

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

May 1, 2023

3:31 p.m.

MEMBERS PRESENT

Senator Click Bishop, Co-Chair
Senator Cathy Giessel, Co-Chair
Senator Scott Kawasaki
Senator James Kaufman
Senator Forrest Dunbar
Senator Matt Claman

MEMBERS ABSENT

Senator Bill Wielechowski, Vice Chair

COMMITTEE CALENDAR

PRESENTATION(S): AREA M OVERVIEW~ PART II

- HEARD

SENATE BILL NO. 68

"An Act relating to public notice for a sale, appropriation, or removal of water, or for filing a declaration of a right of water; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

See Senate Resources Area M Overview Part I on April 28, 2023.

WITNESS REGISTER

BRIAN RIDLEY, Chief/Chair/President/CEO
Tanana Chiefs Conference
Fairbanks, Alaska

POSITION STATEMENT: Provided invited testimony during Part II of the Area M Overview.

FRANCES LEACH, Lobbyist
Area M Seiners Association
Juneau, Alaska

POSITION STATEMENT: Presented a PowerPoint relating to the Area M Salmon Fishery.

KILEY THOMPSON, President
Area M Seiners Association
Sand Point, Alaska

POSITION STATEMENT: Presented a PowerPoint relating to Area M Adaptive Fleet Management Strategies 2022-2023.

CURTIS CHAMBERLAIN, Assistant General Counsel
Calista Corporation
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony during Part II of the Area M Overview.

VIRGIL UMPHENOUR, Member
ADF&G Fairbanks Advisory Committee
Alaska Fairbanks, Alaska

POSITION STATEMENT: Provided invited testimony during Part II of the Area M Overview.

ACTION NARRATIVE

[3:32:21 PM](#)

CO-CHAIR CATHY GIESSEL called the Senate Resources Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Dunbar, Kaufman, Claman, Kawasaki, and Co-Chair Giessel. Co-Chair Bishop arrived thereafter.

PRESENTATION(S): AREA M OVERVIEW, PART II

[3:32:26 PM](#)

CO-CHAIR GIESSEL announced Part II of the Area M Overview. She invited Chief Brian Ridley to begin his testimony.

[3:33:39 PM](#)

BRIAN RIDLEY, Chief/Chair/President/CEO, Tanana Chiefs Conference, Fairbanks, Alaska, provided invited testimony during Part II of the Area M Overview. He stated that he comes from the Native village of Eagle that is on the Yukon River near the Canadian border. Most of his Native family lives in Canada so it's a big concern that escapement goals into Canada are not being met. He reported that he was also representing the Alaska Federation of Natives and the 574 tribes of the National Congress of American Indians who see the struggling salmon populations as a prioritization of business and money over food

on every table and the preservation of 10,000 years of traditions. He continued with the following prepared testimony.

Why are you hearing so much about Area M this year? Why are we having an entire hearing on this one issue? Why can't we leave these discussions to the folks that sit on the Board of Fish? First let me say that Area M was shut down in the early '70s to protect the Bristol Bay fishery. So to me, that set a precedence in doing exactly what you're being asked to do down there in Juneau.

I cannot stress enough to you our lawmakers the requirement of the Board of Fisheries to prioritize sustainable salmon fisheries management and reasonable opportunities for customary and traditional salmon fishing over commercial fishing. And the failure to do so absolutely warrant legislative action.

In every other fishery in Alaska except Area M, the policy and practice of the Alaska Board of Fisheries and ADF&G is to close commercial fishing on a stock when escapement and subsistence needs are not going to be met. This is a foundation of the sustained yield principle found in the Alaska Constitution, and precautionary management found in the sustainable salmon fisheries management policy. Sustainable salmon management is crucial to the resource itself and to the 37 federally recognized tribes and other Alaska Native organizations that the Tanana Chiefs Conference serves.

Salmon represents wellness in our communities. We come to these hearings and commissions and talk about our way of life, about empty smoke houses and a generation of lost children who only know how to cut fish when we ship them a box of fish we buy from the commercial fisheries.

[3:36:38 PM](#)

You had the opportunity to hear from Commissioner Vincent-Lang on Friday. He spoke to you about the science, scientists, and the data; all of which he claims support the decision that the board made in February. What the commissioner failed to mention is that sustainable salmon management is written into the Alaska Constitution. The commissioner will tell you

that the decision made on Area M represented a compromise. But that compromise was only between the processors and the seiners. A compromise that had nothing to do with the Yukon River and everything to do with the Board of Fish handing over the reins to commercial interests.

3:37:27 PM

In that February meeting, the board adopted the Adaptive Management Plan, which gives away board authority to Area M seiners and processors to manage their own season. A transfer of the board's authority. This plan is without precedent in the salmon world. The only remotely similar plan was the Chignik Coop from '02 to '05. That plan resulted in the Grunert litigation and the Alaska Supreme Court concluded that the board, did not have the authority to let the private sector self-regulate their fishery.

This Area M plan puts the proverbial fox in the hen house. There's no incentive to not chum chuck if the fleet feels they're intercepting too many chum in relation to the sockeye-directed fishery. The Bering Sea pollack industry has 100 percent observer coverage on their boats for this very reason.

The transfer of board and department authority to private enterprise is precisely why the legislature needs to reassume their authority over the Board of Fish. The seiners will tell you that we need to trust the board. That there's nothing to see here. In instances of unanimous or nearly unanimous decisions, maybe that's warranted. However, in this instance board members expressed discomfort about this decision. Ultimately, only four members voted to allow the self-regulation or self-policing of one of our natural resources to the industry, calling the arrangement a handshake and a prayer.

The responsibility to protect this resource is on you, the legislature. You delegate to the commissioner and he has delegated the board who has delegated to the only people who stand to benefit. So your agent has prioritized commercial fishing in Area M above all else - over escapement, over sustained yield, over subsistence, when subsistence is supposed to be the top priority.

On April 25th, Representative Louise Stutes expressed the opinion that the legislative body should not override boards, claiming it will destabilize our whole state government [and] that if we are unhappy with the decision made by the Board of Fish, our remedy is to change the board.

3:40:02 PM

With all due respect to the member from Kodiak, the Board of Fisheries and the Board of Game are unique to the many boards and commissions in the state of Alaska in that they are managing a resource on behalf of all Alaskans. They're not the same as a board that is regulating other licensed professionals or acting in an advisory capacity. It is absolutely the duty of the legislature to ensure that these boards are making decisions that are legally defensible and in the best interest of all Alaskans.

PCC understands that the interception of our salmon in Area M and salmon bycatch in the Bering Sea Pollack fishery alone are not to blame for the collapse of our chum and king salmon. However, on the Yukon River, in particular, the situation has become so dire that we've reached the point where every single chum and Chinook salmon matters.

The more than 18,000 people served by PCC already have taken the ultimate sacrifice by not fishing for salmon and not practicing our ways of life for years. Area M fishermen have many other fishing opportunities; we have none. It's time that all Alaskans and our neighbors from other states that make up the Area M commercial fleet, join us in conservation efforts to rebuild our salmon populations.

As you move past this hearing into budget discussions, keep these words in your mind: Interior Alaska fish equals wellness. It is part of the education discussion, part of the permanent fund discussion, part of the mental health and criminal justice discussion. To say that salmon is a way of life is not an exaggeration.

3:42:00 PM

SENATOR KAWASAKI asked for a description of the Tanana Chiefs' region and how important the fishery is to the people who live on the river. He added that he believes that people need to hear the story about the boxes of fish that were shipped to people in these communities because there were no fish in the river.

CHIEF RIDLEY described the region as roughly the size of the state of Texas. It runs from the Canadian border to nearly the west coast. There are 42 tribes and tribal organizations in the region and most of the population lives on the river system. They are highly dependent on the fish. It's more than a food source because there is a major cultural element associated with catching, cutting, hanging, and smoking the fish. This is shared and taught and handed down through the generations. He highlighted that the region spends close to \$1 million per year supporting the commercial fisheries to get fish to the region so it shouldn't be said that the region doesn't support commercial fisheries.

CO-CHAIR GIESSEL asked him to talk about how the Board of Fisheries members are selected and whether the seats are designated.

[3:46:01 PM](#)

CHIEF RIDLEY replied that he was not aware of any designated seats, but that would be welcome. He commented on the heavily politicized nature of the board and his growing concern that it wasn't likely to change without legislative intervention.

CO-CHAIR GIESSEL said she's thought a lot about the appointments, diversity, and whether all voices are heard. She thanked him for his testimony.

CO-CHAIR GIESSEL invited Francis Leach to the witness table and noted she had a PowerPoint.

[3:47:57 PM](#)

FRANCES LEACH, Lobbyist, Area M Seiners Association, Juneau, Alaska, stated that she works with both the Area M Seiners Association and concerned Area M fishermen. She relayed that she was asked to speak about Proposal 140 and why it didn't pass. She began the presentation on slide 2, "Area M Salmon Fishery," and made the following points.

~ The majority of the Area M commercial fleet is composed of year-round Alaska residents.

- ~ Many of these fishermen are Alaska Natives who utilize commercial fishing to meet their subsistence needs.
- ~ The Area M fishery targets sockeye.
- ~ The issue of incidental catch of chum salmon is taken very seriously; the fleet is taking precautions to reduce chum harvest.
- ~ Fishermen took a voluntary 61 percent reduction in fishing time in 2022 to allow chum salmon to migrate through the Area M region.

[3:49:45 PM](#)

MS. LEACH advanced to slide 3, "Alaska BOF Proposal 140," and provided the following comments:

- ~ Proposal 140 sought to close commercial salmon fishing during specific times during Area M's June fishery to try to get more chum salmon up the AYK river system.
- ~ Only a small number of AKY chum salmon pass through Area M.
- ~ Proposal 140 replicated the 2001-2003 ADF&G Management Plan that increased chum harvest and had no noticeable benefit to AYK chum stocks.
- ~ After the regulation was changed in 2004, the AYK again saw returns of 2 million plus chum salmon.
- ~ The four members who voted against the proposal felt it couldn't guarantee increased chum passage during the designated windows.
- ~ The board felt that data driven caps, triggers, and windows in the adaptive management agreement would more effectively measure when chum were in the area.
- ~ The decision was based on science presented during the meeting.
- ~ Sampling data indicated that about 17 percent of the chum harvested in the June Area M fishery were from coastal western Alaska.
- ~ The Area M harvest of coastal western Alaska chum is 5.5 percent of the total harvest and escapement in the Yukon, Kuskokwim, Bristol Bay, and Norton Sound areas.
- ~ An ADF&G report by Dr. Kathrine Howard attributed the Yukon chum salmon decline to the heat wave during their 2016-2019 ocean years.

[3:52:31 PM](#)

MS. LEACH advanced to slide 4 and spoke to the following measures that the Board of Fisheries took to mitigate chum harvests in Area M when it adopted the amended Proposal 136:

22% REDUCTION

First fishing period shorted by 22%

CLOSURE 2.4 TIMES LONGER

Closure between 1st & 2nd is 2.4 times longer

25% LESS FISHING TIME

Second fishing
period shortened by
25%

CLOSED AN ENTIRE AREA

Closed Sanak Island Section & Unimak District to all
gear types

MS. LEACH briefly displayed slide 5 and explained that it shows the difference between pre and post Board of Fish actions on Area M.

[3:53:58 PM](#)

MS. LEACH advanced to slide 6, "Additional Actions," and provided the following comments:

- ~ The Board of Fisheries recognized that the Area M fleet voluntarily implemented a Cooperative Management Agreement.
- ~ 100 percent of the fleet agreed to share all harvest data, monitor chum harvest in-season, and change fishing areas when directed to provide an opportunity for more chum salmon to pass through Area M.
- ~ This adaptive approach is better than fixed closures as a way to ensure fewer chum salmon are harvested in the South Peninsula Fishery.
- ~ The Board of Fisheries adopted triggers and caps for the south Unimak and Shumagin Island sections.
- ~ ADF&G will restrict fishing time and close areas if the caps are exceeded.

She deferred to Kiley Thompson to discuss the Adaptive Management Plan.

[3:54:52 PM](#)

KILEY THOMPSON, President, Area M Seiners Association, Sand Point, Alaska, presented a PowerPoint relating to the Area M Adaptive Fleet Management Strategies that were adopted in 2022 and overseen by the Alaska Department of Fish and Game (ADF&G).

He began on slide 2, "Overview of Strategy for 2022," and spoke to the following:

The goal of this was to provide time for passage of chum salmon through Area M in June, while still optimizing a sockeye fishery.

Concept

- Use near real-time data to monitor and reduce chum harvest in Area M June salmon fishery

Execution

- Fishermens Board managed time/area closures that changed through June in response to fishing reports from processors

Results

- Led to >50% reduction in chum harvest in June 2022 when compared to June 2021

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MR. THOMPSON advanced to slide 3, "Involved Organizations," and provided the following comments:

- ~ A seven-member board of active fishermen used daily reports from processors and the fleet to make near real-time decisions on fishing times and area for all 60 seine boats in Area M during June.
- ~ A cooperative test fishery with ADF&G assessed the abundance of chum salmon in three locations in the South Peninsula for two days before and the first day of the June fishery.
- ~ The seine fleet lost the first day of the fishery to better assess the abundance of chum salmon.
- ~ The test fisheries showed a decreasing abundance of chum salmon, which allowed a partial day of fishing on June 11 to assess chum salmon harvest with the entire fleet fishing.
- ~ Later the management board announced time reductions based on the previous day's harvest.
- ~ As the season progressed, individual fleets stood down separate from the fleets in other locations.
- ~ This only works with the flexibility of time and area, fleet management, cooperation, and responsive reporting.

[3:57:31 PM](#)

MR. THOMPSON briefly displayed slide 4, "RC104 Improvements in the Adaptive Fleet Management for 2023," and advised that the

Area M seiners and Aleutians East Borough created an app to improve data tracking, which will increase the speed at which decisions can be made and relayed to the fleet. He directed attention to the graphic on slide 5 that shows the home page that captures aggregate fleet data in real time. He explained that the numbers in red represent sockeye salmon and the numbers in green represent chum salmon. The data is updated every 30 minutes to reflect ADF&G or processor e-landings. In the event that chum salmon harvests are too high, the board selects the yellow "Closure" button on the top left of the screen, and the fleet is notified of the closure via email and they must stop fishing. The green "standdown" button on the top right of the screen is for on-the-ground-reports. If a group of fishermen see an influx of chum salmon, they can select that button to show that they are voluntarily standing down to allow chums to pass through the area. Slide 6 illustrates that the beginning time and ending time in a region is recorded for both closures and standdowns.

[3:59:12 PM](#)

MR. THOMPSON concluded that the commercial fishermen in Area M are committed to decreasing the harvest of chum salmon. He opined that the bills to shut down the entire Area M June fishery don't even align with Proposal 140. They seek to close the North Peninsula and Nelson Lagoon salmon fisheries that don't harvest any western Alaska chums. They will have a devastating impact on communities and the economy in the region with little benefit to AYK chum salmon.

[3:59:52 PM](#)

SENATOR DUNBAR asked for his thoughts on how to prevent the practice of chum chucking and how people who aren't part of the fishery can be assured that it's working.

MR. THOMPSON said the enforcement arm of the department has drones that are operating all the time so the fishermen know their activities are being monitored. He added that it's most important to stop the fishing in locations where there are so many chum salmon that it potentially encourages a poor decision. Last year the fleet didn't fish when the chums were in the area.

[4:01:39 PM](#)

MS. LEACH added that while there may have been some chum chucking, it is not the standard for the seine fleet in Area M; commercial fishermen don't support wanton waste.

[4:02:11 PM](#)

SENATOR KAWASAKI asked for an explanation of the Adaptive Management Plan.

MR. THOMPSON said it was voluntary in 2022 and there was 100 percent participation. Peer pressure kept participants in line in 2022, but in 2023 fishermen must sign a contract with their processor agreeing that they won't chuck chum or fish wherever they want. The stiffest penalty for a fisherman who violates that contract is the loss of their market until the end of June. The processor won't buy the catch. This is part of what encouraged the Board of Fisheries to accept the Adaptive Management Plan. To a further question, he clarified that this is not in regulation. It's a commitment and agreement between the Area M Seiners Association and concerned Area M fishermen and their processors. ADF&G will provide oversight and has said it will close the fishery if the fleet doesn't uphold the agreement.

SENATOR KAWASAKI asked whether the processors would refuse to buy fish from fishermen who don't participate in the agreement or who fish outside the windows.

MR. THOMPSON replied that the processors have said they will not take fish from a fisherman who doesn't participate in the plan.

SENATOR KAWASAKI commented that the plan is no longer voluntary.

MR. THOMPSON confirmed that it was voluntary in 2022 and is mandatory in 2023.

[4:06:53 PM](#)

SENATOR KAUFMAN wondered about the upload and download coverage in Area M for fishermen to use the new app that was described.

MR. THOMPSON said the app was developed after Starlink was introduced so every fishermen is able to use the app on their phone to access the e-landing system. Part of the contract fishermen will sign waives confidentiality with the e-landing system so data from all the boats can be aggregated. The app will report how many chums are harvested and where they were harvested. He said technology is finally coming to remote Alaska.

SENATOR KAUFMAN said he appreciated the explanation.

[4:08:13 PM](#)

SENATOR DUNBAR commented on how secretive fishermen tend to be about where they're fishing and what they're catching. He asked if everyone would know where all the Area M fishermen are at all times.

MR. THOMPSON said the South Peninsula covers about 200 miles and the entire fleet will operate in just five or six spots, so it's not a big secret where people are fishing.

[4:09:34 PM](#)

SENATOR CLAMAN noted that a criticism he heard about the seven-member board that was formed in 2022 was that it only represented commercial fishing interests. He asked why it didn't include one or two people who represented subsistence interests.

MR. THOMPSON said he understands the criticism but this program is designed to have as much information as possible about what's going on in this area so every member is out on the water actively fishing on a commercial vessel in the area.

[4:11:25 M](#)

CO-CHAIR BISHOP asked if the cooperative management team would consider adding an ex officio member from the Yukon and from the Kuskokwim to the team as a good-faith effort. He said Area M fishermen certainly aren't immune to what's happening to people on the river system and they shouldn't think for a moment that it couldn't happen to them at some time in the future. He continued to say, "We're all trying to get to a place where hopefully our salmon runs don't go extinct; it's that critical and you know that."

He asked Ms. Leach to talk about the EZ zone and the SeaShare program and whether it was applicable to Area M.

[4:13:12 PM](#)

MS. LEACH suggested he ask the Alaska Department of Fish and Game (ADF&G); she didn't know anything about that.

[4:13:31 PM](#)

CO-CHAIR BISHOP asked why somebody theoretically chucked chums in the past.

MR. THOMPSON said chum-chucking was the result of having management caps, which can result in bad decisions. He noted that the board set triggers to prevent the problems that result from overharvest.

CO-CHAIR BISHOP asked for the difference in price between chum salmon and sockeye salmon and if fishermen catch both at the same time.

MR. THOMPSON replied that both species are caught at the same time, but the price for chum salmon in Area M is always the lowest in the state. Last year it was \$0.25/pound. He said they don't make a lot of money but they help pay for fuel. He recalled that the price last year for sockeye salmon started at \$1.25/pound.

CO-CHAIR BISHOP asked Mr. Leach how much science was behind the comment on slide 3 that the 2016 to 2019 heat wave decimated Yukon chum salmon which affected the 2021-2022 runs.

MS. LEACH said that came from Dr. Katherine Howard's report that was distributed during the Area M meeting. She noted that the devastation made national news in 2019 when chum washed up on the banks of the Yukon. This attracted the interest of a number of scientists.

[4:16:44 PM](#)

SENATOR KAWASAKI asked how many chum salmon were caught during the reduction in 2022.

MR. THOMPSON stated that 544,000 were caught.

SENATOR KAWASAKI asked how many were caught the year before that.

MR. THOMPSON replied the catch was 1.6 million.

SENATOR KAWASAKI asked how many sockeye salmon were caught in those two years.

MR. THOMPSON estimated that 3-3.5 million sockeye were caught in 2021 and 5.5-6 million sockeye were caught in 2022. He said that sockeye fishing was more successful when fewer chums were caught.

CO-CHAIR GIESSEL thanked Ms. Leach and Mr. Thompson.

[4:17:45 PM](#)

CO-CHAIR GIESSEL invited Curt Chamberlain to testify.

[4:17:55 PM](#)

CURTIS CHAMBERLAIN, Assistant General Counsel, Calista, Anchorage, Alaska, provided invited testimony during Part II of the Area M overview. He read the following prepared testimony:

[Original punctuation provided.]

Good afternoon. My name is Curt Chamberlain speaking on behalf of Calista Corporation. I am a Calista shareholder and a member of the Aniak Tribe. I grew up living off the land and commercial fishing in the middle Kuskokwim until the industry collapsed in the mid 90s.

I want to start by addressing the criticisms that came to Proposition 140 and more specifically to SB 128. The largest complaint was of the impact closing the fishery would have on the Aleutian Peninsula. They worried of schools closing, outmigration, and the boroughs and communities losing much needed tax revenue. We at Calista aren't deaf to those grave concerns. In fact, we have been living that nightmare for the last 3 decades. The economy in the Calista region has crashed along with the salmon population. Our region has the highest unemployment and poverty levels in the state and nation. Communities have dwindled, outmigration is rampant, particularly among the young, and our communities are suffering. In my region, the middle Kuskokwim, the native population declined by 1/3 over the last 10 years. Crooked Creek's population has declined by half over the last 20 years and its school is now in danger of closing. Georgetown is now populated by one household and the tribe is looking for a way to motivate people to move back into the community. Many students must attend boarding schools away from their families. With the loss of the youth comes the loss of the traditional safety network inherent in many native communities, along with the loss of language and culture.

[4:19:41 PM](#)

The Aleutian peninsula, however, need not worry. With nearly \$2.8 billion in economic output resulting from commercial fishing, the Aleutian Peninsula dwarfs all other regions of Alaska. It controls 2 of the largest 4 fishing ports in the world, including the largest, Dutch harbor, which has held that honor for the last 24 years. The Aleutian peninsula has other fisheries,

including herring, groundfish, cod, and crab to name a few. It is the is the only region where salmon is not its primary fishing export, and even without salmon, the Aleutian peninsula would still be the top volume fishery in Alaska. The Yukon and Kuskokwim rivers, by comparison, have only one fishery: Salmon. And last year, these two regions were the only ones in the state closed to commercial fishing. The Aleutian peninsula is far better suited to endure the closure of its salmon fishery than the Calista region was.

This last week I was asked if it's appropriate to go to the legislature if you're unsatisfied with the board of fish's decision. Naturally, the answer would be no. However, when special interests run the board and the board ignores its constitutional, statutory and regulatory mandate, it becomes appropriate for the legislature to implement statutory guardrails to ensure its intent is adhered to.

[4:21:17 PM](#)

The underlying problem with the fisheries is structural. Despite a clear and unambiguous statutory subsistence priority which has been upheld by the Courts, this priority is illusory. While our commercial fishing harvest is at or near historic high levels, our in-river salmon runs statewide are suffering due to overfishing and competition from hatchery salmon. The nearly 120k residents of the Yukon Kuskokwim Watershed are without a subsistence option, and there are subsistence restrictions impacting nearly every Alaskan statewide. The Board of Fish customarily has three commercial fishing seats, three sportfishing seats, and only one subsistence seat, though some governors have ignored that custom in favor of special interests in the past. Chief Ridley already went into great detail on the failures of the Board of Fish. The current state management of fisheries is pro commercial fish and pro hatchery, which has catastrophic consequences to in river salmon runs. The Department of Law openly advocated to the Board of Fish that it had no duty to limit harvest in Area M to protect the runs in the terminal fisheries, despite the fact that in 2021, Area M harvested over a million chum. The courts failed to enforce the legislature's mandates in the Native Village of Elim Decision. What we are left

with is a subsistence priority that is nothing more than window dressing. The coastal commercial fishing industry essentially runs the state fisheries, leaving subsistence and sport fishermen to fight over what's left, if anything.

[4:23:38 PM](#)

The last article I've attached to the record outlines the distrust between the subsistence users in the Yukon and Kuskokwim rivers in the 1990s. Since that time, salmon stocks in the Yukon and Kuskokwim have declined an additional 90 percent. There can be no argument that this fishery is being managed properly, or that the subsistence users are being adequately represented.

If we're to fix what is wrong with our fisheries statewide, we must implement adequate guardrails to ensure subsistence is protected.

Finally, with respect to the importance of salmon to our region and the impact of its collapse, I would like to invite the members of this panel to our region to see its effects. It's nearly impossible to put into words.

[4:24:53 PM](#)

CO-CHAIR BISHOP thanked Mr. Chamberlain for his testimony. He relayed that earlier he suggested the members of the Board of Fisheries visit the people who live along the Yukon and Kuskokwim rivers and the committee visit Area M so everyone is able to get a firsthand look at the situation because this issue will not be solved in isolation.

MS. CHAMBERLAIN agreed that in-person visits would be beneficial and appreciated.

CO-CHAIR GIESSEL thank Mr. Chamberlain.

[4:26:30 PM](#)

CO-CHAIR GIESSEL invited Virgil Umphenour to provide his testimony.

[4:26:46 PM](#)

VIRGIL UMPHENOUR, Member, ADF&G Fairbanks Advisory Committee, Fairbanks, Alaska, provided invited testimony during Part II of the Area M Overview. He stated that he owns a fish processing

plant in Fairbanks and had processed fish on the Yukon River and other areas since 1985. He served three terms on the Board of Fisheries (BOF) and has been a member of the Pacific Salmon Commission since 1988. He opined that what the BOF did in Area M during the last meeting was to cede authority to the processors to serve as the managers. He described the joint venture fishery and what happened after the 200 mile limit because effective to emphasize that it doesn't work to let the fleet regulate itself.

He relayed that as a fish processor, he fills out fish tickets and reports the numbers and species of fish that were caught to ADF&G. He maintained that the large volume of fish that seiners catch is not conducive to timely counting when they come on board the vessel or when the tender sucks them off with a vacuum. The fish aren't counted until they're delivered to the processor and it's doubtful that the fish from each vessel is kept separate. He said it's this kind of situation that resulted in statehood.

[4:30:05 PM](#)

MR. UMPHENOUR discussed the Board of Fisheries deliberations in 1995 on the proposal to cut the chum cap for Area M. His view was that there hadn't been a sustained yield chum salmon fishery in the northern Norton Sound region for four years, but not all board members agreed. He said he decided to write a definition for "sustained yield" but as the effort gathered momentum over five years it transitioned to a sustainable salmon policy. He said he wanted to read from the statute the department wrote in 1990 to address this issue.

[4:31:51 PM](#)

He read portions of AS 16.05.251. Regulations to the Board of Fisheries.

(e)... The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

(1) the history of each personal use, sport, guided sport, and commercial fishery;

MR. UMPHENOUR recounted the history of the fishery in Area M starting with the codfish fishery in the late 1800s to early 1900s. Commercial fishing in the Yukon drainage and Norton Sound started with the Russians and continued when the US purchased Alaska.

[4:33:32 PM](#)

MR. UMPHENOUR read Sec. 16.05.251 (e) (2) .

(2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;

He recounted the number of residents and non-residents who have commercial fishing permits in the area. The total is 2,222, roughly 300 of which are in Area M but he only knows about 70 seiners that have been fishing recently. He said he's also aware that there are a lot more subsistence and personal use fishermen; in the Fairbanks area alone there are more than 100,000.

[4:34:46 PM](#)

MR. UMPHENOUR read Sec. 16.05.251(e) (3) .

(3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;

He said this is super important because there's no opportunity to obtain salmon in the Fairbanks area; it's a catch and release salmon fishery.

MR. UMPHENOUR read Sec. 16.05.251(e) (4) .

(4) the availability of alternative fisheries resources;

He said there is no alternative fishery other than perhaps Norton Sound that has a small king crab fishery. In 2021 Area M had 225 non-salmon fishing permits, many of which are for groundfish. He relayed that he was on the BOF in 1997 when the groundfish fishery was developed in state waters. The board instituted a 20-pot limit to "keep the big boys from Seattle out." He also described writing a Tanner Crab Management Plan in 1998. To ensure sustainability, fishing was limited to daylight hours and a 20-pot pot limit was instituted. He highlighted that the Kodiak part of that fishery is the largest crab fishery in the state now. The harvest in Area M this last winter was 1.7 million crabs and the fishermen got paid \$3/pound. He said this is to illustrate that there are a lot of other fisheries that the AYK doesn't have, especially the Yukon and Kuskokwim.

MR. UMPHENOUR spoke to Sec. 16.05.251(e) (5) and (6).

(5) the importance of each fishery to the economy of the state;

(6) the importance of each fishery to the economy of the region and local area in which the fishery is located;

MR. UMPHENOUR reported that in 2021 the average income from salmon for Area M seiners was "some \$701,000 for maybe 6 weeks fishing." He relayed that he wrote Proposal 140 in 2001 that did away with the chum cap. He called them a ridiculous waste of time because anybody threatened with the closure of their business if the cap is exceeded will not be inclined to report those fish.

CO-CHAIR GIESSEL asked him to wrap up his testimony.

[4:39:48 PM](#)

MR. UMPHENOUR read Sec. 16.05.251(e) (7).

(7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

He highlighted that Area M can boast that a Vietnam veteran from Fairbanks caught the world record halibut at Dutch Harbor.

[4:40:08 PM](#)

CO-CHAIR BISHOP asked whether the Yukon River fishermen still opposed in-river incubation hatcheries.

MR. UMPHENOUR replied that there's still little support for that idea.

CO-CHAIR GIESSEL thanked Mr. Umphenour for his testimony.

[4:42:09 PM](#)

There being no further business to come before the committee, Co-Chair Giessel adjourned the Senate Resources Committee meeting at 4:42 p.m.