

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

April 30, 2024

10:10 a.m.

**MEMBERS PRESENT**

Representative Sarah Vance, Chair  
Representative Kevin McCabe  
Representative Ben Carpenter  
Representative Louise Stutes  
Representative Rebecca Himschoot

**MEMBERS ABSENT**

Representative CJ McCormick  
Representative Craig Johnson

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Commercial Fisheries Entry Commission

Mike Porcaro - Juneau

- CONFIRMATION(S) ADVANCED

HOUSE RESOLUTION NO. 8

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

- MOVED CSHR 8(FSH) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HR 8

SHORT TITLE: FISHERIES BYCATCH REGULATIONS

SPONSOR(S): REPRESENTATIVE(S) VANCE

04/20/23	(H)	READ THE FIRST TIME - REFERRALS
04/20/23	(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
04/27/23	(H)	<Bill Hearing Canceled>
04/23/24	(H)	FSH AT 10:00 AM GRUENBERG 120

04/23/24 (H) Heard & Held  
04/23/24 (H) MINUTE (FSH)  
04/25/24 (H) FSH AT 10:00 AM GRUENBERG 120  
04/25/24 (H) Heard & Held  
04/25/24 (H) MINUTE (FSH)  
04/30/24 (H) FSH AT 10:00 AM GRUENBERG 120

**WITNESS REGISTER**

MIKE PORCARO, Commissioner, Appointee  
Commercial Fisheries Entry Commission  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Commercial Fisheries Entry Commission.

**ACTION NARRATIVE**

10:10:07 AM

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

**CCONFIRMATION HEARING(S)**  
**Commercial Fisheries Entry Commission**

10:10:55 AM

CHAIR VANCE announced that the first order of business would be confirmation of Mike Porcaro as Commissioner of the Commercial Fisheries Entry Commission (CFEC).

10:11:16 AM

MIKE PORCARO, Commissioner, Appointee, Commercial Fisheries Entry Commission (CFEC), testified as the appointee to the position of commissioner for CFEC. He shared his personal history, which included information about the broadcasting business he built in Alaska. He noted his broad knowledge of Alaska and the fact he has no preconceived ideas about commercial fishing. He stated that since his appointment [nine months ago] a backlog of CFEC cases have been completed. He discussed the possibility of limiting the Prince William Sound pot fishery, noting that he has suggested that a tutorial be made on the process of limiting fisheries. Among other meetings he attended this year, he stated the Alaska Young Fisherman's

Summit impressed him, as the individuals there spoke about how fishing was a part of their culture. He pointed out the planned information technology upgrades at the commission, as the system is around 30 years old. He discussed CFEC's move toward efficiency by digitizing old records, as this record storage costs the state around \$20,000 per year.

[10:17:21 AM](#)

CHAIR VANCE stated that she had known Mr. Porcaro from his radio show, and she expressed shock at his initial appointment, as he has had no prior commercial fishing experience. She stated that she is now impressed with his engagement in the commission. She questioned Mr. Porcaro's first assignments at the commission. She added that there had been questions about his appointment and the salary involved, and she questioned how he had worked with Commissioner Glenn Haight to prepare himself for the role.

COMMISSIONER PORCARO stated that Commissioner Haight has been a teacher and mentor for him, and he expressed gratitude. He stated that one of his first projects is to implement changes to a more modern method for a permit card, than the embossed card. He discussed the changes for granting permits via an emergency transfer to minors under the age of 16 years old.

CHAIR VANCE questioned the salary concerns at the beginning of his appointment.

COMMISSIONER PORCARO stated that these concerns were interesting, as he has always "been the kind of person that earned his money." He stated that he logs his work hours honestly, noting that in the beginning he was still conducting his radio show. He expressed the opinion that if a person works, he/she should get paid; otherwise, nothing should be paid.

[10:24:42 AM](#)

REPRESENTATIVE STUTES questioned how long he has had the appointment.

COMMISSIONER PORCARO responded that he has been at CFEC since August 9, 2024. In response to a follow-up question, he stated that he has been doing his radio show; however, it has been put on hold because of an illness. He stated that he may return to the radio show for an hour a day, with the rest of his time devoted to working for CFEC. He has worked in radio for 25

years, and he acknowledged that it might be time to do something different. He stated that he is enjoying the job at CFEC.

REPRESENTATIVE STUTES referenced the back log of cases that he said had been cleared, and she expressed the understanding that there had been no backlog. She questioned which cases he was referring to in his previous statement.

COMMISSIONER PORCARO stated that there are some new cases, and he mentioned that there has been a hearing officer position and law specialist position unfilled. He stated that the loss of these positions caused a backlog. In response to a follow-up question, he expressed the understanding that cases at CFEC are current.

[10:28:47 AM](#)

REPRESENTATIVE HIMSCHOOT questioned what a workday at CFEC would be for him.

COMMISSIONER PORCARO responded that it would be much like a legislative day. He stated that he goes through memos and on Wednesday there is a scheduled meeting. He stated that he spends time reading and catching up on issues before the commission. Currently, he stated that a scoring system is being put together for the Prince William Sound pot fishery.

REPRESENTATIVE HIMSCHOOT pointed out that he is doing this work while managing businesses around the country and doing a radio show. She questioned where his office is located.

COMMISSIONER PORCARO stated that he is not in the Juneau office; rather, he is working remotely out of his home in Anchorage. He stated that he works online and travels to Juneau when needed.

REPRESENTATIVE HIMSCHOOT pointed out that he does not have a fisheries background. She questioned why the governor picked him to be the CFEC commissioner.

COMMISSIONER PORCARO stated that he did not apply for the job and was surprised when he was chosen. He expressed the opinion that the governor was looking for a person who is heavily vested in the state. He added that the governor was looking for an individual who can be honorable and make straightforward decisions.

REPRESENTATIVE HIMSCHOOT questioned him about the Red Pen Campaign.

COMMISSIONER PORCARO explained that audiences that listen to his radio show often have opinions, and the show's motto was "if it can be trimmed, let's do it as efficiently as possible." This had resulted in the governor being given an inflatable red pen. He stated that his radio show is political; however, he expressed the opinion that this should not cause worry because he is "in a different mode." He explained that part of the job on radio would be to get ratings, and the Red Pen Campaign had gotten ratings. He noted that he has invited people with various perspectives to be on the show, such as Senator Bill Wielechowski. He expressed the opinion that they treated each other with respect, even though they see things differently.

REPRESENTATIVE HIMSCHOOT commented that the Red Pen Campaign was "eye catching." She thanked the commissioner.

[10:36:31 AM](#)

REPRESENTATIVE MCCABE concurred that the legislature should be more fiscally responsible. He expressed the hope that he would do the same at CFEC.

[10:37:13 AM](#)

REPRESENTATIVE CARPENTER questioned whether, after data requests from CFEC, it had been recognized that the data was lacking.

COMMISSIONER PORCARO responded that Commissioner Height has approached the governor's office and the legislature to ask for \$150,000 a year for four years to upgrade the current system. He stated that a private vender has been contacted.

[10:38:41 AM](#)

REPRESENTATIVE STUTES questioned his workday from home for this job.

COMMISSIONER PORCARO responded that he communicates on the phone, with email, and by text. He suggested that he talks more frequently to people this way. He noted that since the COVID-19 pandemic [working from home] is the way of the future.

REPRESENTATIVE STUTES questioned whether working remotely would impair resolving cases.

COMMISSIONER PORCARO responded that his work has not been impaired. He stated that a case would have a written and oral record, and he would have a copy of these. He added that adjudication meetings would take place over internet video calls.

[10:41:36 AM](#)

CHAIR VANCE opened public testimony on the appointment of Commissioner Porcaro. After ascertaining that there was no one who wished to testify, she closed public testimony.

[10:42:39 AM](#)

CHAIR VANCE stated that in accordance with AS 39.05.080, the House Special Committee on Fisheries has reviewed the following and recommends the appointments be forwarded to a joint session for consideration: Commercial Fisheries Entry Commission - Mike Porcaro. She advised that this does not reflect an intent by any of the members to vote for or against the confirmation of any individual during any further sessions.

[10:42:59 AM](#)

The committee took a brief at-ease at 10:42 a.m.

**HR 8-FISHERIES BYCATCH REGULATIONS**

[10:43:27 AM](#)

CHAIR VANCE announced that the next order of business would be HOUSE RESOLUTION NO. 8, Encouraging the Department of Fish and Game to adopt certain regulations relating to fisheries bycatch.

[10:44:52 AM](#)

REPRESENTATIVE MCCABE moved to adopt the proposed committee substitute (CS) for HR 8, version 33-LS0731\S, Bullard, 4/29/24, ("Version S") as the working document.

REPRESENTATIVE CARPENTER objected for the purpose of discussion.

[10:45:15 AM](#)

CHAIR VANCE stated that the previous version of HR 8 focused on bycatch utilization. After engagement with the public and the

Bycatch Advisory Council, she expressed the understanding that utilization is not feasible, and Alaskans do not support this. She stated that all language on utilization was removed from Version S, with new language beginning on page 2, line 15, focusing on the recommendations of the Bycatch Advisory Council. She pointed out that the council recommended that a bycatch policy be adopted, with the policy including state engagement, research, and management. She stated that Version S focuses on work that the commissioner of the Alaska Department of Fish and Game (ADF&G) and the state positions on the North Pacific Fishery Management Council (NPFMC) can do to adopt a state bycatch policy.

CHAIR VANCE pointed out that page 3, line 9 of Version S references regulations which would provide "real-time genetic" testing on salmon in Western Alaska. However, this technology is not yet available. She discussed a conceptual amendment to address this.

[10:47:25 AM](#)

CHAIR VANCE moved Conceptual Amendment 1 to Version S. She stated that this would delete the language "real-time genetic".

REPRESENTATIVE MCCABE objected.

CHAIR VANCE stated that the conceptual amendment would strike "real-time genetic" from the resolution, as this technology is currently unavailable.

REPRESENTATIVE MCCABE questioned why the word "genetic" would need to be removed, as the language "real-time" is what refers to the technology that is not developed yet.

[10:49:07 AM](#)

REPRESENTATIVE STUTES expressed the opinion that in order to provide reporting on [fish] composition, this would be genetic reporting, and taking out the entire wording "real-time genetic" would give more latitude.

[10:49:34 AM](#)

REPRESENTATIVE CARPENTER pointed out that resolutions speak to a purpose and make recommendations; moreover, they do not change statute. He expressed the understanding that this type of technology would be available in the future; therefore, keeping

the language in the resolution could direct future regulations. He offered the advice that there would be a value in keeping the terminology in the resolution.

REPRESENTATIVE STUTES expressed disagreement on sending out a resolution requesting something that is not currently available. She expressed support for the conceptual amendment, as the genetic composition could still be sought. She stated that this language could be used in future resolutions to address this goal.

[10:51:41 AM](#)

CHAIR VANCE moved Conceptual Amendment 1 to Conceptual Amendment 1. She explained that this would only strike the term "real-time" from the resolution.

REPRESENTATIVE STUTES objected. She expressed the opinion that understanding composition could only be done with genetics, so leaving the word "genetic" in would be redundant.

CHAIR VANCE expressed misunderstanding per Representative Stutes' recommendation. She remarked that she is seeking to amend the conceptual amendment so the wording would be smooth, and the commissioner of ADF&G would be able to understand the direction the legislature is giving, which is to do the best possible reporting on salmon in Western Alaska. She expressed the understanding that if the [real-time] technology is not ready, genetic reporting could still be done.

REPRESENTATIVE STUTES argued that the way the [conceptual amendment, as amended] is written, only genetic reporting would be allowed.

[10:53:28 AM](#)

REPRESENTATIVE HIMSCHOOT questioned whether there are other types of reporting, as taking the entire phrase out would allow any type of reporting. She expressed the understanding of both sides of the question.

REPRESENTATIVE CARPENTER removed his objection. He expressed support for removing "real-time" from the resolution, while keeping "genetic".

[10:54:30 AM](#)

REPRESENTATIVE STUTES removed her objection. Therefore, Conceptual Amendment 1, as conceptually amended, to HR 8 was adopted.

[Although not stated on the record, Representative McCabe's objection was treated by the committee as removed.]

[10:55:08 AM](#)

REPRESENTATIVE MCCABE moved to report HR 8, as amended, out of committee with individual recommendations and the attached zero fiscal note. He granted Legislative Legal Services permission to make any necessary technical or conforming changes.

REPRESENTATIVE HIMSCHOOT objected. She expressed concern about the final section of the resolution. She questioned the intersection between state and federal bycatch policies.

CHAIR VANCE pointed to the beginning of the resolution and described the majority of seats on NPFMC as being held by state representatives. She pointed out that the resolution would direct these representatives and the commissioner of ADF&G to influence NPFMC bycatch policy in Alaska.

REPRESENTATIVE HIMSCHOOT removed her objection. There being no further objection, CSHR 8(FSH) was reported out of the House Special Committee on Fisheries

[10:58:06 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:58 a.m.