

2-10-09

**Presentations &
Hearing:
Southeast Alaska
Herring
Management
Issues**

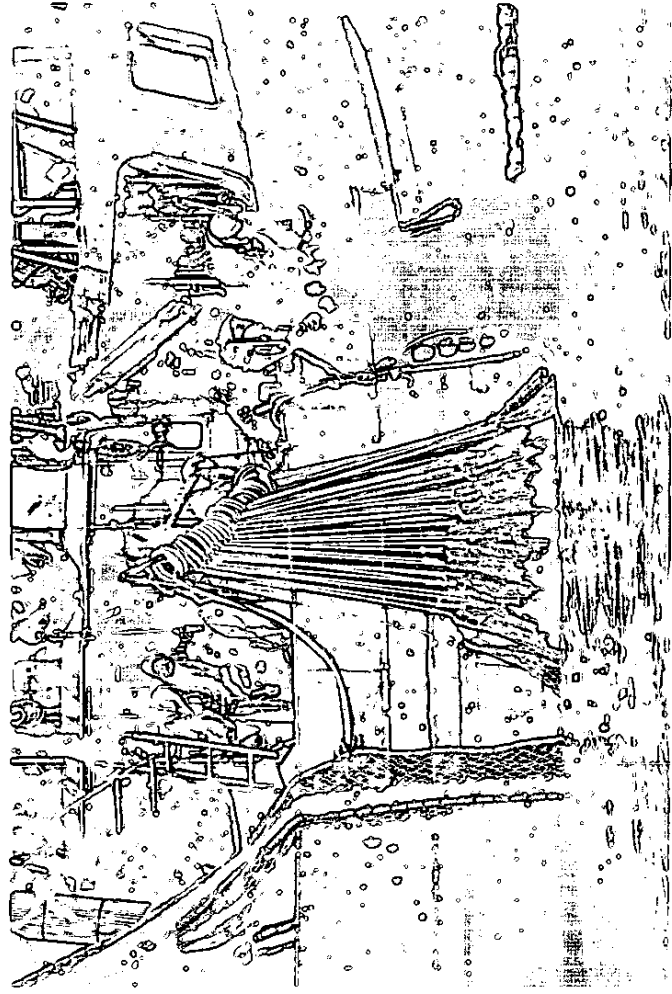
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Hearing Southeast Alaska Herring Management
Issues</subject><comm>HFSH26</comm></target>

Southeast Alaska Herring Fisheries

Report to the Alaska State Legislature House Fisheries Special Committee

February 6, 2009

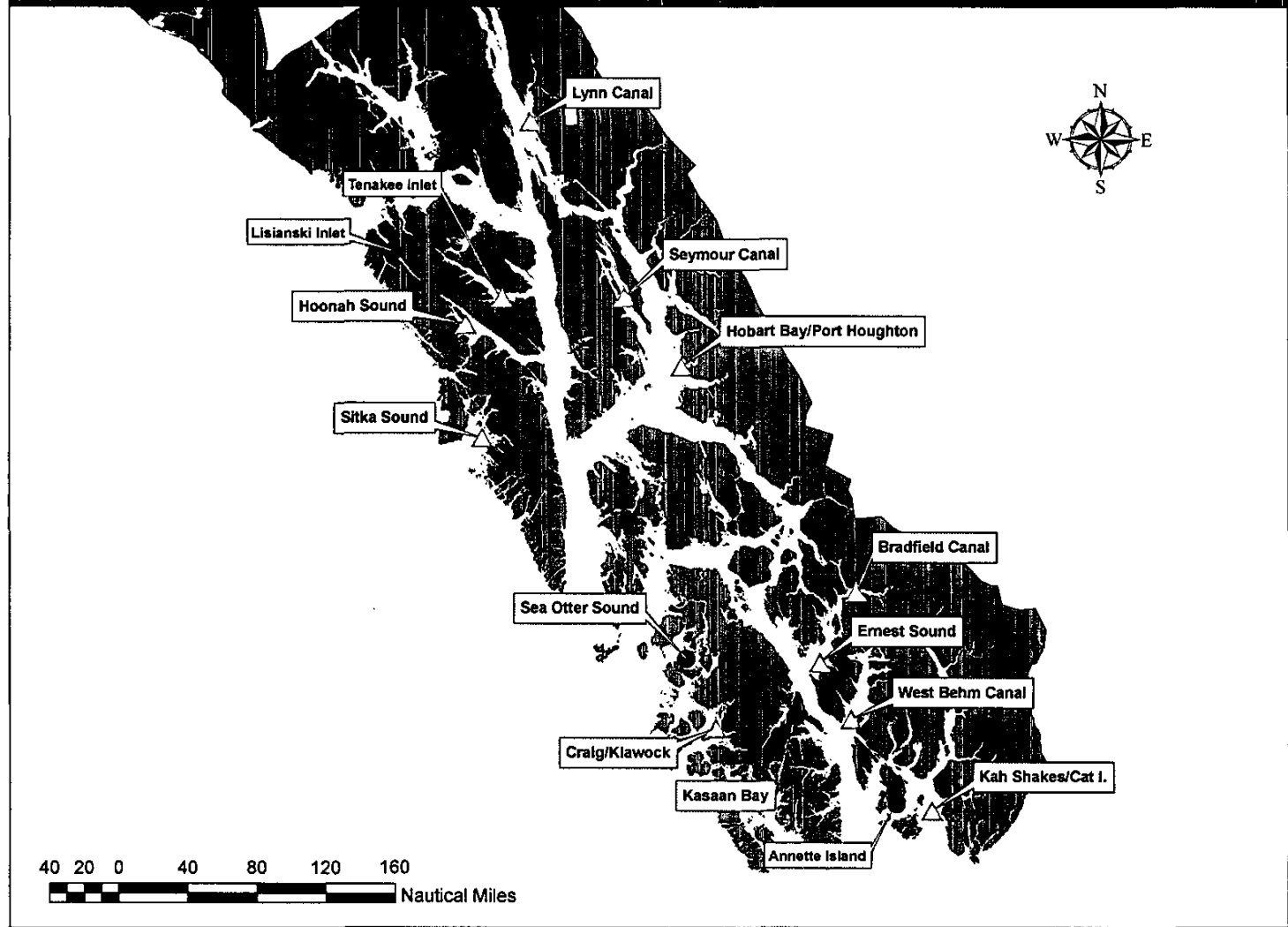
Kyle Hebert
Alaska
Department of
Fish and Game



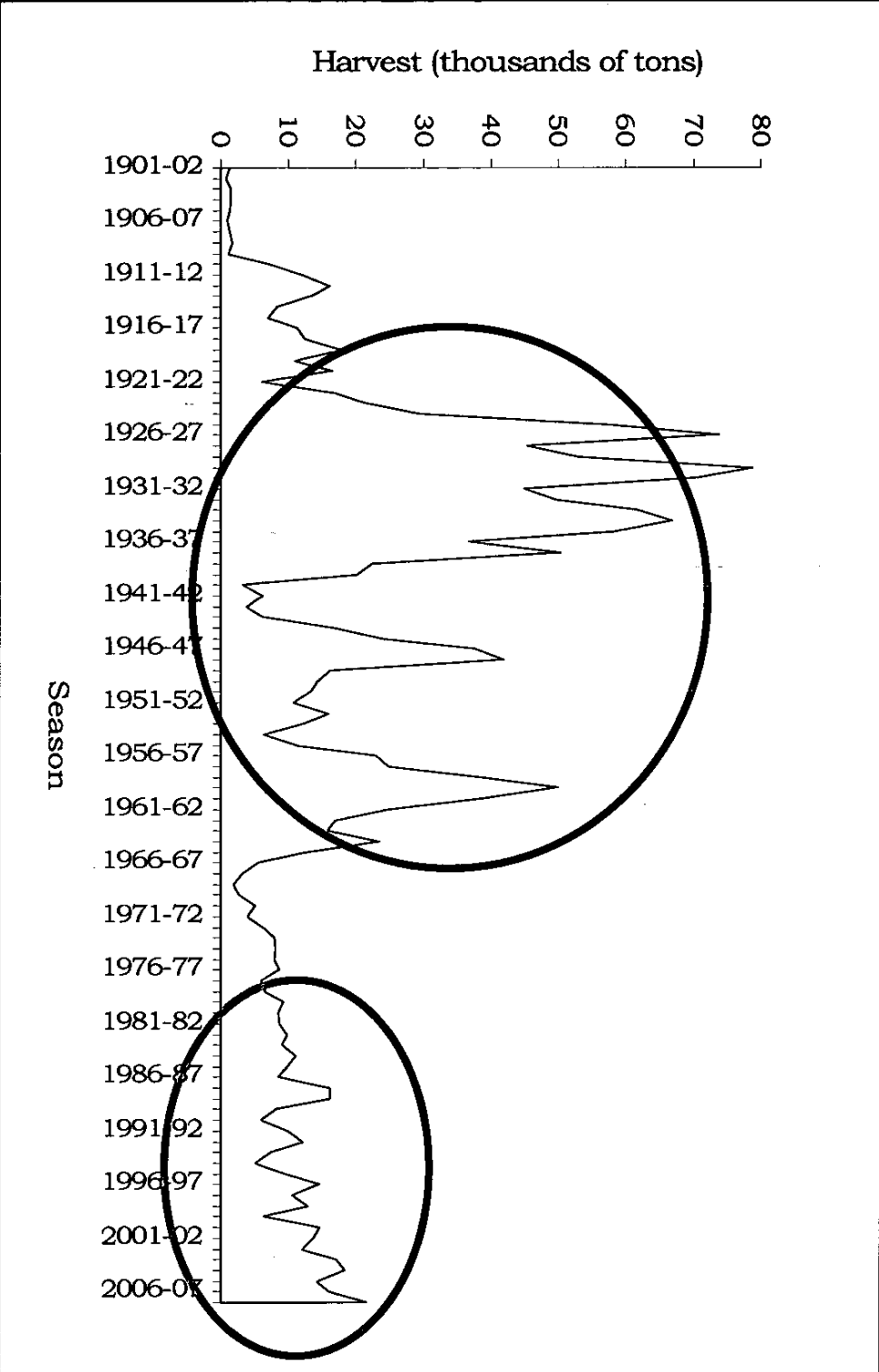
Outline

- Historical review of herring fisheries
- Review of herring management plan
- Stock assessment and harvest rate approach

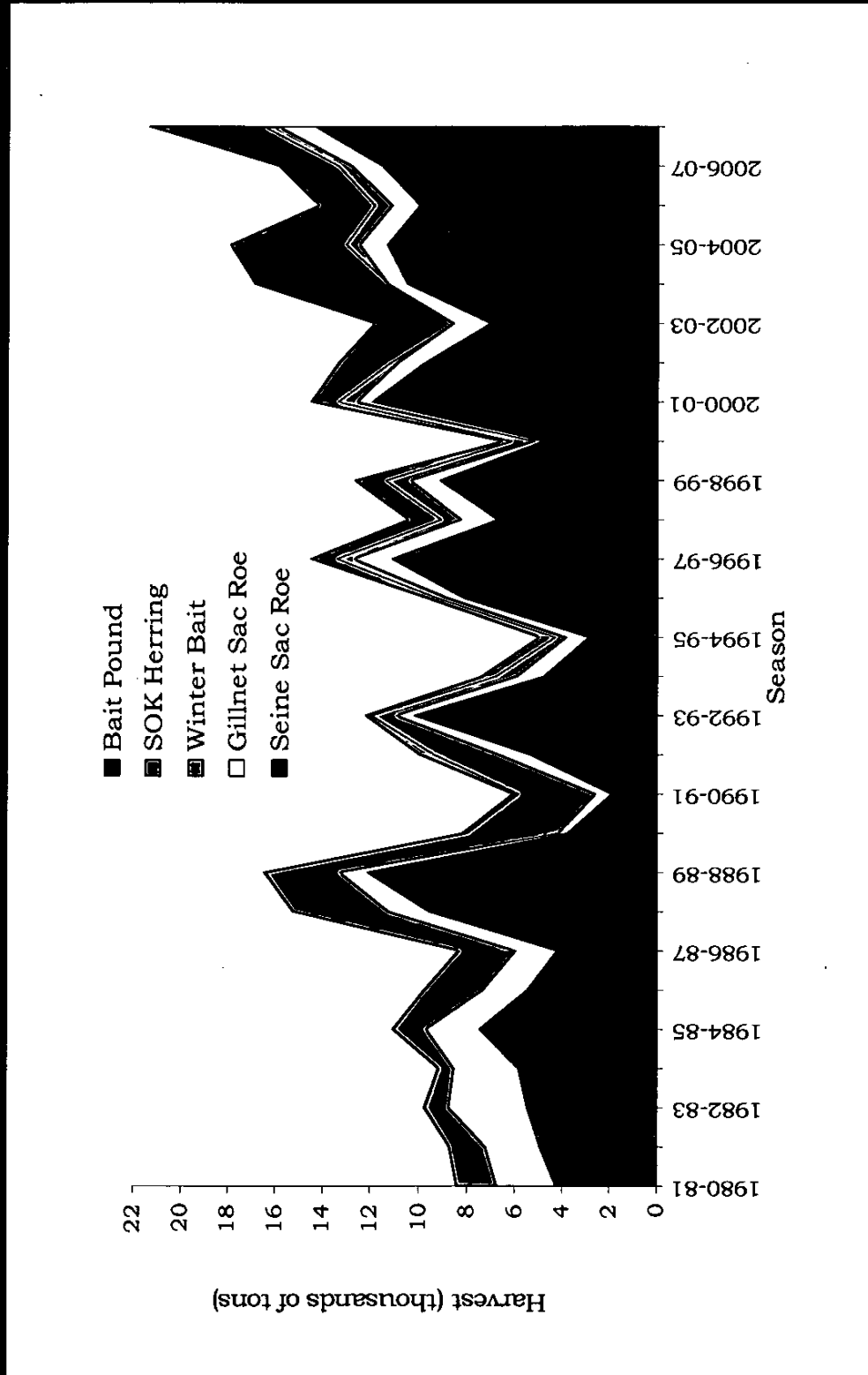
Southeast Alaska Herring Spawning Areas



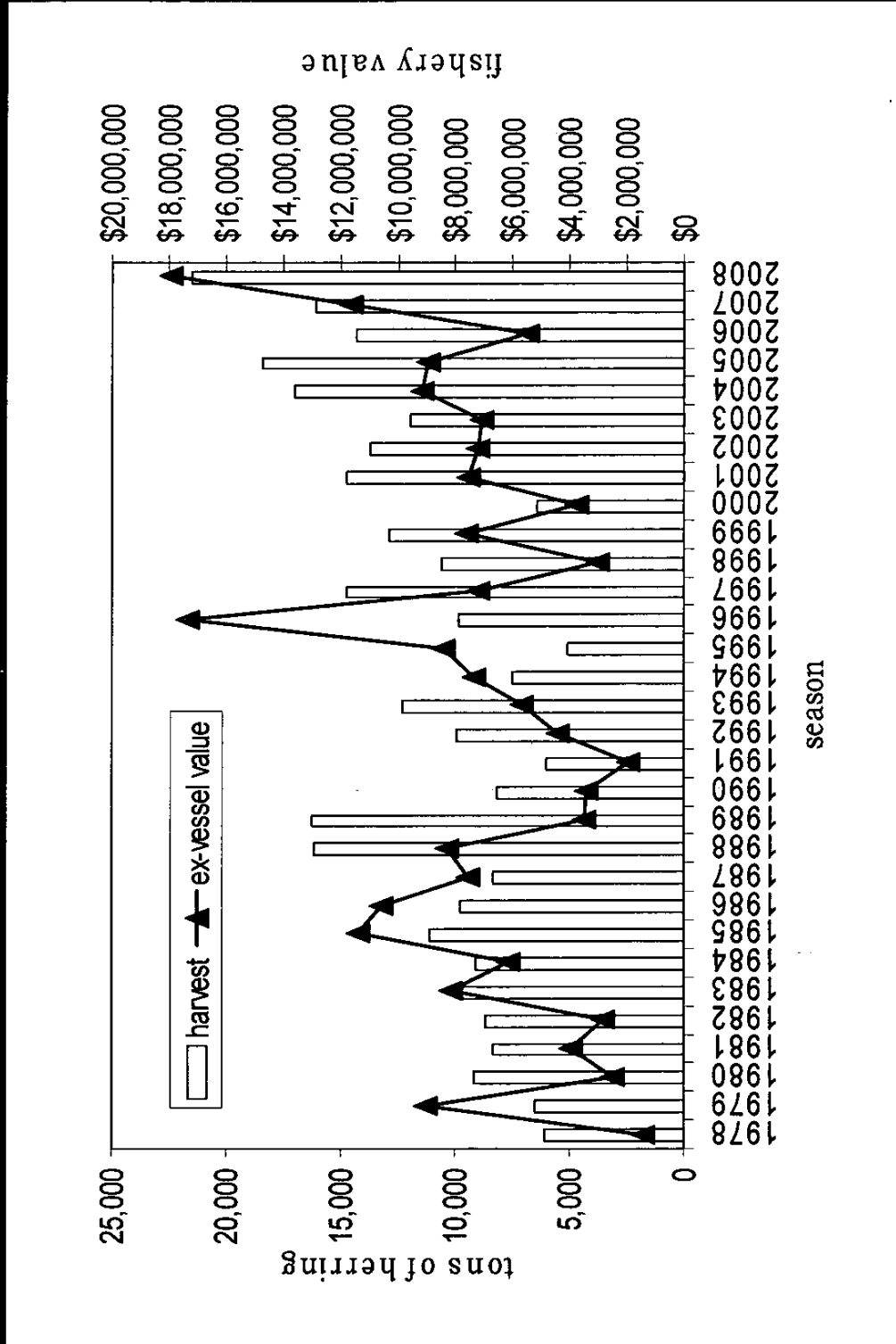
Historical Total Herring Harvest in Southeast Alaska



Southeast Alaska Herring Harvest by Fishery



Historic Harvest and Ex-vessel Value



5 AAC 27.190. HERRING MANAGEMENT PLAN FOR
SOUTHEAST ALASKA AREA

27.190.010. Herring Management Plan for Southeast Alaska Waters

2. Shall establish \dots below which fishing will not occur;
3. Shall \dots of mature herring for each stock before allowing fishing to occur;
4. Except as provided elsewhere, may allow a harvest of herring at an \dots of the estimated spawning biomass when that biomass is above the minimum threshold level;
5. May identify and consider sources of mortality in setting harvest guideline;
6. By emergency order, may modify fishing periods to minimize incidental mortalities during commercial fisheries.

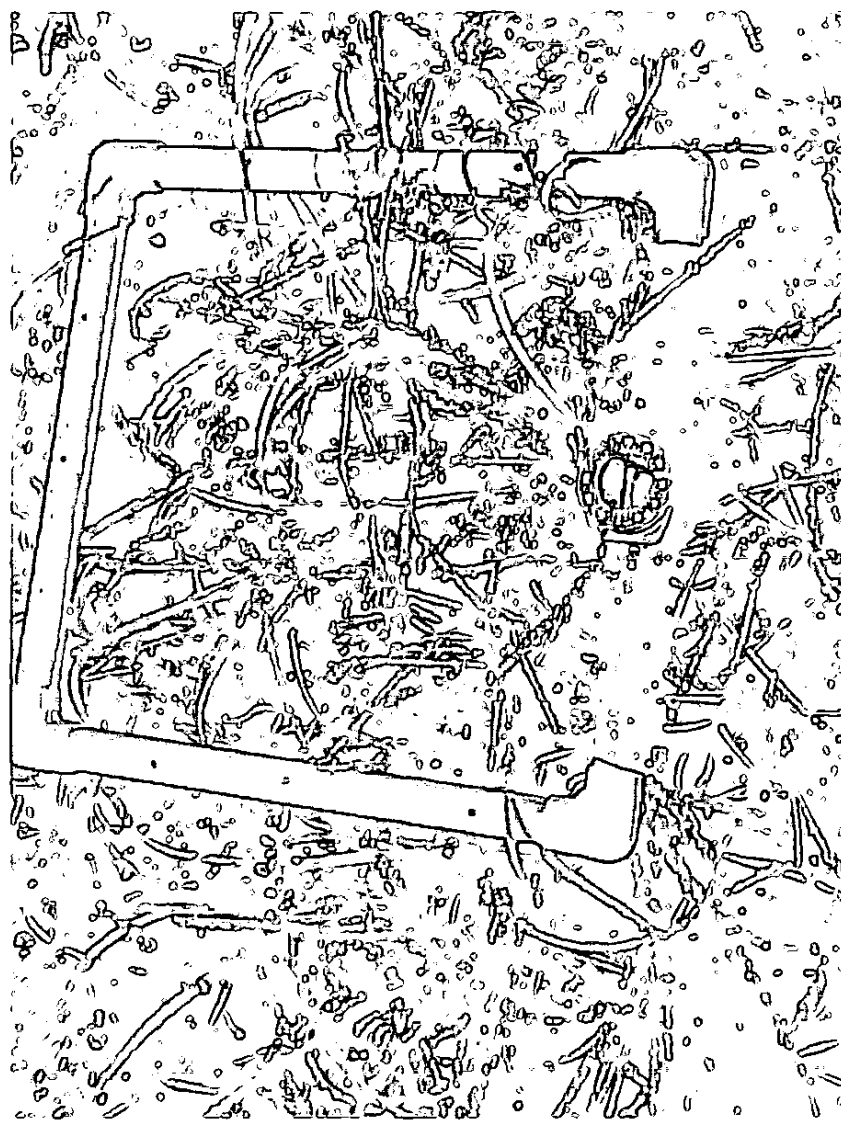
Thresholds

- If forecasted below, no fishery
- Goals of thresholds
 - Protect herring stocks from sharp reductions due to recruitment failure
 - Maintain adequate forage for predator species

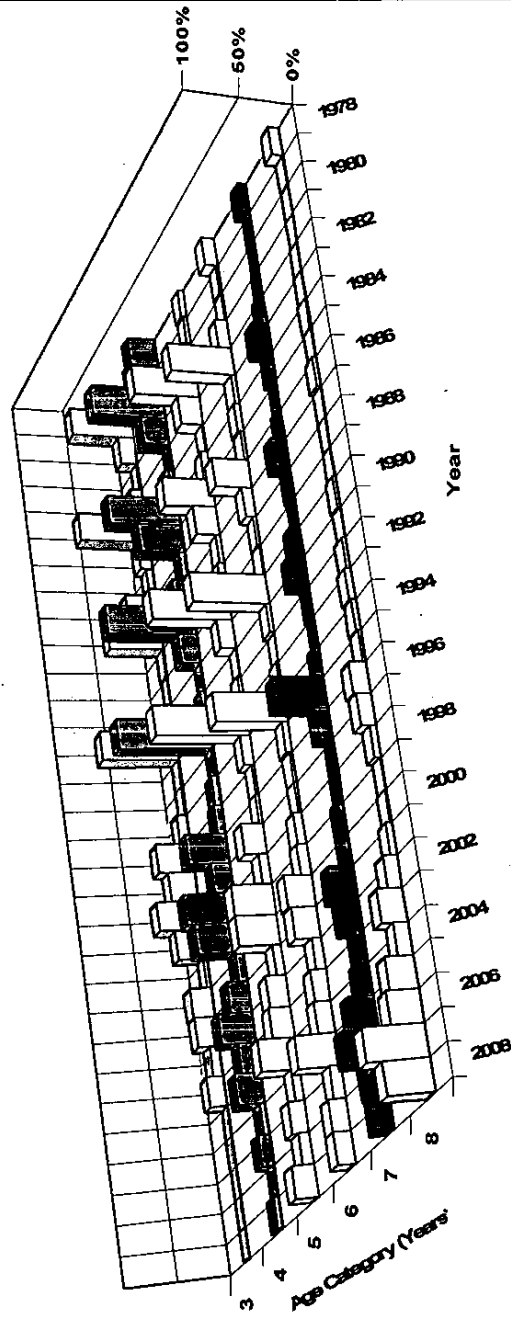
Aerial view of herring milt



Egg deposition estimates

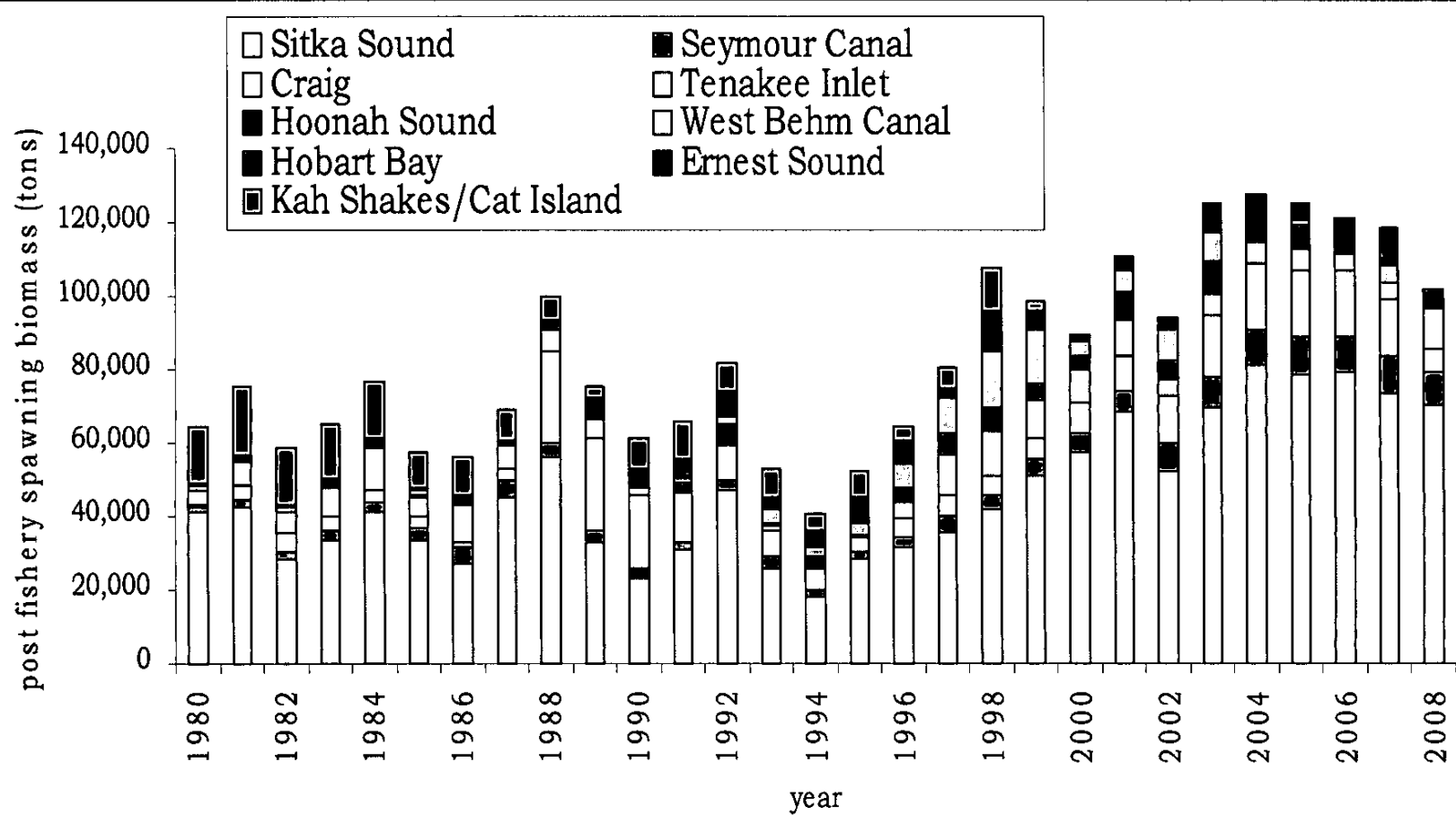


Herring Age Compositions (Sitka Sound cast net)

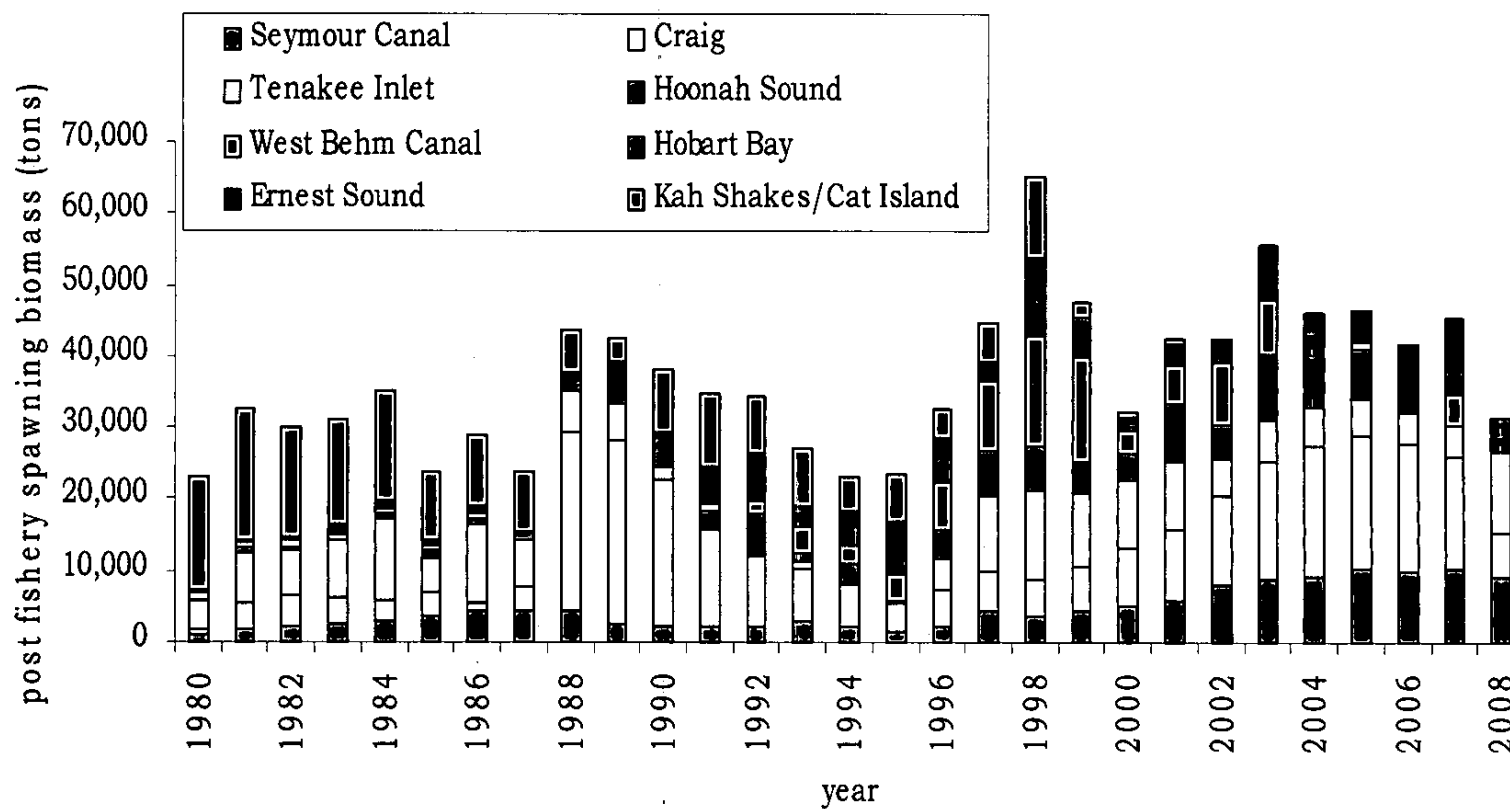


Note: Age Category 8 includes all herring age-8 and older

Southeast Alaska Herring Stock Size Estimates 1980-2008



Southeast Alaska Herring Stock Size Estimates Excluding Sitka Sound: 1980-2008



Two models used to forecast herring biomass:

1) Age Structured Analysis (ASA)

2008 Escapement - Mortality + Growth + Recruitment = 2009 biomass

data used: spawn deposition

catch age composition

spawning age composition

weight at age

fecundity at age

2) Biomass Accounting

2008 Escapement + standard growth - standard mortality = 2009 biomass

(standard growth and mortality = average values from ASA areas)

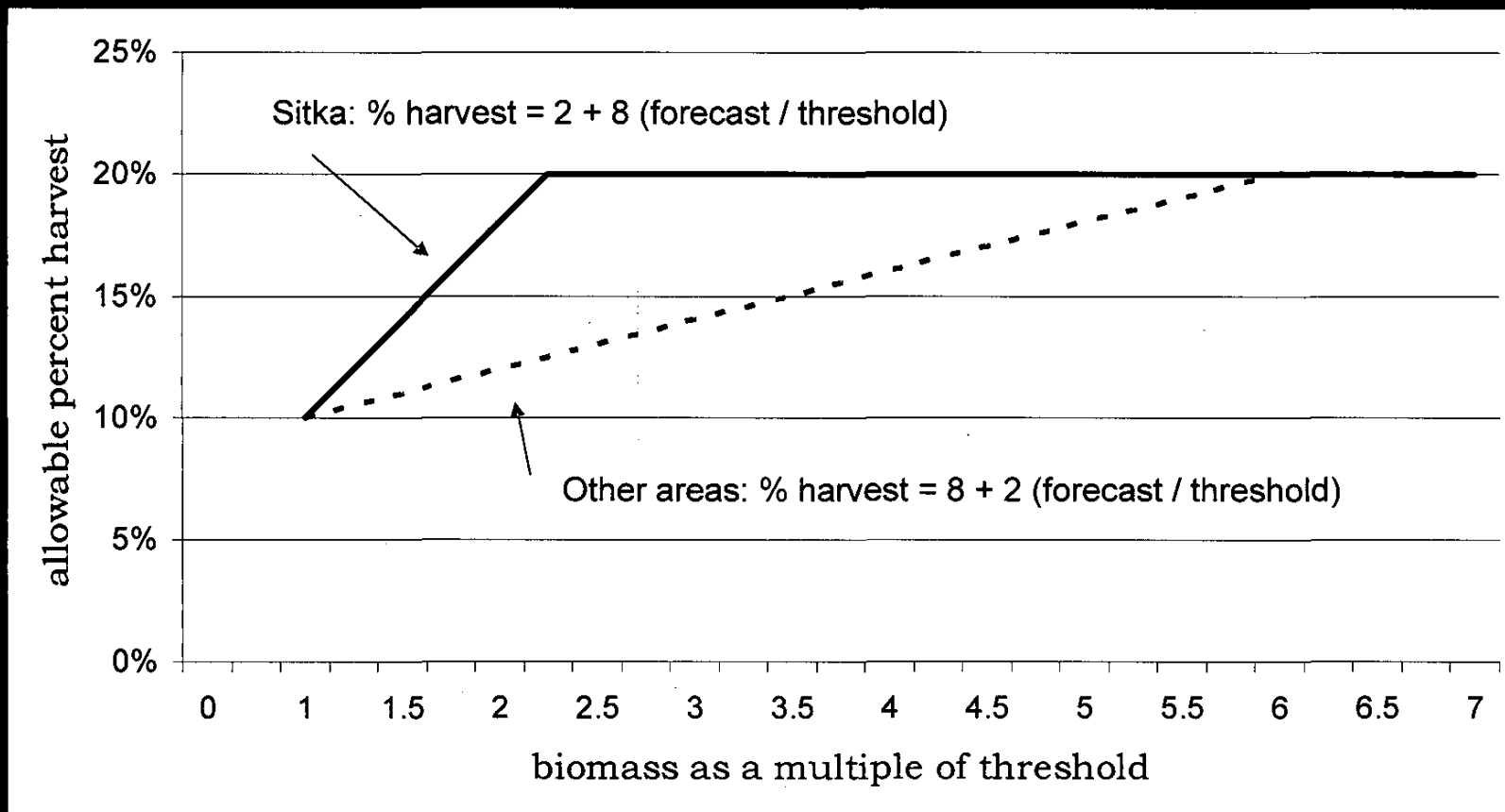
data used: spawn deposition

spawning age composition

weight at age

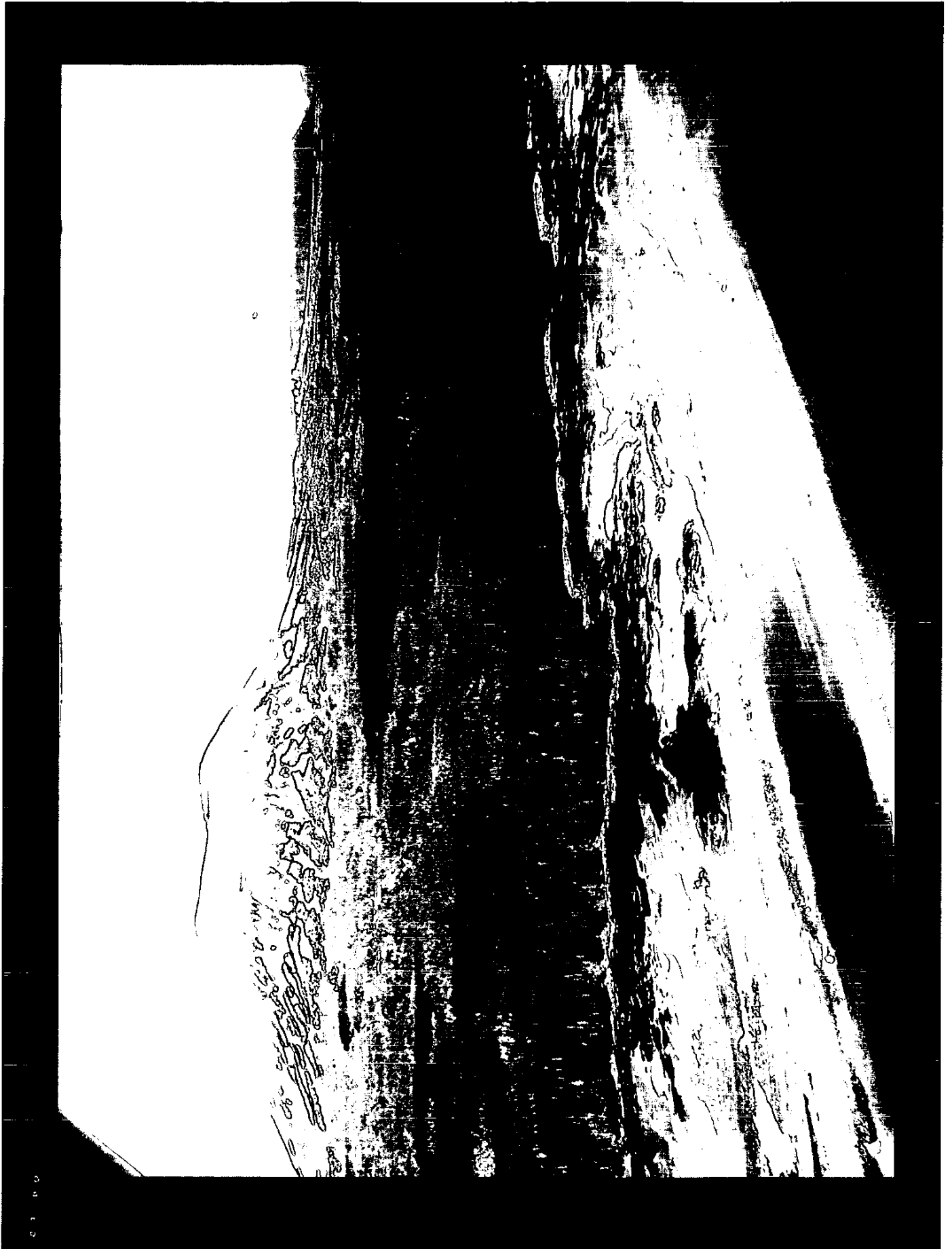
fecundity at age from nearest ASA area

Southeast Alaska herring harvest rate formulas



Comparison of herring maximum harvest rates

- Alaskan stocks: most 20%, some 15%
- British Columbia stocks: 20%
- Washington stocks: 20%
- California stocks: 20%
- North Atlantic: 12-16%



A Herring Impaired Ecosystem Is it worth the risk?

Dr. Evelyn Brown

Currently - Flying Fish Ltd

Background: over 10 yrs at ADFG with much of that as a herring biologist; EVOS PI for herring damage assessment; over 10yrs as UAF researcher; served 2 yrs as fisheries biologist for Metlakatla on Annette Island in early 80s)

PhD (UAF) – Dissertation Title:

Stock Structure and Environmental Effects on Year Class Formation and Population Trends of Pacific Herring in Prince William Sound, Alaska

flyingfishltd@embarqmail.com 509-493-8900

Evolution of Herring Fisheries and Management

- Early 1900s – the SE Alaska herring complex was huge with massive harvests over 100K tons; spawning occurred in a host of locations and large juvenile herring schools were observed in the inlets and bays
- Marine mammal and seabird predators were reduced via whaling and bounty programs (sea lions, seals, & eagles); massive salmon harvests reduced predation by salmon on herring. Later in the century, offshore harvests by Japanese and Koreans removed thousands of predatory species like sharks.
- The removal of these species simplified the dynamics controlling herring and placing man as the main predator/removal source for juveniles and adults
- The population was probably reduced by WWII when the industry and markets began to collapse (see Andy's timeline)
- When roe markets were developed in the 70s, the population was at low levels and an order of magnitude smaller than the one earlier in the century
- Stock assessment and monitoring began in earnest in the late 70s ; the frame of reference used today in management does not include the early years; i.e. our measuring stick began with a depleted stock.

Present Day Complexity

- The current population is a fraction of the size from a century earlier and many localized spawning areas have disappeared (i.e. stock contraction)
- Marine mammal, seabird, and shark populations have recovered and along with the enhanced salmon production, have increased the predation pressure on herring substantially, especially since the 80s. Man must now share the “harvest” with a host of other species. Humpbacks have been observed eating juvenile herring in PWS and SS.
- Climate change is introducing a new twist that will affect herring from bottom up (change in ocean conditions/plankton) and top down (new predators like tuna and whiting) and from within (new diseases accompanying food stress and changing temperatures)
- Meanwhile, the grassroots management in the form of ADFG has been systematically gutted with less money for assessments and research; ADFG has been forced to rely more and more on model outputs (i.e. ASA) often based on a single population level index
- ADFG is not equipped to adapt to the complex system dynamics; they are forced to modify basic herring biology (e.g. maturation rates) to make the data fit the expected shape of the model
- The forecasted population can be easily manipulated by using a different observed index (e.g. spawn deposition versus miles of spawn), using different maturity schedules, changing the fecundity rates (nos. eggs per gram) and changing the mortality schedule for each age.
- Vince’s analysis shows that using alternative rates, the population could be significantly smaller than ADFG is forecasting; our analysis shows the existence of two stable population states – high and low since the 70s; PWS shows the exact same stock dynamics and probably operates under similar forcing mechanisms (i.e. PWS and SS analogous populations). We can use the two for contrasting.
- We feel that using the “high” number is extremely dangerous; we can demonstrate that given observed stock dynamics, the SE population is at a high risk for collapse. Given the current predation pressure (which includes a commercial harvest), once collapsed the stock will remain “trapped” at a low density state just like PWS is today. We believe that the fishery and whales can change herring distribution and affect spawning behavior (effects mainly felt by subsistence users)

SE Alaska Sans Herring

The impacts of a collapsed stock extend beyond the direct effect on herring harvest stakeholders (commercial and subsistence). Indirect impacts include:

- Lower average salmon sizes (already happened) and ultimately decreased marine survival; smaller halibut and reduction of other herring fish predators
- Create at risk marine mammal populations culminating in lawsuits (i.e. Pollock – Alaska Peninsula)
- Impacts on the sport charter industry, whale and sea bird watching tourism
- Jeopardy for marine mammals and subsistence harvest will likely result in a federal take-over of fisheries and research (some in Alaska are banking on this)
- Open niches once occupied by herring to non-commercial species like sand lance and juvenile pollock (i.e change the community structure)
- Low herring populations due to “trap” dynamics for years to come
- Huge expenditure by the state for herring recovery (how expensive was salmon enhancement?), required environmental impact studies, response to lawsuits, a new bureaucracy to deal with the joint state-federal oversight
- Increased economic hardships on local communities and zero income to state

Key Questions and Data Needs

- **Stock Structure**
 - define the SE herring complex structure, interactions among local stocks including interdependencies (i.e larvae from one region feed recruits to another); this has been done in PWS
 - Establish relationship between diversity , number and distribution of spawning sites and SE complex stock size
- **Effects of scale of fishery and predation on herring distribution and spawning behavior**
 - do fleets and whales alter spawning and overwintering areas? Are herring “on the run”?
 - Population large; scale of fishery & predation \ll scale of herring distribution/spawning vs
 - Population small; scale of fishery and predation \Rightarrow scale of herring distribution/spawning
 - Estimate and monitor whale predation rates
- **Recruitment**
 - Where are the larval & juvenile herring and how can they be protected or enhanced?
 - Where are the survival “bottlenecks”?
 - What dictates year class strength?
- **Modeling**
 - Include more than one stock index to weight the ASA; reinstate winter surveys and beef up spring indices
 - Track and measure vital rates affecting the model (i.e. fecundity/reproduction, maturity rates, and mortality rates)
 - Incorporate ecosystem effects (predation, disease, competition, climate via size at age) into forecast modeling
 - Develop a habitat correction model for egg deposition, miles and mile-days of spawn (BC has done this with their spawning data).

Short Term Action Plan

- Push impending BOF proposals to immediately adopt conservative (lower) estimate of stock in recognition of “at risk” status
- Result is a decrease of the quota and a restriction of fishing near spawning localities in danger of extinction; preserves traditional harvest localities
- Convene a workshop to discuss a new research, assessment and management plan for SE herring; invite PWS stakeholders, managers, and researchers to discuss shared goals and resources (i.e improve cost-effectiveness of efforts via scale of activities)
 - At the workshop discuss standardization of herring data collection methods, assessments and modeling across the state (currently, each region can adopt its own methods and tools; comparison among regions is extremely difficult and data is hard to obtain
 - Discuss “herring clearing house” data site; PWS has a data portal under construction which could be expanded statewide
- ✱ Increase ADFG budget for regions with stocks at risk (SE, PWS, Cook Inlet, Kodiak)
- Consider ADFG reorganization to enable modernization

Long Term Action Plan

- Remove ADFG from adversarial position and encourage co-operative efforts with local resources (STA, KHAC, other local groups and agencies)
 - Improve transparency/data sharing; see http://www.pac.dfo-mpo.gc.ca/sci/herring/herspaw/pages/default5_e.htm
 - Return mission of ADFG and BOF back to conservation and away from harvest maximization
 - Add conservation of local spawning areas and diversity in distribution as a management goal (common practice in Canada and with Atlantic herring)
 - Model co-management structure using Canadian models (site above and http://hcrs.bc.ca/hcrs_science.php); a diverse oversight committee is responsible for management with ADFG advisory and operating with state law frameworks
 - Schedule a workshop with Canadian specialists involved in fishery co-management (i.e. Rob Stevenson, George Rose, Jake Schweigert)
 - The cost of co-management is much lower than 100% government because local resources are incorporated (fishing boats, subsistence harvesters, school kids, the list is endless)
 - One advantage is that socioeconomic issues can be considered within the guidelines for conservation (i.e. opt out of harvest when price is low or fish are small – cannot do this under current structure)
 - Main advantage is empowerment of all stakeholders and a change in the human dynamics; energy toward cooperation rather than toward conflict
 - Economic impact on local communities will be significant; i.e. money flows to local ADFG and research org and local resources instead of regional or out-of-state federal government labs
 - Using co-management structure, establish a herring research and assessment plan using co-funded sources (i.e. State of Alaska should not have to pay for all of this)
 - Once stocks have recovered and there is a healthy fishery, make use of research quotas to pay for research and assessment programs.
 - Excise tax on charters/tourism, etc. can contribute to conservation plans just as commercial fisherman pay an aquaculture tax for salmon enhancement (whether they agree with enhancement or not)
 - Fisherman and other stakeholders “take turns” performing assessment and data collection; their involvement in turn increases their ability to co-manage with a common conservation goal
- Note: Others will speak about socioeconomic actions (permit buybacks, restructuring loans for processors, etc.)

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KETCHIKAN, ALASKA 99901
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February 10th, 2009

**PUBLIC TESTIMONY BEFORE THE ALASKA LEGISLATIVE FISHERIES
COMMITTEE**

Introduction of Dr. Thornton, Dr. Brown, and Dr. Patrick, and Mike Miller of STA

Thank you each for allowing us the opportunity to testify on the issue of depleted herring stocks throughout Southeast Alaska and other parts of the State. This issue is of grave concern to thousands of residents in our coastal communities. Scientists agree that along with Washington State and British Columbia, the entire ecosystem of Southeast Alaskan waters is dependent on the health of *local* herring stocks.

During the 1980s, many of us began to be concerned about local stocks targeted in unregulated bait fisheries and early sac roe fisheries that were not recovering. Our concerns grew when the large stock in Lynn Canal crashed in 1983 and did not recover. Later on in the 1980s, a pilot who owned a lodge near Kah Shakes expressed concern that what was once twenty miles of spawning grounds along the Kah Shakes shore was getting steadily smaller each year under pressure from the gillnet fishery. Letters were sent to politicians and meetings were held with ADF&G and assurances were given that the herring stocks were being well managed. After the crash of the *historic Kah Shakes* stock in 1990, we formed an organization called the Herring Coalition. By this time, it was apparent to everyone that herring populations were not recovering under ADF&G's management plan.

In 1993, we joined with the Annette Island Reserve in a law suit in an effort to prevent the state from targeting a herring stock that was also being targeted by the Reserve that had moved just outside the Annette Island boundary. This action was settled with the Reserve when the state offered them fishing jurisdiction over a disputed island not related to the case. Locals could not afford to continue the lawsuit on their own. Kah Shakes did not recover.

Since 1993, citizens not related to this fishery have participated in advisory committees and submitted numerous proposals to the Board of Fish in an effort to raise the level of conservation of our herring stocks. Although the mission of fish and game is supposed to be to "protect, maintain, and improve the fisheries" and

the Board's main role is supposed to be "to conserve and develop" fisheries resources, conservative herring proposals submitted by the public have been largely ignored. The "public participation" that ADF&G encourages on the surface only works well when the *public involved is a commercial interest* and is in agreement with the department. With many of board members being stakeholders in the fisheries who are appointed by the governor after a heavy lobbying effort financed by the industry, many Alaskans are concerned about the integrity of the Board. Fish and Game has failed to achieve the third goal in its mission statement which is to "increase public knowledge and confidence that wild populations of fish and wildlife are *responsibly* managed." In the case of herring management, there is no public confidence unless you are a herring fisherman.

Our herring stocks are but a fraction of historic levels. As a result, species that depend on them are showing signs of stress. There are both fewer and smaller halibut and king salmon in several consecutive years. Fifty-three percent of the diet of halibut and sixty-two percent of the diet of king salmon is herring according to research by the Canadian dept. of fisheries. Last year's winter king salmon fishery decreased by 53 ½% over the previous year. This might not be a cause for alarm were it not for the fact that king salmon are now listed as endangered in Washington, Oregon, and California. The fish from Washington spend a large part of their life cycle feeding in OUR waters. The herring stock in Puget Sound has crashed. The anchovy stocks that salmon fed on in California and Oregon were over-fished and crashed years ago. Prior to the crash of the New England Cod fisheries, Atlantic herring stocks crashed. The crash of the New England Cod fisheries put 20,000 people out of work. According to figures recently released by the Environmental Defense Fund, about 72,000 jobs have been lost because of dwindling salmon stocks in the Pacific Northwest alone.

Since the sac roe fishery began, the humpback whale population has increased from less than 1200 in the entire Pacific Rim, to about 4,000 whales migrating in just Southeast Alaska each year due to a federal recovery program. Fish and Game data shows that "Humpback whales in Alaska feed principally on herring, other small fish, and schools of krill." Each adult humpback consumes between 800 and 3,500 pounds of feed daily. Their total consumption of feed is between 3,200,000 and 14,000,000 lbs. daily. The steady decline observed in the herring population seems to correspond with the increase in the humpback whale population. Did the feds take this into consideration? We doubt it, and neither did ADF&G.

Had ADF&G and the Board of Fish listened to the public's concerns years ago, our fisheries resources might be much healthier than they are today. Instead, we are faced with the possibility of a federal take over of our fisheries. As we speak, the National Marine Fisheries Service is considering listing Southeast Alaska's herring stocks as threatened or endangered. This could be a catastrophe for our coastal communities. As Representative Paul Seaton said, this could affect mining, logging, and municipal wastewater discharge standards to the detriment of our economies at a cost of millions of dollars and a loss of hundreds of jobs in industries already

suffering from heavy-handed environmental restrictions. This threat is real and we cannot afford to ignore it.

In spite of all of this, the Alaska Department of Fish and Game is planning on yet another consecutive RECORD harvest of one of the *last great herring stocks left anywhere in the world*, near Sitka Sound this spring. The value of this fishery is less than 2% of the overall value of combined fisheries in the state and is providing a supplementary income for participants in these other fisheries. With the prices of herring roe falling, and herring stocks depleted throughout the world does this make any sense?

To illustrate why this is a bad idea, and how this problem can possibly be fixed, I yield the floor to my colleagues.

Andy Rauwolf
Ketchikan Herring Action Committee

PREPARED STATEMENT OF

Thomas F. Thornton, Ph.D.

Associate Professor of Anthropology

Portland State University, Portland, OR Portland, OR 97207-0751

Senior Research Fellow, Environmental Change Institute

Oxford University, OUCE, South Parks Road, Oxford, UK OX1 3QY

Before the

HOUSE FISHERIES COMMITTEE

ALASKA STATE LEGISLATURE

10 February 2009

Dear Members of the Fisheries Committee:

I am pleased to have the opportunity to report on an ongoing research project undertaken by me and several colleagues (beginning in 2007, to be completed in 2009), entitled “ *Herring Synthesis: Documenting and Modeling Herring Spawning Areas within Socio-Ecological Systems over Time in the Southeastern Gulf of Alaska.*” This project, funded by the North Pacific Research Board, was conceived in response to numerous comments and concerns I have documented about the status of herring in Southeast Alaska during the course of my anthropological research in the region over the past 20 years. The aim of the project is to better understand broad trends in the ecology of herring in Southeast Alaska by synthesizing historical and local sources of knowledge not widely consulted by fisheries managers at present in order to improve our collective understanding and management of these precious fish stocks.

PROJECT OVERVIEW

1) *Background:* Pacific herring (*Clupea pallasii*) is a foundation and bellwether species for North Pacific marine ecosystems but productive spawning areas (and times) in Southeast Alaska are limited and historical population dynamics and ecology of the species are not well understood.

- Communities with local and traditional knowledge (LTK) of herring fisheries claim that historical stocks were larger and spawning areas more numerous earlier in their lifetimes.
- While shifts in stocks and spawning have been documented since 1980, no synthesis of the deeper archaeological, historical, and ethno-ecological records on herring spawning areas has been carried out.
- The lack of deep historical knowledge in fisheries management is growing issue of concern. As marine biologist Callum Roberts puts it in his recent book *The Unnatural History of the Sea* (2007:xiv-xv): “A collective amnesia surrounds changes that happened more than a few decades ago, as hardly anyone reads old books or reports.” This in turn can lead to a problem of “shifting environmental baselines” in management in which “we come to accept the degraded condition of the sea as normal. Those charged with looking after the oceans set themselves un-ambitious management targets that simply attempt to arrest declines, rather than rebuild to the richer and more productive states that existed in the past. If we are to break out of this spiral of diminishing returns and diminished expectations of the sea, then it is vital that we gain a clearer picture of how things have changed and what has been lost.”
- Our objective is to synthesize existing archaeological, ethnological, historical and biological records with data from interviews (60+) with herring fishers with significant long-term observations and local and traditional knowledge (LTK) of herring populations to build a historical and spatial database to: 1) identify the extent of historic and prehistoric herring spawning and massing areas; 2) link changes in herring spawn extent and intensity to environmental and human factors in the socio-ecological system; and 3) identify sensitive areas for protection and potential restoration of herring spawning.

2) *Key hypotheses* for the project include :

- 1. Present herring stocks, even in highly productive areas such as Sitka Sound, are essentially being managed in a “depleted status,” representing a fraction of their historical abundance and distribution;
- 2. Significant long-term impacts to Southeast herring stocks distribution and abundance have been anthropogenic, in particular over-exploitation of the species by commercial herring fisheries in the last century (e.g., for herring reduction plants), but also disturbance, contamination, and degradation of critical spawning habitats;
- 3. Human dependence on herring as a food resource evolved through interactions with key spawning areas with abundant substrates for egg deposition (such as macrocystis kelp, rockweed, and eelgrass), with which many aboriginal settlements are associated, and was later enhanced through the development of engineered marinescapes (e.g., placement of hemlock boughs in intertidal areas), techniques for conserving herring stocks by regulating human harvests and disturbances to critical spawning habitat, and by the development of new technologies (such as the herring rake) for capturing whole herring in quantity.

3) *Preliminary results:*

- Our interviews have documented numerous herring spawning areas not previously identified in state and territorial management records (see Maps 1 & 2, compiled by Jamie Hebert). These spawning areas are represented by the green lines on the accompanying draft maps. Some of these sites still may be viable for herring spawning, and some local fishers report having experimented with transplanting herring spawn to historically productive areas in order to revitalize stocks.
- In addition we have been able to verify the spawning areas identified in state and territorial records (yellow lines) with local sources, and have record hundreds of observations about the qualities and changing status of these spawning areas (black dots and red triangles). Most of the green areas and many of the yellow ones are/were not major spawning areas. (Note: not all data has been entered/vetted in GIS)
- The interviews we have analyzed to date reveal a complex picture of herring stocks (in light of the first two hypotheses above), with many areas of historical spawning observed to be in decline or even barren, but some also displaying rebounding or cyclical trends. It is not clear to what extent decreasing numbers of herring in one spawning area may represent a shift to other areas.
- Sitka stocks are recognized as a uniquely large and relatively stable in producing quality spawn for subsistence, but other smaller stocks are also highly valued by local communities for subsistence and personal uses as well as their foundational role in supporting the marine ecosystem.
- Integration of LTK observations and select historical and environmental data layers in Geographic Information Systems (GIS) mapping is being carried to analyze potential causal factors contributing to changes in contemporary herring stocks, including anthropogenic impacts (e.g., fishing, habitat degradation), as hypothesized, but also non-anthropogenic ones, such as marine mammal and salmon predation and climate change. In most communities, multiple factors are cited as contributing to changes in local herring stocks.
- There are no estimates of herring biomass in the pre- and early commercial fishing eras. However, historical analysis of the fisheries conducted by Fritz Funk for our project shows a long period of more-or-less constant catch, ranging from 4,000 to 10,000 tons,

from 1880 through 1918, when only one herring reduction plant operated at Killisnoo, near Angoon. With intensive capitalization in the early 1920s, there followed 3 waves of "boom-and-bust", where peak catches exceeded 40,000 tons annually. By the 1940s, the paucity of herring during the bust cycles attracted federal regulators, and quotas were enacted to preserve herring for other uses (food, bait, prey for other species). Note that the quotas always lag the catch in the declining phase of each cycle. Fishermen are first unable to find enough fish to catch the quota, then the quota is lowered in the subsequent year. There was no stock assessment focused on abundance estimation, so quotas merely reflected fishing experience from the prior year. The number of operating plants peaks in 1928; as the efficiency of factory processes and vessels increased, fewer plants, fishermen, and vessels could attain the same production as in the earlier, more labor-intensive era. The last plant closed in the mid 1960s. Overall fishing impacts associated with these plants were concentrated in central Southeast Alaska, especially South Baranof Island, Frederick Sound and Chatham Strait.

(http://www.backwater.org/herring/history/Historical_Catch.html).

- As of January 2009, records from 228 archaeological sites have been reviewed by colleagues Madonna Moss, Virginia Butler, and J. Tait Elder. Only 25 of these sites were excavated and studied using methods appropriate for documenting small-bodied herring. Of this sub-set, 21 (84%) contain herring bones, which highlights the consistent use of the fish in the past. The earliest herring remains are about 8000 radiocarbon years old and from the Chuck Lake Site (49-CRG-237) on Heceta Island. Most of the records date to the last 4000 years. Many long-standing Native community settlements appear to be associated with important historical herring stocks. We are assessing patterns in herring use over time and space, comparing them with known cultural changes in settlement patterns, social organization, and technology, as well as environmental forces (e.g., changing climate, sea-level changes).
- Our project website, (<http://herringsynthesis.research.pdx.edu/research/index.html>) contains additional details on the progress and results of our research.

4) *Preliminary conclusions:*

- Better historical and local understanding of herring populations and their role in marine ecosystems is critical for assessing the long-term trends and health of these stocks and other species that rely on them for food. A precautionary principle toward management may be called for until broad-based historical-ecological studies assess the overall health and trends of herring stocks in Southeast Alaska and adjacent waters.
- Our research in the communities of Angoon, Craig, Hoonah, Juneau, Kake, Ketchikan-Saxman, Klawock, and Sitka is not comprehensive for the region, but indicates the value of local and traditional knowledge, combined with broader historical ecological enquiry, for assessing key herring impacts, relationships, and trends over time. Our data show that many herring spawning areas have declined resulting in increasing fragmentation and vulnerability of remaining stocks.
- Herring have shown vulnerability and resilience since the advent of commercial exploitation more than a century ago; however many local residents in communities with historically significant stocks are concerned about their present status. They are acting in their own ways to conserve them, including "reseeded" historical spawning areas. However, a broader, ecosystem-level strategy is needed to balance herring stocks.

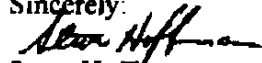
February 3, 2009

To Who It May Concern:

I am writing this letter to express my concern about the dramatic downturn in the abundance of herring within SE Alaska . I have lived in SE Alaska since 1973 and during this period I have witnessed a dramatic decline in herring stocks from the Kah Shakes area near Ketchikan to Aukc Bay in Juneau to all areas within SE Alaska. I have also noticed a dramatic increase in whale populations through out SE Alaska which appears to correspond with the decline in herring stocks through out the region. I am concerned that the decline in herring populations will impact the survival of salmon from all sections of SE Alaska (including the Ketchikan Area) as they migrate through their feeding grounds from the outside waters of SE Alaska (i.e. Sitka, etc) through to the inside waters of SE Alaska as they return to spawn.

In addition, I am concerned that the downturn in herring stocks will force predators such as seals, sea lions, etc to become more aggressive in feeding on out migrating juvenile salmon and steelhead as well as adults of these species as they return to their natal streams.

Sincerely:



Steve Hoffman

Retired Sport Fish biologist (at sea wide) ADF&G

PO Box 7064

Ketchikan, Alaska 99901

2/8/08

Andy,

First let me commend you on your untiring efforts on this extremely important Herring issue in Southeast Alaska. Without people like you and those of us who actually see and know what has happened to the herring stocks this issue would go unnoticed given our current political and economical status.

Having been born and raised in Southeast Alaska and commercially fished for 40 plus years I feel quite qualified to tell you that since the harvesting of herring eggs on kelp back in the 1960's thru to the **huge** sac-roe seine fishery and gillnet herring fishery now I have seen the stocks go from catching herring between the finger floats as a child with your hands to hardly seeing a herring ever!

The King Salmon I catch now in the winter have little or no herring in them, mostly young cod, krill, or shrimp. What a drastic difference from the old days when every King Salmon you caught came up so plugged full of herring that they were spitting them out of their mouths. Furthermore, we now have to go much further and fish much longer to catch fewer kings than we used to catch. To put it simply, and using common sense, if you want to wipe out a species, all you have to do is target the eggs [babies]!!!

Hey you know what! That is what Hitler wanted to do!!!!!!!

Sincerely,



Charles Hanas
FV Sand Dollar

AFFIDAVIT OF BEN FLEENOR

STATE OF ALASKA)
) ss:
First District)

I, BEN FLEENOR, having first been duly sworn, do hereby allege and depose:

I am 69 years old and have lived in Ketchikan since 1942.

The ongoing controversy concerning the management (mismanagement) of herring stocks bring to my mind certain problems relating to the actions of the State Department of Fish and Game personnel. This must be the largest and most powerful of the many State bureaucracies and it seems accountable to no one. Even our most powerful legislators are unable or unwilling to get involved with problems of inappropriate behavior, even malfeasance regarding actions of this department and individuals therein.

This department takes a lot, if not all of the credit for the relatively good salmon runs of recent years. It is curious, to me, that the first healthy returns just happened to occur the same year that the 200-mile limit went into effect.

The King Crab fishery was virtually destroyed when the department caved in to the Wakefield interests and removed the 40-pot limit back in the early 60's. This fishery may never recover to a healthy status.

Southern Southeast Alaska supported a healthy winter king salmon fishery back in the 40's and 50's. That is when there was a relatively good stock of herring throughout the area. Tagging programs then indicated that many salmon of the Stikine, Unik and Chickamin rivers never migrated but nurtured and matured in Southeast Alaska. Of course, opening these rivers to gillnetters wiped these fish out anyway. However, who's to say that, given the good populations of herring we had in those days, that those salmon, many of which are propagated by hatcheries, would not be available today. These fish would presumably be outside the quota allotted by our Canadian, Pacific Northwest troll fisheries agreement; at least the winter harvest would enhance the local economies.

More to the point, [when I suggest that there were relatively good stocks of herring in the mid 40's and through the 50's, I am only comparing this with that which I was told were enormous stocks that supported something like 100 reduction plants through Southeast Alaska.

In those days, I was among a few boats that trolled king salmon year round. We almost always looked for sizeable herring stocks before putting the gear in the water. Just a few of the sites that I recall will be noted:

Zimovia Straits - probably a square mile of herring laying off Thom's Place. They were so dense that the lines quivered when trolling through.

Hadley - the harbor was full in January.

Windfall Harbor - the same. Myers Chuck to Camano Point, Bond Bay to Spacious Bay experienced heavy spawning.

Spike Murphy would trap many tons of herring in his pound, then wait until they spawned out on his pound webb, before taking them for bait. Herring that were full of eggs would not keep well enough to be used for bait. Spike would complain that his webb would be so heavy with spawn, that he would have a hard time loading it aboard the Rio Grande to clean it up.

I also fished the other end of Behm Canal. Herring were spawning all the way from Pt. Alava to and through Princess Bay. Another area of heavy spawn was Sargent Bay. Beyond that, I couldn't say as that area was closed to trolling. I tried Kah Shakes several times as it was the site of heavy population of herring spawning all the way through Foggy Bay, but could never find many king salmon that would bite.

In late fall and early winter, Tongass Narrows would be so full of herring that my depth sounder could not penetrate to the bottom from Channel Island off Ward Cove to the south end of Pennock. This from shoreline to shoreline. I have counted as many as 150 sea lions feasting in this same area.

AFFIDAVIT OF BEN FLEENOR

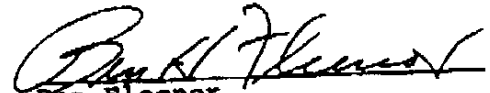
- 3

George Inlet, Carroll Inlet and Thorne Arm also had sizeable populations of spawning herring, these exist no longer.


I find it incredible that Fish & Game continue to pursue this fishery into oblivion. It can only be that they have little or no criteria to base their decisions on, to say nothing of the inaccuracy of their methods of estimating the biomass, this by their own admission.

It may be too late to save the herring but at least we should try and the sooner the better in my estimation.

Dated this 19th day of March, 1993.


Ben Fleenor

Subscribed and sworn to before me this 19th day of March, 1993.


Notary Public for Alaska
Commission expires: 11-15-96

①

MARCH 19, 1993

AFFIDAVIT

MY NAME IS DAVID WERNER, I AM 54 YEARS OLD. I MOVED TO SOUTH-EAST ALASKA IN 1967 AND STARTED FLYING COMMERCIALY IN 1968. I HAVE OVER 18,000 HOURS FLYING THROUGH-OUT SOUTH-EAST ALASKA.

OVER THE YEARS I HAVE NOTICED A DRAMATIC DECLINE IN THE AMOUNT OF HERRING SPAWN FROM YEARS PAST. DURING THE LATE 1960'S THRU THE MID 1970'S I WOULD CONSISTANTLY SEE HERRING SPAWN IN ROUGHLY THE SAME AREAS AND IN THE SAME AMOUNTS FROM YEAR TO YEAR. TO ME IT IS AN EXCITING TIME OF THE YEAR AS THE THOUSANDS OF GULLS, SEA BIRDS, EAGLES, AND SEA LIONS WOULD CONVERGE IN AND AROUND THESE VAST SPAWNING AREAS.

②

MARCH 19, 1993

AFFIDAVIT

I USE TO POINT OUT THIS SPECTACLE GOING ON BELOW US, TO MY PASSENGERS, BUT NOT ANYMORE, ITS A FAIRLY RARE SIGHT. AS THE HERRING FISHERIES WAS REOPENED AFTER THE HERRING REDUCTION PLANTS WERE PERMANENTLY CLOSED I HEARD WARNINGS FROM SOME CONCERNED FISHERMEN. I REMEMBERED THESE CONCERNS AND MADE IT A POINT TO WATCH THESE TRADITIONAL SPAWNING AREAS FOR ANY SIGNS OF CHANGE. IT TOOK YEARS BUT THEN I STARTED NOTICING A CHANGE FOR THE WORSE. YEARS LATER SOME AREAS TOTALLY DIED OUT. SOME OF THESE AREAS WERE NOT EVEN REMOTELY CLOSE TO A HERRING FISH OPENNING AREA.

③

MARCH 19, 1993

AFFIDAVIT

I MOVED TO CORDOVA IN 1991
 BUT THE DECLINE OF SPAWN
 AND THE NUMBER OF SPAWNING
 AREAS PRIOR TO MOVING HAS BEEN
 VERY DRAMATIC TO SAY THE LEAST,
 IF NOT DOWN RIGHT SCARY. THERE
 IS SOMETHING VERY WRONG AND
 EVEN POTENTIALLY DANGEROUS GOING
 ON WITH THE HERRING POPULATIONS
 IN SOUTHEAST ALASKA FOR ME TO
 BE WITNESSING THESE DRAMATIC
 CHANGES. THIS SITUATION NEEDS
 IMMEDIATE ATTENTION.

SINCERELY

John K. Stary

David Wenna

Notary Public In and For The State of Alaska Box 1092

My Commission Expires: 12-12-94 CORDOVA, AK 99574

PH. 424-5551

To : Alaska Department of Fish and Game

I moved to Sitka, Alaska in 1939 when I was 22 years old. I have now lived here in Sitka for 73 years 45 of them right on the water and I can "**Clearly**" remember when the "**Herring stocks where healthy**". After they spawned the roe was over 12" deep on the beaches everywhere. Did you know that Silver Bay got it's name from the herring! It's been "**several years**" since there has been any herring or spawn in Silver Bay, Jamestown Bay, Redoubt Bay, Gotterd Bay, Whale Bay just to name a few. Based on Historical facts and over 73 years of personal observation I would say that our S.E. Herring stocks are in "**Great Danger of Collapse**". The herring stocks in Alaska are the foundation/heart of or resource and it is very critical to properly manage them and do not allow "**Over Harvest**" to the point of **no return** like Lynn Cannell, Hoonah, Auke Bay, Tenakee, Ketchikan, Craig Etc.. Just take a good look at history the farther back you go the more healthy our herring stocks where. Do you think there is a connection that the fact that our herring stocks are at **very low levels** and the salmon and halibut fishing is on the decline? for the past **several years**. The king salmon stocks where so low this past 2008 season ADF&G closed the king salmon fishing right in the middle of the season. The silver salmon and halibut fishing in and around the Sitka area has "**clearly**" dropped off in the past several years and the low herring stocks would play a big factor. Even if the salmon and halibut stocks where healthy**how would they survive with no-herring/feed?**

It is a well known that "**Commercial Over Harvest**" is the main reason that Lynn Cannell, Kake, Ketchikan, West Beam Cannell, Hoonah, Auke Bay, Tennakee, Silver Bay, Jamestown Bay have never recovered and it has been several years since there has been any spawn there at all.

I am deeply concerned that if you do not allow our "Herring Stocks to Recover" we will not have a resource at all!

Albert F. Richter

I am 74 years old. I was born and raised in Sitka, Alaska. I began subsistence herring egg fishing in 1975. I would lay branches in front of Big Gavanski, Little Gavanski, Middle Island, all the way on to the other end of town by Pirate's Cove and Samsing Cove. I would do well laying branches in these areas. Since 1975 I have noticed a steady decline of herring, and in some places the herring are no longer returning; just as they have quit returning to Goddard Hot Springs and even Redoubt Bay due to over fishing of the herring stock. Furthermore, since the commercial fishing boats have been allowed to come into inside waters, there is hardly any herring spawn along Hallbut Point Road, or into Thompson Harbor, as there used to be.

The Fish and Game tell us that the herring biomass is just moving around, but they're not. They're being fished out. I believe that even when the test sets are made, to monitor the herring fishing that, when released, roughly one third of the herring in the test set go straight to the bottom of the ocean, wasted, every test set.

I believe there is a need to reduce the allowed tonnage of herring fishing caught commercially, or possibly even stop the commercial herring fishing for a few years. We also need to include the herring caught in the test sets into the total tonnage caught thus giving us a more accurate depiction of the remaining uncaught herring in the biomass. We need to do this if we want to save the tradition of herring fishing for future generations, and protect the marine ecosystem.

Glenn G. Howard Sr. *Glenn G. Howard Sr.*

BY SIGNING THIS YOU/WE ARE IN FULL SUPPORT/AGREEMENT OF THE FOLLOWING
 PROPOSAL-199- 5AAC 27.035 CLOSURE OF REGISTRATION AREAS CLOSE COMMERCIAL
 HERRING FISHERIES IN AREA 1-A THRU 16 AS FOLLOWS. ALL HERRING FISHERIES IN S.E.
 ALASKA AREA 1-A THRU 16 SHALL BE CLOSED UNTIL FURTHER NOTICE. EXCEPTION:
 SUBSISTENCE PERSONAL USE AT CURRENT LEVELS.

PROPOSAL-203 CHANGING THE QUOTAS AND GUIDELINE HARVEST LEVEL (GHL) TO CAP
 THE HARVEST RATE PERCENTAGE AT 10% RAISE THE CONSERVATION THRESHOULD ,AND
 CAP THE (GHL) AT 10,000 TONS.

PROPOSAL-204 INCLUDE HERRING TAKEN IN TEST FISHERY IN THE GUIDLINE HARVEST
 LIMIT

PROPOSAL-234 INCREASE THE AMOUNT REASONABLY NECESSARY FOR SUBSISTENCE
 (ANS) OF HERRING EGGS FROM 265,000 TO 325,000 LBS (FROM 105,000 TO 158,000)

	name	phone	address
1-23-09	Paul Owen		
1-23-09	John (Jane Brizgaloff)		
1-23-09	Anna Montoya		
	Gayle E. Howard Jr.	802294	Sitka
	Ante Wright	Box 2392	Sitka
1/23/09	John Wright	Box 106	Sitka
	Colin Arnold	209 Seward #1	
1-24-09	Margaret Hope	747-8851	518 Monastery Sitka
-24-09	Fred Hope	7-8851	518 Monastery Sitka
1/24/09	Patricia Alexander	310 Jarvis	Sitka, AK
1/24/09	Sharon M. Lindoo	316 Old St.	Sitka, AK
1/24/09	Priscilla Paul	705 Seward St.	Sitka, AK
1/24/09	Muriel Mini Jones	752-0643	Box 6012 Sitka, AK
01/24/09	Wendy W. Woff		
1/26/09	Jean Arnold	7-4512	P.O. Box 535 Sitka
1/26/09	Wendy Hope Erickson	747-6479	203 Crabapple Ln
1-27-09	Sharon Stetson	7-8824	Box 1656
1-27/09	Ben Cicco	747-2733	
1-29-09	Ante Wright	747-5074	Box 2392 Sitka
21	Gayle E. Howard Jr.	747-8222	Box 2214 Sitka, AK
01/29/09	John Owen	747-3583	415 Monastery Apt 2
1/29/09	Florence B. Schutte	747-8426	1250-HPR Sitka
1-29-09	Clara Fleming	747-2909	P.O. Box 1755 Sitka
1-29-09	Bill Ste...	747-9388	PO Box 6049 Sitka
1-29-09	Lisa M. Row	747-1360	10 Box 6049 Sitka
1/29/09	Rene Ballinger	747-6174	606 5th St
1-29-09	Sharon Stetson	747-8136	Baranof St Sitka
1-29-09	Darlene Decker	747-4522	PO Box 6311 Sitka
1-29-09	Wendy W. Woff	709-8960	2372
1-29-09	Sharon Stetson	747-5055	309 Wachuset
1-29-09	Ashley W. Decker	738-2683	405-B Decker

FROM :

FRX NO. :

Feb. 03 2009 08:43PM P1

BY SIGNING THIS YOU ARE IN FULL SUPPORT/AGREEMENT OF THE FOLLOWING PROPOSAL- 199- 5AAC 27.035 CLOSURE OF REGISTRATION AREAS. CLOSE COMMERCIAL HERRING FISHERIES IN AREA 1-A THRU 16 AS FOLLOWS. ALL HERRING FISHERIES IN S E. ALASKA: AREA 1-A THRU 16 SHALL BE CLOSED UNTIL FURTHER NOTICE. EXCEPTION. SUBSISTENCE PERSONAL USE AT CURRENT LEVELS.

PROPOSAL-203 CHANGING THE QUOTAS AND GUIDELINE HARVEST LEVEL (GHL) TO CAP THE HARVEST RATE PERCENTAGE AT 10% RAISE THE CONSERVATION THRESHOLD, AND CAP THE (GHL) AT 10,000 TONS.

PROPOSAL-204 INCLUDE HERRING TAKEN IN TEST FISHERY IN THE GUIDLINE HARVEST LIMIT

PROPOSAL-234 INCREASE THE AMOUNT REASONABLY NECESSARY FOR SUBSISTENCE (ANS) OF HERRING EGGS FROM 265,000 TO 325,000 LBS (FROM 105,000 TO 158,000)

	John G. Haward	Sitka Alaska 602 MERRILL ST.
	Clarence B Dull	112 Ocean View Dr 99835
	John T. Bingham	1612 SMC Sitka 99835
	Karl T. Bingham	1612 SMC Rd 5th 99835
	Robert S. Bane	P.O. Box 821 Sitka AK 99835
	Wesley Dale Bane	610 Merrill St Sitka AK 99835
	Tom H. Bane	702 HPR Sitka AK 99835
	John B. Bane	9102 HPR Sitka AK 99835
	Robert Littlefield	2506 HPR Sitka AK 99835
	Al Richter	2506 Nahbut Point Rd Sitka AK 99835
1-20-09	Norman K Davis	Box 395 Sitka AK 99835
1-20-09	Michael E. Quinn	Box 395 Sitka AK 99835
1-20-09	Wesley D. Davis	Box 395 Sitka AK 99835
1-20-09	Mark F. Davis	Box 6438 Sitka AK 99835
1-20-09	Norman Davis	Box 395 Sitka AK 99835
	Elizabeth A. Stewart	602 Merrill - Sitka AK 99835
1-21-09	Angela L. Bane	406 Hise St Sitka AK 99835
1-21-09	Adam Stewart	2000 Anna Cir Sitka AK 99835
1-22-09	CARL ANSELM JR	1311 SMC Sitka AK 99835
1-22-09	EMILY ANSELM	1311 SMC Sitka AK 99835
1-22-09	Norman Craker	404 Lake Dr Sitka AK 99835
1-22-09	Ben Hamel	4102 KATHMAN ST Sitka AK 99835
1-22-09	Darryl Howard	328 Cascade St Sitka AK 99835
1-22-09	John Bane	190 Rice St Sitka AK 99835
1-22-09	John Bane	401 Han Sitka AK 99835
1-23-09	Paul Shennett	1209 H.P.R. Sitka AK 99835
1-23-09	Wendy Shennett	504 HPR Sitka AK 99835
1-25-09	Robert L. Bane	612 Merrill St. Sitka AK 99835
1-25-09	John Bane	2716 HPR Sitka AK 99835

BY SIGNING THIS YOU/WE ARE IN FULL SUPPORT/AGREEMENT OF THE FOLLOWING PROPOSAL-190- SAAC 27.035 CLOSURE OF REGISTRATION AREAS. CLOSE COMMERCIAL HERRING FISHERIES IN AREA 1-A THRU 16 AS FOLLOWS. ALL HERRING FISHERIES IN S.E. ALASKA: AREA 1-A THRU 16 SHALL BE CLOSED UNTIL FURTHER NOTICE. EXCEPTION: SUBSISTENCE PERSONAL USE AT CURRENT LEVELS.

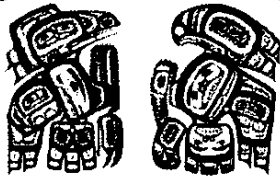
PROPOSAL-203 CHANGING THE QUOTAS AND GUIDELINE HARVEST LEVEL (GHL) TO CAP THE HARVEST RATE PERCENTAGE AT 10% RAISE THE CONSERVATION THRESHOLD AND CAP THE (GHL) AT 10,000 TONS.

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PROPOSAL-234 INCREASE THE AMOUNT REASONABLY NECESSARY FOR SUBSISTENCE (ANS) OF HERRING EGGS FROM 265,000 TO 325,000 LBS (FROM 105,000 TO 158,000)

1/15/09	George C. Phillips	PO Box 6452	Sitka, AK 99801
1/15/09	Mike Ruppel	PO Box 1592	Sitka - AK 99801
1/13	Henry Smith	2318 HPR	Sitka AK
1/15/09	Ray Gaudin	Pobox 951	Sitka AK 99835
1/15/09	Mark A. Tice	909 HPR #35	Sitka, AK 99835
1/15/09	Barry McMASTER	PO Box 1191	Sitka AK 99835
1/15/09	Antonia Kalia	P.O. Box 22	Pelican AK 99835
1/15/09	John Smith	Box 9026	Sitka AK 99835
1-15-09	Eric VanLeen	Eric VanLeen	2309 HPR #23
1-15-2009	Deve Zeiger	PO Box 31	TKE, AK 99841
1-15-2009	Anke Wagner	Anke Wagner	PO Box 631 TKE AK 99841
1-15-09	Steve Johnson	PO Box 6391	SITKA AK 99835
1-15-09	Linda Nunam	Box 2	Sitka Ak 99835
1-15-09	Mike Herberman	Mike Herberman	Box 1235 Sitka AK 99835
1-16-09	Lucas McConnell	Lucas McConnell	3310 HPR Sitka AK 99835
1-16-09	Wayne Richter	2500	H.P.R. SITKA
1-16-09	Spencer J. Spencer	SEVERSON	412 DeArmond St. 99835
1-16-09	Eric Holm	Eric Holm	4416 HPR Sitka 99835
1-16-09	Anna Bradley	Anna Bradley	431 Andrews St Sitka
1-18-09	Andrew H. Scorzelli	Andrew H. Scorzelli	PO Box 6116, Sitka, AK 99835

Central Council
Tlingit and Haida



Indian Tribes of Alaska

CENTRAL COUNCIL
tlingit and haida indian tribes of alaska
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-1726

Executive Council of the Central Council
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

Resolution EC/ 09-05

Title: Supporting ADF&G Board Proposal 203, Change of the Harvest Level and Harvest Rate for the Sitka Herring Sac Roe Fishery

WHEREAS, Central Council of Tlingit and Haida Indian Tribes of Alaska (Central Council) is a federally recognized tribe of more than 27,000 tribal citizens worldwide; and

WHEREAS, subsistence gathering and harvesting of herring eggs constitute our nutritional, spiritual, and cultural foundation since time immemorial; and

WHEREAS, Congress enacted the Alaska National Interest Land Conservation Act TITLE VIII enacting Federal legislation granting subsistence priority for rural residents over the priority harvest of all fish and game; and

WHEREAS, the Alaska Board of Fisheries has found that herring spawn in Sitka Sound (Area 13-A and 13-B) is customarily and traditionally used for subsistence; and

WHEREAS, under state law, Alaska Board of Fisheries is required to adopt regulations that provide for a reasonable opportunity for subsistence uses of herring spawn; and

WHEREAS, the subsistence use of herring eggs is a statewide tradition for Alaska Natives, as eggs are shipped throughout the State of Alaska, and herring are the life support of our ecosystem, nourishing the salmon, halibut, and marine mammals we depend on; and

WHEREAS, despite continued efforts to work with the State of Alaska Department of Fish and Game in collaborative management of the commercial herring fisheries, there continues to be extremely poor subsistence herring egg harvests due to the lack of quality spawn while the commercial fishermen continue to harvest record catches; and

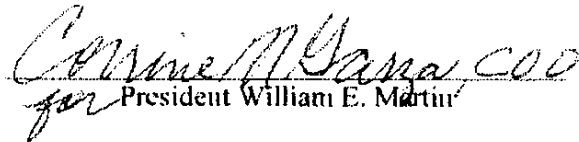
WHEREAS, The Sitka Tribe of Alaska (STA) has submitted Alaska Board of Fisheries Proposal 203 to change the harvest level and harvest rate for the Sitka herring sac roe fishery as follows: the guideline harvest level for the herring sac roe fishery in Section 13-A and 13-B shall be established by the department, shall not exceed 10,000

ious (currently there is no cap) and will be a harvest rate percentage that is not more than 10 % (current rate is set at 20 %). The fishery will not be conducted if the spawning biomass is less than necessary to support cultural and traditional uses; and

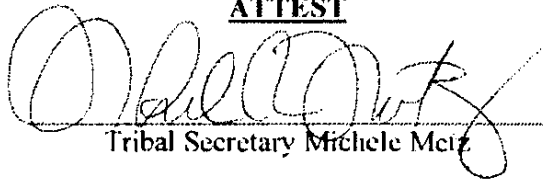
NOW THEREFORE BE IT RESOLVED that the Executive Council hereby authorizes Central Council to support efforts to protect the subsistence harvest of herring eggs by supporting Alaska Board of Fisheries Proposal 203 which would change the harvest level and harvest rate for the Sitka herring sac roe fishery.

ADOPTED this 30th day of January 2009, by the Executive Council of the Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 6 yeas, 0 nays, 0 abstentions and 0 absence(s).

CERTIFY


for President William E. Martin

ATTEST


Tribal Secretary Michele Metz



CENTRAL COUNCIL
tlingit and haida indian tribes of alaska
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-1726

Executive Council of the Central Council
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

Resolution EC/ 09-06

Title: Supporting ADF&G Board Proposal 204, Include Herring Taken in Test Fishery in the Guideline Harvest Limit in the Sitka Sound Herring Sac Roe Fishery

WHEREAS, Central Council of Tlingit and Haida Indian Tribes of Alaska (Central Council) is a federally recognized tribe of more than 27,000 tribal citizens worldwide; and

WHEREAS, subsistence gathering and harvesting of herring eggs constitute our nutritional, spiritual, and cultural foundation since time immemorial; and

WHEREAS, Congress enacted the Alaska National Interest Land Conservation Act TITLE VIII enacting Federal legislation granting subsistence priority for rural residents over the priority harvest of all fish and game; and

WHEREAS, the Alaska Board of Fisheries has found that herring spawn in Sitka Sound (Area 13-A and 13-B) is customarily and traditionally used for subsistence; and

WHEREAS, under state law, Alaska Board of Fisheries is required to adopt regulations that provide for a reasonable opportunity for subsistence uses of herring spawn; and

WHEREAS, the subsistence use of herring eggs is a statewide tradition for Alaska Natives, as eggs are shipped throughout the State of Alaska, and herring are the life support of our ecosystem, nourishing the salmon, halibut, and marine mammals we depend on; and


WHEREAS, despite continued efforts to work with the State of Alaska Department of Fish and Game in collaborative management of the commercial herring fisheries, there continues to be extremely poor subsistence herring egg harvests due to the lack of quality spawn while the commercial fishermen continue to harvest record catches; and

WHEREAS, the Sitka Tribe of Alaska has submitted Alaska Board of Fisheries Proposal 204 to include herring taken in test fishery in the guideline harvest limit in the Sitka Sound herring sac roe fishery. Proposal 204 is intended to decrease test setting in the traditional subsistence area, curtail disturbing schools of pre-spawning herring, and limit incidental and unaccounted mortality.


NOW THEREFORE BE IT RESOLVED that the Executive Council hereby authorizes Central Council to support efforts to protect the subsistence harvest of herring eggs by supporting Alaska Board of Fisheries Proposal 204 which would include herring taken in test fishery in the guideline harvest limit in the Sitka Sound herring sac roe fishery.

ADOPTED this 30th day of January 2009, by the Executive Council of the Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 6 yeas, 0 nays, 0 abstentions and 0 absence(s).

CERTIFY


for President William E. Martiz

ATTEST


Tribal Secretary Michele Metz



CENTRAL COUNCIL
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-1726

Executive Council of the Central Council
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

Resolution EC/ 09-07

Title: Supporting ADF&G Board Proposal 234, Change the Harvest Level and Harvest Rate for the Sitka Herring Sac Roe Fishery

WHEREAS, Central Council of Tlingit and Haida Indian Tribes of Alaska (Central Council) is a federally recognized tribe of more than 27,000 tribal citizens worldwide; and

WHEREAS, subsistence gathering and harvesting of herring eggs constitute our nutritional, spiritual, and cultural foundation since time immemorial; and

WHEREAS, Congress enacted the Alaska National Interest Land Conservation Act TITLE VIII enacting Federal legislation granting subsistence priority for rural residents over the priority harvest of all fish and game; and

WHEREAS, the Alaska Board of Fisheries has found that herring spawn in Sitka Sound (Area 13-A and 13-B) is customarily and traditionally used for subsistence; and

WHEREAS, under state law, Alaska Board of Fisheries is required to adopt regulations that provide for a reasonable opportunity for subsistence uses of herring spawn; and

WHEREAS, the subsistence use of herring eggs is a statewide tradition for Alaska Natives, as eggs are shipped throughout the State of Alaska, and herring are the life support of our ecosystem, nourishing the salmon, halibut, and marine mammals we depend on; and

WHEREAS, despite continued efforts to work with the State of Alaska Department of Fish and Game in collaborative management of the commercial herring fisheries, there continues to be extremely poor subsistence herring egg harvests due to the lack of quality spawn while the commercial fishermen continue to harvest record catches; and


WHEREAS, STA has proposed 234 to increase the Amount Reasonably Necessary for Subsistence (ANS) for herring eggs set in state regulation in 2002, currently designated at 105,000 – 158,000 pounds to 265,000 – 325,000 pounds, based on the needs of Alaska Natives around the State.

NOW THEREFORE BE IT RESOLVED that the Executive Council hereby authorizes Central Council to support efforts to protect the subsistence harvest of herring eggs by supporting Alaska Board of Fisheries Proposal 234 which would increase of the Amount Reasonably Necessary for Subsistence (ANS) herring eggs in Sitka Sound to 265,000 – 325,000 pounds.

ADOPTED this 30th day of January 2009, by the Executive Council of the Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 6 yeas, 0 nays, 0 abstentions and 0 absence(s).

CERTIFY


for President William E. Martin

ATTEST

Tribal Secretary Michele Metz



CENTRAL COUNCIL
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-1726

Executive Council of the Central Council
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

Resolution EC/ 09-08

Title: Opposing ADF&G Board Proposal 235, to Expand Permit and Reporting Requirement for All Harvest of Herring Spawn in Sitka Sound Area

WHEREAS, Central Council of Tlingit and Haida Indian Tribes of Alaska (Central Council) is a federally recognized tribe of more than 27,000 tribal citizens worldwide; and

WHEREAS, subsistence gathering and harvesting of herring eggs constitute our nutritional, spiritual, and cultural foundation since time immemorial; and

WHEREAS, Congress enacted the Alaska National Interest Land Conservation Act TITLE VIII enacting Federal legislation granting subsistence priority for rural residents over the priority harvest of all fish and game; and

WHEREAS, the Alaska Board of Fisheries has found that herring spawn in Sitka Sound (Area 13-A and 13-B) is customarily and traditionally used for subsistence; and

WHEREAS, under state law, Alaska Board of Fisheries is required to adopt regulations that provide for a reasonable opportunity for subsistence uses of herring spawn; and

WHEREAS, the subsistence use of herring eggs is a statewide tradition for Alaska Natives, as eggs are shipped throughout the State of Alaska, and herring are the life support of our ecosystem, nourishing the salmon, halibut, and marine mammals we depend on; and


WHEREAS, despite continued efforts to work with the State of Alaska Department of Fish and Game in collaborative management of the commercial herring fisheries, there continues to be extremely poor subsistence herring egg harvests due to the lack of quality spawn while the commercial fishermen continue to harvest record catches; and

WHEREAS, as a result of the enactment of HR 39-Title VIII of ANILCA, Alaska Natives strongly believe and assert their rights to priority use and access to gather, hunt, and fish Alaska's natural resources and its fish and wildlife.

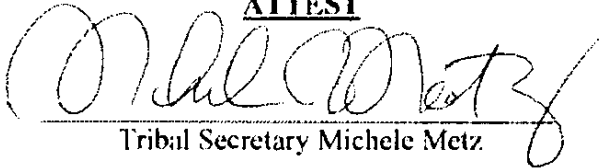
NOW THEREFORE BE IT RESOLVED that the Executive Council hereby authorizes Central Council to support efforts to protect the subsistence harvest of herring eggs by opposing Alaska Board of Fisheries Proposal 235 to Expand Permit and Reporting Requirement for All Harvest of Herring Spawn in Sitka Sound Area.

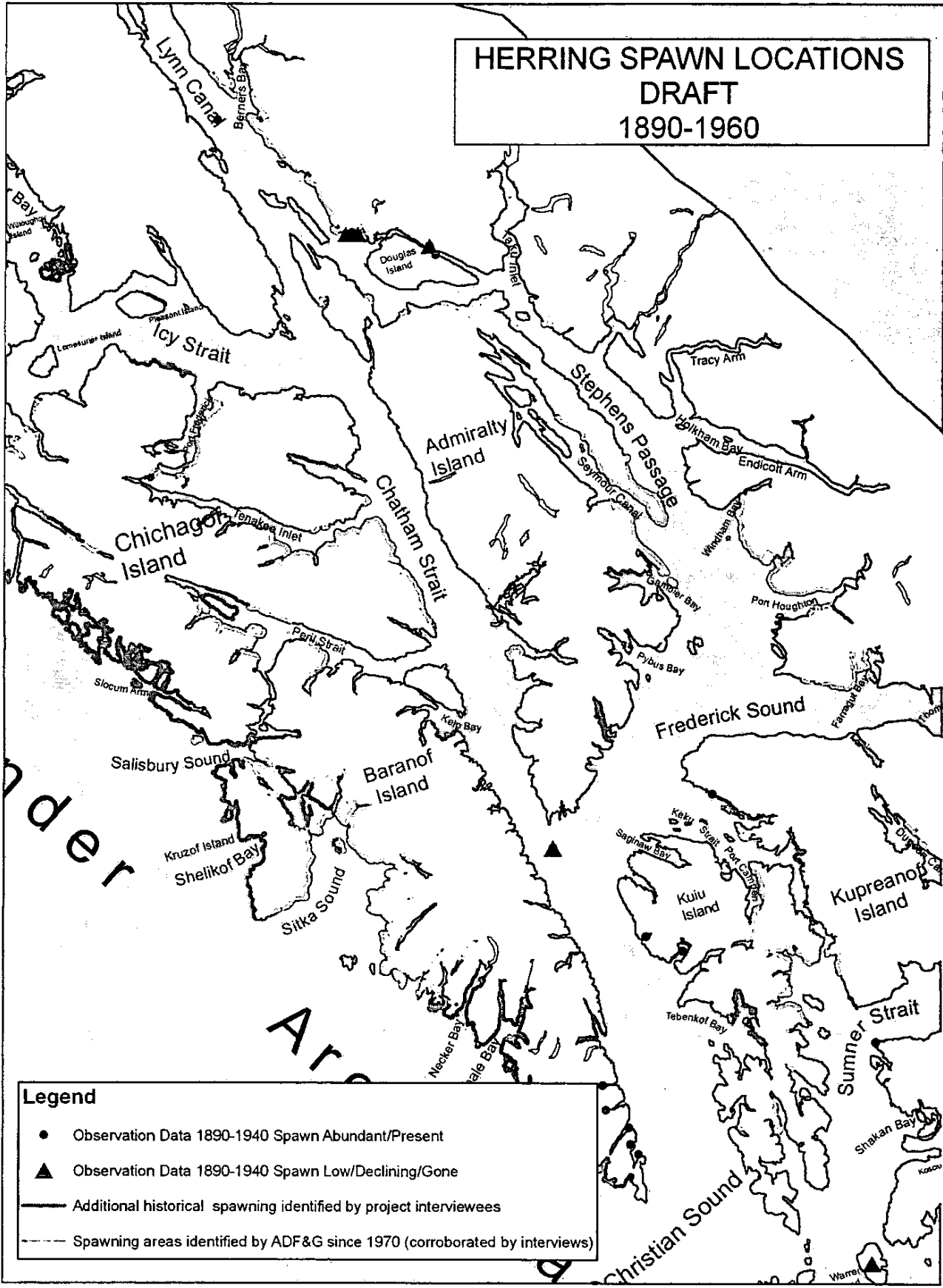
ADOPTED this 30th day of January 2009, by the Executive Council of the Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 6 yeas, 0 nays, 0 abstentions and 0 absence(s).

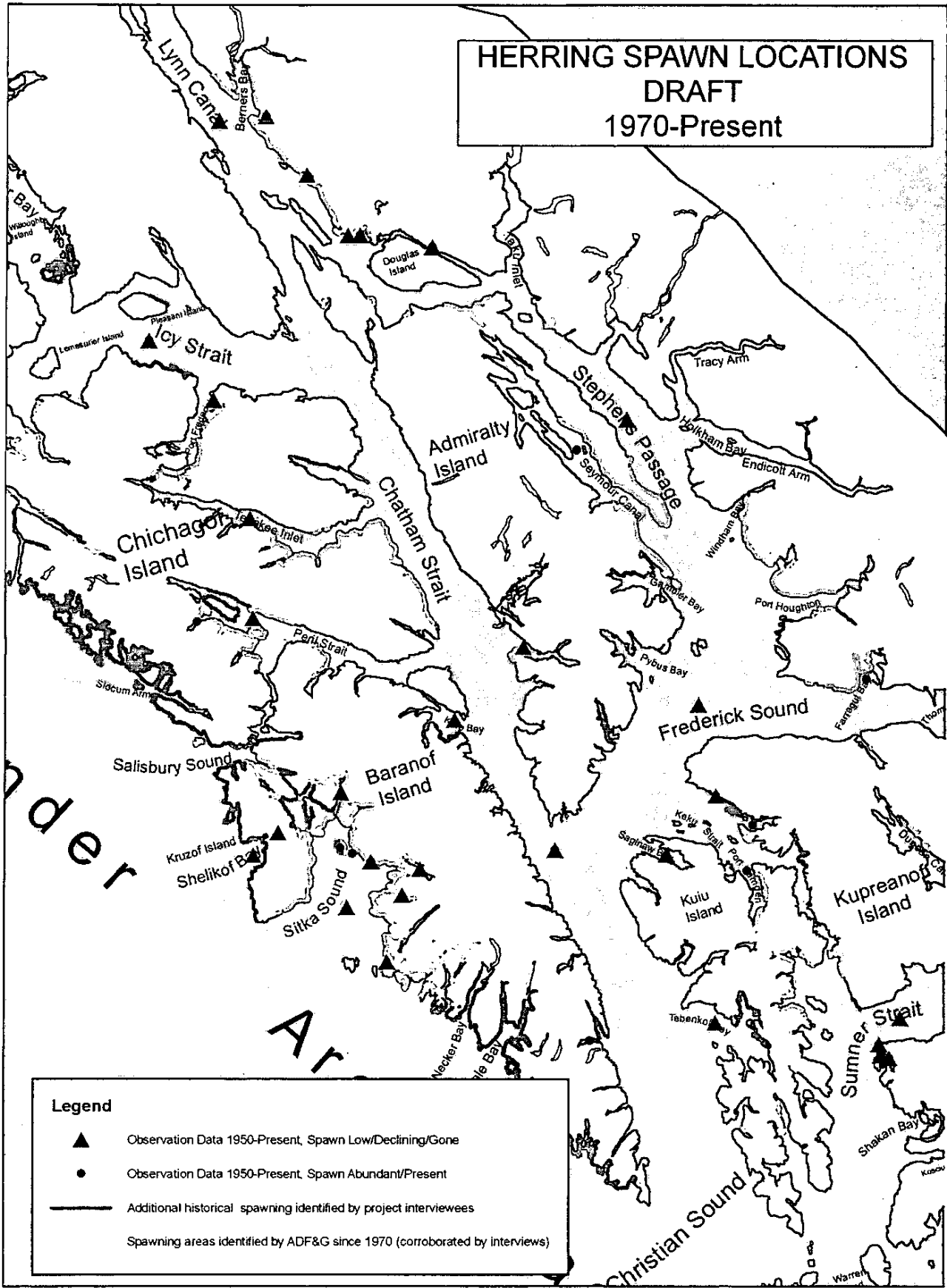
CERTIFY


President William E. Martin

ATTEST


Tribal Secretary Michele Metz





2-12-09

Overview:

**Department of
Fish & Game and
Division of
Commercial
Fisheries**

<target><bill></bill><subject>2-12-09 Overview Department of
Fish and Game and Division of Commercial
Fisheries</subject><comm>HFSH26</comm></target>

Overview of the Division of Commercial Fisheries



John Hilsinger
Director

Division of Commercial Fisheries Mission

Manage, protect, rehabilitate, enhance, and develop the fisheries and aquatic plant resources in the interest of the economy and general well being of the state, consistent with the sustained yield principle and subject to allocations established through public regulatory processes.

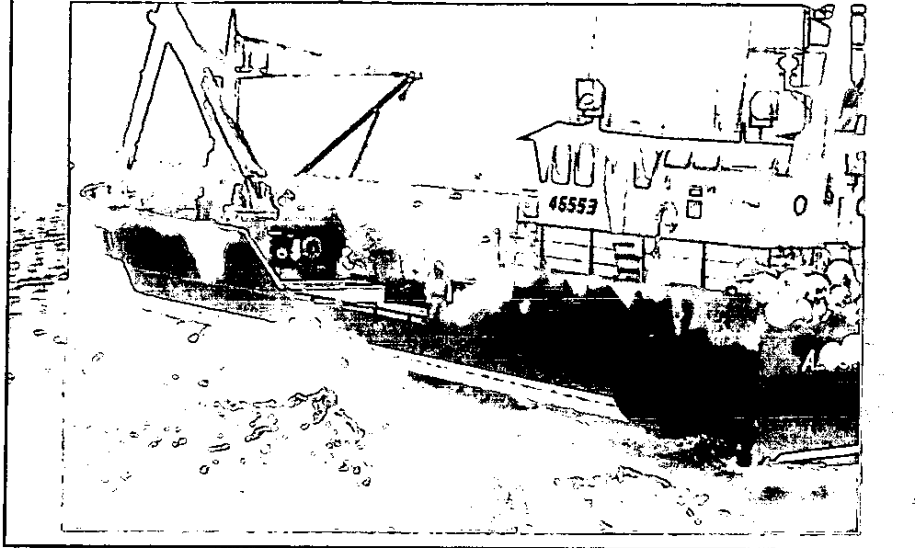
Division of Commercial Fisheries Primary Responsibilities

- Manage commercial, personal use, and subsistence fisheries within state waters
- Manage shellfish species and some groundfish out to 200 miles
- Conduct applied research on Alaska's aquatic resources
- Plan and permit fish hatcheries and mariculture operations
- Negotiate fishing agreements subject to the Pacific Salmon Treaty and Alaska-Yukon Treaty
- Coordinate with federal and international fisheries management agencies

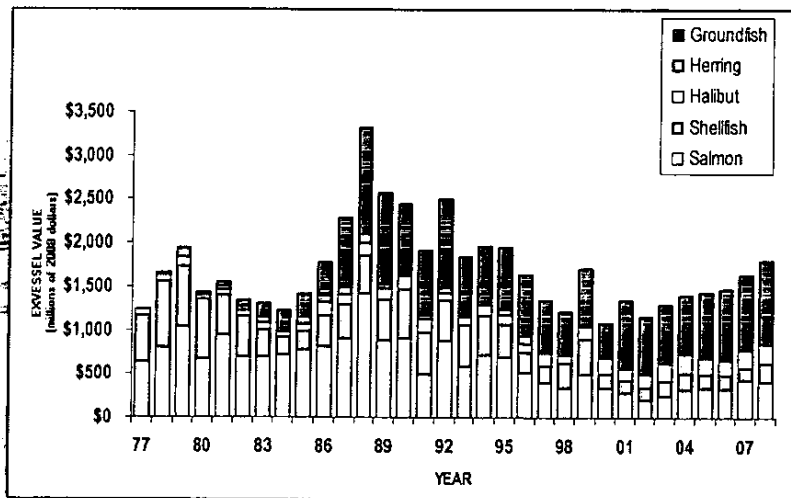
Kuskokwim Bay Salmon Fishermen Delivering in Quinahak



Crab Boat Setting Pots in the Bering Sea



Exvessel Value of Alaska's Commercial Fisheries (Adjusted to 2008 Dollars)



Economic Impact of Seafood Industry on Alaska's Economy in 2007

(Source: Northern Economics, Inc. 2009)

- Generated 78,519 jobs employed in seafood harvesting, processing sectors, and support industries
- Approximately 48,467 of these jobs were held by Alaskans
- Generated \$774.7 million in direct payments to labor with \$237 million going to Alaska residents
- Generated total sales of \$3.6 billion within Alaska
- Paid more in taxes to state general fund than any other industry except oil and gas

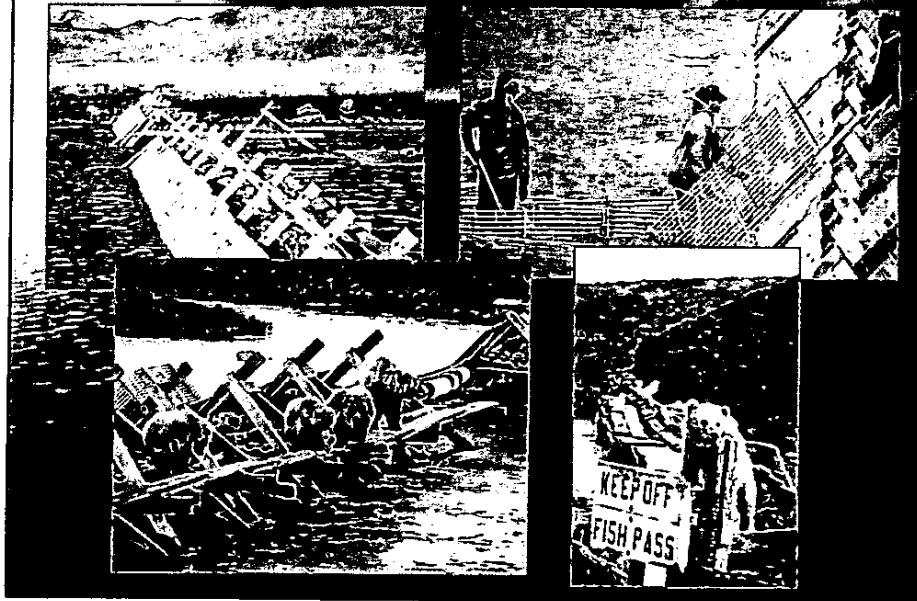
Division of Commercial Fisheries Core Services

- Stock Assessment & Applied Research
- Harvest Management
- Laboratory Services
- Aquaculture Permitting
- Data Processing
- Information Services and Public Participation

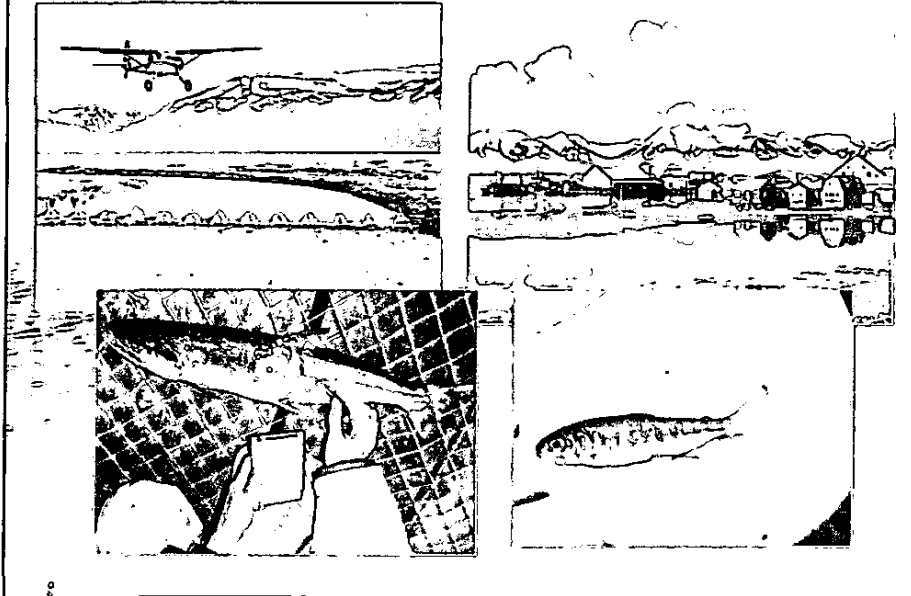
Stock Assessment and Applied Research

- Salmon Escapement Enumeration
 - Weirs, Towers, Sonar, Foot/Aerial Surveys
- Juvenile Salmon Estimation
- Groundfish and Shellfish Surveys
- Herring Spawn Deposition and Hydroacoustic Surveys
- Aerial Herring Surveys
- Dive Surveys
- Biological, Genetic, Coded-Wire Tag Sampling

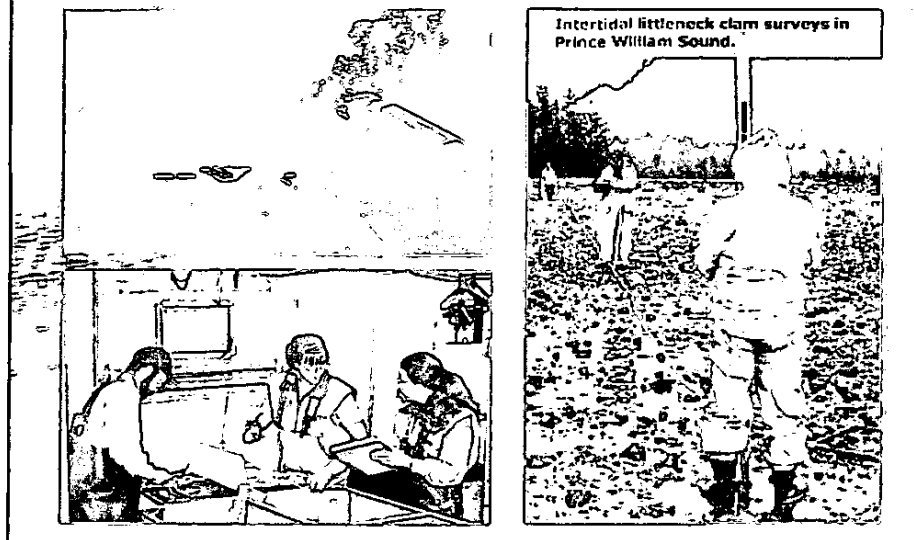
Salmon Enumeration and Sampling



Salmon Enumeration and Sampling

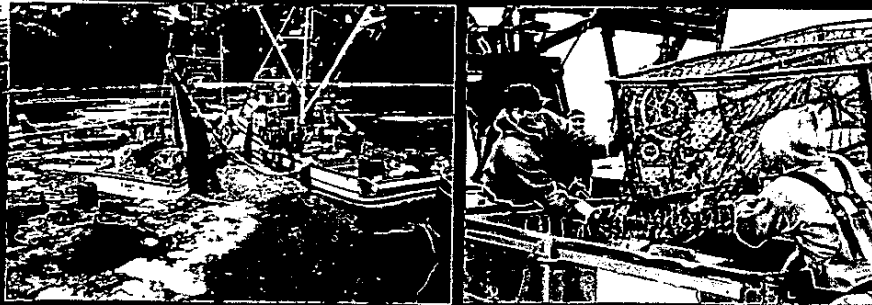


Other categories and examples of stock assessment



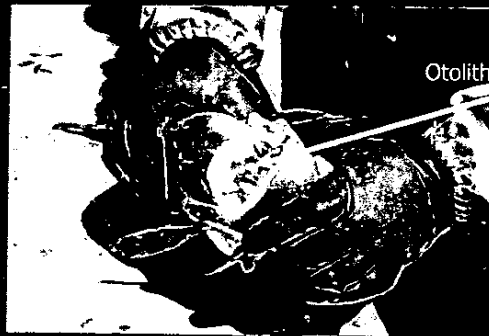
Harvest Management

- Assisting the Board of Fisheries in establishing regulations and management plans
- Opening and closing fishing areas and setting fishing time
- Collecting harvest and biological data
- Writing annual management reports



Laboratory Services

- Pathology Laboratory
- Coded-Wire Tag and Otolith Aging Laboratory
- Genetic Stock Identification Laboratory



Otoliths or Ear Bones

Aquaculture Permitting



- Private Non-Profit Salmon Hatcheries
- Aquatic Shellfish Hatchery
- Aquatic Shellfish Farms

Data Processing

- Fish tickets systems
- eLanding electronic catch reporting system
- Internet-accessible inseason catch and escapement databases
- Geographical Information System databases
- Internet-accessible news release database
- Seafood processor/buyer intent to operate system
- Commercial Operator Annual Reports (COAR)
- Databases for biological data

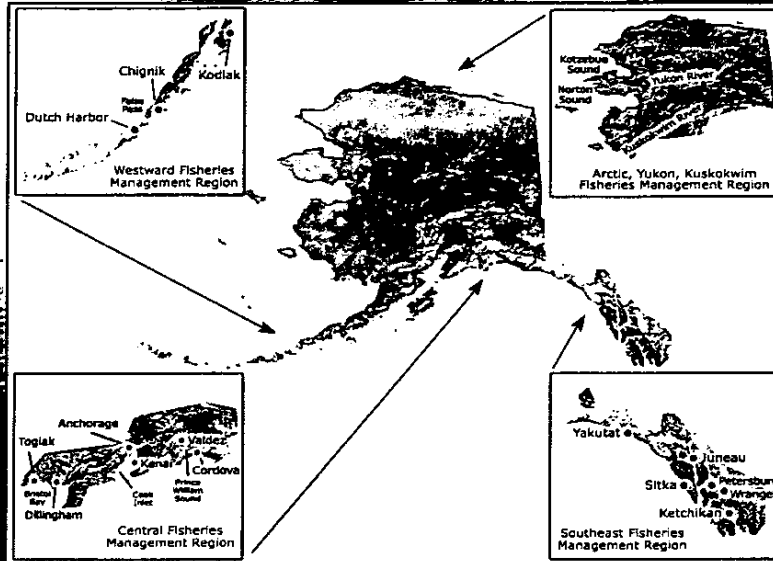
Information Services and Public Information

- Design and maintain division website
- Publish brochures and other informational materials on divisional programs
- Produce upon request custom reports from fish ticket and COAR databases
- Administer divisional confidentiality policies
- Develop and administer divisional publication policies and procedures

Organization of the Division

- Southeast Fisheries Management Region - Douglas
- Central Fisheries Management Region - Anchorage
- A-Y-K Fisheries Management Region - Anchorage
- Westward Fisheries Management Region - Kodiak
- Divisional Headquarters - Juneau

Fisheries Management Regions



Permanent and Seasonal Staff



Bethel Office June 2006

In fiscal year 2009

- 310 permanent staff
- 472 seasonal staff
- 20 permanent offices
- 84 seasonal offices/field camps
- 6 large research vessels

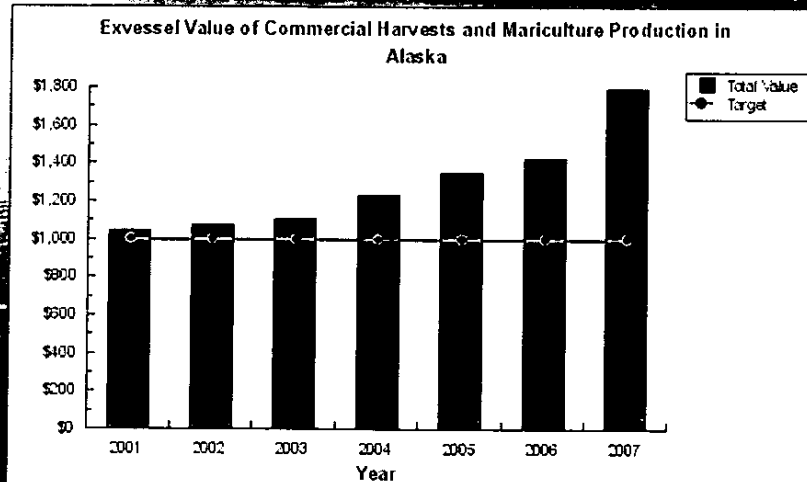
Missions and Measures

Targets

1. Exvessel value of commercial harvests and mariculture production above \$1 billion
2. Reproductive goals achieved for more than 80% of monitored stocks
3. Develop genetic baselines for Alaskan Chinook, chum, and sockeye stocks that will include 100 stocks in each baseline
4. All aquatic farms operating with current permits

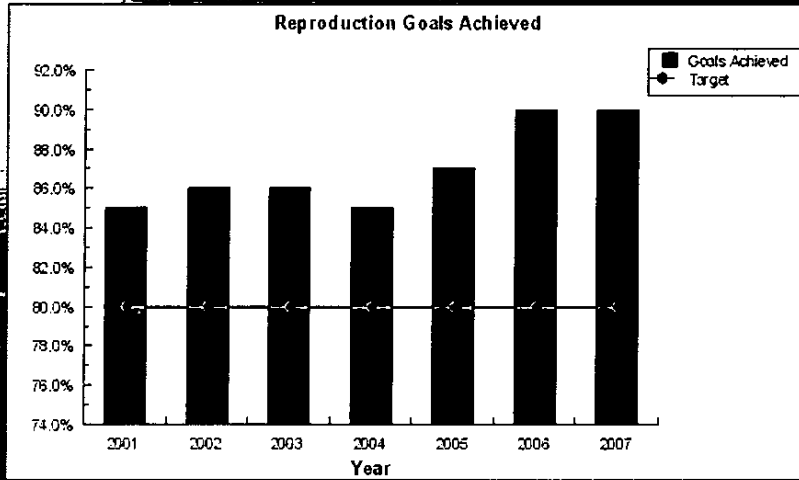
Missions and Measures

1. Exvessel value of commercial harvests and mariculture production above \$1 billion annually



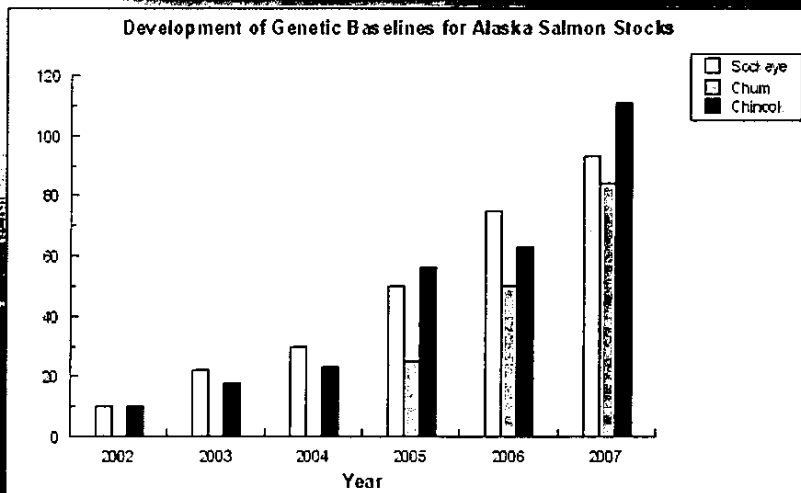
Missions and Measures

2. Reproductive goals achieved for more than 80% of monitored stocks



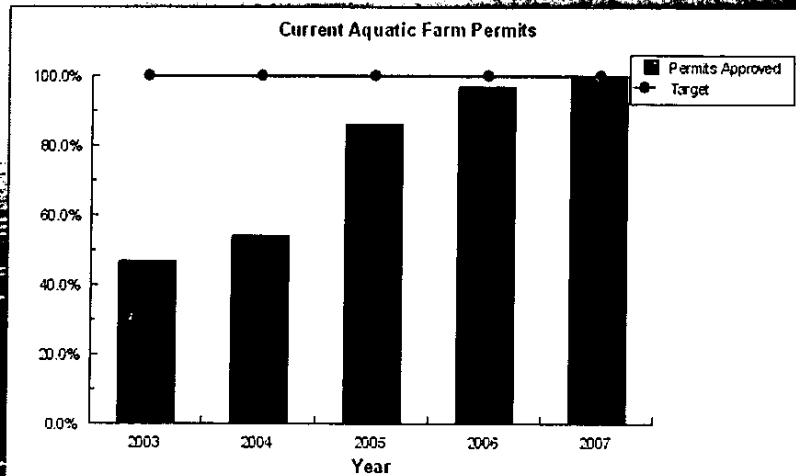
Missions and Measures

3. Develop genetic baselines for Alaskan Chinook, chum, and sockeye stocks that will include 100 stocks in each baseline



Missions and Measures

4. All aquatic farms operating with current permits



FY 2010 Budget Request

- Total request = \$60,488.8
- FY 2009 request = \$60,269.9
- GF = \$36.0 (59%)
- Federal = \$8.7 (15%)
- Variety of sources = \$15.8 (26%)

FY 2010 Budget Request

Two Increments

Yukon River Subsistence = \$80.0

- > Nenana test wheel video monitoring
- > Fall chum salmon drift test fishery

BS/AI Crab Research = \$793.7

- > King crab pot surveys
- > Snow/Tanner crab biology
- > Observer data entry

- In an attempt to monitor King pulses.

- Fed \$ replacement. State does better job than Fed's surveying these fisheries.

Major Issues

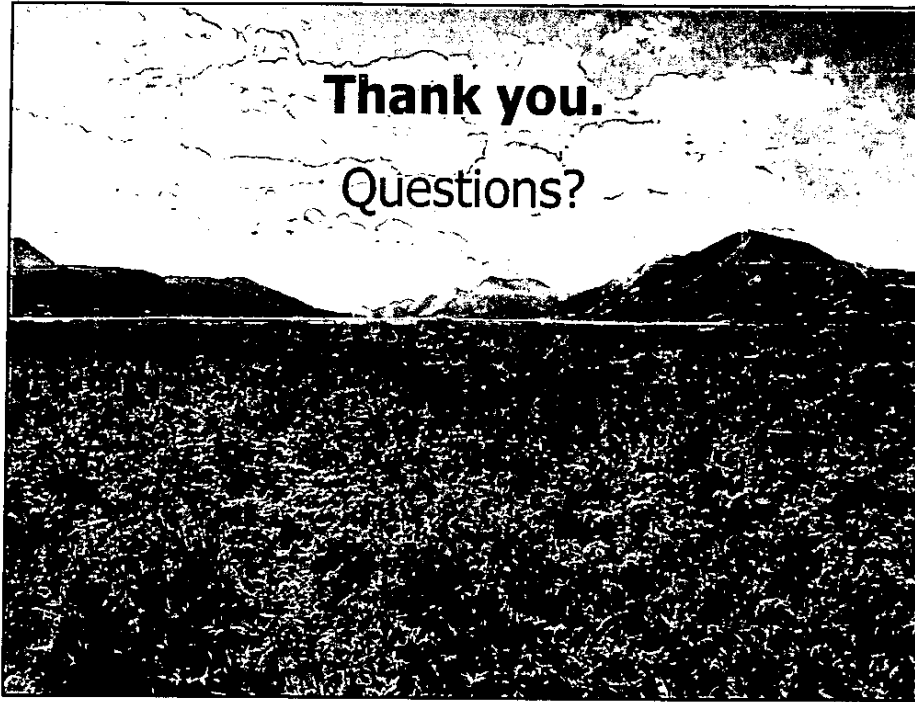
- Recruitment and Retention of Staff
- Declining Federal Funds
- Funding Instability
- Renegotiation of the Pacific Salmon Treaty
- Federal Subsistence Management
- Gulf of Alaska Groundfish Rationalization
- Federal Extraterritorial Jurisdiction
- Marine Stewardship Council Re-certification
- Cook Inlet Salmon Management
- Geoduck Aquatic Farm Industry Recommendations
- Water/Boating, Diving, Firearms and Bear Safety

Need more research into shellfish aquaculture -- to learn more & help develop fisheries.

(Pot surveys also important for accurate crab mortality estimates, in order to optimize shell catch quotas.)

Carbon an issue here.

For field workers.



**Overview of the Alaska Department of Fish and Game
February 12, 2009**

Background

Alaska Constitutional mandates: Article VIII (Natural Resources) reads in part:

The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses. *NOT ALWAYS "MAXIMUM" SUSTAINABLE YIELD.*

Mission of the department:

To protect, maintain, and improve the fish, game, and aquatic plant resources of the state, and manage their use and development in the best interest of the economy and the well-being of the people of the state, consistent with the sustained yield principle.

Goals of the department:

- Optimize economic benefits from fish and wildlife resources
- Optimize public participation in fish and wildlife pursuits
- Increase public knowledge and confidence that wild populations of fish and wildlife are responsibly managed

Core Services of the Department

1. Harvest Management: provide opportunity to utilize fish and wildlife resources
2. Stock Assessment: ensure sustainability and harvestable surplus of fish and wildlife resources
3. Customer Service: provide information to all customers
4. Public Involvement: involve the public in management of fish and wildlife resources
5. State Sovereignty: protect the state's sovereignty to manage fish and wildlife resources

In support of these core services, the department conducts the following activities:

6. Habitat Conservation: protect, maintain, and improve Alaska's fish and wildlife habitat
7. Workforce Development: support a professional staff to deliver other core services

Ambitions within core services:

1. Harvest management: provide opportunities to utilize fish and wildlife resources
 - Expand existing and develop new programs to increase harvest opportunities (e.g., abundance-based management initiatives)
 - Protect and improve access to fishing and hunting opportunities and resources
 - Optimize participation in hunting and fishing activities
 - Improve harvest monitoring and assessment

 2. Stock assessment: ensure sustainability and harvestable surplus of fish and wildlife resources
 - Improve existing fish and wildlife stock assessment capabilities
 - Expand stock assessments
 - Invest in new technologies*
 - Anticipate changing conditions (e.g., climate change, invasive species)
- *Idea of investing in new technologies applies to several of the core services.
3. Customer service: provide accurate and meaningful information to all customers
 - Enhance public communications materials and delivery (e.g., web capacity, multimedia, technical and lay reports)
 - Increase publication in peer-reviewed scientific literature
 - Improve management and scientific reporting
 - Improve licensing and permitting services (including unique identifier for each user)
 - Better coordinate and improve education and viewing programs throughout department and better integrate CF and Subsistence into education programs.

 4. Public involvement: involve the public in management of fish and wildlife resources
 - Improve BOF/BOG and other regulatory processes (e.g., Federal Subsistence Board, North Pacific Fishery Management Council)
 - Effectively involve (optimize) public in specific decision making processes (legislative, EVOS, task forces and advisory groups)
 - Evaluate further and enhanced opportunities for public involvement

 5. State sovereignty: protect the state's sovereignty to manage fish and wildlife resources
 - Reassess strategies for state/federal agreements and initiatives
 - Evaluate and improve effectiveness in interacting with other government agencies and forums (e.g., ESA, Magnuson-Stevens Act, NPFMC, Pacific Salmon Treaty, Migratory Bird Treaty Act, ANILCA, FSB)
 - Strengthen state's role in dual management for subsistence
 - Strengthen state's interests in partnerships with other governmental agencies

 6. Habitat conservation: protect, maintain, and improve Alaska's fish and wildlife habitat
 - Strengthen department involvement in resource development and land use project reviews
 - Improve technical capabilities (e.g., geographical information systems, GIS) to inform environmental reviews of development projects
 - Maintain, restore and improve habitats in the face of other resource development and land use

7. Workforce development: support professional staff to deliver other core services
- Re-establish ADF&G as premier employer among nation's fish and wildlife agencies (e.g., compensation, benefits, training, workload management, motivation, initiative, recognition)
 - Improve and increase employee training opportunities
 - Enhance and improve administrative support
 - Stabilize and increase funding for divisional programs and employee development

Structure and Budget

The Department of Fish and Game comprises six divisions (Commercial Fisheries, Sport Fish, Wildlife Conservation, Subsistence, Habitat, and Administrative Services) plus the Alaska Boards of Fisheries and Game, the Commercial Fisheries Entry Commission, and the Exxon Valdez Oil Spill Trustee Council. Two deputy commissioners, an assistant commissioner, and special assistants support the Commissioner in managing the state's fish and wildlife resources.

The department's FY 09 operating budget is \$180.0 million, from sixteen funding sources, including \$55.0 million in federal funds, \$58.1 million in state general funds, and \$26.2 million in fish and game funds. In FY09, the department has 917 permanent full-time, 764 permanent part-time, and 62 non-permanent positions for a total of 1,743 positions.

The department's FY10 operating budget request is \$180.0 million from sixteen funding sources, including \$54.6 million in federal funds, \$58.7 million in state general funds, and \$26.1 million in fish and game funds. In FY10, the department has requested 910 permanent full-time, 767 permanent part-time, and 62 non-permanent positions, for a total of 1,739 positions.

Other Designated Responsibilities for the Commissioner

North Pacific Fishery Management Council
Pacific Fishery Management Council—non-voting seat
North Pacific Anadromous Fish Commission
Pacific States Marine Fisheries Commission
University of Alaska-Fairbanks School of Fisheries and Ocean Sciences (SFOS) Advisory Council
Alaska Sea Grant Advisory Council
Alaska Board of Fisheries—as ex officio secretary, not a voting member
Alaska Board of Game—as ex officio secretary, not a voting member
Bering Sea Fishery Advisory Board
Exxon Valdez Oil Spill Trustee Council
Federal Subsistence Board—non-voting seat
Western Association of Fish and Wildlife Agencies (WAFWA)—incoming president
Association of Fish and Wildlife Agencies (AFWA)
Alaska Migratory Bird Comanagement Council
The Pacific Flyway Council
The North Slope Science Initiative Board of Directors

2-17-09

Overviews:

Alaska

Department of

Fish and Game

Subsistence and

Habitat

Divisions

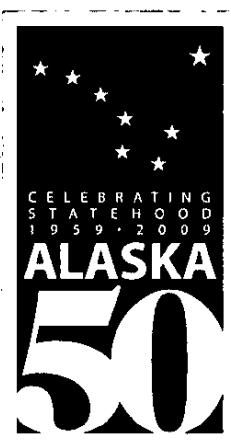
<target><bill></bill><subject>2-17-09 Overviews Alaska
Department of Fish and Game Subsistence and Habitat
Divisions</subject><comm>HFSH26</comm></target>

Core Services

- Review applications and issue permits for activities in anadromous waterbodies and fish-bearing waters and legislatively designated Special Areas (Title 16); provide expertise to protect important fish and wildlife habitat; monitor authorized projects and conduct compliance actions.
- Maintain and revise the Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes.
- Manage Alaska's Special Areas in accordance with legislative guidelines; prepare and update management plans for these areas.
- Review proposed timber harvest activities; conduct field inspections; work cooperatively with timber operators and other governmental agencies.
- Review development projects (e.g., oil and gas, hard-rock mining, roads, T16 elements of hydropower projects) authorized under other agencies' authorities.
- Conduct applied research to develop methods and means to minimize impacts of development projects on fish and wildlife resources.



Habitat Division Management Staff



ADF&G Funding & Staffing (millions) FY09

General Fund	\$2,893.1
Other State Funds	\$1,474.9
TOTALS	\$4,368.0
Personnel	
Full Time	45
Part Time	2

ADF&G administers all programs and activities in compliance with state and federal civil rights and equal opportunity laws. Obtain the full ADF&G and Americans with Disabilities Act and Office of Equal Opportunity statement online at www.adfg.state.ak.us or from the



2008 OVERVIEW

Division of Habitat * Kerry Howard, Director
1255 W. 8th Street * P.O. Box 115526
Juneau, AK 99811-5526
907-465-1852 * www.habitat.adfg.alaska.gov

MISSION: To protect Alaska's valuable fish and wildlife resources and their habitats as Alaska's population and economy continue to expand.

Message from the Director

2008 was a year of change for the Division. We successfully implemented Executive Order 114, which moved the Office of Habitat Management and Permitting from the Department of Natural Resources back to the Department of Fish and Game, as the new Habitat Division. Implementation actions included assumption of new planning and permitting duties, integration of new staff, organizational staffing changes, and physical office moves, among others.



Kerry Howard, Director

We also successfully updated the Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes—the fifth consecutive year this action has been achieved. The critically important Catalog forms the legal basis for implementation of ADF&G's Fish Habitat permitting program, which ensures the proper protection of anadromous fish and their habitat. In cooperation with the Sport Fish Division, we also substantially upgraded the quality of the maps.

(continued inside)

(continued from front panel)

In conjunction with the DNR Large Projects Team, we worked on a variety of complex projects of importance to the State. Recent work included: review of baseline study plans and/or applications for the Chitna Coal Project, Pebble Prospect, Galore Creek, Tulsequah Chief, and the Donlin Prospect; biomonitoring and expansion plans at Ft. Knox and Red Dog (Aqqaluk); and monitoring and oversight of Kensington, Greens Creek, and Rock Creek.

In addition to these large projects, we also participated in the review, development, and/or permitting of other projects of Statewide or regional significant, including: planned development of a riparian management plan for the North Star Borough; oversight of the Trans-Alaska Pipeline System; a restoration plan agreement for the perched Coal Creek culvert; with DEC, remediation of acid rock draining on the Coffman Creek Road project; and work on the Ketchikan Airport Runway Safety Area, Petersburg Airport Improvements, and the South Mirkof Highway upgrade projects.



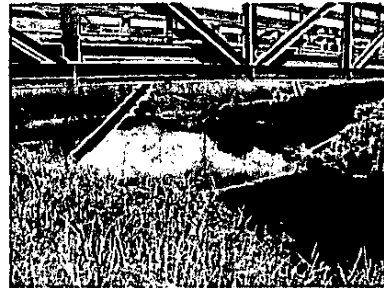
Biologist work with industry to identify fish streams

Over the last few years, with the Division of Forestry, we also surveyed 844 miles of State and private forest roads in southeast Alaska to evaluate implementation of the State's Forest Resources and Practices Act (FRPA). Thousands of waterbars were inventoried and 93

fish culverts surveyed to assess water, fish passage, and fish habitat. Rigorous field monitoring allows the appraisal of best management practices and compliance with FRPA.

Finally, the total number of fish habitat permit applications we review continues to increase. The number of permits reviewed in FY 2008 (3493) is more than double the number in FY 2004 (1597). Habitat continues to consistently achieve a high level of habitat protection, simultaneous with increased permit activity.

Habitat welcomes being back at ADF&G, and with a staff of seasoned veterans and enthusiastic recruits, we look forward to continuing our tradition of important work and contributions to help maintain the State's fish and wildlife resources and habitats.



Tidewater Slough multi-use bridge, Girdwood, AK

Anadromous and Resident Fish Habitat

Habitat has the specific statutory responsibility for protecting freshwater anadromous fish habitat and providing free passage for anadromous and resident fish in freshwater bodies (AS 16.05.841-871). Habitat fulfills this responsibility by writing Fish Habitat Permits for activities and projects conducted by private individuals or other state or federal government agencies below the ordinary high water of anadromous streams. Habitat biologists conduct research and field surveys, review plans with permit applicants to permit a project that does not adversely impact fish habitat, and monitor projects for compliance with permit standards.

In addition to permitting duties, Habitat coordinates with other divisions and agencies during plan reviews to provide expertise for protecting both important fish and wildlife habitat throughout the state.



Dam Construction

Special Areas

Habitat also has statutory responsibility to author management plans and to oversee land and water use activities (excluding trapping, hunting and fishing) in refuges, critical habitat areas, and sanctuaries, collectively known as Special Areas (AS 16.20). Habitat provides authorization for land and water use activities in the form of a Special Area Permit for activities including construction or placement of structures, natural resource development or energy exploration, and off-road use of wheeled and tracked equipment.



McNeil River State Game Sanctuary

ADF&G Division of Subsistence

Presented by Craig Fleener,
Director, February 2009



Pauline Ramoth's camp, Selawik, 2003.

Beginnings

- 1978 creation by statute AS 16.05.090
 - 1981 governor conferred full division status.
 - Preceded 1980 ANILCA in part so the state could retain management authority over all lands.
 - Duties (7) are found in AS 16.05.094.
- 1980 federal passage of ANILCA.
 - Rural residents given priority.
 - 1989 Alaska Supreme Court ruled this a violation of Alaska Constitution.





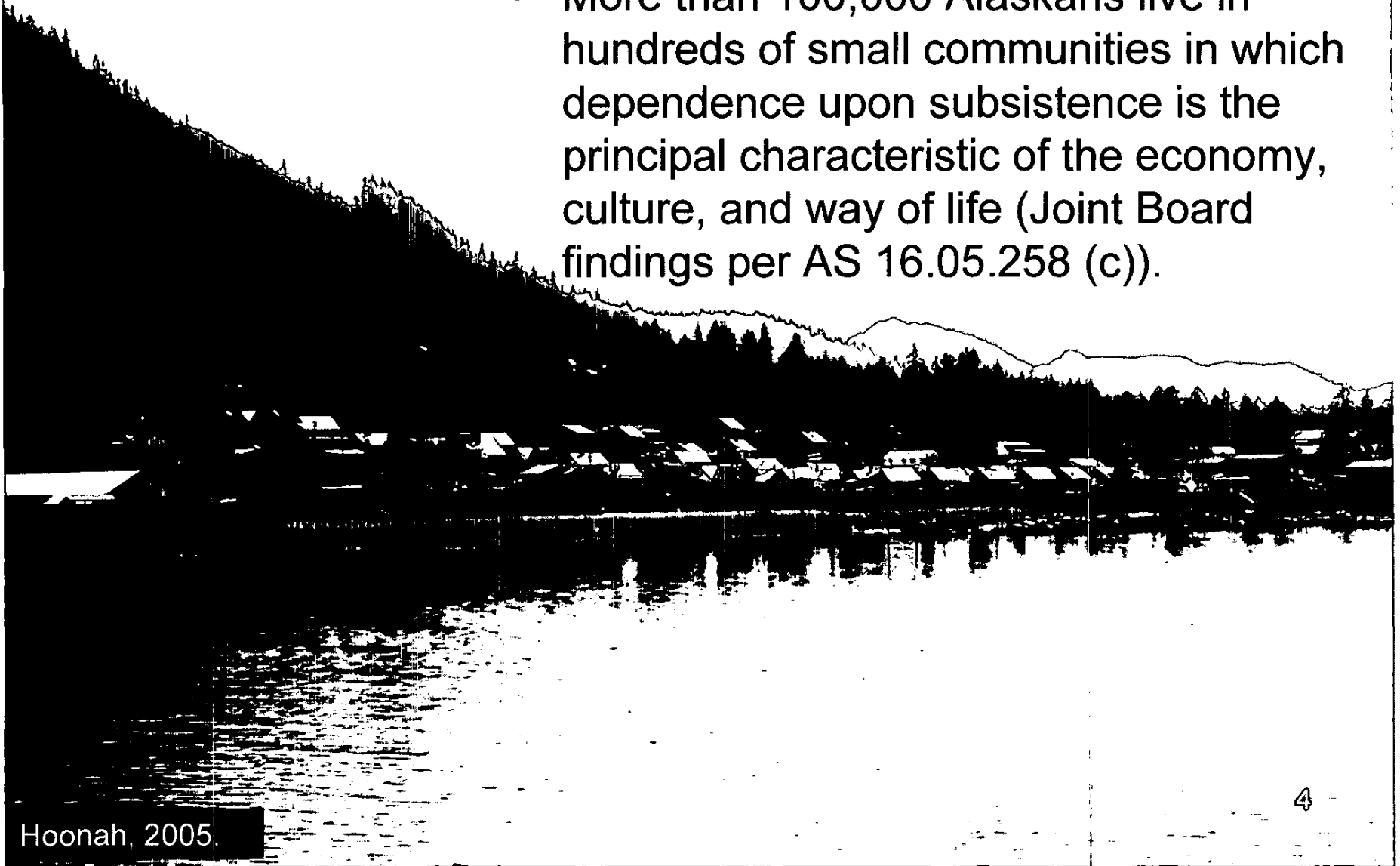
Beginnings, continued

- AS 16.05.258 Subsistence use and allocation of fish and game.
 - 1986 passage.
 - Boards identify stocks customarily and traditionally taken or used for subsistence (C&T).
 - Boards identify amounts reasonably necessary for subsistence (ANS).
 - Joint Boards identify nonsubsistence areas.

Teaching the next generation to cut fish, Newhalen, June 2007.

Alaskan Way of Life

- More than 100,000 Alaskans live in hundreds of small communities in which dependence upon subsistence is the principal characteristic of the economy, culture, and way of life (Joint Board findings per AS 16.05.258 (c)).



Hoonah, 2005

Alaskan Economic System



Bessie Custer and
Nellie Greist cutting
whitefish, Shungnak,
fall 2003.

- Mixed subsistence-market economy
 - High levels of wild food production for families and communities.
 - Small scale efficient harvesting (self-limiting).
 - Cash pays for subsistence technologies.
 - Extensive sharing of harvested food.

Division Mission

To scientifically quantify, evaluate, and report information about customary and traditional uses of Alaska's fish and wildlife uses.

- Human dimensions research using systematic methods, analysis, and reporting.
- High ethical standards include adherence to tribal consultation policies, extensive community involvement, and confidentiality.



Checking a set gillnet,
Selawik, 2002.

Subsistence Fishing AS 16.05.940 (31)



Whitefish camp, Shungnak, 2002.

“Subsistence fishing” means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries.



Subsistence Hunting AS 16.05.940 (32)

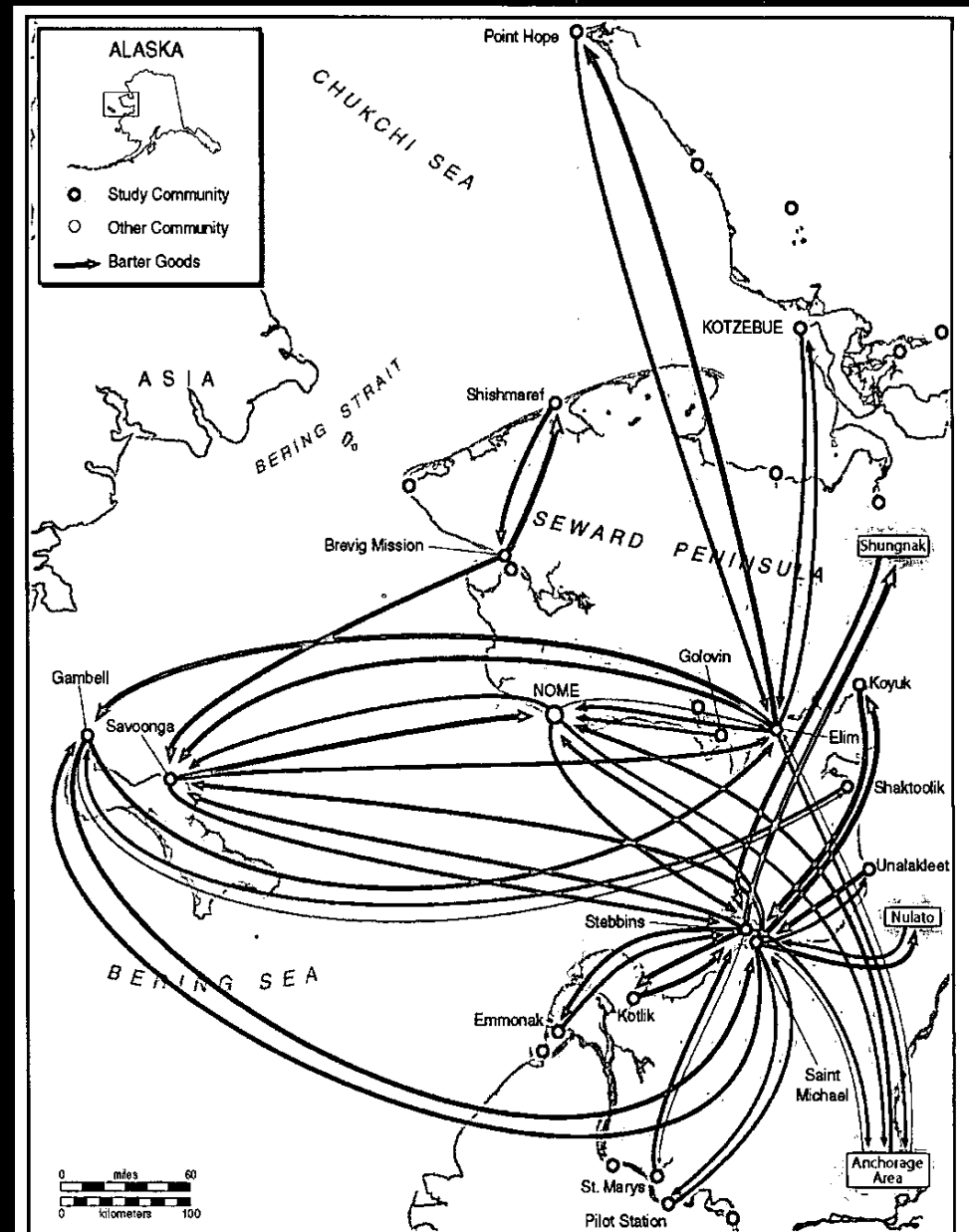
“Subsistence hunting” means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for subsistence uses by means defined by the Board of Game.

Setting a trap,
Lake Minchumina, 2004.

Subsistence Uses AS 16.05.940 (33)

“Subsistence uses” means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation ... for handicraft articles ... and for the customary trade, barter, or sharing for personal or family consumption ...

Exchange of subsistence foods in Northwest Alaska.
(Magdanz et al. 2007)



Division Core Services



Drying redfish (spawned-out sockeye salmon) Newhalen, October 2007.

Research, quantify, and provide resulting information to the public about customary and traditional uses by Alaskans of fish and wildlife resources.

Provide scientifically-based information for fisheries and wildlife management programs and to the Alaska Board of Fisheries and Alaska Board of Game for their use in evaluating reasonable opportunities for customary and traditional uses.

Measure – Compile & analyze existing data; conduct research on subsistence hunting and fishing

Target: conduct a minimum 5 studies in at least 3 of 6 regions.



Joel Saccheus (local research assistant) and Sandra Tahbone (partner agency Kawerak) conduct an interview in Elim, 2003.

- For 21 communities, FY08 surveys gathered updated harvest information.
- Targets were exceeded in 2 of 6 regions, below overall target.

Expensive - Not much funding for such surveys in last 10 years

Measure – Publish current subsistence use information

Target: produce scientific reports, related updates, and materials for the general public.

Contacts Licenses/Permits Regulations News Publications **Fish & Game** (find)

Alaska Department of Fish & Game
Subsistence

Arctic Interior Southcentral Southeast Southwest Western

Highlights

- Summary of Subsistence Harvests of Pacific Halibut in Alaska, 2006
- Subsistence harvests of Pacific halibut in Alaska, 2006 (full report)

General Information

- Alaska's Subsistence Fisheries
- General Information
- Frequently Asked Questions
- Mission Statement

Publications

- Subsistence Technical Papers
- Articles and Presentations
- Community Profile Database
- Community Subsistence Information System
- ADF&G Writers Guide

State Subsistence

- Missions and Measures

Regional Information

Regulations & Permits

- NOAA/NMFS Subsistence Halibut Fishing in Alaska
- Subsistence Fishing
- Subsistence Hunting and Trapping
- Alaska Board of Fisheries
- Alaska Board of Game
- Federal Subsistence Management

State of Alaska | ADF&G | Sport Fish | Wildlife | Commercial Fish | Subsistence | Boards | Admin | Webmaster | OEO Statement | Terms of Use | Privacy | Copyright © 2009

- In FY08, the division completed and released 22 new technical reports and related updates.
- Exceeded 1997-2007 average of 7 and 2003-2007 average of 11.

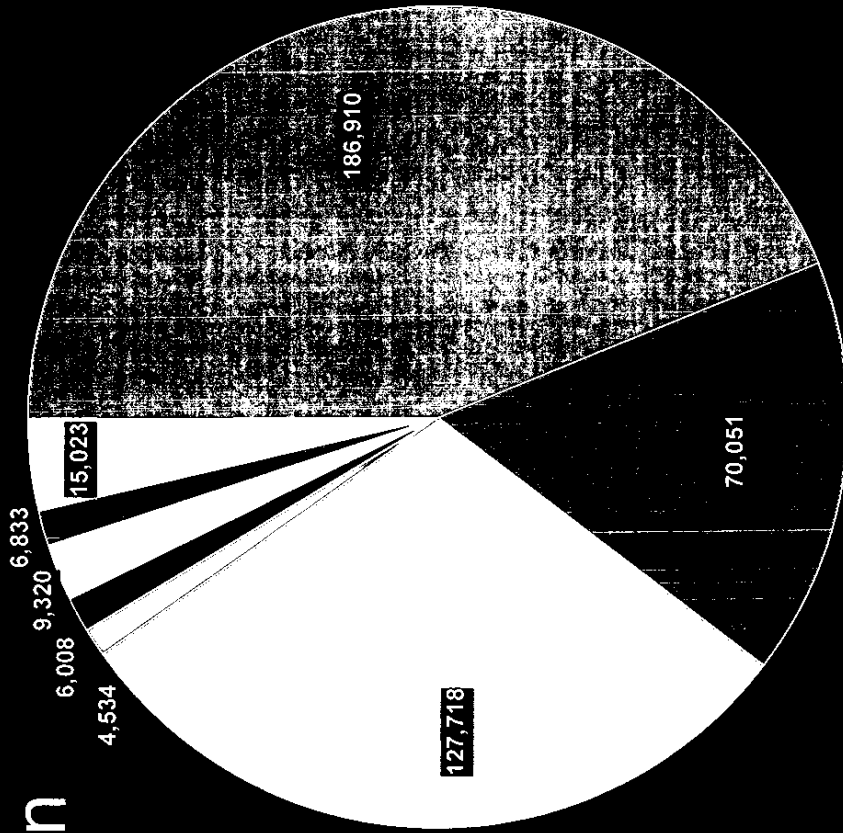
Division's Technical Papers are posted to the Division website.

AVAIL NOW IN DRAFT FORM ON W&A

Measure – Publish current subsistence use information

Target: update and maintain the online Community Subsistence Information System (CSIS) database.

- www.subsistence.adfg.state.ak.us/CSIS
- 58 communities updated in FY08.



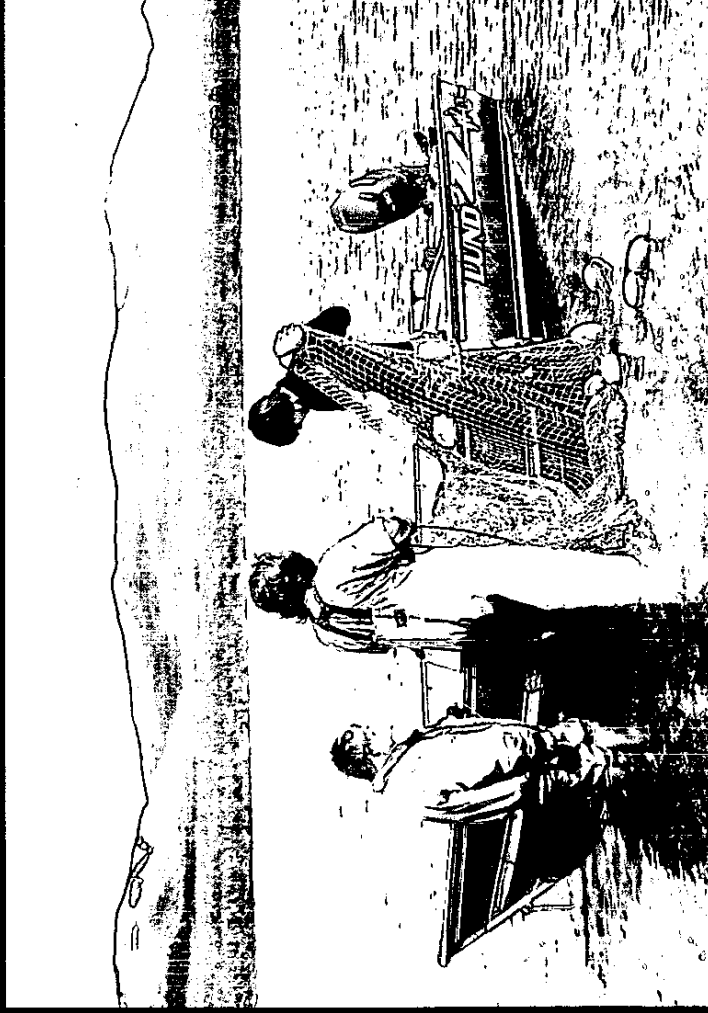
- Salmon
- Large land mammals
- Birds
- Marine invertebrates
- Nonsalmon fishes
- Small land mammals
- Marine mammals
- Plants and berries

Wild resources, pounds harvested, Cordova, 2003.

Measure – Current customary and traditional information to provide opportunity

Target: Evaluate all proposed regulatory actions regarding reasonable opportunity for C&T uses.

- All Board of Fisheries and Board of Game proposals that impacted C&T uses were reviewed before action taken by boards.



The Evanoff family getting the seine net ready, Nondalton, July 2007.

Measure – Assist boards with evaluation of C&T uses and ANS.

Target: Review regulatory proposals, provide information.

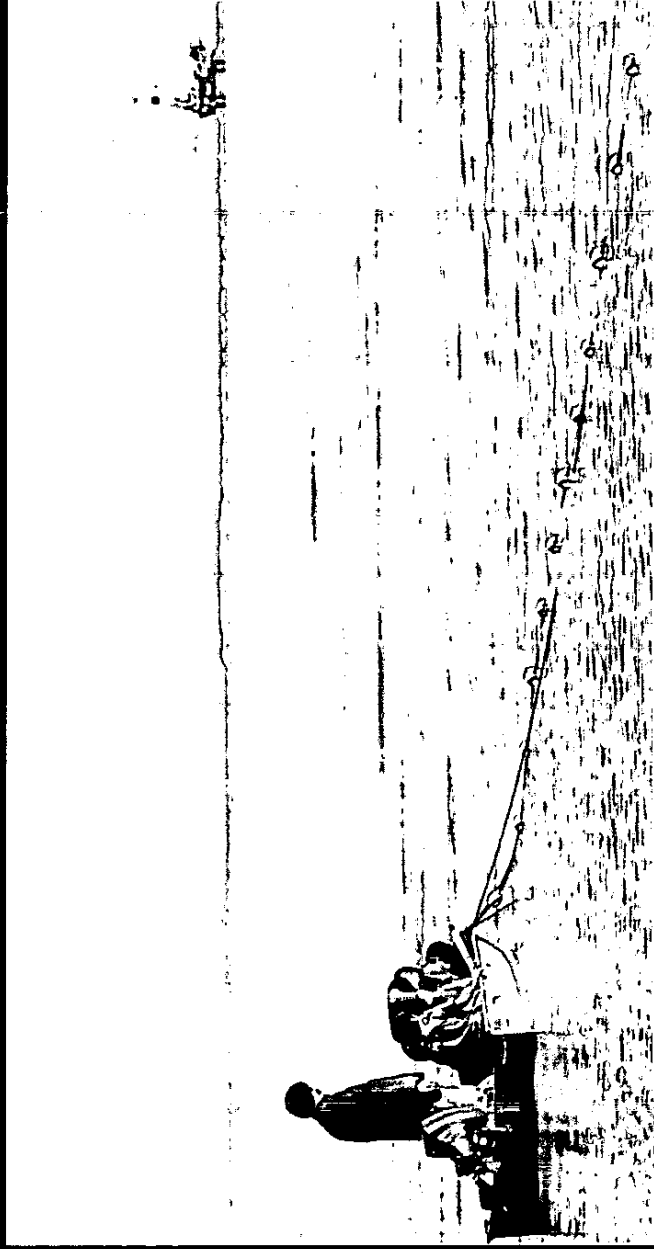
- FY09 YTD = 8 Special Publications addressing board proposals; staff presentations at each board meeting.
- NPFMC and IPHC meetings provided with technical reports and presentations.

- All Board of Fisheries and Board of Game proposals that impacted C&T uses and ANS were reviewed before action taken by boards.

Measure – Assist managers with incorporating C&T uses into management plans

Target: Incorporate C&T uses and harvest information into fish and wildlife management plans.

- FY08 = 15 fisheries and 8 wildlife management plans provided with C&T information.



Art Standifer teaches his children to pick the net, Tyonek, June 2004.

Measure – Research on customary and traditional uses

Target: conduct face-to-face surveys in communities at a 5-year average.

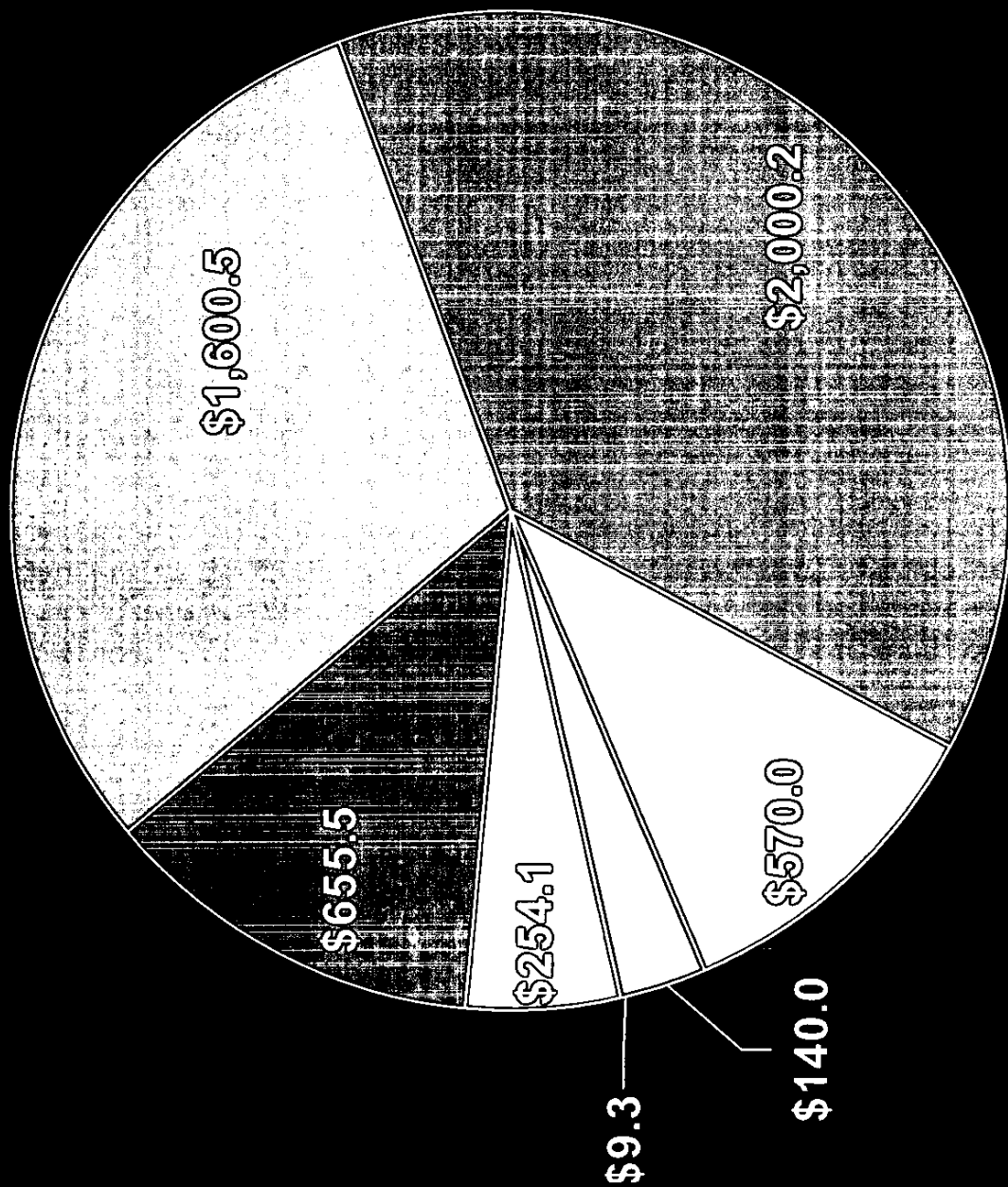
- For 2004-2008, annual average of 30.4 community surveys conducted.
- 21 surveys in FY08, approximately 1/3 below average due to completing multi-year studies started in previous years.



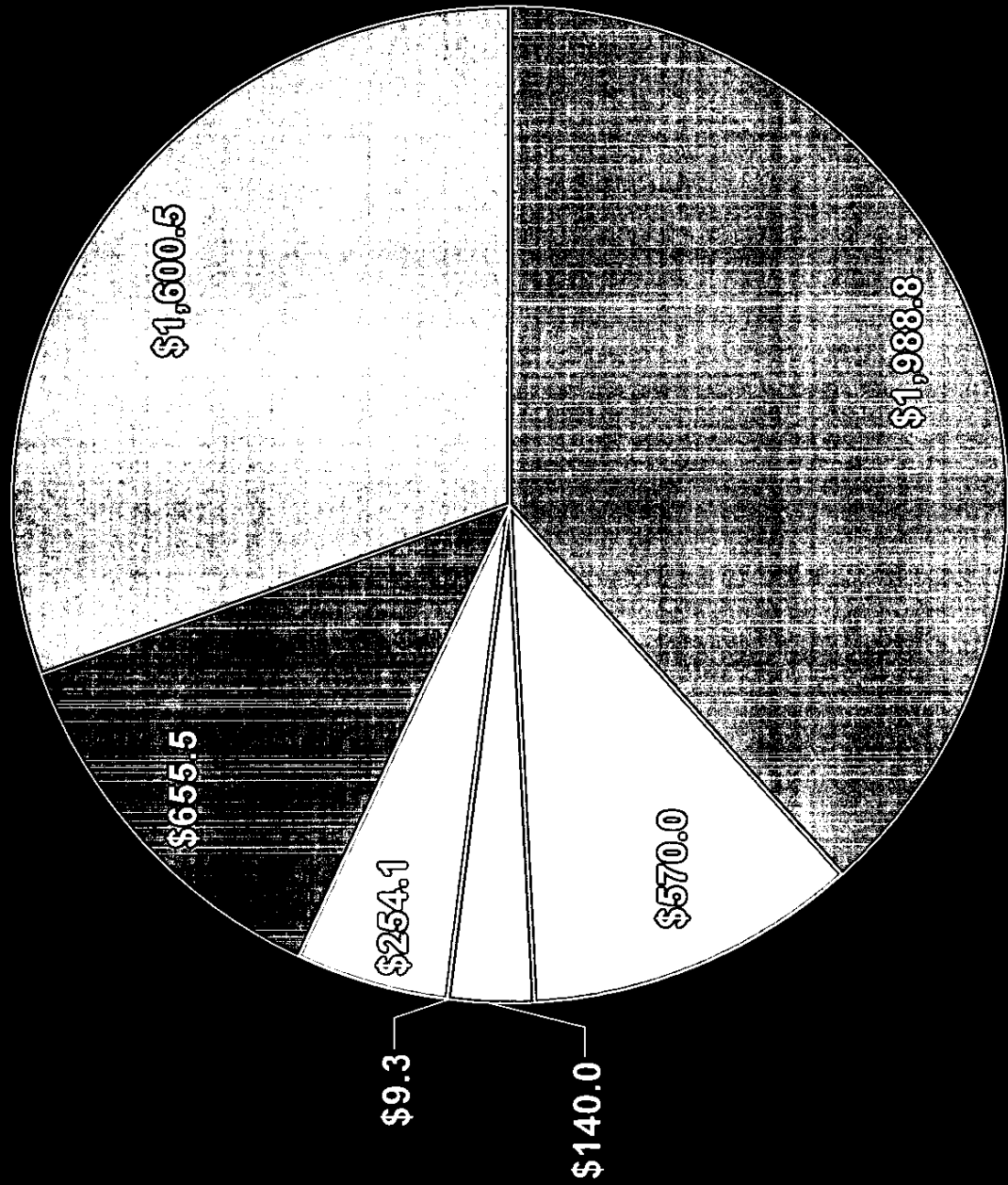
Local surveyors attend orientation session, Kiana, 2003.

NEED BETTER FUNDING TO GET & KEEP THE DATA RELEVANT

FY 09 Authority



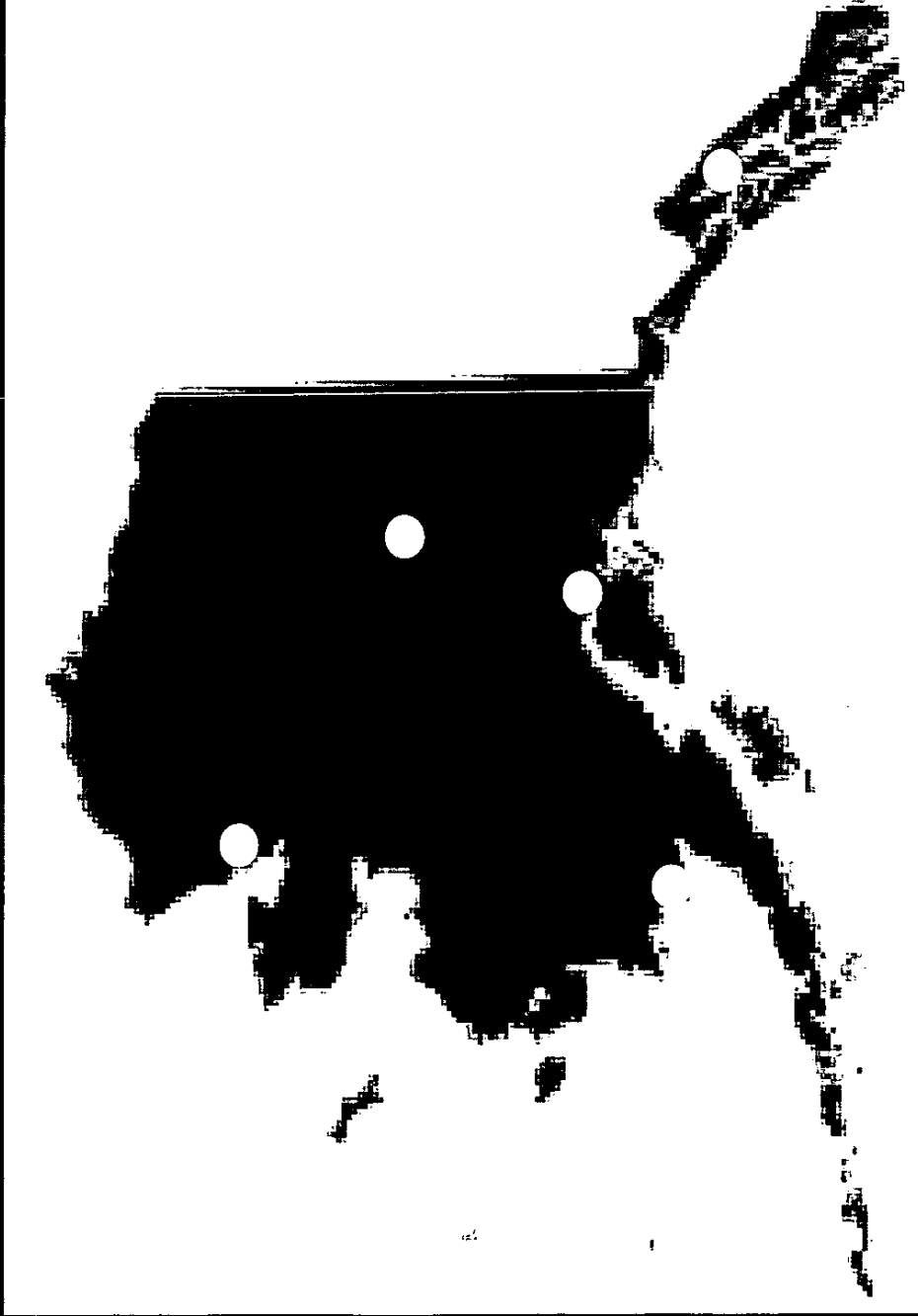
FY 10 Proposed



- Federal receipts
- General Fund
- Interagency
- EVOSS
- CF Loan
- CIP
- Statutory

Total \$5,218.2

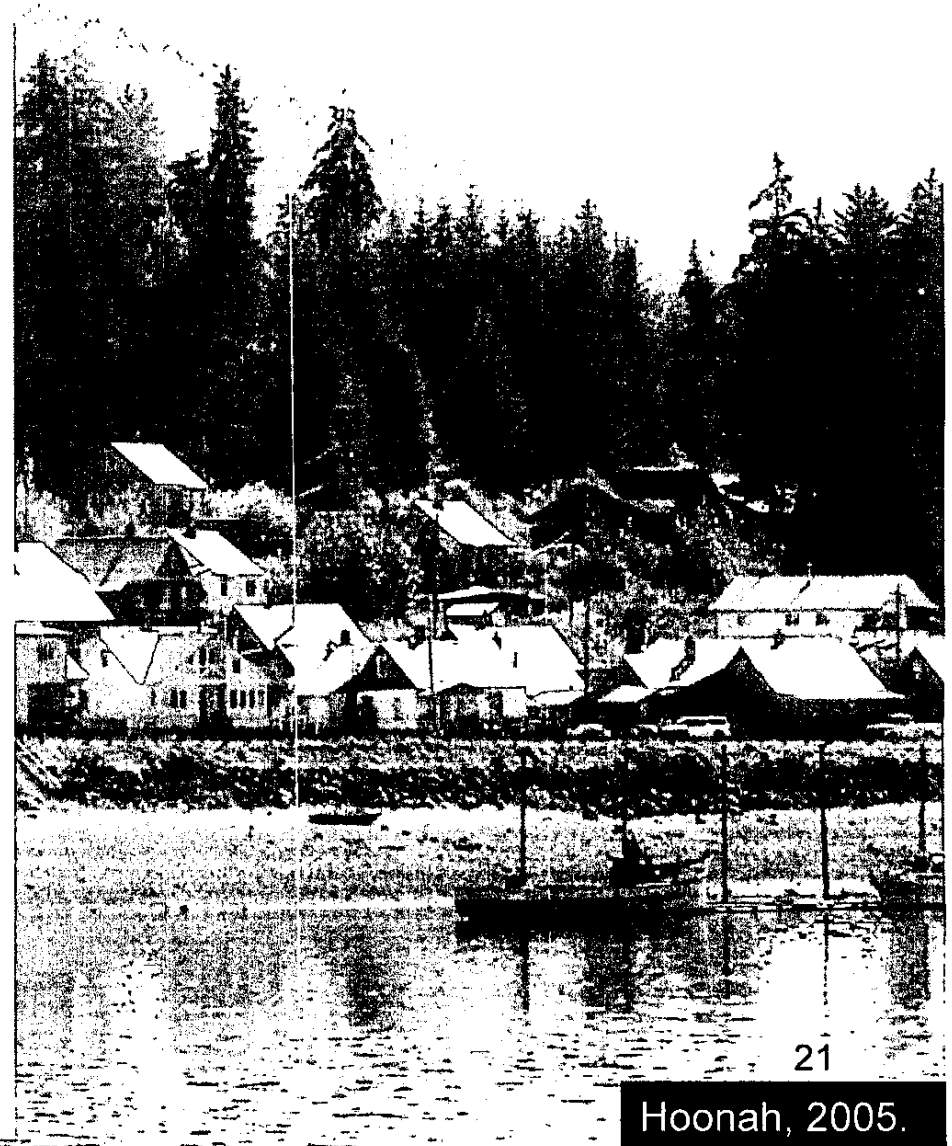
Division Office Locations, Staff



- Juneau, Anchorage, Dillingham, Fairbanks, Kotzebue.
- FY 09 = 27 PFT, 10 PPT, 5 NP
- FY10 proposed = 27 PFT, 10 PPT, 6 NP

Division Key Challenges

- **Salmon harvest database accessibility, and integrated web-interface—for public, managers, boards, law.**
- **Monitoring and reporting of Alaska subsistence salmon fisheries.**
- **Assessment and evaluation of fish harvests and trends.**
- **Technical and scientific reporting and database integration.**
- **Maintaining capacities—staffing, IM, joint state and federal fisheries management.**



Quyanaq • Háw'aa • Qağaasakug • Way Dankoo
Gunalchéesh • Tsin'aen • Dogedinh • Baasee'

Thank You



Selawik
youths
enjoying
salmon
eggs during
a 2003
culture
camp.



DIVISION OF HABITAT

Habitat



[Habitat Division Overview](#)

[Director](#)

[Staff Listing](#)

[Office Locations](#)

[Employment](#)

[ADF&G Public Notices](#)

Alaska Fish & Game
P.O. Box 115526
1255 W. 8th Street
Juneau, AK 99811-5526

[Phone / Fax / TTY](#)

Highlights

[ADF&G Public Notices](#)

Activities Requiring Title 16 Permits

- › [Title 16 \(Fish Habitat\) Permit Information](#)
- › [Fish Habitat Permit Application Form](#) PDF 56KB
- › [Ordinary High Water Definition](#)
- › [Land & Water Use Activities in Special Areas](#)
- › [Special Areas Permit Application Form](#)

- › [Stream Diversion](#)
- › [Streambank or Streambed Disturbance](#)
- › [Gravel Removal](#)
- › [Stream Crossings](#)
- › [Bridge or Culvert Construction and Maintenance](#)
- › [Streambank Restoration/Protection; Erosion Control](#)
- › [Stream Fluming](#)
- › [Ice Bridge/Road Construction](#)
- › [Placer Mining Activities](#)
- › [Recreational Suction Dredging](#)
- › [Use of Explosives Near Stream Corridors](#)

General Permits

- › [Authorized Vehicle Stream Crossings](#)
- › [Authorized Boat Launches](#)
- › [Recreational Suction Dredging Permits](#)
- › [Miscellaneous](#)

Of Interest

- › [Publications and Technical Resources](#)
- › [Habitat Research Activities:](#)
 - [Fort Knox Fish Studies](#)
 - [Greens Creek Biomonitoring Studies](#)
 - [North Slope Mine Site Fish Studies](#)
 - [Red Dog Mine Biomonitoring Studies](#)
 - [North Slope Whitefish Studies](#)
 - [North Slope Vibroseis Studies](#)



Reorganization Update

The Office of Habitat Management and Permitting (OHMP) of the Alaska Department of Natural Resources became the Division of Habitat, a part of the Alaska Department of Fish and Game (ADF&G), effective July 1, 2008, as a result of Executive Order 114.

As part of this reorganization, special area planning and permitting functions, and staff, became part of the Division of Habitat, and offices in Anchorage and Juneau are physically relocating.

Anchorage offices moved from the Atwood Building to the ADF&G Building at 333 Raspberry Road on May 23, 2008.

The **Juneau area offices** moved from the Willoughby Building to the Douglas Regional office at 802 3rd Street, Room 209 on September 24, 2008.

The **Director's office** moved from the Willoughby Building to the ADF&G Headquarters Office at 1255 West 8th Street on September 24, 2008.

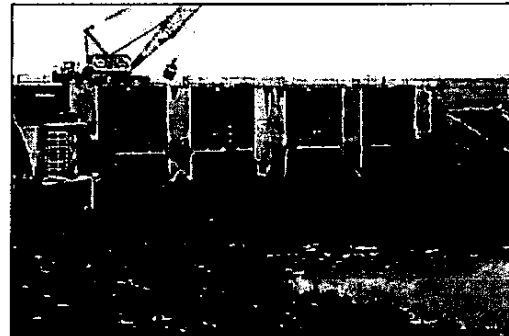


Division of Habitat



The Alaska Department of Fish and Game, Division of Habitat (Alaska Executive Order 114) works to preserve the state's fish and wildlife resources by protecting the areas they need to complete their life cycles.

Habitat has the specific statutory responsibility for protecting freshwater anadromous fish habitat (Anadromous Fish Act, **AS 16.05.871**) and providing free passage for anadromous and resident fish in freshwater bodies (Fish Way Act **AS 16.05.841**). Habitat fulfills this responsibility by writing Fish Habitat Permits for activities and projects conducted by private individuals or other state or federal government agencies below the ordinary high water of anadromous streams. Habitat biologists in Habitat conduct research and field surveys, review plans with permit applicants to permit a project that does not adversely impact fish habitat, and monitor projects for compliance with permit standards.

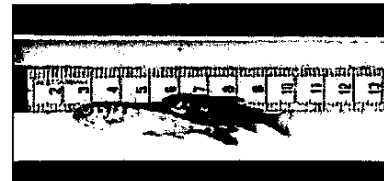


Habitat also has statutory responsibility to oversee land and water use activities (excluding hunting and fishing) in **refuges, critical habitat areas, and sanctuaries**, collectively known as Special Areas (**AS 16.20**). Regulations pertaining to land and water use activities within the Special Areas are found in the **Alaska Administrative Code at Title 5, Chapter 95, Articles 3 through 8**. Habitat provides authorization for land and water use activities in the form of a **Special Area Permit**. Examples of activities requiring a Special Area Permit are described in **5 AAC 95.420**, and include, but are not limited to, construction or placement of structures; natural resource development or energy exploration; and off-road use of wheeled or tracked equipment.



In addition to permitting duties, Habitat coordinates with other agencies during plan reviews to provide expertise for protecting both important fish and wildlife habitat throughout the state. Three examples of these reviews would include working with the state **Division of Forestry** to review timber harvest plans; working with the DNR **Office of Project Management and Permitting** (OPMP) on large project teams for hard rock mines, oil and gas development and major new transportation projects; and providing comments to DNR Division of Costal and Ocean Management (DCOM) on projects under review for consistency with the **Alaska Coastal Management Program**.

Habitat also works cooperatively with the Alaska Department of Fish and Game, Sport Fish Division to maintain and revise the **Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes**. This document lists water bodies that are known to be used by anadromous fish and legally gives these streams and lakes protection as important fish habitat.





Special Areas

The Alaska State Legislature has classified certain areas as being essential to the protection of fish and wildlife habitat. These areas are designated as either a refuge, critical habitat area, or sanctuary (collectively known as Special Areas). Legislation pertaining to these lands may be found in **Alaska Statutes Title 16, Chapter 20**. The Division of Habitat oversees land and water use activities (excluding hunting and fishing) in Special Areas (other than sanctuaries which are regulated by the Division of Wildlife Conservation).

Certain Special Areas also have management plans in place, and planning efforts for other areas are on-going. Management plans guide day-to-day and long-term decision making in many Special Areas; the Goals and Policies of these management plans are adopted as state regulation and provide additional area-specific direction for land and water use activities. Current management plans are available at a web page maintained by the **Division of Wildlife Conservation**.

Habitat provides authorization for land and water use activities in the form of a **Special Area Permit**. Examples of activities requiring a Special Area Permit are described in **5 AAC 95.420**, and include, but are not limited to, such things as construction or placement of structures; damaging or clearing vegetation; detonation of explosives (other than firearms); surface or shoreline altering activities; natural resource development or energy exploration; off-road use of wheeled or tracked equipment; boat storage; waste disposal; grazing or animal husbandry; and any other activity that is likely to have a significant effect on vegetation, drainage, water quality, soil stability, fish, wildlife, or their habitat, or which disturbs fish or wildlife. For additional information contact the ADF&G, Division of Habitat **area office** closest to your project.



Refuges & Sanctuaries

[Refuge Home](#)

State Refuges

[Cape Newenham](#)

[Izembek](#)

[Trading Bay](#)

[Susitna Flats](#)

[Anchorage Coastal](#)

[Goose Bay](#)

[Palmer Hay Flats](#)

[Minto Flats](#)

[Creamer's Field](#)

[Yakataga](#)

[Mendenhall](#)

State Critical Habitat Areas

[Egegik](#)

[Pilot Point](#)

[Cinder River](#)

[Port Heiden](#)

[Port Moller](#)

[Tugidak Island](#)

[Kalgin Island](#)

Special Area Permitting and Regulations

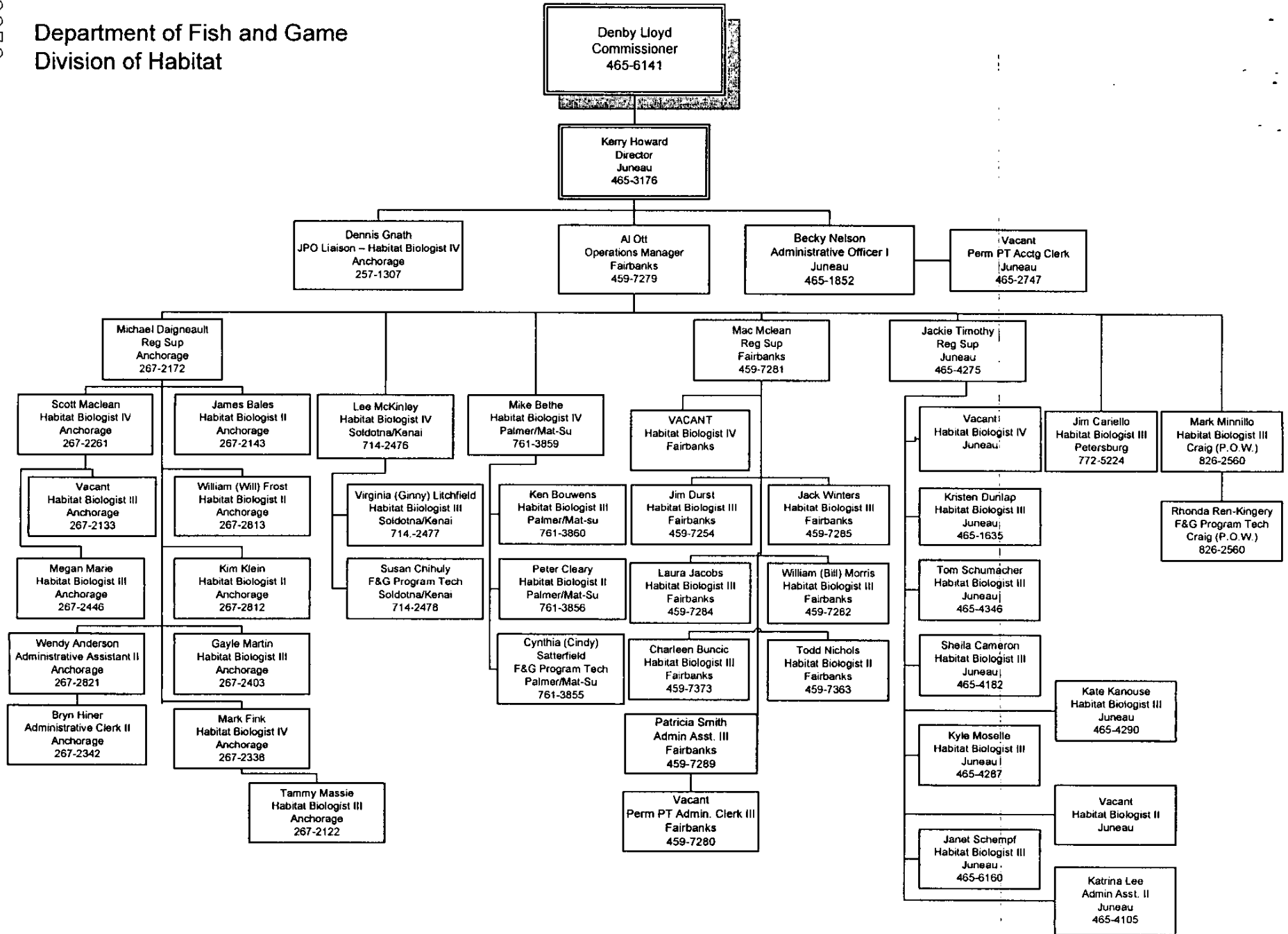
ADF&G operates several programs related to Special Areas. The Division of Wildlife Conservation conducts habitat enhancement, educational, and recreational projects within the Special Areas, as well as a wildlife viewing and limited access program for the three sanctuaries (McNeil River, Walrus Islands, and the Pack Creek). The Division of Habitat oversees land and water use activities (not including hunting and fishing) in all of the Special Areas and provides authorization in the form of a [Special Area Permit](#). Examples of activities requiring a Special Area include, but are not limited to, such things as construction or placement of structures; damaging or clearing vegetation; detonation of explosives (other than firearms); surface or shoreline altering activities; natural resource development or energy exploration; off-road use of wheeled or tracked equipment; boat storage; waste disposal; grazing or animal husbandry, and; any other activity that is likely to have a significant effect on vegetation, drainage, water quality, soil stability, fish, wildlife, or their habitat, or which disturbs fish or wildlife. Regulations pertaining to land and water use activities within the Special Areas are found in the [Alaska Administrative Code at Title 5, Chapter 95, Articles 3 through 8](#). In addition, management plans have been developed for several of the Special Areas. The Goals and Policies of these management plans are adopted as state regulation and provide area-specific direction for land and water use activities. The management plan for each site is available at its respective web page.

To obtain a current copy of the statutes pertaining to these areas contact your [regional office](#).

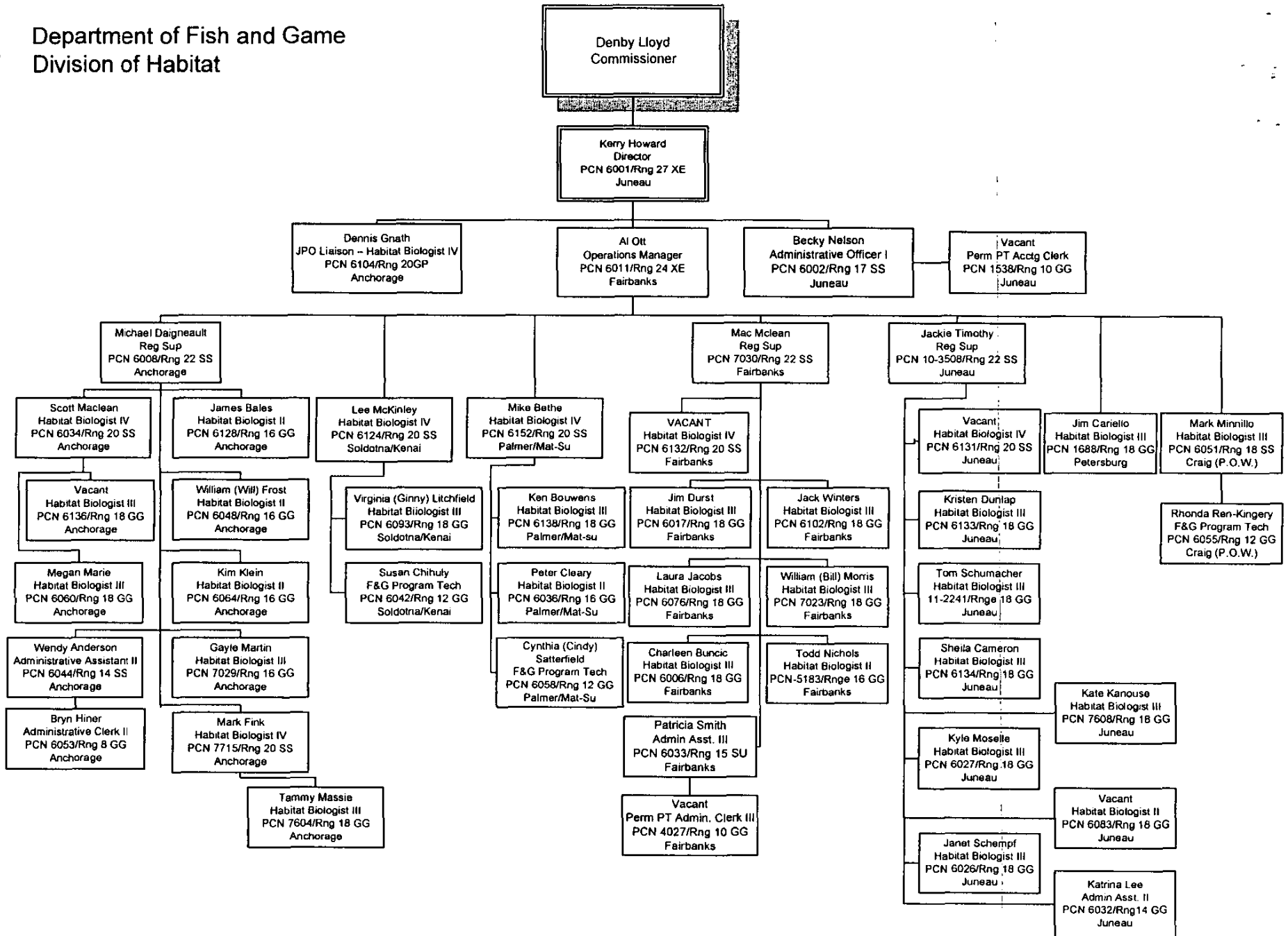
Redoubt Bay
Willow Mountain
Clam Gulch
Anchor River
Fox River
Kachemak Bay
Copper River
Dude Creek
Chilkat River
Homer Airport
State Sanctuaries
McNeil River
Round Island
Pack Creek
State Ranges
Delta Bison

Related topics of interest...
Hunting Permits
SoundsWild
Wildlife News
Wings Over AK

Department of Fish and Game
Division of Habitat

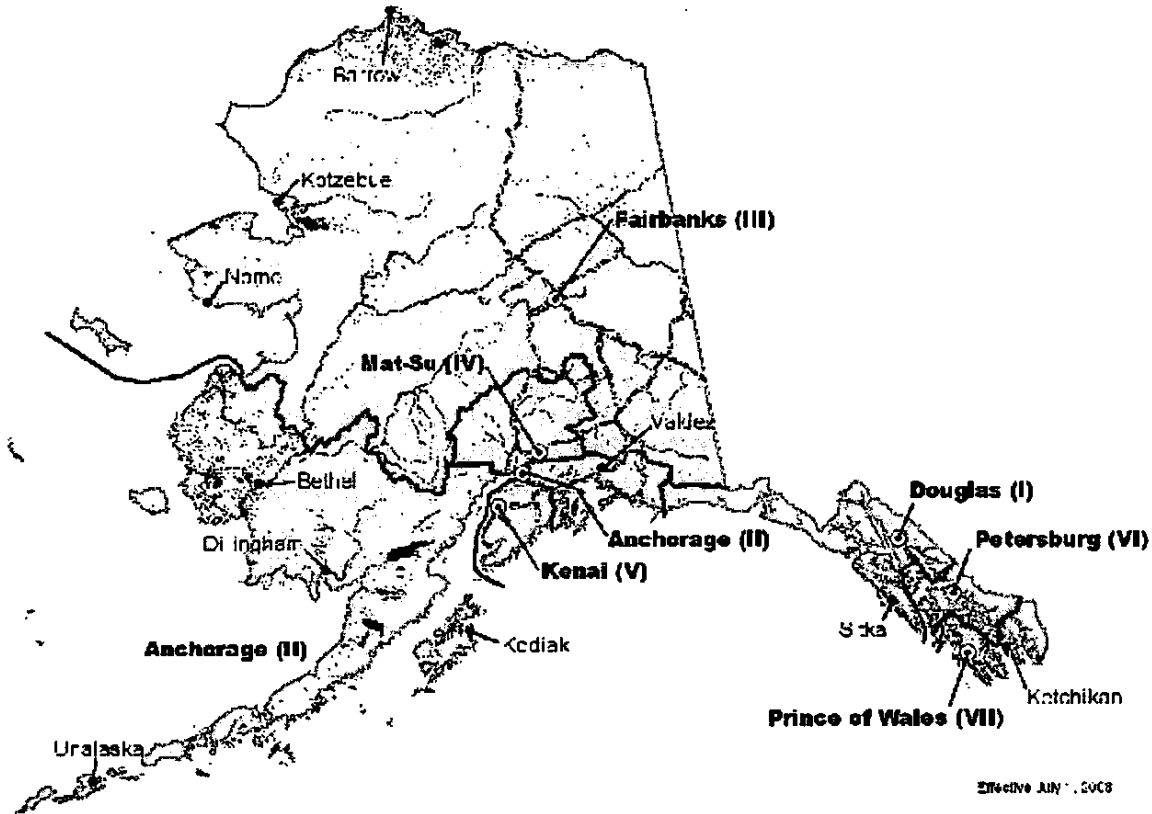


Department of Fish and Game
Division of Habitat





Office Map



Douglas Regional (I) Office
Jackie Timothy, Regional Supervisor
Regional Staff or Statewide Staff List
 802 3rd Street, Room 209
 Douglas, Alaska 99824-5412
 465-4105 phone
 465-4759 fax

- Northern Southeast - Juneau, Douglas, Gustavus, Haines, Skagway, Hoonah, Sitka, Yakutat, Icy Bay
- Game Management Units (GMUs; designations are approximate) 1C & 1D; 4 (most); 5; 6A (east of Cape Suckling)

Top of Page

Anchorage Regional (II) Office
Michael Daigneault, Regional Supervisor
Regional Staff or Statewide Staff List
 333 Raspberry Rd. Suite 2068
 Anchorage, AK 99518
 267-2172 phone
 267-2499 fax

- Municipality of Anchorage, Prince William Sound, Copper River Delta, Alaska Peninsula, Aleutian Islands, Southwest and Western Alaska; Yukon-Kuskokwim Delta - Anchorage, Whittier, Valdez, Cordova, Kodiak, Dillingham, Bethel, Togiak, Unalaska
- GMUs: 6 (west of Cape Suckling); 8; 9; 10; 11 (south of Haley Cr.); 13D (south of Healy Cr.); 14C; 16B (south half); 17; 18; 19A & 19B (west portions)

Fairbanks Regional (III) Office
Robert (Mac) McLean, Regional Supervisor
Regional Staff or Statewide Staff List
1300 College Road
Fairbanks, AK 99701-1551
459-7289 phone
459-7303 fax

Top of Page

- Interior and Northern Alaska; North Slope, Yukon River basin upstream of Paimiut and Kuskokwim River basin upstream of the Holitina River, Copper River basin north of the Chugach Mountains - Fairbanks, Delta Junction, Glennallen, Chitna, Nome, Kotzebue, Barrow
- GMUs: **11 (north of Haley Cr.); 12; east portions of 13A, 13B, & 13D; 13C; 13E (Cantwell and upper Nenana River only); east portions of 19A & 19B; 19C & 19D; 20; 21; 22; 23; 24; 25; 26**

Palmer (Mat-Su) Area (IV) Office
Mike Bethé, Area Manager
Regional Staff or Statewide Staff List
1800 Glenn Highway, Suite 12
Palmer, AK 99645-6736
745-7363 phone
745-7369 fax

Top of Page

- Matanuska/Susitna Basin, Talkeetna Mountains - Palmer, Wasilla, Big Lake, Talkeetna, Trapper Creek
- GMUs: **west portion of 13A, 13B, & 13D; 13E (except Cantwell and upper Nenana River); 14A & 14B; 16A; 16B (north half)**

Soldotna (Kenai) Area (V) Office
Lee McKinley, Area Manager
Regional Staff or Statewide Staff List
514 Funny River Road
Soldotna, AK 99669-8255
714-2478 phone
260-5992 fax

Top of Page

- Kenai Peninsula - Kenai, Soldotna, Homer, Seldovia, Portage, Cooper Landing, Seward
- GMUs: **7; 15**

Petersburg Area (VI) Office
Jim Cariello, Area Manager
Regional Staff or Statewide Staff List
P.O. Box 667
Petersburg, AK 99833-0667
772-5224 phone
772-9336 fax

Top of Page

- Middle Southeast - Petersburg, Wrangell, Kake, Angoon
- GMUs: **1A (northern portion) & 1B; 3; 4 (Admiralty Island from Angoon south)**

Craig (Prince of Wales) Area (VII) Office
Mark Minnillo, Area Manager
Regional Staff or Statewide Staff List
P.O. Box 668
Craig, AK 99921-0668
826-2560 phone
826-2562 fax

Top of Page

- Southern Southeast - Prince of Wales, Dall, Long, Revillagigedo, and Gravina islands; - Ketchikan, Craig, Klawock, Thorne Bay, Hyder, Hydaburg, Coffman Cove;
 - GMUs: **1A (most); 2**
-

DIVISION OF HABITAT

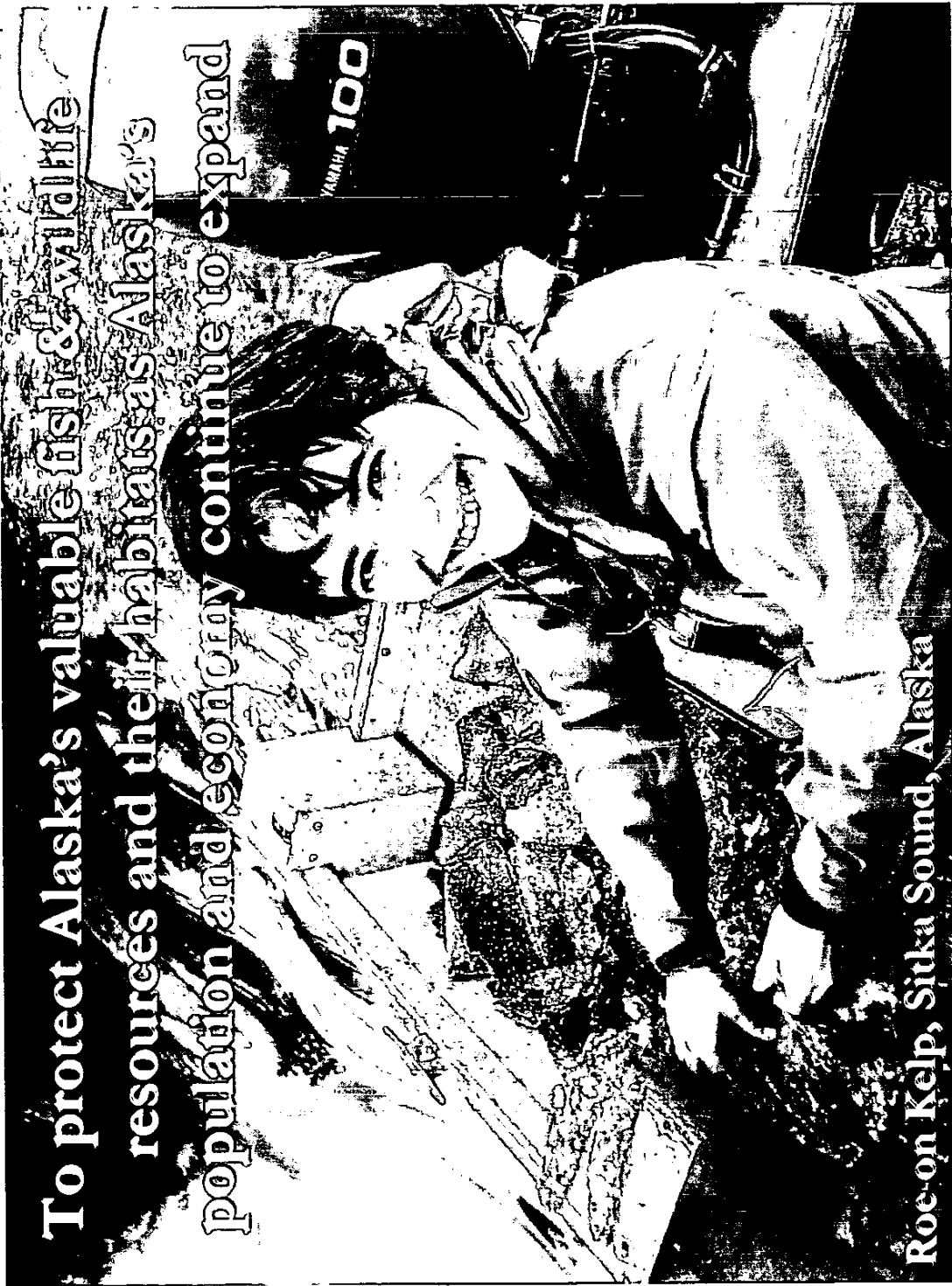


Kerry Howard, Director

<http://www.habitat.adfg.alaska.gov/>

Mission Statement

To protect Alaska's valuable fish & wildlife resources and their habitats as Alaska's population and economy continue to expand



Roe-on Kelp, Sitka Sound, Alaska

Habitat Statutory Authorities

- © AS 16.05.841
Fish Passage
- © AS 16.05.871
Fish Habitat



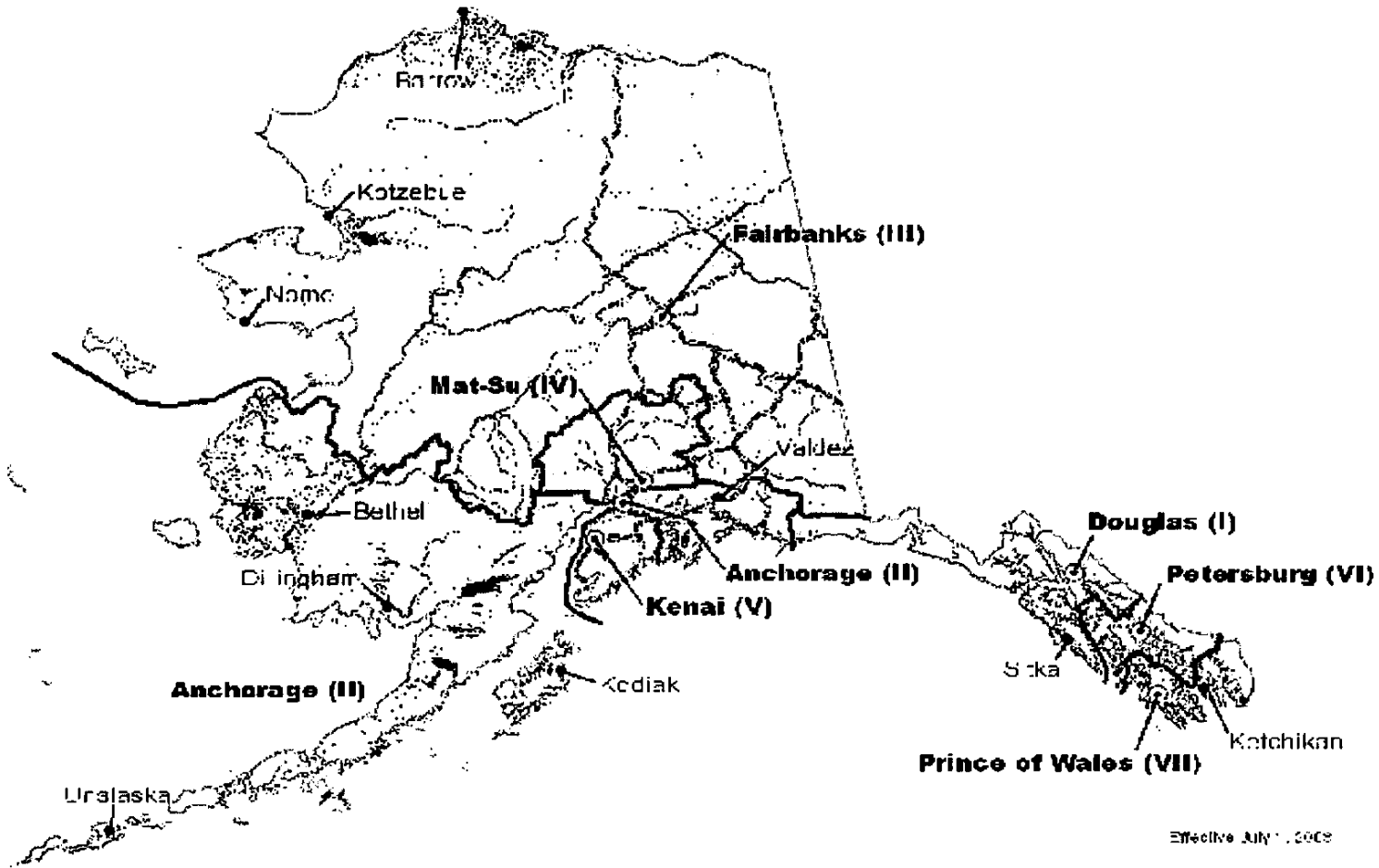
Sockeye Salmon, Steep Creek, Juneau, Alaska

Habitat Workload Priorities



- ❖ **Anadromous Waters Catalog**
- ❖ **Title 16 Fish Habitat and Special Area Permits**
- ❖ **Alaska Coastal Management Consistency Reviews**
 - ❖ **Emphasis on Title 16 Permits or important habitat issues not addressed by other authorities**
- ❖ **Forest Resources and Practices Act implementation**
- ❖ **Large Projects of importance to the State**
- ❖ **Special Area Planning, and**
- ❖ **Research to aid in permitting decisions**

Habitat Offices



Effective JUN 1, 2008

Habitat decisions are made
uniformly Statewide

Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes



Caroline Creek, Juneau, Alaska



Catalog & Atlas Updates

- ▣ Yearly Updates to 5 AAC 95.011
 - ▣ Nominations
 - ▣ Additions
 - ▣ Deletions
 - ▣ Definitions

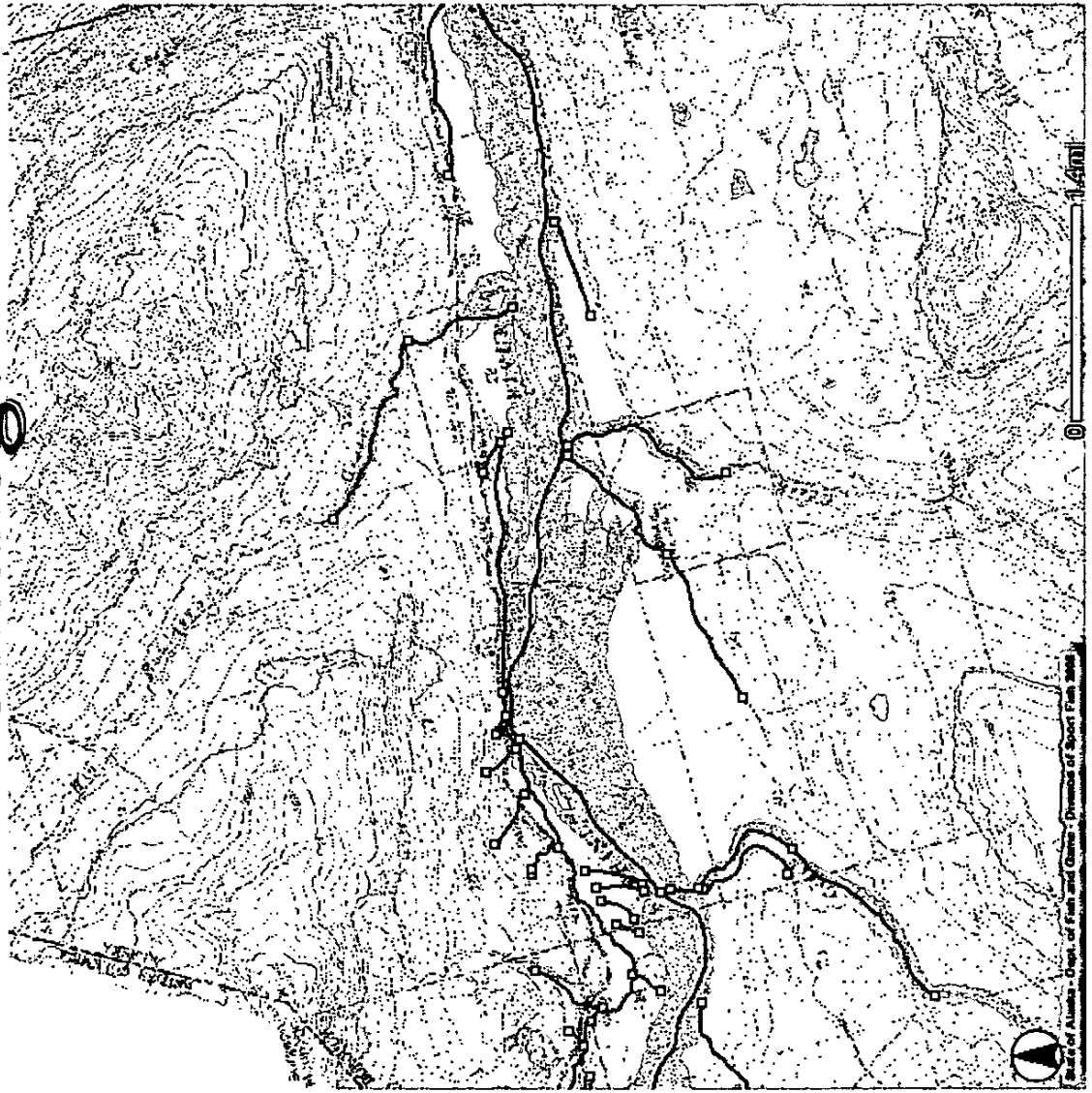
- ▣ Historical Database

- ▣ Define the extent of .871 permitting authority



**Airport Ditch,
Gustavus, Alaska**

How do we use the Catalog?



tag grayling at dog mine freshwater reservoir



dog grayling ft. knox mine



stream survey sardou dog mine



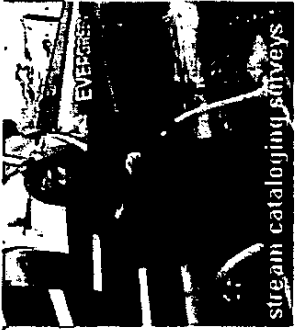
stream cross section measurements grebens, ck



fish sampling ikalukmiq river



fish survey ft. knox



stream cataloging surveys



juvenile trout surveys stony creek

trout sampling ft. knox

electro-fishing training



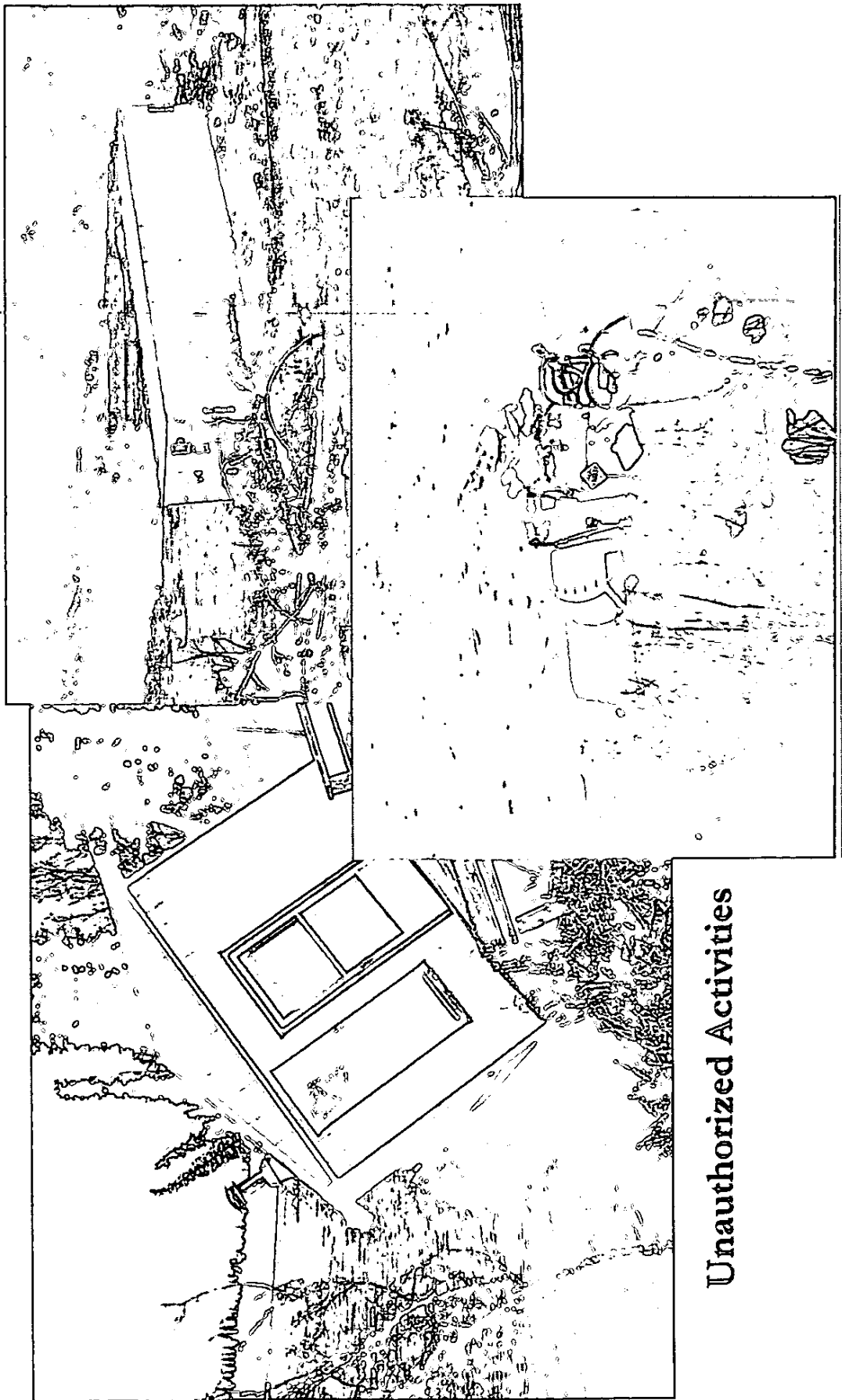
stream crossing exams

Title 16 Fish Habitat Permits



Multi-use trail bridge, Tidewater Slough, Girdwood , Alaska

Protect Anadromous Fish Habitat



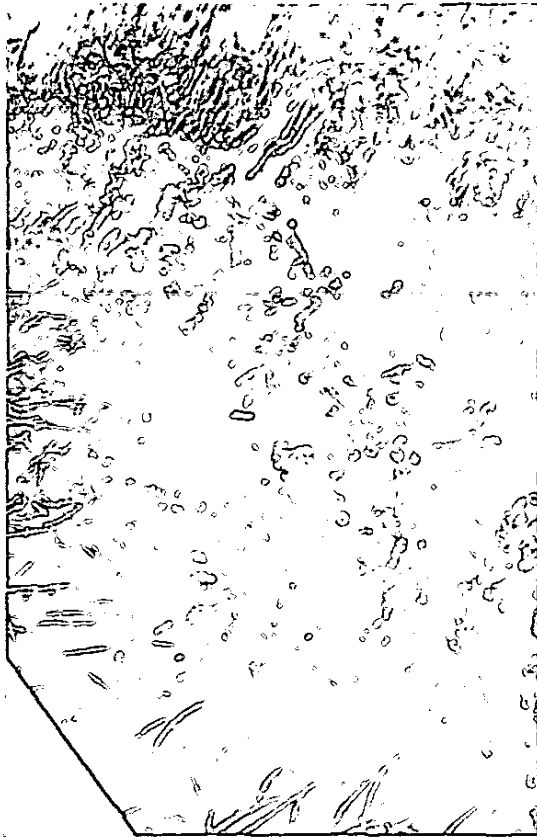
Unauthorized Activities

Instream Activities

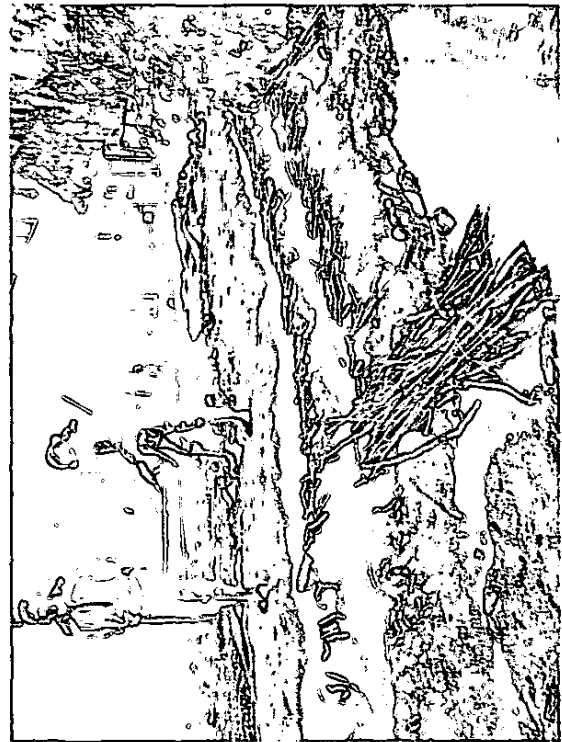


Bank Stabilization

S P R U C E



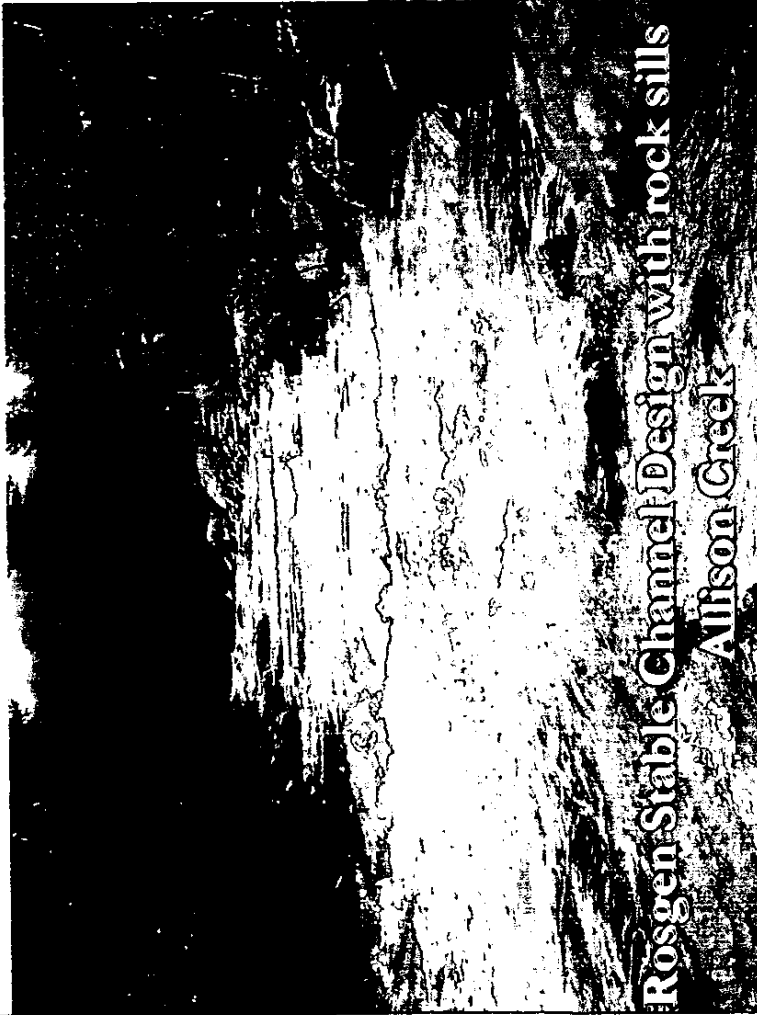
C O M B O



R I P R A P

W I L L O W

Stream Reconstruction



Rosgen Stable Channel Design with rock sills
Allison Creek



Rosgen Stable Channel Design, Marion Creek

Fish Enhancement

F I S H L A D D E R S



Cannery Creek



Baranof Island



Tialfo Falls



Kizuchia Creek

S T E P P O O L S

Stream Crossings



Fords



Bridges

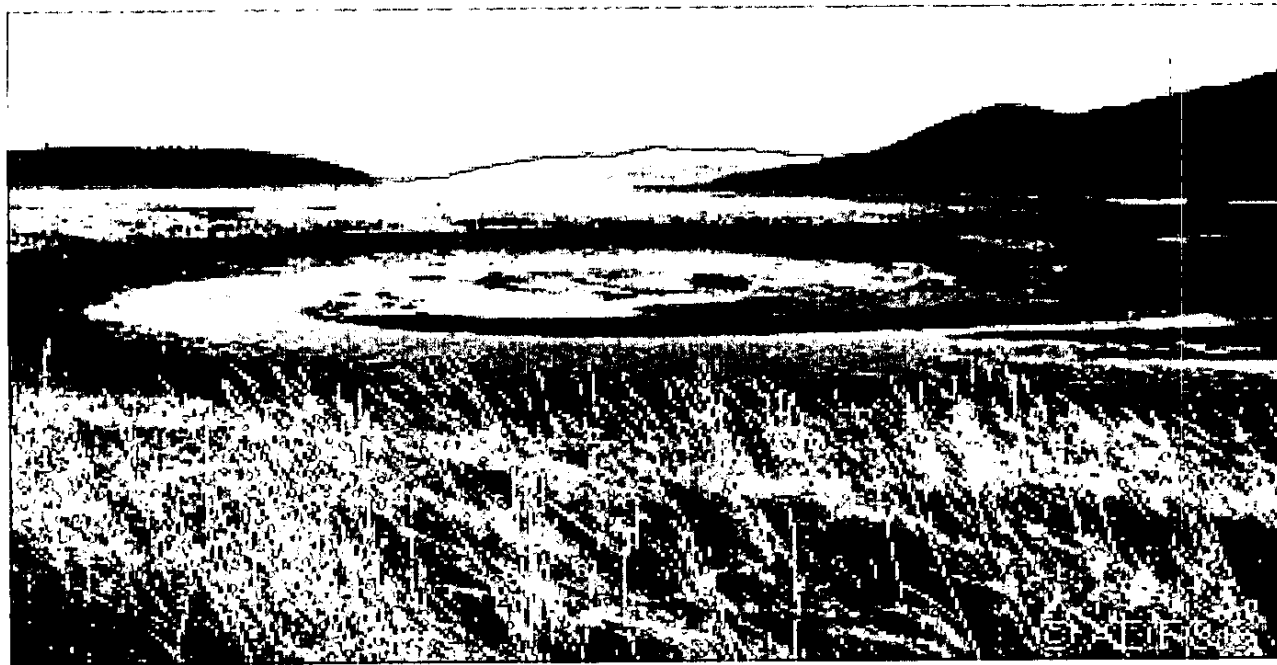


Culverts

- Most activities that require a T16 Fish Habitat Permit are generally consistent with the Alaska Coastal Management Program

Special Area Permitting

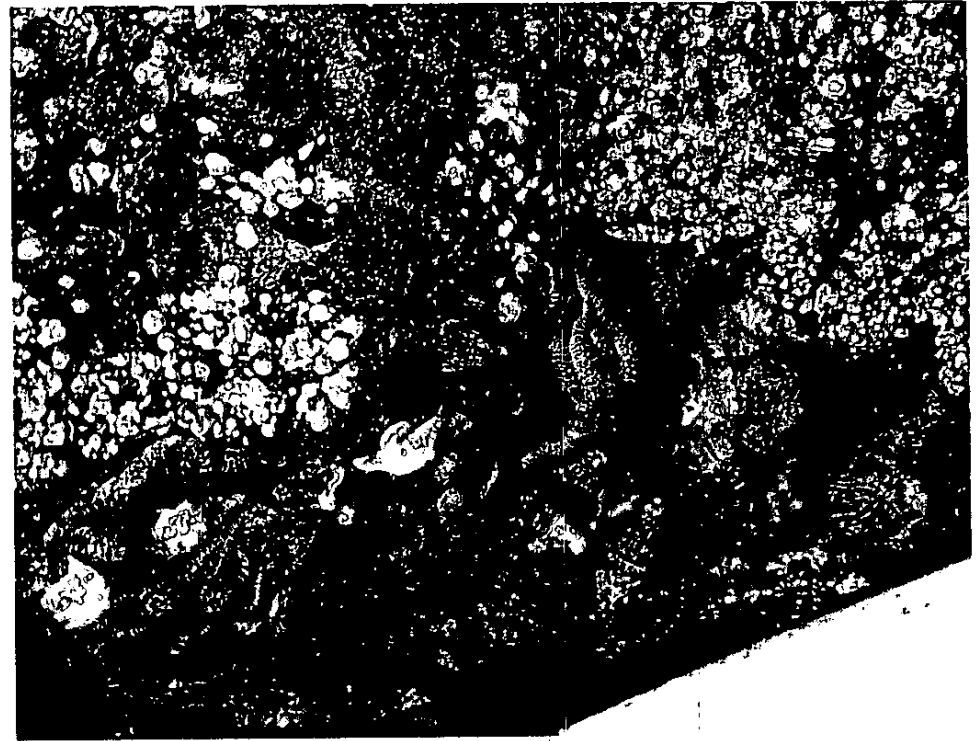
- A Special Area Permit is required for many land and water use activities conducted in one of these legislatively designated areas.



Mendenhall Wetlands State Game Refuge

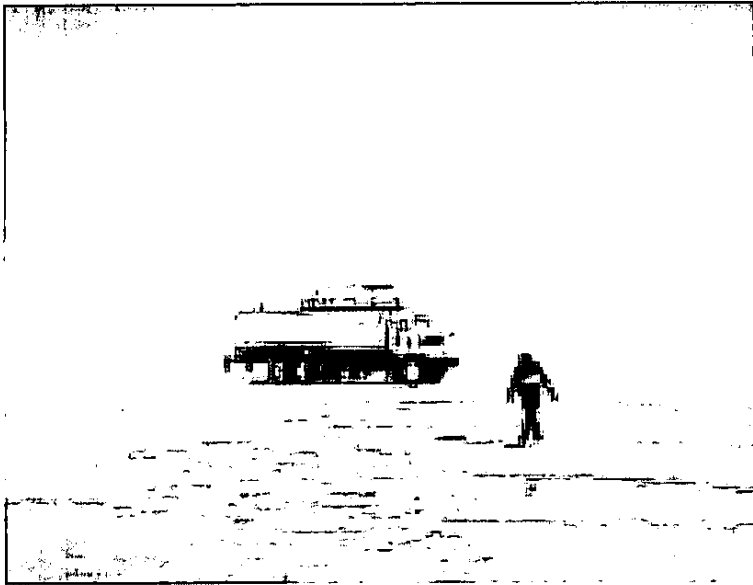
Alaska Coastal Management Program Consistency Review

- © Any combination of these are reviewed for consistency with ACMP State Standards
 - © State permitted activities
 - © Federally permitted activities
 - © Federal Actions



Coastal Standards

Regulatory Standards that address an array of uses and activities

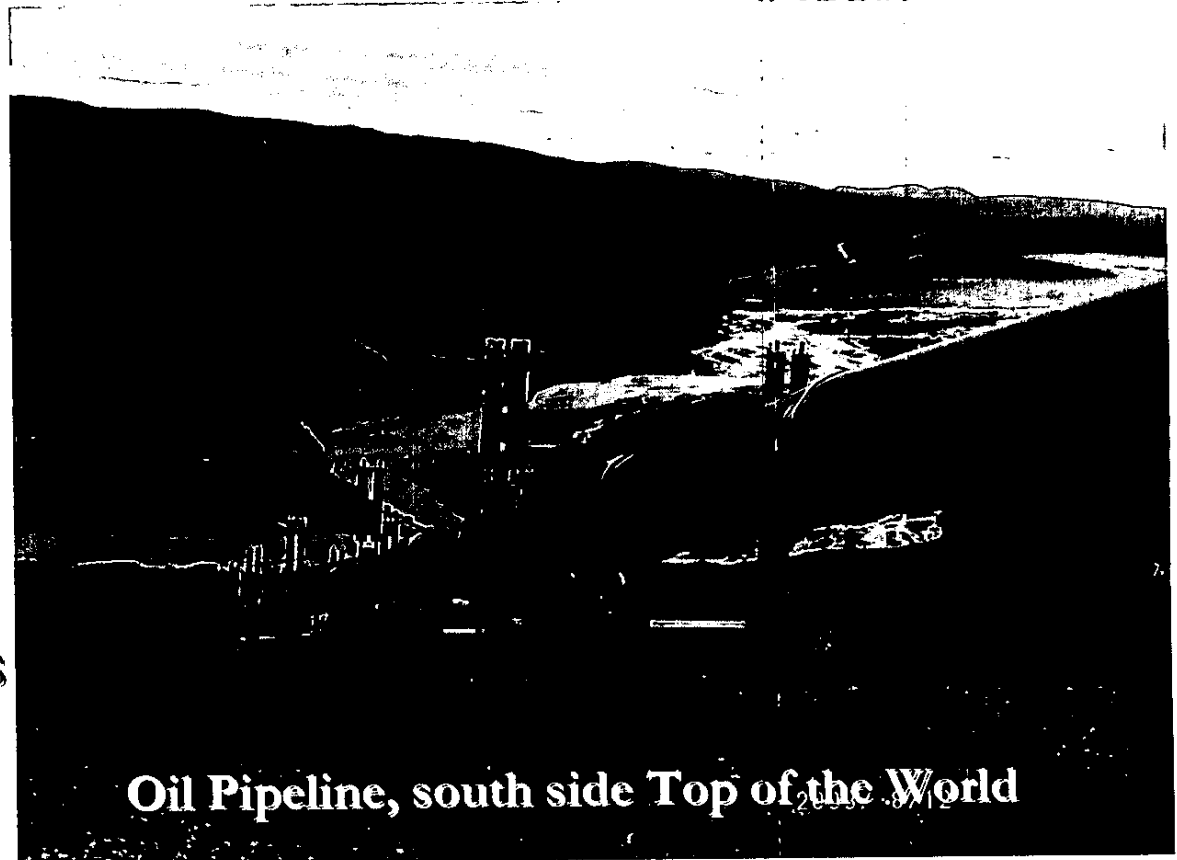


Pump Truck on the North Slope

- ⦿ **Coastal Development**
- ⦿ **Coastal Access**
- ⦿ **Air, Land & Water Quality**
- ⦿ **Natural Hazard Areas**
- ⦿ **Historic, Prehistoric, & Archeological Resources**

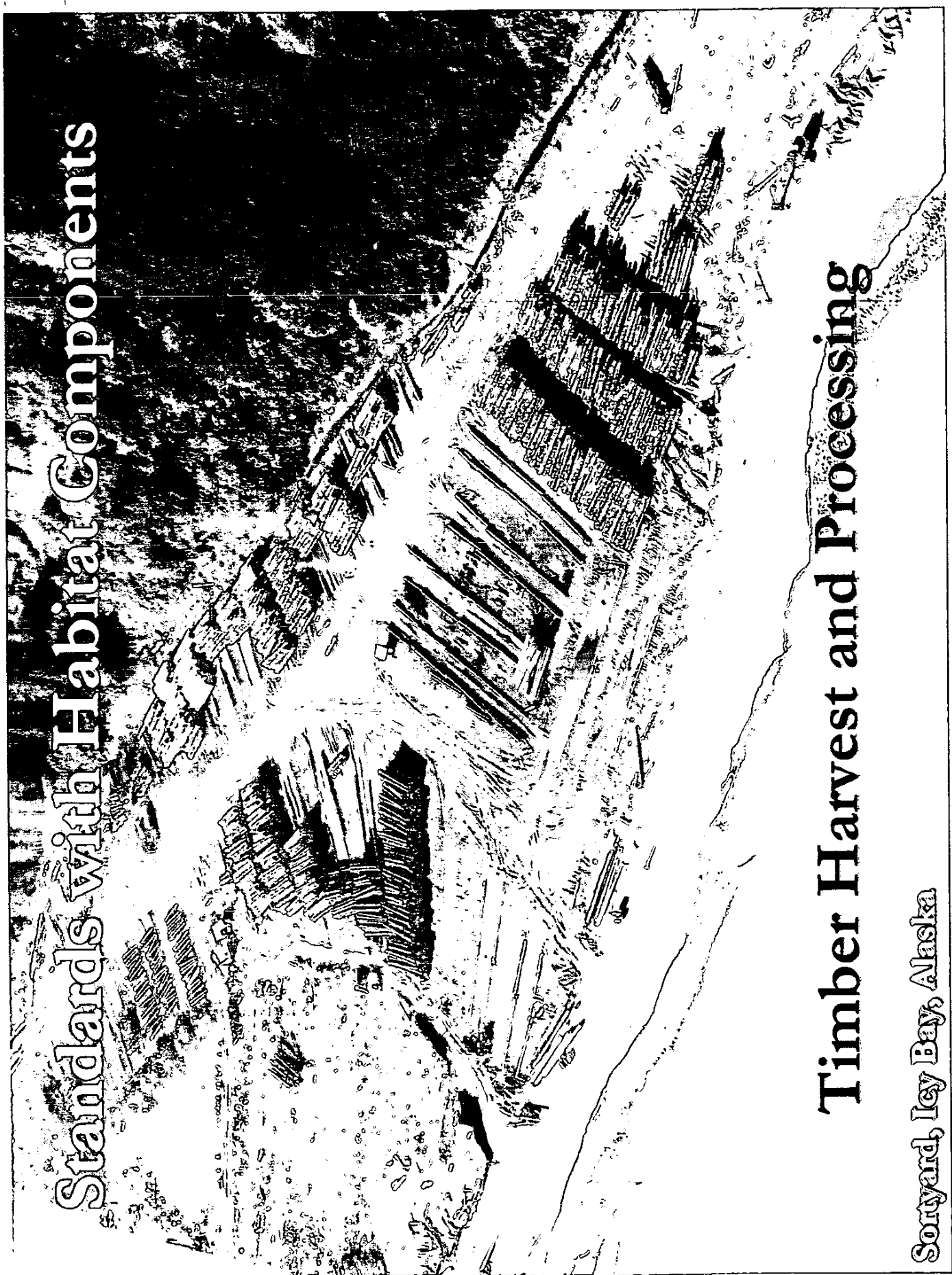
Standards with Habitat Components

- Energy Facilities
- Utility Routes and Facilities
- Sand and Gravel Extraction
- Transportation routes and facilities



Oil Pipeline, south side Top of the World

Standards with Habitat Components



Timber Harvest and Processing

Sortyard, Icy Bay, Alaska

Title 16 plus FRPA



Jackie Timothy and John Hillman ID Fish near Hoonah, Alaska

Habitats Standard

Offshore areas

Estuaries

Wetlands

Tideflats

Rocky islands & sea cliffs

Barrier islands & lagoons

Exposed high-energy coasts

Rivers, streams, & lakes & the

active floodplains & riparian

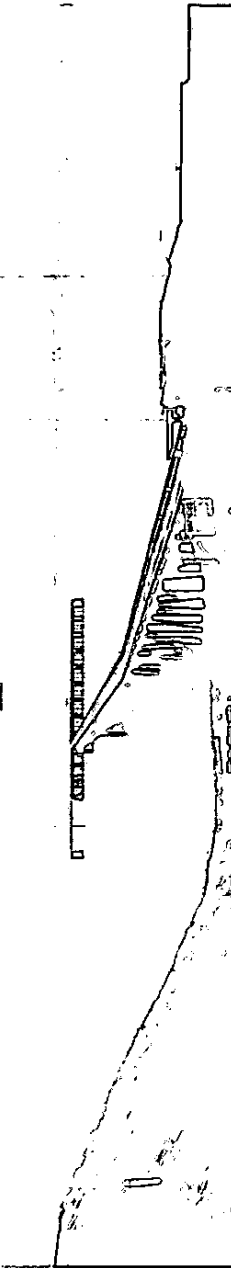
management areas of those

rivers, streams, & lakes

Important habitat

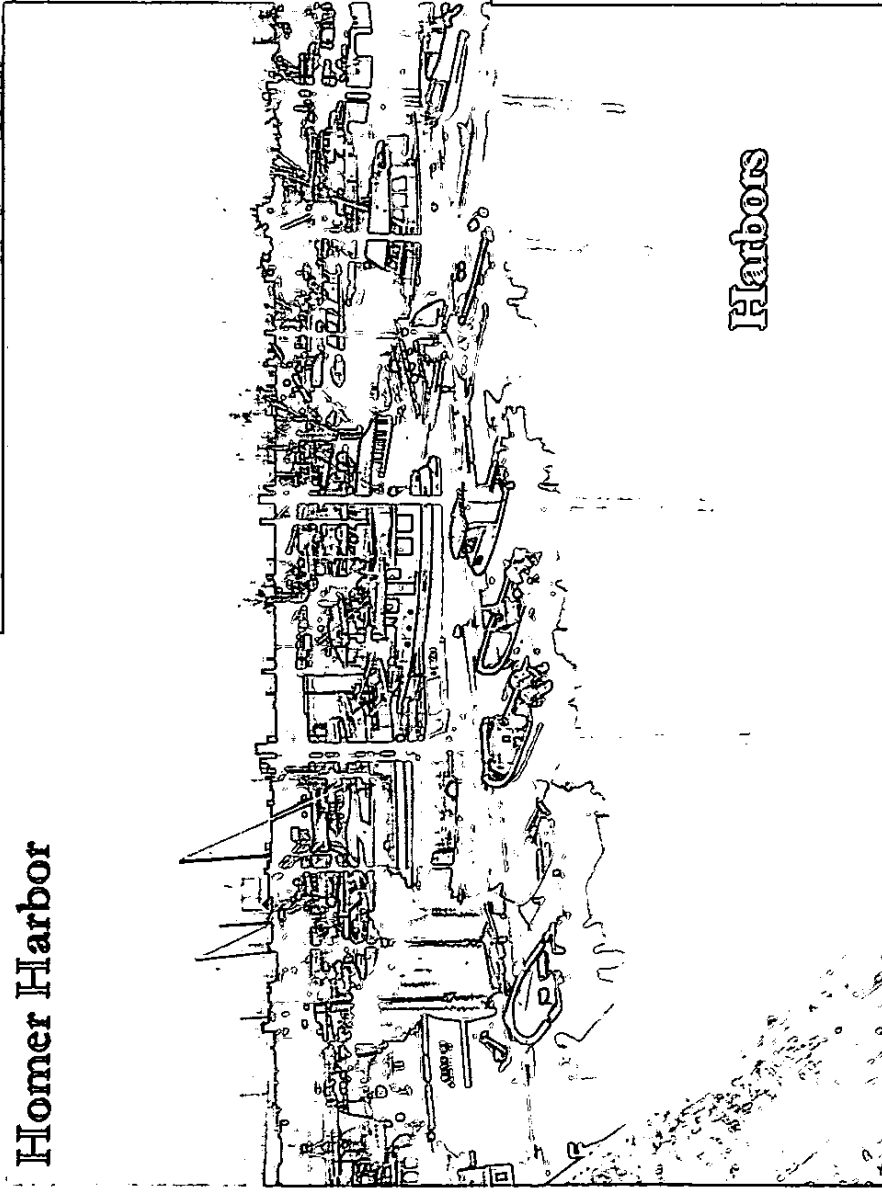
Tyonek Dock

Marine Development



Docks

Homer Harbor



Harbors

Wetland Development



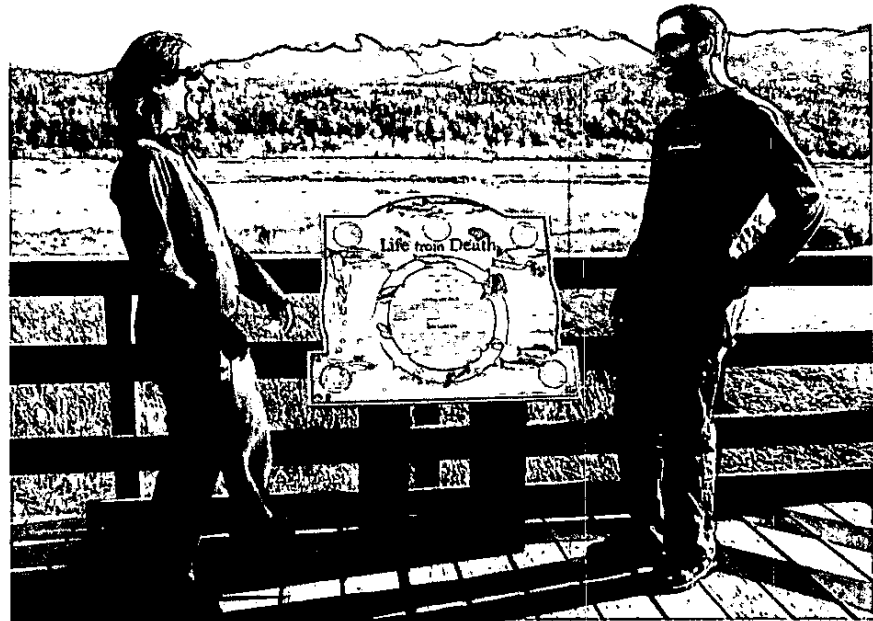
Large Projects of Importance to the State



Red Dog Mine

Special Area Planning

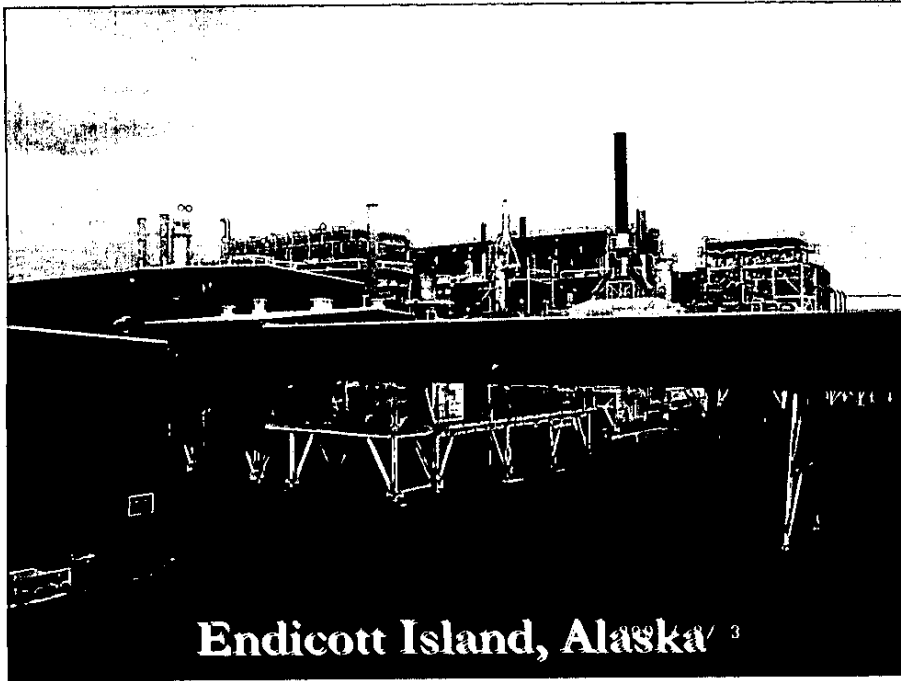
- As mentioned before, there are 32 areas statewide. A plan is developed for each, which provides further detail on how the area is to be managed.
- Plans underway are Izembek and the Bristol Bay CHAs



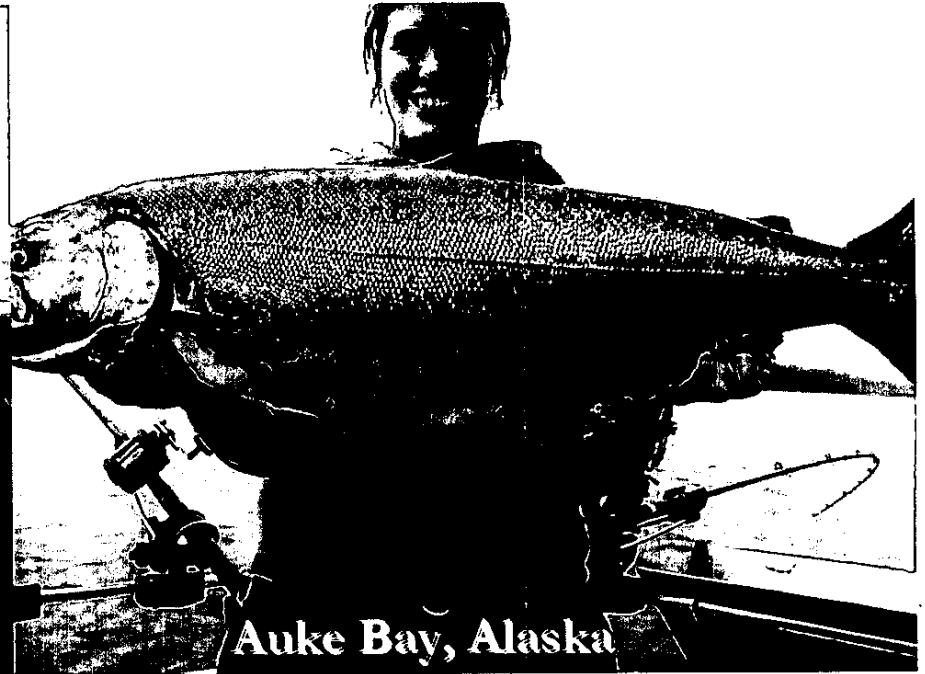
Potter Marsh, Anchorage Coastal Wildlife Refuge

Alaska State Constitution

Article VIII, Natural Resources



Endicott Island, Alaska³



Auke Bay, Alaska

- Section 1 encourages the development of land and utilization of resources recognizing the collective interests of the public

Alaska State Constitution

Article VIII, Natural Resources



➤ In addition to development and utilization, conservation is a resource management objective in Section 2

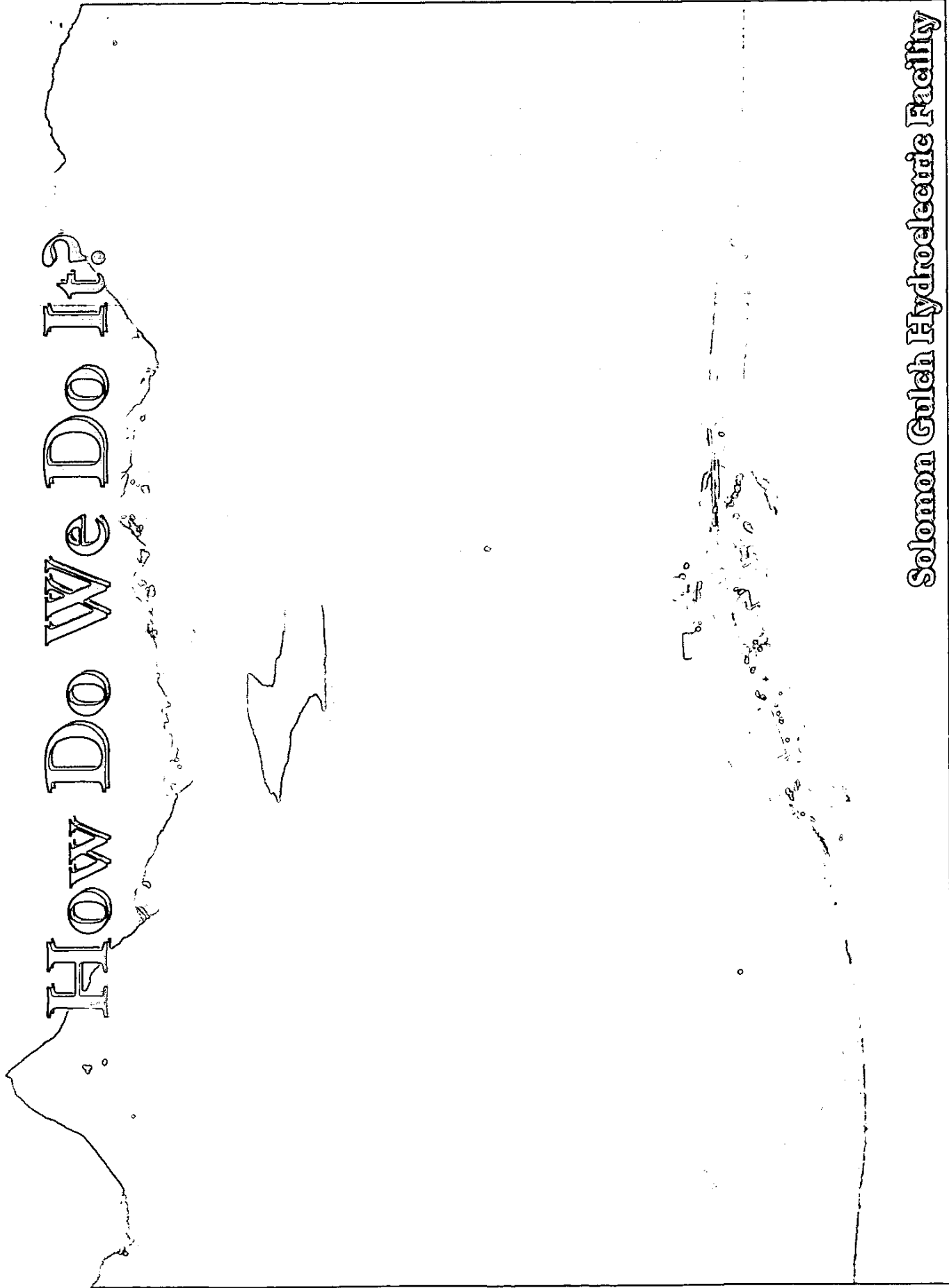
Alaska State Constitution

Article VIII, Natural Resources

- **Habitat Biologists are tasked to find the often delicate balance between resource development and resource protection**



How Do We Do It?



Solomon Gulch Hydroelectric Facility

Get Involved Early in Process

- Assist applicants during project planning phases to identify and resolve issues up front



Duffield Peninsula Habitat Enhancement



Solve Problems During Review

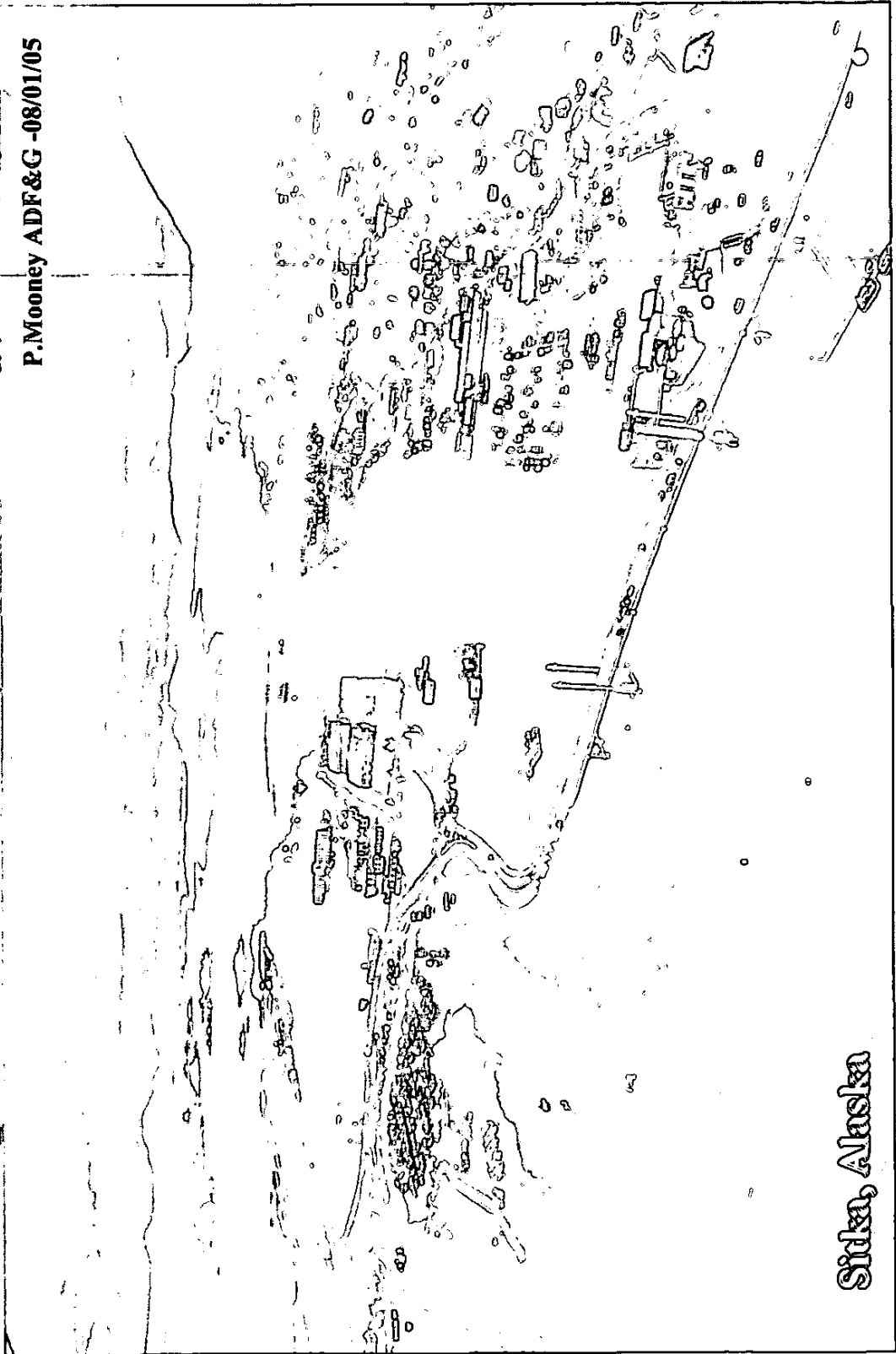
- Consider site-specific conditions and develop alternatives to resolve remaining issues

37 Mile Creek, Fairbanks Alaska

Be Realistic

• Anticipate community and economic growth

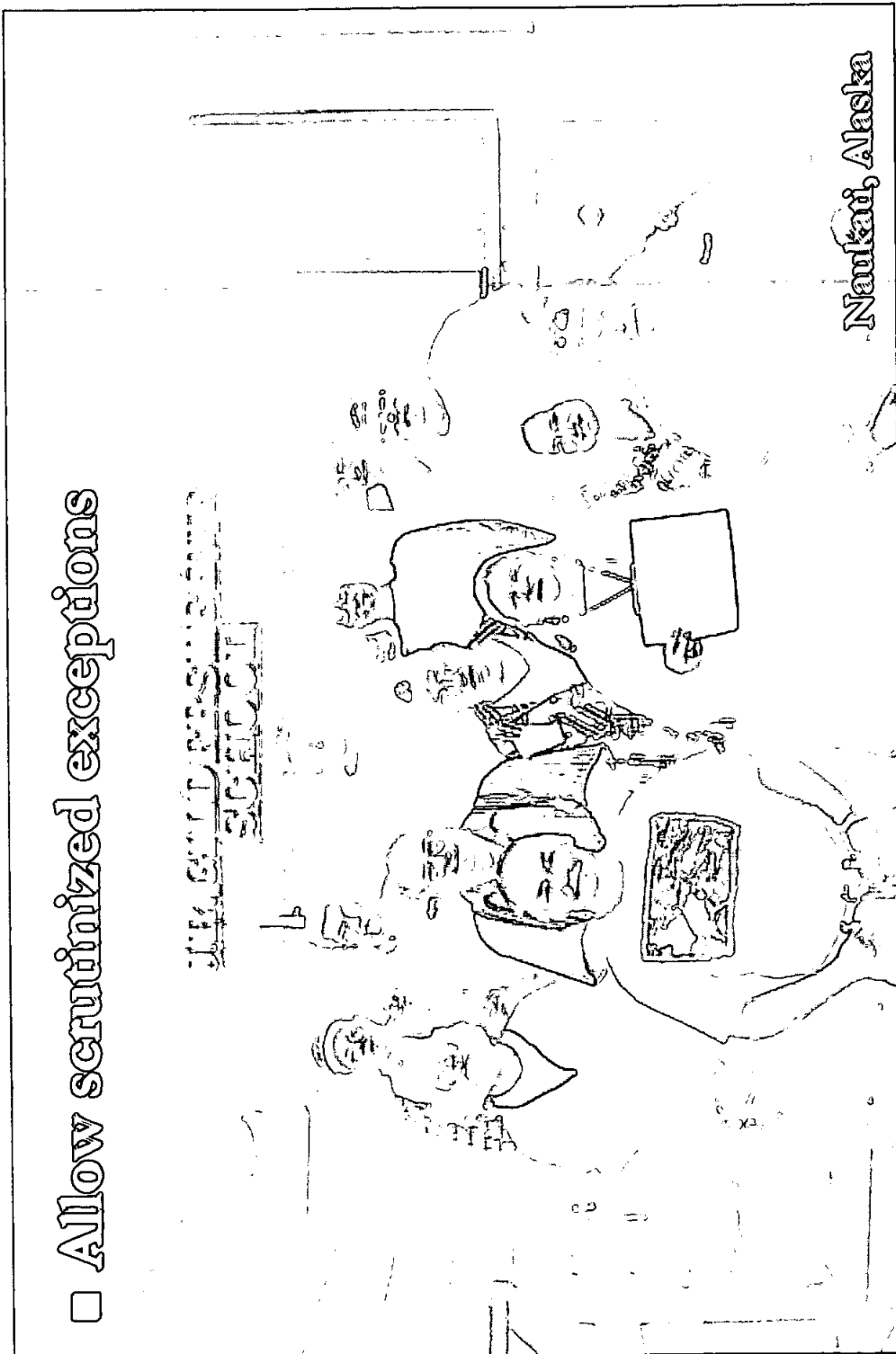
P.Mooney ADF&G -08/01/05



Sitka, Alaska

Be Flexible

- Allow scrutinized exceptions



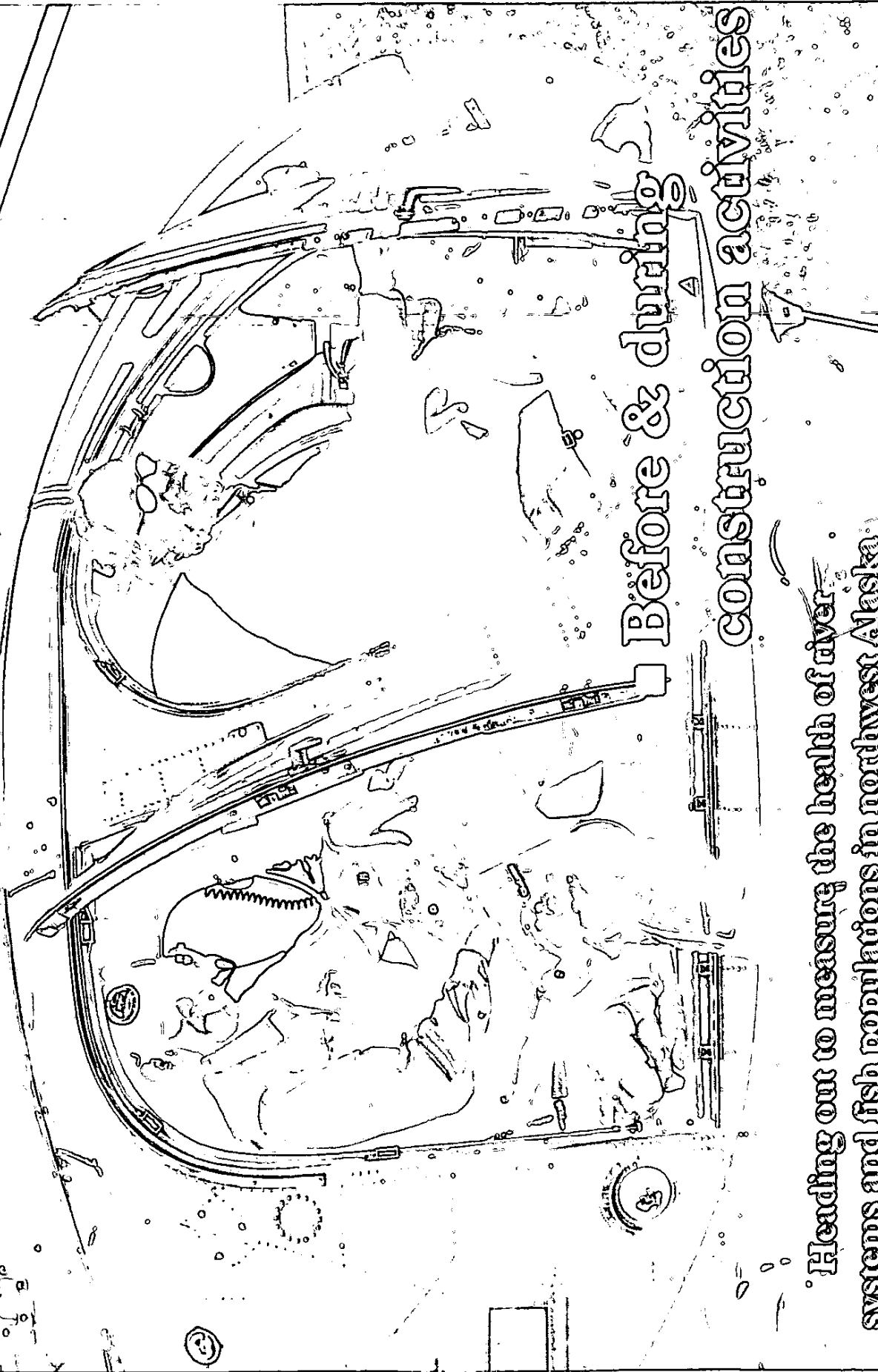
Research

Conduct fish and
wildlife studies
when information
is needed for
permitting
decisions

Grayling studies
Bons Reservoir
Northwest Alaska



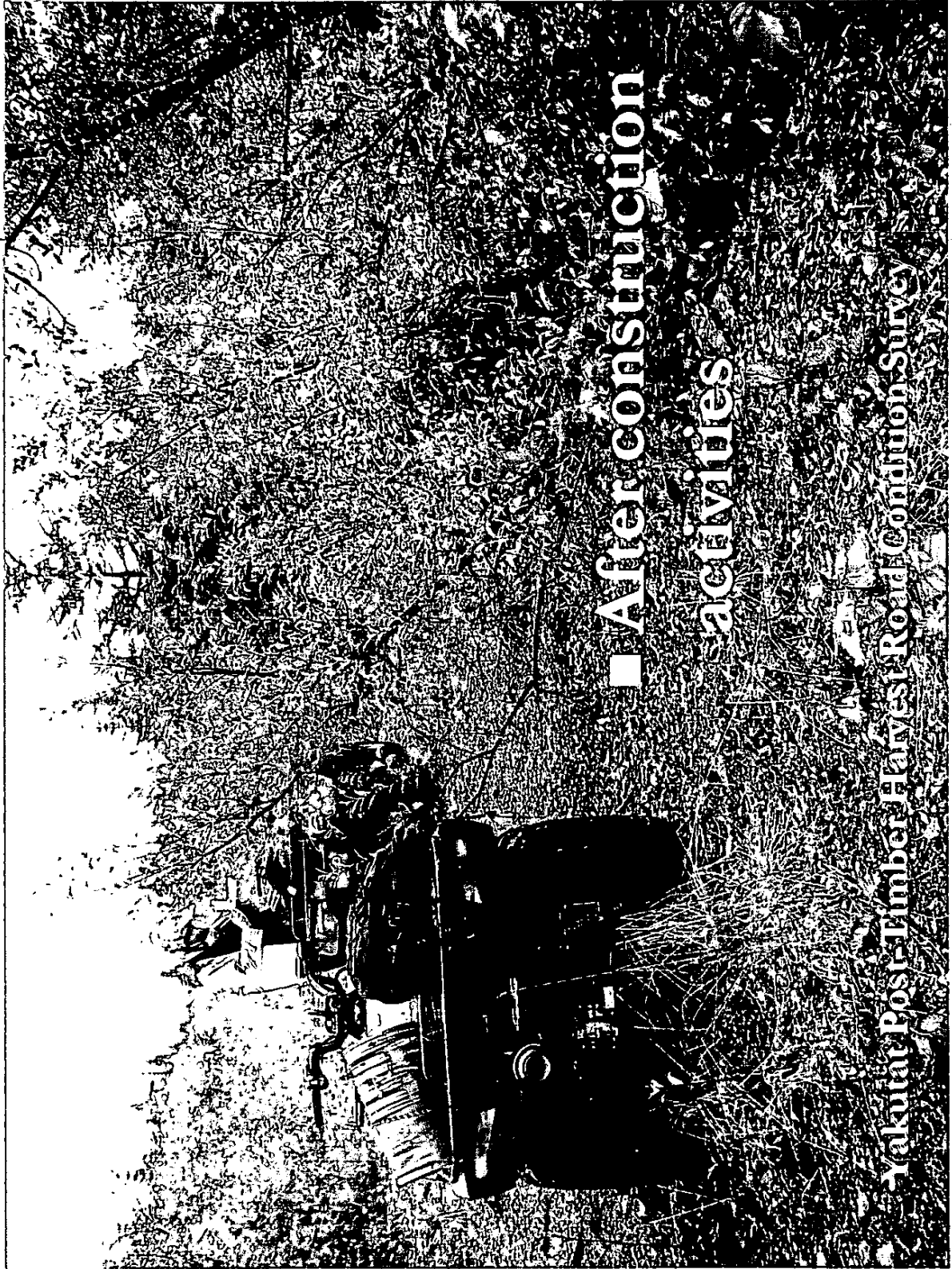
G-FMA Monitor Projects



Before & during
construction activities

Heading out to measure the health of river systems and fish populations in northwest Alaska

Monitor Projects



■ After construction activities

Yakutat Post-Timber Harvest Road Condition Survey

Strong Field Presence



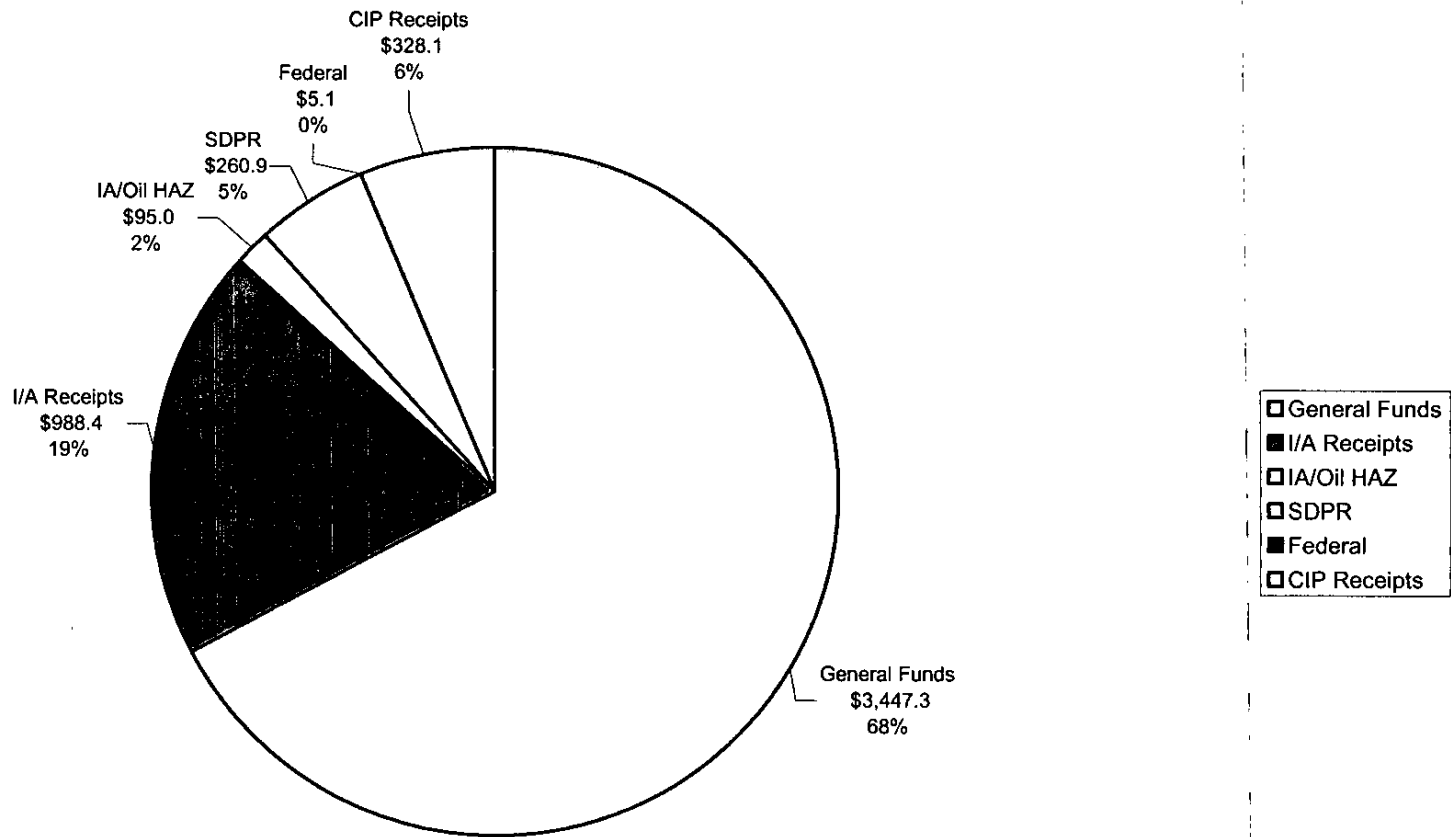
Questions?



Habitat FY10 Estimated Budget Line Item Projections By Funding Source

Fund Source	Line 100	Line 200	Line 300	Line 400	Line 500	Total by Funding Source
General Funds	\$2,733.3	\$175.0	\$428.6	\$110.4	\$0.0	\$3,447.3
Interagency Receipts	\$783.6	\$31.5	\$152.3	\$21.0	\$0.0	\$988.4
Interagency Receipts/Oil & Hazardous Waste	\$78.0	\$0.0	\$17.0	\$0.0	\$0.0	\$95.0
Capital Improvement Receipt	\$328.1	\$0.0	\$0.0	\$0.0	\$0.0	\$328.1
Federal	\$0.0	\$0.0	\$5.1	\$0.0	\$0.0	\$5.1
Statutory Designated Program Receipts	\$181.3	\$9.2	\$61.9	\$8.5	\$0.0	\$260.9
					\$0.0	
Total by Line Amount	\$4,104.3	\$215.7	\$664.9	\$139.9	\$0.0	\$5,124.8

Department of Fish and Game Division of Habitat FY10 Funding Sources



Performance

State of Alaska > Governor > OMB > Performance > Agency List > Habitat Mgt & Permitting

Department of Fish and Game

Habitat

[Results Summary](#) | [Details](#) | [Questions/Comments](#)

Mission

Protect Alaska's valuable fish and wildlife resources and their habitats as Alaska's population and economy continue to expand.

Core Services

- Review applications and issue permits for activities in anadromous waterbodies and fish-bearing waters and legislatively designated Special Areas (Title 16); provide expertise to protect important fish and wildlife habitat; monitor authorized projects and conduct compliance actions.
- Maintain and revise the Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes.
- Manage Alaska's Special Areas in accordance with legislative guidelines; prepare and update management plans for these areas.
- Review proposed timber harvest activities; conduct field inspections; work cooperatively with timber operators and other governmental agencies.
- Review development projects (e.g., oil and gas, hard-rock mining, roads, T16 elements of hydropower projects) authorized under other agencies' authorities.
- Conduct applied research to develop methods and means to minimize impacts of development projects on fish and wildlife resources.

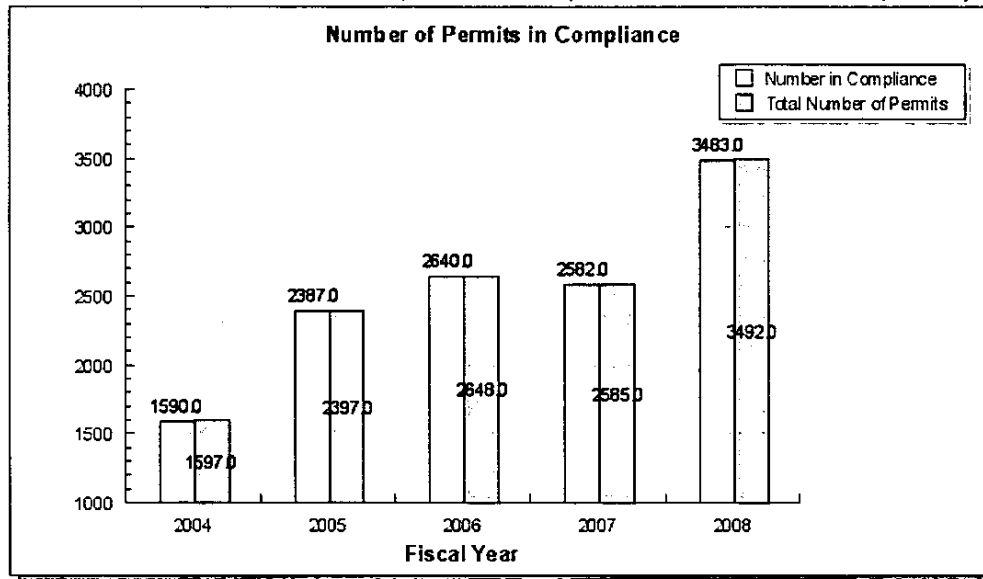
End Result: >>>	Strategies to Achieve End Result
<p>A: Protect Alaska's valuable fish and wildlife resources and their habitats during resource development activities. Details ></p> <ul style="list-style-type: none"> • TARGET #1: 100% of resource developers meet agency requirements for protection of fish, wildlife, and their habitats. • STATUS #1: In FY08, 99.74% of all developers were in compliance with issued Fish Habitat permits, just short of the target. 	<p>A1: Enhance our Fish Habitat and Special Area review processes by reviewing projects in a timely manner, adding appropriate conditions to protect resources, and monitoring, as needed. Details ></p> <ul style="list-style-type: none"> • TARGET #1: 8.25-day average permit review timeframe for Fish Habitat Permits • STATUS #1: In FY 08, Fish Habitat permits were reviewed and issued in an average of 5.7 days, statewide, meeting the target. • TARGET #2: 100% of Fish Habitat permit applications are reviewed and either: 1) approved as proposed; 2) approved after modification with appropriate conditions to protect resources; or 3) denied if resources could not be protected. • STATUS #2: Habitat moved back to ADF&G in FY 09. With the move, this statistic was reworded from previous years. Data for this revised statistic will be available beginning in FY 09. • TARGET #3: 15-day average permit review time for Special Area permits. • STATUS #3: Habitat moved back to ADF&G in FY 09 and resumed Special Area permitting responsibilities. Data for this statistic will be available beginning in FY 09. • TARGET #4: 100% of Special Area Permit applications are reviewed and either : 1) approved as proposed; 2) approved after modification with appropriate conditions to protect resources; or 3) denied if resources could not be protected. • STATUS #4: Habitat moved back to ADF&G and resumed responsibility for the issuance of Special Area permits. Data for this statistic will be available beginning in FY 09. <p>A2: Actively and timely participate in coordinated project reviews to ensure appropriate protection of important habitats. Details ></p> <ul style="list-style-type: none"> • TARGET #1: 10.4-day average timeframe for a coordinated project review. • STATUS #1: In FY 08, coordinated project reviews were

	<p>completed in an average of 8.4 days, statewide, meeting the target.</p> <ul style="list-style-type: none"> ● TARGET #2: 93.0% of projects in a coordinated process are reviewed to ensure appropriate protection of important habitat. ● STATUS #2: In FY 08, 94.6% projects in a coordinated process were reviewed to ensure appropriate protection of important habitat, exceeding the target of 93%. <p>A3: A3: Continue to actively manage legislatively designated Special Areas by developing and updating management plans. Details ></p> <ul style="list-style-type: none"> ● TARGET #1: One Special Area management plan completed or revised each fiscal year. ● STATUS #1: Habitat moved back to ADF&G in FY 09 and resumed Special Area planning duties. In FY 08, Sport Fish Division, who previously managed these areas, expected to complete a plan for the Izembek State Game Refuge and to revise the existing plans for 2 areas—McNeil River State Game Refuge and McNeil River State Game Sanctuary.
--	---

Performance Detail

A: Result - Protect Alaska's valuable fish and wildlife resources and their habitats during resource development activities.

Target #1: 100% of resource developers meet agency requirements for protection of fish, wildlife, and their habitats.
Status #1: In FY08, 99.74% of all developers were in compliance with issued Fish Habitat permits, just short of the target.



Methodology: Total numbers of permits in compliance compared to total number of permits.

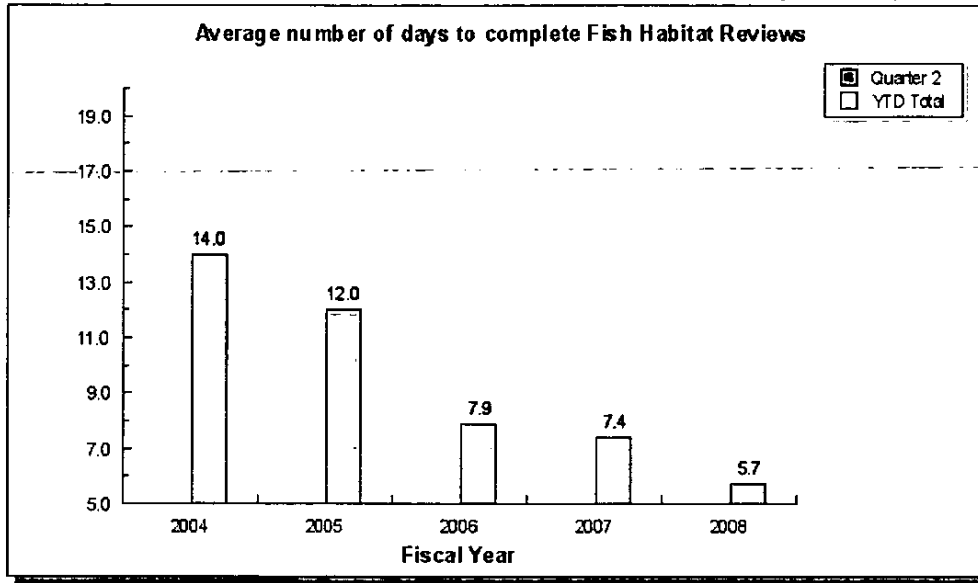
Analysis of results and challenges: In FY 08, 99.74% of all developers were in compliance with Fish Habitat permits. The above percentage reflects projects where permits have been successfully issued and the developer is in compliance with their approved permit conditions. This percentage is an indication of our success in protecting fish, wildlife, and their habitats, while allowing approvable development activities to proceed. Further, the number of Fish Habitat permit applications has remained high, and increased substantially in FY 08. Trend-wise, this data indicates that Habitat continues to consistently achieve a high level of habitat protection simultaneous with increased permit activity.

In FY09, Habitat moved back to ADF&G and resumed responsibility for issuance of Special Area Permits. Beginning in FY 09, this statistic will also reflect compliance with Special Area permits.

A1: Strategy - Enhance our Fish Habitat and Special Area review processes by reviewing projects in a timely manner, adding appropriate conditions to protect resources, and monitoring, as needed.

Target #1: 8.25-day average permit review timeframe for Fish Habitat Permits

Status #1: In FY 08, Fish Habitat permits were reviewed and issued in an average of 5.7 days, statewide, meeting the target.



Methodology: Average permit review time, statewide.

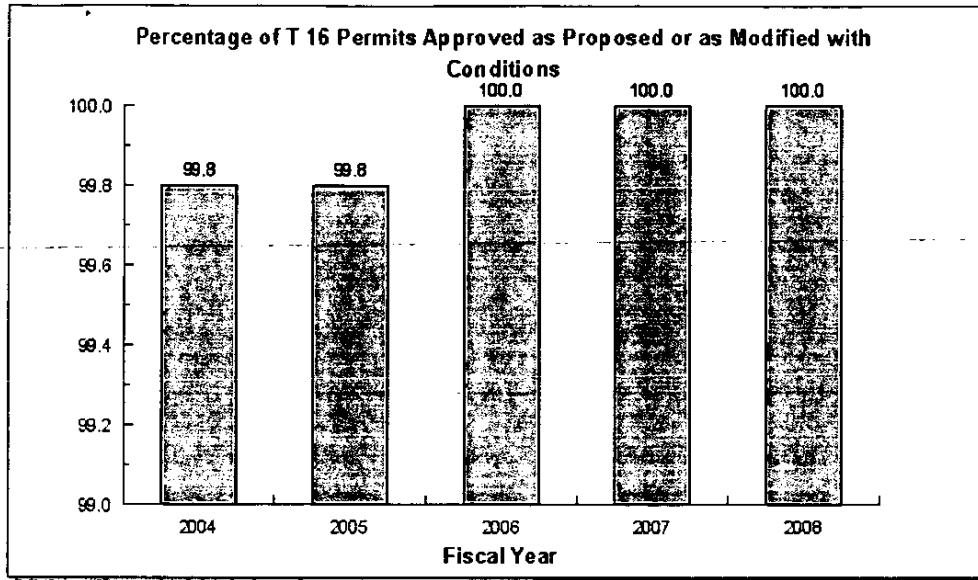
Average number of days to complete Fish Habitat Reviews

Fiscal Year	Ave. # of Days
FY 2008	5.7
FY 2007	7.4
FY 2006	7.9
FY 2005	12
FY 2004	14

Analysis of results and challenges: The Habitat Division quickly processes permit applications and our average review timeframe continues to improve. Our FY 08 average was 5.7 days. This statistic indicates that our permits are timely issued, and development activities are not delayed by our permit decision. Further, the number of T16 applications increased significantly in FY 08. For FY 09, our target average permit review timeframe is 8.25 days (the previous 4-year performance average).

Target #2: 100% of Fish Habitat permit applications are reviewed and either: 1) approved as proposed; 2) approved after modification with appropriate conditions to protect resources; or 3) denied if resources could not be protected.

Status #2: Habitat moved back to ADF&G in FY 09. With the move, this statistic was reworded from previous years. Data for this revised statistic will be available beginning in FY 09.



Methodology: Percentage of all Fish Habitat permits the Division is able to approve, as proposed, or as modified by conditions to protect resources.

Percentage of T 16 Permits Approved as Proposed or as Modified with Conditions

Fiscal Year	% of Permits Approved
FY 2008	100
FY 2007	100
FY 2006	100
FY 2005	99.8
FY 2004	99.8

Analysis of results and challenges: A priority of the Division of Habitat is the review of Fish Habitat permit applications. We also work closely with applicants to develop projects that help protect resources, even before applications are submitted to us for review. Possible outcomes of our review are approving applications as proposed, modifying applications with appropriate conditions to protect resources, or denying applications. This statistic is an indication of the quality of our review. Typically less than 1% of permits are denied or withdrawn, which means that Habitat is successful in reviewing and authorizing appropriate development activities while simultaneously protecting fish and fish habitat. Trend-wise, this data indicates that Habitat consistently is able to approve permits while protecting the natural resources we manage.

Target #3: 15-day average permit review time for Special Area permits.

Status #3: Habitat moved back to ADF&G in FY 09 and resumed Special Area permitting responsibilities. Data for this statistic will be available beginning in FY 09.

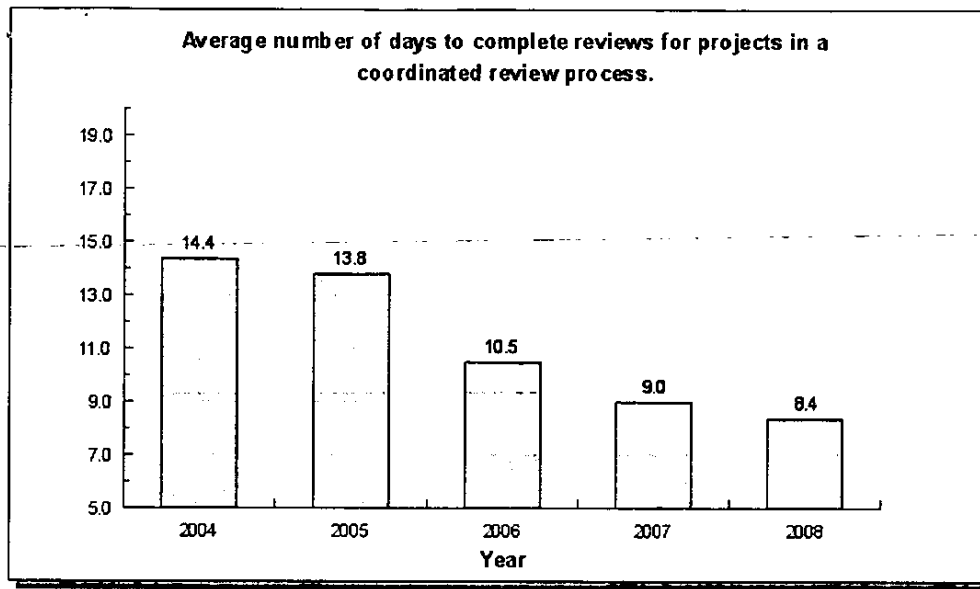
Target #4: 100% of Special Area Permit applications are reviewed and either: 1) approved as proposed; 2) approved after modification with appropriate conditions to protect resources; or 3) denied if resources could not be protected.

Status #4: Habitat moved back to ADF&G and resumed responsibility for the issuance of Special Area permits. Data for this statistic will be available beginning in FY 09.

A2: Strategy - Actively and timely participate in coordinated project reviews to ensure appropriate protection of important habitats.

Target #1: 10.4-day average timeframe for a coordinated project review.

Status #1: In FY 08, coordinated project reviews were completed in an average of 8.4 days, statewide, meeting the target.



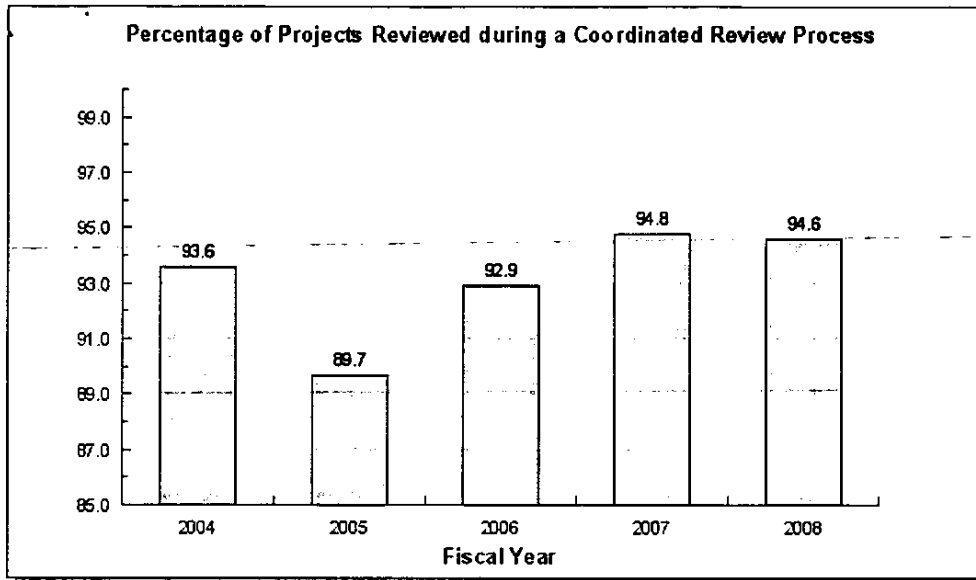
Methodology: Average number of days to submit comments on projects undergoing a coordinated review, statewide.

Average number of days to complete reviews for projects in a coordinated review process.

Year	Ave. # of Days
2008	8.4
2007	9.0
2006	10.5
2005	13.8
2004	14.4

Analysis of results and challenges: The Habitat Division quickly reviews projects in a multi-agency, coordinated review process, and our review timeframe continues to improve. Our FY 08 average review time for this activity was 8.4 days. This statistic indicates that our project review comments are timely submitted and development activities are not delayed by our review. Further, the number of projects reviewed continues to remain high. For FY 05, 06, 07, and 08 the numbers were 831, 1048, 1103, and 866 respectively. For FY 08, we are revising our target to 10.4 days (the previous 4-year performance average).

Target #2: 93.0% of projects in a coordinated process are reviewed to ensure appropriate protection of important habitat.
Status #2: In FY 08, 94.6% projects in a coordinated process were reviewed to ensure appropriate protection of important habitat, exceeding the target of 93%.



Methodology: The percentage of all coordinated project reviews that Habitat is able to review to ensure protection of important habitat.

Percentage of Projects Reviewed during a Coordinated Review Process

Fiscal Year	% of Projects Reviewed
FY 2008	94.6
FY 2007	94.8
FY 2006	92.9
FY 2005	89.7
FY 2004	93.6

Analysis of results and challenges: The Habitat Division also participates in the coordinated review of proposed resource development activities to ensure protection of important habitat. In FY 08, we participated in 94.6% of these coordinated reviews, indicating that Habitat is able to review the vast majority of proposed activities for habitat issues. For FY 08, we are revising our target to 93.0% (the previous 4-year average), which will ensure participation at a very high level.

A3: Strategy - A3: Continue to actively manage legislatively designated Special Areas by developing and updating management plans.

Target #1: One Special Area management plan completed or revised each fiscal year.

Status #1: Habitat moved back to ADF&G in FY 09 and resumed Special Area planning duties. In FY 08, Sport Fish Division, who previously managed these areas, expected to complete a plan for the Izembek State Game Refuge and to revise the existing plans for 2 areas—McNeil River State Game Refuge and McNeil River State Game Sanctuary.

Number of Special Area Management Plans Completed or Revised

Fiscal Year	Quarter 1	Quarter 2	Quarter 3	Quarter 4	YTD Total
FY 2009					

Methodology: Number of Special Area Management Plans that are completed or revised.

[< Return to Agency list](#)

Current as of Dec 29 2008 17:02:57

[OMB Home](#) [Governor](#) [Webmaster](#)

2-24-09

Confirmation:

Commercial

Fisheries Entry

Commission,

Judge Peter

Froehlich

<target><bill></bill><subject>2-24-09 Confirmation Commercial
Fisheries Entry Commission, Judge Peter
Froehlich</subject><comm>HFSH26</comm></target>



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

REFERRAL FOR CONFIRMATION

Date Referred: February 4, 2009

Committee: **House Special Committee on Fisheries**

Alaska Commercial Fisheries Entry Commission (CFEC)

Judge Peter Froehlich – Juneau

Appointed: 8/2/2005

Reappointed: 3/1/2009 Term Expires: 3/1/2013

Action Date:

2/24/2009

(Same date as on the accompanying signature page)

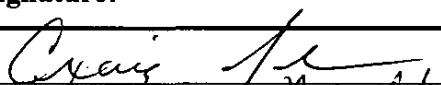
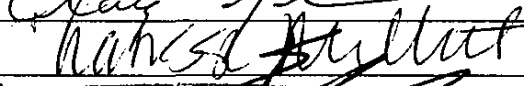
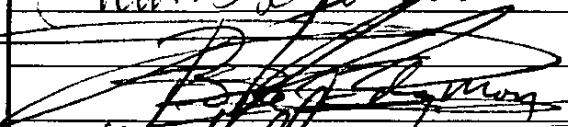

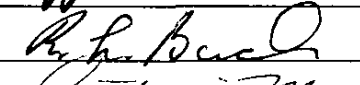
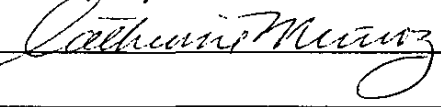
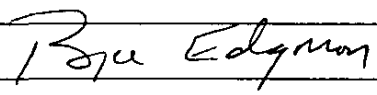
Note: Attach to a signature page and return to the Chief Clerk's office.

CONFIRMATION COMMITTEE REPORT

Action date: 2/24/2009

The **House Special Committee on Fisheries** has reviewed the qualifications of the following Governor's appointee(s) as shown on the attached Referral for Confirmation forms(s) and recommends that the name(s) be forwarded to a joint session for consideration:

This does not reflect intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

Signature:	Printed Last Name
	Johnson
	Millett
	Kawasaki
	Keller
	Buch
	Muñoz
Co-Chair: 	Edgmon
Co-Chair:	

Please attach appointee Referral for Confirmation form(s) and return to the Chief Clerk's office.

Resume Of

Peter B. Froehlich
1785 Evergreen Avenue
Juneau, Alaska 99801
Phone: (907) 586-2806

Residence: Alaska resident since February 1970

Experience: *August 1989 – Present:* District Court Judge for Juneau, Alaska

December 1981 – July 1989: Assistant Attorney General, Juneau, Alaska. Split position in both Legislation and Regulations Section and Commercial Section

July 1979 – November 1981: Salmon hand trolling on my own boat (seasonal); part-time, private law practice including work for Alaska Legislature

January 1976 – June 1979: Assistant Attorney General in Juneau, Natural Resources Section

September 1975 – December 1975: Legal intern, U. S. Attorney's Office, Portland Oregon

May 1975 – September 1975: Legal Assistant, District Attorney's Office, Ketchikan, Alaska

December 1973 – January 1974: Legal Assistant, Attorney General's Office, Juneau, Alaska

August 1970 – November 1972: King crabbing, Tanner Crabbing and Salmon Tendering

Education: *November 2002:* National Judicial College, ABA/UNR (Civil Medication Certificate). (Also five other courses 1990 – 1998.)

June – July 1995: Oxford University, Legal Heritage Program

August 1973 – December 1975: Willamette University, College of Law, Salem, Oregon (Juris Doctorate)

June 1974 – September 1974: University of Washington, School of Law, Seattle, Washington (summer session)

January 1972 – May 1972: University of Alaska, Anchorage, Alaska (graduate courses)

September 1965 – May 1969: Marquette University, Milwaukee, Wisconsin (B.S. in Economics, minor in accounting)

Professional Organizations:

Alaska and Juneau Bar Associations, 1976 - Present. National Judicial College, Faculty Moderator, 1997. Jury Subcommittee to Fairness and Access Committee, 1996-1997. Conference of Alaska Judges, 1990-1994. President, Board Member, Alaska Bar Association Ethics Committee, 1991-1994. Code Revision Commission, 1986-1990. Alaska Bar Association Area Discipline Committee, 1983 – 1988.

Current Service Organizations:

Mayor's Task Force on Youth. Boys & Girls Club Board. Big Brothers/Big Sisters mentor. Youth Court Board. Alaska Native Sisterhood, Camp 2.

Former Service Organizations:

Kids Voting Board. Healthy Nations Central Circle. Mayors Task Force on Sobriety. ALSC Pro Bono Program. United Way of Southeast Board. Big Brothers & Big Sisters, President

Awards: Youth program volunteer of the year (2002). Making a Difference Award, NCAAD (1997)

Special Interests:

Family, sports (especially basketball), coaching, fishing, hiking, biking, and travel



Official Business

Alaska State Legislature

House of Representatives


Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

MEMORANDUM

Date: February 4, 2009

To: Representative Edgmon, Chair
House Special Committee on Fisheries

From: Suzi Lowell 
Chief Clerk

Subject: Governor's Appointment(s)

The Speaker referred the following Governor's appointment(s) to the House Special Committee on Fisheries Committee and the Resources Committee:

Alaska Commercial Fisheries Entry Commission (CFEC)

Judge Peter Froehlich – Juneau

Appointed: 8/2/2005

Reappointed: 3/1/2009 Term Expires: 3/1/2013

The Referral for Confirmation page(s), resume(s), and a signature page are attached for your use.

Attachments as noted



Official Business

Alaska State Legislature

House of Representatives

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State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

MEMORANDUM

Date: 2009

To: All Committees

From: Suzi Lowell
Chief Clerk

Subject: Confirmation Committee Report (Signature Page) for Governor's
Appointments

The attached Confirmation Committee Report (signature page) should be used in conjunction with the Referral for Confirmation form for the Governor's appointments to boards and commissions requiring legislative confirmation. After a committee has reviewed the qualifications of the appointee(s), the Referral for Confirmation form(s) should be dated and attached to a signature page. Have members sign the signature page and return the confirmation packet to the Chief Clerk's office.

Please use a single signature page for multiple appointees if the names of all members signing the report are the same for each attached referral. This change allows members to sign once for multiple appointments.

Attached are several signature pages for your use. We used colored paper to make them easier to identify. If you anticipate needing more forms or need assistance, please call Nancy McMullen at 6809.

Note: A separate report, including the signatures, will be used for department commissioners.

Attachments

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY
COMMISSION

SARAH PALIN, GOVERNOR
8800 GLACIER HWY, #109
P.O. Box 110302
JUNEAU, AK 99811-0302
(907) 789-6150 Licensing Calls
(907) 789-6160 Other Business
(907) 789-6170 FAX
(907) 789-6180 BBS
INTERNET: www.cfec.state.ak.us

February 26, 2009

The Honorable Bryce Edgmon
Chair House Fisheries Committee
Representative_Bryce_Edgmon@legis.state.ak.us

Dear Chairman Edgmon:

I am writing to follow-up my responses to some of the questions raised Tuesday at my confirmation hearing before your committee.

One of the subjects addressed was the relative distribution of entry permits between Alaska residents and non-residents. Over the years, many permit holders have migrated inside and outside of Alaska with their permits, and many permit holders have transferred their entry permits. By 2008 year end, 829 more permits had moved out of Alaska with their former Alaska resident permit holders than moved into the state. However, during the same time period, Alaska residents gained 152 more permits by transfer than did nonresidents.

These trends are included in our annual permit transfer study entitled "Changes in the Distribution of Alaska Commercial Fisheries Entry Permits". An executive summary is always provided to the legislature and both versions are available on our website (www.cfec.state.ak.us). We expect the 2009 edition to be completed before the end of the fiscal year.

On the subject of the difficulties encountered by young fishermen who want to start fishing careers, I mentioned that the Division of Investments provides loan programs to help finance purchase of vessels and permits. In fact, the Division even has a special program designed for local communities to help their residents acquire limited entry permits. I want to add that the Alaska Commercial Fishing and Agriculture Bank (CFAB) does the same, as do some Alaska Native Corporations. Most importantly, I want to add that, in addition to entry level limited fisheries, there are over 100 non-limited fisheries. Young fishermen can gain experience in these fisheries without buying an expensive limited entry permit. The University of Alaska Sea Grant Program also assists young Alaskans with information about the various options and opportunities for launching a career in commercial fishing.

I hope this clarifies and supplements my responses. I would be pleased to provide any further information you or the committee members may want on these or other aspects of the Commercial Fisheries Entry Commission.

Thank you for your time and consideration.

Sincerely,



Peter Froehlich
Commissioner

cc: Committee Members

www.cfec.state.ak.us

Commercial Fisheries Entry Commission

WELCOME

The Alaska Commercial Fisheries Entry Commission (CFEC) helps to conserve and maintain the economic health of Alaska's commercial fisheries by limiting the number of participating fishers. We issue permits and vessel licenses to qualified individuals in both limited and unlimited fisheries, and we provide due process hearings and appeals.

If you wish to contact in-season managers of Alaska commercial fisheries or find rules controlling fishers and their harvest during Alaska's commercial fishing seasons, see the Commercial Fisheries Division of the Alaska Dept. of Fish & Game under Related Sites on this page.

Highlights

- 2007 Permit Fees
- Permit Holder Database
- Bristol Bay
- Public Notices & News Releases
- 30 Years of Limited Entry

Fishery Statistics

- Fishery Participation & Earnings
- Permits & Permit Holders
- Commercial Vessels
- Fishery Codes

Vessels

- Forms
- Commercial Vessel Database
- Sport Vessel Database

Publications

Permits

- Forms
- Search Permit Database
- Permit Value
- Demerit Points

Transfers

- Forms
- Permanent Transfer
- Emergency Transfer
- Estate Information
- Intent to Transfer List
- Intent to Transfer Database

Adjudications

- Limited Entry Fishery Status Reports
- Carlson Address Change Form
- Commission Decisions & Judicial Appeals

Related Sites

House Fisheries Feb. 24, 2009

1. Call to Order.

Good morning and welcome to the House Special Committee on Fisheries.

Mention Date & Time for the Record.

Note committee members in attendance for the Record.

Remind folks to turn off their cell phones, etc...

2. Today we will be considering the qualifications of **Judge Peter Froehlich**, who has been reappointed by the Governor to the Commercial Fisheries Entry Commission.

Read { The purpose of our examination of Judge Froehlich is to determine whether his name should be forwarded to a joint session for consideration.

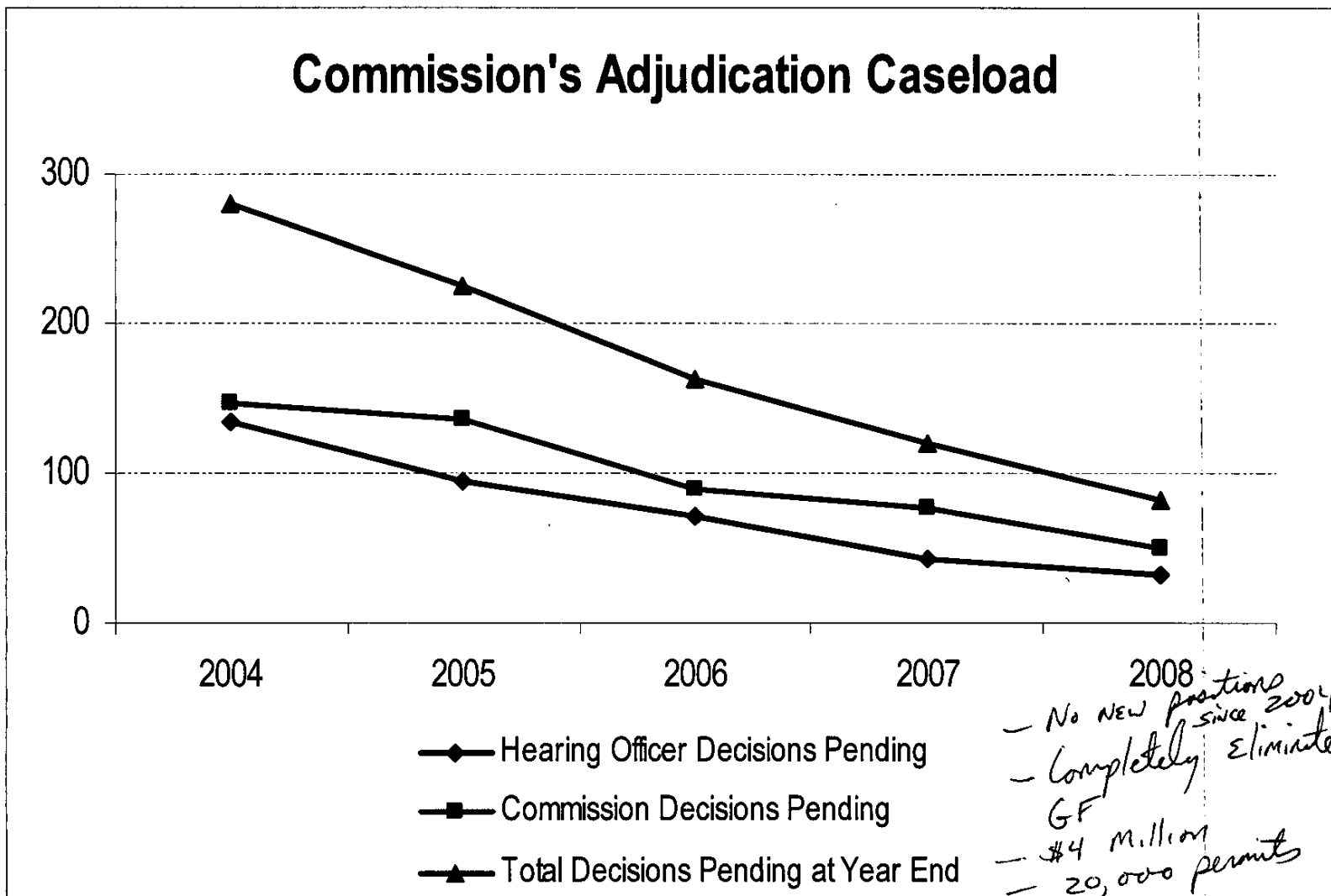
The committee members' recommendations today do not reflect any intent to vote for or against the Judge later.

3. **Second on the agenda today, we will be hearing HB43—Geoduck Aquatic Farming/Seed Transfer.**

Charrise Millet

10:17 AM

Commission's Adjudication Caseload



www.cfec.state.ak.us

Commercial Fisheries Entry Commission

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- Fishery Codes

Vessels

- Forms
- Commercial Vessel Database
- Sport Vessel Database

Publications

Permits

- Forms
- Search Permit Database
- Permit Value
- Demerit Points

Transfers

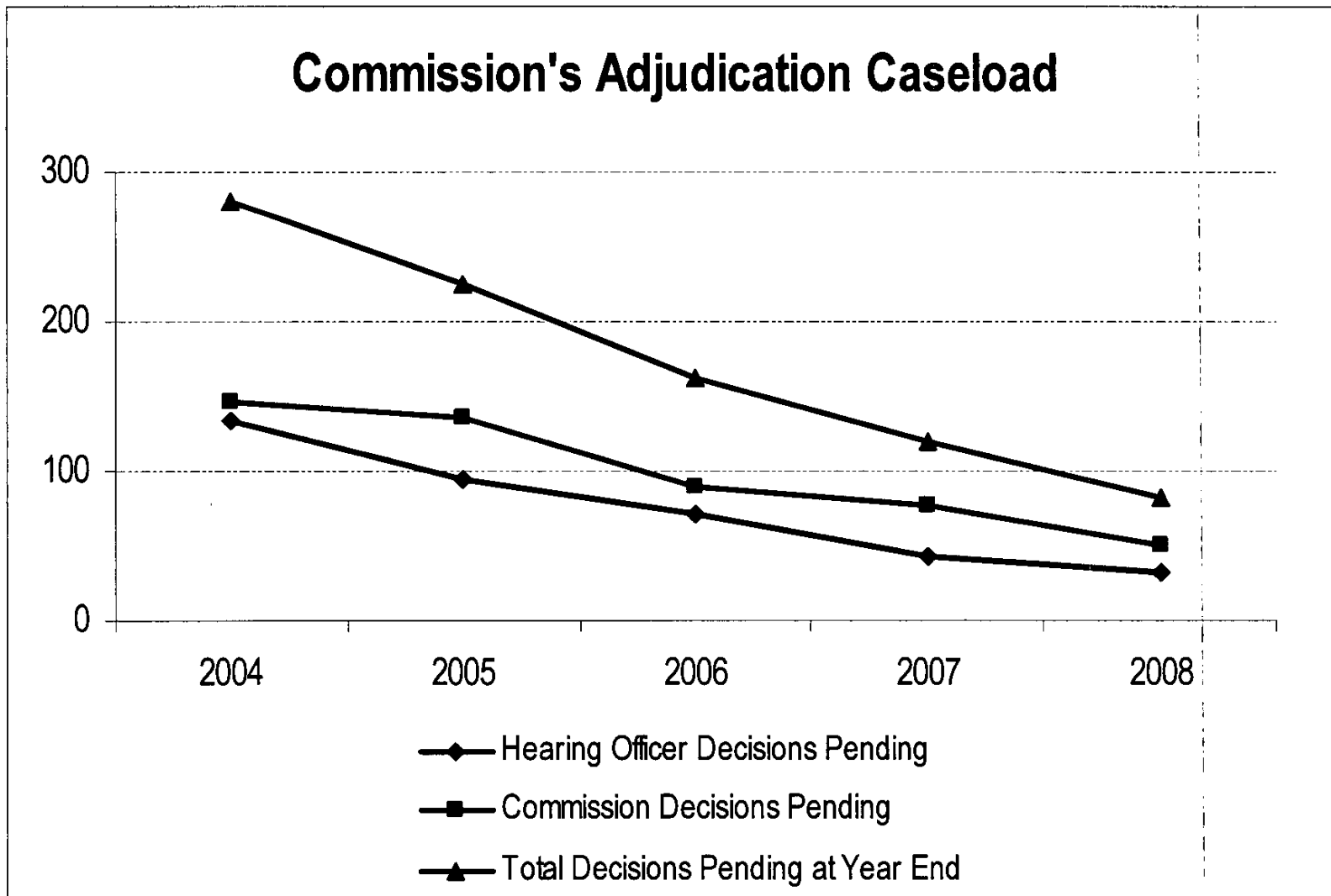
- Forms
- Permanent Transfer
- Emergency Transfer
- Estate Information
- Intent to Transfer List
- Intent to Transfer Database

Adjudications

- Limited Entry Fishery Status Reports
- Carlson Address Change Form
- Commission Decisions & Judicial Appeals

Related Sites

Commission's Adjudication Caseload



3-17-09

Overview:

The

Changing

Arctic

<target><bill></bill><subject>3-17-09 Overview The Changing Arctic</subject><comm>HFSH26</comm></target>

Alaska State Legislature

House Special Committee on Fisheries

Representative Bryce Edgmon, Chair

Rep. Craig Johnson
Rep. Wes Keller
Rep. Charisse Millett
Rep. Cathy Munoz
Rep. Bob Buch
Rep. Scott Kawasaki



Room 416
State Capitol
Juneau, AK 99801

Memorandum

Date: March 12th, 2009

To: Suzi Lowell, Chief Clerk

From: Representative Bryce Edgmon, Chairman
House Fisheries Committee

RE: House Fisheries Committee Schedule

Unless otherwise noted, all meetings will be held in Room 124 of the Capitol.

Tuesday March 17th 10:15 a.m. – 12:15 p.m.

+ The Changing Arctic—Issues on the Horizon for Coastal Communities in Western Alaska

Chris Hladick—Unalaska City Manager

Arne Fuglvog—Fisheries Policy Aide to Sen. Lisa Murkowski

Rear Admiral Arthur Brooks—Commander, U. S. Coast Guard District 17

David Benton—Executive Director, Marine Conservation Alliance

Invited testimony only.

Thursday March 19th 10:15 a.m. – 12:15 p.m.

+Department of Fish & Game Overview:

Sport Fish Division

Sport Fish Division Director Charles Swanton

Invited testimony only.

Contents

**1. Excerpts—NPFMC's DRAFT Fishery Management Plan
for Fish Resources of the Arctic Management Area**

**2. National Security Presidential Directive—Arctic
Region Policy**

**3. Senate Joint Resolution 17—Managing Migratory and
Transboundary Fish Stocks in the Arctic Ocean**

DRAFT

Fishery Management Plan

for Fish Resources of the Arctic Management Area



North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, Alaska 99501

PHONE: (907) 271-2809
FAX: (907) 271-2817

November 2008

NOTE: This is an interim draft of what the Arctic FMP will look like. It is written assuming the Council chose Alternative 3 and exempted a small red king crab fishery in the eastern Chukchi Sea from this FMP. The Council has NOT chosen its preferred alternative, so this is merely an example of the FMP at this time. The Council also has not chosen its preferred option for specifying conservation and management measures; therefore, both Option 1 and Option 2 are included in this draft FMP. This draft does not fully respond to comments from the Council's SSC, particularly regarding Options 1 and 2; SSC comments on an earlier draft FMP are listed in the accompanying EA/RIR/IRFA. Please refer to this document for detailed analyses of the alternatives and options and for additional background information.

NOTE: This document has not been cleared by NOAA General Counsel, Alaska Region.

Executive Summary

This Fishery Management Plan (FMP) governs all commercial harvests of fish in the Chukchi and Beaufort Seas.¹ The FMP management area, the Arctic Management Area, is all marine waters in the U.S. Exclusive Economic Zone of the Chukchi and Beaufort Seas from 3 nautical miles offshore the coast of Alaska or its baseline to 200 nautical miles offshore, north of Bering Strait (from Cape Prince of Wales to Cape Dezhneva) and westward to the U.S./Russia Convention Line of 1867 and eastward to the U.S./Canada maritime boundary (see Appendix A). The FMP covers commercial fisheries (any commercial harvests) for all stocks of fish, which include all finfish, shellfish, or other marine living resources except salmonids, Pacific halibut, Pacific herring, whitefish, and Dolly Varden char.

The FMP was implemented on (**DATE**). It may be referred to as the Arctic Fishery Management Plan.

1.1 Management Policy

The Magnuson-Stevens Fishery Conservation and Management Act, as amended through January 12, 2007 (Magnuson-Stevens Act), is the primary domestic legislation governing management of the nation's marine fisheries. In 2007, the United States Congress reauthorized the Magnuson-Stevens Act to clarify and strengthen U.S. fishery management policy. The Magnuson-Stevens Act contains ten national standards, with which all FMPs must conform and which guide fishery management. Besides the Magnuson-Stevens Act, U.S. fisheries management must be consistent with the requirements of other regulations including the Marine Mammal Protection Act, the Endangered Species Act, the Migratory Bird Treaty Act, and several other Federal laws.

Under the Magnuson-Stevens Act, the North Pacific Fishery Management Council (Council) is authorized to prepare and submit to the Secretary of Commerce for approval, disapproval or partial approval, a FMP and any necessary amendments, for each fishery under its authority that requires conservation and management. The Council conducts public hearings so as to allow all interested persons an opportunity to be heard in the development of FMPs and amendments, and reviews and revises, as appropriate, the assessments and specifications with respect to the optimum yield from each fishery (16 U.S.C. 1852(h)).

The Council has developed a management policy and objectives to guide its development of management recommendations to the Secretary of Commerce. This management approach is described in Table ES- 1. For Arctic fish resources, the policy is to prohibit all commercial harvests except for a small red king crab fishery described in Appendix A. See Section 3.4 for a description of the annual specifications process the Council will use to implement this policy. Red king crab harvest management, for a fishery as described in Appendix A, is exempted from this FMP and is deferred to the State of Alaska.

¹ The Magnuson-Stevens Fishery Conservation and Management Act defines "fish" as finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

Table ES- 1 Arctic Fishery Management Approach

The Council's policy is to apply judicious and responsible fisheries management practices, based on sound scientific research and analysis, proactively rather than reactively, to ensure the sustainability of fishery resources and associated ecosystems for the benefit of future, as well as current, generations. The productivity of the North Pacific ecosystem is acknowledged to be among the highest in the world. For the past 30 years, the Council management approach has incorporated forward looking conservation measures that address differing levels of uncertainty. This management approach has in recent years been labeled the precautionary approach. Recognizing that potential changes in productivity may be caused by fluctuations in natural oceanographic conditions, fisheries, and other, non-fishing activities, the Council intends to continue to take appropriate measures to insure the continued sustainability of the managed species. It will carry out this objective by considering reasonable, adaptive management measures, as described in the Magnuson-Stevens Act and in conformance with the National Standards, the Endangered Species Act, the National Environmental Policy Act, and other applicable law. This management approach takes into account the National Academy of Science's recommendations on Sustainable Fisheries Policy.

As part of its policy, the Council intends to consider and adopt, as appropriate, measures that accelerate the Council's precautionary, adaptive management approach through community-based or rights-based management, ecosystem-based management principles that protect managed species from overfishing and protect the health of the entire marine ecosystem, and where appropriate and practicable increase habitat protection and bycatch constraints. All management measures will be based on the best scientific information available. Given this intent, the fishery management goal is to provide sound conservation and sustainability of the fish resources; provide socially and economically viable fisheries for the well-being of fishing communities; minimize human-caused threats to protected species; maintain a healthy marine resource habitat; and incorporate ecosystem-based considerations into management decisions.

This management approach recognizes the need to balance many competing uses of marine resources and different social and economic goals for sustainable fishery management, including protection of the long-term health of the ecosystem and the optimization of yield from its fish resources. This policy will use and improve upon the Council's existing open and transparent process of public involvement in decision-making.

1.2 Summary of Management Measures

The management measures that govern the Arctic Management Area are summarized in Table ES-2.

Pursuant to Title II of the Magnuson-Stevens Act, there is no allowable level of foreign fishing for the fisheries covered by this FMP. While fishing vessels and fish processors of the U.S. have the capacity to harvest and process up to the level of optimum yield of all species subject to other Council FMPs, Council policy as articulated in this Arctic FMP is to prohibit commercial harvests of all fish resources of the Arctic Management Area. Management of commercial harvest of red king crab in the Chukchi Sea of the size and scope of the historic fishery in the geographic area where the fishery has historically occurred is exempted from this FMP and deferred to the State of Alaska. A description of the specific red king crab fishery that is exempted from this FMP is provided in Appendix A to this FMP.

Table ES-2 Summary of Management Measures for the Arctic

Management Area	All marine waters in the U.S. Exclusive Economic Zone of the Chukchi and Beaufort Seas from 3 nautical miles offshore the coast of Alaska or its baseline to 200 nautical miles offshore, north of Bering Strait (from Cape Prince of Wales to Cape Dezhneva) and westward to the U.S./Russia Convention Line of 1867 and eastward to the U.S./Canada maritime boundary. Subareas: While two contiguous seas (Chukchi and Beaufort) of the Arctic Ocean are referenced, this FMP does not divide the Arctic into subareas.
Stocks	All stocks of finfish, marine invertebrates, and other fish resources in the management area except salmonids, Pacific halibut, Pacific herring, whitefish, and Dolly Varden char.
Maximum Sustainable Yield (MSY)	The process for specifying MSY in the Arctic Management Area is described in Section 3.4 of this FMP.
Optimum Yield (OY)	The process for specifying OY in the Arctic Management Area, is described in Section 3.4 of this FMP.
Procedure to set Total Allowable Catch (TAC)	In the future, if fisheries develop in the Arctic Management Area, measures that establish TAC will be specified following the procedures described in Section 3.4 of this FMP.
Apportionment of TAC	In the future, if fisheries develop in the Arctic Management Area, TAC may be apportioned by the Council based on criteria specified by the Council at that time. Currently, no TAC is specified for any fish resource of the Arctic Management Area..
Attainment of TAC	In the future, if fisheries develop in the Arctic Management Area, measures that determine the attainment of TAC will be specified following the procedures described in Section 3.4 of this FMP.
Permit	Fishing permits may be authorized, for limited experimental purposes (exempted fishing permits), for the target or incidental harvest of fish resources that would otherwise be prohibited.
Authorized Gear	Gear types authorized by this FMP will be determined in the future, if fisheries develop in the Arctic Management Area, and then defined in regulations.
Time and Area Restrictions	No time and area restriction measures are established in this FMP.
Prohibited Species	In the future, if fisheries develop in the Arctic Management Area, prohibited species are Pacific halibut, Pacific herring, Pacific salmon and steelhead, Dolly Varden char, red king crab, and whitefishes. These prohibited species must be returned to the sea with a minimum of injury except when their retention is authorized by other applicable law.
Prohibited Species Catch (PSC) Limits	No PSC catch limits or other restrictions are established in this FMP. If fisheries develop in the future in the Arctic Management Area, PSC limits will be prescribed by the Council at that time.
Retention and Utilization Requirements	No retention or utilization requirements are established in this FMP.
Community Development Quota (CDQ) Multispecies Fishery	No CDQ program is established for the Arctic Management Area.
Flexible Authority	In the future, if fisheries develop in the Arctic Management Area, the Regional Administrator of NMFS is authorized to make inseason adjustments through gear modifications, closures, or fishing area/quota restrictions, for conservation reasons, to protect identified habitat problems, or to increase vessel safety.
Recordkeeping and Reporting	In the future, if fisheries develop in the Arctic Management Area, recordkeeping that is necessary and appropriate to determine catch, production, effort, price, and other information necessary for conservation and management may be required. This may include the use of catch and/or product logs, product transfer logs, effort logs, or other records as specified in regulations. Recordkeeping and reporting requirements will be specified as part of any exempted fishing permits issued for fishing activities in the Arctic Management Area.

Table ES-2 Summary of Management Measures for the Arctic

Observer Program	In the future, if fisheries develop in the Arctic Management Area, U.S. fishing vessels that catch groundfish in the EEZ, or receive groundfish caught in the EEZ, and shoreside processors that receive groundfish caught in the EEZ, will be required to accommodate NMFS-certified observers as specified in regulations, in order to verify catch composition and quantity, including at-sea discards, and collect biological information on marine resources.
Monitoring and Enforcement	In the future, if fisheries develop in the Arctic Management Area, monitoring and enforcement measures necessary and appropriate to ensure conservation of Arctic fish stocks may be required. This may include the use of observers, electronic logbooks, VMS, or other measures that will be specified in regulations. Currently, commercial fisheries, other than the red king crab fishery described in Appendix A, are prohibited, and enforcement of the fishery closure of the Arctic Management Area will be by the U.S. Coast Guard and NOAA Office of Law Enforcement.
Evaluation and Review of the FMP	<p>The Council will maintain a continuing review of the fish resources managed under this FMP, and all critical components of the FMP will be reviewed periodically.</p> <p>Management Policy: Objectives in the management policy statement will be reviewed every five years or as determined necessary by the Council.</p> <p>Essential Fish Habitat (EFH): The Council will conduct a complete review of EFH once every 5 years, and in between these reviews the Council will solicit proposals on Habitat Areas of Particular Concern if fisheries develop, and/or conservation and enhancement measures to minimize potential adverse effects from fishing may be considered.</p>

1.3 Organization of the FMP

This FMP is organized into six chapters. Chapter 1 contains an introduction to the FMP, and Chapter 2 describes the policy and management objectives of the FMP.

Chapter 3 contains the conservation and management measures that regulate Arctic fish resource management. Two options are described; the Council will select one or a combination of these options for setting conservation and management measures. Sections 3.1 through 3.5 outline the details of the two options including procedures for determining harvest levels for the species and maximum sustainable yield and optimum yield specifications. Sections 3.6 and 3.7 describe overfishing criteria and procedures for setting TAC, respectively. Sections 3.8 to 3.11 contain permit and participation, gear, time and area, and catch restrictions information. No share-based programs are established for the Arctic Management Area (Section 3.12). Measures that allow flexible management authority are addressed in Section 3.13, and Section 3.14 designates monitoring and reporting requirements. Section 3.15 describes the schedule and procedures for review of the FMP or FMP components.

Chapter 4 contains a description of the Arctic's fish resources and their habitat (including essential fish habitat definitions), current fishing activities, the economic and socioeconomic characteristics of current fisheries and communities, and ecosystem characteristics. Additional descriptive information is also contained in the appendices. Section 4.4 provides a description of the Arctic ecosystem and interrelationships among the physical and biological components. It includes a discussion of potential climate change effects on the North Pacific and Arctic region. Chapter 5 specifies the relationship of the FMP with applicable law and other fisheries. Chapter 6 provides a fishery impact statement. Chapter 7 references additional sources of material about the Arctic, and includes the bibliography.

Appendices to the FMP include supplemental information. Appendix A describes the characteristics of the red king crab fishery exempted from this FMP and deferred to the State of Alaska. Appendix B contains descriptions of essential fish habitat and a discussion of adverse effects on essential fish habitat. Appendix C contains maps of EFH. Additional information about the Arctic Management Area, including its fish, bird, and marine mammal species, and an ecosystem description, are provided in the October 2008 Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for this FMP.

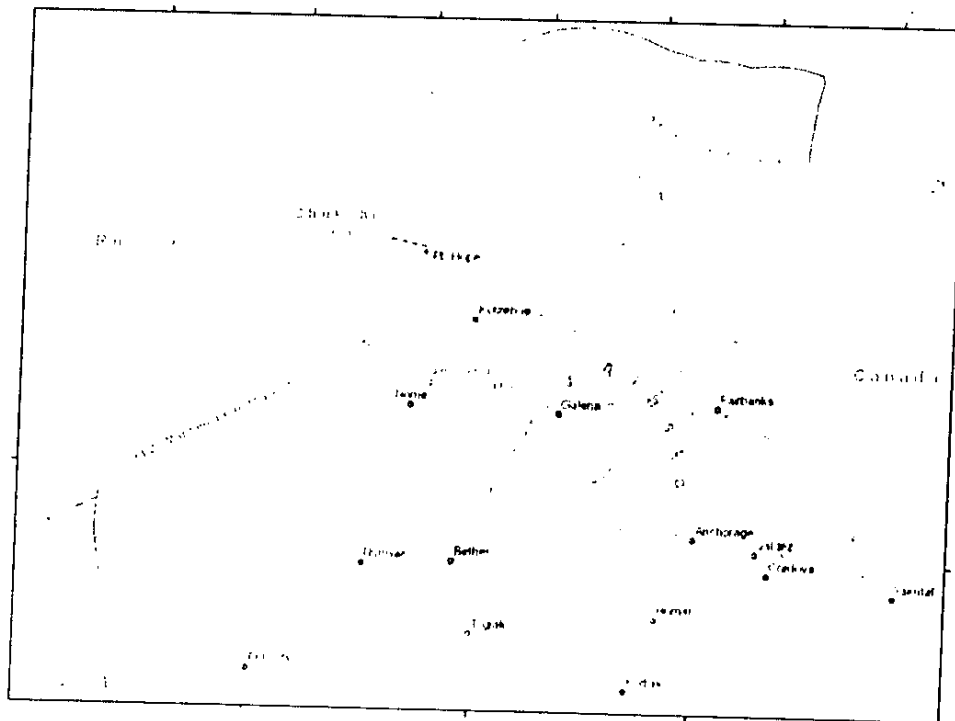
Chapter 1 Introduction

This chapter contains a description of the fishery management unit covered by the FMP and addresses foreign fishing and processing in the Arctic Management Area.

1.1 Fishery Management Unit

This Fishery Management Plan (FMP) governs commercial fisheries or commercial harvests of fish resources of the Chukchi Sea and Beaufort Sea - the Arctic Management Area. The geographic extent of the FMP management unit is all marine waters in the U.S. Exclusive Economic Zone of the Chukchi and Beaufort Seas from 3 nautical miles offshore the coast of Alaska or its baseline to 200 nautical miles offshore, north of Bering Strait (from Cape Prince of Wales to Cape Dezhneva) and westward to the U.S./Russia Convention Line of 1867 and eastward to the U.S./Canada maritime boundary (Figure 1-1).

Figure 1-1 The Arctic Management Area.



The FMP covers management of all fish², as defined by the Magnuson-Steven Act, except salmonids, Pacific halibut, Pacific herring, whitefish, and Dolly Varden char. In terms of geographic fish resource management, the Arctic Management Area includes the Chukchi Sea and Beaufort Sea without a distinct boundary between these two contiguous seas of the Arctic Ocean. Red king crab management, for a

² finfish, marine invertebrates, and other marine plant and animal life, other than marine mammals and birds

fishery of the size and scope and geographic location of the historic red king crab fishery as described in Appendix A, is exempted from this FMP and deferred to the State of Alaska. The Council closes the Arctic Management Area to commercial fishery development until such time in the future that sufficient information is available with which to initiate a planning process for commercial fishery development. Criteria the Council will consider in the planning process for opening a fishery in the Arctic Management Area are provided in Chapter 3.

1.2 Foreign Fishing

Title II of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) establishes the criteria for the regulation of foreign fishing within the U.S. EEZ. These regulations are published in 50 CFR 600. The regulations provide for the setting of a total allowable level of foreign fishing (TALFF) for species based on the portion of the optimum yield that will not be caught by U.S. vessels. At the present time, no TALFF is available for any fisheries covered by this FMP and no processing capacity if needed to support commercial fishing. If in the future fisheries develop in the Arctic Management Area, the Council will specify TALFF and foreign processing at that time.

Chapter 2 Management Policy and Objectives

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA) is the primary domestic legislation governing management of the nation's marine fisheries. In 1996, the United States Congress reauthorized the Magnuson-Stevens Act to include, among other things, a new emphasis on the precautionary approach in U.S. fishery management policy. The Magnuson-Stevens Act was reauthorized again in 2007 (PL 109-479). The Magnuson-Stevens Act contains ten national standards, with which all fishery management plans (FMPs) must conform and which guide fishery management. The national standards are listed in Section 2.1, and provide the primary guidance for the management of U.S. fisheries.

Under the Magnuson-Stevens Act, the North Pacific Fishery Management Council (Council) is authorized to prepare and submit to the Secretary of Commerce for approval, disapproval or partial approval, a FMP and any necessary amendments, for each fishery under its authority that requires conservation and management. The Council conducts public hearings so as to allow all interested persons an opportunity to be heard in the development of FMPs and amendments, and reviews and revises, as appropriate, the assessments and specifications with respect to the optimum yield from each fishery (16 U.S.C. 1852(h)).

The Council has developed a management policy and objectives to guide its development of management recommendations to the Secretary of Commerce for the Arctic Management Area. This management approach is described in Section 2.2.

2.1 National Standards for Fishery Conservation and Management

The Magnuson-Stevens Act, as amended, sets out ten national standards for fishery conservation and management (16 U.S.C. § 1851), with which all fishery management plans must be consistent.

1. Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.
2. Conservation and management measures shall be based upon the best scientific information available.
3. To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.
4. Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be A) fair and equitable to all such fishermen; B) reasonably calculated to promote conservation; and C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.
5. Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.
6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.
7. Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.
8. Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into

account the importance of fishery resources to fishing communities in order to A) provide for the sustained participation of such communities, and B) to the extent practicable, minimize adverse economic impacts on such communities.

9. Conservation and management measures shall, to the extent practicable, A) minimize bycatch and B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.
10. Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

2.2 Management Approach for Arctic Fisheries

The Council's policy is to apply judicious and responsible fisheries management practices, based on sound scientific research and analysis, proactively rather than reactively, to ensure the sustainability of fishery resources and associated ecosystems for the benefit of future, as well as current, generations. The productivity of the North Pacific ecosystem is acknowledged to be among the highest in the world. For the past 30 years, the Council management approach has incorporated forward looking conservation measures that address differing levels of uncertainty. This management approach has in recent years been labeled the precautionary approach. Recognizing that potential changes in productivity may be caused by fluctuations in natural oceanographic conditions, fisheries, and other, non-fishing activities, the Council intends to continue to take appropriate measures to insure the continued sustainability of the managed species. It will carry out this objective by considering reasonable, adaptive management measures, as described in the Magnuson-Stevens Act and in conformance with the National Standards, the Endangered Species Act, the National Environmental Policy Act, and other applicable law. This management approach takes into account the National Academy of Science's recommendations on Sustainable Fisheries Policy.

As part of its policy, the Council intends to consider and adopt, as appropriate, measures that accelerate the Council's precautionary, adaptive management approach through community-based or rights-based management, ecosystem-based management principles that protect managed species from overfishing and protect the health of the entire marine ecosystem, and where appropriate and practicable increase habitat protection and bycatch constraints. All management measures will be based on the best scientific information available. Given this intent, the fishery management goal is to provide sound conservation and sustainability of the fish resources; provide socially and economically viable fisheries for the well-being of fishing communities; minimize human-caused threats to protected species; maintain a healthy marine resource habitat; and incorporate ecosystem-based considerations into management decisions.

This management approach recognizes the need to balance many competing uses of marine resources and different social and economic goals for sustainable fishery management, including protection of the long-term health of the ecosystem and the optimization of yield from its fish resources. This policy will use and improve upon the Council's existing open and transparent process of public involvement in decision-making.

2.2.1 Management Objectives

Adaptive management requires regular and periodic review. Objectives identified in this policy statement will be reviewed periodically by the Council. The Council will also review, modify, eliminate, or consider new issues, as appropriate, to best carry out the goals and objectives of this management policy.

To meet the goals of this overall management approach, the Council and NMFS will seek to maximize the overall long-term benefit to the nation of Arctic fish resources by coordinated Federal and State management. In this Arctic EMP, management of a red king crab fishery as described in Appendix A is exempted and deferred to the State of Alaska. The Council would follow these management objectives for the development of a fishery:

1. *Biological Conservation Objective. Ensure the long-term reproductive viability of fish populations, by: (a) preventing overfishing and rebuilding depleted stocks by adopting conservative harvest levels using adaptive management to develop harvest limits; (b) adopting procedures to adjust acceptable biological catch levels as necessary to account for uncertainty and ecosystem factors; (c) protecting the integrity of the food web by accounting for, and controlling bycatch mortality for target, prohibited species catch, and non-commercial species; (d) avoiding impacts to seabirds and marine mammals; and (e) incorporating ecosystem-based considerations into fishery management decisions, as appropriate.*
2. *Economic and Social Objective. Maximize economic and social benefits to the nation over time by: (a) promoting conservation while providing for optimum yield in terms of the greatest overall benefit to the nation with particular reference to food production, and sustainable opportunities for recreational, subsistence, and commercial fishing participants and fishing communities; (b) promoting management measures that, while meeting conservation objectives, are also designed to avoid significant disruption of existing social and economic structures; (c) promoting fair and equitable allocation of identified available resources in a manner such that no particular sector, group or entity acquires an excessive share of the privileges; and (d) promoting increased safety at sea.*
3. *Gear Conflict Objective. Minimize gear conflict among fisheries.*
4. *Habitat Objective. Preserve the quality and extent of suitable habitat by reducing or avoiding impacts to habitat where practicable.*
5. *Vessel Safety Objective. Include vessel safety considerations in the development of fisheries management measures, including temporary adjustments to the fishery to allow access, after consultation with the U. S. Coast Guard and fishery participants, for vessels that are otherwise excluded because of weather or ocean conditions causing safety concerns while ensuring not adverse effect on conservation in other fisheries or discrimination among fishery participants..*
6. *Due Process Objective. Ensure that access to the regulatory process and opportunity for redress are available to interested parties.*
7. *Research and Management Objective. Provide fisheries research, data collection, and analysis to ensure a sound information base for management decisions.*
8. *Alaska Native Consultation Objective: Incorporate local and traditional knowledge in fishery management and encourage Alaska Native participation and consultation in fishery management.*
9. *Enforceability Objective: Cooperate and coordinate management and enforcement programs with the Alaska Board of Fish, Alaska Department of Fish and Game, and Alaska Fish and Wildlife Protection, the U.S. Coast Guard, NMFS Enforcement, International Pacific Halibut Commission, Federal agencies, and other organizations to meet conservation requirements; promote economically healthy and sustainable fisheries and fishing communities; and maximize efficiencies in management and enforcement programs through continued consultation, coordination, and cooperation.*
10. *Marine Mammal and Seabird Objective: Cooperate and coordinate with the U. S. Fish and Wildlife Service and NMFS for the management and conservation of Arctic marine mammal and seabird species to ensure fisheries management includes conservation of these species in the Arctic*

2.2.2 Criteria for Opening a Fishery in the Arctic (NOTE - the following assumes a blend of elements in both Options 1 and 2)

Until information is available to develop a sustainable fisheries management program, the Council prohibits commercial fisheries in the Arctic Management Area. A small red king crab fishery may have previously occurred in a localized area of the southeastern Chukchi Sea, as described in Appendix A; the Council exempts management of this red king crab fishery in this FMP and defers management of this fishery to the State of Alaska.

The Council will consider the following criteria for opening a new fishery:

A. The Council will initially require a plan for a new fishery that will ensure resource conservation, minimize impacts on other users of the area, complies with the Magnuson-Stevens Act and its National Standards, complies with other applicable laws and orders, and provides net positive economic benefits.

B. Any proposed fishing in the Arctic would be organized into one or more target fisheries. In most cases, the target would be a single species, though there may be situations where designating several species as a mixed species target may be more appropriate. Establishing a target fishery may require that the species be transferred from the ecosystem component category to the target species category.

C. The Council will consider designating a new target fishery in the Arctic Management Area upon receiving a petition from the public, or a recommendation from NMFS or the State of Alaska. The Council will initiate a planning process to evaluate information in the petition and other information concerning the proposed target fishery. The Council will require a fishery development analysis to ensure the best available science is used to move a species from unfished status to full fishery development. This analysis could be included in any NEPA and economic analysis required to support FMP amendments. The fishery development analysis will contain the following information:

- A review of the life history of the target species
- A review of available information on any historic harvest of the species, commercial, sport or subsistence
- An analysis of customary and traditional subsistence use patterns and evaluation of impacts on existing users
- Initial estimates of stock abundance (B_0) and productivity (M) sufficiently reliable to apply a Tier 5 control rule
- Evaluation of the vulnerability (susceptibility and productivity) of species that will be caught as bycatch in the target fishery.
- Evaluation of potential direct and indirect impacts on endangered species
- Evaluation of ecosystem/trophic level effects
- Evaluation of potential impacts on essential fish habitat, including biogenic habitat
- A plan for inseason monitoring of the proposed fishery
- A plan for collecting fishery and survey data sufficient for a Tier 3 assessment of the target species within a defined period
- Identification of specific management goals and objectives during the transition from unexploited stock to exploited resource
- Descriptions of proposed fishery management measures and justification for each
- Proposed regulations to implement the management approach

D. The analysis described above will be reviewed by the Council, and if appropriate the Council will initiate an environmental review consistent with NEPA and MSA and proceed through the process of amending this Arctic FMP, including appropriate initial review, public review, and final review and

rulemaking and completion of the FMP amendment process as specified in the MSA and NOAA guidelines.

E. The Council may authorize the proposed fishery consistent with measures specified in the proposed FMP amendment and adopt additional measures it believes are necessary for stock conservation, fishery sustainability, and allocation considerations.

F. The Council may require onboard observers on fishing vessels, shoreside processing facilities, or at harvest sites if non-vessel platforms (i.e., ice) are used for harvesting. The Council also may require additional research associated with the new fishery, other monitoring programs, recordkeeping and reporting requirements, and periodic review of the fishery's performance relative to requirements of the MSA and other applicable law.

National Security Presidential Directive and Homeland Security Presidential Directive

January 9, 2009

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE/NSPD -- 66
HOMELAND SECURITY PRESIDENTIAL DIRECTIVE/HSPD -- 25

SUBJECT: Arctic Region Policy

I. PURPOSE

A. This directive establishes the policy of the United States with respect to the Arctic region and directs related implementation actions. This directive supersedes Presidential Decision Directive/NSC-26 (PDD-26; issued 1994) with respect to Arctic policy but not Antarctic policy; PDD-26 remains in effect for Antarctic policy only.

B. This directive shall be implemented in a manner consistent with the Constitution and laws of the United States, with the obligations of the United States under the treaties and other international agreements to which the United States is a party, and with customary international law as recognized by the United States, including with respect to the law of the sea.

II. BACKGROUND

A. The United States is an Arctic nation, with varied and compelling interests in that region. This directive takes into account several developments, including, among others:

1. Altered national policies on homeland security and defense;
2. The effects of climate change and increasing human activity in the Arctic region;
3. The establishment and ongoing work of the Arctic Council; and
4. A growing awareness that the Arctic region is both fragile and rich in resources.

III. POLICY

A. It is the policy of the United States to:

1. Meet national security and homeland security needs relevant to the Arctic region;
2. Protect the Arctic environment and conserve its biological resources;
3. Ensure that natural resource management and economic development in the region are environmentally sustainable;
4. Strengthen institutions for cooperation among the eight Arctic nations (the United States, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden);
5. Involve the Arctic's indigenous communities in decisions that affect them; and
6. Enhance scientific monitoring and research into local, regional, and global environmental issues.

B. National Security and Homeland Security Interests in the Arctic

1. The United States has broad and fundamental national security interests in the Arctic region and is prepared to operate either independently or in conjunction with other

- states to safeguard these interests. These interests include such matters as missile defense and early warning; deployment of sea and air systems for strategic sealift, strategic deterrence, maritime presence, and maritime security operations; and ensuring freedom of navigation and overflight.
2. The United States also has fundamental homeland security interests in preventing terrorist attacks and mitigating those criminal or hostile acts that could increase the United States vulnerability to terrorism in the Arctic region.
 3. The Arctic region is primarily a maritime domain; as such, existing policies and authorities relating to maritime areas continue to apply, including those relating to law enforcement.⁽¹⁾ Human activity in the Arctic region is increasing and is projected to increase further in coming years. This requires the United States to assert a more active and influential national presence to protect its Arctic interests and to project sea power throughout the region.
 4. The United States exercises authority in accordance with lawful claims of United States sovereignty, sovereign rights, and jurisdiction in the Arctic region, including sovereignty within the territorial sea, sovereign rights and jurisdiction within the United States exclusive economic zone and on the continental shelf, and appropriate control in the United States contiguous zone.
 5. Freedom of the seas is a top national priority. The Northwest Passage is a strait used for international navigation, and the Northern Sea Route includes straits used for international navigation; the regime of transit passage applies to passage through those straits. Preserving the rights and duties relating to navigation and overflight in the Arctic region supports our ability to exercise these rights throughout the world, including through strategic straits.
 6. **Implementation:** In carrying out this policy as it relates to national security and homeland security interests in the Arctic, the Secretaries of State, Defense, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Develop greater capabilities and capacity, as necessary, to protect United States air, land, and sea borders in the Arctic region;
 - b. Increase Arctic maritime domain awareness in order to protect maritime commerce, critical infrastructure, and key resources;
 - c. Preserve the global mobility of United States military and civilian vessels and aircraft throughout the Arctic region;
 - d. Project a sovereign United States maritime presence in the Arctic in support of essential United States interests; and
 - e. Encourage the peaceful resolution of disputes in the Arctic region.

C. International Governance

1. The United States participates in a variety of fora, international organizations, and bilateral contacts that promote United States interests in the Arctic. These include the Arctic Council, the International Maritime Organization (IMO), wildlife conservation and management agreements, and many other mechanisms. As the Arctic changes and human activity in the region increases, the United States and other governments should consider, as appropriate, new international arrangements or enhancements to existing arrangements.
2. The Arctic Council has produced positive results for the United States by working within its limited mandate of environmental protection and sustainable development. Its subsidiary bodies, with help from many United States agencies, have developed and undertaken projects on a wide range of topics. The Council also provides a beneficial venue for interaction with indigenous groups. It is the position of the United States that the Arctic Council should remain a high-level forum devoted to issues within its current mandate and not be transformed into a formal international organization, particularly one with assessed contributions. The United States is nevertheless open to updating the structure of the Council, including consolidation of, or making operational changes to, its

subsidiary bodies, to the extent such changes can clearly improve the Council's work and are consistent with the general mandate of the Council.

3. The geopolitical circumstances of the Arctic region differ sufficiently from those of the Antarctic region such that an "Arctic Treaty" of broad scope -- along the lines of the Antarctic Treaty -- is not appropriate or necessary.
4. The Senate should act favorably on U.S. accession to the U.N. Convention on the Law of the Sea promptly, to protect and advance U.S. interests, including with respect to the Arctic. Joining will serve the national security interests of the United States, including the maritime mobility of our Armed Forces worldwide. It will secure U.S. sovereign rights over extensive marine areas, including the valuable natural resources they contain. Accession will promote U.S. interests in the environmental health of the oceans. And it will give the United States a seat at the table when the rights that are vital to our interests are debated and interpreted.
5. Implementation: In carrying out this policy as it relates to international governance, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Continue to cooperate with other countries on Arctic issues through the United Nations (U.N.) and its specialized agencies, as well as through treaties such as the U.N. Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Long Range Transboundary Air Pollution and its protocols, and the Montreal Protocol on Substances that Deplete the Ozone Layer;
 - b. Consider, as appropriate, new or enhanced international arrangements for the Arctic to address issues likely to arise from expected increases in human activity in that region, including shipping, local development and subsistence, exploitation of living marine resources, development of energy and other resources, and tourism;
 - c. Review Arctic Council policy recommendations developed within the ambit of the Council's scientific reviews and ensure the policy recommendations are subject to review by Arctic governments; and
 - d. Continue to seek advice and consent of the United States Senate to accede to the 1982 Law of the Sea Convention.

D. Extended Continental Shelf and Boundary Issues

1. Defining with certainty the area of the Arctic seabed and subsoil in which the United States may exercise its sovereign rights over natural resources such as oil, natural gas, methane hydrates, minerals, and living marine species is critical to our national interests in energy security, resource management, and environmental protection. The most effective way to achieve international recognition and legal certainty for our extended continental shelf is through the procedure available to States Parties to the U.N. Convention on the Law of the Sea.
2. The United States and Canada have an unresolved boundary in the Beaufort Sea. United States policy recognizes a boundary in this area based on equidistance. The United States recognizes that the boundary area may contain oil, natural gas, and other resources.
3. The United States and Russia are abiding by the terms of a maritime boundary treaty concluded in 1990, pending its entry into force. The United States is prepared to enter the agreement into force once ratified by the Russian Federation.
4. Implementation: In carrying out this policy as it relates to extended continental shelf and boundary issues, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Take all actions necessary to establish the outer limit of the continental shelf appertaining to the United States, in the Arctic and in other regions, to the fullest extent permitted under international law;

- b. Consider the conservation and management of natural resources during the process of delimiting the extended continental shelf; and
- c. Continue to urge the Russian Federation to ratify the 1990 United States-Russia maritime boundary agreement.

E. Promoting International Scientific Cooperation

1. Scientific research is vital for the promotion of United States interests in the Arctic region. Successful conduct of U.S. research in the Arctic region requires access throughout the Arctic Ocean and to terrestrial sites, as well as viable international mechanisms for sharing access to research platforms and timely exchange of samples, data, and analyses. Better coordination with the Russian Federation, facilitating access to its domain, is particularly important.
2. The United States promotes the sharing of Arctic research platforms with other countries in support of collaborative research that advances fundamental understanding of the Arctic region in general and potential Arctic change in particular. This could include collaboration with bodies such as the Nordic Council and the European Polar Consortium, as well as with individual nations.
3. Accurate prediction of future environmental and climate change on a regional basis, and the delivery of near real-time information to end-users, requires obtaining, analyzing, and disseminating accurate data from the entire Arctic region, including both paleoclimatic data and observational data. The United States has made significant investments in the infrastructure needed to collect environmental data in the Arctic region, including the establishment of portions of an Arctic circumpolar observing network through a partnership among United States agencies, academic collaborators, and Arctic residents. The United States promotes active involvement of all Arctic nations in these efforts in order to advance scientific understanding that could provide the basis for assessing future impacts and proposed response strategies.
4. United States platforms capable of supporting forefront research in the Arctic Ocean, including portions expected to be ice-covered for the foreseeable future, as well as seasonally ice-free regions, should work with those of other nations through the establishment of an Arctic circumpolar observing network. All Arctic nations are members of the Group on Earth Observations partnership, which provides a framework for organizing an international approach to environmental observations in the region. In addition, the United States recognizes that academic and research institutions are vital partners in promoting and conducting Arctic research.
5. Implementation: In carrying out this policy as it relates to promoting scientific international cooperation, the Secretaries of State, the Interior, and Commerce and the Director of the National Science Foundation, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Continue to play a leadership role in research throughout the Arctic region;
 - b. Actively promote full and appropriate access by scientists to Arctic research sites through bilateral and multilateral measures and by other means;
 - c. Lead the effort to establish an effective Arctic circumpolar observing network with broad partnership from other relevant nations;
 - d. Promote regular meetings of Arctic science ministers or research council heads to share information concerning scientific research opportunities and to improve coordination of international Arctic research programs;
 - e. Work with the Interagency Arctic Research Policy Committee (IARPC) to promote research that is strategically linked to U.S. policies articulated in this directive, with input from the Arctic Research Commission; and
 - f. Strengthen partnerships with academic and research institutions and build upon the relationships these institutions have with their counterparts in other nations.

F. Maritime Transportation in the Arctic Region

1. The United States priorities for maritime transportation in the Arctic region are:
 - a. To facilitate safe, secure, and reliable navigation;
 - b. To protect maritime commerce; and
 - c. To protect the environment.
2. Safe, secure, and environmentally sound maritime commerce in the Arctic region depends on infrastructure to support shipping activity, search and rescue capabilities, short- and long-range aids to navigation, high-risk area vessel-traffic management, iceberg warnings and other sea ice information, effective shipping standards, and measures to protect the marine environment. In addition, effective search and rescue in the Arctic will require local, State, Federal, tribal, commercial, volunteer, scientific, and multinational cooperation.
3. Working through the International Maritime Organization (IMO), the United States promotes strengthening existing measures and, as necessary, developing new measures to improve the safety and security of maritime transportation, as well as to protect the marine environment in the Arctic region. These measures may include ship routing and reporting systems, such as traffic separation and vessel traffic management schemes in Arctic chokepoints; updating and strengthening of the Guidelines for Ships Operating in Arctic Ice-Covered Waters; underwater noise standards for commercial shipping; a review of shipping insurance issues; oil and other hazardous material pollution response agreements; and environmental standards.
4. **Implementation:** In carrying out this policy as it relates to maritime transportation in the Arctic region, the Secretaries of State, Defense, Transportation, Commerce, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Develop additional measures, in cooperation with other nations, to address issues that are likely to arise from expected increases in shipping into, out of, and through the Arctic region;
 - b. Commensurate with the level of human activity in the region, establish a risk-based capability to address hazards in the Arctic environment. Such efforts shall advance work on pollution prevention and response standards; determine basing and logistics support requirements, including necessary airlift and icebreaking capabilities; and improve plans and cooperative agreements for search and rescue;
 - c. Develop Arctic waterways management regimes in accordance with accepted international standards, including vessel traffic-monitoring and routing; safe navigation standards; accurate and standardized charts; and accurate and timely environmental and navigational information; and
 - d. Evaluate the feasibility of using access through the Arctic for strategic sealift and humanitarian aid and disaster relief.

G. Economic Issues, Including Energy

1. Sustainable development in the Arctic region poses particular challenges. Stakeholder input will inform key decisions as the United States seeks to promote economic and energy security. Climate change and other factors are significantly affecting the lives of Arctic inhabitants, particularly indigenous communities. The United States affirms the importance to Arctic communities of adapting to climate change, given their particular vulnerabilities.
2. Energy development in the Arctic region will play an important role in meeting growing global energy demand as the area is thought to contain a substantial portion of the world's undiscovered energy resources. The United States seeks to ensure that energy development throughout the Arctic occurs in an environmentally sound manner, taking into account the interests of indigenous and local communities, as well as open and transparent market principles. The United States seeks to balance access to, and development of, energy and other natural resources with the protection of the Arctic

environment by ensuring that continental shelf resources are managed in a responsible manner and by continuing to work closely with other Arctic nations.

3. The United States recognizes the value and effectiveness of existing fora, such as the Arctic Council, the International Regulators Forum, and the International Standards Organization.
4. **Implementation:** In carrying out this policy as it relates to economic issues, including energy, the Secretaries of State, the Interior, Commerce, and Energy, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Seek to increase efforts, including those in the Arctic Council, to study changing climate conditions, with a view to preserving and enhancing economic opportunity in the Arctic region. Such efforts shall include inventories and assessments of villages, indigenous communities, subsistence opportunities, public facilities, infrastructure, oil and gas development projects, alternative energy development opportunities, forestry, cultural and other sites, living marine resources, and other elements of the Arctic's socioeconomic composition;
 - b. Work with other Arctic nations to ensure that hydrocarbon and other development in the Arctic region is carried out in accordance with accepted best practices and internationally recognized standards and the 2006 Group of Eight (G-8) Global Energy Security Principles;
 - c. Consult with other Arctic nations to discuss issues related to exploration, production, environmental and socioeconomic impacts, including drilling conduct, facility sharing, the sharing of environmental data, impact assessments, compatible monitoring programs, and reservoir management in areas with potentially shared resources;
 - d. Protect United States interests with respect to hydrocarbon reservoirs that may overlap boundaries to mitigate adverse environmental and economic consequences related to their development;
 - e. Identify opportunities for international cooperation on methane hydrate issues, North Slope hydrology, and other matters;
 - f. Explore whether there is a need for additional fora for informing decisions on hydrocarbon leasing, exploration, development, production, and transportation, as well as shared support activities, including infrastructure projects; and
 - g. Continue to emphasize cooperative mechanisms with nations operating in the region to address shared concerns, recognizing that most known Arctic oil and gas resources are located outside of United States jurisdiction.

H. Environmental Protection and Conservation of Natural Resources

1. The Arctic environment is unique and changing. Increased human activity is expected to bring additional stressors to the Arctic environment, with potentially serious consequences for Arctic communities and ecosystems.
2. Despite a growing body of research, the Arctic environment remains poorly understood. Sea ice and glaciers are in retreat. Permafrost is thawing and coasts are eroding. Pollutants from within and outside the Arctic are contaminating the region. Basic data are lacking in many fields. High levels of uncertainty remain concerning the effects of climate change and increased human activity in the Arctic. Given the need for decisions to be based on sound scientific and socioeconomic information, Arctic environmental research, monitoring, and vulnerability assessments are top priorities. For example, an understanding of the probable consequences of global climate variability and change on Arctic ecosystems is essential to guide the effective long-term management of Arctic natural resources and to address socioeconomic impacts of changing patterns in the use of natural resources.
3. Taking into account the limitations in existing data, United States efforts to protect the Arctic environment and to conserve its natural resources must be risk-based and proceed on the basis of the best available information.

4. The United States supports the application in the Arctic region of the general principles of international fisheries management outlined in the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and similar instruments. The United States endorses the protection of vulnerable marine ecosystems in the Arctic from destructive fishing practices and seeks to ensure an adequate enforcement presence to safeguard Arctic living marine resources.
5. With temperature increases in the Arctic region, contaminants currently locked in the ice and soils will be released into the air, water, and land. This trend, along with increased human activity within and below the Arctic, will result in increased introduction of contaminants into the Arctic, including both persistent pollutants (e.g., persistent organic pollutants and mercury) and airborne pollutants (e.g., soot).
6. Implementation: In carrying out this policy as it relates to environmental protection and conservation of natural resources, the Secretaries of State, the Interior, Commerce, and Homeland Security and the Administrator of the Environmental Protection Agency, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. In cooperation with other nations, respond effectively to increased pollutants and other environmental challenges;
 - b. Continue to identify ways to conserve, protect, and sustainably manage Arctic species and ensure adequate enforcement presence to safeguard living marine resources, taking account of the changing ranges or distribution of some species in the Arctic. For species whose range includes areas both within and beyond United States jurisdiction, the United States shall continue to collaborate with other governments to ensure effective conservation and management;
 - c. Seek to develop ways to address changing and expanding commercial fisheries in the Arctic, including through consideration of international agreements or organizations to govern future Arctic fisheries;
 - d. Pursue marine ecosystem-based management in the Arctic; and
 - e. Intensify efforts to develop scientific information on the adverse effects of pollutants on human health and the environment and work with other nations to reduce the introduction of key pollutants into the Arctic.

IV. Resources and Assets

A. Implementing a number of the policy elements directed above will require appropriate resources and assets. These elements shall be implemented consistent with applicable law and authorities of agencies, or heads of agencies, vested by law, and subject to the availability of appropriations. The heads of executive departments and agencies with responsibilities relating to the Arctic region shall work to identify future budget, administrative, personnel, or legislative proposal requirements to implement the elements of this directive.

GEORGE W. BUSH

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ⁱ¹⁾ These policies and authorities include Freedom of Navigation (PDD/NSC-32), the U.S. Policy on Protecting the Ocean Environment (PDD/NSC-36), Maritime Security Policy (NSPD-41/HSPD-13), and the National Strategy for Maritime Security (NSMS).

SJ 17 RS

Calendar No. 407

110th CONGRESS

1st Session

S. J. RES. 17

Directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

IN THE SENATE OF THE UNITED STATES

August 3, 2007

Mr. STEVENS (for himself, Mr. INOUE, Ms. CANTWELL, Ms. SNOWE, Ms. MURKOWSKI, Mr. SUNUNU, Mr. COCHRAN, Mr. KERRY, Ms. COLLINS, Mrs. MURRAY, and Mrs. BOXER) submitted the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

September 5, 2007

Committee discharged; referred to the Committee on Commerce, Science, and Transportation

October 4, 2007

Reported by Mr. INOUE, without amendment

JOINT RESOLUTION

Directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

Whereas the decline of several commercially valuable fish stocks throughout the world's oceans highlights the need for fishing nations to conserve fish stocks and develop management systems that promote fisheries sustainability;

Whereas fish stocks are migratory throughout their habitats, and changing ocean conditions can restructure marine habitats and redistribute the species dependent

on those habitats;

Whereas changing global climate regimes may increase ocean water temperature, creating suitable new habitats in areas previously too cold to support certain fish stocks, such as the Arctic Ocean;

Whereas habitat expansion and migration of fish stocks into the Arctic Ocean and the potential for vessel docking and navigation in the Arctic Ocean could create conditions favorable for establishing and expanding commercial fisheries in the future;

Whereas commercial fishing has occurred in several regions of the Arctic Ocean, including the Barents Sea, Kara Sea, Beaufort Sea, Chukchi Sea, and Greenland Sea, although fisheries scientists have only limited data on current and projected future fish stock abundance and distribution patterns throughout the Arctic Ocean;

Whereas remote indigenous communities in all nations that border the Arctic Ocean engage in limited, small scale subsistence fishing and must maintain access to and sustainability of this fishing in order to survive;

Whereas many of these communities depend on a variety of other marine life for social, cultural and subsistence purposes, including marine mammals and seabirds that may be adversely affected by climate change, and emerging fisheries in the Arctic should take into account the social, economic, cultural and subsistence needs of these small coastal communities;

Whereas managing for fisheries sustainability requires that all commercial fishing be conducted in accordance with science-based limits on harvest, timely and accurate reporting of catch data, equitable allocation and access systems, and effective monitoring and enforcement systems;

Whereas migratory fish stocks traverse international boundaries between the exclusive economic zones of fishing nations and the high seas, and ensuring sustainability of fisheries targeting these stocks requires management systems based on international coordination and cooperation;

Whereas international fishing treaties and agreements provide a framework for establishing rules to guide sustainable fishing activities among those nations that are parties to the agreement, and regional fisheries management organizations provide international fora for implementing these agreements and facilitating international cooperation and collaboration;

Whereas under its authorities in the Magnuson-Stevens Fishery Conservation and Management Act, the North Pacific Fishery Management Council has proposed that the United States close all Federal waters in the Chukchi and Beaufort Seas to commercial fishing until a fisheries management plan is fully developed; and

Whereas future commercial fishing and fisheries management activities in the Arctic Ocean should be developed through a coordinated international framework, as provided by international treaties or regional fisheries management organizations, and this framework should be implemented before significant commercial fishing activity expands to the high seas: Now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That--

- (1) the United States should initiate international discussions and take necessary steps with other Arctic nations to negotiate an agreement or agreements for managing migratory, transboundary, and straddling fish stocks in the Arctic Ocean and establishing a new international fisheries management organization or organizations for the region;
- (2) the agreement or agreements negotiated pursuant to paragraph (1) should conform to the requirements of the United Nations Fish Stocks Agreement and contain mechanisms, inter alia, for establishing catch and bycatch limits, harvest allocations, observers, monitoring, data collection and reporting, enforcement, and other elements necessary for sustaining future Arctic fish stocks;
- (3) as international fisheries agreements are negotiated and implemented, the United States should consult with the North Pacific Regional Fishery Management Council and Alaska Native subsistence communities of the Arctic; and
- (4) until the agreement or agreements negotiated pursuant to paragraph (1) come into force and measures consistent with the United Nations Fish Stocks Agreement are in effect, the United States should support international efforts to halt the expansion of commercial fishing activities in the high seas of the Arctic Ocean.

Calendar No. 407

110th CONGRESS

1st Session

S. J. RES. 17

JOINT RESOLUTION

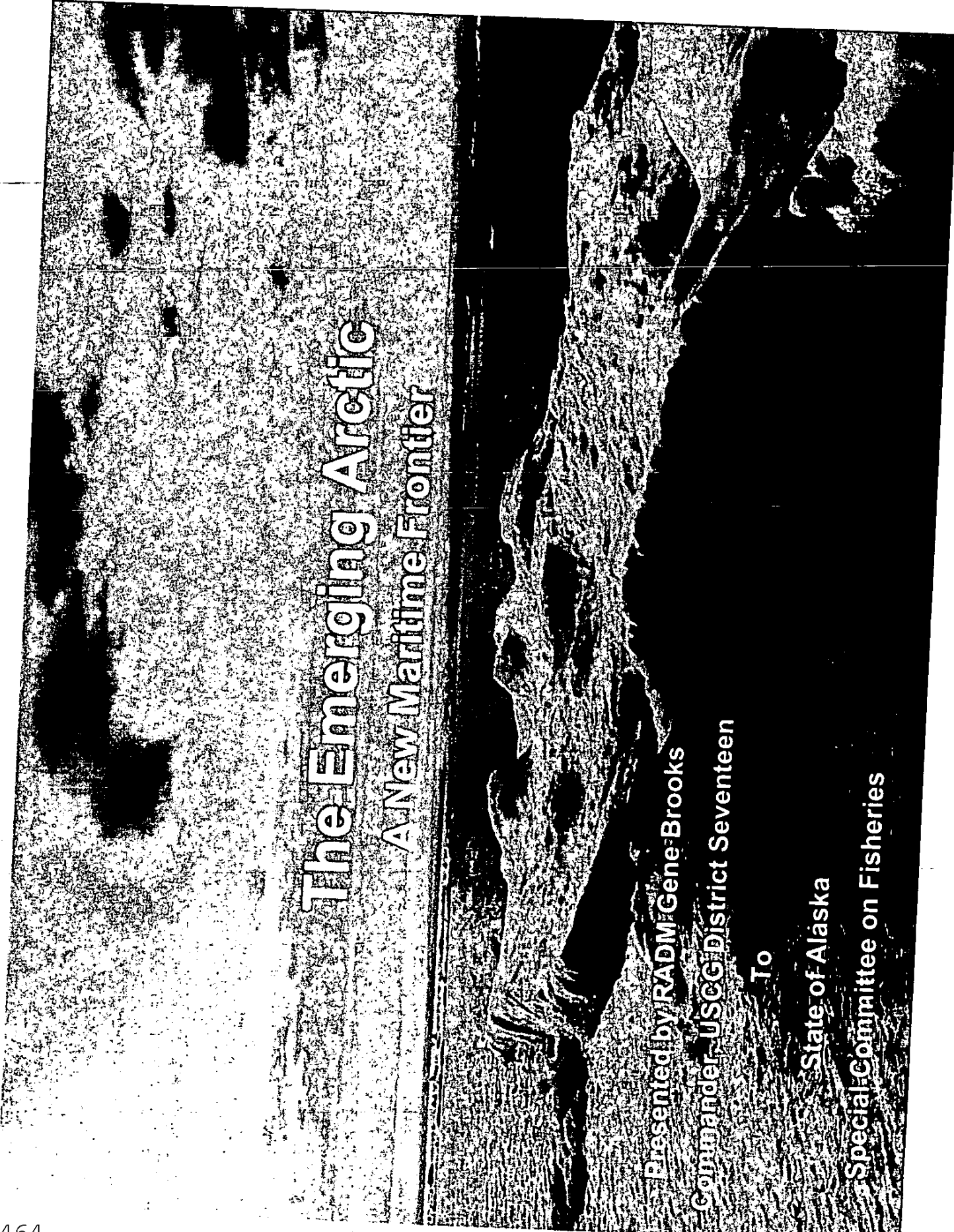
Directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

October 4, 2007

Reported without amendment

END

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The Emerging Arctic

A New Maritime Frontier

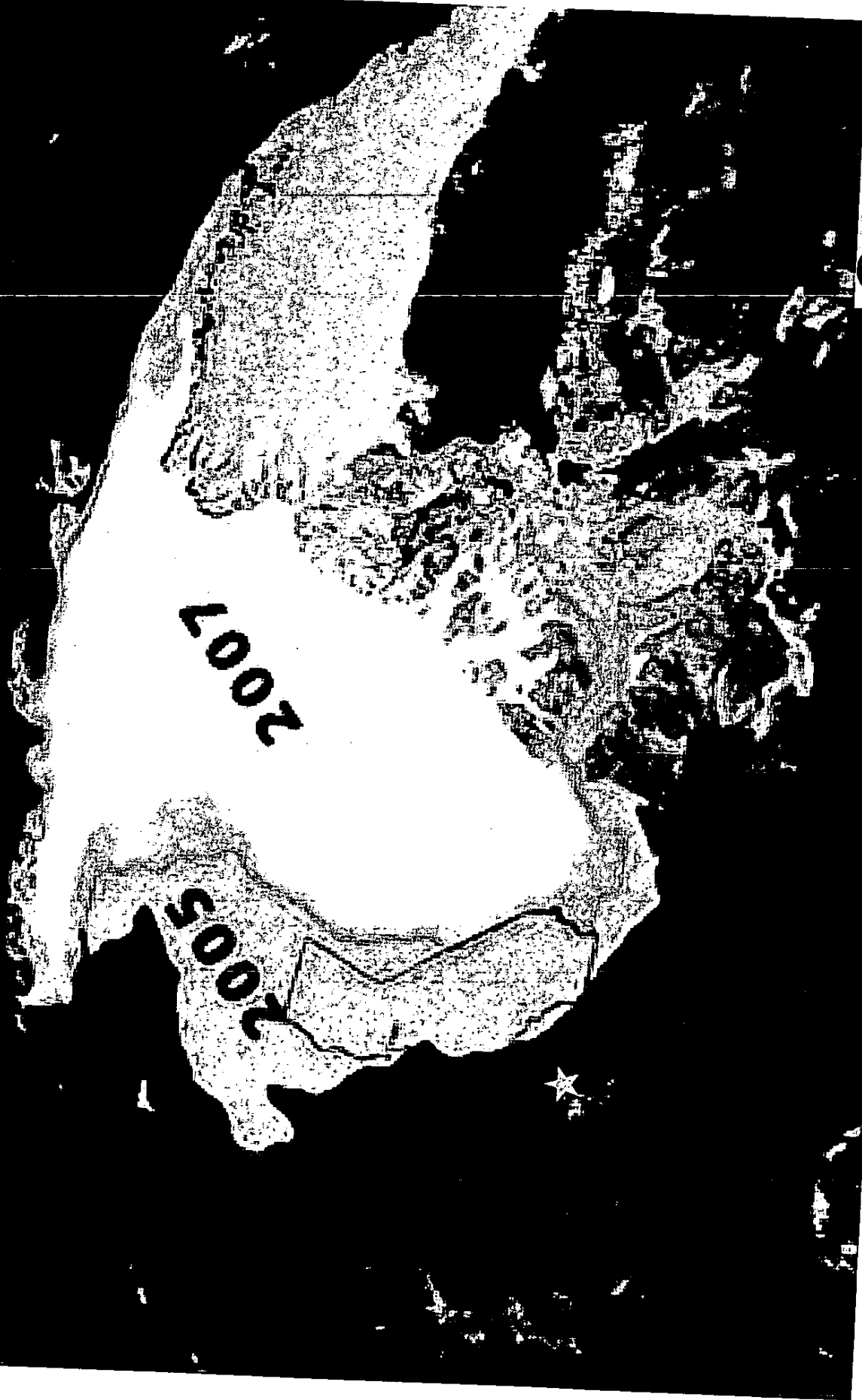
Presented by RADM Gene Brooks
Commander, USCG District Seventeen
To

State of Alaska
Special Committee on Fisheries

Agenda

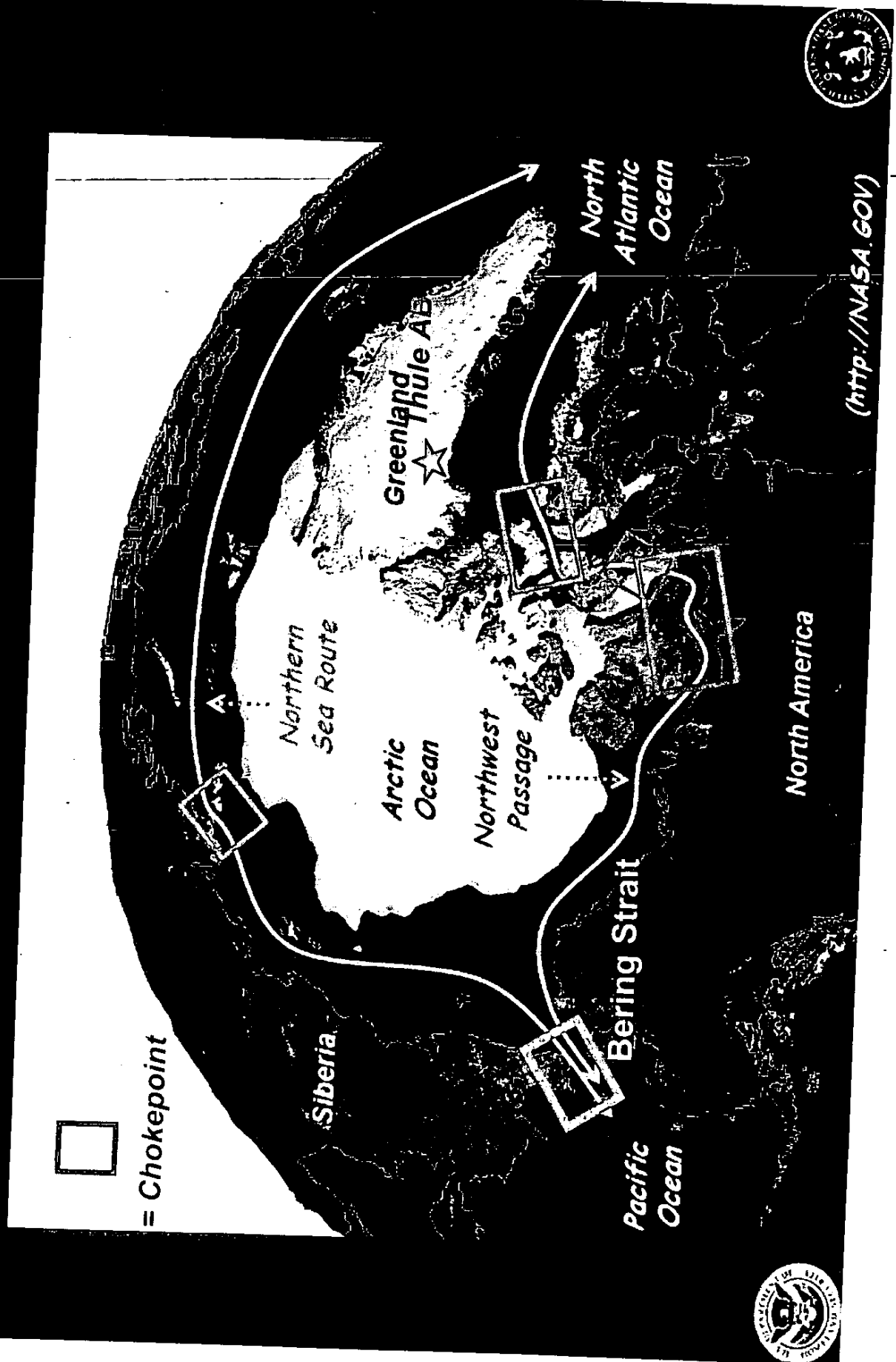
- The Changing Arctic Frontier
- Strategic Challenges & Drivers
- 2008/2009 Operations
- The Arctic Conundrum

Summer Sea Ice Retreat



NASA
National Aeronautics
and Space Administration

Future Maritime Arctic Shipping Routes





**Maritime Traffic Management
Vessel Traffic System (VTS)**

Lengthy Process

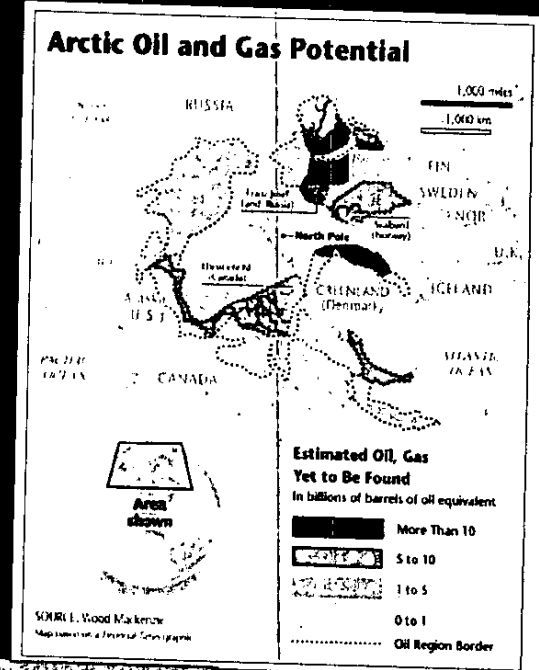
Ultimately Approved By

Int'l Maritime Organization

Expanding Resource Development

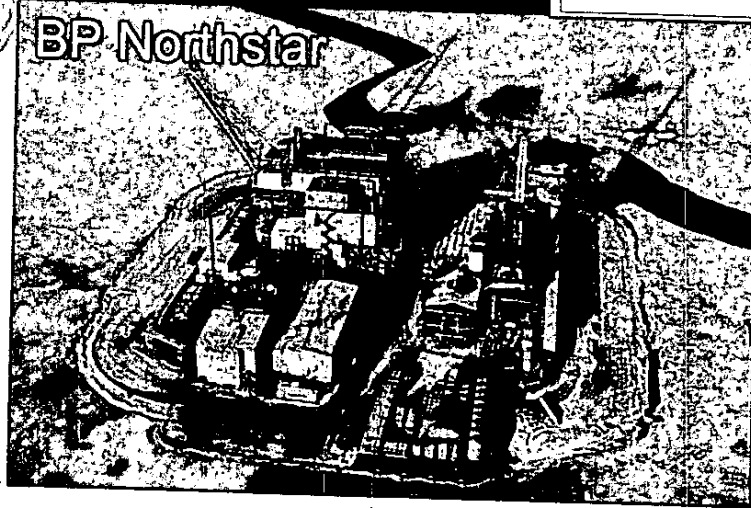
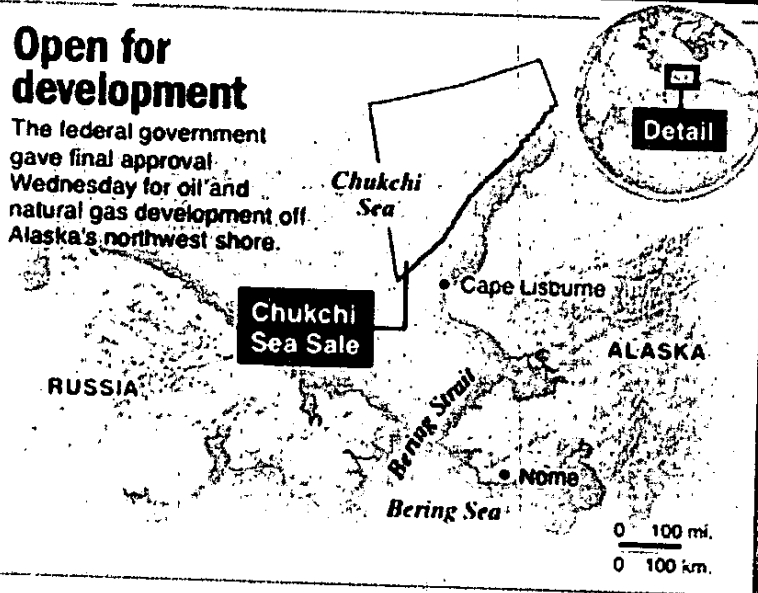
\$33 Trillion inside 200NM

- Hydrocarbons (Oil & Gas) & minerals (Manganese, Copper, Nickel, Cobalt)
- Oil companies bid nearly \$2.7 billion for Chukchi Sea rights.

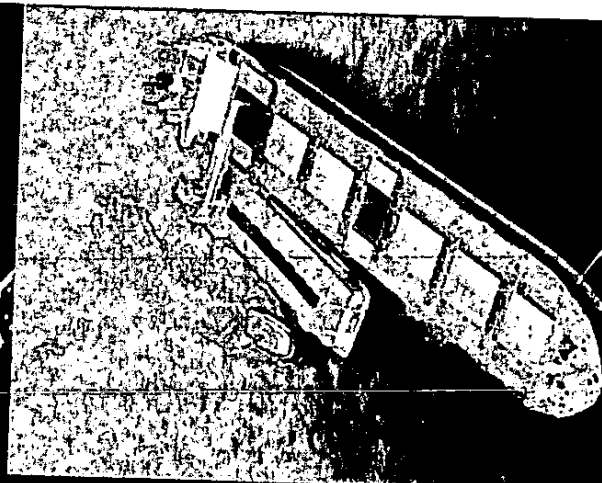
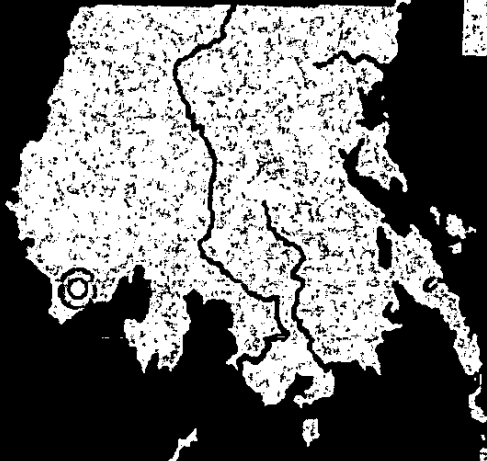


Open for development

The federal government gave final approval Wednesday for oil and natural gas development off Alaska's northwest shore.



Seasonal Ore Operations



ore carrier receiving a tender
boat offshore

Growing Eco-Tourism



MS Explorer

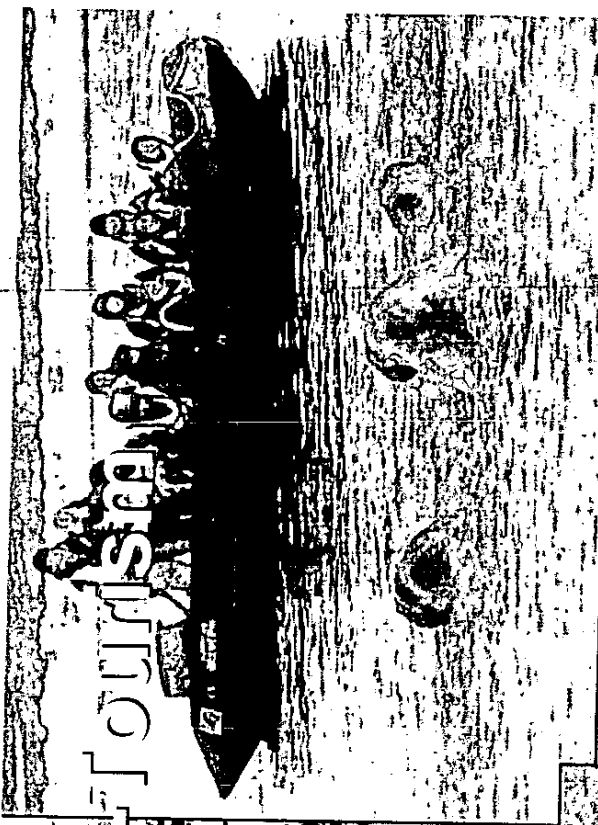
Antarctica, Nov 2007

Strick Iceberg (Sank)

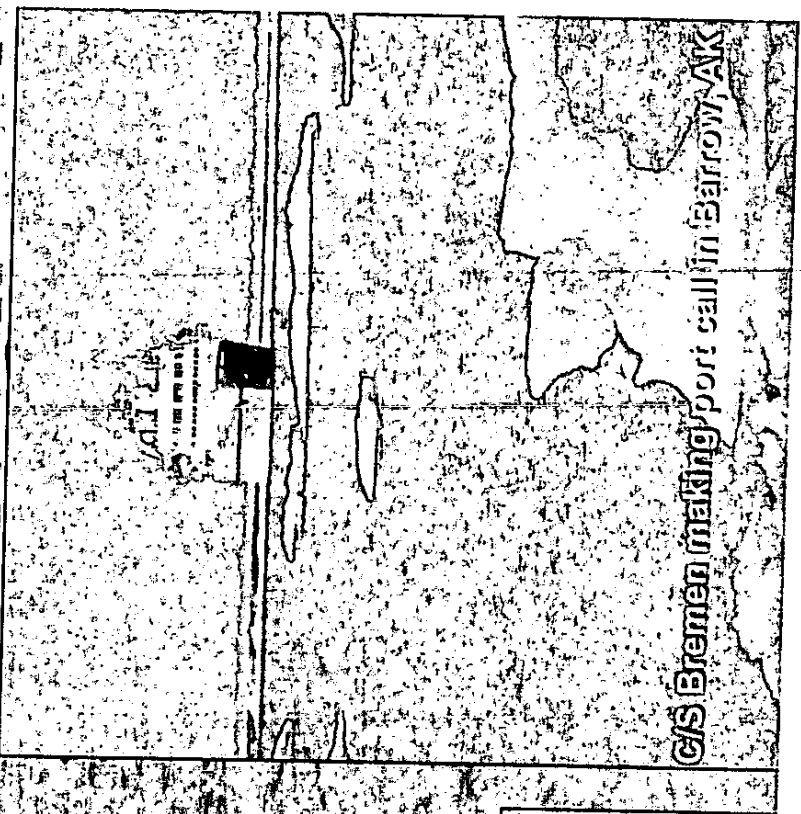
154 PAX/Crew Abandon Ship



Ice Station Borneo



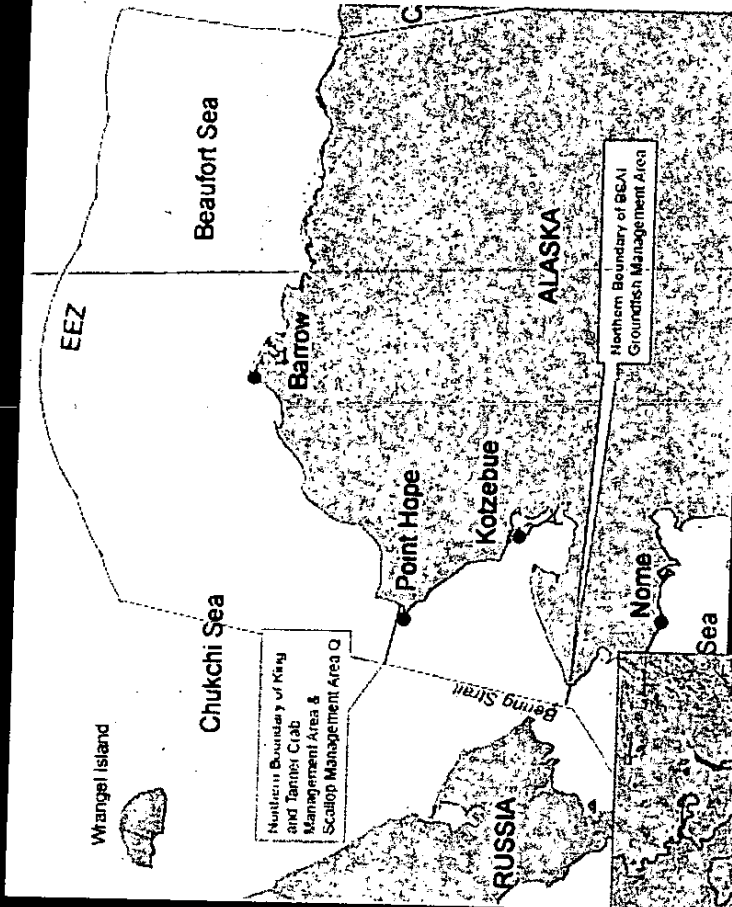
Tourists



C/S Bremen making port call in Barrow, AK

Species Movement North

- Stocks are moving North
- No commercial fishing in Arctic
 - Awaiting NPFMC decision
 - Potential large closed area enforcement challenges



**NPFMC – North Pacific
Fishery
Management
Council**

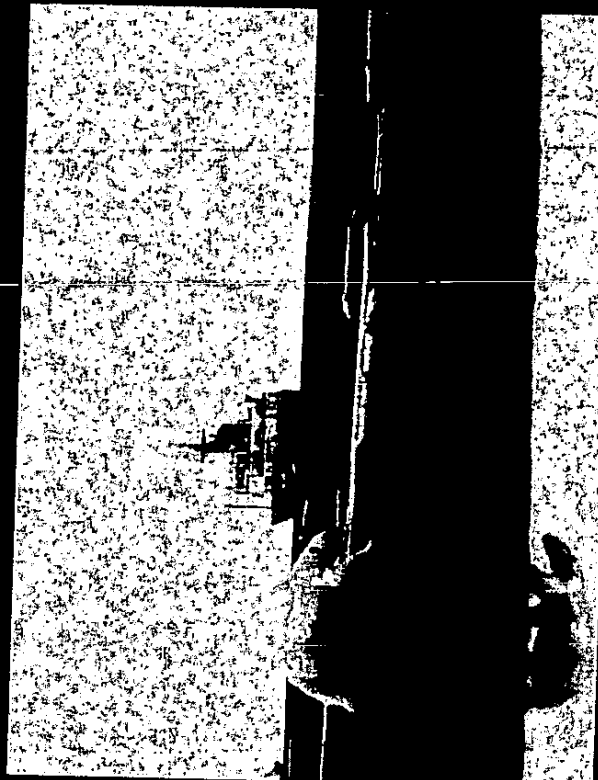


**Homeland
Security**

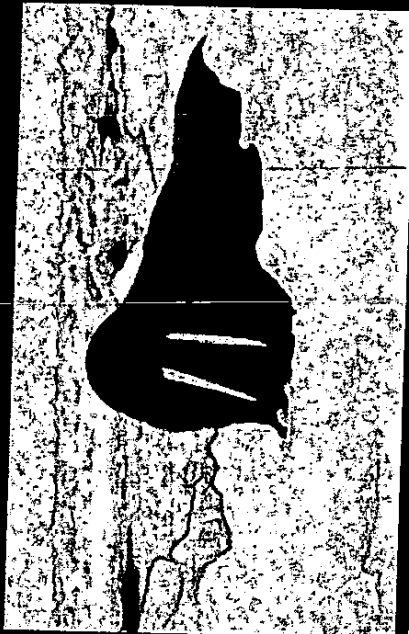


Threatened and Endangered Species

- Marine Mammal Protection Act - prohibits harassment, injuring, or killing
- Most populations are healthy
- Legal issues pending in 9th Circuit Court of Appeals



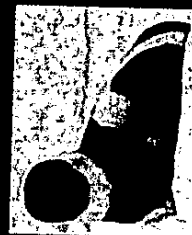
Polar Bear



Walrus



Bowhead whale



Seals



Department of the Interior
Homeland Security



AK Native & Tribal Engagement

- AK has 229 of the 562 Federally Recognized Native Tribes
- EO 13175 – Mandates Tribal Consultation
- 13 Native Regional & 200 Village Corporations
- Protection of subsistence lifestyle - AK Eskimo Whaling Commission, Eskimo Walrus Commission, Nanuk Commission



Outreach

- Dialogue with Northern and Western Alaskan Communities & Tribes
 - Imperative for safe operations
 - Boating safety exchange in Barrow, Kotzebue & several remote North Slope villages



Challenges in the U. S. Arctic

Barrow

•Distances

Kodiak-Barrow = 1660 NM

Kodiak-St Paul = 759 NM

Nome-Barrow = 566 NM

Barrow-North Pole= 1,140 NM

•Weather

•Lack of Infrastructure

•Lack of Knowledge

Attu

St. Paul

Cordova

Juneau

Kodiak

Ketchikan

Cold Bay

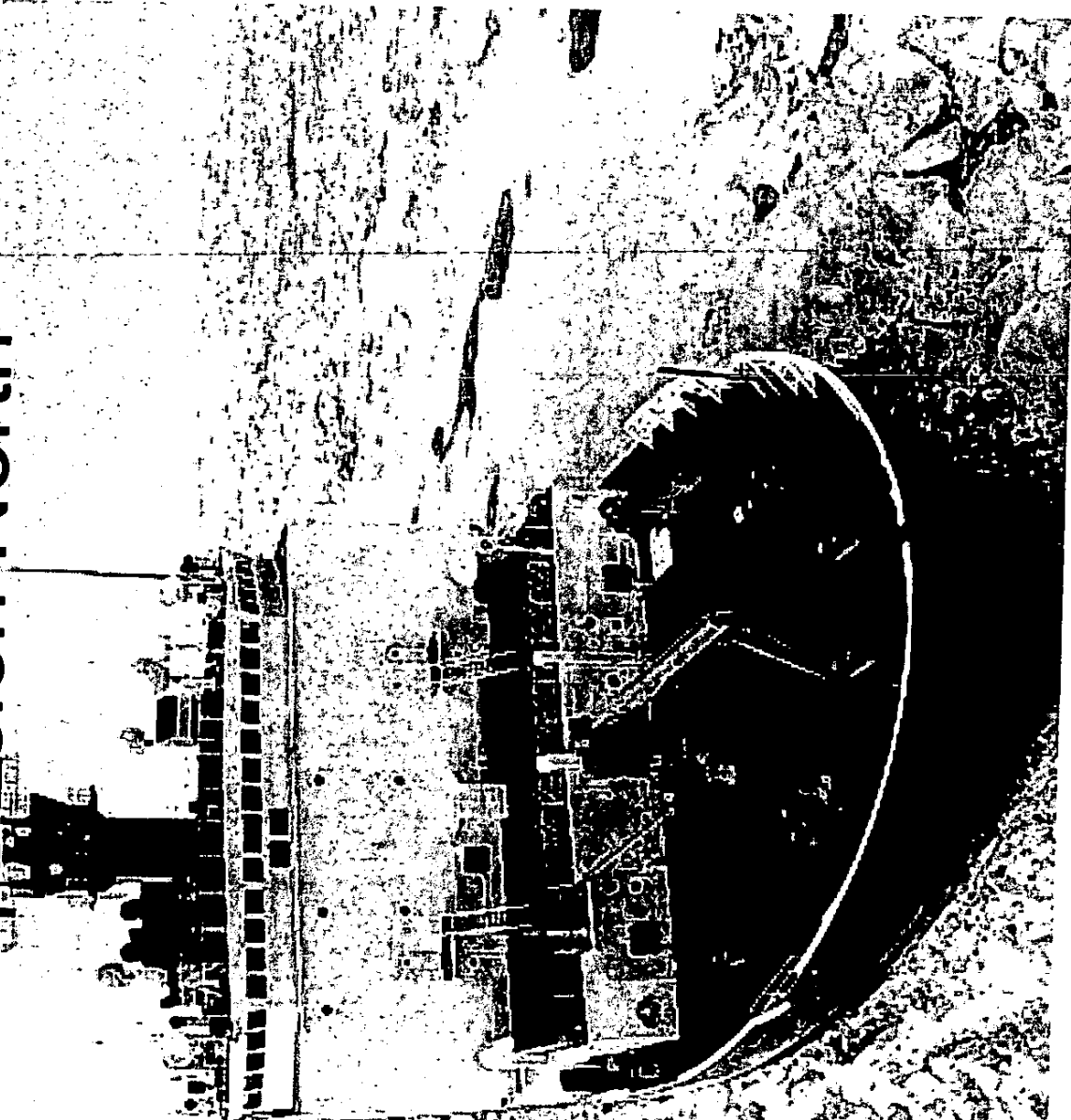
Dutch Harbor

Maritime Boundary Line

Nome

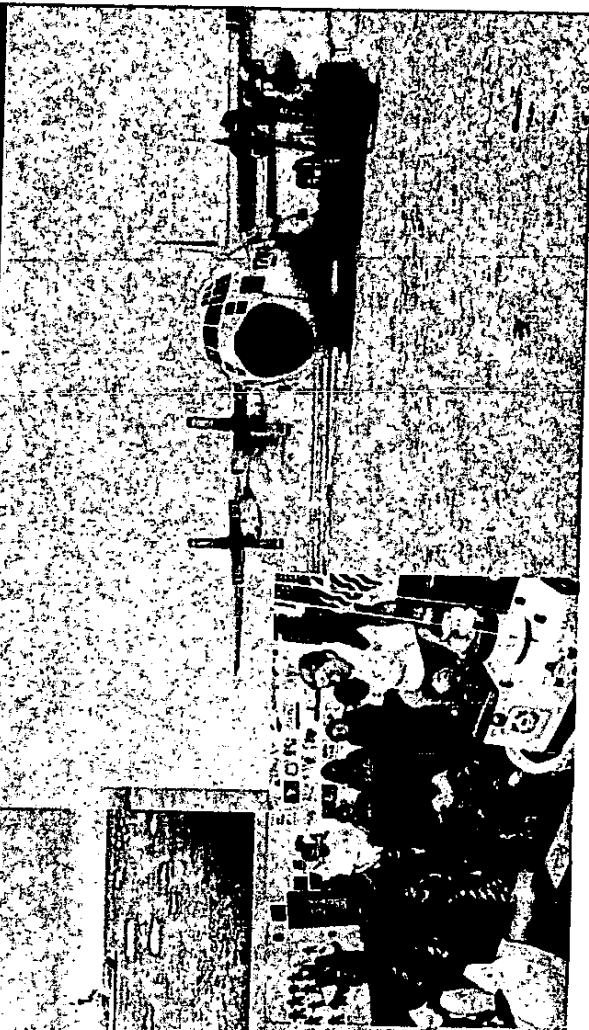
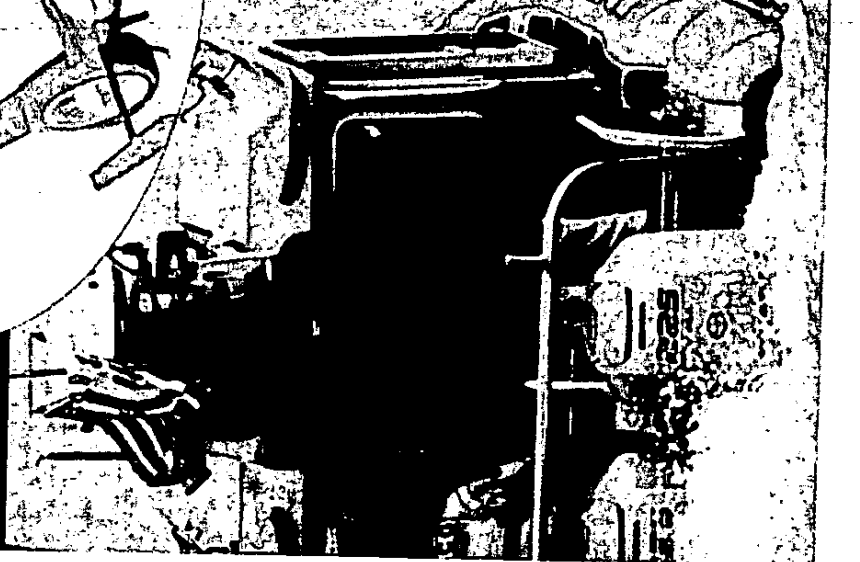
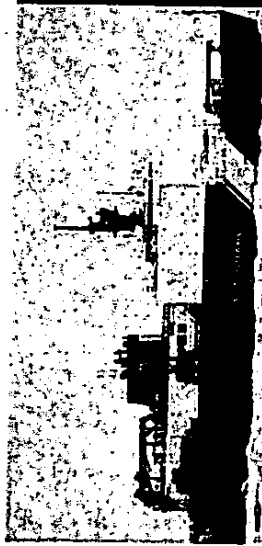
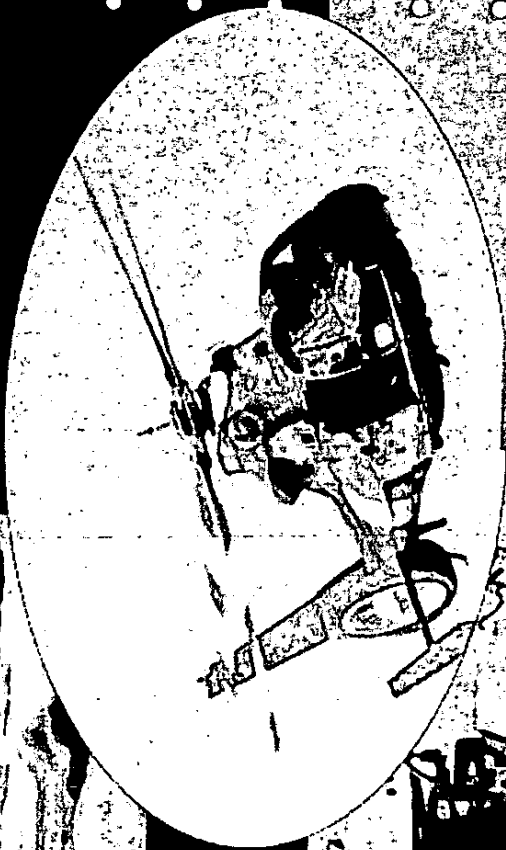
Arctic Changes Drive Coast Guard Mission Expansion North

**All CG missions
in Southern
Alaska must be
expanded to
Northern Alaska**



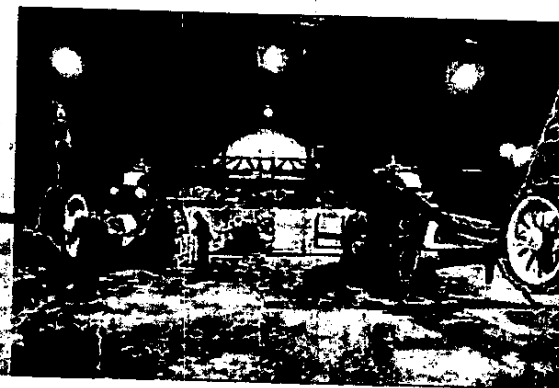
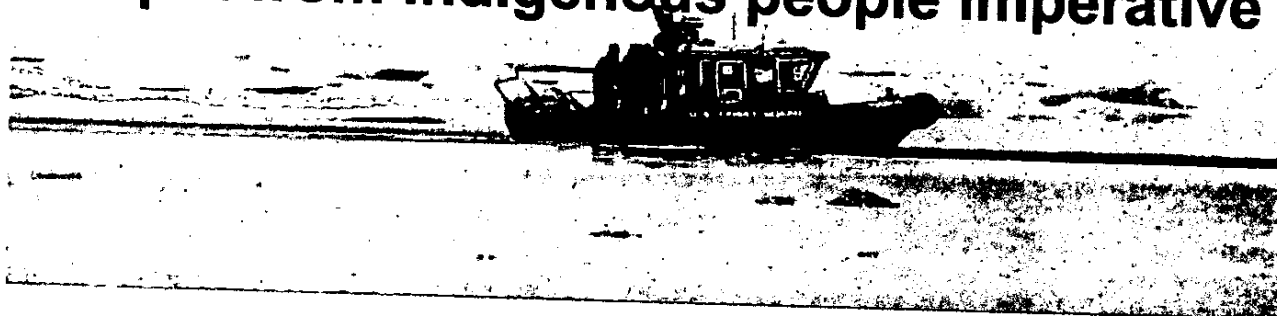
Arctic Ops Summer '08

- Arctic Domain Awareness
- Cutter Operations
- Tailored Force Package Deployment
- Community Engagement
- SAR Exercise



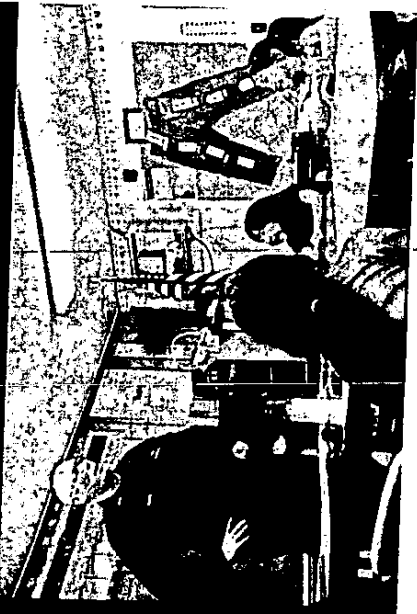
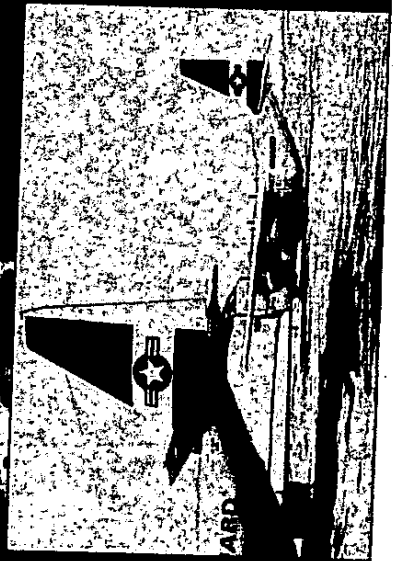
SalliQ: Lessons Learned

- **Infrastructure insufficient**
- **Lack of effective communication**
- **Small boats/short range helos ineffective**
- **Require icebreakers or ice hardened vessels with embarked helos**
- **Input from indigenous people imperative**



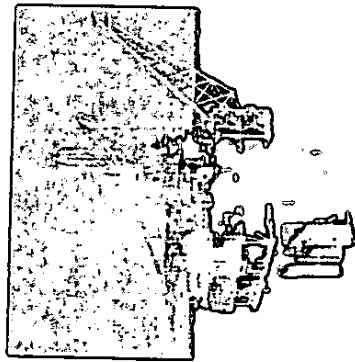
Search and Seizure Operations

- Cutter and icebreaker deployments in Bering/Chukchi Sea
- ADA flights
- Waterways Analysis
- FOB deployments
- Continued Outreach

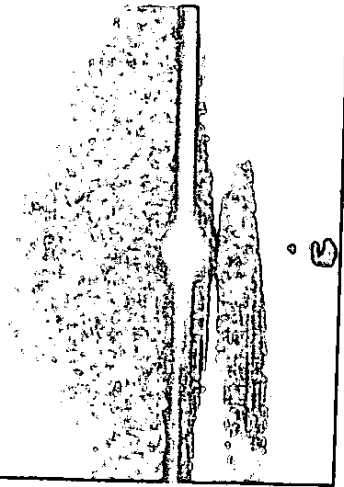
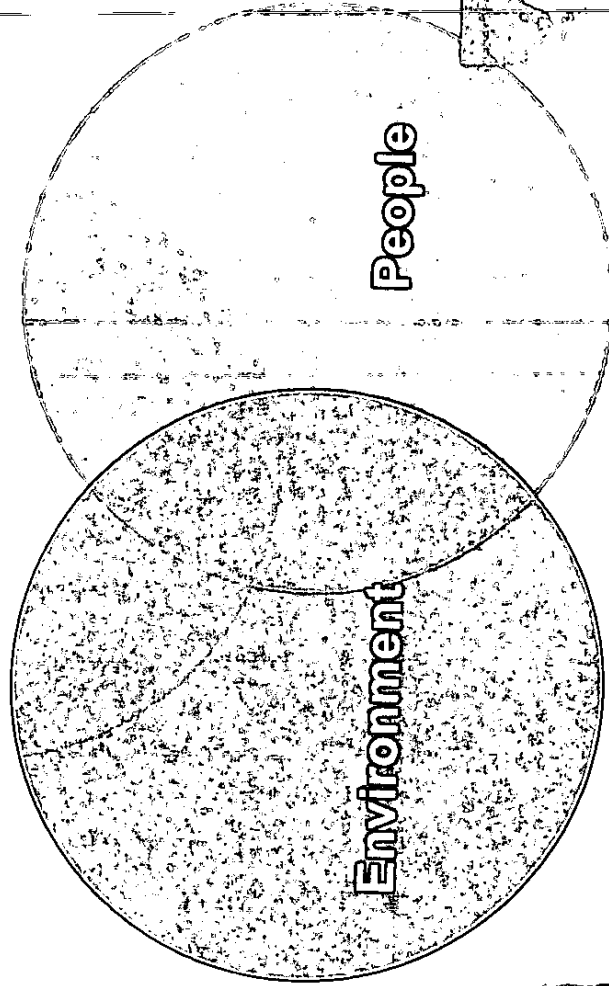


Department of
**Homeland
Security**

The Arctic Conundrum



Development



3

US Arctic Policy Goals

- Meet Nat'l & homeland security needs
- Protect the Arctic environment & conserve it's biological resources
- Ensure that natural resource mgmt & economic development in the region is environmentally sustainable
- Strengthen cooperation among Arctic nations
- Involve indigenous communities in decisions that affect them
- Enhance scientific monitoring & research
- Presently, National Security Presidential Directive 66/Homeland Security Presidential Directive 25 (Arctic Region Policy) are under review
- Although signed by President Bush it is currently under review by the Obama Administration



Homeland Security



THE ARCTIC REGION
 OFFICE OF THE SECRETARY OF STATE
 DEPARTMENT OF STATE
 WASHINGTON, D.C. 20520-1225
 PHONE: 202-462-2222
 FAX: 202-462-2222

MEMORANDUM FOR THE PRESIDENT
 THE SECRETARY OF STATE
 THE DEPUTY SECRETARY OF STATE
 THE ATTORNEY GENERAL
 THE SECRETARY OF THE INTERIOR
 THE SECRETARY OF HEALTH AND HUMAN SERVICES
 THE SECRETARY OF ENERGY
 THE SECRETARY OF HOMELAND SECURITY
 ASSISTANTS TO THE PRESIDENT AND
 ASSISTANTS TO THE VICE PRESIDENT

AGENCY: OFFICE OF THE ENVIRONMENTAL PROTECTION
 DIRECTOR: THE OFFICE OF MANAGEMENT AND BUDGET
 DIRECTOR: NATIONAL INTELLIGENCE AND NUMBER
 ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY
 ASSISTANT TO THE PRESIDENT
 ASSISTANT TO THE PRESIDENT AND DEPUTY NATIONAL
 ASSISTANT TO THE PRESIDENT FOR INTERNATIONAL AFFAIRS
 ASSISTANT TO THE PRESIDENT FOR HOMELAND SECURITY
 AND FOUNDATION FOR ENVIRONMENTAL QUALITY
 CHAIRMAN, NATIONAL ADVISORY COMMITTEE ON
 SCIENCE OF THE DEPT. OF SCIENCE AND TECHNOLOGY
 CHAIRMAN OF THE HOUSE PANELS OF STATE
 COMMERCE, THE ENVIRONMENT AND
 FORESTRY, NATIONAL SCIENCE FOUNDATION

SUBJECT:

I. PURPOSE


A. This Directive establishes the policy of the United States with respect to the Arctic region and directs related policy actions. It shall be implemented by the Secretary of State, the Secretary of Energy, the Secretary of the Interior, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Assistant to the President for National Security, the Assistant to the President for International Affairs, the Assistant to the President for Homeland Security and Foundation for Environmental Quality, the Chairman of the National Advisory Committee on Science of the Department of Science and Technology, the Chairman of the House Panels of State Commerce, the Environment and Forestry, the National Science Foundation, the President, the Vice President, and the Secretary of State.

B. This Directive shall be implemented in a manner consistent with the Constitution and laws of the United States, with the policies of the United States, and the policies of the United States with respect to the Arctic region. It shall be implemented by the Secretary of State, the Secretary of Energy, the Secretary of the Interior, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Assistant to the President for National Security, the Assistant to the President for International Affairs, the Assistant to the President for Homeland Security and Foundation for Environmental Quality, the Chairman of the National Advisory Committee on Science of the Department of Science and Technology, the Chairman of the House Panels of State Commerce, the Environment and Forestry, the National Science Foundation, the President, the Vice President, and the Secretary of State, in consultation with respect to the law of the land.

Questions?

BUY • DRINK GOLD • GOLD GLAD • GILDED WINE

SEA WATER



THE NEW COLD WATER?

U.S., Canada, Russia, Denmark Rush to Stake Arctic Claims

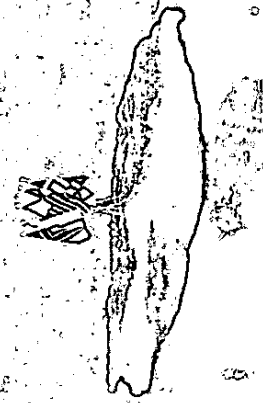
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Has Russia won the Arctic? Can the U.S. and Canada? Why? The Russians don't say.

TIME


Who Owns the Arctic?

Arctic warms. Controversy over land, energy, the global health, and resource benefits.



U.S. ARCTIC EXPEDITION AND THE GREAT POLAR WINTER

HARPERS



THE COMING FIGHT FOR THE MELTING NORTH

By McKenzie Funk

3-26-09

Confirmation:

Board of

Fisheries, Judge

Karl Johnstone

<target><bill></bill><subject>3-26-09 Confirmation Board of
Fisheries, Judge Karl
Johnstone</subject><comm>HFSH26</comm></target>



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

MEMORANDUM

Date: January 21, 2009

To: Representative Edgmon, Chair
House Special Committee on Fisheries

From: Suzi Lowell *SL*
Chief Clerk

Subject: Governor's Appointment(s)

The Speaker referred the following Governor's appointment(s) to the House Special Committee on Fisheries and the Resources Committee:

Board of Fisheries
Judge Karl S. Johnstone (Retired)

Appointed:	12/5/2008	Term Expires: 6/30/2009
------------	-----------	-------------------------

The Referral for Confirmation page(s), resume(s), and a signature page are attached for your use.

Attachments as noted

Resume

Name: Karl S. Johnstone

Address: 18618 Snowy Plover Cir
Anchorage, Alaska 99516

Time in Alaska: 1967 to present

Date of Birth: 07/25/1941

Health: Perfect

Education: Bachelor's degree in Business, 1964 U. of Arizona
Juris Doctor in Law, 1967 U. of Arizona

Work Experience: Private Practice of Law 1968 through 1978
Superior Court Judge 1979 through July 1996
Part time mediator/arbitrator and limited practice
1997 through present

Position applying for: Member of North Pacific Fishery Management
Council or Alaska Fish Board

Related Experience: Owned and fished Limited entry permits for set net
and drift net salmon fishing in Bristol Bay from
1984 through 1988. Owned and fished Limited
entry permits for gillnet herring in S.E. Alaska
and Prince William Sound from 1984 through
1988.
Have been an active sport fisherman through out
Alaska since 1967 to present.

Other activities: Golf, flying, building aircraft, fishing, reading.

References: Jim Palin 907-376-6900
Doug Baily 907-586-2266
Landa Baily 907-586-2266

Contact information: email: Johnstone@alaska.net Phone 928-
541-1378



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: -- (907) 465-5334

MEMORANDUM

Date: 2009

To: All Committees

From: Suzi Lowell
Chief Clerk

Subject: Confirmation Committee Report (Signature Page) for Governor's
Appointments

The attached Confirmation Committee Report (signature page) should be used in conjunction with the Referral for Confirmation form for the Governor's appointments to boards and commissions requiring legislative confirmation. After a committee has reviewed the qualifications of the appointee(s), the Referral for Confirmation form(s) should be dated and attached to a signature page. Have members sign the signature page and return the confirmation packet to the Chief Clerk's office.

Please use a single signature page for multiple appointees if the names of all members signing the report are the same for each attached referral. This change allows members to sign once for multiple appointments.

Attached are several signature pages for your use. We used colored paper to make them easier to identify. If you anticipate needing more forms or need assistance, please call Nancy McMullen at 6809.

Note: A separate report, including the signatures, will be used for department commissioners.

Attachments



Official Business

Alaska State Legislature

House of Representatives

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

Office of the Chief Clerk

MEMORANDUM

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From: Suzi Lowell *sl*
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The Referral for Confirmation page(s), resume(s), and a signature page are attached for your use.

Attachments as noted

4-09-09

**Confirma-
tion:**

**Board of
Fisheries,
Brent
Johnson**

<target><bill></bill><subject>4-09-09 Confirmation Board of Fisheries, Brent Johnson</subject><comm>HFSH26</comm></target>



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

REFERRAL FOR CONFIRMATION

Date Referred: April 2, 2009

Committee: **House Special Committee on Fisheries**

Board of Fisheries

Brent G. Johnson – Clam Gulch

Appointed: 7/1/2009 Term Expires: 6/30/2012

Action Date: _____
(Same date as on the accompanying signature page)

Note: Attach to a signature page and return to the Chief Clerk's office.

Brent G. Johnson
resumé for application to Alaska Board of Fisheries.

Fisheries experience:

- Cook Inlet setnetter since 1962. My wife, Judy, and I have owned our own setnet site since 1977. Together with my mother and our children we currently fish 11 permits, one of the largest operations in Cook Inlet. We have developed a way to put all our fish into slush ice at the point of harvest (in the skiffs).
- Crewed on a Prince William Sound salmon seiner several times, most recently in 2008. I typically do this after the Cook Inlet setnet season has closed.
- Seined and setnet for herring in Cook Inlet.
- Crewed on Cook Inlet halibut longline vessels.
- Drafted Shore Fisheries Diagrams for clients in Cook Inlet, Kodiak, Area M and Bristol Bay.

Public service organization experience:

- Served on the Kenai-Soldotna Fish & Game Advisory Committee for about 15 years, including terms as secretary and as chairman. Last service there was about 5 years ago.
- Served on the Cook Inlet Aquaculture Association Board of Directors for about 15 years. Currently serving as president of that organization.
- Served on the Kenai Peninsula Fishermen's Association Board of Directors for about 20 years, including several terms as president. Last term as president ended in the spring of 2008. At that time I retired from the KPFA Board of Directors, though I'm still a member of the organization.
- Served as an alternate to the Cook Inlet Salmon Brand (Kenai Wild) Board of Directors.
- Served on the Kenai Peninsula Borough Planning Commission for about 12 years. This is a paid position and I continue to serve there.
- Served on the Kasilof Regional Historical Association for about 4 years. Currently president of that organization.
- Elected president of the Kenai Peninsula Historical Association in May 2008 and continue to serve in that capacity.

Education:

Graduated from Ninilchik High School in 1973.
Numerous classes for personal development from U of A, Kenai River Branch.

Pertinent family ties:

- My brother-in-law, Doug Blossom, owns the setnet site adjacent to ours. He is also Chairman of the District 34 Republican Party.
- Two of my nephews work in the sport fish guiding industry and one of my nieces is married to a Cook Inlet salmon drift fisherman.
- My 89-year-old mother has been in Alaska since 1942.

Work:

- I worked for years for my father who was a private land surveyor. My brother has taken over his business and I've physically surveyed numerous Shore Fishery Leases for them.

A COUPLE OF NOTES:

When you call for a motion to move the judge to Resources, the phrase is:
“Do we have a motion to forward the name of Brent G. Johnson for confirmation to the Resources Committee?”)

RAY & SUE TAURIAINEN**46686 TAURIAINEN TRL****KENAI, AK 99611****Email: rtauri@gci.net****(907) 776-8885**

April 06, 2009

Legislators of Alaska
Juneau, Alaska

Ref: State Board of Fisheries Appointee

Dear Legislator,

I would like to show my support for the appointment of Mr. Brent Johnson to the State Board of Fisheries. Mr. Johnson has been a longtime resident of the Kasilof Community. His active participation in fisheries and local government give him the experience and expertise for such a position. It has been many years since a member of the Cook Inlet Commercial Fishery has been a part of the Fisheries Board. Cook Inlet is very often an issue before the board and therefore it's only fair that we have someone representing this area.

Please vote yes for Brent Johnson's appointment. Thank you for your consideration and support on this matter.

Sincerely,



Sue Tauriainen

April 5, 2009

Representative Bryce Edgmon

Chairman, Special Committee on Fisheries

State Capitol

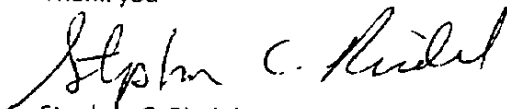
Juneau AK 99801

Dear Representative Edgmon

I am writing to support the appointment of Brent Johnson to the Board of Fisheries. I have been involved in five Board meetings for Area E and know firsthand how important it is to have knowledgeable people sitting on the Board. During the last cycle, I submitted a proposal to change the technical specifications on purse seines that would improve the quality of the harvest and increase the safety of operations. It was very difficult for Board members who had no experience with fishing equipment to understand what we were trying to accomplish. We need to have people on the Board of Fisheries who have a fundamental understanding of how these fisheries work.

I have heard that some of the Kenai sports fishermen are expressing concern over the impact of Mr. Johnson's appointment on the allocation between users. As an active Cook Inlet set netter, Mr Johnson would not be able to deliberate or vote on any proposals that affect Cook Inlet. I would also like to point out that at the last Board meeting dealing Prince William Sound and the Copper River there were no significant changes to the allocation between any of the competing user groups.

Thank you



Stephen C. Riedel

12300 Rockridge drive

Anchorage, AK 99516



ICICLE

April 6, 2009

Representative Craig Johnson
Representative Mark Neuman
House Resources Committee
Alaska State Legislature
120 4th Street, State Capitol, Room 3
Juneau, Alaska 99801-1182

Dear Co-chairs Johnson and Neuman,

I wish to express our support for the confirmation of Brent Johnson to the Alaska Board of Fisheries.

Mr. Johnson has many years of experience as a commercial fisherman in Cook Inlet and Prince William Sound harvesting salmon, herring and halibut. Through his experience on the fishing grounds and as an active board member of various organizations, including the United Fishermen of Alaska and the Cook Inlet Aquaculture Association, he has acquired a very good knowledge of Alaska's fisheries. He understands the importance of scientifically based fishery resource management and is a strong supporter of utilizing practices that promote quality. Having more than a decade of service on the Kenai-Soldotna Fish & Game Advisory committee has prepared him for this appointment.

We believe that Mr. Johnson will make a fine member of the Alaska Board of Fisheries and respectfully request your support of his confirmation.

Sincerely,

Kris Norosz
Government Affairs

cc: Members, House Resources Committee

PETERSBURG FISHERIES

A DIVISION OF ICICLE SEAFOODS, INC.

P.O. Box 1147 • Petersburg, AK 99833 • Tel: 907-772-4294 • Fax: 907-772-4472

Western Gulf of Alaska Fishermen

2900 Fritz Cove Road
Juneau, Ak 99801
Tel (907) 723-5257
Email jmchilders@gci.net

April 7, 2009

Rep. Edgmon, Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol
(Mail stop 3100)
Juneau AK 99801

Re: Board of Fisheries appointments

Dear Sir:

Western Gulf of Alaska Fishermen's Association is comprised of boat owners engaged in groundfish fisheries in the Gulf of Alaska and the Aleutian Islands. We fish for p-cod with pot and trawl gear and for pollock with trawl gear. Our vessels home port and operate out of Sand Point, Alaska. At this time there are 14 vessels represented by this association.

We unanimously support and endorse Brent Johnson for appointment to the Board of Fisheries.

Respectfully submitted by,



Joe Childers
Director

CC: Representative Munoz



Alaska State Legislature

Please enter into the record my testimony to the ___ House Special Committee on Fisheries
confirmation Brent Johnson to Board of Fisheries _____, dated

040809 _____

Please accept the following as written testimony.

Brent is well respected in our community and has always been a person valued for his integrity, knowledge and sense of humor. His qualifications and ethical decency will be a great asset to the BOF process. He has been active for years in the BOF process and his desire to bring scientific management to the forefront will be good for the fish resource.

Thank you,

Signed: Dan Thompson, 35999 K Beach Rd
907-283-7242

Timothy Clark

From: Catherine & Erik [cark1@worldnet.att.net]

Sent: Wednesday, April 08, 2009 10:32 AM

To: Timothy Clark

Subject: BOF Brent Johnson appointment

To: House Fisheries Special Committee
Representative Bryce Edgmon, Chair
Attn: Timothy Clark

From: Catherine Cassidy
PO Box 599
Kasilof, AK 99610
(907)262-6189

I am writing in support of Brent Johnson's nomination to the Board of Fish. I have seen Brent in action on the Kenai Peninsula Borough's Planning Commission and I have worked with Brent on the Board of Directors of the Kasilof Regional Historical Association for several years.

Brent is very good at problem-solving. He is quick to grasp the big picture on issues and process the consequences of various actions. Along with a positive approach in general, Brent is skilled at seeking common ground and consensus in a group. He would be an unqualified asset to the Board and I strongly encourage his confirmation.

April 7, 2009

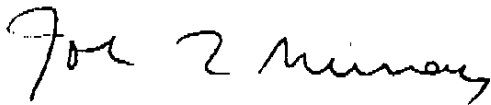
Dear House Fisheries Committee:

I would like to voice my support for Mr. Brent Johnson for a seat on the Alaska Board of Fisheries.

He has been a member on a number of boards and commissions such as The Kenai Soldotna F&G Advisory Committee, Cook Inlet Aquaculture Association and Kenai Peninsula Fishermen's Association, which greatly enhance his depth of knowledge required of a Board of Fish member. All these positions require a commitment and solid base of experience and he has served long terms showing that commitment.

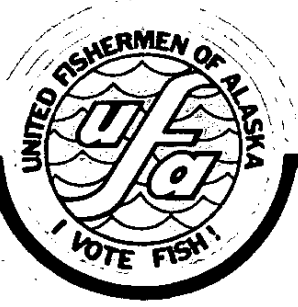
I believe he would make an excellent choice and would be an asset to the Board of Fish and to the State of Alaska.

Sincerely,



John L. Murray, F/V Loran
224 Observatory Street
Sitka, AK 99835

cc: Sen. Stedman
Rep. Wilson



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

April 8, 2009

Representative Bryce Edgmon
Alaska State Legislature
State Capitol, Room 416
Juneau, AK 99801

RE: Support for Confirmation of Brent Johnson for Board of Fisheries

Dear Representative Edgmon,

United Fishermen of Alaska (UFA) is the largest statewide commercial fishing trade association, representing 37 commercial fishing organizations participating in fisheries throughout the state and its offshore waters.

UFA supports the confirmation of the appointment of Brent Johnson to the Alaska Board of Fisheries. We feel that Mr. Johnson's knowledge, experience and qualifications will enable him to understand and provide fair consideration of matters before the Board.

Thank you for your consideration,


Mark Vinsel
Executive Director



Trout Unlimited Alaska

Trout Unlimited Alaska
419 sixth st. Suite 200
Juneau, AK
99801
(907) 723-3662

Rep. Bryce Edgmon, Chair. House Fisheries Committee
State Capitol, Room 424.
Juneau, AK 99801-1182

Dear Rep. Edgmon,
Trout Unlimited Alaska supports the appointment of Brent Johnson to the Alaska Board of Fisheries. Mr. Johnson understands the important role habitat conservation plays in the well-being of fish and the sport, subsistence, and commercial users who benefit from our highly productive fisheries. Mr. Johnson has a balanced perspective on allocation between user groups and will address allocation issues based first and foremost on conservation of the resource and secondly by looking at the specific details of each fishery rather than applying blanket regulations across Alaska's diverse fishing areas, industries, and uses. We believe Brent Johnson will be a fair, open, and honest member on the Alaska Board of Fisheries and hope that the legislature will confirm his appointment.

Sincerely,

Tim Bristol, Director
Trout Unlimited Alaska

Trout Unlimited: America's Leading Coldwater Fisheries Conservation Organization
Alaska Office: 419 Sixth Street, Suite 200, Juneau, AK 99801 • (907) 723-3662



Alaska State Legislature

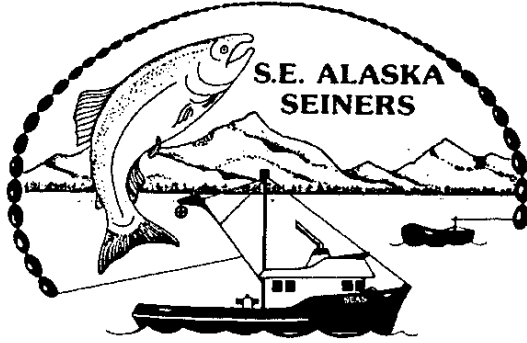
Please enter into the record my testimony to the ___House Special Committee
On Fisheries ___the confirmation of Brent Johnson Board to Fisheries ____, dated
040909_____.

Please accept the following as written testimony.

I and my family have been involved with Cook Inlet Fisheries and KPFA for over forty years. We have seen Brent Johnson put in many dedicated hours for the benefit of enhancing fisheries in Cook Inlet for everyone. He is an honest dedicated servant and will serve the Board of Fisheries well.

Signed: Joyce Honea

c/o Vern Kornstad --46695 Joyce Circle--Kenai, AK.99611
776-8842



Representative Edgmon
Alaska State Legislature
Juneau, AK 99801

April 8, 2009

Dear Representative Edgmon

Southeast Alaska Seiners Association (SEAS) is a non-profit fishing association representing well over 1000 direct and several thousand indirect jobs in the Southeast Alaska region. **We support both the confirmations of Karl Johnstone as well as Brent Johnson.**

While we have conducted our business in Southeast since 1968, we are very concerned about the regional and geographic balance on regulatory bodies that we deal with, such as the Alaska State Board of Fisheries. We understand that the Governor's appointments would now leave us with 3 seats in the Cook Inlet basin out of a total of 7 seats, these being Big Lake, Anchorage and Clam Gulch. With the remaining seats from Juneau, Petersburg, Kodiak and Naknek, there is quite a bit of diversity and geographic representation on the Board of Fisheries.

There will be statements and concerns coming from several quarters as to the geographic representation as well as the "balance" of this board. We are convinced that the Governors appointees are the right people for the job and will enhance and provide this balance. While most of our members are avid sportsmen as well as personal, subsistence and recreational users of the resource, our organization, SEAS, represents the commercial side of the Board of Fish arena.

Approximately 75% of all Board of Fish proposals are regulation changes, improvements, and management implementations that concern only commercial fishing. Thus, while you will hear that 4 of the 7 seats will now be considered "commercial", this is the way things should be. And the definition of "commercial" varies from region to region. Not one of these 7 Board of Fish members fish on a vessel large enough to qualify as a Southeast seiner. One of the "commercial" seats is a former processor who hasn't fished commercially for 40 years and the other 3 "commercial" seats have small enough vessels to fit on the deck of one of our boats.

✧ PO Box 23081, Juneau, AK 99802 ✧ 907-463-5030 ✧ Fax: 907-463-5083 ✧

Furthermore, one of the "sport" seats has fished commercially, in the past, for about ten years. Another "sport" seat used to be a fisheries biologist, Mr. Howard Delo, and he is one of our favorite board members. We never thought that we would be so inclined to be supportive of a fellow from Big Lake, but we are. (And please keep that in mind next year when this time of year rolls around again). We want Howard back on that board regardless of the fact that his home is not in Fairbanks. Some of the best folks may not come from the best geographic locations (not that Big Lake isn't a great place, it just isn't Fairbanks), but we want to see the best seven members on the board, regardless of affiliation or region.

Often we find more common interests with the so called "sport" representation than we do "commercial". And it helps that the "sport" seat can actually deliberate and vote on everything. **Interestingly enough, Brent Johnson will be not only conflicted out of voting on any Cook Inlet sport vs. commercial allocation issue but he will not be allowed to even deliberate. He must join the audience and is not allowed to speak on any conflicting issues.** We are bringing this to your attention so that you will know that some of the forces amassing against Mr. Johnson, while their points and concerns may be valid to their constituents, need to be reminded of this fact.

Brent Johnson will be unable to vote or deliberate on any contentious Cook Inlet issue because he is a Kenai setnetter.

I trust you will agree that the labels which are typically used for the Board of Fisheries members often do not work out to paint an accurate picture. What is most important is that potential board members have an open mind, a commitment to the fish resource, and an unbiased determination to do what is right to enable the state of Alaska to continue to have a sustainable resource to the benefit of all users. And when the member must choose in an allocation disagreement, that they use the highest ethical and moral means to guide them in these decisions.

Again, SEAS requests your 'yes' vote for the confirmation of both of Governor Palin's Board of Fisheries appointees, Brent Johnson and Karl Johnstone.

Sincerely

Robert M. Thorstenson, Jr.
Executive Director, SEAS
410 Calhoun Ave
Juneau, AK 99801
(907) 463-5030

To: The House Special Committee on Fisheries
Representative Bryce Edgmon, Chair

April 6, 2009

Dear Representative Edgmon,

First of all, I want to express my sincere appreciation for Governor Palin's appointment of Mr. Brent Johnson to the Alaska Board of Fisheries.

I have known Mr. Johnson for over twenty years and personally witnessed the dedication, knowledge, and fair-minded approach within Brent's character – positive attributes required for fair, complete, and reasoned decision-making by the Board of Fisheries.

Mr. Johnson understands fishery resource management, numerous commercial and sport fisheries and the important function of the Board of Fisheries. Mr. Johnson has extensive experience with the Board of Fisheries public process as: past chairman of the Kenai-Soldotna Fish and Game Advisory, past president of Kenai Peninsula Fishermen's Association, and president of Cook Inlet Aquaculture Association.

Mr. Johnson has dedicated thousands of hours of time and expertise to numerous non-profit associations and boards for decades. I look forward to the legislature's confirmation on the appointment of Mr. Brent Johnson.

Sincerely,

Jeff Beaudoin
P.O. Box 75
Kasilof, Alaska 99610

To: The House Special Committee on Fisheries
Representative Bryce Edgmon, Chair

April 6, 2009

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Sincerely,

Jeff Beaudoin
P.O. Box 75
Kasilof, Alaska 99610

Name: John Burch

Address: P.O. Box 1012
Cordova, AK

Date: 4.18.09

To Whom It May Concern:

I am writing to express my support for the confirmation of BRENT JOHNSON to the Board of Fisheries.

Sincerely,

John Burch

Name: John Platt

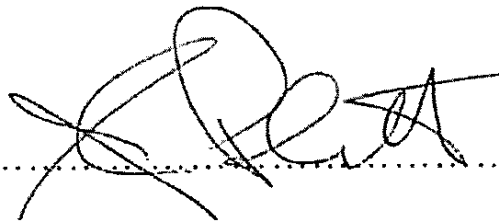
Address: Box 1085
Carleton AK 99574

Date: 4.18.09

To Whom It May Concern:

I am writing to express my support for the confirmation of BRENT JOHNSON to the Board of Fisheries.

Sincerely,



Name: *Dubbie Temmerman*

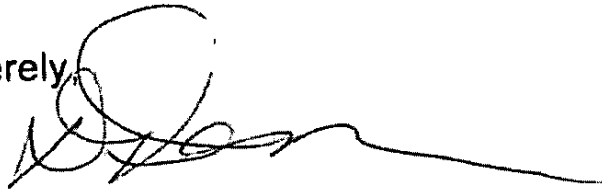
Address: *P.O. Box 19*
CDV AK 99574

Date: *4.8.09*

To Whom It May Concern:

I am writing to express my support for the confirmation of BRENT JOHNSON to the Board of Fisheries.

Sincerely,



.....

Name: Steve Smith

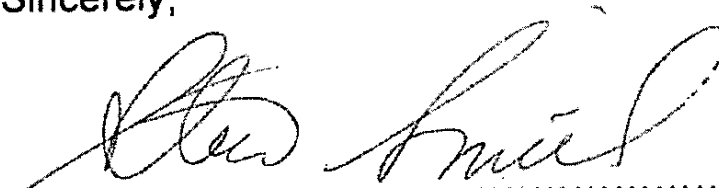
Address: B7 - 1774
Noradwa AK. 99574

Date: 4.18.09

To Whom It May Concern:

I am writing to express my support for the confirmation of BRENT JOHNSON to the Board of Fisheries.

Sincerely,


.....

Name: Robert Beedle

Address: P.O. Box 1242
CORDOVA ALASKA 99574

Date: 8 April 2009

To Whom It May Concern:

I am writing to express my support for the confirmation of BRENT JOHNSON to the Board of Fisheries.

Sincerely,

Robert Beedle

Name: TORIE BAKER

Address: BOX 600
CORDOVA, AK 99574

Date: 4 / 8 / 09

To Whom It May Concern:

I am writing to express my support for the confirmation of BRENT JOHNSON to the Board of Fisheries.

Sincerely,

Torie Baker, Cordova, AK

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, April 08, 2009 3:08 PM
To: Timothy Clark
Subject: FW: Confirmation of Brent Johnson

-----Original Message-----

From: Captain Chris Babb [mailto:luckypierrecharters@gmail.com]
Sent: Wednesday, April 08, 2009 10:56 AM
To: Rep. Bryce Edgmon
Subject: Confirmation of Brent Johnson

Dear Representative Edgmon,

I am writing to ask you to oppose the appointment of Brent Johnson to the Alaska Board of Fisheries (BOF).

By nominating Mr. Johnson to replace Bonnie Williams on the BOF, Governor Palin would remove the only subsistence/personal use and Fairbanks representation from the BOF. If confirmed, Mr. Johnson will tip the balance on the BOF overwhelmingly towards commercial fishermen at the expense of native, subsistence, and sport fishing interests.

The BOF already has ample representation of commercial fisheries interests. Replacing an up-river user on the Board with a Cook Inlet salmon setnetter will erode public confidence in the BOF process. Mr.

Johnson is past president of Kenai Peninsula Fishermen's Association (KPFA), a set netter trade association of Cook Inlet commercial fishing interests. He has consistently claimed commercial priority rights to the public fisheries of the region. Mr. Johnson has shown in his past interactions with the Board that he has not taken a fair and balanced approach to fish allocation decisions.

Mr. Johnson's confirmation would leave the BOF without Alaska Native or female representation in the management of Alaska's subsistence, sport, personal use, and commercial fisheries. The nomination of Mr.

Johnson leaves the Interior of Alaska without representation on the Board and does not correct the current lack of Alaska Native representation on the BOF.

The Governor needs to reach out and find a Board of Fisheries appointee familiar with interior fisheries issues and who will provide a fair and balanced approach to governance. Sincerely,

Chris Babb
P.O. Box 2438
Homer AK 99603

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, April 08, 2009 3:09 PM
To: Timothy Clark
Subject: FW: confirmation of Mr. Brent Johnson for Board of Fisheries

From: kadams@gci.net [mailto:kadams@gci.net]
Sent: Wednesday, April 08, 2009 10:36 AM
To: Sen. Albert Kookesh; Rep. Bill Thomas; Rep. John Harris;
Representative_Charles_Chenault@legis.state.ak.us; Rep. Bryce Edgmon; Sen. Gary Stevens
Cc: frank.bailey@alaska.gov
Subject: confirmation of Mr. Brent Johnson for Board of Fisheries

Dear member of the Alaska legislature

I am a commercial fisherman and resident of Cordova. I seek your support for confirmation of Mr. Brent Johnson for the Board of Fisheries (BOF). I believe commercial fishing interests need to be upheld at the BOF and Mr. Johnson has the knowledge and experience in the fisheries to do the job. In these days of national economic stress, we don't want to lose commercial fishing and related industry jobs. Mr. Johnson is supportive of fisheries science and ADF&G's management of resources for sustainability. I believe he will be a valuable member of the BOF and I urge your support for his confirmation.

Yours truly,

Kenneth Adams
Box 1855
Cordova, AK
907-424-5456
kadams@gci.net

Alaska State Public Opinion Message System:

Rep Bryce Edgmon's office

Filter applied is:

Messages About

There are 10 messages about this subject

[Save all messages about](#)

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Sort messages by: [<District>](#) or [Date](#) or [Last Name](#) or [Subject](#)

Messages

Constituent/Non-Constituent	Saved/ Not Saved
<u>Julie Decker</u> of Wrangell (02) wrote the following message On 4/7/2009 at 14:50 about <i>Boards & Commissions</i>	

Message:

Please support Brent Johnson for confirmation to the Board of Fisheries. Brent has the full support of the United Fishermen of Alaska. My husband, Gig Decker, and I also support him.

Message was delivered by Pom
The number of original recipients of this message is 59

[Save case](#) [Delete case](#)

Contact Info:

Julie Decker
Po Box 2138
Wrangell 99929-2138
Email:juliedecker@gci.net
day:907-874-3110
eve:907-874-3110
organization:personal comments

Constituent/Non-Constituent	Saved/ Not Saved
<u>William Lindow</u> of Cordova (05) wrote the following message On 4/6/2009 at 12:04 about <i>Boards & Commissions</i>	

Message:

I urge you to confirm Brent Johnson to the Alaska Board of Fisheries. He is extremely knowledgeable on the issues and will fairly balance the interests of different user groups. He will be a great addition to the Board.

Message was delivered by Pom
The number of original recipients of this message is 9

[Save case](#) [Delete case](#)

Contact Info:

William Lindow

Po Box 1612
Cordova 99574-1612
day:907-424-3132

Constituent/**Non-Constituent** Saved/ Not Saved
Clemens Clooten of Fairbanks (07) wrote the following message On 4/8/2009 at 10:38 about
Boards & Commissions

Message:

I oppose the confirmation of Brent Johnson to the Alaska Board of Fisheries. I support Cliff Judkins and Theresa Sager for Alaska Board of Game.

Message was delivered by Pom
The number of original recipients of this message is 59

[Save case](#) [Delete case](#)

Contact Info:

Clemens Clooten
1163 Linda Lou Ln
Fairbanks 99712-1317

Constituent/**Non-Constituent** Saved/ Not Saved
Clemens Clooten of Fairbanks (07) wrote the following message On 4/8/2009 at 10:40 about
Boards & Commissions

Message:

I oppose the confirmation of Brent Johnson to the Alaska Board of Fisheries. I support Cliff Judkins and Theresa Sager for Alaska Board of Game.

Message was delivered by Pom
The number of original recipients of this message is 59

[Save case](#) [Delete case](#)

Contact Info:

Clemens Clooten
1163 Linda Lou Ln
Fairbanks 99712-1317

Constituent/**Non-Constituent** Saved/ Not Saved
Robert Latto of Anchorage (27) wrote the following message On 4/8/2009 at 14:04 about
Boards & Commissions

Message:

Please reject Brent Johnson as the Govenor's appointment to the state Fisheries board .. Brent Johnson is a Commercial fisherman and as such is interested in locking all Alaskans out of catching their own fish to eat .. Namely the dip net fisheries and the subsistance gill net fisheries and sport fish..

Message was delivered by Pom
The number of original recipients of this message is 59

[Save case](#) [Delete case](#)

Contact Info:

Robert Latto
 7655 Jewel Lake Rd
 Anchorage 99502
Email:rvalto@gci.net
day:907-243-3423
organization:Family

Constituent/Non-Constituent

Saved/ Not Saved

Jennifer Heck of Anchorage (31) wrote the following message On 4/8/2009 at 15:45 about
Boards & Commissions

Message:

Please vote AGAINST the confirmation of Brent Johnson to the Board of Fisheries. I strongly disagree with Mr. Johnson's opinions and feel he would be a detriment to dipnetting and sport fishing on the Kenai River.

Message was delivered by Pom
 The number of original recipients of this message is 59

[Save case](#) [Delete case](#)

Contact Info:

Jennifer Heck
 12142 Rolling Meadow Cir
 Anchorage 99516
Email:jah@delaneywiles.com
day:907-257-0722
eve:907-529-1715
organization:Personal Watercraft Club of Alaska

Constituent/Non-Constituent

Saved/ Not Saved

Danny Thompson of Kenai (33) wrote the following message On 4/8/2009 at 10:21 about
Boards & Commissions

Message:

I have know Brent Johnson for 22 years and know him to be fair, informed, knowledgeable and balanced about fishery issues in Alaska. I highly recommend his placement of the Board of Fisheries. Your vote is appreciated. He is an asset to any group he represents. The Board needs him.

Message was delivered by Pom
 The number of original recipients of this message is 59

[Save case](#) [Delete case](#)

Contact Info:

Danny Thompson
 Po Box 21
 Kenai 99611-1067
Email:cabowabodan@yahoo.com
day:283-7242

Constituent/Non-Constituent

Saved/ Not Saved

Lloyd Palmer of Sterling (34) wrote the following message On 4/8/2009 at 12:11 about *Boards & Commissions*

Message:

Please vote "No" on the confirmation of Brent Johnson for the Board of Fisheries. He would have conflicts with Cook Inlet regulation proposals, and would bias the board toward commercial-fishing interests. Encourage Gov. Palin to nominate a Native or subsistence user from the Yukon River Drainage. Thank you.

Message was delivered by Pom

The number of original recipients of this message is 59

[Save case](#) [Delete case](#)

Contact Info:

Lloyd Palmer
Po Box 631
Sterling 99672-0631
Email:lpalmer@alaska.net
day:907-262-7788
organization:myself

Constituent/Non-Constituent

Saved/ Not Saved

Francis Mullen of Homer (35) wrote the following message On 4/6/2009 at 15:51 about *Boards & Commissions*

Message:

Please support Brent Johnson for Board of Fisheries. In the spirit of fairness, you need to be aware that it has been 35 years since there has been a Cook Inlet commercial fisherman on the BOF. Support scientific management of fisheries. Not political management. Thank you, Frank Mullen Homer, Alaska

Message was delivered by Pom

The number of original recipients of this message is 59

[Save case](#) [Delete case](#)

Contact Info:

Francis Mullen
Po Box 2577
Homer 99603-2577

Constituent/Non-Constituent

Saved/ Not Saved

Wesley Humbyrd of Homer (35) wrote the following message On 4/7/2009 at 09:21 about *Boards & Commissions*

Message:

We haven't had a commercial fisherman on the Board of Fisheries since 1975 and that was Dan Gourette. I would hope you would put politics aside and put Brent Johnson on the Board. The commercial fishermen need equal representation which we haven't had since 1975. Thank you.

Message was delivered by Pom

The number of original recipients of this message is 59

[Save case](#) [Delete case](#)

Contact Info:

Wesley Humbyrd
860 Willow Dr # B
Homer 99603-9023

[Go to Main Menu](#)

[Go to Search Page](#)



Alaska State Legislature

Please enter into the record my testimony to the ___House Special Committee
On Fisheries ___the confirmation of Brent Johnson Board to Fisheries ____, dated
040909_____

Please accept the following as written testimony.

We have known Brent Johnson all his life and he has always been a "straight shooter". He grew up in a Kasilof fishing family, knowledgeable and responsible about the fisheries, serving his community in a variety of areas and has proven to be an outstanding leader. We highly recommend you vote in favor of Brent Johnson for Board of Fish.

Signed: Patrick and Mary Jo Mc Elroy

PO Box 456 Kasilof AK 99610



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries committee name
 Committee on Board of Fisheries Confirmation, dated 4-7-09
 bill # / subject public hearing date

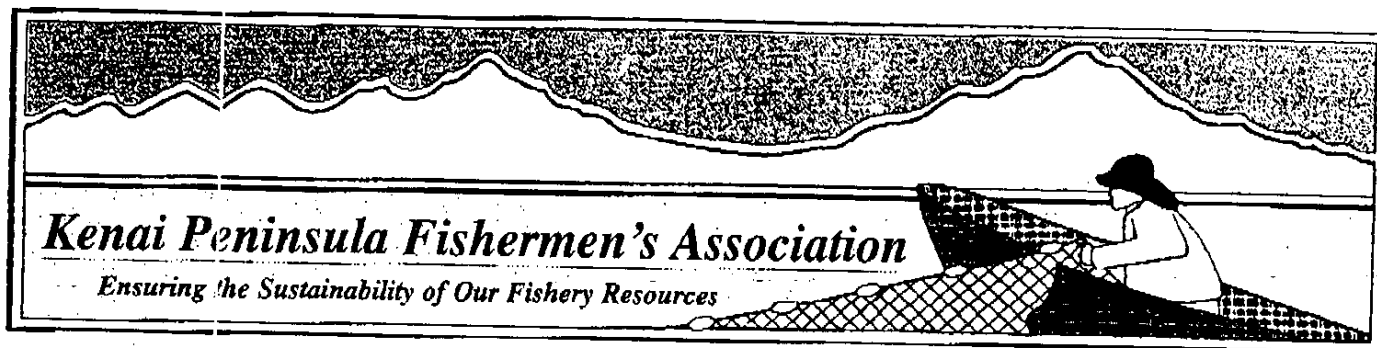
I am a 35 year resident of Alaska and the Kenai Peninsula, and have been a participant in the sport fishing industry for 25 years, during which time I have never been in or observed a conversation involving Brent Johnson that would make me at all comfortable with his presence on the Alaska Board of Fisheries.

Mr. Johnson's advocacy position for the Cook Inlet commercial gill net fishermen is and has always been very well known and obvious. His ability to listen to or recognize anyone else's opinion is, in my opinion, non-existent.

Mr. Johnson's advocacy position for hatchery enhancement of Alaska's salmon stocks is equally as resolute and unequivocal, not to mention unwise considering all of the 'hindsight' knowledge we have today concerning the negative impacts of hatchery enhancement projects to wild salmon stocks.

Finally, Mr. Johnson's position on allocation is so pro-commercial harvest that I believe this alone would preclude him from ever voting on any allocations involving commercial/sport interests.

Signed: Dennis H. Randa
 Testifier
self
 Representing (optional)
P.O. Box 3055, Soldotna, AK 99669
 Address
(907) 262-9494
 Phone number



43961 Kalifornsky Beach Road • Suite F • Soldotna, Alaska 99669-8276
 (907) 262-2492 • Fax: (907) 262-2898 • E Mail: kpfa@alaska.net

April 9, 2009

Chairman Edgmon, members of the House Fisheries Special Committee,

My name is Paul Shadura, I am the Executive Director of the Kenai Peninsula Fishermen's Association.

This is the Kenai Peninsula Fishermen's Associations (KPFA) 55th year representing the setnet fishery within the waters of Cook Inlet. Many changes have taken place over these years but there is one constant that is always clear; if you have healthy returns that are managed for "Maximum Sustained Yield" then there will always be a "harvestable surplus"

KPFA's mission; "Ensuring the Sustainability of Our Fishery Resources" is paramount to remaining a viable setnet fishery and to allow a "reasonable opportunity" of the harvest by all user groups. We do not support the exclusion of any one resource user but strive for a consensus regarding objectives. Promoting an exchange of information and understanding among stakeholders.

KPFA is insistent that the principles of high sustained yield with strong guidelines to maintain environmental standards should be the first rule in CI fisheries management. Managers of both sport and commercial division should formulate different strategies that complement each other not conflict. Departments should actively seek guidance from stakeholders on how best to participate in the fishery resources. They should engage the users to be realistic in their approach to maintain the goals. The public should support reasonable achievable expectations within a fully utilized resource.

It is in the best interest of the state and for resource stability to have open discussions with stakeholders, department personnel and BOF members. Restrictions on the open meeting process from past boards should not and cannot be tolerated. Back room bargaining, interest group coercion of department personnel, closed meetings with board members and the public, ADF&G staff that are instructed to work on proposals for individual board members with secrecy and that are aligned with a single interest group, or individual staff that are advocating for their own interest or a division's goal is not the way to accomplish a fair promulgation of the laws of the state and of the country. Certainly not an open process that basis decisions on principles of equality and mutual respect.

Please review this as a guide to assist your understanding of set net fishers in Cook Inlet. We are a diverse group and strive to arrive at a consensus for most of these proposed regulatory changes. KPFA policy is not to comment on allocative changes that are directed at other set net fishermen within our group. Fishermen are allowed to speak on their own behalf and I am sure you will find that they have no hesitance in doing just that. Note that KPFA refrains from commenting or even submitting negative proposals on other user groups. After this meeting process is done we must all return home and once again live with one another as Alaskan's.

These statements are excerpts from the 2008 Upper Cook Inlet Board of Fish regulatory meeting and as such are on record. As a member of our organization Brent Johnson has always held the public process in high regards. Brent Johnson respects the rights of an individual, please respect his right to be an individual.

KPFA urges you to support the confirmation of Brent G. Johnson on the Alaska Board of Fisheries.

Reference: RC 45, Upper Cook Inlet Board of Fisheries
Spring 2008 membership mail out

43961 Kalifornsky Beach Road • Suite F • Soldotna, Alaska 99669
(907) 262-2492 • Fax: (907) 262-2898 • E Mail: kpfa@alaska.net

April 09, 2009

Re: Support of Brent Johnson, Board of Fisheries

Chair Edgmon and Committee Members,

My name is Christine Brandt and I support the appointment of Brent Johnson as a Board of Fisheries Member.

Balance to the current Board of Fisheries is; more than what someone does for a living, more than where someone lives, more than what someone's political affiliations are. It should be someone who is; open-minded, approachable to the public, who is willing to learn and understand different cultures and values, to be considerate, respectful, and have regard for the principles of being fair and equitable.

It also should be someone that understands the public process.

Please note Brent's experience with issues on; land development, South Central fisheries enhancement and rehabilitation projects, conservation and the personal use of fish and game, and melding the desires of several independent commercial fishermen are monumental accomplishments.

Let us not confuse the issue. Our Governor, Sarah Palin is not appointing any fishing group or specific type of fishery to the Board of Fish. FACT, she is appointing an active member in the community, a person involved in raising a family, that has historical roots within the Anchorage, Seldovia, and the greater Kenai Peninsula.

Brent Johnson will be an excellent Board of Fisheries member with his longtime board experience with diverse memberships.

I believe that he will be an asset to all Alaskans.

Christine L. Brandt
PO Box 504
Soldotna, AK 99669
(907) 252-1080
cbrandt1960@gmail.com

Alaska Legislators

4/08/09

Dear ~~Senator~~

I am writing to recommend you to vote to confirm Brent Johnson to the State of Alaska Board of Fish. Mr. Johnson is well respected our community and is very knowledgeable in all aspects of fishery management and process. He is very articulate, witty, and most of all very honest. His high level of integrity and morals would be a benefit to the BOF.

There is strong opposition coming from the "professional" sport industry. Kenai River Sportsman Association (KRSA), and the Kenai River Professional Guides Association (KRPGA) have mounted a tremendous campaign in opposition to Mr. Johnsons confirmation. In the 25 + years that I have been involved with the BOF on Cook Inlet issues I have never witness such an assault. They claim that by putting Mr. Johnson on the BOF the balance of power would be shifted to the "commercial" side. These two groups fail to mention in past years, that on a seven member STATEWIDE BOF there has been times when four Cook Inlet Sport Fish representatives were on the BOF at the same time. On one BOF there was Ed Dersham, (commercial halibut charter guide from Anchor Pt.), Andy Szczesny, (Kenai River Guide from Soldotna), Dan Coffey (author of fish initiative which was found unconstitutional by the Supreme Court), and Larry Engel, (strong sport fish advocate from the Valley). These "sport fish" organizations did not have a problem with the make up of that BOF. You talk about a stacked deck.

The Chairman at the 2008 BOF stated that regulations enacted by past BOF's, caused five years of over escapement to the Kenai River which resulted in a loss of 40 to 60 million dollars to the industry.

The people and groups that are so opposed to Mr. Johnsons confirmation, do have something to worry about. They are fighting such a battle to keep Mr. Johnson off the BOF because they have seen him participate at the BOF for years. They know that he is very qualified to review the data and formulate regulations based on the best available science. He can not and will not be persuaded to do anything that is not based on sound science.

The State of Alaska needs people like Mr. Johnson on the BOF who have strong ethics, who cannot be persuaded to go against sound science for the benefit of special interests groups. Please confirm Mr. Brent Johnson.

Thank you,

Gary L. Hollier
Gary L. Hollier
Soldotna, Ak.

2-23-10

Overview:

Federal

Ocean

Policy

<target><bill></bill><subject>2-23-10 Overview Federal Ocean Policy</subject><comm>HFSH26</comm></target>

Alaska State Legislature

House Special Committee on Fisheries

Representative Bryce Edgmon, Chair

Rep. Craig Johnson
Rep. Wes Keller
Rep. Charisse Millett
Rep. Cathy Munoz
Rep. Bob Buch
Rep. Scott Kawasaki



Room 416
State Capitol
Juneau, AK 99801

Memorandum

Date: February 18th, 2010
To: Suzi Lowell, Chief Clerk
From: Representative Bryce Edgmon, Chairman
House Fisheries Committee
RE: House Fisheries Committee Schedule

Unless otherwise noted, all meetings will be held in Room 124 of the Capitol.

Tuesday February 23rd **10:15 a.m. – 12:15 p.m.** **Capitol 124**

+HB 344—Salmon Product Development Tax Credit

+Presentation:

Remarks on the "Interim Report of the Interagency Ocean Policy Task Force"
With Focus on the "Interim Framework for Effective Coastal and Marine Spatial
Planning"

Arne Fuglvog, Legislative Assistant to Senator Lisa Murkowski

Doug DeMaster, National Oceanographic & Atmospheric Administration

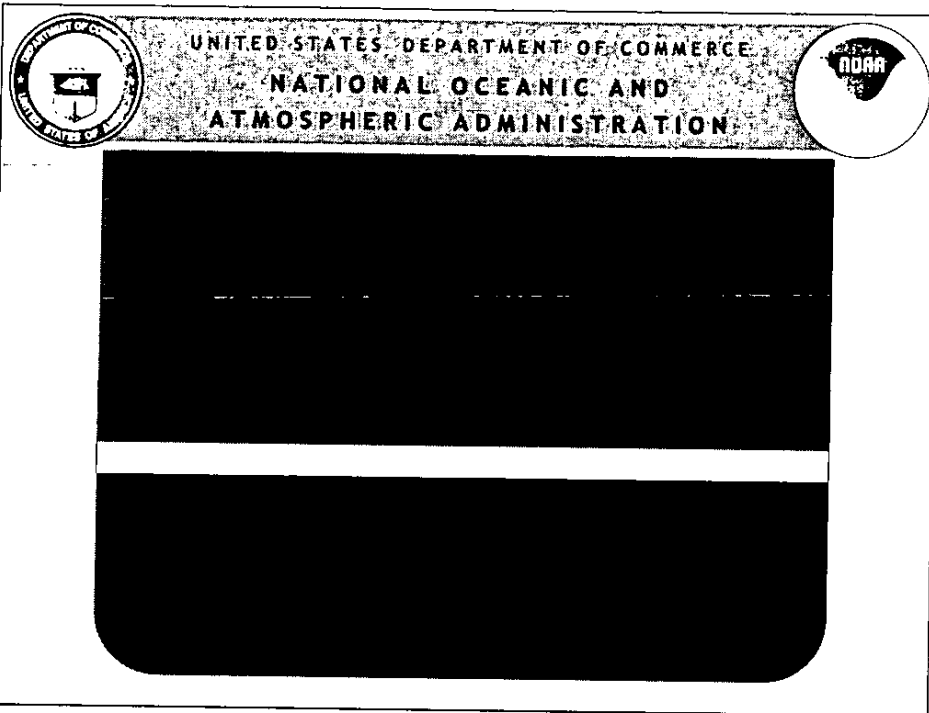
<Invited Testimony Only>

Amy Holman of NOAA WEATHERED OUT.



+Bills Previously Heard

Thursday February 25th **10:15 a.m. – 12:15 p.m.** **Capitol 124**

No meeting scheduled




NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"We have a stewardship responsibility to maintain healthy, resilient, and sustainable oceans, coasts and Great Lakes resources for the benefit of this and future generations."

"To succeed in protecting the oceans, coasts and Great Lakes, the U.S. needs to act within a unifying framework under a clear national policy, including a comprehensive, ecosystem-based framework for the long term conservation and use of our resources."



OPTF

June 12, 2009

Memo Established an Interagency Ocean Policy Task Force (OPTF)


Chaired by the White House Council on Environmental Quality

Members are Senior Policy-Level Officials from across the Federal Government
 – 24 Agencies and Departments


Terminates once Duties Completed

NEED FOR A NATIONAL OCEAN POLICY:

Pew and USCOP Recommendations



NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



Ocean Policy Task Force (OPTF) Responsibilities

- **Within 90 Days Develop Recommendations For:**
 - A National Policy
 - A United States Framework for Policy Coordination
 - An Implementation Strategy
- **Within 180 Days Develop:**
 - A Recommended Framework for Effective Coastal and Marine Spatial Planning (CMSP)

OPTF

The President's Memo outlined 4 tasks for the OPTF

Within 90 Days:

National Policy

- Ensure protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources
- Enhance sustainability of ocean and coastal economies
- Preserve maritime heritage
- Provide for adaptive management (linked to climate change)
- Coordinated with national security and foreign policy

United States Framework for Policy Coordination

- Ensure integration and coordination across jurisdictional lines in meeting objectives of the national policy

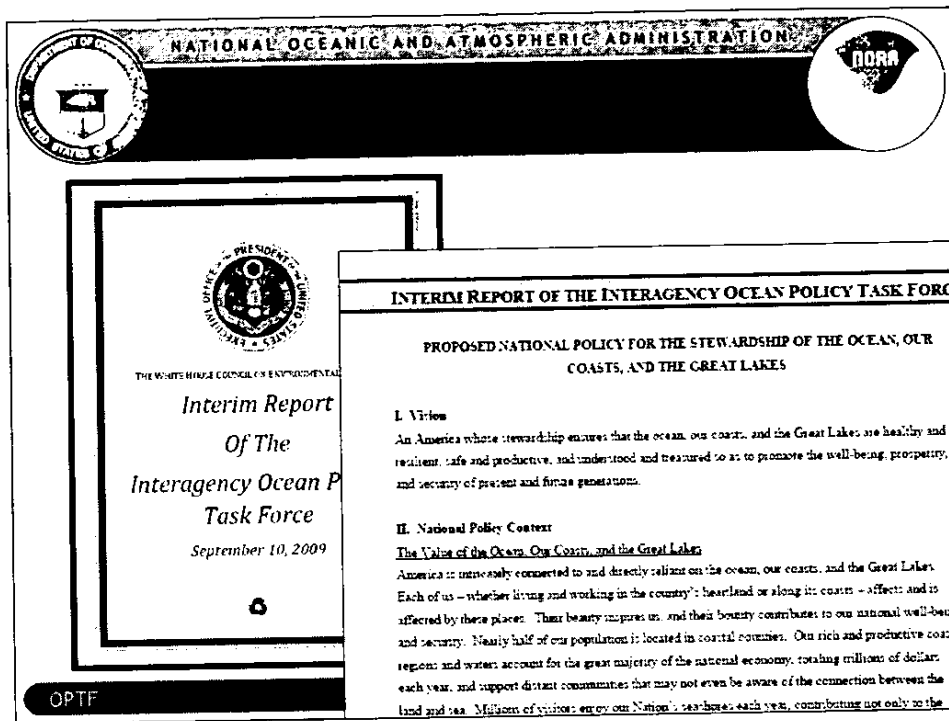
Implementation Strategy

- Identify and prioritize a set of objectives to meet the objectives of the national policy

Within 180 Days:

Framework for Effective Coastal and Marine Spatial Planning

- Comprehensive
- Integrated
- Ecosystem-Based
- Addresses: Conservation, Economic Activity, User Conflict, and Sustainable use of Ocean, Coastal, and Great Lakes Resources




The Vision Statement sets the tone of the Proposed National Ocean Policy – what we would like to see in the future:

The Policies for USG action follow the Vision statement and are made in "categories" of :


- Healthy and Resilient
- Safe and Productive
- Understood and Treasured

9 Principles for USG management decisions and actions affecting the oceans, coasts and GL's
Principles of the National Policy

- Guided by Stewardship
- Ecosystem-based Management
- Manages and Balances Current and Future Uses
- Supports Disciplinary/Interdisciplinary Science, Research, Monitoring, Modeling, Forecasting, Exploration, and Assessment for Continual Improvement of Understanding
- Develops Improved Awareness of Changing Environmental Conditions
- Enhances Formal and Informal Education
- Demonstrates International Leadership
- Includes Measureable Benchmarks Supporting Stewardship
- Policies, Programs, and Activities Assessed and Conducted within Integrated and Comprehensive Interagency Planning Framework



NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



- CEQ and OSTP would lead an interagency National Ocean Council to coordinate ocean-related issues across the Federal Government and to implement the National Ocean Policy
- Creation of a Governance Advisory Committee of the National Ocean Council to improve coordination and collaboration with State, tribal, and local authorities, and regional governance structures

OPTF

The Task Force reviewed the existing coordination framework. Numerous parties from both within and outside the structure strongly suggested that the existing Committee on Ocean Policy (COP) design could be improved.

Key themes for improvement included:

The need for a strong, clear, overarching policy mandate and the setting of national ocean priorities;

The need for high-level direction and policy guidance from a clearly designated and identifiable authority;



The need for more consistent and sustained senior-level participation and attention on ocean-related issues from all member agencies and departments;

The advantages of stronger linkages between management and science;

The need for an improved, clear structure for ongoing and active engagement with State, tribal, and local authorities, and regional governance structures to address relevant issues; and

The need for improved coordination with other Executive branch policy committees.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

How we do business:

1. *Ecosystem-Based Management **
2. *Coastal and Marine Spatial Planning **
3. *Inform Decisions and Improve Understanding*
4. *Coordinate and Support*

Areas of Special Emphasis:

1. *Resiliency and Adaptation to Climate Change and Ocean Acidification **
2. *Regional Ecosystem Protection and Restoration **
3. *Water Quality and Sustainable Practices on Land*
4. *Changing Conditions in the Arctic*
5. *Ocean, Coastal, and Great Lakes Observations and Infrastructure **

[]

CPTF

For each priority objective, the National Ocean Council would be responsible for, and oversee development of, a strategic action plan within six to twelve months from its establishment.

Each plan would:

- Identify specific and measurable near-term, mid-term, and long-term actions, with appropriate milestones, performance measures, and outcomes to fulfill each objective;
- Consider smaller-scale, incremental, and opportunistic efforts that build upon existing activities, as well as more complex, larger-scale actions that have the potential to be truly transformative;
- Explicitly identify key lead and participating agencies;
- Identify gaps and needs in science and technology; and
- Identify potential resource requirements and efficiencies; and steps for integrating or coordinating current and out-year budgets.

1. Ecosystem-Based Management: Adopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes.

2. Coastal and Marine Spatial Planning: Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning and management in the United States.

3. Inform Decisions and Improve Understanding: Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate through formal and informal programs the public about the ocean, our coasts, and the Great Lakes.

4. Coordinate and Support: Better coordinate and support Federal, State, tribal, local, and regional management of the ocean, our coasts, and the Great Lakes. Improve coordination and integration across the Federal Government, and as appropriate, engage with the international community.

5. Resiliency and Adaptation to Climate Change and Ocean Acidification: Strengthen resiliency of coastal communities and marine and Great Lakes environments and their abilities to adapt to climate change impacts and ocean acidification.

6. Regional Ecosystem Protection and Restoration: Establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals at the Federal, State, tribal, local, and regional levels.

7. Water Quality and Sustainable Practices on Land: Enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land.

4. Changing Conditions in the Arctic: Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes.

5. Ocean, Coastal, and Great Lakes Observations and Infrastructure: Strengthen and integrate Federal and non-Federal ocean observing systems, sensors, and data collection platforms into a national system and integrate that system into international observation efforts.



THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY

*Interim Framework for
Effective Coastal and Marine
Spatial Planning*

*Interagency Ocean Policy Task
Force*

December 9, 2009



OPTF

Definition of CMSP:

A comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas.

The CMSP Process:

Identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives.

 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION 

Outlines 7 national goals for CMSP that link back to the National Ocean Policy goals with a focus on:

- Promoting compatibility among uses and reducing user conflicts
- Streamlining and improving the rigor and consistency of decision-making and regulatory processes
- Increasing certainty and predictability in planning

Lists 12 Guiding Principles for CMSP that include:

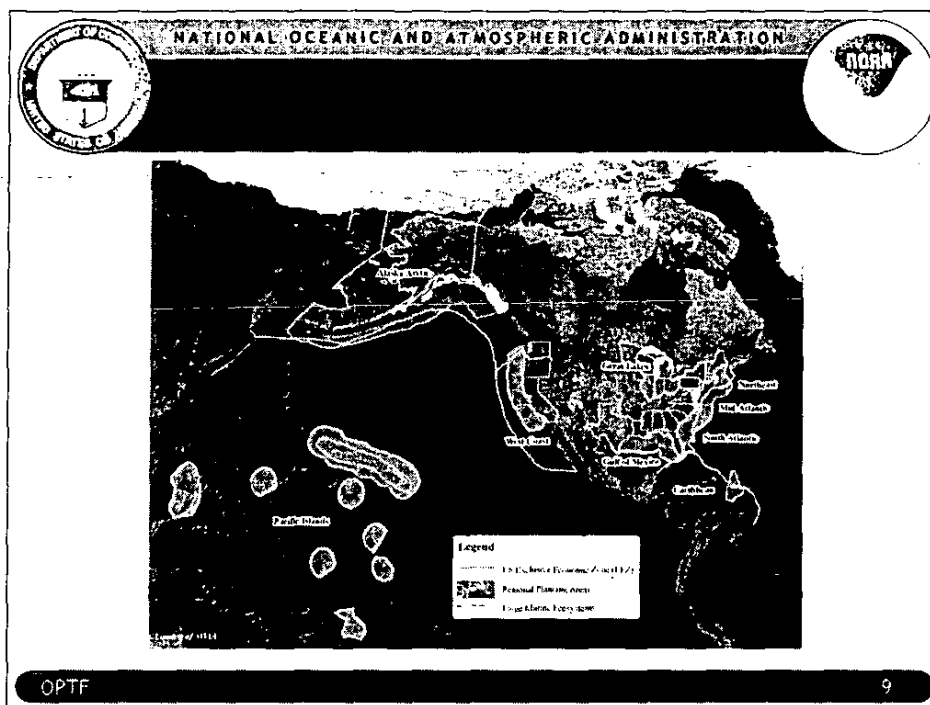
- Ecosystem-based management
- Stakeholder and public engagement
- Informed by best available science
- Precautionary approach
- Flexibility to accommodate changing conditions (environment, science, policy, technology)

OPTF 8

This is the abridged version of the report – I have highlighted a few key things here but please refer to the Framework for all 7 goals and 12 principles.

You will see that this links back to the National Ocean Policy goals and Principles. I have highlighted a few key concepts here that weren't in that document because they are specific to CMSP– compatibility, streamlining, certainty and predictability

Of the 12 CMSP principles, those that are not seen specifically in the National Ocean Policy are, public engagement, and flexibility



The Framework establishes 9 regional planning bodies (RPBs)
 Ak/Arctic, Caribbean, Great Lakes, Gulf of Mexico, Mid-Atlantic, North East
 Pacific Islands, S. Atlantic, West Coast

As this map demonstrates, the planning areas sync up with not only with the Large Marine Ecosystems but with the existing regional governance organizations (where they exist).

NOTE: needed coordination between NROC and MARCO as share LME, as well as involvement of Canada as opportunity to learn from their CMSP work and coordinate efforts within shared GOM ecosystem.

RPBs would be overseen by the NOC. – flexibility for coordination and participation of states outside of RPBs.

Geographic Scope of the Planning Area:

Includes the territorial sea, EEZ, and the Continental Shelf and would extend landward to the mean high-water line (with the exception of states that have private ownership to Mean Low Water).

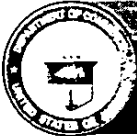
Includes inland bays and estuaries in both coastal and Great Lakes settings.

Does not expressly include upland areas unless a planning body determines to include them.


Land-based watershed planning efforts should inform and influence CMSP.

Upland areas would not be included in the plans, however successful implementation of CMSP would depend upon a better integration of coastal planning that considers influences from, and activities within, coastal watersheds and other contributing land areas.

Mean High water to the extent of the EEZ – with the exception of states that have private ownership to Mean Low Water.



NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



Authority for Coastal and Marine Spatial Planning:

- Existing federal and state statutes authorize agency planning efforts and provide a legal basis to implement CMS plans within these authorities.

Development Agreement:

- An express commitment signed by agencies to work cooperatively to engage in CMSP and develop CMS plans.

Adherence and Compliance:

- Signatories would be expected to adhere to CMS plans within the limits of their statutory and regulatory authorities. If an agency deviates from the plan, it would need to provide advance notice and justification.

OPTF

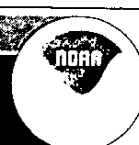
The Legal Subgroup made the determination that we do have authority to plan and implement within our existing authorities

NOTE discussions on CZMA - using it as a foundation to build off of and to strengthen it.

NOTE: NOC will be looking to regions to assist with identifying regionally specific authorities and plans that need to be considered in development of CMS Plan.

Agencies must commit to the process and sign a development agreement – they are expected to execute the CMS plans within their existing statutory authorities.

NOTE: Specific role of important constituencies like FMCs still needs to be determined, although agreement that non-government groups like this need to be fully engaged.




Essential Elements of the CMSP Process:


- Identify Regional Objectives
- Identify Existing Efforts that Should Help Shape the Plan throughout the Process
- Engage Stakeholders and the Public at Key Points throughout Process
- Consult Scientists and Other Experts
- Analyze Data, Uses, Services, and Impacts
- Develop and Evaluate Alternative Future Use Scenarios and Tradeoffs
- Prepare and Release a Draft CMS Plan with Supporting Environmental Impact Analysis Documentation for Public Comment
- Create a Final CMS Plan and Submit for National Ocean Council (NOC) Review
- Implement, Monitor, Evaluate, and Modify the NOC-certified CMS Plan

OPTF

NOTE: Will be critical role for partners in identifying efforts that should help shape plan, and in analyzing data, uses, services and impacts.



NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



Scientific Knowledge & Data Integration, Research, Management and Access:

- Acknowledges that CMSP is fundamentally science-based and that existing scientific data and knowledge must be supplemented by additional research.
- Calls for mechanisms to identify priority research needs.
- Directs development of a national information management system with a central or regional portals to connect CMSP information.
- Nationally consistent derived data products to be developed to provide a consistent framework for regional assessments.

OPTF

Key Point from NOAA's perspective - The underpinning of the Policy and the Framework is science.

We have data and information , but not all of it is accessible or in a useable format for CMSP and additional research is needed

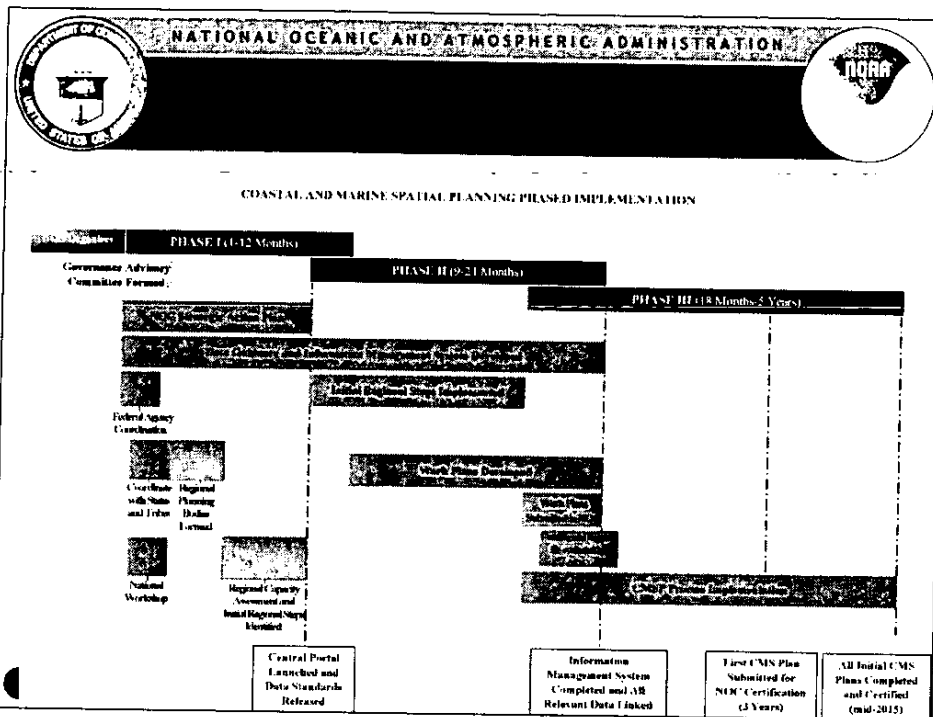
Need to work with our partners in government, academia and NGOs

Need to identify priorities for research

Includes development of a national and regional information systems and data portals to assist with CMSP.

Ensures nationally consistent derived data products.

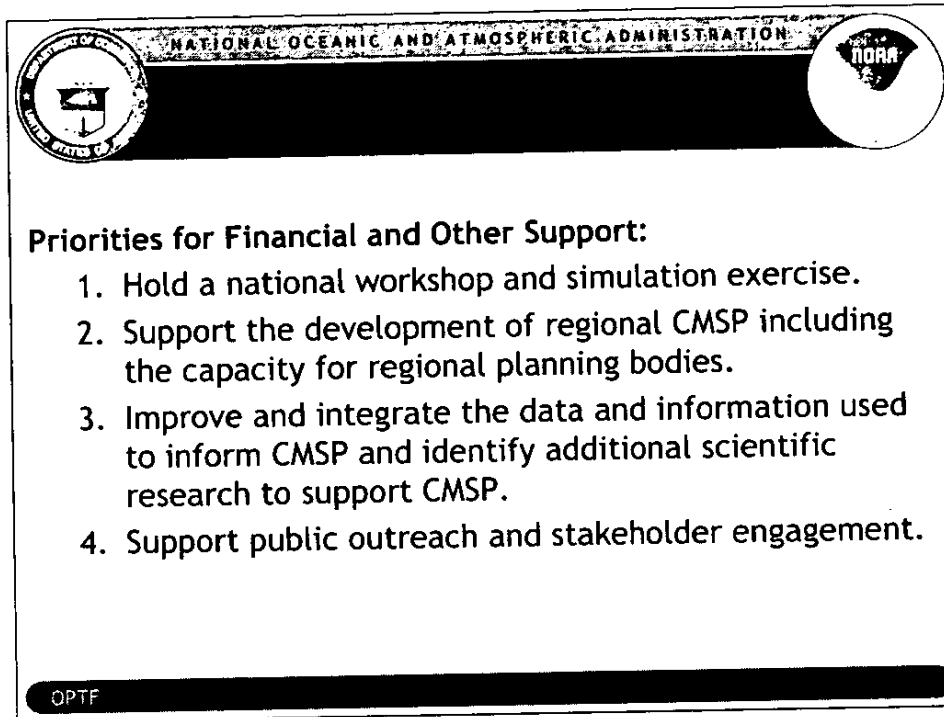
NOTE: Am aware that Northeast partners are particularly interested in designing regional data portal., and also have a lot of experience with decision support tools through the state ocean planning efforts. We encourage this kind of proactive collaboration, and want to continue to keep track of your plans to ensure they align with national role.



3 Phases – Has flexibility and time built in for regional accommodations – not all RPBs will have the same level of organization and be on the same schedule.

PHASES

1. Foundation to implement on a national scale
2. Building capacity, testing elements of the process
3. Build out and scale up efforts for implementation



The Framework does not expressly identify new funds for implementation.

It does however, list priorities for financial and other support .

Outlines that agencies should re-evaluate how resources are allocated and consider additional resource needs through the budget prioritization process.

FY2011 President's Budget:

NOAA's budget does request \$20M for regional ocean partnership competitive grants – to advance effective ocean management through regional ocean governance including CMSP – references the OPTF Interim Report and CMSP Framework

Does request \$6.8M increase for NOAA's CMSP capabilities to support CMSP.



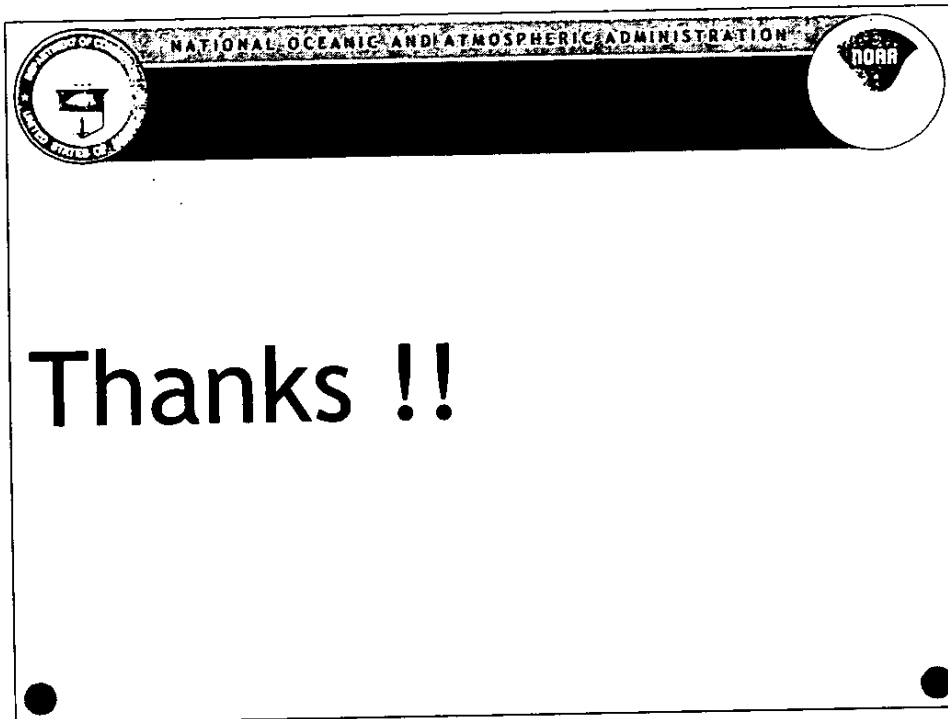
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



- 60 Day Public Comment Period on CMSP Framework Closed February 12, 2010
www.whitehouse.gov/oceans
- Finalize Reports and Submit to President in Early 2010
- Presidential Action (?)

OPTF

15





NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 12, 2009

June 12, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: NATIONAL POLICY FOR THE OCEANS, OUR COASTS,
AND THE GREAT LAKES

The oceans, our coasts, and the Great Lakes provide jobs, food, energy resources, ecological services, recreation, and tourism opportunities, and play critical roles in our Nation's transportation, economy, and trade, as well as the global mobility of our Armed Forces and the maintenance of international peace and security. We have a stewardship

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NOAA

- **Public Engagement Process**
 - 38 Expert Roundtables
 - Stakeholders and Interest Groups
 - State, Local, and Tribal Governments
 - 6 Regional Public Meetings
 - Anchorage, Alaska - August 21
 - San Francisco, California - September 17
 - Providence, Rhode Island - September 24
 - Honolulu, Hawaii - September 29
 - New Orleans, Louisiana - October 19
 - Cleveland, Ohio - October 29
 - 30 & 60 day public comment periods



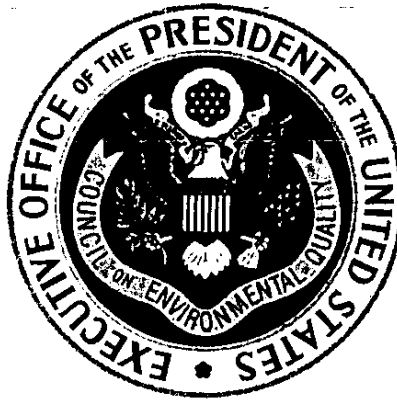

OPTF

The OPTF has had a robust public engagement process –

The input we received from stakeholders and coastal states, tribes and local governments has been invaluable in helping to craft a policy and CMSP framework that would work to meet our objectives.

Many of you in this room provided direct input to the Working Committee and the Task Force which helped shape the Interim Report and Framework.

As the comment period just closed for the Framework, we are again using the comments received to make the best possible set of recommendations.



THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY

*Interim Framework for
Effective Coastal and Marine
Spatial Planning*

*Interagency Ocean Policy Task
Force*

December 9, 2009



INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

THE FRAMEWORK FOR COASTAL AND MARINE SPATIAL PLANNING	1
I. Introduction	1
II. What is Coastal and Marine Spatial Planning?	1
III. Why Coastal and Marine Spatial Planning?	1
<i>The Benefits of CMSP</i>	3
<i>Example of the Potential Benefits of CMSP: Stellwagen Bank National Marine Sanctuary</i>	4
IV. Integration, Cooperation, and Coordination	5
V. The Authority for Coastal and Marine Spatial Planning	6
VI. The National Goals of Coastal and Marine Spatial Planning	7
VII. The National Guiding Principles for Coastal and Marine Spatial Planning	7
VIII. Geographic Scope of Coastal and Marine Spatial Planning	8
<i>The Great Lakes and CMSP</i>	9
<i>Land-based Activities and Their Relation to CMSP</i>	9
IX. Development and Implementation of Coastal and Marine Spatial Planning	10
<i>Regional Planning Body</i>	11
<i>CMSP Development Agreement</i>	12
<i>Dispute Resolution Process</i>	13
<i>Work Plan</i>	13
<i>Essential Elements of the CMSP Process</i>	13
<i>Essential Elements of the CMS Plan</i>	17
X. The Nature of the Planning Process and National Ocean Council-Certified Coastal and Marine Spatial Plans	19
<i>Relationship of CMSP to Existing Plans and Projects</i>	20
XI. National Consistency	20
<i>Certification by the NOC for National Consistency</i>	20
<i>National CMSP Objectives, Performance Measures, and Guidance</i>	21
XII. Consistency with International Law	22
XIII. Adherence to and Compliance with National Ocean Council-Certified Coastal and Marine Spatial Plans	22
XIV. Scientific Knowledge and Data Integration, Research, Management, and Access	23
XV. Implementation	25
<i>Phase I (1-12 months)</i>	26
<i>Develop NOC Internal Organization and Begin Strategic Action Plan (Months 1-9)</i>	26
<i>Convene and Organize Federal Agency Representatives in the Regions (Months 1-2)</i>	28

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

<i>Develop Model Agreement (Months 1-3)</i>	28
<i>Organize and Convene a National Workshop(s) and CMSP Simulation Exercise (Months 2-4)</i>	28
<i>Determine Composition of and Establish Regional Planning Bodies (Months 4-6)</i>	29
<i>Capacity Assessment and Identification of Initial Regional Steps (Months 6-12)</i>	29
Phase II (9-24 months)	29
<i>Initial Regional Steps (Months 9-18) and Work Plan Development (Months 12-24)</i>	29
<i>Initiate Public and Stakeholder Involvement (Months 9-18)</i>	30
<i>Work Plan Submittal and Planning Process Preparation (Months 18-24)</i>	30
Phase III (18 months to 5 years)	30
<i>Develop and Carry Out CMSP Process and Provide Feedback from Initial Regional Steps (Months 18 and beyond)</i>	30
XVI. Priorities for Financial and Other Support	31

THE FRAMEWORK FOR COASTAL AND MARINE SPATIAL PLANNING¹

I. Introduction

Coastal and marine spatial planning (CMSP) is one of the nine priority objectives proposed in the Interim Report of the Interagency Ocean Policy Task Force (Task Force) of September 10, 2009 (Interim Report). This framework for CMSP in the United States provides a definition of CMSP, identifies the reasons for engaging in CMSP, and describes its geographic scope. It articulates national CMSP goals and guiding principles that would be adhered to in CMSP efforts and the eventual development and implementation of coastal and marine spatial plans (CMS Plans). In addition, this framework describes how CMSP and CMS Plans would be regional in scope and developed cooperatively among Federal, State, tribal, local authorities, and regional governance structures, with substantial stakeholder and public input.

II. What is Coastal and Marine Spatial Planning?

CMSP is a comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas. CMSP identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives. In practical terms, CMSP provides a public policy process for society to better determine how the ocean, coasts, and Great Lakes are sustainably used and protected now and for future generations.

III. Why Coastal and Marine Spatial Planning?

The Nation's interests in the ocean, our coasts, and the Great Lakes support a growing number of significant and often competing uses and activities, including commercial, recreational, cultural, energy, scientific, conservation, and homeland and national security activities. Combined, these activities profoundly influence and benefit coastal, regional, and national economies and cultures. However, human uses of the ocean, coasts, and Great Lakes are expanding at a rate that challenges our ability to plan and manage them under the current sector-by-sector approach. While many existing permitting processes include aspects of cross-sectoral planning (through, for example, the process governed by the National Environmental Policy Act), most focus solely on a limited range of management tools and outcomes (e.g., oil and gas leases, fishery management plans, and marine protected areas). Missing from this picture is a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to

¹ Nothing in this document is intended to create private rights of action or other enforceable individual legal rights.

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

planning and managing these uses and activities. This new approach would be national in scope to address national interests, but also scalable and specific to regional and local needs. Without such an improved approach, we risk an increase in user conflicts, continued planning and regulatory inefficiencies with their associated costs and delays, and the potential loss of critical economic, ecosystem, social, and cultural services for present and future generations.

Recent scientific and ocean policy assessments have demonstrated that a fundamental change in our current management system is required to achieve the long-term health of our ocean, coasts, and Great Lakes in order to sustain the services and benefits they provide to society. The present way we manage these areas cannot properly account for cumulative effects, sustain multiple ecosystem services, and holistically and explicitly evaluate the tradeoffs associated with proposed alternative human uses.

Scientific understanding and information are central to achieving an integrated and transparent planning process. Natural and social sciences can inform decisions about how to achieve societal objectives from the Nation's coastal, ocean, and Great Lakes waters, both now and into the future, while maintaining ecosystem integrity. Built on this foundation of sound science, this new system for planning should facilitate maintenance of essential ecosystem services, encourage compatible uses, minimize conflicts, evaluate tradeoffs in an open and transparent manner, and include significant and meaningful stakeholder involvement.

Traditional, New, and Expanding Ocean, Coastal, And Great Lakes Uses

The ocean, our coasts, and the Great Lakes are home to and support myriad important human uses. CMSP provides an effective process to better manage a range of social, economic, and cultural uses, including:

- Aquaculture (fish, shellfish, and seaweed farming)
- Commerce and Transportation (e.g. cargo and cruise ships, tankers, and ferries)
- Commercial Fishing
- Environmental/Conservation (e.g., marine sanctuaries, reserves, national parks, and wildlife refuges)
- Maritime Heritage and Archeology
- Mining (e.g., sand and gravel)
- Oil and Gas Exploration and Development
- Ports and Harbors
- Recreational Fishing
- Renewable Energy (e.g., wind, wave, tidal, current, and thermal)
- Other Recreation (e.g., boating, beach access, swimming, nature and whale watching, and diving)
- Scientific Research and Exploration
- Security, Emergency Response, and Military Readiness Activities
- Tourism
- Traditional Hunting, Fishing, and Gathering

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

CMSP can facilitate sustainable economic growth. For instance:

In the Netherlands

A "preferred sand mining area" has been identified within its territorial sea. This use allocation through marine spatial planning will allow sand extraction closer to shore at less cost to both the private sector and the government, especially in the next 20 years when it is used for coastal adaptation to anticipated climate change.

In Germany

An environmental assessment for a wind farm permit costs about €1 million (US\$1.5 million) to prepare. Because the federal government has already prepared a Strategic Environmental Assessment for its marine spatial plan that includes priority areas for wind farms, costs of preparing and reviewing an environmental assessment for every permit proposed in a "Priority Wind Farm Area" will be reduced or avoided.

Examples Courtesy of Dr. Charles Ehler, UNESCO

The Benefits of CMSP

As proposed in this framework, CMSP is intended to yield substantial economic, ecological, and social benefits. To do so, it must fully incorporate the principles of sound science for ecosystem-based and adaptive management, be transparent, and be informed by stakeholders and the public. Many have raised concerns regarding whether CMSP would result in additional layers of regulatory review or delays in decision-making. To the contrary, CMSP is intended to build upon and significantly improve existing Federal, State, tribal, local, and regional decision-making and planning processes. Thus, while the development of CMSP would require significant initial investments of both human and financial resources, these investments are expected to result in substantial benefits. Several States, regions, and other nations have already recognized the many advantages of marine spatial planning, undertaken the planning process, and are

eager to take positive steps to realize those advantages.

CMSP is intended to facilitate sustainable economic growth in coastal communities by providing transparency and predictability for economic investments in coastal, marine, and Great Lakes industries, transportation, public infrastructure, and related businesses. CMSP could promote national objectives such as enhanced national energy security and trade and provide specific economic incentives (e.g., cost savings and more predictable and faster project implementation) for commercial users.

CMSP is intended to improve ecosystem health and services by planning human uses in concert with the conservation of important ecological areas, such as areas of high productivity and biodiversity; areas and key species that are critical to ecosystem function and resiliency; areas of spawning, breeding, and feeding; areas of rare or functionally vulnerable marine resources; and migratory corridors. Enhanced ecosystem services and benefits can be attained through CMSP because they are centrally incorporated into the CMS Plan as

CMSP allows forward planning to integrate a wide range of ecosystem services. For instance:

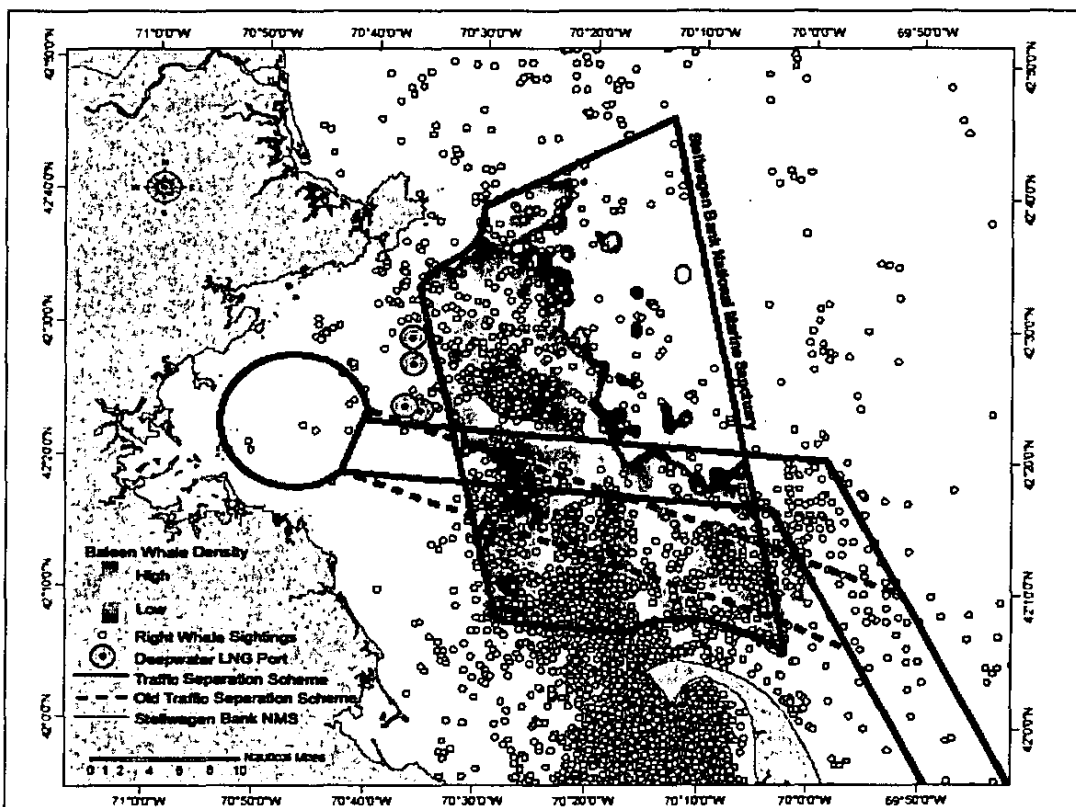
Provisioning
Energy, Seafood, Biomedical

Regulating and Supporting
Flood Prevention, Biodiversity Maintenance, Climate Regulation, Erosion Control, Control of Pests and Pathogens, Nutrient Recycling, and Primary Production

Cultural Services
Education, Recreational, Heritage, and Spiritual

desired outcomes of the process and not just evaluated in the context of individual Federal or State agency action. CMSP allows for a comprehensive look at multiple sector demands which would provide a more complete evaluation of cumulative effects. This ultimately is intended to result in protection of areas that are essential for the resiliency and maintenance of healthy ecosystem services and biodiversity, and to maximize the ability of marine resources to continue to support a wide variety of human uses.

Example of the Potential Benefits of CMSP: Stellwagen Bank National Marine Sanctuary



Comprehensive planning enabled the National Oceanic and Atmospheric Administration (NOAA), United States Coast Guard, and several other government agencies and stakeholders to examine shipping needs, proposed deepwater liquefied natural gas port locations, and endangered whale distribution in a successful effort to reconfigure the Boston Traffic Separation Scheme (TSS) to reduce the risk of whale mortality due to collisions with ships in the Stellwagen Bank National Marine Sanctuary. The reconfigured TSS reduced risk of collision by an estimated 81% for all baleen whales and 58% for endangered right whales. Industry TSS transit times increased by only 9 – 22 minutes (depending on speed) and conflict with deepwater ports was eliminated. In addition, the new route decreased the overlap between ships using the TSS, commercial fishing vessels, and whale watch vessels, thereby increasing maritime safety. CMSP has the significant potential of applying this integrated, multi-objective, multi-sector approach on a broader, sustained scale.

Diagram Courtesy of NOAA/Stellwagen Bank National Marine Sanctuary

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

From a societal perspective, CMSP would improve opportunities for community and citizen participation in open planning processes that would determine the future of the ocean, coasts, and Great Lakes. This integrated engagement and coordination should result in stronger and more diverse ocean, coastal, and Great Lakes stewardship, economies, and communities. Moreover, CMSP can assist managers in planning activities to sustain cultural and recreational uses, human health and safety, and the continued security of the United States. For example, CMSP would help to ensure that planning areas identified as important for public use and recreation are not subject to increased risk of harmful algal blooms, infectious disease agents, or chemical pollution.

IV. Integration, Cooperation, and Coordination

Strong partnerships among Federal, State, tribal, and local authorities, and regional governance structures would be essential to a truly forward-looking, comprehensive CMSP effort. One of the significant benefits of CMSP is to improve the ability of these authorities to seamlessly coordinate their objectives with broader planning efforts by participating in the CMSP process for areas within and beyond their jurisdictional waters. Many States and regional governance structures have already engaged in some form of comprehensive marine planning and CMSP would build upon and incorporate these efforts. Also, the United States has a unique legal relationship with federally-recognized American Indian and Alaska Native tribal governments. These tribal governments, and the indigenous populations in Hawaii and the United States Commonwealths and Territories, are integrally linked to the maritime realm and would play an important role in CMSP.

The United States shares maritime and Great Lakes boundaries with a number of countries and has the world's largest Exclusive Economic Zone (EEZ)

The ability for States and tribes to participate in the CMSP process for areas within and beyond their respective jurisdictions can afford the following potential opportunities and incentives:

- Define local and regional objectives and develop and implement CMSP in a way that is meaningful to regionally specific concerns;
- Leverage, strengthen, and magnify local planning objectives through integration with regional and national planning efforts;
- Proactively address concerns over proposed activities impacting State and tribal interests and minimize use conflicts before they escalate;
- Leverage support from the Federal government to build CMSP capacity, access CMSP data; and acquire scientific, technical, and financial assistance;
- Access data through CMSP Portal(s) and utilize science tools developed, established, and maintained for CMSP efforts;
- Encourage and inform the Federal government to better manage resources or address processes that transcend jurisdictional boundaries;
- Benefit from sustained Federal participation on the regional planning bodies that consists of representatives empowered to make binding and authoritative decisions on behalf of their respective agencies, in turn helping to integrate and improve decision-making;
- Provide a clearer and easier point of access for all Federal agencies with regard to ocean, coastal, and Great Lakes issues; and
- Achieve regulatory efficiencies, less administrative delay, and cost savings.

and an extensive Continental Shelf. The development of CMSP provides opportunities for engagement with other countries, in coordination with the Department of State and other relevant agencies. The views and decisions of relevant international fora should be taken into account where appropriate in CMSP and the development of CMS Plans. Similarly, as the United States is a leader in various international fora that deal with marine issues, the United States should introduce relevant aspects of CMSP for consideration by such bodies.

V. The Authority for Coastal and Marine Spatial Planning

Federal statutes often include authorizing language that explicitly gives agencies the responsibility to plan and implement the objectives of the statutes. Moreover, several Federal statutes specifically authorize agency planning with respect to the ocean, coastal, and Great Lakes environments. Federal agencies and departments also administer a range of statutes and authorized programs that provide a legal basis to implement CMSP. These statutory and regulatory authorities may govern the process for making decisions (e.g., through Administrative Procedure Act rulemaking and adjudications) and not just the ultimate decisions made. The processes and decision-making CMSP envisions would be carried out consistent with and under the authority of these statutes. State, tribal, and local authorities also have a range of existing authorities to implement CMSP, although this will vary among and within regions. This framework for CMSP is to provide all agencies with agreed upon principles and goals to guide their actions under these authorities, and to develop mechanisms so that Federal, State, tribal, and local, authorities, and regional governance structures can proactively and cooperatively work together to exercise their respective authorities.

An agency or department's capacity to internalize the elements of any particular CMS Plan would vary depending on the nature of applicable statutes. CMSP is intended to provide a better framework for application of these existing laws and agency authorities, but is not intended to supersede them. Where pre-existing legal constraints, either procedural or substantive, are identified for any Federal agency, the National Ocean Council (NOC), described in the Interim Report, would work with the agency to evaluate whether a legislative solution or changes to regulations are necessary and appropriate. In the interim, agencies would comply with existing legal requirements but should endeavor, to the maximum extent possible, to integrate their actions with those of other partners to a CMS Plan.

VI. The National Goals of Coastal and Marine Spatial Planning

For CMSP to be successful, it must be based on clear, broad-based goals that define the desired outcomes to be achieved. CMSP in the United States would be developed and implemented to further the following goals:

1. Support sustainable, safe, secure, efficient, and productive uses of the ocean, our coasts, and the Great Lakes, including those that contribute to the economy, commerce, recreation, conservation, homeland and national security, human health, safety, and welfare;
2. Protect, maintain, and restore the Nation's ocean, coastal, and Great Lakes resources and ensure resilient ecosystems and their ability to provide sustained delivery of ecosystem services;
3. Provide for and maintain public access to the ocean, coasts, and Great Lakes;
4. Promote compatibility among uses and reduce user conflicts and environmental impacts;
5. Streamline and improve the rigor, coherence, and consistency of decision-making and regulatory processes;
6. Increase certainty and predictability in planning for and implementing new investments for ocean, coastal, and Great Lakes uses; and
7. Enhance interagency, intergovernmental, and international communication and collaboration.

VII. The National Guiding Principles for Coastal and Marine Spatial Planning

In order to achieve the national goals of CMSP, planning efforts are to be guided by the following principles:

1. CMSP would use an ecosystem-based management approach that addresses cumulative effects to ensure the protection, integrity, maintenance, resilience, and restoration of ocean, coastal, and Great Lakes ecosystems, while promoting multiple sustainable uses.
2. Multiple existing uses (e.g., commercial fishing, recreational fishing and boating, marine transportation, sand and gravel mining, and oil and gas operations) and emerging uses (e.g., off-shore renewable energy and aquaculture) would be managed in a manner that reduces conflict, enhances compatibility among uses and with sustained ecosystem functions and services, and increases certainty and predictability for economic investments.
3. CMSP development and implementation would ensure frequent and transparent broad-based, inclusive engagement of partners, the public, and stakeholders, including with those most impacted (or potentially impacted) by the planning process and with underserved communities.

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

4. CMSP would take into account and build upon the existing marine spatial planning efforts at the regional, State, tribal, and local level.
5. CMS Plans and the standards and methods used to evaluate alternatives, tradeoffs, cumulative effects, and sustainable uses in the planning process would be based on clearly stated objectives.
6. Development, implementation, and evaluation of CMS Plans would be informed by the best available science-based information, including the natural and social sciences.
7. CMSP would be guided by the precautionary approach as defined in Principle 15 of the Rio Declaration, "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."
8. CMSP would be adaptive and flexible to accommodate changing environmental conditions and impacts, including those associated with global climate change, sea-level rise, and ocean acidification, and new and emerging uses, advances in science and technology, and policy changes.
9. CMSP objectives and progress toward those objectives would be evaluated in a regular and systematic manner and adapted to ensure that the desired environmental, economic, and societal outcomes are achieved.
10. The development of CMS Plans would be coordinated and compatible with homeland and national security interests, energy needs, foreign policy interests, emergency response and preparedness plans and frameworks, and other national strategies, including the flexibility to meet current and future needs.
11. CMS Plans would be implemented in accordance with customary international law, including as reflected in the 1982 Law of the Sea Convention, and with treaties and other international agreements to which the United States is a party.
12. CMS Plans would be implemented in accordance with applicable Federal and State laws, regulations, and Executive Orders.

VIII. Geographic Scope of Coastal and Marine Spatial Planning

The geographic scope of the planning area for CMSP in the United States includes the territorial sea, EEZ, and the Continental Shelf. The geographic scope of the planning area would extend landward to the mean high-water line. The geographic scope for the Great Lakes would extend from the ordinary high-water mark and include the lakebed, subsoil, and water column to the limit of the United States and Canada international boundary, as maintained by the International Boundary Commission, and includes

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

Lake St. Clair and the connecting channels between lakes. Privately owned submerged lands as defined by law would be excluded from the geographic scope.

The geographic scope would include inland bays and estuaries in both coastal and Great Lakes settings. Inclusion of inland bays and estuaries is essential because of the significant ecological, social, and economic linkages between these areas with offshore areas. Additional inland areas may be included in the planning area as the regional planning bodies, described in Section IX below, deem appropriate. Regardless, consideration of inland activities would be necessary to account for the significant interaction between upstream activities and ocean, coastal, and Great Lakes uses and ecosystem health. Likewise, consideration should also be given to activities occurring beyond the EEZ that may influence resources or activities within the EEZ.

The Great Lakes and CMSP

Great Lakes resources are governed in part by a body of law, treaties, and regional policy that is distinct from our ocean and other coastal areas. Of paramount significance is the Great Lakes Water Quality Agreement (GLWQA) with Canada and its implementation under various Federal laws that commit each country to restore and maintain the chemical, physical, and biological integrity of the Great Lakes through use of ecosystem-based management and the precautionary approach. However, while Federal regulatory authorities apply in the United States Great Lakes, the submerged lands underlying them is entirely under the jurisdiction and ownership of the Great Lakes States, and there are no waters under exclusive Federal jurisdiction.

CMSP efforts in the Great Lakes would be complementary to and closely coordinated with the GLWQA and other Great Lakes initiatives and authorities, such as the President's Great Lakes Restoration Initiative and Executive Order 13340, which established a cabinet-level Great Lakes Interagency Task Force, its Regional Working Group, and a multi-stakeholder Great Lakes Regional Collaboration.

Land-based Activities and Their Relation to CMSP

Although the geographic scope of the CMSP area in the United States would not include upland areas unless a regional planning body determines to include them, the health and well-being of the Great Lakes, our coasts, and the ocean are in large part the result of the interrelationships among land, water, air, and human activities. Effective management of environmental health and services, maritime economies, commerce, national and homeland security interests, and public access necessitate connecting land-based planning efforts with ocean, coastal, and Great Lakes planning. Thus, successful implementation of

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

CMSP would ultimately depend upon a better integration of coastal planning that considers influences from, and activities within, coastal watersheds and other contributing land areas. Land-based watershed planning efforts (e.g., Great Lakes Restoration Initiative Action Plan) should inform and influence CMSP within each region. Similarly, ocean, coastal, and Great Lakes activities that affect land-based ecosystems should be considered and accounted for during CMSP efforts using the existing State and Federal programs including the Coastal Zone Management Act, Clean Water Act, Clean Air Act, and other relevant authorities. It is the intent of the CMSP process to better understand how current mandates and programs interact towards the common goals of CMSP and, in doing so, to better coordinate and where appropriate, strengthen their collective benefits. In addition, watershed monitoring, terrestrial observation activities, and ocean, coastal, and Great Lakes observation systems should be linked to provide the necessary information on interactions and impacts across the land-sea boundary.

IX. Development and Implementation of Coastal and Marine Spatial Planning

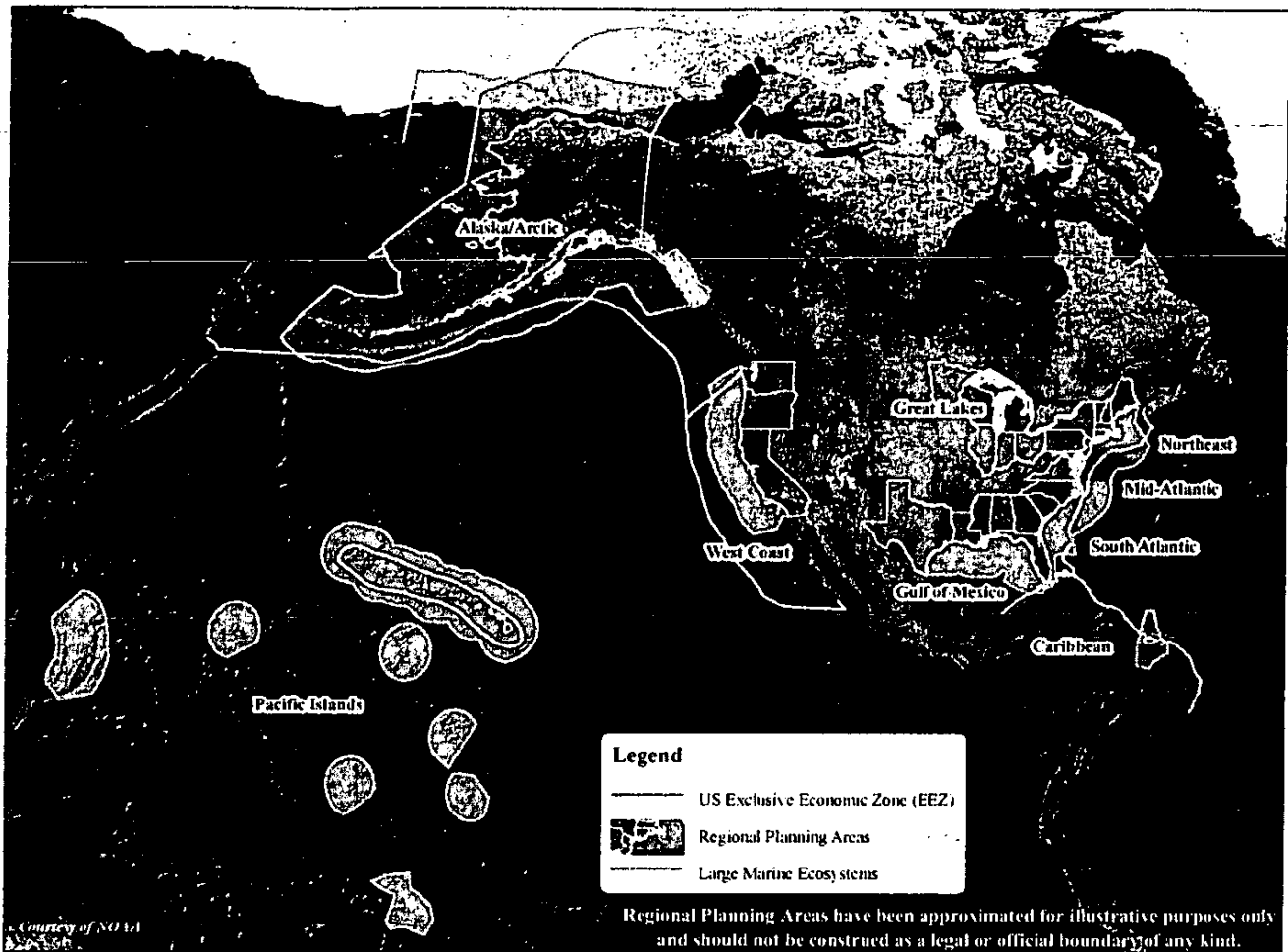
CMSP would be developed and implemented using a regional approach, to allow for the variability of economic, environmental, and social aspects among different areas of the United States. This section describes the regional approach, proposed steps, and the essential elements to be included in the development and implementation of CMSP.

Given the importance of conducting CMSP from an ecosystem-based perspective, combined with the likely involvement of existing regional governance structures in developing plans, a consistent planning scale with which to initiate CMSP is at the large marine ecosystem (LME) scale.² These recognized LMEs were defined on the basis of consistent ecological conditions and other factors. Overall, the boundaries of regional governance structures for the Northeast, Mid-Atlantic, South Atlantic, Gulf Coast, West Coast, and Great Lakes lie within LME boundaries. This regional approach, consistent with the LMEs, would also be applied to Alaska, the Pacific Islands,³ and the Caribbean.

² The United States' ocean and coastal waters hold all or parts of eleven LMEs: the West Bering Sea, East Bering Sea, Chukchi Sea, Beaufort Sea, Gulf of Alaska, California Current, Gulf of Mexico, Southeast U.S. Continental Shelf, Northeast U.S. Continental Shelf, Insular Pacific-Hawaiian, and the Caribbean Sea. For representational purposes only, the five Alaskan LMEs are depicted as a single complex in the map on page 11. Although, as a large fresh-water system, the Great Lakes are not usually considered an LME, they do represent a large regional ecosystem of similar scale and are considered as such for this framework. Further detail on LMEs can be found at: <http://www.lme.noaa.gov/>.

³ Given the geographic breadth and multiple LME's encompassed by the Alaska/Arctic Region, there would be flexibility to develop sub-regional CMS Plans (e.g., Arctic CMS Plan and Gulf of Alaska CMS Plan). Similarly, given the geographic breadth of the proposed Pacific Islands Region and the logistical constraints of coordinating resources across a region that spans the international dateline, the proposed regional planning body would have the flexibility to determine whether the region should be further sub-divided to best reflect regional needs.

Large Marine Ecosystems and Regional Planning Areas



Therefore, for CMSP purposes, the United States would be subdivided into nine regional planning areas based on LMEs with modifications as necessary to ensure inclusion of the entire U.S. EEZ and Continental Shelf, and to allow for incorporation of existing state or regional ocean governance bodies. The NOC would facilitate the development of regional CMS Plans for those areas.

Regional Planning Body

The NOC would work with the States⁴ and federally-recognized tribes, including Alaska Native Villages, and other indigenous communities (e.g., Native Hawaiians) to create regional planning bodies – coinciding with the regional planning areas – for the development of regional CMS Plans. The

⁴ For purposes of this framework, “States” also include Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

membership of each of the nine regional planning bodies would consist of Federal, State, and tribal authorities, and indigenous community representatives with jurisdictional responsibilities or other interests (e.g., resource management, science, homeland and national security, transportation, and public health) relevant to CMSP for that region. Members would be of an appropriate level of responsibility within their respective governing body to be able to make decisions and commitments throughout the process. Appropriate State and tribal representation would be determined by applicable States and tribes, consistent with the types of representation described by the NOC per Section XV below.

Each regional planning body⁵ should make every effort to ensure representation from all States within a region, ideally through, or as part of, the existing regional governance structures created by the States to address cross-cutting issues, including regional planning. Given that activities that happen outside of the planning area of each regional planning body may affect CMSP decisions in that area, ex officio membership on these bodies could be extended to adjacent coastal States to help integrate and enhance consistency among regions. Inland States may also be afforded ex officio membership as determined appropriate by the regional planning body. It is also recognized that the United States shares maritime boundaries with other nations (e.g., Canada and Mexico) and the regional planning bodies for those respective areas may include ex officio representatives or observers from these nations.

CMSP Development Agreement

The members of each regional planning body (the “partners”) would prepare and execute a CMSP Development Agreement, a model of which the NOC would develop as described in Section XV below.

⁵ The Task Force based the State membership of the nine regional planning areas in part on the membership of the existing regional governance structures, where they exist, with the following one exception: Pennsylvania was added to the Mid-Atlantic Regional Planning Area, because Pennsylvania has a coastline on the Delaware River that would, under the defined geographic scope, be included in the CMSP regional planning area.

Nine Proposed Regional Planning Areas and Corresponding Minimum State Representation	
1.	Alaska /Arctic Region: Alaska
2.	Caribbean Region: Puerto Rico and U.S. Virgin Islands
3.	Great Lakes Region: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin
4.	Gulf of Mexico Region: Alabama, Florida, Louisiana, Mississippi, and Texas
5.	Mid-Atlantic Region: Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia
6.	Northeast Region: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont
7.	Pacific Islands Region: Hawaii, Commonwealth of the Northern Mariana Islands, American Samoa, and Guam
8.	South Atlantic Region: Florida, Georgia, North Carolina, and South Carolina
9.	West Coast Region: California, Oregon, and Washington

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

The Development Agreement would be an express commitment to work cooperatively to engage in CMSP and develop eventual CMS Plans, identify the lead representatives for each of the partners, and define ground rules, roles, and responsibilities of the partners.

Dispute Resolution Process

CMSP development would provide a process for resolving conflicts should members of the regional planning bodies disagree during the development of CMS Plans. The NOC would develop this process, in cooperation with the Governance Advisory Committee (GAC) identified in the Interim Report, to ensure consistency from region to region. This process would be designed in a way to ensure that most disputes would be resolved at the regional level. If a conflict cannot be resolved at the regional level, the regional planning body lead would elevate the issue to the NOC for resolution, via the process outlined in the Interim Report.

Work Plan

Each regional planning body would develop a formal regional work plan that describes the agreed-upon process for CMSP and development of CMS Plans, establishes key milestones, identifies resources, specifies time frames, and addresses the essential elements required for the planning process, defined below. The work plan would allow flexibility to account for the particular circumstances of a given region (e.g., if a region has existing State plans). The NOC would review and approve each regional work plan prior to its implementation.

Essential Elements of the CMSP Process

- | ESSENTIAL ELEMENTS OF THE CMSP PROCESS |
|---|
| <ul style="list-style-type: none">• Identify Regional Objectives• Identify Existing Efforts that Should Help Shape the Plan throughout the Process• Engage Stakeholders and the Public at Key Points throughout Process• Consult Scientists and Technical and Other Experts• Analyze Data, Uses, Services, and Impacts• Develop and Evaluate Alternative Future Use Scenarios and Tradeoffs• Prepare and Release a Draft CMS Plan with Supporting Environmental Impact Analysis Documentation for Public Comment• Create a Final CMS Plan and Submit for NOC Review• Implement, Monitor, Evaluate, and Modify (as needed) the NOC-certified CMS Plan |

The CMSP process consists of a series of steps that will eventually lead to the development of a CMS Plan. Although the CMSP process envisions optimum flexibility among and within regions, the

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

following essential elements – and how the partners plan to accomplish them – would need to be addressed in the work plan in order to ensure a level of national consistency across regions. The process would be adaptive and refined as regions gain experience with CMSP.

- **Identify Regional Objectives:** Each region would define and agree upon a set of specific and measurable regional objectives that provide clear direction, outcomes, and timeframes for completion. These regional objectives would be consistent with the national goals and principles identified in this framework and with any national objectives the NOC has articulated for purposes of CMSP. These objectives would serve as a statement of purpose and need for action to guide the planning process and eventual development of an ecosystem-based, comprehensive, integrated CMS Plan.
- **Identify Existing Efforts that Should Help Shape the Plan throughout the Process:** The regional planning body would identify existing efforts (e.g., State ocean plans, data management efforts, and CMSP decision products) that would allow the regional plan to build on existing work. This would enable a more organic and holistic approach that would advance the region as a whole while not duplicating or hindering existing and ongoing efforts. These existing efforts can include those that are region-wide, State focused, or more site-specific marine spatial plans or efforts (e.g., Great Lakes Restoration Initiative Action Plan, Massachusetts Ocean Plan, Rhode Island Ocean Special Area Management Plan, or National Marine Sanctuary management plans), as well as issue-specific plans that seek to incorporate some aspects of CMSP approaches and principles (e.g., ocean energy and fishery management plans), as appropriate.
- **Engage Stakeholders and the Public at Key Points throughout the Process:** The regional planning body would ensure there is frequent and continuous stakeholder engagement throughout all phases of the CMSP process including development, adoption, implementation, evaluation, and adaptation phases. To better ensure all concerns and ideas are considered, stakeholder engagement should be emphasized with those most impacted (or potentially impacted) by the planning process. Special attention should also be given to ensuring inclusion of underserved communities. Regions should consider establishing a stakeholder advisory body (or, if applicable, utilizing an existing body) with a representative balance of major social, cultural, economic, environmental, human health, and security interests. The regional planning body should also identify previous stakeholder input to regional or State CMSP efforts including the existing documentation on their input and needs. Public input would be sought through public hearings, public comment processes, and other appropriate means and be consistent with existing requirements for public notice and input under applicable laws.
- **Consult Scientists and Technical and Other Experts:** The regional planning body would consult scientists, technical experts and those with traditional knowledge of or expertise in coastal and marine

sciences and other relevant disciplines throughout the process to ensure that CMSP is based on sound science and the best available information. Such consultation could take the form of regional private-public technology and science partnerships. In addition, the regional planning bodies should establish or work with existing regional science advisory bodies (RSABs), other technical entities, such as the regional ocean observation organizations, and other organizations with relevant physical, biological, ecological, and social science expertise to provide scientific and technical oversight and support to the planning body throughout the CMS Plan development, implementation, and evaluation phases.

- **Analyze Data, Uses, Services, and Impacts:** With assistance from scientific and technical experts, including the RSAB if established, the regional planning body would investigate, assess, forecast, and analyze the following:
 - important physical and ecological patterns and processes (e.g., basic habitat distributions and critical habitat functions) that occur in the planning area, including their response to changing conditions;
 - the ecological condition and relative ecological importance or values of areas within the planning area, using regionally-developed evaluation and prioritization schemes that are consistent with national guidance provided by the NOC;
 - the relationships and linkages within and among regional ecosystems, including neighboring regions both within and outside the planning area and the impacts of anticipated human uses on those connections;
 - the spatial distribution of, and conflicts and compatibilities among, current and emerging ocean uses in the area;
 - important ecosystem services in the area, and their vulnerability or resilience to the effects of human uses, natural hazards, and global climate change;
 - the contributions of existing place-based management measures and authorities; and
 - future requirements of existing and emerging ocean, coastal, and Great Lakes uses.

This analysis would form the basis of the Regional Assessment described in the Essential Elements of the CMS Plan below. The regional planning body would identify and leverage existing approaches and efforts to collect information as well as clearly identify where there are gaps in data and information and what assumptions are made in the assessments, forecasts, and analyses to 'compensate' for lack of information and data.

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

- **Develop and Evaluate Alternative Future Use Scenarios and Tradeoffs:** The regional planning body would identify a range of alternative future use scenarios based upon the information gathered on current, emerging, and proposed human uses, ecosystem conditions, and ecosystem services. Comparative analyses would assess, forecast, and analyze the tradeoffs and cumulative effects and benefits among multiple human use alternatives. The alternatives and the supporting analyses would provide the basis for a draft CMS Plan.
- **Prepare and Release a Draft CMS Plan with Supporting Environmental Impact Analysis Documentation for Public Comment:** Once a draft CMS plan and supporting environmental impact analyses, including alternatives, are completed, the regional planning body would release it for appropriate public review and comment. During development of a CMS Plan and before formal adoption of a final CMS Plan, regional planning bodies would also have the flexibility to move forward with CMSP efforts and agreements to address ongoing issues and regional coordination. It is recognized that these agreements would likely become part of the final CMS Plan. In drafting the CMS Plan, the regional planning body would resolve disputes using the process developed by the NOC, as discussed above in this Section.
- **Create a Final CMS Plan and Submit for NOC Review:** Based on public review of the draft plan and alternatives, the regional planning body would develop the final CMS Plan and environmental impact analysis that includes elements detailed in the following section (Essential Elements of the Plan). The regional planning body would submit the final CMS Plan to the NOC for national consistency certification, as described in Section XI below. The initial CMS Plans are intended to be iterative and are expected to be modified through the adaptive process described below.
- **Implement, Monitor, Evaluate, and Modify (as needed) the NOC-Certified CMS Plan:** The regional planning body would have an ongoing responsibility to monitor and assess the effectiveness of the CMS Plan. The regional planning body would adapt the CMS Plan, as necessary, based on relevant changes in ecological, economic, human health, safety, security, or social conditions and information. During implementation, each region would integrate new data and scientific findings to refine regional objectives and their respective goals. As new technologies are developed to observe and monitor ocean, coastal, and Great Lakes environments and their uses, they would be considered for application in regional CMSP monitoring and evaluation efforts.

Essential Elements of the CMS Plan

ESSENTIAL ELEMENTS OF THE CMS PLAN

- **Regional Overview and Scope of Planning Area**
- **Regulatory Context**
- **Regional Assessment**
- **Objectives, Strategies, Methods, and Mechanisms for CMSP**
- **Compliance Mechanisms**
- **Monitoring and Evaluation Mechanisms**
- **Dispute Resolution Process**

CMS Plans are expected to vary from region to region according to the specific needs, capacity, and issues particular to each region. A completed CMS Plan would contain the following essential elements in order to ensure national consistency across regions and certification by the NOC. Scientific data, information and knowledge, as well as relevant traditional knowledge would underpin each of these essential elements.

- **Regional Overview and Scope of Planning Area:** The CMS plan would include a regional overview of the planning area. This overview would include a description of the planning area's ecosystems and their biological, chemical, and physical environments; social, human health, safety, security, and economic uses; ecological and conservation considerations, including important habitats, flora, and fauna; and other concerns of the region. The overview would describe how the CMS Plan relates to and furthers the *National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes* (National Policy), CMPS national goals and principles, any national objectives developed by the NOC, regional objectives, and other relevant national, regional, State, and other policies. The CMS Plan would also define the geographic scope of the planning area.
- **Regulatory Context:** The CMS Plan would describe the statutes, rules, and regulations relevant to implementing CMSP throughout all levels of government. It would also describe, as appropriate, the principal existing planning processes (e.g., Great Lakes Restoration Initiative Action Plan, State marine spatial plans) that may be relied on or incorporated as part of the regional CMS Plan.
- **Regional Assessment:** The CMS Plan would include a regional assessment, based on environmental, social, economic, and other necessary data and knowledge, describing the existing and predicted future conditions, uses, and characteristics of the coastal, ocean, or Great Lakes areas covered in the Plan. The assessment would include relevant biological, chemical, ecological, and physical characteristics of the plan area, ecologically important or sensitive species/habitats/ecosystems, and

areas of human activities, assessments of ecological condition or health and of cumulative risks, as well as forecasts and models of cumulative impacts. The regional assessment would explain the information obtained and analyses conducted during the planning process and how they were used to help determine management decisions and plan alternatives.

- **Objectives, Strategies, Methods, and Mechanisms for CMSP:** This section would describe the regional objectives and proposed strategies, methods, and mechanisms for CMSP for the region. It would provide the analysis, evaluation of options, and the basis for the conclusions made in the CMS Plan. It would describe the spatial determinations for conservation and uses, at the appropriate scale, and include any necessary visual representations. The CMS Plan would describe the strategies, methods, and mechanisms for integrated or coordinated decision-making, including addressing use conflicts. The CMS Plan would further describe the continuing processes by which implementation would proceed, including mechanisms to ensure that individual partner and collaborative decision-making are reviewed for consistency with plan priorities and objectives. The CMS Plan would describe continued opportunities for stakeholder and public engagement. It would provide the flexibility needed to accommodate activities and operations in preparation for and response to disasters, emergencies, and similar incidents. The CMS Plan would also consider a regional process for requesting variances and amendments.
- **Compliance Mechanisms:** The CMS Plan would specify mechanisms to enhance coordination and cooperation among decision-makers and promote consistency in each agency's interpretation and application of its respective existing laws and regulations used for implementation and enforcement of CMS Plans.
- **Monitoring and Evaluation Mechanisms:** The CMS Plan would specify the monitoring and evaluation mechanisms, including a reporting mechanism, to be employed to assess the effectiveness of the CMS Plan and identify where and when changes need to be considered. As part of monitoring and evaluation, regional planning bodies would define a clear set of regional performance measures to be used to assess whether or not the region is meeting national and regional objectives and goals. Additionally, regional planning bodies would participate in the periodic execution of regional ecosystem assessments to evaluate impacts of management actions from economic, ecological, and social perspectives in order to inform the CMS Plan. Monitoring and evaluation will follow from and build upon the original regional assessment, consistent with national guidance provided by the NOC.
- **Dispute Resolution Process:** The Plan would describe how the dispute resolution process developed by the NOC, in coordination with the GAC, would be implemented among the partners.

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

X. The Nature of the Planning Process and National Ocean Council-Certified Coastal and Marine Spatial Plans

CMSP is intended to provide Federal, State, tribal, and regional bodies, stakeholders, and the public with a meaningful forum within which to develop a plan to better manage multiple sustainable uses, resolve conflicts, and support ecosystem-based management of the ocean, coasts, and Great Lakes in accordance with shared goals, guiding principles, and applicable legal authorities. In this way, regional objectives and national objectives, goals, and guiding principles can be considered in a single, comprehensive, and integrated process. In order to be successful, the outcome of CMSP would have to result in meaningful improvements in the way that Federal, State, tribal, local, and regional bodies, stakeholders, and the public participate in the use and conservation of these areas.

While the goal of this framework is to move toward comprehensive, integrated, flexible, proactive, ecosystem-based CMSP, this would not happen instantaneously. CMSP must be initiated and developed thoughtfully, allowing for time to address the myriad complexities and challenges that would undoubtedly arise as the process moves forward. Moreover, while this framework identifies some of the incentives and benefits for a coordinated State, tribal, Federal, and regional effort and envisions a fully coordinated planning process, there would be substantial flexibility to determine how best to develop and implement CMSP for each particular region.

Development and implementation of CMS Plans would be an iterative process. Since each region may have different drivers and capabilities for CMSP, regions may choose to prioritize initial development and implementation steps. While CMSP should help resolve many use conflicts, it is not realistic to expect that all such conflicts would be resolved. Further, partners might agree not to include certain issues in a CMS Plan at a particular time, but rather to acknowledge these issues and indicate how the parties would continue to work on them as part of the iterative CMSP process. Other issues might be included at later times as data gaps are filled, new information is developed, or as State or Federal legal authorities are enacted, changed, or updated.

To ensure that CMSP is effective and has a positive overall impact, each partner participating in CMSP would need to commit in good faith to: (1) a cooperative, open, and transparent CMSP process leading to the development and implementation of CMS Plans, acknowledging that each partner may have different authorities and non-discretionary mission objectives that must be fully addressed; (2) ensuring that consideration of the National Policy, national CMSP goals, objectives, and principles, and regional CMSP objectives are incorporated into the decision-making process of all the partners consistent with existing

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

statutory, regulatory, and other authorities, and the critical needs of emergency response, and homeland and national security activities; and (3) dispute resolution processes that enable concerns and issues not resolved through the cooperative planning process to be resolved quickly, rationally, and fairly.

Signing onto the CMS Plan would be an express commitment by the partners to act in accordance with the plan, within the limits of applicable statutory, regulatory, and other authorities, and respecting critical emergency response and homeland and national security needs. Thus, State and Federal regulatory authorities would adhere to, for example, the processes for improved and more efficient permitting, environmental reviews, and other decision-making identified in the CMS Plan to the extent these actions do not conflict with existing legal obligations. State and Federal authorities with programs relevant to the CMS Plan would review and modify programs as appropriate to ensure their respective activities, including discretionary spending (e.g., grants and cooperative agreements), adhere to the CMS plan to the extent possible. State and Federal agencies would also be expected to formally incorporate relevant components of the CMS Plan into their ongoing operations or activities consistent with existing law. This may be implemented in a variety of ways. For example, agencies could enter into memoranda of understanding (MOUs) to coordinate or unify permit reviews and decision-making processes. Where existing regulatory or statutory requirements impose constraints on the ability of an agency to fully implement the CMS Plan, the agencies should consider whether to seek regulatory or legislative changes to fully implement the CMS Plan.

Relationship of CMSP to Existing Plans and Projects

CMSP is not meant to delay or halt existing or pending plans and projects related to ocean, coastal, and Great Lakes environment or their uses. However, those responsible for making decisions on such plans and projects would be expected to take into account the national CMSP goals and principles, national policies, and any identified national and regional CMSP objectives in future decision-making to the extent possible under existing law. Once a CMS Plan is put into effect following NOC certification, its implementation would be phased in to avoid undue disruption or delay of projects with pending permits or other applications.

XI. National Consistency

Certification by the NOC for National Consistency

The NOC would review each regional CMS Plan to ensure it is consistent with the National Policy, CMSP goals and principles as provided in this framework, any national objectives, performance measures, or guidance the NOC has articulated, as described below, and any other relevant national

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

priorities. The NOC's review would ensure the CMS Plans include all the essential elements described in this framework. The NOC would also consider the CMS Plan's compatibility with adjacent regions regarding issues that cross regional boundaries. The NOC would review and make a decision on certification within six months of receipt of the CMS Plan. Upon certification by the NOC, a decision document adopting the CMS Plan would be co-signed by senior State officials (e.g., Governors), tribal representatives, as appropriate, and senior officials of the Federal agencies represented on the regional planning body. Upon signature by the partners, the CMS Plan would be considered "in effect" and implementation would begin.⁶

National CMSP Objectives, Performance Measures, and Guidance

The NOC would establish national objectives, national outcome-based performance measures, and guidance to promote national consistency in the development and implementation of CMS Plans. Because the intent of CMSP is integration across sectors, the NOC would develop a range of national objectives. These may include: economic, conservation, security, and social objectives. The NOC would also develop national performance measures to measure, monitor, and report on progress towards implementing national CMSP objectives. As specified in the *Essential Elements of the CMSP Process* and the *Essential Elements of the Plan*, regional planning bodies would develop region-specific objectives and associated performance measures, as part of the regional CMSP process. Regional performance measures developed by the regional planning bodies would be used to track improvements towards stated CMS Plan objectives. These regional measures and objectives would be consistent with the nationally established objectives and measures.

Regional and national performance measures should directly relate to the stated national and regional objectives established in the CMSP process. Performance measures would assess both conservation and socio-economic objectives of the CMS Plan. Measures of conservation may include, but are not limited to, indicators of ecosystem health such as the status of native species diversity and abundance, habitat diversity and connectivity, and key species (*i.e.*, species known to drive the structure and function of ecosystems). In addition, socio-economic measures would be developed and may include, but are not limited to: the economic value or productivity of certain economic sectors, such as commercial and recreational fisheries, aquaculture, and offshore energy; the number of recreation days; and the time required for permit applications to complete the regulatory process. Performance measures would

⁶ If the NOC does not certify a plan, it would provide to the regional planning body the specific reasons for its decision. The regional planning body would then have continued opportunity to address the NOC's reasons and resubmit the plan.

provide a means of demonstrating results of and provide accountability for the CMSP process to stakeholders, the general public, and decision-makers.

The NOC would develop guidance in conjunction with the regional planning bodies for regional objectives and concomitant performance measures to ensure that they are cost-effective, measurable, interpretable, grounded in theory, responsive, and specific. The NOC would develop consistent guidance for these ecological and socio-economic approaches and tools to assist regional planning bodies in these efforts in order to provide for nationally applicable common scales of assessment. This will ensure that regional planning bodies are given the independence and flexibility to develop regionally meaningful objectives and measures, but also assure that regional measures and reporting are consistent with a national CMSP performance system.

XII. Consistency with International Law

CMS Plans would be implemented in accordance with customary international law, including as reflected in the Law of the Sea Convention, and with treaties and other international agreements to which the United States is a party. Seaward of the baseline development and implementation of CMS Plans are to be consistent with the extent to which the United States exercises its rights and jurisdiction and performs duties in its territorial sea, EEZ, and Continental Shelf. CMS Plans would not change the rights, duties, and jurisdiction of the United States under international law, including with respect to navigational rights and freedoms. Nothing in this document or in CMS Plans developed pursuant to it would create private rights of action or other enforceable individual legal rights regarding the meaning and applicability of international law.

XIII. Adherence to and Compliance with National Ocean Council-Certified Coastal and Marine Spatial Plans

Signatories would be expected to adhere to a NOC-certified CMS Plan, within the limits of their existing statutory and regulatory authorities. If a signatory intends to take an action that does not substantially adhere to a certified CMS Plan, it would need to provide advance notice to the regional planning body and the NOC, including justification (e.g., new statutory requirement) for the non-adherence. The CMS Plan signatories and the NOC would periodically evaluate the reasons requiring deviation from a NOC-certified CMS Plan, and, if appropriate, develop recommendations for minimizing these deviations in the future, including CMS Plan modification or underlying regulatory or statutory changes. Disputes regarding agency interpretation of a CMS Plan would be resolved according to the dispute resolution process developed by the NOC, as described above.

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

In and of themselves, CMS Plans would not be regulatory or necessarily constitute final agency decision-making, although agencies may incorporate components of the CMS Plan into their respective regulations. Adherence with CMSP would be achieved through Federal and State agencies and tribal authorities incorporating CMS Plans into their pre-planning, planning, and permitting processes, to the extent consistent with existing laws and regulations. The CMS Plan signatories would periodically review these processes, and where legal constraints are identified, work with the NOC to evaluate whether a legislative solution or changes to regulations are necessary and appropriate.

The effectiveness of the CMSP process depends, in-part, on the willingness and the ability of Federal, State, and tribal authorities to ensure that activities of third-parties are in compliance with relevant laws and regulations. The Nation would not achieve the benefits of comprehensive and integrated CMSP if there were inconsistent use or violation of the applicable laws and regulations. Successful enforcement, carried out by agencies exercising their individual enforcement authorities and responsibilities, must be based upon clear, concise, and easily understood requirements that reflect the practical realities of compliance and enforcement.

CMS Plans would provide a framework for improved coordination and cooperation among Federal, State, local, and tribal enforcement agencies as they work together to enforce existing regulations in accordance with their respective authorities in support of regional goals that often extend beyond individual agency jurisdictions. To the extent permitted by existing laws and regulations, this cooperative regional approach should build productive partnerships that encourage sharing of information and best practices, help foster mutually agreed upon enforcement priorities and strategies, and make more effective use of scarce enforcement resources by focusing those resources on the highest regional enforcement priorities. A cooperative enforcement approach for Federal, State, and tribal CMSP-related laws could also facilitate more consistent interpretation and application of regulations across agencies and jurisdictions, resulting in greater certainty and understanding for ocean, coastal, and Great Lakes users, which in turn could foster improved compliance and overall effectiveness. The NOC and CMS Plan signatories would periodically review enforcement effectiveness and seek to remedy any conflicts or gaps in existing Federal-State-tribal coordinated enforcement mechanisms.

XIV. Scientific Knowledge and Data Integration, Research, Management, and Access

CMSP is fundamentally science-based and adaptive in response to new evidence, technology, and understanding. Essential to CMSP are scientific knowledge and data, collectively referred to below as *information*. Reflecting our long history of ocean science and exploration, the United States holds

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

vast stores of natural and social science information about ocean, coastal, and Great Lakes ecosystems and their uses. This information, supplemented by additional CMSP research and information particularly regarding specific and cumulative effects and ecosystems processes and resiliency, is necessary to comprehensively and consistently investigate, assess, forecast, and analyze human uses, ecosystem conditions, management alternatives, information and data gaps, and CMS Plan effectiveness.

Relevant and credible information is critical for successful planning and, in turn, must be accessible to Federal, State, and local managers, tribes, academics, the private sector, and the public. A robust national information management system dedicated to coastal and marine scientific data and information products is required to meet the diverse data and application requirements of CMSP, and the varying technical capabilities of users. The NOC, working with the regional planning bodies, would create a system that is compatible with existing Federal information systems, captures relevant Federal information resources, has effective governance and accountability across agencies, and preserves data confidentiality, where appropriate. Within this construct, Federal agencies, and the other regional partners would make relevant data, metadata, and derived products available and web accessible using recognized national and international standards and protocols. Exceptions would include sensitive but unclassified information that cannot be synthesized and modified into a format that is appropriate for broader distribution pursuant to CMSP needs, and information that is proprietary, statutorily confidential, or classified information.

To provide easy user access to agency CMSP-related information, a national information management system with either a central portal or regional portals that connect to CMSP information would be developed. The NOC would identify a Federal lead agency or collaborative entity to manage, implement, and update the CMSP portal(s) and components of the information management system. System interoperability, information exchange, and information and application technologies are intrinsically linked and would be developed and implemented together within the CMSP portal(s). To ensure national consistency, minimum data standards for CMSP information would be adopted and include

Principles to Manage and Disseminate CMSP Information

- CMSP information is a national strategic asset and must be developed and managed on an ongoing basis to meet planning needs;
- CMSP information would be made available and accessible with nationally compliant "information about information" (i.e., metadata) to stakeholders;
- Federal agencies would improve metadata to make information easier to discover, retrieve, use, and manage;
- CMSP information that is collected, produced, or disseminated by Federal agencies, including information obtained from non-Federal sources, would meet government-wide information quality standards, and any other additional minimum standards adopted by the NOC.

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

standards for information quality. All information management and provision activities would be developed and updated with participation from existing and appropriate Federal data centers and initiatives. The NOC would ensure that the information is publicly available and easy-to-access through computer readable files and web service formats that support a variety of CMSP and user needs. This could include web browsers, geospatial web services, and other web-based collaborative resources. The CMSP portal would leverage emerging web technologies, including private sector partnerships, to increase transparency and promote public engagement.

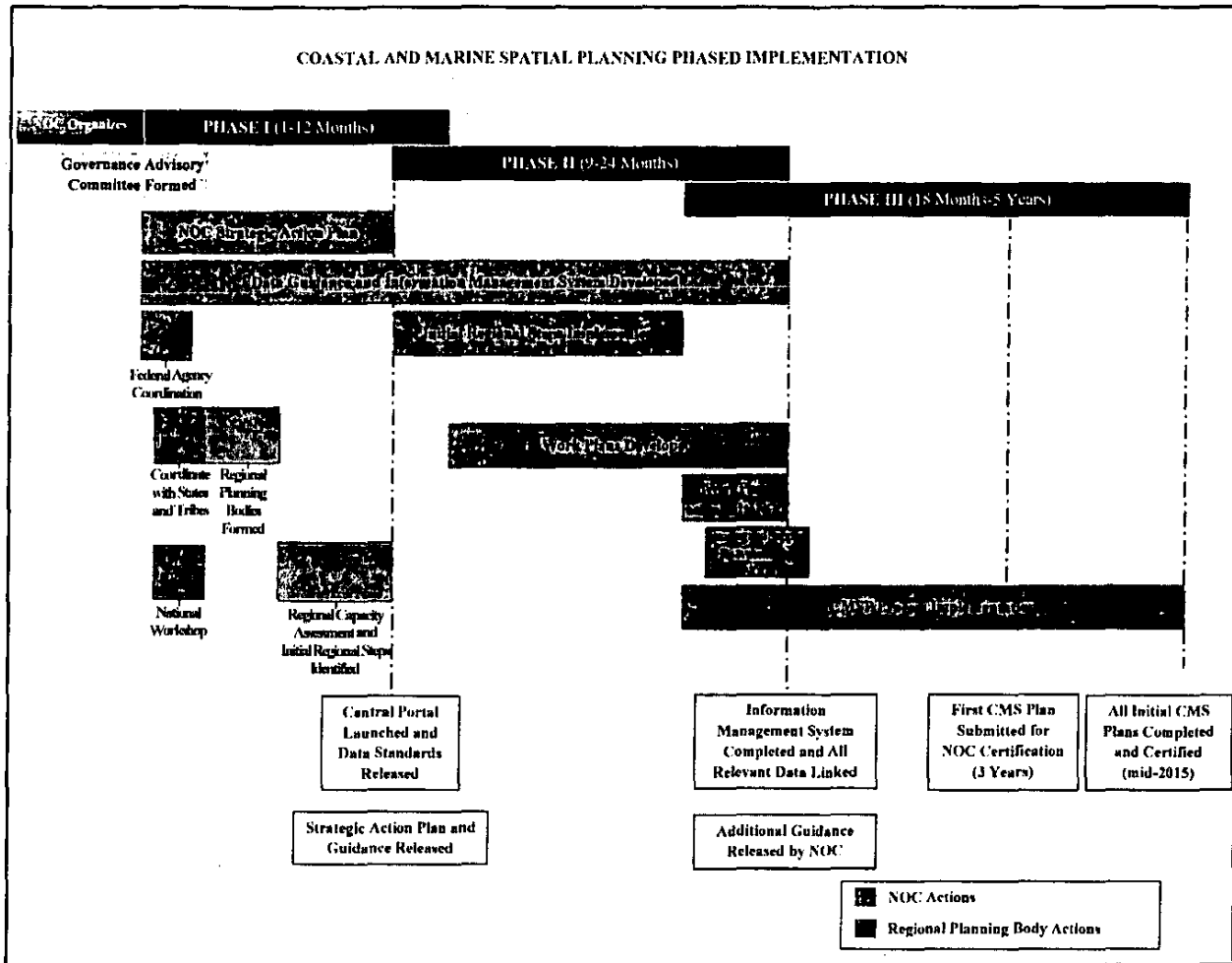
In order to build upon the existing CMSP scientific foundation, the NOC would establish mechanisms to identify priority CMSP science needs. This would include identification of priority CMSP research, data acquisition and information synthesis gaps, and new tools that would be required to apply science more effectively in the CMSP process. Identification of data, information, and research needs would be conducted on a regular basis as part of the adaptive and iterative process to improve the development and application of CMSP over time.

Additionally, nationally consistent, derived data products, ranging from consistent habitat maps as data layers to specialized decision-support tools, would be developed to provide a consistent framework for regional assessments and alternative future use scenarios. The NOC may provide further guidance for using such information in decision making, for example, how to decide which areas are of particular ecological importance or value. Designed or adapted specifically for CMSP, these science-based decision-support tools, including models, assessments, and visualization capabilities, would enable the regional planning bodies to synthesize information most relevant to CMSP decisions in ways that produce robust comprehensive CMS Plans. These tools would offer a shared knowledge base for meaningful stakeholder engagement, objective assessment of alternative and future scenarios, identification of the types of uses that are consistent with societal objectives, and regular evaluation of CMS Plans. They would be developed and made accessible in a way that regional and State efforts could build upon or add regional specific data and information to leverage these efforts and analyze the regionally-specific aspects of their planning within the broader national framework.

XV. Implementation

Implementation of this framework would occur in multiple phases through the NOC and among the regions. As a first step, the NOC would undertake initial actions to develop and build a foundation for the national CMSP efforts. Concurrently, the NOC would directly engage States and tribes to discuss

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING



cooperative strategies to move forward with CMSP. Recognizing the extensive scope of the task of developing and implementing CMSP, it is important for Federal, State, tribal, and other partners to prioritize efforts in this initial implementation period. Each of the regions could have different priorities and be at varying stages in the development of the data, analyses, and the relevant issues for policy-makers. With these differences in mind, the phased approach outlined below would enable the NOC and the regions sufficient time to develop capacity, build on existing efforts, and leverage and gain efficiencies from lessons learned.

Phase I (1-12 months)

Many of the actions the NOC and State, tribal, and regional representatives commence in Phase I would serve as the foundation to implement CMSP on a national scale.

Develop NOC Internal Organization and Begin Strategic Action Plan (Months 1-9)

In the first month of Phase I, building on the initial establishment and organization period of the NOC, the NOC would determine how best to incorporate CMSP into the NOC governance structure (e.g., establish

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

a CMSP Interagency Policy Sub-Committee), decide on the roles of individual agencies in implementing specific elements of the CMSP framework, and assess resource needs including personnel, financial, and technical CMSP support.

The NOC would then begin development of a Strategic Action Plan (SAP) to address specific areas that require additional consideration, analysis, and elaboration. The SAP would be released in six to nine months and include: national objectives; national performance measures; guidance regarding the development of a national information management system, including identification of additional CMSP information and research needs; legal analysis and recommendations for legislative changes, if necessary; description of a dispute resolution mechanism, as described previously; and any additional guidance the NOC deems appropriate for CMSP. The NOC, in cooperation with the GAC, would provide for a mechanism for resolving disputes if they occur among the members of the regional planning bodies during the development of CMS Plans.

National Objectives and National Performance Measures

As part of the SAP, the NOC would establish national objectives for CMSP consistent with, and in furtherance of, the National Policy, CMSP goals and principles, and other relevant national goals and priorities. These national objectives would serve as additional direction for the development of regional objectives and help to maintain national and regional consistency of CMSP. Along with these objectives, national outcome-based performance measures would be established to help define success and measure results.

Guidance Regarding the Development of a National Information Management System

While overarching objectives and measures would help direct CMSP efforts, guidance on data, technology, and tools would also be developed. During the first six to nine months, initial actions to coordinate, integrate, and manage data would be necessary. The NOC would begin development of a national information management system and CMSP portal(s), adopt minimum data standards consistent with government-wide information quality standards, identify a Federal lead agency or entity to manage, implement, and update the CMSP portal(s), identify and begin development of any new standard tools or models needed for CMSP in all regions, and identify additional CMSP information and research needs. At the end of nine months, guidance on these fundamentals would be released as part of the SAP and a prototype CMSP portal(s) would be operational. However, building the information management system and linking the relevant data may take up to two years.

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

Legal Analysis and Recommendations of Legislative Changes, if Necessary

Also as part of the SAP, the NOC would oversee efforts to identify gaps and conflicts in Federal authorities, and recommend potential steps to reconcile them. This effort would examine how various statutory authorities of particular agencies can be harmonized in order to support comprehensive, integrated CMSP. Further, the NOC would consider how legal authorities of Federal, State, tribal, and local entities might collectively be used to support implementation of regional CMSP efforts. In doing so, the NOC should identify objective priorities and existing grant or other assistance programs that can support CMSP, consistent with relevant authorities.

Convene and Organize Federal Agency Representatives in the Regions (Months 1-2)

National and regional Federal agency representatives would convene to discuss current and improved methods for communicating, sharing data and products, exploring regulatory efficiencies, and determining how best to work with State and tribal partners to achieve a CMS Plan. Due diligence is necessary on the part of the Federal community to self organize and coordinate among agencies before engaging State and tribal partners to ensure that a service is being provided in a way that meets considerations unique to each region.

Develop Model Agreement (Months 1-3)

During the first three months of Phase I, the NOC would create and make available a model development agreement to be used by the regional planning bodies. This model would be used to foster efficiency and consistency in forming the regional planning bodies. As mentioned in Section IX, the development agreement would be an express commitment to work cooperatively to engage in CMSP and develop eventual CMS Plans, identify the lead representatives for each of the partners, and define ground rules, roles, and responsibilities of the partners.

Organize and Convene a National Workshop(s) and CMSP Simulation Exercise (Months 2-4)

Within the initial two to four months of Phase I, the NOC would also organize and convene, with input from the GAC, one or more workshops and a CMSP process simulation exercise for potential regional planning body representatives. The workshop(s) would be a forum to directly engage Federal, State, and tribal representatives, to give an overview of CMSP and the national framework, to demonstrate and test how this framework would work in a planning exercise, and to discuss collaborative strategies to move forward. The NOC would identify lessons learned and additional operational issues that were brought to light from the workshop(s) and exercise within two months of workshop completion.

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

Determine Composition of and Establish Regional Planning Bodies (Months 4-6)

After the workshop and exercise are held, the NOC, with advice from the GAC, would determine the types of representation needed for the composition of the regional planning bodies. Once the composition of the regional planning bodies is identified, the NOC would coordinate with the appropriate State authorities (e.g., Governors) and tribal representatives to establish regional planning bodies for each of the nine regions and enter into a development agreement.

Capacity Assessment and Identification of Initial Regional Steps (Months 6-12)

During the latter six to twelve months of Phase I, the regional planning bodies would conduct a regional CMSP capacity assessment. The assessment would evaluate capabilities, expertise, and resources in each region available to develop and implement CMSP. In addition, the assessment would help to identify and prioritize initial regional steps described in Phase II below. The NOC, in coordination with the regional planning bodies, would make a determination on how best to meet the needs identified in the capacity assessment and to support the initial regional steps through existing mechanisms, and possibly new resources and/or funding mechanisms.

Phase II (9-24 months)

Building on Phase I's initial foundational steps of CMSP implementation, Phase II focuses on building capacity, testing specific issues or elements of the process, and fostering public and stakeholder awareness.

Initial Regional Steps (Months 9-18) and Work Plan Development (Months 12-24)

During Phase II, the NOC would enable the regions to focus during the initial work plan development period on those issues that are of highest regional priority. In this way, these early steps in each region can serve as a test for the other regions for specific issues. For example, a region may select to begin CMSP efforts by organizing, gathering, and analyzing data, whereas another region may select to focus on developing regional CMS Plan objectives. The focus for each region's initial steps should be agreed upon after the capacity assessment is completed at the end of Phase I. After the initial regional steps are underway, the regional planning bodies would begin development of a full CMSP work plan as detailed above. In development of its work plan, each regional planning body should integrate the lessons learned from its and other regions' initial steps and also consider how to best integrate relevant ongoing regional planning initiatives.

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

Initiate Public and Stakeholder Involvement (Months 9-18)

Early and meaningful steps to facilitate public and stakeholder outreach and education regarding CMSP and its implementation are vital to advance national CMSP efforts. During Phase II, regional planning bodies would begin to identify key stakeholders, scientific and technical experts, non-governmental organizations, and other partners to engage in the CMSP process during this nine month timeframe. Also, to better inform all participants and the public, the NOC would work with the regional planning bodies to guide the drafting and production of educational materials, guidebooks, manuals, and other materials. These materials would be developed keeping in mind that the content should reflect the issues, language, and methods that would be meaningful in a particular region. These materials would include a glossary of key CMSP terms in order to reduce potential misunderstandings that could result in an inconsistent or ineffective CMSP process. The NOC, in coordination with the regional planning bodies, would hold additional informational workshops for stakeholders to discuss the CMSP process and potential ways stakeholder participation would take place. Further stakeholder engagement would be conducted by the regional planning bodies throughout the CMSP process.

Work Plan Submittal and Planning Process Preparation (Months 18-24)

Once initial regional steps are completed or in tandem, the regional planning bodies would submit to the NOC a package consisting of the proposed work plan. Once the work plan is submitted, the NOC would re-evaluate how best to support the regional CMSP effort through existing mechanisms, and possibly new resources or funding mechanisms to build on the lessons learned from the initial regional CMSP steps. For example, support might involve individual agencies contributing staff or technical expertise to efforts coordinated through the NOC, or identifying existing grant programs to help support CMSP and achieve mutually agreed upon outcomes.

Phase III (18 months to 5 years)

While continuing to advance the actions and steps of Phases I and II, during Phase III regional planning bodies would build out and scale up their efforts to establish a comprehensive CMSP process in all regions.

Develop and Carry Out CMSP Process and Provide Feedback from Initial Regional Steps (Months 18 and beyond)

After the initial steps are undertaken by each region, the regional planning bodies would transition into Phase III, developing and carrying out a CMSP process using the initial regional steps and the work of the NOC as a foundation. There is recognition that some regions' planning processes might be longer or

more complicated than others. The timeframes for completion of the CMSP process are intended to be flexible to account for differing levels of resources, capacity, and other factors. During this process, regional planning bodies, in coordination with the NOC, would develop a mechanism for providing feedback and status reports to the NOC and appropriate State and tribal leadership to share lessons learned, best practices, and ensure routine and frequent communication nationally and among the regions. The regional planning bodies, in coordination with the NOC, would also ensure consistency, address questions and concerns, and adaptively manage the effort as appropriate. Although there would be flexibility in the framework to allow for variable CMSP process timeframes, regional planning bodies are encouraged to have initial plans completed in three years and all regions would be expected to have initial CMS Plans certified and implementation started by mid-2015.

XVI. Priorities for Financial and Other Support

Recognizing the reality of the limited availability of new resources, each of the Federal agencies engaged in this bold mission of developing and implementing CMSP would re-evaluate how resources are allocated in light of their statutory and regulatory mandates. Agencies would use the implementing actions of the President to recommend adjustments to their respective agency priorities to better align with the approved National Policy and CMSP goals. As CMSP is developed and implemented over time, the NOC would consider any additional resource needs through the budget prioritization process described in the Interim Report. Various Federal agencies would have differing roles to support the scientific basis and governance structures necessary to develop and implement CMSP. The following four areas should receive initial priority consideration for financial and other support for CMSP.

1. National Workshop(s) and Simulation Exercise

Priority: Hold a national workshop(s) and simulation exercise.

Rationale: The first step towards a constructive process for CMSP would be for the participants to engage in a forum that creates a common vision for implementing CMSP, identify challenges and solutions for regional CMSP development, and enhance the capacity of regions to implement CMSP. This priority also would include support to ensure widespread involvement of State, tribal, and Federal representatives.

2. Initial Support for Regional CMSP Processes

Priority: Support the development of regional CMSP, including the capacity for regional planning bodies and the NOC to carry out initial CMSP activities.

Rationale: A comprehensive and inclusive approach for regional CMSP planning processes would be based on each region engaging State, tribal, and Federal representatives to form the regional planning

INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING

bodies. An effective process to sustain initial CMSP activities would necessitate regional planning bodies to organize and establish the necessary CMSP coordination (e.g., partnerships, interagency teams, and technical support staffing). To attain national and regional objectives, regional planning bodies would assess capacities, target resources, and begin implementing initial regional steps (e.g., stakeholder engagement, information acquisition, and CMS Plan development). This priority would also include support for the NOC to establish and carry out the necessary national CMSP steps as described in Section XV (e.g., national objectives, national guidance, and building regional capacities).

3. National Data and Information Management System, Prototype CMSP Portal(s) and Initial Development of Science and Information Needs

Priority: Improve and integrate the data and information used to inform CMSP; and identify additional scientific research to support CMSP information needs.

Rationale: Effective CMSP would utilize the best available data and objective analyses. Such data would be nationally consistent, publicly available, and easily accessible to promote public engagement and allow for a consistent framework for regional implementation. Priority would be given to developing the national data information management system and a prototype CMSP data portal(s). Subsequent efforts would identify and fill key national information needs,⁷ and develop CMSP decision-support tools and derived data products, including visualization tools, forecasting, and routine integrated ecosystem assessments. Additionally, scientific understanding is central to make informed CMSP decisions that reflect an integrated and transparent planning framework. To achieve this end would require a robust research foundation.

4. Public Outreach and Stakeholder Engagement

Priority: Build the knowledge, skills, and understanding of CMSP through regional planning bodies and stakeholder workshops, blogs, webinars, and other outreach methods.

Rationale: An informed and engaged public and user community is critical to the effective implementation of the CMS Plans. Effective CMSP is predicated on the building of knowledge, skills, and understanding of CMSP through a range of robust outreach approaches.

⁷ Identification and filling information and data gaps, as previously presented in the framework, is an ongoing and iterative process. This framework recognizes that the acquisition of data and information would proceed in tandem with developing CMS Plans using the best available science, information and data.



THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY

Interim Report
Of The
Interagency Ocean Policy
Task Force

September 10, 2009



INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

EXECUTIVE SUMMARY

I. Introduction

On June 12, 2009, you issued a Memorandum to the Heads of Executive Departments and Agencies in which you stated: *"In order to better meet our Nation's stewardship responsibilities for the oceans, coasts, and Great Lakes, there is established an Interagency Ocean Policy Task Force, to be led by the Chair of the Council on Environmental Quality."* That Presidential memo charged the Task Force as follows:

1. Within 90 days from the date of this memorandum, the Task Force shall develop recommendations that include:
 - a. A national policy that ensures the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources, enhances the sustainability of ocean and coastal economies, preserves our maritime heritage, provides for adaptive management to enhance our understanding of and capacity to respond to climate change, and is coordinated with our national security and foreign policy interests. The recommendation should prioritize upholding our stewardship responsibilities and ensuring accountability for all of our actions affecting ocean, coastal, and Great Lakes resources, and be consistent with international law, including customary international law as reflected in the 1982 United Nations Convention on the Law of the Sea.
 - b. A United States framework for policy coordination of efforts to improve stewardship of the oceans, our coasts, and the Great Lakes. The Task Force should review the Federal Government's existing policy coordination framework to ensure integration and collaboration across jurisdictional lines in meeting the objectives of a national policy for the oceans, our coasts and the Great Lakes. This will include coordination with the work of the National Security Council and Homeland Security Council as they formulate and coordinate policy involving national and homeland security, including maritime security. The framework should also address specific recommendations to improve coordination and collaboration among Federal, State, tribal and local authorities, including regional governance structures.
 - c. An implementation strategy that identifies and prioritizes a set of objectives the United States should pursue to meet the objectives of a national policy for the oceans, our coasts, and the Great Lakes.
2. Within 180 days from the date of this memorandum, the Task Force shall develop, with appropriate public input, a recommended framework for effective coastal and marine spatial planning. This framework should be a comprehensive, integrated, ecosystem-based approach that addresses conservation, economic activity, user conflict, and sustainable use of ocean, coastal, and Great Lakes resources consistent with international law, including customary international law as reflected in the 1982 United Nations Convention on the Law of the Sea.

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

II. Structure and Operation of the Task Force

The Task Force is comprised of 24 senior policy-level officials from executive departments, agencies, and offices across the Federal Government, and is chaired by the Chair of the Council on Environmental Quality (CEQ). (Task Force membership list attached.) The Task Force established a Working Committee comprised of senior officials from these executive departments and agencies. The Working Committee's role was to develop initial suggestions based on the guidance and direction it received from the Task Force. To focus its work, the Committee established four subgroups: Policy, Coordination Framework, Implementation Strategy, and Public Engagement.¹

The Task Force first met on June 22, 2009, and has convened an additional four times through September 10. Task Force meetings were devoted to learning more about the relevant issues, discussing outstanding matters and options, and providing additional guidance and direction to the Working Committee. In preparing this interim report, the Task Force, Working Committee, and subgroups discussed key issues with a variety of knowledgeable sources, including Federal, State, tribal, and regional representatives, scientists, legal and policy experts, and the public. The Task Force also reviewed reports from two ocean prominent bodies, the U.S. Commission on Ocean Policy (2004) and the Pew Oceans Commission (2003). In doing so, however, it recognized the significant environmental changes and scientific and legislative advances that have taken place since those Commissions completed their reports.

The interim report has been coordinated with our national security and foreign policy interests and reflects a careful balancing of stewardship with these long-standing and well-established interests.

III. Public Engagement

The Task Force initiated a public engagement process throughout the first 90-day period to receive input for consideration as it developed this interim report. This builds on the comprehensive reports of the U.S. Commission on Ocean Policy and the Pew Oceans Commission, which were based on significant scientific, public, and stakeholder input. CEQ, on behalf of the Task Force, organized and hosted twenty-four expert roundtables to hear from a broad range of stakeholders and interest groups. The roundtables included representatives from sectors including energy, conservation, fishing, transportation, agriculture, human health, State, tribal, and local governments, ports, recreational boating, business, and national and homeland security. Several Task Force or Working Committee members attended each roundtable.

¹ A fifth subgroup on Coastal and Marine Spatial Planning has also been established for the development of the recommended framework for coastal and marine spatial planning.

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

There was robust participation, and the Task Force received many valuable comments and perspectives for its consideration during each session. The Task Force will host additional roundtables during the next 90 days as it develops a possible framework for coastal and marine spatial planning.

On behalf of the Task Force, CEQ also set up a website to accept public comments. To date, the Task Force has received over five-hundred comments from a range of affected parties, including academia, citizens, commercial interests, non-governmental organizations, and States, tribes, and regional governance structures. Many of the groups commenting represent constituencies of hundreds or thousands of members.

Additionally, the Task Force will host six regional public meetings. These meetings are scheduled to take place in the following cities: Anchorage, Alaska (held on August 21, 2009); San Francisco, California; Providence, Rhode Island; Cleveland, Ohio; New Orleans, Louisiana; and Honolulu, Hawaii. All but the first of these public meetings will be held during the second 90 days of the Task Force's work, which is focused on coastal and marine spatial planning. Consequently, the Task Force expects most of the input at these meetings to be focused on that topic, although comments on the report will be welcome.

The public meetings, roundtables, and website showcased a strong desire and enthusiasm among participants for a National Policy that provides clarity and direction regarding how the Nation will better care for the ocean, our coasts, and the Great Lakes. A valuable and wide diversity of interests were represented, and several key themes emerged. While not exhaustive, these include:

- Support for adopting ecosystem-based management as a guiding principle, acknowledging regional differences, and practicing adaptive management;
- Support for embracing science-based decision-making and investing in ecosystem-based science, research, and ocean observations, including comprehensive research on the linkages among ecosystem health, human health, economic opportunity, national and homeland security, social justice, and environmental change, including climate change;
- Desire for improved coordination and collaboration across Federal, State, tribal, and local governments, and regional governance structures, and for improved transparency and public participation, while avoiding new layers of bureaucracy and unnecessary costs;
- Support for improving both formal and informal education about the ocean, our coasts, and the Great Lakes;
- Support for ensuring that policies are adequately funded; and

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

- Support for joining the 1982 United Nations Convention on the Law of the Sea (the Law of the Sea Convention).

The Task Force's deliberations benefitted from this input as it developed its report. To complement these efforts, and to be responsive to numerous requests, the Task Force strongly endorses issuing this interim report for 30 days of public comment. This would allow for additional public engagement to help you and your Administration make a more informed decision on what actions to take in response to these suggestions.

IV. Interim Report of the Task Force

In developing its interim report, the Task Force reviewed a number of Federal, State, and foreign policies and models, past and pending legislation, the recommendations contained in the two earlier Ocean Commissions' reports, and public comments. The following brief synopsis provides an overview of the suggested National Policy, Policy Coordination Framework, and Implementation Strategy.

Suggested National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes

The Task Force believes that the policy should contain the following elements:

1. A vision of what a National Policy should achieve for the ocean, our coasts, and the Great Lakes;
2. A brief context section describing the value of these important areas, the various issues confronting them, and the urgency to take effective action;
3. The statement of our National Policy; and
4. A set of overarching guiding principles for United States management decisions and actions affecting the ocean, our coasts, and the Great Lakes.

The suggested *National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes* would provide a comprehensive national approach to uphold our stewardship responsibilities; ensure accountability for our actions; and serve as a model of balanced, productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation within the global community. The National Policy recognizes that America's stewardship of the ocean, our coasts, and the Great Lakes is intrinsically and intimately linked to environmental sustainability, human health and well-being, national prosperity, adaptation to climate and other environmental change, social justice, foreign policy, and national and homeland security.

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

Policy Coordination Framework to Improve the Stewardship of the Ocean, Our Coasts, and the Great Lakes

The Task Force reviewed the existing coordination framework, with a particular focus on the existing Committee on Ocean Policy (COP), established by Executive Order 13366 in 2004. The COP has been moderately effective in establishing forums for bringing Federal agencies together to coordinate on ocean-related matters. However, numerous parties from both within and outside the structure have strongly suggested to the Task Force that the design could be improved. Key themes for improvement included:

- The need for a strong, clear, overarching policy mandate and the setting of national ocean priorities;
- The need for high-level direction and policy guidance from a clearly designated and identifiable authority;
- The need for more consistent and sustained senior-level participation and attention on ocean-related issues from all member agencies and departments;
- The advantages of stronger linkages between management and science;
- The need for an improved, clear structure for ongoing and active engagement with State, tribal, and local authorities, and regional governance structures to address relevant issues; and
- The need for improved coordination with other Executive branch policy committees.

The Task Force recognized that various options could be pursued. After careful and deliberate consideration of various models, the Task Force suggests a combination of modifications to the structure of the existing COP, a stronger mandate and direction, and renewed and sustained high-level engagement. The Task Force is confident that this combination of improvements provides a framework for more successful policy coordination to improve the stewardship of the ocean, our coasts, and the Great Lakes. Subject to later refinements, the Task Force suggests the following:

- Consolidating and strengthening the Principal- and Deputies-level components within a single National Ocean Council (NOC) structure;
- Strengthening the decision-making and dispute-resolution processes by defining clear roles for the NOC, and the NOC leadership;
- Creating a Governance Advisory Committee to formally engage with State, tribal and local authorities, and regional governance structures;
- Strengthening the link between science and management by creating an integrated Steering Committee of the NOC; and

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

- Strengthening coordination between the NOC, the National Security Council, the National Economic Council, the Office of Energy and Climate Change, the Council on Environmental Quality, the Office of Science and Technology Policy, the Office of Management and Budget, and other White House entities.

Implementation Strategy

The Task Force considered a number of options for outlining initial strategies to implement the National Policy. There was an array of views on this strategy among Task Force members, stakeholders, and the public, ranging from developing a very detailed action plan to providing for more general categories from which detailed plans would develop over time. The Task Force recognized that within a 90-day timeframe there were limits to what could or should be accomplished and noted that it was directed to suggest a strategy as opposed to a plan. However, the Task Force felt strongly that regardless of the level of specificity of these priority objectives, actions to implement them must, at a minimum, have clear direction, measurable goals and outcomes, and timeframes for completion. The interim report seeks to also ensure coordination and collaboration with State, tribal and local authorities, and regional government structures, as appropriate.

The Task Force's suggested implementation strategy identifies the following nine priority objectives that our Nation should pursue to implement the National Policy.

- **Ecosystem-Based Management:** Adopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes.
- **Coastal and Marine Spatial Planning:** Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning and management in the United States.
- **Inform Decisions and Improve Understanding:** Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate through formal and informal programs the public about the ocean, our coasts, and the Great Lakes.
- **Coordinate and Support:** Better coordinate and support Federal, State, tribal, local, and regional management of the ocean, our coasts, and the Great Lakes. Improve coordination and integration across the Federal Government, and as appropriate, engage with the international community.
- **Resiliency and Adaptation to Climate Change and Ocean Acidification:** Strengthen resiliency of coastal communities and marine and Great Lakes environments and their abilities to adapt to climate change impacts and ocean acidification.

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

- **Regional Ecosystem Protection and Restoration:** Establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals at the Federal, State, tribal, local, and regional levels.
- **Water Quality and Sustainable Practices on Land:** Enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land.
- **Changing Conditions in the Arctic:** Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes.
- **Ocean, Coastal, and Great Lakes Observations and Infrastructure:** Strengthen and integrate Federal and non-Federal ocean observing systems, sensors, and data collection platforms into a national system and integrate that system into international observation efforts.

These priority objectives provide a bridge between policy and specific actions, but do not prescribe in detail how individual entities will undertake their responsibilities. Instead, the NOC would develop strategic action plans for each of the priority objectives, focusing on key areas identified by the Task Force. This would allow adequate time to fully consider the necessary details for implementation, and, as appropriate, to coordinate with States, tribal, and local authorities, regional governance structures, academic institutions, non-governmental organizations, and private enterprise.

Conclusion

The Task Force is pleased to submit this interim report and fulfill the first part of its charge. Having considered a broad range of public comments, this report reflects the requests and concerns of all interested parties. Though the main focus of the Task Force now turns to developing a framework for coastal and marine spatial planning, due to the President by December 9, 2009, the Task Force anticipates that this interim report will continue to be refined as the Task Force receives further thoughtful input from stakeholders. With this continued public participation, the Task Force will be able to provide the President with the best possible final set of recommendations.

PROPOSED NATIONAL POLICY FOR THE STEWARDSHIP OF THE OCEAN, OUR COASTS, AND THE GREAT LAKES

I. Vision

An America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.

II. National Policy Context

The Value of the Ocean, Our Coasts, and the Great Lakes

America is intricately connected to and directly reliant on the ocean, our coasts, and the Great Lakes. Each of us – whether living and working in the country’s heartland or along its coasts – affects and is affected by these places. Their beauty inspires us, and their bounty contributes to our national well-being and security. Nearly half of our population is located in coastal counties. Our rich and productive coastal regions and waters account for the great majority of the national economy, totaling trillions of dollars each year, and support distant communities that may not even be aware of the connection between the land and sea. Millions of visitors enjoy our Nation’s seashores each year, contributing not only to the economy, but also to personal and communal satisfaction and fulfillment. The sea is both a refuge for spiritual reflection and a powerhouse of excitement for educating students of all ages and interests.

With over 95,000 miles of coastline and the largest exclusive economic zone in the world, our Nation benefits from a wealth of goods and services derived from the ocean, our coasts, and the Great Lakes. They provide food, fresh water, minerals, energy, and other natural resources and ecological benefits. They support tens of millions of jobs, and are a source of recreation. They also play a critical role in our Nation's transportation, economy, and trade, as well as in the global mobility and readiness of our Armed Forces and the maintenance of international peace and security.

The ocean supports human health and well-being in myriad ways, including as a source of healthy foods, pharmaceuticals, and other beneficial compounds. The ocean is a source of existing energy and offers numerous opportunities for renewable energy, which can help to secure our energy independence and mitigate climate change.

The ocean and Great Lakes exert significant influence over how our planet functions. Covering over 70 percent of the Earth, the ocean plays a primary role in our planet's environment and natural operations, including weather and climate. The ocean's ability to absorb and store heat from the atmosphere and transport it to other parts of the globe keeps daily temperatures within a livable range. The Great Lakes are the largest freshwater system on Earth, with 10,000 miles of shoreline and some 95 percent of the Nation's fresh surface water. While we commonly refer to different oceans (Atlantic, Pacific, Arctic, etc.), it is important to recognize that all of these bodies of water are connected and influenced by each other. These linkages require our Nation to recognize that we benefit from and affect one global ocean.

The ocean shapes and sustains all life on Earth. We are dependent on the ocean for the air we breathe, the food we eat, and the water we drink. Though we may not think about it, processes on land and in the water, including biological processes, are intricately linked so that changes in one can have profound effects on the other. The ocean is both the beginning and the end of the Earth's water cycle. Water that evaporates from the surface of the ocean becomes rain that falls on our fields and fills our aquifers. Much of this precipitation eventually finds rivers which flow back to the sea, starting the cycle once more. Half of the oxygen we breathe comes from microscopic plants living in the ocean. Coastal barrier islands, coral reefs, mangroves, and wetlands serve as buffers between coastal communities and damaging floods and storms. Coastal wetlands are a nursery for many recreational and commercial fish species, provide essential habitat for many migratory birds and mammals, and serve as a natural filter helping to keep our waters clean. Ocean and coastal ecosystems absorb and detoxify many pollutants, recycle nutrients, and help control pests and pathogens. Marine ecosystems house biological diversity exceeding that found in the world's rain forests.

Challenges Facing the Ocean, Our Coasts, and the Great Lakes

The importance of ocean, coastal, and Great Lakes ecosystems cannot be overstated; simply put, we need them to survive. It is clear that these invaluable and life-sustaining assets are vulnerable to human activities and, at the same time, human communities are rendered more vulnerable when these resources are degraded. Yet, ocean, coastal, and Great Lakes ecosystems are experiencing an unprecedented rate of change due to human activities. We are only now beginning to understand the full extent of the direct and indirect consequences of our actions on these systems.

Climate change is impacting the ocean, our coasts, and the Great Lakes. Increasing water temperatures are altering habitats, migratory patterns, and ecosystem structure and function. Coastal communities are

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

facing sea-level rise, inundation, increased threats from storms, erosion, and significant loss of coastal wetlands. The ocean's ability to absorb carbon dioxide from the atmosphere buffers the impacts of climate change, but also causes the ocean to become more acidic, threatening not only the survival of individual species of marine life, but also entire marine ecosystems. The ocean buffers increased global temperatures by absorbing heat, but increasing temperatures are causing sea levels to rise by expanding seawater volume and melting land-based ice. Increased temperatures may eventually reduce the ocean's ability to absorb carbon dioxide. Conversely, climate change is predicted to lower the water levels of the Great Lakes, thereby altering water cycles, habitats, and economic uses of the lakes.

Along many areas of our coasts and within the Great Lakes, biological diversity is in decline due to overfishing, introduction of invasive species, and loss and degradation of essential habitats from coastal development and associated human activities. The introduction of non-native species can carry significant ecological and economic costs. Human and marine ecosystem health are threatened by a range of challenges, including increased levels of exposure to toxins from harmful algal blooms and other sources, and greater contact with infectious agents. Areas in numerous bays, estuaries, gulfs, and the Great Lakes are now consistently low in or lacking oxygen, creating dead zones along our bays and coasts. Unsustainable fishing (e.g., overfishing) remains a serious concern with consequences for marine ecosystems and human communities. In the Arctic, environmental changes are revealing the vulnerability of its ecosystems. These changes are increasing stressors and impacts on the ecosystems, people, and communities in the region, and are presenting new domestic and international management challenges.

Many of these concerns are attributable not only to activities within marine and Great Lakes ecosystems, but also to actions that take place in our Nation's interior. For example, our industries, agricultural and transportation operations, cities, and suburbs generate various forms of pollution. Industrial operations emit pollutants, such as nitrogen and mercury, into the atmosphere that often find their way into the ocean and Great Lakes. Rain washes residues, chemicals, and oily runoff from our roadways into our estuaries and coastal waters. Heavy rainfall events can wash sediment, pesticides, and nutrients from our fields, lawns, and agricultural operations into our waters. Urban and suburban development, including the construction of roads, highways, and other infrastructure, as well as modification to rivers and streams, can adversely affect the habitats of aquatic and terrestrial species.

Demands on the ocean, our coasts, and the Great Lakes are intensifying, spurred by population growth, migration to coastal areas, and economic activities. Energy development, shipping, aquaculture, and emerging security requirements are examples of new or expanding uses expected to place increasing

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

demands on our ocean, coastal, and Great Lakes ecosystems. As these demands increase, we must also preserve the abundant and sustainable marine resources and healthy ecosystems that are critical to the well-being and continued prosperity of our Nation.

The State of the National Framework for Policy Coordination

The challenges we face in stewardship of the ocean, our coasts, and the Great Lakes lie not only within the ecosystems themselves, but also in the laws, authorities, and governance structures intended to manage our use and conservation of them. United States governance and management of these areas span hundreds of domestic policies, laws, and regulations covering international, Federal, State, tribal, and local interests. These issues range from stewardship and resource use, to maritime safety and commerce, national security, water quality, ports and other transportation infrastructure, and energy. Challenges and gaps arise from the complexity and structure of this regime.

These challenges are not limited to our domestic governance and management regimes. Our Nation, as a major maritime power and coastal State, has a large stake in the development and interpretation of international law and policy applicable to the ocean, our coasts, and the Great Lakes. Our national security interests are tightly linked to navigational rights and freedoms, as well as to operational flexibility. Our national security and economic interests are also linked to our ability to secure U.S. sovereign rights over resources in extensive marine areas off our coasts, to promote and protect U.S. interests in the marine environment, and to ensure that our maritime interests are respected and considered internationally. The Administration's support for accession to the Law of the Sea Convention reflects several important objectives, including strengthening our Nation's ability to participate in and influence international law and policy related to the ocean.

Time to Act

The time has come for a national policy to uphold our stewardship responsibilities, ensure accountability for our actions, and serve as a model of balanced, productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation within the global community. Today, as never before, we better comprehend the linkages among land, air, fresh water, ocean, ice, and human activities. We recognize that change is occurring rapidly and must be addressed. Advances in science and technology provide better and timelier information and understanding to guide decision-making. By applying the principles of ecosystem-based management (in which we integrate ecological, social, economic, commerce, health, and security goals, and recognize humans as key components of the ecosystem and healthy ecosystems as essential to human well-being) and adaptive management (whereby

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

we routinely assess management actions to allow for better informed and improved future decisions) in a coordinated and collaborative approach, the Nation can improve its response to environmental, social, economic, and security challenges. With a clear national policy and a revitalized, empowered, unifying, and comprehensive framework to coordinate efforts among Federal, State, tribal, and local authorities, including regional governance structures, non-governmental organizations, the private sector, and the public, we can work together toward the changes needed to secure the health and prosperity of the ocean, our coasts, and the Great Lakes.

III. Policy

America's stewardship of the ocean, our coasts, and the Great Lakes is intrinsically and intimately linked to environmental sustainability, human health and well-being, national prosperity, adaptation to climate and other environmental changes, social justice, international diplomacy, and national and homeland security. Therefore, it is the policy of the United States to:

1. Healthy and Resilient Ocean, Coasts, and Great Lakes

- Protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources;
- Improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies;
- Bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lakes ecosystems; and
- Use the best available science and knowledge to inform decisions affecting the ocean, our coasts, and the Great Lakes, and enhance humanity's capacity to understand, respond, and adapt to a changing global environment.

2. Safe and Productive Ocean, Coasts, and Great Lakes

- Support sustainable, safe, secure, and productive uses of the ocean, our coasts, and the Great Lakes;
- Respect and preserve our Nation's maritime heritage, including our social, cultural, and historical values; and
- Exercise rights and jurisdiction and perform duties in accordance with applicable international law, including respect for and preservation of navigational rights and freedoms, which are essential for the global economy and international peace and security.

3. Understood and Treasured Ocean, Coasts, and Great Lakes

- Increase scientific understanding of ocean, coastal, and Great Lakes ecosystems as part of the global interconnected systems of air, land, ice, and water, including their relationships to humans and their activities;
- Improve our understanding and awareness of changing environmental conditions, trends, and their causes, and of human activities taking place in ocean, coastal, and Great Lakes waters; and
- Foster a public understanding of the value of the ocean, our coasts, and the Great Lakes to build a foundation for improved stewardship.

The United States will promote the objectives of this policy by:

- Ensuring a comprehensive and collaborative framework for the stewardship of the ocean, our coasts, and the Great Lakes that facilitates cohesive actions across the Federal Government, as well as participation of State, tribal, and local authorities, regional governance structures, non-governmental organizations, the public, and the private sector;
- Cooperating and exercising leadership at the international level, including by joining the Law of the Sea Convention; and
- Supporting ocean stewardship in a fiscally responsible manner.

IV. Principles

1. United States management decisions and actions affecting the ocean, our coasts, and the Great Lakes will be guided by the following stewardship principles to further this policy.
 - a. As responsible environmental stewards we will protect, maintain, and restore the health, productivity, and resiliency of ocean, coastal, and Great Lakes ecosystems (including their waters and resources). Policies, programs, and activities of the United States should be managed and conducted in a manner that seeks to prevent or minimize adverse environmental impacts to the ocean, our coasts, and the Great Lakes ecosystems and resources, including cumulative impacts, and to ensure and improve their integrity. They should be managed and conducted in a manner that does not undermine efforts to protect, maintain, and restore healthy and biologically diverse ecosystems and the full range of services they provide;
 - b. Decisions affecting the ocean, our coasts, and the Great Lakes should be informed by and consistent with the best available science. Decision-making will also be guided by a precautionary approach as reflected in the Rio Declaration of 1992 which states in pertinent part, “[w]here there are threats of serious or irreversible damage, lack of full scientific certainty shall

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

not be used as a reason for postponing cost-effective measures to prevent environmental degradation"; and

- c. Actions taken to protect the ocean, our coasts, and the Great Lakes should endeavor to promote the principles that environmental damage should be avoided wherever practicable and that environmental costs should be internalized, taking into account the approach that those who cause environmental damage should generally bear the cost of that damage.
2. Human activities that may affect ocean, coastal, and Great Lakes ecosystems should be managed using ecosystem-based management and adaptive management, through an integrated framework that accounts for the interdependence of the land, air, water, ice, and the interconnectedness between human populations and these environments. Management should include monitoring and have the flexibility to adapt to evolving knowledge and understanding, changes in the global environment, and emerging uses.
 3. Current and future uses of ocean, coastal, and Great Lakes ecosystems and resources should be managed and effectively balanced in a way that:
 - a. maintains and enhances the environmental sustainability of multiple uses, including those that contribute to the economy, commerce, security, and human health;
 - b. harmonizes competing and complementary uses effectively;
 - c. integrates efforts to protect, maintain, and restore the health, productivity, and resiliency of ocean, coastal, and Great Lakes ecosystems and the services they provide; and
 - d. recognizes environmental changes and impacts, including those associated with an increasingly ice-diminished Arctic, sea-level rise, and ocean acidification.
 4. The United States should support disciplinary and interdisciplinary science, research, monitoring, modeling, forecasting, exploration, and assessment to continually improve understanding of ocean, coastal, and Great Lakes ecosystems. These efforts should include improving understanding of physical, biological, ecological, and chemical processes and changes, their interconnectedness with other parts of the Earth system, and with human populations, and the potential social and economic consequences of management decisions on the long-term health and well-being of the population, including human health and safety. This knowledge should be applied through ecosystem-based management and adaptive management. Information resulting from these efforts should be easily accessible to the public.

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

5. The United States should develop an improved awareness of changing environmental conditions and trends, and their causes, and of human activities that take place in the ocean, coastal, and Great Lakes environments.
6. United States policies, programs, and activities should enhance formal and informal education about the ocean, our coasts, and the Great Lakes and their uses to build a foundation for greater understanding and improved stewardship, and build capacity to produce future scientists, managers, and members of a dynamic and innovative workforce.
7. The United States should cooperate and provide leadership internationally in the protection, management, and sustainable use of the world's ocean, coastal regions, and the Great Lakes in keeping with applicable conventions and agreements, and with customary international law, as reflected in the Law of the Sea Convention.
8. United States programs, policies, and activities that may impact ocean, coastal, or Great Lakes ecosystems, or engage the use of their resources, should be designed to meet measurable benchmarks in support of clear goals and objectives related to stewardship of these ecosystems.
 - a. These goals and objectives of programs and activities should be periodically reevaluated and their effectiveness assessed. This information should be used to adjust management priorities and guide future management and resource decisions; and
 - b. The United States should develop appropriate standards and methods for measurement and assessment of parameters associated with the health of ocean, coastal and Great Lakes ecosystems.
9. United States policies, programs, and activities that may impact ocean, coastal, or Great Lakes ecosystems, or engage the use of their resources, should be assessed and conducted within an integrated and comprehensive interagency planning framework that:
 - a. considers and addresses the full suite of impacts on resources, biological diversity, and ecosystems;
 - b. is based on the best available scientific knowledge;
 - c. considers and addresses potential use conflicts;

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

- d. ensures and advances coordination and collaboration across Federal, State, tribal, and local jurisdictional lines, and with regional governance structures, the private sector, foreign governments, and international organizations, as appropriate;
- e. is coordinated and promotes consistency with our homeland and national security and foreign policy interests;
- f. is coordinated and promotes consistency with other national strategies that include environmental stewardship components relevant to the ocean, our coasts, and the Great Lakes;
- g. considers and respects our Nation's maritime heritage, including our social, cultural, historical, and aesthetic values;
- h. aims to maximize long-term net benefits to society by considering a range of reasonable alternatives that balance potential economic, environmental, public health and safety, and other advantages; distributive impacts; social justice and equity;
- i. operates through an open and transparent approach that encourages broad public participation;
- j. ensures consistency with management and budgetary goals and compliance with relevant legal requirements;
- k. seeks to eliminate redundancy and encourage efficiencies and synergies; and
- l. includes a reporting and accountability mechanism.

Implementing a number of the policy elements and principles directed above will require appropriate resources and assets. Departments and agencies shall work to identify future budgetary, administrative, regulatory, or legislative proposal requirements to implement these elements within the budgetary and management guidelines of the President's budget.

PROPOSED POLICY COORDINATION FRAMEWORK

The proposed policy coordination framework suggests a combination of modifications to the structure of the existing Committee on Ocean Policy, a stronger mandate and direction, and renewed and sustained high-level engagement. This combination of improvements provides a framework for more successful policy coordination to improve the stewardship of the ocean, our coasts, and the Great Lakes. The proposed policy coordination framework would provide a reinvigorated structure that would strengthen ocean governance and coordination by providing clear and visible leadership and sustained high-level engagement within the Federal Government. Additionally, the structure would provide for greater participation by, and coordination of, State, tribal, and local authorities, and regional governance structures. The linkage between management and science would be strengthened, as would coordination with other senior level entities on relevant economic, climate, and security matters. The Task Force is confident that this combination of improvements would enhance the stewardship of the ocean, our coasts, and the Great Lakes.

I. National Ocean Council

Structure

The National Ocean Council (NOC) would be a dual Principal - and Deputy- level committee. Membership of the NOC would include: the Secretaries of State, Defense, the Interior, Agriculture, Health and Human Services, Commerce, Labor, Transportation, Energy, and Homeland Security; the Attorney General; the Administrator of the Environmental Protection Agency; the Chair of the Council on Environmental Quality (CEQ); the Director of the Office of Management and Budget (OMB); the Administrator of the National Aeronautics and Space Administration; the Director of National Intelligence; the Director of the Office of Science and Technology Policy (OSTP); the Director of the National Science Foundation; the Chairman of the Federal Energy Regulatory Commission; the Chairman of the Joint Chiefs of Staff; the Assistants to the President for National Security Affairs, Homeland Security, Domestic Policy, and Economic Policy; an employee of the United States designated by the Vice President; and such other officers or employees of the United States as the Co-Chairs may from time to time designate.

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

Co-Chairs

The NOC would be Co-Chaired by the Chair of the Council on Environmental Quality and the Director of the Office of Science and Technology Policy. This construct would provide the NOC with balance of equities at the most senior level of its leadership and better facilitate interagency cooperation and collaboration.

There would be a NOC Steering Committee (described below) comprised of CEQ, OSTP, and the Chairs of the proposed Ocean Resource Management Interagency Policy Committee (ORM-IPC) and the proposed Ocean Science and Technology Interagency Policy Committee (OST-IPC).

Function

Subject to the direction of the President and unless as otherwise provided for by law, the NOC would perform the following functions:

- 1. Tier-one functions of the NOC (Principal level).** The National Ocean Council has overall responsibility for implementation of the National Policy. Functions would include: (1) periodically update and set national priority objectives; (2) review and provide annual direction on National Policy implementation objectives based on Administration priorities and recommendations from the Deputies' level; and (3) be a forum for dispute resolution and decision-making of issues that could not be resolved at the Deputies' Level. The NOC would be required to meet a minimum of twice per year, but the Co-Chairs could call additional meetings as necessary for dispute resolution or other purposes.
- 2. Tier Two (Deputy level) functions** would include: (1) ensure execution of National Policy implementation objectives; (2) transmit Administration priorities to the ORM-IPC and OST-IPC; (3) ensure activities of and products from the ORM-IPC and OST-IPC are consistent with Administration policy; (4) coordinate with the OSTP, the National Security Council (NSC), National Economic Council (NEC),² Office of Energy and Climate Change (OECC), and other offices as appropriate; (5) provide direction and feedback to, and receive external input and advice from, its advisory bodies; and (6) dispute resolution and decision-making, and if unable to do so, to forward the issues to the Principal level. This

² Coordination with the existing Committee on the Marine Transportation System would be done through the National Economic Council, at both the Principal- and Deputy- level. Coordination with the ORM-IPC and OST-IPC would also be developed, as appropriate.

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

group would also assume the duties of the statutorily mandated National Ocean Research Leadership Council (NORLC) under 10 U.S.C. § 7902.

The Deputies would be required to meet a minimum of quarterly.

II. Authorities and Responsibilities of the National Ocean Council Co-Chairs

1. Advise the President on the National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes

The Co-Chairs would advise the President on matters regarding implementation of the *National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes* (National Policy), consistent with the consensus views of the NOC. If consensus cannot be achieved, the Co-Chairs would provide their own views equally with the views of each member of the NOC.

2. Implementation of the National Policy

On behalf of the NOC, the Co-Chairs would have overall responsibility for coordinating and facilitating the implementation of the National Policy, subject to the direction of the NOC and the President, including the following:

- **Development of Implementation Plans** – The Co-Chairs would facilitate development by the NOC of implementation plans to further the National Policy and identify progress toward meeting defined goals and objectives.
- **Reporting and Accountability** – The Co-Chairs would be responsible for: (1) coordinating interagency reporting on implementation and progress; (2) monitoring and ensuring effective implementation of policy decisions; (3) providing oversight and accountability for document preparation; and (4) coordinating and expediting interagency review and clearance of documents and reports within the NOC purview.
- **Budget** – The Co-Chairs would coordinate the development of an annual budget guidance memorandum on ocean priorities consistent with the goals and objectives of the National Policy. While it is understood that the Co-Chairs' authority would not be construed to impair or otherwise affect the function of the Director of OMB, they would work with OMB to issue interagency budget guidance consistent with annual priorities, develop crosscuts to inform the annual priorities on ocean, coastal, and Great Lakes stewardship, and consult with OMB, OSTP, and the NOC to identify programs that contribute significantly to the National Policy. The Co-

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

Chairs also would work with OMB to coordinate preparation of the biennial Federal Ocean and Coastal Activities Report mandated by Section 5 of the Ocean Act of 2000.

- **Emerging Issues** – The Co-Chairs would bring any Presidential ocean actions or priorities to the NOC, as appropriate, for action and implementation and would coordinate proper management of and response to emerging issues of relevance to the National Policy.
- **International** – In implementing this policy, the Co-Chairs would coordinate with the Secretary of State and the heads of other relevant agencies on matters related to the policy that arise within the Intergovernmental Oceanographic Commission, International Whaling Commission, Arctic Council, International Maritime Organization, regional fishery management organizations, and other similar international organizations.

3. Co-Chairs of the NOC

- The Co-Chairs shall have authority to call NOC meetings, draft the agenda, prioritize issues, and call deputies meetings.

4. Coordination and Integration

- The Co-Chairs would be the point of contact to coordinate with the National Security Advisor (NSA), National Economic Council (NEC) Director, and Assistant to the President for Energy and Climate Change (APECC), and other senior White House officials as appropriate. The Co-Chairs would have authority to request meetings with these entities for the purposes of coordination and resolution of issues of overlapping responsibility.

5. Decision-Making and Dispute Resolution

- The Co-Chairs would seek to encourage decisions and recommendations based on consensus of the NOC.
- Disputes that could not be resolved at the Deputy- level would be referred to the Co-Chairs. The Co-Chairs would facilitate resolution among the Principals.
- With respect to those matters in which resolutions or consensus could not be reached, the Co-Chairs would coordinate with the APECC, NEC Director, and NSA, as appropriate, to frame the disputed issue or issues for decision by the President.
- The establishment of the NOC would not be construed to impair or otherwise affect: (1) authority granted by law to an executive department or agency or the head thereof; or (2) functions assigned by the President to the National Security Council (or subordinate bodies) relating to matters affecting foreign affairs, national security, homeland security, or intelligence – any of

these matters that are not resolved by consensus within the NOC will be forwarded to the NSC for resolution.

III. Steering Committee

Structure

The Steering Committee would be a high-level, streamlined body of four members from OSTP, CEQ, and one Chair each of the ORM-IPC and OST-IPC. The Steering Committee would meet at least every other month, but more often as issues require, and work in consultation with NSC and OMB to ensure their respective input on relevant matters, as appropriate.

Function

The Steering Committee would be the key forum for ensuring integration and coordination on priority areas within the NOC. In particular, it would ensure that there is coordination of management and science issues and that the activities of the ORM-IPC and OST-IPC are aligned to fully support implementation of the National Policy, and priorities agreed upon by the NOC. The Steering Committee would identify key issues and assist in developing the agenda for the NOC. In addition, the Extended Continental Shelf Task Force would report to the Steering Committee.

IV. Ocean Resource Management Interagency Policy Committee

Structure

The Ocean Resource Management Interagency Policy Committee (ORM-IPC) is the successor to the current Subcommittee on Integrated Management of Ocean Resources. Chairs of the ORM-IPC are designated by the NOC. The members would consist of Deputy Assistant Secretaries or appropriate representatives from the Executive branch agencies and departments of the NOC. The ORM-IPC reports to the NOC. The ORM-IPC may establish sub-IPCs as necessary, as approved by the NOC.

Function

The ORM-IPC would function as the ocean resource management body of the NOC, with an emphasis on ensuring the interagency implementation of the National Policy, national priority objectives, and other priorities defined or approved by the NOC. This would include the development of strategic plans, in coordination with the OST-IPC, for the implementation of priority management objectives, with clear outcomes, milestones, deadlines, designated agencies, and performance measures with an adaptive review process. The ORM-IPC Chairs would develop a charter for the operation of the body, to be approved by the NOC, including, but not limited to, membership, meetings (e.g., requiring that it meet at least every

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

two months); development of a new or updated work plan based on direction from the NOC, and a process for external input (e.g., State, tribal, local, regional, and the public).

VII. Ocean Science and Technology Interagency Policy Committee

Structure

The National Science and Technology Council's (NSTC) Joint Subcommittee on Ocean Science and Technology (JSOST) would serve as the Ocean Science and Technology Interagency Policy Committee (OST-IPC). Chairs of the OST-IPC would be appointed through NSTC procedures in consultation with the NOC. The group would consist of Deputy Assistant Secretaries or appropriate representatives from the Executive branch agencies and departments of the NOC. The NSTC would direct the OST-IPC to advise and assist the NOC in consonance with this National Policy and to work with associated bodies (e.g., the ORM-IPC) accordingly.

Function

The OST-IPC would function as the ocean science and technology body of the NOC, with an emphasis on ensuring the interagency implementation of the National Policy, national priority objectives, and other priorities for science and technology objectives. This would include the development of strategic plans (e.g., the Ocean Research Priorities Plan and Implementation Strategy), in coordination with the ORM-IPC, for interagency implementation of priority science and technology objectives, with clear outcomes, milestones, deadlines, designated agencies, and performance measures with an adaptive review process. The OST-IPC Chairs, in close coordination with the NOC, would develop a charter for the operation of the body, to be approved by the NSTC, and would include, but not be limited to, membership, meetings (e.g., requiring that it meet at least every two months), development of a new or updated work plan based on input from the NOC, and a process for external input (e.g., State, tribal, regional, and public). The OST-IPC would also retain the legislatively mandated functions of JSOST, report to the NSTC's Committee on Environment and Natural Resources, and maintain an intimate operational relationship with the NOC. It would continue to adhere to the rules and regulations of the NSTC. The ORM-IPC may establish sub-IPCs as necessary, and will do so under NSTC procedures and in close coordination with the NOC.

VIII. Governance Advisory Committee³

Structure

The NOC would establish the Governance Advisory Committee (the Advisory Committee) that would consist of thirteen members from States, tribes, and regional governance structures. The membership would be comprised of: (1) one representative from each of the six regions, chosen by the NOC, in consultation with regional ocean councils (Great Lakes Commission, Governors' South Atlantic Alliance, Gulf of Mexico Alliance, Mid-Atlantic Regional Council on the Ocean, Northeast Regional Ocean Council, and the West Coast Governors' Agreement on Ocean Health); (2) two at-large representatives from inland States, chosen by the NOC, in consultation with the National Governors Association; (3) one representative from Alaska, one representative from the Pacific Islands, and one representative from the Caribbean, chosen by the NOC, in consultation with regional groups; and (4) two at-large tribal representatives, chosen by the NOC, in consultation with the National Congress of American Indians, tribal councils, and regional tribal organizations. Representatives would serve for staggered two-year terms.

Function

The role of the Committee would be to provide input to the NOC on issues of inter-jurisdictional collaboration and cooperation on the National Policy and related matters, including providing advice on long-term strategic management and research priorities. The Committee would also provide, at the request of the Steering Committee, input to the IPCs.

IX. Ocean Research and Resources Advisory Panel

Structure

The Ocean Research and Resources Advisory Panel (ORRAP) is a legislatively established body that advises the NORLC under the Federal Advisory Committee Act (FACA).

Function

The ORRAP would provide independent advice and guidance to the NOC. Current membership is comprised of individuals from the National Academies, State governments, academia, and ocean industries, representing marine science, marine policy, and other related fields. However, ORRAP

³ This may be a FACA committee based on representation. If it is, then the Committee would be first be established with State, tribal, and regional representation (consisting of State officials), and then expanded via the FACA process to allow for additional membership.

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

membership would be reviewed to determine whether to include additional representatives to broaden the level of expertise in support of the goals of the National Policy. The NOC would routinely provide guidance and direction on the areas for which it seeks advice and recommendations from the ORRAP.

X. Review and Evaluation

After 12 months of operation, the National Ocean Council will conduct a review of the governance structure to evaluate its effectiveness and make any necessary changes or improvements.

IMPLEMENTATION STRATEGY

PROPOSED NATIONAL PRIORITY OBJECTIVES

HOW WE DO BUSINESS

1. **Ecosystem-Based Management:** Adopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes.
2. **Coastal and Marine Spatial Planning:** Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning and management in the United States.
3. **Inform Decisions and Improve Understanding:** Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate the public through formal and informal programs about the ocean, our coasts, and the Great Lakes.
4. **Coordinate and Support:** Better coordinate and support Federal, State, tribal, local, and regional management of the ocean, our coasts, and the Great Lakes. Improve coordination and integration across the Federal Government, and as appropriate, engage with the international community.

AREAS OF SPECIAL EMPHASIS

1. **Resiliency and Adaptation to Climate Change and Ocean Acidification:** Strengthen resiliency of coastal communities and marine and Great Lakes environments and their abilities to adapt to climate change impacts and ocean acidification.
2. **Regional Ecosystem Protection and Restoration:** Establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals at the Federal, State, tribal, local, and regional levels.
3. **Water Quality and Sustainable Practices on Land:** Enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land.
4. **Changing Conditions in the Arctic:** Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes.
5. **Ocean, Coastal, and Great Lakes Observations and Infrastructure:** Strengthen and integrate Federal and non-Federal ocean observing systems, sensors, and data collection platforms into a national system and integrate that system into international observation efforts.

I. Introduction

The proposed *National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes* would provide our Nation with a comprehensive approach, solidly based on science and technology, to uphold our stewardship responsibilities, and ensure accountability for our actions to present and future generations. Furthermore, the United States intends, through the National Policy, to serve as a model of balanced, productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation within the global community. This strategy suggests a clear set of priority objectives that our Nation should pursue to further the National Policy.

Overview of National Priority Objectives

This implementation strategy proposes nine priority objectives. The first four, which together frame *How We Do Business*, represent overarching ways in which the Federal Government must operate differently or better to improve stewardship of the ocean, our coasts, and the Great Lakes. The implementation of ecosystem-based management embodies a fundamental shift in how the United States manages these resources, and provides a foundation for how the remaining objectives would be implemented. Within that construct, the implementation of coastal and marine spatial planning and management would mark the beginning of a new era of comprehensive, integrated techniques to address conservation, economic activity, user conflict, and sustainable use of ocean, coastal, and Great Lakes resources. The other overarching objectives – to better inform decisions and improve understanding by the public through a strengthened ability to obtain and use science and information, and to better coordinate and support science-based management across various authorities and governance structures are, in and of themselves, not new concepts. However, these efforts have suffered from the lack of a clear National Policy and a comprehensive framework within which to achieve desired outcomes.

The implementation strategy also identifies five *Areas of Special Emphasis*, each of which represents a substantive area of particular importance to achieving the National Policy. These priority areas of work seek to address some of the most pressing challenges facing the ocean, our coasts, and the Great Lakes. For many years, scientists, resource managers, private industry, and others have been wrestling with these issues, with a variety of existing Federal Government programs in place to address them. While those efforts have delivered their share of results, in each of these critical areas more can – and must – be done. In many cases, we have lacked the capability and understanding – both scientific and technical – to affect the type of change required. In the last several years, however, science has significantly evolved and advanced, and our capacity to respond to environmental and technological changes in these five areas has

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

improved substantially. With this strategy, these specific areas of work should be viewed as National priorities, with a renewed and coordinated effort at finding and implementing solutions.

Planning

Together, these nine priority objectives provide a bridge between the National Policy and action on the ground and in the water, but do not prescribe in detail how individual entities would undertake these responsibilities. For each priority objective, the NOC would be responsible for, and oversee development of, a strategic action plan within six to twelve months from its establishment. The NOC's Ocean Resource Management and Ocean Science and Technology Interagency Policy Committees would be charged with developing these plans. *The plans would address the obstacles and opportunities identified for each objective, and would focus on, but not be limited to, the key areas identified under each objective. In addition, each plan would:*

- Identify specific and measurable near-term, mid-term, and long-term actions, with appropriate milestones, performance measures, and outcomes to fulfill each objective;
- Consider smaller-scale, incremental, and opportunistic efforts that build upon existing activities, as well as more complex, larger-scale actions that have the potential to be truly transformative;
- Explicitly identify key lead and participating agencies;
- Identify gaps and needs in science and technology; and
- Identify potential resource requirements and efficiencies; and steps for integrating or coordinating current and out-year budgets.

The plans would be adaptive to allow for modification and addition of new actions based on new information or changing conditions. Their effective implementation would also require clear and easily understood requirements and regulations, where appropriate, that include enforcement as a critical component. Implementation of the National Policy for the stewardship of the ocean, our coasts, and the Great Lakes will recognize that different legal regimes, with their associated freedoms, rights, and duties, apply in different maritime zones. The plans would be implemented in a manner consistent with applicable international conventions and agreements and with customary international law as reflected in the Law of the Sea Convention. The plans and their implementation would be assessed and reviewed annually by the NOC and modified as needed based on the success or failure of the agreed upon actions. Upon identification and finalization of plans, the NOC Co-Chairs, in collaboration with the Office of Management and Budget, would develop an annual interagency ocean budget guidance memorandum.

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

While these plans are under development, any agency that is conducting an activity that supports or furthers one of the objectives would bring them to the attention of the NOC. The NOC – working with the agency – would review the activity to determine how it might best contribute to overall implementation of the priority objectives, including being incorporated into the relevant strategic plan.

Collaboration

The effective implementation of this far-reaching and comprehensive National Policy would require active collaboration of the Federal Government with State, tribal, and local authorities, regional governance structures, academic institutions, non-governmental organizations, and private enterprise. In developing and revising the plans, the NOC would reach out to these interested parties, as appropriate, through the NOC's Governance Advisory Committee, the Ocean Research and Resources Advisory Panel, workshops, and by other means.

Furthermore, international collaboration on a broad range of ocean issues is an important component of these objectives. The Nation plays a leadership role in various international forums that deal with these issues, including the Arctic Council, International Maritime Organization, regional fisheries management organizations, and the International Whaling Commission. By joining the Law of the Sea Convention now, we can reaffirm and enhance U.S. leadership in the development and interpretation of international law applicable to the ocean.

II. National Priority Objectives

How We Do Business

1. **Ecosystem-Based Management: Adopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes.**

Obstacles and Opportunities

Traditional management of resource use and other activities in the ocean, along our coasts, and in the Great Lakes has focused on individual species, resources, areas, or actions with limited consideration for how the management practices of one might impact the sustainability of another. This has often led to disjointed management approaches resulting in loss of resources, economic hardship, and environments at risk. To ensure healthier, more resilient and productive marine and Great Lakes environments, comprehensive management systems are needed that fully integrate ecological, social, economic, and security goals into decisions. Embedding ecosystem-based management, grounded in science, as an

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

overarching principle would be a fundamental shift in the traditional way the Federal Government approaches management of the ocean, our coasts, and the Great Lakes. It would provide the opportunity to ensure proactive and holistic approaches to balance the use and conservation of these valuable resources. This broad-based application of ecosystem-based management would provide a framework for the management of our resources, and allow for such benefits as helping to restore fish populations, control invasive species, support healthy coastal communities and ecosystems, restore sensitive species and habitats, protect human health, and rationally allow for emerging uses of the ocean, including new energy production.

The Plan Should Address:

- “Best practices” for developing and implementing effective ecosystem-based management systems;
- Identification and prioritization of geographic areas of special sensitivity or in greatest need for ecosystem-based management;
- Establishment of a process for working with States, tribal, and local authorities and regional governance structures to apply the most successful approaches in these areas of the greatest need; and
- Measures to ensure that decisions about ocean activities, uses, and goals are made based on the best available science and incorporate principles of ecosystem-based management.

2. Coastal and Marine Spatial Planning: Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning and management in the United States.

Obstacles and Opportunities

The ocean, our coasts, and the Great Lakes are host to countless commercial, recreational, scientific, energy, and security activities, which often occur in or near areas set aside and managed for conservation and resource protection goals. Overlapping uses and differing views about what activities should occur and where can generate conflicts and misunderstandings. Coastal and marine spatial planning that fully incorporates the principles of ecosystem-based management will provide a means to objectively and transparently guide and balance allocation decisions for use of ocean, coastal, and Great Lakes waters and resources. It will allow for the reduction of cumulative impacts from human uses on marine ecosystems, provide greater certainty for the public and private sector in planning new investments, and reduce conflicts among uses and, between using and preserving the environment to sustain critical ecological, economic, and cultural services for this and future generations.

The Plan Should Address:

- Expansion of the national framework for coastal and marine spatial planning developed by the Task Force;
- Specific time frames for implementation;
- Geographic limits, use of the best available science, protection of ecosystem integrity (e.g., biological diversity, fish and fish habitat), the management of trade-offs, with recognition of uncertainties in decision-making, and provisions for adaptive management; and
- An approach that balances competing uses, including traditional, new, and expanding uses (e.g., energy, aquaculture), minimizes impacts on coastal and ocean ecosystems, ensures sustainable uses under reasonable changes in environmental conditions, and minimizes costs.

3. Inform Decisions and Improve Understanding: Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate the public through formal and informal programs about the ocean, our coasts, and the Great Lakes.

Obstacles and Opportunities

A broad program of basic and applied disciplinary and interdisciplinary scientific research, mapping, monitoring, observation, and assessment, coupled with development of forecasts, models, and other decision-support tools, is required to build knowledge of ocean, coastal, and Great Lakes ecosystems and processes and ensure that management and policies are based on sound science. Increased understanding of watershed processes and the linkages with our coasts will be necessary to develop better decision-support tools to adequately manage human uses, human impacts, and watershed conservation activities that affect our ocean and coasts. In addition, increased scientific knowledge and a more comprehensive awareness and a detailed understanding of current and emerging human activities taking place in and around our waters, are essential to sound ocean planning and management. However, there are significant gaps in our understanding of ocean ecosystem dynamics, ocean conditions and trends, and the complex links between these conditions and human health, economic opportunities, national and homeland security and social justice. There is significant opportunity to improve how and what information we gather to better understand change and respond to challenges, better integrate current scientific knowledge and real-time data into decision-making, improve the management and integration of data supporting science and decision-making, and identify and close knowledge gaps necessary to adequately understand the impacts of human activities on the ocean, our coasts, and the Great Lakes. A diverse, interdisciplinary, ocean-literate workforce that has the appropriate skills and training to capitalize on these opportunities is

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

needed. In addition, formal and informal education programs developed and implemented to target grades K-12 and beyond would create opportunities for enhanced appreciation of coastal and ocean issues, and better prepare the workforce of the future. Success in building our knowledge and applying it to improve management also relies on an engaged and informed public. Many Americans do not realize the importance of the ocean, our coasts, and the Great Lakes to their daily lives, the benefits they provide, or the possibilities they present for further discovery. There is great opportunity to raise awareness and identify ways we can help protect our waters and their resources.

Inform and Improve

The Plan Should Address:

- Identification of priority issues in addressing emerging topics and change in ocean, coastal, and Great Lakes ecosystems and processes;
- Specific scientific requirements and research needs, including the need for reconciling inconsistent standards, physical infrastructure, research platforms, organizations, and data management, to identify critical gaps, ensure high quality data, and provide information necessary to inform management, including mechanisms to transition research results into information products and tools for management;
- The development of a more comprehensive awareness of environmental conditions and trends and human activities that take place in the ocean, coastal, and Great Lakes environments; and
- Requirements for routine integrated ecosystem assessments and forecasts, including impacts related to climate change, to address vulnerability, risks, and resiliency, and inform tradeoffs and priority-setting.

Educate

The Plan Should Address:

- Challenges, gaps, opportunities, and effective strategies for training and recruiting the current and next generation of disciplinary and interdisciplinary scientists, technicians, operators, managers, and policy makers, with a particular focus on the needs of disadvantaged or under-served communities; and
- Identification of successful formal and informal education and public outreach approaches, including their application toward a focused nation-wide campaign to build public awareness, engagement, understanding, and informed decision-making, with specific emphasis on the state of ecosystems.

- 4. Coordinate and Support: Better coordinate and support Federal, State, tribal, local, and regional management of the ocean, our coasts, and the Great Lakes. Improve coordination and integration across the Federal Government, and as appropriate, engage with the international community.**

Obstacles and Opportunities

One of the significant obstacles to effective management of the ocean, our coasts, and the Great Lakes is the complex set of Federal, State, tribal, and local laws, authorities, mandates, and governance structures intended to manage their use and conservation. Consistent approaches to the management of resources, including ecosystem-based and adaptive management, are difficult to achieve given this shared, piecemeal, and overlapping jurisdictional model. Furthermore, the United States is party to numerous international agreements and subject to customary international law regarding use and protection of the ocean. Through increased communication, coordination, and integration across all levels of government, we can streamline processes, reduce duplicative efforts, leverage resources, resolve disparities, and enhance synergy. A set of shared principles and objectives coordinated among all levels of government would translate into effective outcomes consistent with the National Policy.

Coordinate

The Plan Should Address:

- Identification of gaps, inconsistencies, and duplications in statutory authorities, policies, and regulations, and taking necessary and appropriate actions to address them;
- Procedures to identify and align mutual and consistent management objectives and actions across jurisdictions;
- Tangible tools and procedures to prevent and resolve conflicts across jurisdictions and disagreements concerning jointly managed ocean, coastal, and Great Lakes resources; and
- Opportunities for engaging the international community to further the objectives of the policy, as appropriate.

Support

The Plan Should Address:

- Actions to assist the States in advancing the network of regional alliances to protect ocean, coastal, and Great Lakes health;

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

- Evaluation of existing or new funding sources and options to protect, maintain, and restore ocean resources; and
- Legislative or regulatory changes necessary to simplify the sharing and transfer of resources among Federal, State, tribal, and local agencies.

Areas of Special Emphasis

- 1. Resiliency and Adaptation to Climate Change and Ocean Acidification: Strengthen resiliency of coastal communities and marine and Great Lakes environments and their abilities to adapt to climate change impacts and ocean acidification.**

Obstacles and Opportunities

The ocean plays a central role in shaping the Earth's climate and influencing climate variability. Because of this important relationship and the ecosystem services that the ocean, our coasts, and Great Lakes provide, global climate change and its associated impacts as well as ocean acidification pose some of the most serious threats to these ecosystems and coastal communities. Warming ocean temperatures have a profound impact on the distribution of rainfall over land, the melting of ice sheets, and the distribution and productivity of species. Sea-level rise, increased severe storm events, rapid erosion, and salt water intrusion threaten low-lying coastal communities with the destruction of infrastructure, flood inundation, the potential displacement of millions of people, and the loss of key species and habitats. At the same time, climate change is predicted to lower the water levels of the Great Lakes, thereby altering water cycles and supply, habitat, and economic uses of the Lakes. In addition, ocean acidification is expected to have significant and largely negative impacts on the marine food web, ocean ecosystems as a whole and biological diversity in general. Since climate change and ocean acidification may have widespread impacts, increased coordination of monitoring efforts and improved understanding of the changes in the ocean are vital to minimizing these impacts on our marine and Great Lakes ecosystems and coastal communities. We have an opportunity and a responsibility to develop strategies for reducing the vulnerability, increasing the resilience, and improving adaptation of human and natural systems to climate change impacts.

The Plan Should Address:

- Research, observations and modeling needed to forecast regional and local scale climate change impacts and related vulnerabilities for natural resources, health, infrastructure, and livelihoods, including social and economic impacts;
- Better integration of ocean and coastal science into the broader climate dialogue and measures to improve understanding of the connections among land, water, air, ice, and human activities;

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

- Evaluation of potential social and economic costs related to sea-level rise, such as accelerating erosion, increased saltwater intrusion, and more severe coastal and inland flooding;
 - Adaptive actions to identified climate change impacts, and related vulnerabilities such as ocean acidification, and the development of ecological and economic resilience strategies and priorities for research and monitoring to address these strategies;
 - Changes to local and regional ocean and lake management systems that incorporate changing climate risks and elements of resilient systems; and
 - A comprehensive approach to understanding human health implications of policies for the ocean, our coasts, and Great Lakes, and for identifying opportunities for the protection and enhancement of human health.
- 2. Regional Ecosystem Protection and Restoration: Establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals at the Federal, State, tribal, local, and regional levels.**

Obstacles and Opportunities

Along our coasts and the Great Lakes, essential habitats continue to suffer significant losses and degradation due to coastal development, sea-level rise, and associated human activities. Impacts on these ecosystems and the people and communities in these areas are presenting new management challenges. Additionally, external stressors, including invasive species, are impacting native species. While progress has been made in addressing some of these challenges through ecosystem-based management, the threat of critical habitat loss and degradation of ecosystem services is still apparent in the Gulf Coast, the Chesapeake Bay, Puget Sound, South Florida, San Francisco Bay, and the Great Lakes. Because climate change is impacting our coastlines, it has become even more important to assess and place priorities on ecosystem restoration projects. These experiences provide valuable lessons for other coastal ecosystems.

The Plan Should Address:

- Prioritization of the locations and geographic scope of coastal and Great Lakes ecosystem restoration projects, including implementation of the Great Lakes Restoration Initiative;
- Interim and longer term goals and mechanisms to facilitate collaboration among stakeholders to implement projects;
- Best practices for collaborative science-based planning to achieve ecosystem restoration goals building on the lessons learned in ongoing ecosystem restoration efforts;

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

- Impacts of invasive species on ocean, coastal, and Great Lakes ecosystems, and a range of methodologies for control and prevention of these species; and
 - Protection, maintenance, and restoration of populations and essential habitats supporting fisheries, protected species, ecosystems, and biological diversity.
- 3. Water Quality and Sustainable Practices on Land: Enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land.**

Obstacles and Opportunities

Nonpoint source pollution (pollution that comes from diffuse sources instead of one specific point), caused by poor land management practices, is the leading cause of water quality problems in the United States and a major cause of rapidly declining ocean and coastal ecosystem health. Runoff from suburban streets and lawns, agricultural and industrial uses, transportation activities, and urban development – even hundreds of miles away – negatively impacts water quality, resulting in deleterious effects on ocean, coastal, and Great Lakes systems as evidenced by harmful algal blooms, expansive dead zones, and increased incidents of human illness. Areas with particularly poor water quality are known to experience frequent beach closures, massive fish kills, and areas of toxic sediments. Since this pollution comes from many diffuse sources throughout the country, addressing it requires a strong commitment to coordination and cooperation between multiple sectors and among Federal, State, tribal, local authorities, and regional governance structures. Fortunately, a number of point and non-point source prevention programs are available to State, tribal, local, regional, and private entities to reduce the amount of pollutants that are transported from our Nation’s watersheds and into our coastal waters. There are opportunities to achieve significant reductions in these inputs to our coasts and ocean through concrete mechanisms that integrate and coordinate land-based pollution reduction programs.

The Plan Should Address:

- The major impacts of urban and suburban development and agriculture, including forestry and animal feedlots, on ocean, coastal, and Great Lakes waters;
- The relative contributions of significant land-based source of pollutants, sediments, and nutrients to receiving coastal waters and ways to address them, including recommendations of how to integrate and improve existing land-based conservation and pollution programs;
- Best management practices, use of conservation programs, and other approaches for controlling the most significant land-based sources of nutrients, sediments, pathogens, toxic chemicals, solid waste and marine debris, and invasive species; and

INTERIM REPORT OF THE INTERAGENCY OCEAN POLICY TASK FORCE

- The establishment of a comprehensive monitoring framework and integration with State monitoring programs.
- 4. Changing Conditions in the Arctic: Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes.**

Obstacles and Opportunities

Climate change is having a disproportionately greater impact on polar regions than elsewhere, and the Arctic region is faced with serious problems. Permafrost is thawing at an accelerated rate, which leads to the release of large amounts of methane. Multi-seasonal sea ice is rapidly deteriorating. Much of the Alaskan Arctic seashore is threatened by coastal erosion and other environmental challenges. Increased human activity in the area is bringing additional stressors to the Arctic environment, with serious implications for Arctic communities and ecosystems. At the same time, the diminishing ice presents opportunities and pressures for increased development of living and non-living resources and for increased commerce and transportation. Working with all of the stakeholders, including the indigenous communities, we have the opportunity to develop proactive plans, informed by the best science available, to manage and encourage use while protecting the fragile Arctic environment.

The Plan Should Address:

- Better ways to conserve, protect, and sustainably manage Arctic coastal and ocean resources, effectively respond to the risk of increased pollution and other environmental degradation on humans and marine species, and adequately safeguard living marine resources;
- New collaborations and partnerships to better monitor and assess environmental conditions and devise early warning and emergency response systems and procedures to be prepared for and respond to emerging events in the Arctic region, such as environmental disasters;
- Consistency and coordination with the implementation of U.S. Arctic Region Policy as promulgated in National Security Presidential Directive 66/Homeland Security Presidential Directive 25 (2009); and
- Improvement of the scientific understanding of the Arctic system and how it is changing in response to climate-induced and other changes.

- 5. Ocean Coastal, and Great Lakes Observations and Infrastructure: Strengthen and integrate Federal and non-Federal ocean observing systems, sensors, and data collection platforms into a national system and integrate that system into international observation efforts.**

Obstacles and Opportunities

Our ability to understand weather, climate, and ocean conditions, to forecast key environmental processes, and to strengthen ocean management decision-making at all levels is informed by a sound knowledge base. Efficient and effective coordination of the many available tools, continued development of new tools and infrastructure, and integration of them into a cohesive, unified, robust system is becoming increasingly difficult as an ever increasing number of data collection and processing systems come on line. New ground-breaking observation technologies give us the ability to observe and study global processes at all scales. These new tools, if fully integrated, will significantly advance our knowledge and understanding of the ocean, our coasts, and the Great Lakes. Furthermore, successful integration of new tools and data will improve our ability to engage in science-based decision-making and ecosystem-based management by ensuring that biological, ecological, and social data and processes are included in the calculus.

The Plan Should Address:

- A nationally integrated system of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components, and cooperation with international partners and organizations, as appropriate;
- Regional and national needs for ocean information, to gather specific data on key ocean, coastal, and Great Lakes variables that are required to support the areas of special emphasis and other national needs;
- The use of unmanned vehicles and remote sensing platforms and satellites to gather data on the health and productivity of the ocean, our coasts, and the Great Lakes;
- The capabilities and gaps of the National Oceanographic Fleet of ships and related facilities; and
- Data management, communication, access, and modeling systems for the timely integration and dissemination of data and information products.

3-18-10

Confirmation:

Alaska

Commercial

Fisheries Entry

Commission,

Bruce Twomley

<target><bill></bill><subject>3-18-10 Confirmation Alaska
Commercial Fisheries Entry Commission, Bruce
Twomley</subject><comm>HFSH26</comm></target>



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

REFERRAL FOR CONFIRMATION

Date Referred: February 3, 2010

Committee: House Special Committee on Fisheries

Alaska Commercial Fisheries Entry Commission (CFEC)

Bruce C. Twomley – Juneau

Appointed: 8/2/2005 Reappointed: 3/1/2006

Reappointed: 3/1/2010 Term Expires: 3/1/2014

Action Date:

3/18/2010
(Same date as on the accompanying signature page)

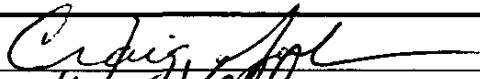

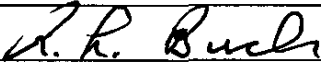
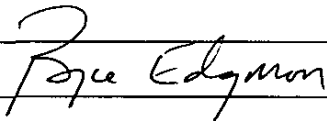
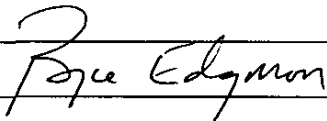
Note: Attach to a signature page and return to the Chief Clerk's office.

CONFIRMATION COMMITTEE REPORT

Action date: 3/18/2010

The **House Special Committee on Fisheries** has reviewed the qualifications of the following Governor's appointee(s) as shown on the attached Referral for Confirmation forms(s) and recommends that the name(s) be forwarded to a joint session for consideration:

This does not reflect intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

Signature:	Printed Last Name
	Johnson
	Keller
	Buch
Co-Chair: 	Edgmon
Co-Chair: 	

Please attach appointee Referral for Confirmation form(s) and return to the Chief Clerk's office.



Official Business

Alaska State Legislature

House of Representatives


Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
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MEMORANDUM

Date: February 5, 2010

To: Representative Edgmon, Chair
House Special Committee on Fisheries

From: Suzi Lowell 
Chief Clerk

Subject: Governor's Appointment(s)

The Speaker referred the following Governor's appointment(s) to the House Special Committee on Fisheries and the Resources Committee:

Alaska Commercial Fisheries Entry Commission (CFEC)

Bruce C. Twomley – Juneau
Appointed: 8/2/2005 Reappointed: 3/1/2006
Reappointed: 3/1/2010 Term Expires: 3/1/2014

The Referral for Confirmation page(s), resume(s), and a signature page are attached for your use. In addition, copies of the resume(s) are also being sent electronically.

Attachments as noted



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

MEMORANDUM

Date: 2010

To: All Committees

From: Suzi Lowell
Chief Clerk

Subject: Confirmation Committee Report (Signature Page) for Governor's
Appointments

The attached Confirmation Committee Report (signature page) should be used in conjunction with the Referral for Confirmation form for the Governor's appointments to boards and commissions requiring legislative confirmation. After a committee has reviewed the qualifications of the appointee(s), the Referral for Confirmation form(s) should be dated and attached to a signature page. Have members sign the signature page and return the confirmation packet to the Chief Clerk's office.

Please use a single signature page for multiple appointees if the names of all members signing the report are the same for each attached referral. This change allows members to sign once for multiple appointments.

Attached are several signature pages for your use. We used colored paper to make them easier to identify. If you anticipate needing more forms or need assistance, please call Nancy McMullen at 6809.

Note: A separate report, including the signatures, will be used for department commissioners.

Attachments

RESUME
(December 2009)

of

BRUCE TWOMLEY
P.O. Box 020972
Juneau, AK 99802-0972
Work Phone: (907) 790-6944
Home Phone: (907) 586-3251
bruce.twomley@alaska.gov

Marital Status: Married to Sara Minton
Children: Christopher (20)
Jonathan (18)

WORK EXPERIENCE: Starting with Governor Jay Hammond, appointed by 6 succeeding Governors to the Alaska Commercial Fisheries Entry Commission (CFEC).

Commissioner, CFEC. 1982 to present.
Chairman, CFEC. 1983 to 2005.
Member, Governor's Fisheries Cabinet. 1983 to 1990.
Attorney, Alaska Legal Services: 1973 - 1982.
VISTA Volunteer. 1972 - 1973.
Legal Research for San Francisco Neighborhood Legal Assistance Foundation (as a law student).
Indigent Adult Criminal Appeals (as a law student).
Legal research for Professor Roscoe T. Steffen and private attorneys (as a law student).

POST LAW SCHOOL: National Judicial College, University of Nevada, Administrative Law: Advanced Course (recruited to serve as a group discussion leader). 1988.
National Judicial College, University of Nevada, Administrative Law: Fair Hearing. 1983.

LAW SCHOOL: Hastings College of Law, San Francisco, California.
1967 - 1970. Graduated with J.D. in upper 15% of the class.

EDUCATION: Northwestern University, Evanston, Illinois.
1963 - 1967. Graduated with A.B. in upper quarter of the class.
Elgin High School, Elgin, Illinois. 1960 - 1963.

BAR MEMBERSHIPS: Alaska State Bar
California State Bar (inactive)
United States District Court for the District of Alaska
United States Court of Appeals for the Ninth Circuit

Bruce Twomley
Resume
Page 2

HONORS: President's Volunteer Service Award. 2005
Alaska Legal Services Award. 1992.
Martindale-Hubbell highest (a v) lawyer rating. 1983
Alaska Legal Services Distinguished Service Award. 1983
Elected to Senior Men's Honorary, Northwestern (Deru).
Elected to Junior Men's Honorary, Northwestern (Norleggama).
Illinois State Scholarship Winner.
Elected Most Outstanding Male Graduate (Marie K. Ekvall Award),
Elgin High School (student body: 2,000).

SELECTED PRESENTATIONS,
PUBLICATIONS, AND
PROJECTS:

2009 Advocacy: Served as a witness and consultant for the Office of Public Advocacy and Alaska Legal Services to ensure that applicants for Medicaid and SSI Disability were not unfairly denied benefits because they held an Alaska limited entry permit.

From 2006-2008, served on the **Guided Sportfish Task Force** (sponsored by the Sport Fish Division of the Alaska Department of Fish and Game).

In 2008, prepared and submitted a report on the status of permit adjudications for the **Alaska Department of Fish and Game's Northern Southeast Inside sablefish fishery industry meeting**.

In 2007, prepared and submitted a report to the **Southeast Alaska King and Tanner Crab Task Force** on the status of commission adjudications.

Throughout 2007, served on the advisory panel to a study commissioned by the **Bristol Bay Economic Development Corporation** to explore means to increase the number of limited entry permits held by local Bristol Bay residents.

Appointed by the U.S. Secretary of the Treasury to the **National Taxpayer Advocacy Panel** (served from 2002 through 2006; elected Chairman of the Multi-lingual Initiative Committee; worked to ensure that remedies provided for taxpayers under the 1998 IRS Reform Act continued to be available and known to Alaska commercial fishermen and other taxpayers).

Salmon Consolidation: Are Co-ops Dead Or Is Buyback Ahead? (panel presentation, Pacific Marine Expo, Seattle, November 2005).

Contributor and Editor of **Charting New Courses for Alaska Salmon Fisheries: The Legal Waters** (published by the University of Alaska Marine Advisory Program in November of 2003).

License Limitation in Alaska's Commercial Fisheries [at the request of former Governor Walter J. Hickel and the Institute of the North, wrote and presented a paper to the first Alaska meeting of the International Association for the Study of Common Property (IASCP), which has published the paper. August 2003].

Member, Advisory Panel for **An Analysis of Options to Restructure the Bristol Bay Salmon Fishery** (an independent study funded and published by the Bristol Bay Economic Development Corporation March 2003).

Status of Limited Entry Permits in Southeast Alaska Native Communities (presentation to the **Salmon for Success Summit in Juneau** sponsored by the Central Council of Tlingit and Haida Indians of Alaska. February 2003).

Presentation of Legal Issues in **A Workshop on Options for Restructuring Alaska's Salmon Fisheries at the University of Alaska in Anchorage** (sponsored by the Institute for Social and Economic Research, the University of Alaska Marine Advisory Program, and the Washington Sea Grant Program as part of the "Tools for the Salmon Industry Initiative." October 2002).

Commercial Fishing License Limitation in the State of Alaska: A Controversial System of Grandfather Rights (paper presented to and subsequently published by the International Institute of Fisheries Economics and Trade, Oregon State University, July 2000).

Fleet Reduction in Alaskan Salmon Fisheries (panel presentation, Alaska Salmon Forum '99, Anchorage).

Fleet Reduction in Bristol Bay Salmon Fisheries (panel presentation, Bristol Bay Native Association Forum, Anchorage, 1999).

Consolidating Salmon Fleets: Is Fewer Better than More? Different Alternatives to Managing Salmon (panel presentation, Fish Expo Seattle, 1999).

Coauthor, **Outline of Options for Fleet Consolidation in Alaska's Salmon Fisheries** (CFEC December 1998).

Contributor, **Limiting Access to Marine Fisheries: Keeping the Focus on Conservation**. Center for Marine Conservation and World Wildlife Fund U.S. 1994.

License Limitation in Alaskan Salmon Fisheries. Paper and panel presentation to Conference on Managing Marine Fisheries by Limited Access sponsored by World Wildlife Fund and Center for Marine Conservation. Annapolis, MD. 1992.

Getting and Keeping Alaska Limited Entry Permits in Local Rural Communities.

- Bristol Bay Native Association, Bristol Bay Fisheries Conference, Dillingham, 1992.
- Southeast Alaska ANCSA Economic Summit. Saxman, 1991.
- AFN Convention. Anchorage, 1991.

The IRS and Alaska Limited Entry Permits, University of Alaska Commercial Fishing Business Seminar, Federal Tax Impact on Commercial Fishermen. Anchorage, 1987.

Parental Involvement, Local Control, and Quality of Education, Alaska Native Education Association. Anchorage, 1981.

Alaska Native Control of Local Village Secondary School Programs, Lawyers Clinic on Parental Liberty in Education. Washington, D.C. December 1978.

SELECTED CASES,
AND DECISIONS:

Simpson v. State, CFEC, 101 P.3d 650 (Alaska 2004).
The Alaska Supreme Court affirmed the commission's optimum number decision for the Northern Southeast Inside sablefish fishery.

Crivello v. State, CFEC, 59 P.3d 741 (Alaska 2002). The Alaska Supreme Court affirmed a CFEC decision that advanced commission adjudications by limiting the extent to which the commission was required to grant additional hearings under *Forquer v. State*, CFEC, 677 P.2d 1236 (Alaska 1984).

In re Francis S. Carle, CFEC 96-003-P (1996). In the face of a demand by the Internal Revenue Service to force the transfer of a Southeast salmon herring seine permit held by a 61-year-old resident of Hydaburg, the commission (in a 96 page decision, including exhibits) declined to transfer the permit.

Wilson v. Watt, 703 F.2d 395 (9th Cir. 1983). Class action with co-counsel Kathleen Strasbaugh, sought preliminary injunction against Secretary of Interior James Watt to restore BIA general assistance payments to Alaska Natives.

Fairbanks Correctional Center Inmates v. Williamson, 600 P.2d 743 (Ak. Sup. Ct. 1979).

Ferdinand v. City of Fairbanks, 599 P.2d 122 (Ak. Sup. Ct. 1979).

Co-counsel for plaintiff class of 2,667 Alaska Native secondary school age children in *Tobeluk v. Lind* (known as the Molly Hootch case), 589 P.2d 873 (Ak. Sup. Ct. 1979), which by consent decree established the entitlement of Alaska Native children in 126 villages throughout the state to attend secondary school in their home villages and further required the state to expend more than \$158-million for the construction of local secondary facilities.

Horton v. Horton, 519 P.2d 1131 (Ak. Sup. Ct. 1974).

Attorney for plaintiff class of Alaska Native women and minor children in *Finnesand v. Kleppe*, No. A75-42 Civ. (U.S. District Court Alaska), which by consent decree abolished a discriminatory eligibility standard for BIA General Assistance.

Represented more than 100 Alaska Native Allotment applicants before the Department of Interior. 1972-1982.

Attorney for the Akiak Indian Reorganization Act Council and parents of grade school children in *Akiak v. Lind*, No. 4BR 8-39 Civ.

Bruce Twomley
Resume
Page 6

Amicus Curiae (in cooperation with the Office for Civil Rights) in *The Matter of Alaska State Department of Education and Twenty-One Regional Educational Attendance Area School Districts S-134*, a proceeding before the Department of Health, Education and Welfare, to enforce Title VI of the 1964 Civil Rights Act on behalf of Alaska Native school children.

SUBJECT OF

BIOGRAPHICAL NOTICE: *Who's Who in the World* (17th Ed. 2000)
Who's Who in America (53rd Ed. 1999)
Who's Who in the West (28th Ed. 2000)
Who's Who in Society (1988)
Who's Who of Emerging Leaders in America (1st Ed. 1987)
The Dictionary of International Biography, Vol. XX. (Cambridge, England 1986)

ACTIVITIES:

Appointed by the U.S. Treasury Secretary to the National Taxpayer Advocacy Panel and elected Chairman of the Panel's Multilingual Initiative (2002-2006))
Secretary, Juneau Youth Football League Board of Directors (2002-2003)
Member, Bristol Bay Native Association Blue Ribbon Commission on Limited Entry (1994)
Member, Alaska Child Support Enforcement Division Rural Task Force (1995)
Member, Alaska Federation of Natives Task Force on IRS and Alaska Native Fishermen (1994)
Reading, Skiing, Hiking, Kayaking
Juneau Racquet Club Advisory Board (1989)
Guest Chef, Summit Restaurant (1987)
International Law Club, Hastings
President, Interfraternity Council, Northwestern
Kappa Sigma Fraternity, Northwestern
President, Student Council, E.H.S.

REFERENCES:

Will be furnished upon request.



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 16, 2010

Representative Bryce Edgmon, Chairman
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (Mail stop 3100)
Juneau AK 99811-0001

RE: Support for Confirmation of Bruce Twomley as C.F.E.C. Commissioner

Dear Representative Edgmon and Committee Members,

United Fishermen of Alaska (UFA) is the largest statewide commercial fishing trade association, representing 37 member organizations from fisheries throughout Alaska and its offshore waters.

UFA supports the legislative confirmation of Commissioner Bruce Twomley for continued service to the Alaska Commercial Fisheries Entry Commission (C.F.E.C.). Commissioner Twomley's years of experience provide valuable institutional knowledge to the C.F.E.C. Mr. Twomley has shown the ability to communicate the intricacies of fishery permit issues in the legislature and to the public, and has shown dedication and willingness to work with fisheries groups and fishermen in the administration of Alaska's limited entry program.

Thank you for your consideration,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Independent Fishermen's Marketing Association • Alaska Independent Tendermen's Association
Alaska Longline Fishermen's Association • Alaska Scallop Association • Alaska Trollers Association • Alaska Whitefish Trawlers Association
Aleutian Pribilof Islands Community Development Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve
Bristol Bay Regional Seafood Development Association • Cape Barnabas Inc. • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association
Cordova District Fishermen United • Crab Group of Independent Harvesters • Douglas Island Pink and Chum • Fishing Vessel Owners Association
Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • North Pacific Fisheries Association
Northern Southeast Regional Aquaculture Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association

3-19-10

**Review: Board of
Fisheries**

**Request For
Comprehensive
Evaluation of
Large-Mine
Permitting**

<target><bill></bill><subject>3-19-10 Review Board of
Fisheries Request For Comprehensive Evaluation of Large-Mine
Permitting</subject><comm>HFSH26</comm></target>

Alaska State Legislature

House Special Committee on Fisheries

Representative Bryce Edgmon, Chair

Rep. Craig Johnson
Rep. Wes Keller
Rep. Charisse Millett
Rep. Cathy Munoz
Rep. Bob Buch
Rep. Scott Kawasaki



Room 416
State Capitol
Juneau, AK 99801

Memorandum

Date: March 11th, 2010

To: Suzi Lowell, Chief Clerk

From: Representative Bryce Edgmon, Chairman
House Fisheries Committee

RE: House Fisheries Committee Schedule

Unless otherwise noted, all meetings will be held in Room 124 of the Capitol.

Tuesday March 16th **10:15 a.m. – 12:15 p.m.** **Capitol 124**

+HB 365—Fish Processor Fees, Licenses, Records

+*HB389—Commercial Fishing Loan Act

+*HB246—Sport Fish Guide Licenses

+Bills Previously Heard/Scheduled

Thursday March 18th **10:15 a.m. – 12:15 p.m.** **Capitol 124**

+Governor's Appointee—Review of Qualifications
CFEC Commissioner Bruce Twomley

+Bills Previously Heard/Scheduled

Friday March 19th **3:30 p.m. – 5:30 p.m.** **Butrovich 205**

+Joint Hearing with Senate Resources Committee

Preliminary review of the Board of Fisheries request for a comprehensive evaluation of large-mine permitting and standards for protection of fish and game habitat in the Bristol Bay watershed.

<Invited Testimony Only>

Proposed Questions for Pebble Panelists

1. You are very familiar with the environmental setting and value of fish and wildlife of Bristol Bay to Alaskans. You are also familiar with the ore body size, the minerals to be mined, the water appropriations applied for, and the size of the tailings dams that have been discussed for the Pebble prospect. What are the biggest risks, in your opinion, of this mine in this setting?
2. How would you compare the Pebble prospect to the scale, character and setting of other sulfide ore body mines in the US and Alaska? What are the key lessons learned from these other sulfide ore body mines given what you know of Pebble?
3. What areas of Alaska's statutes and regulations do you think are most important for an analysis to focus on given the issues you see with the Pebble prospect and the possible impacts it could have on Bristol Bay's fisheries?
4. Do you support choosing the National Research Council of the National Academy of Sciences to conduct an evaluation of the adequacy of Alaska statutes, regulations and permitting capacity to ensure the mine can be developed while protecting Bristol Bay's fisheries? Why shouldn't the legislature carry it out on its own? Why not an Alaskan research group such as the McDowell Group or ISER?

PARTICIPANTS:

ED FOGELS - OPMP

JOHN SHIVELY - PEBBLE
LD. PART.
CEO

DR. DAVID CHAMBERS
PRES. - CENTER FOR SCIENCE
IN PUBLIC PARTICIPATION

RICK HALFORD - FORMER
SENATE PRESIDENT.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME ALASKA BOARD OF FISHERIES

SEAN PARNELL, GOVERNOR

ADF&G
P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

Representative Mike Chenault
Speaker of the House, Alaska State Legislature
State Capitol, Room 208
Juneau, Alaska 99801-1182

Senator Gary Stevens
Senate President, Alaska State Legislature
State Capitol, Room 111
Juneau, Alaska 99801-1182

January 30, 2010

Dear Representative Chenault and Senator Stevens,

The Alaska Board of Fisheries (BOF) was established by the Alaska Legislature, "For purposes of the conservation and development of the fishery resources of the state," (AS 16.05.221 (a)). The BOF is tasked by AS 16.05.251 (a) to "adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedures Act) for (1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;" and "(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish".

With these directives in mind, the BOF held a meeting in Anchorage in December, 2009, for the purpose of considering regulatory proposals pertaining to Bristol Bay fisheries. Among them was a non-regulatory proposal asking the BOF to recommend that the Alaska Legislature create a fish refuge in the Kvichak and Nushagak River drainages. The authors of the proposal requested it because of concerns that creation and operation of the Pebble Mine would result in environmental damage to the fish and game habitat in the two drainages.

Before public testimony was heard, the state agencies charged with permitting large mine projects made presentations to the BOF for the purpose of showing how the permitting process worked and what safeguards are provided to protect against environmental damage that might be caused by large scale mine operations.

Many members of the public from a wide range of interests testified at the meeting. A large number of these were Bristol Bay watershed residents. The majority believed that a refuge should be established with many believing that the permitting process would be inadequate to protect the fisheries habitat within the drainages. A significant number of others, many also watershed residents, testified that a refuge was unnecessary and would prohibit legitimate economic development of the area and restrict traditional uses like subsistence hunting and fishing. Some also believed that the permitting process was sufficient to protect the area.

One thing that everyone, on all sides of the issue, had in common was concern for the protection of the Bristol Bay fisheries. They disagreed on what that protection should be.

While the BOF recognizes that no specific permitting plan has yet been proposed for the development and operation of the Pebble Mine, the board is still very concerned about the Pebble Mine development because of its potential magnitude. Both proponents and opponents of the Pebble Mine have publically stated that this development could be larger than any mining operation ever created in Alaska.

Because the habitat of the potentially affected drainages is so critical to the fish and game resources of Bristol Bay, the BOF respectfully requests that the Legislature conduct a comprehensive evaluation of the permitting protections and standards, including regulations and statutes, which provide safeguards against environmental damage. After such evaluation, we further request that the legislature enact any additional safeguards which are considered prudent to provide strict protections to the fish and game habitat of the drainages to prevent any chance of environmental damage.

The various state permitting agencies also need the financial ability to properly monitor and enforce their permit standards.

Whatever the legislature decides to do regarding the public concerns expressed about future development in this area, we would request that subsistence hunting, fishing, and gathering; commercial fishing; personal use; and sport hunting and fishing activities on state lands in this region continue to be protected for the local residents and all Alaskans.

To assist the Legislature in its evaluation, we are enclosing copies of the presentations by the state agencies and copies of the testimony by the public.

If the Alaska Board of Fisheries can be of any further assistance, please let me know what we can do to help.

Sincerely,



Vince Webster
Chairman, Alaska Board of Fisheries

cc: Governor Sean Parnell

Denby Lloyd, Commissioner, Department of Fish and Game

Tom Irwin, Commissioner, Department of Natural Resources

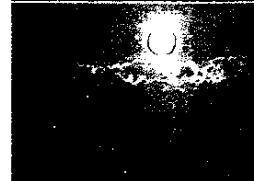
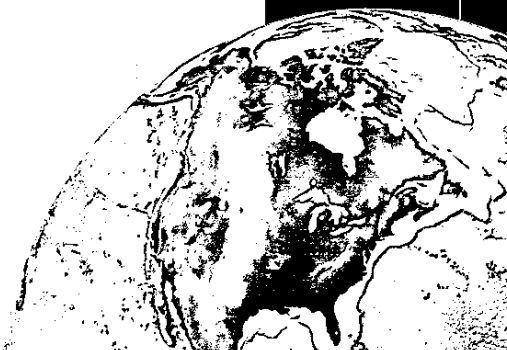
Larry Hartig, Commissioner, Department of Environmental Conservation

State and Local Guide to

Earth & Life Studies

at the National Academies

NATIONAL ACADEMY OF SCIENCES
NATIONAL ACADEMY OF ENGINEERING
INSTITUTE OF MEDICINE
NATIONAL RESEARCH COUNCIL



Providing Science Advice to Help Protect Public Health, Public Safety, and the Environment

For advice on issues of science, technology, and medicine, the nation's leaders turn to the National Academies. Established by Congress and President Abraham Lincoln as an entity separate from government that honors top scientists with membership, the institution serves the nation whenever called upon.

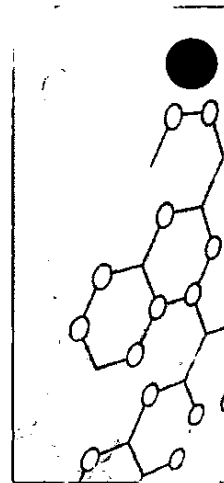
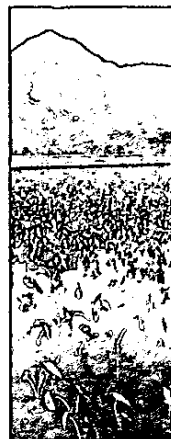
Like no other organization, the National Academies can enlist the nation's foremost scientists, engineers, health professionals, and other experts to address the scientific and technical aspects of some of society's most pressing problems. Each year, about 6,000 of these experts are selected to serve on hundreds of study committees that are appointed to answer specific sets of questions. All serve without pay.

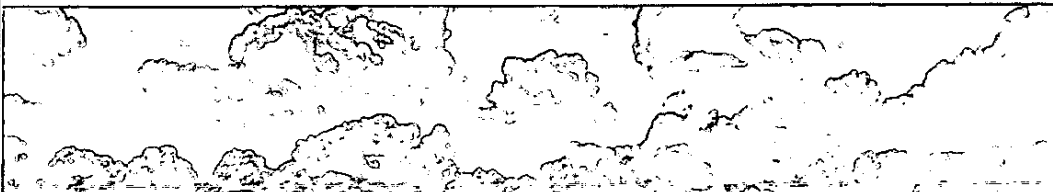
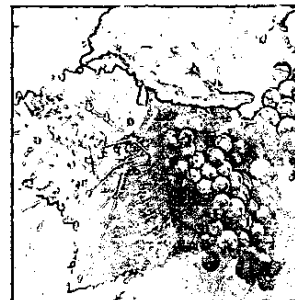
Earth & Life Studies at the National Academies cover a wide array of topics where public policy meets the geosciences, life sciences, chemical sciences, and the environment. In 2004 alone, report topics included the use of forensics in the courtroom, the safety of genetically modified foods, climate change, the safe disposal of radioactive waste, and drinking water quality. Many National Academies reports influence public policy decisions; some provide program reviews; others serve as widely used reference books.

Serving State, Local, and Regional Decision Makers

As more and more responsibility and initiative shift from the federal government to states and localities on issues such as clean air and homeland security, local officials and resource managers increasingly face decisions that affect public safety, public health, and the environment. Those decision makers can turn to the National Academies for nonpartisan, nonadvocacy expert advice on key scientific and technologic aspects of an issue, such as:

- ❑ What can be concluded from analyzing the body of scientific research and other information to help solve a problem or guide regulatory and policy decisions?
- ❑ What scientific research is still needed?
- ❑ What constitutes success, and how will it be measured?





The National Academies ARE...

- Advisers to the nation on science, engineering, and medicine—the only institution chartered by the U.S. Congress to do so.
- Independent and objective.
- Nonprofit.
- Able to draw on leading experts from scientific and technical disciplines.

The National Academies ARE NOT...

- Part of the government.
- An advocacy organization.
- Consultants to for-profit entities.
- Laboratories.
- Limited to working for federal agencies—state and local government agencies and foundations also sponsor activities.



"From the beginning, the [National Academies have] been a central part of the state of Washington's strategy to develop a new water resources management program for the Columbia River. The credibility and integrity of the [organization], its members, and staff placed it in a unique position to comment on the health and long-term management of this highly valuable resource."

Tom Fitzsimmons
Chief of Staff
Office of the Governor
State of Washington

Grant Reviews

The National Academies can simplify and enhance the state and local grant review process by organizing independent peer interviews and reviewing the progress of grant recipients. Experts from across the country who bring a fresh, broader perspective and credibility to regional programs are selected to serve on grant review committees.

Convening Activities

Convening activities bring together policy makers, members of industry, scientists, and sometimes the general public to discuss timely issues. The events include workshops, symposia, and roundtables that can have anywhere from 25 to 250 participants. For example, the Disasters Roundtable convenes in Washington, DC, several times a year to discuss urgent issues related to understanding and reducing the effects of natural and other disasters. Proceedings or workshop summaries are usually produced to capture the information discussed.

Communications

A variety of derivative products based on reports—including report briefs, posters, web sites, and brochures—are developed to help communicate the content of reports to broader audiences and aid in the public understanding of science. Examples include a question-and-answer wheel on invasive plants that helps people understand the effects of invasive plants. Another example is a Diversity Toolbox brochure and website that feature best practices for building minority-group education and employment in the chemical sciences.

Grant Review

EVALUATING RESEARCH GRANTS IN OHIO

Since 2003, the National Academies have reviewed proposals submitted to two of Ohio's major award programs—the Wright Centers of Innovation and the Biomedical Research and Technology Transfer Partnership Awards. As part of the state's \$1.1 billion "Third Frontier" plan to create high-wage jobs and support high-growth industries, the programs seek to foster partnerships between the state's universities and industrial sectors to enhance development and commercialization in fields such as biotechnology and biomedicine, information technology, advanced materials, and electronics. The National Academies bring together panels of experts from across the country to review proposals and identify those with the greatest merit for the state to consider funding. The panels also participate in site visits to review the progress of the grants that are funded.

Convening Activity

GUIDING STEM CELL RESEARCH IN CALIFORNIA

In 2004, the state of California had to decide how to best spend the \$3 billion dollars that voters approved for state-funded stem cell research. To help guide the state in research planning, the National Academies convened experts in the field for a 2-day workshop in California. Topics discussed at the workshop included grant-making processes, intellectual property, institutional review boards, facility development, and the development of standards and ethical guidelines.



A Wide Range of Products and Services Help Answer Key Scientific Questions

Consensus Reports

About 250 authoritative reports are produced by expert committees each year. The process brings together scientists with diverse backgrounds and points of view who work together to review available scientific evidence, reach consensus, and issue a report with their findings and recommendations in an environment removed from political, special interest, and agency influence. A rigorous peer review and other checks and balances applied at every step of the study process ensure the integrity of the reports. Reports are in three general categories:

- **Regulatory analyses** are designed to help guide regulatory and policy decisions. For example, *Arsenic in Drinking Water: 2001 Update* (2001) provided the basis of the Environmental Protection Agency's decision to reduce the maximum allowable concentration of arsenic in drinking water from 50 to 10 parts per billion, making the nation's drinking water safer.
- **Program reviews** evaluate current or proposed government programs. For example, *The Science of Instream Flows: A Review of the Texas Instream Flow Program* (2005) reviews the state's program for ensuring adequate amounts of water in times of high demand and low supply.
- **General assistance** reports answer specific questions on diverse topics. The California Department of Food and Agriculture recently sought advice to combat an insect-borne disease that was afflicting grapes grown in California. The state is revising its research programs and strategies on the basis of recommendations in *California Agricultural Research Priorities: Pierce's Disease* (2004).



General Assistance

OYSTER OPTIONS IN THE CHESAPEAKE BAY

Decades of heavy fishing, environmental pressures, and deadly disease have nearly wiped out native oysters in the Chesapeake Bay and a once-thriving oyster industry. Because oysters feed on algae, their disappearance is thought to play a role in the general decline of water quality in the Chesapeake Bay.

At the request of the states and federal partner agencies, the National Academies identified potential risks and benefits of introducing the Asian-origin Suminoe oyster to supplement or replace the disease-plagued native species. Opponents fear that the nonnative could become an invasive species, with potentially devastating impacts on the ecology and economic vitality of the region.

Nonnative Oysters in the Chesapeake Bay (2004) recommends aquaculture of nonreproductive Suminoe oysters as the most prudent option until completion of research to investigate the potential impacts of introducing this nonnative oyster species. The report also proposes stricter regulations to reduce the risk of unintentional introductions of nonnative species.

WATERSHED SOLUTIONS IN NEW YORK

The state of New York has always enjoyed high quality water from the Catskills Mountain watershed, which provides about 90% of the drinking water for New York City. Unfortunately, increased housing developments and septic systems and the impacts of agriculture caused water quality to deteriorate. By the late 1990s, New York City water managers had two choices: build a water-filtration system at an estimated cost of up to \$6 billion or take steps to protect its major watershed.

To help weigh the scientific and technical aspects of its dilemma, the state turned to the National Academies. On the basis of recommendations in *Watershed Management for Potable Water Supply: Assessing the New York City Strategy*, stakeholders decided against building the filtration system and instead began taking recommended steps to protect the watershed at a total projected investment of about \$1 to \$1.5 billion.

Working with the National Academies

The National Academies are equipped with administrative tools to work with state and local governments to find answers to key scientific questions. Blanket authorization has been granted for federal sole-source contracts. Research grant, cooperative agreement, and contract proposals can be rapidly prepared. Costs vary with the type and scope of the activity. The National Academies have implemented mechanisms to reduce costs and are continuing to review policies and procedures to identify other changes to make the process as efficient as possible.

FOR UPDATES:

Sign up on the Earth & Life Studies website at <http://dels.nas.edu> to get e-mail updates on reports, events, projects, and news in your fields of interest. National Academies reports are available online in a searchable format at <http://www.nap.edu>.

Contact the Division on Earth & Life Studies:

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The National Academies
500 Fifth Street, NW
Washington, DC 20001

E-mail: dels@nas.edu
Phone: 202-334-3600
Fax: 202-334-3362

Warren R. Muir, Ph.D., Executive Director

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Polar Research Board (PRB)
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Radiation Effects Research Foundation (RERF)
Burton Bennett, Chairman,
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Water Science and Technology Board (WSTB)
Stephen Parker, 202-334-3422, sdparker@nas.edu

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SELECTED EARTH & LIFE STUDIES REPORTS FROM 2004 TO 2007

<http://dels.nas.edu>

AGRICULTURE AND NATURAL RESOURCES

Agriculture, Fishing, and Forestry Research at NIOSH* (2007)
Nutrient Requirements of Horses: Sixth Revised Edition (2007)
Status Pollinators in North America* (2006)
Nutrient Requirements of Small Ruminants (2006)
Nutrient Requirements of Dogs and Cats* (2006)
Mineral Tolerance of Animals: Second Revised Edition (2005)
Critical Needs for Research in Veterinary Science* (2005)
Animal Health at the Crossroads: Preventing, Detecting, and Diagnosing Animal Diseases* (2005)
Animal Care and Management at the National Zoo: Final Report* (2005)
California Agricultural Research Priorities: Pierce's Disease* (2004)
Safety of Genetically Engineered Foods: Approaches to Assessing Unintended Health Effects* (2004)
Animal Care and Management at the National Zoo: Interim Report* (2004)
Biological Confinement of Genetically Engineered Organisms (2004)

ATMOSPHERIC SCIENCES AND CLIMATE

Analysis of Global Change Assessments: Lessons Learned * (2007)
Earth Observations from Space: The First 50 Years of Scientific Achievements * (2007)
Environmental Data Management at NOAA: Archiving, Stewardship, and Access * (2007)
Review of the U.S. Climate Change Science Program's Synthesis and Assessment Products
Strategic Guidance for National Science Foundations Support of the Atmospheric Sciences (2006)
NOAA's Role in Space-Based Precipitation Estimation and Application (2006)
Completing the Forecast: Characterizing and Communicating Uncertainty for Better Decisions
Using Weather and Climate Forecasts* (2006)
Surface Temperature Reconstructions for the Past 2,000 Years* (2006)
Preliminary Principles and Guidelines on Archiving Environmental and Geospatial Data on
NOAA: Interim Report (2006)
Review of NOAA's Plan for the Scientific Data Stewardship Program (2005)
Thinking Strategically: The Appropriate Use of Metrics for the Climate Change Program* (2005)
Review of the US Climate Change Science Program's Synthesis and Assessment Product on
Temperature Trends in the Lower Atmosphere (2005)
Radiative Forcing of Climate Change: Expanding the Concept and Addressing Uncertainties* (2004)
Review of the U.S. CLIVAR Project Office (2004)
Flash Flood Forecasting Over Complex Terrain: With an Assessment of the Sulphur Mountain

*Indicates the availability of a supplemental brief or other communication product designed to aid public understanding of the report.

NEXRAD in Southern California* (2004)
Implementing Climate and Global Change Research: A Review of the Final U.S. Climate Change Science Program Strategic Plan (2004)
Where the Weather Meets the Road: A Research Agenda for Improving Road Weather Services* (2004)

CHEMICAL SCIENCES AND TECHNOLOGY

Benchmarking the Competitiveness of the United States in Mechanical Engineering Basic Research * (2007)
The Future of U.S. Chemistry: Benchmarks and Challenges * (2007)
International Benchmarking of U.S. Chemical Engineering Research Competitiveness * (2007)
Protecting Building Occupants and Operations from Biological and Chemical Airborne Threats: A Framework for Decision Making * (2007)
Soldier Protective Clothing and Equipment: Feasibility of Chemical Testing Using a Fully Articulated Robotic Mannequin * (2007)
Measuring Respirator Use in the Workplace (2006)
Visualizing Chemistry: The Progress and Promise of Advanced Chemical Imaging* (2006)
Terrorism and the Chemical Infrastructure: Protecting People and Minimizing Risk* (2006)
Are Chemical Journals Too Expensive and Inaccessible?* (2005)
Review of Testing and Evaluation Methodology for Biological Point Detectors: Final Report (2005)
Existing and Potential Standoff Explosives Detection Techniques (2004)
Forensic Analysis: Weighing Bullet Lead Evidence* (2004)

DISASTERS MANAGEMENT

Facing Hazards and Disasters: Understanding Human Dimensions (2006)

EARTH SCIENCES AND RESOURCES

Assessment of the NASA Applied Sciences Program (2007)
Minerals, Critical Minerals, and the U.S. Economy * (2007)
Assessment of the Performance of Engineered Waste Containment Barriers * (2007)
Coal: Research and Development to Support National Energy Policy * (2007)
Earth Materials and Health: Research Priorities for Earth Science and Public Health * (2007)
Elevation Data for Floodplain Mapping * (2007)
Mining Safety and Health Research at NIOSH * (2007)
National Land Parcel Data: A Vision for the Future * (2007)
A Research Agenda for Geographic Information Science at the United States Geological Survey (2007)
Successful Response Starts with a Map: Improving Geospatial Support for Disaster Management * (2007)
Tools and Methods for Estimating Populations at Risk from Natural Disasters and Complex Humanitarian Crises * (2007)
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Beyond Mapping: Meeting National Needs Through Enhancing Geographic Information Science (2006)
Geological and Geotechnical Engineering in the New Millennium (2006)
Managing Coal Combustion Residues in Mines (2006)
Priorities for GEOINT Research at the National Geospatial-Intelligence Agency (2006)
Geological and Geotechnical Engineering in the New Millennium: Opportunities for Research and Technological Innovation (2005)

Radiofrequency Energy* (2006)
Tank Waste Retrieval, Processing, and On-site Disposal at Three Department of Energy Sites (2006)
Improving the Regulation and Management of Low-Activity Radioactive Wastes* (2006)
Going the Distance? The Safe Transport of Spent Nuclear Fuel and High-Level Radioactive Waste in the United States* (2006)
Health Risks from Exposure to Low Levels of Ionizing Radiation: BEIR II Phase 2* (2005)
Assessment of Scientific Information for the Radiation Exposure Screening and Education Program (2005)
Safety & Security of Commercial Spent Nuclear Fuel Storage (2005)
Improving the Characterization and Treatment of Radioactive Wastes for the Department of Energy's Accelerated Site Cleanup Program (2005)
Risk and Decisions about Disposition of Transuranic and High-Level Radioactive Waste (2005)
An Assessment of Potential Health Effects from Exposure to PAVE PAWS Low-Level Phased-Array Radiofrequency Energy* (2005)
Improving the Characterization Program for Contact-Handled Transuranic Waste Bound for the Waste Isolation Pilot Plant* (2005)
Assuring the Safety of the Pentagon Mail: Letter Report (2004)

OCEAN STUDIES

Increasing Capacity for Stewardship of Oceans and Coasts: A Priority for the 21st Century * (2007)
A Review of the Ocean Research Priorities Plan and Implementation Strategy (2007)
A Review of the Draft Ocean Research Priorities Plan: Charting the Course for Ocean Science in the United States* (2006)
Mitigating Shore Erosion Along Sheltered Coasts* (2006)
Evaluation of the Sea Grant Program Review Process (2006)
Review of Recreational Fisheries Survey Methods* (2006)
Dynamic Changes in Marine Ecosystems: Fishing, Food Webs, and Future Options (2006)
Drawing Louisiana's New Map: Addressing Land Loss in Coastal Louisiana* (2005)
Understanding Oil Dispersants: Efficacy and Effects (2005)
Final Comments on the Science Plan for the North Pacific Research Board (2005)
Marine Mammal Populations and Ocean Noise (2004)
Charting the Future of Methane Hydrate Research in the United States (2004)
Improving the Use of the "Best Scientific Information Available" Standard in Fisheries Management (2004)
River Basins and Coastal Systems Planning Within the U.S. Army Corps of Engineers (2004)
A Geospatial Framework for the Coastal Zone: National Needs for Coastal Mapping and Charting* (2004)
Elements of a Science Plan for the North Pacific Research Board (2004)

POLAR RESEARCH

Exploration of Antarctic Subglacial Aquatic Environments: Environmental and Scientific Stewardship * (2007)
Polar Icebreaker Roles and Future Needs: Final Report (2006)
Toward an Integrated Arctic Observing Network* (2006)
Final Comments on the Science Plan for the North Pacific Research Board (2005)
A Vision for the International Polar Year 2007-2008* (2004)
Planning for the International Polar Year 2007-2008 (2004)

- Contaminants (2004)
- Iodotrifluoromethane: Toxicity Review (2004)
- Developing a Research and Restoration Plan for Arctic-Yukon-Kuskokwim Salmon (2004)
- Eleventh Interim Report of the Subcommittee on Acute Exposure Guideline Levels (2004)
- Endangered and Threatened Species of the Platte River (2004)
- Research Priorities for Airborne Particulate Matter: IV. Continuing Research Progress (2004)
- Spacecraft Water Exposure Guidelines for Selected Contaminants: Volume 1 (2004)
- Air Quality Management in the United States* (2004)
- Acute Exposure Guideline Levels for Selected Airborne Chemicals: Volume 4 (2004)
- Atlantic Salmon in Maine (2004)

LABORATORY ANIMAL RESEARCH

- Recognition and Alleviation of Distress in Laboratory Animals * (2007)
- Guidelines for the Humane Transportation of Research Animals (2006)
- Science, Medicine and Animals* (2004)

LIFE SCIENCES

- The Role of Theory in Advancing 21st Century Biology: Catalyzing Transformative Research * (2007)
- Protecting Building Occupants and Operations from Biological and Chemical Airborne Threats: A Framework for Decision Making * (2007)
- An Astrobiology Strategy for the Exploration of Mars (2007)
- The New Science of Metagenomics: Revealing the Secrets of Our Microbial Planet * (2007)
- 2007 Amendments to the National Academies' Guidelines for Human Embryonic Stem Cell Research
- Human Biomonitoring for Environmental Toxicants (2006)
- Overcoming Challenges to Develop Interventions Against Aerosolized Bioterrorism Agents (2006)
- Exploring the Role of Antiviral Drugs in the Eradication of Polio* (2006)
- Review of the Department of Energy's Genomics: GTL Program (2006)
- Reopening Public Facilities After a Biological Attack: A Decision-Making Framework (2005)
- A Review of Biomedical Proposals to the State of Ohio (2005)
- Guidelines for Human Embryonic Stem Cell Research (2005)
- Bridges to Independence – Fostering the Independence of New Investigators in Biomedical Research (2005)
- Seeking Security: Pathogens, Open Access, and Genome Databases (2004)
- Discovery of Antivirals Against Smallpox (2004)
- Review of a Proposal to the Ohio Eminent Scholars Program (2004)
- Indicators for Waterborne Pathogens (2004)

NUCLEAR AND RADIATION STUDIES

- Advancing Nuclear Medicine Through Innovation * (2007)
- Plans and Practices for Groundwater Protection at the Los Alamos National Laboratory (2007)
- Review of the Worker and Public Health Activities Program Administered by the Department of Energy and the Department of Health and Human Services (2007)
- Assessment of Potential Health Effects from Exposures to PAVE PAWS Low-Level Phased-array

Learning to Think Spatially: GIS as a Support System in the K-12 Curriculum* (2005)
Improved Seismic Monitoring – Improved Decision-Making: Assessing the Value of Reduced Uncertainty (2005)
The Geological Record of Ecological Dynamics: Understanding the Biotic Effects of Future Environmental Change (2005)
Review of NASA's Solid-Earth Science Strategy (2004)
Licensing Geographic Data and Services (2004)
Government Data Centers: Meeting Increasing Demands (2004)
Partnerships for Reducing Landslide Risk: Assessment of the National Landslide Hazards Mitigation Strategy (2004)

ENVIRONMENTAL STUDIES AND TOXICOLOGY

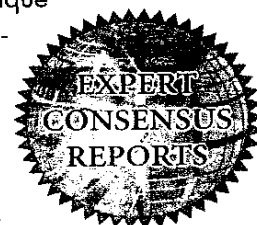
Applications of Toxicogenomic Technologies to Predictive Toxicology and Risk Assessment * (2007)
Combined Exposures to Hydrogen Cyanide and Carbon Monoxide in Army Operations: Initial Report (2007)
Acute Exposure Guidelines Levels for Selected Airborne Chemicals, Volume 6 (2007)
Emergency and Continuous Exposure Guidance Levels for Selected Submarine Contaminants: Volume 2 (2007)
Environmental Impacts of Wind-Energy Projects * (2007)
Health Effects of Beryllium Exposure: A Literature Review (2007)
Hydrology, Ecology, and Fishes of the Klamath River Basin * (2007)
Models in Environmental Regulatory Decision Making (2007)
Review of the Worker and Public Health Activities Program Administered by the Department of Energy and the Department of Health and Human Services (2007)
Scientific Review of the Proposed Risk Assessment Bulletin from the Office of Management and Budget (2007)
Sediment Dredging at Superfund Megsites: Assessing the Effectiveness * (2007)
Toxicity Testing in the Twenty-first Century: A Vision and a Strategy * (2007)
Spacecraft Water Exposure Guidelines for Selected Contaminants, Volume 2 (2006)
Acute Exposure Guideline Levels for Selected Airborne Chemicals, Volume 5 (2006)
Health Risks from Dioxins: Evaluation of the EPA Reassessment* (2006)
Changes in New Source Review Programs for Stationary Sources of Air Pollutants (2006)
Assessing Human Health Risks of Trichloroethylene: Key Scientific Issues* (2006)
12th Interim Report on Spacecraft Exposure Guidelines (2006)
Fourteenth Interim Report of the Committee on Acute Exposure Guideline Levels (2006)
Review of the Draft Research and Restoration Plan for Arctic-Yukon-Kuskokwim (Western Alaska) Salmon (2006)
Fluoride in Drinking Water: A Scientific Review of EPA's Standards* (2006)
State and Federal Standards for Mobile Source Emissions* (2006)
Assessing the Ecological Impact of Paved Roads (2005)
Review of the Department of Defense Research Program on Low-Level Exposures to Chemical Warfare Agents (2005)
Superfund and Mining Megsites: Lessons from the Coeur d'Alene River Basin* (2005)
Health Implications of Perchlorate Ingestion* (2005)
Communicating Toxicogenomics Information to Nonexperts (2004)
Emergency and Continuous Exposure Guidance Levels for Selected Submarine

WATER SCIENCE AND TECHNOLOGY

Colorado River Basin Water Management: Evaluating and Adjusting to Hydroclimatic Variability * (2007)
Improving the Nation's Water Security: Opportunities for Research (2007)
Integrating Multiscale Observations of U.S. Waters * (2007)
Mississippi River Water Quality and the Clean Water Act: Progress, Challenges, and Opportunities * (2007)
Prospects for Managed Underground Storage of Recoverable Water * (2007)
Water Implication of Biofuels Production in the United States * (2007)
River Science at the U.S. Geological Survey (2006)
Water Quality Improvement in South Pennsylvania (2006)
Third Report from the Committee on New Orleans Regional Hurricane Protection Projects (2006)
Progress Restoring the Everglades: The First Biennial Review (2006)
Drinking Water Distribution Systems: Assessing and Reducing Risks (2006)
Structural Performance of the New Orleans Hurricane Protection System During Hurricane Katrina (2006)
CLEANER and NSF's Environmental Observatories (2006)
Toward a New Advanced Hydrologic Prediction Service (AHPS) for the Future (2006)
Structural Performance of the New Orleans Hurricane Protection System During Hurricane Katrina (2006)
Review of the Lake Ontario St. Lawrence River Studies (2005)
Water Resources Planning for the Upper Mississippi River and Illinois Waterway* (2005)
Public Water Distribution Systems: Assessing and Reducing Risks (2005)
The Science of Instream Flows: A Review of the Texas Instream Flow Program (2005)
Re-Engineering Water Storage in the Everglades: Risks and Opportunities (2005)
Regional Cooperation for Water Quality Improvement in Southwestern Pennsylvania* (2005)
Contaminants in the Subsurface: Source Zone Assessment and Remediation (2004)
Review of the U.S. Army Corps of Engineers Restructured Upper Mississippi River-Illinois Waterway Feasibility Study: Second Report* (2004)
Valuing Ecosystem Services: Toward Better Environmental Decision-Making* (2004)
Confronting the Nation's Water Problems: The Role of Research* (2004)
U.S. Army Corps of Engineers Water Resources Planning: A New Opportunity for Service (2004)
Adaptive Management for Water Resources Project Planning (2004)
Assessing the National Streamflow Information Program (2004)
Managing the Columbia River: Instream Flows, Water Withdrawals, and Salmon Survival (2004)
Groundwater Fluxes Across Interfaces (2004)

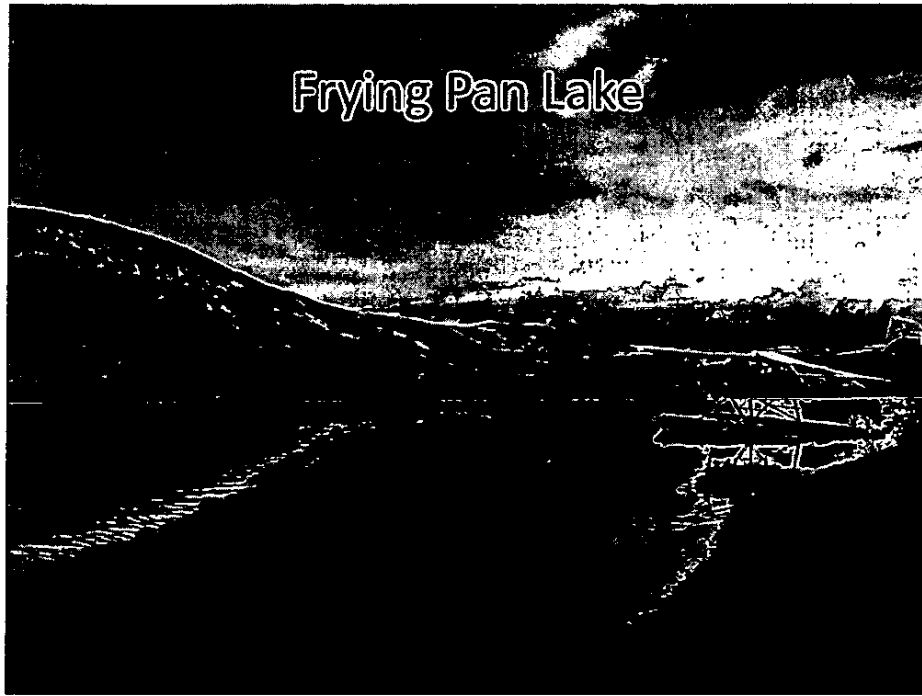
ABOUT EARTH & LIFE STUDIES REPORTS FROM THE NATIONAL ACADEMIES

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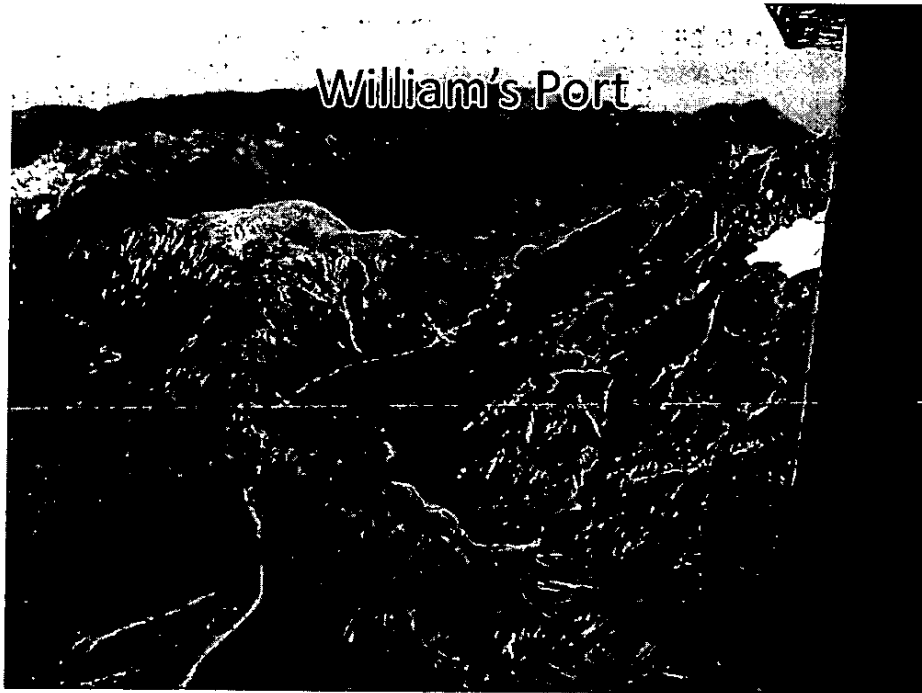
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Frying Pan Lake



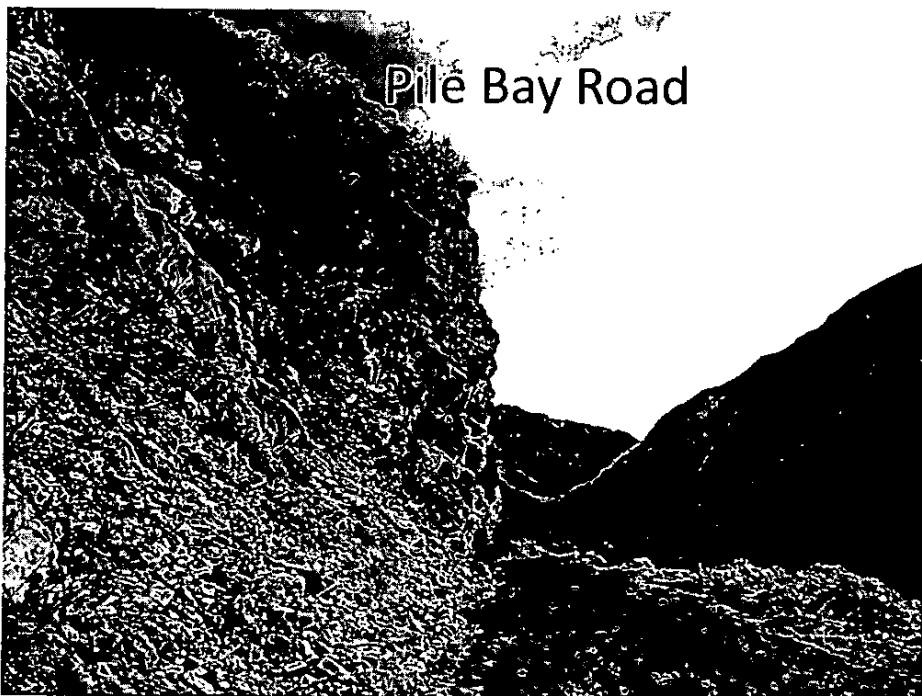
Lake Iliamna



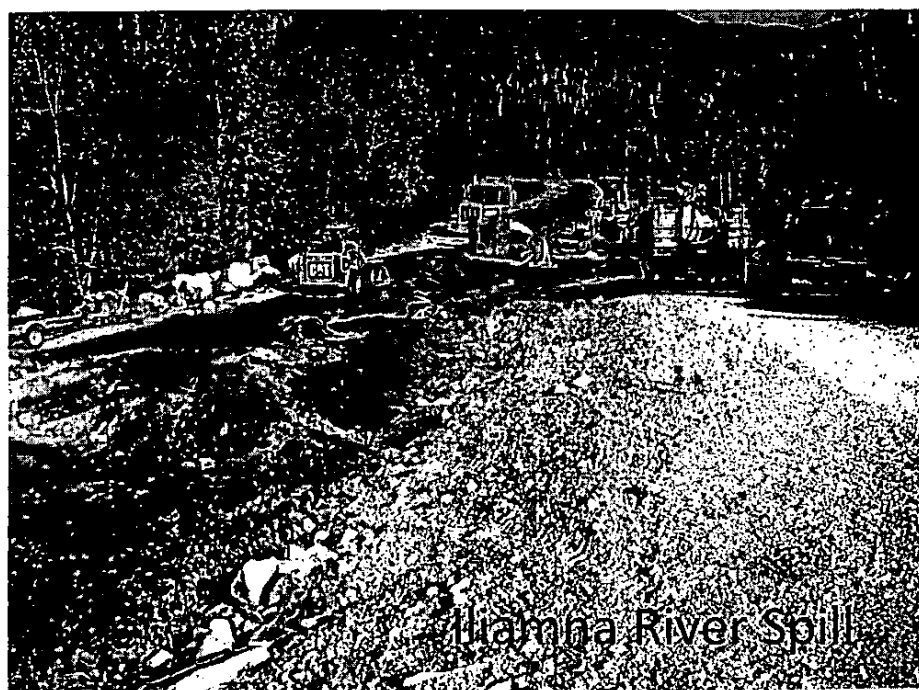
William's Port

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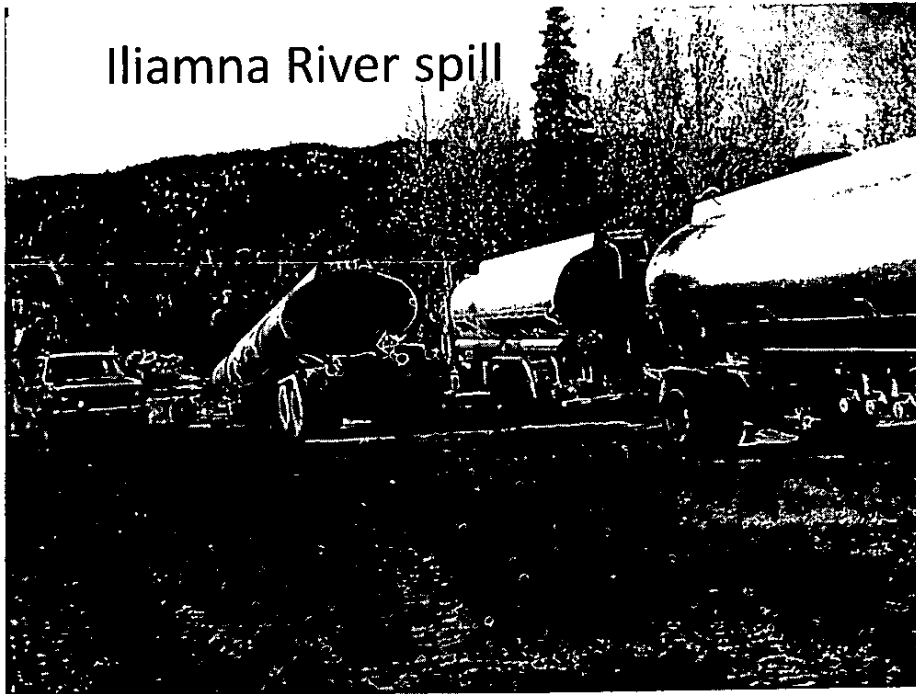
3/18/2010



Pile Bay Road



Iliamna River spill



10,780,000 tons Recoverable Ore Pebble Mine

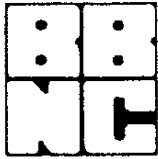
9,000,000 tons
Greens Creek Mine

27,000,000 tons
Hemlock Mine

359,000,000 tons
Ft Knox Mine

160,000,000 tons
Red Dog Mine

10,000,000 tons
Pege Mine



Bristol Bay Native Corporation

Enriching Our Native Way of Life

111 W. 16th Avenue, Suite 400 / Anchorage, Alaska 99501-5109 / (907) 278-3602 / fax (907) 276-3925

March 18, 2010

Representative Bryce Edgmon
Chair House Fisheries Committee
State Capitol, Room 416
Anchorage, AK 99801

Re: BOF Request for Large Mine Permitting Review

Dear Representative Edgmon:

On behalf of the Bristol Bay Native Corporation (BBNC) board of directors, I am writing in support of the Alaska Board of Fisheries request that the Legislature conduct a comprehensive evaluation of the State's large-scale mine permitting process. As a representative of over 8,500 shareholders with ties to the Bristol Bay region as well as 3 million acres of Bristol Bay land holdings that could potentially be affected by the Pebble Mine Development project we have an obligation to speak to this issue. BBNC is entrusted with preserving and enhancing our Native way of life, including but not limited to subsistence and commercial fishing.

To restate our formal position on resource development: although BBNC has passed a resolution specifically opposing the development of the Pebble Mine, we do not oppose responsible resource development in locations and manners that do not threaten the world class fish resources of Bristol Bay. We believe the potential benefits of the Pebble project are outweighed by the magnitude of the development as well as the unquantifiable risks associated.

A comprehensive review of the large mine permitting process should give Bristol Bay and Alaska residents, as well as the Legislature, comfort in knowing the process can properly scrutinize mining development of this magnitude. Currently, many Alaskans are questioning the systems in place as past administrations have "tinkered" with permitting oversight, causing uncertainty or at a minimum, confusion over what protections are now in place.

With your permission, BBNC would request this correspondence be included as public record for the Joint House Fisheries/Senate Resources Committee hearing scheduled for Friday, March 19th at 3:30pm.

Thank you for your consideration of this formal request to submit this statement of our support of the Board of Fisheries request to the Alaska State Legislature.

Sincerely,

Jason Metrokin
President/CEO

Cc: House Fisheries Committee
Senate Resources Committee
BBNC Board of Directors

4-05-10

Confirmation:

Board of

Fisheries,

Thomas Kluberton

and Claude

"Vince" Webster

<target><bill></bill><subject>4-05-10 Confirmation Board of
Fisheries, Thomas Kluberton and Claude "Vince"
Webster</subject><comm>HFSH26</comm></target>



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

REFERRAL FOR CONFIRMATION

Date Referred: March 31, 2010

Committee: House Special Committee on Fisheries

Board of Fisheries

Thomas G. Kluberton – Talkeetna

Appointed: 3/30/2010 Term Expires: 6/30/2013

Action Date: 4/5/2010
(Same date as on the accompanying signature page)


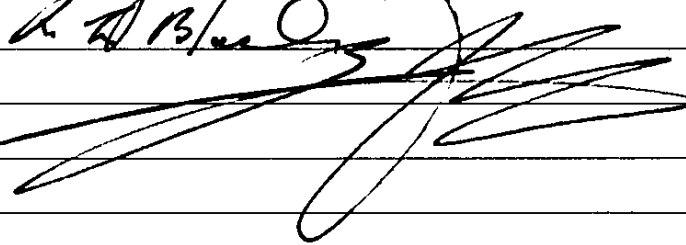
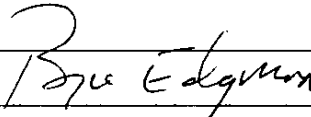
Note: Attach to a signature page and return to the Chief Clerk's office.

CONFIRMATION COMMITTEE REPORT

Action date: 4/5/2010

The House Special Committee on Fisheries has reviewed the qualifications of the following Governor's appointee(s) as shown on the attached Referral for Confirmation forms(s) and recommends that the name(s) be forwarded to a joint session for consideration:

This does not reflect intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

Signature:	Printed Last Name
	Johnson
	Buch
	KAWAKI
Co-Chair: 	Edgmon
Co-Chair:	

Please attach appointee Referral for Confirmation form(s) and return to the Chief Clerk's office.

Thomas G. Kluberton
P.O. Box 200
Talkeetna, AK 99676
(907)733-1457

Career Synopsis:

Tom was elected to the Mat-Su Borough Assembly in October 2006 after serving two years on the Mat-Su Planning Commission. While on the Assembly, Tom Chaired the Mayor's Blue Ribbon Sportsman's Committee, and contributed his knowledge of the Department of Transportation and Public Facilities as a member of the Mayor's Blue Ribbon Road Service Area Task Force.

Alongside positions in local government, Tom owns and operates the Fireweed Station Inn at Sunshine, south of Talkeetna, with his wife. Originally built in 1946, their Inn is listed on the National Historic Register and was thoroughly reconstructed under Tom's direction between 1993 and 2003 when it opened.

He also served as financial and part-time operating partner in an equipment rental, greenhouse/nursery, and dirt-work business with his brother in the Talkeetna area from 1998 - 2000.

Since 1973 Tom has been handed complex business challenges, analyzed their component issues, spelled-out alternatives to management for resolving those issues, guided the team responsible for resolving the challenge to consensus in choosing the best alternative, and, managed numerous such projects to completion.

In April, 1994 he joined a team of eight people with a good idea to create a network simulation and management software package. By August 1996, Netsys Technologies Inc. was selling a million dollars worth of software a month throughout the world. The company was sold to Cisco in Nov. '96 for \$85M.

In 1991 as Director of Information Systems at the Alaska DOT&PF, Tom was responsible for implementing the State of Alaska's first Internet-like computer network interconnecting fourteen local networks in three Alaskan Cities. This implementation was designed and modeled on a computer before being implemented to ensure success.

As a consultant with Alaska's Department of Administration Information Resource Management Division Tom was involved in hundreds of information technology and networking projects in all aspects from technical and administrative reviews, to conducting full RFP processes and project management.

Independent Consultant - dba Denali SoftWorks (1995 - 2003)

- Assisted GCI with Cable Modem product launch, analyzing the multitude of issues surrounding integration of broadband internet into their Cable TV organization
- Sat on Technical Advisory Board of Palo Alto based software development company that developed and sold large scale internetwork management and simulation software.
- Prepared initial U.S. Patent document for internetwork management and simulation software package
- Assisted AIDEA in for with various computing-related projects
- * Performed Process Review of technology acquisition cycle for ARCO Alaska Inc

NETSYS Technologies Inc. (3/94 - 8-95)

Director, Market Research & Third Party Vendor Relationships

- * Responsible for establishing strategic relationships with Third Party consulting firms selected for demonstrated expertise in computer network
- * Provided product requirements input to software development team based on experiences delivering client server applications and via research into market demand and trends.

Alaska Department of Transportation and Public Facilities (1987 - 1989)

Director, Information Systems (& '91 - '93)

- * Implemented statewide Management Reporting system including the state's first Internet-type TCP/IP network
- * Performed initial analysis, conducted RFP process and managed contractor's development of Billing System for \$200 million/yr Federal Aid highways program.
- * Managed RFP process and managed implementation of department wide Asset Management Application to manage maintenance of two international airports and state equipment fleet of 6800+ vehicles.

Unisys Corporation (1989 - 1991)

Sr. Account Representative

- * Drove sales effort to broaden State of Alaska IBM Mainframe network (SNA/SDLC) capabilities to Open Networking (TCP/IP). Presented concepts to all levels of government from cabinet to network technicians in effort to raise awareness of the need to move from outdated technology.
- * Managed accounts for all public sector customers in Alaska.

Alaska Department of Administration (1984 - 1987)

Manager, Data Center Customer Services

- * Managed all customer interface requirements for large IBM Mainframe center including implementation of chargeback system, planning and microcomputer acquisition process.
- * Sat on committee in review of all State of Alaska technology acquisitions.
- * Managed all end-user computing support staff.
- * Provided consulting services to all State of Alaska agencies as needed on computer projects, primarily project management and acquisition issues.

Crown Zellerbach Inc. (1980 - 1984)

Wilson Foods Inc. (1978 - 1980)

Continental Oil Co. (CONOCO) (1973 - 1978)

IBM Mainframe Application Development and Systems Programming

- * Implemented Stock Transfer system at CONOCO, first U.S. Corp. to be its own Transfer Agent.
- * Supported Order Entry and Invoicing applications
- * Performed all aspects of Systems Programming: SNA network and operating system support
- * Application analysis, programming and project management

Education

Bachelor of Business Administration - University of Oklahoma, 1973



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

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Phone: (907) 465-3725
Fax: (907) 465-5334

MEMORANDUM

Date: March 31, 2010

To: Representative Edgmon, Chair
House Special Committee on Fisheries

From: Suzi Lowell *SL*
Chief Clerk

Subject: Governor's Appointment(s)

The Speaker referred the following Governor's appointment(s) to the House Special Committee on Fisheries and the Resources Committee:

Board of Fisheries

Thomas G. Kluberton – Talkeetna
Appointed: 3/30/2010 Term Expires: 6/30/2013

Claude "Vince" Webster – King Salmon
Appointed: 7/1/2007
Reappointed: 3/30/2010 Term Expires: 6/30/2013

The Referral for Confirmation page(s), resume(s), and a signature page are attached for your use. In addition, copies of the resume(s) are also being sent electronically.

Attachments as noted



2010 Board Members

Eldon Mulder
Board Chair
President - The Mulder Company

Kevin Branson
Secretary and Treasurer
CPA - Thomas, Head & Greisen

Ron Rainey
Vice Chair
Ron's Alaska Lodge - Retired

Jim Golden
Vice President
Owner - The Sports Den

Ed Bryson
Vice President Field Operations
Alaska Communications Systems

Rik Bucy
General Manager
Tesoro Northstores - Retired

Bill Eckhardt
President
Alaska USA Federal Credit Union

Richard Erkeneff
Owner- Kenai River Raven

Mike Felix
President- AT&T Alaska

Mark Hamilton
President- University of Alaska

Reuben Hanke
Owner
Harry Gaines Kenai River Fishing

Bill MacKay
Senior Vice President
Alaska Airlines

Jason Paret
CFO- Central Peninsula Hospital

Robert Penney
Owner- PENCO Properties

Karen Rey, RN
Territory Manager, Alaska
St. Jude Medical

Gary Turner
Director- Kenai Peninsula College

April 2, 2010

All State Legislators
State Capitol
Juneau, AK 99801

RE: Board of Fisheries Appointments - Support for Webster and Kluberton

Dear Legislator:

The Governor's office recently made the announcement for the appointment of Vince Webster and Tom Kluberton to the Alaska Board of Fisheries.

Kenai River Sportfishing Association fully supports these two appointments to the Alaska Board of Fisheries.

Mr. Webster has displayed a willingness to work with all user groups, which is an essential component of effective leadership on the Board. He has done an excellent job as Board Chair this past year.

Mr. Kluberton has been actively involved in fisheries issues during the past six years, leading the Mat-Su Blue Ribbon Sportsmen Committee. He has an excellent working knowledge of fisheries issues in Cook Inlet and elsewhere in the state.

Both appointments are solid choices and we ask for your support in confirming each to the Board of Fisheries.

Respectfully,

Eldon Mulder
Board Chair

Reuben Hanke
Fisheries Chair

Ricky Gease
Executive Director

Dedicated to preserving the greatest sportfishing river in the world, the Kenai.

224 Kenai Ave., Suite 102 Soldotna, Alaska 99669

Phone: (907) 262-8588 Fax: (907) 262-8582 www.kenairiversportfishing.com E-mail: ricky@kenairiversportfishing.com



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Phone: (907) 465-3725
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REFERRAL FOR CONFIRMATION

Date Referred: March 31, 2010

Committee: House Special Committee on Fisheries

Board of Fisheries

Claude "Vince" Webster – King Salmon

Appointed: 7/1/2007

Reappointed: 3/30/2010 Term Expires: 6/30/2013

Action Date: 4/5/2010
(Same date as on the accompanying signature page)

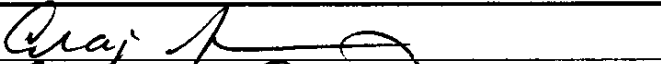

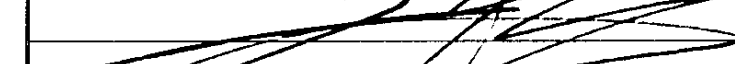
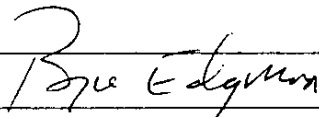
Note: Attach to a signature page and return to the Chief Clerk's office.

CONFIRMATION COMMITTEE REPORT

Action date: 4/5/2010

The **House Special Committee on Fisheries** has reviewed the qualifications of the following Governor's appointee(s) as shown on the attached Referral for Confirmation forms(s) and recommends that the name(s) be forwarded to a joint session for consideration:

This does not reflect intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

Signature:	Printed Last Name
	Johnson
	Bueh
	KAWAHKI
Co-Chair: 	Edgmon
Co-Chair:	

Please attach appointee Referral for Confirmation form(s) and return to the Chief Clerk's office.

Claude Vincent Webster (Vince)

P.O. Box 121

King Salmon, AK 99613

(907) 246-6659

Background:

I was raised on a farm in Indiana. My life dream was to go to Alaska. I joined the Air Force to support my family and was rewarded by a transfer to King Salmon, Alaska in 1978. There I was introduced to the commercial fishing in Bristol Bay and the greatest Rainbow Trout fishing in the world. I was transferred to Elmendorf Air Force Base from 1979 to 1982 where I continued to enjoy the great outdoors. I was offered a job in the maritime ship yards, on the west coast from 1982-1988. I purchased my first Bristol Bay Setnet permit in 1984. My wife (Sheryl) and I moved our family (Troy and Derek) back to King Salmon in 1989 for a more intimate education. Our sons went on to graduate from Eastern Connecticut State and Yale University with honors. We continue to reside in King Salmon and enjoy sharing our fishing operation with our sons and grandchildren every summer.

Work Experience:

1984-Present...Set gillnet operator in the Naknek/Kvichak District of Bristol Bay.

2004-Present...Drift gillnet operator in the Naknek/Kvichak District of Bristol Bay.

2008-Present...Engineering Heavy Equipment & Barge Operator at Katmai National Park.

2000-2008...Facilities & Maintenance Director for Lake & Peninsula School District.

1997-2000...Maintenance & Construction for Katmai National Park.

1989-1990...Cannery Construction for BKR & Associates at Cordova, Kodiak, Petersburg and Naknek, Alaska.

1982-1988...Ship Repair Coordinator & Branch Manager for Donco Inc. in California and Washington.

1975-1982...US Air Force.

1978...Managed Air Force boat dock & operated an Air Force charter boat at King Salmon.

Other Fisheries Experience:

Togiak Herring, Cinder River Salmon, Chignik Salmon, Bristol Bay Halibut and numerous sport fisheries throughout the state.

Community Service & State Positions Held:

Presently serve on the Alaska Board of Fisheries.

Served on the Naknek/Kvichak Fish and Game Advisory Committee for over 15 years.

Set on numerous fish committees & task forces.

Education & Training:

Graduated Jennings County High School, Indiana 1974.

Versailles Vocational School, Indiana 1973.

Air Force Aircraft Weapons Release Systems Tech School 1976.

USCG Merchant Mariner Credential, 100 Ton Master



2010 Board Members

Eldon Mulder
Board Chair
President - The Mulder Company

Kevin Branson
Secretary and Treasurer
CPA - Thomas, Head & Greisen

Ron Rainey
Vice Chair
Ron's Alaska Lodge - Retired

Jim Golden
Vice President
Owner - The Sports Den

Ed Bryson
Vice President Field Operations
Alaska Communications Systems

Rik Bucy
General Manager
Tesoro Northstores - Retired

Bill Eckhardt
President
Alaska USA Federal Credit Union

Richard Erkeneff
Owner - Kenai River Raven

Mike Felix
President - AT&T Alaska

Mark Hamilton
President - University of Alaska

Reuben Hanke
Owner
Harry Gaines Kenai River Fishing

Bill MacKay
Senior Vice President
Alaska Airlines

Jason Paret
CFO - Central Peninsula Hospital

Robert Penney
Owner - PENCO Properties

Karen Rey, RN
Territory Manager, Alaska
St. Jude Medical

Gary Turner
Director - Kenai Peninsula College

April 2, 2010

All State Legislators
State Capitol
Juneau, AK 99801

RE: Board of Fisheries Appointments - Support for Webster and Kluberton

Dear Legislator:

The Governor's office recently made the announcement for the appointment of Vince Webster and Tom Kluberton to the Alaska Board of Fisheries.

Kenai River Sportfishing Association fully supports these two appointments to the Alaska Board of Fisheries.

Mr. Webster has displayed a willingness to work with all user groups, which is an essential component of effective leadership on the Board. He has done an excellent job as Board Chair this past year.

Mr. Kluberton has been actively involved in fisheries issues during the past six years, leading the Mat-Su Blue Ribbon Sportsmen Committee. He has an excellent working knowledge of fisheries issues in Cook Inlet and elsewhere in the state.

Both appointments are solid choices and we ask for your support in confirming each to the Board of Fisheries.

Respectfully,

Eldon Mulder
Board Chair

Reuben Hanke
Fisheries Chair

Ricky Gease
Executive Director

Dedicated to preserving the greatest sportfishing river in the world, the Kenai.

HB

20

<target><bill>HB 20</bill><subject>HB
20</subject><comm>HFSH26</comm></target>

HOUSE COMMITTEE REPC 1

(7)

Date Referred to Committee: January 20, 2009

FURTHER REFERRALS: Finance

Date of Committee Action: FEB. 3, 2009

The HOUSE SPECIAL COMMITTEE ON FISHERIES considered:

HOUSE BILL NO. 20

"An Act relating to commercial fishing loans for energy efficiency upgrades."

HB 20 FISHERIES LOANS FOR ENERGY EFFICIENCY

Recommends it be replaced with HCS or CS for HB20 (FSH)

For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
CED		✓		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	KAWASAKI				*
Craig Johnson	Johnson			x	
	Millett			x	
Charles Millett	Millett			x	
	Keller			x	
Wade Keller	Keller			x	
	Edgmon	x		x	
Bruce Edgmon	Edgmon	x		x	
	Bush	x			
Robert Bush	Bush	x			
	Muñoz	x			
William Muñoz	Muñoz	x			
Chair:					
Chair:					

Testimony on CSHB20 in House Fisheries—2/3/09

1. Greg Winegar
Director of Alaska Division of Investments
2. Mark Vinsel
Executive Director of United Fishermen of Alaska
3. Jason Brune
Executive Director of Alaska Resource Development Council

CS FOR HOUSE BILL NO. 20(FSH)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:
Referred:

Sponsor(s): REPRESENTATIVES EDGMON AND BUCH, Austerman, Thomas, Wilson, Muñoz

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to commercial fishing loans for energy efficiency upgrades and**
2 **increasing the maximum amount for certain loans under the Commercial Fishing Loan**
3 **Act; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 16.10.310(a) is amended to read:

6 (a) The department may

7 (1) make loans

8 (A) to individual commercial fishermen who have been state
9 residents for a continuous period of two years immediately preceding the date
10 of application for a loan under AS 16.10.300 - 16.10.370, who have had an
11 annual crewmember or commercial fishing license under AS 16.05.480 or a
12 permit under AS 16.43 for the year immediately preceding the date of
13 application and any other two of the past five years, and who actively
14 participated in the fishery during those periods

1 (i) for the purchase of entry permits; or

2 (ii) to upgrade existing vessels and gear for the purpose
3 of improving the quality of Alaska seafood products or of improving
4 energy efficiency;

5 (B) to an individual for the repair, restoration, or upgrading of
6 existing vessels and gear, for the purchase of entry permits and gear, and for
7 the construction and purchase of vessels, if the individual has been a state
8 resident for a continuous period of two years immediately preceding the date
9 of application for a loan under AS 16.10.300 - 16.10.370, is not eligible for
10 financing from a state financial institution as defined in AS 06.01.050, a
11 federally chartered financial institution, or the Commercial Fishing and
12 Agricultural Bank, and

13 (i) because of lack of training or lack of employment
14 opportunities in the area of residence, does not have occupational
15 opportunities available other than commercial fishing; or

16 (ii) is economically dependent on commercial fishing
17 for a livelihood and for whom commercial fishing has been a traditional
18 way of life in Alaska;

19 (C) for the purchase of quota shares for fisheries in or off the
20 state by individual commercial fishermen who

21 (i) have been state residents for a continuous period of
22 two years immediately preceding the date of application for a loan
23 under AS 16.10.300 - 16.10.370;

24 (ii) for any two of the past five years, possessed an
25 annual crewmember or commercial fishing license under AS 16.05.480
26 or a permit under AS 16.43 and actively participated in a fishery for
27 which the license or permit was issued;

28 (iii) qualify as transferees for quota shares under
29 applicable law; and

30 (iv) are not eligible for financing from other recognized
31 commercial lending institutions to purchase quota shares;

1 (D) to an individual commercial fisherman to satisfy past due
2 federal tax obligations, if the fisherman has been a state resident for a
3 continuous period of two years immediately preceding the date of application
4 for the loan, has filed past and current federal tax returns with the federal
5 government, has executed an agreement with the federal government for
6 repayment of past due federal tax obligations, and either

7 (i) because of lack of training or lack of employment
8 opportunities in the area of residence, does not have occupational
9 opportunities available other than commercial fishing; or

10 (ii) is economically dependent on commercial fishing
11 for a livelihood and for whom commercial fishing has been a traditional
12 way of life in Alaska;

13 (E) for the purchase of fishing quota shares by a community
14 quota entity eligible under federal statute or regulation to purchase the fishing
15 quota shares if the community quota entity is not eligible or qualified for
16 financing from other recognized commercial lending institutions to purchase
17 the fishing quota shares;

18 (F) to an individual for the upgrade of existing tender vessels
19 and gear to improve the quality of Alaska seafood products, if the individual
20 has been a state resident for a continuous period of two years immediately
21 preceding the date of application for a loan under AS 16.10.300 - 16.10.370;

22 (2) designate agents and delegate its powers to them as necessary;

23 (3) adopt regulations necessary to carry out the provisions of
24 AS 16.10.300 - 16.10.370, including regulations to establish reasonable fees for
25 services provided;

26 (4) establish amortization plans for repayment of loans, which may
27 include extensions for poor fishing seasons or for adverse market conditions for
28 Alaska products;

29 (5) enter into agreements with private lending institutions, other state
30 agencies, or agencies of the federal government to carry out the purposes of
31 AS 16.10.300 - 16.10.370;

1 (6) enter into agreements with other agencies or organizations to create
 2 an outreach program to make loans under AS 16.10.300 - 16.10.370 in rural areas of
 3 the state;

4 (7) allow an assumption of a loan if

5 (A) the applicant has been a state resident for a continuous
 6 period of two years immediately preceding the date of the request for an
 7 assumption; and

8 (B) approval of the assumption would be consistent with the
 9 purposes of AS 16.10.300; an applicant for a loan assumption may not be
 10 disqualified because the applicant does not meet the loan eligibility
 11 requirements of (1) of this subsection;

12 (8) prequalify loan applicants for a limited entry permit loan or a quota
 13 shares loan and charge a fee not to exceed \$200 for prequalification;

14 (9) charge and collect the fees established under this subsection;

15 (10) refinance a debt obligation incurred by a borrower or borrowers
 16 under this section if the borrower or borrowers otherwise qualify for a loan under
 17 AS 16.10.300 - 16.10.370;

18 (11) refinance debt obligations, not to exceed \$200,000, incurred by a
 19 borrower or borrowers for the purchase of a commercial fishing vessel or gear if the
 20 borrower or borrowers otherwise qualify for a loan under AS 16.10.300 - 16.10.370;
 21 the department may collect a refinancing loan origination charge as provided by
 22 regulation.

23 * Sec. 2. AS 16.10.320(i) is amended to read:

24 (i) If a loan is made to a borrower under AS 16.10.310(a)(1)(A), a subsequent
 25 loan may not be made to the borrower under AS 16.10.310(a)(1)(B), unless the loan
 26 requested under AS 16.10.310(a)(1)(B) is for an energy efficiency upgrade. If a
 27 loan is made to a borrower under AS 16.10.310(a)(1)(B), a subsequent loan may be
 28 made to the borrower under AS 16.10.310(a)(1)(A) if the total of the balance
 29 outstanding on loans received by the borrower under AS 16.10.310(a)(1)(A) and (B)
 30 does not exceed \$400,000 [\$300,000].

31 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 RETROACTIVITY. This Act is retroactive to September 1, 2008.

3 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).



Sponsor

Statement

House Bill 20: Fisheries Loans for Energy Efficiency

**SPONSOR'S INTENT
HOUSE BILL 20**

HB20 provides technical fixes to the Commercial Fishing Loan Act in order to make low-interest loans for energy efficiency upgrades available to a larger number of Alaska's commercial fishers.

Volatility in fuel costs continues to have a worrisome impact on our commercial fishing fleets. There is also growing concern about the size of the carbon footprint of wild-catch fisheries and its potential effect on Alaska seafood marketing.

In recent years, great advances have been made in diesel and outboard engine technologies. Fuel efficiency has vastly improved, and emissions levels have been drastically reduced.

There have also been substantial developments in alternatives to traditional diesel and gasoline generator sets, and modifications to vessel hulls—such as bulbous noses and fin stabilizers—can also significantly boost energy efficiency.

Commercial fishers across the state are eager to take advantage of these and other new technologies that significantly lower operating costs and diminish impacts on the environment.

Passage of HB20 will provide many Alaskan fishers the opportunity to make these improvements sooner. At the same time, it will foster innovation and stimulate the entrepreneurial spirit in one of Alaska's most important industries.



Sectional Analysis

House Bill 20: Fisheries Loans for Energy Efficiency

Section 1 amends subsection A, paragraph (ii) of the Commercial Fishing Loan Act to allow loans to upgrade existing vessels and gear for the purpose of improving energy efficiency. Under current statute, subsection A loans are only available for improving the quality of Alaska seafood products.

Section 2 of the bill amends paragraph (i) of subsection B of the Act in two ways:

First, it eliminates the current prohibition for a borrower with a loan out under Section A from also becoming a borrower under Section B, but only if the purpose of the additional Section B loan is for an energy efficiency upgrade.

Second, it raises the total allowable balance outstanding on loans to an individual from both subsection A and subsection B from \$300,000 to \$400,000.

Section 3 makes the legislation retroactive to September 1st, 2008.

Section 4 sets an immediate effective date for the bill.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 20
 () Publish Date: _____

Identifier (file name): HB20-CED-Investments-02-02-09
 Dept. Affected: Comm, Comm, and Econ Dev
 Title: An Act relating to commercial fishing loans for energy efficiency upgrades
 RDU: 122
 Component: Investments
 Sponsor: Representative Edgmon
 Requester: House Special Committee on Fisheries
 Component Number: 383

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services	74.0		74.0	74.0	74.0	74.0	74.0
Travel	2.5		2.5	2.5	2.5	2.5	2.5
Contractual	3.8		3.8	3.8	3.8	3.8	3.8
Supplies	1.0		0.5	0.5	0.5	0.5	0.5
Equipment	9.0		0.1	0.1	0.1	0.1	0.1
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	90.3	0.0	80.9	80.9	80.9	80.9	80.9

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1036 Commercial Fisheries RLF	90.3	0.0	80.9	80.9	80.9	80.9	80.9
TOTAL	90.3	0.0	80.9	80.9	80.9	80.9	80.9

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time	1.0	0.0	1.0	1.0	1.0	1.0	1.0
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation amends Section A (AS 16.10.310(a)(1)(A)) of the Commercial Fishing Revolving Loan Fund (CFRLF) program to provide low interest loans to qualified Alaskan harvesters who wish to upgrade their existing vessels and gear to improve energy efficiency.

The Department of Commerce, Community, & Economic Development (DCCED) anticipates that this will increase loan demand by approximately \$4.2 million in FY10, \$2.1 million in FY11 and \$1.6 million in years FY12 through FY15.

(Continued)

Prepared by: Patty LaPierre
 Division: Division of Investments, Dept of Commerce, Community, & Econ. Dev.
 Approved by: Emil Notti, Commissioner
Department of Commerce, Community and Economic Development

Phone 465-2510
 Date/Time 02/02/09 1:45pm
 Date 2/2/2009

FISCAL NOTE

**STATE OF ALASKA
2009 LEGISLATIVE SESSION**

BILL NO. 20 _____

ANALYSIS CONTINUATION

The CFRLF has sufficient cash reserves to handle the increased loan demand. DCCED is requesting one additional Loan Officer position to process loan requests generated as a result of this legislation. This position will be funded out of the CFRLF.

There may be a very small but indeterminate change in revenues as a result of this legislation. Currently, cash in the CFRLF is managed by the Department of Revenue and is invested in short term instruments that are yielding minimal returns in this interest rate environment. These earnings are retained by the General Fund. Interest earnings generated by loans made as a result of this legislation would be slightly higher in this interest rate environment and those earnings would be retained by the CFRLF.

Page _ of _

Commercial Fishing Loan Fund

Loan Program Goal and Objectives

To provide long-term, low interest loans to promote the development of predominantly resident fisheries, and continued maintenance of commercial fishing vessels and gear for the purpose of improving the quality of Alaska seafood products.

Provides Loans For:

- Section A—up to \$300,000 for the purchase of Entry Permits or for existing Vessel or Gear upgrades for improving seafood quality.
- Section B—up to \$100,000 for the purchase of Entry Permits, Vessel and Gear Upgrades, Vessel and Gear purchases, and Vessel Construction—with differing eligibility criteria, the most significant being that the applicant must not be able to obtain financing from a bank.
- Section C—the purchase of Quota Shares—with eligibility requirements similar to Section B applicants.
- Section D—to satisfy past due federal Tax Obligations.
- Section E—for the purchase of Quota Shares by a Community Quota Entity (CQE).
- Section F—for existing Tender Vessel and Gear upgrades

General Requirements

- Alaska resident for the past 2 years.
- Child support payments must not be past due.

Definition of Resident

- Living in Alaska with the intent to remain indefinitely
- Primary and permanent home in Alaska
- Present in Alaska except for brief intervals (generally less than 90 days) except for military service, education or good cause.

Program Requirements

- Purchases - Loans are available for limited entry permits, quota shares, vessels, or gear purchased less than 12 months prior to the date your application is received.
- Refinancing - Vessels or gear loans made by other lenders more than one year prior to receipt of your application are eligible for financing.
- Collateral - The item being financed (limited entry permit, vessel, etc.) will be the collateral for the loan and, and generally, a priority lien must be obtained.

Terms and Conditions

- Interest rate is 2% above the prime rate, not to exceed 10.5%.
- Interest rate for Product Quality Improvement loans is 2% **below** the prime rate, not to exceed 10.5%
- Interest rate will be fixed at the time of loan approval.
- Maximum loan term is 15 years.
- Borrower is responsible to pay all direct costs incurred in processing an application including surveys, inspections, appraisals, title insurance, etc.



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Alaska Division of Investments

Sarah Palin, Governor
Emil Notti, Commissioner
Greg Winggar, Director

February 24, 2009

The Honorable Anna Fairclough
State Capitol, Room 421
Juneau, AK 99801

Dear Representative Fairclough:

Re: House Bill 20

As you requested in the House Finance Committee hearing last week, there are three tables listed below containing financial and statistical information relating to the Commercial Fishing Revolving Loan Fund (CFRLF):

Table One:

Monies transferred from the CFRLF to the General Fund to fund other government operations:	
FY07 Department of Fish & Game to fund Operating Budget	\$1,326,300.00
FY08 Department of Fish & Game to fund Operating Budget	\$1,326,300.00
FY09 Department of Fish & Game to fund Operating Budget (authorized)	\$1,326,300.00

Table Two:

FY07 CFRLF GeFONSI earnings	\$2,054,419.72	FY07 Interest Rate:	5.51%
FY08 CFRLF GeFONSI earnings	\$2,348,491.02	FY08 Interest Rate:	5.85%
FY09 CFRLF GeFONSI earnings (as of 12/31/08)	\$1,331,665.63	FY09 Interest Rate:	2.68%

Table Three:

FY09 Division of Investments staff positions dedicated to CFRLF funding:	38
--	----

Enacted in 1972, the CFRLF is a revolving loan fund. As a result, all interest earned on loans made from the fund revolve back into the fund for future loans and all administrative costs are paid out of the fund. In addition, a substantial amount of money has been appropriated out of the fund over the years to help pay for other government operations. In the last several years those funds have been used to off set General Fund expenditures for the Department of Fish and Game. Table One lists the transfers that took place during the last three fiscal years. Over the life of the program, over \$53 million was transferred out

P.O. Box 11192, Juneau, Alaska 99801-0119
Telephone: (907) 586-3131 Fax: (907) 586-3133 Text Telephone: (907) 586-3137
Toll Free Within Alaska: 1-800-478-0000 FAX: 5626
E-mail: investments@commerce.state.ak.us Website: <http://www.commerce.state.ak.us/investments>

of the CFRLF for similar purposes.

CFRLF cash is managed by the Department of Revenue and is typically invested in a pool of funds referred to as the GeFONSI (General Fund and Other Non-segregated Investments). These earnings are retained by the General Fund. Table Two lists the CFRLF GeFONSI earnings and the rate of return for the last three fiscal years.

Table Three lists the number of Alaska Division of Investment's positions that are paid out of the CFRLF.

Please let me know if you have any questions or need additional information.

Cordially,



Greg Winegar, Director
Alaska Division of Investments

cc: Representative Bill Stoltze, Finance Committee Co-Chair
Representative Mike Hawker, Finance Committee Co-Chair
Representative Bryce Edgmon
Amanda Ryder, Director - DCCED
Tyson Fick, Legislative Liaison - DCCED

Alaska State Legislature
REPRESENTATIVE BRYCE EDGMON
House District 37



Commercial Fishing Loan Fund Summary

Adak
Akutan
Aleknagik
Atka
Chignik
Chignik Lagoon
Chignik Lake
Clark's Point
Cold Bay
Dillingham
Egegik
Ekwok
False Pass
Ivanof Bay
King Cove
King Salmon
Koliganek
Manokotak
Naknek
Nelson Lagoon
New Stuyahok
Nikolski
Perryville
Pilot Point
Portage Creek
Port Heiden
St. George
St. Paul
Sand Point
South Naknek
Togiak
Twin Hills
Ugashik
Unalaska

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- Present in Alaska except for brief intervals (generally less than 90 days) except for military service, education or good cause.

State Capitol Building

Room 424, Juneau, AK 99801 · Phone: (907) 465-4451 · Toll Free: 1-800-898-4451 · FAX: (907) 465-3445
Email: Rep_Bryce_Edgmom@legis.state.ak.us

Program Requirements

- Purchases - Loans are available for limited entry permits, quota shares, vessels, or gear purchased less than 12 months prior to the date your application is received.
- Refinancing - Vessels or gear loans made by other lenders more than one year prior to receipt of your application are eligible for financing.
- Collateral - The item being financed (limited entry permit, vessel, etc.) will be the collateral for the loan and, and generally, a priority lien must be obtained.

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- Interest rate is 2% above the prime rate, not to exceed 10.5%.
- Interest rate for Product Quality Improvement loans is 2% **below** the prime rate, not to exceed 10.5%
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- Borrower is responsible to pay all direct costs incurred in processing an application including surveys, inspections, appraisals, title insurance, etc.

Prepared by the Office of Representative Edgmon with excerpts from the Division of Investments.

PSPA
PACIFIC SEAFOOD PROCESSORS ASSOCIATION
Est. 1914

February 1, 2009

Rep. Bryce Edgmon, Chairman
House Fisheries Committee
Alaska Legislature
State Capitol
Juneau, AK 99801

RE: Support for HB 20 – Commercial Fishing Loans for Energy Efficiency Upgrades

Dear Chairman Edgmon:

Pacific Seafood Processors Association (PSPA) is a trade association of seafood processing companies with operations in many locations throughout coastal Alaska, including Ketchikan, Sitka, Kodiak, Unalaska/Dutch Harbor, Valdez, Dillingham, Naknek, Pederson Point, Togiak, Port Moller, and King Cove.

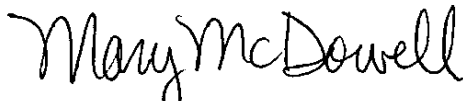
PSPA's member companies themselves, the communities in which they operate, and the fishermen to whom our member companies provide markets, are all struggling with high energy costs. The profitability and economic viability of Alaska's processors and harvesters alike, depend on the ability to increase energy efficiency and contain energy costs.

In expanding the provisions of the state's commercial fishing loan program to allow fishermen to obtain loans to increase the energy efficiency of their vessels, HB 20 does not *directly* affect or benefit seafood processors. However, a healthy, viable, energy efficient harvesting sector is important to the overall success of the entire industry. Thus, HB 20, in helping Alaska's fishing fleet move toward energy efficiency, will benefit fishermen, seafood processors and other fisheries-dependent businesses, Alaska communities, and the overall economy and revenues of the state.

PSPA appreciates your sponsorship of HB20 and your prompt scheduling of the bill for a hearing in the House Fisheries Committee.

We encourage legislators to support the bill and move it quickly through the legislative process.

Sincerely,



Mary McDowell,
Vice President

222 Seward Street, Suite 200
Juneau, AK 99801
Phone (907) 586-6366
Fax (907) 586-4618
www.pspafish.net



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

February 3, 2009

Representative Bryce Edgmon, Chairman
House Fisheries Committee
Alaska State Legislature
State Capitol, Room 416
Juneau, AK 99801

RE: HB20-Fisheries Loans for Energy Efficiency

Dear Representative Edgmon:

On behalf of the Resource Development Council for Alaska, Inc., (RDC), I am writing in support of HB20-Fisheries Loans for Energy Efficiency.

RDC is a statewide, non-profit, membership-funded organization founded in 1975. The RDC membership is comprised of individuals and companies from Alaska's oil and gas, mining, timber, tourism, and fisheries industries, as well as Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to link these diverse interests together to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

Throughout the last several years, Alaskans have been struggling with high energy costs. Fuel costs and usage have escalated as fisherman are required to go further out for catch due to impacts from endangered species listings, critical habitat designations, marine protected areas, and fish movement. Opportunities to improve energy efficiency through state loans are important not only for the pocket books of the fisherman who harvest over half of this nation's total catch, but also for the environment—increased efficiency will likely lead to lower costs and ultimately decreased carbon emissions.

We encourage the committee to vote in favor of this bill. Thank you for your consideration.

Sincerely,

Jason W. Brune
Executive Director

Founded 1975

Executive Director

Jason W. Brune

2008-2009 Executive Committee

Rick Rogers, President

Wendy Lindscoog, Sr. Vice President

Phil Cochrane, Vice President

Stephanie Madsen, Secretary

Tom Maloney, Treasurer

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Debbie Reinwand

Elizabeth Rensch

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Lorna Shaw

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Robert Stiles

Jeanine St. John

John L. Sturgeon

Jim Taro

John Williams

John Zager

Ex-Officio Members

Senator Mark Begich

Senator Lisa Murkowski

Congressman Don Young

Governor Sarah Palin

121 West Fireweed Lane, Suite 250, Anchorage, Alaska 99503-2035

Phone: 907/276-0700 Fax: 907/276-3887 Email: Resources@akrdc.org Website: www.akrdc.org



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
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(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

February 2, 2009

Representative Bryce Edgmon, Chairman
House Special Committee on Fisheries
State Capitol, Mail Stop 3100
Juneau AK 99801
Fax 907-465-3445

RE: Support for HB 20 for Energy Improvement Loans

UFA appreciates the Division of Investments prompt initiation of a program for commercial fishing vessel engine retrofit loans in Fall of 2008 to address the impact of high fuel prices on Alaska's fishing communities. We recognize that establishing these loans in the Section B program was the way to get this done as soon as possible. However, Alaska statutes prohibit any current borrowers under Section A programs access to these loans. UFA supports statutory changes to allow fishermen who currently have Section A loans to obtain loans to improve their energy efficiency. UFA also supports broadening the program to include financing for other energy improvements.

HB 20 accomplishes both of these objectives. We ask you and committee members for your support to provide long term financing for improvements to reduce the energy usage in commercial fishing.

United Fishermen of Alaska is the largest statewide commercial fishing trade association, representing 37 commercial fishing organizations participating in fisheries throughout the state and its offshore waters.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association
Alaska Scallop Association • Alaska Trollers Association • Alaska Whitefish Trawlers Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Bristol Bay Regional Seafood Development Association • Cape Barnabas Inc. • Concerned Area "M" Fishermen
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters • Douglas Island Pink and Chum
Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Petersburg Vessel Owners Association
Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association
Southeast Alaska Fisherman's Alliance • Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association
Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association
United Southeast Alaska Gillnetters • Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

Website: <http://www.seafa.org>



E-mail: seafa@gci.net

February 2, 2009

Representative Bryce Edgmon, Chairman
House Special Committee on Fisheries
State Capitol, Mail Stop 3100
Juneau AK 99801
Fax 907-465-3445

RE: Support for HB 20 for Energy Improvement Loans

Southeast Alaska Fishermen's Alliance (SEAFA) is a multi-gear group representing our members involved in the salmon, crab, shrimp and longline fisheries of Southeast Alaska. We support HB 20 which would allow borrowers under the A program access to the engine retrofit loans as was accomplished by regulation for the B program.

Converting the Alaskan commercial fishing industry to more efficient fuel engines will reduce the carbon footprint, reduce costs and be better for the environment overall. Access to low cost loans will help the fleet convert to these more efficient engines.

We appreciate the Division of Investments making the B loans available last summer since it only took regulation changes and support the legislature making the necessary statute changes to allow borrowers under the A program the same consideration to access low cost loans for engine retrofits.

We would like the fisheries committee to consider amending this legislation to also allow quota shares to be refinanced. With the cuts in quota catch limits some fishermen are now facing incredibly difficult times making their payments and with the current economic crisis are having some difficulties being able to refinance their current loans that are attached to their homes and vessels. We would be willing to discuss this issue with you if you are interested in the problem.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hansen".

Kathy Hansen
Executive Director.



Alaska Conservation Alliance

Uniting for Alaska's Future

February 2, 2009

House Special Committee on Fisheries, Finance
State House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representatives Edgmon, Buch and Austerman,

On behalf of the 40 conservation groups and the 38,000 Alaskans that are represented by the Alaska Conservation Alliance, I am pleased to acknowledge our strong support for HB20 to establish Energy Efficiency loans for commercial fishermen. Alaska's fisheries and fishermen play a vital role in the state's long-term sustainable economy. Alaska's main, non-hydrocarbon export is its seafood. Three billion pounds of fish are harvested from Bristol Bay waters each year and Alaska's Salmon fishery alone added nearly a half billion dollars to the state's economy last year.

With the volatility of fuel prices and with industry predictions of a return to \$110 barrel of oil in the near future, Alaska's fishermen need to find ways to conserve, recycle and limit the energy used in their operations. Recently Japan dedicated \$700 million to improve the efficiency of their fishing fleet. To compete, both in seafood price and in technological innovation, Alaska needs the kind of dedication and funding provided by this bill. Loans to maximize engine and hull efficiencies reduce the amount of high-priced diesel used during the season and result in a higher standard of living for our fishermen, less expensive and more competitive seafood products and less climate-damaging emissions. By giving the loans fishermen need to increase the efficiency of their operation this bill is decreasing the use of unpredictably priced foreign fuel, reducing toxic and greenhouse gas emissions, assuring the competitiveness of Alaska's fishing industry and improving the lives of Alaska's fishermen.

Energy efficiency in all its forms is a high priority for Alaska's conservation community. I strongly encourage the Alaska Legislature to pass HB 20. Thank you for your time and consideration.

Sincerely,

Kate Troll
Executive Director

CC: House Special Committee on Fisheries and House Finance Committee Members

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Friday, January 30, 2009 6:04 PM
To: Timothy Clark
Subject: FW: HB 20 Modification

-----Original Message-----

From: misslori@alaska.com [mailto:misslori@alaska.com]
Sent: Friday, January 30, 2009 6:03 PM
To: Rep. Bryce Edgmon
Subject: HB 20 Modification

Dear Mr. Edgmon. I would like to thank you for sponsoring HB 20. I would also like you to back the provision that it be available under section A so that not only those who are denied a commercial loan will have access to this program. If a fisherman is eligible for a commercial loan I don't think that should preclude his access to this funding. Thank you.

Bill Harrington
F/V Miss Lori
Kodiak, AK

Fritz Johnson
P.O. Box Box 1129
Dillingham, AK 99576
842-2674
osprey@nushtel.net

Representative Bryce Edgmon
State Capitol, Room 424
Juneau, AK 99801-1182

2 February 2009

RE: HB 20

Dear Rep. Edgmon,

I'd like to thank you and the other sponsors of HB 20 for this important legislation. This bill couldn't be more timely to assist Alaska's fishermen and fishing communities. Broadening the eligibility for low interest state loans for fishermen and women to repower their vessels with more efficient engines is the right thing to do for the environment and the right thing to do for Alaska's fishermen. Many have deferred the maintenance and improvements needed to remain competitive precisely because fish prices have been low and fuel prices high. While HB 20 effects a modest change in the Division of Investments requirements, it can make a big difference to Alaska harvesters working hard to keep their operations in the black.

I appreciate your work on this bill and urge adoption of this legislation.

Thank you, sincerely,



Fritz Johnson
F/V Jazz
Dillingham



Southwest Alaska Municipal Conference

3300 Arctic Boulevard, Suite 203 Anchorage, AK 99503 p: 907.562.7380 f: 907.562.0438 www.swamc.org

Alaska Peninsula
Aleutian Chain
Bristol Bay
Kodiak Island
Pribilof Islands

February 13, 2009

Representative Bryce Edgmon, Chairman
House Special Committee on Fisheries
State Capitol, Room 416
Juneau, AK 99801-1182

Re: House Bill 20

Dear Representative Edgmon,

The Southwest Alaska Municipal Conference (SWAMC) lends its support to House Bill 20. This bill comes at an opportune time to address the energy cost concerns of the state's commercial fisheries. Last year saw many boats opt to stay in port because the cost of fuel was so high it made it unprofitable to leave port and fish.

SWAMC supports efforts by the Special House Committee on Fisheries to increase the opportunity for fishermen to access loans for vessel upgrades. HB 20 allows fishermen who currently hold Section A loans to be eligible for Section B loans to improve their vessel's energy efficiency and increases the amount of loans they are eligible to borrow. This bill will help upgrade the state's fishing fleet with 21st Century technology and equipment and set it on a solid foundation for the future.

SWAMC is the regional economic development organization (ARDOR) for Southwest Alaska and serves the Aleutian/Pribilofs, Bristol Bay, and Kodiak. SWAMC's regional membership advances the collective interests of Southwest Alaska people, businesses, and communities. SWAMC promotes economic opportunities to improve quality of life and pursues long-term responsible development.

Sincerely,

Michael Catsi
Executive Director

City of Sand Point



February 11, 2009

Glen Gardner Jr.
Mayor, City of Sand Point
P.O. Box 249
Sand Point, Alaska 99661
907-383-2696
sptcity@arctic.net

Representative Bryce Edgmon
Alaska State Legislature
120 4th Street, State Capitol, Room 3
Juneau, Alaska 99801-1182

Representative Bryce Edgmon:

I'm writing this letter in support of HB20. It was exciting to hear that the legislature is going to take up a bill that would provide technical fixes to the Commercial Fishing Loan Act (AS 16.10.310-370) making loans for engine energy efficiency upgrades available to many other potential applicants.

As a life-long fisherman, I've been dealing with all the changing facets of the fishing industry. One of the biggest factors affecting the Alaskan fisherman is the ever changing fuel prices. This greatly impacts the bottom line of everyone involved.

With the recent technological advances in the diesel engine industry, it is possible for the Alaskan fisherman to reduce their carbon footprint on the environment. Fuel efficiency has been improved, and emissions levels have been greatly reduced.

I'm presently going through the process of getting one of these loans, and I can't tell you how difficult the process is! If it was possible to apply for this loan under subsection A of the statutes it would make the process so much easier. I think passing this bill would open this program up for many other Alaskan fishermen. Let's help Alaska's largest employer!

Sincerely,

Glen Gardner Jr.
Mayor, City of Sand Point

City Office:
P.O. Box 249
Sand Point, Alaska 99661
(907) 383-2696
(907) 383-2698 FAX

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3380 C Street, Suite 205
Anchorage, Alaska 99503
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daypar72@gci.net



Preliminary Report

Fall 2008 Alaska Commercial Fishermen and Tender Fuel Survey

By -

The Marine Advisory Program's

Allison "Sunny" Rice, Agent, Petersburg

Torie Baker, Agent, Cordova

Glenn Haight, Fisheries Business Specialist, Juneau

November 2008



Table of Contents

Table of Contents.....	2
Introduction	3
Background.....	3
Summary Findings	4
Survey Parameters.....	5
Survey Respondent Information.....	6
Make up of Survey Responders.....	6
Current fuel usage	6
Changing Behaviors	6
Fishing Practices	6
Fuel Saving Techniques	7
Investment Into Fuel Saving Devices.....	8
Income Impacts.....	9
Current Cost of Fuel.....	9
Increase in Fuel as a Production Cost	9
Impacts to Crew Income.....	10
Help from Processors	11
Fisheries Management Impacts.....	11
Further Technical Assistance	12
Appendix I – Survey Tool.....	14

The fuel survey and subsequent reports was led by Sunny Rice with contributions by Paula Cullenberg, Torie Baker, and Glenn Haight of the Alaska Sea Grant Marine Advisory Program; Carol Kaynor, Doug Schneider and Dave Partee of the Alaska Sea Grant Program; Greg Fisk with SeaFisk Consulting; and Mark Vinsel of United Fishermen of Alaska. The survey was a product of the Alaska Sea Grant Marine Advisory Program's fuel and energy committee, under the Alaska Fisheries Business Assistance Program (FishBiz).

Introduction

In fall 2008, the Alaska Sea Grant Marine Advisory Program (MAP), in partnership with the United Fishermen of Alaska, conducted a web-based survey of Alaska's commercial fishermen and tender operators. The survey asked respondents how increased fuel prices impacted their fishing businesses, what steps they took in response, and what further technical assistance would help them adapt to increasing costs. Following a strong response of 126 completed surveys, representing a broad cross-section of gear types and fishing locations in the state, MAP identified several technical issues that require further research and support.

Background

The Alaska seafood industry is the state's largest private sector employer and its main economic engine along Alaska's vast coastline. In the spring of 2008, the Alaska seafood industry braced for the highest fuel prices ever. Diesel-dependent seafood processors and commercial fishermen, sometimes operating in highly remote areas of the state, faced per gallon prices in excess of \$5 to \$6. Some areas reported prices in excess of \$7 per /gallon. In some cases, this increase represented a doubling of fuel costs.

The resulting huge production costs likely offset many of the gains the sector had made on improved seafood prices, and any future increases in fuel costs will continue to cast a pall over the fishing sector. This prospect, combined with growing consumer trends favoring food sources that use less fossil fuel to produce, serve as compelling reasons to reduce and/or eliminate fossil fuel use.

As first responders to the Alaska commercial fishing industry, MAP developed a detailed survey for the fleet to gather baseline information and determine initial impacts. This information serves to identify areas for further research, outline long-term alternative energy needs and prompt policy makers to address this crucial issue for coastal Alaska's main economic engine.

Summary Findings

This section summarizes significant survey findings listed throughout the report.

Changing Behaviors

- On average, fishermen attempted to lower their fuel costs through several changes in their fishing practices.
- The most common method of reducing fuel usage was less prospecting for fish.
- Other common methods include staying closer to home or staying out on the grounds longer.
- These top techniques for reducing fuel during fishing appear to indicate less overall effort.
- The most common fuel saving techniques in the fishing operations were throttling back and maintaining engine and fuel systems.
- The next most common fuel saving techniques were more careful planning of routes and timing, keeping the vessel bottom clean and propeller tuned, and monitoring vessel trim.
- Respondents indicating they owned a Bristol Bay gillnet permit were the least likely to change their operation to reduce fuel consumption.

Impact on Income

- Forty-three percent of the survey respondents projected fuel expenses between 10-20% of their total gross income. Expanding that range to 10 - 30% of total gross income expands the percentage of respondents to 70%.
- Almost 90% of the survey respondents indicated their fuel cost as a percentage of income increased "somewhat more" or "more than doubled" over the past five years.
- Eighty percent of the respondents with crew reported higher fuel costs negatively impacted income to crew members.
- Twenty-four percent of survey respondents received some form of fuel assistance from their processor.

Fisheries Management Impacts

- A majority of the respondents (64%) believe fisheries management decisions may affect their fuel costs. Conversely, only 40% believe fisheries managers should consider the impacts on fuel usage when managing fisheries.

Survey Limitations

- Underreporting of conditions for fishermen in the AYK region requires additional review. These regions sustain high fuel costs, and with gas powered engines, employ some of the more inefficient engines in the fishery.

Survey Parameters

The fuel survey ran on Survey Monkey©, an online survey tool, from late September until mid October.

Results of this survey are unscientific. Respondents were self-selected members of the Alaska commercial fishing industry, referred to the survey website by radio or newspaper stories, fishing-related listserves, or by direct referral from MAP faculty or others. As the survey was conducted using a web-based survey-hosting site, respondents were limited to those with internet access. Neither names nor computer IP addresses were collected with responses and no attempt was made to verify that respondents had identified themselves accurately.

Respondents were asked 17 questions on topics ranging from energy saving techniques to fisheries management impacts and possible research areas. Appendix I provides the survey tool.

While we were pleased with the response rate (126 total responses) and the information provided, there are over 10,000 permit holders in the Alaska state fisheries alone. Furthermore, the number of respondents per gear type in some cases was very small.

Despite these limitations, we feel these results provide a relevant snapshot of the impacts of, and fishermen's responses to, increased fuel prices.

Survey Respondent Information

Make up of Survey Responders

126 Alaska commercial seafood harvesters and tender operators responded to the survey. Table 1 provides the gear type and, in some cases, the region of each responder.

124 survey respondents indicated participating in 199 separate fisheries. This indicates several fished in more than one fishery. Two skipped the question. Almost 50% of the responders were gillnetters.

Several areas in this report provide gear-specific results where notable differences occurred between gear types.

Answer Options	Response Count	Response %
Gillnetting - Bristol Bay	12	9.7%
Gillnetting - Arctic, Yukon, Kuskokwim (AYK)	2	1.6%
Gillnetting - other locations	46	37.1%
Setnetting	9	7.3%
Trolling	15	12.1%
Seining	24	19.4%
Longlining	37	29.8%
Trawling	14	11.3%
Diving	3	2.4%
Jigging	7	5.6%
Pot fishing	19	15.3%
Tendering	7	5.6%
Other	4	3.2%
Comments	11	
Total Responses	199	
Total Respondents	124	
Skipped questions	2	

Current fuel usage

A large majority, 78%, of the respondents had diesel engines. This result may overestimate the percentage of diesel vessels in the fleet because of the low number of AYK responses (only 2 out of 126). Small boat fishermen in the Arctic, Yukon, Kuskokwim (AYK) region tend to employ gas powered engines.

Changing Behaviors

Fishing Practices

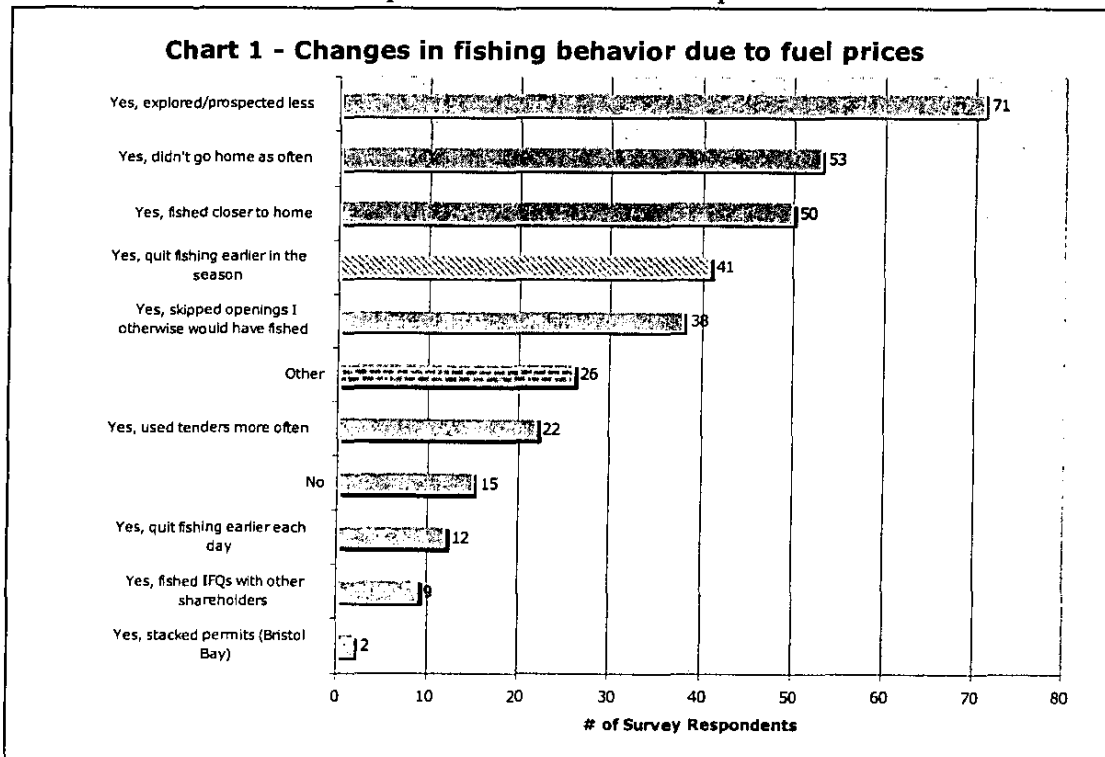
The high cost of fuel dramatically changed the fishing activity of the survey responders. While survey results revealed 15 individuals (12% of total respondents) that did not change the way they fished because of the increasing cost of fuel, the vast majority of the respondents did change the way they fished.

An examination of respondents indicating no change in fishing activity by gear type reveals over half were Bristol Bay gillnetters.

After removing these respondents, there were a total of 324 responses on types of changes made. This equates to an average of three changes per respondent. This indicates fishermen changed fishing practices in several ways to mitigate the high cost of fuel.

The most common response was that fishermen prospected less. This may have caused lower harvests as fishermen targeted areas known for large harvests, missing altogether areas that produced less fish historically.

Other top answers included, not going home as often and, conversely, fishing closer to home. The other top answer was fishermen quit earlier in the season.



Most responses would seem to indicate less total harvesting activity. Chart 1 provides a summary of changes in fishing practices.

Fuel Saving Techniques

The survey sought information on what fuel saving techniques fishermen employed in the operation and maintenance of their vessels. Over 70% of

respondents indicated that they "paid lots of attention" to maintaining their engine and fuel systems, and throttling back. Over 60% paid attention to planning their routes and timing.

General maintenance of the vessel proved very important with fishermen. This included carefully cleaning their boat, maintaining the propeller, and monitoring vessel trim.

Table 2 summarizes all responses to Question 9, "*How much attention do you pay to the following techniques for decreasing fuel consumption?*"

Answer Options	Lots of attention	Some attention	Very little attention	Response Count
Throttling back	90	23	5	118
Maintaining engine and fuel systems	89	23	4	116
Planning your route and timing	78	25	11	114
Keeping bottom clean	61	39	10	110
Keeping propeller tuned	58	36	15	109
Monitoring vessel trim	54	31	25	110
Maintaining fuel consumption records	46	33	27	106
Adjusting autopilot to improve tracking	43	23	26	92
Reducing vessel weight	33	44	37	114
Cutting back on diesel genset use	28	20	29	77
Other	14	2	6	22
Comments				19
			Total answered	119
			Total skipped	7

Investment Into Fuel Saving Devices

The survey attempted to learn what kinds of investments fishermen were considering making into fuel saving equipment. Adding a new engine drew the most positive response, while adding a flow meter was a close second. Items like bulbous bows, aerofoil-shaped rudders and kort nozzles were not as highly considered.

Table 3 summarizes all responses to Question 10, "*What new DEVICES have you used or considered using to decrease your fuel consumption?*" Not counting the "Other" category, the answers are sorted by those that drew the most favorable responses (measured as the "Added this year", "Added prior year", or "Considering adding").

Table 3

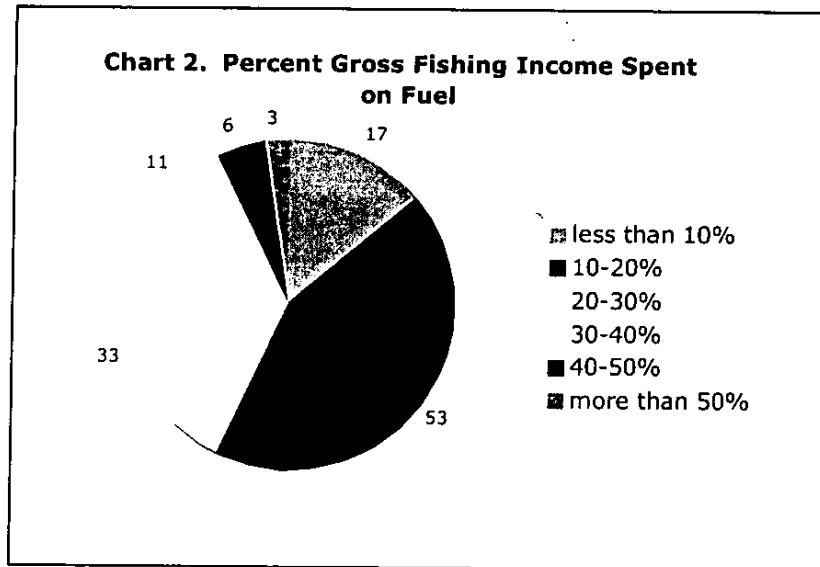
Answer Options	Added this year	Added prior to this year	Considering adding	Not interested	Response Count	Positive Response Count
New engine	12	21	42	19	94	75
Flow meter	3	17	44	22	86	64
Bulbous bow	2	5	22	44	73	29
Aerofoil-shaped rudder	0	8	17	44	69	25
Kort nozzle	0	5	15	48	68	20
Other	9	1	6	8	24	16
Comments					25	
				Total answered	109	
				Total skipped	17	

Income Impacts

Current Cost of Fuel

Survey respondents were asked what percentage of their income was spent on fuel. Forty-three percent of fishermen surveyed said they spent between 10 to 20% of their gross fishing income on fuel. Seventy percent (n=86) fell in the 10 to 30% range.

Chart 2 highlights the survey results for Question 4, "Over the past year, what percentage of your gross fishing income has been spent on fuel?"

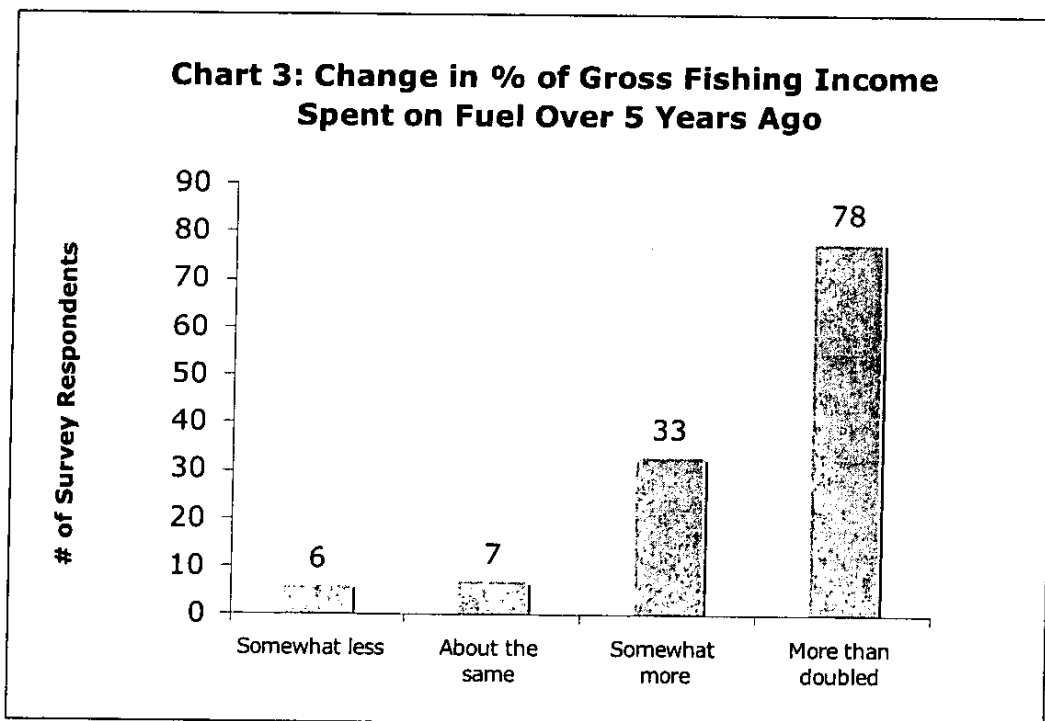


Increase in Fuel as a Production Cost

Respondents were then asked how much the cost of fuel increased as a percentage of income over the last five years. Sixty-three percent offered it more

than doubled over that time. Very few indicated no real change at all. In total, 89.5% of the survey respondents indicated their fuel cost as a percentage of income increased at least "somewhat more". This is a disturbing trend considering that increased market prices in most salmon fisheries should have increased their income over that period of time.

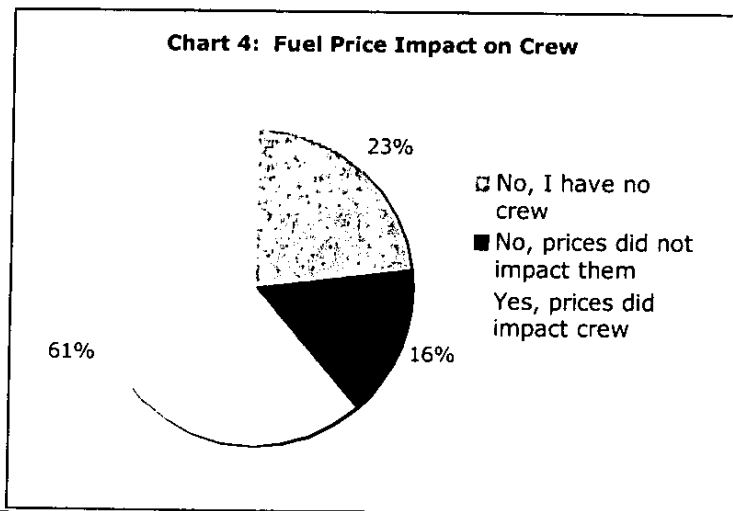
In reviewing gear specific responses to this question, it appears this doubling of fuel costs occurred consistently across all fisheries. Chart 3.



Impacts to Crew Income

Permit holders were not the only ones impacted. A majority (61%) of respondents

Page 10



said their crew also felt the pinch of high fuel prices. A large portion, 23%, offered they had no crew. Of the remaining respondents, 80% indicated the price of fuel impacted how much income the crew made.

When asked how crew were impacted, most said that crew shares were reduced because the cost of fuel was taken off the top before shares were calculated. In many cases, this was the first year permit holders considered fuel costs in the crew share calculation. Others indicated that they fished short-handed or didn't hire crew at all. Others said they quit fishing or laid crew off sooner.

Help from Processors

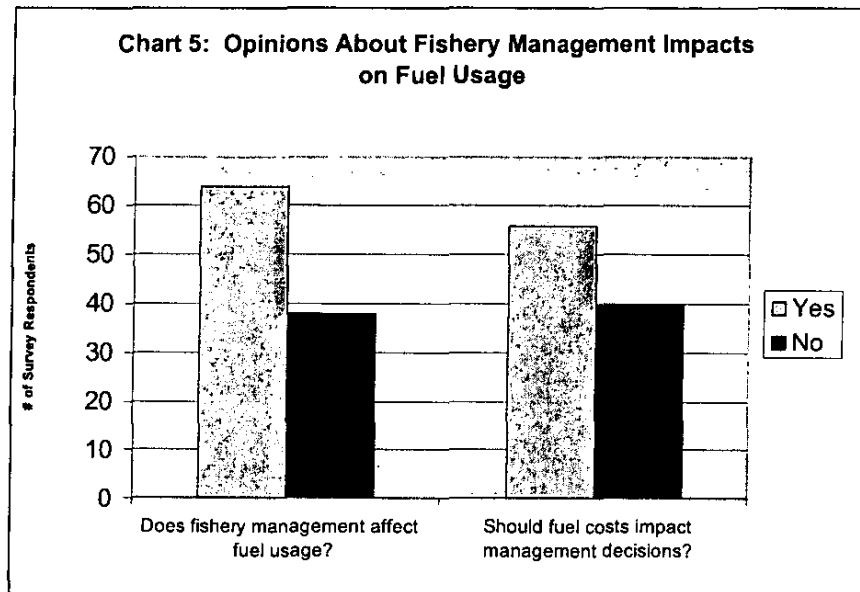
Finally, survey respondents were asked to detail whether they received fuel cost assistance from their processor. Comments provided under this question indicate that processors assisted primarily through selling fuel to them at a bulk fuel price or providing fuel bonuses. Twenty eight percent of fishermen said that their processors provided assistance with their fuel costs. Table 4 summarizes the answers.

Answer Options	Response Count	Response Percent
Yes	34	27.6%
No	89	72.4%
Comments	29	
Total answered	123	
Total skipped	3	

Fisheries Management Impacts

Finally, respondents were asked about fisheries management's impact on fuel consumption. While 64 respondents said that management did affect fuel consumption rates in their fisheries, only 40 felt that "fuel costs are a valid concern and should be integrated into the fishery management process," with 56 indicating that "management should be strictly biological."

When these responses are examined by gear group, however, only one gear group indicated a contrary opinion. 53% of trollers responding felt that fuel costs should be integrated into fishery management decisions, while 33% felt that management should be strictly biological.



Further Technical Assistance

As a final question, the survey asked respondents to identify how else the Marine Advisory Program could help adapt to rising fuel prices and if they had any particular questions or comments. The survey received a number of responses which may or may not fall within the purview of the Marine Advisory Program. In any event, they are informative for the general discussion.

Selected comments, including those of great frequency, are provided here.

- Clear technical advice from engine and fuel industry.
- Funding options for new engine or engine rebuilds.
- Promote energy independence for country and Alaska.
- Alternative assistance from processors.
- Develop harvesting privileges for dive fishery.
- Subsidies for food suppliers.
- Improved technology for alternative fuels and energy.
- Pre-season lectures/workshops on energy use.
- More coordination with the Alaska Department of Fish & Game.
- Research into green technologies adapted for the fishing industry.
- Fuel consumption comparisons between engines.
- Investment cost recoupment calculator for engine overhauls.

- Low interest loan/tax relief for engine upgrades. *(Author's Note: Please check with the Alaska Division of Investments for their new program for energy efficiency improvements.)*
- Constant and current information for industry.
- Literature/project review to determine successful programs in other areas of the world.
- Lower other government costs like taxes and permit fees.
- Seek cooperation from Alaska fuel refineries to sell to Alaska producers, like truckers, farmers, fishermen, at a point a slight profit margin.
- Continue focus on other profit points like improving ex-vessel value of fish.
- Seek removal of fuel tax on fishing boats during the season. *(Author's Note: commercial fishing activity is exempt from paying federal fuel excise tax. Most fuel suppliers have fishermen fill out appropriate paperwork and handle the exemption. If you fuel at the regular gas station or aren't getting the exemption, keep track of your fuel costs and write it off on your income tax.)*
- More information on pyrometers - specs, efficiencies, etc.
- Workshops for outboard and boat engine maintenance.
- Weekly price reports on different port fuel charges.

And finally....

- "Give me the winning Power Ball #'s so I can keep fishing until the money is gone." *(Author's Note: It is good to see a sense of humor even as we deal with our most trying issues. Thanks to all who assisted with the survey. It does make a difference.)*

Appendix I – Survey Tool

The following is the survey tool used to develop the information for this report.

Q1. Did the price of fuel cause you to change how you fished this year (check all that apply)?

Answer Options

- Yes, stacked permits (Bristol Bay)
- Yes, fished IFQs with other shareholders
- Yes, quit fishing earlier each day
- No
- Yes, used tenders more often
- Other
- Yes, skipped openings I otherwise would have fished
- Yes, quit fishing earlier in the season
- Yes, fished closer to home
- Yes, didn't go home as often
- Yes, explored/prospected less
- Comments

Q2. Which types of commercial fishing operations do you run (check all that apply)?

Answer Options

- Gillnetting - Bristol Bay
- Gillnetting - AYK
- Gillnetting - other locations
- Setnetting
- Trolling
- Seining
- Longlining
- Trawling
- Diving
- Jigging
- Pot fishing
- Tendering
- Other
- Comments

Q3. Which type of engine do you run on your primary fishing vessel?

Answer Options

- Gas
- Diesel

Q4. Over the past year, what percentage of your gross fishing income has been spent on fuel?

Answer Options

- less than 10%
- 10-20%
- 20-30%
- 30-40%
- 40-50%
- more than 50%

Q5. How does this percentage compare to 5 years ago?

Answer Options

- Somewhat less
- About the same
- Somewhat more
- More than doubled
- Comments

Q6. Did your buyer or processor assist you with your fuel costs?

Answer Options

- Yes
- No
- Comments

Q7. Did increased fuel prices impact your crew?

Answer Options

- No, I have no crew
- No, prices did not impact them
- Yes, prices did impact crew
- Comments

Q8. How else have fuel prices impacted your fishing business this year?

Q9. How much attention do you pay to the following techniques for decreasing fuel consumption?

Answer Options

- Throttling back
- Reducing vessel weight
- Cutting back on diesel genset use
- Keeping bottom clean
- Keeping propeller tuned
- Maintaining engine and fuel systems
- Adjusting autopilot to improve tracking
- Monitoring vessel trim
- Planning your route and timing
- Maintaining fuel consumption records
- Other
- Comments

Q10. What new DEVICES have you used or considered using to decrease your fuel consumption?

Answer Options

- New engine
- Flow meter
- Bulbous bow
- Aerofoil-shaped rudder
- Kort nozzle
- Other
- Comments

Q11. If you have repowered or are planning to repower your vessel for greater fuel efficiency, what are your estimated costs?

Q12. Can you share any specific websites, periodicals or other sources that you use for information on fuel efficiency?

Q13. Do you feel that management decisions affect fuel consumption rates in your fishery (fisheries)?

Answer Options

- Yes
- No
- Comments

Q14. Should managers (Board of Fish, ADF&G, NPFMC, IPHC) take fuel cost issues into account when making management decisions?

Answer Options

- Yes, fuel costs are a valid concern and should be integrated into the fishery management process
- No, management should be strictly biological
- Don't know
- Other
- Comments

Q15. What kinds of management changes do you think could be made in your fisheries to reduce fuel consumption?

Q16. In addition to our fuel efficiency webpage, which you will be redirected to when you finish this survey, how else can the Marine Advisory Program help you adapt to rising fuel prices?

Q17. Comments or questions for the Alaska Sea Grant Marine Advisory Program or United Fishermen of Alaska?

Margaret Williams, managing director of world Wildlife Fund's Alaska office, praised residents and the of an Alaska-wide vessel tracking system to help prevent future groundings.

Bill would boost loans for vessel upgrades

By Margaret Bauman
Alaska Journal of Commerce

Legislation to broaden the use of the Commercial Fishing Loan Act to include energy efficiency upgrades is garnering growing support from conservationists and groups representing residents of Alaska's fishing communities.

The Alaska Marine Conservation Council on March 6 added its support to House Bill 20, which includes language to make low-interest loans to available to a large number of the state's commercial fisheries improve the energy efficiency of vessels.

In recent years, great advances have been made in diesel and outboard technologies, AMCC officials said. Fuel efficiency and performance have vastly improved.

Passage of HB 20 would provide Alaska fishers the opportunity to make these improvements sooner. "At the same time, it will foster innovation and stimulate the entrepreneurial spirit in one of Alaska's most important industries," the conservation group said.

Mark Vinsel, executive director of United Fishermen of Alaska, said that UFA strongly supports the legislation, which is now before the House Finance Committee.

The Southwest Alaska Municipal Conference, the regional economic development organization for Southwest Alaska, gave the bill support in mid-February.

"This bill comes at an opportune time to address the energy cost concerns of the state's commercial fisheries," Michael Catsi, executive director of SWAMC, said in a letter to Rep. Bryce Edgmon, D-Dillingham, and chairman of the House Special Committee on Fisheries.

Edgmon and Rep. Bob Buch, D-Anchorage, are the principal sponsors of the bill, which is also supported by Republican Reps. Alan Austerman of Kodiak, Bill Thomas Jr. of Haines, Peggy Wilson of Wrangell, Cathy Minoz of Juneau and Kyle Johansen of Ketchikan.

"Last year saw many boats opt to

stay in port because the cost of fuel was so high it made it unprofitable to leave port and fish," Catsi said. "This bill will help upgrade the state's fishing fleet with 21st century technology and equipment and set it on a solid foundation for the future."

The commercial fishing loan fund was established to provide long-term, low-interest loans to promote the development of predominantly resident fisheries, and continued maintenance of commercial fishing vessels and gear for the purpose of improving the quality of Alaska seafood products.

Section A provides for loans of up to \$300,000 for the purchase of entry permits or for existing vessel or gear upgrades for improving seafood quality. The proposed legislation would add loans to improve energy efficiency of vessels.

Section B of the loan fund program allows for loans of up to

\$100,000 for the purchase of entry permits, vessel and gear upgrades, vessel and gear purchases and vessel construction, with differing eligibility criteria, the most significant being that the applicant must not be able to obtain financing from a bank.

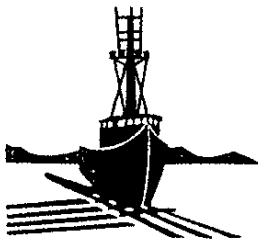
The proposed legislation would allow fishermen who hold Section A loans to be eligible for Section B loans for energy efficiency and increase the amount of loans they are eligible to have from \$300,000 to \$400,000.

The existing loan fund also has sections for loans to purchase quota shares, to satisfy past due federal tax obligations, for the purchase of quota shares by a community quota entity and for existing tender vessel and gear upgrades.

Margaret Bauman can be reached at margie.bauman@alaskajournal.com.

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HB

41

<target><bill>HB 41</bill><subject>HB
41</subject><comm>HFSH26</comm></target>

REPRESENTATIVE PAUL SEATON



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ALASKA STATE LEGISLATURE
House District 35

MEMORANDUM

From: Representative Paul Seaton
To: House Fisheries Chairman, Representative Bryce Edgmon
Date: January 26, 2009
Re: HB 41 Hearing Request

I respectfully request a hearing for HB 41 at your earliest possible convenience. HB 41 allows members of the Board of Fish to offer their expertise on fisheries in which they participate. HB 41 contains a sunset of 2012, and a requirement that ADF&G report on the effect of the statutory change to the Legislature.

Please find the following materials in this HB 41 packet:

- HB 41
- Sponsor Statement
- Support letters for previous Board of Fisheries Conflict of Interest bill
- ADF&G materials on Board of Fisheries recusals 2001 – 2007
- Spreadsheet on total state board recusals 2003 - 2006
- Matrix on definition of Executive Branch and Legislative Branch “immediate family”

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 20, 2009

FURTHER REFERRALS: Resources

Date of Committee Action: 2/5/09

The HOUSE SPECIAL COMMITTEE ON FISHERIES considered:

HOUSE BILL NO. 41

"An Act relating to participation in matters before the Board of Fisheries by members of the board and to the definition of 'immediate family member' under the Alaska Executive Branch Ethics Act as that Act applies to members of the Board of Fisheries; and providing for an effective date."

HB 41 BOARD OF FISHERIES CONFLICTS OF INTEREST

Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 DHS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DFG				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Johnson			X	
	Millett			X	
	Buch			X	
	Munoz	X			
Chair:	Edgmon	X			
Chair:					

ALASKA STATE HOUSE OF REPRESENTATIVES

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REPRESENTATIVE PAUL SEATON DISTRICT 35

Sponsor Statement HB 41

HB 41 expands the ability of Board of Fish members to offer their experienced viewpoint during board debates.

Current law requires board members to declare a conflict and recuse themselves from discussion and voting if they, or a member of their family, have a personal or financial interest in a matter before the board. This requirement prevents commercial fishermen and sport fishing guides from discussing fishery issues that they are intimately familiar with through their participation in the fishery. HB 41 allows commercial and sport fishermen, after full disclosure, to deliberate on fishing issues in which they have a conflict based on their participation in the fishery. These members are not allowed to vote. HB 41 does not allow board members to participate on issues in which they have a paid financial interest as a consultant or a lobbyist.

The Board of Fish is composed of seven members. If one or two members are conflicted out of a discussion because of their in-depth knowledge, the entire process suffers. On average between 2001 and 2006 individual board members were required to recuse themselves on nearly ten percent of the proposals in each board cycle.

Under current law, recusals from board discussion disproportionately affect rural Alaska. Often board members from rural areas have been living in the region for generations and have extensive family involvement in regional fisheries. The applicable definition of immediate family includes parents, siblings, grandparents, aunts and uncles. This expansive definition of immediate family often takes rural representatives out of board discussion on nearly all of the proposals for their entire region, leaving the board without their representation.

A board member would have a conflict of interest on an issue under this bill when a board action might affect a member of their household. This bill applies the same definition found in the new Legislative Ethics Act for defining a board member's participatory conflict of interest.

HB 41 contains a sunset of 2012, giving the Legislature the opportunity to review the effect of the changes imposed by the bill. The Department of Fish and Game is to submit a report to the Legislature at this time, detailing the recusals prevented by this change in statute, and providing a recommendation on whether or not the statutory change should be allowed to expire.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 41
 () Publish Date: _____

Identifier (file name): HB041-DFG-BDS-1-30-09 Dept. Affected: Fish and Game
 Title: Disclosure of Board of Fisheries personal/financial interest. RDU: Administration & Support
 Component: Boards and Advisory Committee
 Sponsor: Representative Seaton
 Requester: House Fisheries Component Number: 2825

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Mini Cherian, Administrative Officer I
 Division: Boards Support Section
 Approved by: Tom Lawson, Director
Fish and Game Administrative Services

Phone 907-465-6096
 Date/Time 1/9/2009 15:15:00 PM
 Date 1/30/2009

Summary of Board of Fisheries Vote Abstentions (2001-2006)



Board Support Section
Alaska Department of Fish and Game
January 29, 2007

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2001/2002 COOK INLET/KODIAK CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Engel</u>	<u>Coffey</u>	<u>Miller</u>	<u>White</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Umphenour</u>	<u>Comments</u>
Oct. 11-13, 2001	Worksession (17 ACRs)	0	0	0	0	0	0	0	0	
Nov. 8-12, 2001	Lower Cook Inlet	44	0	0	0	0	0	12	0	Dersham conflict on 15-20, 24, 25, 29, 30, 35, 36 salmon
Nov. 13-14, 2001	Groundfish, Crab	7	0	0	0	0	0	0	0	
Jan. 7-14, 2002	Kodiak and Chignik finfish	69	0	0	0	0	0	0	0	
Feb. 6-20, 2002	Upper Cook Inlet finfish	291	0	0	0	0	0	27	0	Dersham conflict on 128, 147-150, 152-162, 201-206, 265, 266, 285-287 (guided fisheries and saltwater sport salmon).
Mar. 14-21, 2002	Statewide king and Tanner crab, supplemental issues	107	0	0	3	0	0	0	0	Miller conflict on 475, 480, and 483 (crab and Area A)
Jun. 16, 2002	VMS, Kenai chinook	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		520	0	0	3	0	0	39	0	
NUMBER OF PROPOSALS WITH CONFLICT:		42								
PERCENT OF PROPOSALS WITH CONFLICT:		8.1%								
TOTAL NUMBER OF VOTES		3,640								
NUMBER OF VOTES WITH CONFLICT:		42								
PERCENT OF VOTES WITH CONFLICT:		1.2%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		9.3%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2002/2003 PWS AND SOUTHEAST CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Engel</u>	<u>Jordan</u>	<u>White</u>	<u>Szczesny</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Holm</u>	<u>Comments</u>
Oct. 17-19, 2002	Worksession (36 ACRs)	0	0	0	0	0	0	0	0	
Oct. 20-21, 2002	Groundfish, Chinook	5	0	0	0	0	0	0	0	
Dec. 5-6, 2002	Chinook	16	<u>Engel</u> 0	<u>Jordan</u> 0	<u>vacant</u> 0	<u>Szczesny</u> 0	<u>R. Nelson</u> 0	<u>Dersham</u> 0	<u>Holm</u> 0	
Jan. 20-28, 2003	Southeast herring, groundfish, Dungeness crab, shrimp, misc. shellfish	174	<u>Engel</u> 0	<u>Morris</u> 0	<u>Jensen</u> 19	<u>A. Nelson</u> 0	<u>R. Nelson</u> 0	<u>Dersham</u> 0	<u>Andrews</u> 0	Jensen conflict on 198, A, 200-209, 212-216, 218, 220 (Dungeness crab).
Jan. 31-Feb. 5, 2003	Prince William Sound and Copper River finfish	104	0	0	0	0	0	0	0	
Feb. 20-28, 2003	Southeast and Yakutat finfish	122	0	0	16	0	0	0	0	Jensen conflict on 366-370 (Hidden Falls, Deep Inlet, and Anita Bay terminal area), 380 (allocation), 383-385, 388-392 (allocation and seasons), and 210-211 (Dungeness crab).
Mar. 17-25, 2003	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	71	0	0	0	0	0	0	0	
Apr. 30, 2003	Dutch Harbor food and bait herring	1	0	0	0	0	0	0	0	
May 14, 2003	Dutch Harbor food and bait herring	1	0	0	0	0	0	0	0	
Jun. 24, 2003	Bristol Bay red king crab	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		496	0	0	35	0	0	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		35								
PERCENT OF PROPOSALS WITH CONFLICT:		7.1%								
TOTAL NUMBER OF VOTES		3,472								
NUMBER OF VOTES WITH CONFLICT:		35								
PERCENT OF VOTES WITH CONFLICT:		1.0%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		13.1%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2003/2004 BRISTOL BAY, A-Y-K, ALASKA PENINSULA CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Bouse</u>	<u>Comments</u>
Oct. 1-3, 2003	Worksession (24 ACRs)	0	0	0	0	0	0	0	0	
Oct. 4, 2003	Pribilof Islands blue king crab	1	0	0	0	0	0	0	0	
Nov. 12-17, 2003	Statewide finfish	31	0	0	1	0	0	0	0	
Nov. 18-19, 2003	Chignik purse seine coop fishery	6	0	6	0	0	0	0	0	Jensen conflict on Area A registration Nelson conflict on all proposals
Dec. 9-17, 2003	Bristol Bay finfish	75	0	0	0	0	0	0	0	
Jan. 12-19, 2004	Arctic-Yukon-Kuskokwim finfish	32	0	0	0	0	0	0	0	
Feb. 15-26, 2004	Alaska Peninsula/Aleutian Islands finfish	84	0	0	0	0	0	0	0	
Apr. 4-5, 2004	Prince William Sound allocation plan	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		231	0	6	1	0	0	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		7								
PERCENT OF PROPOSALS WITH CONFLICT:		3.0%								
TOTAL NUMBER OF VOTES		1,617								
NUMBER OF VOTES WITH CONFLICT:		7								
PERCENT OF VOTES WITH CONFLICT:		0.4%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		3.2%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2004/2005 COOK INLET/KODIAK CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Dersham</u>	<u>Bouse</u>	<u>Comments</u>
Jul. 1, 2004	Teleconference re Kasilof sockeye	1	0	0	0	0	0	0	0	
Jul. 5, 2004	Teleconference re Kasilof sockeye	1	0	0	0	0	0	0	0	
Jul. 19, 2004	Teleconference re Kasilof and Kenai late-run sockeye	1	1	0	0	0	0	0	0	Morris conflict on emergency petition re Cook Inlet
Aug. 4, 2004	Teleconference re Cook Inlet eastside commercial and Kenai personal use	1	0	0	0	0	0	0	0	
Sep. 28, 2004	Teleconference re Kenai River coho	1	0	0	0	0	0	0	0	
Oct. 5-7, 2004	Worksession (24 ACRs)	0	0	0	0	0	0	0	0	
Nov. 11-13, 2004	Lower Cook Inlet finfish	34	0	0	0	0	3	6	0	Dersham conflict on 17-21 and 23 (guide registration, Dolly Varden, trout, enforcement, and gaff use). Heyano conflict on 33 (Bristol Bay drift gear).
Nov. 14-17, 2004	Chignik finfish	33	0	0	1	0	0	0	0	Jensen conflict with emergency petition re Dungeness crab in southeast.
Jan. 7-10, 2005	Kodiak finfish	134	0	0	0	0	3	0	0	Heyano conflict on three herring proposals
Jan. 17-29, 2005	Upper Cook Inlet finfish	258	25	0	0	0	0	3	0	Dersham conflict on 149, 250, and 289. Morris conflict on 144, 145, 147, 148, 151, 153-156, 191 (Kenai sockeye), 158 (Russian River sockeye), 178, 188, 182, 194, 196 (Northern District salmon), 189 (Central District periods), 231, 134, 135, 139, 242, and 243 (Upper Cook Inlet plans).
Mar. 7-13, 2005	Statewide king and Tanner crab, supplemental issues	68	0	0	3	0	4	0	0	Heyano conflict on Proposals 456 (OEG for Kvichak), 420 (Bering sea crab CDQ) 424 & 426 (pot gear Bering sea crab). Jensen conflict on 402 & 404 (Southeast Tanner crab) and 457 (Taku and Stikine king salmon)
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		532	26	0	4	0	10	9	0	
NUMBER OF PROPOSALS WITH CONFLICT:		49								
PERCENT OF PROPOSALS WITH CONFLICT:		9.2%								
TOTAL NUMBER OF VOTES		3,724								
NUMBER OF VOTES WITH CONFLICT:		49								
PERCENT OF VOTES WITH CONFLICT:		1.3%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		9.7%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2005/2006 PWS AND SOUTHEAST CYCLE

		<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Campbell</u>	<u>Bouse</u>	<u>Comments</u>
Oct. 13-14, 2005	Worksession (45 ACRs)	0	0	0	0	0	0	0	0	
Oct. 15-16, 2005	State-waters trawl	3	1	0	0	0	0	0	0	Morris conflict on Central Gulf of Alaska portion of proposal
Nov. 15-16, 2005	Chignik salmon	1	0	0	0	0	0	0	0	
Dec. 1-6, 2005	Prince William Sound and Copper River finfish	84	0	0	0	0	2	0	0	Heyano conflict on Proposals 78 and 79 (sablefish, herring)
Dec. 29, 2005	Teleconference re Adak P-cod	0	0	0	0	0	0	0	0	
Jan. 22-Feb. 1, 2006	Southeast and Yakutat finfish	142	0	0	39	0	0	0	0	Jensen conflict on specific salmon and herring proposals
Feb. 20-26, 2006	Southeast groundfish, dungeness crab, shrimp, misc. shellfish; plus Aleutian Island P-cod	82	0	1	22	0	0	0	0	Nelson conflict on Proposal 399 (Aleutian Islands P-cod); Jensen conflict on 226-234, 269, and 271-282 (crab, groundfish)
Mar. 17-23, 2006	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	107	0	1	0	0	1	0	0	Heyano conflict on Proposal 396 (alter CDQ crab quotas); Nelson conflict on Nunavak coop plan
May 3, 2006	Bering Sea crab	1	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		420	1	2	61	0	3	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		67								
PERCENT OF PROPOSALS WITH CONFLICT:		16.0%								
TOTAL NUMBER OF VOTES		2,940								
NUMBER OF VOTES WITH CONFLICT:		67								
PERCENT OF VOTES WITH CONFLICT:		2.3%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		27.5%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2006/2007 BRISTOL BAY, AYK, ALASKA PENINSULA CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Campbell</u>	<u>Williams</u>	<u>Comments</u>
Oct. 12-13, 2006	Worksession (29 ACRs)	0	0	0	0	0	0	0	0	
Oct. 14-15, 2006	State-waters trawl	6	1	0	0	0	0	0	0	
Oct. 31, 2006	Teleconference re Adak pollock	0	0	0	0	0	0	0	0	Morris conflict on Cook Inlet Pollock
Dec. 4-12, 2006	Bristol Bay finfish	120	0	0	0	0	38	0	0	
Jan. 31-Feb. 5, 2007	Arctic-Yukon-Kuskokwim finfish	56								Heyano conflict on Nushagak River salmon, herring
Feb. 6-11, 2007	Alaska Peninsula/Aleutian Islands finfish	48								
Mar. 9-13, 2007	Statewide finfish	26								
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		256	1	0	0	0	38	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		39								
PERCENT OF PROPOSALS WITH CONFLICT:		15.2%								
TOTAL NUMBER OF VOTES		1,792								
NUMBER OF VOTES WITH CONFLICT:		39								
PERCENT OF VOTES WITH CONFLICT:		2.2%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		31.7%								

Six-year summary for 2001/2002 through 2006/2007 cycles

MEAN NUMBER OF PROPOSALS PER CYCLE:	409	(Range: 231 - 532)
MEAN NO. OF PROPOSALS WITH CONFLICT:	40	(Range: 7 - 67)
PERCENT OF PROPOSALS WITH CONFLICT:	9.7%	(Range: 3.0 - 15.7%)
MEAN NUMBER OF VOTES PER CYCLE:	2,864	(Range: 1,717 - 3,724)
MEAN NUMBER OF VOTES WITH CONFLICT:	40	(Range: 7 - 67)
PERCENT OF VOTES WITH CONFLICT:	1.4%	(Range: 0.4 - 2.2%)
AVERAGE MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:	15.7%	(Range: 3.2 - 31.7%)

Recusals due to Conflict of Interest in Quarterly Ethics Reports 2003 - 2006

2003

AIDEA - four recusals
 Social Work Examiners - one recusal
 Local Boundary Comm. - one recusal
 Real Estate Appraisers - one recusal
 Pharmacy Board - one recusal
 Board of Marine Pilots - one recusal
Board of Fisheries - three recusals
(on 42 regulatory proposals)

2004

Local Boundary Comm. - one recusal
 AIDEA - one recusal
 Real Estate Comm. - two recusals
Board of Fisheries - four recusals
(on 11 regulatory proposals)

2005

Board of Dental Examiners - one recusal
 Social Work Examiners - four recusals
 Local Boundary Commission - one recusal
 Ag. and Conservation Board - one recusal
 Board of Regents - one recusal
 Railroad Corporation - one recusal
Board of Fisheries - seven recusals
(on 41 regulatory proposals)

2006

Oil and Gas Conservation Comm. - one recusal (on single issue)
 Board of Regents - one recusal (on single issue)
 Board of Game - one recusal (on single issue)
 Board of Marine Pilots - three recusals (on single issue)
 Public Broadcasting Commission - one recusal (on two issues)
 Social Work Examiners - two recusals (on two issues)
 Local Boundary Commission - one recusal (on two issues)
 Board of Professional Counselors - one recusal (on single issue)
Board of Fisheries - three recusals
(on 103 regulatory proposals)

Quarterly Ethics reports (required of boards under AS 39.52.260) may not contain data on all conflicts because they may fail to reflect voluntary recusal where a board member does not appear at the relevant meeting or portion of a meeting because of a conflict. Reports may fail to reflect whether a recusal is for a single matter or a number of matters before a board or commission.

Comparison of “family” definitions in state statute re: HB 41

	AS 39.52.960(11) (Executive Branch)	AS 24.60.990(6) (Legislative)
Spouse Conjugal Cohabitant	Included	Included
Child (including stepchild and adopted child) Parent Sibling	Included	Included if: -resides with person -financially dependent, or -if shares a substantial financial interest
Grandparent Aunt, Uncle Spouse’s parent Spouse’s sibling	Included	Not included

**Background Information on the Alaska Board of Fisheries
Conflict of Interest Disclosures**

Regarding Consideration of HB 41

**Prepared for the
Alaska Legislature, House Fisheries Committee**

February 5, 2009



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Introduction

Compliance with the Executive Branch Ethics Act (AS 39.52) is taken very seriously by the Board of Fisheries. Board members and their supporting staff follow the legal guidelines in the ethics act as they strive to maintain a high level of public credibility in the overall board process. If a member has a significant personal or financial interest in an issue before the board, he or she must refrain from deliberating or acting on that issue.

Procedures

There are several procedures that are followed by the board to help insure that these guidelines are met.

At the very beginning of each regulatory meeting, the board chairman calls on each member to present their ethics disclosure statement. The one-page *Ethics Disclosure* guide sheet (attached) is used as the outline for these disclosures. Board members describe their income sources, list any personal or financial interests they or their family members have in fishing related businesses, and identify any personal or financial interest they or their family members may have in regard to the proposals to be considered at the meeting.

The chairman then invites questions from the other board members, and may also ask for comments from the Department of Law. Following any clarification or discussion, the chairman issues a ruling on the member's eligibility to participate on specific proposals.

A determination by the chairman can be overruled by a vote of the board. When there is a vote to overrule the chair's ruling, the member in question does not vote.

If a board member is found to have a conflict with a given proposal, that member does not participate in the committee discussion, deliberation, or in voting on the particular proposal.

Pattern from last seven years

The board addresses different geographic areas of the state on a three-year cycle and they act on 350 to 450 proposals each year. Overall, 10 percent of the proposals addressed by the board have been subject to a ruling of a conflict of interest.

The frequency of conflicts varies year to year as a function of board composition and geographic focus of the board. Conflicts are typically found when a board member or their family members have a significant economic or personal interest in a fishery, such as when an active charter or commercial fisherman fishes in an area covered in regional board meeting. In some years the conflict rate is as low as 3 percent, in other years as high as 20 percent.

Table 1 is a summary of the six year period from 2001 through 2007. During this period, the board addressed a total of 2,458 proposals, 253 of which had a board member conflict. On average, 410 proposals were addressed each year, 10 percent of which had a board member conflicted.

Table 2 presents data for the period from 2001 through 2008, compiled by board member instead of by meeting. Again, the pattern of conflicts varied as a function of the member's personal and financial interests relative to the topics before the board.

Tables 3 - 10 provide an accounting of the number of proposals where a conflict was found including the detail by meeting and by board member. Each page is a different meeting cycle year, beginning with the 2001/2002 Cook Inlet and Kodiak cycle and continuing through the most recent meeting.

HB 41

House Bill 41 would result in two changes in how the Board of Fisheries approaches conflicts of interests.

First, the definition of "family" would be narrowed (see chart) It would shift away from the definition applied to the *Executive Branch*, as found in AS 39.52.960(11), and move to the definition applied to the *Legislative Branch*, as found in AS 24.60.990(6). No longer included would be a member's child, parent, or sibling when not residing with the member, when not financially dependent, or when not sharing a substantial financial interest. Also deleted would be a grandparent, aunt, uncle, spouse's parent, or spouse's sibling.

Comparison of "family" definitions in state statute (February 2009)

	AS 39.52.960(11) (Executive Branch)	AS 24.60.990(6) (Legislative)
Spouse, Conjugal cohabitant/ Domestic partner	Included	Included
Child (including stepchild and adopted child), Parent, Sibling	Included	Included only if: -resides with person -financially dependent, or -if shares a substantial financial interest
Grandparent, Aunt, Uncle, Spouse's parent, Spouse's sibling	Included	Not included

The second change is that the board member would be allowed to fully participate in the deliberation on a proposal. However, the bill would not change the restriction on a board member voting on a proposal or issue if the board member had a conflict.

Conclusion

Neither the Department of Fish and Game nor the Board of Fisheries has taken a position on HB 41 at this time.

ETHICS DISCLOSURE

To comply with the Alaska Executive Branch Ethics Act (AS 39.52), board members are required to disclose sufficient information on the record of all interests they, or their immediate families, may have that relate to fish (Board of Fisheries members) or wildlife (Board of Game members) to enable the chair of the board to determine whether the involvement may be a personal or financial interest that constitutes a conflict of interest under the Act.

When making public ethics disclosures on the record at board meetings, members must provide sufficient information in response to the following questions to enable the chair to decide if it is necessary to inquire further to determine whether a conflict exists:

1. Explain in general terms what you do for a living:
 - a. primary employer/employment,
 - b. other employment or sources of income,
 - c. other business interests.

For the following questions, "member of your family" includes spouse, conjugal cohabitant, child (including step-child and adopted child), parent, sibling, grandparent, aunt, uncle, and spouse's parent and sibling.

2. List all personal or financial interests you, or any member of your family, have in any business or organization relating to fish or wildlife resources.
3. Describe generally any interest you, or any member of your immediate family, have in a business or fish or wildlife organization that may be affected by any of the proposals to be discussed.
4. Describe generally any other interests of a personal or financial nature you, or any member of your immediate family, have that may be affected by any of the proposals to be discussed.
5. List all lawsuits that you, a member of your immediate family, or any organization you belong to, are involved in against the state, the board or the Department of Fish and Game, or where the state, the board, or the department is a party to the lawsuit.

If you, or a member of your immediate family, are a member of any organization or corporation that is involved in a such a lawsuit, briefly explain what the organization is, the size of its membership and whether you, or an immediate family member, are on its board or hold some other executive or policy making position.

You must certify that your disclosure statement is "true, correct and complete."

Under the Ethics Act the chair of each board has the duty to determine whether a member's involvement in a matter violates the Act (AS 39.52.220). After each individual disclosure, the chair will rule on whether the board member has a conflict. If the chair determines that a conflict will exist if the member participates, the member must refrain from voting, deliberating, or participating in the matter. If the chair determines no conflict will exist, the member can participate fully.

[Guide sheet used by board members]

Summary of Board of Fisheries Vote Abstentions

TABLE 1. SIX YEAR SUMMARY OF BOARD OF FISHERY PROPOSALS

	01/02	02/03	03/04	04/05	05/06	06/07	Total	Annual Average
TOTAL NO. OF PROPOSALS FOR CYCLE:	520	496	231	532	420	259	2,458	410
NUMBER OF PROPOSALS WITH CONFLICT:	42	35	7	49	67	53	253	42
PERCENT OF PROPOSALS WITH CONFLICT:	8%	7%	3%	9%	16%	20%	10.3%	
TOTAL NUMBER OF VOTES CAST:	3,640	3,472	1,617	3,724	2,940	1,813	17,206	2,868
NUMBER OF VOTES WITH CONFLICT:	42	35	7	49	67	53	253	42
PERCENT OF VOTES WITH CONFLICT:	1%	1%	0%	1%	2%	3%	1.5%	

TABLE 2. BOARD OF FISHERIES VOTE ABSTENTIONS, BY MEMBER (Oct. 2001 - Dec. 2008)

Board member	Time period	Total number of meetings	Number of meetings with conflict	Percent of meetings with conflict	Total number of proposals	Number of proposals with conflict	Percent of proposals with conflict
Grant Miller (Sitka)	Oct. 2001* - Jun. 2002	7	1	14%	520	3	1%
Virgil Umphenour (Fairbanks)	Oct. 2001* - Jun. 2002	7	0	0%	520	0	0%
John White (Bethel)	Oct. 2001* - Oct. 2002	9	0	0%	525	0	0%
Dan Coffey (Anchorage)	Oct. 2001* - Dec. 2002	7	0	0%	520	0	0%
Larry Engel (Palmer)	Oct. 2001* - Jun. 2003	17	0	0%	1,016	0	0%
Russell Nelson (Dillingham)	Oct. 2001* - Apr. 2004	25	0	0%	1,247	0	0%
Ed Dersham (Anchor Point)	Oct. 2001* - Mar. 2005	36	4	11%	1,779	48	3%
Eric Jordan (Sitka)	Oct. 2002 - Dec. 2002	3	0	0%	21	0	0%
Andy Szczesny (Soldotna)	Oct. 2002 - Dec. 2002	3	0	0%	21	0	0%
Oliver Holm (Kodiak)	Oct. 2002 - Dec. 2002	3	0	0%	21	0	0%
Fred Bouse (Fairbanks)	Oct. 2003 - May 2006	28	0	0%	1,182	0	0%
Rupe Andrews (Juneau)	Jan. 2003 - Feb. 2007	41	0	0%	1,888	0	0%
Mel Morris (Kodiak)	Jan. 2003 - Dec. 2008	51	4	8%	2,506	28	1%
John Jensen (Petersburg)	Jan. 2003 - Dec. 2008	51	5	10%	2,506	101	4%
Art Nelson (Anchorage)	Jan. 2003 - Jun. 2007	42	3	7%	1,917	12	1%
Robert Heyano (Dillingham)	July 2004 - Jun. 2007	27	7	26%	1,211	61	5%
Jeremiah Campbell (Seward)	Oct. 2005 - Nov. 2008	24	0	0%	1,070	0	0%
Bonnie Williams (Fairbanks)	July. 2006 - Dec. 2008	16	0	0%	848	0	0%
Larry Edfelt (Juneau)	Mar. 2007 - Jun. 2008	7	0	0%	420	0	0%
Howard Delo (Big Lake)	Jul. 2007 - Dec. 2008	9	1	11%	589	1	0%
Vince Webster (King Salmon)	Jul. 2007 - Dec. 2008	9	0	0%	589	0	0%
Bill Brown (Juneau)	Jul. 2008 - Dec. 2008	3	0	0%	198	0	0%
Karl Johnstone (Anchorage)	Dec. 2008 - Dec. 2008	0	0	0%	0	0	0%

* term started prior to Oct. 2001

Summary of Board of Fisheries Vote Abstentions

TABLE 3. 2001/2002 COOK INLET/KODIAK CYCLE

Meeting dates	Topics	Total number of proposals	Number of proposals with conflict							Comments
			<u>Engel</u>	<u>Coffey</u>	<u>Miller</u>	<u>White</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Umphenour</u>	
Oct. 11-13, 2001	Worksession (17 ACRs)	0	0	0	0	0	0	0	0	
Nov. 8-12, 2001	Lower Cook Inlet	44	0	0	0	0	0	12	0	Dersham conflict on 15-20, 24, 25, 29, 30, 35, 36 salmon
Nov. 13-14, 2001	Groundfish, Crab	7	0	0	0	0	0	0	0	
Jan. 7-14, 2002	Kodiak and Chignik finfish	69	0	0	0	0	0	0	0	
Feb. 6-20, 2002	Upper Cook Inlet finfish	291	0	0	0	0	0	27	0	Dersham conflict on 126, 147-150, 152-162, 201-206, 265, 266, 285-287 (guided fisheries and saltwater sport salmon). Miller conflict on 475, 480, and 483 (crab and Area A)
Mar. 14-21, 2002	Statewide king and Tanner crab, supplemental issues	107	0	0	3	0	0	0	0	
Jun. 16, 2002	VMS, Kenai chinook	2	0	0	0	0	0	0	0	
	all meetings	520	0	0	3	0	0	39	0	

TOTAL NUMBER OF PROPOSALS FOR CYCLE: 520
 NUMBER OF PROPOSALS WITH CONFLICT: 42
 PERCENT OF PROPOSALS WITH CONFLICT: 8.1%

TOTAL NUMBER OF VOTES CAST: 3,640
 NUMBER OF VOTES WITH CONFLICT: 42
 PERCENT OF VOTES WITH CONFLICT: 1.2%

Summary of Board of Fisheries Vote Abstentions

TABLE 4. 2002/2003 PWS AND SOUTHEAST CYCLE

Meeting dates	Topics	Total number of proposals	Number of proposals with conflict							Comments
			<u>Engel</u>	<u>Jordan</u>	<u>White</u>	<u>Szczesny</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Holm</u>	
Oct. 17-19, 2002	Worksession (36 ACRs)	0	0	0	0	0	0	0	0	
Oct. 20-21, 2002	Groundfish, Chinook	5	0	0	0	0	0	0	0	
Dec. 5-6, 2002	Chinook	16	0	0	0	0	0	0	0	
Jan. 20-28, 2003	Southeast herring, groundfish, Dungeness crab, shrimp, misc. shellfish	174	0	0	19	0	0	0	0	Jensen conflict on 198, A, 200-209, 212-216, 218, 220 (Dungeness crab).
Jan. 31-Feb. 5, 2003	Prince William Sound and Copper River finfish	104	0	0	0	0	0	0	0	
Feb. 20-28, 2003	Southeast and Yakutat finfish	122	0	0	16	0	0	0	0	Jensen conflict on 366-370 (Hidden Falls, Deep Inlet, and Anita Bay terminal area), 360 (allocation), 383-385, 388-392 (allocation and seasons), and 210-211 (Dungeness crab).
Mar. 17-25, 2003	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	71	0	0	0	0	0	0	0	
Apr. 30, 2003	Dutch Harbor food and bait herring	1	0	0	0	0	0	0	0	
May 14, 2003	Dutch Harbor food and bait herring	1	0	0	0	0	0	0	0	
Jun. 24, 2003	Bristol Bay red king crab	2	0	0	0	0	0	0	0	
	all meetings	496	0	0	35	0	0	0	0	

TOTAL NUMBER OF PROPOSALS FOR CYCLE: 496
 NUMBER OF PROPOSALS WITH CONFLICT: 35
 PERCENT OF PROPOSALS WITH CONFLICT: 7.1%

TOTAL NUMBER OF VOTES CAST: 3,472
 NUMBER OF VOTES WITH CONFLICT: 35
 PERCENT OF VOTES WITH CONFLICT: 1.0%

Summary of Board of Fisheries Vote Abstentions

TABLE 5. 2003/2004 BRISTOL BAY, A-Y-K, ALASKA PENINSULA CYCLE

Meeting dates	Topics	Total number of proposals	Number of proposals with conflict							Comments
			Morris	A. Nelson	Jensen	Andrews	R. Nelson	Dersham	Bouse	
Oct. 1-3, 2003	Worksession (24 ACRs)	0	0	0	0	0	0	0	0	
Oct. 4, 2003	Pribilof Islands blue king crab	1	0	0	0	0	0	0	0	
Nov. 12-17, 2003	Statewide finfish	31	0	0	1	0	0	0	0	
Nov. 18-19, 2003	Chignik purse seine coop fishery	6	0	6	0	0	0	0	0	Jensen conflict on Area A registration Nelson conflict on all proposals
Dec. 9-17, 2003	Bristol Bay finfish	75	0	0	0	0	0	0	0	
Jan. 12-19, 2004	Arctic-Yukon-Kuskokwim finfish	32	0	0	0	0	0	0	0	
Feb. 15-26, 2004	Alaska Peninsula/Aleutian Islands finfish	84	0	0	0	0	0	0	0	
Apr. 4-5, 2004	Prince William Sound allocation plan	2	0	0	0	0	0	0	0	
	all meetings	231	0	6	1	0	0	0	0	

TOTAL NUMBER OF PROPOSALS FOR CYCLE: 231
 NUMBER OF PROPOSALS WITH CONFLICT: 7
 PERCENT OF PROPOSALS WITH CONFLICT: 3.0%

TOTAL NUMBER OF VOTES CAST: 1,617
 NUMBER OF VOTES WITH CONFLICT: 7
 PERCENT OF VOTES WITH CONFLICT: 0.4%

Summary of Board of Fisheries Vote Abstentions

TABLE 6. 2004/2005 COOK INLET/KODIAK CYCLE

Meeting dates	Topics	Total number of proposals	Number of proposals with conflict							Comments
			Morris	A. Nelson	Jensen	Andrews	Heyano	Dersham	Bouse	
Jul. 1, 2004	Teleconference re Kasilof sockeye	1	0	0	0	0	0	0	0	
Jul. 5, 2004	Teleconference re Kasilof sockeye	1	0	0	0	0	0	0	0	
Jul. 19, 2004	Teleconference re Kasilof and Kenai late-run sockeye	1	1	0	0	0	0	0	0	Morris conflict on emergency petition re Cook Inlet
Aug. 4, 2004	Teleconference re Cook Inlet eastside commercial and Kenai personal use	1	0	0	0	0	0	0	0	
Sep. 28, 2004	Teleconference re Kenai River coho	1	0	0	0	0	0	0	0	
Oct. 5-7, 2004	Worksession (24 ACRs)	0	0	0	0	0	0	0	0	
Nov. 11-13, 2004	Lower Cook Inlet finfish	34	0	0	0	0	3	6	0	Dersham conflict on 17-21 and 23 (guide registration, Dolly Varden, trout, enforcement, and gaff use). Heyano conflict on 33 (Bristol Bay drift gear).
Nov. 14-17, 2004	Chignik finfish	33	0	0	1	0	0	0	0	Jensen conflict with emergency petition re Dungeness crab in southeast.
Jan. 7-10, 2005	Kodiak finfish	134	0	0	0	0	3	0	0	Heyano conflict on three herring proposals
Jan. 17-29, 2005	Upper Cook Inlet finfish	258	25	0	0	0	0	3	0	Dersham conflict on 149, 250, and 288. Morris conflict on 144, 145, 147, 148, 151, 153-156, 191 (Kenai sockeye), 158 (Russian River sockeye), 178, 188, 192, 194, 196 (Northern District salmon), 189 (Central District periods), 231, 134, 135, 139, 242, and 243 (Upper Cook Inlet plans).
Mar. 7-13, 2005	Statewide king and Tanner crab, supplemental issues	68	0	0	3	0	4	0	0	Heyano conflict on Proposals 456 (OEG for Kvichak), 420 (Bering sea crab CDQ) 424 & 426 (pot gear Bering sea crab). Jensen conflict on 402 & 404 (Southeast Tanner crab) and 457 (Taku and Stikine king salmon)
all meetings		532	26	0	4	0	10	9	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		532								
NUMBER OF PROPOSALS WITH CONFLICT:		49								
PERCENT OF PROPOSALS WITH CONFLICT:		9.2%								
TOTAL NUMBER OF VOTES CAST:		3,724								
NUMBER OF VOTES WITH CONFLICT:		49								
PERCENT OF VOTES WITH CONFLICT:		1.3%								

Summary of Board of Fisheries Vote Abstentions

TABLE 7. 2005/2006 PWS AND SOUTHEAST CYCLE

Meeting dates	Topics	Total number of proposals	Number of proposals with conflict							Comments
			Morris	A. Nelson	Jensen	Andrews	Heyano	Campbell	Bouse	
Oct. 13-14, 2005	Worksession (45 ACRs)	0	0	0	0	0	0	0	0	
Oct. 15-16, 2005	State-waters trawl	3	1	0	0	0	0	0	0	
Nov. 15-16, 2005	Chignik salmon	1	0	0	0	0	0	0	0	Morris conflict on Central Gulf of Alaska portion of proposal
Dec. 1-6, 2005	Prince William Sound and Copper River finfish	84	0	0	0	0	2	0	0	
Dec. 29, 2005	Teleconference re Adak P-cod	0	0	0	0	0	0	0	0	Heyano conflict on Proposals 78 and 79 (sablefish, herring)
Jan. 22-Feb. 1, 2006	Southeast and Yakutat finfish	142	0	0	39	0	0	0	0	Jensen conflict on specific salmon and herring proposals
Feb. 20-26, 2006	Southeast groundfish, dungeness crab, shrimp, misc. shellfish; plus Aleutian Island P-cod	82	0	1	22	0	0	0	0	Nelson conflict on Proposal 399 (Aleutian Islands P-cod); Jensen conflict on 226-234, 269, and 271-282 (crab, groundfish)
Mar. 17-23, 2006	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	107	0	1	0	0	1	0	0	Heyano conflict on Proposal 396 (alter CDQ crab quotas); Nelson conflict on Nunavak coop plan
May 3, 2006	Bering Sea crab	1	0	0	0	0	0	0	0	
	all meetings	420	1	2	61	0	3	0	0	

TOTAL NUMBER OF PROPOSALS FOR CYCLE: 420
 NUMBER OF PROPOSALS WITH CONFLICT: 67
 PERCENT OF PROPOSALS WITH CONFLICT: 16.0%

TOTAL NUMBER OF VOTES: 2,940
 NUMBER OF VOTES WITH CONFLICT: 67
 PERCENT OF VOTES WITH CONFLICT: 2.3%

Summary of Board of Fisheries Vote Abstentions

TABLE 8. 2006/2007 BRISTOL BAY, AYK, ALASKA PENINSULA CYCLE

Meeting dates	Topics	Total number of proposals	Number of proposals with conflict							Comments
			<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Campbell</u>	<u>Williams</u>	
Oct. 12-13, 2006	Worksession (29 ACRs)	0	0	0	0	0	0	0	0	
Oct. 14-15, 2006	State-waters trawl	6	1	0	0	0	0	0	0	
Oct. 31, 2006	Teleconference re Adak pollock	0	0	0	0	0	0	0	0	Morris conflict on Cook Inlet Pollock
Dec. 4-12, 2006	Bristol Bay finfish	120	0	0	0	0	38	0	0	Heyano conflict on Nushagak River salmon, herring
Jan. 31-Feb. 5, 2007	Arctic-Yukon-Kuskokwim finfish	56	0	4	0	0	0	0	0	Nelson conflict on Kuskokwim River proposals
Feb. 6-11, 2007	Alaska Peninsula/Aleutian Islands finfish	48	0	0	0	0	10	0	0	Heyano conflict on Area M June Fishery proposals
Mar. 9-13, 2007	Statewide finfish	29	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Edfelt</u>	<u>Heyano</u>	<u>Campbell</u>	<u>Williams</u>	
			0	0	0	0	0	0	0	
	all meetings	259	1	4	0	0	48	0	0	

TOTAL NUMBER OF PROPOSALS FOR CYCLE: 259
 NUMBER OF PROPOSALS WITH CONFLICT: 53
 PERCENT OF PROPOSALS WITH CONFLICT: 20.5%

TOTAL NUMBER OF VOTES CAST: 1,813
 NUMBER OF VOTES WITH CONFLICT: 53
 PERCENT OF VOTES WITH CONFLICT: 2.9%

Summary of Board of Fisheries Vote Abstentions

TABLE 9. 2007/2008 COOK INLET/KODIAK CYCLE

Meeting dates	Topics	Total number of proposals	Number of proposals with conflict							Comments
			Morris	DeLo	Jensen	Edfelt	Webster	Campbell	Williams	
Oct. 9-11, 2007	Worksession (25 ACRs)	0	0	0	0	0	0	0	0	
Nov. 13-15, 2007	Lower Cook Inlet	22	0	0	0	0	0	0	0	
Jan. 10-12, 2008	Chignik Finfish	12	0	0	0	0	0	0	0	
Jan. 14-18, 2008	Kodiak Finfish	38	0	0	0	0	0	0	0	
Feb. 1-12, 2008	Upper Cook Inlet	286	1	1	0	0	0	0	0	
Mar. 3-9, 2008	King and Tanner Crab	33	0	0	0	0	0	0	0	
	all meetings	391	1	1	0	0	0	0	0	58 proposals reviewed for DeLo, 48 proposals reviewed for Morris. Both found to have conflict with #148, a proposal to reallocate from commercial uses.

TOTAL NUMBER OF PROPOSALS FOR CYCLE: 391
 NUMBER OF PROPOSALS WITH CONFLICT: 2
 PERCENT OF PROPOSALS WITH CONFLICT: 0.5%

TOTAL NUMBER OF VOTES CAST: 2,737
 NUMBER OF VOTES WITH CONFLICT: 2
 PERCENT OF VOTES WITH CONFLICT: 0.1%

Summary of Board of Fisheries Vote Abstentions

TABLE 10. 2008/2009 PWS AND SOUTHEAST CYCLE

Meeting dates	Topics	Total number of proposals	Number of proposals with conflict							Comments
			<u>Morris</u>	<u>Delo</u>	<u>Jensen</u>	<u>Brown</u>	<u>Webster</u>	<u>Campbell</u>	<u>Williams</u>	
Oct. 8-10, 2008	Worksession (12 ACRs)	0	0	0	0	0	0	0	0	
Dec. 1-7, 2008	Prince William Sound	132	0	0	0	0	0	0	0	
Jan. 21-27, 2009	Southeast Shellfish	66	0	0	9	0	0	0	0	
Feb. 17-27, 2009	Southeast Finfish									Jensen conflicted on crab proposals 149, 150, 158, 177, 180, 181, 182, and 185
Mar. 16-20, 2009	Statewide Shellfish									
all meetings		198	0	0	9	0	0	0	0	

TOTAL NUMBER OF PROPOSALS FOR CYCLE: 198
 NUMBER OF PROPOSALS WITH CONFLICT: 9
 PERCENT OF PROPOSALS WITH CONFLICT: 4.5%

TOTAL NUMBER OF VOTES CAST: 1,386
 NUMBER OF VOTES WITH CONFLICT: 9
 PERCENT OF VOTES WITH CONFLICT: 0.6%



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

February 4, 2009

Representative Bryce Edgmon, Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Chairman Edgmon, and Committee Members,

United Fishermen of Alaska supports passage of HB 41 to provide for Board of Fisheries members to participate in matters before the Board, if they declare their personal or financial interest in a fishery.

Members are on the Board for their expertise in some aspect of fishing. It is vital that all seven Board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions on matters before the Board. We also support the definition of immediate family as suggested in HB 41.

UFA is the largest statewide commercial fishing trade association, representing 37 organizations participating in fisheries throughout Alaska and its offshore waters. We appreciate your consideration on this legislation.

Sincerely,

Mark Vinsel
Executive Director

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

Website: <http://www.seafa.org>



E-mail: seafa@gci.net

February 3, 2009

Representative Bryce Edgmon, Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Chairman Edgmon, and Committee Members,

Southeast Alaska Fishermen's Alliance is a multi-gear membership based organization representing our members mainly involved in the salmon, crab shrimp and longline fisheries of Southeast Alaska and the Alaska halibut & blackcod IFQ fisheries.

We support HB 41 dealing with Board of Fish member's conflict of interest. We have steadfastly supported this legislation for at least the last 8 years. We believe that it is very important to clarify the regulations regarding conflict of interest as being only the immediate family that lives in the household. In addition, even if the members don't vote, they should participate in the deliberations.

A good balanced board of fish has members with a wide variety of knowledge and experience. These members are picked for that reason and then are conflicted out from participating when that knowledge is beneficial to the board because of their personal involvement in the fishery. Relaxing the conflict of interest standard for Board of Fish members while still preventing the ability to provide for their own personal financial gain is a balance to strive for and HB 41 reaches that balance.

One of the strengths of the Board of Fish is that it is still a lay board but people are reluctant to submit their name if they are unable to speak on the fisheries they are knowledgeable about.

Please support and pass HB 41. We really need to get this legislation passed through the legislature this session.

Sincerely,

Kathy Hansen



UNITED FISHERMEN OF ALASKA

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(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 12, 2007

Representative Paul Seaton
Chairman, House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Seaton,

United Fishermen of Alaska supports passage of HB 15 to provide for Board of Fisheries members to participate in matters before the Board, if they declare their personal or financial interest in a fishery.

Members are on the Board for their expertise in some aspect of fishing. It is vital that all seven Board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions and decision making process on matters before the Board..

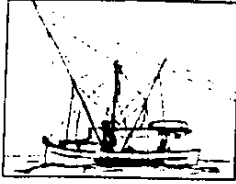
UFA is the largest statewide commercial fishing trade association, representing 36 organizations participating in fisheries throughout Alaska and its offshore waters. We appreciate your consideration on this legislation.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association
Alaska Shellfish Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve
Concerned Area M' Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Corporation
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters
Vedez Fisheries Development Association • Western Gulf of Alaska Fishermen



Alaska Trollers Association

130 Seward St. No. 211
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

March 9, 2007

Representative Paul Seaton, Chair
House Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Seaton and Committee Members:

The Alaska Trollers Association strongly supports HB 15, which seeks to allow Board of Fisheries (BOF) members to act on all matters before the Board, so long as they have declared their personal or financial interests.

In years past, BOF members were able to fully participate in all discussions and votes. Board members used a recusal process similar to the North Pacific Fishery Management Council and were rarely found to have a true conflict of interest. Due to grey areas in the state law, this has not been the case in recent years, and extremely capable Board members have been restricted from addressing and voting on the very issues they are most knowledgeable about. ATA believes that, at times, this has been damaging to the decision-making process and has been a deterrent to some well-qualified people who might have applied to serve the state on this lay regulatory board.

The strength of the BOF process is directly related to the caliber of its membership and the science, law, and policy that underpin its actions. An exceptional group of fishermen have served on the BOF over the years. When they were fully enabled to act, the resource, industry, and communities have benefited.

ATA believes that the voting mandate that serves the state legislature also serves its regulatory boards. We encourage you to pass HB 15 – let all members of the Board of Fisheries vote!

If I can be of assistance on this or other matters, feel free to contact me.

Sincerely,

Dale Kelley
Executive Director

**QINUYANG -
South Naknek Village
Council**

P.O. Box 70029
South Naknek AK 99670
(907) 246-8614
(907) 246-8613 Fax
southnaknek@starband.net

February 1, 2007

Honorable Bryce Edgmon
Alaska State Legislature
House of Representatives
State Capitol, Room 424
Juneau, AK 99811

Re: House Bill 15

Dear Representative Edgmon:

The South Naknek Village Council objects to House Bill No. 15. The House Bill proposes to play a game of gamesmanship with Alaska Ethics Rules at the same time that there is a magnifying glass regarding the banality of our public servants. We object. I will describe some of the ways that House Bill 15 proposes to make a mockery of the principles of accountability and duties owed to the public by individuals accepting positions as public officials.

Section 1 of the legislation proposes to relax ethical rules so that members of the Board of Fisheries may participate in issues that come before the Board "even though the members have a personal or financial interest in the matter by virtue of their participation in a fishery." This "purpose" appears to be completely at odds with the requirements applicable to all public officials under A.S. 39.52.220. That statute requires a process leading to determine a member's right to vote if he/she has a personal or financial interest in the outcome. Thus, the laudable goal of citizen participation is significantly diminished by personal interests. The greater the financial interest, clearly, the more a position such as a member of the Board of Fisheries may be abused. Yet, Section 1 proposes to alter the existing balance in favor of those with greater power and access to power within our state. And that is wrong.

*Took care
with the
K.C. C.S.*

If this were not enough, Section 2, which is also to take effect immediately, would expressly permit (by deletion) a public officer who is a member of the Board of Fisheries from acting on matters before the Board without disclosing his/her financial interest or personal interest in a business or organization relating to the resource under consideration. Section 2 also further strips any oversight with respect to ethical conduct that A.S. 39.52.220 is intended to foster. Indeed, because A.S. 39.52.220 specifically requires full disclosure and a neutral, unbiased determination of the right to vote, while the proposed Section 2 eliminates that requirement, the amendment encourages self-interest in order to advance individual financial and personal agendas when dealing with public resources, and that is wrong.

● Page 2

February 1, 2007

Section 3, by virtue of Section 7 to the proposed House Bill 15, would allow any appointees to the Board of Fisheries a free pass for a period of four years, that is, coincidentally, the length of time of the first term of the present administration with respect to the Board of Fishery matters. Section 3, pursuant to the clear language of Section 7, would not take effect until June 30, 2011. That is special interest legislation in order to protect one of two members of the Board of Fisheries, and it is wrong. It is an abuse of the public process.

Similarly, Section 4 is also intended to shield a public official sitting on the Board of Fisheries from public scrutiny with respect to his/her personal and financial interests brought to the Board of Fisheries for a period of four years. Indeed, Section 4, in referencing the 'Public Officials Ethical Rules' (Ch. 52, Title 39, Alaska Statutes), expressly permits any member with a personal or financial interest in a matter coming before him/her to participate in the matter, limited only to not selling his or her vote to a third person paying for the representation. The member, under such circumstances, is only required to disclose his/her interest on the record, but that disclosure is expressly not subject to the Conflict of Interest Rules under A.S. 39.52.220, which would otherwise expressly prohibit votes based upon self-interest.

Proposed Section 4 simply confirms the cynical and self-interested reasons for HB 15: The people of the State of Alaska will be regulated with respect to fisheries resources by individuals whose sole ethical constraint is not to sell his/her vote to the highest bidder. Section 4 expressly permits such self-interested "public" service, including the use of public funds and public facilities in order to benefit that public official's personal or financial interest.

HB 15 is a bad bill. Alaska has had enough of the scandals involving public officials making decisions to benefit their own personal or financial interests involving public resources. HB 15 is an embarrassment; is a travesty; it should be soundly defeated if it is ever brought for a vote in or out of any committee.

Very truly yours,



Donald Nielsen, President
South Naknek Village Council

cc: Governor Sarah Palin
Senator Lyman Hoffman
Members House of Representatives

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

Website: <http://www.seafa.org>



E-mail: seafa@gci.net

February 19, 2007

Representative Paul Seaton

Alaska State Legislature

State Capitol, Room 102

Juneau, AK 99801

RE: Support HB 15

Southeast Alaska Fishermen's Alliance (SEAFa) supports HB 15 (conflict of interest) which deals with the issue of allowing a Board of Fish member that is confirmed by the legislature to participate in the process. One of the main strengths of the Alaska process for the management of the fisheries is the Board of Fish and the layman board and full public process but it doesn't make sense to have a layman board and then prohibit them from participating.

We believe that passage of this legislation will make more applicants more interested in participating in the process.

Sincerely,

Kathy Hansen

Kathy Hansen

Executive Director

**United Southeast Alaska Gillnetters**

P.O. Box 23378, Ketchikan, AK 99901 Phone & Fax (907) 247-2471 Email: usag@kpunet.net

March 16, 2007

Representative Paul Seaton, Chair
House Special Committee on Fisheries
Alaska State Legislature
Juneau, AK 99801

Send Via Fax to: 907-465-3472

Dear Chairman Seaton,

The United Southeast Alaska Gillnetters (USAG) supports HB 15 which would give the members of the Alaska Board of Fisheries the same privileges with respect to conflict of interest regulations as other members of Alaska's boards and commissions. Under the current restrictions, an Alaska Board of Fisheries (BoF) member must excuse themselves from the table when issues in which they have a financial interest, no matter how slight, are addressed. This makes the knowledge of the board member who is most familiar with the issues involved in an area or situation unavailable to the other board members. USAG believes one result of this is less informed decisions and in some cases inaction on particular problems that would have been addressed if the conflicted member had been able to participate. We believe the passage of this legislation will result in the BoF making better decisions in all areas of the State. Implicit in this support is the provision that the conflicted member will fully disclose any such conflicts in advance of board action.

Thank you for introducing this important Bill and considering our support for it.

Yours Truly,

Kenneth Duckett
Executive Director

HB 15 Testimony

My name is Christine Koski, I have held a Cook Inlet salmon set net permit for 15 years and have actively fished in Cook Inlet for over 25 years. I am a single mom with 4 children. The majority of my income comes from commercial fishing. I currently live in the Kenai/Soldotna area. My children are also actively involved in commercial set net fishing, and have been since they were born.

Approximately 35% of women are permit holders involved in Cook Inlet salmon set net commercial fishing as well as being involved in other commercial fisheries in the entire State.

I have attended BOF regulatory meetings for decades and in the last 5 years I have been active in the process. My involvement is to ensure that there is an opportunity for my children to continue commercial fishing as their parents and grandparents have.

It is impossible to express my concerns or to suggest changes to improve my capability to harvest salmon when I feel that there is no way to communicate with representation from the current members of the BOF.

Since I have been involved in the process there has been no set net commercial fishing person. To make matters worse it is difficult to converse with the gender bias on the Board. I can appreciate that there is a 14% representation for my gender currently, it still leaves me with a significant impediment with communicating and making changes relative to my situation. I want active participants from my area so that not only will I be able to communicate but so will other similarly situated stakeholders.

HB 15 moves to open up more representation for individuals like myself. Please consider the changes that will give more fair and equitable representation to the commercial fisher women in the State. Committee members please realize that Cook Inlet set net fisher women are hard working individuals who do not wish entitlements but want to make our own way and to instill in our children the lessons of hard work and just rewards. The majority of my livelihood is derived and supplemented with part time employment. We are not wealthy, we do not make 10's of thousands of dollars. Please support HB 15 as presented.

John E. Jensen
P.O. Box 681
Petersburg Alaska
907-772-4635
omasou@aci.net

March 22, 2007

House Fisheries Special Committee

Dear Chair Seaton and Committee Members,

This is a note in support of HB 15.

My name is John Jensen and I'm a commercial fisherman and also a member of the Alaska Board of Fisheries. Two other members of my immediate family are commercial fishermen and are permit holders.

It is frustrating at times not being able to participate in the discussions on proposals that come before the Board of Fish that we are involved in. These three permits kept me from participating in 61 proposals (a third of the SE proposals) last year during the Southeast Alaska portion of the yearly cycle.

I am one of the two commercial seats on the board. I am a life-long fisherman from Southeast Alaska and I couldn't provide my expertise and perspective on the subjects before us in order to provide a better understanding for the rest of the Board members on the issues.

I believe a person should be able to disclose his or her interests on record and then be able to fully participate in the matters before them. Many issues require clarification that I can provide.

There is a set of criteria that we have to follow on allocative issues; these are found in AS 16.05 .251 (e). These 7 criteria are our guide lines for allocating fish between user groups and are read into the record for each allocative issue using one or all seven criteria. These criteria, in my opinion, if followed would keep personal interests on the straight and narrow.

As stated in AS 16.02. 221 (a),

The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and the ability in the field of action of the board and with a view to providing diversity of interest and points of view in the membership.

Currently I am not able to fully utilize *my ability in the field of action*, and my job on the Board is compromised.

I urge you to please consider and pass HB15 so that I may fully participate in the process and be a totally effective member of the Board of Fisheries.

Respectfully submitted,

John E. Jensen



Fish & Game Transition Team

Issues Report to

Governor Sarah Palin

Members

Dick Bishop, co-chair
Ben Mulligan
Craig Compeau
Eric Olsen
John Winther
Mark Vinsel
Roland Maw
Trefon Angason

Ken Johns, co-chair
Bruce Knowles
Dave Donald
Joe Klutsch
Larry Cotter
Phil Cutler
Tom Gemmel

Clem Tillion
Dave Otness
Dr "Jack" Frost
Linda Kozak
Rod Arno
Tony Gregorio



Board of Fisheries and Board of Game Conflict of Interest

Issue Statement: Currently Board of Fisheries (and perhaps Board of Game) conflict of interest rules bar commercial representatives with knowledge in a fishery from discussing the topics, losing a valuable source of information in discussions.

Discussion:

The conflict of interest interpretation has been expanded too far in the case of commercial fishermen or not far enough for other individuals. A commercial fisherman who tries to sit on the Board of Fish will be conflicted out of any discussion of any fishery he holds a permit for and additionally for any fishery that his parents, wife, brothers or sisters or children own. But in comparison a charter operator is almost never conflicted from action on any proposal even if they benefit the industry in allocation issues in an area they operate in or if they have a business partner that holds permits. At the time a proposal comes up for discussion that a board member has a conflict with the meeting is stopped until the board member has left the table and entered the audience. This policy makes it extremely difficult to get good individual to submit their name for the board of fish, and keeps the informed from participating on many matters pertaining to commercial fishing. When Board members are prevented from voting the balance of votes may be swayed.

In essence, the more you know on commercial fishing, the less likely you will be able to provide input if you are on the Board of Fisheries.

The issue does not seem to affect the Board of Game, as there are no professional market hunters that would be deemed to be at the same level of conflict of interest. A change in Board of Fisheries regulations may affect Board of Game conflicts in the future.

The Transition Team subgroups agree on the concept of allowing those with expertise to deliberate, but there are differing views as to whether those with conflicts should be allowed or required to vote, or excluded.

Recommendations:

-Legislative bills have been introduced in the last two sessions, and are expected to be introduced in the coming session, so this may not be an action item for the Governor, but the Transition Team feels compelled to advise her of the problem.

-Only the household members or immediate family should be considered for conflict so as not to unfairly bias the process against longstanding families with extensive affected relatives.

Consequences Of Inaction:

Lack of valid information in Board of Fisheries deliberations
Reluctance of well qualified members to serve on Board. Lack of public confidence in the Board of Fisheries Process, and state management.

9:52:29 AM

ART NELSON, Chair, Board of Fisheries, testified in support of HB 241. He said the he'd like to comment on two general areas where the conflict of interest regulations have been problematic for the board. He said:

*Rep Wilson Bill in
24 legislature*

The first one is the difficulties that it presents oftentimes with the operation of the board and our functioning and our deliberations. As the chairman of the board, I'm kind of responsible to be the ethics supervisor for all the members, and so of course before each meeting I go around to the various members, particularly those that may have conflicts arising with the different meetings we have ahead of us and ... those conflicts can be either financial or personal in nature, and can be interpreted very broadly. ... Oftentimes even if there's going to be a perceived conflict that we are advised to be conservative in that and ... it's no offense meant to the [DOL]; it's their job to be conservative and make our decisions be not only legally valid but defensible in court. ... The board spends upwards of 40 or sometimes more days per year in our regulatory meeting, and the last thing I want to have happen is ... having an extensive regulation that took a lot of time to put together be struck down because we failed to follow the letter of the ethics rules.

MR. NELSON continued:

What's also problematic ... is the potential for losing a board member due to a conflict of interest. We're a seven-member board, and regardless of how many board members are present and participating. So whether there's absences and/or conflicts, we always still have to have four votes to carry any motion. And so especially if it's compounded with an absence by another board member, a lot of times it becomes very difficult for us to take regulatory action.

MR. NELSON noted that some well-qualified people are not even interested in being on the board because they know they wouldn't be allowed to vote on important matters.

HB

43

<target><bill>HB 43</bill><subject>HB
43</subject><comm>HFSH26</comm></target>

Alaska State Legislature

State Capitol, Room 102
Juneau, AK 99802
Phone: 465-4389
Fax: 465-3472
Toll Free (800) 665-4389
Representative_Paul_Seaton@legis.state.ak.us



345 W. Sterling Highway
Suite 102B
Homer, AK 99603
Phone: 235-2921
Fax: 235-4008

REPRESENTATIVE Paul Seaton

District 35

MEMORANDUM

TO: Representative Edgmon, Chair
House Special Committee on Fisheries Committee

FROM: Representative Paul Seaton *Paul Seaton*

DATE: Monday January 26, 2009

RE: Request for a hearing, HB 43

I respectfully request a hearing on HB 43 before the before the House Special Committee on Fisheries.

In summary, HB 43 states that the Department of Fish and Game cannot use the absence of wild geoducks in an area to deny a farming permit.

Attached please find: HB 43, sponsor statement, sectional analysis, "What is a Geoduck," and Article 2. Aquatic Farming.

Staff contact: Katie Koester, 465- 2028

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB43
() Publish Date: _____

Identifier (file name): HB043-DFG-CFD-2-24-09 Dept. Affected: Fish and Game
Title An act relating to aquatic farming permitting.... RDU Commercial Fisheries
Component Headquarters Fish Management
Sponsor Representative Seaton
Requester House Fisheries Component Number 2171

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES ()							
-------------------------------	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

No department fiscal impact.

Prepared by: Cynthia Pringham
Division: Commercial Fisheries Division
Approved by: Tom Lawson, Director
Fish and Game Administrative Services

Phone: _____
Date/Time: 1/24/09 12:00 AM
Date: 1/24/2009

Alaska State Legislature

State Capitol, Room 102
Juneau, AK 99802
Phone: 465-4389
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Toll Free (800) 665-4389
Representative_Paul_Seaton@legis.state.ak.us



345 W. Sterling Highway
Suite 102B
Homer, AK 99603
Phone: 235-2921
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REPRESENTATIVE Paul Seaton

District 35

Mariculture has the potential to diversify the economic base of coastal communities impacted by the changing dynamics of the fishing industry. HB 43 allows this expansion of this clean water industry by permitting geoducks to be farmed subtidally in the Gulf of Alaska even if wild geoducks are not present. The bill does not exempt farmers from any health, safety, or other transfer provisions relating to hatchery seed.

The Alutiiq Pride Shellfish Hatchery is the only hatchery that supplies mariculture spat and seed in the State. It was initiated by the State to be a self-sustaining operation in association with the private mariculture farms permitted by the State. Their business plan relies on the sale of geoduck seed. However, the informal policy of the Department of Fish and Game prevents geoduck seed from being utilized by farms anywhere outside of southeast Alaska. These restrictions on the sale of geoduck seed cause the sole hatchery for the mariculture industry in Alaska to require continual subsidy by the State. HB 43 will allow the mariculture industry to develop around the Gulf of Alaska, providing a potentially strong market for seed and private sector financing for the operation of the hatchery.

As non-mobile filter feeders, farmed geoducks will not prey on any local commercial, sport or personal use fish. There have been no reports of species displacement in sedimentary habitat by geoduck clams. Farmed geoducks will not interfere with personal recreational boaters as they are cultivated in the sediment below low tide and without the numerous buoys and floating cages used in oyster farms. No infectious disease has been identified in any wild geoduck population or the geoduck farming industries of Washington, British Columbia, or Alaska.

The conflict surrounding geoducks in southeast Alaska is between the dive fishermen who harvest wild stock and farmers who wish to farm in areas with existing wild stock. HB 43 would evade this conflict because there is no wild stock in the proposed area. This bill will not override any Department of Natural Resources farm site leasing or Department of Fish & Game permit regulation.

HB 43 eliminates unnecessary hindrances to the growth of the mariculture industry in Alaska providing a potential alternative economic base for coastal communities while adequately considering the health of our marine ecosystem.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 20, 2009

SUBJECT: Sectional Summary for HB 43 (Work Order No. 26-LS0227\A)

TO: Representative Paul Seaton
Attn: Katie Koester

FROM: Brian J. Kane *BJK*
Legislative Counsel

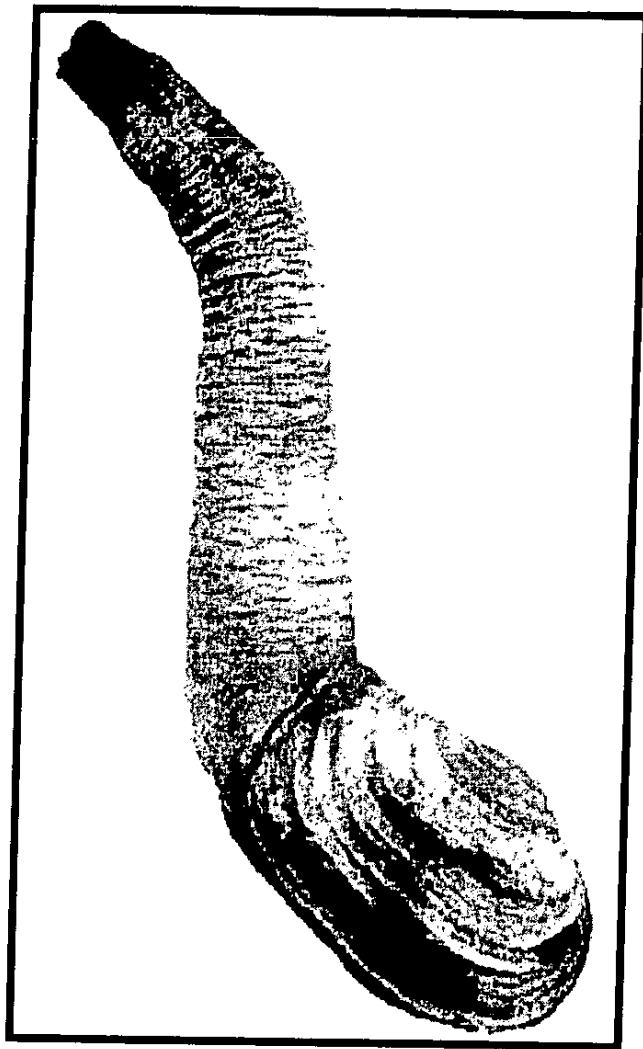
You have requested a sectional summary of HB 43, a bill relating to aquatic farming and geoducks.

A sectional summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill adds a new subsection to AS 16.40.100 stating that the commissioner may not use the absence of wild geoduck stock within a management area as the basis for a denial of an aquatic farming permit. Also, if the commissioner issues a permit for an aquatic farm for geoducks in a management area that does not have a wild geoduck stock, then that permit shall not allow farming in the intertidal habitat or environment.

Section 2 of the bill adds a new section to AS 16.40 stating that, consistent with AS 16.40.140(b) - (d), a certified hatchery may transfer geoduck seed to an aquatic farm located in a fisheries management area contiguous to the Gulf of Alaska.

BJK:ljw
09-031.ljw



What is a GEODUCK?

HB 43 – Expanding Geoduck Farming

Geoduck

From Wikipedia, the free encyclopedia

The **geoduck** (pronounced /ˈɡuː.iː.dʌk/ *i.e.* "gooey duck"[[]^{1]}), *Panopea abrupta* or *Panopea generosa*, is a species of large saltwater clam, also known as the **king clam** or **elephant trunk clam**.

The name is derived from a Nisqualli First Nation word meaning "dig deep", and its phonemically counterintuitive spelling is likely the result of poor transcription. Alternate spellings include *gweduc*, *gweduck* and *goiduck*.

Native to the Pacific Coast of the United States and Canada (primarily Washington, British Columbia, and Southeast Alaska), it is the largest burrowing clam in the world, weighing in at an average of one to three pounds (0.5 - 1.5 kg) at maturity, but specimens weighing over 15 pounds (7.5 kg) and as much as 2 meters (6 ft) in length are not unheard of.

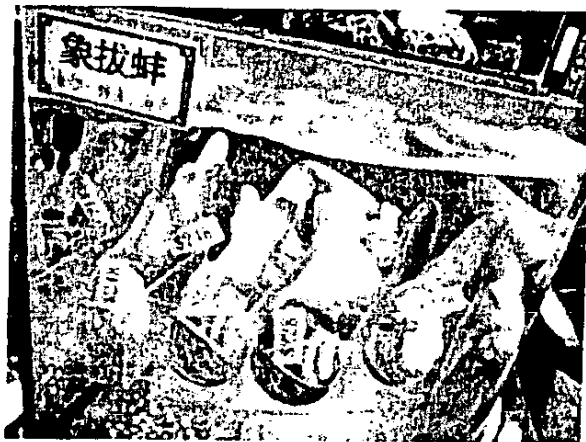
It has a life expectancy of about 146 years, with the oldest recorded at over 160 years. This makes the Geoduck one of the longest-living organisms in the Animal Kingdom. Scientists speculate that the geoduck's longevity is the result of low wear and tear. A geoduck sucks plankton down through its long siphon, filters them for food and ejects its refuse out through a separate hole in the siphon. Adult geoducks have few natural predators, which may also contribute to their longevity. In Alaska, sea otters and dogfish have proved capable of dislodging geoducks; starfish also attack and feed on the exposed geoduck siphon.

Geoducks are broadcast spawners. A female geoduck produces about 5 billion eggs in her century-long lifespan—in comparison, a human female produces about 500 viable ova during the course of her life. It is possible that this fact, in conjunction with the phallic shape of the siphon, has led to the belief that the shellfish has aphrodisiac properties.

Industry and impact

The world's first geoduck fishery was created in 1970, but demand for the semi-forgotten clam was low. Today, they sell in Asia for up to US\$30/lb (US\$65/kg). The Jumbo clam, like abalone, is highly regarded in Chinese cuisinc. Its large, meaty siphon is prized for its savory (umami) flavor and crunchy texture. It is extremely popular in Hong Kong, China and Japan, where it is considered a rare tasty treat. Geoduck is mostly eaten cooked in a fondue-style Chinese hot pot or raw sashimi style, dipped in soy sauce and wasabi. On Japanese menus, geoduck is called *mirugai* or *mirukuigai* . (Although mirugai is sometimes translated to English as "Giant Clam", it is distinguished from "Himejako" sushi made from *Tridacna gigas*.)

Geoduck
 <div>Pacific geoduck clam</div>
Scientific classification
Kingdom: Animalia
Phylum: Mollusca
Class: Bivalvia
Order: Myoida
Family: Hiatellidae
Genus: <i>Panopea</i>
Species: <i>P. abrupta</i>
Binomial name
<i>Panopea abrupta</i> Conrad, 1849



Seafood Geoduck display in a Chinese restaurant with price

The geoduck's high market value has created an 80-million-U.S.-dollar annual industry, with harvesting occurring in both Washington state and the province of British Columbia. It is one of the most closely regulated fisheries in both countries; in Washington, Department of Natural Resources staff are on the water continually, monitoring harvests, and the same is true in Canada where the Underwater Harvesters' Association manages the Canadian Fishery in conjunction with Canada's Department of Fisheries and Oceans. Demand has also led to a rapidly developing aquaculture industry.

Geoduck aquaculture on private tidelands in Puget Sound, particularly in South Puget Sound, has been steadily growing over the last ten years, averaging

about 10 new acres of cultivation per year. Currently less than 0.001% of Puget Sound is dedicated to geoduck farming. Geoduck farms use "predator exclusion devices" in which to plant the seed geoducks. These devices are 10-14 inch long, 4-6 inch diameter PVC pipes pushed into the sediment of the tideland. There are approximately 20,000 to 43,500 of these PVC pipes planted per acre on tidelands. These nursery tubes typically stay in the beach for the first one to two years of a crop cycle.

The Environmental Defense Fund has done extensive studies of aquaculture and has found that bi-valve aquaculture like geoduck clams are very beneficial to the marine environment. {Goldburg, Rebecca, et al. "Marine Aquaculture in the United States," as prepared by Environmental Defense for Pew Oceans Commission, 2001.} The primary reason for this is because geoduck clams are filter feeders and eat micro algae which proliferates as more nitrogen enters the marine ecosystem. Increases in nitrogen are due to more septic systems as well as bigger flows from city sewage systems throughout Puget Sound, increasing quantities of pet wastes, and increased fertilizer use from farms and lawns. When farmed geoduck clams (which ingest and retain nitrogen in their tissues) are harvested there is a net reduction in nitrogen in the marine ecosystem.

It should be noted that the water must be certifiably clean in order to plant geoducks commercially. This is a requirement of the Washington State Department of Health, and of the Interstate Shellfish Sanitation Council.

While some communities in Puget Sound have installed state of the art septic systems to comply with efforts by environmental groups and state officials to clean up Puget Sound, more than 3000 acres (12 km²) of shellfish beds have been lost to farming between 1992 and 2004 due to fecal contamination from human activities and development. Substantial portions of the state's shorelines are already so developed or degraded that they are unsuitable for harvesting, and other areas continue to follow suit.

Some shoreline owners have expressed concerns including aesthetics, effects on native geoduck populations, wildlife interactions, farm debris, and harvest techniques. Although some marine shoreline owners take issue with the visual impacts, the tubes are actually only visible 2-3% of daylight hours over a 6-year crop cycle. The reason for the low visibility is because geoduck are farmed in the lower

elevations of the beach and are covered by water most of the time. However, since the lowest tides in the summer are during mid-day, the visual impact of the tubes is greatest at the very time when the people of Puget Sound are likely to be exploring the beach. During the summer, farms are visible for as much as 5 hours during the day, every other week.

Effects on native geoduck populations from geoduck farming will be minimal to non-existent. Each year new hatchery brood stock is taken from the wild stock. Farmed animals are not used as brood stock so genetically, farmed geoduck are the same as wild stocks. Moreover, wild geoduck occupy the intertidal zone down to 300 feet below sea level. DNR and the tribes co-manage the wild fishery and only harvest geoduck between the -18 to -70 foot depths. Most of the wild geoduck stock is left untouched and unaltered.

Wildlife interactions are a concern and geoduck growers are adapting growing techniques to minimize these effects. A biological assessment examining the impacts of geoduck farming was completed and no long term effects on threatened or endangered species were identified.

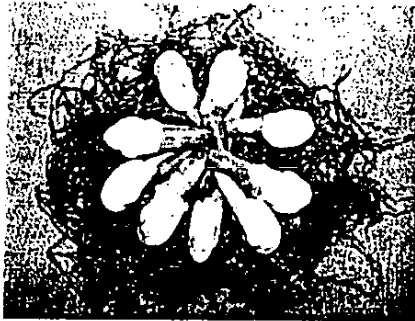
Farm debris includes displaced net tops, rubber bands, and tubes. The netting tops used on the nursery pipes can come off and float away onto other beaches as debris and the rubber bands also can become debris in Puget Sound. To offset these environmental impacts most geoduck farmers have been embraced environmental codes of practice including regular maintenance and debris clean-up of their own farms. In addition, the industry now does two annual beach cleanups to collect marine debris from all beaches in areas where they farm. Although as much as 20% of the debris collected in each cleanup has been aquaculture related, less than 5% of the 120 cubic yards collected to date has been related to geoduck farming. Unfortunately, because of the currents in Puget Sound, nets and tubing can be found far from any poorly maintained geoduck operations.

Harvesting takes place every 4-6 years. Water pressure hoses using up to 50 gallons of water per minute are used to liquefy the sediment in order to extract the geoducks. There are limited impact studies related to intertidal harvest of geoduck as of August 2006, although the sub-tidal environmental impact studies done for the fisheries in BC and WA have found no detrimental effects in harvesting the clams. Geoduck farming is only conducted in clean, uncontaminated sediments so concern is limited to short term increases in turbidity and short term effect on benthic organisms. It should be noted that the Department of Natural Resources of Washington State conducted the environmental impact study. DNR is itself in the business of leasing subtidal lands for commercial geoduck harvest and starting this year, intertidal lands for commercial geoduck farming.

Compared to terrestrial farming, shellfish farming in general and geoduck farming in particular produces high quality protein using natural systems without the use of antibiotics, fertilizers, herbicides, or pesticides.

Geoducks: Southeast Gets a Toehold in the Market World's Largest Burrowing Clam Can Live 140 Years

By Amy Carroll



Geoducks can live for decades; growth rings on their shells have shown that some geoducks live more than 140 years.

Geoducks are the world's largest burrowing clam. Pronounced "goeey-duck," they aren't goeey and they aren't ducks. Their name is derived from a Nisqually Indian term meaning "dig deep."

There has been a small commercial geoduck fishery in Southeast Alaska since the early 1980s. With the intent to diversify the state economy and highlight Alaska seafood in the world market, the Aquatic Farm Act of 1988 allowed The Alaska Department of Fish and Game (ADF&G) to issue permits for construction and operation of aquatic farms and hatcheries.

However, it wasn't until 2002 that the profit potential of the geoduck harvest really took off. That's when the Alaska Department of Environmental Conservation and Southeast Alaska Regional Dive Fisheries Association (SARDFA) established a more efficient Paralytic Shellfish Poisoning (PSP) monitoring plan. Test results are posted online immediately after being entered into the database, which allows more of the geoducks to enter the market live, not processed. The market price for live geoducks is \$5 to \$10 a pound, for processed it is less than \$1 a pound. According to SARDFA, 90 percent of the 2004-2005 commercial season harvest was delivered live.

Not surprisingly, interest in geoduck farming has skyrocketed. "In the recent 2005 aquatic farm opening, over 97 percent of the 141 proposed aquatic farm sites are for culturing geoducks," said Cynthia Pring-Ham, Mariculture Coordinator for ADF&G.

Currently, most of Alaska's 400,000 pound geoduck harvest is destined for Hong Kong and China, where they sell for up to \$30 a pound. Their texture has been variously described as sweet, crunchy, or rubbery.

"They are not necessarily as palatable to the North American market. They are considered a delicacy in Asian markets," said Pring-Ham.

The most prized meat is the siphon, eaten raw, sashimi style with soy sauce and wasabi, or cooked in Chinese hot pot soups.

Prime geoduck harvesting areas in Southeast Alaska include Ketchikan's Gravina Island, Craig, Metlakatla, Wrangell, and Symond's Bay near Sitka.

Geoducks reach sexual maturity at three years. After five to 10 years, when their weight is between two and four pounds, they are considered harvestable. They will continue to grow until they are about 15 years old and can reach weights of 14 pounds.

"In Washington state it takes seven years for geoducks to reach a harvestable weight of two pounds, but the waters are colder up here so they may grow slower in Alaska," Pring-Ham said. "We don't have complete growth data yet, since the most mature cultured geoducks at permitted farm sites are only three years old."

The average age of geoducks harvested commercially in Alaska is 44 years.

Wild geoducks reproduce by "broadcast spawning" - releasing eggs and sperm into the water and relying on the movement of the water to unite them. Within 40 to 50 days, the immature geoducks will slowly burrow into the muddy ocean floor at the rate of about one foot a year.

When they are about three feet deep, they settle in for life, unable to move from their burrows. A geoduck siphon may stretch to over three feet to reach the sea floor. Geoducks are filter feeders, sucking in water through the incurrent siphon to extract plankton, and pushing the remaining water out through their excurrent siphon.

Growth rings on their shell have shown that some geoducks can live for over 140 years.

Pring-Ham manages the mariculture program and issues permits for aquatic farms in Southeast Alaska. "We also do site inspections and provide technical assistance, guidance and training to farmers," she said.



Buried in the ocean floor, geoducks are filter feeders, sucking in water through the incurrent siphon to extract plankton, and pushing the remaining water out through their excurrent siphon.

Every two years, the Department of Natural Resources (DNR) provides an opening from January to April to apply for a tidal submerged land lease. A lengthy, multi-agency six-month review of the application is completed; and if it meets all the state regulatory review standards, a lease from DNR and an operation permit from ADF&G are issued for a 10-year period. An average geoduck farm site is about six acres.

Sites must be surveyed to make sure that there are no more than 12,000 pounds of wild geoducks already existing on the farmsite. Recent legislation and court rulings have made it clear that sites that attract or support a commercial fishery will not be granted an operation permit. The department is working with the farmers to find ways to decrease the survey costs and time that it takes to do them, so data is more readily available to the department for making this decision. Delays in issuing the permit may occur due to current limitations on how many surveys can be done by the department each year.

Harvesting geoducks is no walk on the beach. They are usually found in water 25 to 100 feet deep, and then another three feet down in the muddy sea floor.

Harvesting is usually by "hookah" diving - wearing a drysuit and breathing air through a hose to the surface. This allows divers to stay down longer and work harder without the inconvenience of scuba tanks. Divers carry an air hose, or "stinger," used to blow the mud and silt away from a geoduck. The blast from a stinger can stir up so much bottom silt that divers can no longer see, and must extract the geoduck by feel. Great care must be taken not to injure the geoduck's neck or shell.

Other countries are looking to contribute to the lucrative geoduck market, Pring-Ham said. "China is starting to produce hatchery-raised geoduck seed for farming, so this may mean potential competition for the U.S."

Article 02. AQUATIC FARMING

Sec. 16.40.100. Aquatic farm and hatchery permits.

(a) A person may not, without a permit from the commissioner, construct or operate

- (1) an aquatic farm; or
- (2) a hatchery for the purpose of supplying aquatic plants or shellfish to an aquatic farm.

(b) A permit issued under this section authorizes the permittee, subject to the conditions of AS 16.40.100 - 16.40.199 and AS 17.20, to

(1) acquire, purchase, offer to purchase, transfer, possess, sell, and offer to sell stock and aquatic farm products that are used or reared at the hatchery or aquatic farm; and

(2) except as provided in (f) of this section, harvest and, without further cultivation, sell an insignificant population that may be present at the aquatic farm site of a wild stock of a shellfish species intended to be cultured at the site.

(c) The commissioner may attach conditions to a permit issued under this section that are necessary to protect natural fish and wildlife resources.

(d) Notwithstanding other provisions of law, the commissioner may not issue a permit under this section for the farming of, or hatchery operations involving, Atlantic salmon.

(e) Upon the expiration or termination of a permit issued under this section, a person who holds a permit for an aquatic farming site where wild stocks of shellfish indigenous to the site are cultured shall, as a condition of the permit, restore the wild stock of shellfish, as consistent with sustained yield management of the wild stock, to the population level that existed on the site when the permit for the site was initially issued by the commissioner. A permit holder is not required to restore that portion of the wild stock of shellfish that was removed from an aquatic farming site by a common property fishery conducted after the issuance of the permit for the aquatic farming site.

(f) If the wild stock of a shellfish species to be cultured at an aquatic farm site exceeds the amount determined by the department to be an insignificant population and if the commissioner determines in writing that removal from the site of that portion of the stock that exceeds an insignificant population would benefit the public and that removal of the stock by a person other than the permittee would unreasonably interfere with the operation of the aquatic farm, the commissioner may authorize the permittee to remove and sell the excess amount of the wild stock from the site, if the permittee pays reasonable compensation, as defined by the department, to the department for the harvest and sale of the excess wild stock. The department shall deposit the money received under this subsection into the general fund. The legislature may appropriate the money received under this section to the department for shellfish management and enhancement.

Sec. 16.40.105. Criteria for issuance of permits.

The commissioner shall issue permits under AS 16.40.100 on the basis of the following criteria:

(1) the physical and biological characteristics of the proposed farm or hatchery location must be suitable for the farming or the shellfish or aquatic plant proposed;

- (2) the proposed farm or hatchery may not require significant alterations in traditional fisheries or other existing uses of fish and wildlife resources;
- (3) the proposed farm or hatchery may not significantly affect fisheries, wildlife, or their habitats in an adverse manner;
- (4) the proposed farm or hatchery plans and staffing plans must demonstrate technical and operational feasibility; and
- (5) the proposed farm site may not include more than an insignificant population of a wild stock, on the site, of a shellfish species intended to be cultured.

Sec. 16.40.110. Permit application, renewal, and transfer.

(a) An applicant for an aquatic farming or hatchery permit required under AS 16.40.100 shall apply on a form prescribed by the commissioner. An application for a permit must include a plan for the development and operation of the aquatic farm or hatchery, which must be approved by the commissioner before the permit is issued.

(b) An application for renewal or transfer of a permit must be accompanied by fees required by the commissioner, a report of the disease history of the farm or hatchery covered by the permit, and evidence that satisfies the commissioner that the applicant has complied with the development plan required under (a) of this section. The commissioner may require a health inspection of the farm or hatchery as a condition of renewal. The department may conduct the inspection or contract with a disease diagnostician to conduct the inspection.

(c) A person to whom a permit is transferred may use the permit only for the purposes for which the permit was authorized to be used by the transferor, and subject to the same conditions and limitations.

Sec. 16.40.120. Aquatic stock acquisition permits.

(a) A person may not acquire aquatic plants or shellfish from wild stock in the state for the purpose of supplying stock to an aquatic farm or hatchery required to have a permit under AS 16.40.100 unless the person holds an acquisition permit from the commissioner.

(b) An acquisition permit authorizes the permit holder to acquire the species and quantities of wild stock in the state specified in the permit for the purposes of supplying stock to

- (1) an aquatic farm or hatchery required to have a permit under AS 16.40.100;
- (2) the department.

(c) The commissioner shall specify the expiration date of an acquisition permit and may attach conditions to an acquisition permit, including conditions relating to the time, place, and manner of harvest. Size, gear, place, time, licensing, and other limitations applicable to sport, commercial, or subsistence harvest of aquatic plants and shellfish do not apply to a harvest with a permit issued under this section. The commissioner of fish and game shall issue or deny a permit within 30 days after receiving an application.

(d) The commissioner shall deny or restrict a permit under this section upon finding that the proposed harvest will impair sustained yield of the species or will unreasonably disrupt established uses of the resources by commercial, sport, personal use, or subsistence users. The commissioner shall inform the Board of Fisheries of any

action taken on permit applications for species that support commercial fisheries subject to limited entry under AS 16.43 and of any permits denied because of unreasonable disruption of an established use. A denial of the permit by the commissioner must contain the factual basis for the findings.

(e) The Board of Fisheries may adopt regulations for the conservation, maintenance, and management of species for which an acquisition permit is required.

(f) Except as provided in (d) of this section or in a regulation adopted under (e) of this section, the commissioner shall issue a permit if

(1) wild stock is necessary to meet the initial needs of farm or hatchery stock;

(2) there are technological limitations on the propagation of culture stock for the species sought;

(3) wild stock sought is not fully utilized by commercial, sport, personal use, or subsistence fisheries; or

(4) wild stock is needed to maintain the gene pool of a hatchery or aquatic farm.

(g) Aquatic plants and shellfish acquired under a permit issued under this section become the property of the permit holder and are no longer a public or common resource.

Sec. 16.40.130. Importation of aquatic plants or shellfish for stock.

A person may not import into the state an aquatic plant or shellfish for the purpose of supplying stock to an aquatic farm or hatchery unless authorized by a regulation of the Board of Fisheries.

Sec. 16.40.140. Limitation on sale, transfer of stock, and products.

(a) A private hatchery required to have a permit under AS 16.40.100 may sell or transfer stock from the hatchery only to an aquatic farm or other hatchery that has a permit issued under AS 16.40.100, except that shellfish stock may also be sold or offered for sale to an aquatic farm or related hatchery outside of the state.

(b) Stock may not be transferred to or from an aquatic farm or hatchery required to have a permit under AS 16.40.100 without prior notice of the transfer to the commissioner. A notice of transfer shall be submitted at least 45 days before the proposed date of transfer.

(c) A notice of transfer must be accompanied by a report of a health inspection of the stock. The department shall conduct the inspection or contract with a disease diagnostician to conduct the inspection. The cost of inspection shall be borne by the department.

(d) The department may restrict or disapprove a transfer of stock if it finds that the transfer would present a risk of spreading disease.

(e) A person may not sell, transfer, or offer to sell or transfer, or knowingly purchase or receive, an aquatic farm product grown or propagated in the state unless the product was grown or propagated on a farm with a permit issued under AS 16.40.100. The permit must be in effect at the time of the sale, transfer, purchase, receipt, or offer.

Sec. 16.40.150. Disease control and inspection.

(a) The department shall order the quarantine or the destruction and disposal of diseased hatchery stock or of aquatic farm products when necessary to protect wild stock. A holder of a permit issued under AS 16.40.100 shall report to the department an

outbreak or incidence of disease among stock or aquatic farm products of the permit holder within 48 hours after discovering the outbreak or incidence.

(b) A holder of a permit issued under AS 16.40.100 shall allow the department to inspect the permit holder's farm or hatchery during operating hours and upon reasonable notice. The cost of inspection shall be borne by the department.

(c) The department shall develop a disease management and control program for aquatic farms and hatcheries.

(d) The department may enter into an agreement with a state or federal agency or a private, state-certified provider to provide services under (b) and (c) of this section, or inspections under AS 16.40.110(b).

Sec. 16.40.155. Records and reports confidential.

Records required by statute or by a regulation adopted by the department concerning aquatic farm stocks or production, prices, and harvests of aquatic farm products and wild stocks, and annual statistical reports of individual aquatic farms or hatcheries required by statute or by a regulation adopted by the department are confidential and may not be released by the department, except that the department may release the records and reports

- (1) to the Department of Revenue and the Department of Natural Resources to assist the departments in carrying out their respective statutory responsibilities;
- (2) as necessary to comply with a court order;
- (3) provided by an aquatic farm or hatchery permit holder to the permit holder whose activity is the subject of the records or reports;
- (4) regarding cumulative annual harvests of wild stocks at individual aquatic farm sites.

Sec. 16.40.160. Regulations.

The commissioner may adopt regulations necessary to implement AS 16.40.100 - 16.40.199.

Sec. 16.40.170. Penalty.

A person who violates a provision of AS 16.40.100 - 16.40.199, a regulation adopted under AS 16.40.100 - 16.40.199, or a term or condition of a permit issued under AS 16.40.100 - 16.40.199, is guilty of a class B misdemeanor.

Sec. 16.40.199. Definitions.

In AS 16.40.100 - 16.40.199

- (1) "aquatic farm" means a facility that grows, farms, or cultivates aquatic farm products in captivity or under positive control;
- (2) "aquatic farm product" means an aquatic plant or shellfish, or part of an aquatic plant or shellfish, that is propagated, farmed, or cultivated in an aquatic farm and sold or offered for sale;
- (3) "aquatic plant" means a plant indigenous to state water or that is authorized to be imported into the state under a permit issued by the commissioner;
- (4) "commissioner" means the commissioner of fish and game;

(5) "hatchery" means a facility for the artificial propagation of stock, including rearing of juvenile aquatic plants or shellfish;

(6) "insignificant population" means a population of shellfish that, in the determination of the commissioner, would not attract and support a commercial fishery for that species of shellfish and the harvest and sale of the shellfish would not result in significant alteration in traditional fisheries or other existing uses of fish and wildlife resources if the population were included within an aquatic farm site;

(7) "positive control" means, for mobile species, enclosed within a natural or artificial escape-proof barrier; for species with limited or no mobility, such as a bivalve or an aquatic plant, "positive control" also includes managed cultivation in unenclosed water;

(8) "shellfish" means a species of crustacean, mollusk, or other invertebrate, in any stage of its life cycle, that is indigenous to state water or that is authorized to be imported into the state under a permit issued by the commissioner;

(9) "stock" means live aquatic plants or shellfish acquired, collected, possessed, or intended for use by a hatchery or aquatic farm for the purpose of further growth or propagation.

Notes HB43: Geoduck aquatic farming / seed transfer

(H)FISH 26 February 2009: J. Yuhas / R. Josephson

The Department of Fish and Game:

- *Supports the goal of HB 43 to promote mariculture throughout Alaska, beyond Southeast AK*
- *2007 co-authored at least two proposals with The Alutiiq Pride Shellfish Hatchery to obtain monies to develop sterile bivalve mollusks to promote mariculture in different regions of AK.*
- *Is willing to support additional proposals for sterile bivalve research.*

LARVAL DRIFT ZONES:

Consistent with other stocking policies: seed or stock only approved when they come from a designated local area

- *Current regulations permit transplantation of bivalves only within six recognized larval drift zones, zones within which stocks are expected to be genetically similar. Transplantations between drift zones or beyond the species' natural range are prohibited. Similar regulations apply for salmon, restricting transports between regions.*
- *rules regulating the transplantation of geoducks stocks are already more liberal in Alaska than they are in either British Columbia or Washington (for example, BC identifies 3-5 larval drift zones for geoducks in its much more limited coastline).*
- *ADFG was extremely liberal in the two+ year deliberative process that led to the existing Larval Drift Zones*
- *ADFG compromised to meet the perceived needs of industry while instituting some protections for stock structure*

INTRODUCING A NON-NATIVE SPECIES:

Consistent with other stocking policies: size of body of water and propensity for dispersal into new uncontrolled areas are major factors along with competition for food, contamination, and habitat implications

- *many examples of injurious consequences of introduced species in the United States*
 - *Zebra mussels in the Great Lakes,*
 - *Pacific oysters into Chesapeake Bay,*
 - *Japanese oyster drill introduced into Washington with Pacific Oyster seed;*
 - *thousands of other examples may be found in common literature / even Google*

LACK OF INFORMATION ON POSSIBLE IMPACTS:

Consistent with other stocking policies: if studies are desired necessary funds must be appropriated for those purposes

- *Not possible to predict the outcome if the introduced species successfully reproduces and colonizes the new habitat.*
- *Ecosystem effects are not limited to the competition that might occur in the beach substrate, but include potential impacts of upsetting the entire food web.*
- *Geoducks are highly fecund; each female releases many millions of planktonic eggs each year making them very high risk.*
- *Many members of the committee have questioned introduction of Wood Bison without more information*

ECONOMIC DEVELOPMENT:

Impacts to existing economically viable fisheries and other industries must be taken in to account while contemplating the issue of experimental possibilities

- *Geoduck farming still in its infancy*
- *Undemonstrated benefits from geoduck farming in Southeast Alaska where the species already exists,*
- *Difficult to justify exceptions to our policies that are designed to protect the natural resources of Alaska.*
- *Many members of the committee have voiced concerns over the introduction of Wood Bison unless further information is gathered and have inferred that this project would stifle economic development of existing industries. Infinitely more information exists with regards to this project than with Southeast geoducks.*

MEMORANDUM

ALASKA DEPARTMENT OF FISH & GAME

TO: REPRESENTATIVE BRYCE EDGMON
FROM: JENNIFER YUHAS, LEGISLATIVE LIAISON, ADF&G
SUBJECT: HB43: GEODUCK AQUATIC FARMING/SEED TRANSFER
DATE: 9 APRIL 09

The Alaska Department of Fish & Game (ADF&G) would like to add the attached material to your Floor Packet for HB43: GEODUCK AQUATIC FARMING/SEED TRANSFER

Please find attached Committee Minutes relating to ADF&G concerns regarding transfer of aquatic stock between Larval Drift Zones.

This position has been stated repeatedly by the department over several years, has never changed, and has been relayed throughout a series of committee meetings included but not limited to the attached.

The department would be satisfied with transfer only within a Larval Drift Zone, or transfer of sterile stock only between Larval Drift Zones. Either revision would be consistent with current stocking policies.

Please feel free to contact me if you have any further questions.

Thank you,

Jennifer Yuhas

*Communications & Legislative Director,
Alaska Department of Fish & Game
(907) 465-6137 Juneau
(907) 388-7951 Mobile*

Committee Minutes

**Feb 24, 2009 (H)FISH Representative Bryce Edgmon Chair
HB 43-GEODUCK AQUATIC FARMING/SEED TRANSFER**

11:02:46 AM

RON JOSEPHSON, Section Chief, Statewide Hatchery and Mariculture Program, Division of Commercial Fisheries, Alaska Department of Fish and Game (ADF&G), said that the department is supportive of continued mariculture growth and the economic development of the industry. The development must be balanced with the need to facilitate programs that offer protection to the natural resources. The department is officially neutral on HB 43, with specific concerns regarding the bills intent including: allowing unconstrained transfer and culturing of geoduck into Southcentral Alaska subtidal areas. This would be analogous to an invasive species transfer, he opined, and given the lack of information the possible impacts cannot be foreseen. Despite predictions, the stock may become productive, and the natural food web could be at risk. He cited how zebra mussel and green crab species have triggered an alert, due to their progression north. He provided the committee copies of a larval drift zone map, and said that the department's current policy allows mariculture seed source to be obtained only from animals that occur within their identified zone. Thus, transporting geoduck seed from the Southeast Zone 1, to Southcentral Zone 2 would be considered an introduction of species and contrary to departmental policy.

11:10:13 AM

MR. JOSEPHSON recognized that the British Columbia drift zones were established for the same reasons mentioned. He stressed the need for caution when dealing with the complex ocean environment. Many species are difficult to observe and study in an ocean setting.

11:15:54 AM

MR. JOSEPHSON stipulated that hard shell permits are allowed in the specified zones, utilizing the local stocks [as the genetic source.] The department considers those as non introduced species. The department does not have the same comfort level for allowing the transport of geoduck stocks and is taking a precautionary approach; considering the lack of knowledge available. He suggested that the Southeast geoduck farms be studied to allow the department a means for gaining a degree of confidence. Further, he clarified that the larval drift zones do exist in regulation.

Committee Minutes

**Feb 26, 2009 (H)FISH Representative Bryce Edgmon Chair
HB 43-GEODUCK AQUATIC FARMING/SEED TRANSFER**

10:22:51 AM

RON JOSEPHSON, Section Chief, Fisheries Monitoring, Permitting, and Development, Division of Commercial Fisheries, Alaska Department of Fish & Game (ADF&G), restated the pending committee question as to the type of research the department would propose implementing in order to alleviate specific concerns for the bill. He suggested that a study using sterile shellfish would be a direction to consider, and cited the Alutiq Pride Shellfish Hatchery research on salmonids, and certain shellfish, employing the technique of triploid induction. Introducing a sterile animal outside of its zone would be acceptable to the department. Additionally, ADF&G would like to see basic research conducted regarding the viability of subtidal mariculture farms in northern climates. Existing thermographs could be placed in the substrate of proposed farm areas, and existing Southeast mariculture farm locations could be used as a parallel study, to generate data for determining growth rates.

10:25:48 AM

REPRESENTATIVE BUCH asked for a restating of the department's position.

MR. JOSEPHSON said the department is officially neutral, with stipulated concerns. The concerns are for: introducing a non-native species into the larval drift zones of Southcentral Alaska, with minimal information available on the possible impacts to the natural eco systems - analogous to an invasive species; and lack of demonstrated benefits for economic development of geoduck farming in Southeast Alaska. He opined that it would be premature to branch out to other areas of Alaska, and taking the inherent risks, without substantiating data to indicate an economic benefit.

10:36:32 AM

RAYMOND RALONDE, Professor of Fisheries, University of Alaska Fairbanks (UAF), Alaska Sea Grant Marine Advisory Program Participant, State of Alaska Aquaculture Specialist, said that it was his 1992 published research document that served as the basis for establishing the larval drift zones in Alaska. The zones were necessary for creating a formal shellfish transport policy that would ensure minimal genetic impact. Blue mussels and scallops were utilized in the study. Drifting patterns were computed based on considerations for water temperature, surface water velocities, and species developmental growth rates. A delineation was made for Southcentral and Southeast because there appeared to be a probability that larva could drift between these areas and survive. Historically, he said this is why the policy was established. Regarding the economic

viability of geoduck, he stated support for the right of independent developers to take business risks. Throughout the years, applied research activities have been jointly conducted with the university and private sector farmers, regarding aquaculture development, utilizing the "try it and see" approach. These studies have paved the way for protocol to be established regarding mariculture of certain species, such as the purple hinge rock scallop and littleneck clam farming. He cautioned that falsely represented economic information may be an issue, if factors particular to the geoduck are not considered. For instance, the slow maturation of the geoduck, or the market price expectations may be misconstrued, and the realistic values lost on an eager entrepreneur. He reported that he is currently in the fifth year of a systematic grow out study specifically on survival and growth rates of geoduck clams. The study, located on Annette Island, is being conducted in an intertidal zone. In the 4th year the clams are slightly less than 1/2 pound, en route to becoming a 2 pound, mature, harvest size clam, which he predicts will take another six or seven years. The survival rate is 48 percent, but the growth rate is 20 percent slower than what occurs in the warmer waters of Puget Sound. He remains cautiously optimistic that geoduck clam farming will become a viable industry in the state. In reading the bill, it appears to ban intertidal aquaculture statewide, and he pondered if that was the intent. He acknowledged that Kachemak Bay poses a unique concern, but considers this an exception to the remainder of the state. In other regions, the industry is appealing for several reasons: it appears to be viable; an orderly permitting process already exists; the common man can enter the field without special training - such as diving; the effort does not require a large capital outlay - no boat or equipment to purchase; and it does not conflict with common property fisheries - harvestable stocks of geoduck do not naturally exist in the intertidal zone. Finally, he said:

It can be done by the people who live there and supply the income and the employment for that community. ... I'm concerned that the bill might prohibit that, based upon what's happening in Kachemak Bay. Kachemak Bay is an entirely different argument ... relative to intertidal aquaculture.

10:45:08 AM

REPRESENTATIVE BUCH asked if he is a proponent or in opposition to the bill.

MR. RALONDE opined that risks exist in every enterprise. He noted that in this instance the risk factor is high given the potential problem for separation of stock, and the transport distance required for a single stock. These factors are unknown in regard to geoduck, although other species that have been similarly transported have had unintended consequences. He

opined that a population of geoduck may already exist in Prince William Sound, but it is one of the unknowns. He provided an example of the purple hinged rock scallop. This scallop is indigenous to Southeast, however, their transport and introduction for cultivation was denied in Southcentral. Scientists expended effort to find a local, Southcentral, population to draw on, but to no avail. Six or seven years ago, however, juvenile purple hinged scallops began to show up on the ladder nets of the mariculture farmers in Kachemak Bay. Further, in the last year he has discovered the scallops on gear at his mollusk grow-out site for oysters. This proves that a local purple hinged scallop reproductive stock exists, but it could not be located by scientists. If a local geoduck stock exists, and seed is transported in, the genetics of the indigenous species could be swamped by the transported seed. The economic viability research aspect is also an unknown. He stressed the need to provide accurate, adequate information to potential farmers.

Bill History/Action for 25th Legislature

**BILL: HB 26 SHORT TITLE: GEODUCK AQUATIC FARMING EXEMPTION
BILL VERSION: CSHB 26(FSH)
CURRENT STATUS: (S) RES STATUS DATE: 03/19/07
SPONSOR(s): REPRESENTATIVE(s) SEATON, Roses
TITLE: "An Act relating to aquatic farm permitting involving geoducks and to geoduck seed transfers between certified hatcheries and aquatic farms."**

Committee Minutes

**Feb 05, 2007 (H)FISH Representative Paul Seaton Chair
HB 26-GEODUCK AQUATIC FARMING EXEMPTION**

8:36:18 AM

DR. JIM SEEB, Chief Fisheries Scientist, Division of Commercial Fisheries, Alaska Department of Fish & Game (ADF&G), provided the department's support of the goal of HB 26, which is to promote mariculture throughout Alaska. He pointed out that the department has been working for a number of years with the industry and the Seward hatchery to "identify pathways for success and pathways for responsible regulation." He recalled that at least two proposals have been co-authored with different operators to help them adopt and develop the methods for creating sterile shellfish for culturing in Alaska. Unfortunately, one of these programs was subsequently terminated. The department promotes the ambitions, and supports the goals of HB 26; however, not without some concern for the wording of the bill as it does not stipulate "sterile" shellfish. He pointed out that as worded, the bill proposes to permit the free movement of fertile geoducks throughout the Gulf of Alaska (GOA), including areas outside of the geoducks native

range. He cautioned:

Whenever entities get involved in introducing new species, there can often be a lot of unintended consequences. The states that have gone through these kind of activities, during the last decades, have ... encountered unintended consequence, after unintended consequence. For that reason there was a lot of effort that was put into this production of sterile fish and shellfish for aquaculture and mariculture.

The marine ecosystems are made up of intricate food webs and it's ... not possible to forecast the outcome if we introduce new species. ... Unfortunately, sometimes there are ... fatal impacts that occur that can destroy local ecosystems.

DR. SEEB stressed that economic and social hardships can occur when introducing new species into areas. The department would expect to be able to promote responsible culture of sterile stocks and avoid potentially catastrophic risks. Geoducks are high fecund and are highly mobile in the larval drift stage, with possibly hundreds of thousands of eggs from each female able to drift for great distances. He underscored that ecological consequences would not be isolated to the competition that may occur on the beaches but also throughout the food chain.

8:40:36 AM

DR. SEEB pointed out that the larval drift zones were established with input from the industry. At the Seward facility seven species of bivalves are reared. These are species that are indigenous to the GOA. He advised that it is important to maintain the genetic integrity of local stocks and to identify the larval drift zones to provide the industry guidelines on where stocks can be located in regard to the drift zones. The larval drift zones are liberal, based on ocean currents, winds, and water temperature. In summary, Dr. Seeb reiterated that promoting the movement of fertile geoducks outside of their native range can be risky, resulting in unintended consequences. However, by changing the bill language to "allow the movement of sterile geoducks," those risks would be removed. He stressed that there would not be industry support for the movement of fertile geoducks, and the Seward facility shares the department's concerns for the movement of fertile geoducks. The current Alaska statute disallows the movement of sterile stocks of fish, and this bill will correct that oversight.

8:45:59 AM

CHAIR SEATON clarified that sterilization techniques are available for oysters, but not for geoduck clams.

DR. SEEB explained that the sterilization techniques have been widely applied to many species of fish and shellfish. He offered that the state currently produces sterile rainbow trout

for introduction into non-indigenous waters. Having been well researched for a number of decades, these techniques should be adaptable to geoducks and other species.

8:49:56 AM

DR. SEEB responded that prior to the drift zones being identified as a concern, laws existed to preclude the introduction of non-indigenous fish. He cited section AS 16.35.210, directing attention to the committee packet and January 30, 2007, letter from Tim Barry, Attachment #4, page 4, paragraph 3. This identifies the various prohibitions against introducing non-indigenous fish. This statute was in existence prior to the development of the larval drift zone. The larval drift zones were designed to deal with species that appear statewide, such as Weathervane scallops, and provide the industry guidelines on transporting stocks between zones.

9:09:33 AM

MS. PRING-HAM related her understanding that Representative Wilson is concerned of a possible situation in which, by chance, the seed from Southcentral became viable, and the geoducks reproduced. Since geoducks are very large and dig almost three feet down, they take up a lot of biomass. Once that seed is introduced, the predators are attracted and prey on the seeds and those predators attract their predators as well. Therefore, the predator-prey interaction/relation may change dramatically. There isn't enough knowledge, she opined, as to what would happen in such a situation. The only way to perform an experiment is to actually [introduce the geoduck seed], which may actually cause the problem and would require multiple research projects. She recalled Chair Seaton's earlier remarks regarding the studies performed in the State of Washington in which the benthic organisms increased after the harvest of geoducks. The aforementioned is partly caused because the benthic zone has been stimulated with nutrients/food for other organisms.

9:14:45 AM

REPRESENTATIVE HOLMES inquired as to the department's concerns with introducing geoducks that may reproduce in Southcentral Alaska without prior research.

MS. PRING-HAM reiterated that such a situation would possibly impact the ecosystem, ranging from the tropic levels to marine mammals. The aforementioned has occurred in the Lower 48 when [non-native] species have been introduced and displaced native species, resulting in disastrous situations. Transferring aquaculture species from one area to another makes them an exotic species [in the area in which they aren't naturally occurring]. For instance, British Columbia has five [larval] zones and they don't transport from one zone to another until they are sure that there aren't genetic, disease, or ecological issues. In fact, there is a committee of essentially federal

and state members to scientifically review applications. The State of Washington has a similar situation and aquatic farms must stay within the three zones for geoducks as they have concern for disease.

9:22:54 AM

REPRESENTATIVE LEDOUX related her understanding that the department is concerned that if geoducks are allowed in Southcentral Alaska, they could displace the indigenous species. She surmised that the aforementioned would occur in any location where species are enhanced through mariculture or hatcheries.

MS. PRING-HAM reminded the committee that with salmon it took quite some time to develop provisions to ensure that hatchery-produced salmon didn't impact wild stock. Many genetic policies went into effect with regard to salmon. Ms. Pring-Ham said that the department has made [similar] attempts with shellfish.

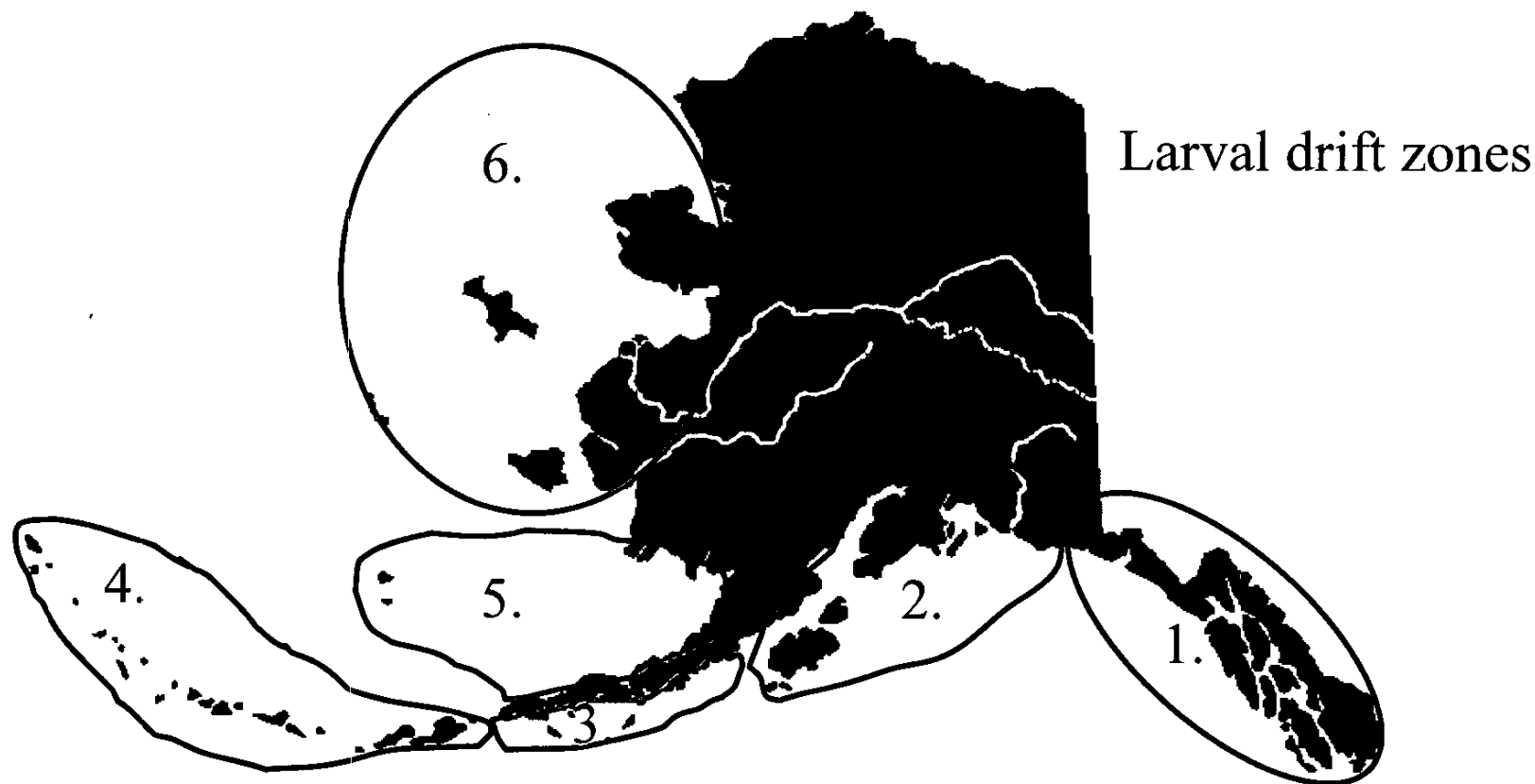
9:42:49 AM

REPRESENTATIVE HOLMES inquired as to whether the department would object to the introduction of sterile geoducks.

MS. PRING-HAM opined that although a policy hasn't been established, the comfort level would be higher if the geoducks being introduced were sterile. In fact, there are oysters in Southcentral that don't reproduce.

Similar testimony was also provided at the following hearings during the 25th Legislature By ADF&G:

- **02/02/2007 8:36 AM House FISHERIES**
- **02/05/2007 8:32 AM House FISHERIES**
- **02/07/2007 8:36 AM House FISHERIES**
- **02/23/2007 1:08 PM House RESOURCES**
- **03/05/2007 1:01 PM House RESOURCES**



- (1) Southeastern Alaska, from the Canadian border north to Cape St. Elias.
- (2) Prince William Sound and Cook Inlet, from Cape St. Elias west and south to Cape Igvak, including Kodiak Island.
- (3) Chignik and the Alaska Peninsula-Aleutian Islands, from Cape Igvak west to the tip of Unimak Island.
- (4) The Aleutian Islands, including all islands west of Unimak Pass.
- (5) The southeast Bering Sea and north Alaska Peninsula, from the westernmost tip of Unimak Island north to the Kuskokwim River, including the Pribilof Islands.
- (6) The northeast Bering Sea, including all coastal islands north of the Kuskokwim River.



Alutiiq Pride Shellfish Hatchery
PO Box 369
Seward, AK 99664
907 224-5181 224-5282 fax
jih@seward.net

February 18, 2009

Representative Paul Seaton
State Capitol
Juneau, Alaska 99801

Dear Representative Seaton:

The Alutiiq Pride Shellfish Hatchery appreciates your efforts with House Bill 43. We rely upon, in part, on shellfish seed sales to cover our operating expenses. Geoducks and their high value offer us the best opportunity to achieve our sales goals. To date, the demand has not been as originally projected causing a perpetual shortfall in revenue. Opening additional markets in south-central Alaska will help alleviate this deficit.

We are often frustrated by the Alaska Department of Fish and Game and their regulation of transport. It is ironic that we can transport a non-indigenous species such as oysters and cannot transport a native species outside what is considered its natural range. The fact that it may be non reproductive in South-central Alaska should make management easy.

I would suggest we promote a cooperative demonstration project exploring the feasibility of geoduck farming in south-central Alaska headed by the Department of Fish and Game, the Department of Commerce, and the Chugach Regional Resources Commission. The shellfish hatchery can provide geoduck seed for such an effort.

Sincerely,

Jeff Hetrick
Director



February 20, 2009

Rep. Paul Seaton
State Capitol
Juneau, AK 99801

Dear Representative Seaton:

The Alaskan Shellfish Growers Association (ASGA) supports House Bill 43 and applauds your efforts to stimulate the growth of shellfish aquaculture throughout the state.

Some might criticize the bill because it would allow the introduction of this highly valuable species of shellfish beyond its "natural range." This is a concept that ASGA played a key role in removing from ADF&G's mariculture regulations several years ago.

Our argument is the "natural range" is elusive and aquatic organisms are continually responding to changing environmental conditions, such as water temperatures, availability of predator and prey, and, as we're now discovering, the amount of carbon in the water column. Just ask fisheries scientists about the shifting "natural range" of Pollock in the Bering Sea or the increasing number of salmon being caught near Barrow.

Important to consider is that geoducks are indigenous to Alaska and there is virtually no chance of spreading disease or polluting the gene pool of wild stocks if this bill is approved and implemented. Alaska has perhaps the strictest regulations in the country governing the transfer of shellfish within the state, and every movement of juvenile shellfish or "spat" must be approved by ADF&G's pathologist. And, since there are no wild stocks of geoducks north of Cape Suckling, there is not gene pool that could be compromised by their introduction to the area.

Geoducks are the world's largest burrowing clams and some of the most valuable seafood harvested in Alaska. These are not zebra mussels or some other dangerous invasive species. The worst that could happen is that the clams will thrive and create new wealth in coastal areas where local residents are leaving because there are no jobs.

In short, HB 43 is a good bill and we support it.

Sincerely,

Rodger Painter
ASGA President

HB

46

<target><bill>HB 46</bill><subject>HB
46</subject><comm>HFSH26</comm></target>

REPRESENTATIVE PAUL SEATON

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ALASKA STATE LEGISLATURE

House District 35

HB 46

Sponsor Statement

Mixing zones are areas in a water body surrounding or downstream of a discharge where state water quality standards may be exceeded while the effluent plume is diluted by the receiving water. Our public waters receive varying amounts of pollution under the parameters of discharge permits as specified by the Department of Environmental Conservation.

Current regulations allow freshwater spawning areas to be designated as mixing zones if salmon are not actively spawning at the time of wastewater discharge. HB 46 would change that regulation to prevent discharge of pollutants into any freshwater spawning area.

HB 46 is also a public right-to-know bill. It seeks to create accountability by allowing the public to have clear and easy access to information regarding the amount and nature of pollutants that are discharged under permit into Alaska water.

Finally, current law doesn't adequately provide opportunity for public awareness and involvement in a comment process for the expansion of commercial sewage containment facilities. HB 46 allows the public to be involved if a sewage lagoon is expanded by more than 50% of its originally permitted size.

REPRESENTATIVE PAUL SEATON



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ALASKA STATE LEGISLATURE
House District 35

HB 46 **Sectional Summary**

Section 1 adds language to AS. 46.03 to require an annual report that details the amount, nature, and description of a pollutant permitted for discharge into a mixing zone. This section does not apply to existing permits. As suggested by the Department of Environmental Conservation (DEC), This section does not apply to information about water temperature, acidity, alkalinity, or dissolved oxygen. This section does not apply permits for streambed disturbance, turbidity, or private sewage systems.

Section 2 prohibits DEC from authorizing a mixing zone in an area in a lake, stream, river or other flowing fresh water in an area where anadromous fish spawn or resident fish redds are located. This section does not apply to the renewal of a mixing zone for a public or private domestic wastewater facility that became a spawning area after initial authorization. This section does not apply to facilities that do not have DEC discharge permits. This section does not apply to the authorization of turbidity mixing zones for placer mines.

Section 3 adds language allowing public comment on expansions of sewage treatment facilities if that expansion causes a 50% or greater increase in the size of the facility.

Section 4 adds applicability language for section 1 and section 2.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 46
() Publish Date: _____

Identifier (file name): HB046-DEC-WQ-03-27-2009 Dept. Affected: Environ. Conservation
Title: Mixing Zones/Sewage Systems RDU: Division of Water
Sponsor: Representative Seaton Component: Water Quality
Requester: House Special Committee on Fisheries Component Number: 2062

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required		Information				
	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services	37.6		37.6	37.6	37.6	37.6	37.6
Travel	2.5		2.5	2.5	2.5	2.5	2.5
Contractual	19.5		19.5	4.5	4.5	4.5	4.5
Supplies	6.9		0.5	0.5	0.5	0.5	0.5
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	66.5	0.0	60.1	45.1	45.1	45.1	45.1

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts							
1003 GF Match							
1004 GF	66.5		60.1	45.1	45.1	45.1	45.1
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	66.5	0.0	60.1	45.1	45.1	45.1	45.1

Estimate of any current year (FY2009) cost: 5.0

POSITIONS

Full-time							
Part-time	1.0		1.0	1.0	1.0	1.0	1.0
Temporary							

ANALYSIS: (Attach a separate page if necessary)

HB 46 will require the Department of Environmental Conservation (DEC) to gather annual pollutant loading data from wastewater discharge permittees with mixing zones, and to compile and publish the data on the DEC website.

The projected cost includes 1 Permanent Part-Time Environmental Program Specialist III for developing regulations, contractual cost for making changes in the computer information system, travel cost for conducting workshops for permittees, and cost of office supplies and equipment.

Prepared by: Lynn J. Tomich Kent Phone (907) 269-7599
Division: Water Date/Time 3/27/09 10:27 AM
Approved by: Larry Hartig Date 3/27/2009
Commissioner

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 46
 () Publish Date: _____

Identifier (file name): HB046-DEC-WQ-01-22-2010 Dept. Affected: Environmental Conservation
 Title Mixing Zones/Sewage Systems RDU Division of Water
 Component Water Quality
 Sponsor Representative Seaton
 Requester House Special Committee on Fisheries Component Number 2062

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services	37.8		37.8	37.8	37.8	37.8	37.8	37.8
Travel	2.5		2.5	2.5	2.5	2.5	2.5	2.5
Contractual	22.0		22.0	22.0	22.0	22.0	22.0	22.0
Supplies	7.5		0.5	0.5	0.5	0.5	0.5	0.5
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	69.8	0.0	62.8	62.8	62.8	62.8	62.8	62.8

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	69.8		62.8	62.8	62.8	62.8	62.8	62.8
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	69.8	0.0	62.8	62.8	62.8	62.8	62.8	62.8

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time	1.0		1.0	1.0	1.0	1.0	1.0	1.0
Temporary								

ANALYSIS: (Attach a separate page if necessary)

HB 46 will require the Department of Environmental Conservation (DEC) to gather annual pollutant loading data from wastewater discharge permittees with mixing zones, and to compile and publish the data on the DEC website.

The projected cost includes 1 Permanent Part-Time Environmental Program Specialist III for developing regulations, contractual cost for making changes in the computer information system, travel cost for conducting workshops for permittees, and cost of office supplies and equipment.

Prepared by: Lynn J. Tomich Kent
 Division Water
 Approved by: Larry Hartig
Commissioner

Phone (907) 269-7599
 Date/Time 1/22/10 4:30 PM
 Date 1/25/2010

AMENDMENT

OFFERED IN THE HOUSE

BY

TO: HB 46

PASSED

- 1 Page 3, line 24, following "for a":
- 2 Insert "commercially operated"

No OBJECTION

2/16/10

AMENDMENT

OFFERED IN THE HOUSE
TO HB 46

Page 3, following line 21

Insert:

(4) "useful life" means the anticipated time in which a facility can continue to be operated without replacement or major renovation.

PASSED
NO
OBJECTION

AMENDMENT

OFFERED IN THE HOUSE
TO HB 46

Page 3, line 5

After "authorization" delete "."

Insert:

“, or for an area where spawning was ongoing at the time of initial authorization, if that authorization occurred more than five years prior to the effective date of the bill.”

PASSED
NO OBJECTION

FOR NOT YET
PERMITTED VILLAGE
OUTFALLS.

House Fisheries January 28th, 2010

1. Call to Order.

Good morning and welcome to the House Special Committee on Fisheries.

Mention **Date & Time** for the Record.

Note committee members **in attendance for the Record**.

Remind folks to **turn off their cell phones**, etc...

2. We will be bringing up HB46, which was first heard during the 2009 session.

Rep. Seaton and staff will refresh the committee's memory concerning the bill. And the committee will **invite Rep. Seaton to join us in discussion**.

I also understand that **Lynn Kent, DEC's director of Water Quality** will be on hand for questions.

Public Testimony opened during the last hearing on the bill remains open, and I understand that we do have members of the public who want to express their views today.

House Fisheries February 16th, 2010

1. Call to Order.

Good morning and welcome to the House Special Committee on Fisheries.

Mention **Date & Time** for the Record.

Note committee members **in attendance for the Record.**

Remind folks to **turn off their cell phones**, etc...

HCR 15—BRISTOL BAY MINING STUDY—has been postponed from the agenda today because the resolution's sponsor has been weather delayed in Kodiak.

2. Today we will be hearing:

- **HJR 46—Mixing Zones/Sewage Systems**

AND

- **HB365—Fish Processor Fees, Licenses, Records**

3. Turning first to HB 46:

- **Public testimony on the bill has been closed.**
- We will bring the bill sponsor forward for questions and committee discussion.
- **DEC Director of the Division of Water Lynn Kent** is on line for questions.

4. Turning now to HB 365:

- Rep. Millet and/or her staff will present the bill.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
DIRECTOR'S OFFICE

SARAH PALIN, GOVERNOR

555 Cordova Street
Anchorage, AK 99501-2617
Phone: (907) 269-7599
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www.dec.state.ak.us

February 13, 2007

The Honorable Paul Seaton
House of Representatives
Alaska State Capitol, Room 102
Juneau, AK 99801-1182

Re: HB 74

Dear Representative Seaton:

Thank you again for the opportunity to testify on HB 74 at the House Fisheries Committee meetings on February 7 and 12. Several questions came up during the hearings. I've paraphrased those questions, and provided answers, along with some clarifying information.

CSHB 74 does not simply reinstate the Department's spawning area protections that have been in regulation since 1995. Rather, it represents a significant departure from the Department's prior regulations. HB 74 defines spawning area on a spatial basis only. While the Department's prior regulations were silent on the definition of spawning area, in practice, the Departments of Natural Resources and Fish and Game have historically and currently define spawning areas using both spatial and temporal aspects when evaluating projects involving waterbodies. This is an important distinction when considering mixing zones.

1. What facilities will not be able to get a mixing zone authorization under HB 74?

Facilities that currently have an authorized mixing zone that relies upon timing restrictions to avoid spawning impacts (except those placer mines specifically addressed in HB 74) could not be re-authorized under HB 74. These facilities' mixing zone authorizations are limited to times when spawning is not occurring. While HB 74 allows for timing restrictions for mixing zones for placer mines, it does not address other facilities that currently rely on timing restrictions to avoid spawning times. Examples of such facilities include:

- Village domestic wastewater lagoons that have a current permit and mixing zone authorization to discharge to a river when fish are not spawning will not qualify for the "grandfather" clause of HB 74, Section 1, AS 46.03.065(b). The "grandfather" clause is dependent upon an "area where spawning was not ongoing at the time of the initial authorization and the mixing zone became a spawning area after the date of the initial authorization". These facilities were initially authorized to discharge to an "area" that was already a spawning "area" (defined by HB 74 as a physical location) when the mixing zone was authorized. As such, they do not qualify for the "grandfather" provision in section (b) of the bill.

Currently unpermitted domestic wastewater discharges cannot obtain a mixing zone authorization under HB 74 involving a spawning area, even if spawning began after the facility first began discharging. Some village domestic wastewater lagoons do not discharge to surface waters. Others must occasionally discharge to a river. Unfortunately some village lagoons don't yet have a permit from EPA, and would therefore not be eligible for a mixing zone if it involves spawning areas (defined only spatially) under HB 74 when they are first permitted. They will not qualify for the "grandfather" clause because they don't have a prior authorization, even though they are existing facilities. They also, under HB 74, cannot utilize the timing restrictions that were available both under old DEC regulations and under the current DEC regulations.

Existing and future industrial dischargers with previously authorized mixing zones where spawning begins in the mixing zone after initial authorization can not be re-authorized under HB 74. The same situation that exists for domestic discharges, i.e. spawning begins in a mixing zone after initial authorization, can also happen to industrial discharges. Example:

- Golden Heart Utilities (GHU). Spawning grayling were identified in their previously authorized mixing zone. See the description of this situation under question number 3. GHU is an industrial discharger that would not qualify for the "grandfather" clause under HB 74.

Domestic wastewater dischargers that are NOT municipal or village dischargers, where spawning begins in the mixing zone after initial authorization cannot be re-authorized under HB 74. Not all owners and operators of domestic wastewater systems are municipal or village governments. Examples include school districts, health clinics, and remote lodges; subdivision and other community systems operated by private non-profits; and community systems run by private, for profit companies.

Placer mines that cannot meet the 500' mixing zone length restriction imposed by HB 74 cannot be re-authorized under HB 74. There are about 28 placer mines that have authorized mixing zones that exceed 500' in length. These mines are already

doing everything they can to ensure that the mixing zone is as small as practicable. They would not qualify for a mixing zone under HB 74, even though they currently operate without adverse impacts to spawning fish.

2. How many inspections does DEC conduct? How many are domestic vs. industrial wastewater dischargers? How often does DEC collect independent samples? Are inspections announced or unannounced?

Fiscal Year	Domestic Wastewater Facility Inspection	Industrial Wastewater Facility Inspections	Total Inspections	% that included sample collection
FY 05			128	23%
FY 06	18	54	72	13%
FY 07- <i>first half year</i>	31	41	72*	22%

*In FY 07 DEC is increasing the number of compliance and enforcement staff in preparation for primacy of the federal wastewater discharge permit program.

These numbers do not include any inspections or monitoring that might be done by EPA, DNR or ADF&G.

DEC has not kept records regarding whether or not inspections were announced or unannounced, but many of the inspections are announced in order to ensure that the facility will have the appropriate staff available during the inspection.

3. How many facilities have requested a mixing zone and how many has DEC denied?

The DEC permit database does not specifically track whether permittees have an authorized mixing zone, however, during the last legislative session, DEC estimated that there are approximately 440 authorized mixing zones. DEC cannot track those facilities that chose not to apply for a mixing zone authorization knowing that they couldn't comply with the stringent mixing zone provisions. Facilities generally don't apply if they know they can't be approved.

DEC denied mixing zone authorizations for three placer mines under the current general permit for placer mines. Habitat biologists determined that there was no time when wastewater could be discharged to avoid fish spawning.

Golden Heart Utilities in Fairbanks (GHU) is another example where DEC has denied a mixing zone. GHU applied to renew a discharge permit for backwash water from its drinking water facility when it was discovered that grayling spawn in

the mixing zone. The discharge contains lime sludge, a water softening by-product that has been shown to have no effect on grayling spawning. Nevertheless, the spawning area provision of DEC's old regulations prohibited designating a mixing zone for any discharge.

While DEC did not deny the mixing zone for a domestic wastewater discharge permit for the Pogo Mine camp, the owner had to conduct extensive surveys of the Goodpaster River in order to find a small area where State habitat biologists concurred was not suitable for spawning. Pogo placed their domestic outfall in that location in order for DEC to approve a small mixing zone for domestic wastewater which, due to the innocuous nature of the discharge, would not have affected fish spawning anywhere on the river.

4. The term "useful life" appears in State statutes multiple times. Why does the use of this term in HB 74 cause DEC concerns? Will DEC amend prior testimony on the issue?

DEC, with assistance from the attorney general's office has evaluated other uses of the term "useful life" in Alaska Statutes. The term, or its plural variant, appears in 13 different sections of Alaska Statutes, in a wide variety of contexts. Its usage ranges from the leasing of state lands for oil pipelines (AS 38.35.110) to care of elderly Alaskans (AS 47.45.240). In one context, salmon tax credits, the Legislature has defined the term, somewhat circularly, as "the useful life of equipment that is or would be applicable for purposes of depreciation." AS 43.75.036(i)(5). See also AS 43.75.035(i)(5). The legislature has simply used the term, without definition, in the various other statutory contexts where it appears.

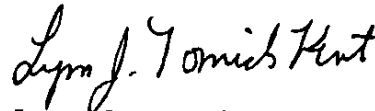
Two of the statutes where the term is used do involve DEC. AS 29.60.520 governs the award of grants to municipalities that have been affected by the release of a hazardous substance. The statute allows grant moneys to be used to repair or replace equipment whose "useful life" has been shortened by its use in cleaning up such a release.

The other statute with a connection, however attenuated, with DEC is AS 46.11.900, the definitions that govern a program designed to encourage energy conservation in publicly financed buildings. Lending institutions are directed to consider the "life cycle energy costs" when financing buildings. AS 46.11.050(a). The definitions explain that "life cycle cost" is determined over the "useful life" of the building.

Neither of these two statutes, nor any of the other existing 11 statutes where the term is used, sheds any light on how the same term might be interpreted and applied in the new proposed context of HB 74. While not an insurmountable issue, the Department would need to define the term in practice or in regulation in order to consistently apply it to the mixing zone requirements. While complete facility

abandonment is clear cut, DEC would need to evaluate whether any of a wide range of facility modifications represents the end of the "useful life" of the facility and it is now considered a new facility that no longer meets the "grandfather" clause of HB 74. Examples include changes that increase or decrease the volume of discharge; decrease the toxicity of the effluent; increase the concentration of effluent; treat the wastewater using different treatment technologies; and facility maintenance and upgrades.

Sincerely,



Lynn J. Tomich Kent
Director

cc: House Special Committee on Fisheries
House Resources Committee

Enclosure 1

Currently Authorized Mixing Zones

157 Municipal Wastewater Treatment Plants

Municipal Wastewater (Sewage) Treatment plants discharge to both fresh and marine water. Their mixing zones vary in size.

204 Seafood Processors

Most of the seafood processors discharge to marine waters under several general and individual permits, the bulk of them under general permits. The mixing zone under these general permits is described as a cylindrical volume of water, with a horizontal radius of 100 feet from the diffuser and the full depth of the waterbody.

59 Placer Mines

Placer mines operate under a general permit, with site-specific, freshwater mixing zones.

15 Oil and Gas Related Facilities

All oil and gas related facilities with authorized mixing zones discharge to marine waters.

3 Large Mines (all others meet WQS at end of pipe or do not discharge to surface water)

Greens Creek Mine has domestic and industrial discharges to marine waters of Hawk Inlet. Red Dog Mine has an industrial discharge to Ikalukrok and Red Dog Creeks. Usibelli Coal mine is in the process of collecting data that will support future mixing zone authorizations for their multiple discharges into Hoseanna Creek.

1 Fertilizer Plant

Agrium has an industrial discharge to Cook Inlet.

From: Louie Flora [mailto:Louie_Flora@legis.state.ak.us]
Sent: Thursday, October 30, 2008 10:38 AM
To: Milli
Subject: FW: Homer Honey Bear Septage Disposal Facility

Problem with the existing permit is no chance for public hearing. See below.

From: Evans, Renee L (DEC) [mailto:renee.evans@alaska.gov]
Sent: Tuesday, October 23, 2007 4:38 PM
To: Louie Flora
Cc: Kent, Lynn J T (DEC); Stambaugh, Sharmon M (DEC)
Subject: RE: Homer Honey Bear Septage Disposal Facility

Louie - In response to your questions:

The public process occurs at the time the State permit is first issued. A public notice is not required to administratively continue a permit or to renew or amend the permit. The process for renewing a permit is found in regulation at 18 AAC 15.100, see below:

18 AAC 15.100. Permit limitations

- a) The department will set a fixed term, not to exceed five years, for a permit or variance other than a plan approval for a
- (1) sewerage system or treatment works; or
 - (2) public water system
- d) **An application for a renewal of a permit, or amendment to a permit or variance, will be treated in the same manner as the initial application, except that public notice or hearing will not be provided for applications for renewal or amendment.** Application for renewal or amendment must be made no later than 30 days before the expiration of the permit or the planned effective date of the amendment. The department will, however, approve an amendment to a permit or variance on an emergency basis if necessary to protect public health, life, or property.

As long as the regulations and statutes are followed a State permit may be administratively continued. The regulation is as follows:

18 AAC 15.110. Administrative continuance of expiring permits

- (a) The conditions of an expired permit issued under AS 46.03.100 continue to be fully effective and enforceable until the effective date of a new or renewed permit if the
- (1) permittee has timely submitted an application to renew the expiring permit or for a new permit that satisfies the requirements of 18 AAC 15.020 or 18 AAC 15.100(d) and any applicable requirements of 18 AAC 60 or 18 AAC 72; and
 - (2) department has not denied the application or revoked the continued permit.

- b) This section does not apply to Alaska Pollutant Discharge Elimination System permits, whether originally issued by the United States Environmental Protection Agency under 33 U.S.C. 1342 (Clean Water Act, sec. 402) or by the department under 18 AAC 83.005 - 18 AAC 83.990. Provisions for the continuation of expiring Alaska Pollutant Discharge Elimination System permits are set out in 18 AAC 83.155.

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER
OFFICE OF THE DIRECTOR

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<http://www.state.ak.us/dec/>

January 26, 2006

Representative Gabrielle Ledoux
Co-Chair, House Special Committee on Fisheries
State Capitol, Room 403
Juneau, AK 99801-1182

Representative William Thomas, Jr.
Co-Chair, House Special Committee on Fisheries
State Capitol, Room 428
Juneau, AK 99801-1182

Dear Representatives Ledoux and Thomas,

Thank you for providing an opportunity for the Department of Environmental Conservation and other members of the administration to testify on House Bill 328 at the January 20 hearing of the House Special Committee on Fisheries. Several questions came up during the hearing (paraphrased below) and some additional information may help to put the administration's position in context.

Is there a comprehensive list of all currently authorized mixing zones?

The Department's current permit tracking data system does not specifically track the details of authorized mixing zones, however, the Department can provide general information on authorized mixing zones (see Enclosure 1).

How many wastewater discharge authorizations are issued each year?

In FY 2005, the State issued 155 wastewater discharge authorizations; 72 of those included an authorized mixing zone (21 of them in freshwater).

How does the Department track compliance with authorized mixing zones and how many inspections does the Department conduct?

Many permitted facilities (with and without authorized mixing zones) are required to conduct self-monitoring and to report the results of that monitoring to the Department and to the Environmental Protection Agency (EPA). These "discharge monitoring reports" are reviewed by the Department for compliance with permit conditions.

During FY 2005, the Department conducted 128 compliance inspections. Facilities chosen for inspection are based on a risk-based ranking system. Samples were collected at a quarter of the inspections to independently verify facility monitoring reports. Since the state currently shares permitting and compliance authority with EPA, they also conducted facility inspections in Alaska. EPA conducted 71 inspections at facilities with wastewater permits during the same State FY 2005 time period. Not all of the State or EPA inspections involve facilities with authorized mixing zones.

Are there facilities that have a mixing zone authorization with timing restrictions on their discharge to avoid spawning areas?

Enclosure 2 is a list of authorized mixing zones where there are timing restrictions on the discharge to avoid spawning areas. Many facilities that have authorized mixing zones in waters identified in the anadromous waters catalog, the state list of waters important to the spawning, rearing and migration of anadromous fish. However, these mixing zones are not in spawning areas of listed waterbodies.

The Committee requested clarification from the Departments of Fish and Game (F&G) and Natural Resources (DNR) regarding the definition of spawning area.

Fish spawning areas are essential to maintain viable fish populations and must be properly protected. For purposes of permitting various types of activities, the Office of Habitat, Management and Permitting at DNR and DF&G define "freshwater fish spawning areas" as areas within lakes, streams, rivers, or other flowing fresh waters that offer suitable habitat for fish spawning and where spawning adults, incubating eggs, or alevins are present. In identifying and managing spawning areas, the agencies consider the temporal and spatial aspects of spawning habitats and activity, the proposed activity, and potential impacts in such a manner that the continued long-term use and availability of spawning habitat is properly protected.

Does the permit applicant determine if their proposed discharge will be to a spawning area?

No. Past and current practice (and now codified in the Department's new regulations) require the Department to defer to the best professional judgment of F&G or DNR to determine whether a proposed mixing zone will affect salmon or resident fish spawning areas. Enclosure 3 is an example of a document used by the Department when gathering information about potential mixing zones. This document includes a section completed with information from DNR or F&G regarding spawning areas (highlighted in the enclosure).

Does the Department have the discretion to choose which agency (F&G or DNR) provides fish protection input into mixing zone authorization decisions?

No. The Department consults with the resource agency that has jurisdiction over the waterbody where the proposed discharge will occur. F&G has authority over waters in

legislatively designated special areas (AS 16.20.050) and DNR has authority over all other waters (AS 41.14.870).

I would be happy to provide any other information requested by the committee.

Sincerely,

Lynn J. Tomich Kent

Lynn J. Tomich Kent
Director

Enclosures

cc: House Special Committee on Fisheries members
Representative Paul Seaton



STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER

Primary Treated Domestic Wastewater From Coastal
Communities with a Secondary Treatment Waiver

GENERAL PERMIT NO. 2003DB0096

See this General Permit for additional permit requirements. The GP is available online at:

http://www.state.ak.us/dec/water/vwdp/online_permitting/dom_wv_apps.htm

AUTHORIZATION NUMBER 1019

THE FOLLOWING FACILITY IS AUTHORIZED TO DISCHARGE IN ACCORDANCE WITH THE GENERAL PERMIT 2003DB0096 AND ANY SITE SPECIFIC REQUIREMENTS LISTED IN THIS AUTHORIZATION:

Issued to:

Facility Name: Wastewater Treatment Facility

Location of Discharge:

Outfall Latitude: Longitude:

Waterbody or Surface
discharged to:

Maximum Volume: 20,000 GPD

Type of Disinfection: None

Type of Facilities: Community Septic Tanks

Effluent Compliance
Point End of the treatment process prior to discharge into the receiving water

Waterbody Compliance
Point Outer edge of the mixing zone

SITE SPECIFIC PERMIT REQUIREMENTS UNDER THIS AUTHORIZATION (in addition to those required in the general permit):

1. This authorization is effective on September 7, 2007 and expires on February 28, 2009. If general permit 2003DB0096 is modified or renewed during the term of the written authorization, the new permit requirements apply.
2. See the attached discharge monitoring report for a summary of site specific limitations and monitoring requirements. Note: Effluent monitoring will only be required if a visible discharge is coming from the overflow pipe. If the discharge is taking place subsurface only, effluent samples are not required.
3. The solids, sludge and scum level, in each community septic tank shall be measured at least twice a year.
4. The accumulated sludge and other residuals from the community septic tanks shall be removed at least annually and disposed of in a sludge disposal site or disposed of in another departmentally approved manner.

EFFLUENT LIMITATIONS AND MONITORING FOR THE**OUTFALL:**

(Effluent samples will only be required if effluent is coming from the overflow discharge pipe. If the discharge is ONLY taking place via percolation through the lagoon bank effluent sampling is not possible)

Effluent Characteristics	Effluent Limitations				Monitoring Requirements	
	Parameter	Daily Minimum	Monthly Average	Daily Maximum	Units	Sample Frequency	Sample Type
Volume	N/A	Report	20,000	gpd	1/week	Estimate or Measured
Biochemical Oxygen Demand (BOD ₅ Day)	N/A	140	200	mg/l	1/month	Composite ¹ or Grab
Total Suspended Solids	N/A	140	200	mg/l	1/month	Composite or Grab
Fecal Coliform Bacteria ²	N/A	200	800	#/100 ml	1/month	Grab
Total Chlorine Residual	N/A	N/A	N/A	mg/l	1/week	Grab
pH	6.0	N/A	9.0	Std. Units	1/week	Grab
Dissolved Oxygen	Report	N/A	N/A	mg/l	Upon Dept Request	Grab
Floating Solids & garbage	N/A	N/A	0	N/A	daily	Observation
Foam	N/A	N/A	0	N/A	daily	Observation
Oily Sheen	N/A	N/A	0	N/A	daily	Observation
Outfall Inspection						
Minimum frequency for visual inspection of Outfall: Monthly						
Report outfall condition, i.e. damaged, exposed, operating normally. If not operating normally describe deficiency(s).						
Sludge Disposal and Septic Tank Monitoring						
Required Removal Frequency:	The accumulated sludge and other residuals from each individual community septic tank shall be removed at least once per year and disposed of in a fenced sludge disposal site located near the existing landfill or disposed of in another departmentally approved manner.					
Report:	Dates of pumping					
Report:	Depth of sludge in tank before pumping, total volume of sludge removed, and disposal location					
Solids monitoring frequency	The accumulated solids, sludge and scum level, in each septic tank shall be measured at a minimum of twice a year.					

¹ Composite samples must consist of at least four equal volume grab samples, two of which must be taken during periods of peak flow.

² All fecal coliform average results must be reported as a geometric mean

MIXING ZONE AUTHORIZATION:

This discharge is assigned a mixing zone to meet the Alaska Water Quality Standards (18 AAC 70) for fecal coliform bacteria, chlorine, pH and dissolved oxygen. The mixing zone for the discharge is defined as follows.

The _____ mixing zone is the marine water of _____, within a 150' radius measured from the overflow discharge pipe located at the center of the seaward bank of the lagoon.

It shall be the responsibility of the permittee to inform this department, in writing, if water from inside of the mixing zone is used, or is intended to be used, as a water supply for aquaculture, human consumption or food processing, or if any area inside the mixing zone is used for contact water recreation or the harvesting for human consumption of raw mollusks or other raw aquatic life. These water uses are defined in the Alaska Water Quality Standards (18 AAC 70).

Twice yearly monitoring will be done every 6 months or as close as practical due to weather conditions.

MIXING ZONE LIMITATIONS AND MONITORING:

Mixing Zone Characteristic	Minimum Value	30 Day Average	Maximum Value	Units	Frequency of Analysis	Sample Type
Fecal Coliform Bacteria (edge of mixing zone) ¹	N/A	14	43 ²	#/100 ml	2 x Year ³	Grab
Fecal Coliform Bacteria (shoreline area of human use closest to the outfall in MZ) ¹	N/A	100	200	#/100 ml	2 x Year ³	Grab
Total Chlorine Residual ⁴	N/A	N/A	0.0075	mg/l	2 x Year ³	Grab
pH ⁵	6.5	N/A	8.5	Std. Units	Upon Dept Request	Grab
Dissolved Oxygen	6	N/A	17	mg/l	Upon Dept Request	Grab

- All mixing zone average fecal coliform results must be reported as the geometric mean. Sample location shall be identified before the first sampling event. All future samples shall be collected as reasonably possible to the original location. The use of a GPS unit or some other location device shall be used to ensure repeatability of original sample location. Shoreline and edge of mixing zone samples may be taken at the same location if that location meets both criteria.
- Not more than 10% of the samples taken during the reporting period may exceed this value.
- Sample shall be collected on the same day the effluent is sampled of the corresponding outfall.
- The effluent limit for chlorine is not quantifiable using EPA approved analytical methods. The Department will use 0.1 mg/L (the Minimum Level for EPA Method 330.3 and Method 330.4) on the Discharge Monitoring Report (DMR) as the compliance evaluation level for this parameter. Test not required if chlorine not used as a disinfectant for the wastewater.
- Marine water discharges may not vary more than 0.2 pH units outside the naturally occurring range.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
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April 9, 2009

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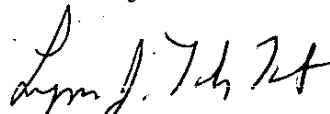
The Honorable Bryce Edgmon
Chair, House Fisheries Special Committee
House of Representatives
Alaska State Capitol
State Capitol, Room 416
Juneau, Alaska 99801-1182

Dear Representative Edgmon:

During the March 31, 2009 House Fisheries Special Committee hearing on HB 46, Representative Seaton asked questions about permitting and public notice for the Homer Honey Bear Septage Disposal Facility, currently named Homer Septic Services. The essence of the questions was how a permit could be amended without opportunity for public comment.

In this particular case, this septage lagoon percolates to the subsurface. There is no discharge to surface water and no mixing zone, a primary topic of HB 46. In the case of small discharges that do not discharge to surface water, no permit is required - even though a permit was issued in this case. Recently, the facility has proposed to increase the volume of its discharge from 1500 to 2000 gallons per day (gpd). We intend to issue a plan approval in lieu of a permit due to the low volume and low risk. Plan approval in lieu of a permit is allowed under Department regulations (see enclosed regulation 18 AAC 72.215) and is consistent with current Department practice for routine facilities discharging less than 2500 gpd to the subsurface. A change in waste volume from 1500 to 2000 gpd would not trigger a public notice under the provisions of HB 46.

Sincerely,


Lynn J. Tomich Kent
Director

Enclosure

cc: Representative Paul Seaton
Representative Craig Johnson
Representative Wes Keller
Representative Charisse Millet
Representative Cathy Munoz
Representative Bob Buch
Representative Scott Kawasaki

Enclosure

18 AAC 72.215. Permit required

(a) Except for systems exempted from plan review under 18 AAC 72.200(a) or as provided in (b) of this section, in addition to a plan approval required by 18 AAC 72.200, a person who disposes of domestic wastewater in this state must have a permit issued by the department under this chapter or under 18 AAC 83 for that disposal.

(b) The department will issue a plan approval in lieu of a permit issued under this chapter if the department determines that

- (1) the system meets the requirements of AS 46.03 and this chapter;
- (2) the system is protective of public health, public and private water systems, and the environment;
- (3) the discharge is not to a sensitive receiving environment; and
- (4) a permit is not required under 33 U.S.C. 1311 (Clean Water Act, sec. 301).

Louie Flora

From: Evans, Renee L (DEC) [renee.evans@alaska.gov]
Sent: Wednesday, October 17, 2007 11:23 AM
To: Louie Flora
Cc: Stambaugh, Sharmon M (DEC)
Subject: Homer Honey Bear Septage Disposal Facility
Attachments: The status of the engineering study for the facility.doc; To Whom it may concern.doc

<<The status of the engineering study for the facility.doc>> <<To Whom it may concern.doc>>

Mr. Flora - I have attached answers to your questions regarding the status of the engineering reviews/approvals for the Homer Honey Bear Septage Facility and a copy of a letter to be sent to the complainants. I apologize the for the delay. The plan review research took longer than expected and we were waiting for the results of the monitoring well samples. If you have any further questions regarding this facility please let me know. Thank-you,
Renee Evans/ADEC

DEC LETTER TO HONEY BEAR COMPLAINTS 2007

To whom it may concern:

The Alaska Department of Environmental Conservation has received six complaints regarding the Homer Honey Bear Septage Facility located at approximately mile 148.7 of the Sterling Highway.

The complaints allege that septage in excess of 1500 gallons per day is being discharged into the facility, the monitoring wells at the facility are non-functional and odors are present outside the facility.

On June 7, 2007 ADEC staff inspected the Homer Honey Bear Facility. The inspection began at 11 am, the outside temperature was approximately 50 degrees Fahrenheit and the wind was blowing at approximately 10 miles per hour to the east. The facility was located within a fenced, locked area.

ADEC staff reviewed records of the facility. In 1983 the facility was designed and approved to allow an average of 1500 gallons per day of septage to be discharged into the facility on a daily basis. Since that time the facility has been upgraded and is now designed to allow an average of 6000 gallons per day of septage to be discharged. The original amount of 1500 gallons per day of discharge is found in the permit for the facility. The additional discharge of 4500 gallons per day is acknowledged by a plan review in lieu of a permit which is allowed by State of Alaska regulation. The current administratively extended permit will be reissued to reflect, both the current permit and plan review limit of 6000 gallons per day of discharge.

Four monitoring wells are located at the facility to monitor the groundwater and verify water quality standards are being met. All wells are operational. One downgradient well was located outside the fenced area, but within the property boundary. Current sample results show that all water quality parameters are being met. A previous sampling event showed one problem with a lower than normal pH in well #4. The permit requires a pH of not less than 6.5, the pH of well #4 last fall was 6.3. Well #4 is located outside the fenced area. The operator indicated this well had been tampered with and he had replaced and put a better lock on this well.

During the inspection ADEC staff walked along the outside of the fenced area, no odors were evident on the outside of the fenced area. The owner discharged approximately 1500 gallons of septage into the facility during the inspection and ADEC did not detect odors offsite during this discharge. Staff also walked from the facility east toward the Sterling Highway during the time septage was being discharged. The wind was blowing toward the east; no odors were evident within 50 feet on the west side of the Sterling Highway.

No violations of the wastewater disposal permit or the State of Alaska regulations for disposal of wastewater, 18 AAC 72, were noted during our investigations. The facility appeared to be well operated and maintained. ADED considers the complaint investigation closed at this time.

1. The status of the engineering study for the facility. Per the e-mail below from Katie Shows in this office, DEC had requested a copy of the design from the permit holder. Did the department receive this study, and if so, does the existing facility comport with the designed facility?

ADEC received the first set of plans for the facility in 1983. These plans were approved and the facility received its first wastewater permit in 1983. The facility has been upgraded several times over the past 24 years and is currently designed and approved to accept an average of 6000 gallons per day.

2. Have design standards changed at all since this facility was initially and re-permitted?

Current design standards are similar to what they were when the facility was first permitted in 1983.

3. In their letter of May 30th, 2007 (copies faxed to DEC in June) the complainants contend that the type of discharge into the facility may be illegal as it may require additional processing prior to discharge. What type of discharge is permitted for this facility, and did the site inspection include a monitoring of discharge into the facility as it occurred?

Septage from septic tanks is being discharged into the facility. The facility was designed and permitted for this discharge. No additional processing of this type of discharge is required. ADEC staff was onsite as a discharge from the pumper truck occurred.

4. The May 30th letter states that "the permit" allows for no more than 1500 gallons per day to be dumped into the facility. This is stated in a letter from DEC dated January 16, 2001 as well (from William McGee). As our office understands from conversations with DEC currently 6000 gallons per day is allowed into the facility. When did this increase from the originally permitted amount occur? Did the facility increase to roughly four times the 2001 size at some point to accommodate the increased volume?

The facility has increased in size over several years. The facility originally had a primary lined cell and one trench. There are currently 8 trenches in series being used to treat the wastewater.

5. The January 2001 letter from DEC explains that a minimum of 4 monitoring wells are required. Did DEC staff find these four wells to be in working order? If the size of the facility increased from a 1500 gallon per day maximum to a 6000 gallon per day maximum, does DEC require more monitoring wells?

All monitoring wells are currently functioning and operational. As the facility expands more frequent monitoring may be required, but the number of monitoring wells required will not increase. Most subsurface disposal systems require one upgradient and three downgradient monitoring wells.

6. Despite the finding of DEC staff that odor was not an issue at the facility, what recourse do concerned neighbors have if they find that the odor is impacting their quality of life/property values?

Odors are an issue that is usually dealt with at a local level, i.e. city or borough government level. This is done by land use restrictions and ordinances only allowing certain types of businesses within zoned residential areas. Most landowners work with their local government on zoning.

7. Has DEC staff formally drafted a letter in response to the letters from Dick and Carol Whitney (May 30th, 2007) and Larry Rozak (October 16th, 2006) included in the material faxed to the department in June? Has staff contacted these parties to discuss the results of the site visit?

The Department will provide the complainants with a copy of this letter, which includes information from the site visit. This letter is attached.

If you have any other questions please let me know. Thank-you -- Renee Evans/ADEC

From: Louie Flora [mailto:Louie_Flora@legis.state.ak.us]
Sent: Mon 10/22/2007 9:56 AM
To: Evans, Renee L (DEC)
Cc: Stambaugh, Sharmon M (DEC); Kent, Lynn J T (DEC)
Subject: RE: Homer Honey Bear Septage Disposal Facility

Thank you for the reply. Can you explain the public process for the administrative extension of a wastewater discharge permit vs. reissuance. Per the answers sent the other day from DEC on the Stariski Seware Lagoon "ADEC staff reviewed records of the facility. In 1983 the facility was designed and approved to allow an average of 1500 gallons per day of septage to be discharged into the facility on a daily basis. Since that time the facility has been upgraded and is now designed to allow an average of 6000 gallons per day of septage to be discharged. The original amount of 1500 gallons per day of discharge is found in the permit for the facility. The additional discharge of 4500 gallons per day is acknowledged by a plan review in lieu of a permit which is allowed by State of Alaska regulation. The current administratively extended permit will be reissued to reflect, both the current permit and plan review limit of 6000 gallons per day of discharge." I am unclear if this means that opportunity for public comment on the permit occured once 24 years ago, and has not occured since, or if public comment was accepted and incorporated into each subsequent extension of the permit. The letter states that the permit will be reissued. Will public comment be allowed at some point in the future?

Is it the case with all state dishcharge permits that they may be administratively extended? Can you point me toward the regulation that allows for administrative extension?

Thanks,

Louie Flora,
Staff, Rep. Seaton
(907) 235-2921



WHITNEY'S

30 May, 2007

Representative Paul Seaton

Dear Paul,

As per your instructions we are sending this packet pertaining to the septic dump across from us at mile 148.7 Sterling Highway. We are also sending copies of letters written in regards to this matter. Some of the neighbors were gone and we could not get copies of their letters. Also included with this packet are the pictures we took back in October of 2006. The area on site still looks terrible.

We had our septic pumped last fall by Aardvark from Soldotna and the person pumping informed us that he thought that type of dumping was now illegal and that the sludge should now be processed by a processing plant as his company does in Sterling.

We have highlighted areas for your attention and referenced the matching pictures. There is a requirement to maintain a log of pumping activities and we are curious if this is being done. If in fact this log is kept then it would be interesting to see if they log all the dumps per day. There are four to six trucks a day entering this site and dumping. Each truck holds 3000 gallons. The permit states no more than 1500 gallons per day. This equates to ten times the permitted discharge. There is evidence of medical waste in the ponds. These items could be seen with the naked eye at the time we took the pictures. This permit expired January 15, 2006 and we have not been able to find any up to date permit for this site. The expired permit is issued to Homer Honey Bear Pumping, and there is no such business on the Kenai Peninsula. Rob and Nancy Sherwood, the supposed owners of this pumping business are not listed on the Kenai Peninsula. Also as a requirement, there should be four monitoring wells on site. We were only able to find three and they were non operational. The stench that emanates from the area is nauseous and sickening. There is a requirement that odors must be controlled.

Any assistance you can render will be greatly appreciated as this problem is becoming more of a nuisance and a possible health hazard.

Sincerely

Dick & Carol Whitney

Phone: (907) 567-4361
Cell phone (907) 299-0198
Email:
carol.alaskafishinlady@gmail.com

Mr. & Mrs. Richard F. Whitney
P. O. Box 728
Anchor Point, AK
99556-0728

Dale M. Olsgaard

Dale M. Olsgaard 907-567-3438

October 16, 2006

Larry M. Rozak
P. O. Box 1179
Homer, Alaska 99603
Tele: 907-235-8667 and FAX: 907-235-4866

ATTN: Renee Evans
Alaska Dept. of Environmental Conservation
Division of Air and Water Quality
State Discharge Permit & Certification Program
555 Cordova Street
Anchorage, Alaska 99501

I would like to comment on the impending renewal of ADEC Wastewater Disposal Permit No. 0023-DB016 (DEC File: 2334.45.003) that is currently operating using a temporary extension. This is a Homer Honey Bear Pumping permit for a waste disposal site at Mile Post 148.7 of the Sterling Highway and just east of Stariski Tower.

This wastewater disposal site is located in a residential area with 50 to 70 lots and homesite parcels in the nearby neighborhood with numerous new homes being erected just this last year and many existing homes that are impacted by the odors emitting from this facility. I have spoken with many of these homeowners and they agree with my opinion that we should not have to smell these nauseous odors in our homes, in our yards or in the neighborhood while walking, biking or riding 4-wheelers. These odors also lower the value of our homes and land in the area and could cause a possible health hazard for people with respiratory problems.

I would like to ask the DEC to dramatically tighten the standards under which the permit operates to achieve a no odor/ zero tolerance at all times. On page 3 of the Permit, under Site Operation, part (e) states that the DEC can require trench covers to control offsite odors. I ask that all treatment cells/trenches have required full-time covers in the new permit and that odor controlling additives be added to the sewage on required regular intervals to further help the problem.

A second problem also exists that the total volume of the sewage being dumped appears to be much higher than the current permit allows. The current permit allows the discharge of a maximum of 1,500 gallons per day of wastewater, but the term discharge is confusing in what it applies to. On page 3 of the Permit, under Site Operation, part (a) says that the Permittee is authorized to discharge five types of sewage into septage pits. This appears to mean that the trucks that pump septic tanks can only deliver or discharge into the holding trenches 1500 gallons per day. If this is the meaning of the discharge term, than a severe violation of this permit has occurred repeatedly. In 2004, I witnessed 2 to 6 trucks per day delivering an estimated 5000 to 15,000 gallons (assumes only 2500 gallons per truck that can carry much more) over the course of four months when I worked on my excavator on my land that is adjacent and directly south of the road that leads to the waste disposal site. I also have spoken to my neighbors who have a view of the trucks turning off the Seward Highway heading to the disposal site and they confirm that over the last few years, 2 to 6 trucks dump daily.

The other interpretation of the word discharge could refer to a maximum of 1500 gallons per day of treated wastewater discharge from the holding treatment cells/trenches into the surrounding area. This would allow a maximum of 547,500 gallons per year (1500 gal. x 365 days) and would allow the trucks to deliver much more than 1500 gallons per day. The problem now becomes an average of 4 trucks, holding an average of 10,000 gallons of sewage, delivering an estimated 200 delivery days per year that would deliver 2,000,000 gallons per year. Since the treatment cells only allow 547,500 gallons to pass through; then either 1,452,500 gallons have evaporated into the air and has created a massive odor problem or this wastewater disposal facility still has a severe violation of the permit in dumping quantities of sewage far greater than permitted. If this is the correct interpretation of the word discharge, then I ask that the new permit only allow a yearly total of 547,500 gallons to be dumped into the facility with no more than 90,000 in any month (3000 gal./day x 30 days), which should keep large dumping in short time periods from over loading the system and causing bad odors.

Larry M. Rozak
P.O. Box 1179
Homer, AK 99603

Home Phone: 907-235-8667
Home FAX : 907-235-4866

October 16, 2006

COVER LETTER

To my neighbors in the Stariski area concerned with the local sewage dump site,

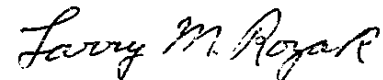
Included with this cover letter is my letter of public comment on the impending renewal of the Homer Honey Bear Pumping permit that the DEC will decide within weeks or maybe months and selected pages of their 2001 Wastewater Disposal Permit No. 0023-DB016.

I spoke with Renee Evans of the Anchorage Office (Phone: 907-269-7568) that will oversee the renewal of the permit and she informed me that they cannot deny the permit, but can only establish standards for the permit and do inspections for possible violations. She encouraged concerned residents of the Stariski neighborhood to do written public comment on the new permit. She wanted people to specify when they smelled bad odors--was it during a certain time of the month or at times when the wind was right when coming from a facility that smelled all the time.

When you read my written comments, you will see that I am asking the DEC for a no odor/zero tolerance standard in the new renewed permit. This is not only good for our noses, but will prove expensive for Honey Bear Pumping to provide pit/trench covers and other odor controlling additives. If it proves too expensive for Honey Bear to do this, then we all hope they will close down the facility and move to a remote location; therefore I ask that you also stress that you want full time pit/trench covers to control the odors. I also attacked the excessive dumping of sewage above the permitted levels and I ask that if any of you have also witnessed 2 to 6 trucks entering the dump site on a daily basis -- to mention it in your comments.

Thanks for your time and consideration.

Sincerely,



Larry M. Rozak

COPY

made 12/6 W
at 10 AM
December 5, 2006

Stewart E and Gloria L. White
P.O. Box 931
Anchor Point, AK 99556
Tele: (907) 567-1024 and (907) 277-0439

ATTN: Renee Evans
Alaska Dept. of Environmental Conservation
Division of Air and Water Quality
State Discharge Permit & Certification Program
555 Cordova Street
Anchorage, Alaska 99501

RE: Impending Renewal of ADEC Wastewater Disposal Permit No. 0023-DB016
(DEC File: 2334.45.003)

This wastewater disposal site is located at Mile Post 148.7 Sterling Highway in a residential area with 50 to 70 lots and homesite parcels in the area. Numerous new homes are being erected in this area. Our existing homes and area are currently being impacted by the odors emitting from the disposal site. Homeowners that we have spoken with agree with our opinion that we should not have to smell these nauseous odors in our homes, in our yards, while sitting on our decks or in the neighborhood while walking, biking or doing yard chores. The smell lowers the value of our homes and land in the area and could cause possible health problems for people with respiratory problems.

We would like to request that DEC dramatically tighten the standards under which the permit operates to achieve a no odor/zero tolerance at all times. We request that all treatment cells/trenches have required full-time covers in the new permit and that odor controlling additives be added to the sewage on required regular intervals to further help the problem.

Our home is located at Mile Post 148.2 of the Sterling Highway. There are days that walking up our drive, we find it necessary to cover our nose and mouth with a scarf to keep the stench from gagging us. It does not seem fair that the actions of one parcel in our area be allowed to impact the residents and homeowners.

Sincerely,

Stewart E. and Gloria L. White
Homeowner
Block 1, Lot 7 Bishop Subdivision

Harold & Kathryn Hale
P.O.Box 687
Anchor Point, AK 99556
(907) 567-3626
hdhale2@worldnet.att.net

November 8, 2006

Attn: Renee Evens
Ak Dept of Environmental Conservation
Division of Air and Water Quality
State Discharge Permit & Certification Program
555 Cordova Street
Anchorage, AK 99501

Re: ADEC Wastewater
Permit # 0023-DB016
(DECFILE 2334.45.003)

We would like to comment on the above mentioned permit renewal.

One question - "Why can it not be denied?"

We, my husband and I, live at Mile 148.6 Sterling Hwy, very near the site. We have lived here for 14 years.

The noxious odor, more so in summer and fall, has steadily increased with the number of trucks dumping. The smell is absolutely horrible.

Perhaps an onsite inspection would confirm the abuse of the site.

I am very concerned about seepage into water well and stream contamination. There are treatment facilities available.

Please consider other options to blatant open sewage dumping.

Sincerely,

Harold & Kathryn Hale

Copy
3815

FROM: Roger and Debora Donahue
PO Box 733
Anchor Point, AK 99556

October 31, 2006

TO: Sharmon Stambaugh,
Program Manager, Wastewater Discharge Permits Program
Division of Water Control
Alaska Department of Environmental Conservation

SUBJECT: ADEC Wastewater Disposal Permit No 0023-DB016

We live along the Sterling Highway Mile 148.8, just west of the wastewater disposal site referenced in the above subject line. We built a home in this area in the summer of 2003 and since our occupancy, this disposal site was never a concern or menace until this past summer. Sometime in July 2006, we began to routinely smell odors from this site whenever the air was still or the wind came from the East. On very calm days, odors from the area would settle into our subdivision in pockets and were quite noticeable.

Also this summer, the amount of sewage dump trucks using the site seemed to be greater than years past. We honestly cannot say if we just noticed them more because of the foul odor we had to endure, or whether the sites usage actually increased. But one fact is clear - this site is being heavily used.

Since the odor seemed to be growing worse, we visited the DEC's website to learn the regulations for this type of disposal site and found that this site's permit had expired in January 2006. In September, we wrote an email of our concerns to Mr. David Johnson, Water Division's Soldotna office, but never heard back. Therefore, I am writing to you in hopes you will ensure our concerns are forwarded to the proper office.

Recently, we spoke with another neighbor about this, Mr Larry Rozak, and he told us this disposal site was operating under a temporary permit. If this is the case, we ask you to ensure this facility is meeting all requirements of their permit and State Laws and Regulations prior to issuing them another permit of any type.

We are specifically concerned they are exceeding the allowable wastewater disposal limits specified in their permit. The permit clearly states: "The permit allows the discharge of a maximum of 1,500 gallons per day of wastewater." Since one truck per day would exceed this allowance, we can for certain tell you far more trucks then one visit this site per day.

Additionally, the permit requires that odors are to be controlled so they "are not detectable off the site." We estimate that our home is 3/10th of a mile from the site, but on no-wind days we have often smelled the odors from this facility.

The facility itself seems to be lacking from proper care as the fence is deteriorated and the entire area appears unkempt and unsightly. Due to this apparent lack of proper management and maintenance, we also ask that your Division review the facility's records to ensure they have been

properly monitoring the contaminant levels as required by Appendix A – Specific Permit Conditions, Paragraph c, of their permit. There are many residential homes in this area dependent upon well water and we feel it is imperative they are not exceeding the contaminant levels allowed.

Additionally, please ensure they are complying with paragraph i, maintaining a log of all pumping activity to ensure they are not exceeding allowable wastewater dumping quantities for this facility.

In closing, we ask that you ensure this facility is meeting all the requirements of its permit to ensure the health and safety and quality of life for the residents in this area. Should the facility be in violation of its permit, we ask that you revoke and not renew the permit as allowed by AS 46.03.120.

If you have any questions, or would like additional information, you may reach us at 907-299-3239. Our physical address is 26983, Kazor Circle and our mailing address is:

Roger and Debora Donahue
PO Box 733
Anchor Point, AK 99556

Thank you for your attention to this matter,

Roger E. Donahue

Debora S. Donahue

copy



WHITNEY'S

October 20, 2006

Attn: Renee Evans
Alaska Dept. of Environmental Conservation
Division of Air and Water Quality
State Discharge Permit & Certification Program
555 Cordova Street
Anchorage, Alaska 99501

We (Dick & Carol Whitney) wish to make a statement on the forthcoming renewal of ADEC Wastewater Disposal Permit No. 0023-DB016 (DEC File: 2334.45.003) which is at the present time using a temporary extension. The pumping permit is for Homer Honey Bear which uses a waste disposal site at Mile Post 148.7 of the Sterling Highway and is just east of the Stariski Tower and across the highway from our driveway and home.

This septic wastewater disposal site is in very close proximity to a residential area with between 50 and 100 lots and home sites in the surrounding area, and many new homes have been built this past year and many more are planned in the coming year. These homes are greatly impacted by the horrible odors that are being emitted from this facility. Many of the homeowners in our area agree with my views and observations that we should not have to endure the stench and sickening odors in our homes, in our yards or in our neighborhoods. Have you ever tried to have a wonderful backyard barbeque and try to eat while enduring odors such as these? Have you ever walked, rode a 4-wheeler or bicycle and had to endure a constant stench? These odors decrease the value of our properties and homes, also turn off prospective buyers of properties for sale. These odors also could quite possibly cause a health hazard for people with respiratory problems. There are numerous seniors living in this area.

We would like to request the DEC to implement a tightened standard under which the permit operates to achieve a no odor/no tolerance at all times. On page 3 of the permit, under Site Operations, part (e) states that the DEC can require trench covers to control offsite odors. We ask that all treatment cells/trenches have required full-time covers in the new permit and that odor controlling additives be added to the sewage on regular intervals to further help the problem.

There is also another problem in that the total volume of sewage being dumped appears to be much higher than the current permit allows. The current permit allows for the dumping of 1,500 gallons per day of wastewater, but the term discharge is confusing in what it applies to. On page 3 of the Permit, under Site Operation, part (a) says that the Permittee is authorized to discharge five types of sewage into septic pits. This appears to mean that the trucks that pump septic tanks can only deliver or discharge into the holding trenches 1500 gallons per day. If this is the meaning of the discharge term, then a severe violation of this permit has occurred repeatedly. Over the past few years we have observed the coming and going of these trucks from the south as well as the north and there have always been multiple trucks entering this dumping site. With our drive directly across from the turn in to the site we observe most of the trucks. Those we do not observe we hear as they slow down using their Jake breaks for the turn. One can not miss those big trucks. We have counted as many as 6 trucks entering the dump site throughout the day. I assume a truck carries an estimated 2500 gallons per truck. If one times that by 6, then that site is receiving an estimated 15,000 gallons per day.

This paragraph is borrowed from the letter written by Larry Rozak: The other interpretation of the word discharge could refer to a maximum of 1500 gallons of treated wastewater discharge from the holding treatment cells/trenches into the surrounding area. This would allow a maximum of 547,500 gallons per year (1500 gal. X 365 days) and would allow the trucks to deliver much more than 1500 gallons per day. The problem now becomes an average of 4 trucks, holding an average of 10,000 gallons of sewage, delivering an estimated 200 delivery days per year that would deliver 2,000,000 gallons per year. Since the treatments cells only allow 547,500 gallons to pass through; then either 1,452,500 gallons have evaporated into the air and has created a massive odor problem or this wastewater disposal facility still has a severe violation of the permit in dumping quantities of sewage far greater than permitted. If this is the correct interpretation of the word discharge, then we ask that the new permit only allow a yearly total of 547,500 gallons to be dumped into the facility with no more than 90,000 in any month (3000 gal./day x30 days), which should keep large dumping in short periods from overloading the system and causing bad odors.

We ask the DEC to inspect & test on a monthly basis or at least multiple times a year to determine whether or not the permit has been complied with. We have read the entire permit and can see where the permittee is granted quite a lot of freedom in making reports, keeping their records, making the tests, and complying with the permit. The problem we see is the permittee is being allowed to give accurate information which may or may not be true, consequently if the DEC has not made surprise inspections rarely or not at all, it would encourage the permittee to dump sewage at a much higher rate than the permit allows. This practice would make a lot of money for the permittee with little or no risk of being caught or anything being done about it.

If Homer Honey Bear Pumping has to spend money for pit covers, and odor controlling additives and labor to create a zero tolerance odor facility, and if their profit margins are much lower with fewer trucks delivering sewage to this facility on a daily basis, then this is the cost of doing business in a residential neighborhood. Perhaps they can relocate to a more remote location where no homes exist. The only interest that we the landowners and home owners have is our quality of life that should be nauseous odor free all the time, and a healthy environment to play and relax in. Please mail me a copy of the permit that is approved and renewed for Homer Honey Bear Pumping.

Sincerely

Richard F. Whitney

Carol M. Whitney

Mr. & Mrs. Richard F. Whitney
P. O. Box 728
Anchor Point, AK

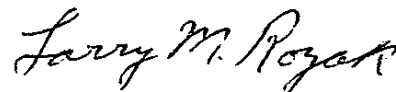
Phone: (907) 567-4361
Cell phone (907) 299-0198
Email:
carol.alaskafishinlady@gmail.com

I ask the DEC to make monthly or multiple inspections & tests per year to determine compliance with this permit. Having read the entire permit, I can see that the permittee is granted a lot of freedom in making reports, keeping records, making tests and complying with the permit. The problem is that the permittee is being trusted to give accurate information and if the DEC has not done a surprise inspection in many years; it would encourage the permittee to dump sewage at much higher rates than the permit allows because it would make a lot of money for the permittee with what appears to be little risk of getting caught.

If Homer Honey Bear Pumping has to spend lots of money for pit covers, odor controlling additives and labor to create a zero tolerance odor facility, than so be it. If their profit margins are much lower with fewer trucks delivering sewage to this facility daily, than that is the cost of doing business in a residential neighborhood. They can always choose to relocate to a remote location where no homes exist. We, the landowners in the neighborhood, are only interested in our quality of life that should be nauseous odor free, all the time.

Please FAX or mail me a copy of the permit that is approved and renewed for Homer Honey Bear Pumping.

Sincerely,



Larry M. Rozak

The following Municipalities, Organizations, and Individuals are on the record in support of past legislation to prohibit mixing zones in freshwater spawning areas

Municipalities

City of Palmer
City of Homer
Kenai Peninsula Borough
City of Valdez

Organizations

Southeast Alaska Regional Dive Fisheries Association
Yukon River Drainage Fisheries Association
Alaska Longline Fishermen's Association
Kachemak Bay Conservation Society
United Southeast Alaska Gillnetters
United Fishermen of Alaska
Cook Inlet Aquaculture Association
Cordova District Fishermen United
Cook Inlet Alliance
Alaska Conservation Alliance
Juneau Douglas Fish and Game Advisory Committee
Chickaloon Village Traditional Council
Igiugig Tribal Village Council
Alaska Trollers Association
Seldovia Village Tribe
Community Rivers Planning Coalition
Kenai Peninsula Fishermen's Association
Trout Unlimited
Yukon River Inter-Tribal Watershed Council
Southwest Alaska Municipal Conference
Native Village of Eklutna

Individuals

Charles Armand Piedra	Juneau, AK
Craig Scola	
Dave Lacey	Fairbanks, AK
Warren Crawford	Kenai, AK
Nina Faust	Homer, AK
Edgar Bailey	Homer, AK
Ward Grant	
Amy Bollenbach	Homer, AK
Dan Dunaway	Dillingham, AK
Carl Rosier	Juneau, AK
Gerald Brookman	Kenai, AK
Claire Holland LeClair	Anchorage, AK
Leif Mjos	Anchorage, AK
Kathleen Menke	Haines, AK
Richard Kanner	Salt Lake City, UT
Demian Schane	Juneau, AK
Linda Johnson	Juneau, AK
Katherine McLaughlin	Chenga Bay, AK
Rachel Swingley	Eagle River, AK

David Swingley
Richard Hahn
Julie Hursey
Sally McGuire
Kathy Wartinbee
Charles Herndon
Robert Stell
Judy Brakel
Jim Chumbley
Duane Howe
John Lyle
Marion Nelson
Susan Clardy
Will Ellen
Martha Ellen
Sara Petty
Hayden Kaden
Nancy Hillstrand
Izetta Chambers
Jeff Mitchell
David Davis
Julie Davis
Adi Jo Davis
Marcia Jacobs
Bill Cook
Will Files
David Wartinbee
David Blount
William Lindow
Kate Sandberg
Paul McCollum
Anne Mosness
Dan Bilderback
Marv Smith
Adam Bauer
Tom Pogson
Doug Fine
Ellen Wolf
Julie Obermeyer
Kelly Oblad
Lorie Oblad
Kathy Oblad
Darwin Oblad
John Strassenburgh
Kaarle Strailey
Joe Faith
Betty Bonin
Darcy Dugan
Craig Matkin
Fred Dean
Alyce Todd
Gene Glaab

Eagle River, AK
Soldotna, AK
Petersburg, AK

Soldotna, AK
Anchorage, AK
Juneau, AK
Gustavus, AK
Homer, AK
Fairbanks, AK
Kenai, AK

Homer, AK
Homer, AK
Anchorage, AK

Naknek, AK
Seward, AK
Homer, AK
Homer, AK
Homer, AK
Soldotna, AK
Soldotna, AK
Homer, AK
Kenai, AK
Cordova, AK
Cordova, AK
Girdwood, AK
Homer, AK
Bellingham, WA
Anchorage, AK

Homer, AK
Homer, AK

Talkeetna, AK
Anchorage, AK

Talkeetna, AK
Fairbanks, AK
Dillingham, AK
Naknek, AK

Fairbanks, AK
Naknek, AK
Naknek, AK

Michael Bavers
Edward Otis
Caroline Crenna
Earl Breyfogle
Dan Strickland

Homer, AK
Sitka, Ak
Anchor Point, AK
Palmer, AK

ALASKA STATE LEGISLATURE



TO THE
AG'S OFFICE
FROM MUNOZ/JOHNSON

February 4, 2010

This is to request your opinion about whether legislating to change Alaska's mixing zone rule, which is a State water quality standard, violates, or would involve, the Federal Clean Water Act's (CWA) rulemaking requirements for making such changes. The CWA provides that water quality standards be developed through public comment and hearings on draft, science-based regulations. We request your opinion about how to ensure that the process for changing a water quality standard adheres to CWA requirements. What burdens would making such a change through legislation place on the State? What administrative and record requirements would be placed on the State by trying to revise a water quality standard through legislation?

Section 303 (c)(1) of the CWA states that:

(1)The Governor of the State or the State water pollution control agency of such State shall from time to time (but at least once each three years beginning with October 1972) hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Results of such review shall be made available to the Administrator.

Subsection 303 (c)(2)(A) states:

(2)(A) Whenever the State revises or adopts a new standard, such revised or new standard shall be submitted to the Administrator. Such revised or new water quality standard shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses. Such standards shall be such as to protect the public health or welfare, enhance the quality of the water and serve the purposes of this chapter. Such standards shall be established

taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and also taking into consideration their use and value for navigation.

Along with the submission of a new or revised water quality standard to the Administrator, Subsection 303 (c)(2)(B),¹ in part, requires the State to:

adopt toxic criteria for all toxic pollutants listed pursuant to section 1317(a)(1) of this title for which criteria have been published under section 1314(a) of this title, the discharge or presence of which in the affected waters could reasonably be expected to interfere with those designated uses adopted by the State as necessary to support such designated uses. Such criteria shall be specific numeric criteria for such toxic pollutants. Where such numeric criteria are not available, whenever a State reviews water quality standards pursuant to paragraph (1), or revises or adopts new standards pursuant to this paragraph, such State shall adopt criteria based on biological monitoring or assessment methods consistent with information published pursuant to section 1314(a)(8) of this title.

Subsections 303 (c)(3) and (4) describe the process by which the Administrator of the Environmental Protection Agency (EPA) reviews the revised or new standard for consistency with the federal act and promulgates regulations regarding the revised or new water quality standard, if he/she approves it.

The CWA provides that water quality standards be developed through public comment and hearings on draft, science-based regulations. This rule-making process provides the EPA Administrator and the Commissioner of the Department of Environmental Conservation (DEC) an opportunity to determine whether there are science-based, public health and water quality protection reasons to revise or change a standard or to have a more stringent standard than that set by federal or current state law. The legislative process provides for hearings on legislation, but is significantly different than rulemaking because legislation is dependent upon votes, not whether it meets the arbitrary and capricious standard, which is needed to uphold rulemaking.

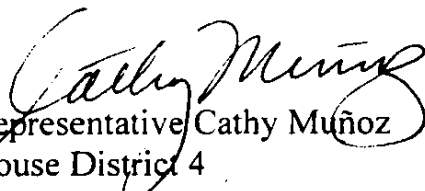
¹ The full text of CWA § 303 (c) is attached.

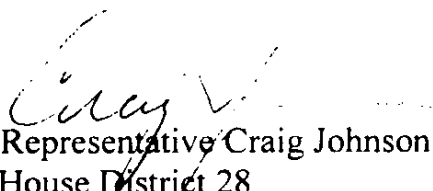
Based on the foregoing the undersigned seek your advice on the following questions:

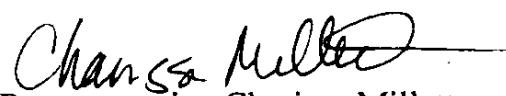
1. Would the information required by CWA § 303 (c)(2)(A) and(2)(B) have to be included in legislation to change a water quality standard?
2. If so, would DEC or the legislation's sponsor be required to provide the information?
3. If the answer to the previous question is that DEC would have to provide the information, what would happen if, based on the science, DEC disagreed with the change? For example, what if DEC found that the proposed, legislated, water quality standard reduced the value of the public water supply?
4. How would such legislation address the requirement in CWA § 303 (c)(2)(B) that the State adopt criteria for toxic pollutants? Would such information have to be included in the legislation? Would DEC be responsible for providing it or verifying it? Again, what if DEC disagreed?
5. How would a record satisfactory to EPA's administrative rules be made as part of such legislation?
6. How would the CWA's public hearing requirement be integrated with the legislative hearings? Would separate public hearings have to be held?
7. If the Administrator of EPA disapproves the proposed, legislated, water quality standard under CWA 303(c)(3) may he/she substitute his/her judgment as to what would be the appropriate standard? (Please consider the last two sentences of CWA § 303(c)(2) in giving your answer.) If so, could the Administrator also substitute his/her judgment as to what should be the appropriate numbers for the toxic substance criteria that CWA § 303 (c)(2)(B) requires a State to submit when adopting or revising its water quality standards? and
8. What would be the status of the proposed, legislated, water quality standard if the Administrator of EPA publishes it and a court determines that it is arbitrary and capricious under the Federal Administrative Procedures Act? Could a third party litigate whether the toxic substance criteria, that CWA § 303 (c)(2)(B) requires a State to submit when adopting or revising its water quality standards, are arbitrary and capricious under the Federal Administrative Procedures Act?


We appreciate your consideration of these issues and look forward to your response.

Sincerely,


Representative Cathy Muñoz
House District 4


Representative Craig Johnson
House District 28


Representative Charisse Millett
House District 30


Representative Jay Ramras
House District 10

February 25, 2010

House Fisheries Committee

Dear Chairman Edgmon,

After contact with the Office of the Attorney General regarding HB 46 there are several points of concern that have been brought to our attention. They relate to federal rule making requirements under the Clean Water Act to legislation that seeks to change a state's water quality standard. Enclosed is a copy of the response received.

Please note that in answer to question 5 the Senior Assistant Attorney General states that a proposed revision to a water quality standard must include among other things: "analyses conducted to support the standard" and "an explanation of the scientific basis for the standard." In response to question 6 the Senior Assistant Attorney General says that to satisfy the Clean Water Act's public hearing requirements "there must be a public hearing not simply on the language of the standard itself, but after the supporting analyses have been assembled and made available to the public."

Before we hear this bill again we would appreciate the opportunity to hear first from the Senior Assistant Attorney General. Particularly it would be helpful to review: 1) the sufficiency of the analyses conducted to support the proposed legislative revision to Alaska's current mixing zone standard; 2) the scientific basis for the proposed revision; 3) whether items 1 and 2 were sufficiently noticed at the Committee's hearings on the proposed legislative revision to the mixing zone standard to be in compliance with the Clean Water Act's public hearing requirements; and 4) such other steps as may be necessary to make sure that any legislative revisions to Alaska's current mixing zone standard meet Clean Water Act requirements for such revisions.

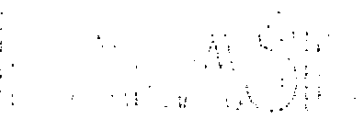
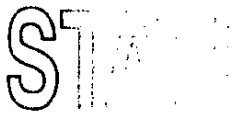
Thank you for your consideration.

Representative Cathy Munoz


House District 4

Representative Craig Johnson


House District 28



Sean Parnell, Governor

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

*KEY BANK BUILDING
100 CUSHMAN STREET, SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907)451-2811
FAX: (907)451-2846*

February 11, 2010

Honorable Cathy Muñoz
Representative of
House District 4
State Capitol, Room 409
Juneau, AK 99801-1182

Honorable Craig Johnson
Representative of
House District 28
State Capitol, Room 126
Juneau, AK 99801-1182

Honorable Charisse Millett
Representative of
House District 30
State Capitol, Room 412
Juneau, AK 99801-1182

Honorable Jay Ramras
Representative of
House District 10
State Capitol, Room 104
Juneau, AK 99801-1182

Re: Mixing Zone Bill Questions, Our File No. 665-09-0019

Dear Honorable Representatives,

Thank you for your letter of February 4, 2010, posing several related questions that arise when a state elects to legislate water quality standards, rather than develop them through regulations. As you appreciate, the answers to your various questions turn on the application and interpretation of federal law. I have consulted with counsel at EPA's Regional Office and at EPA Headquarters in framing my answers to your questions. EPA has occasionally been confronted with similar circumstances in other states, and they recognize that it can be an awkward fit to review water quality legislation under standards and procedures that were designed for review of state water quality regulations.

In addition to the provisions of the Clean Water Act (CWA) that you mention in your letter, there are also federal regulations that govern the process of securing EPA's approval of state water quality standards. The most important regulations for the purposes of your inquiry are 40 CFR § 131.6 and 40 CFR § 131.20. These two regulations set out the requirements for a state's submission of proposed water quality standards to EPA for approval. Both of these regulations will be addressed further below, in responses to each of your numbered questions.

1. Would the information required by CWA § 303(c)(2)(A) and (2)(B) have to be included in legislation to change a water quality standard?

Any new or revised water quality standard, whether enacted as legislation or promulgated as regulations, is subject to EPA review and approval (or disapproval) under CWA § 303(c)(2) & (3).¹ Thus, the substantive review standards set out in CWA § 303(c)(2)(A) would apply to legislation. Also, the procedural requirements of 40 CFR § 131.6 and 40 CFR § 131.20, describing the information that must be submitted to EPA along with the proposed new or revised water quality standard, will also apply. However, such information does not have to be included in the legislation itself; rather, it has to be included in the set of materials ultimately sent to EPA for its approval.

2. If so, would DEC or the legislation's sponsor be required to provide the information?

Federal law does not prescribe which state entity is responsible for forwarding the water quality standard approval packet to EPA for its review. EPA would accept a submission from either ADEC, the agency that normally handles such matters, or from the legislature. EPA would review the submission under the same substantive and procedural standards in either case.

3. If the answer to the previous question is that DEC would have to provide the information, what would happen if, based on the science, DEC disagreed with the change? For example, what if DEC found that the proposed, legislated water quality standard reduced the value of the public water supply?

If ADEC believes that a bill changing state water quality standards includes provisions that it could not support in a subsequent submission to EPA, then ADEC should advise the legislature about its concerns in hearings on the bill, in order to avoid the situation you describe. If the legislature passed the bill despite ADEC's expressed concerns, and then asked ADEC to submit the new statute to EPA for approval, then ADEC would have to discharge that function professionally. Presumably ADEC would have to include its honest assessment of the new water quality standards in the materials that it submitted to EPA. But if the legislature does not want ADEC to include its own assessment of the new law in the packet submitted to EPA, then the legislature should undertake the submission itself.

¹ All references to the CWA will be to the section number of the Act itself, rather than the codified version.

4. How would such legislation address the requirement in CWA § 303(c)(2)(B) that the State adopt criteria for toxic pollutants? Would such information have to be included in the legislation? Would DEC be responsible for providing it or verifying it? Again, what if DEC disagreed?

The State has already adopted water quality criteria for all the toxic pollutants referred to in CWA § 303(c)(2)(B). Those criteria may be found at 18 AAC 70.020(b)(11) [for freshwater] and 18 AAC 70.020(b)(23) [for marine water]. Those criteria have been approved by EPA. The State must also perform a “triennial review” of its standards under CWA §303(c)(1) to allow for public input on any needed revisions. As long as the State does this, it can adopt other water quality standards, such as rules for mixing zones, without needing to go back and re-visit or re-adopt its existing criteria for toxics.

While the language of CWA § 303(c)(2)(B), read literally, might seem to require that a state re-promulgate its toxics criteria every time it revises any of its water quality standards, it is not interpreted or applied that way in practice. Rather, the section simply imposes an on-going duty on the states to keep their toxics criteria complete and current (*i.e.*, consistent with the requirements of CWA § 303(c)(2)(B)). If a state does so, it may still revise other water quality standards without going back and changing or re-adopting its toxics criteria.

5. How would a record satisfactory to EPA’s administrative rules be made as part of such legislation?

Federal regulations require that a state seeking EPA approval of a proposed revision to a water quality standard submit the following information: analyses conducted to support the standard; an explanation of the scientific basis for the standard; and certification by the Attorney General or other legal authority that it was duly adopted.² Ideally, the sponsor of a bill proposing to change an existing standard should make the first two items available to the committees considering the bill, and to the public, before the bill is enacted. While such supporting materials could be provided to accompany the new law after it was enacted, that sequence would defeat the open public process required for the state’s development of its standards. The federal requirements for public hearings are discussed in the response to the next question.

² These requirements are gleaned from 40 CFR § 131.6 and 40 CFR § 131.20. Note that not all the requirements of the former regulation apply to a revision to an existing water quality standard.

6. How would the CWA's public hearing requirement be integrated with the legislative hearings? Would separate public hearings have to be held?

Federal regulations require that a state hold a public hearing before it revises its water quality standards. *See* 40 CFR § 131.20(b). The governing regulation specifies that “[t]he proposed water quality standards revision and supporting analyses shall be made available to the public prior to the hearing.” *Id.* (emphasis added). Thus, to satisfy this regulation, there must be a public hearing not simply on the language of the standard revision itself, but after the supporting analyses have been assembled and made available to the public. The public hearing must also comply with 40 CFR Part 25. *See* 40 CFR § 131.20(b). Note in particular 40 CFR § 25.5, which describes specific rules governing the public hearing required for a water quality standard revision.

The federal requirements could theoretically be satisfied in either of two ways. If the supporting analyses were made available to the public prior to the legislative hearings on the bill that was revising the standards, and the specific rules applicable to the public hearing were also met, then the legislative enactment process itself could satisfy this regulation. If that does not occur, then there would have to be a subsequent opportunity for public hearing, after the bill was enacted and after the supporting information required by federal regulation is assembled. Presumably this public process could be managed either by ADEC or by some appropriate legislative committee or office.

7. If the Administrator of EPA disapproves the proposed, legislated, water quality standard under CWA § 303 (c)(3) may he/she substitute his/her judgment as to what would be the appropriate standard? (Please consider the last two sentences of CWA § 303 (c)(3) in giving your answer.) If so, could the Administrator also substitute his/her judgment as to what should be the appropriate numbers for the toxic substance criteria that CWA § 303 (c)(3) requires a State to submit when adopting or revising its water quality standards?

Whenever EPA disapproves a state's water quality standard, it has the duty to inform the state of the changes needed to secure approval. It also has the option of promulgating substitute standards for the state. *See* CWA § 303(c)(3). In practice, when EPA has disapproved standard revisions offered by ADEC, it has chosen not to promulgate its own. Rather, EPA has simply allowed the prior version of the State's standards to remain in effect. EPA has followed this course in two recent disapprovals of state water quality standards submitted by ADEC. In taking this position, EPA cites to 40 CFR § 131.21(e), which provides that an EPA-approved standard remains in effect, for purposes of the CWA, “until EPA approves a change, deletion, or addition to that water quality standard.”

Because all of your questions pertain to a bill that would make changes to the rules governing mixing zones, we would expect EPA to follow the same course here. ADEC already has mixing zone regulations that EPA has approved,³ so if EPA disapproves revisions to those rules (whether those revisions be in the form of a bill or a new regulation), EPA would likely simply allow the currently-approved version to remain in effect. But there is no guaranty of that outcome, and EPA would certainly have the option of promulgating its own mixing zone regulations for Alaska if it chose to do so.

In the latter event, I do not think that EPA could also change the State's water quality criteria for toxic pollutants, as those criteria have already been approved by EPA, and are outside the scope of the mixing zone standards that, under our hypothetical scenario, EPA would have disapproved.

8. What would be the status of the proposed, legislated, water quality standard if the Administrator of EPA publishes it and a court determines that it is arbitrary and capricious under the Federal Administrative Procedures Act? Could a third party litigate whether the toxic substance criteria, that CWA § 303 (c)(2)(B) requires a State to submit when adopting or revising its water quality standards, are arbitrary and capricious under the Federal administrative Procedures Act?

As I understand this question, the scenario is that EPA approves the State's revised mixing zone standard, and a third party then brings a legal challenge under the federal APA, and prevails. In that event, the status of the State's revised standard would depend wholly upon the court's ruling. If the court vacates EPA's approval of the new or revised standard in its entirety, then the most likely consequence would be for the State's former mixing zone regulation to remain in effect. But the appropriate remedy would likely be contested by the parties to such a case, and it is impossible to predict with any certainty how the court would rule.

As noted in response to your question 4, the State can adopt a new mixing zone rule without having to re-adopt criteria for toxic pollutants. Therefore, it is highly unlikely that the current, EPA-approved criteria for toxic pollutants would be at issue, since they would be unrelated to a bill that focused solely on mixing zones.

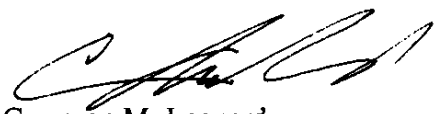
³ You may note that the EPA-approved version of the state's mixing zone regulations is not the version currently included in our state regulations, 18 AAC 70.240, as that regulation is awaiting EPA approval. Rather, for purposes of the CWA, the current mixing zone regulations are the 2003 version, which may be found at <http://dec.alaska.gov/water/wqsar/wqs/pdfs/70mas.pdf>.

I hope that these answers are helpful to you in your further deliberations.
Please let our office know if we can be of any further assistance.

Sincerely,

DANIEL S. SULLIVAN
ATTORNEY GENERAL

By:



Cameron M. Leonard
Senior Assistant Attorney General

STATE OF ALASKA

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
WASTEWATER DISCHARGE PROGRAM**

FRANK H. MURKOWSKI, GOVERNOR

410 Willoughby Ave
Juneau, Alaska 99801
PHONE: (907) 465-5308
FAX: (907) 465-5274
<http://www.state.ak.us/dec>

June 17, 2005

File # 1533.62.001

Robert Richins
Project Director
Coeur Alaska, Inc.
3031 Clinton Rd., Suite 202
Juneau, AK 99801

Certified Mail#:7004 1160 2848 6328
Return Receipt Requested

RE: ADEC 401 Certification of NPDES Permit No. AK-005057-1

Dear Mr. Richins:

In accordance with Section 401 of the Clean Water Act and provisions of the Alaska Water Quality Standards (18 AAC 70), the Department of Environmental Conservation issues the enclosed Certificate of Reasonable Assurance for the NPDES permit for discharges of wastewater from the Kensington Gold Project located in the Tongass National Forest 45 miles north of Juneau, Alaska.

This certification replaces that dated January 27, 1998 for the same permit number and expires on June 16, 2010.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195- 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director, Division of Water, 410 Willoughby Ave., Juneau, Alaska 99801, within 15 days after receiving this certification. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days after the date of this certification. If a hearing is not requested within 30 days, the right to appeal is waived.

Please be advised that, pursuant to 18 AAC 15.120(c), the certification of this NPDES permit constitutes the permit required under AS 46.03.100. 18 AAC 15.120(c) also states, "Any rights or privileges inuring to the benefit of EPA in the NPDES permit, including any right to enter, inspect, sample, and have access to records, also inure to the benefit of the department. Any reports or other information filed with EPA in accordance with the NPDES permit must be filed with the department at the same time."

By copy of this letter we advise the EPA and the state Office of Project Management and Permitting of our actions and enclose a copy of the certification for their use.

Sincerely,

SIGNATURE ON FILE

Gretchen Keiser
Program Manager
Wastewater Discharge Program

Enclosures: Certificate of Reasonable Assurance
ADEC Response to Comments on the Draft 401 Certification of NPDES AK-005057-1

cc:

Luke Boles, ADEC/Fairbanks
Cindi Godsey, EPA Reg. X/Anchorage
Hahn Shaw, EPA Reg. X/Seattle
Jim Vohden, ADNR/Fairbanks
Ed Fogels, ADNR/Anchorage

Stan Foo, ADNR/Anchorage
Kenwyn George, ADEC/Juneau
Mac McLean, ADNR, OHMP/Fairbanks
USDA Forest Service
People who commented on the draft 404 certification

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, as required by Section 401 of the Clean Water Act, was requested by Coeur Alaska, Inc. for the discharge of treated domestic wastewater and treated non-domestic wastewater from the Kensington Mine.

The facility is located in the Tongass National Forest 45 miles northwest of Juneau, Alaska, and proposed to discharge pollutants to Sherman Creek, East Fork Slate Creek, and Lynn Canal.

Public notice of the application for this certification was made in accordance with 18 AAC 15.140.

A State Certificate of Reasonable Assurance is required for the proposed activity because the activity will be authorized by an Environmental Protection Agency permit identified as NPDES Permit No. AK-005057-1 and discharges will result from the activity.

This NPDES permit certification covers wastewater disposal from the following discharges:

1. Outfall 001 – Discharge of mine water to Sherman Creek and is located at Latitude 58° 52' 04" N, Longitude 135° 06' 55" W.
2. Outfall 002 – Discharge of tailings effluent water from the Tailings Storage Facility (TSF) to East Fork Slate Creek and is located at Latitude 58° 49' 58" N, Longitude 134° 57' 58" W. [Note: this is a change to the previous location of Outfall 002 to Camp Creek in the existing permit.]
3. Outfall 003 – Discharge of treated domestic wastewater to Lynn Canal and is located at Latitude 58° 51' 58" N, Longitude 135° 08' 28" W.

The Department reviewed the three discharges described above with respect to the antidegradation policy of the Alaska Water Quality Standards and finds the reduction in water quality to be in accordance with the requirements of 18 AAC 70.015, provided that the terms and conditions of this certification are made part of the final NPDES Permit.

The Department reviewed the applicant's proposal to collect data and request a future modification to permit limits for discharges of tailings effluent water from Outfall 002 based upon site specific criteria established under 18 AAC 70.235 of the State's Water Quality regulations. This certification ensures protection of water quality based upon limits derived from existing Water Quality Standards. Any future modification to the permit will only occur after the necessary data collection and review, public notice, and any necessary regulation changes.

After review of the public comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the activities and the resulting discharges are in compliance with the requirements of Section 401 of the Clean Water Act, which includes the Alaska Water Quality Standards, 18 AAC 70, provided that the terms and conditions of this certification are made part of the final NPDES permit.

Through this certification, in accordance with 18 AAC 15.120 ADOPTION OF NPDES PERMITS, the final NPDES permit will constitute the permit required under AS 46.03.100 Waste management and disposal authorization, provided that the terms and conditions of the final certification are made part of the final NPDES Permit. The department specifies the following permit terms and conditions under authority of AS 46.03.110(d) and 33 U.S.C. § 1341:

Outfall 001 – Discharge of mine water to Sherman Creek

The Department authorizes the Outfall 001 effluent limitations and monitoring frequency for the parameters contained in Table 1 of the Preliminary Final Permit. No mixing zone is authorized.

Dissolved oxygen in the effluent and in Sherman Creek upstream and 500 feet downstream of the discharge shall be recorded weekly during low stream flow periods.

Rationale: Dissolved oxygen is important for the health of aquatic life. Effluent and ambient monitoring for dissolved oxygen will show whether mine water is low in DO and whether there is any depression of oxygen in Sherman Creek caused by the discharge.

Turbidity measurement in Sherman Creek is required in Table 1. This measurement is to be made upstream of the discharge.

Rationale: 18 AAC 70.020(b)(12) bases the allowable turbidity in the effluent on the background turbidity value.

The Total Dissolved Solids (TDS) monthly average and daily maximum effluent limits for the discharge into Sherman Creek are 1000 mg/l. These limits are based on site specific criteria established under 18 AAC 70.236(b)(3). These criteria replace those for aquatic life, aquaculture, and drinking water supply uses in 18 AAC 70.235 and listed in 18 AAC 70.020.

Rationale: The Site Specific Criteria (SSC) for Sherman Creek were public noticed, reviewed in depth by the department, and justified in a decision document that was submitted through the Alaska Administrative Procedure Act to the Department of Law, and then filed by the Office of the Lieutenant Governor as a regulation change. EPA separately reviewed the SSC to determine that the water of Sherman Creek is fully protected for the designated uses at 1000 mg/l of TDS.

Outfall 002 – Discharge of tailings effluent water from the Tailings Storage Facility (TSF) to East Fork Slate Creek

The Department authorizes the Outfall 002 effluent limitations and monitoring frequency for the parameters contained in Table 3 of the Preliminary Final Permit. No mixing zone is authorized. Information on constituents and pollutants in the tailings water was derived from tests on ore samples. The results of the tests and analyses related to the Tailings Storage Facility are in the December 2004, USDA Forest Service Final Supplemental Environmental Impact Statement for the Kensington Gold Project.

Rationale: In this case, the Outfall 002 effluent limitations are set to meet the water quality standards at end of pipe so no mixing zone is needed.

Outfall 003 – Discharge of treated domestic wastewater to Lynn Canal

- 1) The Department authorizes a Mixing Zone (MZ) for Outfall 003 to Lynn Canal for Fecal Coliform Bacteria. The size of the mixing zone is 200 meters (m) wide x 1200 m long (600 m on each side of the outfall pipe). Permit effluent limits that meet water quality standards at the boundary of this mixing zone are 150,000 FC/100 ml daily maximum and 100,000 FC/100 ml monthly average.

Rationale: In accordance with State regulations 18 AAC 70.240, the Department has authority to designate mixing zones in certifications. This mixing zone will ensure that the most stringent water quality standard for fecal coliform bacteria (14 FC/100 ml, 30 day average, and not more than 10% of the samples may exceed 43 FC/100 ml), is met at all points outside of the mixing zone.

The Department considered all aspects required in 18 AAC 70.015 (Antidegradation) and 18 AAC 70.240-270 (Mixing Zones) including, but not limited to, the potential risk to human health and ecological resources based on existing monitoring data of Lynn Canal water quality and mixing zone modeling of the predicted effluent quality from the discharge.

The Department finds that the size of the mixing zone authorized for discharge in this certification is appropriate and provides reasonable assurance that existing uses of the Lynn Canal outside of the mixing zone are maintained and fully protected.

During any commercial fishing opening Coeur Alaska Inc. shall inform ADEC and local fishing organizations of any upset in the treatment system likely to result in an exceedance of permit limits.

Rationale: Sea water used in roe processing that contains fecal coliform bacteria could cause discoloration of the roe, which could affect marketability. There is no health hazard associated with this discoloration.

- 2) The Department requires that if chlorine is used for disinfection, the daily maximum effluent limit for chlorine (Cl) shall be 0.02 mg/L at all times from Outfall 003. Since the current MDL for Cl is 0.1 mg/L, the compliance level for Cl is 0.1 mg/L. If used for disinfection, Cl shall be sampled on a weekly basis from the Outfall 003 discharge. The sampling reduction in footnote 2 of Table 3 in the Preliminary Final Permit applies for Cl if chlorine is used.

Rationale: In accordance with State regulations 18 AAC 15.090, the Department may attach terms and conditions to a permit, variance, or approval, including operating, monitoring, inspection, sampling, access to records and reporting requirements, and the posting of a performance bond or other surety, that it considers necessary to ensure that all applicable criteria will be met.

- 3) The Department requires that signs be placed along the beach near the mixing zone and outfall line for Outfall 003. The signs must provide the identity and telephone numbers of the discharger, and must inform the public that a mixing zone exists, treated wastewater is being discharged, and users of the area should exercise caution.

Rationale: In accordance with AS 46.03.110 (d), the department may specify in a permit the terms and conditions under which waste material may be disposed of. The notification requirement is intended to inform the public of the presence of elevated pollutant levels within the mixing zone.

Receiving water monitoring

The Department requires the receiving water monitoring contained in section 1.E. of the Preliminary Final Permit including the water column monitoring, sediment monitoring, aquatic resource monitoring, and the annual water quality monitoring summary. Sampling, testing and reporting shall be for dissolved metals where required by the state water quality standards.

Rationale: In accordance with State regulations 18 AAC 70.010 the water quality criteria and limits must be met in adjacent surface water and groundwater at and beyond the boundary of the treatment works and, in accordance with 18 AAC 15.090, the Department may attach terms and conditions to a permit or approval, including operating, monitoring, inspection, sampling, access to records and reporting requirements, and the posting of a performance bond or other surety, that it considers necessary to ensure that all applicable criteria will be met. The receiving water monitoring required will verify whether the criteria are met.

June 17, 2005

SIGNATURE ON FILE

Date

Gretchen Keiser
Program Manager
Wastewater Discharge Program



ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #105, Anchorage, Alaska 99503 • (907) 563-9229 • FAX: (907) 563-9225 • www.alaskaminers.org

March 8, 2010

Honorable Bryce Edgmon
Chair, House Fisheries Committee
Capitol Building
Juneau, AK 99801

RE: HB-46, Mixing Zones

Dear Representative Edgmon,

Thank you for the opportunity to comment on House Bill 46 which deals with mixing zones. **The Alaska Miners Association opposes this bill and urges that it be rejected.** HB-46 is not needed, it is not scientifically supportable, and it is poor public policy.

No problem has been identified that this bill is meant to correct. Many hundreds, if not thousands, of mixing zones exist throughout the State and no problems have been identified with them. Mixing zones are used primarily for sewage discharges from cities, municipalities and villages. They are also used for hotels, motels, lodges, placer gold mines, and fish processing plants. Only two lode metal mines in the State have mixing zones.

Mixing zones are allowed only after a discharge effluent has been treated to remove a very large percentage of any potential pollutant. The final effluent is then discharged into a receiving waterbody where the effluent mixes with the receiving water, typically a stream or river. Each mixing zone is designed individually for the discharge and for a specific location. For each individual mixing zone, DEC specifies that within a certain distance from the point of discharge, the effluent must be diluted by the receiving water to the point that it will meet the State's extremely stringent water quality standards. DEC requires that the length of each individual mixing zone be the smallest size practical for that discharge.

One example on a mixing zone is at the city of Dillingham. Dillingham has a mixing zone that discharges into the Nushagak River, one of the premier salmon spawning and rearing streams in Alaska. That mixing zone is a rectangle measuring 60 meters (197 feet) by 480 meters (1,574 feet). That length equals 3/10ths of a mile. The treatment of the Dillingham effluent is required to remove all but a minute amount of the pollutants; however, to remove all of the pollutants to meet the State water quality standards at the end of the discharge pipe, would be cost-prohibitive,

and may even be technically impossible. Other municipalities, hotels, motels, lodges, and villages have similar Mixing Zones.

HB-46 is poor public policy. This is because technical details should be addressed in the regulation process where persons with the necessary technical qualifications can focus on the exact details and the broad ramifications of every specific detail and requirement, and provide opportunity for public comment. It is not uncommon for a comment period for these technically complex water quality standards to be 90 days, the same length as this legislative session.

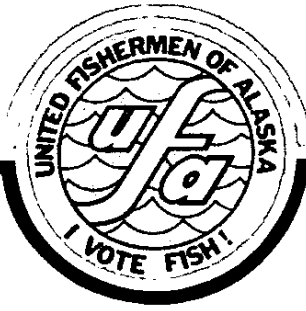
The Alaska Miners Association opposes this bill and urges that it be rejected.

Sincerely,

A handwritten signature in black ink, appearing to read "S.C. Borell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Steven C. Borell, P.E.
Executive Director

Cc: Committee Members
Commissioner Hartig



UNITED FISHERMEN OF ALASKA

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(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 16, 2010

Representative Bryce Edgmon, Chairman
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (Mail stop 3100)
Juneau AK 99811-0001

Dear Representative Edgmon,

RE: Support for HB 46 regarding Mixing Zones in freshwaters.

United Fishermen of Alaska (UFA) supports House Bill 46, which would prohibit mixing zones in freshwater spawning waters, and require reporting on mixing zones.

Alaska's salmon are the economic backbone of Alaska's coastal communities, the foundation of rural residents' subsistence, and a primary attraction for many Alaska visitors. To ensure continued abundance, Alaska's salmon waters warrant permanent protection from pollutants and disturbance of natural rearing habitats. Alaska's water resources need to be protected for future generations to continue to provide sustainable world class fisheries for all users.

UFA represents 37 Alaska commercial fishing organizations from fisheries throughout the state and its offshore waters. We appreciate your attention to this matter before the legislature.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark D. Vinsel'.

Mark Vinsel
Executive Director

HB

117

<target><bill>HB 117</bill><subject>HB
117</subject><comm>HFSH26</comm></target>

STAFF CAPHOI
PO Box 110001
Juneau, Alaska 99811-0001
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Governor Sean Parnell
STATE OF ALASKA

October 30, 2009

Mr. Vince Webster
Chairman
Alaska Board of Fisheries
P.O. Box 115526
Juneau, AK 99811

Re: Regulatory Board of Fish Meetings

Dear Chairman Webster and Board Members,

I am writing to personally request that the Alaska Board of Fisheries schedule and hold your regulatory meetings in the region of Alaska most affected by your actions. As you know, one of the strengths of the Board of Fisheries' process is that it relies on input from the public to make informed decisions. In order for Alaska residents that depend on fisheries for subsistence, personal use, recreation, and commercial purposes to have the best possible avenue to provide their input to the board, regulatory meetings should be held in the affected region.

I appreciate the efforts made by the board to hold regional listening sessions when the board meeting is scheduled elsewhere. However, these sessions are not a complete substitute for the opportunity to participate fully in a meeting, give oral public comments, and serve on board committees. The time and expense required for rural Alaskan fishermen to travel to Anchorage for regulatory meetings is daunting at best and discourages participation.

In closing, I value your service on the Alaska Board of Fisheries. I appreciate the personal sacrifice and dedication your service provides to the people and resources of Alaska.

Sincerely,

A handwritten signature in black ink that reads "Sean Parnell".

Sean Parnell
Governor

cc: The Honorable Lyman Hoffman, Alaska State Senate
The Honorable Bryce Edgmon, Alaska State House of Representatives
The Honorable Daniel O'Hara, Mayor, Bristol Bay Borough
Robin Samuelson, President and Chief Executive Office, Bristol Bay Economic
Development Corporation
Joseph Chythlook, Board Chairman, Bristol Bay Native Corporation
The Honorable Denby Lloyd, Commissioner, Department of Fish and Game

STATE CAPITOL
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Office of Governor Sean Parnell
STATE OF ALASKA

January 21, 2010

Ms. Carol Freas
City Clerk
City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

Dear Ms. Freas,

Thank you for your letter to Governor Parnell and the resolution regarding the recent decision by the Board of Fisheries to hold the Upper Cook Inlet regulatory meeting in Anchorage rather than on the Kenai Peninsula. The Governor has asked that I respond on his behalf.

While the decision about where to hold regulatory meetings is within the purview of the board, we believe that the board should hold its meetings in the area most affected by its decisions. Governor Parnell recently sent a letter to the board requesting that they schedule their regulatory meetings in the affected region to allow as much public participation as possible. I have enclosed a copy of that letter for your information.

In the case of the Upper Cook Inlet meeting, residents of the Kenai Peninsula, Anchorage, and the Matanuska-Susitna Borough are all affected by the board's actions, making the decision of where to hold a meeting a difficult one for the board. Each regulatory meeting affects the residents of a number of Alaskan communities, and the board considers many factors in scheduling meeting locations, including logistics and convenience for members of the public who wish to participate.

I have shared your resolution with the members of the Alaska Board of Fisheries so that they are aware of your concerns and recommendations should they choose to revisit their previous decision about where to hold this meeting. I appreciate you bringing these concerns to our attention and look forward to working with you on this and other fishery issues.

Sincerely,

A handwritten signature in cursive script that reads "Cora Campbell".

Cora Campbell
Fisheries Policy Advisor

Enclosure

Ms. Carol Freas
January 21, 2010
Page 2

cc: The Honorable Gary Stevens, President, Alaska State Senate
The Honorable Mike Chenault, Speaker, Alaska State House of Representatives
The Honorable Tom Wagoner, Alaska State Senate
The Honorable Bryce Edgmon, Alaska State House of Representatives
The Honorable Kurt Olson, Alaska State House of Representatives
The Honorable Paul Seaton, Alaska State House of Representatives
The Honorable Denby Lloyd, Commissioner, Department of Fish and Game
Jim Marcotte, Executive Director, Board of Fisheries
Jason Hooley, Director, Boards and Commissions, Office of the Governor



Sponsor Statement

House Bill 117: Board of Fisheries Meeting Location

SPONSOR'S INTENT HOUSE BILL 117

HB117 would require the Board of Fisheries to hold meetings in particular regions of the state when the proposals on its agenda relate to those areas.

Alaska's Board of Fisheries meets four to six times each year to consider proposals to change fisheries regulations in regions around the state. The board uses information from many sources when weighing such proposals. They are guided by counsel from the Department of Law; input from the Department of Fish & Game; and even advice from the Department of Public Safety.

Another critical source of information for the Board's deliberations is the testimony of regional stakeholders. Resident participants in a given region's commercial, sport, and subsistence fisheries know best the practical ramifications of proposed changes to fisheries regulations. Often this is because such proposals can have their highest impact on the lives and livelihoods of resident regional stakeholders.

At present, the Board's record of holding meetings in areas on its agenda is inconsistent. Too often such meetings have been conducted in Anchorage, hundred of miles from the fisheries being considered.

To quote from a 2008 letter to the Board from Robert Heyano of the Ekuk Village Council on Bristol Bay, *"Our residents and communities are challenged with a cost of living that is among the highest in the state of Alaska. The expense of travel to Anchorage, the cost of hotels/food...make it impossible for most of our residents to participate in the meetings if they are held in Anchorage."*

Passage of HB117 will help ensure that the inhabitants of regional communities have the opportunity to offer face-to-face testimony to the Board. In turn, the Board will benefit from the clearest understanding of the viewpoints of those whose local economies, livelihoods, and traditions are most directly affected by its decisions.

For more information contact Tim Clark at 907-465-4451 or timothy.clark@legis.state.ak.us.

26-LS0375\E
Kane
3/25/09

CS FOR HOUSE BILL NO. 117()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES EDGMON, Thomas, Austerman, Joule, Herron, Kerttula

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to locations of the meetings of the Board of Fisheries."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 16.05.300(b) is repealed and reenacted to read:

4 (b) In addition to the requirements for meetings in (a) of this section, if the
5 Board of Fisheries holds a meeting for which the primary topic or proposal concerns
6 one of the following regional areas, then the board shall hold the meeting in that
7 regional area:

- 8 (1) Alaska Peninsula and Aleutian Islands area;
- 9 (2) Arctic-Yukon-Kuskokwim area;
- 10 (3) Bristol Bay area;
- 11 (4) Cook Inlet area;
- 12 (5) Kodiak area;
- 13 (6) Prince William Sound area;
- 14 (7) Southeast Alaska area.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 117
() Publish Date: _____

Identifier (file name): HB117-DFG-BDS-3-24-09 Dept. Affected: Fish and Game
Title: An Act relating to locations of the meetings of the Board of Fisheries RDU: Administration and Support
Component: Boards and Advisory Committees
Sponsor: Representative Edgmon, Thomas, Austerman, Joule, et.al
Requester: House Fisheries Component Number: 2825

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services	0.0						
Travel	94.6		32.6	44.5	94.6	32.6	44.5
Contractual	1.6		0.8	0.8	1.6	0.8	0.8
Supplies	0.0						
Equipment	0.0						
Land & Structures	0.0						
Grants & Claims	0.0						
Miscellaneous	0.0						
TOTAL OPERATING	96.2	0.0	33.4	45.3	96.2	33.4	45.3

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	96.2		33.4	45.3	96.2	33.4	45.3
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	96.2	0.0	33.4	45.3	96.2	33.4	45.3

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

Assumes that Board of Fishery (BOF) meetings are on a 3 year cycle, no additional staff time is needed, no additional conference room rental costs, and no increases in air fare from year to year. Additional travel and shipping costs for regional meetings to cover Board members, Board staff and multiple department staff who attend BOF meetings.

FY10 & FY13: Bristol Bay, Arctic Yukon Kuskokwim (AYK), Alaska Peninsula (AP) & Aluetian Island (AI) cycle - added 96.2 cost for two meetings (one in AP region and one in either Bristol Bay or AYK region). FY11 & FY14: Cook Inlet, Kodiak, Chignik cycle - added 33.4 cost for one meeting in Chignik. FY12 & FY15: Southeast/Prince William Sound (PWS) cycle - added 45.3 cost for one meeting in PWS region.

Prepared by: Jim Marcotte, Director
Division: Boards Support Section
Approved by: Tom Lawson, Director of Administrative Services
Department of Fish and Game

Phone 907-465-6095
Date/Time 3/24/09 2:00 PM
Date 3/24/2009

2007 Year-End Entry Permit Holders in Bristol Bay Limited Entry Fisheries.

<i>Permit Fishery</i>	<i>Alaska Local Held Held Permits</i>	<i>Alaska Nonlocal Held Permits</i>	<i>Nonresident Held Permits</i>	<i>DCCED/CFAB Held Permits</i>	<i>Total Entry Permits</i>
Bristol Bay salmon drift gill net	395 (21.2%)	474 (25.5%)	985 (52.9%)	7 (.4%)	1861
Bristol Bay salmon set gill net	363 (36.9%)	308 (31.3%)	311 (31.6%)	1 (.1%)	983
Bristol Bay herring spawn on kelp	235 (88.3%)	18 (6.8%)	11 (4.1%)	2 (.8%)	266

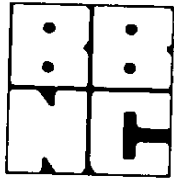
BOARD OF FISHERIES MEETING LOCATIONS (October 1995 to March 2009)												
Meeting date	Location	Topics	Number of proposals	APIAI	A-Y-K	Bristol Bay	Cook Inlet	Kodiak/Chignik	PWS	Southeast	Comments	
1995/1996 - COOK INLET/KODIAK CYCLE												
October 23-24, 1995	Juneau	Worksession										
October 25-29, 1995	Juneau	Southeast/Yakutat Finfish										
November 4-9, 1995	Homer	Lower Cook Inlet Finfish										
Nov. 29-Dec. 6, 1995	Kodiak	Kodiak finfish										
January 16-29, 1996	Anchorage	Alaska Peninsula finfish										
Feb. 17-Mar. 1, 1996	Anchorage	Upper Cook Inlet Finfish										
March 10-18, 1996	Anchorage	Statewide King & Tanner crab and supplemental issues										
April 13-14, 1996	Anchorage	Alaska Peninsula finfish										
1996/1997 - PWS AND SOUTHEAST CYCLE												
Sept. 28-29, 1996	Anchorage	Worksession/Upper Cook Inlet salmon										
Oct. 26-28, 1996	Wasilla	Worksession										
Oct. 29-31, 1996		Statewide groundfish										
Nov. 11-18, 1996	Anchorage	Upper Cook Inlet finfish										
Dec. 8-14, 1996	Cordova	Prince William Sound/Copper R. finfish										
Jan. 21-30, 1997	Sitka	Southeast Alaska/Yakutat										
Feb. 16-28, 1997	Ketchikan	Southeast Alaska finfish										
March 9-20, 1997	Anchorage	Statewide topics										
Aug. 25-27, 1997	Anchorage	Bristol Bay red king crab										
1997/1998 - BRISTOL BAY, A-Y-K, ALASKA PENINSULA CYCLE												
October 21-24, 1997	Girdwood	Worksession										
November 4-14, 1997	King Salmon	Bristol Bay finfish										
December 2-9, 1997	Fairbanks	Arctic-Yukon-Kuskokwin finfish										
January 6-19, 1998	Anchorage	Alaska Peninsula/Aleutian Islands finfish										
February 4-15, 1998	Anchorage	Statewide finfish										
March 3-5, 1998	Nome	Norton Sound salmon										

Meeting date	Location	Topics	Number of proposals	AP/AI	A-Y-K	Bristol Bay	Cook Inlet	Kodiak/Chignik	PWS	Southeast	Comments
1998/1999 - COOK INLET/KODIAK CYCLE											
October 20-23, 1998	Wasilla	Worksession									
January 15-22, 1999	Kodiak	Kodiak finfish						■			
Feb. 13-14/16-28, 1999	Wasilla/Soldotna	Upper Cook Inlet finfish					■				
March 3-5, 1999	Nome	Norton Sound Tier II			■						
May 14, 1999	teleconference	BS/AI King Crab									
May 27, 1999	teleconference	Pilot Point, Ugashik Sockeye									
July 27-29, 1999	Anchorage	Brown King Crab									
August 30, 1999	teleconference	Red King Crab									
1999/2000 - PWS AND SOUTHEAST CYCLE											
October 27-30, 1999	Fairbanks	Worksession	0								
Nov. 30-Dec. 6, 1999	Valdez	PWS finfish	132						■		
Jan. 15-24, 2000	Juneau	Southeast Herring, Shellfish, Groundfish	158							■	
Feb. 9-11, 2000	Girdwood	Cook Inlet Coho Conservation Plan	2				■				
Feb. 13-24, 2000	Sitka	Southeast Finfish	97							■	
March 17-27, 2000	Anchorage	Statewide Dungeness	94								
May 12, 2000	teleconference	North Afognak Salmon	1								
July 7, 2000	teleconference	Kuskokwim Salmon	1								
July 26, 2000	teleconference	Scheduling	1								
August 22, 2000	teleconference	Upper Cook Inlet Pink and Chum	1								
2000/2001 - BRISTOL BAY, A-Y-K, ALASKA PENINSULA CYCLE											
Sept. 29-Oct. 1, 2000	Anchorage	Worksession I	0								
November 4-5, 2000	Anchorage	Worksession II	0								
November 6, 2000	Anchorage	Tanner Crab, Lingcod	2								
December 21, 2000	Anchorage	Workshop re subsistence	0								
Jan. 9-Feb. 1, 2001	Anchorage	BB, AYK, AP/AI ("megameeting")	275								
Feb. 7, 2001	Anchorage	P-Cod	5								
May 8-9, 2001	Anchorage	Halibut Subsistence	3								

Meeting date	Location	Topics	Number of proposals	APIAI	A-Y-K	Bristol Bay	Cook Inlet	Kodiak/Chignik	PWS	Southeast	Comments
2001/2002 - COOK INLET/KODIAK CYCLE											
Oct. 11-13, 2001	Anchorage	Worksession (17 ACRs)	0								
Oct. 21, 2001	teleconference	Bristol Bay red king crab	1								
Nov. 8-12, 2001	Anchorage	Lower Cook Inlet	44				■				
Nov. 13-14, 2001	Anchorage	Groundfish, Opilio Crab	7								
Jan. 7-14, 2002	Anchorage	Kodiak and Chignik finfish	69					■			
Feb. 6-20, 2002	Anchorage	Upper Cook Inlet finfish	291				■				
Mar. 14-21, 2002	Anchorage	Statewide King/Tanner crab, supp. issues	107								
May 16, 2002	teleconference	Kenai River Early-Run Chinook	1								
Jun. 16, 2002	Anchorage	VMS, Kenai River Early-Run Chinook	2								
		total for cycle:	522								
2002/2003 - PWS AND SOUTHEAST CYCLE											
Oct. 17-19, 2002	Anchorage	Worksession (36 ACRs)	0								
Oct. 20-21, 2002	Anchorage	Groundfish, Chinook, Trout Policy	5								
Dec. 5-6, 2002	Anchorage	Chignik Coop, P-Cod in Area L	16								
Jan. 20-28, 2003	Sitka	Southeast herring, groundfish, Dungeness crab, shrimp, misc. shellfish	174							■	
Jan. 31-Feb. 5, 2003	Cordova	Prince William Sound, Copper R. finfish	104						■		
Feb. 20-28, 2003	Ketchikan	Southeast and Yakutat finfish	122							■	
Mar. 17-25, 2003	Anchorage	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	71								
Apr. 30, 2003	Teleconference	Dutch Harbor food and bait herring	1								
May 14, 2003	Teleconference	Dutch Harbor food and bait herring	1								
Jun. 24, 2003	Teleconference	Bristol Bay red king crab	2								
		total for cycle:	496								
2003/2004 - BRISTOL BAY, A-Y-K, ALASKA PENINSULA CYCLE											
Oct. 1-3, 2003	Anchorage	Worksession (24 ACRs)	0								
Oct. 4, 2003	Anchorage	Pribilof Islands blue king crab	1								
Nov. 12-17, 2003	Anchorage	Statewide finfish	31								
Nov. 18-19, 2003	Anchorage	Chignik purse seine coop fishery	6					■			
Dec. 9-17, 2003	Anchorage	Bristol Bay finfish	75			■					
Jan. 12-19, 2004	Fairbanks	Arctic-Yukon-Kuskokwim finfish	32		■						
Feb. 15-26, 2004	Anchorage	Alaska Peninsula/Aleutian Islands finfish	84	■							
Apr. 4-5, 2004	Anchorage	Prince William Sound allocation plan	2						■		
		total for cycle:	231								

Meeting date	Location	Topics	Number of proposals	API/AI	A-Y-K	Bristol Bay	Cook Inlet	Kodiak/Chignik	PWS	Southeast	Comments
2004/2005 - COOK INLET/KODIAK CYCLE											
Jul. 1, 2004	Teleconference	Teleconference re Kasilof sockeye	1								
Jul. 5, 2004	Teleconference	Teleconference re Kasilof sockeye	1								
Jul. 19, 2004	Teleconference	Teleconference re Kasilof and Kenai late-run sockeye	1								
Aug. 4, 2004	Teleconference	Teleconference re Cook Inlet eastside commercial and Kenai personal use	1								
Sep. 28, 2004	Teleconference	Teleconference re Kenai River coho	1								
Oct. 5-7, 2004	Anchorage	Worksession (24 ACRs)	0								
Nov. 11-13, 2004	Anchorage	Lower Cook Inlet finfish	34				■				
Nov. 14-17, 2004	Anchorage	Chignik finfish	33					■			
Jan. 7-10, 2005	Anchorage	Kodiak finfish	134					■			
Jan. 17-29, 2005	Anchorage	Upper Cook Inlet finfish	258				■				
Mar. 7-13, 2005	Anchorage	Statewide king and Tanner crab, supplemental issues	68								
		total for cycle:	532								
2005/2006 - PWS AND SOUTHEAST CYCLE											
Oct. 13-14, 2005	Girdwood	Worksession (45 ACRs)	0								
Oct. 15-16, 2005	Girdwood	State-waters trawl	3								
Nov. 15-16, 2005	Anchorage	Chignik salmon	1					■			
Dec. 1-6, 2005	Valdez	Prince William Sound, Copper R. finfish	84						■		
Dec. 29, 2005	Teleconference	Teleconference re Adak P-cod	1								
Jan. 22-Feb. 1, 2006	Ketchikan	Southeast and Yakutat finfish	142								
Feb. 20-26, 2006	Ketchikan	Southeast groundfish, dungeness crab, shimp, misc. shellfish; Aleutian Island P-cod	82							■	Topics included Adak P cod
Mar. 17-23, 2006	Anchorage	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	107								
May 3, 2006	Teleconference	Bering Sea crab	1								
		total for cycle:	421								
2006/2007 - BRISTOL BAY, AYK, ALASKA PENINSULA CYCLE											
Oct. 12-13, 2006	Anchorage	Worksession (29 ACRs)	0								
Oct. 14-15, 2006	Anchorage	State-waters trawl	6								
Oct. 31, 2006	Teleconference	Teleconference re Adak pollock	1								
Dec. 4-12, 2006	Dillingham	Bristol Bay finfish; Adak P cod	120				■				Topics included Adak P cod
Jan. 31-Feb. 5, 2007	Anchorage	Arctic-Yukon-Kuskokwim finfish	56			■					
Feb. 6-11, 2007	Anchorage	Alaska Peninsula/Aleutian Islands finfish	48	■							
Mar. 9-13, 2007	Anchorage	Statewide finfish	29								
Apr. 16, 2007	Teleconference	Petition on Upper Cook Inlet	1								
		total for cycle:	261								

Meeting date	Location	Topics	Number of proposals	APIA	A-Y-K	Bristol Bay	Cook Inlet	Kodiak/Chignik	PWS	Southeast	Comments
2007/2008 - COOK INLET/KODIAK CYCLE											
Oct. 9-11, 2007	Anchorage	Worksession (24 ACRs)									
Nov. 11-15, 2007	Homer	Lower Cook Inlet finfish	31				■				
Jan. 9-12, 2008	Anchorage	Chignik finfish	12					■			
Jan. 14-18, 2008	Kodiak	Kodiak finfish	38					■			
Feb. 1-12, 2008	Anchorage	Upper Cook Inlet finfish	286				■				
Mar. 3-9, 2008	Anchorage	Statewide king and Tanner crab, supplemental issues	38								
April 28, 2008	Teleconference	Southeast Chinook sport	1								
May 9, 2008	Teleconference	Egegik and Ugashik seasons	1								
Jun. 26, 2008	Teleconference	Cook Inlet dual permit net use	1								
		total for cycle:	408								
2008/2009 - PWS AND SOUTHEAST CYCLE											
Oct. 8-10, 2008	Fairbanks	Worksession (12 ACRs)									
Dec. 1-7, 2008	Cordova	Prince William Sound, Copper R. finfish	139						■		Topics included statewaters P cod
Dec. 31, 2009	Teleconference	Statewaters P cod	6								
Jan. 21-27, 2009	Petersburg	Southeast Shellfish	66								
Feb. 17-27, 2009	Sitka	Southeast Finfish, Kodiak herring	160							■	Topics included Kodiak herring
Mar. 16-20, 2009	Anchorage	Statewide Shellfish	19								
		total for cycle:	390								
											Total
		Out of Region:		6	2	3	0	6	1	0	18
		In Region:		0	4	2	12	3	5	11	37
		TOTAL:		6	6	5	12	9	6	11	55
		Percent in Region:		0%	67%	40%	100%	33%	83%	100%	67%



Bristol Bay Native Corporation

Enriching Our Native Way of Life

111 West 16th Avenue, Suite 400 / Anchorage, Alaska 99501 / (907) 278-3602 / Fax (907) 276-3924

Attn: Representative Edgmon

Date: March 26, 2009

Re: Statement in Support of HB 117-Board of Fisheries Meeting Location

The Bristol Bay Native Corporation supports House Bill 117 – Board of Fisheries Meeting Location. As residents of the Bristol Bay Region, our shareholders are impacted significantly by the matters considered and decisions made by the Board of Fisheries. Because of this significant impact and the importance of fisheries to the Region, participation and input from local residents is crucial to reaching the best outcomes.

As fuel costs and living costs rise, especially in rural Alaska, the number of residents able to travel to meetings held in Anchorage falls. Holding Board of Fisheries meetings in the particular regions of the state when the proposals on the agenda relates to those areas furthers the public process by allowing the voice of those residents most significantly impacted to be heard. As the regional corporation representing shareholders of the Bristol Bay Region, we know well the cost of holding meetings in various locations around the state. However, we do just that in order to better represent all of our shareholders, rather than only those in our population centers. We ask that the Board of Fisheries be required to do the same, so that all residents of Alaska are better represented.



Cordova District Fishermen United
PO Box 939 | 509 First Street | Cordova, AK 99574
phone. (907) 424 3447 | fax. (907) 424 3430
web. www.cdfu.org | email. cdfu@ak.net

January 28, 2009

Representative Bryce Edgmon
Special Committee on Fisheries
State Capitol, Room 424
Juneau, AK 99801-1182

Re: HB1117 – Board of Fisheries Meeting Location

Dear Representative Edgmon,

I am writing on behalf of the Cordova District Fishermen United Board of Directors, and our members to support HB117, an act relating to the location of Board of Fisheries meetings.

Public testimony presented by a fair distribution of individuals, offering viewpoints on both sides of the proposal at stake, is what makes public process effective during Board of Fisheries meetings. Small communities, already struggling with increased living expenses, would find it extremely difficult to send adequate representation to meetings held in Anchorage. This does not allow for fair representation by those with livelihoods at stake.

Our community is also challenged by a high cost of living. The expenses associated with traveling outside of Prince William Sound to attend board meetings would make it difficult if not impossible for most of our fleet to participate.

We appreciate your sponsorship of this bill, and support its intent.

Sincerely,

Rochelle van den Broek
Executive Director

Form 1000-1 (Rev. 10/01) Alaska Superior Court

Timothy Clark

From: Hans Nicholson [hnicolson@bbna.com]
Sent: Tuesday, March 24, 2009 4:28 PM
To: Timothy Clark
Subject: HOUSE BILL NO. 117

House Bill No. 117 is just what we want!! I am the chairman of the Nushagak Advisory Committee in Dillingham. Every regulatory cycle, it is always a challenge to get the BOF here to deliberate Bristol Bay Proposals. We've been fortunate to have them here in Bristol Bay the past few cycles. It is important that the BOF meets here because we want them to hear our concerns.

It is cost prohibitive and time consuming for anyone from the Bay to attend the lengthy sessions in Anchorage. Without local input on fish proposals we feel that we will not have the opportunity to weigh in on proposals that affect the outcome of our fishery. We want to be able to attend these meetings. The meetings not only benefit our local fishermen, but also provide an insight and education for our school and people here on the regulatory process. Without the opportunity to comment on proposals that affect our livelihood, the potential outcome could negatively discriminate against us.

You've heard the term in our constitution "We the people..... for the people". We want our voice to be heard. This is a fishery in our own back yard. We want to be given the opportunity to weigh-in on matters that concern us. Most of our local fishermen do not compete at the same level as "aggressive outside fishermen", nor do they have the same selfish and aggressive mentality that seeks change to benefit only themselves.

Thank you for the opportunity to comment on this and hopefully you will bring my message forward.

Hans Nicholson
Chairman - Nushagak Advisory Committee
Dillingham, Alaska 99576

Wassiliisia Bennis
P.O. Box 406
Dillingham, Alaska 99576
jdddir@nushtel.net

March 24, 2009

Representative Bryce Edgmon via email
Chair, House Special Committee on Fisheries
Alaska State Legislature
Juneau, Alaska 99811

Dear Representative Bryce Edgmon:

I would like to fully support the passage of HB 117 which would require the Board of Fisheries to hold meeting's in particular regions of the state when the proposals on its agenda related to those areas. As previously noted in a letter submitted to the Alaska Board of Fisheries the Bristol Bay economy depends on the fisheries and decisions that affect the economy should provide for the greatest amount of local participation.

Having the opportunity to participate through attendance and testifying twice in the process while the meetings were held in Dillingham (Bristol Bay) has helped not just my family but our local residents to become aware of all the challenge's we face to keep going in the fishery both commercially and for subsistence use. Being able to testify on the impacts, the proposals and decisions made during this process and express first hand the affects this has on our livelihoods is essential in being able to continue to live in our region and the survival of our fisheries as we know it.

Sincerely,

/s/

Wassiliisia (DeeDec) Bennis
Dillingham

Timothy Clark

From: Kenny Wilson [kwilson@bbna.com]
Sent: Wednesday, March 25, 2009 8:34 AM
To: Timothy Clark
Subject: HB117

Mr. Clark

I am a long time resident and fishermen from Bristol Bay, I am in support of HB-117 history has shown that there is very little residents attending meeting held outside Their region.

The meeting that was held here in Dillingham during the last cycle was well attended. Their were well over a hundred that testified. This is a very important Bill that will help each community and most likely receive the most accurate information right from the residents that participate in each fishery.

Kenny Wilson

Dillingham



Southwest Alaska Municipal Conference

3300 Arctic Boulevard, Suite 203 Anchorage, AK 99503 p: 907.562.7380 f: 907.562.0438 www.swamc.org

Alaska Peninsula
Aleutian Chain
Bristol Bay
Kodiak Island
Pribilof Islands

March 24, 2009

Representative Bryce Edgmon
House Special Committee on Fisheries, Chair
Alaska State Capitol
Juneau, Alaska

Dear Chair Edgmon,

It has been said that Alaska's fishing industries employ more people than oil, gas, forestry, tourism, and mining combined and is one of the largest private sector employers in the state. The industry accounts for more than 50 per cent of basic private-sector employment in many of the state's coastal communities.¹

Southwest Alaska's fisheries employ more people as harvesters and processors than any other industry in the region where there are more than 50 coastal communities who directly and indirectly rely on Southwest Alaska's fisheries for their livelihood.

There are many issues facing Southwest Alaska's fisheries including oil & gas development, mineral exploration, the high cost of energy, climate change, economic stress, and other regional issues. These issues must have input from regional affected stakeholders who need fair and equitable access to those who are in control of the management decisions that directly impact them and their communities.

Many of the region's affected residents and business owners are facing very trying economic times and the additional burden of expensive travel costs will deter many from participating in Board of Fish meetings that impact their region but are regularly held in Anchorage. Meetings held in Anchorage disenfranchise Southwest Alaska's residents and business owners, while giving unfair advantage to outside interests who can afford to attend these meetings.

Southwest Alaska Municipal Conference requests that the House Special Committee on Fisheries recommend a do pass on HB117 and require the Alaska Board of Fish to schedule their meetings in the region whose issues they are addressing.

Thank you for your consideration,

Michael Catsi
Executive Director

¹ Governor Palin: *Trends*, November 2008

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310
DILLINGHAM, ALASKA 99576
PHONE (907) 842-5257

March 24, 2009

Representative Bryce Edgmon via ~~email~~ fax
Chair, House Special Committee on Fisheries
Alaska State Legislature
Juneau, AK 99811

Tribal Councils
Served by BBNA:

Aleknagik

Chignik Bay

Chignik Lagoon

Chignik Lake

Clarks Point

Curyung

Egegik

Ekuk

Ekwok

Igiugig

Iliamna

Ivanof Bay

Kanatak

King Salmon

Kokhanok

Koliganek

Levelock

Manokotak

Naknek

New Stuyahok

Newhalen

Nondalton

Pedro Bay

Perryville

Pilot Point

Purt Heiden

Porage Creek

South Naknek

Togiak

Twin Hills

Ugashik

Dear Chairmen Edgmon:

The Bristol Bay Native Association would like to support House Bill 117: Board of Fisheries Meeting Location. The Passage of HB 117 will help ensure that the residents of regional communities have the opportunity to provide face-to-face testimony to the Board of Fish.

Holding the meetings where the topic or proposals being considered at the meeting relates to that region is the right thing to do.

The Bristol Bay fisheries occur here, but the hundreds of millions of dollars of economic benefits generated by the Bristol Bay fisheries merit the meeting being held here at the source. Furthermore, the local permit owners have much higher costs than those living elsewhere making travel to and from our region more expensive and unaffordable. According to a recent study by the University of Alaska's Institute of Social and Economic Research, rural residents pay 40 percent of their income on energy (gas, home heating fuel and electricity) compared to a meager 4 percent for urban residents. This is compounded by very limited job prospects, ailing economic conditions, and a high cost of living in our communities. Bristol Bay village residents will not likely be able to afford the travel and per diem costs to and from Anchorage. Some may have to choose between paying their monthly bills or paying thousands of dollars for airfare, hotels and meals in Anchorage.

As a matter of fairness, the important restructuring issues, including the 32-foot vessel limit and permit stacking, to be considered at the 2009 meeting requires hearing views from as many fishermen as possible. Those decisions will directly affect their livelihoods and will have a very large impact on our local and regional economies. Holding the meeting in Anchorage will limit the voices you hear to only those who can afford the travel and per diem costs, and will most likely be only voices from out-of-region and out-of-State. BBNA fully supports House Bill No. 117.

Sincerely,



Ralph Andersen
Chief Executive Officer

cc: BBNA Executive Committee
Paul Marcotte, BOF Executive Director
Joe Chythlook, Regional Coordinator



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
 Juneau, Alaska 99801-1172
 (907) 586-2820
 (907) 463-2545 Fax
 E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 25, 2009

Representative Bryce Edgmon, Chairman
 House Special Committee on Fisheries
 State Capitol, Mail Stop 3100
 Juneau AK 99801
 Fax 907-465-3445

RE: Support for HB 117 - Board of Fisheries Meeting Locations

Dear Chairman Edgmon and Committee Members,

UFA supports House Bill 117, which would ensure that meetings of the Board of Fisheries would be held in the affected region. United Fishermen of Alaska (UFA) appreciates your attention to ensuring that Alaska's fishermen and their communities are provided the opportunity for input on matters that affect their livelihoods, without undue costs. Many past meetings held in Anchorage for distant regions' proposals have made participation difficult and expensive.

We note that the Board of Fisheries often conducts meetings that include proposals from more than one region, and Anchorage may be the most convenient and effective location for these.

We also feel that Board members benefit from visiting a range of regions and communities where the impacts and importance of matters before the Board can be experienced firsthand.

United Fishermen of Alaska is the largest statewide commercial fishing trade association, representing 37 commercial fishing organizations participating in fisheries throughout the state and its offshore waters.

Sincerely,

Mark Vinsel
 Executive Director

AVCP

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
P.O. BOX 219 • BETHEL, ALASKA 99559 • PHONE 543-3521

RESOLUTION 09-03-01

TITLE: In support of HB 117

WHEREAS The Association of Village Council Presidents, Inc. (AVCP) is the recognized tribal organization and non-profit Alaska Native regional corporation for its fifty-six member indigenous Native villages within Western Alaska and supports the endeavors of its member villages; and

WHEREAS AVCP fully supports its member villages in all aspects of their self-determination, health and well-being; and

WHEREAS The Alaska Board of Fisheries process is a public process that affects the lives of people in various regions of Alaska; and

WHEREAS On many occasions where the Alaska Board of Fisheries meets to consider proposals that affect the people of the AVCP region, our people feel that they meet in far away locations making it economically impossible to attend the meeting in person; and

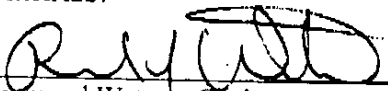
WHEREAS Especially during the recent times where the debilitating cost of energy has made it cost prohibitive to travel to various locations in Alaska to advocate or oppose various fisheries proposals; and

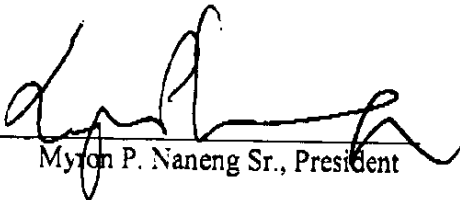
WHEREAS Meeting in various regions in Alaska would allow for more public testimony and allow the people to have better access to the Alaska Board of Fisheries which would result in better decisions made by the Board; and

NOW THEREFORE BE IT RESOLVED THAT the AVCP Executive Board supports HB 117 sponsored by Representatives Edgemon, Thomas, Austerman, Joule, Herron, and Kertula

ADOPTED by the Association of Village Council Presidents Executive Board at a meeting held in Bethel, Alaska, where a duly constituted quorum was present on this 25th day of March 2009.

CERTIFIED:


Raymond Watson, Chairman


Myron P. Naneng Sr., President



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 25, 2009

Representative Bryce Edgmon, Chairman
House Special Committee on Fisheries
State Capitol, Mail Stop 3100
Juneau AK 99801
Fax 907-465-3445

RE: Support for HB 117 - Board of Fisheries Meeting Locations

Dear Chairman Edgmon and Committee Members,

UFA supports House Bill 117, which would ensure that meetings of the Board of Fisheries would be held in the affected region. United Fishermen of Alaska (UFA) appreciates your attention to ensuring that Alaska's fishermen and their communities are provided the opportunity for input on matters that affect their livelihoods, without undue costs. Many past meetings held in Anchorage for distant regions' proposals have made participation difficult and expensive.

We note that the Board of Fisheries often conducts meetings that include proposals from more than one region, and Anchorage may be the most convenient and effective location for these.

We also feel that Board members benefit from visiting a range of regions and communities where the impacts and importance of matters before the Board can be experienced firsthand.

United Fishermen of Alaska is the largest statewide commercial fishing trade association, representing 37 commercial fishing organizations participating in fisheries throughout the state and its offshore waters.

Sincerely,

Mark Vinsel
Executive Director

March 25, 2009

Robert Heyano
P.O. Box 1409
Dillingham, Alaska 99576

Representative Bryce Edgmon-Chair House Special Committee on Fisheries
State Capital, Rm. 416
Juneau, Alaska 99801

Dear Representative Edgmon:

As a life long resident of the Bristol Bay region, an active subsistence, sport, commercial fisherman and former Board of Fish member I support House Bill No. 117 and the accompanying sponsor's intent statement. As the Board of Fisheries considers regulatory changes to each of Alaska's regional fishing areas they need to hear from the area residents, communities and local governments that would be most affected by their decisions. The economic well being of the regional fishing area residents and communities are directly tied to the fishery resources.

It is an unnecessary financial burden to require the people most affected by the Board of Fisheries decisions to travel outside of their region to have their comments and concerns heard when the State of Alaska, by passing HB. 117, requiring the Alaska Board of Fisheries to conduct their regulatory meetings in the affected regions can bring the process closer to them. Requiring these people to travel outside of their region, places the public and open State of Alaska fishery regulatory process beyond their means to participate.

During an earlier time period there were not sufficient funds in the budget to allow the Board of Fisheries to conduct regulatory meetings within all the affected regional areas. Many Alaskan residents requested that sufficient funding be placed in the budget with the understanding that the Board of Fisheries would then conduct these meetings in the affected regions. The State of Alaska responded favorably.

Considering that this is an Alaska Board of Fisheries I never imagined that there would be a need for a bill such as HB.117. This is what has changed my position: 1) Knowing that there doesn't appear to be the lack of funds within the budget, 2) The overwhelming number of regional residents participating in the 2006 Bristol Bay regulatory meeting held in region compared to the 2003 regulatory meeting held in Anchorage, 3) The very positive comments made by then Chairman of the Board of Fisheries Mel Morris on behalf of the Board as to regional support and accommodations the region provided to the Board and the process 4) The Board of Fisheries voting on 2 different occasions to have the Bristol Bay 2009 regulatory meeting in Anchorage. I believe HB.117 is good Alaska policy.

As a past Board of Fishery member I found it extremely helpful to me when we held the regional regulatory meetings within the affected region. I had a better understanding of how the fisheries are managed, history of the fisheries and what impacts proposed regulatory changes could have within the affected region and to the State of Alaska.

Thank you for the opportunity to provide comments.

Robert Heyano

Robert Heyano

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310
DILLINGHAM, ALASKA 99576
PHONE (907) 842-5257

BV

March 24, 2009

Representative Bryce Edgmon via fax
Chair, House Special Committee on Fisheries
Alaska State Legislature
Juneau, AK 99811

Tribal Councils
Served by BBNA:

- Aleknagik
- Chignik Bay
- Chignik Lagoon
- Chignik Lake
- Clarks Point
- Curyung
- Egegik
- Ekuk
- Ekwok
- Igiugig
- Iliamna
- Ivanof Bay
- Kanatak
- King Salmon
- Kokhanok
- Koliganek
- Levelock
- Manokotak
- Naknek
- New Stuyahok
- Newhalen
- Nondalton
- Pedro Bay
- Perryville
- Pilot Point
- Port Heiden
- Portage Creek
- South Naknek
- Togiak
- Twin Hills
- Ugashik

Dear Chairmen Edgmon:

The Bristol Bay Native Association would like to support House Bill 117: Board of Fisheries Meeting Location. The Passage of HB 117 will help ensure that the residents of regional communities have the opportunity to provide face-to-face testimony to the Board of Fish.

Holding the meetings where the topic or proposals being considered at the meeting relates to that region is the right thing to do.

The Bristol Bay fisheries occur here, but the hundreds of millions of dollars of economic benefits generated by the Bristol Bay fisheries merit the meeting being held here at the source. Furthermore, the local permit owners have much higher costs than those living elsewhere making travel to and from our region more expensive and unaffordable. According to a recent study by the University of Alaska's Institute of Social and Economic Research, rural residents pay 40 percent of their income on energy (gas, home heating fuel and electricity) compared to a meager 4 percent for urban residents. This is compounded by very limited job prospects, ailing economic conditions, and a high cost of living in our communities. Bristol Bay village residents will not likely be able to afford the travel and per diem costs to and from Anchorage. Some may have to choose between paying their monthly bills or paying thousands of dollars for airfare, hotels and meals in Anchorage.

As a matter of fairness, the important restructuring issues, including the 32-foot vessel limit and permit stacking, to be considered at the 2009 meeting requires hearing views from as many fishermen as possible. Those decisions will directly affect their livelihoods and will have a very large impact on our local and regional economies. Holding the meeting in Anchorage will limit the voices you hear to only those who can afford the travel and per diem costs, and will most likely be only voices from out-of-region and out-of-State. BBNA fully supports House Bill No. 117.

Sincerely,



Ralph Andersen
Chief Executive Officer

cc: BBNA Executive Committee
Jim Marcotte, BOF Executive Director
Joe Chythlook, Regional Coordinator

STATE OF ALASKA

SARAH PALIN, GOVERNOR


DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

TO: Board of Fisheries Members

DATE: September 27, 2008


FROM: Jim Marcotte, Executive Director
Board of Fisheries
Department of Fish and Game

PHONE: 465-6095
FAX: 465-6094

RE: Discussion of Draft 2009/2010
Board of Fisheries Schedule

Attached is the proposed 2009/2010 meeting schedule for your approval.

The following assumptions are used in drafting the enclosed schedule options for the 2009/2010 cycle. These assumptions follow those used in years past and are listed below for board members' benefit:

1. The board will continue the three-year cycle (copy enclosed).
2. The board will keep the same "Call for Proposal" deadline. This cycle the deadline falls on Friday, April 10, 2009.
3. The board meetings will occur between the months of October through March.
4. The board wants a two- to three-day work session at the beginning of the meeting cycle.
5. The board does not want any one meeting session to exceed 15 days.
6. The board wants a minimum of seven to ten days between meeting sessions.
7. The order of regions has the board addressing the salmon fisheries closest to the salmon spawning grounds first.
8. The 2009/2010 draft schedule options are based on past schedules and past actual meeting days used to address that region's issues, and in consideration of current funding levels.
9. The 2009/2010 draft schedule concludes the meetings in March 2010. After the board meetings conclude, ADF&G and the Department of Law staff place the new regulations into code. This is a labor-intensive process starting in mid-December. This schedule will support the flow of the regulatory process for staff and the public. The public will know what the fishing regulations are earlier, thus making pre-planning less compressed.

Alaska Board of Fisheries 2009/2010

Proposed Meeting Schedule (draft 10/2/08)

Bristol Bay, Arctic-Yukon-Kuskokwim, and
Alaska Peninsula/Aleutian Islands Finfish;
Statewide General Finfish Provisions;
and Supplemental Issues

PROPOSAL DEADLINE: 5:00 p.m. Friday, April 10, 2009

<u>Dates [and Duration]</u>	<u>Topics</u>	<u>Location</u>
October <u>13-14</u> , 2009 [2 days]	Work Session ACRs, cycle organization, Stocks of Concern	_____
<i>prior years</i>		<i>October 8-10, 2008 in Fairbanks [3 days] October 9-11, 2007 in Anchorage [2 days] October 12-13, 2006 in Anchorage [2 days] October 13-14, 2005 in Girdwood [2 days] October 5-7, 2004 in Anchorage [2 days] October 1-3, 2003 in Anchorage [3 days]</i>
December <u>1-8</u> , 2009 [8 days]	Bristol Bay Finfish	_____
<i>prior years</i>		<i>December 4-12, 2006 in Dillingham [9 days] December 9-17, 2003 in Anchorage [9 days] portions of Jan. 9-Feb. 1, 2001 in Anchorage</i>
January <u>26-31</u> , 2010 [5 days]	Arctic-Yukon-Kuskokwim Finfish	_____
<i>prior years</i>		<i>Jan. 31-Feb 5, 2007 in Anchorage [6 days] January 12-19, 2004 in Fairbanks [8 days] portions of Jan. 9-Feb. 1, 2001 in Anchorage</i>
February <u>1-5</u> , 2010 [5 days]	AK Peninsula/Aleutian Islands	_____
<i>prior years</i>		<i>February 6-11, 2007 in Anchorage [6 days] February 15-26, 2004 in Anchorage [12 days] portions of Jan. 9-Feb. 1, 2001 in Anchorage</i>
March <u>16-20</u> , 2010 [5 days]	Statewide Finfish and Supplemental Issues	_____
<i>prior years</i>		<i>March 9-13, 2007 in Anchorage [5 days] November 12-17 2003 in Anchorage [6 days] portions of Jan. 9-Feb. 1, 2001 in Anchorage</i>

Total Meeting Days: _____
ACR Deadline: August ____, 2009 (45 days prior to worksession)

Adopted ____; subject to meeting space availability

ALASKA BOARD OF FISHERIES

LONG-TERM MEETING CYCLE

The board meeting cycle generally occurs from October through March. The board considers changes to regulations on a region-based schedule. All fisheries are considered when the regional area, shellfish species, or statewide regulations are before the board. The fisheries include subsistence, sport, guided sport, personal use, and commercial. Special petition and agenda change request procedures are available for the board to consider out-of-cycle requests.

NOTES:

- 1) Statewide shellfish regulations will not be considered every meeting cycle. When setting the future meeting schedule annually, the board will determine whether to consider statewide finfish or shellfish regulations for that meeting cycle.
- 2) The proposal deadline is April 10 every year. *If April 10 falls on a weekend, the proposal deadline is the Friday preceding that weekend.*

Meeting Cycle:	2008/2009	2011/2012	2014/2015	2017/2018
<u>Area:</u> Prince William Sound Area (All Finfish) Southeast/Yakutat Areas (All Finfish) Southeast/Yakutat Areas (King Crab, Tanner Crab, Dungeness Crab, Shrimp; and Miscellaneous Shellfish) Statewide Miscellaneous Shellfish and Provisions				

Meeting Cycle:	2009/2010	2012/2013	2015/2016	2018/2019
<u>Area:</u> Alaska Peninsula/Aleutian Island Areas (All Finfish) Arctic-Yukon-Kuskokwim Areas (All Finfish) Bristol Bay Area (All Finfish) Statewide Provisions (Finfish)				

Meeting Cycle:	2010/2011	2013/2014	2016/2017	2019/2020
<u>Area:</u> Cook Inlet Area (All Finfish) Kodiak and Chignik Areas (All Finfish) King and Tanner Crab (Statewide, except Southeast/Yakutat)				

THE MEETING CYCLE REPEATS ITSELF EVERY THREE YEARS. This schedule was adopted November 9, 1990, updated October 13, 2006.

RC 78

MARCH 2009

GUIDELINES FOR SELECTION OF FUTURE MEETING SITES : BOARD OF FISH

Each of the following factors shall be considered in determining and selecting a site for a given future meeting of the Board of Fish:

- Whether the community has commercial jet or turbine service
- cellular phone service
- high speed internet available
- Adequate dining facilities/capacity for the BOF, F&G staff, and expected members of the public traveling from other communities
- Adequate meeting room facility and associated staff requirements (ie: copy machine, etc)
- Relative comfort (temperature inside, tables/chairs, etc)
- Adequate ground transportation
- Adequate hotel rooms and capacity of rooms for expected influx
- Hospital
- Relationship of community to BOF topic of discussion
- Costs to Department of F&G
- Travel time required
- Economic and cultural importance to the location

• ECONOMIC IMPACT ON STAKEHOLDER TRAVEL

No single bulleted item shall be the sole determining guideline. However, the preponderance of the items shall be considered significant in final selection of the meeting site.

adverse witnesses. Upon removal, the governor or a designee shall file in the proper state office the findings and a complete statement of all charges made against the member. (§ 7 art I ch 94 SLA 1959; am § 3 ch 121 SLA 1992)

Sec. 16.05.290. Compensation of board members. Each member of a board is entitled to compensation at a rate equal to Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance at board meetings. For other meetings or conferences authorized by a board a member shall receive compensation at a rate equal to one-half of Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance. Each member of a board is also entitled to travel expenses and per diem authorized for boards and commissions under AS 39.20.180. (§ 8 art I ch 94 SLA 1959; am § 6 ch 206 SLA 1975; am § 1 ch 81 SLA 1980; am § 4 ch 121 SLA 1992)

Sec. 16.05.300. Board meetings. (a) Each board shall hold at least one meeting a year and as many other meetings as it considers necessary. Each board shall select the time and place in the state for the transaction of business. Each board shall maintain its office at the principal office of the department.

(b) In addition, the Board of Fisheries shall hold at least one meeting or hearing a year in each of the following general areas:

- (1) Upper Yukon — Kuskokwim — Arctic
- (2) Western Alaska (including Kodiak)
- (3) Southcentral
- (4) Prince William Sound (including Yakutat). (§ 9 art I ch 94 SLA 1959; am § 1 ch 82 SLA 1968; am § 7 ch 206 SLA 1975)

Sec. 16.05.305. Clerical assistance for boards. The Board of Fisheries and the Board of Game are authorized to hire and set the compensation for one clerical assistant for each board. (§ 8 ch 206 SLA 1975)

Sec. 16.05.310. Special board meetings. A board may meet at any time upon the call of the commissioner or upon the request of two board members. (§ 6 art I ch 94 SLA 1959; am § 9 ch 206 SLA 1975)

Sec. 16.05.315. Joint board meetings. The Board of Fisheries and the Board of Game may hold a joint meeting upon the call of the commissioner or a board to resolve any conflicts in regulations of the boards and to consider matters, as determined by the commissioner or a board, that require the consideration of both boards. (§ 10 ch 206 SLA 1975)

Sec. 16.05.320. Quorum. A majority of the members of a board constitutes a quorum for the transaction of business, for the performance of any duty, and for the exercise of any power. However, a majority of the full board membership is required to carry all motions, regulations, and resolutions. A majority of the members of the boards of fisheries and game constitute a quorum for the transaction of business in a joint board meeting. A majority of the membership of the boards is required to carry all joint motions, regulations, and resolutions of the boards. (§ 10 art I ch 94 SLA 1959; am § 3 ch 71 SLA 1973; am § 11 ch 206 SLA 1975)

NOTES TO DECISIONS

Valid board decision. — Although the Board of Fisheries may have voted three to two to deny chum cap reduction, it voted five to zero to approve the management plan for the 1994 False Pass fishery

adverse witnesses. Upon removal, the governor or a designee shall file in the proper state office the findings and a complete statement of all charges made against the member. (§ 7 art I ch 94 SLA 1959; am § 3 ch 121 SLA 1992)

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NOTES TO DECISIONS

Valid board decision. — Although the Board of Fisheries may have voted three to two to deny chum cap reduction, it voted five to zero to approve the management plan for the 1994 False Pass fishery

HB

143

<target><bill>HB 143</bill><subject>HB
143</subject><comm>HFSH26</comm></target>



Sponsor

Statement

CSHB143(FSH): No Repeal of Sport Fish Guide Licensing

SPONSOR'S INTENT

CSHB 143 (FSH) will ensure the continuation of Alaska's sport fish guide licensing and reporting program, which has proven beneficial to both the sport fishing industry and resource managers. Also, the amended license fee schedule included in the legislation will generate funding for the program to pay for itself.

Legislation authorizing the program was passed in 2004 for a number of purposes. The Department of Fish & Game sought more comprehensive and credible information on guide numbers and guiding activities. The Department also wanted to create basic standards for sport fish business operators and guides, including minimum liability insurance coverage, first aid certification, and in some cases U.S. Coast Guard vessel licensing.

Many stakeholders who were initially skeptical of these measures now acknowledge their role in advancing the guiding profession. This increased level of professionalism has helped raise the standing of the sport fish industry across the state.

Many also agree that data collected through the program is an important tool in ADF&G's mission to develop and sustain healthy sport fisheries. The data is of great value not only to the Department's fisheries biologists but also to the Alaska Board of Fisheries, the International Pacific Halibut Commission, and the North Pacific Fishery Management Council.

Sport fish guide licensing also releases Alaska from the recently instituted National Saltwater Angler Registry. NOAA exempts states from this federal registry and data collection system if they have programs in place to provide angler information. Sport fishers would otherwise be required by 2011 to purchase a certificate of registration for \$15 to \$25.

Passing CSHB 143 (FSH) will permit the Department of Fish & Game to continue to foster high standards in Alaska's sport fishing industry. It will also enable the Department to carry on collecting important data for management decisions to benefit both fisheries resources and their stakeholders. And it will increase license revenues to a level that will allow the program to operate without need of a funding subsidy.

AMENDMENT

OFFERED IN THE HOUSE SPECIAL COMMITTEE ON
FISHERIES

To: CSHB143(FSH)

by Rep. Edgmon

Page 1, Line 8 :

Delete: "**130**"

and replace with: "**200**"

Page 1, Line 9:

Delete: "**70**"

and replace with: "**75**"

Page 1, Line 11:

Delete: "**130**"

and replace with: "**200**"

CS FOR HOUSE BILL NO. 143(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:

Referred:

Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES

A BILL

FOR AN ACT ENTITLED

1 **"An Act increasing licensing fees for sport fishing operators and sport fishing guides;**
2 **repealing the termination of licensing and regulation of sport fishing operators and**
3 **sport fishing guides and licensing and registration of sport fishing vessels; and providing**
4 **for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 16.05.340(a)(26) is amended to read:

7 (26) Fishing services licenses

8 (A) Sport fishing operator license **130** [100]

9 (B) Sport fishing guide license **70** [50]

10 (C) Sport fishing operator and sport fishing guide combined
11 license **130** [100].

12 *** Sec. 2.** Section 8, ch. 70, SLA 2004, is repealed.

13 *** Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB143
() Publish Date: _____

Identifier (file name): HB143-DFG-SFD-02-27-09
Title: An act repealing the termination of the sport fish operator/guide/vessel program
Sponsor: House Fisheries
Requester: House Fisheries
Dept. Affected: ADF&G
RDU: Sport Fisheries
Component: Sport Fisheries
Component Number: 464

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services		344.5	344.5	344.5	344.5	344.5	344.5
Travel		10.0	10.0	10.0	10.0	10.0	10.0
Contractual		100.7	100.7	100.7	100.7	100.7	100.7
Supplies		7.0	7.0	7.0	7.0	7.0	7.0
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING		0.0	462.2	462.2	462.2	462.2	462.2

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES ()							
-------------------------------	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1024 Fish/Game		462.2	462.2	462.2	462.2	462.2	462.2
TOTAL		0.0	462.2	462.2	462.2	462.2	462.2

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The division has budgeted \$462.2 in the FY10 Governor's budget to administer the Sport Fish operator/guide/vessel program. The program generates estimated Fish & Game Fund revenues of \$256.0, with the balance covered by other Fish & Game Funds.

Prepared by: Charles O. Swanton, Director
Division: Sport Fisheries
Approved by: Tom Lawson, Director
Administrative Services

Phone 465-6184
Date/Time 2/27/09, 8:00 am
Date 2/27/2009

**Brief for HB 143: NO REPEAL SPORT FISH GUIDE LICENSE
(Reauthorization of Sport Fish-Guide Licensing Legislation)
March 10, 2009**

Alaska Department of Fish and Game Contacts:

Charlie Swanton- Charles.Swanton@alaska.gov; phone: 465-6184 or 321-0955
Jennifer Yuhas- Jennifer.Yuhas@alaska.gov; phone: 465-6137 or 388-7951.

Background:

- Original legislation passed in May, 2004; effective January 1, 2005.
- Proposed by the Department for three main reasons:
 1. Information on guide numbers and their fishing activities was either not available or limited in many parts of the state;
 2. Establish minimum standards to operate a business or contract as a guide (safety, liability insurance, US Coast Guard license, etc.) as a means to increase professionalism and reduce speculative entry; and
 3. Provide comprehensive and credible data on guided sport fishing activities to regulatory agencies: Alaska Board of Fisheries (BOF), International Pacific Halibut Commission (IPHC), and North Pacific Fisheries Management Council (NPFMC).

Legislation:

Sec.16.40.260 Sport fishing operator license;

Sec.16.40.270 Sport fishing guide license;

Sec.16.40.280 Reports;

Sec.16.40.290 Penalties for violations.

These legislative sections include licensing provisions and fees (AS. 16.05.340(a)) for sport fishing business owners (\$100), sport fishing guides working for the business (\$50), and business owners who are also a guide (owner/operator combo \$100). The mandatory reporting requirements, logbooks, are for both fresh and saltwater guide activities (freshwater logbooks were instituted in 2005). The penalties for sport fish guiding violations by business owners and guides include possible revocation of their license.

Companion Regulations:

5 AAC 75.075 Sport fishing services and sport fishing guide services: license requirements; regulation of activities.

5 AAC 75.076. Sport fishing services and sport fishing guides reporting requirements.

5 AAC 75.077. Sport fishing guide vessel registration requirements.

Present Benefits and Utility

- A comprehensive list of all sport fishing guides working in salt water is part of the data requirements that will allow Alaska to receive an exemption from participating in the National Saltwater Angler Registry (up to \$25/saltwater angler in 2011).
- The logbook data for saltwater anglers has been used extensively within the IPHC and NPFMC for rule making on Pacific Halibut.
- Both freshwater and saltwater logbook harvest data has been presented and utilized by the Alaska Board of Fisheries. Harvest estimate verification studies are being conducted comparing logbook, statewide sport fish harvest survey, and dock side creel programs.

Participation Statistics

- An average of **1,670 sport fishing business licenses** (including owner/operator combo) have been sold (2005-2008); 90% of owners are Alaskan residents.
- An average of **1,981 sport fishing guide licenses** have been sold (2005-2008); 73% of guides are Alaskan residents.
- Based on logbook data, over **1.8 million clients took 453, 611 guided fishing trips** (from 2005 through 2008); 67% of clients fished in saltwater, 33% fished in freshwater and 88% of all clients were nonresidents.
- An average of **2,061 vessels in freshwater and 1,628 vessels in saltwater** were used for guided fishing trips (2005-2008).

Electronic Reporting (Modernization initiative)

- One of Commissioner Lloyd's initiatives is modernization and timelier reporting of recreational harvest data. We are actively working on this task:
 - On July 1, 2009 the point of sale hunting and fishing licensing program will tentatively be launched- this is the first phase of modernization.
 - By October 30, 2009 we will have identified the critical components necessary for electronic logbook reporting.
 - December 31, 2009 we will have completed and published a report on comparison of the 2006-2008 logbook data to statewide harvest survey data regarding harvest estimate precision.

Brief for Reauthorization of Guide Licensing Legislation February 14, 2009

Background:

- Original legislation passed in May, 2004; effective January 1, 2005.
- Proposed by the Department for three main reasons:
 1. Information on guide numbers and their fishing activities was either not available or limited in many parts of the state;
 2. Establish minimum standards to operate a business or contract as a guide (safety, liability insurance, US Coast Guard license, etc.) as a means to increase professionalism and reduce speculative entry; and
 3. Provide comprehensive and credible data on guided sport fishing activities to regulatory agencies: Alaska Board of Fisheries (BOF), International Pacific Halibut Commission (IPHC), and North Pacific Fisheries Management Council (NPFMC).

Legislation:

Sec.16.40.260 Sport fishing operator license;
Sec.16.40.270 Sport fishing guide license;
Sec.16.40.280 Reports;
Sec.16.40.290 Penalties for violations.

These legislative sections include licensing provisions and fees (AS. 16.05.340(a)) for sport fishing business owners (\$100), sport fishing guides working for the business (\$50), and business owners who are also a guide (owner/operator combo \$100). The mandatory reporting requirements, logbooks, are for both fresh and saltwater guide activities (freshwater logbooks were instituted in 2005). The penalties for sport fish guiding violations by business owners and guides include possible revocation of their license.

Companion Regulations:

5 AAC 75.075 Sport fishing services and sport fishing guide services; license requirements; regulation of activities.

5 AAC 75.076. Sport fishing services and sport fishing guides reporting requirements.

5 AAC 75.077. Sport fishing guide vessel registration requirements.

Present Benefits and Utility

- A comprehensive list of all sport fishing guides working in salt water is part of the data requirements that will allow Alaska to receive an exemption from participating in the National Saltwater Angler Registry (up to \$25/saltwater angler in 2011).
- The logbook data for saltwater anglers has been used extensively within the IPHC and NPFMC for rule making on Pacific Halibut.
- Both freshwater and saltwater logbook harvest data has been presented to the Alaska Board of Fisheries. Verification studies are being conducted with the statewide sport fish harvest survey and dock side creel programs.

Participation Statistics

- An average of **1,670 sport fishing business licenses** (including owner/operator combo) have been sold (2005-2008); 90% of owners are Alaskan residents.
- An average of **3,448 sport fishing guide licenses** have been sold (2005-2008); 73% of guides are Alaskan residents.
- Based on logbook data, over **1.8 million clients took 453,611 guided fishing trips** from 2005 through 2008; 67% of clients fished in saltwater, 33% fished in freshwater and 88% of all clients were nonresidents.
- An average of **2,061 vessels in freshwater and 1,628 vessels in saltwater** were used for guided fishing trips (2005-2008).

Fee Collection and Program funding

Licensing fees were established legislatively to cover the costs of administering the licensing, logbook, and vessel registration programs.

Guide License Revenue & Expenditures

Fiscal Year	Status	Revenue	Expenditures	Shortage
FY05	Actual	\$200.2	\$179.3	\$20.9
FY06	Actual	\$256.6	\$386.6	(\$130.0)
FY07	Actual	\$263.9	\$454.1	(\$190.2)
FY08	Actual	\$250.9	\$393.1	(\$142.2)
FY09	Projection	\$253.5	\$450.2	(\$196.7)
FY10	Projection	\$256.0	\$462.2	(\$206.2)

COVERED
w/ FISH
FUNDS;
LICENSE FEES
"MOST UNRESTRICTED
FUNDING"

- The original licensing fees were based on a six year average of the number of sport fishing businesses and sport fishing guides that had registered free of charge from 1998-2003; assumed that numbers would increase 1% each year FY06-FY10.
 - In 2005 the number of sport fishing businesses that bought a license declined by 21% (440) from the number that registered for free in 2004; the number of sport fishing guides that bought a license declined by 35% (1,769) from the number that registered for free in 2004.

- The FY10 license/logbook program projected costs are ~\$462,200 and estimated license revenues are \$256.0, a deficit of \$206.2
 - The 2007-2008 average number of Owner/Operator licenses sold was 1,677 and Guide licenses sold 3,526.
 - The fees would need to be increased from \$100 to \$130 for Owner/Operators and \$50 to \$70 for Guides for the program to pay for itself without subsidy.

Alaska Department of Fish and Game Contacts:

Charlie Swanton- Charles.Swanton@alaska.gov; phone: 465-6184 or 321-0955

Jennifer Yuhas- Jennifer.Yuhas@alaska.gov; phone: 465-6137 or 388-7951.

Timothy Clark

From: Yuhas, Jennifer S (DFG) [jennifer.yuhas@alaska.gov]
Sent: Monday, February 23, 2009 3:32 PM
To: Timothy Clark
Subject: points and a question

What is the teleconference #?
I used to have it under my keyboard, but I moved jobs =)

Jennifer Yuhas

*Communications & Legislative Director,
Alaska Department of Fish & Game
(907) 465-6137 Juneau
(907) 388-7951 Mobile*

Pieces for Sport Fish Guide Licensing Sunset Repeal Sponsor Statement:

Background:

- Original legislation passed in May, 2004; effective January 1, 2005.
- Proposed by the Department for three main reasons:
 1. To generate better information on guide numbers and their fishing activities
 2. To Establish minimum standards to operate a business or contract as a guide (safety, liability insurance, US Coast Guard license, etc.) as a means to increase professionalism and reduce speculative entry; and
 3. To provide comprehensive and credible data on guided sport fishing activities to regulatory agencies: *Alaska Board of Fisheries (BOF)*, *International Pacific Halibut Commission (IPHC)*, and *North Pacific Fisheries Management Council (NPFMC)*.

***Sunset Repeal now enjoys support of groups who opposed original legislation. Professional guides associations support advancing the profession through licensing.**

Failing to renew the program means the following benefits will be lost:

- A comprehensive list of all sport fishing guides working in salt water is part of the data requirements / **Alaska to receive an exemption from participating in the National Saltwater Angler Registry** (up to \$25/saltwater angler in 2011).
- The logbook data for saltwater anglers - used extensively within the IPHC and NPFMC for **rule making on Pacific Halibut**.
- Both freshwater and saltwater **logbook harvest data has been presented to the Alaska Board of Fisheries**. Verification studies are being conducted with the statewide sport fish harvest survey and dock side creel programs. Data is currently collected in the harvest year and analyzed following the close of harvest. Both managers and users would like to streamline current procedures in the future.
- Without reauthorization of this program valuable **data necessary for future management decisions will be lost**.

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Regulations Pertaining to the Sport Fishing Guide Licensing and Reporting Program

5 AAC 75.075. Sport fishing services and sport fishing guide services; license requirements; regulation of activities

Statute text

(a) An owner of a business intending to conduct sport fishing services shall obtain a current annual sport fishing operator license from the department before the business conducts sport fishing services. To meet the licensing requirements of AS 16.40.260 and this section, the owner shall complete and submit, along with the applicable fee prescribed in AS 16.05.340(a), a sport fishing operator license application form provided by the department. The following information regarding the business conducting the sport fishing service must be provided on the sport fishing operator license application form:

- (1) the name, permanent residence address, local residence address, and mailing address of the owner;

 - (2) the name of the business;

 - (3) the Alaska business license number, issued under 12 AAC 12, and expiration date of the business license;

 - (4) the business' insurance policy number, with the company name and expiration date, of the policy that meets the insurance requirements specified in AS 16.40.260;

 - (5) the areas in which the fishing services will be provided;

 - (6) any other information required by the department on the license application form to verify that the applicant meets the requirements of AS 16.40.260.
- (b) Before providing sport fishing guide services, and applicant shall complete and submit, along with the applicable fee prescribe in AS 16.05.340(a), a current annual sport fishing guide license form provided by the department. The following information regarding the applicant must be provided on the sport fishing guide license form:

- (1) the name, permanent residence address, and mailing address of the applicant;
- (2) a declaration of citizenship;
- (3) first aid card information;
- (4) current Alaska sport fishing license number;
- (5) if operating a vessel, the current United States Coast Guard license information;
- (6) any other information required by the department on the license application form to verify that the applicant meets the requirements of AS 16.40.270.

(c) While engaged in providing sport fishing guide services, a sport fishing guide shall have readily available for inspection and shall display upon request of a local representative of the department or a peace officer of the state, and while on salt water or navigable fresh water within six hours after being on salt water a law enforcement representative of the National Marine Fisheries Service or a representative of the United States Coast Guard, the following:

- (1) the sport fishing guide's current
 - (A) sport fishing guide license; and
 - (B) applicable logbooks as required in 5 AAC 75.076(c);
- (2) a copy of the current sport fishing operator license of the sport fishing guide's employer, or, if the sport fishing guide is also a sport fishing operator, the guide's current sport fishing operator license;
- (3) current sport fishing licenses, tags, stamps, or permits that are required to engage in the sport fishery for which the sport fishing guide services are provided;

(4) an identification card issued to the sport fishing guide by a state or federal agency that bears a photograph of the sport fishing guide;

(5) if on a vessel that provides sport fishing guide services in salt water, the sport fishing license and harvest record of each client on board the vessel.

History

History: Eff. 4/18/86, Register 98; am 5/13/95, Register 134; am 4/23/98, Register 146; am 5/19/98, Register 146; am 2/10/2005, Register 173; am 1/1/2008, Register 184

Annotations

Authority: AS 16.05.251

AS 16.40.260

AS 16.40.270

AS 16.40.280

Editor's note: The forms specified in 5 AAC 75.075 are available at any Division of Sport Fish regional office of the Department of Fish and Game.

5 AAC 75.076. Sport fishing services and sport fishing guides reporting requirements

Statute text

(a) A sport fishing guide shall obtain and complete a

(1) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2008 Saltwater Charter Logbook and Vessel Registration, adopted by reference, if operating in salt waters;

(2) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2008 Freshwater Sport Fish Guide Logbook and Vessel Registration, adopted by reference, if operating in fresh waters.

(b) A logbook requires information necessary for the management and conservation of fishery resources or the regulation of the guided sport fishing industry, including

(1) the division of motor vehicles boat registration number, issued under 2 AAC 70, or United States Coast Guard documentation number, of the vessels that are used to provide sport fishing guide services in fresh or salt waters;

(2) the locations where the sport fishing guide services were provided;

(3) the effort, catch, and harvest of sport fish by persons who are clients, owners, or employees of a business that conducts sport fishing services or a person who provides sport fishing guide services; and

(4) any other information the department determines is necessary for the management and conservation of the fishery resource or the regulation of the guided sport fishing industry.

(c) A sport fishing guide shall complete a logbook in the manner and at the location specified in the logbook and present the guide's logbook for inspection upon request from a

(1) local representative of the department;

(2) peace officer of the state; and

(3) law enforcement representative of the National Marine Fisheries Service or a representative of the United States Coast Guard while on salt water or navigable fresh water within six hours after being on salt water.

(d) A person may not make a false entry in the logbook required in (a) of this section.

(e) The holder of a sport fishing operator license issued under AS 16.40.260 and 5 AAC 75.075 is responsible for reporting logbook information and returning the completed logbook of each sport fishing guide it employs to the department in the manner and time frame specified in the logbook.

History

History: Eff. 5/19/98, Register 146; am 9/23/98, Register 147; am 5/15/99, Register 150; am 4/16/2000, Register 154; am 5/20/2000, Register 154; am 3/11/2001, Register 157; am 4/5/2002, Register 162; am 2/28/2003, Register 165; am 3/25/2004, Register 169; am 2/10/2005, Register 173; am 5/19/2005, Register 174; am 5/26/2006, Register 178; am 8/12/2007, Register 183; am 1/1/2008, Register 184; am 4/25/2008, Register 186

Annotations

Authority: AS 16.05.251
AS 16.40.280

Editor's note: The logbooks adopted by reference in 5 AAC 75.076(a) are available from Department of Fish and Game offices in Anchorage, Soldotna, Palmer, Ketchikan, Sitka, and Douglas, or by writing to the Alaska Department of Fish and Game, Division of Sport Fish, P.O. Box 115526, Juneau, AK 99811-5526. In addition, the logbooks are available for inspection at the Lieutenant Governor's Office, Juneau, Alaska.

5 AAC 75.077. Sport fishing guide vessel registration requirements

Statute text

(a) Before being used to provide sport fishing guide services, a vessel must be registered annually with the department. A currently licensed sport fish business owner, or the owner's authorized agent, shall register each individual vessel operated by the business to provide sport fishing guide services by completing a form provided by the department. At the time of registration, the business owner, or the owner's authorized agent, must provide the current division of motor vehicles boat registration number, issued under 2 AAC 70, or the current United States Coast Guard vessel documentation number of each vessel being registered.

(b) A person may not engage in sport fishing guide services from a powered or unpowered vessel unless the vessel is registered under (a) of this section and displays a sport fishing guide vessel decal with a current annual sticker issued by the department as follows:

(1) upon initial registration of a vessel, two sport fishing guide vessel decals will be issued by the department for that vessel; one decal must be securely affixed on each side of the vessel and must be displayed in plain view at all times the vessel is engaged in sport fishing guide services;

(2) for the years following the year of initial registration of a vessel, two current year renewal stickers will be issued by the department for that vessel; one current year renewal sticker must be securely affixed on each decal over the previous year renewal sticker and must be displayed in plain view at all times the vessel is engaged in sport fish guide services.

(c) If a decal or current year renewal sticker is lost or damaged, a replacement must be obtained from the department and affixed and displayed as required in this section before engaging in sport fish guide services with the vessel.

(d) A float tube used to provide sport fish guide services is exempt from the registration and decal requirements of this section. For the purposes of this subsection, "float tube" means a tubular floating device designed to support one person in the water and propelled only by power from the arms or legs of the operator.



NOAA

NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
UNITED STATES DEPARTMENT OF COMMERCE



Contact: Monica Allen
301-713-2370
Monica.allen@noaa.gov

FOR IMMEDIATE RELEASE
Dec. 23, 2008

NOAA to Create Saltwater Angler Registry in 2010
Final rule gives states more time to implement local data gathering

NOAA's Fisheries Service released its final rule today to create a national saltwater angler registry of all marine recreational fishermen to help the nation better protect our shared marine resources. A requirement to establish a registry was included in a statute approved by Congress in 2007.

"Better national surveys of the nearly 15 million saltwater anglers will help us demonstrate the important contributions of recreational anglers to both local economies and to the nation's," said Jim Balsiger, NOAA acting assistant administrator for NOAA's Fisheries Service. "The registry will help us gather comprehensive data to ensure sustainable fisheries built on the best available science."

The improved quality of recreational fishing data achieved through a national saltwater angler registry will help demonstrate the economic value of saltwater recreational fishing, and will provide a more complete picture of how recreational fishing is affecting fish stocks. This kind of information is essential to NOAA's goal to end overfishing as required under the Magnuson-Stevens Fishery Conservation and Management Act. All recreational anglers who fish in federal waters will be required to participate, with some exemptions for those already registered in their states.

The registry is the product of a major recommendation to NOAA in a 2006 independent scientific review by the National Research Council of the National Academy of Sciences. The NRC found that NOAA needed a comprehensive list of everyone who fishes recreationally in marine waters to improve surveys of saltwater anglers used to help manage and rebuild fish stocks. The NRC recommendation became law in 2007 with the reauthorization of the Magnuson-Stevens Act, the primary federal law that enables NOAA to manage ocean fish stocks.

The final rule requires anglers and spearfishers who fish recreationally in federal ocean waters to be included in the national saltwater angler registry by Jan. 1, 2010.

Beginning January 2009, NOAA will exempt anglers from the federal registration rule if they are licensed in states that have a system to provide complete information on their saltwater anglers to the national registry.

"NOAA wants to work closely with the states and anglers to better capture the contributions and effects of sportfishing," said Balsiger. "We expect that this additional year will allow a number of states to put in place systems to register their anglers annually and provide this information to NOAA."

NOAA had originally proposed that registration be required beginning Jan. 1, 2009, but based on public input decided to give states another year to put in place their own data collection systems.

If anglers are not licensed or registered by a state that has been exempted and want to fish in federal waters, they will be required to register with NOAA. They must also register if they fish in tidal waters for migratory fish such as striped bass and salmon that spawn in rivers and spend their adult lives in estuaries and oceans. However, those who fish recreationally for these migratory species inland of tidal waters need not register, according to the final rule.

Federal saltwater angler registrations will include an angler's name, date of birth, address, telephone number, and the regions where they intend to fish. This information will be used by NOAA to conduct surveys on fishing effort and amounts of fish caught. Once anglers have registered, they may fish anywhere in U.S. federal waters, or in tidal waters for anadromous species, regardless of the region or regions they specified in their registration. The registration will be valid for one year from its date of issue. Anglers must comply with applicable state licensing requirements when fishing in state waters.

Saltwater anglers will be able to register online or by calling a toll-free telephone number that will be publicized, and will receive a registration certificate. Anglers will need to carry this certificate (or their state license from an exempt state) and produce it to an authorized enforcement officer if requested. No fee will be charged in 2010. An estimated fee of \$15 to \$25 per angler will be charged starting in 2011.

Anglers who fish only on licensed party, charter, or guide boats would not be required to register with NOAA since these vessels are surveyed separately from angler surveys. Those who hold angler permits to fish for highly migratory species, such as tunas or swordfish, and those fishing under commercial fishing licenses will also be exempt. Anglers registered or permitted to fish in a formal state or federal subsistence fishery will also be exempt, as will anglers under 16.

NOAA received nearly 500 comments from anglers, state officials, and fishing and environmental organizations on its proposed national registry rule during the comment period from June 12 until Aug. 21. The registry is one component of the agency's new Marine Recreational Information Program, an initiative to enhance data collection on recreational catch and effort.

To read the final registry rule and other information about the Marine Recreational Information Program, go to: <http://www.countryfish.noaa.gov>

NOAA understands and predicts changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and conserves and manages our coastal and marine resources. Visit <http://www.noaa.gov>.

On the Web:
NOAA's Fisheries Service: <http://www.nmfs.noaa.gov>

- 30 -

Wednesday, December 31, 2008

Story last updated at 12/31/2008 - 11:45 am

NOAA to create saltwater angler registry in 2010

Capital City Weekly

NOAA's Fisheries Service recently released its final rule to create a national saltwater angler registry of all marine recreational fishermen to help the nation better protect our shared marine resources. A requirement to establish a registry was included in a statute approved by Congress in 2007.

"Better national surveys of the more than 15 million saltwater anglers will help us demonstrate the important contributions of recreational anglers to both local economies and to the nation's," said Jim Balsiger, NOAA acting assistant administrator for NOAA's Fisheries Service. "The registry will help us gather comprehensive data to ensure sustainable fisheries built on the best available science."

The improved quality of recreational fishing data achieved through a national saltwater angler registry will help demonstrate the economic value of saltwater recreational fishing, and will provide a more complete picture of how recreational fishing is affecting fish stocks. This kind of information is essential to NOAA's goal to end overfishing as required under the Magnuson-Stevens Fishery Conservation and Management Act. All recreational anglers who fish in federal waters will be required to participate, with some exemptions for those already registered in their states.

The registry is the product of a major recommendation to NOAA in a 2006 independent scientific review by the National Research Council of the National Academy of Sciences. The NRC found that NOAA needed a comprehensive list of everyone who fishes recreationally in marine waters to improve surveys of saltwater anglers used to help manage and rebuild fish stocks. The NRC recommendation became law in 2007 with the reauthorization of the Magnuson-Stevens Act, the primary federal law that enables NOAA to manage ocean fish stocks.

The final rule requires anglers and spearfishers who fish recreationally in federal ocean waters to be included in the national saltwater angler registry by Jan. 1, 2010.

Beginning January 2009, NOAA will exempt anglers from the federal registration rule if they are licensed in states that have a system to provide complete information on their saltwater anglers to the national registry.

"NOAA wants to work closely with the states and anglers to better capture the contributions and effects of sportfishing," Balsiger said. "We expect that this additional year will allow a number of states to put in place systems to register their anglers annually and provide this information to NOAA."

NOAA had originally proposed that registration be required beginning Jan. 1, 2009, but based on public input decided to give states another year to put in place their own data collection systems.

If anglers are not licensed or registered by a state that has been exempted and want to fish in federal waters, they will be required to register with NOAA. They must also register if they fish in tidal waters for migratory fish such as striped bass and salmon that spawn in rivers and spend their adult lives in estuaries and oceans. However, those who fish recreationally for these migratory species inland of tidal waters need not register, according to the final rule.

Federal saltwater angler registrations will include an angler's name, date of birth, address, telephone number, and the regions where they intend to fish. This information will be used by NOAA to conduct surveys on fishing effort and amounts of fish caught.

Once anglers have registered, they may fish anywhere in U.S. federal waters, or in tidal waters for anadromous species, regardless of the region or regions they specified in their registration. The registration will be valid for one year from its date of issue. Anglers must comply with applicable state licensing requirements when fishing in state waters.

Saltwater anglers will be able to register online or by calling a toll-free telephone number and will receive a registration certificate. Anglers will need to carry this certificate (or their state license from an exempt state) and produce it to an authorized enforcement officer if requested. No fee will be charged in 2010. An estimated fee of \$15 to \$25 per angler will be charged starting in 2011.

Anglers who fish only on licensed party, charter, or guide boats would not be required to register with NOAA since these vessels are surveyed separately from angler surveys. Those who hold angler permits to fish for highly migratory species, such as tunas or swordfish, and those fishing under commercial fishing licenses will also be exempt. Anglers registered or permitted to fish in a formal state or federal subsistence fishery will also be exempt, as will anglers under 16.

To read the final registry rule and other information about the Marine Recreational Information Program, visit www.countmyfish.noaa.gov.

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Owner – Kenai River Raven

Eldon Mulder
Vice Chair
President - The Mulder Company

Kevin Branson
Secretary and Treasurer
CPA - Thomas, Head & Greisen

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Alaska Communications Systems

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Bill Eckhardt
President
Alaska USA Federal Credit Union

Ben Ellis
Managing Director
Institute of the North

Mark Hamilton
President
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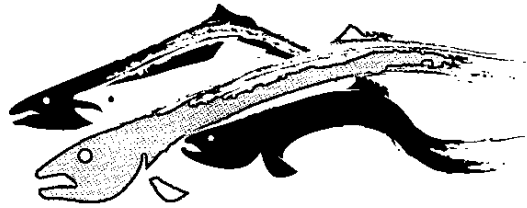
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Alaska Airlines

Robert Penney
Owner
PENCO Properties

Darwin Peterson
Legislative Aide
Senator Stedman's Office

Karen Rey
Registered Nurse
ANS Territory Manager, Alaska

Gary Turner
Director
Kenai Peninsula College



KENAI RIVER SPORTFISHING
ASSOCIATION

February 24, 2009

Representative Bryce Edgmon
Alaska State Capitol
Juneau, AK 99801

Fax # 907-465-3445

Re: HB 143

Dear Representative Bryce Edgmon:

Kenai River Sportfishing Association (KRSA) is a 501(c)3 charitable non-profit dedicated to fishery conservation on the Kenai River and in Alaska. Our programs focus on habitat conservation, fisheries management, research and education.

KRSA is in full support of HB 143, which would repeal the sunset of the sport fish guide licensing program through ADFG. We feel that the sport fish guide licensing program is an essential component of fisheries management that should continue without sunset. The program provides sport fish guides with minimum professional standards and gathers valuable information on the numbers of guides, clients, and harvest levels and patterns, which can be used in sound management of our recreational fisheries.

We support timely reporting requirements of log book information from guides, and the efforts of ADFG process such information into real-time data that then can be used in a timely manner by fisheries managers.

We would like to see implementation of an electronic based log book reporting system, which would remove the current bottleneck of having to enter the paper-based log book information into an electronic database management system. Access to and the ability to use data from the log books should mirror the timeframe of the weekly guide reporting requirements. Unfortunately at this time with the paper-based system that is not possible. This leaves fisheries managers in the position of having to use forecast or past trend data instead of real time data in their in-season decision making.

We support a fee structure that covers the full costs of the program, with the understanding that the goal of being able to provide real-time data from the

Dedicated to preserving the greatest sportfishing river in the world, the Kenai.

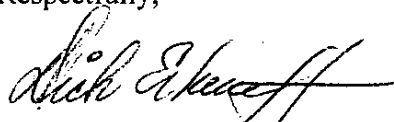
PO Box 1228 • 224 Kenai Ave., Suite 102 • Soldotna, Alaska 99669

Representative Bryce Edgmon
February 24, 2009
Re: HB 143
Page 2

log books to fisheries managers is a priority for the department and gets implemented in a timely fashion.

In summary, KRSA supports the continuation of the sport fish guide licensing program as an essential component of responsible fisheries management. Thank you for the opportunity to provide comment on this issue.

Respectfully,



Dick Erkeneff, Board Chair
Kenai River Sportfishing Association

Rep. Bryce Edgmon, Chairman
House Fisheries Special Committee
26th Alaska Legislature

March 5th, 2009

Rep. Bryce Edgmon,

RE: HB-143 "an act repealing the termination of Sportfish Guide licensing....."

As a life long Juneau resident (since 1949), a retired State employee (1995), and an 18 year local small business owner and State Licensed Sportfishing Guide, I strongly **oppose** HB-143.

The original HB-452 (Rep. Heinze, Feb '04) creating the current ADFG Guide License fee, was subsequently altered (CSHB-452) to include only Sportfishing Guide Businesses and Guides. All other sportfishing services and business were later removed before final passage of the bill.

The current ADFG Guide License and fee is in addition to our State Business License, and all the many other State and Federal Licenses and fees already required in order to provide Sportfishing Guide Services. This current ADFG Guide License information is redundant and the fee is burdensome.

Last year (2008) Governor Palin signed HB-111 into law in June, (an act reducing all other State Business License fees). This Business License fee reduction takes affect on Oct. 1st of 2009. Now this HB-143 proposes to maintain our ADFG Guide License fees at double (and in many cases quadruple) what the State Business License fee will be. HB-143 appears to be out of sync with the Governors intent of recognizing the value of small business, the current economic crisis, and *"the principal that fees should only cover the cost of the licensing activity"* (Legislative wording). In signing HB-111 into law in Kenai, Governor Palin stated: *"The Alaska economy is blessed by people with an entrepreneurial spirit. By investing in their businesses, small firm owners make a major contribution to our economy. I am pleased this law will decrease the burden for those who are helping to grow our economy."*

HB-143 does just the opposite of the Governors HB-111 intent. According to ADFG's own original testimony, justifying the Guide License and fee, (Rob Bentz, Deputy Director of Sport Fish), Rob states: *".....we estimate that this bill would generate approximately \$356,000 and we would expend \$346,000 to administer the licensing and reporting programs. Currently the log book is free. The proposed license fee will cover the cost of the licensing program and the reporting requirements". We do not believe that requiring sport fishing guides to record their catch, harvest and effort information in an accurate, timely and enforceable manner is burdensome. We view it as an obligation for anyone involved in the harvest of public property resources....."* It is quite apparent by his testimony that the reporting programs now include the cost of the log books and the later data tabulation efforts required. I see several things wrong with this. Why do Guides have to pay for this State F&G Log Book program? Why aren't Guides paid for their efforts of data entry (the log book data) and why aren't all other sportfishermen required to report their catch? Why only Guides and "guided fishermen?"

In addition, the log books have been in place for 10 years and still ADFG does not currently use the log book information to set Sportfishing Regulations. They use the end of season questionnaires sent out to sportfishermen to gather the data in setting sport regulations. Guides have repeatedly been told ADFG doesn't trust our log book data, so ADFG relies on the Sportfishing questionnaires for this data. ADFG even offers prizes and incentives to the sportfisherman to return the questionnaires. Does our ADFG Guide License fee also pay for this? This information can be found on the State's ADFG web site.

For these and other reasons, **I oppose HB-143.**

Respectfully,

Thomas J. Dawson, USCG 100ton Master
Three Eagle Charters
(907) 789-9124

Timothy Clark

From: ed@luckydogadventure.com on behalf of Captain Ed Haney [Ed@LuckyDogAdventure.com]
Sent: Friday, March 06, 2009 9:12 AM
To: Timothy Clark
Cc: Rep. Beth Kerttula; Rep. Cathy Munoz
Subject: HB-143
Importance: High

Rep. Bryce Edgmon, Chairman
 House Fisheries Special Committee
 26th Alaska Legislature

March 6th, 2009

Rep. Bryce Edgmon,

RE: HB-143 “an act repealing the termination of Sportfish Guide licensing.....”

As a life long Alaskan resident and a local small business owner and State Licensed Sportfishing Guide, I strongly **oppose** HB-143.

The original HB-452 (Rep. Heinze, Feb '04) creating the current ADFG Guide License fee, was subsequently altered (CSHB-452) to include only Sportfishing Guide Businesses and Guides. All other sportfishing services and business were later removed before final passage of the bill.

The current ADFG Guide License and fee is in addition to our State Business License, and all the many other State and Federal Licenses and fees already required in order to provide Sportfishing Guide Services. This current ADFG Guide License information is redundant and the fee is burdensome.

Last year (2008) Governor Palin signed HB-111 into law in June, (an act reducing all other State Business License fees). This Business License fee reduction takes affect on Oct. 1st of 2009. Now this HB-143 proposes to maintain our ADFG Guide License fees at double (and in many cases quadruple) what the State Business License fee will be. HB-143 appears to be out of sync with the Governors intent of recognizing the value of small business, the current economic crisis, and **“the principal that fees should only cover the cost of the licensing activity” (Legislative wording)**. In signing HB-111 into law in Kenai, Governor Palin stated: **“The Alaska economy is blessed by people with an entrepreneurial spirit. By investing in their businesses, small firm owners make a major contribution to our economy. I am pleased this law will decrease the burden for those who are helping to grow our economy.”**

HB-143 does just the opposite of the Governors HB-111 intent. According to ADFG’s own original testimony, justifying the Guide License and fee, (Rob Bentz, Deputy Director of Sport Fish), Rob states: **“.....we estimate that this bill would generate approximately \$356,000 and we would expend \$346,000 to administer the licensing and reporting programs. Currently the log book is free. The proposed license fee will cover the cost of the licensing program and the reporting requirements”. We do not believe that requiring sport fishing guides to record their catch, harvest and effort information in an accurate, timely and enforceable manner is burdensome. We view it as an obligation for anyone involved in the harvest of public property resources.....”**. It is quite apparent by his testimony that the reporting programs now include the cost of the log books and the later data tabulation efforts required. I see several things wrong with this. Why do Guides have to pay for this State F&G Log Book program and why aren’t all other sportfishermen required to report their catch? Why only Guides and “guided fishermen?” If this bill is allowed to sunset, so will all the cost

associated with administering the program.

In addition, the log books have been in place for 10 years and still ADFG does not currently use the log book information to set Sportfishing Regulations. Guides have repeatedly been told ADFG doesn't trust our log book data, so **WHY are we required to provide it.**

For these and other reasons, **I oppose HB-143.**

Respectfully,

Ed Haney

Ed Haney, Captain

Lucky Dog Adventure

907-790-1800

Ed@LuckyDogAdventure.com

www.LuckyDogAdventure.com

Timothy Clark

From: - Germaine Eames [seaclusion@acsalaska.net]
Sent: Friday, March 06, 2009 8:06 AM
To: Timothy Clark
Cc: ken larson
Subject: HB-143

Dear Tim and Rep Bryce Edgmon;

As the president of the Prince William Charter Boat Association I am writing on behalf of our 30+ members to oppose the passage of HB-143. We feel that if our log book data was actually being used that maybe this would be ok but since the Pro Com-fish Commissioner thinks that we all lie on our log books and the data is incorrect and can't be used the need for log books is past. Since the need for the log books appears to be only to say that the state is keeping an eye on things and not really collecting usable data, I think it is time to stop funding a dead end program and close it up and stop paying for it. As far as the Sport fish guide license board.....Get Real every charter captain already has more training and requirements just to get his/her license than most of the comfish "captains" its time to make our waters safer from accidents and pollution from spills due to groundings, collisions, sinkings, swampings, etc. and get all the commercial fisherman and "captains" licensed and involved in the same random drug testing programs that we have to submit to. We have to do this things because we have paying people onboard, (these folks are on board of their own free will and could change their mind and not get on in the morning if they wanted due to bad weather or any other reason) deck hands and captains are required to be on their boat no matter what the conditions may be, so wouldn't it make sense if these folks were trained and drug tested to make their work environment safer for themselves.

Sincerely:
Dan Eames
Pres PWSCBA
Northern Magic Charters
Seaclusion Saltwater Adv
Retired USCG
Licensed Captain

Timothy Clark

From: Laura Thurneau [harvestcharters@alaska.net]
Sent: Thursday, March 05, 2009 3:40 PM
To: Timothy Clark
Subject: HB-143

Tim..

I would like to voice my opposition to HB-143 and would like to see the guide license fee sunset in 2010 like it was originally plan. I would also like to see the logbook program go away, this takes up way to much of my time and I don't even have the authority to ask for peoples fishing license.

Also if I'm not mistaken the Governor signed a bill in June of 2008 reducing the guide license fee to \$25, why is the fee still \$100

STEVE THURNEAU/ 49 year AK resident 7 year charter captain www.harvestcharters.com

Timothy Clark

From: Ken Larson [larson_ken@hotmail.com]
Sent: Thursday, March 05, 2009 3:43 PM
To: Timothy Clark; Rep. John Harris; Rep. John Coghill; Rep. Jay Ramras; Rep. Mike Kelly; Rep. Scott Kawasaki; Sen. Gene Therriault; Sen. Joe Thomas
Cc: John Goodhand; Murray&Phyllis Tate; Mel Grove; Pat Bookey; Scott Gemini Higgins; Stacey Mitchell; Randy Pyle; Dave Pope; Dave Goldstein; Ken&Sherri WeichtAnderson; Matt Kopec; Dan Eames; George Wiese; Dale Price; Barb Brooks; Skip Blandford; Ron Johnson; Dave Pinguoch; Ken Heaps; Brad Kimberlin; Dennis Petre; KenHotMail Larson; Mark A. Wartes; Mike Patty Wing; Dave Wiley; Steve Thurneau; Ken Whittier Miller; Don Latimer; Mike Gemini Baldwin; JuneauEd Haney; Mel Erickson; Mark & Geri Valdez; Kelli Bestwick; Ken Dole; Donna Bondioli; StanPetersburg Malcom; Mac McQuarrie; JuneauRick Bierman; SteveSeward Zernia; Dale&Buddy scott; JuneauDuby Fish; Kent Sitka CBOA Hall; Charlie Walton; Ace Callaway; DuaneSillyBilly Beland; Tom Ohaus; Rik Van Stone; JuneauTodd Wicks; Bob Candopolis; Tom Juneau Dawson; BobSE Nelson; Theresa Sitka Weiser; Tina AP McNamee; Cliff Chambers; Joey Mason; KimberlyMac Tebrugge; Dave Bruss; Andy Mezirow; Bob Jaynes; JuneauJack Cadigen; Tim Evers; JuneauChris Couder; DonOfc Westlund; Glenn_Cpt Rowe; JuneauBen Ne; Bob Ward; Greg_FishCentral Kern; Monte Juneau Mitchell; Rex Murphy; Seth Bone; Jim Seclusion Norris
Subject: Testimony AGAINST HB-143: Sportfish Guide License Fee

Dear Tim and Rep Bryce Edgmon, et al:

When the Guide License fee was first introduced, many of us, including PWSCBA, were lead to believe that ADF&G was undergoing significant funding shortfalls and needed our help thru this and other measures, and it would help us Charter Operators with their support. As always, actions speak louder than words and once pro-COMFish Denby Lloyd was appointed commissioner it was obvious we made a mistake with our support. And Commissioner Lloyd obviously still supports the COMFish-sponsored Sport Fish Guide License Board, which we all feel is not required and ludicrous. If the COMFish folks were really serious about safety and professionalism they should gladly support 100% US Coast Guard licensing of 100% of their COMFish vessel skippers, just like what is required for all of us Charter vessel operators.

It appears that the guide license fees we are now forced to pay have created and financed an ADF&G data collection department that we don't derive any additional benefit from. The ADF&G-required LogBook administration requires more time from us charter operators that we should be reimbursed for also, IF ADF&G can collect a guide license fee.

I am speaking for Prince William Sound Charter Boat Assn's 28-members and we request that the Guide License and Fee be allowed to Sunset in 2010 or better yet be eliminated now and our 2009 fee be rebated. In other words, we are AGAINST passage of HB-143, because we want the Guide License Fee to sunset. Thankyou.

V/R

Capt Ken L Larson
 Secretary, PWSCBA

Sanity Charters
1074 Eliz Street
North Pole, Alaska 99705
Home: (907) 488-2960
Cell: (907) 255-2798
www.sanitycharters.com

Timothy Clark

From: peterb@gci.net on behalf of peter wright [peterb@gci.net]
Sent: Wednesday, March 04, 2009 2:38 PM
To: Timothy Clark
Subject: hb 143

The tax on charter licenses should fall under the same parameters as business licenses. The fee should be \$50 and should take the place of a business license for the charter industry. Any taxes to regulate sport fishing should go to the users and be added to their license fee. I thought the governors intention was to make Alaska Small Business viable. The current standard for charter vessels is hostile. Lets not forget that the industry provides 1.4 billion dollars of revenue to the state. That figure was a result of an Alaska Dept of Fish and Game analysis completed this last year. Lets also remember that because of unprecedented restrictions, regulation and economic climate the charter industry is facing a very uncertain future. Please consider the survival of my business when you discuss HB 143 and any other matter that may bring some relief.

Peter B Wright
<http://www.summerking.net/>

Phone 907-321-0847



March 09, 2009

Rep. Bryce Edgmon, Chairman
House Fisheries Special Committee
26th Alaska Legislature

Re: Support for HB-143

Dear Rep. Bryce Edgmon:

The Southeast Alaska Guides Organization (SEAGO) represents 26 sport fishing guides and lodges throughout Southeast Alaska with more than 100 active vessels. Information provided to ADF&G for reporting and analysis under this legislation is of great value and continuation of this program is beneficial to multiple user groups.

This program is one of the best tools that ADF&G has to identify who is involved in the charter/lodge industry and provides important data used to establish levels of harvest, effort, identification of clients, as well as species targeted. The money collected is used for issuing licenses and for sport fishing logbook data collection and reporting expenses.

Our members support extension of the current law with the fees at their levels as originally passed in 2004.

Sincerely,

Tom Ohaus, President

Note: sent via email to: timothy.clark@legis.state.ak.us

cc: Mr. Denby Lloyd, Commissioner, ADF&G, via email
Mr. Charles Swanton, Director, ADF&G, via email

SEAGO • P.O. Box 422 • Sitka, Alaska 99835 • 907.947.2121

www.seagoalaska.org

Timothy Clark

From: Stan Malcom [magicman@aptalaska.net]
Sent: Sunday, March 08, 2009 7:37 PM
To: Timothy Clark
Subject: March 9th.docHB143.doc

March 9th, 2009

Rep. Bryce Edgmon, Chairman
House Fisheries Special Committee
26th Alaska legislature

RE: SUPPORT HB 143

Dear Representative Edgmon,

The Petersburg Charter Boat Association (PCBA) represents 17 individual charter and lodge businesses operating 22 active vessels in the sportfishing industry.

The original legislation authorizing the guide license and logbook program has been an extremely valuable tool in aiding the Alaska Department of Fish and Game and the State of Alaska in the collection of data necessary to identify not only who the charter industry is but how they interact with other user groups. This information is important for the management of Alaska's resources and resource users, both sport and commercial.

PCBA supported the original bill and we fully support HB 143, complete with the associated fees necessary to fund this ongoing program.

We urge you to support HB 143.

Sincerely,

Stan Malcom
President
Petersburg Charter Boat Association

Note: sent via email to timothy.clark@legis.state.ak.us

HB

207

<target><bill>HB 207</bill><subject>HB
207</subject><comm>HFSH26</comm></target>

Alaska State Legislature

Interim: (June-Dec)
716 WEST 4TH AVENUE, SUITE 600
ANCHORAGE, AK
99501-2133
(907) 269-0129
FAX (907) 269-0128



Session: (Jan-May)
STATE CAPITOL, ROOM 403
JUNEAU, AK
99801-1182
(907) 465-4859
FAX (907) 465-3799

REPRESENTATIVE JOHN HARRIS

Sponsor Statement

HB207

An Act increasing the allowances for injury, disability, or heart attack payable from the fisherman's fund

The Alaska Fisherman's Fund was established 1951 to provide for the treatment and care of Alaska licensed commercial fishermen and crew who have been injured while fishing on shore or off shore in Alaska. The upper limit on claims in the fund has been \$2,500 since 1959. If \$2,500 in 1959 dollars was adjusted for the Consumer Price Index, it would be worth approximately \$18,229.64 today. While the limitation in state law has remained unchanged, health care costs have steadily risen.

Access to health insurance and health care is a concern among fishermen and especially presents an obstacle to younger fishermen who are seeking to continue as the next generation in Alaska's sustainable fisheries.

HB207 updates the Alaska Fishermen's Fund limit to \$10,000. This is intended to help ensure that Alaska's fishermen have better access to health care when injured while fishing. Updating the claim limit to \$10,000 will bring this very worthwhile program back to providing a meaningful level of assistance as the payer of last resort for commercial fishermen and crew that sustain injuries or illness while fishing.

The Fund is financed from revenue received from each resident and nonresident commercial fisherman's license and permit fee. Commercial fishermen and crew members pay 39% - or up to \$50 each - of their annual license fees into this account. In 2008, there were 13,706 commercial fishing permit holders who contributed to the fund.

The account has grown to \$11.5 million even as health care costs have risen, due in part to continuing improvements in fish industry safety.

This increase is not projected to jeopardize the sustainability of the Fund.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 207
 () Publish Date: _____

Identifier (file name): HB207-DOLWD-FF-04-02-09 Dept. Affected: Labor and Workforce Development
 Title: Maximum Benefit From Fishermen's Fund RDU: Workers' Compensation
 Component: Fishermen's Fund
 Sponsor: Representative Harris
 Requester: House FSH Component Number: 343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims		63.7	63.7	63.7	63.7	63.7	63.7	63.7
Miscellaneous								
TOTAL OPERATING	0.0	63.7	63.7	63.7	63.7	63.7	63.7	63.7

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
1032 Fishermen's Fund		63.7	63.7	63.7	63.7	63.7	63.7	63.7
TOTAL	0.0	63.7	63.7	63.7	63.7	63.7	63.7	63.7

Estimate of any current year (FY2009) cost: None

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation increases the total allowance for a claim that can be approved by the Fishermen's Fund Administrator before it must go before the Fishermen's Fund Council from \$2,500 to \$10,000. Currently there are claims that exceed the current approval level, that are approved for payment and paid up to the \$2,500 limit, but the claimant does not take the next step to go to the council for payment of the remainder of those claims. With the higher approval level some of those claims would be paid to a higher level and thus increase our expenditures. Based on past claims history the department estimates that expenditures could increase by approximately \$63,700. The program has sufficient budgeted expenditure authorization to absorb this cost increase.

Prepared by: Trena Heikes, Director Phone 465-6059
 Division: Workers' Compensation Date/Time 4/2/09 3:19 PM
 Approved by: Click Bishop, Commissioner Date 4/2/09
 Agency: Department of Labor and Workforce Development

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB207A
() Publish Date: _____

Identifier (file name): HB207-DFG-CFEC-04-06-09 Dept. Affected: Fish and Game
Title An act increasing the allowances for injury, disability, or heart RDU Comm Fisheries Entry Commission
Component Comm Fisheries Entry Commission
Sponsor Representative(s) Harris, Austerman, Wilson
Requester House Fisheries Committee Component Number 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

There are no significant fiscal impacts for CFEC associated with this bill.

Prepared by: Shirley Penrose, Administrative Officer
Division: Commercial Fisheries Entry Commission
Approved by: Frank M. Homan, Chairman
Commercial Fisheries Entry Commission

Phone 907-790-6960
Date/Time 4/6/09 1:25 PM
Date 4/6/2009



UNITED FISHERMEN OF ALASKA

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www.ufa-fish.org

April 1, 2009

Representative Bryce Edgmon, Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (Mail Stop 3100)
Juneau AK 99801

RE: Support for HB 207 to increase Fishermen's Fund claim limit.

Dear Chairman Edgmon and Committee members,

United Fishermen of Alaska supports HB 207 to raise the limit of payment from the Alaska Fishermen's Fund from \$2500 to \$10,000 for injury and heart attack incidents that commercial fishermen may suffer while fishing.

The Fishermen's fund is self-funded by commercial fishermen and crew through fees that are included in the license price. The fund is self sustaining and this measure is not expected to change that. The \$2,500 benefit in AS 23.35.140 has not been increased since 1959, and is worth just \$345 today, adjusted for inflation.

This legislation will help the fund provide meaningful assistance to fishermen and crew members injured on the job, as was intended in recognition that fishermen are generally not covered by workman's compensation insurance. We do not support any other changes that might jeopardize the dedicated nature of the Fishermen's Fund.

Thank you for your consideration of our support of HB 207.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Independent Fishermen's Marketing Association • Alaska Independent Tendermen's Association
Alaska Longline Fishermen's Association • Alaska Scallop Association • Alaska Trollers Association • Alaska Whitefish Trawlers Association
Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve • Bristol Bay Regional Seafood Development Association • Cape Barnabas Inc.
Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner Association
Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance • Southeast Alaska Regional Dive Fisheries Association
Southeast Alaska Seiners • Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Cook Inlet Drift Association
United Southeast Alaska Gillnetters • Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen



Division of Workers' Compensation

State of Alaska > DOLWD > Workers' Compensation > Fishermen's Fund

Workers' Compensation Fishermen's Fund

Michael Monagle, Program Coordinator



Quick Links...

- › Workers' Comp Home
- › Annual Reports
- › Bulletins
- › Electronic Data - EDI
- › Employer Information
- › Forms
- › Legal Research
- › Medical Services
- › Online Employer Coverage Verification Service
- › Rate Tables
- › Self-Insurance
- › Workers' Comp and You - Info for Injured Workers
- › Workers' Comp Board

Table of Contents

- What is the Fishermen's Fund?
- Qualifying for Benefits
- How to File and Avoid Delays
- Primary Insurance Considerations
- Approvals, Denials, Appeals
- What is Covered?
- To Whom Are Benefits Paid?
- Requesting More Benefits/Time
- Compelling Reasons Questionnaire (PDF)
- Appendix A—Alaska Statutes – Title 23
- Appendix B—Administrative Code – Chapter 55
- Appendix C—Vessel Owner/Crewman Agreement (PDF)

PDF versions of forms:

- Claim Form (07-6125) (30K)
- Physician's Report (07-6126) (30K)
- Report of Vessel/Site Insurance (17K)
- Carpal Tunnel Syndrome Questionnaire (8K)
- Compelling Reasons Questionnaire (16K)

You will need a copy of Acrobat Reader to view these forms. Download it free from Adobe.



Contact Information:

P.O. Box 111149
 Juneau, AK 99811-1149
 Toll Free: (888) 520-2766
 Tel: (907) 465-2766
 Fax: (907) 465-5345

email: FishFund@alaska.gov

What is the Fishermen's Fund?

[Back to TOC](#)

Established in 1951, the Fishermen's Fund provides for the treatment and care of Alaska licensed commercial fishermen who have been injured while fishing on shore or off shore in Alaska.

Benefits from the Fund are financed from revenue received from each resident and nonresident commercial fisherman's license and permit fee.

The Commissioner of Labor and Workforce Development oversees administration of the program with the assistance of the Fishermen's Fund Advisory and Appeals Council.

The council is composed of the Commissioner or his designee, who serves as chairman, and five members appointed by the Governor.

Fishermen's Fund Advisory and Appeals Council

Qualifying for Benefits

[Back to TOC](#)

- Crewmembers with injury or illness directly connected to operations as a commercial fisherman **must hold valid commercial fishing licenses or limited entry permits before the time of injury or illness to qualify for benefits.** Note: Eligibility of a limited entry permit holder is based on the embossed date of the permit, not the date on which it was paid or when payment was received.
- Onset of injury or illness must be onshore in Alaska or on Alaska waters.
- Initial treatment must be received within 60 days after onset of injury or illness.
- An application must be submitted within one (1) year after initial treatment.
- Each treatment must be documented by a medical chart note and submitted.

How to File and Avoid Delays

[Back to TOC](#)

It is the fisherman's responsibility to see that a claim is filed. If the medical provider agrees to file a claim with your insurance company, the Fishermen's Fund, or a federal program such as Medicare, Veterans' Affairs, or the Indian Health Service, it remains the responsibility of the fisherman to see that the claim is

complete and filed appropriately.

Immediately following an injury or illness:

- Tell the appropriate medical facility personnel that two reports must be completed:

*Fisherman's Report of Injury or Illness
Physician's Report of Injury or Illness*

- The fisherman and physician must each fully complete their respective report. These two reports need be completed only once, by the fisherman upon his initial treatment, and by the initial treating physician. All items must be answered and comments provided. (The reports are printed back to back and included in the center of this booklet. They are also available from most doctors, hospitals, clinics, and some harbormaster offices in Alaska, as well as from the Fishermen's Fund.)

Fishermen's Fund Fisherman's Report

Completing the Report:

- Attach copy of crewmember license or limited entry permit. A copy of the valid license or permit accompanying your application will expedite your claim as much as two to four months. (#10.)
- Note the vessel owner's Protection and Indemnity (P&I) deductible. (#12.)
- Note whether insured by health insurance or covered by a public program such as Medicare, Veterans Administration (VA), Indian Health Service (IHS). (#13.)
- Describe in detail injury or illness and how it was directly connected with commercial fishing. (#14.)
- Be specific as to the geographic location where injury or illness occurred, such as nearest landmark, miles or hours from a reference point. Give latitude and longitude if known. (#15.)
- Sign and date application. (#19.)
- Submit the reports immediately. The Fisherman's Report is considered the fisherman's application for Fund benefits.
- Include a permanent mailing address and advise of address changes. Benefits may be denied if you do not receive and respond to an inquiry.

Please respond completely and promptly. Failure to do any of the above can delay your claim.

When do the Fund's benefits kick in?

The Fund is an emergency fund payer of last resort, which means that benefits are awarded only after full consideration of other coverage from private health or vessel insurance, and public programs, including Veterans' Affairs or Medicare. (Medicaid is an exception.)

Processor Activities and Processor/Tender Vessels

A worker whose injury or illness is directly connected to a processing activity does not qualify for Fund benefits, but may be covered under Workers' Compensation.

A fisherman on a freezer or troller vessel who becomes injured or ill as a result of processing activities related to freezing the product would generally not be covered.

However, a fisherman injured or becoming ill on a tender vessel is usually covered unless the incident was directly connected to processing activities.

Withdrawing an Application

Withdrawing an application requires a written request from the applicant fisherman and must be reviewed by the Fishermen's Fund Advisory and Appeals Council.

Primary Insurance Considerations

[Back to TOC](#)

If you have medical insurance, the Fund must have a written statement—Explanation of Benefits (EOB)—verifying you have filed a claim for each of your medical expenses with your health insurance carrier.

Vessel or Site P&I (Protection and Indemnity) Insurance

If the fisherman applicant does not indicate the P&I deductible on the application, a Report of Vessel or Site Insurance will be requested to verify whether P&I coverage exists, and if so, the amount of the

deductible and the name of the vessel owner's insurance carrier or adjuster. If the deductible is unknown, benefits will be limited to \$2,500.

If expenses exceed, or will be expected to exceed, the deductible under a vessel owner's P&I policy, the fisherman applicant must file with the vessel owner's insurance carrier. These expenses are usually covered under the P&I policy. Expenses not covered should be submitted to the Fishermen's Fund. Otherwise, eligible expenses paid from the Fund which exceed the P&I deductible will be recovered under 8 Alaska Administrative Code (AAC) 055.010 (e) and by exercising subrogation rights under 8 AAC 055.035.

The vessel owner's deductible payment to the insurance company is considered a contribution to the insurance liability covered under the policy and is not recoverable from the Fishermen's Fund.

A vessel owner who pays for transportation or medical expenses for the injured or ill fisherman may be reimbursed if an agreement exists verifying that the employer advanced the money or paid any medical treatment on their behalf. A crewmember may be reimbursed if there is verification that the employer deducted the payments directly from wages due the injured or ill fisherman. Reimbursement cannot be made without the above supporting information.

Alternatively, the injured or ill fisherman and the vessel owner may complete the Vessel Owner-Crewmember Agreement, both signing to attest their understanding that the expenses paid by the owner were paid as a loan to the crewmembers. The wording of the form may be revised to fit the circumstances. There is no assurance this agreement in any way complies with marine law. (Agreement in Appendix C)

Indian Health Service (IHS) Beneficiaries

- A fisherman who is eligible to receive direct care services from an IHS facility is expected to utilize these services when possible. In the event that an IHS recipient chooses not to use an IHS facility when it is available, the fisherman must justify to the Council his/her reason for not using the IHS facility.
- The Fund covers (pays for) services for IHS eligible individuals for items and services that are not covered by IHS; i.e., eyeglasses, chiropractic care, and dentures, if a legitimate claim is filed. However, direct care services that are covered by the IHS are not eligible for benefits from the Fund.
- If an IHS facility makes a referral to another facility that is not an IHS facility, the Fishermen's Fund is responsible for the first \$2,500. The Fund should be provided with a copy of the billing form to pay the claim.
- When a direct care provider is not available, the Fishermen's Fund will pay emergency or urgent care at a non-IHS facility. Limitations on a fisherman's time are taken into consideration when determining "not available."

Fishermen's Fund Physician's Report

Completing the Report:

Questions 1-4 may be answered by attaching medical records and noting, "See attached chart notes."

Questions 5-14 require very little time to complete, and a clerical assistant may answer most of them.

Questions 6 and 7 must be answered by the initial treating physician, to confirm that the injury is directly connected with the commercial fishing operations of the fisherman applicant.

Chart notes or medical records are required, as an attachment to the Physician's Report, but do not substitute for it. The physician may use the "see attached" notation for numbers 2 & 4 on the Physician's Report if the form is signed and the fishing-related questions are answered.

The Physician's Report serves many purposes, such as providing the necessary information in a logical order and concise manner to expedite processing and approvals for payment.

When bills are received for the treatment of an injury or illness for which an application has not been filed, the fisherman and all medical providers will be sent a letter informing them no action can be taken until an application has been filed.

Council Review

When the Fishermen's Fund administrator cannot immediately approve an application for benefits, it must go before the Fishermen's Fund Advisory and Appeals Council for review. The Council meets twice a year, usually in November and March.

Common reasons for delays that require the Council's review:

1. No response to an inquiry about items on an application.

2. Failure to seek treatment within 60 days of the onset of the injury or illness.
3. No evidence of a license at the time of injury or illness.
4. Injury or illness unrelated or not directly connected to operations of a commercial fisherman in Alaska.

Just Cause

The Council may approve benefits when just cause is demonstrated for the delay in the following circumstances:

- Initial treatment is received more than 60 days after the onset of injury or illness.
- Complete responses to inquiries are not received within 90 days.
- An application was received more than 1 year after the initial treatment.

Just cause for the delay should be explained in writing.

Establishing Just Cause for:

Not Seeking Treatment within 60 Days of Injury or illness

Not Filing within One (1) Year of Initial Treatment

Not Responding to an Inquiry within 90 Days.

Not Responding to an Inquiry for, or Receiving an Explanation of Benefits (EOB) within 180 Days

When a fisherman does not meet the timelines established above, and the Council has determined just cause for the delay exists, the Council may allow the administrator to approve benefits if:

- A written statement is received from a physician or fisherman which: states the late treatment or surgery was necessary to correct injuries or illnesses such as a hernia, carpal tunnel, or musculoskeletal condition; and notes the injury was directly connected to the commercial fishing activity described in the fisherman's application; and states that any delay in treatment was for the purpose of allowing the physician or fisherman to observe whether remedial treatments or time would correct the condition.
- A letter from the provider (i.e., hospital, medical clinic, etc.) or from an insurance company or public program noting the delay in filing or responding timely was their fault; or,
- Verbal or written evidence from the fisherman applicant that the late filing or response was due to their medical condition, fishing responsibilities, or an emergency requiring the fisherman's attention.

Approvals, Denials, Appeals

[Back to TOC](#)

Applications must be sent to the administrator.

When a decision indicates, "Your claim cannot be approved by the administrator," it does not mean the fisherman is denied benefits. Often further information is required to enable approval by the administrator, or by law the application requires approval by the Council.

Reconsideration or Appeal

In the event the administrator cannot approve an application, all parties will be notified in writing of the reason. The application will be reviewed and a final determination made at the next meeting of the Fishermen's Fund Advisory and Appeals Council. Parties will be notified of the time and place of the meeting and may submit written information supporting the application or may appear before the Council. A Notice of the Council's decision will be mailed to all parties, usually within four weeks. A decision may be reconsidered or appealed as noted below.

In some cases the Council will deny benefits unless certain conditions are satisfied by a certain time. The fisherman, therefore, must read the Council decision carefully and fulfill all the conditions to assure the best opportunity for approval.

- Under Alaska Statute 44.62.540(a), the fisherman has the right to file a Petition of Reconsideration to the Council within 15 days after the mailing of the decision.
- Under Alaska Administrative Code 8 AAC 055.030(d), the fisherman has the right to appeal the decision of the Council to the Commissioner of Labor within 45 days after receipt of the notice of the decision. The appeal must contain a complete statement of the justification including a description of the relief sought.

- A request for reconsideration or appeal must be in writing, signed by the claimant, and filed by mail or in person at the Office of the Commissioner, Department of Labor and Workforce Development, PO Box 111149 (1111 West 8th Street), Juneau, AK 99811. Otherwise, the Council decision is final.

What is Covered

[Back to TOC](#)

Related costs of transportation, medical care, hospitalization, prescriptions, therapy, and chiropractic care will be paid for an occupational injury or illness if it is "directly connected with operations as a commercial fisherman" in Alaska waters or on shore preparing or dismantling boats or gear used in commercial fishing.

Those costs noted above that are necessitated by a cardio-vascular disease may be paid if "attributable, directly or indirectly, to the fishing endeavor" (AS 23.35.080). A fisherman is also entitled to "such assistance after discharge from the hospital during period of convalescence as allowed in consideration of the condition of the Fund" (AS 23.35.090).

The total allowance for any one heart attack is \$2,500.

Covered Injuries or Illnesses. Occupational illnesses or diseases which may be covered include: hernias, varicose veins of the leg; rheumatism, arthritis, musculoskeletal ailments such as bursitis, traumatic sciatica and tenosynovitis; the respiratory diseases bronchitis, pneumonia, and pleurisy caused by or aggravated by the fishing endeavor.

With respect to a pre-existing injury, if subsequent aggravation is attributable strictly to that injury, and does not amount to a new injury, then, as with a recurring disability, benefits will not be awarded (AS 23.35.130, Opinion of Attorney General).

What is Not Covered? Conditions of Coverage

Noncovered Illnesses and Diseases and Other Conditions. Illnesses or diseases and other conditions not covered include strep throat, tonsillitis, the common cold, influenza, ulcers, cancer, appendicitis, insect bites, salmonella, giardia, smoking related conditions, cracked teeth or loose fillings from eating. Sexually transmitted diseases or drug or alcohol related injuries, and those caused by not following good hygiene and health practices, or improper care are not covered. Ear infections caused from diving in a commercial fishery are covered but not when due to a cold.

Chronic Conditions. Chronic injuries, although aggravated by the fishing endeavor, may not be covered since they are usually pre-existing and not directly connected to the operations of a fisherman.

Three-Month Gap in Treatment. The Council must reassess the treatment of an injury or illness when there is a three-month gap in the treatment. A doctor's statement is required noting how the treatment was directly connected to the prior commercial fishing injury.

Fifth Injury Within Eight Years to the Same Area of the Spine. A doctor's statement is required when an application for benefits is received to cover expenses related to the fisherman's fifth injury or illness for the same area of the spine within eight years. The statement is necessary to determine whether it is a new acute injury or illness or if it is a chronic condition, which is not covered.

Dental and Eye. Dentures, glasses or contact lenses lost or broken may be replaced or repaired only when lost or broken in activities directly connected to operations as a fisherman. A claim for dental injury without other bodily damage must be supported by a doctor's report that substantiates the injury's direct connection to operations as a fisherman, or an affidavit may be required.

Carpal Tunnel. No benefits will be allowed for surgery until all other alternative treatment has been explored. If surgery is required after exploring these alternatives, the Council must review the application to see if the need for surgery is caused by the fishing endeavor. If surgery is required, the fisherman must provide in writing, or present to the Council in person, the following:

1. The extent of alternative treatment pursued;
2. A ten-year history of work experience including the number of years commercially fishing and type of fishing;
3. How the injury or illness has affected the ability to fish; and
4. Any other information considered pertinent.

Away from the Boat. An injury or illness occurring away from the boat or fishing site will be covered as long as it is directly connected to operations as a fisherman, such as injuries incurred on a dock while hauling gear to the boat or at home repairing commercial fishing gear.

Transportation. Costs are covered to and from the vessel, fishing or gear repair or storage site to the nearest medical facility where appropriate emergency care can be provided. Additional transportation

costs to receive specialized or skilled care unavailable at the nearest approved medical facility must be supported by a written statement from the attending physician which clearly defines the specialized medical skill required and the nearest place where it is available. Approval of additional transportation costs may require consideration of the financial condition of the Fund.

Costs incurred for transportation after discharge from the hospital during period of convalescence may be approved to return the fisherman to the boat, home or another place that reasonably meets with the fisherman's convenience. (AS 23.35.090-100, 8 AAC 055.010 (d) and AS 23.35.080 & 100.)

To Whom are Benefits Paid?

[Back to TOC](#)

Benefits will be paid only to the medical provider or to the fisherman — to the provider if the bill is outstanding, or to the fisherman if his payment is verified by evidence such as cancelled checks, receipts, or bills or statements from medical providers.

A vessel owner who pays a bill can be reimbursed if the Fishermen's Fund administrator receives evidence in writing that there was a prior agreement that the vessel owner would pay any medical expenses, or would advance payment with an agreement to be reimbursed. The fisherman will be reimbursed instead of the vessel owner if the fisherman submits evidence that the vessel owner deducted these expenses from the fisherman's compensation. However, these reimbursements do not imply that such an agreement or understanding is in compliance with marine law.

See Appendix C for an example of agreement.

Requesting More Benefits or Time

[Back to TOC](#)

Except for compelling reasons, benefits for the care of any one person involving a single injury or disability will not be paid beyond one year from the date of initial allowance, and cannot exceed \$2,500.

Requests to exceed the benefit limit or the duration of care must be in writing. They must note the "amount of relief" or additional benefits needed, or the "extent of additional time" required. Compelling reasons justifying the request must be specified. The Council must approve all requests.

Compelling reasons to exceed \$2,500 are not defined in law but must be sufficient to justify the requested benefit or time extension and must include:

- The financial status of the fisherman.
- Impact of injury or illness on the fisherman's ability to earn a living while undergoing required treatment and to continue to earn a living commercial fishing.
- Any other compelling factors that affect the fisherman's ability to pay for related expenses in excess of \$2,500, or that result in conditions that require follow-up treatment beyond one year.

Please remember to note:

How much additional relief or money is needed in excess of what the fisherman can pay and/or the amount of extended time wanted beyond one year.

Appendix A

[Back to TOC](#)

Alaska Statutes Title 23 Labor and Workers' Compensation

AS 23.35.010. Creation of Fishermen's Fund Advisory and Appeals Council.

There is within the Department of Labor and Workforce Development a Fishermen's Fund Advisory and Appeals Council.

AS 23.35.020. Appointment and Composition of Council.

The council is composed of the commissioner of labor and workforce development or a person designated by the commissioner and five members appointed by the governor for overlapping five year terms. The governor shall appoint one member from each of the following districts:

District 1: Wrangell and areas south;

District 2: Areas north of Wrangell to include Yakutat;

District 3: Areas west of Yakutat to East Coast of Alaska Peninsula, including Prince William Sound, Cook Inlet, and Kodiak;

District 4: Areas west of Alaska Peninsula to Cape Newenham, including Bristol Bay;

District 5: Areas north of Cape Newenham, including Kuskokwim, Yukon, Kotzebue, and the Arctic.

Sec. 23.35.030. Commissioner or designee as chair.

The commissioner of labor and workforce development or the person designated by the commissioner serves as the chair of the council.

AS 23.35.040. Duties of Commissioner and Council.

The commissioner shall consult with the council before the commissioner makes a negative decision on an appeal filed with the commissioner in relation to the care of a sick and disabled fisherman.

AS 23.35.050. Regulations.

The department may adopt regulations to carry out the purposes of this chapter, including those that are necessary or advisable to protect the fund by limiting or suspending payments from the fund. The regulations must be uniform in application.

AS 23.35.060. Creation and Administration of Fishermen's Fund.

(a) There is created a fund, designated as the "fishermen's fund." The Department of Revenue is the custodian of the fund and the Department of Labor and Workforce Development shall administer it. The fund shall be composed of 39 percent of the money derived by the state from all commercial fishermen's licenses and money appropriated to carry out the purpose of this chapter.

(b) The legislature may appropriate up to 50 percent of the interest income earned by the state on the balance of the fishermen's fund for a grant for statewide marine safety training and education programs.

AS 23.35.070. Benefits.

A fisherman, upon becoming disabled, is entitled to receive benefits as follows: Immediately after the fisherman sustains an injury or disability arising out of an accident directly connected with operations as a fisherman, either ashore in the state or in Alaska water, or suffers an occupational disease, the fisherman is entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical care, and hospitalization. In this section, "Alaska water" means the inland and territorial water of the state and the fishery conservation zone adjacent to the state established by 16 U.S.C. 1811 (sec. 101, Fisheries Conservation and Management Act of 1976).

AS 23.35.080. Emergency Treatment For Cardio-Vascular Diseases.

The department may pay the costs, within the maximum limitations, of emergency treatment, transportation, medical care, and hospitalization, necessitated by a cardio-vascular disease, if the department determines that the disease is attributable, directly or indirectly, to the fishing endeavor.

AS 23.35.090. Assistance After Discharge.

A fisherman is also entitled to such assistance after discharge from the hospital during period of convalescence as the department allows in consideration of the condition of the fund.

AS 23.35.100. Transportation, Hospital, Nursing, Medical, and Surgical Expenses.

The department may pay out of the fund all reasonable transportation charges incurred under AS 23.35.080 and 23.35.090, including cost of returning the fisherman to the boat or home of the fisherman or to another place that reasonably meets with the fisherman's convenience, and the reasonable hospital, nursing, medical, and surgical expense incurred in the examination, treatment, and care of the fisherman.

AS 23.35.110. Contracts For Care.

In carrying out this chapter, the department may enter into contracts or other arrangements with hospitals and doctors in the state for furnishing care on an annual basis to persons entitled to benefits. Contracting under this section is governed by AS 36.30 (State Procurement Code)

AS 23.35.120. Cooperation With Other Agencies.

In providing care the department shall provide the type and quality of treatment that will restore the fisherman to health and productivity, if possible. The department may enter into cooperative arrangements with agencies of the federal government, other states and territories, and private clinics and rehabilitation centers for the care and treatment of fishermen.

AS 23.35.130. Duration of Care.

Except for compelling reasons, compensation may not be paid for the care of any one person involving a single injury or disability beyond a period of one year from the date of initial allowance.

AS 23.35.140. Limitation On Benefits.

(a) Except for compelling reasons,

(1) compensation may not be paid for medical care or hospitalization furnished before the ascertainable time of injury, or before authorization in the case of disability caused by an occupational disease;

(2) the total allowance for any one injury or disablement is \$2,500.

(b) The total allowance for any one heart attack is \$2,500.

AS 23.35.150. Definitions. In this chapter

(1) "approved medical facilities" and "medical care" include the facilities of, or the care and treatment prescribed or performed by, a practitioner of chiropractic licensed by the state under AS 08.20;

(3) "council" means the Fishermen's Fund Advisory and Appeals Council;

(5) "fisherman" means a person who is licensed by the state to engage in commercial fishing under AS 16.05.480 or who is the holder of a permit issued under AS 16.43 and who, at the time injury is sustained or illness is contracted, is actually so engaged or is occupied in Alaska in preparing or dismantling boats or gear used in commercial fishing;

(6) "fund" means the Fishermen's Fund;

(7) "occupational disease" means hernia; varicose veins of the leg; the respiratory diseases, bronchitis, pleurisy, and pneumonia caused by or aggravated by the fishing endeavor, but excluding the common cold and influenza; rheumatism, arthritis, and those musculoskeletal diseases (such as bursitis, traumatic sciatica, and tenosynovitis) directly caused by or aggravated by the fishing endeavor; and does not include a disease not common to both sexes, venereal disease, or a condition arising out of an attempt of a fisherman to injure self or another.

Appendix B

[Back to TOC](#)

**Alaska Administrative Code
Chapter 55. Fishermen's Fund**

8 AAC 055.010. Benefits.

(a) To be eligible for benefits from the fund, a person must be a fisherman who, at the time an injury is sustained or illness is contracted, is licensed in his own name by the state to engage in commercial fishing under AS 16.05.480 or AS 16.43, and who is actually so engaged in Alaska water or is occupied in the state preparing or dismantling boats or gear used in commercial fishing.

(b) Benefits for respiratory diseases are limited to bronchitis, pleurisy and pneumonia caused by or aggravated by the fishing endeavor.

(c) Unless required as a result of accidental bodily injury caused by the fishing endeavor, benefits may not be awarded for the following items:

- (1) the services of a dentist;
- (2) dental prosthetic appliances or the fitting of them;
- (3) eye refractions and hearing examinations;
- (4) eye glasses and hearing aides or the fitting of them.

(d) Transportation to return a fisherman to his home may be allowed to the extent that the costs are in addition to those which the claimant would normally have encountered had he not been injured.

(e) Compensation from the fund is limited to medical expenses that are not otherwise covered by public or private insurance. The fund may require information regarding insurance coverage, including an insurance benefits statement, and may hold a claim in abeyance pending the receipt of required information. (Eff. 3/28/74, Register 49; am 4/11/81, Register 78; am

7/28/93, Register 127)

Authority: AS 23.35.050, AS 23.35.100, AS 23.35.070, AS 23.35.150(6)

8 AAC 055.020. Pleadings.

(a) Proceedings before the council are commenced by filing an application, with the administrator, in writing which consists of the following:

(1) a certificate of eligibility completed by the fisherman on a form prescribed by the administrator; and

(2) a physician's report of injury or illness completed by the attending physician on a form prescribed by the administrator.

(b) A separate application shall be filed for each separate and independent occupational injury or occupational illness for which benefits are claimed.

(c) Benefits may not be awarded unless the following conditions are either met or excused by the council for just cause:

(1) the applicant receives treatment within 60 days after the date of occupational injury or onset of occupational illness and the claim application is submitted within one (1) year after initial treatment;

(2) the applicant responds within 90 days after the date of inquiry to inquiries seeking clarification of any item on an application or of any item on a billing for services performed or goods supplied;

(3) price lists and fee determinations are submitted by the provider of care to the administrator within 30 days after the date requested; and

(4) costs are submitted by the provider of care or fisherman within one (1) year after the date they are incurred.

(d) A petition is a request for an extension of duration of care, waiver of benefit limitations, assistance after discharge from a hospital or additional transportation allowances. Petitions for extension of duration of care or waiver of benefit limitations must cite those reasons the petitioner believes justify granting the relief sought. The council may consider the condition of the reserve balance of the fund and the petitioner's insurance coverage relating to the claimed injury in determining whether to grant the petition. Petitions for assistance after discharge from the hospital must include the dates during which hospitalization occurred. Petitions for additional transportation allowances may be considered only for the purpose of providing specialized medical skills which are unavailable at the nearest approved medical facility. The petition must include a written statement from the attending physician which clearly defines the specialized medical skill required for the petitioner and the nearest place where it is available.

(e) Petitions under (d) of this section shall be submitted to the council for review and recommendations.

(f) The administrator shall notify, in writing, each petitioner or other party of the council's decision on the petition submitted under (d) of this section. The decision of the council is final.

(g) Each applicant and petitioner is required to promptly inform the administrator of any changes to the applicant's or petitioner's address. (Eff. 3/28/74, Register 49; am 4/11/81, Register 78; am 9/10/98, Register 147)

Authority: AS 23.35.050, AS 23.35.130, AS 23.35.100, AS 23.35.140

8 AAC 055.030. Appeals.

(a) The administrator shall submit a written notice to each fisherman whose application cannot be accepted based on criteria set out in the law and regulations stating the reason why the payment cannot be made.

(b) The council shall review each application which has not been approved for payment by the administrator. Each fisherman who has an application pending before the council shall be notified in writing by the administrator of the time and place of a council session at least 10 days before the session. Each fisherman may submit additional evidence to the council in support of his claim. The evidence may be presented in writing, by personal appearance, or by both methods.

(c) The administrator shall notify, in writing, each fisherman and party with an application before the council of the council's decision on the application.

(d) A fisherman may appeal the decision of the council. The council's decision is final unless appealed to the commissioner within 45 days after mailing of the notice of the council's decision. The appeal must be in writing and must include a description of the relief sought. The commissioner's decision will be based on a consideration of the whole record and will state the facts relied upon. The decision of the commissioner is final. (Eff. 3/28/74, Register 49; am 4/11/81, Register 78; am 9/10/98, Register 147)

Authority: AS 23.35.040, AS 23.35.050

8 AAC 055.035. Right to Subrogation.

If the department pays benefits from the fund, the department, to the extent of the value of the benefits, is subrogated to the rights of the fisherman for a claim against a third party arising from an injury, disability, occupational disease, or cardiovascular disease covered by AS 23.35.010 -23.35.150 and this chapter and to the proceeds of an insurance policy covering an injury, disability, occupational disease, or cardiovascular disease covered by AS 23.35.010 - 23.35.150 and this chapter. (Eff. 12/26/86, Register 100)

Authority: AS 23.35.050

8 AAC 055.040. Definitions.

In this chapter unless the context requires otherwise

(1) "administrator" means the individual responsible for the administration of the Fishermen's Fund program;

(2) "council" means the Fishermen's Fund Advisory and Appeals Council;

(3) "fund" means the Fishermen's Fund. (Eff. 3/28/74, Register 49)

Authority: AS 23.35.050

[Appendix C](#)

[Back to TOC](#)

Vessel Owner (Employer) – Crewman Agreement Regarding
Medical and Related Transportation or Other Expenses
(PDF Document) 6K

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Monday, April 6, 2009

ALASKA FISHERMANS FUND



The Alaska Fishermen's Fund

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The Alaska Fishermen's Fund provides very limited benefits to commercial fishermen injured in Alaska. If you are an injured commercial fisherman in Alaska, the first thing to know is that you do not have to seek benefits from the Alaska Fishermen's Fund. Your employer and the owner of the vessel owe you a duty under federal maritime law to pay you maintenance and cure. This means your employer is responsible for paying all of your reasonable and necessary medical expenses related to injuries or illnesses arising while working aboard an Alaska commercial fishing vessel. Additionally, under the Jones Act, a commercial fisherman may be entitled to compensatory damages for injuries caused by the negligence of their employer.

Any time your employer refers you to the Alaska Fishermen's Fund for payment of your medical expenses or to compensate you for your injuries, you should have serious questions about why your employer is attempting to avoid their responsibility under federal maritime law. Obtaining maintenance and cure benefits should be a quick and easy way to get your medical bills paid. When an employer or vessel owner refers crewmen to the Alaska Fishermen's Fund, this is a danger signal to the crewmen that the employer and vessel owner are potentially trying to avoid their duties and obligations under federal maritime law, or that the employer and vessel owner may not have proper insurance coverage to cover you for your injuries.

The Alaska Fishermen's Fund provides very limited benefits. Except in compelling circumstances, benefits under the Alaska Fishermen's Fund are limited to \$2,500. It is designed to be an emergency fund, and benefits are paid only after consideration of other available insurance coverage. **If the vessel owner or your employer has insurance for crewmen personal injuries, in almost all cases your claim to the Alaska Fishermen's Fund will be denied.** A vessel owner's deductible is considered to be part of the vessel insurance coverage and is not collectable from the Alaska Fishermen's Fund. The Alaska Fishermen's Fund Act specifically states that benefits are limited to medical expenses not otherwise covered by insurance, such as the employer's and vessel owner's P&I policy.

To be eligible for benefits, a crewman must hold an Alaska commercial fishing license or limited entry permit. The injury or illness must be on shore in Alaska or on Alaskan waters. Initial treatment must be received within 60 days of the injury or illness. An application for benefits must be made within one year after the initial treatment. The Fishermen's Fund Council meets just twice a year to consider paying benefits under the Alaska Fishermen's Fund.

Fish processors are excluded from coverage under the Alaska Fishermen's Fund. Fish processors injured while working in Alaska must seek benefits under the federal maritime law and the Jones Act. Fish processors injured in Alaska state territorial waters may also seek benefits under the Alaska Workers Compensation Act. However, benefits under the Jones Act and federal maritime law are almost always more generous for fish processors than benefits under the Alaska Workers Compensation Act. Most fishermen are specifically prohibited from bringing claims under the Alaska Workers Compensation Act. Only fish processors injured in Alaska State territorial waters can claim workers compensation benefits. Deckhands, combis, and crewmen working on factory trawlers in the Bering Sea must claim benefits under the Jones Act and federal maritime law.

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HB

227

<target><bill>HB 227</bill><subject>HB
227</subject><comm>HFSH26</comm></target>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 19, 2010

FURTHER REFERRALS: Resources

Date of Committee Action: 2/2/2010

The HOUSE SPECIAL COMMITTEE ON FISHERIES considered:

SSHB 227

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 227

"An Act relating to the establishment of state fish and game reserves; creating the Holitna River Basin Hunting, Fishing, and Trapping Reserve; and providing for an effective date."

HB 227-HOLITNA BASIN RESERVE

Recommends it be replaced with HCS or CS for _____ (_____)
For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DFG				✓
DNR				✓

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	Johnson			X	
	Millett			X	
	Edgmon	X			
	Keller			X	
	Muñoz			X	
Chair: Steve Edgmon	Edgmon	X			
Chair:					

HB 227 Bill Packet Contents

1. HB 227
2. Sponsor Substitute for HB 227
- *FISCAL NOTES*
3. Sponsor Statement
4. Sectional Analysis
5. DNR Holitna River Area Plan
6. Correspondence in Support of the Legislation
7. Map of Proposed Reserve

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB227 (FSH)
() Publish Date: _____

Identifier (file name): HB227-DNR-CPL-02-01-2010 Dept. Affected: Natural Resources
Title: HOLITNA BASIN RESERVE RDU: Resource Development
Component: Claims, Permits and Leases
Sponsor: REP Herron
Requester: House FSH Component Number: 2460

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

The bill requires ADF&G to prepare a land use plan. DNR will review and comment on the proposed plan and will annotate the department's lands records system to display the new Reserve, however DNR anticipates no need for additional funding to accomplish these tasks.

Prepared by: Dick Mylius, Director Phone 269-8600
Division: Mining, Land and Water Date/Time: January 29, 2010
Approved by: Tom Irwin, Commissioner Date: January 29, 2010
Natural Resources

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: SSHB227
 Bill Version: _____
 () Publish Date: _____

Identifier (file name): SSHB227-DFG-COM-01-22-10 Dept. Affected: ADF&G
 Title An Act relating to the establishment of state fish and game reserves... RDU Administration and Support
 Component Commissioner's office
 Sponsor Rep. Herron, Neuman
 Requester House Fisheries Component Number 2175

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	***	***	***	***	***	***	***
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	***	***	***	***	***	***	***

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

Indeterminate fiscal impact to Department of Fish and Game. If the planning effort for this new reserve were one similar to what we do in concert with the Alaska Board of Fisheries whereby we hold and solicit public input and craft specific regulations for this area that could be done with existing functions and resources. However, if the planning effort involved a suite of meetings and staff travel from Goodnews to McGrath and points in between then the department would incur some one time additional costs.

Prepared by: Jeff Hoover, Deputy Director
 Division: Administrative Services
 Approved by: Tom Lawson, Director of Administrative Services
Alaska Department of Fish and Game

Phone 907-465-6077
 Date/Time 1/22/10 4:30 PM
 Date 1/22/2010

Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182

Phone: (907) 465-4942 • Fax: (907) 465-4589



House District 38
Kuskokwim & Johnson Rivers
Kuskokwim Bay & Nelson Island

Akiachak
Akiak
Atmautluak
Bethel
Chefornak
Eek
Goodnews Bay
Kasigluk
Kipnuk
Kongiganak
Kwethluk
Kwigillingok
Lower Kalskog
Mekoryuk
Mertarvik
Napakiak
Napaskiak
Newtok
Nightmute
Nunapitchuk
Oscarville
Platinum
Quinhagak
Toksook Bay
Tuluksak
Tununak
Tuntutuliak
Upper Kalskog

Sponsor Statement

House Bill 227: Holitna River Basin Hunting, Fishing & Trapping Reserve

This bill addresses several major areas of identified needs in protecting or furthering the management concepts embodied within the state's intensive management policies.

First, HB 227 establishes a burden of proof for legal challenges by animal welfare groups – legal challenges that may suspend or pre-empt active management programs designed to manage fish or game populations for human harvest benefit. It seeks to define legal avenues for process challenges in these designated areas by animal welfare entities that often emphasize political science over biological science within our state's management structure.

Second, although some limited active management programs have been implemented with the support of past gubernatorial administrations, this bill is intended to strengthen statutory, constitutional-related active management principles.

Third, the bill is specifically written to be compatible with other "Breadbasket" areas within the state's Intensive Management Areas which exemplify high quality habitat and productivity contributions to entire GMU sub-regions.

Finally, it intends to clearly establish the priority and primary management use of the area to protect the hunting, fishing & trapping activities for future generations. Frustration has been expressed throughout the state where it was thought these values were being protected through the creation of Refuges or Public Use Management Areas only to see these areas experience increasing restrictions, closures, or other actions such as banning of firearms.

This proposed reserve concept was initiated by the Sleetmute Traditional and Orutsararmiut Native Councils; has records of support from the Lower Kuskokwim, Central Kuskokwim, Stony/Holitna and Anchorage Fish & Game Advisory Committees, Kuskokwim Salmon Management Working Group, Association of Village Council Presidents and Calista Corporation; and has undergone legal review through the State Board of Game process, twice receiving their endorsement.

Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182

Phone: (907) 465-4942 • Fax: (907) 465-4589

House District 38

Kuskokwim & Johnson Rivers

Kuskokwim Bay & Nelson Island



Akiachak

Akiak

Atmautluak

Bethel

Chefornak

EEK

Goodnews Bay

Kasigluk

Kipnuk

Kongiganak

Kwethluk

Kwigillingok

Lower Kalskag

Mekoryuk

Mertarvik

Napakiak

Napaskiak

Newtok

Nighthute

Nunapitchuk

Oscarville

Platinum

Quinhagak

Toksook Bay

Tuluksak

Tununak

Tuntutuliak

Upper Kalskag

Sectional Analysis Holitna River Reserve SSHB 227 – Version K

Section 16.20.700. Purpose

States that the purpose of establishing a fish and game reserve is to promote sustainable levels of human consumption of fish and game.

Section 16.20.710. Regulations

Gives authority to the Board of Game or Board of Fish (whichever is more appropriate) to adopt regulations designed to conserve fish and game; and to carry out the purpose as set forth in sections 16.20.700 and 16.20.720.

Section 16.20.720 (a)

All present and future state-owned land and water within the Holitna and Hoholitna River watersheds is designated as part of the Reserve.

Section 16.20.720 (b)

The Reserve is established to ensure:

1. Management and protection of fish and game populations and habitat to perpetuate subsistence use, commercial use, and other consumptive uses;
2. Management techniques that promote maximum use with sustained yield to maintain historical harvest levels with human consumptive use as a priority;
3. Maintenance of fish and game populations to provide for high levels of human consumptive use (within limits set by Fish and Game Boards);
4. Allowance for scientific research elucidating the effectiveness of management activities in this section in providing for current and future human harvest needs.

Section 16.20.720 (c)

The Department of Fish and Game, the Board of Fisheries and the Board of Game shall manage fish and game resources within the Reserve to provide for high levels of human harvest and, subject to priorities among intensively managed areas for which these entities set policy, shall:

1. Control predation and adjust predator and prey population ratios thru appropriate means;
2. Conduct management actions designed to further the purposes of this section so long as the appropriate board has not found such actions to be ineffective at maintaining fish and game populations commonly harvested for food by humans;

3. Consider scientific evidence augmented by local environmental knowledge when evaluating management activities.

Section 16.20.720 (d)

The Department of Natural Resources may acquire privately owned land within the Reserve by purchase or exchange, but not thru eminent domain.

Section 16.20.720 (e)

Public access to the Reserve may be regulated by DNR, in consultation with DFG, as necessary to meet the purposes of this section and to protect access to, and development of, other resources within the Reserve.

Section 16.20.720 (f)

Access corridors established by DNR, in consultation with DFG and a private property owner, shall guarantee access to and from private property within the Reserve.

Section 16.20.720 (g)

Entry into the Reserve to explore or develop nonrenewable resources must be approved by DNR, in consultation with DFG, and such activities must be compatible with the purpose of this section.

Section 16.20.720 (h)

Except as otherwise provided in this section, DFG and DNR shall exercise their respective authority over the Reserve thru a management plan prepared by DFG in consultation with DNR.

Section 16.20.720 (i)

Reserve boundaries are defined as including all the sections (listed beneath their respective township and range designations) on the last eight pages of this bill.

UNIT 15: HOLITNA RIVER

Background

Location and Land Ownership. The Holitna River management unit encompasses the watersheds of Holitna and Hoholitna Rivers. This is the largest management unit in the planning area, and is nearly all state owned. The land along the Kuskokwim River near Sleetmute is Native owned, and there are three parcels of Native selections near Sleetmute, two of which overlap with state selections. Three small parcels of federal land complete the ownership pattern in the Sleetmute area. The remaining land -- over 90 percent of the total area -- is state owned. Sleetmute, located at the confluence of the Holitna and Kuskokwim, is the only village in the unit. However, there are approximately 165 parcels of private land in or adjacent to this unit. They are a mixture of Native allotments, and federal homesites, headquarters sites, and trade and manufacturing sites.

Resources and Land Use. The central and northern portions of the unit are broad lowlands; western, southern, and eastern boundaries are defined by the Chuilnuk and Kiokluk mountains, the highlands dividing the Kuskokwim basin from Bristol Bay, and the mountains surrounding Sparrevohn Air Force Station. The upper elevations of these ranges are approximately 4,000 feet. The Holitna and Hoholitna rivers, and the lower Chukowan, Kogrukuk, Shotgun, Taylor, and Titnuk waterways are lined by relatively broad bands of white spruce and hardwood forest that are one-half to two miles wide on each side of the river. Some south-facing hillslopes scattered throughout the unit also support hardwood forest that are one-half to two miles wide on each side of the river. The rest of the lowlands is dominated by black spruce woodlands, grading into shrublands on the upper slopes, and alpine tundra on the highest mountains.

The Holitna basin contains the greatest concentration of salmon spawning areas in the entire Kuskokwim drainage and the most productive moose habitat. In addition, these lands support concentrations of bear and waterfowl, and provide winter range for caribou and extensive habitat for furbearers. The fish and wildlife resources of the Holitna basin attract residents of communities from McGrath to Bethel, and sportsmen and guides from throughout Alaska and the continental U.S. The greatest concentration of subsistence activities in the planning area occurs in the Holitna basin. It is used for hunting, trapping, fishing, berry picking, houselog harvest, and firewood collection. It is also the most intensively used part of the basin for sport hunting for moose. Twelve registered hunting guides, six fishing guides, and an unknown number of outfitters use this drainage, targeting moose, caribou, salmon, and sheefish. There are two lodges in the unit, and a third is planned for construction. Salmon from the Holitna drainage provide about 20 percent of the annual salmon harvest for Kuskokwim basin subsistence and commercial fishermen. The king salmon stocks from this and other Kuskokwim drainages are fully allocated at present.

The Holitna basin is rich in other resources as well. The riparian forestlands are among the most productive in the Kuskokwim basin. These forests are highly suitable for settlement and timber harvest for personal and commercial use. The Taylor Mountains and the Kuskokwim Mountains along the western boundary of the unit have moderate to very high mineral potential, a number of existing claims, and two mines that have been active in recent years. Gravel bars in the Kuskokwim River near Sleetmute also have provided materials for local construction projects.

Access. The main access to the unit is by boat on the Kuskokwim, Holitna, and Hoholitna rivers and their major tributaries. Small planes can also land on sections of the Holitna River, numerous lakes, and natural landing areas in the tundra. A public airstrip is maintained at Sleetmute, and there are strips of mining claims at Forty-seven Creek and in the Taylor Mountains. A number of trails cross the unit along major rivers or overland routes into the Kuskokwim Mountains.

Management Intent:

The emphasis of state land management in the Holitna management unit is protection of the fish and wildlife habitat, and support for continued subsistence, commercial, and sport use of these resources. Forestlands will continue to be available for personal and commercial timber harvest. Most of the unit will remain in public ownership, but opportunities for private use of state lands may be made available through a land disposal near Slectmute, and a land disposal and remote cabin sites along the southern perimeter of the unit and in the Door Mountains. The remote cabin sites and land disposals are located to offer sites that can support private recreation and settlement, while avoiding the main public use areas and most important habitat lands. Land disposal offerings total approximately 3,600 acres of land and there are 56 remote cabin sites.

Most state lands will remain open to mineral entry. However, to protect important salmon populations, spawning beds and rearing areas in known mineralized zones will be closed to new mineral entry. Closures include portions of Portage, Bakbuk, Mukslulik, Taylor, Kiknik, and Chuilnuk creeks, a portion of the Gemuk River, Gemuk Lake, part of an unnamed tributary to the Holitna between Bakbuk and Portage Creeks, and an unnamed tributary of the Hoholitna in the Door Mountains. Uplands along the Gemuk River, Gemuk Lake, Mukslulik Creek and unnamed tributaries of the Holitna and Hoholitna river drainages will be subject to leasehold location requirements to ensure compatibility of mining with salmon spawning and king salmon rearing areas.

In addition to state-owned uplands, the beds of the Kuskokwim, Holitna, Hoholitna, and other navigable waters are state owned and are subject to the guidelines of this plan.

Subunit 15a - Holitna-Hoholitna Corridors

Subunit 15a contains the main stems of the Holitna and Hoholitna rivers, the core of the Holitna basin. It receives more use for subsistence and sport hunting for moose than any other subunit in the planning area, and is important for salmon spawning, and harvest of salmon and resident fish. The Department of Fish and Game's only Kuskokwim weir for estimating the size of salmon runs is located at Kashegelok in the southern part of the subunit. The forests along the rivers are the most productive in the Holitna basin, and some of the best in the entire planning area. This subunit is state owned except for a number of Native allotments along the river. Three permits for trapping cabins have been issued within the subunit. Subunit 15a is accessible by boat and small plane.

The Holitna and Hoholitna Corridors will be kept in public ownership and managed to protect the fish and wildlife habitat and populations, and to support continued use of these resources. The forest lands will be managed to provide timber for personal and commercial and timber harvest. Other uses of this land are permitted when compatible with the primary intent of protecting the fish and wildlife resources. Most state lands in this subunit will remain open to new mineral entry; however, portions of Whitewater Creek, Kiknik Creek, and from unnamed tributaries to Kiknik Creek will be closed to protect salmon rearing areas.

In recognition of the outstanding habitat, forestry, and human use values of this area, it is also recommended that the legislature consider designating it as a state Public Use Area. The Public Use Area would contain subunit 15a and the adjacent portions of subunits 15b and 15c that are rated A-2 ("special value") habitat (see in Appendix A). This designation would be intended to keep these lands in permanent public ownership; protect the fish and wildlife habitat; promote forest management; and ensure that fish, wildlife, and forest resources continue to be available for personal and commercial use. Other uses will be allowed whenever compatible with the intent to protect and manage habitat and forest resources. The Public Use Area would be managed by DNR under a management plan prepared with the concurrence of the Department of Fish and Game.

AVCP

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
P.O. Box 219 • BETHEL, ALASKA 99559 • PHONE 543-3521

42ND ANNUAL CONVENTION
BETHEL, ALASKA OCTOBER 3-5, 2006

RESOLUTION 06-10-04

- TITLE:** **SUPPORT FOR THE CREATION OF A HOLITNA BASIN HUNTING, FISHING, AND TRAPPING RESERVE**
- WHEREAS** The Association of Village Council Presidents (AVCP) is the recognized tribal organization and non-profit Alaska Native regional corporation for its fifty-six member indigenous Native villages within Western Alaska and supports the endeavors of its member villages; and
- WHEREAS** AVCP fully supports its member villages in all aspects of their self-determination, health and well-being; and
- WHEREAS** The Holitna basin contains the greatest concentration of salmon spawning areas in the entire Kuskokwim drainage and the most productive moose habitat that are extremely important to subsistence harvest needs of all residents throughout the Kuskokwim Drainage; and
- WHEREAS** Recent research has shown that the Holitna Basin provides spawning and rearing habitat for up to 70% of the sockeye salmon and up to 51% Chinook salmon for the Kuskokwim Drainage, and great but at this time unknown numbers of chum and coho salmon; and
- WHEREAS** Recent surveys show that approximately 50% of the subsistence Chinook salmon harvest for the entire State of Alaska occurs in the Kuskokwim Drainage, and the Holitna River provides a large portion of those salmon for both subsistence and commercial salmon harvests; and
- WHEREAS** Recent studies have shown that several whitefish species use the Holitna Drainage for spawning and rearing, and that these Holitna River whitefish travel throughout the Kuskokwim Drainage and provide subsistence opportunity for all Kuskokwim River residents; and
- WHEREAS** For generations the Holitna Basin has maintained abundant moose populations that provided a high level of annual subsistence harvest for residents throughout the Kuskokwim Drainage; and

Resolution 06-10-04

- WHEREAS** In the last decade, these moose populations have substantially declined primarily due to lack of active management brought about by outside administrative and political interference, that has caused extreme hardships in meeting subsistence needs in communities throughout the Kuskokwim Drainage and resulted in the state Board of Game closing the Holitna Basin to moose hunting entirely in 2006 due these depleted numbers; and
- WHEREAS** The Holitna Basin is currently included in an active predator management plan area that is threatened with being prematurely shut down due to another lawsuit recently filed by animal welfare advocates in August, 2006; and
- WHEREAS** The magnitude and fundamental support of the Holitna River system for sustained yield and harvest of fish stocks & wildlife populations throughout the entire Kuskokwim drainage, and their importance to residents of the region cannot be over emphasized; and
- WHEREAS** The Kuskokwim Area Plan adopted by DNR in 1988 stated, "The emphasis of state land management in the Holitna management unit is protection of the fish and wildlife habitat, and support for continued subsistence, commercial, and sport use of these resources.", recommending further that the Holitna & Hoholitna be especially managed area to protect these uses "In recognition of the outstanding habitat, forestry & human use values of the area"; and
- WHEREAS** In March of 2006 the Board of Game approved the creation of The Holitna Basin Hunting and Trapping Reserve with the purpose of focusing management to protect and help moose populations recover and be maintained in the future to provide for amounts necessary for subsistence and reasonable harvest opportunities; and
- WHEREAS** A proposal is before the Board of Fisheries to create a Holitna Basin Fishing Reserve to ensure long-term protection and sustainable harvest of Kuskokwim fish populations that is scheduled to be considered at their January, 2007 meeting; and
- WHEREAS** Any action of the State Board of Game or Board of Fisheries to create a Reserve is subject to approval by the State Legislature; and
- WHEREAS** The primary intent and purpose of the creation of this Reserve is specifically to emphasize and ensure the conservation, maintenance and enhancement of healthy and abundant fish and game populations important to providing established amounts necessary for subsistence,

Resolution 06-10-04

reasonable harvest opportunity, and other identified population goals and harvest objectives that promote or maintain these populations at the high levels they have provided for generations.


NOW THEREFORE BE IT FURTHER RESOLVED THAT AVCP urges support by all residents of the region that have utilized the resources of the Holitna Drainage in fulfilling their annual subsistence needs over the generations, the State Board of Fisheries, its State House and Senate representatives, the Alaska State Legislature, and State Administration for the creation of a Holitna Basin Hunting, Fishing & Trapping Reserve, and future implementations serving its primary purpose and intent.

BE IT FURTHER RESOLVED THAT these management actions furthering the primary intent will not be interrupted, curtailed, over-ridden or discontinued, unless it has been first fully documented scientifically, and conclusively proven that such actions are counter-productive or ineffective in promoting, maintaining or enhancing fish and game populations for maximizing sustained yield or providing for reasonable harvest opportunity.

ADOPTED by the Association of Village Council Presidents during its Annual Convention held at Bethel, Alaska, this 4th day of October 2006 with a duly constituted quorum of delegates.



Raymond J. Watson, Chairman



Myron P. Naneng, Sr., President

Sponsor: ONC and Sleetmute Traditional Council

COPY**SLEETMUTE TRADITIONAL COUNCIL**

P.O. Box: 109, Sleetmute, AK-99668; Ph: 907-449-4205; Fax: 907-449-4203

Email: swadmin@stabsand.net**RESOLUTION NO. 06-16**

A RESOLUTION OF THE NATIVE VILLAGE OF SLEETMUTE TRADITIONAL COUNCIL, THE GOVERNING BODY FOR THE NATIVE VILLAGE OF SLEETMUTE TO URGE SUPPORT FOR THE CREATION OF THE HOLITNA BASIN HUNTING, FISHING, AND TRAPPING RESERVE

WHEREAS: The Native Village of Sleetmute Traditional Council is the federally recognized governing body of the Native Village of Sleetmute; and

WHEREAS: The Holitna basin contains the greatest concentration of salmon spawning areas in the entire Kuskokwim drainage and the most productive moose habitat that are extremely important to subsistence harvest needs for all residents throughout the Kuskokwim Drainage particularly the residents of Sleetmute and surrounding villages.

WHEREAS: The Upper Kuskokwim Region is one of the few regions in the State where subsistence still plays a larger role in the local economy than cash does.

WHEREAS: Recent research has shown that the Holitna Basin provides spawning and rearing habitat for up to 70% of the sockeye salmon and up to 51% Chinook salmon for the Kuskokwim Drainage above Kalskag, and great but at this time unknown numbers of chum and coho salmon.

WHEREAS: Recent surveys show that approximately 50% of the subsistence Chinook salmon harvest in the State of Alaska occurs in the Kuskokwim Drainage, and the Holitna River provides a large portion of the salmon taken by both the subsistence and commercial salmon harvest.

WHEREAS: The magnitude and fundamental support of the Holitna River system for sustained yield of fish stocks throughout the entire Kuskokwim drainage, and the importance of those fish stocks to residents of the Kuskokwim cannot be over emphasized.

WHEREAS: Recent studies have shown that highly used subsistence whitefish species humpback whitefish and least cisco, and likely as well broad whitefish use the Holitna Drainage during their fall spawning season and that these Holitna River whitefish travel throughout the Kuskokwim Drainage and provide subsistence opportunity for all Kuskokwim River residents.

WHEREAS: For generations the Holitna Basin has maintained abundant moose populations that provided a high level of annual subsistence harvest for residents throughout the Kuskokwim Drainage and across the State.

WHEREAS: In addition, these lands support concentrations of bear and waterfowl, and provide winter range for caribou and extensive habitat for furbearers.

WHEREAS: In the last decade, these moose populations have substantially declined primarily due to lack of active management brought about by outside administrative and political interference that has caused extreme hardships in meeting subsistence needs in communities throughout the Kuskokwim Drainage.

WHEREAS: The Kuskokwim Area Plan adopted in 1988 stated that, "The emphasis of state land management in the Holitna management unit is protection of the fish and wildlife habitat, and support for continued subsistence, commercial, and sport use of these resources."

WHEREAS: In March of 2006 the Board of Game closed the Holitna Basin to moose hunting entirely due to the depleted numbers and a lack of sustainable surplus for harvest.

WHEREAS: In March of 2006 the Board of Game also approved the creation of The Holitna Basin Hunting and Trapping Reserve with the purpose of focusing management to help moose populations recover and be maintained to provide for amounts necessary for subsistence and reasonable harvest opportunities.

WHEREAS: A proposal is before the Board of Fisheries to create The Holitna Basin Fishing Reserve to ensure long-term protection and sustainable harvest of fish populations and their habitat.

WHEREAS: The primary intent and purpose of the creation of this reserve is to ensure the conservation, maintenance and enhancement of healthy and abundant fish and game populations important to providing established amounts necessary for subsistence, reasonable harvest opportunity, and other identified population goals and harvest objectives that promote or provide for high levels of human consumptive use

WHEREAS: Prior to the Holitna Basin being designated as an "Intensive Management Area", management actions furthering the primary intent were interrupted, curtailed, pre-empted or discontinued.

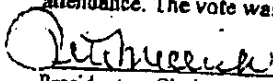
WHEREAS: These board actions are subject to formal creation and final approval by the State Legislature.

NOW THEREFORE BE IT RESOLVED: That the Sleetmute Traditional Council gives its full support to the creation of The Holitna Basin Hunting, Fishing, and Trapping Reserve and requests the support of all communities in the region that utilize the Holitna Drainage to fulfill their annual subsistence needs.

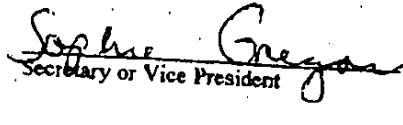
THEREFORE BE IT FURTHER RESOLVED: That management actions furthering the primary intent will not be interrupted, curtailed, pre-empted or discontinued, unless it has been first fully documented scientifically, and conclusively proven that such programs are counter-productive or ineffective in promoting, maintaining or enhancing fish and game populations for maximizing sustained yield or providing for reasonable harvest opportunity.

THEREFORE BE IT FURTHER RESOLVED: The Sleetmute Traditional Council urges support of its House and Senate representatives, the Alaska State Legislature, and State Administration for the creation of this reserve and active support of its primary purpose and intent.

This will certify the foregoing resolution was approved at a Native Village of Sleetmute Traditional Council meeting held this 21st day of SEPT. 2006, at which a quorum were in attendance. The vote was 5 For and 0 Against.



President or Chairman



Secretary or Vice President



NOV 07 2006

301 Calista Court, Suite A • Anchorage, Alaska 99518-3028 • (907) 279-5516 • Facsimile (907) 272-5060 • Website: www.calistacorp.com

November 3, 2006

Greg Roczicka
Orutsarmiut Native Council
P.O. Box 927
Bethel, AK 99559

Re: Proposal for Holitna River Basin Hunting, Fishing and Trapping Reserve

Dear Mr. ^{Guy} Roczicka:

Thank you for allowing Calista Corporation to review and comment on the proposed legislation to establish the Holitna River Basin Reserve.

The proposed legislation focuses chiefly on fish and wildlife resource and habitat management. Passage of such legislation will be most successful if it is not complicated with side issues, such as development restrictions on non-wildlife resources, which could distract from the main purpose of the proposal.

The Kuskokwim Area Plan for Management Area 15 – Holitna River, states that all areas within Area 15 are open to leasable minerals and most areas are open to locatable minerals with the exception of certain named and identified streams designated as important for salmon spawning and rearing. These waters are already closed to new locatable mineral entry through the Kuskokwim Area Plan.

While Calista does not have a problem with the proposal as presently written, Calista would have concerns should the proposal affect our access to our land holdings in the Holitna River basin.

Please keep us informed of the status of the proposed legislation and particularly of any revisions to the proposed language.

Thank you for your consideration and attention.

Sincerely,

CALISTA CORPORATION

A handwritten signature in black ink, appearing to read 'Andrew J. Guy', written over the company name.

Andrew J. Guy
EVP General Counsel

cc: Sleetmute Traditional Council

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME
ALASKA BOARD OF FISHERIES

SEAN PARNELL, GOVERNOR

ADF&G
P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

Representative Mike Chenault
Speaker of the House, Alaska State Legislature
State Capitol, Room 208
Juneau, Alaska 99801-1182

Senator Gary Stevens
Senate President, Alaska State Legislature
State Capitol, Room 111
Juneau, Alaska 99801-1182

Re: House Bill 227

January 31, 2010

Dear Representative Mike Chenault and Senator Gary Stevens,

The Alaska Board of Fisheries supports the language providing for resource protection found in House Bill 227 which would establish a fishing and hunting reserve in the Holitna River Basin. This action is consistent with the Board of Fisheries responsibilities in the conservation and development of fishery resources in the state.

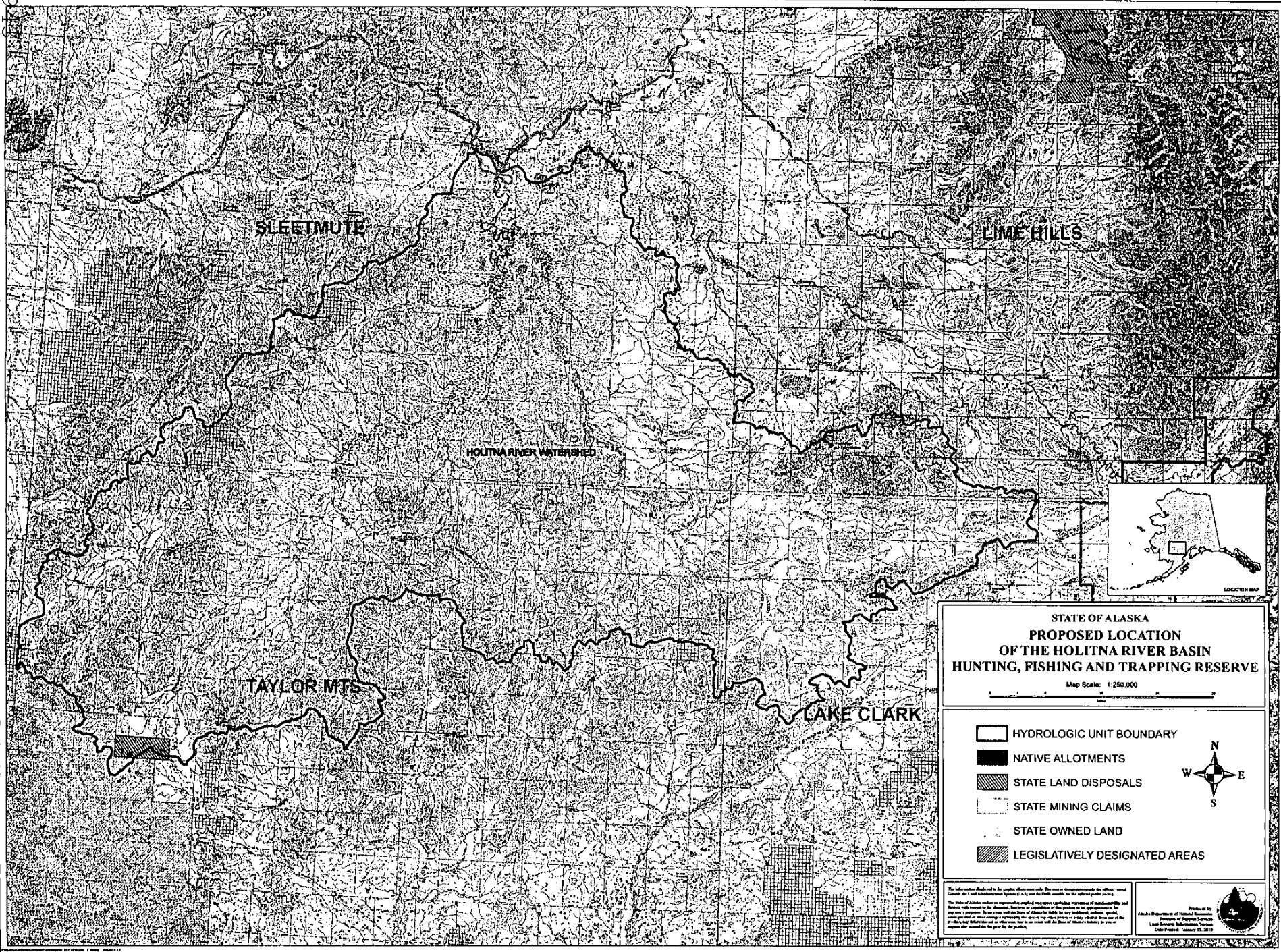
Thank you for your interest in the conservation and development of Alaska's fisheries resources.

Sincerely,



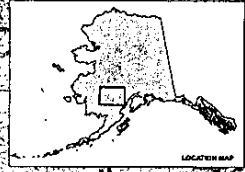
Vince Webster
Chairman, Alaska Board of Fisheries

cc: Governor Sean Parnell
Denby Lloyd, Commissioner, Department of Fish and Game
Representative Herron, Sponsor
Representative Neuman, Sponsor




STATE OF ALASKA
**PROPOSED LOCATION
 OF THE HOLITNA RIVER BASIN
 HUNTING, FISHING AND TRAPPING RESERVE**
 Map Scale: 1:250,000

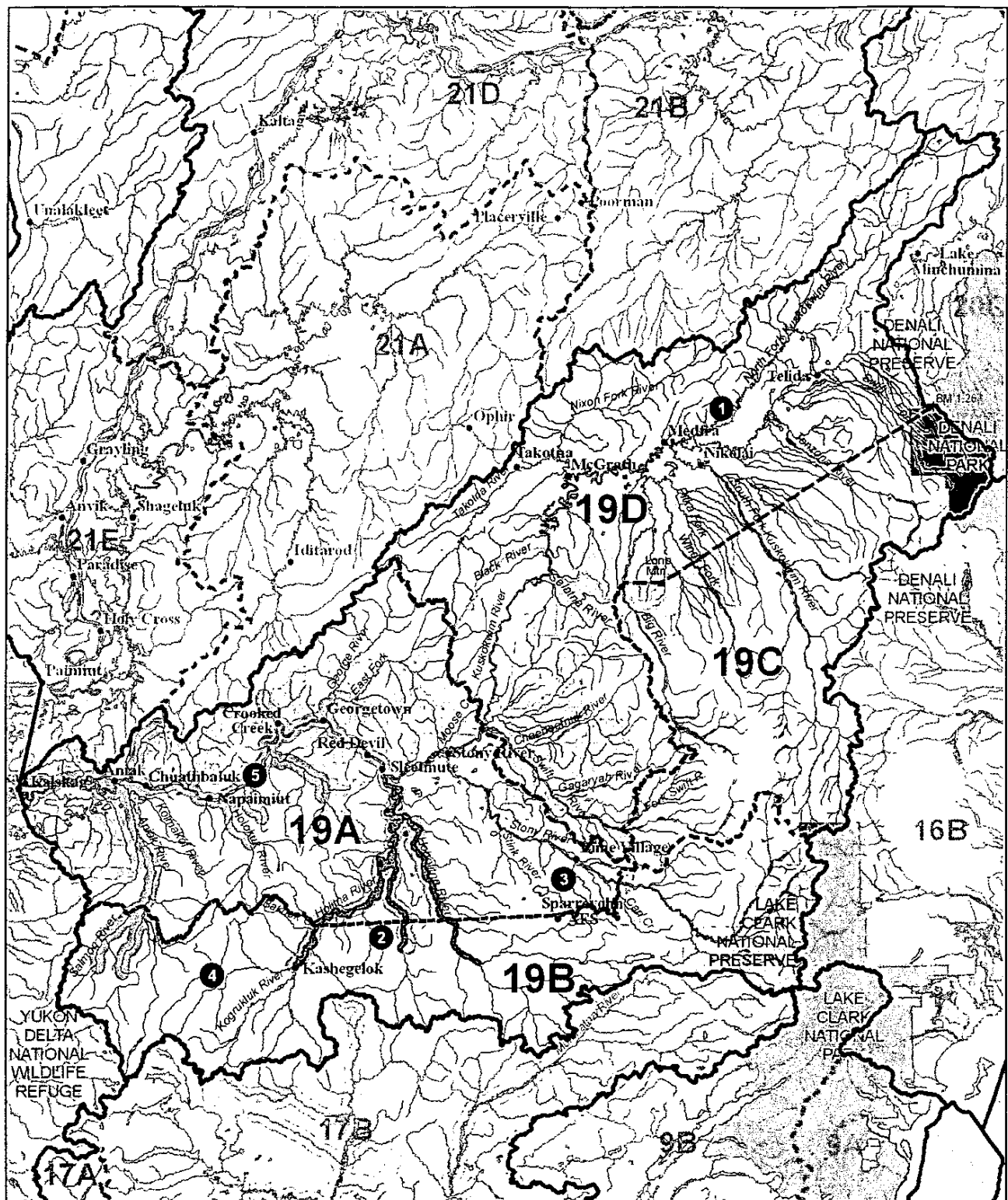
-  HYDROLOGIC UNIT BOUNDARY
-  NATIVE ALLOTMENTS
-  STATE LAND DISPOSALS
-  STATE MINING CLAIMS
-  STATE OWNED LAND
-  LEGISLATIVELY DESIGNATED AREAS



The information published in this graphic document is for general information only. For more information, contact the official website of the Land Administration System (LAS) and the State website for the official public version.
 The State of Alaska makes no representation or warranty regarding the accuracy of information displayed and does not warrant the duration, location, or availability of the project or its implementation for any period of time. It is not intended to be used for legal, tax, or financial purposes. The State of Alaska makes no representation or warranty regarding the accuracy of information displayed and does not warrant the duration, location, or availability of the project or its implementation for any period of time. It is not intended to be used for legal, tax, or financial purposes.

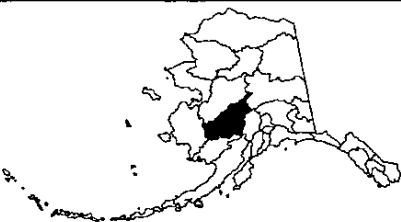
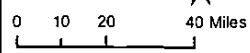
Produced by the
 Alaska Department of Natural Resources
 Bureau of Land Management
 Land Inventory Information System
 Data Provided: January 11, 2019





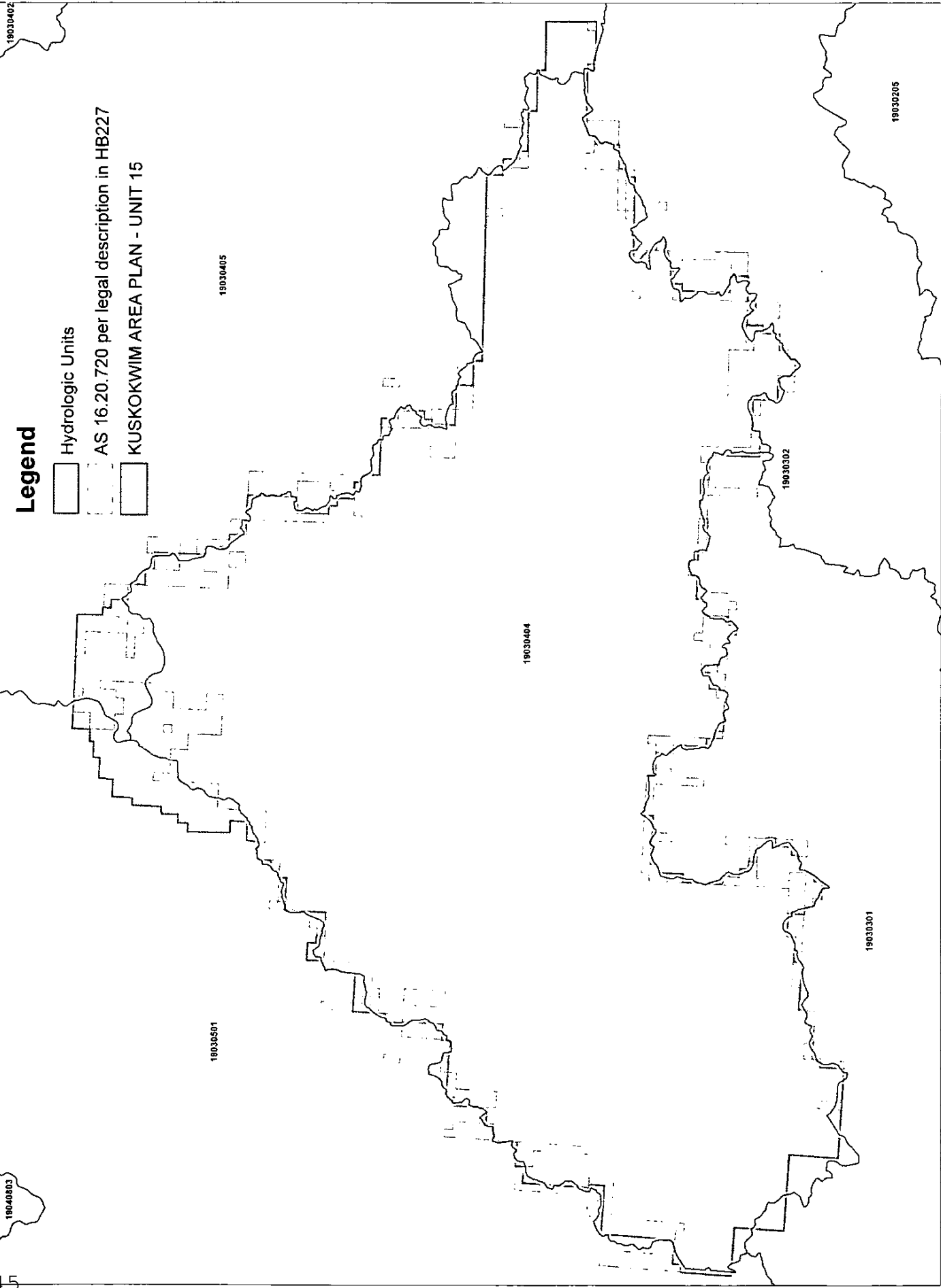
Unit 19 McGrath

Region 3



Game Management Units / Special Management Areas

- | | | |
|--|--|---------------------|
| Closed Areas | Other State Lands | Unit Boundaries |
| Controlled Use Areas | National Parks | Unit Sub-Boundaries |
| Management Areas | National Preserves & Other Federal Lands | Roads |
| State Refuges, Sanctuaries, & Critical Habitat Areas | | Railroads |



Legend

Hydrologic Units

AS 16.20.720 per legal description in HB227

KUSKOKWIM AREA PLAN - UNIT 15

HB

246

<target><bill>HB 246</bill><subject>HB
246</subject><comm>HFSH26</comm></target>

ALASKA STATE LEGISLATURE

Co-Chair:
House Committee on Natural Resources

Vice Chair
House Committee on Labor and Commerce

Member:
House Committee on Rules, House Special
Committee on Economic Development, Trade,
and Tourism, and Legislative Budget & Audit
Committee



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-2679
Fax: (907) 465-4822
Toll Free (800) 505-2678

Interim:
600 E. Railroad Ave
Wasilla, AK 99654
Phone: (907) 376-2679
Fax: (907) 376-4745

REPRESENTATIVE MARK NEUMAN

Rep.Mark.Neuman@legis.state.ak.us

Sponsor Statement

HB 246 SPORT FISH GUIDE LICENSES

HB 246 extends Alaska's sport fish guide licensing and reporting program for one year. The data collected through this program has been an important tool for the proper management of sport fisheries through a better understanding of our fish stocks and their harvest. In addition, the licensing has ensured a standard for professionalism and responsibility for sport fish businesses and guides, benefiting both consumer and businesses alike.

The data collected through the reporting program is important in Alaska's exemption from the National Saltwater Angler Registry which will prevent Alaskans from purchasing a certificate of registration.

The sport fish guide licensing program provides necessary data for the wise management of Alaska's fish resources while ensuring professionalism in the guiding industry and preventing the need for further licensing and registration for Alaskan anglers.

26-LS0929\A

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB246
() Publish Date: _____

Identifier (file name): HB246-DFG-SFD-03-10-10 Dept. Affected: ADFG
Title An act repealing the termination of the sport fish operator/guide/vessel program RDU Sport Fisheries
Component Sport Fisheries
Sponsor Representative Neuman
Requester Fish, Resources, Finance Component Number 464

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services		337.1	337.1	337.1	337.1	337.1	337.1	337.1
Travel		10.0	10.0	10.0	10.0	10.0	10.0	10.0
Contractual		83.5	83.5	83.5	83.5	83.5	83.5	83.5
Supplies		7.0	7.0	7.0	7.0	7.0	7.0	7.0
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	437.6	437.6	437.6	437.6	437.6	437.6	437.6

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts		437.6	437.6	437.6	437.6	437.6	437.6	437.6
TOTAL	0.0	437.6	437.6	437.6	437.6	437.6	437.6	437.6

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

The division has budgeted \$437.6 in the FY11 Governor's budget to administer the Sport Fish operator/guide/vessel program. The program generates average Fish & Game Fund revenues of \$242.8, with the balance of program expenditures funded with Sport Fishing license sale revenue. Although potential cost savings measures are being implemented, it is untenable at this time to make accurate projections on what monetary savings will be realized for this program over the upcoming years.

Prepared by: Charles O. Swanton, Director Phone 465-6184
Division Sport Fisheries Date/Time 3/10/10 4:00 PM
Approved by: Tom Lawson, Director Date 3/11/2010
Administrative Services

**Brief for HB 246: SPORT FISH GUIDE LICENSES
(Reauthorization of Program/Repeal of Sunset)
March 16, 2010**

Alaska Department of Fish and Game Contacts:

Charlie Swanton- Charles.Swanton@alaska.gov; phone: 465-6184 or 321-0955

Jennifer Yuhas - Jennifer.Yuhas@alaska.gov; phone: 465-6137 or 388-7951.

Background:

- Original legislation passed in May, 2004; effective January 1, 2005.

- Proposed by the Department for three main reasons:
 1. Information on guide numbers and their fishing activities was either not available or limited in many parts of the state;
 2. Establish minimum standards to operate a business or contract as a guide (safety, liability insurance, US Coast Guard license, etc.) as a means to increase professionalism and reduce speculative entry; and
 3. Provide comprehensive and credible data on guided sport fishing activities to regulatory agencies: Alaska Board of Fisheries (BOF), International Pacific Halibut Commission (IPHC), and North Pacific Fisheries Management Council (NPFMC).

Legislation:

Sec.16.40.260 Sport fishing operator license;

Sec.16.40.270 Sport fishing guide license;

Sec.16.40.280 Reports;

Sec.16.40.290 Penalties for violations.

These legislative sections include licensing provisions and fees (AS. 16.05.340(a)) for sport fishing business owners (\$100), sport fishing guides working for the business (\$50), and business owners who are also a guide (owner/operator combo \$100). The mandatory reporting requirements, logbooks, are for both fresh and saltwater guide activities (freshwater logbooks were instituted in 2005). The penalties for sport fish guiding violations by business owners and guides include possible revocation of their license.

Companion Regulations:

5 AAC 75.075 Sport fishing services and sport fishing guide services; license requirements; regulation of activities.

5 AAC 75.076. Sport fishing services and sport fishing guides reporting requirements.

5 AAC 75.077. Sport fishing guide vessel registration requirements.

Present Benefits and Utility:

- A comprehensive list of all sport fishing guides working in salt water is part of the data requirements that will allow Alaska to receive an exemption from participating in the National Saltwater Angler Registry (up to \$25/saltwater angler in 2011).
- The logbook data for saltwater anglers has been used extensively within the IPHC and NPFMC for rule making on Pacific Halibut.
- Both freshwater and saltwater logbook harvest data has been presented and utilized by the Alaska Board of Fisheries. Harvest estimate verification studies are being conducted comparing logbook, statewide sport fish harvest survey, and dock side creel programs.

Participation Statistics:

- An average of **1,647 sport fishing business licenses** (including owner/operator combo) have been sold (2005-2009); 90% of owners are Alaskan residents.
- An average of **1,882 sport fishing guide licenses** have been sold (2005-2009); 73% of guides are Alaskan residents.
- Based on logbook data, over **2.1 million clients took 536,960 guided fishing trips** (from 2005 through 2009); 67% of clients fished in saltwater, 33% fished in freshwater and 88% of all clients were nonresidents.
- An average of **1,334 vessels in saltwater** were used for guided fishing trips (2005-2009).

Electronic Reporting (Modernization initiative):

- One of Commissioner Lloyd's initiatives is modernization and timely reporting of recreational harvest data. We have been actively working on this task:
 - In July, 2009 we developed a scannable saltwater logbook form which will reduce the time lag when logbook data is available from 2 to 3 months to 1 to 2 weeks. This new form will be employed for saltwater forms statewide in 2010. Ten public meetings were held across the state to explain this new format and received nearly unanimous support from user groups and public.
 - In April, 2010 the point of sale hunting and fishing licensing program will be launched at all ADF&G regional offices. This program will be made available to all license vendors shortly thereafter.
 - We will convert the freshwater logbook to a scannable format starting in 2011.



TRIP INFORMATION

Complete this section for every trip. Continue on additional pages for trips with more than eight anglers in the same day.

DATE FISHED: / / 2010 AM PM

2010 FISH & GAME GUIDE LICENSE #: (assigned to you by ADF&G)

COMMUNITY OR PORT OF OFF-LOADING: (where fish or clients were off-loaded from vessel)

Table with columns: Targeted Species, Primary Stat. Area, No. Of Boat Hours Fished. Rows for Salmon and Bottomfish.

INSTRUCTIONS: Complete one row below for each angler who fished on this trip.

INDIVIDUAL ANGLER AND CATCH INFORMATION

Record sport fishing license number, printed name AND AK residency status for each angler that fished this trip.

Include birthdate (e.g. 8/28/1998) for all anglers under 16.

Header table for catch information with columns: AK-Resident, Non-Resident, Comped Crew, Kept/Released, King (28" & larger), King (under 28"), Coho, Sockeye, Other Salmon, Halibut, Lingcod, Pelagic Rockfish, Yelloweye Rockfish, Nonpelagic Rockfish, Sablefish (Black Cod), Salmon Shark, All Other Fish.

Main data table with 8 rows for anglers. Each row contains fields for License Number, Name, Birthdate, and a grid for recording catch counts for various fish species.

CERTIFICATION I certify that the information contained in this document is true and correct to the best of my knowledge.

X GUIDE SIGNATURE

PAGE OF

Form 11-540 (01-2010)

Amendment Rationale

HB246: Sportfish Guide Licenses

Offered in (H)FISH

By: Representative NEUMAN

- HB246 is currently the technical companion of SB177 which passed the Alaska State Legislature last year and has already been signed into law.
- The passage of SB177 renders HB246 irrelevant without amendment
- The Sponsor made a commitment to the Commissioner of Fish & Game, which was recently reiterated, to amend this legislation to rectify this error .
- The proposed amendment allows HB246 to become a companion to SB294 and therefore viable this legislative session

Amendment

HB246: Sportfish Guide Licenses

Offered in (H)FISH

By: Representative _____

00 HOUSE BILL NO. 246
01 "An Act relating to the licensing and regulation of sport fishing
02 operators and sport
03 fishing guides and licensing and registration of sport fishing vessels;
04 and providing for
05 an effective date."
06 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
07 * Section 1. Section 8, ch. 70, SLA 2004, as amended by sec. 3, ch.
08 61, SLA 2009, is
09 ~~05 repealed.~~ HCS CSSB 177(FIN), as
10 ~~enacted into law by the First Regular Session of the Twenty-Sixth~~
11 ~~Legislature, is amended to~~
12 ~~read:~~
13 ~~Sec. 8. AS 16.05.340(a)(26); AS 16.40.260, 16.40.270,~~
14 ~~16.40.280, 16.40.290,~~
15 ~~16.40.299; AS 25.27.244(e)(2)(A)(xviii), and 25.27.244(e)(2)(A)(xix)~~
16 ~~are repealed~~
17 ~~January 1, 2012 [2011].~~
18 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

PROVIDED BY
ADF & G

Amendment Rationale

HB246: Sportfish Guide Licenses

Offered in (H)FISH

By: Representative _____

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HOUSE BILL NO. 246

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES NEUMAN, Johnson, Keller

Introduced: 4/19/09

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the licensing and regulation of sport fishing operators and sport
2 fishing guides and licensing and registration of sport fishing vessels; and providing for
3 an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** Section 8, ch. 70, SLA 2004, as amended by sec. 3, HCS CSSB 177(FIN), as
6 enacted into law by the First Regular Session of the Twenty-Sixth Legislature, is amended to
7 read:

8 Sec. 8. AS 16.05.340(a)(26); AS 16.40.260, 16.40.270, 16.40.280, 16.40.290,
9 16.40.299; AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed
10 January 1, 2012 [2011].

11 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL NO. 143

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Introduced: 2/23/09

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act repealing the termination of licensing and regulation of sport fishing operators**
2 **and sport fishing guides and licensing and registration of sport fishing vessels; and**
3 **providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** Section 8, ch. 70, SLA 2004, is repealed.

6 *** Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

SENATE BILL NO. 294

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY SENATOR MCGUIRE

Introduced: 2/24/10

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act repealing the termination date of the licensing of sport fishing operators and**
2 **sport fishing guides; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** Section 8, ch. 70, SLA 2004, as amended by sec. 3, ch. 61, SLA 2009, is
5 repealed.

6 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

SENATE BILL NO. 177
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR MEYER

Introduced: 4/1/09

Referred: Resources, Finance

A BILL
FOR AN ACT ENTITLED

1 "An Act repealing the termination of licensing and regulation of sport fishing operators
2 and sport fishing guides and licensing and registration of sport fishing vessels; and
3 providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** Section 8, ch. 70, SLA 2004, is repealed.

6 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).



LAWS OF ALASKA

2009

Source

HCS CSSB 177(FIN)

Chapter No.

AN ACT

Relating to an exception for professional fishing guide services in the Kenai River Special Management Area; relating to the licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Enrolled SB 177

AN ACT

1 Relating to an exception for professional fishing guide services in the Kenai River Special
2 Management Area; relating to the licensing and regulation of sport fishing operators and sport
3 fishing guides and licensing and registration of sport fishing vessels; and providing for an
4 effective date.

5

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 PURPOSE. The purpose of sec. 2 of this Act is to allow employers of professional
9 fishing guides in the Kenai River Special Management Area to hire a licensed guide who has
10 not completed the course requirement listed in 11 AAC 20.885(c)(9) if the employer has lost
11 the services of an employee because of unforeseen circumstances and is unable to hire an
12 available replacement guide who has completed the course.

13 * **Sec. 2.** AS 41.21.506(b) is amended to read:

14 (b) The commissioner shall adopt regulations under AS 44.62 (Administrative

1 Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514
2 and to implement the plan adopted under (a) of this section. The regulations must

3 (1) designate incompatible uses and prohibit or restrict them; [,] and

4 (2) establish a registration, licensing, or comparable procedure for
5 professional fishing guides and such additional fishing guide controls as the
6 commissioner considers necessary; **notwithstanding the requirements established**
7 **by the commissioner to implement this paragraph, the commissioner shall**
8 **establish a procedure by which the holder of a valid sport fishing operator license**
9 **issued under AS 16.40.260 may petition for, and the director of the division of**
10 **parks, or the director's designee, shall expeditiously issue, a waiver to allow the**
11 **sport fishing operator license holder to use the services in the Kenai River Special**
12 **Management Area of a guide licensed under AS 16.40.270 who has not completed**
13 **the procedures and additional controls that are required by the department**
14 **under this paragraph; the waiver authorized in this paragraph applies only for**
15 **the duration of the sport fishing season during which the waiver application is**
16 **submitted and only if the sport fishing operator license holder**

17 **(A) employing the licensed guide has lost the services of a**
18 **licensed guide because of unforeseen circumstances; and**

19 **(B) is unable to hire as a replacement an available licensed**
20 **guide who has satisfied all the requirements of this paragraph, including**
21 **those required by regulation.**

22 * Sec. 3. Section 8, ch. 70, SLA 2004, is amended to read:

23 Sec. 8. AS 16.05.340(a)(26); AS 16.40.260, 16.40.270, 16.40.280, 16.40.290,
24 16.40.299; AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed
25 January 1, **2011** [2010].

26 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Amendment

HB246: Sportfish Guide Licenses

Offered in (H)FISH

By: Representative NEUMAN

00 HOUSE BILL NO. 246
01 "An Act relating to the licensing and regulation of sport fishing
02 operators and sport
03 fishing guides and licensing and registration of sport fishing vessels;
04 and providing for
05 an effective date."
06 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
07 * Section 1. Section 8, ch. 70, SLA 2004, as amended by sec. 3, ch.
08 61, SLA 2009, is
09 **05 repealed.** HCS CSSB 177(FIN), as
10 enacted into law by the First Regular Session of the Twenty-Sixth
11 Legislature, is amended to
12 read:
13 ~~Sec. 8. AS 16.05.340(a)(26), AS 16.40.260, 16.40.270,~~
14 ~~16.40.280, 16.40.290,~~
15 ~~16.40.299, AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix)~~
16 ~~are repealed~~
17 ~~January 1, 2012 [2011].~~
18 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

HB

252

<target><bill>HB 252</bill><subject>HB
252</subject><comm>HFSH26</comm></target>



Representative Alan Austerman

Alaska State Legislature

Sponsor Statement for HB 252

“An Act relating to the duty of the commissioner of natural resources to administer and supervise promotional and marketing work for agricultural and aquatic farm products.”

The production of food and food products in Alaska contributes to the economy and well-being of our state. One tool for promoting Alaska’s home-grown products is the “Alaska Grown” slogan for marketing purposes. However, under current Alaska law, oysters, clams and other shellfish products grown in Alaskan waters cannot be promoted as “Alaska Grown.”

House Bill 252 would expand the current efforts of promoting farm-grown products using the “Alaska Grown” slogan to include aquatic farmed, or mariculture, products. This clarifies that aquatic farming products are considered agricultural products for purposes of marketing and promotion. This reflects federal definitions of agriculture, which recognize farmed aquatic products as a component of agricultural production.

Mariculture holds the potential to become a viable industry contributing to the economic security and development of Alaskan coastal communities. Marketing and promotion will be key to this industry’s growth. Shellfish and other mariculture products grown and farmed in Alaska are renewable resources which also promote a healthy and sustainable industry with long term investment in Alaska.

January 27, 2010

26-LS0828\R

~ Representing Alaska State House District 36 ~

Akhiok | Igiugig | Iliamna | Karluk | Kodiak | Kokhanok | Larsen Bay | Levelock
Newhalen | Nondalton | Old Harbor | Ouzinkie | Pedro Bay | Port Alsworth | Port Lions



January 27, 2010

Representative Alan Austerman
Alaska State Capitol
Juneau, AK 99801

Dear Representative Austerman:

The Alaskan Shellfish Growers Association (ASGA) is pleased to endorse your efforts under House Bill 252 to include aquatic farmers under the Alaskan Grown Program.

Representative Harris introduced a similar bill about three years ago that passed the House by a wide margin and died in the Senate. We strongly supported that effort and are pleased that you've decided to give it another try.

The Alaskan Grown language was made necessary by a change in the authority of the Department of Natural Resources regarding promotion of Alaska seafood products. The change in statutory language effectively prohibited DNR from promoting farmed shellfish as a product farmed in Alaska. DNR subsequently allowed shellfish farmers already enrolled in the Alaskan Grown Program to continue using the label, but prohibited the inclusion of additional farming operations.

Alaska oysters are gaining recognition in the marketplace as some of the best available on the half shell. Our ability to penetrate some of the country's best oyster bars comes in large part from the image consumers around the world have of Alaska: pure waters and great seafood. We're proud to label our product as grown in Alaska waters; the label can help.

Thank you for submitting HB 252.

Sincerely,

A handwritten signature in black ink that reads "Rodger Painter".

Rodger Painter
ASGA President

Rodger Painter, president
Phone: (907) 957-0704

Address: P.O. Box 20704 Juneau, AK 99802-0704
email: rodgerpainter@hotmail.com

HB

266

<target><bill>HB 266</bill><subject>HB
266</subject><comm>HFSH26</comm></target>

ALASKA STATE LEGISLATURE

Vice-Chair:
House Finance Committee

Member:
House Finance Subcommittees for;
Department of Public Safety
Department of Law




Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

Interim:
PO Box 464
Chugiak, AK 99567

BILL STOLTZE
State Representative
Representative_Bill_Stoltze@legis.state.ak.us

MEMORANDUM

TO: Representative Bryce Edgmon, Chair
House Special Committee on Fisheries

FROM: Bill Stoltze 

DATE: January 27, 2010

SUBJECT: Hearing Request

I respectfully request a hearing be scheduled for House Bill 266, relating to a personal use fishing priority.

Thank you for your consideration.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Public Safety
Department of Law

Member:
Legislative Council
Legislative Budget & Audit (alt)



Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

HB 266

Personal Use Fishing Priority

"An Act providing for a priority for a fishery that is restricted to residents when fishing restrictions are implemented to achieve an escapement goal."

Insuring that residents have access to Alaska's fisheries resources is vitally important as we continue to grow as a state. Right now, user groups are growing both in size and number, splitting the allocation of our resources into smaller and smaller percentages. However, one thing all Alaskans can agree on is that we should have a priority over people coming from elsewhere in the country and the world to utilize and harvest our fisheries resources.

Fisheries that are restricted to residents only are meant to enable Alaskans to access their fisheries resources for their personal use and consumption. Currently, there are many personal use fisheries throughout the state. Excluding the priority that is already contained within statute for subsistence, HB 266 directs the Board of Fisheries to place restrictions on sport and commercial fisheries before putting restrictions on personal use fisheries when the harvest of a stock or species is limited to achieve an escapement goal.

I ask for your consideration and support of HB 266 so Alaskans can be assured that they will continue to have access to their fisheries resources to the benefit of themselves and their families.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

CS FOR HOUSE BILL NO. 266()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES STOLTZE, KELLER, AND NEUMAN, Fairclough, Gatto, Johnson

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for a priority for a fishery that is restricted to residents when fishing**
2 **restrictions are implemented to achieve a management goal."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 16.05.251 is amended by adding a new subsection to read:

5 (j) Except as provided by AS 16.05.258, when the harvest of a stock or species
6 is limited to achieve a management goal, the Board of Fisheries shall place restrictions
7 on all other fisheries before restricting personal use fisheries. In this subsection,
8 "management goal" means the escapement or estimated population size of the
9 exploited stock that provides the greatest potential for sustained yield as established by
10 the board.

26-LS1199E
Kane
2/5/10

CS FOR HOUSE BILL NO. 266()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES STOLTZE, KELLER, AND NEUMAN, Fairclough, Gatto

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for a priority for a fishery that is restricted to residents when fishing**
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5 (j) Except as provided by AS 16.05.258, when the harvest of a stock or species
6 is limited to achieve an escapement goal, the Board of Fisheries shall place restrictions
7 on all other fisheries before restricting personal use fisheries. In this subsection,
8 "escapement goal" means the escapement, or annual estimated size, of the target stock
9 that provides the greatest potential for maximum sustained yield as established by the
10 board.

ALASKA STATE LEGISLATURE

Vice-Chair:
House Finance Committee

Member:
House Finance Subcommittee for
Department of Public Safety
Department of Law



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

Interim:
PO Box 464
Chugiak, AK 99567

BILL STOLTZE**State Representative**

Representative_Bill_Stoltze@legis.state.ak.us

MEMORANDUM

TO: Tamara Cook
LAA-Legal Services

FROM: Bill Stoltze *BS*

DATE: March 16, 2007

SUBJECT: Draft Legislation

I am requesting blank sponsor legislation be drafted based upon the following:

"After providing for biological escapement goals the fisheries that are restricted to the residents of the State of Alaska only shall have a management priority over other fisheries."

The intent of the legislation is that in times of biological need all other fisheries, other than subsistence, are closed prior to fisheries that are limited to the residents of Alaska only.

If there are any questions, please call Ben Mulligan in my office at 6541.

Thank you,

Bill Stoltze
State Representative

give residents priority in fisheries if restrictions are implemented

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

WORK ORDER REQUEST FORM

W.O. 25-LS0774

KEYWORDS: FISH/GAME, FISHERIES
RESIDENCY
SUBSISTENCE

ASSIGNED: Kane

REQUEST FOR: New Bill

TAKEN BY: Barnes

SUBJECT: Alaskan Fishing Preference

REQUESTED FOR: REP STOLTZE

BY: Rep. Stoltze

PHONE: 465-4958

DELIVER TO: Rep. Stoltze; Cap. 501

INSTRUCTIONS:

Draft bill providing that in "times of biological need," all other fisheries (other than subsistence) close prior to fisheries that are limited to Alaska residents. See attached.

OBTAIN	SPECIAL DRAFTING INSTRUCTIONS ATTACHED <input type="checkbox"/>
	AUTHORIZED TO CONFER WITH _____
	RETURN _____
	_____ TO REQUESTOR
	APPROVED <input checked="" type="checkbox"/> DIRECTOR, LEGAL SERVICES

REVIEWED <u>la</u> <u>MA 3/19</u>
IN <u>03/16/07</u> DUE _____
TYPED: DRAFT <u>2</u> <u>2</u> <u>RES</u> DATE <u>3/19</u> <u>3/19</u>
FINAL _____ DATE _____
PROOFED <u>[Signature]</u> DELIVERED <u>[Signature]</u>

SPECIAL INSTRUCTIONS to TYPING/PROOFING
<u>Sponsor blank (see sponsor memo)</u>
<u>MEMO</u> ✓
<u>3/19</u>
Request for DRAFT

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 5, 2010

SUBJECT: Request for bill draft regarding fishing priorities
(Work Order No. 25-LS0774\A)

TO: Representative Bill Stoltze

FROM: Brian J. Kane *BJK*
Legislative Counsel

I drafted a bill for your office in 2007 during the first session of the 25th Alaska State Legislature regarding fishing priorities when restrictions are implemented to achieve a biological escapement goal. Your initial request asked for a bill providing that "in times of biological need," all other fisheries, except for subsistence fisheries, close prior to fisheries that are limited to Alaska residents. (See attached copy of request for W.O. 25-LS0774\A.)

Through the process of writing various versions of the bill in reaching a final bill draft, I misinterpreted an instruction from your office that led to the introduced bill placing subsistence fisheries incorrectly in order of priority -- not as the top priority as you directed in your original request.

Having been an attorney in this office for a little over a year at the time of this 2007 bill request, I was still finding my way with legal drafting and believe my inexperience at the time may have led in part to this misinterpretation by me. But that is no excuse, as I hold myself to high standards. I offer my sincere apology for the misunderstanding on my part that led to a bill that did not accomplish your intentions.

BJK:med

Attachments

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: HB 266
Bill Version: _____
() Publish Date: _____

Identifier (file name): HB266-DFG-BDS-02-09-10 Dept. Affected: Fish & Game
Title An Act providing for a priority for a fishery that is restricted to RDU Administration and Support
residents when fishing Component F&G Boards & Advisory Committees
Sponsor Rep. Stoltze, et al.
Requester House Fisheries Component Number 2825

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation changes the priority by which the Board of Fish allocates between fisheries and composes no financial impact foreseen to the dept.

Prepared by: Jennifer Yuhas Legislative Liaison Phone 465-6137
Division Commissioner's Office Date/Time 2/9/2010 0700 AM
Approved by: Tom Lawson, Director of Administrative Services Date 2/9/2010
Alaska Department of Fish and Game

**Data on Personal Use Fisheries Provided to the Office of
Representative Stoltze by the Department of Fish & Game**

Sweetheart Creek Sockeye, permits and harvest

YEAR	PERMITS	SOCKEYE
1993	48	957
1994	184	3820
1995	113	2054
1996	105	1815
1997	246	4746
1998	316	5922
1999	192	1674
2000	149	1560
2001	73	941
2002	88	1588
2003	145	2625
2004	223	4098
2005	148	2684
2006	175	4297
2007	264	4515
2008	339	6729
2009	*229	*2299

*2009 data not yet complete

Juneau Area Personal Use King Crab, permits and harvest

year	permits	King Crab
1996	860	3658
1997	612	2594
1998	916	4071
1999	1090	4706
2000	1250	5292
2001	1357	5656
2002	1606	5924
2003	1861	7184
2004	1727	6956
2005	1504	6382
2006	1143	4624
2007	523	1528

2008 season closed

2009 season closed

Ben Mulligan

Subject: Personal use fishery information

From: Swanton, Charles O (DFG) [mailto:charles.swanton@alaska.gov]

Sent: Thursday, February 04, 2010 10:20 AM

To: Ben Mulligan

Cc: Yuhas, Jennifer S (DFG)

Subject: FW: Personal use fishery information

Chatanika River Personal Use Whitefish Spear Fishery Results

Year	Permits		Number of Households that Fished	Total Whitefish Harvest	Average Harvest/ Permit
	Issued	Returned			
2007	100	97	52	267	5.13
2008	200	191	92	522	5.67
2009*	200	174	113	682	6.04

* 2009 results are preliminary

Upper Cook Inlet including Kenai Dip Net, Kasilof Dip Net, and Kasilof Gillnet (all fisheries are covered under the same permit)

Year	Permits Issued	Mean number of individuals per permit	Number of Individuals Represented	Total Salmon Harvested	Mean Harvest per Household	Mean Harvest per Individual
2006	18,563	3.0	56,198	234,391	12.6	4.2
2007	23,046	3.0	70,065	364,334	15.8	5.2
2008	23,722	3.0	70,903	336,040	14.2	4.7

Chitna Dipnet

Year	Permits Issued	Individual Permits	Household Permits	Mean number of individuals per permit	Number of Individuals Represented	Total Salmon Harvested	Mean Harvest per Household	Mean Harvest per Individual
2006	8,642	1,357	7,285	2.9	25,203	130,515	15.0	5.0
2007	8,474	1,305	7,169	2.9	24,495	131,217	15.5	5.4
2008	8,258	1,256	7,002	2.9	23,922	86,476	10.5	3.6

Total for Upper Cook Inlet and Chitna

Year	Permits Issued	Mean number of individuals per permit	Number of Individuals Represented	Total Salmon Harvested	Mean Harvest per Household	Mean Harvest per Individual
2006	27,207	3.0	81,401	364,906	13.4	4.5
2007	31,520	3.0	94,560	495,551	15.7	5.2
2008	31,980	3.0	94,825	422,516	13.2	4.5

Estimated State harvest of salmon in the Copper River Chitina Subdistrict Personal Use Fishery, 1984 - 2009

Year	Permits Issued	Chinook	Sockeye	Coho	Steelhead	Other	Total Harvest	Estimated Harvest Per Permit
1984	5,415	1,760	48,236	717	0	20	50,734	9
1985								
1986	4,031	2,367	41,054	538	0	89	44,047	11
1987	4,245	2,968	43,492	424	0	24	46,908	11
1988	4,251	2,994	42,331	504	1	25	45,855	11
1989	4,582	2,251	55,778	857	25	31	58,941	13
1990	5,689	2,708	66,432	1,511	24	137	70,812	12
1991	6,222	4,056	77,590	3,354	12	46	85,059	14
1992	6,385	3,405	86,724	1,517	31	5	91,683	14
1993	7,914	2,846	93,472	1,416	14	19	97,767	12
1994	7,061	3,743	94,024	1,981	36	39	99,822	14
1995	6,760	4,707	79,006	4,870	21	13	88,617	13
1996	7,198	3,584	95,007	3,381	90	46	102,108	14
1997	9,086	5,447	148,727	160	3	12	154,349	17
1998	10,006	6,723	137,161	2,145	0	46	146,075	15
1999	9,943	5,913	141,658	2,128	0	34	149,779	15
2000	8,151	2,899	107,856	3,657	0	203	108,099	13
2001	9,467	3,113	132,108	2,720	0	484	138,425	15
2002	6,804	2,023	85,968	1,934	0	317	90,242	13
2003	6,441	1,903	80,796	2,533	0	264	85,496	13
2004	8,156	2,495	107,312	2,860	0	509	113,176	14
2005	8,230	2,043	120,013	1,869	0	478	124,403	15
2006	8,497	2,663	123,261	2,715	0	464	129,103	15
2007	8,377	2,694	125,126	1,742	0	660	130,222	16
2008	8,041	1,999	81,359	2,711	0	407	86,476	11
2009	7,917	225	88,651	1,555	0	278	90,709	12
2004-2008	8,260	2,379	111,414	2,379	0	504	116,676	14
1999-2008	8,211	2,775	110,546	2,487	0	382	115,542	14
1990-2008	7,812	3,419	104,400	2,379	12	220	110,090	14

Note: 2009 data are preliminary with only 82.9% returned permits.

Table 1. Effort and harvest in Upper Cook Inlet personal use salmon fisheries, 1996-2009.

Year	Days Open	Days Fished			Sockeye			Chinook			Coho			Pink			Chum			Total		
		Est.	SE	RP	Est.	SE	RP	Est.	SE	RP	Est.	SE	RP	Est.	SE	RP	Est.	SE	RP	Est.	SE	RP
<i>Kasilof River Dip Net</i>																						
1996	27	1,300	23	3%	11,197	127	2%	50	1	4%	334	18	11%	103	2	4%	17	0	0%	11,701	130	2%
1997	27	1,091	32	6%	9,737	150	3%	35	2	11%	90	3	7%	19	2	21%	19	1	10%	9,900	153	3%
1998	27	3,421	33	2%	45,161	525	2%	134	3	4%	731	18	5%	610	25	8%	74	32	85%	46,710	528	2%
1999	27	3,611	43	2%	37,176	507	3%	127	5	8%	286	50	34%	264	12	9%	52	8	30%	37,905	511	3%
2000	27	2,622	36	3%	23,877	403	3%	134	7	10%	1,004	16	3%	841	39	9%	34	0	0%	25,890	407	3%
2001	27	3,382	37	2%	37,612	505	3%	138	6	9%	766	25	6%	307	14	9%	23	0	0%	38,846	511	3%
2002	44	4,020	38	2%	46,769	530	2%	106	6	11%	1,197	59	10%	1,862	73	8%	139	7	10%	50,073	553	2%
2003	44	3,874	28	1%	43,870	440	2%	57	4	14%	592	49	16%	286	21	14%	30	1	7%	44,835	447	2%
2004	44	4,432	19	1%	48,315	259	1%	44	3	13%	668	21	6%	396	15	7%	90	5	11%	49,513	263	1%
2005	44	4,500	9	0%	43,151	100	0%	16	1	12%	538	16	6%	658	12	4%	102	2	4%	44,465	103	0%
2006	44	5,763	10	0%	56,144	113	0%	55	1	4%	1,057	15	3%	992	8	2%	105	4	7%	58,353	117	0%
2007	44	4,600	9	0%	43,293	105	0%	35	1	6%	487	8	3%	383	6	3%	136	2	3%	44,334	106	0%
2008	44	5,493	13	0%	54,051	153	1%	46	3	13%	509	11	4%	787	10	2%	143	4	5%	55,536	154	1%
2009	44	7,571	20	1%	73,035	246	1%	34	1	6%	1,441	30	4%	1,274	19	3%	173	3	3%	75,957	248	1%
Min.	27	1,091			9,737			16			90			19			17			9,900		
Mean	36	3,977			40,956			72			693			627			81			42,430		
Max.	44	7,571			73,035			138			1,441			1,862			173			75,957		

Table 1.-page 2 of 2.

Year	Days Open	Days Fished			Sockeye			Chinook			Coho			Pink			Chum			Total		
		Est.	SE	RP	Est.	SE	RP	Est.	SE	RP	Est.	SE	RP	Est.	SE	RP	Est.	SE	RP	Est.	SE	RP
<i>Kenai River Dip Net</i>																						
1996	27	10,503	60	1%	102,821	367	1%	295	5	3%	1,932	29	3%	2,404	33	3%	175	10	11%	107,627	375	1%
1997	22	11,023	87	2%	114,619	439	1%	364	13	7%	559	21	7%	619	14	4%	58	5	17%	116,219	448	1%
1998	18	10,802	59	1%	103,847	716	1%	254	10	8%	1,011	62	12%	1,032	62	12%	85	3	7%	106,229	724	1%
1999	22	13,738	79	1%	149,504	1,084	1%	488	13	5%	1,009	108	21%	1,666	64	8%	102	13	25%	152,769	1,094	1%
2000	22	12,354	69	1%	98,262	752	1%	410	18	9%	1,449	62	8%	1,457	75	10%	193	31	31%	101,771	762	1%
2001	22	14,772	66	1%	150,766	909	1%	638	15	5%	1,555	105	13%	1,326	37	5%	155	19	24%	154,440	926	1%
2002	22	14,840	56	1%	180,028	844	1%	606	11	4%	1,721	64	7%	5,662	102	4%	551	36	13%	188,568	874	1%
2003	22	15,263	50	1%	223,580	891	1%	1,016	18	3%	1,332	68	10%	1,647	98	12%	249	22	17%	227,824	905	1%
2004	22	18,513	35	0%	262,831	583	0%	792	7	2%	2,661	66	5%	2,103	27	3%	387	12	6%	268,774	905	1%
2005	22	20,977	18	0%	295,496	273	0%	997	3	1%	2,512	24	2%	1,806	12	1%	321	2	1%	301,132	275	0%
2006	20	12,685	16	0%	127,630	183	0%	1,034	3	1%	2,235	15	1%	11,127	37	1%	551	9	3%	142,577	203	0%
2007	22	21,861	23	0%	291,270	335	0%	1,509	4	1%	2,111	24	2%	1,939	23	2%	472	17	7%	297,301	337	0%
2008	22	20,676	27	0%	234,109	338	0%	1,362	10	1%	2,609	21	2%	10,631	49	1%	504	8	3%	249,215	343	0%
2009	22	26,043	35	0%	339,993	524	0%	1,189	7	1%	2,401	29	2%	5,482	27	1%	285	7	5%	349,350	525	0%
Min.	18	10,503			98,262			254			559			619			58			101,771		
Mean	22	16,004			191,054			782			1,793			3,493			292			197,414		
Max.	27	26,043			339,993			1,509			2,661			11,127			551			349,350		

Year	Days Open	Days Fished			Sockeye			Chinook			Coho			Pink			Chum			Total		
		Est.	SE	RP ^a	Est.	SE	RP ^a	Est.	SE	RP ^a	Est.	SE	RP ^a	Est.	SE	RP ^a	Est.	SE	RP ^a	Est.	SE	RP ^a
<i>Fish Creek Dip Net</i>																						
1996	22	3,749	41	2%	17,260	161	2%	37	8	42%	2,414	25	2%	331	9	5%	153	5	6%	20,195	168	2%
1997	13	991	34	7%	3,277	76	5%	0	0		63	5	16%	53	7	26%	4	1	49%	3,397	84	5%
1998	15	1,141	21	4%	4,036	113	5%	1	0	0%	649	19	6%	80	10	25%	29	2	14%	4,795	117	5%
1999	16	432	16	7%	1,083	138	25%	0	0		17	3	35%	12	7	114%	0	0		1,112	139	25%
2000	16	1,054	25	5%	6,925	211	6%	0	0		958	72	15%	83	12	28%	29	3	20%	7,995	225	6%
2001	3	131	7	10%	436	40	18%	0	0		18	7	76%	2	0	0%	1	0	0%	457	41	18%
2002	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2003	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2004	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2005	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2006	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2007	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2008	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2009	7	1,436	8	1%	9,898	73	1%	10	0	0%	53	6	22%	66	3	9%	33	5	30%	10,060	73	1%
Min.	0	131			436			0			17			2			0			457		
Mean	7	1,276			6,131			7			596			90			36			6,859		
Max.	22	3,749			17,260			37			2,414			331			153			20,195		

Year	Days Open	Days Fished			Sockeye			Chinook			Coho			Pink			Chum			Total		
		Est.	SE	RP ^a	Est.	SE	RP ^a	Est.	SE	RP ^a	Est.	SE	RP ^a	Est.	SE	RP ^a	Est.	SE	RP ^a	Est.	SE	RP ^a
<i>Upper Cook Inlet Personal Use Fisheries Total</i>																						
1996	-	16,606	85	1%	145,545	644	1%	452	12	5%	4,811	56	2%	2,973	50	3%	350	12	6%	154,131	655	1%
1997	-	14,923	114	1%	148,940	592	1%	464	13	6%	777	26	7%	844	27	6%	88	6	14%	151,113	604	1%
1998	-	17,360	84	1%	176,581	1,032	1%	549	14	5%	2,685	102	7%	1,933	70	7%	220	34	30%	181,968	1,043	1%
1999	-	19,752	101	1%	208,589	1,309	1%	1,108	31	5%	1,413	119	17%	2,078	66	6%	168	15	18%	213,356	1,320	1%
2000	-	17,930	88	1%	149,267	961	1%	1,102	28	5%	3,638	114	6%	2,482	86	7%	290	35	23%	156,779	976	1%
2001	-	20,625	86	1%	218,688	1,176	1%	1,138	24	4%	2,637	112	8%	1,821	46	5%	276	39	28%	224,560	1,197	1%
2002	-	21,224	74	1%	259,623	1,092	1%	1,070	17	3%	3,271	91	5%	8,470	149	3%	757	38	10%	273,191	1,136	1%
2003	-	21,668	63	1%	298,831	1,061	1%	1,711	34	4%	2,250	85	7%	2,082	101	9%	371	24	13%	305,245	1,079	1%
2004	-	25,360	43	0%	350,091	678	0%	1,098	9	2%	3,754	75	4%	2,715	32	2%	502	14	5%	358,158	689	0%
2005	-	27,253	21	0%	369,776	311	0%	1,132	3	1%	3,415	29	2%	2,520	17	1%	428	3	1%	377,271	314	0%
2006	-	20,543	20	0%	216,047	236	0%	1,405	4	1%	3,759	27	1%	12,434	41	1%	746	10	3%	234,391	242	0%
2007	-	28,602	29	0%	356,717	386	0%	1,924	5	1%	2,727	26	2%	2,352	24	2%	614	17	5%	364,334	388	0%
2008	-	28,331	34	0%	318,594	412	0%	1,601	11	1%	3,249	24	1%	11,869	52	1%	727	10	3%	336,040	416	0%
2009	-	37,522	45	0%	457,539	629	0%	1,384	7	1%	4,204	45	2%	6,969	34	1%	559	13	5%	470,655	631	0%
Min.		14,923			145,545			452			777			844			88			151,113		
Mean		22,693			262,488			1,153			3,042			4,396			435			271,514		
Max.		37,522			457,539			1,924			4,811			12,434			757			470,655		

STATEWIDE PERSONAL USE FISHERIES

5AAC 77.001 – 5AAC 77.699

5 AAC 77.007. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries. Before adopting regulations that allocate fish among personal use, sport, and commercial fisheries, the board will, as appropriate to particular allocation decisions, consider factors such as those set out in AS 16.05.251(e).

AS 16.05.251(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. 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;*
- (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;*
- (3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;*
- (4) the availability of alternative fisheries resources;*
- (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;*
- (7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.*

Kotzebue Area

Species allowed: Shellfish
Shrimp
Dungeness Crab
King Crab
Tanner Crab
Salmon
Herring

PROVIDED BY
THE
COMMITTEE

Norton Sound - Port Clarence Area

Species allowed: Shellfish
Shrimp
Dungeness Crab
King Crab
Tanner Crab
Herring

Yukon - Northern Area

Species allowed: Shellfish
Shrimp
Dungeness Crab
King Crab
Tanner Crab
Salmon
Herring
Whitefish and Sucker Fishery

Kuskokwim Area

Species allowed: Shellfish
Shrimp
Dungeness Crab
King Crab
Tanner Crab
Herring
Pacific Cod

Bristol Bay Area

Species allowed: Shellfish
Shrimp
Dungeness Crab
King Crab
Tanner Crab
Herring
Salmon

Aleutian Islands Area

Species allowed: Shrimp
Dungeness Crab
King Crab
Tanner Crab

Alaska Peninsula Area

Species allowed: Shellfish
Shrimp
Dungeness Crab
King Crab
Tanner Crab

Chignik Area

Species allowed: Shellfish
Shrimp
Dungeness Crab
King Crab
Tanner Crab

Kodiak Area

Species allowed: Shellfish
Shrimp
Dungeness Crab
King Crab
Tanner Crab

Cook Inlet Area

Species allowed: Shellfish
Shrimp
Dungeness Crab
King Crab
Tanner Crab
Razor Clams
Littleneck Clams
Butter Clams
Salmon
Smelt
Herring

Prince William Sound Area

Species allowed: Shrimp
Dungeness Crab
King Crab
Tanner Crab
Razor Clams
Salmon

Yakutat Area

Species allowed:

- Shrimp
- Dungeness Crab
- King Crab
- Tanner Crab
- Scallops
- Clams
- Herring
- Bottomfish
- Halibut
- Smelt
- Salmon

Southeastern Alaska Area

Species allowed:

- Shrimp
- Dungeness Crab
- King Crab
- Tanner Crab
- Scallops
- Geoduck Clams
- Razor Clams
- Abalone
- Herring
- Bottomfish
- Halibut
- Smelt
- Salmon

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Thursday, March 04, 2010 7:35 PM
To: Timothy Clark
Subject: FW: HB266

Follow Up Flag: Follow Up
Flag Status: Flagged

From: graham1@gci.net [graham1@gci.net]
Sent: Thursday, March 04, 2010 12:35 PM
To: Rep. Bryce Edgmon
Subject: HB266

Rep. Edgmon:

My wife and I are business owners in Cordova. As a 40 year Alaskan, 33 years of which I have lived in Cordova, I am asking you to please oppose HB266. It seems that every couple of years we in Cordova are forced to defend the lifeblood of the town. This is a fishing town and after losing our early season herring fisheries to the Exxon Valdez debacle, we are down to having a seine fishery and a gillnet fishery.....period. This early season fishery in the middle of May provides a much needed revenue stream to the town's residents and the city coffers that are already stretched to the limit. In years past I have personally watched people dipnetting and taking far more fish in the Copper River at Chitina than they are allowed to have. Last year I was driving by the corner of Northern Lights Blvd. and A Street and saw one of the many places in town where a person had a small trailer carrying an iced tote of fish and a sign saying "Fresh Copper River Salmon for sale". I stopped and talked to the gentleman and asked him whether he fished out of Whittier, Cordova or Valdez. He got very nervous and evasive and said that he was a "subsistence" fisherman and therefore legal to sell part of his dipnetted catch. I left and did some business down the street. When I came back 20 minutes later he was gone.

The livelihoods of legal hard working commercial fisherman should not be threatened until the issue of the Alaska Wildlife Troopers being given the green light to enforce existing laws and regulations on the upper Copper River is addressed. I believe this should be a law enforcement issue instead of trying to re-allocate the resource.

Please don't add Cordova to the list of ghost towns in Alaska and thank you for your attention to this potentially grave issue.

Gary Graham
Co-Owner Powder House Restaurant
Cordova, AK
(907) 424-3350

Timothy Clark

From: Suzie Kendrick [wandasue@alaska.net]
Sent: Monday, February 22, 2010 1:52 PM
To: Rep. Bryce Edgmon; Timothy Clark
Subject: OPPOSING HB266

Feb. 22, 2010

Representative Bryce Edgmon
Special Committee on Fisheries
State Capitol, Room 421
Juneau, AK 99801-1182

Re: House Bill 266: Personal Use Fishing Priority

Dear Representative Edgmon and House Special Committee for Fisheries,

I am writing today to oppose House Bill 266—which proposes to give personal use fisheries priority over sport and commercial fisheries. As a lifelong Alaskan commercial fisherman this bill threatens my family's livelihood and stands to further politicize the science of managing our salmon stocks for the good of all.

This bill, if enacted, attempts to manipulate the true meaning of subsistence to give those who want more salmon--not need more salmon--a priority over commercial fishermen who depend on the Copper River for economic survival. The current upriver personal use fishery is, for many users, more of a sporting event rather than an activity to ensure their survival. True subsistence users would be negatively impacted by the proposed bill in that it would give every resident in the state the same access that current subsistence groups have. Basically their current priority would be diluted by the large influx of personal users.

Please do not allow the undermining of the current Board of Fisheries process by legislating allocation. Currently, the Alaska Department of Fish and Game has the tools and expertise to continue to manage the fisheries for sustainability—for all user groups.

Thank you for your consideration of this important issue.

Sincerely,

Doug Heimbuch

Timothy Clark

From: suzybanks@gmail.com
Sent: Saturday, February 20, 2010 8:57 AM
To: Timothy Clark
Subject: Oppose Bill 266

Dear Representative Clark,

I am an Alaskan fisherman's wife. I recently wrote to Representative Stoltze, who sponsored B 266, and I thought his response was enlightening: He stated " I, and most Alaskans, believe the highest use is that which puts wild Alaskan salmon on the dinner tables of Alaskans, and this world class protein in the freezers of Alaskans. After Subsistence, I believe this Alaska resident only fishery should have the higher priority over sport and commercial. "

Cordova is an Alaskan town, with Alaskan residents who depend on the commercial fishing industry for their financial survival. This bill seems to assume that the fishing industry is based out of state. When has supplemental or sport fishing ever taken precedence over the livelihood of Alaska residents? This bill sounds very un-Alaskan to me.

Thank you for your consideration in this matter.

Susan Banks
P.O. Box 2431
Cordova AK. 99574

Timothy Clark

From: fred deiser [fdeiser@mtaonline.net]
Sent: Saturday, February 20, 2010 9:49 AM
To: Timothy Clark
Subject: FW: HB 266

From: fred deiser [mailto:fdeiser@mtaonline.net]
Sent: Saturday, February 20, 2010 9:44 AM

Subject: HB 266

Special Committee on Fisheries
State Capitol, Room 424
Juneau, AK 99801-1182

Re: HB 266 – Personal Use Fishing Priority

MEMBERS OF THE SPECIAL COMMITTEE FOR FISHERIES,

HB 266, by giving personal use dipnetters equal priority with subsistence users threatens my commercial fishing business and in times of shortage cheats the subsistence users of their priority.

I would ask you to acknowledge the large investment and economic importance to the State of Alaska of the Copper River commercial red salmon fishery. Fishers have worked my entire 35+ year fishing career improving quality and marketing what I believe is the best food source on the planet. Any reallocation of early run Copper River red salmon puts all this work at risk and threatens 500 Alaskan businesses.

I lived at Nebesna in the early 1970's and trapped at Batzulnetas where Katie John fished as a young girl. I believe I have a limited understanding of subsistence and the political attempts to give preference to a group of people whose traditional lifestyle has been focused on this harvest of fish and game for thousands of years.

HB 266 cheats these people of this priority.

Thank you for your time.

Respectfully,

Fred Deiser
371 S Seward Meridian Parkway
Wasilla, Alaska 99654

907 373-6263

Timothy Clark

From: Goetzinger, Karl W [karl.w.goetzinger@boeing.com]
Sent: Sunday, February 21, 2010 1:25 PM
To: Timothy Clark
Subject: HB266 Comment

Categories: Needs Preparation

Dear Mr. Clark:

This letter is in opposition to HB266 which intends to have a "personal use" fishery on the Copper River reclassified as a "subsistence" fishery. This could restrict the commercial fishery at the mouth of the Copper River and negatively impact the incomes of those 500 permit holders who rely on this fishery to support themselves and their families.

Please place working people, family incomes and the economy of the Prince William Sound region before recreational dip net fishing and oppose HB266.

Sincerely,

Kurt & Karl Goetzinger
P.O. Box 1268
Cordova, AK. 99574

Timothy Clark

From: Lori Lee [mountainhideawaylori@hotmail.com]
Sent: Sunday, February 21, 2010 4:08 PM
To: Timothy Clark
Subject: HB 266

Honorable Representative:

Sending this email on to you to let you know that I Strongly Oppose HB 266.

In this time of economic challenges it doesn't make sense to me to harm any major, healthy means of making a living in our Wonderful State, commercial fishing, especially one that has far-reaching positive financial effects on many other businesses in our state.

HB 266 would adversely affect hundreds of commercial fishermen who depend on the Copper River Flats for a major portion of their income. That in return affects many businesses... providing food, fish buyers, marketers, parts providers, net hangers and menders, mechanics, boat builders, just to name a few.

There is no problem with catching a sufficient number of fish up river for dip netters, personal use and subsistence fishermen with the way things are currently being managed. It is presently a win-win situation. Everyone is getting fish.

Thank you for your time and consideration.
Lori Lee

31250 W. Lee Drive
Sutton, AK 99674

746-0868

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Timothy Clark

From: wose18@acsalaska.net
Sent: Sunday, February 21, 2010 11:42 PM
To: Timothy Clark
Subject: HB 266 oppose

Dear timothy clark, understand this is best address to contact, Please I want to voice me opinion against HB266. Not only do I agree with all other opposition, I am also concern with the practice of fishing the spawning grounds. It is reasonable to project no matter how many fish get past radar(sustainable) THE Uknown is how many spawn. I suggest Disallow fishing of spawning grounds and row stripping, well documented, before challenging alaska state constitution. Protect our sustainable resources, by protecting spawning grounds. Quit barking up wrong tree. I say no to pictures of sport fishing adds showing proudly spawned out king salmon, caught on spawning grounds. I say respect our sustainable fishery by outlawing spawning bed sport fisheries across state then see how much better. And Otherwise sports fisherman pay as much as commercial for fish enhancement. We commercial have paid. Let's make it even with other states, why not alaska, everyone wants a piece of us charge accordinly. Punish Commercial fisherman for being last of the wild harvestors, punish all users of states, but best straegy is protect spawning grounds first, if you care.

sincerely

william Evans

3411 willow Place

anch, ak 99517

Area E permit holder

29 year resident alaska

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Monday, February 22, 2010 7:43 AM
To: Timothy Clark
Subject: FW: HB266

-----Original Message-----

From: eckley@gci.net [mailto:eckley@gci.net]
Sent: Sunday, February 21, 2010 9:46 PM
To: Rep. Bryce Edgmon
Subject: HB266

Dear Representative Bryce Edgmon

I am opposed to House Bill 266. I commercial fish and depend on this resource for my lively hood. The economic impact and financial fallout from this bill can deliver a negative blow to an industry that drives many communities. My family and I work together to run our fishing operation and it provides us and many others with steady and repeatable income. The infrastructure and financial commitment to keep this sustainable fishery alive strive for a steady harvest. This bill undermines marketing efforts, family business interest and communities where we live and work. I hope you see the negative far reaching effects this bill would have on Cordova and other coastal communities. Please do not support this bill.

Thank you
Robert Eckley
Cordova, AK

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Monday, February 22, 2010 7:43 AM
To: Timothy Clark
Subject: FW: HB 266

-----Original Message-----

From: salmo1@ak.net [mailto:salmo1@ak.net]
Sent: Tuesday, February 16, 2010 11:33 AM
To: Rep. Bryce Edgmon
Subject: HB 266

Representative Edgmon,

Thank you for the opportunity to comment. My name is Curt Herschleb. I'm a resident of Cordova, Alaska. I'm a third generation commercial fisherman. I'm raising two young children. Our family is 95% dependent on commercial fishing income to support our existence here in the coastal community of Cordova.

I oppose HB266. This bill, if it were to become law, would be a prime example of "tyranny of the majority". It is really an act of aggression against those individuals and communities in the state of Alaska that depend upon fisheries resources the most. The fact that it would take affect in times of low abundance is especially troubling. The urban and suburban user wants all the benefits of living in the city and all the benefits of residing in the bush, without sharing the burden of conservation with other non-subsistence user groups. All the while, you can't find a self respecting hunter, fisher, gatherer in the state of Alaska that will tell you they can't get enough of our rich bounty to fill their freezers and pantries. Does anybody really want to render the true meaning of subsistence meaningless? Do the majority of Alaskans really want to put economic hardship on fishing dependent coastal communities? Is anybody really not getting enough fish?

I suggest that rather than constantly jockeying for a better position at the trough, we identify our common ground and work towards deeper ways and meanings for sharing the burden of conservation. Instead of pursuing every avenue for getting more at someone else's expense, all Alaskan's should work together to manage our resources for sustainability so that there will always be enough for everyone.

Thank you for hearing my concerns,
Sincerely, Curt Herschleb

Timothy Clark

From: JR Janneck [cturtle@mtaonline.net]
Sent: Saturday, February 20, 2010 8:26 AM
To: Timothy Clark; Rep. Bryce Edgmon

Categories: Needs Preparation

It is ridicules for people who live in Fairbanks and Anchorage to claim they have a subsistence life style. HB 266 is pure polical crap. This state better start understanding the importance of commercial fishing to the economy. I am sick of these people whining about dipnetting and fish wheels. They already are talking more than they could ever possibly use. I know people braging about taking 400+ fish. They need to be monitored and their catch reduced.

thank you
Howard Janneck

Timothy Clark

From: Loren Banks [lorenjbanks@gmail.com]
Sent: Saturday, February 20, 2010 7:44 AM
To: Rep. Bryce Edgmon; Timothy Clark
Subject: HB 266

Categories: Needs Preparation

Dear Legislators,

Please appose HB 266, As a resident of Cordova and commercial fisherman it is plain to me that the economy here is dependant almost completely on commercial fishing. Access to the resource is a necessity for this economy while personal use is no such necessity for anyone.

Thank You
Loren Banks
Box 2431
Cordova, Ak 99574
lorenjbanks@gmail.com

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Thursday, February 18, 2010 9:36 PM
To: Timothy Clark
Subject: FW: HB 266

Categories: Needs Preparation

-----Original Message-----

From: Bob Mielke [mailto:plainbob@mtaonline.net]
Sent: Thursday, February 18, 2010 9:26 PM
To: Rep. Bryce Edgmon
Subject: HB 266

Dear Sir,

I oppose HB 266.

I was born, raised, and have lived my entire 57 years in the Matanuska Valley. I have been commercial fishing for 27 years, sport fishing for 52 years, and dipnetting now and then. I feel that prioritizing fisheries (or any resource) is a bad idea, usually pursued by one group to gain advantage over another, usually by demonizing the other group as a bunch of greedy s.o.b.'s.

If you give me priority as a dip netter, my commercial fishing must necessarily suffer. And you say that's o.k.? I think not: fishing drives the entire coastline of this state, and I think you can shake most any tree in the Anchorage - Valley area and have several commercial fishermen fall out. If you pursue your prioritizing far enough, you will kill one of the largest private sector job market arenas in the state, and be minus one of the historical draws that made us a state.

If you give me priority as a dip netter, my sport fishing must necessarily suffer. And you say that's o.k.? I think not: sport fishing is a major driver of tourism in the state, another major draw for the state. Again, shake a tree, out drop piles of sport fishermen. Do you want to harm that industry? Each one of them has a small economic impact compared to the money a commercial fisherman brings in to the local economy, but there are lots of them.

Maybe you should review the U.S and Alaska Constitutions for some insight into the phrase "...with liberty and justice for all" I for one am tired of being demoted to second-class citizen every time I turn around.

Just because you've heard from a vocal subset of your constituency clamoring for special status doesn't make it right.

Sincerely,

Bob Mielke
PO Box 870988
Wasilla, AK 99687
plainbob@mtaonline.net

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Thursday, February 18, 2010 1:05 PM
To: Timothy Clark
Subject: FW: Hb266

Categories: Needs Preparation

From: R M [mailto:boswellbay@gmail.com]
Sent: Thursday, February 18, 2010 12:55 PM
To: Rep. Bryce Edgmon
Subject: Hb266

I am adamantly opposed to HB 266. If the personal use fishery takes priority over the commercial fishery, the town of Cordova, which i have lived in for 44 years, and raised 2 sons in, will take yet another punch in the face. Cordova is primarily dependent on commercial fishing and jeopardizing our ability to earn aliving by giving personal use priority will be very detrimental to the local economy, and quality of life. If our economy goes to pot, it usually translates to the state or feds having to spend more money on social and economic programs to help us out, nobody wants that. I see it as a bunch of guys in \$100,000 motorhomes, towing \$30,000 worth of 4 wheelers, who are sportsfishermen, wanting more and more. We have one of the most consistent salmon runs in the state, and if anything you need to pass a bill to get more money for enforcement upriver. One dipnetter i talked to said he and his buddies caught 260 reds, and didn't know what they were gonna do with them, and another guy i met in Arizona, who was a retired corrections officer, who had'nt been back to Alaska in over a year, was going to Chitina this summer, to get "his kings". Apparently we need to fix some of the existing problems not create new ones.

Thanks for your time, Randy Merritt

Timothy Clark

From: jburch@gci.net on behalf of jburch [jburch@gci.net]
Sent: Thursday, February 18, 2010 11:13 AM
To: Timothy Clark
Subject: HB266

Categories: Needs Preparation

I am strongly opposed to HB266. I am a Copper River commercial fisherman and have been since 1966. I live in Cordova year round and fishing is my only income. John Burch, Cordova, AK

Timothy Clark

From: David A. O'Brien [opey@ctcak.net]
Sent: Wednesday, February 17, 2010 5:54 PM
To: Rep. Bryce Edgmon; Timothy Clark
Subject: HB266

Categories: Needs Preparation

Cordova Drug Co., Inc.
Box 220
516 First Street
Cordova, Alaska 99574
(907) 424-3246 Fax (907) 424-3245
cordovadrug@ctcak.net

Rep. Bryce Edgmon
Re: HB266
February 17, 2010

My name is David O'Brien; I have been a Cordova resident for 28 years and my wife and I own Cordova Drug Co., Inc., a business that has existed in Cordova since 1908. As a business owner I have a major concern with the future of Cordova. My wife and I have bought a house and land here, and hope to continue living here for years to come. The solvency of Cordova and its economy were the driving forces behind our commitment to buy the business and to live here. The loss of the herring fishery and the reduction of the pink salmon prices over the last few years have had a very deleterious, and some would say disastrous, effect on the economy of Cordova. The major driving force in this community right now is the Copper River Drift Gillnet fishery. This fishery is the backbone of the economy in Cordova. The last few years have seen many small business failures here. I feel that these businesses closed their doors due to the downward fluctuations in the fisheries that they depended on. Every little variance in catch or price sends a ripple through the business community that can be seen in the faces of the citizens and on the countenance of the city itself. A projection of a good run up the Copper awakens everyone, and the forecast of a good price for Copper River Reds and Kings brings Cordova to life. My personal favorite time as a businessman, and as a Cordovan, is standing in the doorway of the drugstore, looking out over the bay, watching the fleet head for the flats on that first opener of the season, it is a very exciting time for me and for all Cordova business people.

I believe that the management of Alaska's fisheries is best left to the scientists that fully understand biology and conservation of fishery resources. ADFG has the tools and expertise to best manage Alaska's fisheries and as a result Alaska has world renowned fisheries that are managed for sustainability. ADFG is fully capable of managing efficiently to ensure adequate stocks for all user groups; during times of shortage, ADFG already restricts the commercial fleet. Alaska Legislature has granted ADFG the authority to manage fisheries based on this, and should continue doing so without legislative interference.

The Copper River supplies Cordova with its life blood. Right now it is the major source of income, employment, and opportunity that Cordova has. Without our current share of the fish that return to the Copper every year, the economy would be in a shambles, and the lives and dreams of the citizens of Cordova would become mere memories.

Several times over the last decade record numbers of salmon ran up the Copper River. It is my understanding that, even with the personal use fishery open 24 hrs/day, 7 days/week throughout the season, the personal use fishermen did not catch near the numbers that their current allocation allows them. This community subsists on the current share of the fish that

the commercial fisheries here catch. We are not asking for more, we are just asking for our share and an appropriate time during the season for us to catch them.

I want to live and work here, and there are hundreds of other Cordova residents that love it here and wish for Cordova to prosper. Right now, our share of the salmon that run up the Copper River is one of the only reasons that we can continue to do so. Please bear in mind our dependence on these fish during your discussions and deliberations regarding allocations of this resource. Thank you.

Sincerely,
David A. O'Brien

Timothy Clark

From: brian lytle [lytlebrian@hotmail.com]
Sent: Wednesday, February 17, 2010 11:38 PM
To: Rep. Bryce Edgmon; Timothy Clark
Subject: oppose HB266

Categories: Needs Preparation

Dear rep. Edgmon

My name is Brian Lytle and I am against HB266. As a fourth generation copper river commercial fisherman, my livelihood, and the livelihood of much of my family is dependant on us being able to fish the copper river. If HB 266 was to pass my ability to make a living would be devastated. Cordova is a small town and every business is directly dependant on commercial fishing; by removing the main resource that the town rels upon everyone in cordova would suffer. I implore you not to let this happen.

Sincerely, Brian Lytle
Box 2433 cordova alaska

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Timothy Clark

From: Virgil & Charlette Carroll [cvcarroll@gci.net]
Sent: Wednesday, February 17, 2010 8:12 PM
To: Rep. Bryce Edgmon
Cc: Timothy Clark
Subject: Re: HB266

Categories: Needs Preparation

Dear Representative Bryce Edgmon:

We are writing to tell you that we OPPOSE the passage of HB266 and URGE you to vote against this bill!! I have lived in Cordova Alaska for most of my life and come from a long line of Commercial fisherman who have depended on the Copper River Fishery for their livelihood! My father fished the Copper River Flats for over 50 years! Fishing was his main source of income and how he supported our family. I have brothers and sons who commercial fish. My Husband is a Commercial Fisherman and is still fishing the Copper River Flats after 40 years! Commercial Fishing has been our main source of income and a way of life these past 40 years! Giving priority to the personal use fishery would devastate the Copper River Fishery and cause many families to loose their way of earning a living! This would also hurt the economy of the City of Cordova by decreasing business for the local businesses, decreasing jobs in the fishing industry, and hurting all aspects of a Community whose main industry is Commercial Fishing! We URGE YOU TO OPPOSE THIS BILL!
Thank you.

Sincerely,
Charlette J. Carroll
Virgil L. Carroll
cvcarroll@gci.net
PO Box 319
Cordova, Alaska 99574

Timothy Clark

From: Brian and Lori Lee [blee@mtaonline.net]
Sent: Wednesday, February 17, 2010 3:43 PM
To: Timothy Clark
Subject: HB266

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Needs Preparation

To Legislators: RE HB 266

My name is Brian Lee. I've lived in the MatSu Valley for 55 years. My family and I have depended on commercial fishing for our livelihood for 41 years. I have fished on the Copper River and PWS for 23 years. **I strongly oppose HB 266.**

The commercial fisheries in Area E represent 90 - 95 % of my annual income. HB 266, which would give a priority to upriver dip net fishermen over the commercial fishermen, would have a very significant impact on my ability to provide a living for my family. I disagree that dip net fishermen should have priority over commercial fishermen in times of a weak salmon return. Commercial fishermen have as much right to put "food on their table" through commercial fishing as dip net fishermen through dip netting. I have many friends in the Glacier View area who dip net the Copper every year. I have yet to talk to one dip netter who feels that the current restriction is too little....30 - 40 salmon is a lot of fish to consume in a winter! I feel that there are "customary and traditional" users along the Copper River....the native people who have subsisted on this resource for hundreds of years.

We have a lot of young people investing into the commercial fishery on the Copper. This reflects the health of this industry. In a time of recession we need to be encouraging, not discouraging, economic investment. I have a 21 year old son who is currently buying into the fishery. This is a huge debt load....decisions such as HB 266 could have a huge impact on young people looking to start their own business in PWS.

We have spent years developing markets for our Copper River salmon. HB 266 could be very detrimental to these markets as well as the commercial fleet because of the value of these early reds.

We have a river system which is currently providing for all user groups. I ask you to consider the impact that HB 266 would have on one of the user groups...the commercial fishermen on the Copper River.

Thank you,

Brian Lee

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, February 17, 2010 5:59 PM
To: Timothy Clark
Subject: FW: HB266

From: Heidbrink, Mark S (CH2M Hill) [mailto:Mark.Heidbrink@bp.com]
Sent: Wednesday, February 17, 2010 5:58 PM
To: Rep. Bryce Edgmon
Subject: HB266

Please, Sirs,

I would like to offer my opinion on Bill HB266. Designating military personnel (who are in Alaska two to three years at a time) and other Fairbanks residents as "customary and historical users" of the Copper River Salmon resource would be baffling, at the very least. In terms of "history" the town of Cordova has been economically centered on the Copper River Salmon run for over 100 years. Up-river personal-use fishermen have a long "history" of catching their 30 fish per season (sometimes even 40!!) and still never seem to be satisfied. We as a community have been ceding allocation percentages to other user groups for many years. When is enough enough?! The passage of HB266 would dramatically increase the Copper River Salmon allocation to a user group who already catch more fish than they can possibly use. This would be grossly unjust and unprecedented. Thank you very much.

Mark S. Heidbrink
Copper River Drifter
Cordova, Ak.

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, February 17, 2010 3:22 PM
To: Timothy Clark
Subject: FW: HB266

Categories: Needs Preparation

From: John Platt [mailto:alaskafisherman@hotmail.com]
Sent: Wednesday, February 17, 2010 2:54 PM
To: Rep. Bryce Edgmon
Subject: HB266

Dear Representative Edgmon and House Special Committee for Fisheries,

I am writing in opposition to HB 266 "personal use priority". I am a third generation Copper River fisherman. My Grandfather started fishing the Copper in the 1930's and I continue to try to make my living here now. I resent the the fact that other Alaskans feel that it is their priority for access to a resource that has been a life blood for a community dependant on a fishery for the past 130 years. I do not have the luxury or option of shutting down my fishing operation and pursuing work elsewhere should personal use off handedly be given priority in times of shortage. While the numbers of user groups continue to grow in size and number the commercial group number remains static by limited entry. Over the last 30 years commercial harvest allocation has been diminished by the "new" user groups. In giving personal use priority over commercial, the legislature ensures their constituents extra fish for their barbeque. At the same time it threatens a way of life for my family and Cordova.

Sincerely,

John Platt
PO Box 1085
Cordova AK 99574

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Timothy Clark

From: James Burton [james.burton@ymail.com]
Sent: Wednesday, February 17, 2010 3:11 PM
To: Rep. Bryce Edgmon
Cc: Timothy Clark
Subject: HB 266

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Needs Preparation

February 17, 2010

James R. Burton
PO Box 6
Cordova, Alaska 99574

Representative Bryce Edgmon
Special Committee on Fisheries
State Capitol, Room 424
Juneau, Alaska 99801-1182

I have read Mr. Stoltz Sponsor Statement for HB 266. In the spirit of full disclosure, I will say that I am a 30 year old, third generation Alaskan Fisherman who resides in Cordova , Alaska . I also participate in sport and subsistence fisheries in Alaska .

The points I intend to make in this letter have nothing to do with economic impact to my family, to the community of Cordova, or finger pointing at personal use groups.

I intend to instead convince you that fisheries management in Alaska has worked for one reason. Alaska's Constitution and policies implemented by the Alaska Department of Fish and Game, and the Alaska Board of Fisheries mandate maximum sustainable yield for our fisheries. A process exists, by which public involvement, and the best available science is used, to make sound, precautionary, and intelligent decisions regarding Alaska 's fisheries.

I will start by asking you to please read, in its entirety, the Sustainable Salmon Fisheries Policy for the State of Alaska .

Some points I would like to make, directly from this policy are the following:

Alaska's salmon fisheries are healthy and sustainable because of an abundance of pristine habitat, and the application of sound, and precautionary, conservation management practices. In formulating fishery management plans designed to achieve maximum or optimum salmon production, the board and department must consider factors including environmental change, habitat loss or degradation, data uncertainty, limited funding for research and management programs, existing harvest patterns, and new fisheries, or expanding

fisheries. Fishery management plans and programs require specific guiding principles and criteria, and the framework for their application is contained within this policy.

The Board will work to assure that management programs and decision making procedures are able to clearly distinguish, and effectively deal with, biological and allocation issues. The board will recommend to the commissioner AND LEGISLATURE that adequate staff and budget for research, management, and enforcement activities be available to fully implement sustainable salmon fisheries principles.

The Board will work with the commissioner and other agencies to develop effective processes for controlling excess fishing capacity.

Conservation and management decisions for salmon fisheries should take into account the best available information on biological, environmental, economic, social, and resource use factors.

Public support and involvement for sustained use and protection of salmon resources should be sought and encouraged as follows:

- 1) Effective mechanisms for dispute resolution should be developed and used
- 2) Pertinent information and decisions should be effectively disseminated to all interested parties in a timely manner
- 3) The Board's regulatory management and allocation decisions will be made in an open process with public involvement
- 4) An understanding of the proportion of mortality inflicted on each salmon stock by each user group, should be promoted, and the burden of conservation should be allocated across all user groups in a manner consistent with applicable state and federal statutes. In the absence of a regulatory management plan that otherwise allocates or restricts harvest, and when it is necessary to restrict fisheries on salmon stocks where there are known conservation problems, the burden of the conservation shall be shared among ALL fisheries in close proportion to each fisheries' respective use, consistent with State and Federal law.

In the face of uncertainty, salmon stocks, fisheries, artificial propagation, and essentially habitats shall be managed conservatively as follows:

A precautionary approach, involving the application or prudent foresight that takes into account the uncertainties in salmon fisheries and habitat management, the biological, social, cultural, and economic risks, and the need to take action with incomplete knowledge, should be applied to the regulation and control of harvest and other human-induced sources of salmon mortality.

A precautionary approach requires

- 1) Consideration of the needs of future generations and avoidance of potentially irreversible changes.
- 2) Prior identification of undesirable outcomes and of measures that will avoid undesirable outcomes or correct them promptly.
- 3) Initiation of any necessary corrective measure without delay and prompt achievement of the measure's purpose, on a time scale not exceeding five years, which is approximately the generation time of most salmon species.
- 4) That where the impact of resource use is uncertain, but likely presents a measurable risk to sustained yield, priority should be given to conserving the productive capacity of the resource.

The Legislature, in any floor hearing is not the appropriate venue to make decisions on allocation, fishery prioritization, and management simply due to the fact that the guiding principles outlined in the Sustainable Salmon Fisheries Policy are not used by the Legislature. The Legislature has already handed the baton to the

Board of Fisheries on creating appropriate fishery management policies and practices. There is no point, in circumventing the process which has proven to be effective, and conservative, for our salmon stocks.

HB 266 does not take into consideration, a precautionary approach that the Alaska Department of Fish and Game, and the Alaska Board of Fisheries, has already outlined as a paramount part of fishery management in Alaska .

To hamstring the process by which we have shown to be the most effective fishery management in the United States , and arguably the world, is completely inappropriate.

The BOF is taking these issues up during its March meeting where the Chitina Dipnet fishery will be examined, and potentially reclassified. A legislative attempt to re-prioritize Alaska 's fish stocks is premature at best, especially considering that in a month's time, these very issues will be heard by the Board of Fish.

We do not fully know the potential ramifications HB 266 would have, and our Sustainable Salmon Fisheries Policy already states that a precautionary approach to avoid undesirable outcomes is necessary. I ask that you please let the Board of Fish do their job.

In closing, I ask that HB 266 be set aside or voted down. It is inappropriate, premature, and lacks the scientific basis by which we rely on to ensure the sustainability of Alaska 's fisheries, whether they be subsistence, personal use, sport, or commercial.

Thank you,

Respectfully,

James R. Burton

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, February 17, 2010 1:49 PM
To: Timothy Clark
Subject: FW: HB 266 Opposing

From: Michael Simpson [mailto:lsimpson@mtaonline.net]
Sent: Wednesday, February 17, 2010 11:47 AM
To: Rep. Bryce Edgmon
Subject: HB 266 Opposing

February 17, 2010

Representative Bryce Edgmon:

I am in opposition to House Bill 266, which will give personal use fisheries priority over sport and commercial fisheries. I was born and raised here in Alaska and have worked as a commercial fisherman out of Cordova since childhood. This bill would not only hurt the small community of Cordova economically but also set a precedent that will affect other small communities around the state in the future. Our current laws have provided sufficient and equal sharing of our Alaskan resource. Why fix what isn't broken. I believe that the way the Copper River is currently managed provides more than enough for all user groups. We should look at more ways to enhance our salmon runs rather than fighting for which user group has priority. I sincerely hope that you will take all information into consideration when you rule on this bill.

Mike Simpson
17209 Foothill Ave.
Eagle River, Ask. 99577

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, February 17, 2010 1:49 PM
To: Timothy Clark
Subject: FW: HB266

-----Original Message-----

From: dans@mtaonline.net [mailto:dans@mtaonline.net]
Sent: Wednesday, February 17, 2010 11:10 AM
To: Rep. Bryce Edgmon
Cc: cdfu@ak.net
Subject: HB266

Dear Representative Edgmon,

While I am not a fisherman from Cordova now, I lived and fished there for many years in the 1980's. Cordova represents what I feel is the backbone of Alaska... commercial fishermen who make their living from the sea. They have built lives on a healthy and productive marine ecosystem, and have raised generation after generation pursuing this hard and dangerous work. The community depends on the salmon resource and has always worked hand in glove with the Department of Fish and Game to ensure that the resource is healthy and sustainable.

I have also lived in Fairbanks, Kasilof and Palmer, and have come to know many people involved with the dipnetting of salmon upriver from Cordova. This fishery is in a completely different league than the commercial fishery based in Cordova. The dipnetters rightly enjoy access to salmon to fill their freezers, but it involves perhaps two weekends out of their lives per year, and while a welcome addition to buying food from a grocery store, it is light years away from something they base their lives upon.

The great majority of dipnetters participate in the fishery as a pleasurable and productive distraction in their lives. Cordova fishermen participate in their commercial fishery because it is their lives. Please oppose HB266 and be the voice of wisdom on this issue. Thank you for your time.

Dan Strickland
Palmer

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<http://link.myhosting.com/myhosting>

Timothy Clark

From: James Mykland [jl_mykland@yahoo.com]
Sent: Tuesday, February 16, 2010 7:16 PM
To: Timothy Clark; Rep. Bryce Edgmon
Subject: In opposition to HB 266

Follow Up Flag: Follow up
Flag Status: Flagged

To Timothy Clark,

First of all I am in strong opposition to HB 266.

In Representative Stoltze's sponsor statement 1st paragraph, it basically shows the misunderstanding he has of the State's resource and how it should be allocated. "One thing all Alaskans can agree on is that we should have a priority over people coming from elsewhere in the country and the world to utilize and harvest our fisheries resources".

I take strong issue with Rep. Stoltze's statement. What I do know is that the State of Alaska receives more Federal dollars per capita, than any other State in the Union. Considering the people's money we are receiving in this State, what right does Rep. Stoltze have to put one group of people over another. In 2008, \$213,120K per capita in congressional earmarks were given to the State of Alaska. This was the highest given to any State in the nation. In that regard, Alaska has for many years received the highest per capita spending, in all Federal dollars spent, than any other State. Nevada was among the lowest. If I was a resident of Nevada, I would want to know why my government is spending so much money on Alaska, when Alaska is trying to restrict their State resources to "residents only".

In rebuttal to Rep. Stoltze's sponsor statement, I say this: Personal use fisheries do not have the right to have a priority over the State's sport or commercial fisheries.

Why is that so, because:

- 1) Alaskan commercial fisheries employ thousands of workers (that include a high percentage of State residents) all year long.
- 2) Many Alaskan coastal communities rely heavily on the "raw fish tax" that commercial fisheries generate. Without this tax, local municipalities would have to turn to the State for necessary funds. Many local vendors also rely heavily on commercial fishermen buying their products. The City of Cordova Mayor, Tim Joyce, pointed out that for every dollar a commercial fisher is paid, that dollar is then magnified four times in his local community. That dollar exchanges hands four different times within the local communities, and helps support the majority of the local residents.
- 3) The Area E PWS drift salmon permit fishery has highest State residency of any other Alaskan commercial salmon fishery. Over 75% of permit holders are State of Alaska residents.
- 4) Prince William Sound Aquaculture Corporation (based in Cordova), supported by the commercial fishing industry, produces salmon resources that all Alaskan salmon user groups have equal opportunity to harvest.
- 5) Personal use fisheries are not a "subsistence fishery" and never have been. They are a recreational fishery that State residents take part in. The fish resource that is harvested make up a small part of their total food nutritional needs.

Thank you for your consideration,

James Mykland
PO Box 1241
121 W Davis Ave
Cordova, AK 99574
907-903-8251



Cordova District Fishermen United
PO Box 939 | 509 First Street | Cordova, AK 99574
phone. (907) 424 3447 | fax. (907) 424 3430
web. www.cdfu.org | email. cdfu@ak.net

February 17, 2010

February 8, 2010

Chairman Bryce Edgmon
Special Committee on Fisheries
State Capitol, Room 424
Juneau, AK 99801-1182

Re: Oppose HB266 – “Personal Use Fishing Priority”

Dear Chairman Edgmon,

I am writing to request the Special Committee for Fisheries take no action on HB 266. The CDFU Gillnet Division is strongly opposed to this bill for the following reasons:

Page 56 of the Fishery Management Report No. 08-53 entitled “2007 Prince William Sound Area Finfish Management Report” by Bert Lewis, Jeremy Botz, Rich Brenner, Glenn Hollowell, and Steve Moffitt illustrates why the personal use fishery of the Chitina Subdistrict lacks justification to have priority over Alaska's commercial fishery on the Copper River. Page 28 of the report illustrates that the personal use fishery of the Chitina Subdistrict from 1997 to 2007 has a catch trend of barely being able to harvest the *allocation* that they are already granted. The personal use fishery allocation is a range of 100,000 to 150,000 sockeye salmon, of that range the personal use fishery has 10-year harvest average of 108,790 sockeye salmon. The legislative governing body of the State of Alaska needs to keep in mind that by granting the personal use fishery priority over the commercial fishery that it will bring detrimental consequences.

One, it will allow for personal use fishery users to gain the position to later lobby for a higher allocation number. If, the personal use fishery users become successful with lobbying for a higher allocation this may lead to *management concern* for the Alaska Department of Fish & Game (ADF&G). The management concern is having the Alaska Board of Fish create a *burden of conservation* for ADF&G by requiring them to exceed the current *inriver run goal* for the Copper River. Keep in mind that ADF&G already grants personal use users *reasonable opportunity* for harvesting their allocation and they have a 10-year average of harvesting at the bottom of their allocation. An increase in ADF&G's inriver run goal without an increase in the Chitina Subdistrict's harvest can lead to over escapement, which could therefore place threatening pressure on the *maximum sustained yield* for future run returns of the Copper River salmon.

Serving The Fishermen Of Area E Since 1935



Cordova District Fishermen United
PO Box 939 | 509 First Street | Cordova, AK 99574
phone. (907) 424 3447 | fax. (907) 424 3430
web. www.cdfu.org | email. cdfu@ak.net

A second consequence is lost fish for commercial harvest. Fish that are not caught by commercial harvest is lost revenue for the State of Alaska. The Copper River fishery is already a fully allocated fishery, see section **5AAC 24.360. COPPER RIVER DISTRICT SALMON MANAGEMENT PLAN**. Under this section ADF&G is authorized to manage the Copper River District commercial salmon fishery on a sustainable escapement goal of 300,000 - 500,000 sockeye salmon. The sustainable escapement goal is to allow for:

- 300,000 sockeye and 17,500 other salmon for spawning escapement,
- a range of 61,000 - 82,500 salmon for the Glennallen Subdistrict subsistence fishery,
- a range of 100,000 - 150,000 salmon for the Chitina Subdistrict personal use fishery,
- 15,000 salmon for the sport fishery, and
- an annual estimation of hatchery brood (sockeye salmon) and hatchery surplus (sockeye salmon).

Comparing the sustainable escapement goal to the 10-year average on *Upriver spawning escapement* (10-year avg. is 518,083), *Copper River delta spawning escapement* (10-year avg. is 158,045), and *Hatchery broodstock/Excess* (10-year avg. is 83,200) on page 56 of the Fishery Management Report No. 08-53 one can confidently draw the conclusion that ADF&G is more than adequately allowing for necessary escapement for the Chitina Subdistrict personal use users.

My final point is to alleviate the fear of over harvest of the Copper River king salmon by the commercial fishing fleet. Reason will show why such a fear should *not* be applied as rational for the personal use fishery of the Chitina Subdistrict to have priority over commercial fishing, and offer a suggestion to improve management of the Copper River. Under section **5AAC 24.361. COPPER RIVER KING SALMON FISHERY MANAGEMENT PLAN** ADF&G is authorized to manage the Copper River commercial and sport fisheries to allow for a sustainable goal of 24,000 or more king salmon. ADF&G is also authorized to manage the commercial fishery on the Copper River District by closing the inside waters, which are behind the barrier islands that divide the Gulf of Alaska from the Copper River Delta east of Steamboat markers to west of Coffee Creek markers, during statistical weeks 20 and 21.

During statistical weeks 20 and 21 ADF&G is prohibited from allowing more than one fishing period per statistical week with the inside waters open to commercial fishing. ADF&G has managed more conservatively than what they are required to do in

Serving The Fishermen Of Area E Since 1935



Cordova District Fishermen United
PO Box 939 | 509 First Street | Cordova, AK 99574
phone. (907) 424 3447 | fax. (907) 424 3430
web. www.cdfu.org | email. cdfu@ak.net

an effort of keeping the commercial fishing fleet restricted in access to the king salmon. Allowing for the personal use fishery to have priority over the commercial fishery on the base of allowing more king salmon upriver to appease personal use users desires should not be reason to restrict access from the commercial fishing fleet. Clearly, the commercial fishery on the Copper River District is closely monitored as-it-is by ADF&G during the statistical weeks of the king salmon run return.

The suggestion that I offer, is to allow for ADF&G to use the commercial fishing fleet as an indicator for managing run strength return rather than just solely relying on the Miles Lake sonar. Allowing the commercial fishing fleet to harvest on the Copper River District at the discretion of the ADF&G, rather than force mandatory inside closures will allow for ADF&G to manage more effectively, because ADF&G will be able to monitor the run strength through sampling what was caught by commercial harvest. Second, if ADF&G feels that the commercial harvest is harvesting too much they can simply (a) close the inside waters of the Copper River District or (b) close the commercial fishery altogether on the Copper River District, both they have done and apply as management tools. Finally, it will alleviate ADF&G's guess work of having to estimate the number of salmon that are above the markers, were commercial fishing is prohibited, and below Miles Lake sonar, which ADF&G wait's to count with the sonar.

Hope you will appreciate this perspective and view it is as strong testimony for OPPOSING HB 266. Thank you all for your service to the Great State of Alaska.

Sincerely yours,

Eric Lian
CDFU Gillnet Co-Chair
(907) 360-0049

Serving The Fishermen Of Area E Since 1935

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Tuesday, February 16, 2010 3:34 PM
To: Timothy Clark
Subject: FW: HB266

From: Norm [mailto:galeforce@mtaonline.net]
Sent: Tuesday, February 16, 2010 2:43 PM
To: Rep. Bryce Edgmon
Subject: HB266

DEAR SIR , I AM A LIFELONG ALASKAN BORN IN THE TERRITORY OF ALASKA IN 1956. I STRONGLY OPPOSE HB266 AND HOPE YOU WILL ALSO. NORMAN H CAMPBELL BOX 873176 WASILLA , AK. 99687

Timothy Clark

From: Dan Bilderback [danbilderback@gmail.com]
Sent: Tuesday, February 16, 2010 1:09 PM
To: Rep. Bryce Edgmon; Timothy Clark
Subject: OPPOSE-SJR22 AND HB266 PERSONAL USE DESIGNATED TO SUBSISTENCE CATEGORY

TO: MEMBERS OF THE SPECIAL COMMITTEE FOR FISHERIES

RE: OPPOSE SJR22 and HM266

DEAR SIRs,

I feel that SJR22 and HB266 are political attempts to reallocate fisheries. I believe that all Alaska residents have a right to access our fishery resource. At this time in the Chitna Dipnet personal use fishery on the Copper River, Alaska residents by regulation have ample area, time and bag limits to get enough fish to augment their Nutritional Wants. In times of week returns of salmon the Personal Use fishery should have the same restrictions that the Commercial and Sport fisheries do. I feel that the impetuous for this movement is due to strong political organizations within the state that are working our elected officials during an election year. The poor returns on the Yukon and restrictions following it is a big part of the push for Personal use Dipnetters to move into other areas. The Board of Fish is dealing with this very issue in March.

I ask you to oppose these bills as bad legislation.

Thank

You,

Dan Bilderback

4623 Campus Circle, Anchorage, AK 99507

ph#(907) 562-8428

Alaska Resident 57 years

Timothy Clark

From: kadams@gci.net on behalf of Ken Adams [kadams@gci.net]
Sent: Tuesday, February 16, 2010 10:30 AM
To: Rep. Bryce Edgmon
Cc: Timothy Clark
Subject: HB 266 comment

Dear Representative Edgon:

I am a commercial fisherman who resides in Cordova. I am very concerned about the threats that HB 266 pose for us commercial fishermen. I urge you NOT to support this bill. In these days of a damaged , weakened economy, where many have lost their jobs, the prospect of reducing access to fishery resources and threatening our livelihoods (as commercial fishermen) is simply unacceptable. The main industry of Cordova is commercial fishing. Not only the livelihoods of fishermen and their families would be negatively impacted if this bill should pass but all the businesses having anything to do with our industry would be negatively impacted as well; other businesses such as hardware stores, groceries, mechanics shops, fisheries supply stores, not to mention crews, gear repairing personnel, and the entire town dependent upon raw fish tax revenues received from the state. These tax monies help support schools (and by the way, we are very proud of our school system.) We do not want to reduce the productivity and wholesomeness of our community. The prospect of personal use being elevated to a subsistence status is unsupportable and preposterous. Where is the justification for individuals that **already have jobs** ; a largely urban group that participate in a personal use activities that threaten the livelihoods of commercial fishermen and the economies of the communities in which they live?? I urge your support. Please vote against HB 266.

Yours truly, Kenneth Adams

Fax 907 465-3445

Public Opinion Message

Please contact your local Legislative Information Office (LIO) to send POMs.
A listing of LIOs can be found at <http://hw3.legis.state.ak.us/misc/lloa.php>

This form must be completely filled out. You may phone, fax, or deliver your POM to any LIO.

From: Please PRINT the information below. This form must be signed by the sender.

Mr. / Ms. / Mrs. Mr.	First name RANDALL	M.I. S.	Last name KOCHER	Jr. / Sr. / III
Group affiliation (if applicable) COFU			Daytime telephone number 518-944-8244	
Mailing address 370 PATRICK RD, Cobleskill, NY			Zip code 12013	
Residence (street) address if different from mailing address			Zip code	
Email address randy.427@live.com		Signature <i>Randall S. Kocher</i>		Date

To: Put a in the appropriate box(es).

Committees		House members		Senate members	
<input type="checkbox"/>	H or S	<input type="checkbox"/>	Austerman (aus)	<input type="checkbox"/>	Johnson (jhn)
<input type="checkbox"/>	Community & Regional Affairs (cra)	<input type="checkbox"/>	Buch (buc)	<input type="checkbox"/>	Joule (jou)
<input type="checkbox"/>	Education (edc)	<input type="checkbox"/>	Chenault (che)	<input type="checkbox"/>	Kawasaki (kaw)
<input type="checkbox"/>	Finance (fin)	<input type="checkbox"/>	Cisna (cis)	<input type="checkbox"/>	Keller (kee)
<input type="checkbox"/>	Health & Social Services (has)	<input type="checkbox"/>	Crawford (crf)	<input type="checkbox"/>	Kelly (kel)
<input type="checkbox"/>	Judiciary (jud)	<input type="checkbox"/>	Dahlstrom (dal)	<input type="checkbox"/>	Kertula (ker)
<input type="checkbox"/>	Labor & Commerce (l&c)	<input type="checkbox"/>	Doogan (doo)	<input type="checkbox"/>	Lynn (lyn)
<input type="checkbox"/>	Resources (res)	<input checked="" type="checkbox"/>	Edgmon (edg)	<input type="checkbox"/>	Millet (mll)
<input type="checkbox"/>	Rules (rts)	<input type="checkbox"/>	Fairclough (fai)	<input type="checkbox"/>	Munoz (mun)
<input type="checkbox"/>	State Affairs (sta)	<input type="checkbox"/>	Foster (fot)	<input type="checkbox"/>	Neuman (neu)
<input type="checkbox"/>	Transportation (tra)	<input type="checkbox"/>	Gera (gar)	<input type="checkbox"/>	Olson, K. (oll)
<input checked="" type="checkbox"/>	Other: House Fisheries Com	<input type="checkbox"/>	Gardner (gas)	<input type="checkbox"/>	Petersen (pet)
Special Committees		<input type="checkbox"/>	Gatto (gat)	<input type="checkbox"/>	Ramras (rar)
<input type="checkbox"/>	Econ Development, Trade & Tourism	<input type="checkbox"/>	Gruenberg (gru)	<input type="checkbox"/>	Salmon (sae)
<input type="checkbox"/>	House Energy	<input type="checkbox"/>	Guttenberg (gtb)	<input type="checkbox"/>	Seaton (san)
<input checked="" type="checkbox"/>	Fisheries	<input type="checkbox"/>	Harris (har)	<input type="checkbox"/>	Stoltze (stz)
<input type="checkbox"/>	Military & Veterans' Affairs	<input type="checkbox"/>	Hawker (haw)	<input type="checkbox"/>	Thomas (thm)
<input type="checkbox"/>	Senate Energy	<input type="checkbox"/>	Herron (hao)	<input type="checkbox"/>	Tuck (tuc)
<input type="checkbox"/>	Senate World Trade, Technology & Innovation	<input type="checkbox"/>	Holmes (hol)	<input type="checkbox"/>	Wilson, P. (wis)
		<input type="checkbox"/>	Johansen (jha)	<input type="checkbox"/>	Wilson, T. (wt)

Subject: Fill out the boxes below OR enter a Subject.

HB or SB HB	Bill number 266	and check one:	<input checked="" type="checkbox"/> Support	<input type="checkbox"/> Oppose	<input type="checkbox"/> Amend	OR enter a general Subject (LIO staff may modify):
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Message: Your PRINTED message cannot exceed 50 words or contain any vulgar language.

I	strongly	oppose	HB 266	
	which	gives	"fishing	priority
to	residents	when	fishing	restrictions
are	implemented	to	achieve	escapement
goals.	Please	do	not	pass
this	bill.	Please	allow	small
fishing	communities	the	ability	to
survive.	Being	Alert	I	feel
that	the	is	the	only

Timothy Clark

From: page herring [inletgirl@ctcak.net]
Sent: Tuesday, February 16, 2010 3:22 PM
To: Timothy Clark
Subject: HB266-OPPOSED

To: Bryce Edgmon
RE: HB266

Dear Sirs,

My name is Page Herring, I grew up in Anchorage, AK, lived in the Mat-Su for 22 years and now reside in Cordova, AK. I fish commercially in Cook Inlet at Pt. Mackenzie, which the author of this bill, Mr. Stolze, can see from his district.

The Northern District Set Net fishery is over 100 years old, is 100% Alaskan and 100% **OPPOSED** to HB 266.

The personal use fishery in Cook Inlet last year took approximately 475,000 fish. My little commercial fishery would have to fish for five seasons to equal that number

From where I (and the other set netters that sit on the beach), it looks like the personal use fishery already has a priority

Page Herring
Northern District Set Netter, Cook Inlet.
PO Box 2404, Cordova AK
907-351-5883

Timothy Clark

From: lloyd Montgomery [petdahl@gmail.com]
Sent: Monday, February 15, 2010 6:47 PM
To: Timothy Clark
Subject: Re:HB 266 ---Personal Use Priority

Dear Representative Edgmon

as one of there very few last alaskan native permit holder as a gill netter of (area e) and once a permit holder of a seine permit , never missed a season on the copper river,I have seen a lot of changes, we at one time fished from st Elias to cape suckling , that was taken from the copper river fisherman ,for some years now we have lost more area, the whole inside of the copper is not available for the copper river fisherman,and now this what has happened to the real ALASKA , the way of life for a commercial fisherman provide a very special product , for many to enjoy across the united states , come may 15 there's a lot of people looking forward to a nice RED salmon and King salmon meal , which provides income for the commercial fisherman and many of the local merchants, canneries and and cannery workers.Most of all a boost to the Moral of a fisherman knowing they are feeding hundreds of people all over the world. What did we do to deserve to have our life style that We have had for many who depend on may I ask, the present system has been working now for a long time and there has been an escapement year after year , if the system is changed with no management up the copper the life cycle of the salmon will trampled on ,Thats where there will be no more returning of the salmon. so please consider not in favor of HB266 , the present fish and game has been doing a very good job in cordova alaska on management why change somethiung that is working for the best interest of all LLoyd Montgomery wasilla ak 19078413394 petdahl@gamil.com

Timothy Clark

From: dundas@ak.net on behalf of James & Dea Dundas [dundas@ak.net]
Sent: Monday, February 15, 2010 6:49 PM
To: Timothy Clark
Subject: OPPOSE HB 266 Personal Use Fishing Priority

Importance: High

February 15, 2010

Representative Bryce Edgmon
Special Committee on Fisheries
State Capitol Room 424
Juneau, Alaska 99801-1182

RE HB266 Personal use Fishing Priority

Dear Representative Edgmon,

I was born and raised in Cordova and now am raising my family here. We are a commercial fishing family. I am writing to let you know we oppose HB 266- "Personal Use Fishing Priority".

My family and our community is very dependent on the commercial fishing industry. This bill would devastate our family and our community.

We oppose HB 266- Personal Use Fishing Priority.

Dea Dundas
5 Mile Loop Road Copper River Highway
PO Box 133
Cordova, Alaska 99574
(907)424-5901
dundas@ak.net

I am using the Free version of [SPAMfighter](#).
We are a community of 6 million users fighting spam.
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Timothy Clark

Subject: FW: Oppose HB 266

From: Dave Branshaw <davidbranshaw@gci.net>

Date: February 15, 2010 7:00:13 PM AKST

To: "bryce edgmon"@legis.state.ak.us

Cc: CDFU Rochelle van den Broek <cdfu@ak.net>, "timothy clark"@legis.state.ak.us

Subject: Oppose HB 266

Sirs,

As a 30 year Alaska resident and commercial fisherman I strongly oppose HB 266. This bill is an attempt by special interest to circumnavigate the board of fisheries process. We here in Alaska have the strongest and best managed fisheries on the planet. Our system works because it is somewhat insulated from policies. I Live in a rural community that has limited economic opportunity. Commercial fishing for salmon is our economic mainstay. Allow the board of fisheries process to run its course.

respectfully

David Branshaw
F/V Callamar
PO Box 2241
Cordova Alaska 99574

Timothy Clark

From: dundas@ak.net on behalf of James & Dea Dundas [dundas@ak.net]
Sent: Monday, February 15, 2010 7:28 PM
To: Timothy Clark
Subject: Oppose HB 266 Personal Use Fishing Priority

Importance: High

February 15, 2010

Representative Bryce Edgmon
Special Committee on Fisheries
State Capitol Room 424
Juneau, Alaska 99801-1182

RE HB266 Personal use Fishing Priority

Dear Representative Edgmon,

I am an Alaskan citizen and I have been Commercial Fishing out of Cordova for 30 years. I live in Cordova, a rural community and I am raising my family here. We are a commercial fishing family. I am writing to let you know we **oppose HB 266**- "Personal Use Fishing Priority".

Cordova is very dependent on commercial fishing. Our towns economy is supported by commercial fishing. I support my family by commercial fishing. This bill would devastate our family and our community.

We **oppose HB 266**- Personal Use Fishing Priority.

James Dundas
5 Mile Loop Road Copper River Highway
PO Box 133
Cordova, Alaska 99574
(907)424-5901

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Timothy Clark

From: brent davis [bdavis_ak@hotmail.com]
Sent: Monday, February 15, 2010 8:06 PM
To: Rep. Bryce Edgmon; Timothy Clark
Subject: Comments on HB266

Members of the Special Committee of Fisheries,

I urge you to oppose HB266. I am a commercial fisherman. Myself and my family live in Cordova. Our livelihood depends on a healthy salmon resource. We are blessed to have a healthy salmon resource. The Dept. of Fish and Game have done a wonderful job of managing the salmon resource. Please don't compromise the Departments' ability by legislating a personal use priority in times of scarcity. We all should share in times of abundance and share in times of scarcity. The Board of Fish is also taking up this issue in March. Why not allow them to make a qualified decision on this matter.

Sincerely,

Brent Davis
200 S. 2nd St.
PO Box 1171
Cordova, Alaska 99574
907-424-7655

Timothy Clark

From: david blount [dkblount@hotmail.com]
Sent: Tuesday, February 16, 2010 12:04 AM
To: Timothy Clark
Subject: oppose HB 266

Dear Representative Clark

Please table House Bill 266. This action will allow the Board of Fisheries to settle the issue of fishing priorities. That is what the board was set up for and this system has worked well for many years. All Alaskans have a right to their fish and game when stocks are healthy. However, some people "need" to have access to these resources for their very survival. My family and community of Cordova depend on fishing for our economic survival. Many upstream people who are traditional subsistence users "need" access to these fish to survive. The "wants" of people who choose to live in cities hundreds of miles away from the resource should not take priority over these people who need access to the resource to live. Thank you for your time and consideration of my family and community's plight.

David and Donna Blount
Box 1912
Cordova AK 99574

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

Timothy Clark

From: Tim & Peggy Moore [seascape@alaska.net]
Sent: Tuesday, February 16, 2010 12:18 AM
To: Timothy Clark
Subject: HB266

Dear Representative Edgmon:

My name is Timothy Moore and I live in Homer Alaska. I am a commercial fishermen and have participated in this endeavor around the state since 1984. I raised my four children in Alaska and three of the four still reside in Alaska with their spouses. Our entire family sport fishes the entire year and personal use fishes when the opportunity presents itself. We all enjoy the wonderful fish resources of this great state.

In regard to HB266 I would say that the legislative and political process of our state can only say one thing. No action! On many other occasions politicians have taken opportunities to sponsor Bills to in effect circumvent the Board of Fish process to change allocation of fish or game in Alaska. When this occurs sound policy should ensure that the emotional and political driven Bills that change not only the allocation of Fish and Game resources but replace the work of the Board of Fish should be avoided.

After participating and observing many Board of Fish meetings that require days and days of work by the Board, I would think that the legislature would carefully consider taking on allocation decisions of Fish and Game.

I chose to not discuss the merits of HB266 because I believe it is more important for the Board of Fish process to be maintained and for this reason HB266 should see no consideration.

Sincerely,
Timothy J. Moore
PO Box 1646
Homer, Alaska

Timothy Clark

From: cliffw@att.net
Sent: Tuesday, February 16, 2010 6:09 AM
To: Timothy Clark
Subject: HB266

Cliff Ward
204 1st. St
Cordova, AK 99574
(907)424-5188
cliffw@att.net

2/16/2010

Rep. Bryce Edgmon
Special committee on fisheries
State Capitol Rm. 421
Juneau AK 99801-1182

Sir,

I'm writing in opposition to HB266 as a resident subsistence resource user and commercial fisherman of the river w/it's terminus closest my town. I'm also a supporting member of CDFU and agree with it's submitted statement of opposition.

I'd like to point out however that Cordova and other communities of PWS not only have traditionally relied on the resources in our midst but have a proven track record of defending the eco-systems that help the state to sustain their continued health in abundance . Cordova our other neighbors in the Sound are on constant call to respond to oil spills, the EVOS being 1st case in point. We are first responders in that regard and are striving to win citizen oversight of the ailing 31+year old 900 mile long Trans Alaska Pipeline....that transits many areas that could drain into tributaries of the Copper River...should there be a rupture and spill. Prevention is key to all user groups' well-being and continued access.

Traditional use of resources should remain unchanged to enable continued protection of the State's resources and help enable ADF&G it's highest level of management.

Changing personal use access now for more urban residents that may move to the state is not sound management practices.

Thank you for all your good work and consideration.
Sincerely,
Cliff Ward

Timothy Clark

From: Diane Wiese [windybay@ctcak.net]
Sent: Tuesday, February 16, 2010 7:53 AM
To: Timothy Clark
Subject: Re: HB 266

On Feb 8, 2010, at 5:29 PM, Diane Wiese wrote:

> To Timothy Clark
> I live at 6.5 mi, Copper River HWY Cordova, AK. Born and raised in
> Cordova and grew up on a commercial fishing boat with my parents
> fishing for salmon. We also subsistence fished halibut, clams and
> salmon. As a local user of salmon for subsistence and a commercial
> fisher, I oppose HB 266. The thought that a personal use fishery could
> be given priority over commercial and sport fishing doesn't set with
> me well. We already have a federaly mandated subsistence fishery that
> kicks into play in the time of need and is followed by a state
> subsistence fishery that reins priority over PU, sportfish and
> commercial. I believe that in the time of shortage there won't be
> enough to allow a PU fishery and achieve the goals of subsistence and
> salmon spawning escapement. The timing of reporting requirements of
> fish catches in a personal use fishery could easily wipe out a run of
> wild salmon before ADFG would be able to respond to catch data. I
> don't believe the PU fishery has been denied fishing oppertunity in
> the past so why should they be given any priority status? Our
> community primarily relies on commercial fishing as a source of income
> and a large number of commercial fishermen are Alaskans. We also have
> a large number of young people that are either directly involved or
> indirectly involved in the commercial fisheries that help to put
> themselves through collage and other avenues that guide them through
> life. I don't think the PU fishery will suffer a great loss when this
> bill is denied for they will travel to where ever the larger runs of
> fish are entering!
> Thank you for your time.
> JOHN P. WIESE

Timothy Clark

From: newirth@ak.net on behalf of Fred Newirth [newirth@ak.net]
Sent: Tuesday, February 16, 2010 8:14 AM
To: Rep. Bryce Edgmon
Cc: Timothy Clark
Subject: HB 266

Dear Rep. Bryce Edgmon, i strongly oppose HB 266. i have been living and commercial fishing in cordova since 1976. i have raised 2 children here. cordova and other coastal towns depend solely on comm. fishing. subsistence should have the only priority over comm, personal use ,or sports in time of shortages. sincerely, fred newirth, p.o. box 1102, # 4
blacksheep dr. cordova, ak. 99574 907-424-7670

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Monday, February 15, 2010 10:28 PM
To: Timothy Clark
Subject: FW: Oppose HB266

From: Chris & Vicki Johnson [mailto:mofish@msn.com]
Sent: Monday, February 15, 2010 7:48 PM
To: Rep. Bryce Edgmon
Subject: Oppose HB266

February 15, 2010

Representative Bryce Edgmon
Special Committee on Fisheries
State Capitol, Room 421
Juneau, AK 99801-1182

Re: House Bill 266 – Personal Use Fishing Priority

Dear Representative Edgmon and House Special Committee for Fisheries,

I am writing to oppose House Bill 266, which gives personal use fisheries priority over sport and commercial fisheries. I am a commercial fisherman, as were my father and his father. I have fished the Copper River since 1982. I hope that one of my sons will be able to keep our family tradition alive by participating in what is a traditional fishery.

The participants of the commercial fishery support the economies of Cordova, Chenega, Valdez, and many other towns and villages across Alaska. The economic damage that would be caused by creating a personal use priority is not justified. True subsistence does, and should have priority, but it should not be expanded to include what is basically a sport fishery.

The Board of Fish is where this issue should be resolved and they are scheduled to address it at their next round of hearings. Please let them do their job and table House Bill 266.

Respectfully,

Chris Johnson
PO Box 1665
711 6th Ave.
Space #1
Cordova, AK 99574

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Monday, February 15, 2010 10:28 PM
To: Timothy Clark
Subject: FW: HB #266

From: Bill Bailey [mailto:fvshiloh@copperriverseafood.com]
Sent: Monday, February 15, 2010 7:59 PM
To: Rep. Bryce Edgmon
Cc: Rochelle van den Broek
Subject: HB #266

Dear Rep. Edgemon,

I am writing this letter in opposition of House Bill #266. To give the Personal use Fishery priority over the Commercial Fishery would be an economic blow, not only to the State, but all the Coastal Communities and their residents, that depend on the Commercial Fisheries in one way or another. This bill was brought on to the floor by a group of people that want access to more salmon, not because they need them to survive, but for the sport of doing it. In saying this, I believe that the personal Use Fishery is, and should be classified as a sport fishery, and should follow under those rules and regulations. Subsistence and Commercial Fisheries should have preference over all other user groups. Personal Use fisherman do not depend on the fishery to pay their bills and support a family. Once again it is a question of want not need, and little economic gain to the State of Alaska. I have lived in Alaska for 64 years, I am a Subsistence user, a Commercial Fisherman, and one of the owners of a fish processing plant called Copper River Seafood Inc. If you really want to help, lets pass a Bill that would generate more money for the Department of Fish and Game to better manage the fishery, which is why we have them. Thank you for the opportunity to speak out against this Bill.

Thank You,

Bill Bailey III

Vice President
Director of Value Added Products
300 Cannery Row
Cordova, AK 99674
Ph: 907-424-3721 Fax: 907-424-7435
Cell: 907-253-7652
bbailey@CopperRiverSeafood.com
www.CopperRiverSeafood.com



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Timothy Clark

From: Rep. Bryce Edgmon
Sent: Monday, February 15, 2010 10:28 PM
To: Timothy Clark
Subject: FW: HB266

-----Original Message-----

From: mwei@xyz.net [mailto:mwei@xyz.net]
Sent: Monday, February 15, 2010 9:35 PM
To: Rep. Bryce Edgmon
Subject: HB266

Dear Sir,

My father started commercial fishing the Copper River and Prince William Sound in 1966, I grew up fishing with him starting 39 years ago, and currently own purse seine and gillnet operations in PWS and Copper River. My three sons also grew up fishing with me and all currently have their own gillnet operations, they want to be commercial fishermen for the rest of their lives. We, as a family, are fully invested and committed to the fisheries that would be affected negatively by HB266.

Subsistence users have and always should have priority over personal use, sport, and commercial fisheries. This bill seeks to give preferential treatment to one non-subsistence user group over others in times of shortfall in fish runs. Unless personal use is reclassified as subsistence use, it(personal use) is no more or less deserving than sport or commercial fishing in times of run shortages.

To my knowledge, when I started fishing 39 years ago the personal use fishery did not exist, certainly not in its current form or at anywhere near its current volume. I am amazed that these relative 'newcomers' would attempt to secure for themselves a priority that should only be reserved for historical and traditional users, residents of the river drainage who have truly subsisted for generations on the fish of the Copper River.

I strongly oppose HB266, the Alaska Department of Fish and Game has proven to me that for the past 27 years that I have fished the Copper River on my own, they are fully capable of managing this river system very well, in fact it has been the most stable red salmon fishery in the state that I know of. The Copper River has consistently experienced escapement numbers well in excess of the maximum sustained yield escapement guidelines established by the Board of Fish and ADF&G biologists.

In 2008 the commercial fleet caught an extremely small amount of red salmon in the Copper River fishery and yet escapement still exceeded guidelines by a generous amount. I was returning from a sheep hunt on August 16th of 2008, and was amazed to see dozens of photographs at the Glenallen tourist information center of groups of people displaying limits of red salmon all of which were caught in the previous two days. The information center was advertising the great fishing as still in progress... this occurred even while commercial fishermen recorded their lowest catch in decades. The point is that even in times of shortage, the fisheries managers at ADF&G did a good job of making sure that escapement for the future was not jeopardized by the commercial fleet. And for any who were willing to make the trip to the upper Copper River in August, there was an abundance to harvest, that according to the Glenallen information center.

Respectfully submitted, Steve Tutt

Steve Tutt, Eric, Joel, and Colten Tutt

P.O. Box 1105
Homer, Ak. 99603

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Monday, February 15, 2010 10:28 PM
To: Timothy Clark
Subject: FW: HB266

From: Danny Carpenter [mailto:ambergris905@gmail.com]
Sent: Monday, February 15, 2010 9:09 PM
To: Rep. Bryce Edgmon
Subject: HB266

Dear Rep. Edgmon and House Special Committee for Fisheries,

I am corresponding with you today in opposition to HB 266. I've resided in Cordova and owned and operated a commercial driftnet operation for 25 years. Cordova has depended on commercial fishing for over 100 years and after the Exxon Valdez oil spill we were especially dependent on the Copper River gillnet fishery for almost a decade.

My biggest concern with HB 266 is that this legislation does away with subsistence fishing by giving every resident in the state the same access that the current subsistence groups have. I support the subsistence fishery as it currently is managed, but there will be no end to the problems created by the unlimited subsistence this bill will create.

If you look at the management of the Copper River fishery it has been one of the most stable, best managed fisheries in Alaska based on consistent escapement. In 2008 the commercial fishery was closed for 3 weeks to insure adequate escapement on the Copper. This was a hardship for the commercial fleet, but we understood that upriver escapement for stable returns was most important. Incidentally the personal use limits were increased that season due to over escapement due to this closure.

This legislation will undermine the current Board of Fish process by legislating allocation, involve the Feds by giving subsistence to any and every state resident rural and urban, create insurmountable obstacles to management for Fish and Game, and most likely destroy an economic sector that cannot drive from fishery to fishery like the current personal use fisherman due to area restrictions and limited entry. Do you really want to put more people out of work in this economy, especially many folks that have significant state loans on boats and permits?

I think all Alaska residents have a right to adequate access of fish and game. I also think this bill will create many more problems than it will solve and that the regular Board of Fish method of proposals and hearings is a much better way of dealing with these matters. One last thing. When was the last time that there were not adequate fish for all upriver users and are there currently any truly accurate numbers for the upriver take on Copper River salmon?

Respectfully, Danny Carpenter
507 4th Street
Cordova, Alaska 99574

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Monday, February 15, 2010 10:29 PM
To: Timothy Clark
Subject: FW: Personal use fishery

-----Original Message-----

From: westwind@ak.net [mailto:westwind@ak.net]
Sent: Monday, February 15, 2010 9:55 PM
To: Rep. Bryce Edgmon
Subject: Personal use fishery

I am a commercial fisherman from Cordova whose livelihood depends on the Copper River salmon. My family depends on the modest income I receive from fishing the "flats" and also from the fish I bring home to fill the freezer to feed my family.(less than 30) The whole town of Cordova has been relying on the Copper River for its livelihood since the early days of its' history. You might say our community subsists on the Copper River and its' wonderful supply of salmon. The fishery has a direct impact on me and my family's life so please consider us and do not place personal use ahead of us in order of importance. It would have very negative effects on the economy of many families and businesses of Cordova. Thank you for your consideration. Erik Kokborg, po box 1754, Cordova, Alaska. 99574.

February 15, 2010

Representative Bryce Edgmon
Special Committee on Fisheries
State Capitol, Room 421
Juneau, AK 99801-1182

Re: House Bill 266 – Personal Use Fishing Priority

Dear Representative Edgmon and House Special Committee for Fisheries,

I am writing to oppose House Bill 266, which gives personal use fisheries priority over sport and commercial fisheries. I am a second generation commercial fisherman that depends on accesses to Copper River salmon for my livelihood. Providing a personal use fishing priority would put additional limitations on the commercial fishing fleet in times of poor salmon returns. Such limitations would result in economic hardship for both the commercial fishing fleet and the town of Cordova. Please protect an important source of revenue for Alaskans and oppose House Bill 266.

Ken Carlson
2172 Stanford Drive
Anchorage, AK 99508

Timothy Clark

From: Wade Buscher [wildcatchdirect@earthlink.net]
Sent: Friday, February 12, 2010 8:04 PM
To: Rep. Bryce Edgmon
Cc: Timothy Clark
Subject: HB266

From: Wade Buscher <wildcatchdirect@earthlink.net>
Date: February 8, 2010 7:29:38 AM HST
To: [Representative Bryce Edgmon@legis.state.ak.us](mailto:Representative_Bryce_Edgmon@legis.state.ak.us)
Subject: HB266

Dear Sirs,

Back in Dec. '09, Judge MacDonald delivered his Summary Judgement decision for the case Alaska Outdoor Council and Chitna Dipnetters Assoc. vs. the State of Alaska which aims to reclassify the dipnet fishery on the Copper River from 'personal use' to 'subsistence use'. In this summary the Judge ruled in favor of the State of Alaska but requested that the Board of Fish better define the term "subsistence way of life". Using this clarified definition of subsistence, the Board of Fisheries will take up this matter at the March 16 meeting to determine if reclassification of the dipnet fishery is warranted.

In regards to Mr. Stolz's HB266 which aims to give equal priority for 'personal use' and 'subsistence' fisheries during times of limited stock, please keep in mind that this is essentially the same matter before the Board of Fisheries as stated above. Thus it is my opinion that HB266 is premature in it's proposal and should be tabled at least or until the BoF makes their final determination.

Sincerely,

Wade Buscher

Timothy Clark

From: marking@gci.net on behalf of The Kings [marking@gci.net]
Sent: Friday, February 12, 2010 9:35 PM
To: Rep. Bryce Edgmon
Cc: Timothy Clark
Subject: HB 266

February 12, 2010

Representative Bryce Edgmon
Special Committee on Fisheries
State Capitol, Room 424
Juneau, AK 99801-1182

Re: HB 266 – Personal Use Fishing Priority

Dear Representative Edgmon,

I am fifty-five years old and a life-long resident of Cordova, Alaska; my wife is a resident of Alaska for thirty-one years. We raised our three children here. I am also a fourth generation commercial fisherman and have spent my entire life fishing the Copper River Delta and Prince William Sound. I am a tribal member of the Native Village of Eyak.

Our very lives depend upon the return of the salmon and it is of utmost importance to us that the resource remain healthy and strong. Cordova's main industry is and has been commercial fishing for the past hundred and thirty years. We believe that the Alaska Department of Fish and Game has helped keep the salmon resource healthy through their management.

Almost the entire commercial fishing fleet in Cordova are residents of the State of Alaska, so HB 266 is dubious in nature. The salmon provide food for our families and paychecks to sustain our lives in this great land. Many times we've had to tighten the belt or seek a second and third job when a salmon season is weak, yet we've managed to get by. But if the intent of HB 266 is to further restrict commercial fishing, Cordova will suffer tremendous consequences. Do the supporters of this piece of legislation really want this? This could trigger many Cordova families moving into the Anchorage, Juneau and Fairbanks areas and taking jobs in already saturated markets, or even worse, leaving the State altogether.

Please see the implications of HB 266 in their entirety and act accordingly. I thank you for your time and consideration.

Respectfully,

Mark King
PO Box 965
Cordova, AK 99574
907-424-3373
marking@gci.net

Timothy Clark

From: Art Brown Sr. [daddoo@acetylene-computing.com]
Sent: Sunday, February 07, 2010 8:00 AM
To: Rep. Bryce Edgmon
Subject: HB266

-----BEGIN PGP SIGNED MESSAGE-----
Hash: SHA1

Dear Rep. Edgmon,
Please support and encourage others to support this bill as it affects many Alaskans especially in these tough economic times. My employer let 6 people go in one of the two stores in anchorage and those same positions were eliminated in all the stores nationwide, this all happened within the last two weeks.
Arthur L. Brown Sr.
501 Bitterroot Circle #1
Anchorage AK 99504
daddoo@acetylene-computing.com

-----BEGIN PGP SIGNATURE-----
Version: GnuPG v1.4.9 (GNU/Linux)
Comment: Using GnuPG with Mozilla - <http://enigmail.mozdev.org/>

Timothy Clark

From: James Mykland [jl_mykland@yahoo.com]
Sent: Friday, February 05, 2010 8:38 PM
To: Rep. Bryce Edgmon
Subject: HB 266

To Representative Edgmon,

I am strongly oppose to HB 266. I have been a commercial fishermen based out of Cordova, AK since 1974. I do not work for Alyeska, I do not have a 401K retirement plan.

Subsistence is the only priority, period. Personal use fisheries do not have more right to the State's fish resources than sports or commercial.

Thanks for your consideration,

James Mykland

PO Box 1241

121 W Davis Ave

Cordova, AK 99574

907 903 8251

Timothy Clark

From: Dennis McGuire [nelliejuan@yahoo.com]
Sent: Saturday, February 06, 2010 5:08 AM
To: Rep. Bryce Edgmon
Subject: HB266

To the Special Committee for fisheries,

I am a 9-10 month resident of Cordova Alaska, and lifelong commercial fisherman. I am heavily invested in the Copper River fishery and in the town of Cordova. Most every penny I make stays in Cordova and Alaska, as I have an outside commercial building in Port Townsend, much of what I make in Washington winds up in Alaska as well. I have fished the Copper River for 30 years and have watched the fishermen of this town work closely with the Department of Fish and Game to keep the Copper River Run strong. I am appalled at HB266. I spoke with the Ak. Dept of fish and game at their booth at Fish Expo in Seattle and came away with the understanding that they really do not have the resources for proper enforcement of the upriver fisheries, albeit they do the best they can with what they have. It appears the Personal Use Fishery is growing at such an alarming pace, the River will not be able to sustain all user groups.

The Gillnet fleet is the best management tool Fish and Game has to allow the appropriate escapement upriver: We are the front gate, and The Department of Fish and Game can regulate the gate to achieve the proper representation of the run curve upriver. Please leave the status quo as is. It's been working well over all these years and will work well long into the future.

Thank you for your time,

Dennis McGuire

Timothy Clark

From: micah ess [micahfishes@gmail.com]
Sent: Saturday, February 06, 2010 12:17 PM
To: Rep. Bryce Edgmon
Subject: Regarding HB 266: A statement of opposition.

Hello Mr. Edgmon,

My Name is Micah Ess, and I am writing to you today because I am very concerned about the ramifications of House Bill 266. I was raised on a houseboat in Prince William Sound and have spent my whole life on the water. I am now 29 years old and have had my own gillnetting operation for 6 years. I am known in my community for my unbiased view points and for not just towing the commercial fisherman's party line in issues concerning allocation and resource management. I want all residents of Alaska to have access to our resources.

That being said, I feel that HB 266 is a big step in the wrong direction. Personal Use is an important, albeit vague, allocation, and it is currently a way for many Alaskans to get fish in the freezer. Make no mistake though, this is an issue of WANT, not NEED. Subsistence users and Commercial users need to have priority access to the fish on poor run years. It is our way of life. We need to make a living. Without fishing, we have no income, and the economy suffers. Can Personal Use fishermen make that claim? No. Personal Use fishermen WANT equal access to fish stocks because it stings to be told that they can't harvest fish on poor return years. This is a sad situation and I feel for them, but it is simply not a necessity for them to harvest those fish. It is not a part of their traditional lifestyle.

Furthermore, the management of the Upper Copper River right now is non-existent, and I have heard very troubling rumors of over-harvesting and degradation of spawning areas. This situation should be looked at more closely and a proper management plan, including funding for enforcement, should be looked into. The lion's share of Copper River Fishermen are indeed Alaskan residents and many of us are 2nd and 3rd generation fishermen. I humbly ask that you take the time to properly review the motives and intentions of this proposed Bill and assess the potential for these "Personal Use" fishermen to be crusading sport-oriented fishermen who would like the River to be as full of fish as possible.

Thank you for your time and your consideration.

Respectfully yours,

Micah Ess

Timothy Clark

From: Makena OToole [makena_otoole@yahoo.com]
Sent: Saturday, February 06, 2010 12:42 PM
To: Rep. Bryce Edgmon
Subject: House Bill 266

To whom it may concern,

My name is Makena O'Toole I am a resident of Cordova and a Copper River commercial fisherman. I am 24 years old and have a 7month old baby with my fiance. I depend on the copper river fishery for the majority of my income. I am just one of many young Alaskan fishermen starting families who depend on this resource. When you consider that permits are currently over \$100,000 and a decent boat runs about the same. Many of us will not even be able to make our payments if we lose our priority in the fishery. The people who count on this resource for survival are the subsistence and commercial users. Our communities survival depends on it. The personal use users don't NEED this resource they just want it and have more resources to try to obtain it. I hope that you will consider the communities that will be effected by this at both ends of the river.

Sincerely, Makena O'Toole

Timothy Clark

From: tim cabana [timcabana@yahoo.com]
Sent: Sunday, February 07, 2010 8:39 AM
To: Rep. Bryce Edgmon

Be carefull here, these laws although ment to do one thing often end up with different results, Does this mean ADF&G will have to see how many PU fisherman show up and what there catch is in some faraway creek or river before managing for openers? We have the best managed fisheries in the world, watched and used as examples of good management around the globe, leave them to do there job. This seems to be aimed at the Copper River fishery and is to be taken up at the march Board of Fish meetings. Let them sort it out there instead of affecting the entire State. Thank you for your time, Tim Cabana Life time Alaskan, and Fisherman, sport personal and commercial.

Timothy Clark

From: Tom Carpenter [whiskeyridge@ctcak.net]
Sent: Sunday, February 07, 2010 9:01 PM
To: Rep. Bryce Edgmon
Subject: Fw: hb266

----- Original Message -----

From: Tom Carpenter
To: bryce_edgmon@legis.state.ak.us
Sent: Sunday, February 07, 2010 12:16 PM
Subject: hb266

Dear Rep. Edgmon, I write to you in opposition to HB 266. This proposed legislation would completely change the way the state manages its fisheries. This bill would circumvent the unique board of fisheries process that makes this states management system so personal to all users. Commercial fisheries are one of this states top economic forces, utilizing our natural resources and creating thousands of jobs in coastal communities. Allowing personal use fisheries to have priority over commercial fisheries would have devastating effects on all coastal communities in Alaska. Currently, in times of shortage, subsistence fisheries would have the highest priority, followed by commercial fisheries. If this bill were adopted, commercial fisheries would be curtailed, thus having a catastrophic effect in coastal communities. This would cause high levels of unemployment in an already badly damaged economy. In stead of creating divisive legislation, maybe it is finally time for the state to deal with the subsistence issue.

Sincerely, Tom Carpenter
Cordova

Timothy Clark

From: Frank Mullen [mullenf@alaska.net]
Sent: Monday, February 08, 2010 12:30 PM
To: Rep. Bryce Edgmon
Subject: SJR22 and HB266

Dear Rep. Edgmon;

I urge you to NOT SUPPORT SJR22 and HB266.

Both of these items are simply political grandstanding, and a continuing effort by many to displace the commercial fishing industry in the State of Alaska.

There is a fundamental concept of law at play here: The Feds (not the State) own our anadromous fish! (see: Magnuson Stevens Act) I believe Federal law prevails.

When the above concept is understood and combined with the FACT that the State of Alaska, over the years, has mismanaged fisheries (especially Cook Inlet) based on political whim rather than good fisheries science, you can see that SJR22 and HB266 are illogical and transparent attempts to gain constituent favor by the sponsors. Hmmm.. is this an election year?

Thank you,

Frank Mullen
Homer, Alaska

Timothy Clark

From: William Lindow [williamlindow@gmail.com]
Sent: Thursday, February 11, 2010 9:01 AM
To: Rep. Bryce Edgmon
Subject: HB 266

Dear Representative Edgemon and House Special Committee for Fisheries:

I am writing in opposition of HB 266 regarding a "personal use fishing priority". This bill seeks to grant essentially the same access privileges to personal use fishermen that are currently enjoyed by subsistence fishermen under state law.

The negative impacts of this bill will chiefly be felt by the commercial and sport fisheries in those regions of the state with road accessible personal use fisheries such as the Kenai, Kasilof and Copper rivers. As a commercial and sport fisherman from Cordova, I am very dependant on my access to the salmon of the Copper River. Putting a subsistence-like priority on the personal use fisheries, will, in times of poor salmon returns, cause additional restrictions to the gillnet fleet. This will result in very significant economic hardship to all of the 500-plus permit holders, the city of Cordova, and all the other Alaskan cities where these fishermen reside.

I imagine that every Alaskan would like to qualify as a subsistence user, but I feel that this would not be just or prudent for the state to allow this. Subsistence priority should be based somehow on need rather than want, and should not be granted to all who wish for it. The negative effects to other users of the state's resources are simply too great.

I hope you will join me in opposing HB 266.
Sincerely, William Lindow
P.O. Box 1612
Cordova, AK 99574

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Saturday, February 13, 2010 5:36 PM
To: Timothy Clark
Subject: FW: Please support SJR22 & HB266

From: Lucy Bishop [mailto:Lucky8118@alaska.net]
Sent: Saturday, February 13, 2010 11:41 AM
To: Rep. Bryce Edgmon
Subject: Please support SJR22 & HB266

Please vote for SJR22 & HB266 !



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Timothy Clark

From: art trenholme, ph.d. [art65@alaska.net]
Sent: Saturday, February 06, 2010 6:55 PM
To: Rep. Bryce Edgmon
Subject: dip netting

Sir: I strongly support putting Alaskan citizens ahead of commercial fishermen when dipnetting is an issue. I urge you to vote for HB 266 and SJR 22 to get them out of committee and on to the House floor. thanks...art trenholme, muldoon

Timothy Clark

From: Roy Slemp [rslempusa@gci.net]
Sent: Sunday, February 07, 2010 5:46 AM
To: Rep. Bryce Edgmon
Subject: SJR22 and HB266

Dear Representative Edgmon,

I rely heavily on dipnetting to sustain my family. Please vote to pass HB266 and SJR22.

Thank you,
Roy Slemp

Timothy Clark

From: Marcie & Dan [bentti@mtaonline.net]
Sent: Sunday, February 07, 2010 6:31 AM
To: Rep. Bryce Edgmon
Subject: SJR22/Bil 266

Please pass these out of committee and let the house vote!

Dan Bentti

Timothy Clark

From: Frank Casey [profishguide@hotmail.com]
Sent: Sunday, February 07, 2010 8:11 AM
To: Rep. Bryce Edgmon; Sen. Charlie Huggins; Rep. Bill Stoltze
Subject: Support SJR22 and HB266

Dear Sirs,

I am glad to see that there are a few looking out for Alaskans right to gather thier own food sources. Its one of the reasons I came to Alaska, so please support SJR22 and HB266.

*Thanks,
Frank Casey
po box 343
Clam Gulch, AK 99568*

907-252-4525 cell

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

Timothy Clark

From: Clemens M. Clooten [cmclooten@ci.fairbanks.ak.us]
Sent: Monday, February 08, 2010 8:44 AM
To: Rep. Bryce Edgmon
Subject: SJR 22 and HB266

Representative Edgmon,
Please pass the two above bills so Alaskans can continue to provide fish for their families.
Thank you for your work.

Clem Clooten

HB266--Bonnie Borba Email

From: Bonnie Borba [borba@mosquitonet.com]
Sent: Monday, February 08, 2010 9:58 PM
To: Rep. Bryce Edgmon
Subject: Support SJR22 and HB266

Dear Representative Bryce,

I was born and raised here in Alaska and my brothers and I grew up hunting, trapping and fishing with our parents. Chitna dip netting of sockeye and Chinook salmon has been a stable source of quality food of our family. We are now on our third generation of family members now dipping to provide salmon to our parents and grandparents. Occasionally we get only a few but we are usually the diehard shore based dippers that usually get our limit if not one trip maybe a second. The trip is a family affair and the salmon are better than anything you can buy at a store. I understand the commercial aspect of the fishery as well but many of these fishermen are not even from our state and precedence lies with subsistence priority first before commercial fisheries, subsistence means food for local peoples and in this state means all residents. Chitna is not an easy place to fish and it is not for everyone because of the difficult river and weather. I typically do not sport fish because if I catch a fish I am going to eat it. I do not understand totally the reason why this fishery got changed to a personal use fishery but you should be thinking of the families this resource is providing for -the everyday working man.

Please support SJR22 and HB266.

Bonnie Borba

From: Ricky Gease [Ricky@kenairiversportfishing.com]
Sent: Tuesday, February 09, 2010 6:34 PM
To: Rep. Bryce Edgmon
Cc: Rep. Wes Keller; Rep. Craig Johnson; Rep. Charisse Millett; Rep. Cathy Munoz; Rep. Bob Buch; Rep. Scott Kawasaki; Rep. Bill Stoltze; Rep. Mark Neuman; Rep. Anna Fairclough; Rep. Carl Gatto
Subject: HB 266 - House Fisheries Committee Testimony

Dear Representative Edgmon:

Thank you for the opportunity to provide public testimony on HB 266 during the House Fisheries Committee meeting today.

As stated in my testimony, Kenai River Sportfishing Association (KRSA) supports HB 266, which provides for a priority for a fishery that is restricted to residents when fishing restrictions are implemented to achieve an escapement goal.

Please include these additional written comments to my oral testimony for KRSA.

Comparable to existing state subsistence fisheries policy. As noted in oral testimony, the state of Alaska already provides for a priority for a fishery that is restricted to residents when fishing restrictions are implemented for conservation measures, that being the state subsistence fisheries, applicable in state designated subsistence areas.

The state subsistence fisheries are consumptive fisheries that provide important food resources to state residents.

HB 266 extends this existing practice to include the state personal use fisheries, which, like the state subsistence fisheries, are restricted to residents only and are consumptive in nature. Both subsistence and personal use fisheries provide Alaskans with important food resources, and both provide a primary means to put Alaska fisheries resources on the table as food in Alaskan households.

Personal use fisheries occur in both subsistence and non-subsistence areas of the state, and are only open to residents. All personal use fisheries have reporting requirements, usually by permit, in place to track harvest, which aids in data collection and law enforcement. Harvest (usually household) limits and season limits also apply.

Thus both the state subsistence and personal use fisheries are resident only fisheries, consumptive in nature, and provide a means for Alaskans to put food on their plates. As such, we feel HB 266 falls in line with existing state policy that provides for a priority during times of conservation concern for resident only, consumptive fisheries.

Conservation: As not all conservation goals are monitored with escapement goals, we recommend that the language of "escapement goal" be changed to read "conservation goal."

Other observations include the fact that often times through harvest, season and area restrictions, conservation measures are already built into the management of personal use fisheries.

For instance, the personal use sockeye fisheries on the Kenai and Kasilof Rivers have numerous conservation restrictions built into their management plans, as does the Fish Creek in the northern Cook Inlet district (which

was closed for seven of the past ten years for conservation measures while other sockeye sport and commercial fisheries in Cook Inlet remained open).

The two personal use sockeye fisheries on the Kenai Peninsula have a shortened season compared to either the sport or commercial fisheries. On the Kenai River, the personal use sockeye fishery ends on July 31, whereas the commercial fishery can extend to August 15 and the sport sockeye fishery does not have a season end date. The earlier closure date for the Kenai personal use fishery is reflective of changes in run timing of a mixed stock fishery and incorporates conservation concerns for Chinook and coho harvests in August.

Whereas the sport and commercial fisheries do not have annual limits, personal use fisheries do in many instances. Currently the household limit for the personal use sockeye fisheries on the Kenai Peninsula are 25 for head of household, plus ten per additional family member. Harvest data indicates that the mean number of individuals per permit is three, the mean harvest per household is 15, and the mean harvest per individual is five.

The harvest numbers indicate that on average the mean personal use harvest of sockeyes on the Kenai Peninsula is equal to one daily bag limit in the sport fishery (six sockeye per person) when the return is forecast to be over two million sockeye (majority of years) and two daily bag limits of three fish per day (no annual limit) on years when the forecast is less than two million returning sockeye.

So for harvest of sockeye salmon in the personal use fisheries on the Kenai Peninsula, the personal use fisheries have a conservative annual limit already built in when compared to the sport or commercial fisheries.

That same conservative approach is taken also with Chinook salmon: on the Kaslof River, whereas both the commercial and sport fisheries are allowed to harvest Chinook salmon, the personal use fishery does not allow for such harvest. On the Kenai River, whereas the annual limit of Chinook in the sport fishery is two fish, it is one fish in the personal use fishery. Again, conservative measures are built into the personal use fishery.

ADFG management. Placing a priority for personal use fisheries during times of need for conservation measures does not hamper the ability of ADFG to manage for important conservation measures such as escapement goals. In fact, such practice falls in line with action taken this year on the Kenai River by the local area commercial fisheries manager to place restrictions on the commercial fishery (closure of one regular 12 hour opener and a delay 24 hour in the next regular opener) in order to make the sockeye escapement goal on the Kenai River while leaving open the personal use fishery for sockeye – such management action was successful in that the sockeye escapement goal was met.

Law enforcement. A comment was made in today's public testimony that there is a rampant, uncontrollable problem with the ability of the state to enforce the resident only restrictions on the personal use fisheries, specifically on the Kenai Peninsula. Such perception is not shared by the local State Troopers, who in 2009 provided 467 hours of law enforcement for the personal use fisheries on the Kenai Peninsula (the personal use fisheries were open for 374 hours during 2009.)

This year the Troopers recorded a total of 1,200 contacts, which resulted in 130 citations, for issues including no permit, not clipping tails, 2-stroke motor use, fishing early or late, and not logging fish prior to leaving the fishing area. Non-resident participation was not listed as a major factor in writing citations by the Troopers, nor was taking too many fish over the household limit (another "perceived" problem by some in the local community). Overall, it looks like the Troopers had contact with about 5% of the total number of people who participated in the Kenai Peninsula personal use sockeye fisheries, and wrote up 130 citations out of an estimated 37,500 days fished in these personal use sockeye fisheries (less than one half of one percent or .0035%.)

The perception of non-residents taking home sockeye salmon may be accurate, as the daily bag limit for sockeyes on the Kenai and Kasilof Rivers is often six fish per day. In a week, a non-resident may harvest over 40 sockeye salmon – enough to fill a few coolers. However, the perception that non-resident participation in the state personal use fisheries, particularly on the Kenai Peninsula, is just not supported by data supplied by the Alaska State Troopers. As a side note, I personally have fished in either the Chitna, Kasilof or Kenai personal use sockeye fisheries every year since becoming a state resident in 1993, and I have yet to come across a non-resident participating in any of these resident only personal use fisheries.

Important to Alaskan households. The state personal use fisheries provide Alaska residents with an efficient method of gathering meaningful numbers of fish for consumptive uses. Fish caught in these fisheries feed families throughout the year. Like the state subsistence fisheries, all residents qualify for the state personal use fisheries. As more and more families that once resided in areas of the state with access to the state and federal subsistence fisheries are now living in the non-subsistence (state designated) and / or non-rural (federal designated) areas of Alaska, access to the personal use fisheries is becoming all the more important over time.

Data indicates that the personal use fisheries are popular with state residents. Including just the personal use sockeye salmon fisheries in Upper Cook Inlet and Chitna, close to 15% of all state residents (95,000 people) eat fish during the year from these personal use fisheries.

However, it is important to remember that the annual harvest of personal use sockeye salmon in the Upper Cook Inlet and Chitna represent **less than 1%** of the total harvest of sockeye salmon in the state by commercial, sport, personal use and subsistence fisheries.

Close to 15% of Alaska's residents eat sockeye salmon caught in a state personal use fishery, while the overall harvest of these fish represents less than 1% of the overall harvest of sockeye salmon in the state.

HB 266 is a small measure to enact to ensure that subsistence and personal use fisheries will be provided a priority for a fishery that is restricted to residents when fishing restrictions are implemented to achieve a conservation goal.

We encourage you to support HB 266. Thank you for your time and attention to this important matter.

Respectfully,

Ricky Gease, Executive Director
Kenai River Sportfishing Association
907-262-8588

Information from ESET NOD32 Antivirus, version of virus signature database 4852
(20100209) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

From: Gary Miller [gmiller_juneauak@hotmail.com]
Sent: Monday, February 08, 2010 8:05 PM
To: Rep. Bryce Edgmon; Rep. Wes Keller
Cc: Rep. Craig Johnson; Rep. Charisse Millett; Rep. Cathy Munoz; Rep. Bob Buch; Rep. Scott Kawasaki
Subject: HB 266

Please vote for HB266, "An Act providing for a priority for a fishery that is restricted to residents when fishing restrictions are implemented to achieve an escapement goal." and pass it on to the next committee. I fish sport fish for the food. When restrictions must occur to protect a fisheries, I think that the sports fisher should be affected last.

Gary Miller
20135 Cohen Dr
Juneau, AK 99801-8211
789-3757
gmiller_juneauak@hotmail.com

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Tuesday, March 30, 2010 10:16 AM
To: Timothy Clark
Subject: FW: subsistence bill HB 266

From: Lori Garreau [mailto:iluvchris214@yahoo.com]
Sent: Tuesday, March 30, 2010 9:56 AM
To: Rep. Bryce Edgmon
Subject: subsistence bill HB 266

My husband and I are in agreement with the passing of this bill so that ALASKANS have the right to the same or should be more of the resources of our state for its residents. Most of "OUR" resources go to those who don't live in the state, taking the money out of state with them. Considering the amount differential between subsistence use and the commercial "raping" of the resources, I don't think it is too much to put ALASKAN residents first!! We have been here for 30 years and will continue to fight for our first rights as ALASKANS!!! as residents as well as small business owners!!!

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Tuesday, March 30, 2010 2:22 PM
To: Timothy Clark
Subject: FW: HB 266

From: Alaska Twosome [mailto:aktwosome@yahoo.com]
Sent: Tuesday, March 30, 2010 2:04 PM
To: Rep. Bryce Edgmon
Subject: HB 266

I agree with House Bill 266 concerning "personal use fisheries.

I have dipnetted between 20 and 35 red salmon from the Kenai River for the last 20 years. I am not very successful with a hook and line so I am thankful that I am able to put fish in the freezer in this way. My wife and I enjoy the salmon and I assure you that we eat all that we catch.

Thank you for your efforts to pass this bill during this session.

Sincerely,

Steve Kehl
45975 Drift Dr
Kenai, AK 99611

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Tuesday, March 30, 2010 2:23 PM
To: Timothy Clark
Subject: FW: HB266

From: cderrickak@netscape.net [mailto:cderrickak@netscape.net]
Sent: Tuesday, March 30, 2010 2:23 PM
To: Rep. Bryce Edgmon
Subject: HB266

Dear Rep. Edgmon:

The best use of Alaska's wild resources is to feed Alaskan residents. This bill assures the needs of Alaska residents are met before the needs of the nonresident buyers of commercially caught Alaskan salmon. **Release** this bill for a vote on the floor of the full House.

Chuck Derrick
891 Seldom Seen Rd.
Fairbanks, AK. 99712

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Tuesday, March 30, 2010 9:13 PM
To: Timothy Clark
Subject: FW: HB266 support

Follow Up Flag: Follow Up
Flag Status: Completed

From: James Dryden [mailto:dryden@alaska.net]
Sent: Tuesday, March 30, 2010 9:05 PM
To: Rep. Bryce Edgmon
Subject: HB266 support

Of course, personal use should have priority over sport and commercial uses.

--

James Dryden
Dryden Instrumentation, 6951 Viburnum Dr., Anchorage, AK 99507
(907)344-4995, fax 344-8013, dryden@alaska.net

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, March 31, 2010 7:57 AM
To: Timothy Clark
Subject: FW: HB 266
Attachments: ATT75521.vcf

From: Eric [mailto:suprbear@mtaonline.net]
Sent: Tuesday, March 30, 2010 10:14 PM
To: Rep. Bryce Edgmon
Subject: HB 266

Representative Edgmon,

Concerning HB266, I would like to encourage you to support this bill. I am one that has depended on the fishery to put food on the table for nearly 40 years. Those of us remember when doing this was not an issue when we were afforded subsistence rights before they were taken away. All Alaskans by law are common users of this resource, using the resource for personal food should have a priority above other users, nonresidents are allowed to take a large amount of the resource for personal profit, therefore displacing the Alaskans from the traditional use of the fishery for food on the table. The Constitutional right of Alaskans to harvest food on an equal basis, before the remaining harvestable surplus is allowed to be utilized for commercial profit. In looking to other states, fish and game resources are afforded to residents first, and if the resource allows the available non-resident harvest allotments are limited to the resource quantity. I urge you to support this bill.

Respectfully,
Eric Beckmann Mat-Valley AKF&GAC member

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, March 31, 2010 7:57 AM
To: Timothy Clark
Subject: FW: HB 266

From: michael Bavers [mailto:mbavers@yahoo.com]
Sent: Tuesday, March 30, 2010 6:36 PM
To: Rep. Bryce Edgmon
Subject: HB 266

I support HB266 and urge its passage. Alaska citizens should certainly have priority when it comes to a food source for personal use.

Michael Bavers
PO Box 15115
fritz creek ak 99603

Timothy Clark

From: leo [americus@ctcak.net]
Sent: Monday, March 29, 2010 10:32 AM
To: Timothy Clark
Subject: HB266

I am opposed to HB266. I do not understand the intent of the bill. As shown by the Board of Fish meeting there was no real interest from the users of the personal use fisheries to change the definition. The issue was being pushed by a small group who may gain personally by a change to a subsistence classification.

If the goal of this bill is to keep more money in the state of Alaska you are way off base. Look at these charts specifically Prince William Sound drift (<http://www.cfec.state.ak.us/pita/xferstat.pdf>). Approximately ¼ of the 537 permits are held by Alaskans. Lately the trend has been increased in state ownership.

Alaska need a diversified economy. Fishing is a vital part of that. The PWS fishery is doing well now and is providing a viable economic engine. Presently and in the past few years there are companies from throughout AK. Working in Cordova on projects directly related to fishing and supported by fishing dollars. The company from Wasilla here all last winter remodeling a local cannery. The two companies working on our elementary school. The new boat haulout and other projects. Although not totally financed by fishing dollars most of these projects would not happen without some local financial support related to fishing dollars.

I am a 30 year Alaskan resident. Before moving to Cordova in 2004 I resided in Palmer. I bought in to the Prince William Sound fishery 6 years ago. I wanted to be part of something unique to Alaska. I am thankful to the fisherman who have persevered through the good years and bad years and made this a successful fishery, and the excellent job the Alaska Department of Fish and Game has done in managing this fishery. Together they have created a viable fishery and an economic engine for the state.

HB266 can only be detrimental to the good things that have happened in this fishery and the community of Cordova and should be dropped.

Thank you for your time.

Leo Americus
Box 2112
Cordova, AK.99574

Penelope E. Oswald
P.O. Box 1303
22 McLaughlin Ct
Cordova, AK 99574

RE: HB266

I support the fishery that provides the primary livelihood to my community. This is a hard working, often dangerous fishery that provides a quality product to Alaska and America. Commercial Fisheries pay taxes on fish caught that help support our schools, hospital and city infrastructures. The Copper River Fishery is a family fishery and more of our young people are choosing to stay here and make their living in this manner. We are a community that has already lost many seasonal fisheries and suffer majorily when the fishery is slow or shut down.

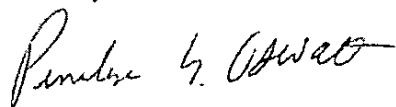
I believe that subsistence should come first, commercial second and then personal use and sport fisheries third. As an individual (Single mother) in Cordova, for me to get subsistence fish requires me to find someone who has a seaworthy vessel to go out in the Gulf of Alaska and fish on a subsistence opener. I count myself lucky if I can find a vessel, take a day off of work and them maybe get one king and a couple of reds. I am limited to 5 kings and 10 reds per season. I believe the limit for personal use is higher in Chitina. Are the people that dipnet there from Chitina??

I had an opportunity to go to Chitina a couple of years ago and decided to stop by and see what the fuss was about. Hmmm This is a subsistence or personal use fishery???

What I saw at the area set aside for dip netting was a fish camp filled with \$80,000 Winnebago's and equally expensive boats plying the river with "personal use" people with dip nets. Also charter businesses that were transporting for a " price" to the favored dip netting area of the day. Trash was everywhere as well as excess fish. To me this was a massive sport fishery under guise of personal use. Why should Fairbanks and other urban areas have a precedent over the livelihood that sustains my community?

I firmly believe that the personal use fishery should NOT have a priority over Commercial but should be listed behind it with other sport fishing endeavors.

Sincerely



Timothy Clark

From: Sheryl Corle [sherryfromak@webtv.net]
Sent: Tuesday, March 30, 2010 10:28 PM
To: Rep. Bryce Edgmon
Subject: HB 266

We support HB 266. Please get it on the floor and pass it as soon as possible. My family is dependent on the fish and the priority it gives. Pass this bill soon.

Thank you Gary & Sheryl Corle

2614 Gordon Road
North Pole AK 99705

907-488-0819

Timothy Clark

From: Keith Genter [akkgenter@gmail.com]
Sent: Wednesday, March 31, 2010 7:12 AM
To: Rep. Bryce Edgmon
Subject: HB 266 Support

Good morning,

As an Alaskan, I'm asking you to support HB 266 and keep the Alaskan people in mind when you consider your vote. This is one of our resources and we should have first priority before allowing others to take the food out of our mouths. I personally depend on fishing to feed my family throughout the year. I appreciate your time and effort. I wish you a safe and pleasant day, Keith

Keith D. Genter
3501 Kaltag Drive
North Pole, AK. 99705
(907) 488-6986

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Tuesday, March 30, 2010 8:55 AM
To: Timothy Clark
Subject: FW: Personal Use Fisheries Priority Bill

From: Bruce R. Morgan [mailto:sampson@acsalaska.net]
Sent: Tuesday, March 30, 2010 8:54 AM
To: Rep. Bryce Edgmon
Subject: FW: Personal Use Fisheries Priority Bill

Rep Bryce Edgmon,
This personal use fisheries priority bill simply makes sense.

Who should have priority if not personal use Alaskan's?

Sincerely,
Bruce R. Morgan
Anchorage, Alaska

From: Ken Federico [mailto:kenfederico@mtaonline.net]
Sent: Tuesday, March 30, 2010 8:00 AM
To: undisclosed-recipients:
Subject: Fw: Personal Use Fisheries Priority Bill

Rep. Bill Stoltze submitted a bill to give all personal users priority when it comes to the resource. This would occur statewide and would be state law if the bill passes. Please forward comments that you agree with HB 266 to Rep. Bryce Edgmon. His e-mail is below. Please do this as soon as possible since we need to get this out of committee and onto the floor for a vote. Thanks, Ken F. Your town crier. SCADA

-- Original Message -----

From: Ben Mulligan
To: kenfederico@mtaonline.net
Sent: Tuesday, March 30, 2010 7:26 AM
Subject: Personal Use Fisheries Priority Bill

Ken,

We're trying to make one last push on the personal use fisheries priority bill. If you could forward on a request to your members to send an email to Rep. Bryce Edgmon as soon as they can about passing the bill Rep. Stoltze would appreciate it.

Here's Rep. Edgmon's email address: representative_bryce_edgmon@legis.state.ak.us.

We appreciate the assistance with this Ken, and let your members know that as many emails as we can get would be great.

Ben

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Tuesday, March 30, 2010 10:16 AM
To: Timothy Clark
Subject: FW: HB 266

From: Kreta Thompson [mailto:kreta@alaska.net]
Sent: Tuesday, March 30, 2010 9:42 AM
To: Rep. Bryce Edgmon
Subject: HB 266

I am so pleased that this bill has been written. I wholeheartedly support this bill. The Constitution of the State of Alaska states fish and game resources shall be managed for the benefit of the people of the state, not commercial fishermen. It seems to me fish for food for families in our state deserves a much higher priority than commercial fishermen who want fish for their own personal financial gain.

Tommy Thompson, Kenai
kreta@alaska.net

Timothy Clark

From: Wade Buscher [wildcatchdirect@earthlink.net]
Sent: Sunday, March 28, 2010 11:52 PM
To: Rep. Bryce Edgmon
Cc: Timothy Clark
Subject: HB266

TO: House Fisheries Committee

Dear Sirs,

I am a commercial fisherman from Cordova, Ak. and I oppose HB 266.

With all due respect, I question the rationale behind Mr. Soltze's proposal. By suggesting that all residents of the State of Alaska have the same priority as 'subsistence' users, it essentially delegitimizes the other user groups by not acknowledging the significance of each. Are there truly no distinct margins between those who live a true subsistence lifestyle and those who practice it only on the weekends or when holidays allow? And if the rationale for such proposals are based loosely around the State Statutes of "equal access", then it is up to the Board of Fisheries and the courts to decide where those priorities lie, not the legislature which is tied to the constituents they represent. The Board of Fisheries was set up specifically to tackle such controversies inherent in resource management as implied below. Let them do their job!

AS 16.05.221. Boards of Fisheries.

(a) For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence.

On March 21, 2010, after much discussion and debate, the Board of Fisheries overwhelmingly opposed a similar push to reclassify the 'Copper River Personal Use Fishery' to a 'Subsistence Fishery'.

Please give credence to this decision and oppose HB 266.

Sincerely,

Wade Buscher

200 Boardwalk Way
Cordova, Ak., 99574
(907) 424 5251

Timothy Clark

From: James Mykland [jl_mykland@yahoo.com]
Sent: Friday, March 26, 2010 11:03 PM
To: Timothy Clark
Subject: HB 266

To House Fisheries Committee
Representative Bruce Edgmon, Chair

I am in strong opposition to HB 266. The State of Alaska's Personal Fisheries are recreational type fisheries, that accord state residents the opportunity to harvest excess fish that return to our state's waters. In times of low or small fish returns it is very important that all fish users share in the conservation burden. Subsistence has top priority in the allocation of our state's resources and is only shut down when fish stock is endangered of not reaching its Sustainable Escapement Goal (SEG). Commercial, Personal Use & Sports fisheries need to all share in the conservation burden to make sure our fisheries are sustainable.

The majority of salmon limited entry permits are in the hands of Alaskan residents and the money they derive from commercial fishing stays in the state by supporting their families and local communities. The raw fish tax from commercial fishing is given to local municipalities that use these funds to support their hospitals, fire & police departments, schools & local roads. Without this tax, these local communities would have to turn to the state for necessary funds.

No user group, except subsistence, deserves a priority listing. I strongly urge you to oppose HB 266 in its entirety.

Thank you for the your consideration of my views.

James Mykland
121 W Davis Ave
Cordova, AK 99574

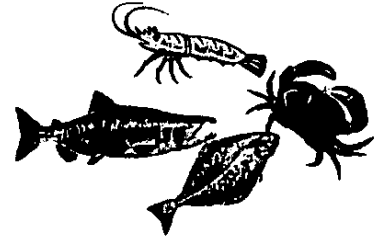
Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone: 907-586-6652 Email: seafa@gci.net

Fax: 907-523-1168 Website: <http://www.seafa.org>



March 28, 2010

Alaska State Legislature
House Fisheries Committee
Representative Bryce Edgmon, Chair
State Capitol
Juneau, AK 99811

RE: Oppose HB 266

Representative Edgmon, Chair and Fisheries Committee Members,

Southeast Alaska Fishermen's Alliance (SEAFA) appreciates this opportunity to express our concerns regarding HB 266 or the committee substitute which mandates a personal use priority after subsistence. Our association is comprised of 85% Alaskan residents, who participate in personal use and sport fisheries in addition to their commercial fishing livelihood. Southeast Alaska Fishermen's Alliance has always supported the importance of personal use fisheries to the residents of the State of Alaska as is evidenced by our testimonies to the Board of Fish. However, personal use fisheries also need to have limits and share in the burden of conservation along with commercial and sport fishermen.

This legislation as written is flawed. The subsistence priority statute AS 16.05.258 (f) clearly states that the subsistence priority is to provide for a reasonable opportunity. This legislative language mandates development of a personal use priority without any qualification. Further, it does not provide language, as the subsistence priority does, to share the resources with other users. As the Alaska population continues to grow, the language as written will ultimately close commercial and sport fisheries, regardless of the economic harm to the state or local communities, without any express concern over conservation in order to provide a personal use priority.

This legislation as written severely ties the hands of the Board of Fish preventing their ability to fulfill the obligations listed in AS 16.05.251. This legislation contradicts with the allocation criteria between commercial, sport and

personal use fisheries As written this legislation creates an elevated right for personal use fishermen, which can very easily be used in court to challenge any allocations that the Board of Fisheries makes in which they feel any restrictions at all during any part of the lifecycle. Clearly this violates fundamental precepts embedded in the Alaska Constitution, regarding Uniform Application, and Common Use.

Does this legislation even allow the Board of Fish to set limits or develop management plans that include the personal use fisheries?

At what point can management decisions affect the personal use fishermen and still allow commercial and sport fisheries to exist?

Would ADFG have to stand by and allow a system to fail to meet their management target because a commercial fishery had an opening so therefore the personal use fishery could not be restricted? In many fisheries it is not possible to allow a commercial fishery to wait until escapement is met and all personal use needs are met because by then the fish have swam past the point a commercial fishery can be conducted. Do we in these situations in order to provide for a personal use priority, forgo economic opportunity and close the commercial and sport fisheries? The current State of Alaska management system is considered superior to all other regions due to the public process through the board of fish and the end mandate for maximum sustained yield provided for in the State Constitution. Are we now going to ignore what has worked and take away the Board of Fish authority to allocate and ADFG flexibility to manage the resource in real time allowing for all users to share in the burden of conservation?

Commercial fishing is an important industry to the State of Alaska ranking third behind Oil & Gas and Federal Government in generating basic economic activity in Alaska with a total economic contribution of \$5.8 billion to Alaska's economic output and over 78,000 jobs in 2007. In addition, the raw fish taxes paid into the general fund and shared with the local coastal communities are critical to their economy.

For many residents of coastal Alaska, their only access to our sustainable fishery resources to provide healthy protein to their diet is through the commercial fishery. Is it fair to take away their primary access?

There are allegedly businesses being built to supply, outfit and provide transportation for personal use fisheries. This seems to be in conflict with the original intent during development of the personal use fishery.. We believe the original intent of the personal use fishery was to allow Alaskans access to fishery

resources in a non-subsistence areas, or access to fisheries with negative C&T findings by providing differential bag limits than non-residents, because it was acknowledged that in many cases these Alaskans were using the resource to provide for their own family consumption.

Thank you for this opportunity to testify on this legislation. If you have any questions about our testimony or points raised in the testimony, please contact the office, we would be glad to provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hansen", followed by a long horizontal line extending to the right.

Kathy Hansen
Executive Director

Timothy Clark

From: leo [americus@ctcak.net]
Sent: Monday, March 29, 2010 10:32 AM
To: Timothy Clark
Subject: HB266

I am opposed to HB266. I do not understand the intent of the bill. As shown by the Board of Fish meeting there was no real interest from the users of the personal use fisheries to change the definition. The issue was being pushed by a small group who may gain personally by a change to a subsistence classification.

If the goal of this bill is to keep more money in the state of Alaska you are way off base. Look at these charts specifically Prince William Sound drift (<http://www.cfec.state.ak.us/pita/xferstat.pdf>). Approximately $\frac{3}{4}$ of the 537 permits are held by Alaskans. Lately the trend has been increased in state ownership.

Alaska need a diversified economy. Fishing is a vital part of that. The PWS fishery is doing well now and is providing a viable economic engine. Presently and in the past few years there are companies from throughout AK. Working in Cordova on projects directly related to fishing and supported by fishing dollars. The company from Wasilla here all last winter remodeling a local cannery. The two companies working on our elementary school. The new boat haulout and other projects. Although not totally financed by fishing dollars most of these projects would not happen without some local financial support related to fishing dollars.

I am a 30 year Alaskan resident. Before moving to Cordova in 2004 I resided in Palmer. I bought in to the Prince William Sound fishery 6 years ago. I wanted to be part of something unique to Alaska. I am thankful to the fisherman who have persevered through the good years and bad years and made this a successful fishery, and the excellent job the Alaska Department of Fish and Game has done in managing this fishery. Together they have created a viable fishery and an economic engine for the state.

HB266 can only be detrimental to the good things that have happened in this fishery and the community of Cordova and should be dropped.

Thank you for your time.

Leo Americus
Box 2112
Cordova, AK.99574

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Tuesday, March 30, 2010 8:07 AM
To: Timothy Clark
Subject: FW: HB 266

From: Ken Federico [mailto:kenfederico@mtaonline.net]
Sent: Tuesday, March 30, 2010 8:07 AM
To: Rep. Bryce Edgmon
Subject: HB 266

Rep. Edgmon,

I am writing to you for your support for HB 266. All Alaskans are considered to be subsistence but with certain court rulings, that does not happen in reality. HB 266 would seem to rectify that and that is a good thing.

To let you know, I am the president of the South Central Alaska Dipnetters Association. We have a membership of over 200 and we are growing every year.

Again, please support HB 266.

Ken Federico, SCADA, 715-8363

DATE: March 26, 2009

TO: Chairman Bryce Edgmon
RE: (CS) HB 266, An Act Providing for a priority for a fishery that is restricted to residents when fishing restrictions are implemented to achieve an escapement goal.

FAX:

Dear Chairman Edgmon & Special Committee on Fisheries:

I oppose HB 266 as well as the recent CS for HB 266.

HB 266 would circumvent the Board of Fish process which was set up to deal with allocation issues and fishery management. The Legislature is not the appropriate place to deal with these issues.

I would suggest to the bill supporters to roll up their sleeves and work through the proper channels to make changes as all of the coastal communities and villages do currently.

Sadly I believe there is a large disconnect between the interior folks who either do not know the process or they do not feel they have access to local ADF&G offices and the Board of Fish. Could that be part of the reason for HB266?

Maybe the Special Fisheries Committee should advocate for more funds for Board Support /Board of Fish so more outreach can happen for those communities that feel out of the loop.

Sincerely, 

John Murray, 224 Observatory Street, Sitka, AK 99835 (747-6212)

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Friday, March 19, 2010 1:58 PM
To: Timothy Clark
Subject: FW: HB 266

From: Gene [mailto:gene@bekofalaska.com]
Sent: Thursday, March 18, 2010 9:40 AM
To: Rep. Bryce Edgmon
Subject: HB 266

Dear Representative Edgmon

I have dip netted on the copper river every year for over 20 years and have enjoyed filling my freezer but I am opposed to HB 266, I am not a commercial fisherman but this is there lively hood, Dip netters should not have priority over commercial fisherman

Eugene Desjarlais

Timothy Clark

From: RICK ALASKA [fvchinacat@hotmail.com]
Sent: Friday, March 12, 2010 12:32 PM
To: Rep. Bryce Edgmon; Timothy Clark
Subject: hb 266

Rick J Ballas
FV/ Eyak Ryder
March 10, 2010

Attn: Chairman Edgmon
Re: Opposition to HB 266

Dear Sir,

My name is Rick Ballas and I am a Commercial Fisherman from Cordova, Alaska. Commercial Fishing provides 100% of my earned annual income. This sole source is used to support our family; paying our home mortgage, fishing permit loan, fishing vessel loan, license fees, fishing vessel insurance, gear replacement and repair, as well as disproportionately high rural fuel, water and electricity costs. Additionally our local retailers for grocery, hardware, and all else charge much more than in urban cities.

We have found that the smallest fishing restrictions especially early season (first 3 weeks), have had great negative economic impact on us already. HB266 would in my opinion be the final straw, an unbearable hardship. NO HBB266!

Over the years, we as commercial fisherman have continued to evolve in becoming true stewards in ways of conservation focused at maintaining the vitality of this Copper River salmon run. We, the fishing economy, ebb and flow with the strength of the salmons' return. It is in our best long term interest to maintain healthy sustainable salmon returns. When the run is returning below pre-season predictions, we as Commercial Fisherman are the first to be affected. Even though reduced hours deplete precious earning opportunity, we accept reductions in fishing time to maintain the sustainability of the run. These closures have a massive negative impact on the economy of Cordova and it is felt throughout the fleet and by all of the locally owned businesses. When we can't fish, especially early season, we do not have the CHANCE, to earn income. Fishing is a CHANCE form of occupation. Otherwise we would call it catching and that is NOT always the case. Our ADF&G given harvest timeframe (fishing period) does not take into account foul weather, stage of tide, or even daylight hours. One or all of these factors can render an entire fishing period a loss.

What's not obvious in this picture is the fact that the early part of our season, the King return, fishing time has been so severely cut over the years that it is almost non existent. Since the demise of the PWS Herring fishery, the salmon fishery has become the new first of the season money for most. With the loss of herring, we really have had our pre-salmon season economic opportunity taken away. Whether or not you accept that Exxon's oil spill had anything to do with the mysteriously swift disappearance of our herring fishery, it is most certainly gone for now. Cordova's yearly economic loss from the lack of herring fishing alone is massive. For the record we're still not over that one. So, as a Commercial Fishing town, we focus next on the salmon.

When the run comes in healthy and we are able to access the fish, well, life improves for everyone in town. The City of Cordova collects fish tax revenues from the fisheries and in return funds the town's

necessities relieving the city's burden from State financial assistance. That's GOOD. All the locally owned and staffed small businesses benefit; hardware stores, grocery stores, canneries, restaurants etc. Cordova workers everywhere are financially dependent on the commercial fleet fishing. Heck, we even splurge to a lunch out. Imagine that, the thought of being able to afford to eat a lunch as a patron in a local place of business. When we can, we do. This has been rare in recent times; it began with early season fishing restrictions. Every fishing closure or reduction in time hurts not only us commercial fishers but also our entire community immensely. The impacts are only vaguely acknowledged by any other than fisherman and the businesses in town. Local fisherman and families begin by tightening their belts which results in a stalled economy, simple as that. By supporting HB 266, you would be ending the town of Cordova, and the lives of the majority owned Alaska resident salmon permit holders who fish and reside there. NO HBB266!

Cordova as a Commercial Fishing Town should be PROUDLY recognized and fully supported and protected by our State's Government. We are one of the last of Alaska's honest, educated, responsible and devoted small commercial fishing towns, if not the worlds, where its residents care, **DEPEND** and respect the fish that give us life more than anything. Without priority to the fish we will cease to exist. The effects of HB266 would, without doubt, impact Cordova permanently; ripping away the lifeline our existence depends upon. NO to HB266. This bill is anti-American and undermines the principles our nation was founded on and embraces. It would result in immediate and immense job loss, foreclosures, bankruptcies and massive financial State/Federal Government dependence. Why Do This to US in Cordova? It would be against everything we Americans are fighting to get back, namely self reliance and stability. NO HB266!

We, as Commercial Fisherman, are becoming a stronger, louder and more educated voice for fisheries issues. We discuss issues concerning habitat protection, sustainable run management practices, law enforcement, and the like more than ever before. As with all professions in this day and age the internet allows us to be more informed regarding fisheries related information that was once only known by few. And more of us by the day are becoming better educated and more involved. Even with our efforts one strait forward yet immensely important question remains unanswered. What is exactly going on upriver? NO HB266!

I am proud to be a Commercial Fisherman and to be a vocal representative of the fish we so heavily rely upon for survival. As a Commercial Fisherman I am accepting responsibilities that go way beyond just catching a fish. Nowadays all fishermen look at the seafood retail counter with a keen eye; our Alaskan Salmon has become a national hero of sorts supplying those famous omega-3s throughout the country including Alaska. When traveling I no longer have to bring fish to Anchorage for cooking. I as an Alaskan can buy Alaskan seafood more easily now than in the past and at a reasonable price too. Just look at COSTCO. All Alaskan Commercial Fisherman should be respected much more than they are. We are living the American Dream of working hard for our income and being proud of our service. In recent decades American's has been suffering from poor diet and malnutrition; resulting in heart disease, diabetes, and many other avoidable illnesses. Our wild harvested Alaska salmon is combating these poor health ailments that affect so many. Do not deny American diners a healthy choice. NO HB266!

I ask you to take the time to learn about the basic information regarding this precious fish run. It would be **ABSOLUTELY WRONG** to prioritize personal use. Especially, when we do not yet have simple upriver Baseline Data and currently lack any upriver law enforcement and habitat protection. There are many basic unanswered questions that should be dealt with first before any reprioritizing is considered. ADF&G already has a management system in place that works well, let's make it work even better. ADF&G Biologists are the best at managing the resource. It is what they do, are trained to do and are already authorized and empowered to do. I urge you to vote NO HB266. Stand by Cordova and its Commercial Fishers - NO HB266!

Sincerely: Rick J Ballas
F/V Eyak Ryder

Timothy Clark

From: Norm [galeforce@mtaonline.net]
Sent: Friday, March 05, 2010 3:51 PM
To: Rep. Bryce Edgmon
Cc: Timothy Clark
Subject: HB266

Dear Sir I ask you to oppose HB266.

- * The City of Cordova receives a raw fish tax as paid by ALL fishermen, regardless of whether they live in or out of state. This tax generates thousands of dollars for the City of Cordova, and is used to fund our hospital, schools, roads, police department, etc. Without this tax, local municipalities would have to turn to the State for necessary funds.
- * The Copper River fishery provides much needed income to Cordova's fishing families, sustaining fishermen and local businesses alike. In the summer Cordova's population doubles, and local business owners benefit from the economic boost commercial fishing activities bring. Many local businesses would not survive without this early spring boost of business.
- * Alaskan commercial fisheries employ thousands of workers (that include a high percentage of State residents) all year long.
- * A majority of commercial fishermen ARE Alaska residents. The Area E PWS drift salmon permit fishery has highest State residency of any other Alaskan commercial salmon fishery. Over 75% of permit holders are State of Alaska residents.
- * If you give everything a priority, then NOTHING has a priority. A priority to the resource should be reserved for those Alaska residents that truly depend on it for their own survival. This is the reason priorities were set in the first place, to ensure that those needing fish the most had ample opportunity and resources to sustain their needs.
- * Stoltze's sponsor statement speaks of individual Alaska residents and their rights to fish before all others, yet a priority for personal use fisheries would devastate our City, and other coastal communities in Alaska directly and indirectly affecting all residents. When issuing priorities for particular user groups, please consider the ramifications of your decisions to the coastal communities of Alaska.
- * The management of Alaska's fisheries is best left to the scientists that fully understand biology and conservation of fishery resources. ADFG has the tools and expertise to best manage Alaska's fisheries and as a result Alaska has world renowned fisheries that are managed for sustainability. ADFG is fully capable of managing efficiently to ensure adequate stocks for all user groups; during times of shortage, ADFG already restricts the commercial fleet. Alaska Legislature has granted ADFG the authority to manage fisheries based on this, and should continue doing so without legislative interference.

Thank You Norm Campbell

Timothy Clark

From: lloyd Montgomery [petdahl@gmail.com]
Sent: Monday, February 15, 2010 7:12 PM
To: Timothy Clark
Subject: Re:HB266---personal use fishing priority

A life time commercial fisherman 4th generation for 47 years on the copper river, come may 15 a lot of people all over the us and other countries are looking forward to a nice red salmon and a king salmon dinner, SINCE they themselves can not come here to get it fresh out of the water personally , they are looking forward to the local canneries and private marketers , to send , them their fish ,which of course is a 2 fold winner for the commercial fisherman and the customers to receive their product , which also provides income for the merchants in cordova , and the alaska airlines ,and the take that away form the life style of the commercial fisherman and the merchants it will outright ruin many who rely on this way of life.please consider not to pass HB266 , we have already lost much of the copper river area already, area from cape st elias to cape suckling, and most of the inside of the copper and now to take everything away ,What has happened to the real alaskans the true hearted ones commercial fishing is what made alaska , the present fish and game in cordova has been doing a very good job of managing for many years with good returns to the copper ,so if its has been working why change the system that has been sucessful all these years .LLoyd Montgomery 19078413394
petdahl@gmail.com



Response to House Bill 266

Ahtna, Inc. is opposed to House Bill 266, "An Act providing for a priority for a fishery to residents when fishing restrictions are implemented to achieve an escapement goal". By Representatives Stoltize, Keller, and Neuman, Fairclough.

They do not have, in our opinion, "customary & traditional uses and does not meet criteria of customary & traditional use determinations". They should be eliminated along with other consumptive uses whenever, "the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses." Personal Uses should be "eliminated whenever the resources cannot harvested consistent with sustained yield". It should kept as it is written in statutes because it is does not have customary and traditional use of the resources in Alaska. Personal uses was put into statutes because it was deemed necessary to have another category, because it did not fit "customary and traditional use, nor sport fishing". Nothing has changed to allow personal use to be classified as subsistence use.

P.O. Box 649 - Glennallen, Alaska 99588
Phone: (907) 822-3476 - Fax: (907) 822-3495

March 4, 2010

Representative Bryce Egmon
Special Committee on Fisheries
State Capitol, Room 421
Juneau, AK 99801-1182

Re: Opposition to HB 266

Dear Representative Egmon and Fisheries Committee Members:

I have worked, invested in, raised three kids, and supported local economies in my hometown of Seward, as well as Cordova and Anchorage by commercial salmon fishing on the Copper River out of Cordova. By historical standards, the last thirty years of salmon runs have been the strongest ever on the Copper. But continued abundance, although desired by Alaskans of all stripes, is anything but a given.

In these last three decades we have seen wild salmon populations collapse practically everywhere outside of Alaska. Why is this so? In almost every case, it is the lack of political will to 1) protect the habitat, and 2) biologically manage the salmon resource for optimum sustained yield. Each Alaskan river is its own story both in the politics and in the biology. It takes a huge amount of work by the ADF&G, the Alaska Board of Fish, and active public participation to set the policies which have led to our past successes in bringing back consistent salmon returns. This work has to be repeated again and again in each regulatory area of the state; gathering and interpreting the data, soliciting proposals, hearing testimony, and deliberating over regulatory and allocative changes. By more than coincidence, this management process parallels the strongest salmon returns in recorded history for many of Alaska's rivers. Does the legislature now want to shoulder this responsibility and begin issuing statewide management edicts from Juneau?

HB 266, by its very language, comes into play during times of scarcity, right when we need a science based, non-politicized process the most. As seen elsewhere, times of scarcity can become the new normal, long after the demise of both fishermen and coastal communities. Salmon management is very difficult get right. The legislature has more than enough already on its plate with energy and budget matters. Please oppose HB 266.

Thanks for your consideration.

Sincerely,

Bob Linville
Seward, Alaska

Diana R Burton
PO Box 6
Cordova, AK 99574

March 5, 2010

Representative Bryce Edgmon
Special Committee on Fisheries
State Capitol, Room 424
Juneau, Alaska 99801-1182

SUBJECT: Oppose House Bill 266

I am an Alaskan Native, lifelong resident of Cordova and a fifth generation commercial fisherman. Growing up in a rural town off the road system, my Mom and Grandma taught me a subsistence lifestyle and my father taught me how to make a living out fishing. I started fishing with my Dad on the Copper River and in Prince William Sound when I was 7 years old. I am now 27 years old, with a family, house, boat, and permit in Cordova. I invested into the fishery because it is my way of life, it is my bloodline. It supports the whole community of Cordova in one form or another. Each year I hope that the resources are healthy enough to share between all users groups and will give me the ability to pay for the roof over my head, clothing, and the things I need for my family. I NEED this salmon to survive, and so does my community, and I know that the personal use fishermen cannot say that.

Most personal use fishermen reside in urban cities, they have jobs with benefits and a 401K. They drive far away from their home either on a weekend or on their vacation time to go fishing. If something comes up in their schedule, and they cannot make it out fishing, they might be bummed that they missed it for the year, but it won't have any economical impact on their lives. It won't keep them from providing shelter, clothing, and basic necessities of life for their families.

I believe that everyone in Alaska has a right to harvest and use the resources and that there are also ample opportunities to do so in this state. But I do not believe that the personal use fishermen should have priority over the commercial fishing fleet.

Commercial fishing sustains our community; it is a way of life for the people living in many rural communities. It provides money and jobs in this state; it is a huge part of our economy, and vital to our existence.

Thank you for taking the time to let me comment on this bill. Please oppose HB 266, and continue to keep our rural economies and communities healthy.

Sincerely,

Diana R. Burton



Timothy Clark

From: Rep. Bryce Edgmon
Sent: Thursday, April 01, 2010 2:47 PM
To: Timothy Clark
Subject: FW: Support HB-266

From: dshunter@gci.net [mailto:dshunter@gci.net]
Sent: Wednesday, March 31, 2010 9:21 PM
To: Rep. Bryce Edgmon
Subject: Support HB-266

I am writing to you **to ask that you support HB 266** so Alaskans can be assured that they will continue to have access to their fisheries resources to the benefit of themselves and their families.

Dan Simants
205 Slater Drive
Fairbanks, AK 99701

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, March 31, 2010 9:02 AM
To: Timothy Clark
Subject: FW: HB 266

From: Matt Rucando [mailto:mattrucando@gmail.com]
Sent: Wednesday, March 31, 2010 8:32 AM
To: Rep. Bryce Edgmon
Subject: HB 266

Dear Representative,

I have been living in Alaska for almost 20 years. I use the Chitna river to feed myself and my family. I am writing to you **to ask that you support HB 226** so Alaskans can be assured that they will continue to have access to their fisheries resources to the benefit of themselves and their families.

Thank You

Matt Rucando
11232 Steeple Dr
Eagle River, AK 99577

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, March 31, 2010 9:02 AM
To: Timothy Clark
Subject: FW: HB 266

From: Sean Sylvester [mailto:supercub2006@gmail.com]
Sent: Wednesday, March 31, 2010 9:00 AM
To: Rep. Bryce Edgmon
Subject: HB 266

As a lifelong Alaskan, I am writing to you **to ask that you support HB 266** so Alaskans can be assured that they will continue to have access to their fisheries resources to the benefit of themselves and their families.

Thanks,

Sean Sylvester

Timothy Clark

From: Travis L. Johnson [TLJohnson@gvea.com]
Sent: Wednesday, March 31, 2010 4:44 PM
To: Rep. Bryce Edgmon
Subject: HB-266

Im travis Johnson P.O. box82016 fairbanks Alaska and I support HB-266 please help insure my right to feed my family Thank You Travis Johnson

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Thursday, April 01, 2010 2:47 PM
To: Timothy Clark
Subject: FW: HB 266

From: Art Konefal [mailto:a_konefal@hotmail.com]
Sent: Tuesday, March 30, 2010 4:19 PM
To: Rep. Bryce Edgmon
Subject: HB.266

As chairman of the Fisheries Committee I ask that you support this Bill and pass it out of your committee so that it can advance and help the little guy. Thanks, Art Konefal

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn More.](#)

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Thursday, April 01, 2010 2:47 PM
To: Timothy Clark
Subject: FW: HB 266

-----Original Message-----

From: rbleth@gci.net [mailto:rbleth@gci.net]
Sent: Thursday, April 01, 2010 10:24 AM
To: Rep. Bryce Edgmon
Subject: HB 266

Dear Representative Edgmon:

I agree with HB 266.

Thank You,

Roger Bleth
14315 Bleth Street
Seward, AK 99664

Timothy Clark

From: Thompson Craig [craig.thompson@enipetroleum.com]
Sent: Wednesday, March 31, 2010 12:37 PM
To: Rep. Bryce Edgmon
Subject: HB266

Mr Bryce Edgmon

I am writing you to request your support for Alaskans to feed their family's first. Thanks for your consideration and support.

Craig Thompson/ RC Pafford

Eni Petroleum

US Operating Co.

Logistics Coordinator

907-670-8591

907-240-6426

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Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, March 31, 2010 9:50 AM
To: Timothy Clark
Subject: FW: HB 266

From: MJ Larson [mailto:mjl Larson@msn.com]
Sent: Wednesday, March 31, 2010 9:50 AM
To: Rep. Bryce Edgmon
Subject: HB 266

Please support this personal use fisheries priority bill. It is imperative that Alaskans have access to this resource to feed their families.

Thank you,

MJ Larson

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Thursday, April 01, 2010 2:47 PM
To: Timothy Clark
Subject: FW: Support for HB 266

From: LARRY LYSNE [mailto:arcticpair@gci.net]
Sent: Tuesday, March 30, 2010 4:11 PM
To: Rep. Bryce Edgmon
Subject: Support for HB 266

I strongly support HB 266. Access to the Chitina Red Salmon fishery has become a very important part of our lives and diets. Wild game makes up the majority of our food needs and access to these fish greatly contributes to the healthy lifestyle we have chosen. The right to harvest our food has always been, and should always remain, protected. Thank you. Larry Lysne and Sheila Dufford

Timothy Clark

From: Rep. Bryce Edgmon
Sent: Wednesday, March 31, 2010 9:02 AM
To: Timothy Clark
Subject: FW: HB 266

From: baj@gci.net [mailto:baj@gci.net]
Sent: Wednesday, March 31, 2010 9:01 AM
To: Rep. Bryce Edgmon
Subject: HB 266

Representative Edgmon,

I do not live in your district, but I understand that my Representative, Carl Gatto, has co-sponsored a very fine piece of legislation - HB 266 *An Act providing for a priority for a fishery that is restricted to residents when fishing restrictions are implemented to achieve an escapement goal*. I also understand that you, personally, are the one Representative who has taken it upon himself to attempt to kill this legislation by bottling it up in committee.

As I said, I do not live in your district, but I can and often do contribute to candidates that I have a special interest in. Let me assure you that I will track the progress of HB-266, and if it turns out that it dies in committee as a result of your obstruction, I will contribute as much as I am able to your opponent in the next election.

Bruce Johnson

Timothy Clark

From: Mcgahan Elton [elton.mcgahan@enipetroleum.com]
Sent: Wednesday, March 31, 2010 2:44 PM
To: Rep. Bryce Edgmon
Subject: Fishing

Dear Sir,

In my humble opinion as a Commercial fisherman in cook inlet , The amount of fish taken from the Kenai and kasilof rivers is greatly under estimated , The amount of fish that these magnitudes of people are taking is 2 to 3 times what is being reported,, and the majority of the fish you can find every spring in the many dump sites across the state because they are freezer burned and a new run is just around the corner.

If the fishery needs a break then let all be involved in it ..

Thanks

Elton McGahan
OCC Supervisor
Eni USA Operating Co, Inc
Nikaitchuq Project
907-670-8550
907-252-5169 cell

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Timothy Clark

From: Rep. Bryce Edgmon
Sent: Sunday, April 04, 2010 12:50 PM
To: Timothy Clark
Subject: FW: Subject: Support HB-266, please.

Follow Up Flag: Follow Up
Due By: Wednesday, April 07, 2010 10:00 AM
Flag Status: Flagged

From: vic@nome.net [mailto:vic@nome.net]
Sent: Sunday, April 04, 2010 9:11 AM
To: Rep. Bryce Edgmon
Subject: Subject: Support HB-266, please.

Subject: Support HB-266, please.

As an Alaskan, I am writing to you **to ask that you support HB 266** so Alaskans can be assured that they will continue to have access to their fisheries resources to the benefit of themselves and their families.

Thank you
Victor Lee Olsen
P.O. Box 1924,
406 East L Street
Nome, Alaska 99762

(907) 443-2102

HB

344

<target><bill>HB 344</bill><subject>HB
344</subject><comm>HFSH26</comm></target>

House Fisheries—February 23rd, 2010

1. Call to Order.

Good morning and welcome to the House Special Committee on Fisheries.

Mention **Date & Time** for the Record.

Note committee members **in attendance for the Record**.

Remind folks to **turn off their cell phones, etc...**

2. Today will once again hear **HB344—Salmon Product Development Tax Credit**.

We also have **Arne Fuglvog, aide to Senator Murkowski**.

Mr. Fuglvog will be joined by **Doug DeMaster, Director of NOAA's Alaska Fisheries Science Center**.

They will be making **remarks on recent Ocean Policy Task Force recommendations**.

3. We will begin with HB344.

Afterwards we will recess to the call of the chair, then following floor session we will reconvene here to hear Mr. Fuglvog and Mr. DeMaster's presentation.

4. Turning to **HB344**:

- We have a **committee substitute** that incorporates an amendment with the bill sponsor's approval
- **Do we have a motion to adopt the committee substitute?**
- Fisheries aide **Tim Clark** will speak to the changes in this bill version.

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 12, 2010

FURTHER REFERRALS: Finance

Date of Committee Action: 2/23/2010

The HOUSE SPECIAL COMMITTEE ON FISHERIES considered:

HOUSE BILL NO. 344

"An Act relating to the salmon product development tax credit; and providing for an effective date by amending an effective date in sec. 7, ch. 57, SLA 2003, as amended by sec. 4, ch. 3, SLA 2006, and by sec. 4, ch. 8, SLA 2008."

HB 344-SALMON PRODUCT DEVELOP. TAX CREDIT

Recommends it be replaced with HCS or CS for HB 344 (FSH)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

- List of Abbrev for Depts.:
- ADM
 - CED
 - COR
 - CRT
 - EED
 - DEC
 - DFG
 - GOV
 - DHS
 - LWF
 - LAW
 - LEG
 - MVA
 - DNR
 - DPS
 - REV
 - DOT
 - UA

NEW FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Craig Johnson			x	
	Wes Koller			x	
	Chance Millett	x			
	Buck	x			
	Muñoz	x			
Chair:	Edgman	x			
Chair:					



REPRESENTATIVE BILL THOMAS

ALASKA STATE LEGISLATURE DISTRICT 5

e-mail: Representative.Bill.Thomas@legis.state.ak.us
webpage: www.akrepublicans.org/thomas/

State Capitol

Juneau AK, 99801-1182

907-465-3732

888-461-3732

FAX 907-465-2652

Sponsor Statement HB 344

An Act Relating to the Salmon Product Development Tax Credit

House Bill 344 extends the deadline for salmon processors in Alaska to receive a salmon product development tax credit. The program allows applicants to claim a credit on their annual fisheries business tax for the purchase of eligible equipment. Credits received may not exceed 50% of a taxpayer's liability. Under current law, processors can claim the credit for the property first placed into service by December 31, 2011. This bill would extend the program's sunset date to December 31, 2015, allowing the processors ample time to continue their long-range investment planning.

The salmon product development tax credit was a key recommendation of the Joint Legislative Salmon Industry Task Force. First enacted in 2003, the credit was part of an effort by Alaska's elected leaders and the fishing industry to develop innovative value-added salmon products. Since then it has stimulated some important changes in Alaska's commercial fishing industry. New processing equipment eligible for the tax credit enables businesses to offer a more diverse complement of Alaska salmon products which helps increase overall customer acceptance. Modern equipment also helps increase efficiency of processing operations and improves output, meaning that quality has improved. This tax credit also encourages in-state processing of our salmon resource which is critical to job creation and retention in fishing communities.

Although Alaska's salmon industry is beginning to recover from years of low values caused by factors such as competition from fish farming, the industry continues to be challenged by the recent economic depression, changes in the marketplace, and increasing labor and energy costs. Extending the tax credit beyond its current sunset date of December 31, 2011 will allow the industry to continue the progress that is being made in developing and producing salmon products that will keep Alaska's fisheries competitive in world markets. The state should continue to support one of our most important basic industries by extending the salmon product development tax credit through passage of HB 344.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 344
 () Publish Date: _____

Identifier (file name): HB344-REV-TAX-02-17-10 Dept. Affected: Revenue
 Title Salmon Product Development Tax Credit RDU Taxation and Treasury
 Component Tax Division
 Sponsor Representative Thomas
 Requester (H) Fisheries Special Committee Component Number 2476

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	(2,400.0)	(2,400.0)
-------------------------------	------------	------------	------------	------------	------------	------------------	------------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

See Attached.

Prepared by: Tim Cottongim, Revenue Audit Supervisor/Tim Harper, Economist III
 Division Tax Division
 Approved by: Ginger Blaisdell, Director
Administrative Services Division

Phone (907) 465-3695
 Date/Time 2-17-10; 11:09am
 Date 2-17-10; 4:08pm

FISCAL NOTE

**STATE OF ALASKA
2010 LEGISLATIVE SESSION**

BILL NO. HB 344 _____

ANALYSIS CONTINUATION

Bill Language:

This bill extends the existing Salmon Product Development tax credit for investment in processing equipment used to produce value-added salmon products by four years through 2015. The Salmon Product Development tax credit allows taxpayers to take a credit against their Fisheries Business Tax liability for 50% of qualified investment in new value-added salmon processing equipment. Credits may be applied up to 50% of the Fisheries Business Tax liability on salmon processed in Alaska in the year generated and the three subsequent years.

Revenues:

Although it is difficult to determine the number of taxpayers who would take advantage of this tax credit, the DOR would expect reduced Fisheries Business Tax collections in the years added. The department would expect the Fisheries Business Tax to decrease by \$2.4 million for each additional year the credit is extended.

Expenditures:

The provisions of this bill could be implemented with existing state resources. No additional personnel or resources would be needed, since the DOR is already performing these duties.

Committee Substitute for HB344

- The CS adds “ice making” equipment to the list of qualified investments under section (j)(3)(A)(i). *PAGE 2, LINE 7.*
- The value-added processes that have most increased the worth of salmon catches around the state depend on high-quality harvests.
- When you have a greater the proportion of high quality fish, you have more fish can be steered into value-added processes.
- Ice is essential for significantly increasing the proportion of Number 1 grade fish in the harvest.
- Adding ice-making equipment to the investments qualified under the product development tax credit will result in a significantly larger quantity of quality salmon to increase the proportion of value-added processing in the state.
 - Chilling fish in slush ice can increase the percentage of “Number 1” fish from 50 percent to as much as 85 percent of a given catch.
 - Number 1 fish are essential for filleting—one of the highest volume value-added processes.
 - Some processors around the state have only enough ice-making capacity to care for landed fish awaiting processing.
 - This amendment would potentially allow them to add machinery to make ice available to their catcher fleets.
 - They may also be more able to make ice available on tenders, in order to get ice to catcher boats on the grounds.

** THE BILL SPONSOR SUPPORTS THIS AMENDMENT, LIMITED TO ICE-MAKING EQUIPMENT.*

26-LS1473R
Kane
2/22/10

CS FOR HOUSE BILL NO. 344(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:

Referred:

Sponsor(s): REPRESENTATIVES THOMAS, Peggy Wilson, Austerman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the salmon product development tax credit; and providing for an
2 effective date by amending an effective date in sec. 7, ch. 57, SLA 2003, as amended by
3 sec. 4, ch. 3, SLA 2006, and by sec. 4, ch. 8, SLA 2008."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 43.75.035(b) is amended to read:

6 (b) The amount of the tax credit applied against taxes under this section may
7 not

8 (1) exceed 50 percent of the taxpayer's tax liability incurred under this
9 chapter for processing of salmon during the tax year; or

10 (2) be claimed for property first placed into service after December 31,
11 2015 [2011].

12 * **Sec. 2.** AS 43.75.035(j)(3) is amended to read:

13 (3) "qualified investment" means the investment cost in depreciable
14 tangible personal property with a useful life of three years or more to be used

1 predominantly to perform a processing, packaging, or product finishing function that
2 is a significant component in producing value-added salmon products beyond gutting
3 of the salmon; in this paragraph, "property"

4 (A) includes

5 (i) filleting, skinning, portioning, mincing, forming,
6 extruding, stuffing, injecting, mixing, marinating, preserving, drying,
7 smoking, brining, packaging, blast freezing, ice making, or pin bone
8 removal equipment;

9 (ii) new parts to convert an existing can seamer to pop-
10 top can production; and

11 (iii) conveyors used specifically in the act of producing
12 a value-added salmon product;

13 (B) does not include

14 (i) vehicles, forklifts, conveyors not used specifically in
15 the act of producing a value-added salmon product, cranes, pumps, or
16 other equipment used to transport salmon or salmon products, knives,
17 gloves, tools, supplies and materials, equipment that is not processing,
18 packaging, or product finishing equipment, or other equipment the use
19 of which is incidental to the production, packaging, or finishing of
20 value-added salmon products; or

21 (ii) the overhaul, retooling, or modification of new or
22 existing property, except for new parts to convert an existing can
23 seamer to pop-top can production;

24 * Sec. 3. Section 7, ch. 57, SLA 2003, as amended by sec. 4, ch. 3, SLA 2006, and by sec. 4,
25 ch. 8, SLA 2008, is amended to read:

26 Sec. 7. Section 3, ch. 57, SLA 2003, [OF THIS ACT] takes effect on the
27 earlier of the following:

28 (1) January 1, 2019 [2015]; or

29 (2) the date of the attorney general's notification to the lieutenant
30 governor and to the revisor of statutes that

31 (A) a court has entered final judgment that AS 43.75.035 or

1 43.75.036, added by sec. 1, ch. 57, SLA 2003, violates the commerce clause
2 contained in art. I, sec. 8, United States Constitution; and

3 (B) the time for an appeal of that judgment has expired, or, if
4 an appeal was taken, a final order on the appeal has been entered that
5 AS 43.75.035 or 43.75.036, added by sec. 1, ch. 57, SLA 2003, violates the
6 commerce clause contained in the United States Constitution.

PSPA
PACIFIC SEAFOOD PROCESSORS ASSOCIATION
Est. 1914

February 12, 2010

Representative Bryce Edgmon, Chair
House Special Committee on Fisheries
State Capitol
Juneau, AK 99801-1182

RE: Support for HB 344
Extension of the Salmon Product Development Tax Credit

Dear Representative Edgmon and Members of the House Fisheries Committee:

On behalf of the Pacific Seafood Processors Association, a trade association of seafood processing companies with operations in many communities throughout Alaska, I am writing to express strong support for HB 344, and to request that this important legislation be moved from the House Fisheries Committee as soon as possible.

The legislature constructed the existing Salmon Product Development Tax Credit program tightly to accomplish very specific goals. It is proving to be very successful in accomplishing its intended purpose of encouraging and enabling Alaska salmon processors to develop and produce value-added salmon products in Alaska. This, in turn, is helping Alaska's salmon industry keep pace with evolving consumer demands and keep Alaska salmon competitive on world markets. It is a program that essentially pays for itself by increasing the value and marketability of Alaska salmon.

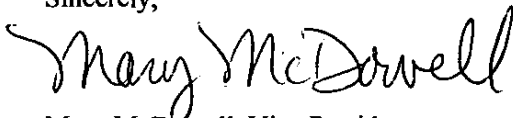
The attached 1-page document briefly describes some of the improvements that have been made with the help of this program. Many of the new product forms developed and improvements and expansions made in recent years would not have happened, or would have been significantly delayed, without the incentive and assistance provided by the tax credit program. The attached page also describes ways our member companies anticipate utilizing the tax credit program in upcoming years if it is extended.

Alaska's seafood industry, operating in remote areas of Alaska, is dealing with extremely high energy costs, the worldwide economic downturn, and other enormous challenges. Yet, the industry's future, and the future economic benefits Alaska's fisheries provide to fishermen, communities, and the state, depend on continued progress in developing and expanding value-added product forms and capacity. Extension of the Salmon Product Development Tax Credit Program will play an important role in maintaining the continued development and competitiveness of the Alaska salmon industry.

Extending this very effective program makes good sense for Alaska. We urge quick scheduling and passage of HB344.

Thank you very much for your consideration.

Sincerely,



Mary McDowell, Vice President

Attachment

222 Seward Street, Suite 200
Juneau, AK 99801
Phone (907) 586-6366
Fax (907) 586-4618
www.pspafish.net

Past use of the Salmon Product Development Tax Credit

The Salmon Product Development Tax Credit Program has been very effective in advancing the goal of increasing in-state value-added processing. The credit has enabled and encouraged seafood companies to make investments in equipment that they would otherwise have had to delay or forego. In many cases, the credit has enabled companies to begin producing value-added product forms they had not previously produced.

Since enactment of the program, PSPA member companies have purchased and put into production a wide variety of value-adding equipment, such as:

- skinless/boneless fillet equipment
- roe separating equipment
- smoking equipment
- equipment to produce boneless/skinless salmon in pop-top ("easy-open") cans
- equipment to produce sockeye ikura
- equipment for packaging ikura in vacuumed sealed packages

The credit has enabled companies to increase capacity of pounds purchased from fisherman and improve quality by adding fillet lines and investing in coolers, blast freezers, and upgrading and increasing freezer capacity.

Anticipated future use of the tax credit

Continuation of the Salmon Product Development Tax Credit would be extremely helpful in maintaining the momentum of the expansion of in-state, value-added processing, and allow companies to plan for future capital investment in their salmon operations around the state and keep Alaska salmon competitive in evolving world markets.

Customers continually want more user-friendly products. The salmon fillet market, for example, has grown tremendously in the last few years and the market has not shown any signs of over supply. It takes some risk and a few years for companies to assess how their investments in value-added processing are paying off and then additional time to gear up and gather financial resources to make additional investments. A tax credit that makes such investments feasible in a shorter timeframe benefits Alaska harvesters, processors, communities, and the state.

If this tax credit program remains available, our member companies anticipate utilizing it in upcoming years for such things as additional filleting equipment; salmon sausage equipment; salmon oil refining equipment; equipment for producing skinless/boneless products; freezing capacity upgrades and increases, portioning equipment, vacuum packing equipment, and salmon roe processing equipment.

222 Seward Street, Suite 200
Juneau, AK 99801
Phone (907) 586-6366
Fax (907) 586-4618
www.pspafish.net



February 16, 2010

Representative Bryce Edgmon, Chair
House Special Committee on Fisheries
State Capitol
Juneau, Alaska 99801-1182

THE TENTH FLOOR
2200 SIXTH AVENUE
SEATTLE, WA 98121-1820
206.728.6000
OPERATION FAX 206.441.9090
SALES FAX 206.728.1855

Dear Representative Edgmon and Members of the House Fisheries Committee:

It is my pleasure to introduce Peter Pan Seafoods, Inc. We were incorporated in 1950 as the successor to P.E. Harris Co., which began canning salmon in Alaska in 1912. Peter Pan Seafoods processes and sells various types of Alaskan seafood products. All of our raw seafood is purchased from independent fishermen participating in fisheries throughout Alaska. Our production facilities include: King Cove, Port Moller, Dillingham, and Valdez. Salmon products account for the largest portion of our sales; other major product lines include crab, halibut, cod, Pollock and black cod. Our products are sold primarily to wholesalers and distributors throughout the world.

Peter Pan Seafoods is writing to express strong support for **Bill HB344, Extension of the Salmon Product Development Tax Credit** and to request that this important legislation be moved from the House Fisheries Committee as soon as possible. This bill simply extends for 3 more years an existing program that is proving very successful for the Alaskan salmon industry. We hope to continue the momentum and progress this program has afforded us in keeping our Alaskan salmon products competitive in the domestic and world markets.

We have been able to utilize the salmon tax credit at each of our Alaska production facilities. Both King Cove and Dillingham have added value added salmon fillet and ikura roe lines. In Port Moller, we expanded our value added salmon fillet operation; and in Valdez we added value added salmon fillet production, skinless boneless canned salmon and ikura roe. The progress we have achieved by adding and developing the value added salmon products in such a relatively short time is due to the Salmon Tax Credit.

The ever increasing costs of energy, labor, packaging and insurance are diverting the funds that could otherwise be invested into these sorts of improvements. It is imperative to our industry and Peter Pan Seafoods in particular that the salmon tax credit continue for another 3 years. There is more to be achieved in the development of the salmon value added program to ensure Alaska salmon products keep pace with evolving world markets. We urge the committee to take quick action in support of **HB344, Extension of the Salmon Product Development Tax Credit**.

Thank you and the Committee for your timely consideration of this issue.

Respectfully,

Barry D. Collier
President and CEO
Peter Pan Seafoods, Inc.

4 Nickerson, Suite 400, Seattle, WA 98109
P.O. Box 31179, Seattle, WA 98103-1179
PHONE (206) 726-9900 FAX (206) 726-1667
www.northpacificseafoods.com



February 13, 2010

Chairman Bryce Edgmon
Members of the House Fisheries Committee
State Capitol
Juneau, AK 99811-1182.

RE: HB 344, Salmon Tax Credit

Dear Chairman Edgmon and Members of the House Fisheries Committee:

North Pacific Seafoods would like to express our support for the passage of HB 344, renewing the Salmon Product Development Tax Credit. The current program has allowed the industry to keep pace on Alaska salmon products in the quickly changing domestic and world markets. The extension of this program will continue the momentum and success Alaska salmon products have enjoyed in the global markets.

North Pacific Seafoods started in Alaska in the canned salmon processing business. Today we own and operate four (4) shore based seafood processing plants that the largest portion is Salmon, though we also process crab, halibut, black cod, Pollock, Pacific cod, flat fish, rockfish and dive products. Our facilities are located in the coastal areas of Sitka, Kodiak, Pederson Point (Naknek) and Togiak. With the changing market demands, North Pacific Seafoods has converted from salmon canning to a 100% fresh and frozen processor of Alaska salmon and other seafood items.

North Pacific Seafoods continues to invest in our facilities each year. With the briskly increasing costs of energy, freight, labor and insurance, an increasing amount of our capital improvement funds have been diverted to address these issues that would normally be invested into product improvements. We have been utilizing the Salmon Tax Credit each year to improve our product development in salmon fillets and salmon caviar. We plan to continue to invest in salmon product development and the Salmon Tax Credit will allow us to invest at an accelerated level as long as this program continues.

We thank you for the continued support through the passage of the extension to the Salmon Product Development Tax Credit program.

Sincerely,

Jeffrey Backlund
Vice President

Alaska Pacific Seafoods
627 Shelikof Ave
Kodiak, Alaska 99615
(907) 486-3234
(907) 486-5164

Pederson Point
P.O. Box 99
Naknek, Alaska 99633
(907) 246-4461
(907) 246-6657

Sitka Sound Seafoods
329 Katlian Street
Sitka, Alaska 99835
(907) 747-6662
(907) 747-6268

Togiak Fisheries
P.O. Box 30
Togiak, Alaska 99678
(907) 493-5331
(907) 493-5133



ICICLE

February 17, 2010

Rep. Bryce Edgmon, Chair
House Special Committee on Fisheries
Alaska State Legislature
Juneau, Alaska 99801

Dear Chairman Edgmon and Committee Members,

I wish to express our support for HB 344, an act to extend the salmon product development tax credit program through the year 2015.

ICicle Seafoods, Inc. purchases and processes salmon in Southeast, Prince William Sound, Kodiak, Cook Inlet and Bristol Bay. We have utilized the salmon product development tax credit program on a number of occasions to purchase equipment to further diversify our product line, improve quality and prolong product viability. This has resulted in higher customer acceptance of our products.

The salmon product development tax credit program has been beneficial to the Alaska salmon industry. It has enabled the industry to re-tool and modernize equipment thereby putting Alaska salmon in a better competitive position in the global market place with other types of seafood and protein sources. The program has served as the catalyst that can make needed capital improvements a rational choice during economically challenging times.

We urge you to support HB 344 and thank you for your consideration.

Sincerely,
ICICLE SEAFOODS, INC.


Kris Norosz
Government Affairs

PETERSBURG FISHERIES

A DIVISION OF ICICLE SEAFOODS, INC.

P.O. Box 1147 • Petersburg, AK 99833 • Tel: 907-772-4294 • Fax: 907-772-4472

Prepared by Department of Revenue - Tax Division

Salmon Product Development Credit Expenditures

Qualified Expenditures

Description
Brining equipment
Curing equipment
Fillet lines
Fillet machines
Blast freezers
Glazers
Ikura packaging machines
Pin bone machines
Plate freezers
Pop-top canning equipment
Roe drying machines
Roe rubbing machines
Roe separators
Roe vibrating machines
Roe washers
Skinning machines
Smokehouses
Vacuum packaging machines

Non-Qualified Expenditures

Description
Bag blowers
Banding machines
Building construction
Deck cranes
Dock pilings
Dolly carts
Equipment maintenance
Equipment overhauling
Equipment retooling/retrofitting¹
Fish hooks
Fish pumps
Fish washing equipment
Fishing vessels
Freezer baskets
Freezer carts
Freezer rolling racks
Grinders
Gutting machines
Heading machines
Ice machines
Knife sharpeners
Knives
Labeling machines
Loading ramps
Net pens
Pallet jacks
Pocket conveyors
Retooling
Scales
Sealing machines
Spare parts
Standard canning equipment
Ordinary freezers
Strapping machines
Stun/bleed systems
Tables
Tape machines
Tools
Tote dumpers
Totes

¹Except pop-top canning systems

Figure 3 - Revenue Collections Detail

Listed in order of total amount of revenue collected

TAX TYPE	FY 2009	FY 2008	FY 2007
FISHERIES BUSINESS			
Established			
Shore-based	\$30,223,448	\$24,865,940	\$21,838,661
Floating	6,809,487	5,769,466	4,461,717
Cannery	5,069,742	5,218,570	3,603,230
Developing			
Shore-based	48,357	54,486	4,040
Floating	249	802	2,523
Total Tax	42,151,283	35,909,264	29,910,171
Prepayments	3,523,354	3,694,083	5,546,512
Penalties and Interest	311,942	504,207	169,178
License Fees	13,500	13,975	14,725
Less Credits			
Winn Brindle	(192,792)	(177,228)	(167,000)
Alaska Education	(450,000)	(450,000)	(300,000)
Salmon Product Development	(3,121,697)	(4,501,973)	415,745
Total Receipts	42,235,590	34,992,328	35,589,331
Fisheries Business Tax Shared			
Direct to Municipalities	(21,304,498)	(18,268,399)	(16,079,365)
DCCED* Municipal Allocation	(1,635,638)	(1,920,635)	(1,530,472)
Amount Retained by State	\$19,295,454	\$14,803,294	\$17,979,494
* Department of Commerce, Community and Economic Development			
ALCOHOLIC BEVERAGES			
Liquor	\$18,609,636	\$18,719,422	\$17,323,104
Beer	12,971,806	13,317,219	13,063,186
Wine	5,512,824	5,140,482	4,852,715
Beer qualifying for reduced tax rate	914,888	801,127	797,543
Penalties, Interest and Refunds	487,207	186,950	1,916
Total Receipts	\$38,496,361	\$38,165,200	\$36,038,464
Amount transferred to Alcohol and Other Drug			
Abuse Treatment and Prevention Fund	(18,968,874)	(19,080,505)	(18,018,504)
Amount Retained in General Fund	\$19,527,487	\$19,084,695	\$18,019,960

Sec. 43.75.035. Salmon product development tax credit.

(a) A taxpayer that is a fisheries business may claim a salmon product development tax credit of 50 percent of qualified investment in new property first placed into service in a shore-based plant or on a vessel in the state in the tax year.

(b) The amount of the tax credit applied against taxes under this section may not

(1) exceed 50 percent of the taxpayer's tax liability incurred under this chapter for processing of salmon during the tax year; or

(2) be claimed for property first placed into service after December 31, 2011.

(c) If the property for which a tax credit is claimed is installed on a vessel, the amount of qualified investment under (a) of this section is determined by multiplying the investment cost of the qualified investment property by a fraction, the numerator of which is the weight of raw salmon processed on the vessel by the taxpayer in the state in the tax year in which the property is first placed into service, and the denominator of which is the weight of raw salmon processed on the vessel by the taxpayer in and outside of the state in the tax year in which the property is first placed into service.

(d) An unused credit under this section may be carried forward and applied against the tax liability incurred on salmon in the following three tax years.

(e) Qualified investment costs upon which a tax credit is claimed under this section may not be considered for another tax credit in this title. A tax credit applied under this section together with a tax credit applied under AS 43.75.036 may not exceed 50 percent of the taxpayer's tax liability incurred for the processing of salmon during the tax year.

(f) A taxpayer may not claim the tax credit allowed under this section if the taxpayer is in arrears in the payment of assessments under AS 16.51.120, contributions under AS 23.20, or taxes or assessments collected or owed under this title. For purposes of this subsection, a taxpayer is not in arrears if the liability for the assessment, contribution, or tax is under administrative or judicial appeal.

(g) If, during a tax year, property for which a credit was claimed under this section is disposed of by the taxpayer, ceases to be qualified investment property, or is removed from service in the state, the tax due under this chapter is increased by the recapture percentage of the aggregate decrease in the credit allowed under this section for all prior tax years that would have resulted solely from reducing to zero the credit allowed for the qualified investment property under this section. The amount of tax credit attributable to the qualified investment that is carried forward from prior tax years is terminated as of the first day of the tax year in which the qualified investment property is disposed of by

the taxpayer, ceases to be qualified investment property, or is removed from service in the state. For purposes of this subsection,

(1) the recapture percentage during the year in which the property is first placed into service or during the first year following the year in which the property is first placed into service is 100 percent;

(2) the recapture percentage during the second year following the year in which the property is first placed into service is 75 percent;

(3) the recapture percentage during the third year following the year in which the property is first placed into service is 50 percent;

(4) the recapture percentage during the fourth or subsequent year following the year in which the property is first placed into service is zero percent;

(5) qualified investment property used on a vessel is considered to have been removed from the state on the first day of a tax year in which the proportion of raw salmon processed in the state on the vessel is less than 50 percent of total weight of raw salmon processed on the vessel in and outside of the state.

(h) The amount of a tax credit recaptured under (g)(1) - (3) of this section may not be included in the determination of the amount of that tax credit that is allowable under this section or AS 43.75.036.

(i) The department shall develop and implement procedures by which a taxpayer that is a fisheries business may submit the taxpayer's proposed investment to the department and request a preliminary determination of whether the investment qualifies for the salmon product development tax credit under this section. A preliminary determination by the department that the taxpayer's submission qualifies for the credit is binding, unless the department determines that the taxpayer has made a material misrepresentation in the taxpayer's submission.

(j) In this section,

(1) "first placed into service" means the moment when property is first used for its intended purpose;

(2) "new property" means property whose original use commences with the taxpayer and does not include property first used by another person;

(3) "qualified investment" means the investment cost in depreciable tangible personal property with a useful life of three years or more to be used predominantly to perform a processing, packaging, or product finishing function that is a significant component in producing value-added salmon products beyond gutting of the salmon; in this paragraph, "property"

(A) includes

(i) filleting, skinning, portioning, mincing, forming, extruding, stuffing, injecting, mixing, marinating, preserving, drying, smoking, brining, packaging, blast freezing, or pin bone removal equipment;

(ii) new parts to convert an existing can seamer to pop-top can production; and

(iii) conveyors used specifically in the act of producing a value-added salmon product;

(B) does not include

(i) vehicles, forklifts, conveyors not used specifically in the act of producing a value-added salmon product, cranes, pumps, or other equipment used to transport salmon or salmon products, knives, gloves, tools, supplies and materials, equipment that is not processing, packaging, or product finishing equipment, or other equipment the use of which is incidental to the production, packaging, or finishing of value-added salmon products; or

(ii) the overhaul, retooling, or modification of new or existing property, except for new parts to convert an existing can seamer to pop-top can production;

(4) "tax liability" means the liability for all taxes under this chapter before all credits allowed by this chapter;

(5) "useful life" means the useful life of the property that is or would be applicable for purposes of depreciation;

(6) "value-added salmon product" means the product of a salmon that is processed beyond heading, gutting, or separation in a manner that materially enhances the value of the salmon product, such as shelf-stable, retort pouched, smoked, pickled, or filleted salmon, ikura, leather, or jerky; "value-added salmon product" does not include a salmon or salmon product that

(A) has been subjected to only one or more of heading, gutting, freezing, packaging, quality assurance practices, or value retention practices;

(B) is salmon skeins or other unprocessed salmon products whether fresh or frozen;

(C) is canned, except for salmon products in a pop-top can; or

(D) is produced out of the state.

Testimony of Greg Fisk re HB 344
before the
House Special Committee on Fisheries,
Honorable Bryce Edgmon, Chairman
February 18, 2010

Chairman Edgmon and Members of the Committee,

My name is Greg Fisk. I'm here today representing Bristol Bay Economic Development Corporation. BBEDC supports passage of HB 344 and the renewal of the Salmon Product Development Tax Credit.

The Tax Credit has helped stimulate investment in new value added processing equipment across the State. Probably most important are the many salmon fillet lines now operating. In Bristol Bay increasing fillet production is truly transforming the fishery.

Unfortunately, basic salmon quality issues continue to limit the full positive economic impact of the investments in value added equipment. This is particularly acute in Bristol Bay, but is certainly not limited to the Bay. It's an old problem – lack of fish chilling capacity. This results in a high incidence of No. 2 fish that are unacceptable for filleting. The big problems are gaping and bruising.

Increasing the percentage of No. 1 grade fish is vital to getting full benefit from other investments under the Salmon Product Development Tax Credit. Proper chilling in slush ice has been demonstrated to increase the percentage of No. 1 fish from the 45% - 50% range to 80%-85% in Bristol Bay.

Accordingly, BBEDC would like to suggest that, as HB 344 works its way through the process, you consider adding ice production and delivery equipment to the list of qualified investments eligible for the tax credit. Doing so will directly contribute to achieving the original intent of the Salmon Product Development Tax Credit, by helping to ensure that we have the quality salmon needed for effective value-added processing in Alaska.

Ice Production and Delivery Equipment should include:

- the actual ice makers themselves, and the refrigeration systems required;
- ice storage systems –conventional insulated ice houses, tanks for slurry systems, etc.
- delivery systems – ice rakes, augers, pneumatic systems, chutes, etc.

HB

365

<target><bill>HB 365</bill><subject>HB
365</subject><comm>HFSH26</comm></target>

**HB 365—Processor Fees, Licenses, Records
Bill Packet Contents**

1. The Bill
2. Sponsor Statement / ~~SECTIONAL~~ / FISCAL
3. Capacity Reduction Program Summary (By SE Revitalization Assn.)
4. AS Sec. 16.40.250
5. Sec. 121 of U.S. Public Law 109-479 Jan. 12 2007
6. Information on Southeast Purse Seine Fishery from CFEC
7. Public Comment Letters

Representative Charisse Millett

Session

State Capitol Building, Room 412
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Interim

Anchorage LIO
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Anchorage, AK 99501
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Fax (907) 269-0223

House Bill 365 – Fish Processor Fees, Licenses, and Records

Version 26-LS1413/A, February 3, 2010

STAFF: Genevieve Wojtusik, 465-4937

SPONSOR STATEMENT

HB 365 will enable fisheries that have elected to pursue a capacity reduction (permit buyback) program to have the legal mechanism in place to ensure proper accounting of the transactions involved. The steps taken by this bill are procedural in nature.

Policy regarding capacity reduction through self-imposed fee collections have already been made in both state and federal statute. While allowing the National Oceanic & Atmospheric Administration (NOAA) and the National Marine Fishery Service (NMFS) access to fish ticket data held by the state to monitor loan repayments, this bill puts the final pieces together so that fishermen can decide on their participation based on a complete program.

Fleet capacity reduction programs are mechanisms that allow for stabilization of effort within a fishery. They are intended to ensure the long-term economic sustainability of the fishery by addressing the problem of over-capitalization. Based on the pilot program, 80% of permits bought back were non-resident. Alaska's legal framework for these programs ensures that they are:

FISHERY SPECIFIC - by requiring an affirmative vote of the registered and licensed permit-holding fishermen in the fishery in question. This process is spelled out in AS 43.76.230-270, statutes that were generated by the Joint Legislative Salmon Industry Task Force in 2002. The concept behind that legislation was that each fishery in Alaska has its own specific set of economic

factors, and therefore the participants should have the right of group self-determination in legally meeting the challenges of their fishery. This legislation will not affect any fishery that does not meet the previously established guidelines for capacity reduction.

SELF-FUNDED - In the case of the Southeast Alaska Purse Seine fishery, for example, the fishermen will have to agree to a self-assessment of 3% on each sale of fish they catch to cover the costs of the program.

VOLUNTARY - only fishermen who choose to sell their permits may do so. There is no effort to force any fishermen out of the fishery.

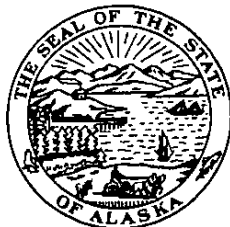
HB 365 does not affect any of the previously enacted pieces of the program. It simply enables the federal NMFS and the state Commercial Fisheries Entry Commission (CFEC) to share required information from the fish tickets (receipts for fish delivery transactions) in order to monitor loan repayments. It also requires processors to remit the fees to NMFS, using the same method as is already in practice for remission of the Alaska Salmon Enhancement Tax.

This legislation takes care of the final procedural hurdles to enable permit capacity reduction programs to go forward in any fishery that chooses to pursue that option and passes the other strict statutory requirements.

House Bill 365 is supported by the Southeast Seiners' Association, the United Fishermen of Alaska, and the Alaska Commercial Fishery Entry Commission.

Representative Charisse Millett

Session
State Capitol Building, Room 412
Juneau, AK 99801
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SECTIONAL ANALYSIS

House Bill 365 – Fish Processors Fees, Licenses, and Records

Version 26-LS1514\A, February 23, 2010
STAFF: Genevieve Wojtusik, 465-4937

SECTION 1: Amends AS 16.05.815(a) by adding to the list of information items which may be released by the Department of Fish & Game and by the Alaska Commercial Fisheries Entry Commission. It adds fish ticket information, records, and reports of the total value purchased by each fisherman, buyer, or processor, and makes it available to the National Marine Fisheries Service. This strengthens the NMFS position as loan guarantor of the fleet reduction loan program.

SECTION 2: Amends AS 43.75.020(a) by adding a subsection which provides that an applicant for a fishery business license agrees to pay the 3% fee levied under the fleet reduction program.

SECTION 3: Amends AS 43.75.020(b) by adding final administrative determinations of the National Marine Fisheries Service to the list of judgments or determinations which, if not received by the Department, will not prevent the issuance of a fishery business license to an applicant.

SECTION 4: Provides for an immediate effective date.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB365
() Publish Date: _____

Identifier (file name): HB365-DFG-CFEC-03-05-10
Title: An Act relating to sharing records regarding fish purchased by
Sponsor: Representative(s) MILLETT, P. Wilson, Munoz
Requester: House Fisheries Committee
Dept. Affected: Fish and Game
RDU: Comm Fisheries Entry Commission
Component: Comm Fisheries Entry Commission
Component Number: 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

There are no significant fiscal impacts for CFEC associated with this bill.

Prepared by: Shirley Penrose, Administrative Officer Phone 907-790-6960
Division: Commercial Fisheries Entry Commission Date/Time 3/5/10 7:17 AM
Approved by: Frank M. Homan, Chairman Date 3/5/2010
Comercial Fisheries Entry Commission

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

SEAN PARNELL, GOVERNOR

8800 GLACIER HWY, #109

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JUNEAU, AK 99811-0302

(907) 789-6150 Licensing Calls

(907) 789-6160 Other Business

(907) 789-6170 FAX

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INTERNET: www.cfec.state.ak.us

March 2, 2010

Representative Charisse Millett
Alaska House of Representatives
State Capitol, Room 412
Juneau, AK 99801-1182

Re: HB 365, Fish Processor Fees, Licenses, and Records

Dear Representative Millett:

Thank you for the opportunity to respond to your inquiry regarding HB 365, Fish Processor Fees, Licenses, and Records.

HB 365 is a continuation of a program established by the Alaska State Legislature in 2002 allowing Salmon Fishery Associations (AS 16.40.250) formed by fishermen for the purpose of promoting fleet consolidation and capacity reduction. That legislation (HB 286-2002) encourages the Commissioner of the Alaska Department of Fish and Game to assist fishermen in the formation of these associations among the various Alaska salmon fisheries. In 2006, the Alaska State Legislature modified AS 16.43.330 through HB 484 to allow reimbursement to Salmon Fishery Associations in the unlikely event the State of Alaska, through the Commercial Fisheries Entry Commission, issued more limited entry permits into a salmon fishery that has an outstanding loan for fleet consolidation and capacity reduction.

HB 365 is simply an accounting procedure modification to make the program operate more efficiently and allow the lender to monitor the capacity reduction loan repayment. It does not change the program established in 2002 in any way.

The Southeast Revitalization Association (SRA), the fishermen's association formed by the SE Alaska Salmon Purse Seine fleet under the 2002 legislation, is close to receiving federal funding in the form of a loan through the National Marine Fisheries Service (NMFS) to carry out the purposes of the Salmon Fishery Association legislation. NMFS will provide a long term loan to SRA to be paid back by Southeast salmon seine fishermen from future salmon harvests. NMFS requires a mechanism to be able to monitor the loan payback. HB 365 provides that mechanism.

HB 365 will allow NMFS access to confidential state records and reports through an exception to AS 16.05.815 (a) (Confidential nature of certain reports and records). This is not an unusual request since a dozen other exceptions have been granted in statute, including NMFS but for purposes of fishery management and enforcement. This legislation is necessary since it is the State of Alaska that maintains the fish ticket harvest data and fish processor annual reports. This exception will provide

assurance to NMFS that they are receiving the proper repayment of their loan. Similarly a requirement is added to AS 43.75.020(a), the Alaska Fisheries Business License, that the applicant in addition to other conditions, agrees to pay the fee assessment collected from the Southeast seine fleet to NMFS.

The original legislation in 2002 was supported by the Alaska fishing community and had overwhelming legislative support in both the House and Senate, as did the 2006 modification. This support stemmed from the fact that the program was initiated by fishermen for fishermen, it is a voluntary program (no one will be forced to sell their limited entry permit), the program requires a majority vote of all the fishermen to implement the loan agreement, the fishery association will have access to federal funds through the Magnuson-Stevens Fishery Conservation and Management Act, there is little State expense or administration, the State maintains all its responsibility to manage its fisheries in the future should conservation or economic conditions change, and the program has had a history of legislative support.

We have been pleased to work with the SRA on the establishment of their association and the success of their pilot program in 2008 which resulted in the buyback of 35 limited entry permits in the SE Alaska salmon purse seine fishery.

With the passage of HB 365 we look forward to a continuous working relationship with SRA and the Alaska fishing community.

Thank you for the opportunity to provide these comments.

Sincerely,



Frank Homan, Chairman
Peter Froehlich, Commissioner
Bruce Twomley, Commissioner

2/2010

CAPACITY REDUCTION PROGRAM FOR THE SOUTHEAST ALASKA PURSE SEINE SALMON FISHERY

By Southeast Revitalization Association

SUMMARY: State and federal legislation authorized this fishing capacity reduction program for the Southeast Alaska purse seine salmon fishery. The program will reduce fishing capacity by permanently relinquishing permits, promote economic efficiency, improve flexibility in the conservation and management of the fishery and obtain the maximum reduction in permits at the least cost.

The program is voluntary and only permit holders of the fishery are eligible to participate. Participating permit holders must abide by the terms and conditions of the program set forth in the Bid Agreement and, if their bid is accepted, a Relinquishment Contract ("Contract") with the Southeast Revitalization Association (SRA) and the Alaska Commercial Fisheries Entry Commission (CFEC). The aggregate of all Bid Agreements and Contracts signed by permit holders whose bids are accepted, will together with supporting rationale, constitute the Reduction Plan ("Plan") to be submitted to the Secretary of Commerce ("Secretary") for approval. Permit holders participating in the program will receive up to \$23.5 million in exchange for relinquishing permits.

To obtain the maximum capacity reduction at the least cost, SRA will use reverse auction procedures to rank and determine which bids to accept. If bids are accepted, the SRA will accept the bid with the lowest dollar amount and successively accept each additional bid with the next lowest dollar amount until it either elects not to accept a bid, there are no more bids to accept, or acceptance of the last bid with the next lowest dollar amount would cause the total cost to exceed \$23.5 million. The SRA may conduct one or more separate auctions before determining whether the number of bids it elects to accept is sufficient to submit a Plan.

Following SRA submission of the Plan and approval by the Secretary, National Marine Fisheries Service ("NMFS") will conduct a referendum to determine the willingness of the permit holders to repay a fishing capacity reduction loan ("loan") to finance the Plan. A majority vote of all permit holders in favor would bind all permit holders. NMFS will issue a \$23.5 million, 40-year loan to be repaid by those permit holders who continue operations in the fishery after implementation of the Plan.

In the event the aggregate amount of all accepted bids is less than \$23.5 million, the remaining loan funds would be available for reduction payments as part of a later SRA submitted Plan, subject to approval by the Secretary, and after a successful referendum by the permit holders.

1. **Statutory Background:** The authority for the SRA to conduct the program is Alaska Statute 16.40.250. The program was established under the Consolidated Appropriations Act of 2005 (Act) authorizing the (NMFS) to establish up to a \$50 million loan to finance the program and appropriated \$500,000 for the cost of the loan. That law was subsequently amended by Section 121 of the Magnuson-Stevens (MSA) Reauthorization Act of 2006 (Public Law 109-447) reducing the loan amount to no more than \$25 million and clarifying the respective roles of NMFS and SRA relative to development and implementation of the program. The sum of \$235,000 was later appropriated for the cost of guaranteeing the loan amount. The authority for making the loan is sections 1111 and 1112 of the Merchant Marine Act, 1936. NMFS will implement the industry fee system to repay the loan under section 312(d)(2) of the MSA.

2. **Purpose.** The program will reduce fishing capacity by permanently relinquishing permits, promote economic efficiencies, improve flexibility in the conservation and management off the fishery and obtain the maximum reduction in permits at the least cost by establishing reverse auction bidding procedures under the Plan.

3. **Definitions.** Unless otherwise defined, the following terms have the following meanings for the purpose of this program.

Acceptance means SRA acceptance of a bid.

Act means section 209 of Title II of Division B of Public Law 108-447 as amended by section 121 of Public Law 109-447.

Bid means a bidder's irrevocable offer under the Bid Agreement to relinquish a permit.

Bid Agreement means the form identifying the eligible bidder, procedures for the completion and submission of a bid; requirements upon acceptance of a bid and resulting relinquishment of the permit, and any other necessary implementation.

Bid Amount means the dollar amount of each bid by which SRA determines in what order to rank and potentially accept bids.

Final Plan means the aggregate of all Bid Agreements, Commercial Fisheries Entry Commission ("CFEC") documents, Relinquishment Contracts, and supporting documents and rationale; submitted to the Secretary for approval.

Conditional Notice means the CFEC form that any permit holder must sign and agree to abide upon submission of a Bid Agreement.

Conditional Relinquishment means the CFEC form that any permit holder agreeing to relinquish a permit must sign and agree to abide by upon SRA acceptance of the bid.

Fishery means the commercial taking of salmon with purse gear within the Southeast Alaska administrative area as defined under Title 5 Alaska Administrative Code Section 33.100.

Permit means a valid entry permit issued by CFEC to operate in the fishery.

Permit Holder means an individual at the time of bidding is the holder of record of a permit.

Relinquishment Contract means the contract that any permit holder agreeing to relinquish a permit pursuant to Alaska Statute (A.S. 16.43.150(i) must sign and agree to abide by upon acceptance of the bid, and before payment of the bid amount.

Secretary means the Secretary of Commerce or a designee.

Southeast Revitalization Association (SRA) is a qualified fishery association authorized to develop and implement this capacity reduction program under Alaska Statute 16.40.250 and federal law.

4. Eligibility and Application of permit holders

(a) *Notification.* A copy of the Bid Agreement, CFEC Conditional Notice and Conditional Relinquishment forms, and the Contract shall be mailed to each permit holder.

(b) *Application.* Any permit holder may apply to participate in the program, by submitting a fully completed and executed, Bid Agreement, including the necessary CFEC forms and the Contract.

5. Withdrawal: By submitting a completed and executed Bid Agreement, the person makes an irrevocable offer to relinquish a permit. No person, once having submitted the Bid Agreement, is entitled to withdraw or in any way amend the Bid Agreement.

6. Bid—(i) Binding agreement. A submitted Bid Agreement shall be an irrevocable offer to relinquish the permit for the bid amount, contingent on such offer being accepted by SRA. A bid that is submitted by the permit holder, but is not accepted by SRA, shall be deemed terminated and both the permit holder and SRA shall have no further obligation with respect to Bid Agreement.

(ii) **Bid Content.** The submitted Bid Agreement shall include the following information: name, address, telephone number and (if available) electronic mail address of the submitting permit holder; permit number and whether any authorized party holds a security interest in the permit.

(iii) **Bid submission.** Any permit holder may submit a Bid Agreement. If a permit holder holds a second permit, such permit holder may, but is not required to submit a Bid Agreement for such second permit. Each application must be submitted to the SRA, c/o Elgee, Rehfeld, Mertz, LLC, Professional Plaza Building B, 9309 Glacier Highway, Suite B-200, Juneau, AK 99801.

(iv) **Validity of Bid.** SRA in consultation with CFEC shall examine each Bid Agreement for consistency and the necessary elements. SRA shall notify the permit holder if the Bid Agreement is non-conforming. In such cases, the permit holder may submit a revised, conforming Bid Agreement if within the prescribed period.

7. Warranty. By submitting a Bid Agreement, the permit holder warrants and represents that the permit holder has read and understands the terms of the Bid Agreement, Contract, CFEC forms, and has had the opportunity to seek independent legal counsel regarding such documents and the consequences of submitting the Bid Agreement.

8. Bids—(i) Ranking. The SRA shall rank bids by using a reverse auction in which the SRA ranks the bid with the lowest dollar amount and successively ranks each additional bid with the next lowest dollar amount until there are no more bids or the ranking of the next lowest bid would cause the total program cost to exceed \$23.5 million.

(ii) **Acceptance and Post-acceptance transfers.** Upon expiration of the bid closing date the SRA will determine whether the number of ranked bids it is willing to accept is sufficient to achieve a substantive reduction in harvest capacity and increased economic efficiencies for those permit holders remaining in the fishery. If the SRA makes such a determination and thereafter accepts bids, SRA will send CFEC the Conditional Notice form restricting transfer of the permit to any person whose bid was accepted.

9. Submission of Plan, including repayment. The aggregate of all Bid Agreements, the CFEC forms and Contracts will, together with supporting documents and rationale, constitute the Plan to be submitted to NMFS for final approval on behalf of the Secretary. The Plan shall identify as the proposed capacity reduction, the permits identified in the Bid Agreements.

10. Selection of fishing capacity to be removed by Plan. The fishing capacity removed under the Plan will be the permits voluntarily offered by permit holders and accepted by SRA up to an aggregate amount of \$23.5 million.

11. Approval of the Plan. The criteria for NMFS, on behalf of the Secretary, to approve any Plan must include a finding by the Administrator of NMFS that the Plan is consistent with the Act and MSA, and that it will result in the maximum reduction in permits and fishing capacity at the least cost and in the minimum amount of time.

12. Referendum. NMFS will conduct a referendum to determine the permit holder's willingness to repay a fishing capacity reduction loan to purchase the permits identified in the Plan. A successful referendum by a majority of the permit holders will bind all parties and complete the reduction process.

13. Reduction Payments. Within 60 days of a successful referendum and CFEC receipt of the Contract, SRA through the Secretary will tender the accepted bid amount.

14. Later Plan The SRA may accept a total number of bids in an aggregate amount less than \$23.5 million. If this occurs, any remaining funds would be available for reduction payments as part of a later Plan.

15. Reduction Loan —(i) Term. As authorized by the Act, the capacity Reduction Loan ("Loan") shall be amortized over a forty (40) year term. The Loan's original principal amount may not exceed \$23.5 million, but may be less if the ultimate reduction cost is less. NMFS has promulgated framework regulations generally applicable to all fishing capacity reduction programs and the Loan shall be subject to the provisions of these regulations.

16. Loan Repayment Permit holders operating in the fishery shall be obligated to pay the fee in accordance with the regulations. Permit holders acknowledge that in the event payments made under the Plan are insufficient to pay the actual Loan, the term of the repayment shall be extended by NMFS until the Loan is paid in full.

(i) Interest. The Loan's interest rate will be the U.S. Treasury's cost of borrowing equivalent maturity funds plus 2 percent. NMFS will determine the Loan's initial interest rate when NMFS borrows from the U.S. Treasury the funds with which to disburse the reduction payments. The initial interest rate will change to a final interest rate at the end of the Federal fiscal year in which NMFS borrows the money from the U.S. Treasury. The final interest rate will be 2 percent plus a weighted average, throughout the fiscal year, of the U.S. Treasury's cost of borrowing equivalent maturity funds. The final interest rate will be fixed, and will not vary over the remainder of the reduction loan's 40-year term. The Loan will be subject to a level debt amortization. There is no prepayment penalty.

- (ii) **Fees.** The Loan shall be repaid by fees collected from the remaining permit holders operating in the fishery.
- (A) The fee will be expressed as a percentage of the ex-vessel price of all salmon harvested and landed in the fishery. For example, if the fee is 3% and the ex-vessel weighted average round price is \$0.50, then the fee per pound of salmon will equal to \$0.015 per pound.
- (B) Fees must be assessed and collected on all salmon harvested in the fishery. Although the fee could be up to 3 percent of the ex-vessel price of all post-reduction landings, the fee will be less than 3 percent if NMFS projects that a lesser rate can amortize the Loan over the 40-year term.
- (C) It is possible that the fishery may not open during some years. Consequently, the fishery will not produce fee revenue with which to service the Loan during these years. However, interest will continue to accrue on the principal balance. When this happens, if the fee is not already at the maximum 3 percent, NMFS will increase the fee to the maximum 3 percent, apply all subsequent fee revenue first to the payment of accrued interest, and continue the maximum fee rates until the principal and interest payments become current. Once all principal and interest payments are current, NMFS will make a determination about adjusting the fee rate.
- (D) **Collection.** The permit holder or the person who purchases and processes the salmon landed in the fishery shall be responsible for collecting and submitting the fees to NMFS.
- (E) **Record keeping and Reporting.** The permit holder or the person who purchases and processes the salmon landed in the fishery shall be responsible for compliance with the applicable record keeping and reporting requirements.

17. Enforcement/Specific Performance. The parties to the Contract have agreed that the opportunity to develop and submit a capacity reduction program for the fishery under the terms of the Act is both unique and finite. The failure of a permit holder whose bid was accepted to perform the obligations under the Contract will result in irreparable damage to the SRA and the permit holders upon submittal of the Plan to the Secretary for approval. Accordingly, the parties to the Contract expressly acknowledge that money damages are an inadequate means of redress and agree that upon failure of the permit holder to fulfill his obligations under the Contract that specific performance of those obligations may be obtained by suit in equity brought by the SRA in any court of competent jurisdiction without obligation to arbitrate such action.

(3) rearing and sale of ornamental finfish for aquariums or ornamental ponds provided that the fish are not reared in or released into water of the state.

(c) In this section "ornamental finfish" means fish commonly known as "tropical fish," "aquarium fish," or "goldfish," that are imported, cultured, or sold in the state customarily for viewing in aquaria or for raising in artificial systems, and not customarily used for sport fishing or human consumption purposes. (§ 2 ch 91 SLA 1990)

Cross references. — For legislative findings in connection with the enactment of this section, see § 1, ch. 91, SLA 1990 in the Temporary and Special Acts.

Article 4. Fishery Associations.

Section

- 240. Regional dive fishery development associations
- 250. Salmon fishery associations

Sec. 16.40.240. Regional dive fishery development associations. (a) The commissioner shall assist in and encourage the formation of qualified regional dive fishery development associations for the purpose of developing dive fisheries in administrative areas of the state in which dive fisheries exist. A regional dive fishery development association is qualified if the commissioner determines that the regional association

- (1) is incorporated as a nonprofit corporation under AS 10.20;
- (2) represents commercial fishermen who participate in each dive fishery in the region; and
- (3) possesses a board of directors that
 - (A) is representative of commercial dive fishermen who fish in each of the significant commercial dive fishing areas in the administrative area;
 - (B) has a member who is representative of fish processors who process dive fishery resources in the administrative area; and
 - (C) has a member who is representative of municipalities in the administrative area.

(b) In this section, "administrative area" has the meaning given in AS 43.76.210. (§ 1 ch 90 SLA 1997)

Sec. 16.40.250. Salmon fishery associations. The commissioner may assist in and encourage the formation of qualified salmon fishery associations for the purpose of promoting the consolidation of the fishing fleet in a salmon fishery for which the Alaska Commercial Fisheries Entry Commission has issued commercial fishing entry permits under AS 16.43. A salmon fishery association is qualified if the commissioner determines that the regional association

- (1) is incorporated as a nonprofit corporation under AS 10.20;
- (2) is comprised of interim-use permit and entry permit holders in the salmon fishery for which the association is established; and
- (3) has a board of directors that is comprised of interim-use permit and entry permit holders in the salmon fishery. (§ 1 ch 134 SLA 2002)

Cross references. — For reimbursement of expenses of fleet reduction programs, see AS 16.43.330(c).

Article 5. Sport Fishing Services.

Section

- 260. Sport fishing operator license
- 270. Sport fishing guide license
- 280. Reports

Section

- 290. Penalty
- 299. Definitions

Effective dates. — Section 16.40.260 becomes effective January 1, 2004.

Sec. 16.40.260. Sport fishing operator license.

- (1) holds a current business license as a commercial fisherman;
- (2) presents proof satisfactory to the commissioner of marine protection and conservation for the person and the person's spouse of at least \$100,000 for each in the previous year;
- (3) pays the license fee;
- (4) satisfies all additional requirements of the Fisheries.

(b) A person may not purchase a sport fishing operator license under this section.

(c) A person who holds a current sport fishing guide service license may not hold a current sport fishing guide license.

(d) A person who holds a current sport fishing guide license may not hold a current sport fishing guide service license.

(e) A person who holds a current sport fishing guide license is guilty of a violation of AS 16.05 — including regulations relating to the license — if the person is employed by a sport fishing guide who is employed by the person. (§ 6 ch 70 SLA 2004)

Delayed repeal. — Under § 16.40.270, this section is repealed January 1, 2004.

Sec. 16.40.270. Sport fishing guide license.

- (1) is a citizen of the United States;
 - (2) is certified in first aid;
 - (3) holds a license to carry a firearm if the person operates a motor vehicle if the license is required by the person's employer; and
 - (4) holds a current sport fishing guide license.
- (5) pays the license fee;
- (6) satisfies all additional requirements of the Fisheries.

(b) A natural person may not hold a sport fishing guide license if the person also holds a sport fishing operator license under AS 16.40.260 and pays the license fee.

(c) A person who holds a current sport fishing guide license may not hold a current sport fishing operator license. (§ 2 ch 134 SLA 2002)

(2) the biomass rebuilding target previously applicable to such stock will be met or exceeded within the new time for rebuilding;

(3) the extension period is based on the status and biology of the stock and the rate of rebuilding;

(4) monitoring will ensure rebuilding continues;

(5) the extension meets the requirements of section 301(a)(1) of that Act (16 U.S.C. 1851(a)(1)); and

(6) the best scientific information available shows that the extension will allow continued rebuilding.

(b) **AUTHORITY.**—Nothing in this section shall be construed to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) or to limit or otherwise alter the authority of the Secretary under that Act concerning other species

SEC. 121. SOUTHEAST ALASKA FISHERIES COMMUNITIES CAPACITY REDUCTION.

Section 209 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2884) is amended—

(1) by inserting “(a) **IN GENERAL.**—” after “SEC. 209.”;

(2) by striking “is authorized to” in the first sentence and inserting “shall”;

(3) by striking “\$50,000,000” and all that follows in the first sentence and inserting “up to \$25,000,000 pursuant to section 57735 of title 46, United States Code.”;

(4) by striking the third sentence and inserting: “The loan shall have a term of 40 years.”; and

(5) by adding at the end the following:

“(b) **SOUTHEAST ALASKA FISHERIES PROGRAM.**—

“(1) **CONDUCT OF PROGRAM BY RSA.**—The program described in subsection (a) shall be conducted under Alaska law by the Southeast Revitalization Association.

“(2) **TREATMENT UNDER CHAPTER 577 OF TITLE 46.**—For purposes of section 57735 of title 46, United States Code, the program shall be considered to be a program established under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a).

“(3) **APPLICATION OF MAGNUSON-STEVENS ACT.**—Notwithstanding paragraph (2), the program shall not be subject to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except for subsections (b)(1)(C) and (d) of that section.

“(c) **SOUTHEAST ALASKA FISHERIES PROGRAM APPROVAL AND REFERENDUM.**—

“(1) **IN GENERAL.**—The Secretary of Commerce may approve a capacity reduction plan submitted by the Southeast Revitalization Association under subsection (b).

“(2) **REFERENDUM.**—The Secretary shall conduct an industry fee system referendum for the buyback under the program in accordance with section 312(d)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except that—

“(A) no Council request and no consultation shall be required; and

“(B) the fee shall not exceed 3 percent of the annual ex-vessel value of all salmon harvested in the southeast Alaska purse seine fishery.

“(d) **DISBURSAL OF LOAN PROCEEDS.**—If the industry fee system is approved as provided in section 312(d)(1)(B) of that Act (16 U.S.C. 1861a(d)(1)(B)), the Secretary shall disburse the loan in the form of reduction payments to participants in such amounts as the Southeast Revitalization Association certifies to have been accepted under Alaska law for reduction payments. The Secretary shall thereafter administer the fee system in accordance with section 312(d)(2) of that Act (16 U.S.C. 1861a(d)(2)), and any person paying or collecting the fee shall make such payments or collection such fees in accordance with the requirements of that Act (16 U.S.C. 1801 et seq.)”.

Certification.

Fees.

SEC. 122. CONVERSION TO CATCHER/PROCESSOR SHARES.

“(a) **IN GENERAL.**—

“(1) **AMENDMENT OF PLAN.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall amend the fishery management plan for the Bering Sea/Aleutian Islands King and Tanner Crabs for the Northern Region (as that term is used in the plan) to authorize—

Deadline.
Alaska.

“(A) an eligible entity holding processor quota shares to elect on an annual basis to work together with other entities holding processor quota shares and affiliated with such eligible entity through common ownership to combine any catcher vessel quota shares for the Northern Region with their processor quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region; and

“(B) an eligible entity holding catcher vessel quota shares to elect on an annual basis to work together with other entities holding catcher vessel quota shares and affiliated with such eligible entity through common ownership to combine any processor quota shares for the Northern Region with their catcher vessel quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region.

“(2) **ELIGIBILITY AND LIMITATIONS.**—

“(A) The authority provided in paragraph (1)(A) shall—

Applicability.

“(i)(I) apply only to an entity which was initially awarded both catcher/processor owner quota shares, and processor quota shares under the plan (in combination with the processor quota shares of its commonly owned affiliates) of less than 7 percent of the Bering Sea/Aleutian Island processor quota shares; or

“(II) apply only to an entity which was initially awarded both catcher/processor owner quota shares under the plan and processor quota shares under section 417(a) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 546);

“(ii) be limited to processor quota shares initially awarded to such entities and their commonly owned affiliates under the plan or section 417(a) of that Act; and

*WWWBITP-A State of Alaska 2010-01-14
Commercial Fisheries Entry Commission
Basic Information Table
S 01A SALMON, PURSE SEINE, SOUTHEAST*

Year	Residency	Permanent Permits Renewed	Interim Permits Issued	Total Permits Issued/Renewed	Total Permits Fished	Total Pounds	Average Pounds	Total Gross Earnings	Average Gross Earnings	Average Permit Price
2008	* Resident	187	0	187	113	41,115,902	363,858	\$21,058,568	\$186,359	
	Nonresident	193	0	193	99	40,262,245	406,689	\$19,927,471	\$201,288	
	Year Totals	380	0	380	212	81,378,147	383,859	\$40,986,039	\$193,330	\$67,800
2007	Resident	198	0	198	121	95,024,646	785,328	\$24,632,323	\$203,573	
	Nonresident	217	0	217	116	90,244,723	777,972	\$25,013,727	\$215,636	
	Year Totals	415	0	415	237	185,269,369	781,727	\$49,646,050	\$209,477	\$59,700
2006	Resident	198	0	198	125	53,037,973	424,304	\$14,582,833	\$116,663	
	Nonresident	216	0	216	105	43,038,415	409,890	\$12,953,195	\$123,364	
	Year Totals	414	0	414	230	96,076,388	417,723	\$27,536,028	\$119,722	\$52,900
2005	Resident	193	0	193	119	121,367,012	1019891	\$18,534,431	\$155,752	
	Nonresident	222	0	222	113	105,326,313	932,091	\$17,539,218	\$155,214	
	Year Totals	415	0	415	232	226,693,325	977,126	\$36,073,649	\$155,490	\$41,800
2004	Resident	185	0	185	109	109,121,597	1001116	\$16,277,145	\$149,332	
	Nonresident	229	0	229	100	97,968,963	979,690	\$15,395,307	\$153,953	
	Year Totals	414	0	414	209	207,090,560	990,864	\$31,672,452	\$151,543	\$32,100
2003	Resident	184	0	184	115	107,652,418	936,108	\$13,197,585	\$114,762	
	Nonresident	231	1	232	120	104,489,485	870,746	\$13,508,155	\$112,568	
	Year Totals	415	1	416	235	212,141,903	902,732	\$26,705,739	\$113,641	\$32,800
2002	Resident	187	0	187	128	78,142,583	610,489	\$9,276,587	\$72,473	
	Nonresident	227	1	228	145	93,196,668	642,736	\$10,967,583	\$75,639	
	Year Totals	414	1	415	273	171,339,251	627,616	\$20,244,170	\$74,154	\$22,800
2001	Resident	188	0	188	148	111,933,441	756,307	\$21,623,106	\$146,102	
	Nonresident	226	1	227	197	139,215,120	706,676	\$27,119,695	\$137,663	
	Year Totals	414	1	415	345	251,148,561	727,967	\$48,742,800	\$141,283	\$34,700
2000	Resident	189	0	189	161	64,590,834	401,185	\$17,173,538	\$106,668	
	Nonresident	226	1	227	195	76,721,153	393,442	\$20,887,226	\$107,114	
	Year Totals	415	1	416	356	141,311,987	396,944	\$38,060,764	\$106,912	\$39,300
1999	Resident	191	0	191	165	132,746,677	804,525	\$25,130,026	\$152,303	
	Nonresident	224	1	225	194	163,070,469	840,569	\$31,272,063	\$161,196	
	Year Totals	415	1	416	359	295,817,146	824,003	\$56,402,089	\$157,109	\$40,400
1998	Resident	189	0	189	163	97,935,311	600,830	\$19,213,605	\$117,875	
	Nonresident	226	1	227	214	123,567,242	577,417	\$26,296,141	\$122,879	
	Year Totals	415	1	416	377	221,502,553	587,540	\$45,509,746	\$120,716	\$49,500
1997	Resident	188	0	188	160	78,644,528	491,528	\$18,773,766	\$117,336	
	Nonresident	227	1	228	191	78,917,546	413,181	\$22,040,231	\$115,394	
	Year Totals	415	1	416	351	157,562,074	448,895	\$40,813,997	\$116,279	\$50,000
1996	Resident	183	0	183	154	115,404,055	749,377	\$16,994,911	\$110,357	
	Nonresident	233	1	234	203	163,201,719	803,949	\$25,818,543	\$127,185	
	Year Totals	416	1	417	357	278,605,774	780,408	\$42,813,455	\$119,926	\$61,200
1995	Resident	182	0	182	169	79,102,923	468,065	\$22,438,129	\$132,770	
	Nonresident	235	1	236	204	118,879,852	582,744	\$33,368,683	\$163,572	
	Year Totals	417	1	418	373	197,982,775	530,785	\$55,806,812	\$149,616	\$75,900
1994	Resident	180	0	180	168	94,774,661	564,135	\$25,321,902	\$150,726	
	Nonresident	237	1	238	222	122,538,557	551,975	\$35,842,665	\$161,453	

*WWBITP-A State of Alaska 2010-01-14
Commercial Fisheries Entry Commission
Basic Information Table
S 01A SALMON, PURSE SEINE, SOUTHEAST*

Year	Residency	Permanent Permits Renewed	Interim Permits Issued	Total Permits Issued/Renewed	Total Permits Fished	Total Pounds	Average Pounds	Total Gross Earnings	Average Gross Earnings	Average Permit Price
	Year Totals	417	1	418	390	217,313,218	557,213	\$61,164,567	\$156,832	\$73,600
1993	Resident	178	0	178	167	85,239,895	510,419	\$21,806,922	\$130,580	
	Nonresident	239	2	241	215	118,444,777	550,906	\$31,087,396	\$144,593	
	Year Totals	417	2	419	382	203,684,672	533,206	\$52,894,318	\$138,467	\$79,600
1992	Resident	181	1	182	158	59,626,323	377,382	\$21,785,271	\$137,881	
	Nonresident	236	2	238	196	74,440,329	379,798	\$29,269,611	\$149,335	
	Year Totals	417	3	420	354	134,066,652	378,719	\$51,054,882	\$144,223	\$65,000
1991	Resident	181	1	182	169	78,326,334	463,469	\$15,171,332	\$89,771	
	Nonresident	236	2	238	214	104,975,063	490,538	\$20,899,772	\$97,662	
	Year Totals	417	3	420	383	183,301,397	478,594	\$36,071,105	\$94,180	\$92,700
1990	Resident	183	1	184	164	45,178,677	275,480	\$18,582,464	\$113,308	
	Nonresident	234	2	236	196	61,548,061	314,021	\$26,239,039	\$133,873	
	Year Totals	417	3	420	360	106,726,738	296,463	\$44,821,503	\$124,504	\$110,563
1989	Resident	182	1	183	168	83,438,346	496,657	\$37,818,947	\$225,113	
	Nonresident	234	3	237	197	115,360,380	585,586	\$53,422,114	\$271,178	
	Year Totals	416	4	420	365	198,798,726	544,654	\$91,241,060	\$249,976	\$79,267
1988	Resident	184	1	185	173	22,379,852	129,363	\$23,603,598	\$136,437	
	Nonresident	232	3	235	221	26,522,341	120,011	\$29,710,776	\$134,438	
	Year Totals	416	4	420	394	48,902,193	124,117	\$53,314,374	\$135,316	\$65,833
1987	Resident	182	1	183	165	18,158,827	110,053	\$10,621,316	\$64,372	
	Nonresident	234	3	237	216	20,925,297	96,876	\$12,118,213	\$56,103	
	Year Totals	416	4	420	381	39,084,124	102,583	\$22,739,529	\$59,684	\$40,832
1986	Resident	184	1	185	158	68,638,440	434,421	\$21,548,318	\$136,382	
	Nonresident	232	3	235	210	102,408,682	487,660	\$32,345,497	\$154,026	
	Year Totals	416	4	420	368	171,047,122	464,802	\$53,893,815	\$146,451	\$36,059
1985	Resident	184	1	185	165	80,530,322	488,063	\$23,322,047	\$141,346	
	Nonresident	232	3	235	203	93,375,832	459,979	\$28,696,887	\$141,364	
	Year Totals	416	4	420	368	173,906,154	472,571	\$52,018,934	\$141,356	\$37,907
1984	Resident	188	2	190	168	44,554,659	265,206	\$15,051,777	\$89,594	
	Nonresident	229	4	233	215	59,775,376	278,025	\$19,948,289	\$92,783	
	Year Totals	417	6	423	383	104,330,035	272,402	\$35,000,066	\$91,384	\$40,884
1983	Resident	187	1	188	157	49,761,844	316,954	\$13,684,595	\$87,163	
	Nonresident	229	4	233	181	69,210,905	382,381	\$19,607,699	\$108,330	
	Year Totals	416	5	421	338	118,972,749	351,990	\$33,292,294	\$98,498	\$38,531
1982	Resident	186	2	188	159	41,063,358	258,260	\$12,591,892	\$79,194	
	Nonresident	228	5	233	211	46,112,250	218,541	\$15,555,878	\$73,725	
	Year Totals	414	7	421	370	87,175,608	235,610	\$28,147,770	\$76,075	\$40,636
1981	Resident	194	1	195	175	38,819,364	221,825	\$18,017,116	\$102,955	
	Nonresident	220	3	223	189	40,267,166	213,054	\$18,769,228	\$99,308	
	Year Totals	414	4	418	364	79,086,530	217,271	\$36,786,344	\$101,061	\$43,333
1980	Resident	193	1	194	163	29,593,745	181,557	\$14,228,239	\$87,290	
	Nonresident	221	3	224	172	32,608,378	189,584	\$15,259,747	\$88,719	
	Year Totals	414	4	418	335	62,202,123	185,678	\$29,487,986	\$88,024	\$45,000
1979	Resident	189	2	191	160	23,417,245	146,358	\$10,440,835	\$65,255	

*WWBITP-A State of Alaska 2010-01-14
Commercial Fisheries Entry Commission
Basic Information Table
S 01A SALMON, PURSE SEINE, SOUTHEAST*

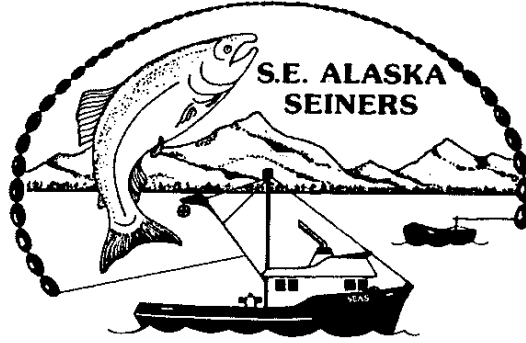
Year	Residency	Permanent Permits Renewed	Interim Permits Issued	Total Permits Issued/Renewed	Total Permits Fished	Total Pounds	Average Pounds	Total Gross Earnings	Average Gross Earnings	Average Permit Price
	Nonresident	224	3	227	159	19,126,818	120,294	\$9,191,935	\$57,811	
	Year Totals	413	5	418	319	42,544,063	133,367	\$19,632,769	\$61,545	\$49,500
1978	Resident	193	2	195	170	30,840,986	181,418	\$12,516,752	\$73,628	
	Nonresident	220	5	225	206	37,563,079	182,345	\$15,147,894	\$73,533	
	Year Totals	413	7	420	376	68,404,065	181,926	\$27,664,646	\$73,576	\$40,000
1977	Resident	196	2	198	159	34,095,906	214,440	\$13,231,509	\$83,217	
	Nonresident	215	1	216	166	29,755,899	179,252	\$11,297,251	\$68,056	
	Year Totals	411	3	414	325	63,851,805	196,467	\$24,528,760	\$75,473	
1976	Resident	202	2	204	144	12,646,703	87,824	\$5,463,056	\$37,938	
	Nonresident	207	7	214	136	13,236,853	97,330	\$5,601,198	\$41,185	
	Year Totals	409	9	418	280	25,883,556	92,441	\$11,064,253	\$39,515	
1975	Resident	198	34	232	159	10,281,573	64,664	\$3,484,050	\$21,912	
	Nonresident	200	45	245	128	7,227,447	56,464	\$2,563,854	\$20,030	
	Year Totals	398	79	477	287	17,509,020	61,007	\$6,047,904	\$21,073	

Notes:

A "*" following the year field indicates data are preliminary.
 Selected data fields are represented by "." when fewer than four people participated in a fishery.
 Selected data fields are represented by "0" when no activity has occurred in a fishery (i.e., closure).
 Gross earnings are estimated using an average annual ex-vessel price per area, species, and gear type.
 These data are aggregated by type of permit fished, and thus contain both targeted and incidentally landed species.
 Data includes only commercial catch landed on valid permits.
 Data associated with test fishing, illegal landings, derbies, educational permits, or unmatchable permits are excluded.

Average Permit Price Notes:

--- indicates that there were no monetary transfers for this fishery.
 ... indicates confidential information because fewer than four surveys exist.



2 March 2010

The Honorable Bryce Edgmon
Chairman, House Fisheries Committee
Room 124
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Edgmon:

The Southeast Alaska Seiners Association (SEAS) fully supports HB 365 and would appreciate the opportunity to express such support before your Committee.

SEAS is a trade association of 127 member skippers (of 5 crew), who purse seine for salmon in Southeast Alaska, predominantly with 58 foot vessels. SEAS also has nearly 60 business members who support the fleet, consisting primarily of processors, fuel docks, grocery stores and marine suppliers, contractors, electronic suppliers, mechanics, shipyards and outfitters.

HB 365 Background

SEAS worked with the Congressional delegation to secure a \$3 million grant that was spent in 2008, after being authorized to do so by the Alaska State Legislature, to retire 35 permits, or approximately 22% of our target permit reduction. The first part of our fleet consolidation was done under the supervision of the Commercial Fisheries Entry Commission (CFEC), the program was run by Elgee, Rehfeld, CPAs and we advertised throughout Southeast Alaska for a reverse auction. **These are the first ever Alaska state limited entry salmon permits retired under such a program.**

After the further repurchase of around 120-125 permits we expect to get to the 255-260 range of permits remaining available to fish. This time the fishermen are paying and the financing source is a National Marine Fisheries Service (NMFS) loan that fishermen will repay with a 3% assessment. A couple weeks into the 2010 legislative session the main NMFS Financial Services Division personnel came to Juneau to meet with the CFEC leadership as well as the state of Alaska in order to prepare a bill that would work as the basic "closing document" on our loan.

✧ PO Box 23081, Juneau, AK 99802 ✧ 907-463-5030 ✧ Fax: 907-463-5083 ✧

HB 365 is exactly phrased and intently written with at least a dozen basic drafts prior to introduction. There is no fiscal note and should there be any concern to processors about extra paperwork, the processor can apply for compensation from the assessment. We do not believe at this time that the financial burden of adding a box to the fish ticket will cause any undue financial concern as this is already done in many Boroughs (such as Bristol Bay) and by enhancement taxation as well in the same section of the fish ticket.

This bill is the vehicle that specifies the route and parameters of this assessment and is necessary because this is not only Alaska's first, but it is likely that this is the first state water's fishery that has ever received a NMFS restructuring loan for fleet consolidation. According to NMFS, this bill cannot be changed in any fashion whatsoever - or our \$20 million loan for Alaskan fishermen will fail.

When Southeast Alaska was rolled into the state's limited entry program in 1974, there was a **larger than average number of non-resident licenses due to the close proximity to Puget Sound and the Boldt Decision**, while not made until that very year, as well as the first shot at limited entry in 1969, made for a larger fleet than existed in the decade(s) prior to limited entry.

One other compelling reason seiners have sought out fleet consolidation is due to the amount of historical and traditional fishing area currently not available to access by the seine fleet. The Icy Strait corridor of about 100 miles of fishing shoreline was closed nearly simultaneously to the initiation of limited entry. Then in 1985, the 75 mile shoreline of Noyes Island and Dall Island outside of Prince of Wales Island was closed for most of the July fishery and has remained mostly closed by Treaty since then during the month of July. The fleet was bottled up in long line-ups (*boats idling their engines while waiting for hours for the opportunity to set the net and catch fish*) for much of the season save for the peak of some of our better runs. Certainly fuel savings and energy implications were there, but this was not our impetus.

Consequent to the major price crash in 1991 (12 cents per pound for pinks) after the introduction of Russian pink salmon into the Western world, another major price crash in 1996 (7-8 cents) and then again in 2002 (7-8 cents), SEAS decided to get rolling on a major fleet consolidation program. By 2003 and 2004 the fleet had been cut to around 225 boats from 360-375 during the prior decade. Most of these boats and crews no longer fishing were non-residents. **The fleet is a stable 225 average now with as little as 205 permits operated on poorer seasons while 240 is our high in recent years.**

With over 80% of the permits bought back in the first round having been owned by non-residents, the fleet has become even more 'Alaskan'. This trend is expected to continue in the next round, thereby resulting in strong and financially viable fishing families within Alaska.

HB 365 is an important bill because it is the final hurdle to clear in order to facilitate the NMFS Federal loan program so that it will work with Alaskan limited entry fisheries. While it is not a big bill, it is a huge bill for our members and is a necessary step towards stabilizing, modernizing, and maintaining our fishery here in Southeast Alaska.

Sincerely,



Dan Castle

SEAS President



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 4, 2010

Representative Bryce Edgmon, Chairman
House Special Committee on Fisheries
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: Support for HB 365

Dear Representative Edgmon,

The United Fishermen of Alaska (UFA) supports passage of HB 365 / SB 255.

The bill, while extremely timely and important to certain of our members, is nothing but a "housekeeping" bill that is needed as the last piece of work to finish off the SE fleet consolidation program for SEAS but will also set up a precedence and framework for any similar effort in the state of Alaska conducted at a later date. This legislation allows NMFS to confirm fish ticket/processor data to confirm that the assessment collected to pay back the federal government for the loan is correctly determined and allow for enforcement of those that don't pay the assessment. NMFS only has access to data for a specific fishery that has a federal loan program and not access to all salmon harvest data.

When UFA embraced the Legislative Salmon Task Force in 2001, we recognized that different regions require different solutions. Some groups wanted status quo. Other groups wanted market-oriented solutions. Others wanted to restructure their fishery, or basically re-limit limited entry. We want to acknowledge that many, probably most, of our state waters groups do not support a fleet consolidation program for their own region.

But when the Legislature embarked upon the Legislative Salmon Task Force, this was one of the major solutions that came out for each region to choose from. HB286, authored in 2002 by Drew Scalzi, was one of the resulting pieces of legislation. One of our groups, the Southeast Alaska Seiners Association (SEAS) chose to follow up on this and has already "permanently retired" around 20% of their consolidation target in 2008 with \$3 million in NMFS grants that were authorized by the Alaska State Legislature.

Another piece of the pie here is HB484, passed in 2006 by the Alaska State Legislature that mandates a solution in the event of an "optimum number determination" in a court of law that

causes retired permits to become reissued. HB484 allows that the Legislature "may" send the resulting funds back to the fleet consolidators, hence relieving fishermen of the uncertainty resulting from the "optimum number" issue.

In the case of SE seine fishery, the active fleet size has not exceeded the buydown goal of the buyback program since 2002. So this fleet consolidation is very unlikely to cost a single job or boat. The 3% assessment that these guys are paying is just an insurance policy for the fishermen (and processors) that there won't be a new "group" or company that will bring in some of the currently unused and dormant 140 permits. In fact there will be at least several dozen permits remaining on poor years and likely a dozen or so remaining even on good years.

UFA supports swift passage of this legislation, which is the wrap-up of the Legislative task force bill HB286 from 2002. It is now 2010 and it seems fitting that the Alaska State Legislature would be willing and able to support a "housekeeping" bill that brings to fruition a bill (nearly unanimous in passage in both the House and Senate) that was brought forth as a result of the Alaska State Legislative Task Force.

Thank you for your consideration of this legislation for one of our group members.

Sincerely,



Mark Vinsel
Executive Director

Cc:

Representative Charisse Millett
Representative Peggy Wilson
Representative Cathy Muñoz

**SOUTHEAST REVITALIZATION ASSOCIATION
410 CALHOUN AVENUE, SUITE 206
JUNEAU, ALASKA 99801
PHONE (907) 523-3004**

BOARD OF DIRECTORS
Dan Castle Dean Haltiner
Tom Manos David Street
Jim Bacon John Barry
Bud Marrese

March 5, 2010

Rep. Bryce Edgmon, Chairman
House Fisheries Committee
Alaska House of representatives
Capitol Room 416
Juneau, AK 99801

RE: HB 365, Fish Processors Fees, Licenses, and Records
 Hearing Date: Tuesday, March 9, 2010

Dear Chairman Edgmon:

The Southeast Revitalization Association ("SRA") is a qualified fishery association under AS 16.40.250 and was established for the express purpose of designing and implementing a fleet consolidation program for the Southeast purse seine salmon fishery for which the Commercial Fisheries Entry Commission ("CFEC") has issued limited entry permits.

The SRA consolidation program, if ultimately approved by the affected permit holders, will be funded in large part by a federal loan authorized under the Magnuson-Stevens Fishery Conservation and Management Act and administered by the National Marine Fisheries Service ("NMFS"). Permit holders remaining in the fishery will repay the loan through imposition of a fee based on the ex-vessel price of all salmon harvested in the fishery. The fee will be collected by the first buyer of the salmon and then transmitted to NMFS.

To ensure that the fee is collected and transmitted in a timely fashion, NMFS needs access to fish ticket harvest data and fish buyer annual reports maintained by the State of Alaska. These records, subject to a variety of exceptions, are confidential under AS 16.05.815. HB 365 would allow NMFS access to these state records by creating another exception. HB 365 would also require the buyers of salmon to certify the collection and transmittal of fees as a condition to renewal of their annual fisheries business license.

Passage of HB 365 is not only a condition precedent to the actual funding of the loan by NMFS, but also serves two important compliance considerations to ensure an even playing field for both fishermen and processors:

1. Assures the fisherman/permit holder paying the fee that all monies collected by the buyer are being transmitted to NMFS for repayment of the loan.
2. Assures the processor/buyer of the salmon that all other buyers are also collecting and transmitting the fee.

The SRA strongly supports SB 365 and respectfully requests prompt passage by your committee.

Sincerely,

Rob Zuanich
Manager

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

Website: <http://www.seafa.org>



E-mail: seafa@gci.net

March 8, 2010

House Special Committee on Fisheries
Representative Bryce Edgmon, Chair
Alaska State Legislature; State Capitol, Room 124
Juneau, AK 99801

Representative Edgmon, Chair and committee members,

RE: Support for HB 365/SB 255

Southeast Alaska Fishermen's Alliance (SEAFA) supports HB 365/SB 255. This is legislation that simply allows NMFS to confirm that all the assessment collected from the fishermen by the Processors for a buyback program using federal loan programs has been collected and paid to the federal government and allows for enforcement against those who have not paid.

This legislation would not allow NMFS to collect information for programs that don't have a federal buy-back assessment. This legislation would allow this tool to be used in the future if another buyback with federal funds occurs. The other thing we would point out is that any buyback program has been created occurred by a vote of the fleet.

We support the legislation as a housekeeping measure to correct an oversight to the legislation previously passed to set up associations to conduct buy-back programs.

Southeast Alaska Fishermen's Alliance is a multi-gear/multi-species non-profit membership organization representing our members involved in the salmon, crab, shrimp and longline fisheries of Southeast Alaska. We represent salmon gillnet, seine and troll fishermen.

Sincerely,

A handwritten signature in black ink that reads "Kathy Hansen" followed by a long horizontal line.

Kathy Hansen, Executive Director

HB

389

<target><bill>HB 389</bill><subject>HB
389</subject><comm>HFSH26</comm></target>

Alaska State Legislature

Rep. Cathy Muñoz, Vice-Chair
Rep. Wes Keller
Rep. Bob Buch



Rep. Peggy Wilson
Rep. Bryce Edgmon
Rep. Berta Gardner

Rep. Paul Seaton, Chairman
HOUSE EDUCATION COMMITTEE

MEMORANDUM

TO: Representative Bryce Edgmon
Chair, House Fisheries Committee

FROM: Representative Paul Seaton

DATE: March 9, 2010

RE: Request for hearing, HB 389

A handwritten signature in cursive script that reads "Paul Seaton".

I respectfully request a hearing before the House Fisheries Committee on HB 389, Alaska Manufacture Preference for the Commercial Fishing Loan Fund. In Summary, HB 389 allows the Department of Commerce, Community and Economic Development to reduce a borrower's interest rate up to two percentage points if they purchase an Alaska Manufactured Product with at least 50% of their Commercial Fishing Loan.

Attached please find: CSHB 389; HB 389; sponsor statement; Commercial Fishing Loan Fund home page; January Interest Rates; and DCCED Statistics for Loan Servicing.

Staff contact: Katie Koester: 465-2028

Alaska State Legislature

State Capitol, Room 102
Juneau, AK 99802
Phone: 465-2689
Fax: 465-3472
Toll Free (800) 665-2689
Representative_Paul_Seaton@legis.state.ak.us



345 W. Sterling Highway
Suite 102B
Homer, AK 99603
Phone: 235-2921
Fax: 235-4008

REPRESENTATIVE Paul Seaton

District 35

MEMORANDUM

TO: Representative Bryce Edgemon, Chair
House Fisheries Committee

FROM: Representative Paul Seaton

DATE: March 18, 2010

RE: Questions on HB389

I would like to clarify questions relating to how the Division of Investments would determine whether or not a product is manufactured in the state of Alaska. The legislation states that in order for a borrower to be eligible for the rate reduction "at least 50 percent of the loan proceeds" need to be spent on a product that is manufactured or produced in the state (p.1, l.8). As long as half of the money borrowed is spent on an Alaskan product, the entire loan is eligible for the rate reduction. No determination needs to be made on how much of the actual product is manufactured in Alaska.

The committee had further questions of the definition of manufacture. HB 389 states " 'manufactured or produced' means processing, developing, or making an item into a new item with a distinct character and use." (p.1 l.13-14) Merely assembling a product from a kit, as Rep. Kawasaki questioned, would not be making a product with a new and distinct product. However, taking various parts – pieces of pipe, steel and wire – and making a new distinct purpose would be considered a product manufactured in Alaska. The Department would require the borrower to prove the product was manufactured in Alaska by presenting a statement from the Alaskan company before they would be eligible.

Walking the committee through a couple of hypothetical situations may be helpful.

Under the Product Quality Program:

A fisherman borrows \$40,000 under the Product Quality Program. They purchase an Alaskan made refrigeration unit for \$30,000 and spend \$10,000 to install it. Seventy-five percent of the loan is spent on an Alaska manufactured product, which makes the entire \$40,000 loan eligible for a rate reduction under HB389.

Under the Engine Efficiency Program:

A fisherman borrows \$20,000 under the Engine Efficiency Program. They purchase an Alaskan made marine electrical generator for \$14,000 and spend \$6,000 to install it. Seventy percent of the loan is spent on an Alaska manufactured product, which makes the entire \$20,000 loan eligible for a rate reduction under HB389.

Alaska State Legislature

State Capitol, Room 102
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Phone: 465-2689
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Toll Free (800) 665-2689
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REPRESENTATIVE Paul Seaton

District 35

p. 2 March 18, 2010 Memo to HFSH on HB389

Mary Ellen, the AG for the Department of Commerce, Community and Economic Development, is confident that the language in the bill is clear enough for the Department to administer and that any further definitions can be dealt with in regulations. The language in the bill came from the State Procurement code, AS 36.30.332 and 338. I would also like to note that the HB389 was thoroughly vetted with the Division of Investments and their AG, Mary Ellen, before we brought it to the committee.

Staff contact: Katie Koester: 465-2028

26-LS1441\P
Kane
3/1/10

CS FOR HOUSE BILL NO. 389()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES SEATON, Peggy Wilson

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to loans made to commercial fishermen under the Commercial Fishing**
2 **Loan Act for product quality improvements and energy efficiency upgrades; and**
3 **providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 16.10.320 is amended by adding a new subsection to read:

6 (l) For a new loan under AS 16.10.300 - 16.10.370 made on or after the
7 effective date of this Act, the department may provide a reduction of the interest rate
8 of not more than two percent if at least 50 percent of the loan proceeds are used by the
9 borrower for product quality improvements or energy efficiency upgrades if the
10 improvements or upgrades use products manufactured or produced in the state. When
11 the department offers a reduction under this subsection, the department shall provide
12 the reduction to all loan applicants who meet the criterion described in this subsection.
13 In this subsection, "manufactured or produced" means processing, developing, or
14 making an item into a new item with a distinct character and use.

1

* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

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REPRESENTATIVE Paul Seaton

District 35

HB 389

Alaska Manufacture preference

HB 389 allows the Department of Commerce Community and Economic Development to give Commercial Fishing Loan Fund borrowers a reduction in the interest rate on their loan if 50% of their loan is spent on a product produced or manufactured in the State of Alaska. The Commercial Fishing Loan Fund was created by the State of Alaska to aid commercial fishermen in securing new equipment, quota shares and upgrades to their vessels. The Department already allows reductions in interest rates for borrowers who pay on time, make engine and fuel efficiency upgrades or product quality improvements.

The Department needs to have the discretion to institute this rate reduction program when the market allows it, which is why HB 389 does not make the reduction mandatory. For example, in today's market the interest rates are so low, if the Department were required to issue the loan it would jeopardize the solvency of the fund.

To be eligible for the rate reduction under HB 389 at least 50% of borrower's purchases with the loan fund have to be manufactured in the State of Alaska. The definition of manufacture is "processing, developing, or making an item into a new item with a distinct character and use."

HB 389 promotes economic development in Alaska by encouraging Alaska fisherman to purchase equipment manufactured in the State of Alaska when using Commercial Fishing Loan Fund dollars.

[Home](#) [Commercial Fishing](#) [Interest Rates](#) [News](#) [Workplace Alaska](#)

Investments

find »

Commercial Fishing Loan Fund

State of Alaska > Departments > Commerce, Community, & Economic Development > Division of Investments

Vessel Upgrade or Gear Purchase/Upgrade - Section B

The following types of loans are available under this loan purpose category:

- All types of vessel upgrades (for product quality improvement, see PQI page)
- Gear purchases
- Engine rebuilds
- Engine replacements, including engine fuel efficiency

For engine replacement and rebuilds that will improve fuel efficiency, interest rate is prime minus 2%.

Eligibility

- At least 25% of applicant's total gross income for past 2 years was from commercial fishing;
- or
- Applicant lacks training or employment opportunities in areas of residence other than commercial fishing;
- and
- Applicant is not eligible for financing from a recognized commercial lender.

Section B applicants may not have received a prior loan under Section A at any time.

Lending Limit

- The total balances outstanding on all loans made under Section B of the Commercial Fishing Loan Program may not exceed \$100,000.
- The total balances outstanding on all loans made under the Program may not exceed \$400,000.

Collateral Requirements

- Generally, the maximum loan amount for a loan secured by a documented vessel is 75% of the survey value (65% for AK vessels).

Terms and Conditions

- Interest rate is 2% above the Prime Rate, not to exceed 10.5%, not less than 3%, fixed at the time of loan approval.
- Interest rate is 2% below the Prime Rate for engine replacement and rebuilds that will improve fuel efficiency, fixed at the time of loan approval.
- Maximum loan term is 15 years.
- Borrower is responsible for all direct costs incurred in processing an application.

Fees

- A \$100 application fee must accompany all applications.
- An Origination Fee of 1% of the loan amount will be deducted from your loan proceeds at closing.

Vessel Upgrade or Gear Purchase/Upgrade - Section B Loan Application Package

There are different pages 1 and 2 for each different type of loan (limited entry permit, vessel purchase, etc.). If you are applying for more than one type of loan, complete pages 1 and 2 for each type of loan, then complete one set of pages 3 through 14. A separate application fee is required for each type of loan.

The following Commercial Fishing Vessel or Gear Purchase/Upgrade Application pages are in PDF format. You will need the Adobe Reader in order to view/print them. Acrobat Reader is distributed freely and available for download from Adobe®.



Quick Links...

- Alaska Capstone Avionics Loan Program
- Community Quota Entity (CQE)
- Commercial Fishing
- Small Business Economic Development
- Rural Development Initiative Fund
- Fisheries Enhancement

Of Interest...

- Fisheries Enhancement Revolving Loan Fund Program Overview
- Interest Rates
- IFQs for Sale
- Permits for Sale
- Real Estate for Sale
- Vessels for Sale
- Auto Pay Program
- 'TEL' Payment Program
- Staff Photos
- Comments
- Related Sites

Loan Application

The Alaska Division of Investments, Department of Commerce, Community, and Economic Development complies with Title II of the Americans with Disabilities Act of 1990. This publication is available in alternative communication formats upon request. Please contact the Division of Investments at (907)465-2510 or TDD (907)465-5437 to make any necessary arrangements.

Toll Free 1-800-478-5526 within Alaska
Juneau Office - 3032 Vintage Blvd. - PO Box 34159 - Juneau, AK 99803-4159 - (907)465-2510 - Fax (907)465-2103 - TDD (907)465-4410
Anchorage Office - 550 W 7th Ave, Suite 1650 - Anchorage, AK 99501-3568 - (907)269-8150 - Fax (907)269-8147
Having trouble with this site, or just have some general question? [Click here to email the Webmaster](#)

Interest Rates

State of Alaska > Departments > Commerce, Community, & Economic Development > Division of Investments

Effective January 01, 2010, the interest rates are:

Fund	Rate	Authority
Alaska Capstone Avionics (Fixed at 4.0%)	4.0%	3 AAC 75.045(c)
Commercial Fishing (Prime + 2%, not to exceed 10.5%, not less than 3%)	5.5%	3 AAC 80.055(k)
Engine Fuel Efficiency Upgrade (Prime - 2%, not to exceed 10.5%, not less than 3%)	3.0%	3 AAC 80.055(k)
Fisheries Enhancement (Prime + 1%, not to exceed 9.5%, not less than 3%)	5.0%	3 AAC 81.055(k)
Product Quality Improvement (Prime - 2%, not to exceed 10.5%, not less than 3%)	3.0%	3 AAC 80.055(k)
Rural Development Initiative Fund (Prime - 1%, not less than 6%)	6.0%	3 AAC 99.865
Small Business Economic Development (Prime - 4%, not less than 4%)	4.0%	Board Delegation



Quick Links...

- ▶ Alaska Capstone Avionics Loan Program
- ▶ Community Quota Entity (CQE)
- ▶ Commercial Fishing
- ▶ Small Business Economic Development
- ▶ Rural Development Initiative Fund
- ▶ Fisheries Enhancement

These rates stay in effect until changed, which will be no sooner than April 01, 2010, at which time they will be re-evaluated and may change.

Of Interest...

- ▶ Fisheries Enhancement Revolving Loan Fund Program Overview
- ▶ Interest Rates
- ▶ IFQs for Sale
- ▶ Permits for Sale
- ▶ Real Estate for Sale
- ▶ Vessels for Sale
- ▶ Auto Pay Program
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**DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
STATISTICS FOR LOAN SERVICING**

(Dollars in Thousands)

Effective December 31, 2009

DCCED LOANS

	COMM. FISH.	FISH. AK ENHANCE	CAPSTONE AVIONICS	HIST. DIST.	MINING	ALTERN. ENERGY	TOTAL
Number of Loans Outstanding	1,558	181	3	2	0	1	1,745
Principal Amount Outstanding	61,377.6	67,541.4	105.6	68.3	0.0	5.7	129,098.6
Average Loan Amount	39.4	373.2	0.6	34.2	0.0	5.7	74.0
Number of Other Accounts	530	143	0	0	1	3	677
Principal Amount Outstanding	11,613.1	39,722.2	0.0	0.0	383.7	14.9	51,733.9
Total Loans and other Accounts	2088	324	3	2	1	4	2422
Total Principal Amount Outstanding	72,990.7	107,263.6	105.6	68.3	383.7	20.6	180,832.5
Total Average Loan Amount	35.0	331.1	0.0	34.2	383.7	5.2	74.7

DELINQUENCY AND DEFAULT STATISTICS*Statistics Based on Balances Outstanding*

Delinquent	4.1%	0.0%	0.0%	0.0%	0.0%	100.0%	1.6%
Foreclosure	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%

**SERVICED FOR
OTHER AGENCIES**

	FISH. ENHANCE	VETERANS	SMALL BUS. ECON. DEV.	BULK FUEL BRIDGE GRANT	ALCOHOL	RURAL DEV RDIF	RURAL DEV FISH REVITAL	TOTAL
Number of Loans Outstanding	0	2	61	20	0	27	14	124
Principal Amount Outstanding	0.0	10.7	6,170.3	1,479.0	0.0	2,885.6	1,222.2	11,767.8
Average Loan Amount	0.0	5.4	101.2	74.0	0.0	106.9	87	94.9
Number of Other Accounts	1	0	12	0	0	3	0	16
Principal Amount Outstanding	26.2	0.0	783.5	0.0	0.0	21.9	0.0	831.6
Total Loans and Other Accounts	1	2	73	20	0	30	14	140
Total Principal Amount Outstanding	26.2	10.7	6,953.8	1,479.0	0.0	2,907.5	1,222.2	12,599.4
Total Average Loan Amount	26.2	5.4	95.3	74.0	0.0	96.9	87.3	90.0

DELINQUENCY AND DEFAULT STATISTICS*Statistics Based on Balances Outstanding*

Delinquent	0.0%	0.0%	3.7%	0.0%	0.0%	2.8%	4.0%	3.5%
Foreclosure	0.0%	0.0%	3.4%	0.0%	0.0%	0.0%	0.0%	2.0%

Notes:

Delinquent is defined as 30 days or more past due.

Other Accounts include judgments, deferred interest, accounts receivable, and repossessed property.

SUMMARY

Total No. of Loans Outstanding	1,869
Total Principal Amount Outstanding	140,866.4
Total Average Loan Amount	75.4

Total No. of Other Accounts	693
Total Principal Amounts of Other Accounts	52,565.5

Delinquency and Default Statistics*Statistics Based on Balances Outstanding*

Delinquent	1.7%
Foreclosure	0.3%

TOTAL LOANS AND OTHER ACCOUNTS	2,562
TOTAL PRINCIPAL OUTSTANDING	193,431.9

Serviced for other state agencies:

The Fisheries Enhancement, Veterans, Small Business and Economic Development, Rural Development Initiative Fund loan portfolios and the Rural Development Fisheries Revitalization loan programs are serviced for the Alaska Industrial Development and Export Authority.

The Bulk Fuel Bridge Loan Fund (BFBLF) portfolio is serviced for the Department of Commerce, Community, and Economic Development, Division of Community & Regional Affairs

The Alcohol and Drug Abuse (ADA) portfolio is serviced for the Department of Health and Social Services.

Prepared by Alaska Division of Investments 2/1/2010

HCR

6

<target><bill>HCR 6</bill><subject>HCR
6</subject><comm>HFSH26</comm></target>

ALASKA STATE LEGISLATURE

Interim:

716 West 4th Avenue, Suite 640
Anchorage, Alaska 99501
Phone (907) 269-0200
Fax (907) 269-0204
Rep_Craig_Johnson@legis.state.ak.us




Session:

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Juneau, Alaska 99801-1182
Phone (907) 465-4993
Fax (907) 465-3872
Toll-free (866) 465-4993

REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

MEMORANDUM

TO: Representative Bryce Edgmon, Chair
House Special Committee on Fisheries

FROM: Representative Craig Johnson 

DATE: February 5, 2009

RE: Hearing Request for HCR 6, Recreating the Cook Inlet Salmon Task Force

I respectfully request a hearing in the House Special Committee on Fisheries for HCR 6, "Recreating the Cook Inlet Salmon Task Force as a joint legislative task force."

Attached is a copy of the current version of the bill (version R) as well as a draft CS (version E) that makes the following minor changes on page 1. On lines 3-4, 5 and 10 of version R, the words "Senate Concurrent Resolution No. 21" are deleted and replaced with the words "Legislative Resolve 51" in version E.

If you have any questions or need additional information, feel free to contact me or Debra Higgins on my staff at 465-3715.

Thank you for your consideration.

Co-Chair House Resources Committee
Member of Rules, State Affairs, Transportation Committees
Co-Chair, Abuse Resources Committee
Member of Rules, State Affairs, Transportation Committees

26-LS0395\E
Kane
2/4/09

CS FOR HOUSE CONCURRENT RESOLUTION NO. 6()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE JOHNSON

A RESOLUTION

1 **Recreating the Cook Inlet Salmon Task Force as a joint legislative task force.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** the Twenty-Fifth Alaska State Legislature adopted Legislative Resolve
4 51 establishing the Cook Inlet Salmon Task Force; and

5 **WHEREAS** Legislative Resolve 51 requires the task force to submit a report with
6 recommendations and findings to the legislature by January 20, 2009, and terminates the task
7 force on February 1, 2009; and

8 **WHEREAS** the task force has been meeting and taking testimony and preparing its
9 recommendations and findings but has not completed its work or submitted its
10 recommendations and findings as required by Legislative Resolve 51; and

11 **WHEREAS** the task force will not be able to complete its work or submit its
12 recommendations and findings before the task force is terminated as provided by Legislative
13 Resolve 51; and

14 **WHEREAS** the task force has requested that it be permitted to submit its
15 recommendations and findings by March 31, 2010, and that the task force be terminated on
16 April 20, 2010;

1 **BE IT RESOLVED** by the Alaska State Legislature that the Cook Inlet Salmon Task
2 Force is recreated on February 1, 2009, and shall submit its recommendations and findings to
3 the legislature not later than March 31, 2010; and be it

4 **FURTHER RESOLVED** that the Cook Inlet Salmon Task Force is composed of 10
5 legislators: five members from the senate appointed by the president of the senate and five
6 members from the house of representatives appointed by the speaker of the house of
7 representatives; and be it

8 **FURTHER RESOLVED** that the task force is terminated April 20, 2010.

CS FOR HOUSE CONCURRENT RESOLUTION NO. 6()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE JOHNSON

A RESOLUTION

1 **Recreating the Cook Inlet Salmon Task Force as a joint legislative task force.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** the Twenty-Fifth Alaska State Legislature adopted Legislative Resolve
4 51 (Senate Concurrent Resolution No. 21) establishing the Cook Inlet Salmon Task Force;
5 and

6 **WHEREAS** Legislative Resolve 51 requires the task force to submit a report with
7 recommendations and findings to the legislature by January 20, 2009, and terminates the task
8 force on February 1, 2009; and

9 **WHEREAS** the task force has been meeting and taking testimony and preparing its
10 recommendations and findings but has not completed its work or submitted its
11 recommendations and findings as required by Legislative Resolve 51; and

12 **WHEREAS** the task force was not able to complete its work or submit its
13 recommendations and findings before the task force was terminated as provided by
14 Legislative Resolve 51; and

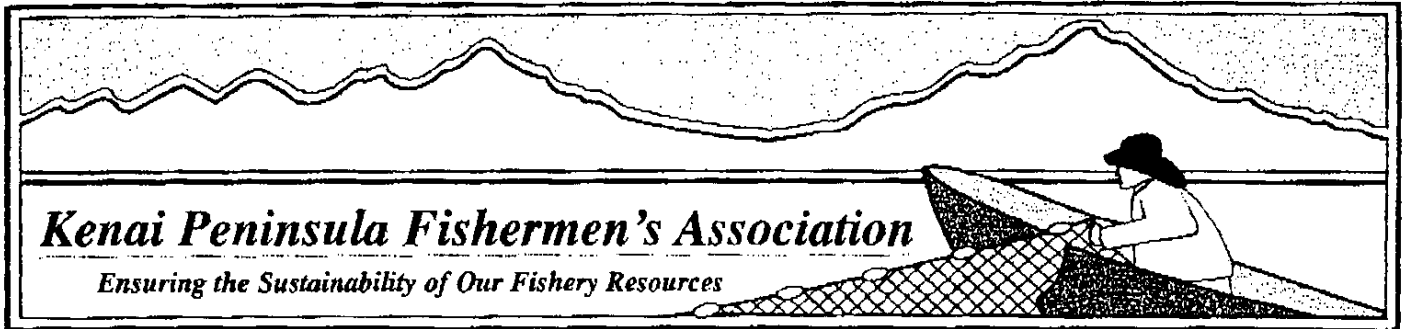
15 **WHEREAS** the task force has requested that it be permitted to submit its
16 recommendations and findings by March 31, 2010, and that the task force be terminated on

1 April 20, 2010;

2 **BE IT RESOLVED** by the Alaska State Legislature that the Cook Inlet Salmon Task
3 Force is recreated as of February 1, 2009, and shall submit its recommendations and findings
4 to the legislature not later than March 31, 2010; and be it

5 **FURTHER RESOLVED** that the Cook Inlet Salmon Task Force is composed of 10
6 members: four members from the senate and one member from the public appointed by the
7 president of the senate and four members from the house of representatives and one member
8 from the public appointed by the speaker of the house of representatives; and be it

9 **FURTHER RESOLVED** that the task force is terminated April 20, 2010.



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February 11, 2009

Cook Inlet Salmon Task Force
Chair Representative Craig Johnson
State Capitol Building, Rm. 126
Juneau, AK 99811

Chairman Johnson:

The Kenai Peninsula Fishermen's Association (KPFA) members have been a voice in the Cook Inlet Community for over fifty years. Primarily a representation group for setnet fishing families, we give a voice to members from the southern reach of Kachemak Bay to the northern realm of the Susitna Flats, Fire Island, Kalgin Island, the Central District west side and the eastern shores of Ninilchik, Cohoe, Kasilof, Kalifornsky, Salamantof, East Forelands and others.

Of the approximately seven hundred twenty-five Cook Inlet Limited Entry permit holders, KPFA members represent the majority, eighty-six percent who are Alaskan residents.

We want to applaud the Committee on undertaking such a voluminous undertaking. Many of us in the fisheries business have taken years of participation to understand the concepts of complex biological terms. It is our desire to see that every Committee Member fully comprehend the difficult job that the Alaska Department of Fish and Game (ADF&G) and the Alaska Board of Fisheries (BOF) addresses in taking on the biological management and allowing opportunity for all south-central resource utilization.

Our organizations goal: "*Ensuring the Sustainability of Our Fishery Resources*"

What this means is that we subscribe to the principles of *Maximum Sustained Yield* and to the slight variation, *Optimum Sustained Yield*. We do not agree with management that is determined by politics or social pressures. We believe that a healthy resource that returns *High Sustained Yields* is the only positive way to manage surplus resources to achieve the most equitable distribution. Unhealthy production caused by man made or natural

interventions must be identified and rectified, mitigated to bring balance and substantial returns for a given salmon species.

The Legislature and the Administration should make the commitment to fund resource protection and development. Management can only fulfill expectations of the users if it has healthy and predictable returns.

Cook Inlet setnetters have harvested in her waters for over one hundred years. Competition with traps and other efficient users, over the years, is nothing new for our setnet fishery. We consider these to be just new and expanding fisheries. Our fishermen have had to reduce their opportunity to harvest by time, area and gear in order to accommodate these new fisheries. We understand the need to share the resource, however we do not agree with being excluded from the harvest opportunities; we believe that resource users need to work within reasonable expectations, predictable fisheries based on sound science.

The ADF&G is inadequately funded, it is impossible in the present situation to give the public maximum utilization of her resources because we have limited knowledge and do not have the proper management plans in place to increase production. Intensive use by a growing population requires an equally intensive long range plan that all users can expect will give them access to their chosen resource.

The Department has chosen its management of our entire State on the principles of *Sustained Escapement Goals*. This is a far departure from establishing *Biological or Maximum Sustained Yields*. This is a cost saving measure by the Department and does nothing to accomplish *High Sustained Yields*. There is no incentive within the Sports Division and very little in the Commercial Division to improve on the numbers of returning fish stocks. This is the new definition of *Sustained Yield* within our State Fish and Game Managers, simply it is apathy, a lack of incentive and direction to accomplish the best that can be.

KPFA is looking towards the future. We see the need to expand our knowledge base. We also see the need to increase production to better serve the needs of our residents. Picking the bones from what is left of our resource pleases no one.


If it is necessary for commercial fishermen to manage themselves, they are aware, they have the tools to accomplish this. We believe in real not perceived conservation concerns. State law gives the fishermen the guidance to protect their interests as a separate and significant user group. It is not by any means appropriate to attempt a force out. The result will not change the production problems that currently are the result of inadequate evaluation and protection of the resource.

Forcing commercial fishermen to fish in terminal areas does not improve the success in harvesting, catching or increase production. In-river users will compete with a higher concentration of in-river users. Expectations will be high, actual harvest and catches will be low. We believe that there should be a balance.

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In the end, the Task Force should consider that commercial fishermen want not to just catch a fish today; we want to harvest it tomorrow and next year, and the next decade. We have a strong interest in perpetuating strong healthy runs for our families and for your families. We are for the most part all Alaskans, and we all strive for what is best for the future of our State!

With all respects,



Paul A. Shadura II
Executive Director

cc Representative Johansen, Representative Neuman, Representative Stoltze, Representative Doogan, Senator Wagoner, Senator Huggins, Senator McGuire, Senator Wielechowski, Fishery Advisor Cora Crome, Representative Chenault, Representative Seaton, Senator Stevens, Representative Austerman, Representative Olson

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HCR

15

<target><bill>HCR 15</bill><subject>HCR
15</subject><comm>HFSH26</comm></target>



Representative Alan Austerman

Alaska State Legislature

MEMORANDUM

To: Representative Bryce Edgmon, Chair
House Fisheries Committee

From: Representative Alan Austerman

A handwritten signature in black ink, appearing to be "A. Austerman".

Date: April 10, 2009

RE: House Concurrent Resolution 15—Request for Hearing

House Concurrent Resolution 15 requests that the National Research Council (NRC) of the National Academy of Sciences provide an interdisciplinary assessment of the known and probable cumulative environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed, and directing the Alaska Legislative Council to contract with the NRC for such an assessment.

I am requesting a hearing for HCR 15 at your earliest convenience. Attached you will find a copy of HCR15. My staff will follow this memorandum with a sponsor statement.

I will provide additional backup as it becomes available. Please let Erin Harrington of my staff know if there is anything else we can provide. Thank you for your consideration.

~ Representing Alaska State House District 36 ~

Akhiok | Igiugig | Iliamna | Karluk | Kodiak | Kokhanok | Larsen Bay | Levelock
Newhalen | Nondalton | Old Harbor | Ouzinkie | Pedro Bay | Port Alsworth | Port Lions

Alaska State Legislature

House Special Committee on Fisheries

Representative Bryce Edgmon, Chair

Rep. Craig Johnson
Rep. Wes Keller
Rep. Charisse Millett
Rep. Cathy Munoz
Rep. Bob Buch
Rep. Scott Kawasaki



Room 416
State Capitol
Juneau, AK 99801

Memorandum

Date: March 25th, 2010

To: Suzi Lowell, Chief Clerk

From: Representative Bryce Edgmon, Chairman
House Fisheries Committee

RE: House Fisheries Committee Schedule

Please note new day, time, and location of meeting.

Monday March 29th

3:00 p.m.

Capitol Room 106

+HCR 15—Bristol Bay Mining Study

+HB 266—Personal Use Fishing Priority

+Bills Previously Heard



Representative Alan Austerman

Alaska State Legislature

Sponsor Statement for HCR 15

HCR 15 is a resolution which requests the Legislative Council to contract with the National Research Council of the National Academy of Sciences for an independent assessment of the environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed.

The Pebble Partnership plans to submit applications to permit the Pebble prospect located in the Bristol Bay watershed in 2011. Although Pebble has been conducting multi-disciplinary environmental studies since 2004, and has spent over \$132 million in the effort, little of that information is available for agency or public review at this time. Given the scale and potential impacts of the mine, and the vast quantities of data that will have to be analyzed as part of the permitting process, it will be critical that policy makers and the public have a robust framework for analyzing the proposed project. Trusted, objective, third-party guidance on the issues of concern related to the proposed project itself, as well as the state's large-mine permitting process, will be an essential back drop to constructive dialogue throughout the permitting period.

The National Academy of Sciences was created in 1863 to investigate, examine, experiment, and report upon any subject of science or art. The mission of the academy is to provide policy guidance and scientific and technical analysis for governmental decision making. The academy provides independent advice; external sponsors have no control over the conduct of the study once the statement of task and budget is finalized.

The purpose of this study is to assess critical gaps in existing knowledge that might be necessary to adequately understand, predict, and manage the environmental and socioeconomic impacts that could be expected or anticipated from large-scale mineral extraction in the Bristol Bay area watershed.

The completed report would be made public and would identify pertinent questions to ask the Department of Natural Resources and the Pebble Partnership during each stage of the permitting process. It is important for the legislature to have the best possible information on which to base its policy decisions regarding the potential for development of the Pebble copper deposit, together with the potential environmental consequences of that development.

February 25, 2010

(v.1)

26-LS0883VA

~ Representing Alaska State House District 36 ~

Akhiok | Igiugig | Iliamna | Karluk | Kodiak | Kokhanok | Larsen Bay | Levelock
Newhalen | Nondalton | Old Harbor | Ouzinkie | Pedro Bay | Port Alsworth | Port Lions

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HCR 15
() Publish Date: _____

Identifier (file name): HCR15-LEG-COU-4-13-09 Dept. Affected: Legislature
Title "Directing the Legislative Council to contract for an RDU Legislative Council
 assessment of environmental and socioeconomic....." Component Council and Subcommittees
Sponsor Representative Austerman, Edgmon
Requester House Special Committee on Fisheries Component Number 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual	1,000.0							
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	1,000.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts							
1003 GF Match							
1004 GF	1,000.0						
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	1,000.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

HCR 15 directs the Legislative Council to contract for an independent review and report by the National Research Council of the National Academy of Sciences (NRC) to provide an interdisciplinary assessment of the known and probable cumulative environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed, including hydrological systems and aquifers, biological resources, and communities, and an assessment of critical gaps in existing knowledge necessary to adequately understand, predict, and manage the environmental and socioeconomic consequences of mineral extraction in the Bristol Bay area watershed.

Costs for previous NRC research projects in Alaska have varied depending on the scope of work. Recent projects have ranged from \$600,000 (Developing a Research and Restoration Plan for Arctic-Yukon-Kuskokwim Salmon) to \$1,600,000 (Cumulative Environmental Effects of Oil and Gas Activities on Alaska's North Slope).

Prepared by: Karla Schofield, Deputy Director
Division Legislative Affairs Agency
Approved by: Pamela Varni, Executive Director
 Legislative Affairs Agency

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Date/Time 4/13/09 4:01 PM
Date 4/13/2009

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HCR 15
() Publish Date: _____

Identifier (file name): HCR15-LEG-COU-3-8-10 Dept. Affected: Legislature
Title "Directing the Legislative Council to contract for an RDU Legislative Council
 assessment of environmental and socioeconomic....." Component Council and Subcommittees
Sponsor Representative Austerman, Edgmon
Requester House Special Committee on Fisheries Component Number 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual	1,000.0							
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	1,000.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

	FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
1002 Federal Receipts							
1003 GF Match							
1004 GF	1,000.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	1,000.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

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The National Academies are...

- Advisers to the nation on science, engineering, and medicine—chartered by the U.S. Congress
- Independent from the government
- Nonprofit, non-advocacy
- Able to draw on leading experts from scientific and technical disciplines

The National Academies consensus reports are...

- Independent and objective
- Peer-reviewed
- Authoritative
- Publicly disseminated

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Washington, DC 20001

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WORKING WITH THE NATIONAL ACADEMIES

A Guide for Prospective Study Sponsors



National Academy of Sciences
National Academy of Engineering
Institute of Medicine
National Research Council

THE NATIONAL ACADEMIES
Advisers to the Nation on Science, Engineering, and Medicine

For more than 140 years, the National Academies have been advising the nation on issues of science, technology, and medicine. An 1863 Congressional charter signed by President Lincoln authorized this non-governmental institution to honor top scientists with membership and to serve the nation whenever called upon. Today the National Academies—**National Academy of Sciences, National Academy of Engineering, Institute of Medicine, and National Research Council**—continue that dual mission.

Like no other organization, the National Academies can enlist the nation's foremost scientists, engineers, health professionals, and other experts to address the scientific and technical aspects of society's most pressing problems. Each year, more than 6,000 of these experts are selected to serve on hundreds of study committees that are convened to answer specific sets of questions. All serve without pay.

The National Academies are a unique resource. Their reports are viewed as being valuable and credible because of their reputation for providing advice with high standards of scientific and technical quality and independence. National Academies staff will work with potential sponsors to develop a specific set of questions to be answered by a committee of experts.

This guide is intended for prospective sponsors interested in requesting studies from the National Academies. It describes the process for producing these reports—from funding to report dissemination—and explains the sponsors' involvement at each stage. This approach ensures that sponsors receive the best product possible. Checks and balances are applied at every step in the study process to protect the integrity of the reports and to maintain public confidence in them.

Defining and Initiating the Study

Before a contract or grant is signed, National Academies staff and board members work with the sponsor to determine the specific set of questions to be addressed. A formal "statement of task" is developed that defines the scope of the study and serves as the basis for determining the expertise and the balance of perspectives needed on the committee.

Typically, the following steps are taken to ensure that the project is clearly defined and that both the National Academies and the sponsor understand what is expected throughout the study process:

1. Sponsor and National Academies staff meet to discuss task, schedule, and likely costs.
2. When the staff and sponsor have come to a general agreement, staff prepares a prospectus for approval by the Executive Committee of the National Research Council Governing Board. This step ensures the appropriateness of the topic and the scope of the study before a formal proposal is sent to the sponsor.

Most studies are funded by those requesting the advice. Consistent with the congressional charter, experts serving on study committees volunteer their time without compensation. The cost of consensus studies can range from about \$200,000 to more than \$1 million, depending on the breadth and complexity of the issues being addressed and the

length of time needed to produce the desired report. The costs include the expenses of committee meetings, professional staff supporting the committee, report publication, and public dissemination.

Several funding options are available to sponsors. These include contracts, grants, cooperative agreements, and purchase orders. A project may have one or several sponsors. Studies typically take from 9 to 18 months to complete, although some urgent studies may be completed in a shorter time and some broader or more complex studies may take a longer time.

Because of their unique origins and status, federal sponsors interested in having the National Academies conduct a study can obtain their services on a sole source basis. The National Academies do not compete for federal contracts. Grants, contracts, and gifts can also be received from states, foundations, and other sources.

A project begins after formal commitments have been received for sufficient funds to complete the study.

Committee Selection and Approval

Selection of appropriate committee members, individually and collectively, is essential for the success of every study. All committee members serve as individual experts, not as representatives of organizations or interest groups. Each member is expected to contribute to the project on the basis of his or her own expertise and good judgment.

Once a project is funded, the National Academies seek nominees for members of consensus study committees from many sources, including the sponsors. However, the president of the National Academy of Sciences (who also serves as chair of the National Research Council) has the sole authority for appointing all members of study committees. Before a committee can be approved, a thorough balance and conflict of interest discussion is held in closed session during the first meeting, and any issues raised in that discussion or during the public comment period are investigated and addressed. Committee members are considered prospective until after this process is completed.

Committee Meetings, Deliberations, and Drafting Report

Study committees typically gather information through: 1) meetings that are open to the public and announced in advance through the National Academies' Web site, 2) submission of information by outside parties, 3) reviews of scientific literature, and 4) investigations by the committee members and staff. In all cases, efforts are made to solicit input from individuals who have been directly involved in, or who have special knowledge of, the topic under consideration. Sponsors are typically invited to make presentations to the committee at its first couple of meetings to discuss the sponsors' expectations for the study. Also, the sponsor is asked to provide as much information relevant to the study as possible.

SPONSOR INTERACTIONS

Sponsor and Academies staff meet to discuss scope, timing and likely cost of project

Sponsor explores available funding options

Staff seek nominees for committee members from sponsor and other sources

Committee's first meeting (sponsor invited to participate in open session)

Public information gathering sessions (sponsors invited)

Sponsor provided with copy of final report and offered a briefing

DEFINING AND INITIATING THE STUDY

COMMITTEE SELECTION AND APPROVAL

REPORT REVIEW

REPORT RELEASE AND DISSEMINATION

NRC Governing Board reviews and approves project

Project starts when funding is formally approved

Prospective membership posted at least 70 days for public comment

COMMITTEE MEETINGS, DELIBERATIONS, AND DRAFTING REPORT

Deliberation and report drafting (closed session)

Full committee signs off on draft report

Committee and Academies sign off on report

Report released to the public

STUDY MILESTONES

In accordance with federal law and with few exceptions, information-gathering meetings of the committee are open to the sponsor and the public, and any written materials provided to the committee by individuals who are not officials, agents, or employees of the National Academies are maintained in a public access file. National Academies staff do their best to schedule committee meetings at times and places convenient to the sponsor and their colleagues, and will provide an agenda prior to the meetings. However, the sponsor does not control meeting plans and agendas.

The committee deliberates in meetings closed to the public and sponsors in order to develop draft findings and recommendations free from outside influence. Brief summaries of these meetings are made publicly available on the National Academies' Web site. All analyses and drafts of the report remain confidential.

Report Review

As a final check on the quality and objectivity of the study, all reports must undergo a rigorous external review by independent experts whose comments are provided anonymously to the committee members. The National Academies recruit independent experts with a range of views and perspectives to review and comment on the draft report. The draft report and review comments are not publicly disclosed.

The review process aims to ensure the report addresses its approved study charge and does not go beyond its statement of task, the findings are supported by the scientific evidence and arguments presented, the exposition and organization are effective, and the report is impartial and objective.

Each committee must respond to, but need not agree with, reviewer comments in a detailed "response to review" that is examined by one or two independent report review "monitors" responsible for ensuring that the report review criteria have been satisfied. The names and affiliations of the report reviewers are made public when the report is released.

If the sponsor does not seek to have a prepublication version of the report, only a final printed report is made publicly available and published a few months after final sign off.

Report Release and Dissemination

The plans for release and dissemination of the approved report will be discussed with the sponsor. Sponsors are provided with copies of the report and offered the opportunity for a briefing in advance of the public release of the report. Pre-release briefings may also be provided to other key executive and legislative branch members. In instances in which there is great interest in the report and careful coordination of its release is necessary to be fair to all concerned, the time between delivery to the sponsor and public release may be short, as little as a day. In no case will sponsors receive reports more than two weeks in advance of their public release. Sponsors may make recommendations regarding dissemination strategies for the report, but ultimately the National Academies are responsible for the final products and their release.

Studies are published as printed books by the National Academies Press and are posted on the National Academies Web site for public dissemination. Often a prepublication version of the report is given to the sponsor and posted on the National Academies Web site soon after sign off by the committee and National Academies and in advance of the final printed report. This is to provide the information contained in the report as quickly as possible, even as final editing, layout, and publishing are proceeding. In other cases, only the final printed report will be published. In either case, printing of the final report generally takes a few months after final sign off.

For studies with broad interest, the National Academies may prepare separate report briefs or other derivative materials that are widely circulated. Also, committee members and project staff may testify or make public presentations about the content of the reports, once they have been released. Staff and committee members may assist in disseminating the report, such as by providing copies of the report or report briefs and making presentations. Sponsors should be aware that the time and resources needed for dissemination of the report will often be included in the project timeline and budget. Therefore, National Academies staff may recommend that contracts extend several months beyond the expected delivery of the report to allow for anticipated dissemination activities.

NRC The National Research Council

Search

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About the NRC

- Home
- Organization
- Policies and Procedures
- Location and Directions

Program Units

- Division of Behavioral and Social Sciences and Education
- Division on Earth and Life Studies
- Division on Engineering and Physical Sciences
- Institute of Medicine
- Policy and Global Affairs Division
- Transportation Research Board

Quick Links

- Current Projects
- Publications
- Upcoming Events
- News Office
- Congressional Relations

Opportunities

- Job Opportunities
- Fellowships
- Research Associateships



Welcome to the National Research Council

The National Research Council (NRC) functions under the auspices of the National Academy of Sciences (NAS), the National Academy of Engineering (NAE), and the Institute of Medicine (IOM). The NAS, NAE, IOM, and NRC are part of a private, nonprofit institution that provides science, technology and health policy advice under a congressional charter signed by President Abraham Lincoln that was originally granted to the NAS in 1863. Under this charter, the NRC was established in 1916, the NAE in 1964, and the IOM in 1970. The four organizations are collectively referred to as the National Academies.

The mission of the NRC is to improve government decision making and public policy, increase public education and understanding, and promote the acquisition and dissemination of knowledge in matters involving science, engineering, technology, and health. The institution takes this charge seriously and works to inform policies and actions that have the power to improve the lives of people in the U.S. and around the world.

The NRC is committed to providing elected leaders, policy makers, and the public with expert advice based on sound scientific evidence. The NRC does not receive direct federal appropriations for its work. Individual projects are funded by federal agencies, foundations, other governmental and private sources, and the institution's endowment. The work is made possible by 6,000 of the world's top scientists, engineers, and other professionals who volunteer their time without compensation to serve on committees and participate in activities. The NRC is administered jointly by the NAS, NAE, and the IOM through the NRC Governing Board.

The core services involve collecting, analyzing, and sharing information and knowledge. The independence of the institution, combined with its unique ability to convene experts, allows it to be responsive to a host of requests.

The portfolio of activities includes:

- **Consensus Studies:** These comprehensive reports focus on major policy issues and provide recommendations for solving complex problems.
- **Expert Meetings and Workshops:** By convening symposia, workshops, meetings, and roundtables, the NRC connects professionals as well as the interested public and stimulates dialogue on diverse matters.
- **Program and Research Management:** At the request of state and federal agencies, the NRC manages and evaluates research programs, conducts program assessments, and reviews proposals.
- **Fellowships:** The NRC administers several postdoctoral fellowship programs.

Free Scientific Information: Publishing more than 200 reports and related publications each year, the institution is one of the largest providers of free scientific and technical information in the world. Most of it is now on the Web at www.nap.edu.

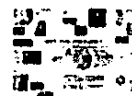
Information about the National Research Council is also available in a downloadable brochure. [PDF 121K]

Highlights

Saving Women's Lives: Strategies for Improving Breast Cancer Detection and Diagnosis



Visualizing Chemistry Poster



New Weekly Podcasts



For more information please contact us via email.

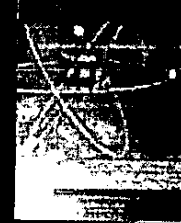
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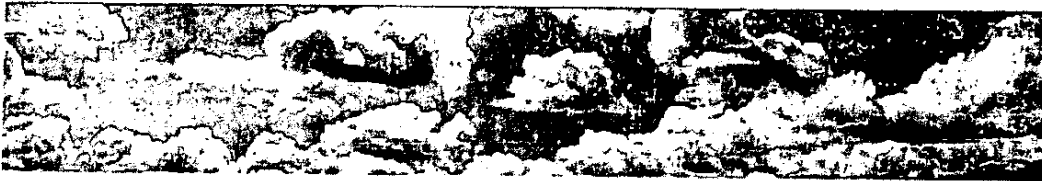
State and Local Guide to

Earth & Life Studies

at the National Academies

NATIONAL ACADEMY OF SCIENCES
NATIONAL ACADEMY OF ENGINEERING
NATIONAL RESEARCH COUNCIL





The National Academies ARE...

- Advisers to the nation on science, engineering, and medicine—the only institution chartered by the U.S. Congress to do so.
- Independent and objective.
- Non-profit.
- Able to draw upon the nation's top scientists at universities, in industry, and in the government.

The National Academies are NOT...

- Part of the government.
- An advocacy organization.
- Consultants to for-profit entities.
- Laboratories.
- Limited to working for federal agencies—state and local government agencies also sponsor activities.



"From the beginning, the [National Academies have] been a central part of the state of Washington's strategy to develop a new water resources management program for the Columbia River. The credibility and integrity of the [organization], its members, and staff placed it in a unique position to comment on the health and long-term management of this highly valuable resource.

Tom Fitzsimmons
Chief of Staff
Office of the Governor
state of Washington

Providing Science Advice to Help Protect Public Health, Public Safety, and the Environment

For advice on issues of science, technology, and medicine, the nation's leaders turn to the National Academies. Established by Congress and President Abraham Lincoln as an entity separate from government that honors top scientists with membership, the institution serves the nation whenever called upon.

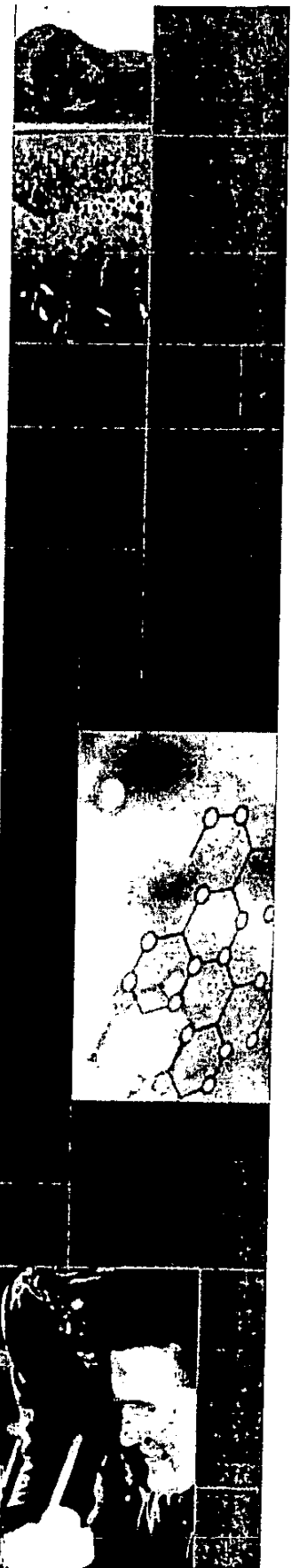
Like no other organization, the National Academies can enlist the nation's foremost scientists, engineers, health professionals, and other experts to address the scientific and technical aspects of some of society's most pressing problems. Each year, about 6,000 of these experts are selected to serve on hundreds of study committees that are appointed to answer specific sets of questions. All serve without pay.

Earth & Life Studies at the National Academies covers a wide array of topics where public policy meets the geosciences, life sciences, chemical sciences, and the environment. In 2004 alone, the National Academies issued reports on the use of forensics in the courtroom, the safety of genetically modified foods, climate change, and the safe disposal of radioactive waste. Many Academies reports influence public policy decisions; some provide program reviews; yet others serve as widely used reference books.

Serving State, Local, and Regional Decision-Makers

As more and more responsibility and initiative shift from the federal government to states and localities on issues such as clean air and homeland security, local officials and resource managers increasingly face decisions that affect public safety, public health, and the environment. Those decision-makers can turn to the National Academies for nonpartisan, nonadvocacy advice on key scientific and technologic aspects of an issue, such as:

- What can be concluded from analyzing the body of scientific research and information to help answer the questions at hand?
- What scientific research still needs to be done?
- What constitutes success, and how will it be measured?

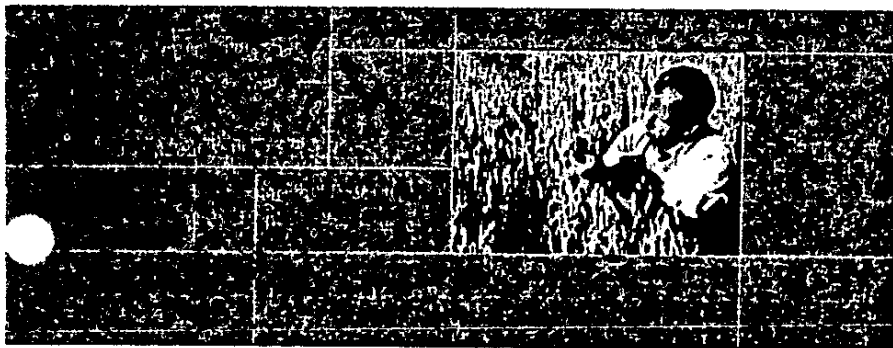


A Wide Range of Products and Services Help Answer Key Scientific Questions

Consensus Reports

About 250 authoritative reports are produced by expert committees each year. The process brings together scientists with diverse backgrounds and points of view who work together to review available scientific evidence, reach consensus, and issue a report with their findings and recommendations in an environment free of political, special-interest, and agency influence. A rigorous peer review and other checks and balances applied at every step of the study process ensure the integrity of the reports. Reports are in three general categories:

- **Regulatory analyses** are designed to help guide regulatory and policy decisions. For example, *Arsenic in Drinking Water: 2001 Update* (2001) provided the basis of the Environmental Protection Agency's decision to reduce the maximum allowable concentration of arsenic in drinking water from 50 to 10 parts per billion, making the nation's drinking water safer.
- **Program reviews** evaluate current or proposed government programs. For example, *The Science of Instream Flows: A Review of the Texas Instream Flow Program* (2005) reviews the state's program for ensuring adequate amounts of water in times of high demand and low supply will benefit.
- **General assistance** reports answer specific questions on diverse topics. The California Department of Food and Agriculture recently sought advice to combat an insect-borne disease that was afflicting grapes grown in California. The state is revising its research programs and strategies on the basis of recommendations in *California Agricultural Research Priorities: Pierce's Disease* (2004).



General Assistance

OYSTER OPTIONS IN THE CHESAPEAKE BAY

Decades of heavy fishing, environmental pressures, and deadly disease have nearly wiped out native oysters in the Chesapeake Bay and a once-thriving oyster industry. Because oysters feed on algae, their disappearance is thought to play a role in the general decline of water quality in the Chesapeake Bay.

At the request of the region, the National Academies reviewed proposed plans to introduce the Suminoe oysters from Asia, which is resistant to the disease that plagues the native species. Opponents feared that the non-native could become an invasive species, displacing the native oyster and potentially harming the ecology of the Bay.

Non-Native Oysters in the Chesapeake Bay (2004) recommends the managed introduction of sterile (non-reproductive) oysters as the most prudent option until more research can be conducted. The report also proposes a new regulatory framework for better management of the process.

WATERSHED SOLUTIONS IN NEW YORK

The state of New York has always enjoyed high-quality water from the Catskills Mountain watershed, which provides about 90% of the drinking water for New York City. Unfortunately, increased housing developments and septic systems, and the impacts of agriculture caused water quality to deteriorate. By the late 1990s, New York City water managers had two choices: build a water-filtration system at an estimated cost of up to \$6 billion or take steps to protect its major watershed.

To help weigh the scientific and technical aspects of its dilemma, the state turned to the National Academies. On the basis of recommendations in *Watershed Management for Potable Water Supply: Assessing the New York City Strategy*, stakeholders decided against building the filtration system and instead began taking recommended steps to protect the watershed at a total projected investment of about \$1 to \$1.5 billion.

Grant Reviews

The National Academies can simplify and enhance the state and local grant-review process by organizing independent peer interviews and reviewing the progress of grant recipients. Experts from across the country who can bring a fresh, broader perspective and credibility to regional programs are selected to serve on grant review committees.

Convening Activities

Convening activities bring together policy-makers, members of industry, scientists, and sometimes the general public to discuss timely issues. The events include workshops, symposia, and roundtables that can have anywhere from 25 to 250 participants. For example, the Disasters Roundtable convenes in Washington, DC several times a year to discuss urgent issues related to understanding and reducing the effects of natural, technologic, and other disasters. Proceedings or workshop summaries are usually produced to capture the information discussed.

Communications

A variety of derivative products based on reports—including report briefs, posters, web sites, and brochures—are produced to help communicate the content of reports to broader audiences and aid in the public understanding of science. Examples include a question-and-answer wheel on invasive plants that helps people understand the effects of invasive plants. Another example is a Diversity Toolbox brochure that feature best practices for building minority-group education and employment in the chemical sciences.

Grant Review

EVALUATING RESEARCH GRANTS IN OHIO

Since 2003, the National Academies has been providing oversight for research programs in Ohio that were established to foster partnerships between the state's universities and industrial sectors in order to promote the commercialization of research and economic development. The National Academies bring together panels of experts from across the country to review proposals submitted to these programs. Using a set of criteria, the panels identify which ones have the greatest merit for the state of Ohio to consider funding and then review the progress of the grants that are funded.

Convening Activity

GUIDING STEM CELL RESEARCH IN CALIFORNIA

In 2004, the state of California faced a happy dilemma: how best to spend the \$3 billion that voters approved for state-funded stem-cell research. To help guide the state in its research planning, the National Academies convened experts in the field for a 2-day workshop in California. Topics discussed at the workshop included grant-making processes, intellectual property, institutional review boards, facility development, and the development of standards and ethical guidelines.



Working with the National Academies

The National Academies are equipped with administrative tools to work with state and local governments to find answers to key scientific questions. Blanket authorization has been granted for federal sole-source contracts. Research-grant, co-operative-agreement, and contract proposals can be rapidly prepared. Costs vary with the type and scope of the activity. The National Academies have implemented mechanisms to keep costs low and are continuing to review policies and procedures to identify other changes to make the process as efficient as possible.

Sign up for the Earth & Life Studies Gateway at <http://dels.nas.edu> to be notified of reports, events, projects, and news in your fields of interest. National Academies reports are available online in a searchable format at <http://www.nap.edu>.

Contact the Division on Earth & Life Studies:

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For Testimony on HCR 15

Dr. Keith R. Criddle

Dr. Criddle is the Ted Stevens Distinguished Professor of Marine Policy in the University of Alaska, Fairbanks' Juneau Center for Fisheries and Ocean Science. Dr. Criddle received his Ph.D. in agricultural economics from the University of California, Davis in 1989.

Dr. Criddle's research focuses on the intersection between the natural sciences and economics, especially the management of living resources. Dr. Criddle's research has explored topics ranging from the economic consequences of alternative management regimes for the governance of commercial, sport, and subsistence fisheries to the bioeconomic effects of climate change in north Pacific fisheries to the evolution of the structure of the Chilean salmon aquaculture industry in response to requirements for traceability and assurance.

He has served on the North Pacific Fisheries Management Council Scientific and Statistical Committee since 1993 and as an associate editor of *Marine Resource Economics* (1993-2003).

Dr. Criddle was a member of the National Research Council's Committee on the Introduction of Nonnative Oysters in the Chesapeake Bay, the Committee to Review Individual Fishing Quotas, and the Committee on the Evaluation of the Sea Grant Program Review Process.

3/29/10

Timothy Clark

From: Charisse Arce
Sent: Monday, March 29, 2010 12:31 PM
To: Timothy Clark
Subject: FW: questions as we think about HCR15

FYI

From: Fogels, Edmund J (DNR) [mailto:ed.fogels@alaska.gov]
Sent: Monday, March 29, 2010 12:27 PM
To: Lesh, Melanie G (DNR); Erin Harrington; Charisse Arce
Cc: Mylius, Richard H (DNR); Lefebvre, Richard A (DNR); Brakes, Heather K (GOV); Kent, Lynn J T (DEC); Carroll, Samantha J (DNR); Irwin, Tom E (DNR)
Subject: RE: questions as we think about HCR15

Erin, Charisse,

I have answered your questions below (they are inserted in red text). I hope my answers are helpful. I will be participating in this afternoon's hearing by phone, and will be available to answer questions.

Thanks,

Ed

From: Lesh, Melanie G (DNR)
Sent: Fri 3/26/2010 4:48 PM
To: Harrington, Erin D (LAA); Charisse Arce
Cc: Fogels, Edmund J (DNR); Mylius, Richard H (DNR)
Subject: RE: questions as we think about HCR15

Erin,
Excellent questions, Ed Fogels can speak to these points, and hopefully can get you responses prior to Monday. Ed plans to be online (offnet) for the hearing on Monday.
I'll copy Division of Mining Land and Water on this as well as they're a big part of the Large Project process.
See you tomorrow night!

Melanie Lesh

Special Assistant/Legislative Liaison
Department of Natural Resources
400 W. Willoughby Ave.
Juneau, Alaska 99801
907.465.4730
907.723.7364

From: Erin Harrington [mailto:Erin_Harrington@legis.state.ak.us]
Sent: Friday, March 26, 2010 4:36 PM
To: Lesh, Melanie G (DNR)
Cc: Charisse Arce
Subject: questions as we think about HCR15

Hi Mel,

We're doing some prep work and thinking for next week's hearing on HCR15. A couple of questions have just popped out of that. Wondering if your people have any ideas on them.

1. Were the port, road, power and other infrastructure to be developed for the Pebble Project, the likelihood exists for other mineral developments in the area to be developed. Given that, does the department (or the state) have a method for assessing cumulative socioeconomic and environmental impact assessment to assist in the decision of whether it is in the state's best interest to allow the Pebble Project to proceed?

Yes. For a large project such as Pebble, the State is a cooperating agency in the Federal NEPA process, in which an Environmental Impact Statement is produced. The EIS analyzes the potential environmental and social impacts of the project, and includes a cumulative impact assessment of reasonably foreseeable developments that may follow the project. The State uses the EIS in their decision making process.

2. How would DNR use an analysis such as the one called for in this resolution, if it were done by a reputable independent organization such as the National Academy of Science?

The EIS will be a comprehensive analysis which will be written by reputable independent experts hired by the lead Federal agency. If the NAS study provides additional information that the EIS experts have not already incorporated into the analysis, then that information could be considered in the analysis. It would be critical that any such study be timely and fit into the State/Federal mine permitting process, so that the process is not unreasonably delayed.

3. Do you do an independent data gap analysis?

Yes. The EIS process evaluates all baseline data, and if there are gaps, those gaps must be filled.

4. Does the permitting process require independent data collection and analysis from agencies to corroborate the data being gathered by the company?

No. While we don't typically collect additional data for corroboration, the data is carefully scrutinized by the independent EIS experts, and state and federal agency experts. If any of this data is deemed to be inadequate, then additional data must be collected. Typically this is done by the project proponent, however, the agencies or the EIS experts could also collect this data. Sometimes agency staff will visit data collection projects, such as fish sampling sites, to ensure the collection is being done appropriately. Also, some data is collected directly by the agencies—for example, subsistence surveys are often done by the ADFG Subsistence Division.

Thanks. I know it's late on Friday. Thoughts your people can provide on this would be appreciated, but we recognize that this is somewhat last minute. The hearing isn't until late on Monday.

E

Erin Harrington
Legislative Aide to Representative Alan Austerman
State Capitol, Room 502
Juneau, Alaska 99801
(907) 465-2487
(800) 865-2487
(907) 465-4956 (fax)
www.alanausterman.com



ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #105, Anchorage, Alaska 99503 • (907) 563-9229 • FAX: (907) 563-9225 • www.alaskaminers.org

April 13, 2009

Honorable Bryce Edgmon
Alaska State House
Capitol Building
Juneau, AK 99801

Re: House Concurrent Resolution 15, Bristol Bay Assessment by National Research Council

Dear Representative Edgmon,

House Concurrent Resolution 15 (HCR-15) mandates an independent review of the environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area and directs the Alaska Legislative Council to contract for that independent review with the National Research Council of the National Academy of Sciences.

HCR-15 is effectively directing that an Environmental Impact Statement (EIS) be developed for the Pebble Project. However, such an EIS would have to be done for a hypothetical project. For this EIS to have any relevance, the mine to be evaluated by the EIS would have to be designed first. All the various parameters, design criteria, assumptions, etc. would have to be developed in sufficient detail to determine whether the proposal was technically feasible. If the "mine design" was not technically feasible, the EIS would be a sham and of no value. Also, before the feasibility of the mine design can be ascertained, a tremendous amount of data would be needed that does not now exist. That data is precisely what the Pebble project has been collecting for the past several years.

The four basic types of data required are environmental, geologic and mining, socioeconomic, and financial. The information required for environmental data includes air, water, soil, wetlands, fisheries, flora, fauna, etc. The information data set required for mining includes: geologic; ore - types, grades, distribution, variability, etc.; metallurgical - hardness, grindability, recovery, processing methods, etc.; mining - production level, mine design and layout, mining method, equipment selection, etc.; reclamation and closure. The socioeconomic information includes a correspondingly detailed and complex set of facts and parameters. These data sets are then used in an iterative process to determine under which, if any, set of financial assumptions the project would be economic.

This is the kind of an evaluation that every large mine, and any other major resource project, must complete before it can obtain the approvals that will be required to operate. The cost to complete such an EIS would be many millions of dollars. To do less would result in a sham and would be a waste of whatever monies were spent. Passage of HCR-15 would also indicate that the Legislature has a total lack of confidence in the professionals that work in the Departments of Natural Resources, Fish & Game, Environmental Conservation, and Community & Economic Development.

HCR-15 should be rejected. Thank you for the opportunity to comment on this resolution.

Sincerely,

Steven C. Borell, P.E.
Executive Director



ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #105, Anchorage, Alaska 99503 • (907) 563-9229 • FAX: (907) 563-9225 • www.alaskaminers.org

February 15, 2010

Honorable Bryce Edgmon
Alaska State House
Capitol Building
Juneau, AK 99801

Re: House Concurrent Resolution 15, Bristol Bay Assessment by National Research Council

Dear Representative Edgmon,

House Concurrent Resolution 15 would require an independent review of the environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area and directs the Alaska Legislative Council to contract for that review with the National Research Council of the National Academy of Sciences.

We previously commented (April 13, 2009) on HCR-15 and will not repeat the points made at that time. The basic observation made then was that the evaluation proposed by HCR-15 is effectively the same as the exploration and design work now being completed by the Pebble Partnership, plus the EIS that will follow once they file an application. The cost for HCR-15 to complete such an EIS would be many millions of dollars and to do less would result in a sham and would be a waste of whatever monies were spent.

HCR-15 has the potential of having a tremendous adverse impact on mineral exploration throughout the state. These impacts would affect exploration on state, federal and private lands, including Native-owned lands.

Within the mining industry there is no question in anyone's mind that HCR-15 is intended to find some way to harass or derail the Pebble Project. It is also well-known throughout the world that Alaska has an extremely comprehensive and robust permitting system. If a Resolution of this type is passed it will have a chilling affect on anyone contemplating investing in mineral exploration in Alaska. If HCR-15 passes even this one committee, the negative impacts will be felt in this summer's exploration levels.

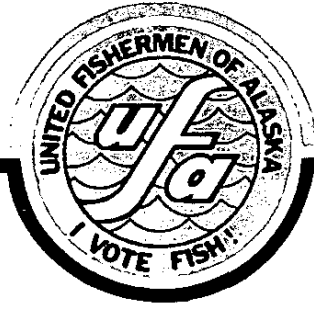
Due to the economic meltdown that occurred in late 2008 and early 2009, exploration investments in 2009 were down significantly. Mineral exploration investments are now beginning to return and a resolution like HCR-15 would send a very wrong message to potential investors and to companies contemplating prospects in Alaska.

HCR-15 should be rejected. Thank you for the opportunity to comment on this resolution.

Sincerely,

Steven C. Borell, P.E.
Executive Director

Cc: Committee Members



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 8, 2010

Representative Bryce Edgmon, Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Representative Edgmon,

United Fishermen of Alaska supports the intent of SCR 6 and HCR 15 directing the Legislative Council to contract for an assessment of environmental and socio-economic risks of large-scale mineral extraction in the Bristol Bay area watershed. We believe that objective third party scientific review of this issue will arm the state with best possible information on which to base policy decisions regarding protection of Bristol Bay fisheries and essential fish habitat throughout the watershed. Bristol Bay is the most valuable salmon fishery in our state and in the world, and merits a study of the proposed project by a trusted, objective, third-party on the proposed project and the potential risks to fisheries, as well as the state's large-mine permitting process and its capacity to protect Bristol Bay fisheries resources. This will be an essential component for constructive dialogue and debate about the compatibility of the proposed Pebble mine and Bristol Bay's fishing industries.

United Fishermen of Alaska is the largest statewide commercial fishing trade association, representing 37 commercial fishing organizations participating in fisheries throughout the state and its offshore waters. Thank you for your consideration.

Sincerely,

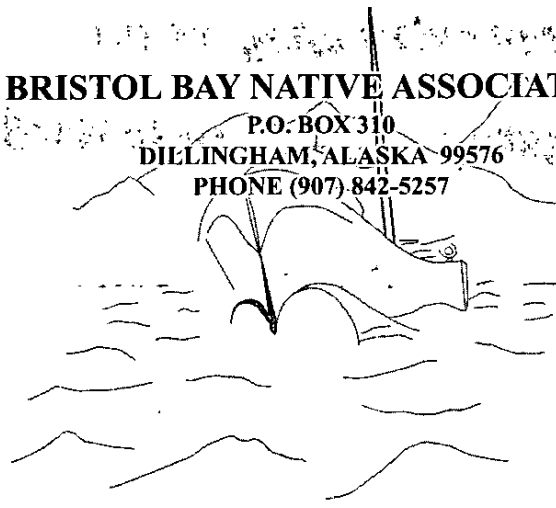
Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Independent Fishermen's Marketing Association • Alaska Independent Tendermen's Association
Alaska Longline Fishermen's Association • Alaska Scallop Association • Alaska Trollers Association • Alaska Whitefish Trawlers Association
Aleutian Pribilof Islands Community Development Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve
Bristol Bay Regional Seafood Development Association • Cape Barnabas Inc. • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association
Cordova District Fishermen United • Crab Group of Independent Harvesters • Douglas Island Pink and Chum • Fishing Vessel Owners Association
Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • North Pacific Fisheries Association
Northern Southeast Regional Aquaculture Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310
DILLINGHAM, ALASKA 99576
PHONE (907) 842-5257



Tribal Councils
Served by BBNA:

- Aleknagik
- Chignik Bay
- Chignik Lagoon
- Chignik Lake
- Clarks Point
- Curyung
- Egegik
- Ekuk
- Ekwok
- Igiugig
- Iliamna
- Ivanof Bay
- Kanatak
- King Salmon
- Kokhanok
- Koliganek
- Levelock
- Manokotak
- Naknek
- New Stuyahok
- Newhalen
- Nondalton
- Pedro Bay
- Perryville
- Pilot Point
- Port Heiden
- Portage Creek
- South Naknek
- Togiak
- Twin Hills
- Ugashik

March 9, 2010

Honorable Bryce Edgmon
Alaska State House
Capitol Building
Juneau, AK 99801

Re: HCR 15, Bristol Bay Assessment by National Research Council

Dear Representative Edgmon,

The Bristol Bay Native Association would like to express our support of HCR 15. We feel this resolution is important because it would provide a third party assessment of the Pebble Project. Based on the credentials of the National Academy of Sciences, we feel it would offer the legislature and the public a solid framework for future decisions regarding mineral extraction in the Bristol Bay watershed.

We support HCR 15 and thank you for the chance to comment on this resolution.

Sincerely,

Ralph Andersen
Chief Executive Officer

Bristol Bay Economic Development Corporation

P.O. Box 1464 • Dillingham, Alaska 99576 • (907) 842-4370 • Fax (907) 842-4336 • 1-800-478-4370



March 8, 2010

Representative Alan Austerman
Juneau, Alaska 99801-1182

Subject: HCR 15

Dear Representative Austerman,

BBEDC fully supports the Legislative Council to contract with the National Research Council of the National Academy of Sciences for an independent assessment of the environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed.

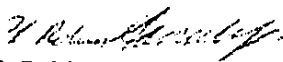
BBEDC is made up of 17 communities within the Bristol Bay region, representing 6 thousand local residents. We are the CIDQ group for the Bristol Bay region and have invested millions of dollars in infrastructure and our fishermen of Bristol Bay. If this mine is going into Bristol Bay then the State of Alaska needs to do everything it can to protect our clean water systems and the fish resources of Bristol Bay.

The majority of our watershed residents rely on the commercial salmon fishery of Bristol Bay today as they did for the last 125 years. This fishery is also very important to the subsistence and sport fishermen of the region.

A mine the size of Pebble does not exist on this earth at this time. Pebble lies with two water systems, the Nushagak and Kvichak Rivers. These river systems can be damaged by the pebble mine and we need to make sure that they are not. Having the NRC do this overview will be another protective measure we can all do to protect Bristol Bay watershed from damage of a very large mine.

We also feel that a mine of this size the State of Alaska, Department of Natural Resources does not have all the tools they need to protect the waters of Bristol Bay from the potential damage that may happen and having the NRC work on this project will hopefully minimize the environmental consequences of this project. Thank you.

Sincerely,


H. Robin Samuelson Jr.
President/CEO



TRIDENT SEAFOODS CORPORATION

5303 Shilshole Ave NW, Seattle, WA 98107-4000 USA • (206) 783-3818 • Fax: (206) 782-7195
Domestic Sales: (206) 783-3474 • Fax: (206) 782-7246
Canned Sales: (206) 781-7606 • Fax: (206) 781-7604
Export Sales: (206) 783-3818 • Fax: (206) 782-7195

March 8, 2010

Rep. Alan Austerman
Alaska House of Representative
State Capitol Room 502
Juneau AK, 99801

Re: HCR 15

Dear Rep. Austerman,

I am writing on behalf of Trident Seafoods Corporation to express our support for HCR 15, a resolution requesting the Legislative Council to contract with the National Research Council of the National Academy of Sciences for an independent assessment of the environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed.

As a major buyer and processor of Bristol Bay sockeye salmon with substantial investments and broad interest in the health of the fishery resources and fishery-dependent communities in the region, Trident Seafoods welcomes a thorough third-party scientific assessment of the potential impacts of the proposed Pebble Mine project.

Sincerely

John Garner

Director, Salmon Division

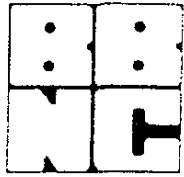
Alaska

Akutan • Anchorage • Crignik • Clarks Point • Cordova • Dillingham • Dutch Harbor
Ketchikan • Kodiak • Naknek • Petersburg • Sand Point • South Naknek • St Paul

Newport, OR • Ucluelet, B.C.

Washington

Anacortes • Bellingham • Everett
Fife • Tacoma • Seattle



Bristol Bay Native Corporation

Enriching Our Native Way of Life

111 West 16th Avenue, Suite 400 / Anchorage, Alaska 99501 / (907) 278-3602 / Fax (907) 276-3924

March 8, 2010

The Honorable Bryce Edgmon
Chair, House Fisheries Committee
State Capitol Room 416
Juneau, AK 99801

Re: House Concurrent Resolution 15

Dear Representative Edgmon:

Thank you for your co-sponsorship of House Concurrent Resolution No. 15 with Representative Alan Austerman, which allows for the assessment of the impacts of mineral extraction in Bristol Bay. Bristol Bay Native Corporation supports this effort and the further advancement of this resolution, as part of the State of Alaska's responsibility in reviewing the risks of development of the Pebble Mine project on state-owned land.

This resolution allows for independent scientific research at a time that is most critical to the future assessment of the Pebble project. A greater understanding of the environmental and socioeconomic impacts of a project this size, will help formulate an informed opinion for residents of Bristol Bay, citizens of Alaska and lawmakers in future discussions as the mine's permitting process begins. BBNC believes that these stakeholders in the project deserve to have access to the facts of the project from an independent, impartial source, such as the National Academy of Sciences noted in the resolution.

The State of Alaska, as land-owner and policy-maker in the case of the Pebble Mine project, has an obligation to its citizens to seek the best possible information as the potential development of this project moves forward. An adequate understanding of the potential impacts of large-scale mining in the Bristol Bay area watershed is critical to the prudent nature necessary for future decisions.

Thank you for taking the time to consider our corporation's opinion regarding the need for more information on Pebble Mine. BBNC represents the interests of more than 8,500 shareholders with ties to the Bristol Bay region, many of whom are asking the same questions of the environmental and socioeconomic impacts the Pebble project will have. Please contact our office with questions regarding this letter.

Thank you again for your support of this important resolution.

Sincerely,

Jason Metrokin
President & Chief Executive Officer

CC: Representative Alan Austerman



March 11, 2010

Representative Alan Austerman
Alaska State Legislature
Juneau, AK 99801

THE TENTH FLOOR
2200 SIXTH AVENUE
SEATTLE, WA 98121-1820
206.728.6000
OPERATION FAX 206.441.9090
SALES FAX 206.728.1855

RE: HCR 15

Dear Representative Austerman:

Peter Pan Seafoods is a processor of Alaska seafood including Bristol Bay salmon. We operate the oldest continually operating cannery in Bristol Bay at our Dillingham plant as well as a shore support facility in Naknek. As such, we are directly invested in the continued health of the Bristol Bay sockeye runs and have intimately observed how these salmon are woven through the cultural and social fabric of the regions communities. We are very concerned about the proposed Pebble Mine's potential detrimental effects on the region and wholeheartedly support your Resolution HCR 15 which would expand our understanding of the environmental and socioeconomic consequences of such a project.

The potential scale of the Pebble Mine project, its mineral wealth and possible job and revenue creation is certainly enticing, especially to a region that is in such need of economic diversification. When it comes time to examine the permitting of this project, the proposed economic activity it generates will be impressive, perhaps even staggering. Because of this, it will be extremely important to have a full and accurate representation of this project's total cost to the environment, its resources and the people of the region to counterbalance. Bristol Bay sockeye is probably the most studied salmon stock, yet we still don't know what causes the cyclic fluctuations in the runs. We don't know why the Kvichak system, formally the largest producer in the region, has crashed over the last decade only to recently begin to recover. Further study likely will not uncover these determining factors but can highlight the level of uncertainty that exists even as developers talk of containing or mitigating potential damages.

We are also concerned about the effects this development may have outside the Bristol Bay region. As the desire for healthful food options has increased, the "Alaska brand" has become very important to consumers. The perception is of healthy food products that are natural, sustainable and come from a pristine environment. We've experienced what can happen when this perception is disrupted. While not as dramatic as an oil spill, the development of a large mining operation in such a sensitive area could be a permanent scar in maintaining the perception of the Alaska brand as it now stands.

We appreciate your efforts to focus public and legislative attention on this issue and the serious concerns so many have with the potential development of a large scale mining operation in the heart of the most productive salmon producing region in the world. We need a clear vision of the potential economic gains of this against the damage or loss of a precious continuously renewable resource, the social and cultural costs to the region that is intimately tied to these salmon, and the potential damage to the reputation of Alaska seafood as a whole.

Sincerely

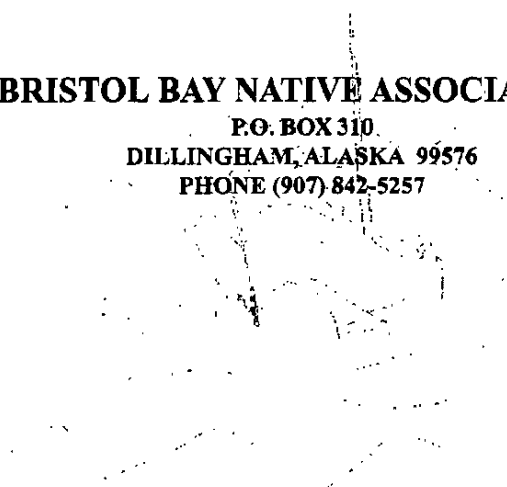
A handwritten signature in black ink that reads "Barry D. Collier". The signature is written in a cursive, flowing style.

Barry D. Collier
President and CEO
Peter Pan Seafoods, Inc.

cc: Representative Bryce Edgmon
Co-Sponsor HCR 15

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310
DILLINGHAM, ALASKA 99576
PHONE (907) 842-5257



March 9, 2010

Tribal Councils
Served by BBNA:

Aleknagik

Chignik Bay

Chignik Lagoon

Chignik Lake

Clarks Point

Curyung

Egegik

Ekwok

Ekwok

Igiugig

Iliamna

Ivanof Bay

Kanatak

King Salmon

Kokhanok

Koliganek

Levelock

Manokotak

Naknek

New Stuyahok

Newhalen

Nondalton

Pedro Bay

Perryville

Pilot Point

Port Heiden

Portage Creek

South Naknek

Togiak

Twin Hills

Ugashik


Honorable Bryce Edgmon
Alaska State House
Capitol Building
Juneau, AK 99801

Re: HCR 15, Bristol Bay Assessment by National Research Council

Dear Representative Edgmon,

The Bristol Bay Native Association would like to express our support of HCR 15. We feel this resolution is important because it would provide a third party assessment of the Pebble Project. Based on the credentials of the National Academy of Sciences, we feel it would offer the legislature and the public a solid framework for future decisions regarding mineral extraction in the Bristol Bay watershed.

We support HCR 15 and thank you for the chance to comment on this resolution.

Sincerely,

Ralph Andersen
Chief Executive Officer



UNIVERSITY OF WASHINGTON

March 28, 2010

Representative Bryce Edgmon, Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Representative Edgmon,

We, a group of scientists with over 100 years of research experience on salmon ecosystems, particularly in Bristol Bay, express our enthusiastic support of HCR 15 requesting the Legislative Council to contract with the National Research Council to assess the potential risks of mineral development in Bristol Bay. Sockeye salmon have supported the most valuable fisheries in the United States over the last century and most of these fish were produced in Bristol Bay. The sustainability and value of Bristol Bay fisheries is a testament to the exceptional biological productivity of these ecosystems and to the long history of effective, science-based management by the State of Alaska. However, the proposed mineral development may pose substantial new risks to the sustainability of Bristol Bay fisheries. Many of the characteristics that make Bristol Bay watersheds particularly suitable for salmon may, in turn, make them especially vulnerable to environmental impacts from large-scale mining. There is no precedent in Alaska for assessing the potential environmental impacts of mineral development, such as that proposed for Bristol Bay, in an ecosystem with the biological, geological, and hydrological characteristics of Bristol Bay.

The National Research Council (NRC) of the National Academy of Sciences was established to provide third party, independent, science-based assessments of politically contentious issues like those that have developed around mineral development in Bristol Bay. You can expect that the NRC will provide a fair, technical, and timely assessment of the potential cumulative risks of large-scale mineral development to the ecosystems and economies of Bristol Bay. The current permitting system relies heavily on science provided by the mining industry which can not be considered an independent and objective assessment of potential risks. An NRC evaluation of the potential risks would add considerable credibility to the permitting process and would help clarify the ongoing debate over the compatibility of sustainable fisheries and industrial scale mining in Bristol Bay.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Schindler', written over a horizontal line.

Dr. Daniel Schindler, Professor, University of Washington (deschind@uw.edu)

and

Dr. Ray Hilborn, Professor, University of Washington (rayh@uw.edu)

Dr. David Montgomery, Professor, University of Washington (dave@ess.washington.edu)

Dr. Thomas Quinn, Professor, University of Washington (tquinn@uw.edu)

Dr. James Seeb, Professor, University of Washington (jseeb@uw.edu)

Dr. Lisa Seeb, Professor, University of Washington (lseeb@uw.edu)

March 29, 2010

Representative Bryce Edgmon, Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol
Juneau, AK 99801



Dear Representative Edgmon:

Despite all the acrimony that has arisen around the Pebble Prospect, there is no dispute the stakes are high. The Pebble Mine, if built, will be one of the largest projects of its kind ever undertaken in the world. It will also be located in one of the last great wild salmon ecosystems left on earth. Reasons enough for all Alaskans to insist our State provide extraordinary assurances that the best science, open to public scrutiny, will be brought to bear to answer the ultimate question whether such an unprecedented mine can be built without undue risk to the unrivaled salmon resources of Bristol Bay. It is our belief that such assurances would not be credible if the science, as developed by the proponent of the mine, is not subject to critical review and examination by an independent and experienced panel of nationally recognized experts, the kind of panel that can be convened by the National Academy of Sciences. For this reason I, and the Board of Directors of the Nushagak-Mulchatna / Wood-Tikchik Land Trust, encourage you and your fellow lawmakers to authorize a National Academy of Sciences review of the science and the engineering plans put forward in support of the development of the Pebble Prospect before any State permit to mine is considered.

The Land Trust is a conservation organization created by Native corporate, tribal, sport and commercial fishery and conservation interests to protect critical salmon habitat in the Nushagak and Togiak River watersheds. Since inception in 2000, the Land Trust has participated in the acquisition of conservation protections for nearly 22,000 acres of Salmon habitat located on private lands.

Thank you for your consideration of this issue.

Sincerely,
THE NUSHAGAK-MULCHATNA / WOOD-TIKCHIK
LAND TRUST

Tim Troll, Executive Director

P.O. Box 1388, Dillingham, AK. 99576
(907) 842-2832; nmwland@nushtel.com

HJR

21

<target><bill>HJR 21</bill><subject>HJR
21</subject><comm>HFSH26</comm></target>

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 27, 2009

FURTHER REFERRALS: Resources

Date of Committee Action: 3/10/2009

The HOUSE SPECIAL COMMITTEE ON FISHERIES considered: HOUSE JOINT RESOLUTION NO. 21

Requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program license holder to participate in the Pacific cod fisheries in the Gulf of Alaska.

HJR 21 GROUND FISH FISHERIES LICENSES

Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 DHS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Craig Johnson</i>	Johnson	x			
<i>Charles Millett</i>	Millett <i>AWASAK</i>	x		x	
<i>Wes Keller</i>	Keller	x			
<i>R. L. Beech</i>	Beech			x	
<i>Catherine Munoz</i>	Munoz	x			
Chair: <i>Boye Edgman</i>	Edgman			x	
Chair:					




Representative Alan Austerman

Alaska State Legislature

MEMORANDUM

To: Representative Bryce Edgmon, Chair
House Fisheries Committee

From: Representative Alan Austerman 

Date: February 27, 2009

RE: House Joint Resolution 21—Request for Hearing

House Joint Resolution 21 is a resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program license holder to participate in the Pacific cod fisheries in the Gulf of Alaska.

I am requesting a hearing for HJR 21 at your earliest convenience. Attached you will find a copy of HJR21. I have also provided my sponsor summary, and the relevant motion from the North Pacific Fishery Management Council (December 2008). Please note that the proposed action that this resolution addresses is scheduled for action at an NPFMC meeting that begins March 30. Time is therefore important in the consideration of this resolution.

I will provide additional backup as it becomes available. Please let Erin Harrington of my staff know if there is anything else we can provide. Thank you for your consideration.

~ Representing Alaska State House District 36 ~

Akhiok | Igiugig | Iliamna | Karluk | Kodiak | Kokhanok | Larsen Bay | Levelock
Newhalen | Nondalton | Old Harbor | Ouzinkie | Pedro Bay | Port Alsworth | Port Lions



Representative Alan Austerman

Alaska State Legislature

Representative_Alain_Austerman@legis.state.ak.us

Session:

State Capitol, Room 434
Juneau, Alaska 99801
(907) 465-2487 | (800) 865-2487
(907) 465-4956 (fax)

Interim:

305 Center Ave, Suite 1
Kodiak, Alaska 99615
(907) 486-8872
(907) 486-5264 (fax)

SPONSOR STATEMENT

HOUSE JOINT RESOLUTION 21

House Joint Resolution 21 requests the North Pacific Fishery Management Council (NPFMC) to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program (LLP) license holder to participate in the Pacific cod fixed gear fisheries in the Gulf of Alaska. It also supports the continuation of the existing LLP program for groundfish in the Gulf of Alaska, and supports a policy of broad participation in the harvest of marine resources in the Gulf of Alaska.

The NPFMC is the federal regulatory body that oversees management of the federal fisheries off the coast of Alaska, in the area from 3 to 200 miles from shore. The NPFMC is currently considering regulatory action that would create and require Pacific cod "endorsements" on Gulf of Alaska fixed gear license limitation program (LLP) licenses in order to harvest the Pacific cod resource. (In this proposed action, "fixed gear" includes pot and longline gear types.) These endorsements would be placed on only those LLPs that have been used in a specific range of recent years. LLPs without Pacific cod endorsements could not be used to fish for Pacific cod. This action renders those LLPs functionally useless and valueless to their owners and increases the barriers for re-entry or new entrance into the Pacific cod fisheries. Of the LLPs that would be impacted by this action, more than 60% are estimated to be owned by Alaska residents.

Pacific cod is among the most important of the fishery resources harvested in federal waters in the Gulf of Alaska. Pacific cod is harvested by four different gear types, and on vessels ranging in size from very small (<30 feet) to relatively large (>100 feet). The greatest number of vessels harvesting Pacific cod in the Gulf of Alaska use pot, longline or jig gear, and the vast majority of these vessels are ≤60 feet in length. This is the core of the coastal Alaska resident fleet in the Gulf of Alaska. Pacific cod are also harvested using trawl gear.

The creation and requirement of Pacific cod endorsements for participation in federal Pacific cod fisheries in the Gulf of Alaska would create significant barriers for new entrants to Alaska's commercial fisheries, and for re-entrance by fishermen who did not participate in a specific range of qualifying years. It would also impact a group of recent fishery entrants who made their fishery investments *after* the qualifying years. Impacted individuals would include young Alaskans and enterprising crewmen looking to advance into ownership positions in the industry.

~ Representing Alaska State House District 36 ~

Akhiok | Igiugig | Iliamna | Karluk | Kodiak | Kokhanok | Larsen Bay | Levelock
Newhalen | Nondalton | Old Harbor | Ouzinkie | Pedro Bay | Port Alsworth | Port Lions

This action is also likely to lead to consolidation of the fishing fleet and concentration of LLP ownership in fewer hands. Expected results of this action would include consolidation of the Gulf of Alaska Pacific cod fixed gear fleet, fewer crew jobs, less demand for support sector services in Alaska's coastal communities, and increased costs of entry into Gulf of Alaska fisheries.

In absence of a biological concern for resource sustainability, it is important to maintain fisheries with relatively low entry barriers to encourage and allow the entrance of the next generation of fishermen into Alaska's fisheries. While HJR19 carries no legal force, it put the Alaska Legislature on record as supporting a policy of broad participation in Gulf of Alaska groundfish fisheries.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: _____
 () Publish Date: _____

Identifier (file name): 26-LS0668\E

Title GROUND FISH FISHERIES LICENSES Dept. Affected: _____
 RDU _____

Sponsor Representative Alan Austerman Component _____
 Requester House Fisheries Committee Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Fisheries Committee
 Division: _____
 Approved by: Representative Bryce Edgmon, Chair, House Fisheries Committee

Phone 907-465-4451
 Date/Time 3/10/2009 10:00 a.m.
 Date 3/10/2009

North Pacific Fishery Management Council, December 2008
C-2(a) Gulf of Alaska Fixed Gear Recency Motion

The Council directed staff to develop an analysis based upon the following purpose and need statement, components, and options for initial public review. Final action is scheduled for April 2009.

C-2(a) Gulf of Alaska Fixed Gear Recency

Western GOA and Central GOA Pacific cod fisheries are subject to intense competition, particularly during the A season, when fish are aggregated and of highest value. Competition among fixed gear participants in the Western GOA and Central GOA Pacific cod fisheries has increased for a variety of reasons, including increased market value of Pacific cod products, a declining ABC/TAC, increased participation by harvesters displaced from other fisheries and introduction of capital that has been accrued from participation in rationalized fisheries. Additionally, fishery policies have created incentives that encourage non-traditional efficiency improvements for the less than 60 ft LOA vessel class. The possible future entry of latent effort and disproportionate vessel efficiency would have detrimental effects on LLP holders that have exhibited participation in, and dependence on, the fixed gear Pacific cod fisheries. Many fixed gear vessel owners have made significant investments, have long catch histories, and are dependent on the Western GOA and Central GOA Pacific cod resources. These long-term participants need protection from those who have little or no recent history and who have the ability to increase their participation in the Pacific cod fisheries. At the same time, retaining Federal waters opportunities for small community quota eligible (CQE) communities dependent on access to a range of fishery resources and expanding opportunities in Federal waters for small capacity jig operations is valued to promote community protections at a level that imposes minimal impact on historic catch shares of recent participants.

The intent of the proposed amendment is to prevent the future entry or re-entry of latent fixed gear groundfish fishing capacity that has not been utilized in recent years into the Pacific cod fisheries, and to preserve the traditional vessel operational efficiencies within the fisheries. This requires prompt action to promote stability in the fixed gear sectors of the GOA Pacific cod fisheries, and is expected to be implemented concurrently with the division of GOA Pacific cod among sectors which is currently under consideration. However, this action cannot address continued growth in the waters managed by the State of Alaska.

ALTERNATIVE 1.

No Action. No changes would be made to the current License Limitation Program.

ALTERNATIVE 2.

Add non-severable gear-specific Pacific cod endorsements to fixed gear licenses. Pacific cod endorsements would limit entry into the directed Pacific cod fisheries in Federal waters in the Western and Central Gulf of Alaska.

Component 1— Areas included

Western Gulf

Central Gulf (current LLP endorsement includes West Yakutat)

- Different options may be applied to each management area.

Component 2— Identify and define sectors

The sector definitions for awarding Pacific cod endorsements may be different from those used for the GOA Pacific cod sector split action. The purpose of sector definitions in this action is to allow the Council to select different catch thresholds for the different gear types, operation types, and vessel lengths. Individual licenses may qualify for any combination of a jig, hook-and-line, and pot endorsement if the license meets the respective threshold(s) for the appropriate gear type, operation type, and vessel length.

- Hook-and-line CP
Option: Hook-and-line CP ≥ 125
Hook-and-line CP < 125
- Hook-and-line CV
Option: Hook-and-line ≥ 60
Hook-and-line < 60
- Pot CP
- Pot CV
Option: Pot CV ≥ 60
Pot CV < 60
- Jig
Exempt vessels using jig gear from the LLP requirement (including the Pacific cod endorsement requirement) that use a maximum of 5 jiggling machines, 5 lines, and 30 hooks per line or one line of 150 hooks.

Option: Exempt vessels participating with fixed gear in the Western GOA B season directed Pacific cod fishery from the Pacific cod endorsement requirement.

Suboption: Exempt vessels using pot gear only.

Component 3 – Qualifying years

Option 1: 2000-2006

Option 2: 2002-2006

Option 3: Add the qualifying period January 1, 2007 through:

Suboption 1: June 4, 2008

Suboption 2: December 8, 2008

- Either of these suboptions will be selected in addition to one of the qualifying periods in Option 1 or Option 2.

Suboption 3: If an LLP license qualifies only when the supplemental range of years in Suboption 1 or Suboption 2 is included, any Pacific cod endorsements granted to licenses under these suboptions would be extinguished upon transfer of the LLP license to another vessel or owner.

- If a GOA hook-and-line catcher processor LLP license holder was a voluntary non-participant in the Freezer Longliner Coalition informal PSC co-op efforts of 2006, 2007, or 2008, and does not qualify under Component 3, Options 1, 2, or 3, the LLP would not be extinguished. If Pacific cod endorsements are a result of this action in the GOA hook-and-line CP sector, the LLP would receive a Pacific cod endorsement.

Component 4 – Catch thresholds

Thresholds shall be based on legally retained catch in the aggregate during all of the qualifying years in the Federal and parallel fisheries (excluding IFQ catch). Separate and distinct thresholds may be determined for each defined sector.

Option 1: All directed Pacific cod 1, 3, or 5 landings (resulting in a Pacific cod endorsement)

Option 2: All directed Pacific Cod 5, 10, 25, or 100 mt (resulting in a Pacific cod endorsement)

Option: Hardship provision. A GOA fixed gear LLP holder who had 5 or more Pacific cod landings in 1999, but had a vessel on which the LLP was used sink in 1999 or 2000, shall be credited with qualifying history so as to obtain a Pacific cod endorsement.

Directed Pacific cod catch is defined as landings made when the directed Pacific cod fisheries are open. For purposes of catch accounting, licenses are credited with deliveries or processing activity recorded up to 7 days after the directed season closes.

Component 5 – Stacked license provisions

Where there are multiple LLPs registered to a single vessel, also known as ‘stacking’ of LLPs, groundfish harvest history will be fully credited to all stacked licenses, each carrying its own qualifying endorsements and designations.

Component 6 – Capacity/efficiency limits to CV and CP fixed gear LLPs

Add a width restriction (efficiency restriction) on each CV and CP fixed gear LLP license that is eligible to access Pacific cod under this action. The width restriction would be 1 ft of width for each 3 ft of length, and is based on the LOA of the vessel assigned to the license on December 8, 2008. The licenses that are assigned to vessels on December 8, 2008 that exceed the width restriction will be grandfathered at their present LOA. For vessels under construction on December 8, 2008, the width restriction for the license shall be equal to the vessel width upon completion. Vessels would be required to report width measurements to RAM.

Option: Add a simple gross tonnage maximum to licenses.

Component 7 – CQE community resident exemption

CQE community residents currently holding latent, non-qualifying, LLP permits shall retain their LLP and area endorsement(s) and be exempt from the Pacific cod endorsement requirement. A hook-and-line or pot gear endorsement shall be made through (a) a one-time designation at the time the endorsement is issued or (b) designated at the time the first Pacific cod landing is made based on the gear type used. The CQE community resident’s LLP, shall not be leased, and can only be transferred to an individual who has lived continuously in the permit holder’s CQE community for 24 consecutive months prior to the transfer and who intends to remain a resident of the community. Residency shall be affirmed annually upon renewal. If a CQE community LLP holder with a restricted transfer LLP is no longer a resident of the CQE community or dies without a designated qualified LLP community beneficiary, the community CQE shall designate a qualified individual in the CQE community to hold the restricted transfer LLP.

Option: Restrict exemption to LLPs with a MLOA endorsement less than 60 feet.

Additional information requested

- Additional information on the number of identical stacked licenses that meet the catch thresholds (Component 5).
- Additional information on possible approaches to identifying a maximum length to width ratio or maximum simple gross tonnage for purposes of adding a capacity endorsement to licenses (Component 6).

Native Village of Port Graham

PORT GRAHAM VILLAGE COUNCIL
P.O. BOX 5510 • PORT GRAHAM • ALASKA 99603-5510
907-284-2227 FAX 907-284-2222

March 4, 2009

To:

Representative Alan Austerman	120 4 th St., Juneau, Alaska 99802	Fax 465-4956
Representative Bill Thomas Jr.	120 4 th St., Juneau, Alaska 99802	Fax 465-2652
Representative Jay Ramras	120 4 th St., Juneau, Alaska 99802	Fax 465-2070
Representative Cathy Munoz	120 4 th St., Juneau, Alaska 99802	Fax 465-2273
Representative Charisse Millett	120 4 th St., Juneau, Alaska 99802	Fax 465-2069
Representative Bryce Edgmon	120 4 th St., Juneau, Alaska 99802	Fax 465-3445
Representative Paul Seaton	120 4 th St., Juneau, Alaska 99802	Fax 465-3472
Representative Peggy Wilson	120 4 th St., Juneau, Alaska 99802	Fax 465-3175
Representative John Harris	120 4 th St., Juneau, Alaska 99802	Fax 465-3799
Representative Mark Neuman	120 4 th St., Juneau, Alaska 99802	Fax 465-4822

Subject: HJR 21 – A Resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representatives: Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris, and Neuman,

The Port Graham Village Council strongly supports House Joint Resolution #21 that you have co-sponsored.

We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal groundfish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

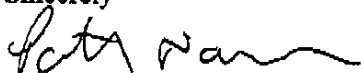
The life blood of our community and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it doesn't matter whether you call this rationalization or something else – the result is the same. If we continue down this same path at some point in the future all our federal waters Gulf fisheries could be fully owned by Outside interests.

We encourage the Alaska Legislature to pass this resolution and thereby make a strong statement to the North Pacific Fishery Management Council that this amendment package is not good for Alaska communities and should be scrapped. The Council should heed the guidance in HJR 21 and cease considering the LLP recency amendment package. Any attempt to address similar

issues in the future should also address as a primary goal how the fishing economies of Gulf of Alaska Communities can be maintained or strengthened as a result of the amendment package.

We thank you for your concern and effort on this very important matter.

Sincerely



Patrick Norman Chief Port Graham Village Council

March 1, 2009

Representative Alan Austerman
House of Representatives
Alaska State Legislators
120 4th Street Room 3
Juneau, Alaska 99801-1182

Dear Representative Austerman,

I am a nineteen year old, 3rd generation Alaskan fisherman. I grew up in Kodiak and have been going out on commercial fishing boats since I was three and had the chance to go seining in Alitak with my dad. After graduating high school and attending a couple of semesters in college at UAA, I decided to come back home and fish the federal and state cod fisheries this year. In looking ahead into my future, I am interested in pursuing fishing opportunity in Kodiak and continuing my college career in the off seasons to explore direct marketing opportunity.

However, within this plan I am faced with the reality that opportunity for my generation is quickly diminishing. With the way things are looking, there may not be enough affordable entry level opportunity in enough fisheries to achieve my long term goal. The IFQ rights to fish halibut and sablefish are out of my range and I don't expect much to change there. Now there is an action at the NPFMC to further limit the number of licenses to fish for cod in federal waters. It seems this action is driven by the big industry players that made their mark in fishing under open access and now want to lock up the rights.

Where does this leave people like me? Without being able to answer what will happen to future generations that want to go fishing and live in Kodiak, the State should not support this action moving forward. It is not the job of federal managers to look out for the well being of coastal Alaskans, it is the State's. I have attended a few of these NPFMC meetings and found it all so complicated I did not know where to begin. I know that is true for most of my friends. They don't think the direction we are going in fishing is right but they, like me, don't really know what to do about it.

In reading through the resolution HJR 21, to cease the action to extinguish latent licenses and all the reasons why, I fully support the resolution. At this time we need to stand back and answer some of the basic questions, like the opportunity in the future for kids like me, before charging on ahead. I'm willing to go out on the water and work hard to make a living, but there needs to be a door left open to do it.

Sincerely,



Charlie Peterson

Timothy Clark

From: pomega@gci.net on behalf of F/V Point Omega [pomega@gci.net]
Sent: Wednesday, March 04, 2009 1:49 PM
To: Timothy Clark
Subject: HJR 21

March 4, 2009

RE: HJR 21 Requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program license holder to participate in the Pacific cod fisheries in the Gulf of Alaska.

My name is Chris Holland. My husband Ken and I own and operate the 72' F/V POINT OMEGA out of Kodiak and we have been fishing Pacific Cod with pots since 1986. Our entire income is from our fishing operations and we as well as our children and their children live and work out of Kodiak.

We have been spending our hard earned money for the last several years to attend the North Pacific Fisheries Council meetings and try to help keep our community and our fisheries here in this coastal town viable for serious fishermen who actually fish.

The NPFMC is very engaged in this and they are the body that handles fisheries, we don't understand why now you are trying to have the legislature step into an on going action and mess with it. Do you understand the make up of the fishing fleet in our coastal communities? Do you earn your entire living off of working on the sea? I don't know what your situation is but I would really appreciate it if you would let those of us who have been following this issue get some relief.

The P. Cod fishery in the Central Gulf of Alaska has many and varied participants and it has been a fairly stable part of our yearly fishing business plan. We are being impacted here by people who are coming with money from other rationalized programs (like the Bering Sea Crab and the AFA and the CDQ groups) and trying to add our fisheries into their business plan now that they can lease out their crab shares or have a co-op catch their pollock.

The action that you are discussing derailing here is intended rather like other programs that have been done in State fisheries. It is to protect the resource and to protect the people and businesses that have been dependent on this fishery.

Many of the people who may be talking to you about this being a good idea have no stake in this fishery at all. The action is also leaving alone an entry level jig fishery that has half the state water cod in the Kodiak area already and will be able to fish with out endorsements at all in both the federal and the state fisheries.

We would rather that you take on the State water fishery and institute a limited entry program that is fair in State waters than for you to mess up a federal program that

people like us who are sincerely dependent on the P. Cod pot fishery have been helping to craft.

Maybe if I put it in terms of State limited entry programs that people have been working with successfully for years, like salmon and herring you will see what I mean.

The amount of fixed gear LLP's that are being discussed in this action is huge, mostly they were originated by p cod deliveries made during halibut and sablefish operations and most of these LLP's have never been dependent on the p cod fishery at all. In fact they haven't even tried to make a delivery even though we had several years where rationalization was a possibility. The threshold for catch criteria in Component 4 of the recency (endorsement) package hardly shows dependence if you are actually trying to make a living at cod fishing. Once again I would like to point out that there is no such endorsement being recommended for the jig fishery and that it is open to all.

People don't seem to have a problem with the limited entry program for salmon or herring, if you want to fish it and you never did before you buy a permit, in this case you would find a permit with an endorsement for the right area. It makes sense to protect the resource by limiting the amount of effort. If you think about the salmon fishery and the herring fishery and compare what is being done here it is much the same. The resource is getting smaller and the ability to have over 800 permits targeting p cod in the CGOA would have negative impacts on the resource and on those of us who have been fishing here since this fishery was first a viable fixed gear fishery. If we continue to get the kind of big boat participation that is now coming around here since crab rationalization we will soon be unable to make enough money fishing cod to make it worth the effort. This action will still leave way more permits with P cod endorsements than there are people who fish on a yearly basis so there is still opportunity for people to get in as abundance dictates.

Please leave the North Pacific Fisheries Management Council to do what they do pretty well and let us get on with our fishing business and not spend all our time worrying about who is going to try and take it away from us next.

Sincerely,

Chris and Ken Holland
F/V POINT OMEGA
PO Box 608
Kodiak, AK 99615

March 4, 2009

Representative Alan Austerman
House of Representatives
Alaska State Legislature
120 4th Street Room 3
Juneau, Alaska 99801-1182

Dear Representative Austerman,

I strongly support HJR 21. I am a twenty three year old fisherman from the Kodiak village of Port Lions. I have been fishing since I was eleven years old, starting with my dad, Harry (Fuzzy) Nelson. I have seined salmon and herring, longlined halibut and cod, pot fished and trawled. Last year I purchased an LLP and fished it with my dad's boat, the F/V Anna Lisa. I bought a boat of my own last summer and have been fishing hard as crew to help me with my start up costs. Currently, I am a crewman on the F/V Elizabeth E with Capt Stormy Stutes. Fishing is a way of life for me, but I don't want to spend my life as crewman. I need to be able to grow. But each time a new regulation or rule is created that gives away the resources of the Gulf of Alaska to the big players, it diminishes the opportunity I need to make a life for myself. The LLP I bought will be extinguished if the NPFMC takes its planned action at the April meeting. It does not have specified recency to qualify it for continued use under the NPFMC's preferred alternatives. Each new regulation closing off opportunity for people like me helps kill communities like Port Lions, Ouzinkie, Larsen Bay, and Old Harbor. We are Alaska. We live here. We need opportunities to fish. We are not asking for the ownership rights to the North Pacific, we are asking for a right to earn a living in our communities and to contribute to the employment opportunities for our neighbors.

Thank you for HJR 21, perhaps you can help keep the big money interests from extinguishing Alaska's coastal citizens' right to earn a living from the resources right outside our front doors.

Sincerely,

Michael Nelson

Native Village of Chignik Lagoon
 PO Box 09
 Chignik Lagoon, AK 99565
 907-840-2281
 FAX 840-2217

March 4, 2009

To:		
Representative Alan Austerman	120 4 th St., Juneau, Alaska 99802	Fax 465-4956
Representative Bill Thomas Jr.	120 4 th St., Juneau, Alaska 99802	Fax 465-2652
Representative Jay Ramras	120 4 th St., Juneau, Alaska 99802	Fax 465-2070
Representative Cathy Munoz	120 4 th St., Juneau, Alaska 99802	Fax 465-2273
Representative Charisse Millett	120 4 th St., Juneau, Alaska 99802	Fax 465-2069
Representative Bryce Edgmon	120 4 th St., Juneau, Alaska 99802	Fax 465-3445
Representative Paul Seaton	120 4 th St., Juneau, Alaska 99802	Fax 465-3472
Representative Peggy Wilson	120 4 th St., Juneau, Alaska 99802	Fax 465-3175
Representative John Harris	120 4 th St., Juneau, Alaska 99802	Fax 465-3799
Representative Mark Neuman	120 4 th St., Juneau, Alaska 99802	Fax 465-4822

Subject: HJR 21 - A Resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representatives: Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris, and Neuman,

The Chignik Lagoon Village Council strongly supports House Joint Resolution #21 that you have co-sponsored.

We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal groundfish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

The life blood of our community and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it doesn't matter whether you call this rationalization or something else - the result is the same. If we continue down this same path at some point in the future all our federal waters Gulf fisheries could be fully owned by Outside interests.

We encourage the Alaska Legislature to pass this resolution and thereby make a strong statement to the North Pacific Fishery Management Council that this amendment package is not good for Alaska communities and should be scrapped. The Council should heed the guidance in HJR 21 and cease considering the LLP recency amendment package. Any attempt to address similar issues in the future should also address as a primary goal how the fishing economies of Gulf of Alaska Communities can be maintained or strengthened as a result of the amendment package.

We thank you for your concern and effort on this very important matter.

Sincerely,

Clemens Grunert
Clemens Grunert

Chignik Lagoon Village Council President

CC:	
The Honorable Sarah Palin, Governor, State of Alaska	465-2332
Denby Lloyd, Commissioner of Alaska Department of Fish and Game	465-2332
Cora Crona, Fisheries Policy Advisor, Office of the Governor	465-3532
John Molter, Rural Advisor, Office of the Governor	465-3532

City of Akhiok
P.O. Box 5050
Akhiok Alaska 99615
Ph. No. (907)836-2229
Fax No. (907) 836-2209

3-6-09
P.1 of 6

FAX COVER LETTER PAGE

TO: All Representatives concerned FAX# _____
TITLE: _____ CITY: _____
DATE: 3-6-09 TIME: 11:30 AM
NO. OF PAGES including cover page. _____

comments: NO COD ENDORSEMENT NEEDED
PLEASE LEAVE IT ALONE

SENDER: DAN MECOY TITLE: City-Manager
Vice Mayor

If you do not receive all the pages or have problems with the transmission please call 836-2229 and ask for the Sender of the FAX as soon as possible.

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We thank you for your concern and effort on this very important matter.

Sincerely,

<Your Signature>

Dan M^Cey

<Your Name, Title>

Dan M^Cey

City manager / Vice Mayor

<Your Organization>

City of AKHIOK

PH 1-907-836-2229

Fax 1-907-836-2209

cc:

- The Honorable Sarah Palin, Governor, State of Alaska
- Denby Lloyd, Commissioner of Alaska Department of Fish and Game
- Cora Crome, Fisheries Policy Advisor, Office of the Governor
- John Muller, Rural Advisor, Office of the Governor

465-2332

465-2332

465-3532

465-3532

Rep. Alan Austerman

From: Iver Holm [skiffman88@gmail.com]

Sent: Friday, March 06, 2009 1:27 PM

To: Rep. Alan Austerman

Subject: HJR 21

Honorable Representative Alan Austerman,

My name is Iver Holm and I am a lifelong resident of Kodiak. I am only 21 years old but have fished for many years crewing for salmon seine and set net as well as tanner crab, herring, halibut, and cod jigging. I am in the process of purchasing a 38' boat.

I strongly support HJR 21. My father has an LLP that I could use with my boat but it doesn't have recent history so the pending N.P.F.M.C action would render it useless for cod fishing. LLP's with history are priced so high that I wouldn't be able to afford one for many years, if ever. While I can jig for cod in the state waters season, being able to pot fish for cod in the earlier federal season may be necessary for my boat to be successful. It is clear that being able to switch fisheries based on market conditions and availability of fish is necessary to be successful in small boat fisheries.

I hope that HJR 21 receives support in the Senate and is heeded by the North Pacific Fisheries Management Council. Thank you for your efforts regarding these important issues.

Sincerely,

Iver Holm

March 6, 2009

My name is Ryan Johnson, and I am a small boat fisherman from Kodiak. I am 36 years old and have fished out of Kodiak since 1993 and resided in Kodiak since 1997. Since 2001 I have participated in the Pacific Cod fishery using pots and longlines on board my very small 38 foot boat, the Cyclone. I currently own a Central Gulf LLP for the Cyclone that is valid for boats up to 46 feet in length, and all of my catch history has been with this LLP. In January of 2008 I purchased a new vessel, the Castle Cape, which is 48 feet long and came with another Central Gulf LLP that does not have any recent history. I've since learned that the NPFMC is attempting to revoke LLPs that don't have any history, which would effectively ban me from a fishery that I have participated in for seven years.

As a year-round resident and home-owner in Kodiak, I depend on several fisheries throughout the year to make my business plan work. Pot fishing for cod in the January and February seasons are crucial to my Winter survival and to the servicing of the debt that I have taken on with my fishing business. I have borrowed substantial sums over the years, not only for my vessels, but for my pots and gear such as haulers, launchers, bait-choppers etc. I employ local crewmembers who also live year-round in Kodiak and have families with small children. It is with great dismay as I watch the Council yet again run roughshod over the majority of Alaskan stakeholders for the good of only a few. Most of the beneficiaries of this action are large boatowners who are approaching or beyond retirement age, and who already received huge private quota allocations in the Halibut/ Sablefish IFQ Program and/or the Bering Sea Crab IFQ Program. If this action passes, the LLPs that are left will take on a much larger value, and I will be forced once again to take on more debt just to continue to participate.

I applaud the efforts of Representative Austerman and others to stand up for working Alaskans and oppose this harmful Council action.

Respectfully, Ryan Johnson





ORGANIZED VILLAGE OF KASAAN

P. O. Box 26-Kasaan
(907) 542-2230

• Ketchikan, Alaska 99950-0340
• (fax) 907-542-3006

March 6, 2009

To:

- Representative Alan Austerman 120 4th St., Juneau, Alaska 99802 Fax 465-4956
- Representative Bill Thomas Jr. 120 4th St., Juneau, Alaska 99802 Fax 465-2652
- Representative Jay Ramras 120 4th St., Juneau, Alaska 99802 Fax 465-2070
- Representative Cathy Munoz 120 4th St., Juneau, Alaska 99802 Fax 465-2273
- Representative Charisse Millett 120 4th St., Juneau, Alaska 99802 Fax 465-2069
- Representative Bryce Edgman 120 4th St., Juneau, Alaska 99802 Fax 465-3445
- Representative Paul Seaton 120 4th St., Juneau, Alaska 99802 Fax 465-3472
- Representative Peggy Wilson 120 4th St., Juneau, Alaska 99802 Fax 465-3175
- Representative John Harris 120 4th St., Juneau, Alaska 99802 Fax 465-3799
- Representative Mark Neuman 120 4th St., Juneau, Alaska 99802 Fax 465-4822

Subject: HJR 21 – A Resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representatives: Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris, and Neuman,

The Organized Village of Kasaan strongly supports House Joint Resolution #21 that you have co-sponsored.

We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal groundfish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

Info@kasaan.org

www.kasaan.org

a federally recognized

The life blood of our community and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it doesn't matter whether you call this rationalization or something else – the result is the same. If we continue down this same path at some point in the future all our federal waters Gulf fisheries could be fully owned by Outside interests.

We encourage the Alaska Legislature to pass this resolution and thereby make a strong statement to the North Pacific Fisheries Management Council that this amendment package is not good for Alaska communities and should be scrapped. The Council should heed the guidance in HJR 21 and cease considering the LLP recent amendment package. Any attempt to address similar issues in the future should also address as a primary goal how the fishing economies of Gulf of Alaska Communities can be maintained or strengthened as a result of the amendment package.

We thank you for your concern and effort on this very important matter

Sincerely,



Richard Peterson, President
Organized Village of Kasaan

CC:

The Honorable Sarah Palin, Governor, State of Alaska	465-2332
Denby Lloyd, Commissioner of Alaska Department of Fish and Game	465-2332
Cora Crome, Fisheries Policy Advisor, Office of the Governor	465-3532
John Moller, Rural Advisor, Office of the Governor	465-3532

March 2, 2009

Representative Alan Austerman
State Capitol, Room 434
Juneau, AK 99801-1182
(907)465-4956 Fax

Re: HJR 21-Grounfish Fisheries Licenses

Representative Austerman:

Thank you for your sponsorship of HJR-21, a bill which may hold the key, to the future of many coastal communities and coastal fishermen. As you know, ground fish(Pacific Cod) is an important component of Coastal Alaska's diversified fishing fleets. Maintaining access to these fish stocks is essential to the very survival for many, "boots on deck" active fishermen, fishery support businesses, and local economies.

This bill makes a strong statement to the North Pacific Fishery Management Council(NPFMC) that the continuation on the road to more rationalized fisheries is not supported by the highest levels of the State of Alaska's government. Viable alternatives to LLP reduction already exist in the form of trip catch limits, tiered permits, exclusive registration, gear limitations, and fishing hours restrictions. None of which are currently being looked at as solutions by the council.

My family and I own/operate a small 45' combination vessel which is home ported in Kodiak. We employ between 6-8 resident crewmembers each year. Our primary fisheries have been halibut, dungeness/tanner crab, and ground fish. All of these fisheries are necessary for us to be solvent and provide year round employment.

I have personally been fishing Pacific Cod for twenty-two years(crewmember-4yrs., hired skipper-14 yrs., boat owner/operator-4yrs). LLP reduction/cod endorsements as written, would exclude us from future participation. Myself and many other active fishermen fall through the cracks in the federal plan.

Regards;

Frank Miles

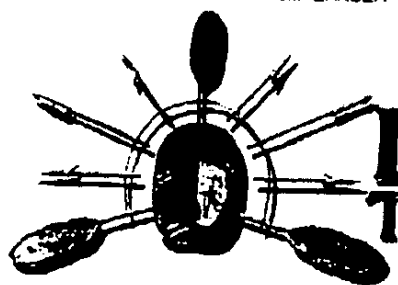
Frank Miles

F/V Lady Lu-Miles Fish Company Inc.

Box 2744

Kodiak, AK 99615

(907)486-8204 PH



LARSEN BAY TRIBAL COUNCIL

PHONE: (907) 847-9307
FAX: (907) 847-9307

PO Box 50
LARSEN BAY
ALASKA 99624

March 6, 2009

To:

Representative Alan Austerman	120 4th St., Juneau, Alaska 99802	Fax 465-4956
Representative Bill Thomas Jr.	120 4th St., Juneau, Alaska 99802	Fax 465-2652
Representative Jay Ramras	120 4th St., Juneau, Alaska 99802	Fax 465-2070
Representative Cathy Munoz	120 4th St., Juneau, Alaska 99802	Fax 465-2273
Representative Charisse Millett	120 4th St., Juneau, Alaska 99802	Fax 465-2069
Representative Brycc Edgmon	120 4th St., Juneau, Alaska 99802	Fax 465-3445
Representative Paul Seaton	120 4th St., Juneau, Alaska 99802	Fax 465-3472
Representative Peggy Wilson	120 4th St., Juneau, Alaska 99802	Fax 465-3175
Representative John Harris	120 4th St., Juneau, Alaska 99802	Fax 465-3799
Representative Mark Neuman	120 4th St., Juneau, Alaska 99802	Fax 465-4822

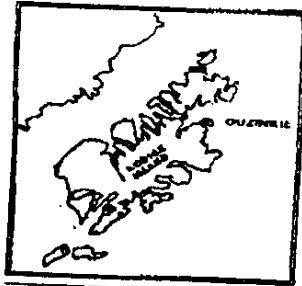
Subject: HJR 21- A resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representatives: Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris, and Neuman,

The Larsen Bay Tribal Council strongly supports House Joint Resolution #21 that you have co-sponsored.

We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal ground fish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

The life blood of our community and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it doesn't matter whether you call this rationalization or something else- the result is the same. If we continue down this same path at some point in the future all our federal waters Gulf fisheries could be fully owned by Outside interests.



City of Ouzinkie

P.O. Box 109
3rd & C Street
Ouzinkie, AK 99644
Phone (907) 680-2209 Fax (907) 680-2223
cityofouzinkie@ouzinkie.org

March 6, 2009

To:

Representative Alan Austerman	120 4 th St., Juneau, Alaska 99802	Fax 465-4956
Representative Bill Thomas Jr.	120 4 th St., Juneau, Alaska 99802	Fax 465-2652
Representative Jay Ramras	120 4 th St., Juneau, Alaska 99802	Fax 654-2070
Representative Cathy Munoz	120 4 th St., Juneau, Alaska 99802	Fax 465-2273
Representative Charisse Millett	120 4 th St., Juneau, Alaska 99802	Fax 465-2069
Representative Bryce Edgmon	120 4 th St., Juneau, Alaska 99802	Fax 166 3115
Representative Paul Seaton	120 4 th St., Juneau, Alaska 99802	Fax 465-3472
Representative Peggy Wilson	120 4 th St., Juneau, Alaska 99802	Fax 465-3175
Representative John Harris	120 4 th St., Juneau, Alaska 99802	Fax 465-3799
Representative Mark Neuman	120 4 th St., Juneau, Alaska 99802	Fax 465-4822

Re: Support of HJR 21

Dear Representatives: Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris, and Neuman:

This letter is being sent to you in support of HJR 21. A Resolution you have co-sponsored requesting that the North Pacific Fishery Management Council cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program in order to participate in the Pacific cod fisheries in the Gulf of Alaska

We encourage the Alaska Legislature to pass this resolution, thereby making a strong statement to the North Pacific Fishery Management Council that this amendment package is not good for our Alaska communities and should be discarded.

Our communities are continually losing access to local fisheries that are responsible for our economic well-being. Since 1990 there has been a 35 percent decline in the number of commercial fishermen in the state. Rationalization has created significant barriers for new entrants in the commercial fisheries by increasing costs of access to fishing permits and individual transferable quotas.

This has a far-reaching effect and touches other businesses that provide goods and services to the commercial fishing industry and exist for the support of the industry.

We believe there must be a better approach to the issues than the reduction of individual rights of a person to fish the marine resources that lie at our doorstep. We hope that the North Pacific Fishery Management Council will heed the guidance in HJR 21 and cease the consideration for allocation of the GOA Pacific cod resource to the various gear sectors and, also cease the consideration for limiting future entry to the GOA groundfisheries by extinguishing latent LLP licenses.

Sincerely,

Zack Chichenoff
Mayor



CC:

The Honorable Sarah Palin, Governor, State of Alaska

Denby Lloyd, Commissioner of Alaska Department of Fish and Game

Cora Cromo, Fisheries Policy Advisor, Office of the Governor

John Moller, Rural Advisor, Office of the Governor

Fax 465-2332

Fax 465-2332

Fax 465-3532

Fax 465-3532

NATIVE VILLAGE OF PORT LIONS

PORT LIONS TRADITIONAL TRIBAL COUNCIL

P.O. Box 69
PORT LIONS, AK 99550
PH: (907) 454-2234
FX: (907) 454-2434

March 6, 2009



To:

Fax:

- Representative Alan Austerman 120 4th St., Juneau, Alaska 99802 465-4956
- Representative Bill Thomas Jr. 120 4th St., Juneau, Alaska 99802 465-2652
- Representative Jay Ramras 120 4th St., Juneau, Alaska 99802 465-2070
- Representative Cathy Munoz 120 4th St., Juneau, Alaska 99802 465-2273
- Representative Charisse Millett 120 4th St., Juneau, Alaska 99802 465-2069
- Representative Bryce Edgmon 120 4th St., Juneau, Alaska 99802 465-3445
- Representative Paul Seaton 120 4th St., Juneau, Alaska 99802 465-3472
- Representative Peggy Wilson 120 4th St., Juneau, Alaska 99802 465-3175
- Representative John Harris 120 4th St., Juneau, Alaska 99802 465-3799
- Representative Marki Neuman 120 4th St., Juneau, Alaska 99802 465-4822



Subject: HJR 21 – A Resolution requesting the North Pacific Management Council to cease consideration of an amendment package that would require a Pacific code endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representatives: Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris and Neuman,



The Native Village of Port Lions strongly supports House Joint Resolution #21 that you have co-sponsored.

We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal groundfish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

The life blood of our community and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it doesn't matter whether you call this rationalization or something else – the result is the same. If we continue down this same path at some point in the future all our federal waters Gulf fisheries could be fully owned by Outside interests.



March 6, 2009
House of Representatives
Subject: HJR 21
Page 2 of 2 (continued)

We encourage the Alaska Legislature to pass this resolution and thereby make a strong statement to the North Pacific Fishery Management Council that this amendment package is not good for Alaska communities and should be scrapped. The Council should heed the guidance in HJR 21 and cease considering the LLP recency amendment package. Any attempt to address similar issues in the future should also address as a primary goal how the fishing economies of Gulf of Alaska Communities can be maintained or strengthened as a result of the amendment package.

We thank you for your concern and effort on this very important matter.

Sincerely,

NATIVE VILLAGE OF PORT LIONS
IVAN D. LUKIN, PRESIDENT



Susan Boskofsky
Administrator

cc:

The Honorable Sarah Palin, Governor, State of Alaska	465-2332
Denby Lloyd, Commissioner of Alaska Dept. of Fish & Game	465-2332
Cora Crome, Fisheries Policy Advisor, Office of the Governor	465-3532
John Moller, Rural Advisor, Office of the Governor	465-3532

SB/mrw

COUNCIL ANNETTE ISLANDS RESERVE

METLAKATLA INDIAN COMMUNITY

KARI S. COOK, MAYOR
DIANA M. YLINIEMI, SECRETARY
NATHAN W. FAWCETT, TREASURER

ESTABLISHED 1887

POST OFFICE BOX 8
METLAKATLA, ALASKA 99826
PHONE (907) 886-4411
FAX (907) 886-7997

TO:

DATE: 03/09/08

Representative Alan Austerman	120 4 th St., Juneau, Alaska 99802	FAX: 465-4956
Representative Bill Thomas Jr.	120 4 th St., Juneau, Alaska 99802	FAX: 465-2652
Representative Jay Ramras	120 4 th St., Juneau, Alaska 99802	FAX: 465-2070
Representative Cathy Munoz	120 4 th St., Juneau, Alaska 99802	FAX: 465-2273
Representative Charisse Millett	120 4 th St., Juneau, Alaska 99802	FAX: 465-2069
Representative Bryce Edgmon	120 4 th St., Juneau, Alaska 99802	FAX: 465-3445
Representative Paul Seaton	120 4 th St., Juneau, Alaska 99802	FAX: 465-3472
Representative Peggy Wilson	120 4 th St., Juneau, Alaska 99802	FAX: 465-3175
Representative John Harris	120 4 th St., Juneau, Alaska 99802	FAX: 465-3799
Representative Mark Neuman	120 4 th St., Juneau, Alaska 99802	FAX: 465-4822

Subject: HJR 21 – A resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representatives Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris and Neuman,

The Metlakatla Indian Community strongly supports House Joint Resolution #21 that you have co-sponsored.

We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal ground fish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

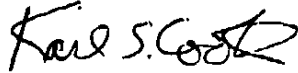
The Life blood of our community and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it doesn't matter whether you call this rationalization or something else – the result is the same. If we continue down this same path at some point in the future all our federal waters Gulf fisheries could be fully owned by outside interests.

We encourage the Alaska Legislature to pass this resolution and thereby make a strong statement to the North Pacific Fishery Management Council that this amendment package is not good for Alaska communities and should be scrapped. The Council should heed the guidance in HJR 21 and cease considering the LLP recency amendment package.

Any attempt to address similar issues in the future should also address as a primary goal how the fishing economics of Gulf of Alaska Communities can be maintained or strengthened as a result of the amendment package.

We thank you for your concern and effort on this very important manner.

Sincerely,



Karl Cook, MIC Mayor
Metlakatla Indian Community

Cc:

The Honorable Sarah Palin, Governor, State of Alaska	465-2332
Denby Lloyd, Commissioner of Alaska Department of Fish & Game	465-2332
Cora Crome, Fisheries Policy Advisor, Office of the Governor	465-3532
John Moller, Rural Advisor, Office of the Governor	465-3532

Chignik Lagoon Village Corporation
3917 Macinnes
Anchorage, Alaska 99508

March 4, 2009

To:

Representative Alan Austerman	120 4 th St., Juneau, Alaska	Fax 465-4956
Representative Bill Thomas Jr.	120 4 th St., Juneau, Alaska	Fax 465-2652
Representative Jay Ramras	120 4 th St., Juneau, Alaska	Fax 465-2070
Representative Cathy Munoz	120 4 th St., Juneau, Alaska	Fax 465-2273
Representative Charisse Millet	120 4 th St., Juneau, Alaska	Fax 465-2069
Representative Bryce Edgemon	120 4 th St., Juneau, Alaska	Fax 465-3445
Representative Paul Seaton	120 4 th St., Juneau, Alaska	Fax 465-3472
Representative Peggy Wilson	120 4 th St., Juneau, Alaska	Fax 465-3175
Representative John Harris	120 4 th St., Juneau, Alaska	Fax 465-3799
Representative Mark Newman	120 4 th St., Juneau, Alaska	Fax 465-4822

Subject: HJR 21 - A Resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation to participate in the Pacific cod fisheries in the gulf of Alaska.

Dear Representatives: Austerman, Thomas, Ramras, Munoz, Millet, Edgemon, Seaton, Wilson, Harris, and Newman,

The Chignik Lagoon Village Corporation, strongly supports HJR 21 that is before you at this time.

We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal groundfish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and the State of Alaska.

The life blood of our community and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it does not matter whether you call this rationalization or something else, the result would be the same. If we continue down this path at some point in the future all our federal waters gulf fisheries could be fully owned by "outside" interests.

We encourage the Alaska Legislature to pass this resolution and thereby make a strong

statement to the North Pacific Fisheries Management Council that this amendment package is not for the good for the gulf communities and should be scrapped. The council should heed the guidance in HJR 21 and cease considering the LLP Recency amendment package. Any attempt to address similar issues in the future should also address as a primary goal how the fishing economies of Gulf of Alaska Communities can be maintained or strengthened as a result of the amendment package.

We thank you for your concern and effort on this very important matter.

Sincerely,

Rhonda Gregorio, President

Rhonda Gregorio President Chignik Lagoon Village Corporation

509 1st Street
P.O. Box 1388
Cordova, Alaska 99574-1388
Ph (907) 424-7738 * Fax (907) 424-7739



10,000 years in our Traditional Homeland, Prince William Sound & The Copper River Delta

March 4, 2009

To:

Representative Alan Austerman	120 4 th St., Juneau, Alaska 99802	Fax 465-4956
Representative Bill Thomas Jr.	120 4 th St., Juneau, Alaska 99802	Fax 465-2652
Representative Jay Ramras	120 4 th St., Juneau, Alaska 99802	Fax 465-2070
Representative Cathy Munoz	120 4 th St., Juneau, Alaska 99802	Fax 465-2273
Representative Charisse Millett	120 4 th St., Juneau, Alaska 99802	Fax 465-2069
Representative Bryce Edgmon	120 4 th St., Juneau, Alaska 99802	Fax 465-3445
Representative Paul Seaton	120 4 th St., Juneau, Alaska 99802	Fax 465-3472
Representative Peggy Wilson	120 4 th St., Juneau, Alaska 99802	Fax 465-3175
Representative John Harris	120 4 th St., Juneau, Alaska 99802	Fax 465-3799
Representative Mark Neuman	120 4 th St., Juneau, Alaska 99802	Fax 465-4822

Subject: HJR 21 – A Resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representatives: Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris, and Neuman,

The Native Village of Eyak strongly supports House Joint Resolution #21 that you have co-sponsored.

We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal groundfish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

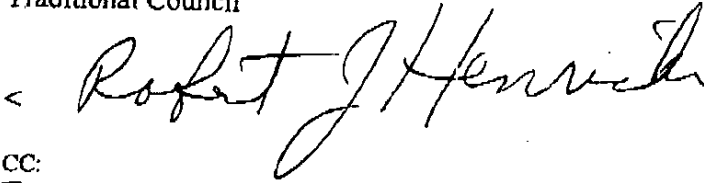
The life blood of our community and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it doesn't matter whether you call this rationalization or something else – the result is the same. If we continue down this same path at some point in the future all our federal waters Gulf fisheries could be fully owned by Outside interests.

We encourage the Alaska Legislature to pass this resolution and thereby make a strong statement to the North Pacific Fishery Management Council that this amendment package is not good for Alaska communities and should be scrapped. The Council should heed the guidance in HJR 21 and cease considering the LLP recency amendment package. Any attempt to address similar issues in the future should also address as a primary goal how the fishing economies of Gulf of Alaska Communities can be maintained or strengthened as a result of the amendment package.

We thank you for your concern and effort on this very important matter.

Sincerely,

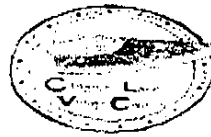
Robert J. Henrichs
President
Traditional Council



CC:

The Honorable Sarah Palin, Governor, State of Alaska
Denby Lloyd, Commissioner of Alaska Department of Fish and Game
Cora Crome, Fisheries Policy Advisor, Office of the Governor
John Moller, Rural Advisor, Office of the Governor

465-2332
465-2332
465-3532
465-3532



March 9, 2009

To:

Representative Alan Austerman	120 4 th St., Juneau, Alaska 99802	Fax 907-465-4956
Representative Bill Thomas Jr.	120 4 th St., Juneau, Alaska 99802	Fax 907-465-2652
Representative Jay Ramras	120 4 th St., Juneau, Alaska 99802	Fax 907-465-2070
Representative Cathy Munoz	120 4 th St., Juneau, Alaska 99802	Fax 907-465-2273
Representative Charisse Millett	120 4 th St., Juneau, Alaska 99802	Fax 907-465-2069
Representative Bryce Edgmon	120 4 th St., Juneau, Alaska 99802	Fax 907-465-3445
Representative Paul Seaton	120 4 th St., Juneau, Alaska 99802	Fax 907-465-3472
Representative Peggy Wilson	120 4 th St., Juneau, Alaska 99802	Fax 907-465-3175
Representative John Harris	120 4 th St., Juneau, Alaska 99802	Fax 907-465-3799
Representative Mark Neuman	120 4 th St., Juneau, Alaska 99802	Fax 907-465-4822

Subject: HJR 21 – A resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representatives: Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris, and Neuman,

The Chignik Lake Traditional Council strongly supports House Joint Resolution # 21 that you have co-sponsored.

We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal groundfish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

The life blood of our community and many communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it doesn't matter whether you call this rationalization or something else – the result is the same. If we continue down this same path at some point in the future all our federal waters Gulf fisheries could be owned by Outside interests.

We encourage the Alaska Legislature to pass this resolution and thereby make a strong statement to the North Pacific Fishery Management Council that this amendment package is not good for Alaska communities and should be scrapped. The Council should heed the guidance in HJR 21 and cease considering the LLP recency amendment package. Any attempt to address similar issues in the future should also address as a primary goal how the fishing economies of Gulf of Alaska Communities can be maintained or strengthened as a result of the amendment package.

We thank you for your concern and effort on this very important matter.

Sincerely,



John Lind
Chignik Lake Traditional Council President

CC:

The Honorable Sarah Palin, Governor, State of Alaska
Denby Lloyd, Commissioner of Alaska Department of Fish and Game
Cora Crome, Fisheries Policy Advisor, Office of the Governor
John Moller, rural Advisor, Office of the Governor

907-465-2332
907-465-2332
907-465-3532
907-465-3532



Representative Alan Austerman
120 4th St.
Juneau, Alaska 99802

March 9, 2009

To: Representative Alan Austerman

Subject: HJR 21 – A Resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representative: Austerman,

Shaan-Seet Inc. strongly supports House Joint Resolution #21 that you have co-sponsored.

We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal groundfish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

The life blood of our community and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it doesn't matter whether you call this rationalization or something else – the result is the same. If we continue down this same path at some point in the future all our federal waters Gulf fisheries could be fully owned by Outside interests.

We encourage the Alaska Legislature to pass this resolution and thereby make a strong statement to the North Pacific Fishery Management Council that this amendment package is not good for Alaska communities and should be scrapped. The Council should heed the guidance in HJR 21 and cease considering the LLP recency amendment package. Any attempt to address similar issues in the future should also address as a primary goal how the fishing economies of Gulf of Alaska Communities can be maintained or strengthened as a result of the amendment package.

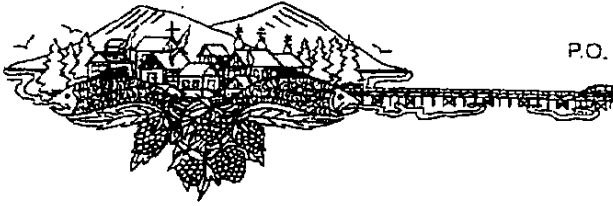
We thank you for your concern and effort on this very important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Carle", written over a horizontal line.

James H. Carle
President
Shaan-Seet, Inc

P.O. Box 690 • Craig, Alaska 99921 • 907-826-3251 • Fax 907-826-3980



City of Port Lions Administrative Office

P.O. Box 110 Port Lions, Alaska 99556 • Phone: (907) 454-2332 • Fax: (907) 454-2420
E-mail: cityofportlions@hotmail.com

Dear Representative Alan Austerman,

The City of Port Lions strongly supports House Joint Resolution #21 that you have co-sponsored.

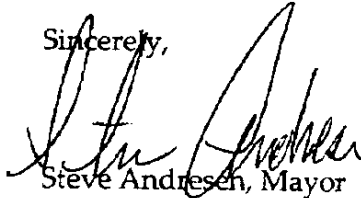
We are deeply concerned that current North Pacific Fishery Management Council action to reduce existing federal groundfish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

The life blood of our community and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it doesn't matter whether you call this rationalization or something else - the result is the same. If we continue down this same path at some point in the future all our federal waters Gulf Fisheries could be fully owned by Outside interests.

We encourage the Alaska Legislature to pass this resolution and thereby make a strong statement to the North Pacific Fishery Management Council that this amendment package is not good for Alaska communities and should be scrapped. The Council should heed the guidance in HJR 21 and cease considering the LLP regency amendment package. Any attempt to address similar issues in the future should also address as a primary goal how the fishing economies of Gulf of Alaska communities can be maintained or strengthened as a result of the amendment package.

We thank you for your concern and effort on this very important matter.

Sincerely,



Steve Andresen, Mayor

City of Port Lions



Akhiok-Kaguyak, Inc.
1400 W. Benson Blvd., Suite 425 • Anchorage, Alaska 99503
Phone: (907) 258-0604 • Fax: (907) 258-0608

March 9, 2009

To: Representative Alan Austerman
Representative Bill Thomas Jr.
Representative Jay Ramras
Representative Cathy Munoz
Representative Charisse Millett
Representative Bryce Edgmon
Representative Paul Seaton
Representative Peggy Wilson
Representative John Harris
Representative Mark Neuman

Subject: HJR 21 – A Resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representatives Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris, and Neuman,

Akhiok-Kaguyak, Inc. strongly supports House Joint Resolution 21 that you have co-sponsored. Akhiok-Kaguyak, Inc. is the Alaska Native Village Corporation for the Alutiiq villages of Akhiok and Kaguyak on the southeast coast of Kodiak Island.

We are deeply concerned that the current North Pacific Fishery Management Council action to reduce existing federal ground fish licenses for both fixed gear and trawl gear, combined with a proposed sector split is not good for our coastal communities and not good for Alaska.

The life blood of our village and many other communities in the Gulf of Alaska depend upon access to the marine resources that lie on our doorsteps. Our communities are continually losing access to local fisheries and it does not matter whether it is called rationalization or something else – the result is the same. If we continue down this same path at some point in the future all our federal water Gulf fisheries could be fully owned by Outside interests.

HJR 21 Support Letter
03/09/09
Page 2

We encourage the Alaska Legislature to pass HJR 21 and thereby send a strong statement to the North Pacific Fishery Management Council that their amendment package is not good for Alaska communities and should be scrapped. The Council should heed the guidance in HJR 21 and cease considering the LLP recency amendment package. Any attempt to address similar issues in the future should also address as a primary goal how the fishing economies of Gulf of Alaska Communities can be maintained or strengthened as a result of the amendment package.

We thank you for your concern and effort on this very important matter.

Sincerely,



David D. Goade, President & CEO
Akhiok-Kaguyak, Inc.

cc: The Honorable Sarah Palin, Governor, State of Alaska
Denby Lloyd, Commissioner of Alaska Department of Fish and Game
Cora Crome, Fisheries Policy Advisor, Office of the Governor
John Moller, Rural Advisor, Office of the Governor



KONIAG
INCORPORATED

March 5, 2009

To: Representative Alan Austerman Fax 465-4956
 Representative Bill Thomas Jr. Fax 465-2652
 Representative Jay Ramras Fax 465-2070
 Representative Cathy Munoz Fax 465-2273
 Representative Charisse Millett Fax 465-2069
 Representative Bryce Edgmon Fax 465-3445
 Representative Paul Seaton Fax 465-3472
 Representative Peggy Wilson Fax 465-3175
 Representative John Harris Fax 465-3799
 Representative Mark Neuman Fax 465-4822

Subject: HJR 21

Dear Representatives Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris, and Neuman:

Koniag Inc, strongly supports House Joint Resolution #21 that you have co-sponsored. We are deeply concerned that current North Pacific Fishery Management Council action toward reducing existing federal ground fish licenses for both fixed gear and trawl gear, combined with the proposed sector split is not good for our coastal communities and not good for Alaska.

As it was for generations of Alutiiq people before us, the life blood of our village and regional hub communities depend upon access to marine resources. Fisheries are the only economic engine in many coastal communities; the source of small business development and self reliance. The opportunity to participate in fisheries represents many things to Kodiak including thriving resident families and increasing regional infrastructure.

We encourage the Alaska Legislature to pass this resolution and thereby make a strong statement to the North Pacific Fishery Management Council that their present amendment package is not good for Alaska's communities.

Sincerely,

Charlie Powers, Vice President Corporate Affairs

cc: The Honorable Sarah Palin, Governor, State of Alaska 455-2332
 Denby Lloyd, Commissioner of Alaska Department of Fish and Game 455-2332
 Cora Crome, Fisheries Policy Advisor, Office of the Governor 455-3532
 John Moller, Rural Advisor, Office of the Governor 455-3532

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Gulf of Alaska Coastal Communities Coalition (GOAC3)
 PO Box 201236, Anchorage Alaska 99520
 Phone: (866) 561-7633 or (907) 561-7633 Fax: (907) 561-7634
 Web: www.goac3.org Email: goaccc@alaska.net

March 4, 2009

To:

Representative Alan Austerman	120 4 th St. Juneau, Alaska 99802	Fax 465-4956
Representative Bill Thomas Jr.	120 4 th St. Juneau, Alaska 99802	Fax 465-2652
Representative Jay Ramras	120 4 th St. Juneau, Alaska 99802	Fax 465-2070
Representative Cathy Munoz	120 4 th St. Juneau, Alaska 99802	Fax 465-2273
Representative Charisse Millett	120 4 th St. Juneau, Alaska 99802	Fax 465-2069
Representative Bryce Edgmon	120 4 th St. Juneau, Alaska 99802	Fax 465-3445
Representative Paul Seaton	120 4 th St. Juneau, Alaska 99802	Fax 465-3472
Representative Peggy Wilson	120 4 th St. Juneau, Alaska 99802	Fax 465-3175
Representative John Harris	120 4 th St. Juneau, Alaska 99802	Fax 465-3799
Representative Mark Neuman	120 4 th St. Juneau, Alaska 99802	Fax 465-4822

Subject: HJR 21 – A Resolution requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program to participate in the Pacific cod fisheries in the Gulf of Alaska.

Dear Representatives: Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, Harris, and Neuman,

The Board of Directors of the Gulf of Alaska Coastal Communities Coalition (GOAC3) strongly supports House Joint Resolution #21 that you have co-sponsored.

For far too long the push toward rationalization of fisheries in the North Pacific has been made without consideration of the negative impacts on Gulf of Alaska fisheries-dependent communities. Although, Governor Palin has made it very clear that further rationalization in the Gulf of Alaska should not be pursued, it is evident that the LLP (license limitation program) fixed gear recency amendment package that is now before the North Pacific Fishery Management Council (NPFMC), combined with the recent travel LLP reduction and the proposed "sector split" is a very real step on the path toward full rationalization without benefit of application of federally mandated community protections.

Gulf of Alaska coastal communities have continually lost access to fisheries resources as a direct result of regulatory action. Many of our communities, that have thrived for millennia, could conceivably become extinct as a result of the last 30 years of regulatory impacts.

We are concerned that pre-Statehood conditions have already returned to our adjacent federal waters. The potential for all federal fisheries in the Gulf of Alaska to be owned by Outside interests in the not-too-distant future is a "clear and present danger."


GOAC3 - Resolution IJR 21 Page 2 3/9/2009

The Gulf of Alaska does not have benefit of a workable community quota program, such as the Western Alaska CDQ (community development quota) that would "anchor" a certain amount of fishing effort in Alaska. The CQE (community quota entity) program for the purchase of halibut and sablefish quota share in the Gulf has not had benefit of either initial issuance of quota or a fiscal note to enable the purchase of quota. Despite the efforts of many over the last several years, the sharp increase in the price of quota has made it infeasible for most Gulf communities to utilize the CQE program for their benefit. The GOAC3 is part of a group effort to work toward pursuing needed language changes and creative funding. But it is only one part of a progressive problem.

We encourage the Alaska Legislature to pass this resolution. We further encourage this Resolution to be a message to the North Pacific Fishery Management Council that the proposed amendment package is not good for Alaska communities and that any future amendments need to be considered within the context of whether the amendment harms or strengthens affected communities.

Thank you for your effort on behalf of this extremely important issue.

Sincerely,


Freddie Christiansen, Chairman
Gulf of Alaska Coastal Communities Coalition


Gale R. Vick, Executive Director
Gulf of Alaska Coastal Communities Coalition

Emil Christiansen Sr.
Old Harbor Native Corp.

Richard George
CCTHITA

Robert Henrichs
NV of Eyak

Patrick Kosbruk
NV of Perryville

Johnny Lind
NV of Chignik Lake

Charles McCallum
Lake & Pen. Borough

Jackie Muller
Ouzinkie Native Corp.

Pat Norman
Port Graham Tribal Council

Arnold Olsen
Koniag, Inc.

Conrad Peterson
Old Harbor Tribal Council

Howard Torsen
Ouzinkie Native Corp.

Charles Totemoff
Chelega Corp.

CC:
Denby Lloyd, Commissioner of Fish and Game 465-2332
Cora Crome, Fisheries Policy Advisor 465-3532
John Moller, Rural Advisor 465-3532
Sarah Palm, Governor 465-3532

To: House Fishery Committee
Re: House Joint Resolution # 21
Date: March 9, 2009

My name is Julie Bonney and I live in Kodiak. I represent fishermen that have License Limitation Permits (LLPs) that are endorsed for fixed gear in the GOA. Some of these fishermen will not receive a Pacific cod endorsement while other will if the North Pacific Fishery Management Council (Council or NPFMC) implements the recency action. Overall these fishermen realize that the Council must manage the fishery resource for sustainability, management easy and economics of the fishery. We do not support House Joint Resolution 21.

The resolution pits Alaskans against Alaskans both individually as well as individuals within communities. Those Alaskan's that are historically dependent on the Federal Pacific cod fishery against those Alaskan's that have not participated in the fishery. Basically this resolution puts the Alaska Legislators squarely in the middle of fish allocation decisions. However, you have not been involved in the lengthy Council public process over the last two years to understand the debate. The resolution is poorly written, contains many inaccuracies and totally misrepresents what the Council recency action hopes to accomplish.

The reality is that the recency amendment package tries to balance protecting historically dependent license holders yet create entry level opportunities for new participants at a modest level. Below is a set of questions and responses that will help you understand whether this action is good for Alaska and compares this action with the State of Alaska limited entry system that is in place for many state fisheries.

Who wins and loses based on the recency threshold of one landing for the time period 2000 to 2006?

- 1) The recency action will increase Alaska ownership for those licenses that receive a P cod endorsement in the overall license pool (see table 1 attached), assumes recency threshold of 2000 to 2006.

For the WGOA, there are presently 264 endorsed licenses, 58% of these licenses are held by Alaskans and 42% are held by non-Alaskans. If the recency P cod endorsement amendment package moves forward then Alaska ownership will increase by 11% to 69% and non-Alaska ownership will decrease by 11% to 31%.

For the CGOA, there are presently 883 CGOA endorsed licenses, 69% are held by Alaskans and 31% are held by non-Alaskans. If the recency P cod endorsement amendment package moves forward with one landing 2000 to 2006 then Alaska ownership will increase by 11% to 80% and non-Alaska ownership will decrease by 11% to 20%.

- 2) The recency action will not disproportionately disadvantage small boat vessels (see table 2 attached), assumes recency threshold of 2000 to 2006.

For the WGOA there are presently 154 licenses for the vessels less than 60 foot and 110 licenses for vessels 60 feet or greater, 58% versus 42% respectively. After recency the number of licenses with P cod endorsements would be approximately 76 licenses for less than 60 feet and 23 licenses for 60 feet and greater, 77% and 23% respectively. The pool of licenses will increase by 19% for the less than 60 foot vessel class.

For the CGOA there are presently 702 licenses for the vessels less than 60 foot and 181 licenses for vessels 60 feet or greater, 80% versus 20% respectively. After recency the number of licenses with P cod endorsements would be approximately 240 licenses for less than 60 feet and 59 licenses for 60 feet and

Comments on HJR 21 regarding Fixed gear recency -- Page 1 of 6

greater, 80% and 20% respectively. The pool of licenses available for the less than 60 foot vessel class will not change.

- 3) The recency action will remove a large portion of the Catcher processor licenses endorsed for the Western and Central GOA. Removing Catcher Processors will reduce competition with the Catcher Vessel sector for the available quota. Catcher Processors compete with the Catcher vessel sector if they are less than 125 ft and process less than 126 MT per week for the available Pacific cod quota. In the CGOA CP licenses that could participate in the Pacific cod fisheries would be reduced by 80% and in the WGOA by 48% if one landing from 2000 to 2006 is the recency threshold.

Why are there so many licenses available in the GOA?

The Limited License Program (LLP) limits access to the Federal groundfish in the GOA. Fishing under the program began in 2000. The LLP defined a general qualification period (GQP) and an endorsement qualification period (EQP) both of which must have been satisfied. The GQP period is from Jan 1988 – June 27, 1992 requiring one landing of any groundfish and the EQP requiring one landing for < 60 ft vessels and one landing in at least two calendar years from Jan 1, 1992 to June 17, 1995 for vessels equal to or greater than 60 feet. Vessels that landed two to three groundfish, which could be taken incidentally in other fisheries, qualified a vessel for a license. This was a minimal threshold that created a large number of licenses and gave license holders the opportunity to invest and participate in the groundfish fisheries. The action now being considered by the North Pacific Fishery Management Council examines whether LLP holders actually took advantage of the opportunity. The recency action is considering minimal thresholds for a period of up to 2000 to 2008, a nine year period.

Presently, there are more LLP licenses available than the fishery can support. National Marine Fisheries Service (NMFS) has stated that if all LLPs participated in the Pacific cod fishery that they would have no choice but to close the fishery since it would be unmanageable.

How does this action compare to the limited entry system in place for State fisheries?

The state of Alaska limited entry system that is in place for many state fisheries such as salmon and herring is no different than the license limitation system in place for federal fisheries for the Gulf of Alaska. In either case license holders' race for the available common quota; quota is not allocated to individuals.

In the first stage of the state limited entry system, a fishery is limited by adopting a "maximum number" of permits and issuing those permits to the highest ranking applicants under a hardship ranking ("point") system. By law and court decision, the maximum number for a fishery should be no less than the highest participation level in any one of the four years immediately prior to the qualification date.

In the second stage of limited entry, the law directs the Commercial Fisheries Entry Commission (commission or CFEC) to determine an "optimum number" for the fishery. The optimum number should represent a reasonable balance of three general standards specified in the law (see AS 16.43.290). The three standards include economic, resource conservation, and management concerns.

The federal action is much less restrictive than state limited entry system since the qualification period for the federal action at a minimum is five years (2002 – 2006) and at a maximum is nine years (2000 to 2008) compared to four years for the state system. In other words, state limited entry is more restrictive with regards to recent participation than what is being considered for the federal action.

How many licenses will remain after a recency action? (See table 4)

The number of licenses that will be endorsed for Pacific cod would be appropriately 200% of the average number of licenses that has participated in the fishery from 2000 to 2008 if the threshold time period of 2000 to 2006 was adopted.

Jig sector entry level opportunity?

The NPFMC is considering exempting jig gear from any LLP requirements or Pacific cod endorsements. In addition the Council is considering allocating this sector a non-historical share of the Pacific cod federal quota in the sector split amendment package. Typically Jig gear cannot compete with the other sectors during the winter months and typically jig gear harvests less than 1% of the available federal quota. The sector split amendment is contemplating allocating 5% of the federal TAC to these participants. Most jig gear operations do not have an LLP but instead participate inside the state parallel zone of 0 to 3 miles. With the exemption vessels would have access to fishing grounds from 0 to 200 miles and up to 5% of the federal quota.

For Alaskan's this opportunity is much more viable than leaving a bunch of licenses in the fixed gear sectors available for any US citizen to access. Jig gear is really only viable for Alaskan residents since the fishery is not efficient enough for non-residents. Weather impacts the fishery and trip ex-vessel values are usually less than \$2,500 per trip. It only makes sense for residences that live in Alaskan coastal communities. Additionally, cod jigging is a good supplemental income for many fishing operations in the winter and spring months. If the Council stops action on the recency action then the jig sector opportunities would most likely be stopped since this is part of the trade off for the overall action of recency and sector splits.

How can fishermen enter the Pacific cod fishery?

There are many methods to access the Pacific cod resource in the GOA besides receiving a Pacific cod endorsement for an LLP. These options included:

- 1) Fish in the parallel fishing zone without a cod endorsed LLP.
- 2) Participate in the State of Alaska Pacific cod fisheries which have been allocated 25% of the federal Acceptable Biological Catch limit.
- 3) Buy a LLP with an endorsement from another license holder.
- 4) Participate in the newly created Jig fishery (if both the recency and sector split actions move forward).
- 5) Participate in the WGOA B season which would allow an LLP holder to participate (no P cod endorsement required).

Why protect License holders?

According to Alaska statute "Economically healthy fishery" is defined in AS 16.43.990(2) as follows:

(2) "Economically healthy fishery" means a fishery that yields a sufficient rate of economic return to the fishermen participating in it to provide for, among other things, the following:

(A) Maintenance of vessels and gear in satisfactory and safe operating condition;

And

(B) Ability and opportunity to improve vessels, gear and fishing techniques, including, when permissible, experimentation with new vessels, new gear, and new techniques.

Allowing excessive entry will not provide for an economically healthy fishery. Data in the Council analysis for gross revenues data indicate that the majority of fixed gear catcher vessel and catcher processor licenses that did not have any qualified fixed gear landing during the proposed qualifying period elected to participate in other Alaska fisheries during this period.

Out of 264 Western GOA licenses, there are 171 licenses that did not have any qualified landings during 2000-2006. However, 144 of the 171 licenses had landings in other Alaska fisheries. Western GOA licenses that did not have directed Pacific cod landings, but were active in other fisheries, had revenues mainly from the IFQ halibut (35.4%) and sablefish (21.4%) fisheries, and the BSAI trawl fisheries (31.1%). Less than 1% of revenues were from GOA Federal (0.8%) or State waters (0.3%) fixed gear fisheries. In contrast, most Western GOA licenses that had at least one fixed gear groundfish landing during 2000-2006 also participated in the State waters Pacific cod fisheries (72 of 93 licenses), and many licenses had landings in the Central GOA fixed gear Federal fisheries (20 licenses). The majority of active Western GOA licenses also had shellfish, salmon, and IFQ halibut landings. Gross revenues for licenses with qualified Western GOA landings were from IFQ halibut landings (29.5%), shellfish (33.4%), and salmon (19.9%). Notably, GOA trawl groundfish fisheries comprised 18.8% of revenues for licenses with at least one qualified landing, and landings from the Western GOA directed Pacific cod fishery comprised only 11.0% of gross revenues.

Of 883 Central GOA licenses, 614 licenses did not have at least one directed Pacific cod landing during 2000-2006; 500 of these non-qualified licenses had landings in other Alaska fisheries. Similar to nonqualified Western GOA licenses, the majority of revenues by these licenses were from IFQ halibut (35.0%) and sablefish (21.3%), and the BSAI trawl fisheries (13.6%). Only a small proportion of revenues by these licenses were from the fixed gear groundfish fisheries in the Western GOA (0.7%) or from the GOA State waters Pacific cod fisheries (1.4%). Most Central GOA licenses that made at least one directed Pacific cod landing during 2000-2006 also participated in the halibut IFQ fisheries (226 of 269 licenses). These licenses also fished for salmon (164 licenses), IFQ sablefish (141 licenses), State GOA Pacific cod (140 licenses), and shellfish (123 licenses). Revenues by active licenses were from halibut IFQ landings (45.1%), followed shellfish (10.3%). Directed Pacific cod landings from the Central GOA comprised 10.0% of gross revenues by Central GOA licenses with at least one qualified landing during 2000-2006.

When comparing annual gross revenues per license, the most apparent difference between catcher vessel licenses with directed Pacific cod landings and licenses without qualified landings is that they are participating in a different suite of fisheries. Western GOA CV licenses with at least one qualified CV landing during 2000-2006 had annual gross revenues of \$274,608 per license. In contrast, Western GOA CV licenses without qualified landings had substantially higher revenues, averaging \$622,658 per license. There was not a large difference between annual gross revenues for Central GOA CV licenses with qualified fixed gear landings (\$319,458) and without qualified landings (\$353,067). Many of the fisheries that non-qualified licenses participate in are difficult for Pacific cod dependent license holders to enter. Entry for the following fisheries -- IFQ sablefish, IFQ halibut, IFQ BSAI crab, AFA pollock and state limited entry fisheries such as salmon and herring -- all would come at a substantial cost to gain access for participation. Allowing other non-dependent LLPS to enter the GOA Pacific cod fishery seems with limited costs seems wholly unfair to these economically depend fixed gear participation.

In conclusion my member fishermen do not support HJR #21. We believe the appropriate forum to advocate for fish allocations and management of fisheries resources is at the respective fishery management bodies – the Alaska Board of Fisheries and the North Pacific Fishery Management Council. Please feel free to contact me if you have questions regarding the fixed gear recency amendment package.

Sincerely,
Julie Bonney
Tel: 907-486-3033
e-mail: jbonney@gci.net

Comments on HJR 21 regarding Fixed gear recency – Page 4 of 6

The data below is extracted from the most recent fixed gear recency analysis by the North Pacific Fishery Management Council and can be found on the web at:

http://www.fakr.noaa.gov/npfmc/current_issues/pcod/fixedgearrecency309.pdf.

Table 1. Comparison of residency of Catcher Vessel LLPs -- Alaskan versus Non-Alaskans -- All licenses versus licenses that would receive a Pacific cod endorsement with a directed Pacific cod landing for 2000 to 2006

WGOA	Total # of Fixed gear LLPs		Fixed gear LLPs w 1 landing	
	WG endorse	Percentage	1 landing	Percentage
Alaska	153	58%	64	69%
Oregon	8	3%	1	1%
Washington	92	35%	26	28%
Other States	11	4%	2	2%
Non-Alaskan TOT	111	42%	29	31%
Grand Total	264	100%	93	100%

CGOA	Total # of Fixed gear LLPs		Fixed gear LLPs w 1 landing	
	CGOA endorse	Percentage	1 landing	Percentage
Alaska	607	69%	215	80%
Oregon	48	5%	11	4%
Washington	183	21%	21	8%
Other States	45	5%	22	8%
Non-Alaskan TOT	276	31%	54	20%
Grand Total	883	100%	269	100%

Table 2. Comparison of < 60 foot and > = 60 foot Catcher Vessel LLPs All licenses versus licenses that would receive a Pacific cod endorsement with a directed P cod landing for 2000 to 2006.

WGOA	<60 ft	>=60 ft	Total
Hook-n-line	6	1	7
Jig	9	0	9
Pot	61	22	83
Total	76	23	99
% w/ 1 landing	77%	23%	100%
All licenses	154	110	264
% all licenses	58%	42%	100%

CGOA	<60 ft	>=60 ft	Total
Hook-n-line	159	10	169
Jig	18	1	19
Pot	63	48	111
Total	240	59	299
% w/ 1 landing	80%	20%	100%
All licenses	702	181	883
% all licenses	80%	20%	100%

Note: the number of endorsements for licenses is higher when compared to table 1 since some licenses qualify for multiple gear endorsements, 6 licenses in the WGOA and 30 licenses in the CGOA.

Table 3. Catcher Processors licenses endorsed for WGOA / CGOA and status after 2000- 2006 threshold requirement.

Category	WGOA	CGOA
W/ one landing	16	10
All licenses	31	49
% licenses w/ P cod	52%	20%
% reduction	48%	80%

Table 4. Average # of LLPS participating from 2000 to 2008 compared to potential LLPS with one landing from 2000 to 2006 that would qualify for a Pacific cod endorsement.

Area	Ave # LLP (00 - 08)	LLP w/1 land	Percentage
WGOA	46	93	203%
CGOA	134	269	201%

Kozak & Associates, Inc.
P. O. Box 2684 - Kodiak, Alaska 99615
Phone 907-486-8824 - Cell 907-539-5585 - Fax 907-486-6963
E-Mail - kozak@alaska.com

COMMENTS ON HJR 21- March 2009

In reviewing HJR 21, I have concerns regarding the resolution that I would like to address. These concerns are divided into three categories in the hope to more efficiently articulate my thoughts. My proposal to the North Pacific Council can be found at the end of this document.

History of the Issue and Some Facts

In regard to HJR 21, I wonder how many members of the Legislature or staff have bothered to read the 80-page analysis or reviewed the problem statement or the history of this issue. In 1999, the Council, at the request of industry, began working on a comprehensive program that would provide individual fishing quotas for the Pacific cod fishery participants in the Gulf of Alaska. By April of 2003, the Council was prepared to begin discussions on a preliminary alternative for defining the program. The full analytical process began and for three years, hearings were held.

In 2006, shortly after a change in administration, the State of Alaska successfully removed the IFQ alternatives from the discussion and instead began to look at stabilizing the Pacific cod fishery by revising the limited entry licenses that are in place for groundfish and for creating sector allocations. The recency proposal was to provide for a specific endorsement to fish in the directed Pacific cod fishery and participation in that directed fishery would be necessary in order to receive the endorsement. It is important to note that when the original groundfish licenses were initially distributed that any landing of any type of groundfish qualified a person to receive the license. The proposal now is to simply provide a directed Pacific cod endorsement for those who have actually fished Pacific cod in the last nine or ten years.

The North Pacific Council has been dealing with the Pacific cod issue since 1999 and final action on this item is scheduled for April of this year. There has been plenty of time for people to provide comments and recommendations in the last ten years. Many Alaskan fishermen who are dependent on this fishery support the Council moving forward and providing some stability in this fishery.

Agency Authority for Fishery Management

For the state waters fisheries including salmon and herring, the authority to manage lies with the Alaska Board of Fisheries, with limited entry proposals being addressed by the Commercial Fisheries Entry Commission. For the federal fisheries, the North Pacific Fishery Management Council is tasked with recommending to the Secretary of Commerce various management and allocation decisions, as well as limiting access to the resource. Each of these bodies has a process for their decision-making, which includes proposals, analysis, hearings, and appeals. In regard to the North Pacific Fishery Management Council, the governor of the State of Alaska is represented by the ADF&G Commissioner or designee and there are five other Alaskans on the Council.

When the United States Congress or Alaska Legislature intervene in the management of fishery issues, problems are inevitable. Many times elected officials have been lobbied on an issue by a segment of the industry focused on achieving a specific goal, and they approach a friendly elected face to promote that idea. It is often the case that the information presented is lacking or even misleading and very little time is spent on attempting to understand the issue.

Specific Concerns Regarding the Resolution

The resolution is specific to limited entry, but the WHEREAS statements mix limited entry with individual fishing quotas which results in a confusing and misleading document.

Some observations regarding specific sections are shown below:

Page 2, line 6:

The action in question is only for the federal waters and inside three miles, which are state waters, no limited entry exists. This is confusing.

Page 2, line 12:

The North Pacific Council under the leadership of the State of Alaska, in fact, reversed course in 2006 and is now only focused on the limited entry aspects of the fishery. This is not considered "rationalization" and should not be confused with an IFQ or cooperative fishery.

Page 2, line 16:

Limited entry is not known as "rationalization".

Page 2, line 18:

The action being considered is not "rationalization" and other limited entry programs such as salmon and herring have not demonstrated significant job losses or consolidation, rather they have served to stabilize the industry.

Page 2, line 20:

The action being considered will not have negative impacts on businesses in coastal Alaska. Again, the action will not promote consolidation or job loss.

Page 2, line 22:

Active participation in a fishery is considered by some to be owner on board, while others consider it to be a vessel owner who hires a qualified skipper and crew to run their vessel. The tradition in the Pacific cod fishery in the Gulf is for some owner on board and some hired skipper situations. This will not change in the limited entry action being considered.

Page 2, line 25:

This statement does not appear to be factual.

Page 2, line 27:

All limited entry fisheries have some entry costs. The cost for entering the Pacific cod fishery will be substantially less than that for many salmon or herring fisheries in the state. This statement seems to say that all fisheries should revert to open access. Most salmon or herring permit holders would not agree.

Page 3, lines 15 - 29:

It is difficult to agree that all groundfish fixed gear licenses without a cod endorsement would be valueless. If you have never fished for Pacific cod and don't get an endorsement to fish Pacific cod in the directed fishery, you have lost nothing.

Page 4, line 2:

A limited entry program is not a natural progression towards "rationalization".

Page 4, lines 4 - 12:

The number of participants will not decline under one of the Council's alternatives. Instead it will simply grant an endorsement to participate in the directed Pacific cod fishery for those who already are or have even made one landing since 2000. No jobs will be lost or demand reduced for shore side support or services.

Proposal for the North Pacific Fishery Management Council

The proposal that I have been promoting for some time is that if anyone has demonstrated dependence in the last ten years by either purchasing a license or making even one landing, they would receive a fully transferable Pacific cod endorsement. This seems very generous and would not shut anyone out of the fishery. If you haven't made even one landing in ten years, you aren't dependent on the fishery.

In speaking with Council staff, there are about 900 groundfish licenses in the Central Gulf and around 300 in the Western Gulf for fixed gear. If the Council chose to award Pacific cod endorsements for those vessel owners who have made at least one landing in the last ten years, regardless of poundage, this would result in around 300 licenses in the Central Gulf and 150 in the Western Gulf. This action would provide stability for the fleet that is dependent on the fishery, demonstrated by their actual participation

The Council action would not preclude halibut IFQ harvesters from retaining cod taken incidentally, nor would it limit in any way the jig fishery. Of course, the state waters fishery has no license restrictions.



United Cook Inlet Drift Association

43961 K-Beach Road, Suite E • Soldotna, Alaska 99669 • (907) 260-9436 • fax (907) 260-9438
• info@ucida.org •

March 10, 2009

Representative Alan Austerman
State Capitol, Room 434
Juneau, AK 99801

Re: HJR 21

Dear Representative Austerman:
United Cook Inlet Drift Association (UCIDA) represents some 585 Upper Cook Inlet salmon fishing families. Many of our members use their salmon fishing vessels in the spring and fall cod fishery in Cook Inlet and Kodiak areas. For many younger families and fishermen, this fishery is where they enter a career of professional commercial fishing. The current action before the North Pacific Fishery Management Council closes this fishery to new entrants and removes unused permits. It is essential that fisheries remain open for new, often younger fishermen to enter fisheries without the economic challenges of needing to purchase harvesting privileges, IFQ's or a limited entry permit. We fully support HJR 21.

Sincerely,

Roland Maw, PhD
UCIDA Executive Director

ams

Alaska Whitefish Trawlers Association

March 9, 2009

**P.O. Box 991
Kodiak, AK
99615
(907) 486-3910
alaska@ptialaska.net**

To: House Fisheries Committee
Re: House Joint Resolution 21

Dear Committee Members:

The Alaska Whitefish Trawlers Association urges you to **NOT SUPPORT HJR21**. AWTA represents approximately 40 trawl vessels that fish out of Kodiak.

The resolution seeks to stop the North Pacific Fishery Management Council's (NPFMC) consideration of a recency amendment package regarding the Pacific cod fishery in the Gulf of Alaska.


The NPFMC's recency amendment package, seeks to protect those fishermen who have historically fished Pacific cod, while establishing a clear path for future entrants into the fisheries. At the same time it allows new interests to the fishery. It protects the interests of those who took all the risks and financial commitments to develop and set the foundations of Kodiak's cod fisheries.

Another big consideration regarding HJR 21, is that it puts the legislature in the position of regulating and making decisions on fisheries that are most appropriately handled by the North Pacific Fisheries Management Council and by the Alaska Board of Fish.

The resolution puts the Legislature smack-dab-in-the-middle of fish allocation issues that will pit Alaskans against other Alaskans. That is not an appropriate place for legislators, nor is it appropriate to manage fish allocation issues by legislative resolution. It sets a bad precedent that will leave Alaska's fishermen and Alaska's fish resource the worse for it.

Thank you for your consideration in this matter. Thank you in advance for stopping this ~~travesty of~~ fisheries management from moving forward.

Sincerely,


Alvin R. Burch
Executive Director
Alaska Whitefish Trawlers Association

Alvin R. Burch
P.O. Box 848
Kodiak, AK 99615
907 486-3910
Alaska@ptialaska.net

F/V DAWN & F/V DUSK
Kodiak, Alaska

March 9, 2009

To: House Fisheries Committee
Re: House Joint Resolution 21

Dear Committee Members:

I have lived in Alaska since Territorial days, 40 years of it here in Kodiak. I've fished Alaska waters for more than 50 years. I've also been involved in fish politics and am familiar with the process of fish management conducted by the Alaska Fish Board and the North Pacific Fisheries Management Council (NPFMC).

Based on that I am opposed to HJR 21 and urge you to stop progress of the measure in the legislature.

I have two main reasons to oppose HJR 21.

- 1) It pits one group of Alaska fishermen against another group of Alaska fishermen.
- 2) It does that by injecting the legislature into the middle of fishery allocation issues that are best left to the NPFMC and the Fish Board.

The resolution seeks to stop the North Pacific Fishery Management Council's (NPFMC) consideration of a recency amendment package regarding the Pacific cod fishery in the Gulf of Alaska.

The NPFMC's recency amendment package, is designed to protect those fishermen who have historically fished Pacific cod, while establishing a clear path for future entrants into the fisheries. The package is a result of the long process of public testimony, scientific input and many months of deliberation.

The package does not take anything away from anyone that has participated in the fixed gear Pacific cod fishery. Yet it allows new entrants to the fishery. The package is necessary because it prevents people from taking a fishery away from those who have traditionally fished—those who have made it possible to even have a successful cod fishery for the new-comers to enter.

I thank you for taking my concerns into consideration. I trust that you will uphold the integrity of the resource management systems in place to take politics out of decisions that are best made by biologists and fish managers at the Council and Fish Board level.

Sincerely,

Alvin R. Burch
Owner



PUBLIC REVIEW

DRAFT

**ENVIRONMENTAL ASSESSMENT/REGULATORY IMPACT REVIEW/
INITIAL REGULATORY FLEXIBILITY ANALYSIS**

for a Proposed Amendment to the
Fishery Management Plan for Groundfish
of the GOA Management Area
to

**ADD PACIFIC COD ENDORSEMENTS TO
WESTERN AND CENTRAL GOA
FIXED GEAR LLP LICENSES**

Prepared by staff of the
North Pacific Fishery Management Council
605 W. 4th Avenue, #306
Anchorage Alaska 99501

March 3, 2009

Table of Contents

DEFINITIONS AND ASSUMPTIONS FOR THE GOA PACIFIC COD ENDORSEMENT FMP AMENDMENT ANALYSIS	2
LIST OF TABLES	5
LIST OF FIGURES	7
EXECUTIVE SUMMARY	8
EXECUTIVE SUMMARY	8
Expected Effects of the Alternatives.....	11
Alternative 1 – No Action.....	11
Alternative 2 – Add Pacific cod endorsements to licenses	12
1.0 INTRODUCTION.....	21
1.1 Purpose and Need for the Action.....	21
1.1.1 Background	21
1.1.2 Purpose and Need Statement.....	22
1.2 Alternatives.....	24
1.3 Consistency with the Problem Statement	27
2.0 ENVIRONMENTAL ASSESSMENT.....	28
2.1 GOA Groundfish Fisheries.....	28
2.1.1 GOA Environment	28
2.1.2 Pacific Cod	29
2.1.3 Other Groundfish Fisheries.....	31
2.2 Halibut Prohibited Species Catch	31
2.3 Marine Mammals.....	33
2.4 Seabirds	35
<i>Effects of the Alternatives</i>	37
2.5 Essential Fish Habitat	37
<i>Effects of the Alternatives</i>	37
2.6 Ecosystem Considerations.....	38
2.7 Economic Impacts	38
2.8 Cumulative Effects	38
3.0 REGULATORY IMPACT REVIEW.....	40
3.1 The Limited License Program (LLP)	41
3.1.1 Exemptions from the LLP requirement.....	42
3.1.2 Pacific cod endorsements	43
3.2 The GOA Pacific cod fishery	44
3.2.1 Management of the fishery.....	44
3.2.2 Catch history	46
3.2.3 Season lengths.....	48
3.2.4 Participation by fixed gear vessels and licenses.....	49

7.0 LIST OF PREPARERS.....	127
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8.0 AGENCIES AND INDIVIDUALS CONSULTED	127
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APPENDIX A. COMMUNITIES.....	128
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List of Tables

Table 2-1 Criteria Used to Evaluate the Alternatives.....	28
Table 2-2 Total catch in the Federal and State GOA Pacific cod fisheries, total allowable catch (TAC) for the Federal fishery, and acceptable biological catch (ABC), 1985-2007.....	30
Table 2-3 Halibut prohibited species catch seasonal allowances in the GOA, 2008.....	31
Table 2-4 Halibut prohibited species catch (PSC) (mt) by vessels targeting Pacific cod in the Western and Central GOA.....	32
Table 2-5 ESA-listed marine mammal species that occur in the GOA.....	34
Table 2-6 ESA-listed and candidate seabird species that occur in the management area.....	35
Table 3-1 General LLP license issuance criteria.....	41
Table 3-2 Qualification criteria for BSAI Pacific cod LLP endorsements.....	43
Table 3-3 Regulatory changes impacting management of the GOA Pacific cod fishery, 1992 – 2008.....	45
Table 3-4 Total catch of P cod in the Federal P cod fisheries in the Western and Central GOA.....	46
Table 3-5 Pacific cod catch and percent of the TAC harvested in the inshore and offshore sectors.....	47
Table 3-6 Pacific cod catch during the A and B seasons by the inshore and offshore sectors in the Western and Central GOA, 2003-2008.....	47
Table 3-7 Pacific cod A season closures for the Western and Central GOA, 2001-2008.....	48
Table 3-8 Pacific cod B season closures for the trawl and hook-and-line sectors in the Western and Central GOA, 2001-2008.....	49
Table 3-9 Number of fixed gear vessels participating in the directed Pacific cod fisheries, excluding IFQ participants, from 2000 to 2008.....	50
Table 3-10 Number of unique vessels in each sector that participated in the directed Pacific cod fisheries in the Western and Central GOA during 2000-2008. Excludes IFQ participants.....	50
Table 3-11 Annual catch (mt) per vessel by fixed gear vessels participating in the directed Pacific cod fisheries, excluding IFQ catch, from 2000 to 2008.....	51
Table 3-12 Number of fixed gear CV licenses and catch (mt) per license from 2000 to 2008 in the directed Pacific cod fisheries. Excludes IFQ participants.....	52
Table 3-13 Number of fixed gear CP licenses and catch (mt) per license from 2000 to 2008 in the directed Pacific cod fisheries. Excludes IFQ participants.....	53
Table 3-14 Ex-vessel prices (dollars) per pound in the GOA Pacific cod fisheries.....	54
Table 3-15 Ex-vessel gross revenues from the GOA Pacific cod fisheries (millions of dollars).....	54
Table 3-16 First wholesale price (dollars per pound) of Pacific cod products by processing sector, includes BSAI and GOA fisheries.....	54
Table 3-17 Products produced from Pacific cod harvested in the GOA.....	54
Table 3-18 Percentage of gross revenues from GOA Pacific cod and other fisheries by catcher vessels that participated in the GOA directed Pacific cod fisheries, averaged from 2001-2007.....	56
Table 3-19 Percentage of gross revenues from GOA Pacific cod and other fisheries by catcher processors that participated in the GOA Pacific cod fisheries, averaged from 2001-2007.....	57
Table 3-20 Annual gross revenues from Pacific cod for fixed gear CV licenses that participated in the directed GOA Pacific cod fisheries during 2000-2008.....	58
Table 3-21 First wholesale revenues per CP license in the directed GOA Pacific cod fisheries, 2000-2008.....	59

Table 3-47 Fishing activity by catcher vessel licenses that have both fixed and trawl gear designations.....	98
Table 3-48 Summary of fishing activity of licenses with at least one directed Pacific cod landing and licenses with no qualified landings.....	101
Table 3-49 Participation, average annual revenues per licenses, and total revenues in Alaska fisheries during 2000-2006 by fixed gear CV licenses with at least 1 directed Pacific cod landing during 2000-2006 and with no GOA directed Pacific cod landings during 2000-2006.....	104
Table 3-50 Annual participation, annual revenues per license, and annual catch per license in Alaska fisheries during 2007-2008 by fixed gear CV licenses with at least 1 GOA directed Pacific cod landing during 2000-2006 and with no GOA directed Pacific cod landings during 2000-2006 (but at least 1 landing during 2007-2008).....	105
Table 3-51 Participation, average annual revenues per license, and total wholesale revenues from Alaska fisheries during 2000-2006 by fixed gear CP licenses with at least 1 GOA directed Pacific cod landing during 2000-2006 and with no GOA directed Pacific cod landings during 2000-2006.....	106
Table 3-52 Annual participation, annual revenues per license, and annual catch per license in Alaska fisheries during 2007-2008 by fixed gear CP licenses with at least 1 GOA directed Pacific cod landing during 2000-2006 and with no GOA directed Pacific cod landings during 2000-2006 (but at least 1 landing during 2007-2008).....	107
Table 3-53 Number of CV licenses with 1 directed Pacific cod landing during 2000-2006 or 2000-Dec 8, 2008 by license owner's residence.....	109
Table 3-54 Number of CP licenses with 1 directed Pacific cod landing during 2000-2006 or 2000-Dec 8, 2008 by license owner's residence.....	110
Table 3-55. Number of catcher vessel licenses with at least one directed Pacific cod landing in the endorsement area during 2000-2006 or 2000-Dec 8, 2008, reported by license owner's community of residence (Alaska communities only).....	111
Table 3-56 Average number of vessels fishing in the parallel waters fisheries without an LLP license, retained catch (mt), and percent of retained catch of Pacific cod within each sector by vessels without LLPs during 2002-2007.....	113

List of Figures

Figure 2-1 Seabird bycatch rates by hook-and-line catcher processors during the Pacific cod A and B seasons, 1995-2004.....	36
Figure 3-1 Percent of retained Pacific cod catch harvested by <60 ft LOA vessels using fixed gear in the Western GOA and Central GOA during 1995-2008.....	85
Figure 3-2 Gross tonnage of catcher vessels 50-70 ft LOA that participated in the GOA Pacific cod fisheries during 1995-2007.....	91

Alternatives, Components, and Options

There are two alternatives currently under consideration:

Alternative 1 (no action) would not make any changes to the current License Limitation Program.

Alternative 2 would add Pacific cod endorsements to fixed gear licenses, which would limit entry into the directed Pacific cod fisheries in Federal waters in the Western and Central GOA. Alternative 2 includes the following Components and Options:

Component 1— Management areas included

Western GOA

Central GOA (current LLP endorsement includes West Yakutat)

- Different options may be applied to each management area.

Component 2— Identify and define sectors

The sector definitions for awarding Pacific cod endorsements may be different from those used for the GOA Pacific cod sector split action. The purpose of sector definitions in this action is to allow the Council to select different catch thresholds for the different gear types, operation types, and vessel lengths. Individual licenses may qualify for any combination of a jig, hook-and-line, and pot endorsement if the license meets the respective threshold(s) for the appropriate gear type, operation type, and vessel length.

- Hook-and-line CP

Option: Hook-and-line CP ≥ 125

Hook-and-line CP < 125

- Hook-and-line CV

Option: Hook-and-line ≥ 60

Hook-and-line < 60

- Pot CP

- Pot CV

Option: Pot CV ≥ 60

Pot CV < 60

- Jig

Exempt vessels using jig gear from the LLP requirement (including the Pacific cod endorsement requirement) that use a maximum of 5 jigging machines, 5 lines, and 30 hooks per line or one line of 150 hooks.

Option: Exempt vessels participating with fixed gear in the Western GOA B season directed Pacific cod fishery from the Pacific cod endorsement requirement.

Suboption: Exempt vessels using pot gear only.

Component 3 – Qualifying years

Option 1: 2000-2006

Option 2: 2002-2006

Option 3: Add the qualifying period January 1, 2007 through:

Suboption 1: June 4, 2008

Suboption 2: December 8, 2008

- Either of these suboptions will be selected in addition to one of the qualifying periods in Option 1 or Option 2.

or pot gear endorsement shall be made through (a) a one-time designation at the time the endorsement is issued or (b) designated at the time the first Pacific cod landing is made based on the gear type used. The CQE community resident's LLP shall not be leased, and can only be transferred to an individual who has lived continuously in the permit holder's CQE community for 24 consecutive months prior to the transfer and who intends to remain a resident of the community. Residency shall be affirmed annually upon renewal. If a CQE community LLP holder with a restricted transfer LLP is no longer a resident of the CQE community or dies without a designated qualified LLP community beneficiary, the community CQE shall designate a qualified individual in the CQE community to hold the restricted transfer LLP.

Option: Restrict the exemption to LLPs with a MLOA designation of less than 60 feet.

Expected Effects of the Alternatives

This section provides an overview of the expected effects of the proposed action to add Pacific cod endorsements to Western and Central GOA fixed gear groundfish licenses. The tables show the number of fixed gear groundfish licenses that will be eligible to participate in the directed Pacific cod fisheries in Western and Central GOA under the various components and options. The EA/RIR/IRFA for the proposed action includes a discussion of the potential economic and socioeconomic effects which may occur as a result of the proposed action. In that document, effects on harvesters, processors, and communities are analyzed, followed by a description of the cumulative effects of the proposed amendment and other recent actions, and an analysis of the net benefits to the Nation.

Alternative 1 – No Action

Under the no action alternative, Pacific cod endorsements would not be added to Western and Central GOA fixed gear groundfish licenses. As a result, there would be no reduction in the number of fixed gear groundfish licenses eligible to participate in the directed Pacific cod fisheries in the Western and Central GOA. If this alternative is selected, fixed gear licenses that have not participated in the Western and Central GOA Pacific cod fisheries in recent years could enter the fisheries in the future and dilute revenues, increase costs, or both, for licenses with recent participation in the fisheries. Increased participation may result in negative economic impacts to current participants in the fisheries. The number of licenses that might enter the fisheries in the absence of this action is unknown, and depends on future market conditions, the size of Pacific cod TACs, opportunities to participate in other fisheries, the future regulatory environment, and operating costs in the fisheries. Consequently, this analysis does not provide a quantitative estimate of the potential economic impacts of the no action alternative.

Current number of fixed gear groundfish licenses

The number of fixed gear licenses with Western and Central GOA endorsements is reported by operation type and maximum length overall (MLOA) in Table 3-22. The table also indicates the number of licenses that have other area endorsements in addition to a Western or Central GOA endorsement. There are 883 fixed gear catcher vessel licenses with Central GOA endorsements and 264 fixed gear catcher vessel licenses with Western GOA endorsements. Most of these licenses may only be used on vessels less than 60 feet LOA. Fewer than 25% of catcher vessel licenses with Central GOA endorsements also have BSAI or Western GOA endorsements. In contrast, more than half of catcher vessel licenses with Western GOA endorsements also have BSAI or Central GOA endorsements. There are 49 Central GOA and 31 Western GOA CP licenses, and the majority of these licenses also carry BSAI endorsements. Only a small number of catcher processor licenses are restricted for use on vessels less than 60 feet LOA. This is

result, the number of licenses in the columns in Table E-3 may sum to more than the number of qualifying licenses in Table E-2. In the absence of specific gear type endorsements (i.e., pot, hook-and-line, or jig endorsements), these licenses could continue to fish in the directed Pacific cod fisheries using any fixed gear type. The Council could choose different catch or landings thresholds for different gear types and MLOA size class to account for differences in catch history among licenses in each sector. There are additional tables in Chapter 3 of this document that report the number of licenses in each gear type and MLOA size class that meet the various landings and catch thresholds.

Under the current set of landings and catch thresholds, the number of gear-specific Pacific cod endorsements that would be added to fixed gear catcher vessel licenses includes:

Central GOA

- 68 to 202 hook-and-line endorsements
- 42 to 124 pot endorsements
- 0 to 24 jig endorsements

Western GOA

- 0 to 14 hook-and-line endorsements
- 54 to 96 pot endorsements
- 0 to 12 jig endorsements

Table E-2 Number of fixed gear catcher vessel licenses that meet the landings and catch thresholds based on landings in the Western or Central GOA directed Pacific cod fisheries.

Western GOA – 264 CV licenses

Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	110	106	93	101	96	82
3 landings	100	95	83	95	90	76
5 landings	91	87	74	86	82	68
5 mt	105	100	85	99	94	77
10 mt	97	93	79	93	89	73
25 mt	91	88	74	85	82	66
100 mt	68	63	55	68	63	54

Central GOA – 883 CV licenses

Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	306	297	269	245	234	198
3 landings	272	266	240	220	215	179
5 landings	249	246	219	203	200	164
5 mt	273	267	237	222	216	180
10 mt	255	250	223	210	205	171
25 mt	221	220	190	189	188	154
100 mt	171	169	151	142	139	110

Source: ADFG Fish Tickets (2000-2007), NMFS Catch Accounting (2008) and RAM groundfish license file, December 2008.

Central GOA licenses – 883 CV licenses

Hook-and-line gear						
Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	202	196	169	161	154	123
3 landings	177	172	149	142	138	111
5 landings	157	155	133	125	123	98
5 mt	180	176	149	145	141	112
10 mt	162	159	135	133	130	104
25 mt	134	134	112	116	116	94
100 mt	96	94	84	84	81	68

Jig						
Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	24	22	19	20	18	15
3 landings	10	10	9	7	7	6
5 landings	9	9	7	7	7	5
5 mt	9	8	7	8	7	6
10 mt	4	4	4	4	4	4
25 mt	*	*	0	*	*	0
100 mt	0	0	0	0	0	0

Pot						
Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	124	120	111	94	90	78
3 landings	109	106	100	85	82	70
5 landings	98	98	91	78	78	66
5 mt	109	106	99	85	82	72
10 mt	106	103	96	83	80	69
25 mt	93	91	83	76	74	62
100 mt	75	75	66	59	59	42

Source: ADFG Fish Tickets (2000-2007), NMFS Catch Accounting (2008) and RAM groundfish license file, December 2008.

*Withheld for confidentiality.

Note: Gear type columns are not mutually exclusive, and the number of licenses in the columns in Table E-3 may sum to more than the number of qualifying licenses in Table E-2.

Catcher processor licenses

The number of catcher processor licenses that meet the various landings and catch thresholds is reported in Table E-4. There are 31 Western GOA catcher processor licenses, and 19 to 24 licenses meet the 1 landing threshold during the qualifying periods in Options 1 through 3, and would qualify for a Pacific cod endorsement. The majority of Western GOA licenses that have catch history during the various qualifying periods also meet the highest catch threshold (100 mt) and landings threshold (5 landings). Three licenses qualified only when catch through December 2008 was included. There are 49 Central GOA licenses, and 12 to 21 licenses meet the 1 landing threshold during the qualifying periods in Options 1 through 3 and would qualify for a Pacific cod endorsement. In general, a smaller proportion of Central GOA CP licenses that meet the one landing threshold also meet the highest catch and landings thresholds. There were 7 licenses that qualified only when catch (at the 1 landing threshold) through December 2008 was included.

Central GOA - 49 CP licenses

Threshold	All gear					
	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	21	21	14	19	19	12
3 landings	18	18	12	17	17	11
5 landings	14	14	11	12	12	9
5 mt	21	21	14	18	18	*
10 mt	19	19	12	18	18	*
25 mt	18	18	12	17	17	*
100 mt	15	15	*	14	14	*

Threshold	Hook-and-line gear					
	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	18	18	12	16	16	10
3 landings	15	15	10	14	14	9
5 landings	10	10	8	9	9	7
5 mt	18	18	12	15	15	9
10 mt	16	16	10	15	15	9
25 mt	15	15	10	14	14	9
100 mt	11	11	7	11	11	7

Threshold	Pot gear					
	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	4	4	3	3	3	2
3 landings	4	4	3	3	3	2
5 landings	4	4	3	3	3	2
5 mt	4	4	3	3	3	*
10 mt	4	4	3	3	3	*
25 mt	4	4	3	3	3	*
100 mt	4	4	*	3	3	*

Source: Catch Accounting/Blend data and RAM LLP license file, December 2008. *Withheld for confidentiality.
 Note: Gear type columns are not mutually exclusive, because some licenses have catch history using more than one gear type. The number of licenses in the gear columns may sum to more than the total number of licenses qualifying.

Licenses that only Qualify when 2007 and 2008 Catch History is Included

Under Component 3, Suboption 3 states that if an LLP license qualifies for a Pacific cod endorsement only when the supplemental range of years (Jan 1, 2007 through Jun 4, 2008 or Dec 8, 2008) in Suboption 1 or Suboption 2 of Component 3 are included, any Pacific cod endorsement granted to a license would be extinguished upon transfer of the LLP license to another vessel or owner. Those participants who entered the fishery in 2007 and 2008 would receive a Pacific cod endorsement under Suboption 1 or Suboption 2, and could continue to participate in the fishery. **It is important to note that Suboption 3 currently states that the Pacific cod endorsement would not be transferable to another vessel or owner.**

Designating licenses that qualify under Suboption 1 or Suboption 2 as non-transferable to another vessel or owner could have several effects. First, it would maintain the existing fleet of vessels in the Pacific cod fishery that are currently assigned to licenses that qualify based on 2007 or 2008 catch history. For




Potential Range of Outcomes from this Action

Based on the existing set of options, there is a range of possible outcomes from this action:

1. Status quo: No Pacific cod endorsements are added to Western and Central GOA fisheries. All existing fixed gear licenses are eligible to access the directed Pacific cod fisheries.
2. Pacific cod endorsements are added to fixed gear licenses to limit entry to the directed Pacific cod fisheries in the Western and Central GOA.
3. Gear-specific (pot, hook-and-line, and jig) Pacific cod endorsements are added to fixed gear licenses to limit entry to the Western and Central GOA directed Pacific cod fisheries, and to limit access to the proposed Pacific cod sector allocations.

Interactions with Pacific Cod Sector Allocations

In refining the alternatives and options for analysis, the Council may wish to consider interactions between the proposed action to add Pacific cod endorsements to fixed gear licenses and the proposed GOA Pacific cod sector allocations. A comparison of the components and options currently under consideration for the two actions is found Table E-5. The Council is considering options to add Pacific cod endorsements to fixed gear licenses to limit entry into the directed Pacific cod fisheries in the Western and Central GOA. Pacific cod endorsements could also restrict licenses to using the fixed gear type (e.g., pot, hook-and-line, or jig) specified on the endorsement. The gear endorsements could limit access to the Pacific cod sector allocations to ensure that vessels that contributed catch history to the sector allocations have access to those allocations.



Both actions include provisions to increase entry level opportunities in the GOA Pacific cod fisheries. The proposed exemption from the LLP requirement for vessels using jig gear, in tandem with the proposal to provide the jig sector an Pacific cod allocation of more than the sector's historic catch, will provide a substantial increase in opportunity for current as well as new participants in this sector. In addition, the potential for a stairstep increase in the jig allocation, if it is fully harvested, would provide for growth in the jig sector.

1.0 INTRODUCTION

The groundfish fisheries in the Exclusive Economic Zone (3 to 200 miles offshore) of the Gulf of Alaska (GOA) are managed under the GOA Fisheries Management Plan (FMP), developed by the North Pacific Fishery Management Council under the Magnuson-Stevens Fishery Conservation and Management Act. The GOA FMP was approved by the Secretary of Commerce and became effective in 1978.

This document is an Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for the proposed action to add Pacific cod endorsements to fixed gear LLP licenses to limit entry to the Western and Central GOA directed Pacific cod fisheries. This action would result in an amendment to the GOA FMP. Under the proposed action, a fixed gear license would receive a Pacific cod endorsement if it meets the minimum landings or catch (mt) threshold during a specific qualifying period.

An Environmental Assessment (EA) is required by the National Environmental Policy Act of 1969 (NEPA) to determine whether the proposed action will result in a significant impact on the human environment. If the action is determined not to be significant based on an analysis of the relevant considerations, the EA and finding of no significant impact (FONSI) would be the final environmental documents required by NEPA. An Environmental Impact Statement (EIS) must be prepared for major Federal actions significantly affecting the human environment.

The purpose of the EA is to analyze the environmental impacts of the proposed Federal action to remove latent fixed gear licenses from the Western and Central GOA. The human environment is defined by the Council on Environmental Quality as the natural and physical environment and the relationships of people with that environment (40 CFR 1508.14). This means that economic or social effects are not intended by themselves to require preparation of an EA. However, when an EA is prepared and socio-economic and natural or physical environmental impacts are interrelated, the EA must discuss all of these impacts on the quality of the human environment. NEPA requires a description of the purpose and need for the proposed action as well as a description of alternatives which may address the problem. This information is included in **Chapter 1** of this document. **Chapter 2** contains a description of the affected human environment and information on the impacts of the alternatives on that environment, specifically addressing potential impacts on endangered species and marine mammals and cumulative effects.

Executive Order 12866 (E.O. 12866) requires preparation of a Regulatory Impact Review (RIR) to assess the social and economic costs and benefits of available regulatory alternatives, in order to determine whether a proposed regulatory action is economically significant as defined by the order. This analysis is included in **Chapter 3**. **Chapter 4** addresses the requirements of other applicable laws, including the Magnuson Stevens Act, Marine Mammal Protection Act, and Regulatory Flexibility Act (RFA). The RFA requires an analysis of potential adverse economic impacts to small entities that would be directly regulated by the proposed action. The references and literature cited are in **Chapter 5**, the list of preparers is in **Chapter 6**, and the list of agencies and individuals consulted is in **Chapter 7**.

1.1 Purpose and Need for the Action

1.1.1 Background

Management of the GOA groundfish fisheries has become increasingly complex as a result of Steller sea lion protection measures, increased participation by vessels displaced from other fisheries, and bycatch reduction requirements under the Magnuson-Stevens Act (MSA). These factors have made achieving the

catch shares of participants. If entry to the Pacific cod fisheries is not limited by a Pacific cod endorsement requirement, future entry of latent effort into the Western and Central GOA Pacific cod fisheries could further intensify competition among fixed gear participants and erode catch shares of long-term participants.

To address these concerns, the Council adopted the following problem statement:

GOA Fixed Gear Recency Purpose and Need Statement

Western GOA and Central GOA Pacific cod fisheries are subject to intense competition, particularly during the A season, when fish are aggregated and of highest value. Competition among fixed gear participants in the Western GOA and Central GOA Pacific cod fisheries has increased for a variety of reasons, including increased market value of Pacific cod products, a declining ABC/TAC, increased participation by harvesters displaced from other fisheries, and introduction of capital that has been accrued from participation in rationalized fisheries. Additionally, fishery policies have created incentives that encourage non-traditional efficiency improvements for the less than 60 ft LOA vessel class. The possible future entry of latent effort and disproportionate vessel efficiency would have detrimental effects on LLP holders that have exhibited participation in, and dependence on, the fixed gear Pacific cod fisheries. Many fixed gear vessel owners have made significant investments, have long catch histories, and are dependent on the Western GOA and Central GOA Pacific cod resources. These long-term participants need protection from those who have little or no recent history and who have the ability to increase their participation in the Pacific cod fisheries. At the same time, retaining Federal waters opportunities for small community quota eligible (CQE) communities dependent on access to a range of fishery resources and expanding opportunities in Federal waters for small capacity jig operations is valued to promote community protections at a level that imposes minimal impact on historic catch shares of recent participants.

The intent of the proposed amendment is to prevent the future entry or re-entry of latent fixed gear groundfish fishing capacity that has not been utilized in recent years into the Pacific cod fisheries, and to preserve the traditional vessel operational efficiencies within the fisheries. This requires prompt action to promote stability in the fixed gear sectors of the GOA Pacific cod fisheries, and is expected to be implemented concurrently with the division of GOA Pacific cod among sectors which is currently under consideration. However, this action cannot address continued growth in the waters managed by the State of Alaska.

Limiting entry to the fisheries with a Pacific cod endorsement requirement may prevent future gross revenues from Pacific cod harvests in the respective management areas from being diluted by future increases in fishing effort by latent licenses. Those LLP holders exhibiting dependence and participation in the fixed gear Pacific cod fisheries, (i.e., those meeting the selected threshold criteria), would be protected from possible future increases in effort and dilution of their gross revenue share. However, this action may not result in increased production efficiencies to licenses that would generally be expected from a comprehensive rationalization program. Following implementation of the amendment, each qualified LLP holder will still have an incentive to expand their fishing effort and maximize their respective share of the gross revenues in the open access GOA Pacific cod fisheries. The action will not necessarily result in an 'optimum' harvesting capacity in any of the sectors or management areas. The Council is considering a range of potential catch and landings thresholds, qualification periods, and catch definitions. The number of Pacific cod endorsements that would be added to fixed gear licenses under any of these options was not based on a predetermined optimum capacity for the fixed gear fleet. The action would revise the LLP by removing latent effort from the directed Pacific cod fisheries, and is a more modest approach to revolving participation issues than a fully rationalized fixed gear Pacific cod fishery.

Component 3 – Qualifying years

Option 1: 2000-2006

Option 2: 2002-2006

Option 3: Add the qualifying period January 1, 2007 through:

Suboption 1: June 4, 2008

Suboption 2: December 8, 2008

- Either of these suboptions will be selected in addition to one of the qualifying periods in Option 1 or Option 2.

Suboption 3: If an LLP license qualifies only when the supplemental range of years in Suboption 1 or Suboption 2 is included, any Pacific cod endorsements granted to licenses under these suboptions would be extinguished upon transfer of the LLP license to another vessel or owner.

- If a GOA hook-and-line catcher processor LLP license holder was a voluntary non-participant in the Freezer Longliner Coalition informal PSC co-op efforts of 2006, 2007, or 2008, and does not qualify under Component 3, Options 1, 2, or 3, the LLP would not be extinguished. If Pacific cod endorsements are a result of this action in the GOA hook-and-line CP sector, the LLP would receive a Pacific cod endorsement.

Component 4 – Catch thresholds

Thresholds shall be based on legally retained catch in the aggregate during all of the qualifying years in the Federal and parallel fisheries (excluding IFQ catch). Separate and distinct thresholds may be determined for each defined sector.

Option 1: All directed Pacific cod 1, 3, or 5 landings (resulting in a Pacific cod endorsement)

Option 2: All directed Pacific Cod 5, 10, 25, or 100 mt (resulting in a Pacific cod endorsement)

Option: Hardship provision. A GOA fixed gear LLP holder who had 5 or more Pacific cod landings in 1999, but had a vessel on which the LLP was used sink in 1999 or 2000, shall be credited with qualifying history so as to obtain a Pacific cod endorsement.

Directed Pacific cod catch is defined as landings made when the directed Pacific cod fisheries are open. For purposes of catch accounting, licenses are credited with deliveries or processing activity recorded up to 7 days after the directed season closes.

Component 5 – Stacked license provisions

Where there are multiple LLPs registered to a single vessel, also known as 'stacking' of LLPs, groundfish harvest history will be fully credited to all stacked licenses, each carrying its own qualifying endorsements and designations.

Component 6 – Capacity/efficiency limits to CV and CP fixed gear LLPs

Add a width restriction (efficiency restriction) on each CV and CP fixed gear LLP license that is eligible to access Pacific cod under this action. The width restriction would be 1 ft of width for each 3 ft of length, and is based on the LOA of the vessel assigned to the license on December 8, 2008. The licenses that are assigned to vessels on December 8, 2008 that exceed the width restriction will be grandfathered at

action. Licenses may be stacked on a vessel for operational reasons. For example, 2 or more licenses may be stacked on a vessel to obtain additional area, gear, or other endorsements.

1.3 Consistency with the Problem Statement

The alternatives under consideration are consistent with the problem statement. The problem identified is that fixed gear participants who have made significant, long-term investments, have extensive catch histories, and are highly dependent on the Western and Central GOA Pacific cod fisheries need protection from the potential increase in competition that may be caused by the entry re-entry of latent licenses into the fisheries. If latent fixed gear licenses remain eligible for entry or re-entry into the Western and Central GOA Pacific cod fisheries, future participation levels may increase, intensifying competition for the Western and Central GOA Pacific cod TACs.

Under the no action alternative (Alternative 1), latent fixed gear licenses with Western or Central GOA endorsements will continue to have the potential to enter the directed Western and Central GOA Pacific cod fisheries. If this alternative is selected, any of the currently existing fixed gear licenses could enter the Western and Central GOA Pacific cod fisheries in the future and dilute revenues, increase costs, or both, for licenses that have participated in the fisheries during recent years. Increased participation may result in negative economic impacts to current participants in the fisheries. If Pacific cod endorsements are not added to fixed gear licenses, licenses with no recent catch history in the GOA Pacific cod fisheries could enter the fisheries and erode the catch shares of recent participants. Finally, if gear-specific Pacific cod endorsements are not added to licenses, and Pacific cod sector allocations are implemented, participants in each of the fixed gear sectors will be vulnerable to an influx of effort into those sectors. If effort increases substantially in a particular sector, the erosion of catch shares resulting from latent licenses re-entering the fisheries will be exacerbated, because each sector's catch will be constrained by its allocation.

Alternative 2 includes options to add gear-specific Pacific cod endorsements to fixed gear licenses. Pacific cod endorsements would limit entry into the directed Pacific cod fisheries in Federal waters of the Western and Central GOA. This action would reduce fixed gear capacity in the GOA Pacific cod fisheries to include only licenses that have recent catch history in the fisheries. Those LLP holders exhibiting dependence and participation in the fixed gear Pacific cod fisheries, (i.e., those meeting the selected threshold criteria), would be protected from possible future increases in effort and dilution of their gross revenue share.

species, marine mammals, seabirds, essential fish habitat, ecosystem relationships, and economic aspects of the GOA fisheries.

Stock Assessment and Fishery Evaluation (SAFE) Report for the Groundfish Resources of the GOA (NPFMC 2007). Annual SAFE reports review recent research and provide estimates of the biomass of each species and other biological parameters. The SAFE report includes the acceptable biological catch (ABC) specifications used by NMFS in the annual harvest specifications. The SAFE report also summarizes available information on the GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. This document is available from:
<http://www.afsc.noaa.gov/refm/stocks/assessments.htm>.

2.1.2 Pacific Cod

Pacific cod (*Gadus macrocephalus*) is the primary groundfish species targeted by the fixed gear sectors in the Western and Central GOA. Pacific cod is widely distributed in the GOA and occurs at depths from shoreline to 500 m (Thompson et al. 2006). Pacific cod are moderately fast growing, and females reach 50% maturity at approximately 5.8 years old. Spawning occurs during January through April in the GOA. Pacific cod are demersal and concentrate on the shelf edge and upper slope at depths of 100-250 m in the winter, and move to shallower waters (<100 m) in the summer.

The Pacific cod resource is managed under three discrete TACs in the GOA: the Western GOA TAC, the Central GOA TAC, and the Eastern GOA TAC. In addition, the GOA Pacific cod TACs are divided between the A season (60%) and B season (40%), and are apportioned to the inshore processing component (90%) and offshore component (10%). Historically, the majority of the GOA Pacific cod catch has come from the Central and Western GOA management subareas. Final 2008 harvest specifications apportioned 57% of the GOA catch to the Central GOA (28,426 mt), 39% to the Western GOA (19,449 mt), and 5% to the Eastern GOA (2,394 mt).

Table 2-2 summarizes levels of acceptable biological catch (ABC), total allowable catch (TAC), and actual catch of Pacific cod in the Federal and State waters fisheries in the GOA from 1985 to 2007. From 1989 to 1996, the Federal TAC was set at 100% of the acceptable biological catch (ABC). The Federal TAC has been set below the ABC since 1997 to accommodate the State waters Pacific cod fishery. Total catch in the Federal and State Pacific cod fisheries averaged 87% of the ABC from 1997 to 2007. Most of the unharvested Federal TAC during recent years has been the result of low harvests during the B season. In addition, 25% of the Western and Central GOA Pacific cod ABC is allocated to the State waters fisheries, and the State Guideline Harvest Levels (GHLs) have not been fully harvested during recent years. In 2006 and 2007, only 70% and 74% of the GOA ABC was harvested.

Effects of the proposed action depend to some extent on current and future abundance of the Pacific cod stock. Model projections indicate that the Pacific cod stock is not overfished. However, the ABC is projected to decline over the next several years due to below average recruitment levels during a series of recent years. A comprehensive description of recent survey data and biomass projections is available in the groundfish SAFE report (NMFS 2008a).

2.1.3 Other Groundfish Fisheries

The fixed gear sectors primarily participate in the directed Pacific cod fisheries in the GOA and catch other groundfish species incidentally while targeting cod. More than 98% of groundfish catch by vessels using fixed gear is comprised of Pacific cod, excluding IFQ halibut and sablefish catch. Vessels participating in the IFQ fisheries are not required to hold LLP licenses, and these fisheries will not be discussed further in this EA. Other species retained by vessels using fixed gear include skates, rockfish, pollock, and octopus. The proposed action is not expected to result in significant changes in catch levels of other groundfish species. Overall levels of fishing effort by each gear sector, and the timing and location of fishing activities, are not expected to change under the proposed action.

2.2 Halibut Prohibited Species Catch

Halibut prohibited species catch allowances are currently allocated separately to the GOA trawl and hook-and-line sectors, according to the guidelines outlined in 50 CFR 679.21(d). Halibut PSC allowances are not apportioned by management subarea within the GOA. The 2008 PSC allowances for the GOA Pacific cod trawl and hook-and-line fisheries are shown in Table 2-3. The pot and jig sectors are exempt from halibut PSC limits. The GOA-wide halibut PSC mortality allowance is 2000 mt for the trawl sector and 300 mt for the hook-and-line sector (including 10 mt set aside for the demersal shelf rockfish fishery).

The hook-and-line allowance is divided into three seasons: January 1 to June 10 (the A season for Pacific cod), June 10 to September 1, and September 1 to December 31 (the B season for Pacific cod). The trawl allowance is divided not only seasonally, but also between the shallow-water species complex (including the pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates, and the "other species" directed fisheries) and the deep-water species complex (all other fisheries, which includes Pacific Ocean perch, northern rockfish, pelagic shelf rockfish, and deep-water flatfish). Halibut bycatch during the directed Pacific cod fishery is counted against the shallow-water trawl halibut PSC apportionment. This apportionment is divided into four seasons: January 20 to April 1, April 1 to July 1, July 1 to September 1, and September 1 to October 1. In addition, a separate apportionment that is not divided between the shallow-water and deep-water complexes is available for use from October 1 to December 31. Unused seasonal halibut PSC apportionments are rolled over to the following season. Halibut PSC limits often determine season closure dates for the trawl sector, and to a lesser extent, for the hook-and-line sector.

Table 2-3 Halibut prohibited species catch seasonal allowances in the GOA, 2008

Trawl		Hook-and-line			
		Other than Demersal Shelf Rockfish		Demersal Shelf Rockfish	
Dates	Amount (mt)	Dates	Amount (mt)	Dates	Amount
Jan 20 - Apr 1	550 (27.5%)	Jan 1 - Jun 10	250 (86%)	Jan 1 - Dec 31	10 (100%)
Apr 1 - July 1	400 (20%)	Jun 10 - Sep 1	5 (2%)		
July 1 - Sep 1	600 (30%)	Sep 1 - Dec 31	35 (12%)		
Sep 1 - Oct 1	150 (7.5%)				
Oct 1 - Dec 31	300 (15%)				
Totals	2000		290		10

Source: NMFS 2008-2009 harvest specifications for the groundfish fisheries in the GOA.

Halibut PSC usage in the GOA Pacific cod target fisheries during 1995-2008 is summarized in Table 2-4. The table reports PSC by catcher vessels and catcher processors in each harvest sector. The pot sector is not subject to PSC limits in the GOA, and halibut PSC by pot vessels is reported for informational purposes only. Prohibited species catch limits for halibut apply to the hook-and-line and trawl sectors

2.3 Marine Mammals

Marine mammals occur in diverse habitats in the GOA, and include both resident and migratory species. Species that occur in the GOA are listed below (NOAA 2004b). The Groundfish PSEIS (NOAA 2004a) provides descriptions of the range, habitat, diet, abundance, and population status for these marine mammals. Annual stock assessment reports prepared by the National Marine Mammal Laboratory provide population estimates, population trends, and estimates of potential biological removals (Angliss and Outlaw 2007).

NMFS Managed Species

Pinnipeds: Steller sea lion (Western U.S., Eastern U.S.), Northern fur seal (Eastern Pacific), Harbor seal (Southeast Alaska, GOA, Bering Sea), Spotted seal (Alaska), Bearded seal (Alaska), Ringed seal (Alaska), Ribbon seal (Alaska).

Cetaceans: Beluga Whale (Beaufort Sea, Eastern Chukchi Sea, Eastern Bering Sea, Bristol Bay, Cook Inlet), Killer whale (Eastern North Pacific Northern Resident, Eastern North Pacific transient), Pacific White-sided dolphin (North Pacific), Harbor porpoise (Southeast Alaska, GOA), Dall's porpoise (Alaska), Sperm whale (North Pacific), Baird's beaked whale (Alaska), Cuvier's beaked whale (Alaska), Stejneger's beaked whale (Alaska), Gray whale (Eastern North Pacific), Humpback whale (Western North Pacific, Central North Pacific), Fin whale (Northeast Pacific), Minke whale (Alaska), North Pacific right whale (North Pacific)

USFWS Managed Species

Northern sea otter (Southeast Alaska, Southcentral Alaska, Southwest Alaska), Pacific walrus (Alaska)

Direct and indirect interactions between marine mammals and the groundfish fisheries result from temporal and spatial overlap between commercial fishing activities and marine mammal occurrence. Direct interactions include injury or mortality due to entanglement in fishing gear. Indirect interactions include overlap in the size and species of groundfish important both to the fisheries and to marine mammals as prey. The GOA Pacific cod target fisheries are classified as Category III fisheries under the Marine Mammal Protection Act. Category III fisheries are unlikely to cause mortality or serious injury to more than 1% of the marine mammal's potential biological removal level, calculated on an annual basis (50 CFR 229.2). Taking of marine mammals is monitored by the North Pacific observer program.

Marine mammals listed under the Endangered Species Act (ESA) that may be present in the GOA are listed in Table 2-5. All of these species are managed by NMFS, with the exception of Northern Sea Otter, which is managed by U.S. Fish and Wildlife Service. A Biological Opinion evaluating impacts of the groundfish fisheries on the endangered species managed by NMFS was completed in November 2000 (NMFS 2000). The western population segment of Steller sea lions was the only ESA-listed species identified as likely to be adversely affected by the groundfish fisheries. A new Section 7 consultation was initiated in 2006. NMFS is also currently consulting with USFWS on the distinct southwest Alaska population of northern sea otters.

2.4 Seabirds

Various species of seabirds occur in the GOA, including resident species, migratory species that nest in Alaska, and migratory species that only occur in Alaska outside of the breeding season. The most numerous seabirds in Alaska are northern fulmars, storm petrels, kittiwakes, murres, auklets, and puffins. There are 38 species of seabirds that breed in Alaska. A list of species is provided below.³ Eight species breed only in Alaska and in Siberia. Populations of five other species are concentrated in Alaska but range throughout the North Pacific region. Marine waters off Alaska provide critical feeding grounds for these species as well as others that do not breed in Alaska but migrate to Alaska during summer, and for other species that breed in Canada or Eurasia and overwinter in Alaska. A detailed analysis of the effects of commercial fisheries on seabirds appears in the Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement (NMFS 2004). The Groundfish PSEIS also provides descriptions of the range, habitat, diet, abundance, and population status for these seabirds.

Species nesting in Alaska

Tubenoses-Albatrosses and relatives: Northern Fulmar, Fork-tailed Storm-petrel, Leach's Storm-petrel

Kittiwakes and terns: Black-legged Kittiwake, Red-legged Kittiwake, Arctic Tern, Aleutian Tern

Pelicans and cormorants: Double-crested Cormorant, Brandt's Cormorant, Pelagic Cormorant, Red-faced Cormorant

Jaegers and gulls: Pomarine Jaeger, Parasitic Jaeger, Bonaparte's Gull, Mew Gull, Herring Gull, Glaucous-winged Gull, Glaucous Gull, Sabine's Gull

Auks: Common Murre, Thick-billed Murre, Black Guillemot, Pigeon Guillemot, Marbled Murrelet, Kittlitz's Murrelet, Ancient Murrelet, Cassin's Auklet, Parakeet Auklet, Least Auklet, Wiskered Auklet, Crested Auklet, Rhinoceros Auklet, Tufted Puffin, Horned Puffin

Species that visit Alaska waters

Tubenoses: Short-tailed Albatross, Black-footed Albatross, Laysan Albatross, Sooty Shearwater, Short-tailed Shearwater

Gulls: Ross's Gull, Ivory Gull

The Northern Fulmar accounts for the majority of incidental seabird take in the groundfish fisheries, and is one of the most abundant species breeding in Alaska. The hook-and-line sector causes most of this take. Three ESA-listed species occur in waters off Alaska (see Table 2-6), and Kittlitz's Murrelet is a candidate species for listing under the ESA. The U.S. Fish and Wildlife Service (USFWS) has primary responsibility for managing seabirds, and has evaluated effects of the BSAI and GOA FMPs and the harvest specifications process on currently listed species in two Biological Opinions (USFWS 2003a and 2003b). Both Biological Opinions concluded that the groundfish fisheries, including the GOA Pacific cod fishery, are unlikely to jeopardize populations of listed species or adversely modify or destroy critical habitat for listed species.

Table 2-6 ESA-listed and candidate seabird species that occur in the management area.

Common Name	Scientific Name	ESA Status
Short-tailed Albatross	<i>Phoebastria albatrus</i>	Endangered
Steller's Eider	<i>Polysticta stelleri</i>	Threatened
Spectacled Eider	<i>Somateria fishcheri</i>	Threatened
Kittlitz's Murrelet	<i>Brachyramphus brevirostris</i>	Candidate

³Source: (USFWS web site Seabirds, Species in Alaska. Accessed at <http://alaska.fws.gov/mbsp/mbm/seabirds/species.htm> on August 31, 2007).

Due to different sampling procedures on trawl vessels, two sets of estimates are calculated for seabird bycatch. Average annual take by trawl vessels in the GOA from 1993 to 2004 was either 63 birds or 97 birds (Fitzgerald et al. 2006). Northern Fulmars comprised the majority of bycatch by trawl vessels during this period. Seabird bycatch by the groundfish pot sector has historically been very low. Average annual bycatch in the GOA pot sector from 1993–2004 was 55 seabirds, less than 1% of the average annual seabird bycatch in the groundfish fisheries.

Effects of the Alternatives

The Groundfish PSEIS (NMFS 2004a) concluded that the current GOA groundfish fisheries are not adversely impacting ESA-listed seabird species. Biological Opinions by the USFWS (2003a and 2003b) concluded that the groundfish fisheries in the GOA are unlikely to jeopardize populations of listed species or adversely modify or destroy critical habitat for listed species. Based on current estimates of seabird bycatch, the status quo alternative is not likely to have a significant impact on seabird populations.

The proposed action would add Pacific cod endorsements to fixed gear LLP licenses to limit entry to the Western and Central GOA directed Pacific cod fisheries. Overall levels of fishing effort by each gear sector, and the timing and location of fishing activities are not expected to change. The proposed action will not modify the management practices analyzed in previous Biological Opinions (USFWS 2003a and 2003b), is not likely to cause additional adverse effects to ESA-listed species, and is not likely to increase incidental takes of listed species. Consequently, the proposed action is not likely to have a significant impact on seabird populations.

2.5 Essential Fish Habitat

Essential fish habitat (EFH) is defined as those areas necessary to fish for spawning, breeding, feeding, or growth to maturity. Section 303(a)(7) of the Magnuson-Stevens Act requires all FMPs to describe and identify Essential Fish Habitat (EFH). In addition, FMPs must minimize to the extent practicable adverse effects of fishing on EFH and identify other actions to conserve and enhance EFH. Maps and descriptions of EFH for the GOA groundfish species are available in the Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska (NMFS 2004). This document also describes the importance of benthic habitat to different groundfish species and the impacts of different types of fishing gear on benthic habitat. Benthic habitat is potentially impacted by fishing practices that contact the seafloor. The analysis concludes that there are long term effects of fishing on benthic habitat features off Alaska and acknowledges that considerable scientific uncertainty remains regarding the consequences of those effects on the sustained productivity of managed species. Based on the best available scientific information, the EIS concludes that there are no indications that current fishing activities are altering the capacity of EFH to support health populations of managed species over the long term. The analysis concludes that no Council-managed fishing activities have more than a minimally adverse effect on EFH, which is the regulatory standard requiring action to minimize adverse effects under the MSA. The Council elected to adopt a variety of new measures to conserve EFH, which were implemented in 2006.

Effects of the Alternatives

The effects of the GOA Pacific cod fixed gear fisheries on benthic habitat and EFH were analyzed in the EFH EIS (NMFS 2005e). In the Pacific cod hook-and-line fishery, anchors, groundline, ganglions, and hooks potentially contact the seafloor. The Pacific cod pot fishery has a very small footprint (an estimated 0.17 square mile footprint for the GOA and BSAI combined). The jig fishery has no direct contact with the seafloor, although contact may occur incidentally. Year-round area closures protect

combination with other factors that affect physical, biological and socioeconomic components of the BSAI and GOA environment.

Beyond the cumulative impacts analysis documented in the Groundfish PSEIS, no additional past, present, or reasonably foreseeable cumulative negative impacts on the natural and physical environment (including fish stocks, essential fish habitat, ESA-listed species, marine mammals, seabirds, or marine ecosystems), fishing communities, fishing safety or consumers have been identified that would occur as a result of the proposed action. The proposed action, in combination with other actions, may have additional economic effects on the fixed gear sectors that participate in the GOA Pacific cod fisheries. In recent years, several regulatory changes implemented to protect Steller sea lions have had economic effects on participants in the GOA Pacific cod fisheries. The cumulative impacts from recent management actions are one of the driving forces behind industry support for the proposed amendment. Other fisheries in the region are subject to increasingly restrictive management measures. The GOA Pacific cod fisheries are among the few open access fisheries remaining. Participants that depend on these fisheries are concerned that changes in other fisheries will result in increased numbers of displaced vessels entering the GOA Pacific cod fisheries. Recent actions include:

- the IFQ halibut and sablefish fisheries
- AFA rationalization of the BSAI pollock fishery
- Amendment 67 to the BSAI groundfish management plan that established LLP endorsements specifically for fixed gear Pacific cod fishery participants
- BSAI crab rationalization
- GOA Rockfish Pilot Program – initially approved for two years but recently extended under reauthorization of the Magnuson-Stevens Act
- GOA and BSAI trawl LLP recency

Several reasonably foreseeable future actions are expected to have additional social and economic effects on these sectors, including the GOA Pacific cod sector allocations and revisions to the GOA Pacific cod sideboards. These social and economic effects are addressed in the Regulatory Impact Review (RIR), found in Chapter 3 of this document.

3.1 The Limited License Program (LLP)

The Limited License Program (LLP) limits access to the Federal groundfish and crab fisheries in the BSAI and GOA.⁴ In the mid to late 1990s, the Council developed the LLP to address capacity concerns and take a first step toward rationalization of the groundfish fisheries under its management. Fishing under the program began in 2000. The LLP requirement does not apply to Pacific halibut or lingcod, which are not considered groundfish under the Federal Fisheries Management Plans (FMPs). In addition, some Federal groundfish fisheries are not subject to the LLP requirement. In Federal regulations, License Limitation groundfish includes target species and the 'other species' category, specified annually pursuant to 679.20(a)(2).

The LLP established criteria for the issuance of licenses to persons based on the fishing history of vessels. This discussion briefly summarizes the primary provisions applicable to the fixed gear participants. The LLP defined a general qualification period (GQP) and an endorsement qualification period (EQP) both of which must have been satisfied for a management subarea for a vessel owner to receive a license. Vessels that met requirements for more than one subarea endorsement were issued a single, non-severable LLP license with multiple area endorsements. Qualification criteria differ across areas and subareas, and include a variety of exceptions meant to address specific circumstances in the different areas.

Table 3-1 shows the primary GQP and EQP requirements applicable to trawl vessels in the various BSAI and GOA subareas. In general, the endorsements and EQP catch requirements apply to a single subarea. However, the Central GOA endorsement and EQP catch requirements treat the Central GOA area and West Yakutat district as a single LLP endorsement area. Catch in either the Central GOA or West Yakutat qualified a vessel for a Central GOA endorsement, and this endorsement allows a vessel to fish in both the Central GOA and West Yakutat. EQP requirements differ across the different endorsement areas.⁵

Table 3-1 General LLP license issuance criteria.

Management area	General Qualification Period (GQP) (Jan. 1, 1988 - June 27, 1992)	Endorsement area	Vessel length and operation	Endorsement Qualification Period (EQP) (Jan. 1, 1992 - June 17, 1995)
Bering Sea and Aleutian Islands	One landing	Bering Sea	All vessels	One landing
		Aleutian Islands	All vessels	One landing
GOA	One landing	Western GOA	CVs ≥ 125 ft and CPs ≥ 60 ft	One landing in at least two calendar years
			CVs < 125 ft and CPs < 60 ft	One landing
		Central GOA	All vessels, ≥ 60 ft	One landing in at least two calendar years
			All vessels < 60 ft	One landing

⁴ Amendment 39 to the BSAI groundfish plan and Amendment 41 to the groundfish plan for the GOA established the LLP. The primary rules governing the LLP are contained in 50 CFR 679.4(k).

⁵ Notably, persons fishing only inside 3 nm (i.e., in State waters only) were eligible for an LLP license based on their State waters participation. However, persons that never acquired a Federal fisheries permit (FFP), required for participation in fisheries in Federal waters, were issued LLPs that are not transferable from the originating vessel.

(4) Vessels participating in the IFQ halibut and sablefish fisheries. Vessels fishing IFQ may also retain groundfish bycatch without a license. This provision was included in the LLP to minimize discards, and is consistent with National Standard 9 of the Magnuson-Stevens Act.

3.1.2 Pacific cod endorsements

Participation in the directed fisheries for Pacific cod in the Bering Sea and Aleutian Islands with pot or hook-and-line gear requires a gear-specific Pacific cod endorsement, in addition to an LLP license with the appropriate gear designation and area endorsements. These endorsements were created under Amendment 67 to the BSAI FMP and became effective on January 1, 2003. Pacific cod endorsements are not required to participate in the BSAI fisheries using trawl and jig gear. Four endorsements were created under Amendment 67: hook-and-line catcher vessel, pot catcher vessel, hook-and-line catcher processor, and pot catcher processor. The program used a vessel basis for determining qualification, because the LLP had not been implemented during the qualification periods. Vessels were required to meet various catch thresholds to qualify for the different endorsements. Qualification criteria for endorsements are summarized in Table 3-2. Vessels using jig gear could qualify for either a hook-and-line catcher vessel or pot catcher vessel endorsement based on their combined jig and hook-and-line catch or jig and pot catch, respectively.

Table 3-2 Qualification criteria for BSAI Pacific cod LLP endorsements.

Operation type	Gear type used for harvests	Pacific cod harvest threshold	Pacific cod endorsement
Catcher vessel	Hook-and-line or jig	7.5 mt in one year from 1995 to 1999	Hook-and-line catcher vessel
	Pot or jig	100,000 pounds (45 mt) in each of any two years from 1995 to 1999	Pot catcher vessel
Catcher processor	Hook-and-line or jig	270 mt in any one year from 1996 to 1999	Hook-and-line catcher processor
	Pot	300,000 pounds (136 mt) in each of any two years from 1995 to 1998	Pot catcher processor

Under Amendment 67, vessels with multiple licenses were only allowed to qualify for BSAI Pacific cod endorsements on a single license, in order to avoid increasing the capacity for additional entry into the fishery. However, individual licenses could qualify for more than one gear endorsement, although they could not qualify for more than one operation type endorsement within each gear type. For example, a license can carry a pot catcher vessel or pot catcher processor endorsement, but not both. However, a pot catcher processor endorsement allows that vessel to fish as either a catcher processor or catcher vessel. It should be noted that one groundfish license currently has 3 BSAI Pacific cod endorsements. This license has both a catcher vessel and catcher processor endorsement for pot gear. These endorsements still have interim status and are being adjudicated by RAM. Once the adjudication process is completed, licenses will have a maximum of two BSAI Pacific cod endorsements, one for each gear type.

Qualification thresholds for BSAI Pacific cod endorsements were based on retained catch from the directed Pacific cod fishery and excluded catch used for personal bait. Any vessel under 60 feet was exempt from the endorsement requirements. The action also contained a provision to address unavoidable circumstances. Although the action only limited entry to the Pacific cod fishery, the Bering Sea and Aleutian Islands catcher processor capacity reduction act (which was part of the Consolidated Appropriations Act of 2005) extended the scope of the endorsements for catcher processors to several other species, specifically Atka mackerel, flathead sole, Pacific Ocean perch, rock sole, Greenland turbot, and yellowfin sole.

Table 3-3 Regulatory changes impacting management of the GOA Pacific cod fishery, 1992 – 2008.

1992	<u>GOA Amendment 20</u> established 90% inshore & 10% offshore processing sector apportionments. Catcher processors and motherships <125 ft LOA may elect annually to participate in the inshore sector. Inshore vessels are limited to processing <126 mt of pollock and Pacific cod (in the aggregate) per week. Later amendments extended these apportionments.
1993	<u>BSAI/GOA Amendment 19/24</u> established Jan 20 start date for trawl gear in both the BSAI and GOA. Intent was to reduce halibut and Chinook salmon bycatch.
1994	<u>BSAI Amendment 24</u> . Established BSAI Pacific cod sector allocations. Later amendments (Am 46, Am 68, Am 77, Am 85) modified these allocations. Allocations to trawl, pot, and hook-and-line sectors were based on catch history. The allocation to the jig sector was higher than historic catch, with the intent of increasing entry level opportunities in the fishery.
1995	<u>BSAI/GOA Amendment 23/28</u> established a moratorium on new vessel entry to the groundfish fisheries. A moratorium permit was issued to any vessel that made a legal landing during a specified qualification period.
1997	The Alaska Board of Fish established the GOA State waters Pacific cod fishery with initial GHLs of 15% of WGOA ABC and 15% of CGOA ABC.
1998	<u>BSAI/GOA Amendment 49/49</u> . Increased Retention/Increased Utilization regulations require 100% retention of pollock and Pacific cod beginning in 1998, and shallow water flatfish beginning in 2003, while the directed fisheries for these species are open. When the directed fisheries are closed, all catch up to the maximum retainable amount (MRA) must be retained.
1998	The American Fisheries Act was implemented, and AFA-permitted CPs were prohibited from participating in the GOA groundfish fisheries.
2000	Sideboards that limit the GOA groundfish catch of 95 non-exempt AFA CVs were established. 16 AFA CVs were exempted from the sideboard, because they are <125 ft LOA, have annual BSAI pollock landings of <5,100 mt, and made at least 40 landings of GOA groundfish from 1995-1997.
2000	<u>BSAI/GOA Amendment 60/58</u> . Groundfish LLP implemented. Vessels must hold a groundfish LLP with the appropriate gear (trawl or fixed gear), area (WG or CG), and operation type (CV or CP) endorsement to participate in the WGOA or CGOA groundfish fisheries in Federal waters. No LLP license is required to participate in the parallel waters fisheries.
2001	The WGOA and CGOA Pacific cod TACs were apportioned seasonally under the Steller sea lion management measures. 60% of each TAC is apportioned to the A season (Jan 1- June 10) and 40% is apportioned to the B season (Sept 1 - Dec 31). Incidental catch between the A and B seasons accrues to the B season TAC.
2006	GOA Pacific cod crab sideboards were implemented that limit the catch of 85 non-AFA vessels that qualified for initial allocations of <i>C. opilio</i> under the BSAI crab rationalization program (recent Council revisions exempt 3 vessels).
2007	Amendment 80 sideboards implemented – limit groundfish catch of Am 80 trawl CPs in the GOA. Pacific cod sideboards are 2.2% of the Western GOA TAC and 4.0% of the Central GOA TAC.
2008	<u>BSAI/GOA Amendment 92/82</u> . Trawl recency- final action taken by the Council in April 2008. When implemented, will reduce number of trawl CV licenses to 96 Central GOA license (from 176) and 77 WGOA licenses (from 160). Will reduce the number of CP licenses to 20 Central GOA and 19 Western GOA licenses from 27 and 26, respectively.

Incidental catch when the directed groundfish fisheries are closed is limited to a Maximum Retainable Amount (MRA). The MRA limits the amount of non-directed species catch that may be retained to a percent of directed species catch. For Pacific cod, the MRA with respect to all directed species, with the exception of arrowtooth flounder, is 20%. The MRA for Pacific cod in the directed arrowtooth flounder

prevent the BSAI catcher processor fleet from directed fishing on the GOA offshore Pacific cod TACs. The reason for these closures is that the offshore TACs are relatively small and cannot support directed fishing by a large portion of the BSAI catcher processor fleet. In 2003, the offshore seasons were open to this fleet, and the Western GOA offshore A season TAC was overharvested (220%; see Table 3-6).

Table 3-5 Pacific cod catch and percent of the TAC harvested in the inshore and offshore sectors

Area	Year	Inshore			Offshore		
		TAC	Catch	Percent harvested	TAC	Catch	Percent harvested
Western Gulf	2001	16,470	12,461	75.7%	1,830	1,700	92.9%
	2002	15,164	15,541	102.5%	1,685	1,627	96.6%
	2003	13,905	14,029	100.9%	1,545	2,205	142.7%
	2004	15,261	14,274	93.5%	1,696	1,281	75.5%
	2005	14,118	11,978	84.8%	1,569	423	27.0%
	2006	18,127	13,648	75.3%	2,014	1,095	54.4%
	2007	18,127	12,265	67.7%	2,014	1,142	56.7%
	2008	17,504	13,452	76.9%	1,945	1,467	75.4%
Central Gulf	2001	27,255	25,255	92.7%	3,025	2,066	68.3%
	2002	22,311	22,665	101.6%	2,479	2,393	96.5%
	2003	20,421	22,601	110.7%	2,269	2,228	98.2%
	2004	24,404	25,533	104.6%	2,712	1,931	71.2%
	2005	22,577	22,234	98.5%	2,509	361	14.4%
	2006	25,565	21,609	84.5%	2,840	1,402	49.4%
	2007	25,565	24,860	97.2%	2,840	1,138	40.1%
	2008	25,583	26,518	103.7%	2,837	1,245	43.9%

Source: NMFS Catch Accounting (2003-2008) and Blend databases (2001-2002).

The A and B season TACs are not utilized equally (see Table 3-6). The A season TAC, which is harvested when Pacific cod are aggregated and roe peaks, is typically fully harvested. During recent years, A season catches have met or exceeded A season TACs in both the Western and Central GOA. Incidental catch between the A and B seasons is substantial, particularly by the inshore sector in the Central GOA. Incidental catch made between the A and B season counts against the B season TAC. During recent years, B season TACs have not been fully harvested. During some years, the trawl and hook-and-line B seasons have ended before the TAC is fully harvested, when halibut PSC limits have been reached. During 2005 through 2007, the hook-and-line, pot, and jig gear B seasons remained open until December 31, but inclement weather conditions, high operating costs, and difficulty finding fish limited B season harvests, particularly in the Western GOA.

Table 3-6 Pacific cod catch during the A and B seasons by the inshore and offshore sectors in the Western and Central GOA, 2003-2008
Western GOA

Year	Inshore						Offshore					
	A season			B season			A season			B season		
TAC	Catch	Percent harvested	TAC	Catch	Percent harvested	TAC	Catch	Percent harvested	TAC	Catch	Percent harvested	
2003	8,343	10,057	120.5%	5,562	3,972	71.4%	927	2040	220.1%	618	165	26.7%
2004	9,157	10,536	115.1%	6,104	3,738	61.2%	1017	626	61.6%	679	655	96.5%
2005	8,471	10,298	121.6%	5,647	1,686	29.9%	941	123	13.1%	628	300	47.8%
2006	10,876	12,299	113.1%	7,251	1,349	18.6%	1208	666	55.1%	806	429	53.2%
2007	10,876	10,836	99.6%	7,251	1,430	19.7%	1208	643	53.2%	806	500	62.0%
2008	10,502	10,577	100.7%	7,002	2,875	41.1%	1,167	1,190	102.0%	778	277	35.6%

Table 3-8 Pacific cod B season closures for the trawl and hook-and-line sectors in the Western and Central GOA, 2001-2008

Area	Year	Inshore			Offshore			Inshore			Offshore		
		Trawl			Hook-and-line			Trawl			Hook-and-line		
		Date	Reason	Date	Reason	Date	Reason	Date	Reason	Date	Reason	Date	Reason
Western Gulf	2001	21-Oct	HAL	21-Oct	HAL	4-Sep	HAL	4-Sep	HAL	21-Oct	HAL	4-Sep	HAL
	2002	13-Oct	HAL	3-Oct	TAC	23-Nov	TAC	3-Oct	TAC	8-Oct	TAC	8-Oct	TAC
	2003	12-Sep	HAL	not opened	TAC	25-Sep	TAC	not opened	TAC	14-Oct	TAC	14-Oct	TAC
	2004	1-Oct	HAL	1-Oct	HAL	2-Oct	HAL	2-Oct	HAL	1-Oct	HAL	2-Oct	HAL
	2005	1-Oct	HAL	1-Oct	HAL	31-Dec	n/a	31-Dec	n/a	1-Oct	HAL	31-Dec	n/a
	2006	8-Oct	HAL	8-Oct	HAL	31-Dec	n/a	31-Dec	n/a	8-Oct	HAL	31-Dec	n/a
	2007	1-Nov	SSL reg	1-Nov	SSL reg	31-Dec	n/a	31-Dec	n/a	1-Nov	SSL reg	31-Dec	n/a
	2008	1-Nov	SSL reg	1-Nov	SSL reg	16-Oct	HAL	16-Oct	HAL	1-Nov	SSL reg	16-Oct	HAL
Central Gulf	2001	21-Oct	HAL	21-Oct	HAL	4-Sep	HAL	4-Sep	HAL	21-Oct	HAL	4-Sep	HAL
	2002	not opened	TAC	8-Oct	TAC	26-Sep	TAC	8-Oct	TAC	8-Oct	TAC	8-Oct	TAC
	2003	3-Sep	TAC	14-Oct	TAC	3-Sep	TAC	14-Oct	TAC	14-Oct	TAC	14-Oct	TAC
	2004	10-Sep	TAC	1-Oct	HAL	2-Oct	HAL	2-Oct	HAL	1-Oct	HAL	2-Oct	HAL
	2005	1-Oct	HAL	1-Oct	HAL	31-Dec	n/a	31-Dec	n/a	1-Oct	HAL	31-Dec	n/a
	2006	8-Oct	HAL	8-Oct	HAL	31-Dec	n/a	31-Dec	n/a	8-Oct	HAL	31-Dec	n/a
	2007	1-Nov	SSL reg	1-Nov	SSL reg	31-Dec	n/a	31-Dec	n/a	1-Nov	SSL reg	31-Dec	n/a
	2008	3-Oct	TAC	1-Nov	SSL reg	16-Oct	HAL	16-Oct	HAL	1-Nov	SSL reg	16-Oct	HAL

Source: NMFS Alaska region season closures summary. HAL = halibut PSC closure. TAC = TAC reached.
 *The table shows the final B season closure date, and does not show the multiple openings of the trawl season.

3.2.4 Participation by fixed gear vessels and licenses

Pacific cod is the primary groundfish species targeted by the fixed gear sectors in the Western and Central GOA. During 2000 through 2008, Pacific cod comprised approximately 98% of retained groundfish harvests by vessels using fixed gear in the Western and Central GOA, excluding the IFQ halibut and sablefish fisheries. The number of vessels participating in a fishery is one measure of effort, although it does not capture variables such as the capacity of the fleet. Table 3-9 reports the number of fixed gear vessels that participated in the directed Pacific cod fisheries during 2000-2008 in the Western and Central GOA, excluding vessels that only had incidental catch of Pacific cod in the IFQ fisheries. There have been notable increases in participation in the directed Pacific cod fisheries in the GOA during the past several years, particularly in 2007 and 2008. For example, in both the Western and Central GOA, participation by pot and hook-and-line catcher vessels <50 ft LOA and 50-60 ft LOA increased in 2007 and 2008. In the Central GOA, the number of ≥60 ft pot CVs participating in the directed Pacific cod fisheries increased during the past several years, after several years of low participation in 2002 through 2004. Pot CV and CP participation peaked in the GOA 2000, when the start of the BSAI *C. opilio* fishery was delayed due to ice. In the Western GOA, pot CV participation by vessels ≥60 ft LOA declined somewhat during the past several years. In 2006, sideboards went into effect that limit Pacific cod harvests by recipients of initial allocations of BSAI *C. opilio* crab quota. These sideboard provisions limit participation by some pot vessels that historically fished in the GOA. Specifically, the sideboards prohibit 137 vessels from directed fishing for GOA Pacific cod, and limit Pacific cod harvests by 82 additional vessels to a sideboard limit. In addition to these sideboarded vessels, 36⁸ fixed gear groundfish LLP licenses are subject to the Pacific cod sideboards, and 11 licenses are prohibited from directed

⁸ The Council took final action in October 2008 to exempt 3 vessels and 3 licenses from the sideboards. Previously, 85 vessels and 39 fixed gear groundfish LLP licenses were subject to the sideboards.

Central Gulf 12 8 188 60 16 84 27 62 78 7

Table 3-11 Annual catch (mt) per vessel by fixed gear vessels participating in the directed Pacific cod fisheries, excluding IFQ catch, from 2000 to 2008.

Western GOA

Year	HAL CP <125	HAL CP ≥125	HAL CV <50	HAL CV 50-60	HAL CV ≥60	Jig CV	Pot CP	POT CV <50	POT CV 50-60	POT CV ≥60
2000	*	*	*	0	*	*	*	24	32	89
2001	*	*	*	*	*	10	346	38	45	82
2002	777	223	*	*	0	7	*	59	94	114
2003	445	184	*	0	*	4	*	108	146	204
2004	714	179	*	*	0	8	*	34	98	178
2005	*	*	24	8	0	6	*	52	47	237
2006	276	144	*	*	0	*	0	30	62	227
2007	381	120	19	*	*	0	*	61	81	128
2008	*	*	7	*	*	6	*	*	*	111

Central GOA

Year	HAL CP <125	HAL CP ≥125	HAL CV <50	HAL CV 50-60	HAL CV ≥60	Jig CV	Pot CP	POT CV <50	POT CV 50-60	POT CV ≥60
2000	69	0	36	62	119	2	227	30	93	132
2001	*	0	47	*	*	1	196	35	67	51
2002	0	406	*	80	*	0	44	13	73	98
2003	*	*	45	*	*	2	0	16	92	120
2004	*	*	79	69	108	4	0	18	149	186
2005	*	*	55	74	58	5	0	17	178	220
2006	*	*	77	112	125	4	0	21	142	192
2007	*	*	65	86	89	2	*	16	123	179
2008	145	337	47	86	91	2	0	7	93	123

Source: ADFG Fish Tickets and NMFS Catch Accounting/Blend, 2000-2008. Note: Excludes IFQ fisheries

The annual catch (mt) per vessel within each sector in the GOA directed Pacific cod fisheries is reported in Table 3-11. In general, hook-and-line and pot CPs and ≥60 ft LOA pot CVs have the highest annual catch per vessel. Jig vessels have the lowest annual catch per vessel (less than 10 mt per vessel). Annual catches per vessel within each sector depend on a number of variables, including Pacific cod TACs, conditions in the Pacific cod fishery, the number of vessels participating in the fishery, weather conditions, the timing of halibut PSC closures, and conditions in other fisheries. These variables make it difficult to describe trends in annual catch per vessel. For example, annual catches by hook-and-line vessels have varied, and do not show a clear trend. During some years, halibut PSC closures have limited hook-and-line catches during the B season. Conversely, during some years, the trawl B season has closed early due to halibut PSC limits, and the fixed gear sectors have had the opportunity to catch more of the TAC. Annual catches per vessel have declined in several sectors. For example, in the Central GOA, annual catches by ≥60 ft pot CVs declined from 220 mt per vessel in 2005 to 123 mt per vessel in 2008, and catches by 50-60 ft pot CVs declined by nearly half, from 178 mt in 2005 to 93 mt in 2008. In the Western GOA, annual catches by ≥60 ft pot CVs declined from 237 mt per vessel in 2005 to 111 mt per vessel in 2008.

Trends in the numbers of Western and Central GOA fixed gear CV licenses participating in the directed Pacific cod fisheries are reported in Table 3-12. In 2000 the number of fixed gear licenses participating in the Central and Western GOA was particularly high, because of the late start of the *C. opilio* season described earlier. In the Central GOA, the number of licenses participating in the directed Pacific cod fishery dropped to 99 licenses in 2003, climbed to 118 licenses in 2006, then increased substantially to 154 licenses in 2007 and 157 licenses in 2008. In the Western GOA, fixed gear CV license participation in the directed Pacific cod fishery ranged from 33 to 64 licenses during 2000 through 2008. In 2008, 55

Table 3-13 Number of fixed gear CP licenses and catch (mt) per license from 2000 to 2008 in the directed Pacific cod fisheries. Excludes IFQ participants.

Western GOA						
Year	All gear types		Hook-and-line		Pot	
	Number of licenses*	Catch (mt) per license	Number of licenses*	Catch (mt) per license	Number of licenses*	Catch (mt) per license
2000	8	446	8	446	0	0
2001	8	*	7	503	2	*
2002	6	*	5	871	1	*
2003	11	*	9	362	2	*
2004	9	*	7	408	2	*
2005	6	*	4	169	2	*
2006	12	*	11	220	1	*
2007	12	*	10	277	2	*
2008	14	*	12	254	2	*

Central GOA						
Year	All gear types		Hook-and-line		Pot	
	Number of licenses*	Catch (mt) per license	Number of licenses*	Catch (mt) per license	Number of licenses*	Catch (mt) per license
2000	4	133	2	*	2	*
2001	3	*	1	*	3	139
2002	4	*	3	369	1	*
2003	2	*	2	*	0	0
2004	3	347	3	347	0	0
2005	3	140	3	140	0	0
2006	9	*	7	145	2	*
2007	8	266	5	260	3	276
2008	10	*	9	195	1	*

Source: NMFS Catch Accounting/Blend and RAM groundfish license file, December 2008

* License counts do not necessarily correspond to vessel counts in Table 3-9. License counts may include vessels operating as CVs using CP licenses and vessels operating with stacked licenses (i.e., 2 or more licenses assigned to a single vessel). In Table 3-9, vessel counts may include vessels participating in the parallel waters fisheries without an LLP license. Licenses may have used more than one gear type.

3.2.5 Revenues in the GOA Pacific cod fisheries

Ex-vessel prices in the GOA Pacific cod fisheries increased substantially during 2007 (Table 3-14). Ex-vessel prices for fixed gear landings averaged \$0.494 per pound in 2007, an increase of \$0.10 per pound since 2006. Ex-vessel prices for trawl landings also averaged \$0.487 in 2007, an increase of \$0.12 per pound since 2006. Gross revenues for all catcher vessel landings of GOA Pacific cod totaled \$34.4 million in 2007, a 27% increase from 2006 revenues (Table 3-15). Participants in the 2008 GOA Pacific cod fisheries reported prices of up to \$0.68 per pound, including bonuses. CFEC price and gross revenues data for 2008 are not yet available. In 2009, poor market conditions worldwide resulted in price declines. Participants have reported that ex-vessel prices during the 2009 A season ranged from \$.30 to \$.33 in the GOA. Extensive information on economic conditions in the GOA Pacific cod fisheries can be found in the Economic SAFE Report (Hiatt et al., 2008).

Gross revenues by catcher vessels that used fixed gear in the directed Pacific cod fisheries in the Central or Western GOA are summarized in Table 3-18. Revenues are reported based on the sector that a vessel participated in during a given year in the Central or Western GOA directed Pacific cod fisheries. Table 3-18 also shows each sector's economic dependence on the GOA Pacific cod fisheries relative to its dependence on other Alaska fisheries. Pot vessels that did not qualify for BSAI crab allocations were highly dependent on GOA Pacific cod (19.7% of revenues), as well as the State GOA Pacific cod fisheries (11.5%) and IFQ halibut (25.1%). Crab-qualified pot CVs earned 14.6% of revenues from GOA Pacific cod during 2001-2007, and 65.3% of revenues from crab. Hook-and-line CVs earned 8.4% from GOA Pacific cod and 58% from halibut IFQ. Finally, jig vessels earned only 6.5% from the GOA Pacific cod fisheries, but also earned an additional 19.3% of revenues from the State GOA Pacific cod fisheries, and 43.3% of revenues from salmon.

First wholesale revenues for catcher processors that participated in the GOA Pacific cod fisheries are summarized in Table 3-19. The table shows that the GOA Pacific cod fisheries are a relatively small proportion of total production by trawl catcher processors. Trawl catcher processors mostly catch GOA Pacific cod incidentally while participating in other directed fisheries, and revenues from GOA Pacific cod comprised only 1.5% of first wholesale revenues during 2001-2007. Revenues for hook-and-line catcher processors were mainly from the BSAI Pacific cod fishery during 2001-2007 (77.5%). GOA Pacific cod and sablefish comprised 8.9% and 8.2% of first wholesale revenues for hook-and-line catcher processors during 2001-2007. Relatively few pot catcher processors participate in the GOA and BSAI Pacific cod fisheries. During 2001-2007, those pot CPs that participated in the GOA Pacific cod fisheries earned the majority of first wholesale revenues from the GOA Pacific cod fisheries (58.4%), and the remainder of revenues from the BSAI Pacific cod fishery.

Table 3-20 reports annual gross revenues per fixed gear CV license. Annual revenues per CV license have generally increased in both GOA management areas as the price of Pacific cod has increased. The tables also report revenues that licenses earned in the Western GOA or Central GOA Pacific cod fisheries as a percentage of revenues from all Alaska commercial fisheries, including groundfish, halibut, shellfish, salmon, and herring. Revenues from the GOA directed Pacific cod fisheries have remained a fairly consistent percentage of total annual revenues by these licenses in Alaska fisheries. Fixed gear CV licenses that participated in the directed Pacific cod fisheries in the Western GOA earned 11% to 22% of annual fisheries revenues from Pacific cod. Central GOA licenses earned 14% to 18% of annual fisheries revenues from the directed Pacific cod fishery. Table 3-20 also reports annual gross revenues per fixed gear CV license based on the gear type used in the directed Pacific cod fishery. Licenses that used pot gear had the highest annual revenues per license of the fixed gear CV sectors (2007 revenues: \$149,305 in the CGOA and \$108,295 in the WGOA). These figures only include revenues from the directed Pacific cod fishery in that management area. In 2007, licenses with hook-and-line catch earned approximately \$85,000 per license in the CGOA and \$34,000 per license in the Western GOA directed Pacific cod fisheries. Licenses with jig catch generally had annual revenues of less than \$5,000 per license in the directed cod fisheries.

Table 3-21 reports annual wholesale revenues per fixed gear CP license. Annual revenues per CP license in the directed Pacific cod fisheries have generally declined over time in the Western GOA, although they increased in 2007 with higher Pacific cod prices. Annual revenues per CP license that used hook-and-line gear in the Western GOA directed Pacific cod fishery during 2000-2007 ranged from \$215,000 per license in 2005 to more than \$900,000 per license in 2002. In the Central GOA, revenues per hook-and-line CP license have ranged from just over \$100,000 per license to nearly \$500,000 per license in 2007. In both management areas, revenues from the GOA directed Pacific cod fisheries have ranged from 5% to more than 20% of total annual wholesale revenues by CP licenses in all Alaska fisheries (including groundfish and halibut and sablefish IFQ, but not including salmon or shellfish).

Table 3-19 Percentage of gross revenues from GOA Pacific cod and other fisheries by catcher processors that participated in the GOA Pacific cod fisheries, averaged from 2001-2007.

Gear	Area	Fishery	Total number of unique vessels (2000-2007)**	Average annual catch (mt)	Average annual revenues	Percent of revenues
Hook-and-line	BSAI	Atka Mackerel	10	1	\$827	0.0%
		Flatfish	32	1,244	\$878,138	1.3%
		Other Species	31	1,265	\$497,720	0.7%
		Pacific Cod	36	38,307	\$51,833,438	77.5%
		Pollock	36	1,238	\$999,429	1.5%
		Rockfish	31	56	\$45,771	0.1%
		Sablefish	24	181	\$949,223	1.4%
		BSAI Total				\$55,204,547	82.6%
Hook-and-line	GOA	Atka Mackerel	3	1	\$374	0.0%
		Flatfish	24	49	\$54,181	0.1%
		Other Species	26	114	\$66,384	0.1%
		Pacific Cod	36	4,502	\$5,918,465	8.9%
		Pollock	29	19	\$7,964	0.0%
		Rockfish	26	129	\$117,117	0.2%
		Sablefish	20	1,077	\$5,469,946	8.2%
		GOA Total				\$11,634,430	17.4%
Hook-and-line total				\$66,838,977	100.0%	
Pot	BSAI	Atka Mackerel	1	*	*	*
		Flatfish	1	*	*	*
		Other Species	4	*	*	*
		Pacific Cod	6	515	\$594,218	40.7%
		Pollock	4	3	\$2,229	0.2%
		Sablefish	2	*	*	*
		BSAI Total				\$603,132	41.3%
Pot	GOA	Atka Mackerel	2	*	*	*
		Other Species	6	5	\$3,659	0.3%
		Pacific Cod	8	655	\$852,861	58.4%
		Pollock	1	*	*	*
		Rockfish	2	*	*	*
GOA Total				\$856,619	58.7%	
Pot Total				\$1,459,750	100.0%	
Trawl	BSAI	Atka Mackerel	19	34,747	\$22,693,733	17.0%
		Flatfish	21	64,134	\$50,254,938	37.6%
		Other Species	21	789	\$309,549	0.2%
		Pacific Cod	21	18,396	\$24,439,183	18.3%
		Pollock	21	10,169	\$8,350,252	6.2%
		Rockfish	20	5,891	\$4,754,323	3.6%
		Sablefish	20	115	\$577,423	0.4%
		BSAI Total				\$111,379,401	83.3%
Trawl	GOA	Atka Mackerel	18	351	\$202,757	0.2%
		Flatfish	21	8,825	\$8,871,453	6.6%
		Other Species	17	190	\$115,465	0.1%
		Pacific Cod	21	1,530	\$2,006,816	1.5%
		Pollock	20	286	\$116,860	0.1%
		Rockfish	20	9,162	\$8,602,974	6.4%
		Sablefish	20	469	\$2,349,967	1.8%
		GOA Total				\$22,266,293	16.7%
Trawl Total				\$133,645,693	100.0%	

Source: Retained catch data from Catch Accounting/Blend database, 2001-2007. First wholesale price per ton from Economic SAFE (Hiatt, 2008). *Withheld for confidentiality. **Not all vessels fished during all years from 2001-2007.

Table 3-21 First wholesale revenues per CP license in the directed GOA Pacific cod fisheries, 2000-2008.

Western GOA							
Year	All gear types			Hook-and-line		Pot	
	Number of licenses	Revenues per license	Percent of revenues from WG Pcod	Number of licenses	Revenues per license	Number of licenses	Revenues per license
2000	8	\$565,077	17.0%	8	\$565,077	0	\$0
2001	8	*	19.0%	7	\$602,040	2	*
2002	6	*	23.8%	5	\$911,895	1	*
2003	11	*	11.4%	9	\$423,330	2	*
2004	9	*	11.6%	7	\$490,861	2	*
2005	6	*	5.1%	4	\$215,126	2	*
2006	12	*	6.9%	11	\$371,981	1	*
2007	12	*	10.6%	10	\$543,162	2	*
2008	14	n/a	n/a	12	n/a	2	n/a

Central GOA							
Year	All gear types			Hook-and-line		Pot	
	Number of licenses	Revenues per license	Percent of revenues from WG Pcod	Number of licenses	Revenues per license	Number of licenses	Revenues per license
2000	4	\$168,608	20.5%	2	*	2	*
2001	3	*	5.4%	1	*	2	*
2002	4	*	11.6%	3	\$386,836	1	*
2003	2	*	24.1%	2	*	0	\$0
2004	3	\$346,793	22.8%	3	\$346,793	0	\$0
2005	3	\$102,634	6.5%	3	\$102,634	0	\$0
2006	9	*	4.9%	7	\$215,044	2	*
2007	8	\$392,367	13.1%	5	\$494,355	3	\$222,388
2008	10	n/a	n/a	9	n/a	1	n/a

Source: NMFS Blend/Catch Accounting, RAM groundfish license file (Dec 2008), and Hiatt et al (2007).

3.3 Analysis of the Alternatives, Components, and Options

This section provides an overview of the expected effects of the proposed action to add Pacific cod endorsements to Western and Central GOA fixed gear groundfish licenses. The tables show the number of fixed gear groundfish licenses that will be eligible to participate in the directed Pacific cod fisheries in Western and Central GOA under the various components and option. Following this overview is a discussion of the potential economic and socioeconomic effects which may occur as a result of the proposed action. Finally, effects on harvesters, processors, and communities are analyzed, followed by a description of the cumulative effects of the proposed amendment and other recent actions, and an analysis of the net benefits to the Nation.

3.3.1 Alternative 1 – No Action

Under the no action alternative, Pacific cod endorsements would not be added to Western and Central GOA fixed gear groundfish licenses. As a result, there would be no reduction in the number of fixed gear groundfish licenses eligible to participate in the directed Pacific cod fisheries in the Western and Central GOA. If this alternative is selected, fixed gear licenses that have not participated in the Western and Central GOA Pacific cod fisheries in recent years could enter the fisheries in the future and dilute revenues, increase costs, or both, for licenses with recent participation in the fisheries. Increased participation may result in negative economic impacts to current participants in the fisheries. The number

Option 3 are included would receive a nontransferable Pacific cod endorsement. The endorsement would be extinguished if the license is transferred to another vessel or owner.

Component 3

Option 1: 2000-2006

Option 2: 2002-2006

Option 3: Add the qualifying period January 1, 2007 through:

Suboption 1: June 4, 2008

Suboption 2: December 8, 2008

- Either of these suboptions will be selected in addition to one of the qualifying periods in Option 1 or Option 2.

Suboption 3: If an LLP license qualifies only when the supplemental range of years in Suboption 1 or Suboption 2 is included, any Pacific cod endorsements granted to licenses under these suboptions would be extinguished upon transfer of the LLP license to another vessel or owner.

Licenses will be credited with retained catch from the directed Pacific cod fisheries in the Federal and parallel waters fisheries. Landings must be made with fixed gear (pot, hook-and-line, or jig) in the endorsement area. Catch in the IFQ and State waters fisheries is excluded. Note that licenses with Central GOA endorsements are also credited with landings in the West Yakutat management area, because under the LLP, the Central GOA endorsement authorizes licenses to fish in Federal waters of West Yakutat. Each table shows the number of licenses that would qualify under the 2 options in

Component 4:

Option 1 – All directed Pacific Cod 1, 3, 5 landings (resulting in a Pcod endorsement)

Option 2 – All directed Pacific Cod 5, 10, 25, 100 mt (resulting in a Pcod endorsement)

Licenses that meet a landings threshold of 1, 3, or 5 landings or a catch threshold of 5, 10, 25, 100 mt in the respective management area would receive a Pacific cod endorsement. Directed Pacific cod catch is defined as landings made when the directed Pacific cod fisheries are open. Licenses are credited with landings made up to 7 days after the directed season closes in order to allow time for deliveries to be made or processing activity to be reported.

3.3.2.1 Catcher vessel licenses

The number of fixed gear catcher vessel licenses that meet each landings and catch threshold is reported in Table 3-23. The number of licenses that would qualify for a Pacific cod endorsement depends upon the catch definition, landings or catch threshold, and qualification period selected. There are currently 264 Western GOA fixed gear licenses, and 54 to 110 of these licenses would qualify for a Pacific cod endorsement. There are 883 Central GOA fixed gear licenses, and 110 to 306 of these licenses would qualify for a Pacific cod endorsement. If Pacific cod endorsements are added to licenses, the number of fixed gear catcher vessel licenses eligible to participate in the directed Pacific cod fishery would be reduced to 20% to 42% of current capacity in the Western GOA and 12% to 35% of current capacity in the Central GOA.

The number of qualifying Central GOA licenses varies substantially, and depends on the range of qualifying years used to determine catch history. If 2000-2001 catch history is included, approximately 30 to 60 additional Central GOA licenses meet the 1 landing threshold. The qualification period makes somewhat less of a difference for Western GOA licenses. In general, most Western GOA licenses with fishing history during 2000-2006 were also active during 2002-2006. Most Western and Central GOA licenses that have 3 or 5 landings also meet the 5 mt or 10 mt catch thresholds. However, only about 50%

The number of gear-specific Pacific cod endorsements that could be added to licenses under the different options (shown in Table 3-24) may be compared with the number of licenses participating on an annual basis using each gear type (see Table 3-12). In the Western GOA, up to 59 licenses per year have participated using pot gear, and as many as 96 licenses would qualify for pot endorsements at the 1 landing threshold during 2000 through Dec 8, 2008. As many as 7 hook-and-line vessels and 6 jig vessels have participated in the Western GOA directed Pacific cod fishery per year, and up to 14 hook-and-line and 12 jig endorsements could be added to licenses. In the Central GOA, up to 109 licenses participated using hook-and-line gear per year, and up to 202 licenses qualify for hook-and-line endorsements. A maximum of 85 licenses used pot gear in one year, and up to 124 licenses qualify for pot endorsements. Finally, up to 8 Central GOA licenses have jig landings in one year and up to 24 licenses would qualify for a jig endorsement.

The Council could choose different catch or landings thresholds for different gear types and MLOA designations to account for differences in catch history among licenses in each sector. In Component 4, options for defining the catcher vessel sectors include:

- Hook-and-line CV
Option: Hook-and-line CV ≥ 60
Hook-and-line CV < 60
- Pot CV
Option: Pot CV ≥ 60
Pot CV < 60
- Jig

In past actions, the Council has selected different qualifying thresholds for vessels based on gear, operation type, and vessel length. For example, the qualification criteria used to establish BSAI Pacific cod endorsements under Amendment 67 are shown in Table 3-2. In the BSAI, vessels with pot history needed 100,000 lbs (45 mt) of catch in each of 2 years during 1995-1999 to qualify for a pot catcher vessel endorsement, and vessels with hook-and-line history needed 7.5 mt of catch in any one year during 1995-1999 to qualify for a hook-and-line catcher vessel endorsement.

In determining the criteria that licenses will need to meet to qualify for GOA Pacific cod endorsements, the Council could take into consideration the differences in catch history among the gear types. For example, approximately 65% to 75% of Western GOA licenses that have at least one directed Pacific cod landing using pot gear also meet the highest (100 mt) catch threshold. Under most options, more than 50% of Central GOA licenses with at least 1 pot or hook-and-line landing in the directed Pacific cod fishery in the Central GOA meet the 100 mt threshold. However, in the Western GOA, no licenses with hook-and-line catch history in the directed Pacific cod fishery meet the 100 mt threshold during any of the qualification periods. Similarly, most licenses with jig history have less than 10 mt of Pacific cod catch during all of the qualifying periods.

Some catcher vessel licenses have catch history using more than one fixed gear type. Under the current set of options being considered by the Council, these licenses could potentially qualify for more than one gear-specific Pacific cod endorsement. Note that under Amendment 67, licenses could qualify for up to 2 BSAI Pacific cod endorsements (pot and hook-and-line CP or CV). If licenses are allowed to qualify for more than one Western or Central GOA Pacific cod endorsement, the endorsements could be made non-severable to prevent license holders from selling their Pacific cod endorsements, which could result in an expansion of the fleet. Allowing individual licenses to hold more than one gear endorsement would give those licenses the flexibility to use different fixed gear types during a given fishing year or over a series of years.

Licenses that only qualify when 2007 and 2008 catch history is included

Under Component 3, Suboption 3 states that if an LLP license qualifies for a Pacific cod endorsement only when the supplemental range of years (Jan 1, 2007 through Jun 4, 2008 or Dec 8, 2008) in Suboption 1 or Suboption 2 of Component 3 are included, any Pacific cod endorsement granted to a license would be extinguished upon transfer of the LLP license to another vessel or owner. The rationale for including Suboption 3 is that licenses that only have recent (2007 and 2008) history in the Western or Central GOA Pacific cod fisheries may have made these landings specifically for the purpose of qualifying for a Pacific cod endorsement. Those participants who entered the fishery in 2007 and 2008 would receive a Pacific cod endorsement under Suboption 1 or Suboption 2, and could continue to participate in the fishery. **It is important to note that Suboption 3 currently states that the Pacific cod endorsement would not be transferable to another vessel or owner.**

Designating licenses that qualify under Suboption 1 or Suboption 2 as non-transferable to another vessel or owner could have several effects. First, it would maintain the existing fleet of vessels in the Pacific cod fishery that are currently assigned to licenses that qualify based on 2007 or 2008 catch history. For example, a high capacity 58 ft LOA vessel could not later be assigned to a license to replace a lower capacity boat that is currently assigned to a license. However, it would also prevent a license holder from replacing a vessel for safety or other considerations. If a boat sinks or otherwise becomes inoperable, the Council may wish to specify vessel replacement provisions for these licenses. If the Council wishes to choose Suboption 3, but to allow the owner to transfer the license to another vessel, **Suboption 3 could be revised so that a license cannot be transferred to another owner, but can be transferred to another vessel.** This would allow license holders to replace the vessel assigned to the license with a different vessel. Suboption 3 would also preclude a license holder who receives a Pacific cod endorsement based on 2007 or 2008 history from opportunistically selling the license with the endorsement to another person. The intent of including 2007 and 2008 history is to allow those participants who have only recently entered the fishery to be able to continue to participate in the fishery. It is not intended to allow recent entrants to qualify for an endorsement in order to sell the license with the endorsement to another person.

Table 3-26 provides a summary of the CV licenses that qualify at the 1 landing threshold only when catch history from 2007 through December 8, 2008 is included. Approximately half of the additional CV licenses that qualify have an MLOA of 58 or 59 ft. There are 37 Central GOA CV licenses that qualify at the 1 landing threshold; 32 of these licenses have an MLOA of <60 ft, and 19 have an MLOA of 58 or 59 ft. Three of the 37 licenses are currently assigned to 'Super 8' vessels greater than 100 gross tons. The licenses are mostly held by Alaska residents (25 of the 37 licenses, including 10 held by Kodiak residents). There are 17 Western GOA CV licenses that qualify at the 1 landing threshold only when 2007 and 2008 catch history is included; 10 licenses have an MLOA of <60 ft, and 7 licenses have an MLOA of 58 or 59 ft (including 1 'Super 8' vessel that is greater than 100 gross tons). The licenses are also mostly held by Alaska residents (7 of 10 licenses). Four Western GOA and 4 Central GOA CV licenses that qualify are stacked on two vessels (2 licenses per vessel). If these licenses are transferable, the stacked licenses could be assigned to different vessels or sold to different persons in the future, which would result in an increase in the size of the fleet eligible to participate in the Western and Central GOA Pacific cod fishery.

There are also additional CP licenses that qualify for a Pacific cod endorsement at the 1 landing threshold when catch through Dec 8, 2008 is credited to licenses. Three additional Western GOA licenses and 7 additional Central GOA licenses meet the 1 landing threshold. Most of these licenses have hook-and-line CP landings, and would qualify for a hook-and-line Pacific cod endorsement. There is a comparison of annual participation and revenues in the GOA Pacific cod fisheries and other Alaska fisheries by CV and

Table 3-24 Number of fixed gear catcher vessel licenses that meet the landings and catch thresholds based on landings using a specific gear type in the Western or Central GOA directed Pacific cod fisheries.

Western GOA licenses - 264 CV licenses

Hook-and-line						
Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	14	12	7	14	12	7
3 landings	11	8	4	10	7	3
5 landings	9	5	1	9	5	1
5 mt	13	11	6	12	10	5
10 mt	11	9	3	11	9	3
25 mt	9	6	0	9	6	0
100 mt	3	0	0	3	0	0

Jig						
Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	12	9	9	11	8	8
3 landings	7	7	7	7	7	7
5 landings	5	5	5	5	5	5
5 mt	7	6	6	7	6	6
10 mt	3	3	3	3	3	3
25 mt	*	*	*	*	*	*
100 mt	0	0	0	0	0	0

Pot						
Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	96	94	83	86	84	72
3 landings	88	87	77	82	81	69
5 landings	82	81	71	76	75	64
5 mt	91	89	78	84	82	69
10 mt	88	86	75	83	81	68
25 mt	82	81	71	76	75	63
100 mt	65	63	55	65	63	54

Source: ADFG Fish Tickets (2000-2007), NMFS Catch Accounting (2008) and RAM groundfish license file, December 2008.

*Withheld for confidentiality.

Note: Gear type columns are not mutually exclusive, and the number of licenses in the columns in Table 3-24 may sum to more than the number of qualifying licenses in Table 3-23.

Table 3-25 Number of catcher vessel licenses that meet the landings and catch thresholds based on catch in the directed Pacific cod fisheries in the Western and Central GOA using a specific gear type, reported by the MLOA on the license.

Western GOA- 264 CV licenses

Hook-and-line gear									
	<50 feet	50-59 feet	≥60 feet	<50 feet	50-59 feet	≥60 feet	<50 feet	50-59 feet	≥60 feet
	2000- Dec 2008			2000- June 2008			2000-2006		
1 landing	4	6	4	3	6	3	0	6	1
3 landings	4	4	3	3	4	1	0	3	1
5 landings	3	3	3	2	2	1	0	1	0
5 mt	3	6	4	*	6	*	0	6	0
10 mt	3	4	4	*	4	*	0	3	0
25 mt	*	*	4	*	*	*	0	0	0
100 mt	0	*	*	0	0	0	0	0	0

Jig gear									
	<50 feet	50-59 feet	≥60 feet	<50 feet	50-59 feet	≥60 feet	<50 feet	50-59 feet	≥60 feet
	2000- Dec 2008			2000- June 2008			2000-2006		
1 landing	4	7	1	4	5	0	4	5	0
3 landings	3	4	0	3	4	0	3	4	0
5 landings	2	3	0	2	3	0	2	3	0
5 mt	3	4	0	*	*	0	*	*	0
10 mt	*	*	0	*	*	0	*	*	0
25 mt	*	*	0	*	*	0	*	*	0
100 mt	0	0	0	0	0	0	0	0	0

Pot gear									
	<50 feet	50-59 feet	≥60 feet	<50 feet	50-59 feet	≥60 feet	<50 feet	50-59 feet	≥60 feet
	2000- Dec 2008			2000- June 2008			2000-2006		
1 landing	2	67	27	2	67	25	2	59	22
3 landings	2	62	24	2	61	24	2	53	22
5 landings	1	59	22	1	58	22	1	51	19
5 mt	*	63	*	*	63	*	*	55	*
10 mt	*	*	25	*	*	24	*	*	21
25 mt	0	58	24	0	57	24	0	50	21
100 mt	0	46	19	0	44	19	0	37	18

Source: ADFG Fish Tickets (2000-2007), NMFS Catch Accounting (2008) and RAM groundfish license file, December 2008.

*Withheld for confidentiality.

Note: Length classes are based on the MLOA on each license, and not on the vessel assigned to that license. A vessel may have an LOA less than the MLOA on its license. The number of licenses qualifying in each MLOA length class may differ from the number of vessels in each LOA length class that have participated in the fisheries.

3.3.2.2 Catcher processor licenses

The number of catcher processor licenses that meet the various landings and catch thresholds is reported in Table 3-27. For the purpose of this analysis, catcher processor licenses were credited with both catcher processor and catcher vessel landings. The same rule was used for the trawl recency action. Catch Accounting data was used to determine the number of landings and retained catch (mt) by catcher processors. The Council elected to use Catch Accounting data rather than Weekly Production Reports for the GOA Pacific cod sector allocations to catcher processors. Catch Accounting data was used in this analysis to be consistent with the sector split analysis, but the Council could choose to use Weekly Production Reports instead. For the purpose of determining whether licenses meet the recency criteria, Catch Accounting data and Weekly Production Reports should produce similar results. One advantage of using Catch Accounting data to generate the estimates in this analysis is that landings by all vessels are stored in a single database, making it easier to ensure that catcher processors are credited for any landings made as catcher vessels.

The Council elected to exclude IFQ catch from qualifying catch for the purpose of determining recent participation in the groundfish fisheries. However, the Catch Accounting and Weekly Production Report databases have not historically tracked IFQ catch in a consistent manner. NMFS staff suggested excluding all halibut and sablefish targeted catch as a proxy for identifying IFQ catch. This approach may exclude some qualified groundfish catch, particularly directed Pacific cod catch, when Pacific cod comprised more than 20%, but less than 50% of a vessel's catch while it was targeting halibut or sablefish. Directed fishing is defined as any fishing activity that results in the retention of greater than the maximum retainable amount (MRA) for that species (679.2). For this reason, these trips were identified and groundfish and directed cod catch was credited to licenses.

There are 31 Western GOA catcher processor licenses, and between 19 and 24 licenses meet the 1 landing threshold during the qualifying periods in Options 1 through 3, and would qualify for a Pacific cod endorsement. The majority of Western GOA licenses that have catch history during the various qualifying periods also meet the highest catch threshold (100 mt) and landings threshold (5 landings). Three licenses qualified only when catch through December 2008 was included. There are 49 Central GOA licenses, and 12 to 21 licenses meet the 1 landing threshold during the qualifying periods in Options 1 through 3 and would qualify for a Pacific cod endorsement. In general, a smaller proportion of Central GOA CP licenses that meet the one landing threshold also meet the highest catch and landings thresholds. There were 7 licenses that qualified only when catch (at the 1 landing threshold) through December 2008 was included.

The number of catcher processor licenses that would qualify for gear-specific Pacific cod endorsements includes:

Western GOA

- 13 to 22 hook-and-line catcher processor endorsements
- Up to 5 pot catcher processor endorsements
- 3 licenses have both hook-and-line and pot landings during 2000-Dec 8, 2008

Central GOA

- 7 to 18 hook-and-line catcher processor endorsements
- Up to 4 pot catcher processor endorsements
- 1 license has both hook-and-line and pot landings during 2000-2006 and 2000-Dec 8, 2008

The number of gear-specific Pacific cod endorsements that could be added to CP licenses under the different options (shown in Table 3-27) may be compared to the number of CP licenses participating on

Central GOA – 49 CP licenses

All gear						
Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	21	21	14	19	19	12
3 landings	18	18	12	17	17	11
5 landings	14	14	11	12	12	9
5 mt	21	21	14	18	18	*
10 mt	19	19	12	18	18	*
25 mt	18	18	12	17	17	*
100 mt	15	15	*	14	14	*

Hook-and-line gear						
Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	18	18	12	16	16	10
3 landings	15	15	10	14	14	9
5 landings	10	10	8	9	9	7
5 mt	18	18	12	15	15	9
10 mt	16	16	10	15	15	9
25 mt	15	15	10	14	14	9
100 mt	11	11	7	11	11	7

Pot gear						
Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	4	4	3	3	3	2
3 landings	4	4	3	3	3	2
5 landings	4	4	3	3	3	2
5 mt	4	4	3	3	3	*
10 mt	4	4	3	3	3	*
25 mt	4	4	3	3	3	*
100 mt	4	4	*	3	3	*

Source: Catch Accounting/Blend data and RAM LLP license file, December 2008. *Withheld for confidentiality.

Note: Gear type columns are not mutually exclusive, because some licenses have catch history using more than one gear type. The number of licenses in the gear columns may sum to more than the total number of licenses qualifying.

3.3.2.3 Licenses subject to crab sideboards

In developing the BSAI crab rationalization program, the Council imposed sideboards on the GOA groundfish fisheries. Pot vessels generally participate in only the crab and Pacific cod fisheries. As a result, the only perceived increase in opportunity arising from the crab rationalization program was thought to be in the Pacific cod fisheries in the GOA that are prosecuted in January, when the Bering Sea *C. opilio* fishery is typically prosecuted. Only recipients of initial allocations⁹ in the Bering Sea *C. opilio* fishery are subject to the sideboards. The sideboards limit these vessels and licenses to their historic share of retained catch of GOA Pacific cod and other GOA groundfish during 1996-2000, excluding catch of fixed gear sablefish. Vessels that have limited history in the GOA groundfish fisheries – less than 50 mt of catch during 1996 to 2000 – are prohibited from directed fishing for Pacific cod in the GOA. Vessels that landed less than 100,000 pounds of Bering Sea *C. opilio* and more than 500 mt of Pacific cod in the GOA from 1996 to 2000 are exempt from the sideboards.

These sideboard provisions limit participation by some vessels that historically fished in the GOA. Specifically, the sideboards prohibit 137 vessels from directed fishing for GOA Pacific cod, and limit Pacific cod harvests by 82 additional vessels to a sideboard limit. In addition to these sideboarded vessels, 36¹⁰ fixed gear groundfish LLP licenses are subject to the Pacific cod sideboards, and 11 licenses are prohibited from directed fishing for Pacific cod in the GOA. The purpose of this discussion is to provide an estimate of the number of licenses that may qualify for a Pacific cod endorsement in each gear group, but are subject to the GOA Pacific cod sideboards for BSAI crab qualified vessels. These licenses may receive a gear-specific Pacific cod endorsement, but their participation in the GOA Pacific cod fisheries will be limited by the crab sideboards.

Of the 36 sideboarded licenses, 6 are CP licenses and 30 are CV licenses (see Table 3-29). The 6 CP licenses include 4 Central GOA and 4 Western GOA endorsed licenses. The 30 CV licenses include 20 Central GOA and 14 Western GOA endorsed licenses. All but one of the sideboarded CV licenses has an MLOA of ≥ 60 ft. The sideboard amounts are calculated as a percentage of the Western and Central GOA inshore and offshore Pacific cod TACs (see Table 3-30). If GOA Pacific cod sector allocations are established, and supersede the current inshore/offshore processing sector allocations, the GOA inshore and offshore crab sideboards will likely need to be recalculated into a combined sideboard amount.

Table 3-29 Number of licenses subject to crab sideboards or prohibited from directed fishing for Pacific cod

Operation Type	P. Cod Prohibited			P. Cod Sideboarded		
	Number of licenses	Number WG endorsed	Number CG endorsed	Number of licenses	Number WG endorsed	Number CG endorsed
Catcher Vessel	11	8	6	30	14	20
Catcher Processor	0	0	0	6	4	4

Source: RAM LLP license file, October 2008. Does not include 3 licenses recently exempted from the sideboards in Oct 2008.

⁹ Since allocations in the program are based on catch history associated with a license, the sideboard is constructed to limit catch using the license. This is done by sideboarding any vessel the catch of which led to a share allocation and any vessel named on the license that arose from the catch history of the vessel that led to that allocation.

¹⁰ The Council took final action in October 2008 to exempt 3 vessels and 3 licenses from the sideboards. Previously, 85 vessels and 39 fixed gear groundfish LLP licenses were subject to the sideboards.

If the qualification period includes 2000-2001, NMFS may need to rely on alternative forms of documentation, such as individual affidavits or private contracts, to document catch history on licenses that were transferred during this period. Use of these forms of documentation is also likely to make the action more difficult to implement. Excluding 2000 and 2001 from the qualification period would simplify implementation of the action. Beginning in 2002, licenses were required to be formally assigned to a vessel in order to participate in LLP fisheries, and a complete record of license transfers exists. The transfer data was used to assign catch from each vessel to all licenses assigned to the vessel from 2002 to the present. Table 3-31 summarizes the number of licenses that have been transferred from the original qualifying vessel.

Table 3-31 Number of GOA fixed gear licenses no longer assigned to the original qualifying vessel.

Area endorsement	Operation designation	Number of licenses	Number of licenses not on original vessel
Central Gulf	Catcher vessel	883	236
	Catcher processor	49	10
Western Gulf	Catcher vessel	264	87
	Catcher processor	31	7

Source: RAM groundfish LLP license file, December 2008

3.3.2.5 Definition of qualifying catch

Qualifying catch includes retained catch from the directed Pacific cod fisheries in parallel and Federal waters. Qualifying catch does not include incidental catch of groundfish from the IFQ fisheries or State waters fishery catch. The IFQ halibut and sablefish fisheries are exempt from the LLP requirement. Incidental catch of LLP groundfish species in the IFQ fisheries may be retained without a groundfish license. This exemption was included in the LLP to minimize discards, and is consistent with National Standard 9 of the Magnuson-Stevens Act.

Catch thresholds are currently based on retained catch. Retained catch is likely a better indicator of dependence than total catch, because discards provide no direct return. Also, retained catch can be estimated more precisely, because discards by catcher vessels are typically extrapolated from observer estimates of at-sea discards. Currently, these definitions of qualifying catch do not exclude catch used for meal production. Data provided in the draft preliminary review EA/RIR/IRFA for the GOA Pacific cod sector allocations indicated that catcher processors in the GOA did not produce meal from Pacific cod during 1995-2006, and typically less than 1% of Pacific cod harvests by catcher vessels are used for meal production. The Council has excluded catch destined for meal production from some allocation programs based on the rationale that meal is a relatively low value product and its inclusion could disadvantage some small catcher processors that do not have meal production capacity. This was not an issue in the GOA, and the Council elected to include catch destined for meal production as qualifying catch for the purposes of the proposed GOA Pacific cod sector allocations and this action.

Exemptions from the proposed action

The Council is considering several exemptions from the proposed action. These exemptions would (1) allow certain types of vessels to participate in the directed Pacific cod fisheries without a Pacific cod endorsement, and (2) exempt some licenses from the catch thresholds, allowing these licenses to qualify for a Pacific cod endorsement even if they do not have qualifying catch. In determining which exemptions will be selected, the Council may wish to consider balancing the objective of creating

fishery using jig gear and would not be restricted to the gear limits that apply to licenses that do not have a Pacific cod endorsement. Several licenses that could qualify for a Western or Central GOA Pacific cod endorsement based on jig landings also have pot or hook-and-line landings, and could potentially qualify for a pot or hook-and-line Pacific cod endorsement based on catch using these gear types.

Table 3-32 Number of vessels with Pacific cod catch using jig gear in the parallel and Federal fisheries in the Western and Central GOA during 2000-2007, and their LLP status.

Year	Central GOA						Western GOA					
	<58 feet		58-59 feet		≥60 feet		<58 feet		58-59 feet		≥60 feet	
	LLP	No LLP	LLP	No LLP	LLP	No LLP	LLP	No LLP	LLP	No LLP	LLP	No LLP
2000	5	11	0	1	0	0	3	1	0	0	0	0
2001	4	11	0	0	0	0	3	14	0	0	0	0
2002	2	4	0	0	1	0	8	20	1	0	0	1
2003	5	7	0	0	0	0	4	7	0	0	0	0
2004	7	26	0	0	0	2	8	15	0	0	0	0
2005	5	19	0	1	1	2	1	5	0	0	0	0
2006	6	16	0	0	1	1	0	1	0	0	0	0
2007	5	12	0	1	1	0	2	2	0	0	0	0

Source: ADFG fish tickets and RAM Groundfish license file, October 2008. Note: Includes all Pacific cod catch (both directed and incidental).

Table 3-33 Number of fixed gear catcher vessel licenses meeting the landings and catch thresholds with jig landings during 2000-2006, reported by the MLOA on the license.

Western GOA		<40 feet	40-49 feet	50-57 feet	≥58 feet
All Groundfish	1 landing	1	3	2	7
	3 landings	1	2	2	2
	5 landings	1	1	2	1
	5 mt	0	*	*	*
	10 mt	0	*	*	*
	25 mt	0	*	*	0
	100 mt	0	0	0	0
Directed cod	1 landing	1	3	2	3
	3 landings	1	2	2	2
	5 landings	1	1	2	1
	5 mt	0	*	*	*
	10 mt	0	*	*	*
	25 mt	0	*	*	0
	100 mt	0	0	0	0
Central GOA		<40 feet	40-49 feet	50-57 feet	≥58 feet
All Groundfish	1 landing	4	18	9	14
	3 landings	1	8	4	6
	5 landings	1	3	3	4
	5 mt	*	*	*	*
	10 mt	0	*	0	*
	25 mt	0	*	0	0
	100 mt	0	0	0	0
Directed cod	1 landing	3	8	4	4
	3 landings	1	4	2	2
	5 landings	1	3	1	2
	5 mt	*	*	*	*
	10 mt	0	*	0	*
	25 mt	0	0	0	0
	100 mt	0	0	0	0

Source: ADFG Fish Tickets and RAM Groundfish license file, October 2008. *Withheld for confidentiality.

amount of inshore and offshore Pacific cod TAC remaining on Sept 1 during 2003 through 2008, including any remaining A season TAC that was rolled over to the B season TAC, and excluding any A season overages that were subtracted from the B season TAC. Most B season harvests have occurred prior to Nov 1, although during most years, some vessels have continued to fish until the end of the calendar year. Table 3-37 reports inshore and offshore harvests by fixed gear vessels during the B season in the Western GOA from 2003-2008. The table shows that the majority of Western GOA B season harvests have been by catcher vessels that used pot gear. Catches and participation are highest during September and decrease in later months. If the Council chooses the minimum threshold of 1 directed Pacific cod landing during 2000 through Dec 8, 2008, 110 Western GOA CV licenses and 24 Western GOA CP licenses would qualify for a Pacific cod endorsement. The proposed B season exemption would apply to the estimated 154 Western GOA CV licenses and 7 Western GOA CP licenses that do not qualify for a Pacific cod endorsement. These licenses would be eligible to fish in the Western GOA directed Pacific cod fishery under the proposed exemption, either using any fixed gear type or using pot gear only.

Table 3-35 Pacific cod B season closures for the trawl and hook-and-line sectors in the Western GOA.

Area	Year	Inshore			Offshore			Inshore			Offshore		
		Date	Reason	Trawl	Date	Reason	Offshore	Date	Reason	Hook-and-line	Date	Reason	Offshore
Western Gulf	2001	21-Oct	HAL		21-Oct	HAL		4-Sep	HAL		4-Sep	HAL	
	2002	13-Oct	HAL		3-Oct	TAC		23-Nov	TAC		3-Oct	TAC	
	2003	12-Sep	HAL	not opened		TAC		25-Sep	TAC	not opened		TAC	
	2004	1-Oct	HAL		1-Oct	HAL		2-Oct	HAL		2-Oct	HAL	
	2005	1-Oct	HAL		1-Oct	HAL		31-Dec	n/a		31-Dec	n/a	
	2006	8-Oct	HAL		8-Oct	HAL		31-Dec	n/a		31-Dec	n/a	
	2007	1-Nov	SSL reg		1-Nov	SSL reg		31-Dec	n/a		31-Dec	n/a	
	2008	1-Nov	SSL reg		1-Nov	SSL reg		16-Oct	HAL		16-Oct	HAL	

Table 3-36 Inshore and offshore catch of Pacific cod during the B season in the Western GOA.

Year	Inshore B season TAC available on Sept. 1 (mt)**	Catch from Sept 1 - Oct 31		Inshore B season TAC available on Nov. 1 (mt)	Catch from Nov 1 - Dec 31		Inshore B season TAC available on Dec. 31 (mt)
		mt	% of B season TAC		mt	% of B season TAC	
2003	3662	3786	103%	0	1	0%	0
2004	4665	3427	73%	1,238	258	6%	980
2005	3753	1396	37%	2,357	233	6%	2124
2006	5800	458	8%	5,342	865	15%	4477
2007	7224	1184	16%	6,040	181	3%	5859
2008	6896	2281	33%	4,615	492	7%	4123
Year	Offshore B season TAC available on Sept. 1 (mt)**	mt	% of B season TAC	Offshore B season TAC available on Nov. 1 (mt)	mt	% of B season TAC	Offshore B season TAC available on Dec. 1 (mt)
2003	0	28	n/a	0	0	n/a	0
2004	867	452	52%	415	0	0%	415
2005	1384	238	17%	1,146	0	0%	1146
2006	1282	168	13%	1,114	196	15%	918
2007	1225	309	25%	916	45	4%	871
2008	640	123	19%	517	16	3%	501

Source: NMFS Catch Accounting. ** May exceed the initial 40% B season apportionment when unused A season TAC was rolled over to the B season, or may be less than the initial 40% B season apportionment if there was an A season overage.

GOA B season pot vessel effort is not likely to have a direct impact on participants in other GOA management areas.

3.3.2.8 Exemption for participants in informal halibut PSC cooperative

In Component 3, there is an option to exempt hook-and-line catcher processors that voluntarily stood down from the GOA Pacific cod fisheries as part of the informal halibut PSC cooperative in 2006, 2007, or 2008 from the catch or landings thresholds. The rationale for this exemption is that these licenses did not have directed Pacific cod landings during these years because they voluntarily stood down from the GOA Pacific cod fishery so that other hook-and-line vessels had the opportunity to participate in the fishery. Most of the freezer longliner fleet fishes for Pacific cod in the BSAI, then moves into the GOA after the BSAI Pacific cod seasons close. In 2005, the BSAI freezer longliner fleet did not fish in the GOA during the B season, because NMFS inseason management was concerned that there was not sufficient halibut PSC to support this fleet. As a result, in 2006, 2007, and 2008 the freezer longliners set up an informal 'PSC co-op' with NMFS inseason management during the B season. Under this arrangement, the third seasonal apportionment of halibut PSC was informally divided between catcher processors and catcher vessels. The freezer longliners then further divided the catcher processor PSC among vessels fishing the B season.

There are 28 hook-and-line catcher processor licenses that participated in the informal PSC cooperative during 2006, 2007, or 2008, and 26 of these licenses voluntarily stood down from fishing in the GOA during at least one of these years. The 26 licenses include 22 Central GOA endorsed vessels and 16 Western GOA endorsed licenses. The exemption would allow any of these 26 catcher processor licenses that do not meet the landings thresholds in the directed Pacific cod fishery to qualify for a Pacific cod endorsement. If endorsements specify a gear type and operation type, these licenses would receive a hook-and-line CP endorsement.

Table 3-38 Number of fixed gear CP licenses that would qualify for a Pacific cod endorsement under the exemption for participants in the informal halibut PSC cooperative during 2006 through 2008, because they do not meet the landings or catch thresholds during the qualifying periods.

Western GOA

Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	1	1	1	1	1	2
3 landings	1	1	1	2	2	3
5 landings	2	2	3	3	3	4
5 mt	*	*	*	*	*	*
10 mt	*	*	*	*	*	*
25 mt	*	*	*	*	*	*
100 mt	*	*	*	*	*	*

Central GOA

Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	10	10	14	10	10	14
3 landings	11	11	15	11	11	15
5 landings	15	15	16	16	16	17
5 mt	10	10	14	11	11	15
10 mt	11	11	15	11	11	15
25 mt	11	11	15	11	11	15
100 mt	12	12	16	13	13	17

Source: NMFS Catch Accounting/Blend and RAM groundfish license file. Dec 2008.

license, and the availability of licenses allowing for that entry is critical. In developing this action, the Council will need to balance the interests of those wishing to limit entry to the fixed gear groundfish fisheries against the interests of creating adequate opportunities for potential future entrants.

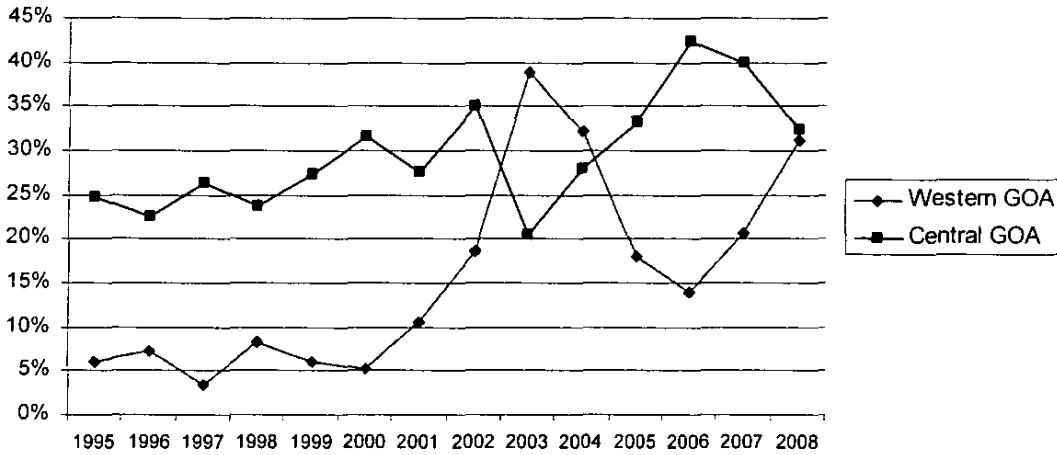


Figure 3-1 Percent of retained Pacific cod catch harvested by <60 ft LOA vessels using fixed gear in the Western GOA and Central GOA during 1995-2008.

Table 3-39 Percentage of licenses with at least one directed Pacific cod landing, by MLOA on license.

MLOA on license	Number of licenses	Western Gulf			Central Gulf			
		Percent with at least one fixed gear landing in the endorsement area			Percent with at least one fixed gear landing in the endorsement area			
		2000- Dec 2008	2000- June 2008	2000- 2006	Number of licenses	2000- Dec 2008	2000- June 2008	2000- 2006
<40 ft MLOA	13	23%	23%	4%	64	33%	33%	30%
40- 49 ft MLOA	22	27%	23%	23%	182	50%	49%	47%
50- 59 ft MLOA	119	60%	60%	54%	456	29%	28%	24%
≥60 ft MLOA	110	27%	25%	21%	181	33%	33%	30%

Source: ADFG Fish Tickets and RAM groundfish LLP license file. December 2008

Table 3-40 Number of fixed gear catcher vessel licenses meeting qualification thresholds reported by the MLOA on the license.

Western GOA- 264 CV licenses

	2000-December 8, 2008				2000-June 4, 2008				2000-2006			
	<40 feet	40-50 feet	50-60 feet	≥60 feet	<40 feet	40-50 feet	50-60 feet	≥60 feet	<40 feet	40-50 feet	50-60 feet	≥60 feet
1 landing	3	6	71	30	3	5	71	27	1	5	64	23
3 landings	3	5	64	28	3	4	63	25	1	4	55	23
5 landings	3	3	60	25	3	3	58	23	1	2	52	19
5 mt	3	5	67	30	*	*	67	27	0	3	60	22
10 mt	*	*	64	28	*	*	63	26	0	*	56	*
25 mt	*	*	60	27	*	*	59	26	0	*	52	*
100 mt	0	0	47	21	0	0	44	19	0	0	37	18

Source: ADFG Fish Tickets (2000-2007). NMFS Catch Accounting (2008) and RAM LLP groundfish license file. December 2008. *Withheld for confidentiality

LLPs to increase the number of gear or operation type endorsements it holds or to gain access to a fishery that requires a species and gear-specific endorsement, such as the BSAI fixed gear Pacific cod fishery. Stacking licenses is necessary because endorsements are not severable under the current LLP. If a vessel wishes to expand its operations into a new area or fishery and does not have the necessary endorsements on its current license, it needs to obtain another license with the appropriate area endorsement.

The Council considered several approaches to crediting catch to stacked licenses for the trawl recency action. Based on staff analysis and its own deliberations, the Council adopted a provision in Component 5 that credits catch to both licenses if they were stacked on a single vessel at the time the landing was made. The rationale for this approach is that both licenses were being used at the time of landing. Currently, groundfish catch is not assigned to a specific license. When vessels report catch on Fish Tickets or Weekly Production Reports, they are not required to report the LLP license that was assigned to the vessel at the time of landing. This data gap is problematic, because if a vessel holds multiple LLPs with duplicate area endorsements, and the vessel makes a landing in that area, there are no clear rules regarding which license is credited with that catch. Apportioning history among 2 or more stacked licenses would require the Council to develop detailed rules describing how catch should be apportioned, which could complicate and possibly delay implementation of the action. The landings threshold selected for the trawl recency action was low (2 landings), and it was not clear that apportioning landings among stacked licenses would have a sufficient impact on the number of qualifying licenses to justify complicating the action by creating specific rules for stacked licenses.

The proposed action differs in several respects from the trawl recency action. The current set of options under consideration include relatively minimal landings thresholds (1, 3, or 5 landings), but there are also tonnage thresholds (5, 10, 25, or 100 mt) that could potentially be selected. If the Council chooses a minimal landings threshold, double counting catch history is unlikely to result in many stacked licenses qualifying that would not qualify if catch were apportioned among stacked licenses. However, if the Council chooses more substantial catch thresholds, some stacked licenses would likely benefit from double counting of catch. Also, the Council is considering options to gear-specific Pacific cod endorsements to licenses. If vessels with stacked licenses are eligible to qualify for duplicate fixed gear Pacific cod endorsements on stacked licenses, they could potentially lease or sell the duplicate license and the fleet's capacity would increase.

In Amendment 67, a vessel with stacked licenses could only qualify for a Pacific cod endorsement on a single license. This provision was included to avoid increasing the capacity for additional entry into the fishery. In the absence of a provision that limits vessels with stacked licenses from qualifying for duplicate Pacific cod endorsements, vessels with duplicate endorsements could potentially sell those licenses to other vessels, resulting in an overall increase in effort in the Western and Central GOA Pacific cod fixed gear fisheries.

There are currently 18 stacked Western GOA catcher vessel licenses (assigned to 9 vessels, each with 2 licenses) and 98 stacked Central GOA catcher vessel licenses (assigned to 47 vessels; 43 vessels have 2 licenses, and 4 vessels have 3 licenses; Table 3-41). These totals only include fixed gear licenses that are currently stacked with other fixed gear licenses that have duplicate Western and/or Central GOA area endorsements. There is also one Central GOA catcher processor license that is currently stacked with a Central GOA catcher vessel license. There are no fixed gear catcher processor licenses with Western or Central GOA endorsements currently stacked with other catcher processor licenses, and agency records indicate that no GOA fixed gear CP licenses have been stacked in the past. Of the currently stacked licenses, 8 Western GOA licenses and 47 Central GOA licenses have at least one qualified fixed gear landing during 2000-2006. These currently stacked licenses, in addition to licenses that were stacked in the past, are potentially the universe of licenses at issue if the Council chooses to develop rules to apportion landings among stacked licenses.

fully credit all catch to stacked CV licenses. Table 3-42 shows the results of dividing catch history evenly among stacked CV licenses. These results may be compared to those in Table 3-42 to see the number of licenses that do not qualify when catch history is divided among stacked licenses. Few Western GOA fixed gear licenses are stacked, and Table 3-42 shows that in most cases, the same number of licenses qualify when stacked history is split among licenses. In contrast, a large number of active Central GOA licenses are stacked, and splitting catch history reduces the total number of licenses that qualify under each of the options. For example, at the 1 landing threshold, 269 Central GOA licenses qualify during 2000-2006 when catch is split among stacked licenses, compared with 268 licenses when history is split among stacked licenses. At the 100 mt threshold for directed Pacific cod, 151 Central GOA licenses qualify when catch history is fully credited to all stacked licenses, and only 139 licenses qualify when history is divided among stacked licenses. Dividing catch history makes more of a difference when the qualifying period extends to June 4, 2008. For example, 297 Central GOA licenses qualify at the 1 landing threshold when landings are fully credited to stacked licenses. Only 289 Central GOA licenses qualify when catch history is divided among stacked licenses.

If the Council wishes to treat stacked licenses in a different way, there are a number of questions that would need to be addressed, including:

(1) What is the definition of a stacked license? Currently, staff assumes that licenses are stacked, for the purpose of the proposed action, if 2 or more licenses assigned to a single vessel at any point in time all have: (a) fixed gear designations, and (b) at least one duplicate area endorsement (Western GOA or Central GOA). Stacked licenses may have different operation type designations, i.e. one license could have a catcher vessel designation and the other license a catcher processor designation. Stacked licenses may have additional area endorsements (AI, BS, SE), a trawl designation, and BSAI Pacific cod endorsements that do not duplicate each other.

(2) What are the rules for apportioning catch among stacked licenses? Catch could simply be split evenly among stacked licenses (as the default rule), or license owners could be given the option to agree upon another method for apportioning catch. These rules would not only apply to licenses that are stacked at the time this action is implemented, they would also apply retroactively (to 2000 or 2002, depending upon the qualification period selected) to any fixed gear licenses that were stacked at any point in time. If license owners are given the opportunity to choose how catch will be apportioned, implementation of the action would likely be delayed. Even if a default rule is used, and catch is split evenly among stacked licenses, apportioning catch would complicate implementation of the action.

(3) How would the Council address ownership issues? Stacked licenses may be held by different persons, and the vessel assigned to those licenses may be owned by another person. Stacked licenses may not be connected in any way except through the vessel assigned to those licenses. License owners may enter into temporary partnerships to combine the endorsements and designations on their licenses and maximize their opportunities to participate in the fisheries. If the Council simply splits catch history evenly among stacked licenses for the purpose of the proposed action, it could avoid the complications that could arise if multiple license owners were allowed to choose which license is credited with catch history.

3.3.2.12 Component 6: Capacity endorsement

The Council asked that staff explore ways in which vessel capacity limits could be used in addition to vessel length to restrict participation in certain sectors. The problem identified is that new, high capacity 58 ft LOA vessels are being built and are entering the GOA Pacific cod fisheries, and existing 58 ft LOA vessels are being rebuilt with expanded capacity. Most of these high capacity 58 ft LOA vessels are relatively recent entrants to the GOA Pacific cod fishery. The GOA State waters Pacific cod fisheries

(excluding vessels that participated exclusively in the State waters fisheries). Of these 1,473 vessels, nearly half of the CFEC, NMFS, and USCG gross tonnage measurements differ. These inconsistencies are a clear indication that a consistent method for measuring gross tonnage needs to be identified, and that existing data sources need to be updated and verified if capacity is going to be used to limit entry to sectors.

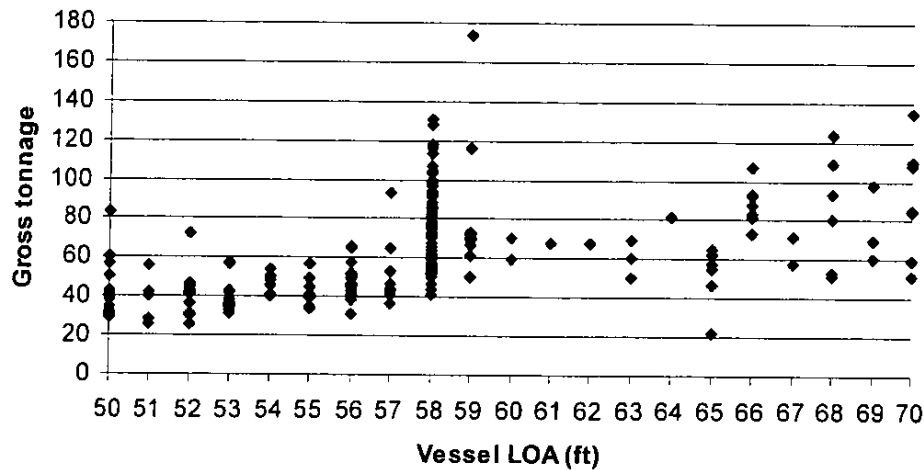


Figure 3-2 Gross tonnage of catcher vessels 50-70 ft LOA that participated in the GOA Pacific cod fisheries during 1995-2007.

Source: Vessel length overall is from NMFS; Gross tonnage is from USCG vessel database.

Figure 3-2 shows a plot of vessel length overall versus gross tonnage (using LOA from the NMFS database and gross tonnage from the USCG database), and includes all vessels 50 to 70 ft LOA that participated in the GOA Pacific cod fisheries during 1995 through 2007. In general, there is a linear relationship between vessel length and gross tonnage. There is a substantial spike in gross tonnage for vessels 58 ft and 59 ft LOA. The 58 ft LOA vessels range up to 129 tons.

Under Component 6, a width restriction would be added to each CV and CP fixed gear LLP license that is eligible to access Pacific cod under this action. The width restriction would be 1 ft of width for each 3 ft of length, and is based on the LOA of the vessel assigned to the license on December 8, 2008. The licenses that are assigned to vessels on December 8, 2008 that exceed the width restriction will be grandfathered at their present LOA. For vessels under construction on December 8, 2008, the width restriction for the license shall be equal to the vessel width upon completion. Vessels would be required to report width measurements to RAM. There is also an option under Component 6 to add a simple gross tonnage maximum to licenses, rather than a width restriction. Simple gross tonnage for vessels with ship-shaped and cylindrical hulls is calculated as the product of 0.67 times the length overall, width, and depth of the vessel (46 CFR Subpart E).

Vessels would be required to report these measurement(s) to RAM, and RAM would add the width or simple gross tonnage endorsement to each license. A license could not be assigned to a vessel that exceeds the width or simple gross tonnage limit, in addition to the MLOA, on the license. This would prevent new, high capacity 58 ft LOA vessels from entering the GOA groundfish fisheries, and would also prevent existing vessels from being rebuilt beyond a specified capacity, unless the vessel obtains an LLP with a sufficiently large width or simple gross tonnage endorsement.

Table 3-44 Community Quota Entity (CQE) eligible communities in Southwest and Southcentral Alaska, and the number of fixed gear LLP licenses held by community residents.

Name	Population	Management Area	WG licenses	CG licenses
Akhiok*	80	Central Gulf	0	0
Chenega Bay*	86	Central Gulf	0	0
Chignik	79	Central Gulf	0	3
Chignik Lagoon	103	Central Gulf	1	5
Chignik Lake	145	Central Gulf	0	0
Halibut Cove	35	Central Gulf	0	1
Ivanof Bay	22	Western Gulf	0	0
Karluk	27	Central Gulf	0	0
King Cove*	792	Western Gulf	23	5
Larsen Bay*	115	Central Gulf	0	1
Nanwalek*	177	Central Gulf	0	0
Old Harbor*	237	Central Gulf	0	9
Ouzinkie*	225	Central Gulf	0	10
Perryville*	107	Western Gulf	1	1
Port Graham*	171	Central Gulf	0	1
Port Lions	256	Central Gulf	0	8
Sand Point*	952	Western Gulf	29	16
Seldovia	286	Central Gulf	0	10
Tatitlek	107	West Yakutat	0	1
Tyonek	193	Central Gulf	0	0
Yakutat*	680	Central Gulf	0	3
Total			54	74

Source: Population from 2000 U.S. Census. Residency information is based on the license holder's address information reported in the RAM groundfish LLP license file in December 2008, and does not necessarily indicate that an individual license holder meets the definition of an eligible CQE resident.

*Eligible communities that have formed CQEs.

Currently, residents in 14 of the 21 CQE communities own a total of 54 licenses with Western GOA endorsements and 74 licenses with Central GOA endorsements. It is important to note that residency information is based on the license holder's address information reported in the RAM groundfish LLP license file in December 2008, and does not necessarily indicate that an individual license holder meets the definition of an eligible CQE resident. Table 3-45 shows the number of licenses in each community that had at least one fixed gear landing of directed Pacific cod during 2000-2006 or 2000 through December 8, 2008. Residents of King Cove and Sand Point hold most (52) of the Western GOA licenses, and the majority (>65%) of these licenses had at least one landing during both time periods. Residents of two other communities in Southwest Alaska, Perryville and Chignik Lagoon, own the other 2 Western GOA licenses. One license (owned by the Chignik Lagoon resident) was active in the Western GOA fixed gear fisheries.

The majority of Central GOA licenses held by residents of CQE communities are owned by residents of Sand Point (16 licenses), Seldovia (10 licenses), Ouzinkie (10 licenses), Old Harbor (9 licenses), and Port Lions (8 licenses). However, only 1 of 16 Central GOA licenses held by Sand Point residents had at least one directed Pacific cod landing during 2000-2006 or 2000-2008. Overall, only 3 of 30 Central GOA licenses held by residents of Southwest Alaska CQE communities had at least one directed Pacific cod landing in the Central GOA during 2000-2006 or 2000-2008, whereas either 16 or 17 of 43 Central GOA licenses held by residents of Southcentral Alaska CQE communities had at least one directed Pacific cod landing during the same time periods, respectively. In sum, residents of 3 CQE communities currently hold Western GOA licenses that have recent directed Pacific cod landings, and residents of 8 CQE communities hold Central GOA licenses with recent directed Pacific cod landings.

Table 3-46 Catcher vessel licenses currently held by residents of CQE communities that meet the landings and catch (mt) thresholds identified in Component 4.

Western GOA (54 current licenses)

Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	36	36	36	33	32	32
3 landings	34	34	34	32	32	32
5 landings	32	32	31	29	29	28
5 mt	35	35	34	32	32	31
10 mt	31	31	31	29	29	29
25 mt	29	29	29	26	26	26
100 mt	25	25	23	25	25	23

Central GOA (74 current licenses)

Threshold	2000- Dec 2008	2000- June 2008	2000- 2006	2002- Dec 2008	2002- June 2008	2002- 2006
1 landing	20	20	19	12	12	11
3 landings	18	18	15	11	11	8
5 landings	15	15	12	11	11	8
5 mt	17	17	14	11	11	8
10 mt	13	13	10	10	10	7
25 mt	12	12	10	8	8	6
100 mt	9	9	9	5	5	5

Source: ADFG Fish Tickets (2000-2007), NMFS Catch Accounting (2008) and RAM groundfish license file, December 2008.

Administrative issues

Staff from NMFS RAM division expressed a number of concerns regarding administration of the CQE exemption. Component 7 currently states that licenses that receive a Pacific cod endorsement as a result of the CQE exemption would be subject to several restrictions that do not apply to licenses that qualify for a Pacific cod endorsement by meeting the selected catch threshold:

- (1) A license that receives a Pacific cod endorsement as a result of the CQE exemption cannot be leased.
- (2) A license that receives a Pacific cod endorsement as a result of the CQE exemption can only be transferred to an individual who has lived continuously in the permit holder's CQE community for 24 consecutive months prior to the transfer and who intends to remain a resident of the community. Residency of license holders would be affirmed annually.
- (3) If a license holder with a restricted transfer LLP is no longer a resident of the CQE community or dies without a designated qualified LLP community beneficiary, the CQE will designate a qualified individual in the CQE community to hold the restricted transfer LLP.

Prohibiting licenses from being leased is not practicable, because there is no regulatory definition of leasing for LLP licenses. A license must be carried on board the vessel to which the license is assigned while the vessel is participating in fisheries subject to the LLP requirement, but there is no owner on board requirement. If the vessel owner or skipper is not the owner of the LLP license assigned to the vessel, there is not a clear definition of what constitutes a leasing agreement.

This approach may provide a direct benefit to the *individuals* who receive an endorsement. However, in the long term it would provide less benefit to the community if license holders leave the community. (This possibility is what motivated the overall approach to the CQE Program, in that the community (CQE) holds the fishing privileges (i.e., halibut and sablefish QS) such that the benefits of the QS remain in the community regardless of whether individual residents relocate.) In order to preclude license holders who receive an endorsement as a result of the exemption from opportunistically selling the license to another individual, these licenses could be designated non-transferable. If the license is sold to another owner, the Pacific cod endorsement would be removed. This restriction would give the original license holder the option to access the directed Pacific cod fisheries in the future, but would not allow the holder to sell that option to another person. Eventually, however, if designated non-transferable, all of these licenses would be extinguished.

License holders would have to affirm their residency at the time of application to RAM for a Pacific cod endorsement. An eligible community resident could be defined, for purposes of this exemption, as any individual who (1) is a citizen of the United States, (2) has maintained a domicile in one of the 21 CQE eligible communities located in Southwest or Southcentral Alaska for a specified period of time immediately preceding the time when the assertion of residence is made, and who is not claiming residency in another community, state, territory, or country. This is similar to the definition of residency used in the IFQ program. For the purposes of that program, a person needs to have maintained a domicile in the community for 12 consecutive months to qualify as a resident.

A second alternative approach that has been proposed in AP and Council deliberations is to give each CQE a specific number of fixed gear licenses. For example, CQE communities in the Central GOA management area would receive a limited number of licenses with a Central GOA endorsement, a fixed gear designation, an MLOA of 60 ft, and a pot and/or hook-and-line Pacific cod endorsement. The licenses would be held by the CQEs and used by community residents, similar to the existing CQE Program structure. The license could be made non-transferable to prevent the CQE from selling the license.

The regulations that allow CQEs to hold and lease quota share are already in place under GOA Amendment 66, and could be modified to fit this approach. Currently, the CQE takes on the burden of finding a community resident who is willing to lease the shares under contract, and both the CQE and the resident must certify that the lessee is a resident on the transfer application to NMFS (i.e., lease of IFQ from the CQE to the resident). Providing inaccurate information is considered fraud under Federal law. While there is no regulatory definition of leasing for LLP licenses, and no requirement for a transfer application, if the Council opts to give each CQE a specific number of fixed gear licenses, the Council could establish that a condition of the CQE receiving the license is attesting that the individuals that will use the license to fish are residents of the community the CQE represents. The additional administrative burden of this approach on NMFS is minimal, because NMFS only requires the CQE attest to individuals' residency, but would not need to require individuals to submit proof of residency in order to use the CQE license. Regardless of the overall approach, the Council may want to consider mirroring any residency requirements to the existing CQE Program.

There are a number of benefits and drawbacks to giving CQE communities fixed gear licenses. The main benefit is that it would provide opportunities for new entrants, who reside in the community, to participate in the directed Pacific cod fishery. Only 14 of the 21 Southcentral and Southwest Alaska CQE communities currently have residents who hold fixed gear licenses, and not all of these communities have residents who will qualify for a Pacific cod endorsement. Providing licenses to each CQE would give residents in each community the opportunity to access the Pacific cod fishery. One possible drawback is that many CQE communities currently have active participants in the GOA Pacific cod fisheries who will

trawl gear. Within a given year, there were typically 4 to 6 Central GOA licenses and 10 to 15 Western GOA licenses that used both fixed and trawl gear to harvest Pacific cod during the same year.

The catch data indicate that a number of these vessels use both gear types during a given fishing year on a regular basis, and that this harvest strategy is part of the annual fishing operations of these vessels. This is a particularly common practice in the Western GOA, where there are a number of vessels that regularly fish for Pacific cod with both trawl and pot gear during the same year. A typical pattern is for vessels to fish with pot gear when the fixed gear season opens on January 1 and to switch to trawl gear on January 20 when the trawl season opens. This strategy also allows these vessels to have a longer B season. The Pacific cod B season often closes to trawl gear in early October when the final trawl halibut PSC apportionment has been used. Vessels then switch back to pot gear and continue fishing late into the year. In recent years, the GOA Pacific cod B seasons have remained open to vessels using fixed gear until December 31.

3.4 Expected effects of the alternatives

3.4.1 Effects on harvesters

Under the no action alternative, there would be no reduction in the number of fixed gear licenses eligible to participate in the directed Pacific cod fisheries in the Western and Central GOA. If this alternative is selected, any of the currently existing fixed gear licenses could enter the Western and Central GOA Pacific cod fisheries in the future and dilute revenues, increase costs, or both, for licenses that have participated in the fisheries during recent years. Increased participation may result in negative economic impacts to current participants in the fisheries. If Pacific cod endorsements are not added to fixed gear licenses, licenses with no recent catch history in the GOA Pacific cod fisheries could enter the fisheries and erode the catch of recent participants. Finally, if gear-specific Pacific cod endorsements are not added to licenses, and Pacific cod sector allocations are implemented, participants in each of the fixed gear sectors will be vulnerable to an influx of effort into those sectors. If effort increases substantially in a particular sector, the erosion of catch resulting from latent licenses re-entering the fisheries will be exacerbated. The number of licenses that enter the Pacific cod fisheries in the absence of this action is unknown, and the specific effect of that entry depends on future market conditions, the size of Pacific cod TACs, opportunities to participate in other fisheries, the future regulatory environment, and operating costs in the fisheries. Consequently, this analysis does not provide a quantitative estimate of the potential economic impacts of the no action alternative.

If the Council chooses the minimum landings threshold of 1 directed Pacific cod landing, this action would result in any recent (as defined by the qualifying period selected) participants in the fisheries receiving a Pacific cod endorsement. The primary effect of this action on the harvesting sector would be to limit the potential for future entry of latent licenses into the GOA Pacific cod fisheries. If the Council chooses a higher landings threshold, this action has the potential to exclude some recent participants who do not have sufficient landings to meet the threshold from continuing to participate in the directed Pacific cod fisheries in the GOA.

This action would reduce fixed gear capacity in the GOA Pacific cod fisheries to include only licenses that meet the catch history threshold in the fisheries. Extinguishing latent licenses may prevent future revenues from Pacific cod harvests in the respective management areas from being diluted by future increases in fishing effort by latent licenses. Those LLP holders exhibiting dependence and participation in the fixed gear Pacific cod fisheries, (i.e., those meeting the selected threshold criteria), would be protected from possible future increases in effort and dilution of their gross revenue share. However, this action may not result in increased production efficiencies to licenses that would generally be expected

qualified catcher vessel licenses have catch in other fisheries in Alaska. This other catch includes fixed gear landings of groundfish in areas other than the LLP endorsement area, and any trawl catch, IFQ catch, State waters groundfish catch, and non-groundfish catch (e.g., salmon, shellfish, and herring). Out of 883 Central GOA catcher vessel licenses, there are 614 licenses with no directed Pacific cod landings, and 500 of these licenses had landings in other fisheries during 2000-2006. Of 264 Western GOA catcher vessel licenses, there are 171 licenses with no WGOA directed Pacific cod landings, and 127 of these licenses had landings in other fisheries during 2000-2006. Notably, there are very few licenses that had no commercial landings in Alaska fisheries during 2000-2006. Only 114 Central GOA catcher vessel licenses and 27 Western GOA catcher vessel licenses did not have landings in any commercial fishery in Alaska during 2000-2006.

Similarly, Table 3-48 shows that most catcher processor licenses that did not have qualified landings during 2000-2006 are active participants in other groundfish fisheries in Alaska, including the BSAI fixed gear fisheries and the BSAI and GOA trawl fisheries. There are 10 catcher processor licenses with Western GOA endorsements that have no WGOA directed Pacific cod landings, and 8 of these licenses had landings in other Alaska fisheries. There are 35 catcher processor licenses with Central GOA endorsements that have no CGOA directed Pacific cod landings, and 33 of these licenses had landings in other Alaska fisheries.

Table 3-48 Summary of fishing activity of licenses with at least one directed Pacific cod landing and licenses with no qualified landings.

	Number of licenses with at least one directed Pacific cod landing in the endorsement area during 2000-2006			Catch history of licenses with no directed Pacific cod landings during 2000-2006	
	Number of licenses	At least one directed Pcod landing	No directed Pcod landings	At least one non-qualified landing in another fishery	No landings in any fishery
Central Gulf CV	883	269	614	500	114
Central Gulf CP	49	14	35	33	2
Western Gulf CV	264	93	171	144	27
Western Gulf CP	31	21	10	8	2

Note: Non-qualified landings include fixed gear landings in management areas other than the endorsement area, and trawl, State waters, IFQ, and other fisheries.

3.4.1.2 Gross revenues from GOA Pacific cod and other fisheries

Catcher Vessel Licenses

Many fixed gear licenses with GOA endorsements were active in other Alaska commercial fisheries in addition to the GOA fixed gear Pacific cod fisheries. Groundfish licenses may have up to five area endorsements (Bering Sea, Aleutian Islands, Western GOA, Central GOA, and Southeast Outside), two gear designations (trawl and fixed gear), and two BSAI Pacific cod endorsements, and these endorsements and designations allow licenses to participate in a suite of groundfish fisheries. In addition, many license owners hold halibut and sablefish IFQ, BSAI crab quota, and other permits that allow them to participate in other fisheries in Alaska.

Gross revenues data indicate that the majority of fixed gear catcher vessel and catcher processor licenses that did not have any qualified fixed gear landings during the proposed qualifying periods elected to participate in other Alaska fisheries during this period. Table 3-49 reports the number of licenses that had at least one directed Pacific cod landing in the Western or Central GOA during 2000-2006 (top line, left

landing during 2000-2006 had annual gross revenues of \$274,608 per license. In contrast, Western GOA CV licenses without qualified landings had substantially higher revenues, averaging \$622,658 per license. Western GOA licenses without qualified cod landings but that were active in the BSAI trawl fisheries had on average over \$1 million in gross revenues per year in that fishery during 2000-2006. There was not a large difference between annual gross revenues for Central GOA CV licenses with qualified fixed gear landings (\$319,458) and without qualified landings (\$353,067). However, there was again a sharp contrast in gross earnings in the BSAI trawl fisheries. Non-qualified licenses had more than twice (\$725,929) the revenues that qualified licenses earned (\$305,379) in the BSAI trawl fisheries, indicating that non-qualifying licenses are making a choice to participate in the BSAI trawl fisheries rather than the GOA Pacific cod fisheries.

Western and Central GOA CV licenses that did not have at least one directed Pacific cod landing during 2000-2006, and would only qualify for a Pacific cod endorsement if catch during 2007 and 2008 is included, have different participation patterns in the fisheries. Table 3-50 compares 2007 participation, catch, and revenues data, and 2008 participation and catch data (revenues data were not available for 2008), for licenses with at least one landing during 2000-2006 and licenses that only had a landing in 2007 or 2008. The table shows the number of licenses that participated in the Central GOA or Western GOA Pacific cod fisheries in 2007 and 2008, participation by those licenses in other Alaska fisheries, and catch and revenues by those licenses in each fishery. Central GOA licenses that only have directed Pacific cod landings during 2007 earned only 7% of revenues from the Central GOA Pacific cod fishery in 2007, compared with 17% for vessels that had a landing during 2000-2006. In contrast, Western GOA licenses that first entered the directed Pacific cod fishery in 2007 earned 22% of revenues from that fishery, compared to 10% for vessels that had landings during 2000-2006. Revenues for the 2008 fisheries were not available. Catch data for 2008 shows that Western and Central GOA licenses that have qualified landings during 2000-2006 harvested more Pacific cod per license in each management area than licenses that only qualify based on 2007-2008 landings.

During 2000-2007, the majority of first wholesale revenues for catcher processor licenses with fixed gear landings in the GOA fisheries were from the BSAI fixed gear fisheries (Table 3-51). Revenues from Western GOA directed Pacific cod (5.5%) and Central GOA directed Pacific cod (2.7%) were a small proportion of total revenues for licenses that have qualifying catch in the respective management areas. Nearly all catcher processor licenses that did not have directed Pacific cod landings during 2000-2006 were active in other fisheries in Alaska. The majority of revenues for these licenses were from the BSAI trawl and BSAI fixed gear fisheries and GOA trawl fisheries. Only 2 Western GOA and 2 Central GOA CP licenses did not have any landings in any commercial fisheries in Alaska during 2000 through 2006.

Annual revenues by fixed gear CP licenses that had qualified Western GOA landings during 2000-2006 (\$3.45 million) were substantially greater than licenses without qualified landings (\$1.57 million). Central GOA CP licenses with and without qualified landings during 2000-2006 had approximately \$2.4 million in wholesale revenues per year. The 21 Western GOA CP licenses that made at least one directed Pacific cod landing during 2000-2006 had average annual revenues of \$189,041 in that fishery during 2000-2006. The 14 Central GOA CP licenses with at least one landing during 2000-2006 had average annual revenues of \$62,902 in that fishery during 2000-2006. The majority of CP licenses that did not have qualified Pacific cod landings during 2000-2006 were active in other fisheries (33 of 35 non-qualified CGOA licenses; 6 of 10 nonqualified WGOA licenses). Western GOA CP licenses that did not have qualified GOA fixed gear landings participated in the BSAI and/or GOA trawl fisheries during 2000-2006. Central GOA CP licenses that did not have qualified GOA landings participated in the BSAI fixed gear and the IFQ halibut and sablefish fisheries.

Table 3-50 Annual participation, annual revenues per license, and annual catch per license in Alaska fisheries during 2007-2008 by fixed gear CV licenses with at least 1 GOA directed Pacific cod landing during 2000-2006 and with no GOA directed Pacific cod landings during 2000-2006 (but at least 1 landing during 2007-2008).

Western GOA		Revenues and catch(mt) by licenses that have at least 1 landing during 2000-2006				Revenues and catch(mt) by licenses that only have 1 landing during 2007-Dec 8, 2008			
Year	Fishery	Number of licenses	Percent revenues from CG Pcod	Catch (mt) per license	Revenues per license	Number of licenses	Percent revenues from CG Pcod	Catch (mt) per license	Revenues per license
2007	Federal WG Pcod- Fixed Gear	35	10.0%	87	\$89,406	6	21.9%	134	\$144,810
	Federal CG Pcod- Fixed Gear	2	*	*	*	3	*	*	*
	Federal GOA Groundfish- Trawl	10	8.1%	518	\$251,694	0	0.0%	0	*
	State GOA Pacific Cod	24	10.3%	132	\$133,813	2	*	*	*
	BSAI Fixed Gear	10	8.2%	203	\$255,874	3	*	*	*
	IFQ Halibut	15	21.8%	49	\$452,528	3	*	*	*
	IFQ Sablefish	4	*	*	*	1	*	*	*
	Other	30	0.1%	1	\$893	5	0.1%	36	\$780
	Salmon	20	19.8%	551	\$308,299	0	0.0%	111	*
	Shellfish	8	19.4%	123	\$756,016	1	*	*	*
All fisheries	35	100.0%	754	\$890,641	6	100.0%	247	\$681,028	
2008	Federal WG Pcod- Fixed Gear	41	--	96	--	14	--	61	--
	Federal CG Pcod- Fixed Gear	3	--	86	--	7	--	107	--
	Federal GOA Groundfish- Trawl	11	--	950	--	0	--	0	--
	State GOA Pacific Cod	31	--	143	--	8	--	75	--
	BSAI Fixed Gear	9	--	257	--	10	--	243	--
	BSAI Trawl	1	--	*	--	0	--	0	--
	IFQ Halibut	16	--	15	--	11	--	15	--
	IFQ Sablefish	4	--	49	--	7	--	67	--
	Other	39	--	*	--	14	--	24	--
	All fisheries	41	--	544	--	14	--	423	--
Year	Central GOA	Number of licenses	Percent revenues from CG Pcod	Catch (mt) per license	Revenues per license	Number of licenses	Percent revenues from CG Pcod	Catch (mt) per license	Revenues per license
2007	Federal CG Pcod- Fixed Gear	134	17%	108	\$121,246	20	7.1%	29	\$32,789
	Federal WG Pcod- Fixed Gear	11	1%	86	\$92,956	0	0.0%	0	\$0
	Federal GOA Groundfish- Trawl	1	*	*	*	2	*	*	*
	State GOA Pacific Cod	48	6%	114	\$124,019	4	4.7%	98	\$108,602
	BSAI Fixed Gear	21	2%	68	\$95,919	1	*	*	*
	BSAI Trawl	0	0%	0	\$0	1	*	*	*
	Herring	3	*	*	*	0	0.0%	0	\$0
	IFQ Halibut	105	50%	47	\$444,566	10	53.5%	52	\$491,508
	IFQ Sablefish	60	10%	29	\$158,008	4	6.6%	26	\$152,663
	Other	126	1%	6	\$4,675	19	0.3%	4	\$1,559
	Salmon	67	6%	99	\$85,110	4	7.5%	254	\$173,208
	Shellfish	12	5%	74	\$385,153	3	*	*	*
	All fisheries	134	100%	292	\$693,762	20	100.0%	\$253	\$459,274
2008	Federal CG Pcod- Fixed Gear	127	--	83	--	30	--	41	--
	Federal WG Pcod- Fixed Gear	7	--	70	--	6	--	209	--
	Federal GOA Groundfish- Trawl	1	--	*	--	1	--	*	--
	State GOA Pacific Cod	48	--	124	--	11	--	49	--
	BSAI Fixed Gear	13	--	92	--	9	--	46	--
	IFQ Halibut	91	--	12	--	23	--	16	--
	IFQ Sablefish	34	--	36	--	15	--	55	--
	Other	125	--	*	--	29	--	*	--
All fisheries	127	--	495	--	30	--	219	--	

*Note: Licenses may have participated in more than one fishery during 2000-2006. Revenues data not available for 2008. Source: ADFG Fish Tickets (2007), NMFS Catch Accounting (2008), and RAM groundfish license file from December 2008

Table 3-52 Annual participation, annual revenues per license, and annual catch per license in Alaska fisheries during 2007-2008 by fixed gear CP licenses with at least 1 GOA directed Pacific cod landing during 2000-2006 and with no GOA directed Pacific cod landings during 2000-2006 (but at least 1 landing during 2007-2008).

<u>Western GOA</u>		Revenues and catch(mt) by licenses that have at least 1 landing during 2000-2006				Revenues and catch(mt) by licenses that only have 1 landing during 2007-Dec 8, 2008			
Year	Fishery	Number of licenses	Percent revenues from CG Pcod	Catch (mt) per license	Revenues per license	Number of licenses	Percent revenues from CG Pcod	Catch (mt) per license	Revenues per license
2007	Federal WG Pcod- Fixed Gear	11	10.9%	285	\$549,816	1	*	*	*
	Federal CG Pcod- Fixed Gear	2	*	*	*	0	0.0%	0	\$0
	BSAI Fixed Gear	9	77.1%	2,414	\$4,747,207	1	*	*	*
	IFQ Halibut or Sablefish	7	9.8%	161	\$779,101	1	*	*	*
	Other	10	*	*	*	0	0.0%	0	\$0
	All fisheries	11	100.0%	2,440	\$5,039,298	1	*	*	*
2008	Federal WG Pcod- Fixed Gear	11	--	281	--	3	--	42	--
	Federal CG Pcod- Fixed Gear	1	--	*	--	2	--	*	--
	BSAI Fixed Gear	10	--	2,282	--	1	--	*	--
	IFQ Halibut or Sablefish	6	--	137	--	3	--	211	--
	Other	9	--	*	--	3	--	4	--
	All fisheries	11	--	2,459	--	3	--	300	--
<u>Central GOA</u>		Revenues and catch(mt) by licenses that have at least 1 landing during 2000-2006				Revenues and catch(mt) by licenses that only have 1 landing during 2007-Dec 8, 2008			
Year	Fishery	Number of licenses	Percent revenues from CG Pcod	Catch (mt) per license	Revenues per license	Number of licenses	Percent revenues from CG Pcod	Catch (mt) per license	Revenues per license
2007	Federal CG Pcod- Fixed Gear	4	23.0%	345	\$417,605	4	10.5%	187	\$367,129
	Federal WG Pcod- Fixed Gear	1	*	*	*	2	9.2%	*	*
	BSAI Fixed Gear	1	*	*	*	3	91.8%	2,199	\$4,283,668
	IFQ Halibut or Sablefish	1	*	*	*	1	6.6%	*	*
	Other	4	0.7%	38	\$12,770	4	1.6%	38	\$54,981
	All fisheries	4	100%	1,107	\$1,819,274	4	100.0%	1,735	\$3,500,122
2008	Federal CG Pcod- Fixed Gear	5	--	157	--	5	--	201	--
	Federal WG Pcod- Fixed Gear	1	--	*	--	2	--	*	--
	BSAI Fixed Gear	3	--	3,783	--	3	--	3,139	--
	IFQ Halibut or Sablefish	1	--	*	--	2	--	*	--
	Other	5	--	67	--	5	--	3	--
	All fisheries	5	--	2,539	--	5	--	2,000	--

*Note: Licenses may have participated in more than one fishery during 2000-2006. Revenues data not available for 2008. Source: ADFG Fish Tickets (2007), NMFS Catch Accounting (2008), and RAM groundfish license file from December 2008

Western and Central GOA CP licenses that did not have at least one directed Pacific cod landing during 2000-2006, and would only qualify for a Pacific cod endorsement if catch during 2007 and 2008 is included, have different participation patterns in the fisheries. Table 3-52 compares 2007 participation, catch, and revenues data, and 2008 participation and catch data (revenues data were not available for 2008), for licenses with at least one landing during 2000-2006 and licenses that only had a landing in 2007 or 2008. The table shows the number of licenses that participated in the Central GOA or Western GOA Pacific cod fisheries in 2007 and 2008, participation by those licenses in other Alaska fisheries, and catch and revenues by those licenses in each fishery. Central GOA licenses that only have directed Pacific cod landings during 2007 earned only 10.5% of revenues from the Central GOA Pacific cod fishery in 2007, compared with 23.0% for vessels that had a landing during 2000-2006. Western GOA revenues for licenses that first entered the fishery in 2007 cannot be reported due to confidentiality. Catch data for 2008 shows that Western GOA licenses that have qualified landings during 2000-2006 harvested

provides information on subsistence and sport fishing activities in each community. The profiles may be found at: <http://www.afsc.noaa.gov/REFM/Socioeconomics/Projects/CPU.php>

The State of Alaska's Community Information Summaries, which are compiled by the Alaska Department of Commerce, Community, and Economic Development (DCCED), include information on community location, population, taxes, climate, history, culture, demographics, utilities, schools, health care, economy, and transportation. The summaries may be found at: http://www.commerce.State.ak.us/dca/commdb/CF_CIS.htm

The number of catcher vessel licenses that meet the 1 directed Pacific cod landing threshold during 2000 through 2006 and 2000 through December 8, 2008 is reported by the current residency of license holders in Table 3-53. Alaska residents hold the greatest number of Western and Central GOA fixed gear licenses. Licenses owned by Alaska residents are more likely to have 1 landing during 2000-2006 or 2000-2008 than licenses owned by residents of other states. Nearly half of Western GOA licenses held by Alaska residents had at least one directed Pacific cod landing (42% to 46%), slightly more than licenses owned by residents of other states. Between 35% and 40% of Central GOA licenses that are held by Alaska residents had directed Pacific cod landings. Most Central GOA licenses that had directed Pacific cod landings during 2000 through Dec 2008 are held by Alaska residents (240 of 306 active licenses). The majority of Western GOA licenses with directed Pacific cod landings during 2000 through Dec 2008 are also held by Alaska residents (71 of 110 licenses), and 33 active licenses are held by residents of Washington.

Table 3-53 Number of CV licenses with 1 directed Pacific cod landing during 2000-2006 or 2000-Dec 8, 2008 by license owner's residence.

	WG licenses	WG licenses with 1 landing from 2000-2006	Percent of licenses with 1 landing from 2000-2006	WG licenses with 1 landing from 2000-2008	Percent of licenses with 1 landing from 2000-2008
Alaska	153	64	42%	71	46%
Oregon	8	1	13%	4	50%
Washington	92	26	28%	33	36%
Other State	11	2	18%	2	18%
Grand Total	264	93	35%	110	42%

	CG licenses	CG licenses with 1 landing from 2000-2006	Percent of licenses with 1 landing from 2000-2006	CG licenses with 1 landing from 2000-2008	Percent of licenses with 1 landing from 2000-2008
Alaska	607	215	35%	240	40%
Oregon	48	11	23%	13	27%
Washington	183	21	11%	30	16%
Other State	45	22	49%	12	27%
Grand Total	883	269	30%	306	35%

Source: ADFG Fish Tickets (2000-2007), NMFS Catch Accounting (2008), and RAM groundfish license file, December 2008

The number of catcher processor licenses that meet the 1 directed Pacific cod landing threshold during 2000 through 2006 or 2000 through December 8, 2008 is reported by the residency of license holders in Table 3-54. Out of 49 Central GOA CP licenses, 12 are held by residents of Alaska and 37 are held by residents of other states. A substantially higher percentage of licenses held by Alaska residents and residents of other states meet the 1 landing threshold during 2000-2008 than during 2000-2006. Out of 31 Western GOA CP licenses, 3 are held by Alaska residents, and all 3 of these licenses have at least one groundfish landing during 2000-2008. The other 28 licenses are held by residents of other states, and 21

Table 3-55. Number of catcher vessel licenses with at least one directed Pacific cod landing in the endorsement area during 2000-2006 or 2000-Dec 8, 2008, reported by license owner's community of residence (Alaska communities only).

City	CQE	WG licenses	1 landing from 2000-2008	Percent	1 landing from 2000-2006	Percent	CG licenses	1 landing from 2000-2008	Percent	1 landing from 2000-2006	Percent
Adak		1	0	0%	0	0%	2	1	50%	1	50%
Akutan		2	1	50%	1	50%	0	0	0%	0	0%
Anchor Point		12	5	42%	5	42%	30	8	27%	6	20%
Anchorage		1	1	100%	1	100%	1	0	0%	0	0%
Chignik	Y	0	0	0%	0	0%	3	1	33%	1	33%
Chignik Lagoon	Y	1	1	100%	1	100%	5	1	20%	1	20%
Clam Gulch		0	0	0%	0	0%	3	1	33%	1	33%
Cold Bay		2	1	50%	1	50%	0	0	0%	0	0%
Copper Center		0	0	0%	0	0%	1	0	0%	0	0%
Cordova		5	0	0%	0	0%	30	5	17%	4	13%
Craig		0	0	0%	0	0%	1	0	0%	0	0%
Delta Junction		2	1	50%	0	0%	7	7	100%	7	100%
Douglas		0	0	0%	0	0%	2	0	0%	0	0%
Dutch Harbor		3	2	67%	2	67%	4	1	25%	1	25%
Eagle River		0	0	0%	0	0%	2	1	50%	1	50%
Elfin Cove		0	0	0%	0	0%	1	0	0%	0	0%
Fairbanks		0	0	0%	0	0%	1	0	0%	0	0%
False Pass		3	2	67%	2	67%	3	0	0%	0	0%
Fritz Creek		0	0	0%	0	0%	3	1	33%	1	33%
Girdwood		2	1	50%	1	50%	8	2	25%	1	13%
Gustavus		1	0	0%	0	0%	0	0	0%	0	0%
Haines		0	0	0%	0	0%	3	0	0%	0	0%
Halibut Cove	Y	0	0	0%	0	0%	1	0	0%	0	0%
Homer		13	3	23%	0	0%	114	73	64%	67	59%
Hoonah		0	0	0%	0	0%	2	0	0%	0	0%
Juneau		3	1	33%	1	33%	13	1	8%	1	8%
Kasilof		0	0	0%	0	0%	8	0	0%	0	0%
Kenai		0	0	0%	0	0%	3	0	0%	0	0%
Ketchikan		2	1	50%	1	50%	7	1	14%	1	14%
King Cove	Y	23	16	70%	16	70%	5	0	0%	0	0%
Klawock		0	0	0%	0	0%	1	0	0%	0	0%
Kodiak		22	10	45%	9	41%	135	92	68%	82	61%
Larsen Bay	Y	0	0	0%	0	0%	1	1	100%	1	100%
Nikiski		0	0	0%	0	0%	2	0	0%	0	0%
Nikolaevsk		0	0	0%	0	0%	14	8	57%	7	50%
Nome		1	0	0%	0	0%	2	1	50%	1	50%
Old Harbor	Y	0	0	0%	0	0%	9	7	78%	7	78%
Ouzinkie	Y	0	0	0%	0	0%	10	3	30%	2	20%
Palmer		1	1	100%	1	100%	4	1	25%	1	25%
Pelican		0	0	0%	0	0%	2	0	0%	0	0%
Perryville	Y	1	0	0%	0	0%	1	0	0%	0	0%
Petersburg		7	1	14%	1	14%	33	2	6%	2	6%
Port Graham	Y	0	0	0%	0	0%	1	0	0%	0	0%
Port Lions	Y	0	0	0%	0	0%	8	2	25%	2	25%
Sand Point	Y	29	19	66%	19	66%	16	1	6%	1	6%
Seldovia	Y	0	0	0%	0	0%	10	4	40%	4	40%
Seward		1	1	100%	0	0%	22	4	18%	2	9%
Sitka		7	0	0%	0	0%	34	0	0%	0	0%
Soldotna		0	0	0%	0	0%	2	1	50%	0	0%
St Paul Island		1	0	0%	0	0%	0	0	0%	0	0%
Sterling		0	0	0%	0	0%	2	0	0%	0	0%
Tatitlek	Y	0	0	0%	0	0%	1	0	0%	0	0%
Tenakee Springs		0	0	0%	0	0%	2	0	0%	0	0%
Unalaska		4	1	25%	0	0%	0	0	0%	0	0%
Vadex		0	0	0%	0	0%	6	0	0%	0	0%
Wasilla		1	1	100%	1	100%	9	2	22%	2	22%
Whittier		0	0	0%	0	0%	2	0	0%	0	0%
Willow		2	1	50%	1	50%	7	7	100%	7	100%
Wrangell		0	0	0%	0	0%	5	0	0%	0	0%
Yakutat	Y	0	0	0%	0	0%	3	0	0%	0	0%
Total Alaska		153	71	46%	64	42%	607	240	40%	215	35%

Source: ADFG Fish Tickets (2007), NMFS Catch Accounting (2008), and RAM groundfish license file from December 2008

Table 3-56 Average number of vessels fishing in the parallel waters fisheries without an LLP license, retained catch (mt), and percent of retained catch of Pacific cod within each sector by vessels without LLPs during 2002-2007.

	Year	HAL CV		Jig CV		Pot CV		Trawl CV		All sectors
		Vessels	Catch	Vessels	Catch	Vessels	Catch	Vessels	Catch	Catch
Central GOA	2002-2007 average	63	106	15	45	5	211	1	*	362
Western GOA	2002-2007 average	11	16	9	50	7	629	1	*	695

	Year	HAL CV	Jig CV	Pot CV	Trawl CV	All sectors
		Percent of sector catch	Percent of sector catch	Percent of sector catch	Percent of sector catch	Percent of total catch
Central GOA	2002-2007 average	2%	69%	3%	*	2%
Western GOA	2002-2007 average	11%	64%	9%	*	5%

Source: ADFG Fish Tickets and RAM groundfish license file, October 2008. *Withheld due to confidentiality.

Notes: Excludes State waters fisheries. Includes IFQ fisheries, because IFQ participants may retain groundfish without an LLP (and are required to retain Pacific cod up to the MRA).

Catcher processors acting as catcher vessels

Pacific cod endorsements could restrict vessels to using a specific gear type in the directed Pacific cod fisheries, but may not prevent catcher processors from fishing off catcher vessel allocations. Historically, few catcher processors in the GOA have acted as catcher vessels, but sector allocations could potentially create an incentive for catcher processors to opportunistically fish as catcher vessels. If this activity becomes more common than it has in the past, it could potentially erode the catch shares of vessels that can only act as catcher vessels and who contributed history to the catcher vessel allocations.

Under previous amendments (e.g., Amendment 85), catch is counted against allocations based on vessel activity. If a vessel catches and processes its own catch, that catch is deducted from the catcher processor allocation. If a vessel delivers its catch shoreside or to a mothership, that catch is deducted from the catcher vessel allocation. If the Council perceives that catcher processors may opportunistically fish off catcher vessel Pacific cod allocations in the GOA, it could modify the catch accounting system for the sector allocations. Instead of accounting for catch based on mode of operation, NOAA fisheries could account for catch based on the mode of operation on a vessel's Pacific cod endorsement. Currently, the Catch Accounting system does not track catch by LLP licenses. Modifying the Catch Accounting system to track licenses and license endorsements would require substantial programming effort. However, given the small number of catcher processor licenses which would likely qualify for a Pacific cod endorsement in the Western or Central GOA, this modification to the Catch Accounting system may be practicable. Licenses may only be transferred once per year. The Catch Accounting system would link catch by each vessel holding a Pacific cod catcher processor endorsement to the appropriate sector allocation account. In this way, vessels holding Pacific cod catcher processor endorsements could only fish off the catcher processor allocations, regardless of their mode of operation. Revisions to the Catch Accounting system could be minimized by continuing to base other aspects of the Catch Accounting system (e.g., estimates of bycatch, discards, and PSC) on the mode of operation of the vessel.

The Council is currently considering options in the proposed GOA Pacific cod sector allocation action to preclude vessels from opportunistically fishing off both the catcher processor and catcher vessel sector allocations in the GOA Pacific cod fisheries. Those options are included in Component 2 of the sector allocation motion:

- ii. Suboption: In the Western/Central GOA, vessels can only surrender and/or reactivate their FFP:
 - a. Once per calendar year
 - b. Once every eighteen months
 - c. Once every two years

- iii. Suboption: FFP cannot be surrendered during the 3 year term of the permit.

The Council and NOAA fisheries have broad authority over vessels that hold Federal permits and licenses. Vessels that hold Federal fisheries permits or LLP licenses may be subject to Federal groundfish regulations, even while fishing in State waters adjacent to the GOA or BSAI. For example, vessels that hold FFPs are subject to Federal recordkeeping and reporting, observer, and VMS requirements while fishing in Federal, parallel, or State waters fisheries. In 2006, sideboards were implemented that limit harvests of GOA Pacific cod by vessels that received initial allocations of *C. opilio* crab quota. The sideboard regulations were written such that vessels cannot circumvent sideboard closures by fishing in parallel waters fisheries. Vessels that hold *either* an FFP or an LLP are subject to the sideboards while participating in any groundfish fishery in the parallel waters fisheries in the GOA (680.22). The Council is currently considering options to extend the LLP and Pacific cod endorsement requirement to the BSAI Pacific cod parallel waters fishery for CPs only, and to require CPs to surrender Federal permits and licenses if they choose to fish in the BSAI Pacific cod parallel waters fishery. The Council is scheduled to take final action on the proposed regulatory amendment in June 2009.

3.4.6 Harvest cooperative formation

Long term allocations of the Western and Central GOA Pacific cod TACs to the sectors and provisions that limit entry to the directed Pacific cod fisheries may provide opportunities for the formation of harvest cooperatives. Individual sectors may be more likely to form cooperatives if all eligible participants are easily identified through a restrictive license limitation program, and if separate allocations are made to each sector. Pacific cod endorsements on fixed gear licenses would limit entry to the directed Pacific cod fisheries in Federal waters, but would not restrict vessels without LLP licenses, or without Pacific cod endorsements on licenses, from participating in the directed Pacific cod fisheries in the parallel waters fisheries. NOAA Fisheries does not currently have a mechanism to allocate catch history to cooperatives in the GOA Pacific cod fisheries. All vessel owners within a sector would need to voluntarily join a cooperative and abide by its bylaws, or additional regulations would need to be implemented to provide NOAA fisheries with the necessary authority to allocate Pacific cod to individual cooperatives.

In the GOA Pacific cod fisheries, the hook-and-line catcher processor sector may be the sector that is most likely to form a harvest cooperative. Most of the freezer longliner fleet fishes for Pacific cod in the BSAI, then moves into the GOA after the BSAI Pacific cod seasons close. In 2005, the BSAI freezer longliner fleet did not fish in the GOA during the B season, because NMFS inseason management was concerned that there was not sufficient halibut PSC to support this fleet. As a result, in 2006, 2007, and 2008 the freezer longliners set up an informal 'PSC co-op' with NMFS inseason management during the B season. Under this arrangement, the third seasonal apportionment of halibut PSC was informally divided between catcher processors and catcher vessels. The freezer longliners then further divided the catcher processor PSC among vessels fishing the B season. This informal cooperation in sharing PSC suggests that this sector has the potential to establish a formal harvest cooperative.

The freezer longliner fleet is relatively small, and the proposed action could potentially limit the number of participants in this sector by adding gear-specific Pacific cod endorsements to fixed gear licenses. There are currently 53 fixed gear catcher processor licenses with Central and/or Western GOA area

other participants in that sector. The adverse impacts of the entry of latent effort are often exacerbated for sectors with substantial latent capacity. For example, the majority of fixed gear catcher vessel licenses with Western or Central GOA endorsements do not have any recent (2000-2006 or 2000-2008) landings in the directed Pacific cod fisheries in the GOA. Re-entry of these licenses into the fisheries has the potential to intensify competition for the TACs. If Pacific cod sector allocations are accompanied by provisions that limit entry into the directed Pacific cod fisheries, for example by adding Pacific cod endorsements to fixed gear licenses, the fixed gear sectors would be protected from potential re-entry of latent fixed gear licenses into the directed Pacific cod fisheries. However, new provisions that limit access to the GOA Pacific cod fisheries would also reduce the number of open access fisheries. The remaining open access fisheries would be even more vulnerable to increased competition as displaced participants enter these fisheries.

3.4.8 Net benefits to the Nation

Overall, this action is likely to have a limited effect on net benefits realized by the Nation. Under the status quo (Alternative 1), all existing fixed gear licenses would continue to have access to the directed Pacific cod fisheries in Federal waters of the GOA. Licenses not currently active in the fisheries would have the potential to enter the Pacific cod fisheries at some future time, increasing overall effort in the fisheries. This increase in effort could contribute to losses of production efficiency. Costs could rise slightly if participants perceive a need to increase effort to secure their historic catch shares. The increase in effort could contribute to more aggressive fishing and processing practices, both of which contribute to lower quality and less value added production. The extent of these potential effects is very difficult to predict and depends on several factors, including future TAC levels, market conditions, and operating costs.

Under the proposed action (Alternative 2), Pacific cod endorsements would be added to fixed gear groundfish licenses that have recent catch history in the Western or Central GOA directed Pacific cod fisheries. As a result, licenses that do not receive a Pacific cod endorsement would not be eligible to enter the Western or Central GOA Pacific cod fisheries in the future, removing the potential for an influx of effort into the fisheries. Preventing these licenses from entering the Pacific cod fisheries in the future could contribute to production efficiency if a substantial increase in effort by latent licenses were to occur in the absence of this action. Limiting effort in the fisheries could contribute to slowing down the fisheries, although if TACs continue to decline and market conditions for Pacific cod continue to improve, the pace of the fisheries is unlikely to slow down.

Minor changes in consumer surplus could accompany any change in production outputs. Specifically, changes in product outputs and quality could have effects on consumers. The difference in consumer surplus across the alternatives is likely to be quite small. The status quo, which would maintain the existing number of licenses eligible to enter the Pacific cod fisheries, would have the lowest consumer surplus, as it would not change the conditions for entry into the fisheries. In addition, the change in U.S. consumer surplus is likely to be diluted, since much of the production from these fisheries is exported for overseas secondary processing and consumption. As a result, some portion of any consumer surplus benefit resulting from the proposed action is unlikely to be realized as a U.S. benefit.

Implementation of the action alternative would require NOAA fisheries to process and adjudicate the qualifying and non-qualifying licenses. The license limitation file administered by NOAA fisheries will need to be updated to reflect the changes to existing licenses. Also, NOAA fisheries will need to update and make changes to databases used to store license information in order to track Pacific cod endorsements that have non-transferable status. These costs would not be incurred under the no action alternative. The addition of gear-specific Pacific cod endorsements to fixed gear licenses will introduce new administrative costs for NOAA fisheries, and possibly create new enforcement costs.

- a. The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;
- b. The clarification, consolidation or simplification of compliance and reporting requirements under the rule for such small entities;
- c. The use of performance rather than design standards;
- d. An exemption from coverage of the rule, or any part thereof, for such small entities.

The "universe" of entities to be considered in an IRFA generally includes only those small entities that can reasonably be expected to be directly regulated by the proposed action. If the effects of the rule fall primarily on a distinct segment of the industry, or portion thereof (e.g., user group, gear type, geographic area), that segment would be considered the universe for purposes of this analysis.

In preparing an IRFA, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule (and alternatives to the proposed rule), or more general descriptive Statements if quantification is not practicable or reliable.

4.2 Definition of a Small Entity

The RFA recognizes and defines three kinds of small entities: 1) small businesses; 2) small non-profit organizations; and 3) and small government jurisdictions.

Small businesses: Section 601(3) of the RFA defines a "small business" as having the same meaning as a "small business concern," which is defined under Section 3 of the Small Business Act. A "small business" or "small business concern" includes any firm that is independently owned and operated and not dominate in its field of operation. The U.S. Small Business Administration (SBA) has further defined a "small business concern" as one "organized for profit, with a place of business located in the United States, and which operates primarily within the United States, or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials, or labor. A small business concern may be in the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust, or cooperative, except that where the form is a joint venture there can be no more than 49% participation by foreign business entities in the joint venture."

The SBA has established size criteria for all major industry sectors in the U.S., including fish harvesting and fish processing businesses. A business "involved in fish harvesting" is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates), and if it has combined annual receipts not in excess of \$4.0 million for all its affiliated operations worldwide. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation (including its affiliates) and employs 500 or fewer persons, on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide. A business involved in both the harvesting and processing of seafood products is a small business if it meets the \$4.0 million criterion for fish harvesting operations. A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide.

The SBA has established "principles of affiliation" to determine whether a business concern is "independently owned and operated." In general, business concerns are affiliates of each other when one concern controls or has the power to control the other or a third party controls or has the power to control both. The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. Individuals or

participants with recent catch history. The problem statement notes that many fixed gear vessel owners have made significant investments, have long catch histories, and are dependent on WGOA and CGOA Pacific cod resources. The proposed amendment may increase stability in the GOA fixed gear fisheries.

The legal basis for this action is the Magnuson-Stevens Fishery Conservation and Management Act (MSA). One of the stated purposes of the MSA is to promote domestic commercial fishing under sound conservation and management principles and to achieve and maintain the optimum yield from each fishery.

4.5 Number and description of affected small entities

The proposed action directly regulates persons who hold fixed gear groundfish LLP licenses with Western or Central GOA area endorsements. Licenses without recent participation in the Western or Central GOA Pacific cod fisheries will no longer be eligible to participate in the directed Pacific cod fisheries in Federal waters of the GOA. There are 972 fixed gear catcher vessels licenses subject to the proposed action; 883 of these licenses have Central GOA endorsements and 264 licenses have Western GOA endorsements (175 licenses have both area endorsements). The contact licensee information on each license was used to determine ownership affiliation. Based on this information, there are 909 entities that own these catcher vessel licenses, and 20 of these are large entities based on 2007 gross revenues. There are 53 fixed gear catcher processor licenses subject to the proposed action, including 49 licenses with Central GOA endorsements and 31 licenses with Western GOA endorsements (27 licenses have both area endorsements). These licenses are owned by 47 entities, 28 of which are large entities based on 2007 first wholesale revenues. In sum, the proposed action would directly impact 889 small entities that own fixed gear catcher vessel licenses with Western and/or Central GOA area endorsements, and 19 small entities that own fixed gear catcher processor licenses with Western and/or Central GOA area endorsements. It is likely that additional licenses are affiliated through partnerships with other entities, and would be considered large entities for the purpose of this action, but in the absence of complete ownership information, these affiliations cannot be determined.

4.6 Recordkeeping and reporting

Implementation of the proposed action to add Pacific cod endorsements to licenses would not change the overall reporting structure and record keeping requirements for vessels in the GOA groundfish fisheries. Currently, NOAA fisheries does not require vessel owners to report the LLP license used while participating in the groundfish fisheries subject to the LLP. This action would not add any new reporting requirements for vessels.

4.7 Relevant Federal rules that may duplicate, overlap, or conflict with the proposed action

There do not appear to be any Federal rules that duplicate, overlap, or conflict with the proposed action.

4.8 Description of significant alternatives to the proposed action

The Council is currently considering two alternatives for this action. Under **Alternative 1**, no Pacific cod endorsements would be added to Western or Central GOA fixed gear LLP licenses. Under **Alternative 2**, fixed gear LLP licenses with Western and Central GOA endorsements that meet minimum catch thresholds would receive a Pacific cod endorsement. The proposed action could potentially apply different catch thresholds to licenses, depending on the operation type or size of the vessel. Options to

National Standard 4 – Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, such allocation shall be (A) fair and equitable to all such fishermen, (B) reasonably calculated to promote conservation, and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

Residency within a specific state is not a criterion for receiving a Pacific cod endorsement. Licenses which meet minimum landings thresholds will remain eligible to participate in the Western and Central GOA Pacific cod fisheries, and exceptions to these eligibility standards will not be made for individual persons or entities based on residency in a specific state.

National Standard 5 – Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources, except that no such measure shall have economic allocation as its sole purpose.

The wording of this standard was changed in the 1996 Magnuson-Stevens Act authorization, to 'consider' rather than 'promote' efficiency. Efficiency in this context refers to economic efficiency, and the reason for the change is to de-emphasize the importance of economics relative to other considerations (Senate Report of the Committee on Commerce, Science, and Transportation on S. 39, the Sustainable Fisheries Act, 1996). The analysis presents information on economic considerations, but does not emphasize this standard over other considerations.

National Standard 6 – Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

Adding Pacific cod endorsements to groundfish licenses in order to limit access to the directed Pacific cod fisheries in the Western and Central GOA is unlikely to reduce the ability of recent participants to increase effort in response to changes in fishing and market conditions. Overall harvest levels by the fixed gear sectors would not be constrained by the proposed action. In the event of lower Pacific cod quotas in the BSAI or changes in other fisheries, this action would protect the relative harvest levels of those license holders that have recently participated in the fisheries and are dependent on the GOA Pacific cod resource. In addition, provisions to exclude the jig sector from the Pacific cod endorsement requirement may increase future opportunities for participation and total catch by this sector.

National Standard 7 – Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

The alternatives under consideration appear to be consistent with this standard.

National Standard 8 – Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

The RIR presents information on the impact of the proposed action on licenses held by residents of Alaska and other states, and provides detailed information on the number of qualifying licenses from Alaska communities. This action does not appear to have a disproportionate effect on residents of a particular state or on specific fishing communities. The RIR discusses the number of licenses held by residents of coastal fishing communities, including Community Quota Entity (CQE) communities that could qualify to for a Pacific cod endorsement. The analysis also discusses the relative importance of the Pacific cod fishery in comparison to other commercial fisheries to these communities.

are or may be in danger of depletion due to human activities, and that marine mammals are resources of international significance and should be protected using best management practices.

The primary management objectives of the MMPA are to maintain the health and stability of the marine ecosystem and to maintain sustainable populations of marine mammals within the carrying capacity of the habitat. The MMPA is intended to work in concert with the provisions of the Endangered Species Act. The Secretary of Commerce is required to give full consideration to all factors regarding regulations applicable to the take of marine mammals, including the conservation, development, and utilization of marine resources, and the economic and technological feasibility of implementing the regulations. Impacts of commercial fishing activities on marine mammal populations must be analyzed in an EA or EIS, and the Council or NMFS may be requested to consider measures to mitigate adverse impacts. Under the proposed action, no changes in the temporal or spatial distribution of harvests or overall level of fishing effort are anticipated. Consequently, no additional impacts to marine mammal populations are expected to result from the proposed action.

5.4 Coastal Zone Management Act

Implementation of either of the alternatives would be conducted in a manner consistent with the Alaska Coastal Management Program and Section 30(c)(1) of the Coastal Zone Management Act of 1972 and its implementing regulations.

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Table A-2. Participation, total revenues, and annual revenues per license during 2000-2006 by fixed gear CV licenses held by residents of CQE communities that have at least 1 directed Pacific cod landing during 2000-2006 and with no GOA directed Pacific cod landings during 2000-2006.

	Western Gulf licenses with at least one Western Gulf directed Pacific cod landing during 2000-2006 (36 licenses)				Western Gulf licenses with no qualified Western Gulf directed Pacific cod landings during 2000-2006 (18 licenses)			
Fishery	Number of licenses in fishery	Percent revenues	Total revenues 2000-2006	Annual revenues per license	Number of licenses in fishery	Percent revenues	Total revenues 2000-2006	Annual revenues per license
Federal WG Pcod- Fixed Gear	36	10.0%	\$7,462,885	\$29,615	0	0	\$0	\$0
Federal CG Pcod- Fixed Gear	2	*	*	*	0	0	\$0	\$0
Federal GOA Groundfish- Trawl	18	19.0%	\$14,159,477	\$112,377	0	0	\$0	\$0
State GOA Pacific Cod	35	17.8%	\$13,240,376	\$54,042	6	4.2%	\$132,242	\$3,149
BSAI Fixed Gear	8	1.3%	\$986,655	\$17,619	1	*	*	*
BSAI Trawl	3	*	*	*	0	0.0%	\$0	\$0
Herring	5	0.6%	\$471,231	\$13,464	2	*	*	*
IFQ Halibut	21	19.2%	\$14,310,389	\$97,350	3	*	*	*
IFQ Sablefish	2	*	*	*	0	0.0%	\$0	\$0
Other	29	0.1%	\$76,821	\$378	1	*	*	*
Salmon	33	27.6%	\$20,558,845	\$88,999	12	82.6%	\$2,623,042	\$31,227
Shellfish	33	3.8%	\$2,851,049	\$12,342	1	*	*	*
All Fisheries	36	100.0%	\$74,474,601	\$295,534	14	100.0%	\$3,175,191	\$32,400
No landings in any Alaska fisheries	0	0.0%	\$0	\$0	4	0.0%	\$0	\$0
	Central Gulf licenses with at least one Central Gulf directed Pacific cod landing during 2000-2006 (19 licenses)				Central Gulf licenses with no qualified Central Gulf directed Pacific cod landings during 2000-2006 (55 licenses)			
Fishery	Number of licenses in fishery	Percent revenues	Total revenues 2000-2006	Annual revenues per license	Number of licenses in fishery	Percent revenues	Total revenues 2000-2006	Annual revenues per license
Federal CG Pcod- Fixed Gear	19	8.8%	\$2,951,398	\$22,191	0	0.0%	\$0	\$0
Federal WG Pcod- Fixed Gear	2	*	*	*	17	7.7%	\$5,017,110	\$42,161
Federal GOA Groundfish- Trawl	1	*	*	*	15	19.0%	\$12,312,457	\$117,261
State GOA Pacific Cod	13	8.6%	\$2,903,842	\$31,910	23	14.5%	\$9,416,027	\$58,485
BSAI Fixed Gear	3	*	*	*	4	1.1%	\$733,683	\$26,203
BSAI Trawl	1	*	*	*	2	*	*	*
Herring	5	5.0%	\$1,695,125	\$48,432	4	1.4%	\$932,870	\$33,317
IFQ Halibut	13	34.3%	\$11,547,575	\$126,896	28	16.4%	\$10,667,454	\$54,426
IFQ Sablefish	5	7.2%	\$2,405,572	\$68,731	2	*	*	*
Other	11	0.1%	\$35,045	\$455	22	0.1%	\$70,518	\$458
Salmon	13	20.4%	\$6,845,104	\$75,221	35	35.4%	\$22,980,569	\$93,798
Shellfish	12	9.8%	\$3,286,517	\$39,125	24	4.1%	\$2,674,335	\$15,919
All Fisheries	19	100.0%	\$33,634,176	\$252,889	44	100.0%	\$64,925,384	\$210,797
No landings in any Alaska fisheries	0	0.0%	\$0	\$0	11	0.0%	\$0	\$0

Source: ADFG Fish Tickets, CFEC gross revenues, and RAM groundfish license file, December 2008.

Erin Harrington

From: misslori@alaska.com on behalf of Bill Harrington [misslori@alaska.com]
Sent: Tuesday, March 10, 2009 2:19 PM
To: Denby S (DFG) Lloyd
Cc: Erin Harrington
Subject: from Bill Harrington

Hi Denby. How's things in the lofty halls of government? Hope you're happy and doing some good. My daughter, Erin, is working down there now too at Rep. Austerman's office. I believe she's in the right place to make a difference to the good of public policy which is all she's ever wanted to do. So, to make a long story short and without any sugarcoating which does not become me, here's the deal. I would like you to seriously consider House Joint Resolution # 21 which addresses requiring an edorsement to fish for Pacific cod. I believe this is unfair to up and coming fishermen and just a ploy by certain entities to take possession of the fisheries exclusively to themselves. The underlying monster that drives this movement is greed. "If I own it, it's worth money, I can sell it". The main beneficiaries are the draggers, who have been extending and widening their boats in recent years to take advantage of the foreseen privatization. Big boatfulls, bigger piece of the pie. To allocate a resource that is accessible to many to a fishery that is destructive would be a travesty. I moved to Alaska because the draggers messed up my favorite ocean. Well, it will soon be coming to a theater near you. Maybe I have given you my analogy before but if I set my longline through your office, I might haul you back screaming but at least your furniture would still be there. Not so with a dragger net. It doesn't take a scientist to figure that one out. Please notice I use the word dragger instead of the word trawler as the latter is too easy to hide behind. Call a spade a spade. If you look up trawling in the dictionary it is just a word for catching many fish. Our longliners on Cape Cod were referred to as "tub trawlers" and the longline a trawl.

When I first met you there were NO draggers delivering fish to Kodiak.

I delivered the first fish that King Crab, Western, International Seafoods, and All Alaskan (now Trident) ever bought. With a 38 foot longline/gillnet setup. I had to bring a guy up here from the Cape to fillet it for them. Oscar Dyson said I was a pioneer like him. One cannery would buy for a week or two and have enough to experiment with then I'd have to find (beg) another place to buy them. I envisioned a small boat fishery that could sustain a fleet of local people just about year round. Just like we used to do in Chatham, Massachusetts..... Until they invented bigger and bigger draggers and rock hopper gear and powerful engines to decimate fishing grounds that existed since the 1600s for us white folk and longer for the indigenous people. We're only a few years behind them. So should we just get it over with? They already make enough money to hire full time pimps for themselves like Julie Bonney, Jeff Stephan, et. al.

Unfortunately we small guys don't. Of course there are a few non dragger supporters of this rationalization scheme; the Russian fleet and a couple pot boats but that's just a few "I, ME ME Mine" people who can't see further than their own purse.

My son just ran a boat for the first time last year and did real well.

He's 28. He's been fishing with me since he was 9. I was proud of him.

He was proud of himself. He was noticed favorably by others. Where will his place be if they give this all away. Please do not support this giveaway and do please support things like HJR #21. Thanks Denby.

Do some good.

Best regards. Bill Harrington, Kodiak

HJR

32

<target><bill>HJR 32</bill><subject>HJR
32</subject><comm>HFSH26</comm></target>

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Public Safety
Department of Law

Member:
Legislative Council
Legislative Budget & Audit (alt)



Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654

BILL STOLTZE

STATE REPRESENTATIVE

Representative_Bill_Stoltze@legis.state.ak.us

MEMORANDUM

TO: Representative Bryce Edgmon, Chair
House Fisheries Committee

FROM: Bill Stoltze

DATE: April 11, 2009

SUBJECT: Hearing Request

I respectfully request a hearing be scheduled for House Joint Resolution 32, opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye salmon personal use dip net fisheries.

Thank you for your consideration.

DISTRICT 16

26-LS0865\AE
Kane
4/13/09

**CS FOR HOUSE JOINT RESOLUTION NO. 32()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES STOLTZE, Keller, Gatto

A RESOLUTION

1 **Opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye**
2 **salmon personal use dip net fisheries.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the United Cook Inlet Drift Association is a group of nonresident and
5 resident commercial gill net fishermen in Cook Inlet; and

6 **WHEREAS** the United Cook Inlet Drift Association has filed a lawsuit against the
7 United States Secretary of Commerce requesting that the United States Department of
8 Commerce preempt state management of its salmon stocks in Cook Inlet; and

9 **WHEREAS** the United Cook Inlet Drift Association has filed a lawsuit against the
10 United States Secretary of Commerce claiming, among other things, that association's
11 nonresident members are discriminated against because they cannot participate in the
12 resident-only dip net fishery, thus requesting the court to declare that the state-authorized
13 resident-only salmon fisheries are unconstitutional and therefore preempted by federal law;
14 and

15 **WHEREAS** all five species of Pacific salmon are an integral part of Alaska's history,
16 heritage, and cultural identity, helping to meet both its economic and nutritional needs; and

1 **WHEREAS** the Magnuson-Stevens Fishery Conservation and Management Act
2 explicitly excludes state waters from the jurisdiction of the Act; and

3 **WHEREAS** the exclusive economic zone is closed to commercial fishing under the
4 Magnuson-Stevens Fishery Conservation and Management Act unless specifically authorized
5 by the state; and

6 **WHEREAS** the Alaska Board of Fisheries has devoted an inordinate amount of time
7 to the extremely complex salmon management program in the Cook Inlet region in an attempt
8 to balance the interests of all stakeholders; and

9 **WHEREAS** the potential results of this lawsuit, if the plaintiff is successful, would
10 not only preempt state fisheries management but could result in a larger number of
11 nonresident dip net fishermen being allowed to fish, causing an even smaller allocation to the
12 commercial fisheries, thus conceivably further adversely affecting the members of the United
13 Cook Inlet Drift Association; and

14 **WHEREAS** the establishment of federal and state recognized commercial fisheries
15 limited entry programs have drastically limited the ability of residents to use efficient
16 commercial gear for taking subsistence and personal use salmon resources, which has resulted
17 in the establishment of less efficient methods, such as the dip net fisheries, for taking salmon
18 to meet Alaska's nutritional needs; and

19 **WHEREAS** members of the United Cook Inlet Drift Association are able to use their
20 exclusive limited entry permits to use efficient gear that is not available to the average
21 Alaskan for the purpose of taking salmon for personal use; and

22 **WHEREAS** members of the United Cook Inlet Drift Association, including all
23 nonresidents, are allowed an unlimited bag limit, an unlimited possession limit, and an
24 unlimited annual limit under state law for salmon retained for personal use if taken during the
25 commercial fisheries, which is a luxury not afforded to Alaskans who do not possess a state
26 limited entry permit; and

27 **WHEREAS** both the federal government and the state recognize in law and place a
28 high priority on the importance of taking of wild resources for food; and

29 **WHEREAS** the State of Alaska restricts dip net salmon fisheries to Alaska residents;

30 and

31 **WHEREAS**, in 1984, a resident-only dip net fishery for Copper River red salmon

1 stocks was established in Chitina; and

2 **WHEREAS**, in 2006, 2007, and 2008, the Alaska Department of Fish and Game
3 issued over 8,000 permits allowing Alaskans to dip net for salmon in Chitina; and

4 **WHEREAS**, in 1981, a dip net fishery for red salmon stocks was established at the
5 mouth of the Kenai and Kasilof Rivers; and

6 **WHEREAS**, in 2006, 2007, and 2008, the Alaska Department of Fish and Game
7 issued between 18,500 and 23,700 permits allowing Alaskans to dip net for salmon in the
8 Kenai and Kasilof Rivers; and

9 **WHEREAS** the Alaska Department of Fish and Game calculates that those dip net
10 fisheries provide an average of 14 fish for each household for those households that
11 participated in the Kenai and Kasilof Rivers dip net fisheries in 2006, 2007, 2008; and

12 **WHEREAS** there appears to be a growing groundswell of support within the
13 commercial fishing industries represented at the North Pacific Fisheries Management Council
14 and state Board of Fisheries levels for a more dominant role in the regulatory process; and

15 **WHEREAS** the Constitution of the State of Alaska dictates that "The legislature shall
16 provide for the utilization, development, and conservation of all natural resources belonging
17 to the State, including land and waters, for the maximum benefit of its people," which clearly
18 means that the state's common property resources must benefit all Alaskans and not just a few
19 commercial fisherman;

20 **BE IT RESOLVED** that the Alaska State Legislature hereby requests that the United
21 Cook Inlet Drift Association drop its lawsuit advocating federal preemption of Alaska's
22 salmon management in state waters in Cook Inlet and opposing the personal use of salmon by
23 Alaska residents; and be it

24 **FURTHER RESOLVED** that the Alaska State Legislature also requests Governor
25 Sarah Palin to direct the attorney general to oppose this lawsuit.

26 **COPIES** of this resolution shall be sent to the Honorable Gary F. Locke, United
27 States Secretary of Commerce; the Honorable Sarah Palin, Governor of Alaska; the
28 Honorable Wayne Anthony Ross, Alaska Attorney General; and the Honorable Denby Lloyd,
29 Commissioner, Department of Fish and Game.

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Email: greg@baldwinandbutler.com

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED COOK INLET DRIFT	)	Case No.
ASSOCIATION, INCORPORATED;)	
)	
Plaintiff,)	
vs.	)	COMPLAINT FOR
	)	DECLARATORY AND
OTTO WOLF: In His Official Capacity as	)	INJUNCTIVE RELIEF
Acting Secretary of Commerce;)	
	)	(U.S. CONST. ART. VI, CL. 2;
	)	U.S. CONST. ART I, SEC. 8,
Defendant.	)	CL. 3; U.S. CONST. AMEND.
	)	V; 16 U.S.C. § 1801 <i>ET SEQ.</i> ; 5
	)	U.S.C. §553; 28 U.S.C. §2201(a);
	)	28 U.S.C. §2202; 42 U.S.C.
	)	§4332(2)(c)

I. NATURE OF THE CASE

1. Plaintiff United Cook Inlet Drift Association, Inc. (UCIDA) brings this action against the Secretary of Commerce for failure to respond to a petition for emergency rulemaking under the Administrative Procedure Act, filed by UCIDA in June

United Cook Inlet Drift Association v. Wolf,
Complaint Page 1 of 13

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of 2008. Failure to respond to UCIDA's petition resulted in past and ongoing harm in violation of the Due Process clause and Equal Protection guarantees of the Fifth Amendment, and in violation of the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens). 16 U.S.C. §1801 *et seq.*

II. JURISDICTION AND VENUE

2. This court has jurisdiction over this action under 16 U.S.C. §1855(f); 5 U.S.C. §702; 28 U.S.C. §2201(a); 28 U.S.C. § 1331. Venue is proper under 28 U.S.C. § 1391(e).

III. PLAINTIFF

3. UCIDA is a cooperative corporation, registered and in good standing in the State of Alaska, that represents commercial fishermen who utilize drift gillnets in the Exclusive Economic Zone (EEZ) of Cook Inlet, Alaska to harvest salmon. UCIDA actively participates in efforts at the state and national level to promote the interests of its members. Members of UCIDA consist of resident and non-resident commercial fishermen who rely predominately upon the harvests of sockeye salmon to earn their livelihood. Most of the sockeye salmon harvested by UCIDA members are returning to the major spawning rivers in Cook Inlet; in particular the Kenai, Kasilof, Crescent, and Susitna Rivers.

4. In addition to participating in the commercial fishery, some UCIDA members participate in recreational fishing, including UCIDA members from other states. Although UCIDA does not generally advocate for the recreational interests of its

United Cook Inlet Drift Association v. Wolf,
Complaint Page 2 of 13

members and it is not UCIDA's primary purpose, some of UCIDA's members are precluded from participating in resident-only fisheries and are therefore harmed by ongoing state regulations that prohibit non-resident participation in recreational fisheries.

5. In February of 2008, UCIDA represented its members at the state level, opposing promulgation of proposed state salmon regulations that would substantially and adversely affect their fishery in the EEZ. Immediately after the State of Alaska promulgated these regulations, which would have a substantial and adverse affect on the ability of UCIDA members to remain economically viable, UCIDA filed a petition for emergency rulemaking (Petition) with the Secretary of Commerce pursuant to 5 U.S.C. §553(e), urging the Secretary to initiate emergency preemption proceedings against the State of Alaska under 16 U.S.C. §1855(c)(1) prior to the 2008 salmon season.

6. The Secretary failed to respond to the UCIDA petition. UCIDA brings this action on behalf of its members – those commercial salmon fishermen operating drift gillnets in the EEZ and state waters – to assert their right to petition for rulemaking under the APA and Magnuson-Stevens. UCIDA has standing under both the APA and Magnuson-Stevens to bring this action. The Secretary unlawfully failed to respond to UCIDA's Petition, causing irreparable injury to UCIDA's members. Because the injury caused by the challenged state regulations is ongoing, and the Secretary's ongoing failure to respond to the Petition denies UCIDA due process under the APA and the U.S. Constitution, there is an ongoing controversy over which this court can grant a remedy.

United Cook Inlet Drift Association v. Wolf,
Complaint Page 3 of 13

IV. DEFENDANT

7. Defendant Otto Wolf is the Acting Secretary of Commerce, who has management authority over anadromous species throughout their range under Magnuson-Stevens. He is vested with responsibility for implementing and enforcing Magnuson-Stevens under 16 U.S.C. § 1855(d). He is being sued in his official capacity

V. BACKGROUND

8. Congress exercised federal jurisdiction over all anadromous fish species, including Pacific salmon throughout their range, in the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act), as reauthorized in 2006. 16 U.S.C. §1811(b)(1). Congress clearly articulated ten national standards applicable to conservation and management of anadromous species. The ten national standards are:

- (1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.
- (2) Conservation and management measures shall be based upon the best scientific information available.
- (3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.
- (4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

United Cook Inlet Drift Association v. Wolf,
Complaint Page 4 of 13

(5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(8) Conservation and management measures shall, consistent with the conservation requirements of this chapter (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea

16 U.S.C. §1851(a).

9. Congress then delegated to the Secretary of Commerce (Secretary) and eight Regional Fishery Management Councils, authority to implement the Magnuson-Stevens Act. The Secretary has authority and the responsibility to "promulgate such regulations,...as may be necessary to discharge such responsibility or to carry out any other provision of [Magnuson-Stevens]." 16 U.S.C. §1855(d). The Secretary delegated his authority to the National Marine Fisheries Service (NMFS) to enact appropriate

United Cook Inlet Drift Association v. Wolf,
Complaint Page 5 of 13

regulations to implement and enforce the anadromous species provisions of Magnuson-Stevens.

10. The North Pacific Fishery Management Council (Council) retains jurisdiction over anadromous species in the EEZ from 3-200 miles off the coast of Alaska. The Council delegated management authority to the State of Alaska in the EEZ through the 1990 Fishery Management Plan for Salmon in the EEZ off the Coast of Alaska (FMP). The FMP for salmon closes the EEZ west of Cape Suckling to salmon fishing, with the exception of three historic net fisheries. The Cook Inlet commercial salmon drift gillnet fishery occurs in the EEZ west of Cape Suckling and is one of the three historic net fisheries preserved in the FMP.

11. The State of Alaska manages anadromous species in state waters under the Statehood Act, which provided that management of fish and game resources would transfer to the state once "adequate provision for the administration, management, and conservation of said resources in the broad national interest" were in place. Alaska Statehood Act, Public Law 85-508, 72 Stat. 339, July 7, 1958.

12. The Statehood Act incorporates the Submerged Lands Act of 1953 by reference. The Submerged Lands Act, while transferring title to the submerged lands under the navigable waters of the United States to the states, retained federal jurisdiction over those waters and resources for the purposes of navigation and commerce. Alaska Statehood Act, §6(c); 42 U.S.C. §772 *et seq.*

United Cook Inlet Drift Association v. Wolf,
Complaint Page 6 of 13

13. Congressional authority to enact Magnuson-Stevens and the Submerged Lands Act is rooted in the Commerce Clause of the United States Constitution, which provides that Congress shall regulate commerce among the several states and with foreign nations. U.S. Const. Art. I, § 8.

14. The State of Alaska promulgated regulations that permit Alaska residents to harvest salmon to the exclusion of commercial fisherman and non-resident recreational fishermen in the drainages of Cook Inlet. UCIDA alleges that resident-only harvests of salmon are violative of Magnuson-Stevens, and they substantially and adversely affect the Cook Inlet EEZ fishery, thereby causing ongoing harm to UCIDA's members.

15. UCIDA alleged violations of federal law under Magnuson-Stevens including discrimination based on residency, failure to manage for optimum sustained yield, and harm to essential fish habitat, and sent a letter to the North Pacific Fishery Management Council urging the Council to provide comments to the Secretary of Commerce as provided for in the Council's procedures and the FMP.

16. The Council, through its executive director, responded that the Council had no obligation to provide comments to the Secretary, and that there are no federal laws that apply to salmon management in state waters.

17. UCIDA then filed a PETITION FOR EMERGENCY RULES RELATED TO SALMON MANAGEMENT IN COOK INLET, ALASKA pursuant to the APA and Magnuson-Stevens with the Defendant on June 16, 2008, alleging a violation of Magnuson-Stevens and urging Defendant to take emergency action.

United Cook Inlet Drift Association v. Wolf,
Complaint Page 7 of 13

18. Specifically, UCIDA challenged the resident-only fisheries, mandatory closures, arbitrary season opening and closing dates, escapement goals that do not meet optimum sustained yield, and failure of the state to utilize the best available science when promulgating regulations. UCIDA requested that the Secretary take steps to protect the commercial fishing community and the essential fish habitat upon which UCIDA's members and salmon rely.

19. The Secretary failed to respond to the Petition.

20. On July 24, 2008, the Cook Inlet fishery targeting Kenai River sockeye salmon was closed for the season in an attempt to achieve the minimum escapement goal. The resident-only personal use fishery continued unabated until the normal regulatory season closure at 11:00 p.m. on July 31. The minimum sockeye salmon escapement goal for the Kenai River was not met.

21. On November 20, 2008 a letter was sent to the Secretary inquiring into the status of the Petition. As of March 3, 2009, there has been no response to the Petition or the letter of inquiry related to the Petition.

22. The same regulations are in place for the 2009 and 2010 seasons which led to the 2008 closure of the EEZ fishery in favor of resident-only fisheries. UCIDA's members have been harmed and continue to be harmed by the state regulations pertaining to salmon management in Cook Inlet and the EEZ.

23. UCIDA sought a remedy through the petition process available under the APA in an effort to redress the ongoing harm suffered by its members. The Secretary, by

United Cook Inlet Drift Association v. Wolf,
Complaint Page 8 of 13

failing to respond to the Petition, denies UCIDA's members due process under the provisions of the APA, Magnuson-Stevens, and the United States Constitution.

First Claim
Defendant Failed to Respond to UCIDA's Petition for Emergency Rulemaking

24. Paragraphs 1 through 23 are realleged and incorporated by reference herein.
25. UCIDA's members have a statutory interest under the APA and Magnuson-Stevens related to petitions for rulemaking which are filed with the Defendant.
26. UCIDA'S members also have a substantive interest in the commercial fishery in the EEZ of Cook Inlet as recognized by Congress in Magnuson-Stevens, including adherence to the ten national standards and protection of essential fish habitat.
27. Defendant unlawfully withheld agency action regarding UCIDA's Petition, resulting in actual harm to UCIDA's members when their fishery was closed in favor of resident-only fisheries and the minimum escapement goal for sockeye salmon was not achieved in the Kenai River. Defendant's inaction failed to provide procedural protections to ensure that the ten national standards are met and that essential fish habitat is protected. UCIDA members suffer ongoing harm because the same regulations which closed the Cook Inlet fishery in 2008 and failed to adhere to the ten national standards and fail to protect essential fish habitat are in place for the 2009 and 2010 seasons.
28. UCIDA's members have a statutory and substantive interest in the Cook Inlet EEZ salmon fishery that could have been protected if Defendant acted lawfully and

United Cook Inlet Drift Association v. Wolf,
Complaint Page 9 of 13

considered the Petition. Defendant's failure to act resulted in actual harm to UCIDA members during the 2008 season, and because the same state regulations remain in place, UCIDA members will suffer harm in the 2009 and 2010 seasons that is concrete and particularized – restrictions on their fishery in favor of resident-only fisheries, lost yield, and essential fish habitat degradation.

29. UCIDA respectfully requests this court to declare resident-only fisheries preempted under the Commerce Clause and Magnuson-Stevens as a matter of law. Further, UCIDA requests an order of remand to the Defendant to thoughtfully consider all elements of UCIDA'S Petition and to initiate preemption proceedings against the State of Alaska to redress the ongoing harm suffered by UCIDA members.

**Second Claim
Defendant Violated UCIDA's Members Due Process Rights Under the 5th
Amendment**

30. Paragraphs 1 through 29 are realleged and incorporated by reference herein.

31. Defendant's failure to respond to UCIDA's Petition deprived UCIDA's membership due process of law under the Fifth Amendment to the United States Constitution regarding their statutory liberty to commercial fish granted under Magnuson-Stevens and the APA.

**Third Claim
Defendant Violated UCIDA's Members Equal Protection**

**United Cook Inlet Drift Association v. Wolf,
Complaint Page 10 of 13**

32. Paragraphs 1 through 31 are realleged and incorporated by reference herein.

33. Defendant's failure to respond to UCIDA's Petition deprived UCIDA's membership equal protection under the United States Constitution, the APA, and Magnuson-Stevens.

PRAYER FOR RELIEF

Therefore, Plaintiff respectfully requests that the Court:

1. Declare Defendant's failure to respond to UCIDA's Petition a violation of the APA, Magnuson-Stevens, and the 5th Amendment for unreasonably withholding agency action.
2. Declare Defendant's actions a deprivation of the due process and equal protection rights of UCIDA's members.
3. Declare that the state authorized resident-only salmon fisheries in Cook Inlet, Alaska are unconstitutional and therefore preempted by federal law.
4. Order the Defendant to initiate preemption proceedings against the State of Alaska under Magnuson-Stevens for actions that substantially and adversely affect the commercial salmon fishery in the EEZ of Cook Inlet.
5. Order the Secretary to review the Cook Inlet Salmon regulations and show cause that they meet the ten national standards of Magnuson-Stevens, with particular

United Cook Inlet Drift Association v. Wolf,
Complaint Page 11 of 13

attention to season opening and closing dates, mandatory closures, whether the Kenai River sockeye salmon escapement goals achieve optimum sustained yield, and whether adequate measures are in place to protect essential fish habitat.

6. Order the Secretary to provide comments to the State of Alaska and to establish a consultation process for protection and rehabilitation of essential fish habitat in the Cook Inlet basin.

7. Order the Secretary to provide procedural guidance to the North Pacific Fishery Management Council regarding requests for comments to the Secretary related to fishery management by members of the public and other interested parties.

8. Retain jurisdiction over this matter until such time as the Secretary of Commerce demonstrates to the court that salmon regulations in Cook Inlet comply with the ten national standards and other provisions of the Magnuson-Stevens Act.

9. Award Plaintiff the costs of this action, including reasonable attorney's fees, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

10. Grant Plaintiff such other and further relief as the Court deems just and proper.

DATED: This 4th day of March, 2009.

Respectfully submitted,
BALDWIN & BUTLER, LLC

United Cook Inlet Drift Association v. Wolf,
Complaint Page 12 of 13

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Attorney for Plaintiff

United Cook Inlet Drift Association v. Wolf,
Complaint Page 13 of 13



11 April 2009

Representative Bryce Edgmon
Alaska State Legislature
State Capitol, Room 416
Juneau AK 99801

Dear Representative Edgmon,

Let me begin by saying that the Southeast Alaska Seiners Association would like to comment on the recent "UCIDA" resolution. For the record, we are opposed to any activities and actions, legal or otherwise, that might jeopardize state control and state management of our fisheries. We never want to see the day in which return to a Washington D.C. based Federal management scheme; one that we fought against so hard the first half of last century and finally dissolved with statehood in 1959. To that end, we oppose any and all such transfers of autonomy and authority. And to this end, we proudly support the spirit and intent of such legislative resolutions with regard to maintaining state of Alaska management authority and the ability of Alaskan residents to access the fisheries resources of this great state of ours.

Certainly the focus on the resolution could be narrowed to include those issues that are material and relevant to the real problem of the proposed legal action. We might add that there are 3 legal actions to which SEAS is opposed: the aforementioned UCIDA action, the AOC Chilina dipnet court action, and the Herb Jensen/Prince William Sound lawsuit. SEAS believes that these are all misguided and that the disposition in favor of the plaintiffs would ultimately change and usurp the management authority of the state of Alaska over its fisheries resources.

This is why we are also very interested in the recent appointments by Governor Palin to the Board of Fisheries. For while the Board of Fish is an imperfect process, we are convinced that it is the best process and if we need to refine it we are ready to rise to that occasion. The Board and its attendant processes are where we deal with the management and allocation of our fisheries resource, not at some judge's bench.

☐ PO Box 23081, Juneau, AK 99802 ☐ 907-463-5030 ☐ Fax: 907-463-5083 ☐

And not in the Alaska State Legislature (*while certainly we support any legislator's prerogative to be involved in aspects of the process of fisheries management and allocation resolution, the Alaska state legislature itself was not formed and established for this purpose*).

As such, both the balance and the talent on the Board at this time are of great importance. One of the major issues, and in many quarters, THE major issue confronting the state's salmon fisheries management is the resolution of a longer term approach to returning the Mat-Su drainages to healthy and productive conditions.

Mr. Johnstone, with his legal background, will provide structure and leadership on this board in dealing with these stock rebuilding issues. Mr. Johnson, as President of Cook Inlet Aquaculture Association and with his background in land use and planning, will inevitably be in a great position to help with any enhancement and rehabilitation of the Mat-Su salmon stocks and the attendant habitat issues. His commitment to the sustainability of the salmon resource is first and foremost and we have been told by his own fishing partners to be prepared for an objective approach to fishery management across the state of Alaska. The fish will come first and the fishermen, be they commercial or sport, will come second.

This is why we support the appointments of BOTH Mr. Johnstone AND Mr. Johnson to the Alaska State Board of Fisheries. They are the right men for the right job at the right time.

In recent days there has been talk about lack of native Alaskan representation. Western Alaska has always had one seat at the table of the seven. For a short time that representation was a native Alaskan. Many prominent and wise native leaders have served on the board over the years. A longtime past Board of Fisheries member, the late Joe Demmert, was one of our finest Southeast Tlingit leaders as well as a founder, in 1968, of our organization, the Southeast Alaska Seiners Association (SEAS).

But aside from Robert Heyano, there has not been a native Alaskan on the Board of Fisheries since Tony Knowles took office in 1994 and after all these years we have not heard any murmurs about the lack of native participation during either the Murkowski or the Knowles administrations. (And let us remember that it was Murkowski who put a native Alaskan, Robert Heyano, back on the Board of Fish). Vince Webster is the current Board member representing Western Alaska right now. Sometimes this seat migrates north to Bethel (or even further north), but right now it is in Bristol Bay. Mr. Webster has lived in western Alaska long enough to appreciate western Alaskan values and he is a main conduit through which western Alaskans can access the Board of Fisheries.

Since 1992, Fairbanks has had a seat at the table. This seems a fair shake for the Interior region- 17 years with a specific seat at the table. **It is our belief that although Mr. Delo (of Big Lake) and Mr. Johnstone (of Anchorage) do not reside in the Interior, they**

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certainly can be very approachable board members for the Interior's access to the Board of Fish process and deliberations. While we sincerely feel the pain of Fairbanks folks, one should can recognize the irony of the Southcentral Alaska sports groups' concern for the lack of a Fairbanks seat when they failed to support the prior Fairbanks board member, Mrs. Bonnie Williams. We fully expected her to return and had seen her mature and grow a great deal in the 3 years she served on the Board. **Commercial fishing groups did not oppose her reappointment, even though she has never been a commercial user. Likewise, we do not oppose the reappointment of Mr. Johnstone,** even though he is widely considered to be a sport user at this time.

Let me now turn to the Cook Inlet commercial fishermen. While Fairbanks has had a seat on the Board for 17 consecutive years, **Cook Inlet commercial fishermen,** with well over 1500-2000 "boots-on" fishermen, providing direct and indirect jobs for many thousands more, **have been without a seat at the table for 31 years, since 1978.** *So while it may seem unfair to Fairbanks, what was fair about the way Cook Inlet commercial fishermen have been treated for these past 31 years? Over a dozen Cook Inlet sport seats were placed on the Board of Fisheries during this prolonged absence.* **We have a Governor who has the political will and courage to face the public opposition she knew could potentially result from this decision from sectors of Anchorage, Fairbanks and particularly her own Valley. We are hopeful that the legislature sees the wisdom in this very balanced choice of Mr. Johnstone and Mr. Johnson, regardless of their zip codes.**

We applaud the Governor's wise choice at this time and we remain unconvinced that just because past Board of Fisheries members Dr. Bouse, Mrs. Williams or Mr. Umphanauer will not be at the table that somehow Fairbanks and the Interior will be shortchanged.

Likewise, we find it disingenuous that certain sport-oriented groups would complain and portend to speak about the lack of native participation on the Board of Fisheries while the last Alaskan native on the Board (Robert Heyano, of Dillingham, whose seat was up two years ago) heartily endorsed Mr. Brent Johnson at the House Fisheries Committee last Thursday. And Mr. Johnson is not a native Alaskan---although, Mr. Johnson is a lifelong Alaskan whose family first made their home in Chugiak, where they were the 2nd family to settle in 1947, then Seldovia and, finally, Clam Gulch.

Lastly, it is amazing how fate intercedes in our lives, our careers, and our geographic locations. Today Alaskans have a much broader spectrum of life experiences and cultural differences than we did at statehood. When my great grandfather first came to Petersburg in 1903 and moved there permanently in 1910, when Anchorage hadn't even yet been founded. *Some of the old timers joke that when they came to Petersburg shortly thereafter they found no Caucasians living there---only us Norwegians and our good friends the Tlingit people.* The Valley was a very sparsely settled area for another half century.

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Many more of us now live in cities and suburbs and these populations tend to grow at much more accelerated rates than do the smaller, rural communities. But even in our more remote areas and villages where there has been little changed over thousands of years, the transportation, energy and infrastructure base is becoming modernized and this will have profound impacts on our access and allocation of fisheries resources. Had Brent Johnson's family stayed in Chugiak, he would perhaps had chosen a different profession and his opposition ironically would have perhaps come from the very neighbors on the Peninsula where he resides.

During a meeting in 1998, a hard-working former Senator and Representative from the Valley told a large group of us commercial fishermen that he had recently had a vision. And that vision was that someday we would all get along.... Commercial, sport, personal use, guided charter and subsistence users.... and that we would work on putting the fish first and setting aside our differences to do the best for the resource -and thereby it's users- as one large happy family.

While we have not yet had the pleasure to experience what the standard bearer from the Valley experienced in real terms, we share the hope that he had and will endeavor to work together with all the fish resource users to promote the best possible outcome for all users.

Together.

We need to get along here and while we fully understand the local nature of the disappointment of some of the Southcentral and Fairbanks constituent groups with Mr. Brent Johnson's appointment, we remain unconvinced that this is such a radical departure from good Board of Fish balance. One shot in 31 years and if he isn't just about perfectly balanced in his decisions, you can rest assured that it will be another 31 years before Cook Inlet Commercial fishermen get another crack at a seat on this board.

Sincerely



Robert M. Thorstenson, Jr.

Executive Director, SEAS

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PRESS RELEASE

April 16, 2009

Cordova fishing organization states position on lawsuit

Cordova District Fishermen United (CDFU), a member organization representing the interests of commercial fishermen in Prince William Sound, would like to make the following statements concerning a controversial lawsuit affecting Alaska fisheries.

The lawsuit, filed by Prince William Sound fisherman, Herb Jensen, claims that Alaska is out of compliance with the provisions of the federal Magnusson Stevens Act, and seeks to review Alaska's personal use fisheries.

"CDFU is not involved or associated with the development of the Jensen lawsuit in any way," said Rochelle van den Broek, Executive Director of CDFU. "Our organization believes that the State of Alaska has the authority and expertise to effectively manage fisheries in Alaska".

CDFU President, Jerry McCune, said that he respects all other users, and that as Alaskans we share common ground as well as resources on the Copper River. "Our number one priority is to protect our fishery – and that means ensuring that there are enough resources to meet the needs of all user groups, while ensuring that our salmon stocks are healthy and abundant. Balance is key, and the State of Alaska Department of Fish and Game have the skills and the expertise necessary to best manage our fishery."

"CDFU respects all Alaskans' opportunity to fish and eat salmon personally harvested. We believe that personal use fisheries are an important part of our culture in Alaska," McCune said. "Through balance and good management, it is CDFU's hope that all fisheries - subsistence, personal use and commercial - stay strong and healthy, and that there are adequate resources and opportunities available to meet all users' needs."

###

Cordova District Fishermen United
P.O. Box 939
Cordova, AK 99574
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HJR

43

<target><bill>HJR 43</bill><subject>HJR
43</subject><comm>HFSH26</comm></target>

HJR 43—Federal Funding: Domestic Seafood Marketing

Packet Contents:

1. HJR 43
2. Sponsor Statement
3. Fiscal Note
4. United Fishermen of Alaska’s Proposal for a National Seafood Marketing Coalition.
 - Executive Summary
 - Proposal
 - Example of Effective Salmon Industry Marketing, with excerpts from McDowell Group presentations.
5. Congressional Research Service Report on Saltonstall-Kennedy Fishery Funding
6. Alaska Seafood Marketing Institute (ASMI) Resolution in Support of Federal Funding for U.S. Produced Seafood
7. Saltonstall-Kennedy Act
8. Letter of Support from UFA

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 43
 () Publish Date: _____

Title Federal Funding: Domestic Seafood Marketing Dept. Affected: _____
 RDU _____
 Component _____
 Sponsor Rep. Edgmon, et al
 Requester House Fisheries Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Special Committee on Fisheries Phone 465-2839
 Division: _____ Date/Time 2/12/2010 1:40 p.m.
 Approved by: House Special Committee on Fisheries Date 2/12/2010



Sponsor Statement

HJR 43—Federal Funding: Domestic Seafood Marketing

SPONSOR'S INTENT

HJR 43 communicates to the Obama Administration, the Alaska Congressional Delegation, and Congress the Legislature's support for using a portion of federal revenues generated from duties on imported seafood and fish products for marketing American seafood—including that harvested in Alaska.

Since the 1990s, well over fifty percent of the fish consumed annually by American families is the product of foreign countries. And every year the governments of many of these countries bankroll multi-million-dollar campaigns to market their seafood to Americans.

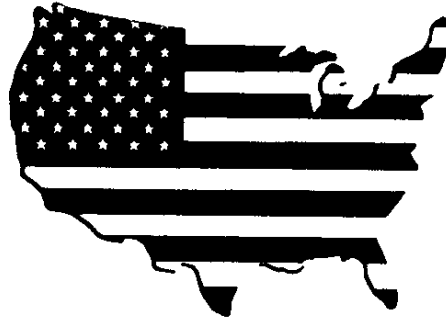
While the Alaska seafood industry as well as the state of Alaska contribute millions in funding for marketing purposes, the amounts are not adequate to finance the vigorous, consistent, and innovative promotion that our products require in the face of foreign competition.

Meanwhile, each year hundreds of millions of dollars are derived from duties on these imported fish and fish products that so aggressively compete with American seafood. Yet only an insignificant fraction of this revenue has ever been employed to promote domestically produced seafood.

HJR 43 endorses putting a portion of these revenues to work in developing and maintaining the robust domestic markets that healthy, sustainable Alaskan seafood deserves. The resolution urges Congress to pass legislation dedicating such funding for the effective domestic marketing of American seafood. And it asks the Alaska Delegation in Congress to work together with representatives from other seafood producing states to accomplish these goals.

Prepared by the Office of Rep. Edgmon

National Seafood Marketing Coalition



Julie Decker
Kevin Adams
Julianne Curry
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United Fishermen of Alaska

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Creation of a *National Seafood Marketing Coalition*

Executive Summary

U.S. seafood producers have common interests. These common interests are often overshadowed by a variety of conflicts, such as access and allocation. U.S. seafood producers can set aside conflicts in order to focus on areas of common interest.

U.S. seafood producers need parity with other U.S. food producers. The bottom line is that U.S. seafood producers are food producers and struggle with the same issues as other U.S. food producers. However, seafood producers are not included in many of the USDA programs which currently benefit farmers. For example, seafood producers do not receive specific funding for domestic marketing and product development which leaves us behind foreign competitors. Additionally, "wild caught" seafood producers cannot participate in the USDA Farm Service Agency's Loan Program due to the agency's definition of "fish."

These two examples, *marketing and affordable working capital*, address areas which are critical to the survival and success of the U.S. seafood industry. In order to affect positive change for U.S. seafood producers, we need to begin to think strategically. Below is an outline of those strategic steps.

Strategic Steps to Success:

- 1) Create a Coalition
- 2) Define the issue
- 3) Build support
- 4) Identify potential legislative vehicles
- 5) Wait for the correct timing

Step 1 – Create a Coalition: The formation of a *National Seafood Marketing Coalition* (Coalition) creates a forum on which to build grass roots support and effect the changes necessary in the industry. The creation of the Coalition is vital to the health of our industry and the survival of our coastal communities.

Step 2 – Define the issue: The first issue adopted by the Coalition could be the establishment of a National Seafood Marketing Fund which targets revenues from import duties on fish and fish products as an annual funding source. Other issues may be adopted by the Coalition in the future; however, beginning with one single issue allows the Coalition to focus on building its relationships and support around that issue.

A focused single issue and message with broad support is essential to achieving success. Marketing is an issue which will help all sectors of the industry by bringing higher demand and value to U.S. seafood products.

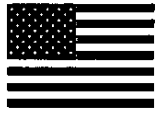
Step 3 – Build support: Grassroots support is the single most powerful influence on our Congressional Delegates. The Coalition must build support at the local, regional and national levels to create an unshakeable foundation of support for its issues. To do this, Coalition members must rally organizations, businesses, communities, and states with interest in the seafood industry, to support Coalition issues in Congress.

Step 4 – Identify potential vehicles: The next strategic step for success is to identify potential legislative vehicles on which to attach the Coalition's issue. A potential vehicle could be President Obama's Jobs Bill, mentioned in his State of the Union Address.

Step 5 – Wait for the correct timing: The political timing must be correct in order to accomplish our goal.

We must form a strong, supportive Coalition and be strategically smart. Remember, we have legitimate value in our goal; a healthy U.S. seafood industry is good for the economy and good for the country.

National Seafood Marketing Coalition



Proposal to Create a National Seafood Marketing Fund

DRAFT-DRAFT-DRAFT

Need

American seafood products are increasingly forced to compete with imported seafood and many other sources of protein in the domestic marketplace. Consequently, United States fishermen and seafood producers struggle to maintain a healthy business profile. Ex-vessel prices are too low to sustain many domestic fisheries. Fishing jobs are being lost and fishery dependant communities are in decline. It is in the interest of the U.S. to maintain a strong domestic seafood industry.

Concept

Develop national legislation directing a portion of the import duties collected on fish and fish products be dedicated to a National Seafood Marketing Fund (NSMF). The NSMF would market domestic seafood which directly competes with foreign imported seafood. Secondly, the legislation would establish nine (9) Regional Seafood Marketing Boards to receive, manage and direct these dedicated funds.

Factual Background

Seafood imports generate two sources of revenue for the U.S. treasury. First, approximately \$300 million dollars annually (\$282 million in 2008) is generated through duties and tariffs on imported fish and fish products. Second, as much as \$400 million dollars may be generated annually from the antidumping/countervailing duties (AD/CVD) on imported fish and fish products.

The first source of revenue, money collected from import duties on fish and fish products, are funds for the U.S. Department of Agriculture (USDA) and the U.S. treasury. Annually, 30% of these funds are transferred from USDA to the U.S. Department of Commerce (USDC) National Marine Fisheries Service's *Promote and Develop Fisheries Products* (P&D) account. NMFS further allocates a majority of the P&D account to Operations, Research and Facilities (ORF). The remaining portion funds the Saltonstall-Kennedy (S-K) program, which traditionally has few or no proposals to "*promote and develop fisheries products.*" To date, it has been difficult to find the disposition of the

remaining funds retained within the USDA. A breakdown of the appropriation of these funds for fiscal years 2007 & 2008 is listed below:

Revenue from Import Duties on Fish & Fish Products (millions)

Year	Total Duties in USDA	P&D Account	Remaining in USDA	P&D Account Breakdown	
				ORF	SK
FY07	\$ 276.05	\$ 82.82	\$ 193.23	\$ 79.00	\$ 3.82
% of Total Duties	100%	30%	70%	29%	1%
FY08	\$ 281.98	\$ 84.59	\$ 197.39	\$ 77.00	\$ 7.59
% of Total Duties	100%	30%	70%	27%	3%

The 1956 S-K Act was amended in 1983 to require that 60% of the P&D, or approximately \$50M, be used to fund the S-K program annually. Further, it is interesting to note that the amount of funds used for the S-K program since 1983 has never met this minimum of 60%; the average for this period is 11.8% (including promotional and marketing funds).

From FY1978 to FY2008, import duties on fish and fish products have grown from \$43.3M to \$282M. However, funds available for the S-K program have shrunk from \$13M to \$7.6M. The average for this period is \$7.3M.

The second source of revenue, the antidumping/countervailing duties (AD/CVD), is not currently allocated for any use by domestic seafood producers, although domestic seafood producers are dramatically affected by imported products often subsidized by foreign governments. AD/CVD funds collected from imported seafood have been difficult to definitively identify; however, it is believed to be as much as \$400M annually.

Funding Source

This proposal suggests an annual funding mechanism for the National Seafood Marketing Fund by utilizing equal portions of the revenue from import duties on fish and fish products and the revenue from AD/CVD. The portion of revenue from import duties on fish and fish products should be equal to the congressional intent of 60% of the P&D account (approximately \$50M annually) which would then be matched with an equal amount from the AD/CVD.

To be clear, the import duties on fish and fish products targeted for this proposal are the 70% remaining in USDA, not the 30% transferred to NMFS for ORF and S-K.

Structure of Regional Seafood Marketing Boards

1. Nine (9) Regional Seafood Marketing Boards (Boards) would be established in order to include all U.S. seafood producers which would include mariculture and aquaculture. Eight (8) Boards would geographically parallel the 8 Regional Fishery Management Councils authorized by the Magnuson-Stevens Act. The 9th Board would represent inland domestic seafood production. Marketing activities of each Board would be directed toward seafood caught or products produced in each region.

2. Establish a statutorily "fixed" annual funding mechanism using an equal portion of the import duties on fish and fish products and the AD/CVD. The total amount appropriated annually would be divided into thirds:

- One-third distributed equally to all 9 regional Boards.
- One-third distributed based on the comparative regional value of seafood produced in the most recently reported year.
- One-third distributed based on the comparative regional volume of seafood (metric tons) produced in the most recently reported year.

3. The Boards should be limited in scope to promotion and marketing, including new product development, of seafood harvested and/or produced in each region (e.g. no imported products). "Promotion and marketing, including new product development" should be defined broadly enabling Boards to respond quickly to market needs.

4. Boards serve as the regional "umbrella funding" entity. The Boards' activities should be limited to the awarding of grants and the distribution of funds through a Request for Proposal process. Boards would not manage marketing programs. Existing marketing or development entities, such as the Wild American Shrimp, Inc., Louisiana Seafood Promotion and Marketing Board, Maine Lobster Promotion Council, Alaska Seafood Marketing Institute, or the California Salmon Council could also apply to the Boards for funding to support their programs.

In addition, the Boards, as regional "umbrella" entities, should be encouraged to also focus on smaller (niche) marketing initiatives by requiring Boards to distribute a specific portion of their annual funding to "small businesses" as defined by the Small Business Administration.

Boards can spend no more than 10% of their annual funding for administration and operational expenses.

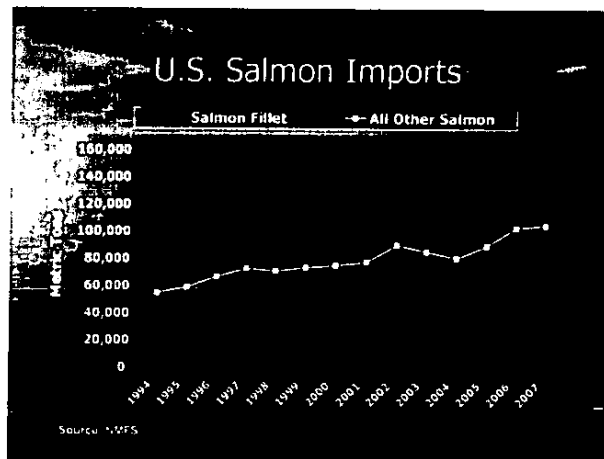
5. Cooperation between Boards should be encouraged by requiring the Board chairmen to meet semi-annually to discuss common species, marketing projects and issues of concern. Semi-annual meetings could also include representatives from various existing seafood marketing organizations as well.

Why Marketing?

An Example from the Alaska Salmon Industry

Salmon Makes a Great Example

- Good data for Ex-vessel and First Wholesale salmon values
- Salmon accounts for 58 percent of all commercial permits fished in Alaska
- Most active salmon fishermen (75%) are Alaska residents and spend earnings all over the state. 600 just in Anchorage and Mat-Su
- Salmon Fisheries are highly visible to public and policy makers



In 1991, the Alaska salmon industry suffered from a huge influx of imported farmed salmon in consumer-friendly forms.

From 1991 to 2002, the value of Alaska salmon continued to drop as the import of farmed salmon continued to rise.

As the demand for Alaska salmon fell, so did the funds used to market Alaska salmon through the Alaska Seafood Marketing Institute (ASMI). ASMI is funded based on a percent tax on the industry.

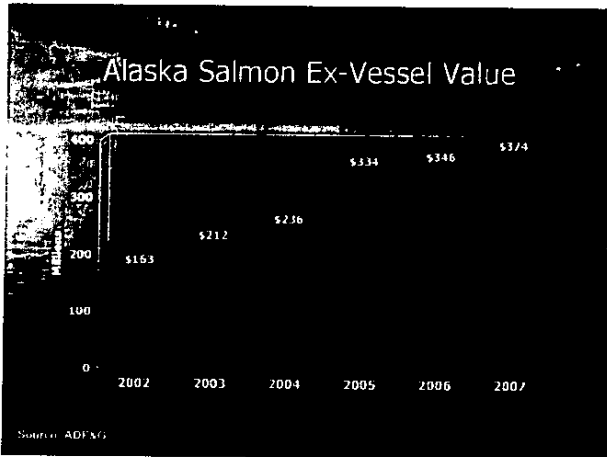
As the value of the fishery declined, the marketing funds desperately needed to pull the industry out of the tail-spin were also declining, furthering the downward trend.

During this time, approximately two-thirds of the fishermen and processing companies went out of business across Alaska.

In 2002, the Alaska salmon industry hit the lowest point of profitability in history.

Definitions

- Ex-vessel Value, \$1.6 billion in 2007
 - Payment to Harvesters
 - Most common measure, basis for taxation, captures activity of harvest sector only
- First Wholesale Value, Est. \$3.6 billion
 - First sale by a processor to a buyer outside their affiliate network
 - Not commonly used, but captures the full spectrum of economic activity



Value Growth Drivers

- **Biology**
 - Strong sockeye harvest
 - Record and near record pink & chum harvest
- **Salmon Product-form Shifts**
 - Pink salmon
 - Fillet production
- **Market Activity**
 - Production & consumption growth
 - Market receptive to AK seafood core messages
 - Effective Differentiation

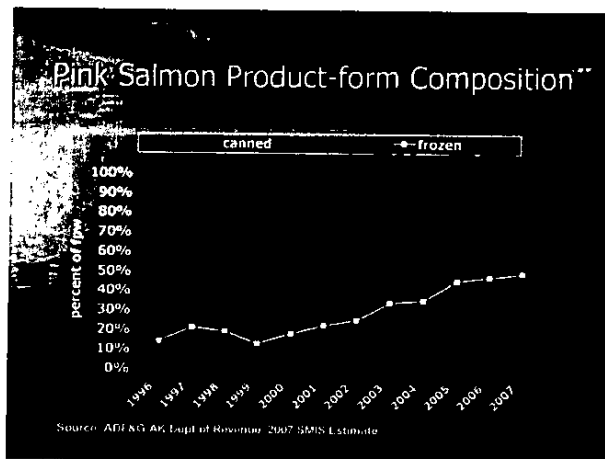
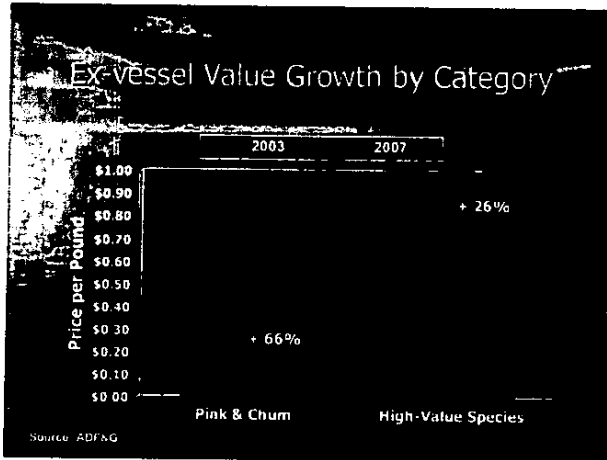
Also in 2002, Governor Frank Murkowski and his Salmon Cabinet designed and implemented the Alaska Salmon Revitalization Plan, funded with approximately \$40 million, plus an equal amount of matching funds from private industry.

At this same time, Senator Ted Stevens created the Alaska Fisheries Marketing Board (AFMB) out of frustration in trying to meet the intent of Congress to use 60% of the Promote & Develop Fisheries Account funds to "promote and develop fisheries products." AFMB is considered a pilot project to the current proposed National Seafood Marketing Fund.

The AFMB was funded with \$36 million between 2002 and 2007.

The combination of these funds, over \$116 million, was used for marketing, product development and infrastructure with an emphasis on the failing salmon industry.

The positive results of these investments are significant.



Impacts of Product-form Shift

- Sustains demand growth for frozen in emerging markets
- Reduced chronic surplus of canned salmon, restoring balance of supply and demand
- Full utilization of harvestable surplus

Results of Investments in Marketing:

--Increased quality on vessels and in processing plants.

--Increased the number of new product forms, such as fillets, portions, and consumer-ready products.

--Decreased the number of old product forms, such as canned and headed-and-gutted salmon.

--Changed from focusing on the primary processing industry to the secondary processing industry.

--Changed from focusing on the salmon market to focusing on the food market.

--Changed from a commodity-driven market to a consumer-driven market.

--Brought fishermen, processors, wholesalers and government agencies to the table to determine what was needed as market conditions were dynamically changing.

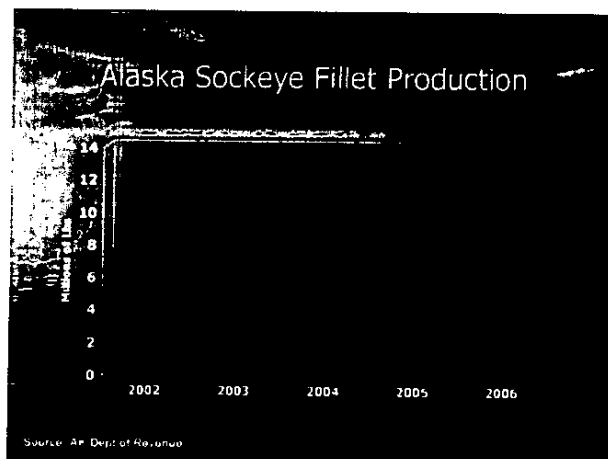
First Wholesale: - The Full Measure of Salmon Value

- Payment to harvesters
- Processors' profits
- Expenditures on goods and services associated with production in Alaska

Average First Wholesale Value Primary Pink Salmon Products

	Froz_H&G	48-tall case
CY 2003	\$.41	\$35.57
CY 2004	\$.52	\$36.94
CY 2005	\$.62	\$41.00
CY 2006	\$.82	\$46.12
Jan Sep 2007	\$.75	\$57.70

Source: AK Dept. of Revenue



As a result of the investments in marketing (quality, product development, infrastructure and advertisement), the value of Alaska salmon began to rise almost immediately.

From 2002 to 2007, the ex-vessel values increased from \$163 million to \$374 million, an increase of 130%.

The first wholesale value of salmon increased from approximately \$550 million to \$850 million.

The price of canned pink salmon rose from \$35.57 to \$57.70 per case.

The amount of sockeye fillets produced continued to rise from approximately 2 millions pounds to almost 14 million pounds.

Many of the costs for processors are fixed. Therefore, as profitability began to rise, the percentage of profits that could be shared with fishermen also rose. The price paid to fishermen, as a percentage of the first wholesale value, increased from 29% to 40%.

Potential Value Growth Inhibitors

Continuous growth of farmed salmon production

Record harvest volumes of AK salmon

Product-form Shifts

Capital, market development costs
Value added – cost added

- Recent processing sector consolidation

Market Activity

Despite factors that normally erode value, Alaska salmon value shows strong growth. Per-pound wholesale value is up, driven by several factors including marketing activity.

Processing has a high fixed cost load, so wholesale value growth beyond the fixed-cost "tipping point" translates largely into profit

- Profitability increases ex-vessel value and stimulates product form shifts that position Alaska products for further value growth

Market Activity

Marketplace remains very receptive to core messages of Alaska Seafood and Alaska Salmon

Increased coordination between industry and state marketing efforts

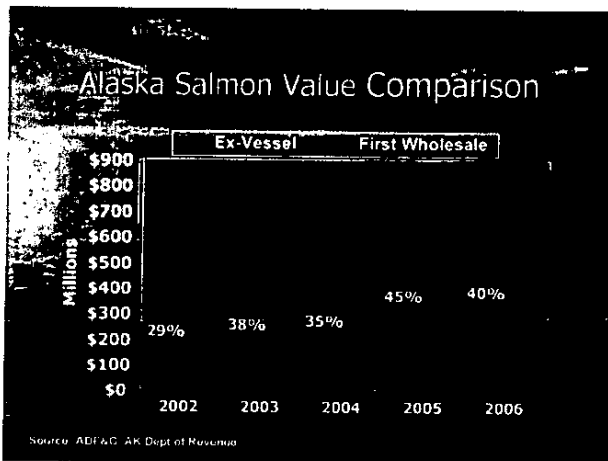
Increased financial support of private and public marketing efforts

- Ongoing product and market development efforts

The rise in value of Alaska salmon continued even in the face of increased production of farmed salmon, record harvests of Alaska salmon, increased competition from other sources of seafood, and increased marketing efforts from foreign countries. For example, Norwegian salmon companies have budgeted \$15 million for marketing in the U.S. for 2010.

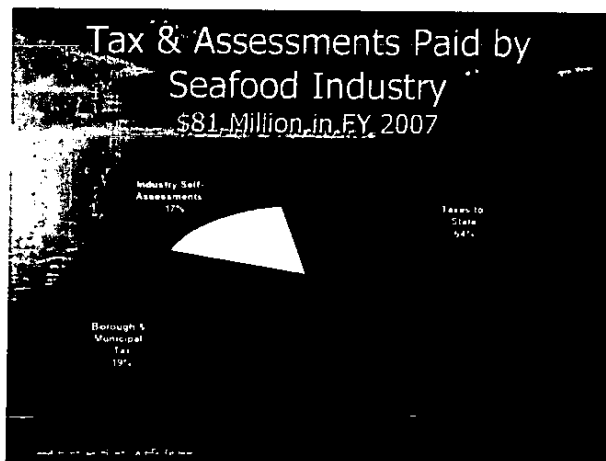
The Alaska Seafood Marketing Institute (ASMI) continues to receive funding for marketing from taxes assessed on the industry. ASMI's budget from assessments is between \$5 million and \$10 million per year to market *all* Alaska Seafood. These assessments allow ASMI to leverage a variety of grants.

Since 2007, the influx of \$116 million in marketing funds is no longer available. However, the ex-vessel value of salmon continues to rise. In 2008, ex-vessel values of Alaska salmon rose to \$452 million, an increase of 177% over 2002 ex-vessel values.



Impacts of Value Growth

- Drives economic activity into remote areas of the state
- Maintains critical mass for transportation infrastructure
- Increased participation in salmon fisheries, especially for AK residents



These marketing investments in the Alaska salmon industry were pure economic development.

As the value of the industry increased, economic activity also increased from rural areas of Alaska to urban centers, and even extending to other states which support the industry.

For example, as the industry began to be profitable again, upgrades were made in both the processing and harvesting sectors. Airlines invested in additional cargo capacity as more fillets and high quality salmon were shipped by air. Freight and trucking companies invested in upgrades as distribution lines changed.

Quality improvements and product development meant investments in equipment and machinery (i.e. ice machines, flash freezers and fillet machines) purchased through supply companies all over the country.

Ex-Vessel Value

- Salmon earnings migrate all over Alaska
 - 75% of active permits held by Alaskans
 - Salmon earnings return to many non coastal areas of Alaska and elsewhere
- Basis for state taxes & revenue sharing
- Basis for municipal & borough taxes not captured in state data

Spending on Goods & Services

- Labor & Materials
 - Processing labor
 - Skilled labor, service providers, etc.
- Utilities, economies of scale
 - Potable water
 - Solid waste
 - Electricity
- Shipping, economies of scale
 - Backhaul rates & activity
 - Usage of public infrastructure

As the salmon industry increased in value, the tax revenue from the industry also increased. Salmon industry taxes support the continued marketing of Alaska seafood, the enhancement of the industry, state activities and municipal activities, such as schools and harbors.

This chain of economic impact continues to trickle down and is seen on local, regional, state and federal levels.

The investment in marketing Alaska salmon is a success story; it is also an example of what marketing can do for any product and the value of aggressive and continued marketing support, such as a *National Seafood Marketing Fund*.

*Note: Slides are excerpts from the McDowell Group's presentations to the Alaska Fisheries Marketing Board (Jan. 21, 2008) titled, "Alaska Salmon Industry: Value Growth Drivers, Secondary Impacts" & to the Alaska Seafood Marketing Institute (Feb. 21, 2008) titled "Value of the Alaska Fishing Industry to the State of Alaska".

CRS Report for Congress

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Saltonstall-Kennedy Fishery Funding

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Summary

The Saltonstall-Kennedy Act established a fund that, among other things, has supported fishery research and development projects, with funding awarded annually on a competitive basis. Recent congressional "earmarks" have preempted the competitive process for awarding funding for industry projects. This report will be updated as this issue evolves.

The Saltonstall-Kennedy (S-K) Act, as amended (15 U.S.C. §713c-3), established a fund (known as the S-K Fund) that the Secretary of Commerce uses to finance projects and cooperative agreements for fishery research and development. Under this authority, projects or cooperative agreements are selected annually on a competitive basis to assist NOAA Fisheries (previously known as the National Marine Fisheries Service) in addressing concerns related to U.S. commercial and recreational fisheries. The S-K Fund is capitalized through annual transfers under a permanent appropriation to the Secretary of Commerce of 30% of the gross receipts collected by the Secretary of Agriculture under the customs laws on imports of fish and fish products.¹

The objective of the S-K program is to address the needs of fishing communities in providing economic benefits for rebuilding and maintaining sustainable fisheries, and in dealing with the impacts of conservation and management measures.² The S-K program has become very important in addressing issues of immediate concern to the commercial fishing industry, by producing many new gear innovations, markets, and management options. Issues addressed have included fish harvesting, seafood quality improvements, domestic and foreign market development, efficiency and productivity improvements, and the costs/profitability of potential fishing industry investments.³

¹ Because of progressive reductions and eliminations of tariffs on edible fisheries products, most of these customs duties come from non-edible products, such as pearls, coral jewelry, etc.

² U.S. Dept. of Commerce, National Marine Fisheries Service, *The Saltonstall-Kennedy Grant Program: Fisheries Research and Development*, Report 2003 (Aug. 1, 2003), p. 2.

³ U.S. General Accounting Office, *Uses of Saltonstall/Kennedy Fisheries Development Funds*, (continued...)

Customs receipts have increased substantially during the life of this program, with almost \$80 million currently being transferred annually to the Secretary of Commerce. **Table 1** summarizes program funding. In 1980, Congress enacted formal program authority to fund fishing industry development projects and expanded this authority in 1983, establishing a minimum percentage of S-K funds to be used to provide financial assistance to projects. The balance of S-K funds were to be used by the Secretary of Commerce for a national program of fisheries research and development to address aspects of U.S. fisheries not adequately addressed by funded industry projects. Beginning in FY1979, increasing amounts of S-K dollars have been transferred to the Department of Commerce's National Oceanic and Atmospheric Administration's (NOAA's) *Operations, Research, and Facilities* (ORF) account, reducing the funds and percentage of funds available for fishing industry projects and the national program. Since FY1982, the S-K program has never allocated the minimum amount (50% after FY1980 and 60% after FY1983) specified by law for industry projects. For example, in FY2002, slightly more than \$79.1 million in customs duty receipts were transferred to the Department of Commerce from the Department of Agriculture. Of this amount, P.L. 107-77 transferred \$68 million to NOAA's ORF account "for necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration."⁴ A total of slightly more than \$11.1 million (14.1% of the customs receipts transferred to the Department of Commerce) remained for commercial fishing industry projects, the national program of fisheries research and development, and S-K program administration.

In FY2004 appropriations (P.L. 108-199, 118 Stat. 73, §208 of "General Provisions — Department of Commerce"), congressional earmarks designated funds for specific activities outside the regular competitive award process, and the competitive program was cancelled for FY2004.⁵ A similar situation occurred in FY2003. Regardless of the merits of the activities funded through the congressional earmarks, some elements of the commercial fishing industry have expressed frustration when the competitive process is circumvented and projects are funded outside a competitive selection process.⁶

Since the S-K program requires no periodic reauthorization, no recent congressional oversight hearings have been held to review the department's rationale for allocating S-K funds between industry projects and agency base funding; how specific project areas to be funded are selected; how this program is administered and at what cost; how the results of funded projects are reviewed, disseminated, and used; and to what extent the program continues to meet its statutory objectives. Additional questions include whether the S-K

³ (...continued)

GAO/RCED0-85-145 (Washington, DC: Aug. 30, 1985), p. ii.

⁴ 115 Stat. 774-775.

⁵ In several earlier instances, congressional "soft" earmarks were specified in report language associated with annual appropriations. Although such language is not legally binding, NOAA followed the direction in making funds available noncompetitively for various specific projects. Examples include the Interstate Shellfish Sanitation Conference for an education program on naturally occurring *Vibrio vulnificus* in shellfish and the Alaska Fisheries Development Foundation for a report entitled *An Ocean of Answers*.

⁶ Discussions among commercial fishermen on the internet discussion group "Fishfolk" fishfolk@mitvna.mit.edu on Mar. 22-25, 2004.

program might be considered a continuing subsidy for the commercial fishing industry, whether the funding of industry projects continues to be useful, how the utility of the S-K program authority may have changed over time, and whether critical research might be done by industry if it were not funded by the S-K program.

Criticism of S-K program management generally comes from elements of the commercial fishing industry. Some critics of S-K Fund management question whether the administration of both regulation and research within the same agency raises questions about objectivity; they suggest that researchers might be hesitant to criticize the agency for its regulatory actions because they might lose access to future or continued project funding. Others suggest that the selection (i.e., restriction) of what types of projects will be funded also may administratively “earmark” funds, such as occurred in FY2003 when about half of all industry project funding (\$5 million of an anticipated \$10.3 million) was identified for direction to Atlantic salmon aquaculture development. Others suggest that the narrow agency identification of projects that would be funded in FY2003 actually prompted the subsequent congressional earmarks to specify projects that are to be funded.

The following chronology presents the development of this program. Key references are identified in footnotes by links to where they may be viewed, with care taken to select those resources that may be least transient. Full citations are not provided to these footnoted documents because of the lengthy organizations and titles for them.

Chronology

- 07/01/1954 — President Eisenhower signs the Saltonstall-Kennedy Act (68 Stat. 376; 15 U.S.C. §713c-3) into law.
- 06/15/1961 — Senate Commerce Subcommittee on Merchant Marine and Fisheries holds a hearing on fishery research and rehabilitation amendments to the S-K Act.⁷
- 10/01/1978 — NOAA’s National Marine Fisheries Service (NMFS) begins receiving S-K dollars as annual budgetary transfers to NOAA’s *Operations, Research, and Facilities* account.
- 12/22/1980 — Section 210 of the American Fisheries Promotion Act (P.L. 96-561) amends the S-K Act to require that not less than 50% of each fiscal year’s funds be used to provide financial assistance for projects.
- 01/06/1983 — Section 423 of P.L. 97-424 amends the S-K Act to require that not less than 60% of each fiscal year’s funds be used to provide financial assistance for projects.

⁷ U.S. Congress, Senate, Committee on Commerce, Subcommittee on Merchant Marine and Fisheries, *Fishery Research and Rehabilitation (Amendments to Saltonstall-Kennedy Act)*, 87th Congress, 1st session, hearing on S. 1230 on June 15, 1961 (Washington, DC: GPO, 1961), 103 p.

CRS-4

- 08/30/1985 — The General Accounting Office (GAO) releases a report on the *Uses of Saltonstall/Kennedy Fisheries Development Funds* (GAO/RCED0-85-145), reviewing both NMFS in-house activities and competitive industry projects supported by S-K dollars. GAO examines the adequacy of the project selection process, project monitoring procedures, and the dissemination of project results. GAO presents views on the benefits of this program to the U.S. commercial fishing industry but makes no recommendations.⁸
- 11/14/1986 — The enactment of §209 of P.L. 99-659 creates the Fisheries Promotional Fund, to be capitalized with S-K funds.⁹
- 05/14/2002 — NOAA Fisheries announces the FY2003 S-K Program, allocating \$5 million of an anticipated \$10.3 million for Atlantic salmon aquaculture development.¹⁰
- 02/20/2003 — President Bush signs P.L. 108-7, wherein §209 (Division B; General Provisions — Department of Commerce) appropriates \$10 million in S-K dollars for the Alaska Fisheries Marketing Board for FY2003.¹¹
- 06/30/2003 — NOAA Fisheries announces the FY2004 S-K Program, suggesting that about \$4 million would be available for projects.¹²
- 08/01/2003 — NOAA Fisheries publishes its 2003 S-K Report to Congress.¹³
- 01/23/2004 — President Bush signs P.L. 108-199, wherein §208 (Division B; General Provisions — Department of Commerce)¹⁴ appropriates \$17 million in S-K dollars for various specified fisheries programs for FY2004;¹⁵ a “soft” earmark (H.Rept. 108-221, p. 89) identifies an additional \$250,000 for the Gulf and South Atlantic Fisheries Foundation to continue a *Vibrio* education program.
- 03/19/2004 — NOAA Fisheries announces that the FY2004 competitive S-K Program is being canceled due to insufficient funding and all

⁸ See [<http://161.203.16.4/d11t3/127795.pdf>], visited Mar. 24, 2004.

⁹ 16 U.S.C. §4008.

¹⁰ 67 *Federal Register* 34427-34434 (May 14, 2002).

¹¹ 117 Stat. 78.

¹² 68 *Federal Register* 38678-38690 (June 30, 2003).

¹³ See [http://www.nmfs.noaa.gov/ocs/sk/pdf/03report_wsie.pdf], visited Mar. 24, 2004.

¹⁴ 118 Stat. 73-74.

¹⁵ \$10,000,000 to the Alaska Fisheries Marketing Board, \$2,000,000 to the Gulf and South Atlantic Fisheries Foundation, \$2,000,000 to the South Carolina Seafood Alliance, \$1,500,000 to the Oregon Trawl Commission, and \$1,500,000 to the Oregon State University Seafood Laboratory.

applications are being returned to the applicants without further consideration.¹⁶ On its S-K website, NOAA Fisheries notes that the President's budget request for FY2005 also does not provide sufficient funding for the competitive S-K Program.¹⁷

¹⁶ 69 *Federal Register* 13021 (Mar. 19, 2004).

¹⁷ See [<http://www.nmfs.noaa.gov/ocs/skhome.html>], visited Mar. 24, 2004.

Table 1. Financing History of Saltonstall-Kennedy Account
(thousand \$)

FY	Import duties collected	Transfer from Agriculture	Funds to NOAA ORF	Fishermen's Promotional Fund	Congress. earmarks ^a	Remainder available ^{2a}	Earmarks and remainder as % of transfer
1978	43,280	12,984	0	0	0	12,984	100%
1979	58,120	17,436	5,000	0	0	12,436	71%
1980	88,930	26,679	5,000	0	0	21,679	81%
1981	116,600	35,000	17,500	0	0	17,500	50%
1982	87,300	26,200	10,000	0	0	16,200	62%
1983	102,100	30,600	22,600	0	0	8,000	26%
1984	119,900	33,600	23,600	0	0	10,000	30%
1985	116,500	34,900	25,900	0	0	9,000	26%
1986	145,600	43,700	34,100	0	0	9,600	22%
1987	191,400	57,400	51,600	750	0	5,050	9%
1988	187,800	56,300	44,400	2,600	0	9,300	17%
1989	178,900	53,600	45,600	3,000	0	5,000	9%
1990	206,500	61,900	55,000	2,000	0	4,900	8%
1991	235,900	70,800	60,900	2,000	0	7,900	11%
1992	213,700	64,100	63,100	0	0	1,000	2%
1993	204,700	61,400	55,000	0	0	6,400	10%
1994	206,500	61,944	54,800	0	0	7,144	12%
1995	215,885	64,765	55,500	0	0	9,265	14%
1996	242,977	72,893	63,000	0	0	9,893	14%
1997	221,270	66,381	66,000	0	0	381	1%
1998	219,110	65,730	62,380	0	0	3,350	5%
1999	221,420	66,430	63,380	0	0	3,050	5%
2000	233,070	69,920	68,000	0	0	1,920	3%
2001	242,760	72,830	68,000	0	0	4,830	7%
2002	263,770	79,130	68,000	0	0	11,130	14%
2003	250,750	75,220	65,000	0	10,000	220	14%
2004	265,747	79,724	62,000	0	17,250	474	22%

^a. Except for FY2004, this column does not include the "soft" earmarks as previously discussed.

^{2a}. This amount includes funds for industry projects, the national program, and NMFS/NOAA Fisheries expenses for administering the industry projects. In FY2003, these administrative expenses were estimated at \$500,000.



Alaska Seafood Marketing Institute Resolution 2009-01

A RESOLUTION OF THE ALASKA SEAFOOD MARKETING INSTITUTE SUPPORTING FEDERAL FUNDING FOR UNITED STATES PRODUCED SEAFOOD

- WHEREAS,** the State of Alaska in conjunction with the fishing industry created the Alaska Seafood Marketing Institute (ASMI) to market and promote Alaska seafood; and
- WHEREAS,** ASMI has worked for 28 years to champion the "Alaska Brand" and to identify Alaska seafood as wild and sustainable; and
- WHEREAS,** effective marketing of Alaska's seafood requires a constant, consistent and long term marketing presence, especially in times of oversupply and new competition; and
- WHEREAS,** the Alaska seafood industry has "self assessed" fishery production to pay for ASMI's promotional activities; and
- WHEREAS,** despite the money raised from the Alaska Seafood Industry, ASMI's promotional activities are often limited and underfunded; and,
- WHEREAS,** in times of economic collapse or fishery oversupply, the industry is least able to increase marketing assessments; and
- WHEREAS,** the Federal Government collects approximately \$280 million dollars annually through customs laws regulating the importation of fishery products, many of which compete with Alaska's fishery products; and
- WHEREAS,** funds collected from the importation of fishery products are not available for the domestic marketing of American seafood; and
- WHEREAS,** using fishery product import revenues to market American seafood will preserve American fishing and seafood processing jobs, U.S. processing capacity and ensure availability of domestic seafood for the American Consumer;

THEREFORE BE IT RESOLVED, that the Alaska Seafood Marketing Institute strongly supports the use of a portion of federally generated fishery product import revenues for the domestic marketing of Alaska seafood; and



THEREFORE BE IT FURTHER RESOLVED, that the Alaska Seafood Marketing Institute's support for the use of a portion of federally generated fishery product import revenues for the domestic marketing of Alaska seafood be communicated to Governor Sean Parnell, the Alaska Legislature, Senators Lisa Murkowski and Mark Begich, Representative Don Young and to the United Fishermen of Alaska.

(from <http://www.gpoaccess.gov/uscode/browse.html>)

"Saltonstall-Kennedy Act " - Title 15 U.S.C. 713c-3

From the U.S. Code Online via GPO Access
[www.gpoaccess.gov]
[Laws in effect as of January 3, 2007]
- - [CITE: 15USC713c-3]

[Page 833-836]

TITLE 15--COMMERCE AND TRADE

CHAPTER 15--ECONOMIC RECOVERY

SUBCHAPTER I--GENERALLY

Sec. 713c-3. Promotion of the free flow of domestically produced
fishery products

(a) Definitions

As used in this section--

(1) The term ``person'' means--

(A) any individual who is a citizen or national of the
United States or a citizen of the Northern Mariana Islands;

(B) any fishery development foundation or other private
nonprofit corporation located in Alaska; and

(C) any corporation, partnership, association, or other
entity (including, but not limited to, any fishery development
foundation or other private nonprofit corporation not located in
Alaska), nonprofit or otherwise, if such entity is a citizen of
the United States within the meaning of section 50501 of title
46 and for purposes of applying such section 50501 with respect
to this section--

(i) the term ``State'' as used therein includes any
State referred to in paragraph (3),

(ii) citizens of the United States must own not less
than 75 percent of the interest in the entity or, in the
case of a nonprofit entity, exercise control in the entity
that is determined by the Secretary to be the equivalent of
such ownership, and

(iii) nationals of the United States and citizens of the
Northern Mariana Islands shall be treated as citizens of the
United States in meeting the ownership and control
requirements referred to in clause (ii).

(2) The term ``Secretary'' means the Secretary of Commerce.

(3) The term ``State'' means any State, the District of
Columbia, the Commonwealth of Puerto Rico, American Samoa, the
Virgin Islands of the United States, Guam, the Northern Mariana
Islands, and any other Commonwealth, territory, or possession of the
United States.

(4) The term ``United States fishery'' means any fishery, including any tuna fishery, that is, or may be, engaged in by citizens or nationals of the United States or citizens of the Northern Mariana Islands.

(5) The term ``citizen of the Northern Mariana Islands'' means--

(A) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

(B) a corporation, partnership, association, or other entity organized or existing under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in subparagraph (A) or citizens or nationals of the United States, in cases in which ``owned'' is used in the same sense as in section 50501 of title 46.

(b) Transfer of funds

(1) The Secretary of Agriculture shall transfer to the Secretary each fiscal year, beginning with the fiscal year commencing July 1, 1954, and ending on June 30, 1957, from moneys made available to carry out the provisions of section 612c of title 7, an amount equal to 30 percent of the gross receipts from duties collected under the customs laws on fishery products (including fish, shellfish, mollusks, crustacea, aquatic plants and animals, and any products thereof, including processed and manufactured products), which shall be maintained in a separate fund only for--

(A) use by the Secretary--

(i) to provide financial assistance for the purpose of carrying out fisheries research and development projects approved under subsection (c) of this section, \1\

\1\ So in original. The comma probably should be a semicolon.

(ii) to implement the national fisheries research and development program provided for under subsection (d) of this section;

(iii) to implement the Northwest Atlantic Ocean Fisheries Reinvestment Program established under section 1863 of title 16; and

(iv) to fund the Federal share of a fishing capacity reduction program established under section 1861a of title 16; and

(B) the provision of moneys, subject to paragraph (2), to carry out the purposes of the Fisheries Promotion Fund established under

[[Page 834]]

section 208(a) \2\ of the Fish and Seafood Promotion Act of 1986 [16 U.S.C. 4008(a)].

\2\ So in original. Probably should be section ``209(a)''.

(2) There are transferred from the fund established under paragraph (1) to the Fisheries Promotion Fund referred to in paragraph (1)(B) \$750,000 in fiscal year 1987, \$3,000,000 in each of fiscal years 1988 and 1989, and \$2,000,000 in each of fiscal years 1990 and 1991.

(c) Fisheries research and development projects

(1) The Secretary shall make grants from the fund established under subsection (b) of this section to assist persons in carrying out research and development projects addressed to any aspect of United States fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

(2) The Secretary shall--

(A) at least once each fiscal year, receive, during a 60-day period specified by him, applications for grants under this subsection;

(B) prescribe the form and manner in which applications for grants under this subsection must be made, including, but not limited to, the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be evaluated in accordance with paragraph (3)(B); and

(C) approve or disapprove each such application before the close of the 120th day after the last day of the 60-day period (specified under subparagraph (a)) in which the application was received.

(3) No application for a grant under this subsection may be approved unless the Secretary--

(A) is satisfied that the applicant has the requisite technical and financial capability to carry out the project; and

(B) evaluates the proposed project as to--

- (i) soundness of design,
- (ii) the possibilities of securing productive results,
- (iii) minimization of duplication with other fisheries research and development projects,
- (iv) the organization and management of the project,
- (v) methods proposed for monitoring and evaluating the success or failure of the project, and
- (vi) such other criteria as the Secretary may require.

(4) Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including, but not limited to, the following:

(A) The recipient of the grant must keep such records as the Secretary shall require as being necessary or appropriate for disclosing the use made of grant funds and shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

(B) The amount of a grant may not be less than 50 percent of the estimated cost of the project.

(C) The recipient of the grant must submit to the Secretary periodic project status reports.

(5) (A) If the cost of a project will be shared by the grant recipient, the Secretary shall accept, as a part or all of that share, the value of in-kind contributions made by the recipient, or made available to, and applied by, the recipient, with respect to the project.

(B) For purposes of subparagraph (A), in-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project. The Secretary shall establish (i)

the training, experience, and other qualifications which shall be required in order for services to be considered as in-kind contributions; and (ii) the standards under which the Secretary will determine the value of in-kind contributions for purposes of subparagraph (A).

(C) Any valuation determination made by the Secretary for purposes of this paragraph shall be conclusive.

(d) National fisheries research and development program

(1) The Secretary shall carry out a national program of research and development addressed to such aspects of United States fisheries (including, but not limited to, harvesting, processing, marketing, and associated infrastructures) if not adequately covered by projects assisted under subsection (c) of this section, as the Secretary deems appropriate.

(2) The Secretary shall, after consultation with appropriate representatives of the fishing industry, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives, an annual report, that must be submitted not later than 60 days before the close of each fiscal year, containing--

(A) the fisheries development goals and funding priorities under paragraph (1) for the next fiscal year;

(B) a description of all pending projects assisted under subsection (c) of this section or carried out under paragraph (1), in addition to--

(i) a list of those applications approved and those disapproved under subsection (c) of this section, and the total amount of grants made, for the current fiscal year, and

(ii) a statement of the extent to which available funds were not obligated or expended by the Secretary for grants under subsection (c) of this section during the current fiscal year; and

(C) an assessment of each project assisted under subsection (c) of this section or carried out under paragraph (1) that was completed in the preceding fiscal year regarding the extent to which (i) the objectives of the project were attained, and (ii) the project contributed to fishery development.

(e) Allocation of fund moneys

(1) Notwithstanding any other provision of law, all moneys in the fund shall be used exclu

[[Page 835]]

sively for the purpose of promoting United States fisheries in accordance with the provisions of this section, and no such moneys shall be transferred from the fund for any other purpose. With respect to any fiscal year, all moneys in the fund, including the sum of all unexpended moneys carried over into that fiscal year and all moneys transferred to the fund under subsection (b) of this section or any other provision of law with respect to that fiscal year, shall be allocated as follows:

(A) the Secretary shall use no less than 60 per centum of such moneys to make direct industry assistance grants to develop the United States fisheries and to expand domestic and foreign markets for United States fishery products pursuant to subsection (c) of

this section; and

(B) the Secretary shall use the balance of the moneys in the fund to finance those activities of the National Marine Fisheries Service which are directly related to development of the United States fisheries pursuant to subsection (d) of this section.

(2) The Secretary shall, consistent with the number of meritorious applications received with respect to any fiscal year, obligate or expend all of the moneys in the fund described in paragraph (1). Any such moneys which are not expended in a given fiscal year shall remain available for expenditure in accordance with this section without fiscal year limitation, except that the Secretary shall not obligate such moneys at a rate less than that necessary to prevent the balance of moneys in the fund from exceeding \$3,000,000 at the end of any fiscal year.

(Aug. 11, 1939, ch. 696, Sec. 2, 53 Stat. 1412; July 1, 1954, ch. 447, 68 Stat. 376; Aug. 8, 1956, ch. 1036, Sec. 12(b), 70 Stat. 1124; Pub. L. 89-348, Sec. 1(13), Nov. 8, 1965, 79 Stat. 1311; Pub. L. 96-561, title II, Sec. 210, Dec. 22, 1980, 94 Stat. 3287; Pub. L. 97-424, title IV, Sec. 423(a), Jan. 6, 1983, 96 Stat. 2164; Pub. L. 99-659, title II, Sec. 209(e), Nov. 14, 1986, 100 Stat. 3721; Pub. L. 101-627, title VII, Sec. 703, Nov. 28, 1990, 104 Stat. 4463; Pub. L. 102-567, title IX, Sec. 902(c), Oct. 29, 1992, 106 Stat. 4319; Pub. L. 104-208, div. A, title I, Sec. 101(a) [title II, Sec. 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41; Pub. L. 104-297, title I, Sec. 116(c), Oct. 11, 1996, 110 Stat. 3603.)

Codification

Section 50501 of title 46 substituted for section 2 of the Shipping Act, 1916 (46 U.S.C. 802) in subsec. (a)(1)(C) and (5)(B) and such section 50501 substituted for such section 2 in subsec. (a)(1)(C) on authority of Pub. L. 109-304, Sec. 18(c), Oct. 6, 2006, 120 Stat. 1709, section 8(b) of which enacted parts A and B of subtitle V of Title 46, Shipping.

Amendments

1996--Subsec. (b)(1)(A)(iii). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1863 of title 16.

Subsec. (b)(1)(A)(iv). Pub. L. 104-297 added cl. (iv).

Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1861a of title 16.

1992--Subsec. (b)(1)(A). Pub. L. 102-567 struck out and at end of cl. (i) and added cl. (iii).

1990--Subsec. (b)(2). Pub. L. 101-627 substituted each of fiscal years 1990 and 1991 for fiscal year 1990.

1986--Subsec. (b). Pub. L. 99-659 designated existing provisions as introductory provisions and subpar. (A) of par. (1) and added pars. (1)(B) and (2).

1983--Subsec. (e). Pub. L. 97-424 amended subsec. (e) generally, which formerly had provided:

(1) With respect to any fiscal year, not less than 50 percent of--
(A) the moneys transferred to the fund under subsection (b) of this section or any other provision of law with respect to that fiscal year; and

“(B) such existing fund moneys carried over into that fiscal year; shall be used by the Secretary during that fiscal year to provide financial assistance for projects under subsection (c) of this section; and the remainder of such moneys in the fund shall be used to implement the national fisheries research and development program established under subsection (d) of this section during that fiscal year.

“(2) Moneys accruing to the fund established under subsection (b) of this section for any fiscal year and not expended with respect to that year shall remain available for expenditure under this section without fiscal year limitation.”

1980--Subsec. (a). Pub. L. 96-561, Sec. 210(2), (3), added subsec. (a) and redesignated former subsec. (a) as (b).

Subsec. (b). Pub. L. 96-561, Sec. 210(1), (2), (4), redesignated subsec. (a) as (b), substituted “transfer to the Secretary” for “transfer to the Secretary of Commerce”, “only for use by the Secretary” for “and used by the Secretary of Commerce”, and provision directing that the fund be used to provide financial assistance for carrying out fisheries research and development projects and to implement the national fisheries research and development program for provision directing that the fund be used to promote free flow of domestically produced fisheries products by conducting a fishery educational service and fishery technological, biological, and related research programs, to acquire, construct, or maintain vessels and other facilities necessary for conducting research, to develop and increase markets for fishery products of domestic origin, and to conduct any biological, technological, or other research pertaining to American fisheries, and struck out former subsec. (b) which authorized any agency or wholly owned government corporation of the United States to transfer to the Secretary of Commerce any vessels or equipment excess to its needs.

Subsec. (c). Pub. L. 96-561, Sec. 210(1), (5), added subsec. (c) and struck out former subsec. (c) which directed the Secretary of Commerce to cooperate with other Federal, State, and local agencies for promotion of free flow of domestically produced fishery products and provided for the appointment of an advisory committee of the American fisheries industry to advise the Secretary in formulation of policy, rules, and regulations.

Subsec. (d). Pub. L. 96-561, Sec. 210(1), (5), added subsec. (d) and struck out former subsec. (d) which authorized the Secretary of Commerce to retransfer any funds available under this section, not to exceed \$1,500,000, to the Secretary of Agriculture to be used for the purposes specified in section 713c-2 of this title.

Subsec. (e). Pub. L. 96-561, Sec. 210(1), (5), added subsec. (e) and struck out former subsec. (e) which provided that the special fund created for use of the Secretary of Commerce under subsec. (a) of this section and the annual accruals thereto be available for each year until expended by the Secretary.

1965--Subsec. (f). Pub. L. 89-348 repealed subsec. (f) which required an annual report to the appropriate committees of Congress on the use of the separate fund.

1956--Subsec. (e). Act Aug. 8, 1956, struck out provisions which limited expenditures to not more than \$3,000,000 in any fiscal year, restricted the balance of the fund to not more than \$5,000,000 at the end of any fiscal year, and required the Secretary of the Interior to retransfer funds in excess of the \$5,000,000 to the Secretary of Agriculture.

1954--Act July 1, 1954, amended section generally, to encourage the distribution of fishery products.

Effective Date of 1996 Amendment

Section 101(a) [title II, Sec. 211(b)] of div. A of Pub. L. 104-208 provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

[[Page 836]]

Effective Date of 1983 Amendment

Section 423(b) of Pub. L. 97-424 provided that: ``The amendment made by subsection (a) of this section [amending this section] shall take effect on October 1, 1983.''

Short Title

Section 2 of act Aug. 11, 1939, which enacted this section, is popularly known as the ``Saltonstall-Kennedy Act''.

Termination of Reporting Requirements

For termination, effective May 15, 2000, of provisions in subsec. (d)(2) of this section relating to submitting annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 50 of House Document No. 103-7.

Abolition of House Committee on Merchant Marine and Fisheries

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

Transfer of Functions

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, Sec. 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

Continuation of Authorization for Transfer of Funds

Section 12(a) of act Aug. 8, 1956, provided that: ``The authorization for the transfer of certain funds from the Secretary of Agriculture to the Secretary of the Interior and their maintenance in a separate fund as contained in section 2(a) of the Act of August 11,

1939, as amended July 1, 1954 (68 Stat. 376), [now subsec. (b) of this section], shall be continued for the year ending June 30, 1957, and each year thereafter.''

Termination of Advisory Committees

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

A service of the U.S. Government Printing Office.

Last updated: >December 23, 2008

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UNITED FISHERMEN OF ALASKA

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(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

February 15, 2010

Representative Bryce Edgmon
Chair, House Fisheries Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801

RE: Support for National Seafood Marketing Fund – HJR 43

Dear Representative Edgmon,

In these difficult economic times, promotion of America's domestic seafood production offers some clear benefits for the country. The national unemployment rate is over 10% and imported seafood represents over 80% of the seafood consumed in the U.S. As consolidation and imports drive prices down, America's fishing families and coastal communities face difficult economic times. ***Broad and sustained investment in marketing of American seafood adds value to the seafood industry and creates jobs domestically.***

United Fishermen of Alaska (UFA) represents many seafood producers in Alaska and the Pacific Northwest. These producers recently saw the dramatic impact of a well-funded marketing campaign. During a five year period, approximately \$100 million was invested in the marketing of Alaska salmon. Marketing projects included quality improvements, infrastructure, product development, and advertising. As a result, the value of Alaska's salmon resource immediately began to rise. Ex-vessel values rose 177%, first wholesale values rose 83%, and the value increases have been sustained over time. As the industry began to be profitable again, economic activity and tax revenues also increased across local, regional, state and federal levels.

As the Alaska salmon example demonstrates, investment in marketing of domestic seafood creates economic development and jobs in U.S. communities and energizes the U.S. seafood industry which is based on a healthy and renewable resource.

UFA is now working with seafood producers from around the country to form a National Seafood Marketing Coalition (Coalition). The goal of this Coalition is to create, through federal legislation, a National Seafood Marketing Fund, through a portion of the import duties and antidumping/countervailing duties collected on fish and fish products. The

legislation would also create nine regional seafood marketing boards to manage and direct marketing activities. Attached is a general outline of the proposal to create a National Seafood Marketing Fund.

UFA requests your support for the Coalition's efforts to secure federal funding for domestic marketing of U.S. seafood which will grow the economy, create jobs and energize the U.S. seafood industry.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mark D. Vinsel".

Mark Vinsel
Executive Director

Attachment

SB

3

<target><bill>SB 3</bill><subject>SB
3</subject><comm>HFSH26</comm></target>

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

MEMORANDUM

DATE: March 24, 2009

TO: Representative Bryce Edgmon, Chair
House Special Committee On Fisheries

FROM: Sn. Donald Olson
Senate District T *D.O.*

SUBJ: Request for Hearing – SB 3

I would like to request a hearing Senate Bill 3 at your earliest convenience.

Senate Bill 3 would provide a benefit to the state's economic development organizations, ARDORs, by providing them with the opportunity to obtain public information from the Commercial Fisheries Entry Commission (CFEC) without charge. Under AS 16.05.815, no confidential information will be made available.

Attached is a copy of the bill, a sponsor statement combined with a sectional analysis, two ZERO fiscal notes, support letters from the CFEC and four ARDORs, and a copy of AS 16.05.815, the statute on confidential reports and records. There is no known opposition, and SB 3.

If there are any questions, please contact Tim Benintendi of my office at 4989. Thank you.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB0003A
() Publish Date: _____

Identifier (file name): SB003-DFG-CFEC-02-02-09 Dept. Affected: Fish and Game
Title An Act authorizing an Alaska regional development organization to RDU Comm Fisheries Entry Commission
Component Comm Fisheries Entry Commission
Sponsor Senator Olson
Requester Senate Community and Regional Affairs Committee Component Number 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

There are no significant fiscal impacts for CFEC associated with this bill.

Prepared by: Shirley Penrose, Administrative Officer
Division: Commercial Fisheries Entry Commission
Approved by: Frank M. Homan, Chairman
Commercial Fisheries Entry Commission

Phone 907-790-6960
Date/Time 2/2/09 7:25 AM
Date 2/2/2009

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 3
() Publish Date: _____

Identifier (file name): SB3-CED-OED 02-02-09
Title: CFEC AS INFORMATION RESOURCE
Dept. Affected: DCCED
RDU: Economic Development
Component: Office of Economic Development
Sponsor: Senator Olson
Requester: Senate Community and Regional Affairs
Component Number: 2743

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This bill would allow the Commercial Fisheries Entry Commission to share fisheries information and data with regional Alaska Regional Development Organizations (ARDORs). Currently there is an ongoing charge for this information from the Department of Fish and Game.

There is zero fiscal impact on the Department of Commerce, Community and Economic Development.

Prepared by: Tyson Fick Phone 465-2503
Division: Legislative Liaison, DCCED Date/Time 02-02-09/ 8:30am
Approved by: Emil Notti, Commissioner Date 2/2/2009
Department of Commerce, Community and Economic Development

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

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Senate Bill 3 – C.F.E.C. As An Information Source

Version 26-LS0018/A, February 5, 2009

STAFF: Tim Benintendi, 465-4989

SPONSOR STATEMENT and SECTIONAL ANALYSIS

SPONSOR STATEMENT:

SB 3 would allow ARDORs to benefit from commercial fishery and related information generated by the Commercial Fisheries Entry Commission (CFEC), at no cost. No confidential information may be disclosed, per AS 16.05.815.

There are eleven ARDORs (Alaska Regional Development Organizations) established under AS 44.33.895. These are non-profit organizations comprised of representatives of the economic, political, and social interests in each region. Their purpose is to encourage and assist economic development in their specific areas.

Eight ARDORs would especially benefit from this legislation: Southwest Alaska Municipal Conference, Bering Strait Development Council, Lower Kuskokwim Economic Development Council, Northwest Arctic Borough Economic Development Commission, Kenai Peninsula Borough Economic Development District, Mat-Su Resource Conservation & Development, Inc., Prince William Sound Economic Development District, and the Southeast Conference.

For these organizations, commercial fishing activities provide a substantial portion of their regions' economic base. To illustrate, the wholesale value of the 2005 commercial fishery exceeded \$3 billion. Earnings of the 27,700 participating fishermen accounted for \$1.2 billion. Another 22,500 persons participated in the seafood processing workforce, earning \$277 million in wages. For coastal communities, approximately 37% of private-sector workers were employed in fish harvesting and seafood processing activities. CFEC information

can be critical for ARDOR understanding of economic trends in their regions, and development opportunities which may emerge.

The CFEC supports Senate Bill 3, and regards the loss of fees under this bill as negligible.

SECTIONAL ANALYSIS:

SECTION 1: Would amend AS 16.43.100(a) by adding to CFEC responsibilities, providing without charge to regional development organizations formed under AS 44.33.895, public information relevant to fisheries, participants in fisheries, permit holders' harvests, and earnings data. No confidential information would be released under Senate Bill 3.

FISCAL NOTE: Zero note from CFEC.

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY
COMMISSION

SARAH PALIN, GOVERNOR

8800 GLACIER HWY. #109
P.O. Box 110302
JUNEAU, AK 99811-0302
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(907) 789-6160 Other Business
(907) 789-6170 FAX
(907) 789-6180 BBS
INTERNET: www.cfec.state.ak.us

January 30, 2009

The Honorable Donny Olson
Alaska State Senator
State Capitol, Room 514
Juneau, AK 99801-1182

RE: SB 3 "An Act authorizing an Alaska regional development organization to use the Alaska Commercial Fisheries Entry Commission as an informational resource"

Dear Senator Olson:

We have reviewed SB 3 and support this legislation.

We understand that the intent of SB 3 is to allow Alaska Regional Development Organizations (ARDORS) established under AS 44.33.895 to request public information from the Commercial Fisheries Entry Commission (CFEC) fishery database without charge. As you know, CFEC has a wealth of public information regarding Alaska's commercial fisheries that we regularly make available upon request to any person or entity. However, there may be a fee required depending on the extent of the effort needed to provide the data. Under SB 3 we would provide data to ARDORS just as we would without this bill, however, without charge.

As a clarification, any CFEC public information available from CFEC data sources must comply with AS 16.05.815 "Confidential nature of certain reports and records." (See enclosed) Basically this statute prohibits the release of any individual fisherman's earnings and harvests obtained from fish ticket information unless aggregated to protect confidentiality. That prohibition is not affected by SB 3.

We do not believe SB 3 would be a significant impact on CFEC resources since there are a limited number of ARDORS and not all represent coastal areas.

Thank you for the opportunity to comment on SB 3.

Sincerely,



Frank Homan
Chairman

Enclosure

- (1) during the first full 10 days after the time when a taking is prohibited, except as provided in (3) of this section;
- (2) if the fish or game or part of fish or game is in a preserved condition whether frozen, smoked, canned, salted, pickled, or otherwise preserved; or
- (3) with respect to crab aboard a commercial crab fishing vessel, during the first full three days after the time when a taking is prohibited. (§ 26 art I ch 94 SLA 1959; am § 1 ch 42 SLA 1974)

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fishermen, buyers, and processors required by regulation of the department are confidential and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the recipients identified in this subsection if the recipient, other than a recipient under (5) — (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

- (1) any of the records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone;
- (2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;
- (3) any of the records and reports to the Department of Revenue to assist the department in carrying out its statutory responsibilities;
- (4) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;
- (5) such records and reports as necessary to be in conformity with a court order;
- (6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;

- (7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the report;
- (8) any of the records and reports to the Department of Public Safety for law enforcement purposes;
- (9) fish tickets, fish ticket information, records required of sport fishing guides, and annual statistical reports of fishermen, buyers, and processors and information in those reports to the law enforcement personnel of the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration for the purpose of enforcing fishery laws in waters of this state and in waters of the exclusive economic zone adjacent to this state;
- (10) fish tickets, fish ticket information, and records required of sport fishing guides regarding halibut to the International Pacific Halibut Commission;

- (11) any of the records and reports to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law; and
 - (12) any of the records and reports to the Department of Natural Resources to assist the department in carrying out its statutory responsibilities in regard to sport fishing operations and sport fishing guides within the Kenai River Special Management Area under AS 41.21.500 — 41.21.514.
- (b) Except as provided in (c) of this section, records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information.
- (c) Crab stock abundance survey information that reveals crab catch by sampling location is confidential and is not subject to inspection or copying under AS 40.25.110 — 40.25.120 until the close of the fishing season for which the survey was conducted.
- (d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; and (E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requestor has been authorized by the department to perform specific activities and agrees to use the records and information only for

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purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 40.25.110 — 40.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 40.25.350. (§ 1 ch 117 SLA 1970; am § 1 ch 117 SLA 1974; am § 1 ch 66 SLA 1980; am §§ 1, 2 ch 72 SLA 1982; am § 1 ch 84 SLA 1985; am §§ 1, 2 ch 115 SLA 1988; am § 1 ch 32 SLA 1989; am § 10 ch 200 SLA 1990; am § 1 ch 89 SLA 1994; am § 19 ch 87 SLA 1997; am § 1 ch 59 SLA 1999; am § 1 ch 119 SLA 2002; am § 5 ch 70 SLA 2004; am § 1 ch 41 SLA 2007)

Revisor's notes. — In 2000, in subsection (c), "AS 40.25.110 — 40.25.120" was substituted for "AS 09.25.110 — 09.25.120" and in subsection (d) "AS 40.25.110 — 40.25.140" was substituted for "AS 09.25.110 — 09.25.140" to reflect the 2000 renumbering of AS 09.25.110 — 09.25.140.

In 2004, "child support enforcement agency created in AS 25.27.010" was changed to "child support services agency created in AS 25.27.010" in paragraph (a)(11) of this section in accordance with § 12(a), ch. 107, SLA 2004.

In 2007, "AS 40.25.350" was substituted for "AS 44.99.350" in subsection (d) to reflect the 2004 renumbering of AS 44.99.350.

Cross references. — For exceptions to this section related to the weathervane scallop fishery, see AS 16.43.91(c) and to other fisheries, see AS 16.43.520(i); for reporting of wholesale canned salmon prices, see AS 43.80.050 — 43.80.100.

Effect of amendments. — The 2002 amendment, effective July 6, 2002, in subsection (a) inserted "fishermen" in the first sentence and updated an internal reference, added the language "beginning", or to a designee" to the end of paragraph (6), added present paragraph (7) and redesignated former paragraphs (7)-(10) as paragraphs (8)-(11), rewrote paragraph (8), in paragraph (9) inserted ", and annual statistical reports of fishermen, buyers, and processors and information in those reports"; and made stylistic changes.

The 2004 amendment, effective January 1, 2005, in subsection (a), substituted "department" for "Department of Revenue" in paragraph (3), rewrote paragraph (8), and added paragraph (12).

The 2007 amendment, effective July 4, 2007, inserted "records required of sport fishing guides" in paragraphs (a)(9) and (a)(10), and made related changes.

Editor's notes. — The delayed amendments to this section by § 148(c), ch. 87, SLA 1997, as amended by § 53, ch. 132, SLA 1998, which were to take effect July 1, 2001, were repealed by § 15, ch. 54, SLA 2001.

Sec. 16.05.820. Research by the federal government. The Secretary of the Interior, the Secretary of Commerce, or the Secretary of Agriculture of the United States and their authorized agents or other appropriate federal agencies may conduct fish cultural operations and scientific investigations in the state in the manner and at the times jointly considered necessary or proper by the Board of Fisheries and the secretary and their authorized agents. (§ 29 art 1 ch 94 SLA 1959; am § 14 ch 206 SLA 1975; am § 10 ch 208 SLA 1975)

Sec. 16.05.822. Transplanting of musk oxen. The board may transplant surplus musk oxen from

Nunivak Island to appropriate areas on the mainland of the state, when good management practices dictate the action. The board shall determine which transplant sites are appropriate and whether a surplus of animals exists. (§ 1 ch 220 SLA 1975)

Revisor's notes. — Formerly AS 16.05.865. Renumbered in 2008.

Sec. 16.05.825. State upland game bird release program. (a) In addition to any other program for the stocking or propagation of game birds that the department has as of July 23, 1974, the department shall establish a special program for the raising, maintenance, and release of upland game birds in the state. Birds raised under this program may be released in an appropriate area of the state, at any time, but may be harvested only during regular hunting seasons, as specified by the board under AS 16.05.255(a)(2). The board shall adopt regulations necessary to implement this section.

(b) The department shall establish an appropriate facility for the raising and maintenance of upland game birds to be located at an appropriate place, as determined by the commissioner, in interior Alaska.

(c) The department shall employ a method of tagging game birds released under this section and compile harvest statistics.

(d) In this section, "upland game bird" means a game bird for which a season is established under AS 16.05.255(a)(2) as of July 23, 1974, excluding waterfowl. (§ 1 ch 31 SLA 1974; am § 15 ch 206 SLA 1975; am § 7 ch 126 SLA 1994)

Sec. 16.05.826. Waterfowl conservation stamp program. (a) The waterfowl conservation tag authorized in AS 16.05.340(a)(17) shall be produced annually in stamp form by the department in an amount the commissioner considers appropriate. The department shall make stamps available for the creation of waterfowl conservation limited edition prints and shall provide for the sale of stamps and prints to the public.

(b) The department shall provide by appropriate means for the selection of the design of the annual waterfowl conservation stamp and for the production and sale of the stamps.

(c) The department may contract to others the performance of the department's responsibilities under this section. Contracting under this subsection is governed by AS 36.30 (State Procurement Code), except that a contract may include provisions for advance payment or reimbursement for services performed under the contract. All costs incurred under this section may be paid from the fish and game fund.

(d) [Repealed, § 28 ch 90 SLA 1991.] (§ 5 ch 71 SLA 1984; am § 8 ch 106 SLA 1986; am § 31 ch 135 SLA 1986; am E.O. No. 73 § 12 (1989); am § 28 ch 90 SLA 1991)



Southwest Alaska Municipal Conference

3300 Arctic Boulevard, Suite 203 Anchorage, AK 99503 p: 907.562.7380 f: 907.562.0438 www.swamc.org

Alaska Peninsula
Aleutian Chain
Bristol Bay
Kodiak Island
Pribilof Islands

January 23, 2009

Senator Donny Olson
Alaska Legislature
Juneau, AK 99811

Re: Senate Bill 3

Dear Senator Olson:

The Southwest Alaska Municipal Conference is an Alaska Regional Development Organization (ARDOR) and also a federally recognized Economic Development District. Our region includes three of the biggest seafood ports (2006) in the nation for total volume landed: Dutch Harbor (#1), Kodiak (#4), Naknek (#12) and includes the world's largest sockeye run – Bristol Bay. This region also includes three of the most valuable seafood ports (2006) in the nation for total landed value: Dutch Harbor (#2), Kodiak (#3), and Naknek (#8). The fisheries of Alaska have just been rated as the ninth largest fishery in the world and account for sixty two percent (62%) of the nation's total seafood catch.

Much of our region's economic vitality and development potential is based on commercial fisheries and their health. We do a lot of research and analysis of fisheries data for the region to assist in our efforts to promote development opportunities in the region. So for SWAMC to have free access to commercial fisheries data from the Commercial Fisheries Entry Commission is vital to our mission and the quality of work.

On behalf of our Board of Directors and staff we fully support your efforts to allow ARDORs free access to this critical economic data that is vital to our economic development efforts.

Sincerely,

Michael Catsi
Executive Director

Economic development and advocacy for Southwest Alaska
Economic Development District (EDD) and Alaska Regional Development Organization (ARDOR)

Economic development and advocacy for Southwest Alaska.
Economic Development District (EDD) and Alaska Regional Development Organization (ARDOR)



PRINCE WILLIAM SOUND
**ECONOMIC
DEVELOPMENT
DISTRICT**

Chenega Bay

Cordova

Tatitlek

Valdez

Whittier

January 26, 2009

Senator Donald Olson
State Capitol, Room 514
Juneau, AK 99801-1182

RE: SB3 - Commercial Fisheries Entry Commission


Dear Senator Olson:

Prince William Sound Economic Development District became an ARDOR (Alaska Regional Development Organization) in 1991, and a federal economic development district in 2001. Our region is comprised of Chenega Bay, Cordova, Tatitlek, Valdez, and Whittier.

The fishing industry is of great importance to our regional economy, and therefore we are requesting that ARDORs have free access to economic data gathered by the Commercial Fisheries Entry Commission, as described in SB3, public information relevant to fisheries, participants in fisheries permit holders' harvests, and earnings data.

Thank you for considering our request.

Sincerely,


Sue Cogswell
Executive Director

ALASKA REGIONAL DEVELOPMENT ORGANIZATION

27 W. Spennard Rd., Suite 207 • Anchorage, Alaska 99503 Phone (907) 227-2400 • FAX (907) 222-2411 • Cell (907) 223-7572 • Email: cwsead@aqo.net



**Lower Kuskokwim Economic Development Council
PO Box 2021, Bethel, Alaska 99559 * 907 543-5967**

Jan 29, 2009

Senator Donny Olson
Alaska State Senate
Juneau, AK 99801

Dear Sen. Olson:

re: Senate Bill 3

This letter is written in support of your Senate Bill 3, introduced in the current session, that will provide Alaska fisheries information to Alaska Regional Development Organizations (ARDORs), and other economic development organizations that provide assistance to Alaskan commercial fishermen.

By providing current fisheries information to these organizations, the State of Alaska will provide timely and appropriate assistance to these self employed entrepreneurs and help to strengthen Alaskan commercial fisheries for the long term benefit of all Alaskans.

Very truly,



Carl Berger
Executive Director

Kenai Peninsula Economic Development District, Inc.

BUSINESS INNOVATION CENTER

January 30th, 2009


Senator Donny Olson
Alaska Legislature
Juneau, Alaska 99811

FAXED
1/30/09

SENT BY FAX 907-465-4821

Reference Senate Bill No. 3

Dear Senator Olson,



The Kenai Peninsula Economic Development District is an Alaska Regional Development Organization, (ARDOR) and also a federally recognized Economic Development District.

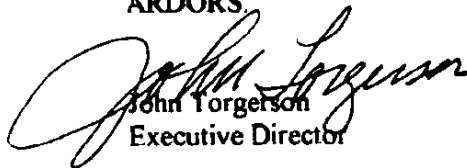
Our region includes the ports in Seward, Homer, Seldovia, Port Graham and other parts of the Cook Inlet.

Part of our responsibilities as an ARDOR is to do research, analysis and planning for our region. A large part of that is to have the free flow of information from other State and Federal agencies of the data that each is responsible to collect.

Your proposed legislation, Senate Bill No. 3, goes a long way to ensure that this data exchange is open and free flowing.

The Kenai Peninsula Economic Development District is in full support of this legislation.

Thank you for taking a leadership role in providing this economic data to the effective ARDORS.



John Torgerson
Executive Director

14896 KENAI SPUR HWY, SUITE 103-A, KENAI, AK 99611-7014
PHONE: (907) 283-3335 FAX: (907) 283-3913
EMAIL: info@kpedd.org www.kpedd.org www.exportalaska.com

SB

274

<target><bill>SB 274</bill><subject>SB
274</subject><comm>HFSH26</comm></target>

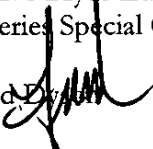
ALASKA STATE SENATE



SENATOR FRED DYSON

Date: March 17, 2010

To: Representative Bryce Edgmon, Chair
House Fisheries Special Committee

From: Senator Fred Dyson 

Re: Committee Hearing Request for CSSB 274

I respectfully request CS Senate Bill 274, "An Act naming the new state fish hatchery on the Elmendorf Air Force Base the William Jack Hernandez Sport Fish Hatchery" be scheduled for a committee hearing.

CS Senate Bill 274

An Act naming the new state fish hatchery on the Elmendorf Air Force Base the
William Jack Hernandez Sport Fish Hatchery

HOUSE FISHERIES SPECIAL COMMITTEE

Representative Bryce Edgmon, Chair



SENATOR FRED DYSON

SPONSOR STATEMENT

SB 274 – William Jack Hernandez Sport Fish Hatchery

The purpose of this bill is to name the new state fish hatchery on Elmendorf Air Force Base, the William Jack Hernandez Sport Fish Hatchery. Hernandez pioneered the fish rearing and fish hatchery program at Ft. Richardson.

William Jack "Bill" Hernandez served his country valiantly during WWII, serving as a civilian contractor on Wake Island in the South Pacific, building fortifications for USMC personnel. Wake Island was attacked by the Japanese on Dec. 7, 1941, the same day as the Pearl Harbor attack, and a violent 16 day struggle ensued between the Marine regiment and an overwhelming enemy force. On December 23, 1941, Wake Island was captured and Mr. Hernandez was taken as a prisoner of war. He was a POW for three years before being released following surrender of the Japanese forces in 1945.

In 1947 Mr. Hernandez enlisted in the US Army, and in 1956 his unit was transferred to Fort Richardson where he became a Fish and Wildlife Conservation NCO. His orders were to rehabilitate the lakes and streams on post. As a result of Mr. Hernandez efforts, in 1957 the Secretary of the Army approved a cooperative agreement between the Army, the Alaska Territorial Department of Fish and Game, and the Fort Richardson power plant, allowing the plant's cooling pond to be used for rearing fish. Mr. Hernandez ran the fish rearing project, and annual production reached 12,000 rainbow trout, 100,000 Chinook salmon smolt, and 200,000 Coho salmon smolt.

In 1968 Mr. Hernandez retired from the US Army and received an Army Commendation Medal for his efforts. Shortly after retirement, Hernandez was hired by the Alaska Department of Fish and Game as a Fish Culturist at the Fire Lake Hatchery. In a few years he returned to Fort Richardson to manage the large scale fish hatchery constructed at the cooling pond. He also worked at the nearby Elmendorf fish hatchery. In 1983, after 26 years of dedicated service raising salmon and trout, Hernandez retired.

Sadly, Hernandez died of cancer in 2003. The Veterans of Foreign Wars Post 7665 honored him with a 21-gun salute. He was the epitome of Tom Brokaw's "Greatest Generation." Without his drive and dedication, the fish rearing project at Fort Richardson would have never gotten off the ground. His life's work made an enormous contribution to the sport and commercial fishing industry of the Cook Inlet region. Please honor William Jack "Bill" Hernandez by supporting this legislation.

Contact: Chuck Kopp, Staff to Senator Dyson (907)465-6580

During Session (January - May): Alaska State Capitol • Juneau, Alaska 99801 • (800) 342-2199 • (907) 465-2199 • (907) 465-4587 (fax)
During Interim (June-December): 10928 Eagle River Road, Suite 238 • Eagle River, Alaska 99577 • (907) 694-6683 • (907) 694-1015 (fax)
senator.fred.dyson@legis.state.ak.us • www.akrepublicans.org

SB 274 Notes

1. Director Charlie Swanton, ADF&G, Division of Sport Fish, states that he takes no official position with respect to naming a public facility. Swanton also states he has no objection to the proposed name (William Jack Hernandez) for the fish hatchery.
2. Director Swanton states the Division of Sport Fish has not received any additional recommendations for naming the fish hatchery, other than recommendations for naming it after William Jack Hernandez, and several former staff members have also recommended naming the new hatchery after Hernandez.
3. The new state fish hatchery will be completed May 2011.
4. Citizens (including current and former ADF&G employees) who strongly support this legislation and wish to testify via teleconference:

Tom Namtvedt, 5640 Portage Drive, Wasilla, AK 99654 – (907)355-7403

Larry Engel, 16341 E Vera Way, Palmer, AK 99645-8641 – (907)745-4132

Darrell Keifer, 3709 Carleton Ave, Anchorage, AK 99517-1542 – (907)279-3187

Fred Williams, PO Box 88, Copper Center, AK 99573 – (907)822-3922

Gary A. Wall, PO Box 101007, Anchorage, AK 99510-1007 – (907)223-4640 cell/333-5901 hm

Sidney Logan, PO Box 2589, Soldotna, AK 99669-2589 – (907)262-4048

David A Watsjold, 2811 Cutwater Ct, Anchorage, AK 99516-3473 – (907)345-5166

Robert (Bugs) McCartney, PO Box 91, Palmer, AK 99645 – (907)376-3551

Louis S Bandirola (retired Deputy Director, Division of Sport Fish, ADF&G), 2616 Douglas Hwy, Apt 106, Juneau, AK 99801-2047 – (907) 780-4207

Larry J Heckart (retired Regional Research Supervisor, Division of Sport Fish, ADF&G), PO Box 11046, Anchorage, AK 99511-0446 – (907) 349-3361

Contact: Chuck Kopp, Staff to Senator Dyson (907)465-6580

5640 Portage Drive
Wasilla, AK 99654
aktn@gci.net
December 24, 2009

Representative Wes Keller
600 E. Railroad Avenue
Wasilla AK, 99654

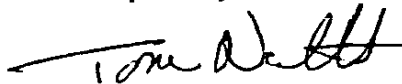
Dear Representative Keller:

I am a retired ADF&G fisheries biologist, commercial fisherman and one of your constituents. I and various active and retired ADF&G biologists are requesting your assistance with legislation to name the new Elmendorf fish hatchery after the man who pioneered the fish rearing and hatchery program at the Ft Richardson: William Jack (Bill) Hernandez (biography, photos, news clippings and draft bill attached). The Elmendorf hatchery is under construction and is scheduled to be completed in May of 2011. I have written Representative Dahlstrom and Senator Dyson, who represent Elmendorf AFB, to sponsor legislation to name the hatchery after Mr. Hernandez.

Mr. Hernandez was a remarkable man who was a Wake Island civilian POW during WWII, enlisted in the U.S. Army after liberation, and, in 1957, while a sergeant in the Army, started the fish rearing program at Ft. Richardson. He ran the fish rearing facility for 11 years, with annual production reaching 12,000 catchable-size rainbow trout, 100,000 Chinook smolt and 200,000 coho smolt. Bill retired from the Army in 1968, and I was appointed to be his successor at Ft Richardson. Bill left huge "shoes" to fill. There was no hatchery at the site then but rather the pond was segregated into three areas for rearing fish. Two old Quonset huts served as living quarters, warehouse, office and lab. Trout were stocked in lakes on military land as well as Anchorage area lakes. Salmon smolt were released into Ship Creek, and returning adult salmon contributed to the commercial and sport fishery. Bill often worked seven days a week, with limited assistance from ADF&G or Army personnel. Bill was not immune from other duties regularly assigned to NCOs, and he spent one night a week as duty NCO at HQ Co. Bill was a busy guy! After Army retirement, Bill worked another 15 years as a fish culturist for ADF&G at the Fire Lake Hatchery and the new hatcheries on Ft. Richardson and Elmendorf AFB.

Sadly, Bill died of cancer in 2003. Without his drive and dedication, the fish rearing project at Ft. Richardson would have never gotten off the ground and the hatchery there probably would have never been constructed. He made an enormous contribution to Anchorage sport fishermen and Cook Inlet commercial fishermen. Please honor William Jack (Bill) Hernandez by helping with this legislation.

Respectfully,



Tom Nantvedt



Representative Wes Keller

January 25, 2010

Mr. Tom Namtvedt
5640 Portage Drive
Wasilla, Alaska 99654

Dear Mr. Namtvedt:

Thank you for your letter regarding a recommendation to name the Fort Richardson Fish Hatchery after Mr. Hernandez. Based on the historical account, the concept of fish hatcheries in Southcentral Alaska must truly be attributed to his efforts.

I am joining you in suggesting to Representative Dahlstrom that she sponsor legislation to name the soon to be completed Elemdorf fish hatchery after William Jack (Bill) Hernandez. I will join her as a co-sponsor of that bill. I am asking her, as she serves as the Representative for Elemdorf Air Force Base.

Again, I would like to thank you for bring this information to my attention. It is important to honor those who throughout our history have done the work that makes Alaska what it is today. Obviously, Mr. Hernandez is one of those pioneers who should not be forgotten.

Sincerely:

A handwritten signature in black ink, appearing to read "Wes Keller".

Wes Keller
Representative
District 14

Cc: Representative Nancy Dahlstrom

William Jack Hernandez

William Jack (Bill) Hernandez was born in Los Angeles, California on April 30, 1920 and died Aug. 31, 2003 in Wasilla. At the age of 21, Bill was employed by Morrison-Knudson Construction Co. building fortifications on Wake Island. After the attack on Pearl Harbor, he and other civilian contractor personnel were assigned to assist the Marine detachment defending the Wake Island. On Dec. 23, 1941, Wake Island was captured, and Bill was imprisoned in various POW camps in China. He survived an escape attempt, breaking his ankle while jumping from a train. He was subsequently recaptured, and this is described in several books on the battle of Wake Island, perhaps most notably "Jim's Journey: A Wake Island Civilian POW's Story" as well as a History Channel documentary: "Wake Island: Alamo of the Pacific."

After the war, Bill returned to California enlisting in the Army in 1947. He initially served as a foreign language interpreter, and his early military career took him to Korea and Europe. Bill honed his chess skills and became a Chess Master. At one point, Bill defeated Japan's top chess player. In 1956, his unit was transferred to Fort Richardson, where he became a Fish and Wildlife Conservation NCO. His orders were to rehabilitate the lakes and streams on post. In 1957, after several months of negotiating with the military and others, Bill received a letter from the Secretary of the Army approving a cooperative agreement between the Army, the Alaska Territorial Department of Fish and Game and the Fort Richardson power plant which allowed the plant's cooling pond to be utilized for rearing fish. Bill ran the fish rearing project, and annual production reached as high as 12,000 catchable-size rainbow trout, 100,000 Chinook smolt and 200,000 coho smolt. Bill retired from the Army in 1968 and received an Army Commendation Medal for his efforts: *"Through his perseverance, ingenuity, and scholarly research, he conceived and pioneered a process of rearing rainbow trout, silver salmon and king salmon from the fingerling stage to the migratory smolt, and in addition, accelerated the restocking of post and community lakes and streams. By virtue of Sergeant Hernandez' diligent efforts coupled with his high sense of responsibility, the military conservation program in Alaska received successive official and recorded recognition by the State Legislature of Alaska and by the United States Senate. His invaluable service to the military and civilian communities of Alaska earned him the worthy respect and admiration of all with whom he came in contact."*

Shortly after his Army retirement, Bill was hired by the Alaska Department of Fish and Game as a Fish Culturist at the Fire Lake Hatchery. He returned to Ft Richardson a few years later to manage the large scale hatchery constructed at the cooling pond. Bill also worked at the Elmendorf hatchery. In 1983, after 26 years of dedicated service raising salmon and trout, Bill retired again.

Bill then purchased a boat and fished commercially for seven seasons in Bristol Bay. When not fishing, Bill spent his time at his cabin on Lake Susitna and groomed snowmobile trails in the area. He was a member of the Wake Island Civilian Survivors Association, a Mason, and a Cooperative Weather Observer for NOAA. Though Bill never married, his many friends and dog Peggy were his Alaskan family. He was loved and respected by everyone who knew him.

Bill was buried in his native California, close to his twin sister Jewel with whom he shared a special bond. The Veterans of Foreign Wars Post 7665 honored him with a 21-gun salute. **Bill Hernandez was the epitome of Tom Brokaw's "Greatest Generation".**

We Alaskans

The Anchorage Daily News Magazine

- **Satch: Ah, graft and corruption!**
- **Ski to Sea Relay: Fast, frantic fun**
- **General Delivery: Preparing for spring**



Harvest days at the hatchery

Story by Andrew Perala / photos by Paul Brown

Bill Hernandez, wading down the narrow steel walkway, reaches for a 10-foot aluminum pipe that is the access to a powerful industrial vacuum cleaner.

The walkway is mounted on top of a six-inch diameter pipe. Hernandez, 30, is a brown fish rancher who works at the El Estero hatchery, site of one of the greatest concentrations of rainbow trout in the world. He is surrounded by thousands of fish, and holds a single specimen of fish at a certain stage of growth, 6,000 fat adult rainbow trout in each tank at El Estero. The vacuum cleaner is used to suck up silver salmon in the water. Hernandez is at the hatchery to help with the fish.

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All the El Estero fish are part of a plan to raise the salmon. Hernandez, 30, is a brown fish rancher who works at the El Estero hatchery, site of one of the greatest concentrations of rainbow trout in the world. He is surrounded by thousands of fish, and holds a single specimen of fish at a certain stage of growth, 6,000 fat adult rainbow trout in each tank at El Estero. The vacuum cleaner is used to suck up silver salmon in the water. Hernandez is at the hatchery to help with the fish.

More than 150,000 rainbow trout are released into the sea each year. Hernandez, 30, is a brown fish rancher who works at the El Estero hatchery, site of one of the greatest concentrations of rainbow trout in the world. He is surrounded by thousands of fish, and holds a single specimen of fish at a certain stage of growth, 6,000 fat adult rainbow trout in each tank at El Estero. The vacuum cleaner is used to suck up silver salmon in the water. Hernandez is at the hatchery to help with the fish.

Within city limits come from fish that are well-hatched. Although there are no true figures statewide, officials say they probably make up the majority of the fish.

They say the small fish is not a job for the hatchery. Hernandez, 30, is a brown fish rancher who works at the El Estero hatchery, site of one of the greatest concentrations of rainbow trout in the world. He is surrounded by thousands of fish, and holds a single specimen of fish at a certain stage of growth, 6,000 fat adult rainbow trout in each tank at El Estero. The vacuum cleaner is used to suck up silver salmon in the water. Hernandez is at the hatchery to help with the fish.

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Bill Hernandez, wading down the narrow steel walkway, reaches for the 10-foot aluminum pipe that is the access to a powerful industrial vacuum cleaner. The walkway is mounted on top of a six-inch diameter pipe. Hernandez, 30, is a brown fish rancher who works at the El Estero hatchery, site of one of the greatest concentrations of rainbow trout in the world. He is surrounded by thousands of fish, and holds a single specimen of fish at a certain stage of growth, 6,000 fat adult rainbow trout in each tank at El Estero. The vacuum cleaner is used to suck up silver salmon in the water. Hernandez is at the hatchery to help with the fish.



Fish are scooped up in long-handled nets. Hernandez, 30, is a brown fish rancher who works at the El Estero hatchery, site of one of the greatest concentrations of rainbow trout in the world. He is surrounded by thousands of fish, and holds a single specimen of fish at a certain stage of growth, 6,000 fat adult rainbow trout in each tank at El Estero. The vacuum cleaner is used to suck up silver salmon in the water. Hernandez is at the hatchery to help with the fish.

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hatchery

Continued from page 9

scooping up a few fish at a time in long-handled nets.

The nets are emptied into the tubs with a wild splashing that is stilled as the tranquilizer, called MC-222, takes effect. The drug tranquilizes voluntary muscle action without affecting the involuntary muscles, so a fish can breathe through its gills but cannot lift a fin to save its life.

Each fish is picked up by two hands. A gentle squeeze to the middle of the gut confirms the fish's status. Eggs will protrude from the underside of a ripe female. Males will squirt clear liquid or white milt.

Females with eggs are passed into a tub next to the doorway of a tent covering a length of the raceway. Males are transferred to a penned-off area at the far end of the raceway. Inside the Quonset-shaped tent two handlers work steadily.

One holds the fish upside down while the other picks up a metallic device shaped like a common garden hose nozzle. A brown hose trails off into the water and is attached to a large green cylinder of the same oxygen hospitals use. There is a trigger on the nozzle device and, at the end, a short, thick needle that looks as though it could fill a basketball. The needle is sharp, though, and a quick jab into the fish's body cavity just behind the dorsal fin produces no blood.

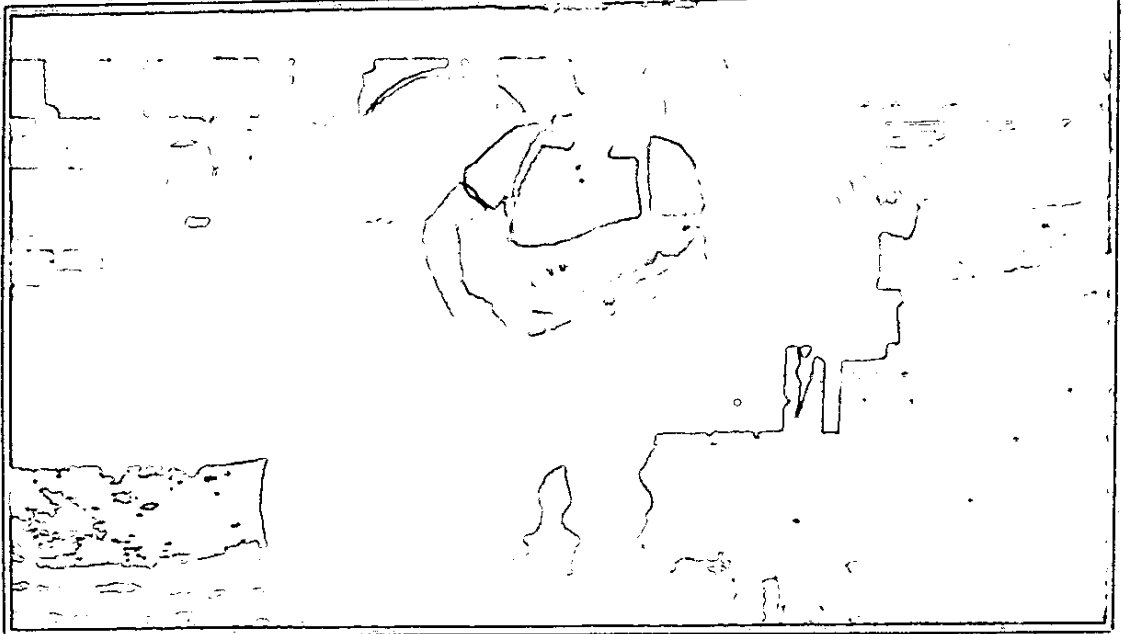
With a pull of the trigger, oxygen at low pressure flows into the fish, gently forcing out the bright orange eggs in a steady stream that spills into a round plastic tray. The eggs are checked to see if the color is normal and if there are any genetic mutations. Occasionally, bad eggs will be dark or green.

At one time eggs were harvested by squeezing the sides of the fish, a process that damaged the eggs and hurt the fish.

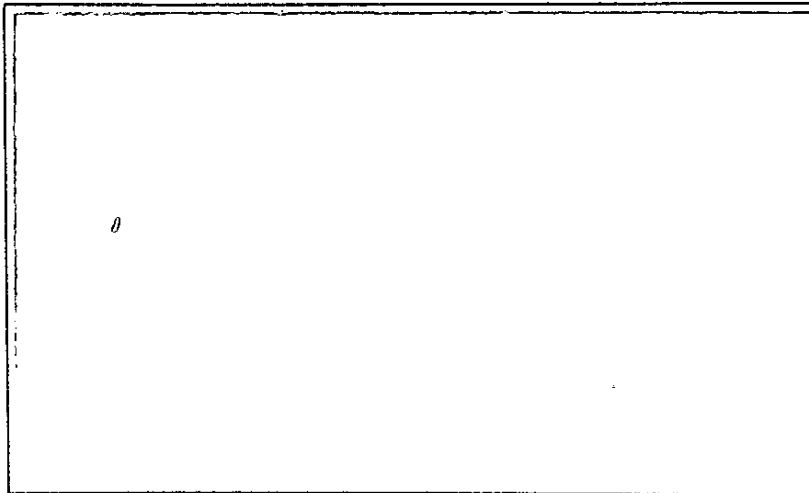
While one worker pours the eggs into a larger bucket, another tosses the rainbow into a penned-off section of the raceway inside the tent. The fish slips into the water like a limp torpedo and lies still for a minute or two, gills working in gulps. The constantly flowing water soon washes away the paralyzing drug. With little flicks of the tail and a few turns of the head, the fish rights itself and surges off into the distance.

Forty fish contribute 1,200 to 2,000 eggs apiece. The eggs are disinfected to kill germs from human contact and given to another worker for fertilization.

The process is quick. With the male fish held firmly in one hand, the handler squeezes a white stream of milt into the bucket. Unlike females, most males die after contributing to the genetic pool. It is



Bill Hernandez erodes the lost fish he will handle at Fort Richardson. Now he plans to catch fish for himself.



This year the Elmendorf hatchery will produce 5 million rainbow trout eggs.

the same in the wild. There is no natural reason for male fish to live another winter. Although winter water temperatures dip to as low as 34 degrees, virtually stopping all feeding and movement, the low oxygen content in the lakes would not support larger fish populations.

Elmendorf is able to function year-round as a hatchery because it receives from an Air Force generating plant a constant supply of 83-degree waste water that is piped half a mile to the hatchery. There it is mixed with Ship Creek water and brought to a stable temperature.

The temperatures are constantly monitored and alarms sound if there is a variance of more than a few degrees. Rainbows cannot live in water above 82 degrees without suffering from a killing form of stress. For salmon, the

disaster brink is several degrees lower. Rainbows live in 42-degree water in the winter and 46-degree water in the spring when spawning.

Of the 19 fish hatcheries and rearing facilities in Alaska, Elmendorf is the only one that handles brood stock rainbow, the fish from which we get more fish. Other hatcheries trap wild salmon in streams and collect the eggs for rearing.

There are approximately 18,000 of the dark, fat trout in three raceways at Elmendorf, ranging in age from 1 to 4 years.

Watching thousands of them rolling in the water can arouse even the most casual fisherman, but catching these hand-fed beauties would be quite a trick.

An eight-foot-high chain link fence surrounds the property. Inside, eight large white

plastic dishes create invisible barriers just inside the fence. Cross their line of fire and a shrieking alarm goes off outside the office and inside the newly constructed manager's house just a hundred yards away.

Casting a long line over the fence wouldn't work, either. A 20-foot moat of land separates the fence from the tanks. Reaching the ponds would be simple enough, but dragging a fighting trout overland and flipping it over the fence would be all but impossible.

There is more science than meets the eye inside the hatchery. Besides the electronically controlled worm water system, there is food that would captivate the most jaded readers of junk food wrappers.

Back in the 1940s, the early

days of fisheries science, fish at hatcheries outside were fed chopped cattle guts. Seemed like a good idea at the time. It was a waste product, the fish ate it voraciously, and it appealed to people who thought all that came from cattle was good.

But the diet soon caused epidemic disease and many early hatcheries were closed.

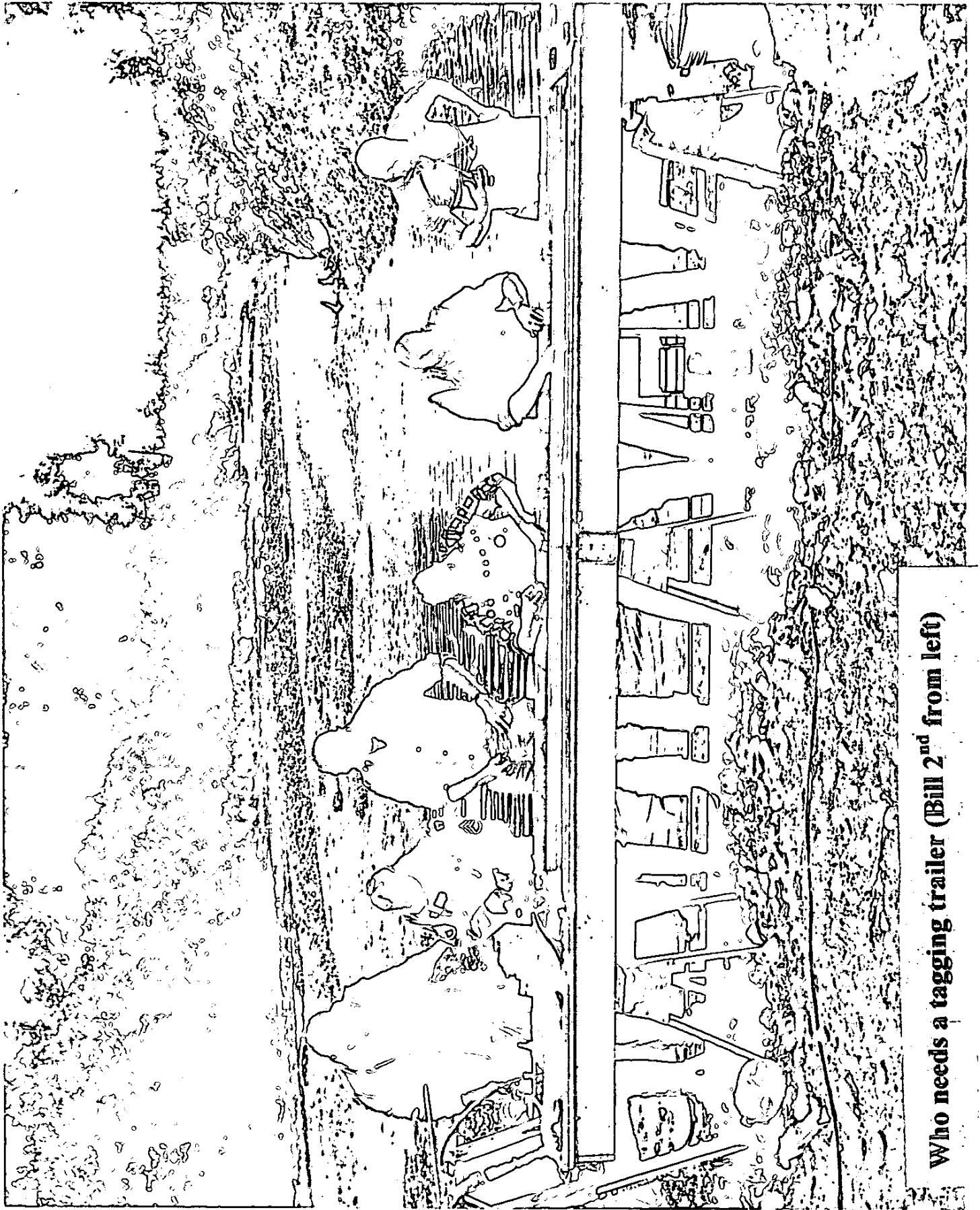
Today, fish food is a science itself. Bagged in 50-pound sacks like dog food, the Oregon mash used at Elmendorf contains 22 ingredients ranging from fish meal to vitamins. An abundance of herring oil makes the pellets soft. Mature fish are fed at least once a day and consume, Hernandez says, about 1 percent of their total body weight daily. Young fish are fed more often, up to seven times a day. The Elmendorf hatchery uses 700 pounds of fish food daily in the peak spring season.

Although he had the opportunity to advance in the Department of Fish and Game hierarchy and the later bureaucracy that came to control the hatcheries in Alaska, Hernandez never pursued those career avenues. This summer, after working more than 25 years for others in the handling of fish, Hernandez will harvest fish on his own. With his 32 foot boat, the Hernandez 1, he will head out into Bristol Bay in search of king salmon.

A home computer will help him keep track of catch rates, fish locations and feeding patterns. But out on the rolling bay, Hernandez will use his own instinct, gleaned from years of experience, to catch fish.

□ Andrew Peab is a reporter for The Daily News.





Who needs a tagging trailer (Bill 2nd from left)



Monthly samples Frank Stefanich (left) Bill (right)

SJR

22

<target><bill>SJR 22</bill><subject>SJR
22</subject><comm>HFSH26</comm></target>

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 18, 2009

FURTHER REFERRALS: Resources

Date of Committee Action: 2/9/2010

The HOUSE SPECIAL COMMITTEE ON FISHERIES considered:
CS FOR SENATE JOINT RESOLUTION NO. 22(RES)

Opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye salmon personal use dip net fisheries.
SJR 22 FEDERAL PREEMPTION OF SALMON MANAGEMENT

Recommends it be replaced with HCS or CS for CS SJR 22 (FSH) ()
Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

<u>NEW FISCAL NOTES</u>				
* Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
HFSH				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Johnson	X			
	Millett	X			
	KANAZAKI				X
	Keller	X			
	Buc R			X	
	Muñoz	✓			
Chair:	Edgmon			X	
Chair:					

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 - Fax
Senator_Charlie_Huggins@legis.state.ak.us



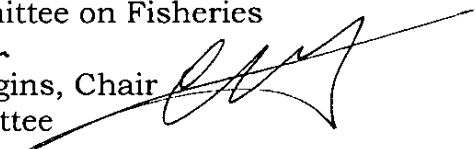
State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878
www.akrepublicans.org/huggins/

Charlie Huggins
Senator

MEMORANDUM

Date: February 1, 2010

To: Representative Edgmon, Chair
House Special Committee on Fisheries

From: Senator Charlie Huggins, Chair
Senate Rules Committee 

Re: Request for Hearing - SJR 22

I respectfully request SJR 22 be scheduled for hearing before the House Special Committee on Fisheries committee at your earliest convenience.

SJR 22 asks the governor to intervene in two lawsuits, one by United Cook Inlet Drift Association and another by Herbert T Jensen, both against the U.S. Department of Commerce. It calls for the governor to direct the attorney general to oppose the lawsuits in defense of the state's authority to manage its own fisheries, and to protect Alaska's personal use dip net fisheries.

As you can see, the names of the Governor and U.S. Secretary of Commerce will have to be changed to reflect the current office holders.

Thank you for your consideration.

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 - Fax
Senator_Charlie_Huggins@legis.state.ak.us



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Charlie Huggins Senator

Sponsor Statement SJR 22

This resolution takes aim at lawsuits filed in the US District Court of Alaska, one by the United Cook Inlet Drift Association (UCIDA) and another by Herbert T. Jensen. The complaints by this commercial fishing group and an individual, calling for a return of federal management is an affront to the State of Alaska. Please, do not forget, here in our 50th year as a state, it was a colossal failure of federal salmon management that was a major driving force behind the statehood movement. I would hope no one wishes to return to such a regime.

UCIDA is an association of both resident and non-resident commercial fishers who participate in drift gillnet salmon fisheries in the inlet. Remarkably, these fishers can keep, for their personal use, an unlimited number of fish from their commercial catch. Their goal is to have the state-managed personal use dip net fishery declared unconstitutional and be pre-empted by federal law. This resolution seeks a fair shake for Alaskans who fish, without commercial gear, with simple dip nets, to feed their families. It asks the governor to intervene in defense of our state's authority to manage its own fisheries in a responsible manner.

26-LS0866\S
Kane
2/5/10

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 22(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

**Offered:
Referred:**

Sponsor(s): SENATORS HUGGINS, Ellis, Wielechowski, Thomas, Therriault, Paskvan, McGuire, Meyer, Davis, Bunde

REPRESENTATIVES Neuman, Stoltze, Gara

A RESOLUTION

1 **Opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye**
2 **salmon personal use dip net fisheries.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the United Cook Inlet Drift Association is a group of nonresident and
5 resident commercial gill net fishermen in Cook Inlet; and

6 **WHEREAS** the United Cook Inlet Drift Association has filed a lawsuit against the
7 United States Secretary of Commerce requesting that the United States Department of
8 Commerce preempt state management of its salmon stocks in Cook Inlet; and

9 **WHEREAS** the United Cook Inlet Drift Association has filed a lawsuit against the
10 United States Secretary of Commerce claiming, among other things, that association's
11 nonresident members are discriminated against because they cannot participate in the
12 resident-only dip net fishery, thus requesting the court to declare that the state-authorized
13 resident-only salmon fisheries are unconstitutional and therefore preempted by federal law;
14 and

15 **WHEREAS** Herbert T. Jensen has filed a lawsuit in the United States District Court
16 for the District of Alaska based on claims similar to those stated by the United Cook Inlet

1 Drift Association; and

2 **WHEREAS** all five species of Pacific salmon are an integral part of Alaska's history,
3 heritage, and cultural identity, helping to meet both its economic and nutritional needs; and

4 **WHEREAS** the Magnuson-Stevens Fishery Conservation and Management Act
5 explicitly excludes state waters from the jurisdiction of the Act; and

6 **WHEREAS** the exclusive economic zone is closed to commercial fishing under the
7 Magnuson-Stevens Fishery Conservation and Management Act unless specifically authorized
8 by the state; and

9 **WHEREAS** the Alaska Board of Fisheries has devoted an inordinate amount of time
10 to the extremely complex salmon management program in the Cook Inlet region in an attempt
11 to balance the interests of all stakeholders; and

12 **WHEREAS** the potential results of those lawsuits, if the plaintiffs are successful,
13 would not only preempt state fisheries management but could result in a larger number of
14 nonresident dip net fishermen being allowed to fish, causing an even smaller allocation to the
15 commercial fisheries, thus conceivably further adversely affecting the members of the United
16 Cook Inlet Drift Association; and

17 **WHEREAS** the establishment of federal and state recognized commercial fisheries
18 limited entry programs have drastically limited the ability of residents to use efficient
19 commercial gear for taking subsistence and personal use salmon resources, which has resulted
20 in the establishment of less efficient methods, such as the dip net fisheries, for taking salmon
21 to meet Alaska's nutritional needs; and

22 **WHEREAS** members of the United Cook Inlet Drift Association are able to use their
23 exclusive limited entry permits to use efficient gear that is not available to the average
24 Alaskan for the purpose of taking salmon for personal use; and

25 **WHEREAS** members of the United Cook Inlet Drift Association, including all
26 nonresidents, are allowed an unlimited bag limit, an unlimited possession limit, and an
27 unlimited annual limit under state law for salmon retained for personal use if taken during the
28 commercial fisheries, which is a luxury not afforded to Alaskans who do not possess a state
29 limited entry permit; and

30 **WHEREAS** both the federal government and the state recognize in law and place a
31 high priority on the importance of taking of wild resources for food; and

1 **WHEREAS** the State of Alaska restricts dip net salmon fisheries to Alaska residents;
2 and

3 **WHEREAS**, in 1984, a resident-only dip net fishery for Copper River red salmon
4 stocks was established in Chitina; and

5 **WHEREAS**, in 2006, 2007, and 2008, the Alaska Department of Fish and Game
6 issued over 8,000 permits allowing Alaskans to dip net for salmon in Chitina; and

7 **WHEREAS**, in 1981, a dip net fishery for red salmon stocks was established at the
8 mouth of the Kenai and Kasilof Rivers; and

9 **WHEREAS**, in 2006, 2007, and 2008, the Alaska Department of Fish and Game
10 issued between 18,500 and 23,700 permits allowing Alaskans to dip net for salmon in the
11 Kenai and Kasilof Rivers; and

12 **WHEREAS** the Alaska Department of Fish and Game calculates that those dip net
13 fisheries provide an average of 14 fish for each household for those households that
14 participated in the Kenai and Kasilof Rivers dip net fisheries in 2006, 2007, 2008; and

15 **WHEREAS** there appears to be a growing groundswell of support within the
16 commercial fishing industries represented at the North Pacific Fisheries Management Council
17 and state Board of Fisheries levels for a more dominant role in the regulatory process; and

18 **WHEREAS** the Constitution of the State of Alaska dictates that "The legislature shall
19 provide for the utilization, development, and conservation of all natural resources belonging
20 to the State, including land and waters, for the maximum benefit of its people," which clearly
21 means that the state's common property resources must benefit all Alaskans and not just a few
22 commercial fisherman;

23 **BE IT RESOLVED** that the Alaska State Legislature hereby requests that the United
24 Cook Inlet Drift Association and Herbert T. Jensen each drop their lawsuits advocating
25 federal preemption of Alaska's salmon management in state waters in Cook Inlet and
26 opposing the personal use of salmon by Alaska residents.

27 **FURTHER RESOLVED** that the Alaska State Legislature also requests Governor
28 Sean Parnell to direct the attorney general to oppose those lawsuits.

29 **COPIES** of this resolution shall be sent to the Honorable Gary F. Locke, United
30 States Secretary of Commerce; the Honorable Sean Parnell, Governor of Alaska; the
31 Honorable Daniel S. Sullivan, Alaska Attorney General designee; and the Honorable Denby

1 Lloyd, Commissioner, Department of Fish and Game.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS for CSSJR22(RES)
 () Publish Date: _____

Title FEDERAL PREEMPTION OF SALMON MANAGEMENT Dept. Affected: _____
 RDU _____
 Component _____
 Sponsor Sen. Huggins, et al
 Requester House Fisheries Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Special Committee on Fisheries
 Division: _____
 Approved by: House Special Committee on Fisheries

Phone 465-2839
 Date/Time 2/9/2010 12:30 p.m.
 Date 2/9/2010

ALASKA STATE LEGISLATURE



Bill Stoltze
State Representative
House District 16

Charlie Huggins
State Senator
Senate District H

Huggins, Stoltze Introduce Resolution to Protect Alaska's Personal Use Dip Net Fisheries

(JUNEAU, April 9, 2009) – Senator Charlie Huggins (R-Mat-Su) and Representative Bill Stoltze (R-Chugiak/Mat-Su) today announced that they are introducing companion resolutions requesting Governor Sarah Palin's administration to join the federal government in opposing a lawsuit filed by a Cook Inlet commercial fishing group challenging salmon management in the inlet. Senate Joint Resolution 22, sponsored by Senator Huggins and co-sponsored by Senators Johnny Ellis (D-Anchorage), Bill Wielechowski (D-Anchorage) and Linda Menard (R-Wasilla), was introduced this morning. Representative Stoltze plans to introduce a companion resolution in the House of Representatives tomorrow.

"With this resolution, we're trying to get a fair shake for Alaskans who fish to feed their families and asking the governor to defend the state's authority to manage our fisheries in a responsible manner," said Senator Huggins. "If this lawsuit is successful, it could pre-empt state management and be detrimental to Alaskans' access to our salmon resources."

The lawsuit was filed last year by the United Cook Inlet Drift Association (UCIDA) against the U.S. Department of Commerce opposing the current management of salmon fisheries in Cook Inlet. UCIDA is an association of both resident and non-resident commercial fishermen who participate in drift gillnet salmon fisheries in the inlet. Senate Joint Resolution 22 would express the Senate's objection to the association's effort to have state-managed personal use dip net fisheries declared unconstitutional and therefore pre-empted by federal law.

"It is appalling that this Alaska resident-only salmon fishery is under assault by special interests, said Representative Stoltze. "Dipnetting is a great part of Alaska - a true family tradition."

The resolutions request Governor Palin "to direct the attorney general to oppose this lawsuit", and, "in cooperation with the legislature, to re-examine the inordinate and potentially unfair, unethical, and disproportionate influence of the commercial fisheries industries on fisheries management in Alaska."

SJR 22 has been referred to the Resources Committee and the Judiciary Committee. The House version will be referred to committees tomorrow.

For more information, contact Senator Huggins or Sharon Long at 907-465-3878, or Representative Stoltze or Ben Mulligan at 907-465-4958.

###

From: Ken Federico [mailto:kenfederico@mtaonline.net]
Sent: Friday, February 05, 2010 3:35 PM
To: Ben Mulligan; Sen. Charlie Huggins; Rep. Mark Neuman; Rep. Carl Gatto
Cc: dennis gease; steve rasmussen; Ken Federico
Subject: HB 266 SJR 22



South Central Alaska Dipnetters ASSOCIATION

Representative Bill Stoltze,

February 5, 2010

Please let me say thank you to all in the Legislature that are involved with SJR 22 and HB 266. I am glad to see that you are helping to ensure that Alaskan residents would have some priority when it comes to our resources, in times of shortages.

As you all must be aware, there are over 90,000 Alaskan residents that benefit from personal use fishing in our great state. Whether it is done in Chitina, The Kenai/Kasilof or even China poot, Alaskans from through out the state put fish into their freezers because of dipnetting.

I have to admit I am somewhat biased since I started SCADA a number of years ago. What keeps me working on keeping dipnetting from getting cut back is the feedback I get from mostly elderly Alaskan residents. Let me explain. Whenever I am quoted in the newspaper or go on talk radio, concerning dipnetting, I start to receive cold phone calls, usually that night.

It turns out that a lot of our elderly really depend on fish from personal use and these phone calls are a lot of "thank you's" for standing up and fighting to keep personal use in play. I have been amazed at the amount of seniors that have looked up my last name in the phone book to call and tell me that they appreciate my efforts and really depend on these fish. That is what keeps me going.

My hat is off to all of you that support Alaskan residents.

Thank You again,

Ken Federico, SCADA, ~~XXXXXXXXXX~~

SJR22--Bonnie Borba Email Text

From: Bonnie Borba [borba@mosquitonet.com]
Sent: Monday, February 08, 2010 9:58 PM
To: Rep. Bryce Edgmon
Subject: Support SJR22 and HB266

Dear Representative Bryce,

I was born and raised here in Alaska and my brothers and I grew up hunting, trapping and fishing

with our parents. Chitna dip netting of sockeye and Chinook salmon has been a stable source of

quality food of our family. We are now on our third generation of family members now dipping to

provide salmon to our parents and grandparents. Occasionally we get only a few but we are

usually the diehard shore based dippers that usually get our limit if not one trip maybe a second.

The trip is a family affair and the salmon are better than anything you can buy at a store. I

understand the commercial aspect of the fishery as well but many of these fishermen are not

even from our state and precedence lies with subsistence priority first before commercial

fisheries, subsistence means food for local peoples and in this state means all residents. Chitna

is not an easy place to fish and it is not for everyone because of the difficult river and weather. I

typically do not sport fish because if I catch a fish I am going to eat it. I do not understand

totally the reason why this fishery got changed to a personal use fishery but you should be

thinking of the families this resource is providing for -the everyday working man.

Please support SJR22 and HB266.

Bonnie Borba



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

James N. Butler, III
Gregory R. Gabriel, Jr.
Baldwin & Butler, LLC
125 North Willow Street
Kenai, Alaska 99611

Dear Mr. Butler and Mr. Gabriel:

Thank you for your "Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska" (Petition), dated June 12, 2008, and submitted to the Secretary of Commerce by the United Cook Inlet Drift Association and the Kenai Peninsula Fishermen's Association (Petitioners). We have reviewed and considered the Petition. The attached document constitutes the National Marine Fisheries Service's (NMFS's) response to the Petition.


For various reasons explained fully in the attached response, NMFS denies Petitioners' claims that challenge the consistency of certain State of Alaska (State) salmon regulations applicable within the Exclusive Economic Zone (EEZ) with the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Fishery Management Plan for the Salmon Fisheries in the EEZ Off the Coast of Alaska (FMP), and other applicable Federal law. Before appealing such regulations to NMFS, the FMP requires persons challenging State salmon fishing regulations to first exhaust their remedies through the appropriate State procedures. The information provided in the Petition indicates that Petitioners have failed to exhaust their remedies with the State. Petitioners may resubmit these claims to NMFS after exhausting their remedies with the State in accordance with Chapter 9 of the FMP.

NMFS also declines to pursue Petitioners' request that NMFS preempt State management of salmon fisheries within the State waters of Upper Cook Inlet because the Magnuson-Stevens Act prevents NMFS from preempting a state's management authority within that state's waters if NMFS is unable to find that the fishery occurs predominantly within the EEZ. The catch data for salmon in the EEZ versus State waters clearly show that fishing for salmon governed by the FMP, on a broad scale as well as solely within the Cook Inlet Management Area, does not occur predominately within the EEZ.



Finally, the attached document provides the agency's position relative to a number of interpretations of several provisions of the Magnuson-Stevens Act and the scope of Federal authority to manage salmon fisheries under the provisions of the Magnuson-Stevens Act and the FMP that are included in the Petition.

Sincerely,



James W. Balsiger, Ph.D.

Acting Assistant Administrator for

Fisheries

cc: Denby Lloyd, Commissioner, State of Alaska Department of Fish & Game

Attachments:

1. NMFS's Response to "Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska"
2. The portion of commercial salmon catch harvested in the EEZ
3. Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska, submitted by the United Cook Inlet Drift Association and the Kenai Peninsula Fishermen's Association

**National Marine Fisheries Service's Response To
"Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska"
Dated June 12, 2008, and Submitted By the
United Cook Inlet Drift Association and the Kenai Peninsula Fishermen's Association**

The United Cook Inlet Drift Association and the Kenai Peninsula Fishermen's Association ("Petitioners") submitted to the Secretary of Commerce ("Secretary") a document entitled "Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska" ("Petition"), dated June 12, 2008. The National Marine Fisheries Service ("NMFS") has reviewed and considered the Petition, and offers the following response.¹

I. Categorization of Petitioners' claims

Petitioners make a number of claims in their Petition. In reviewing and considering the Petition, NMFS categorized Petitioners claims into three groups. The first group includes those claims that challenge the consistency of certain State of Alaska ("State") salmon regulations applicable within the U.S. Exclusive Economic Zone ("EEZ") with various provisions of the Fishery Management Plan for the Salmon Fisheries in the EEZ Off the Coast of Alaska ("FMP"), the Magnuson-Stevens Fishery Conservation and Management Act ("Magnuson-Stevens Act"), and other laws. The second group includes one claim that requests the Secretary² to preempt State management of salmon fisheries within State waters. The final group includes those claims that interpret provisions of the Magnuson-Stevens Act and NMFS's scope of authority under the Magnuson-Stevens Act and the FMP.³

NMFS has determined that the first group of claims challenging the consistency of certain State salmon regulations with the FMP, the Magnuson-Stevens Act and other applicable Federal law are appealable to NMFS under Chapter 9 of the FMP. These claims challenge the consistency of the State's regulations for (1) mandatory interim closures, (2) season opening and closing dates, and (3) escapement goals for salmon fisheries within the Cook Inlet Management Area. Petition

¹ Petitioners cite section 305(f) of the Magnuson-Stevens Act (16 U.S.C. 1855(f)), and its requirement that the Secretary file a response to a judicial action within 45 days of receipt, as providing the statutory timeline in which NMFS must respond to the Petition. Petitioners misconstrue section 305(f); section 305(f) applies to challenges filed in judicial courts of the United States and not to petitions for rulemaking submitted to NMFS under Chapter 9 of the FMP. Chapter 9.1 of the FMP does not set forth a timeframe by which the Secretary must respond to an appeal. Although Petitioners submitted the Petition to the Secretary in June 2008, NMFS was unaware of the existence of the Petition until January 2009. Therefore, although the time in which it took NMFS to issue this response is not typical, NMFS's response is not untimely under the FMP or the Magnuson-Stevens Act.

² The Secretary delegated fishery management authority under the Magnuson-Stevens Act to NMFS so the remainder of this response refers to NMFS.

³ Chapter 9 is provided as an attachment to this response. The complete FMP is available on the North Pacific Fishery Management Council web page at: <http://www.fakr.noaa.gov/npfmc/fmp/salmon/salmon.htm>

at 31, 23, and 33, respectively. These claims challenge State regulations that have applicability within the EEZ. NMFS can supersede State regulations applicable within the EEZ if those regulations are found to be inconsistent with the FMP, Magnuson-Stevens Act, or other applicable Federal law. The State also has the authority to modify its regulations as it determines necessary. NMFS addresses these claims in section II of this response.

NMFS has determined that Petitioners' request for preemption of State management of salmon fisheries within State waters is not an appealable challenge under Chapter 9 of the FMP because it is not a challenge to Magnuson-Stevens Act and FMP consistency of State salmon regulations applicable within the EEZ. Instead, Petitioners are asking NMFS to extend Federal management authority into State waters. NMFS addresses Petitioners' request in section III of this response.

Finally, NMFS has determined that the remaining group of claims does not challenge Magnuson-Stevens Act and FMP consistency of State salmon regulations applicable within the EEZ, but instead presents Petitioners' interpretations of the Magnuson-Stevens Act and the scope of Federal authority to manage salmon fisheries under the provisions of the Magnuson-Stevens Act and the FMP. NMFS has determined that this group of claims is not appealable under Chapter 9 of the FMP. However, in order to provide Petitioners' with the agency's position relative to these interpretations, NMFS addresses Petitioners' interpretations in section IV of this response.

II. NMFS's Determination Concerning Petitioners' Claims That Are Appealable Under the FMP

Chapter 9 of the FMP provides a process for review of State statutes or regulations by the Secretary and allows any member of the public to appeal a statute or regulation issued by the State for the salmon fisheries in the EEZ off the coast of Alaska. FMP at 46. NMFS considers appeals under Chapter 9 of the FMP to be petitions for rulemaking, as they are requests that NMFS take some regulatory action to supersede application of State salmon statutes or regulations in the EEZ. Chapter 9.1 of the FMP sets forth the general process NMFS will follow if an appeal challenges annual or perennial regulations issued by the State; Chapter 9.2 sets forth the general process NMFS will follow if an appeal challenges inseason management actions taken by the State.

Petitioners claim that the State's season opening and closing dates and regulatory interim closures, or "windows", should be superseded because they are inconsistent with the Magnuson-Stevens Act. Petition at 31-33. State regulations at 5 AAC 21.363(e) establish guidelines for when the Alaska Department of Fish and Game ("ADF&G") managers can open and close the commercial salmon fisheries, including salmon fisheries conducted within the EEZ, during the fishing season to provide for escapement and to allow fish to enter the Kenai and Kasiliof rivers on a predictable schedule for sport and personal use fisheries.

Petitioners claim that the fixed mandatory closures within a commercial fishing season and the season opening and closing dates are inconsistent with the Magnuson-Stevens Act because they (1) are arbitrary, capricious, and not based on the best available science or objective conservation and management criteria but are politically motivated; (2) have led to over-escapement and fail to meet optimum yield; (3) result in the reallocation of salmon stocks from the commercial fishery to the personal use fishery; (4) force participants to go to sea in conditions that jeopardize their safety in an attempt to remain economically viable; (5) result in lost yield for the commercial fishery which affects fishermen, processors, and communities; and (6) are not adaptive management measures per Magnuson-Stevens Act requirements. Petition, generally, at 20, 26-27, and 31-34. Further, Petitioners state that regulations are not in best interest of the Nation because they result in lost food production, reduced exports, and lower employment. Petition at 32.

Petitioners claim that the State of Alaska Board of Fisheries (Board) began implementing regulations that manage for the bottom of the yield curve by setting sustainable, rather than optimal, escapement goals which threaten economic viability of Upper Cook Inlet commercial fishing communities and are otherwise inconsistent with the Magnuson-Stevens Act. Petition at 33. Petitioners also claim that the State's escapement goals for the salmon fisheries managed under the FMP are not based on the best available science but based on political compromise. Petition at 34. Petitioners request that the Secretary provide guidance to the State and the Council that exploitation rates on most salmon stocks in Upper Cook Inlet are far below what is necessary to ensure optimum yield and provide the greatest benefit to the Nation. Petition at 34.

Although the mandatory closure window regulations have an inseason component and ADF&G has discretion within the regulations on when to implement the closure windows, Petitioners do not challenge any specific inseason management action. Based on NMFS's review of the Petition, NMFS concludes that Petitioners challenge the State's regulatory framework for the closure windows, which are perennial regulations, rather than a specific inseason closure. Therefore, NMFS has determined that the Petitioners challenge annual or perennial regulations issued by the State, and NMFS considered the Petition under Chapter 9.1 of the FMP.

As stated in Chapter 9.1 of the FMP, persons are required to exhaust their remedies with the State before appealing to NMFS. FMP at 46. The North Pacific Fishery Management Council (Council) and NMFS stated in the FMP at page 46 and in the preambles to the proposed and final rules for Amendment 3 to the FMP⁴ that this requirement encourages persons with serious concerns to participate fully in the State procedures before seeking Secretarial intervention. According to the Petition at page 10, Petitioners are aware of the process contained in Chapter

⁴ The proposed rule for Amendment 3 was published at 55 Fed. Reg. 28661, 28663 (July 12, 1990), and the final rule for Amendment 3 was published at 55 Fed. Reg. 47773, 47774 (November 15, 1990).

9.1 but argue that exhaustion of State remedies is inappropriate because the Board is the delegate of the Secretary, and any petition challenging a State salmon regulation must be brought under federal law given the federal statutes, Federal APA requirements, and Federal law applicable to the Secretary's decisions. Additionally, Petitioners argue that the Secretary is not subject to State jurisdiction regarding salmon fishery regulations. For reasons explained more fully in section IV of this response, NMFS disagrees with Petitioners' rationale for failing to exhaust State remedies prior to submitting this Petition to NMFS.⁵

Because of Petitioners' failure to exhaust their remedies with the State as required by Chapter 9.1 of the FMP, NMFS denies Petitioners' appeal of the State's mandatory window closures, season opening and closing dates, and escapement goal regulations for the salmon fisheries in Upper Cook Inlet. Petitioners may resubmit their appeal to NMFS after exhausting their remedies with the State in accordance with Chapter 9 of the FMP.

III. NMFS's Determination Concerning Petitioners' Request for Preemption of State Management of Salmon Fisheries Within State Waters

For the following reasons, NMFS declines to pursue Petitioners' request that the Secretary initiate preemption proceedings against State of Alaska management of salmon fisheries within State waters.

Petitioners make the following statements in their Petition: (1) "The commercial salmon fishery in Cook Inlet takes place in the EEZ"; (2) "Drift gillnet harvest of salmon in Cook Inlet occurs predominately in the EEZ of the US"; and (3) "A majority of the Cook Inlet drift gillnet fishery occurs in the EEZ." Petition at 13, 4, and 25, respectively. Petitioners further state that because "[r]ecently promulgated regulations by the [Board] and ADF&G will substantially and adversely affect the commercial fishery and EFH beginning in June 2008 because they attempt to reduce or eliminate historical commercial fishing interests in Cook Inlet by limiting the economic viability of processors and harvesters", the State's management is inconsistent with the FMP and the Magnuson-Stevens Act National Standards. Petition at 3-4. Based on these assertions, Petitioners ask NMFS to begin preemption proceedings for the Upper Cook Inlet salmon fishery under Magnuson-Stevens Act section 306(b) and 50 CFR 600.615. Petition at 3. For the reasons provided below, NMFS concludes that the salmon fishery governed by the FMP does not occur predominately within the EEZ. Because NMFS is unable to make one of the two required

⁵ Section IV of the Petition is entitled "Statutory Authority for Petition." Petitioners cite to various provisions of the Magnuson-Stevens Act and the Administrative Procedure Act that they argue support their claim that the Secretary must consider the Petition. NMFS concludes that Petitioners have misconstrued a number of provisions in the Magnuson-Stevens Act as lending support for this claim. However, as explained in this response, NMFS freely recognizes the ability of persons, such as Petitioners, to appeal State regulations under Chapter 9 of the FMP, provided persons follow the procedure and requirements set forth in Chapter 9.

findings for preemption, NMFS declines to initiate preemption proceedings against the State and its management of salmon fisheries within State waters, and rejects Petitioners' request.

As explained more fully in section IV of this response, the Magnuson-Stevens Act explicitly recognizes a state's jurisdiction and its authority to manage its fishery resources within its waters. Furthermore, NMFS may not regulate fishing within a state's waters unless NMFS undertakes the process and makes the factual findings required by 16 U.S.C. 1856(b). This section states:

If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that -

(A) the fishing in a fishery, which is covered by a fishery management plan implemented under this Act, is engaged in predominately within the [EEZ] and beyond such zone; and

(B) any State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan; the Secretary shall promptly notify such State and the appropriate Council of such finding and of his intention to regulate the applicable fishery within the boundaries of such State (other than its internal waters), pursuant to such fishery management plan and the regulations promulgated to implement such plan.

16 U.S.C. 1856(b). Thus, in order for NMFS to regulate fishing within State waters, NMFS must find that: (1) the fishing in a fishery that is covered by an FMP is predominately within the EEZ; **and** (2) a state has taken an action, or omitted to take any action, the results of which will "substantially and adversely affect" the carrying out of the FMP. The Magnuson-Stevens Act prevents NMFS from preempting a state's management authority within that state's waters if NMFS is unable to make both of the required findings. Regulations at 50 CFR 600.610(b)⁶ provide some guidance on determining predominance as used in 16 U.S.C. 1856(b)(1)(A):

Whether fishing is engaged in "predominately" within or beyond the EEZ will be determined after consideration of relevant factors, including but not limited to, the catch (based on numbers, value, or weight of fish caught, or other relevant factors) of fishing effort during the appropriate period, and in light of historical patterns of the distribution of catch or fishing effort for such stock or stocks of fish.

⁶ 50 CFR 600.610(c) provides regulatory guidance on the phrase "substantially and adversely affect" the carrying out of an FMP: "Whether relevant effects are substantial will be determined after consideration of the magnitude of such actual or potential effects. Relevant to this determination are various factors, including but not limited to, the proportion of the fishery (stock or stocks of fish and fishing for such stocks) that is subject to the effects of a particular state's action or omission, the characteristics and status (including migratory patterns and biological condition) of the stock or stocks of fish in the fishery, and the similarity or dissimilarity between the goals, objectives, or policies of the state's action or omission and the management goals or objectives specified in the FMP for the fishery or between the state and Federal conservation and management measures of the fishery."

In considering Petitioners' request, NMFS examined commercial fisheries catch data for all five species of salmon governed by the FMP (see the attachment "The portion of commercial salmon catch harvested in the EEZ"). These commercial fisheries occur in the EEZ in the Southeast Alaska, Prince William Sound, Cook Inlet, and the Alaska Peninsula areas. The attachment includes commercial catch data from 1991 to 2008. This data represents all commercial fishing in these areas since implementation of Amendment 3 to the FMP and therefore provides a reasonable representation of the distribution of catch over time. The data shows that the commercial catch of all salmon species during this time period was slightly less than 4 percent of the total commercial catch from both the EEZ and State waters in these areas. The attachment does not include commercial catch of salmon within State waters but outside of these four areas. Therefore, if all catch statewide was included, the total portion harvested in the EEZ would be significantly smaller.

The attachment also provides catch data by species and by region for each year. The data show that even by region or by species, with the exception of chum salmon in Upper Cook Inlet, the catch predominately is from State waters. Based on these data, NMFS concludes that fishing in the salmon fishery governed by the FMP is not conducted predominately within the EEZ and beyond.

NMFS also examined salmon catch data from the EEZ and the State waters comprising the Cook Inlet Management Area.⁷ These data show that the commercial catch of all FMP species of salmon from the EEZ within the Cook Inlet Management Area during this time period was about 31 percent of the total commercial catch of these salmon species from both the EEZ and State waters in the Cook Inlet Management Area. Even with these higher salmon catch levels in the EEZ within the Cook Inlet Management Area, NMFS concludes that fishing occurring in the EEZ is not greater than fishing occurring within State waters of that area and 31 percent of the total salmon catch that occurs within the EEZ of the Cook Inlet Management Area does not demonstrate "predominance" of salmon fishing within Federal waters.

The catch data for salmon in the EEZ versus State waters during this time period clearly show that fishing for salmon governed by the FMP, on a broad scale as well as solely within the Cook Inlet Management Area, is not conducted predominately within the EEZ. Therefore, in accordance with regulatory guidance as well as analysis of this data, NMFS has determined that the salmon fishery does not occur predominately within the EEZ. Because the Magnuson-Stevens Act prevents NMFS from preempting a state's management authority within that state's waters if NMFS is unable to make both of the required findings set forth in 16 U.S.C. 1856(b)

⁷ The portion of total catch in the EEZ represents a maximum amount. As described in the attachment "The portion of commercial salmon catch harvested in the EEZ", ADF&G catch data is recorded by state statistical area which can include both State and EEZ waters in one statistical area. All catch in State statistical areas that have both EEZ and State waters were assumed to be EEZ catch; therefore, it is likely that more catch is attributed to the EEZ than actually occurred.

and because NMFS has determined that one of the findings cannot be made, NMFS declines to initiate preemption proceedings as requested by the Petitioners.⁸

IV. NMFS's Position Relative to Petitioners' Interpretations of the Magnuson-Stevens Act and the Scope of Federal Authority to Manage Salmon Fisheries Under the Provisions of the Magnuson-Stevens Act and the FMP

In the Petition, Petitioners interpret several provisions of the Magnuson-Stevens Act and the scope of Federal authority to manage salmon fisheries under the provisions of the Magnuson-Stevens Act and the FMP. These interpretations are summarized as follows:

1. The Magnuson-Stevens Act gives the Council and NMFS the authority to manage anadromous species throughout the species' migratory range, and that authority extends into state waters and "include beyond the fresh and estuarine waters of the State of Alaska." As such, the mandates of the Magnuson-Stevens Act apply to the State's salmon management regime in Upper Cook Inlet, and NMFS must examine State salmon regulations in light of the stated purposes of the Magnuson-Stevens Act, finding regulations that conflict with those purposes inconsistent with the Magnuson-Stevens Act. Petition, generally, and at 8, 13-14, 34.
2. Under the FMP, the Council and NMFS asserted their Magnuson-Stevens Act management authority over anadromous salmon species within State waters and delegated to the Board the responsibility for management of salmon in Alaska. Petition at 7, 8, 25.
3. As a result of this delegation to the Board, State regulations affecting salmon fisheries in Cook Inlet must comply with the provisions of the Magnuson-Stevens Act, and NMFS must repeal or amend those rules that are inconsistent with the Magnuson-Stevens Act. Petition, generally, and at 8.
4. Furthermore, as a result of this delegation, when the Board issues regulations, the Board is amending the FMP and NMFS has a duty to review and ensure that the Board's amendments to the FMP are consistent with the Magnuson-Stevens Act. Petition at 9, 21.
5. NMFS must take action to restore and protect essential fish habitat ("EFH") on the Kenai River and other essential fish habitats in the upper Cook Inlet basin.

⁸ Petitioners also claim that preemption is warranted because the State's management regime has adverse effects on salmon EFH, and therefore substantially and adversely affects the carrying out of the FMP. NMFS did not address this claim in the preemption context because of its determination on the lack of predominance of salmon fishing in the EEZ. However, NMFS addresses Petitioners' EFH claims at pages 12 - 13 of this response.

6. The State's resident-only Personal Use fishery is inconsistent with the Magnuson-Stevens Act and NMFS must eliminate it.
7. NMFS must promulgate emergency regulations to supersede State regulations and manage Upper Cook Inlet salmon stocks.

The following provides NMFS's position relative to these interpretations.

Section 101(b)(1) of the Magnuson-Stevens Act (16 U.S.C. 1811(b)(1)) does not vest the agency with management responsibility and authority over anadromous species within State waters and the requirements of the Magnuson-Stevens Act do not apply to the State's management of salmon within the State waters of Upper Cook Inlet.

Under the Magnuson-Stevens Act, Congress vested NMFS, by and through the Secretary, with exclusive management authority over all fish and all Continental Shelf fishery resources within the EEZ. 16 U.S.C. 1811(a). Off the State of Alaska, the EEZ extends from 3 nautical miles seaward of the State's baseline to 200 nautical miles offshore. 16 U.S.C. § 1802(11). Congress also vested in NMFS management authority over all anadromous species throughout the migratory range of each species beyond the EEZ. 16 U.S.C. 1811(b)(1) (emphasis added).

Congress recognized that the exercise of federal jurisdiction must be balanced against the interest of the various coastal States to manage their own fisheries. The Magnuson-Stevens Act explicitly recognizes that "nothing in this Act shall be construed as extending or diminishing the jurisdiction or authority of any State within its boundaries [and] ... except as provided in subsection (b), the jurisdiction and authority of a State shall extend to any pocket of waters that is adjacent to the State and totally enclosed by lines delimiting the territorial sea of the United States" 16 U.S.C. § 1856(a)(1) & (2).⁹

NMFS has interpreted "beyond the EEZ" as used in 16 U.S.C. 1811(6)(1) to mean seaward of the EEZ, or those areas of the ocean that are more than 200 nautical miles from the baseline. NMFS does not interpret the phrase to include the territorial seas of the states, or those waters within 0 to 3 nautical miles from the State's baseline. NMFS's interpretation is consistent with the statutory language of 16 U.S.C. 1811(b)(1), which excludes the waters of foreign nations from the United States' jurisdiction over anadromous species and clearly indicates Congressional intent to extend authority over anadromous species that are seaward, and not landward, of the EEZ. NMFS's interpretation is also consistent with the statutory scheme set forth in the Magnuson-Stevens Act given 16 U.S.C. 1856, which explicitly recognizes a state's jurisdiction

⁹ The Magnuson-Stevens Act also recognizes a state's authority to regulate a fishing vessel outside the boundaries of the state in certain circumstances. See 16 U.S.C. 1856(a)(3).

and authority to manage fishery resources within its boundaries, as explained above, and which contains no exception for anadromous species. Furthermore, NMFS's interpretation is consistent with the legislative history for 16 U.S.C. 1811 wherein Congress refers to the high seas and waters seaward of the EEZ when referring to "beyond the EEZ" in section 1811(b).¹⁰ Therefore, 16 U.S.C. 1811(b)(1) of the Magnuson-Stevens Act does not vest NMFS with the authority to manage anadromous species within a state's territorial sea.

NMFS may regulate fishing for anadromous species within a state's waters only if NMFS has undertaken the process and made the required findings for preemption set forth in 16 U.S.C. 1856(b). Without preemption of State fishery management in accordance with 16 U.S.C. 1856(b) of the Magnuson-Stevens Act, the requirements of the Magnuson-Stevens Act do not apply to the State's management of fishery resources within its waters.

NMFS disagrees with Petitioners' interpretations that: (1) the Council and NMFS through the FMP preempted State management of salmon within State waters and then delegated to the Board the responsibility for management of salmon in Alaska; (2) State management of salmon fisheries within State waters must be consistent with the Magnuson-Stevens Act; and (3) Board regulations are amendments to the FMP.

The Council adopted the original FMP in 1978, and NMFS approved and implemented it in 1979. Among other things, the original FMP established the Council's and NMFS's authority over the salmon fisheries in the Federal waters off the coast of Alaska from 3 to 200 nautical miles offshore (the EEZ), but excluded that portion of the EEZ west of 175 degrees East longitude from the FMP. In 1990, NMFS approved and implemented Amendment 3 to the FMP. Among other things, Amendment 3 extended the jurisdiction of the FMP to the EEZ west of 175 degrees East longitude and deferred regulation of the sport and commercial salmon fisheries in the EEZ to the State, thereby removing the Council and NMFS from routine management of the salmon fisheries but maintaining Federal participation and oversight of, and final authority over salmon management within the EEZ.

The fishery management unit for the FMP is all waters of the EEZ off the coast of Alaska and the salmon and fisheries that occur there. FMP at chapter 2. Two management areas are established within the EEZ, the West Area and the East Area, with the border for the areas at the

¹⁰ While there are several examples in the legislative history for the original Magnuson-Stevens Act that explain that "beyond the EEZ" as used in 16 U.S.C. 1811(b)(1) means the high seas seaward of the EEZ and not the territorial seas of the coastal states (see A LEGISLATIVE HISTORY OF THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976, at 99, 144, and 274 (1976)), the following excerpt is particularly informative: "The assertion of exclusive authority over anadromous species of fish is meant to apply when such fish are found on the high seas beyond the U.S. [EEZ], but outside the jurisdiction of any other nation. It is anticipated that the United States will use this authority to ban any capture of anadromous species of fish on the high seas and regulate their taking in the [EEZ]. Furthermore, this assertion of authority is not intended to preempt coastal States' authority to manage anadromous species of fish within their boundaries." (Emphasis added.) *Id.*, at 678.

longitude of Cape Suckling (143° 53' 36" West longitude). The West Area includes the EEZ in the Bering, Chukchi, and Beaufort Seas, as well as the EEZ in the North Pacific Ocean west of Cape Suckling. The FMP authorizes sport (or recreational) salmon fishing in the EEZ of the West Area. However, the FMP prohibits commercial salmon fishing in the EEZ of the West Area with the exception of three pockets of EEZ waters adjacent to three historical State commercial fishing areas: the Cook Inlet Area, the Prince William Sound Area, and the Alaska Peninsula Area.¹¹

Through the FMP and implementing Federal regulations,¹² the Council and NMFS have asserted management authority over salmon fisheries within the EEZ of the West Area, and have deferred routine management of the salmon fisheries that occur within the EEZ of the West Area, including the three historical areas open to commercial fishing, to the State. FMP at 34, 35, 41. This deferral means that State management of salmon fishing within the EEZ of the West Area, including the three historical areas, must be consistent with the FMP, the Magnuson-Stevens Act, and other applicable Federal law. Although NMFS and the Council defer management of salmon fisheries within the West Area's EEZ to the State, the Council and NMFS have ultimate management authority over salmon fishing in the West Area's EEZ, including the three historical areas.

As to Petitioners' first assertion, NMFS disagrees that the Council and NMFS, through the FMP, have preempted the State's management authority over salmon within State waters and delegated Federal management responsibilities for salmon fishing within State and Federal waters to the Board. The FMP is clear that Federal management of salmon fisheries does not extend into State waters (0 to 3 nautical miles from the State's baseline). The FMP explicitly states that the FMP governs salmon fishing from 3 to 200 nautical miles off the coast of Alaska. FMP at i, 1, and 5. Furthermore, at no time have the Council and NMFS preempted the State's management of salmon fisheries within State waters.

Because NMFS has not preempted the State's management of salmon fisheries within State waters, NMFS has not delegated Federal management responsibilities for salmon fishing within State waters to the Board. Rather, the Council and NMFS asserted Federal management over salmon species solely within the EEZ and then extended to the State, through deferral, routine management of those EEZ salmon fisheries. Through the FMP, NMFS and the Council maintain Federal participation and oversight of State management in the EEZ to ensure consistency with the FMP, the Magnuson-Stevens Act, and other applicable law. Under the FMP's deferral of management authority to the State, the Council and NMFS are not frequently involved in the

¹¹ Appendix C of the FMP contains descriptions and geographic coordinates for these areas.

¹² See 50 CFR 679.3(f)(4): "Commercial fishing for salmon in the EEZ west of Cape Suckling is not allowed except in three net fisheries managed by the State of Alaska as described in Section 2.2.2 and Appendix C of the Salmon FMP. For State of Alaska regulations governing these fisheries, see 5 Alaska Administrative Code 09 (Alaska Peninsula), 5 Alaska Administrative Code 21 (Cook Inlet), and 5 Alaska Administrative Code 24 (Prince William Sound)."

State's routine management of the salmon fisheries within the EEZ. As described earlier in this response, the FMP provides persons with the opportunity to ask NMFS to review State regulations as they apply in the EEZ for consistency with the FMP, the Magnuson-Stevens Act, and other applicable law. The FMP also authorizes the Council and NMFS to implement regulations applicable in the EEZ in order for the salmon fisheries conducted within the EEZ to achieve the objectives of the FMP or to be consistent with the Magnuson-Stevens Act or other applicable law.

Finally, Petitioners' assert that State management of salmon fisheries within State waters must be consistent with the Magnuson-Stevens Act and that Board regulations are amendments to the FMP. These assertions appear to be based on the premise that the FMP extends Federal management authority over salmon fisheries into State waters. However, as explained above, NMFS has not preempted the State's authority to manage salmon fisheries within its waters. Therefore, there is no requirement that State management of salmon fisheries within State waters be consistent with the Magnuson-Stevens Act and no basis for concluding that Board regulations are amendments to the FMP. Furthermore, FMPs and amendments to them are specialized documents prepared by fishery management councils and approved by NMFS under provisions of the Magnuson-Stevens Act. The Magnuson-Stevens Act contains no provisions for entities other than the councils or NMFS to prepare or approve FMPs or FMP amendments. Therefore, NMFS disagrees with these assertions.

The provisions of the Magnuson-Stevens Act do not apply to the State's resident-only Personal Use fishery and NMFS lacks authority to regulate or eliminate it.

Petitioners make a number of claims that the personal use fishery is inconsistent with the Magnuson-Stevens Act and requests NMFS to eliminate the resident-only personal use net fishery because it discriminates against non-residents, harms the environment, harms the commercial salmon fishery, and substantially and adversely affects the carrying out of the FMP for salmon in the EEZ. Petition at 29-31. There are four personal use fisheries in Cook Inlet, a set gillnet fishery at the mouth of the Kasilof River, and three in-river dipnet fisheries on the Kasilof and Kenai rivers, and at Biglake (closed since 2001). No personal use fishing occurs in the EEZ. As discussed previously, NMFS has not preempted State management of salmon fisheries within State waters and the factual circumstances of the salmon fishery do not warrant initiation of preemption proceedings at this time. Therefore, NMFS lacks authority to regulate the State's personal use fishery conducted within State waters and the requirements of the Magnuson-Stevens Act do not apply to the personal use fishery.

Petitioners further claim that the Board regulations that manage the personal use fishery are amendments to the FMP that must meet the Magnuson-Stevens Act requirements, including a social impact assessment, and be supported by a NEPA analysis. Petition at 21. Board actions to

manage salmon fisheries in State waters are not FMP amendments as discussed above, and therefore the Board is not required to conduct analyses that are required for amendments to the Federal FMP.

NMFS lacks the authority to take action to restore and protect essential fish habitat ("EFH") on the Kenai River and other EFH in the upper Cook Inlet basin.

Petitioners request that NMFS take action to restore and protect EFH on the Kenai River and other EFH in the Upper Cook Inlet basin. Petitioners claim that the purpose of the Magnuson-Stevens Act is to promote EFH, that salmon management regulations promulgated by the Board must be reviewed for consistency with the purpose of protecting EFH, and that any State regulations that negatively impact EFH must be preempted by the Secretary. Petition at 15.

The FMP identifies the Kenai River and all known salmon in-river habitat as salmon EFH.¹³ The Magnuson-Stevens Act does not require the Secretary to review each State salmon management action for consistency with an FMP's EFH provisions. The Magnuson-Stevens Act establishes specific but limited requirements for EFH. Each FMP must describe and identify EFH for the fishery, minimize to the extent practicable adverse effects on EFH caused by fishing, and identify other actions to encourage the conservation and enhancement of EFH. 16 U.S.C. 1853(a)(7). With regard to State agency actions, the Magnuson-Stevens Act provides that if the Secretary receives information that an action authorized, funded, or undertaken by a state or federal agency would adversely affect any EFH, then the Secretary shall recommend measures to the applicable agency to conserve EFH. The Magnuson-Stevens Act contains no other requirements or authority for NMFS to engage in a review of State management programs regarding effects to EFH, and there is no exception to the process and factual findings required by 16 U.S.C. 1856(b) that permits NMFS to preempt State management actions.

The Magnuson-Stevens Act states that "Each Council shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority." 16 U.S.C. 1855(b)(3)(B). The Council has not determined that any State actions trigger this requirement and has not commented on or made recommendations to the State for salmon EFH. The Council is beginning a 5-year review of the FMP's EFH provisions per the requirement at 50 CFR 600.815(a)(10) that "a review and revision of EFH components" be completed every 5 years, and EFH provisions be revised or amended, as warranted, based on available information. This review will include an analysis of whether there have been changes to the available information

¹³ The EFH amendments to the FMP are available at the NMFS Alaska Region web page at: http://www.fakr.noaa.gov/analyses/salmon/amds_7_8.pdf

regarding fishing and non-fishing activities affecting essential fish habitat since the EFH FEIS analysis. Through this process, the Council may determine that the activities identified in the Petition, or any other fishing activities occurring in State waters or in the EEZ, substantially affect salmon EFH and may make recommendations accordingly to the State. NMFS encourages Petitioners to become involved in the Council 5-year review process¹⁴. If NMFS or the Council determines that measures are necessary to protect salmon EFH in the EEZ, NMFS will follow the established process whereby the Council develops and analyzes alternatives in a public process and makes a recommendation to the Secretary.

Additionally, as discussed in the FMP, during EFH consultations between NMFS and other agencies, NMFS strives to provide reasonable and scientifically-based recommendations that account for restrictions imposed under various state and federal laws by agencies with appropriate regulatory jurisdiction. FMP Appendix E at 83. Moreover, the coordination and consultation required by the Magnuson-Stevens Act do not supersede the regulations, rights, interests, or jurisdictions of other federal or state agencies. 16 U.S.C. 1855(b). Further NMFS's EFH conservation recommendations are not binding. FMP Appendix E at 84.

Petitioners also claim that the substantial and adverse effects of the personal use net fishery were not fully explained in the EFH FEIS, raising the question of whether a supplemental EIS must be prepared prior to the start of the 2008 personal use net fishery. Petition at 24. Petitioners also claim that although the adverse impacts to EFH were known at the time of the EIS, the impacts are not addressed. Petition at 24. NMFS disagrees. The EFH FEIS does analyze the impacts to in-river salmon EFH, including the impacts of the personal use fisheries. The EFH FEIS discusses drift, set, troll, recreational, and personal use salmon fisheries. EFH FEIS at 3-148 through 3-150. Appendix B of the EFH FEIS also contains a comprehensive, peer-reviewed analysis of fishing effects on EFH and detailed results for each managed species. For each non-fishing activity, known and potential adverse impacts to EFH are described in Appendix G of the EFH FEIS. The descriptions explain the mechanisms or processes that may cause the adverse effects and how these may affect habitat function. The EFH analysis concluded that no fisheries managed under the Council FMPs cause more than minimal and temporary adverse effects on EFH. At this time, NMFS does not intend to prepare a supplemental EIS to analyze the impacts to in-river salmon EFH. After the 5-year review, the Council and NMFS may decide to prepare a supplemental EIS if the 5-year review reveals that significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts. 40 CFR 1502.9(c)(1).

¹⁴ More information about the 5-year review is available at the Council web site: <http://www.fakr.noaa.gov/npfmc/default.htm>.

NMFS declines to promulgate emergency regulations to supersede State regulations and manage Upper Cook Inlet salmon stocks.

Petitioners request NMFS to promulgate emergency regulations to supersede State regulations and manage Upper Cook Inlet salmon stocks. Specifically, Petitioners' request NMFS to issue an emergency rule that: (1) removes mandatory closures and season opening and closing dates from the salmon management plans for Upper Cook Inlet, (2) establishes one optimum escapement goal range for all species in Upper Cook Inlet, (3) protects salmon habitat/EFH, (4) eliminates the resident-only personal use net fishery, and (5) enacts measures necessary to ensure harvest opportunity on those stocks. Petition, at 31-32 and 34-36.

To the extent Petitioners' request is asking NMFS to impose emergency regulations that would have applicability within State waters, NMFS declines Petitioners' request for the reasons already provided in this response concerning preemption of State management of salmon fisheries within State waters. Furthermore, to the extent Petitioners' request is asking NMFS to impose emergency regulations that would have applicability within the EEZ and would supersede State management measures applicable in the EEZ, NMFS declines to take emergency action under 16 U.S.C. 1855(c) of the Magnuson-Stevens Act at this time. According to NMFS policy guidelines, the use of emergency actions should be limited to extremely urgent, special circumstances where substantial harm to or disruption of the resources, fishery, or community would be caused in the time it would take to follow standard rulemaking procedures.¹⁵ For reasons provided earlier in this response, NMFS has concluded that Petitioners have not provided information that indicates that substantial harm would occur in the EEZ due to State salmon management measures applicable in the EEZ.

If NMFS were to determine that measures are necessary to supersede State management measures applicable in the EEZ, then NMFS would follow the standard procedures for notice and comment rulemaking, including conducting the required analysis under the National Environmental Policy Act, the Regulatory Flexibility Act, and Executive Order 12866. Applicable Federal law establishes processes for assessment and responsive implementation of appropriate management measures if warranted, and NMFS cannot truncate this process without good cause.

¹⁵ 62 FR 44422, August 21, 1997.

Attachment: The portion of commercial salmon catch harvested in the EEZ

To determine whether the commercial salmon fisheries occur predominantly in the U.S. Exclusive Economic Zone (EEZ), NMFS examined commercial salmon catch data for all five species of salmon governed by the FMP. These commercial fisheries occur in the EEZ in the Southeast Alaska, Prince William Sound, Cook Inlet, and the Alaska Peninsula areas. This attachment includes commercial catch data provided by the Alaska Department of Fish and Game (ADF&G) for each area from 1991 to 2008. The period from 1991 to 2008 represents fishing under the current FMP and provides a reasonable representation of the distribution of catch over time.

To estimate the portion of catch harvested in the EEZ, catches in the statistical areas that include the EEZ were tabulated and compared to the total catch for that management area. ADF&G catch data is recorded by statistical areas which can include both State and EEZ waters in one statistical area. All catch in statistical areas that have both EEZ and State waters were assumed to be EEZ catch; therefore it is likely that these tables attribute more catch to the EEZ than actually occurred. Thus, the portion of total catch estimated to have been harvested in the EEZ represents a maximum amount.

Table 1 shows that the commercial catch of all salmon species during this time period was slightly less than 4 percent of the total commercial catch from both the EEZ and State waters in these areas. Note that this table does not include commercial catch in state waters in all other areas. If all catch statewide was included, the total portion harvested in the EEZ would be significantly smaller because the EEZ waters in all other areas are closed to salmon fishing.

Table 1: Commercial salmon catch data and estimated percentage of total catch from the EEZ in the areas where salmon fisheries occur in the EEZ; Alaska Peninsula, Cook Inlet, Southeast Alaska, and Prince William Sound/Copper River.

	EEZ catch	Total catch	EEZ as % of total
AK Peninsula	30,295,085	244,662,687	12.38%
Cook Inlet	32,810,061	105,486,193	31.10%
SEAK	2,926,919	1,118,674,467	0.26%
PWS Copper River	18,113,825	681,134,615	2.66%
Total	84,145,890	2,149,957,962	3.91%