

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 19, 2008

1:04 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
Representative David Guttenberg
Representative Scott Kawasaki

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Board of Fisheries

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

- CONFIRMATION(S) ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to report

WITNESS REGISTER

WILLIAM S. BROWN, Appointee
to the Board of Fisheries
Alaska Department of Fish & Game
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

JOHN E. JENSEN, Appointee

to the Board of Fisheries
Alaska Department of Fish & Game
Petersburg, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

MELVAN E. MORRIS JR., Appointee
to the Board of Fisheries
Alaska Department of Fish & Game
Kodiak, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

ACTION NARRATIVE

CO-CHAIR CRAIG JOHNSON called the House Resources Standing Committee meeting to order at [1:04:28 PM](#). Representatives Seaton, Roses, Edgmon, Fairclough, Wilson, Gatto, and Johnson were present at the call to order. Representatives Guttenberg and Kawasaki arrived as the meeting was in progress.

CONFIRMATION HEARING(S)
Board of Fisheries

[1:04:28 PM](#)

CO-CHAIR JOHNSON announced that the committee would continue its consideration [from 3/17/08] of the appointments of Mr. Melvan Morris Jr., Mr. John Jensen, and Mr. William Brown to the Board of Fisheries. [Packets contained biographical information on the appointees.]

[1:04:39 PM](#)

CO-CHAIR JOHNSON asked Mr. Brown to state why he would like to be on the Board of Fisheries and tell about himself.

WILLIAM S. BROWN, Appointee to the Board of Fisheries, Alaska Department of Fish & Game, said he has lived in Alaska since 1991. He was a "Navy brat" who grew up all over. He received a Ph.D. in economics from the University of Colorado in 1977 and taught economics at the university level for 23 years, the last 9 of which were at the University of Alaska-Southeast in Juneau. One of his main teaching fields was resource and environmental economics. He left the university in 2000 and now runs a fishing reel repair shop in Juneau. He has been an avid sport

fisherman since catching his first fish at age four and fishing may be his main passion in life. In the summer he fishes three or four times a week and he travels in the winter to fish. Over the years he has sport fished throughout the world, catching marlin in Mexico, Nile perch in Egypt, and taimen in Mongolia.

MR. BROWN stated he believes he can offer three main things to the board. First, his economics background allows him to see the costs and benefits of alternative decisions, as well as to understand the economics behind various allocation proposals presented to the board. He emphasized that while he is an economist and understands the power of economic reasoning, he also knows the economy is composed of people. People, culture, and history are every bit as important as economics when making fish board decisions. Second, his passion for fishing brings with it a passion to protect the resource and assure that future generations have as many fish to catch, consume, and to sell as there are today. He said he understands the concept of sustainable harvest and supports it without reservation. Third, he will come to the board without an agenda. He is not a commercial fisherman or a charter guide; he does not make his living from fishing. He is an avid sport fisherman, but he buys fish in winter and recognizes the importance of commercial fishing to the state and of subsistence fishing to Alaska residents.

[1:07:33 PM](#)

CO-CHAIR GATTO asked if it takes a Ph.D. to fix a fishing reel.

MR. BROWN responded he taught for 23 years and that is long enough to do anything. He was a tenured full professor and enjoyed the university. It was time to leave the university but not Juneau. He said his passion is fishing, he collects old fishing tackle, and no one in town fixed fishing reels. Now it is not a hobby, it is a business and he makes as much fixing fishing reels as he did as a tenured professor.

CO-CHAIR GATTO inquired whether there is compensation for members of the Board of Fisheries.

MR. BROWN understood there is per diem. In further response to Co-Chair Gatto, Mr. Brown said he did not know how much the per diem is and affirmed that it is not an issue for him. He said he works and makes plenty of money, and that the problem-solving and intellectual stimulation he got at the university he will now get from serving on the Board of Fisheries. Allocation

proposals are important and are hard decisions to make, and he would like to do that.

1:09:41 PM

REPRESENTATIVE EDGMON commented that he thinks Mr. Brown will make a great addition to the board. He noted that costs and benefits are linear, whereas on the Board of Fisheries things are not linear and do not add up. It is making the best decision possible with the best possible science and not everyone will be pleased with the decision.

MR. BROWN noted he is not a slave to economics. He uses economics to lend insight into the problem and it will always help in making decisions. However, he is sure there will be lots of decisions that are not efficient in an economic sense. He said he was trying to get to that when he stated that people, culture, and history are just as important as raw numbers; however, trying to make decisions without any biological data or economic data is not good.

1:11:37 PM

REPRESENTATIVE GUTTENBERG asked if Mr. Brown will be representing a specific seat [on the Board of Fisheries].

MR. BROWN replied not that he understands. There are five seats on the board and he is taking one of them. It happens to be that the person he would be replacing is also from Juneau and was primarily a sport fisherman but also did commercial and charter fishing in the past. Other than academics, Mr. Brown said his experience is as a sport fisherman.

1:12:16 PM

REPRESENTATIVE GUTTENBERG related that there are issues in the Interior dealing with allotment, allocation, and bypass. He said his concern is having a viewpoint on the Board of Fisheries that represents all users and the health of the entire fishery. He is looking forward to someone coming to this board that is able to analyze the whole picture and not represent one type of fishing over another. He inquired whether Mr. Brown has any background in fisheries in his professional world.

MR. BROWN answered no, other than teaching courses in resource economics which included fisheries. He has not served on a board of fish before. He said he is coming at this as someone

who is passionate about preserving the resource and passionate about fishing. He said he is a quick study and this is something he cares about.

1:15:02 PM

REPRESENTATIVE FAIRCLOUGH requested Mr. Brown to address how he would work toward a solution on a polarized issue that may go beyond fisheries and how would he ensure that everyone has the opportunity to speak about their position on the issue.

MR. BROWN responded he suspects it happens frequently that people come in with a predisposition and assumption that they will dislike what another person has to say. There will have to be decisions made that not everyone likes, but if they understand the reasoning behind the decision - if the discussion is transparent and the rationale is transparent - that is the best a person can do. He said he does not pretend that he can please everyone. "When you deal with people that have different views, as long as they think you are fair, that is the best you can do."

1:17:21 PM

REPRESENTATIVE FAIRCLOUGH acknowledged that one of the responsibilities of serving on the Board of Fisheries is to protect the fishing assets of the state. She said she is looking for people who can analyze the process, debate it, hold their own gun at why they believe, and articulate to the audience their reasoning for the position that they take. She asked Mr. Brown how he will handle an issue similar to the Pebble Mine and prioritize his responsibilities to the state.

MR. BROWN replied that what he knows about the Pebble Mine is what he reads in the newspaper which has little detail. If the board was asked to take a position for or against the Pebble Mine, all he could do is study the issue as much as possible and come to a rational decision on it. He said mining today pollutes less than it used to, but he does not know whether salmon streams would remain safe. Regardless of the position taken by the board, he would make sure all the involved parties knew exactly why the board got to its conclusion - the data that was looked at, how the data was analyzed, what competing use was compared, and that sort of thing.

1:19:34 PM

REPRESENTATIVE FAIRCLOUGH referenced the opposition to the other two nominees expressed on [3/17/08] from people in the Matanuska-Susitna Valley. She asked Mr. Brown what process he would use for gathering information to address the issue of returning salmon to Matanuska-Susitna Valley streams.

MR. BROWN answered the history must be looked at, along with the number of fish that are getting upriver to spawn. This is a number issue, he said. The data is really difficult to assess when there is mixed stock and some of the salmon species are endangered and some are not. He said if he were the czar in making the decision, he would make it a point that all user groups got their fair share. However, the problem is that everyone wants more. As long as it can be ensured that next year there will be at least as many salmon as this year - sustainable harvesting - then that is the right track. Whatever decision is made - a few thousand pounds less to one group or a few more days opening to another group - someone is going to be upset. The best the board can do is show why it made the decision and that the decision was not arbitrary or capricious.

[1:21:35 PM](#)

REPRESENTATIVE WILSON asked whether Mr. Brown thinks of himself as a fair person.

MR. BROWN responded yes. He surmised the context of the question is whether a decision he might make is more for commercial or more for subsistence or something like that. He said he does not have an agenda; he does not make his money from any of those industries. As an economist and a world citizen he recognizes that Alaska is going to feed the world with salmon and he wants that commercial industry to survive, plus he likes to eat good salmon in the winter when he does not sport fish. Subsistence is a reason he moved to Alaska; a person can live off the land in Alaska. Yes, he thinks he is a fair person.

[1:24:59 PM](#)

REPRESENTATIVE SEATON noted that salmon is only one of many fishery issues before the Board of Fisheries. He recounted the establishment of the new state waters fisheries in marine waters in 1993. He asked whether Mr. Brown supports a slower paced fishery over a longer period of time versus one where all the gear is allowed for a much faster paced fishery over a shorter length of time.

MR. BROWN surmised Representative Seaton was referencing the halibut fishery that used to have 24- or 48-hour openings a few times during the summer but is now open much of the year.

REPRESENTATIVE SEATON said the state took management of the Pacific cod fishery from the federal government because federal government management of the cod fishery was "catch as much as you can as quick as you can." It was becoming a very short fishery and for a long period of time the local communities did not have access to that fishery. A state guideline policy was set up to manage everything within a three-mile distance of shore, with the exception of halibut which is a federally managed species. The guidelines established the use of gear that had low bycatch and limited the amount of gear so the fishery would be stretched out for a longer period of time. This resulted in less chance of overharvest and gave the local communities access to the fishery. He asked whether this fits into Mr. Brown's idea of economics as far as aiding Alaskans to participate in a fishery.

MR. BROWN stated not only does he favor what Representative Seaton is saying, it makes sense economically because it is more efficient. Pulse fishing is an inefficient way to catch fish and it is bad for the people. If he understands what is being said, it is a slam-dunk for the economics and it makes sense for the communities.

[1:30:15 PM](#)

CO-CHAIR GATTO inquired what questions Mr. Brown would ask of someone who was presenting a proposal to the board to transplant geoducks from a place where they occur naturally to a place where they do not occur naturally.

MR. BROWN replied that is pretty much what has been done with oysters. The first question would be, Is there going to be environmental harm? What would the geoducks displace? What is the waste going to be? The second issue if it is a legislator is, What are the financial interests involved? He said he is glad shellfish farming is allowed in Alaska, but there are environmental concerns so the state needs to be careful.

CO-CHAIR JOHNSON thanked Mr. Brown for his testimony.

[1:32:31 PM](#)

CO-CHAIR JOHNSON requested Mr. Jensen to state why he wants to be re-appointed to the Board of Fisheries.

JOHN E. JENSEN, Appointee to the Board of Fisheries, Alaska Department of Fish & Game, responded, "I love it." He said he was born and raised in Petersburg and is a third generation Alaskan. He started commercial fishing at age 15 and has owned and operated many different commercial fishing vessels and has participated in various areas throughout the state. He is currently the vice chair of the Board of Fisheries, president of the halibut and sablefish committee for the Alaska Seafood Marketing Institute (ASMI), and president of the Southeast Alaska Regional Seafood Development Association.

[1:33:49 PM](#)

REPRESENTATIVE ROSES inquired how Mr. Jensen balances his long-standing special interest and economic benefit from commercial fisheries against the needs of sport, subsistence, and personal-use fisheries throughout the state.

MR. JENSEN answered he has been a subsistence user and a sport fisherman all his life, but how he makes his living is commercial fishing. He said he believes he is a fair person and he listens to all information presented - public and written testimony and staff comments. He takes everything into consideration and believes he evaluates things fairly. A lot of the time he weighs everything heavily on the Alaska Department of Fish & Game's assessment because the department is the one on the ground assessing the fisheries. In further response to Representative Roses, Mr. Jensen said he has been on the board for six years and his third term is over at the end of June.

[1:35:42 PM](#)

REPRESENTATIVE ROSES asked whether there are any past decisions that Mr. Jensen subsequently regretted and, if so, why.

MR. JENSEN responded he has discussed this with other board members quite a bit. There may have been some bad calls, but he does not believe he has made any serious mistakes. The fisheries in Alaska are healthy and they are retaining that level, but there are a few places in the state that have a little bit more problems than others. He said there may be a few things in some of his decisions, but not the whole thing. He said he thinks the board has done really well.

REPRESENTATIVE ROSES inquired whether Mr. Jensen considers the board to be currently well balanced with a diversity of opinions and positions.

MR. JENSEN replied he believes the board is well balanced right now and the members work well together even though members do not often agree on everything.

[1:37:51 PM](#)

REPRESENTATIVE SEATON noted that it appears from Mr. Jensen's résumé that he has not participated in the salmon fisheries since 1996, other than running a tender.

MR. JENSEN answered correct. In further response to Representative Seaton, Mr. Jensen said his main income is currently from the Southeast Alaska Dungeness crab fishery and when there is a king crab season in Southeast he will participate in that, along with the tanner crab season. He has a relatively small individual fishing quota (IFQ) for halibut that is getting smaller every year.

[1:39:51 PM](#)

REPRESENTATIVE FAIRCLOUGH requested Mr. Jensen to speak to the Matanuska-Susitna issue as brought up by witnesses at the [3/17/08] hearing. Additionally, she asked what process Mr. Jensen would go through for a polarized issue to determine the value of the resource and which Alaskans will receive that resource.

MR. JENSEN replied he was surprised at the opposition from the Matanuska-Susitna Valley. He said he thought the board did the right thing. There are several issues involved. In the last 10 years there have been large over-escapements in the Kenai and Kasilof rivers. At the same time the Yentna and the "Mat-Su" have not had very good science showing whether or not they are getting their escapements. There are issues with whether the escapement test methods are accurate. At that meeting the board decided to manage the fisheries for escapement goals in the Kenai and Kasilof rivers and to make at least the lower end of the escapement goals in the Yentna River. That made it seem like the board gave the commercial fishermen a leg up over everyone else; the commercial fishermen are the only ones that could catch that amount of fish to stop these over-escapements in the Kenai and Kasilof rivers. The state's biggest population resides in the Matanuska-Susitna area and there is an increased

demand for that fish. The records the board looked at during that meeting show that from 1977 to 1995 the total Upper Cook Inlet sport fish harvest was up 385,000. From 1996 to 2006 the average was in the neighborhood of 570,000 fish. So, he said he thinks the board did the right thing when it made that decision and he thinks there is more escapement there than the department sees. The sport fishing results show that there is definitely an increase in catch of the fish, but that goes along with the increase in demand for the fish. Regarding the Chukchi Sea, Pebble Mine, and other issues where the Board of Fisheries has any say, Mr. Jensen said he believes the board should have all the information in front of it before making a decision. No decisions should be based on rhetoric and hearsay. He said he likes to look at the information and see what is involved in the permitting process. Once all the data is in front of the board, then an intelligent decision can be made.

[1:44:46 PM](#)

REPRESENTATIVE GUTTENBERG said his question is about how the internal function of the board operates and how Mr. Jensen operates inside of that. "When there ... is an issue before the board and there is no user group represented on the board and it is in opposition to someone that is a user group on the other side of the issue, do you ever find yourself representing somebody that is not represented on the board against another member?" he asked.

MR. JENSEN answered no, he approaches all the proposals and makes all his decisions with an open mind. He does not come to a meeting with his mind made up on an issue, although he might have some preconceived notions about what is going on. He said he listens to all the data that is given to the board and he tries to make his decisions in favor of the resource. After that, the board's biggest job is allocation amongst the user groups and he tries his best to be as fair as he can be.

[1:46:22 PM](#)

REPRESENTATIVE GUTTENBERG said his concern is when no one is there speaking for someone who might not have a lobbyist or user group at the board meeting. Who speaks for the people that are not there, he asked.

MR. JENSEN responded that generally every user group has some representation there. When making allocation decisions the board uses a list of eight evaluation criteria and each one of

those criteria is addressed on the record. The criteria go from value to the state, value to the communities, value to the local area, the history of the fisheries, the participation in the fisheries, and so on. Another guideline the board follows, especially with salmon issues, is the Sustainable Salmon Fisheries Management Policy.

[1:48:10 PM](#)

REPRESENTATIVE ROSES inquired whether Mr. Jensen had any comment on the new financial disclosure requirements as compared to what they were before.

MR. JENSEN replied his wife helps him with this and she said it was much harder to fill out [the form] this time than it was before and it took about four hours to do.

REPRESENTATIVE ROSES asked whether Mr. Jensen has heard any comments from other board members that they are reconsidering serving on the board because the disclosures now go too far into confidential and personal information.

MR. JENSEN answered he has not heard any comments that severe.

[1:49:53 PM](#)

CO-CHAIR GATTO inquired whether the eight criteria mentioned by Mr. Jensen are weighted equally.

MR. JENSEN said he believes they were designed to be weighted fairly and he tries to look at both sides of the issue when he is addressing the criteria. One answer may be good for a commercial fisherman but not for a sport fisherman, so he tries to make it so it balances out.

REPRESENTATIVE WILSON disclosed that Mr. Jensen is a constituent. She said she thinks he is doing a good job and appreciates that he tries to be fair and look at all of the facts before making a decision.

[1:51:23 PM](#)

CO-CHAIR JOHNSON requested Mr. Jensen to address the following quote that was attributed to him during testimony on [3/17/08]: "If you don't have a limited entry permit, you are not entitled to more fish."

MR. JENSEN stated he made a quote, but that was not the quote. "We were talking about increasing numbers of people ... in different user groups; for example ... sport fishing can keep increasing ... as the population does. ... What I said in that quote was that commercial fishermen have CFEC [Commercial Fisheries Entry Commission] permits and ... there is a finite limit on the amount of permits. So ... everybody else can grow in numbers, but the commercial fisherman can't."

[1:52:30 PM](#)

REPRESENTATIVE EDGMON observed that Mr. Jensen is chairman of the restructuring committee. He inquired what this committee does and what its charge is.

MR. JENSEN responded that a few years ago the board started getting proposals that did not quite fit in with the rest of the proposals, and the board figured they deserved a closer look. For example, there are people in Bristol Bay who feel a longer boat would be better for facilitating better quality fish. Boat length has been 32 feet since statehood, at least. So, that was put into the restructuring committee. Another issue in the restructuring committee is dual permits, which is still on the table. One person can own two permits and in Bristol Bay the owner of two permits is entitled to another unit of gear, which is 50 fathoms, so he or she would essentially be fishing a 200 fathom net instead of a 150 fathom net. But, at the same time, having two permits results in taking another boat and another 100 fathoms out of the fishery. So, in a way it reduces effort but in another way it consolidates the fishery. There is another meeting in April [2008]. So far [the board] has passed only one official restructuring proposal, which was brought forth by the Kodiak setnetters to allow one person to own two setnet permits and operate them.

CO-CHAIR JOHNSON noted his appreciation of Mr. Jensen's testimony and past service.

[1:55:13 PM](#)

CO-CHAIR JOHNSON requested Mr. Morris to state why he wants to be re-appointed to the Board of Fisheries.

MELVAN E. MORRIS JR., Appointee to the Board of Fisheries, Alaska Department of Fish & Game, replied he considers the board a public service and something he can do as a retired person from the industry and previous commercial fisheries biologist.

He enjoys looking at the issues and working with the people. It is a good way to terminate a career as an Alaskan in Alaska fisheries.

[1:56:23 PM](#)

REPRESENTATIVE ROSES asked how Mr. Morris, when making decisions, balances his own financial interests in the seafood industry with other interests like sport fishing and subsistence.

MR. MORRIS answered M & M Marketing is not exactly a company, it is a name for his activity. It is a sales and services company, there are no tangible assets to it. As far as Cook Inlet, he provides quality control in one plant once the fish are processed. So, he said, there is no conflict as to what he can do in making decisions as to whether M & M Marketing is going to benefit.

MR. MORRIS addressed Representative Guttenberg's previous question about how do people get represented at Board of Fisheries meetings. First, the proposals come out in August. Many people write in with their thoughts on a proposal or proposals, so they do not have to be at the meeting to be well represented. The board gets stacks of correspondence up to and throughout the meeting. He said he thinks the process is good and the committee process is good. The people that are at the meeting participate and are able to listen to the board members and ask questions of the board members.

MR. MORRIS, in regard to his ability to consider all the issues when making decisions, noted that the board gets reports from the Alaska Department of Fish & Game (ADF&G), listens to public testimony, and receives letters. Board members ask a lot of questions, he said, and he calls on people who are not speaking so he can hear what everyone has to say about an issue.

[1:59:59 PM](#)

REPRESENTATIVE ROSES recited the public process just spelled out by Mr. Morris and inquired whether Mr. Morris would characterize his representation on the board as being perfectly fair and balanced among all users.

MR. MORRIS noted there is also the deliberation process where board members listen to each other. Many times the deliberation process provides a lot of information and helps him and other

board members to make up their minds. All those things have to come into play because that it is part of the process. As to whether he can be fair in making up his mind, he said he must first consider the resource. The resource, the habitat, and the environment all come first, then subsistence, and then the user groups. When he makes those considerations and then goes into allocations, the participation of the user groups in the meeting is especially important, whether through letters or personal representation, because no one is an expert on all the issues throughout the state as it pertains to user groups.

2:02:13 PM

REPRESENTATIVE ROSES asked whether Mr. Morris has ever made any decisions while on the board that he later wished he had done differently.

MR. MORRIS explained that the board has two processes - agenda change requests (ACRs) and emergency petitions. After a proposal is published people can express their concerns about something that has been done through an agenda change request. This allows the board to take up the issue again, even if a regulation was made just a few months before. Or, if it is an issue that clearly appears to have some ramifications for which concerns are expressed, the board can take it up as an emergency petition at any time. Therefore, what the board does is not necessarily written in stone. There have been times when he felt the board needed to accept ACRs, he said. For example, the board felt the Adak state waters cod fishery had not slowed down enough to be truly a state waters fishery and the board is still looking at issues and has taken up a number of ACRs for those. So he does not necessarily have to live with a mistake because it can be taken up again through these processes, he said.

2:04:45 PM

REPRESENTATIVE ROSES inquired whether Mr. Morris has any comment on the new financial disclosure requirements as compared to what they were before.

MR. MORRIS answered he hopes he filled out the right forms because he did not see a whole lot of difference. He did not see anything that would cause him to feel he did not want to continue on the board. He thinks the board is too important and he is assuming the information is confidential.

2:05:45 PM

CO-CHAIR JOHNSON related the concern expressed during previous testimony [on 3/17/08] regarding Mr. Morris's business ownership. Does M & M Marketing have a business license, he asked.

MR. MORRIS responded no, he determined he did not need one.

CO-CHAIR JOHNSON inquired whether M & M Marketing generates revenue.

MR. MORRIS replied that at times he can generate revenue if he does brokering or something like that. There are no fixed assets or employees, it is strictly a name for himself.

CO-CHAIR JOHNSON asked whether Mr. Morris has ever made decisions on the board affecting the fisheries of any of his clients.

MR. MORRIS answered yes, two or three years ago there was a proposal to open a state waters pollock fishery off of Seward. He had sold some pollock two or three years ago for a company that had ownership of a small plant there. He said he recused himself from dealing with that proposal.

[2:07:51 PM](#)

MR. MORRIS, in response to Co-Chair Gatto, confirmed he is the president [of M & M Marketing] and has no employees.

CO-CHAIR GATTO observed that Mr. Morris's résumé states he is the president rather than the owner of [M & M Marketing]. He said this could be misleading because knowing someone is the owner of a business is more important than knowing he or she is employed by a business. He inquired whether Mr. Morris accidentally left that off or felt that it was not anything significant.

MR. MORRIS said he had both owner and president on one business card, but on the next batch he just used president. He said as far as he is concerned they are interchangeable.

CO-CHAIR GATTO noted he is referring to the résumé that Mr. Morris submitted and the committee does not have Mr. Morris's business card. He asked whether Mr. Morris felt it unnecessary to state he was the owner of the business.

MR. MORRIS responded yes, he considered it unnecessary because on the first two lines of his ethics disclosure form he stated his sources of income include his seafood marketing company, M & M Marketing.

2:10:10 PM

REPRESENTATIVE GUTTENBERG inquired whether Mr. Morris is still involved in Wakefield Seafoods.

MR. MORRIS replied no, not really. He is only a distant observer of the crab fisheries now. Of course, the Board of Fisheries does make regulations regarding the crab fishery.

REPRESENTATIVE FAIRCLOUGH requested Mr. Morris to respond to those people who are opposing his confirmation.

MR. MORRIS answered everyone has the right to their own opinion, but some of the statements were inaccurate. He understands that someone with local knowledge believes in what he or she is saying, even when ADF&G's data or research biologists are saying something different, because the local person is on the grounds and is not catching fish and is concerned. He said he can only deal with the issue from the perspective of the tools that are available to him and the tools he can give the biologists to deal with the issues. He said he does not have a problem with people speaking against him and if they can make a good argument, then the committee should probably not vote for him. But, in his opinion, he has done a good job and will continue to do a good job and he looks forward to serving another three years.

2:13:20 PM

REPRESENTATIVE FAIRCLOUGH related that sport fishermen from the Matanuska-Susitna area testified that Mr. Morris's decisions affected the [salmon] runs into their area. She requested Mr. Morris to address the fishermen's feeling that they did not receive a fair appropriation of the asset.

MR. MORRIS responded he is unsure which decisions the sport fishermen are referring to that would have impacted their ability to get fish up in the inlet. He said he did vote against expanding the commercial fishery for coho salmon, and that did go down. He would have supported expanding the bag limit from two to three for coho salmon, except ADF&G was opposed to it because the department could not make in-season

adjustments. He supported the yield stock of concern on the Yentna River for a number of reasons. Accurate data is needed because the counter on the river may be under counting by 50 percent or more, and there are also some issues with pike and beaver dams. He supported being able to deal with those issues. He said the board made a closure on the commercial fishery in the Central District of the Upper Cook Inlet so that when the setnetters were not fishing the driftnetters would not be able to fish in the corridor. Overall, the board had to make a balance. As pointed out by Mr. Jensen, there are over-escapement issues on the Kenai and Kasilof rivers. In order to address those issues, which have amounted to around 700,000 fish a year for the last 10 years, the board had to give some flexibility to the fisheries managers, but the board made certain that the management plans did not change from the aspect of providing escapement to the upper inlet. The board received data from the staff that showed the sport fish harvest in the upper inlet has increased 55 percent over the last 10 years. Therefore, he does not know what proposals were being spoken to. In every case he felt he took the side of the resource and then made a fair and equitable sharing of that resource by the stakeholders.

[2:17:22 PM](#)

REPRESENTATIVE FAIRCLOUGH asked how Mr. Morris, as a board member, prioritizes the fishery resource against other needs across the state. She further asked whether Mr. Morris believes mining can be accomplished without adverse effects to the fisheries.

MR. MORRIS stated he was in Alaska during the territorial days. Alaska became a state because of wanting to be independent of the government telling the state what it could do, he related, although that is still being seen in places like the Arctic National Wildlife Refuge. The state's resources should be ours to use as long as they are used wisely. He said he cannot give any valid assessment as to what would happen if the Pebble Mine is opened, but he can say he is in favor of seeing Alaska's resources utilized as long as they are protected. Mining is a nonrenewable resource and fish are renewable and the fish must be protected first. Any mining or harvesting of nonrenewable resources has to be secondary to the renewable resources, but there is a permitting process in place. He said Representative Edgmon is correct that the Board of Fisheries did not take an action last year in Dillingham. The proposal that was before the board would have allowed the board to develop a resolution

against the mine. The board instead formed a habitat committee and this committee participated in all the meetings of the Department of Natural Resources (DNR) and whoever else, and then the committee reported back to the board. After the first series of meetings it was determined that, at this point in time, the safeguards for the mine are inadequate to ensure the mine could proceed without having additional concerns for the [fishery] resource.

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CO-CHAIR GATTO pointed out that a substantially high percent of the people in his Matanuska-Susitna district are sport fishermen. He inquired whether Mr. Morris said the fish are up 55 percent in Upper Cook Inlet.

MR. MORRIS replied no, he had said the sport fish harvest is up 55 percent. In further response, Mr. Morris reaffirmed his belief in local knowledge and clarified he is not saying that someone can catch 55 percent more fish than he or she used to. He said he is merely explaining that when the board made decisions, this is some of the data that was before the members. It was not all of the data, but he assumed it was accurate.

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REPRESENTATIVE ROSES asked what the percentage of change was in the commercial take for that same region over that same time period.

MR. MORRIS said that information was in "RC 83" which was given out at the meeting. He said he thinks the fact that the Northern District became a stock of concern for yield concern pretty much tells that the harvests of the commercial fishery were certainly down, but he will have to look for the paperwork.

REPRESENTATIVE ROSES requested Mr. Morris to submit the paperwork for the record if he is able to find it because it would be helpful to know what happened with the commercial catch in relation to the sport catch.

MR. MORRIS reiterated that the reason the Yentna River became a stock of concern was because of the failing harvest and he believes it came down something like 78 percent, but he will have to do a little digging.

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REPRESENTATIVE SEATON noted that six guidelines were adopted in 1993 for establishing new state waters fisheries. He asked whether the board applies those guidelines when it works on management regimes such as starting a completely new state waters fishery or restructuring.

MR. MORRIS answered he is not familiar with them. He said the only state waters fishery initiated since he has been on the board is the Adak pea cod fishery where the board was concerned about hitting the "jeopardy bar" regarding the Steller sea lion and the Endangered Species Act. The board adopted basically the same fishery that was in existence except pulling the entire allocation into the state waters fishery. From there the board made some tweaks and modifications to make it more favorable for the state waters fishermen.

REPRESENTATIVE SEATON suggested Mr. Morris pull up those guidelines to see if they are still in effect and whether they are something the board can utilize in the development of other saltwater fisheries. In response to Mr. Morris, Representative Seaton said he believed the guidelines were in policy as opposed to regulation.

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CO-CHAIR GATTO moved that the House Resources Standing Committee forward the names of Mr. William Brown, Mr. John Jensen, and Mr. Melvan Morris Jr. to a joint session for consideration. There being no objection, the names of Mr. Brown, Mr. Jensen, and Mr. Morris were advanced.

CO-CHAIR JOHNSON thanked Mr. Morris for his service to the country as a veteran as well as to the state.

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:30 p.m.