

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

April 2, 2008

4:54 p.m.

MEMBERS PRESENT

Senator Charlie Huggins, Chair
Senator Bert Stedman, Vice Chair
Senator Lyda Green
Senator Lesil McGuire
Senator Gary Stevens
Senator Bill Wielechowski
Senator Thomas Wagoner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

Confirmation Hearings:

Board of Fisheries

John Jensen

Melvin Morris

CONFIRMATIONS ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to consider

WITNESS REGISTER

JOHN JENSEN

Petersburg AK

POSITION STATEMENT: Board of Fisheries nominee.

RICHARD VOGT, representing himself

Matsu AK

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

ANDY COUCH, representing himself

Matsu AK

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

ROD ARNO, Executive Director
Alaska Outdoor Council
Fairbanks AK

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

MELVIN MORRIS
Kodiak AK

POSITION STATEMENT: Nominee to the Board of Fisheries.

JERRY MCCUNE
United Fishermen of Alaska

POSITION STATEMENT: Supported the reappointment of both Mr. Jensen and Mr. Morris.

HOWARD DELO, representing himself
No address provided

POSITION STATEMENT: Supported the appointment of both Mr. Jensen and Mr. Morris.

ACTION NARRATIVE

CHAIR CHARLIE HUGGINS called the Senate Resources Standing Committee meeting to order at [4:54:16 PM](#). Present at the call to order were Senators Green, Stevens, Wagoner and Huggins.

Board of Fisheries Confirmation Hearing

CHAIR HUGGINS announced the Board of Fisheries confirmation hearing. He asked Mr. Jensen to give the committee a quick overview of his background and fishing experience and explain why he wants to do this job.

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JOHN JENSEN, Board of Fisheries nominee, said he is a third-generation fisherman and is currently a commercial fisherman. He has participated in fisheries all around the state. He is currently vice president of the Board of Fisheries and this will be his third term. He believed his duty as a board member was to provide and maintain sustainable fisheries for all Alaskans. When considering a change in regulations, the board listens to public testimony, considers written comments before and during the meetings, they receive advisory committee comments and listen to the ADF&G's reports. Then they apply the sustainable salmon management policy. He stated, "I am here to do what is right for the resource and not for myself."

RICHARD VOGT, representing himself, said he lives in Matsu and came to Alaska in 1971. Everyone he knew at that time depended on the fish and game in their freezer to get them over the winter. He said he did this until 1992 when he had to leave the state and he didn't return until 2006. He found that the renewable resource in the Cook Inlet area needs lots of help now. The problem has already been studied and they need to act.

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SENATOR MCGUIRE joined the committee.

MR. VOGT said the plan for under-escapement is not working. He said the commercial drift netters and set netters need to curtail the overtaking of this renewable resource so that he and his grandkids can enjoy fishing as he remembers it was, not as it is now. He said comments such as "We don't care if any salmon get to the Susitna River" by board members cast serious doubt on the unbiased decisions that need to be made. He urged the committee to not reconfirm Mr. Jensen or Mr. Morris.

SENATOR WAGONER asked who he heard make that comment.

MR. VOGT answered he didn't hear the comment directly, but his source of information is really reliable.

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ANDY COUCH, representing himself, Matsu, said he wanted to see change on the Board of Fisheries and opposed both Mr. Jensen and Mr. Morris. They both voted to delete regulations for the Northern District Salmon Management Plan in 2005 that in past times had provided adequate spawning sockeyes to the Yetna River. After 2005 it had its lowest return of sockeye salmon.

He related how management went from conservative to liberal management. The Matsu Advisory Committee submitted proposal 138 that requested going back to the 2005 Northern District Management Plan that would address the problem of under-escapement to the Yetna River, but when it came up at the subcommittee, Mr. Jensen, the chair, didn't spent much time on it and it got voted down. He wanted the needs of the other user groups to be considered.

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ROD ARNO, Executive Director, Alaska Outdoor Council, opposed the appointments of both Mr. Jensen and Mr. Morris. He said 30 years ago the Board of Fisheries lost the confidence of the people because it failed to recognize and respond to change. He

said sports charters all over Alaska have gotten little relief from the board. It has failed to recognize the needs of the people and focuses instead on the needs of the industry.

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SENATOR STEDMAN joined the committee.

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CHAIR HUGGINS read question one from Mr. Ricky Gease, Executive Director, Kenai Sports Fishing Association, to Mr. Jensen as follows:

At the most recent Upper Cook Inlet Board of Fisheries meeting, the Board of Fish declared the Susitna sockeye salmon as a stock of concern in the Northern District. Fish and Game drafted the Susitna Sockeye Salmon Action Plan. However, the only management actions for conservation contained in that plan seem to have been to liberalize commercial fishing opportunity in Cook Inlet. Can you explain this apparent contradiction and are you comfortable with it.

MR. JENSEN responded that the reason the board provided for more fishing time is to prevent the huge over-escapements in the Kenai and Kasilof Rivers, which causes such damage to the resource. At the same time, they are managing for at least the low end of escapement for the Susitna system. Those are three things they can control to provide for a good fishery and a healthy stock. In conjunction with that plan, there is also a request for \$10 million more for studies over the next five years. Data indicates the total Upper Cook Inlet sport harvest from 1977-95 was 385,000 fisher per year and in 1996-06 has an average of 563,000 fish, a 55 percent increase in sport fish. That tells him they are getting a lot of fish up there.

He said there is some uncertainty in the data about escapement levels going into those systems because of the different types of sonar being used to collect it. He has been told they are getting at least close to their escapement goals.

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SENATOR WAGONER said one of the big disagreements at the board was doing away with the windows that were time and hour sensitive dates for opening and closing set nets on the east side. He explained that the Upper Cook Inlet fish and the Susitna and Yetna fish, don't come clear to the east side unless

a huge wind blows them there. They generally stay more in the middle of the Inlet. What has been done to manage that and keep the drift fleet off of them is to bring the drift fleet to the west side of the corridor. What the board did did not take away from the biologists' ability to put the drift fleet in a corridor and keep them off of the Susitna fish. It's just a fact of life, he said and the board did not make a mistake by getting rid of the windows.

MR. JENSEN agreed. He said the department would stay as close as possible to the predictable plan guidelines as they were last year, but they would stop huge over-escapements into the Kenai and the Kasilof Rivers.

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CHAIR HUGGINS remarked that one thing Mr. Jensen said makes him nervous and that is "meet at least the low end of the escapement." Unfortunately escapement goals have been rounded down for a number of years and he is just not looking for the low end.

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MELVIN MORRIS, Board of Fisheries nominee, Kodiak, said he came here in the 40s. He attended the University of Alaska Fairbanks and graduated in 1962 with Bachelor of Science in Wildlife Management. He worked for the Territory for two summers, one year for the Division of Game; he worked for Alaska Department of Fish and Game (ADF&G) for two years in the Arctic-Yukon-Kuskokwim region and went into the Army for two years. He has a total of eight years with ADF&G and ended up being the Kodiak Shellfish Management biologist. He went to work in the seafood industry in 1968 and continued in that for 32 years. He opened M&M Marketing, a sales company and was appointed to the Board of Fisheries in 2003 and reappointed in 2005. He has been chairman for the last two years and vice chair for one year. He is a member of the Stellar Sea Lions' Mitigation Committee and he is co-chair of the Joint Protocol Committee and chairman of the North Pacific Fisheries Management Council.

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SENATOR WIELECHOWSKI joined the committee.

[5:19:05 PM](#)

JERRY MCCUNE, United Fishermen of Alaska, supported the reappointment of both Mr. Jensen and Mr. Morris.

SENATOR STEDMAN said a letter from the UFA written in March said they both show fairness in listening to the public and have the ability to analyze complicated issues. He asked Mr. McCune if that's how they operate.

MR. MCCUNE replied yes; they have a lot of experience with different fisheries issues all around the state. His experience at the Cook Inlet meeting was that 115 people were there to testify and all the board members talked with all the different groups whether they were sport, personal use or commercial. He thought Mr. Jensen and Mr. Morris handled the meeting real well.

SENATOR STEVENS said he has known Mr. Morris since 1970; he is a fine gentlemen and well-educated. He asked him why some people misunderstand him so much.

MR. MORRIS answered that everyone has a right to their own opinions. Cook Inlet has become so controversial, that it seems like there is no give among the stakeholders. Everyone is looking to improve his piece of the action. If it doesn't, well, he thought that was the primary problem. He noted that the set net fishery has declined by 80 percent over the last 20 years for Chinook; at the same time, the sport fishery has increased by 60 percent. He added that the Sockeye commercial fishery is down 78 percent and the sport fishery is up 100 percent. "Everybody is looking for a little more and I don't know where I can come up with extra fish."

MR. MORRIS said they first consider the resource. When people consider what the windows were causing, the fact that they made it possible for the biologists to step in to the windows to protect from over-escaping in the Kenai and the Kasilof Rivers, that was clearly a conservation move. ADF&G is clearly worried about smolts coming out under a half gram in weight because studies show they won't survive at that size when they go into salt water. They are under 10 percent body fat and ADF&G biologists are very worried about what will happen when these fish don't return.

He explained that the Yetna/Susitna was raised to a stock of yield concern in the Northern District because for the last five years the harvest had not reached historical averages. He said the fish counters are not working correctly on the systems and that designation buys them time to find out what the true answers are.

SENATOR STEVENS thanked him for his years of service to the state. He asked him if there is a misconception about M&M marketing and to explain what it does.

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MR. MORRIS answered that M&M Marketing provides quality control for a program that Ocean Beauty Seafoods has with Fortune Fisheries Limited in Canada. He inspects fish for quality for things like skin and meat color and freshness. He watches the fish get packed into ice totes and then get weighed and put in trucks. Sometimes he has to help find trucks for Ocean Beauty. He doesn't buy or sell any fish and he doesn't have any control over them in any way either physically or financially. He doesn't even know who catches them.

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CHAIR HUGGINS read the second question from Mr. Ricky Gease is as follows:

The Susitna Sockeye Salmon Action Plan basically granted Fish and Game all the discretionary power and flexibility the department wanted in Upper Cook Inlet to successfully meet salmon escapement goals. Are you confident with all the new management flexibility that the regional commercial fisheries manager has minimum escapement in the Northern District will be achieved?

MR. MORRIS replied that while they have an action plan, it is a living document. It doesn't die with the period at the end of the sentence. It is to be reviewed and may have many changes. He has confidence in the department, but many questions are still to be answered. However, he assured them that they can find out what the real escapement is and figure out what the real escapement goals should be.

CHAIR HUGGINS asked if he were king for a day and could bring some action in the Upper Cook Inlet to deliver more fish to competing demands, what would he do.

MR. MORRIS said he assumed biologists would do their jobs and that there is no one answer to that question. It requires a long-term solution he added.

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CHAIR HUGGINS asked what would happen to the escapement in Upper Cook Inlet if it didn't have a commercial fishery this year.

MR. MORRIS replied the Kasilof and Kenai Rivers would have over-escapement and they have already seen the escapement of roughly 700,000 fish per year even with the commercial fishery. This amounts to about 7 million fish over the last 10 years and around a \$40 million loss for the Peninsula. The personal use fishery has taken 300-400,000 fish; 10-11 percent of the people are actually catching their limits. He didn't think that would increase and too many more people would seriously beat down the habitat. The sport fishermen have taken a quarter million fish out of Kenai even with an over-escapement of 300-400,000.

CHAIR HUGGINS asked what would happen to escapement on the MacArthur, the Beluga, the Susitna and the Yetna drainages if people didn't commercial fish for a year.

MR. MORRIS replied they would have an escapement of 100-200,000 kings, another 40,000 sockeyes and another 40,000 coho.

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SENATOR WAGONER said they should be comparing fishing to the Exxon oil spill in 1989 when not even one drift gill net was put in Cook Inlet. Those escapements on the average don't show a lot of difference.

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CHAIR HUGGINS said he has heard from a number of people on their rationale about the value of the fishery and where the money lies. If you're talking to sports fishermen, they say if they had more fish in Upper Susitna, the value of the fish is much greater than it would be to the commercial fleet based on tourists. Is that true?

MR. MORRIS replied it's correct in many instances especially when you look at the money spent on charter boats, but on the same token they have to look at losing \$40-\$45 million through over-escaping commercial fisheries on the Peninsula.

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HOWARD DELO, representing himself, said he was appointed to the board a year ago and supported both Mr. Jensen and Mr. Morris. They both bring a vast amount of knowledge and a broad perspective to it. The board is dealing with a fully allocated resource and the members are very sincere in doing what is best for the resource.

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SENATOR MCGUIRE asked if the board is balanced between sport and commercial members.

MR. MORRIS answered yes. People have been given labels, but they are not accurate or appropriate.

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SENATOR STEVENS moved to send both names forward to a joint session of the legislature. There were no objections and it was so ordered.

CHAIR HUGGINS said in accordance with AS 39.05.080 this did not reflect an intent by any of the members to vote for or against the confirmation of the individuals during any further sessions.

SENATOR WAGONER asked Mr. Delo what he thought about the board's three-year hearing rotation schedule since most of the salmon it deals with are 2, 4 or more than 4-year species of fish. Would it make more sense to have the hearings on a four-year rotation and give the board a break for one year?

MR. DELO answered he didn't disagree, but the current three-year system seems to be working now because the board can address every fishery in the state within that time. A longer cycle could make the meetings go for as much as a month and he wasn't sure that would be a reprieve for the board members. Many of the board members work for a living and it could make it hard to find enough people available to sit on the board.

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SENATOR WAGONER said the reason he asked is he thought a four-year process would give them an idea of the four-year fish that are coming back.

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CHAIR HUGGINS thanked everyone for their comments and finding no further business to come before the committee, he adjourned the meeting at [5:52:59 PM](#).