

**Fairbanks
Fish & Game Advisory Committee
(FAC)**

*Interior Region
Fish & Game Advisory Committees*

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Eagle	Minto-Nenana
Fairbanks	Ruby
GASH	Stony Holitna
Koyukuk River	Tanana-Rampart-Manley
Lake Minchumina	Upper Tanana Fortymile
McGrath	Yukon Flats

Date: January 10, 2024

To: John Wood, Chairman, Alaska Board of Fisheries
Märit Carlson-Van Dort
Tom Carpenter
Stan Zuray
Greg Svendson
Mike Wood
Gerald Godfrey

From: The Fairbanks Fish and Game Advisory Committee (FAC)¹

Re: Alaska Board of Fisheries action December 1, 2023 regarding FAC Proposal #59 to reduce enhancement egg production of pink salmon at Kitoi Bay Hatchery, Kodiak Island and related hatchery issues

Dear Chairman Wood and Members of the Board of Fisheries:

The Fairbanks Fish & Game Advisory Committee (FAC) is writing to request clarification of authority_in regard to the Alaska Board of Fisheries action on the FAC *Kodiak* Proposal #59 (Kitoi Bay Hatchery/ KBH² egg reduction) on December 1, 2023 at the Lower Cook Inlet Board (LCI) meeting in Homer.

This action effectively removed Proposal #59 from the Kodiak proposal book. It was noticed late on December 1st in RC073 as a Miscellaneous Business Agenda, Proposal 59 *Correction*. It was deliberated at 3:55pm for about 25 minutes only and passed in a 4-2 vote, with one Board member absent. The Board adjourned almost immediately after at 4:25pm so there was no opportunity for reconsideration. There was no attempted contact with the makers of the proposal.

Because of the unprecedented action of the Board to remove a properly submitted proposal, we request an explanation of why this action on proposal #59 was allowed? This action was unnoticed at the Lower Cook Inlet meeting and is in violation of the Alaska Administrative Procedures Act (AS 44.62.330-44.62.630) and the State of Alaska's Open Meetings Act (AS 44.62.310-.312) that require all meetings of a public entity's governing body be open to the public and that the body provide reasonable notice of its meetings. The Open Meetings Act (OMA) is intended to ensure that decisions made and actions taken are public knowledge and represent the will of the public that the governing body serves.³

All of the proposals that the FAC (and others) are presenting on hatchery egg reduction essentially seek a greater public and systemic dialogue on PNP hatchery management and impacts. We believe there is a causal relationship between hatchery production and loss of wild salmon stocks. For this reason, we also believe that we need a comprehensive statewide and wholistic dialogue on PNP hatchery production.

In closing, we ask that the Board of Fisheries to:

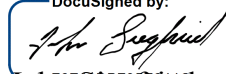
1. Provide a clarification on authority for removal of Proposal #59
2. Consistent with the Joint Protocol on Salmon Enhancement (#2002-FB-215)⁴, find a pathway to address the growing crisis of loss of wild salmon stocks and the increasing evidence of PNP hatchery impacts through an expanded Hatchery Committee of the Whole, including support for an independent cost-benefit analysis and independent environmental review
3. Recognize the factors we can address in salmon decline such as reduced bycatch, reduced intercept, PNP hatchery reduction, habitat restoration, better management practices
4. Support Proposal #43 at the Upper Cook Inlet Board meeting

There are many causes for salmon decline. This letter focuses on only one - PNP hatchery impacts - because that is the point of the FAC proposals #43 and #59.

Fisheries health is very complex and we have a fragmented management system between and within state and federal management. Because of the allocative nature of our fisheries, we have competitive and often mutually exclusive goals for harvest but there is one thing we all have in common: If we do not take care of our wild salmon stocks and consider them a priority, we will lose those stocks, possibly in perpetuity.

Thank you for your consideration.

Sincerely,

DocuSigned by:

John Siegfried

Chair, Fairbanks Fish & Game Advisory Committee

Cc: Aaron Peterson, Alaska Department of Law
 Noah Starr, Alaska Department of Law
 Art Nelson, Alaska Board of Fisheries Executive Director
 Doug Vincent-Lang, Commissioner, Alaska Department of Fish and Game
 Michael Dunleavy, Governor, State of Alaska
 Jim Matherly, Office of the Governor, Fairbanks
 Members, Fairbanks Fish and Game Advisory Committee
 Members, AYK advisory committees
 Members, Alaska Interior Delegation
 Senator Lisa Murkowski, U.S. Senate
 Senator Dan Sullivan, U.S. Senate
 Representative Mary Peltola, U.S. House of Representatives
 Chief Brian Ridley, Tanana Chiefs Conference
 Vivian Korthuis, Association of Village Council Presidents
 Melanie Bahnke, Kawarek, Inc.
 Robin Samuelson, Bristol Bay Native Corporation
 Karen Gillis, Amy Sparck, Bering Sea Fishermen’s Association
 Serena Fitka, Yukon River Drainage Fisheries Association
 Shannon Erhart, Chief Karma Ulvi, Yukon River Inter-Tribal Fish Commission
 Andy Bassich, Yukon River Panel
 Jonathan Samuelson, Kevin Whitworth, Kuskokwim River Inter-Tribal Fish Commission

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SECTION II
Background to Board of Fisheries Action on Proposal #59

Because the action on Proposal #59 was not noticed for the LCI meeting, the FAC was not present. Our Proposal #43 is not going to be deliberated until the Upper Cook Inlet meeting, which we plan to attend. Correspondingly, we did not discuss Kodiak travel at our December meeting as planned because of the removal of #59. Funding for AC travel is very limited so we have to choose our attendance carefully⁵. Many FAC members, did, however, listen to the LCI meeting on line and did submit both on-time public comments and an RC on Proposal #43. Since the meeting, FAC has created a verbatim transcript (unofficial) of the deliberations on Proposal #59.

As noted during the deliberation on this action:

- The “correction” of Proposal #59 was necessary as an error had been created within Board Support when reviewing the original proposal, inadvertently removing the title of “Kitoi Bay” clearly evident on the original proposal and incorrectly putting the proposal under a Statewide, rather than Kodiak, section. This error was noted for the record by Board Support at the LCI meeting.
- After the title error was noted, the Board shifted toward the regulation cited. The motion to remove Proposal #59 from the Kodiak proposal book seemed to be predicated on the proposal being more appropriate for statewide action as Kitoi Bay Hatchery does not have a basic management plan.
 - The original proposal cited a statewide hatchery regulation 5AAC 40.820⁶ precisely because Kitoi Bay did not have a basic management plan. Board deliberations noted that this was a reasonable assumption.
 - The FAC had assumed that Kitoi Bay Hatchery (KBH) had a basic management plan (BMP) as required by regulation 5 AAC 40.820. Basic management plans⁷. In the 2022 KBH Annual Management Plan, there is a reference to a BMP but it seems it does not exist.
 - The hatchery is operated in accordance with AS 16.10.400–480, the *KBH Basic Management Plan (BMP)*, *KBH Annual Management Plan (AMP)*, and private nonprofit (PNP) hatchery permit #29.
 - The Board General Counsel, Aaron Peterson, noted: ⁸ “I want to clarify one thing. The basic management plan is cited, I believe, because the permit the proposal is seeking to address is not in regulation. So, by what other mechanism would someone be able to bring that issue to this body, for the board to exercise its statutorily granted authority, for citing a basic management plan to amend this particular permit.”
- The question might be asked why this proposal was not questioned at the October Work Session if there was a concern over the placement?
 - The second question then might be why wasn’t it noticed for a discussion at the Lower Cook Inlet meeting which would have then given the proposers time to make the necessary corrections?

- The Board Chair noted he was inclined to give less leniency to the proposers of #59 because of their “experience.”
 - Advisory Committee members are public servants who serve their regional constituency without benefit of staff, except for Board Support.
 - *It has been the policy for decades that the Board assist proposers in applying the correct regulatory citation as necessary.* The intent of the proposal was very clear.
- During the deliberations the Board mirrored comments from the Kitoi Bay manager and from the Kodiak Regional Aquaculture Association comments in PC124, dated November 13, 2024, citing a “duplicative” action to Proposal #43, which it was not. Proposal #43 is specific to Cook Inlet hatcheries (Tutka Bay and Port Graham.)
- The Executive Director for the Board of Fish, noted: “In my experience with the proposal process, the request of the proposal is what the proposal is, even though the regulation cited may be wrong. That goes through the proposal review process. The proposal that was submitted to us in a timely fashion had language that clearly spoke to the Kodiak Area Kitoi Bay management. I am not trying to presuppose the board to any outcome but in my opinion this was a timely received proposal. The language got dropped from it somehow through the proposal book development process. When we discovered (the error), as when brought to our attention in the past, we make the correction and post it to the Board meeting web site. “
- The General Counsel for the Board (Department of Law), noted just before action was called: “I just want to clarify that the proposal as submitted was proper. It is the direction of the Department of Law to this Board *for decades* that the Board has authority, pursuant to its statutory authority under 16.10.440(b) to amend the terms of permits. That’s what this proposal sought to do. The Dept of Law would NOT say “here is something that the Board statute says the Board can do but we are not going to let it into the proposal book”, we are not going to do that. This conversation about the proposal should be had at Kodiak, where the proposal is noted for. I don’t know what procedural mechanism there is to remove it from the meeting here as it has been submitted properly. Now there was an administrative error and that has been rectified, but I don’t know what administrative procedure there is to remove it here that wouldn’t likely generate more issues than having it addressed at the Kodiak meeting. So I would have concerns with removing it here after people have presumably assumed they have the ability to debate it in Kodiak.”
- Removal of Proposal #59 effectively removes the conversation to the next Kodiak Board cycle in three years unless relocated to the Upper Cook Inlet meeting in 2024.

Aside from the fact that both the attorneys for the Board as well as Board Support clearly cautioned there was no evidence for removing Proposal #59 from the Kodiak Proposal book, the Board reiterated their previous history of dismissing hatchery egg reduction proposals.

Relationship to Proposal #43, scheduled for Upper Cook Inlet February 2024

Action on Proposal #59 may have been prompted by Staff Comments of the Commissioner for the Alaska Department of Fish and Game, who has the most supreme authority over hatchery

permitting. In the Staff Comments for Proposal #43 to reduce pink salmon production in Cook Inlet, the Department wrote:

Proposal #43 DEPARTMENT COMMENTS: The department OPPOSES this proposal. Hatchery egg take levels are established through an iterative process involving department staff and stakeholders. Hatchery operations are permitted in a way that minimizes impact on wild salmon stocks and the commissioner can amend a permit if conservation concerns arise related to hatchery production. If there is a compelling reason to amend terms of a hatchery permit, the amendment should be based on analysis of data and there should be clear evidence the amendment will have a positive impact on wild salmon stocks. No evidence has been presented in this proposal to support the proposed reduction in permitted pink salmon egg take level.

Since Proposal #43 has not yet been deliberated (scheduled for Upper Cook Inlet in February), the background to Prop #43, submitted by Fairbanks AC Fisheries Sub-Committee Chair as RC021, was not discussed. RC021 contains many references to peer-reviewed papers supporting the concern over the production of hatchery fish having negative impacts on wild salmon stocks. AC04, submitted as an on-time Advisory Committee comment from the Fairbanks AC would also have illuminated the critical need for hatchery egg reduction in both the FAC minutes of November 8, 2023 and the citations of several peer-reviewed papers.⁹ RC021 had the following comment on the “iterative process” discussed in the Departments comments on Proposal #43. It can only be assumed that the Department would have had similar comments on Proposal #59 but they had not been published prior to the Board’s decision to rescind.

FAC opinion in RC021: The “iterative process” that the Department describes is a fully integrated system of hatcheries, fishermen who depend on those hatcheries, Department staff who are supportive of those hatcheries, state loan departments, processors, marketers and other stakeholders who are hatchery dependent.¹⁰ It is a process that does not include anyone outside of the hatchery bubble. This is extremely problematic for stakeholders who see a clear connection between hatchery production and threats to declining wild salmon stocks.

Only one voice evident during Prop#59 discussion

Board of Fish proposals are submitted normally 1.5 years ahead of the specific Board meeting. There are, perhaps, hundreds of proposals over the years that have needed more evidence and clarification and that is usually presented at the Board meeting.

The proposers of #59 acknowledge that the proposal was low on detail but the intent was clear and based on the growing evidence of over-production of pink salmon having negative impacts on wild salmon stocks. The proposers fully expected to have significant evidence presented as RCs and testimony at the Kodiak meeting. The voices of the proposers and those who supported it or had more questions about it will now not be heard.

The complication of the proposal being published without the appropriate title (Board support error) compounded the confusion for reviewers. For instance, the Anchorage AC, in their on-line public comments, noted:

“The growth in hatchery production for pinks has coincided with the drop in King Salmon numbers. There are a lot of factors in the decline of King Salmon in Alaska, this has to be factored in at some point. Other arguments are that the pinks and Kings feed at different depths. It’s hard to know what the right answer is but lowering the number of pinks released might help. Hatcheries also need to be able to do their cost recovery so they need a minimum number of fish released to stay profitable. The proposer should have provided more hard numbers so we know how many pinks they are talking about reducing. We don’t have enough knowledge to really address this. We believe that the issue needs to be considered but we don’t know what the right answer is.”

Both RC021 and AC04 would also have educated the discussion around Proposal #59. While these comments were not considered, the Department comments (RC02) and testimony and RC061 comments from the Kodiak Regional Aquaculture Association (KRAA) were.

In their RC124, KRAA expressed the following sentiments which exemplify the gulf of understanding between some members of the Board, the Department, PNP hatchery managers and the non-hatchery world. These comments, while meant to be defensive of the PNP hatchery system, wrongfully interpret the nature of the problem and could be the basis of why a statewide dialogue is so critically needed.

“Proposal 43 is duplicated as Proposal 59 slated for the Kodiak meeting in January where it appears to be geared toward all of the state’s hatchery programs. Why the duplicative proposal, which will now be heard at *three* Board meetings during this cycle and ignores the fact that it has already been offered and rejected at least twice in the last 5 years? The proposal(s), and its contentions, in this new iteration, continues to rely on the same speculative “ocean ranching” thesis without accounting for the multiple variables that occur each year that impact food availability—ocean temperature, currents, mixing through storms, etc.—and also fails to address spatial distributions of salmon from different origins that appear to show limited or non-existent competition.

Kodiak Regional Aquaculture association asks the Board to review the previous emergency petitions, ACRs and proposals that have been summarily rejected by the Board of Fisheries since 2018. The pattern of the proposals for the 23-24 Board cycle is simply a continuance of the same and repeated efforts of a few individuals to assert their conviction that Alaska’s hatchery programs lack sufficient oversight and need to be curtailed. The assertions and implications that somehow hatchery operations have been given a “pass” on issues of sustainability, scientific defensibility, or rigorous oversight are simply unfounded. The public record from all of the meetings in which hatchery proposals have come before the Board reaching back five or more years have repeatedly affirmed the regulatory scrutiny of Alaska’s hatchery programs by ADF&G, the Board process, and the Regional Planning Teams as well as the Alaska Hatchery Research Program (AHRP).

Hatchery programs seem to be an easy target when folks are disappointed with a fishery return or outcome. How and when and how many fish return to a specific river system or region have a host of variables, many of which are outside the control of any decision maker or human action. Efforts to blame hatcheries by way of correlation, supposition, and biased opinion have not succeeded in making a substantive, defensible case against

Alaska's hatchery program. Moreover, proposed solutions are more about allocative outcomes than hatchery regulations within State guidelines.”

The RC concludes with: “It may be the case that with so many new Board members, it is difficult to recognize the redundancy of these proposals. However, we have seen similar efforts as ACR2 in 2018 and through a series of proposals at the previous LCI meeting in Seward, proposals in Southeast Alaska, and as Proposals 49-55 at the 2021 Prince William Sound Finfish and Shellfish meeting in Cordova. At that meeting, I simply re-submitted over 30 pages of written comment KRAA had submitted at previous meetings on the same topics and similar proposals. KRAA's comments represent just a fraction of the time and effort demanded of those who have been forced to respond to repetitive proposals and to defend the Alaska Hatchery Programs. I would again draw your attention to that record, but more importantly, I would ask the Board to recognize that, at each turn, the Board has rightly rejected this systematic effort to malign Alaska's hatchery programs and their underlying science, management, and oversight by ADF&G.”

This RC misses the entire point of all hatchery egg reduction proposal objectives and ignores the massive volume of peer-reviewed science that indicates the negative impacts of salmon hatcheries on wild stocks. It shows lack of understanding of the complicated nature of the fisheries web that production hatcheries share with wild stocks. And it shows no concern for the growing crisis in Alaska salmon wild stocks all over the state, not just in the AYK. This RC reiterates the claim that PNP hatchery egg reduction proposals are “allocative” in nature, when in fact, these proposals have been repeatedly labeled “conservation.” But obviously this RC was the basis of the Board's decision to remove Proposal #59 from the Kodiak proposal book.

The reality is that this RC is an echo throughout the hatchery world that proves a point: both PNP hatcheries and the Alaska Department of Fish and Game and to a degree the Alaska Board of Fisheries seem committed to limiting any public scrutiny of PNP hatcheries.

In Summary: Creating a comprehensive public dialogue

The following attached comments are in response to the Board of Fish stating that recent proposals from the Interior do not have sufficient information to support their position on PNP hatchery egg reduction. While this letter is lengthy, it is only a fraction of what could and should be reported; there is a very strong (and growing) correlation between massive hatchery production and negative impact on wild salmon stocks.

The following comments will also offer insight into the bigger picture of the salmon crisis in Alaska and hopefully illustrate the central point: The objections raised by the Department or hatchery managers do not negate what is needed the most: a real conversation instead of piecemeal (and competing) discussions without subsequent action. Perhaps the Board of Fisheries might consider a vastly expanded meeting of the Hatchery Committee of the Whole to structure how Alaska might be served to have such a critical dialogue.

Hatchery salmon are generally counted in total commercial salmon harvests together with wild stock. They are marketed as wild stock. These two actions confuse the general public but hatchery salmon are noted as separate in state laws and regulations.

The FAC fully understands that Asian hatchery stocks present in the Bering Sea are currently outside of the control of Alaska to mitigate. But Alaskan hatchery stocks exacerbate the competition at sea presented by these stocks and Alaskan hatchery stocks have the additional impacts of straying in Alaskan waters. Is it fair that Alaska PNP hatcheries must bear the burden of scrutiny? Probably not. But it is even less fair that the vast AYK, with thousands of people dependent on salmon, have absolutely no fishing opportunity and are faced with grave food security and cultural identity crises without confronting all the measures possible to mitigate the crisis.

All of this points to the need that Alaska is long overdue on a serious discussion about Alaska's PNP hatchery program.

- **Alaska really needs to organize a series of production hatchery forums** that bring in the best scientists from around the Pacific Northwest to debate the potential impacts of hatcheries on wild stocks from what is known far beyond the straying studies currently being conducted in limited areas of the Gulf of Alaska. Hatchery impacts are being studied everywhere and the body of evidence is growing that they play a significant role in salmon decline.
- Alaska needs an **environmental impact review of PNP hatcheries** that is independent of state and PNP related reviews and can assess multiple environmental costs associated with hatchery production. In the 50 years that PNP hatcheries have been operating in Alaska, there has never been an environmental impact statement.
- **Alaska's PNP hatchery program needs an independent cost-benefit analysis.** While PNP hatcheries are advertised to be "self-supporting", a true cost-benefit analysis might reveal this not to be true. Is the Alaska PNP model truly sustainable?
- **This discussion is strictly about production hatcheries (PNP) and is not a reference to mitigation or sports hatcheries.**
- Finally, **Alaska needs a deep discussion about what it means to protect our wild salmon stocks.** There is a very distinctive mindset associated with wild stock management versus hatchery production. Mitigation and non-anadromous hatcheries aside, PNP hatchery fish are managed as a commodity whereas wild stocks must be managed to protect the health of the species themselves. That difference in management comes up all the time – in public and private conversations, in Board meetings and legislative action. It is the central reason that the AYK is so alarmed at the rejection of hatchery proposal discussions; we are seeing too much evidence that fisheries managers are comfortable with substituting hatchery production for wild stock management.

"Dialogues about hatcheries must be rooted in humility, where all participants must accept that the beliefs they hold, and perhaps hold to tightly, might be — at least in part — incorrect. But unless we collectively acknowledge that we might be wrong when it comes to Alaska hatcheries there will be no true dialogue, only continued division and deadlock."¹¹ (Dr. Peter Westley)