

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

March 17, 2008

2:15 p.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Representative David Guttenberg  
Representative Scott Kawasaki

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Board of Fisheries

Melvan E. Morris, Jr. - Kodiak  
John E. Jensen - Petersburg  
William S. Brown - Juneau

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

No previous action to report

**WITNESS REGISTER**

REUBEN HANKE

Soldotna, Alaska

**POSITION STATEMENT:** Supported the appointments of Mr. Morris, Mr. Jensen, and Mr. Brown.

GERRY MERRIGAN

Petersburg, Alaska

**POSITION STATEMENT:** Supported the appointments of Mr. Morris, Mr. Jensen, and Mr. Brown.

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

**POSITION STATEMENT:** Supported the appointments of Mr. Morris,  
Mr. Jensen, and Mr. Brown.

RICKY GEASE, Executive Director  
Kenai River Sportfishing Association  
Soldotna, Alaska

**POSITION STATEMENT:** Supported the appointments of Mr. Morris,  
Mr. Jensen, and Mr. Brown.

AL BURCH, Executive Director  
Alaska Dragers Association  
Kodiak, Alaska

**POSITION STATEMENT:** Supported the appointments of Mr. Morris,  
Mr. Jensen, and Mr. Brown.

TOM KOUREMETIS  
Kodiak, Alaska

**POSITION STATEMENT:** Supported the appointment of Mr. Morris.

LINDA KOZAK  
Kodiak, Alaska

**POSITION STATEMENT:** Supported the appointments of Mr. Morris,  
Mr. Jensen, and Mr. Brown.

SHAWN DOCHTERMANN  
Kodiak, Alaska

**POSITION STATEMENT:** Supported the appointments of Mr. Morris  
and Mr. Jensen.

ROBERT HEYANO  
Dillingham, Alaska

**POSITION STATEMENT:** Supported the appointments of Mr. Morris  
and Mr. Jensen.

ROBIN SAMUELSEN, President  
Bristol Bay Economic Development Corporation (BBEDC)  
Dillingham, Alaska

**POSITION STATEMENT:** Supported the appointments of Mr. Morris  
and Mr. Jensen.

ANDREW COUCH  
Matanuska-Susitna Valley, Alaska

**POSITION STATEMENT:** Opposed the appointments of Mr. Morris and Mr. Jensen.

BRUCE KNOWLES  
Willow, Alaska

**POSITION STATEMENT:** Opposed the appointments of Mr. Morris and Mr. Jensen, and supported the appointment of Mr. Brown.

STEVE RUNYAN  
Matanuska-Susitna Valley, Alaska

**POSITION STATEMENT:** Opposed the appointments of Mr. Morris and Mr. Jensen.

TOM LOGAN  
Matanuska-Susitna Valley, Alaska

**POSITION STATEMENT:** Opposed the appointments of Mr. Morris and Mr. Jensen, and supported the appointment of Mr. Brown.

LEROY CABANA  
Homer, Alaska

**POSITION STATEMENT:** Supported the appointments of Mr. Morris, Mr. Jensen, and Mr. Brown.

PAT DONELSON  
Matanuska-Susitna Valley, Alaska

**POSITION STATEMENT:** Opposed the appointment of Mr. Morris.

JERRY MCCUNE, Executive Director  
United Fishermen of Alaska  
Cordova, Alaska

**POSITION STATEMENT:** Supported appointments of Mr. Morris, Mr. Jensen, and Mr. Brown.

#### **ACTION NARRATIVE**

**CO-CHAIR CRAIG JOHNSON** called the House Resources Standing Committee meeting to order at [2:15:27 PM](#). Representatives Fairclough, Roses, Edgmon, Gatto, and Johnson were present at the call to order. Representatives Wilson and Seaton arrived as the meeting was in progress.

CONFIRMATION HEARING(S)  
Board of Fisheries

[2:15:38 PM](#)

CO-CHAIR JOHNSON announced that the committee would consider the appointments of Mr. Mel Morris, Mr. John Jensen, and Mr. William Brown to the Board of Fisheries. [Packets contained biographical information on the appointees.]

CO-CHAIR JOHNSON stated he would take public testimony today and hear from the appointees [on 3/19/08].

[2:16:14 PM](#)

REUBEN HANKE said he supports the governor's appointments to the Board of Fisheries. After attending board meetings for more than 20 years, he said he believes this is a good group of individuals. Although he has only had a few conversations with Mr. Brown, he believes Mr. Brown will be a valuable asset to the board; having access to economic knowledge will bring a new dimension to the board for sport, commercial, and personal use fisheries. Re-appointing Mr. Jensen and Mr. Morris for third terms retains an incredible amount of fisheries knowledge on the board. While he does not agree with some of the decisions that the Board of Fisheries has made in the past, he said he thinks that Mr. Jensen and Mr. Morris made their decisions using the science and guidance put forth to them by the Alaska Department of Fish & Game. He thanked Mr. Jensen and Mr. Morris for their continued service. In response to questions from Co-Chair Gatto, Mr. Hanke affirmed he is not representing an organization today, but has previously spoken for the Kenai River Sportfishing Association.

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GERRY MERRIGAN spoke on behalf of himself in support of the re-appointment of Mr. Morris and Mr. Jensen. While he has not met Mr. Brown, he said his résumé is impressive. The Board of Fisheries process, by nature, will never make everyone happy. So, in the end, the decision must be on what one thinks is a good public process. Some people's idea of the process is whether they got what they wanted out of it. However, he said he thinks the real definition of a good public process is that the issue is brought up in a way that allows for public input, was presented in a manner that everyone understood, and the board members gave the public access to themselves and the committee process. Mr. Jensen and Mr. Morris have always gone through a good public process. Continued public access to solving complicated proposals is what is being looked for. He urged that the nominees be moved forward.

[2:20:24 PM](#)

PAUL SHADURA, Executive Director, Kenai Peninsula Fishermen's Association, acknowledged the efforts of the governor's office to find qualified candidates for one of the most controversial boards in the state. The Board of Fisheries confirmation process is a unique form of public opinion rather than a testament to an individual's knowledge, expertise, or work ethic. While one may not like the decisions of the board, one must respect the commitment that each board member makes to attend meetings, listen to stakeholders, and understand a myriad of complex laws in order to come to some conclusion with consensus. Three years is a tremendous amount of time to offer a personal commitment to the betterment of the Alaskan public and the sustainability of the state's finite resources. He said his organization supports the governor's selection, maintaining a balance on the board, re-appointing experience and leadership as well as intelligence, new interests, and skills. He urged the confirmation of Mr. Morris, Mr. Jensen, and Mr. Brown.

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RICKY GEASE, Executive Director, Kenai River Sportfishing Association, echoed the comments of the three prior speakers and said his organization supports the confirmation of all three appointees. The appointments of Mr. Morris and Mr. Jensen represent a good continuity on the board in terms of a commercial perspective. There will be a lot of issues coming up in the next three years that will benefit from this continuity. The appointment of Mr. Brown shows good foresight by the governor's office for appointing someone with a lot of experience in economics, and bringing that skill and resource to the board will pay dividends in the future during some of the possible restructuring issues.

[2:23:39 PM](#)

AL BURCH, Executive Director, Alaska Draggers Association, noted he has been a fisherman since the 1950s and owns two fishing vessels. He has known Mr. Morris for many years and finds him an honorable person. Although he has known Mr. Jensen for a shorter time, he is pleased with Mr. Jensen's efforts to become knowledgeable of other fisheries in the state. While he does not know Mr. Brown, he has read his résumé and talked with others who say Mr. Brown would be a good addition. He said he supports all three appointees. A corporate memory is very important as is a new person that has an open mind.

2:24:49 PM

TOM KOUREMETIS said he is basically a sports fishermen and he has some commercial fishing permits. He has known Mr. Morris since 1959. On behalf of himself and his friend Jack Alexander, he asked the committee to confirm Mr. Morris because he is a fair person and the kind of Alaskan that should be kept involved in the state's resources.

2:25:42 PM

LINDA KOZAK stated she works with crab fishermen who fish the Bering Sea and Aleutian Islands. Her family also has a setnet operation in Bristol Bay and she and her husband are active sport fishermen during the summer months. She said she is one of the unhappy people who had Mr. Morris and Mr. Jensen vote against the two proposals she submitted at the last Board of Fisheries meeting. However, she adamantly supports them for re-appointment because they vote the way they think they should and not for expediency or political reasons. It is also important to have the historical perspective that both Mr. Morris and Mr. Jensen bring to the process. While she has not met Mr. Brown, she has read his résumé and believes he would be a great addition to the board.

2:27:10 PM

SHAWN DOCHTERMANN testified he is a 30-year Kodiak resident and life-long commercial fisherman. He has fished Bering Sea crab, halibut off the Aleutians, Bristol Bay salmon, and halibut in the Gulf of Alaska. On behalf of himself, he endorses the re-appointment of Mr. Morris and Mr. Jensen to the Board of Fisheries. Since he is not familiar with Mr. Brown he cannot say much about him. Mr. Morris and Mr. Jensen have the knowledge and good judgment on deciding state fisheries issues. While he may not always agree with all of the board's decisions, he respects Mr. Morris and Mr. Jensen for their leadership and their dedication to sustainability and protection of Alaska's fisheries.

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ROBERT HEYANO noted he is a life-long resident of the Bristol Bay area and is both a subsistence and commercial fisherman. At one time he was also the owner and operator of a small sport fish camp on the Nushagak River. He supports the re-appointment

of Mr. Morris and Mr. Jensen because they bring a wealth of experience and expertise to the Board of Fisheries process. Their knowledge of the federal fisheries and how that affects and interacts with the state of Alaska is extremely important. Mr. Morris and Mr. Jensen, with their past experience, will be key to ensuring that coastal communities are not adversely affected when proposals for restructuring the salmon fisheries come before the board. He said he did not know Mr. Brown so could not provide comments on him.

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REPRESENTATIVE FAIRCLOUGH inquired whether Mr. Heyano believes the Pebble Mine can be done without impact to Bristol Bay.

MR. HEYANO responded he has not seen any information to date that would allow him to make that conclusion.

REPRESENTATIVE FAIRCLOUGH asked whether Mr. Heyano thinks the Pebble Mine would adversely affect his ability to fish in Bristol Bay.

MR. HEYANO replied he thinks it would have an impact to the fishery, but he does not know about his ability to fish. He said he no longer seines for herring in Prince William Sound and that is directly related to the Exxon Valdez oil spill. Like many commercial fishermen, he is put off with the length of time it is taking to resolve that issue, and he thinks it is a fact of what large, well-financed corporations are able to do in light of a disaster that could happen. More importantly, he said, the publicity that the Pebble Mine is receiving will impact the marketability of Bristol Bay salmon.

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REPRESENTATIVE FAIRCLOUGH noted that at some point the Board of Fisheries will be a determining factor in the Pebble Mine development issue. While she is not pro or con on the issue, she said she would like to see the process go forward in order to hear the discussion. She inquired whether fishermen in the Bristol Bay area believe that the mine should go through the process or should the process stop now.

MR. HEYANO spoke for himself. He said it is one thing to support having it go through the process, but he firmly believes that the process was significantly weakened for protection of the fishery resources and their habitat by some actions taken by

the past administration. He must therefore say he is not comfortable with that process. A lot of work needs to be done to strengthen that process or at least bring it back to what it was before the changes were made by the past administration.

[2:32:47 PM](#)

ROBIN SAMUELSEN, President, Bristol Bay Economic Development Corporation (BBEDC), related that BBEDC represents 17 villages and roughly 6000 members within the Bristol Bay region. He said he and BBEDC support the re-appointment of Mr. Morris and Mr. Jensen to the Board of Fisheries because continuity on the board is very important. Both appointees have treated Bristol Bay's commercial fishermen, sports fishermen, and subsistence fishermen fairly. Bristol Bay is facing three restructuring proposals and these two people would be for Alaskans and Alaskan communities. A lot of these restructuring proposals are making the rich richer and the poor poorer. Mr. Samuelson said he represents a region that is quite poor because of low fish prices and high fuel and food costs, and he thinks Bristol Bay will get a fair shake from Mr. Morris and Mr. Jensen. He urged their confirmation.

[2:34:36 PM](#)

REPRESENTATIVE FAIRCLOUGH asked whether Mr. Samuelson sees conflict with the development of Pebble Mine and the fisheries.

MR. SAMUELSEN answered yes, his board by resolution has voted to oppose the Pebble Mine until they can prove otherwise. Millions of dollars have been spent in restructuring the fishery to try to make it more economical for Bristol Bay fishermen. The area is first in the state to have ice barges and another ice barge is currently being built. When buyers tour the area the Pebble Mine always comes up, he related. He has asked the buyers whether they would continue to buy fish if the Pebble Mine had a spill and the unanimous response is no. The buyers said they would go to other places that do not have tarnished fish.

[2:35:41 PM](#)

REPRESENTATIVE FAIRCLOUGH inquired about the number of fishery jobs in the Bristol Bay region.

MR. SAMUELSEN responded it is two jobs for every setnet and three people for every drift boat. Those dollars turn over six times in the community. The region currently owns just under 50

percent of the combined permits for setnet and driftnet. Since there are 2,800 setnet and driftnet permits, that would be about 1,400 permits multiplied by two [jobs] which is 2,800 jobs. That does not include the cannery workers.

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REPRESENTATIVE FAIRCLOUGH asked what the annual wage is for those fishermen.

MR. SAMUELSON replied it was pretty embarrassing when fishermen were getting 40 cents a pound four years ago, but since then it has increased. Last season it averaged about 72 cents per pound for sockeye salmon and some fishermen got as high as 91 cents a pound. Fishing is the life-blood of Bristol Bay, he said. Communities the size of Dillingham are not as reliant on the fishery as villages like Togiak or Port Heiden. There are no jobs in the small villages, so reliance on commercial fishing in the villages is very, very great and usually the commercial fishery is what produces the dollars for conducting subsistence activities. However, he did not have a dollar amount off the top of his head. In further response to Representative Fairclough, Mr. Samuelson said about 8,200 people are located in the Bristol Bay region and information about annual salaries from fishing is available at the Commercial Fisheries Entry Commission (CFEC).

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REPRESENTATIVE SEATON requested Mr. Samuelson to speak about his experience in the industry and with the Board of Fisheries and the North Pacific Fishery Management Council.

MR. SAMUELSON stated he served three years on the Board of Fisheries, nine years on the North Pacific Fishery Management Council, and three years on the North Pacific Anadromous Fish Commission. He has talked fish all his life, he said.

[2:39:39 PM](#)

ANDREW COUCH spoke on behalf of himself as a sport fishing guide in the Matanuska-Susitna Valley. He said he would like to see new membership on the Board of Fisheries rather than Mr. Morris and Mr. Jensen. Conservation concerns for the northern end of Cook Inlet have not been adequately addressed during the last two board meetings. Mr. Morris and Mr. Jensen both voted against measures that would have met adequate escapement needs

for the northern end of Cook Inlet. Mr. Morris's and Mr. Jensen's strong support of the commercial fisheries has negatively impacted the sport, personal, and subsistence fisheries in Cook Inlet. He said he thinks there would be other candidates who would recognize the legitimate needs of all Alaskans. He related that at the last Board of Fisheries meeting Mr. Jensen said that people without limited entry commercial fishing permits who lived in the northern end of the inlet did not have the right to catch more fish, but the commercial fishermen did. Mr. Couch said he thinks that is totally wrong. There are a lot of people in the Matanuska-Susitna Valley and Anchorage who would like to see a reasonable amount of salmon return to upper Cook Inlet. He has heard good things about Mr. Brown, but he does not know him.

[2:42:00 PM](#)

BRUCE KNOWLES stated he has been involved with fishing issues for 10 or 15 years and has served on numerous committees, but he is speaking for himself. He said he agrees with Mr. Couch that it is time for a change on the Board of Fisheries. Under the current board, the northern district has suffered drastically from poor management decisions. On several occasions bad decisions were made by the board not following the Sustainable Salmon Fishery Policy by the letter. There is currently too much partisanship on the board. He said the economic value of the fish is not being represented on the board and Mr. Brown would be able to bring this to the forefront.

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CO-CHAIR GATTO allowed that Mr. Knowles's voice speaks for a great many sport fishermen, especially in the upper Cook Inlet. He asked how many days Mr. Knowles fishes in a summer.

MR. KNOWLES answered mostly on days that end with "y". In further response to Co-Chair Gatto, Mr. Knowles confirmed he believes there are fewer fish now than at any other time. He said he still catches fish every day, but he has to work harder. He sees more people having harder times and more people coming back without fish. He also sees more restrictions. "Most of the fish that we fish for are fishing on some form of emergency restrictions that were put in place years ago and we still have them." While commercial fishermen were given additional time to fish, not a single fishing period was increased in the northern district for sport fishermen. [The Board of Fisheries] classified the northern district's Susitna River sockeye as a

stock of concern and these fish have been shut down to the sport fishermen for the last three years in a row. The Sustainable Salmon Fishery Policy calls for an action plan and the action plan put forth by the [Alaska Department of Fish & Game] is an actionless action plan and the board went along with it. He related that sport fish biologists for the Matanuska-Susitna Valley area had recommended to the board that sport fishing limits not be increased because floods had caused problems with the king and coho salmon, and probably the sockeye salmon. Yet, the commercial fish biologist told the board he did not think there were problems, and the board increased all the commercial fishing types.

MR. KNOWLES, in further response to Co-Chair Gatto, stated that from the research he has done no one else could be found on Kodiak that was not as prejudicial toward sport fishing and the same thing for Southeast, so Mr. Morris and Mr. Jensen might be the best that can be gotten. He said he thinks it is time to look at how the Board of Fisheries is made up and reconsider the whole process.

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STEVE RUNYAN said he is speaking on behalf of himself, although he is a member of the Susitna Valley Fish & Game Advisory Committee and has been involved for several years with the Matanuska Valley Fish & Game Advisory Committee. He has worked with the Board of Fisheries and the advisory committees trying to pass regulation using the best available data. He said he is against Mr. Morris and Mr. Jensen - and most specifically Mr. Morris on the basis of his personal integrity and ethical qualifications. Mr. Morris owns M & M [Marketing] which is a broker of Cook Inlet cod as well as other statewide salmon, he related. At his April 2007 ethics disclosure, Mr. Morris testified that 20 percent of his income is derived from working for M & M [Marketing]; he did not disclose that he owns the company. Mr. Runyan further related that at the most recent Board of Fisheries meeting for the Cook Inlet, a new member of the board, Howard Delow, was questioned intensively about a possible conflict of interest that might exclude him from ruling on some 60 Cook Inlet issues. When Mr. Morris ruled that Mr. Delow should not speak, Mr. Delow asked that the board decide. The board's decision was 3-1 to let Mr. Delow speak, the sole dissenting voice was Mr. Jensen. The possible conflict of interest that Mr. Delow had was a setnet permit valued at \$7,000 that his wife may or may not receive when her mother dies. It is a latent setnet permit that is not fished. Any decisions Mr.

Delow made may have affected the future value of the sale of that permit. According to Mr. Morris's own statements, his income from ownership of M & M [Marketing] is more than \$7,000 each year. Plus, the residual income Mr. Morris will receive from the sale of his company is directly affected by any decisions he makes regarding Cook Inlet salmon. This is a very serious conflict of interest, Mr. Runyan said. Whether or not it actually influenced his decisions regarding Cook Inlet salmon, it cast a taint upon them because of his high personal interest in these salmon. The question therefore arises about whether Mr. Morris can make objective decisions regarding the allocation of Cook Inlet salmon. Mr. Runyan urged the committee to consider the ethical qualifications of Mr. Morris and Mr. Jensen when deciding whether to confirm their re-appointments.

[2:50:26 PM](#)

TOM LOGAN stated he is a sports fisherman, although he was once a commercial fisherman. He said he has no problem with Mr. Brown because he has a good résumé as far as economics. His problem is with Mr. Jensen and Mr. Morris and they do not deserve to be on the Board of Fisheries any longer, he said. The upper Cook Inlet fishery has been destroyed under their leaderships. In the late 1960s and early 1970s the Matanuska-Susitna Valley's streams were full of salmon of all kinds, but now there are nearly none and he has a hard time getting a fish. Mr. Logan said under no circumstances does he want [Mr. Morris and Mr. Jensen] back on the board; Governor Palin has done a disservice by appointing them.

[2:52:04 PM](#)

LEROY CABANA testified he is a life-long Alaskan and life-long commercial fishermen who depends on commercial fishing for almost all of his income. He said he is in favor of all three candidates - Mr. Jensen, Mr. Morris, and Mr. Brown. In his 25 years of experience with the Board of Fisheries, he cannot recall anyone more fair-minded or balanced than Mr. Morris. Mr. Morris has served the board in a very honorable fashion. Mr. Jensen is of the same caliber. While the rest of the state is supporting Mr. Morris and Mr. Jensen, it sounds like people in the Matanuska-Susitna Valley are upset about not having fish and are looking for someone to blame. Mr. Cabana said he does not know what the Board of Fisheries could have done. He sat in on the past Board of Fisheries testimonies and there are a lot of unanswered questions on the Matanuska-Susitna Valley. In response to Co-Chair Gatto, Mr. Cabana said he is a sport

fisherman with a seine net because he enjoys commercial fishing so much.

[2:54:39 PM](#)

PAT DONELSON stated he is a fishing guide in the Matanuska-Susitna Valley. He sat in on the recent Board of Fisheries meetings in Anchorage as well as the earlier meetings in the Matanuska-Susitna Valley. He said he was overwhelmed at how slanted all of the decisions and all of deliberations were toward the commercial fishing interests. While he does make a living from taking people fishing in the rivers, he was baffled at how skewed it was. Even in the face of recommendations from biologists to do something different, Mr. Morris chose to lead the discussions in a way to favor commercial fishing interests and Mr. Jensen followed suit. He said he was shocked and frustrated at what he saw and is totally opposed to seeing Mr. Morris on the board again.

[2:57:34 PM](#)

JERRY MCCUNE, Executive Director, United Fishermen of Alaska, supported the re-appointments of Mr. Morris and Mr. Jensen to the Board of Fisheries. He said he just now met Mr. Brown and from his résumé he seems like a good candidate for the board. In response to Co-Chair Gatto, Mr. McCune said he occasionally sport fishes when he has time in the fall, but he is usually pretty busy during the Copper River season or hatchery fishing. Most people in rural areas like Cordova sport fish and hunt, he said. In further response to Co-Chair Gatto, Mr. McCune confirmed he makes his living from commercial fishing and has fished since he was nine years old.

[2:59:10 PM](#)

CO-CHAIR JOHNSON closed public testimony and announced the hearing will be continued on [3/19/08].

#### **ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:00 p.m.