

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

March 27, 2014
10:12 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Eric Feige
Representative Lynn Gattis
Representative Craig Johnson
Representative Kurt Olson

MEMBERS ABSENT

Representative Bob Herron
Representative Jonathan Kreiss-Tomkins

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Alaska Commercial Fisheries Entry Commission

Bruce Twomley - Juneau

- CONFIRMATION(S) ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

BRUCE TWOMLEY, Appointee
Alaska Commercial Fisheries Entry Commission
Juneau, Alaska

POSITION STATEMENT: Spoke as an appointee to the Alaska
Commercial Fisheries Entry Commission.

ACTION NARRATIVE

[10:12:49 AM](#)

CHAIR PAUL SEATON called the House Special Committee on
Fisheries meeting to order at 10:12 a.m. Representatives

Seaton, Feige, Olson, Johnson, and Gattis were present at the call to order.

[10:13:00 AM](#)

CONFIRMATION HEARING(S):
Alaska Commercial Fisheries Entry Commission

[10:13:15 AM](#)

CHAIR SEATON announced that the only order of business would be a confirmation hearing for the Alaska Commercial Fisheries Entry Commission.

[10:13:58 AM](#)

BRUCE TWOMLEY, Appointee, Alaska Commercial Fisheries Entry Commission, said that he was first appointed to the commission in 1982. He relayed that he had had the opportunity for participation in the limitation to 35 fisheries, while writing more than 3,000 decisions. He discussed the risks for adjudicating cases before the limited entry commission, as the Supreme Court could reverse a decision and apply it retroactively. This would require the commission to re-open cases previously closed and accept new applications. He said that this had not happened during his tenure, as they had not lost any Supreme Court decisions. He reported that there were 68 limited fisheries and from the applications to those fisheries, there were currently 30 cases pending, which he surmised would be adjudicated before the end of 2016. He stated that he would welcome the opportunity to continue in this process.

[10:16:22 AM](#)

CHAIR SEATON asked to compare the commission's current yearly load to that in the past.

MR. TWOMLEY, in response, said that in 1990 there were about 900 cases before the commission, and there was a statutory duty to limit fisheries. As these newly limited fisheries generated appeals, the commission had an unmanageable case load, and a triage approach was adopted to accept the most critical cases. Those were the cases under the most pressure, as the right to fish was at stake. He declared that the current case load was 30, and could be addressed in an orderly way. He offered his belief that these adjudications could be completed by the end of

2016. He pointed out that the most difficult cases seemed to come at the end, and he offered an example of an existing case. He directed attention to the Kuzmin case [Included in members' packets] which had required that individual fish tickets be examined and it was a very difficult case. He reported that the hearing officer made some statements on the record that the commission had to distance themselves from. He declared that this case affected two applicants, was the last case to be decided in this fishery, and represented the equal of 15 individual cases. While this case was pending, there were 13 other applicants that also needed resolution. He stated that this application was denied and was not appealed, so that the other 13 permits could be granted, and the fishery could be closed. He declared that this was "a big deal to us." He shared that the remaining cases were similar, as they were on track to close a number of other fisheries.

CHAIR SEATON, reflecting on the 2012 report, asked if this was one of those three adjudication cases.

MR. TWOMLEY clarified that the Kuzmin case was a 2013 case. In response to Chair Seaton, he said there were 30 cases remaining, with 7 before hearing officers and 23 still before the commission.

[10:20:57 AM](#)

CHAIR SEATON asked about maintenance of a manageable workload given the budget restrictions being projected over the upcoming 10 years. He asked whether Mr. Twomley would offer constructive criticism regarding the wisdom for integrating the Alaska Commercial Fisheries Entry Commission into a division of the Alaska Department of Fish & Game, so there were not two different computer systems for licensing.

MR. TWOMLEY replied that he "would be happy to participate in that process."

CHAIR SEATON reported that future discussion to this end would be done in a critical manner to find efficiencies without unnecessary burdens.

[10:22:47 AM](#)

REPRESENTATIVE FEIGE referenced the resume submitted by Mr. Twomley, noting his experience as a VISTA volunteer in 1972-73, and asked what he had done as a volunteer.

MR. TWOMLEY explained that he had worked for Alaska Legal Services in Bush Alaska as a VISTA (Volunteers in Service to America) volunteer, and that he had subsequently been hired by Alaska Legal Services. He reported that he had represented a number of native allotment applicants, as well as fishermen before the entry commission. In further response to Representative Feige, he said that his travel within Alaska had been extensive, and included time in more than 50 villages.

[10:24:13 AM](#)

REPRESENTATIVE FEIGE moved to forward the confirmation of Bruce Twomley as appointee to the Alaska Commercial Fisheries Entry Commission for consideration in a joint session of the House and Senate. 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 confirmation was advanced.

[10:24:36 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:24 a.m.