

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES**

January 19, 2007

8:33 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Kyle Johansen
Representative Gabrielle LeDoux
Representative Bryce Edgmon
Representative Lindsey Holmes

MEMBERS ABSENT

Representative John Harris
Representative Peggy Wilson

COMMITTEE CALENDAR

OVERVIEW: ALASKA DEPARTMENT OF FISH & GAME - OFFICE OF THE
COMMISSIONER; DIVISION OF SUBSISTENCE

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

DENBY LLOYD, Acting Commissioner
Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska
POSITION STATEMENT: Provided an overview of ADF&G.

ELIZABETH ANDREWS, Director
Division of Subsistence
Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska
POSITION STATEMENT: Provided an overview of the Division of
Subsistence.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House Special Committee on
Fisheries meeting to order at 8:33:16 AM. Representatives

Johansen, LeDoux, Edgmon, and Holmes were present at the call to order.

OVERVIEW: ALASKA DEPARTMENT OF FISH & GAME - OFFICE OF THE COMMISSIONER

8:33:31 AM

CHAIR SEATON announced that the first order of business would be an overview of the Alaska Department of Fish & Game from the Office of the Commissioner.

8:34:04 AM

DENBY LLOYD, Acting Commissioner, Alaska Department of Fish & Game (ADF&G), opined that Alaskans are passionate in their pursuit of fishing rights, privileges, and opportunities across the state. He pointed out that these passions take the form of energy directed at effecting regulations and legislation; [making it essential for a close working relationship] between the commissioner's office and the legislature. He directed the committee's attention to the handout and read the mission statement of the department: "To protect, maintain, and improve the fish, game, and aquatic plant resources of the state, and manage their use and development in the best interest of the economy and the well-being of the people of the state, consistent with the sustained yield principle." Acting Commissioner Lloyd pointed out that this mission statement provides a means to maintain the state's resources in perpetuity; however, sustained yield, in this context, does not automatically default to mean "maximum" sustained yield. The goal, he explained, is to provide the maximum benefit to the people that is sustainable over time.

ACTING COMMISSIONER LLOYD reviewed the core services of the department as follows:

- Provide opportunity to utilize fish and wildlife resources;
- Ensure sustainability and harvestable surplus of fish and wildlife resources;
- Provide information to all customers;
- Involve the public in management of fish and wildlife resources; and
- Protect the state's sovereignty to manage fish and wildlife resources.

ACTING COMMISSIONER LLOYD, paraphrasing from the handout entitled "Department of Fish and Game Overview", related that the ADF&G operating budget totals \$180.3 million, from 17 funding sources, including \$62.1 million in federal funds, \$52.7 million in general funds, and \$26.4 million in fish and game funds.

[8:37:49 AM](#)

ACTING COMMISSIONER LLOYD, in response to Chair Seaton, confirmed that the fish and game fund is one of the only two dedicated funds in the state budget. Fish and game funds are specifically derived from sport fishing and hunting license fees, as well as fines and forfeitures. The funds are redirected to specific management and research activities for those resources. In further response to Chair Seaton, Acting Commissioner Lloyd emphasized that there are some limitations with regard to the transfer between fund sources.

[8:39:37 AM](#)

ACTING COMMISSIONER LLOYD continued his overview by informing the committee that ADF&G's fiscal year (FY) 08 budget request basically maintains the level of service of last year. He explained that the increases in the budget primarily address salary adjustments due to Public Employees' Retirement System (PERS) increases and health care costs.

ACTING COMMISSIONER LLOYD specified that the department is comprised of the following five divisions: the Division of Commercial Fisheries, the Division of Sport Fish, Division of Subsistence, the Division of Wildlife Conservation, and the Division of Administrative Services. Additionally, the department oversees the Commercial Fisheries Entry Commission (CFEC) and the Exxon Valdez Trustee Council as well as the administrative support for the Board of Fisheries and the Board of Game. He then reviewed the staff in the Office of the Commissioner, and explained that the commissioner administers the department as well as represents the department and the state on various management and research bodies. The aforementioned bodies are specified on the lower half of the document entitled, "Department of Fish and Game Overview." These bodies include such entities as the North Pacific Fishery Management Council (NPFMC), which primarily deals with the management of federal fisheries offshore of Alaska. In fact, the commissioner of ADF&G holds one of the voting seats on the

aforementioned body and is integral with regard to the promotion of Alaska's interest in federal fishery management offshore.

8:41:50 AM

ACTING COMMISSIONER LLOYD noted that the document entitled, "Department of Fish and Game Overview" includes details on the department's budget. The department, with an approximate \$180 million budget, has about 1,700 permanent employees of which 861 are full-time. The aforementioned document also includes details of the budget by division.

8:42:29 AM

ACTING COMMISSIONER LLOYD then announced that he would describe the various fishery management operations and arenas in which those are operated. For fisheries within the state and for 0-3 miles offshore, the fisheries are largely governed by the regulatory provisions of the Board of Fisheries. The members of this lay board, with seven voting members, are interested public individuals who are appointed by the governor and confirmed by the legislature. Members of the Board of Fisheries serve three-year staggered terms. The board meets five times per year and considers various portions of the state on a rotating three-year basis. Acting Commissioner Lloyd acknowledged that the Board of Fisheries meetings are oftentimes highly contentious. However, he emphasized that these meetings provide a forum outside of the typical bureaucratic arena to discuss and deliberate very important allocation issues amongst various fishing groups as well as to provide policy guidance. Once the board lays down the overarching regulatory and management plans, it's incumbent upon the department to implement those. Additionally, the department provides the research background for the board and others to make the aforementioned policy decisions. He highlighted that the department also includes the Commercial Fisheries Entry Commission, which specifies the limited entry conditions for various state fisheries. In most cases, limited entry is based on license limitations. For example, a salmon fishery may have the maximum number of licenses issued and those licenses are tradable and sellable amongst the participants. The aforementioned limits the overall effort applied to any particular fishery. He noted that the CFEC acts as an adjudicatory body in determining who obtains licenses and any appeals. The CFEC also serves a very important data management function in terms of the earnings and the distribution of fisheries income through residents and nonresidents.

8:45:40 AM

ACTING COMMISSIONER LLOYD informed the committee that the department also has a private nonprofit program (PNP) for hatcheries. He explained that in the 1970s and 1980s, the state was involved in its own hatchery program, but has gradually withdrew from that. Therefore, the hatchery program is now conducted by PNP corporations that are comprised of the associations of the local fishermen and permit holders. The department retains the permitting and various oversight functions of the salmon hatchery program, including a pathology laboratory. Acting Commissioner Lloyd noted that the department also has a mariculture permitting program for shellfish and mariculture. The ADF&G helps the Department of Natural Resources (DNR) permit locations where shellfish farming might be appropriately conducted. The aforementioned is all on the state side.

8:47:02 AM

ACTING COMMISSIONER LLOYD then reminded the committee that the department deals directly with the federal fishery management offshore program. He pointed out that NPFMC is roughly the equivalent to Alaska's Board of Fisheries in that it's a group of appointees who establish the general regulatory parameters for the management of federal fisheries offshore. The recommendations of NPFMC are sent to the U.S. Department of Commerce and are implemented by the National Marine Fisheries Service. He emphasized the importance of the state having strong representation on NPFMC because many of Alaska's residents are participants in those fisheries three miles offshore of Alaska. Furthermore, the management of a number of those federal fisheries is delegated back to the state such as the Bering Sea crab fisheries. However, there are other management activities of federal fisheries that aren't delegated to the state. For example, the federal government, during the crab rationalization program, maintained the power to limit participation in those crab fisheries while the state maintained the power to set annual quotas and determine when the season is open and closed.

8:48:46 AM

ACTING COMMISSIONER LLOYD then turned to the international agreements with which ADF&G deals. He explained that Pacific halibut in the U.S. and Canada is largely governed by an international treaty that is implemented through the

International Pacific Halibut Commission (IPHC). In fact, the IPHC is deliberating whether it, on its own authority, might impose a lower bag limit for the sport halibut charter. The department also deals with the Pacific Salmon Treaty through the Pacific Salmon Commission. Of current interest with the Pacific Salmon Treaty is that various annexes to the treaty will expire at the end of 2008. Therefore, the department is engaging in the initial process to renegotiate the annexes. He noted that the department has to negotiate with Canada as well as Washington and Oregon. Moreover, there are a number of other influences on the state's ability to manage its fisheries, including federal lands and federal agencies. Although those federal agencies aren't charged with the management of fish and wildlife, they are charged with land-use controls. Those land-use controls often translate into limits on the ability to access fish and wildlife. For example, there are ongoing disputes with the National Parks Service and the U.S. Forest Service, and others with regard to what controls they can place on access to lands and wildlife versus the state's desire to have open and free access to fish and wildlife.

[8:51:18 AM](#)

ACTING COMMISSIONER LLOYD pointed out that management of subsistence can be difficult. He reminded the committee of the Alaska National Interest Lands Conservation Act (ANILCA), which created a rural priority for subsistence. Although the aforementioned wasn't at odds with state laws and regulations, several Alaska Supreme Court decisions don't allow the state to provide a specific rural priority. Therefore, the state isn't in compliance with federal law under ANILCA. The aforementioned has resulted in the federal government creating a dual management program. This all creates difficulty [with creating] understandable, uniform, and streamlined management of subsistence in the state. The department is aggressively pursuing discussions with the federal subsistence board and agencies to clear up those difficulties, he related.

[8:53:23 AM](#)

ACTING COMMISSIONER LLOYD informed the committee that ADF&G also has to deal with influences of federal law due to the Endangered Species Act and the Marine Mammal Protection Act (MMPA). He emphasized that MMPA is a protection act not a management act. The protection of animals under the aforementioned acts has caused a number of difficulties for fishery management. He reminded the committee of the impact of stellar sea lion

critical habitat and the pursuit of offshore ground fisheries in Alaska. Acting Commissioner Lloyd related that ADF&G is currently involved in an effort to comment on potential critical habitat of the northern right whale. Although the northern right whale is an endangered animal, the difficulty arises in regard to whether pot fisheries is a significant threat to the survivorship of these animals. He mentioned that right whales are also found on the East Coast, where the gear of the Maine lobster fishery has been completely redesigned.

8:54:55 AM

ACTING COMMISSIONER LLOYD, in conclusion, reiterated the passion Alaskans and people in Alaska have with regard to fishing. To address management, ADF&G must have dedicated, professional employees. However, the department is experiencing difficulty in maintaining the dedicated, professional core of departmental staff. He attributed this partially to the "brain drain" to competing agencies that offer a large pay differential. He related his own situation as an example, although he chose to serve the state rather than take the higher paying position.

8:56:45 AM

CHAIR SEATON indicated that the pay differential will be addressed in various ways. He then requested that Acting Commissioner Lloyd expand on the authority of the commissioner, the local area management biologists, and the regional biologists.

ACTING COMMISSIONER LLOYD explained that the commissioner has emergency order authority, which allows the commissioner to take in-season action to open and close fisheries and change boundaries. This authority is routinely delegated to the area management biologist level. One of the strengths of Alaska's management program is that delegation to the local level, he opined. That delegation allows the individual with the most immediate knowledge and access to the immediate users to make the decisions for those fisheries. He opined that the aforementioned stimulates responsiveness and local accountability in the management program. Still, regional oversight does occur in the regional offices which lead to the division director's offices to the commissioner's office. On rare occasion, emergency order decisions are [challenged] and brought to the regional director's and commissioner's office. Acting Commissioner Lloyd reiterated that the authority and responsibility of the vast majority of fishery management

decisions is delegated to the local area biologist. In further response to Chair Seaton, Acting Commissioner Lloyd confirmed that the aforementioned framework is basically the same in the Division of Sport Fish and the Division of Commercial Fisheries. However, the Division of Subsistence doesn't have a direct management mandate but rather serves as a research arm. Therefore, the Division of Commercial Fisheries manages the subsistence fisheries as well as the commercial fisheries.

[9:00:38 AM](#)

CHAIR SEATON inquired as to where the National Estuary and Research Reserve fit into the program.

ACTING COMMISSIONER LLOYD related his understanding that the staff involved in that [program] are in the Division of Sport Fish.

[9:01:13 AM](#)

REPRESENTATIVE EDGMON highlighted the importance of the Board of Fisheries and the Board of Game holding meetings in the various regions of the state because it provides local stakeholders an opportunity to participate in the process. As an example, he recalled the December Board of Fisheries meeting in Dillingham this past year when approximately 158 people testified, many of which were individuals who traveled from surrounding villages. He then inquired as to whether the division directors are in an acting director capacity until the acting commissioner is confirmed.

ACTING COMMISSIONER LLOYD answered that his status as acting commissioner affects the commissioner alone, not the staff. He said, "I'm emphasizing the acting status at this point, not so much due to legislative confirmation but for the additional scrutiny that's placed on the commissioner of Fish & Game, as opposed to other commissioners." He explained that the Board of Fisheries and the Board of Game can submit a list of qualified candidates from which the governor selects the commissioner. He further explained that in his case the governor has requested that he be the commissioner prior to the boards going through the aforementioned process. The boards are scheduled to complete the interview and selection process by January 31st. With regard to the other departmental staff, they are full employees of the department. The only acting director is Patti Nelson and will be such until the board process is complete and

the commissioner is formally in place and can formally appoint the director of the Division of Commercial Fisheries.

9:05:48 AM

REPRESENTATIVE EDGMON surmised then that Acting Commissioner Lloyd won't have to be confirmed by the legislature to make his choices for division directors.

ACTING COMMISSIONER LLOYD replied no, and specified that he won't wait for legislative confirmation to appoint his leadership team. He noted that such is the case in other state departments.

9:06:14 AM

ACTING COMMISSIONER LLOYD, in response to Chair Seaton, recalled that the Mr. Big was a very large scallop boat from North Carolina that came to Alaska and fished scallops. In this case, the vessel Mr. Big took advantage of the fact that neither the state nor the federal government had placed limitations with regard to who could harvest scallops, and in what quantities. The state and NPFMC had to act quickly to close the aforementioned loophole and preserve some of the scallop beds that are highly vulnerable to over harvest. The legislature then passed legislation implementing limited entry for scallop vessels. Acting Commissioner Lloyd understood Chair Seaton to be referring to the fact that there isn't a federal fishery management plan north of Bering Strait and thus there is the potential for similar lack of regulatory management planning. However, he related his understanding that NPFMC has that matter on its agenda and thus the existing process should address the matter. He said he didn't believe legislative action is necessary at this time, but will inform the legislature immediately if that changes.

9:09:29 AM

REPRESENTATIVE LEDOUX recalled that in the Mr. Big situation, the vessel gave up its state permit in order to fish federal waters where there was no management.

ACTING COMMISSIONER LLOYD noted his agreement. He explained that if a vessel intends to harvest and not come to shore, that vessel can operate three miles offshore, which is outside of state regulation. In the case of Mr. Big there weren't any federal restrictions and thus they harvested in an unrestricted

fashion. In further response to Representative LeDoux, Acting Commissioner Lloyd couldn't recall the details as to whether NPFMC was able to issue an emergency regulation in the Mr. Big situation.

[9:12:28 AM](#)

ACTING COMMISSIONER LLOYD pointed out that the transition report was prepared by department staff of the prior administration. The transition report was intended to describe the organizational structure of the department and highlight issues of concern for the new administration. The transition report was prepared last November and shouldn't, he clarified, be confused with the report from the new administration's transition team.

OVERVIEW: ALASKA DEPARTMENT OF FISH & GAME - DIVISION OF SUBSISTENCE

[9:13:19 AM](#)

CHAIR SEATON announced that the final order of business would be the overview from the Division of Subsistence.

ELIZABETH ANDREWS, Director, Division of Subsistence, Alaska Department of Fish & Game, echoed Acting Commissioner Lloyd's earlier clarification that the Division of Subsistence is a research arm within ADF&G. Therefore, the division provides support to the rest of the department. She noted that state statute on subsistence outlines the division's responsibilities.

[9:15:05 AM](#)

MS. ANDREWS, by way of background, informed the committee that in 1978 Alaska passed the Subsistence Priority Law to recognize the economic and cultural importance of subsistence to Alaskans. She clarified that subsistence is defined as customary and traditional uses. This law was passed prior to the Alaska National Interest Lands Conservation Act (ANILCA). The state was positioning itself to assume management for subsistence uses on all lands, state and federal, in the state. She highlighted that even prior to statehood there have always been provisions for subsistence use, although there may not be subsistence regulations for all areas or all game and fish species. She highlighted that the primary purpose of the division is to gather information on customary and traditional uses such that harvest monitoring information and use patterns are provided to

managers as well as the Board of Fisheries and the Board of Game. Therefore, the division's core duties revolve around research, quantification, and presentation of information in order for the aforementioned entities to manage and allocate the resources. The board must identify which fish stocks, for example, have a customary and traditional use. The department doesn't make the aforementioned determination, but rather the Board of Fisheries does. If it is a customary and traditional use, it must be identified by the board. These decisions are based on information brought forth by the division.

MS. ANDREWS specified that the division's budget source for these core services are largely from the general fund. However, as mentioned earlier the division has some responsibilities to protect the state's interest relative to federal programs. The aforementioned is accomplished by leveraging the state money in order to obtain funding by contracts from other entities, whether federal agencies or private businesses. Ms. Andrews noted that the division also [provides information] that helps the managers determine what component is necessary to provide for the subsistence uses the board has identified. Again, this information is used to assert the state's responsibility in the management of fisheries.

[9:22:17 AM](#)

MS. ANDREWS acknowledged the importance of fish to Alaskans. She related, "In terms of our research, just the ball park figure is that 60 percent of the ... resources that are harvested for subsistence uses or home use outside of the urban areas constitute 60 percent of all the resources harvested, whether that's big game, or marine mammals, or birds. For example, 60 percent of it are fish." The division has found that 80 percent of all households outside of urban areas participate in harvesting fish. She further related that Alaska has some of the most significant subsistence fisheries in the world. For example, the Kuskokwim Chinook salmon fishery is the largest subsistence chinook fishery in the state as it accounts for about 50 percent of all chinook taken in the state.

[9:24:14 AM](#)

MS. ANDREWS reminded the committee that the Division of Subsistence is one of the smaller divisions, that includes the director and four program managers supported by general funds. The division has approximately 24 full-time employees, 5-6 seasonal or part-time employees. The division's general fund

budget is roughly \$1.8 million. The division, she highlighted, brings in about \$2 million in non-general fund sources. The division has offices in Juneau, Anchorage, and Fairbanks as well as staff personnel in the field offices of Dillingham and Kotzebue. In attempts to streamline and address the cost of doing business, the number of field offices have been reduced. Still, the division has been able to provide the main services for management purposes. Ms. Andrews then informed the committee that due to increment funding from the previous legislature, the division has placed all of its harvestable information into a web-accessible subsistence information system. The aforementioned allows staff as well as any other interested party to access the information; the site can be accessed via the division's web site on the department web site. She mentioned that since the department is moving toward a content-driven web site, it should be fairly easy to access.

MS. ANDREWS then informed the committee that the division has also been able to diversify funding sources rather than being dependent on non-general funds from federal agencies. Therefore, the division has looked to other sources identified as statutory-designated program receipts, such as the North Pacific Research Board and various private entities.

[9:28:47 AM](#)

CHAIR SEATON inquired as to the type of research the division provides for private contracts.

MS. ANDREWS explained that it would be research, such as harvest surveys, that the division would normally perform if it had the general funds to do so. She noted that the harvest surveys were largely in the Bristol Bay area. Braund & Associates obtained a contract to prepare information that would be used for the environmental impact assessment for the Pebble Mine study. As a part of that, Braund & Associates subcontracted gathering the subsistence harvest information from a number of the communities in the Bristol Bay area. Braund & Associates typically doesn't perform field research but rather compiles and analyzes the information. Therefore, the division served as the objective researchers who gathered the basic information. This information is needed by the department for basic management and thus the division takes a strategic view of which contracts it will take and which it will pursue in order to ensure that the division's core functions are met.

[9:30:06 AM](#)

CHAIR SEATON asked if the department has ownership of the information in the aforementioned contract.

MS. ANDREWS replied yes, adding that some of the information from the aforementioned contract is posted in the subsistence information system.

[9:30:47 AM](#)

MS. ANDREWS then turned to the matter of maintaining geographic parity so that research doesn't focus on certain areas/regions while neglecting other areas/regions. She highlighted that the division has also attempted to ensure that [division staff] attend all of the Board of Fisheries meetings and work through the management plans.

MS. ANDREWS identified the key challenges for this coming year, including the ability to continue to collect subsistence salmon harvest information. She related that the division is keeping its head above water with regard to continuing the monitoring programs. She returned to the subject of information management and related that the salmon data needs to be placed in a single entity on the web site. The salmon data, she said, needs to be easily extracted from the overall subsistence information system.

MS. ANDREWS moved on to the challenge of providing support to the joint boards as they review nonsubsistence areas that will be before them at the October meeting. The nonsubsistence areas are areas in which subsistence is not a primary characteristic of the economy. She noted that the boards requested proposals from the public in order to determine if the public views other areas as nonsubsistence areas or would recommend any boundary changes. Although only two proposals have been brought forward, it's a large job because a variety of harvest, demographic, and economic information has to be obtained. The aforementioned information is then presented to the boards for review and analysis. Ms. Andrews noted that the primary proposal was in regard to South Central Alaska, which is a large population center. Therefore, quite a bit of information needs to be amassed, analyzed, and compiled in a meaningful way for the boards. The Division of Subsistence will take the lead, although the other divisions will be involved. In response to Chair Seaton, Ms. Andrews clarified that references to joint boards refer to the Board of Fisheries and the Board of Game. She noted that the joint boards have certain authority, such as

to present names for the commissioner to the governor as well as the advisory committee regulations.

9:36:05 AM

CHAIR SEATON recalled that there are some parallel actions that the federal subsistence board has undertaken such as proposals to move some areas from rural to nonrural. He asked if those [proposals] are consistent with what the division is reviewing.

MS. ANDREWS specified that [the proposals of the federal subsistence board] are independent. She noted that the federal and state criteria are different. The state has 12 criteria that it uses to identify fish and wildlife as being a principal characteristic of the economy or area, while the main criteria of the federal government is population size.

9:37:31 AM

REPRESENTATIVE JOHANSEN said that he has noticed that the department is appealing a federal board decision on a nonrural designation in the Kenai area.

MS. ANDREWS clarified that the [department] is appealing some of the customary and traditional uses in certain areas of the Kenai because the [department] doesn't believe there is substantial evidence to demonstrate a long-term and consistent pattern of use. The aforementioned is the primary criteria. "We don't think, in the state's view, that that was demonstrated - that they followed their own regulations or followed their own process in making that determination," she related.

9:39:04 AM

REPRESENTATIVE JOHANSEN recalled that the subsistence liaison has commented that the federal board decisions are being revisited because they were poorly made. Representative Johansen related his assumption then that since the [department] isn't appealing the redesignation of Saxman to nonrural that the [department] agrees with the decision.

MS. ANDREWS answered that she didn't know whether the department had reviewed that decision.

9:40:02 AM

REPRESENTATIVE JOHANSEN related that there is much confusion in District 1 as to why Saxman is now designated as nonrural while other similar areas haven't been redesignated. He said that he is trying to understand how the division/department approaches these decisions [and which decisions are appealed].

MS. ANDREWS explained that the Kenai situation refers to the use of the fishery by a community in a particular area. She said that [the division/department] isn't clear why the determination was made that Saxman is no longer rural based on the evidence before it. The Kenai and the Saxman and Ketchikan situations are separate issues. The criteria, she highlighted, for rural versus nonrural designations are different than those used in determining whether there is a customary and traditional use. Under the state's regulations, Saxman is part of the Ketchikan nonsubsistence area and doesn't meet the 12 criteria in which subsistence is a principle characteristic of the economy in the community/area. However, under the federal program, Ketchikan was determined to be nonrural and Saxman rural. The evidence the federal program used to designate that Saxman was no longer rural would have to be challenged by the public. Ms. Andrews clarified that under state law the joint boards have determined that Saxman is nonrural.

REPRESENTATIVE JOHANSEN surmised then that the state doesn't disagree with the federal designation of Saxman as nonrural.

MS. ANDREWS said she wouldn't say that the [department] agrees with the federal program because the criteria for the state and the federal programs are different.

CHAIR SEATON acknowledged that the two different sets of criteria are confusing, especially to those on the Lower Kenai Peninsula - which is designated as a nonrural area - who have to drive 75 miles to shop at a Fred Meyer or box store while areas such as Kodiak, with a Wal-Mart, is designated as rural.

[9:44:34 AM](#)

CHAIR SEATON then turned the committee's attention to the proposed change in regulations that would allow mixing zones in fish spawning areas. Although that was somewhat addressed by the former administration when it withdrew the allowance of those pollution mixing zones on spawning areas for anadromous fish, it was still allowed for all subsistence species. He asked if the Division of Subsistence has reviewed the mixing zones issue and whether it would impact subsistence species.

MS. ANDREWS replied no, not as a division.

CHAIR SEATON suggested that mixing zones is an area in which the division should review because the subsistence and sport divisions are impacted because those are the species left in the mix.

[9:46:42 AM](#)

REPRESENTATIVE EDGMON highlighted how passionate people are with regard to subsistence rights. He then recalled when the Division of Subsistence was a larger division with a larger budget and statewide presence than today. Therefore, he questioned whether the division, in its current smaller state, is able to keep pace with the federal subsistence board and monitor activities on the state land.

MS. ANDREWS characterized the aforementioned as a challenge. She then reminded the committee that the division's funding for research comes from private contracts and the division's general funds do not cover research, unlike the past. Furthermore, the general fund budget has remained static for the past 10 years despite inflation. Programs, staff, and activities have been reduced to a skeleton, she mentioned. The federal subsistence program does not include research, although the federal subsistence program does contract with the department and other entities for research. Thus, the Division of Subsistence is the only program in the state conducting research on subsistence. She related that from the federal subsistence program, the division has received approximately \$500,000 in contracts for research. The division receives about \$1.5 million more from other entities and organizations.

[9:52:15 AM](#)

CHAIR SEATON commented that if the Division of Subsistence doesn't provide the research and the state challenges a federal decision, the state is at an extreme disadvantage. He opined that the House Special Committee on Fisheries is supportive of ensuring that the state has the information to back the state's position in the aforementioned situation. He then asked if the challenge to the customary and traditional harvest is an appeal or a legal challenge. He further asked if the funding for the aforementioned comes from the division's existing budget or the Department of Law's budget, or another funding source.

MS. ANDREWS specified that the funds for such a challenge don't come out of the division's budget. She noted that the liaison is from the commissioner's office. She further specified that the situation that Chair Seaton mentioned isn't yet a legal challenge. The Department of Law will fund the legal portion of the matter.

[9:54:03 AM](#)

CHAIR SEATON informed the committee that there will be a hearing on the resolution related to this issue. He then inquired as to the type of research the division performs, how is it accomplished, and the type of reports generated.

MS. ANDREWS explained that the division performs a lot of harvest monitoring, household harvest surveys, which include information related to household economy information, community demographics, the patterns of use, and the gear utilized for fishing. The division works closely with the communities. In fact, the division obtains permission to work in a community from some organizing body such as the tribal or municipal government, or other community organizations. She noted that the human dimension of the data collection poses some challenges. In further response to Chair Seaton, Ms. Andrews confirmed that the reports resulting from the research are available on the web site.

[9:57:46 AM](#)

REPRESENTATIVE EDGMON asked whether it's common throughout the state to provide stipends to individuals for data collection, such as with Braund & Associates.

MS. ANDREWS stated that she is not aware of stipends being paid by "our group."

REPRESENTATIVE EDGMON clarified that he isn't referencing that the department has a role in the stipends being paid, but merely that there are stipends being paid to the village subsistence users for their participation in the data collection effort.

[9:59:05 AM](#)

CHAIR SEATON queried whether the stipends are being paid for the data that is being contracted through the division. He expressed interest in whether the "same people are collecting

the same data or whether it's a different research project or an extended research project."

REPRESENTATIVE EDGMON asked if the practice of stipends is common and whether it impacts the level of information that's provided. He questioned whether people may be more forthcoming regarding their traditional hunting and gathering patterns [due to offering a stipend].

MS. ANDREWS pledged to look into this practice and noted that often the individuals participating in key respondent interviews are compensated, although the level of compensation varies. However, typically those participating in the household harvest surveys aren't compensated. She noted that often the local research assistants are paid to administer the surveys.

[10:01:47 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:02 a.m.