

February 16, 2015

Dr. Roland Maw  
PO Box 64  
Kasilof, AK

Senate Resources Standing Committee  
Alaska State Senate

Dear Senators Giessel, Costello, Coghill, Micciche, Stedman, Stolze and Wielechowski:

As a governor's nominee to the Alaska Board of Fisheries, I expect that you, the press and the public will examine my education, experience and character before coming to a conclusion about my fitness to serve. I consider it a great responsibility to make policy affecting the use and protection of Alaska's valuable marine and aquatic resources. I welcome your scrutiny and I am fully prepared to undergo such an examination to the depth and degree that you see fit.

As we begin that process, I find it appropriate to address one matter that has arisen recently. I hope to avoid having it prejudice your view of my fitness to serve before you begin your consideration of my nomination.

I refer to a "news" column by Craig Medred, published on Feb. 4, 2015, in the Alaska Dispatch News. Mr. Medred claims to have discovered an instance in which I "lied under oath" in the course of an "investigation" of my character and qualification. I categorically reject this smear by Mr. Medred. I believe his attack on my integrity was malicious, and primarily intended to advance his personal campaign to discredit members of Alaska's commercial fishing industry. The record suggests Mr. Medred's "journalism" is actually advocacy on one side of a fish allocation struggle between sport and commercial fishing interests in the Cook Inlet region. I fear my reputation is in danger of becoming collateral damage in that dispute.

After Mr. Medred's attack on my integrity, I tried to get a rebuttal "op-ed" published, in a timely way, in the Dispatch News. So far, the newspaper has rejected that request. Therefore I'm taking this opportunity to provide your committee with my rebuttal and supporting material on this matter.

To that end, I am providing your committee the following:

1. My rebuttal as proposed for publication
2. An appeal to the editor of the editorial page not to reject my rebuttal
3. The "declaration" on which Mr. Medred based his attack
4. A letter from Dr. James Butler correcting Mr. Medred's account of their interview
5. Mr. Medred's original column
6. An op-ed column by Cook Inlet commercial fisherman Wally Page, the subject of a previous Medred "investigation"

I'm sure you will have many questions for me about important issues. I look forward to having those discussions with you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Roland R. Maw". The signature is written in a cursive, flowing style with some loops and flourishes.

## **Op-ed submission to the Alaska Dispatch News by Roland Maw, Feb. 13, 2015**

Alaska Dispatch News columnist Craig Medred has apparently completed his transition from aspiring journalist to professional character assassin. While the targets of his unethical and dishonest writing have varied, he has consistently reserved his greatest vitriol for those of us in Alaska's commercial fishing industry.

Last summer, readers of this page may recall, Mr. Medred maliciously targeted Cook Inlet commercial fisherman Wally Page. He falsely accused Mr. Page of intentionally using his drift-net fishing boat to swamp dipnetters along the shore of the lower Kenai River. He even went so far as to invent the resentments and anger of Mr. Page, to whom Mr. Medred had never spoken, in an effort to vilify him.

Now, it is my turn. I fished commercially in Cook Inlet for years, though I no longer do. I've been nominated by the governor to serve on Alaska's Board of Fisheries. That nomination is apparently what prompted Mr. Medred to turn his hatchet-job journalism on me.

This is apparently Medred journalism: He scoured my six-page resume, even calling my doctoral thesis advisor to confirm my degree. Was he verifying my credentials so he could report them accurately in the paper?

Hardly.

The column he wrote did not mention my bachelor's degree in zoology and animal ecology from Weber State College, my master's degree in education and outdoor recreation from Brigham Young University, or my Ph.D in forestry and wildlife management from the University of Alberta at Edmonton.

Did he interview anyone about my five years of service on the North Pacific Anadromous Fish Commission, my five-year term as a director of the Cook Inlet Aquaculture Association, my work for the International Pacific Halibut Commission or my time as a senior supervisor of Alaska state parks?

I don't think so. I do know not a scintilla of such information made it into his column.

Did he at least scan "Fishing Canada's Mountain Parks," the much-celebrated book I co-wrote, and upon which he supposedly based his column?

No, not that either.

Apparently Mr. Medred Googled my name until he found a "declaration" I had signed in my capacity as executive director of the United Cook Inlet Drift Association. The declaration was a pro-forma component of a lawsuit filed by UCIDA against the National Marine Fisheries Service. From that declaration, Mr. Medred zeroed in on exactly 21 words -- half of one sentence -- in which I described one achievement of the "Mountain Parks" book. He then misinterpreted those 21 words, never asked me whether his interpretation was correct, and proceeded to accuse me of lying under oath. This is his version of "gotcha journalism."

Mr. Medred claims he called me during the preparation of his column. That surprised me because while I did receive a call from someone, the caller ID was blocked and the caller never identified himself as Craig Medred. Had he so identified himself, I never would have talked to him. I know better.

Here are the 21 words that, to Mr. Medred, justify denouncing me as a liar:

The "Mountain Parks" book . . . "received numerous public awards for the first scientific description and naming of 'Bull Trout' as a new species of char/trout."

Here's what my co-author and I wrote in our 1985 book:

"The Bull trout and Dolly Varden: A few words are appropriate concerning the classification of these two fish. Earlier references spoke only of Dolly Varden, with a range extending from Alberta's east slope of the Rocky Mountains to the Pacific Ocean. Recent work has demonstrated that those fish east of the Continental Divide and of the inner mountain watersheds are distinctly different from the Dolly Varden of coastal streams. Thus all of Alberta's Dolly Varden are now reclassified and are referred to as bull trout, *Salvelinus confluentus*. The Dolly Varden of coastal British Columbia, Washington and Alaska are classified as *Salvelinus malma*, a separate and distinct species."

For more than 100 years, the scientific literature had indicated that Canadian fish known as "Dolly Varden" were a single species from the eastern Rockies to the Pacific. Our book was the first publication in Canada to establish that there were two species of fish present in western Canada: Dolly Varden and bull trout. The original naming of bull trout had occurred more than a thousand miles away in California, in 1980. We used that 1980 taxonomic description to determine that some Canadian fish called Dolly Varden were actually bull trout. In the 30 years since our reclassification, many Canadian, U.S., provincial and state agencies have reexamined their local Dolly Varden and reclassified them as bull trout.

Nowhere in or out of our book did we claim to be the original discoverers of bull trout as a distinct species. Mr. Medred is wrong in asserting that I made such a claim. My reference was always to Western Canada, the subject of the book in question ("*Canada's Mountain Parks*"). There are two clear references to Canada in my "declaration." I doubt that a third would have made it any clearer to Mr. Medred. Only someone deliberately trying to smear my credibility could have misinterpreted those few words and then refused to clarify his understanding even with ample opportunity.

Before he wrote his column, Mr. Medred called my co-author, retired professor Dr. James Butler, in Edmonton. Butler told him our book never claimed to make the original discovery of bull trout as a species; rather the book corrected a long-standing error in the classifying of *Canadian fish*. Dr. Butler also told Mr. Medred he must have misunderstood something – because I would never have made such a claim. That was true.

Mr. Medred was determined to write a negative article about me. A convoluted fabrication based on semantics was the only hook he could come up with. Did that stop him? Unfortunately for me, and for the credibility of the Alaska Dispatch News, it did not.

**Roland Maw defends his rebuttal and argues for its publication to the editorial page editors of the Alaska Dispatch News, Feb. 13, 2015**

Via email:

Mr. Gerjevic (editorial page editor):

Thanks for your note. I'm not sure whether this response is properly addressed to you or to Mr. Woodham (senior editorial page editor), who apparently would prefer that I write a different rebuttal than the one I've chosen to write. In any case, I will attempt to answer his questions here. I don't wish to adopt his proposed column as my own, but where I can revise my column to clarify points or address his composition questions, I will happily do so.

**Woodham: Do you think journalists have a duty to investigate the character and qualifications of public figures?**

**Maw:** Yes, I do. Absolutely. After reading both pieces, do you, Mr. Woodham, honestly believe that Mr. Medred wrote a column that attempted to examine my character and qualifications? I believe my rebuttal speaks to this question specifically by pointing out that Mr. Medred failed to note — much less explore — any of my educational or professional background. Rather than examine the book I wrote, he focuses on 21 words I wrote about my book. To describe that as “shallow consideration” would be overly generous.

As I point out, his “investigation” of my character and qualification for public office examines nothing more than half of one sentence that he chose not to try to understand.

Please, by all means, I beg you, assign a real reporter to thoroughly vet my character and qualification for public office. I would welcome that. I can assure you that such an effort would go a long way toward refuting the entire premise of Mr. Medred's column.

**Woodham: The story makes it clear (Medred) specifically asked you about the description of your work. How would you revise that sentence for accuracy?**

**Maw:** I believe Mr. Medred's column should have made clear that he caught me between meetings, in the lobby of a hotel, to question me about half a sentence in a document I had written 15 months earlier as part of a civil lawsuit on an unrelated subject. He didn't say, “Here's what I want to ask you about,” could we make an appointment to talk about it after you've had a chance to review it?”

His column makes it abundantly clear that 1) I was caught off guard, 2) I didn't remember the exact text in question 3) I didn't have access to the text in question, 4) I didn't understand why I was being asked about it and 5) I was asked to respond based solely on Mr. Medred's oral rendition of a portion of the text and its context. It is more clear that I had no access to email, the internet or the original document, and wouldn't have such access for at least a day or two, until I returned home. Imagine your phone ringing right now and you being asked to explain half a sentence from a memo you wrote 15 months ago based on the caller reading to you a part of what you wrote? Then imagine that your answer becomes — in the eyes of the public — the distillation of your entire journalism career. Is that really your idea of a reporter seeking to discover the truth about you?

**Woodham:** This is the third version of this part of your account that we've seen. First it was that Medred didn't call you, then you said he did call but identified himself as Wesley Loy. Medred claims to have called from desk line here at ADN HQ, and that's not a blocked number. The alternative is his cell, that's not blocked either. What actually happened?

**Maw:** This is a fair point, and I myself still am not clear exactly what happened. First of all, there are not three versions of my account of the call, but there are two. I first believed I had never talked to Mr. Medred at all. I promise you that at no time during the call in question did I understand that I was talking to Craig Medred. Later, when Mr. Medred claimed that he had called and talked to me, and I was still certain he hadn't, I speculated that perhaps the call had come from Wesley Loy -- the only reporter I can ever remember calling me on my cell phone -- and that somehow the content of that call had been shared with Mr. Medred.

Now you tell me that Mr. Medred called on a phone on which his Caller ID would have displayed, which makes even less sense to me. The caller ID on my phone said, "Not available." When (Dispatch Editor) Tony Hopfinger called me the other day, the Caller ID showed 907-257-4200 (the main switchboard number for the newspaper). I do not know why my phone did not show a number for the call that Mr. Medred says he made.

**Woodham:** I'm still confused about (your claim of re-classifying the fish). . . . The text you quote says other people did the work to change the classification. Is there another relevant passage from the book you can quote?

**Maw:** This is not complicated. I was not claiming to have discovered "bull trout" as a new, distinct species of char. In the early years after the formal identification of bull trout as a new species by a scientist in the U.S., the common identification of "Dolly Varden" *in Canada* included fish my co-author and I came to realize were actually the newly identified bull trout.

Our book was the first place it was stated as scientific fact that some of the fish Canadians knew as Dolly Varden were not Dolly Varden but bull trout.

Look at the name of our book: "Fishing Canada's Mountain Parks." Does that sound like a peer-reviewed journal where you would expect to find a formal scientific treatise revealing the discovery of a new genus of fish? Or does it sound like the place someone writing for Canadian laymen would explain *for the first time* that some of the fish they'd been calling Dolly Varden were actually a different species called bull trout?

Only someone eager to misrepresent what I was saying would assume so. If Mr. Medred had given me a genuine chance to explain what our book did that hadn't been done before -- honestly trying to understand, rather than playing minor league "gotcha" -- it could have been easily done.

Dr. James Butler, my doctoral adviser whose comments Mr. Medred twisted into an indictment of me -- the exact opposite of Dr. Butler's actual opinion, as you now know -- supports the statement that, *in Canada*, this was the first published reference to bull trout being a species distinct from Dolly Varden in large portions of Western Canada. That happened in 1985. This reclassification was based on our work and observations during the previous 20-plus years.

Now, if you really want to get into the details:

*Salvelinus* is the genus name for all char in North America. Species include (common names): lake trout, eastern brook trout or brook trout, arctic char, Dolly Varden and now bull trout.

In addition, there are first-generation hybrids resulting from cross-breeding among these four char. Many of these hybrids also have localized common names. Some, though not all, are sterile, but some can produce true first-generation hybrid offspring. These first-generation hybrids can crossbreed with the original stocks and other types of first-generation hybrids to produce second-generation hybrids and so on out to third- and fourth-generation hybrids.

It was difficult to sort out the true endemic (original) bull trout from all these first-, second- and third-generation hybrids. But we did it. You don't need to take my word for this. Ask Dr. Butler himself. Follow this link (<http://link.springer.com/article/10.1007%2F00002461>) and look at reference No. 5.

In 1995, the Province of Alberta made the "Butler/Maw Bull Trout" the provincial fish. Until our work was published, there was an ongoing controversy *in Canada* as to what was a real bull trout.

The work of Dr. Butler and I stands as a reclassification of bull trout *in Canada* in 1985. Since 1985, many studies employing newly developed genetic mapping techniques have gone on to further sort out original genetic stocks and hybrids. The fish we described as bull trout in Western Canada are still recognized as the original parent stock of these Western Canadian fish.

**Woodham:** I advise you to close by making note somehow of your long service in the fisheries industry and to fisheries regulatory bodies, and all your education, the part of your bio above that you claim Medred didn't get right. I've taken a stab at it below, but please tailor the two following grafs to your own liking. The idea is to reiterate your qualifications and end on the note that you do deserve the Fish Board appointment no matter what Medred writes. That's the main point that I see you trying to get across to people, and it's more significant to readers than any back and forth between you and Medred.

**Maw:** I must insist on composing my own rebuttal. I think I understand my main point better than you do, and I've made my point in the way I believe it needs to be made. That requires more than simply saying "Did not!" to Mr. Medred's "Did too!"

Mr. Medred's documented history of deliberately distorting information to cast members of the commercial fishing community in a bad light, and the way that appears to have played into his libel against me are essential elements of this rebuttal and cannot be removed. If you indeed respect the idea of vigorous debate, and giving an aggrieved party an opportunity to rebut allegations made by someone to whom you have given a huge public soapbox, then let my rebuttal, as I composed it, be published in a timely way.

I also assume you will publish Dr. Butler's letter to the editor in conjunction with my piece. He also was misused by Mr. Medred and deserves at least that chance to get a fair hearing from your readers as well.

That said, I do appreciate why you feel the need to ask your questions. If you think some of the foregoing answers to them should be incorporated into my rebuttal, tell me which ones.

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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED COOK INLET DRIFT  
ASSOCIATION, and COOK INLET  
FISHERMEN'S FUND,

Plaintiffs,

vs.

NATIONAL MARINE FISHERIES  
SERVICES ET AL.,

Defendants.

Case. No. 3:13-cv-00104-TMB

DECLARATION OF ROLAND MAW

**DECLARATION OF ROLAND MAW**

I, Dr. Roland Maw, hereby declare as follows:

1. I am over 18 years of age and not a party to this action. I know these facts of my own personal knowledge and would competently testify to them if called as a witness.

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2. I have a master's degree from Brigham Young University in Resource Management and a PhD in Resource Management from University of Alberta, Department of Forestry, in Edmonton, Alberta, Canada.

3. I am also the coauthor of Fishing Canada' Mountain Parks, 1985, published as the Parks Canada Centennial edition, authors signed and numbered edition and general public editions. These editions have received numerous public awards for the first scientific description and naming of "Bull Trout" as a new species of char/trout.

4. I have served as a Commissioner on the North Pacific Anadromous Fish Commission, with White House Approval, and in this capacity I represented Alaskan interests in implementing the international treaties prohibiting high-seas salmon driftnet fishing and in coordinating anadromous species research conducted by Canadian, Russian, Japanese, Korean, and U.S., fisheries scientists.

5. I am the Executive Director of the United Cook Inlet Drift Association, Inc. ("UCIDA"), a for-profit-organization that represents the economic, political, social, and legal interests of the commercial salmon driftnet fishing fleet in the Upper Cook Inlet area. UCIDA's mission is to promote public policy that facilitates the science-based and orderly harvest of Cook Inlet salmon in a manner that is economically and ecologically sustainable and that protects commercial salmon fishing in Cook Inlet as a viable way of life. UCIDA and its members are committed to the protection of the environment of Cook Inlet, and to ensuring that its marine resources are both managed and conserved to enhance the health and productivity of the ecosystem.

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6. Presently, UCIDA has approximately 312 members, or approximately 60% of the entities or individuals that currently fish in Upper Cook Inlet. These fishermen make their living by commercial fishing, and hold State of Alaska limited-entry permits (meaning permits can no longer be issued, and are fully allocated), which authorize them to catch all five species of salmon: sockeye, coho, chinook, chum, and pink. The majority of drift gillnet fishing by UCIDA's members in Cook Inlet occurs within federal waters.

7. Drift gillnet boats are small-scale fishing operations, typically crewed by one to three persons. Each fishing operation represents a substantial investment in the boat, gear, and the permit itself. Each boat is generally allowed to deploy a single 900-foot-long gillnet. The gillnet is suspended in the water column by floats (called "corks") as the boat drifts with the current – hence the name "drift gillnet." After the gillnet is allowed to "soak" in the water for a length of time (as the boat and net drift with the current), the gear is hauled in, and the fish are removed and placed on ice in the boat's hold. Those fish are then transported to, and offloaded at, one of Cook Inlet's local seafood processors in fishing communities such as Kenai, Kasilof, Ninilchik, or Homer. After processing, these salmon are delivered throughout the United States and around the world. In addition to permit holders, UCIDA has approximately 65 associational members including fish processors, gear suppliers, crew members, and other interested members of the community.

8. Among other things, UCIDA regularly participates in the Board of Fish ("Board") proceedings, by presenting testimony, filing resolutions, and attending Board meetings. UCIDA also coordinates closely with the Alaska Department of Fish and Game and the seafood

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processing industry to promote regulations that protect the quality of commercial fishing and thus both the quality and quantity of the harvest yield in the Cook Inlet fishery.

9. In addition to serving as UCIDA's Executive Director, I am also a commercial salmon fisherman, with a limited entry permit to fish in the Upper Cook Inlet area, and have 32 years of experience in this fishery.

10. I have also at various times operated the test boat for the Alaska Department of Fish and Game. The test boat conducts sample fishing in the EEZ and other portions of the Cook Inlet in an effort to predict the strength of salmon returns.

11. UCIDA members have long been concerned with the State's management of salmon fisheries in Cook Inlet. One of the principal concerns is that the State is not managing these fisheries consistent with the Magnuson Stevens Fishery Conservation and Management Act ("MSA"), and the maximum sustainable yield principles or best scientific information requirements contained therein. The nature of those concerns is detailed in the comment letters we submitted to the National Marine Fisheries Service ("NMFS"), in the Administrative Record at RULEFMP\_000022-000315. In short, the State has not properly set escapement goals in Cook Inlet, consistent with the MSA's requirements, and the biological resource and the fishing communities who depend on that resource have suffered tremendously.

12. One of the primary concerns over State management is whether the State is setting appropriate escapement goals based on the sound science and principles set forth in the MSA. Too many times in recent years, the State has allowed over-escapement of the fisheries by either setting escapement goals too high or exceeding those inflated goals. This kind of over-

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escapement of salmon not only harms fishermen and the communities that rely on commercial fishing, but also seriously impacts the fishery resource. Just as too many cattle on a field can over graze that field, too many spawning salmon can overwhelm available spawning locations, and the overabundance of juvenile salmon can exhaust the available food supply. This is particularly true for sockeye, which rely on a lakes system for part of their life cycle.

13. Over-escapement can result in depressed returns for three to five years. Repeated over-escapement can effectively reduce the overall run size over time. Along with former Alaska Department of Fish and Game biologist Jeff Fox, I charted commercial harvest in Cook Inlet from 1885 through 2010. Those charts are in the Administrative Record at RULEFMP\_000067-83. Nearly all fish species in Cook Inlet show the same pattern. Harvest increased initially after the passage of the MSA, but then decreased significantly after 2,000 when the state began departing from the requirements of the MSA in favor of its Sustainable Salmon Policy.

14. NMFS and the North Pacific Fishery Management Council (the "Council") has jurisdiction over the portions of Cook Inlet that occur within the exclusive economic zone, north of the Anchor Point line. The EEZ portion of Cook Inlet is essential to commercial salmon fishing in Cook Inlet. The EEZ portion of Cook Inlet is some of the best fishing in the Cook Inlet, as naturally occurring tidal rips collect fish into harvestable groups. If allowed to do so by the State, I and many other UCIDA members would spend the majority of our time fishing in the EEZ portions of Cook Inlet. Even with restrictions imposed by the State, more than half of the fish caught by the drift fleet occurs in the EEZ.

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15. I, along with several others from UCIDA, the Cook Inlet Fishermen's Fund ("CIFF"), and the fishing community, participated in the Council's public process to amend the Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska (the "Salmon FMP"). Consistent with the express requirements of the MSA, we asked the Council to amend the Salmon FMP and to bring it up to date with the MSA's express requirements. We asked the Council to take steps necessary to ensure that the State manages the Cook Inlet salmon fisheries under a fishery management plan and in a manner consistent with the MSA and its 10 National Standards.

16. The Council had no interest in ensuring compliance with the MSA for Cook Inlet. Council members made that clear to me, both on the record and in personal communications. Rather than updating the Salmon FMP, the Council removed Cook Inlet from the Salmon FMP altogether. The Council did so because it concluded that the State was already managing in a manner consistent with the MSA.

17. We similarly asked the NMFS to reject the decision to remove Cook Inlet from the Salmon FMP, and to comply with statutory mandates under the MSA. We presented substantial evidence that the State was not achieving the goals of the MSA. NMFS also refused to do so, agreeing summarily with the Council that State management was sufficient.

18. UCIDA's members, including I myself, are procedurally and substantively harmed by NMFS's approval of the regulations implementing Amendment 12 to the Salmon FMP. Specifically, NMFS's decision to remove Cook Inlet from the Salmon FMP seriously impairs my ability to make a living as a fisherman. The MSA is intended to ensure optimum

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yield from each fishery. But the removal of Cook Inlet from the Salmon FMP allows the State to manage that fishery in any manner that it chooses. Driftnet fishermen, including I myself, have therefore lost an important protection of the MSA.

19. Equally important, that loss of statutory protection has resulted in serious injury to Plaintiffs, and will continue to do so in the future. In the summer of 2013, the very first season following removal of Cook Inlet from the Salmon FMP, UCIDA's members, including I myself, suffered one of the worst fishing seasons in 20 years. The problems of this season and the low harvest of the commercial fishermen this season were not attributable to poor runs, but to management decisions of the state restricting fishing in the EEZ, while allowing escapement over the high end of the state's own targets in the Kasilof by approximately 100,000 fish and on the Kenai of approximately 159,000. This injury was compounded by the fact that the state's own high end escapement targets are themselves set too high. Fishermen suffered from lost harvest in the short term, and the fishery resource suffered from over-escapement in the long term.

20. Nor is this 2013 management problem a unique event for the State. In the summer of 2012, while the State was de facto managing the fishery under the prior 1990 fishery management plan, the State's management ultimately resulted in NMFS declaring a Fishery Management Disaster. Set net fishermen, including CIFF members, were forced to suffer financial ruin while millions of sockeye, above and beyond those necessary for biological goals, escaped up river. This again resulted in immediate lost harvest, and long-term impact to the fishery resource. Similarly in 2011, the State again failed to properly manage the fishery,

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resulting in massive excess-escapement. Not only does this over-escapement hurt fishermen, but it hurts the resource itself.

21. A properly developed fishery management plan could significantly reduce these problems. Under a properly delegated fishery management plan, the State would be forced to ensure that it was managing the fishery in a manner consistent with the MSA based on sound scientific evidence.

22. UCIDA's members, including I myself, are also injured because removal of Cook Inlet from the Salmon FMP exposes the EEZ to unregulated fishing by out-of-state vessels. As a direct result of NMFS's decision, a vessel not registered with the State may fish unrestricted in the EEZ portions of Cook Inlet without date, gear, or time restrictions. I have spoken to a number of fishermen who are very interested in exploiting this loophole, and that interest is expected to increase as the State continues to push permitted fishing efforts toward terminal areas and away from fishing in the EEZ.

23. The creation of this loophole diminishes the value of the limited entry permit that all driftnet fishermen must possess. Prior to NMFS's action, only limited entry permit holders could fish in the EEZ portion of Cook Inlet, and the number of such permits is fixed. Now, anyone with an out-of-state vessel can fish in the EEZ portion of Cook Inlet, and these fishermen can do so using any fishing method they desire. The creation of this loophole also destabilizes the fishery and puts the resource at risk, creating the potential for overfishing. Both of these harms are clearly caused by NMFS's decision to remove Cook Inlet from the Salmon FMP and would be redressed by a properly developed fishery management plan for Cook Inlet.

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I swear that the foregoing statements are true and correct.

DATED: August 27, 2013.

  
\_\_\_\_\_  
Roland Maw

DECLARATION OF ROLAND MAW

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2013 I filed a copy of foregoing document with the Clerk of the Court for the United States District Court – District of Alaska by using the CM/ECF system. Participants in this Case No. 3:13-cv-00104-TMB who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Jason T. Morgan

Jason T. Morgan

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**Letter to the editor of the Alaska Dispatch News by Dr. James Butler, Feb. 13, 2015**

**From:** Jim Butler <profjbutler@aol.com>  
**Date:** February 13, 2015 at 5:52:32 AM MST  
**To:** <tony@alaskadispatch.com>  
**Subject: Rebuttal comment: Roland Maw Fish Board Appointment**

To the Editor, Alaska Dispatch:

I have concerns about the recent article of Feb. 4th in the Alaska Dispatch, "Did Alaska Fish Board appointee really discover an endangered species?" I am Professor James Butler from the University of Alberta, and I was quoted in this article that is critical of the recent appointment by Governor Bill Walker of Dr. Roland Maw to the State of Alaska Fisheries Board.

There seems to be some confusion in the article over Dr. Maw's credentials concerning references to a claim that he wrote the detailed description of the Bull Trout. He did indeed write a detailed description of the identification and ecology of the Bull Trout for our book "Fishing Canada's Mountain Parks."

When we were writing that book we well knew about the split of a new species of Char, *confluentis*, the Bull Trout, from the Dolly Varden, which happened seven years before our book was published. In our book we clarified that all of what had been called Dolly Varden in Alberta were now officially Bull Trout.

And to enable fishermen to refer to this fish properly, Dr. Maw wrote a clear, precise, accessible description and ecology of the Bull Trout with clear instructions on how to distinguish it from its sea-going Dolly Varden relatives in British Columbia. This provided important clarification to a great many of our biologists and fishermen who were struggling with the descriptive identification and ecology of this new fish, only recently separated from the Dolly Varden, and that information aided in the conservation measures introduced here in Alberta, contributing to its protection.

While the book never received any awards in the form of plaques or cash prizes, it did receive a great deal of recognition, praise and excellent reviews, and a special printing in a hard-cover boxed edition was put out in response to its demand.

What appears to me to be an unfounded character attack on Dr. Maw, a highly accomplished and well-respected conservation biologist, I can only presume is an attempted slur aimed at derailing his appointment to the Alaska Fish Board and forthcoming confirmation hearing.

I was Dr. Roland Maw's graduate supervisor for his Ph.D. from the Department of Renewable Resources at the University of Alberta, and I have been deeply impressed with his character, judgment, and professionalism over the years. His advice has been highly valued by my university and myself on pertinent conservation issues.

I served at the time on the prestigious Canadian Advisory Council, which had direct and close access to our national Minister of the Environment and the Prime Minister of Canada. Dr. Maw's valued advice, through me, influenced the direction of an extensive range of national policy decisions concerning Canada's forests, wildlife, water resources and fisheries. Because of his in-depth knowledge of salmon, population ecology and identification of sea-caught salmon, my department and related courses on wildlife and fisheries expanded our University teaching curriculum to include Pacific salmon, which was beyond our typical focus on Alberta wildlife species. In particular his guest lectures broadened the exposure of our wildlife and conservation biology students to salmon and created an awareness of how

commonly misidentified Pacific salmon were throughout Alberta in our supermarkets and restaurants, and Japanese restaurants in particular. We were deeply grateful for Dr. Maw's expert guidance and assistance.

I am pleased to see that his leadership abilities have led him to become a current candidate for a position on Alaska's Fisheries Board. I can certainly understand why Governor Walker chose to appoint him.

James R. Butler, Ph.D.  
Professor Emeritus  
University of Alberta

February 16, 2015

Dr. Roland Maw  
PO Box 64  
Kasilof, AK

Senate Resources Standing Committee  
Alaska State Senate

Dear Senators Giessel, Costello, Coghill, Micciche, Stedman, Stolze and Wielechowski:

As a governor's nominee to the Alaska Board of Fisheries, I expect that you, the press and the public will examine my education, experience and character before coming to a conclusion about my fitness to serve. I consider it a great responsibility to make policy affecting the use and protection of Alaska's valuable marine and aquatic resources. I welcome your scrutiny and I am fully prepared to undergo such an examination to the depth and degree that you see fit.

As we begin that process, I find it appropriate to address one matter that has arisen recently. I hope to avoid having it prejudice your view of my fitness to serve before you begin your consideration of my nomination.

I refer to a "news" column by Craig Medred, published on Feb. 4, 2015, in the Alaska Dispatch News. Mr. Medred claims to have discovered an instance in which I "lied under oath" in the course of an "investigation" of my character and qualification. I categorically reject this smear by Mr. Medred. I believe his attack on my integrity was malicious, and primarily intended to advance his personal campaign to discredit members of Alaska's commercial fishing industry. The record suggests Mr. Medred's "journalism" is actually advocacy on one side of a fish allocation struggle between sport and commercial fishing interests in the Cook Inlet region. I fear my reputation is in danger of becoming collateral damage in that dispute.

After Mr. Medred's attack on my integrity, I tried to get a rebuttal "op-ed" published, in a timely way, in the Dispatch News. So far, the newspaper has rejected that request. Therefore I'm taking this opportunity to provide your committee with my rebuttal and supporting material on this matter.

To that end, I am providing your committee the following:

1. My rebuttal as proposed for publication
2. An appeal to the editor of the editorial page not to reject my rebuttal
3. The "declaration" on which Mr. Medred based his attack
4. A letter from Dr. James Butler correcting Mr. Medred's account of their interview
5. Mr. Medred's original column
6. An op-ed column by Cook Inlet commercial fisherman Wally Page, the subject of a previous Medred "investigation"

I'm sure you will have many questions for me about important issues. I look forward to having those discussions with you.

Sincerely,

A handwritten signature in dark ink that reads "Roland R. Maw". The signature is written in a cursive, slightly slanted style. The first name "Roland" is written in a larger, more prominent script, followed by "R. Maw". There is a small mark above the "R" in "Maw".

## Op-ed submission to the Alaska Dispatch News by Roland Maw, Feb. 13, 2015

Alaska Dispatch News columnist Craig Medred has apparently completed his transition from aspiring journalist to professional character assassin. While the targets of his unethical and dishonest writing have varied, he has consistently reserved his greatest vitriol for those of us in Alaska's commercial fishing industry.

Last summer, readers of this page may recall, Mr. Medred maliciously targeted Cook Inlet commercial fisherman Wally Page. He falsely accused Mr. Page of intentionally using his drift-net fishing boat to swamp dipnetters along the shore of the lower Kenai River. He even went so far as to invent the resentments and anger of Mr. Page, to whom Mr. Medred had never spoken, in an effort to vilify him.

Now, it is my turn. I fished commercially in Cook Inlet for years, though I no longer do. I've been nominated by the governor to serve on Alaska's Board of Fisheries. That nomination is apparently what prompted Mr. Medred to turn his hatchet-job journalism on me.

This is apparently Medred journalism: He scoured my six-page resume, even calling my doctoral thesis advisor to confirm my degree. Was he verifying my credentials so he could report them accurately in the paper?

Hardly.

The column he wrote did not mention my bachelor's degree in zoology and animal ecology from Weber State College, my master's degree in education and outdoor recreation from Brigham Young University, or my Ph.D in forestry and wildlife management from the University of Alberta at Edmonton.

Did he interview anyone about my five years of service on the North Pacific Anadromous Fish Commission, my five-year term as a director of the Cook Inlet Aquaculture Association, my work for the International Pacific Halibut Commission or my time as a senior supervisor of Alaska state parks?

I don't think so. I do know not a scintilla of such information made it into his column.

Did he at least scan "Fishing Canada's Mountain Parks," the much-celebrated book I co-wrote, and upon which he supposedly based his column?

No, not that either.

Apparently Mr. Medred Googled my name until he found a "declaration" I had signed in my capacity as executive director of the United Cook Inlet Drift Association. The declaration was a pro-forma component of a lawsuit filed by UCIDA against the National Marine Fisheries Service. From that declaration, Mr. Medred zeroed in on exactly 21 words -- half of one sentence -- in which I described one achievement of the "Mountain Parks" book. He then misinterpreted those 21 words, never asked me whether his interpretation was correct, and proceeded to accuse me of lying under oath. This is his version of "gotcha journalism."

Mr. Medred claims he called me during the preparation of his column. That surprised me because while I did receive a call from someone, the caller ID was blocked and the caller never identified himself as Craig Medred. Had he so identified himself, I never would have talked to him. I know better.

Here are the 21 words that, to Mr. Medred, justify denouncing me as a liar:

The “Mountain Parks” book . . . “received numerous public awards for the first scientific description and naming of ‘Bull Trout’ as a new species of char/trout.”

Here’s what my co-author and I wrote in our 1985 book:

“The Bull trout and Dolly Varden: A few words are appropriate concerning the classification of these two fish. Earlier references spoke only of Dolly Varden, with a range extending from Alberta's east slope of the Rocky Mountains to the Pacific Ocean. Recent work has demonstrated that those fish east of the Continental Divide and of the inner mountain watersheds are distinctly different from the Dolly Varden of coastal streams. Thus all of Alberta's Dolly Varden are now reclassified and are referred to as bull trout, *Salvelinus confluentus*. The Dolly Varden of coastal British Columbia, Washington and Alaska are classified as *Salvelinus malma*, a separate and distinct species.”

For more than 100 years, the scientific literature had indicated that Canadian fish known as “Dolly Varden” were a single species from the eastern Rockies to the Pacific. Our book was the first publication in Canada to establish that there were two species of fish present in western Canada: Dolly Varden and bull trout. The original naming of bull trout had occurred more than a thousand miles away in California, in 1980. We used that 1980 taxonomic description to determine that some Canadian fish called Dolly Varden were actually bull trout. In the 30 years since our reclassification, many Canadian, U.S., provincial and state agencies have reexamined their local Dolly Varden and reclassified them as bull trout.

Nowhere in or out of our book did we claim to be the original discoverers of bull trout as a distinct species. Mr. Medred is wrong in asserting that I made such a claim. My reference was always to Western Canada, the subject of the book in question (“*Canada's Mountain Parks*”). There are two clear references to Canada in my “declaration.” I doubt that a third would have made it any clearer to Mr. Medred. Only someone deliberately trying to smear my credibility could have misinterpreted those few words and then refused to clarify his understanding even with ample opportunity.

Before he wrote his column, Mr. Medred called my co-author, retired professor Dr. James Butler, in Edmonton. Butler told him our book never claimed to make the original discovery of bull trout as a species; rather the book corrected a long-standing error in the classifying of *Canadian fish*. Dr. Butler also told Mr. Medred he must have misunderstood something – because I would never have made such a claim. That was true.

Mr. Medred was determined to write a negative article about me. A convoluted fabrication based on semantics was the only hook he could come up with. Did that stop him? Unfortunately for me, and for the credibility of the Alaska Dispatch News, it did not.

**Roland Maw defends his rebuttal and argues for its publication to the editorial page editors of the Alaska Dispatch News, Feb. 13, 2015**

Via email:

Mr. Gerjevic (editorial page editor):

Thanks for your note. I'm not sure whether this response is properly addressed to you or to Mr. Woodham (senior editorial page editor), who apparently would prefer that I write a different rebuttal than the one I've chosen to write. In any case, I will attempt to answer his questions here. I don't wish to adopt his proposed column as my own, but where I can revise my column to clarify points or address his composition questions, I will happily do so.

**Woodham: Do you think journalists have a duty to investigate the character and qualifications of public figures?**

**Maw:** Yes, I do. Absolutely. After reading both pieces, do you, Mr. Woodham, honestly believe that Mr. Medred wrote a column that attempted to examine my character and qualifications? I believe my rebuttal speaks to this question specifically by pointing out that Mr. Medred failed to note — much less explore — any of my educational or professional background. Rather than examine the book I wrote, he focuses on 21 words I wrote about my book. To describe that as “shallow consideration” would be overly generous.

As I point out, his “investigation” of my character and qualification for public office examines nothing more than half of one sentence that he chose not to try to understand.

Please, by all means, I beg you, assign a real reporter to thoroughly vet my character and qualification for public office. I would welcome that. I can assure you that such an effort would go a long way toward refuting the entire premise of Mr. Medred's column.

**Woodham: The story makes it clear (Medred) specifically asked you about the description of your work. How would you revise that sentence for accuracy?**

**Maw:** I believe Mr. Medred's column should have made clear that he caught me between meetings, in the lobby of a hotel, to question me about half a sentence in a document I had written 15 months earlier as part of a civil lawsuit on an unrelated subject. He didn't say, “Here's what I want to ask you about,” could we make an appointment to talk about it after you've had a chance to review it?”

His column makes it abundantly clear that 1) I was caught off guard, 2) I didn't remember the exact text in question 3) I didn't have access to the text in question, 4) I didn't understand why I was being asked about it and 5) I was asked to respond based solely on Mr. Medred's oral rendition of a portion of the text and its context. It is more clear that I had no access to email, the internet or the original document, and wouldn't have such access for at least a day or two, until I returned home.

Imagine your phone ringing right now and you being asked to explain half a sentence from a memo you wrote 15 months ago based on the caller reading to you a part of what you wrote? Then imagine that your answer becomes — in the eyes of the public -- the distillation of your entire journalism career.

Is that really your idea of a reporter seeking to discover the truth about you?

**Woodham:** This is the third version of this part of your account that we've seen. First it was that Medred didn't call you, then you said he did call but identified himself as Wesley Loy. Medred claims to have called from desk line here at ADN HQ, and that's not a blocked number. The alternative is his cell, that's not blocked either. What actually happened?

**Maw:** This is a fair point, and I myself still am not clear exactly what happened. First of all, there are not three versions of my account of the call, but there are two. I first believed I had never talked to Mr. Medred at all. I promise you that at no time during the call in question did I understand that I was talking to Craig Medred. Later, when Mr. Medred claimed that he had called and talked to me, and I was still certain he hadn't, I speculated that perhaps the call had come from Wesley Loy -- the only reporter I can ever remember calling me on my cell phone -- and that somehow the content of that call had been shared with Mr. Medred.

Now you tell me that Mr. Medred called on a phone on which his Caller ID would have displayed, which makes even less sense to me. The caller ID on my phone said, "Not available." When (Dispatch Editor) Tony Hopfinger called me the other day, the Caller ID showed 907-257-4200 (the main switchboard number for the newspaper). I do not know why my phone did not show a number for the call that Mr. Medred says he made.

**Woodham:** I'm still confused about (your claim of re-classifying the fish). . . . The text you quote says other people did the work to change the classification. Is there another relevant passage from the book you can quote?

**Maw:** This is not complicated. I was not claiming to have discovered "bull trout" as a new, distinct species of char. In the early years after the formal identification of bull trout as a new species by a scientist in the U.S., the common identification of "Dolly Varden" *in Canada* included fish my co-author and I came to realize were actually the newly identified bull trout.

Our book was the first place it was stated as scientific fact that some of the fish Canadians knew as Dolly Varden were not Dolly Varden but bull trout.

Look at the name of our book: "Fishing Canada's Mountain Parks." Does that sound like a peer-reviewed journal where you would expect to find a formal scientific treatise revealing the discovery of a new genus of fish? Or does it sound like the place someone writing for Canadian laymen would explain *for the first time* that some of the fish they'd been calling Dolly Varden were actually a different species called bull trout?

Only someone eager to misrepresent what I was saying would assume so. If Mr. Medred had given me a genuine chance to explain what our book did that hadn't been done before -- honestly trying to understand, rather than playing minor league "gotcha" -- it could have been easily done.

Dr. James Butler, my doctoral adviser whose comments Mr. Medred twisted into an indictment of me -- the exact opposite of Dr. Butler's actual opinion, as you now know -- supports the statement that, *in Canada*, this was the first published reference to bull trout being a species distinct from Dolly Varden in large portions of Western Canada. That happened in 1985. This reclassification was based on our work and observations during the previous 20-plus years.

Now, if you really want to get into the details:

*Salvelinus* is the genus name for all char in North America. Species include (common names): lake trout, eastern brook trout or brook trout, arctic char, Dolly Varden and now bull trout.

In addition, there are first-generation hybrids resulting from cross-breeding among these four char. Many of these hybrids also have localized common names. Some, though not all, are sterile, but some can produce true first-generation hybrid offspring. These first-generation hybrids can crossbreed with the original stocks and other types of first-generation hybrids to produce second-generation hybrids and so on out to third- and fourth-generation hybrids.

It was difficult to sort out the true endemic (original) bull trout from all these first-, second- and third-generation hybrids. But we did it. You don't need to take my word for this. Ask Dr. Butler himself. Follow this link (<http://link.springer.com/article/10.1007%2F00002461>) and look at reference No. 5.

In 1995, the Province of Alberta made the "Butler/Maw Bull Trout" the provincial fish. Until our work was published, there was an ongoing controversy *in Canada* as to what was a real bull trout.

The work of Dr. Butler and I stands as a reclassification of bull trout *in Canada* in 1985. Since 1985, many studies employing newly developed genetic mapping techniques have gone on to further sort out original genetic stocks and hybrids. The fish we described as bull trout in Western Canada are still recognized as the original parent stock of these Western Canadian fish.

**Woodham:** I advise you to close by making note somehow of your long service in the fisheries industry and to fisheries regulatory bodies, and all your education, the part of your bio above that you claim Medred didn't get right. I've taken a stab at it below, but please tailor the two following grafs to your own liking. The idea is to reiterate your qualifications and end on the note that you do deserve the Fish Board appointment no matter what Medred writes. That's the main point that I see you trying to get across to people, and it's more significant to readers than any back and forth between you and Medred.

**Maw:** I must insist on composing my own rebuttal. I think I understand my main point better than you do, and I've made my point in the way I believe it needs to be made. That requires more than simply saying "Did not!" to Mr. Medred's "Did too!"

Mr. Medred's documented history of deliberately distorting information to cast members of the commercial fishing community in a bad light, and the way that appears to have played into his libel against me are essential elements of this rebuttal and cannot be removed. If you indeed respect the idea of vigorous debate, and giving an aggrieved party an opportunity to rebut allegations made by someone to whom you have given a huge public soapbox, then let my rebuttal, as I composed it, be published in a timely way.

I also assume you will publish Dr. Butler's letter to the editor in conjunction with my piece. He also was misused by Mr. Medred and deserves at least that chance to get a fair hearing from your readers as well.

That said, I do appreciate why you feel the need to ask your questions. If you think some of the foregoing answers to them should be incorporated into my rebuttal, tell me which ones.



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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED COOK INLET DRIFT  
ASSOCIATION, and COOK INLET  
FISHERMEN'S FUND,  
  
Plaintiffs,  
  
vs.  
  
NATIONAL MARINE FISHERIES  
SERVICES ET AL.,  
  
Defendants.

Case. No. 3:13-cv-00104-TMB

DECLARATION OF ROLAND MAW

**DECLARATION OF ROLAND MAW**

I, Dr. Roland Maw, hereby declare as follows:

1. I am over 18 years of age and not a party to this action. I know these facts of my own personal knowledge and would competently testify to them if called as a witness.

DECLARATION OF ROLAND MAW

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2. I have a master's degree from Brigham Young University in Resource Management and a PhD in Resource Management from University of Alberta, Department of Forestry, in Edmonton, Alberta, Canada.

3. I am also the coauthor of Fishing Canada' Mountain Parks, 1985, published as the Parks Canada Centennial edition, authors signed and numbered edition and general public editions. These editions have received numerous public awards for the first scientific description and naming of "Bull Trout" as a new species of char/trout.

4. I have served as a Commissioner on the North Pacific Anadromous Fish Commission, with White House Approval, and in this capacity I represented Alaskan interests in implementing the international treaties prohibiting high-seas salmon driftnet fishing and in coordinating anadromous species research conducted by Canadian, Russian, Japanese, Korean, and U.S., fisheries scientists.

5. I am the Executive Director of the United Cook Inlet Drift Association, Inc. ("UCIDA"), a for-profit-organization that represents the economic, political, social, and legal interests of the commercial salmon driftnet fishing fleet in the Upper Cook Inlet area. UCIDA's mission is to promote public policy that facilitates the science-based and orderly harvest of Cook Inlet salmon in a manner that is economically and ecologically sustainable and that protects commercial salmon fishing in Cook Inlet as a viable way of life. UCIDA and its members are committed to the protection of the environment of Cook Inlet, and to ensuring that its marine resources are both managed and conserved to enhance the health and productivity of the ecosystem.

#### DECLARATION OF ROLAND MAW

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6. Presently, UCIDA has approximately 312 members, or approximately 60% of the entities or individuals that currently fish in Upper Cook Inlet. These fishermen make their living by commercial fishing, and hold State of Alaska limited-entry permits (meaning permits can no longer be issued, and are fully allocated), which authorize them to catch all five species of salmon: sockeye, coho, chinook, chum, and pink. The majority of drift gillnet fishing by UCIDA's members in Cook Inlet occurs within federal waters.

7. Drift gillnet boats are small-scale fishing operations, typically crewed by one to three persons. Each fishing operation represents a substantial investment in the boat, gear, and the permit itself. Each boat is generally allowed to deploy a single 900-foot-long gillnet. The gillnet is suspended in the water column by floats (called "corks") as the boat drifts with the current – hence the name "drift gillnet." After the gillnet is allowed to "soak" in the water for a length of time (as the boat and net drift with the current), the gear is hauled in, and the fish are removed and placed on ice in the boat's hold. Those fish are then transported to, and offloaded at, one of Cook Inlet's local seafood processors in fishing communities such as Kenai, Kasilof, Ninilchik, or Homer. After processing, these salmon are delivered throughout the United States and around the world. In addition to permit holders, UCIDA has approximately 65 associational members including fish processors, gear suppliers, crew members, and other interested members of the community.

8. Among other things, UCIDA regularly participates in the Board of Fish ("Board") proceedings, by presenting testimony, filing resolutions, and attending Board meetings. UCIDA also coordinates closely with the Alaska Department of Fish and Game and the seafood

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processing industry to promote regulations that protect the quality of commercial fishing and thus both the quality and quantity of the harvest yield in the Cook Inlet fishery.

9. In addition to serving as UCIDA's Executive Director, I am also a commercial salmon fisherman, with a limited entry permit to fish in the Upper Cook Inlet area, and have 32 years of experience in this fishery.

10. I have also at various times operated the test boat for the Alaska Department of Fish and Game. The test boat conducts sample fishing in the EEZ and other portions of the Cook Inlet in an effort to predict the strength of salmon returns.

11. UCIDA members have long been concerned with the State's management of salmon fisheries in Cook Inlet. One of the principal concerns is that the State is not managing these fisheries consistent with the Magnuson Stevens Fishery Conservation and Management Act ("MSA"), and the maximum sustainable yield principles or best scientific information requirements contained therein. The nature of those concerns is detailed in the comment letters we submitted to the National Marine Fisheries Service ("NMFS"), in the Administrative Record at RULEFMP\_000022-000315. In short, the State has not properly set escapement goals in Cook Inlet, consistent with the MSA's requirements, and the biological resource and the fishing communities who depend on that resource have suffered tremendously.

12. One of the primary concerns over State management is whether the State is setting appropriate escapement goals based on the sound science and principles set forth in the MSA. Too many times in recent years, the State has allowed over-escapement of the fisheries by either setting escapement goals too high or exceeding those inflated goals. This kind of over-

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escapement of salmon not only harms fishermen and the communities that rely on commercial fishing, but also seriously impacts the fishery resource. Just as too many cattle on a field can over graze that field, too many spawning salmon can overwhelm available spawning locations, and the overabundance of juvenile salmon can exhaust the available food supply. This is particularly true for sockeye, which rely on a lakes system for part of their life cycle.

13. Over-escapement can result in depressed returns for three to five years. Repeated over-escapement can effectively reduce the overall run size over time. Along with former Alaska Department of Fish and Game biologist Jeff Fox, I charted commercial harvest in Cook Inlet from 1885 through 2010. Those charts are in the Administrative Record at RULEFMP\_000067-83. Nearly all fish species in Cook Inlet show the same pattern. Harvest increased initially after the passage of the MSA, but then decreased significantly after 2,000 when the state began departing from the requirements of the MSA in favor of its Sustainable Salmon Policy.

14. NMFS and the North Pacific Fishery Management Council (the "Council") has jurisdiction over the portions of Cook Inlet that occur within the exclusive economic zone, north of the Anchor Point line. The EEZ portion of Cook Inlet is essential to commercial salmon fishing in Cook Inlet. The EEZ portion of Cook Inlet is some of the best fishing in the Cook Inlet, as naturally occurring tidal rips collect fish into harvestable groups. If allowed to do so by the State, I and many other UCIDA members would spend the majority of our time fishing in the EEZ portions of Cook Inlet. Even with restrictions imposed by the State, more than half of the fish caught by the drift fleet occurs in the EEZ.

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15. I, along with several others from UCIDA, the Cook Inlet Fishermen's Fund ("CIFF"), and the fishing community, participated in the Council's public process to amend the Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska (the "Salmon FMP"). Consistent with the express requirements of the MSA, we asked the Council to amend the Salmon FMP and to bring it up to date with the MSA's express requirements. We asked the Council to take steps necessary to ensure that the State manages the Cook Inlet salmon fisheries under a fishery management plan and in a manner consistent with the MSA and its 10 National Standards.

16. The Council had no interest in ensuring compliance with the MSA for Cook Inlet. Council members made that clear to me, both on the record and in personal communications. Rather than updating the Salmon FMP, the Council removed Cook Inlet from the Salmon FMP altogether. The Council did so because it concluded that the State was already managing in a manner consistent with the MSA.

17. We similarly asked the NMFS to reject the decision to remove Cook Inlet from the Salmon FMP, and to comply with statutory mandates under the MSA. We presented substantial evidence that the State was not achieving the goals of the MSA. NMFS also refused to do so, agreeing summarily with the Council that State management was sufficient.

18. UCIDA's members, including I myself, are procedurally and substantively harmed by NMFS's approval of the regulations implementing Amendment 12 to the Salmon FMP. Specifically, NMFS's decision to remove Cook Inlet from the Salmon FMP seriously impairs my ability to make a living as a fisherman. The MSA is intended to ensure optimum

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yield from each fishery. But the removal of Cook Inlet from the Salmon FMP allows the State to manage that fishery in any manner that it chooses. Driftnet fishermen, including I myself, have therefore lost an important protection of the MSA.

19. Equally important, that loss of statutory protection has resulted in serious injury to Plaintiffs, and will continue to do so in the future. In the summer of 2013, the very first season following removal of Cook Inlet from the Salmon FMP, UCIDA's members, including I myself, suffered one of the worst fishing seasons in 20 years. The problems of this season and the low harvest of the commercial fishermen this season were not attributable to poor runs, but to management decisions of the state restricting fishing in the EEZ, while allowing escapement over the high end of the state's own targets in the Kasilof by approximately 100,000 fish and on the Kenai of approximately 159,000. This injury was compounded by the fact that the state's own high end escapement targets are themselves set too high. Fishermen suffered from lost harvest in the short term, and the fishery resource suffered from over-escapement in the long term.

20. Nor is this 2013 management problem a unique event for the State. In the summer of 2012, while the State was de facto managing the fishery under the prior 1990 fishery management plan, the State's management ultimately resulted in NMFS declaring a Fishery Management Disaster. Set net fishermen, including CIFF members, were forced to suffer financial ruin while millions of sockeye, above and beyond those necessary for biological goals, escaped up river. This again resulted in immediate lost harvest, and long-term impact to the fishery resource. Similarly in 2011, the State again failed to properly manage the fishery,

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resulting in massive excess-escapement. Not only does this over-escapement hurt fishermen, but it hurts the resource itself.

21. A properly developed fishery management plan could significantly reduce these problems. Under a properly delegated fishery management plan, the State would be forced to ensure that it was managing the fishery in a manner consistent with the MSA based on sound scientific evidence.

22. UCIDA's members, including I myself, are also injured because removal of Cook Inlet from the Salmon FMP exposes the EEZ to unregulated fishing by out-of-state vessels. As a direct result of NMFS's decision, a vessel not registered with the State may fish unrestricted in the EEZ portions of Cook Inlet without date, gear, or time restrictions. I have spoken to a number of fishermen who are very interested in exploiting this loophole, and that interest is expected to increase as the State continues to push permitted fishing efforts toward terminal areas and away from fishing in the EEZ.

23. The creation of this loophole diminishes the value of the limited entry permit that all driftnet fishermen must possess. Prior to NMFS's action, only limited entry permit holders could fish in the EEZ portion of Cook Inlet, and the number of such permits is fixed. Now, anyone with an out-of-state vessel can fish in the EEZ portion of Cook Inlet, and these fishermen can do so using any fishing method they desire. The creation of this loophole also destabilizes the fishery and puts the resource at risk, creating the potential for overfishing. Both of these harms are clearly caused by NMFS's decision to remove Cook Inlet from the Salmon FMP and would be redressed by a properly developed fishery management plan for Cook Inlet.

#### DECLARATION OF ROLAND MAW

United Cook Inlet Drift Association, et al. v. NMFS et al.  
3:13-cv-00104-TMB



I swear that the foregoing statements are true and correct.

DATED: August 27, 2013.

  
\_\_\_\_\_  
Roland Maw

DECLARATION OF ROLAND MAW

United Cook Inlet Drift Association, et al. v. NMFS et al.  
3:13-cv-00104-TMB

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2013 I filed a copy of foregoing document with the Clerk of the Court for the United States District Court – District of Alaska by using the CM/ECF system. Participants in this Case No. 3:13-cv-00104-TMB who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Jason T. Morgan

Jason T. Morgan

DECLARATION OF ROLAND MAW

United Cook Inlet Drift Association, et al. v. NMFS et al.  
3:13-cv-00104-TMB

**Letter to the editor of the Alaska Dispatch News by Dr. James Butler, Feb. 13, 2015**

**From:** Jim Butler <profjbutler@aol.com>  
**Date:** February 13, 2015 at 5:52:32 AM MST  
**To:** <tony@alaskadispatch.com>  
**Subject:** Rebuttal comment: Roland Maw Fish Board Appointment

To the Editor, Alaska Dispatch:

I have concerns about the recent article of Feb. 4th in the Alaska Dispatch, "Did Alaska Fish Board appointee really discover an endangered species?" I am Professor James Butler from the University of Alberta, and I was quoted in this article that is critical of the recent appointment by Governor Bill Walker of Dr. Roland Maw to the State of Alaska Fisheries Board.

There seems to be some confusion in the article over Dr. Maw's credentials concerning references to a claim that he wrote the detailed description of the Bull Trout. He did indeed write a detailed description of the identification and ecology of the Bull Trout for our book "Fishing Canada's Mountain Parks."

When we were writing that book we well knew about the split of a new species of Char, *confluentis*, the Bull Trout, from the Dolly Varden, which happened seven years before our book was published. In our book we clarified that all of what had been called Dolly Varden in Alberta were now officially Bull Trout.

And to enable fishermen to refer to this fish properly, Dr. Maw wrote a clear, precise, accessible description and ecology of the Bull Trout with clear instructions on how to distinguish it from its sea-going Dolly Varden relatives in British Columbia. This provided important clarification to a great many of our biologists and fishermen who were struggling with the descriptive identification and ecology of this new fish, only recently separated from the Dolly Varden, and that information aided in the conservation measures introduced here in Alberta, contributing to its protection.

While the book never received any awards in the form of plaques or cash prizes, it did receive a great deal of recognition, praise and excellent reviews, and a special printing in a hard-cover boxed edition was put out in response to its demand.

What appears to me to be an unfounded character attack on Dr. Maw, a highly accomplished and well-respected conservation biologist, I can only presume is an attempted slur aimed at derailing his appointment to the Alaska Fish Board and forthcoming confirmation hearing.

I was Dr. Roland Maw's graduate supervisor for his Ph.D. from the Department of Renewable Resources at the University of Alberta, and I have been deeply impressed with his character, judgment, and professionalism over the years. His advice has been highly valued by my university and myself on pertinent conservation issues.

I served at the time on the prestigious Canadian Advisory Council, which had direct and close access to our national Minister of the Environment and the Prime Minister of Canada. Dr. Maw's valued advice, through me, influenced the direction of an extensive range of national policy decisions concerning Canada's forests, wildlife, water resources and fisheries. Because of his in-depth knowledge of salmon, population ecology and identification of sea-caught salmon, my department and related courses on wildlife and fisheries expanded our University teaching curriculum to include Pacific salmon, which was beyond our typical focus on Alberta wildlife species. In particular his guest lectures broadened the exposure of our wildlife and conservation biology students to salmon and created an awareness of how

commonly misidentified Pacific salmon were throughout Alberta in our supermarkets and restaurants, and Japanese restaurants in particular. We were deeply grateful for Dr. Maw's expert guidance and assistance.

I am pleased to see that his leadership abilities have led him to become a current candidate for a position on Alaska's Fisheries Board. I can certainly understand why Governor Walker chose to appoint him.

James R. Butler, Ph.D.  
Professor Emeritus  
University of Alberta

## **Did Alaska Fish Board appointee really discover an endangered species?**

<http://www.adn.com/article/20150204/did-alaska-fish-board-appointee-really-discover-endangered-species>

**By Craig Medred**

Feb. 4, 2015

Kenai Peninsula fisherman Roland Maw, Alaska Gov. Bill Walker's controversial appointee to the Alaska Board of Fisheries, claims in his resume to have been responsible for a significant scientific achievement, the first identification of a new, endangered species in North America.

In a sworn 2013 affidavit setting out his bona fides as an authority on Alaska fisheries, Maw wrote that he was the "coauthor of 'Fishing Canada's Mountain Parks,' 1985 ... (which has) received numerous public awards for the first scientific description and naming of 'Bull Trout' as a new species of char/trout."

U.S. Fish and Wildlife Service authorities, however, say the bull trout, a close cousin of the Dolly Varden char, was first identified by Ted Cavender of The Ohio State University Museum of Zoology in 1978 and officially recognized as a new species by the American Fisheries Society in 1980.

And Maw's thesis adviser at the University of Alberta, the primary author of "Fishing Canada's Mountain Parks," said Maw's claim of a new scientific discovery is untrue. Professor emeritus James Butler said his book never won any awards.

"I never heard that," Butler said. "He (Maw) certainly didn't name that. I'm not sure that he's been accurately quoted. . . . I know he cared deeply about bull trout, but he didn't name it."

Told that Maw's claim came from a sworn affidavit signed by Maw, Butler didn't know what to say. Biologists at the University of Alberta did sometimes ask for Maw's help in identifying char and salmon, because Maw was at the time working summers in Alaska as a commercial fisherman and was good at field identification, Butler said. But Maw wasn't directly involved in bull trout research.

Maw was a professor at an Alberta community college working on a study of public attitudes and perceptions of grizzly bears in Canada's Waterton Lakes National Park, Butler said. Maw's bull trout claim, if true, would represent a major scientific coup. The bull trout is an endangered species across its range in North America.

Asked about the claim to identification of the bull trout in a phone interview, Maw tried to deny it. He said he only accepted that others had credited him with the discovery.

"That comes from a book I published," Maw said. "The American Fisheries Society quotes it as the original description (of bull trout). . . . I was just going off some references in the Journal of Fisheries Science. They quoted it in there as the reference."

Maw was unable to direct Alaska Dispatch News to any such reference, however, and an independent search could find none. A 2009 report from the Alberta Fish & Wildlife Division updating the "Status of Bull Trout in Alberta" contains a section on "literature cited" that lists more than 150 bull trout studies and reports dating back to 1978.

There is no reference for Maw or Butler or "Fishing Canada's Mountain Parks." There is a reference to "Cavender, T.M." for his "Taxonomy and distribution of bull trout" in 1978.

Cavender's research "was published in a California Department of Fish and Game publication and has been referenced in many different documents" since then, U.S. Fish and Wildlife spokesman Leith Edgar

of Idaho said in an email to Alaska Dispatch News. Fish and Wildlife work on bull trout, a threatened species, is centered in Idaho.

Maw said he'd never heard of Cavender and was skeptical that the scientist had found the same bull trout in Northern California that is found in Alberta.

"He may have described it," Maw said, "but 'bull trout' is a common name.

"That far south, knowing something about bull trout, that could be an entirely different species. . . . Did I or Jim (Butler) check with someone in California? I didn't check with anyone in California. I don't know what they're calling a bull trout down there."

Maw suggested Cavender might have identified, and the Fisheries Society might have classified, a subspecies of bull trout, *Salvelinus confluentus*. There are no known subspecies.

"I don't know where you are going with this," Maw said.

Reminded that he had sworn under oath that he and Butler were credited with "numerous public awards for the first scientific description and naming of 'Bull Trout' a new species of char/trout," Maw said, "That's in the affidavit? I signed it? I'd have to look and see exactly what that wording is."

Alaska Dispatch News offered to send him an electronic copy of the document so he could review it before commenting further. Maw said that was impossible.

"I'm flying tomorrow," he said. "So it won't be tomorrow."

"The only email I have is my wife's email."

Sending the document to his phone, he said, was out of the question because "I'm on a flip phone."

Maw did say he would research the issue further and get back to Alaska Dispatch News.

He was unable to remember if he researched the history of bull trout in North America before swearing to the claim the Alberta fishing guide he co-authored revealed the first scientific description of a new species. He also said he didn't know why he put the claim in his sworn court affidavit.

"I don't know. I'd have to go back and look at my notes on that," he said.

But he was sticking to his guns on the assertion that it might remain possible he found a new species.

"I would strongly suspect the fish in California are not the same as the ones in Alberta," Maw said. "I do not understand why Jim would say that (claim was wrong). We looked at lots and lots of fish. We were struggling with 'Is this really, really different than a Dolly Varden?' "

By 1980, however, it had already been established that the bull trout was different from the Dolly, and the taxonomic standards for identification had been certified.

## Medred, Dispatch News fall short of journalistic standards

<http://www.adn.com/article/20140926/medred-dispatch-news-fall-short-journalistic-standards>

By Wally Page  
Sept. 26, 2014

My name is Wally Page. I've been a Cook Inlet commercial fisherman since before statehood. I'm nobody special, just a regular Alaskan working hard to support my family. I'm not someone "in the news."

Nevertheless, on July 21 of this year, the Alaska Dispatch News published a long article entitled, "Fish wars obscure need to manage for economic yield." It was written by regular Dispatch columnist Craig Medred and it focused on me.

While labeled as opinion, the article included several defamatory "facts" that hurt me personally and publicly held me out as a bad man. When I showed Mr. Medred's editor and publisher that his statements about me were false, and asked for a retraction and an apology, they refused my request. They did, however, agree to publish these comments.

Mr. Medred's column began by claiming that on July 18, 2014, I deliberately piloted my 42-foot fishing boat, the Peregrine, close to the north shore of the lower Kenai River with the deliberate intention of swamping and endangering wading dipnetters. As far as I can tell, the only basis for this lie about me is the fact that I fish commercially and that a member of my crew posted the comment, "Dipnetters go home," on a Facebook page.

With no other justification than those three words on Facebook, Mr. Medred concludes and asserts that I am so personally hateful toward every last sockeye dipnetter that I willingly endangered my boat, my crew and myself in an attempt to assault anonymous men, women and children along the shore. Imagine having your neighbors -- your children, for god's sake! -- read something like that about you in the newspaper.

Later in the article, Mr. Medred further spins out this revenge fantasy by asserting -- as fact -- that "Page tried to swamp some dipnetters because he is angry they are taking 'his fish.' "

This is bad, conscienceless journalism of a very brazen sort.

Mr. Medred is apparently unfamiliar with the old journalistic saw: "If your mother says she loves you, check it out." In this case, he made no effort whatsoever to contact me to ask about the purported incident. He did nothing to check his assumptions about me. Though we have never spoken, Mr. Medred presumed to know my thoughts and emotions (Page was "angry they are taking 'his fish.' ")

He just made it up.

The truth is, I did not "cut in close" to shore to harm any dipnetters. I wasn't angry at anybody. I was just coming home from work, navigating up the Kenai River channel at the minimum speed necessary to maintain control of my boat, exactly as I have for more than 35 years.

And if Mr. Medred had talked to me, he might have learned that rather than trying to hurt dipnetters, only a few years ago my crew and I literally saved the life of a dipnetter adrift near Rocky Point in Cook Inlet after being carried out of the mouth of the Kenai by the river current.

But then, had Mr. Medred done such basic journalism, I couldn't have served as the villainous commercial fisherman foil he needed to construct his "opinion column." This is only the latest example of Mr. Medred making up facts, misrepresenting facts or suppressing facts, whatever is required to shore up his bias against Alaska's commercial fishing industry.

I brought all of this to the attention of Mr. Medred's employers at the Dispatch News. Their lack of concern for my reputation, and reluctance to be accountable for what they publish, was deeply disappointing.

I and two friends flew up from Kenai to meet with publisher Alice Rogoff and editor Tony Hopfinger on Aug. 14. We explained what had happened. We showed them the navigational charts for the lower Kenai River. We showed them a video taken from the Peregrine on the day of the non-incident. The video, which was also posted on Facebook, clearly shows that we were hundreds of yards from shore, and squarely in the proper navigation channel on our way to the dock.

I told them Mr. Medred had never tried to talk to me.

I asked for a retraction, an apology and removal of the article from the newspaper's electronic archives. Ms. Rogoff said she would consider our request and get back to us.

A week passed with no word. We sent an email asking again for a response.

The next day, on Aug. 22, Mr. Hopfinger replied by email:

"We spoke with Craig, too, and he stands by his column. Still, we have decided to add a clarification to Craig's column that addresses Wally's contention that he did not swamp dipnetters. We also revised the column to reflect Wally's statement. We plan to run the clarification in the paper, too."

No formal retraction, no apology, no purge of the archives.

If you were to look at the "before" and "after" columns, you'll see that the "clarification" effectively reverses much of the original column -- but without taking responsibility for the false, irresponsible statements. The "swamping" lie has been reduced to he-said-he-said. The video, which shows what really happened, is never mentioned. The fanciful account of my "anger" about the taking of "my fish" is airbrushed out. Unfortunately for me, the only person who will ever see the "clarified" column is someone rooting through the bins of "yesterday's news."

What Mr. Medred did to me was shameful, and stains the work of all real journalists. Frankly, I never expected he would have the integrity to take responsibility for unjustifiably defaming me. But I did expect more of those who own and manage the newspaper. Now I know better.