

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

April 29, 2019

5:29 p.m.

MEMBERS PRESENT

Senator Chris Birch, Chair
Senator John Coghill, Vice Chair
Senator Cathy Giessel
Senator Lora Reinbold
Senator Click Bishop
Senator Scott Kawasaki
Senator Jesse Kiehl

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 90

"An Act relating to the powers of the Alaska Commercial Fisheries Entry Commission; relating to administrative areas for regulation of certain commercial set net entry permits; establishing a buy-back program for certain set net entry permits; providing for the termination of state set net tract leases under the buy-back program; closing certain water to commercial fishing; and providing for an effective date."

- MOVED CSSB 90(RES) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 90

SHORT TITLE: COOK INLET: NEW ADMIN AREA; PERMIT BUYBACK

SPONSOR(s): SENATOR(s) MICCICHE

03/13/19	(S)	READ THE FIRST TIME - REFERRALS
03/13/19	(S)	RES, FIN
03/29/19	(S)	RES AT 3:30 PM BUTROVICH 205
03/29/19	(S)	Heard & Held
03/29/19	(S)	MINUTE(RES)
04/22/19	(S)	RES AT 3:30 PM BUTROVICH 205
04/22/19	(S)	Heard & Held
04/22/19	(S)	MINUTE(RES)

04/29/19

(S)

RES AT 5:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR PETER MICCICHE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 90.

ACTION NARRATIVE

[5:29:02 PM](#)

CHAIR CHRIS BIRCH called the Senate Resources Standing Committee meeting to order at 5:29 p.m. Present at the call to order were Senators Bishop, Giessel, Kawasaki, Coghill, Reinbold, Kiehl, and Chair Birch.

SB 90-COOK INLET: NEW ADMIN AREA; PERMIT BUYBACK

[5:29:24 PM](#)

CHAIR BIRCH announced the consideration of Senate Bill 90 (SB 90). He explained that during the previous hearing the committee adopted a committee substitute, version R, and adjourned the meeting with Amendment 1 pending.

He asked Senator Giessel if she maintained her motion to adopt Amendment 1.

SENATOR GIESSEL withdrew Amendment 1.

CHAIR BIRCH asked if she wished to offer Amendment 2.

[5:31:01 PM](#)

SENATOR GIESSEL moved to adopt Amendment 2, version R.3.

31-LS0230\R.3
Bullard
4/26/19

AMENDMENT 2

OFFERED IN THE SENATE
TO: CSSB 90(RES), Draft Version "R"

BY SENATOR GIESSEL

Page 6, lines 4 - 8:

Delete all material and insert:

"(2) provide a shore fisheries lease, an area registration, a buoy tag, a previous submission of fishing statistics for the area, or other documentation proving, to the commission's satisfaction, that the individual or an immediate family member of the individual

(A) has held the entry permit that was reassigned from the Cook Inlet to the administrative area established under AS 16.43.200(c) since January 1, 2016; and

(B) actively participated in the fishery identified by the Department of Fish and Game as of January 1, 2019, as statistical areas 244-21, 244-22, 244-31, 244-32, 244-41, and 244-42 of the Upper Subdistrict of the Cook Inlet Central District within the two years preceding December 31, 2018; and

(3) provide an affidavit to the commission containing an accurate description of the specific site used to fish the entry permit; the description must include, if the site is

(A) leased under AS 38.05.082, the lease agreement;

(B) leased from a municipality, the geographic location and boundaries of the leased tract; and

(C) on unleased public land, a site survey and other related information that may be required by the commission; and"

Renumber the following paragraphs accordingly.

Page 6, line 20:

Delete "the information required under (h)"

Insert "all of the information required under (a)"

Page 7, line 9, following "who":

Insert "fishes the individual's entry permit from a site"

Page 7, line 10:

Delete "holds a lease"

Insert "leased"

Page 7, lines 11 - 12:

Delete "affected lease under AS 38.05.082"

Insert "description of the lease provided under (a) (3) (A) of this section"

Page 7, line 13:

Delete "fishes the individual's entry permit from a tract"

Page 7, line 16:

Delete "(h)"

Insert "(a) (3) (B)"

Page 7, line 25, through page 8, line 2:

Delete all material.

Re-letter the following subsections accordingly.

Page 8, lines 18 - 20:

Delete all material.

Page 8, lines 21 - 22:

Delete all material and insert:

"(k) In this section,

(1) "commission" means the Alaska Commercial Fisheries Entry Commission established under AS 16.43.020;

(2) "immediate family member" means

(A) the spouse of an individual;

(B) another individual cohabiting with an individual in a conjugal relationship that is not a legal marriage;

(C) a child, including a stepchild and an adopted child, of an individual;

(D) a parent, sibling, grandparent, aunt, or uncle of an individual; and

(E) a parent or sibling of an individual's spouse."

SENATOR REINBOLD objected for discussion purposes.

SENATOR GIESSEL stated that Amendment 2 should make the buyback program proceed without impinging on its likelihood of success and accommodate the concerns that some may attempt to game the system.

SENATOR GIESSEL summarized Amendment 2 as follows:

1. Requires the buyback applicant to have the permit since January 1, 2016. That is approximately 4 years from the effective date.
2. Requires the buyback applicant to have actively participated in the fishery within 2 years preceding December 31, 2018.
3. Requires the buyback applicant to attach a specific site to the permit earlier in the lottery process.
 - Amendment 2 prevents an applicant with multiple permits to pick and choose the least desirable sites for the permit buyback.

She said she believes that these changes will still make the buyback a successful opportunity. She noted that the definition for "immediate family" is still very broad and maintains the key elements that the original bill contained.

CHAIR BIRCH asked Senator Micciche to share his views and assessment of Amendment 2.

[5:34:32 PM](#)

SENATOR PETER MICCICHE, Alaska State Legislature, Juneau, Alaska, sponsor of SB 90, opined that Amendment 2 more directly meets the intent of the maker of the amendment. The 10-year requirement in Amendment 1 was difficult for several reasons. The four-year requirement is approximately when the legislation started being seriously discussed.

He said he likes the family exclusion because, "That's where a lot of these permits go and shouldn't be considered as a part of the limiting factors."

SENATOR MICCICHE summarized that the amendment works and does not complicate lottery operations or sales. He said he appreciates that Amendment 2 ties the water and permit together.

He reiterated that it doesn't matter which 200 permits sell, but the amendment more clearly lays out how the buyback works while meeting the intent.

CHAIR BIRCH thanked Commissioner Putman from the Alaska Commercial Entries Commission for submitting answers to the questions that came up during the previous hearing.

SENATOR REINBOLD removed her objection to Amendment 2.

[5:36:20 PM](#)

CHAIR BIRCH announced that without further objection, Amendment 2 is adopted.

[5:36:31 PM](#)

SENATOR COGHILL moved to report CSSB 90(RES), version 31-LS0230\R as amended, from committee with individual recommendations and attached fiscal notes.

CHAIR BIRCH announced that without objection, CSSB 90(RES) moves from the Senate Resources Standing Committee.

[5:37:06 PM](#)

At ease.

[5:39:48 PM](#)

CHAIR BIRCH called the committee to back to order.

[5:40:03 PM](#)

There being no further business to come before the committee, Chair Birch adjourned the Senate Resources Standing Committee meeting at 5:40 p.m.