

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

February 12, 2003

1:28 p.m.

**MEMBERS PRESENT**

Representative Mike Chenault, Co-Chair  
Representative Hugh Fate, Co-Chair  
Representative Beverly Masek, Vice Chair  
Representative Carl Gatto  
Representative Cheryll Heinze  
Representative Bob Lynn  
Representative Kelly Wolf  
Representative David Guttenberg

**MEMBERS ABSENT**

Representative Beth Kerttula

**COMMITTEE CALENDAR**

**CONFIRMATION HEARINGS**

Board of Game

Michael Fleagle - McGrath

- CONFIRMATION(S) ADVANCED

Board of Fisheries

John E. Jensen - Petersburg  
Rupert E. Andrews - Juneau  
Arthur N. Nelson - Anchorage  
Melvan E. Morris, Jr. - Kodiak

- CONFIRMATION(S) ADVANCED

**PREVIOUS ACTION**

No previous action to record

**WITNESS REGISTER**

MICHAEL FLEAGLE, Appointee  
to the Board of Game

McGrath, Alaska

POSITION STATEMENT: Testified as an appointee to the Board of Game; provided background information and answered questions.

JOHN E. JENSEN, Appointee  
to the Board of Fisheries  
Petersburg, Alaska

POSITION STATEMENT: Testified as an appointee to the Board of Fisheries; provided background information and answered questions.

RUPERT E. ANDREWS, Appointee  
to the Board of Fisheries  
Juneau, Alaska

POSITION STATEMENT: Testified as an appointee to the Board of Fisheries; provided background information and answered questions.

ARTHUR N. NELSON, Appointee  
to the Board of Fisheries  
Anchorage, Alaska

POSITION STATEMENT: Testified as an appointee to the Board of Fisheries; provided background information and answered questions.

MELVAN E. MORRIS, JR., Appointee  
to the Board of Fisheries  
Kodiak, Alaska

POSITION STATEMENT: Testified as an appointee to the Board of Fisheries; provided background information and answered questions.

DUNCAN FIELDS  
Kodiak, Alaska

POSITION STATEMENT: Encouraged the committee to advance all four appointees to the BOF to the full body for approval.

ED DERSHAM, Chair  
Board of Fisheries  
Anchor Point, Alaska

POSITION STATEMENT: Predicted the four appointees to the BOF would make excellent board members.

STAN BLOOM, Vice President  
Chitina Dipnetters Association  
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to the appointment of [Mr. Nelson, Mr. Morris, and Mr. Jensen] to the BOF.

MIKE TINKER, Chair  
Fairbanks Fish & Game Advisory Committee  
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to the appointment of [Mr. Nelson, Mr. Morris, and Mr. Jensen] to the BOF, but characterized Mr. Andrews as an excellent candidate.

VIRGIL UMPHENOUR  
North Pole, Alaska

POSITION STATEMENT: Testified that the [Mr. Nelson, Mr. Morris, and Mr. Jensen] are going to be advocates for UFA.

ROLAND MAW  
Kasilof, Alaska

POSITION STATEMENT: Encouraged the committee to support all four of the appointees to the BOF.

DREW SPARLIN  
Kenai, Alaska

POSITION STATEMENT: Encouraged the committee to advance the four appointees to the full body for consideration.

PAUL SHADURA, President and Executive Director  
Kenai Peninsula Fishermen's Association  
Kenai, Alaska

POSITION STATEMENT: Related KPFA's support of the appointees to the BOF, but expressed the need for active limited entry salmon permit holders to be on the BOF.

SUE ASPELUND, Executive Director  
Cordova District Fishermen United  
Cordova, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Mr. Nelson, Mr. Morris, and Mr. Jensen to the BOF.

CURT HERSCHLEB  
Cordova, Alaska

POSITION STATEMENT: Testified in support of the confirmation of all the appointees to the BOF.

JERRY McCUNE, Lobbyist  
for the United Fishermen of Alaska  
Cordova, Alaska

POSITION STATEMENT: Testified that the UFA recommends Mr. Jensen, Mr. Nelson, and Mr. Morris to the BOF.

**ACTION NARRATIVE**

**TAPE 03-5, SIDE A**

Number 0001

**CO-CHAIR HUGH FATE** called the House Resources Standing Committee meeting to order at 1:28 p.m. Representatives Fate, Chenault, Wolf, Guttenberg, Masek, and Lynn were present at the call to order. Representatives Heinze, Kerttula, and Gatto arrived as the meeting was in progress. Representative Paul Seaton was also present during the meeting.

CONFIRMATION HEARINGS

Board of Game

CO-CHAIR FATE announced that the next order of business would be the confirmation hearing on the appointment of Michael Fleagle to the Board of Game.

Number 0086

MICHAEL FLEAGLE, Appointee to the Board of Game (BOG), began by apologizing for not making the scheduled hearing [February 5], and explained that "through some technical glitch" he was not informed of that hearing. Mr. Fleagle said he appreciated the opportunity to serve the state in this capacity and mentioned that he had served two terms on the BOG under the Knowles Administration; his term ended January [2002]. He mentioned that he was looking forward to [returning to the BOG], and remarked, "I'm doing it with my eyes wide open; I know that there's still a lot of politics at play but I do look forward to a new generation here in game management, where we can maybe see some changes in active management." Mr. Fleagle indicated frustration "with the total hands off style of game management in which the [BOG] and the Alaska Department of Fish and Game (ADF&G) were -- basically just became caretakers of parceling out a dwindling resource, further increasing user conflicts both between nonresident and resident hunters and then rural and nonrural hunters." He related his belief that the aforementioned, not mention the subsistence issue, led to a lot of hard feelings across the state. Mr. Fleagle suggested that some of those conflicts could begin to be resolved by following the constitutional mandate and existing statutes [specifying]

the management of game resources for abundance. He offered his belief that there would be a reduction, if not elimination of user conflicts, if "we manage to have game," which he believes includes predator management. Mr. Fleagle remarked "I've always been a strong supporter of that; I'm not afraid of it, and I know that there's a lot of people that have a political mind that would rather not see wolves killed for the benefit of game species, but I definitely believe that it's both appropriate and necessary."

Number 0402

REPRESENTATIVE WOLF noted his appreciation of Mr. Fleagle "walking into this wide open" and understanding that there are politics involved. He explained that as a BOG member, Mr. Fleagle would be selecting names for a new commissioner, which would then be passed along to the governor. Representative Wolf asked Mr. Fleagle if he was interested in filling the commissioner's position with someone new or with someone from within the department.

Number 0464

MR. FLEAGLE said he could not provide a clear answer because he didn't yet know the qualifications of the applicants, but mentioned that there is a BOG committee that is working on that. He offered his understanding that there is a real concern and pressure in the fishing industry that there be a really strong fishing (indisc. -- coughing) on the fisheries side that would be commissioner. He noted that he isn't categorically opposed to that, and if that is the case, then he would try to make certain there was a very strong "game type of a person" as the director of the Division of Wildlife Conservation. Whether that person comes from within the department or not would have to be determined by the individual's background and philosophy. Mr. Fleagle told the committee he would support anybody for commissioner, director, or deputy commissioner that would affirm the state constitution and statutory mandates to provide for a maximum abundance on game populations. He reiterated, "Whether that comes from within the department or without, I just ... don't know."

CO-CHAIR CHENAULT [moved] to advance the confirmations of the five Board of Game nominees, including Mr. Fleagle, to the full body for consideration. There being no objection, it was so ordered.

[The confirmations of Pete Buist, Sharon McLeod-Everette, Ronald J. Somerville, Ted H. Spraker, and Clifford P. Judkins, had been advanced from committee on 02/05/03, so technically only the confirmation of Mr. Fleagle was advanced on 02/12/03.]

Number 0733

Board of Fisheries

CO-CHAIR FATE announced that the next order of business would be the confirmation hearing on the appointments of [John E. Jensen, Rupert E. Andrews, Arthur N. Nelson, and Melvan E. Morris, Jr.] to the Board of Fisheries.

Number 0765

JOHN E. JENSEN, Appointee to the Board of Fisheries (BOF), said it was an honor to be considered as an appointee to the BOF. Mr. Jensen informed the committee that he is a long-time commercial fisherman and is still participating in that endeavor.

REPRESENTATIVE WOLF talked about moving forward from the past eight years and asked Mr. Jensen if he believes a new commissioner should be selected from within the department or from outside.

MR. JENSEN remarked that he really likes how the fish management has been going, especially in Southeast Alaska. Although he hasn't seen a list of those who have applied for the commissioner position, he knew that Kevin Duffy is in the running. He related his belief that Mr. Duffy has been doing a great job as is the present management.

Number 0948

REPRESENTATIVE GUTTENBERG recalled that last week the BOF met in Cordova and heard much testimony with regard to the Chitina dipnet fisheries. He asked if Mr. Jensen could expand upon the reason in the change in status from subsistence to personal use.

MR. JENSEN answered that personally [his decision] was based on new information that wasn't presented to the board in 1999. He noted that criterion 8, "pattern of taking use and reliance for subsistence purposes on a wide diversity of fish and game resources that provides substantial economic, cultural, and

social nutritional elements of the subsistence way of life" was difficult with regard to the cultural and social aspects.

REPRESENTATIVE GUTTENBERG surmised that now it's an allocation issue between the Chitina dipnet fishery and the fishery at the mouth of the river. He inquired as to Mr. Jensen's thoughts regarding how that location would be balanced.

MR. JENSEN commented that he never realized it was allocation problem. He said he was mainly concerned with the fish stock being healthy.

Number 1118

REPRESENTATIVE SEATON highlighted that Mr. Jensen is a small boat fisherman and he was pleased that he was becoming involved with the BOF. He then turned to the evolving situation with the North Pacific Fisheries Management Council and the possibilities of going forward with processor quota shares and the impact those would have on coastal communities. He inquired as to Mr. Jensen's thoughts with regard to the involvement of the board and its position on allocating fixed shares of the resource to processors so that fisherman would have to continually deliver fish to the processors to whom they delivered in the past.

MR. JENSEN said he hasn't given that much thought. He related his initial feeling that [processors] don't deserve a share because they aren't participating in the fishery. However, [the processors] have been stakeholders in the fishery and should be allowed to have part of the fish delivered to them.

REPRESENTATIVE SEATON clarified that he was specifically speaking to the processor quota shares that designate a certain percentage of the catch would have to be delivered to those processors. He asked if that happened in the federal fisheries, would [the board] follow suit in the state water fisheries.

MR. JENSEN related his personal opinion that the BOF shouldn't be allowed to make allocations to the processors.

Number 1298

CO-CHAIR FATE remarked that Mr. Jensen seems to have had about 30 years of great experience with commercial fishing history. He inquired as to how Mr. Jensen would react to sport fishing and its issues as it relates to the commercial fishing industry.

MR. JENSEN said this matter of the sports fishing industry growing larger and taking more fish is problematic in terms of keeping the commercial catch at a level such that the commercial fishermen make money too. He said he didn't have a solution to offer other than more hatchery fish.

CO-CHAIR FATE asked if Mr. Jensen will vote to maintain a balance between the two fisheries.

MR. JENSEN related that his philosophy is to allow everyone their fair share of the resource. There are answers other than strict allocations, he remarked. For instance, enhancements to create more fish could help alleviate the problems between the two user groups.

Number 1440

REPRESENTATIVE GATTO posed a situation in which there is no increase in fish and inquired as to Mr. Jensen's idea of the proper balance.

MR. JENSEN replied that he didn't know all the options. He reiterated that he hated to see one user group suffer because of another user group. Therefore, he guessed there would have to be some give-and-take.

REPRESENTATIVE GATTO requested that Mr. Jensen shed some light on his concerns with regard to sport fishermen versus commercial fishermen. He asked Mr. Jensen if there were no more fish, would he stick with the current allocation.

MR. JENSEN responded that he didn't believe the current allocation would be satisfactory for him. Mr. Jensen related his belief that the sport fishing industry will end up with more fish than the commercial fishing industry because of its larger voice.

Number 1669

RUPERT ANDREWS, Appointee to the Board of Fisheries, turned to the fax sent to the appointees regarding the committee's questions. In response to the inquiry regarding the appointees' view of the mission or future of Alaska's fisheries, Mr. Andrews provided the following statement:

First and foremost my vision is to see that product quality is improved and enhanced in all commercial

fisheries; high recreational resource experience values are preserved; and fish stocks are maintained for those subsistence and personal use through the sustained yield principle. Although the Bureau of Fisheries cannot solve the core issue for improved salmon market prices, they can help in creating the framework for improving the quality of products harvested. Through the regulatory process the board can explore new concepts of cooperative marketing and harvesting and reducing industry's overhead cost by streamlining management procedures and policies.

For over 40 years, the Alaska Department of Fish & Game and the Board of Fisheries have penalized the efficient fishermen and the use of efficient technology as necessary tools of management. World globalization has defined a new competitive economy that Alaskans must recognize to participate and compete with other nations for a share of the world market. Many Alaskans rely on fish and fish products for their nutritional, social, economic, and cultural well being. Whether the use is subsistence, personal, commercial, or recreational, the responsibility of orderly harvest and allocations to meet all of these needs is the mission of the Board of Fisheries. Being a member of the Board of Fisheries is a constant learning process and can be both terrifying and rewarding at the same time. Terrifying, as we all know, in that allocation decisions impact a great number of Alaskans.

There is no other state in the Union that has as equal a democratic system for fisheries resource use and allocation as Alaska. It is this system that requires large time segments for board members, user public, and the professional staff to satisfy human needs along with the needs of other critters that rely on fish stocks. I've had a lifetime career in Alaska's fisheries, both as a biologist and administrator. And I concur with the concept of orderly and wise management process. Most importantly, prudent application where these animals live and reproduce. Public renewable resources, by their very nature, evoke political rhetoric over allocation. ... There are no simple answers to difficult allocation questions, but there are rules, Mr. Chairman. In other words, be fair to all concerned, gather and use

the best information and data available, and be guided by sound judgment values. My commitment to you, the administration, and all Alaskans includes my promise to listen carefully and respectfully to all the members of the public, even those from other states or the federal agencies. The federal agencies may be hard for me for making a decision. To the best of my ability, my decision will always be based on sound management and the need for conservation and sustained yield management. Once those concerns have been addressed, I will do my best to make fair allocation decisions that are in the best interest of the State of Alaska.

Governor Murkowski has yet to develop his mission for the administration of Alaska's fisheries. [Although] some are self-evident when examining both his personal and political career in and for Alaska. Mr. Chairman, I, along with other members of the board, look forward to working with Governor Murkowski and other administration officials to further ensure their vision for the future of Alaska's fisheries.

Number 1964

REPRESENTATIVE KERTTULA inquired as to the goals Mr. Andrews had in mind for the BOF this coming year.

MR. ANDREWS, speaking only for himself, said that he would like to see the process become shorter, easier, more manageable, and more understandable to the Alaska public. He recalled when he first came to Alaska in 1959, when the Division of Sport Fish had a regulation booklet that fit in a shirt pocket. However, now there's 44 pages for Cook Inlet alone. Something has to be done about that, he said. Furthermore, Mr. Andrews felt that Alaska has an opportunity because Alaska has the trademark on "wild", which he believes the state should promote. Alaska's harvest is a great source of protein that should be out in the world market.

Number 2079

REPRESENTATIVE SEATON returned to the subject of processing quota shares. In relation to the commercial fisheries, Representative Seaton asked if Mr. Andrews felt that the BOF should contemplate establishing processing quota shares for the Alaskan fishery. Representative Seaton clarified that he was

referring to fishermen being required to deliver their catch to a certain a processor to whom they have delivered in the past.

MR. ANDREWS answered that he didn't believe that fishermen should be forced to deliver to a certain processor; that's not the free market economy he understands.

Number 2170

REPRESENTATIVE HEINZE highlighted that Mr. Andrews has spent many years in ADF&G. She inquired as to what Mr. Andrews' thought is Alaska's greatest problem and challenge in sports fisheries and how it can be overcome.

MR. ANDREWS replied, "The fishing hole is getting smaller." This state has a tourist industry that, to a large extent, is based on recreational fishing. Frankly, [the state] has brought this on itself, he said. Alaska fishing has become an important industry that has brought millions of dollars to the state. Recreational fishing is important to a great many Alaskans in a great many communities and that must be recognized as a fact. Mr. Andrews specified that he wasn't saying he was partial one way or the other, but only that it's economics.

REPRESENTATIVE HEINZE pointed out that there are blatant violations in which overseas fishermen come over, spend a lot of money, go over the limit, and pay the \$1,000 fine. Representative Heinze viewed the aforementioned as one of the greatest problems. She asked Mr. Andrews had any solutions to offer.

MR. ANDREWS informed the committee that after he retired he was a guide in Bristol Bay for a couple of years and the lodge that he worked for had its own rules which were more restrictive than the state's rules. The client knew the rules beforehand. Therefore, Mr. Andrews related his belief that many lodge owners recognize [the need for the rules] because it takes 8-10 years to replace a trophy-size trout. Mr. Andrews said that education and working with the industry is the way to [address] this. Mr. Andrews related that personally he never let the individuals he guided kill fish, which he views as the professionalism the industry should look toward.

Number 2348

REPRESENTATIVE WOLF turned to Mr. Andrews' comments with regard to sport fishing and tourism. He recalled the former lieutenant

governor's statement that [Alaska] is killing its rivers with hundreds of thousands of people. Representative Wolf expressed concern with regard to the direction the state is going. Although a good job has been done with marketing Alaska, the previous administration decimated an economy in the Cook Inlet Region while allowing another economy to grow. Representative Wolf said that he didn't have any objections to promoting the economic [growth] of any region of the state. However, he expressed the need to not promote from within the current department, [which operates under] the previous administration's understanding. He reiterated the need to look for new participants. Representative Wolf noted his concern with regard to enhancement and inquired as to Mr. Andrews' views on that.

MR. ANDREWS remarked that when there is someone from within the department that can be promoted, it illustrates that there is a well-functioning department. Still, [the position] should be open to the rest of the country. He noted that [the commissioner's position] has been advertised nationally [via] the Internet, and although there are talented people outside of Alaska, those individuals don't have the hands-on experience of being in Alaska. Speaking for himself, Mr. Andrews related his belief that whoever has the best qualifications [will be hired]. Hopefully, someone in the department can fill this position.

MR. ANDREWS emphasized that resources with worldwide importance are involved. As stewards of the resources, [the board] has a responsibility to the planet to protect the wise use of these resources. Therefore, the best talent is desired. Mr. Andrews also emphasized that the current ADF&G is a great department with great talent and it deserves all the support it can get. Mr. Andrews mentioned that he is one of the individuals hired by the first Commissioner of ADF&G, C. L. Anderson. He has seen the department grow and [develop] a good reputation throughout the country and the world. "None of the biologists represent the user groups, we represent the resource," he stated.

Number 2539

REPRESENTATIVE GUTTENBERG returned to the issue of the Chitina dipnetters. He inquired as what Mr. Andrews thought the board could do to alleviate the perceived imbalance between sport fishing, personal use fishing, dipnetting, and commercial fishing.

MR. ANDREWS pointed out that per state statute, subsistence is a priority. Personal use requires a license and requires the

individual to be a resident of Alaska and there is no priority. Mr. Andrews noted that this question was recently faced in Cordova and he was one of the three board members that voted not to change the customary and traditional use (C&T). He explained that he voted against it based on advice from the legal department, which said that there are only two ways this C&T can be reversed. According to the law the bar is raised when there is a change from C&T to personal use. Furthermore, the egg criteria must be reviewed for any new information. Mr. Andrews said that he didn't see any new information and thus he voted to maintain the C&T.

MR. ANDREWS, in regard to alleviating the perception of imbalance, highlighted that all people in Alaska own the resources, although everyone can't use them in the same way. All the fisheries are necessary, and therefore he suggested that human understanding will be requested. Mr. Andrews explained that he was concerned that lowering the bar by changing a C&T finding may create some long-term problems such as lowering C&T findings already on the books without much work.

REPRESENTATIVE GUTTENBERG inquired as to whether the board made a decision with regard to the number of king salmon that can be taken in Chitina in the personal use fishery.

MR. ANDREWS replied yes, one king for the personal use fishery.

REPRESENTATIVE GUTTENBERG recalled that to be the same as when under subsistence. However, he recalled that the previous personal use limit was three of four kings.

MR. ANDREWS explained that it had been five and then it was changed to one. He recalled that the allocation range for sockeye is between 100,000-150,000.

Number 2819

MELVAN E. MORRIS, JR., Appointee to the Board of Fisheries, noted that he grew up in Alaska and worked for BOF as an assistant biologist in the Anderson days. He informed the committee that he has been involved in hunting, fishing, sport fishing, trapping, and commercial fishing as well as processing and marketing. Currently, he is selling seafood at his company, M&M Marketing. With regard to his vision of the fishing industry in the future, Mr. Morris related his belief that much of it will have to come from the political process. There are many people with good information who will work through the

board's process. He echoed Mr. Andrews' sentiment with regard to the good staff [of the department/board]. As a new member, Mr. Morris said that he is still learning and hopes to become a valuable board member.

Number 2942

REPRESENTATIVE SEATON turned to new commercial fisheries for unutilized species and asked if Mr. Morris was willing to allow those to develop under a commissioner's permit in order to generate the biological data necessary to manage the fishery or does he believe that all of the data has to be available before the fishery starts.

MR. MORRIS remarked that research is always good.

**TAPE 03-5, SIDE B**

MR. MORRIS mentioned the test fishery in Prince William Sound that ADF&G controls while being a restrictive permit fishery that allows evaluation of the resource.

Number 2847

REPRESENTATIVE WOLF reiterated his earlier question regarding putting forth names for the commissioner.

MR. MORRIS recalled [working] in ADF&G and related his feeling that whenever someone can rise through the department to become the commissioner it's good for morale. Such a commissioner is good for the state and the department because the individual is familiar with the issues. However, he acknowledged that there are good [applicants] throughout the country who will apply for the job. Mr. Morris said he believes the process will work. The committee [selecting the commissioner] consists of three people from the BOF and three from the BOG. The committee [selecting the commissioner] will be given questions for the applicants, the answers to which can be discussed with the board members. He agreed with Mr. Andrews that ultimately the most qualified person will be chosen. If that individual has been in the state for awhile and worked in the department, he said he would be especially pleased.

Number 2745

ARTHUR NELSON, Appointee to the Board of Fisheries, informed the committee that most of his life he has been involved in fishing

to various degrees. He noted that he spent a number of summers working on his parents' fishing boats in Prince William Sound. He reviewed his work history which included summers on gillnetters and commercial trollers as well as a position with ADF&G and a position involved in the cleanup of the Exxon Valdez oil spill. He noted that he has also done work in Western Alaska on subsistence and small boat fishery issues as well as a fair amount of field biology for various projects. Furthermore, he spends every moment he can sport fish on his own boat.

MR. NELSON, in response to Representative Wolf's question, said that he plans on keeping an open mind with regard to the commissioner's position. He noted that he is one of the three members of the BOF on the [selection] committee. He echoed earlier testimony that the department has some very excellent people within the department and it's important to promote from within when possible. However, he reiterated his plan to keep an open mind.

Number 2597

REPRESENTATIVE HEINZE pointed out that of the four [appointees to the BOF], three have backgrounds in commercial fisheries. She expressed that her constituency is sport fisheries and thus she hoped that Mr. Nelson would make his decisions while keeping in mind sport fisheries.

MR. NELSON replied that he intended to do his best to balance out those areas in which there are allocation battles between the user groups.

Number 2545

REPRESENTATIVE GATTO inquired as to Mr. Nelson's opinion as to whether the Atlantic salmon, which has been caught in the Pacific fishery, is likely to thrive in this environment and become integrated in it.

MR. NELSON responded that he wouldn't know the answer. However, he related his belief that it's a distinct possibility that Atlantic salmon could establish themselves in Alaska's river systems. He wasn't sure to what extent the Atlantic salmon would thrive in Alaska. He noted that some escaped Atlantic salmon have already been caught in Alaska's saltwater fisheries, sighted in Alaskan rivers, and documented successfully spawning in rivers in British Columbia, Canada. Therefore, he said this shouldn't be disregarded.

REPRESENTATIVE GATTO asked if the concern is such that action should be taken or is action beyond our ability.

MR. NELSON said at this point, it's almost like a needle in a haystack situation. However, people should be encouraged to retain these fish and not release them back into the wild. Everything that can be done to pull out Atlantic salmon from our rivers should be done. Beyond that, he wasn't sure what could be done to stop the influx.

Number 2418

REPRESENTATIVE KERTTULA recalled that last year federally and locally via resolutions in the Alaska State Legislature there was opposition to salmon farming. Therefore, she questioned whether work should be done on a national level to stop fish farming in the U.S. and then internationally with treaties.

MR. NELSON agreed with Representative Kerttula's approach. "I certainly believe that we should be doing everything we can to either try and stop fish farming or at least, if we can't stop it in other countries particularly, we should exert every pressure we can to make sure that they're doing it the best they can to limit escapes and eliminate many of the other biological problems that can be associated with it," he said.

Number 2355

REPRESENTATIVE GUTTENBERG remarked that his constituents in Fairbanks have pretty strong words for the actions of the board, some of which are directed at Mr. Nelson. Therefore, Representative Guttenberg requested that in the future Mr. Nelson should represent a broad spectrum of interests when making decisions. Representative Guttenberg said that some people felt that not only was there a decision that they didn't like, they weren't treated fairly. He mentioned his hope that the board would consider all the interests in the state.

REPRESENTATIVE GUTTENBERG turned to the hatchery situation in the Interior and asked if Mr. Nelson was aware of the decaying ability of the hatcheries to produce the variety of fish necessary in the sport fisheries. There is special concern for stocking the lakes in the Interior. He asked if there is a plan or proposal to deal with the aforementioned.

MR. NELSON noted that he is relatively new to the board and isn't immediately familiar with [a plan or proposal] for the Interior.

Number 2247

REPRESENTATIVE SEATON returned to the processor quota shares issue and asked if, under the Alaska Constitution and state statutes, it would be appropriate for the BOF to contemplate processor quota shares for Alaskan fisheries such that fishermen would be required to deliver set amounts of their catch to certain processors.

MR. NELSON answered that from his understanding, he didn't believe the board would have the authority to do the aforementioned.

Number 2186

REPRESENTATIVE WOLF commented that the past administration included a dark force that actively promoted the mission of making the administration the liaison between the BOF, the BOG and ADF&G to promote an agenda that viewed commercial fishermen as dinosaurs that should "lay down and die." He expressed concern that individuals in the department agreed with the previous administration's "dark force" and thus drawing from within the department to fill the commissioner's position [could be problematic].

CHAIR FATE turned to public comments.

Number 2084

DUNCAN FIELDS informed the committee that he represents some rural communities in Kodiak, which have commercial, sport, and subsistence fishermen. Therefore, he has worked closely with the BOF and its process over the last 10 years or so. He noted that lawmakers and the public hear about a few controversial BOF decisions, although he has seen many positive and progressive BOF decisions. For instance, a few years ago the BOF developed a state water's cod fish fishery, which has proven to be very valuable to the state. Mr. Fields said that he generally supports the board process. He noted that he looks for board members who are willing to work hard, learn about fisheries with which they're unfamiliar, open to different perspectives, and willing to provide access to stakeholders. Furthermore, user group balance is important. With regard to the appointees

before the committee today, the aforementioned qualities [are satisfied]. Mr. Fields encouraged the committee to advance all four appointees to the BOF to the full body for approval.

Number 1917

ED DERSHAM, Chair, Board of Fisheries, informed the committee that he has worked with the four appointees through two regulatory meetings. The appointees came to the board only two days before their regulatory meeting and it was very difficult, but they all got to work quickly. Mr. Dersham said that he was impressed with the work ethic and diverse experience of the appointees. So far, the appointees have had to deal with three very difficult issues. From what he has seen so far, he predicted the four would make excellent board members.

Number 1803

STAN BLOOM, Vice President, Chitina Dipnetters Association, began by saying that three of the appointees to the BOF denied 30,000-plus Alaskans in only 20 days of service. "Think how many Alaskans they can deny if you confirm them for 30 years," he remarked. Mr. Bloom highlighted that Mr. Nelson led the board through a repeal of a C&T. However, Mr. Bloom said he didn't believe that the board could repeal a positive C&T. There was no mention of fish stocks, rather [the meeting] was hung up on users. This [repeal of a C&T involving Chitina] was passed on the basis that dipnetters have only been using [the resource in Chitina] for less than 20 years. However, he highlighted that dipnetting has been practiced for over 100 years. This was the most gross mistake he has ever seen. Therefore, Mr. Bloom recommended that the committee shouldn't approve any of the three commercial fishermen appointed to the BOF. These appointees didn't care about state law or supreme court decisions; they didn't care that on the House Floor Representative Charlie Parr was promised that the C&T language would protect dipnetters from Fairbanks when the law was passed.

Number 1656

MIKE TINKER, Chair, Fairbanks Fish & Game Advisory Committee, informed the committee that he is representing 90,000 constituents in the Interior. He agreed with Mr. Bloom in the sense that the constituents in Cordova were shafted. The arrogance of these three commercial fishermen was obvious because before the meeting, these three appointees said they had come to repeal the C&T. These appointees voted commercial

fishing down the line because they see [the issue] as allocative. The idea that the state's business would be conducted by the BOF in that manner was upsetting, he remarked. Mr. Tinker related that it would be a travesty for the committee to advance the names of Mr. Nelson, Mr. Morris, and Mr. Jensen to the full body. On the other hand, Mr. Andrews is an excellent candidate who didn't participate in the debate in an aggressive manner, especially with regard to the subsistence C&T. Therefore, he felt that Mr. Andrews will serve all of the interests of Alaska while the other three will be self-serving.

Number 1551

VIRGIL UMPHENOUR, a former member of the BOF, informed the committee that the names of [Mr. Nelson, Mr. Morris, and Mr. Jensen] were put forward by United Fishermen of Alaska (UFA). The UFA represent blue water fishermen, although muddy water fishermen refer to them as intercept fishermen. He informed the committee that there are about 4,500 terminal fishermen in Bristol Bay and 2,200 in the Arctic-Yukon-Kuskokwim region. The UFA has approximately 450 members, of which more than 50 percent don't live in the state. He said that UFA represents the commercial fishing interest of Seattle, Washington, as well as the intercept fishing interest. Mr. Umphenour recalled Mr. Jensen's answer to the conflict between sport fish and commercial fish to be more hatchery fish. Currently, there are 1.6 billion hatchery smolt dumped into the ocean every year. For example, the Taku River in Juneau has 110 million chum salmon smolt dumped in the estuary two weeks before the [wild stock] arrive. Between 1990 and 2000 the Taku River wild chum stocks have decreased by 81 percent. However, the statutes specify that wild fish take priority. Mr. Umphenour said that these appointees aren't worried about the wild fish but rather the dollar and protecting the blue water fisheries that fish on hatchery stocks.

MR. UMPHENOUR informed the committee that he was on the board and led the charge with the positive C&T. In the recent meeting there was absolutely no new information, he charged. Therefore, Mr. Umphenour stressed that [the appointees] should be held accountable for their actions. He predicted that the [three appointees] are going to be advocates for UFA, and therefore the priority is going to be for the intercept fishermen not the terminal users.

Number 1292

ROLAND MAW began by informing the committee that he first came to Alaska in 1970 and has commercial fished since 1974 and for five years he has guided and sport fished out of Seward and Homer. He informed the committee that he went to the BOF meeting in Cordova during which he watched the meeting and even had discussions with the four appointees. Mr. Maw said he found all of the appointees to be approachable. He characterized them as an interesting group with diverse backgrounds. Mr. Maw encouraged the committee to support all four of the appointees to the BOF.

Number 1210

DREW SPARLIN noted that he has lived in Kenai for 37 years and is very interested in the actions of the BOF and the BOG. Mr. Sparlin related that he is very happy with the caliber and qualifications of the appointees. Mr. Sparlin said that he has felt it necessary to make changes to the direction at the board level. Furthermore, it is necessary to make similar changes in the policy within the department. The aforementioned could be accomplished with the appointment of a qualified commissioner from outside the department. Mr. Sparlin encouraged the committee to advance the four appointees to the full body for consideration.

Number 1154

PAUL SHADURA, President and Executive Director, Kenai Peninsula Fishermen's Association (KPFA), clarified that the association [represents] muddy water fisheries. Although the association is affiliated with UFA, the association respects and reserves the right to its own opinions. Mr. Shadura related KPFA's support of the appointees to the BOF. Although it seems that the governor's office has attempted to fill the board's vacancies with new blood, KPFA adamantly believes that active limited entry salmon permit holders should be on the BOF. He pointed out that there hasn't been a commercial setnet permit holder or a commercial permit holder from the Cook Inlet region for decades. If there is to be a worthwhile attempt to balance the BOF and assist the state in revitalizing the state's salmon fishing industry, it's imperative that the Cook Inlet be allowed a regional perspective. Furthermore, the remaining currently seated BOF members should be reevaluated for their past and future agendas. "No productive changes to fishery management can occur with the concept of business as usual," he remarked.

The committee took an at-ease from 2:50 p.m. to 2:51 p.m.

Number 1001

SUE ASPELUND, Executive Director, Cordova District Fishermen United, spoke in support of the confirmation of Mr. Nelson, Mr. Morris, and Mr. Jensen to the BOF. She related the belief that it's extremely important for some members of the BOF to have experience with Alaska's private sector employer, commercial fisheries. Much of the board's work involves complex commercial fisheries management issues. She noted that [she] had the opportunity to watch the new board in action and the three candidates actively engaged in Cordova. It was clear from the questions and statements, that the three candidates had examined and considered the background materials and public input. The decisions in Cordova reflect their commitment to place the resource first and, if and when the harvestable surplus exists, to provide opportunities for utilization of that resource to all resource users. She concluded as follows: "We believe that the knowledge, diligence, and desire to serve that was demonstrated by Mr. Nelson, Mr. Morris, and Mr. Jensen will prove beneficial to Alaskans and to its fisheries resources, and urge your support for confirmation of these gentlemen."

Number 0900

CURT HERSCHLEB informed the committee that he is a gillnetter and longliner and supports the confirmation of all the BOF appointees. He noted that this was the third BOF cycle that he participated in and compared to the first two, he found this board to be strikingly unbiased. Mr. Herschleb said that it's unfortunate that much of the focus is on the Chitina dipnet issue. Of all the issues before the board, the Chitina dipnet issue may have the least bearing on user groups. Mr. Herschleb suggested that those focusing on the Chitina issue should get inside the deliberations and the discussions of the criteria.

Number 0782

JERRY McCUNE, Lobbyist for the United Fishermen of Alaska (UFA), informed the committee that UFA recommends Mr. Jensen, Mr. Nelson, and Mr. Morris to the BOF. Mr. McCune pointed out that there are 33 groups with UFA and all have to be licensed to do business in Alaska. These 33 groups represent a variety of different fisheries. The UFA respects the opportunity of Alaskans to take the resource through personal use, subsistence, sport, or commercial. Those needs have to be balanced. The UFA

believes that all Alaskans should have the opportunity to gather the resources.

Number 0689

CO-CHAIR FATE highlighted that the last few testifiers from commercial fishing [groups] only passed judgment on three of the four appointees. He asked if there is a connotation of commercialism in that.

MR. McCUNE replied no and noted that many groups support Mr. Andrews. Mr. McCune said that the UFA is still debating the fourth appointee [Mr. Andrews]. Furthermore, a lot of UFA's groups haven't seen the board at work or know Mr. Andrews.

Number 0583

REPRESENTATIVE GATTO returned to the comments regarding the need for balance and inquired as to the meaning of the word "balance" to Mr. McCune.

MR. McCUNE said that there has been a lot of balancing in the past, such as in the Copper River and the Cook Inlet. He noted that the river systems are a bit different than the open sea fisheries. He explained that the number one [priority] is the resource. When there is a problem with the resource, the first user group to be shut down is commercial fishing, then there is an attempt to balance the resource for personal use, subsistence, and sport fishing. Although there could be a problem large enough to close subsistence, Mr. McCune has only recalled that occurring in the Kuskokwim [River]. Mr. McCune specified that balance is 2 million sockeye on the Copper River and 650,000 for escapement and that is used to fill the needs of personal use, subsistence, and the streams. Often the escapement is over 650,000, such as last year, and that results in commercial fishing being shut down for a period. However, such a situation doesn't shut down personal use or subsistence. Mr. McCune remarked that if one looks around the state at the river systems, one would find that balance has been achieved.

Number 0282

REPRESENTATIVE KERTTULA moved that the committee advance the names of John E. Jensen, Rupert E. Andrews, Arthur N. Nelson, and Melvan E. Morris, Jr., to the Board of Fish to the full body for consideration. There being no objection, the names were advanced.

**ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:31 p.m.