

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 20, 2024

1:07 p.m.

MEMBERS PRESENT

Representative Tom McKay, Chair
Representative George Rauscher, Vice Chair
Representative Thomas Baker
Representative Kevin McCabe
Representative Dan Saddler
Representative Stanley Wright
Representative Jennie Armstrong
Representative Donna Mears
Representative Maxine Dibert

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Department of Environmental Conservation

Emma Pokon - Utqiagvik

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 295

"An Act relating to salmon hatchery permits; and authorizing the sale of salmon to permitted persons for stocking lakes."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 22

Proposing an amendment to the Constitution of the State of Alaska relating to subsistence use of replenishable natural resources by state residents; and providing for an effective date for the amendment.

- HEARD & HELD

HOUSE BILL NO. 388

"An Act relating to state loans for oil and gas projects in the Cook Inlet sedimentary basin; relating to the Alaska Energy Authority; relating to the Alaska Industrial Development and Export Authority; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 295

SHORT TITLE: SALMON HATCHERY PERMITS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/26/24	(H)	READ THE FIRST TIME - REFERRALS
01/26/24	(H)	FSH
02/06/24	(H)	FSH AT 10:00 AM GRUENBERG 120
02/06/24	(H)	Scheduled but Not Heard
02/20/24	(H)	FSH AT 10:00 AM GRUENBERG 120
02/20/24	(H)	-- MEETING CANCELED --
02/27/24	(H)	FSH AT 10:00 AM GRUENBERG 120
02/27/24	(H)	Heard & Held
02/27/24	(H)	MINUTE(FSH)
03/05/24	(H)	FSH AT 10:00 AM GRUENBERG 120
03/05/24	(H)	<Bill Hearing Canceled>
03/07/24	(H)	FSH AT 10:00 AM GRUENBERG 120
03/07/24	(H)	Moved CSHB 295(FSH) Out of Committee
03/07/24	(H)	MINUTE(FSH)
03/11/24	(H)	FSH RPT CS(FSH) NEW TITLE 4DP 3NR
03/11/24	(H)	DP: CARPENTER, STUTES, MCCABE, VANCE
03/11/24	(H)	NR: C.JOHNSON, HIMSCHOOT, MCCORMICK
03/13/24	(H)	RES REFERRAL ADDED AFTER FSH
03/18/24	(H)	RES AT 1:00 PM BARNES 124
03/18/24	(H)	-- MEETING CANCELED --
03/20/24	(H)	RES AT 1:00 PM BARNES 124

BILL: HJR 22

SHORT TITLE: RESIDENT SUBSISTENCE USE OF FISH/GAME

SPONSOR(s): BAKER

02/20/24	(H)	READ THE FIRST TIME - REFERRALS
02/20/24	(H)	RES, JUD
03/13/24	(H)	RES AT 1:00 PM BARNES 124
03/13/24	(H)	Heard & Held
03/13/24	(H)	MINUTE(RES)
03/20/24	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

EMMA POKON, Acting Commissioner Appointee
Department of Environmental Conservation
Utqiagvik, Alaska

POSITION STATEMENT: Testified as appointee for commissioner of the Department of Environmental Conservation.

DOUG VINCENT-LANG, Commissioner
Department of Fish & Game
Anchorage, Alaska

POSITION STATEMENT: Presented CSHB 295(FSH) on behalf of the bill sponsor, House Rules by request of the governor; testified during the hearing on HJR 22.

JOE FELKL, Legislative Liaison
Office of the Commissioner
Alaska Department of Fish & Game
Juneau, Alaska

POSITION STATEMENT: On behalf of the bill sponsor, House Rules by request of the governor, gave a sectional analysis of CSHB 295(FSH) and a summary of changes from the original bill.

FLIP PRYOR, Section Chief
Division of Commercial Fisheries
Alaska Department of Fish & Game
Juneau, Alaska

POSITION STATEMENT: On behalf of the bill sponsor, House Rules by request of the governor, explained how fish stock permits are granted.

JULIE KITKA, President
Alaska Federation of Natives
Anchorage, Alaska

POSITION STATEMENT: Gave testimony on HJR 22.

ROSITA WORL, PhD, President
Sealaska Heritage Institute
Juneau, Alaska

POSITION STATEMENT: Testified on HJR 22.

GAYLA HOSETH, Director
Natural Resources Program
Bristol Bay Native Corporation
Dillingham, Alaska

POSITION STATEMENT: Testified on HJR 22.

REPRESENTATIVE BRYCE EDGMON

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Gave advice on HJR 22.

ACTION NARRATIVE

[1:07:46 PM](#)

CHAIR MCKAY called the House Resources Standing Committee meeting to order at 1:07 p.m. Representatives McKay, Rauscher, Baker, McCabe, Saddler, Wright, Armstrong, Mears, and Dibert were present at the call to order.

CONFIRMATION HEARING(S):
Department of Environmental Conservation

[1:09:42 PM](#)

CHAIR MCKAY announced that the first order of business would be the confirmation hearing on the governor's appointee for commissioner of the Department of Environmental Conservation.

[1:10:32 PM](#)

EMMA POKON, Acting Commissioner Appointee, Department of Environmental Conservation, broke down the duties of the Department of Environmental Conservation (DEC), explaining how it benefits Alaska. She explained her reasoning as to why she would be a good commissioner through her history in Alaska, her ecological and conservation background, her academic history, and her history working in environmental law. She explained how her initial time in Alaska working for the Department of Law (DOL) introduced her to the challenges of environmental law specific to Alaska.

[1:15:25 PM](#)

REPRESENTATIVE SADDLER asked what would characterize Acting Commissioner Pokon's term as commissioner of DEC.

ACTING COMMISSIONER POKON answered that she hopes that her term is defined by the work DEC does. She said she hopes to increase public confidence in what DEC's role is as a state department.

[1:16:37 PM](#)

REPRESENTATIVE MEARS commented that she appreciates seeing someone so well-rounded for this position in Alaska.

[1:17:18 PM](#)

REPRESENTATIVE SADDLER asked what the greatest need of Alaska's environment is.

ACTING COMMISSIONER POKON answered that air and water pollution is a big issue in areas such as North Pole.

[1:18:21 PM](#)

REPRESENTATIVE MCCABE asked Acting Commissioner Pokon what her thoughts are on safe village sewer systems.

ACTING COMMISSIONER POKON replied that there are several communities that do not yet have piped water service, and that it is important to establish that over time. She said over the last year, DEC has made changes to the eligibility and criteria to those looking to develop those services. She said that affordability and sustainability are the most important issues on this subject, and DEC should utilize opportunities to access federal funds to develop these projects.

REPRESENTATIVE MCCABE asked how Acting Commissioner Pokon would tackle the problem of villages on the road system not having water.

ACTING COMMISSIONER POKON answered that is something DEC would be interested in working with the communities on, and that DEC needs to ensure that there is safe drinking water available for all communities in Alaska.

REPRESENTATIVE MCCABE pondered whether the state could provide a more stable source of drinking water for people on the road system.

[1:24:35 PM](#)

The committee took an at-ease from 1:24 p.m. to 1:26 p.m.

HB 295-SALMON HATCHERY PERMITS

[1:27:09 PM](#)

CHAIR MCKAY announced that the next order of business would be HOUSE BILL NO. 295 "An Act relating to salmon hatchery permits; and authorizing the sale of salmon to permitted persons for stocking lakes." [Before the committee was CSHB 295(FSH).]

[1:28:17 PM](#)

DOUG VINCENT-LANG, Commissioner, Department of Fish & Game (ADF&G), presented CSHB 295(FSH) on behalf of the bill sponsor, House Rules by request of the governor. He said that state hatcheries are paid for by sport angler dollars, and the department typically uses a stocking plan to determine which lakes to stock. He said that the proposed bill would allow private, nonprofit hatchery owners the option to sell fish. To reduce the potential to impact the wild fish populations, ADF&G would use sterile stocked fish. Commission Vincent-Lang emphasized that CSHB 295(FSH) would allow for the sale of fish but is not a mandate for private nonprofit hatchery owners to sell their fish. He mentioned that during the coronavirus crisis, Alaskans used stock fish lakes as places to get their food.

[1:31:55 PM](#)

JOE FELKL, Legislative Liaison, Office of the Commissioner, Alaska Department of Fish & Game, on behalf of the bill sponsor, House Rules by request of the governor, gave a sectional analysis of CSHB 295(FSH) and a summary of changes from the original bill version. He began with the sectional analysis for CSHB 295(FSH) [included in the committee packet], which read as follows [original punctuation provided]:

Section 1: adds a new subsection to the statute for salmon hatchery permit conditions clarifying that nothing in a permit prohibits the sale of salmon for the purposes of stocking lakes in the state to a private person or entity that receives a Fish Transport Permit under AS 16.05.251.

Section 2: amends AS 16.10.440(b) to insert the word "wild."

MR. FELKL continued to the summary of changes [included in the committee packet], which read as follows [original punctuation provided]:

Section 1: corrects a drafting error replacing an incorrect citation (AS 16.05.671) with the correct statutory authority for Fish Transport Permits (AS 16.05.251). This section has also been redrafted for clarity, specifying sale of hatchery-produced salmon. This change is stylistic and does not change the meaning of the language.

Section 2: new section that amends AS 16.10.440(b) to insert the word "wild." Inserting the word "wild" clarifies the Commissioner of Fish and Game's authority is permitting the hatchery operation, and the Board of Fisheries' (Board) authority is allocation of the common property resource. Adding the word "wild" also conforms salmon hatchery permit statutes with the more recently enabled shellfish enhancement statutes (see AS 16.12.050(b)), which already include the word "wild" regarding the Board's authority to amend a permit.

[1:33:37 PM](#)

REPRESENTATIVE MEARS asked Commissioner Vincent-Lang to elaborate on the permit process.

MR. VINCENT-LANG said that there are a variety of processes in place already; ADF&G looks at many things, including river flows, location, and water drainage, when deciding which lakes to stock.

[1:34:55 PM](#)

FLIP PRYOR, Section Chief, Division of Commercial Fisheries, Alaska Department of Fish & Game, on behalf of the bill sponsor, House Rules by request of the governor, explained specifics regarding the permitting process, such as pathology, genetic, and biology reviews.

MR. FELKL added that there are documents in the bill packet that outline relevant regulations for fish transport permits.

[1:36:00 PM](#)

REPRESENTATIVE SADDLER asked what the goal of the proposed legislation is.

MR. PRYOR answered that currently, private nonprofit hatcheries can sell eggs only to other private nonprofit hatcheries, and that CSHB 295 (FSH) would allow them to sell eggs to the public.

[1:37:29 PM](#)

MR. VINCENT-LANG added that in essence, CSHB 295 (FSH) would meet a demand not currently being met. He said that as part of the permitting process, there is a report that must be submitted on how successful a program might be. He said there is an evaluation program coming forward and CSHB 295 (FSH) would utilize existing structure to move this issue.

[HB 295 was held over.]

[1:39:04 PM](#)

The committee took an at-ease from 1:39 p.m. to 1:41 p.m.

HJR 22-RESIDENT SUBSISTENCE USE OF FISH/GAME

[1:40:40 PM](#)

CHAIR MCKAY announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 22, Proposing an amendment to the Constitution of the State of Alaska relating to subsistence use of replenishable natural resources by state residents; and providing for an effective date for the amendment.

[1:41:14 PM](#)

REPRESENTATIVE BAKER introduced Ms. Kitka and Dr. Rosita Worl.

[1:42:06 PM](#)

JULIE KITKA, President, Alaska Federation of Natives (AFN), explained the history of the constitutional amendment to subsistence rights. She said that this issue has been in front of the legislature since 1990. She continued on the history of constitutional amendments in the Alaska State Legislature. She said that AFN has been working on this issue and gave up after determining that the legislature had no interest in working on it. She recommended that the legislature take its time in introducing a constitutional amendment. She explained common themes in policy debate on this issue and advised the committee to keep in mind that subsistence is an Alaska Native issue and it is offensive that the amendment does not include language

acknowledging [Alaska Natives]. She said the current system of dual management is a direct result of the failure of the state to engage with local Native groups and communities. She said her second recommendation is to get rid of the non-subsistence use areas.

[1:51:48 PM](#)

MS. KITKA continued with her third recommendation, telling the committee members to scope out the best system to manage subsistence rights, considering all things that may affect them. She added that the legislature should consider court cases that affect subsistence rights. She said the other area that she thinks the state should look at is the Alaska National Interest Lands Conservation Act (ANILCA) amendments. She emphasized that subsistence is not just a choice, but a cultural way of life. She urged the legislature to explore the history of relations between the federal government and Native Americans before moving forward on any legislation. She advised legislators approach this legislation with concrete goals, to be experts on the issue.

[1:57:20 PM](#)

REPRESENTATIVE MCKAY added that he remembers the debate in 1990 and reflected that it was a sad time in Alaska's history.

[1:57:51 PM](#)

ROSITA WORL, PhD, President, Sealaska Heritage Institute, read from prepared remarks [included in the committee packet], which read as follows [original punctuation provided]:

Mr. Chair and Honorable Members of the Alaska State Legislature House Resources Committee:

For the record, I am Rosita Kaaháni Worl, and I am a member of the Alaska Federation of Natives Subsistence Committee.

Thank you for allowing us to comment on HJR 22, which embodies an issue of great significance to Alaskans and, notably, to the Alaska Native Community.

Thank you for also bringing this issue, which has divided the state for decades, to an open forum. Hopefully, through rational, honest, and sincere

dialogue with all stakeholders at the table, we may be able to formulate a unified position.

If I may, I would like to introduce myself in accordance with our cultural protocols. My introduction will also reveal the spiritual interrelationships that we maintain with our animals, birds, and fish. It will also demonstrate the cultural dimensions of subsistence that are rarely known or understood outside of the subsistence community.

Yeidiklas'akw ka Kaaháni yóo xát duwasáak
Cháak' naa áyá xát
Shungukeidí naax xát sitee
Kaawdliyaayí Hit dáx áyá xát
Jilkaat kwáan áyá xát
Lukaax.ádi yadi áyá xát

My Tlingit name is Yeidiklas'skw. It is an ancient name whose meaning has been lost in antiquity.

My ceremonial name is Kaaháni, which refers to the stature or status of an individual. In the ceremony in which I received this name, our clan leader said that my stature was "Woman Who Stands in the Place of a Man."

I Am an Eagle of The Thunderbird Clan and the House Lowered from the Sun from Klukwan in the Chilkat region.

I am also a Child of the sockeye Clan.

My identity is also intertwined with our clan crests- the Eagle, Thunderbird, and Sun.

We, of our clan, are spiritually strengthened by the Eagle, Thunderbird, Sun, and Sockeye, but also by our clan spirits, the White Bear, Shark, and Killer Whale.

In addition, Our clan is entitled to wear the US Naval uniform and to use the name Schwatga as payment for the failure of Lt Schwatga, of the US Navy, to pay a debt to my great, great clan grandfather during the Klondike Gold Rush era.

In attempting to address and resolve the subsistence issue or, more specifically, the dual management regime between the federal and state governments and in proposing the developing solutions including a constitutional amendment that provides for the protection of subsistence, it will be necessary to understand the multiple elements affecting subsistence.

Many changes have occurred in the thirty-four years since the federal government took over subsistence management authority on federal lands. We-Natives- for one, gave up trying to amend the state constitution. We have citizens who grew up living with dual management and have grown accustomed to this system. We have tribal members who now favor working with and through the federal subsistence board. We also have a growing insistence that Indigenous knowledge, science, and language be incorporated into resource management regimes and decisions. These changes will have to be considered as we assess proposed constitutional amendments and a possible unified management regime.

It will also be necessary to understand the legal and political history that gave rise to the situation in which we find ourselves today. This context is complex and subject to differing interpretations and orientations, making our task more difficult. Native People both revere and utilize the land and its resources. Thus, it will be imperative to have a clear understanding of cultural significance of subsistence. This dimension has given Native people the stamina to fight for our basic cultural survival, identity, and subsistence rights, which are all intertwined with our physical and spiritual relationship to the land, resources, and subsistence.

Native people will insist that these cultural values and practices are considered and integrated into subsistence management regimes. Knowledge about the dual economies that characterize rural communities, integrating both subsistence and cash economies, is another important consideration.

Native people must also be engaged in discussions and have a place at the table in addressing a unified management regime.

Thank you for the opportunity to present our preliminary assessment of the elements that we believe are necessary to consider in developing a constitutional amendment that can bring a state-level unified management regime that includes subsistence protection.

Gunalchéesh

[2:04:29 PM](#)

GAYLA HOSETH, Director, Natural Resources Program, Bristol Bay Native Corporation, mentioned that the theme of the 2023 AFN convention was "Our Way of Life." Subsistence life has sustained Native peoples of Alaska for thousands of years; it is a way of life. She said it is important to understand the cultural implications of subsistence rights. She recommended legislators travel to each community and village to see and learn about subsistence rights. She said it is also important for Alaskans to understand and learn and be involved in the process of creating legislation.

[2:08:32 PM](#)

REPRESENTATIVE MCKAY asked for the dates of the AFN convention.

MS. KITKA said that it is the third week of October. She added that there was no consideration of a constitutional amendment.

[2:09:22 PM](#)

REPRESENTATIVE BAKER, as prime sponsor of HJR 22, added that he was fortunate enough to be allowed to speak at the AFN convention. He said that though this legislation was introduced late, he appreciated the folks from AFN for giving their testimony on HJR 22.

[2:10:30 PM](#)

DOUG VINCENT-LANG, Commissioner, Alaska Department of Fish & Game, added to the previous testimony, explaining that the dual management system is not working and subsistence is priority under state statute. He gave examples of the federal closure of lands and mentioned Southeast Alaska and the Mulchatna Caribou Herd. He brought up Berners's Bay and the introduced moose population, and remarked that federal government's oversight is

affecting its management. He mentioned the Yukon River and the Nelchina Caribou Hunt and how both are affected by the Federal Subsistence Board's Management Program decisions. He said dual management is impacting subsistence negatively, and that HJR 22 would be the first step of many in the right direction.

[2:17:15 PM](#)

REPRESENTATIVE MCKAY asked Representative Edgmon to come up and give some advice.

[2:17:48 PM](#)

REPRESENTATIVE BRYCE EDGMON, Alaska State Legislature, emphasized the importance of understanding the issue and explained his memories of subsistence issues in Alaska politics. He thanked committee members for their comments.

[2:19:59 PM](#)

REPRESENTATIVE MEARS commented that this is an issue that needs to be addressed beyond the walls of this committee room.

[2:20:34 PM](#)

REPRESENTATIVE DIBERT thanked the invited testifiers and asked if any of them feel that federal protections defined under ANILCA are currently sufficient for subsistence rights.

[2:21:35 PM](#)

MS. KITKA answered that Native Alaskans have an inherent right to their lands and food, and there are many political rights defined under federal law. She said that Natives want to run their lives themselves and not to have to look to the federal government for guidance and management. She advised [the legislature] to trust the Native community to manage itself. She remarked that times and circumstances change.

[2:23:51 PM](#)

REPRESENTATIVE DIBERT said that things have changed on the Yukon River and quoted her mother saying, "At least we have the memory of the taste of [salmon]."

[2:24:29 PM](#)

DR. WORL acknowledged that there have been good changes in the State, such as the recognition for Native Alaskans. She emphasized that more needs to be done.

[HJR 22 was held over.]

[2:26:29 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:26 p.m.