

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10404 HOUSE RESOURCES

HJR

41

COMPARISON OF SUBSISTENCE RESOLUTIONS

HJR 41 Subsistence Leadership Summit Drafting Committee	HJR 11 Representative Fred Dyson	HJR 29 Representative Fred Dyson	HJR 4 Representative John Davies
<p>Would this resolution allow the State to regain management of all fish and game uses throughout the state?</p>			
<p>Yes. It requires the legislature to adopt a subsistence priority over other uses, a rural resident preference, and an individual preference during Tier II. That would make Alaska law consistent with ANILCA, Title VIII.</p>	<p>No. It does not allow the legislature to adopt a rural resident preference or Tier II preference. Thus, it would not enable state law to be consistent with ANILCA, Title VIII.</p>	<p>No. Although it provides for a Tier II type of individual preference, it does not allow for a rural resident preference. Thus, it would not enable state law to be consistent with ANILCA, Title VIII.</p>	<p>Probably. Because it allows for a priority for subsistence users based on place of residence, the legislature could adopt a rural resident preference and a Tier II local resident preference, thus partially complying with ANILCA. The priority of subsistence over other uses and the remaining ANILCA Tier II criteria are not specifically provided for, but they probably can be adopted by statute without being specifically mentioned in the constitution.</p>

Does it have specific language regarding the value of subsistence?			
Yes. In a policy statement, recognizes the subsistence tradition of the indigenous people of the state.	Yes. Recognizes the right of the people to use wild food resources that are needed for subsistence for personal or family consumption.	No.	No.
Does it give or allow subsistence uses to have a priority over all other uses, such as commercial, sport, and personal use?			
Yes. The customary and traditional subsistence uses of that resource have a priority over other uses of the resource.	Uncertain. Provides that the right to use wild resources needed for subsistence for consumption "shall not be infringed." It is not clear if this establishes a priority over other uses of the resource.	Yes. Subsistence use is the preferred use in a fish or wildlife management area.	Yes. Allows the legislature to provide a priority for subsistence users in the taking of fish, wildlife, and other replenishable natural resources.
Under what circumstances does the priority exist?			
When necessary under the sustained yield principle to restrict the taking of a fish, wildlife, or other renewable resource.	"Subject to the sustained yield principle."	When the harvestable surplus of a fish or wildlife population in a management area is insufficient to provide for all beneficial uses.	"Consistent with the sustained yield principle."

To what resources does the subsistence priority apply?			
Fish, wildlife, or other renewable resources.	Wild food resources.	Fish or wildlife population.	Fish and wildlife and other replenishable natural resources.
Does it allow for a rural resident preference?			
Yes. It specifically mandates a preference for rural residents	No. The resolution provides for no preference among users.	No.	Yes. Because it allows a priority based on place of residence, the legislature could adopt a rural resident preference.
Does it allow for a local resident preference?			
Yes. The preference for rural residents occurs only in the area of the state where their customary and traditional subsistence uses of a particular resource occur. Also, in the Tier II situation of reduced abundance, rural residents living closer to the resource are more likely to be eligible to harvest it.	No. The resolution provides for no preference among users.	Yes. Each resident has an individual preference in an area where subsistence is the preferred beneficial use according to, among others, the person's proximity to the fish or game population.	Yes. Because it allows a priority based on place of residence, the legislature could adopt a local resident preference

Other features

Specifically authorizes the legislature to grant lower preferences for subsistence uses to nonrural residents who demonstrate customary and traditional use of a resource.	Requires the legislature to provide a preference for the harvest of fish and wildlife.	Subsistence priority is established by "fish and wildlife management areas." Besides proximity, each person's individual priority is based on that person's direct dependence on the resource and the availability of alternative food resources to that person.	Besides place of residence, the legislature may establish a priority based on dependence on resources for subsistence uses or on customary and traditional use of resources for subsistence uses.
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Bill History/Action Display



BILL: HJR 41

SHORT TITLE: CONST. AM: PRIORITY FOR
SUBSISTENCE USES

BILL VERSION:

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

CURRENT STATUS: (H) RES

STATUS DATE: 02/15/02

THEN JUD, FIN

HEARING: (H) RES Mar 27 1:00 PM CAPITOL 124 TELECONFERENCE

TITLE: Proposing an amendment to the Constitution of the State of Alaska relating to providing for priorities for and among subsistence uses in the allocation of fish, wildlife, and other renewable resources.

[Full Text](#)

[Fiscal Notes](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
02/15/02	2279	(H) READ THE FIRST TIME - REFERRALS
02/15/02	2279	(H) RES, JUD, FIN
02/15/02	2279	(H) FN1: (GOV)
02/15/02	2279	(H) GOVERNOR'S TRANSMITTAL LETTER
02/15/02	2279	(H) REFERRED TO RESOURCES

[Similar Subject Match](#) or [Exact Subject Match](#)

[CONSTITUTIONAL AMENDMENTS](#)

[FISH & GAME \(BOTH\)](#)

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Bill Root: [Display Bill Root](#)



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FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HJR 41
 (H) Publish Date: 2/15/02

Revision Date/Time (Note if correction): _____ Dept. Affected: GOV
 Title Constitutional amendment relating BRU Elections
to subsistence Component Elections
 Sponsor Rules
 Requester Governor Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	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	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal.

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenomial, Election Programs Specialist

Division: Division of Elections

Approved by: Lieutenant Governor Fran Ulmer

Agency: Office of the Lieutenant Governor

Phone 465-3935

Date/Time 2/13/02 4:00 PM

Date 02/13/2002

**An amendment proposed by a
drafting committee of Alaska citizens
and based on the work of the
Governor's Subsistence Leadership
Summit - August 2002**

- ❖ HJR 41 – Proposing an amendment to the Constitution of the State of Alaska relating to providing for priorities for and among subsistence uses in the allocation of fish, wildlife, and other renewable resources

- ❖ Report to Governor Knowles from Leadership Summit Drafting Committee
 - Letter transmitting report from drafting committee
 - Amendment proposed by drafting committee
 - Regulatory recommendations of drafting committee
 - Commentary on report from drafting committee

- ❖ “Subsistence Myths: What Have You Heard?”

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF LAW

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December 17, 2001

The Honorable Tony Knowles
Governor
State of Alaska
Alaska State Capitol
Juneau, Alaska 99801

Dear Governor Knowles:

On behalf of your subsistence drafting committee, I present to you our final report, which consists of a constitutional amendment, proposed regulatory changes, and a commentary that explains the basis for recommendations we make to you.

All members of the drafting committee* actively participated in the formulation of a proposed solution to end the more-than-decade-long deadlock over subsistence. There was universal agreement about the important role subsistence plays in the lives of Alaskans and the goal of a subsistence priority for rural Alaskans. However, these principles were merely a point of departure.

The committee met eight times over the course of three months; examined and discarded countless formulations, and ultimately agreed on the version we offer you today. It does provide for the rural subsistence preference, but also has features that have never been assembled in a single amendment before. These include a special recognition of the cultural tradition of subsistence and its role in Alaskan society; a focus on discrete rural areas where customary and traditional subsistence uses occur; inclusion of three criteria, including the proximity criterion, in Tier II harvests; and authorization (but no directive) to create subsidiary classes of subsistence users (after provision of customary and traditional rural uses) who would have preference over other users.

* Al Adams, David Bedford, Bruce Botelho, Charlie Cole, Av Gross, Roy Huhndorf, Byron Mallott, Carl Marrs, Bob Penney, Rob Shoaf, and Bob Stiles.

The Honorable Tony Knowles
Governor

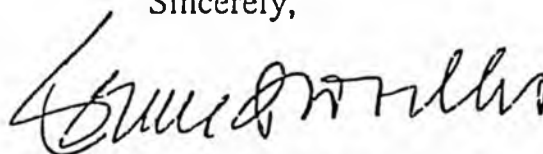
December 17, 2001
Page 2

The committee also recommends a management regime that provides for significant involvement by users through the establishment of regional subsistence advisory councils with defined responsibilities and composition. The committee wishes to underscore the importance of adequate funding and support for this structure. We believe legislation should also authorize the commissioner of fish and game to contract with organizations and individuals in aspects of fish and game management. Finally, we have recommended a series of definitions that should be part of a common subsistence framework in both state and federal law.

This product is the result of many compromises made by these Alaskans, who strove to find common ground. The discussions were frequently intense—a reflection of the historic significance we placed on the issue and our desire to contribute to the state's wellbeing—and conducted on a level of knowledge and values that should make our citizens proud. While each of the eleven is a state leader identified with a particular constituency, I want to emphasize that the recommendations are solely those of the members and do not purport to represent any organizational endorsement.

We have learned much during this process and remain optimistic that Alaskans of good will can come together and find common ground on subsistence. Thank you for the opportunity to serve.

Sincerely,



Bruce M. Botelho
Attorney General

Enclosures

BMB/css

subsistence resolution.doc
committee
12/15/01
rev.

JOINT RESOLUTION NO.

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION**

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**Introduced:
Referred:**

A RESOLUTION

1 **Proposing an amendment to the Constitution of the State of Alaska providing for**
2 **priorities for subsistence uses in the allocation of fish, game, and other renewable**
3 **resources.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** Article VIII, Constitution of the State of Alaska, is amended by adding a new
6 section to read:

7 **Section 19. Priorities for Subsistence Uses.** (a) The policy of the State of
8 Alaska is to recognize the subsistence tradition of the indigenous peoples of Alaska
9 and to accord a priority to customary and traditional subsistence uses in the allocation
10 of fish, game, and other renewable sources.

11 (b) The legislature shall provide that, whenever it is necessary under the
12 sustained yield principle to impose any restrictions on the taking of a fish, game, or
13 other renewable resource, the customary and traditional subsistence uses of that
14 resource by rural residents in the area in which those customary and traditional uses
15 have occurred shall receive priority over all other consumptive uses of the resource.

1 When a resource is not sufficient to satisfy all customary and traditional subsistence
2 uses, priorities among subsistence users shall be based on customary and direct
3 dependence on the resource as the mainstay of livelihood, proximity to the resource,
4 and the availability of alternative resources.

5 (c) The legislature may grant lower priorities for subsistence uses to other
6 residents who demonstrate customary and traditional use of a fish, game, or other
7 renewable resource. These priorities may be granted so long as they do not diminish
8 the subsistence priority of rural residents.

9 ***Sec. 2.** The amendment proposed by this resolution shall be placed before the voters of the
10 state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State
11 of Alaska, and the election laws of the state.

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16
17 6:30 p.m. 12/15/01

Common Federal and State Definitions		In State Law Now? Yes/No
Sec. 803: Definition of Subsistence Uses	<ul style="list-style-type: none"> Define "C&T" and "Subsistence Use" using existing state definitions. Delete "domiciled in rural area" from the definition of subsistence uses, to comport with proposed constitutional amendment subsection (c). Clarify that participation is by Alaska residents of rural areas or communities with customary and traditional use of particular resources. Clarify that subsistence uses include patterns, practices, methods and means of taking and use, including option for the board <i>to approve more efficient methods and means*</i>. 	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No*</p>
<p>Approach to defining "rural"</p> <p>Federal Subsistence Board regulations:</p> <p>1) <2,500 – presumed rural</p> <p>2) 2,501 – 6,999 – no presumption; determination based on specified criteria</p> <p>3) 7,000 and above – presumed non-rural</p> <p>Presumptions can be overruled by characteristics of the community.</p>	<ul style="list-style-type: none"> Evaluate use of population criteria to define rural and non-rural presumptions. For communities with no presumption, establish appropriate factors to consider. Factors could include those found in current state law (16.05.258), which directs the boards to consider the following characteristics in identifying non-subsistence (non-rural) areas: (1) social and economic structure (2) stability of the economy (3) extent and types of employment (4) amount and distribution of income (5) cost and availability of goods and services (6) variety of fish and game species used (7) seasonal cycle of economic activity (8) % participation in hunting and fishing (9) harvest levels of fish and game (10) cultural and other values associated with taking and use of fish and game (11) geographic locations where people hunt and fish (12) extent of sharing fish and game (13) additional factors established by the boards. 	<p>No</p> <p>Yes</p>
Definition of "Customary Trade"	<ul style="list-style-type: none"> Non-commercial, <i>traditional*</i> limited exchange of money for fish, wildlife, or their parts is allowed in limited quantities (sale of fur or furbearers is exempt). Intent is to provide for an ongoing traditional practice, and not to allow people to engage in the ordinary stream of commerce. 	No*

Subsistence Statute Concepts for Consistency with ANILCA		In State Law Now? Yes/No
<p>Sec. 804: Preference for Subsistence Uses</p>	<ul style="list-style-type: none"> • When it is necessary to restrict taking of fish, game, or another renewable resource in a rural area, the legislature shall accord a priority to C&T subsistence uses of that resource by residents of the area in which those uses have occurred. • The priority for C&T subsistence uses shall be over all other consumptive uses of the resource. • Restrictions to protect particular subsistence uses may be applied outside the subsistence use area. • Tier II: When a resource is not sufficient to satisfy all C&T subsistence uses, priorities among subsistence users shall be based on customary and direct dependence on the resource as the mainstay of livelihood, <i>proximity to the resource*</i>, and the availability of alternative resources. • Tier II allocation is for human consumptive uses. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No*</p>
<p>Sec 805: Local and Regional Participation</p>	<ul style="list-style-type: none"> • There shall be a sufficient number of regions and Regional Councils (RCs) to ensure regional subsistence use patterns are adequately accommodated, subsistence users are meaningfully involved, and subsistence resources and uses are effectively managed. • RC members shall be rural residents and Alaska Natives of the region and be appointed by the governor, who shall consider nominations by local governmental units and tribal councils. • RC process will ensure participation and representation by commercial, personal use, sport and other users and members of the public. • RCs involved to the maximum extent possible in the management of subsistence uses and resources, including development of comprehensive subsistence management plans, which include, but are not limited to, recommendations for regulations consistent with C&T takings and uses, comprehensive research plans, and implementing Tier II. • Meaningful involvement of RCs in classification of rural and non-rural areas and accommodation of subsistence needs of groups and individuals in areas reclassified as non-rural. 	<p>No</p>

(continued)

(continued)	<ul style="list-style-type: none"> • RC chair joins board (ex officio) on issues affecting subsistence uses or resources of the region, including deliberations. • Boards must defer to council recommendations unless (1) not supported by substantial evidence; (2) violates recognized principles of fish and wildlife conservation; or (3) would be detrimental to subsistence uses. The Board's rejection must be supported by substantial evidence, and the Board shall recognize and give weight to traditional and local knowledge in making this determination. • If the Board rejects an RC recommendation, the Board must remand it one time to the RC for a chance to amend the recommendation, taking into consideration the Board's concerns. • The Department of Interior and State of Alaska shall provide annual funding, staff and support necessary to substantially strengthen the ability of the boards of fisheries and game to support the RC system and meet current and increasing responsibilities. • State agencies must consult with RCs and consider the RCs' management plans when making decisions affecting subsistence uses or resources within a region. • Strengthen the state advisory committee system and ensure coordination and participation with Regional Councils (RCs). 	
Other State Statutory or Regulatory Changes		In State Law Now? Yes/No
Defining a standard for implementation of the subsistence preference	<ul style="list-style-type: none"> • Regulations managing the harvest shall provide a meaningful opportunity, as determined by the appropriate board and consistent with customary and traditional patterns and practices of taking and use, to participate in a subsistence hunt or fishery with a meaningful expectation of success. Meaningful opportunity shall not guarantee the taking of fish or game. 	No
Coordination, consultation, contracting, use of traditional knowledge, creation of specific co-management bodies	<ul style="list-style-type: none"> • Commissioner shall seek data from, consult with, and make use of the special knowledge of local residents engaged in subsistence uses. • Commissioner may enter into cooperative agreements or otherwise cooperate with federal agencies, other state agencies, Alaska Native organizations, and other appropriate persons and organizations. 	No No

Other State Statutory or Regulatory Changes		In State Law Now? Yes/No
Taking fish and game by proxy (to address the situation of villagers who moved to urban areas)	<ul style="list-style-type: none"> A family member of a rural resident may take fish or wildlife on behalf of that rural resident, in a rural area. 	No*
Cultural and educational permits (to address the situation of villages that have become surrounded)	<ul style="list-style-type: none"> Boards allow permits for taking of fish and wildlife to teach and preserve historic or traditional uses and harvest practices. Taking may occur in non-rural areas. Not a subsistence priority under current statutes. Could be afforded <i>lower subsistence priority</i>* under subsection (c) of proposed constitutional amendment. 	Yes No*
Community hunt permits	<ul style="list-style-type: none"> Boards may allow subsistence harvest permits to be issued to areas, villages, communities, groups, as well as individuals. 	Yes

Commentary of
Governor's Subsistence Drafting Committee

December 15, 2001

CONSTITUTIONAL AMENDMENT

The drafting committee proposes this constitutional amendment in furtherance of the Governor's Subsistence Leadership Summit's call for an amendment "guaranteeing a rural subsistence priority for uses of Alaska's fish and game resources."

Subsection 19(a) sets the context for the following subsections. It is not intended to confer any rights. Instead, it is an expression of both the high value that the state holds for Alaska's first peoples and their subsistence way of life and the central role the subsistence way of life has and continues to play in Alaska. In the words of the Subsistence Leadership Summit of August 2001:

Customary and traditional uses of Alaska's fish and wildlife originated with Alaska Natives and continue to be integral to the lives and essential to the survival of Alaska Native peoples and communities, and have been adopted and supplemented by many non-Native Alaskans as well. These uses, among others, are culturally, socially, spiritually, and nutritionally important and provide a sense of identity for many subsistence users.

Subsection 19(b) establishes the basic subsistence priority. Before there can be any harvest of fish, game, or other renewable resource, sustainability of the resource for maintaining healthy populations and use by future generations must be satisfied. Once the requirements for sustained yield have been met, but there is insufficient harvestable surplus to meet all consumptive uses, the subsistence priority applies. Virtually all

harvestable species are subject to some restrictions. Thus, in practical effect, the subsistence priority is nearly always in place.

The subsistence priority itself is extended to rural residents for fish stocks, game populations, or other renewable resources customarily and traditionally taken for subsistence uses in the area in which the rural resident resides. In operation, this means that local rural residents have priority for the taking of such resources for subsistence uses over other rural residents living in areas that do not have customary and traditional use of those same resources. Also, rural residents in one part of the state will not have a priority for subsistence use in another area that is outside their subsistence use area (e.g., Barrow residents cannot claim a priority in the Angoon area since the community of Barrow does not have customary and traditional use of the area or resources near or reasonably accessible to Angoon).

There may be circumstances in which there is not enough harvestable surplus to meet all of the customary and traditional subsistence uses in an area. In that event, the number of subsistence users eligible to hunt or fish must be reduced by eliminating some potential users. Subsection 19(b) requires a reduction based on three criteria: (1) customary and direct dependence on the resource; (2) proximity to the resource; and (3) ability to obtain alternative resources.

Subsection 19(c) authorizes – but does not require – the creation of one or more categories of subsistence users with a subsidiary preference who will, in turn, have preference over other consumptive users (e.g., personal use, sport, and commercial

users). The subsidiary preference can be provided only when the activities of these secondary subsistence users would not diminish the ability to provide the primary subsistence priority in subsection 19(b). In proposing this subsection the drafting committee identified three groups that commended themselves to legislative review at the statutory level:

- (1) residents from outside a Section 19(b) area who have demonstrated customary and traditional use of a fish stock, game population, or other renewable resource;
- (2) residents currently living in urban Alaska who for an extended period of time lived in a rural area and participated in the subsistence harvest and wish to return to the rural area to continue doing so; and
- (3) discrete communities for which the subsistence way of life is central but which have been surrounded by or incorporated into urban areas (e.g., the Native Village of Eklutna in the Municipality of Anchorage and the Kenaitze Indian Tribe in the Kenai Peninsula Borough).

FRAMEWORK FOR REGULATORY CHANGES

The drafting committee proposes changes to meet the goals identified by the Governor's Subsistence Leadership Summit of August 15-16, 2001, and to

- implement the provisions of the proposed constitutional amendment to provide a rural subsistence priority, as discussed above;

- bring state law into conformance with the terms of ANILCA and, thus, regain unified state management of fish and game resources in Alaska; and
- provide an opportunity for participation by Alaska Natives and other rural residents in the management of Alaska's fish and game resources for subsistence uses, while reserving the state's final decision-making authority for management of those resources.

The changes agreed to by the committee address these goals and fall into three categories:

- (1) common federal and state definitions,
- (2) statutory concepts for consistency with ANILCA, and
- (3) other state statutory or regulatory changes for improvement of subsistence management.

Definitions of Subsistence Uses

The committee recommends defining both "customary and traditional" and "subsistence use" in essentially the same way as they are now used in state law. However, to accommodate the use of the term "subsistence" in paragraph 19(c) of the proposed constitutional amendment, which creates the ability to grant a subsidiary priority for subsistence, the committee recommends that the phrase "by a resident domiciled in a rural area" be removed from the statutory definition of subsistence uses.

The committee also recommends that the definition of subsistence uses be clarified to include customary and traditional patterns, practices, methods, and means of

taking and use but not so as to preclude more efficient methods and means that have evolved or been adopted over time.

The committee recommends that the statutes clarify that priority for participation in a particular subsistence hunt or fishery is granted to residents of the rural area with a customary and traditional use of the resource. This will, in effect, result in a "local" priority.

Approaches to Defining "Areas" and "Rural"

Because the subsistence priority is provided to residents who have a customary and traditional use of a particular fish stock or game population, the definition of "areas" is an important concept in the new statutory provisions. The drafting committee agreed that the Boards of Fisheries and Game should have flexibility to define subsistence areas that adhere to customary and traditional use patterns.

Determination of areas that are "rural" and "non-rural" would also be a prerogative of the Joint Boards, as it is now. The drafting committee recommends use of a population factor as the initial screen in determining whether an area is "rural" or "non-rural" (following the current practice of the Federal Subsistence Board), but recommends that criteria based on community characteristics be permitted to override presumptions based on population. While recommending population as a first screen, the committee neither endorsed nor rejected the levels used in current federal regulations, noting that the

Federal Subsistence Board is now sponsoring research designed to refine application of its population-based system.

Definition of "Customary Trade"

In drafting this definition the committee intends to provide for existing, ongoing traditional practices involving the exchange of limited quantities of fish or game for money. Such trade traditionally takes place outside the normal stream of commerce. The committee recognized that, absent regulation and oversight of such trade, it could easily be subject to abuse and could undermine general public support of the subsistence tradition.

Local and Regional Participation

The Subsistence Leadership Summit's recommendations to the governor stressed the importance of developing a subsistence management system that provides "a form of co-management of Alaska's fish and game resources that includes the opportunity for significant participation by Alaska Natives and rural residents"

The drafting committee supports this idea, agrees that aspects of co-management can create new tools to manage the state's fish and game resources, and endorses adoption of the essential structure of the popular federal subsistence regional advisory council structure. This structure can serve as a model for providing for local and regional

participation in management of subsistence resources. The committee recommends additional elements to improve on that system.

The regional council system should be structured to ensure participation and representation by commercial, personal use, sport, and other users as well as by Alaska Natives and other subsistence users. There must be enough regions and regional councils so that regional subsistence patterns are adequately accommodated, subsistence users are meaningfully involved, and subsistence resources and uses are effectively managed. Members of the councils should be rural residents and Alaska Natives of the region and would be appointed by the governor.

A critical element of a successful regional council system will be adequate support and funding from both state and federal sources. Section 805 of ANILCA Title VIII calls for the Secretary of Interior to reimburse the state for the operation of a regional council system when the state is exercising management of the resources (Sec. 805 (e)).

Standard for Implementation of Subsistence Preference

The subsistence preference would be implemented using the "meaningful opportunity" standard. This standard makes it clear that while a preference for subsistence offers an opportunity consistent with customary and traditional patterns to participate in a subsistence hunt or fish with a meaningful expectation of success, such a preference does not guarantee the taking of fish or game.

Though it was not expressly addressed by specific recommendations, the committee stresses the importance of "common sense" or a "rule of reason" in applying the subsistence preference. For example, the committee described the need to consider that a commercial fishery might reasonably harvest, as by-catch, an insignificant portion of a stock that is managed for subsistence purposes. In general, the committee believes it should be possible to restrict subsistence uses while allowing other uses to continue, so long as a meaningful opportunity for subsistence use is provided.

Coordination, Consultation, Contracting, Use of Traditional Knowledge, Creation of Specific Co-management Bodies

The proposed changes would give the Commissioner of Fish and Game specific authority to work with and make use of the special knowledge of local residents engaged in subsistence uses and to enter into cooperative agreements with tribes, Native corporations, and other organizations for the management of subsistence uses and resources, for research, and for other resource issues of mutual concern..

Taking Fish and Game by Proxy

The recommended provision would broaden the category of individuals for whom proxies could hunt and fish to include rural residents unable to fill their subsistence allocation. Current statutes allow disabled and elderly individuals to appoint proxies.

Cultural and Educational Permits

Under current regulations, cultural and educational permits may be issued to teach and preserve historic or traditional uses and harvest practices. This type of special permitting program would be placed in statute. These permits would not receive a subsistence priority. A subsidiary subsistence priority for such hunts and fisheries could be allowed under Section 19(c) of the proposed constitutional amendment, which allows the legislature to grant such secondary subsistence priorities.

Achieving Consistency in Definitions

The committee believes that, in keeping with its desire to fully resolve the subsistence issue, the definition of certain terms in state and federal law should be consistent. With some exceptions, those definitions are set out in the regulatory recommendations that accompany this report. There is a difference of opinion within the committee as to how to achieve this consistency. Some believe that ANILCA should be amended. Others disagree. Despite these differences, the committee remains united in its agreement about the important role subsistence plays in the lives of Alaskans and the goal of a subsistence priority for rural Alaskans.

SUBSISTENCE MYTHS

What Have You Heard?

(This article originally appeared in the November - December 1989 issue of Alaska Fish and Game. Harvest numbers have been updated with 1999 information.)

What have you heard about subsistence in Alaska? There are so many misconceptions about subsistence in casual conversation that we've begun to call them myths. We have heard people say, "Subsistence is for Natives only." "Subsistence takes most of the fish and game." "Subsistence is just welfare." "Subsistence is bad for wildlife conservation." "Subsistence is disappearing." In fact, the subsistence we know is very different. Here is a short quiz about subsistence in Alaska. See if what you have heard is fact or fancy.

Is subsistence for Natives only?

No. Under both state and federal law, both Alaska Natives and non-Natives may hunt and fish for subsistence.

Of course, there is always an exception. Marine mammal hunting is regulated by international treaty and the Marine Mammal Protection Act. Only Alaska Natives may hunt marine mammals, such as seals, whales, polar bears, and sea otters.

Does "subsistence" mean hunting and fishing for food?

Certainly food is one of the most important subsistence uses of wild resources. The current rural subsistence harvest is about 375 pounds of food per person per year. That is more than the U.S. average consumption of 255 pounds of domestic meat, fish, and poultry per year. (The average American uses a total of 1,371 pounds of all foods a year.) However, there are other important uses of subsistence products, such as:

- **Clothing:** Wild furs and hides are still the best materials for ruffs (wind guards), mitts, parkas, kuspuks, clothes lining, and mukluks (winter boots) in many regions.
- **Fuel:** Wood is a major source of energy in rural homes, and is used for smoking and preserving fish and meat.
- **Transportation:** Fish, seals, and other products are used to feed dog teams.
- **Construction:** Spruce, birch, hemlock, willow, and cottonwood are used for house logs, sleds, fish racks, and innumerable other items.

- **Home goods:** Hides are used as sleeping mats. Seal skins are used as pokes to store food. Wild grasses are made into baskets and mats.
- **Sharing:** Fish and wildlife are widely given out to support neighbors who cannot harvest for themselves because of age, disability, or other circumstances.
- **Customary trade:** Specialized products like seal oil are bartered and exchanged in traditional trade networks between communities. Furs sold to outside markets provide an important source of income to many rural areas.
- **Ceremony:** Traditional products are used in funerals, potlatches, marriages, Native dances, and other ceremonial occasions.
- **Arts and Crafts:** Ivory, grass, wood, skins, and furs are crafted into beautiful items for use and sale.

All of these uses of wild resources are recognized and protected in law. Subsistence is a rich pattern of living, of which food is but one important part.

Is big game (like moose or caribou) the main subsistence food?

As a general rule, no. The main subsistence food is fish. About 60 percent of the state's subsistence harvest by weight is fish, including salmon, halibut, herring, whitefish, cod, and Arctic char-Dolly Varden, among others. Land mammals are only about 20 percent of the state's subsistence catch. Marine mammals are 14 percent of the catch, and "other resources" are 6 percent (mostly clams, crabs, birds, berries, and plants).

Of course, the types of foods people eat vary from place to place. Fish is a smaller item in the extreme coastal arctic areas, where caribou, seal, whale, and walrus are major subsistence resources.

Does subsistence take most of the fish and game?

Again, as a general rule, no. Commercial fishing outstrips subsistence many times. In the 1990s in Alaska, commercial fisheries harvested on average about 1.2 billion lbs. of salmon, halibut, herring, shellfish (there was an additional commercial groundfish harvest of 4.1 billion lbs.) This compares with a harvest of 43,714,606 lbs. of subsistence foods and 9,740,012 lbs. of sport-caught fish and game. Thus, in recent years commercial fish took 96 percent, subsistence took three percent, and sport took one percent of the total statewide harvest (excluding commercial groundfish).

Of course, these proportions vary by area. In the areas with roads, the sport harvest is usually larger than the subsistence harvest. In the areas without roads, the subsistence harvest is larger than the sport harvest. But commercial fishing is the clear leader in overall volume.

Does subsistence involve money?

Yes. Rural families use money in order to purchase basic goods and services: fuel oil and electricity for heat, light, and power; family goods like clothing and shelter; subsistence equipment like guns, ammunition, fishing nets, power motors, gasoline, rain gear, and so forth. Money is used to invest in the tools for hunting, fishing, and gathering.

It is a common misconception that there is no money in traditional subsistence economies. However, trade and commerce have always been part of subsistence systems. Goods have been traded for thousands of years in Alaska. The commercial fur trade with European markets began about 300 years ago, bringing European currencies and goods into Alaska. So commercial enterprise and money have been part of traditional subsistence economies for a long time.

Rural Alaska's economies do operate differently from urban economies, however. In Alaska today, the rural economies are "mixed economies," where families and communities live by combining wild resource harvests with commercial-wage employment. Monetary jobs tend to be few and unstable. Monetary incomes tend to be small and insecure. Economic activity tends to occur in family groups, rather than business firms. Economic ventures tend to be small scale. Economic goals tend to be for the benefit of family groups, rather than monetary profits for business firms. These are major differences. Because of this, Alaska is a pluralistic society, with "mixed subsistence-cash economies" existing side-by-side with the "industrial capital economy" of the large population centers of Anchorage and Fairbanks.

Is subsistence compatible with wildlife conservation?

Rural communities depend on the land for subsistence. It is to their advantage to maintain undamaged land and ecosystems, so wildlife are abundant. Most subsistence communities have customary rules for treating the land and the ecosystem. These rules have been passed on through the generations: "Do not waste," "Take only what is needed," "Treat the animals with respect," "Do not damage the land without cause," among others. It is believed that if the rules are followed, then the land will continue to provide. Subsistence peoples are the original conservationists, although they may not use that word, because their very lives depend on it.

This is not to say there is perfect compliance with customary rules, as with any group of people. However, today most people still comply with the traditional rules and practices. They comply, even when there are additional government rules and regulations governing land and resource uses. In fact, rural areas commonly must

obey two sets of laws -- those from the state-federal administration, and those handed down from their forefathers as customary law.

Federal law recognizes the compatibility of subsistence and wilderness values. The law protects subsistence uses in the new parklands, national refuges, and wilderness areas. Subsistence peoples and traditional uses are part of the natural ecosystem and have helped to maintain it for generations.

Is subsistence compatible with wilderness?

Yes. Most areas designated as "wilderness" today are the traditional homelands of subsistence peoples. Alaskans have been living in and using these areas for thousands of years, and continue to do so. These areas would not appear pristine and undamaged today -- so they could be classified as wilderness -- if rural Alaskans had not treated the lands and wildlife well. The lands are wilderness now, because subsistence is compatible with wilderness.

Is subsistence a type of welfare for families with low incomes?

No. Subsistence is not a welfare system for people with low incomes. In fact, households with the highest incomes in rural communities usually produce the most subsistence foods. Households with the lowest incomes usually produce less subsistence foods.

This makes sense if subsistence is seen as a family enterprise. Households with the lowest incomes in the community are commonly the very elderly, single mothers with young dependent children, and young single persons or young couples who are just getting started. These households also very likely cannot subsistence fish and hunt very well. They often lack the time, the labor, and the equipment to harvest effectively. They usually eat subsistence foods produced by other households in the community.

The households who produce the most subsistence foods in a community are usually households with large, mature labor forces that have equipment for hunting and fishing. Usually, these are households with mature parents and several mature children. They have the labor and equipment to harvest wild foods. They typically produce extra subsistence food to share with elderly relatives, the less fortunate, and young adults. The mature households also usually have greater monetary incomes because there may be several household members with jobs.

Because of this, rural communities would suffer extreme hardship if subsistence hunting and fishing were limited to only households with low incomes. This would cut out the most productive households in the community.

Why don't subsistence hunters use bows and arrows?

Subsistence requires equipment that works, is safe, and is sustainable with ecological and economic conditions over the long term. Most people stopped using bows and arrows over a century ago in Alaska. Rural Alaska has been using guns for hunting longer than America has been using automobiles for transportation, since the 1860s in most areas.

Subsistence equipment is usually small scale, appropriate technology. It is efficient and modern. Equipment commonly includes fish nets, fish wheels, aluminum skiffs with small out-boards, snowmachines, binoculars, and citizens band radios. These may be used alongside dog teams, skin boats, smoke houses, and fish traps, depending upon the areas and conditions.

Is subsistence disappearing?

Subsistence is constantly changing, but as a whole, there is little evidence that it is disappearing as a way of life in Alaska. In rural Alaska, subsistence activities are among the most highly valued parts of the culture. Subsistence harvests still are essential parts of the rural economy. In most rural places, children continue to learn how to capture wild foods and prepare them for use by the family and community.

Nevertheless, some things do threaten subsistence. Roads into rural areas usually result in declines in the subsistence way of living. Roads bring about ecological change, increased competition for wild resources, and in-migration of cultural groups that do not hunt and fish for subsistence. Unregulated commercial harvesting that depletes stocks and game populations has resulted in declines in subsistence in certain areas in Alaska. Examples of this include commercial whaling and commercial walrus hunting in the Arctic, and commercial salmon traps in southeast Alaska. Unreasonably restrictive rules which limit access to traditional harvest areas or species may threaten subsistence over time. The new state and federal subsistence laws were intended to help bring about regulations beneficial to the subsistence way of life. In general, any change that depletes wild resources, reduces access to wild areas and resources, or increases competition between user groups can create problems for subsistence.

Alaska Department of Fish and Game

HJR

44

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHJR 44(O&G)
(H) Publish Date: 3/6/02

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Alaska Natural Gas Pipeline Route BRU _____
Sponsor House Special Comm on O & G Component _____
Requester House Special Comm on O & G Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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

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 (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Linda Hay Phone 465-2283
Division: H. O&G Date/Time 3/5/02 4:08 PM
Approved by: Representative Ogan, Chairman Date 3/5/02
Agency: _____

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House Special Committee on Oil & Gas

HJR 44

ALASKA NATURAL GAS PIPELINE ROUTE

SPONSOR STATEMENT

HJR 44 was introduced to clearly articulate Alaska's position regarding the commercialization of Alaska's vast natural gas reserves.

It is important to keep the momentum going on the gas pipeline issue and it is imperative for the State of Alaska to give a clear message to Congress as to our position on the various issues that are being considered at this time.

Currently, energy legislation is being debated in the Senate. Talking heads that have never been to Alaska are constantly in the news expressing opinions about policy issues that affect Alaska. It is past time that Washington D. C. seriously considers what Alaskans think about issues that determine our fate.

This resolution will send a clear and unambiguous message to Congress on how Alaskans want their resources developed. Our congressional delegation will be able to add this resolution to their tool chest when working on legislation that greatly affects the future of Alaska.

HJR

46

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHJR 46(FSH)
 (H) Publish Date: 3/19/02

Revision Date/Time (Note if correction): _____ Dept. Affected: None
 Title BC Moratorium on Fish Farming BRU _____
 Component _____
 Sponsor Special Committee on Fisheries
 Requester Special Committee on Fisheries Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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

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 (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Special Committee on Fisheries Phone 465-4925
 Division: Rep. Stevens, Committee Co-Chair Date/Time 3/19/02 10:24 AM
 Approved by: _____ Date 3/19/02
 Agency: _____

Alaska State Legislature

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House Special Committee on Fisheries

Date: March 18, 2002

To: Representative Drew Scalzi
Co-Chairman House Resources Committee

From: Representative Peggy Wilson
Representative Gary Stevens
Co-Chairs House Special Committee on Fisheries

Re: CSHJR 46 "Relating to the moratorium on fish farming in British Columbia"
This is a formal request to schedule CSHJR 46 for a hearing in front of House Resources as soon as possible.

If you have any questions please don't hesitate to contact us.

Alaska State Legislature

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House Special Committee on Fisheries

HJR 46 "Relating to the moratorium on fish farming in British Columbia"

Sponsor: House Special Committee on Fisheries

Sponsor Statement

On January 31, 2002, the Government of British Columbia announced that the provincial moratorium on fish farming would be lifted. This decision could have a substantial effect on the Alaskan economy and environment, both directly and indirectly.

This resolution strongly encourages the Government of British Columbia to reinstate the moratorium on fish farming.

In 2001 there were 29,000 accidental releases of farmed salmon from British Columbia salmon farms. Escaped farmed Atlantic salmon have been caught in Alaska commercial fisheries. The escaped Atlantic salmon pose a threat to Alaska's marine environment and the ecology of Pacific Salmon.

Escaped Atlantic salmon from salmon farms in British Columbia are now spawning in approximately 80 streams on the west coast. These escaped salmon compete with wild Alaskan salmon for food and there is a continuing concern with possible disease transfers.

Seafood is Alaska's number one international export and the commercial fishing industry is Alaska's largest private sector employer.

Therefore the Fisheries Committee strongly encourages the Alaska State Legislature to support the reinstatement of the British Columbia moratorium on fish farming.

Reported Escapes¹ and recoveries of Atlantic salmon in Washington State, British Columbia, and Alaska, 1987-2001².

Year	ATLANTIC SALMON ESCAPES					ATLANTIC SALMON RECOVERIES						NUMBER OF SYSTEMS WITH RECOVERIES		
	Washington ³	British Columbia ⁴				Freshwater			Marine			B.C. Juveniles	B.C. Adults	Alaska Adults
	Adults in Marine Waters	Juveniles in Freshwater	Juveniles in Marine Waters	Adults in Marine Waters	Total B.C. Escapes	Juveniles in B.C.	Adults in B.C.	Adults in Alaska	Adults in B.C.	Adults in Alaska	Total Recoveries			
1987							1		1		2			1
1988									106		106			0
1989									8		8			0
1990							3		2	1	6			1
1991				6,651	6,651		8		31	7	46			5
1992			5,000	4,544	9,544		48		349	2	399			9
1993				10,000	10,000		23		4,543	27	4,593			12
1994		7,000	24,262	39,547	70,809		50		1,037	25	1,112			12
1995		941		51,883	52,824		57		678	23	758			19
1996	110,000	40,000		13,104	53,104	54	211		673	138	1,076	2		30
1997	370,000	10,064		7,650	18,114	26	129		2,664	75	2,894	4		37
1998	115,000	200	45,306	43,208	88,814	114	90	1	136	161	502	4		28
1999			482	35,248	35,730	150	184		190	19	543	5		15
2000			1,000	36,462	37,462	12	131	1	7,833	80	8,057	3		18
2001				13,500	13,500	3	11	1		27	42	1		2
Total	595,000	58,705	76,050	261,797	396,552	359	946	3	18,251	585	20,144			

¹ Unreported escapes include "leakage", the loss of small fish that swim free when small-mesh net pens are replaced by large-mesh net pens.

The salmon farming industry estimates this leakage at 3%-5%; this could total several hundred thousand unreported fish escaping every year.

² Information for 2001 is preliminary.

³ Reporting of escapes or recoveries of Atlantic salmon in Washington State is not required or documented. Those listed here were large enough to make the news.

⁴ Known escapes in British Columbia are required to be reported to the Canada's Department of Fisheries and Oceans, Atlantic Salmon Watch program⁵.

The extent of compliance with reporting requirements is suspect, a small number of farms have never reported an escape, nor is "leakage" reported.

⁵ Canada's Atlantic Salmon Watch Program's with extensive data can be accessed on the internet at: <http://www.pac.dfo-mpo.gc.ca/sci/aqua/pages/atlsalm.htm>

For further information on Alaska recoveries contact Glen Oliver at 907-465-4229 or glen_oliver@fishgame.state.ak.us

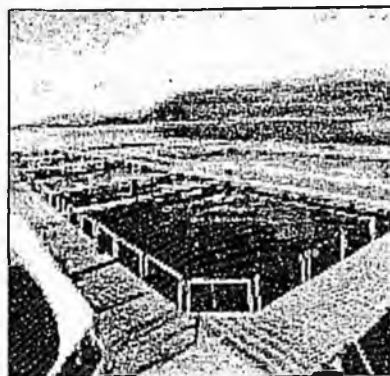
Background

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Report Summary

THE LEGGAT INQUIRY
INTO SALMON FARMING
IN BRITISH COLUMBIA

CLEAR
CHOICES,
CLEAN
WATERS



Salmon farm net-cages on B.C.'s coast are a source of pollution, disease transfer and escapes of farm fish

The Leggatt Inquiry Terms of Reference

Recent reviews of the salmon farming industry by the Auditor General and the Canadian Senate raised concerns that the industry is being inadequately managed and passes on risks and costs to the general public. A citizen's inquiry will ask for community and public input on the salmon farming industry in order to formulate recommendations and pass them on to the Prime Minister of Canada, the Premier of B.C. and the general public.

Summary statement

It's time to get on with the job: cleaning up the environmental degradation left behind by the salmon farming industry, preventing further damage and involving residents in this process and the future direction of the industry.

Background

The Leggatt Inquiry into Salmon Farming in British Columbia was established September 6, 2001 to gather public input on the salmon farming industry and formulate recommendations. Stuart Leggatt, a retired B.C. Supreme Court judge, was appointed inquiry commissioner. The David Suzuki Foundation established the inquiry in response to calls for public review from the federal Auditor General and the Senate. The inquiry set its own terms of reference and operated independently.

The inquiry held public hearings in Tofino, Port Hardy, Alert Bay, Campbell River and Vancouver from October 1 to 12. There were 109 witnesses and 63 written submissions.

The following are major issues addressed by the inquiry:

- First Nations and salmon farming: rights, risks, responsibilities
- Economic benefits of the salmon farming industry
- Escapes of Atlantic farm salmon and colonization of Pacific salmon habitat
- Disease and parasite transfer from farm salmon to wild Pacific salmon
- Environmental effects of waste and other substances released from salmon farm net cages
- Removal, storage and disposal of dead farm salmon
- Predation by farm salmon of juvenile wild salmon and other species
- The cumulative effects of salmon farming on the health of wild salmon and other species
- The role of government in regulation of salmon farming, the salmon fishery and wild stocks
- The destruction of marine mammals and other wildlife at salmon farm sites
- Conflicts with other industries such as commercial fishing and eco-tourism
- Cross-border conflicts between British Columbia and Alaska
- Farm salmon and human health issues

Recommendations

1. **Remove all net-cage salmon farms from the marine environment by January 1, 2005**
 Removing salmon farm net cages from B.C. waters and replacing them with closed-loop containment systems prevents waste from being discharged and resolves most environmental issues. All salmon farms should be converted within three years, with farms in wild salmon migration routes or other sensitive areas an immediate priority.
2. **Remove responsibility for promotion of aquaculture from the Department of Fisheries and Oceans; increase monitoring and regulation of salmon farming by government regulators**
 The department's support and promotion of aquaculture is in conflict with its responsibility to protect wild salmon stocks. DFO must place a priority on wild salmon without this conflicting responsibility. Regulators should effectively monitor the industry and enforce the laws designed to protect our resources and environment.
3. **Increase involvement of communities, especially First Nations, in consultation, partnership and ownership of salmon farming operations**
 Joint-venturing with First Nations and other communities, based on higher environmental standards and recognition of aboriginal rights and local values, would reduce or eliminate conflicts. Local communities should be involved in meaningful consultation to avoid conflict and build support.
4. **Maintain the moratorium on new farm sites with no further expansion at existing sites; complete and update the Salmon Aquaculture Review**
 Maintain the B.C. moratorium and prohibit any further expansion until significant progress is made on environmental issues at existing farm sites. Resolving these issues requires updating and completion of the Salmon Aquaculture Review.
5. **Apply the precautionary principle to regulation of the salmon farming industry**
 Regulators should err on the side of caution to protect environmental values and human health. The importance of the values and the resources at stake requires that the precautionary approach be applied.
6. **Require labeling and identification of farm salmon at the consumer level**
 Farm salmon should be identified distinctly from wild salmon in retail outlets and restaurants so consumers can make informed choices. Farm salmon is often labeled "fresh" or "Atlantic." For many consumers, the relevant distinction is "farm" or "wild."



The Broughton Archipelago, between northern Vancouver Island and the mainland, where many of B.C.'s salmon farms are located

We were struck by the courtesy, sincerity and goodwill of witnesses from all walks of life and on all sides of the issue. We were reminded once again that the people of British Columbia, regardless of the passion and commitment they bring to an issue, are almost invariably public-spirited, fair-minded and closely connected to the communities, lands and waterways they call home. These qualities, we feel certain, can resolve the conflicts and contradictions that revolve around this industry."

www.leggatinquiry.com

News Release

Government of British Columbia

Government of
British Columbia

Agriculture, Food and Fisheries
#02-01
January 31, 2002

New standards to be set for sustainable aquaculture

VICTORIA - New, comprehensive environmental standards and practices will allow for the managed expansion of the salmon aquaculture industry in British Columbia beginning April 30, 2002, the B.C. government announced today.

"The high operating standards proposed by government, along with improved practices, will protect the environment and allow the industry to expand in a sustainable and responsible manner," said John van Dongen, minister of agriculture, food and fisheries. "For more than four years, government has exhaustively reviewed the scientific work done on the salmon aquaculture issue."

In 1995, the previous government placed a moratorium on new marine salmon farm tenures. An Environmental Assessment Office scientific review, completed in 1997, was the most rigorous and costly in the history of the province. It concluded that, as practised, the risks of salmon aquaculture to the environment were low. The review made 49 recommendations that would further reduce risks of salmon aquaculture, all of which were accepted in full by government and industry.

Since October 1999, the government has worked toward implementing policies that will result in the most comprehensive regime of any jurisdiction in the world for managing the salmon aquaculture industry.

"Our government understands that British Columbians expect our environment to be protected and industry to be in full compliance with strict standards," said Joyce Murray, minister of water, land and air protection. "This industry will be managed in a responsible manner."

"This decision will provide the opportunity for careful and sustainable growth of aquaculture in our hard-hit coastal communities," said Stan Hagen, minister of sustainable resource management.

Improved and new policies for fish escapes, fish health, siting and relocations, fish waste and research and development have been developed and will be finalized by April 30, 2002.

Applications for new aquaculture sites will be accepted after April 30, 2002, and are expected to take up to a year to process. Since aquaculture has a long production cycle, businesses need to make decisions now for production to begin by 2003.



ALASKA IN THE NEWS

January 31, 2002

Release 02021

ALASKA ADVERSELY IMPACTED BY BC DECISION TO LIFT MORATORIUM ON SALMON FARMS

Knowles Urges Reconsideration to Protect Alaska Fisheries and Marine Life

Saying today's decision to lift the moratorium on new salmon farms in British Columbia (BC) will have adverse impacts on Alaska fisheries and fishing communities, Gov. Tony Knowles urged the BC government to reconsider its decision and accept the recommendations of the independent Leggatt Inquiry into salmon farming.

"I find it troubling that when others are questioning the safety and wisdom of salmon farming and raising serious concerns about problems such as contamination, disease, and the escapes of non native species of fish, that our neighbors in British Columbia are moving forward with expansion of this industry," Knowles said.

"Already this year we have seen the release of 8,000 to 10,000 Atlantic salmon from BC salmon farms," Knowles added. "Along with the 29,000 accidental releases last year, these fish have been documented in Alaska waters and raise the serious threat of the creation of spawning populations of this invasive species."

Knowles said the State of Alaska backs the recommendations of the Leggatt Inquiry into the salmon farming issue in its report, "Clear Choices, Clear Waters." Led by former BC Supreme Court Justice Stuart Leggatt, the inquiry recommended keeping the moratorium against new salmon farm sites and called for the removal of all net cage salmon farms from the BC marine environment by 2005. The State of Alaska testified in favor of such steps in its testimony before the Leggatt Inquiry last year.

"Salmon farms are a threat to our ocean environment and the ecology of Pacific salmon," Knowles said. "The State of Maine recently destroyed some 700,000 pen-raised salmon because of because of widespread infectious disease. Now Maine has quarantined certain areas from fish farming and is considering a moratorium of its own."

"Alaska wisely took action to ban this practice a decade ago, along with steps to protect and grow our populations of wild salmon for commercial, sport, and subsistence uses," Knowles said. "I now strongly urge our neighbors in British Columbia to reconsider the positive recommendations of the Leggatt Inquiry and this decision to allow unchecked expansion of the farmed salmon industry immediately adjacent to Alaska waters."

##

Contact:

Bob King, Press Secretary at (907) 465-3995

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-- www.gov.state.ak.us --

ATLANTIC SALMON

A White Paper

Alaska Department of Fish and Game – Southeast Region
February 24, 1999

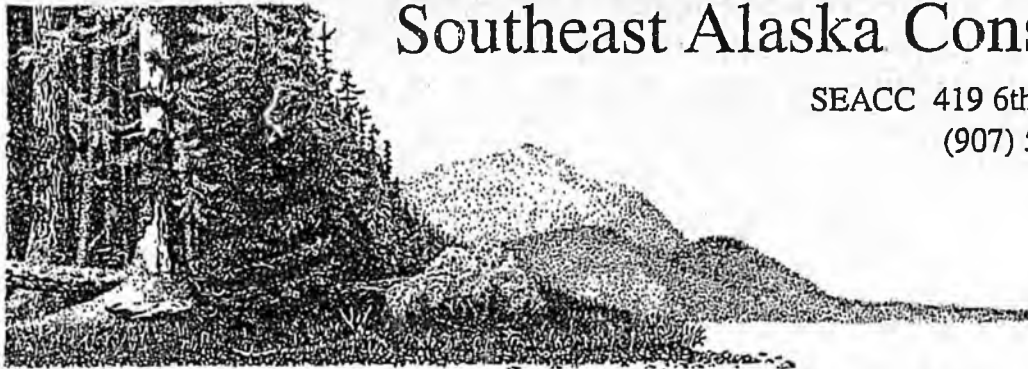
I. Danger Signals

Historically the enormous number and scope of the wild salmon runs played an important role in defining the Pacific Northwest's unique character. Many of the formerly great runs of Pacific salmon, particularly in southern portions of their range, are now depressed well below historical levels because of the effects of dams, urbanization, and deforestation. In the northern portions of their range most runs of wild salmon remain abundant and a key component of both ocean and coastal ecosystems. These surviving runs represent a renewable resource worth millions of dollars and support rural communities that are dependent on fishing for their cash economies.

Now a new threat to the survival and abundance of wild Pacific salmon appears. In the late 1980's salmon "farms" began to import Atlantic salmon from eastern Canada and Europe. These salmon are raised to maturity in floating saltwater net pens which, damaged by storms and accidents, have released tens of thousands of captive Atlantic salmon.

The annual release of tens of thousands of mature Atlantic salmon into the already challenged Pacific Coast ecosystem amounts to "biological pollution" of the ocean and represents an enormous potential threat to wild Pacific salmon. Introductions of non-native species have frequently resulted in unexpected and often disastrous consequences resulting from competition, predation, crossbreeding, or the introduction of non-native diseases or parasites. Escaped Atlantic salmon are now commonly found in both fresh and saltwater throughout the region. The Canadian press recently reported that Atlantic salmon were spawning successfully in British Columbia's Tsitika River. Sexually mature Atlantic salmon have now been found in streams in Southeast Alaska.

In 1990 Alaska banned salmon farms to protect wild Pacific salmon from potential disease, competition, and other threats. Now, actions by jurisdiction south of Alaska - including the potential expansion of salmon farming by British Columbia threatens Alaska's conservation action. Instead of expanding salmon farm operations, Alaska believes: 1) that there should be a coastwide moratorium on new salmon farms, 2) that Atlantic salmon production in existing farms be immediately capped at current levels, and phased out within a specified timeframe, 3) that farm processes be modified as necessary to eliminate ongoing accidental releases and the chance of disease transmission, and 4) that further imports of fish or fish-products from the Atlantic cease.



Southeast Alaska Conservation Council

SEACC 419 6th Street, Suite 200, Juneau, AK 99801
(907) 586-6942 phone • (907) 463-3312 fax
www.seacc.org • info@seacc.org

Testimony of Aurah Landau before the House Special Committee on Fisheries on HJR 46 "Relating to the moratorium of fish farming in British Columbia" 03/18/02

- ❑ Salmon farms in British Columbia (BC) are bad for the environment and bad for Alaskan fishermen and communities.
- ❑ As the largest private industry in Alaska, commercial fishing and seafood processing sustain thousands of families and communities throughout the state. Wild salmon are a mainstay of families in Alaska's communities and the heart of the rainforest that stretches across the BC and Alaskan coastline. We need intact high-producing watersheds and wild salmon runs to sustain subsistence, sport and commercial fisheries opportunities on both sides of the border.
- ❑ The BC government lifted its moratorium on new fish farms, ignoring the scientists, government officials, and representatives from fishing, Native, conservation and citizen organizations who testified at the recent Leggatt Inquiry that fish farms cause environmental, social and economic harm.
- ❑ Alaskan and Canadian coastal economies are interconnected and reliant on one another. The effect of the current glut of farmed salmon on the market has been devastating as salmon prices plummet worldwide and small businesses struggle to keep afloat.
- ❑ There is hard evidence that farm fish carry diseases and transfer parasites to wild fish. Fish farms have concentrated amounts of waste and sewage, and waters around fish farms can be fouled by massive die-offs, with vast numbers of salmon rotting in pens. Fortunately, Alaska has a moratorium on all fish farms, and so hasn't experienced BC's direct salmon farm-related disease, parasite, or pollution problems.
- ❑ Alaskan fishermen and biologists are, however, finding escaped farm fish in marine and fresh waters as far north as the Bering Sea. Escaped Atlantic salmon are successfully reproducing in Canadian streams. This non-indigenous species may invade wild fish habitat, spread disease, take food from and prey on wild fish. B.C. also raises chinook and coho salmon. Escapes of those species may genetically weaken local Pacific salmon stocks.
- ❑ Sustainability is the real issue here. Maine recently destroyed many of their farmed fish because of widespread disease. Fish farming in Norway, Scotland and Ireland has contributed to the collapse of wild fish stocks in those countries. Norway found that fish farms expose wild fish to high concentrations of pathogens and parasites. When the BC government promotes fish farms, how long do we have until wild salmon fisheries collapse on either side of the border? It's bad economics and irresponsible to threaten our shared marine systems with even more fish farms.
- ❑ I thank the House Fisheries Committee for their wisdom and responsibility in supporting Alaska's fishing communities by strongly encouraging the BC government to reinstate the moratorium on new fish farms. BC must be a good neighbor and reinstate the moratorium to prevent damage to intact wild salmon runs and marine resources in both countries.

ALASKA SOCIETY OF AMERICAN FOREST DWELLERS, Point Baker • ALASKANS FOR JUNEAU • CHICHAGO OF CONSERVATION COUNCIL, Tenakee
CUSTOMARY & TRADITIONAL GATHERING COUNCIL OF KAKE • FRIENDS OF BERNERS BAY, Juneau • FRIENDS OF GLACIER BAY, Gustavus • JUNEAU AUDUBON SOCIETY
JUNEAU GROUP SIERRA CLUB • LOWER CHATHAM CONSERVATION SOCIETY, Port Alexander • LYNN CANAL CONSERVATION, Haines • NARROWS CONSERVATION
COALITION, Petersburg • LISIANSKI INLET RESOURCE COUNCIL, Pelican • PRINCE OF WALES CONSERVATION LEAGUE, Craig • SITKA CONSERVATION SOCIETY
TONGASS CONSERVATION SOCIETY, Ketchikan • TAKU CONSERVATION SOCIETY, Juneau • WRANGELL RESOURCE COUNCIL • YAKUTAT RESOURCE CONSERVATION COUNCIL

**Alaska Trollers Association City of Cordova
Kodiak Regional Aquaculture Association
Senator Dick Eliason Southeast Alaska Conservation Council
Southeast Conference Taku Smokeries**

For Immediate Release
December 3, 2001

**British Columbia Fish Farm Inquiry Recommends Ban on Net-Cage Salmon Farms
*Proposal Wins Support Across Alaska***

Testimony and findings from the October 2001 Leggatt Inquiry independent investigation into British Columbia salmon farms confirmed what Alaskans already know; net-cage salmon farms in B.C. are bad for the environment and bad for Alaskan fishermen and communities.

The Leggatt Inquiry recently released its findings, *Clear Choices, Clean Waters*, reporting that net-cage salmon farms are the cause of major environmental damage to the coastal environment and pose a significant threat to wild fish stocks. The report lists six recommendations for mitigating damage, including removing all net-cage salmon farms by 2005.

Groups across Alaska are pleased that the Leggatt Inquiry recognizes the environmental and social problems posed by salmon farms.

"Alaskan's worst fears about the ecological, human health, labor relations problems and other dangers of fish farming are coming true. Nearly every day, new information surfaces from points across the globe on troubles and conflicts stemming from salmon farming. As the report says, these problems are serious. We don't want them in Alaska," said Dale Kelley, Executive Director of the Alaska Trollers Association.

"Wild salmon are a mainstay of families in Alaska's communities and the heart of Southeast Alaska's rainforest—they're vital to commercial, sport and subsistence fishermen. We simply can't let farmed salmon damage our healthy wild watersheds and coastal resources," said Aurah Landau, Grassroots Organizer at Southeast Alaska Conservation Council.

The Leggatt Inquiry report cites hard evidence that farm fish carry diseases and transfer parasites to wild fish. Fish farms have concentrated amounts of waste and sewage, and waters around fish farms can be fouled by massive die-offs, with vast numbers of salmon rotting in pens.

"Fortunately, Alaska has a moratorium on all fish farms, and so hasn't experienced B.C.'s salmon farm-related disease, parasite, or pollution problems," noted Landau.

Alaskan fishermen and biologists have, however, found escaped farm fish in marine and fresh waters as far north as the Bering Sea. Escaped Atlantic salmon have successfully reproduced in Canadian streams. This non-indigenous species will invade wild fish habitat, spread disease, prey on, and take food from wild fish. B.C. also raises chinook and coho salmon. Escapes of those species may genetically weaken local Pacific salmon stocks.

Oliver Holm, lifelong commercial fisherman and President of the Kodiak Regional Aquaculture Association Board of Directors, worries that the fish farming industry isn't held to genetics policies strong enough to protect wild fish. "Here in Alaska, we don't introduce Atlantic salmon, change the genetic make-up of the fish we raise, or release fish where they will interfere with local stocks and displace our vital local runs. Canadian fish farming practices do all this, even if inadvertently. If continued, they can really harm wild Alaskan salmon runs," said Holm.

- more -

"These fish have no idea if they're wrapped in Maple Leaves or Old Glory - we are finding them in Alaskan waters and are deeply concerned," commented Kelley. She cites Canada and Alaska's obligation to protect both fish and fishermen under the Pacific Salmon Treaty, saying that, "Leggatt's recommendations to prevent escapement and reduce environmental problems should be acted on immediately. They are right in line with the overarching principles of the Treaty."

As the largest private industry in Alaska, commercial fishing and seafood processing sustain thousands of families and communities throughout the state.

Southeast Conference Executive Director Loren Gerhard said, "Salmon are clearly one of the most important contributors to our local economy and social well-being. Anglers, subsistence users, and the seafood and guided sportfishing industries all rely on the pursuit of wild salmon. We Alaskans are very interested in maintaining the health of that resource."

Alaskan and Canadian coastal economies are interconnected and reliant on one another. The affect of the current glut of farmed salmon on the market has been devastating as salmon prices plummet worldwide and small businesses struggle to keep afloat.

Sandro Lane owner of Juneau based processing plant, Taku Smokeries, noted that, "Family businesses and viable townships -- in both countries-- are being put out of business as deep pocketed firms flood the market with cheap fish."

The Leggatt Inquiry testimony and findings also raised questions about the wholesomeness of farmed salmon. The report includes a recommendation to label farmed salmon to distinguish it from wild.

Cordova Mayor Margy Johnson expressed concern that fishermen in her town are not given a level playing field when competing with heavily subsidized farmed fish in the marketplace. She added, "As a long-time restaurateur, I find consumers are becoming increasingly conscious of what they eat. Given a choice, most people tend to chose wild salmon over farmed."

Alaskans across the state hail the Leggatt Report's practical overview of the problems with salmon net-pen farming, and its meaningful recommendations.

"Removing net cages by 2005 is a solid first step towards reducing the impact of farmed salmon on our precious wild salmon runs. We are encouraged by the report and hope officials in British Columbia move quickly to implement Leggatt's recommendations," said Kelley.

"Alaskans should urge both British Columbia and Alaska to maintain their moratoriums on new or expanding fish farms," continued Landau.

Twenty-two year veteran Senator Dick Eliason led the late 1980s charge to deny fish farming in Alaska. Eliason told Leggatt that since that time, "I have received many letters, newspaper articles and scientific reports supporting our position and affirming our concerns as valid." He added that he feels good about the choice Alaskan's made on this issue, "From the perspective of safeguarding our resources and local economy, fish farming is clearly not the way to go."

Canada's federal Auditor General and the Senate ordered the Leggatt Inquiry of fish farm policy for public consultation and review. At the Leggatt Inquiry into British Columbia's salmon net-pen industry, Southeast Alaskan citizens and organizations requested the Canadian government to ban new salmon farms and cap growth on existing salmon farms in British Columbia. Canadian and Pacific Northwest colleagues testified with similar requests. The Honorable Stuart Leggatt, retired parliamentarian and B.C. Supreme Court Judge presided as Inquiry commissioner.

- more -

The Leggatt Report advises the Canadian government to:

1. Remove all net-cage salmon farms from the marine environment by January 1, 2005.
2. Remove responsibility for promotion of aquaculture from the Department of Fisheries and Oceans; increase monitoring and regulation of salmon farming by government regulators.
3. Increase involvement of communities, especially First Nations, in consultation, partnership and ownership of salmon farming operations.
4. Maintain the moratorium on new farm sites with no further expansion at existing sites; complete and update the Salmon Aquaculture Review.
5. Apply the precautionary principle to regulation of the salmon farming industry.
6. Require labeling and identification of farm salmon at the consumer level.

-30-

Contacts

Dale Kelley

Alaska Trollers Association

(907) 586-9400 / 723-8765

Aurah Landau

Southeast Alaska Conservation Council

(907) 586-6942

Loren Gerhard

Southeast Conference

(907) 463 3445

For a copy of the Leggatt Inquiry report, see <http://www.leggattinquiry.com/Report/InquiryReport.asp>

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska

P.O. Box 939 Cordova, Alaska 99574 / phone (907) 424-3447 / fax (907) 424-3430 /

e-mail cdfu@ptialaska.net

March 2, 2002

House Fisheries Committee
Alaska State Legislature
State Capitol (MS 3101)
Juneau, AK 99801-1182

SENT VIA FACSIMILE TO 907.465.3517

RE: HJR 46 - Relating to the Moratorium on Fish Farming in British Columbia

Dear Members,

Cordova District Fishermen United represents the commercial fishing fleets of Area E--the Copper River and Prince William Sound.

We recommend your support for HJR 46 recommending reinstatement of the moratorium on fish farms in British Columbia and raising related issues in Pacific Salmon Treaty negotiations. The risks posed to Alaska's wild salmon stocks by B.C. Atlantic salmon escapees and disease transfers is unacceptably high.

We urge the governments of Alaska and of the United States to engage the governments of British Columbia and Canada in discussions and negotiations on these issues.

Alaska's wild salmon runs and fisheries are too important to risk!

Sincerely,



Sue Aspelund
Executive Director

cc: Representative Beth Kerttula

Support

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway
Juneau, AK 99801



Phone 907-586-6652

Fax 907-586-5648

E-mail: seafa@gci.net

March 4, 2002

Representative Gary Stevens, Co-Chair
Representative Peggy Wilson, Co-Chair
Special House Committee on Fisheries
Alaska State Legislature
State Capitol, Room 124
Juneau, AK 99801

RE: HJR 46 Support

The Southeast Alaska Fishermen's Alliance (SEAFSA) appreciates Representative Kerttula and Representative Dyson bringing forward a resolution regarding the lifting of the moratorium on new fish farms in British Columbia and the fish committee for sponsoring the resolution. We fully support a resolution on this issue.

We would like to suggest the following change to the resolution to provide more accuracy.

- Page 2 line 7&8 take out the words native Alaska. At this time there is not any documented disease transfer to Alaska wild salmon but has occurred in places such as Maine, Norway, and Scotland.

As commercial salmon fishermen in Southeast Alaska we are extremely concerned about new fish farms right below the border. We consider the raising of Atlantic salmon on the Pacific Coast to result in the introduction of an exotic species. We currently catch Atlantic salmon escapees from Canada and the Pacific Northwest fish farms while we gillnet in Southeast Alaska. To put the farms just over the border as the expansion of new farms is mostly expected to occur around Prince Rupert is of extreme concern.

We urge the Fish committee to pass this resolution out of committee as additional support for Senator Frank Murkowski and the letter he has written to Honorable Colin Powell, Secretary of State.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Hansen".

Kathy Hansen
Executive Director

Petersburg Vessel Owners Association

P.O. Box 232
Petersburg, Alaska 99833
Phone (907) 772-9323 Fax (907) 772-4495

March 1, 2002

Representative Peggy Wilson
Representative Gary Stevens
Co-Chairs
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Re: HJR No. 46; Relating to the Moratorium on Fish Farming in British Columbia

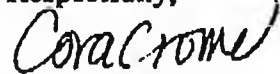
Petersburg Vessel Owners Association is a group of commercial fishermen who participate in many fisheries statewide. Many of our members rely on salmon for a substantial portion of their annual income. In addition, income generated by salmon is very important to our community and to other coastal communities. We would like to thank the Special Committee on Fisheries for introducing this resolution. We are in full support of this resolution relating to the moratorium on fish farming in British Columbia.

We feel that the expansion of British Columbia's fish farming industry poses a major threat to the health of our wild salmon resources. The existing fish farms in British Columbia have already accidentally released a large number of farmed Atlantic salmon that are swimming and reproducing in our streams. In addition to the threat interbreeding poses to our wild stocks, farmed fish are competing with wild Alaskan salmon for food. Disease transfers have been documented from farmed salmon to wild Alaskan salmon.

The full environmental effects of fish farms are yet to be determined. An independent scientific inquiry determined that British Columbia should not lift the moratorium on fish farming. However, the moratorium was lifted on January 31, 2002. We feel that the decision to lift the moratorium and the plans to aggressively expand the number of fish farms in British Columbia will have significant adverse impacts on the health of wild Alaskan salmon and on the Alaskans who rely on them.

We appreciate your support in passing this resolution and your consideration of these comments. If we can provide more information, please feel free to contact us.

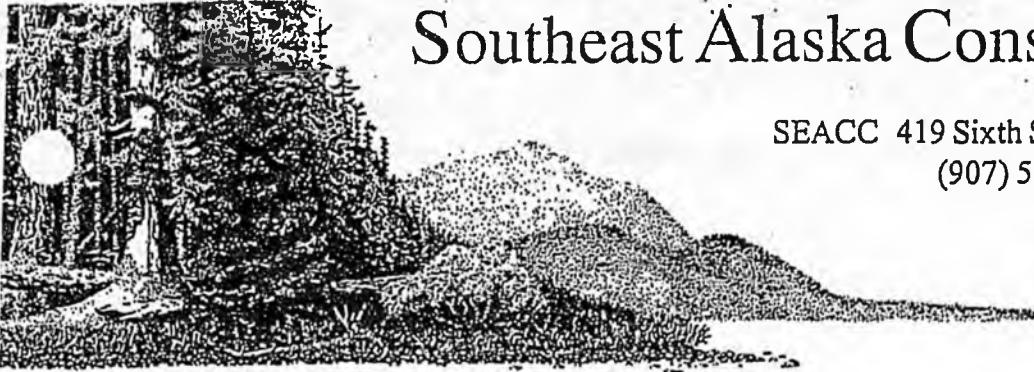
Respectfully,


Cora Crome
Director

6

Southeast Alaska Conservation Council

SEACC 419 Sixth Street, Suite 328, Juneau, AK 99801
(907) 586-6942 phone (907) 463-3312 fax
info@seacc.org



A Resolution Supporting a Ban on Pacific Coast Marine-Based Salmon Farming

Whereas commercial fishing and seafood processing comprise Southeast Alaska's largest private industry;

Whereas more than 80% of Southeast Alaska's rural households rely on subsistence hunting, fishing, and gathering and one out of four households harvest more than 250 pounds of wild food per year;

Whereas Tongass streams and lakes spawn and rear 80% of the wild salmon in Southeast Alaska, and wild salmon populations are dependant on wild watersheds;

Whereas Southeast Alaska salmon populations are robust, and not endangered, and can be maintained that way through reasonable effort;

Whereas farmed salmon potentially threaten to contaminate Southeast Alaskan salmon runs through risk of exotic disease transfer, habitat encroachment, competition for prey fish, and genetic weakening;

Whereas salmon farms threaten coastal resources with concentrated amounts of biowaste;

Whereas farmed salmon often contain antibiotics, pesticides, herbicides and dyes;

Whereas farmed salmon are not an environmentally sound, healthy alternative to wild salmon;

Whereas wild Alaskan salmon consume a natural diet, and are prized for their purity and wild origins;

Whereas wild Alaskan salmon set the standard for a wholesome and nutritious commodity, and are managed utilizing sustainable harvesting practices;

Therefore be it resolved that the Southeast Alaska Conservation Council supports Alaska's existing moratorium on salmon farms, and strongly urges the State of Alaska to renew the moratorium when it comes up for review;

Therefore be it resolved that the Southeast Alaska Conservation Council opposes any move towards marine-based salmon farming in the State of Alaska;

Therefore be it resolved that the Southeast Alaska Conservation Council encourages British Columbia to uphold the moratorium on new marine-based salmon farms;

Therefore be it resolved that the Southeast Alaska Conservation Council encourages British Columbia to establish stringent facility maintenance and oversight standards on existing marine-based salmon farms to prevent further escapement;

Southeast Alaska Conservation Council Board of Directors
Resolution 010902-2

Page 1 of 2

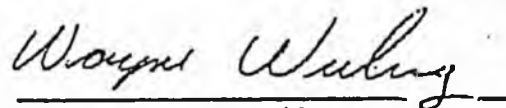
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Therefore be it resolved that the Southeast Alaska Conservation Council opposes siting new salmon farms in the ocean; and

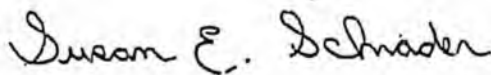
Therefore be it resolved that the Southeast Alaska Conservation Council opposes marine-based salmon farms because of the risks they pose to healthy populations of wild Alaskan salmon and intact Southeast Alaskan coastal resources.

ADOPTED this 2nd day of September 2001 by the Board of Directors of the Southeast Alaska Conservation Council, by a vote of 12 ayes, 2 nays, and 0 abstentions from all present voting members of the Board of Directors.

CERTIFY


Board of Directors President

ATTEST



Board of Directors Secretary

SEACC is a coalition of eighteen volunteer conservation groups in fourteen far-flung communities across Southeast Alaska, from Ketchikan to Yakutat. SEACC's individual members include commercial and sport fishermen, Alaska Natives, subsistence users, hunters and guides, tourism and recreation business owners, small timber operators and high value-added wood product manufacturers, as well as concerned citizens from all walks of life. SEACC is dedicated to safeguarding the integrity of Southeast Alaska's unsurpassed natural environment while providing for balanced, sustainable use of our region's resources.

Copies sent to:

Alaska Department of Fish and Game	Petersburg Vessel Owners Association
Alaska Department of Fish and Game Advisory Committees	Regional Subsistence Advisory Councils
Alaska Independent Fishermen's Marketing Association	Sierra Club, Alaska
Alaska Longline Fishermen's Association	Sierra Club, B.C
Alaska Marine Conservation Council	Sierra Club, Washington
Alaska Seafood Marketing Institute	Southeast Alaska Fishermen's Alliance
Alaska Trollers Association	Southeast Alaska Seiners Association
Alaska Board of Fisheries	Southern S.E. Regional Aquaculture Association
Fishermen Involved in Saving Habitat	Transboundary Watershed Alliance
Governor Tony Knowles	United Fishermen of Alaska
Oceans Blue Foundation	United Southeast Alaska Gillnetters
	United States Forest Service

HJR

47

New Diesel Fuel Regulations & Impact on Tribes and Rural Alaska

April 3, 2002

by Ron King



Alaska Department of Environmental Conservation
410 Willoughby Avenue, Suite 303
Juneau, AK 99801
907-465-5100
david_rogers@envircon.state.ak.us
ron_king@envircon.state.ak.us

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Presentation Overview

- History
- Why are we here
- Options
- Pros and Cons
- Questions and Answers
- Closing Remarks

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Remember when...

- Cars switched from leaded gas to unleaded gas?

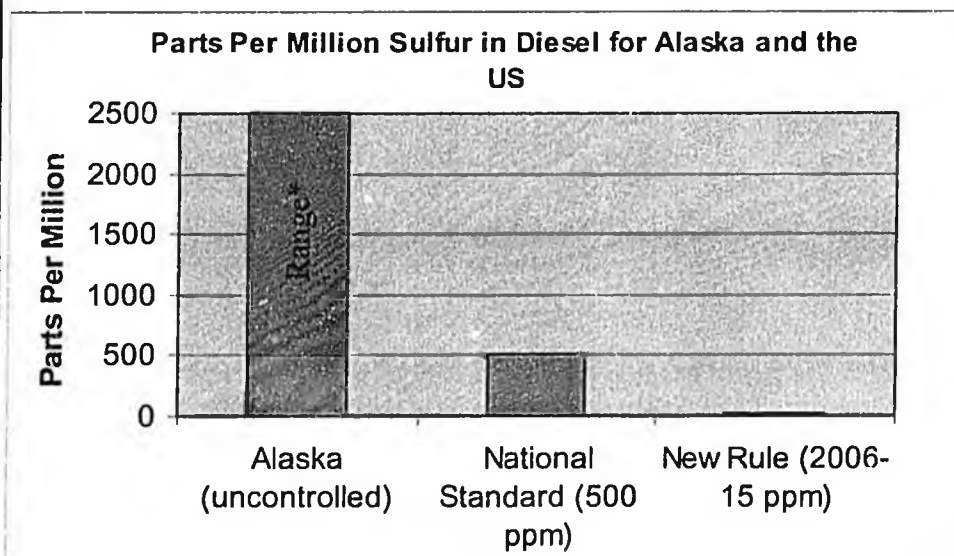
This time Alaska has a choice in how to implement a change!

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

History: The EPA Rule

- In 2001, EPA established a rule to reduce air pollution from large trucks and buses starting in 2007.
- New emission control equipment is required for model year 2007 diesel trucks.
- In 2006, diesel trucks and buses must start using diesel that has 15 parts per million (ppm) or less sulfur.
- We call this new fuel - ultra-low sulfur diesel.

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan



* Based on available diesel fuel

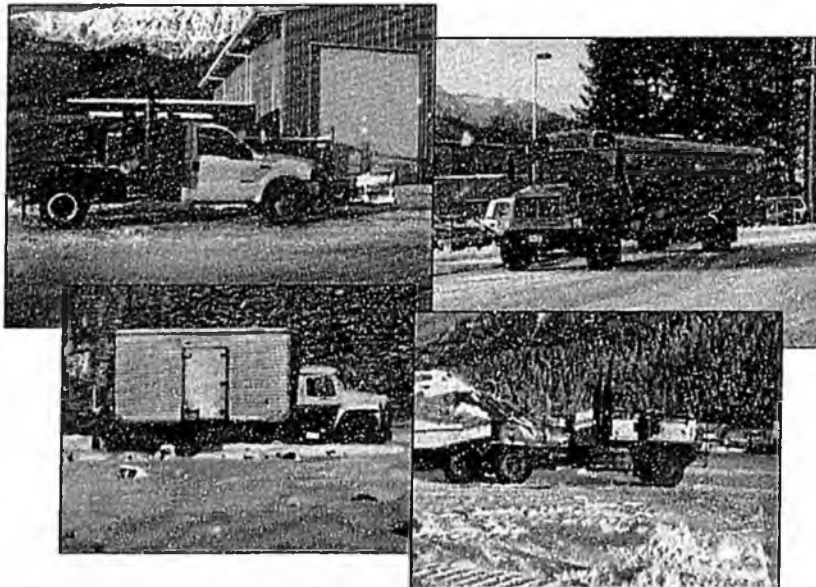
Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

History: Why is ultra-low sulfur diesel needed?

- New emission control equipment in model year 2007 diesel trucks will reduce air pollution.
- Sulfur is a contaminant found in diesel that can cause damage to these new emission controls.
- Use of ultra-low sulfur diesel is needed for correct operation of the new emission controls.
- Operators of 2007 heavy-duty diesel trucks must use ultra-low sulfur diesel or risk engine damage, loss of warranty, and federal penalties.

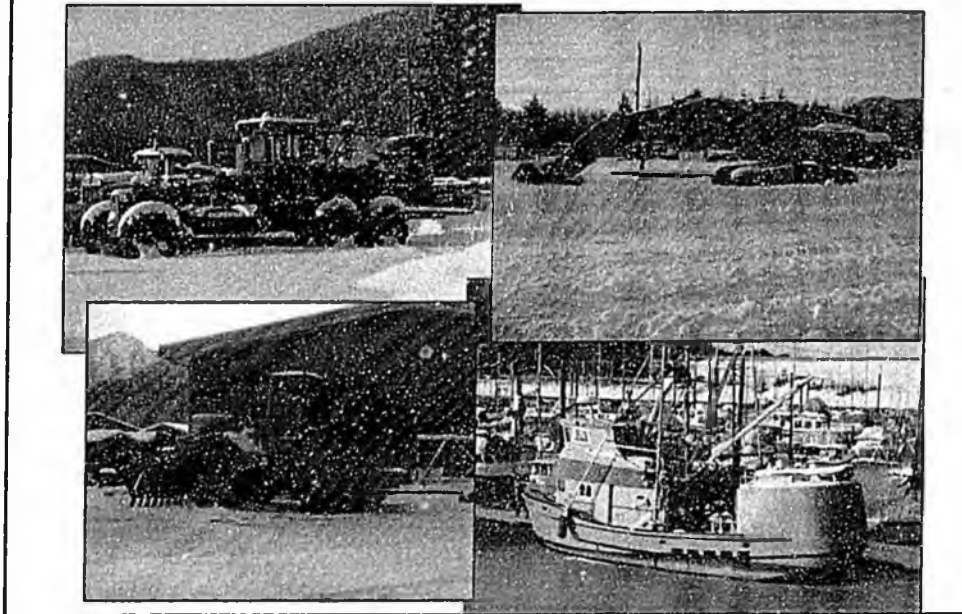
Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Types of Vehicles Covered by the Rule



Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Types of Vehicles/Equipment NOT Covered by the Rule:



Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Why are we here today?

- The EPA is allowing Alaska to develop a different implementation plan
- We need your help
- We want to consult with and get recommendations from you on the best way to transition to ultra-low sulfur diesel fuel in tribal and rural Alaska.
- We want to provide information to you on the EPA rule

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Options

- National Plan
- Buy the 2007 or later diesel truck :
 - Buy the fuel for that truck
 - Buy the fuel for all the diesel vehicles
 - Buy the fuel for all diesel uses in the community
- Other options?

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Pros and Cons

- Air Quality
- Economic
- Distribution
- Truck Owner

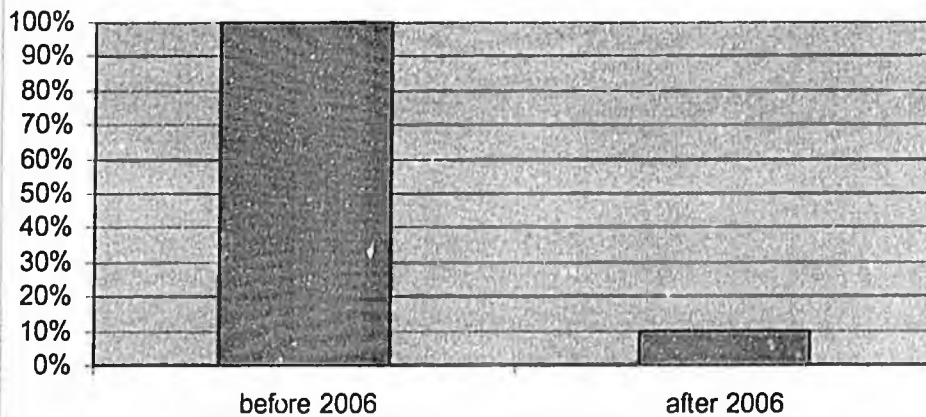
Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Air Quality Impacts

- Using the new fuel will reduce air pollution from large trucks and buses.
- Air pollution may trigger asthma attacks, cause lung cancer, respiratory illness, or increased mortality.
- Air pollution can cause hazy skies.

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Percent Pollutant Reduction for Diesel Trucks and Buses



Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Economic Impacts

- EPA estimates Ultra-low sulfur fuel may be \$0.05 per gallon more than the current cost of diesel in the Lower 48. In Alaska, this cost will probably be more.
- Costs to rural Alaska will likely be higher due to distribution challenges.
- Use of ultra-low sulfur diesel for uses such as home heating or power generation may increase costs to a community.

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Distribution Impacts

- Transportation of fuel to rural Alaska poses unique challenges.
- May be difficult to find ultra-low sulfur diesel meeting arctic grade fuel requirements.
- Dual tank systems for separating ultra-low sulfur diesel from other fuels may be expensive.

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Truck Owner Impacts

- May be difficult to find ultra-low sulfur diesel meeting arctic grade fuel requirements.
- Operators of 2007 heavy-duty diesel trucks must use ultra-low sulfur diesel or risk engine damage, loss of warranty, and federal penalties.
- Use of ultra-low sulfur diesel in 2006 and older vehicles is not expected to cause problems.

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Communities We are Visiting

- | | |
|--------------|---------------------|
| • Kotzebue | January 28-29 |
| • Unalakleet | February 19-20 |
| • Nome | February 21-22 |
| • Barrow | February 25-26 |
| • Kodiak | February 28-March 1 |
| • Unalaska | March 4-5 |
| • Dillingham | ? |
| • Bethel | ? |

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Questions?

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

To Provide Comments or Get More Information Contact:

Clint Farr

Alaska Department of Environmental Conservation
Air Non-Point & Mobile Sources Program
410 Willoughby Avenue, Suite 303
Juneau, AK 99801

phone: 907-465-5100

fax: 907-465-5129

email: clint_farr@envircon.state.ak.us



Alaska State Legislature

HOUSE COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Representative Carl Morgan
Co-Chairman
Committee Aide, Bill Lawrence
(907) 465-3882

Representative Kevin Meyer
Co-Chairman
Committee Aide, Lorali Meier
(907) 465-6588

House Joint Resolution 47 Sponsor Statement

The Environmental Protection Agency (EPA) recently established a rule, effective in 2006, to reduce air pollution and related health and air quality impacts from large trucks and buses. In 2006, diesel trucks and buses must use diesel fuel containing 15 parts per million (or less) sulfur. Model year 2007 diesel trucks will require new emissions control equipment specifically designed to use only this type of fuel. This means most road diesel fuel used in Alaska in the future will, by rule, be ultra low sulfur diesel.

The financial and logistical consequence to rural Alaskans is significant with this change of diesel fuel types. An increase of 20 to 45 cents per gallon is expected. A greater fuel requirement is necessary with a decrease in fuel efficiency or fewer BTU's generated.

The effects extend to the Alaska trucking industry, whereby freight transport costs will rise.

Electrical companies testified that varying grades of diesel fuel would become increasingly difficult to obtain for existing systems.

Fuel transportation, delivery and storage systems in rural Alaska are generally capable of handling no more than one discrete diesel fuel type. Barges will need retrofitting and tanks in fuel farms cleaned.

One Alaska refiner expected a retrofit to cost \$100 million to produce the new fuel. The cost associated with this retrofit is not financially feasible when only 5% of the diesel refined in Alaska is used on the road. Thus, production of ultra low sulfur diesel fuel is not likely in Alaska. Any ultra low sulfur diesel fuel used in Alaska will, by necessity, be imported from lower 48 refineries.

While the federal rule is designed to address environmental health and air quality issues in urban and populated areas, it has severe economic implications in rural Alaska. Most of those testifying acknowledged ultra low sulfur diesel fuel will eventually be used throughout Alaska, but believe implementing the rule in 2006 is onerous.

The House Community and Regional Affairs Committee introduced HJR 47 to address Alaska's concerns with the effective date of this new federal rule. It asks EPA and the Department of Environmental Conservation to give Alaska maximum flexibility in implementing the new rule.

Digest -

- Alaska Economic Report
- Alaska Legislative Digest

Special Commentary

March 8, 2002
With Digest #10/02

New EPA clean diesel rule will hit Alaska rural communities hard

The problem of high fuel and electricity costs in rural Alaska may be getting much worse: Rural utility and municipal managers are looking at possible 25 to 33 percent fuel cost increases resulting from new U.S. Environmental Protection Agency rules that require use of ultra low-sulphur "clean" diesel in the next few years. Although the immediate rule applies to diesel sold to on-road vehicles (trucks, busses, etc.) by 2006, it's felt that the logistics complications of shipping the ultra-clean diesel to remote rural communities will affect costs of all fuel. And EPA officials say that the clean-diesel rule is on a long-term track to be applied to off-road diesel equipment (construction equipment, for example), stationary diesel-powered generators and eventually even marine vessels. Still over the regulatory horizon, but soon to come into view, will be application to fuel oil used for home heating.

State Department of Environmental Conservation officials briefed the House Resources Committee in Juneau March 5 on the new rules. Alaska won't be given an outright exemption from this rule, similar to the state's exemption from a current EPA rule requiring use of diesel with a 500 parts-per-million (PPM) sulfur content, they said. But EPA has given Alaska an option to develop a transition plan, a phase-in to full compliance by 2010, they told the committee. DEC must have the plan by April 1. The agency has been discussing various options since last year with "stakeholders" (rural communities, tribal groups, trucking operators, fuel distributors, refiners, municipalities and community groups) and no clear consensus recommendation has formed.

DEC officials said EPA is sympathetic to the unique problem of rural communities in Alaska, and some form of special treatment under the rule is likely to be acceptable. But ultimately even "the bush" will have to comply with the national rule, they warned.

What galls community leaders is that the EPA clean diesel rule was developed to reduce

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EPA rule: Rural Alaska could be allowed more time

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health-harming air pollution in large urban cities of the Lower 48, where diesel-caused emissions are harmful. Most of Alaska doesn't have air pollution problems, and even in Anchorage most of the harmful particulates in the air are from natural sources (glacial silt blown by wind, etc.). Still, the national rule is being imposed on Alaska, creating serious costs that will be heavy in small, outlying communities.

What are the expected cost increases?

How costly will ultra-clean diesel be? Estimates are that the clean fuel, with a limit of 15 parts per million sulfur, will cost 20 cents to 25 cents per gallon more by the time it is transported to Alaska. Frank Dillon, executive director of the Alaska Trucking Association, said the cost could be as high as 40 cents per gallon more. There are other, as-yet undefined cost issues, such as separate tankage required. But a big undefined cost is the fact that there is an energy-loss factor to contend with, too. The new diesel will contain less energy than conventional diesel. One estimate is that it will contain 14 percent less British Thermal Units (Btus) of energy per gallon. Therefore, it will take more gallons to power a truck a certain distance or generate a given amount of power.

AVEC operates 51 systems

Alaska Village Electric Cooperative, which operates village power plants in 51 small communities, says it pays an average of \$1.37/gallon for diesel. Fuel costs are 28 percent of total system costs, and AVEC's average power rate is 40 cents/kilowatt hour. A 25 cent/gallon increase will add \$1.25 million to AVEC's annual fuel bill, but when the lower energy content is factored in, the effective cost increase will be close to double that, AVEC told the Resources committee.

Nome - diesel now \$2.30 a gallon

Nome's city manager told the Resources Committee March 5 that diesel now costs \$2.30 a gallon in the Seward Peninsula community. If costs increase 20 percent, it's a significant burden. Nome's utility manager said the utility now spends about \$2.1 million per year for 1.6 million gallons of fuel. A 25 cent/gallon additional cost will raise annual fuel costs to AVEC by \$2.5 million, it is estimated. But if the new fuel has 14 percent less Btus per gallon, more gallons will be needed to generate the same energy, raising costs to about \$3 million more per year, the utility said.

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Thursday, March 21, 2002 5:01 AM MST

Deadline approaches on low-sulfur fuel

The Associated Press

ANCHORAGE--Alaska will have to decide by the beginning of next month how a new ultra-low sulfur rule for diesel fuel will be implemented in the state.

The rule goes into effect nationwide in 2006, but Alaska can opt for a phase-in plan, David Rogers, deputy director of the Department of Environmental Conservation's Division of Air and Water Quality, told the Alaska Journal of Commerce.

Rogers told a state legislative panel earlier this month that no matter what the state does, the new EPA rule will raise the cost of diesel used by trucks and buses.

In the future, off-road construction equipment, stationary diesel generators used by power utilities and even marine vessels could be required to use the new ultra low-sulfur fuel, according to Ron King, head of DEC's mobile air pollution control program.

King and other DEC officials have been meeting with industry and community leaders over the last year to discuss possible phase-in options.

Most air pollution in major U.S. cities these days comes from diesel trucks and buses, and once the new engines using 15 ppm diesel are operating, EPA expects a 90 percent reduction in air pollution caused by diesel vehicles, King said.

EPA now mandates that diesel for road vehicles have no more than 500 parts per million. Alaska has an exemption from that rule, so diesel made by Alaska refiners with sulfur content up to 1,000 ppm can be used in vehicles, King said.

The options for a gradual Alaska phase-in are limited. Larger Alaska cities and communities along the state's highway network will probably have to deal with the low-sulfur requirement about the same time as the rest of the nation, mainly because trucks and buses with new engines requiring the fuel will be coming into Alaska.

Rogers said rural communities might get special treatment, but even there the new fuel will be required no later than 2010.

The EPA in December 2000 published a new rule requiring sharply reduced particulate and nitrogen oxide emissions, which have been identified as creating health problems in large urban cities.

New diesel engines fitted with advanced emissions-control systems will require a diesel fuel with no

greater than 15 parts per million of sulfur.

Cost of the new fuel and the special handling it will require will be a major consideration. Where to get the fuel is another problem.

Alaska refineries will be unable to produce it because the demand for small quantities of special diesel for highway use will be too small to justify the estimated \$100 million-plus in refinery modifications needed to produce 15 ppm diesel, according to Bill Boycott, refining director for Williams Companies, which owns a refinery at North Pole.

Lower 48 refineries will gear up to produce the new fuel.

Frank Dillon, executive director of the Alaska Trucking Association, said he believes the added cost could be 25 cents or even 40 cents per gallon by the time the low-sulfur fuel is brought to Alaska.

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Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

1. Rule Development and Health Based Justification

- In December 2000, EPA finalized a rule reducing emissions of particulate matter (PM) and nitrogen oxides (NOx) from 2007 and newer large trucks and buses.
- To achieve these reductions, manufacturers must install after treatment devices that require use of ultra low sulfur diesel fuel (15 parts per million (ppm) or less sulfur).
- Operators of heavy-duty diesel trucks and buses will have to use ultra-low sulfur diesel or risk engine damage, loss of warranty, and federal penalties.
- Why this rule? There will be improved air quality with use of the new fuel - the new vehicles will have up to a 90% reduction in PM and NOx emissions.
- Particulate matter may exacerbate asthma, cause lung cancer, or increased mortality.
- Nitrogen oxides are an ozone precursor. Ozone is implicated in respiratory illness.
- Particulate matter and nitrogen oxides contribute to haze formation.

2. Economic/Distribution Impacts

- Fuel will cost more.
- EPA estimates ultra-low sulfur fuel to cost \$0.05 more in the lower-48. Costs to Alaskans -especially rural Alaskans - will likely be higher due to distribution logistics. Note: Fuel may have to be imported due to high costs of in-state production. May be difficult to find 15 ppm sulfur diesel meeting arctic grade fuel specifications.
- Tankage systems to separate 15 ppm sulfur diesel from other fuels may be expensive.
- 15 ppm sulfur will have approximately 3% less energy (BTU's) per gallon, leading to a loss of efficiency (this is especially important if used in power generation).
- If this fuel is used universally, costs also will increase for such things as home heating or power generation.
- Use of 15 ppm sulfur diesel in 2006 and older vehicles should not cause impact. However, some indications that 1990 and earlier vehicles may need additives to avoid leaking pumps and lubricity problems.

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3. Options to Transition to Ultra Low Sulfur Diesel Fuel

- Only 5% of diesel fuel used in Alaska is destined for on-highway vehicles compared to approximately 40% in lower-48.
 - Due to unique environmental, geographical and economic costs documented in exemption to previous fuel regulations, EPA approved flexibility for Alaska to develop a transition plan specific to Alaska for the new 15 ppm fuel.
-
- **National Plan**
 - At least 80% of on-highway diesel as 15 PPM sulfur and no more than 20% on-highway diesel as higher sulfur.
 - 100% 15 PPM sulfur diesel by 2010.

 - **Market Based Phase-in Plan**
 - Fuel provided based on market demand – lower percentage of the fuel in the early years (2007, 2008).
 - In-state refiners may not be able to provide the fuel.
 - The percent 15 PPM diesel increases each year.
 - Timeline for 100% 15 PPM sulfur diesel may extend past 2010.
 - There would be a goal of 2010 to transition diesel vehicle fuel supply to ultra low sulfur diesel.

 - **Buy the Truck – Buy the Fuel Market Based Approach – Rural only (off the contiguous road system)**
 - Allow community to use uncontrolled (>500 PPM) diesel until:
 - A 2007 or later diesel vehicle is imported, and 15 PPM diesel fuel must be imported for that vehicle.
 - Community and community members can decide if:
 - They will buy a 2007 model year diesel vehicle.
 - They will switch all diesel vehicles to the new fuel regardless of model year.
 - The entire community will switch to the new fuel, including power generation.
 - There would be a goal of 2010 to transition diesel vehicle fuel supply to ultra low sulfur diesel.

 - **Mandate for All Fuels**
 - Require all diesel fuel not destined for aircraft to switch to 15 PPM sulfur diesel.
 - This is a regulatory process and may also require legislative action.
 - Retailers/Distributors/Refiners responsible for providing fuel.
 - Cost impacts - incentives and assistance in changeover costs may have to be considered and may also require legislative action.

4. Status

- We have held 3 workshops in Anchorage between April and July to discuss options.
 - Most participants were from urban Alaska.
 - Consensus was not reached.
 - A little over half chose the national plan or something more stringent.
 - Refineries indicated that they would not refine the ultra low sulfur fuel initially.
- We are currently visiting rural hub communities (e.g., Nome, Kotzebue, Barrow, Kodiak, Dillingham, Bethel, Unalaska/Dutch Harbor)
 - No consensus at this time.

5. Actions Taken or To Be Taken

- On April 1, 2002, we submitted plan to EPA that splits Urban and Rural areas.
 - Urban Alaska - We are recommending areas connected to the contiguous 48 states and major hubs on the ferry system to be subject to the National Plan.
 - Rural Alaska - We are recommending an extra year to further explore the impacts of the new fuel on areas not considered "urban". We express a goal of having rural Alaska transitioned to ultra low sulfur diesel by 2010.
- Working with the Alaska Native Health Board (ANHB) and the Institute of Circumpolar Health at UAA to develop a low dose exposure study to particulate matter and subsequent health impacts from diesel fuel use in rural Alaska.

6. Future Impacts

- Sulfur must be reduced in gasoline by 2007.
- EPA is developing sulfur fuel requirements for non-road engines (e.g., road construction equipment, farm tractors, etc.).
- Vehicle and engine manufacturers indicate that light duty diesel cars and trucks will also need the ultra low sulfur fuel by 2006/2007.



State of Alaska
Legislature

PLEASE ENTER MY TESTIMONY INTO THE RECORD TO THE

HRES COMMITTEE IN REGARD TO THE
(COMMITTEE NAME)

HJR 47 ON 4/2/02.
(BILL/SUBJECT) (DATE)

ALASKA POWER AND TELEPHONE
STRONGLY SUPPORTS HJR 47.
PLEASE FORWARD TO COMMITTEE
MEMBERS.

SIGNED DON MAHON
(PLEASE PRINT)

ALASKA POWER AND TELEPHONE
(ADDRESS AND PHONE NUMBER)

**Alaska Power & Telephone
Comments on Ultra Low Sulfur Fuel
March 5, 2002**

Alaska Power & Telephone supports any controls that have a clear human health or environmental benefit. However, while studies indicate that pollutants caused by high sulfur fuel may contribute to respiratory disease, the impact of these pollutants in isolated remote Alaskan communities is negligible. Where is the justification in mandating Ultra Low Sulfur Diesel Fuel by 2010 in rural Alaska?

The financial impact on the consumers from these same communities will be of such proportion to adversely affect virtually every aspect of community life. In addition to the direct impacts this mandate will cause, such as increased fuel costs, compatibility with existing equipment, and storage concerns during the transition period, this mandate will increase an already high electric kilowatt-hour rate.

- Rural Alaska is heavily dependant on diesel generation.
- Fuel cost is estimated to increase approximately 23 cents per gallon.
- The BTU rating will be decreased by 14%, increasing fuel consumption.
- Dual fuel storage and dual delivery and metering systems will be required.

Electric consumers, whose kilowatt-hour rates are as much as 45 cents today could expect an increase of up to 5% if these costs are passed on to the consumer. These increased costs will also place an additional burden on the state PCE program.

Alaska Power Company (APC) currently provides electric service to 24 rural communities throughout Southeast and Interior Alaska. Of these, 19 communities depend strictly on diesel as the primary fuel source for generation, and the remaining five are hydroelectric facilities that depend on diesel generation as a backup.

The 19 APC communities that currently use diesel-powered generation are:

- Naukati
- Coffman Cove
- Hydaburg
- Whale Pass
- Hollis
- Tok
- Tanacross
- Dot Lake
- Tetlin
- Bettles
- Evansville
- Mentasta Lake
- Chistochina

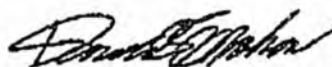
- Eagle & Eagle Village
- Healy Lake
- Northway & Northway Village
- Allakaket
- Alatna
- Alcan Border Station

The five APC hydroelectric communities that still depend on diesel generation as a back-up are:

- Craig
- Skagway
- Haines
- South Thorne Bay
- Klawock

We suggest the committee adopt a resolution with provisions that would require the DEC request the EPA to reevaluate and address the ramifications and costs to rural Alaska consumers.

Respectfully submitted,



Donald E. Mahon
Vice President, Operations
Alaska Power Company