

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

February 16, 2010
10:25 a.m.

MEMBERS PRESENT

Representative Bryce Edgmon, Chair
Representative Wes Keller, Vice Chair
Representative Charisse Millett
Representative Cathy Engstrom Munoz
Representative Robert L. "Bob" Buch
Representative Scott Kawasaki

MEMBERS ABSENT

Representative Craig Johnson

OTHER MEMBERS PRESENT

Representative Michael "Mike" Kelly

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 43

Urging the federal government to provide funding for domestic seafood marketing and promotional activities.

- MOVED HJR 43 OUT OF COMMITTEE

HOUSE BILL NO. 266

"An Act providing for a priority for a fishery that is restricted to residents when fishing restrictions are implemented to achieve an escapement goal."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 43

SHORT TITLE: FED. FUNDING: DOMESTIC SEAFOOD MARKETING

SPONSOR(S): REPRESENTATIVE(S) EDGMON

02/10/10	(H)	READ THE FIRST TIME - REFERRALS
02/10/10	(H)	FSH, RES
02/16/10	(H)	FSH AT 10:15 AM BARNES 124

BILL: HB 266

SHORT TITLE: PERSONAL USE FISHING PRIORITY

SPONSOR(S): REPRESENTATIVE(S) STOLTZE, KELLER, NEUMAN

01/08/10	(H)	PREFILE RELEASED 1/8/10
01/19/10	(H)	READ THE FIRST TIME - REFERRALS
01/19/10	(H)	FSH, RES
02/09/10	(H)	FSH AT 10:15 AM BARNES 124
02/09/10	(H)	Heard & Held
02/09/10	(H)	MINUTE(FSH)
02/16/10	(H)	FSH AT 10:15 AM BARNES 124

WITNESS REGISTER

TIM CLARK, Staff
Representative Bryce Edgmon
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 43, on behalf of
Representative Bryce Edgmon, prime sponsor.

JULIE DECKER, Representative
United Fisherman of Alaska (UFA)
National Seafood Marketing Coalition
Wrangell, Alaska

POSITION STATEMENT: Testified in support of HJR 43.

BRUCE WALLACE, Representative
United Fishermen of Alaska (UFA)
National Seafood Marketing Coalition
Board Member
Alaska Seafood Marketing Institute (ASMI)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 43.

JENNIFER YUHAS Public Communications Director
Legislative Liaison
Office of the Commissioner

Alaska Department of Fish & Game (ADF&G)

POSITION STATEMENT: Responded to questions, during the hearing
on HB 266.

JOHN HILLSINGER, Director
Division of Commercial Fisheries
Alaska Department of Fish & Game (ADF&G)
Anchorage, Alaska

POSITION STATEMENT: Responded to questions, during the hearing on HB 266.

ACTION NARRATIVE

[10:25:13 AM](#)

CHAIR BRYCE EDGMON called the House Special Committee on Fisheries meeting to order at 10:25 a.m. Representatives Edgmon, Keller, Millett, and Munoz, were present at the call to order. Representatives Buch and Kawasaki arrived while the meeting was in progress.

HJR 43-FED. FUNDING: DOMESTIC SEAFOOD MARKETING

[10:25:30 AM](#)

CHAIR EDGMON announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 43, Urging the federal government to provide funding for domestic seafood marketing and promotional activities.

[10:26:13 AM](#)

TIM CLARK, Staff, Representative Bryce Edgmon, Alaska State Legislature, presented HJR 43, a resolve to promote Alaska harvested seafood, paraphrasing from the sponsor statement, which read [original punctuation provided]:

HJR 43 communicates to the Obama Administration, the Alaska Congressional Delegation, and Congress the Legislature's support for using a portion of federal revenues generated from duties on imported seafood and fish products for marketing American seafood—including that harvested in Alaska.

Since the 1990s, well over fifty percent of the fish consumed annually by American families is the product of foreign countries. And every year the governments of many of these countries bankroll multi-million-dollar campaigns to market their seafood to Americans.

While the Alaska seafood industry as well as the state of Alaska contribute millions in funding for marketing purposes, the amounts are not adequate to finance the vigorous, consistent, and innovative promotion that

our products require in the face of foreign competition.

Meanwhile, each year hundreds of millions of dollars are derived from duties on these imported fish and fish products that so aggressively compete with American seafood. Yet only an insignificant fraction of this revenue has ever been employed to promote domestically produced seafood.

HJR 43 endorses putting a portion of these revenues to work in developing and maintaining the robust domestic markets that healthy, sustainable Alaskan seafood deserves. The resolution urges Congress to pass legislation dedicating such funding for the effective domestic marketing of American seafood. And it asks the Alaska Delegation in Congress to work together with representatives from other seafood producing states to accomplish these goals

[10:29:31 AM](#)

JULIE DECKER, Representative, United Fisherman of Alaska (UFA), National Seafood Marketing Coalition, stated support for HJR 43, and said that United Fishermen of Alaska (UFA), and the Alaska Seafood Marketing Institute (ASMI), have identified a spectrum of areas that the derived duties could be directed towards: marketing of seafood products; funding for regions to improve product value; economic growth and job creation. UFA has begun the process of building a coalition to present the need for these funds to Congress.

[10:32:14 AM](#)

BRUCE WALLACE, Representative, United Fishermen of Alaska (UFA), National Seafood Marketing Coalition, Board Member, Alaska Seafood Marketing Institute (ASMI), stated support for HJR 43, and said the aggregation of marine states will produce a decision on how to take the steps to create the relationship that is called for. He stressed the important position that Alaska holds, as a standard for state government working hand-in-hand with the fishing industry.

[10:34:01 AM](#)

REPRESENTATIVE MUNOZ asked if there are other boards similar to ASMI, elsewhere in the nation.

MR. WALLACE answered no, and reported that six states are building legislation, and ASMI is the model being cited.

[10:34:55 AM](#)

CHAIR EDGMON asked for an elaboration on regional organizations, and what type of funding could be expected.

MS. DECKER responded that the concept being put forward is to create nine regional boards across the nation. Funding is targeted at \$100 million, with half coming from the U.S. Department of Agriculture (USDA) duties on imported fish, and fish products, and the remainder from anti-dumping countervailing duties. To a follow up question, she said the idea has been well received in the lower states and it was seen as a bright star on the horizon for many of the organizations involved.

MR. WALLACE interjected that the expectation is to bring federal money into regions and allow spending discretion at that level. General spending rules will not be applied across the board, but the structure used will be standardized.

[10:38:05 AM](#)

CHAIR EDGMON opened public testimony, and hearing none, closed public testimony.

[10:39:09 AM](#)

REPRESENTATIVE MUNOZ moved to report HJR 43, 26-LS1432\R, out of committee with individual recommendations and the accompanying fiscal notes.

There being no objection, HJR 43 was reported from the House Special Committee on Fisheries.

The committee took an at-ease from 10:39 a.m. to 10.42 a.m.

HB 266-PERSONAL USE FISHING PRIORITY

[10:42:00 AM](#)

CHAIR EDGMON announced that the next order of business would be HOUSE BILL NO. 266 "An Act providing for a priority for a

fishery that is restricted to residents when fishing restrictions are implemented to achieve an escapement goal."

[10:43:12 AM](#)

JENNIFER YUHAS Public Communications Director, Legislative Liaison, Office of the Commissioner, acknowledged the questions from a February 9, 2010, hearing on the bill regarding the use of sonar to establish escapement numbers on certain salmon streams, and assured the committee that this is not the sole method used on such streams, or the sole source on which decisions are made.

[10:43:55 AM](#)

JOHN HILLSINGER, Director, Division of Commercial Fisheries, Alaska Department of Fish & Game (ADF&G), reported that sonar is the last resort for counting fish, and used only in the most challenging situations. In clear rivers or small streams, other methods are employed, such as a weir. However, for wide, turbid type rivers, sonar is used due to the inherent challenge of enumerating fish in those types of systems.

[10:45:08 AM](#)

REPRESENTATIVE BUCH asked in what orders the fisheries are currently prioritized.

MR. HILLSINGER said state law requires that first priority be afforded to the subsistence fishery. A complex system is used to determine how large of a run must be present, prior to opening other fisheries. The Board of Fisheries (BOF) will often, through management plans, set area priorities. For instance, he said, the late Kenai sockeye salmon run is typically managed primarily for commercial uses, while the early Cook Inlet runs may be managed for recreational purposes. However, as far as the state as a whole all other fisheries are equal in priority, following subsistence needs.

[10:46:40 AM](#)

REPRESENTATIVE KELLER requested further information on the current sonar technology; a brief history and update of the state's usage.

MR. HILLSINGER explained that the original fish counting sonars were developed in the late 1960's, by the Bendix Corporation

working with ADF&G staff largely on the Kenai River. An ADF&G employee developed and built the devices for the Bendix Corporation. The devices are not without limitations, one being that there is no means to extract a savable data file. All of the information is contained within the sonar box, which prints out the data. Additionally, the Bendix counters have a limited range of about 60 feet. This works well for sockeye and, in some systems, chum, which are bank oriented species, however, in larger systems, and with other species, the department sought other means for counting. A series of other types of counters were tried, and again depending on the limitations, proved helpful. The most recent generation is the Dual Frequency Identification Sonar (DIDSON), designed for the Navy to locate objects on the ocean floor. These devices are replacing the Bendix counters in the various river systems. The DIDSON uses a series of projections, 96 beams, that provides a real picture of a fish, size, and possible species identification, via the computer interface. Sonar cannot generally range to the bottom of a river, but with the DIDSON it is possible, and where a concave bottom exists it is a valuable tool. The device has provided a great amount of flexibility to achieve better accuracy. In some areas a split beam sonar may be set up on one side of a river, and the DIDSON on the other, to produce good results. The next generation of sonar may be even better, and the ability to establish accurate counts will continue to improve. He said the main problem is determining the species apportionment. Sonar provides a fish count, but the department must determine the species, and differentiate the number represented. In some systems fish are caught to determine the species apportionment. To determine the proportion of king salmon, mixed in with the chum salmon run on the Yukon River, for instance, the 4 million fish sonar count must be scrutinized, and the correct apportions determined, prior to making an estimate. Other systems have similar mixed run challenges.

[10:53:36 AM](#)

REPRESENTATIVE KELLER surmised that, despite the various limitations, it appears that Alaska leads the globe in utilizing this technology, and commended ADF&G for doing a good job with the sonar counting abilities.

MR. HILLSINGER agreed, and reported that it is a well developed program, which, under the most challenging situations, has proven to be valuable and provided consistent data. As a reminder, he said, that due to high debris levels, silt, and

other obstacles, estimates are still within 20 percent of a true value.

10:55:06 AM

REPRESENTATIVE KELLER recalled the director's statement regarding the possibility of managing certain runs for specific user groups, and asked for further details.

MR. HILLSINGER referred to the Upper Cook Inlet runs, for an example of how this takes place. The salmon stocks that arrive prior to July 1st are primarily managed for recreational purposes. Commercial fisheries take place concurrently on a limited basis, or late in the period. The August coho salmon runs are managed for recreational use also, and closures typically occur in the commercial fishery. To a follow-up question, he said the initial management plans were established in the early 1970's, and are still being implemented. In some situations, if stock assessment is uncertain, by default more of the run may go to recreational users than to commercial users.

10:58:43 AM

REPRESENTATIVE MILLETT surmised that some fisheries have more historical data available. However, she questioned whether there was enough data accumulated for relatively recently developed personal use and recreational fisheries for the department to balance allocations for those uses with commercial use fisheries allocations.

MR. HILLSINGER said probably what varies the most is the complexity of the fishery, rather than the amount of data. Bristol Bay may have the oldest data, ranging from the 1950s. Cook Inlet has historical information, regarding commercial fisheries that occurred in the 1800s. There is an active stock identification program and good escapement estimations on many of the major runs. The Susitna drainage and much of the northern district could be characterized as having the poorest history of data. Early use of Bendix sonars in the Yetna River and the Susitna drainage provided inaccurate information that is now being revised. The legislature recently provided the department with funding to study the Susitna area, and much is being learned. He said, if asked whether the department has the right tools to manage changes in allocation, the answer would be that it has some, but it is difficult due to the mixed stocks and uses. Metaphorically speaking, it is akin to performing surgery using a meat cleaver instead of a scalpel, and hitting

specific management targets is a challenge. The Susitna is a particularly complex and difficult system to manage, due to the nature of the runs.

[11:03:31 AM](#)

REPRESENTATIVE MILLETT asked if the department has confidence in the data being received for personal use dip net fisheries. She also asked how the information is attained.

MR. HILLSINGER said the Cook Inlet personal use fishery requires users to turn in documentation of their catch. Compared to some personal use fisheries that don't have this type of requirement, it appears to be working well. He opined that requiring a permit provides a level of accountability. When fishermen leave the dock without filling out the report, data becomes less accurate, hence, ADF&G positions staff to help minimize this situation. The public has expressed continued concern regarding the need for additional enforcement. He characterized the data received as good, with a high return rate, providing the department a level of confidence.

CHAIR EDGMON asked if the department is satisfied with the information received on the dip net fishery.

[11:06:56 AM](#)

MR. HILLSINGER responded that the numbers appear to be increasing, with 29,000 permits issued, up from 23,000. The harvest is becoming more effective, with an increasing use of boats being witnessed, indicating a notable growth.

CHAIR EDGMON inquired whether the users are Alaskan residents.

MR. HILLSINGER responded that the users are presumably residents, as they are required to hold a resident sport fishing license to participate.

[11:07:57 AM](#)

REPRESENTATIVE KAWASAKI referred to a previous statement regarding the confidence level of sonar numbers. He asked whether the sonar station at the Yukon River is within 20 percent accuracy, and if that is a typically acceptable variable, or does it represent a huge amount of error.

[11:08:36 AM](#)

MR. HILLSINGER responded that, in terms of estimating a fish count, it is considered good. The tower count allows a 10 percent error, which is excellent. The Yukon River users are demanding more precise management, and the department is trying to do a better job. Efforts to improve the Yukon River count include: a new site for improved count accuracy, use of a side scan sonar on a boat mount, and other considerations are getting attention. Moving sonar sites up the river is not always the best idea as it takes longer for fish to move up river, and therefore there is a greater delay in using these numbers for management of the fishery occurring at the mouth of the river. It is a challenge to determine how many fish will enter the river and pass the sonar station. The Eagle sonar station, provides a more accurate count due to fewer species. Confidence intervals, margins of error, from the different locations are factored in, and uncertainty does exist.

[11:12:53 AM](#)

REPRESENTATIVE KAWASAKI stated his appreciation for the complexity of gathering this data, but he maintained his concern that 20 percent is a large variance for achieving accurate management. He asked how the department would approach complying with HB 266.

MR. HILLSINGER said the department will look to the BOF to set management plans, to meet the requirements of the bill. He cited areas near Fairbanks, which do not have the same contentiousness as the south central locations.

[11:16:32 AM](#)

REPRESENTATIVE BUCH relayed his experience fishing the Russian River and [receiving] the routinely accurate predictions provided by the department on the sockeye runs. In some ways the department has done a terrific job of accounting for the fisheries involved. He expressed amazement with the department's management of specific areas, and praised the expertise brought by the director to serve the individual fisheries. He asked how the bill relates to what the department is trying to accomplish.

MR. HILLSINGER cited the 18 regulatory management plans in the Upper Cook Inlet, which is due to the number of user groups. With this type of complexity, challenges ensue for meeting the targets. Certain constraints in management plans have made it

difficult to provide precise escapement goals, and thus results in poor returns due to over escapement. Depending on how the board decides to serve the various interests, it can be difficult for ADF&G to assure healthy returns. The department remains neutral on this issue. However, in trying to accommodate all those different interests, it has become more difficult for the fisheries managers to hit escapement targets.

[11:22:44 AM](#)

REPRESENTATIVE BUCH stated his interest in providing legislation that works for the department. The neutral position, taken by the department is a bit confusing, and knowing whether the bill helps, or hinders, the department, would assist his decision for supporting or opposing the bill.

MR. HILLSINGER offered that HB 266 does not present an impossibility for the department, but it may make the job more difficult.

[11:24:15 AM](#)

CHAIR EDGMON queried whether the concerns addressed in HB 266 are exclusive to Southcentral Alaska.

MR. HILLSINGER said there are number of personal use fisheries throughout the state, but the largest are in Southcentral. In addition, there are king crab personal use fisheries in Southeast Alaska and many personal use fisheries in non-subsistence fisheries around Fairbanks. The [personal use fisheries] are an aspect of the fishery that is widespread throughout the state and as time goes by, he predicted, more issues may develop related to personal use fishing.

[11:25:35 AM](#)

CHAIR EDGMON surmised that, given the uncertainties for achieving escapement goals, there is an implication that the department may change how they are approaching fisheries management.

MR. HILLSINGER said within the non-subsistence areas, HB 266 would give a personal use fishery the kind of priority generally reserved for subsistence. Fisheries are specifically managed to provide the subsistence priority, and this bill could result in problems. Areas such as the Yukon River certainly present issues for subsistence management. The complexity of the Upper

Cook Inlet presents a question of meeting the priorities, as well.

11:28:44 AM

REPRESENTATIVE KELLER commented that the committee packet has 30-40 letters of adamant opposition to the bill. Additionally, he reported a significant number of contacts in his office to pass the bill. The personal use fishery doesn't have a lobby, or a tax, and he stated his feeling of personal engagement in HB 266; it represents a significant part of the Alaskan ethos.

11:30:50 AM

REPRESENTATIVE KAWASAKI asked how a personal use fishery is created.

MR. HILLSINGER responded that the BOF created personal use fisheries in the early 1980's in response to strong salmon runs, and Governor Hammond recommended an easier, more efficient, means for people to attain fish products. Today, proposals are presented to the board, and a case by case determination is made.

11:32:33 AM

REPRESENTATIVE KAWASAKI asked whether the board could designate all fisheries for personal use, and what would prevent that from occurring.

MR. HILLSINGER said the personal use fishery requires a resident sport fishing license, hence, if every fishery were designated personal use, non-residents would be eliminated from ever participating. Public policy interest would prohibit the board from placing a fishery under one category.

REPRESENTATIVE KAWASAKI suggested that if further funding is needed to make better assessments of fisheries, perhaps action of that order should be taken. He stated that he is undetermined on whether to support the bill.

11:37:04 AM

MR. HILLSINGER pointed out that the sonar at Pilot Station also has an accompanying test fishing program to correlate with the sonar results. A variety of information is used to arrive at the closest possible escapement number, he stressed.

11:38:11 AM

CHAIR EDGMON stated that a CS for HB 266 is pending and thus public testimony would be taken when it is before the committee [HB 266 was held over.]

11:38:42 AM

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 11:39 a.m.