

Senate Resources Meeting 4.23.21

Opposition Letters to SB 44

UFA-Matt Alward and Frances Leach

CDFU-Gerald McCune & Chelsea Haisman

Norm Campbell

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**For questions contact Betty Tangeman
Senator Revak's Office
465-3879**

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February 24, 2021

Senator Joshua Revak
Senate Resources Committee
State Capitol Room 125
Juneau AK, 99801
SenateResources@akleg.gov

RE: OPPOSE SB 44, Personal Use Priority

Dear Chair Revak and Committee Members,

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 36 commercial fishing organizations participating in fisheries throughout the state and its offshore federal waters. UFA members are also avid personal use, sport, and subsistence harvesters who care about the sustainability of Alaska's fishing resources above all else. The commercial fishing industry in Alaska is made up of small, family-owned businesses, many of which have been operating in the state of Alaska for generations.

UFA opposes SB 44 the personal use priority bill, which pits Alaskans against Alaskans. Although the most well-known personal use fisheries are the salmon dipnet fisheries on the Kenai, Kasilof and Copper Rivers, this bill also impacts more than 30 established personal use fisheries throughout the entire state. Personal use fisheries occur from Ketchikan to Norton Sound and include species such as salmon, crab, shrimp, smelt, groundfish, scallops, clams, and aquatic plants.¹

A personal use priority would trump the existing sport and commercial fisheries that resident Alaskans utilize to help feed their families. Reducing the predominantly resident commercial harvests would also have a negative impact on Alaskan consumer's ability to access the resource. It is important to allow the Board of Fisheries, working with ADF&G, to enact conservation measures based on the facts surrounding an issue, including each user group's impact on a stock of concern.

All Alaskans benefit when ADF&G has the flexibility to manage fishing resources. Adding additional layers to complex management plans can reduce the ability of ADF&G to manage based on run strength, timing and escapement. A personal use priority will help to perpetuate the fish wars and the loser will likely be Alaska's fishing resources. Adopting a priority for a major user group can increase the expectation for harvest which decreases the likelihood of

¹ Source: [2019-2021 Subsistence and Personal Use Statewide Fishing Regulations](http://www.adfg.alaska.gov/static/regulations/fishregulations.pdf) - online at <http://www.adfg.alaska.gov/static/regulations/fishregulations.pdf> commercial 2019 2020 subsistence pu regs.pdf

users taking responsibility for the health of Alaska's fishing resources especially in times of conservation.

Sustainability & Statehood

Alaska's fishery management program is renowned and Alaskans are recognized worldwide for our commitment to sustainability. While most of the world has lost their historic runs of wild salmon, Alaska shows a remarkable history of restoring salmon runs throughout the state after a long period of decline before Alaska gained statehood.

The guiding issue behind Alaska achieving statehood was commercial salmon harvest. With statehood, Alaska took control over the management of salmon therefore protecting Alaskans' dependence on our most prized renewable resource. Alaska has worked hard to develop our reputation for having the best managed fisheries in the world. Starting at statehood, sustainability was even built into our constitution:

"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 (Alaska Constitution, Article 8 - Natural Resources, Section 4, sustained yield)."

Alaska is the only state to have written such conservation language into its constitution. This attention to sustainability started with salmon and Alaska continues to set the gold standard worldwide for sustainably managed fisheries. In order for Alaska to continue to enjoy sustainable fisheries resources, all of our harvesters must feel responsible for the health of the resource.

Pitting Alaskans vs. Alaskans

Alaska is currently home to over 736,000 people. Residents harvest Alaska's fishing resources either through personal use, sport, commercial or subsistence methods. However, most Alaskans do not have the time, resources or ability to harvest their own fish. The commercial harvesting sector provides the majority of Alaskans with critical access to the resource. This access occurs in fish markets, grocery stores, and restaurants throughout the state.

According to ADF&G data, participation in the Chitina personal use salmon fishery averages about 8 - 9,000 households and participation in the Upper Cook Inlet Personal Use Fisheries averages approximately 25,000 – 35,500 households. Using the highest estimation and assuming there is no overlap between the two areas by personal use (which is unlikely) the maximum household participation in the three major personal use salmon fisheries is 44,500. Assuming there are five individuals to a household, which would indicate that 227,500 individuals participate in Alaska's three major personal use fisheries. That leaves over 500,000 or 2/3 of Alaskans that access seafood outside of the three major personal use harvest methods.²

² Sources: Cook Inlet Personal Use Fisheries
Salmon Fishery Harvest and Effort Estimates
<http://www.adfg.alaska.gov/index.cfm?adfg=PersonalUseSubAreaSouthcentralKenaiSalmon.harvest>

ADFG Special Publication No. 10-03
An Overview of the Chitina Subdistrict Personal Use Dip Net Fishery: A Report to the Alaska Board of Fisheries by Mark A. Somerville
<http://www.sf.adfg.state.ak.us/FedAidPDFs/Sp10-03.pdf>

Alaskans are proud of our deep history as a commercial fishing state. Commercial harvest of salmon has been recorded in Alaska since 1878 and is still a thriving industry today. Commercial fishing permit holders live in 189 communities throughout the state with commercial salmon harvesters living in over 160 communities.

According to the Commercial Fisheries Entry Commission (CFEC): “In 2017, 13,992 permits were issued to: 6,742 Rural Alaskans (48%), 4,009 Urban Alaskans (29%), and 3,241 NonResidents (23%).. After 40 years, Alaskans hold nearly 77% of all limited entry permits. At the end of 2017, Alaskans held 10,751 limited entry permits, with rural Alaskans holding more than 62% of that number.”³

In Cook Inlet, the resident salmon permit holder percentages for 2018 are as follows: Cook Inlet setnet, 83.5%; Cook Inlet Drift Gillnet, 70.9%; and Cook Inlet Seine, 92.7%. A ten-year analysis in Cook Inlet shows that salmon fishery permit holders are increasingly Alaskan. A 10 year analysis of the Cook Inlet commercial fisheries indicate that harvest of sockeye and other salmon species has generally decreased.

Given most commercial fishing permits and permit holders are Alaskans and most Alaskans access fishing resources through commercial harvest, this bill would take harvest opportunity and access away from Alaskans to give it to other Alaskans without the benefit of a review of the data and a reasonable management and allocation plan. This action will undoubtedly increase tension amongst Alaskans.

Food Security

The commercial harvesting sector is also avid comprised of personal use, sport, and subsistence harvesters who depend on a healthy resource in order to feed their families, feed Alaskans, and to make their living. Alaska’s seafood is arguably one of the best protein sources in the world. **All Alaskans should be able to access fishing resources either by harvesting themselves, through markets, by ordering in restaurants, or by a combination of these methods as countless Alaskans do. Food security in Alaska can be furthered by ensuring that sport, commercial, and personal use harvesters continue to have equal status.**

Similar to the personal use salmon dipnet fisheries, the commercial harvesting sector is capable of efficiently harvesting Alaska’s fishing resources. It is important to Alaska’s food security that we are able to sustainably harvest seafood for consumption by residents. The commercial harvesting sector is critical to providing Alaskans with access to the resource, and particularly shelf-stable products such as canned seafood that is produced in many Alaskan-based canneries.

It is also for the maximum benefit of Alaskans that seafood harvested in this state is served in local restaurants and is available in local grocery stores. It is discouraging and disappointing to see imported seafood, including farmed salmon, on store shelves and in restaurants. Alaskans should always be able to find Alaska harvested seafood when shopping or when ordering out.

We urge the legislature to refrain from taking action that would automatically place a higher priority on the harvests of personal use fishermen who have the time, resources and access to Alaska’s fishing resources over those who do not. There is reasonable opportunity currently granted for personal use harvest, and most feel that their needs are being met. With salmon, some personal use harvest limits exceed what many Alaskans consider necessary for basic sustenance.

One theme that emerges during personal use discussions is that no Alaskan should have to buy fish. While well-meaning, this statement presents several challenges and ignores the basic scale and scope of Alaska. The majority of Alaskans do not have the access to harvest their own

³ CFEC Annual Report, 2017 page 17 <https://www.cfec.state.ak.us/annrpts/AR2017.pdf>

fishing resources, would have to travel great distances, and in many cases, Alaskans don't have the equipment to harvest various species of seafood. When it comes to salmon specifically, although some Alaskans can harvest in designated in-river personal use fisheries, other Alaskans choose to utilize charter vessels or harvest outside of designated personal use fisheries such as the sport fishery. A personal use priority would favor those Alaskans that have the ability to harvest in a personal use fishery over those Alaskans who participate in sport fisheries.

Reasonable Expectations

We strongly caution against creating a priority for personal use fisheries, because it will shift allocation and opportunity away from commercial fisheries that provide income to state and local governments, to fisheries that do not. It also would increase the perception of entitlement to fisheries resources that are limited by nature. Sustainability relies on the premise that resources have limits, and setting reasonable expectations helps perpetuate our commitment to sustainability.

There are over 100 personal use fisheries established throughout the state. Personal use fisheries are open to all Alaska residents, with only the requirement to hold a resident sport fishing license and in many cases a personal use permit. It is important to establish reasonable expectations, not create perceived entitlement to personal use fisheries. As the population grows in one area of the state, it is likely that people will travel from areas without personal use fisheries to those that do, as we have already seen in some of the dipnet fisheries. This could pit one region's users against another and would be contrary to the Board of Fisheries intent when establishing personal use fisheries:

5 AAC 77.001 (4) (b)... "allowed when that taking does not jeopardize the sustained yield of a resource and either does not negatively impact an existing resource use or is in the broad public interest."

Although the original intent was for personal use fisheries to not negatively impact the other uses, we are fully supportive of the continued practice of personal use, sport and commercial fisheries occurring on equal footing.

Since the time personal use fisheries were established in 1981, Alaska has seen extreme population growth primarily in one area of the state and can expect this trend to continue. Human population impacts on salmon-bearing rivers, tributaries, streams and lakes are currently unknown. If a personal use priority is established over all uses but subsistence, it would place the burden of conservation on the commercial harvesting sector and ultimately the Alaskan consumer who accesses fishing resources through commercial harvest.

A personal use priority would also handcuff the Board of Fisheries in their ability to allocate and would also further tie ADF&G's management of Alaska's fisheries. A personal use priority may also leave many allocative and management decisions open to lawsuit based on a perception of interference with a personal use fishery. We strongly urge the legislature to leave the prioritization of fishery allocations within the Board of Fisheries, and the sustainable management of fisheries resources within ADF&G.

Establishing a personal use priority will not ensure that salmon run upstream on the weekend when the most individuals choose to participate in the three popular salmon dip net fisheries. A personal use priority will not ensure that fish run directly past a personal use fishery or that an individual will be in the right place at the right time to harvest the resource. A personal use priority cannot control run strength or timing. In short, a personal use priority will not guarantee harvest, however it will create the expectation of harvest.

Fisheries Management Decisions

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

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

It is imperative that fisheries management decisions including allocations remain in the Board of Fisheries process. The Board process is deliberative, incorporates science, and is capable of disseminating the views of most users of Alaska's fishing resource. Utilizing the Board process will help ensure that each individual personal use fishery is analyzed and decisions regarding harvest and allocation can be made on a case-by-case basis instead of using a one-size-fits-all approach.

Thank you for your time and attention to this important issue. Please feel free to contact us if you have any questions.

Regards,



Matt Alward
President



Frances H. Leach
Executive Director

MEMBER ORGANIZATIONS

Alaska Bering Sea Crabbers • Alaska Longline Fishermen's Association • Alaska Scallop Association
Alaska Trollers Association • Alaska Whitefish Trawlers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Fishermen's 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 • Golden King Crab Coalition • 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 • 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 Cook Inlet Drift Association • United Southeast Alaska Gillnetters
Valdez Fisheries Development Association



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web. www.cdfu.org

April 16, 2021

Senator Joshua Revak, Chair
Senate Resources Committee
Alaska State Legislature
Juneau AK, 99801

RE: Oppose SB 99 - Personal Use Fishing Priority

Dear Senator Revak and members of the Senate Resources Committee,

CDFU is a non-profit membership organization advocating on behalf of the commercial fishing families who participate in commercial fisheries in Alaska's Area E, which includes Prince William Sound, the Copper River region, and the northern-central Gulf. It is our mission to preserve, promote, and perpetuate the commercial fishing industry in Area E and to further promote safety at sea, legislation, conservation, management, and general welfare for the mutual benefit of all our members.

The commercial fishermen of Area E have a strong and historic relationship with the Alaska State Legislature and State of Alaska Departments that we foster with great care, proactive communications and representation. CDFU would like to formally state our opposition to SB 44 - Personal Use Fishing Priority.

SB 44 raises significant questions about the role of the Board of Fisheries, and effectively ignores the decades of work public and department input that have shaped regional management plans in all regions of the state. The language proposed undermines the authority of area fisheries managers to make real-time decisions in season based on the best science available, and we believe it also presents conflict with Alaska's policy for the management of mixed stock salmon fisheries (5 AAC 39.220 (b)), which provides for the burden of conservation, defined below, to be shared among user groups.

5 AAC 39.222 f(4) "burden of conservation" means the restrictions imposed by the board or department upon various users in order to achieve escapement, rebuild, or in some other way conserve a specific salmon stock or group of stocks; this burden, in the absence of a salmon fishery management plan, will be generally applied to users in close proportion to the users' respective harvest of the salmon stock.

Further, suggesting that the Board of Fisheries be given the authority to place restrictions on fisheries in-season in order to meet management goals and to prioritize Personal Use fisheries is problematic, as in-season emergency order (EO) management authority is currently



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delegated to the Alaska Department of Fish and Game, biologists who are held to following management plans within the written parameters. Local management decisions impacting fisheries are made at the discretion of department biologists, whose scientific background and understanding allows for decisions to be made independent of personal politics. The Board of Fisheries, on the other hand, is composed of political appointees who may not be as closely involved with the science of fisheries management to the same degree. These political appointees should not be managing the day-to-day business of fisheries, as it is the responsibility of area and regional biologists to meet management goals set at the Board of Fisheries process. Area biologists are best able to interpret changing fishery conditions and other factors that impact fishery management -- participation, weather, tides, etc.; factors that members of the board are not familiar with in every region of the state.

Beyond the concerns described above, the Board of Fisheries already has the authority to make allocative decisions at its discretion during the 3 year regulatory cycle, on a case-by-case basis in each management region, so a statutory requirement for the Board to place restrictions on all other fisheries before personal use fisheries to meet management goals is unnecessary and would both complicate and circumvent the thorough public process by which management plans are created. It would preclude nearly all users - subsistence, sport, commercial, and personal use - from participating in the public process during the busy fishing season (when in-season management decisions are and should be made). If implemented, SB 44 would be more burdensome to both the Board of Fisheries and ADFG as it would demand a significant amount of work to take up out-of-cycle proposals or petitions based on the perception that management goals are not being met.

Every resident of the State of Alaska already has subsistence priority, including those who reside in nonsubsistence areas. The currently existing subsistence priority is not addressed in the language of SB 44. This is problematic as it leaves the question of whether it would essentially create two priorities that may be in conflict with each other. Additionally, a personal use priority would potentially remove harvest opportunity and resource access from a number of Alaska residents who rely on commercial and sport fisheries for that access.

Thank you for your time and consideration of our concerns, and for the opportunity to address the committee regarding our opposition to SB 44.

Gerald McCune
President

Chelsea Haisman
Executive Director

Betty Tangeman

From: Norm Campbell <fvgaleforce@gmail.com>
Sent: Friday, April 16, 2021 1:53 PM
To: Senate Resources
Subject: OPPOSE SB 44

Follow Up Flag: Follow up
Flag Status: Completed

Senator Revak and members of the Senate Resources Committee,

I am writing today to state my opposition to SB 44. I am a lifelong Alaskan born in 1956. I am a commercial fisherman and have been since the 1960s. That was before limited entry started and didn't receive a permit then. After 4 years in the USMC I inherited my father's permit. (1982) I have fished every year since. I see this as cheechakos interfering with my life's income. I am the 3rd generation fisherman as far as record keeping goes. Please don't pass SB44 and if possible don't let it attempt to come up again in the foreseeable future. Norman Campbell

Betty Tangeman

From: Jacob Privat <jnprivat@gmail.com>
Sent: Friday, April 16, 2021 3:08 PM
To: Senate Resources
Subject: OPPOSE SB 44

Follow Up Flag: Follow up
Flag Status: Completed

Senator Revak and members of the Senate Resources Committee,

I am writing today to state my opposition to SB 44.

There are many reasons why I am writing to oppose SB 44. Many of which you have heard repeatedly no doubt.

I come from a state on the Gulf of Mexico that took priority away from its commercial and sport fleets to the detriment of its coastal communities. With subsistence fisheries already having priority; it seems that this bill would be redundant and inefficient. I am a happy and proud Alaskan resident because of its science based approach to managing its fisheries. I've invested my resources into a business that relies on a fair and science based management of fisheries. Commercial and sport fisheries are currently more integrated with management data collection compared to personal use which is already under documented. Looking to the future, Alaska's population will only grow thus putting more pressure on these fisheries with less guaranteed documentation. This bill would create more negative bureaucratic, economic and ecological impacts down the line. I sincerely hope you vote to oppose SB 44. Thank you for your time.

-Jacob Privat

Betty Tangeman

From: makena otoole <makenaotoole@yahoo.com>
Sent: Friday, April 16, 2021 3:27 PM
To: Senate Resources
Subject: OPPOSE SB 44

Senator Revak and members of the Senate Resources Committee, I am writing today to state my opposition to SB 44. My name is Makena O'Toole I am a life long Alaskan I participate in commercial, personal use, subsistence and sport fisheries. SB 44 will completely destroy the balanced management system for which Alaska is famous. The whole world looks at us as the poster child for sustainable management. This is because the system we have in place works. The board of fish has the ability to make allocative decisions already. I strongly oppose SB 44. I hope you will vote it down so my children will have the same opportunities to make a life commercial fishing that I had. Thank you for your time.

Betty Tangeman

From: Douglas Pettit <outlook_7F4B5A5D684AB971@outlook.com> on behalf of Douglas Pettit <pettit@ak.net>
Sent: Monday, April 19, 2021 5:06 PM
To: Senate Resources
Subject: OPPOSE SB 44

Senator Revak and members of the Senate Resources Committee,

I am writing today to state **STRONGLY** my opposition to SB 44. I am a 3rd generation fisherman living in Rural Alaska (Cordova)...

- SB 44 would undermine the authority given to the Alaska Department of Fish and Game to sustainably manage Alaska's fisheries.
- The Board of Fisheries already has authority to make allocative decisions at its discretion during the 3 year board cycle.
- A statutory requirement for the Board to place restrictions on all other fisheries before personal use fisheries to meet management goals is unnecessary.
- A statutory requirement for the Board to place restrictions on all other fisheries before personal use would complicate and circumvent the thorough public process by which management plans are created.
- If implemented, SB 44 would be more burdensome to both the Board of Fisheries and ADFG as it would demand a significant amount of work to take up out-of-cycle proposals

or petitions based on the perception that management goals are not being met.

- Subsistence fisheries already have priority statewide, there is no need to create a duplicitous and conflicting priority for personal use.
- A personal use priority would remove harvest opportunity for those who rely on sport and commercial fisheries to obtain their food security, including those who purchase commercially harvested fish from direct sellers or Alaskan grocers.