

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

April 27, 2023

10:03 a.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Kevin McCabe
Representative CJ McCormick
Representative Craig Johnson
Representative Louise Stutes
Representative Rebecca Himschoot

MEMBERS ABSENT

Representative Ben Carpenter

COMMITTEE CALENDAR

HOUSE BILL NO. 169

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

- HEARD & HELD

HOUSE RESOLUTION NO. 8

Encouraging the Department of Fish and Game to adopt certain regulations relating to fisheries bycatch.

- BILL HEARING CANCELED

Measures by Shannon Carroll, Trident Seafoods

- CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 169

SHORT TITLE: FISH ENHANCEMENT PERMITS

SPONSOR(S): REPRESENTATIVE(S) CRONK

04/24/23	(H)	READ THE FIRST TIME - REFERRALS
04/24/23	(H)	FSH, RES
04/25/23	(H)	FSH AT 10:00 AM GRUENBERG 120
04/25/23	(H)	-- MEETING CANCELED --
04/27/23	(H)	FSH AT 10:00 AM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE MIKE CRONK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As the prime sponsor, introduced HB 169.

DAVE STANCLIFF, Staff
Representative Mike Cronk
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Cronk, prime sponsor, gave the sectional analysis on HB 169.

ACTION NARRATIVE

[10:03:54 AM](#)

CHAIR SARAH VANCE called the House Special Committee on Fisheries meeting to order at 10:03 a.m. Representatives Johnson, Himschoot, McCormick, McCabe, Stutes, and Vance were present at the call to order.

HB 169-FISH ENHANCEMENT PERMITS

[10:04:25 AM](#)

CHAIR VANCE announced that the only order of business would be HOUSE BILL NO. 169, "An Act relating to certain fish; and establishing a fisheries rehabilitation permit."

CHAIR VANCE expressed support for HB 169.

[10:04:57 AM](#)

REPRESENTATIVE MIKE CRONK, Alaska State Legislature, as the prime sponsor, introduced HB 169. He said HB 169 is a reintroduction of House Bill 107 [passed during the Thirtieth Alaska State Legislature] by former Representative Dave Talerico. He stated that the main driver for reintroducing the proposed legislation is the lack of returning salmon to the Yukon River and Kuskokwim River. He explained that HB 169 would allow individuals, Alaska corporations, school districts, and other organizations to apply for a fishery rehabilitation permit through the Alaska Department of Fish and Game (ADF&G). If the commissioner grants a permit, he continued, these entities would

be allowed to collect a limited number of fish, fertilize the eggs, hatch them, and then place the unfed natural fish back into the water from which they were taken. He specified that this would boost the survival rate of fertilized eggs into the emergent fry stage from the natural rate of around 5 percent to roughly 90-95 percent.

REPRESENTATIVE CRONK stated that similar types of fish rehabilitation permits are already allowed by ADF&G for scientific research and other educational purposes. This bill, he continued, would allow the private sector and ADF&G to work together in a responsible collaborative effort to increase the natural salmon populations and scientific data collection throughout the state. Helping Alaska's natural salmon runs, he added, would benefit the state by supplying food to Alaska families.

[10:07:11 AM](#)

DAVE STANCLIFF, Staff, Representative Mike Cronk, Alaska State Legislature, on behalf of Representative Cronk, prime sponsor, provided a sectional analysis of HB 169. He paraphrased from the written sectional analysis provided in the committee packet, which read as follows [original punctuation provided]:

Sec. 1 - AS 16.05.855

Creates a new section in AS 16.05 to create a fisheries enhancement permit. AS 16.05.855 consists of the follow subsections:

(a) Creates a new subsection for the activities that are allowed under the new fisheries enhancement permit:

(1) Remove fish from water, collect gametes and milt, fertilize and incubate eggs, and place fertilized eggs or un-fed fry back in the same water

(2) Enhance habitat in state water for survival of the fish

(b) Creates a new subsection that prescribes as application form created by the department that states what type of information must be on the application to obtain a fisheries enhancement permit. This information includes:

(1) The applicant's name

(2) Reasoning and feasibility of the proposed project

(3) Documentation of conditions justifying project, any collaboration with local stakeholders, and any other permits required for the project

(4) Locations of water in which applicant will take fish and place fertilized eggs or un-fed fry

(5) Species and number of fish taken from water

(6) Applicant's management plan for propagation or repopulation in permitted water

(7) Applicant's goals, schedule, scope of work, budget, means of data collection, plan for genetics management, plans for project evaluation, and watershed enhancement plans, if applicable

(8) Application fee of \$100

(c) Creates a subsection allowing the Alaska Department of Fish & Game (ADF&G) Commissioner to issue a permit after determining if a project:

(1) May restore a fish population in a body of water where subsistence and escapement goals have not been met, where there are no established escapement goals and local stakeholders have identified a decline in fish populations, or the species of fish is limited

(2) Will result in public benefits

(3) Will not harm indigenous wild fish stocks

(4) Will not place fertilized eggs or un-fed fry into a body of water if there are enough fish for natural propagation of the species to occur

(5) Will not introduce live fertilized eggs, larvae, or fry of nonindigenous fish in violations of AS 16.35.210

(d) Creates a subsection regarding factors that the commissioner of DF&G shall consider when determining if a permit will be issued, including:

(1) The department's assessment of the project

(2) The capabilities of the applicant

(3) The degree of communication that exists between the applicant and individuals affected by the project

(4) Comments relating to the project, including those by a regional planning team established under AS 16.10.375.

(5) If the project is consistent with the comprehensive salmon plan and constitution and

statutory requirements imposed on the department for the area

(6) If the project will increase scientific knowledge and understanding of the natural resources affected by the projects

(e) Creates a new subsection requiring a permittee to collect and provide project data and reports requested by the department and to reasonably communicate with individuals affected by the project.

(f) Creates a subsection which sets the timeline for when DF&G must act on a permit application. Within 15 days, the department must notify an applicant whether or not their application is complete and can reject an incomplete application if it is not complete within 30 days of the notification. After the notification, DF&G must approve or reject the application within 90 days, otherwise the application is automatically approved.

(g) Creates a new subsection to enact requirements of a permittee to:

(1) Collect no more than 500,000 eggs for fertilization.

(2) Implement controls to avoid the introduction of nonindigenous pathogens or to increase indigenous pathogens beyond acceptable levels.

(h) Creates a new subsection to ensure that any fish released in State water with an enhancement project permit under this section will be available for common use in the same way as wild fish are.

(i) Creates a new subsection to specify the duration of a permit and how to extend a permit

(j) Creates definitions for the following terms under AS 16.05.855:

(1) "person" is defined as an individual, any business, governmental agency, or another legal or commercial entity

(2) "qualified person" is defined as a state resident or a corporation organized under Alaska's laws

(3) "reasonably communicate" is defined as communicating significant information regarding the project by a mode of communication that is likely to notify persons that a reasonable person would know are affected by the project

Sec. 2 - AS 16.05.871

Amends this section by adding a new subsection (e)
Subsection (e) states that fisheries enhancement projects under AS 16.05.855 shall be considered by the commissioner as outlined in AS 16.05.871(d) because precautions in subsection (d) will not damage a fish enhancement project

Sec. 3 - AS 16.10.375

Amends this section to allow enhancement projects created through this act to be included in regional comprehensive salmon plans

[10:10:08 AM](#)

MR. STANCLIFF stated that the new language and provisions would grant ADF&G everything it needs to make a scientific decision. He said previous supporters of this legislation include Tanana Chiefs Conference, Doyon Ltd., Ahtna Inc., Greater Copper Valley Chamber of Commerce, Nenana City School District, Mentasta Traditional Council, former fish biologist Pete Velasco, Skagway Community Fish Hatchery, Yakutat Regional Aquaculture Association, and Chickaloon Native Village. He maintained that things have changed since letters were received from organizations which were originally reluctant to support the bill.

[10:11:05 AM](#)

REPRESENTATIVE STUTES inquired about ADF&G's position on HB 169.

MR. STANCLIFF expressed the understanding from a conversation with ADF&G, it has offered to work with the sponsor adding amendments to make for a stronger bill. He added that, generally, ADF&G is open to the idea of currently pursuing this without making a final determination.

CHAIR VANCE noted that ADF&G was unavailable for today's committee meeting because of prior commitments. She confirmed that ADF&G has some detailed language to add to strengthen the bill.

[10:12:11 AM](#)

REPRESENTATIVE MCCABE referenced the gentleman who had testified during the recent Board of Fisheries confirmation hearings, as he had spoken about doing this back in the 1970s. He asked whether this is part of "moist" hatcheries or "mini" hatcheries.

MR. STANCLIFF responded that the sponsor refers to this as "roe enhancement."

REPRESENTATIVE CRONK stated that the gentleman's name was Stan Zuray from Tanana, and he had discussed taking salmon out of the river and putting the eggs and sperm in a bucket, and then putting the eggs into the gravel. He related that while traveling the Yukon River [last] summer, the people in Ruby talked about a specific salmon which they could identify in a specific river. He expressed the belief they were called "blackheads." He explained that some salmon in the Yukon River travel about 2,400 miles, so these fish are unique to have the energy to swim this far up the river. He said that the idea is to have these people with traditional knowledge at headwaters to help fertilize the eggs and enhance the needed salmon runs, as this is "dire" for the culture.

[10:15:15 AM](#)

REPRESENTATIVE HIMSCHOOT asked whether the term "tribe" should be added to the list included under the definition of "person" on page 4, lines 20-23.

MR. STANCLIFF answered that, from a legal standpoint, "tribe" could be added, as this addition would not deter from the intent of the proposed bill. He explained that in the state "person" can mean many different things, including an individual person, part of a family unit, or a business or corporation.

REPRESENTATIVE HIMSCHOOT related her understanding that 500,000 eggs represent about 50 female salmon, although she is unsure which salmon species the number represents. She said 50 female salmon is a large number, especially given the current critical situation. She inquired about the risks of taking eggs from 50 salmon, for example.

REPRESENTATIVE CRONK replied that the best practices can be found by working with ADF&G. He advised that this could alleviate any problems, and it would be working in the safest way possible. The tribal entities along the Yukon, he added, are interested in ensuring that this would be done right.

[10:18:20 AM](#)

REPRESENTATIVE HIMSCHOOT expressed interest in hearing from ADF&G. She noted that ADF&G [has lost] 100 biologists in the

last 10 years. She questioned whether ADF&G would have the capacity for this program, as there would have to be some oversight. She further asked whether the term "qualified" would require training.

MR. STANCLIFF replied that under the intent of HB 169, training would be required under any ADF&G written regulations. He said ADF&G may be able to improve upon the requirement to satisfy this concern. He noted that before someone can go into the field, a report must be submitted along with submitting the person's qualifications. He stated he does not know if ADF&G trains the summertime workers who go out to weirs, but it is an important point to ensure that whoever is there is qualified to the department's satisfaction.

REPRESENTATIVE HIMSCHOOT related that a main issue impacting salmon in her region is habitat degradation from logging. She asked whether the same end could be achieved by restoring habitat and addressing fishery pressure, rather than undertaking the hand spawning of salmon.

REPRESENTATIVE CRONK offered his understanding that there is no habitat destruction, but rather destruction from the overharvesting of salmon, along with current ocean conditions; therefore, not enough salmon are returning. He argued that the proposed legislation would be one way to help alleviate this problem. He urged that the most important issue is to not have the Yukon River or Kuskokwim River labeled as "endangered" because this would not be good for anybody. He expressed the certainty that the people in Tanana Chiefs Conference, Doyon, Ahtna, and so forth, are willing to learn about this process, and ADF&G will work with them to ensure this.

CHAIR VANCE drew attention to page 2, line 20 of the proposed legislation and expressed the understanding that there is some habitat rehabilitation, if applicable, along with ensuring that the project is successful.

[10:23:36 AM](#)

REPRESENTATIVE HIMSCHOOT commented that the issues facing Alaska's salmon habitat are different by region. She observed that HB 169 already lists "government;" however, tribes should not have to fight for tribal government recognition and have this be a barrier. She also expressed concern about mixed stock rivers and the possibility that enhancing one species in a river could impact the other salmon species.

REPRESENTATIVE CRONK responded that the Yukon River has summer chums and kings, plus fall chums and cohos. He offered his belief that the summer chums and kings probably coincide with each other, but the fall chums and cohos have specific seasons. He estimated that, given their drastically low numbers, there has been no king fishing for about three years. He related that while in Eagle in late September 2017 the fish wheels were full, with people needing 2,000 chums for dog teams, but since then there has been no fish for dog teams. The goal, he stated, is to stabilize the runs and have some harvest, but tools are needed to get there because the fish may disappear without some sort of action.

[10:25:56 AM](#)

REPRESENTATIVE MCCORMICK drew attention to page 4, lines 5-6, which states: "If the commissioner fails to act within that period, the application is approved, and the department shall issue a permit." He expressed concern about this provision and requested the sponsor to elaborate.

MR. STANCLIFF said that more consideration of this is needed. He explained that it is boilerplate language borrowed from other legislation which deters [the department] from sitting on [applications]. Per this language, if the department defers processing an application, after some time the application will automatically go into effect. He expressed the opinion that it is probably not as necessary as other things in statute. He noted that he will mark the provision as a concern.

REPRESENTATIVE MCCORMICK agreed that it speaks to getting people to move on things but added that it is concerning.

[10:27:21 AM](#)

REPRESENTATIVE MCCABE maintained that page 4, lines 5-6, would remove the politics so a commissioner must act regardless of whether he or she is concerned about salmon. He concurred, however, that the provision needs a bit of questioning. He said HB 169 would not allow the introduction of any new fish, as it would allow only the taking of eggs and sperm from fish that are already swimming up a river. He explained that these fish would have a historical "marriage" to the river, and a return of these fertilized eggs to the river's gravel would help facilitate the run. He expressed the understanding that ADF&G is very

concerned about introducing nonnative fish to Alaskan waters, and he added this is not the intent under HB 169.

REPRESENTATIVE CRONK agreed and said he does not want to see the genetics change whatsoever. He noted that today's female king salmon are 15 pounds compared to 70 pounds in the 1970s. He estimated that the smaller the fish the fewer the eggs; therefore, the goal is to get more eggs fertilized and returned to the river.

[10:30:13 AM](#)

REPRESENTATIVE MCCABE noted that [page 4, lines 8-9] of HB 169 would limit the permittee to [not more than] 500,000 eggs. He inquired about the number of eggs in one salmon.

MR. STANCLIFF recounted the previous comment that 50 salmon may tally close to 500,000 eggs. He pointed out that ADF&G may have this data.

CHAIR VANCE recalled a discussion by Dr. Katie Howard where it was stated that salmon are struggling in their health and do not have the fat to provide the energy to make long journeys, and spawning has been a problem. As previously stated, she noted, the smaller salmon may not be carrying as many eggs. She said ADF&G has discussed amending and updating the bill's language because more has now been learned from research. She expressed the desire that this had been done when this legislation was first introduced, as it is necessary.

[10:32:09 AM](#)

REPRESENTATIVE C. JOHNSON asked whether HB 169 would interfere with Alaska's treaty with Canada.

REPRESENTATIVE CRONK expressed uncertainty, and he stated that he will get back to the committee with an answer.

REPRESENTATIVE C. JOHNSON asked whether the harvest of females [for eggs] would count toward subsistence and non-subsistence harvest.

REPRESENTATIVE CRONK deferred to ADF&G to answer the question. He advised that once a fish is at the point where the eggs can be squeezed out, the fish is beyond edible.

REPRESENTATIVE C. JOHNSON asked whether there is commercial value to the eggs and whether HB 169 would create a conflict.

REPRESENTATIVE CRONK responded that there would be no conflict because currently there is no harvest on the Yukon River. However, he related, there used to be commercial harvest of the roe, and this was part of the problem because the river was commercially fished very hard for the roe and plants were built along the Yukon River for this specifically.

[10:34:38 AM](#)

REPRESENTATIVE STUTES expressed her interest in HB 169. She said the bill is a much better way to address this crisis than the legislature getting involved in an allocation issue.

REPRESENTATIVE CRONK answered that HB 169 is the beginning and the baseline for getting started. He said he looks forward to the involvement of ADF&G and the various entities.

REPRESENTATIVE MCCABE commented that this is one more tool in the toolbox and all tools are needed on the table.

MR. STANCLIFF pointed out that when looking at threatened and endangered species the talk is not necessarily about the entire river, it can be about a tributary that no longer has fish. For example, he recounted that years ago kayakers thought they saw a king salmon in a tributary of the actively mined Forty Mile River system, and after a "brawl" the tributary was categorized as "anadromous" and important to salmon survival; therefore, thought needs to be given to the environmental community because if a tributary is listed [as anadromous] it will impact salmon, as well as everything that happens on the tributary. He advised against going in this direction. He added that when he was asked to look at Representative Talerico's past legislation, he expressed the realization that this is something positive which could mitigate the situation.

REPRESENTATIVE CRONK thanked former Representative Talerico for his foresight in introducing the original bill.

[10:38:26 AM](#)

CHAIR VANCE stated that the committee will be working with the sponsor and ADF&G on updating language within the bill, and ADF&G will come before the committee. She said there will

potentially be a committee substitute, after which a deadline can be set for amendments.

10:38:57 AM

CHAIR VANCE announced that HB 169 was held over.

10:39:12 AM

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:39 a.m.