



February 5, 2024

Senator Jesse Bjorkman, Chair
Senator Click Bishop, Vice Chair
Senate Labor & Commerce Committee

RE: **SB 209 Electronic Monitoring of Commercial Fishing Vessels**

Dear Senator Jesse Bjorkman, Senator Bishop, and Committee members:

The Southeast Alaska Seiners Association (SEAS) is the preeminent local, species specific, regionally based commercial fishing Association for Southeast Alaska purse fishermen. SEAS' main focus is on Pacific Salmon Treaty, Board of Fisheries issues, Marketing Funding, Fleet Consolidation, Regulatory and Administrative Access to SE Salmon Resources and Conservation Principles.

The issues our industry faces have become increasingly complex and time-consuming. SEAS is working hard to ensure a future for the commercial seine fleet.

SEAS is a non-profit organization association funded solely through membership dues.

On Friday, January 26, Governor Dunleavy introduced SB 209 which would give the Board of Fisheries authority to implement electronic monitoring on commercial fishing vessels. The bill is receiving its first hearing on Wednesday, February 7th at 1:30 pm.

SEAS is opposed to SB 209 as written for a variety of reasons.

- The cost of this program has not been addressed. This program would have severe consequences on the Alaska Department of Fish and Game budget unless it was funded with new State monies. One way or another there would be financial costs to the commercial fishermen. Here is a quick breakdown of costs as calculated by the Aleutians East Borough submitted as RC 225 to BOF: Upwards of \$17,496 for the one-time cost of purchasing and installing systems. Ongoing costs, roughly in the range of \$5,765 per vessel per year. None of these costs include the time and labor it will take ADFG staff to develop an effective program, and the immense amount of outreach and troubleshooting to get a program off the ground.

- The Bill, as written, gives the Alaska Board of Fisheries carte blanche authority to impose this program. There does not appear that this Bill explains why a program is necessary in Alaskan fisheries.
- The Legislation has several undefined operational demands such as *must be as unintrusive to vessel operations as practicable*. Who defines the word “unintrusive”, ADF&G, the Board of Fish, or the permit holder?
- *"electronic monitoring" means the collection and tracking of data. on board fishing vessels by means of a system comprised of software and electronic components, including video recorders.* Exactly what data is to be collected?
Which entity will review that data, how will it be analyzed, and what is the end goal of the data collection?
- *The Board of Fisheries and the Department of Fish and Game may proceed to adopt regulations necessary to implement the changes made by this Act.* ADF&G does not make regulations, the department can only implement regulations passed by the Board of Fish.
- Commercial permit holders are extremely sensitive to the confidential nature of their fishing activities. Many see this program as opening their catch data to a number of unknown entities.
- For practical purposes what happens when the equipment fails This will probably happen often considering the rough seas and wet conditions they all operate in. Will their trip be terminated? Will their catch be confiscated?
- How will the video be used above and beyond fisheries data? For example can the tapes be used as evidence against a fisherman if it is perceived a regulation is violated?

In closing this legislation raises numerous problems that are not covered in the Bill. SEAS finds it impossible to support this Bill as written until all of those problems and concerns are fully addressed. The simple take-away is that a successful EM program requires buy-in by the fleet, a lot of pre-planning starting with the objective and ending with data review, how the data will be used and how will it be paid for?

SEAS thanks this Committee on taking public input and we look forward to following this Bill as it works its way through the Legislature.

Sincerely,



Phil Doherty
Executive Director – SEAS
PO Box 6238
Ketchikan, AK 99901

Konrad Jackson

From: Arthur Holmberg <artholmberg@gmail.com>
Sent: Sunday, February 04, 2024 10:08 AM
To: Senate Labor and Commerce
Subject: Bill 209

My name is Art Holmberg I'm a life long commercial fisherman out of area m (sand point) I own and operate a seine vessel and own a set net / drift boat also. How and who will pay for all of this equipment that is proposed to you? Thousands of boats in ak. Pretty costly proposal hopefully it doesn't go through being how timely and expensive it would be. Not including the man power and hours it would take to operate a program like this. Very Respectfully

Art Holmberg

Konrad Jackson

From: crfbc@aol.com
Sent: Tuesday, February 06, 2024 9:42 AM
To: Senate Labor and Commerce; pvoa@gci.net
Subject: I oppose senate bill 209

To the senate on SB209,

I do not support the SB- 209

I do not have the 17,000.00 to install the system or the 5,700.00 annual fee. If passed it will have to be paid for by the State.

I was with the understanding Governor Dunlevy was a conservative but practicing the Biden administrations tact of monitoring US citizens and making government larger at the expense of the working classes pocket book and businesses. This is not conservative at all.

SO NO WAY ON SB-209.

Bill Connor
po box 1124 Petersburg ak.99833

Konrad Jackson

From: Dale Pedersen <spotsboy@gci.net>
Sent: Saturday, February 03, 2024 5:46 PM
To: Senate Labor and Commerce
Subject: SB 209

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, my name is Dale Pedersen, I am a commercial fisherman out of Sand Point, AK. Regarding putting electronic monitoring devices on commercial fishing boats, how much was this thought out? Who is going to pay for it? How many people would you need to hire to monitor it? Is it for all commercial fishing vessels?

I participate in electronic monitoring in gulf of Alaska pollock fishing, there might be 50 or so boats in the program regarding Electronic monitoring. It takes observer company up to a month sometimes to review our data we have to send in every three trips. I assume there are at least a couple thousand commercial fishing boats in Alaska besides the cost of all the machines required, how many people and how long would it take to review data?

Instead of wasting all this money on a program that isn't going to work why don't you just give all that money to department of public safety/ troopers and let them do their job. That will work!

Thank you for your time and consideration Dale Pedersen

Konrad Jackson

From: Gwynne Short <fvcaroleb@gmail.com>
Sent: Monday, February 05, 2024 9:55 AM
To: Senate Labor and Commerce
Subject: Electronic monitoring

Dear senate and labor and commerce

I am a 3rd generation Alaska fisherman and lifelong Alaska resident. I am writing to oppose SB 209. I oppose this bill because I don't feel we need it or that our small boat fisheries need monitoring. We already have observers and EM for our halibut and cod fisheries. In southeast our shrimp and crab fisheries are quite small and clean fisheries. Our salmon fisheries have been observed off and on by the feds and have no concerns. The real problem is the draggers! Lastly the cost is prohibitive, it is estimated 17500.00 to install and annual maintenance of 5600.00 per year. And no one knows the cost to ADFG to develop, implement, and run such a program. with the average SE gillnetter making 30000.00 and troller also in that neighborhood, pot shrimp similar and crab fisheries so short in duration, and just the fish prices this day and age this would put us all out of business in my opinion

Thank you

Joe Short

F/V Discovery

Konrad Jackson

From: Jeb Phillips <jebphillips23@live.com>
Sent: Monday, February 05, 2024 11:55 AM
To: Senate Labor and Commerce
Subject: EM disgrace

Electronic monitoring...

Seems to be a terrible idea in an already conflicted, compromised industry the state depends on.

Sent from my iPhone



Southeast Alaska Fishermen's Alliance

1008 Fish Creek Rd

Juneau, AK 99801

Email: kathy@seafa.org

Cell Phone: 907-465-7666

Fax: 907-917-5470

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

February 5, 2024

Senate Labor & Commerce Committee

Senator Jesse Bjorkman, Chair

Senator Click Bishop, Vice Chair

Alaska State Legislature

State Capitol

Juneau, AK 99801

RE: SB 209 Electronic Monitoring of Commercial Fishing Vessels.

Senator Jesse Bjorkman, Chair and Committee Members,

Southeast Alaska Fishermen's Alliance (SEAFA) is a multi-gear, multi-species commercial fishing association representing our 300+ members involved in salmon, crab, shrimp and longline fisheries mainly located in Southeast Alaska. We are opposed to SB 209 introduced on behalf of the Governor relating to electronic monitoring (EM) on commercial fishing vessels as written. We are providing our preliminary thoughts and questions about this legislation and will likely provide more as the process moves forward. We look forward to the opportunity to listen to the introduction of the bill this Wednesday in your committee.

This legislation raises a lot of questions and issues that are not addressed or the process that will be used to address the issues and funding for the program. I have participated as a committee member in the North Pacific Fisheries Management Council (NPFMC) Partial Coverage Fishery Monitoring Committee (PCFMAC) a committee formed during the Council process to act as an industry advisory during the restructuring of the observer program in 2013. We continue to evaluate the observer program (both EM & onboard) yearly, look for cost efficiencies, coverage rates and in the EM program address operational issues in integrating it into the already existing observer program framework.

With my involvement in this committee, I have learned a lot about the development of EM programs. It is not as simple as going to the store grabbing an EM unit and slapping it on the boat. It generally takes several years or more to develop a successful program for a specific fleet based on the objectives of a monitoring program being

developed. Even with several years of pilot programs and testing, and an operating EM program many operational issues continue to arise. You need time to find the appropriate system and in a lot of cases, the EM providers will have to tweak their current systems to the new use and vessels that will be using it. After a system is designed, you then need time to make enough units for the fleet to utilize. Many of the issues SEAFA is raising below are based on our extensive experience with the PCFMAC committee and Council process, as well as issues raised by our members who participate in the affected fisheries.

Our first concern with SB 209 is that there **is not protection for the fishermen from the EM data gathered being made public under the Freedom of Information Act (FOIA)**. Confidentiality of the data is a very big concern of commercial fishermen. Where and for how long will the data be stored? Has there been any research into the amount of space that would be needed to store this information and the cost that would be involved? Who will be responsible for the data and who will have access to it? Will the Dept of Fish and Game or State Troopers be doing the review, or will it be farmed out to 3rd party vendors? Will there be cooperation with the Federal EM programs to use their systems when fishing during a state fishery that requires monitoring, or will those fishermen need to use two completely different EM systems?

While the onboard observer program requires the Board of Fish to make a written determination¹, an EM program does not have the same criteria in the legislation. To develop an onboard observer program, the Board of Fish needs to determine it is the only practical data-gathering or enforcement mechanism for the fishery, will not disrupt the fishery, can be conducted at a reasonable cost and coordinated with other agency observer programs. It is even more important in an EM program to have a clear objective to design an EM unit that will function for the desired result.

Another consideration is what will the protocol be if an EM unit quits working in the middle of the trip, will that fishermen have to stop fishing? Who will be responsible for maintaining and troubleshooting the EM units, the State or the fisherman? What infrastructure is available across Alaska for maintenance of EM units? Will the state have technicians in all the towns to troubleshoot a system, or will a fishermen risk the loss of a big chunk of a season due to a malfunctioning unit?

Purchases of EM units are quite costly. Who will be paying for these units? Who will be paying for the review of the hard drive data? Fishermen are struggling right now due to the global seafood market collapse, higher fuel costs, and rising insurance and moorage rates as well as other basic costs. Fishermen could be put out of business by requiring them to purchase a \$10,000 - \$20,000 EM unit cost, not including the on-going

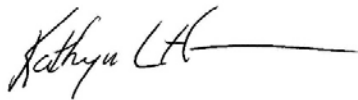
¹ See page 5 lines 19-30

yearly costs for reviewing the data and maintenance. The cost of reviewing the EM data partly depends upon the amount of review that will occur. For the hook & line halibut fleet's observer program, the fishermen opt into the EM program, and a random selection of these boats are picked to be observed at a goal of 30% sampling rate and then only a portion of their recorded trip is reviewed. RC 225² submitted at the Feb 20-27, 2023 Board of Fish meeting by the Aleutians East Borough has some estimated costs from several years ago of an EM program to give you an idea of potential costs of an EM program.

The simple take-away is that a successful EM program requires buy-in by the fleet, a lot of pre-planning, starting with the objective and ending with data review and how the data will be used.

Thank you for your consideration of our preliminary comments on SB 209: Electronic Monitoring of Commercial Fishing Vessels, we look forward to continuing to provide feedback on this bill. Please don't hesitate to call if you would like to further discuss this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hansen", followed by a long horizontal line.

Kathy Hansen
Executive Director

² https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2022-2023/peninsula/rcs/RC225_Aleutians_East_Borough_Opposition_to_RC192_Monitoring_Requirement.pdf

Konrad Jackson

From: Matthew Short <fvkesiadawn@gmail.com>
Sent: Monday, February 05, 2024 7:08 PM
To: Senate Labor and Commerce
Subject: SB 209 Opposition

Dear Senate and Department of Labor and Commerce, I am a 4th generation Alaskan commercial fisherman and a lifelong Alaska resident and I am writing in opposition to SB 209. I understand that chum salmon retention is an issue in the Area M drift gillnet fishery but I don't think that the rest of the fisheries in the state need to be punished for this issue. The costs of owning and operating a commercial fishing business are rising drastically every year between insurance costs, fuel prices, bait prices, maintenance costs, moorage, etc. At the same time, the prices that we are getting paid for most fish have dropped dramatically and are still dropping. The added costs of electronic monitoring, both the initial cost of installation and the yearly costs after that, would cause many smaller operations to have to cease operations due to these added costs. My boat in particular only fishes a short two week tanner crab fishery and then tenders salmon in the summer. At this point though, since Trident Seafoods has decided to sell some of its plants and not buy fish from gillnetters in southeast anymore, I don't even have a tender job at this point. So I would be paying these yearly costs for one short, two week fishery. Also, the costs for ADF&G to implement and manage this program would be very high in a time where the state is already trying to cut costs. For these reasons, I am in opposition to SB 209. Thank you for your time.

Matthew Short
F/V Kesia Dawn
Sent from my iPhone

Konrad Jackson

From: Michael Corl <mcorl43@gmail.com>
Sent: Monday, February 05, 2024 5:35 PM
To: Senate Labor and Commerce
Subject: Regarding SB209

To whom it may concern

My name is Michael Corl. I have been a life long Alaskan at 30 years old. Of that lifelong duration I have been in the commercial fishing industry since I was seven years old, working the back deck with my father.

I have been a permit holder in Bristol bay drift for the last 7 years.

This is my first engagement in a senate bill ever.

I am deeply concerned with senate bill 209 and the effects it will hold on the well being of my business and coincidentally my new family. The senate should understand that we as lifelong Alaskan families want to provide a system for the future. I desperately need to function without extra overhead costs of these monitoring systems discussed in SB 209. The basis of this statement coming from the analysis of aleutians east borough RC 225

The long term effects of this can only result in the failure to lower the average age of permit holders in the state. Costs of living alone are enough to keep young people, like myself, from entering the CFEC. Even in a healthy market, many fishermen struggle, not to mention all of the crew attached. Adding more cost to our annual is going to deepen that burden. The results may show a dilapidation of fleets state wide.

I urge the senate to not enact this bill.

Sincerely, a concerned father.

Konrad Jackson

From: Nels Otness <nelsko@gci.net>
Sent: Monday, February 05, 2024 7:13 PM
To: Senate Labor and Commerce
Subject: Sb209

Hey my name is Nels Otness, I live in Petersburg Alaska. I have been a commercial fisherman since I was very young, fourth generation in fact. Making a life as a fisherman is rarely easy and the last few years have been noticeably harder to manage. Adding costs to what we are already experiencing as the worst years of this industry will probably sink us entirely. The federal aid due us hasn't gotten to us, we are in dire straits as a fleet in Petersburg. Thanks for listening.
Sincerely Nels Otness

2/05/2024

Department of Labor and Commerce

SB 209

“An Act relating to electronic monitoring of fishing vessels; and providing for an effective date.”

Petersburg Vessel Owners Association (PVOA) is a multi gear, multi species advocacy group. PVOA's mission statement is to protect the economic viability of the commercial fishing fleet in Petersburg; promote the conservation and rationale management of North Pacific fishery resources; and advocate the need for protection of fishery habitat. As an organization, we recognize the need for proper management of the fisheries that we participate in and rely on for our livelihoods, but believe that SB 209 is too far reaching in the oversight that it would introduce onto fishing operations. It would also put undue financial stress on an industry that is already facing unprecedented levels of market instability, with vessels grossing unsustainable incomes in the 2023 season and no indication that it will change in the near future.

SB 209 was introduced to target a specific issue, chum salmon retention in the Area M drift gill net fleet, responding to an issue that is often referred to as “chum chucking.” Even though the rationale for the bill is to better monitor and enforce that specific issue, the scope and reach of the bill would give the Board of Fish the discretion to implement Electronic Monitoring (EM) on any fishing vessel that operates in State of Alaska fisheries. We see this as a gross overreach of power, by using one specific management issue to increase the management and enforcement power of the State of Alaska over all vessels that operate within its waters. We believe that if the goal of the State of Alaska is to implement an EM program to better monitor the Area M drift gill net fleet for chum retention, the legislation that allows for that should only focus on the Area M drift gill net fishery, not have full encompassing power over all State of Alaska fisheries.

On page 5, sentence 26 of the bill, it states the program can only be conducted at a reasonable cost. In estimates done by the Aleutians East Borough, the average cost of purchasing and installing a system would be \$17,496 and the yearly ongoing costs would average \$5,765. These numbers have been checked with marine electricians that install EM programs on vessels and they say that those cost estimates are accurate for Southeast Alaska as well. In the best of times, an additional \$17,496 in one time purchase and an annual \$5,765 is hard for fishermen and their businesses to handle for something that does not ultimately lead to any increased income potential. With current market conditions, that additional cost is enough to put many businesses under. That makes the cost of implementing an EM system onto a commercial fishing vessel an unreasonable cost. The implementation of a State of Alaska run EM program

would also cost ADF&G both time and money to develop, implement and troubleshoot the program.

In Governor Dunleavy's initial statement introducing SB 209, he stated that the EM implementation would be in place or in addition to on board observers. Many of the vessels that PVOA represents are under 60 feet. If it proves to be too expensive to implement on EM vessels, putting an on board observer on many of the vessels when they are participating in their State water fisheries would put constraints on crew and captain accommodations as well as space on deck for operations. Fishermen are more likely to run crew sizes that would accommodate all of the bunks available on board their vessels, so having to take an on board observer would make that captain have to potentially limit crew size and effect the efficiency, safety, and productivity of their vessel.

Petersburg Vessel Owners Association does not support SB 209 because it would be financially burdensome to fishermen and State of Alaska and grossly extrapolates potential monitoring and enforcement power needed for one fishery, to all State of Alaska fisheries.

Konrad Jackson

From: Arthur Holmberg <artholmberg@gmail.com>
Sent: Sunday, February 04, 2024 10:08 AM
To: Senate Labor and Commerce
Subject: Bill 209

My name is Art Holmberg I'm a life long commercial fisherman out of area m (sand point) I own and operate a seine vessel and own a set net / drift boat also. How and who will pay for all of this equipment that is proposed to you? Thousands of boats in ak. Pretty costly proposal hopefully it doesn't go through being how timely and expensive it would be. Not including the man power and hours it would take to operate a program like this. Very Respectfully

Art Holmberg

Konrad Jackson

From: tanner smith <tannersmith@gmail.com>
Sent: Monday, February 05, 2024 3:39 PM
To: Senate Labor and Commerce
Subject: Opposition to SB209

This is a letter in opposition to Governor Dunleavy's bill SB 209 which would give the Board of Fisheries authority to implement electronic monitoring on commercial fishing vessels.

This is totally unaffordable. This is a direct quote:

Upwards of \$17,496 for the one-time cost of purchasing and installing systems only

Ongoing costs, roughly in the range of \$5,765 per vessel per year

None of these costs include the time and labor it will take ADFG staff to develop an effective program, and the immense amount of outreach and troubleshooting to get a program off the ground.

Are you expecting each individual fisherman to pay for this? On top of all the taxes and fees we already pay? Even if fishermen do not directly pay for it, we will indirectly pay for it in some kind of tax. Another tax on the American dream. Stop and think for a minute of how hard it is for existing fishermen to make it in the current state of the market. Then imagine you are a deckhand dreaming of buying in? You just made it a whole lot harder.

Where does this line of thinking stop? This is no different than California wanting to put limiters on their cars so they cant go more than 10 mph over the speed limit. (Good luck ever trying to pass someone ever again or what if theres an emergency?). We already can be boarded by the coast guard, fish and game, or state troopers anytime they choose. Even when we busy hauling gear. Are the troopers not doing a good enough job? I know, If you put cameras on our boats, why dont we take the money out of the state trooper fund. Or maybe axe the fish and game research and on the water presence completely. That ought to go over well. But why have the redundancy?

Oh no, its for the Science! You have all the data already in our log books if fish and game would take the time to read them! Which they dont! No! Instead lets plug them into a million hours of movies. Instead of actually going to work and accomplishing something in life. Then we will have to pay countless hours of mental counseling... Lets face it, most of this data will never be looked at in its current form or in video. What a waste!

Do any humans except for those in maximum security really need to be under surveillance 24 hours a day? Why treat us like criminals when we are the backbone of the Alaskan economy. If you allow people to have integrity, the vast majority of them will. And guess what? You're not going to change the ones who dont have any by a camera.

Once again, this is a "big government" approach to everyday life. Instead of letting people think, act and live life themselves, you want to do it for them. If i actually thought having a camera on my boat would save the average fishermen time, money, hassle and let us focus more on what we do best, i might have a different opinion. But be honest! This will do NONE OF THOSE THINGS!

Thank you
Tanner Smith

Konrad Jackson

From: Torin Pfundt <torinpfundt@gmail.com>
Sent: Tuesday, February 06, 2024 8:47 AM
To: Senate Labor and Commerce
Subject: Opposition to SB209

Opposing SB 209

To: Alaska Department of Labor and Commerce

From: Torin Pfundt

Date: February 6, 2024

Subject: Strong Opposition to Senate Bill 209

I am a commercial fisherman from Petersburg, involved in multiple fisheries throughout the State. I own and operate a Bristol bay gillnetter and also participate in fisheries in southeast including salmon seine, spot prawns, and ground fish. I am writing to express my strong opposition to Senate Bill 209, which I believe would be detrimental to Alaska fisheries and represents an egregious overreach of government power.

Unreasonable Burden:

Implementing Electronic Monitoring (EM) on all Alaska fisheries, as proposed by SB 209, would impose a significant financial burden on fishermen.

Estimates, verified by marine electricians, show an average cost of \$17,496 per system (purchase and installation) and \$5,765 in annual maintenance.

During these challenging economic times, these costs could cripple many fishing businesses, jeopardizing their livelihoods and potentially driving them out of the industry.

Moreover, the bill's claim of "reasonable cost" lacks concrete definition, leaving fishermen vulnerable to unpredictable and potentially prohibitive implementations.

Government Overreach and Scope Creep:

I believe that SB 209 extends far beyond the intended purpose of addressing chum retention in Area M. Granting the Board of Fish the authority to impose EM on any fishery in the state constitutes an unacceptable expansion of governmental control.

This approach fails to acknowledge the diverse needs and circumstances of different fisheries, potentially leading to unnecessary and burdensome regulations.

In conclusion, I strongly oppose SB 209 due to its excessive financial burden on fishermen, its unnecessary expansion of government control, and its failure to address the specific issue of chum retention in Area M effectively. I urge you to reject this bill and instead pursue targeted solutions in collaboration with the fishing industry.

Sincerely,

Torin Pfundt