

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

February 22, 2012

1:19 p.m.

MEMBERS PRESENT

Representative Eric Feige, Co-Chair
Representative Paul Seaton, Co-Chair
Representative Alan Dick
Representative Bob Herron
Representative Scott Kawasaki

MEMBERS ABSENT

Representative Peggy Wilson, Vice Chair
Representative Neal Foster
Representative Cathy Engstrom Munoz
Representative Berta Gardner

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Big Game Commercial Services Board

Michele Metz - Douglas
Brenda Rebne - Anchorage

- HEARD

Board of Game

Lynn Keogh, Jr. - Anchorage

- HEARD

Fishermen's Fund Advisory and Appeals Council

Clay Bezenek - Ketchikan
James Herbert - Seward

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

MICHELE METZ, Appointee
Lands Manager, Sealaska Corporation
Douglas, Alaska

POSITION STATEMENT: Testified as appointee to the Big Game Commercial Services Board (BGCSB).

BRENDA REBNE, Appointee
Anchorage, Alaska

POSITION STATEMENT: Testified as nominee for reappointment to the Big Game Commercial Services Board (BGCSB).

LYNN KEOGH JR, Appointee
Anchorage, Alaska

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

JENNY PURSELL
Juneau, Alaska

POSITION STATEMENT: Testified during the confirmation hearing of Mr. Keogh to the Board of Game.

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

POSITION STATEMENT: Testified in support of Mr. Keogh as nominee to the Board of Game.

VALERIE CONNOR, Conservation Director
Alaska Center for the Environment (ACE)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to the nominee, Lynn Keogh, to the Board of Game.

AL BARRETT
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of Mr. Keogh as nominee to the Board of Game.

TERESA SAGER ALBAUGH
Tok, Alaska

POSITION STATEMENT: Testified in support of Mr. Keogh as nominee to the Board of Game.

CLAY BEZENEK, Appointee

Ketchikan, Alaska

POSITION STATEMENT: Testified as nominee for reappointment to the Fishermen's Fund Advisory and Appeals Council (FFAAC).

JAMES HERBERT, Appointee

Seward, Alaska

POSITION STATEMENT: Testified as nominee for reappointment to the Fishermen's Fund Advisory and Appeals Council (FFAAC).

JERRY MCCUNE

Juneau, Alaska

POSITION STATEMENT: Testified in support of the two appointees to the Fishermen's Fund Advisory and Appeals Council.

ACTION NARRATIVE

[1:19:21 PM](#)

CO-CHAIR PAUL SEATON called the House Resources Standing Committee meeting to order at 1:19 p.m. Representatives Herron, Dick, Kawasaki, Feige, and Seaton were present at the call to order.

CONFIRMATION HEARINGS: **Big Game Commercial Services Board**

[1:19:44 PM](#)

CO-CHAIR SEATON announced that the only order of business would be confirmation hearings for the Big Game Commercial Services Board, Board of Game, and Fisheries Fund Advisory Council. He noted that due to a large number of committee members being absent, he would delay the moving forward of the names of the appointees. He began with the Big Game Commercial Services Board (BGCSB), requesting appointee Michele Metz to state her background and why she would like to be on the board.

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MICHELE METZ, Appointee, Lands Manager, Sealaska Corporation, stated that she is seeking to fill one of the private landowner seats on the Big Game Commercial Services Board, which would be Sealaska Corporation. She explained that big game guiding has informally occurred on Sealaska lands through leases since 1992. Recently, Sealaska revisited this issue and Sealaska considers the leasing as a good employment for shareholders. She said

that being involved on the board would be a good education for her and the corporation and she could be a good servant for the public.

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REPRESENTATIVE KAWASAKI inquired whether Ms. Metz was asked to serve on the board and what made her be interested in serving on the board.

MS. METZ answered that she became aware of the board through her position at Sealaska Corporation. She indicated that Sealaska leadership has expressed interest in learning more about the guiding. Thus, Sealaska had several meetings with the Alaska Department of Fish & Game (ADF&G), the U.S. Forest Service, and the Big Game Commercial Services Board (BGCSB). Additionally, she has held conversations with the Department of Commerce, Community & Economic Development (DCCED), and through this process she was asked to serve; however she was not asked to complete an application form.

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CO-CHAIR SEATON, on Representative Kawasaki's behalf, offered to ask Ms. Metz a few questions that normally are answered by applicants when they fill out the application form. He then asked whether she was a registered voter.

MS. METZ answered yes.

CO-CHAIR SEATON asked whether Ms. Metz has been convicted of a misdemeanor within the last five years or a felony within the last ten years.

MS. METZ answered no, she has not been convicted of either.

CO-CHAIR SEATON asked whether Ms. Metz was willing to provide full disclosure of personal financial data under AS 39.50.010 if she is required to do so to serve on the board or commission.

MS. METZ answered yes.

CO-CHAIR SEATON asked if Ms. Metz or anyone in her family would be affected financially by any decisions made by the board or commission she is applying to serve on.

MS. METZ answered no, she or her family would not have any personal benefit or gain by decisions she would make as a board member.

REPRESENTATIVE KAWASAKI commented that the committee has a copy of Ms. Metz's resume, which lists her certifications, licensure, and education. He noted that the board application form asks further questions, but said he thought her resume covered them.

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REPRESENTATIVE HERRON recalled that Ms. Metz's reason to serve and to fill one of the seats is to protect the interests of large landholders like Sealaska. He said her reasons seemed obligatory in order to protect her employer's interests and that her skill sets related to her job will help make the BGCSB understand the interests of large landowners such as Calista and Sealaska.

MS. METZ offered her belief that this reason represents one component of service on the BGCSB. She acknowledged that while each corporation is different they all face some of the same issues, such as balancing big game with subsistence use, managing for trespass, and to ensure the people using the land will follow the laws and regulations of the state and federal government.

REPRESENTATIVE HERRON pointed out that many people seem to think Ms. Metz's skills are superior to keep and perform her current job. He said it appears to him that serving on the board is one of the chores she must perform as part of her job. He inquired as to whether she has any other reason to want to serve on the Big Game Commercial Services Board (BGCSB).

MS. METZ answered she spends a lot of her time volunteering in different capacities as noted on her resume. She said she believes in giving back to her community and serving on the board is one way she could fulfill that role.

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CO-CHAIR SEATON asked whether service on the BGCSB is a requirement for her job as land manager at Sealaska or if it is her personal desire.

MS. METZ answered that serving on the board is a personal desire. She said her supervisor and upper management support her seeking this position, but they did not ask her to do so.

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CO-CHAIR FEIGE asked Ms. Metz to describe the nature of her duties at Sealaska with respect to natural resources.

MS. METZ answered that she has been with Sealaska since 2002 and was initially hired in Sealaska's Natural Resources Department as an administrative assistant. She was promoted after a year but performed her duties under close supervision, which included managing land entry agreements, lease agreements, trespass, land records such as conveyance documents, and working with the geographic information system (GIS) manager on mapping the easements and rock pits. Additionally, she managed 83 historical sites. After approximately four years she was promoted to the lands manager position, and although the duties are the same, she has less supervision and more authority and responsibilities.

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CO-CHAIR FEIGE suggested that the BGCSB would not have much to do with managing the lands directly, but one of the issues that the board will be seeing is that of the guiders. He related his understanding that DNR plans to unveil a program that would essentially parcel out the various areas of the state for guides to operate. He characterized this as essentially creating a concession for a specific time period. He asked for her opinion of the proposed DNR program in terms of managing the big game natural resources.

MS. METZ said she was unsure since she did not have enough information on this issue to form an opinion. She pointed out that she saw the notice and has a basic understanding of the guide use areas managed on federal lands. She indicated that if the state were to manage guide use areas in the same way, she does not yet have enough information to form an opinion.

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CO-CHAIR SEATON offered his belief that Ms. Metz has a good background to fill the seat representing private landowners on the BGCSB. He explained that the nominees will be brought up at a future meeting to move the names forward. He appreciated Ms.

Metz's testimony and suggested that she may wish to participate telephonically at a subsequent hearing.

CO-CHAIR SEATON closed public testimony on Ms. Metz's appointment to the BGCSB after ascertaining that no one wished to testify.

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CO-CHAIR SEATON requested that the next appointee to the Big Game Commercial Services Board, Brenda Rebne, state why she would like to serve on the board and whether she would be filling a specific seat.

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BRENDA REBNE, Member, Big Game Commercial Services Board (BGCSB), said she has served for three years on the Big Game Commercial Services Board (BGCSB). In response to Co-Chair Seaton about why she is seeking reappointment to the board, she said she has been pleasantly surprised with the interactions of the board with respect to the guiding industry. She explained that she came to the board with a strong subsistence background, which has continued to be the case. She has found that her participation on the board has given her a much deeper understanding of the big game guide-outfitter industry. She has found that subsistence use and the guide-outfitter industry have much more in common than not, particularly in terms of protecting the harvestable game resources. She reported that this aspect, protection of game resources, is as important to the industry as it is to subsistence users. She offered her belief that her service on the board has fostered a better understanding and relationship between the two user groups.

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MS. REBNE related that she is a tribal member of the [Ahtna Native Regional Corporation], and Ahtna, Inc. has had extensive opportunities to deal with trespassing, which has not been limited to guides or transporters. She offered her belief that guides have a vested interest in protecting the lands they work and operate on and she finds the relationship interesting. She said she would like to continue to serve on the BGCSB. She pointed out that she is still in the process of learning because the guide-outfitter industry is very complicated and the regulations continue to change. She suggested that the BGCSB needs more authority to make more effective changes. She

reported that the board interacts very well together and is composed of a member from Board of Game, a public member, and members from the guide-outfitters, transporters, and private landholders. She characterized her experience in serving on the BGCSB as very positive.

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CO-CHAIR FEIGE asked Ms. Rebne whether she was familiar with the proposed DNR program to establish guide-outfitter concession areas across the state and if she thought the proposed program would benefit the state.

MS. REBNE answered she was familiar with the proposed DNR program since the BGCSB has been participating in that effort. She said in her opinion it is a good idea. She pointed out that she also sits on the Alaska Federation of Natives (AFN) and has asked AFN members to comment by region on the proposal. She has not yet formed a formal opinion on the issue since the DNR program will directly impact the guides. She has been listening to the guides to identify and understand their concerns related to the specific criteria. A concern from the perspective of rural communities is that the fee criteria for the concessions do not provide any protection for rural communities, such as giving the rural communities additional points. She stressed that while it may not be her place to do so, she will still promote that concept. She emphasized that in instances in which the number of people operating in the industry are limited, rural Alaskans need to have employment opportunities and she would want to promote that aspect.

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CO-CHAIR FEIGE asked whether the proposed DNR program would benefit rural areas of Alaska as well as management of the resources.

MS. REBNE said she couldn't specifically agree to the statement. In instances in which the program will set limits on the number of operators in an area, she strongly supports that opportunities must first be given to local residents or local guides in the industry. She emphasized she has a strong opinion with respect to local residents having opportunities. She reiterated that whenever harvests are limited in any area it will benefit the [game] population, but the proposed DNR proposal does not necessarily address the opportunities for transporters and others in the industry to still harvest those

animals. She assessed the DNR proposal as moving in the right direction, but not really going far enough to offer protections for the game resources.

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CO-CHAIR SEATON asked whether Ms. Rebne's seat on the BGCSB is a designated seat.

MS. REBNE answered yes, she holds one of the large private landholder seats on the BGCSB.

CO-CHAIR SEATON offered his appreciation of Ms. Rebne's testimony and reiterated that the committee will take up these nominations at a future meeting.

Board of Game

[1:41:43 PM](#)

CO-CHAIR SEATON moved to the confirmation hearing of Lynn Keogh, Jr., appointee to the Board of Game. He requested Mr. Keogh to state why he would like to serve on the board and to provide his background and qualifications.

LYNN KEOGH JR, Appointee, stated that he was born and raised in Anchorage and has owned and operated a fishing guide service with his wife for the last 26 years. He said he is also a registered hunting guide and traps full-time during the winter. He said his diverse experience makes him a good candidate for the Board of Game because he has traveled throughout the state in his fishing, guiding, and trapping activities, and this basic knowledge will be an asset to the Board of Game.

CO-CHAIR SEATON asked for confirmation that Mr. Keogh has a U.S. Coast Guard license is current.

MR. KEOGH answered yes, he has held the captain's license for the past 25 years.

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REPRESENTATIVE HERRON understood that the governor appointed Mr. Keogh to the Board of Game approximately eight months ago. He asked Mr. Keogh to state why he would like to continue serving on the board.

MR. KEOGH answered that he enjoys the process. He served several years on the Anchorage Fish and Game Advisory Committee. He related that he has submitted proposals to the Board of Game and has also testified on behalf of the board. He offered his belief that this process is the greatest process of any state in the nation, as well as the most public process [in the nation]. He said his experiences in various areas of the state lead him to believe he will be an asset to the Board of Game.

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REPRESENTATIVE HERRON said he has not met Mr. Keogh and has no bias; however, in terms of full disclosure, he reported that he is one of several legislators who have received e-mails from concerned citizens about Mr. Keogh's appointment, specifically pointing to some court cases. He asked Mr. Keogh to elaborate.

MR. KEOGH responded that he experienced "a hiccup" in his business in early 2000 when [the terrorist attacks of September 11, 2001] happened. Thinking that the attacks would not affect his business he purchased new equipment, including a truck and boat, but the next season he suffered about a 50 percent reduction in business. He acknowledged that his debt load was "pretty tight" and said he and his wife struggled for several years and could have gone bankrupt. Instead, they buckled down, downsized, and today their business is healthier than it has been in years. He added that while he and his wife were able to "pull it back out," there were definitely some "hiccups." He commented the experience is not something he would like to repeat.

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CO-CHAIR SEATON asked whether the court records were all financial dealings related to Mr. Keogh's business. He further asked whether Mr. Keogh has any misdemeanors or violations of law.

MR. KEOGH said he has not looked at the court listing. He summarized his prior court history. He explained that he has had some moving violations, which were tickets. He related that his business is a sole proprietorship so the court cases were directed at his business related expenses. He also sold a boat to a person who came back four months later identifying problems with the boat. He did not believe the boat problems existed at the time he sold the boat. Therefore, the case went to small claims court where the matter was resolved. He couldn't

specifically recall, but he thought that he paid approximately \$380 or \$390 to settle the matter.

CO-CHAIR SEATON referred to page two of Mr. Keogh's application and observed that Mr. Keogh answered no to the question about having ever been convicted of a misdemeanor within the past five years or a felony within the past 10 years. He asked whether that answer is correct.

MR. KEOGH answered yes.

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REPRESENTATIVE KAWASAKI pointed out that some court cases have been identified for committee members to review and these cases were derived by searching CourtView, which is the Alaska Court System's searchable online database of trial court cases. He offered that he even typed in his own name which brought up a speeding ticket in 1996 and operating a motor vehicle without having his driver's license on his person in 1993. He referred to Mr. Keogh's CourtView as part of the process to determine his qualifications to serve. He clarified that these cases are not felony or misdemeanor cases but are relevant cases. He then referred to a charge on July 27, 2004, which is listed in CourtView as Commercial Fish Permit Stip and pertains to commercial activity without a proper permit. A second charge on July 27, 2004, specifically pertains to using an outboard motor in the Kenai River Special Management Area, which again was a violation. He said he further researched the cases and the first one related to conducting commercial activity without the proper permit. He pointed out an additional charge for similar activity occurred in 1995, listed in Court View as Violate Commercial Guide, which pertains to violating commercial guiding. He acknowledged these cases were not misdemeanors or felonies, however the three cases seem to document someone who violates laws. He asked Mr. Keogh to address the three cases.

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MR. KEOGH, responding in regard to the 2004 court cases, explained that he had purchased a motor in 1999 at a local shop, and that shop also installed the motor on his boat. He recalled that the motor had the proper 35 horsepower (hp) sticker on it, although he never examined the motor. He periodically changed the oil on the outboard motor and checked to see that the lower unit moved. He related that he was not checked by enforcement until the summer of 2004 when the [Alaska State Park] performed

routine checks. The throttle cams on the motors were different for the 35 hp and the 50 hp cam. He remarked that the 50 hp cam was still installed on the motor; however, he did not change the cam. He said he "bit the bullet" and paid the price for that violation. He asserted that he would dispute that he violates regulations. He emphasized that he has worked hard to obtain his licenses and qualifications and he does not take them lightly. He said, "Therefore, I don't believe that I would willingly or knowingly violate any law."

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REPRESENTATIVE KAWASAKI noted the disposition of the cases indicates the cases were closed. He asked whether Mr. Keogh disputed any of the cases. He pointed out a fourth case in 2009 related to a failure to pay a boat launch fee.

MR. KEOGH confirmed he received a ticket in 2009. He understood it was his responsibility to know the regulations in effect, but said the regulations change each year. In the past if a person had a commercial operator's permit it also qualified the operator to launch his/her boat from the state park. This provision changed so that a commercial operator's permit no longer authorizes an operator to launch boats without paying for the boat launch fee. He said he knew that was true for some areas, but got confused as to which ones it applied to; so he launched his boat posting his commercial operator's permit in his truck. Once he discovered the ticket he went immediately to the [Alaska] state park office to point out that his operator's permit was affixed to the truck. It was then that he learned an operator's permit no longer covered boat launch fees, which were now separate fees. He characterized the circumstance of this case as more of a miscommunication rather than a willing violation.

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REPRESENTATIVE KAWASAKI noted that members of the Board of Game are in charge of writing and revising regulations and that the enforcement is performed by law enforcement officials. He next referred to the conflict of interest question on the board application form. He read, "Could you or any member of your family be affected financially by decisions made by the board or commission?" He asked whether Mr. Keogh had answered no to this question.

MR. KEOGH confirmed he answered no.

REPRESENTATIVE KAWASAKI asked whether Mr. Keogh's answer to the question is still no for his testimony today.

MR. KEOGH responded that he is a registered guide, but he does not contract hunts. He offered his belief that the only time he would have a conflict of interest would be if the Board of Game was discussing a proposal that would benefit him. He said that even though he works under a guide and does not contract any hunts he would probably abstain from such a vote. He said he does not believe there would be any conflict of interest.

REPRESENTATIVE KAWASAKI pointed out that most other applicants for the Board of Game who have had some type of guiding service or fishing service have always answered yes to that question.

MR. KEOGH reiterated that he does not contract any big game hunts, but subcontracts with other guides. He said if he contracted for big game hunts he would have answered differently; however, since he does not do so he did not see there would be a conflict of interest.

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CO-CHAIR SEATON asked Mr. Keogh how long he has been serving on the Board of Game.

MR. KEOGH answered that he participated in the past two Board of Game meetings, specifically the November [2011] and January [2012] meetings.

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CO-CHAIR SEATON referred to Game Management Unit 15 C and the aerial wolf hunting on the lower Kenai Peninsula. He asked for the rationale used with respect to the bull and cow ratio and the overall game population. He asked whether Mr. Keogh had specific information that wolves had been selectively preying on bull moose. He referred to comments committee members have received with respect to the habitat conflict between moose and the exploding snowshoe hare population, which has decimated the willow habitat and other forage on the lower Kenai Peninsula.

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MR. KEOGH allowed he would not specifically say that wolf predation was selectively preying on the bull moose. He pointed

out the presence of a very low calf survival rate. Thus a segment of the moose population is now missing, he stated. He did not believe any scientific data correlates the cyclical cycle of the snowshoe hare on moose browse. He restated he was not aware of any scientific findings to support that point. He held discussions with numerous people from the Kenai, and longtime residents in particular reported a consistent decline in the moose population in the area. He acknowledged habitat concerns probably exist; however, while he did not think the habitat could support prior moose population figures, he definitely thought the habitat could support more than the current population. He reported evidence that some browse is completely untouched, which supports his view that the moose population could be increased. He said the immediate concern is to solve the calf survival problem and explained that the [board's] strategy is to give the moose a little break during the winter. He acknowledged that other factors exist, such as increasing brown bear populations, and related that local residents are complaining that more bears are present than have ever been seen in the area. The Board [of Game] addressed this by creating a registration hunt. He clarified that several different avenues to address the issue are being pursued, but to give the moose a little reprieve and try to increase the calf survival rate is the first order of business.

[1:59:35 PM](#)

CO-CHAIR SEATON inquired as to whether Mr. Keogh considered the science and testimony that was given by the Alaska Department of Fish & Game (ADF&G), which identified the problems as a bull to cow ratio, barren cows, and habitat concerns. He further asked whether Mr. Keogh did not find the department's testimony as credible.

MR. KEOGH responded that he did find the ADF&G's testimony credible, but at the same time the board heard substantial testimony. Additionally, he talked to people on the Kenai Peninsula who have lived in the area for 50 years and who spend a lot of time in the field. He emphasized that he weighed all of the testimony. He recognized that some habitat concerns exist, but reiterated his belief that the current habitat could support more moose and said he thinks the science will show that to be true. He emphasized, however, that he did not think the habitat could support the earlier moose population.

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REPRESENTATIVE KAWASAKI pointed out that Mr. Keogh is a member of a Fish and Game Advisory Committee (AC). He recalled an issue in the Fairbanks area with respect to cow and calf hunts in game management unit (GMU) 20A, near the Fairbanks North Star Borough area. Pointing out that the advisory committees give advice to the Board of Game, he asked how Mr. Keogh would handle a particularly controversial recommendation. He further asked for clarification on the process.

MR. KEOGH answered that he pays a lot of attention to the AC process and believes in it wholeheartedly. He recalled what occurred in Fairbanks, saying that sometimes an AC will "get stacked one way or the other." He pointed out that the public process is important so long as it represents a fair and equitable process; however, if an AC gets skewed one way or the other, the AC has a tendency to lose credibility, particularly if the proposal is one that is not based on data. He characterized those types of actions as not being best for the resource because they are promoting a specific agenda. In some instances, he said, the system fails.

[2:02:27 PM](#)

REPRESENTATIVE DICK remarked that he had the same outboard motor as Mr. Keogh and the difference between the 35 hp and the 50 hp cams is almost indistinguishable. He noted that some negative responses were received on the handful of relevant legal issues, but said there was at least one positive e-mail from Fairbanks with strong support for Mr. Keogh.

The committee took an at-ease from 2:03 p.m. to 2:04 p.m.

[2:05:24 PM](#)

JENNY PURSELL stated that she is a 10-year resident of Juneau and her testimony is two-fold. First, she filed her application with the Boards and Commissions office in April 2010 to serve on the Board of Game. Second, she encouraged the committee to seriously consider other applicants for the Board of Game who do not have weighted backgrounds in hunting, trapping, and guiding, but who have other backgrounds related to how they use, benefit, and appreciate wildlife.

CO-CHAIR SEATON explained that the governor nominates people and the committee only reviews the qualifications of the nominees. He understood Ms. Pursell to be suggesting a change in statute

with respect to designated seats on the board, but pointed out that this is not the issue before the committee today.

MS. PURSELL said she believes her testimony is relevant to Mr. Keogh's nomination, and that she is not here to support or oppose individual appointments.

CO-CHAIR SEATON understood the gist of Ms. Purcell's comments to be that Mr. Keogh's background is too much slanted.

2:09:40 PM

ROD ARNO, Executive Director, Alaska Outdoor Council (AOC), testified that the AOC is a statewide organization of hunters, trappers, fisherman, and those who like to recreate on public lands. He said the AOC fully supports Mr. Keogh's confirmation and that Mr. Keogh brings experience, including serving on advisory committees and submitting proposals. He has frequently seen Mr. Keogh attending Board of Game meetings and said that Mr. Keogh is knowledgeable of the process and has field experience that is extremely important due to intensive management statutes. He added that the statutes require a good understanding of the methods and means used by the board to achieve abundance on prey species.

MR. ARNO, in regard to the current controversial issue of snaring bears, said he has observed proposals to stop the wanton waste. However, he continued, the Board of Game's intent is just the opposite - which is to allow the game resource to still be usable when a trapper arrives on scene. He said knowing that the hide and meat is still quality when an animal has not been dispatched for a day is the type of knowledge possessed by those with field experience, and bringing that kind of knowledge to the Board of Game is important. Someone with a background in trapping is important since the regulations affect the methods and means of trapping. Without having that background and knowledge, some would view only the intrinsic value of the game and not want any of the animals to be trapped; however, that is not what the constitution or statutes indicate.

2:13:05 PM

VALERIE CONNOR, Conservation Director, Alaska Center for the Environment (ACE), stated ACE has 6,000 Alaskan members who support ACE's mission and value and appreciate wildlife for a variety of reasons. She said ACE has advocated for more balance and diversity on the Board of Game, but over the past decade the

board has instead become more and more extreme and has co-opted Alaska's wildlife resources. The recent approval to shoot grizzly bears from airplanes and proposals for widespread use of snares to kill bears are only two of the latest examples.

MS. CONNOR offered her belief that the only point of view being represented by the Board of Game is that of the consumptive user since not one current board member represents the thousands of Alaskans who value wildlife for purposes that include viewing, economic benefits of tourism, or the vital role that diverse and healthy populations of wildlife bring on an ecosystem-wide basis.

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MS. CONNOR said the lack of science being applied by Alaska Department of Fish & Game (ADF&G) and at the Board of Game level, combined with the politics of wildlife management is leading Alaska down a narrow and risky path. She emphasized the importance of appointing qualified members who bring something valuable and unique to the table, especially if this seven-member board is to continue to wield all of the power over how wildlife resources are managed. She stated that the Board of Game should hold lively debate and compromise during deliberations on proposals, not unanimous consent for each vote.

MS. CONNOR referred to AS 16.05.221(b), which requires diverse interest on the board and states that members of the Board of Game shall be appointed "on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership." She remarked that this is sadly lacking right now.

MS. CONNOR said that after viewing Mr. Keogh's resume and observing him at the Board of Game meetings, ACE has concluded that Mr. Keogh will not add any diversity of interest or expertise not already currently present on the board. Therefore, ACE disapproves of his appointment, she said.

[2:16:48 PM](#)

AL BARRETT stated that he has served for over 10 years on the Fairbanks AC, but is testifying today on behalf of himself. He asked the committee to support Mr. Keogh's confirmation. He has attended as many Board of Game meetings as possible in the past 10 years and has observed Mr. Keogh at the last two Board of

Game meetings. He related it is refreshing to see a newly appointed board member who interacts with the public and the ACs. Throughout the Board of Game process he has known Mr. Keogh to read all of the materials - which can be up to 3,000 pages of personal comments - board staff reports, and other documents, including the Department of Law and Department of Public Safety (DPS) reports. He said he can tell Mr. Keogh has read the materials since Mr. Keogh asks questions directly related to written comments. He commended Mr. Keogh's knowledge and thorough review of the materials on hand.

[2:18:12 PM](#)

MR. BARRETT said Mr. Keogh has a good understanding about subsistence laws and regulations, which are difficult to understand. He offered his belief that very few board members in their first term understand the complexities of these laws and regulations, but Mr. Keogh has demonstrated he has the aptitude to understand the issues and has also used his knowledge to ask pertinent and appropriate questions during the Board of Game process.

MR. BARRETT said he thought all of the current Board of Game members show diversity and represent all users, including Alaskans and non-Alaskans. He concluded by saying he thinks Mr. Keogh is a very good appointment and asked committee members for their support.

[2:19:21 PM](#)

REPRESENTATIVE DICK asked whether Mr. Barrett personally knows Mr. Barrett.

MR. BARRETT answered that he has known Mr. Keogh for the last five years from different associations and activities such as trapping. He said they both volunteer their time with the Alaska Trapper's Association and fur actions, which is how they became acquainted.

REPRESENTATIVE DICK asked whether the committee should perceive Mr. Keogh as a law-abiding person or someone disrespectful of laws.

MR. BARRETT answered that during the time he has known him, Mr. Keogh has been an upstanding Alaskan. He commented that some people have had difficult times and he understands that some

post 9/11 financial issues were unforeseen by Mr. Keogh as well as by many others.

[2:21:10 PM](#)

TERESA SAGER ALBAUGH stated that she serves on the Alaska Board of Game, but is testifying today on her own behalf. She has only known Mr. Keogh since his appointment to the Board of Game last year, but she has developed a respect for him based on some important observations. First, Mr. Keogh is diligent in his preparation for Board of Game meetings. He has displayed a good understanding of the issues that come before the board and faithfully reviews in detail the voluminous and sometimes overwhelming public comments submitted to the Board. Second, Mr. Keogh is personally very knowledgeable about Alaska's fish and game resources. He was born and raised in Alaska, runs his own fishing business, is an avid hunter, and runs a trapline. She has always considered people with real world field experience to be experts in their own right, living the lifestyle of the average Alaskan who loves wildlife and the outdoors. She offered her belief that this nicely compliments the knowledge and experience of those with academic credentials and a professional career in wildlife management.

MS. SAGER ALBAUGH shared her admiration of the attentiveness to the views and experiences expressed by the people who devote their time and energy, as well as their nerve, to come to a Board of Game meeting to share personal stories of their relationship with wildlife, whether it is hunting, trapping, or photographing and watching the wildlife that has such deep meaning for them. She emphasized her belief that Mr. Keogh has this type of connection with his natural environment and identifies with that same kind of relationship in his fellow Alaskans. She urged members to give careful consideration to confirming Mr. Keogh to the Alaska Board of Game.

Fishermen's Fund Advisory and Appeals Council

[2:23:35 PM](#)

CO-CHAIR SEATON moved to the confirmation hearings of Clay Bezenek and James Herbert, appointees to the Fishermen's Fund Advisory and Appeals Council. He requested Mr. Bezenek to state why he would like to serve on the council and asked whether Mr. Bezenek is currently serving on the council.

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CLAY BEZENEK, Appointee, stated he is a commercial fisherman by occupation and has served on the Fishermen's Fund Advisory and Appeals Council (FFAAC) for one term and has enjoyed the appeals process and policy changes to increase the \$2,500 per incident to \$10,000 per incident due to rising health care costs and associated costs. He said his reason for being on the council is that 10 years ago he was in a near-fatal diving accident while diving for geoducks near Craig and the fund was kind enough to help out his family. His family was saved from bankruptcy because of the council, so when he was asked if he would be willing to serve he said yes. He welcomed the opportunity to serve and give back to the council and to the industry.

[2:26:21 PM](#)

MR. BEZENEK said he is from Minnesota and has commercially fished in Alaska since 1983, developing a love for the state and the policies. He has fished for king crab from the Aleutian Chain towards Kodiak, but now resides in Southeast Alaska and fishes for herring and salmon exclusively. He related he was one of the founding members of Southeast Alaska Regional Dive Fisheries Association. He emphasized the importance of giving back to the fishing institutions.

MR. BEZENEK shared that the fund was started during the territorial days and one of the founding members was the late Ole Haynes from Ketchikan. He commended the founding members who had the foresight to protect their own by putting aside a portion of the funds from crewmember and commercial fishing license fees into a fund to protect the people who did not have insurance or were injured in the line of work. He said he would like to serve another term on the council.

[2:28:33 PM](#)

CO-CHAIR SEATON asked for clarification on the award increase from \$2,500 to \$10,000. He asked whether this has impacted the fund or its reserves.

MR. BEZENEK answered that the funds have reached a plateau, but the fund seems to be maintaining itself. He said a concern of board members was whether the fund would shrink dramatically, so the legislation had stopgaps that would protect the fund from excess draws. He deferred to Mr. Jim Herbert, a fellow council member.

CO-CHAIR SEATON turned to testimony from the next appointee, Mr. Herbert, stating that he has been friends with Mr. Herbert for some time. He requested Mr. Herbert to state why he would like to be reappointed to the Fishermen's Fund Advisory and Appeals Council.

[2:31:11 PM](#)

JAMES HERBERT, Appointee, said he was first appointed to the Fishermen's Fund Advisory and Appeals Council (FFAAC) by Governor Knowles in the late 1990s and has served continuously since that time. He viewed his role as an advocate for commercial fishermen and the industry in general. As commercial fishermen, members of the council have a broad knowledge of fisheries and specific fishermen throughout the state and that helps when deliberating on insurance claims that come before the council.

MR. HERBERT provided a brief overview of his background, noting that he began fishing in 1971. While he is fishing less now, he is still active and maintains his interest in connections in the industry. He said one of the key things he has tried to keep tabs on is the fiduciary responsibility. The fund itself is a dedicated fund that predates statehood and is funded from a portion of crewmember fees and commercial fishermen's license fees. Since the fund is funded with money coming from the people in the industry he takes extra care with it to ensure it is properly used.

MR. HERBERT explained that the Department of Labor & Workforce Development (DLWD) oversees the fund and admitted that he has had differences with the department. He said he has been vocal, but pointed out that there have been personnel changes and he thinks "we're off on a better footing again." He asked for the committee's support to see that the interests of the commercial fishing industry are well met.

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CO-CHAIR FEIGE commented that Mr. Herbert appears to have had a long and productive career in Alaska. He asked if Mr. Herbert had plans to move back to Westchester.

MR. HERBERT answered that he does not think so. He said he left when he was 17 and although he visits his sister periodically, Alaska is his home and he does not want to live anywhere else.

CO-CHAIR FEIGE said he grew up in South Salem.

CO-CHAIR SEATON said we're waiting to get Jim Herbert back to Homer.

[2:34:37 PM](#)

CO-CHAIR SEATON asked for clarification on how well the fund is working and if there is anything the committee should understand about the fund and whether the fund is maintaining its solvency.

MR. HERBERT reported that the fund was at a plateau based on the last financial reports that board members reviewed. He explained that last year revenues increased since the past couple of years have been productive for salmon fishermen. He further reported that that has been balanced by slight amount of expenditures. He did not recall whether the legislation included stopgap measures, but said it was discussed prior to the bill being passed. He recalled that the council wanted to be able to come to the legislature in case the balance of the fund started to drop. He further recalled some provisions with respect to the administration of the fund that allow the council to restrict total benefits if the council thought the corpus of the fund was reaching an unsustainable level. He said at this point it seems like everything is working alright; the Fishermen's Fund is not growing, but it is not shrinking either. He characterized the Fishermen's Fund as being at a plateau.

[2:36:40 PM](#)

CO-CHAIR SEATON questioned the short-term seven-day commercial fishing license for crewmembers, recalling that it would allow for several license renewals. This would allow a nonresident to pay the same or less than a regular full-time commercial fishing license. He questioned whether the council tracks the impact this may have to the fund since the reduced fees will significantly reduce the amount deposited to the Fishermen's Fund.

MR. HERBERT offered his belief that the license fee issue is an agenda item for the March 2012 and said the current coordinator of the program is supposed to gather that data from the Commercial Fisheries Entry Commission. He offered his belief that potentially the state is missing out on some revenue, not in the millions, but perhaps in the range of hundreds of thousands of dollars given the increase in the purchases of the

seven-day licenses. He related that the increase is primarily from out of state people, since they pay the same as residents. He did not believe the reduction has negatively impacted the fund, but he expressed concern that it has drifted from the initial intent, which was to increase the tourist industry associated with commercial fishing. Instead, it has served as a way for out-of-state people to buy cheap licenses and in a small way has impacted state revenues. In response to Co-Chair Seaton, he agreed to provide the committee with a synopsis of the council's March meeting.

[2:40:03 PM](#)

JERRY MCCUNE stated he personally knows both applicants and has attended a number of the Fishermen's Fund Advisory and Appeals Council meetings, as well as testifying before the council. He said it is important to note that Mr. Herbert has the real background and institutional memory about the Fishermen's Fund. He also said that Clay Bezenek has a rounded commercial fisherman's experience, which is important when reviewing commercial fishermen's injuries and how they occurred. He stated that he supports both these nominees to the Fishermen's Fund Advisory and Appeals Council.

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CO-CHAIR SEATON noted that last year the House and the Senate unanimously passed a resolution which requested that the state consider adopting a prevention and disease model. One of the best ways to prevent diseases and injuries is to ensure that people take adequate amounts of Vitamin D to address depression, anxiety, or risk of fractures. He encouraged the council to review the studies and perhaps issue an advisory notice to fishermen. He explained that the sun is at such a low angle for eight months of the year that a person cannot make sufficient Vitamin D.

CO-CHAIR SEATON set aside the names for nominations to the boards and commissions for future consideration.

[2:42:59 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:43 p.m.