

April 13, 2023

Judiciary Committee  
Alaska State Senate  
120 4th St.  
Juneau, AK 99801

Dear Members of the Judiciary Committee:

We write today to express our grave concern with Senate Bill 128 recently introduced in the Alaska State Legislature with the aim of “temporarily closing the commercial salmon fishery in a portion of the Alaska Peninsula and Aleutian Islands; and providing for an effective date.”

Just a few months ago, in February of this year, a week-long, thorough, and considerate review of this very question took place at the Board of Fisheries in Anchorage. Stakeholders from all sides and regions were present and made their positions known to the Board, and the Board took into account the many perspectives, science, and other evidence regarding this fishery, management, and its impacts. In doing so, the Board ultimately decided that there was no cause to close the fishery.

Management decisions should be based on science, not politics, and the science supports the decision made by the Board of Fisheries. Recent NOAA and ADF&G research strongly suggests poor marine smolt survival is likely linked to changing oceanic conditions and lack of available food. According to NOAA, extreme warm ocean temperatures during the years 2016 – 2019 when juvenile AYK chum were rearing in the ocean are a major reason for adult declines to AYK rivers in 2020 and 2021. Warm ocean waters resulted in poor prey density as well as poor prey quality (low fat content), which contributes to poor growth and survival.

ADF&G reports that June harvest rates for this fishery were 2.1%, 3.6%, & 6.9% in 2007, 2008, & 2009 respectively, for the entire CWAK group which extends from Bristol Bay to Norton Sound. This is an average harvest rate of 4.2%. Salmon declines are complex, and accurate representation of data and science must be central to any decision regarding fishery closures. Full deliberations were had in February before the Board, including biologists from the Alaska Department of Fish & Game, and many other experts.

If passed, this bill would cause extensive economic and cultural damage to the communities of the Eastern Aleutians, from which these communities and their economies may never recover. The jobs lost for fishermen and processors would have impacts that reverberate throughout families and communities. The extent to which these communities depend on salmon cannot be overstated, particularly since the collapse of the gulf cod populations.

If passed, such an action by this legislative body would be unprecedented in both process and otherwise widespread impacts. This potential precedent of overriding Board of Fish actions would have numerous consequences—including diminishing the value and work of the Board and opening the door for the legislature to start managing fisheries in the state. Proceeding with this bill would set a dangerous precedent that would imperil the authority of the Board of Fisheries and disregard the longstanding respect different regulatory and legislative bodies have for each other throughout Alaska’s state government.

Please do not advance this bill, as doing so goes against well-established science and prior expert decisions.

Respectfully,

Kiley Thompson  
President  
Area M Seiners Association



April 14, 2023

Senator Donald Olson  
State Capitol Room 508  
Juneau, AK 99801

Senator Olson,

The City of Sand Point is vehemently opposed to Senate Bill 128. Legislation that seeks to address the nuanced aspects of fisheries policy is completely unprecedented and directly undercuts the Legislatively confirmed Board of Fish. The Board of Fish convened in February to address the issue of the failed AYK chum salmon run and what connection, if any, existed between that and the Area M fishery. The committee listened to days and days of testimony from stakeholders; ultimately, they chose to follow the established science that shows the Area M fishery is not the cause of the chum salmon decline. We are not indifferent to the problems of our neighbors to the north, indeed, we have experienced failed runs before and we know the impacts it has on those who rely most for fish to provide. Shutting down Area M for a month, over the decision of the Board of Fish and the Area M fishermen who have agreed to chum cap at personal costs, simply will not fix the cause or causes of the chum decline.

The Board of Fish has served the fisheries stakeholders well over the years as a balanced and non-partisan body that dedicates itself to nuanced fisheries issues. Blatantly discarding their time and efforts on behalf of the residents and stakeholders is not only an unprecedented repudiation of the established norms, but it threatens to create a 'fisheries by legislation' model that undermines the entire purpose of the Board of Fish and Board of Game. The Legislature does not have the time, expertise or any mandate to address narrow fisheries issues. Taking on this roll will open Pandora's Box, but unlike the fable, Grace is unlikely to be found once the ills have been released.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Smith", written over a horizontal line.

James Smith  
Mayor

# **UNITED SOUTHEAST ALASKA GILLNETTERS**

**Box 2196, Petersburg AK 99833 \* (253) 279-0707 \* [usag.alaska@gmail.com](mailto:usag.alaska@gmail.com) \* [akgillnet.org](http://akgillnet.org)**

USAG'S MAIN PURPOSE IS TO PROTECT, SERVE AND ENHANCE SOUTHEAST ALASKA'S COMMERCIAL GILLNET FISHERY

April 17, 2023

Senator Matt Claman, chair  
Senate Judiciary Committee  
Juneau Capitol Building 205  
Juneau, Ak 99901

Dear Senator Claman and committee members,

United Southeast Alaska Gillnetters are a non-profit commercial fishery advocacy group comprising of 175 permit holders and businesses that are dedicated to the preservation and economical viability of the SEAK drift gillnet fishery.

We are writing today to oppose SB 128. Our organization have been participants in the Board of Fisheries process since our inception in 1977. As very active participants in that process, we recognize the frustration associated with decisions the board makes. However, we also recognize that the process is as public as it can possibly be. There is ample opportunity to propose regulatory changes, comment on proposals, personally testify, work in the committee of the whole, and work with individual board members during the course of a meeting.

While it may be within your authority to legislate fishery regulations, you should remember that this body confirmed the Board of Fisheries members, thereby delegating them authority. Those members have availed themselves to hours of reading proposals and comments, listening and reading ADF&G staff reports and data, listening to personal testimony, interacting with stakeholders during the committee of the whole and on the sidelines. Does the legislature have the time and energy to do the same? My guess is no. Moving this bill will reset the bar for uninformed legislation.

Moving this bill sets an awful precedent, that denigrates the Board process and demoralizes stakeholders, and hundreds of Advisory Committee members across the state. Choosing to cherry pick regulations after a recent meeting will tempt others to do the same, resulting in more legislation with extensive testimony, taking time and energy from other important issues you will be tasked with.

Our organization offers no opinion on the Board of Fisheries decision that prompted this distasteful legislation. We were not participants at that particular meeting, nor have we availed ourselves to the extensive material surrounding it. Our assumption, as it is with every BOF decision, is that it was made using the best available science, and all stakeholder's input was considered. This

bill takes fishery politics to a level we have never seen. There is a reason the authority has been delegated to the Board of Fisheries, and our hope is that reason will be honored. This governor appointed lay board does not deserve to be second guessed by the legislature that confirmed their appointment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Max Worhatch', with a stylized, flowing script.

Max Worhatch, Executive Director, USAG

Cc: Senator Bert Steadman

Representative Dan Ortiz

Representative Rebecca Himschoot

Representative Andi Story

Representative Sara Hannon



**North Pacific Fisheries Association**  
P.O. Box 796 Homer, AK 99603  
npfahomer@gmail.com // www.npfahomer.com

April 18, 2023

Senator Matt Claman, Chairman Alaska Senate Judiciary Committee Juneau, AK

**RE: Opposition to Senate Bill 128**

Dear Senator Claman and Committee members,

North Pacific Fisheries Association (NPFA) represents commercial fishermen and their families who harvest halibut, salmon, black cod, pacific cod, crab and herring. Based in Homer, our members fish throughout the waters of Alaska -- from Dixon Entrance to St. Mathews Island. We participate in the State of Alaska's public process for fisheries management in many fisheries relevant to our members. While we may not always agree with the decisions made by the Board of Fisheries, we respect the process and value the opportunity for public input.

**NPFA opposes Senate Bill 128 (SB128).** This bill neglects to acknowledge that millions of State dollars have already been spent and are continuing to be spent on catch sampling and genetic analysis in Area M fisheries. It also undermines the State of Alaska's Board of Fisheries, a body appointed by the Governor and approved by a joint session of the State Legislature. SB 128 discounts the overwhelming public testimonies and expert reports that have been given in response to proposal 140 at the Alaska Peninsula Board of Fisheries meeting in February. This bill also negates the Board's weighed and measured response to the proposal in question which has already resulted in further restriction and limits of Area M fisheries in the month of June.

During the February 2023 Board of Fisheries meeting, the Board listened to expert Alaska Department of Fish and Game staff reports on proposal 140. They also extended the meeting by several days to listen to public testimony from 300 individuals. Two days were set aside for committee meetings, at which there was even more opportunity for public input. Prior to the meeting there was also the allotted time for the submission of written public comment regardless of attendance.

We cannot pull science-based sustainable fisheries management away from those who have the experience and knowledge necessary to do so. We know we're in uncertain times with stocks, we understand the strain on families just as keenly as any other family in any other user group around the state. Taking from the mouths of our neighbors does not fix a resource problem, it just reallocates the resource. In the case of this bill, it doesn't even result in a noticeable reallocation to Western Alaska as, for example, the bill would close the Nelson Lagoon fishery which catches ZERO Western Alaska bound chum and very few in other Area M fisheries which are targeting sockeye salmon in the month of June. These oversights of the facts of the region further demonstrate to NPFA that fisheries management should be left in the capable hands of State fisheries managers and the Board of Fisheries. Please do NOT support SB128.

Thank you for your thoughtful consideration,

Malcolm Milne

NPFA, President

April 18, 2023

Senator Claman  
Senate Judiciary Committee  
Juneau AK, 99801

RE: SB128 Commercial Salmon Fishery Closure

Dear Chairman Claman and Senate Judiciary Members,

Petersburg Vessel Owner's Association (PVOA) is composed of 85 members participating in a wide variety of species and gear type fisheries in state and federally managed waters and businesses supportive to the industry. PVOA members fish throughout Alaska from Southeast to the Bering Sea. Targeted species include salmon, herring, halibut, sablefish, crab, shrimp, sea cucumbers, and geoducks.

**We are writing today in opposition to SB128 to close salmon fisheries in Area M from June 10<sup>th</sup> to June 30<sup>th</sup>.** PVOA is deeply concerned by this use of legislation to manage fisheries, circumventing the process outlined in statute charging the Alaska Board of Fisheries with making allocative decisions for our fisheries resources and ADF&G with management based on those decisions.

We understand the chum salmon crisis in Western Alaska and the current need to protect Yukon and Kuskokwim origin chums. ADF&G sampling of Area M fisheries in 2022 to this end found the commercial fisheries have very little impact on these runs. This sampling found:

- 17.7% of the chum harvest in the month of June in Area M salmon fisheries were from the Coastal Western Alaska stock group. This stock group includes chum stocks from Bristol Bay all the way to Norton Sound.
- Chums of Asian hatchery origin made up the largest proportion of the Area M chum harvest in June at 58% (page 15)<sup>1</sup>.

It seems SB128 comes from a perception that the Board of Fisheries failed to take action on proposals concerning Area M fisheries at the recent Alaska Peninsula/Aleutian Island/Chignik Finfish meeting. The Board did take action to benefit AYK chum salmon. They voted to significantly reduced fishing time in regulation, permanently closed an entire area known to have higher chum harvest, and implemented new caps in the June fishery for South Unimak and Shumagin Islands that if reached requires ADF&G to further restrict fishing inseason.

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<sup>1</sup> Dann, T. H., H. A. Hoyt, E. M. Lee, E. K. C. Fox, and M. B. Foster. 2023. Genetic stock composition of chum salmon harvested in commercial salmon fisheries of the South Alaska Peninsula, 2022. Alaska Department of Fish and Game, Special Publication No. 23-07, Anchorage.

Additionally, the Board of Fisheries approved the fleet implementing a cooperative management agreement. This requires 100% of the fleet to sign-on, share all harvest data, monitor chum harvest inseason, and stand down or move fishing locations when directed to create opportunity for chum to pass through. This adaptive approach is actually the only way to ensure more passage of the Coastal Western Alaska stock group, as fixed closures in regulation cannot correspond to where and when chum are actually passing the Alaska Peninsula from year to year.

The Board of Fisheries made these decisions after extending the meeting by two days in order to accommodate nearly 400 testifiers and viewing over 800 pages ADF&G reports and comments as they prepared to deliberate on 54 proposals.

Alaska Board of Fisheries members are appointed by the Governor, confirmed by the legislature, advised by ADF&G scientific data, and informed by the public. Each step is conducted in an open public process. Board member's service to the State of Alaska comes at the personal cost of time away from their families, homes, and jobs. SB128 is a disservice to the sacrifices Board of Fisheries members make and the time the public dedicates to the process.

Sincerely,



Megan O'Neil  
Executive Director



Concerned Area M Fishermen  
35717 Walkabout Rd.  
Homer, AK 99603

April 18; 2023

Senator Matt Claman, Chairman  
Alaska Senate Judiciary Committee  
Juneau, AK

Re: Opposition to Senate Bill 128

Dear Senator Claman and Committee members:

Concerned Area M Fishermen ( CAMF) represents salmon drift net permit holders who fish the Alaska Peninsula. About 80% of the active permit holders in the fishery are CAMF members, and half of those are Alaska residents living primarily on the Kenai Peninsula, as well as King Cove and Sand Point on the Alaska Peninsula. CAMF strongly opposes SB 128.

CAMF believes the Alaska Board of Fisheries (BOF), not the Alaska State Legislature, is the proper forum for adjudicating regulatory and allocation issues within Alaskan fisheries. In the February 2023 Board of Fisheries meeting for the Alaska Peninsula, the Board listened to a full day of ADF&G staff reports on proposals before the Board, as well as 300 public testimonies over the course of an additional 3 days. In addition, there was another two days devoted to additional committee meetings where the public could offer information not covered in previous public testimony. There is simply no way for the legislature to fairly substitute its judgment for the BOF because it will have nothing resembling the full suite of ADF&G information and public input the Board did.

CAMF understands SB 128 is a result of the recent February Area M meeting and the failure of the Board to adopt proposal #140 which proposed severe restrictions in the June False Pass fishery. However, it seems to be widely misunderstood that the Board took no action in light of recent poor chum salmon returns to western Alaska, primarily the Yukon River. This is false. The Board did take restrictive action in the fishery though not to the draconian degree that proponents of proposal #140 would have liked. Fishing time WAS restricted, area WAS closed in June, and harvest "triggers" were put in place to ensure the harvest of chums caught incidentally to the sockeye fishery was constrained.

The State of Alaska has spent literally millions of dollars studying the June False Pass fishery, including in 2022. Additional catch sampling and genetic analysis of the catches in the fishery are planned for the next several years as well at a cost of additional millions. In fact, I'd be hard pressed to name another salmon fishery in Alaska studied as much as the False Pass fishery. The Board has considered all this information at length. But if we're not going to utilize the information the millions of dollars of expenditures have gained us, why do the studies? If

stakeholders who don't like a BOF decision just go to the legislature and use political muscle to nullify it, why even have the structure of a Board of Fisheries? CAMF believes it's a road the State of Alaska should not, indeed, must not, go down

Finally, CAMF also wishes to express our dismay that this poorly considered bill closes the whole of the Alaska Peninsula salmon fishery for the month of June, not just that portion of the fishery where chum salmon are incidentally caught (i.e. the False Pass fishery). There is a significant sockeye fishery that occurs on the North Peninsula (Bering Sea side) in the last 10 days of June that would also be closed if this bill were to pass. This fishery catches NO western Alaska bound chum salmon. This would have a dramatic negative impact on the participants in the fishery for not even a minimal marginal benefit to western Alaska subsistence users, so why close it? In addition, this bill would close the Nelson Lagoon fishery in June as well, again this fishery catches NO western Alaska chum salmon. Is this an intention of the bill's author? We believe closing fisheries on the Peninsula that the bill's author probably doesn't even know about is a perfect example of why the legislature has no business in involving itself in these issues. Please don't support this bill.

Respectfully,

Steve Brown, President  
Concerned Area M Fishermen  
35717 Walkabout Road  
Homer, AK. 99603

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**From:** [Nicole Kimball](#)  
**To:** [Sen. Matt Claman](#)  
**Subject:** SB 128 - Judiciary committee  
**Date:** Wednesday, April 19, 2023 10:20:45 AM  
**Attachments:** [BOF Changes in Area M FINAL LOGO.pdf](#)  
[AEB fact sheet SB 128.pdf](#)

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Senator Claman:

I am sure you have this (attached) one-pager from the United Fishermen of Alaska, showing the BOF action in February on the Area M salmon fisheries and how that translates to significant, additional on-the-water restrictions this year. I believe you also have the fact sheet prepared by AEB with help from fishermen and processors.

Please do not pass SB128 out of the Judiciary Committee absent a review from legal services. The bill should not advance even if just for process concerns resulting from circumventing a management decision under the purview of a board that the legislature has explicitly tasked with the conservation and management of the state's fisheries. I am a born and raised Alaskan and disagree with BOF decisions all the time, but that does not mean a better place for those decisions is in the legislature, which lacks the days of public testimony, advisory committee input, development of proposals by further public input during committee of the whole, legal advice, and dozens of ADFG staff supporting the meetings throughout with science, technical, and management expertise.

Thank you for taking this issue very seriously. It will negatively affect Alaskan fishermen, communities, and processors in these very remote communities that are dependent on salmon fisheries, without the intended benefit. Part of the reason the Board of Fish exists is to have science be part of the management decision, and to groundtruth whether a particular action will have the intended effect. This occurred in this case through the Board process, but science-driven management would be lost if the legislature starts inserting itself in specific fisheries management decisions as is the case in SB 128.

Nicole Kimball

Pacific Seafood Processors Association (PSPA)

Anchorage

907-223-1648

## FACT SHEET

### SB 128 and Board of Fish decision on Area M commercial salmon fishery

- **SB 128 would have the legislature close the Area M salmon fisheries in June 2023.**
  - Overriding the authority of a State board will have long-lasting and unknown precedents on future management issues, beyond Area M and beyond fisheries.
  - This bill will cause irreparable harm to Alaska communities without any notable beneficial impacts to Yukon/Kuskokwim chum returns.
  - The Board of Fisheries took action in February 2023 to further restrict the fishery.
- **It is harmful precedent for the legislature to substitute its own judgement for that of the Board of Fisheries, who has authority over state fish management.** The Board is appointed by the Governor, confirmed by the legislature, and is informed by ADFG expertise, scientific data, and a very public process with hundreds of people testifying on this issue alone in February.
- **Despite the claims, the impact of the Area M salmon fisheries on AYK chum returns is very low according to recent scientific data.**
  - In February, the BOF received (2022) sampling data indicating that about 17% of the chum harvest in all of the June Area M salmon fisheries was from the coastal western Alaska stock group (meaning chum stocks from a large coastal area that spans Norton Sound to Bristol Bay).
  - The harvest rate provided by scientists was 5.5% for South Alaska Peninsula – and this was explicitly presented as an overestimate. This means less than 5.5% of the total chum returning to coastal western AK was harvested in Area M.
  - Asian/Russian hatchery chum continue to make up the largest proportion of the Area M chum harvest in June (58%).
- **Despite this relatively low impact, in February 2023 the Board significantly restricted the Area M commercial sockeye fishery** to try to further limit any impacts given the status of AYK chum stocks. Specifically, the Board:
  1. significantly reduced fishing time;
  2. closed an entire area known for higher chum harvest;
  3. implemented new limits/caps in the June fishery for South Unimak and the Shumagin Islands, which if reached would require ADFG to further restrict fishing inseason
- The Board also approved the fleet implementing a cooperative management agreement, which requires 100% of the fleet to sign on, share all harvest data, monitor chum harvest inseason in space and time, and stand down or move fishing locations when directed, to create opportunity for chum to pass through. This adaptive approach is actually the only way to ensure more passage to coastal western AK, as opposed to fixed closures in regulation that don't correspond to when chum are actually on the fishing grounds.
- **SB 128 will directly harm Area M fishermen, processors, and the communities dependent on these fisheries, especially Sand Point, King Cove, and False Pass.** These harvests sustain families and provide the vast majority of operating revenue for these communities through local, borough, and state shared fish taxes.

- Without salmon, the multiple processors and the fishing economy they support would be eliminated.
  - 32% of the fish taxes received by Aleutians East Borough (AEB) in 2022 were from salmon
  - 80% of the private sector jobs in the AEB communities are seafood-related
  - the great majority of Area M salmon permits are owned and fished by Alaska residents
- While the BOF did not adopt Proposal 140, the board’s final regulatory action in 2023 was an improved solution to pass chum salmon through – which is the intended goal. **Proposal 140, like this SB 128, would directly harm Alaska communities without any notable benefits to AYK chum returns and AYK communities reliant on chum.**
  - [Scientists](#) are telling us that climate and ecosystem changes are having substantial impacts on salmon and salmon returns in AYK. Clear presentations from federal and state scientists point to recent marine heatwaves negatively impacting AYK chum salmon in significant, multiple ways (heat stressors, including making salmon more vulnerable to parasites, lower quality prey, and increased predators) while they are in the marine environment.



## Purse Seine Fishery in Area M

Pre-BOF Action	Post-BOF Action	Difference
88 hours for 1st fishing period	68 hours for 1st fishing period	<b>22.7%</b> less fishing time
32 hour closure between 1st and 2nd fishing periods	76 hour closure between 1st and 2nd fishing periods	<b>2.4 times longer</b> closure
88 hours for 2nd fishing period	66 hours for 2nd fishing period	<b>25%</b> less fishing time
Sanak Island Section of Unimak District open for all gear types	Sanak Island Section of Unimak District closed to all gear types	Complete loss of fishing opportunity in Sanak Island Section

### Cooperative Management Agreement with Purse Seine Fleet & Processors (see RC104)

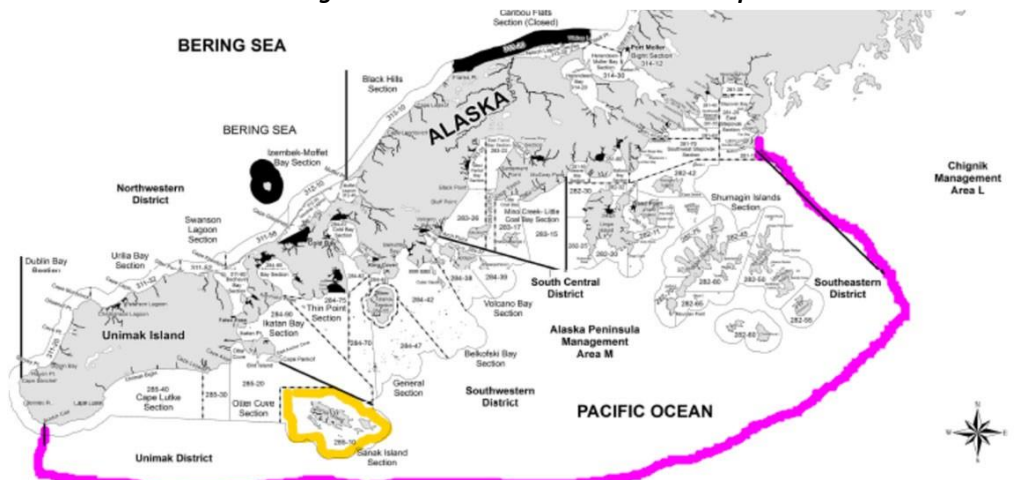
Chum harvest during the first two fishing periods (now shorter) will be assessed for number harvested  
*Chum samples will also be taken for future genetic stock identification work*

-On June 19th if chum harvest is 300,000 or more then the 3rd and 4th fishing periods will be reduced from 88 hours to 44 hours (50% less fishing time) in Shumagin Islands and South Unimak fisheries

Chum harvest will be assessed again following the 3rd fishing period  
*Chum samples will also be taken for future genetic stock identification work*

-On June 24th if chum harvest is 450,000 or more then the Shumagin Islands and South Unimak fisheries will close for the remainder of June

### ADFG Alaska Peninsula Management Area M Statistical Chart excerpt



**Yellow Highlight** shows newly closed Sanak Island Section

**Pink Highlight** shows Shumagin Islands and South Unimak areas subject to closure under chum triggers

April 20, 2023

Senator Matt Claman  
State Capitol Room 429  
Juneau, AK 99801

Re: SB 128 – Senate Judiciary Committee

Dear Senator Claman,

I am writing to you today for the very strong opposition of SB128. This bill is misunderstood by legislatures who do not have a grasp on the full realm of what commercial fishing entails, nonetheless, a sustainable fishery. This bill, if further movement is taken, is setting a harmful precedent for the legislature to substitute its own judgement for that of the Board of Fishers, who has authority over state fish management. This State Board is appointed by the Governor, confirmed by the legislature, and is informed by ADFG expertise, scientific data and is a very public process with hundreds of people testifying on this issue alone. Allowing further movement on SB128 would open a floodgate and invite individuals to try and manage Alaska's fisheries by legislation. Please do not allow this bill to move on from the Senate Judiciary Committee.

I was born and raised in the Interior, in the Arctic-Yukon-Kuskokwim (AYK) region, to be exact. I grew up in a community that depended on subsistence fishing, and my childhood memories are dominated by recollections of my father, my mother, and countless other members of my family and broader community going out on boats and bringing back the fish that our people had harvested and survived on for generations. I grew up fishing for subsistence, and I know how deeply important it is not only for physical survival but for the survival of the cultures and identities of Native people across Alaska.

I have lived in False Pass over the past ten years and have raised my kids there, and they too know subsistence fishery. They have created their own memories, both in False Pass and in the AYK region with my family. I have seen the harvests change in my lifetime, from years of abundance to some years where there is nothing, and I am deeply sympathetic to the impossible situation many communities in the AYK—including the one I grew up in—find themselves in with increasingly diminished salmon runs. However, I know that shutting down the fishery sometimes referred to as Area M that my community and many, many other communities in Western Alaskan depend on will not solve any of the problems the AYK is facing—it will likely simply cause more communities to suffer.

I have spent my entire life in communities deeply connected to fishery, both commercial and subsistence, and I know first-hand the importance of fishery. However, I also recognize and value the truth, and study after study has shown that the crash in AYK stocks simply cannot be attributed to the Area M fishery. We owe it to ourselves and to our children to discuss this issue with our eyes wide open to the science and the facts, not blinded by fear and blame. While the decline in AYK salmon stocks is certainly alarming, it makes no sense—not scientifically, not economically, not culturally—to shut down the Area M fishery in an effort to somehow “save” the fisheries in the AYK.

We must model respectful behavior for our children—the behavior they are currently seeing is not indicative of who we are as people, as Alaska Natives and Alaskans in general. This

infighting, this baseless blame—it is completely antithetical to the values we all hold dear and do our best to live by. This culture of Alaska Natives, which has been adopted more broadly by all of Alaska, is rooted in community, sharing, resiliency, and tenacity—because without each other, without trust and common ground and willingness to come together, no one would survive in this state we all call home.

We can do better than this. We *must* do better than this. We can fully embrace the values that have allowed our people to survive and thrive since time immemorial and stop this insidious exercise in blaming our neighbors. We all are just trying to survive and feed our families. Shutting down the Area M fishery will not bring back the AYK salmon abundance of years past—but it will inflict pain and suffering on families and communities that have nothing to do with the crisis.

I strongly encourage you to oppose SB128 and prevent it from moving forward from the Senate Judiciary Committee. I appreciate your time and consideration and for your willingness to serve the people of Alaska.

Respectfully,

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

Lena Hoblet





**Cordova District Fishermen United**  
PO Box 939 | 509 First Street | Cordova, AK 99574  
phone. (907) 424 3447 | fax. (907) 424 3430  
web. [www.cdfu.org](http://www.cdfu.org)

April 20, 2023

Chair Sen. Matt Claman  
Senate Judiciary Committee  
State Capitol Room 205  
Juneau AK, 99801  
[Senate.Judiciary@akleg.gov](mailto:Senate.Judiciary@akleg.gov)

cc: House Fisheries Special Committee  
cc: House Resources Committee  
cc: Senate Resources Committee

RE: Oppose SB 128 Commercial Salmon Fishery Closure

Dear Chair Senator Claman and Committee Members,

Cordova District Fishermen United (CDFU) is an industry-based nonprofit strengthening commercial fishing in the Prince William Sound region by advocating for the needs of community-based fishermen. Since 1935, CDFU has represented fishermen and their families for thriving fisheries that sustain regional ecosystems, communities, and ways of life - ensuring they are well informed, resourced, and mobilized to affect positive change for all harvesters in the region.

We are writing to offer strong opposition to SB 128, which would close commercial fishing in Area M regulatory waters from June 10 to June 30, 2023.

Our opposition to this bill is not based on opinions for or against the February decision by the State Board of Fisheries and its related impacts. This bill should not move forward in the legislature because it undermines the decision-making body for state fisheries management, which has been in existence since the 1960's. Bills challenging Board of Fisheries rulings are not the purview of the Alaska State Legislature. SB 128 creates a precedent for Board of Fisheries decisions to be contested - simply even holding committee deliberations on a challenge to a Board of Fisheries decision may be setting long-lasting and unknown precedents on future management issues, beyond Area M, and beyond just fisheries.

The Board of Fisheries is appointed by the Governor, confirmed by the legislature, and is informed by ADFG expertise and scientific data, and more importantly an ongoing strong, comprehensive public process. We urge you to halt this bill and embrace the well-researched, nuanced, science-based decisions of the Board of Fisheries, whose members the legislature confirms and whose supporting experts in the Alaska Department of Fish and Game the legislature funds through annual budgets.

Sincerely,

Ezekiel Brown  
President

Jess Rude  
Executive Director



550 South Franklin St., Juneau, AK 99801  
Ph 360.734.8175 Fx 360.734.2203

[hank@icystraitseafoods.com](mailto:hank@icystraitseafoods.com)

April 21, 2023

Senator Claman  
Senate Judiciary Committee  
Juneau AK, 99801

RE: SB128 Commercial Salmon Fishery Closure

Dear Chairman Claman and Senate Judiciary Members,

The action BOF took on Proposal 140 at its February 2023 meeting was carefully crafted to be effective.

Proposal 140 did not pass because it was unlikely to meaningfully increase chum passage to the AYK region.

An alternative proposal was put forward and passed which reduces fishing time and established triggers and caps for the Shumigan Islands and South Unimak Sections requiring the department to restrict fishing time, or close fishing Areas if caps are met. In doing so, it will create an opportunity for chum to pass through, which was what the intent of proposal 140 aimed to do.

SB 128 is Bad Policy:

The legislature already confirms the BOF members appointed by the governor. If the legislature starts overriding BOF decisions, then Alaska begins managing fisheries by emotion and opinion rather than based on science and facts.

Overriding a BOF decision opens the door to further intrusion by special interest groups.

If the legislature involves itself in this decision, how will the legislature choose which decisions to get involved in going forward?

Regards,

Hank Baumgart, President  
907-738-1607

## **RECONSIDERATION REQUEST ON BOARD OF FISHERIES ACTIONS ON THE SOUTH ALASKA PENINSULA JUNE INTERCEPTION SALMON FISHERY, FEBRUARY 25-26, 2023**

The February 2023 Alaska Peninsula (Area M) Board of Fisheries meeting modified the South Unimak and Shumigan Islands June intercept fishery management plan by adopting a proposal that is unlikely to provide sufficient protection for failing AYK chum and Chinook salmon stocks.

This action, noted as RC190 amendment for Proposal #136, was the Board's alternative to Proposal #140,<sup>1</sup> which was the standard supported by the AYK, Bristol Bay, and Chignik stakeholders going into the Area M meeting. Proposal #140 would have been a more substantial reduction of harvest in the June fishery, providing for greater passage of chum through the intercept fishery while still allowing Area M fishermen an opportunity to prosecute a more lucrative sockeye fishery.<sup>2</sup>

This is a conservation issue measured against the immense loss of summer and fall chum, Chinook and coho stocks in the AYK, predominantly the Yukon and Kuskokwim Rivers. Interceptions have been a lot higher in the past when chum runs were larger, but the smaller interceptions in recent years are likely due to depressed chum populations rather than voluntary self-management actions of the commercial fleet. The result of ongoing interception of the critically depressed AYK stocks is that tens of thousands of AYK chum salmon continue to be harvested and sold when AYK and Bristol Bay chum salmon escapement goals were not met and reasonable opportunities for subsistence were not provided.<sup>3</sup> This is especially significant for the Yukon River where complete closures of all salmon fisheries still failed to result in achieving escapement goals. No other alternatives are available other than a reduction in incidental harvest in South Peninsula commercial fisheries. Literally every fish counts in the need to rebuild Western Alaska chum and Chinook salmon stocks.

Three days of significant public testimony before the Board included evidence from Dr. Daniel Schindler<sup>4</sup> that the abundance and run timing of chum salmon through Area M is variable from year to year, requiring a robust chum harvest savings strategy to provide weekly windows of unmolested chum salmon passage through the intercept fishery area. Dr. Schindler explained that commercial closures must be at least 72 hours long to allow chum to transit through the migration corridor known as the South Peninsula districts of Area M.

This expert advice provided by a world-renowned salmon fisheries scientist was largely ignored by ADF&G and the Board of Fisheries. RC190 reduced the purse seine fleet commercial fishing periods by a total of 12% or 42 hours (310 hours compared to 352 in the existing management plan). RC190 did not reduce the drift gillnet fleet or the set net fleet and only provided a single 76-hour window to provide for chum salmon passage through Area M. Because chum migration

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<sup>1</sup> See RC190 attached. Proposal 140 was developed by the Fairbanks Fish and Game Advisory Committee.

<sup>2</sup> See attached infographic entitled, "Migration Map attached."

<sup>3</sup> See attached infographic entitled, "Graphic Showing AYK CHUM Declines 2-17-23."

<sup>4</sup> See Schindler partial transcript of testimony on Proposal 140 attached.

is variable from year to year, a single window may miss the period when the majority of migrating fish pass through, which is why multiple windows are needed to spread the risk of intercepting depressed Western Alaska chum salmon throughout the entire month of June.

There are multiple other reasons for special action:

- (1) The Area M South Peninsula June fishery is not managed by ADF&G but rather by the Board of Fisheries on a three-year regulatory cycle. The current management plan, and its recent revision, includes no measures related to escapement goals in the regions intercepted salmon would otherwise have returned to spawn. This is different from every other fishery in Alaska, the majority of which are managed on in-season assessments to ensure escapement goals are achieved. As a result, ensuring that the Area M commercial fishery is sustainable falls solely on the Commissioner's statewide emergency order authority, which he appears unwilling to use.
- (2) The Board of Fisheries may only allocate a stock or population among sport, guided sport, personal use, and commercial uses. Subsistence use is the priority use and if a stock cannot provide reasonable opportunity for subsistence use, all other uses must be eliminated (AS 16.05.258(b)(4)(A)). ADF&G should know the Board cannot allocate between a commercial fishery and a subsistence fishery unless the subsistence fishery provides a reasonable opportunity.
- (3) A 2022 preliminary report estimating Area M harvest rates and impacts on Western Alaska chum escapement was submitted by ADF&G only three days prior to the meeting without scientific peer review or adequate public review. The report contains many premature assumptions and serves only to diminish the impact of Area M interception.
- (4) A "gift" of no fishing around Sanak Islands is an empty promise as not much commercial fishing typically occurs in this area.
- (5) The AYK and Bristol Bay stakeholders have no confidence that chum chucking will not occur – particularly as a way for commercial Area M fishers to avoid triggering a chum cap that would restrict further fishing.
- (6) The AYK and Bristol Bay stakeholders have no confidence that caps can be enforced.

Tanana Chiefs Conference on behalf of the BB-AYK Tribal coalition is seeking legislative and gubernatorial support for the following:

- (1) For an emergency meeting of the Alaska Board of Fisheries to reconsider Proposal #136, as amended by RC190, which was adopted on February 26, 2023.<sup>5</sup>
- (2) To replace action on amended Proposal #136 with Proposal #133, as amended by RC191<sup>6</sup> to provide four 72-hour seine and drift gillnet commercial periods with 72-hour windows to provide for unmolested chum migration through the area. This would represent only 22 hours of reduced fishing time but would allow for multiple 72-hour windows as recommended by Dr. Schindler. Multiple-day windows are needed because

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<sup>5</sup> Proposal #140 was more responsive to ensuring Western Alaska chum salmon conservation; however, TCC's goal is to continue allowing Area M fishermen to harvest abundant sockeye stocks while assisting in rebuilding Western Alaska chum stocks. Curtailing chum interception is the only other management measure that can assist given that all Yukon River salmon fisheries remain closed.

<sup>6</sup> See attached RC191.

the Area M fishing district is so expansive that it takes fish multiple days to migrate through and avoid harvest. Any shorter window will only serve to refill the district with fish that will be harvested during the next fishing opener.

- (3) TCC would be willing to amend RC191 to increase the cap from 250k/400k thresholds in RC191 to the 300k/450k thresholds the Board recently adopted in RC190.
- (4) For budgetary line item appropriation to the ADF&G collect real-time genetic stock identification for summer and fall chum, coho, sockeye, and Chinook salmon to inform in-season conservation-based decision making in the South Alaska Peninsula fishery.
- (5) For a legislative report on the application of onboard observer or electronic surveillance on the Area M seine and drift gill net fleet vessels to ensure that all captured fish are retained and not discarded as a strategy to avoid triggering a cap.

In conclusion, the Tanana Chiefs Conference, on behalf of the Arctic-Yukon-Kuskokwim, Bristol Bay, and Chignik regions are requesting relief from the Alaska Legislature and Governor's Office to revisit recent actions by the Alaska Board of Fisheries on February 25-26, 2023.

Every salmon counts. There are no salmon in our villages. Amounts reasonably necessary for subsistence uses (ANS) of chum salmon, as defined by the Alaska Board of Fisheries have not been met for multiple years. ANS for Chinook salmon have not been met generally for more than a decade. Our families are hungry, our children are hungry, our people are leaving our villages in despair. Individual, family, and community well-being are in crisis. Area M is intercepting too many of our fish. We need to rebuild our runs so that there are harvestable surpluses to feed our families and continue our ways of life.

**Submitted by Board Member Jensen, prepared by the Alaska Department of Fish and Game<sup>1</sup>.**

February 26, 2023

Substitute language for proposal 136.

Explanation:

- 1) For purse seine gear only, establishes a 76-hour closure between the first and second fishing periods in June, reduces duration of the first fishing period in June from 88 hours to 68 hours, and duration of the second fishing period in June from 88 hours to 66 hours. The third and fourth fishing periods in June will be 88 hours in duration.
- 2) Fishing periods and closures for set and drift gillnet gear are unchanged from the current management plan.
- 3) Chum salmon harvest triggers are established for purse seine gear in June. Harvest from purse seine, set gillnet, and drift gillnet gear accrues against the triggers.
- 4) Closes Sanak Island Section of the South Unimak District, during June for all gear types.

**5 AAC 09.365. South Unimak and Shumagin Islands June Salmon Management Plan** is amended to read:

...

(2) for seine and DRIFT GILLNET] gear,

[(A)] beginning June 10, **the first** commercial fishing period[S] will begin at 6:00 a.m. and run **68 [88] hours, closing at 2:00 a.m.** [UNTIL 10:00 P.M. THREE DAYS LATER]; **the second** commercial fishing **period** will **begin 76 hours later at 6:00 a.m. and close after 66 hours at 11:59 p.m.; the third commercial fishing period will begin 32 hours later at 8:00 a.m. and close after 88 hours at 11:59 p.m.; the final commercial fishing period in June will begin 32 hours later at 8:00 a.m. and close after 88 hours at 11:59 p.m.;** THEN CLOSE FOR 32 HOURS AND REOPEN AT 6:00 A.M. TWO DAYS LATER;

(B) NOTWITHSTANDING (A) OF THIS PARAGRAPH, THE FINAL COMMERCIAL FISHING PERIOD WILL END AT 10:00 P.M. ON JUNE 28]

...

(h) If chum salmon harvest equals or exceeds 300,000 fish by June 18, based on fish ticket information, the commissioner shall reduce commercial fishing time in the South Unimak and Shumagin Islands by 44 hours during each of the remaining fishing periods in June for purse seine gear.

If chum salmon harvest equals or exceeds 450,000 fish by June 23, based on fish ticket information, the commissioner shall close the South Unimak and Shumagin Islands June commercial salmon fishery for the remainder of June for purse seine gear.

#### **5 AAC 09.330. Gear**

(c) In the Unimak District, salmon may be taken with drift gillnets, set gillnets, purse seines, and hand purse seines, except the Sanak Island Section of the Unimak District will remain closed to commercial salmon fishing for all gear types from June 1 through June 30. Salmon may be taken by gillnet gear during periods when the seine fishery is closed by emergency order due to the presence of immature salmon.

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<sup>i</sup> Preparation of draft substitute language at the request of a Board member does not imply ADF&G support. The Department will state its position on the language during deliberation.

## June All Gear Types Schedule

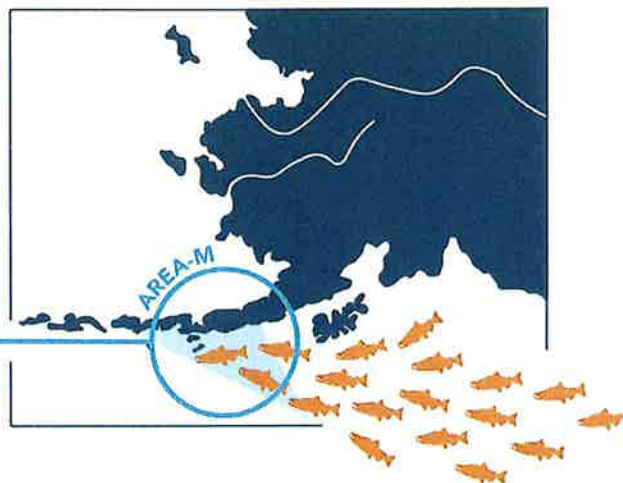
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>Proposed fishing times in RC 1xx for seine gear (42 hr reduction from 352 to 310 hrs)</b>						
<b>Set and drift gillnet gear fishing periods</b>						
5	6	7	8	9	10	11
		<b>Open 64 hours (Set Gillnet Gear Only)</b>			<b>Open 68 hours</b>	
12	13	14	15	16	17	18
		76 hr closure			<b>Open 88 hours</b>	
19	20	21	22	23	24	25
<b>32 hr closure</b> 300,000 chum trigger evaluation point		<b>Open 88 hours</b>		<b>32 hr closure</b> 450,000 chum trigger evaluation point		
26	27	28	29	30		
<b>Open 88 hours</b>						
<b>Open 88 hours</b>						



# IMPACT OF **AREA M CHUM INTERCEPTION** ON WESTERN ALASKA SUBSISTENCE COMMUNITIES

1

The June **AREA M** intercept fishery targets chum and sockeye as they pass from the Gulf of Alaska to the Bering Sea.



314,000 CWAK CHUM



## UNRESTRICTED HARVEST

ADF&G and current BOF regulations allowed AREA M fishers to harvest over **314,000** Western Alaska chum salmon during 2021 - 2022

2

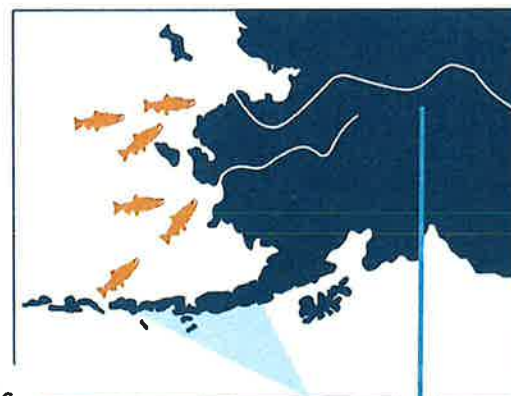
## AREA M

Coastal Western Alaska (CWAK) chum salmon harvested in Area M in 2021-2022

3

## YUKON & KUSKOKWIM

- Harvest severely restricted
- Failure to meet escapement goals
- Subsistence needs not met



ZERO CHUM

YUKON  
2021-2022

# CHUM SALMON CRASH THREATENS SUSTAINABILITY OF SALMON STOCKS

Impacts on Coastal Western Alaska subsistence communities from the recent chum salmon crash

## YUKON RIVER

Anvik River

Failed to meet escapement goals for multiple years since 2016

**92%**  
DECLINE

2021-22 compared to 2010-19 average

## YUKON RIVER

Drainage Wide

Summer chum escapement in 2021 was the lowest on record

**84%**  
DECLINE

2021-22 compared to 2010-19 average

2021-22 compared to 2010-19 average

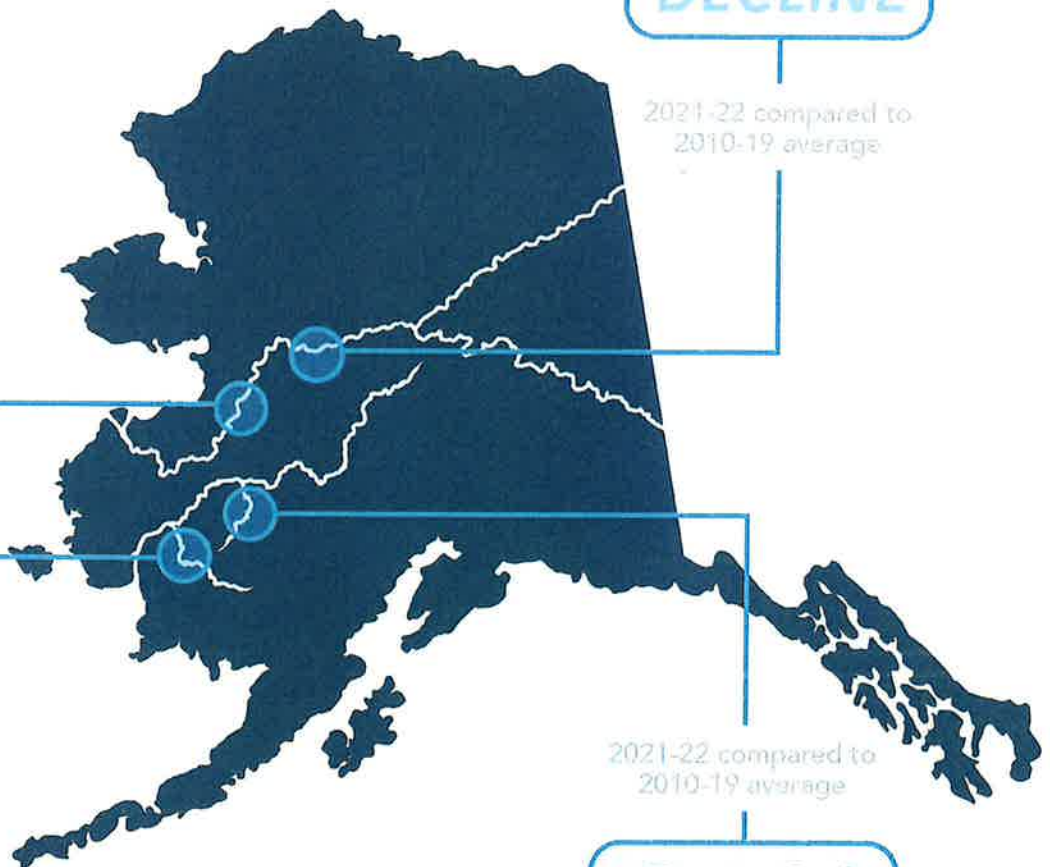
**91%**  
DECLINE

KUSKOKWIM RIVER

2021-22 compared to 2010-19 average

**86%**  
DECLINE

KUSKOKWIM RIVER



## **FEBRUARY 24, 2023- ALASKA BOARD OF FISH, ALASKA PENINSULA / CHIGNIK**

**DR. DANIEL SCHINDLER 1:30PM**

Professor of Fisheries, UW. Comments on #140

Alaska's fisheries management is the envy of the world. And the reason for that is that there is sustainable salmon policy that emphasizes escapement as a way of management. And also emphasizes subsistence priority as a way of respect and social equity. Another issue is the challenges of mixed stock fisheries and that it is of the case, and I would argue pretty much in every fishery in Alaska, you have multiple stocks that are being exploited at the same time. Some of those stocks are very strong and abundant, some of them are very weak with low abundance and productivity. Alaska has grappled with this problem for decades. In fact, the escapement policies that are in place show time and time again that this is the way to manage different stocks and to conserve stocks that are on the ropes.

One example of this, from the Kvichak, the world's largest sockeye producer, period. Nothing even comes close to it in the last century. But in the 1990's and early 2000's, for reasons we still don't understand, the Kvichak started declining in abundance and productivity. It got to the point where ADF&G had to put severe restrictions on harvest and it was essentially shut down for several years. The whole purpose for doing that was to allow escapement into the river and allow that stock to recover, which it subsequently has. At the same time, the Alagnak River, or what some people called the Branch in those days, literally exploded and for several years salmon escaped up that small system. Those fish could have been harvested but they weren't. That was the cost of conservation on the Kvichak.

So there is precedence for this type of approach in the past and it is very effective form of salmon management in Alaska. With the respect to weak stocks, last week, ADF&G reported, trying to put into context what percentage of the runs were actually harvested. Lots of details in that report, an immense amount of work, getting down to one number, and that's 5%. The average percent of all (AYK bound) stocks harvested in the South Peninsula fishery.

That sounds like a low number but I think there are two important points to think about what 5% really means.

First of all, that 5% is a number that is reached after a long chain of calculations and assumptions. And then you average across all that stuff. From a precautionary approach, which is part of the Sustainable Salmon Policy, we should be considering that 5% against the alternative of how bad can that number actually be? It could be a lot higher because those numbers are subject to so much uncertainty. So the 5% is averaged against a precautionary approach, I guarantee it is higher than 5%.

The other issue is that 5% still needs interpretation and context. When a run is up against its carrying capacity, plus or minus 5% means little to contributing reproductive potential to that population. But when a population is down at a very low abundance, 5% can mean a lot. You have heard this week that "every fish matters" and see slogans outside, it sounds like hyperbole but when the stocks are on the ropes every fish *does* count a lot more than when the populations

are high abundance. In the case of AYK stocks right now, it is very obvious to everyone in this room that those stocks are very depressed abundances. 5% means a heck of a lot more to those populations now that if they were more abundant.

The last point I want to make – RC84, the original proposal referred to as the original “adaptive management proposal” as an alternative to Proposal #140.

- (1) It's a complicated scheme. And we would have to trust that these guys could pull it off in terms of coordination, sampling, etc. But those aren't my concerns.
- (2) My first concern is that the use of the term has been co-opted with this proposal. This is *not* adaptive management. “Adaptive management” means having a clear objective. The objective here is to reduce fishing pressure on AYK chum stocks. But the way RC84 is set up as an objective is to avoid a cap. In other words, to conduct adaptive management you
  - a. Set an objective
  - b. You initiate whatever you are going to do
  - c. You assess relative to the objective
  - d. You adjust your plan

But in RC84 there is no way to assess how well you are doing relative to the objective because the objective is back in the watersheds of the AYK. You won't know how well you did until the end of the season when you can count escapements up all those rivers. So we should not be talking about “adaptive management” for RC84.

- (3) My last point is about trigger points, or caps. This comes back to the 5% statistic. What is reasonable for a cap if the objective is to protect biological productivity? It depends on the status of the stock. If, for instance, the Yukon and the Kuskokwim produce as many chum as they have in the past, on peak years the chum are upwards of 4million fish, if we get one of those years, Area M is going to reach a cap really quickly because the number of fish that are intercepted is a function of how many fish are there, when you fish, and where you fish. So, having a cap actually works against what Area M should be striving for. If there are a lot of chum out there, the number of chum caught probably doesn't matter to the populations back in AYK rivers. But if the populations in western Alaska river are severely depressed like they are now, then a few thousands of fish can make a big difference. So, proposing these caps or trigger points, I would argue works against the interests of Area M fishermen and it doesn't protect Area M's chum stocks.

#### Q&A

Wood: Just for the record, give a brief background. I know you have been involved in these fisheries a long time.

Schindler: I started working on Alaska fisheries in 1997, so about 25 years. I am faculty for what used to be called the Fisheries Research Institute (FRI) at the University of Washington. FRI started working in Alaska salmon in 1946, before Statehood. We have maintained camps in Bristol Bay, out of Chignik. We do independent science, working collaboratively with ADF&G,

with the fishing industry, many fishing communities, etc. Many of our grad students now have jobs within ADF&G. My work on salmon ecosystems started in the '80's on the Fraser River in British Columbia. Since then, most of my work has been in Bristol Bay and Chignik. In the last 15 years I have been working on AYK Chinook and chum salmon.

(BOF member) Wood: We have been given presentative by Dept staff (on the run reconstruction) and CWAK came out a 5.9%. With the stocks being in the state that they are, what is the significance of a 5.9% harvest rate?

Schindler: That's going to require some calculation. 2 things I think are noteworthy.

- (1) That's a highly uncertain estimate. We know it has to be above 0%, but the upper bound is something greater than 5.9% and what we really need to ask is: how high could it be?
- (2) The second issue is the relevance to the population depends on status and goal. If your goal is to rebuild these stocks, then a higher harvest rate is going to suppress how quickly they can rebuild. Obviously, any harvest will reduce the number of fish that spawn. And that feeds back into the recovery rate when conditions becomes more favorable.

Wood: Should we be shocked at 5.9% or is it to be expected with the state of the salmon

Schindler: I don't know what the expectation is. The expectation could be anything. The reality is that that 5.9% is calculated where the harvest is (Area M) I think those data are probably reasonable. The ADF&G Gene lab is state of the art. Genetics tools exist now that would have seemed impossible ten years ago. The uncertainties in the genetics are very low. Where the uncertainty is is comparing that number to whatever fish made it to the terminal watersheds. Because we have very poor data on how many of those fish have actually returned to western Alaska waters. So what you need to do is run scenarios, with different assumptions about the few observations we do have into watershed scale estimates. The way you approach this is to do a full uncertainty analysis for the first assumption to the last assumption you make to come up with that 5.9%. As far as I can tell that hasn't been done as part of that report. So the upper bound is certainly higher than 5.9% with a higher impact on the population.

(BOF member) Zuray: I have a question about these moving caps that are being presented in various proposals. Could these moving caps be valid? Like right now chum abundance in AYK, if that never change, could a set moving cap be valid? Because it is the variability that screws it all up?

Schindler: Absolutely. This is Fisheries 101. The variability in any fishery is a function of where do you fish, when do you fish, how long do you fish *and how many fish are there*. The only thing we have control over are the fist three things. We have no control over how many fish area there in any given time strata and its very unpredictable. If you look at the returns of chum to the Yukon... and our errors on those estimates are very high... but they are also boom/ bust, boom/bust... So our ability to predict so that we could proactively manage that is pretty close to zero. Basically, what you have to be able to do is figure out a mechanism to allow enough fish though, independent of knowing how many fish are coming. That's why 140 is a very reasonable proposal because it provides windows for fish to come through. The number of fish

to be caught is a function of the number of fish that are there (when fishing occurs.) But we don't know that number ahead of time.

Zuray: I see your point, thank you.

Commissioner DVL: So, I guess, coming back to that, if you don't know what's there, why wouldn't you want some kind of trigger cap if these rates are harvest are potentially underestimated. Why wouldn't you want to have some trigger as an upward cap?

Schindler: Because the biologically relevant cap depends on abundance. If next year, by some miracle of nature, we have 6million chum coming back to Western Alaska, and you have a 300,000 fish cap, in Area M they are shut down. So 6million fish swim by, more than is needed for escapement, subsistence harvest, or other harvest, but Area M is shut down and can't fish sockeye. On the other side, what if next year, western Alaska rivers produce 200,000 chum.. which is possible given current conditions... and your cap is 300,000, 1/3 of which are western Alaska chum, then you are seriously hitting them. The problem is, we don't know how many fish are coming next year. So caps do not work. Caps are a good way to estimate how many fish are there (in Area M interception rates.) The more fish are there, the more you can catch.

DVL: I would agree with that, however, if we can't accurately predict what will come back, why wouldn't you want a fail safe to keep chum harvest at some current level? So that you don't end up with 800 or 900,000 chum harvested?

Schindler: I agree. You want something that is failsafe. But putting a cap on is not failsafe. Because putting a cap on does two things. (1) runs the risk of having too high a cap, or (2) runs the risk of having too low a cap if returns are big. And that will constrain Area M fisheries. So, the alternative is to say, if we don't know how many fish are coming, providing the occasional window to allow fish to move through the district and clear the district, which means it has to be longer than one or two days, so that you make sure you get enough fish back. That's the way that every mixed stock fishery I know of is managed. There is a front-end closure on the Kuskokwim for Chinook to allow the first pass of fish to get through because they are going to the upper watershed. In Bristol Bay, they have gone out of their way to make sure that they distribute their escapement over the course of run as a way to maintain stock diversity.

Chair Carlson-Van Dort: To follow on the Commissioner's line of thinking, I understand the bind that puts a manager in, it almost sounds like an allocation plan but we are allocating to the river and then when you get into a harvestable surplus, if focusing just on escapement and ANS, potentially a trigger could go away if you tie it to the fact that AYK ... (could not hear)

Schindler: That's true, from year to year you don't really know if you have made escapement until July or August. So what you need is a strategy that is robust under the uncertainty. Caps don't do that. Caps do just the opposite. They may not be enough when stocks are down and too restrictive when stocks are up, so you need an alternative strategy. And that's why windows work. They aren't perfect ... It's sort of the way Chignik and Bristol Bay work because they have real time data, with counting towers or weirs right where fisheries occur. Area M operates differently. You need robust management strategies to give fish the best chance for getting



through. In my professional opinion, windows is the way to do that. Caps constrain both the high end and the low end.

Heimbuch: I feel the same way. I have been working a solution using relative abundance of chum to sockeye. Maybe adaptive is not the right word. Sideboards, triggers would have been a better way.....

Schindler : The challenge is that sockeye numbers are also bouncing around the map. Right now we are seeing record catches of sockeye in South Pen fisheries because Bristol Bay sockeye runs are so high. So my guess is that chum are going to have a lower proportion of catch while sockeye are so abundant. Ratio tactics are easily seductive and tricky – I don't think it is the solution.

Wood: Windows have been advocated twice here. 72 hours is the proper time. What is your opinion?

Schindler: I can't tell you what that number is. I think we should explore that. What I can tell you with certainty that it has to be long enough for fish to enter and exit that area before they are harvested. Boats are mobile. They can get on fish within 24 hours. Two days gives fish more opportunity to pass through. Three days is a reasonable starting point. But that number could be refined based on some science, computer simulations. One day is not enough... that's pretty clear. That's a big district – fish cannot move through that district in one day.

Wood: We aren't going to have time to calculate all that before we have to vote, but 72 hours is a good starting point.

Schindler: in my opinion, that is a very good starting point.

**Chair Carlson-Van Dort: What I am taking away from this discussion right now is to “keep it simple, stupid” and we are over complicating with triggers and caps. It really boils down to passage.**

Schindler: Absolutely. Keeping it simple is always going to be effective. The times when you can get very technical and complicated are places you have a lot of control. An example is the Chignik weir with literally hourly passage info. There you can get fancy with management. I would not be fancy with Area M. Simpler is better.

Heimbuch: I am also taken with the notion that windows are completely --- with proportionate abundance through that time. No one gets off scot free. There are still some contingencies.

Schindler: What you can do if you really want to with conservation is to have windows *and* caps. You would be letting fish through on windows, and you would also be allowing some fish to be caught to run genetics, But, because we don't know abundance, allowing fish passage has got to be priority 1

Zuray: To keep things simple, for this meeting, would you say looking at 140 as it stands and making it acceptable with time adjustments, windows

Schindler: That's a tough question on what is acceptable depends on who you ask. But from a biological stand point, giving those stocks a chance to get to their natal rivers, windows have to be implemented. There has to be enough of them and they have to be long enough so fish can get through the district before they are exploited.

Zuray: I just see that as something that could be worked out within the time we have.

Schindler: short term, windows is a place to start. Long term, you may way to do some science, simulations, tagging, and figure out what is the optimal way to figure our passage.

Wood: You raised genetics, but we are told that we can't tell one stock from another. Is that because studies haven't been done or because we can distinguish?

Schindler: A bit of both. The fish that can't be distinguished are populations within coastal western Alaska. But fish going to the upper Yukon are distinct. CWAK chum are distinct from Asian chum. So there is some resolution in the genetics. The ADF&G gene lab is pushing the frontiers of genetics and fish stocks at a global level. I say keep funding them, letting them try to find markers that would allow them to distinguish stocks more.



February 25, 2023

Substitute language for proposal 133

Explanation:

- 1) Fishing periods and closures for set gillnet gear remain unchanged.
- 2) For seine and drift gillnet gear, establishes a fishing schedule of 72 hour openings followed by 72 hour closures.
- 3) For seine and drift gillnet gear, the final commercial fishing period will end at 6:00 a.m. on June 25.
- 4) A combined chum salmon cumulative harvest trigger is established for seine and drift gillnet gear.

## **5 AAC 09.365. South Unimak and Shumagin Islands June Salmon Management Plan**

(a) The South Unimak and Shumagin Islands June fisheries harvest both sockeye salmon and chum salmon in a mixed stock fishery during the month of June. The sockeye salmon are predominantly of Bristol Bay [AND ALASKA PENINSULA] origin **but are also bound for Chignik and Cook Inlet**. The chum salmon are bound for a number of areas, including Japan, Russia, the Arctic-Yukon-Kuskokwim, Bristol Bay, the Alaska Peninsula, and southcentral Alaska. These salmon stocks have historically been harvested along the south Alaska Peninsula during the month of June. This management plan is intended to be consistent with the Policy for the Management of Sustainable Salmon Fisheries (5 AAC 39.222) and the Policy for the Management of Mixed Stock Salmon Fisheries (5 AAC 39.220).

(b) The South Unimak fishery takes place in the Unimak District, the Southwestern District (excluding the Volcano Bay Section), the east Pavlof Bay and the west Pavlof Bay Sections of the South Central District, and the Bechevin Bay Section of the Northwestern District.

(c) The Shumagin Islands fishery takes place in the Shumagin Islands Section.

(d) In the South Unimak and Shumagin Islands fisheries, the commissioner may establish, by emergency order, commercial fishing periods as follows:

(1) for set gillnet gear,

(A) beginning June 6, commercial fishing periods will begin at 6:00 a.m. and run 64 hours until 10:00 p.m. two days later; beginning June 10, commercial fishing periods will begin at 6:00 a.m. and run 88 hours until 10:00 p.m. three

days later; commercial fishing will then close for 32 hours and reopen at 6:00 a.m. two days later;

(B) notwithstanding (A) of this paragraph, the final commercial fishing period will end at 10:00 p.m. on June 28;

(2) for seine and drift gillnet gear,

(A) beginning June 10, commercial fishing periods will begin at 6:00 a.m. and run 72 [88] hours until 6:00 a.m. three days later; commercial fishing will then close for 72 [32] hours and reopen at 6:00 a.m. three [two] days later;

(B) notwithstanding (A) of this paragraph, the final commercial fishing period will end at 6:00 a.m. [10:00 p.m.] on June 25 [28].

(e) If chum salmon harvest equals or exceeds 250,000 fish on or before June 18, based on fish ticket information, the commissioner shall reduce fishing time in the South Unimak and Shumagin Islands by 44 hours during each of the remaining fishing periods in June. If chum salmon harvest equals or exceeds 400,000 fish on or before June 23, based on fish ticket information, the commissioner shall close the South Unimak and Shumagin Islands June fishery for the remainder of June.

(f) [e] All salmon caught by a CFEC permit holder must be retained, and each CFEC permit holder must report the number of salmon caught, including those taken but not sold, on an ADF&G fish ticket. For the purposes of this subsection, "caught" means brought on board the vessel.

(g) [f] Notwithstanding (d) of this section, commercial salmon fishing will close in the waters of the Volcano Bay Section of the Southwestern District south and east of a line from Arch Point Light at 55° 12.30' N. lat., 161° 54.30' W. long. to a point on Belkofski Peninsula at 55° 09.50' N. lat., 161° 57.80' W. long. and in the portion of the West Pavlof Bay Section south of Black Point (55° 24.48' N. lat.), if the harvest of sockeye salmon from the South Central District, the Volcano Bay Section of the Southwestern District, and the Belkofski Bay Section, excluding those waters inside of a line between Vodapoini Point and Bold Cape, reaches 191,000 sockeye salmon based on fish ticket information.

(h) [g] Notwithstanding (d) of this section, commercial salmon fishing is closed to purse seine gear in the waters of the Volcano Bay Section of the Southwestern District, the Belkofski Bay Section of the Southwestern District, excluding those waters inside of a line between Vodapoini Point at 55° 01.88' N. lat., 162° 24.80' W. long., and Bold Cape at 55° 01.24' N. lat., 162° 16.40' W. long., and the South Central District.



# Southeast Alaska Fishermen's Alliance

1008 Fish Creek Rd

Juneau, AK 99801

Email: [kathy@seafa.org](mailto:kathy@seafa.org)

Cell Phone: 907-465-7666

Fax: 907-917-5470

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

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April 19, 2023

Senate Judiciary Committee  
Senator Matt Claman, Chair  
Alaska State Legislature  
Juneau, AK 99811

## RE: OPPOSE SB 128: Commercial Salmon Fishery Closure

Dear Senate Judiciary Committee Members,

Southeast Alaska Fishermen's Alliance (SEAFA) opposes SB 128. We are extremely concerned about the precedent this would set by having the legislature step in and provide a temporary regulation solution to a segment of the public dissatisfied with the Board of Fish decision. While the Board of Fish process may be imperfect and you often feel like you weren't heard, the Board members consider an incredible amount of written and oral testimony from ADF&G and the public on all sides of the issue and come to compromise solutions leaving most of the public with the feeling dissatisfied with the final solutions. Generally, when everyone is dissatisfied, a reasonable compromise has occurred.

It is difficult to look back after a meeting is over at a specific proposal number on the Board's summary of actions and totally understand what the Board did or did not do. The Board often has many proposals dealing with the same regulation where they may develop compromises on the issue using one proposal or several proposals.

**If the Legislature passes SB 128, they will be bombarded by constituents to have their issue re-considered and dealt with by the legislature when they are upset by the decision of the Board of Fish and Game.** The legislature does not have the time to take on Board of Fish and Game issues. The Board's process is a world-renowned public process for the development of management decisions.

SEAFA is a multi-gear/multi-species membership based commercial fishing association representing our 330+ members involved in the salmon, crab, and shrimp fisheries of Southeast Alaska as well as longline fisheries in SE and the Gulf of Alaska.

Sincerely,

Kathy Hansen  
Executive Director



Sand Point, AK 99661  
smlcraftcafe@gmail.com

April 19, 2023

Judiciary Committee  
Alaska State Senate  
120 4th St.  
Juneau, AK 99801

Subject: Opposition of SB 128

Dear Chair and Members of the Committee,

Small Craft Cafe is a recently established small, locally-owned, restaurant in Sand Point, AK. Sand Point is a small town with about 1,000 year-round residents, the number fluctuates to around 1,500 each summer. We write today to state our opposition to SB 128.

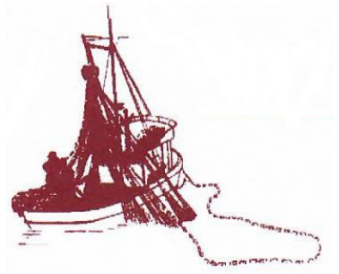
The core idea of our inception was to provide a communal space for the local residents and fishermen of the area to gather. Our restaurant is one of only three in our community, we employ local residents and will rely heavily on the summer salmon season to pay our workers and give back to our community throughout the year.

Being located in the heart of the boat harbor, we can witness first-hand the liveliness brought to our community by the start of the Area M salmon season each June. Kids are out of school working on their family fishing boats, returning out-of-town fishermen are greeted by residents with open arms and smiles, and the small businesses in town have greater opportunity.

If passed, SB 128 would cause immeasurable harm to the people of the communities in Area M. Residents would be forced to leave their home-towns and local businesses such as ours would have to close their doors. It is wrong to pass this bill and disrespect the public process that is the Board of Fisheries meetings. Overriding board action after members of our communities flew to Anchorage to testify is unfair, and sets an unjust precedent against Area M and the State Board of Fisheries forever.

Thank You,

Madison Thompson  
Co-Owner



# City of False Pass

PO Box 50 ~ False Pass, Alaska 99583-0050  
Telephone (907)548-2319 ~ Fax (888)433-6444  
[cityoffalsepass@ak.net](mailto:cityoffalsepass@ak.net)

April 20, 2023

Senator Matt Claman, chair  
Senate Judiciary Committee  
Juneau Capitol Building 205  
Juneau, Ak 99901

Dear Senator Claman and committee members,

The City of False Pass opposes SB128.

We know this Bill is before your committee because of the outcomes at the February 2023 Board of Fish meetings. The Alaska Board of Fisheries Esteemed Members are appointed by our Governor and confirmed by the legislature, which includes an extensive public process to provide diversity of interest and points of view. These members are fully aware of their roles and they are responsible for the management of fisheries, as established under Alaska Statutes. As elected officials ourselves, we value this process and urge legislature not to overstep the Board of Fish's decision, though understand your authority to do so.

Area M Salmon fisheries impacts on AYK Chum returns have proven to be very low, according to harvest rates and sampling data. The Board of Fish members had ample time to review all the science, hear all the expert staff reports, and listen to all stakeholders interests. We have put our confidences in these people's hands and we should continue to support their decisions.

For False Pas, a year without a June salmon season would be detrimental. We are a small community that's mere survival is on subsistence and commercial fishing. We are certain the fish processors would not operate and the support that comes with those operations would be eliminated if SB 128 passed. Over 49% of the City's operating budget in FY22 was exclusively from raw fish tax. If we factor in Sales Tax, Slip Rental & Wharfage, which are all significantly increased due to June salmon fishing, that brings it up to almost 67% of our operating budget.

False Pass economy and the way of life would be destroyed.

We urge you to oppose SB128 and not override the authority given to the Board of Fisheries, as we know that this will set a dangerous precedent for future management issues.

Sincerely,

Nikki Hoblet  
Mayor

Judiciary Committee Alaska State Senate 120 4th St.  
Juneau, AK 99801

Dear Members of the Judiciary Committee:

I am lifelong resident of Alaska, a subsistence user, and a commercial fisherman that strongly opposes SB 128.

Upon graduating from college with my bachelor's degree in 2017, I figuratively invested every penny I had into an Area M set net permit and pioneered a shore-based commercial fishing operation in Port Moller on the North Alaskan Peninsula. Fast forward 6 years later to 2023, I have once again figuratively invested every penny of my savings while also taking on debt for capital to scale my set net operation into a direct market seafood company with plans of integrating processing and distribution of my salmon to markets across the country in 2023.

To be straightforward, SB 128 would bankrupt me and many other young fishermen who have recently taken on debt and invested into the Area M fishery in good faith that State would be manage our fisheries following Sustainable Yield clause in The Constitution of The State of Alaska. Under Article 8, section 4 which states "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses."

The Board of Fisheries spent 10 days in February 2023 deliberating after listening to over 300 in person testimonies from commercial fishermen, subsistence users, indigenous people and tribal councils from both the Aleutians and the AYK region, fisheries science experts, local government, Community Development Quota groups, local Board of Fish Advisory Committees, and the Alaska Department of Fish and Game about proposals regarding the Area M salmon fishery. The Board of Fisheries is not a broken process, in which decided to make notable changes to fishing time available in June for Seine and Drift gear, implementing chum caps, in addition to completely closing the Sanak Island Section indefinitely this past February. However, the Board of Fisheries will be broken and futile if the legislature starts passing laws that bypass and undermines the process completely. Not only SB 128 threatens the existence of the Area M commercial salmon fishery which provides thousands of jobs in rural Alaska, SB 128 could create a trend future legislative bills of similar nature that slowly destroy our commercial fishing industry which is the largest private sector of our State's economy all in the name of "conservation".

SB 128 calls for the complete closure of Area M and fails the grasp the June fishery on the North Peninsula in June, which is managed based on the salmon escapement from the local streams of Nelson River, Bear River, Sandy River, and Meshik River on the North Alaskan Peninsula. The North Alaskan Sockeye harvest in June is significant with a 4-year average of 403,954 Sockeye from 2019-2022 during the month of June. On the

other hand, an average of 240 chum salmon were harvested in the month of June in the Northern district from 2019-22 which are more than certainly fish returning the local streams of Herendeen and Moller Bay which gets considerable amounts of Chum salmon later in the season.

SB 128 will close the North Peninsula Area M salmon fishery which is currently managed by local sockeye escapement in which the results will be punitive to the North Peninsula Area M salmon fishery stakeholders, communities of the Aleutians East borough, and seafood companies that are reliant on the resource without any ounce of scientific backing that the North Alaska Peninsula Salmon fishery is intercepting chum salmon bound for struggling river systems of Coastal Western Alaska.

Closing the North Alaskan Peninsula Salmon fishery down denies access to harvesting our local sockeye under any circumstance and which is a violation of the sustainable yield clause in The Constitution of the State of Alaska. SB 128 if passed, not only will the result in the over escapement of sockeye to our local salmon streams, bankruptcy of many fishermen, and closure of our local processing facilities; a state generated economic crisis will be imminent to the communities Aleutians East Borough. On a positive note, about 240 more chums per year would likely escape in our local streams of Port Moller and Herendeen Bay during the month of June.

I am empathetic to the communities that are experiencing a salmon disaster in Western Alaska, but I urge you to not create a second salmon crisis in the Aleutians by denying our rights to commercially access the salmon resource.

Northern District June 10-June 30, 2012-2023																							
	2012	2012	2013	2013	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018	2019	2019	2020	2020	2021	2021	2022	2022	
Date Fishing Began (MM/DD)	420 - salmon, sockeye	450 - salmon, chum	420 - salmon, sockeye	450 - salmon, chum	420 - salmon, sockeye	450 - salmon, chum	420 - salmon, sockeye	450 - salmon, chum	420 - salmon, sockeye	450 - salmon, chum	420 - salmon, sockeye	450 - salmon, chum	420 - salmon, sockeye	450 - salmon, chum	420 - salmon, sockeye	450 - salmon, chum	420 - salmon, sockeye	450 - salmon, chum	420 - salmon, sockeye	450 - salmon, chum	420 - salmon, sockeye	450 - salmon, chum	
Grand Total	151,264	1,955	319,190	2,543	648,659	2,367	557,495	612	708,690	1,695	1,216,044	520	108,786	3,932	455,396	286	47,264	276	509,545	246	1,112,649	154	

Sincerely,  
Connor Murphy



*With Spirit and Strength*

April 20, 2023

Honorable Chair Matt Claman  
Senate Judiciary Committee  
Emailed to the Senate Judiciary Committee

RE: Opposition to SB128

Dear Chair Claman,

The Aleutian Pribilof Islands Association, Inc. (APIA) is an Alaska Native non-profit consortium of the thirteen federally-recognized Unangax̂ (Aleut) Tribes of the Aleutian Chain, Pribilof Islands, and lower Alaska Peninsula. APIA provides primary and behavioral health care, public safety and family protection, cultural celebration and language revitalization, and environmental advocacy and technical support. By continually inhabiting our lands, and more importantly our waters, for thousands of years despite repeated colonization, acculturation and removals, we continue to demonstrate we are one: Unangax̂ ataqan akus! Unangax̂ ataqan akun!

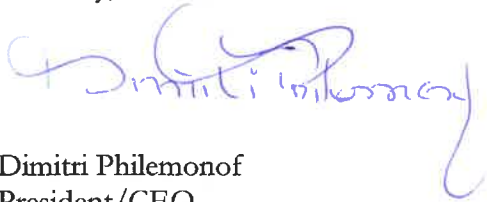
APIA's Fisheries Committee works on regional issues where we can find consensus. We are writing to voice opposition to SB128 for three very important reasons:

1. The Tribal right to an economy is based on economically-viable access to our fisheries, as we have depended on in this region for 10,000 years. Local, resident Alaskan fishermen will be the most impacted by the loss of early season opportunity, while nonresident fishermen may benefit from less time spending money in Alaska from a shorter season.
2. SB128 undermines Alaska's history of managing our fisheries by the best-available science, politicizing a process that has weathered many of the recent changing conditions, far better than the arbitrary and unsupported management that destroyed so many fisheries in the lower 48. Knowing what greater changes await us, we cannot afford to move away from science-based management.
3. This bill would set a dangerous precedent, undermining Alaska's renowned fisheries management processes, and creating further uncertainty in our rapidly changing fisheries landscape. Perceived threats to processors narrow margins and managing at the whim of political winds will irreparably damage Alaska's fisheries, our largest and most renewable natural resource.



The Unangax̂ (Aleut) Tribes would be harmed the impacts that SB128; as would all other Alaskan Tribes and rural residents around the state, as SB128 would set us on a road of political management, ignoring the science, and making us more vulnerable to increasing change. Please contact Environment and Safety Program Administrator Karen Pletnikoff at [karenp@apiai.org](mailto:karenp@apiai.org) or (907)276-2700 with any follow up or with any questions. Thank you for your consideration of this dangerous precedent and preventing this bill from further movement.

Sincerely,



Dimitri Philemonof  
President/CEO

cc:

Akutan Tribal Council for the Native Village of Akutan

Belkofski Tribal Council for the Native Village of Belkofski

Tribal Government of St. Paul Island for the Pribilof Island Aleut Community of St. Paul

Atka IRA Council for the Native Village of Atka

Nelson Lagoon Tribal Council for the Native Village of Nelson Lagoon

Qagan Tayagungin Tribe of Sand Point

False Pass Tribal Council for the Native Village of False Pass

Nikolski IRA Council for the Native Village of Nikolski

Unga Tribal Council for the Native Village of Unga

Agdaagux Tribal Council for the Agdaagux Tribe of King Cove

St. George Traditional Council for the Pribilof Island Aleut Community of St. George

Qawalangin Tribal Council for the Qawalangin Tribe of Unalaska



# UNITED FISHERMEN OF ALASKA

**Mailing Address:** P.O. Box 20229, Juneau AK 99802-0229

**Phone:** (907) 586-2820

**E-mail:** [ufa@ufa-fish.org](mailto:ufa@ufa-fish.org) **Website:** [www.ufa-fish.org](http://www.ufa-fish.org)

April 21, 2023

**Senate Judiciary Committee**  
**Sent Electronically**

**RE: Opposition to SB 128- Commercial Fishery Salmon Closure**

Dear Senator Claman and Committee Members,

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 37 commercial fishing organizations participating in fisheries throughout the state and the federal fisheries off Alaska's coast.

UFA opposes Senate bill 128, which would close the Area M fishery from June 10 through June 30 this year. Historically, the legislature has vested the authority to make fisheries allocations with the Alaska Board of Fisheries (BOF). This bill aims to override an allocative decision that was made by the BOF at a recent Alaska Peninsula/Aleutian Island/Chignik Finfish meeting. Overriding the authority of a state board will have long-lasting and unknown repercussions on further management issues, beyond Area M and beyond fisheries.

The BOF process is often spirited and perhaps contentious at times, but what participants have been able to rely on is a strong public process. Any resident of Alaska can apply to sit on the Board, the Governor appoints individuals from the applicant pool, and the legislature vets and confirms appointees. Prior to meetings, fair notice is given and anyone who has an interest can submit a proposal. The proposals are posted online and people can provide comment. During the meeting, individuals are given the opportunity to provide oral and written testimony as well as participate in discussions. While the process may be frustrating and may not always go the way your association or group might have hoped, attendees know that there was ample time to be heard, offer suggestions, and participate in the process. At the most recent meeting, BOF members received hundreds of pages of testimony, extended the meeting an additional two days to accommodate all public testimony, and sat through hours of science-based presentations. Board members spend weeks away from their families and jobs to serve the State of Alaska and fellow Alaskans. SB 128 is a disservice to the BOF process, those who volunteer to serve, those who participate in the process, and to the scientists who have dedicated their time to providing the best information for the BOF to base decisions on.

SB 128 seems to be in response to the misperception that no action was taken at the recent Alaska Peninsula/Aleutian Island/Chignik Finfish BOF meeting to protect the passage of Western Alaska chum salmon through the region. Proposal 140, which proposed a fixed date closure, would not have guaranteed an increased passage of fish. Rather than adopt Proposal

140, the board adopted a plan which included triggers and hard caps for the South Unimak and Shumagin Islands sections of the area, which would require the department to restrict fishing time and closure in areas if they are met. (See attached for a one-page comparison of what Area M management looked like going into the BOF meeting and what the new plan looks like as a result of the actions taken).

The Board also approved the fleet implementing a cooperative management agreement, which requires 100% of the fleet to sign on, share all harvest data, monitor chum harvest in-season in space and time, and stand down or move fishing locations when directed, to create opportunity for chum to pass through. This adaptive approach is actually the only way to ensure more passage to coastal western AK, as opposed to fixed closures in regulation that don't correspond to when chum are actually on the fishing grounds.

UFA understands the chum salmon crisis that is happening in Western Alaska and the need to take action to protect the stocks that are returning to that region. The actions from the recent BOF meeting represent significant steps towards that goal. It is also worth noting that the most recent genetic data (2022) indicates that less than 5.5% of the total chum returning to coastal western Alaska was harvested in Area M. The genetics point to the majority of the chum harvested in Area M (58%) being of Asian/Russian hatchery origin.

UFA supports fisheries management that is based on the best available science and that the best forum for fisheries allocation and regulatory issues is at the Board of Fisheries, not the Alaska State Legislature.

Regards,



Matt Alward  
President



Tracy Welch  
Executive Director

#### MEMBER ORGANIZATIONS

Alaska Bering Sea Crabbers • Alaska Longline Fishermen's Association • Alaska Scallop Association • Alaska Trollers Association  
Alaska Whitefish Trawlers Association • Area M Seiners Association • At-sea Processors Association • Bristol Bay Fishermen's Association  
Bristol Bay Regional Seafood Development Association • Bristol Bay Reserve • Cape Barnabas, Inc. • Concerned Area "M" Fishermen  
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Douglas Island Pink and Chum • Freezer Longline Coalition • Fishing Vessel  
Owners Assn Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Crab Alliance Cooperative • Kodiak Regional Aquaculture  
Association • Kodiak Seiners Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Northwest  
Setnetters Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner  
Association • Seafood Producers Cooperative • Southeast Alaska Herring Conservation Alliance • Southeast Alaska Fisherman's Alliance • Southeast  
Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners  
Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Southeast Alaska Gillnetters  
Valdez Fisheries Development Association



**OFFICE OF THE MAYOR**  
(907)-497-2594

[mayor@kingcoveak.org](mailto:mayor@kingcoveak.org)

April 21, 2023

**TO:** Senate Judiciary Committee - Chairman Matt Claman & Committee Members

*Emailed to: Senate.Judiciary@akleg.gov*

**FROM:** Mayor Warren Wilson

**RE:** Testimony on Senate Bill #128

Dear Chairman Claman & Committee Members,

Senate Bill 128 is a BAD piece of proposed legislation that should be immediately stopped in its tracks.

As the Mayor and lifetime resident of King Cove, and a commercial and subsistence salmon fisherman for 50+ years in Alaska Peninsula Management Area M, I am vehemently opposed to Senate Bill 128.

This bill is simply wrong in attempting to override the authority of the State's Board of Fish and would have long-lasting impacts with unknown precedents on all future salmon management and authority issues throughout Alaska.

It is a HARMFUL and SCARY process for the legislature to substitute its own judgement for that of the Board of Fisheries, who has authority over state fish management. As you know, this Board is appointed by the Governor, confirmed by the legislature, and is comprehensively informed by ADFG's expertise as fisheries biologists using the latest and best scientific data and subject to a very expansive public process.

I am concerned and sympathetic about the low chums runs in the AYK region. But I also believe that the best scientific data available, and combined with the knowledge that our fishermen have, does NOT pin that blame on Area M fishermen. Thus, I am mystified why any elected State official would attempt to take this approach.

As a Mayor I clearly understand the need to listen to your constituents, and where necessary, to help address/correct situations. But in many situations, like this AYK chum salmon disaster, I don't believe it is fair or ethical to choose a legislative means to try and solve a problem that flies in the face of the best available science and data.

Finally, I want to share a little bit about my King Cove community which was founded in 1911. For the 112 years since then, our leaders and families have worked hard to find the means to become a responsible and productive place to live, raise our families, and respect our proud Aleut culture. In 1949 King Cove formally organized as a second-class city in the Territory of Alaska – 10 years before statehood. Then, in 1974, King Cove residents voted to become a first-class city and made the difficult, but necessary decisions to tax our local fishing industry (2% raw fish tax) and implement a general sales tax (which is now 6%) to pay for the services that our leaders and residents need.

Now, our current \$3.0 million annual general fund budget depends heavily on these taxes to fund our departments of public safety, public works, recreation/teen center, administration, and

helps to subsidize our harbor and provide a utility subsidy for our seniors.

If our June salmon season is completely shut down as proposed in SB 128, the city's revenue loss would be between \$300,000 - \$400,000. This will be **very significant** and detrimental to our ability to continue providing essential city services. A revenue loss of this magnitude would be unprecedented for King Cove and many difficult decisions will be required.

In closing, I respectfully request you do NOT pass Senate Bill 128 out of today's Senate Judicial Committee hearing.

Thank you.

A handwritten signature in black ink, appearing to read 'Warren Wilson', written over the printed name.

Mayor Warren Wilson



April 21, 2023

The Honorable Donald Olson  
State Capitol Room 508  
Juneau AK, 99801

Re: SB 128 Commercial salmon fishery closure

Dear Senator,

Southeast Alaska Guides Organization (SEAGO) is a non-profit trade organization protecting the interests of roughly half of Alaska's guided saltwater sportfishing fleet. The industry is integral to the economic prosperity of coastal Alaska and its residents and relies on good regulatory and policy decisions to maintain those contributions.

Although our fleet fishes far from Area M, we want to express concern about the precedent set by exercising legislative powers to try and circumvent the Board of Fisheries process- which appears to be the result of introducing SB 128. In doing so, we do not dismiss legitimate fears of fisherman and families with dependence on western Alaska fish stocks that are facing failing returns in local systems. Nor do we want to condemn your interest and efforts in trying to protect your constituents. We simply want to support the established process for addressing fishery issues.

Legislative input on fisheries policy comes at the level of confirming Governor nominees to the Board. Each legislator has ample chance to vet candidates for their competency and experience as qualified to make appropriate allocative, regulatory, and conservation judgements for Alaska's fisheries.

The Board of Fisheries process allows public input and the best available science to be put before appointed Board members in a series of proposals, written and oral testimony, and scientific reports to affect their decisions. Subverting that process by introducing legislation to alter Board of Fish outcomes is not likely the way Alaska should head in hammering out divisive fishery issues.

Rather than supporting or objecting to SB 128, we encourage the Senate to withdraw the bill and respect the judgement already set by the Board at its February meeting.

Respectfully submitted,

Forrest Braden

Executive director, SEAGO

[www.segoalaska.org](http://www.segoalaska.org)

[forrest@segoalaska.org](mailto:forrest@segoalaska.org)





April 26, 2023

Senate Judiciary Committee  
Juneau, AK 99801

*Re: Senate Bill 128*

Dear Senate Judiciary Committee,

Aleut International Association (AIA) submits this testimony in strong opposition to Senate Bill 128 that would close down the June Fishery in Area M.

My name is Nadine Kochuten, I'm the Environmental Coordinator for Aleut International Association. AIA's mission is to address the environmental and cultural concerns of the extended Aleut family whose well-being has been connected to the rich resources of the Bering Sea for millennia. We work to promote the continuity of Aleut culture while protecting the resources needed to sustain it.

The rich resources of the Bering Sea and North Pacific Ocean have sustained our Aleut communities and people for millennia. Unangan, means "People of the Sea". We have always been fishermen, navigators and ocean stewards. Our continued access to subsistence and commercial fishing resources are key to ensure the survival of our communities and people.

AIA is a 501(c)3 Alaska Native Tribal Consortium and we work directly with Aleut Tribes and communities on local environmental and monitoring programs that document changes to our traditional ways of life, which include both subsistence and commercial fishing. While we strive to understand the best available science behind the changes we are seeing in our environment today, several groups continue to challenge the scientific data results which show that the impact of the Area M salmon fisheries on AYK chum returns is very low.

Aleut International Association supports our Area M fishermen and communities to continue their way of life. The Board of Fish already went through a very thorough and public process with hundreds of people testifying on the issue of chum in Area M in February; and Aleut communities have agreed to compromise to allow for more chum escapement.

The Board of Fish approved a cooperative management plan that addressed the issue already. Overriding the authority of a State board will have long-lasting and unknown precedents on

**THE ALEUT INTERNATIONAL ASSOCIATION, INC.**

**Permanent Participant of the Arctic Council**

520 E. 32<sup>nd</sup> Avenue, Anchorage, Alaska, United States, 99503

Phone: 1-907-332-5388 (33-ALEUT)

E-mail: [jessica.veldstra@aleut-international.org](mailto:jessica.veldstra@aleut-international.org)

[www.aleut-international.org](http://www.aleut-international.org)



future management issues. We need to support our appointed officials and experts that have already addressed and weighed this issue.

Respectfully,

Nadine Kochuten,  
Environmental Coordinator

**THE ALEUT INTERNATIONAL ASSOCIATION, INC.**

**Permanent Participant of the Arctic Council**

520 E. 32<sup>nd</sup> Avenue, Anchorage, Alaska, United States, 99503

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[www.aleut-international.org](http://www.aleut-international.org)





April 27, 2023

To: Judiciary Committee Members  
Alaska State Senate

Re: Opposing Senate Bill 128

To all Committee Members,

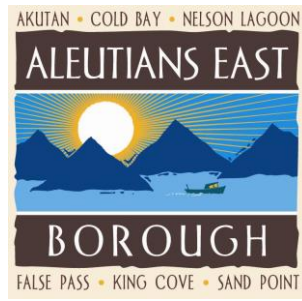
On behalf of Peter Pan Seafoods and in defense of the Alaska coastal communities where we operate, we submit the following comments OPPOSING Senate Bill 128:

1. The Bill is so narrowly focused that it may violate the State constitution. We recommend that the Judiciary Committee consult with Legal Services.
2. The State of Alaska has a long, proud history managing its state water fisheries through the Board of Fish process. This Bill subverts the Board of Fish process and introduces a significant level of uncertainty and instability; making it difficult for harvesters and processors to make the capital investments necessary to compete globally through new market and product development.
3. The Bill is so ill-defined that it will also close the North Peninsula fisheries – where there is almost no chum bycatch – fisheries that are vital to the residents, harvesters and processors in Port Moller, False Pass and Nelson Lagoon.

Thank you for your careful consideration,

A handwritten signature in black ink, appearing to read "Steve Minor", with a long, sweeping horizontal stroke extending to the right.

Steve Minor  
Manager, Business Development  
Anchorage, Alaska



May 8, 2023

Chair Matt Claman  
Senate Judiciary Committee  
Alaska State Legislature

RE: Aleutians East Borough Opposition to Senate Bill 128 and House Bill 180

Dear Chairman Claman,

The Aleutians East Borough is the municipal government that encompasses the communities of King Cove, Sand Point, Cold Bay, Nelson Lagoon, Akutan and False Pass. Aleutians East Borough communities were founded on local salmon fisheries. Salmon processing was established in the Borough over one hundred years ago, and salmon have sustained the Aleut people here for thousands of years. Salmon are critical to Borough residents for our culture and our economy.

The Aleutians East Borough is opposed to the alarmingly misguided bills, Senate Bill 128 and House Bill 180, introduced last month that would close the North Alaska Peninsula and South Alaska Peninsula salmon fisheries from June 10 until June 30 of this year, leaving just one setnet opening June 6-8<sup>th</sup>. This proposed legislation is in spite of Alaska Board of Fisheries action in February 2023 that included a robust public process, and resulted in a compromise solution that allows limited fishing to continue in the South Alaska Peninsula salmon fisheries, with restrictions intended to allow chum salmon to move through the area. The Alaska Board of Fisheries process bolstered by the best available science and the expertise of the Alaska Department of Fish & Game, is the proper venue to decide fisheries allocation issues, not the Alaska Legislature.

Coming into the February meeting, advocates against Alaska Peninsula salmon fisheries (Area M) settled on [Proposal 140](#) as their middle ground solution. Proposal 140 would take South Peninsula Alaska salmon fisheries management back to the regime established from 2001-2003, which would have been a 70% reduction in fishing time compared to 2022. When these restrictions were implemented in 2001, actively fished salmon permits in the South Peninsula crashed to the lowest levels ever, resulting in major losses of local fishing jobs and revenue losses for Aleutians East Borough communities, taking years to recover.

The Board of Fisheries settled on a rational compromise at the February meeting, [Record Copy \(RC\) 190](#), that reduces South Peninsula salmon fishing time in the first two seine fleet openings by 24%, with a 76 hour closure in-between. The third and fourth fishing openings are maintained at the 2022 duration of 88 hours if the fleet stays below certain levels. But if chum harvests exceed these thresholds, the third and fourth opening durations would be reduced by half or closed entirely. In addition, one whole area, the Sanak Island section, will be completely closed to salmon fishing in June.

Beyond the Board's February actions that will limit June salmon fishing, the Area M Seiners have agreed in [RC 104](#) to continue their chum conservation plan in 2023 and future years. The seiners actions to conserve chum in 2022 resulted in the lowest chum to sockeye ratio in 50 years.

Senate Bill 128 and House Bill 180 introduced in April, when our fishermen are already repairing nets and working on fishing gear – these bills would close both the North and South Peninsula salmon fisheries for June, canceling salmon fishing in the region and shattering our communities with no regard to the overwhelming scientific evidence that conditions related to climate change are the cause of struggling Yukon/Kuskokwim stocks – not Alaska Peninsula fisheries. Closing the Area M fishery will cause harm to Alaska Peninsula fishermen and communities, but provide very little benefit to Yukon/Kuskokwim salmon returns.

The Alaska Legislature is scheduled to consider confirmation of the Governor's appointees to Boards and Commissions, including appointees to the Board of Fisheries, in a Joint Session May 9<sup>th</sup>. We support the role the Legislature plays in the confirmation of Board of Fisheries appointees, and the legislative committee public process. The Board of Fisheries actions in February were based on thorough public involvement and deliberation. The Legislature should not upend a prudent Board decision by supporting a bill that, if adopted, would close an historic, sustainable fishery, with extremely short notice to participants. Consideration of Senate Bill 128 and House Bill 180 is an improper legislative action in our opinion.

The Senate Judiciary Committee held a hearing April 21<sup>st</sup> on Senate Bill 128 and invited testimony at the hearing included only individuals in support of the bill. We question the accuracy of some of the statements that were presented as factual in this testimony. Three-quarters of the public testimony at the hearing was opposed to the bill. We urge you as Senate Judiciary Committee Chair to add broader perspectives as part of invited testimony at the next bill hearing on May 12<sup>th</sup>, to include fishermen's groups from the impacted fishery, such as the Area M Seiners Association or Concerned Area M Fishermen.

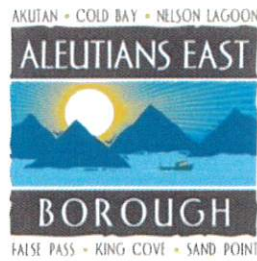
The Aleutians East Borough Assembly met May 3<sup>rd</sup> and unanimously approved the attached Resolution 23-51 opposing Senate Bill 128 and House Bill 180 to close the June Area M salmon fishery. We urge you to reject these unwarranted bills and support the Board of Fisheries process.

The Aleutians East Borough extends an invitation to any Legislators that are able, to come visit our communities this June and observe our salmon fisheries. We look forward to the possibility of hosting your visit to observe these historic fisheries and the communities that rely on them.

Sincerely,



Alvin D. Osterback, Mayor



## **RESOLUTION 23-51**

### **A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY OPPOSING SENATE BILL 128 AND HOUSE BILL 180**

**WHEREAS**, the Aleutians East Borough and our communities are encompassed by the Alaska Department of Fish & Game Salmon Management Area M of the Alaska Peninsula and Aleutian Islands, and

**WHEREAS**, commercial salmon fishing and processing has been a mainstay of this region for over one hundred years and the Aleut people have been sustained by the salmon for millennia, and

**WHEREAS**, the Alaska Board of Fisheries met in February 2023 to address Alaska Peninsula/Aleutian Islands/Chignik finfish, including concerns over struggling Yukon and Kuskokwim chum salmon stocks, and

**WHEREAS**, the inclusive Board of Fisheries public process for the February meeting yielded over six hundred pages of written comment submitted and nearly three hundred testifying members of the public, and

**WHEREAS**, the Board of Fisheries also heard irrefutable scientific evidence from the Alaska Department of Fish and Game and others that the main causes of Yukon salmon struggles are conditions related to climate change, not Area M salmon fisheries, and

**WHEREAS**, only one in five chum salmon harvested in the Area M mixed stock salmon fishery is headed to the Yukon/Kuskokwim region, and

**WHEREAS**, the Area M Seiners proactively enacted a plan of action in 2022 resulting in the lowest ratio of chum to sockeye salmon since the 1970s, with plans to continue and improve the chum conservation plan in 2023, and

**WHEREAS**, at the February meeting the Board of Fisheries adopted significant restrictions on the South Alaska Peninsula June fishery in Area M, including cuts to fishing time, closure of the Sanak Island Section and triggers to further reduce or close the fishery if chum thresholds are exceeded, and

**WHEREAS**, Senate Bill 128 to close the Area M commercial salmon fishery for June 2023 was introduced on April 12<sup>th</sup>, 2023 and companion bill House Bill 180 was introduced April 26<sup>th</sup>, and

**WHEREAS**, Senate Bill 128 received a hearing in the Senate Judiciary Committee of the Alaska Senate on April 21, 2023, and

**WHEREAS**, Senate Bill 128 and House Bill 180 setup a bad precedent of the Legislature attempting to overrule the Board of Fisheries, even before the new regulations have had a chance to be implemented, and

**WHEREAS**, Senate Bill 128 and House bill 180, if adopted would cause significant economic harm to the Aleutians East Borough, our fishermen and communities, and the State of Alaska.

**NOW THEREFORE BE IT RESOLVED**, the Aleutians East Borough Assembly opposes Senate Bill 128 and House Bill 180 that would close the 2023 June salmon fishery in Area M, as these bills are unwarranted and have the potential to cause significant harm to the Aleutians East Borough and the State of Alaska, and

**BE IT FURTHER RESOLVED**, the Aleutians East Borough Assembly urges the Governor and Legislature of the State of Alaska to reject Senate Bill 128 and House Bill 180, and to support the Board of Fisheries process.

Approved and Adopted this 3<sup>rd</sup> day of May 2023.



Alvin D. Osterback, Mayor



Beverly Rosete, Clerk