

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

March 19, 2013

10:02 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Eric Feige
Representative Lynn Gattis
Representative Bob Herron
Representative Craig Johnson
Representative Kurt Olson
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 143

"An Act relating to crewmember fishing licenses."

- MOVED CSHB 143(FSH) OUT OF COMMITTEE

HOUSE BILL NO. 49

"An Act establishing the Alaska Chinook salmon research and restoration endowment fund and relating to grants from the fund."

- MOVED CSHB 49(FSH) OUT OF COMMITTEE

HOUSE RESOLUTION NO. 6

Requesting that the North Pacific Fishery Management Council take action to reduce the quantity of Chinook salmon bycatch in the Gulf of Alaska and Bering Sea trawl fisheries by setting new limits in the Gulf of Alaska trawl fisheries and lowering the existing limits in the Gulf of Alaska and Bering Sea pollock fisheries to at least half of the current limits.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 143

SHORT TITLE: COMMERCIAL FISHING CREWMEMBER LICENSES

SPONSOR(s): REPRESENTATIVE(s) SEATON

02/27/13 (H) READ THE FIRST TIME - REFERRALS
02/27/13 (H) FSH, FIN
03/12/13 (H) FSH AT 10:00 AM CAPITOL 120
03/12/13 (H) Heard & Held
03/12/13 (H) MINUTE(FSH)
03/19/13 (H) FSH AT 10:00 AM CAPITOL 120

BILL: HB 49

SHORT TITLE: CHINOOK RESEARCH & RESTORATION ENDOWMENT

SPONSOR(s): REPRESENTATIVE(s) HERRON

01/16/13 (H) PREFILE RELEASED 1/11/13
01/16/13 (H) READ THE FIRST TIME - REFERRALS
01/16/13 (H) FSH, FIN
02/26/13 (H) FSH AT 10:00 AM CAPITOL 120
02/26/13 (H) Heard & Held
02/26/13 (H) MINUTE(FSH)
03/19/13 (H) FSH AT 10:00 AM CAPITOL 120

BILL: HR 6

SHORT TITLE: CHINOOK BYCATCH LIMITS

SPONSOR(s): FISHERIES

03/13/13 (H) READ THE FIRST TIME - REFERRALS
03/13/13 (H) FSH
03/19/13 (H) FSH AT 10:00 AM CAPITOL 120

WITNESS REGISTER

ROB EARL, Staff
Representative Bob Herron
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the proposed committee substitute (CS) for HB 49, on behalf of Representative Herron, prime sponsor.

ART NELSON, Policy and Outreach Director
Bering Sea Fishermen's Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 49.

LOUIE FLORA, Staff
Representative Paul Seaton
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HR 6, on behalf of the House Special Committee on Fisheries, which Representative Seaton chairs.

GEORGE HUTCHINGS, Co-Captain

F/V Elizabeth F

Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to HR 6.

PATRICK O'DONNELL, Representative

Alaska Whitefish Trawlers Association

Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to HR 6.

PETER THOMPSON, Commercial Fisherman

Kodiak, Alaska

POSITION STATEMENT: Testified during the hearing on HR 6.

DAVID DAHL, Trawl Fisherman

Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to HR 6.

CHARLIE FREEBURG, Captain

F/V Alaska Beauty

Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to HR 6.

DAVE KUBIAK, Fisherman

F/V Mythos

Kodiak, Alaska

POSITION STATEMENT: Testified in support of HR 6.

THERESA PETERSON, Fisherman

F/V Patricia Sue

Kodiak, Alaska

POSITION STATEMENT: Testified in support of HR 6.

ART NELSON, Policy and Outreach Director

Bering Sea Fishermen's Association

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HR 6.

PETE WEDIN, Representative

Alaska Marine Conservation Council

Homer, Alaska

POSITION STATEMENT: Testified in support of HR 6.

MYRON NANENG Sr., President
Association of Village Council Presidents (ACVP)
Bethel, Alaska

POSITION STATEMENT: Testified in support of HR 6.

BECCA ROBBINS GISCLAIR, Policy Director
Yukon River Drainage Fisheries Association (YRDFA)
Anchorage, Alaska

POSITION STATEMENT: Provided a PowerPoint presentation entitled, "Salmon Bycatch in the Bering Sea Groundfish Fisheries," and testified in support of HR 6.

STEPHANIE MADSEN, Executive Director
At-sea Processors Association (APA)
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HR 6.

ACTION NARRATIVE

[10:02:27 AM](#)

CHAIR PAUL SEATON called the House Special Committee on Fisheries meeting to order at 10:02 a.m. Present at the call to order were Representatives Kreiss-Tomkins, Gattis, Olson, Herron, Johnson, and Seaton. Representative Feige arrived as the meeting was in progress.

HB 143-COMMERCIAL FISHING CREWMEMBER LICENSES

[10:02:49 AM](#)

CHAIR SEATON announced that the first order of business would be HOUSE BILL NO. 143, "An Act relating to crewmember fishing licenses."

CHAIR SEATON reviewed the work on the bill thus far, which has resulted in three plausible methods for adjusting the license costs. He directed attention to the committee packet handout titled "Three proposals for alternate 7-day commercial crewmember license fee structures ... ," which illustrates the economic implications of each approach.

[10:06:42 AM](#)

CHAIR SEATON offered Amendment 1, labeled 28-LS0520\A.2, which read [original punctuation provided]:

Page 1, line 10:

Delete "\$60 [\$30]"

Insert "\$30 plus one-third the amount that, in addition to the base fee of \$60, the department charges under AS 16.05.480(h) for a nonresident engaged in commercial fishing who is 11 years of age or older and who does not hold an entry permit or an interim-use permit to obtain an annual crewmember fishing license"

[10:08:54 AM](#)

REPRESENTATIVE HERRON objected.

CHAIR SEATON offered Conceptual Amendment 1 to Amendment 1 to read:

Amendment 1, line 3

Following "one-third"

Insert "rounded to the nearest dollar"

There being no objection, Conceptual Amendment 1 to Amendment 1 was adopted.

REPRESENTATIVE HERRON clarified that the amounts effectively are adjusted to \$77.00 and \$93.00, respectively, through the action of the conceptual amendment, and then removed his objection to Amendment 1. There being no further objection, Amendment 1, as amended, was adopted.

CHAIR SEATON, after ascertaining no one wished to testify, closed public testimony on HB 143.

[10:10:14 AM](#)

REPRESENTATIVE FEIGE moved to report HB 143, as amended, out of committee with individual recommendations and the accompanying fiscal notes. Without objection, CSHB 143(FSH) was reported from the House Special Committee on Fisheries.

The committee took an at-ease from 10:10 a.m. to 10:12 a.m.

HB 49-CHINOOK RESEARCH & RESTORATION ENDOWMENT

[10:12:59 AM](#)

CHAIR SEATON announced that the next order of business would be HOUSE BILL NO. 49, "An Act establishing the Alaska Chinook salmon research and restoration endowment fund and relating to grants from the fund."

[10:13:39 AM](#)

REPRESENTATIVE HERRON moved to adopt the committee substitute (CS) for HB 49, Version 28-LS0143\N, as the working draft. With no objection Version N was before the committee.

[10:14:22 AM](#)

ROB EARL, Staff to Representative Bob Herron, Alaska State Legislature, explained the changes represented in the CS, which read as follows [original punctuation provided]:

Page 1, line 2: INSERT "providing for an effective date"

Page 4, lines 7-20: Boundaries in (B) and (C) were redefined to move Kodiak and the entire Alaska Peninsula drainages that flow into Cook Inlet from the Southcentral region to the Southwest region.

Page 5, lines 10-15: Adds language directing the Governor to appoint at least one Board member for each of the following Chinook salmon stock uses: subsistence, personal use, commercial harvest, and sport fishing.

Page 5, lines 16-18: Adds language directing the Governor to take into consideration the recommendations of the fish advisory committees in which the board member resides.

Page 5, lines 21-23: Except when awarding grants when all six public members must act unanimously as already provided in AS 37.14.680(b)(5), the board acts on majority vote.

Page 7, line 27 thru Page 8, line 1: Provides for transition language so that grants can be awarded immediately rather than having to wait for the Fund to accrue a three year average, as is required in AS 37.14.660 (page 2 lines 16-23).

Page 8, Line 2: Adds an effective date of July 1, 2013.

10:16:30 AM

CHAIR SEATON asked if board members can participate in votes telephonically.

MR. EARL answered yes, and pointed out that this change is part of Version N on page 5, lines 22 and 23.

REPRESENTATIVE GATTIS asked whether the intent is that participation is limited exclusively to the use of a telephone.

MR. EARL responded no.

CHAIR SEATON stated the intent is to allow all possible means of electronic participation by members.

REPRESENTATIVE JOHNSON objected to accepting messages from a facsimile machine or email as an electronic form of communication. He specified "in-person electronic communications."

REPRESENTATIVE FEIGE stressed the importance of having the identification of the member calling assured, as well as a reliable two-way communication. Precautions are necessary, he cautioned.

REPRESENTATIVE GATTIS agreed.

CHAIR SEATON clarified that the intent is to have positive identification and two-way communication that will allow members to participate and vote via electronic means.

REPRESENTATIVE HERRON moved Conceptual Amendment 1, to wit:

Insert language to define the parameters of telephonically to in-person and two-way communication by a person whose identity is confirmed.

Without objection Conceptual Amendment 1 was adopted.

CHAIR SEATON reopened public testimony on HB 49, as amended.

[10:21:32 AM](#)

ART NELSON, Director, Policy and Outreach, Bering Sea Fishermen's Association, expressed his organization's unqualified support for HB 49, the CS and amendments, and urged passage.

CHAIR SEATON, after ascertaining no one else wished to testify, closed public testimony.

[10:23:45 AM](#)

REPRESENTATIVE FEIGE moved to report the CS for HB 49, 28-LS0143\N, as amended, out of committee with individual recommendations and the accompanying fiscal notes. Without objection CSHB 49(FSH) was reported from the House Special Committee on Fisheries.

[10:24:23 AM](#)

The committee took an at-ease from 10:24 a.m. to 10:26 a.m.

HR 6-CHINOOK BYCATCH LIMITS

[10:26:21 AM](#)

REPRESENTATIVE SEATON announced that the final order of business would be HOUSE RESOLUTION NO. 6, Requesting that the North Pacific Fishery Management Council take action to reduce the quantity of Chinook salmon bycatch in the Gulf of Alaska and Bering Sea trawl fisheries by setting new limits in the Gulf of Alaska trawl fisheries and lowering the existing limits in the Gulf of Alaska and Bering Sea pollock fisheries to at least half of the current limits.

[10:26:43 AM](#)

LOUIE FLORA, Staff to Representative Paul Seaton, Alaska State Legislature, presented HR 6 stressing that the need for the resolution is due to the overall shortfalls being experienced among Chinook stocks throughout the state. A known, major factor in low stock returns is Chinook mortality, which is due to bycatch during the pollock and non-pollock trawl fisheries.

The resolution asks the North Pacific Fishery Management Council (NPFMC) to lower the existing bycatch limits in the Gulf of Alaska and Bering Sea pollock fisheries to at least one-half of the current limits, and to address the non-pollock trawl fishery in the Gulf of Alaska. He stated his belief that the commissioner of the Alaska Department of Fish & Game (ADF&G) has recently submitted a motion to NPFMC, requesting council action on non-pollock trawl bycatch.

MR. FLORA reviewed the language in the resolution to highlight the concerns encompassed by the whereas statements, which include the importance of Chinook salmon to the state, the economic implications of depleted stocks, and the closures and restrictions that ADF&G has had to impose on various fisheries due to the lack of Chinook returns/escapement. He then directed attention to page 2, lines 13-28, and paraphrased the language, which read [original punctuation provided]:

WHEREAS Chinook salmon bycatch is a direct and controllable source of mortality for extremely valuable and declining salmon runs throughout the state; and

WHEREAS the Chinook salmon bycatch cap in the Bering Sea pollock fishery is set at 60,000, which is more than the entire subsistence fishery on the Yukon River; and

WHEREAS the Gulf of Alaska bycatch allowance represented 20 percent of the 2011 Cook Inlet, Prince William Sound, Kodiak, Chignik, and Alaska Peninsula sport, subsistence, and commercial Chinook salmon harvest and will likely represent a greater percentage of the 2012 harvest; and

MR. FLORA emphasized that the language is particularly telling and the first resolve requests the NPFMC to take action to reduce bycatch, establish new limits, and lower this number by half in the Bering Sea and Gulf of Alaska pollock trawl fisheries. The final resolve requests NPFMC to require 100 percent observer coverage in the Gulf of Alaska trawl fisheries to provide accurate estimates of bycatch. He finished the review stating that HR 6 will be distributed to the governor and all members of the NPFMC.

[10:31:48 AM](#)

CHAIR SEATON opened public testimony on HR 6.

[10:31:58 AM](#)

GEORGE HUTCHINGS, Co-Captain, F/V Elizabeth F, stated opposition to HR 6, paraphrasing from a prepared statement, which read [original punctuation provided]:

We are against the resolution to further reduce Chinook salmon bycatch at this time, at the council level; in both the Bering Sea and Gulf of Alaska trawl fisheries.

In the upcoming April council meeting there will be genetic sampling, river of origin data available for the first time. We ask that no decision be made until this data is made available and we have a better understanding of where trawl caught, Chinook salmon bycatch are destined to.

Please make your decision based on science rather than politics.

Furthermore, any more reduction in Chinook salmon bycatch in the Alaskan trawl fishery could cause a catastrophic closing of all Alaskan trawl fisheries, damaging all our coastal communities.

[10:33:26 AM](#)

PATRICK O'DONNELL, owner, F/V Caravelle, said he was representing himself and the Alaska Whitefish Trawlers Association, and stated opposition to HR 6 paraphrasing from a prepared statement, which read [original punctuation provided]:

The trawl industry is very concerned about the health of the Chinook salmon resources and we are doing a number of things aimed at doing a better job of managing our bycatch.

We have been working within our industry to develop a hot-spot reporting system to alert vessels of potential areas of high bycatch. Vessels that see salmon coming on board, as well as our processors who may see salmon coming into the plant are a part of this important process.

We voluntarily self-impose limits on the amount of bycatch that any vessel can have.

We have worked with industry and the council and were successful in having a scientific program initiated in the Central Gulf of Alaska this year. This "Exempted Fishing Permit" program will allow for the development of salmon excluder devices that can be shown to be effective in reducing salmon bycatch. Salmon excluders have been proven very successful in the higher-horsepower vessels in the Bering Sea and this new project will help modify that technology for use in the lower-horsepower vessels in the Gulf of Alaska. This project is starting now - this spring - and we hope to see improvements in excluder technology that can be put in place this year.

Our industry has partnered with National Marine Fisheries Service in funding the expanded Chinook salmon genetic research being done at the Alaska Fisheries Science Center - Auke Bay Laboratories in Juneau. This increased effort is aimed at determining where these fish are coming from and the most recent data shows that the majority of Chinook bycatch is coming from SE Alaska, British Columbia and the Pacific Northwest, with a predominance coming from hatcheries. It is very important to know where the salmon are coming from before management decisions are made that could severely impact the trawl industry by putting unnecessary restrictions in place. The concerns that you have expressed in your resolution are related directly to the health of Chinook salmon returns to Cook Inlet and Western Alaska river systems and there is no evidence to indicate that trawl bycatch is the source of those problems. I encourage you to carefully consider that causing significant damage to the harvesters, processors and communities that are a part of the groundfish industry in Alaska without any evidence that it will result in improvements in the Chinook salmon resource in Alaska is a bad idea.

At the next meeting of the North Pacific Fisheries Management Council meeting in Anchorage beginning April 1, there will be an update on the salmon genetic

research program and we are looking forward to the results from that work.

CHAIR SEATON pointed out that the resolve on page 3, line 4, of the resolution requests observer coverage on all Alaska trawl fisheries, and asked for the current rate of observer coverage for the Kodiak trawl fleet.

MR. O'DONNELL responded that observer program coverage is about 12-15 percent, with the goal of 15 percent. The program was restructured in January of this year.

[10:38:04 AM](#)

PETER THOMPSON, commercial fisherman, said he has lived in and fished out of Kodiak for over 33 years. He informed the committee under the Sustainable Fisheries, National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) web site there is a vessel-specific bycatch file. A review of the file revealed that many vessels take 20-30 Chinook per trip, and there are some boats with numbers as high as 80 per trip. In fact, one vessel reported taking in 243 Chinook, with 17 observed hauls, on a February 16 trip. One week later the same vessel reported taking 297 Chinook, with 10 observed hauls. He said this boat has been fishing in the Gulf of Alaska under the previous 30 percent observer coverage requirement, but in 2013 became a registered catcher/processor (CP) which now requires 100 percent observation coverage. Additionally, he pointed out, this vessel is not chasing pollock but fishes under the "W" category for arrowtooth sole. Another concern is the recent shift to corporate ownership of the trawlers. As an example, he recounted a conversation with a friend and captain of one of the corporate trawlers, who was embarrassed to share that a significant number of Chinook had recently been taken, and attributed it to the corporate owners directing where the fishing was to take place in order to pursue larger pollock for the company, despite the area being known as a Chinook hot-spot. Mr. Thompson said it is important to take under consideration what occurs when corporations own a vessel and rent a skipper with expectations that he "perform." Finally, he reported that as a sport troller, he routinely catches a Chinook or two on a given trip; however, five trips out this winter have produced zero Chinook and no strikes. Mr. Thompson restated the procedure for researching bycatch by vessel.

CHAIR SEATON asked whether Mr. Thompson is saying that the vessel fishing for sole had lower bycatch when it was not observed, and now has higher bycatch numbers because of the level of observation.

MR. THOMPSON opined that the boat fishing for sole fishes continuously for seven days at a time, processes fish onboard, and returns to shore to offload a final product. Prior to the 1/1/13 effective date for the new requirements, the observation requirement was the same as that of the trawl catcher boats because of a federal exemption. He declined to speculate on why the bycatch numbers have tripled for this particular vessel. Mr. Thompson urged the committee to take note of this type of bycatch pattern, as well as the ease of access for obtaining information on vessel-specific bycatch.

[10:44:09 AM](#)

DAVID DAHL said he has been a Kodiak fisherman for 38 years, the last 18 years as a trawl fisherman. He paraphrased from a prepared statement, which read [original punctuation provided]:

My concern with the salmon hard-caps now in place, and going further, will create even bigger problems for the community of Kodiak and all fishermen who work and live here. There is a direct correlation between the salmon returns and the biomass of pollock in the Gulf of Alaska. We've been through this before, in the late 80's early 90's, pollock stocks were spiking and the salmon returns were the poorest ever. The bays were full of pollock feeding on salmon fry. I was salmon fishing then, and we couldn't catch salmon so we seined pollock and brought them to town. Now we are looking at an even larger biomass of pollock in the Gulf of Alaska. If the trawl fleet is shut down because of the hard-caps, millions of pounds of pollock will not come over the docks in Kodiak, which equals Kodiak workers out of work for months, loss of tax revenue for the city of Kodiak, not to mention the devastating loss of salmon stocks in the Gulf of Alaska. The numbers are there. Do the homework. See the correlation.

MR. DAHL concluded that there is not a political answer; in fact, Cook Inlet is full of pollock and the salmon fry "[are] just not going to have a chance." As a salmon fisherman, he caught thousands of kings that the cannery would not buy. There

is a catch of 200,000 to 300,000 king salmon with the salmon seiners, yet the real problem is ignored. In Kodiak, there is a return of about 50,000 to 100,000 king salmon and 200,000 to 300,000 are caught. Mr. Dahl urged for the committee to find out what the real problem is.

[10:47:08 AM](#)

CHARLIE FREEBURG, captain, F/V Alaska Beauty, said he has been a resident of Kodiak since 1991. He stated the majority of the bycatch in the Kodiak trawl fishery are jacks, averaging five pounds, and indications are that they are hatchery fish. He agreed with the intent to protect Chinook salmon, but the [resolution] is not based on science. He opined the NPFMC is working out measures to limit Chinook bycatch, and said his vessel is involved in testing the salmon excluder device. He reported the current bycatch rate is less than one salmon per five tons of pollock, which is clean fishing, and the fleet is trying to improve that ratio. The present system prevents individual accountability, which makes it difficult for individual vessels. In addition, 100 percent observer coverage will be a difficult requirement to meet, as observers are in high demand and are not always available. Finally, he said state and federal management of the Alaska fisheries is conservative and provides good abundance. Mr. Freeburg concluded that HR 6 fails to provide any solution to the Chinook problem.

[10:51:18 AM](#)

DAVE KUBIAK, fisherman, F/V Mythos, said he has been a resident of Kodiak for 49 years and began fishing in 1964. He stated his support for [HR] 6 and said it represents a first step for the legislature and the state to weigh in on problems. The state has done a very good job of managing inshore fisheries, and because a large percentage of the pollock harvest is caught within state waters, the state should manage this fishery. Other species are also affected by bycatch, such Tanner crab and halibut. He agreed that the trawlers are not to be blamed for changes in the ocean, but are part of the equation that impacts the fisheries; in fact, bycatch of all species should be lowered, he said. It is important for Alaska to actively manage its fisheries, and he has observed that some states no longer have viable fisheries. He expressed support for the 100 percent observer coverage requirement and said all bycatch should be brought to shore, as is done in Europe.

[10:53:50 AM](#)

THERESA PETERSON, fisherman, F/V Patricia Sue, said she was speaking for herself and paraphrased from a prepared statement, which read [original punctuation provided]:

I've been living and commercial fishing out of Kodiak with my family for over 25 years. We are involved in the Tanner crab, cod, halibut and salmon fisheries; my husband and I, as setnetters, and now our son runs the boat seining around the island. We are dependent upon healthy fishery resources for our livelihoods and have weathered many ups and downs over the years as abundance levels wax and wane. We fish within the limits in Alaska and as a result we still have fish to catch.

During times of low returns of species like Chinook, it is incumbent upon fishery managers to be responsive and reduce fishing mortality to provide for the long term health of the resource. State action to protect Chinook runs is swift. Emergency Orders shut down fisheries immediately in times of low returns as the Cook Inlet setnetters experienced last summer. It is painful, and the economic losses are enormous, but the long-term health of the Chinook salmon must come first.

Action to reduce mortality of Chinook salmon in the federal arena is a much slower process and it is critical that the NPFMC hear from our State legislatures that federal council action must continue to implement management measures to reduce bycatch of Chinook salmon and improve data with increased observer coverage.

Alaska is respected worldwide for sustainable fisheries and as State representatives I encourage you to support HR 6 and send a message to the NPFMC that bycatch of our iconic Chinook salmon must be reduced in federal fisheries.

[10:55:58 AM](#)

ART NELSON, Director of Policy and Outreach, Bering Sea Fishermen's Association, stated support for HR 6 and reminded the committee NPFMC adopted Bering Sea measures in 2008, but the

regulations were not implemented until 2010. Since then, Chinook salmon stocks in western Alaska have continued to seriously decline. The Board of Fisheries (BOF), ADF&G, sets amounts necessary for subsistence needs of all stocks of salmon that have subsistence use; for the Yukon River, the minimum amount necessary for subsistence has not been met in the last five years. On the Kuskokwim River, the minimum amount has been missed for the last two years by a large percentage. At this point in time, any Chinook bycatch is affecting spawning beds and fish racks, and although bycatch is not the whole problem, BOF is in the process of further action. He restated support for the resolution and stressed the importance for everyone to petition the commissioner, as one of the six voting members from Alaska, to urge her support.

[10:58:45 AM](#)

PETE WEDIN, speaking for himself and the Alaska Marine Conservation Council (AMCC), said much of his fishing business in Homer relies on Chinook salmon. He paraphrased from a prepared statement, which read [original punctuation provided]:

This morning I am representing an organization that I have belonged to since 1995. The Alaska Marine Conservation Council is a family of seafood harvesters from all over Alaska and is dedicated to protecting the long-term health of Alaska's oceans and sustaining the working waterfronts of our coastal communities. Our members include fishermen, subsistence harvesters, marine scientists, small business owners, and families. Our ways of life, livelihoods and local economies depend on productive oceans. We believe that coastal residents have a valuable and unique perspective on the marine ecosystem and have the right to meaningful and influential participation in decisions.

The Gulf of Alaska non-pollock trawl fishery is operating without a cap on Chinook salmon bycatch. The North Pacific Fishery Management Council is working on a motion to address this management deficiency. There is a range of alternatives included in the motion and two of the elements that we think are important are full retention of PSC and a Chinook cap of 5,000 fish. This alternative represents the only choice for a meaningful reduction in Chinook bycatch. When the council placed a cap on the pollock

fishery in the gulf, after a high Chinook bycatch of 54,000 kings in 2010 the cap was set higher than the 10-year average. This is not a meaningful reduction, but at least it prevents the waste of more than 25,000 Chinook. We do not know the proportions, but we do know that they are catching salmon from rivers that flow into the Gulf of Alaska. Some of these rivers include those in your district like the Kenai, Kasilof, Ninilchik, Susitna, Karluk and many others around the Gulf.

As you are aware, there are many rivers that ADF&G has listed as "stocks of concern" both in the Gulf and the Bering Sea. In 2012, both commercial and recreational fishermen faced severe closure due to low Chinook returns. By capping the non-pollock trawl fisheries in the Gulf of Alaska to 5,000 Chinook we are asking the fleet to join us in protecting salmon stocks. We do not believe that this bycatch of Chinook is the answer to all the problems facing this stock but we know that this is something we can and should do. Looking at the charts of catch vs. bycatch from various targeted fisheries and various vessels we find that some are fishing cleaner than others. Given the present race for fish it seems that we will be rewarding those that have the highest bycatch with the most quota.

The discussion has begun in the Council to pursue a Catch Share Program for the Gulf of Alaska Groundfisheries. This is the "tool" that the trawl industry says is essential to bycatch reductions. We must recognize the shortcoming of past programs and commit to doing things differently this time. All impacted community members should have an opportunity to provide meaningful input. AMCC strongly supports HR 6 that includes the principles that will maintain healthy fisheries and robust waterfronts in the Gulf of Alaska, and the Bering Sea coastal communities.

[11:02:42 AM](#)

MYRON P. NANENG Sr., president of the Association of Village Council Presidents (AVCP), informed the committee AVCP represents 56 villages on the Yukon-Kuskokwim Delta. He stated his organization's support for HR 6 and said it needs to go even further. In 2007 the Bering Sea trawl fleet had a bycatch of

127,000, based on industry incentives for avoidance of Chinook salmon. In 2009, the NPFMC, under a motion made by the commissioner of ADF&G, imposed a Chinook bycatch limit of 60,000 for the Bering Sea trawl fleet. Following that motion, ADF&G informed the people on the Yukon River that their harvest would need to be reduced, due to a lack of returning Chinook. Mr. Naneng advised that subsistence fishermen have sacrificed since the 1990s to help rebuild Chinook stocks. Today, both subsistence and commercial fisheries are closed on the Yukon, including chum salmon, to comply with the Canadian treaty obligations and with escapement. Prior to these restrictions and closures, an economic fishery worth over \$10 million existed on the lower Yukon River. The Kuskokwim River villagers have been cited for taking subsistence fish, even though there is a high bycatch rate of 60,000, and it is not fair to villagers who rely on salmon for food. In fact, subsistence-caught salmon helps villagers survive through the winter because of the high prices of food and energy in the Bush. He posed a rhetorical question: Does the committee want to provide opportunities for the operation of trawl fisheries at the expense of the citizens of Alaska who live in the river systems? He urged for the administration to file a lawsuit to reduce the bycatch rate from the current limits. Mr. Naneng equated the limits imposed on the villagers by state government and the North Pacific Fisheries Management Council to that of federal intrusion. He said, "We need to correct that, on behalf of the citizens of Alaska who live in the river systems who are now being criminalized by the system that we thought was going to be protecting us." He suggested that the committee consider adding another resolve in HR 6 to read:

BE IT FURTHER RESOLVED that if the North Pacific Fishery Management Council fails to take any significant action in a timely manner the State of Alaska Department of Law is encouraged to file litigation on behalf of the citizens of Alaska who depend upon this resource as a critical source of food for subsistence and recreation.

MR. NANENG noted that the State of Alaska has filed lawsuits regarding Beluga whale, sea lion, polar bear, and voting rights. "The basic needs of our people, their need for food," he said requires a lawsuit.

[11:09:34 AM](#)

The committee took an at-ease from 11:09 a.m. to 11:10 a.m.

[11:10:23 AM](#)

BECCA ROBBINS GISCLAIR, Policy Director for the Yukon River Drainage Fisheries Association (YRDFA), informed the committee YRDFA is an association of subsistence and commercial fisherman from all along the Yukon River in Alaska. Her association has been attempting to reduce Chinook bycatch in the Bering Sea since the early 1990s. She provided a PowerPoint presentation entitled "Salmon Bycatch in the Bering Sea Groundfish Fisheries," and pointed out that in reaction to spikes in Chinook bycatch numbers such as the one that occurred in 2007, NPFMC took action for the reduction of bycatch [slide 2]. She stated YRDFA is in support of HR 6 because action before another spike occurs is appropriate. From a Yukon River perspective, there is great concern about bycatch from the Bering Sea because genetic identification of stock from the Bering Sea pollock fishery is available; in fact, scale pattern analysis began in the 1990s and improved methods were implemented in 2010. In 2009, 2005-2007 genetic stock composition data was used by NPFMC to set a cap on bycatch in the pollock fishery. At that time about 54 percent of bycatch was from Western Alaska stock; since then, results from 2010 indicate 73 percent was from Western Alaska stock, with 20 percent of that from the Upper Yukon [slide 3]. Ms. Gisclair said this indicates the impacts may even be higher than previously thought.

[11:14:09 AM](#)

REPRESENTATIVE FEIGE inquired as to whether the change was due to increasing numbers in the Middle and Upper Yukon stocks or decreasing numbers in others.

MS. GISCLAIR answered it is not from an increase in any of the Yukon River stocks, as those have been in a downward trend since 2008. She opined that what is caught in the pollock fishery does not necessarily correlate with abundance, and is influenced by the location being fished.

REPRESENTATIVE FEIGE asked if different areas were fished in the two years of study, or whether the sample size for each group could have varied.

MS. GISCLAIR explained that the sample sizes are slightly different and how the samples are taken has varied from opportunistic to the current system which is more representative. The department studied how to improve sampling

methods for more meaningful results. The data from 2011 forward will be from 100 percent observer coverage and thus superior to earlier data. In response to Chair Seaton, she clarified that 2005-2007 and 2010 data are genetic stock identification.

MS. GISCLAIR continued to describe the concerns that exist for the Chinook salmon stock abundance in Western Alaska: there have been disaster declarations for the Yukon River since 2008; there is no directed commercial Chinook fishery; and subsistence is severely restricted. The preliminary numbers for subsistence harvest in 2012 show one-half of the historical harvest, which has a significant impact on resident's lives and the culture of the area. Despite the restrictions imposed, escapement goals and Canadian treaties are not being met and runs are not sustainable [slide 4].

MS. GISCLAIR directed attention to the current management in the Bering Sea, saying that under the current management system, it is possible that 60,000 Chinook could be caught as bycatch annually, which is "more than those runs can bear." Her association recommends a reduction in the current cap by at least one-half to begin protecting the runs. She concluded that the in-river reaction to mortality is keeping food off of tables and to be fair a reduction should be made overall [slide 6].

[11:20:01 AM](#)

STEPHANIE MADSEN, executive director of the At-sea Processors Association (APA), said she was a 40-year resident of Alaska. Her association represents vessels that catch and process pollock in the Bering Sea, but not in other areas of the Gulf of Alaska. She referred to the 2009 final environmental impact statement (EIS) upon which was based NPFMC's decision on how to manage Chinook salmon bycatch, and explained that the NPFMC decision came from five alternatives and many options that were developed by workgroups and lengthy public testimony. She noted that the cap called for in HR 6 was one of the alternatives presented, but it was not the one selected. In the Bering Sea the incentive target for bycatch is an annual total of 47,000 divided between all of the vessels. The 2013 total Chinook allocation for over 500,000 metric tons of pollock is about 13,000. Last year, APA vessels caught 2,933 salmon for 500,000 metric tons of pollock. At the vessel level, that amount is hundreds of salmon per vessel. Ms. Madsen cautioned that the committee does not yet have the information that the NPFMC is currently collecting from surveys that will reveal the cost of the program to the pollock fisherman. Further, the resolution

speaks only to the in-river commercial, subsistence, and recreational fisheries, and does not address its economic hardships on the people involved in the pollock fishery. She pointed out that the vessels will not stop fishing but will have lower recovery, and will have to sacrifice fuel and productivity. She returned attention to the aforementioned EIS saying that the systems, cap levels, and risks have been analyzed; in fact, she reminded the committee that this is a federal fishery regulated by the Magnuson-Stevens Fishery Conservation and Management Act, national standards, the National Environmental Policy Act, and various executive orders. In addition, except for genetic information, there is no new information that NPFMC did not consider in its deliberation. Regarding the spike in Chinook bycatch in 2007, Ms. Madsen explained this was due to closures that forced the vessels to fish in areas where more salmon were located. She acknowledged that the fishery is very complex, and it may not seem fair to Yukon River residents; however, the reality is that ADF&G gap analysis indicates there are other forces and unknown data. The fleet is an easy, out-of-state target, but it provides employment benefits to the state. She emphasized that a cap is not as effective as an incentive program because the state's incentive program requires the fleet to reduce its bycatch at all levels of abundance of salmon and pollock. Ms. Madsen assured the committee that the trawl fleet takes this problem seriously and deserves recognition for its efforts, and suggested that the resolution should address the need for support for the industry so it can implement further change. She concluded that the industry will continue to work to reduce salmon bycatch, to support the food bank program, and to support research.

[11:28:09 AM](#)

REPRESENTATIVE FEIGE asked what happens to the bycatch that comes aboard.

MS. MADSEN said all fish are retained until counted by an observer. Qualified fish go to the SeaShare food bank program in the Seattle area. She mentioned that Community Development Quota (CDQ) programs are interested in funding SeaShare and bringing the fish to Alaska communities.

REPRESENTATIVE FEIGE surmised the bycatch fish are bound for the Kuskokwim and Yukon Rivers, and encouraged the fleet to get the fish to those in Alaska who face restrictions on fishing.

MS. MADSEN advised that some villages, but not all, have expressed interest in receiving fish.

CHAIR SEATON recognized the industry is working hard; however the committee must respond to new genetic sampling analysis in state fisheries throughout the state.

MS. MADSEN urged the committee to insert whereas statements to acknowledge the efforts of - and the needs of - the trawl fleet. She opined the resolution implies the committee "know[s] more than the council did when it took action ... and to me that is not reflective of the conversations that I hear around the table here in this room."

REPRESENTATIVE GATTIS asked why some villages do not want fish products provided to them.

MS. MADSEN explained that Chinook is iconic and salmon fishing and fish camps are a cultural aspect of the family and lifestyle of the villages, thus villagers want the opportunity to catch fish as they always have.

CHAIR SEATON compared receiving fish through a program to receiving food stamps.

[11:35:40 AM](#)

CHAIR SEATON, after ascertaining that no one else wished to testify, closed public testimony on HR 6.

REPRESENTATIVE HERRON directed attention to page 2, line 13, of the resolution and asked for the definition of "controllable."

CHAIR SEATON responded the term recognizes that efforts of the industry and fishermen - such as salmon excluders - can limit salmon bycatch somewhat.

[11:37:25 AM](#)

The committee took an at-ease from 11:37 a.m. to 11:38 a.m.

[11:38:36 AM](#)

REPRESENTATIVE HERRON moved Conceptual Amendment 1 to page 2, line 15, which read:

Whereas, there exist salmon excluders, nets that maximize salmon exclusion, with new designs and concepts coming out regularly to reduce Chinook and chum salmon bycatch;

CHAIR SEATON objected for the purpose of discussion.

CHAIR SEATON removed his objection, and with no further objection Conceptual Amendment 1 was adopted.

[11:40:33 AM](#)

REPRESENTATIVE HERRON moved Conceptual Amendment 2 to page 3, line 7, which read:

Be it further resolved to expand the SeaShare program to deliver more or all of the edible bycatch to Alaskans and not out of state.

CHAIR SEATON objected for the purpose of discussion.

REPRESENTATIVE HERRON expressed the intent to expand the food bank program as broadly as possible.

REPRESENTATIVE FEIGE said it is desirable to have the SeaShare program retain the salmon for in-state use. He suggested that if the bycatch is returned to Alaskans it may be excluded from the vessels' quota.

CHAIR SEATON cautioned that exclusion may increase the amount of allowable bycatch in the fishery and thereby decrease the amount of fish for inshore fisheries. Also, communities may object.

REPRESENTATIVE HERRON disagreed with Representative Feige's suggestion.

CHAIR SEATON withdrew his objection, and with no further objection Conceptual Amendment 2 was adopted.

[11:44:04 AM](#)

REPRESENTATIVE JOHNSON surmised that if vessels were required to freeze and bring to shore everything that was caught, as is required in parts of Europe, it would create an economic burden and be an incentive to reduce bycatch. He suggested that this incentive would be more effective than a bycatch limit. This would also present an opportunity for more sampling, and would

avoid wasting a resource. He stated that he did not support the resolution as written.

CHAIR SEATON explained that different processing procedures and the size of a vessel effects whether retention is a disincentive or not. Since requests have been made for additional "Whereas" statements, he suggested holding HR 6 for the consideration of amendments or additions.

REPRESENTATIVE OLSON expressed his interest in working on additional language.

[11:51:46 AM](#)

CHAIR SEATON announced that HR 6 would be held and public testimony would not be reopened.

[11:52:21 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 11:52 a.m.