

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

April 1, 2015

3:30 p.m.

MEMBERS PRESENT

Senator Cathy Giessel, Chair
Senator Mia Costello, Vice Chair
Senator John Coghill
Senator Peter Micciche
Senator Bert Stedman
Senator Bill Stoltze
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 68

"An Act relating to resident big game tags; relating to the authority of the Board of Game and of advisory committees of the Board of Fisheries and the Board of Game to effect emergency closures during established seasons; relating to antlerless moose seasons; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 42

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 68

SHORT TITLE: ANTLERLESS MOOSE SEASONS; CLOSURES

SPONSOR(S): SENATOR(S) GIESSEL

03/06/15	(S)	READ THE FIRST TIME - REFERRALS
03/06/15	(S)	RES

03/25/15 (S) RES AT 3:30 PM BUTROVICH 205
03/25/15 (S) Scheduled but Not Heard
04/01/15 (S) RES AT 3:30 PM BUTROVICH 205

BILL: SB 42

SHORT TITLE: PERSONAL USE FISHING PRIORITY

SPONSOR(S): SENATOR(S) STOLTZE

02/04/15 (S) READ THE FIRST TIME - REFERRALS
02/04/15 (S) STA, RES
03/10/15 (S) STA AT 8:30 AM BUTROVICH 205
03/10/15 (S) Heard & Held
03/10/15 (S) MINUTE(STA)
03/17/15 (S) STA AT 9:00 AM BUTROVICH 205
03/17/15 (S) Moved SB 42 Out of Committee
03/17/15 (S) MINUTE(STA)
03/18/15 (S) STA RPT 4DP
03/18/15 (S) DP: STOLTZE, COGHILL, HUGGINS,
WIELECHOWSKI
04/01/15 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

VIVIAN STIVER, staff to Senator Giessel
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Commented on SB 68 for the sponsor.

MIKE TINKER
Alaska Wildlife Conservation Association
Ester, Alaska

POSITION STATEMENT: Commented on SB 68.

AL BARRETTE, representing himself
Fairbanks, Alaska

POSITION STATEMENT: Commented on SB 68.

DOUG VINCENT LANG, representing himself
Anchorage, Alaska

POSITION STATEMENT: Supported SB 68.

STEVE VANEK, representing himself
Ninilchik, Alaska

POSITION STATEMENT: Supported SB 68.

SENATOR BILL STOLTZE
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 42.

STEVE VANEK, representing himself

Ninilchik, Alaska

POSITION STATEMENT: Opposed SB 42.

DAVID HILLSTRAND, representing himself

Homer, Alaska

POSITION STATEMENT: Opposed SB 42.

CLAY BEZENEK, representing himself

Ketchikan, Alaska

POSITION STATEMENT: Opposed SB 42.

ALEXIS COOPER, Cordova District Fishermen United (CDFU)

Cordova, Alaska

POSITION STATEMENT: Opposed SB 42.

GRANT KLOTZ, representing himself

Anchorage, Alaska

POSITION STATEMENT: Supported SB 42.

BRIAN MERRITT, representing himself

Wrangell, Alaska

POSITION STATEMENT: Opposed SB 42.

BOB LINVILLE, representing himself

Seward, Alaska

POSITION STATEMENT: Opposed SB 42.

CHUCK DERRICK, President

Chitina Dipnetters Association

Fairbanks, Alaska

POSITION STATEMENT: Supported SB 42.

RICHARD DAVIS, Seafood Producer's Cooperative (SPC)

Juneau, Alaska

POSITION STATEMENT: Opposed SB 42.

JOHN MCCOMBS, representing himself

Ninilchik, Alaska

POSITION STATEMENT: Opposed SB 42.

GARLAND BLANCHARD, representing himself

Homer, Alaska

POSITION STATEMENT: Opposed SB 42.

MARTIN WEISER, Chief Development Officer
Copper River Seafoods
Anchorage, Alaska

POSITION STATEMENT: Opposed SB 42.

MALCOLM VANCE, representing himself
McCarthy, Alaska

POSITION STATEMENT: Opposed SB 42.

GARY STEVENS
Alaska Outdoor Council (AOC)
Chugiak, Alaska

POSITION STATEMENT: Strongly supported SB 42.

AL BARRETTE, representing himself
Fairbanks, Alaska

POSITION STATEMENT: Supported SB 42.

JULIANNE CURRY, Executive Director
United Fishermen of Alaska (UFA)
Juneau, Alaska

POSITION STATEMENT: Opposed SB 42.

BRENT JOHNSON, representing himself
Clam Gulch, Alaska

POSITION STATEMENT: Opposed SB 42.

WES HUMBYRD, representing himself
Homer, Alaska

POSITION STATEMENT: Opposed SB 42.

RICHARD BISHOP, representing himself
Fairbanks, Alaska

POSITION STATEMENT: Supported SB 42.

MIKE MICKELSON, representing himself
Cordova, Alaska

POSITION STATEMENT: Opposed SB 42.

ARNI THOMSON, Executive Director
Alaska Salmon Alliance
Kenai Peninsula and Anchorage Seafood Processors
Anchorage, Alaska

POSITION STATEMENT: Opposed SB 42.

JERRY MCCUNE, representing himself

Juneau, Alaska

POSITION STATEMENT: Opposed SB 42.

ACTION NARRATIVE

[3:30:16 PM](#)

CHAIR CATHY GIESSEL called the Senate Resources Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Stedman, Costello, Stoltze and Chair Giessel.

SB 68-ANTLERLESS MOOSE SEASONS; CLOSURES

[3:30:52 PM](#)

CHAIR GIESSEL announced the consideration of SB 68 saying she intends that this is a conversation-starter on creating a working document.

VIVIAN STIVER, staff to Senator Giessel, Alaska State Legislature, Juneau, Alaska, explained that SB 68 came about to start a statewide conversation on the responsibilities of the Alaska Department of Fish and Game (ADF&G), the Board of Game and the local advisory councils (AC) for antlerless moose hunts. A meeting was held in Fairbanks in December 2013 regarding cow hunts, because it had become very controversial in that area. She explained that antlerless hunts are for cows, yearlings and bulls that don't have antlers, and there have been ongoing concerns about the use of antlerless hunts, the philosophy and the science behind this management tool. Antlerless hunts benefit Alaskans by enhancing public safety and they also allow Alaskans to put moose meat on their tables.

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SENATOR COGHILL joined the committee.

[3:33:30 PM](#)

SENATOR WIELECHOWSKI joined the committee.

MS. STIVER explained that currently when one applies for an antlerless moose hunt, the hunt can be cancelled after applications have been taken and fees received. This bill prohibits the closure of an antlerless moose hunt by a local advisory council (AC) once the applications and fees have been accepted, but it would still allow for the commissioner or his designee to close that hunt for an emergency. She said it is only a \$5 fee to apply for this drawing, but people still are disenfranchised when a hunt is closed. So, the bill addresses

that while still allowing for the very important ability to close it for an emergency.

SB 68 also removes the yearly requirement by local advisory committees and the Board of Game for proof of the antlerless moose hunts and the approval of yearly elimination of the resident brown bear tag fee. These approvals were changed to from annually to every three years at a Board of Game meeting. SB 68 retains the right of local advisory committees to approve these hunts but limits this approval to regularly scheduled board meetings occurring every three years.

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SENATOR STEDMAN asked if language on page 3, lines 4-5, means the season or area may not be closed until the next regular scheduled Board of Game meeting.

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MS. STIVER answered that it means that once the area has been opened and the applications have been sold for it, it cannot be closed by the AC until the regular season of the following year. She checked with the department to see if that biology is prudent and found that leaving an area open for one year should not have a big negative impact on an intensive management tool.

CHAIR GIESSEL asked her to elaborate more on the timing.

MS. STIVER answered that ACs will approve a hunt after the first of the year, but a person can apply for these hunts from November to December 15. But then the hunt can be cancelled. SB 68 says once the opportunity has been sold, an AC may close the hunt but not until the following year. That means the following November/December applications will not be collected and the hunt will not occur in that unit or subunit.

SENATOR COGHILL asked if a regularly scheduled meeting for that region would be within the next year.

MS. STIVER replied that the bill proposes having these meetings with the Board of Game cycle at three-year intervals. So, they would approve hunts on a three-year basis.

SENATOR WIELECHOWSKI asked for examples of times when an AC had closed an antlerless moose hunt and the reasons for it.

MS. STIVER said she couldn't give him an example, but folks on-line could answer that question.

SENATOR STEDMAN asked what problem SB 68 is trying to fix.

MS. STIVER answered that the first part of the sponsor statement talks about philosophy, especially about killing cows, but it is one of the options under intensive management to keep the biology at the best it can be.

[3:38:33 PM](#)

MIKE TINKER, Alaska Wildlife Conservation Association, Ester, Alaska, said the Interior had been involved in these issues for a long time, and provided a brief history of changes to AS 16.05.780, the one title that prohibits taking of antlerless moose. He said antlerless moose are only hunted by residents, only hunted for meat, are used in most of Alaska's youth hunts and are subject to either registration or drawing permits.

MR. TINKER explained said if the Board of Game changed to authorizing antlerless moose hunts in cycle (every three years) rather than annually, both time and energy would be saved. Changing "chairmen" of the advisory committees to "chair" in AS 05.260 is not a problem, but additional language that was added during drafting can change the intent of making things easier for the board. New subsection (c) about fees is a totally separate issue. If the legislature wants to take up the issue of what happens to permits and/or permit fees when hunts are cancelled, the field is much larger than for just antlerless moose hunts. Such language should be considered elsewhere so that it would encompass all permit hunts.

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MR. TINKER said the sponsor statement indicates that there are always concerns around antlerless hunts not being good for overall health of moose populations as evidenced by 1970 trials on antlerless hunts. Those examples begot AS 16.05.780 in the first place, and they made the local ACs key in the process of antlerless moose hunting.

As Senator Giessel pointed out, he said there are multiple benefits to Alaskan resident hunters when antlerless moose hunts are planned and carried out successfully. Most important to the big picture of healthy moose populations is use of this tool to help balance the composition of the moose herd and bring the total population for a unit or subunit down to the objective population. Those population objectives are set by the board.

Antlerless moose hunts can be for a small number of moose like nuisance moose or a large number because habitat can't provide sufficient nutrition (an example that started the larger hunts in Unit 20(a) in the Fairbanks area). The population objectives set in regulation take all those things into consideration.

After a decade or more of careful management, Mr. Tinker said, antlerless moose hunts are still not popular in some areas, and the ACs work through some very contentious meetings to make the recommendations and decisions that are needed.

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As an AC member, Mr. Tinker reviewed how the authorizing process works. The department, through its regional staff, makes an annual population and composition (number and percentage of various sects and age classes) estimate. In intensive management units, the biologists determine that the population is within the objective range. They bring that information to the affected ACs for discussion. If the analysis shows that the population is above the objective and that the annual recruitment (number of calves added to the population) is affecting the trend upward, the department may recommend hunting some antlerless moose. He explained that not all antlerless moose are females; late fall and winter hunts include bulls that have shed their antlers under the definition of "legally antlerless."

MR. TINKER said that commonly the department and ACs agree on where and how many antlerless permits can be given. There is often a huge amount of public participation in this decision. The ACs then vote to approve the antlerless component of next years' hunt in some form, and if they vote to approve, the ACs and the department bring the proposal the hunt to the board for final approval. This procedure keeps local hunters in the loop. This annual review between the department and ACs will somewhat continue no matter what is done to AS 16.05.780, and that is because the same information is needed to inform the public on what to expect in the next season. Even in uncomplicated hunting situations, the public wants to know about the potential for season changes, number of all kinds of moose permits, and other changes to the annual hunt.

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ACs should never be taken out of the delegation to be able to make emergency closures, Mr. Tinker stated. Draft language in AS 68.05.260 to exempt that authority is ill advised in his opinion and totally unnecessary. The public needs to be kept as closely involved in these decisions as possible.

MR. TINKER also said that the zero fiscal note from the administration for SB 68 wasn't considered in enough detail. He used the February 13-20 Wasilla Board of Game meeting as an example of taking up these out of cycle antlerless reauthorizations. The meeting was for Central and Southwest Regions that has two reauthorizations; then there were five from other regions not on the agenda. Those five required staff support, travel, per diem, and at least a full day of the board's time. (Board members are paid a stipend equal to a Range 20 state pay grade.) The ACs stayed longer than usual or came extra to support the decisions. At just that one meeting, maybe more than \$15,000 was spent. That money could have been used for AC communications or even an extra meeting, as some ACs only get to meet once a year to go over hundreds of proposals.

MR. TINKER advocated for changing only the board's requirement to take up the reauthorizations annually and leave the department and AC functions alone.

He said last minute closures after the application process are always based on biological considerations. The most common one is that the moose census information is not available until after the application period. Therefore, recommendations are made to the board with the idea that the department will fill in some number of permits when that information is needed. The legislature should keep in mind accommodations for that late information, seasonal weather affects and other issues - easy access because of early freeze up, for example - and not limit the ACs on when they can discuss the emergency concepts with the department. The Board of Game doesn't need to get involved in the emergency process, but it would be nice to keep the public and department in the various regions talking about it.

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SENATOR COGHILL asked if the department uses credible population count methodology for counting moose.

MR. TINKER answered that the department uses several methods to estimate the population of moose. The Interior commonly uses areas that are divided into "UCU" units, which may only have 10 square miles in them, but other areas are much larger. A certain percentage of the area is counted every year and is analyzed based on consideration of how many units would be similar to those counted. That data is compiled into a population estimate and the probability of that estimate is very similar to the calculus of how many units are counted. For example, if there

are 200 units and 30 get counted, that is a lower probability estimate. If 110 units get counted, that is a high probability estimate, and the population objective given to the ACs as a range will always reflect that.

He explained that other methods are not as accurate as the area by area counting and the probability range is bigger. So, instead of having a range of 2,000 moose, there might be 5,000. That can be a big consideration in composition counting of bulls, cows and yearlings, because the numbers aren't exact. In contrast, the department uses a "hotspot" counting method (GMU 13) where it counts the same few areas every year. As long as the moose don't move around a lot, that is probably good enough, but if the moose population starts expanding out or contracting in, the probability range would be down.

SENATOR COGHILL commented that he learned that an early freeze impacts access to certain populations so that count can be dropped significantly.

[3:52:53 PM](#)

AL BARRETTE, representing himself, Fairbanks, Alaska, said the original problem was going from an annual reauthorization to a three-year cycle (every region meets every three years). So, instead of having to go through 18 reauthorizations of antlerless moose annually, it would be more feasible to do it on a regional basis on their scheduled three-year cycles.

He liked the bill, but the question was raised about conflicting language on page 3, lines 2-5, that says an area may not be closed until a regular scheduled meeting. What if something happens with the population before the next meeting? The commissioner can already close it by emergency order (EO). So, there would be competing statutes.

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Also, language in sections 7-12 on page 3 appears to be taking away the AC's jurisdiction to use EO authority. Language on page 2, line 6, should say the commissioner "may" delegate authority to ACs for emergency closures instead of "shall." That would match current Advisory Committee emergency closure regulation in 5 AAC 97.110. He added that no EOs have been initiated by ACs to date.

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MR. BARRETTE said he didn't disagree with the tag fees in the bill, but felt a clarification was needed. For example, this

year there were stranded musk ox on free floating ice on Nunivak Island, and language on page 2, line 18, is written to say that a musk ox floating on ice tag costs \$500. However, the Board of Game currently may, by regulation, reduce or eliminate the resident big game tag fee for musk ox for all or a portion of a game management unit. In his example of Nunivak Island one hunt can be registered for and the fee has been reduced to \$25, but then a drawing hunting costs the winners \$500. His point is that Nunivak Island is a portion of Unit 18, yet there are two different regimes for tag fees, and the statute doesn't seem to justify the board being able to do that.

3:58:39 PM

DOUG VINCENT LANG, representing himself, Anchorage, Alaska, supported SB 68. He said he was a former director of the Division of Wildlife Conservation within the ADF&G, but today he is testifying as a private citizen. He recognized that antlerless moose hunts have been controversial for many years. The controversies center on whether hunters should be allowed to harvest cow moose. Some believe philosophically that doing that is wrong, while others believe it is biologically flawed, because it removes the breeding stock. But many other hunters believe that these hunts provide important hunting opportunities for the surplus moose to be had.

Biologists believe the tool is necessary to ensure that moose populations are properly managed for sustained yield and without it preventing populations from exceeding their carrying capacity is very difficult. If the carrying capacity is exceeded the entire moose population can crash. In those cases, the very moose you are trying to protect by not allowing cow moose hunts are being sacrificed due to starvation.

MR. LANG said it may also be necessary to manage moose for public safety or social concerns in many urban areas such as Anchorage, and wildlife managers do allow female harvest in many hunts across the state. To address public concerns regarding these hunts, the Alaska legislature passed a law that allowed local ACs to effectively veto them annually. While this sounds good on the surface, it has created problems. Local ACs have closed antlerless hunts after they have been approved by the BOG and scheduled by the ADF&G. This has resulted in these hunts being noticed in the annual drawing hunt pamphlet and hunters putting in for them. If they are fortunate enough to be drawn, they are often kicked out of other hunts because of the permit limits. If these hunts are later canceled, the hunters cannot be compensated for their loss as it is impossible for the

department to redraw. This is unfair to the hunters who are often unaware that the approved hunts can be canceled up to weeks before the hunts occur or the impact a canceled hunt can have on their other moose hunt opportunities.

He said this bill aims to find a better compromise between assuring local ACs have a voice in these hunts while minimizing the impact to hunters. It allows a majority of local ACs to veto these hunts at regularly scheduled board meetings for the area, but prevents them from deleting them in other years. This preserves their input, but lessens the impact vetoes can have on unsuspecting hunters putting in for drawing permits. This occurred this past year when a majority of local ACs failed to provide the proposed antlerless moose hunts in Kincaid Park in Anchorage. This veto resulted in the board not being able to consider this proposal. However, if they had approved the proposals, the ACs would have been prohibited under this legislation from vetoing those hunts over the next three years until the next regularly scheduled board meeting.

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Finally, he mentioned a graph that shows how one cow moose can produce hundreds of moose, and while this is theoretically possible, it's not realistic. These moose can only reproduce when conditions are ideal including habitat. If moose exceed their carrying capacity, the population can crash, killing the very cows they try to save, through starvation. He supports putting these moose in peoples' freezers rather than having them die through starvation.

[4:03:28 PM](#)

CHAIR GIESSEL thanked him for speaking to the committee and opened public testimony.

STEVE VANEK, representing himself, Ninilchik, Alaska, said he had been a secretary of the Central Peninsula Advisory Committee in Ninilchik for 40 years. He supported SB 68, except he thought the ACs should be involved annually to be able to close a cow season and closures can only pertain to the next season. If people already have their permits, they should be allowed to hunt, he said.

[4:04:47 PM](#)

SENATOR MICCICHE joined the committee.

CHAIR GIESSEL, finding no further comments, left public testimony open and held SB 68 in committee.

SB 42-PERSONAL USE FISHING PRIORITY

[4:05:36 PM](#)

CHAIR GIESSEL announced consideration of SB 42.

SENATOR BILL STOLTZE, sponsor of SB 42, Alaska State Legislature, Juneau, Alaska, said this measure has been called the Alaskans First Fisheries Act and it has been muted by the legislative process since 1999. He explained that there are two fisheries within Alaska that are for Alaska resident only: subsistence and personal use (PU). It is surprising how many people say personal use fisheries are an important part of Alaskans' food security, but SB 42 simply says in times of shortage, the Board of Fisheries can set a priority for average citizens that is reflected in the Alaska Constitution.

He is excited that the ADF&G commissioner has a neutral position on SB 42, because if it was a bad bill, he would oppose it. Senator Stoltze said this only affects a small percentage of fish that are commonly owned by all Alaskans. It would not trump Pacific salmon treaties or Canadian agreements, and the board itself is trumped by other higher authorities within the department and international treaties all the way up to the federal government.

SENATOR STOLTZE said this is not just about salmon; there are about 80 PU fisheries in the state, but the bulk of the contention has been in the Kasilof and Kenai Rivers. Some argue that people can buy their salmon at the store, but catching one's own salmon what an Alaskan values.

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United Fishermen of Alaska (UFA) mentioned excessive use by some Alaskan families and it has been suggested to limit them to 10 per year, but that is not enough to share with family and friends, which is another Alaskan value.

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CHAIR GIESSEL noted the many emails the committee had received on this issue and opened public testimony.

[4:14:36 PM](#)

STEVE VANEK, representing himself, Ninilchik, Alaska, opposed SB 42. It is an innocent idea with unintended bad consequences. Like the book and movie called "Bridge Over the River Kwai," this is a situation in which a short term goal disguises a much

larger long term evil. This bill has many long term consequences that affect ADF&G management, many that affect the board of Fisheries process and private businesses.

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DAVID HILLSTRAND, representing himself, Homer, Alaska, opposed SB 42. He is a commercial fisherman in Upper Cook Inlet and is against personal use fisheries over commercial fishing. He supports personal use in rural areas that are defined by the federal government as subsistence areas. He explained that because of Alaska's continued population growth, especially since 1972 and Limited Entry, an allocation issue has arisen. Some people have applied the constitution's "common use" concept to all 700,000 residents receiving six fish a piece from the Kenai River. But in his view, limited entry is the way for the public to participate in common use; just like the oil, timber and mining industries have a chance to lease land. Once limited entry was created, participation was limited to a certain number of people and the way the public can participate in harvesting fish is by purchasing a limited entry permit. Courts have ruled against compensating fishermen for the limited entry process.

[4:19:31 PM](#)

CLAY BEZENEK, representing himself, Ketchikan, Alaska, opposed SB 42. He is a coastal guy who survives on salmon and doesn't have the benefit of any other income in his community. If they are going to reallocate the resource, it should be reallocated in a way that benefits someone whose life isn't on the line because of it. "It's a cavalier regard for coastal economies."

[4:23:17 PM](#)

ALEXIS COOPER, Cordova District Fishermen United (CDFU), Cordova, Alaska, opposed SB 42. Cordova is a small coastal community whose economy depends almost entirely on the commercial salmon industry. She said SB 42 doesn't represent all Alaskans or promote a sense of responsibility amongst all Alaskans to insure the sustainability of the salmon resource.

She said Alaska has set the gold standard for sustainable fisheries by establishing a system where management decisions are based on the highest standards of scientific integrity, and that commitment maximizes opportunities that has afforded all Alaskans relatively unfettered access to the state's rich salmon resources and provides residents a multitude of options from which to choose to harvest or access salmon for their households. The subsistence, personal use, sport and commercial

opportunities, are all vitally important in providing Alaska and its resident economic opportunity and food security.

MS. COOPER said that SB 42 would establish a further priority in an already complex system of allocation and management for salmon, which already includes a resident only priority, and rather than uniting all Alaskans to ensure the sustainability of the salmon resource, SB 42 perpetuates a vision amongst residents at times of diminished run strengths when conservation most needs to be a collaborative effort.

[4:25:19 PM](#)

GRANT KLOTZ, representing himself, Anchorage, Alaska, supported SB 42. As the population in Alaska grows, so does the demand on the Kenai fishery, he said, and this bill ensures that Alaska residents will have access to their fair share of this commonly owned fishery. Unfortunately, this pits commercial fishermen against personal use fishermen, but not having enough fish return to the rivers has been a long standing issue.

[4:27:09 PM](#)

BRIAN MERRITT, representing himself, Wrangell, Alaska, opposed SB 42. This bill could tie the BOF's hands. He found some interesting information about the Copper River situation in 2013. In that 2013, 135,000 sockeye were caught by personal use fishermen, and most of them came out of urban areas like Fairbanks, Anchorage, Eielson Air Force Base, Delta Junction, and Eagle River. The personal use fishery enables rural residents to get the food they need for the winter, and they depend on ADF&G to control this resource through the Board of Fisheries process.

[4:29:02 PM](#)

BOB LINVILLE, representing himself, Seward, Alaska, opposed SB 42. He had commercial and personal-use fished for several decades on the Kenai and Kasilof Rivers. He said the board had evolved over the years to include all personal use and sport fishing representation and asked if the legislature thought it could do that balanced analysis. He concluded saying that all users need to share in resource conservation.

[4:31:26 PM](#)

CHUCK DERRICK, President, Chitina Dipnetters Association, Fairbanks, Alaska, supported SB 42. The association feels the best use of Alaska's food resources is to feed Alaskan families. He explained that prior to creation of the criteria that identified customary and traditional uses, the Chitina

dipnetters were always managed as a subsistence fishery, but a clause about "local" turned the Chitina dipnet fishery into personal use. The clause was later ruled unconstitutional, but the dipnet fishery remained personal use. In 1999, they succeeded in convincing the BOF that the Chitina dipnet fishery did meet customary and traditional criteria. Then it got changed back to subsistence until 2002 when that decision was rescinded.

MR. DERRICK stated that the board used to always be heavily weighted with commercial interests and Chitina dipnetters had never won a proposal that he could remember with that make up. But using their data, they were able to convince the 2014 board to increase the bag limit - the first win he could remember.

[4:34:11 PM](#)

RICHARD DAVIS, Seafood Producer's Cooperative (SPC), Juneau, Alaska, opposed SB 42. The SPC is the oldest and largest vertically integrated, entirely fisherman owned, harvesting, processing, and marketing association on the continent, he said. They began in 1944, and today 560 fishermen member owners process 10-15 million pounds of Alaskan seafood annually. The cooperative employs 30-140 people and paid \$1 million to the State of Alaska in fisheries business taxes last year.

He urged them to resist designating personal use fisheries a priority. SPC's experience is that personal use fisheries are designated because of limited quantities, or availability, or an excessive number of citizens vying for finite quantities of certain fish. "Personal use" to them means residents in possession of a sport fishing license, sometimes with a permit, involved in a harvest reserved for Alaskan residents only. If lawmakers feel compelled to favor personal use fisheries with a priority distinction and this legislation passes, he warned to expect other efforts by Alaskan citizens to use the legislature to manipulate the Board of Fisheries or make a priority for their particular pet fishery.

[4:36:40 PM](#)

JOHN MCCOMBS, representing himself, Ninilchik, Alaska, opposed SB 42. He commented that currently the personal use fishery occurs before escapement takes place in front of the counters and it's never been closed. Expanding a fully allocated fishery - there are 80 PU fisheries statewide - has never been explained or rationalized. There are no guarantees in fishing. But when thoroughly scrutinized, the PU fishery has a priority based on management defaults and BOF reallocations.

GARLAND BLANCHARD, representing himself, Homer, Alaska, opposed SB 42. He is a Cook Inlet fisherman and said that everyone agrees that all residents of this state are entitled to fish. But, he said, apparently no one on the board had ever been to a Kenai City Council meeting when they are trying to figure out the mess at the Kenai. First of all, according to the City Council, 17 percent of the fish caught on the Kenai River are by local people and 83 percent are caught by people from the Valley. According to ADF&G records, 8,000 permits were not returned from this fishery, so nobody has any idea of how many fish have been taken out of this fishery. Combined with the Copper River fishery, it's possible that over half a million sockeye are being taken.

The issues that the Kenai Council hears are about people defecating in their backyards, people partying all night, piles of garbage and rotten carcasses, and zero enforcement because the Division of Parks doesn't have the authority to write any tickets. Troopers don't do anything, either.

4:40:21 PM

MARTIN WEISER, Chief Development Officer, Copper River Seafoods, Anchorage, Alaska, opposed SB 42. "Calling this the Alaskans first fishing bill is misleading," he said. According to the Resource Development Council's most recent published statistics the revenues generated by the fishing industry in 2012 totaled more than \$100 million in state and local taxes. And with the current fiscal challenges facing the state, Alaskans can't afford to reduce income to it. This industry pays for services that all Alaskans benefit from and actually provides a majority of Alaskans with their seafood.

Copper River Seafoods does not support any single user group getting priority over any other. The ADF&G and BOF currently ensure fair allocation of the state's fisheries based on science and not politics, he said, but SB 42 will restrict their abilities to do so by prioritizing one single user group. He said the PU fisheries are healthy and no Alaskan is being limited in these fisheries as a result of commercial or sport fishing.

MALCOLM VANCE, representing himself, McCarthy, Alaska, opposed SB 42. He had lived in McCarthy for 33 years and commercial fished for the past 35 years. He qualifies for both federal and state subsistence use and is also an avid sports fisherman. There is no good reason to put PU fishing above all other user groups. All harvesters should share the burden and

responsibility of harvesting and conservation equally. The regulatory process that meets the needs and wants of all user groups is already being used. SB 42 is another way of creating chaos in the ever widening gap between the user groups.

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GARY STEVENS, Alaska Outdoor Council (AOC), Chugiak, Alaska, strongly supported SB 42. He said a 2012 study by the ADF&G's Division of Subsistence found that recreational, PU fishing, subsistence and recreational hunting combined amounted to less than 2 percent of the total fish and game harvested in the State of Alaska. Commercial fishermen harvested over 98 percent of the total poundage of fish and game. He said 75 percent of residents live in non-subsistence areas and the PU fishery for all intents and purposes is a subsistence fishery for people that live in a non-subsistence area. If fish were returning to other streams in Cook Inlet the pressure could be spread out from the mouth of the Kenai River. Personal use should have a priority over commercial fishing.

AL BARRETTE, representing himself, Fairbanks, Alaska, supported SB 42. All the statutory definitions that pertain to PU and subsistence and the intent language found in 5 AAC 77.01 make it clear that the PU fishery has a priority. PU was recognized in the days of rural priority, but the McDowell decision in 1989 removed that rural priority and made all Alaskans eligible to participate. Then the legislature and joint boards created the non-subsistence areas, which is a perfect fit for the PU fisheries now. PU fisheries are not only for dip nets, as he personally fishes with a gillnet in the Tanana River.

MR. BARRETTE stated also that at least the PU fisheries are not subsidized by the state like the commercial fisheries are to the tune of \$60 million.

JULIANNE CURRY, Executive Director, United Fishermen of Alaska (UFA), Juneau, Alaska, opposed SB 42. UFA care about the sustainability of Alaska's fishing resources above all else. They have four primary concerns regarding SB 42. It unnecessarily pits Alaskans against Alaskans and further complicates fisheries management and BOF decisions. It does not establish reasonable expectations for the harvest of a fluctuating biomass nor does it ensure food security.

She said most Alaskans don't have the time, resources, the access or the ability to harvest their own fish and the commercial harvesting sector provides them with critical access

to the resource in fish markets, grocery stores and restaurants throughout the state. A PU priority would trump the existing sport and commercial fisheries that resident Alaskans use to help feed their families.

MS. CURRY said that according to Commercial Fisheries Entry Commission (CFEC) data, Alaskans hold nearly 77 percent of all limited entry permits. This bill further complicates complex fisheries management plans and reduces flexibility. It creates a one-size fits all approach, whereas these type of allocation decisions are best left to the BOF that has the ability to take significant public and scientific input and make decisions on a fishery by fishery and region by region basis.

Sustainability relies on the premise that resources have limits, and setting reasonable expectations help perpetuate users' commitment to sustainability, she said. Establishing a PU priority will not ensure that salmon run upstream on the weekend when most individuals choose to participate in the three most popular salmon dip net fisheries.

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BRENT JOHNSON, representing himself, Clam Gulch, Alaska, opposed SB 42. He put in 49 seasons into the Cook Inlet set net fishery and the biggest difference he found between living in Chugiak and living in Clam Gulch is that nobody in Clam Gulch is in favor of this bill. The reason is that people in Clam Gulch fish in the summer and have to sustain themselves all year around to live there. Not one time between 1882 and 1982 was there a harvest of 3 million sockeye salmon in Cook Inlet, but since 1982, there has been 21 times when over 3 million sockeye were harvested. The sockeye fishery is in real good shape. The PU fishery has been harvesting hundreds of thousands of sockeyes in recent years, so it seems like the PU people are getting a lot of fish. This bill must want to change something. So, what is it going to change? The change could put him and his wife out of business.

He also related that a number of years ago their fish opening was rescheduled for Mondays and Thursdays to accommodate people from Chugiak and Anchorage who wanted to fish on the weekends and to give the fish one day in between to repopulate the river.

WES HUMBYRD, representing himself, Homer, Alaska, opposed SB 42. He had fished in Cook Inlet since 1966 and raised his family there. He felt this bill would open up a can of worms. Anyone in Anchorage who doesn't get enough fish with a dip net can come

to his boat, the Knife's Edge, and he will make "damn sure" they don't starve. There has to be enough fish (millions of pounds) for people without having a law.

RICHARD BISHOP, representing himself, Fairbanks, Alaska, supported SB 42. He lives in a subsistence use area and fished in the personal use fishery even before it was called that; it has been a major source of food for his family for over 50 years, and their experience is not unique.

He said the Alaska Constitution outlines sustained yield and common use for the maximum benefit of Alaskans. That is how subsistence fishing has been classified in the past. The Alaska Constitution also allows for resident preferences. Personal use fishing is for residents and it should have priority over sport and commercial fishing when harvestable surplus is low.

MIKE MICKELSON, representing himself, Cordova, Alaska, opposed SB 42. He is a lifelong resident of Cordova and a subsistence and commercial fisherman. This is a very allocative proposal and allocation is what the Board of Fisheries does, he said. The BOF created the PU fisheries in 1982 so that Alaskan residents could harvest salmon when there was an available surplus.

There are lots of opportunities for PU fishermen; it is a valuable opportunity that Alaskans are lucky to have when extra fish are there. It is not subsistence. Most of his points have already been brought up by people who are against SB 42, but he added, if this proposal is really about putting Alaskans first, you can't believe it. If you are actually out there fishing all the time you can actually see what is happening in the ecosystems. Commercial fishermen have a very vested interest in keeping these fisheries around, because that is their income. He suggested expanding the loan programs instead of doing the BOF's job, which is what this proposal attempts to do.

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ARNI THOMSON, Alaska Salmon Alliance, Kenai Peninsula and Anchorage Seafood Processors, Anchorage, Alaska, opposed SB 42. PU salmon needs of Alaska residents are already provided for upfront when the ADF&G calculates its annual harvest forecast for commercial, PU and subsistence fisheries based on Kenai and Kasilof River stocks. Thus, it is not necessary to create legislation unless the goal is to further exacerbate the divisiveness between user groups, he said.

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JERRY MCCUNE, representing himself, Juneau, Alaska, opposed SB 42. He said PU fisheries were created for people who didn't qualify for subsistence. All kinds of fishing are important to Alaskans, but this bill seems to shut down commercial fishing.

CHAIR GIESSEL apologized to the 26 people left wanting to testify and invited them to send their testimony to the committee in writing.

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SENATOR STOLTZE thanked her for this opportunity to present his bill and said his goal is to represent Alaskans' interest.

CHAIR GIESSEL said she welcomed written testimony and announced she would hold SB 42 in committee.

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CHAIR GIESSEL adjourned the Senate Resources Committee meeting at 5:04 p.m.