

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

March 18, 2014

10:04 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Eric Feige
Representative Lynn Gattis
Representative Bob Herron
Representative Kurt Olson

MEMBERS ABSENT

Representative Craig Johnson
Representative Jonathan Kreiss-Tomkins

OTHER MEMBERS PRESENT

Representative Shelley Hughes

COMMITTEE CALENDAR

HOUSE BILL NO. 18

"An Act providing priority to personal use fisheries when fishing restrictions are implemented to achieve a management goal."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 18

SHORT TITLE: PERSONAL USE FISHING PRIORITY

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

01/16/13	(H)	PREFILE RELEASED 1/7/13
01/16/13	(H)	READ THE FIRST TIME - REFERRALS
01/16/13	(H)	FSH, RES
03/26/13	(H)	FSH AT 10:00 AM CAPITOL 120
03/26/13	(H)	Heard & Held
03/26/13	(H)	MINUTE(FSH)
03/18/14	(H)	FSH AT 10:00 AM CAPITOL 120

WITNESS REGISTER

REPRESENTATIVE BILL STOLTZE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 18 as sponsor.

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

POSITION STATEMENT: Testified during discussion of HB 18.

ACTION NARRATIVE

[10:04:32 AM](#)

CHAIR PAUL SEATON called the House Special Committee on Fisheries meeting to order at 10:04 a.m. Representatives Seaton, Feige, Olson, and Gattis were present at the call to order. Representative Herron arrived as the meeting was in progress. Representative Hughes was also present.

HB 18-PERSONAL USE FISHING PRIORITY

[10:05:00 AM](#)

CHAIR SEATON announced that the only order of business would be HOUSE BILL NO. 18, "An Act providing priority to personal use fisheries when fishing restrictions are implemented to achieve a management goal."

[10:05:30 AM](#)

REPRESENTATIVE BILL STOLTZE, Alaska State Legislature, introduced HB 18, as a joint prime sponsor, explaining that the proposed bill benefited Alaskans and had many of the same attributes as subsistence programs, as it prioritizes personal use fisheries for Alaska residents. He said that this program had been "wildly embraced throughout Southcentral and Interior Alaska." He relayed that this was his seventh or eighth attempt to get this bill through the "impenetrable" House Special Committee on Fisheries and its different chairmen. He offered his belief that it was consistent with the Alaska State Constitution and directed attention to the tens of thousands of Alaska households that participated in personal use fisheries and the importance of this "to the fabric of our state." He reported that personal use fisheries was often mentioned to the Food Policy Council, of which he was a member, as it was an

important part of Alaska food security. He said that Alaskans often questioned closure or restriction on local fisheries when commercial interests were allowed to continue to operate. He directed attention to the recent spate of e-mails in support of the proposed bill from "folks all over the state," including communities which he did not represent. He reiterated the continued difficulty for getting similar bills through "the impenetrable walls" of the House Special Committee on Fisheries. He declared his support for commercial fishing legislation, noting that he had been a member of the Alaska Seafood Marketing Institute board for eight years. He said that many Alaskans questioned why there was not a higher priority for Alaska resident fisheries. He declared that he would continue to push this proposed legislation, as "I think I'm on the right side representing Alaskans who participate in our commonly owned resources." He offered his belief that the momentum and support was on his side of the issue.

[10:11:17 AM](#)

REPRESENTATIVE GATTIS indicated her interest to become a co-sponsor of the proposed bill. She said that "all Alaskans depend on this type of fishery to fill our freezers." She opined that this proposed bill had little to do with the commercial fisheries, with the exception that commercial fishermen were "fillin' their freezers." She declared that this was an Alaskan issue and she voiced her support for HB 18. She allowed that she did not question the proposed bill.

CHAIR SEATON asked whether personal use fisheries currently exist in the Matanuska-Susitna area, and whether there was support for the establishment of personal use dip net fisheries in the Susitna drainage.

REPRESENTATIVE STOLTZE said that a number of personal use fisheries did exist in the Matanuska-Susitna, with the most popular being Fish Creek, although it had only been opened "a couple of times over the last dozen to 15 years because of escapement issues." He said that an allocation decision had been made elsewhere and fish were not there. He allowed that ADF&G had appropriately been very cautious to ensure meeting conservation goals. He suggested that the sport fish division was de-facto managed by the commercial fisheries manager in Soldotna "which has a shared wall with the Cook Inlet drifters."

CHAIR SEATON, restating his question, asked about the intention for a dip net fishery to include the Susitna drainage area, as this had a very large silver [coho] salmon run.

REPRESENTATIVE STOLTZE replied that the personal use fishery had been for sockeye, as coho were considered a sport fish. He reported on the recent Susitna fishery sport fish activities, noting that there had not been a king [Chinook] salmon run. He did not fish for sockeye in the Susitna drainages. He said that all the salmon runs had been limited with date and bait restrictions. He said the Susitna drainage was not suited for a personal use fishery. He stated that his bill is a broad approach for setting the priority for Alaska residents, right behind subsistence use.

REPRESENTATIVE GATTIS commented on the dip net fishing activity that she had observed in the area, and stated that it was "a family operation where people are goin' out to fill their freezers." It is necessary to help people have this opportunity, and she opined that this was the objective of the proposed bill.

REPRESENTATIVE STOLTZE characterized the dip netting as a scene from "The Grapes of Wrath." He declared that he would rather Alaska residents have wild Alaska salmon available as protein instead of using food stamps.

CHAIR SEATON pointed to the Kenai River personal use dip net fishery and asked for clarification that under proposed HB 18, sport fishing for king salmon would be subservient to personal use dip netters.

REPRESENTATIVE STOLTZE replied that this would be a management decision handled by ADF&G. He offered his belief that the Board of Fish managed king salmon as a sport fish.

CHAIR SEATON, paraphrasing from the proposed bill, stated that restrictions would be placed on all other fisheries before restrictions were placed on the personal use fisheries.

REPRESENTATIVE STOLTZE said that he could not recall a season in recent years in which restrictions had not been placed on both the fisheries.

[10:21:01 AM](#)

REPRESENTATIVE FEIGE cited AS 16.05.251(a), which read as follows:

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

REPRESENTATIVE FEIGE continued at paragraph (12), which read as follows:

(12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

REPRESENTATIVE FEIGE surmised that HB 18 dictated a priority to the Board of Fish for putting personal use fisheries higher than others, and he asked for a compelling reason to remove an allocation decision that was made by the Board of Fish.

REPRESENTATIVE STOLTZE replied that the system was broken and that the larger reason was his constituent concerns.

CHAIR SEATON asked for an example of restrictions on the personal use fishery that the constituents were concerned about. He said that the Kenai and Kasilof areas had personal use opportunities.

REPRESENTATIVE STOLTZE responded that it was the allocation and prioritization decisions made by the Board of Fish, as the percentages were slanted away from personal use prioritization. He declared that there was not even a discussion about the personal use fishery when the allocation decisions were made without any review of personal use as a priority. He said that a reallocation was necessary to stem the concern of residents who have had negative interactions during the height of the season and were angered over sharing the resource. He noted that Alaska residents were getting the short shrift, acknowledging that large percentages of the commercial fisheries were also Alaska residents. He stated that tens of thousands of Alaska households participated in the Alaska resident only personal use fisheries. He added that, during the previous hearing for the proposed bill, regulatory information had been promised, which his office had not received, and he added "I hope it wasn't blown off."

CHAIR SEATON asked about the regulatory framework of personal use fisheries, where and how they were established, and methods

and means. He requested that the information also be provided in writing.

10:27:55 AM

CHARLES SWANTON, Director, Division of Sport Fish, Alaska Department of Fish & Game, expressed his agreement with the sponsor's description of the household participation for the Cook Inlet personal use fisheries, which included the Kenai, Kasilof, and Fish Creek. He said that a substantial number of Alaskan households participate in these fisheries, primarily for sockeye salmon. He noted the questions regarding king salmon, and said that there had been restrictions for personal use in the Kenai for the past two years, as retention had not been allowed. He referenced the department's guidance specific to species, and directed attention to the preamble language of the fisheries management plans, which dictated that king and coho salmon were to be primarily managed for sport fishing, whereas sockeye salmon were supposed to be managed for commercial use. He said that dip nets were the primary means, although there was a personal use gill net fishery for the Kasilof. He expressed agreement with Representative Stoltze that ADF&G was first and foremost concerned with meeting the escapement objectives. He said that the Fish Creek fishery was going through a period of enhancement, which had somewhat confounded the management.

CHAIR SEATON asked about the requirement in HB 18 for the Board of Fisheries to place restrictions on all other fisheries before restricting the personal use fishery. He asked if that would require a change in the direction for retention in the personal use fishery for king salmon in the Kenai and whether this would allow an opening in the sport fishery if retention in the personal use fishery was restricted.

MR. SWANTON replied that it would be a decision by the Board of Fish based on its management plan.

[HB 18 was held over.]

10:32:08 AM

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:32 a.m.