

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

April 3, 2009

1:05 p.m.

**MEMBERS PRESENT**

Representative Mark Neuman, Co-Chair  
Representative Bryce Edgmon  
Representative Kurt Olson  
Representative Paul Seaton  
Representative Peggy Wilson  
Representative David Guttenberg  
Representative Scott Kawasaki  
Representative Chris Tuck

**MEMBERS ABSENT**

Representative Craig Johnson, Co-Chair

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S):

Board of Fisheries

Judge Karl Johnstone - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Game

Cliff Judkins - Wasilla  
Teresa Sager-Albaugh - Mentasta Pass  
Stanley "Stosh" Hoffman, Jr. - Bethel

- CONFIRMATION(S) ADVANCED

**PREVIOUS COMMITTEE ACTION**

No previous action to report

**WITNESS REGISTER**

KARL JOHNSTONE, Judge (Retired), Appointee  
to the Board of Fisheries  
Anchorage, Alaska

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

RUBEN HENKE (ph)  
(No address provided)

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

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

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

JOE CONNORS  
Sterling, Alaska

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

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

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

MEL MORRIS, Member  
Board of Fisheries  
Kodiak, Alaska

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

BOB THORSTENSON, Executive Director; Lobbyist  
Southeast Alaska Seiners Association  
Juneau, Alaska

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

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

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

THERESA WEISER, President  
Sitka Charterboat Operators Association  
Sitka, Alaska

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

JOHN BELCHER  
Sitka, Alaska

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

JEFF WEDEKIND  
Ketchikan Guided Sportfish Association  
Ketchikan, Alaska

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

JOHN JENSEN, Chairman  
Board of Fisheries  
Petersburg, Alaska

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

JOHN BLAIR, Executive Director  
SouthEast Alaska Guides Organization  
Sitka, Alaska

**POSITION STATEMENT:** Supported the appointment of Karl Johnstone to the Board of Fisheries.

CLIFF JUDKINS, Appointee  
to the Board of Game  
Wasilla, Alaska

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

TERESA SAGER-ALBAUGH, Appointee  
to the Board of Game  
Mentasta Pass, Alaska

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

STANLEY "STOSH" HOFFMAN, JR., Appointee  
to the Board of Game  
Bethel, Alaska

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

#### **ACTION NARRATIVE**

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**CO-CHAIR MARK NEUMAN** called the House Resources Standing Committee meeting to order at 1:05 p.m. Representatives Neuman, Seaton, Olson, Wilson, Tuck, Kawasaki, and Guttenberg were present at the call to order. Representative Edgmon arrived as the meeting was in progress.

CONFIRMATION HEARING(S):

Board of Fisheries

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CO-CHAIR NEUMAN announced that the first order of business would be the confirmation hearing on the appointment of Judge Karl Johnstone to the Board of Fisheries. He asked Mr. Johnstone to introduce himself to the committee.

KARL JOHNSTONE, Judge (Retired), Appointee to the Board of Fisheries, stated that he is 65 years old and came to Alaska in 1967 fresh out of law school. He practiced law before his appointment to the Superior Court bench by Governor Jay Hammond. Since leaving his position on the court in 1997 he has been lightly engaged in arbitration, mediation, and as a lawyer. He said he has always been intensely interested in fish and game resources and has benefitted from them from the day he arrived in Alaska. He still does some recreational hunting and fishing as well as golf and writing.

MR. JOHNSTONE said that when the position on the Board of Fisheries came up he decided it was time to give something back to the state. He was appointed to the Board of Fisheries in early December [2008] and has attended four board meetings thus far. He said he has found the position to be very challenging, time consuming, and interesting and he hopes he will be re-appointed as he likes the work and wants to do the best job he can. In response to Co-Chair Neuman, he explained that he was first appointed for the remainder of a term that expires on June 30, 2009, and the governor has now re-appointed him for a full three-year term.

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CO-CHAIR NEUMAN asked Judge Johnstone to list some particular issues that he has dealt with.

JUDGE JOHNSTONE said the issues he finds important or interesting are allocation, conservation, subsistence, the sac roe herring resource, and ground fish issues on the Aleutian Chain. The allocation and conservation issues are the ones he finds most interesting, he said, but they all are interesting so it is difficult to pick out one particular issue as being more important than the others because they all are important.

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REPRESENTATIVE GUTTENBERG inquired how Mr. Johnson balances allocations between commercial, personal use, sport, and subsistence fishing.

JUDGE JOHNSTONE answered that Alaska's constitution directs that Alaska's resources must be managed for the benefit of everyone and managed on the basis of sustained yield. He said he thinks the Board of Fisheries and the Alaska Department of Fish & Game (ADF&G) have been very good at this, even though not everyone benefitting from the resources will be pleased all the time. Subsistence has priority and if there is not enough to go around, the subsistence share must come first, and he said he agrees that this is the way it should be. In allocating between users, guideline policies have been set forth in regulation, statute, and [Alaska] Supreme Court decision, he explained. These policies provide factors that must be considered, such as the history of the user groups, how important harvesting the resource is to people, as well as the economic importance. Advisory committees located throughout the state, comprised of local members from each area, help advise the board as do the public, ADF&G, and the board's support section. Each case is based on the facts of that case. He said his intent has been, and will always be, to use all the information, guidelines, and statutory requirements that he can to make the fairest and most impartial decision possible.

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REPRESENTATIVE GUTTENBERG related that he has been a Chitina dipnetter for over 35 years and he used to be allocated two king salmon, but now it is only one. He noted that this allocation issue has been a fight before the Board of Fisheries for years and asked how Judge Johnstone would balance the personal use fishery with the sport and commercial fisheries.

JUDGE JOHNSTONE stated that it is important to the individual personal use fisherman to harvest his or her Chinook and it is

important to the commercial fisher to harvest a Chinook that will pay his bills through its sale to an Alaska resident. He said it is a balancing act and, to his knowledge, the personal use fishery does not have any more priority than does the commercial fishery. At this time there is enough of the resource that everyone gets a fair share of the resource, but one person might consider two kings to be a fair share while another says one is enough, and the commercial fisherman will likely never believe he or she has gotten enough. However, he cautioned, no one is going to get enough Chinook if something is not done to manage the resource better because the stocks are in decline for a number of reasons. He said the only way to answer the question is to state that he knows this issue is important to everybody.

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REPRESENTATIVE KAWASAKI noted that he is also an upriver dip netter and shares the same concerns as his colleague from Fairbanks. He recollected a time in the early 1990s when the fish tag reply forms had to be picked up from ADF&G and the allocation of fish was five. He contended that it is often the upriver users who get slighted. He read from the statutes which state that appointments shall be made without regard to geographic location of residence, and that while he understands this, he is concerned that the Board of Fisheries could soon be comprised only of people residing south of Wasilla, and that these people primarily have a background in commercial fishing and will not have an understanding of the subsistence and personal use fisheries farther north.

JUDGE JOHNSTONE appreciated Representative Kawasaki's concerns and agreed that appointees are not picked with regard to geographical area. He said that when Southeast Alaska issues were before the board, the local advisory committees helped him learn about these fisheries. He therefore expects that the board will hear from the advisory committees from the areas north and west of Wasilla. He said he does not have a commercial fisheries background and he looks at his job as representing Fairbanks as equally as Anchorage. Just because he lives in Anchorage does not mean he is not equally interested in the resources and user groups of Fairbanks and the northern parts of Alaska.

CO-CHAIR NEUMAN remarked that he is glad to hear about the local advisory committees and Judge Johnstone's desire to listen to them regarding the management of fish and game.

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REPRESENTATIVE SEATON noted that when the Pacific cod fishery was established about 10 years ago, the Board of Fisheries did not put a size limit on the pots, which have since increased substantially in size. He asked how Judge Johnstone would change the management or allocation system once a fishery becomes "derby style".

JUDGE JOHNSTONE related that the governor expressed a desire to increase the number of participants in this fishery by using smaller vessels and last December the board adopted a regulation in the Aleutians to limit vessel size and lengthen the season. He said that with his limited knowledge of the fishery as a new board member at the time, it sounded like a good idea to him to allow more participation, especially by local people, and slow the fishery down. He said he thinks this makes it more manageable by ADF&G as well. He concurred that the larger the gear and the more the gear the more it speeds up the fishery. Further, "derby-style" fisheries have proven not to be healthy. He noted that slowing the fishery down also provides a better product.

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RUBEN HENKE (ph) supported Karl Johnstone's appointment to the Board of Fisheries. He stated that at the board meetings he has attended, Judge Johnstone was very approachable and willing to work with the public. He added that Judge Johnstone is doing a very good job and will make a great board member.

MONTE ROBERTS, President, Kenai River Professional Guide Association, said his organization supports the appointment of Karl Johnstone to the Board of Fisheries because of his valuable, balanced, and unbiased opinions.

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JOE CONNORS noted that he is a lodge owner in Sterling. He said he supports Karl Johnstone's appointment to the Board of Fisheries because Judge Johnstone has already demonstrated his willingness to spend the time and make the effort. In addition, Judge Johnstone has demonstrated the ability to grasp very complicated issues and will be of tremendous benefit to the state of Alaska.

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RICKY GEASE, Executive Director, Kenai River Sportfishing Association, advised the committee of his organization's support for the appointment of Karl Johnstone to the Board of Fisheries. He said he is impressed by Judge Johnstone's ability to synthesize a lot of information and ask pertinent questions. In addition, Judge Johnstone is very approachable by the public, seeks out information from local advisory committee members and the public, has the resource at heart, and has all Alaskans in mind when making allocation decisions.

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MEL MORRIS, Member, Board of Fisheries, spoke in favor of Karl Johnstone's confirmation, saying that he will make a great member of the Board of Fisheries. He said he is especially impressed by Judge Johnstone's preparation for the board meetings. Further, Judge Johnstone is not afraid to ask questions and learns a lot from the public because he is extremely approachable and willing to listen.

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BOB THORSTENSON, Executive Director; Lobbyist, Southeast Seiners Association, stated that he is a commercial and sport fisherman in favor of Karl Johnstone's confirmation to the Board of Fisheries. While he has had some differences with Judge Johnstone in regard to the Southeast Alaska herring fishery, he said he believes the two of them came to closer ground as a result of what Judge Johnstone learned from the board meeting that dealt with this issue.

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PAUL SHADURA, Executive Director, Kenai Peninsula Fishermen's Association, supported the confirmation of Karl Johnstone on behalf of his association's members. He said Judge Johnstone's positive and inquisitive nature were evident at the board meetings and his fair and impartial decisions on matters before the board will not polarize users.

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THERESA WEISER, President, Sitka Charterboat Operators Association, said her organization supports the confirmation of Karl Johnstone to the Board of Fisheries. She said Judge

Johnstone is very concerned about sustainability of the resource and maintaining a fair and balanced approach when making decisions that affect the public. He is fair and impartial, makes himself available to the public, and goes above and beyond to understand the different points of view. Judge Johnstone is very articulate, she continued, and with his legal background he follows the letter of the law in the prosecution of his duties.

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JOHN BELCHER noted that he is a commercial fisherman and charter boat captain. He said he supports Karl Johnstone's appointment to the Board of Fisheries because he believes Judge Johnstone will do an excellent job given his legal background and the way he diligently researches the issues in order to make a fair and unbiased decision.

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JEFF WEDEKIND, Ketchikan Guided Sportfish Association, stated his organization's support for Karl Johnstone's appointment to the Board of Fisheries. He said Judge Johnstone has shown that he will take the time to research and become informed on an issue before making a decision. Judge Johnstone has demonstrated a commitment to sustainability and conservation and has acted fairly and impartially on allocation issues, he continued, and Judge Johnstone's legal background adds a sense of credibility to the process.

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JOHN JENSEN, Chairman, Board of Fisheries, offered his support for the appointment of Karl Johnstone to the Board of Fisheries. He said Judge Johnstone has been a delight to work with and that Judge Johnstone studies and understands the material prior to the meetings and therefore comes to the meetings prepared. Judge Johnstone has learned the board's process quickly, has dealt with the issues in a non-biased way, and supports sustainability of the resource.

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JOHN BLAIR, Executive Director, SouthEast Alaska Guides Organization, supported Judge Johnstone's appointment to the Board of Fisheries. While attending the last two board meetings, he said he observed the following about Judge Johnstone: he made a concentrated effort to be well informed on

the various proposals and researched issues beyond the information that was provided by the board's staff; during public testimony and committee discussions, he made extraordinary outreach to understand the different points of view; he demonstrated a commitment to the sustainability of Alaska's fishery resources; and he followed the letter of the law in the prosecution of his duties.

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CO-CHAIR NEUMAN stated his appreciation for the time that so many people took to testify and noted that it says a lot about the character of Judge Johnstone.

REPRESENTATIVE WILSON moved to forward the name of Karl Johnstone to the joint session of the House and Senate for confirmation to the Board of Fisheries. There being no objection, the confirmation of Karl Johnstone was advanced from the House Resources Standing Committee.

#### Board of Game

[1:40:44 PM](#)

CO-CHAIR NEUMAN announced that the next order of business would be the confirmation hearing on the appointments of Cliff Judkins, Stan Hoffman, and Teresa Sager-Albaugh to the Board of Game. He requested Mr. Judkins to introduce himself.

CLIFF JUDKINS, Appointee to the Board of Game, stated that he came to Alaska in 1962 after graduating from college with a degree in wildlife management. He served as director of the Greater Anchorage Area Borough's Department of Environmental Quality until 1974 when he moved to Moose Pass to build Crown Point Lodge which he operated until 1986. He purchased Wasilla Mini Storage in 1988, retired from that in 1998, and then established a building inspection and energy rating company in 2000. He said he was first appointed to the Board of Game in 2003 after serving as the chair of the Matanuska Valley Fish and Game Advisory Committee for a couple of years. He was reappointed to the Board of Game in 2006 and has now been reappointed for a third term.

REPRESENTATIVE WILSON moved to forward the name of Cliff Judkins to the joint session of the House and Senate for confirmation to the Board of Game. There being no objection, the confirmation

of Cliff Judkins was advanced from the House Resources Standing Committee.

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CO-CHAIR NEUMAN requested Ms. Sager-Albaugh to introduce herself.

TERESA SAGER-ALBAUGH, Appointee to the Board of Game, noted that she is a life-long Alaska resident. She moved from Fairbanks to the Mentasta Pass area in 1984. She said she is an avid hunter, fisher, and trapper and she believes she has been given an opportunity to represent the average Alaskan's interests on the Board of Game.

REPRESENTATIVE TUCK asked whether in the past Ms. Sager-Albaugh supported aerial predator control in Denali State Park.

MS. SAGER-ALBAUGH replied that she did not support it as a Board of Game member.

REPRESENTATIVE TUCK noted that Ms. Sager-Albaugh was the only Board of Game member who voted to approve aerial predator control in parts of Denali State Park. He inquired about her reasoning for that decision.

MS. SAGER-ALBAUGH recalled that the measure was a predator control plan that included a small portion of Denali State Park. She said she supported it because it had an area that was suitable for the landing of fixed wing aircraft and without that portion of the park fixed-wing landing opportunities in the area were almost nil. She felt that the effectiveness of the program would be diminished if that area was not included.

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REPRESENTATIVE TUCK inquired whether Ms. Sager-Albaugh supported the use of helicopters for predator control when airplanes could not land in the park.

MS. SAGER-ALBAUGH answered that helicopter use was a separate question.

REPRESENTATIVE TUCK asked what Ms. Sager-Albaugh's position was on the use of helicopters for predator control in Denali State Park.

MS. SAGER-ALBAUGH said she does not recall that use of helicopters in Denali State Park was one of the proposals before the board. She apologized for not recalling and explained that the board acted on 247 proposals in 8 days and she does not think these two were connected.

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REPRESENTATIVE KAWASAKI inquired about Ms. Sager-Albaugh's opinion on moose cow and calf hunts in Unit 20A.

MS. SAGER-ALBAUGH stated she knows the cow and calf hunts in Unit 20A have been controversial, and that the advisory committees in the area have attempted to refine and deal with the problems that have cropped up on the antlerless moose hunts. She said the provisions recently adopted by the Board of Game were a compromise to find a solution that could be supported by the four advisory committees that were involved. In further response, she said she supports antlerless hunts as long as they are part of a management program that is proven effective and directed at maintaining the habitat.

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REPRESENTATIVE KAWASAKI asked for Ms. Sager-Albaugh's opinion on the re-introduction of Wood Bison.

MS. SAGER-ALBAUGH replied that she is generally supportive of the introduction of Wood Bison in the Doyon area.

REPRESENTATIVE KAWASAKI asked what would make Ms. Sager-Albaugh not support the introduction.

MS. SAGER-ALBAUGH said evidence would have to be presented that would indicate a clear problem with the habitat or other wildlife in the area.

REPRESENTATIVE WILSON moved to forward the name of Teresa Sager-Albaugh to the joint session of the House and Senate for confirmation to the Board of Game. There being no objection, the confirmation of Teresa Sager-Albaugh was advanced from the House Resources Standing Committee.

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CO-CHAIR NEUMAN requested Mr. Hoffman to introduce himself.

STANLEY "STOSH" HOFFMAN, JR., Appointee to the Board of Game, stated that he is a Yupik Eskimo born in Bethel in 1970. He moved to McGrath in 1974, then moved to Anchorage after graduating from high school, and then moved to Bethel in 1991. He was employed by the family business hauling bulk fuel for five years, after which he worked for the City of Bethel for five years. For the past three years he has been with the Yukon Kuskokwim Health Corporation and he owns several small businesses.

REPRESENTATIVE WILSON moved to forward the name of Stanley "Stosh" Hoffman, Jr. to the joint session of the House and Senate for confirmation to the Board of Game. There being no objection, the confirmation of Stanley "Stosh" Hoffman, Jr. was advanced from the House Resources Standing Committee.

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#### **ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 1:52 p.m.