

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES**

March 26, 2009

10:23 a.m.

MEMBERS PRESENT

Representative Bryce Edgmon, Chair
Representative Craig Johnson
Representative Wes Keller
Representative Charisse Millett
Representative Cathy Engstrom Munoz
Representative Robert L. "Bob" Buch
Representative Scott Kawasaki

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Alaska Board of Fisheries

Karl Johnstone - Anchorage

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 117

"An Act relating to locations of the meetings of the Board of Fisheries."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 117

SHORT TITLE: BOARD OF FISHERIES MEETING LOCATION

SPONSOR(S): REPRESENTATIVE(S) EDGMON

02/06/09	(H)	READ THE FIRST TIME - REFERRALS
02/06/09	(H)	FSH, RES, FIN
03/26/09	(H)	FSH AT 10:15 AM BARNES 124

WITNESS REGISTER

JIM MARCOTTE, Executive Director
Board of Fisheries
Board Support Section, Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska
POSITION STATEMENT: Testified during the appointment of Mr. Johnstone to the Board of Fisheries.

KARL JOHNSTONE, Appointee
Board of Fisheries
Anchorage, Alaska
POSITION STATEMENT: As appointee to the Board of Fisheries, provided background and answered questions.

THERESA WEISER
President
Sitka Charter Boat Operators Association
Sitka, Alaska
POSITION STATEMENT: Testified in support of the appointment of Mr. Johnstone to the Board of Fisheries.

JOHN BELCHER, Fisherman/Lodge Owner
Sitka, Alaska
POSITION STATEMENT: Testified in support of the appointment of Mr. Johnstone to the Board of Fisheries.

STAN MALCOM, Petersburg Charter Boat Association
Petersburg, Alaska
POSITION STATEMENT: Testified in support of the appointment of Mr. Johnstone to the Board of Fisheries.

MEL MORRIS, Member
Board of Fisheries
Kodiak, Alaska
POSITION STATEMENT: Testified in support of the appointment of Mr. Johnstone to the Board of Fisheries.

JOHN BLAIR, Southeast Alaska Guides Organization
Sitka, Alaska
POSITION STATEMENT: Testified in support of the appointment of Mr. Johnstone to the Board of Fisheries.

REUBEN HANKE
Kenai, Alaska
POSITION STATEMENT: Testified in support of the appointment of Mr. Johnstone to the Board of Fisheries.

RICHARD YAMADA

Juneau, Alaska

POSITION STATEMENT: Testified in support of the appointment of Mr. Johnstone to the Board of Fisheries.

RON RAINEY, Member

Kenai River Sportfishing Association, Inc.

Kenai, Alaska

POSITION STATEMENT: Testified in favor of the appointment of Mr. Johnstone to the Board of Fisheries.

MONTE ROBERTS, President

Kenai River Professional Guides Association

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the appointment of Mr. Johnstone to the Board of Fisheries.

RICKY GEASE, Executive Director

Kenai River Sportfishing Association

Kenai, Alaska

POSITION STATEMENT: Testified in support of the appointment of Mr. Johnstone to the Board of Fisheries.

TIM CLARK, Staff

Representative Bryce Edgmon

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 117, on behalf of Representative Edgmon, prime sponsor.

JIM MARCOTTE, Executive Director

Board of Fisheries

Board Support Section

Alaska Department of Fish & Game (ADF&G)

Juneau, Alaska

POSITION STATEMENT: Responded to questions during the discussion of HB 117.

DAN O'HARA, Mayor

Bristol Bay Borough

Naknek, Alaska

POSITION STATEMENT: Testified in support of HB 117.

ROBERT HEYANO

Dillingham, Alaska

POSITION STATEMENT: Testified in support of HB 117.

HANS NICHOLSON, Chairman

Nushagak Advisory Committee
Dillingham, Alaska

POSITION STATEMENT: Testified in support of HB 117.

FRANK WOODS, Commercial Fisherman
Dillingham, Alaska

POSITION STATEMENT: Testified in support of HB 117.

TIEL SMITH, Resource Manager
Bristol Bay Native Corporation
Dillingham, Alaska

POSITION STATEMENT: Testified in support of HB 117.

MONTE ROBERTS, President
Kenai River Professional Guides Association
Soldotna, Alaska

POSITION STATEMENT: Testified in opposition to HB 117.

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

POSITION STATEMENT: Testified in opposition to HB 117.

ACTION NARRATIVE

[10:23:21 AM](#)

CHAIR BRYCE EDGMON called the House Special Committee on Fisheries meeting to order at 10:23 a.m. Representatives Edgmon, Keller, Buch, Munoz, and Johnson were present at the call to order. Representatives Millet and Kawasaki arrived as the meeting was in progress.

CONFIRMATION HEARING(S)
Alaska Board of Fisheries

[10:23:47 AM](#)

CHAIR EDGMON announced that the first order of business would be consideration of the appointment of Karl Johnstone to the Board of Fisheries.

[10:24:33 AM](#)

JIM MARCOTTE, Executive Director, Board of Fisheries, Board Support Section, Alaska Department of Fish & Game (ADF&G),

explained that the Board of Fisheries has seven seats of which the terms of two seats are expiring at the end of June. The incumbents currently in those seats are Karl Johnstone and Bonnie Williams. Mr. Johnstone was appointed as a replacement for a member who stepped down last fall. Mr. Johnstone's name has been forwarded to the legislature for confirmation, but only for the remainder of the current three-year term, which expires at the end of June.

[10:25:22 AM](#)

CHAIR EDGMON added that should Mr. Johnstone be reappointed after his term expires at the end of June, the confirmation hearing today should suffice for that reappointment as well.

[10:26:00 AM](#)

The committee took a brief at-ease at 10:26 a.m.

[10:26:45 AM](#)

KARL JOHNSTONE, Appointee, Board of Fisheries, related that he submitted his name for appointment to the Board of Fisheries about a year-and-a-half ago and was passed over. However, later Governor Palin's board staff contacted him in December regarding whether he remained interested. Although initially Mr. Johnstone said that he declined, discussions with his friends lead him to advise the governor's board staff that he was available. He was then appointed in early December, after which he began attending the board meetings. Mr. Johnstone related that his professional background consists mainly of his work as a lawyer and judge. He retired from the bench in the late 1990s.

[10:29:31 AM](#)

CHAIR EDGMON then turned to public testimony.

[10:30:05 AM](#)

THERESA WEISER, President, Sitka Charter Boat Operators Association, testified in support of the appointment of Mr. Johnstone to the Board of Fisheries. She opined that Mr. Johnstone makes a consistent, serious effort to understand the issues from all viewpoints. Furthermore, he's very concerned about good decisions that support sustainability of the resources and is articulate and courteous to all and asks good

questions of everyone. Therefore, Ms. Weiser encouraged the committee to vote in favor of Mr. Johnstone's confirmation.

[10:30:48 AM](#)

JOHN BELCHER, Fisherman/Lodge Owner, stated support for Mr. Johnstone's appointment to the Board of Fisheries. He related his belief that Mr. Johnstone's decisions would be based on a well-educated understanding of the fishery issues. Therefore, he encouraged the committee to vote in favor of Mr. Johnstone's confirmation.

[10:31:22 AM](#)

STAN MALCOM, Petersburg Charter Boat Association, related support for Mr. Johnstone's appointment to the Board of Fisheries. He then paraphrased from the following prepared statement [original punctuation provided]:

I had the opportunity to attend both the S.E. Shellfish meeting in Petersburg and the S.E. Finfish meeting in Sitka held earlier this year.

During both meetings, Mr. Johnstone through his questions, comments, and decisions expressed a strong commitment to maintain the sustainability of Alaska's fishery resources.

His decisions seemed to be based on the facts and showed no preference for one user group over another. His questions on the proposals before him were relevant and his comments articulate.

His interaction with the public, department staff, and other board members was professional, courteous and indicated his desire to fully understand the issues and reach a reasonable solution.

I think with Mr. Johnstone's background, he will be a valuable asset to the board process and I urge you to support his confirmation.

[10:32:56 AM](#)

MEL MORRIS, Member, Board of Fisheries, testified in support of the appointment of Mr. Johnstone to the Board of Fisheries. As a member of the Board of Fisheries, Mr. Morris noted that he has

attended three meetings with Mr. Johnstone and has been surprised with his knowledge and quick learning ability. He opined that Mr. Johnstone would be an asset to the Board of Fisheries.

[10:34:29 AM](#)

JOHN BLAIR, Southeast Alaska Guides Organization, spoke in support of the appointment of Mr. Johnstone to the Board of Fisheries. He noted that although his interaction with Mr. Johnstone is limited to the last two Board of Fisheries meetings held in Sitka and Anchorage, he observed the following. Mr. Johnstone, he related, made a concerted effort to be well-informed on the various proposals. To that end, Mr. Johnstone performed his own research and analysis that went well beyond that provided by the public and Alaska Department of Fish & Game (ADF&G) personnel. Furthermore, during public testimony and committee discussions Mr. Johnstone made an extraordinary outreach to understand the differing points of view. Moreover, Mr. Johnstone's actions, Mr. Blair opined, have demonstrated a commitment to the sustainability of the state's fisheries resources. Mr. Johnstone has also taken a fair and balanced approach in terms of his public comments and decisions. Finally, Mr. Johnstone's extensive legal background causes him to follow the letter of the law in his duties. Therefore, Mr. Blair encouraged the committee to vote in favor of the appointment of Mr. Johnstone to the Board of Fisheries.

[10:36:18 AM](#)

REUBEN HANKE, speaking as an owner of a small fishing business, related his support for the appointment of Mr. Johnstone to the Board of Fisheries. Mr. Hanke noted that he attended two of the meetings at which Mr. Johnstone served. At those meetings, Mr. Johnstone was very well-informed and was extremely willing to talk with the public. Furthermore, Mr. Johnstone is extremely well read and knows the material. Mr. Hanke opined that Mr. Johnstone will make a good member of the Board of Fisheries.

[10:37:15 AM](#)

RICHARD YAMADA, speaking as a 28-year lodge owner, related support for the appointment of Mr. Johnstone to the Board of Fisheries. He, too, attended the last two Board of Fisheries meetings held in Sitka and Anchorage. During those meetings, Mr. Yamada found Mr. Johnstone to be well informed, prepared, asked probing questions that lead to a better understanding of

the issues, and was always in support of the sustainability of the resources. Furthermore, Mr. Johnstone was fair and objective in his deliberations. He, too, found Mr. Johnstone to be very approachable.

[10:39:19 AM](#)

RON RAINEY, Member, Kenai River Sportfishing Association, Inc., stated his support for the appointment of Mr. Johnstone to the Board of Fisheries. He noted that he has known Mr. Johnstone since he lived in Arizona many, many years ago and continued to know him for many years in Alaska. Mr. Rainey opined that there isn't a better, stronger person than Mr. Johnstone, with his background and knowledge of both the commercial and sport fisheries. In conclusion, Mr. Rainey strongly urged the approval of Mr. Johnstone's appointment to the Board of Fisheries.

[10:40:20 AM](#)

MONTE ROBERTS, President, Kenai River Professional Guides Association, related support for the appointment of Mr. Johnstone to the Board of Fisheries for all the reasons that have been mentioned.

[10:40:44 AM](#)

RICKY GEASE, Executive Director, Kenai River Sportfishing Association, said that he would echo all the prior comments. He then noted that he attended the Sitka and Anchorage meetings of the Board of Fisheries, and thus observed Mr. Johnstone. He characterized Mr. Johnstone as an asset to the Board of Fisheries, and highlighted that Mr. Johnstone is well informed, prepared, asks great questions, knows the state, and has shown a dedicated commitment to the resource and conservation. Furthermore, Mr. Johnstone takes a fair and balanced approach with all user groups and issues, he opined. Moreover, Mr. Johnstone works well with everyone. Therefore, Mr. Gease said he supports the appointment of Mr. Johnstone to the Board of Fisheries.

[10:41:42 AM](#)

CHAIR EDGMON, upon determining no one else wished to testify, closed public testimony.

[10:41:52 AM](#)

REPRESENTATIVE MUNOZ asked Mr. Johnstone to comment on ADF&G's current management strategies of the Southeast Alaska herring stocks. She also asked whether he believes ADF&G is proceeding in the best way in which to protect the Southeast Alaska herring stocks.

10:42:32 AM

MR. JOHNSTONE informed the committee that at the Board of Fisheries hearing in Sitka he tried to place a cap of 10,000 tons on sac roe herring in Sitka Sound. The aforementioned cap, he noted, was the average for the previous 10 years. He expressed concern that although ADF&G does the best it can with the resources and funding it has, the department may not have all the information. Other studies were presented to the Board of Fisheries, including one from the Sitka Tribe that was in the fourth year of a five-year study. He acknowledged that the aforementioned study had not been subject to peer review, but was from a company with quite a bit of science and utilized fairly well-documented individuals. The study suggested that the Sitka Sound herring stocks may be more vulnerable than the department felt at the time. He mentioned that he followed herring a bit because he was a herring fisherman back in the 1980s. He opined that herring is a species that can't afford a mistake because it's low on the food chain, and thus many species live off of herring. While the Sitka Sound herring may appear to be strong, it's probably the last bastion, strong stock, of herring in the Pacific Northwest. He opined that the Sitka Sound herring stocks can't be lost. Mr. Johnstone opined that it's not a coincidence that there's a decline in the Chinook salmon and halibut resources in Southeast Alaska because they "make a living on herring." Furthermore, although a few people make quite a bit of money from the Sitka Sound herring stocks, it's a short-lived fishery with short-term revenue. Mr. Johnstone opined that the long-term outlook of the Sitka Sound herring fishery is not good, and therefore he suggested a conservative approach in which the stocks are built up as much as possible. Although the vote to allow the fishery to continue as scheduled prevailed, the threshold level required for the fishery to take place was increased from 20,000 tons to 25,000 tons. He expressed concern that he viewed the Sitka Sound herring stock as something that if it went away, it would likely do so forever and he said he didn't want to take such a chance.

10:46:41 AM

CHAIR EDGMON provided Mr. Johnstone the opportunity to comment on HB 117.

[10:47:21 AM](#)

MR. JOHNSTONE related his understanding that last October during a workshop meeting by the Board of Fisheries, the location of the Bristol Bay meeting was voted upon and Anchorage was approved as the location. He further recalled that there was another vote at the Cordova meeting during which the Anchorage location was confirmed. He noted that he wasn't a member of the Board of Fisheries at that time. However, at the last board meeting he attended he and Ms. Williams submitted a guideline policy regarding how to determine where to hold future meetings. Mr. Johnstone related his preference to hold board meetings in locations that are mostly impacted by the proposals to be heard at the meeting, providing that the infrastructure and other criteria required by the board can be met at that location.

[10:50:12 AM](#)

REPRESENTATIVE KELLER moved to advance the name of Mr. Johnstone for confirmation to the Board of Fisheries to the [full legislature for consideration]. There being no objection, it was so ordered.

[10:50:29 AM](#)

CHAIR EDGMON restated his desire to have this hearing suffice if Mr. Johnstone is reappointed for an additional three-year term beginning July of 2009. He related his understanding that the committee consents to the aforementioned.

[10:51:03 AM](#)

The committee took an at-ease from 10:51 a.m. to 10:54 a.m.

HB 117-BOARD OF FISHERIES MEETING LOCATION

[10:54:04 AM](#)

CHAIR EDGMON announced that the final order of business would be HOUSE BILL NO. 117, "An Act relating to locations of the meetings of the Board of Fisheries."

TIM CLARK, Staff, Representative Bryce Edgmon, Alaska State Legislature, speaking on behalf of the prime sponsor, Representative Edgmon, introduced HB 117. He explained that HB 117 would require the Board of Fisheries (BOF) to meet in a certain region of the state when the primary topics/proposals on the agenda relate to that particular region.

[10:55:04 AM](#)

REPRESENTATIVE KELLER moved to adopt CSHB 171, Version 26-LS0375\E, Kane, 3/25/09, as the working document.

CHAIR EDGMON objected.

[10:55:32 AM](#)

MR. CLARK explained that Version E simply tightens some of the language in the legislation. For example, the language "the only topic" is replaced by "for which the primary topic or proposal." Version E also amends line 12 such that the language "Chignik" is removed from the Kodiak regional area primarily because of the lack of commercial air service between Chignik and Kodiak. Chignik wasn't included as an area primarily because of the lack of accommodations in Chignik. Mr. Clark returned to his presentation of HB 117, and paraphrased from the sponsor statement, which read as follows [original punctuation provided]:

Alaska's Board of Fisheries meets four to six times each year to consider proposals to change fisheries regulations in regions around the state. The board uses information from many sources when weighing such proposals. They are guided by counsel from the Department of Law; input from the Department of Fish & Game; and even advice from the Department of Public Safety.

Another critical source of information for the Board's deliberations is the testimony of regional stakeholders. Resident participants in a given region's commercial, sport, and subsistence fisheries know best the practical ramifications of proposed changes to fisheries regulations. Often this is because such proposals can have their highest impact on the lives and livelihoods of resident regional stakeholders.

At present, the Board's record of holding meetings in areas on its agenda is inconsistent. Too often such meetings have been conducted in Anchorage, hundreds of miles from the fisheries being considered.

To quote from a 2008 letter to the Board from Robert Heyano of the Ekuk Village Council on Bristol Bay, "Our residents and communities are challenged with a cost of living that is among the highest in the state of Alaska. The expense of travel to Anchorage, the cost of hotels/food...make it impossible for most of our residents to participate in the meetings if they are held in Anchorage."

Passage of HB 117 will help ensure that the inhabitants of regional communities have the opportunity to offer face-to-face testimony to the Board. In turn, the Board will benefit from the clearest understanding of the viewpoints of those whose local economies, livelihoods, and traditions are most directly affected by its decisions.

[10:59:23 AM](#)

REPRESENTATIVE MUNOZ inquired as to how many meetings per year would be impacted by this proposed change.

MR. CLARK reminded the committee that the Board of Fisheries works on a three-year cycle in which different regions of the state are addressed. The number of board meetings and locations, he noted, are summarized in the committee packet. He said that generally there are 6-10 board meetings per year.

[11:00:48 AM](#)

REPRESENTATIVE MUNOZ related her assumption that some meetings would still be held in Anchorage, and questioned the impact of HB 117 on the overall agenda. She then noted her support for HB 117.

MR. CLARK commented that meetings regarding the Cook Inlet fisheries would be considered to be in the Anchorage region.

[11:01:49 AM](#)

REPRESENTATIVE JOHNSON inquired as to the meaning of the term "primary" in HB 117.

CHAIR EDGMON explained that BOF meets on a three-year cycle and the meeting cycles generally encompass a specific area. For example, the Bristol Bay region meeting occurs every three years and the last meeting was in December 2006, and therefore the upcoming meeting is in December 2009. He reviewed some of the areas of the state in which the board has met.

11:03:29 AM

REPRESENTATIVE KELLER inquired as to what happens if the topic concerns more than one area, and asked if this legislation invites legal action.

CHAIR EDGMON related his understanding that generally speaking the meeting cycle encompasses the area about which the board is meeting. However, it's not outside the purview of the board to consider additional matters.

MR. CLARK added that typical meetings include scores of proposals for changes in regulation or management policies for a given fishery in a given region. The use of the word "primary" refers to the central proposals at hand, such that housekeeping measures would not result in adding a separate region to the agenda.

REPRESENTATIVE JOHNSON cautioned that housekeeping to one person may be a primary issue to someone else. He opined that the language is ambiguous and doesn't seem to move in the direction the sponsor desires. Furthermore, the legislation seems to have many loopholes leaving the language open to interpretation.

11:06:57 AM

JIM MARCOTTE, Executive Director, Board of Fisheries, Board Support Section, Alaska Department of Fish & Game (ADF&G), stated that neither the BOF nor ADF&G have taken an official position on HB 117. He explained that during the three-year cycle of the board, typically a non regulatory work session is held in October during which organization takes place for the upcoming meetings. The meetings are generally regional in focus/scope. The last meeting of the year is usually in March and it may be statewide in focus. He then directed attention to the two-page BOF meeting list included in the committee packet, which he described. He informed the committee that about two-

thirds of the regional meetings have been in compliance with the spirit and directives of HB 117. However, about one-third of the meetings haven't been in compliance with the spirit and directives proposed in HB 117, for which there are often reasons. For example, the board had a concentrated effort for several years to fine tune a proposed Chignik co-op fishery. Many of the participants in that proposed fishery are located in Homer, Kodiak, Anchorage, and some in Chignik. The [board determined] that having a meeting in Anchorage was the best for the stakeholders. The overall pattern for Southeast and Cook Inlet is basically in 100 percent alignment with HB 117. However, Cook Inlet meetings are controversial and those in the Mat-Su Valley would like to have meetings in Palmer or Wasilla whereas those on the peninsula would like to have the meetings in Kenai or Soldotna. The board has determined Anchorage to be good middle ground for most folks. Mr. Marcotte pointed out that Western Alaska is a challenge, as the charts illustrate that there's a low compliance rate for the Alaska Peninsula Aleutian Islands. It's very expensive to ship the necessary equipment and personnel to locations on the Alaska Peninsula.

MR. MARCOTTE highlighted that much of the workload before the Board of Fisheries is fine-tuning commercial fishing regulations. The fish management plans impacting commercial fishing are the ones that bring lots of folks to the meetings. He agreed with the earlier comment that what may be just another proposal for one person may be critical for another. The board can also have public hearings outside of their regulatory meetings at which three board members attend. He characterized the aforementioned as an effort to reach out to the public. The BOF has another valuable tool in the form of summer site visits, which aren't part of the board's formal regulatory meetings. The quality of information obtained from such meetings is often quite excellent. Historically, the board has taken into account budget limitations when meetings are set and they review what's in the best interest of the state overall and all affected stakeholders.

[11:14:44 AM](#)

MR. MARCOTTE pointed out that another aspect to the board meeting pattern is the rotation of meeting locations, which acknowledges that all stakeholder groups can't be pleased all the time. Therefore, the Prince William Sound fin fish meeting has alternated between Cordova and Valdez every other three-year cycle. Similarly, the Arctic Yukon Kuskokwim meeting has alternated between Fairbanks and Anchorage every three years

over the past few years. On any given meeting, issue, or region, several factors come into play when the BOF uses its best judgment regarding the location of a meeting. He clarified that the location of the meetings are left to the board, and staff merely present a tentative schedule of meetings with no location specified. Mr. Marcotte said that although the BOF appreciates the intent of HB 117, it views the legislation as taking away some of the flexibility it exercises in trying to balance the competing demands.

[11:17:20 AM](#)

REPRESENTATIVE MILLETT inquired as to the location of a meeting with a primary topic such as salmon fin fish that would be diverse and [have stakeholders] in Southeast Alaska as well as the Bristol Bay area. Furthermore, when would such a meeting supersede the board's cycle, she asked.

MR. MARCOTTE surmised that Representative Millet is referring to the BOF's March meetings, which are statewide and thus wouldn't be subject to the intent of HB 117. Furthermore, those meetings aren't necessarily designed as regional meetings but rather are statewide meetings; the board could have those meetings wherever. Other meetings, such as the Southeast fin fish, Southeast shell fish, or the Bristol Bay fin fish meetings are regional and a target of HB 117.

[11:18:51 AM](#)

REPRESENTATIVE MILLETT asked if the term "primary" in Version E would change the BOF's cycle of meetings.

MR. MARCOTTE responded that it could have an impact on the board's regular three year-cycle. However, it is difficult to predict such. He reminded the committee that prior to the three-year cycle, the board held statewide meetings on various fisheries. During those statewide meetings, the board discovered that the same players had to come in, which was awkward and led the board to revamp its entire meeting schedule. Mr. Marcotte suggested that [with the inclusion of the term "primary"] the topics of the meetings and the three-year cycle would likely remain, but the Alaska [Peninsula] fin fish meeting would no longer be held in Anchorage as it may be held in another location, such as Dutch Harbor or Sand Point. Therefore, although the locations of the meetings would change, the basic structure of the three-year cycle would remain.

[11:20:30 AM](#)

REPRESENTATIVE KELLER recalled Mr. Johnstone's testimony regarding a policy [to determine meeting locations], and asked if it's a written policy. In terms of background, the BOF has the power to develop regulations, which has a fiscal impact. Therefore, he questioned whether the board could meet the spirit of HB 117 if performed by the board itself.

MR. MARCOTTE clarified that at the last meeting the board did adopt a set of guidelines to use to determine the sites of future meeting locations. Those guidelines included whether the community has jet or turbine service, cell phone service, high speed Internet access, adequate facilities, hospitals, and adequate ground transportation. The board would also take into consideration the economic and cultural importance of the meeting as well as the location and economic impact on stakeholder travel. Furthermore, as technology has progressed, people have become accustomed to different standards than those of 5-10 years ago. For example, board members were frustrated by a recent meeting in which they stayed in hotel rooms without telephones, televisions, Internet access, or cell phone service. Therefore, [the policy of the board] is defining the minimal standards for a functional meeting.

[11:23:55 AM](#)

REPRESENTATIVE KELLER restated his understanding that the BOF can make its own regulations, which is driven by the budget cycle.

MR. MARCOTTE pointed out that there is a fiscal note for HB 117, the original version, and thus adjustments may apply [for Version E]. The key role of the board is the allocation of the resource not the administrative functions. Therefore, the board can't dictate the department to perform research programs in certain areas. The board can only change the fishing regulations, he clarified. The board's decisions are based on the best interest of the stakeholders, he said.

[11:25:46 AM](#)

CHAIR EDGMON asked if has been any research regarding the guidelines other state boards use in determining meeting locations. How were the guidelines developed for meetings in rural areas, he asked.

MR. MARCOTTE responded that the BOF hasn't performed any comprehensive analysis of what other boards and commissions do to serve rural locations. Decisions have been in terms of what operations are the best for the BOF meetings.

[11:27:36 AM](#)

CHAIR EDGMON asked if the language "best interest of all stakeholders" is defined in regulation or statute.

MR. MARCOTTE replied no, there's no definition or directives that inform the board regarding where to hold meetings or how to set up its meeting cycle.

[11:28:34 AM](#)

REPRESENTATIVE JOHNSON inquired as to what a "primary topic" would be.

MR. MARCOTTE answered that "primary topic" would be a challenge to define. He indicated that measuring a topic in terms of a percent basis, such as a specific percentage of proposals in a specific region, would be more measurable. However, it would be extremely problematic to measure the economic significance of issues. Although the aforementioned is important to the board, the board doesn't have staff economists and the board depends upon the public to come forward with regard to the economic importance of a fishery. That information is obtained at a meeting, and therefore it would be difficult to obtain information regarding the economic importance of a fishery in advance of a meeting. He noted that even though the board is on a three-year cycle, there are other avenues for topics to come before the board under certain circumstances, such as those topics that meet emergency petition criteria or an agenda change request criteria. Therefore, the BOF often adds extra items to its agenda. For example, the recent Sitka meeting scheduled a Kodiak herring proposal due to timing.

[11:31:01 AM](#)

MR. MARCOTTE, in further response to Representative Johnson, said that he didn't foresee cases in which meetings have a particular geographic focus that becomes diverted such that a different geographic focus results. He pointed out that the meeting locations are established a year to a year-and-a-half in advance in order to make arrangements. Therefore, a location is

scheduled prior to the date the call for proposals is issued and hence prior to the board having any knowledge of the proposals.

[11:32:49 AM](#)

REPRESENTATIVE JOHNSON inquired as to why teleconferencing isn't employed for testimony.

MR. MARCOTTE said that teleconference is a tool for the board. There are no limitations in state statute or written policy or regulations against teleconferences. He noted that the board has used teleconferencing in a couple of cases, such as a recent meeting in Cordova. He said there is potential for teleconferencing to be used more in the future. However, he opined that there's a trade-off between having many individuals make a brief statement to help inform the board on a matter versus being present and participating fully in the committee process. Many of the more complex issues require a higher level of involvement than a quick one-way oral comment, he remarked.

REPRESENTATIVE JOHNSON highlighted that the legislature often takes testimony via teleconference as it allows those around the state to have their say. He expressed the desire to avoid suggesting that public testimony via teleconference isn't adequate and shouldn't be considered.

[11:36:16 AM](#)

DAN O'HARA, Mayor, Bristol Bay Borough, began by relating his belief that it's appropriate for the Board of Fisheries to hold meetings in Naknek as [the Bristol Bay salmon fishery] is the largest fin fishery known to mankind. Furthermore, Naknek can accommodate BOF meetings. Naknek has Internet service, jet service, restaurants, a hospital, and the capacity to house those attending the meetings. He pointed out that it's cost prohibitive for individuals to travel from Chignik to Anchorage. Furthermore, the number of staff attending the meeting could be reduced and those in Anchorage could attend the meeting via teleconference. Mayor O'Hara opined that there's no reason the board can't hold meetings in Naknek; the board should be in the Bristol Bay area when making decisions on that resource. Mayor O'Hara related his support for HB 177.

[11:41:15 AM](#)

ROBERT HEYANO testified in support of HB 117. He noted that the committee packet should include his written remarks. He offered

that his interpretation of the term "primary" is to refer to when the board is considering the regulatory cycle of each region. He opined that most of the public would support having those meetings in the region, while understanding that there will be agenda change requests, emergency petitions, and board generated requests that are out of cycle that will be held out of the region.

[11:43:42 AM](#)

HANS NICHOLSON, Chairman, Nushagak Advisory Committee, said that he didn't care where the BOF meeting is held, so long as it is held somewhere in the bay. Residents of the Bristol Bay area, he opined, aren't able to afford long distance travel, and it does not serve them. Whenever the BOF has met in the area, it has been very beneficial to the local economy and helpful in educating participants in the board process. He related support for HB 117 because it's important for those with the fishery in their area to have the opportunity to comment on the proposals that impact their lives and livelihood. The proposals, he pointed out, cover a wide range of topics, including commercial fishing issues, subsistence issues, and personal use issues. He reiterated the high cost of participating in meetings held outside the Bristol Bay area. Furthermore, the area has felt left out of the loop when meetings have been held in Anchorage.

[11:48:36 AM](#)

FRANK WOODS, Commercial Fisherman, highlighted the need for public engagement and pointed out that the regulatory process is intimidating for many who aren't experienced in it, particularly when meetings are held outside of the area. Mr. Woods said that he believes in the public process and that one individual can make a difference. Furthermore, he indicated that it's beneficial to address issues impacting an area, such as the extraction of resources from the area, in the impacted area. He related his observation that there has been a steep decline in public input. Passage of HB 117 will likely result in those in the region being involved and a part of the process, and therefore create a sense of ownership. Being involved also makes people realize that they can make a difference. Mr. Woods highlighted that Alaska is an urban state in that most of the population lives in urban areas, and thus it's more cost effective to hold meetings in those urban areas. However, that's difficult for locals who already face an exodus of the rural populations to the urban areas. The aforementioned results in a disconnect between access and connection to the

resources of the state. In conclusion, Mr. Woods related his support of a process that would engage more locals and Alaskans while having easier access and a cost effective way of doing business.

[11:52:17 AM](#)

TIEL SMITH, Resource Manager, Bristol Bay Native Corporation, paraphrased from the following written testimony [original punctuation provided]:

The Bristol Bay Native Corporation supports House Bill 117 - Board of Fisheries Meeting Location. As residents of the Bristol Bay Region, our shareholders are impacted significantly by the matters considered and decisions made by the Board of Fisheries. Because of this significant impact and the importance of fisheries to the Region, participation and input from local residents is crucial to reaching the best outcomes.

As fuel costs and living costs rise, especially in rural Alaska, the number of residents able to travel to meetings held in Anchorage falls. Holding Board of Fisheries meetings in the particular regions of the state when the proposals on the agenda relates to those areas furthers the public process by allowing the voice of those residents most significantly impacted to be heard. As the regional corporation representing shareholders of the Bristol Bay Region, we know well the cost of holding meetings in various locations around the state. However, we do just that in order to better represent all of our shareholders, rather than only those in our population centers. We ask that the Board of Fisheries be required to do the same, so that all residents of Alaska are better represented.

[11:54:41 AM](#)

MONTE ROBERTS, Kenai River Professional Guides Association, related his opposition to HB 117. He opined that the teleconference today is an excellent example of how technology can be used to bridge gaps while keeping costs down. Additionally, the BOF is entrusted with making some very big decisions. To that end, Mr. Roberts said he didn't know why the BOF couldn't be trusted to make decisions regarding the location

of meetings. He suggested that perhaps video conferencing could be utilized to address those people who want to actually see the BOF.

11:56:20 AM

RICKY GEASE, Executive Director, Kenai River Sportfishing Association, echoed the importance of trusting the BOF to develop policies that fit the circumstance of the board's schedule. He opined that the board does a good job of alternating meeting sites. He pointed out that not every person who fishes in one of the regional fisheries is a resident of the local community; sometimes they are a resident from another part of the state. Furthermore, having meetings in Anchorage, Fairbanks, or Juneau allows residents from a nonlocal region to have input, which he characterized as important over time. Mr. Gease stated that he would like implementation of the new policy guidelines, such that cellular service, Internet access, and adequate space for appropriate seating are required. These issues, he opined, are best left at the BOF level. In terms of public testimony, teleconference testimony should be implemented, as well as video transmission. Information, including RCs, should be made available digitally so that the public as well as the board members can access it. Therefore, he opined that it's incumbent on the legislature to provide adequate funding to the BOF to move into the digital age with all phases of the public process. Mr. Wood then related his objection to not including the Copper River Valley as a meeting area with the "Prince William Sound area" on line 13 of the legislation. The Copper River Valley area has many issues that deal with subsistence, personal use, and sport fishing, and therefore to not include it is a grievous oversight. He expressed the hope that the aforementioned would be amended in this legislation as well as the intent language of the BOF's operating budget.

12:01:51 PM

CHAIR EDGMON related his belief that today's conversation has been valuable. He related his experience of having House Special Committee on Energy meetings in rural locations this session, and opined that the committee was much better off having held the meetings in those locations. He further opined that it's critical for government, whatever component, to be available to the people of Alaska. Furthermore, the desire is to have local public participation, he said.

CHAIR EDGMON announced that public testimony would be left open for HB 117, which would have further hearings.

[HB 117 was held over, with the motion to adopt CSHB 117, Version E, pending.]

[12:03:52 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 12:04 p.m.