

Long-Term Challenges to Alaska's Salmon Dependent Communities Workshop Salmon Governance

Breakout Session Notes – Thursday, November 3, 2016

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Agenda:

Governance is about decision-making including legislation, regulatory implementation, and judicial review. "Holding us honest at the hands of the court."

Goal of session is to brainstorm issues and to refine understanding of key issues and to move to actions. Articulating key issues, urgent action steps and prioritizing.

8:50-10:30

Issues in priorities and opportunities to acquire salmon

Legal and jurisdictional challenges in governance (state, federal, multi)

10:45-Noon

Success and challenges in stakeholder participation

1:30-3

Draw conclusions to define key issues, identify action steps, establish priorities

Key Issues & Action Steps:

These notes summarize the brainstorming discussion. An effort was made to capture the diverse points of view. Some ideas were widely held, while others were raised by a few people.

1. Revising limited entry (retain and regain access to state commercial fisheries)

Issues:

Timing is crucial as we're on verge of generational shifts.

Action steps:

Allow for a second name on salmon limited entry permit to facilitate succession transfer.

Create permit banks to hold salmon limited entry permits on behalf of community, region, or group; need funding. Recognize difference in discourse between rights-based and access privilege programs. (Requires change in Limited Entry law.)

Explore tribal ownership of salmon limited entry permits.

Encourage CDQ groups to develop loan programs to acquire permits

Revise the sport fishing guide permit system. Term permits with a renewal process that can redistribute permits would lead to more local opportunity. Create a new professional services board to promote equitable distribution.

Region-specific solutions needed

Tweaks within current system

Promote new legislation

2. Revised Governance Structures

Issues:

Identified need to unify state/federal/tribal (local) management

State management emphasizes individual opportunity, but need to consider local, tribal, and community solutions.

Problem of funding to cover travel costs and allow people to be involved in board processes. Committee system has deteriorated and perhaps hurts local communities in certain places.

Current BOF works under political pressure. Staff comments are constrained by wondering what they can say during the process.

Decisions that are made are there for generations. Once you put the state legislature in charge of who is able to sit on a board, political whim is what happens to those fisheries. Not fair to anybody and that's why we're in this mess today. Still need strong advisory boards. Overall frustration with state and federal processes in addition to needing to work within both systems.

Having to live with silos means leftover scraps for different user groups.

State problem of individual v. groups in legal framework

Importance of term 'equity'. State system doesn't adequately address equity once things are set. Equity issues are core problems with the salmon governance system.

Action steps:

Strengthen State local advisory committees, such that their recommendations are strongly emphasized in the Board of Fisheries process.

Address disconnect with federal regional processes. (Example of broad consultation in the 1980s with state regional council in SW fisheries); Restoring state regional council programs suggested but not a consensus. Concern about adding yet another meeting in addition to current system.

BOF should create opportunity for direct dialogue among regions with shared resources.

State boards: adding opportunity for Tribes to be on agenda.

Consider opportunities for additional use of entities like the Kuskokwim River Intertribal Fishery Commission. Negotiations with agencies led to agreement and practical problem-solving.

3. “Crack the Rock”:

Issues:

Need to revisit constitutional provisions (“the rock”). Promote management at the lowest local appropriate level.

Local people should have more of a say, more authority and agency in decision-making processes.

Sometimes interim solutions (working groups) don’t have actual authority. Stronger legal foundations needed?

Action steps:

Working with Barbara Blake to identify concerns as a willing listener.

Change the constitution, though this would open a flood-gate of constitutional amendments.

Addressing policies like: if no monitoring staff present then no fisheries

4. State Budget Cuts:

Eroding capacity within state management. Additional local responsibility and management may add capacity. How can academia step up to build capacity, help train locals as professionals?

How can other organizations step up?

How can we continue to build/maintain infrastructure for fisheries in declining budget environment? (Harbors/hatcheries/public access ramps, etc.)

Action steps:

Advocacy to keep ADF&G budget whole is very important, as cuts have been significant since FY16. Advocate to keep managers in region or else there will be

more conservative management, earlier in-season closures and a downward spiral due to lack of biological and inseason data needed to manage the fisheries.

Current effects include removing or reducing weirs, surveys, and stock assessments, which results in less fishing time and reduced opportunity. Problem due to state funds available to BOF, as board has no administrative or budgeting authority.

Must bring various fishing interests to table, and identify shared strengths among all agencies and organizations, including industry. Develop complementary strengths.

ADFG budget cuts impact on fishing areas. If the budget is cut, then inseason management must plan with without local monitoring. This could shut down fisheries across the state. We need acknowledgment that communities can pack more weight as budget goes down, but there need to be a stopgap for monitoring activities if it results in shutting down fisheries. This will only increase problems.

5. Data Access:

Issues:

Need for transparent, useable salmon fishery data. Accessibility creates equity/communication in governance participation.

There is a current lack of easily accessible, universal display of information; it is written for scientists by scientists.

Voting situation with those interested and those not interested in development of rural Alaska. Possible alternative funding mechanisms to increase IT and data access.

At risk under budget cuts scenario, particularly in losing expertise and staff.

Action steps:

Encourage ADFG to create fisheries databases that are publicly accessible and searchable; avoid PDF format.

Unified system of data archive across user types/regions. Key area to improve, requires advocacy with Legislature.

Support data division budgets and expertise in Sport Fish and Commercial Fisheries divisions.

Reduce lag time in availability of Annual Management Reports.

Explore alternative funding to support data projects, from industry and impact investors.

6. Addressing Climate Change

Issues:

Governance capacity and resilience critical to responding to climate change.

Local observation/local monitoring are important tools.

Long-range shifts in fisheries require adaptive management.

Action steps:

Encourage long-range planning by state and federal agencies to address long-range shifts in resources.

Need more pre-season marine data and juvenile surveys to help predict salmon run sizing and timing. NOAA information and bycatch information within EEZ is easily accessible. Marine data improves predictability to inform summer availability. Users making business models after fresh-water data. Off-shore data would be helpful but expensive.

Maintain federal/state collaboration to inform upper Yukon River Chinook salmon escapement.

General Transcript of Discussion

Issue of loss of salmon limited entry permits in rural communities

Big problem in small communities is out-migration of permits and rights to acquire salmon. Money is where permits go and are. Looking at ways to stop that. Succession issues and how to sell out/retire?

If Limited Entry Permits put on market, it will be probably non-local or non-resident and removes opportunity for youth.

Change to LEP program so that Elder with permit could pick younger person to help and put that name under his name on permit. Younger person would be allowed to sell salmon under permit but elder retains ownership. Younger fishers would have experience needed to access capital after a few years. Could this be another way to lease a permit? This mentality limits out of the box thinking. So much has changed since implementation of the program in rural communities. Naming successor on permit to establish pattern for successful use and ability to operate permit in appropriate manner. Could evaluate and revise successor. Second person on permit could be family, local, resident, etc. but would be need to be clarified. Pros/cons of directly tying it to the town. More flexibility to pick someone within the region. Intention is to retain the permit in region but avoid a rule that the transfer has to be specific to a family.

Rural substance abuse is a factor. Some rural residents won't turn over permits to sons because they are worried about substance abuse and that they might sell the permit to get money for drugs.

Rural school loss and population out-migration. After the school closes, communities go. As a borough, we depend upon fisheries so much we have a natural resource department to stabilize communities.

If succession model is capitalistic in LEP, this runs counter to cultural traditions.

There are people that are crew and people that are skippers and sometimes crew don't always have experience that translates well to running boat. Important to find a way to gain experience before owning a permit.

Issue of extreme financial duress forces a sale

Permit holders have been arrested and charged and they have no other income and lose permit to lawyer to pay for legal fees. Big problem in certain rural areas with limited other sources of income. Some are forced to sell fisheries access permit (e.g., Kuskokwim) to highest bidder.

Issue of other social reasons they are lost

YK area family with multiple sons and potential heirs. Problem is instead of favoring sell out and divides money.

Solution Ideas:

State should allow tribes to hold permits. Tribes could serve as buffering agent to reduce permit out-migration, though not without its own political questions. Mechanism to distribute permits could be lottery or drawing? Purpose: community will retain permits within a community or region.

Community permit bank (requires new legislation). Used in some form on west and east coasts in commercial fisheries. Organization that wants to retain commercial access in a specific community or region that has funding that buys up permits from existing holders retiring to hold in bank with criteria for distribution. Can prioritize distribution (lease) by age or region to retain access in a certain area. Nature Conservancy has done this pretty successfully in west coast groundfish fisheries.

Sport fish: issue not just in state/commercial fisheries. Would be good to come up with solutions for multiple jurisdictions and fisheries to allow redistribution for wider access to sport fishing permits.

Second name on salmon limited entry permit for Elders. You don't buy permit and just go out to fish. Somebody needs to teach you to fish timing weather runs, it would be like a mentorship. If you want them to be successful without a lot of experience they won't do well. There is a learning curve and process on way to becoming a boat owner. Today is different than when I started; some youth may want to be in fisheries but if somebody teaches them they have better chance of being successful.

Regional loan programs. BBEDC has been involved with keeping permits in region. Loan fund for locals at good rates. See how their program has worked.

Solutions for loans, what is needed to implement? Funding, legislation, statutory change.

Some are reforms within system, some require new legislation, fiscal dimensions to loan bank or CPB.

Issue is that because permits have been lost its not just retention it's about regaining. Though BBEDC has made some efforts, it's not enough for serious change. Corollary is that State constitution allows for certain preferences for residents up to constitutional limits. BB, SE purse seine, Aleutian Island permits are in hands of non-Alaskans so we have to examine state crafted solutions to which we can regain and reverse economic erosion to return to better level. Otherwise economic viability won't improve.

CDQ entities create social vision for young people. Gulf of Alaska youth don't have similar vision for getting into fishing. Norton Sound crab fisheries example. Those entities create social vision for young people to have a future in rural communities like Nome. We can enter fisheries. We can persist in fundamental cultural ways. Multifaceted issue. Creating of vision and ability to persist.

Solution has to be regional. Of 700 lower Yukon permits, 500 are active and 200 are latent. Strong permit buyback program but in recent years between locals. Outside permit holders less than 20. When buyback started bought from outsiders who want to sell. Issue with latent permits, doesn't make economic sense for all to fish for districts 1-3. In recent years, local buying from locals with loan program through CDQ to facility purchase for local. Main reason for outsiders to hang on they think commercial will reboot?

Every place is different so each place needs own formula in terms of going forward.

Different situation in Cordova, as there are lots of young people buying gillnet permits. Concern over permit bank idea was expressed at the Young Fishermen's Summit (SeaGrant) from Cordova. Regional solutions would be important in terms of young people buying in.

Context is regionally distinct. Demographic, financial pressures.

Implication of CDQ, with this regional entity holding permits and resources, could become a tool for salmon LEP improvement.

Heard yesterday that in certain places salmon are necessary as part of a fishing portfolio and people need to depend on diverse portfolio as a way to develop other local fisheries; would keep more people in the community.

For the economic vision, harvesting is one component. Processing is the other component. CDQ innovation getting into both sectors. Integral factor to regional success.

Need alternative fisheries for young people that don't have current options. For example, pot cod and jig fishery. Pot cod/jig numbers aren't set in stone. As usage increases, the state can increase its share of the fishery through the Board of Fish process -- can take access from larger established fishermen and go to state fisheries who are more local. Young people need salmon to pay back loans and other fisheries to pay for bills and life and food.

Innovative Management

Allocations on state/fed waters need to be coordinated, state more local in its character.

Intertribal fish commission: The heaviest issue is how to get state to come to table to manage Kuskokwim salmon with tribes in cooperative management. Want more democratic process with respect and all coming to the table together. "The burden heaviest on my heart."

What is working? Can we identify systems that are resilient in their ability to address climate change?

Collaborative and local input in processes. Link between local input and having positive benefit on local resources.

Issues based on huge rock that needs to be cracked. Local folks that directly rely upon resources should have more of a say in what happens in management. The rock is the constitution that was developed by people with specific intent. Need greater management authority for rural/indigenous people dealing with constitutional constraints. Meaningful consultation in management. Consider constitutional framework.

Should we stay within realm of possibility or think about larger (e.g. Constitutional) changes?

Acknowledge current constraints and concern over budget cuts and wanting to diversify. Trooper side also concerned. How to work with ADFG to make sure that sufficient management tools are maintained and how fishing organization can help with cuts to state ADFG budget. How best to support in time of budget cuts? Communities and industry stepping up to contribute and support. Part of resilience. Are current systems resilient to budget cuts?

Problem of communities and fishery participants keeping up with all management entities in each region. Which meeting is the most important meeting to go to? Have to go to all meeting to be effective? Problem with getting enough representatives from all places at all of the important meetings must be monitored and attended in

order to maintain our lifestyles. With multiple jurisdictional processes, just can't keep up with and can't afford it.

Co-management - what form would that take and how to make it cooperative rather than an adversarial endeavor. Path towards cooperation rather than butting heads in court system. Cooperative management reduces litigation.

Our regulatory structure is designated to represent certain interests. We need a structure where people are sitting at table where all interests are represented. How to do that? Management agencies don't represent diversity of user groups. USFWS pushing to get more Alaska Native staff but are there any state initiatives?

Stakeholder involvement: Transparency is a real issue with getting data. Requires political will. Building capacity within communities to understand "data" sets to understand management process.

Kuskokwim goal to have unified management system for our river. Dealing with different policy impacts and both federal and state policies and that's a problem. In order to have cooperation, must come together to have one unified management system between state/fed/tribes. Bound by different laws. Better to avoid litigation. Co-management word shouldn't scare anybody. Health for fish, communities, future of Alaska. One size policies do not fit all. Governance structures that are informed by different forms of jurisdictional laws and community/regional specifics matter.

Very hard to attend all the important meetings for tribes, rural, individual, without capacity to do so. Partnerships is the way to go.

Metastasis of bureaucratic expansion and how it ruins rural communities. Lack of congruency between state/fed/local obstructs unified management that is responsible to stakeholders at the lowest possible appropriate level for decision-making. Will management agencies involve, recognize, and affirm local initiative and entities?

Challenging not to break the rock (i.e., achieve changes in the Constitution). We need to talk about breaking the rock because other solutions will have no authority and what would be the result. If you could get federal/state/tribal to have agreement or shared authority. Let's not rule those out at this point. You want a real seat at the table with the state. People feel left out of process. When people agree, it works, but when they don't agree whoever has authority then they have the decision-making power and that causes problems. Until we break the rock, it still falls to who is the boss and has decision-making power.

ADFG biologists and bureaucrats who care about resource are educated and some can communicate. But there is a limit to abilities, need educational institutions to create local leaders. ADFG facing a reduced budget. Please stop looking to state of Alaska to fix communities and build capacity- we don't have expertise to do that. Barely have it to translate science to local users to create buy in that we need. The BOF/AC system is unique in that a citizen may write a fish and game proposals that

could become law. However, this is a broken part of the government, in that no everyone has success in proposing changes. How to get young community members involved and know that they can write a law? Increase outreach and fixing broken systems.

Experience with state regulatory system. Tension between regulatory boards seeing their obligation as providing opportunity for individual (i.e., permitting process), data collection, and recording individuals. Tension between that and collective group action (community/tribal management). Boards (Board of Fisheries and Board of Game) cannot defer management authority and responsibility under current law, which means limited or no opportunity for groups to manage their own fisheries (i.e. subsistence).

Paradigm of instilling individual responsibility by individual bag limits. Opportunity of sharing responsibility between state system and groups (tribes and others). Why can't communities make assignments of allocation, that is, management responsibly that can be shared and is often traditional? Guidelines for harvest monitoring and assessment that could be used by diverse groups other than ADFG. Collective decision-making. Individual versus group tension within current system of governance. Blind spot and unintended harm, inequity, and ignoring cultural perspectives of diverse Alaskan population.

Appreciate diverse set of stakeholders at conference. Unifying theme of manner of lack of trust. In order to trust we must communicate, build relationships, and earn trust. "Strategic doing." Group assets and creation of plan with goals to accomplish large issues. Potential mechanism for making change.

Reform fishing guide permit system

Co-management to allow guide industry board that would regulate fishing guides. Looked at LEP/catch shares on individual basis in commercial fisheries and understand transition problems from one generation to the next, so are there areas that need a limit on guide numbers. System that looks at reasons for limitations and board come up with set of criteria (rather than in transferable perpetuity permit) that has short-term renewal for use. Ranked parameters (local, established, longevity, financial capital). Professional service boards for sport fish. Equity in management data collection that is used within governance process.

New system for sport fish guiding permits?

Budget for Fisheries Infrastructure

Funding crisis- what is sustainable? Current budget figures rarely include capital budget funding. Industries need to look at capital projects in next 5 years. How to get planning processes into governance so that fisheries infrastructure is considered including harbors, hatcheries, boating access points, infrastructure for general public and industry needs for access. Where will funding come from with declining state budget?

Improved Access to Data

Open and transparent access to data that is used in governance. Define usable data to see shareable salmon data. Problem is that scientific method management should be open and available and we don't have that today. Have numbers (individual years) but need more visual data over time to be easily accessible to see trends. Democratizing the science so you don't need a PhD to understand trends in data.

Other Issues

Educational fisheries: fish camp on Kenai where cultural social traditions can be passed down between generations. Centralized tribal fish camp model.

Refuge manager as in-season manager working collaboratively with intertribal fish commission. Broad look at examples across the state where stakeholders are being involved in management in efficient and meaningful way without needing changes to agency management authority. How best to structure transparent process? Structured decision-making.

BOF process might look different in future: our constitution is subject to change and legislation could change. Process by which one person could submit a proposals and influence change with good reasons, testimony, etc. One of the most open public processes in world. It's what we have now. Urge people to learn more about process and realize the current opportunity. Rural travel/communication issues but for BOF public testimony is important.

Have to look at problems and systems holistically rather than putting patches on. Must be viewed as system to change rather than individual problems.

How best to provide open accessible data if people all have access to the same information? Data access allows for stakeholders to participate more.