

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

March 29, 2010

3:09 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE CONCURRENT RESOLUTION NO. 15

Directing the Legislative Council to contract for an assessment of environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed.

- HEARD & HELD

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: HCR 15

SHORT TITLE: BRISTOL BAY MINING STUDY

SPONSOR(S): REPRESENTATIVE(S) AUSTERMAN

04/10/09	(H)	READ THE FIRST TIME - REFERRALS
04/10/09	(H)	FSH, RES, FIN
04/14/09	(H)	FSH AT 9:00 AM BARNES 124
04/14/09	(H)	Heard & Held
04/14/09	(H)	MINUTE(FSH)

02/18/10 (H) FSH AT 10:15 AM BARNES 124
02/18/10 (H) <Bill Hearing Postponed>
03/09/10 (H) FSH AT 10:15 AM BARNES 124
03/09/10 (H) <Bill Hearing Postponed>
03/29/10 (H) FSH AT 3:00 PM CAPITOL 106

BILL: HB 266

SHORT TITLE: PERSONAL USE FISHING PRIORITY

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

01/19/10 (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
02/16/10 (H) Heard & Held
02/16/10 (H) MINUTE(FSH)
03/29/10 (H) FSH AT 3:00 PM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE ALAN AUSTERMAN

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HCR 15, as the sponsor.

CHARISSE ARCE, Staff

Representative Alan Austerman

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Re-introduced HCR 15, on behalf of Representative Austerman, sponsor.

LORENE ENELON, President

Iliamna Natives Limited

Iliamna, Alaska

POSITION STATEMENT: Testified in opposition to HCR 15.

ROBIN SAMUELSEN, President/CEO

Bristol Bay Economic Development Corporation (BBEDC)

Dillingham, Alaska

POSITION STATEMENT: Testified in favor of HCR 15.

L. TIEL SMITH, Land & Resource Manager

Bristol Bay Native Corporation (BBNC)
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of HCR 15.

SCOTT THORSON
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HCR 15.

CAROL ANN WOODY Ph.D., Consultant
Dr. Carol Ann Woody and Associates
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of HCR 15.

RICK HALFORD
Chugiak, Alaska

POSITION STATEMENT: Testified in favor of HCR 15.

DAN STRICKLAND, Liaison
Bristol Bay Fisheries
Alaska Marine Conservation Council (AMCC)
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of HCR 15.

ROBERTA HIGHLAND, President
Kachemak Bay Conservation Society (KBCS)
Homer, Alaska

POSITION STATEMENT: Testified in favor of HCR 15.

ELISE WOLF, Board Member
Kachemak Bay Conservation Society (KBCS)
Homer, Alaska

POSITION STATEMENT: Testified in favor of HCR 15.

LISA REIMER
Iliamna, Alaska

POSITION STATEMENT: Testified in opposition to HCR 15.

SHAWN DOCHTERMANN
Kodiak, Alaska

POSITION STATEMENT: Testified in favor of HCR 15.

ALEXUS KWACHKA
Commercial Fisherman
Kodiak, Alaska

POSITION STATEMENT: Testified in favor of HCR 15.

TATIANA ASKOAK

Dillingham, Alaska

POSITION STATEMENT: Testified in favor of HCR 15.

KEITH CRIDDLE Ph.D., Professor
University of Alaska Fairbanks; Interim Director
Fisheries Division
University of Alaska Fairbanks (UAF)
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HCR 15.

REPRESENTATIVE BILL STOLTZE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 266.

BEN MULLIGAN, Staff
Representative Bill Stoltze
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced CSHB 266, version S, on behalf of Representative Stoltze, prime sponsor.

CHARLES SWANTON, Director
Division of Sport Fish
Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 266.

LANCE NELSON, Senior Assistant Attorney General
Natural Resources Section
Civil Division
Department of Law (DOL)
Anchorage, Alaska

POSITION STATEMENT: Answered a question during the hearing on HB 266.

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

POSITION STATEMENT: Answered questions during the hearing on HB 266.

ACTION NARRATIVE

[3:09:09 PM](#)

CHAIR BRYCE EDGMON called the House Special Committee on Fisheries meeting to order at 3:09 p.m. Present at the call to order were Representatives Edgmon, Millett, Munoz, and Buch. Representatives Kawasaki, Keller, and Johnson arrived as the meeting was in progress.

HCR 15-BRISTOL BAY MINING STUDY

3:09:20 PM

CHAIR EDGMON announced that the first order of business would be HOUSE CONCURRENT RESOLUTION NO. 15, Directing the Legislative Council to contract for an assessment of environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed.

3:10:26 PM

REPRESENTATIVE ALAN AUSTERMAN, Alaska State Legislature, presented a map which illustrated the district he represents—House District 36—including eight villages in the Kodiak Island, Lake Clark, and Iliamna area. In addition, the map showed King Salmon, Naknek, and other areas relevant to HCR 15. The resolution requests the National Academy of Sciences conduct a third-party, independent study on the socioeconomic issues resulting from a project such as the Pebble mine. Representative Austerman has heard debate as to whether the state has the ability to permit and manage a mine of the size proposed; in fact, he said state departments may have the capability. However, he said he was not debating environmental issues or permitting processes, but only the concern for socioeconomic issues expressed by the residents of the area. He pointed out that the size of the potential deposit is far more than the total of other deposits in Alaska presently under production, and spoke of the impacts to small communities such as roads, construction equipment, and manpower on "virgin land." Representative Austerman stated that his concern is the social impact that can come from "a lot of money coming in to a very remote area." He expressed his interest in a third party, like the National Academy of Sciences, answering and asking questions of the mining industry regarding this project. He indicated that his staff is prepared to answer questions on HCR 15, and public testimony will follow.

3:16:32 PM

CHAIR EDGMON identified representatives from various departments, and individuals, who are prepared to provide testimony.

CHARISSE ARCE, Staff to Representative Alan Austerman, Alaska State Legislature, re-introduced HCR 15, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am very happy to be here today to speak to you about House Concurrent Resolution 15 which requests the Legislative Council to contract with the National Research Council of the National Academy of Sciences for an independent assessment of the environmental and socioeconomic impacts of large-scale mineral extraction in the Bristol Bay area watershed.

During my testimony today I will explain the purpose of the resolution and provide a brief background on the history of the National Research Council. I would also like the committee to know there are several people here and online to offer testimony today.

HCR 15 requests that the Legislative Council contract with the National Academy of Sciences for an independent assessment of known and probable cumulative environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area.

The purpose of this study is to assess critical gaps in existing knowledge and it would serve as a tool available to legislators, the administration, and the public. It would help provide information on potential risks and benefits associated with large scale mineral development.

Essentially the study would assess the cumulative impacts associated with the Pebble prospect itself and examine potential future developments of this nature in the area once infrastructure is in place.

Based on the history and reputation of the National Academies for providing advice with high standards of scientific and technical quality and independence, HCR 15 requests the Legislative Council to contract with the National Research Council to conduct this study.

History of National Research Council

Part of the National Academy of Sciences

In 1863 President Lincoln signed a congressional charter authorizing a non-governmental institution to honor top scientists with membership and serve the nation whenever called upon.

The NRC serves as advisers to the nation on science, engineering, and medicine and is the only institution chartered by the U.S. Congress to do so.

Specifically the Academy of Science was created to:

"investigate, examine, experiment, and report upon any subject of science or art" whenever called upon to do so by any department of the government.

The mission of the NRC is to improve government decision making and public policy, increase public education and understanding, and promote the acquisition and dissemination of knowledge in matters involving science, engineering, technology, and health.

Some important points about the National Academies are the following.

The NRC is a non-profit and operates independently from the government.

They do not provide services to for-profit entities

Scientists appointed to the committees serve without pay

Studies in Alaska

Since 1990, there have been nearly 20 different studies and reviews conducted in Alaska.

These studies range from studying the decline of the Steller Sea Lion in Alaska waters, to assessing the research efforts of the Oil Spill Recovery Institute, to reviewing the research and restoration plan for the Arctic-Yukon-Kuskokwim Salmon fishery.

The costs for these studies have varied depending on the scope of work. Recent projects have ranged from \$600,000 - \$1.6 million. Ultimately the fiscal impact will be up to the discretion of the Legislative Council and the National Academies, but currently the fiscal note attached to this resolution is \$1 million.

Closing Statements

The main draw of working with the National Academy is their commitment to independent advice. The legislative council, as a sponsor, would have no control over the conduct of a study once the statement of task and budget are finalized. Study committees gather information from many sources in public meetings but they carry out their deliberations in private in order to avoid political, special interest, and sponsor influence.

An added benefit to this study will be to provide the public with reassurance that the legislature and the state are seeking as much information as possible to a very complex and contentious issue. The NRC is no stranger to conducting studies on contentious issues which is evident through their 140 years of extensive experience.

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REPRESENTATIVE MUNOZ asked how the National Academy of Sciences is directed to focus on the size of a project, in the absence of a permit, and not knowing the specifics of the project.

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MS. ARCE answered that a number of specifics are known about the project, such as the type and location of ore-bodies, the methods of minerals extraction, and the infrastructure needed. The requested study will cover socioeconomic aspects not covered by the Environmental Impact Statement (EIS).

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CHAIR EDGMON recalled a joint meeting on this topic where the scope of the proposed Pebble mine, in relation to the size of other mines in the state, was illustrated. Testimony at that

meeting indicated that the recoverable ore-bodies from the all of the existing major mines are about 600 million tons; on the other hand, the potential scope of the Pebble mine could be 10 billion tons of recoverable ore.

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REPRESENTATIVE MILLETT asked for examples of positive and negative socioeconomic impacts that are to be reported on by the study.

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MS. ARCE said she did not know, but would provide an answer.

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REPRESENTATIVE AUSTERMAN interjected that one positive "gold town" effect of a large development on small communities may be jobs for a region that otherwise survives on summertime fishing. The negative side is the fact that so much money then creates a number of different problems with alcohol, drugs, and social issues, similar to what happened in Kodiak during the "boom and bust" of the king crab industry. He pointed out that most of the profit leaves town by boat and plane.

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REPRESENTATIVE MILLETT observed, with that in mind, the study may report that positives and negatives are balanced. Historically, the state has mitigated negative effects to a community with "impact money"; in addition, some of the villages in Southwestern Alaska could not be much worse off than they already are. She stated that this type of socioeconomic impact is part of Alaska's history, noting that boom and bust economies have followed fishing, gold mining, and oil and gas industries, and the state has learned to prepare for these scenarios. Furthermore, a report on socioeconomic impacts is "not science, is more of an art, [and] may scare future miners from coming to the State of Alaska and investing...."

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REPRESENTATIVE AUSTERMAN stressed that the resolution is not to determine whether the mine should be built, or whether there should be mining in Alaska. The resolution asks for a study to look at the impact of the mine, and its infrastructure, on eight

small communities. At some point in time the state will have to make a determination about whether the mine should move forward or not, and that will be the time for arguments over environmental and permitting issues.

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CHAIR EDGMON acknowledged Representative Millett's point about inhibiting the investment climate in Alaska; however, he expressed his belief that the Pebble prospect has "the ability to ... exponentially dwarf the large-scale mines that exist in Alaska. And it's not just the size, it's where the mine is placed, right next to the great fishery." He noted the unique situation of the location of a world-class, non-renewable resource next to a world-class, renewable resource vying for the same water. Chair Edgmon encouraged the committee to ask questions now, and take the opportunity to get a third-party assessment.

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REPRESENTATIVE AUSTERMAN said it is anticipated that the National Academy of Sciences will be asked to provide a series of questions that the legislators should be asking the mining industry, the Department of Natural Resources (DNR), and the administration, on how to protect the citizens who live in that area. The study will reveal what the legislature should be asking.

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CHAIR EDGMON opened public testimony.

[3:34:38 PM](#)

LORENE ENELON, President, Iliamna Natives Limited, stated that HCR 15, concerning Pebble, is premature, given the absence of environmental impact studies. In addition, the resolution is a duplicate of the existing federal and state permitting structure. She expressed her belief that the existing EIS process is very stringent about the impact to the fisheries in the lake area. The lake area is not part of the community development quota (CDQ), but is considered a major spawning ground for Iliamna Lake, and the resolution is an additional "layer" to economic development in the area.

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ROBIN SAMUELSEN, President/CEO, Bristol Bay Economic Development Corporation (BBEDC), stated that BBEDC supports HCR 15 because of the magnitude and location of the mine, and the potential social and environmental effects. Mr. Samuelson noted he has previously been involved with the National Academy of Sciences and he holds it in the "highest esteem." He thanked the sponsor for the resolution and said the money will be well spent for the residents of Bristol Bay.

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L. TIEL SMITH, Land & Resource Manager, Bristol Bay Native Corporation (BBNC), stated BBNC's support for HCR 15, saying that this resolution allows for the independent assessment of large scale mining in Bristol Bay, and the study is a prudent and necessary investment in the state's natural resources. Funding this study will make more information available on the environmental and socioeconomic impacts of projects like Pebble mine. Furthermore, BBNC supports the review because the size and location of the Pebble prospect could have "adverse and unquantifiable impacts on the rich salmon and other resources of the region." Mr. Smith opined these resources are fundamental to the interests of BBNC and its 8,600 shareholders. In addition, an independent study will help formulate informed opinions for the residents of Bristol Bay, the citizens of Alaska, and legislators. He pointed out that BBNC does not oppose responsible resource development and its benefits; however, resource development must not threaten area resources and economics.

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SCOTT THORSON informed the committee he was representing himself. He expressed his belief that the study requested by HCR 15 is an unnecessary expense due to the significant permitting steps required of the project. At the very least, spending money on this study is premature.

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CAROL ANN WOODY, Ph.D., Consultant, informed the committee she was representing herself. However, she said the Environmental Concerns Committee for the Western Division of the American Fisheries Society will be issuing a statement in support of HCR 15. She referred to a resolution passed last year by the Western Division of the American Fisheries Society recommending

a formal, independent, scientific review and survey of the consequences of large scale mineral extraction in the Bristol Bay watershed. The American Fisheries Society is aware of this project due to its size, scale, and mine type, and because small increases in copper levels can harm salmon, zooplankton, and other aspects of the food chain. Dr. Woody emphasized that this study should be conducted in a thorough, rigorous, and scientific manner, and made available to the public, and also to policy- and decision-makers. Furthermore, because the project is contentious, and there is a variety of stakeholders involved, an independent review can augment the work undertaken by the state to assess the potential impacts of the project.

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RICK HALFORD recalled that in the past the legislature has benefitted from spending money to study major issues. He said, "It's not a very big issue to spend a million dollars as a first step to the information chain, and advocates and opponents have consistently agreed that the science is going to prove that either this mine is possible, or it's going to prove this mine isn't possible." Thus, getting the information is valuable to all. He opined the core question is whether it is possible to have the Bristol Bay fishery and the mine in near proximity, and the National Academy of Sciences is an appropriate entity to determine whether history, science, and experience can answer that question. Mr. Halford stated his strong support for the resolution, and urged that the resolution be updated with the most current data on the size of the deposit. He said he was speaking on his own behalf, and disclosed that he works with Trout Unlimited, the Renewable Resources Coalition, and Nunmata Aulukestai.

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DAN STRICKLAND, Bristol Bay Fisheries Liaison, Alaska Marine Conservation Council (AMCC), stated his organization's strong support for an independent review of the potential consequences of large scale mining in the Bristol Bay region, in order to provide sound, scientific information on the impacts of mining. Bristol Bay salmon are one of the most ecologically and economically important renewable resources in the state as the salmon provide thousands of jobs and generated \$129 million in ex-vessel value last year; in fact, salmon are the economic engine of Southwest Alaska-providing food and contributing to the indigenous culture of the region-thus any development that impacts the area should be rigorously studied. Mr. Strickland

concluded that Bristol Bay is one of the crown jewels of the state, and proper stewardship must be ensured.

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ROBERTA HIGHLAND, President, Kachemak Bay Conservation Society (KBCS), stated that KBCS strongly supports HCR 15 for its far-reaching foresight for a responsible mining decision regarding the proposed Pebble mine.

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ELISE WOLF, Board Member, Kachemak Bay Conservation Society (KBCS), has heard that a permit, or application, is in place for the disposal of 3.3 billion cubic yards of waste. She expressed concern that the estimate of waste is inadequate for the 10.8 billion metric tons of ore projected to be recovered. Therefore, the amount of waste and how it will be handled is in question. In fact, one estimate is that an area one-half the size of Anchorage may be needed to store the waste. She opined the HCR 15 study is prudent for the purpose of determining expectations prior to issuing permits. Her organization posed two questions: 1. Is Lake Iliamna going to be used as a disposal site for the waste? 2. Will a disposal site at Lake Iliamna be applied for? She then related her personal experience during the development of the Trans-Alaska Pipeline System (TAPS), and cautioned against underestimating socioeconomic costs. Although the proposed mine does not compare to TAPS, it places at risk the important sustainable industry of fishing. Ms. Wolf reminded the committee that the resources of our resource development state include fishing and tourism. She warned against ignoring 250 years of history by putting fishing, tourism, and the cultural and economic value of salmon, at risk.

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REPRESENTATIVE MILLETT said she fished Bristol Bay for 20 years and is an Alaska Native. She said she was very aware of the impacts of a boom and bust economy on Alaska.

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REPRESENTATIVE MUNOZ pointed out that there are many uncertainties regarding aspects of the proposed mine.

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CHAIR EDGMON suggested asking the bill sponsor what specific issues will be addressed by the study.

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LISA REIMER stated that she grew up in Iliamna. She said the resolution is premature because Pebble has not submitted its preliminary mine findings. She questioned the precedent set by HCR 15, and noted that Native corporations are affected by many of these resolutions in unknown ways. Ms. Reimer stated her strong opposition to HCR 15.

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SHAWN DOCHTERMANN said that he is a lifelong fisherman presently operating in Bristol Bay, and is speaking on his own behalf. He stated his support for HCR 15 because it is difficult to value the tax revenue from a mine, and its possible pollution, above the renewable resource fishery in Bristol Bay that has kept the region productive for 100 years. Mr. Dochtermann expressed his desire to have the National Academy of Sciences assess the environmental and socioeconomic consequences because a problem with discharge that threatens the fishery will cause a "huge socioeconomic impact." Mr. Dochtermann observed that proponents of the mine have "pumped in" \$132 million and opined that state agencies may not be unaffected by the influence of special interests. Therefore, an independent study from a respected source is necessary. He related his personal experience in a deep mine and reported that water must be pumped out and used to process the ore.

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ALEXUS KWACHKA, Commercial Fisherman, informed the committee he fishes commercially in Kodiak and in Bristol Bay, and is speaking for himself. He stated his support for HCR 15 and said, "Industrialization and fish don't mix; Atlantic salmon are all but gone, Pacific salmon in the Northwest and in California runs are well below the historic levels and fading fast." A third party review is in order; in fact, it is impossible to put enough science in front of the Pebble project. Mr. Kwachka praised the Bristol Bay fishery and urged the committee to move HCR 15 forward.

[4:04:38 PM](#)

TATIANA ASKOAK informed the committee she grew up in Newhalen. She stated her support for HCR 15, as the assessment could be used as a tool for legislators, local residents, and other interested parties, in order to make the best educated decisions about the studies. The importance of a third party review is its availability to the public. Personally, she would use the review to analyze the situation during the permitting process.

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CHAIR EDGMON closed public testimony.

[4:06:37 PM](#)

KEITH CRIDDLE, Ph.D., Professor, University of Alaska Fairbanks; Interim Director, Fisheries Division, University of Alaska Fairbanks (UAF), related his experience with the National Academy of Sciences (Academy) and offered to respond to questions regarding the study process and the structure of the National Research Council of the Academy.

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REPRESENTATIVE BUCH asked for an outline, and the protocol, of the "statement of tasks."

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DR. CRIDDLE explained the statement of tasks is the critical piece for defining how an Academy study will take place, the terms of reference, and what questions will be addressed. The development of the statement of tasks would begin with the legislature's request and the Academy's response as to the feasibility of the questions and issues. Other considerations to discuss are the timeframe of the study and the type of expertise needed for the members of the study committee. Dr. Criddle observed that page 2, line 26, of the resolution appears to be the general purpose statement.

[4:10:08 PM](#)

REPRESENTATIVE BUCH asked whether the legislature would work with the Academy to establish the boundaries for the study.

DR. CRIDDLE said yes. In fact, study sponsors and the Academy staff work to produce a draft statement of tasks for submission

to members of the Academy board for comment until there is mutual agreement.

4:11:19 PM

REPRESENTATIVE KAWASAKI pointed out that \$132 million has been spent on environmental studies by Pebble. He asked what the Academy could provide for \$1 million.

DR. CRIDDLE further explained that the scope of a report depends on the statement of tasks, the timeframe for analysis, and the resources made available for the study. For example, the Academy recently completed the first part of a two-part study on an oyster mariculture project. The first part is a short, specific report over six to eight months, and the second part will be lengthy, producing "a volume" of three hundred pages.

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REPRESENTATIVE KAWASAKI asked for the cost of the aforementioned study.

DR. CRIDDLE estimated that a typical eighteen-month study costs approximately \$1 million. The first three months are taken to form the general statement of the task, then the next three months are for the Academy and the sponsor to "nail it down," and to solicit the members of the committee. The final twelve months are the study period, including public hearings, gathering information, making determinations on the specific language of the report, and publication.

4:14:57 PM

REPRESENTATIVE KAWASAKI asked how data on socioeconomic impacts is quantified.

DR. CRIDDLE observed that the Academy consists of a number of boards, some of which deal with economic and social science issues, as well as water quality and fisheries issues. The committee will bring together expertise to look at the science of different types of impacts; in fact, that is an example of one of the terms of the statement of tasks that would have to be "fleshed out," such as employment issues, regional expenditure patterns, or cultural impacts. He described the committee selection process and how nominees are solicited for their expertise, without the possibility of bias, and for their broad diversity.

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REPRESENTATIVE MILLETT opined concrete science may not be able to address socioeconomic and cultural impacts to a community.

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DR. CRIDDLE acknowledged that this is not his area of expertise; however, his experience working with experts in the subjects of human dimensions, anthropology, sociology, and rural studies indicate that they have well-developed scientific methods for addressing relevant questions. He assured the committee there are "quantifiable and discreet methods for measuring different types of social and cultural impacts."

[4:19:35 PM](#)

REPRESENTATIVE MILLETT asked Dr. Criddle to provide other reports with a similar scope of work so that she may have confidence in the Academy's social and economic studies.

DR. CRIDDLE related that he served on a National Research Council committee that studied the implementation of individual fishing quotas. This committee included fisheries biologists and experts in fisheries management, economists, anthropologists, and legal experts. The committee's report came out in 1999, and is a good example of a study that included resource and science issues and a thorough discussion of cultural effects. In addition, the project had a sister study regarding community development quotas, which might be the best source for comparison.

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REPRESENTATIVE KAWASAKI asked Dr. Criddle, "Why do you think this resolution is getting attacked?"

DR. CRIDDLE suggested the opposition may come from taxpayers' desire for fiscal responsibility.

[4:23:45 PM](#)

REPRESENTATIVE MUNOZ asked how long the study might last, and whether Alaskan scientists would be seated.

DR. CRIDDLE said the first step is for the Academy to decide what board would be responsible for the project. The National Research Council is organized into several divisions, and this would fall under the Division of Earth and Life Studies, which includes boards on ocean studies, polar research, water science and technology, earth sciences, and resources. Furthermore, studies are sometimes jointly administered by boards. In response to the first question, he said the length of the study depends on the questions asked and re-stated that a typical study lasts 18 months. Dr. Criddle anticipated that the Academy would welcome nominations of Alaskans to serve on the committee, and that local representation would be solicited.

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REPRESENTATIVE MUNOZ asked:

Once you had your questions, would you then anticipate having to structure various proposals, various responses for various sizes of a project, since we don't have a specific project plan?

DR. CRIDDLE acknowledged the specific size of the study is an important issue. Committee reports are a good way to determine answers to questions, or can help to identify questions that ought to be asked; for example, a recent committee report summarized the current state of knowledge regarding an issue, and highlighted the areas that were policy issues, and what was unknown about the issue.

[4:29:22 PM](#)

REPRESENTATIVE JOHNSON asked about the process for choosing the scientists that would serve on the board.

DR. CRIDDLE explained that after the expertise needed is identified by the statement of tasks, a call for nominations would be put to the membership. Those with the expert backgrounds desired are self-, or otherwise, nominated. Finally, individuals are selected from the slate of nominees by the Academy.

[4:31:25 PM](#)

REPRESENTATIVE JOHNSON asked who makes the final selection.

DR. CRIDDLE responded that there are full-time employees at the National Academy of Sciences that hold administrative positions, and there are members who are elected to the Academy and serve as volunteers.

[4:32:12 PM](#)

REPRESENTATIVE JOHNSON inquired as to how the Academy verifies that there are no conflicts.

DR. CRIDDLE said that nominees are asked to declare conflicts of interest or biases, and a nominee with a conflict of interest is not considered. An exception may be made for a needed expert who states a conflict, but asserts his/her ability to form judgments without bias.

REPRESENTATIVE JOHNSON asked whether the names of the nominees are available to the public.

DR. CRIDDLE said yes. He added that once the nominees are identified, the names are made public and public comment is taken prior to the final selection.

[4:34:32 PM](#)

REPRESENTATIVE JOHNSON questioned whether nominees disclose whether they have been contacted by proponents on either side of an issue.

DR. CRIDDLE surmised the subject would come up and raise a flag. For example, there is a conflict if a nominee held a contract with one of the parties involved, or had issued a public statement holding a position, but taking phone calls from representatives of different sides would not "rise to the level of being identified as a conflict of interest."

[4:35:52 PM](#)

REPRESENTATIVE JOHNSON advised that there is the opportunity for conflicts of interest in an independent study. He remarked:

And if we go down this road, we want to make sure that there's not an opportunity for someone to in advance screen potential participants, I know that has happened in the past and it's been very contentious when it did happen.... Can I go on the Internet and

find out who participates in the National Academy of Science studies today?

DR. CRIDDLE said yes. He added that one could identify who is currently serving on a committee, who has served in the past, and the members of the Academy. The committees are drawn from across the spectrum of academia, government, and industry. However, it would be difficult to identify possible nominees before the slate is made public.

[4:38:17 PM](#)

REPRESENTATIVE JOHNSON asked how many members make up the pool of potential scientists.

[4:38:30 PM](#)

DR. CRIDDLE estimated "hundreds of thousands of potential people, [but] ones that likely have expertise that specifically address this question is going to be a much narrower set."

[4:38:48 PM](#)

REPRESENTATIVE JOHNSON made the point that with the amount of money at stake, it is important to have a fair hearing, and that the potential committee members are not deluged with mailings from one side or the other. A fair and balanced discussion will hold up under a court challenge and public scrutiny.

[4:39:28 PM](#)

REPRESENTATIVE KELLER assumed that scientists involved in writing the environmental impact statement (EIS) would come from the same pool as the members of the Academy.

[4:40:25 PM](#)

DR. CRIDDLE said it would be unlikely that someone directly involved in the EIS would be eligible to serve on a committee writing the Academy's report.

[4:40:42 PM](#)

REPRESENTATIVE KELLER clarified that his question addressed what the legislature can expect from the Academy study that is different from the EIS process, given the participation by the "same group."

[4:41:21 PM](#)

DR. CRIDDLE stated that similarities would depend on the specific questions asked; for example, the EIS will not focus on economic impacts and ancestral cultural impacts. On the other hand, the committees will have people with similar expertise.

CHAIR EDGMON announced HCR 15 would be held.

HB 266-PERSONAL USE FISHING PRIORITY

[4:42:02 PM](#)

CHAIR EDGMON announced that the final 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."

[4:42:38 PM](#)

REPRESENTATIVE BILL STOLTZE, Alaska State Legislature, stated HB 266 was first introduced several years ago and is relevant to a large part of the state. He said his intent, in a time of shortages and to address fisheries management in a simple manner, is to put personal use, resident-only fisheries in a priority status ahead of commercial and sport fishing. This is a policy issue, however, there are many interested parties with a history of use, particularly in the Copper River, Cook Inlet, and the Kenai Peninsula. Representative Stoltze pointed out that personal use fisheries are also important to the Interior and Southcentral. He remarked:

This priority will reflect how we can, how we can affect a more positive management of our fisheries to recognize this Alaska resident-only fishery that puts wild Alaska protein, that we promote as the best protein in the world, ... on Alaskans' dinner tables, and that protein in Alaskan freezers.

[4:46:12 PM](#)

CHAIR EDGMON requested a description of the committee substitute (CS) for the bill.

[4:46:39 PM](#)

REPRESENTATIVE KELLER moved to adopt CSHB 266, version S, as the working document before the committee.

CHAIR EDGMON objected for the purpose of discussion.

[4:47:29 PM](#)

BEN MULLIGAN, Staff to Representative Bill Stoltze, Alaska State Legislature, informed the committee the Alaska Department of Fish & Game (ADF&G) is not taking a position on the bill; however, ADF&G was consulted for the technical accuracy of the language of the CS. The purpose of the CS is to change "escapement goal" to "management goal" as ADF&G advised that management goal is more encompassing of all of the personal use fisheries in the state. Thus, page 1, line 6, version S, refers to "management goal," and the definition of management goal is found on page 1, lines 8 through 10.

[4:49:10 PM](#)

CHARLES SWANTON, Director, Division of Sport Fish, Alaska Department of Fish & Game, said the changes made by the CS truly reflect personal use fisheries around the state.

[4:50:12 PM](#)

REPRESENTATIVE BUCH asked the department to comment on the title of the bill regarding "sustained yield" and the constitutional question of "residents."

[4:50:47 PM](#)

MR. SWANTON deferred to the Department of Law (DOL).

[4:51:08 PM](#)

LANCE NELSON, Senior Assistant Attorney General, Natural Resources Section, Civil Division, advised that regarding the constitutionality of preferring residents, there does not appear to be a serious issue, as courts have ruled that when fish are sport-caught, recreation-caught and subsistence fish, they are not intended for sale. In addition, there is a legislative determination that preference is needed.

[4:52:34 PM](#)

CHAIR EDGMON said commercial fishermen are concerned about unintended consequences to incidental fisheries, as a result of the statute changes to dip net fisheries proposed by HB 266. He requested comments from ADF&G.

[4:53:40 PM](#)

JOHN HILSINGER, Director, Division of Commercial Fisheries, Alaska Department of Fish & Game, agreed that there is a variety of personal use fisheries, besides dip net fisheries, such as the salmon gill net fishery in Cook Inlet, hatchery stock fisheries, and fisheries for shrimp, king crab, tanner crab, dungeness crab, scallops, clams, abalone, herring, bottom fish, halibut, and smelt. Mr. Hilsinger advised that the bill "would have to work through the Board of Fisheries adopting management plans, or regulations, that would lay out how the, how the preference would be applied." For example, the personal use sablefish fishery in Southeast has no bag or possession limit; however, the commercial fishery there has been reduced, so if the personal use fishery needed to be reduced, the board would need to work through a management plan situation to find a balance between the commercial and personal use fisheries.

[4:56:08 PM](#)

CHAIR EDGMON asked whether changing the language of the bill from escapement goal to management goal "put more of the responsibility of implementing this bill in the hands of the Board of Fisheries."

MR. HILSINGER opined the bill specifically refers to the Board of Fisheries putting restrictions on other fisheries. The change from escapement goal to management goal was a good one, as escapement goals are primarily present in salmon fisheries, and personal use fisheries include a variety of species, some of which are managed based on biomass thresholds and harvest rates, or other kinds of management practices.

[Due to technical difficulties, the audio recording ends at 4:57 p.m.]

[4:57:33 PM](#)

CHAIR EDGMON announced that HB 266 would be held.

[4:57:47 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 4:57 p.m.