

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

April 5, 2012

5:01 p.m.

MEMBERS PRESENT

Representative Steve Thompson, Chair
Representative Craig Johnson, Vice Chair
Representative Alan Austerman
Representative Bob Herron
Representative Lance Pruitt
Representative Scott Kawasaki
Representative Bob Miller

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARINGS: BOARD OF FISHERIES

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

ORVILLE HUNTINGTON, Appointee
Huslia, Alaska

POSITION STATEMENT: Testified as an appointee to the Board of Fisheries (BOF).

ROD ARNO, Executive Director
Alaska Outdoor Council (AOC)
Palmer, Alaska

POSITION STATEMENT: Testified during the confirmation hearing of Mr. Orville Huntington to the Board of Fisheries (BOF).

RICKY GEASE
Kenai River Sportfishing Association (KRSA)
Soldotna, Alaska

POSITION STATEMENT: Testified during the confirmation hearing for Mr. Orville Huntington's appointment to the Board of Fish (BOF).

REUBEN HANKE

Soldotna, Alaska

POSITION STATEMENT: Testified during the confirmation hearing for Mr. Orville Huntington's appointment to the Board of Fisheries (BOF).

MELVIN GROVE

Big Lake, Alaska

POSITION STATEMENT: Testified during Mr. Orville Huntington's confirmation hearing for appointment to the Board of Fisheries (BOF).

ROSE FOSDICK, Representative

Kawerak Inc.

Nome, Alaska

POSITION STATEMENT: Testified in support of Mr. Orville Huntington's appointment to the Board of Fisheries (BOF).

ANDY SZCZESNY

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the appointment of Mr. Orville Huntington to the Board of Fisheries (BOF).

MIKE KRAMER

Fairbanks, Alaska

POSITION STATEMENT: Testified during the confirmation hearing on the appointment of Mr. Orville Huntington to the Board of Fisheries (BOF).

HEATH HILYARD, Executive Director

SouthEast Alaska Guides Organization (SEAGO)

Anchorage, Alaska

POSITION STATEMENT: Testified during the confirmation hearing for Mr. Orville Huntington's appointment to the Board of Fisheries (BOF).

GEORGE PIERCE

Kasilof, Alaska

POSITION STATEMENT: Testified during the confirmation hearing on the appointment of Mr. Orville Huntington to the Board of Fisheries (BOF).

KARL JOHNSTONE, Appointee

Alaska Board of Fisheries (BOF)
Alaska Department of Fish & Game (ADF&G)
Anchorage, Alaska

POSITION STATEMENT: Testified as nominee for reappointment to the Board of Fisheries (BOF).

BILL BROWN, Member; Vice-Chair
Board of Fisheries (BOF)
Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

REED MORISKY
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

HOWARD DELO, Member
Matanuska-Susitna Borough Fish and Wildlife Commission
Big Lake, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

ANDREW COUCH
Palmer, Alaska

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

BRUCE KNOWLES
Willow, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

MELVIN GROVE
Big Lake, Alaska

POSITION STATEMENT: Testified during the discussion on the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

ROLAND MAW
Kasilof, Alaska

POSITION STATEMENT: Testified during the confirmation hearing for reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

MIKE CRAWFORD

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Karl Johnstone to the Board of Fisheries (BOF).

JOE CONNERS

Sterling, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Karl Johnstone to the Board of Fisheries (BOF).

MONTY ROBERTS

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

DAVID GOGGIA, President

Kenai River Professional Guide Association

Kenai, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

STAN MALCOM

Member

Petersburg Charter Boat Association (PCBA)

Petersburg, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

RICKY GEASE

Executive Director

Kenai River Sportfishing Association (KRSA)

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

REUBEN HANKE

Soldotna, Alaska

POSITION STATEMENT: Testified during the confirmation hearing for the reappointment of Karl Johnstone to the Board of Fisheries (BOF).

ANDY SZCZESNY, Member

Board of Directors

Kenai River Guide Academy (KRGA)

Kenai, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

MIKE KRAMER

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

HOLLY VANPELT

Homer, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

HEATH HILYARD, Executive Director

SouthEast Alaska Guides Organization (SEAGO)

Anchorage, Alaska

POSITION STATEMENT: Testified in support of the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

GEORGE PIERCE

Kasilof, Alaska

POSITION STATEMENT: Testified in opposition to the reappointment of Mr. Karl Johnstone to the Board of Fisheries (BOF).

ACTION NARRATIVE

[5:01:39 PM](#)

CHAIR STEVE THOMPSON called the House Special Committee on Fisheries meeting to order at 5:01 p.m. Representatives Kawasaki, Miller, Austerman, and Thompson were present at the call to order. Representatives Johnson, Herron, and Pruitt arrived as the meeting was in progress.

[5:02:02 PM](#)

Confirmation Hearings: Board of Fisheries

CHAIR THOMPSON announced that the only order of business would be Confirmation Hearings: Board of Fisheries.

[5:03:09 PM](#)

ORVILLE HUNTINGTON, Appointee, provided a brief biography, including that he currently works for the Tanana Chiefs Conference (TCC) and is a lifelong resident of Huslia, Alaska. His father, James Huntington, previously served on the Board of Fisheries. He said he has an undergraduate degree from the University of Alaska Fairbanks (UAF). He volunteered to serve

because he believes he can be fair to all users of fisheries resources in the state and could also bring Interior Alaska's voice to the board.

5:04:28 PM

REPRESENTATIVE AUSTERMAN asked whether he is currently serving on the board.

MR. HUNTINGTON answered no.

REPRESENTATIVE AUSTERMAN reminded the appointee of the amount of time involved in serving on the BOF and asked if he was prepared to do so.

MR. HUNTINGTON answered yes.

5:05:08 PM

REPRESENTATIVE KAWASAKI asked him to define subsistence user.

MR. HUNTINGTON responded that a subsistence user is anyone who relies on fish and wildlife resources for food and for their culture - whether it is sport fishing or sport hunting, or subsistence hunting. He offered his belief it is all the same.

5:06:00 PM

REPRESENTATIVE HERRON asked about his family origins.

MR. HUNTINGTON answered that Sidney Huntington, who retired from the Board of Game, is his uncle and Jimmy Huntington, who served as a legislator and on the Board of Fisheries (BOF), was his dad.

5:06:31 PM

CHAIR THOMPSON asked whether a board member should be allowed to vote on issues in which they or their family members will gain financially as a result of their vote.

MR. HUNTINGTON answered absolutely not. He did not think it is right and the member should be unbiased and fair to all users.

CHAIR THOMPSON asked how many of his family fishes commercially.

MR. HUNTINGTON answered none since there is currently not any commercial fishing in Interior Alaska. He reported that when it was open his cousins Gilbert and Roger Huntington fished.

CHAIR THOMPSON noted that there have been nine Huntington permit holders since 2010.

MR. HUNTINGTON confirmed the number and said he previously held a permit, but he let his license sunset since he did not use it. He said there isn't any money in it.

CHAIR THOMPSON, regarding the aboriginal rights of the Native people, asked what it means in terms of fisheries since those rights were extinguished with the passage of federal law.

MR. HUNTINGTON agreed that there are no aboriginal rights in the state any longer, except perhaps for Metlakatla. He said he has worked for the federal government and the term has a different meaning in the federal arena.

[5:08:55 PM](#)

REPRESENTATIVE KAWASAKI asked about Mr. Huntington's experience on the TCC and asked how it might assist him to serve on the BOF.

MR. HUNTINGTON responded that he has worked with partners and people in Western Alaska as well as with the Association of Village Council Presidents (AVCP). He said he knows almost everyone in the TCC villages. He has collaborated and testified before the Northern Pacific [Universities] Marine Mammal [Research] Consortium]. He said he tries not to say negative things, but testifies on science or positive management aspects.

REPRESENTATIVE KAWASAKI questioned whether the candidate feels he needs further study to understand some of the issues that may come before the board.

MR. HUNTINGTON said he has knowledge of the Bering Sea and the river areas of Interior Alaska, but is weak on Southeast Alaska and Southcentral Alaska. He would rely on other board members to answer question for other regions. He characterized his position as being unbiased and that he will listen.

REPRESENTATIVE KAWASAKI asked for the process he would use to make a decision and if he would use the advisory councils, the department, and the public to guide him.

MR. HUNTINGTON stated he would primarily rely on information from the Department of Fish and Game (ADF&G), particularly given their solid scientific base. He indicated if there is a concern between the ADF&G and a local group that he would listen to both sides. He said he would not support a proposal that could not be defended, even if it was from his local area.

REPRESENTATIVE KAWASAKI asked who wrote the memorandum of introduction for the committee packet.

MR. HUNTINGTON answered that John Moller, [Senior Rural Affairs Advisor] or Jason Hooley [Director, Boards and Commissions] may have been the author, but he also submitted his own resume.

[5:12:57 PM](#)

CHAIR THOMPSON recalled a 2004 harassment case that was brought against Mr. Huntington and asked whether there would be any continued issues along those lines.

MR. HUNTINGTON said the incident happened just before his wife died and he was in a tenuous situation. He pled no contest in the case and the case was set aside by the court. He clarified that it was not due to an anger problem.

[5:14:24 PM](#)

ROD ARNO, Executive Director, Alaska Outdoor Council (AOC), stated that the AOC is a statewide organization that represents over 10,000 Alaskans who hunt, fish, trap, and enjoy the outdoors. He related the AOC has noticed a disturbing trend, which is that the governor has been nominating and the legislature has been confirming appointees to the BOF who do not know the laws. The AOC expects members appointed to the BOF to understand Article 8, Sections 3, 15, and 17, which are commonly referred to as the common use clauses of Alaska's Constitution. The Alaska Supreme Court has affirmed and reaffirmed in a number of decisions what the framers meant when they wrote the words "all Alaskans have equal rights to fish and game." As a result of the situation, members of the Chitina Dipnetters - many of whom live in Chair Thompson's district - have had to finance a legal action against the Board of Fisheries all the way to the Alaska Supreme Court. The basic issue has been that the board ignored the common use clause.

[5:15:35 PM](#)

MR. ARNO stated the AOC has reviewed Mr. Huntington's application and is concerned about his statement, "... committed to protecting aboriginal rights of Native people to continue to live a subsistence way of life and to preserve the cultural beliefs associated with that way of life" He stated that if Mr. Huntington had simply said he supported the subsistence way of life, the AOC would have no cause for concern. He pointed out the Alaska Supreme Court has ruled that all Alaskans can choose to be subsistence users and the AOC has members who participate in a subsistence lifestyle. He wanted to be clear that subsistence is not the issue. Further, if Mr. Huntington had said he would like to support Native cultural beliefs, the AOC would not have any cause for concern. He related that AOC members engage in a variety of belief systems.

MR. ARNO reiterated Mr. Huntington's statement that he wants to protect aboriginal rights is a cause of concern. He said it is settled law that the aboriginal rights were extinguished under ANCSA. He questioned how Mr. Huntington would reconcile what he perceives as subsistence aboriginal rights with the common use clause of the Alaska Constitution. He said, "There's no wiggle room here, Mr. Chairman. We are all equal when it comes to advocating fisheries resources. We all - no one has any more right in the process than anyone else." He acknowledged Mr. Huntington may have clarified this somewhat, but it is still troubling that he wrote it. He concluded that the AOC cannot support the appointment of Mr. Orville Huntington to the BOF at this time.

[5:17:35 PM](#)

REPRESENTATIVE AUSTERMAN referred to the partially read line that Mr. Arno read. He read from Mr. Huntington's one-page handout in members' packets, "... as it consistent with State and Federal law." He asked whether that made any difference to the AOC.

MR. ARNO answered that it doesn't make any difference since he was uncertain what language in state or federal law would acknowledge aboriginal rights in Alaska.

REPRESENTATIVE AUSTERMAN countered that if there isn't any law then the subject is moot.

MR. ARNO agreed, but asked why this candidate would include the statement that he is advocating for aboriginal rights since

numerous court decisions have addressed this, including the Madison, Kenaitze, McDowell, and Payton decisions - noting the decisions advocated equal participation in subsistence fisheries.

[5:18:56 PM](#)

REPRESENTATIVE KAWASAKI stated that the biography is written in the third person and it was possibly written by someone in the governor's office. Hence, the language may not be attributed directly to the appointee.

MR. ARNO acknowledged that point. He indicated the AOC could ask the governor's office the reason the statement was included in Mr. Huntington's biography. He pointed out that that is the source of the conflict and the reason the litigation is currently being brought against the BOF.

[5:21:19 PM](#)

RICKY GEASE, Kenai River Sportfishing Association (KRSA), stated the KRSA is neutral on the appointment of Mr. Huntington to the BOF and said the appointee's comments to the committee were encouraging. He offered his belief that Mr. Huntington answered the questions in a fair and honest manner, which cleared up what could be some troubling questions and issues for the KRSA. Although the KRSA is currently neutral, said he liked Mr. Huntington's comments that he will base his decisions on science. He pointed out what is important in BOFs' members is that fish comes first the state is conserving fish, and the BOF will make allocation decisions by consulting with communities. He concluded by stating he is looking forward to sitting down with Mr. Huntington and discussing Southcentral Alaska's fishery issues.

[5:22:39 PM](#)

REUBEN HANKE stated that he and his wife own and operate a fishing business on the Kenai River. He concurred with Mr. Gease that he has not had an opportunity to interact with Mr. Huntington at all, but he hoped to do so soon. He said he was also impressed with Mr. Huntington's answers. He offered a neutral position on the appointment of Mr. Orville Huntington to the BOF.

[5:23:37 PM](#)

MELVIN GROVE gave a brief synopsis of his affiliations. He said he is the president of the Prince William Sound Charter Boat Association, a member of the Mat-Su Fish and Game Advisory Committee, a board member of the AOC, and president of Alaska Outdoor Access Alliance; however, he is testifying on behalf of himself. He related he missed some of Mr. Huntington's testimony. He said he was concerned about the Native preference that Mr. Arno previously discussed and was in agreement with his comments. He said if Mr. Huntington is in support of all Alaskans as subsistence users he will support his nomination. He offered his belief this must be the basis for anyone serving on the BOF since the core principle is that everyone must be able to participate in any harvestable surplus. He reiterated that if Mr. Huntington believes in this core principle he will support his nomination.

[5:25:29 PM](#)

ROSE FOSDICK, Member, Kawerak Inc., stated that Kawerak Inc. is a nonprofit regional organization representing 20 communities in Northwest Alaska. She stated support for the appointment of Mr. Orville Huntington to the BOF. She said that Mr. Huntington is a lifelong resident of Alaska. He is knowledgeable in subsistence fishing means and methods of harvest and processing. He also understands the Yukon River and has a good historical knowledge of the fisheries resources. Further, he understands the policies and procedures of the BOF from the public side as a result of his efforts and participation in the process of regulation changes. She acknowledged his rural perspective and traditional knowledge of local people in natural resources, which is why Kawerak Inc. fully supports Mr. Orville Huntington's nomination to the BOF.

[5:27:26 PM](#)

ANDY SZCZESNY stated he does not know Mr. Huntington; however, he offered his support for the appointment of Mr. Orville Huntington to the BOF.

[5:28:07 PM](#)

MIKE KRAMER stated that he is a long-term member of the Fairbanks Fish and Game Advisory Committee, although he is not speaking on behalf of the advisory committee today. He related he has served as the fisheries subcommittee chair for many years. He did not have a position on Mr. Huntington. He expressed his preference to have a strong Interior Alaska voice,

preferably from Fairbanks, who understands the local issues serving on the board. He said it sounds like Mr. Huntington has a very good grasp of Yukon River issues, which is important to Interior Alaskans. He expressed concern, as did Mr. Arno, with Mr. Huntington's comments with respect to aboriginal rights. He, too, looked forward to meeting with Mr. Huntington and learning more about his views on those issues. He urged the committee to ensure that Interior Alaska has adequate representation on the BOF.

[5:30:12 PM](#)

HEATH HILYARD, Executive Director, SouthEast Alaska Guides Organization (SEAGO), echoed Mr. Gease's comments in support of decisions based on the scientific approach of the department, which he suggested is one of the most critical considerations when selecting a board member. He stated that SEAGO is neutral on Mr. Huntington's appointment, but he was encouraged by some of his comments, his qualifications, and his positions.

[5:31:14 PM](#)

GEORGE PIERCE expressed concern with representation on the BOF. He offered his belief that the BOF has been heavily influenced by outsiders and special interest groups, such as the KSFA. The BOF's members should have expertise in science and biology and represent the people statewide not nonresidents. He urged members to evaluate the potential members and to remove those with political motivations. He offered his belief that the BOF has been politically motivated. He disagreed with the governor's prior selections to the BOF. He urged the committee members to fix the corruption on the BOF.

[5:33:43 PM](#)

CHAIR THOMPSON closed public testimony on the confirmation hearing for Mr. Orville Huntington to the BOF.

[5:34:01 PM](#)

REPRESENTATIVE MILLER referred to the comment that all Alaskans are subsistence users and asked for clarification on his comment.

MR. HUNTINGTON offered his belief that he wrote those comments when he was working for the federal Fish and Wildlife Service just after he graduated from college. He characterized his

views as being pretty "gung ho" back then. He said he supports the rights of all subsistence people receiving their fair share. He did not think there was any question about that and he did not think it was an issue.

5:35:25 PM

CHAIR THOMPSON announced that the final order of business would be the confirmation hearing for Mr. Karl Johnstone to the BOF.

5:36:02 PM

KARL JOHNSTONE, Appointee, Alaska Board of Fisheries (BOF), Alaska Department of Fish & Game (ADF&G), provided a brief biography, relating he came to Alaska from law school in 1967 and quickly discovered Alaska was the place for him, due in part to career opportunities, but primarily due to outdoor activities. He has been a resident since then. He was appointed to the Superior Court by Governor Hammond in 1979 and served on the court until the late 1990s. Additionally, he served as the presiding judge of the Third Judicial District. He then briefly worked as a mediator, arbitrator, and lawyer. He reviewed his previous experience, noting he was appointed to the BOF in December 2008 to serve out a term. He was appointed to a full three-year term in 2009. Last October he was elected as chairman of the BOF. He spoke about his initial service on the board, indicating that he thought he knew a lot about fisheries resources since he had commercially fished for salmon in Bristol Bay and for herring in Southeast Alaska Prince William Sound. However, he quickly discovered the steep learning curve necessary to understand fisheries issues. He emphasized that it takes three years to complete a full cycle to hear proposals from all areas of the state. He declared that in most cases board members become better members in their second term. He concluded by stating that with his background and experience he fits that category and is willing to serve another term. He said he finds the job very challenging, if not particularly enjoyable. He emphasized the state has been good to him and his family and he finds board services as one means to give back to the state.

5:38:23 PM

REPRESENTATIVE HERRON said he has never met Mr. Johnstone, but has seen news reports when he had acted as a judge on some court case. He referred to the appointee's statement that it is a difficult job, yet enjoyable. He asked whether the governor

approached him or if he asked the governor to allow him to serve a second term.

MR. JOHNSTONE clarified that the first term he served one year but initially turned down the appointment; however, Governor Palin asked him to serve so he accepted. He related that he did not object to serving a subsequent term. He clarified that he did not say he enjoyed the job; rather the job is not enjoyable, but he finds it challenging. He characterized the BOF's service as engaging, challenging, and worthwhile.

REPRESENTATIVE HERRON reported that he has received numerous e-mails with respect to Mr. Johnstone's reappointment for another three-year term. He said, "Most of the time, to be perfectly honest, it's about having a Board of Fish member who - quote, unquote - 'commutes' from the Lower 48. Can you please comment on that?"

MR. JOHNSTONE said this isn't the first time his residency has been questioned. He stated he is qualified to assess residency since he has often decided those issues as a judge and lawyer. He said he does not commute to Alaska, but after retiring as a judge has spent winters outside of the state in Prescott, Arizona to remain active. He highlighted that he has maintained his voting residency in Alaska and his cars are registered in Alaska. Additionally, he has resident hunting and fishing licenses, conducts his business from Anchorage, and has owned a home in Anchorage since 1968. He has received the permanent fund dividend (PFD) check for the past few years and he intends to remain a resident of the state. He offered his belief that owning a home in Prescott, Arizona does not legally preclude his residency in Alaska. He just doesn't want to spend winters in Alaska and thousands of other Alaskans travel outside Alaska during the winter and don't lose their residency. He agreed he is not in Alaska full-time, but spends enough time in Alaska to maintain his residency.

REPRESENTATIVE HERRON asked whether he applies for a PFD.

MR. JOHNSTONE replied yes. He said he has applied for and received his PFD check the last three years.

[5:42:52 PM](#)

REPRESENTATIVE KAWASAKI referred to documents from his office received in opposition to Mr. Johnstone's appointment. He acknowledged that he normally doesn't give unsigned documents

much weight; however, he summarized the allegations in a four-page unsigned letter. The letter alleges he winters in Arizona where he maintains a home for eight months of the year. Further, the letter alleges that in the past two years the BOF met in Anchorage for a total of 43 days and Mr. Johnstone collected per diem during that time. He asked whether this is true and for him to outline any extenuating circumstances.

MR. JOHNSTONE said he addressed this several times in the past thirty days. After the first two meetings he realized the job extended beyond eight hours. He related that the BOF meets long days, beginning at six in the morning and often go late into the evening. He asked the executive director about the policy. He said he did not demand a hotel, but he informed staff he did not want to spend time outside the meetings at breakfasts and dinners being "wined and dined" while meeting with stakeholders and then have to drive the 15 or so miles to his home at 10 or 11 p.m. He said he was told it was preferable for him to stay in the city and other state employees in similar circumstances have stayed in hotels and received per diem. He agreed to do so. He received approval to remain in the city, versus. He said, "Apparently I was issued a waiver at the request of the board-supported executive director from the rule that under normal circumstances prohibited paying for a hotel (indisc.) or per diem when attending a meeting in a city he lived in." He related that [the waiver] was issued by Kevin Brooks, administrative director of the Alaska Department of Fish & Game (ADF&G) because he found it was in the best interest of the state to have him remain close at hand, versus him driving the 30-45 minute commute home. He said he agreed with the decision. He concluded by stating that a procedure and policy was set forth and he has followed those policies.

REPRESENTATIVE KAWASAKI offered to provide him with a copy.

[5:48:46 PM](#)

BILL BROWN, Member; Vice-Chair, Board of Fisheries, Alaska Department of Fish & Game (ADF&G) stated he was appointed in 2008 by Governor Palin and reappointed in 2011 by Governor Parnell. In 2008, he met Mr. Johnstone and served with him on the BOF for four years. He said feels he knows him very well and gives him the strongest possible recommendation. He pointed out Mr. Johnstone comes to meetings extremely well prepared, despite that members often have 2,000 pages of materials to read for a meeting. Mr. Johnstone brings extensive notes to meetings, attesting to his preparation. He brings a sense of

fairness to the BOF, considers all sides of issues, and he brings a unique background of commercial fishing, sport fishing, and legal expertise to the BOF. He acknowledged at times Mr. Johnstone is brusque, but he still listens to people and spends significant time with stakeholders. As chair, he runs the BOF meetings well and allows everyone an opportunity to speak. While he often does not share Mr. Johnstone's viewpoint and he often votes differently from him, he respects Mr. Johnstone's opinion. He emphasized an effective board must have members with broad knowledge and perspective who have a statewide perspectives on all fishing sectors, including subsistence and commercial fishing. He concluded his testimony by stating, "I give him the highest possible recommendation, Mr. Chair."

[5:52:23 PM](#)

REED MORISKY related that he is a sport fishing guide in Interior Alaska. His family owns a sport fishing guide business in Fairbanks. He offered his favorable support for the appointment of Mr. Karl Johnstone to the BOF. He described Mr. Johnstone's decision-making process as even handed. He also finds him to be neutral on sport fishing and commercial fishing. He concluded by reiterating that Mr. Johnstone is an even-handed, well-considered board member who takes everyone's insight into consideration. He understands and applies the principles of Alaska's Constitution in the BOF process. He concluded that he supports the confirmation of Mr. Johnstone to the BOF.

[5:53:56 PM](#)

HOWARD DELO, Member, Matanuska-Susitna Borough Fish and Wildlife Commission, stated he is a past member of the BOF. He spoke in support of Mr. Karl Johnstone's reappointment to the BOF. He served with him for about 18 months as a fellow board member. He echoed Mr. Brown's statements about Mr. Johnstone's preparedness. He described him as one of the most knowledgeable board members. He has the ability to clarify discussions and puts the fish resources first to ensure that the resource is protected. Further, the appointee has been even handed and fair in determining allocation issues. He offered his belief that Mr. Johnstone represents the best qualities of a board member. He agreed a board member becomes more valuable when they serve a second term. He concluded by stating that he firmly supports Mr. Johnstone's confirmation to the BOF for a second term.

[5:58:05 PM](#)

ANDREW COUCH stated he is a member of the Matanuska-Susitna Fish & Game Advisory Committee and has served on the Matanuska-Susitna Borough Fish and Wildlife Commission. He said he is a fishing guide in the Matanuska-Susitna Valley and owner of Fish Tale River Guides. Additionally, he said he is a member of the Alaska Outdoor Council (AOC), the Alaska Sportfishing Association, the Mat-Su Anglers Club, but is representing himself today. He offered his support for the reappointment of Mr. Karl Johnstone to the BOF. He stated he has had direct experience with the appointee, which has been positive. He highlighted that Mr. Johnstone considers conservation of the resources, noting the significant concern which has been raised over Mat-Su fisheries stocks. He indicated Mr. Johnstone has worked to resolve these issues, which are ongoing. He noted he has personally submitted proposals to the BOF, some of which the appointee has not supported; however, he has found Mr. Johnstone is well prepared for meetings and he fully supports him serving another term on the BOF.

[6:01:11 PM](#)

BRUCE KNOWLES stated he serves on the Susitna Fish and Game Advisory Committee and he also serves on the MSB's [Fish and Wildlife Commission]. He characterized Mr. Johnstone as one of the top five board members who have served on the BOF in the past twenty years. He credited him with the ability to shape the issue concisely and as someone who has helped resolve longstanding issues in the Cook Inlet. He described him as a dynamic leader, capable of resolving upcoming issues in the next three years, who puts the fishery resources first. He offered his support for the reappointment of Mr. Karl Johnstone to the BOF.

[6:02:39 PM](#)

MELVIN GROVE stated he runs a charter fishing operation in Valdez and serves as president of the Prince William Sound Charter Boat Association. He provided a partial list of his affiliations, including that he serves on the Alaska Outdoor Access Alliance and as a committee member on the Mat-Su Fish and Game Advisory Committee. He said he has participated in numerous BOF meetings. While he acknowledged Mr. Johnstone as a professional who runs a great meeting, he said he disagrees with Mr. Johnstone's vote on the Chitina Dipnet Fishery. He offered his belief that vote went against the core value that all Alaskans are subsistence users given that many people had

established a history of fishing in that fishery for years. He suggested that may be his own philosophy, but many people he knows share this core value. While Mr. Johnstone seemed fair in a number of his decisions, the previously mentioned core principle is lacking. He emphasized that Alaskans should come first over commercial fishing use. He preferred to have someone serve on the board that will hold the core values and principles that Alaskans come first as subsistence users.

[6:05:47 PM](#)

ROLAND MAW observed that some suitability issues have arisen and he finds Mr. Johnstone short with members of the public. He has also observed rather loud discussions arise in the community. He reiterated that suitability issues have arisen during Mr. Johnstone's current tenure and he does not appear to be tolerant of some input from residents. He suggested that while some suitability and temperament issues exist, if Mr. Johnstone doesn't repeat this behavior it could result in a positive experience in the future. He questioned, given the temperament issues, whether Mr. Johnstone should serve a second term.

[6:07:20 PM](#)

MIKE CRAWFORD stated he is the current chair of the Kenai-Soldotna Fish and Game Advisory Committee and serves as the president of the Safari Club on the Kenai Peninsula; however he is speaking on behalf of himself today. He has attended numerous Board of Fisheries and Board of Game meetings. He indicated he has found Mr. Johnstone well prepared for meetings and his legal, sport fish, and commercial fishing background are beneficial. Further, he runs an organized, direct, and timely meeting and makes himself available before, during breaks, and after the meetings. He said Mr. Johnstone has done a good job and he would like to see him continue on the BOF. He offered his support for the reappointment of Mr. Karl Johnstone to the BOF.

[6:08:22 PM](#)

JOE CONNERS stated he has lived on the Kenai River at Sterling for the last forty years. He said he is a lodge owner and runs a charter business. He related he has participated in nearly all the committees and activities for the last 35 years. He said he has been extremely pleased with Mr. Johnstone's demonstrated behavior to date. He likes his analytical skills and that he "cuts to the chase." He described him as very

knowledgeable. He spoke in support of the reappointment of Mr. Karl Johnstone to the BOF, simply based on his behavior.

[6:09:31 PM](#)

MONTY ROBERTS stated he has a number of groups he supports, but he would stick to making comments on his observations about Mr. Johnstone's service on the BOF. He related that Mr. Johnstone knows the issues and makes balanced and fair decisions, whether the decisions were in his favor or not. He offered his support for the reappointment of Mr. Karl Johnstone to the BOF.

[6:10:34 PM](#)

DAVID GOGGIA, President, Kenai River Professional Guide Association (KRPGA), stated he is a longtime Kenai resident. He echoed the earlier testimony with respect to the positive influence Mr. Johnstone has had on the BOF. He described him as easy to talk to, accessible, and knowledgeable. He said the board would be at a loss if Mr. Johnstone was not reappointed. He concluded by stating he would appreciate members' vote and support for the reappointment of Mr. Karl Johnstone to the BOF.

[6:11:22 PM](#)

STAN MALCOM, Member, Petersburg Charter Boat Association (PCBA), offered his support for the reappointment and confirmation of Mr. Karl Johnstone to the BOF. He said he has attended all of Southeast Alaska's BOF meetings since Mr. Johnstone was first appointed to the BOF and has no doubt that Mr. Johnstone's primary concern is for the long term sustainability of our fish resources. He noted that how the department manages those resources does not result in Mr. Johnstone's automatic endorsement of their recommendations. His professionalism and how he conducts the board process as chair is the best he has seen during his attendance of over 20 years of Board of Fisheries meetings. He described Mr. Johnstone's approach to decision making as fair and reasoned regarding the state's resources and management, as well as how those decisions affect different user groups. He offered his belief that it will be a loss for the state if Mr. Johnstone is not confirmed.

[6:12:51 PM](#)

RICKY GEASE, Executive Director, Kenai River Sportfishing Association (KRSA), related that the KRSA is a nonprofit fishery conservation organization in Soldotna. He has personally

attended many BOF meetings in the Cook Inlet and around the state. He offered the KRSA's full support for the reappointment of Karl Johnstone to the BOF. He related that Mr. Johnstone's judicial background and training are evident when it comes to seeking and eliciting input on the differing viewpoints proposals that come before the BOF. He said Mr. Johnstone is well prepared, in fact, he has not seen a better prepared member. He related a scenario during which several weeks of meetings were held on an issue in Cook Inlet. He surmised that Mr. Johnstone was the only board member who read through thousands of pages of materials. Further, he found Mr. Johnstone approachable and interested in feedback and opinions of the user groups.

MR. GEASE said he has noticed Mr. Johnstone's approach as board chair. First, Mr. Johnstone has set up a process for the BOF to use on contentious issues. Second, he has worked to reconsider policies and procedures with respect to conflicts of interest. Third, he has built a record of decision-making into the process. He provided an example of record building, such as when a regulation was adopted, but the regulation was not based on language approved by the board. The record and BOF's audio for the meeting was reviewed and in doing so it was evident that the clearest discussion came from Mr. Johnstone's thorough testimony since Mr. Johnstone went line-by-line through the proposals to clarify with the department and legal exactly what was meant. He said the outcome was the regulation was appealed to the commissioner and the BOF. He reiterated that Mr. Johnstone is thorough, well prepared, and his legal expertise is a bonus to the board. Further, his background in commercial fisheries, personal use, and sport fishing is very important. He characterized the BOF as a difficult board on which to serve, noting many people underestimate the time, effort, and intensity that it takes to work through the board process. He considered Mr. Johnstone BOF's service the gold standard.

[6:16:42 PM](#)

REUBEN HANKE stated he and his wife own a business on the Kenai. He said he has had the pleasure of working with Mr. Johnstone in Cook Inlet meetings as well as observing him during the Board of Fisheries meetings. He said he finds Mr. Johnstone very approachable before, during breaks, and after every meeting and he makes himself very accessible to people. He agreed with Mr. Gease that Mr. Johnstone has been working to establish policies and procedures that contribute to the transparency, which is important to the public process.

6:18:17 PM

ANDY SZCZESNY, Member, Board of Directors, Kenai River Guide Academy (KRGGA), stated he is a former BOF member. He stated everyone has already stated all of the good things about Mr. Johnstone. He said he is one of the brightest and most prepared members he has seen in 20 years. He spoke in support for the reappointment of Mr. Karl Johnstone to the BOF.

6:18:41 PM

MIKE KRAMER spoke in support of the reappointment of Karl Johnstone to the BOF. He echoed former member Mr. Delo's comments about a board member's second term since the member will have gone through the complete cycle of proposals and can better understand the fisheries in the state. He said he doesn't always agree with Mr. Johnstone, but he appreciates some of the procedural changes he has made on the BOF, which has resulted in more efficient and transparent meetings. He offered his belief that Mr. Johnstone is a leader on the board. He concluded by reiterating his support for Mr. Johnstone's reappointment to the BOF.

6:19:35 PM

HOLLY VANPELT stated she is a 38-year resident of Alaska. She has previously participated in the charter industry; however, she is currently a recreational angler. She said she has also testified and attended numerous fisheries meetings. She stressed the importance that a person serving on a decision-making process be diligent, informed, and put the resources first. She said she listened to today's testimony and found the predominate view to be that Mr. Johnstone is a well informed and well-respected person, as well as an efficient handler of the process. She concluded that she would like to see Mr. Johnstone reappointed to achieve a transparent and well-functioning BOF.

6:20:43 PM

HEATH HILYARD, Executive Director, SouthEast Alaska Guides Organization (SEAGO), echoed earlier remarks. He offered the SEAGO's unqualified support for the reappointment of Mr. Karl Johnstone to the BOF. He related a personal experience he had in March 2012, attending his first BOF meeting as the executive director of SEAGO. While he was fortunate to have other members advise him, Mr. Johnstone provided feedback to better help him

understand the process. He recalled one particular proposal that SEAGO proposed with respect to changes in the allocation of commercial rockfish in Southeast Alaska. He approached Mr. Johnstone regarding the merits of the proposal. He found Mr. Johnstone listened intently, but Mr. Johnstone made comments that he did not find sufficient evidence in the proposal to warrant reallocation at this time. He has also viewed his action on other proposals and in each one Mr. Johnstone demonstrated his deference to scientific support for the fisheries. He echoed earlier comments about Mr. Johnstone's preparedness and engagement. He concluded with SEAGO's wholehearted support for Mr. Johnstone's reappointment to the BOF.

[6:23:17 PM](#)

GEORGE PIERCE stated his opposition for the reappointment of Mr. Karl Johnstone to the BOF. He said the BOF needs to be investigated. He expressed concerns about special interest groups serving on the board and noted one reason people want Mr. Johnstone to continue to serve is that they all agree. He suggested that scientists and biologists should serve on the fish board. He offered his belief that fish guides have been representing their own interests. He questioned whether residents have been heard from at this hearing and how informed Mr. Johnstone could be if he only lives in Alaska part time. He recalled that the sport fishing guides all testified on Mr. Johnstone's behalf. He suggested that the system should be broken up. He testified several years ago on the personal use fishery, which he characterized as a bad fishery. He declared it to be overfished. He noted that it kills the habitat, kills people, and the BOF doesn't address this issue. He surmised that the BOF does not look out for the residents of Alaska, but looks out for special interest groups.

MR. PIERCE referred to an earlier comment that Mr. Johnstone [and other board members are] "wined and dined." He said, "We don't need them wined and dined." He suggested the BOF members currently have lunch and barbeques with the sports fishing organizations. He also said, "We need scientists, gentlemen, and it's up to you to break this chain." The board members should be available for 12 months out of the year. He urged the committee to withhold the advancement of this appointee. He concluded the state doesn't need judges to make fisheries' decisions; instead, we need biologists and someone who represents Alaskans to make them. He asked members to change this cycle and get someone on the BOF that will do what's right.

He expressed frustration that the BOF will not meet on the Kenai Peninsula even though ninety percent of proposals are generated from the area. He questioned why the BOF does not meet on the Kenai Peninsula, which he characterized as a "slap in the face" to the residents on the Kenai Peninsula who are disenfranchised unless they go to Anchorage or Ketchikan to attend BOF meetings. He concluded by stating that special interest groups are controlling the [BOF.]

[6:27:04 PM](#)

CHAIR THOMPSON closed public testimony on the confirmation hearing for Mr. Johnstone to the BOF.

[6:27:18 PM](#)

CHAIR THOMPSON announced that the House Special Committee on Fisheries has reviewed the qualifications of the governor's appointees referred to the House Special Committee on Fisheries.

REPRESENTATIVE THOMPSON moved to advance the confirmations for the appointees and to forward the names of Mr. Orville Huntington and Mr. Karl Johnstone on to the joint session of the legislature for confirmation by the full body. He noted that each member's signature on the committee's report in no way reflects the member's vote during the joint floor session. There being no objection, the confirmations were advanced.

[6:27:48 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 6:27 p.m.