

**ALASKA STATE LEGISLATURE**  
**HOUSE SPECIAL COMMITTEE ON FISHERIES**

February 25, 2020

11:17 a.m.

**MEMBERS PRESENT**

Representative Louise Stutes, Chair  
Representative Jonathan Kreiss-Tomkins  
Representative Geran Tarr  
Representative Sarah Vance  
Representative Mark Neuman

**MEMBERS ABSENT**

Representative Bryce Edgmon  
Representative Chuck Kopp

**OTHER LEGISLATORS PRESENT**

Representative David Talerico

**COMMITTEE CALENDAR**

HOUSE BILL NO. 199

"An Act relating to certain fish; and establishing a fisheries rehabilitation permit."

- MOVED CSHB 199(FSH) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 199

SHORT TITLE: FISHERIES REHABILITATION PERMITS

SPONSOR(S): REPRESENTATIVE(S) TALERICO

01/21/20	(H)	PREFILE RELEASED 1/17/20
01/21/20	(H)	READ THE FIRST TIME - REFERRALS
01/21/20	(H)	FSH, RES
02/13/20	(H)	FSH AT 11:00 AM GRUENBERG 120
02/13/20	(H)	Heard & Held
02/13/20	(H)	MINUTE(FSH)
02/25/20	(H)	FSH AT 11:00 AM GRUENBERG 120

**WITNESS REGISTER**

MILO ADKINSON, PhD

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 199.

EMILY ANDERSON, Alaska Program Director

Wild Salmon Center

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 199.

DUNCAN FIELDS

Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of HB 199.

SAM RABUNG, Director

Division of Commercial Fisheries

Alaska Department of Fish & Game

Juneau, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 199.

MONTE ROBERTS, Fishing Guide

Soldotna, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 199.

NANCY HILLSTRAND, Seafood Processor

Pioneer Alaskan Fisheries

Homer, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 199.

SAM SNYDER, PhD

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 199.

DAN DUNAWAY

Dillingham, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 199.

#### **ACTION NARRATIVE**

[11:17:22 AM](#)

**CHAIR LOUISE STUTES** called the House Special Committee on Fisheries meeting to order at 11:17 a.m. Representatives Stutes, Tarr, Vance, and Neuman were present at the call to order. Representative Kreiss-Tomkins arrived as the meeting was in progress.

#### **HB 199-FISHERIES REHABILITATION PERMITS**

[11:18:21 AM](#)

CHAIR STUTES announced that the only order of business would be HOUSE BILL NO. 199, "An Act relating to certain fish; and establishing a fisheries rehabilitation permit."

[11:18:55 AM](#)

The committee took an at-ease from 11:18 a.m. to 11:19 a.m.

[11:19:14 AM](#)

CHAIR STUTES opened public testimony on HB 199.

[11:19:33 AM](#)

MILO ADKINSON, PhD, testified in opposition to HB 199. He stated that he has a doctorate in fisheries and approximately 30 years of research and teaching on salmon biology and management. He said that when salmon stocks go through a downturn due to poor climatic conditions, a very effective rehabilitation strategy is to maintain their habitat, maintain escapements, and be patient. He stated that this approach worked in Bristol Bay where he is from; sockeye salmon numbers went from 2.5 million in the early 1970s, to routinely seeing 40 to 60 million a year now. He said that when downturns last for a long time people tend to get frustrated and want to "make fish," which he said seems like a good idea on the surface but the risks to wild stock are significant and not appreciated by everyone. He expressed that Dan Dunaway had sent in written testimony discussing the risks if enhancement is done poorly, but he wanted to talk about the risks wild stocks would face if the proposed enhancement program was done successfully.

DR. ADKINSON stated that salmon are notorious for being adaptive to the habitat in which they are spawned. As an example, he said that in Iliamna Lake salmon spawn in big rivers, small rivers, cold rivers, in the lake, on islands in the lake, and even in ponds with upwelling; these salmon all have different genetics, morphologies, and spawning timing. He remarked that a fish put into one of these locations from a different stock would not do as well. He expressed that mixing stocks becomes particularly troubling in areas like the Yukon, Kuskokwim, and Susitna Rivers, because all the different stocks mix at the mouth of a river where the fisheries occur. During a poor productivity period, when wild stocks are not capable of sustaining a harvest, if the enhanced stocks are fished wild

stocks will be harvested as well, which will hurt the wild stocks. He expressed that this might be overlooked as escapement numbers for wild stocks may be strengthened by strays from enhanced stocks.

DR. ADKINSON explained that rivers are particularly problematic locations for enhancement; an enhancement project must be carefully evaluated, sub stock structure must be investigated, and the mixture of the fisheries must be considered in addition to many other factors. He expressed that his assessment of HB 199 is that the language of the bill does not provide enough time and resources to the commissioner to properly evaluate and permit proposed projects. He added that he noticed Representative Vance would be introducing an amendment, and other amendments would be coming through. He said he thinks HB 199, at the minimum, needs to be significantly modified to allow for more careful evaluation of projects before they are permitted.

[11:23:57 AM](#)

REPRESENTATIVE TARR remarked that she thinks the amendment Representative Vance would be proposing would address a concern raised by Dr. Adkinson, as it would eliminate default permitting if the commissioner has not acted on it within the specified amount of time; however, it would not remove the language that specifies the 90-day time limit. She asked whether Dr. Adkinson might offer some insight based on research into what would be an appropriate timeline for an approval process.

DR. ADKINSON replied that he thinks speaking with the Alaska Department of Fish & Game (ADF&G) commissioner would provide more insight to staffing levels, but his understanding is that ADF&G is short staffed and if it needed to send someone into the field to gather more data on an application, then 90 days would not be long enough.

REPRESENTATIVE TARR expressed that she shared some of Dr. Adkinson's concerns regarding fish genetics and one of the explanations given previously to address those concerns was page 4, lines 8-10, of HB 199, "The department shall require a permittee under this section to collect not more than 500,000 eggs for fertilization under a single permit." She explained that other people had said that the proposed number of eggs was so low that the possibility for negative impacts would be minimized. She asked Dr. Adkinson whether he could speak to that.

DR. ADKINSON answered that the larger an enhancement project gets even small problems become big problems. He expressed that it would depend on the situation, but limits on the number of eggs would be helpful.

[11:27:05 AM](#)

REPRESENTATIVE NEUMAN noted that 8 out of 12 fisheries in Susitna have stocks of concern. He asked whether there would be a problem with artificial enhancement in situations where there is not a problem with the habitat and a plan was in place for "escapement from the escapement." He expressed that if there is an escapement issue in a fishery, the problem will show up 3-7 years down the road, and he asked why it would be a negative thing to have a "management tool in your pocket" to boost a fishery in specific years.

[11:29:14 AM](#)

DR. ADKINSON replied that the use of hatcheries to restore fish populations in deep trouble is effective and common in the Lower 48. He expressed that he gets concerned when hatcheries are used to maintain a robust fishery. He mentioned the issue of domestication selection, which is the tendency for fish characteristics to adapt to be more suited for a hatchery than for the wild; like losing predator avoidance, surface feeding, and relaxation regarding nesting sites and habitat selection. He said that the conservation hatcheries he has seen have the goal to not have more than 10 percent of the population on the spawning ground come from a hatchery, which is a very careful and modest level.

[11:31:01 AM](#)

REPRESENTATIVE NEUMAN remarked that it was interesting to him that fish were able to adapt to the environment they are nurtured in through domestication selection, as mentioned by Dr. Adkinson. He spoke about "pulsing" with fish stocks, regarding escapement, and asked Dr. Adkinson whether he could shed some light on the effect of this on raw stock and enhanced stocks in a natural habitat.

DR. ADKINSON answered that the ability to differentially harvest the enhanced stock is critical. He remarked that that is why there is a policy in existing hatcheries to situate stock in areas where there is minimum interaction with wild stocks, which

gets very difficult in a river system where stocks are naturally mixed.

[11:33:16 AM](#)

EMILY ANDERSON, Alaska Program Director, Wild Salmon Center, testified in opposition to HB 199. She stated that she appreciates the bill sponsor's desire to boost fish populations in areas where numbers are down; however, she expressed that fishery enhancement, in the context proposed under HB 199, is simply not the way to do it. She remarked that while it is not perfect, the current fish enhancement and hatchery development policy seeks to segregate wild fish and hatchery fish to avoid interbreeding, competition, and harvest management problems. She stated that although HB 199 would require the commissioner to determine that a project would not harm indigenous fish populations when issuing a permit, there would not be a requirement to segregate hatchery fish from wild fish stocks. She expressed that HB 199 does not contain adequate safeguards to protect wild stocks in her view.

MS. ANDERSON stated that Alaska's policy up to this point has avoided many of the pitfalls that hatchery schemes in the Lower 48 have experienced. She explained that in the Pacific Northwest hatchery production is used to enhance salmon runs which have been devastated by habitat destruction, dams, and overharvesting; however, rather than supporting wild salmon recovery, a lot of those hatchery schemes have only continued to drive down depleted salmon stocks. She expressed that HB 199 would depart from Alaska's current policy and sets up a scheme which mirrors that taken in hatcheries in the Lower 48, which she thinks is troubling. She said that HB 199 specifically targets weak stock fisheries, and decades of scientific research indicate that fish enhancement projects that seek to restore depleted stocks only really mask the problem and make it more difficult to recover wild stocks. She expressed that hatchery enhancement projects that seek to recover weak stocks may appear to be a good tool for increasing fish numbers, but over a relatively short period of time they actually decrease the productivity of those salmon stocks, thereby decreasing the ability of those wild populations to rebound. She summarized that to truly protect weak stocks and help them rebound, as Dr. Adkinson had said, efforts need to be focused on habitat rehabilitation and the temptation to fix the problem by increasing numbers through enhancement needs to be resisted.

[11:35:51 AM](#)

REPRESENTATIVE NEUMAN asked Ms. Anderson what her thoughts were on escapement regarding the total biomass and focused efforts, like an enhancement program. He asked her why she thinks the current hatchery management system is better than a more targeted system, like something proposed under HB 199.

MS. ANDERSON answered that she was referring very specifically to the idea in current policy that hatchery stocks should be segregated from wild stocks as much as possible. She expressed that it is not a perfect system, and from her perspective as an attorney, the law was originally designed to prevent some of the problems that are starting to be seen in the Lower 48 with mixing of wild and hatchery stocks. She added that most of the interbreeding was focused on targeting weak stocks. She stated that when increased pressure is put on weak stocks with enhancement projects several problems come with it, including increased predation, interbreeding, inbreeding, and other problems which put pressure on these stocks from recovering.

REPRESENTATIVE NEUMAN commented that he thinks he understands, and he would see it as being able to target fisheries that are really needed, as opposed to putting fish in to compete with all the fisheries in the ecosystem.

[11:39:30 AM](#)

DUNCAN FIELDS testified in support of HB 199. He expressed that he thinks the previous testifiers who were in opposition to the proposed legislation were confusing a whole host of issues and were "painting with a broad brush" regarding hatchery operations in the Lower 48. He said that fisheries enhancement throughout the world has had many iterations including failures and successes. He remarked that the concept of the proposed program was simple and "like early childhood education." The fish are taken, the environment they are raised in is enhanced, the probability of success is increased, and the fish are put back in the stream. He expressed that there is not a genetic issue involved, and much of the testimony he heard was like testimony heard relative to Alaska's hatchery programs in general. He said that he thinks those concerns and issues could be addressed in the context of the larger hatchery program but are not issues associated with HB 199 as he understands it.

[11:41:18 AM](#)

SAM RABUNG, Director, Division of Commercial Fisheries, Alaska Department of Fish & Game, stated that it is important to note that HB 199 is related to restoration, which is a defined term, and not enhancement, which is something else entirely. He explained that enhancement involves increasing productivity above what the natural environment can produce in perpetuity, and if production is stopped the numbers will drop back down to what they were before. Restoration involves taking a depleted stock and restoring it to its natural level of productivity and then stopping production and the levels become self-sustaining moving forward. He stated that ADF&G views restoration and enhancement very differently when issuing permits.

MR. RABUNG expressed that HB 199 would authorize small scale restoration work, which is short term, and there is nothing proposed under HB 199 that ADF&G could not permit through its current permit structures, primarily through the Aquatic Resource Permit (ARP), which is a research and education permit. As an example of how the proposed programs would work, he said that many streams in the Norton Sound and Nome area have had salmon runs extirpated because of placer mining, and the Norton Sound Economic Development Corporation (NSEDCC) has gone back in, reconditioned the gravel, taken broodstock from the main stem, incubated the eggs, and replanted the eggs in the reconditioned gravel in the tributaries to restore runs on a small scale. He expressed that this effort has been successful with Coho salmon stocks in Nome. He said that another example was the Chickaloon Tribe; it has done restoration work in Moose Creek by taking broodstock from the Matanuska River, incubating the eggs, and putting them back in the Moose Creek. He added that he doesn't think those efforts have produced any returns yet. He said that in Kodiak the Sun'aq Tribe had removed some culverts at the Buskin River drainage, which were preventing Coho salmon from reaching spawning areas. The culverts were removed, the area was reconditioned, and then eggs were planted from Buskin broodstock and now the fish return to those areas to spawn. He summarized that these were all "do it and be done" projects, and ADF&G effectively views the projects proposed under HB 199 in the same light.

[11:44:31 AM](#)

REPRESENTATIVE NEUMAN asked whether specific damaged areas, be it from beaver dams, man made destruction, or natural causes would be assisted or hurt by enhancement or restoration projects in specific tributaries.

MR. RABUNG answered that he thinks what is important is that a problem be fixed before restoration work begins, so that the project works, and salmon fry don't have to be continually released. He expressed that for a restoration project to work, the cause of the decline needs to be addressed; the fish can then be given a jumpstart back towards their natural productivity, and then "get out of their way."

REPRESENTATIVE NEUMAN, referencing the Alaska State Salmon Management Plan, asked whether part of that plan allows Mr. Rabung, as director, to address fishery stocks in tributaries in which it is imminently apparent that it will soon be void of a specific species of salmon.

MR. RABUNG answered that he does not think there is a specific plan for anything like that specified in any one place. He remarked that there are salmon fishery enhancement plans throughout the state on a regional level which are developed by regional planning teams that could address those things, but he could not think of a specific example.

REPRESENTATIVE NEUMAN commented that there is a difference between optimum and optimal in a management plan; optimum is the minimum amount of escapement, but optimal is not clearly defined and there is not a clear plan for what to do if a tributary is "going to go down under." He expressed that he thinks it would be practical to have a "tool like this in our pocket," like that proposed under HB 199.

MR. RABUNG replied that in that regard ADF&G does have a plan in place, which is conservative management; fisheries are restricted to bring back numbers which is different than an enhancement plan, which is what he was referring to earlier.

[11:48:20 AM](#)

REPRESENTATIVE TARR remarked that she noticed the title from the Sectional Analysis for HB 199 referenced "fisheries enhancement permit", and HB 199 as it is before the committee says, "fisheries rehabilitation permit". She said she had not noticed much change in the language of the bill aside from the number of eggs allowed to be collected and asked whether Mr. Rabung could speak to what prompted the title change.

MR. RABUNG answered that he recalled a discussion on what enhancement and rehabilitation are, and it was determined that rehabilitation is a more accurate term for what the permitting

proposed under HB 199 would allow; therefore, the title was changed at that time. He remarked that Representative Talerico may be able to speak more on this topic.

REPRESENTATIVE TARR remarked that she recalled Mr. Rabung stating earlier that any of the permitting that would be possible under the proposed legislation could already be done with existing permits, and she asked Mr. Rabung why it would be better to specifically have the proposed fisheries rehabilitation permit.

MR. RABUNG replied that there are some constraints on who is qualified to receive an Aquatic Resource Permit; it requires the applicant to be a government entity or university, which excludes a lot of entities.

REPRESENTATIVE TARR remarked that it seems to her like there would be on-site evaluation work in the permitting process which would require funding, and it seems like the permitting fees might be slightly low to cover those costs. She asked whether there was a positive way to incorporate opportunities to work with organizations that have the funding to make these projects happen, but also be mindful of concerns that may exist regarding the projects in order to strike a balance.

MR. RABUNG replied that his understanding is that as ADF&G looks at these projects, most of the legwork would be done by the applicants, since ADF&G does not have the resources to go out and do the "boots-on-the-ground prework" that would be required. He said that ADF&G would vet the information, but the heavy lifting would be required of the applicant as part of the application process. He remarked that the fee would just be the cost of processing the permit, and not the cost of the prework required to get to a review and approval point in the permitting process.

[11:52:21 AM](#)

REPRESENTATIVE KREISS-TOMKINS remarked that the \$100 fee seems rather low to him. He added that he had prepared an amendment to change the fee from \$100 to \$1000, which was chosen arbitrarily, but he wanted to touch base with the sponsor before he submitted it. He said that it seems to him like it is important for an applicant to have "some sort of financial skin in the game," instead of having permits "flying in willy-nilly." He added that it seems inconsistent with Alaska's current fiscal

position for ADF&G to be taking on more work without having applicants "pay as they go," or a user fee.

REPRESENTATIVE KREISS-TOMKINS remarked that Dr. Adkinson's written testimony [hard copy included in committee packet] noted that "local stakeholders have identified a decline in the number of the species of fish," which seemed to be a low standard. He remarked that it seems subjective to him as well and asked Mr. Rabung whether he could comment on his perspective on what an appropriate standard should be.

MR. RABUNG replied that it is a somewhat subjective answer. He said he had spent quite a bit of time working with representatives from the Yukon who are very invested in local knowledge; the feedback he had received from those stakeholders is that there is no one who knows better than they do "what used to be there and what should be there." He explained that these stakeholders rely on their elders to tell them which streams and slews had fish but don't anymore. He expressed that was one end of the spectrum, and the other end of the spectrum would be if a known quantity somewhere were extirpated by some activity, and it could be restored as well.

MR. RABUNG stated that his view is that this language is a safeguard for locals who would be affected by one of the proposed projects, that someone is not going to "come in and put something in their backyard that they're not on board with."

MR. RABUNG reiterated that the permitting fee would only cover the cost of the processing and not the cost of the pre-research that would go into developing the application. He stated that he understands the desire to bring in more revenue to ADF&G with a higher fee. He explained that under AS 16.05.092 ADF&G is required to perform specific functions but does not have the funding for them. He expressed that the proposed legislation could be a vehicle for partnering with willing entities who have the resources to restore some fishery runs that ADF&G should be able to restore, but for which it does not have the funding. He referenced a few areas with extirpated runs that salmon can no longer reach which could be restored, including: The Matanuska-Susitna Valley, the Buskin River, and Norton Sound. He explained that someone with the money could go into those areas, recondition the gravel, and jumpstart the runs back to those areas from main stems of local fish stocks. He summarized that these are things ADF&G should be able to do but does not have the funding for; therefore, he said that he is reluctant to

discourage any willing partners from doing beneficial work, but understands the need to protect the resource from misuse.

[11:57:47 AM](#)

The committee took an at-ease from 11:57 a.m. to 11:58 a.m.

[11:58:39 AM](#)

MONTE ROBERTS, Fishing Guide, expressed that he agreed with earlier testimonies on both sides of the issue. He said that his biggest concern is, "When you introduce not naturally spawned fish, a lot of bad things can happen." He stated that he would recommend caution when determining what constitutes a fishery that needs restoration and is not just over fished. He summarized that it seems possible that areas licensed to be restored will be regarded with less concern, and result in "fishing them to next to extinction."

[12:00:35 PM](#)

NANCY HILLSTRAND, Seafood Processor, Pioneer Alaskan Fisheries, testified in opposition to HB 199. She stated that she had worked previously as a fish culturist for 21 years with the ADF&G's Fisheries Rehabilitation, Enhancement, and Development (FRED) Division, and had experience with all five species of salmon and two species of trout. She expressed that she thinks HB 199 would pose a very real risk to wild stocks. She said that in her 21 years of experience she has seen mishaps and mishandlings of small wild salmon broodstock. She said that brood stock can be mishandled, which leads to genetic and other problems. She said that ADF&G no longer has a FRED Division, and there isn't really a division that can provide oversight like in the early 1970s, 1980s, and 1990s.

MS. HILLSTRAND expressed that a program devoted to natural spawning habitats and the culvert problem in Alaska would be "farther ahead." She said she had emailed information, to the committee, that ADF&G has on locations of thousands of culverts across Alaska that are blocking natural production of salmon up into streams. She said that the culvert problem should be addressed before approving HB 199. She referenced the productive culvert restoration in Kodiak that Mr. Rabung had mentioned previously and noted that the Matanuska-Susitna Basin Salmon Habitat Partnership has worked on culverts in that region, but there are at least 70 to 100 more. She summarized

that she would appreciate if the committee reviewed her comments.

[12:02:49 PM](#)

SAM SNYDER, PhD, testified in opposition to HB 199. He stated that he has a PhD in environmental studies with a focus on fisheries and has spent a good bit of his graduate and professional career studying the history of fisheries in America; he said he has published extensively on the matter. He expressed that he did not need to repeat the testimonies of people like Milo Adkinson and Dan Dunaway, who have long respected and proven track records of fisheries work in the state. He said that when he reads legislation like that proposed under HB 199, he is struck with a sense of "déjà vu," and not in a good way; he said he thinks the clock is being turned back 120 or more years.

DR. SNYDER stated that at the turn of the 1800s hatchery technology was discovered and Americans took matters into their own hands; they set up individual hatchery programs with no understanding of local ecosystems and the impacts that spreading fish could have. He said that what started as good intentions to restore fish stocks, resulted in a widespread self-driven "bucket brigade" putting fish where they should not be. He expressed that these efforts were well-intended but ended up putting already weakened fisheries further at risk and jeopardized other aquatic ecosystems. He said that on top of development related impacts, "We have, in a sense, been cleaning up some of those messes around the country for 100-plus years."

DR. SNYDER stated that Alaska has a proven track record and a progressive careful approach to hatchery development in state waters, and he asked: "Why would we jeopardize this trajectory and good work?" He said that Mr. Rabung just noted that the current scheme restricts who can acquire permits to government and agency actions, and he expressed that this is the way it should be; allowing just any individual to establish a hatchery would be counterintuitive to any reasonable fisheries management program. He said that even with good oversight, it would set up a slippery slope that would quickly slide away from science-based management. He explained that HB 199 would depart from Alaska's current strong policy and set up a scheme that mirrors failures in the Pacific Northwest and the Lower 48. He expressed that mistakes would be repeated, and this needs to be stopped. He said that there is plenty of experience with fish management and restoration in Alaska, and the focus should

remain on habitats, culverts, and restoration projects, not on allowing individual Alaskans and small private operations to set up hatchery programs at will, with little oversight and little cost. He said this would cost the state much more in the long run. He summarized that this is not the approach that should be taken, and he urged the House Special Committee on Fisheries to oppose HB 199 outright.

[12:06:14 PM](#)

DAN DUNAWAY testified in opposition to HB 199. He stated that he is retired from ADF&G, where he worked as the area biologist for Bristol Bay Sport Fisheries for approximately 22 years. He said that he was in a class in Juneau recently and had heard Representative Talerico extolling the virtues of HB 199, but he thinks it is a poor idea. He expressed that he thinks the proposed program is not really needed, except for in some of the locations mentioned by Mr. Rabung previously. He expressed that the potential for disease, disruption, genetic dilution, and misuse are too high. He said that as noted by other testifiers, ADF&G does not have the staff, funding, or time to monitor the proposed program, and from his experience in Bristol Bay there are far too many people willing to take matters into their own hands without an understanding on the impacts of their projects. He said that he thinks the state should operate within the rules and guidelines ADF&G already has in place. He said that he was unaware of some of the topics Mr. Rabung had mentioned and he does think that is an excellent approach; however, he said that he does not think that the "hatchery box idea" needs to move forward.

[12:07:49 PM](#)

CHAIR STUTES, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 199.

[12:08:17 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 1, labeled 31-LS0169\M.2, Klein, 2/17/20, which read as follows:

Page 4, lines 6 - 7:

Delete "If the commissioner fails to act within that period, the application is approved and the department shall issue a permit."

Page 4, following line 19:

Insert a new subsection to read:

"(j) The commissioner may modify, suspend, or revoke a permit issued under this section for good cause. If a permittee violates this section, a regulation adopted under this section, or a condition of a permit issued under this section, the commissioner may, after providing the permittee notice and a hearing, suspend or revoke a permit issued under this section."

Reletter the following subsection accordingly.

[12:08:23 PM](#)

CHAIR STUTES objected to the motion, for the purpose of discussion.

[12:08:41 PM](#)

REPRESENTATIVE VANCE stated that Amendment 1 would give the commissioner of ADF&G more discretion and oversight in the permitting process and proposes that, "If a permittee violates this section, a regulation adopted under this section, or a condition of a permit issued under this section, the commissioner may, after providing the permittee notice and a hearing, suspend or revoke a permit issued under this section." She expressed that she thinks Amendment 1 would address many of the concerns raised in public testimony regarding ADF&G oversight on the proposed permitting process. She summarized that Amendment 1 would give the commissioner the oversight to ensure that permits issued under the proposed legislation would be in line with what ADF&G is already doing regarding rehabilitation projects.

[12:09:40 PM](#)

The committee took an at-ease from 12:09 p.m. to 12:10 p.m.

[12:10:10 PM](#)

CHAIR STUTES withdrew her objection to the motion to adopt Amendment 1. There being no further objection, Amendment 1 was adopted.

[12:10:57 PM](#)

REPRESENTATIVE VANCE asked Mr. Rabung whether the permit application fee possibly being raised would inhibit "good prospects" from applying for permits under the proposed legislation.

[12:11:31 PM](#)

MR. RABUNG replied that he is certain that there are some good prospects who might think otherwise, but his perspective is that prospects are going to need to have the wherewithal to do the project from start to finish, and setting the bar higher through a fee to apply would probably get that point across. He expressed that it might provide a hardship for well-meaning people that would not have the means, but ADF&G would hope that whoever applies for a permit under the proposed legislation would have the means to follow through during all stages of a project; therefore, that should not be a barrier for someone who has those resources.

REPRESENTATIVE VANCE asked Mr. Rabung to clarify whether he thinks HB 199, as amended, would create a program considered to be at-will or low oversight into rehabilitation, as far as the state's management is concerned.

MR. RABUNG replied that ADF&G is confident that no permit would go through that it thinks could do any harm; he expressed that "first do no harm" is the ADF&G's mantra. He explained that the proposed permits would be scrutinized under the same rigorous review process as any other permits currently processed by ADF&G.

[12:13:23 PM](#)

REPRESENTATIVE TARR remarked that she has some faith in ADF&G to have a high level of scrutiny in the permitting process, but based on some of the comments from testifiers there might be an opportunity to adjust the definition of the proposed legislation, to narrow the field of who would qualify for the permit. She expressed that it looks like most of the letters of support were from tribal interest groups, and it seems to her that it would be difficult to consider not allowing the people who have lived on this land for 10,000 years to be more involved in fisheries management. She asked whether language could be provided in the proposed legislation to limit the permitting to tribal and native corporations, in addition to government and universities, and whether that would alleviate some of the concerns for unqualified participants in the program. She asked

whether ADF&G expects any applicants beyond the tribal groups who have already expressed interest in the proposed legislation.

MR. RABUNG replied that he thinks this would be a policy call, and ADF&G would process permits for any applicant qualified through the statute or regulations, regardless of who he/she is. He said that if provisions were placed in the statute that gave specific guidance, ADF&G would adhere to those provisions.

[12:15:31 PM](#)

CHAIR STUTES remarked that HB 199, as amended, would be more thoroughly vetted in its next committee of referral, the House Resources Standing Committee.

[12:15:57 PM](#)

REPRESENTATIVE VANCE moved to report HB 199, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 199(FSH) was reported from the House Special Committee on Fisheries.

[12:16:49 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 12:17 p.m.