

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 12, 2008

1:07 p.m.

MEMBERS PRESENT

Representative Carl Gatto, Co-Chair
Representative Craig Johnson, Co-Chair
Representative Anna Fairclough
Representative Bob Roses
Representative Paul Seaton
Representative Bryce Edgmon
Representative Scott Kawasaki

MEMBERS ABSENT

Representative Peggy Wilson
Representative David Guttenberg

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Alaska Commercial Fisheries Entry Commission

Frank Homan - Juneau

- HEARD AND HELD

Big Game Commercial Services Board

Brenda Rebne - Anchorage

- HEARD AND HELD

Board of Game

Ted Spraker - Soldotna

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

No previous action to report

WITNESS REGISTER

FRANK HOMAN, Appointee
to the Commercial Fisheries Entry Commission
Alaska Department of Fish & Game
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Commercial Fisheries Entry Commission.

BRENDA REBNE, Appointee
to the Big Game Commercial Services Board
Department of Commerce, Community, & Economic Development
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Big Game Commercial Services Board.

ACTION NARRATIVE

CO-CHAIR CRAIG JOHNSON called the House Resources Standing Committee meeting to order at [1:07:32 PM](#). Representatives Seaton, Roses, Kawasaki, Fairclough, Gatto, and Johnson were present at the call to order. Representative Edgmon arrived as the meeting was in progress.

CONFIRMATION HEARING(S)
Alaska Commercial Fisheries Entry Commission

[1:07:47 PM](#)

CO-CHAIR JOHNSON announced that the committee would consider the appointment of Mr. Frank Homan to the Alaska Commercial Fisheries Entry Commission. [Packets contained biographical information on the appointee.]

CO-CHAIR JOHNSON asked Mr. Homan to begin by stating why he is interested in serving on the commission.

FRANK HOMAN, Appointee to the Commercial Fisheries Entry Commission, Alaska Department of Fish & Game, noted he has had some experience on the commission because this is a re-appointment. He said he considers it important work. The mission and the purpose of the commission is two-fold: to consider conservation and to balance that with the economic health of the fisheries and the fishermen. To look at the fisheries and to try to balance those two things is a very difficult job many times. A lot of people's lives depend on the access to the fishery and [the commission] takes that into

consideration on all the limitations that it does, he said. One thing that is not visible to the public is that the three commissioners sit as an appeal board for denied applications for limited entry permits, and this is a chance to have a second and sometimes third look at an application that has been denied to try to determine if there are factors that would lead the commission to issue that permit, while following the regulations and the statutes that are set down by the legislature and enhanced by the court system.

[1:11:09 PM](#)

CO-CHAIR GATTO observed that Mr. Homan's education is in economics, public administration, and administrative law, not biology or science. He surmised Mr. Homan's previous service on the commission was under the Murkowski Administration.

MR. HOMAN responded true.

[1:12:09 PM](#)

REPRESENTATIVE SEATON inquired whether there would be conflicts between Mr. Homan's chairmanship of the board of the Alaska Commercial Fishing and Agricultural Bank and his position on the Commercial Fisheries Entry Commission.

MR. HOMAN replied not at the present time because his service on the bank board was some time ago and he has not been in a position where the two overlap. He said the bank is primarily a financial lending institution as opposed to the commission which looks at access to the fisheries. In further response to Representative Seaton, Mr. Homan clarified that the public positions listed on his résumé [dated 11/02] are not current positions.

[1:13:38 PM](#)

REPRESENTATIVE SEATON asked how many years Mr. Homan has been on the commission.

MR. HOMAN answered close to 10 years because he was on the commission for five years in the early 1990s as well.

REPRESENTATIVE SEATON inquired how long has it been since the Commercial Fisheries Entry Commission established a new limited entry program.

MR. HOMAN responded it has been three years since there was a limitation - the Kodiak tanner crab fishery.

1:14:29 PM

REPRESENTATIVE SEATON requested Mr. Homan to explain the commission's process for limited entry.

MR. HOMAN replied there are 68 limited fisheries and a fishery is a certain type of gear and a certain area, so these fisheries are mostly regional, although some are statewide. Usually the fishermen in the fishery will petition the commission and say that there are too many fishermen. He explained that the Alaska Department of Fish & Game regulates fishing pressure by continually reducing the seasons. If the commission sees there are more fishermen trying to make a living in a fishery and the time gets shorter and shorter, it is usually because there is too much pressure. There is an extensive analysis that goes into a limitation. The commission looks at the number of fishermen, the years of effort, the type of gear, the boats, and the region. After this major research effort, the commission compares notes with the Alaska Department of Fish & Game to see what the department feels is appropriate. Limitation of a fishery is taken as a formal action of the commission, he said. The legislature and the courts established a formula which requires that the guidelines be based upon the four years prior, although the commission can go back further. Usually the fisheries will show themselves to be in some kind of distress and it will take several years for it all to come together. But the typical pattern is that the seasons become shorter and shorter and the gear becomes more restrictive until such a time that fishermen cannot really make a living anymore because of the opened access.

1:17:40 PM

REPRESENTATIVE SEATON related that in a previous discussion Mr. Homan had indicated there were a number of issues that are in statute or interpreted by the courts that make the process problematic. So, even when the commission establishes a limited permit entry system, the number of permit holders must be expanded beyond the number that participated in the last few years, and this has made the system less workable. Do you or the commission have suggestions for making this more workable and will you come forward with changes if you are re-appointed, asked Representative Seaton.

MR. HOMAN said the commission is always looking at statute and often comes to the legislature with suggestions. Every legislative session there is some legislation that would modify the statutes to make things work a little better. However, because of legislative prerogative, the commission is not always successful in its suggestions. The commission takes its direction from the legislature.

[1:20:19 PM](#)

CO-CHAIR JOHNSON thanked Mr. Homan for his willingness to serve, especially more than once.

The committee took an at-ease from 1:21 p.m. to 1:24 p.m. due to online technical difficulties.

Big Game Commercial Services Board

[1:24:06 PM](#)

CO-CHAIR JOHNSON announced that the committee would next consider the appointment of Ms. Brenda Rebne to the Big Game Commercial Services Board. [Packets contained biographical information on the appointee.]

CO-CHAIR JOHNSON asked Ms. Rebne to begin by stating why she is interested in serving on the board.

BRENDA REBNE, Appointee to the Big Game Commercial Services Board, Department of Commerce, Community, & Economic Development, stated she is Vice-President of Corporate Affairs for Ahtna, Incorporated, the owner of land that is impacted by all user groups. She said she sees this as an opportunity for her and her corporation to gain a better understanding of the needs of this particular user group. She said she also serves as chair of the Alaska Federation of Natives' Subsistence Committee Workgroup and she sees that as an area where she can share this information as well. There are multiple users in Alaska and outside of Alaska and every opportunity should be taken to gain understanding of each others' needs in order to address the issues. She said she is excited about serving on this board and learning about the different user groups outside of subsistence, or customary and traditional users.

[1:25:33 PM](#)

REPRESENTATIVE FAIRCLOUGH asked Ms. Rebne to address the wildlife violation listed on her application.

MS. REBNE responded she mistakenly shot a moose that did not meet the 50-inch [antler] requirement. She said she was beyond horrified and immediately dressed the moose out and took it to the trooper station where she handed it over. While she has spent her entire life out in the field with her family, that was the first year she ever actually shot a moose herself. It was regrettable and she followed the proper procedure of turning the moose in immediately. She received a fine, and it is not one of her prouder moments, she said.

[1:26:51 PM](#)

REPRESENTATIVE FAIRCLOUGH appreciated that Ms. Rebne stepped forward and took responsibility for her actions, as everyone can make mistakes. She asked if Ms. Rebne self-reported her action.

MS. REBNE replied yes. In further response to Representative Fairclough, Ms. Rebne stated the antlers were 42 inches, so they were short 8 inches. She said she does not believe she will ever live it down.

[1:27:43 PM](#)

REPRESENTATIVE FAIRCLOUGH inquired whether Ms. Rebne is involved or aware of Ahtna, Incorporated's position against another person that is before the committee today [Ahtna, Incorporated's 3/10/08 letter opposing the re-appointment of Ted Spraker to the Board of Game].

MS. REBNE said the letter came from the president and as an employee of Ahtna, Incorporated, she is aware of it. She is in an uncomfortable position so she is not commenting on it, she stated.

REPRESENTATIVE FAIRCLOUGH remarked that when people have opinions she wants to know where they are coming from and why they are in opposition to a particular appointee. If something is dysfunctional inside a board, she would like to know about it so a determination can be made regarding both applicants.

[1:29:19 PM](#)

REPRESENTATIVE SEATON said he has the same question, but reminded the committee that the appointments are for two

different boards. Since Ahtna, Incorporated's comment was in regard to subsistence, he expressed his concern that Ms. Rebne as an employee would be coming to the commercial services board with an agenda supporting subsistence and opposing sport hunting and the purposes of the Big Game Commercial Services Board for regulating big game commercial guides.

MS. REBNE answered she does not believe she will be biased in her position on this board. This is an opportunity to educate this particular group on some of the issues and from what she has already seen in the past couple of days, this group is already aware of it themselves. She said she thinks representing a large land owner will be a benefit to this [board] and there are more opportunities than negatives with her past experience.

[1:32:02 PM](#)

REPRESENTATIVE SEATON asked Ms. Rebne to comment on Ahtna, Incorporated's letter in regard to its opposition to a person because that person promotes sport hunting instead of subsistence use, and how she will work where the Board of Game and the Big Game Commercial Services Board intersect.

MS. REBNE said her difficulty is that it is a letter written by Ahtna, Incorporated's president and she does not have the authority to comment on the letter. She said that is not a reflection of her sitting on this board; those are the president's comments.

[1:33:38 PM](#)

CO-CHAIR JOHNSON inquired whether Ms. Rebne has seen the letter.

MS. REBNE responded yes.

CO-CHAIR JOHNSON asked whether Ms. Rebne agrees with the letter.

MS. REBNE replied some points she agrees with; there have been past actions. However, she prefers to move forward.

[1:33:58 PM](#)

CO-CHAIR JOHNSON inquired whether Ms. Rebne works directly for Mr. Ken Johns [President/CEO of Ahtna, Incorporated, author of the letter].

MS. REBNE answered yes.

CO-CHAIR JOHNSON asked what type of influence Mr. Johns will have over Ms. Rebne's day-to-day professional life when it comes to board decisions.

MS. REBNE responded Mr. Johns is her immediate supervisor, he does not direct her activities outside of her position.

CO-CHAIR JOHNSON inquired whether Ms. Rebne was strong enough to withstand that pressure.

MS. REBNE replied she believes so.

[1:34:31 PM](#)

REPRESENTATIVE FAIRCLOUGH apologized for the awkwardness of the conversation, and stated the committee is in a difficult position too. She asked Ms. Rebne to speak regarding her opinions on traditional use rights versus sports hunting rights.

MS. REBNE answered she is new to the guide service and the transporter issue and she has learned a lot in the last one and a half days she has spent at the meeting. She said she immediately noticed there are user group conflicts within the transporters and the guides themselves. At least one guide mentioned customary and traditional use and historical use within his own field. So this is one area where she has identified some similarities. There are some user conflicts within the user group that she found interesting, so she is thinking that is "an opportunity to try to get our hands around that because that is an issue that affects all the user groups in all areas." Some of the conflicts within this user group are similar to the subsistence and the sport hunter conflicts. When two user groups are having similar conflicts, it is an opportunity to have more minds to try resolving an issue that would benefit the most people. There are differences in concept; for instance, there are people who think sport hunting is recreational use. It is a very complicated issue. There are customary and traditional users, but there are a lot of similarities between these groups.

[1:36:42 PM](#)

REPRESENTATIVE FAIRCLOUGH inquired whether Ms. Rebne supports customary and traditional use or sports hunting and how would she balance those.

MS. REBNE said she does not have the answer as to how she would balance them, but she does recognize that all user groups have the right to this resource. There is definitely an issue that needs to be resolved and she thinks that the more people from all the user groups that can work together, the closer they will get to finding an answer to that question.

[1:37:24 PM](#)

REPRESENTATIVE SEATON asked what Ms. Rebne sees as the job of the Big Game Commercial Services Board.

MS. REBNE responded she has read the past couple of years of minutes and the regulations. She said what she has seen in the last day and a half is that all users in this group - the guides and the transporters, the Department of Natural Resources, the local community, and the board - have identified that there is a limited resource and that in some cases there are too many guides within some of the guide-use areas. There is also the issue between the transporters, but that is not being addressed at this particular meeting because only the guide use is being addressed. The genesis of the issue is that the resource is being overharvested, but right now at this meeting this board is only addressing the guides' use of that resource. The transporters need to be pulled into this loop as well, and that is becoming clearer and clearer as the meeting continues. There is definitely a recognition that the resource has to be protected for all users, which she said she finds very enlightening and was glad to hear. There is a similar concern within this group as there is with customary and traditional users - the issue is the same.

[1:39:23 PM](#)

REPRESENTATIVE SEATON inquired whether Ms. Rebne would be able to help with regulations for Game Management Units 11, 12, 13, and 20 that enable guides to access that area even if she personally thought that more of the resource should go to traditional and customary users. Or would Ms. Rebne's position be that the Big Game Commercial Services Board should restrict the use by guides and transporters in those areas?

MS. REBNE replied she thinks that would be the Board of Game's determination. The Big Game Commercial Services Board would not have the authority to do that; it deals with the rules and

regulations for guides and transporters, not where they can hunt.

[1:41:07 PM](#)

CO-CHAIR GATTO asked whether Ms. Rebne is a volunteer or paid worker and did Mr. Ken Johns hire her.

MS. REBNE answered she is paid a worker and has worked her way up through the ranks. She was the Tribal Administrator for the Native Village of Cantwell when she was recruited by Ahtna, Incorporated to work as the Village Tourism Coordinator. From there she was promoted to Corporate Relations Manager and for the past three and one-half years she has been the Vice-President of Corporate Affairs. She said that as Vice-President of Corporate Affairs she is familiar with the subsistence issue as it is related to the corporation, but [subsistence] is not the focus of her position.

[1:42:12 PM](#)

CO-CHAIR GATTO inquired how Ms. Rebne would be able to take a different position than her boss and keep her job.

MS. REBNE said certainly the corporation has positions that she supports and certainly Mr. Johns does. He is aware that she has been appointed to this board and she does not believe that he would put undue influence on her, that is not the type of person he is. The issues that are reflected in the letter are different for the Board of Game than the for this board.

[1:43:37 PM](#)

CO-CHAIR GATTO asked how Ms. Rebne would justify her appointment to a sport hunter.

MS. REBNE responded there are two different positions regarding sport hunting and subsistence. She said she wants to use this as an opportunity to learn more about that area of user groups so she can better understand that. "I really think that if we don't figure out how to work together and resolve some of these issues, we're just going to be butting heads continuously." Even though her heart is in rural Alaska and she was raised in a customary and traditional way, she said she still needs to learn how other user groups operate so everyone can work together or the state will be in big trouble.

[1:44:57 PM](#)

REPRESENTATIVE FAIRCLOUGH said she thinks it is wonderful that Ms. Rebne serves as chair of the Alaska Federation of Natives' Subsistence Committee Workgroup and that all boards need to be balanced with equal representation from across the state. She asked whether Ms. Rebne believes the current board is balanced in regard to sports and subsistence hunting.

MS. REBNE replied she does not believe there is anyone else representing any subsistence issues, but she is reluctant to say this since she has only been in meetings for one and one-half days. She said she has been encouraged at the degree of openness. Some subsistence questions have come up and she has not felt that there is any hostility nor has she heard any anti-subsistence comments. While there might not be specific representation from the Native community on this board, she thinks she brings that to this table.

REPRESENTATIVE FAIRCLOUGH informed the committee that before making a recommendation she would like to know the composite of the Board of Game and the Big Game Commercial Services Board as they currently sit to make sure that all of Alaska's voices are heard on each board.

[1:49:08 PM](#)

REPRESENTATIVE SEATON inquired as to how many members compose the Big Game Commercial Services Board.

MS. REBNE answered nine: two transporters, two landowners, two guides, two from the public, and one from the Board of Game. In further response to Representative Seaton, Ms. Rebne confirmed she is one of the two landowner representatives, and she thinks she just happens to be Alaska Native.

REPRESENTATIVE SEATON said it clarifies things for him to know that there are designated seats.

[1:50:11 PM](#)

CO-CHAIR JOHNSON announced the committee had lost its quorum and could not take any action on the remaining two appointees. He said he is therefore adjourning the committee and rescheduling a continuation of the hearing.

REPRESENTATIVE ROSES clarified that the reason for the committee losing its quorum is because a large number of morning meetings were rescheduled, resulting in conflicts for many members.

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at [1:52:54 PM](#).