



UNITED FISHERMEN OF ALASKA

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April 9, 2019

Senator Chris Birch
State Capitol
Juneau, Alaska 99801-1182
(via email)

Re: Opposition to Karl Johnstone Appointment to Alaska Board of Fisheries

Dear Senator Birch,

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 35 commercial fishing organizations participating in fisheries throughout the state, and the federal fisheries off Alaska's coast.

It is a rare occurrence that UFA takes an official stance against a nomination for the Alaska Board of Fisheries (BOF). In fact, the last time UFA wrote a letter of opposition for a BOF nomination was in 2006. However, the appointment of Karl Johnstone to the BOF leaves us no choice but to voice our opposition to his confirmation.

The commercial fishing industry has a dismal history with Mr. Johnstone when he served the BOF from 2008-2015. The commercial fishing industry has long held that Mr. Johnstone is blatantly biased in his decision-making and that as chair, he presided over the BOF meetings as he would a court room. For those that have seen Mr. Johnstone in action at BOF meetings, he is infamously known for being disrespectful and bullish to members of the public he does not agree with. He can also be extremely critical to Alaska Department of Fish and Game staff and has been known to drill them unmercifully.

It is one thing to have expertise in a specific region or fishery, which is why individuals are selected for the BOF. However, it is completely inappropriate to have an outright disdain towards a specific sector, such as Mr. Johnstone has for the commercial fishing industry.

During Mr. Johnstone's terms with the BOF, his lack of transparency was also brought into play. It was his lack of transparency that ultimately caused Mr. Johnstone to resign from his seat on the BOF in 2015 after House Speaker Mike Chenault wrote a letter to Governor Walker expressing concerns over Johnstone's handling of interviews for Alaska Department of Fish and Game Commissioner.

We also raise the question as to why a person, who chooses to live in Arizona for the majority of the year while collecting an Alaska Permanent Fund dividend, is a good candidate for *Alaska's* Board of Fisheries. He shouldn't have been allowed to serve his first two terms while he was living in Arizona, and allowing him to come back for another round sets a new precedence that may encourage non-residents to serve on Alaska's boards deciding issues for Alaskans.

We ask you to please vote no on Karl Johnstone for the Alaska Board of Fisheries. Please feel to reach out to us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Alward', with a stylized, cursive script.

Matt Alward
President

A handwritten signature in blue ink, appearing to read 'Frances H. Leach', with a stylized, cursive script.

Frances H. Leach
Executive Director



April 8, 2019

Senator Chris Birch
Alaska State Legislature
State Capitol Room 125
Juneau AK, 99801

RE: Oppose Johnstone for Board of Fisheries

Dear Chairman Birch and the Senate Resources Committee,

CDFU is a non-profit membership organization representing over 900 commercial fishing families who participate in commercial fisheries in Alaska's Area E, which includes Prince William Sound, the Copper River region, and the northern-central Gulf. It is our mission to preserve, promote, and perpetuate the commercial fishing industry in Area E and to further promote safety at sea, legislation, conservation, management, and general welfare for the mutual benefit of all our members. It is important to note that our member fishermen hail from many regions of our state well beyond the bounds of Area E, and many reside in Anchorage, Homer, Fairbanks, Valdez, Palmer, and Wasilla, among other communities.

The commercial fishermen of Area E have a strong and historic relationship with the Alaska State Legislature and State of Alaska Departments that we foster with great care, proactive communications and representation. CDFU would like to formally state our opposition to the confirmation of Karl Johnstone to the Board of Fisheries.

A fair, balanced, and transparent board is of utmost importance to the public Board of Fisheries process, and we have several concerns with Johnstone's appointment. Johnstone previously served on the Board of Fisheries, and during that time voted on a number of contentious proposals. Historically, Johnstone is viewed within the commercial fishing community as favoring urban, recreational user groups, often at the expense of commercial and/or rural users. This is particularly troublesome in the difficult allocation decisions that pit Alaskans against Alaskans.

Additionally, Johnstone has authored and published a number of opinion pieces that blatantly and publicly disrespect commercial users in certain fisheries. We do not believe these views expressed by Johnstone are reflective of the unbiased and fair character generally desired of Board of Fisheries appointees.



Cordova District Fishermen United
PO Box 939 | 509 First Street | Cordova, AK 99574
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web. www.cdfu.org

Last, a balanced board should represent a variety of user groups from communities around the state, and confirming Johnstone to this seat would lead to a board more heavily biased against commercial fishery users. Though the board's composition is continually evolving as terms end and new members are appointed, overall it is important the board maintain balance between user groups. In light of Johnstone's already controversial history on the board and his outspoken views against some commercial fishermen, his confirmation to this seat would disrupt the balance on the Board of Fisheries that many Alaskans value.

Thank you for your time and consideration of these factors in making your decision regarding Board of Fisheries appointments, and for the opportunity to express our opposition to the confirmation of Karl Johnstone.

Gerald McCune
President

Sen. Chris Birch

From: Ben Mohr <ben@krsa.com>
Sent: Tuesday, April 9, 2019 9:06 AM
To: gina.ritacco@alaska.gov
Cc: suzanne.cunningham@alaska.gov; Sen. Chris Birch; Rep. Louise Stutes; Rep. Geran Tarr; Rep. John Lincoln
Subject: KRSA Support for Board of Fisheries Nominees
Attachments: Gov letter - Support BoF 2019.pdf; Certificate.pdf

Ms. Ritacco –

I've attached a letter here to the Governor supporting the nominees to the Board of Fisheries. Each nominee brings with them a diverse and deep knowledge of Alaska's various fisheries, and we look forward to their confirmation.

I have cc'd here the Chairs of the Legislative Committees who will be hearing the nominees and bcc'd the remaining members of the Legislature – it is my hope that our letter of support will be entered in to the record in their respective committees. I have also attached a copy of a legislative citation referencing nominee Karl Johnstone for addition to the record. The citation honors Mr. Johnstone, saying "Mr. Johnstone's record on the Board represents the gold-standard of public service." KRSA couldn't agree more.

Thank you all for your service and dedication to the state we love!

Ben Mohr

Executive Director
Kenai River Sportfishing Association

907.262.8588 office
907.223.7635 mobile
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Retired, Ron's Alaska Lodge

April 9, 2019

The Honorable Michael J. Dunleavy
P.O. Box 110001
Juneau, AK 99811-0001

RE: Board of Fisheries Nominees

Dear Governor Dunleavy:

The Kenai River Sportfishing Association (KRSA) would like to commend your selection of nominees to serve on the Alaska Board of Fisheries, and to express our support for each individual you have nominated – Judge Karl Johnstone, Israel Payton, Marit Carlson-Van Dort and Gerad Godfrey. The nominees represent diverse backgrounds, and each has an admirable depth of knowledge relating to Alaska's various fisheries. KRSA believes that these nominees, when confirmed by the Legislature, will serve all Alaskans well.

KRSA is a nonpartisan, nonprofit fishery-conservation organization that works to ensure the long-term health and sustainability of fishery resources in the Kenai River, Cook Inlet and elsewhere in Alaska, through advocacy of sport and personal use fisheries and the promotion of science-based fishery management and conservation. Members of the Board of Fisheries play a critical role in adjudicating the varied interests in Alaska's fisheries, and in ensuring that our shared resources are managed in a conservative, sustainable and equitable manner.

KRSA is confident that your nominees to the Board will approach their work with the diligence and gravity that such a role demands. KRSA looks forward to a swift confirmation process by the Legislature.

Sincerely,

Ben Mohr
Executive Director

Cc: Alaska Legislature (via electronic delivery)

Kenai River Sportfishing Association
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(907) 262-8588 Fax: (907) 262-8582
www.krsa.com

THE ALASKA LEGISLATURE



*** HONORING ***

*** KARL JOHNSTONE ***

The Twenty-ninth Alaska State Legislature congratulates Karl Johnstone for his exemplary public service to the State of Alaska on the Board of Fisheries from 2008 to 2015.

Mr. Johnstone finished law school and came to the state in 1967. He quickly discovered Alaska was the place for him, due in part to career opportunities, but primarily due to his love of the outdoors. His long history of serving his fellow Alaskans began with his appointment to the Alaska Superior Court by Governor Jay Hammond in 1979, where he served until the late 1990s. Additionally, he also served as the presiding judge of the Third Judicial District, and then briefly worked as a mediator, arbitrator, and private lawyer.

Mr. Johnstone was appointed to the Board of Fisheries to serve out a term in 2008. He was then appointed to a full three-year term in 2009, and served as chair from 2011 until 2015. Mr. Johnstone's colleagues have praised him throughout the years as "approachable, thorough, and interested in feedback and opinions," as being the most well-prepared member of the board, and as the "board member who read through thousands of pages of material" during several weeks of meetings on fisheries issues. His legal expertise was clearly invaluable to the Board of Fisheries proceedings, as were his background in commercial, personal use, and sport fisheries. He worked tirelessly to improve board policies and procedures to make the board process more streamlined and efficient. Mr. Johnstone's record on the Board represents the gold-standard of public service.

The Twenty-ninth Alaska State Legislature salutes Karl Johnstone on his service to the State of Alaska not only as a Superior Court and Third Judicial District judge, but as a member and chairman of the Board of Fisheries.




MIKE CHENAULT
SPEAKER OF THE HOUSE


KEVIN MEYER
PRESIDENT OF THE SENATE
PRIME SPONSOR

Date: April 8, 2015

Cosponsors: Senators Bishop, Coghill, Costello, Dunleavy, Egan, Ellis, Gardner, Giessel, Hoffman, Huggins, Kelly, MacKinnon, McGuire, Micciche, Olson, Stedman, Stevens, Stoltze, Wielechowski; Representatives Chenault, Claman, Colver, Drummond, Edgmon, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Hughes, Johnson, Josephson, Kawasaki, Keller, Kito, Kreiss-Tomkins, LeDoux, Lynn, Millett, Muñoz, Nageak, Neuman, Olson, Ortiz, Pruitt, Reinbold, Saddler, Seaton, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vazquez, Wilson, Wool

Dear Alaskan Legislator

I would like to express my strong OPPOSITION to the appointment of Karl Johnstone to the Board of Fisheries.

The meeting I will reference most on the subject of Mr. Johnstone's poor behavior is the Southeast/Yakutat fin fish meeting held in Ketchikan, Alaska on February 24- March 3, 2012. There is a digital recording of this meeting available at the Board of Fisheries office.

I had submitted a proposal to outlaw the use of electric reels in the Southeast Alaska sport fishery at this meeting.

Karl Johnstone was the Chairman of this meeting and as Chair of the meeting it was Karl's job to ensure that the integrity of the meeting remained at the highest standard.

It was evident to me from the very beginning of this meeting that Mr. Johnstone not only had no intention curtailing unethical fellow board member behavior, but also contribute to it himself.

The 6th or 7th public testifier was a man from the Wrangell AC and in his personal testimony he stipulated he supported outlawing electric reels for the sport fishery.

Mr. Bill Brown (BOF Member) asked this gentleman if he thought that the intention of the proposer was to stop the harvest of sable fish by the sport fishery.

The man's response was that he had no idea of the intentions of the proposer, but he himself thought pursuing a fish for sport with an electric reel was unsporting.

Mr. Brown should have asked the proposer this type of question and the proposer only. Who but the proposer would know the intentions of the proposer??

Chair Johnstone should have disallowed such a question because it did not serve as any valid information to the board and its only intention was to further Bill Brown's personal argument against the proposal.

I was angry at Chair Johnstone for failing to act on such a blatant example of unacceptable board member behavior but thought it just a simple mistake. It became clear to me later in the meeting that it was not a mistake but an intentional abuse of power.

Public testimony at a Board of Fish meeting is not that of a court proceeding in which lawyers ask questions to sway a jury in their favor. Public testimony should only solicit questions from the board if they need clarification of data presented, a confusing statement or expansion of subject line for informational purposes.

Board of Fish members should not be negatively attacking a proposal or debating individual members of the public during public testimony. They should save their debate and negative comments for the deliberations between their fellow board members and themselves at the end of the meeting.

When you submit a proposal there is a time during the meeting in which you get to speak to your proposal. My chance to speak to my proposal took place at the committee of the whole after the public testimony had finished.

In the committee of the whole I referenced that since the electric reel had been in use, the black cod harvest by sport fisherman had increased from 4% to 28%. I then sited that the only thing that made a black cod a sport fish was electricity and such methodology is not sporting.

I was immediately debating that statement with Mr. Brown who contested that he used a GPS and that too gave him the advantage in harvesting black cod. I retaliated saying that a GPS did not aid in the actual harvest of the creature and we have game laws prohibiting spot lights even though we use GPS in the woods for safety reasons.

Again, the Chair should have ordered Mr. Brown to cease and desist his line of questions immediately but he did not.

Karl Johnstone then asked me how deep I thought black cod could be caught at. That is an acceptable question being I myself had opened the door on the subject of sport fishing black cod. I said, I have caught them as shallow as 100 fathoms.

Black cod are commonly deep-water fish and 100 fathoms would be on the upper end of the depth they can be caught. Mr. Johnstone should have left it at that

and moved on. Instead he said that he didn't think that was true and called for the ADFG ground fish manager to come up to give his opinion on the same question. The Department said about 100 fathoms.

I believe Mr. Johnstone was intentionally trying to discredit me in this public forum even though it backfired on him. He being the Chair, was well aware that if the Department contradicted my statement it would be embarrassing for me.

This is not something an ethical individual would attempt to do, especially one as Chairman being charged with preserving the integrity of the meeting. To me it was a plain case of abuse of power.

There is no doubt that Mr. Karl Johnstone has vast experience with fishery laws and regulations that make him SEEM highly qualified for a Board of Fisheries position.

However, more importantly is the ability to act appropriately and facilitate the highest standards for the Board of Fish process itself. Regardless of how you feel toward fishery politics, I would hope that the integrity of the Board of Fisheries process would be more important to you.

If you confirm Karl Johnstone to be a Board of Fisheries member again, you will be taking the integrity of the Board of Fisheries process in the exact opposite direction it needs go. Please vote NO on Karl Johnstone's confirmation to the Board of Fisheries.

Sincerely,

Steve Merritt

Box 1138

Craig, Alaska 99921

Trever M. Fulton

From: LIO Cordova
Sent: Tuesday, April 9, 2019 11:24 AM
To: Senate Resources
Cc: Sen. Gary Stevens; Rep. Louise Stutes; boswellbay@gmail.com
Subject: FW: Board of Fish

Please accept the following as public written testimony regarding the Board of Fisheries appointees. Forwarded by the Cordova LIO.

-----Original Message-----

From: R M <boswellbay@gmail.com>
Sent: Tuesday, April 9, 2019 9:16 AM
To: LIO Cordova <Lio.Cordova@akleg.gov>
Subject: Board of Fish

My name is Randy Merritt, I live in Cordova, and gill net area E. I oppose the confirmation of Karl Johnstone to the Board of Fish due to his history of strong bias to the commercial fishing industry.

Sent from my iPhone

Trever M. Fulton

From: Tyrell Seavey <tyrellseavey@hotmail.com>
Sent: Tuesday, April 9, 2019 12:59 PM
To: Senate Resources; House Fisheries
Subject: I Oppose Karl Johnstone Appointment to BoF

To Whom it May Concern,

I am a life long resident of Seward, Ak and I oppose Karl Johnstone's appointment to the Alaska Board of Fish.

I do not believe that he is capable of performing in this role in an unbiased way.

Sincerely,

Tyrell Seavey

Trever M. Fulton

From: Nicholas Crump <nicholaswcrump@gmail.com>
Sent: Tuesday, April 9, 2019 1:14 PM
To: Senate Resources
Subject: Board of Fisheries Nominations

My name is Nicholas Crump and I am a commercial fisherman in Prince William Sound. I am writing you to oppose the nomination of Karl Johnstone to the Board of Fisheries. Please only appoint nominees who don't have anti-commercial fishing agendas and are at least open minded and unbiased.

Thank you for your consideration,

Nick Crump

Trever M. Fulton

From: Keith B <jokerzwild907@gmail.com>
Sent: Tuesday, April 9, 2019 1:28 PM
To: Senate Resources
Subject: Opposed

My name is Keith Boyle. I am a long time Prince William Sound fisherman and a third generation Alaska resident. I reside in Cordova and Palmer. I oppose the appointment of Karl Johnstone for the Board of Fisheries based on his actions when he previously served on this board in 2008-2015.

Thank you

Trever M. Fulton

From: Fv Serenity <fvserenity@gmail.com>
Sent: Tuesday, April 9, 2019 1:19 PM
To: Senate Resources
Subject: BOF appointment

My name is Kenneth Jones. I am a long time Prince William Sound fisherman and a third generation Alaska resident. I reside in Cordova. I oppose the appointment of Karl Johnstone for the Board of Fisheries based on his actions when he previously served on this board in 2008-2015. Also, he lives the majority of his time in Arizona and does not represent Alaskans well. Please vote no on his confirmation.

Thank you

Sent from my iPhone

Trever M. Fulton

From: Fv Serenity <fvserenity@gmail.com>
Sent: Tuesday, April 9, 2019 3:01 PM
To: Senate Resources
Subject: For the record

<http://www.alaskajournal.com/arts-entertainment/2012-03-01/state-paid-travel-bills-board-chairman-hometown>

Sent from my iPhone

State paid travel bills for board chairman in hometown

Post date: Thu, 03/01/2012 - 11:43am

Update: The Department of Fish and Game has responded to a request for comment regarding this story. ADFG has granted waivers to Johnstone for rules prohibiting payment of travel expenses in the community of residence. Read the story here (<http://www.alaskajournal.com/Alaska-Journal-of-Commerce/AJOC-March-4-2012/ADFG-granted-waivers-allowing-travel-expenses-for-board-chairman/>).

Board of Fisheries Chairman Karl Johnstone's bio on the Alaska Department of Fish and Game website states he has lived in Anchorage since 1967, but last October he incurred \$1,440 in travel expenses for a meeting held in his hometown.

Information obtained by the Journal shows that Johnstone had expenses of \$108 for surface transportation, a \$792 hotel bill and received \$540 in per diem payments for the work session and Pacific cod meeting that lasted from Oct. 4 to Oct. 10, 2011.

Receiving per diem in the community of residence is prohibited by state law.

According to Alaska statute 39.20.185: "A state official or employee who is a member of the judicial council or a state official or employee appointed by the governor to a state board, commission, or committee established under the authority of law is not entitled to per diem when the meeting or other business takes place in the community of which the member is a resident."

The Journal placed a public records request with ADFG Commissioner Cora Campbell's office Feb.

Advertisement

24 to obtain expense reports for Board of Fisheries meetings dating back to 2009 when Johnstone began his first term.

The state had not responded to a request for comment by press time.

Johnstone was appointed by former Gov. Sarah Palin in December 2008 to finish out the term of Jeremiah Campbell, and was subsequently nominated by Palin for a full term that began July 1, 2009.

His current term expires June 30 and he must be nominated by Gov. Sean Parnell before the end of the current legislative session for confirmation and a second term.

At the October meeting in Anchorage, Johnstone, a former Alaska Superior Court Judge, was elected chairman of the board. According to his 2010 financial disclosure filed with the Alaska Public Offices Commission, Johnstone earns a judicial pension of more than \$100,000 per year.

Johnstone has a home on Snowy Plover Circle off Potter Valley Road in Anchorage, and he also has a home on a golf course in Prescott, Ariz., where he spends his winters and flies back to Alaska for board meetings such as the one taking place in Ketchikan through March 4 as the Journal went to press.

Johnstone's wife, Valerie Van Brocklin, is a trainer and consultant for law enforcement agencies and her website states she lives in Arizona from October to May.

Johnstone and Van Brocklin claim both the residential and senior property tax exemptions at their Anchorage home. According to the Anchorage municipal code, the credits may only be claimed if the home is occupied by the owners for at least 185 days per year.

Van Brocklin's website also states that she is in Alaska from May to October. There are 184 days between May 1 and Oct. 31.

Andrew Jensen can be reached at andrew.jensen@alaskajournal.com (mailto:andrew.jensen@alaskajournal.com).

Updated: 03/01/2012 - 1:14pm

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[Contact Us \(/contact\)](#)

Trever M. Fulton

From: Bill Webber <bill@paradigmseafoods.com>
Sent: Tuesday, April 9, 2019 7:47 AM
To: Senate Resources
Subject: Opposition to Karl Johnstone

Dear Senate Resources –

I would like to go on record in opposition to Karl Johnston's appointment as a BOF member. His past divisive nature on this Board is not needed and is just unconstructive to have these calibers of Board members. Please do not approve of this unconstructive man onto this Board.

Best Regards,

William (Bill) Webber

Paradigm Seafoods, LLC

Formerly, Gulkana Seafoods-Direct
PO Box 1230 | 22 Olson Drive, Mile 6-1/4 Copper River Hwy. | Cordova, AK 99574

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907.312.0059 | Cell – Bill Webber
907.424.5176 | Office
Skype | gulkana



Trever M. Fulton

From: Bret Bradford <bbradford@cordovasd.org>
Sent: Monday, April 8, 2019 6:29 PM
To: Senate Resources
Subject: BOF

I am emailing you today to let you know that I oppose the confirmation of Karl Johnstone to the Board of Fisheries. Mr. Johnstone had his time on the Board of Fish and showed an extreme bias against commercial fishing. It is critical in these days that we have a fair and balanced Board of Fish. The sport, subsistence and personal use user groups are growing in our state. The only user group that is not growing, but shrinking, is the commercial fisherman. Commercial fisherman are doing their best to earn a living on the sea. We have enough trouble doing that without having to deal with the negative impacts of politics on our state's abundant natural resources. In particular the fisheries resource.

Again, please oppose the confirmation of Karl Johnstone.

Thank you for your service to the greatest state in the union.

Bret Bradford
402 Railroad Row
Cordova, AK
99574

Sen. Chris Birch

From: Daniel Hakkinen <dhakkinen@gmail.com>
Sent: Sunday, April 7, 2019 3:18 PM
To: Sen. Chris Birch
Subject: Karl Johnstone BOF Confirmation Hearing

Dear Senator Birch, and members of the Senate Resource Committee, My name is Daniel Hakkinen, I'm a 66 year resident of Alaska, living all of those years in the Kenai-Soldotna area. I have commercial drift fished for 56 of those years. I also have a small electrical contracting business. This is Alaska, there have always been peaks and valleys. We have always pulled through. Now however our governor has selected a person for the board of fish who has a preconceived agenda to eliminate commercial fishing from upper Cook Inlet. (February 13, 2017 article ADN) In the past we have always been able to share the resource with all user groups. In any economic times, especially now why would anyone want to eliminate a major part of our economy? As a fisherman and a business man I don't think Karl Johnstone is the right person to sit on a Board of Fish. We need someone who first is knowledgeable about fish. Not just in Cook Inlet but statewide. The person he would be replacing, Robert Ruffner, was more than ideal. He was a scientist, and had no political or financial ties with any user group.

I urge you to not confirm Karl Johnstone to the board of fish.

Sincerely yours,
Daniel Hakkinen
907-252-1950

Sent from my iPad