

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

April 13, 2009

3:36 p.m.

MEMBERS PRESENT

Senator Bill Wielechowski, Co-Chair
Senator Charlie Huggins, Vice Chair
Senator Hollis French
Senator Gary Stevens
Senator Thomas Wagoner

MEMBERS ABSENT

Senator Lesil McGuire, Co-Chair
Senator Bert Stedman

OTHER LEGISLATORS PRESENT

Representative Gruenberg

COMMITTEE CALENDAR

CONFIRMATION HEARINGS: BOARD OF GAME

Cliff Judkins

Stanley Hoffman, Jr.

CONFIRMATIONS ADVANCED

HOUSE JOINT RESOLUTION NO. 22

Urging the United States Senate to ratify the United Nations Convention on the Law of the Sea (the Law of the Sea Treaty).

MOVED HJR 22 OUT OF COMMITTEE

CS FOR HOUSE JOINT RESOLUTION NO. 28(RES) AM

Urging the President of the United States and the United States Congress not to adopt any policy, rule, or administrative action or enact legislation that would restrict energy exploration, development, and production in federal and state waters around Alaska, the outer continental shelf within 200 miles of shore, and elsewhere in the continental United States; urging the President of the United States and the United States Congress to encourage and promote continued exploration, development, and production of domestic oil and gas resources.

MOVED CSHJR 28(RES)AM OUT OF COMMITTEE

CONFIRMATION HEARINGS: BOARD OF FISHERIES

Brent G. Johnson

PREVIOUS COMMITTEE ACTION

BILL: HJR 22

SHORT TITLE: URGING US TO RATIFY LAW OF THE SEA TREATY

SPONSOR(S): REPRESENTATIVE(S) SEATON

03/02/09 (H) READ THE FIRST TIME - REFERRALS
03/02/09 (H) STA
03/19/09 (H) STA RPT 6DP 1NR
03/19/09 (H) DP: GATTO, SEATON, GRUENBERG, WILSON,
PETERSEN, LYNN
03/19/09 (H) NR: JOHNSON
03/19/09 (H) STA AT 8:00 AM CAPITOL 106
03/19/09 (H) Moved Out of Committee
03/19/09 (H) MINUTE(STA)
04/08/09 (H) TRANSMITTED TO (S)
04/08/09 (H) VERSION: HJR 22
04/09/09 (S) READ THE FIRST TIME - REFERRALS
04/09/09 (S) RES
04/13/09 (S) RES AT 3:30 PM BUTROVICH 205

BILL: HJR 28

SHORT TITLE: OPPOSE RESTRICTIONS ON OIL/GAS ACTIVITIES

SPONSOR(S): REPRESENTATIVE(S) JOHNSON

03/23/09 (H) READ THE FIRST TIME - REFERRALS
03/23/09 (H) ENE, RES
03/27/09 (H) ENE REFERRAL WAIVED
03/30/09 (H) RES AT 1:00 PM BARNES 124
03/30/09 (H) Moved CSHJR 28(RES) Out of Committee
03/30/09 (H) MINUTE(RES)
04/01/09 (H) RES RPT CS(RES) NT 5DP 1NR 1AM
04/01/09 (H) DP: OLSON, SEATON, WILSON, JOHNSON,
NEUMAN
04/01/09 (H) NR: GUTTENBERG
04/01/09 (H) AM: TUCK
04/07/09 (H) TRANSMITTED TO (S)
04/07/09 (H) VERSION: CSHJR 28(RES) AM
04/08/09 (S) READ THE FIRST TIME - REFERRALS
04/08/09 (S) RES
04/13/09 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

CLIFF JUDKINS

Wasilla, AK

POSITION STATEMENT: Nominee to the Board of Game.

MONTE ROBERTS

Representing himself

Soldotna, AK

POSITION STATEMENT: Supported Mr. Judkins for the Board of Game.

DAVID MARTIN

Representing himself

Clam Gulch, AK

POSITION STATEMENT: Supported Mr. Judkins for the Board of Game.
Supported Mr. Johnson for the Board of Fish.

STANLEY (STOSH) HOFFMAN JR.

Bethel, AK

POSITION STATEMENT: Nominee for the Board of Game.

REPRESENTATIVE PAUL SEATON

Alaska State Capitol

Juneau, AK

POSITION STATEMENT: Sponsor of HJR 22; provided explanation of the resolution.

ADMIRAL GENE BROOKS, Commander

17th Coast Guard District (Alaska)

POSITION STATEMENT: Supported HJR 22.

JIM FLOYD

Representing himself

Tok, AK

POSITION STATEMENT: Opposed the Law of the Sea Treaty and HJR 22.

JEANNE OSTNESS

Staff to Representative Johnson

Alaska State Capitol

Juneau, AK

POSITION STATEMENT: Provided a brief explanation of the history of Outer Continental Shelf (OCS) drilling for the sponsor of HJR 28.

MARILYN CROCKETT

Alaska Oil and Gas Association (AOGA)

POSITION STATEMENT: Supported HJR 28.

JASON BRUNE, Executive Director

Resource Development Council (RDC)
POSITION STATEMENT: Supported HJR 28.

JERRY MCCUNE
United Fishermen of Alaska
Juneau, AK
POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

ANDY SZCZESNY
Representing himself
Upper Kenai River, AK
POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

MIKE KRAMER, Chair
Fisheries Subcommittee
Fairbanks Fish and Game Advisory Committee
POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

STEVE MCCLURE
Representing himself
Soldotna, AK
POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

DAVID GOGGIA
Representing himself
Kenai, AK
POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

RUBEN HENKE
Representing himself
Kenai River, AK
POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

RICKY GEASE, Executive Director
Kenai River Sport Fishing Association
Kenai, AK
POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

MEL MORRIS, representing himself
Member, Board of Fisheries
Kodiak, AK
POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

KENNY ROGERS
President, Kenai Peninsula Fishery Association (KPFA)
Director, Cook Inlet Aquaculture Association
Anchorage, AK

POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

JOHN JENSON, Chair
Alaska Board of Fisheries
Petersburg, AK

POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

JOHN BLAIR, Executive Director
Southeast Alaska Guides Organization
Sitka, AK

POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

THERESA WEISER, President
Sitka Charter Boat Operators Association
Sitka, AK

POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

PAT DONALDSON
Representing himself
MatSu, AK

POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

RICHARD PERSON
Representing himself
MatSu, AK

POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

CHRIS GARCIA
Representing himself
Kenai, AK

POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

RICHARD ERKENEFF
Representing himself
Kenai Peninsula, AK

POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

GARY CHAMBERLAIN
Representing himself
Sterling, AK

POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

JOE CONNORS
Representing himself
Sterling, AK

POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

RON RAINEY

Representing himself
Kenai River, AK

POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

MONTE ROBERTS, President

Kenai River Professional Guide Association
Kenai, AK

POSITION STATEMENT: Opposed Mr. Johnson for the Board of Fish.

RICHARD THOMPSON

Representing himself
Soldotna, AK

POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

DREW SPARLIN, President

United Cook Inlet Drift Association
Kenai, AK

POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

DYRE VANDEVERE

Representing himself
Soldotna, AK

POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

JUDY JOHNSON

Representing herself
Clam Gulch, AK

POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

CHRISTINE BRANDT

Representing herself
Soldotna, AK

POSITION STATEMENT: Supported Mr. Johnson for the Board of Fish.

BILL SULLIVAN

Representing himself
Kenai, AK

POSITION STATEMENT: Supported Mr. Johnson to the Board of Fish.

CLIFF CHAMBERLIN

Representing himself
Sterling, AK

POSITION STATEMENT: Opposed Mr. Johnson to the Board of Fish.

BOBBY THORSTENSON

Representing himself

Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Supported Mr. Johnson to the Board of Fish.

ROD BERG
Representing himself
Soldotna, AK

POSITION STATEMENT: Opposed Mr. Johnson to the Board of Fish.

MURRAY FENTON
Representing himself
Soldotna, AK

POSITION STATEMENT: Opposed Mr. Johnson to the Board of Fish.

PAUL SHADURA II
Representing himself
Kenai, AK

POSITION STATEMENT: Supported Mr. Johnson to the Board of Fish.

ACTION NARRATIVE

[3:36:03 PM](#)

CO-CHAIR BILL WIELECHOWSKI called the Senate Resources Standing Committee meeting to order at 3:36 p.m. Present at the call to order were Senators Wagoner, Huggins, Stevens, French and Wielechowski.

Confirmation Hearings: Board of Game

CO-CHAIR WIELECHOWSKI took up the confirmations for the Board of Game as the first order of business.

CLIFF JUDKINS, Wasilla, nominee for a third appointment to the Board of Game, stated he wants to continue with the Board of Fish to complete the tasks he has started.

[3:38:28 PM](#)

SENATOR HUGGINS asked what he has learned about the process.

MR. JUDKINS replied that the board process allows many people to participate; it has advisory committees that bring information into communities and gets input from different sides of the issues before a vote is taken.

SENATOR HUGGINS said that Mr. Judkins has a wildlife management degree and asked how that brings value to the process.

MR. JUDKINS answered that a degree in wildlife management gives him the opportunity to put a little bit of science behind the Board's decisions.

SENATOR HUGGINS asked if he has an idea of what could bring people together rather than dividing them over the issue of Area 13 and caribou permits.

MR. JUDKINS replied that Area 13 is unique. It's next to the road and a lot of people want to hunt there. The Tier 2 system has only allowed those who have hunted there for many years to get permits. Numerous proposals have been made to protect local people's need to harvest for food. The rest of the permits are state-wide drawings. A Tier 1 hunt means everyone in the state has equal opportunity to be drawn. Several plans have been put together, tried and failed. The issue is in court right now and the outcome is uncertain.

[3:42:43 PM](#)

SENATOR FRENCH thanked him for putting his name forward saying his resume' is quite impressive.

[3:43:26 PM](#)

SENATOR STEVENS asked Mr. Judkins to talk about diversity on the Board, because that has received some criticism.

MR. JUDKINS replied that Board members need to have an open mind and can't have an agenda.

[3:44:57 PM](#)

MONTE ROBERTS, Soldotna, supported Mr. Judkins as a Board member.

[3:45:31 PM](#)

JEREMIAH DAVID MARTIN, Clam Gulch, supported Mr. Judkins for the Board saying he had previously worked with him and that he is fair.

CO-CHAIR WIELECHOWSKI closed public testimony.

[3:46:48 PM](#)

SENATOR FRENCH moved to forward Cliff Judkins' name to the full body for consideration. There were no objections and it was so ordered.

[3:47:14 PM](#)

CO-CHAIR WIELECHOWSKI next asked Mr. Hoffman to say why he would like to serve on the Board of Game.

SENATOR FRENCH asked if he is related to Lyman Hoffman.

STANLEY (STOSH) HOFFMAN JR., Bethel, replied yes; Lyman Hoffman is his father's first cousin.

MR. HOFFMAN said he moved to McGrath in 1974. He has worked in Bethel for five years and since 2007 has been with Yukon Kuskokwim Corporation; he has been a commercial fisherman for over 30 years and is a registered assistant guide for Unit 19. He has three sons and resides in Bethel currently.

SENATOR HUGGINS asked where his nickname came from.

MR. HOFFMAN replied that a number of his family that has roots in Germany have the same name of Stanley; and so he was called Stosh, which is German for Stanley.

SENATOR HUGGINS asked what caliber rifle he shoots.

MR. HOFFMAN says he prefers the .270 for most species.

SENATOR STEVENS said he has heard some criticism that the Board is not diversified and asked him to comment on that.

MR. HOFFMAN said it seems to him to be diverse even though it doesn't encompass the whole state in one year, but "it seems like a good mix." Everyone has their own opinions.

[3:51:22 PM](#)

CO-CHAIR WIELECHOWSKI found no public testimony.

SENATOR FRENCH moved to forward Mr. Hoffman's name to the full body. There were no objections and it was so ordered.

HJR 22-URGING US TO RATIFY LAW OF THE SEA TREATY

[3:52:17 PM](#)

CO-CHAIR WIELECHOWSKI announced HJR 22 to be up for consideration.

REPRESENTATIVE PAUL SEATON, sponsor of HJR 22, explained that this joint resolution asks the U.S. Senate to ratify the Law of

the Sea Treaty. Both of Alaska's U.S. They have received extensive testimony from the military. In the Joint Armed Services Committee on March 2 the Alaska Command testify in favor of it and extending jurisdiction. Previously, the Magnuson Stevens Act was used. The treaty has 155 signatory and it has taken its place. If the U.S. is not a signatory, it is only at the other nations' pleasure that our 200 mile and 12 mile extended territorial jurisdiction is recognized. He provided the committee some polar view maps that show the extension of boundary and sovereignty that is available to the U.S. with ratification of the Law of the Sea Treaty is passed. The U.S. could probably extend jurisdiction 350 miles into the Arctic by becoming a signatory and that area has a tremendous amount of resource. The U.S. is currently the only Arctic nation that isn't a signatory. If we are not a signatory, others nations could claim that area instead of us.

3:54:59 PM

ADMIRAL GENE BROOKS, Commander, 17th Coast Guard District-Alaska, supported HJR 22. He said the important thing to remember is that the U.S. has always been one of the leading nations in the world attempting to codify the rules for operations on the oceans. That initiative culminated in 1958 by the first Law of the Sea Conference. The U.S. agreed and signed that one, but since then new problems have developed. At that time fish stocks were thought to be inexhaustible, and the 1958 Convention had no dispute resolution mechanism. The 1958 didn't guarantee submarine or air craft rights over expanded territorial seas, and many nations were starting to claim very broad boundaries that were threatening to choke off the straights of the world, but were also creating some havens for bad people to hide.

He said the U.S. actually led the initiative creating the Law of the Sea Convention in 1994, but deep sea bed mining issues at the time stopped it from ratification. Admiral Brooks stated the U.S. Senate has not ratified this convention that it led the creation of. The truth is that today America enjoys many rights and privileges because the other signatories allow us to have a 12-mile territorial sea, a 200-mile exclusive economic zone, but we cannot claim the outer continental shelf territory because we are not party to the conference.

ADMIRAL BROOKS stated that another issue to consider is that frequently when he talks to people about these issues in other countries, Canadians, in particular, say they need American leadership. The Laws of the Sea are always changing - and it's

changing from one we helped create in the early 90s, but not necessarily in the direction that we have any influence in right now. To protect the military transit rights, the exclusive economic zone that Alaska enjoys, and the transit for enforcement in fishing on the open seas, it is important for the U.S. to become a signatory and fully participate.

[3:58:23 PM](#)

SENATOR STEVENS asked, in the mode of "be careful what you wish for," how we would police and control this area - the shipping, the whale migration, mining and fisheries - without ships, planes and harbors up there.

[3:58:46 PM](#)

ADMIRAL BROOKS replied he doesn't currently have the ability to patrol it or keep it secure. He, along with others including several legislators, are trying to raise people's awareness of America's responsibility as a Nordic nation and the need to police and make this portion of the planet safe. Admiral Brooks stated that the cruise ships are coming, the fishing vessels may be coming, and there are many reasons for the Coast Guard to get prepared to support Alaskans in this part of the world.

SENATOR STEVENS stated it is a big problem and the lack of harbors is a major issue.

ADMIRAL BROOKS agreed the lack of harbors is a significant issue for all Alaska and the U.S.

[4:00:40 PM](#)

JAMES FLOYD, representing himself, Tok, said he opposed SJR 13, which is identical to HJR 22. He explained that there are still a lot of criticisms of the treaty itself - the fact that it is long and complicated. It dictates what laws the U.S. would have to have and that raises concerns about sovereignty. Mr. Floyd said that this is coming from the United Nations where it appears that a lot of people from government are pushing for this than really are. The common person is not familiar with this treaty and it's coming from the top down. He urged the committee to exercise caution.

CO-CHAIR WIELECHOWSKI closed public testimony.

[4:04:03 PM](#)

REPRESENTATIVE SEATON said the only question that came up was that the U.S. had opted out of the provisions in section 297; so he didn't think there was a problem.

SENATOR HUGGINS said he doesn't know anything about the International Court of Justice and without any previous experience with it, his confidence level is not high. But those advocating for this treaty have good reasoning, and if things work out as envisioned it would be good; but if conflicts arise, his confidence level of adjudicating those is low. Senator Huggins stated that he does not have a problem with this moving out of committee but when international organizations are involved, the ability to solve conflict is doubtful.

SENATOR STEVENS moved to report HJR 22 from committee with individual recommendations. There were no objections and it was so ordered.

HJR 28-OPPOSE RESTRICTIONS ON OIL/GAS ACTIVITIES

4:06:30 PM

CO-CHAIR WIELECHOWSKI announced HJR 28 to be up for consideration. [CSHJR 28(RES)am was before the committee for consideration.]

JEANNE OSTNESS, staff to Representative Johnson, sponsor of HJR 28, provided a brief explanation of the history of Outer Continental Shelf (OCS) drilling.

MS. OSTNESS read the following statement:

In 1953 Congress passed the Submerged Lands Act (SLA) which granted individual states the rights to natural resources on submerged lands up to three miles from shore. It also reaffirmed federal claims to all resources on lands on the Outer Continental Shelf (OCS) which consists of all lands seaward of the outer limit of the state's 3 mile extent.

The passage of the Submerged Lands Act led to the passage of the Outer Continental Shelf Lands Act later in 1953. That act outlines the federal responsibilities over the submerged lands and authorizes the secretary of the Interior to lease those lands for resource development.

In the 1960s and 1970s an emergent environmentalist movement resulted in the passage of the National Environmental Policy Act of 1969, the creation of the EPA in 1970 and the establishment of the Clean Air Act

in 1972. These and other related bills created the core of the regulatory framework that is currently applicable to all extractive industries.

During the 80's, various area specific moratoriums on OCS drilling were passed by Congress. During this time, petroleum revenues dropped markedly.

By 1990 the bans on drilling had encompassed so much of the US exclusive economic zone that a blanket moratorium in most areas was enacted by the President. In 2008, President Bush rescinded the presidential moratorium on OCS drilling, removing one of the major roadblocks. And in October of 2008, Congress followed suit and rescinded their ban on OCS leasing and lands came up for lease.

The (Mining and Minerals Service) MMS estimates that about 574 million acres of the US OCS are currently off limits representing about 85 percent of OCS acreage offshore in the Lower 48. Estimated resources in the banned areas are 17.8 billion barrels of oil and 76.5 Tcf of natural gas.

A recent northern economics report commissioned by Shell oil on the economic impacts of OCS development in Alaska, projects that 35,000 jobs will be created in the state over 50 years of OCS development. Those jobs represent a combine payroll of \$72 billion over the 50-year period projected in the study.

Unfortunately, recent comments and actions by Interior Secretary Salazar and President Obama have cast the future of OCS drilling into doubt. Present Obama has chosen to delay the lifting of the presidential moratorium on OCS drilling and Secretary Salazar has expressed an interest in closing or severely limiting OCS exploration and drilling in areas of the Lower 48 in favor of an as yet uncrafted comprehensive energy plan.

This kind of back-pedaling and uncertainty adversely effects potential exploration and development. Especially in economically uncertain times like these, companies can't afford to risk huge sums of capital unless they have a reasonable guarantee that their

investment won't be pulled out from under them at the last minute.

To that effect, HJR 28 sends a clear message to President Obama, Secretary Salazar and the US Congress that they should pass no laws or administrative orders that would restrict OCS drilling and exploration in Alaska or the continental US. Further, it urges them to encourage offshore exploration and drilling. I urge you to support this resolution.

SENATOR FRENCH asked for Obama's comments which Ms. Ostness referred to.

MS. OSTNESS said she has Secretary Salazar's at hand. She does not have President Obama's comments with her but will get them for Senator French.

[4:11:54 PM](#)

MARILYN CROCKETT, Alaska Oil and Gas Association, supported HJR 28. Ms. Crockett stated the MMS estimates that Alaska's OCS resources contain an estimated 27 million barrels of oil and 132 trillion cubic feet of natural gas. Recent analysis shows it could generate another \$1.3 trillion in federal, state and local revenues and contribute 150,000 jobs if the areas offshore that are restricted from development at this time are opened up. On the Alaska level there is the potential to generate 35,000 jobs with a total payroll of \$72 billion. Clearly this is an important resource for Alaska and the nation.

[4:14:04 PM](#)

MS. CROCKETT said that a lot of challenges exist such as remote location and harsh operating environment, but other challenges can be minimized such as access restrictions.

[4:14:34 PM](#)

JASON BRUNE, Executive Director, Resource Development Council(RDC), supported HJR 28. Mr. Brune stated that RDC is a statewide non-profit, membership funded organization founded in 1975 comprised of individuals and companies from Alaska's oil and gas, mining, timber, tourism and fisheries industries as well as Alaska native corporations, local communities, organized labor and industry support firms. RDC's purpose is to link these together to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible expansion of natural resources. He said an additional 15 trillion cubic feet of gas must be discovered for

the trans-Canada or Denali pipeline project to be economically viable over the long term. He stated that we should be encouraging OCS development not hampering it. OCS has a strong track record of coexisting with other industries including fishing.

MR. BRUNE stated that energy exploration, development and production in federal and state waters around Alaska will occur in an environmentally sensitive and responsible manner with restrictions when needed. He said the U.S. has a moral obligation to develop domestic energy sources. The OCS is the ideal location and its resources will buy the time needed to develop the alternative and renewable energy resources that will someday break our reliance on foreign oil.

[4:17:39 PM](#)

MS. OSTNESS drew attention to the House amendment on page 3, line 3 of the resolution. It put an emphasis on "responsible" in encouraging and promoting continued responsible exploration, development and production.

SENATOR FRENCH supported the thrust of this resolution, but he was concerned about the WHEREAS clause on page 2, lines 18 - 21. It states that key members of the Obama administration and Congress have stated as "key priority" the restriction of development of Alaska's off-shore oil and gas reserves. Senator French said he wonders if it would be better to remove that clause and focus on telling the Obama administration and Congress that we are strongly in support of OCS development.

SENATOR HUGGINS objected for discussion. His first question to the sponsor is whether that is true or not.

MS. OSTNESS replied that Secretary Salazar announced the Department of the Interior's new strategy for developing an off-shore energy plan. Ms. Ostness said step one is a 180-day extension on comment period for the proposed 5 year plan for oil and gas development. Step two is assembling a new report on conventional and renewable off-shore energies and having then four regional conferences to review the findings. The final step is expediting renewable energy rule-making for OCS. Ms. Ostness stated that it just seemed that it was a delaying tactic.

SENATOR FRENCH said he didn't hear it as a key priority of the Obama administration to impose restrictions on developing Alaska's off shore and gas reserves. That may be the underlying

motive but that is not what was stated. It is better off to remove it.

SENATOR HUGGINS said it does appear to be a little bit of a stick in the eye. He asked the sponsor if that had been pointed out before.

MS. OSTNESS replied no, it had not.

CO-CHAIR WIELECHOWSKI said he hoped to move this out of committee today as Secretary Salazar is in Alaska and a message could be sent to him. Co-chair Wielechowski said he tends to agree with Senator French.

[4:22:16 PM](#)

SENATOR WAGONER said it isn't imperative that this be given to Secretary Salazar tomorrow. He said perhaps this section needs to be rewritten and checked if it is factual. Even if it is factual, it should be rewritten.

MS. OSTNESS said she does not think the sponsor would object to taking that section out.

CO-CHAIR WIELECHOWSKI asked Ms. Ostness given the choice of delaying the resolution or taking the section out, if she would have a preference.

MS. OSTNESS replied that she would rather have it move.

SENATOR HUGGINS maintained his objection. He stated that it would be smarter to take a look and see what's true and what's not, change the language and capture the sponsor's intentions.

SENATOR FRENCH said he would just as soon remove that section. It cleans it up and the message could be delivered to Secretary Salazar when he's here in Alaska.

[4:24:34 PM](#)

MS. OSTNESS said that this is viewed as a "sense of the House," had the majority members signed the letter and have given Secretary Salazar the resolution with the House's results.

CO-CHAIR WIELECHOWSKI said he would like to move HJR 22 today, but it is a committee process.

SENATOR HUGGINS said he agreed with striking it, but the sense of the House has already happened. The resolutions would be different if the Senate changes it.

SENATOR FRENCH said there is no obligation that they be exactly the same. The Senate could pass one that says what they have agreed to.

SENATOR HUGGINS said he preferred to do the modification so that it moves out, is accurate and doesn't stick somebody in the eye.

SENATOR STEVENS pointed out that this is a joint resolution. He questioned that the House has already dispersed their version even though it has not been approved by both the House and the Senate.

MS. OSTNESS said a letter was written just indicating that the House has passed this resolution and that it was viewed as a sense of the House at this point.

SENATOR STEVENS remarked that sending a joint resolution that hasn't been approved by the Senate was premature.

MS. OSTNESS replied that it was just a letter; they didn't send the resolution.

SENATOR STEVENS said he is comfortable moving the resolution. It does not harm the resolution to take it out.

[4:26:48 PM](#)

SENATOR WAGONER asked for clarification on what was sent, was it a letter stating there was a resolution in process?

MS. OSTNESS answered yes - and that it had passed the House with a majority vote.

SENATOR WAGONER said he'd be comfortable taking it out if the sponsor didn't want to re-write the section, but he thinks if it is left in it should be re-written.

SENATOR FRENCH maintains his motion to remove page 2, lines 18 - 21.

[4:27:34 PM](#)

CO-CHAIR WIELECHOWSKI asked if there was continued objection to the motion of removing page 2, lines 18-21. There were no objections and it was so ordered.

SENATOR FRENCH moved to report SCS CSHB HJR 28(RES)am be from committee with individual recommendations. There were no objections and it was so ordered.

Confirmation Hearings: Board of Fisheries

[4:28:26 PM](#)

CO-CHAIR WIELECHOWSKI next took up the confirmation for Brent G. Johnson to the Board of Fisheries.

[4:29:09 PM](#)

BRENT JOHNSON, Clam Gulch, said he was born in 1955 in Seldovia. Mr. Johnson gave some background information about himself. His dad was an avid hunter and fisher. He graduated from high school in 1973 and got married in 1975. Mr. Johnson became a set netter and in the winter ran his dad's surveying crew. For the past 34 years he has been set-netting constantly and working for his dad or brother in the surveying field.

[4:31:03 PM](#)

MR. JOHNSON stated that he became involved in the Fish and Game Advisory Committee and the set-netting association called Kenai Fishermen's Association. He was president of that a number of times. He went to his first Board of Fisheries meeting in about 1977. He was also involved in the Cook Inlet Aquaculture Association and is president of that organization now. Mr. Johnson pointed out that he likes to look at all people for whatever they can contribute. He is perfectly willing to work with sport fishermen. He was involved in the Cook Inlet salmon branding program, Kenai Wild. He has been involved in Cook Inlet spill response. Mr. Johnson said he surveyed shore fishery leases with his dad for a program allowing set netters to lease tide lands area for security for their site. The state made changes to this program and Mr. Johnson said his dad didn't want any part of it.

[4:34:10 PM](#)

His dad refused to draw maps done in the new manner, so Mr. Johnson started drawing these shore fishery diagrams in the Bristol Bay area and Kodiak and through Cook Inlet. He got to know fishermen and their differences in set netting in the area. He points out he has been a member of the Kenai Peninsula Borough Planning Commission for 12 years. He believes it is fairly similar to what he has seen Board of Fish people do.

[4:35:42 PM](#)

SENATOR WAGONER asked the single most important thing a Board member has to know to be effective on the Board and in the state.

MR. JOHNSON replied that you have to know about the fish. You have to know what it takes to make a fishery sustainable.

SENATOR HUGGINS said that unfortunately Mr. Johnson is caught between a rock and a hard place with the fish caught in the middle of that debate. With that backdrop, Senator Huggins asked about the Aquaculture Association and its task and the sort of things Mr. Johnson has worked on.

MR. JOHNSON said the Aquaculture Association is making more fish for everybody. It's involved in habitat issues, educating the public and making fisheries better for commercial fisherman and personal use and sport fisherman. There are currently a lot of studies in the Susitna River system because people aren't seeing fish there that they have seen in the past. The Aquaculture Association put weirs at a number of lakes and counted more fish than the Department of Fish and Game had counted by sonar. So it's obvious that the sonar wasn't working entirely properly.

[4:38:26 PM](#)

SENATOR HUGGINS asked how many people are on the Board of the Aquaculture Association.

MR. JOHNSON replied that there are about 25 people on the Board, representing numerous organizations. It's a requirement that over 50 percent are commercial fishermen.

SENATOR HUGGINS said this was the first time he'd heard that at least 50 percent that are commercial fisherman. He asked if it was also a requirement that at least 50 percent have to be sport fishermen.

MR. JOHNSON replied that if there is over 50 percent commercial fisherman then there couldn't be over 50 percent sport fisherman. Mr. Johnson said the reason for this is that the Aquaculture Association draws 2 percent from the fisherman's take. The state, when it set up these non-profit Aquaculture Associations, set up those by-laws.

SENATOR HUGGINS asked what Mr. Johnson knows about UCIDA (Upper Cook Inlet Drift Association) having filed suit.

[4:40:39 PM](#)

MR. JOHNSON replied that it is the United Cook Inlet Drift Association, not Upper Cook Inlet. Mr. Johnson said that the Aquaculture Association isn't involved in that suit in any way. It was first brought to life when Mr. Johnson was president of the Kenai Peninsula Fisherman's Association. There were joint meetings between UCIDA and KPFA with the attorney, so Mr. Johnson knew a bit about it early on. Mr. Johnson resigned as president of KPFA and didn't stay 100 percent in-the-know. He does remember the attorney making a presentation to the Kenai City Council and dip netting got involved in it there. He and other fishermen were scratching their heads over this. Mr. Johnson says he is confused as to how it is now portrayed as a dip net issue in the press or presentations.

[4:42:14 PM](#)

SENATOR HUGGINS said the alarm he is hearing from people is that the dip-netter personal-use fishery would pay the bills for that. Senator Huggins said Mr. Johnson represents a change in demographic representation. Fairbanks loses a seat as the position moves south. He asked for Mr. Johnson's perspective on this.

MR. JOHNSON answered that he is sympathetic with Fairbanks losing representation. Fairbanks has had representation and been happy with it as far as he knows. Commercial fishermen in Cook Inlet have been shy of representation for a number of years. He has not withdrawn due to his sympathy for Fairbanks because they could possibly get a seat in the next cycle.

SENATOR HUGGINS asked Mr. Johnson to repeat what he said about commercial fishermen being underrepresented in the past.

MR. JOHNSON said Danny DeGrout was the last commercial fisherman to serve from Cook Inlet, and he was appointed in 1975 and retired in 1978. Cook Inlet has had 16 sport fish representatives on the Board of Fish since Mr. DeGrout, adding up to 54 years of service. Commercial fishermen have not had any representation during that time.

SENATOR HUGGINS said that disturbs him a little bit because Mr. Johnson considers himself a balance for the commercial fisherman. He thought that Mr. Johnson was considering himself to be a balance between sports and commercial fishing.

SENATOR WAGONER clarified that UCIDA is not a member of Aquaculture per se as an organization. There are three at-large seats and UCIDA can be elected to those three seats. UCIDA did

not exist when the law went into effect; thereby the statute had to be changed for UCIDA to have representation equally.

MR. JOHNSON said Senator Wagoner was correct. UCIDA didn't exist and didn't used to be a member. They got a designated seat ten years ago at the same time that the Seiner's Association got a designated seat. There are at large seats and lots of times UCIDA has those seats.

CO-CHAIR WIELECHOWSKI called for public testimony and set a three-minute time limit.

4:46:07 PM

JERRY MCCUNE, United Fishermen of Alaska, supported Brent Johnson's appointment. They have known him for 15 years. Mr. McCune said that Mr. Johnson has worked with all different kind of fishers and people. He would bring balance to all the users. Aquaculture groups don't get involved in lawsuits and are seldom involved in nominations of boards.

4:47:55 PM

ANDY SZCZESNY, representing himself, said he has run a fly fishing business for 24 years on the Upper Kenai River and opposed Mr. Johnson's appointment. He is a past Board member and has served on a couple of subsistence committees. Mr. Szczesny said he does not think that Mr. Johnson can be objective in the \$1.4 billion sports fishery.

MIKE KRAMER, representing himself, said he serves on the Fairbanks Fish and Game Advisory Committee and is chair of the fisheries subcommittee. He is speaking for himself although he noted that the Advisory Committee unanimously opposed Mr. Johnson's confirmation, primarily due to the lack of representation for the Interior if Mr. Johnson is confirmed. Mr. Kramer stated that it has been an unwritten rule that the Board be somewhat equally divided with three commercial fish interests, three sport upriver advocates and one subsistence advocate. Mr. Kramer stated that replacing Bonnie Williams with Brent Johnson is ensuring a Board dominated by commercial fish interests with four members of a seven-member board having a history and constituency in the commercial fish industry. Mr. Kramer expressed the view that that is a very real threat for those who live inland and depend on catching fish for food.

MR. KRAMER said regional representation is important. If Mr. Johnson is confirmed there won't be any representation north of Big Lake. This board would have no knowledge of the fisheries

that are important to people there. The Arctic-Yukon-Kuskokwim is in this current board cycle. Mr. Johnson, if he is confirmed, and the rest of the Board, will come to Fairbanks next winter and debate hundreds of proposals of interest to interior residents. There won't be any member of the Board who has participated in those fisheries. Mr. Kramer said this is an interior seat and should go to someone familiar with interior issues, who represents consumptive users and someone who knows and appreciates subsistence use, particularly along the Yukon and Kuskokwim Rivers.

SENATOR WAGONER stated there is never a statement in writing or of policy requiring regional representation. Alaska is so large that you just couldn't do it with a seven-member board. Senator Wagoner said there have been other times when things are not geographically evenly distributed and they are looking for the best person to represent that state of Alaska, not regional representation.

MR. KRAMER said it is an unwritten rule, adhered to by all governors since Wally Hickel, that there is some Interior representation on this board. There are other minor fluctuations in the particular region that a person comes from, but historically there has been three from commercial fishing backgrounds, three from upriver consumptive-use backgrounds and one person familiar with subsistence fisheries. It's critically important on a statewide board that makes decisions governing the allocations of a publicly owned resource that it not be dominated by one interest. Mr. Kramer said he does not oppose the man, but the seat he is occupying. If Mr. Johnson was nominated to replace any current commercial fishers on the Board Mr. Kramer would not be speaking against it.

[4:54:14 PM](#)

SENATOR FRENCH said it would be helpful to see a set of rosters of the Board of Fisheries going back in time to see how the seats have been allocated. Senator French said it is a tough decision to make in three days. He said if someone can show him that for 30 years it's been divided up this way that would sway his vote.

CO-CHAIR WIELECHOWSKI said if the administration could get that information to his office, he would distribute it.

[4:55:03 PM](#)

STEVE MCCLURE, representing himself, said he lives in Soldotna and opposed Mr. Johnson's appointment. It will throw out the balance of the Board.

DAVID GOGGIA, representing himself, was from Kenai and opposed Mr. Johnson because of the balance on the Board. He has attended the Board of Fisheries for the last ten years and can see how his nomination would be detrimental to the sport fishing industry.

[4:56:30 PM](#)

RUBEN HENKE, representing himself, Kenai, said he owns a sport fishing business on the Kenai River and opposed Mr. Johnson's confirmation. Mr. Henke said that with an AYK meeting coming up this year, a subsistence personal-use person from the Interior should be on the Board to help lead through that meeting.

[4:57:04 PM](#)

RICKY GEASE, Executive Director, Kenai River Sport Fishing Association, opposed Mr. Johnson's appointment. Mr. Gease's organization believes there needs to be a broad geographic representation and a balance of commercial, sport and subsistence personal use interests on the Board. His organization believes this appointment overweighs the Board toward commercial interests and leaves Interior representation lacking; it would also be missing important Alaska Native representation.

MR. GEASE said the North Pacific Fisheries Management Council (NPFMC) just capped Chinook by-catch at 60,000 fish and the department is telling Interior subsistence fishermen that it's going to consider cutting the subsistence harvest in half over the next year. He said this is the time to have someone from the AYK area on the Board to deal with these issues.

[4:58:32 PM](#)

MR. GEASE said that Mr. Johnson does not have broad state-wide support from the other user groups; he has support within the commercial fishing industry. Mr. Johnson is eloquent about the issues within commercial fishing and does a good job there. But if one thinks that Ken Tarbox, who is the retired commercial fish biologist in Cook Inlet, represents sport fishing interests of the Cook Inlet area, then that person is "tunnel-visioned." Mr. Gease said there is also an issue with the science. Last year the Board last year made the Northern District fish a stock-of-concern. There were questions from KPFA and UCIDA about the need for going with that designation.

The Board's number-one priority is fisheries conservation, and when there are chronic missed escapements in the Northern District, there is a question whether that priority has been adhered to.

MR. GEASE said that the issue with the sonars is an important one. Cook Inlet Aquaculture did do a good thing of putting weirs in the Northern District but mark-recapture studies need to be done to figure out the weighted balance. In terms of Bendix versus Ditson Sonar counters, the Bendix is not a reliable source. Mr. Gease said the Alaska Department of Fish and Game (ADF&G) stands behind the Bendix sonar counter, which provides an index, not an absolute count. They are the best thing available.

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SENATOR WAGONER said if Mr. Johnson were appointed to the Board he would not be able to take part in the discussion or the vote in Cook Inlet issues. Senator Wagoner asked if that was correct, that Mr. Johnson would be conflicted out.

MR. GEASE responded on some of the issues, yes.

SENATOR WAGONER asked if this would be so on any issue pertaining to Cook Inlet.

MR. GEASE said this is not the case. Mr. Johnson would be conflicted out of allocation issues for commercial fishing, personal use or sport fisheries also.

SENATOR WAGONER asked if a person from AYK would be conflicted out in most cases also.

MR. GEASE said it depends on who you appoint from the region and what economic interest they have in the region itself. People can be familiar with fisheries and not be conflicted out from that region.

SENATOR WAGONER asked if there would be a conflict if such a person were commercial or subsistence.

MR. GEASE replied not necessarily. It depends on the proposal.

CO-CHAIR WIELECHOWSKI said he want Legislative Legal or the administration to give a quick overview at some point about the conflict issue.

[5:02:37 PM](#)

MEL MORRIS, representing himself, Kodiak, said he is on the Board of Fisheries and supported Mr. Johnson. He said much has been made of about representation throughout the state, but he didn't see himself as having constituents, but rather a moral and legal obligation to deal with all the fisheries issues as they come up. Mr. Morris said all members learn by reading the material that comes to them and listening to the people who present an argument, comment or science. Mr. Morris stated that a person who is willing to work hard and be a good board member can do so regardless of where he lives. Mr. Morris thinks Mr. Johnson's background experience is good and relevant, and he knows how to listen to three sides of every story. Cook Inlet Aquaculture Association is not just a commercial fisheries organization, it provides fish for the sport and personal use fisheries, Lower Cook Inlet, Upper Cook Inlet and Resurrection Bay.

[5:05:08 PM](#)

KENNY ROGERS, President, Kenai Peninsula Fishermen's Association, (KPFA), and Director of the Cook Inlet Aquaculture Association, said he is an Alaska Native living in Anchorage, and is both commercial and sport fisherman. He supported Mr. Johnson's nomination because he is fair, listens to all sides and is active in the community. He'd be a great asset to the Board.

JOHN JENSON, representing himself, Petersburg resident, and Chair of Alaska Board of Fisheries, supported Mr. Johnson saying he has a commercial fishing background and there is only one other full-time commercial fisherman on the Board and that is Mr. Jenson himself. Mr. Jenson stated that Mr. Johnson has been reasonable to work with when he is before the Board on the public side. He is fair minded and interested in sustaining the fisheries as mandated by the State Constitution.

JOHN BLAIR, Executive Director, Southeast Alaska Guides Organization in Sitka, opposed Mr. Johnson. Mr. Blair said it would be a missed opportunity for Interior representation and his background duplicates qualifications already present with current board members. The Board works best when there's broad representation from diverse areas and diverse groups. Mr. Blair's group asked that the Governor find someone familiar with Interior and Native issues who will provide a fair and balanced approach to governing.

[5:07:52 PM](#)

THERESA WEISER, President of Sitka Charter Boat Operators Association, opposed Mr. Johnson. Ms. Weiser has been a lodge owner for 20 years and a resident of Sitka since 1978. She stated the opinion that Mr. Johnson's nomination raises serious concerns for regional representation and it's important that the Board of Fisheries reflects the diverse user groups, ethnic groups and locations throughout the state. This nomination means no representation for Interior Alaska, no up-river, no subsistence and no Native representation and the next cycle involves decisions for this area.

MS. WEISER said the Board of Fisheries is best at doing its job by including members from Southeast, South Central, South Western and Interior Alaska. She said her group respectfully recommends the Governor find a Board of Fisheries appointee familiar with interior and up-river subsistence and native fisheries issues and one who will provide a fair and balanced approach to allocation decisions.

PAT DONALDSON, representing himself, said he is a sport and personal use fisherman and small fishing guide operator. Mr. Donaldson said the Board now favors commercial fishing and he opposed Mr. Johnson's nomination. Mr. Donaldson said Vince Webster is a Bristol Bay set netter and Mel Morris is employed in the sea food industry as an expeditor of fish sales including sales of fish caught in Cook Inlet. John Jenson is a commercial fisherman and Brent Johnson is a Cook Inlet set netter. Mr. Donaldson said if you have been in any of the Board of Fisheries meetings it is very obvious that commercial fishing is king. Sport fishing needs more representation.

Regional representation is very important in the upcoming decisions in the Yukon Kuskokwim area and the Interior. There needs to be someone on the Board that can represent them. Mr. Donaldson said there would be four people represented in South Central Alaska if Mr. Johnson is elected and zero from the Interior.

MR. DONALDSON said Cook Inlet is unique in sport fish and commercial fish arguments. Over 60 percent of the state's population lives in close proximity to Cook Inlet and accesses Cook Inlet for personal and sport fishing. Mr. Donaldson said Cook Inlet is the largest salmon fishing destination in the world. Over 200,000 people, estimated, according to Fish and Game documents, used that area for fishing for salmon last year. Those meetings are very contentious and hard to deal with. Mr.

Donaldson said that Mr. Johnson has demonstrated that he is against sport fishing in general and that there are quotes from Mr. Johnson in those meetings to prove it. It is obvious that Mr. Johnson would not represent sport fishing at all in this area.

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Mr. Donaldson also points back to the lawsuit saying that the organizations that Mr. Johnson has been a part of and been a part of leadership in have been very involved in this lawsuit. Mr. Donaldson stated the opinion that a citizen of Alaska would have trouble depending on the Board to make critical decisions about Cook Inlet when some of its members have been directly involved in lawsuits that would take authority to make critical decisions away from the Board and the State of Alaska.

[5:12:34 PM](#)

SENATOR WAGONER asked what organization Mr. Johnson is involved in that is a party to the lawsuit.

MR. DONALDSON said that UCIDA and members of the commercial fishing industry that have been involved in those discussions and in those organizations join in together. It is not a single lawsuit represented by one person.

SENATOR WAGONER repeated his question, asking what organization Mr. Johnson is involved in that is a party to the lawsuit that has been discussed.

MR. DONALDSON said he didn't know the exact answer to that question. Mr. Donaldson said, having attended plenty of meetings and listened to discussions that the members of the Cook Inlet fishing community have been involved in, Mr. Johnson has been involved in that kind of discussion.

SENATOR WAGONER stated that the lawsuit was brought by United Cook Inlet Drift Association and they are the only ones party to that lawsuit. The Aquaculture Association won't get involved in those types of lawsuits because it stays away from allocative issues. Its mission is more to support, sustain and enhance fish runs throughout the whole district.

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RICHARD PERSON, representing himself, supported Mr. Johnson. Mr. Person is a lifelong Alaska and commercial fishes in Cook Inlet. He has been to a lot of board meetings and has never come out feeling like a king, but rather wondering if he'll still be in

business. Mr. Person said Mr. Johnson has integrity, is eloquent and has a passion for reading and studying. It has been 30 years since a set netter has sat on the Board. It is a statewide position.

CHRIS GARCIA, Kenai, supported Mr. Johnson. Mr. Garcia has known Mr. Johnson for a long time and thinks he is honest and intelligent whose reason for serving on the Board of Fish is to keep the fisheries alive and going.

[5:15:54 PM](#)

RICHARD ERKENEFF, Kenai Peninsula, said he is a lodge and RV camp owner on the Kenai River and opposed Mr. Johnson. Mr. Erkeneff said the success of many small, Alaskan businesses and the well being of many citizens depends upon sustainable fish for all the user groups - commercial, sport, personal user, subsistence. Mr. Erkeneff said after public testimony, the Board goes into private deliberation and the user groups need a fair balance during these private deliberations. Mr. Johnson's nomination would make the Board over-weighted toward commercial fisherman interests.

[5:18:47 PM](#)

GARY CHAMBERLAIN, from Sterling, Alaska, opposed Mr. Johnson because the Board needs to have Interior representation.

JOE CONNORS, Sterling, Alaska, said he owns a fishing lodge on the Kenai River and opposed Mr. Johnson. Mr. Connors said the committee just did a good job with the previous two Board of Game applicants, discussing diversity and advocacy. Mr. Connors said that Mr. Johnson would not provide geographic or user group diversity. Mr. Johnson has been a strong advocate for commercial fishing at the expense of other user groups, and against personal use fishing and sport fishing, guided or unguided. His record can be checked. Mr. Connors stated he is also concerned about the lawsuit against the personal use fishery. That's an Alaskan fishery for Alaskans and it has to continue.

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RON RAINEY, Kenai River, opposed Mr. Johnson. Mr. Rainey said the most asked question he gets is "Are the nets in today?" That means if the commercial nets are in the water, other fishing is going to go down the toilet. That's the impact that the commercial industry has on the fishery in the Kenai River. Mr. Rainey said the fishery in South Central Alaska is worth \$1.4 billion; that's the largest sport fishery in Alaska. Mr. Johnson would be fair in his own mind but his mindset is commercial

fishing and that is what he would advocate. Mr. Rainey opposed Mr. Johnson, having heard him in many meetings as an avid commercial fish proponent.

MONTE ROBERTS, President, Kenai River Professional Guide Association, opposed Mr. Johnson's appointment to the Board, but he has the utmost respect for him personally. He fights just as hard for his interests as Mr. Roberts fights for his own. Mr. Johnson would not be fair and balanced. Personal use and subsistence need representation.

[5:23:13 PM](#)

RICHARD THOMPSON, supported Mr. Johnson's appointment. Mr. Thompson stated that Mr. Johnson is an active member of many organizations and is very knowledgeable on local fishing management. He says things people don't necessarily want to hear, but his statements are based on fact. Mr. Johnson is the voice Cook Inlet needs with all the user groups.

DREW SPARLIN, President, United Cook Inlet Drift Association (UCIDA), supported Mr. Johnson. He said that he served with Mr. Johnson on various boards and committees for over 30 years. Mr. Sparlin stated that Mr. Johnson makes fair decisions based on best available science, not politics. Drifters are often competing with set-netters for the same stock. He stated that UCIDA is confident that Mr. Johnson will approach all areas and user groups with unbiased consideration and attention to detail. There has not been a commercial fisherman from Cook Inlet on the Board since 1980. In this same time, there have been 18 non-commercial seats filled with people from the Cook Inlet area. Mr. Sparlin stated that UCIDA strongly supports Mr. Johnson's nomination and is not involved in any lawsuit.

DYRE VANDEVERE, commercial fisherman, supported Mr. Johnson's appointment to the Board of Fisheries. He has known him for a number of years and worked with him on different boards. Mr. VanDevere stated that Mr. Johnson would represent everybody in Alaska and a commercial fisherman from Cook Inlet is needed on the Board. Mr. Johnson wants to know the science before he makes up his mind on anything. He is fair and impartial and is not a person who wants to do away with another industry.

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JUDY JOHNSON, Clam Gulch, said she is married to Mr. Johnson and supported his appointment. He will research to find the truth; he is a good speaker and he's honest. She knows it would mean

time away from home and many hours of work at home, but she knows he would do a wonderful job for the Board.

CHRISTINE BRANDT, representing herself, stated that Mr. Johnson will represent any group, whether they are a minority or not, with integrity, respect and honesty. Ms. Brandt recently reviewed a document sent by Ricky Gease referring to letters from Governor Sarah Palin. Ms. Brandt stated that she was shocked that someone would take a letter written by elderly pioneering women and manipulate content to benefit their own needs. These are women who have homesteaded in Alaska and who are still active in their communities. Ms. Brandt told the committee that she hopes they will disregard these abbreviated letters. They are not relevant to the task at hand.

MS. BRANDT said the Board of Fisheries is more than what someone does for a living or where someone lives or someone's political affiliations. She said a Board member should be approachable, available and willing to learn different cultures, be considerate and respectful. Ms. Brandt said Governor Sarah Palin is not appointing a fishing group or type of fishery to the Board of Fisheries, but an active member of the community, who is raising a family and has historical roots in Anchorage and Seldovia.

BILL SULLIVAN, Kenai resident, supported Mr. Johnson. He is a respected fellow advocate of the state's resources and he has witnessed Mr. Johnson's advocacy of fishery resources. He has observed Mr. Johnson's keen intellect, respectful disposition, and unassailable work ethic in action as well.

MR. SULLIVAN referred to the Cook Inlet sport fishing caucus ad in the last two weekend's paper and stated a lot of the suggestions in it are untrue. Mr. Sullivan said none of the organizations mentioned in the ad had any intention of outlawing personal use dip-netting.

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CLIFF CHAMBERLIN, representing himself, said he has been a commercial fisherman and is now a guide on the Kenai River and that he opposed Mr. Johnson's nomination to the Board of Fisheries. Mr. Chamberlin stated he has nothing personal against him, but he would like to see the Board have more diverse representation from different areas of the state.

[5:33:12 PM](#)

BOBBY THORSTENSON, fourth generation Alaskan commercial fisherman, supported Mr. Johnson's appointment. The first 50 years that Mr. Thorstenson's family lived here the federal government managed the fisheries resource and did a terrible job. By the time the state took over management, the population of the salmon harvest was about 10 percent of what it is today. Mr. Thorstenson said in the first 25 years of statehood management, the Board of Fisheries had 6 or 7 commercial fishing representatives. At that 25th year of statehood, the second sports oriented member was added from Fairbanks.

Mr. Thorstenson stated that Mr. Johnson will represent people in a broader perspective, not just from a commercial fishing. It's been 31 years since there's been a Cook Inlet fisherman and there's been 16 sports fisherman. Mr. Thorstenson said the vast majority of regulations dealt with in Southeast are straight commercial fishing internal regulation, not allocation issues, and sport fishermen on the Board have previously done good work for Southeast commercial fisherman. The Governor must have tremendous respect for Mr. Johnson's abilities, because she decided to take a remarkable risk in angering sports fisherman by appointing him.

[5:37:52 PM](#)

DAVID MARTIN, commercial fisherman, Clam Gulch, supported Mr. Johnson's appointment. Mr. Martin said he has been involved in the Boards of Fish and Game and advisory committee process for over 25 years and is the current chairman of the Central Peninsula Advisory Committee. He knows that Mr. Johnson is very qualified and he resents the assumption that someone with a commercial fishing interest cannot be objective and represent all users and all areas.

MR. MARTIN said he has known Mr. Johnson for over 35 years and his record of service verifies his integrity and fairness, his ability to read and digest scientific and biological data, and his knowledge of the various user groups. Mr. Martin said that Mr. Johnson is a leader and is the type of person the state needs to be on the Board of Fish. He can fairly represent the various areas of the state as should the other Board of Fish members.

ROD BERG, representing himself and his family, Soldotna, opposed Mr. Johnson's appointment. Mr. Berg said that Mr. Johnson fishes 11 set net permits and because of that, he could not bring a fair and balanced approach to the Board of Fisheries and consider the needs of sport and personal use fishermen.

MURRAY FENTON, Kenai River guide, opposed Mr. Johnson's appointment. Mr. Fenton stated that Mr. Johnson has been a loud voice for the Cook Inlet commercial fisherman and more balance is needed on the Board.

MR. FENTON said that even though Mr. Johnson would manage for sustained yield and that the commercial fishermen get all the fish they have coming to them, the upstream fishermen are in a different boat. Last year they came up several hundred thousand fish short of their goal for sockeye. Mr. Fenton said he is scared that based on Mr. Johnson's record, this is not the time to have him on the Board.

[5:42:46 PM](#)

SENATOR WAGONER asked Mr. Fenton to clarify coming up several hundred thousand fish short last year.

MR. FENTON said the sockeye escapement goal was 300,000 fish short. The commercial fisherman got millions of fish in the Inlet and the sport fishers were short changed. Sport fishers were shut down on the Kenai River for sockeye.

PAUL SHADURA, representing himself, supported Mr. Johnson's appointment. Mr. Shadura stated that he is the executive director of the Kenai Peninsula Fisherman's Association (KPFA) and the Cook Inlet Region Incorporated Representative on the Cook Inlet Aquaculture Association Board. He is a third generation commercial set netter in Cook Inlet of Russian and of Alaska Native descent. He said that commercial fishing for many is a way to survive in Alaska, a way to feed and raise your family. Many Alaskans look seaward for the return of salmon to feed their families, the community or the world. All users should have a reasonable opportunity to access Alaska's resources. Mr. Shadura said that Mr. Johnson has always strived to be fair and balanced. He would be a great asset to the people of the state. Mr. Shadura stated that KPFA is not a direct participant in any lawsuit that denies the right to access natural resources.

SENATOR WAGONER said a couple of people told him that UCIDA is the group that brought that suit, but he apologized if that is not so. He will make a call or two and find out who is the responsible party.

CO-CHAIR WIELECHOWSKI gave Mr. Johnson three minutes to comment.

[5:46:47 PM](#)

MR. JOHNSON waived his three minutes and said his only regret is that they he heard from a lot of guides and not a single one who supported him and he would like to change that.

CO-CHAIR WIELECHOWSKI stated that this board is a tough one to sit on and that Mr. Johnson would make a lot of enemies doing it. He appreciated Mr. Johnson's willingness to put his name forward.

SENATOR WAGONER brought attention to some letters, one of which is from a constituent, Don Johnson. His letter listed 12 legislators but there are no signatures. He questioned whether those legislators were party to the letter or not, without signatures and said he would ask some of them when he sees them.

CO-CHAIR WIELECHOWSKI said that confirmation hearing is several days away and asked that if Senator Wagoner finds out anything to please forward that on.

[5:49:12 PM](#)

SENATOR WAGONER moved to forward Mr. Johnson's name to the full body for consideration. There were no objections and it was so ordered.

[5:49:47 PM](#)

Finding no further business to come before the committee, Co-Chair Wielechowski adjourned the meeting at 5:49 p.m.