

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

April 9, 2009  
10:19 a.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Representative Charisse Millett

**COMMITTEE CALENDAR**

HOUSE BILL NO. 207

"An Act increasing the allowances for injury, disability, or heart attack payable from the fisherman's fund; and providing for an effective date."

- MOVED HB 207 OUT OF COMMITTEE

Confirmation(s)  
Board of Fisheries

Brent G. Johnson - Clam Gulch

- CONFIRMATION(S) ADVANCED

**PREVIOUS COMMITTEE ACTION**

BILL: HB 207

SHORT TITLE: MAXIMUM BENEFIT FROM FISHERMEN'S FUND

SPONSOR(S): REPRESENTATIVE(S) HARRIS

03/27/09	(H)	READ THE FIRST TIME - REFERRALS
03/27/09	(H)	FSH, L&C, FIN
04/09/09	(H)	FSH AT 10:15 AM BARNES 124

**WITNESS REGISTER**

JOHN BITNEY, Staff

Representative John Harris  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 207 on behalf of Representative Harris, the prime sponsor.

PAULA SCAVERA, Special Assistant  
Office of the Commissioner  
Department of Labor & Workforce Development (DLWD)  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 207.

TRENA HEIKES, Director  
Division of Workers' Compensation  
Department of Labor & Workforce Development (DLWD)  
Juneau, Alaska

**POSITION STATEMENT:** Reported that DLWD had a neutral position on HB 207, and responded to questions.

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

**POSITION STATEMENT:** Spoke in support for HB 207. Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

DAVE COBB, Business Manager  
Valdez Fisheries Development Association  
Valdez, Alaska

**POSITION STATEMENT:** Spoke in support for HB 207.

GERALD McCUNE, Lobbyist  
United Fishermen of Alaska (UFA)  
Cordova, Alaska

**POSITION STATEMENT:** Spoke in support for HB 207. Testified in support for the appointment of Brent Johnson to the Board of Fisheries.

BRENT JOHNSON, Appointee  
Board of Fisheries  
Clam Gulch, Alaska

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

MEL MORRIS  
Kodiak, Alaska

**POSITION STATEMENT:** Testified in support for the appointment of Brent Johnson to the Board of Fisheries.

AARON BLOOMQUIST, Chairman  
Anchorage Fish and Game Advisory Committee  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

ROBERT HEYANO, Fisherman  
Dillingham, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

JOHN BLAIR, Executive Director  
Southeast Alaska Guides Organization (SEAGO)  
Sitka, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

BOB PENNEY  
Cook Inlet Sportfishing Caucus  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

CHRISTOPHER HASHIGUCHI  
Sitka, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

ALLEN BARRETTE  
Fairbanks Fish and Game Advisory Committee  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

MIKE KRAMER, Chair  
Fairbanks Fish and Game Advisory Committee  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

REED MORISKY  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

STEVE RUNYAN  
Willow, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

TERRENCE SHANIGAN, Bristol Bay Fisherman  
Willow, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

DAVID MARTIN, Chairman  
Central Peninsula Advisory Committee  
Clam Gulch, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

STEVE VANEK  
Ninilchik, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

MONTE ROBERTS, President  
Kenai River Professional Guide Association (KRPGA)  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

DWIGHT KRAMER, Chairman  
Kenai Area Fisherman's Coalition (KAFC)  
Kenai, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

GARY HOLLIER  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

JEFF BEAUDOIN  
Kasilof, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

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

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

RON RAINEY  
Kenai, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

RICHARD ERKENEFF, Lodge Owner  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries

JOSEPH CONNORS  
Sterling, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

DAVID GOGGIA, Guide  
Kenai, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

RODNEY BERG  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

RICHARD THOMPSON  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

STEVE TVENSTRUP, Fisherman  
Kenai, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

GARRY KERNAN  
Kodiak, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

CHRIS GARCIA  
Kenai, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

CHRISTINE BRANDT  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

DREW SPARLIN, President  
United Cook Inlet Drift Association  
Kenai, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

TYLAND VANLIER  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

MURRAY FENTON  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in opposition to the appointment of Brent Johnson to the Board of Fisheries.

ROBERT THORSTENSON, Executive Director  
Southeast Alaska Seiners Association (SEAS)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support to the appointment of Brent Johnson to the Board of Fisheries.

#### **ACTION NARRATIVE**

[10:19:24 AM](#)

**CHAIR BRYCE EDGMON** called the House Special Committee on Fisheries meeting to order at 10:19 a.m. Representatives Edgmon, Buch, Johnson, Kawasaki, and Keller were present at the call to order. Representative Munoz arrived as the meeting was in progress.

[10:19:44 AM](#)

#### **HB 207-MAXIMUM BENEFIT FROM FISHERMEN'S FUND**

CHAIR EDGMON announced that the first order of business would be HOUSE BILL NO. 207, "An Act increasing the allowances for injury, disability, or heart attack payable from the fisherman's fund; and providing for an effective date."

10:21:00 AM

JOHN BITNEY, Staff to Representative John Harris, Alaska State Legislature, introduced HB 207, paraphrasing from the sponsor statement, which read as follows [original punctuation provided]:

The Alaska Fisherman's Fund was established [in] 1951 to provide for the treatment and care of Alaska licensed commercial fishermen and crew who have been injured while fishing on shore or off shore in Alaska. The upper limit on claims in the fund has been \$2,500 since 1959. If \$2,500 in 1959 dollars was adjusted for the Consumer Price Index, it would be worth approximately \$18,229.64 today. While the limitation in state law has remained unchanged, health care costs have steadily risen.

Access to health insurance and health care is a concern among fishermen and especially presents an obstacle to younger fishermen who are seeking to continue as the next generation in Alaska's sustainable fisheries.

HB 207 updates the Alaska Fishermen's Fund limit to \$10,000. This is intended to help ensure that Alaska's fishermen have better access to health care when injured while fishing. Updating the claim limit to \$10,000 will bring this very worthwhile program back to providing a meaningful level of assistance as the payer of last resort for commercial fishermen and crew that sustain injuries or illness while fishing.

The fund is financed from revenue received from each resident and nonresident commercial fisherman's license and permit fee. Commercial fishermen and crew members pay 39% - or up to \$50 each - of their annual license fees into this account. In 2008, there were 13,706 commercial fishing permit holders who contributed to the fund.

The account has grown to \$11.5 million even as health care costs have risen, due in part to continuing improvements in fish industry safety.

This increase is not projected to jeopardize the sustainability of the fund.

MR. BITNEY relayed that the intent was to maintain the Fishermen's Fund, and he noted that claims can be adjusted accordingly if the number or price of claims increased. He emphasized that the intent was not to increase the fishermen's taxes. He explained that currently there are provisions for fishermen with extraordinary circumstances to request assistance for claims above the \$2,500 limit.

[10:23:41 AM](#)

REPRESENTATIVE KAWASAKI asked if there was going to be testimony about administration of the Fishermen's Fund's.

[10:24:16 AM](#)

MR. BITNEY, in response to Representative Buch, stated that Kevin Adams, a commercial fisherman from Bristol Bay, furnished the idea for HB 207, and that there was also a companion bill in the Senate.

[10:24:54 AM](#)

PAULA SCAVERA, Special Assistant, Office of the Commissioner, Department of Labor & Workforce Development (DLWD), deferred the testimony to Trena Heikes.

[10:25:31 AM](#)

TRENA HEIKES, Director, Division of Workers' Compensation, Department of Labor & Workforce Development (DLWD), stated that DLWD was neutral on this bill, and that the \$2500 limit on claims which had been in place since 1951 was equal to \$27,000 in 2009 dollars. She relayed that the Fishermen's Fund balance was \$11.4 million, and that the projected increased annual cost to the fund with a \$10,000 limit would be \$65,000.

[10:26:38 AM](#)

REPRESENTATIVE KAWASAKI asked if the Fishermen's Fund was administered through the Division of Workers' Compensation, and how it differed from a general workers compensation payment.

MS. HEIKES replied that the Alaska Workers' Compensation Act did not cover commercial fishermen, so this fund was established by

the state. She pointed out that the Fishermen's Fund was financed from a percentage of the Commercial Fishing Crewmember licenses, and was administered by a Division of Workers' Compensation program manager. She reported that the Fishermen's Fund council, appointed by the governor, considered any claimant petitions over \$2,500.00.

MS. HEIKES, in response to Representative Kawasaki, said that the fund only paid for medical benefits.

[10:28:21 AM](#)

REPRESENTATIVE KAWASAKI asked about the differences between the fund and workers' compensation.

MS. HEIKES explained that worker's compensation benefits were usually paid by an insurance company, as every state employer must either be self-insured or carry workers compensation insurance, which included disability, medical, impairment, death, and vocational benefits. She reminded the committee that commercial fishermen were not eligible for workers' compensation benefits, and that the Fishermen's Fund only provided medical benefits.

[10:29:52 AM](#)

REPRESENTATIVE KAWASAKI asked if the \$11.4 million in the Fishermen's Fund was invested.

MS. HEIKES replied that it was invested only to the same extent of any other state fund, as a sub account of the general fund, but that the interest was paid into the general fund.

REPRESENTATIVE KAWASAKI asked about any impact to the Fishermen's Fund from an increase in the claim limit. He inquired about an increase in the fishermen contributions.

MS. HEIKES replied that she was unaware of any legislation to increase a percentage of the licensing revenue paid into the Fishermen's Fund. She estimated an annual expense increase of \$65,000. She detailed that the Fishermen's Fund received between \$800,000 and \$1 million annually, but that the prior four years had seen a slight deficit spending. She opined that there was still ample funding to provide for the claim limit increase. She shared that the Fishermen's Fund council had a concern, but that DLWD did not foresee any problem given the current status.

[10:32:43 AM](#)

REPRESENTATIVE BUCH asked what the largest benefit payment was from the Fishermen's Fund.

MS. HEIKES replied that two of the highest payments were \$85,000 for the loss of an arm, and \$162,000 for pneumonia which then resulted in congestive heart failure.

[10:34:33 AM](#)

REPRESENTATIVE KAWASAKI inquired whether every commercial fisherman paid into the Fishermen's Fund.

MS. HEIKES related that 39 percent of the Commercial Fishing Crewmember License fee was directed into the Fishermen's Fund. She clarified that any other insurance was used first, and the Fishermen's Fund was a fund of last resort.

[10:35:14 AM](#)

REPRESENTATIVE KAWASAKI asked to clarify that the Fishermen's Fund would pay the benefit should a commercial fisherman lose a finger while working on a boat.

MS. HEIKES agreed, and reiterated that there was not any workers' compensation coverage if the injury was directly related to commercial fishing.

[10:35:46 AM](#)

CHAIR EDGMON opened public testimony.

[10:36:06 AM](#)

PAUL SHADURA, Executive Director, Kenai Peninsula Fishermen's Association, testified that HB 207 offered additional coverage to the permit holders.

[10:37:13 AM](#)

DAVE COBB, Business Manager, Valdez Fisheries Development Association, testified that the association supported HB 207 and shared that the Fishermen's Fund was self sustaining. He reported that the benefit payment had not been increased since 1959, although medical costs had increased.

[10:38:41 AM](#)

GERALD McCUNE, Lobbyist, United Fishermen of Alaska (UFA), described the Fishermen's Fund and the fees that are contributed to the fund. He reiterated that this fund was a secondary insurance, but that the \$2500 limit was too low. He opined that HB 207 with a \$10,000 limit was "a good little compromise."

[10:40:34 AM](#)

REPRESENTATIVE KAWASAKI offered his concern that contribution caps, rising numbers of uninsured fishermen, and an increased payout limit could lead to insolvency of the fund. He asked Mr. McCune if the commercial fishermen would support increased contributions to the fund.

MR. McCUNE, in response to Representative Kawasaki, relayed that the Fishermen's Fund council also had concerns, which included the initial impact on the fund by this increase. He relayed that he spoke with the Commercial Fisheries Entry Commission (CFEC), as it also paid contributions into the Fishermen's Fund from the permit holders, and he asked for an analysis of the increased claim limit and of an increase in the fee contributions by fishermen to the fund.

[10:42:54 AM](#)

REPRESENTATIVE KAWASAKI stated that an Emergency Room (ER) visit would generally exceed \$2,500.

CHAIR EDGMON pointed out that HB 207 stated up to \$10,000, not a mandatory \$10,000, and he predicted that the fund would be managed in a fiduciary way.

MR. McCUNE mentioned that expenses in excess of \$10,000 would require an appeal to the council. He reiterated that the Fishermen's Fund council would review the increased claim costs after one year, should HB 207 pass.

[10:44:29 AM](#)

CHAIR EDGMON closed public testimony.

[10:45:05 AM](#)

REPRESENTATIVE BUCH asked Ms. Heikes for more information regarding the two highest claims which she had mentioned previously. He expressed his interest in the process, not the medical history.

MS. HEIKES explained that filing a claim was an informal process which requested compelling reasons for payment above the \$2,500. She summarized that the Fishermen's Fund council would meet, review the claim with its medical bills and reports, and make a determination.

[10:47:01 AM](#)

REPRESENTATIVE BUCH asked if all the payouts were determined in this way.

MS. HEIKES affirmed that payments were based on receipt of the medical expenses, analysis of the medical diagnosis, and assessment of the statute.

CHAIR EDGMON noted that Representative Munoz had arrived.

[10:47:28 AM](#)

REPRESENTATIVE BUCH asked for the time frame from application to payout.

MS. HEIKES replied that for the above mentioned two incidences the payouts were approved within six months of the occurrence.

[10:48:03 AM](#)

CHAIR EDGMON reminded that HB 207 still had two other committees to pass through, and that there was a Senate companion bill.

[10:48:35 AM](#)

REPRESENTATIVE KAWASAKI asked how many people requested the \$2500 claim limit.

MS. HEIKES replied that almost every claim was in excess of the \$2,500 claim limit. She reiterated that an analysis of claims between \$2500 and \$10,000 during the last two years reflected an annual cost increase of \$65,000 to the fund.

[10:49:52 AM](#)

REPRESENTATIVE KELLER moved to report HB 207 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 207 was reported from the House Special Committee on Fisheries.

[10:50:15 AM](#)

The committee took an at-ease from 10:50 a.m. to 10:52 a.m.

CONFIRMATION(S)  
Board of Fisheries

[10:52:38 AM](#)

CHAIR EDGMON announced that the final order of business would be the consideration of the appointment of Brent G. Johnson to the Board of Fisheries.

[10:53:07 AM](#)

BRENT JOHNSON, Appointee, Board of Fisheries, discussed his background as a life-long Alaskan, growing up in a family who lived sustainably. He shared that he grew up as a setnetter, and that he married a setnetter. He detailed his involvement with committees and fishing groups, and his subsequent election as president of Kenai Peninsula Fishermen's Association, the largest setnet group in Cook Inlet. He listed a number of advisory committees that he had served on, which included Cook Inlet Aquaculture Association, the Fish and Game Advisory Committee, Cook Inlet Salmon Branding, Kenai River Guides, and Kenai Peninsula Borough Planning Commission.

[10:57:43 AM](#)

REPRESENTATIVE MUNOZ asked Mr. Johnson for his opinion that this appointment would result in Cook Inlet having four members on the Board of Fisheries, and if he would offer a more statewide perspective.

MR. JOHNSON confirmed that he would bring a statewide perspective. Responding to the question of Cook Inlet representation, he pointed out that one member was from Kodiak, and two members were sport fishermen, but that there had not been a commercial fisherman representative from Cook Inlet for more than 30 years.

[10:58:55 AM](#)

CHAIR EDGMON asked that Mr. Johnson share his position regarding the Board of Fisheries meeting cycles and the process for subjects to be brought before the board.

MR. JOHNSON replied that he supported the Board of Fisheries traveling to the areas that may be impacted by major decisions.

[11:00:03 AM](#)

CHAIR EDGMON opened public testimony.

[11:00:30 AM](#)

MEL MORRIS cited that Mr. Johnson's active community role and experience on advisory committees had gained him an understanding of economics and local knowledge that would serve him well as a board member. Mr. Morris, a member of the Board of Fisheries, spoke for himself, but noted that he looked forward to working with Mr. Johnson.

[11:03:26 AM](#)

REPRESENTATIVE JOHNSON asked Mr. Morris if he was conflicted out of any of the Cook Inlet decisions.

MR. MORRIS replied that, at the last board meeting, he was only conflicted out of the one proposal regarding the closure of all commercial fishing in Cook Inlet.

[11:04:09 AM](#)

AARON BLOOMQUIST, Chairman, Anchorage Fish and Game Advisory Committee, relayed that the Anchorage Fish and Game Advisory Committee was "adamantly opposed at this time to Mr. Brent Johnson's nomination." He opined that Mr. Johnson would not well serve the majority of Anchorage recreational, personal, and subsistence users. He suggested the need for more representation from Interior Alaska.

[11:05:38 AM](#)

ROBERT HEYANO, Fisherman, endorsed the appointee and cited the experience, understanding, and service that he would bring to the board. He noted Mr. Johnson's ability to listen and work with others toward solutions. He said that he had had the opportunity to work with Mr. Johnson on issues. He opined that

any concerns would be assuaged by the conflict of interest rules.

[11:08:18 AM](#)

JOHN BLAIR, Executive Director, Southeast Alaska Guides Organization (SEAGO), declared his opposition to the appointment as it raised the important concern that neither Native Alaskans nor Interior Alaskans would have representation. He noted that the Board of Fisheries lacked broad representation from diverse areas and user groups.

[11:10:25 AM](#)

BOB PENNEY, Cook Inlet Sportfishing Caucus, announced his support for commercial fishing, but emphasized that Cook Inlet was the largest salmon sport fishery in the United States. He pointed out that Mr. Johnson was against the Kenai dipnet fishery. He observed that this sport fishery produced a much greater economic value than the commercial fishery. He offered his opinion that the current Board of Fisheries was balanced, but that Mr. Johnson's appointment would bias commercial fishing.

[11:14:39 AM](#)

CHRISTOPHER HASHIGUCHI expressed adamant opposition to Brent Johnson, as his appointment to the Board of Fisheries would not result in a balanced representation for the entire state.

[11:16:01 AM](#)

ALLEN BARRETTE, Fairbanks Fish and Game Advisory Committee, reported unanimous opposition from the committee to this appointment. He pointed out that this confirmation lacked the experience, diversity, and knowledge to serve the fisheries located in Interior Alaska.

[11:17:37 AM](#)

MIKE KRAMER, Chair, Fairbanks Fish and Game Fish Subcommittee Advisory Committee, Fairbanks Fish and Game Advisory Committee, disclosed unanimous opposition to the appointment as it failed to provide any Interior or subsistence representation. He requested that Mr. Johnson be questioned about his prior statements regarding the Board of Fisheries. He indicated that Mr. Johnson said: "The State Board of Fish is going to hold a

public meeting, put on a kangaroo court, and enact regulations that would likely make commercial fishing in Cook Inlet a memory." He stated that Mr. Johnson was the former president of an organization that brought a federal lawsuit asking for federal intervention in management of in-river fisheries in Cook Inlet, as well as abolishment of all personal use fisheries. He cited that this confirmation would produce a lack of balance and fairness to Interior Alaska.

[11:21:00 AM](#)

REED MORISKY stated opposition to this appointment as it would leave a void in representation from the Interior and the Native community.

[11:22:14 AM](#)

STEVE RUNYAN indicated that he was speaking for himself, but confirmed that he was the Chair of the Susitna Valley Fish and Game Advisory Committee. He pointed out the need of representation for the Susitna Valley, and he noted that Mr. Johnson would be conflicted out of many key decisions for Cook Inlet. He explained that several sport fisheries in the Susitna Valley were near extinction, which would result in a large economic impact to the region.

[11:24:16 AM](#)

CHAIR EDGMON passed the gavel to Representative Keller.

[11:25:51 AM](#)

TERRENCE SHANIGAN, Bristol Bay Fisherman, voiced strong opposition to the appointment as there would not be any Interior or Yukon representation. He expressed concern that a board member could influence issues, even while required to conflict out. He opined that regulations more often affected sport and subsistence users, and that these groups needed active representation.

[11:28:39 AM](#)

DAVID MARTIN, Chairman, Central Peninsula Advisory Committee, offered support for the appointment citing the qualifications of Mr. Johnson. He opined that it was necessary to have qualified board members who would use the best available science and biology for the management of Alaska's fisheries. He expressed

his belief that this hearing was dominated by the lobbying effort of the commercial [sportfishing] guides.

11:30:50 AM

STEVE VANEK opined that the board was not controlled by commercial fishermen, calling this "a big lie."

11:33:25 AM

MONTE ROBERTS, President, Kenai River Professional Guide Association (KRPGA), pointed out that the current regional representation of the Board was predominantly from Southcentral and Southeast Alaska. He expressed the need for representation from the Interior, Native Alaskans, personal use and subsistence users, and guided sport anglers.

11:35:05 AM

DWIGHT KRAMER, Chairman, Kenai Area Fisherman's Coalition (KAFC), reported that the KAFC board included ten retired fisheries biologists, and that many of them had worked with Mr. Johnson on a variety of boards and committees. He opined that Mr. Johnson had always been fair and evaluated issues based on the best available science. He shared that KAFC supported habitat protection over user group needs, fair and balanced allocation between user groups, and a process that reflected good science and decision making. He extolled Mr. Johnson's experience and honesty.

11:37:07 AM

GARY HOLLIER expressed support for the nominee, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am writing to recommend you to vote to confirm Brent Johnson to the State of Alaska Board of Fish. Mr. Johnson is well respected [in] our community and is very knowledgeable in all aspects of fishery management and process. He is very articulate, witty, and most of all very honest. His high level of integrity and morals would be a benefit to the BOF.

There is strong opposition coming from the "professional" sport industry. Kenai River Sportsman Association (KRSA), and the Kenai River Professional

Guides Association (KRPGA) have mounted a tremendous campaign in opposition to Mr. Johnson's confirmation. In the 25+ years that I have been involved with the BOF on Cook Inlet issues, I have never witness[ed] such an assault. They claim that by putting Mr. Johnson on the BOF the balance of power would be shifted to the "commercial" side. These two groups fail to mention in past years, that on a seven member STATEWIDE BOF there have been times when four Cook Inlet Sport Fish representatives were on the BOF at the same time. On one BOF there was Ed Dersham, (commercial halibut charter guide from Anchor Pt.), Andy Szczesny, (Kenai River Guide from Soldotna), Dan Coffey (author of fish initiative which was found unconstitutional by the Supreme Court), and Larry Engel, (strong sport fish advocate from the Valley). These "sport fish" organizations did not have a problem with the makeup of that BOF. You talk about a stacked deck.

The Chairman at the 2008 BOF stated that regulations enacted by past BOF's, caused five years of over escapement to the Kenai River which resulted in a loss of 40 to 60 million dollars to the industry.

The people and groups that are so opposed to Mr. Johnson's confirmation, do have something to worry about. They are fighting such a battle to keep Mr. Johnson off the BOF because they have seen him participate at the BOF for years. They know that he is very qualified to review the data and formulate regulations based on the best available science. He can not and will not be persuaded to do anything that is not based on sound science.

The State of Alaska needs people like Mr. Johnson on the BOF who have strong ethics, who cannot be persuaded to go against sound science for the benefit of special interest groups. Please confirm Mr. Brent Johnson.

[11:39:59 AM](#)

JEFF BEAUDOIN confirmed support for the appointment, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

First of all, I want to express my sincere appreciation for Governor Palin's appointment of Mr. Brent Johnson to the Alaska Board of Fisheries.

I have known Mr. Johnson for over twenty years and personally witnessed the dedication, knowledge, and fair-minded approach within Brent's character - positive attributes required for fair, complete, and reasoned decision making by the Board of Fisheries.

Mr. Johnson understands fishery resource management, numerous commercial and sport fisheries and the important function of the Board of Fisheries. Mr. Johnson has extensive experience with the Board of Fisheries public process as: past chairman of the Kenai-Soldotna Fish and Game Advisory, past president of Kenai Peninsula Fishermen's Association, and president of Cook Inlet Aquaculture Association.

Mr. Johnson has dedicated thousands of hours of time and expertise to numerous non-profit associations and boards for decades. I look forward to the legislature's confirmation on the appointment of Mr. Brent Johnson.

[11:44:23 AM](#)

RICKY GEASE, Executive Director, Kenai River Sportfishing Association, presented two points of opposition to the appointment: Interior Alaska would not be served, and past experience indicated that Mr. Johnson put commercial use ahead of other interest groups. He expressed concern with Mr. Johnson's support of the federal lawsuits that would allow "non-resident commercial fishermen on equal footing with resident only fisheries."

[11:47:29 AM](#)

RON RAINEY conveyed his opposition to the appointment. He expressed his concern with the lack of representation from the Interior and the potential for conflicting out of many commercial fishery decisions.

[11:48:55 AM](#)

RICHARD ERKENEFF, Lodge Owner, emphasized that sustainable fisheries must be provided for all user groups. He pointed out

that the Board of Fisheries was a seven seat board that must be balanced to provide "a fair shake" for all the user groups, and that this nomination would outweigh the board with commercial fishermen interests.

[11:50:59 AM](#)

JOSEPH CONNORS pointed out that during past board meetings, Mr. Johnson had advocated for commercial fishermen. He expressed concern for too much representation by Cook Inlet and commercial fisheries, and not enough representation by licensed guides.

[11:52:50 AM](#)

DAVID GOGGIA, Guide, emphasized the importance of Interior representation and a balanced representation for all user groups.

[11:53:48 AM](#)

RODNEY BERG offered his strong opposition to the appointment. He expressed his belief of a lack of vetting for the nominee. He opined that Mr. Johnson had a "huge disdain for all user groups besides his own."

[11:55:12 AM](#)

RICHARD THOMPSON read a prepared statement:

I think Brent Johnson would be a great member to the Board of Fisheries. He is an active member of many organizations, including Cook Inlet Aquaculture, Fish and Game Advisory Committee, and the Kasilof Historical Association. To a lesser extent, he has served with the local setnet group, KPFA (Kenai Peninsula Fishermen's Association), and Cook Inlet Salmon brand. Brent is very knowledgeable in local fishery management and issues that relate to Cook Inlet. Some things he is saying are things that people do not want to hear, but his statements are always based in fact. Brent Johnson is the voice Cook Inlet needs and true representation of all the user groups.

[11:55:55 AM](#)

STEVE TVENSTRUP, Commercial Fisherman, declared that Mr. Johnson would perform the duties "to the best of his ability." He pointed out that when he spoke at meetings all seven members of the Board of Fisheries listened to his proposals and positions. He supported that Mr. Johnson would also well represent all the regions.

11:57:28 AM

PAUL SHADURA, Executive Director, Kenai Peninsula Fishermen's Association, read from a prepared statement [original punctuation provided]:

My name is Paul Shadura, I am the Executive Director of the Kenai Peninsula Fishermen's Association.

This is the Kenai Peninsula Fishermen's Associations (KPFA) 55th year representing the setnet fishery within the waters of Cook Inlet. Many changes have taken place over these years but there is one constant that is always clear: if you have healthy returns that are managed for "Maximum Sustained Yield" then there will always be a "harvestable surplus."

KPFA's mission: "Ensuring the Sustainability of Our Fishery Resources" is paramount to remaining a viable setnet fishery and to allow a "reasonable opportunity" of the harvest by all user groups. We do not support the exclusion of any one resource user but strive for a consensus regarding objectives. Promoting an exchange of information and understanding among stakeholders.

KPFA is insistent that the principles of high sustained yield with strong guidelines to maintain environmental standards should be the first rule in CI [Cook Inlet] fisheries management. Managers of both sport and commercial division should formulate different strategies that complement each other not conflict. Departments should actively seek guidance from stakeholders on how best to participate in the fishery resources. They should engage the users to be realistic in their approach to maintain the goals. The public should support reasonable achievable expectations within a fully utilized resource.

It is in the best interest of the state and for resource stability to have open discussions with stakeholders, department personnel and BOF members. Restrictions on the open meeting process from past boards should not and cannot be tolerated. Back room bargaining, interest group coercion of department personnel, closed meetings with board members and the public, ADF&G staff that are instructed to work on proposals for individual board members with secrecy and that are aligned with a single interest group, or individual staff that are advocating for their own interest or a division's goal is not the way to accomplish a fair promulgation of the laws of the state and of the country. Certainly not an open process that basis decisions on principles of equality and mutual respect.

Please review this as a guide to assist your understanding of set net fishers in Cook Inlet. We are a diverse group and strive to arrive at a consensus for most of these proposed regulatory changes. KPFA policy is not to comment on allocative changes that are directed at other set net fishermen within our group. Fishermen are allowed to speak on their own behalf and I am sure you will find that they have no hesitance in doing just that. Note that KPFA refrains from commenting or even submitting negative proposals on other user groups. After this meeting process is done we must all return home and once again live with one another as Alaskan's.

These statements are excerpts from the 2008 Upper Cook Inlet Board of Fish regulatory meeting and as such are on record. As a member of our organization Brent Johnson has always held the public process in high regards. Brent Johnson respects the rights of an individual, please respect his right to be an individual.

KPFA urges you to support the confirmation of Brent G. Johnson on the Alaska Board of Fisheries.

He emphasized that KPFA was "not a direct party to any suit which challenges personal use fisheries. That is a misconception and I'm sorry to hear that so much, but it is a total misconception of the truth."

12:00:59 PM

GARRY KERNAN stated that he had been a commercial fisherman and, for the last 15 years, he was a fishing guide. He confirmed his opposition to the appointment citing the need of fair representation for all the fisheries.

12:02:06 PM

CHRIS GARCIA offered his belief that Mr. Johnson's main reason for nomination to the BOF was for a "lasting, renewable resource." He questioned why groups were attacking Mr. Johnson. He opined that it was the commercial fishery that had "given up everything consistently." He acknowledged that he was a member of all the user groups, with the exception that he was not a professional guide. He pointed out that the Mr. Johnson was an honest man who cared about the resources. He asked for confirmation for Mr. Johnson.

12:05:03 PM

CHRISTINE BRANDT read from a prepared statement [original punctuation provided]:

My name is Christine Brandt and I support the appointment of Brent Johnson as a Board of Fisheries Member.

Balance to the current Board of Fisheries is; more than what someone does for a living, more than where someone lives, more than what someone's political affiliations are. It should be someone who is; open-minded, approachable to the public, who is willing to learn and understand different cultures and values, to be considerate, respectful, and have regard for the principles of being fair and equitable.

It also should be someone that understands the public process.

Please note Brent's experience with issues on; land development, South Central fisheries enhancement and rehabilitation projects, conservation and the personal use of fish and game, and melding the desires of several independent commercial fishermen are monumental accomplishments.

Let us not confuse the issue. Our Governor, Sarah Palin is not appointing any fishing group or specific type of fishery to the Board of Fish. FACT, she is appointing an active member in the community, a person involved in raising a family, that has historical roots within the Anchorage, Seldovia, and the greater Kenai Peninsula.

Brent Johnson will be an excellent Board of Fisheries member with his longtime board experience with diverse memberships.

I believe that he will be an asset to all Alaskans.

12:06:38 PM

DREW SPARLIN, President, United Cook Inlet Drift Association, affirmed his support, paraphrasing from a prepared statement which read as follows [original punctuation provided]:

I am encouraging this body to confirm the appointment of Brent Johnson to the Board of Fish. I have worked with Brent on many issues and several Boards over the last thirty years and I know that he will be a fair and intelligent voice on the Alaska Board of Fish.

12:07:32 PM

TYLAND VANLIER expressed surprise that an appointee could not be found that "everybody or at least 70 percent of the people couldn't agree on."

12:08:26 PM

MURRAY FENTON shared that he had been a river fishing guide for the past 28 years. He offered his belief that Mr. Johnson would not be objective, and should not be appointed.

12:09:21 PM

GERALD McCUNE, Lobbyist, United Fishermen of Alaska (UFA), indicated support for the candidate, as he was appointed by Governor Palin. He said Mr. Johnson would be a fair, balanced, and knowledgeable member of the board. He opined that the conflict out would not matter, as any member may be required to conflict out on various issues. He noted that each board member

had the opportunity to gain information on every area, as required, and to do the homework.

[12:11:36 PM](#)

ROBERT THORSTENSON, Executive Director, Southeast Alaska Seiners Association (SEAS), referred to a letter of support he had submitted. [Included in the members' packets.] He reiterated SEAS support for Brent Johnson.

[12:12:06 PM](#)

CHAIR EDGMON closed public testimony.

[12:12:16 PM](#)

CHAIR EDGMON emphasized that a decision for confirmation was not being made by the committee; only that consideration was given to forward the nominee to the joint session of both houses.

[12:12:48 PM](#)

MR. JOHNSON reflected that commercial fishermen had been appointed to the BOF in the past and had provided good service to the state. He specified that he had never opposed personal use or dip net fishing. He pledged to consider Interior issues, as well as all other regions, and search for solutions with "a fresh mind, some new blood, and a lot of vim and vigor."

[12:14:45 PM](#)

CHAIR EDGMON clarified that Mr. Johnson's nomination would next be forwarded to the House Resources Standing Committee.

[12:14:55 PM](#)

REPRESENTATIVE BUCH expressed concern that four board members would be from Cook Inlet and with the necessity to conflict out.

[12:15:35 PM](#)

MR. JOHNSON, in response to Representative Buch, agreed that it would be necessary that he conflict out on issues of commercial fishing in Cook Inlet; however, he noted that there were two other sport fishing board members who could vote on commercial fishing issues.

[12:16:17 PM](#)

REPRESENTATIVE KAWASAKI asked Mr. Johnson how he would exercise his objectivity on proposals.

MR. JOHNSON pointed out the difficulty of a response without a specific proposal to address. He called attention to the testimony that he was a zealot set netter, a zealot historian, and a zealot Kasilof representative, and he affirmed that as a BOF member, he would be a "zealot representative of the people of Alaska for good fisheries management, and I'm gonna do my very best to try to maximize the number of fish that return to each system everywhere in the state."

[12:18:28 PM](#)

REPRESENTATIVE KAWASAKI sought Mr. Johnson's opinion of personal use fisheries on the Kenai and the Kasilof Rivers, relative to protection of the state's fisheries interests.

MR. JOHNSON replied that he supported the subsistence fisheries, along with the personal use fisheries. He reflected that neither the Atlantic salmon, the Cape Cod cod, nor the Newfoundland Banks cod fisheries were being commercially harvested. He noted that these fisheries, along with the Oregon and Washington fisheries, all had problems with over fishing and other environmental concerns, and that these were issues that he would monitor.

[12:20:55 PM](#)

REPRESENTATIVE KAWASAKI cited the Copper River dip net law suit and asked for comment.

MR. JOHNSON, in response to Representative Kawasaki, stressed that everyone had a right to redress through the court system. However, he declined comment on the lawsuit as he did not have enough information.

[12:22:15 PM](#)

REPRESENTATIVE KAWASAKI offered to provide documentation on the lawsuit for Mr. Johnson to review prior to the next committee of referral.

MR. JOHNSON welcomed the opportunity to review the information.

12:22:39 PM

REPRESENTATIVE KELLER complimented Mr. Johnson that no witnesses had questioned his character or integrity. Representative Keller moved to advance Mr. Brent Johnson's nomination out of committee.

12:23:43 PM

There being no objection, the nomination was advanced from the House Special Committee on Fisheries.

12:23:53 PM

**ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 12:23p.m.