

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

February 10, 2011

5:03 p.m.

MEMBERS PRESENT

Representative Steve Thompson, Chair
Representative Craig Johnson, Vice Chair
Representative Bob Herron
Representative Lance Pruitt
Representative Scott Kawasaki
Representative Bob Miller

MEMBERS ABSENT

Representative Alan Austerman

COMMITTEE CALENDAR

OVERVIEW(S): ALASKA BOARD OF FISHERIES (BOF)

- HEARD

HOUSE JOINT RESOLUTION NO. 8

Urging the United States Food and Drug Administration to deny an application to sell genetically engineered salmon in the United States; urging compliance with the provision of P.L. 110-85 (Food and Drug Administration Amendments Act of 2007) that requires the Commissioner of Food and Drugs to consult with the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration regarding a report on environmental risks associated with genetically engineered seafood products; and urging that product labeling requirements include the words "Genetically Modified" prominently displayed on the front of the package if the application is approved by the United States Food and Drug Administration.

- MOVED CSHJR 8(FSH) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 8

SHORT TITLE: OPPOSE GENETICALLY ENGINEERED SALMON

SPONSOR(S): REPRESENTATIVE(S) KAWASAKI

01/18/11	(H)	READ THE FIRST TIME - REFERRALS
01/18/11	(H)	FSH, RES
02/10/11	(H)	FSH AT 5:00 PM CAPITOL 120

WITNESS REGISTER

JIM MARCOTTE, Executive Director
Alaska Board of Fisheries
Boards Support Section
Alaska Department of Fish and Game
Juneau, Alaska

POSITION STATEMENT: Provided the overview of the Alaska Board of Fisheries (BOF).

JOS GOVAARS, Staff
Representative Scott Kawasaki
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 8 on behalf of Representative Kawasaki, prime sponsor.

GERALD McCUNE, Lobbyist
United Fishermen of Alaska (UFA)
Cordova, Alaska

POSITION STATEMENT: Testified in support of HJR 8.

ACTION NARRATIVE

[5:03:51 PM](#)

CHAIR STEVE THOMPSON called the House Special Committee on Fisheries meeting to order at 5:03 p.m. Present at the call to order were Representatives Thompson, Johnson, Kawasaki, and Miller. Representatives Herron and Pruitt arrived while the meeting was in progress.

OVERVIEW(S): Alaska Board of Fisheries (BOF)

[5:04:04 PM](#)

CHAIR THOMPSON announced that the first order of business would be an overview from the Alaska Board of Fisheries (BOF).

[5:04:49 PM](#)

JIM MARCOTTE, Executive Director, Alaska Board of Fisheries (BOF), Boards Support Section, Alaska Department of Fish and Game (ADF&G), opined that the Alaska Board of Fisheries (BOF) process is engaging and plays a key role in ensuring that

Alaska's fish resources are managed on a sustained basis. He said allocation is the key role of the board, which effectively removes this politically-charged issue from the hands of the fishery managers and politicians. The separation of allocation and conservation decisions is critical for achieving sustainable fisheries in the state. The state has management authority within a three mile limit of the coastline, with exceptions extending to 200 miles for some species; federal agencies manage to the shoreline. Mr. Marcotte explained that the board is comprised of 7 members, appointed by the governor on April 1, to staggered three year terms, confirmed through the legislative hearing process and in a joint session, and commencing on July 1. All of the members serve "at large" to minimize focus on particular geographic areas of the state, and eliminate ties to stakeholder groups. He directed attention to a handout, in the committee packet, titled "Alaska Board of Fish Additional Information Packet" to point out the current make-up of the board, including term limits. He said the committee can expect nominations for appointment to three seats in 2011.

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MR. MARCOTTE described the primary steps in the proposal process: call for proposals, distribution of proposals, public review and comment, board regulatory meeting, and implementation. Proposals are due on, or about, April 10 each year, to allow roughly six months for the public to review and comment prior to presentation at a BOF meeting. The department maintains a distribution list for proposals, with approximately 2,800 subscribers; proposals can also be reviewed on the BOF web site. If a change is deemed appropriate, following the hearing process, the Department of Law (DOL) provides a review. The new regulation is presented to the Office of the Lieutenant Governor for signing, and becomes effective in thirty days from that date.

[5:09:32 PM](#)

MR. MARCOTTE drew attention to slide 5, and the previously mentioned packet, to review the schedule for the board's upcoming three year meeting cycle, including the geographic areas of focus, the species/topics being considered, and the meeting dates and locations. Additionally, he indicated a sample proposal form and said the form is not necessary but the format is required in order to present the information in a standardized manner.

5:11:24 PM

MR. MARCOTTE illustrated the source of the fishery proposals received in 2006/2007, by percent, via a pie chart, which indicated: individuals 128, local fish and game advisory committees 47, ADF&G, 37, user groups and associations 21, federal regional advisory councils 4, village councils 7, BOF 2. He moved to the fourth step of the process, which is the board regulatory meeting. Typically the board meets five times per year for a period of seven to ten days. Further, he provided an outline of the standard agenda points followed and the length of time spent on each item, to wit:

Introductions, ethics disclosures

Department staff reports (half day)

Oral public testimony (up to two days)

Board committees (3 board members, public panel and staff to develop recommendations)

Board deliberation on proposals

Miscellaneous Business

5:14:06 PM

MR. MARCOTTE said that typically about one third of all proposals are adopted in one form or another, and illuminated the slide titled "Actions on Board of Fisheries Proposals" to provide an example of what occurred with the proposals received in the 2005-2006 year. He said the board relies heavily on public input, and oral testimony may be taken from as many as 160 witnesses along with written comments. Other contributing, important, testimony is received from fishery groups, interested associations, industry groups, local government representatives, tribal groups, village councils, and the local fish and game advisory committees; 82 statewide with over 900 members. Agency input is provided through the various departmental divisions. He said the BOF operates within legal sideboards provided by the Alaska constitution, Alaska statutes, court rulings, international treaties, and the BOF regulations and policies. Respectively, he elaborated on these sideboards, and said Alaska's constitution is unique in requiring the sustained yield principle, while establishing the directive that the natural resources will be developed for the maximum benefit of the

people. Alaska statutes provide the BOF with direct authority and guidelines and Mr. Marcotte cited the applicable statutory reference numbers and elaborated on the prominent points of each, including BOF policy and procedures allowing out-of-cycle actions to occur.

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MR. MARCOTTE established that there are ways to get involved in the board of fisheries, paraphrasing from a list which included [original punctuation provided]:

Get on Board's mailing list

Submit your written comments on proposals

-comment should be received 2 weeks prior to meetings

Submit your own proposal

-April 10 deadline and 3-year cycle

-consult with area management staff

Attend Board meetings and present testimony

-attend, testify, participate in committee meetings

Join or attend your local fish and game advisory group

-contact BOF Support Section for meeting information

Join an industry or stakeholder group

-work with others with whom you share common interests

MR. MARCOTTE summarized that the board follows a structured process where public credibility and participation are valued and necessary.

[5:25:40 PM](#)

REPRESENTATIVE HERRON provided four written questions, to the chairman, to be included in the record, and requested a written response be provided to the committee. He directed attention to slide 12, referencing the North Pacific Fishery Management Council (NPFMC), and asked, "Has there ever been a subsistence seat."

MR. MARCOTTE responded no, and noted that the NPFMC was structured in conjunction through the Magnuson-Stevens act.

REPRESENTATIVE HERRON stressed the need for subsistence users to have a voice on the council.

[5:28:05 PM](#)

REPRESENTATIVE KAWASAKI inquired whether the BOF has been approached with a proposal regarding access by taxidermists.

MR. MARCOTTE said no.

REPRESENTATIVE KAWASAKI suggested the need for discussion regarding dip netting for personal use, and opined that the definition needs to be clarified. He then reported that the residents of the Fairbanks area are not pleased with how the allocations are handled for the Chitna fishery.

[5:30:33 PM](#)

REPRESENTATIVE JOHNSON asked whether the proposals can be accessed on the Internet.

MR. MARCOTTE answered yes.

REPRESENTATIVE JOHNSON queried whether the BOF meetings are available on-line other than live audio streaming.

MR. MARCOTTE said no, not currently. A new website is being developed, and the audio archives will be a featured link; scheduled for completion in the next six months. However, the BOF office fills any requests for historic audio by providing a complimentary compact disc. The turnaround time at a meeting is immediate, and from the office perhaps two days plus the time allowed for mail delivery.

REPRESENTATIVE JOHNSON reported concerns that obtaining this information may not be as easy, or expedient, as Mr. Marcotte described.

[5:34:18 PM](#)

REPRESENTATIVE JOHNSON inquired how the BOF chooses to hear from a Commercial or Sport Fish division biologist on a given issue.

MR. MARCOTTE indicated that both divisions are represented at the meetings, each bringing areas of expertise. On any given topic, the most qualified person is asked to testify. He said

that often, department memos, responding to board proposals, are co-authored by biologist from both divisions.

5:36:50 PM

REPRESENTATIVE JOHNSON asked why the BOF office is located in Juneau.

MR. MARCOTTE said it is a section of ADF&G, which is headquartered in Juneau. However, BOF offices are located throughout the state, and the meetings are scheduled on a rotating basis in every region.

5:40:17 PM

REPRESENTATIVE HERRON stated his understanding that BOF members are not always treated well.

MR. MARCOTTE responded that service on the BOF can be frustrating for members, who must travel, attend lengthy meetings, and tend to a hectic schedule.

REPRESENTATIVE HERRON indicated that another complaint is the restriction on members of the public approaching the BOF at the table. Thus, the BOF members find themselves pursued, for conversational opportunities in hallways and restrooms. He suggested that, given the difficult topics that members face, consideration might be given to providing a level of segregation for purposes of protection/refuge.

MR. MARCOTTE said the overall characterization of the board process is one of openness and accessibility. There is a sensitivity given to the public's interest, and the desire to speak with BOF members.

5:44:42 PM

CHAIR THOMPSON noted that slide 9 indicates a total of 354 considerations, and asked if that represents an average or has it increased since 2006.

MR. MARCOTTE offered that it remains fairly consistent, and the pattern generally remains close to what was presented in the slide.

The committee took an at-ease from 5:45 p.m. to 5:47 p.m.

HJR 8-OPPOSE GENETICALLY ENGINEERED SALMON

[5:47:48 PM](#)

CHAIR THOMPSON announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 8, Urging the United States Food and Drug Administration to deny an application to sell genetically engineered salmon in the United States; urging compliance with the provision of P.L. 110-85 (Food and Drug Administration Amendments Act of 2007) that requires the Commissioner of Food and Drugs to consult with the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration regarding a report on environmental risks associated with genetically engineered seafood products; and urging that product labeling requirements include the words "Genetically Modified" prominently displayed on the front of the package if the application is approved by the United States Food and Drug Administration.

[5:48:30 PM](#)

JOS GOVAARS, Staff, Representative Scott Kawasaki, Alaska State Legislature, presented HJR8, paraphrasing from the sponsor statement, which read as follows [original punctuation provided]:

House Joint Resolution 8 (HJR8) is introduced to urge the United States Food and Drug Administration (FDA) to deny any application to sell genetically engineered salmon in the United States. HJR8 also calls on Congress to enact product labeling requirements that include the words "Genetically Modified" which are prominently displayed on the package if the application is approved by the FDA.

Recently, the FDA held hearings to approve a hybrid Atlantic salmon as the first genetically engineered animal for human consumption. The FDA's consideration for approval of this "frankenfish" is a risky precedent and a threat to Alaska's wild salmon. The hybrid Atlantic salmon has been engineered by crossing Chinook salmon growth genes and an antifreeze gene from an eel, the ocean pout. The genes allow the new creation dubbed the AquAdvantage salmon to grow about twice as fast as its natural cousin.

Salmon farms in Canada, Europe and South America have been criticized for crowded conditions, fecal contamination, use of chemicals, proliferation of disease and escapees. Atlantic salmon have been caught in Alaska's waters, escaping from neighboring fish farms in British Columbia; many infested with sea lice. They are considered an invasive species by Alaskans.

HJR8 will send the clear message to the Federal Government, Alaska's Congressional Delegation, the Food and Drug Administration and President Obama that the Alaska State Legislature does not condone the growth, sale or release of genetically engineered salmon in the United States. Please join me in supporting House Joint Resolution 8 and help make Alaska's salmon safe.

[5:50:10 PM](#)

REPRESENTATIVE HERRON said the WHEREAS on page 2, line 11, states the proposal to create these genetically modified (GMO) fish, and asked whether an additional provision be included to clarify that these fish are currently being produced.

REPRESENTATIVE KAWASAKI responded that there are none being produced, or approved for production, in the United States.

MR. GOVAARS interjected that production is occurring in Canada followed by shipment to Panama for fish farming purposes.

REPRESENTATIVE HERRON maintained an interest in having the resolution include an additional provision indicating that these fish do exist. He then asked about the likelihood of the Federal Food and Drug Administration (FDA) approving GMO fish for consumption.

REPRESENTATIVE KAWASAKI stated that lobbying the FDA is occurring. He said it is important to provide support to the Alaskan delegation in Washington D.C, and send a clear message to the United States president that this action is not supported by Alaska. Further, the window for comment will close in the coming months, placing a measure of urgency on the resolution.

[5:53:23 PM](#)

REPRESENTATIVE JOHNSON turned to the bill page 1, line 1, and pointed out the language "deny an application," to ask whether it should be changed to read "any application". The existing language suggests that the first application would be denied but succeeding applications could be approved.

[5:54:26 PM](#)

REPRESENTATIVE PRUITT directed attention to the bill page 3, line 10, to point out that the Honorable John Boehner is now the Speaker of the U.S. House of Representatives; not the Minority Leader as indicated.

[5:55:02 PM](#)

REPRESENTATIVE MILLER called attention to the bill page 3, line 4, to suggest changing the language reading "if the application is" to "if applications are", and page 1, line 11, to point out "an application" should be changed to "any application".

CHAIR THOMPSON opened public testimony.

[5:56:28 PM](#)

GERALD McCUNE, Lobbyist, United Fishermen of Alaska (UFA), stated support for HJR 8, and expressed concern for the possibility of the FDA approval going through and not requiring labeling. He pointed out that the Alaskan seafood industry has spent millions of dollars marketing Alaskan salmon, and said a GMO fish product will cause confusion in the market place. Further, if someone is introduced to salmon through the eating of GMO fish, they may never discover the delicacy of the wild salmon that Alaska has to offer. Timing is crucial on getting this resolution through, he finished.

The committee took an at-ease from 5:58 p.m. to 5:59 p.m.

CHAIR THOMPSON closed public testimony

[5:59:38 PM](#)

REPRESENTATIVE JOHNSON proposed Amendment 1:

Page 1, line 1:
Delete "an application"
Insert "any application"

Hearing no objection, Amendment 1 was adopted.

[6:00:13 PM](#)

REPRESENTATIVE JOHNSON offered that an additional provision, as suggested by Representative Herron, could be brought to the next committee of referral [House Resources Standing Committee].

[6:00:38 PM](#)

REPRESENTATIVE PRUITT offered Amendment 2:

Page 3, line 10:

Delete "Minority Leader"

Insert "Speaker"

Hearing no objection, Amendment 2 was adopted.

[6:01:10 PM](#)

REPRESENTATIVE HERRON indicated that legal services will re-word the document to be consistent with Amendment 1.

[6:01:42 PM](#)

REPRESENTATIVE JOHNSON moved to report HJR 8, as amended, from the House Special Committee on Fisheries. Hearing no objection, CSHJR 8(FSH) was reported out of committee.

[6:01:57 PM](#)

CHAIR THOMPSON announced the agenda for the next meeting.

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 6:02 p.m.