



## Alaska Trollers Association

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Senator Cathy Giessel, Chair  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

### **RE: HB 77**

Dear Senator Giessel and Committee Members:

On behalf of the Alaska Trollers Association (ATA) I have reviewed HB77 version D and offer the following comments.

ATA represents the Southeast troll fleet. Our members are professional hook and line commercial salmon fishermen who fish in both state and federal waters off the coast of Alaska. The troll fleet is one of the largest salmon fleets in the state and 85% of the permit holders reside in Alaska. Nearly one of every 35 people in our region works on the back deck of a trolling vessel and there is a significant support sector throughout the region that relies on them. A large number of troll permit holders and deckhands live in small, rural communities. Many of our members also participate in other commercial, sport, personal use, and subsistence fisheries.

Chinook salmon is one of our fleet's primary target species. As such, we strongly support Section 46 of this bill, which mandates a work plan relative to the reservation of water for 12 river systems important to Chinook and other salmon species. Given the importance of salmon to the residents of this state, it is our opinion that this component of the bill warrants stand-alone legislation, regardless the ultimate fate of HB 77. Each of the rivers identified supports an immense abundance of fish and wildlife resources worthy of special legislative protections. Our association has long called for legislated instream flow reservations for precisely this reason. However, it is important to note that nearly all of the freshwater in our state contributes to the sustainability of salmon, so should also continue to enjoy ample protection under the law.

Department of Natural Resources (DNR) has stated its intent to improve agency effectiveness by employing a general permit authority under HB77. The agency asserts that the ability to utilize general permits will help them make timelier permit decisions. As participants in a heavily regulated industry, ATA members appreciate efficient and transparent permit processes, but found the first version of HB 77 technically problematic and confusing. And as the volume and

intensity of testimony might imply, the timeline to review the bill has been far too aggressive for a public that cares so deeply about protecting water quality and fish and wildlife resources.

While we recognize and appreciate that DNR has gone a long way to clarify and otherwise improve HB77, there are still a few important aspects in need of your attention. Here are two.

Under Section 1, a general permit may be issued for activities provided under AS.38.05 or AS 38.95, *if the department finds that the activity is unlikely to result in significant or irreparable harm*. DNR staff says that only activities which are temporary in nature, or have de minimis impact, will be authorized under a general permit. If that is the case, it should be plainly stated in the bill that general permits will be limited to those activities expected to have 'temporary and de minimis' impacts on fish and wildlife.

The requirement for a person to disclose how they might be *substantially and adversely affected* by a DNR decision may not be unreasonable, but we need to know what that definition means to the agency and how it will be used in the permitting process. DNR informed us that individuals would not be required to estimate the cost of any potential impacts, nor would they be asked to do studies in an attempt to 'prove' their concerns might be valid. However, the bill does not make clear to concerned citizens what, if anything, DNR will require from them to meet the *substantially and adversely affected* standard. This gives many people the impression that their concerns will not be taken seriously, or that there might be a burden of proof requirement, or the bar will otherwise be set too high.

Thank you for considering ATA's point of view. Please don't hesitate to contact me if I can provide additional information on this or other issues of concern to the commercial fishing industry.

Best regards,

Dale Kelley  
Executive Director