

**ALASKA STATE LEGISLATURE**  
**SENATE RESOURCES STANDING COMMITTEE**

March 30, 2009

3:33 p.m.

**MEMBERS PRESENT**

Senator Lesil McGuire, Co-Chair  
Senator Bill Wielechowski, Co-Chair  
Senator Charlie Huggins, Vice Chair  
Senator Hollis French  
Senator Bert Stedman  
Senator Gary Stevens  
Senator Thomas Wagoner

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE JOINT RESOLUTION NO. 13

Urging the United States Senate to ratify the United Nations Convention on the Law of the Sea (the Law of the Sea Treaty).

HEARD AND HELD

HOUSE JOINT RESOLUTION NO. 21

Requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program license holder to participate in the Pacific cod fisheries in the Gulf of Alaska.

HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SJR 13

SHORT TITLE: URGING US TO RATIFY LAW OF THE SEA TREATY

SPONSOR(s): RESOURCES

03/13/09	(S)	READ THE FIRST TIME - REFERRALS
03/13/09	(S)	RES
03/27/09	(S)	RES AT 3:30 PM BUTROVICH 205
03/27/09	(S)	Scheduled But Not Heard
03/30/09	(S)	RES AT 3:30 PM BUTROVICH 205

BILL: HJR 21

SHORT TITLE: GROUND FISH FISHERIES LICENSES

SPONSOR(s): AUSTERMAN

02/27/09 (H) READ THE FIRST TIME - REFERRALS  
02/27/09 (H) FSH, RES  
03/10/09 (H) FSH AT 10:15 AM BARNES 124  
03/10/09 (H) Moved Out of Committee  
03/10/09 (H) MINUTE(FSH)  
03/12/09 (H) FSH RPT 4DP 3NR  
03/12/09 (H) DP: JOHNSON, MILLETT, KELLER, MUNOZ  
03/12/09 (H) NR: KAWASAKI, BUCH, EDGMON  
03/18/09 (H) RES AT 1:00 PM BARNES 124  
03/18/09 (H) Moved Out of Committee  
03/18/09 (H) MINUTE(RES)  
03/19/09 (H) RES RPT 6DP 3NR  
03/19/09 (H) DP: OLSON, TUCK, SEATON, WILSON,  
NEUMAN, JOHNSON  
03/19/09 (H) NR: EDGMON, GUTTENBERG, KAWASAKI  
03/23/09 (H) TRANSMITTED TO (S)  
03/23/09 (H) VERSION: HJR 21  
03/25/09 (S) READ THE FIRST TIME - REFERRALS  
03/25/09 (S) RES  
03/30/09 (S) RES AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

ERIC LUND, Intern  
to Senator Wielechowski  
Alaska Capitol Building  
Juneau, AK

**POSITION STATEMENT:** Introduced SJR 13 on behalf of the sponsor.

JAMES KRASKA, Professor of International Law  
Naval War College  
Newport, Rhode Island

**POSITION STATEMENT:** Provided supporting information related to SJR 13 and the Law of the Sea Convention.

MEAD TREADWELL, Chair  
U.S. Arctic Research Commission  
Fairbanks, AK

**POSITION STATEMENT:** Provided supporting information related to SJR 13 and the Law of the Sea Convention.

JIM FLOYD, representing himself  
Tok, AK

**POSITION STATEMENT:** Opposed the Law of the Sea treaty not SJR 13.

STEPHEN TAUFEN, member  
Groundswell Fisheries Movement  
Kodiak, AK

**POSITION STATEMENT:** Commented on SJR 13 and supported HJR 21.

REPRESENTATIVE ALAN AUSTERMAN  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Sponsor of HJR 21

DON BREMNER  
Central Council  
Tlingit & Haida Indian Tribes of Alaska  
Juneau, AK

**POSITION STATEMENT:** Described HJR 21 is an opportunity to influence control over Alaska seafood resources.

SHAWN DOCHTERMANN, commercial fishermen representing himself  
Kodiak, AK

**POSITION STATEMENT:** Supported HJR 21.

DJ VINBERG, commercial fishermen representing himself  
Kodiak, AK

**POSITION STATEMENT:** Opposes HJR 21.

ALVIN BIRCH, Executive Director  
Alaska Whitefish Trawlers Association  
Kodiak, AK

**POSITION STATEMENT:** Stated he has numerous concerns with HJR 21.

PETER ALLEN, commercial fisherman representing himself  
Kodiak, AK

**POSITION STATEMENT:** Supported HJR 21.

TONY GREGORIO, commercial fisherman representing himself  
Chignik Lagoon, AK

**POSITION STATEMENT:** Supported HJR 21.

FREDDIE CHRISTIANSEN, commercial fisherman representing himself  
Anchorage, AK

**POSITION STATEMENT:** Supported HJR 21.

#### **ACTION NARRATIVE**

[3:33:27 PM](#)

**CO-CHAIR MCGUIRE** called the Senate Resources Standing Committee meeting to order at 3:33 p.m. Present at the call to order were Senators Wagoner, Stedman, Stevens, Wielechowski and McGuire. Senators French and Huggins arrived soon thereafter.

**SJR 13-URGING US TO RATIFY LAW OF THE SEA TREATY**

[3:34:00 PM](#)

CO-CHAIR MCGUIRE announced the consideration of SJR 13.

ERIC LUND, Intern to Senator Wielechowski, said that SJR 13 urges the U.S. Senate to ratify the United Nations Convention on the Law of the Seas. The Law of the Seas was established in 1982 to replace outdated laws governing oceans worldwide. This treaty provides a legal framework to address ocean activities including economic development, claim disputes, scientific research, environmental protection, and defense.

The U.S. is the only Arctic nation that has yet to ratify this treaty, which recognizes a country's right to a 12 nautical mile territorial sea and a 200 nautical mile exclusive economic zone (EEZ). Claims beyond the EEZ are allowed if a country is able to prove that there is a seabed extension beyond the 200 mile zone. Because the U.S. has not ratified the treaty, it cannot make any such claim.

Recent studies suggest that the seabed off the Alaska coast could be equivalent to the size of California and extend beyond the 200-mile zone. The Arctic contains significant amounts of oil and natural gas, which presents tremendous opportunity to this state, he said. With recent Arctic melt there are new routes open for maritime activities. Ratifying this treaty would also help the U.S. defend jurisdiction over a portion of the Beauford Sea that is currently in dispute with Canada.

Without ratification of the Law of the Sea Convention, the U.S. is denied the opportunity to make claims and to participate in future policy decisions.

MR. LUND, responding to a question from Senator Wagoner, said that Mr. James Kraska, Navy professor of international law; Mead Treadwell, Chair, Arctic Research Commission; and Buck Sharpton, Vice Chancellor for Research, University of Alaska, Fairbanks are online to answer questions.

[3:38:02 PM](#)

SENATOR FRENCH joined the committee.

CO-CHAIR WIELECHOWSKI said that when General Atkins gave a presentation to the joint Armed Services Committee he specifically mentioned the importance of ratifying this treaty. He asked Mr. Lund if other high-rank members of the military have voiced support for ratification.

MR. LUND answered yes and distributed a list to the committee.

SENATOR FRENCH recommended an article by Scott Borgerson, who is a Visiting Fellow for Ocean Governance at the Council on Foreign Relations, and noted that he makes many of the same points that Mr. Lund just made. Given the apparent overwhelming support, he asked who is opposed to ratification of the Law of the Sea Convention.

[3:40:17 PM](#)

SENATOR HUGGINS joined the committee.

MR. LUND answered there are a lot of myths about the Law of the Sea treaty one of which is that the U.S. would relinquish its sovereign rights. This is not accurate. If the U.S. were to ratify the treaty, it could participate in future policy decisions.

[3:42:00 PM](#)

SENATOR STEVENS asked for the rationale behind the U.S. Senate opposition to ratification.

MR. LUND explained that his research found that some members continue to believe it may threaten U.S. sovereign rights. One argument is that it will impede military activities, but that has been proven false. A number of high-rank military officials say that current laws and treaties protect military practices and it is a high priority to ratify the treaty.

In 1994 amendments were made to the seabed mining provisions to address issues that were initially raised by President Reagan. Now the U.S. has exclusive access to resources within the 200-mile EEZ and if it ratifies the treaty it could expand that zone. He clarified that right now the U.S. is in voluntary compliance with the territorial sea and the 200-mile EEZ. But that zone cannot be expanded because of non-member status.

[3:44:39 PM](#)

SENATOR WAGONER said he wonders who becomes subservient to whom if the U.S. becomes a signatory. Would the U.S. be subservient to the United Nations?

MR. LUND answered the treaty serves as a way for countries to come together to negotiate their position. Since the 1994 amendments, the U.S. has been guaranteed a strong position on the Council of the International Seabed Authority. Some believe that signing would place the U.S. in an inferior position, but that isn't the case. No country dominates but the U.S. would have a strong position being on the International Seabed Authority.

SENATOR WAGONER said he sometimes wonders about laying claim to anything outside of the 200 mile limit. IT already costs a lot to police out 200 miles.

MR. LUND said the U.S. is at risk of other countries violating its laws because it isn't an official member. It also gives way for other countries to make claims within U.S. jurisdiction.

[3:48:13 PM](#)

CO-CHAIR MCGUIRE asked Mr. Kraska to comment on why the U.S. Senate hasn't ratified the treaty.

JAMES KRASKA, Professor of International Law, Naval War College, said the treaty was opposed primarily because of part 11 on seabed mining. The treaty is basically a bargain between maritime and coastal states and the creeping jurisdiction that some coastal states have pursued for 100 years. This is to close off large areas of the ocean to the international community.

The Law of the Sea Convention was negotiated in 1970 with the main provisions protecting all those navigational rights. That is why the Department of Defense strongly supports it. He noted that the letter he provided is signed by the chair and vice-chair of the Joint Chiefs of Staff as well as all the service chiefs.

The opposition to the treaty is to part 11 on seabed mining. The Law of the Sea Convention sets up the International Seabed Authority to regulate seabed mining beyond 200 nautical miles from every country's coastline. Part 11 emerged "out of the '70s socialist new international economic order and it was pushed by the group of 77 developing countries at the time." The 1994 amendments eliminated all the major offensive provisions on

seabed mining. By that time the Berlin Wall had come down and the seabed mining regime had adopted market-oriented principles.

[3:51:59 PM](#)

MR. KRASKA said that 1994 was also the year that Senator Helms was the chair of the Senate Foreign Relations Committee. He generally disagreed to a large multi-lateral treaty that was negotiated by the United Nations and he wouldn't bring it before the committee. All the objections really demonstrated a lack of understanding of the treaty and U.S. interests. This was everything from the environment to fishing to oil and gas and national security that are promoted by the Convention. After Senator Helms stepped down, the treaty came before Senator Lugar and was voted out of committee 19:0. Senator Frisk did not take it to a full vote of the Senate because it was opposed by some on the right. In 2007 another attempt was made and it was voted out of the Senate Foreign Relations Committee 17:4. That was the last action taken.

The Law of the Sea Convention is the most comprehensive treaty in existence after the U.N. charter. Every major ocean interest in the U.S. government and on the civilian side supports it, but the opposition is generally related to a fear that the three international organizations set up under the Convention will try to assume too much power. Some of the fears are fanciful, he said.

MR. KRASKA said that the treaty allows the U.S. to make an extended continental shelf claim and assert sovereign rights and jurisdiction over the seabed that is co-terminus with the extended continental shelf. The U.S. would have exclusive rights to all oil and gas and minerals in that extended area. All the other areas throughout the seabed would be managed by the International Seabed Authority. That Authority would charge a levy in order that multinational corporations or conglomerates could access seabed minerals and oil and gas. A major problem is that some people believe that if you find something in the middle of the ocean you should be able to keep it rather than going through the International Seabed Authority.

SENATOR WAGONER asked what process Shell Oil would need to go through if it wanted to drill 285 miles off the coast of Alaska with or without the U.S. having signed the treaty.

MR. KRASKA replied Shell Oil effectively cannot do so if the U.S. is not a party to the treaty because it would not have security of legal tenure. Shell is a multinational country and

it could be sued in the courts of any of the 156 countries and European Union that are a party to the Law of the Sea Convention. If the U.S. were a party to the treaty, Shell Oil could approach the International Seabed Authority with its proposal. Some marginal fees are associated with claiming a mining site. The ISA council, which has 36 members, distributes those funds on a consensus basis. Because of a Convention provision the U.S. would have a seat on the council and effectively a permanent veto on how those development funds that are extracted from the seabed mining fees or levies would be distributed. Some say that the fees are nothing more than a U.N. tax that U.S. corporations would be subject to and they don't like it.

MR. KRASKA acknowledged that this approach to seabed mining isn't perfect, but 156 countries and the EU have signed on and the Law of the Sea Convention has already moved into the domain of customary international law. In other words, it can be binding even if the U.S. is not a party. In fact, U.S. courts have viewed it as a binding set of legal regimes even though the U.S. isn't a party. You'll certainly see that in foreign courts, he said.

[3:58:58 PM](#)

MEAD TREADWELL, Chair, U.S. Arctic Research Commission, said the Commission has seven members appointed by the President to work with federal research agencies, the State of Alaska, and other nations on its \$400 million per year Arctic research program. He said the timing here is interesting. This treaty has come into force, people are beginning to carve up the extended continental shelf of the Arctic Ocean, and there is a greater perception that the Arctic Ocean is an accessible ocean. It was for that reason that the commission went to the White House two years ago to ask for a review of U.S. Arctic policy. Bedrock to that new policy is the need for the U.S. to ratify the Law of the Sea Convention. If it isn't a member the U.S. is not at the table as the Arctic Ocean is carved up. If it is a member, the U.S. would have the opportunity claim land in the extended OCS equivalent to twice the size of California.

MR. TREADWELL pointed out that the U.S. has unresolved boundary issues with Canada in the Bering Strait. If the U.S. were signatory to the Convention it would have the capability to manage the living resources offshore outside the 200-mile limit and it would give the U.S. rights to the economic resources on the ocean floor in the extended OCS. Article 234 of the Law of the Sea allows the extension of certain environmental

regulations into the EEZ in traditional ice-covered waters. This may be important to the U.S. in protecting against "rust bucket ships" that might traverse the newly accessible ocean without concern for oil spills, he said.

The Commission doesn't normally take a position on legislation like this, he said, but this has been a driver for Arctic research and would add significant Arctic resources to the U.S. The supporting letter that Governor Palin submitted helped the Alaska congressional delegation mitigate objections to the Law of the Sea. The Commission is also cosponsoring a conference on the issue in Seward in mid-May. The Center of Law and Oceans Policy will bring world experts in to focus on the value of the Law of the Sea in the Arctic. Without being at the table some of the minor problems that the U.S. has with the Law of the Sea can't be fixed. He hopes the resolution passes.

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SENATOR WAGONER asked if they can see a "poison pill" on either side of the issue at this time.

MR. TREADWELL answered no. This will be the largest addition to U.S. territory since the Louisiana Purchase, and it gives the U.S. the power to regulate offshore resources instead of allowing somebody else to do so.

MR. KRASKA agreed. The Law of the Sea has a mandatory dispute resolution process that includes an international tribunal and arbitration. Because international tribunals don't necessarily favor the U.S. some people have expressed concern that other countries could attempt to regulate U.S. naval activity off their coast in the EEZ. That zone is open for high seas freedoms and over flights by foreign military and as a global naval power the U.S. is dependent upon those rights. He noted the recent incident off the coast of China over this very issue. Some fear that a country like China would take the U.S. to one of these tribunals and the U.S. would lose because of an interpretation within the Law of the Sea Convention that the U.S didn't concur with. But if an international tribunal overstepped its bounds, the U.S. simply wouldn't recognize the jurisdiction. Military vessels and aircraft have sovereign immune status so a tribunal would not be entitled to assert jurisdiction over U.S. military activities. That is one of the claims that really is not a problem, he said.

MR. TREADWELL highlighted that in his last job Mr. Kraska helped the military sort through issues of missile defense as it

relates to the Law of the Sea. His work resulted in the joint chiefs giving this treaty a clean bill of health.

MR. KRASKA said it's correct that the senior Pentagon leadership has been briefed and every chief of naval operations since 1994 has supported the Convention. It's understood that global mobility, maneuverability and access beyond 12 nautical miles as well as the ability to transit through international straits are guaranteed in the Law of the Sea Convention. Regardless of what critics say, the U.S. has more authority and expends fewer resources when it operates under color of law.

[4:09:25 PM](#)

MR. KRASKA pointed out that the U.S. has disagreements with friendly countries like Australia and Canada so it's in its best interest that this treaty ensures a liberal regime of freedom of navigation for commercial vessels and military forces. If this treaty was negotiated today, there likely wouldn't be the same generous provisions for transiting throughout the world. When the treaty first came about in 1982 all the major maritime powers supported those navigational provisions, which means that at the height of the Cold War both the U.S. and the Soviet Union were in complete agreement on this. The Soviet Union realized it was zone-locked and needed navigational freedom perhaps more than the U.S. did. It was really the U.S., Soviet Union, France, U.K., and Japan that worked on ensuring navigational freedom throughout the globe. It's in the treaty. It's unlikely that the U.S. and Russia today would have as much coastal influence as they did back in 1982.

JIM FLOYD, representing himself, Tok, said he opposes the treaty not the resolution. His perspective is that the only people who don't know about this treaty are the average citizens. He encouraged the committee to investigate some of the legal arguments against the treaty because it has a lot of holes. His understanding is that it would subjugate the U.S. Constitution to international control.

[4:14:43 PM](#)

STEPHEN TAUFEN, Groundswell Fisheries Movement, Kodiak, said he generally supports U.S. ratification of the Law of the Sea Convention, but it's important to recognize that it was established when world trade was conducted differently. It does not recognize new knowledge in the conduct of trade in an era of globalized casino-like economics that quickly devolve in times of financial crisis. He suggested that the U.S. needs to heed the National Intelligence Council's 2025 report regarding

strategic national resource protections. He asked committee members to read his written submission that focuses on fisheries and the international trade aspects of the treaty.

[4:18:48 PM](#)

SENATOR HUGGINS commented that he supports international cooperation, but it's important that U.S. soldiers are not under U.N. command. He isn't saying that the U.S. shouldn't be a party but he wants to understand what it is that the U.S. might be giving up if it signs the treaty.

CO-CHAIR WIELECHOWSKI said that is why he is particularly heartened by the June 26 letter from the vice chair and every member of the Joint Chiefs of Staff under President George W. Bush. They said that becoming a party to the Convention will ensure the U.S. leadership role in the continuing development of oceans law and policy. They also stated that the Convention furthers the U.S. national security strategy, strengthens the coalition, and supports the President's Proliferation Security Initiative. He has a high degree of confidence that the U.S. military wouldn't urge signing a treaty that would threaten the troops or U.S. sovereignty.

[4:25:25 PM](#)

O-CHAIR MCGUIRE announced that she would hold SJR 13 in committee.

#### **HJR 21-GROUNDFISH FISHERIES LICENSES**

[4:25:34 PM](#)

CO-CHAIR MCGUIRE announced HJR 21 to be up for consideration.

[4:26:19 PM](#)

REPRESENTATIVE ALAN AUSTERMAN, Alaska State Legislature, sponsor of HJR 21, said the resolution is a message to the North Pacific Fisheries Management Council (NPFMC). [The NPFMC oversees the management of federal fisheries beyond the three-mile limit] and it has a history of either giving away fishery resources to individual fishermen or restricting access. The halibut Individual Fishing Quotas (IFQ) is one such example. As a result of quota prices, a young upstart halibut fisherman today would need to invest up to \$1 million to enter that fishery.

The NPFMC was moving the Gulf of Alaska [Pacific] cod fishery in the same direction until 2006 when the governor asked it not to rationalize that fishery. To its credit, the NPFMC changed course and established a limited license program for groundfish

in the Gulf of Alaska. About 800 permits were issued based on catch history from the 1990s with the primary catch being [Pacific] cod. Currently about 65 percent of the licenses are latent and haven't been used for some time.

After 2006 the NPFMC looked at catch histories in a specific range of recent years for the purpose of placing a cod endorsement on the LLP license. Without this endorsement an LLP license would be functionally useless. This works to the advantage of those who receive an endorsement and creates yet another barrier for young people to enter the industry.

HJR 21 simply asks the North Pacific Fishery Management Council not to reduce reasonable access to this fishery. Don't place a cod endorsement on these licenses and make 500 some latent LLP licenses non-usable. Part of the goal of the resolution is to raise awareness on some of the options that the NPFMC may not be looking at. This includes looking at how to control the growth in fisheries so the need to rationalize doesn't arise. There are ways to do that, but the NPFMC is only looking at reducing access so that just "X" number of boats will fish in that fishery.

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REPRESENTATIVE AUSTERMAN said that when he worked for the former governor on fishery issues it was an eye-opener to learn that the administration, through the commissioner of the Department of Fish and Game, and the five Board of Fisheries appointees make policy calls in federal fisheries that directly affect Alaskans and put them out of work. The Crab Rationalization Program is a prime example. Over 1,000 jobs were lost; about half were lost by Alaskans and the other half were by people from the West Coast that came to Alaska to fish. Clearly, the Alaska Legislature should be involved in the policy issues that affect Alaskans so greatly.

[4:37:05 PM](#)

DON BREMNER, Central Council Tlingit & Haida Indian Tribes of Alaska (CCTHITA), said HJR 21 is an opportunity to influence control over the Alaska seafood resources. CCTHITA has actively opposed steps by the North Pacific Fisheries Management Council toward rationalization, but has had limited success. When the Magnuson-Stevens Act passed in 1976 it was designed for the average Alaska fisherman. Rationalization came as a result of large open ocean fishermen lobbying their interests at the expense of inshore fisheries and communities. HJR 21 is a good idea, it helps the little guy.

[4:40:55 PM](#)

SHAWN DOCHTERMANN said he is a second generation Kodiak commercial fishermen who supports HJR 21. He is opposed to eliminating LLP licenses and implementation of Pacific cod endorsements. The NPFMC should stick with the status quo for Gulf of Alaska groundfish management. He noted that a council member recently told him the endorsements will go through regardless and said he has a hard time understanding why the council doesn't listen to the stakeholders. Over 17 Native villages or organizations support the resolution.

MR. DOCHTERMANN said the purpose and need statement for the amendments is flawed. There is no increased market value, there is nothing wrong with competition, and this will not insure that active fisherman will be able to participate in these fisheries. The Magnuson-Stevens Act was brought forward for habitat protection and sustainability of resources yet the amendments don't mention that. It's for economic allocation, which violates a standard in the Sustainable Fisheries Act of 1996.

Removing the latent licenses from groundfish permit holders will leave state waters as the dumping ground for new entrants. Why shouldn't federal waters have a place for active new entry fishermen to transition to all fisheries? Fishing rights need to remain with those who go out on boats. Removing the LLPs from fixed gear fishermen will take rights from active and future fishermen and give exclusive rights to an investor-only faction that does not fish.

[4:45:03 PM](#)

DJ VINBERG said he is a third generation Kodiak fisherman and he opposes HJR 21. Morally he agrees with the concept of open fishing, but without restriction the cod fishery is becoming a derby not unlike halibut fishing of the past. The cod season used to last 3-4 months and this year it lasted just 26 days. This year 30 more boats participated than two years ago. Most disturbing were the boats that came that have crab IFQs. They are free to participate in any open fishery at no risk to their already banked crab money. In an open fishing environment these highly competitive fishermen will receive a bonus season at his expense. If unchecked the cod fishery will become over-capitalized.

There should be more restrictions on access to the gulf cod fishery including some qualifying years. The more than 800 LLP licenses in the gulf do nothing to protect people like him who

live in Kodiak and are committed to the fishery. His options are limited; he is too small to fish cod out west and his business is jeopardized if his piece of the "cod pie" continues to shrink. While he doesn't favor further privatizations or IFQs, he believes that limiting the number of permits is a good starting tool.

The Legislature should be concerned about Alaska fisheries and knowledgeable about the situation, but it should respect those whose sole responsibility it is to make fisheries management decisions.

[4:48:41 PM](#)

ALVIN BIRCH, Executive Director, Alaska Whitefish Trawlers Association, said he submitted written testimony. He is well familiar with fisheries management issues and his concerns with HJR 21 are numerous. In particular he is concerned about the precedent it sets for the Legislature to make a quick decision about a fisheries issue that is going through the long and very public NPFMC process. The stated purpose of the resolution is far from accurate and is an example of why it is so very important to have a long decision-making process for fishery issues. That way all sides and opinions can be weighed against scientific data. Without scientific data, all fisheries are at risk. The recent NPFMC amendment package is the result of a long public process, scientific input, and months of deliberation. New entrants are allowed into the fisheries and those with a long history of fishing cod are protected.

[4:51:44 PM](#)

PETER ALLEN, representing himself, said he is a fisherman in Kodiak who has been fishing a small boat for over 25 years. This has been possible because he's been flexible to adapt as fish stocks and markets rise and fall. Small boat fishermen need this flexibility. Currently he has an inactive LP, an inactive salmon seine permit, an inactive herring gillnet permit, and an inactive crab permit. All these permits make up his fishing business. If the federal government takes away his cod fishing rights and the state takes away other rights he'll be out of business. This resolution tells the council what a lot of people feel and it's right on, he said.

[4:53:43 PM](#)

TONY GREGORIO, representing himself, Chignik Lagoon, said he has fished since 1959 and when people talk about rationalization he thinks back to the time when Del Monte owned all the boats in Chignik and told the skippers how many fish they could catch

every day. "That's where we're going back to," he said. In the '50s villages like Squaw Harbor, Unga, and Chignik Lagoon had private salteries but when the cod fishing died out they went to somewhere else. Now those villages are gone. He applauds Representative Austerman for bring this to the Legislature because "trying to deal with the North Pacific [Fisheries Management Council] is like trying to tell your wife not to go shopping anymore."

[4:56:02 PM](#)

FREDDIE CHRISTIANSEN, representing himself, Anchorage, said he was born and raised on Kodiak Island. He has fished his entire life and believes there comes a time when the state needs to stand up and say, "Enough is enough." These communities aren't asking for a handout; they're asking that their needs are considered when fish are rationalized, he said. When he grew up his family and others fished many different fisheries and now participation is very limited. He noted that the new chief of NOAA recently stated that she knows that what Americans want from the ocean is clean beaches, safe and healthy seafood, abundant wildlife, and stable fisheries. This means vibrant coastal communities for us, our kids, and our grandkids, he said. He thanked Representative Austerman for bringing the resolution forward.

[4:58:30 PM](#)

STEPHEN TAUFEN, Groundswell Fisheries Movement, Kodiak, said he agrees with earlier testimony that the purposes and needs that the NPFMC is basing its action on are inaccurate. The argument for the cod endorsement eschews efficiencies and makes it clear that this council "is nothing but hell-bent on privatizations...even when things become disconnected from reality." For a lot of reasons the Legislature should be involved in the council's action. Number one is to ensure that their problem and purpose and need statements are accurate and sensible before there is a regulatory review. Also, the state needs to have a deputy attorney general ensure that coastal communities, small business people, and other stakeholders are represented and protected. He applauded Representative Austerman's efforts.

CO-CHAIR MCGUIRE closed public testimony and held HJR 21 in committee.

[5:01:10 PM](#)

There being nothing further to come before the committee, Co-Chair Wielechowski adjourned the Senate Resources Standing Committee at 5:01 p.m.