

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

February 7, 2017

10:02 a.m.

MEMBERS PRESENT

Representative Louise Stutes, Chair
Representative Zach Fansler
Representative Geran Tarr
Representative Mike Chenault
Representative David Eastman

MEMBERS ABSENT

Representative Jonathan Kreiss-Tomkins
Representative Mark Neuman

OTHER LEGISLATIVE MEMBERS PRESENT

Representative Dan Ortiz

COMMITTEE CALENDAR

HOUSE BILL NO. 88

"An Act relating to the composition of the Board of Fisheries."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 88

SHORT TITLE: BOARD OF FISHERIES MEMBERSHIP

SPONSOR(S): REPRESENTATIVE(S) STUTES

01/30/17	(H)	READ THE FIRST TIME - REFERRALS
01/30/17	(H)	FSH, FIN
02/07/17	(H)	FSH AT 10:00 AM GRUENBERG 120

WITNESS REGISTER

REID HARRIS, Staff
Representative Louise Stutes
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 88 on behalf of
Representative, sponsor.

RICHARD DAVIS, Representative
Seafood Producers Cooperative
Juneau, Alaska

POSITION STATEMENT: Testified with opposition to HB 88.

GLENN HAIGHT, Executive Director
Board of Fisheries
Boards Support Section
Alaska Department of Fish & Game (ADF&G)

POSITION STATEMENT: Responded to questions during the hearing on HB 88.

WES HUMBYRD
Homer, Alaska

POSITION STATEMENT: Testified with concern for HB 88.

JOHN MCCOMBS
Ninilchik, Alaska

POSITION STATEMENT: Testified with opposition to HB 88.

CLAY KOPLIN, Mayor
Cordova, Alaska

POSITION STATEMENT: Testified in support of HB 88.

GEORGE PIERCE
Kasilof, Alaska

POSITION STATEMENT: Testified in support of HB 88.

STEVE VANEK
Ninilchik, Alaska

POSITION STATEMENT: Testified with opposition to HB 88.

ACTION NARRATIVE

[10:02:01 AM](#)

CHAIR LOUISE STUTES called the House Special Committee on Fisheries meeting to order at 10:02 a.m. Representatives Stutes, Tarr, Eastman, Chenault and Fansler were present at the call to order.

HB 88-BOARD OF FISHERIES MEMBERSHIP

[10:03:18 AM](#)

CHAIR STUTES announced that the only order of business would be HOUSE BILL NO. 88, "An Act relating to the composition of the Board of Fisheries."

[10:03:29 AM](#)

REID HARRIS, Staff, Representative Louise Stutes, Alaska State Legislature, introduced HB 88 stating that it would serve to change the composition of the Board of Fisheries from seven to nine members. He directed attention to the committee packet and the two page handout on the sponsor's letterhead, providing a brief history and information about the board. Referring to the document Mr. Harris paraphrased sections of the contents, which read as follows [original punctuation provided]:

DFG/BOF - Brief History

In 1949, the Territorial Legislature created the Alaska Territorial Fishery Service in an attempt to influence federal management practices that had decimated salmon populations in Alaska. The Territorial Fishery Service had no authority, but they commented on federal regulations, conducted research, and tried to influence the federal managers.

In 1957, in anticipation of statehood, the Territorial legislature expanded and renamed the Alaska Fishery Service to the Alaska Department of Fish and Game.

The first state legislature (January 1959 - March 1960) created the Board of Fish and Game and the fish and game advisory committees system. The Board of Fish and Game consisted of nine citizens appointed by the Governor and confirmed by a majority vote of the legislature. In spring 1975, the legislature separated the Board of Fish and Game into separate Boards, which continues today.

About the Board

The Alaska Board of Fisheries consists of seven members serving three-year terms. Members are appointed by the governor and confirmed by the legislature. Members are appointed on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, with a view to providing diversity of interest and points of view in the membership (see Alaska Statute 16.05.221).

The Board of Fisheries' main role is to conserve and develop the fishery resources of the state. This involves setting seasons, bag limits, methods and means for the state's subsistence, commercial, sport, guided sport, and personal use fisheries, and it also involves setting policy and direction for the management of the state's fishery resources. The board is charged with making allocative decisions, and the department is responsible for management based on those decisions.

The board has a three-year meeting cycle (PDF 32 kB). The meetings generally occur from October through March. The Board of Fisheries meets four to six times per year in communities around the state to consider proposed changes to fisheries regulations around the state. The board uses the biological and socioeconomic information provided by the Alaska Department of Fish and Game, public comment received from people inside and outside of the state, and guidance from the Alaska Department of Public Safety and Alaska Department of Law when creating regulations that are sound and enforceable.

Board Process

Board of Fisheries

The Board of Fisheries is the state's regulatory authority that passes regulations to conserve and develop Alaska's fisheries resources. The Board of Fisheries is charged with making allocative and regulatory decisions. The board has seven members, each appointed by the governor for a three year term. Each member must be confirmed by a joint session of the state legislature.

Commissioner

The commissioner is the principal executive for the Alaska Department of Fish and Game; responsible for the protection, management, conservation, and restoration of Alaska's fish and game resources.

Joint Board

The Joint Board of Fisheries and Game set the regulations for advisory committee guidelines. These include the establishment of advisory committees, setting the number of seats by community if more than

one community is represented on the committee, and setting the guidelines for uniform rules of operation. The composition of advisory committees can be changed by the Joint Board after they receive a proposal and meet to act on the proposal.

Advisory Committees

Advisory committees are the local groups authorized by state law to provide recommendations to the boards on fishing and wildlife issues. There are 84 committees throughout the state each with expertise in a particular local area. Meetings are always open to the public and are generally attended by department staff and members of the public who can offer background information on agenda topics. Advisory Committees are intended to provide a local forum on fish and wildlife issues, and are critical policy bodies to the boards.

MR. HARRIS referred to the attached \$85,300 fiscal note, which covers travel and per diem for members attending meetings. He said the details of the expenses are provided on page 2 of the note, and pointed out the personal services honorariums [\$14,958] and travel [\$9,990] costs to call attention to the increases shown; previous three year averages were \$12,700 and 7,800 respectively.

CHAIR STUTES opened public testimony.

[10:06:57 AM](#)

RICHARD DAVIS, Representative, Seafood Producers Cooperative, stated opposition to HB 88, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

Our association is unaware of even isolated fishing industry support, or any compelling rationale for increasing the size of the Board of Fish.

Governor selections for appointment to Alaska's Board of Fish will always be subjective and controversial to somebody. (Effort to appease or please a greater number of Alaskans by increasing the number of choices at the "Pot Luck" will only intensify the Food Fight.)

Reducing expense, and cost of government and the budget deficit, render additional expenses required to support an enlarged BOF, unaffordable and unnecessary.

Conflict of interest requirements that commercial fishermen and Alaskans with economic family ties to fish resources must conform to, and comply with, are the essential BOF change that our industry is on record trying to achieve over the past three decades.

We submit humbly that satisfying the public's expectations of the Board of Fish process is a subjective exercise that two additional BOF appointees will not accomplish.

10:09:40 AM

REPRESENTATIVE TARR acknowledged that striking a balance, when seating the board, has been a long standing issue; however, HB 88 doesn't address that issue. The bill adds members, but doesn't designate the seats to a member representing a user type or region. Concerns also revolve around members having to be conflicted out of deliberations due to business interests, she added, and asked for comment.

MR. DAVIS predicted that [fishery/user] allocations will be an issue in the state as long as only one board is in charge, as it has been a continuing rub. He recalled that the previous governor (Sean Parnell) made investigative, statewide inquiries that resulted in suggestions, but no recommendations, to improve the process, including appointing regional boards to save state dollars and create time efficiencies. At that time, consideration was also given to appointing a professional versus a lay board, maintaining the one board system, and rotating meetings through regions on a four or five year cycle rather than the current three year. Reconfiguring the board to integrate these suggestions would be a welcome change, but expanding to nine members, with the status quo, isn't as palatable, he finished.

10:15:05 AM

CHAIR STUTES asked the department to address the issue of members having to conflict out of board deliberations.

MR. HAIGHT Executive Director, Board of Fisheries, Boards Support Section, responded that the ethics act requires members

to make advance disclosures regarding issues from which they expect to recuse themselves. To follow-up questions, he elaborated that the conflict out disclosures are made in advance and the chair makes the call unilaterally. The recused members sit-out without discussing or voting, during the specified deliberations.

CHAIR STUTES asked whether there are limits or parameters on geographical appointees to the board.

MR. HAIGHT answered, "Specifically not." He said statute seeks members who have other strong characteristics and directly specifies that appointments will not be made based on geographic preference or political affiliation.

[10:18:00 AM](#)

REPRESENTATIVE ORTIZ pondered whether a member's conflicting out of deliberations, and refraining from all participation on a topic, results in a loss of shared expertise.

MR. HAIGHT concurred that recused members often represent a voice of experience and expertise.

[10:19:34 AM](#)

REPRESENTATIVE TARR noted that a conflicted-out individual may be the best informed member, and pondered whether having two additional members, providing additional diversity, could help to avoid that situation.

MR. HAIGHT acknowledged that the two additional members may not replace the expertise, but could still be primary contributors. To a follow-up question, he offered to provide information to the committee regarding the board review, compiled as a cost saving survey, as mentioned in Mr. Davis' testimony.

[10:22:05 AM](#)

REPRESENTATIVE EASTMAN asked what the quorum requirements are, for the board.

MR. HAIGHT replied that four members must agree in order for a proposed action to carry, which would become five under HB 88.

[10:23:01 AM](#)

REPRESENTATIVE ORTIZ inquired about the cost for adding two members.

MR. HAIGHT referred to the \$85,300 as reflected in the fiscal note, based on a two year average. The meetings may need to be extended, due to the additional members, he opined.

REPRESENTATIVE ORTIZ asked about the possibility of organizing meetings utilizing technological methods for participation.

MR. HAIGHT responded that various approaches have been considered, especially when travel restrictions are imposed. However, the meetings are an interactive process, and often crucial dynamics would be missed if persons weren't in the same locale.

10:26:03 AM

REPRESENTATIVE CHENAULT called a point of order to question Representative Ortiz's presence at the committee dais and whether other legislative members would be welcomed to participate in the committee proceedings.

CHAIR STUTES responded that any member that is a committee alternate may be seated and allowed to participate at the discretion of the chair.

10:27:09 AM

WES HUMBYRD expressed concern for adding two additional members appointed by the governor. However, if the seats could be designated for retired Alaska Department of Fish & Game (ADF&G) biologists or other scientists, to bring that point of view, it would be helpful. He said there is a problem when members of the board are conflicted out of an issue. Two professional board members would be a great asset, he stressed.

10:29:45 AM

REPRESENTATIVE TARR expressed intrigue at the suggestion that the two proposed members should be categorically different than the other members. The department handles the science and research, isolating that aspect from the political realm. She cautioned that the board should not become a forum to dispute science, which could happen if the board constituted a blend of seats that included scientists.

MR. HUMBYRD said conflicts often occur and something does need to change, due to the strong politics that currently exist. He recalled with dismay that the last time a Cook Inlet fisherman was appointed was 1975. Two people from the professional side, perhaps the [ADF&G Divisions of] Sport Fish and Commercial Fisheries, sitting on the board, exempt from the requirement of legislative confirmation, could only be a good thing, he opined.

[10:32:58 AM](#)

JOHN MCCOMBS stated opposition for HB 88 and described his observations of the board cycle. He said cutting the ADF&G local advisory committees has been a detriment and appointing two additional board members will only serve to add time and expense to an already cumbersome process. He expressed interest in having regional appointees.

[10:35:14 AM](#)

CLAY COPLIN, Mayor, stated support for HB 88 and said having additional talent, a broader perspective, and expanded representation on the board will be a positive action. He reported on making a search of the Cordova/Prince William Sound (POW) area for a person to nominate to the board. The primary economic pursuit in the region is fishing, which would result in a conflicting out situation, thus, the most knowledgeable candidates were eliminated. Additionally, the time commitment the board requires was a hindrance, and he was unable to provide a nominee. It's been 20-30 years since a local person from the POW area has served. Considering the need to support and maintain the fishing industry, he said the measures proposed in HB 88 could prove to be helpful.

[10:38:32 AM](#)

GEORGE PIERCE stated support for HB 88 and said it's a good idea. No experts sit on the board, and two members could be added, or twenty two, but without appointing scientists and biologists, he said, "you're not fixing the problem." Special interest groups control the fish and game, he opined, and elaborated on the formation of his opinion. The meetings should be held in the areas where the proposals originate and where decisions will have a direct effect, he suggested.

[10:40:33 AM](#)

STEVE VANEK stated opposition to HB 88 and cited his 30 plus years of service sitting on a number of fisheries related boards. He maintained that the addition of two more members will only lengthen the process, and expense. He weighed-in on the discussion of designated seat appointments to offer reasons why the suggestions for seating department members would not be viable. The board will not be fixed by adding two members, he reiterated, and said it would only make it more political.

CHAIR STUTES announced HB 88 a held.

[10:45:52 AM](#)

CHAIR STUTES thanked the participants and announced the next meeting.

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:46 a.m.