded at the expense of our state residents and tax payers, This is being proposed in the language of HB 52, clearing the way for removal of 123 acres of land and infrastructure from Kachemak Bay State Park.

As House Resource Committee members, I must put my faith in you to carefully consider HB 52 and vote NO. You will then be acting in concert with all of our state residents to PROTECT OUR PARK against the attacks by my local politician and a non-profit corporation that appears to be acting in an inappropriate manner.

Thank you for the opportunity to be heard.

Sincerely,

Bruce Friend

bruce.friend@gmx.com

Lynn Whitmore

Po Box 355

Anchor Point, AK, 99556

February 8, 2022

Representative Sarah Vance

270 W Pioneer Ave.

Homer, AK 99603

Dear Rep. Vance,

I have been asked to comment on HB 52. I have been involved in the management of our area's fish and game resources for approximately 40 years. In times past during Homer Fish & Game Advisory Committee meetings we have discussed the pros and cons of the Tutka Bay Lagoon Hatchery. It has been controversial in the past, mostly because of funding and operational decisions that needed to be made.

As HB 52 attempts to move forward in the legislative process please keep these issues in mind:

In the forefront should be the fact that the resources of Alaska belong to all the residents. Decisions here should be made regarding what is best for all of our local fisheries, not any one specie and not any one group.

As I'm sure you are aware there are many local fish populations that are severely depressed. There is likely a litany of reasons for that and the research science behind those problems is evolving continuously. There are arguments being made that there are too many pink salmon being in the ocean and they are competing with or outcompeting some of the other salmon species. There are proponents of the hatchery programs who argue with that.

I suspect at the very least there is some exacerbation of the struggle our stocks are currently experiencing that is caused by our decisions to keep releasing millions of salmon into the ocean. At the same time I doubt that is the only reason the struggle is so encompassing.

As this bill is being argued please make certain that you are armed with the latest scientific research before you decide to move ahead with it. That may allow the House Resource Committee to make sound decisions based on the best available science.

Sincerely,

Lynn Whitmore

Rep. Josiah Patkotak, Chair

Rep. Grier Hopkins, Vice Chair

Members of House Resources Committee

House Bill 52

2/8/22

Dear Members of House Resources,

My name is Caitlin San Roman, I'm 21 years old and I live in Homer. I work processing fish on the Spit here and I am against House Bill 52.

I know this bill is about a land disposal, but it also has a lot to do with Tutka Bay Lagoon hatchery. I am pretty worried about the effects this hatchery has on the environment and on the State Park as a whole. It is sitting right inside of a critical habitat area and we do not know how badly the large fish production there is affecting the ecosystem. I've only lived in Homer for a few years, but I know stories from people who have lived here for a long time saying that Tutka Bay Lagoon and Kachemak Bay as a whole used to be much more ecologically diverse and fulfilling back in the day.

You used to be able to catch king crab, dungies and shrimp in large amounts but they are pretty much gone now. Tutka Bay used to be an amazing place where these shellfish could spawn and grow, but with all the pink salmon there now it is impossible for anything to survive. In my lifetime I would like to see things return to how they were, and thrive in the natural way. I'm not sure if that's possible if the Tutka Hatchery keeps operating.

There are also the three pieces of land called A,B and C that would be added to the park. I think that's cool to add to the state park but I don't think we need to cancel away the Tutka Lagoon to add these lands. A,B and C could be added at any point if Representative Vance wanted to. Also, even though it is adding more land than it is taking away, it is definitely not a fair trade. Why would we trade a beautiful and unique lagoon for a parking lot? A two to one trade sounds great, but would you rather have 10 acres of land in Hawaii or 20 acres of land in Kansas? This feels like a weird scam.

I hope you guys understand how important the State Park is to Homer. I love going across the bay with my friends and everyone in my generation cares a lot about the environment. We don't want to see special places like Kachemak Bay State Park lose their protections. Please understand how valuable the natural ecosystem is and that we have to take care of it, and that producing a ton of pink salmon isn't helping anyone. Maybe too if the pink salmon production ended we would start to see crab and shellfish in the bay again. Alaskans have a lot more to gain from diverse ecology than we do from just loads and loads of pink salmon that compete and crowd out other species.

There is also the whole China Poot thing. I like fishing there with my friends too, and I hear that Representative Sarah Vance says that it will go away. I almost signed her petition too because I didn't

realize that it was actually about saving the pink salmon hatchery, not China Poot. I think that the dipnetting could keep happening if the hatchery closes, maybe it won't work the same way that it has been going, but I think there are other solutions out there than what HB 52 has to offer.

It seems that the big problem is broodstock, but couldn't CIAA just use the brood that is already established in Tutka Bay Lagoon? If they were allowed to come in and just imprint sockeye smolt there, and then take eggs and send them away to trail lakes hatchery, I bet that China Poot could continue. Rep. Vance could definitely write another bill that gives CIAA a permit to just go into the lagoon briefly to take care of the egg take process. Seems like a really good option, and if not then there is still almost 10 years to figure out a new broodstock solution.

Thank you for taking the time to read how I feel about this. The critical habitat area and the State Park mean so much to me and I don't want to see them be physically degraded or legislatively degraded in any way.

Caitlin San Roman

I am writing to oppose HB 52 concerning the Tutka Bay Lagoon Hatchery. This legislation would be bad for the following reasons:

- (1) It sets a terrible precedent of pulling land out of a State Park for the benefit of a private business. This legislation clearly contradicts the Alaska constitution's intent that Alaska lands be managed for the benefit of all Alaskans. It is bound to generate a nasty round of unnecessary lawsuits.
- (2) The large numbers of pink salmon released by the Hatchery creates a salmon population that far exceeds the wild, pre-Hatchery population. It is highly likely that this is degrading the marine habitat of all the other species in these waters.
- (3) The Hatchery needs to move to a better location, with a better freshwater supply. Its own reports and those of ADF&G show that this hatchery has been a highly problematic and money-losing operation for many years.

HB52 opens a can of worms. Let's keep the lid on and throw out the can!

Ed Berg

Homer

Hello,

My name is Tamara and I am against taking away protected land from Kachemak Bay. We need to protect this precious land. The fish hatchery is a nuisance and needs to be closed instead of turning the land into public use. If we don't control this fishery problem, it will completely destroy the natural habitat that has already been affected. Alaska is a special place that needs more protection than not. Please consider the environment and don't give away this land to greed. I know you understand this deep in your heart. Please keep Alaska wild.

-Tamara

House Resources Committee

house.resources@akleg.gov

Re; House Bill 52

February 8, 2022

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Thank you for the opportunity to be heard.

Sincerely,

Bruce Friend

bruce.friend@gmx.com

Dear Legislators,

I appreciate your time. I've spent days on this aiming to be brief. This conflict has raged for 10 years thru 3 administrations with 100 side topics that are pertinent. which makes it difficult to be brief. I implore you take the time to read thru this letter.

My name is Jeff Lee, a 30 year resident of Seldovia, Alaska.

I am in strong opposition of House Bill 52.

I am a current member of the Kachemak Bay Citizens Advisory Board and have been during the full 10+ years of this intense conflict between CIAA and ADNIR/ State Parks.

The Kachemak Bay Citizens Advisory Board has borne the brunt of this conflict since 2012 as being the only public forum to address CIAA and park issues, including the depleting resources of Kachemak Bay. CIAA has attempted many times to rush and bully this board during this conflict for years with issue after issue costing tremendous amounts of time and money.

We have learned that recognizing arguments and reply's meant to mislead in order to deceive or circumvent is critical in this debate. It has come to light there is much to hide. Recognizing when this happens will show you where to look closer to ferret out the truth.

Please remember Our constitution states wild fish as our priority.

Throughout this time period it has become clear with hatchery issues, ADFG has become a captured bureaucracy and cannot be relied on for the full truth. This has been apparent for many years. Do not doubt this. Be aware of this.

Rep Sarah Vance's HB 52, struggles to authorize exclusive privilege for the ineffective, illegally sited, non-compliant Tutka Hatchery. By adjusting the light to make it appear it is a do good bill for the greater public's interests. When Vance refers to her "my people" she clearly is referring only to those within the Hatchery Circle who reap the benefits of this government loophole allowing the unlimited revolving loan program to create artificial fisheries and special harvest rights, paying themselves to make their own low value fish in high quantities. Fish unable to be processed in the US. This is not why CIAA was formed, nor the purpose of its existence.

Nowhere in Alaska is this ranching concept more destructive with devastating side effects than within the Critical Habitat Area in Kachemak Bay, There is no other place on earth like it. This is the nursery grounds for crab, shrimp, herring and more. 27 species has been decimated to the point of being unharvestable within the last 40 years because of poor management from ADFG. We have a critical habitat with no inhabitants. The food source, that these fish need to have to regrow, is continually decimated by this invasive hoard of low value pink salmon for a few permit holders who would rather ranch than fish. This ranch is set upon a natural healthy run of pinks. This is because adfg has become captured by hatchery occupiers. Again, our constitution is for wild fish priority.

This CIAA board who insists on controlling this resource in this setting is seriously giving a black eye to other hatcheries. The sooner this one goes away the better it will be for all hatcheries.

HB-52 attempts to thwart over eight years of ADNR Kachemak Bay State Park Management Plan public process planning. Through 3 administration, all rife with constant conflict from CIAA causing tremendous effort from park planners and law divisions. This management plan currently set to adopt will resolve Tutka hatchery illegalities and take care of the "land disposal issue" Vance talks about. This management plan will stop the tens of thousands of dollars from a constant state of conflict with CIAA because it is damaging the Parks resources and ultimately our public welfare.

Vance wants to destroy these thousands of hours of deep thought and discussions all vetted through the legal and proper public process by robbing it from the park

Her plan for the high value park lands is to remove a level of protection level then give it to this CIAA board. She calls it protecting the lagoon, what a lie.

If you give her this, she will tout how great she is by adding park lands- omitting the destruction she caused to parks, the public process of this park plan set to release and set the precedence set of taking park lands for private enterprise by doing so. A gross injustice.

Three of the top CIAA board Members and cost recovery fishermen, have been convicted as wild salmon stock "creek robbers" I've included some recent articles about Paul Roth, Robert Roth, and Eric Winslow, and Chris Perry at the end of this letter.

These people are very aware of what they do, there was a second incident last August in Bruin River, This is a pattern. Ask yourselves, how many times have they got away with this. This is who this bill is for. People willing to decimate wild runs to feed their personal greed, believing their rights to fish are greater than protecting the resources so we all have fish. This is the mentality of the seiners who took control of the CIAA board around 2009 and 2010 that now has brought this conflict to this level. This mentality is who she represents.

At the Monday meeting, when asked about what other options could be with re purposing this site, it was clear you are getting no answers there except a half truth, resulting in a lie, about needing to remove all of the infrastructure.

On re-purposing. It was stated to you. If the hatchery closed, all of the infrastructure must be removed and the land returned to its natural state. Which sounds terrible, and is. But, the next statement in that agreement is,. "unless there is a previous agreement. "Which means, that between now and when the hatchery closes, finalize the agreement to turn this infrastructure over to State Parks. Then the buildings stay. This is another omission, to mislead in order to deceive. This has been the common theme for 10 years. So much deception, ask yourselves, why? What is being hidden?

Phasing out this inefficient hatchery Makes room for tremendous regrowth and economic opportunities that we have even yet to realize. So much effort is being spent on this conflict, if HB-52 is stopped right here, right now that energy can soon begin to be spent towards positive growth for State Parks and the Critical Habitat and the wild stocks whose nursery grounds this belongs to. Which it turn feeds our economy and people, including wild fish fisherman.

There are many possibilities on the table waiting to move forward. Several with available funding for a myriad of opportunities. Some are for an educational and cultural group camp. Which still leaves room for a center for the rehabilitation of the 27 some odd wild fish species in this Critical Habitat Area that ADFG has effectively reduced to unharvestable levels. In addition, still leaving room to re-purpose for Public use cabins, additional Ranger Station and including and keeping active the necessary equipment and procedures to maintain the China Poot dip net fishery. These are just a few of the items of the potential repurposed facilities.

Vance's office continually vehemently refuses to recognize any of future possible benefits by re-purposing this facility. This is not equal representation.

This pink ranch is at a magnitude far beyond what any natural salmon run, even all of the small natural runs combined, can exist in this area naturally. This causes continued suppression of wild stocks by releasing a hoard of invasive predators fish feeding on the same food as our wild stocks, including the crab and shrimp that these waters are the nursery grounds for. Remember, look at the laws and statutes, we have a duty to protect these resources from being owned and exploited by the few.

Sam Raybung, early on in this conflict, then in his hatchery permitting position within the state, at a public meeting at Islands and Oceans with then ADFG Commissioner Sam Cotton and Andy Mack, DNR Commissioner during the years of net pen conflict. Was asked about how the ranched pinks compete for food with the wild stocks, in a room full of 300 people, Raybung stated 'there is no impacts on the food web, because we have already fed them, we release them and they just go out to sea'--

Common sense knows this is a lie, I'd bet he had to backpedal on this one. This is a massive hoard of fish, raised ahead of the wild stocks, that are ferocious eaters that need every bit of food they can get before going out to sea. ADFG hatchery division monitors the food source until the food source is at the highest levels just as all of the wild stocks really need this food source, Then CIAA/ADFG hatchery division release of these inferior pink stocks upon the food source that our wild stocks of high value fish need. The pinks also eat the small crab and shrimp that can be regrown. Ask Raybug about the food web, watch him perform his circumlocution. Its good. And why Raybug, Ask the biologists in ADFG, but ensure their job safety from being fired from higher ups in ADFG to allow them to give their truth.

This was the beginning when I realized that we have a captured bureaucracy that is used to having its own way.

Sam Raybung uses his position of authority to give partial and misleading information to legislators or anyone else he needs to in order to push hatchery production. Comfortable in his advisory position, he expects to be believed over mere public. Since then as I listen carefully, watch and research his

statements, he seldom will let me down in finding false, misleading information. At what point does this misrepresentation become criminal?

This is a battle not only for State Parks and wild fisheries, but for democracy as well.

Please hang in there reading this, I'm sorry, but this is serious business.

This man can be relied on to give information to you as legislators that will be absolutely pro hatchery with complete and total disregard for the future of our wild stocks. He is a smooth talker. It is unfortunate to you as legislators, who need to trust their advisors, that he will mislead you and misrepresent the truth where he can when it involves hatchery production. Watch where he evades. Research, trust this man to serve hatcheries at all costs regardless of other consequences.

Another of Raybung's recent classics, also recorded, at our January 2022 Parks CAB meeting with Vance present. When a board member brought up permit #32 to RayBang which states-

"to produce revenues from harvest and sale of returning fish and operate efficiently so that at least 2/3 of the fish are harvestable by common property fisheries."

"If a permit holder fails to comply with the conditions and terms of the permit... or hatchery operations not in the best interests of the public the permit may be suspended or revoked".

...Hatchery permits must "result in substantial public benefits and would not jeopardize natural stocks."

"...if the adverse effects are irreversible and cannot be mitigated sufficiently, initiate a termination of the operation."

Raybung vehemently denied the existence of this document in a manner that left no doubt that he knows exactly what he is talking about and that she clearly is misinformed. Even I would have believed him had this document not been sitting in front of me. This is a common method in this conflict. It shows much of what the CAB board has been hearing over the years from CIAA and ADFG. Half truths,

denials, misleading topics, using authority of office as justification, etc. all meant to deceive. Ask yourselves, WHY!, what are they hiding?

Cost recovery, achieved only 4 times in 30 years, and 17 fisherman receiving less than 1/5 share has created a serious noncompliance of permit #32 conditions: Yet is entirely ignored. Does this need to go to court?

ADFG shirks statutory duties by revealing inaccurate details to Vance. ADFG has condoned 30 years of noncompliance of Tutka Hatchery's illegal Permit 32. Allowing a private nonprofit, whom are not personally held liable, to gamble on losing odds with state loans at the expense of area H salmon and shellfish fisherman.

Phasing this hatchery out will save the state money from CIAA's chronic litigation of ADNR. This is CIAA's board using state money to fight other state agencies.

Please investigate within this 10 year conflict the Costs to the state for legal action from CIAA for illegal net pen placement in Big Tutka Bay and the illegal dumping of fish carcasses in Big Tutka Bay. Including CIAA's funds which came from state loan funds to pay lawyers fees and salaries to fight ADNR. This was State loan money being used to fight state agencies for years, yet suddenly, now, CIAA says its not needed. What! oops. Never mind. After causing 5 years of litigation!! is CIAA mad? Where does this stop?

Ask them about the Net Pens. Ask why they fought so hard demanding they needed them. Ask them why they suddenly don't anymore. Ask them if they intend to pursue more net pen sites out of the lagoon. When they say no, ask them if they would put it in writing. Watch them squirm and try move the conversation away from those questions.

This is what precipitated this. Early on, in 2014, when talking with a CIAA member she replied with, If you got a problem, take it up with the legislature. Apparently this is where the loopholes were created that make them feel so empowered. Now its here, but brought by CIAA thru Vance. This indicates where the investigation will need to be if this road continues. I do not think this is what the other hatcheries want. Best to drop this bill now for their sake. With great conflict comes great change. If this bill passes the conflict will grow, guaranteed.

Do not think for a second Vance represents Park interests by trying to use adding lands on the Homer side as being pro park, no one on the park board, other than one CIAA political appointee on the CAB, agrees with this. We can acquire these lands in the future for Parks with a representative who is pro Parks, not a representative who just needs something to use as collateral to take the lagoon lands and this being in the hopper for so many years makes a convenient grab for her and an option to take the credit. Fooling people into thinking she has provided a service to Parks.

With Hatcheries having control in ADFG the park is the only entity that has any chance of protecting our resources here that belong to all of us. These Park and CHA waters are not for just these seine permit holders who have no problems manipulating or disregarding the laws for their own benefits.

Since reopening the illegal Tutka Hatchery in 2012, Cook Inlet Aquaculture (CIAA) has harassed ADNR, commissioners, Directors, Rangers, and the Advisory Board with costly litigation. This illuminates CIAA's disrespect for law, waste of state revenue.

Vance condones this by attempting to remove park lands to provide for these few permit holders, This fails to represent the best interests of the state and sets a precedence for private enterprise to take park lands.

To answer your questions on China Poot dip net fishery. The answer is yes, China Poot continued unhindered when the Tutka Hatchery closed in 2004. Vance, Raybung, CIAA and ADFG's adopted policy is to attempt to promote the concept that the red salmon program within Kachemak Bay require the Pink salmon hatchery, This is meant to mislead and deceive the public and legislature. Be aware how Raybung refused to ever even admit that this red program operated effectively during the decade the Tutka pink hatchery was closed. Instead he filled the time with meaningless words to divert your attention.

These challenges to continue the China Poot dip net fishery will never be looked at honestly by this captured bureaucracy until this pink hatchery goes. For now there will be a refusal to even look at other options.,do not be misled by this. Raybung left out many truths of the many instances why CIAA has been kicked out of mucking up wild runs.

Sarah Vance has been misled. HB52 Tutka pink hatchery bailout is profoundly against Alaska's best interest and a travesty to the public process over the last 8 years during this park plan revision that under normal circumstances would have taken 3 years. Due to the level of political influence of hatchery components and the scale of the conflict it has taken 8 years. Do not throw this legal process, including the financial cost of producing this plan away under the guise of this very deceptive HB-52

Thank You.

Jeffrey Lee

COVE

This is who you, as legislators, are being asked to give this park to. Can you really believe this is in Alaska's best interests?

National Fishermen

August 9, 2018

Crooked catch: Four fishermen nabbed for creek robbing in Alaska

ALASKA SPORTING JOURNAL

Quartet Found Guilty Of Illegal Commercial Fishing In Dogfish Bay

Quartet Found Guilty Of Illegal Commercial Fishing In Dogfish Bay

June 7, 2019

Four men from the Homer area were found guilty of illegally commercially fishing in the waters of Dogfish Bay. Here's the Homer News with more:

Eric Winslow, 63, Paul Roth, 36, and Mark Roth, 66, all of Homer, and Robert Roth, 40, of Anchor Point, were all charged last year by Alaska Wildlife Troopers with various crimes relating to illegally driving salmon from waters closed to commercial fishing into open waters, and then harvesting them in Dogfish Bay (also called Koyuktolik Bay). Altogether, 33,328 pounds of salmon were taken.

“The boats went in there, they found out there was a lot of fish in that area, and four boats worked together to push these fish into a ball, and push that fish toward a set,” Rex Leath, a captain with the Alaska Wildlife Troopers, said of the incident last year.

Here’s the Alaska State Troopers dispatch:

Date: 5/31/2019 3:04:38 PM

Location: Dog Fish Bay Homer

Type: Sentencing for 2018 illegal commercial fishing incident

Dispatch Text:

On May 29, 2019, Judge Margaret Murphy of the Homer District court found four commercial fishermen guilty of multiple commercial fishing offences related to an incident that took place on July 18, 2018 in Dog Fish Bay. Alaska Wildlife Troopers observed the fishermen illegally fishing in the closed waters section of the bay and driving salmon from closed waters into open waters.

Mark Roth, 66 years-old of Homer, was found guilty of driving salmon from closed waters, and failure to provide information to a fish transporter with a combined total fine of \$11,000 with \$7500 suspended, and one year of probation. Paul Roth, 36 years-old of Homer, was found guilty of commercial fishing in closed waters, and failure to provide information to a fish transporter with a combined total fine of \$4000 with \$2000 suspended and one year of probation. Robert Roth, 40 years-old of Homer, was found guilty of failing to obtain a fish transporter permit, failure to complete fish tickets, and unlawful possession of fish with a combined total fine of \$4000 with \$2500 suspended and one year probation. Eric Winslow, 63 years-old of Homer, was found guilty of driving salmon from closed waters, failure to provide information to a fish transporter, and failure to display vessel license with a combined total fine of \$11,200 with \$7500 suspended, and one year probation. Ten thousand pounds of salmon were also forfeited to the state.

During sentencing, Judge Murphy emphasized that her primary goals were two-fold: rehabilitation and deterrence. The general deterrence is very concerning. “It’s important that everyone understands that driving of salmon and fishing in closed waters cannot stand.” Fishermen must understand where areas are closed to fishing and that “the line is the line.” Additionally, the law requires individuals who are going to transport fish from other fishermen to have the appropriate permits and collect the appropriate documentation. This helps ensure that Alaska Fish and Game has the information it requires to make sound management decisions about the State’s valuable fish and game resources.

Alaska Wildlife Troopers and the Office of Special Prosecutions encourage all fishermen to understand and follow the pertinent fishing regulations and to report any violations. It is for the benefit of all Alaskans.

Hello,

I am writing in regard to HB-52, and specifically stating my firm opposition to this bill and any similar bill that would remove land from Kachemak Bay State Park. HB-52 would remove over 100 acres from the State Park, with the alleged purpose of “remedying a land disposal issue”, as Representative Vance has repeatedly referred to it. At its most basic, correcting an illegal agreement by making it a permanent arrangement is about as corrupt and despicable as politics can get. Furthermore, this would incentivize CIAA, a failing business which has been running a failing hatchery in Tutka Bay with taxpayers left holding the bill.

There has been an outpouring of opposition to this bill in many forums. The Kachemak Bay State Park Citizen’s Advisory Board is firmly against this bill, and for months their meetings have been filled with a diverse chorus of articulate arguments against this bill. The arguments supporting the bill have been an extreme minority, uninformed and inarticulate. It seems very clear that this bill is an attempt to placate a small group of people who have Vance’s attention, to the detriment of the community at large. Furthermore, Representative Vance has been engaging in a duplicitous public campaign threatening to end the popular China Poot fishery, essentially holding it hostage in an attempt to sway public opinion. This kind of political maneuvering is disgusting and unethical. Commentary that is received in support of the bill should be read in the context of this manipulative PR campaign that Representative Vance has been waging.

More to the point, however, is that the Tutka Bay hatchery is poorly run, poorly sited and currently a massive drain on the local ecology and economy of the region. Removing land from the State Park is a clear violation of the State Constitution in that it would clearly not be “for the maximum benefit of its people” (Article 8, Sec. 2). Nor does it in any way represent “efficient development of aquaculture in the State” (Article 8, Section 15.). HB 52 goes against the wording and spirit of the Alaska State Constitution. Securing private land for a private company being constantly bailed out of debt by taxpayers at the expense of the people of the state is corrupt and despicable.

Please put an end to HB-52 and maintain a precedent that is worthy of the Great Land we are all lucky enough to inhabit.

Lewis Hinnant
33528 Jones Dr.
Homer, AK 99603

To: Sarah Vance and Members of the Resource Committee

From: Mercedes Harness,

Resident of Homer and Little Tutka Bay

mercedesharness@gmail.com

907-299-1697

The re-designation of 123 acres in the oldest state park in Alaska, is in no way casual, and implications of this change to Kachemak Bay communities are significant. We know, ecologically, that the hatchery in Tutka Bay Lagoon is problematic, and that because of that, Kachemak Bay State Park made a plan to relocate it by 2031. Land protection status as granted to state parks should not be capricious, subject to the whims of politicians, but should be durable.

The purposes of state parks are, in part, to protect and steward land and promote ecologically sound recreation. This bill is a knee-jerk reaction to the Kachemak Bay State Park Management Plan, developed over seven years with vested stakeholders, and informed by research, best practices, and common sense. It is bad practice, in any level of government, to undermine the very institutions set in place that provide leadership and governance. With due respect, the members of this committee are not equipped at this time to make a flash decision that will have a long-lasting impact on the environmental, economic (both fisheries and tourism), and very real day-to-day life of people working and living around Tutka Bay and Tutka Bay Lagoon.

Sincerely,

Mercedes Harness

Dear Members of the House Resources Committee,

I am writing with my opposition to HB52.

I appreciate the effort put forth by the sponsor of HB52 to develop a solution to the real problem faced by the location of Tutka Bay hatchery and the revised State Park plan. Although administratively straightforward, and thus supported by ADEC and ADNR, this is a crude solution, and one that is a net loss to the State and the public.

The exchange being proposed lacks merit on just about every front. The land isn't ecologically similar at all, the land proposed to be added to the park is already protected, and the loss of Tutka Bay lands from the Park in the proposal would be to the net detriment of the vast majority of Alaskans it will impact.

While we love our Homer-side conservation lands, the estuaries and mountain-side of Kachemak Bay State Park is a **major** driver of our tourism industry and quality of life. Those lands aren't limitless - they are quite precious, and to be held in public trust for the benefit of all Alaskans. We all should be well aware that general public lands are not the same as Park lands.

The clock may be ticking, but it's on a 10 year timeline and we can do better than this solution. The hyperbole surrounding hatchery operations, both for and against, is pitting people against one another unnecessarily. This stark posturing shouldn't cloud us to more refined and elegant solutions.

Please do not pass HB52 out of committee, and allow time for crafting better alternatives.

Sincerely,

Rachel Lord

Homer resident

I am writing to express my support of the land swap for the Tutka Lagoon Hatchery.

The Hatchery is important not only to the community of Homer but to the entire State of Alaska. Tens of thousands of people benefit from this including dip-netters, processors, sport fisherman, commercial fishermen, and so many people in the work force that can't even be counted. This Hatchery is a vital part of the economy of the Kenai Peninsula and feeds Alaskans from all of the State.

I am very disappointed in the people opposed to this land swap for the volume of disinformation they are spreading. I have listened to their arguments which are mostly made up and not based on science.

I have spent the last 30 years on the waters of Cook Inlet, Gulf of Alaska, and Resurrection Bay. I have seen for myself how many people benefit from the hatchery. I have also seen how invalid the claims being made by those opposed really are. It is mind blowing to me that there is even a question of how important this hatchery is. The State of Alaska should do everything to support the continued operation.

Besides all the immediate benefits the Tutka Lagoon Hatchery brings to local Alaskans there are extreme side benefits as well. The money earned by Cook Inlet Aquaculture is used to benefit projects like the Paint River which was destroyed by the earth quake and had no salmon returning. It had salmon returns larger than the Kenai River which was reduced to zero return. The salmon ladder project there has begun to grow the natural return with hopes of eventually having it back to pre-earthquake numbers. Another vital project is Shell Lake. CIAA has done a ton of work brining the sockeye return back where it was devastated.

One thing I find very sad is that most of the users of the fish that come from Tutka Lagoon do not even know this battle is going on. How are all the sport fishermen, dip-netters, City of Seward, and others going to feel when they find out they have no more fish. The backlash is going to be immense if we do not keep this hatchery running. Sadly if this land swap does not happen and the hatchery closes those people are going to find out too late and the damage will be irreversible.

Please move forward with the land swap. The land being gained for the park in the Homer area will be beneficial to thousands of users annually. And, the people depending on the hatchery will still benefit. It is a win win.

Thank you for your consideration.

Rod Van Saun

My name is Len Fabich I'm a Homer resident and am speaking in favor of HB 52.

I have fished the waters of Kachemak Bay here in Homer since 1987. Both commercially and sport. In 2013 I became commercial salmon seiner in lower Cook Inlet.

I am here today to voice my opinion in support of the efforts to keep the Tutka Bay hatchery operational and pursue the land swap proposed.

Kachemak Bay State Park management plan has decided the Tutka Bay Hatchery is not compatible to the use of our state park. I beg to differ. There are many views on the Tutka Bay hatchery and I'm going to share mine.

Why is it that a hatchery that has operated since 1978 although not consecutively now deemed incompatible?

Honestly because of the hidden personal agenda of a few to be blunt!! It is my opinion that there are a very few people with an agenda that are creating this travesty.

The misinformation surrounding their pleas revolve around such notions as it is not serving the local commercial fisherman.

I fished my entire commercial salmon season in 2020 fishing returning hatchery stocks of red and pink salmon. On even years when our wild pinks do not generally return in big numbers on the outer coast the hatchery is a huge bright spot in our local seine Fishermen's summer fishery. During July every year our major target fish for the vast majority of the lower Cook Inlet fleet are returning red salmon from hatchery releases attributed to Tutka Bay. It really is a big part of my livelihood and the livelihood of our entire fleet yearly. So the argument that it is largely only benefiting the hatchery is false. As far as being an intrusion on the state park I can attest to the fact that my boat and all others that commercial fish here bring a great amount of pleasure to park visitors each summer. A favorite opportunity for them is to observe us in action. Many a tourist go home with photos of us catching Tutka Bay hatchery fish. Seems very compatible with the many users.

I personally know of commercial operators within the park that depend on this fishery to take sport fishing clients to fish both Tutka Bay lagoon hatchery fish and China Poot hatchery release fish all through the season.

The benefits to the city with taxes collected from fish sales across the docks is no small number. A benefit to our city's treasury. And another loss if not allowed to operate.

The spinoffs of this Hatchery affects thousands of people. One of the largest positive benefits is the China poot dip net and snag fishery. As well as the Tutka bay lagoon sports fishery for reds and pinks. All funded by hatchery cost recovery measures. This will go away if the Tutka bay hatchery is closed down. The hatchery is responsible for collecting the eggs that eventually end up as red salmon on the tables and in hundreds of the freezers around Homer and the Peninsula from these two sites. My family and I love to partake in this fishery. Gone it will be if the state park gets its way. It is amazing to see how many people partake in this fishery. And contrary to what those opposing the land swap say! It will go away.

When I mention this to local people they get very upset.

One big factor to also consider is the fact that most people opposing this land trade have never been to Tutka bay lagoon. The home waters of the hatchery. It is not a destination for many others than fisherman. Entrance to the lagoon is rather treacherous with strong current and low tidal water. Land aquired in the swap will be way more utilized by the general public. It's a win win situation. Don't be swayed by the special interest groups against this swap. Cast a vote that will benefit the most. The choice is very clear.

I urge you to pass HB 52 that will secure the land trade and continued operation of the hatchery

Thank you and please feel free to me for more clarification. 907-299-2733

Len Fabich

Dear Rep Josiah,

I'm reaching out in regards to the current bills in question trying to remove Tutka Hatchery or cease its operations. This hatchery is vital to not only commercial fisherman but to sport and subsistence users as well. The Red return in China Poot lagoon that many people depend on for food is only present because of the Tutka Hatchery and the efforts of CIAA and all other involved persons. From commercial fisherman harvesting the fish to pay for the annual stocking to those who harvest the fish for food. This isn't even mentioning the economic wealth such a facility(and others like it) provides for the state and its inhabitants. Hatcheries truly are a win-win for all involved. Even the biological ocean life that feeds on all the young salmon released every spring.

I truly appreciate you taking the time out of your day to read this.

Yours Respectfully, Zachary Nelson

Sent from my iPhone

Dear House Resources Committee,

The following is in regards to HB 52 introduced by Rep. Sarah Vance

I operate a seafood processing business located in Anchorage and am also a user of Kachemak Bay. I am opposed to HB 52 for the following reasons:

1. The Tutka Bay Lagoon Hatchery is a failed operation from a financial and ecological standpoint. Most of the hatchery production goes to sustaining its own operation providing little to no benefit to local fishermen. Its location is undesirable due to lagoon depth and fresh water availability. What the hatchery does produce is low value pink salmon.
2. The bill proposes to exchange public lands for the benefit of a private special interest group the Tutka Bay Lagoon Hatchery/ Cook Inlet Aquaculture Assoc.
3. Rep. Vance falsely claims that the China Poot dipnet fishery will disappear if we do not cut Tutka Bay Lagoon lands out of the park. The China Poot reds are raised at the Trail Lake hatchery by Moose Pass and the fishery continued while the Tutka Bay Hatchery was closed from 2005 to 2014. Whether intentionally or through ignorance Rep. Vance is using China Poot as a bargaining chip.
4. HB 52 violates the State Constitution's requirement that Alaska's land and waters be managed for the maximum benefit of its people.
5. HB 52 goes against the draft Kachemak Bay State Park Management Plan and the 7-year public process that created it. HB 52 seeks to overturn this decision and the public process behind it.

HB 52 is a flawed bill. I respectfully request that you vote No on HB 52

Thank you for your consideration.

Sincerely,

Lamar Ballard

Aquatech Seafood LLC

(907) 563-1387

Representatives:

I am writing to offer support for the passage of HB 52 and the continued operation of Tutka Bay Lagoon Hatchery.

The popular China Poot dipnet fishery and Tutka Lagoon sockeye sport fishery will cease to exist if the Hatchery is forced to close down. Cost recovery of Hatchery pink salmon returning to Tutka Bay provides the majority of funds necessary for Cook Inlet Aquaculture to operate not only Tutka Bay Lagoon Hatchery but also Trail Lakes Hatchery near Moose Pass. Cost recovery funds support many other programs which benefits all user groups in the greater Cook Inlet area such as pike suppression, weir counts, invasive weed control etc. Fish in excess of cost recovery requirements are available to the

common property fisheries. Abundant pink salmon in the Lagoon provide an excellent opportunity for children to catch their first salmon.

The existence of the Hatchery has not diminished visitation to Kachemak State Park . No one cancelled a trip to Tutka Bay because a Hatchery is hidden away in the Lagoon. If anything, the Hatchery is a tourist draw and not a deterrent.

If HB 52 is passed, there will be no change to the everyday experience of visitors to Tutka Bay. Access to trails, Hatchery, and Lagoon will remain as usual .

I urge the passage of HB 52.

Beaver Nelson

56 year resident of Homer
54 year salmon fisherman
Bachelor of Science, Oregon State University

Dear Representative,

I don't think it is legal to remove land from the state park to benefit a few. This creates an unacceptable precedent. Thanks Aron Peterson

Sent from my iPhone

Representatives on the House Resources Committee,

I can't believe I'm giving the same lecture my dad gave to me fifty years ago, to my legislators.

"You have to watch out who you hang out with. It will affect your job, your finances, your reputation, and even where you live."

The CIAA board was up to no good, at least three of the four apprehended. And it sounds like it wasn't the first time.

Chasing fish out of a closed area, and you can bet it wasn't schools of humpies !

And they're still on the Board of CIAA !

Is this really who you want to give the park to to?

Can you believe this is in Alaska's best interests?

Table HB 52 (till they get out of jail to come to the Board meetings).

incredible,

Gordy Vernon

p.s. The rest is from published news:

National Fishermen

August 9, 2018

Crooked catch: Four fishermen nabbed for creek robbing in Alaska

ALASKA SPORTING JOURNAL

Quartet Found Guilty Of Illegal Commercial Fishing In Dogfish Bay

June 7, 2019

Four men from the Homer area were found guilty of illegally commercially fishing in the waters of Dogfish Bay. Here's the Homer News with more:

Eric Winslow, 63, Paul Roth, 36, and Mark Roth, 66, all of Homer, and Robert Roth, 40, of Anchor Point, were all charged last year by Alaska Wildlife Troopers with various crimes relating to illegally driving salmon from waters closed to commercial fishing into open waters, and then harvesting them in Dogfish Bay (also called Koyuktolik Bay). Altogether, 33,328 pounds of salmon were taken.

"The boats went in there, they found out there was a lot of fish in that area, and four boats worked together to push these fish into a ball, and push that fish toward a set," Rex Leath, a captain with the Alaska Wildlife Troopers, said of the incident last year.

Here's the Alaska State Troopers dispatch:

Date: 5/31/2019 3:04:38 PM

Location: Dog Fish Bay Homer

Type: Sentencing for 2018 illegal commercial fishing incident

Dispatch Text:

On May 29, 2019, Judge Margaret Murphy of the Homer District court found four commercial fishermen guilty of multiple commercial fishing offences related to an incident that took place on July 18, 2018 in Dog Fish Bay. Alaska Wildlife Troopers observed the fishermen illegally fishing in the closed waters section of the bay and driving salmon from closed waters into open waters.

Mark Roth, 66 years-old of Homer, was found guilty of driving salmon from closed waters, and failure to

provide information to a fish transporter with a combined total fine of \$11,000 with \$7500 suspended, and one year of probation. Paul Roth, 36 years-old of Homer, was found guilty of commercial fishing in closed waters, and failure to provide information to a fish transporter with a combined total fine of \$4000

with \$2000 suspended and one year of probation. Robert Roth, 40 years-old of Homer, was found guilty of

failing to obtain a fish transporter permit, failure to complete fish tickets, and unlawful possession of fish

with a combined total fine of \$4000 with \$2500 suspended and one year probation. Eric Winslow, 63 years-old of Homer, was found guilty of driving salmon from closed waters, failure to provide information

to a fish transporter, and failure to display vessel license with a combined total fine of \$11,200 with \$7500

suspended, and one year probation. Ten thousand pounds of salmon were also forfeited to the state.

During sentencing, Judge Murphy emphasized that her primary goals were two-fold: rehabilitation and deterrence. The general deterrence is very concerning. "It's important that everyone understands that driving of salmon and fishing in closed waters cannot stand." Fishermen must understand where areas are closed to fishing and that "the line is the line." Additionally, the law requires individuals who are going to transport fish from other fishermen to have the appropriate permits and collect the appropriate

documentation. This helps ensure that Alaska Fish and Game has the information it requires to make sound management decisions about the State's valuable fish and game resources.

Alaska Wildlife Troopers and the Office of Special Prosecutions encourage all fishermen to understand and follow the pertinent fishing regulations and to report any violations.

Chair Patkotak and Members of the House Resources Committee,

Please support HB52 as a solution to the legal land disposal issue between State of Alaska agencies.

My name is G Malcolm Milne and I am a Lower Cook Inlet Seine Permit Holder. I own and operate a seiner and have fished salmon in Lower Cook Inlet since 2010. I am currently the first vice president of Cook Inlet Aquaculture Association, President of the local Homer fishing organization North Pacific Fisheries Association and member of the Cook Inlet Seiners Association. I am also a member of the Homer Fish and Game Advisory Committee.

I support HB52 as a cure to the land disposal issue between the State of Alaska Department of Natural Resources and Alaska Department of Fish and Game. Please see this issue for what it is even though much of the opposition seems to be directed at the sites contractor, Cook Inlet Aquaculture Association.

The CIAA Board of Directors consists of Cook Inlet (Area H) Fishermen of all gear types as well as municipal representatives. (See attached bylaws) The Board of Directors is committed to the CIAA mission and goals and as Area H Permit holders we are dedicated to the Cook Inlet Salmon Resource for all user groups.

At the 2019 Alaska Board of Fisheries Lower Cook Inlet Finfish Meeting a number of proposals directly targeted Tutka Bay Lagoon Hatchery, all of which failed. Meeting Information: Alaska Board of Fisheries, Alaska Department of Fish and Game. When the information is presented to a scientific evidence based deliberative body such as the Board of Fisheries, Tutka Bay Lagoon Hatchery prevails. As a CIAA Board member I am well aware that we have a lot of room for improvement and we work toward that every day that we're not spending our time fending off attacks.

In 2018 the Alaska Department of Natural Resources adopted a management plan for Kachemak Bay State Park that continued the compatible use determination for TBL Hatchery. This land disposal issue seems like a more recent development in case law and Representative Vance has done a lot of work to find a solution in HB52, please support it.

<https://www.peninsulaclarion.com/news/dnr-commissioner-rescinds-adoption-of-new-kachemak-bay-parks-management-plan/>

Thank you for your attention,

G Malcolm Milne

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CIAA Bylaws

As Amended February 18, 2017

ARTICLE I: BOARD OF DIRECTORS

A. The powers of the corporation shall be exercised by a perpetuating Board of Directors (the Board) qualified in accordance with the requirements of the Articles of Incorporation. There shall be no fewer than 7 Directors or more than 29. The Board shall consist of representatives from charter commercial fishing organizations, other commercial fishing organizations and commercial fishermen elected at-large in Cook Inlet and other user groups as defined in AS.16.10.380 (a)(3). The number of Directors selected under Article I, sections E2 and E3 of these By-Laws shall be, in their total, not less than 51% of the total Directors of the Association. The Board shall elect from their number a President and one or more Vice-Presidents, a Secretary, a Treasurer and additional officers as the Board shall consider necessary.

B. The Board shall administer the affairs of the corporation: control all expenditures and property; establish salaries of all employees; fill vacancies on the Board and among its officers; and act for its interest in any way not inconsistent with the Articles of Incorporation and these By-Laws.

C. The Board shall meet annually in February on a date and at a place designated by the Board. The Board shall meet at other times upon call by the President or any 3 Directors with 4 days notice to each Director. Board meetings shall be conducted in accordance with the most current edition of Roberts Rules of Order only in the absence of any Board Policy or Regulation defining other parliamentary procedures. A quorum shall be a majority of the current listing of Directors. In the absence of a Director, an Alternate Director (hereafter referred to as an Alternate) may as a substitute attend Board meetings and exercise all duties and responsibilities of a Director. Proxy voting is prohibited.

D. The Board may elect 5 but not more than 7 of its members as an Executive Committee to manage corporate affairs to the extent provided in Appendix I. Standing committees may be appointed or dissolved by the Board as the need arises.

E. Directors shall be selected as follows:

1. Each "other user group" which applies and is accepted for Board membership shall select one Director and one Alternate. "Other user group" membership can be lost through failure to participate as in Art. I, sec. F2. Replacement of a Director or Alternate by an "other user group" requires written notice to CIAA prior to the meeting at which the new Director or Alternate will be seated.

2. Unless seats are lost through failure to participate as in Art. I, sec. F2, each charter commercial fishing organization shall select 2 Directors and 2 Alternates. Each Director and Alternate must be the

named holder of a Cook Inlet (Area H) limited entry salmon permit (hereafter referred to as a "permit holder"). The charter commercial fishing organizations in Cook Inlet are: ☐ Northern District Set Netters of Cook Inlet, Anchorage; ☐ Cook Inlet Fishermen's Fund, Ninilchik; ☐ Kenai Peninsula Fishermen's Association, Soldotna; ☐ North Pacific Fisheries Association, Inc., Homer.

Unless seats are lost through failure to participate as in Art. I. sec. F2, each other commercial fishing organization may select 2 Directors and 2 Alternates. Each Director and Alternate must be a permit

holder. The other commercial fishing organizations are: ☐ United Cook Inlet Drift Association, Kenai; ☐ Cook Inlet Seiners Association, Homer.

Replacement of a Director or Alternate by a charter or by another commercial fishing organization requires written notice to CIAA prior to the meeting at which the new Director(s) or Alternate(s) will be seated. 3. Five Directors shall be elected “at large” through a balloting of all permit holders. The term of office is 3 years, commencing at the annual meeting following election. Terms of office shall be staggered so no more than 3 “at large” positions shall be at stake in any single election. To be nominated for election to the Board each prospective Director must on or before a date established by the Board present a petition which specifies the person who has agreed to serve as Alternate and is signed by no fewer than 20 permit holders. Each Director and Alternate must be permit holders.

a. In the event there are fewer “at large” Directors nominated than the number of “at large” positions to become vacant, the election process will end. The Board shall deem those duly nominated to have been elected and may select any permit holder to fill any remaining the vacant seat(s).

b. In the event the number of valid nominating petitions received exactly matches the number of “at large” seats to become vacant, the election process will end. The duly nominated Director(s) will be deemed to have been elected to fill the vacant seat(s).

c. In the event there are a greater number of valid nominating petitions submitted than the number of “at large” seats to become vacant, the election shall proceed by mail. The Board shall set a date and time by which all ballots must be received to be counted, and ballots shall be mailed to all permit holders sufficiently in advance of the date and time set to allow all permit holders an opportunity to vote. Depending upon the number of positions at stake in any election, the nominee(s) receiving the highest number of votes will be seated on the Board. A nominee

may request a recount. In event of a tie vote between nominees, the successful nominee shall be selected by lot at a Board meeting after adequate notice.

4. Directors and Alternates selected via 2 and 3 above shall continue to be permit holders throughout their terms.

February 11, 2022

Dear Members of the House Resources Committee,

I am writing today to share my concerns with HB 52, before you today, regarding Kachemak Bay State Park and the Tutka Bay Lagoon Hatchery (TBLH). At its core, the proposal removes 123 acres of land from the central and most used area of KBSP. Reasoning for the necessity of the bill proffered by the sponsor generally fall under a couple of themes:

“The bill simply fixes an issue regarding a land disposal.”

False. The recent KBSP management plan, which was developed over several years and countless stakeholder meetings, is what fixed the issue by correctly concluding that the privately leased hatchery is not compatible with the values of a scenic park. KBSP, Alaska’s first state park, was dedicated in 1970. TBLH was leased to a private entity in the 1990s. The error was allowing the private lease to begin with. Removing Park land does not ‘cure’ anything, and sets a horrible precedent that a special interest can

carve up valuable protected public lands for their own use simply by finding a sympathetic ear who is willing to ignore the will of community.

“The bill “saves” the China Poot Lagoon personal use dipnet fishery.”

False. Nothing in this bill requires the current lessee, Cook Inlet Aquaculture Association, to do anything. There are no requirements for them to continue to enhance the sockeye fishery in Kachemak Bay. They are free to stop at any time.

It should also be made clear to the Committee that during nearly a decade of ceased operations of the hatchery, the China Poot personal dipnet fishery continued uninterrupted. There are legitimate questions surrounding this issue that have not been answered, and that should be before the Park is hollowed out for private interests. For example, could the Department of Fish & Game facilitate the imprinting and release of sockeye smolt to allow the commercial fishery enhancement to continue? Would a short-term permit (not a long-term lease) to allow these limited activities be compatible with the Park? To propose a withdrawal of over 120 acres of Park land before these and other solutions are considered is shortsighted and simply lazy.

“The land will revert back to the Park if the TBLH ceases operations.”

False. Not only does the new bill version allow ADF&G three additional years to find new private operators for the non-compatible private use of the park lands, the sponsor appears to believe that government will be able to one day put toothpaste back in the tube when the TBLH ceases operations, and the land is supposed to revert back to the Park. As others have pointed out, there is nothing preventing a future legislature from changing this bill to allow those newly ‘general use’ lands to be used for other non-Park purposes.

In conclusion, I urge the Committee to table this proposal until there is more consideration given to other solutions besides removing Park lands for private benefit. Ultimately, the values of Kachemak Bay State Park should be maintained and kept whole for the benefit of all Alaskans, including those that support our economy and work to share the crown jewel of the Alaska Park system with our neighbors, families, and visitors. I also urge you to please give strong deference to the entities with the most knowledge of the Park, and the most responsibility for preserving it for current and future Alaskans. Those groups, such as the Citizen’s Advisory Board, are advocating for all Alaskans, not just a few.

Thank you for your consideration,

Dorothy Duncan Homer, AK dorothy.melambianakis@gmail.com

I oppose HB 52. It guts an important part of the Kachemak Bay Management Plan created over 7 years by public process. Leave the plan created thoughtful, deliberative public process alone. Thanks.

Charles Ryan

6101 West Tree Dr

Anchorage 99507
