

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

April 7, 2018
10:04 a.m.

MEMBERS PRESENT

Representative Louise Stutes, Chair
Representative Bryce Edgmon
Representative Jonathan Kreiss-Tomkins
Representative David Eastman
Representative Mark Neuman
Representative Geran Tarr

MEMBERS ABSENT

Representative Mike Chenault

COMMITTEE CALENDAR

HOUSE BILL NO. 199

"An Act establishing general fish and wildlife permits and major and minor anadromous fish habitat permits for certain activities; establishing related penalties; and relating to the protection of fish and game and fish and game habitat."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 199

SHORT TITLE: FISH/WILDLIFE HABITAT PROTECTION; PERMITS
SPONSOR(S): REPRESENTATIVE(S) STUTES

03/27/17	(H)	READ THE FIRST TIME - REFERRALS
03/27/17	(H)	FSH, RES
04/11/17	(H)	FSH AT 10:00 AM GRUENBERG 120
04/11/17	(H)	-- Delayed to 4/12/17 at 6:00 PM --
04/12/17	(H)	FSH AT 6:00 PM GRUENBERG 120
04/12/17	(H)	-- Delayed from 4/11/17 --
01/18/18	(H)	FSH AT 10:00 AM GRUENBERG 120
01/18/18	(H)	-- MEETING CANCELED --
01/23/18	(H)	FSH AT 10:00 AM GRUENBERG 120
01/23/18	(H)	Heard & Held
01/23/18	(H)	MINUTE(FSH)
04/03/18	(H)	FSH AT 10:00 AM GRUENBERG 120

04/03/18 (H) Heard & Held
04/03/18 (H) MINUTE (FSH)
04/05/18 (H) FSH AT 10:00 AM GRUENBERG 120
04/05/18 (H) Heard & Held
04/05/18 (H) MINUTE (FSH)
04/07/18 (H) FSH AT 10:00 AM GRUENBERG 120

WITNESS REGISTER

CLAUDIA ANDERSON
Kodiak, Alaska

POSITION STATEMENT: Testified in support of HB 199.

PAT HOLMES
Kodiak, Alaska

POSITION STATEMENT: Testified in support of HB 199.

CHRISTINA EDWIN
Fairbanks, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

ALYSSA QUINTYNE
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 199.

PETE RODDY
Sitka, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

SPENCER SEVERSON
Sitka, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

KEITH NYITRAY
Sitka, Alaska

POSITION STATEMENT: Testified in support of HB 199.

PETER BRADLEY
Sitka, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

JOHN MURRAY
Sitka, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

FREDERICK OLSEN, JR., Tribal President
Organized Village of Kasaan; Chair

Southeast Alaska Indigenous Transboundary Commission
Ketchikan, Alaska

POSITION STATEMENT: Testified in support of HB 199.

BRYCE NIVER

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 199.

RICKY GEASE

Kenai, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

DIANNA GARFIELD, Co-owner

Seabright Seafood

Ketchikan, Alaska

POSITION STATEMENT: Testified in support of HB 199.

ALEXUS KWACHKA

Kodiak, Alaska

POSITION STATEMENT: Testified in support of HB 199.

JILL SCHAEFER

Soldotna, Alaska

POSITION STATEMENT: Testified in opposition of HB 199.

MAUREEN KNUTSEN

Naknek, Alaska

POSITION STATEMENT: Testified in support of HB 199.

KRISTEN COLLINS

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 199.

GAYLA HOSETH

Dillingham, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

LAURA MASTRELLA, Commercial Fisherman

Haines, Alaska

POSITION STATEMENT: Testified in support of HB 199.

MEGHAN GERVAIS, Commercial Fisherman

Homer, Alaska

POSITION STATEMENT: Testified in support of HB 199.

ROCHELLE HARRISON

King Salmon, Alaska

POSITION STATEMENT: Testified in support of HB 199.

CAROL FORD
Homer, Alaska

POSITION STATEMENT: Testified in support of HB 199.

GEORGIANA HEAVERLEY
Sterling, Alaska

POSITION STATEMENT: Testified in support of HB 199.

CHRISTINE HUTCHESON
Kenai, Alaska

POSITION STATEMENT: Testified in opposition to HB 199.

MAKO HAGGERTY
Homer, Alaska

POSITION STATEMENT: Testified in support of HB 199.

KONRAD SCHAAD
Homer, Alaska

POSITION STATEMENT: Testified in support of HB 199.

DYLAN BRAUND
Homer, Alaska

POSITION STATEMENT: Testified in support of HB 199.

BRIAN LYNCH
Petersburg, Alaska

POSITION STATEMENT: Testified in support of HB 199.

JIM SCHRAMEK
Petersburg, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

JOAN TRAVOSTINO
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 199.

GAIL PHILLIPS
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 199.

TIM TROLL, Executive Director
Bristol Bay Heritage Land Trust (BBHLT)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 199.

BILL HAUSER, Owner
Fish-Talk
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 199.

ED GOHR
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition of HB 199.

JOHN STURGEON
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HB 199.

CHIP TREINEN
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 199.

JOHN S. SONIN
Douglas, Alaska
POSITION STATEMENT: Testified in support of HB 199.

JOHN LAMBORN, Geologist
Wasilla, Alaska
POSITION STATEMENT: Testified in opposition to HB 199.

JAMES TANHA
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 199.

DOUGLAS MCINTOSH
Fairbanks, Alaska
POSITION STATEMENT: Testified in support of HB 199.

COURTENAY CARTY, Tribal Administrator
Curyung Tribal Council
Dillingham, Alaska
POSITION STATEMENT: Testified in support of HB 199.

MICHAEL COLE
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 199.

STEPHANIE QUINN-DAVIDSON
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 199.

AMY NYE

Elfin Cove, Alaska

POSITION STATEMENT: Testified in support of HB 199.

SOMMERS COLE, Commercial Fisherman

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 199.

BRIANNE MECUM, Commercial Fisherman

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 199.

MELANIE BROWN, Commercial Fisherman

Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

JOE EMERSON, Commercial Fisherman

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 199.

JACINDA MACK, Member

Skway First Nation

British Columbia, Canada

POSITION STATEMENT: Testified in support of HB 199.

HEATHER HARDCASTLE

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 199.

HEATHER BAUSCHER

Sitka, Alaska

POSITION STATEMENT: Testified in support of HB 199.

MARK NIVER, Commercial Fisherman

Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 199.

RAYMOND O'NEIL, Environmental Engineer

Anchorage, Alaska

POSITION STATEMENT: Testified in support of the original version of HB 199.

LAURA WRIGHT

Talkeetna, Alaska

POSITION STATEMENT: Testified in support of HB 199.

THOMAS TILDEN

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 199.

LINDSEY BLOOM, Commercial Fisherman
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 199.

WHITNEY WOLFF
Talkeetna, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

LOUIE FLORA, Member
The Alaska Center
Homer, Alaska

POSITION STATEMENT: Testified in support of the original version of HB 199.

MIKE FRICCERO, Commercial Fisherman;
Co-founder, Stand for Salmon
Kodiak, Alaska

POSITION STATEMENT: Testified in support of the original version of HB 199.

B.J. ROBINSON
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 199.

ERIN KANDOLL
Petersburg, Alaska

POSITION STATEMENT: Testified in support of HB 199.

ROBERT BOWHAY, Commercial Fisherman
Kodiak, Alaska

POSITION STATEMENT: Testified in support of HB 199.

CLAY FRICK, Commercial Fisherman
Haines, Alaska

POSITION STATEMENT: Testified in support of HB 199.

BRENDA DOLMA
Homer, Alaska

POSITION STATEMENT: Testified in support of HB 199.

JILL WEITZ
Douglas, Alaska

POSITION STATEMENT: Testified in support of the original version of HB 199.

RICK HALFORD, Former Senator
Alaska State Legislature
Eagle River, Alaska

POSITION STATEMENT: Testified in support of HB 199.

TIMOTHY WONHOLA SR.
Bristol Bay, Alaska

POSITION STATEMENT: Testified in support of HB 199.

ACTION NARRATIVE

[10:04:53 AM](#)

CHAIR LOUISE STUTES called the House Special Committee on Fisheries meeting to order at 10:04 a.m. Representatives Stutes, Neuman, Kreiss-Tomkins, Eastman, and Edgmon were present at the call to order. Representative Tarr arrived as the meeting was in progress.

HB 199-FISH/WILDLIFE HABITAT PROTECTION; PERMITS

[10:05:54 AM](#)

CHAIR STUTES announced that the only order of business would be HOUSE BILL NO. 199, "An Act establishing general fish and wildlife permits and major and minor anadromous fish habitat permits for certain activities; establishing related penalties; and relating to the protection of fish and game and fish and game habitat." [Version M was before the committee.]

[10:06:20 AM](#)

CHAIR STUTES opened public testimony for HB 199.

[10:06:32 AM](#)

CLAUDIA ANDERSON stated she was testifying on behalf of herself and her family in support of HB 199. Alaskans are so lucky, with respect to salmon, in comparison to those in Norway, the British Isles, Oregon, Washington, and in part of Canada, she said. Although it is not possible to control all the salmon watershed, it is important to control as much as possible. She emphasized the importance of setting a standard for accountability. She said that the committee knows the economic benefits salmon provides to Alaskans. In fact, most people have salmon in their freezers, she said. She acknowledged that HB

199 might not be perfect, but it was a starting point. She concluded her testimony by stating that she supports HB 199.

[10:07:42 AM](#)

PAT HOLMES stated he has been an Alaskan since statehood. He recalled when "things were truly a mess," before laws to protect salmon were enacted. He offered his belief that updating the [statutes] was long overdue. He recalled when the Division of Habitat was shifted out of ADF&G [Alaska Department of Fish & Game] to the DNR [Department of Natural Resources] and about 40 percent of the staff left or transferred to other agencies. He offered his belief that it has not been rebuilt to adequately handle the habitat regulations [and statutes] that were in effect before HB 199 was proposed. He emphasized that budget reductions to ADF&G, especially to the Divisions of Habitat and Commercial Fisheries has resulted in operational staff reductions between 30-40 percent. He thought the user pay and bonding provisions were a huge step forward. He said he reviewed the summary of changes and thought that the sponsor was on the right track. He offered his support for HB 199.

[10:09:23 AM](#)

CHRISTINA EDWIN said as a member of the [Cup'ik] tribe she would like to give voice to tribal consultation and indigenous people of the state. She was not sure of all of the changes in the bill. She stated that salmon has sustained indigenous people for thousands of years. This bill would provide a means for more citizens and agencies across Alaska to engage in the process of any large-scale mining or logging projects. She also wished that testifiers could have more than three minutes to testify since some have depended on the renewable resources for generations.

[10:11:22 AM](#)

ALYSSA QUINTYNE spoke in support of HB 199. She offered her belief that this was a good step to protect Alaska's waterways, salmon and the communities that depend on salmon. She directed attention to the importance of HB 199 in giving communities a voice in the projects and developments taking place in their communities. She said the legislators owe it to their constituents to protect the resources while engaging with them to allow them to have a voice with anything that would impact their livelihoods or jobs. She thanked the committee.

10:13:03 AM

PETE RODDY testified in support of ballot initiative and he appreciated the committee's work to develop legislative language which reflected the intent [to protect salmon habitat]. He expressed concern that there was not any requirement for [indisc.] waterways be proven not to be anadromous. He related from his experience forty years ago discovering anadromous streams while [working on] logging roads in Southeast Alaska when fish barriers would not be required because streams were not on the anadromous streams listing based on survey notes. He expressed concern that the bill might only protect anadromous streams listed in the state's list of anadromous waters. He suggested that this would be totally inadequate.

10:14:29 AM

REPRESENTATIVE TARR asked the witness to confirm his statement that he had worked in forestry. She asked whether he worked as an Alaska Department of Fish & Game employee cataloging waters for the anadromous catalog. She asked for clarification whether he had survey notes that were passed along and that did not require fish barriers.

MR. RODDY responded that there was not any requirement for the US Forest Service or their contractors to provide fish passage. He offered his belief that if someone was going to develop or build [a road] it was incumbent on the developer to prove the waters that would be blocked were not anadromous streams. He related his understanding that only about half the waters were listed in the anadromous waterways catalog.

10:16:17 AM

SPENCER SEVERSON stated that he has been a commercial fisherman in Southeast Alaska for 35 years. He appreciated the committee's efforts on HB 199, but he felt it fell short to protect fish. He expressed concern that fish must be protected since Alaskans depended on fisheries. He acknowledged that mining and development were also very important to Alaska but protecting fish must be a priority.

10:17:27 AM

KEITH NYITRAY stated he has lived in Alaska for nearly 40 years and worked for several years as a commercial fisherman. He emphasized that the health of Alaska's fisheries was very

important to him. He offered his support for HB 199 although he thought the bill could be improved. He thanked the committee for working to protect Alaska's salmon especially for future generations.

[10:17:54 AM](#)

MR. NYITRAY expressed concern about the effects of mining on fisheries. He stated that time and time again throughout the US and other countries, the mining industry has reaped the resources and devastated the land despite assurances that the industry would never do so. Some companies have declared bankruptcy only to leave local, regional, and national governments to pay for the cleanup if even possible to do so. He offered his belief that it was time to stop privatizing company profits and incurring and socializing the risks associated with mining. He emphasized the legislators' job was to represent and do what is best for Alaskans and not what is best for transnational corporations and non-Alaskan shareholders.

MR. NYITRAY stated that Alaska's fisheries and fish-related jobs in any region are sustainable; however, mining jobs are not since mining extracts the resources forever. He asked members to consider whether to support renewable resources for generations to come or something that is not. He offered his support for [HB 199].

[10:19:17 AM](#)

PETER BRADLEY thanked the committee for its work to protect salmon habitat. He offered his belief that the bill has been watered down from previous iterations. He suggested that the committee reconsider and revisit some of the stronger language surrounding permitting, enforcement, and accountability.

[10:19:54 AM](#)

JOHN MURRAY stated he was a commercial fisherman. He offered his belief the bill represented an important means for discussion, especially with respect to the upcoming initiative. He thanked the committee for its work.

[10:20:41 AM](#)

REPRESENTATIVE KREISS-TOMKINS thanked everyone from Sitka taking time to testify on a Saturday morning.

[10:21:04 AM](#)

FREDERICK OLSEN, JR., Tribal President, Organized Village of Kasaan; Chair, Southeast Alaska Indigenous Transboundary Commission, stated that words really matter. He recalled growing up hearing Alaska referred to as a natural resource extraction state. Some wear it as a badge of honor, he said. He offered his belief it was another word for colony and it was time to stop treating Alaska like a colony. He further asked to stop making excuses for temporary companies that make permanent damage to Alaskans way of life. It was not okay to take nature for granted. The false balance of temporary jobs with outsiders versus the whole world is not going to work, he said.

MR. OLSEN, JR. stated that laws matter. Alaska's mining laws were way outdated. He stressed that Alaska was already experiencing death by a thousand cuts, noting wild animals were being pushed away. Forests were being cut down. He offered his belief that the salmon derby would also disappear. He emphasized the need for responsible development. He recalled astronauts looking at earth [in 1969] that seemed so small from the moon. He emphasized that earth is the only habitable planet. He suggested Alaska could learn from the careful habits of astronauts and be vigilant on earth. He asked members to please support HB 199.

[10:23:29 AM](#)

BRYCE NIVER stated his support for HB 199. He urged members to adopt stronger language to protect salmon-producing waters. He has been a fisherman his entire life and has benefited from Alaska's resources. He urged members to protect Alaska's waterways because it was important to him that his children be able to fish.

[10:24:18 AM](#)

RICKY GEASE stated that Alaska Department of Fish & Game (ADF&G) says the decline in king salmon was due to effects in the marine environment.

CHAIR STUTES asked him to confine his testimony to HB 199.

MR. GEASE said the issue was whether to make changes that were being pulled in from the sustainable salmon policy in regulation. He did not think that this bill dealt adequately

with culverts. He offered his belief that the most important thing for fish habitat protection would be to make culvert regulations related to bank full width and not just for average flow. This has been done on the Kenai Peninsula, which has proven really effective, but it has not been done statewide.

[10:26:22 AM](#)

DIANNA GARFIELD, Co-owner, Seabright Seafood, stated she was testifying on behalf of her husband, herself, and their small business, Seabright Seafood. She related that she and her husband are commercial fishermen, salmon trollers, in Ketchikan. She said her entire marketing strategy was direct marketing of top-quality sustainable salmon from Alaska's pristine waters.

MS. GARFIELD stated she grew up in New England and watched the commercial fishing industry collapse. She was happy to move to Alaska where its industry had the reputation of being so well managed. The flip side to well-managed marine fisheries was well-managed regulations that protect the ability of fish species to breed. She offered her support for HB 199 and the Stand for Salmon initiative to protect the fish habitat of this renewable resource. She said it was important for their small business and the livelihood of many community members. She emphasized the need for the strongest regulations to protect salmon streams and prevent industry from wiping out salmon.

[10:28:07 AM](#)

ALEXUS KWACHKA said he agreed with nearly all the testimony. He said he wholeheartedly supports HB 199. He stated that he did not think it went far enough but HB 199 was a step in the right direction. He said that Alaska needs to lead its sustainable fisheries into the future. He stressed the past tragedies that have occurred in Europe or the Eastern United States to the Pacific Northwest. He emphasized that Alaska was the last one left. Please continue to work and put additional protections in the bill, he said.

[10:29:01 AM](#)

JILL SCHAEFER stated she and her husband own a lodge on the Kenai River. She testified in opposition to HB 199. She characterized the bill as being highly flawed. The fish habitat was already being protected and permitting processes were already in effect to do so. She wondered what was failing so badly that this bill is needed. She said she had not heard one

example that highlighted the problem. The burden of HB 199 does not just fall on big industries and companies but on everyday Alaskans, she said. She emphasized that federal and state permitting processes and restrictions already exist in terms of salmon habitat in spawning areas. She objected to the bill because it would increase government at a time when the legislature cannot fund government that currently exists.

[10:31:01 AM](#)

MAUREEN KNUTSEN, Commercial Fisherman said she was representing herself and her husband and she has been commercial fishing since 1975. She thanked the sponsor, Representative Stutes. She gave a shout out to her Representative Bryce Edgmon, who represents the area. She offered her support for HB 199. It probably was not a perfect bill, but it is better than the current law, she said. She offered her belief that habitat protection would keep the salmon stocks healthy and strong, especially when considering projects like the Pebble Mine. She recalled testifying 10 years ago [against the Pebble Mine] but it has taken this long to get some action. She recalled the University of Washington had testified that many streams exist in the headwaters of the Naknek-Kvichak river that contain anadromous fish but have not been documented.

[10:33:15 AM](#)

KRISTEN COLLINS spoke in support of HB 199, relating that she relies on salmon for food. She respectfully disagreed with a previous testifier, who said the existing management was sufficient. She offered her belief that salmon runs having been declining throughout Alaska. She did not want to look back and realize that the legislature could have made a difference by strengthening habitat laws but did not do so. She urged members to pass HB 199.

[10:35:18 AM](#)

GAYLA HOSETH thanked the bill sponsor for her work to protect salmon habitat and also for the work others have done. She offered her belief that salmon habitat needed protection and the 60-year-old law needed to be updated. She emphasized the need for a strong public process that allows voices to be heard. Salmon need protection since people throughout Alaska rely on it for food and share it with people throughout the world. She said it was important to provide protection for Alaska's resources and for responsible development. We need clean water

and Alaska must protect its waters for future generations. She strongly supported the salmon habitat ballot initiative language, too.

[10:36:29 AM](#)

LAURA MASTRELLA, Commercial Fisherman, stated she was testifying on behalf of herself and her family. She thanked members for working on salmon habitat protection. She said she has been a commercial salmon troller in Southeast Alaska for 27 years she and her partner have raised five children. Two of their children have made significant investment in salmon trolling, she said. She offered support for the Stand for Salmon initiative as well as HB 199 since these measures offer stronger protection for salmon habitat. She said habitat protection provides additional protection for her job and those of her children. In the Chilkat Valley logging and industrial mining activities have loomed over the salmon producing rivers, which feels threatening to her. She offered her belief that salmon habitat protection needs to be a priority. Commercial fishing has provided jobs and will do so over the long term, while she viewed logging and industrial mining as temporary by nature with many people coming in from the Lower 48.

[10:38:28 AM](#)

MEGHAN GERVAIS, Commercial Fisherman, stated she was representing herself, her husband, and her three children, who are all salmon fishermen. They commercial fish in Bristol Bay, but also participate in personal use subsistence and sport fishing. She said that her family relies on salmon, which also is part of their culture. She characterized salmon as being "our heart and our soul." She asked to testify in support of the strongest protection possible for salmon habitat. She said her family was terrified of the prospect of the Pebble Mine. She supported anything the state could do to support the commercial fishing jobs.

[10:39:42 AM](#)

ROCHELLE HARRISON stated she represented herself and her family who have operated a camp for sport fishermen for 35 years. She said that this bill was very important to them. She expressed concern that the law had been weakened, that what is important is for Alaskans to have a voice in the permitting process. She further emphasized the need for strong enforcement standards to protect salmon habitat. She would like to see accountability to

ensure salmon habitat protection. She said her family relies on the fisheries and has had a sustainable lifestyle. She offered her support for HB 199. She expressed her gratitude for the work the committee members are doing on this bill.

[10:41:42 AM](#)

CAROL FORD stated she was testifying on behalf of her family, especially for her granddaughter. She thanked members for their work on HB 199 and she hoped the bill will become even stronger and will pass. She was encouraged by the direction this bill took since it recognizes that Alaska has been a fishing state, where wild salmon live and renew Alaskans and the rest of the world. She thought perhaps the state lost sight of that or has been moving off balance. She hoped the committee would strengthen HB 199 and pass it to protect Alaska's salmon.

[10:44:08 AM](#)

GEORGIANA HEAVERLEY stated she grew up in Nikiski. She graduated from the University of Alaska Fairbanks and works as a commercial fish gillnetter in Cook Inlet. She offered her support for HB 199. She offered her belief that the current permitting development project protection in fish and wildlife habitat needs to be updated to ensure responsible resource development and protection for salmon for future generations. She said Alaskans deserve a stronger voice in the permitting process. As a commercial fisherman and poet, she closed her testimony from her poem titled, "Our Alaskan Responsibility," as follows:

We all call this state home, people and salmon alike.
I just have to say that when we do things just right,
our proud state thrives and is the joy of the nation,
because everyone recognizes the strongest foundation,
that Alaskans make up. We set the blue and gold
standard, so let's not fail now and please hear my
words, because someday I'll grandkids and they'll have
them, too. I wish with all of my heart that they get
to go through a strong fishing season on a clean-
powered vessel, and that fuel and those salmon are
just as special as they were when I lived in these
critical days, where we must do our part and not get
in the way of protecting our salmon and thus our way
of life and ensure we are responsible for
sustainability is in sight.

[10:46:17 AM](#)

CHRISTINE HUTCHESON stated her opposition to HB 199 because the bill was premature given that the state will be voting on the issue [on the Stand for Salmon initiative]. She viewed this as additional burdensome government regulation and permitting. She encouraged members not to pass the bill. She was unsure if the bill had any fiscal notes; however, she did not think the state was in a fiscal position to finance the proposal. She offered her belief that the initiative should happen first.

[10:48:28 AM](#)

MAKO HAGGERTY said the bill was important but needed to be stronger. Salmon touches people directly and indirectly. The best way to protect salmon was to protect salmon habitat. He offered his belief that everyone, even those opposed to the bill understood the importance of salmon habitat. He cautioned that the failure to protect salmon habitat would lead to salmon run failures and no one wants that to happen in Alaska. He said that HB 199 takes a step in that direction. He emphasized the importance of local runs to residents, which was why the state should allow residents a voice in the permitting process on projects. Although some people viewed the bill as increasing government, it would also provide Alaskan residents a voice, which gives people power over transnational corporations. He expressed concern that the bill might get weakened. He thanked the committee for hearing the bill.

[10:51:03 AM](#)

KONRAD SCHAAD, testifying on behalf of himself and his two sons, said he moved to Alaska from Switzerland 38 years ago. He remembered seeing pictures of salmon being caught in Switzerland's Rhine River and its tributaries, but the last one was caught about 100 years ago. He related a viable commercial fishery from Holland to the Alps once existed, but salmon were not protected, and these fisheries no longer exist as their waters became polluted and the rivers were dammed. He offered his belief that Alaska sits at a turning point since it still has the most productive salmon streams. He expressed concern that projects on the horizon could adversely affect salmon. He offered his support for HB 199 but spoke in favor of adding stronger language. He emphasized the need to give Alaskans a voice, for enforceable rules for salmon habitat protection, and to give the Alaska Department of Fish & Game authority to protect salmon habitat. He further suggested a two-tier

permitting system to streamline permits since the current system used the same permit application for a culvert or a Pebble Mine. He stressed promoting responsible development by requiring projects to minimize the impact and not issue permits that would jeopardize salmon streams.

[10:53:08 AM](#)

DYLAN BRAUND testified in support of HB 199 and stated he was at the legislative information office (LIO) with his two commercial fishing sons to give them a civics lesson. The impetus of statehood was to protect salmon, that Article VIII, Section 4 of Alaska's Constitution stated, "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." He said that fisheries should be regulated in the ocean habitat according to exacting, stringent, science-based management codified by the Board of Fish and implemented by ADF&G by the principle of sustained yield. This approach has led to over 50 years of sustainable fisheries management and made Alaska a global model.

MR. BRAUND remarked that legislators were now being asked by the same Board of Fisheries to apply an approach which has been implemented in the marine habitat to riparian habitat. He asked how the state could ensure sustained yield without riparian habitat protection. The statement of policy in Section 1 of Alaska's Constitution requires development of its resources by making them available for the maximum use consistent with the public interest. Section 2 states that the legislature shall provide for the utilization, development, and conservation of all-natural resources belonging to the state, including land and waters, for the maximum benefit of its people.

[10:54:27 AM](#)

MR. BRAUND stated that conservation is the cornerstone of the state's maximum use policy. The constitutional delegates understood this term to include wise use. He offered his belief that salmon is the key species in the watershed ecosystem. Maximum use requires intact fully-functioning ecosystems, he said. In closing, salmon sustains the state, communities, jobs, families, and subsistence and provides the binding thread that ties Alaskans together. He stated that riparian habitat sustains salmon and must be managed by science-based management practices. He expressed concern about foreign-based

corporations applying for permits that may adversely affect the largest sockeye salmon fishery.

[10:55:47 AM](#)

BRIAN LYNCH said he has been a 39-year resident of Alaska and 36-year resident of Petersburg, a community whose lifeblood is absolutely dependent upon healthy salmon resources. As a retired biologist of ADF&G with over 30 years of experience in research and commercial fisheries management, he offered his support for HB 199. He related that early in his career he ran a project on the Stikine River conducting spawning and rearing habitat studies in anticipation of construction of hydroelectric project proposed by DC Hydro. He said that thankfully the project was never constructed. He related he has experience with salmon rearing and salmon spawning requirements. He also served for nine years on the Pacific Salmon Commission's Chinook technical committee, where he obtained a full understanding of the economic effects of salmon habitat degradation. The battles that the US has with Canada and the southern US over dwindling stocks and quotas within the salmon treaty process have everything to do with habitat degradation in the Pacific Northwest and British Columbia, he said.

[10:57:00 AM](#)

MR. LYNCH urged members not to think it cannot happen here. He grew up in Oregon and witnessed it firsthand. He pointed out that this year Southeast Alaska has experienced the most severe commercial and sport fish harvest restrictions for Chinook salmon have occurred. He acknowledged that these restrictions were related to ocean survival and not habitat degradation, it was imperative to provide salmon habitat protections in fresh water. Although it was not possible to control ocean conditions, the state can and must protect and maintain salmon spawning and rearing habitat to the highest level possible. Unfortunately, he did not believe that was currently happening.

MR. LYNCH thanked committee members for their efforts to increase habitat protections on the transboundary rivers of British Columbia in Washington D.C. He said it was now time to fully demonstrate the committee has the same concerns about salmon habitat in Alaska. He urged members to support HB 199.

[10:58:17 AM](#)

JIM SCHRAMEK asked to testify on behalf of himself and his family, particularly his 18-month old grandson. He said he has resided in Petersburg for over 40 years, working as a hydrologist for the US Forest Service, and as a geographic information systems (GIS) coordinator. He agreed with previous testifiers, especially to strengthen the bill and to support the Stand for Salmon ballot initiative. One thing he has learned about cataloging streams was that a significant number of tributaries exist, he said. He emphasized that the state cannot only rely on the current cataloged data to provide all of the answers with respect to development decisions and it must have on-site investigation. He said it was more complicated to account for all the anadromous streams. The types of development being proposed would risk downstream habitat and it was really important that the state make the right decisions, but it could not be done without having all the information and the process to use it effectively.

[11:00:40 AM](#)

JOAN TRAVOSTINO spoke in opposition to HB 199. She identified herself as someone who has voted in every election since 1982. She said that Alaska's economy needed responsible management of a diverse economy, including mining, forestry, oil and gas, and fisheries. These natural resources needed to be managed together to create a diverse economy. She has heard prior testimony supporting healthy salmon fisheries and expressing concern about the Pebble Mine; however, a robust permitting process currently exists. She did not see the need for HB 199 since she does not see the problem the bill was trying to fix.

[11:02:04 AM](#)

GAIL PHILLIPS offered her strong opposition to HB 199. She related that she has lived in many communities throughout the state. According to the sponsor statement HB 199 was known as the Wild Salmon Legacy Act, but it should be known as the Shutdown Alaska's Development Act. She offered her belief that if Title 16 needed to be updated, it should have been the goal of the bill. Unfortunately, this bill attempted to circumvent common sense so completely that it would negatively affect any large or small development project throughout Alaska, she said. For decades Alaska has bragged that it has the strictest fisheries protection laws in the world. If this was true, she wondered why it was necessary to make changes to the law. She offered her belief that this was just another attempt to stop

the Pebble Mine project or any other large mine or development project.

[11:03:25 AM](#)

MS. PHILLIPS pointed out that Alaskans understand honesty and forthrightness; however, this bill was neither. It appeared that this bill was unilaterally trying to change the entire permitting process into a denial process. She reiterated her strong opposition to HB 199 since Alaska already has a rigorous system in place to protect its waterways, communities and lands. These systems have worked well for many years. The regulatory system already provided protection of Alaska's resources while at the same time it allows economic and resource development to occur. She urged members not to move this bill forward.

[11:04:31 AM](#)

TIM TROLL, Executive Director, Bristol Bay Heritage Land Trust stated that the trust was formed by the Choggiung Limited Village Corporation in 2000. He related that through easements, the BBHLT has helped protect some 34 thousand acres of salmon habitat in Bristol Bay. He testified in support of HB 199, particularly in its original form.

MR. TROLL stated that in 2008 the Bristol Bay Heritage Land Trust participated in and helped fund an intensive effort to catalog the anadromous streams project in the headwaters of the Nushagak and Kvichak watershed. The effort lasted six years and resulted in adding hundreds of streams to Alaska's catalog of anadromous waters. He recalled in the early days of stream sampling that one question often arose. They wondered why this sampling was even necessary. Every time a helicopter flew out to sample salmon, the sampling crew found salmon in every stream segment they sampled and even found salmon above beaver dams or what appeared to be isolated ponds. He noted that they had been sampling to prove the obvious, that salmon had been thriving in this landscape for thousands of years. He summarized by saying that the starting point assumption in Bristol Bay should be that all streams are anadromous, and that all parts of the streams are important. He reiterated his support for HB 199.

[11:07:05 AM](#)

BILL HAUSER, Owner, Fish-Talk, stated he has a 30-year career with ADF&G. He said fish need good quality habitat. He offered his support for HB 199. Raw materials were needed for any type

of production and for fish the raw material is habitat. Using it for manufacturing, the habitat would be used once, but for fish it is reusable and renewable.

MR. HAUSER said the importance of fish and fish habitat was recognized at statehood and is built into Alaska's constitution. He related that he has been working with his professional society to hold a meeting of fisheries scientists from Alaska and the Western United States, including scientists coming from states whose salmon populations have been depleted. He stated that fish habitat was necessary if Alaska wants to have fish for future generations. He urged members to support HB 199.

[11:09:48 AM](#)

ED GOHR stated he disagreed with HB 199 because it would seriously impact communities and economic development, and the future gas pipeline.

[11:10:22 AM](#)

JOHN STURGEON, offered his opposition to HB 199, stating that he thought the bill was anti-development, made false promises, and contained very little science. He has worked in the forest products industry in Alaska for 48 years, industries regulated by the Forest Practices Act (FPA). He stated the FPA was based on real science and focuses on clean water, reforestation, and protection of salmon habitat.

MR. STURGEON disagreed with an earlier testifier who had suggested some salmon streams were not protected and catalogued. He described the process such that ADF&G walks the area and foresters also track the streams. He said that to state streams are not catalogued is not true at least in his experience in the forest industry.

MR. STURGEON, in terms of stream buffers, said that the industry has found that 95 percent of large woody debris came from within 66 feet of the streams so a 200-foot buffer [offers protection]. He concluded by stating he opposed the bill.

[11:12:15 AM](#)

CHIP TREINEN thanked the committee for its efforts in addressing a very real issue. He hoped members would pass HB 199 and allow it to go through the legislative process. He suggested that some people have proprietary interests and are delusional to

think a robust system protects fish habitat at this time. He said it was clear that protections for salmon habitat are weak and need to be strengthened. He appreciated the work to achieve consensus and is a step forward even though he would prefer stronger protections.

[11:13:47 AM](#)

JOHN S. SONIN stated he strongly supported HB 199. He expressed concern about development in the Taku River drainage area (audio difficulties).

[11:16:18 AM](#)

JOHN LAMBORN, Geologist, stated he has been working in Alaska in the mining industry since 1985. He has worked on multiple prospects in several mines. He has seen the permitting process to put a mine into production go from 18 months to 18 years. He expressed concern that the time could double. The time lag was not due to mining disasters since the industry has been diligent and working with government agencies to build mines that are not prone to environmental disasters. Based on its history, the mining industry has performed well, and the current permitting process has worked well. Alaska's mining industry has fostered hope and brought benefits to all communities that it serves. Without exception the mining community in Alaska has been a locally derived and supported part every community it has been involved in; for example, the two mines in Juneau were vehemently opposed but are now pillars of the community.

MR. LAMBORN stated that the mining industry works diligently to set standards for the world in environmental stewardship. The permitting system has been improved through decades of study, effort, and experience. Under the existing permitting system, it takes three to five years of baseline studies to begin to file for permitting. He questioned what was wrong with the current system. He urged members to leave it alone since it is a science-based permitting system. The bill (audio difficulties) encompasses the entire state. He predicted that under the bill all industry and communities would be negatively impacted, including oil and gas industry, municipal communities, and individuals. It encompasses all Alaskans.

MR. LAMBORN related his understanding (audio difficulties) that it would affect him operating his boat. He reported Usibelli Coal Mine and Red Dog Mines have been in production for 75 and

33 years, respectively and Greens Creek Mine restarted 29 years ago and began in the 1930s.

CHAIR STUTES offered to distribute his written testimony to all committee members.

[11:19:23 AM](#)

JAMES TANHA spoke in support of HB 199 and echoed what 95 percent of the testifiers said, which was that it does not go far enough but goes in the right direction. He reiterated his support for HB 199.

[11:20:16 AM](#)

DOUGLAS MCINTOSH said that HB 199 does not go far enough but he offered his support for the bill.

[11:20:59 AM](#)

COURTENAY CARTY, Tribal Administrator Curyung Tribal Council, stated the council works with state and federal resource managers to protect our (indisc.) in fish and wildlife habitat protection but in protection of Native children.

MS. CARTY stated that the Curyung Tribal Council offered resolution 2712 on May 11th. She said that maintaining the sustainability of Alaska is important for Alaskans. She advocated for transparency and open communication with effective engagement with stakeholders and the public. She offered her belief that enacting HB 199 would further facilitate the intention of the writers of Alaska's Constitution outlined in statement of policy of Article VIII of the natural resources section, which read as follows [original punctuation provided]:

Section 1. Statement of Policy It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

[11:22:43 AM](#)

MS. CARTY stated that implementing HB 199 would provide ADF&G with the mechanisms to incorporate the constitutional directive making these resources available for use consistent with the public interest. She suggested the public process in state

permitting lacked opportunities for participating that the federal government offers.

[11:23:36 AM](#)

MICHAEL COLE stated he has a small sporting goods business and some affiliation to commercial fishing. He thanked the sponsors of HB 199. He said he has been involved in the fishing industry his entire life. He offered his belief that it was important to review the permitting process for nonrenewable resources and hold industry accountable for environmental impacts to salmon habitat. He emphasized that salmon affects most Alaskans. He has considered degradation to salmon runs in the Lower 48 and in British Columbia, along with mining accidents. He favored adding additional protections to salmon habitat and rearing grounds or the future of salmon would be at risk.

[11:25:13 AM](#)

STEPHANIE QUINN-DAVIDSON thanked the committee for its work on HB 199. She offered her belief that the current habitat laws were not working in Alaska. She pointed out projects in the Kenai and Matanuska-Susitna (Mat-SU) areas had properly permitted projects but have been linked to locally-impacted salmon populations. She cautioned that with increased pressures on the horizon it was imperative to act now to protect Alaska's salmon. She acknowledged that Alaska needs a healthy economy and healthy salmon fisheries are a critical part of a thriving economy in Alaska.

MS. QUINN-DAVIDSON said this bill was an attempt to balance economic development and protection of salmon through responsible development. She supported components of HB 199, but does not support all components. She supported the public process, the two-tier permitting system, and written rationale from the commissioner of ADF&G since it creates transparency. She expressed concern that the current bill has weakened mitigation standards. It was unclear whether the developers can restore and mitigate systems that were away from the development projects. She questioned whether that was an appropriate form of mitigation biologically, ecologically, or economically.

[11:26:40 AM](#)

MS. QUINN-DAVIDSON said she did not approve that hatcheries as mitigation tools were an option in the current bill. Lastly, she expressed her disappointment that the committee removed the

presumption of anadromy from the bill, although she recognized the reasoning was that above certain elevations standards do not exist. She expressed her preference to create an exception for areas above a certain elevation rather than to remove the presumption as a whole. She offered her belief that the bill needs to be strengthened and our salmon are worth it.

[11:28:15 AM](#)

AMY NYE stated she comes from a family of commercial troller fishermen. She thanked the committee for their work to protect the salmon for future generations. Alaska has enabled its people to enjoy the rich and varied benefits that come with healthy salmon runs. Her family, including her children's grandparents, have been commercial fishing. She has observed changes in commercial fishing over time. She emphasized that it was clear Alaska is at a crossroads in salmon history. Many families, such as hers, rely on commercial fishing, but the first serious declines raise critical questions about the long-term health of Alaska's salmon. She pointed out many areas around the world, including Europe, New England, California, and the Pacific Northwest indicate changes in the natural systems that salmon depend upon.

MS. NYE said small incremental losses may seem harmless individually; however, collectively it is more difficult to remedy. Declining habitat for spawning and rearing remains one of the most important factors that depress salmon runs in Alaska. It would be tragic to lose salmon runs anywhere in Alaska because the state failed to learn the history lessons. She highlighted that this was Alaska's chance to get it right. Given how fundamental salmon are to Alaska, state leaders need to pass meaningful habitat protections and define proper protections now, so that Alaska could live up to its legacy as the last and greatest home for wild salmon, she said.

[11:30:51 AM](#)

The committee took an at-ease from 11:30 a.m. to 11:45 a.m.

[11:45:07 AM](#)

SOMMERS COLE, Commercial Fisherman, stated that he was a commercial gillnet fisherman, part-time fly fisherman guide, and has worked this summer with Stand for Salmon. He said he was born and raised in Juneau. He advised members that he had delivered a letter earlier this session signed by 200 commercial

fishermen in support of HB 199. The permitting process statutes have not been updated since statehood, he said. He said the letter outlined the need for clear, science-based definitions of important habitat characteristics that must be maintained to support salmon runs. These characteristics included water quality, stream-flow levels, and fish passage. The letter also highlighted the need for all salmon-bearing watershed to be included in this permitting process, a list far longer than the one listed in the anadromous waters catalog, he said. The letter explained the importance of public notice and public comment periods for larger projects because Alaskans have the right to know and should be allowed to comment on project applications that have the potential to impact their lives and communities.

[11:46:00 AM](#)

MR. COLE said his letter also included the need for common-sense standards that developers must meet to protect wild salmon runs as they develop the project in salmon habitat. He said it was easy to get mired down; however, something that connected all user groups and Alaskans without question was that having more salmon return to their natal streams was good for everyone. Providing adequate protection to salmon habitat was part of sound management and the single most effective way to ensure that this crucial piece of Alaska's sustainable economy is not eroded as the state grows (audio difficulties) without permanently displacing or devaluing our renewable resources.

MR. COLE emphasized that Alaska is the world's last great stronghold of wild salmon. Salmon species once ranged widely throughout the northern hemisphere. California, Oregon, Washington, and British Columbia have all experienced the recent losses of strong salmon populations. He said, "I often imagine the great runs of the Columbia River and what that fishery would be worth now had they acted with foresight as they grew and developed." He (audio difficulties) thanked members for considering HB 199. He urged members to please move the bill forward and continue to work to continue to protect fish habitat in such a way that it protects Alaska's salmon fisheries for generations to come.

[11:47:43 AM](#)

REPRESENTATIVE TARR asked the witness to resend letter signed by the 200 fishermen to the committee.

MR. COLE agreed to provide it to the committee.

[11:48:15 AM](#)

BRIANNE MECUM, Commercial Fisherman, stated she was born in Alaska and she and her husband operate a gillnet commercial fishing boat in Southeast Alaska. She said salmon were important to her because she understands how vital they are to the state's economy, the health of Alaska's ecosystem, and culture and the spirit of all Alaskans. She thanked Representative Stutes for identifying the shortcomings in the salmon habitat permitting law and for sponsoring HB 199. She emphasized that habitat loss was the leading cause of population declines and extinctions for all species worldwide.

MS. MECUM said that Alaska was fortunate to have some of the last strong wild salmon runs in the world, primarily due to the intact habitat. Currently, Alaska has an opportunity to demonstrate it recognizes its good fortune and show its willingness to redefine what it meant to develop responsibly. She stated that the current salmon habitat permitting law was weak. The state should not squander Alaska's greatest renewable resource. She emphasized that the state can review what has happened in Canada and the Lower 48 to see the effect projects have on wild salmon runs. She asked whether this was the legacy the legislature wanted to leave for future generations of Alaskans. She wondered if the state would look back at this opportunity in 20, 50, or 100 years and regret not having done more to protect one of Alaska's greatest assets. She hoped the committee members would choose to be leaders on behalf of thousands of Alaskans who want to see strong habitat protections written into state law. So many factors affect salmon populations and many of them but are outside Alaska's control or too complex to navigate. She suggested that changing Alaska's permitting law was one of the easiest solutions to ensure that Alaska remains a world-wide leader in sustainable fisheries and that development does not occur at the expense of one of Alaska's most important renewable resources. She urged members to continue this conversation and pass a version of HB 199 that clearly accomplishes this.

[11:50:37 AM](#)

MELANIE BROWN, Commercial Fisherman, stated she was representing herself, but she is also a tribal citizen in Naknek Native Village. She said her relationship with salmon extends to how she tastes the land and water. She offered her belief that

salmon wed those two elements together. She resides in Juneau in the winter months (audio difficulties) extends her relationship to Juneau. She said her relationship to the land represents a richness that defines her as an Alaskan and she has worked to protect and share this with other people.

[11:52:03 AM](#)

MS. BROWN said that what remains in the current version of HB 199 was a vast improvement to the current fish habitat protection law; however, she was disappointed to see the presumption of anadromy removed. She understood since some people felt there were unintended consequences associated with it, but something needs to be done about it.

[11:53:14 AM](#)

JOE EMERSON, Commercial Fisherman, said his family has commercial fished for three generations in Southeast Alaska and in Kodiak. He has commercially fished his whole life. He stated that he and two other Alaskans have a small business in Michigan and sell wild Alaska salmon. His customers always ask about the source of the fish, whether the fish has been managed in a sustainable manner and they ask about the Pebble Mine project or the Fukushima nuclear disaster. When customers find out his wild salmon comes from a pristine environment, they enthusiastically purchase his wild-caught salmon at a premium price. He identified sustainability as being important to the consumer, but to be a sustainable fishery, the fishery must be managed conservatively and protect salmon habitat. He said that HB 199 was a reasonable action considering the number of Alaskan residents who were dependent on Alaska's salmon resources. He urged members to pass HB 199. He said it was the right thing to do and also made economic sense.

[11:55:04 AM](#)

JACINDA MACK, Member, Skway First Nation, told members that she was an indigenous woman from British Columbia Skway First Nation representing herself. She stated that she has done a significant amount of work around salmon protection and clean water protection in British Columbia. She said the Mount Polley mine disaster [of August 4, 2014] happened in her home territory. She informed members that there had been much environmental rollback of fisheries protection in British Columbia and Canada. She said she has observed the Fraser River salmon runs decline and the salmon health deteriorate. Last

year most communities in the watershed did not harvest salmon and she feared that the community would lose its connection to salmon. When she comes to Alaska and observed the herring fishery, she has been reminded of what happened in British Columbia 20 years ago. She wanted to share her experiences from British Columbia with members. She suggested Alaskans think about what it would be like to not be able to eat anything from the waterways, noting this is not something from the future, but it is currently happening.

[11:57:10 AM](#)

HEATHER HARDCASTLE stated she was born and raised in Juneau. She thanked the committee for hearing HB 199. She offered her support for HB 199 although she would like to see it strengthened. She urged members to please keep going. She offered her belief that Alaska was at a crossroads and Alaskans are "a salmon people" as are those in British Columbia. She stressed that Alaska was the only state that remains a salmon stronghold.

MS. HARDCASTLE offered her belief that Alaska's salmon was in trouble. She acknowledged that everyone played a role in getting to this juncture, but it was possible Alaska could move forward and find solutions.

MS. HARDCASTLE said that her mother worked for the late Senator Dick Eliason from Sitka in the 1980s. She recalled when she was in middle-school her mother discussing Senator Eliason's finfish bill that banned fish farming in Alaska. She further recalled indigenous leaders and fishermen from British Columbia testifying before committees cautioning them about going in the wrong direction and support fish farms. She urged members to do everything they could do.

[11:59:20 AM](#)

REPRESENTATIVE KREISS-TOMKINS commented on the witness's testimony. He said that he found her testimony apropos given that the State of Washington reversed its decision and instituted a ban on finfish farming with Atlantic salmon escapements.

[11:59:55 AM](#)

HEATHER BAUSCHER thanked members for their work. She said that everyone was here today because they love the Alaskan way of

life. She said that people throughout the state have been concerned about the state's vulnerability to disaster with its current [salmon fish habitat protection] laws. She appreciated the efforts made to include public process and the ability to challenge determinations. This represented a good starting point, she said. She acknowledged that state was working to find development solutions for its current recession. She agreed there were responsible ways to do so; however, she did not want this to be at the risk of Alaska's salmon.

[12:00:42 PM](#)

MS. BAUSCHER said she did not want to imagine life without salmon, this community without salmon, or Alaska without salmon. She expressed concern about commercial fishing closures and salmon derby cancellations. She acknowledged that some things, such as marine issues, were not within Alaska's control; however, she emphasized that Alaska can do something about its streams. She stressed that the more Alaskans struggle economically, the more they rely on filling their freezers. She equated losing that ability to losing independence. She lamented that the most vulnerable population would be disproportionately affected by this. She appreciated that this version of HB 19 gave people had more of a voice. She emphasized that the state needed more enforceable levels of protection for salmon streams. The technology currently exists to provide habitat protection safely and responsibly, so it did not seem necessary to reduce protection to make the bill more palatable, she said. She did not think it was problematic to hold projects to a higher standard and she encouraged the committee to continue this difficult work to solve this problem. She thanked the committee for the opportunity to testify.

[12:02:22 PM](#)

MARK NIVER, Commercial Fisherman, stated he and his three sons commercially fish in Bristol Bay. He also worked for 41 years on the North Slope for British Petroleum. He spoke in support of HB 199 although he wished it hadn't been weakened. He found the testimony interesting. He noted significant number of interested projects for resource development; however, it was important to always put salmon first. He cautioned that if not Alaska would look like California, Washington, Oregon, and British Columbia. He reiterated his support for HB 199. He thanked the committee for its efforts.

[12:03:30 PM](#)

RAYMOND O'NEIL, Environmental Engineer, thanked the sponsor for introducing HB 199. He spoke in support of the original HB 199. He was encouraged to see so many people calling in support of updating salmon habitat protection. He related that he has been in Alaska for 15 years working as an environmental engineer, including work cleaning up environmental sites. His family was originally from Butte, Montana where the effects of resource extraction has had historically devastating unintended consequences resulting from a lack of regulation. He stated that his career has included wetland and stream delineation and restoration in the US, Midwest, and on the East Coast. He has observed firsthand the negative impacts on fish habitat that under regulated land development has had in recent decades.

[12:04:31 PM](#)

MR. O'NEIL stated that Alaska's ecosystems were sensitive. He offered his belief that Alaska has an opportunity with HB 199 to strengthen protections and ensure responsible resource development by bringing transparency and stability to the permitting process. Salmon habitat protection has long needed updating, he said. He acknowledged that he spoke to an organization opposed to HB 199 because it may add cost to the development budget. He stressed that Alaska must be clear that the risk associated with not protecting Alaska's salmon cannot be left to outdated regulations or to multi-national corporations. In closing, he thanked the committee and stated his support for HB 199.

[12:06:03 PM](#)

LAURA WRIGHT stated it seemed to her that Alaska has a resource that returns year after year that feeds Alaskans and other animals. She said the state only needed to do one thing to keep salmon continuing, that protecting habitat would ensure that the fish resource would be available each year. She spoke in support of HB 199. She stated that fish is the economic driver in the Upper Susitna Valley in the form of tourism, sport fishing, nature walks and tour operators. She said that was how many people made a living in the Talkeetna area. She acknowledged that Alaska has historically had a boom and bust economy. Many people have made lots of money in mining and other resource extraction, she said. She suggested Alaska should reevaluate. She offered her belief that this bill was based on sound science. In closing, she reiterated her support for HB 199.

[12:07:50 PM](#)

THOMAS TILDEN stated his support for HB 199. He said he has been a fisherman all his life. He anticipated that there would be many more proposed mine projects in Alaska. He offered his belief that many mines pollute, but the committee would need to confirm this with the Department of Natural Resources (DNR). He emphasized that pollution occurs because the laws and regulations are inadequate to sufficiently protect salmon habitat.

[12:09:22 PM](#)

MR. TILDEN said clean water, tourism, and salmon are the reasons people come to Alaska and that represents the future of Alaska. He cautioned that people will not come to Alaska to see dirty mines or pollution. In closing, he strongly supported HB 199.

[12:10:15 PM](#)

LINDSEY BLOOM, Commercial Fisherman, stated she comes from a commercial fishing family and her father, brother, husband and two children all fish. She had salmon for breakfast and her family eats salmon most days. She referred to some photos she had distributed to members. She said she cherishes her "salmon life" which consisted of paychecks, livelihood, sustenance, and soul.

MS. BLOOM said that she was one of the original authors of the proposal to the Board of Fish requesting the board consider changes to Title 16 and whether the statutes were adequate to protect salmon habitat. She indicated that this came about when the commercial fisheries began to have more closures. She said her family members are gillnet commercial fishermen in Southeast Alaska. She noted the fisheries have had significant reduction in fishing time and closures for all fish species the fishery targets.

[12:12:46 PM](#)

WHITNEY WOLFF thanked the committee for hearing HB 199. She offered her belief that it was a step in the right direction. She has been following the bill. She expressed concern that this version has been weakened. She has worked for 30 years in volunteer community government. She suggested that the system really begs for a common-sense approach, which will eliminate

the reactionary approach that Alaskans take. The standards and already in place need to be applied and also be enforceable standards, she said. She suggested this could be viewed as providing ADF&G with the necessary tools to make educated decisions for salmon habitat. She especially liked the public process and due diligence permitting. She suggested that the committee restore the presumption of anadromy since only about 50 percent of the anadromous fish was cataloged. She hoped the bill would be strengthened and provide a balance between resource development and fish habitat.

[12:14:50 PM](#)

LOUIE FLORA, Member, The Alaska Center, thanked the committee. He said the bill was a complex proposal. He appreciated the work that staff has put into the bill. He spoke in support of the original version of HB 199. It contained strong language and gave guidance to the commissioner of ADF&G. More specifically, the previous version of HB 199 gave the commissioner guidance when a project being sought for approval required water treatment in perpetuity. In those instances, the project would need to be re-engineered and not allow water treatment in perpetuity, he said. He said that piece was important for the long-term economic sustainability of projects, but it was removed from Version M. However, he thought it would allow developers to protect salmon habitat and not put the cost on the public, he said. He highlighted that Version M contained other important items, including the public comment provision. In closing, he thanked the committee.

[12:16:59 PM](#)

MIKE FRICCERO, Commercial Fisherman; Co-founder, Stand for Salmon, stated he has been fishing halibut and salmon for 39 years in Western and Southcentral Alaska. He thanked the committee and staff for their work on HB 199 to strengthen salmon habitat protections. He has been involved in community service and gives service to his salmon community by serving as a board member for an important non-profit harvest organization. He said he was one of the primary founders, and donors of the organization "Stand for Salmon." He said that he has observed first hand, the incredible and imperiled salmon in Alaska. He said Alaska's diverse ecosystems provide the foundation for the opportunities for Alaskans.

[12:18:29 PM](#)

MR. FRICERRO said the existing permitting system in Alaska's constitutional framework does not provide adequate protections to salmon habitat. The constitutional language was too vague to ensure long-term protection in the face of constant and ever-increasing pressures of resource development, he said. The status quo permitting structure, if left unchanged, would tend to lead Alaska down the same path as the rest of the world whose salmon resources have disappeared or are endangered. He asked members to pursue the importance of habitat protection and increasing public participation, which cannot be overstated. He thanked the committee. In closing, he stated his support for the original version but understands the need to modify a bill in order to pass it.

[12:19:36 PM](#)

B.J. ROBINSON stated she has lived in Juneau, Gustavus, Sitka, Fairbanks, and Anchorage. She related that many of her friends have been deeply interwoven with salmon and salmon habitat. She said her freezer was often full of salmon and her friends are exhausted from a commercial fishing season. She offered her belief that Alaskans relationship with salmon was not as simple as fish in the freezer. She thanked the committee for their work on HB 199.

MS. ROBINSON said much of Juneau's community works in tourism. She previously worked for 10 summers in Gustavus as a kayak guide, mostly to take people out to be near whales. She reminded members that the ocean system was complex and has already been disrupted. She said her dad has worked as a geologist in Alaska for 40 years and he agreed that the state needed legislation to protect salmon waters and the statutes needed to be updated and to become more transparent. Although she was not against mining, it was important to learn from our past. She said she currently works as a nurse at the Alaska Native Medical Center in Anchorage and all of her patients eat salmon. She expressed gratitude to the many generations of Alaska Natives who live in villages in Bristol Bay and along the river systems across Alaska for sustainable fisheries. She thanked the committee.

[12:21:52 PM](#)

ERIN KANDOLL stated her father-in-law and husband work as commercial fishermen in Petersburg. Their family has relied on salmon for their livelihood. She hoped that commercial fishing would be protected for the next generation and beyond. She said

her family supports the strongest possible protection to keep the wild salmon runs vital. She urged members to pass HB 199. She thanked the committee for its efforts.

[12:22:35 PM](#)

ROBERT BOWHAY, Commercial Fisherman, said he was a third-generation commercial fisherman. His grandfather worked on a fish trap in Southeast Alaska. He thanked the committee for its support for HB 199. He reminded members that restoring habitat would also enhance habitat with hatchery fish, which are natural fish that were put back into streams. He emphasized the importance of healthy lakes, creeks, and rivers since they feed into our oceans. If the state cannot protect ocean habitat it would be a failure.

MR. BOWHAY recalled an effort in Kodiak three years to adjust the king salmon cap in the Gulf of Alaska to allow commercial troll fishermen to catch a salmon quota. He received a letter from Kodiak again to reduce the king salmon quota in the Gulf of Alaska. He acknowledged it must be tough to be a legislator since it must mean straddling fences. He offered his belief that clean and healthy ocean waters are as important as healthy streams. He reiterated that hatchery fish were natural and restorative fish and these fish could help recover and strengthen salmon runs.

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CLAY FRICK, Commercial Fisherman, stated he previously lived in Port Alexander. Both communities are very reliant on healthy salmon runs, he said. He has commercially fished and still has a power troll permit. He thanked the committee for its work on HB 199. He emphasized that salmon habitat desperately needed to be protected. He acknowledged others have testified to the importance of salmon in Southeast Alaska and the ties it brings to economic and spiritual benefits. He pointed out animals also rely on salmon to survive.

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MR. FRICK recalled previous testimony that attested the system was not broken. He responded by outlining projects that adversely impacted salmon, that the state has permitted salmon destruction in the Chuitna River. He related that 10 miles of that stream was approved by the Department of Natural Resources to be strip-mined as a coal mine, in part, because restoration

could occur 35 years from now. Further, he referenced Little Boulder Creek that flows into the Chilkat River, a small tributary produced a large run of king salmon; however, the Department of Transportation & Public Facilities (DOT&PF) riprapped the stream, greatly diminishing the run. He offered his belief that this bill needs to be stronger. The idea that a mine can leave water perpetually clean seemed crazy. He anticipated more work needed to be done but he appreciated the work the committee was doing on HB 199.

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BRENDA DOLMA stated she loves Alaska. She thanked the committee for the opportunity to testify. She expressed her excitement for a bill that would protect Alaska's fish habitat. She emphasized that fish habitat was complex, and she encouraged maximizing it, noting that the original bill might be the best way to do so. During her travels and people often have commented how lucky Alaskans were to have wild salmon. Wild salmon cannot be replaced, she said. She urged members to protect the riparian zone and to retain language that would oppose any project that would damage fish habitat on the land and water. She thanked the committee for its time. In closing, she characterized salmon as a precious resource.

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JILL WEITZ stated she knew many committee members from her previous work in salmon conservation. Her background was in water policy and law and she began working in Alaska as a compliance enforcement officer for the Division of Water, Department of Environmental Conservation. She traveled throughout Alaska inspecting large-scale projects from mines and processing plants to small-scale construction projects. She has seen first-hand the habitat permitting process and the monitoring, compliance, and enforcement of these issues across the state. She offered her full support for the original version of HB 199. She thanked the committee for its efforts to protect Alaska's waters and sustainable resources for future generations.

[12:30:12 PM](#)

CHAIR STUTES stated that former Senate President, Senator Rick Halford was invited to speak to the committee to give his perspective on the bill.

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RICK HALFORD, Former Senator, Alaska State Legislature, said that his three sons commercially fished in Bristol Bay this year and his family also has participated in a subsistence fishery. He echoed the thanks many have given to the sponsor and her staff for the energy and effort on HB 199. The sponsor's efforts began with developing a sustainable fish policy, sending a letter to the Board of Fisheries, and making over two years' effort, which was necessary to get a bill introduced that addresses important elements. He said, "We have a product." He emphasized that nobody on the outside can adequately assess the what is possible. He said if the bill was in its best possible form, he offered his congratulations on the bill. This bill represents a huge improvement over the existing system. He noted that while he enthusiastically supported the prohibitions of perpetual remediation and other things that had been removed from this version of the bill, it still contained public notice, public process and provisions that provide tools for the ADF&G. He reiterated that HB 199 was a big improvement over current law.

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MR. HALFORD stated he agreed with most of the testimony given today; however, he strongly disagreed with two statements. He said he disagreed with the statement that Alaska has the strongest protections for salmon habitat in the world. "That is not true," he said. He also disagreed that this bill was not necessary. "That is also not true," he said.

MR. HALFORD characterized HB 199 as being very necessary. He emphasized that this bill represented a great service to the state. He recommended the sponsor and the committee move the bill out of committee in its best form, to try to get something passed in this legislature.

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REPRESENTATIVE TARR asked for further clarification on fisheries management as it pertained to the budget. She recalled that some funding had previously been appropriated for research on salmon runs but it has largely been scaled back in recent years.

MR. HALFORD said he also shared concerns over the budget; however, he has been delighted with the technology occurring in the past few years that has helped. He pointed out 35 years ago

the legislature argued about different segments of mixed stocks. At the time researchers used coded wire tags and expensive processes to determine what occurred when weaker stocks mixed with stronger stocks. Now fish genetics has provided management tools, which costs money and while he still has concerns about the financial aspects, the fisheries science has provided significant information for management. He explained that it was important not to hurt the weaker elements of the stock when the state manages mixed stocks for maximum economic value. He stated that it could be a big help for salmon management if genetics can provide answers without expensive processes.

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REPRESENTATIVE EDGMON recalled earlier testimony about the late Senator Eliason. He said he was a staffer when the bill to ban finfish farming was being supported through the process. He asked whether he could comment on the statewide movement to protect salmon habitat.

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MR. HALFORD offered his belief that the defense of salmon habitat would be a big issue in the next election no matter what. He offered his belief that this bill could create a minimum standard that could do a lot of good. Although the [salmon initiative] was related to the bill, HB 199 was independent from it.

MR. HALFORD related that he started in this process as an air taxi operator and most of his early customers were miners or prospectors. He became interested in the Pebble Mine, primarily to figure out how to make it work. He concluded that it would not work.

MR. HALFORD shared that his perspective as a legislator, that it was always possible to maximize the use of resources in conflict with hard active management, to spend the money, and do the projects. However, he concluded that perspective did not work with the proposed Pebble Mine. In the process of listening to the scientists he learned a lot.

MR. HALFORD remarked that salmon are one of the greatest miracles on earth. All over the earth nutrients of the land wash into the water, over-energizing the water and destroying land. Only salmon are different because they defy gravity. Salmon about the size of a little finger start the journey -

sometimes 1,000 miles upstream and return bringing along 30 pounds of protein to feed life from tiny microorganisms to large brown bears. He characterized salmon as "the very soul of Alaska." He said, "All of the science that can put a man on the moon is not smart enough to replace 1,000 generations of natural selection" Even listening to the best of the scientists, even when we think we know the variables, scientists will add another variable, acknowledging they do not know everything. He said, "So salmon are magic. That's the only way I can think of describing it. It is absolutely one of the most important things we can fight for and the definition of who we are and where we are."

12:39:00 PM

REPRESENTATIVE KREISS-TOMKINS asked what the legislature contemplated on Title 16 salmon habitat [provisions].

MR. HALFORD responded by stating the late Mr. Eliason was a great friend and he taught him some good lessons. He was fortunate to serve with some phenomenal people. He served as the majority leader when the late Mr. Eliason was Senate President, he said. He described some lessons he learned, recalled his first lesson in the House was over a herring-stripping ban argument. At the time he was a Republican from an urban area and the late Mr. Eliason was from rural Sitka. Mr. Eliason was trying to get votes and the industry was urging members not to do it for economic reasons. He opposed the bill which extended the bill for one or two years.

MR. HALFORD reminisced, recalling that the late Mr. Eliason told him the industry would be back in a year or two with the same arguments; that they would never act unless the legislature forced them to do so. "He was right," he said. Two years later the legislature managed to break up the group. He recalled another case related to the presumption of anadromous waters. While scientists can describe water chemistry, nothing was as direct as "a picture of an empty lake with a bunch of dead fish on the bottom. You have to have quantity before it matters what the quality is." He wished he had sided with the late Mr. Eliason in 1990 on legislation affecting anadromous waters. He commended the late Mr. Eliason.

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MR. HALFORD further reminisced, stating that he had the opportunity to learn from numerous people during his time as a

legislator. He remarked that state legislatures were incubators, offering legislators opportunities to think about things, where individual legislators could pick a topic and concentrate on it. The executive branch must work on everything every day, which was much harder, he said. He concluded by stating that HB 199 was a good bill.

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TIMOTHY WONHOLA SR. said he was born in Dillingham and he has always depended on fish. He would like to pass salmon down to younger generations, noting that destroying salmon would also destroy his culture. He stated the animals and fish depend on clean water. He offered his belief that the Pebble Mine would destroy everything in its path and the proposed location for the Pebble Mine was the wrong place to put a mine. He said he does not want the mine. The clean water makes it possible for salmon, he said. He offered his support for HB 199 stating that the bill will help the three cultures in the region who would be affected: the Athabascan, Inupiat, and Aleut cultures. These cultures depend on clean water and fish to put up to survive the winters. In closing, he reiterated his support for HB 199.

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The committee took a brief at-ease.

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CHAIR STUTES announced that HB 199 would be held over.

[12:47:15 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 12:47 p.m.