

**ALASKA STATE LEGISLATURE
JOINT MEETING
HOUSE SPECIAL COMMITTEE ON FISHERIES
HOUSE RESOURCES STANDING COMMITTEE**

April 15, 2019

6:33 p.m.

MEMBERS PRESENT

HOUSE SPECIAL COMMITTEE ON FISHERIES

Representative Louise Stutes, Chair
Representative Bryce Edgmon
Representative Chuck Kopp
Representative Jonathan Kreiss-Tomkins
Representative Geran Tarr
Representative Sarah Vance

HOUSE RESOURCES STANDING COMMITTEE

Representative John Lincoln, Co-Chair
Representative Geran Tarr, Co-Chair
Representative Grier Hopkins, Vice Chair
Representative Sara Hannan
Representative Ivy Spohnholz
Representative Chris Tuck
Representative Dave Talerico
Representative George Rauscher
Representative Sara Rasmussen

MEMBERS ABSENT

HOUSE SPECIAL COMMITTEE ON FISHERIES

All members present

HOUSE RESOURCES STANDING COMMITTEE

All members present

OTHER LEGISLATORS PRESENT

Representative Dan Ortiz
Senator Peter Micciche

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Consideration of Governor's Appointees: Board of Fisheries

Israel Payton - Wasilla
Gerad Godfrey - Eagle River
Marit Carlson-Van Dort - Anchorage
Karl Johnstone - Anchorage

- CONFIRMATION(S) ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

ISRAEL PAYTON, Appointee
Board of Fisheries
Wasilla, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

GERAD GODFREY, Appointee
Board of Fisheries
Eagle River, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

MARIT CARLSON-VAN DORT, Appointee
Board of Fisheries
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

KARL JOHNSTONE, Appointee
Board of Fisheries
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

RON SOMERVILLE, Secretary/Treasurer
Territorial Sportsmen
Juneau, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

BEN MOHR, Executive Director
Kenai River Sportfishing Association (KRSA)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

REUBEN HANKE
Kenai, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

FORREST BRADEN
Southeast Alaska Guides Organization (SEAGO)
Gustavus, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

WILLIAM L. MACKAY
Anchorage, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

FRANCES LEACH, Executive Director
United Fishermen of Alaska (UFA)
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone and that UFA was not opposed to the confirmations of Israel Payton, Gerad Godfrey, and Marit Carlson-Van Dort, appointees to the Board of Fisheries.

LARS STANGELAND
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

MARK VINSEL
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

KATHY HANSEN, Executive Director
Southeast Alaska Fishermen's Alliance (SEAFSA)
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

JEFFREY BUSHKE
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

CHUCK DERRICK, President
Chitina Dipnetters Association
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

CHIP TREINEN
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

MARVIN PETERS
Homer, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone and in support of the confirmations of Israel Payton, Gerad Godfrey, and Marit Carlson-Van Dort, appointees to the Board of Fisheries.

ROSELEEN MOORE
Homer, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

FRED STAGER
Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

SALUA STAGER
Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

JULIE DOLL

Salcha, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

VIRGIL UMPHENOUR

Fairbanks Fish and Game Advisory Committee

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

NORMAN VAN VACTOR

Dillingham, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Israel Payton and in opposition to the confirmations of Mari Carlson-Van Dort and Karl Johnstone, appointees to the Board of Fisheries.

DANIELLE RINGER

Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone and in support of the confirmation of Israel Payton, appointees to the Board of Fisheries.

CRAIG DEHART

Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

OLIVER HOLM

Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

ANDREW COUCH

Palmer, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

EARL LACKEY

Wasilla, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

REED MORISKY

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

ROB BOYER

Anchorage, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

RAYMOND NESBETT, Esq.

Anchorage, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

SUSAN DOHERTY, Executive Director
Southeast Alaska Seiners Association
Ketchikan, Alaska

POSITION STATEMENT: Testified in opposition to the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

JOE MERTISHEV, Board Member
Kachemak Bay Fisheries Association
Homer, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

BURT BOMHOFF

Chugiak, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

TED CROOKSTON

Kenai, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

CLAY BEZENEK

Ketchikan, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone and in support of the confirmations of Israel Payton, Gerad Godfrey, and Marit Carlson-Van Dort, appointees to the Board of Fisheries.

SHAWNA WILLIAMS BUCHUAN

Chugiak and Cordova, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

ERIC SPADE

Eagle River, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

ANDREW SZCZESNY

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

STEVE MCCLURE

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

KAREN MCGAHAN

Nikiski, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

RICHARD MCGAHAN

Nikiski, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

BRIAN MERRITT

Wrangell, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

WINSTON DAVIES

Wrangell, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

TIMOTHY MOORE

Homer, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

JAMES HONKOLA

Cordova, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

JOHN RENNER

Cordova District Fishermen United (CDFU)
Cordova, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

MICHAEL MICKELSON

Cordova, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

CHELSEA HAISMAN

Cordova, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

MICHAEL BABIC

Cordova, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

TRACY NUZZI

Cordova, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

MAX WORHATCH, Executive Director

United Southeast Alaska Gillnetters (USAG)
Petersburg, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

ERIC GRUNDBERG

Petersburg, Alaska

POSITION STATEMENT: Testified in opposition to the confirmations of Karl Johnstone and Marit Carlson-Van Dort, appointees to the Board of Fisheries.

DAVE THYNES

Petersburg, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

MARY EVENS

Petersburg, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

CHAD HEWITT

Iliamna, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

NATHAN GRUENING

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

CHRIS CLEMENS

Seward, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

PAUL HOLLAND

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

BIRCH YUKNIS, DDS

Wasilla, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

BILL IVERSON

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

JACK OLIVE

Anchorage, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

GREG BRUSH

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

KENT HUFF

Gustavus, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

MIKE SZYMANSKI

Big Lake, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

LINDA BEHNKEN, Executive Director

Alaska Longline Fishermen's Association

Sitka, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone and in support of the confirmations of Israel Payton, Gerad Godfrey, and Marit Carlson-Van Dort, appointees to the Board of Fisheries.

KURT WHITEHEAD

Klawock, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Israel Payton, appointee to the Board of Fisheries.

JOE HINTON

Seward, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

VICKY JO KENNEDY

Fish Watch

Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

RICHARD YAMADA

Alaska Tribal Association

Juneau, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

NANCY HILLSTRAND

Port Lyons, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

ROBERT PENNEY
Soldotna, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

GEORGE PIERCE
Kasilof, Alaska

POSITION STATEMENT: Testified in opposition to the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

JOHN WHISSEL
Native Village of Eyak
Cordova, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

ANDY HALL, President
Kenai Peninsula Fishermen's Association
Eagle River, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

KASEY LOOMIS
Soldotna, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

RAY DEBARDELABEN, President
Kenai River Professional Guide Association
Soldotna, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

PAUL SHADURA II
Kenai, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

MONTE ROBERTS

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

FRED STURMAN

Soldotna, Alaska

POSITION STATEMENT: Testified in opposition to the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

RON CARMON

Kenai, Alaska

POSITION STATEMENT: Testified in opposition to the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

GARY STEVENS

Chugiak, Alaska

POSITION STATEMENT: Testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

JARED DANIELSON

Seattle, Washington

POSITION STATEMENT: Testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

TODD SMITH

Kenai, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Israel Payton and in opposition to the confirmation of Karl Johnstone, appointees to the Board of Fisheries.

CLEM TILLION

Halibut Cove, Alaska

POSITION STATEMENT: Testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

ROLAND MAW, PhD

Kasilof, Alaska

POSITION STATEMENT: Testified during the confirmation hearing for Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries.

ACTION NARRATIVE

[6:33:00 PM](#)

CHAIR LOUISE STUTES called the joint meeting of the House Special Committee on Fisheries and the House Resources Standing Committee to order at [6:33] p.m. Present at the call to order from the House Special Committee on Fisheries were Representatives Vance, Kopp, Tarr, and Stutes. Present from the House Resources Standing Committee were Representatives Rauscher, Talerico, Spohnholz, Hannan, Tuck, Tarr, and Lincoln. Representatives Edgmon and Kreiss-Tomkins from the House Special Committee on Fisheries and Representatives Hopkins and Rasmussen from the House Resources Standing Committee arrived as the meeting was in progress.

^CONFIRMATION HEARING(S) :

Consideration of Governor's Appointee's: Board of Fisheries

[6:34:13 PM](#)

CHAIR STUTES announced that the only order of business would be consideration of the governor's appointees to the Board of Fisheries: Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone.

CHAIR STUTES introduced the first appointee, Mr. Israel Payton of Wasilla. She noted Mr. Payton currently serves on the board and is up for re-appointment. If confirmed Mr. Payton would serve from 7/1/19 to 6/30/22.

[6:36:02 PM](#)

ISRAEL PAYTON, Appointee, Board of Fisheries, testified as appointee to the Board of Fisheries. He stated he has served on the board for the last three years, one full term, and appreciates his re-appointment to serve another term. He was home birthed in a trapper's cabin in the Alaska Range. He and his three siblings were raised in the Alaska Bush near the community of Skwentna. His family subsisted off the land and water, utilizing everything and never taking more than what was needed. He was homeschooled in the winters and in the summers starting at age 11 he worked as a deckhand on his father's river barge service. His unique upbringing has resulted in his tenacious character and passion for fish and game resources. He began working in the fish guiding industry at age 15 and continued seasonally for about 12 years, operating his own guide business for part of that time. He quit guiding fishermen in

2004. Over the years he has also worked as a hunting guide, welder, North Slope operator, construction hand, aviation mechanic, and bush pilot. Currently he develops property in the Matanuska-Susitna (Mat-Su) Valley.

MR. PAYTON related he is often asked what group he represents on the board and his answer is that he represents Alaska and Alaskans. He said he is often labeled as a sport fishing person or seat but is actually a subsistence user and identifies more with that. Growing up he lived through the Payton v. State case, which instilled in him the importance of providing subsistence opportunity to Alaskan residents. His core belief is that residents of Alaska should be always provided a reasonable opportunity to harvest fish and game resources. He has traveled across the state and understands the importance of these resources to the state and the people here. During his time on the board he has earned the reputation of someone who works hard, reads all the material, has an open mind, is approachable, and willing to work with all user groups. He provides leadership in setting policy and direction on the board using Article VIII of the state constitution, Section 16 of statute, as his guiding principles. He enjoys working with all stakeholders. When voting he tries to articulate his rationale for or against a proposal. He has a great relationship with the Alaska Department of Fish and Game (ADF&G) staff. He works well with all board members and user groups and would enjoy continuing to serve on the board.

[6:39:37 PM](#)

REPRESENTATIVE TUCK requested Mr. Payton to elaborate on the Payton v. State case.

MR. PAYTON replied he grew up in the bush in Skwentna and there was no subsistence fishery. His family lived on the river where the water was brackish and could not legally catch a fish. The only legal way to harvest the fish was to drive about 10 miles downriver in a boat and compete with recreation fishermen, sport fishermen, and lodge owners, and harvest three fish under the sport fishing limit, then return home. There was no opportunity to harvest fish going right by the family's doorstep in a means that the fish could be preserved for the winter, so basically no subsistence. His family went through three different cycles of the [Board of Fisheries] process and was rejected each time. Then, saying that the board was not following the constitution and the statute, [his father, Tom Payton,] sued the state. [On

6/13/97] the Supreme Court of Alaska remanded the board to reverse its decision and find the subsistence out there.

[6:41:15 PM](#)

CO-CHAIR TARR noted the statute is quite general about who the membership of the Board of Fisheries can be, and there has been "a de facto 3-3-1" understanding of [board seats]. She said it is important to her to think about a balance of the views being represented because of the conflict and tension over allocation. Regarding the 3-3-1, she recalled Mr. Payton's statement that he is filling a seat considered to be sport fishing even though he identifies more with subsistence. She requested Mr. Payton to discuss this further.

MR. PAYTON responded he doesn't necessarily agree with the 3-3-1 or with designated seats. He said the statute clearly states that there will not be, but that is kind of the way it is. Diversity is key. Everyone is going to have a different perspective and his perspective is in-river use. He doesn't have a commercial fish background, but over the last three years he has gained a lot more commercial perspective. He has gone out with commercial fishermen and become friends and will soon be going bear hunting with a setnetter and sharing a cabin for 10 days. His perspective "in seat" would be in-river use, and that would be subsistence, personal, and sport use. Utilizing the resource in-river is his strong perspective.

CO-CHAIR TARR inquired how Mr. Payton thinks the board roles are working and how the board can be improved to truly represent all the interests. She said she has heard Mr. Payton is a hard worker, always prepared, and a strong contributor to the board.

MR. PAYTON answered that maintaining diversity on the board is wanted, whether it be 2-2-2-1 or something else, with strong perspectives from each side as well as some from a little more to the neutral. Relatively equal diversity in the board is very important; someone who is going to automatically always advocate or vote one way would not be wanted. However, he added, that might be what is wanted as the governor picks the appointees and the legislature confirms them, so it is not up to him.

[6:44:53 PM](#)

CHAIR STUTES said she knows from watching Mr. Payton over the last few years that he is well respected for his decisions and that they are usually science-based decisions. While she may

not always agree with Mr. Payton, she respects the way he arrives at his positions on the board. She noted science has been coming out regarding hatcheries and straying fish and the effect it could possibly have on wild runs. Many people have jumped to the conclusion that these enhanced fish are contributing to the smaller wild runs. She asked whether, at this time, Mr. Payton has a position on that. She said she wants to be reassured that if Mr. Payton doesn't yet have a position and does take one later, that it is science and research based.

MR. PAYTON replied that his voting record reflects he votes with science, and the science hasn't proven to him that that has happened.

CHAIR STUTES understood Mr. Payton to be saying he doesn't currently have enough information to take a position on hatchery fish.

MR. PAYTON responded that ADF&G's data at that time didn't show detrimental effect, but that there was concern and it was being looked at more. He said he voted against that emergency action because it wasn't proven to him that action should be taken to reduce or destroy the egg take. He agrees with putting things on pause and looking closer at hatcheries because the science did raise some questions. He added, "We should police ourselves to make sure wild stock is number one and sustainable and that hatcheries aren't negatively affecting them, and we're looking into it and we'll go where the science takes us on that one."

CHAIR STUTES inquired about Mr. Payton's view of traditional intercept fisheries. She surmised Mr. Payton is aware Kodiak has a traditional intercept fishery of Cook Inlet sockeye. She posed a scenario of a stock becoming one of concern and there is a traditional intercept fishery on a portion of that run. She asked how the Board of Fisheries might approach that.

MR. PAYTON answered that it is complicated. He related he has heard ADF&G say that managing mixed stock salmon fisheries isn't rocket science; it's harder than that. The department is right that it is very difficult as there are so many unknowns. For traditional mixed stock fisheries, intercept fisheries, the board has a mixed stock policy and follows its allocation guidelines. When a mixed stock fishery has a weak stock involved, and that weak stock is being harvested or exploited too much, and management actions can be taken to reduce that

exploitation on that weaker stock, the board should look into it and have a conversation about it.

6:48:49 PM

REPRESENTATIVE KOPP thanked Mr. Payton for his willingness to serve another term. He stated he is an active commercial setnetter in Bristol Bay, as well as an active sport fisher on the Kenai River. He has heard from all user groups that they have a lot of respect for Mr. Payton, which speaks well for Mr. Payton having a strong mind that isn't easily biased and that he is following the science.

MR. PAYTON replied, "Thank you."

6:50:03 PM

CHAIR STUTES announced public testimony would be taken after the committee has spoken to all the appointees.

CHAIR STUTES introduced the next appointee, Mr. Gerad Godfrey of Eagle River. She said this would be Mr. Godfrey's first time to serve on the board and if confirmed Mr. Godfrey's term would be from 7/1/19 to 6/30/22.

6:50:24 PM

GERAD GODFREY, Appointee, Board of Fisheries, testified as appointee to the Board of Fisheries. He said he is a life-long Alaskan and is an Alaska Native. His mother grew up in a fishing family of subsistence and commercial fishers. She met his father in Kodiak and his father traveled the state as a state trooper. He grew up mostly in rural Alaska communities before moving to the Anchorage area. He said he spent his youth commercial fishing in the Kodiak Island fishery as a salmon seiner. He also spent one season in 2013 fishing in Bristol Bay. While he has experience commercial fishing, he has also been exposed to people in rural Alaska who rely heavily on fish for subsistence and he knows what that means.

MR. GODFREY said he spent 17 years as chair of the Violent Crimes Compensation Board, so is very familiar with the state board process and public testimony. He knows what it is like to be on a state board and make decisions based on the evidence at hand and being consistent, objective, and fair and having to decline people who think they are entitled when they are not. He spent three years in Governor Walker's administration as a

senior advisor on business and intergovernmental affairs, which led to a great deal of exposure and time in rural Alaska and learning a great deal about the concerns regarding fisheries. He also attended meetings on behalf of Lieutenant Governor Mallott. He allowed the Board of Fisheries can be a provocative board because no decision that it makes will make everybody happy, and at times it is probably more provocative than it should be and needs to be. He said being objective, consistent, open minded, and fair is what he will bring to the board.

[6:55:11 PM](#)

CO-CHAIR TARR referenced the question she posed to the previous appointee regarding diversity on the Board of Fisheries. She pointed out that under the current appointments some positions would move "commercial" seats out of coastal communities and be more urban located. She inquired as to how Mr. Godfrey would stay in touch with the needs of those coastal communities, given he resides near Anchorage.

MR. GODFREY offered his appreciation for the question. He said that since there are no designated seats on this board it gives him heartburn when there is a de facto concept that various geographic areas should get a certain number of seats on the board because in reality any given governor at any given time can pull the rug right out from what may have been the convention for 10-15 years running, but that governor is not bound by statute to recognize what is convention. That is unfortunate, but often the de facto reality is reality for all purposes.

MR. GODFREY continued his response. He related that when he was interviewed for the board, he was asked who his constituency would be if he was confirmed and he said his constituency would be any and all Alaskans who engaged in the harvesting of this resource. He doesn't have a specific constituent group. Someone looking at his resume would see the commercial fishing, but the assumption would have been that it was subsistence fishing because of his familial connections. He currently serves on the board of directors for the Afognak Native Corporation, where subsistence users express their concerns from time to time even though it doesn't rise to what a for-profit corporation does. He doesn't have any constituency beyond all the users and potential users in the state, meaning he is going into this with an open mind and doesn't have any predetermined outcomes or opinions in mind. He looks at data and science and evidence and listens to public testimony and is probably

moveable on any and every position that may come before him during his first year on the board. There will come a point at where he has heard enough to draw decisions after 12-18 months, but right now he is a blank slate. The reality is that he has probably had more sport fishing licenses in the last 20 years than commercial licenses. He has extended family and many friends in the Interior and on Kodiak Island who still engage in subsistence harvesting and his contacts continue regardless of what he is doing in his day job. He anticipates still being tied into the various user groups that he has had familiarity with in the past.

[6:59:49 PM](#)

CHAIR STUTES referenced the question she posed to the previous appointee about hatcheries, fish straying, and possible effects on wild runs and requested Mr. Godfrey's thoughts.

MR. GODFREY responded his thoughts are that he is open minded and not quick to react to science that appears to have a predetermined outcome and agenda in hand; he appreciates a comprehensive study. He said he knows firsthand from commercial fishing in Kitoi Bay, Alaska, on Afognak Island while growing up that there is a quantifiable and tangible benefit, economically and otherwise, to hatchery fisheries. If there is a comprehensive study and data that would indicate there is a correlating adverse response to wild stock and it is quantified in science, he is moveable on that as well. There are so many variables that would have to go into that study. This came up while he was in the previous administration and it didn't seem like the science was settled science at the time because there were certain questions that couldn't be answered at the time. He said he understands a comprehensive study is underway and he is open to data that shows a negative impact to wild stocks if and when that data becomes available. As things stand right now, he only has his personal experience of the economic benefit of hatcheries for commercial, subsistence, and sport fisheries.

CHAIR STUTES recalled the question she posed to the previous appointee about intercept fisheries and how Kodiak has a traditional intercept fishery of Cook Inlet sockeye. She requested Mr. Godfrey's ideas on situations like this where a stock becomes of concern.

MR. GODFREY answered he doesn't have an idea; he has questions. He said if he is confirmed he will need to read and process data that is available. He disclosed he grew up getting those

Cook Inlet sockeye that were northbound through Shelikof Strait on the west side of Kodiak Island. His gear would also get sockeye bound for Bristol Bay. He would go to the southern boundary of the Kodiak fishery and intercept fish bound for the Chignik fisheries. There were also the Karluk and Red river destinations on the west side of Kodiak Island. So, he is sensitive to the fact that if the escapement goals are not being hit and there is decimation in returning salmon to the point where escapement has to be raised and closures have to be extended, that is problematic to upstream users north of the Kodiak fisheries. He doesn't have an answer because he doesn't have enough information, but he knows that there are commercial, subsistence, personal, and sport fish users far north of Kodiak that are impacted by what happens before those salmon make it there - whether it is out in the ocean or heading through the Kodiak Island fishery. He is open to seeing data on that but doesn't have an answer.

[7:04:41 PM](#)

REPRESENTATIVE TUCK noted the committee packet [includes a copy of Mr. Godfrey's application] but not his resume. He noted Mr. Godfrey has a certificate from the Alaska Native Executive Leadership Program. He requested Mr. Godfrey to provide further information regarding his education.

MR. GODFREY responded that he graduated from Chugiak High School in Eagle River; received a Bachelor of Science degree from the University of Great Falls, Great Falls, Montana; and received a Juris Doctorate degree from Concordia School of Law.

REPRESENTATIVE TUCK inquired about Mr. Godfrey's current work.

MR. GODFREY answered he is full-time self-employed between consulting and his service on the Afognak board of directors. Regarding the possibility of conflict of interest, he said he doesn't have any current, and never has had, any clients that have anything to do with fisheries, and he would not take any in the future if he serves on the Board of Fisheries.

REPRESENTATIVE TUCK asked what the industries are that Mr. Godfrey consults for.

MR. GODFREY replied his clients have been based outside of Alaska, particularly crypto currency and genealogy, with the genealogy related to how it applies to law enforcement cold case analysis, as well as working for some tribes.

REPRESENTATIVE TUCK inquired about what made Mr. Godfrey think he may have a conflict with his consulting.

MR. GODFREY responded that when someone is a consultant, the word consulting is very vague. He recalled that about 10-13 years ago a legislator, who is no longer in the legislature, got a lot of heat because that legislator during the interim had a contract for consulting with a large entity based in Alaska. Some people wanted to understand the details of that and what committee assignments that legislator had based on whether that person was a consultant just for access. Therefore, he is hypersensitive to the term consultant when it is viewed as such a vague umbrella of taking clients on.

REPRESENTATIVE TUCK asked if Mr. Godfrey submitted a resume.

MR. GODFREY answered yes; he uploaded his resume when he completed the application. He noted the Senate had a copy of his resume when he appeared in a hearing before that body.

[7:09:17 PM](#)

REPRESENTATIVE HANNAN inquired whether Mr. Godfrey is licensed to practice law in Alaska and has passed the Alaska Bar [exam].

MR. GODFREY replied no, he hasn't sat for the exam and doesn't intend to. He said he didn't pursue a Juris Doctorate for the purpose of practicing law but rather for personal reasons.

CHAIR STUTES introduced the next appointee, Ms. Marit Carlson-Van Dort of Anchorage. She said this would be Ms. Carlson-Van Dort's first time to serve on the board. If confirmed, Ms. Carlson-Van Dort's term would be from 5/1/19 to 6/30/21.

[7:09:51 PM](#)

MARIT CARLSON-VAN DORT, Appointee, Board of Fisheries, testified as appointee to the Board of Fisheries. She said she is a born and raised Alaskan from the southern Alaska Peninsula. She attended school in Juneau during winters and spent her summers in Chignik Bay. She has many connections between Kodiak and Chignik Bay. Excepting the last five and a half years, she has lived her entire life in coastal Alaska off the road system. Chignik is a small community with a long history in fisheries, primarily salmon, but over the years Chignik has at one time or

another hosted several fisheries, including cod, crab, and halibut.

MS. CARLSON-VAN DORT noted that in the early 1990s, when she was 12 or 13 years old, she was offered a job on her grandfather's seiner and she spent 14 summers seining in that salmon fishery, as did her mother for 24 years and her grandfather for over 60 years, and his father before him. Each summer her family would catch its subsistence fish and salt, dry, smoke, can, and freeze the fish to enjoy throughout the year. Fishing afforded her the opportunity for an excellent education and inspired a life-long interest in ecology and the sciences of the natural world. She graduated from Juneau-Douglas High School and earned a Bachelor of Science degree in conservation biology from the University of Wisconsin-Madison. This university pioneered the science of limnology and fish ecology in freshwater systems in North American and this is where she concentrated most of her studies. She continued her education at the University of Alaska Southeast, receiving a Master of Science in fisheries with interest in large population dynamics in salmonid species and a Master of Arts Teaching program where she studied secondary education with a math-science emphasis.

MS. CARLSON-VAN DORT stated that how Alaska protects its salmon and uses its many resources has remained essential to her personal and professional interest. Formerly she was a legislative staffer and spent many hours working in the Senate Resources Standing Committee. She was also a legislative liaison for the Department of Conservation for 6-7 years. She recently shifted to the private sector, working in public and government affairs in areas associated with state and federal regulation, environmental policies, permitting, development, and community outreach. She is currently the director of external affairs for NANA Regional Corporation. Additionally, she has spent many years leading an Alaska Native Claims Settlement Act (ANCSA) village corporation for managing its lands for subsistence; so, resources remain the highest priority and best use of the corporation's lands.

MS. CARLSON-VAN DORT related that her interest in serving on the Board of Fisheries became most pronounced in the last year. She is becoming increasingly interested and concerned about the state of Alaska's fish resources. The poor seasons and low escapements experienced all over the state last year refocused her attention on the many questions and unknowns that are affecting Alaska's fish. What possible biologic variables could be impacting Alaska's fisheries as well as the effects of the

competition amongst stakeholders and user groups? She strongly believes that how the challenges are approached will determine the long-term viability and success of Alaska's fisheries. The board's greatest challenge is how to manage in the interest of conservation and satisfy the needs of various user groups without creating special privileges and exclusive rights. She is interested and willing to dedicate herself to this challenge, and she will base decisions on sound and defensible science and incorporating valuable local and traditional knowledge. The collective goal is to ensure a healthy ecosystem and long-term sustainable resource that provides for all Alaskans.

[7:17:01 PM](#)

REPRESENTATIVE RASMUSSEN thanked Ms. Carlson-Van Dort for her willingness to serve and asked whether Ms. Carlson-Van Dort has any conflicts of interest in serving on this board.

MS. CARLSON-VAN DORT replied she doesn't believe she has any conflicts of interest at this point. She said no one in her immediate family is involved in the fisheries, although her extended family is.

[7:17:58 PM](#)

REPRESENTATIVE VANCE inquired why Ms. Carlson-Van Dort didn't continue with teaching.

MS. CARLSON-VAN DORT responded she was young, and while it was rewarding, she felt like she needed to take a break from school. When she returned to Alaska she started getting interested in public policy and that is when she went to work for the legislature and the trajectory of her career went from there.

REPRESENTATIVE VANCE observed Ms. Carlson-Van Dort's work and board experience includes president and CEO of Far West Inc. She requested a description of the business.

MS. CARLSON-VAN DORT answered that it is the ANCSA village corporation she previously mentioned. The corporation holds lands in the Chignik Bay area and participates in the Small Business Administration's 8(a) federal contracting program.

REPRESENTATIVE VANCE noted there is much concern in the fishing industry of any connection to the Pebble Limited Partnership. She requested Ms. Carlson-Van Dort to explain her time working

for Pebble and how that is going to reflect upon her time on the Board of Fisheries.

MS. CARLSON-VAN DORT replied she doesn't believe it will reflect at all on her participation or ability to make objective decisions while on the Board of Fisheries. She said she was hired after two years of deliberation. She took the position at the Pebble Partnership primarily because she was concerned about the Bristol Bay fishery and any impacts that might arise from the development of a mine at the Pebble Project site. Shortly after she was hired the primary investor left the project and so at that time the nature of what she was doing there changed dramatically. She focused her work on what types of benefits a project like Pebble might be able provide to residents of the Bristol Bay region. The company she went to work for is very different than the one she left last year. She is interested in reviewing the draft environmental impact statement that the company has put forth. She stated for the record that she remains unconvinced that a mine at Pebble would decimate the Bristol Bay salmon fishery, but she thinks there are legitimate concerns that folks have. She spent quite a bit of time in the region talking about those with stakeholders.

[7:22:33 PM](#)

REPRESENTATIVE TUCK inquired about Ms. Carlson-Van Dort's experience with the fishing vessel Miss Marit.

MS. CARLSON-VAN DORT responded that the Miss Marit was built and named for her by her grandfather in 1979 and was the boat she was hired on.

[7:23:25 PM](#)

CHAIR STUTES referenced the question she posed to the previous appointees about intercept fisheries and how Kodiak has a traditional intercept fishery of Cook Inlet sockeye. She requested Ms. Carlson-Van Dort's views on traditional intercept fisheries.

MS. CARLSON-VAN DORT answered that with respect to mixed stocks and terminal fisheries it is fair to share in bountiful times when salmon returns are prolific and strong. But, she said, she also thinks it is fair to be conservative to ensure escapement goals necessary to maintain the productivity of the stock over time. Return numbers change and they can change a lot from year to year, so it is prudent to look at the data to see if it is a

freak occurrence or possible trend. That is why it is appropriate to review those management plans and allocations on a regular basis and that is what the board does.

CHAIR STUTES repeated the question she posed to the previous appointees about hatcheries, fish straying, and possible effects on wild runs and requested Ms. Carlson-Van Dort's position on hatchery fish.

MS. CARLSON-VAN DORT replied she doesn't have a position on hatchery fish and is very interested in learning about the issue. She said she believes that hatcheries and those enhanced fisheries have a place and purpose and have provided value to the commercial fisheries that are in the hatchery areas. With that said, it is important to take a precautionary approach to those hatcheries and have a good understanding of what (indisc. -- audio difficulty). She doesn't yet have a strong feeling one way or the other but is very curious to see where the discussion leads.

CHAIR STUTES stated that there is a lot of political pressure around fisheries. She asked whether Ms. Carlson-Van Dort feels she will be able to resist that pressure in making board decisions that are based on science and research as opposed to political pressure.

MS. CARLSON-VAN DORT responded, "Most definitely." She said pressure is good and bad and she doesn't know if the right thing to say is to resist or incorporate the political pressure and pressure in general. Good things come from pressure. It is a delicate balance and needs to be debated on defensible data and that data needs to come from multiple sources to make as informed a decision as possible.

[7:27:34 PM](#)

CO-CHAIR TARR referenced the question she posed to the previous appointees regarding diversity and balance on the Board of Fisheries to ensure that everybody's interests are represented. Regarding the de facto seats on the board, she noted Ms. Carlson-Van Dort would be representing the viewpoint of subsistence. She requested Ms. Carlson-Van Dort to share her thoughts and how she will weigh her role.

MS. CARLSON-VAN DORT answered that her role is to represent user groups in the state of Alaska. She said the de facto seat definitions are kind of a simple way of trying to maintain

balance. It is important to have a board plate that has a varied background amongst the use of the fisheries and that is being seen in her and some of the other candidates as well. She has a lot of experience and her family has had a lot of experience. Subsistence use is very important and so is the commercial fishing aspect. She has been around sport fishing but not participated only because she is not very good at it. People who serve on the board need to have a balanced background and she brings that to the plate.

CHAIR STUTES introduced the next appointee, Mr. Karl Johnstone of Anchorage. She noted Mr. Johnstone previously served on the board from 2008-2015. If confirmed, Mr. Johnstone's appointment would run from 5/1/19 to 7/30/2021.

7:30:00 PM

KARL JOHNSTONE, Appointee, Board of Fisheries, testified as appointee to the Board of Fisheries. He said he has lived in the Anchorage area continuously since arriving in Alaska in 1967. After practicing law for a few years, he was appointed to the Anchorage Superior Court where he served until 1997, the last four years as presiding judge of the trial courts. He served on the Board of Fisheries from 2008-2015, the last four years of which he served as chairman, three of which were unanimous, and last one being in October 2014. This would be his third full confirmation. He was a setnetter in Bristol Bay for a couple years and then fished a drift permit in Bristol Bay for a few years. He also was a commercial fisherman for sac roe herring in Southeast Alaska and in Prince William Sound.

MR. JOHNSTONE said many of his supporters characterize him as having good knowledge of the fishery and the process, experience in the fishery, always well prepared, and attending every part of every meeting. He is told he is accessible, polite, direct, listens to everybody, and is a good advocate for the resource. His opponents say he coerces, threatens, and is disrespectful to ADF&G staff, the public, and his fellow board members. He asked the committee to consider whether it makes sense to be unanimously elected by his fellow board members for three consecutive years if these claims were true. They are not.

MR. JOHNSTONE stated he suspects there is going to be a fair amount of controversy about him. He is told one thing that will be brought up is his hiring of a coroner 25 years ago when one of his tasks as presiding judge was to hire employees, magistrate judges, and other staff in the court system. He said

he deviated from an established hiring process in 1994 and hired a coroner recommended by the chief justice. This was against the good advice given to him by administrative staff and other competent people. A complaint was made and the judges committee that was commissioned after a hearing ruled that while his conduct was legal and authorized by law, it gave the appearance of impropriety. The Supreme Court of Alaska agreed, and he was given a reprimand, which he believes was appropriate and deserved. He is proud of his 25 years of public service, but everyone makes mistakes, and he made a mistake, and he was wrong, and he learned from it.

[7:33:48 PM](#)

REPRESENTATIVE HANNAN inquired about the location from which Mr. Johnstone is calling today.

MR. JOHNSTONE replied he is calling from Prescott, Arizona, after returning from a visit with his daughter in a hospital in California.

REPRESENTATIVE HANNAN asked what portion of time Mr. Johnstone lives in Prescott versus Anchorage.

MR. JOHNSTONE responded he lives most of time, probably seven months, in Anchorage where he has a home. He said he travels quite a bit to other states and doesn't just stay in Arizona. He spends enough time in Alaska to easily receive a permanent fund dividend each year.

REPRESENTATIVE HANNAN inquired about the number of months that Mr. Johnstone receives the Cost of Living Allowance (COLA) for his state retirement.

MR. JOHNSTONE answered that COLA does not apply to judicial retirement, but he believes it does apply to other state retirement benefits.

REPRESENTATIVE HANNAN noted that when Mr. Johnstone previously served on the Board of Fisheries and was a resident of Anchorage, he traditionally took a suite at the Captain Cook Hotel versus staying in his home. She requested Mr. Johnstone to describe why he did that and what would be his intention if re-appointed.

MR. JOHNSTONE replied that in 2009 department staff told him that he should stay in or near the hotel in Anchorage when board

meetings were conducted and that he would be given a hotel room and per diem. He was asked, and thought instructed, to stay there. The department received this authority from the director of the Division of Administrative Services every year he was there. There are several documents, one a memorandum dated 10/24/13, which was a request for him to receive lodging and meals in Anchorage while attending board meetings for the 2013 and 2014 meeting cycle. Reading from the memorandum, he continued: "Meeting days require long hours and work sessions in the evening as well as preparation for next day's meetings, formal meetings before and after formal on-the-record sessions. This schedule makes it very inconvenient for Mr. Johnstone to drive home at the end of the day and turn around early the next morning to make the meetings on time. This is in the best interest of the board process Mr. Johnstone remain on site of the meetings." He added that this was a decision made by the department, not by him.

REPRESENTATIVE HANNAN inquired as to who signed the memo.

MR. JOHNSTONE responded that it was from Shaundy Petraborg, Administrative Officer, Boards Support Section. The executive director of the Boards Support Section, Glenn Haight, and his predecessor also made them. This memo was directed to Sunny Haight, the director of the Division of Administrative Services.

REPRESENTATIVE HANNAN asked where Mr. Johnstone would stay when in Anchorage if he were again on the Board of Fisheries.

MR. JOHNSTONE answered he would stay where he was told to stay for the best interests of the board. He would much prefer to stay in his own house, as he gets tired of hotel meals. He said he doesn't make any money on this, it is an inconvenience, but in the winter, it is about 45 minutes between his house and the hotel during good conditions, longer during bad conditions.

[7:38:35 PM](#)

CHAIR STUTES inquired whether it was at Mr. Johnstone's request or the board's request that he stay at the hotel.

MR. JOHNSTONE replied that in 2009 he asked what the policy would be for meetings held in Anchorage. He was told that the department would want him to stay in a hotel in Anchorage and be paid per diem when he was in Anchorage. It wasn't a request by him, but rather an answer to a question he asked.

CHAIR STUTES asked whether Mr. Johnstone is aware that when legislators receive per diem it is only if the legislator does not live within a 50-mile radius from where the meeting is.

MR. JOHNSTONE confirmed he is aware about other public officials. The subject of these memorandums and these requests made by the department, and not by him, requested travel status acknowledging that he would be coming from less than a 50-mile radius to a duty station. He understood that, but it wasn't his decision. He didn't ask for it, he was told he should be at the meetings and they asked for it for him.

[7:40:04 PM](#)

CO-CHAIR TARR reflected on whether it would be good to get some new people involved in the board because new energy can be good. She offered her understanding that Mr. Johnstone was now transitioning into a new phase of his life with more travel. She inquired whether Mr. Johnstone has received an Alaska permanent fund dividend every year for the last five years.

MR. JOHNSTONE answered he has received three in the last five years. He said he forgot to apply for one and the other he decided not to apply even though he would have qualified.

CO-CHAIR TARR referenced the question she asked the other appointees about diversity on the board. She asked whether Mr. Johnstone feels his previous board experience is an asset or a liability in this case because when someone is a known entity people may perceive that any previous problems are going to come back to the board again. She related that she has heard criticisms of Mr. Johnstone's leadership style and treatment of the public, although she couldn't confirm the accuracy of those criticisms. She asked Mr. Johnstone how she should be thinking about those concerns as she evaluates his appointment.

MR. JOHNSTONE replied he has kept current on fisheries issues over the past four years even though he hasn't been on the board. He said he is very interested and passionate about the issues and so tries to keep current. He was well known to be prepared and his experience would be a big positive. When he starts his first meeting, he will hit the ground running without any learning curve. New board members must learn an entirely new language of terms they've never heard before. He will be able to provide mentorship to the new board members, which would be an advantage to putting him on the board.

[7:44:07 PM](#)

REPRESENTATIVE RASMUSSEN stated that Mr. Johnstone is probably the most controversial appointee to the Board of Fisheries. She inquired why there is so much opposition to Mr. Johnstone's appointment because she can't imagine that the coroner story of 25 years ago equates to the current opposition that is specifically coming from commercial fishing.

MR. JOHNSTONE responded he has a hard time answering as he is taken aback by some of the claims made about him, as he doesn't believe they are accurate. He said he is very effective and well prepared; he doesn't just rubberstamp what he hears from the department and he doesn't just accept everything somebody says without looking at it more carefully. The board members listen to him, and when he expresses his opinions, he thinks they consider them given his experience. Sometimes he votes in a way that maybe costs the commercial fisheries and they look at this as a business proposition and if he makes a decision that costs them money, they are going to worry about that in the future. That happens in the urban area around upper Cook Inlet, he doesn't hear much flak from Bristol Bay or the Alaska Peninsula. It seems to be centered on some of the fisheries where there are mixed stocks and a lot of competition for their use. He represents all Alaskans and his decisions are going to be based on what is sustainable and he is going to try to divvy up the resource so it complies with the Alaska constitution, which says it should be managed for the maximum benefit of Alaskans. Times have changed in Alaska and the policies and regulations must change to adapt to the changing times.

REPRESENTATIVE RASMUSSEN asked Mr. Johnstone to estimate how many times he voted against commercial fisheries as well as for commercial fisheries while he was on the board.

MR. JOHNSTONE replied it would be impossible to figure that out.

[7:47:06 PM](#)

CHAIR STUTES recalled an opinion piece in the Anchorage Daily News (ADN), [published 2/13/17], in which Mr. Johnstone asserted that farmed fish are essentially the way of the future and Alaska's commercial fishing industry is a dying one. She read aloud from portions of the article, which stated [original punctuation provided]:

The new businesses that are Alaska's economic future, along with the average Alaska angler and dipnetter, get treated like ugly stepsisters while the focus remains on trying to prolong the life of the aged and fading sibling for as long as possible even though the benefits to the Alaska family are destined to steadily decline.

Alaska salmon are today small players in a global market where salmon farms, like it or not, dictate price. The Norwegians produced a record 1.3 million tons of farmed salmon in 2015, the Canadians, 1.2 million tons.

Commercial prices have flatlined. Unfortunately, one cannot rule out the possibility that prices will continue downward as aquaculture operations follow a 50-year trend and become ever more efficient. The Worldwatch Institute, an influential NGO, is now calling aquaculture "the most hopeful trend in the world's increasingly troubled food system."

The world has changed, and it is changing evermore by the day. We need to keep up!

CHAIR STUTES requested Mr. Johnstone to comment on his writing.

MR. JOHNSTONE responded that the aforementioned opinion piece from a little over two years ago was intended to be provocative, to get people's attention, and to get people thinking. The words he used were intended in just that manner. It does not mean he would discriminate in any way; he has no animus against the commercial fishing industry, he was a commercial fisherman himself and he wants it successful. But there are facts that are taking place. The price paid to fishermen is a fraction of what it was in the 1980s. Farmed fish are taking over. Alaska used to be a big player in the salmon production worldwide; it is now a much smaller player. He wants people to start thinking about what can be done to maximize the economic benefit of Alaska's commercial fisheries rather than just use the old methods that have been done for so many years.

CHAIR STUTES inquired whether Mr. Johnstone is advocating for farmed salmon in the state of Alaska. She said writing an article like this and putting it in the Anchorage Daily News suggests, to her, more than an attention-getting article.

MR. JOHNSTONE answered he is not in favor of developing a farmed fishery in Alaska. What he said stands for itself and his reason was to be provocative. He has written several opinion pieces and opinion pieces are meant to get people thinking. He reiterated he has nothing against commercial fishing and wants it to succeed.

CHAIR STUTES stated that most of the opinion pieces written by Mr. Johnstone have always expressed a clear bias towards commercial fisheries. She asked whether that was also an attention-getting way of trying to pay more attention to Alaska's commercial fisheries. She further asked what the purpose is of having such a bias against commercial fisheries in his writing.

MR. JOHNSTONE replied he disagrees with the chair's premise. He said he does not have a bias; he tries to get people thinking and to get people to understand the economic impacts of Alaska's fisheries. It is sometimes to be provocative and sometimes to provide information, but it is not biased.

[7:51:45 PM](#)

REPRESENTATIVE SPOHNHOLZ noted that Mr. Johnstone cites his experience as one reason for why legislators should support him. She related she is an urban Alaskan who does do some personal use fishing, but fishing is not her background. In researching the background of appointees, it came to her attention that Mr. Johnstone was asked to resign from the Board of Fisheries when, under his leadership, the board interviewed only one of five candidates for the board. Then-Speaker of the House Mike Chenault wrote a letter to then-Governor Walker, two people who did not see eye-to-eye on very much, requesting a review of the meeting, and afterwards Governor Walker asked for Mr. Johnstone to resign. She requested Mr. Johnstone to comment on this.

MR. JOHNSTONE responded that Governor Walker did not ask him to resign after the Board of Fisheries met. The governor called and told him he wasn't going to be reappointed that session, so he then volunteered to resign if it would make it better and get somebody on the board and up to steam. The Anchorage Daily News accurately reported it. The Board of Fisheries is tasked with interviewing and submitting names to the governor of people who are being considered as commissioner of the Alaska Department of Fish and Game. In this case the Board of Fisheries voted unanimously not to interview or forward an individual by the name of Dr. Roland Maw to Governor Walker as being qualified.

He cannot speak to other members as far as their reasons for voting no, but he didn't think he was going to be a good fit, so he voted no. The governor had already appointed Sam Cotton as his [ADF&G] commissioner.

REPRESENTATIVE SPOHNHOLZ apologized and said Mr. Johnstone is correct. The governor called Mr. Johnstone to express disappointment about the lack of process demonstrated. The governor was expressing this concern about the lack of a fair, transparent, and public process.

MR. JOHNSTONE answered that he specifically asked the Department of Law through the board's support section whether the board needed to give reasons if the board didn't want to forward an individual's name to the governor. There were five other people who had applied, including Sam Cotton, and the board didn't interview them or forward their names either. He was told that the board didn't need to give reasons and he felt the reasons that might be given were unnecessary, as he didn't want to say unpleasant things about somebody and wanted to make the decision of whether or not to push a person forward. He was one of the seven votes in the unanimous vote; the board makes these decisions, not any individual.

REPRESENTATIVE SPOHNHOLZ commented that based on some of this superficial review she isn't mystified as to why Mr. Johnstone's appointment is controversial. She said that for a sense of fairness, process really matters when talking about fish and game. For her, the lack of process in reviewing those candidates harkens back to Mr. Johnstone's earlier mistake. She agreed everyone makes mistakes, including herself, but one must learn from those mistakes and not make them again and again.

[7:56:44 PM](#)

CO-CHAIR TARR said bringing up these issues gets back to her earlier question about Mr. Johnstone being an asset or liability in coming back to the board. She said the opinion piece read by Chair Stutes really strikes her because it is important to have balance. While she can appreciate Mr. Johnstone's recognition that times have changed, she can think of how to write about this very same issue but with a totally different point of view, such as looking at things like climate change, warming temperatures, ocean acidification, illegal harvest from foreign vessels, all of which are also influencing what is going on in the commercial industry and what is happening with prices. She is concerned that this piece pushes it because she has heard one

line of thinking that seems consistent with the suggestion that the commercial industry is going to go away and the future is going to be more personal use and subsistence. It troubles her that this language seems foundational to that philosophy and, in her mind, misses a lot of the potential reasons for stress on commercial or other fisheries, but more importantly wouldn't ensure that that diverse viewpoint was fairly represented. She asked whether Mr. Johnstone has any comments in this regard.

MR. JOHNSTONE replied he appreciates Co-Chair Tarr's comments and can understand where she is coming from. He reiterated that the opinion piece was intended to be provocative and he has nothing against the commercial fishing industry. He said he stands by those comments.

CO-CHAIR TARR noted commercial fishing is critically important to Alaska's coastal communities and that sport fishing and personal use are also important. She asked Mr. Johnstone if he can see how someone in her position can interpret his writings as a bias against commercial fishing and therefore can give pause to someone in her position.

MR. JOHNSTONE responded he could see it a little bit. He said his intentions have always been to maximize the economic benefit of all of Alaska's fisheries, from the viewpoints of putting money in one's pocket or putting fish on one's table or in one's freezer. That will be his plan going forward and has nothing to do with being for or against commercial fisheries. It is for the resource and what benefits Alaskans most. He sees some changes in circumstances that may warrant looking at things a little differently and he would like to see the commercial fishing industry become more innovative. He is for creating commercial fisheries, not getting rid of them.

CO-CHAIR TARR remarked it is important that a person on the board be looking comprehensively at these issues. In her mind, she continued, a lot of these challenges are much more environmental pressures than other things. She wants to think the board wouldn't be too closed-minded about some of these pressures and is looking at it comprehensively.

MR. JOHNSTONE agreed and stated he wishes there was more information about environmental issues affecting fish, but the Board of Fisheries doesn't deal in that so much. The board has a certain role set forth by statute and deals with the hand it is given.

8:01:25 PM

REPRESENTATIVE HANNAN noted Mr. Johnstone's statement about developing new commercial fisheries. She further noted there has been much dialogue that perhaps Alaska already has a segment that is called sport fishing but there is a commercial element to it and the idea of developing guided sport fishing as a separate commercial category. She requested Mr. Johnstone's perspective in this regard.

MR. JOHNSTONE answered that there is definitely a commercial aspect to guided sport fishing; some regulations are in place and maybe someday there will be a comprehensive regulatory process for guides. He clarified that when he said he was for developing commercial fisheries he was referring to fisheries such as the Aleutians cod fishery, the pot cod fishery that he spearheaded to create a state waters fishery. Instead of using federal regulations, state regulations would be used and would allow small coastal village vessels to participate in it. He said Representative Hannan raises an interesting point about the commercial aspect of guides.

8:02:48 PM

REPRESENTATIVE VANCE surmised Mr. Johnstone is not surprised that his appointment is one of contention in her district. She requested Mr. Johnstone's opinion about the future of the fishery in Cook Inlet.

MR. JOHNSTONE replied the fishery is healthy in general and has been managed well by the state. He said escapement goals are used for those fisheries; sometimes they are achieved, sometimes they are low, and sometimes they are high. There is a much competition for the resource. The major population of Southcentral Alaska now has pretty good access to the Kenai, and in some cases, they are unable to find fish unless they go to the Kenai, so there is competition and that is hard on the commercial fisheries. To some extent it could be considered unfair because [commercial fishers] are giving up the share of the pie/resource to others who now think they should have a reasonable opportunity at this common property resource. With a mixed stock fishery, escapement for all species must be ensured and sometimes it is going to cut back on the major harvester, which is the commercial fishing, and sometimes it is going to cut back on the others. It is very challenging and so far, it has been the commercial sector that has had to give up the fish

in order to accommodate increasing uses from the users, which may seem unfair and he can sympathize.

8:05:02 PM

CHAIR STUTES related that several people have contacted her office about Mr. Johnstone's appointment, but have refused to comment in writing for fear of retribution due to their view of Mr. Johnstone as vindictive based on their personal experiences of him as a past board member. However, she continued, she did get one email today in writing. She read aloud from a portion of the email: "Karl personally tried to pressure me into accepting KRSA's Board of Fish proposal, saying that if I didn't his friends would put my family out of business. I witnessed and heard firsthand from Board of Fish members, F&G employees, and journalists who Mr. Johnstone openly threatened with retribution when they opposed his wishes." She requested Mr. Johnstone to respond.

MR. JOHNSTONE responded it is inaccurate and untrue. He said that is the best he can do because he doesn't know whom Chair Stutes is talking about and he doesn't know the circumstances.

CHAIR STUTES stated she would be more open if she had heard that from only one or two people. That said, she inquired whether Mr. Johnstone attends the Kenai River Classics.

MR. JOHNSTONE answered he hasn't been to the classic for six or seven years.

CHAIR STUTES asked whether Mr. Johnstone had gone to the classics in the past.

MR. JOHNSTONE replied he did, and he attended the dinner when all the legislators showed up but did not participate in the fishery and he paid for the dinner. In checking with the Boards Support Section and the ethics [Executive Branch Ethics Act] he was told he should pay for it, which he did, and he left after the dinner.

CHAIR STUTES further asked whether Mr. Johnstone paid all the other expenses associated with that.

MR. JOHNSTONE responded he isn't sure what Chair Stutes means by that. He said he drove a car from Anchorage to Kenai and back and paid for the gasoline and the car.

8:07:30 PM

CO-CHAIR TARR referenced Mr. Johnstone's referral to more Anchorage and Southcentral users. She offered her understanding that the commercial fisheries were set up before there were the number of individual users and it has possibly been that the commercial harvest has been cut short to allow more for the personal use folks. She noted there is a "permit buyback bill," which she isn't in disagreement with because it would relieve pressure. She said it sounds like Mr. Johnstone supports the idea going forward that there needs to be a move toward the increased personal use user group and away from commercial for Upper Cook Inlet. She asked whether that is how Mr. Johnstone wants it to sound.

MR. JOHNSTONE replied salmon is a common property resource and everybody in the state has the certain right to an opportunity if more than lip service is going to be given to the constitution, which says the resource is to be managed for the maximum benefit of Alaskans. He noted the personal use fishery has been adopted. There are more people who want to fish with rod and reel and about the same number of people who have permits, and he is all for managing the fishery in the best interest of all Alaskans and not a particular user group. He said some consolidation of the drift fleet, and particularly the setnet fleet, where the number of permits and the amount of gear in the water is reduced, would provide a better opportunity for those remaining to harvest a greater number of fish. While he isn't sure how that is going to work out, a buyback of some sort is certainly worth considering. [Alaska's] population is now almost 800,000 with 400,000 living in the Southcentral area, Matanuska-Susitna Valley, and Anchorage, which is far different than 50-60 years ago when 100,000 lived there.

CO-CHAIR TARR offered her appreciation for Mr. Johnstone's answer and said there is no denying that the numbers put on pressure. She surmised the permit buyback would come through the Commercial Fisheries Entry Commission (CFEC) and therefore not a direct Board of Fisheries decision. She asked whether Mr. Johnstone could confirm or commit that those who lose out would be made whole in the process so there is some fairness and equity and not a situation of one group over the others.

MR. JOHNSTONE offered his assurance that he would favor exactly that. He said he would favor: a consolidation, that somebody doesn't get erased and is compensated, and anything that would make it more beneficial for the remaining fishers. Currently a

lot of fishers are dividing up a finite amount of salmon and if gear could be taken out of the water and permits taken out, it would benefit everybody that remains. He is all for that and is all in favor of compensating them.

[8:12:24 PM](#)

CHAIR STUTES asked Mr. Johnstone for his views on hatcheries in the state of Alaska.

MR. JOHNSTONE responded that clearly hatcheries provide a robust economic benefit and, in his opinion, will be around for years to come. In his opinion, there is currently insufficient science and information to say hatcheries are harming wild stocks. He was gratified to see the way the Board of Fisheries looked at the issues and put in place a process to review hatchery performance on a regular basis. That was the intention from the beginning, but those hatchery meetings didn't take place. He is not against hatcheries that produce a common property resource that benefits the commercial sector, so long as they do not impact wild stocks, and the science is not there to come to that conclusion yet and may never be.

[8:13:26 PM](#)

REPRESENTATIVE TUCK observed that the Supreme Court of Alaska reprimand was in the committee packet. He requested Mr. Johnstone to share what the process was, the recommendation, and what process it was that he did not follow.

MR. JOHNSTONE answered that he helped put in place a hiring and recruitment process for the coroner. He wasn't satisfied with the outcome, he continued, so he talked to his boss, [Chief Justice Moore], and told him he planned on looking for somebody else. The chief justice recommended a person, and, because he wanted to get a coroner quickly, he went to the officials he worked with and asked them about this. A couple of them said it wouldn't look good and urged him to not go ahead with getting someone in a hurry. They gave him good advice, but he didn't follow it. He hired as the coroner this particular person who he thought was very qualified because he was a former attorney general, former U.S. attorney, former city attorney for a mayor, a legislator, and a well-known lawyer. This raised a lot of complaints and a complaint was made to the Judges Commission, which held a hearing and he was ultimately reprimanded. He allowed he was wrong and made a mistake and said he was sorry for it then and is still sorry for it.

REPRESENTATIVE TUCK opined that process and judgment are being talked about here and particularly judgment by a judge. He observed the following from the reprimand: Mr. Johnstone was appointing a new coroner and there was a process for appointing a new coroner; A person working for Mr. Johnstone, the area court administrator, came up with a process, advertised, and laid out the conditions of that; Once the filing deadline was closed and interviews had taken place, Mr. Johnstone chose not to select any of the candidates and closed this particular process; Letters were sent to the applicants saying there would be a subsequent selection process, which was never spelled out; Interviews were opened again and Mr. Johnstone's own committee ranked Mr. Richard McVeigh very low; Mr. Johnstone disregarded the committee's ranking and offered employment to Mr. McVeigh, who was a friend of another judge; and Mr. Johnstone offered Mr. McVeigh a position that was on a temporary permanent basis. Representative Tuck argued that there is no such thing as a temporary permanent basis, it is either going to be part-time or full-time temporary, or part-time or full-time permanent. He said it looked like Mr. Johnstone did this so Mr. McVeigh wouldn't lose his retirement benefits while working as the coroner. Representative Tuck said he has a problem with Mr. Johnstone saying that this was a small accident, oversight, or mistake when as a judge Mr. Johnstone is determining right and wrong with the law. He said judges shouldn't be above the law either. He noted Mr. Johnstone had counsel from many different people and a process was in place. Representative Tuck asked how the committee could have confidence in knowing Mr. Johnstone would maintain any type of process on the Board of Fisheries and not just give the committee lip service to the law.

MR. JOHNSTONE replied he could not argue with much of the aforementioned. He said he didn't mean to minimize it and call it a small error or mistake as he considers it a significant mistake and that he did the wrong thing 25 years ago. If it is to be held against him, then so be it; there isn't much he can do about and he is still proud of his public service. Judges sometimes make mistakes on the law and the Court of Appeals and Supreme Court are devoted to that very possibility. He was wrong in the hiring and cannot argue with the aforementioned facts and he takes responsibility.

[8:19:50 PM](#)

CHAIR STUTES returned to the topic of Mr. Johnstone having a hotel room while attending Board of Fisheries meetings in

Anchorage. She inquired whether Mr. Johnstone had said the Board of Fisheries had suggested it, as opposed to Mr. Johnstone requesting it.

MR. JOHNSTONE responded no, it was when he asked the question of what the policy is and was told by a staff member of the Board of Fisheries that the board would prefer he attend the meetings and stay in the hotel close to the meetings because of all the nightly meetings and get-togethers and the meeting of the stakeholders in the mornings. He recalled that he had said, "Fair enough," and he stayed [in the hotel] in Anchorage. He found out that the board's executive director is the one who applied for the waiver and that it was issued for the reason given.

CHAIR STUTES surmised Mr. Johnstone generated the original request.

MR. JOHNSTONE answered he didn't request it, he asked what the policy was and was told that in the past they had waived these things and they wanted him to attend the meetings and stay in the hotel, so he told them he would do that. He found out subsequently that these were requests that were made by the executive director of the Boards Support Section to the director of the Division of Administrative Services. He did what he thought he was supposed to do.

[8:21:35 PM](#)

REPRESENTATIVE HANNAN inquired whether there were other members of the Board of Fisheries at the time Mr. Johnstone was staying at the Hotel Captain Cook who were also residents of Anchorage and who also stayed at the hotel versus their own homes.

MR. JOHNSTONE replied there were no other members on the board who were from Anchorage.

REPRESENTATIVE HANNAN noted that Mr. Johnstone donated \$1,000 to the Dunleavy for Governor Political Action Committee (PAC). She asked whether that is Mr. Johnstone's standard level of political donations made to candidates or whether he was an enthusiastic supporter of the governor.

MR. JOHNSTONE responded he was an enthusiastic supporter of the governor and is not ashamed of giving that money to support his candidacy. He said he sometimes supports other candidates, but this time he chose to put his support behind Governor Dunleavy.

REPRESENTATIVE HANNAN inquired whether a \$1,000 donation is Mr. Johnstone's typical donation.

MR. JOHNSTONE answered it was a donation to a PAC. He stated his typical donation to other people running for office runs between \$200 and \$500, with \$500 the maximum he can contribute under Alaska law to a campaign itself as opposed to a PAC.

[8:23:30 PM](#)

CHAIR STUTES inquired whether Mr. Johnstone thought that that could be a perceived impropriety.

MR. JOHNSTONE replied not at all, he is entitled to contribute to a campaign of someone he thinks will do a good job. He said he imagines he isn't the only one and doesn't think any of the others would consider it an improper activity because a lot of people contribute money to a candidate, and he doesn't see the harm in that.

CHAIR STUTES requested Mr. Johnstone's thoughts on board generated proposals for the Board of Fisheries.

MR. JOHNSTONE responded that board generated proposals have a place in the Board of Fisheries process. He stated that while he was chair, he proposed a policy on board generated proposals, which he doesn't have in front of him, but which was adopted by the board. It set forth some sideboards - certain findings - before a proposal could be generated. While he doesn't remember what they were, it was along the lines of: there was no other way to address it, it needed to be addressed in a timely fashion, it had something to do with conservation, and it had something to do with an error that was made that could not be addressed through another process or the regular cycle. Board generated proposals have a place; they are not a substitute for some of the things the board does but play an important role.

[8:25:16 PM](#)

REPRESENTATIVE TUCK asked Mr. Johnstone to explain the role of the Board of Fisheries in selecting the Alaska Department of Fish and Game commissioner and what the process would be.

MR. JOHNSTONE answered that the Board of Fisheries and Board of Game meet in a joint meeting after a recruitment process has been started and names have come in of people who are interested

in the position. He said there is an initial screening and there are some requirements to begin with, but he isn't familiar with what they are right now. Then, when people meet the initial screening requirements, the boards are given names and they are given the opportunity to be interviewed by the boards. The boards must agree by a majority vote to interview and then agree ultimately to submit a name to the governor and then a selection is made by the governor. Typically, the governor has already made the appointment and typically the governor knows the person that he or she wants to be the commissioner. That person comes to the boards and generally that person is very well qualified and vetted by the governor ahead of time and that person gets forwarded. Maybe one, sometimes no other candidates, will get forwarded.

REPRESENTATIVE TUCK inquired whether [the boards] are required to interview all candidates for the position.

MR. JOHNSTONE replied no, [the boards] are not required to interview any candidate. He said an initial threshold is that [the boards] must decide if they want to interview a candidate; if they do, then they will, and then they will make their decision. If [the boards] decide not to interview a candidate, then that is a deal killer for that candidate and that candidate will not be submitted to the governor.

[8:27:47 PM](#)

REPRESENTATIVE VANCE related she represents all fishermen in her district, whether they are commercial, sport, subsistence, or personal use. She stated she must look at this objectively and not just about one group over another. Many questions are had about Mr. Johnson's confirmation and ability to adhere to the public process and there are many concerns about Mr. Johnstone's influence on the board. In taking away one group over the other she must resort to someone who will do no harm to any group because every group must have equity. She asked Mr. Johnstone what skillset he would bring to the board that would convince those who are questioning his confirmation that he would be a positive asset to the board regardless of all the controversy around his appointment.

MR. JOHNSTONE responded he would bring an experience factor that he gained over the years as a lawyer, judge, and board member. He said he understands the process very well now and is knowledgeable about the fisheries because he reads the thousands of pages that come to board members prior to a meeting. When he

makes an argument or deliberates, he does it based on facts or science, not emotion. He then applies the litmus test of whether it will be a sustainable fishery as the fish come first in his opinion. He also looks at whether it is something that is consistent with the Alaska constitution for a common property resource that is to be managed for the benefit of all Alaskans. He does the best he can to make the right decision. Sometimes there are winners and sometimes there are losers. When allocations must be decided somebody is going to be happy and somebody is going to be unhappy. As times change and as reasons change, allocations have changed. If it is wanted to have somebody who is going to stay with what has been done in the past and not change in any way regardless of the changed circumstances, then probably he is not the guy. He makes decisions based on good facts, he doesn't discriminate, he calls them as he sees them, and he makes the best decision he can consistent with what is best for all Alaskans.

[8:31:06 PM](#)

REPRESENTATIVE TUCK asked how many times the Board of Fisheries meets per year.

MR. JOHNSTONE answered that the board meets about five or six times a year on average. He explained that sometimes there are emergency petition meetings and sometimes a joint meeting with the North Pacific Fisheries Management Council. He further explained that the board visits only one area or one species each year, and every three years the board visits all the fisheries, so there is a three-year cycle for each fishery.

REPRESENTATIVE TUCK offered his understanding that Mr. Johnstone spends a lot of time traveling outside Alaska. He asked why Mr. Johnstone desires to serve on the Board of Fisheries given the commitment for this position.

MR. JOHNSTONE replied the state has been good to him and he wants to give back. He said he has enjoyed the resources of Alaska and came from Arizona to Alaska in 1967 because of the state's resources. The fisheries resource was the main reason he came to Alaska, as he likes to sport fish and was an avid commercial fisherman. His wife and children also like to sport fish. His family does not dipnet. He wants to ensure that this wonderful resource will be available to future generations. He likes the public-driven process. It is controversial because hard decisions are being made and eventually decisions are going to be made that affect everybody in an adverse way. Some people

have a difficult time making decisions, but he is able to make decisions and his background suggests he can make decisions and make hard decisions.

8:33:34 PM

CHAIR STUTES opened public testimony on all four appointees to the Board of Fisheries.

8:34:10 PM

RON SOMERVILLE, Secretary/Treasurer, Territorial Sportsmen, testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He said his organization supports the commercial fisheries and has worked hard with all the commercial fisheries groups. His group would also like to say that the common property resources available to the general public are being strangled in some cases. For example, something is wrong with the system when the commercial fisheries take 97 percent of the black cod and the common property users are disallowed from taking any more than 3 percent. While some people may be controversial, the balance is extremely important.

8:35:35 PM

BEN MOHR, Executive Director, Kenai River Sportfishing Association (KRSA), testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He said KRSA works to ensure the long-term health and sustainability of fishery resources in Alaska. Part of KRSA's work is engaging with the Board of Fisheries and members of KRSA haven't missed a meeting in decades. Each of the four appointees is supported by KRSA because each one would bring to the board a variety of experiences and perspectives to managing Alaska's fisheries. The board makeup is important. Balanced decisions that come out of the board process are made through healthy tension on the board. Oftentimes when people talk about the commercial seats and the sport seats it is because people are talking about balancing the different user groups that are represented. Each person before the committee this evening and on the board represents a variety of uses. The commercial seats often begin their comments by saying they sport fish as well. Folks that are filling sport fish seats this evening have histories in commercial fishing. Mr. Johnstone exemplifies the healthy tension and diversity of user experiences and the ability to

adjudicate different user profiles; KRSA respects his experience and ability to guide Alaska's fisheries issues in a responsible way.

[8:37:52 PM](#)

REUBEN HANKE testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He said he finds Mr. Johnstone to be one of the most available board members. During the breaks Mr. Johnstone walks through the public seating and makes himself available, which a lot of board members don't do. Mr. Johnstone is very approachable and takes time to talk to people. While sitting through testimony in the Senate the other day he heard a lot of accusations, bullying, and disrespect and he finds it interesting that someone with those qualities would have been unanimously voted by that board into the chair position three times.

[8:39:22 PM](#)

FORREST BRADEN, Southeast Alaska Guides Organization (SEAGO), testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He read aloud from an opinion editorial written by Mr. Johnstone in 2016: "Management and policy decisions should be made based on science and economics, not politics. Nobody is going away; all have legitimate concerns. Significant economic value is at stake, it is time to go back to work. We must team with the legislature and the Board of Fish in a productive and constructive manner, agreeing on what is essential to sustain the resource and determining the needs of others versus wants." Mr. Braden said it is critical for SEAGO, the people it represents, and the families and communities that are represented by those businesses, that there be fair and even-handed representation on the Board of Fisheries. It is SEAGO's experience that Mr. Johnstone has been fair. Mr. Johnstone hasn't always come out in favor of SEAGO's agenda and isn't a blind follower of sport fish. A lot of positive and very little negative was said about Mr. Johnstone during his 2012 confirmation.

[8:41:35 PM](#)

WILLIAM L. MACKAY, testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He stated he

has known Mr. Johnstone for 30 years, both professionally and personally, and has always found him to be a man of high integrity. Bringing Mr. Johnstone back to the board would be an excellent thing to do.

[8:42:21 PM](#)

FRANCES LEACH, Executive Director, United Fishermen of Alaska (UFA), testified in opposition to the confirmation of Karl Johnstone and that UFA was not opposed to the confirmations of Israel Payton, Gerad Godfrey, and Marit Carlson-Van Dort, appointees to the Board of Fisheries. She said that in looking at who supports and who opposes Mr. Johnstone's appointment it would be easy to conclude that it is commercial against sport. However, UFA's opposition to Mr. Johnstone has nothing to do with his representing sport fishermen. It has to do with his blatantly biased conduct and lack of transparency as a previous board member. It isn't about UFA not wanting a sport fishing representative on the board; if it were, UFA would be opposing the other ones that are being appointed. In his 2017 op-ed, Mr. Johnstone referred to the commercial fisheries as old and faded. Commercial fishing taxes contributed \$78.3 million to the state's general fund in 2018, a 19 percent increase from 2017. The commercial fishing industry is anything but old and fading and to suggest otherwise shows a deep lack of understanding and respect for the industry's contributions to the state. These fish wars will never end if people like Mr. Johnstone are confirmed and allowed to perpetuate their biases and not be open to conversations with all user groups concerning Alaska's shared resources.

[8:44:09 PM](#)

LARS STANGELAND testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said he has been involved in commercial fishing in Alaska for 48 years. He has been involved in the Board of Fisheries process and at those meetings he has had an opportunity to speak with board members who, in his opinion, were approachable, objective, and adhered to the directives of the process. On the other hand, Mr. Johnstone's well-documented bias against the commercial sector and his unwillingness to interact with stakeholders is a direct conflict with that process. It is a public process, and a good process, and a process that must stay intact.

[8:45:25 PM](#)

MARK VINSEL testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He stated he is a roadside sport fisherman and that Juneau has great sport fisheries for salmon largely because of cooperation between the sport and commercial sectors. The Douglas Island Pink and Chum, Inc. (DIPAC) hatchery provides a lot of sport fishing for king and coho salmon. The Board of Fisheries relies on public process and it is a great public process that relies on science-minded board members who are there for the public service. The concept of pitting user groups against each other that is seen throughout this whole thing is the wrong way to work for Alaska's fisheries. It is the road to losing all these fisheries and, on that basis, he urges Mr. Johnstone is not confirmed.

[8:47:01 PM](#)

KATHY HANSEN, Executive Director, Southeast Alaska Fishermen's Alliance (SEAFSA), testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. She stated SEAFSA is a multi-gear, multi-species organization mainly in Southeast Alaska, although it also includes long-line fisheries throughout the Gulf of Alaska. She said SEAFSA has not found Mr. Johnstone approachable at meetings. One time when she requested a meeting, she was told Mr. Johnstone didn't need to speak with her because he already had SEAFSA's written testimony. She noted SEAFSA writes many proposals because it is a multi-gear group and, expecting the opportunity to talk to members, she doesn't always put everything in SEAFSA's comments. So, it is very discouraging when a board member refuses to spend time talking because he read the group's testimony. Another example is when the commercial fishing industry brought up the declining sablefish resource in Chatham Strait. This resource had been on decline for several years and there was a growing new user group. So that the two could be balanced out, SEAFSA asked for reporting and some limits, but Mr. Johnstone told her that as long as there is a commercial fishery there is no conservation issue, which she finds to be anti-commercial bias.

[8:49:05 PM](#)

JEFFREY BUSHKE testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He stated Mr. Johnstone would manage for the benefit of all, has Alaskans first, exudes confidence, knowledge, trust, commitment, and fairness, and displays integrity.

8:50:05 PM

CHUCK DERRICK, President, Chitina Dipnetters Association, testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He recounted that during the Senate Resources Standing Committee's Board of Fisheries confirmation hearing last week several members of the Cordova commercial fleet took it as an opportunity to berate Mr. Johnstone for his past performance as chair of the Board of Fisheries, and specifically for passage of the Chitina Dipnetters Association's proposal to increase the salmon bag limit for its fishery. He said he applauds the 2014 Board of Fisheries, with Mr. Johnstone as chair, for approving this proposal. The proposal was supported by ADF&G for its ability to sync the bag limits of the Southcentral personal use (PU) dipnet fishery with the Chitina PU dipnet fishery, eliminating confusion for dipnetters to partake in either fishery. The Cordova commercial fleet chose this proposal as their reason to not confirm Mr. Johnstone.

8:52:54 PM

CHIP TREINEN, testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He recalled Mr. Johnstone's testimony claiming to be a good advocate and agreed with Mr. Johnstone's self-assessment. However, he continued, he is a commercial fisherman and Mr. Johnstone comes with an agenda and that agenda does not favor commercial fishermen. He urged Mr. Johnstone not be confirmed.

8:53:52 PM

MARVIN PETERS testified in opposition to the confirmation of Karl Johnstone and in support of the confirmations of Israel Payton, Gerad Godfrey, and Marit Carlson-Van Dort, appointees to the Board of Fisheries. He said he has 35 years' experience in the advisory committee systems. He has seen and dealt with many board members, probably every one of which was more conducive to argument and evidence than Mr. Johnstone, but he has never run across a board member who could bully a meeting and intimidate other members quite the way Mr. Johnstone could. Mr. Johnstone was a terrible board member.

8:55:05 PM

ROSELEEN MOORE testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. She said Mr. Johnstone is very biased against commercial fishermen. She grew up on a setnet site in False Pass and spent 35 years at Bristol Bay. Her family owns a boatyard in Homer and their livelihood along with the people of rural coastal Alaska depends on commercial fishing. Commercial fishing is the largest employer in the state and that needs to be considered, but Mr. Johnstone isn't willing to consider that.

[8:55:45 PM](#)

FRED STAGER testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said he has spent 34 years as a commercial salmon seiner and resident of Kodiak Island. In his time, he has seen a combination of market forces and Board of Fisheries decisions cut in half the participation in his salmon seine fishery. He stated his belief that Mr. Johnstone believes this is a good start. Mr. Johnstone's patronizing, thinly veiled contempt for commercial fishermen, and his work towards eliminating them whenever possible, make his confirmation unfair, ill advised, and a danger to commercial fisheries throughout the state and in the community of Kodiak in particular.

[8:56:48 PM](#)

SALUA STAGER testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. She said she was raised on Whale Island outside of Kodiak, is a third-generation commercial fisher, and has a lifetime of Kodiak commercial fishing experience. Currently, she is well into her second career as a health care worker and is seeing the negative side effects of the reduced fishing opportunity for the small boat fleet and effects on the community of drugs, alcohol, and suicide going up.

[8:57:44 PM](#)

JULIE DOLL testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries. She noted she is with the Chitina Dipnetters Association, the Alaska Outdoor Council, and the Tanana Valley Sportsmen's Association. She said Mr. Johnstone's past Board of Fisheries actions prove he will provide balance and fairness to the board. Board of Fisheries meetings may last a week or more and personal use and sport proposals are usually addressed first. Often commercial

interests would wait until the end of a meeting to call for reconsideration of an approved personal use or sport proposal after the sport and personal use representatives had returned home, leaving no one to defend the original passage. Under his chairmanship, Mr. Johnstone amended this procedure to place a 24-hour limit for reconsideration after passage of a proposal, giving user groups a security that days later their work getting a proposal passed could not be jeopardized.

[8:58:50 PM](#)

VIRGIL UMPHENOUR, Fairbanks Fish and Game Advisory Committee, testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He related that the advisory committee met on 4/10/19 and unanimously supported all the governor's appointees. He noted he served three terms on the Board of Fisheries and stated that the same people opposing Mr. Johnstone opposed him. These people don't like the old Marine Corps adage of five Ps - prior planning prevents poor performance. They do not want an effective board member that believes in the constitution, the statutes, and the regulations and in applying them in a fair and even manner.

[9:00:08 PM](#)

NORMAN VAN VACTOR testified in support of the confirmation of Israel Payton and in opposition to the confirmations of Marit Carlson-Van Dort and Karl Johnstone, appointees to the Board of Fisheries. He said he has long been able to say he is proud of the way the State of Alaska has gone about overseeing and ultimately managing its vast and incredible seafood resources. Alaska's previous governors saw the value in having representation from diverse user groups as well as from different competing regions. While not perfect, it has provided for a balance of views and a public process that has been open and fair. He is concerned, however, that in one fell swoop with a few of these appointments Governor Dunleavy will upend what has been a fair and equitable system. Mr. Payton is passionate about sport fishing but is open and inquisitive and very knowledgeable about subsistence and commercial interests and for that reason he supports Mr. Payton's re-appointment. Mr. Johnstone's biases are well known from the track record of his previous tenure on the board and he opposes Mr. Johnstone's nomination. He also opposes Ms. Carlson-Van Dort's nomination. If Mr. Johnstone and Ms. Carlson-Van Dort's nominations move forward, the board will lose much credibility in rural Alaska

fishing communities. "Do we really want the fish wars of Cook Inlet to now taint the rivers and streams of the likes of Bristol Bay?" he asked. He requested the committee to do what is right for Alaska and its fisheries.

[9:01:48 PM](#)

DANIELLE RINGER testified in opposition to the confirmation of Karl Johnstone and in support of the confirmation of Israel Payton, appointees to the Board of Fisheries. She noted she and her husband run a commercial fishing operation. She said Mr. Johnstone has been discriminatory toward commercial fishermen in the past and she is concerned he will continue this inappropriately divisive and biased behavior if appointed again. Alaskans need and deserve a balanced board comprised of individuals who value the importance of various fishing ways of life in the state. Commercial fishing represents the lifeblood of many communities and families, and she would like to see a fisheries management leader who recognizes this, like nominee Israel Payton. She grew up dipnetting on the Kenai and on Kachemak Bay and truly appreciates personal use fisheries, but not at the hostile expense of commercial fishing livelihoods. Alaska's relationship to fish may look different for different folks throughout the state by gear type and user group, but at the core everyone's values are very similar, and people don't need to be pitted against each other. Mr. Johnstone is not the appropriate person to be filling a leadership role.

[9:03:11 PM](#)

CRAIG DEHART testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said he owns a salmon seiner in Kodiak and urged that Mr. Johnstone is not confirmed.

[9:03:39 PM](#)

OLIVER HOLM testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said the Board of Fisheries is relied upon to have seven members who are open-minded and have different perspectives; it is sort of like a court. For a former judge to put out an op-ed in the way Mr. Johnstone did really calls into question whether commercial fishermen as rural residents would get a fair hearing. Mr. Johnstone is wrong about farmed salmon putting commercial fishermen out of business. His business survived [past low prices] and now there is a much better market and the commercial

industry is successfully competing with farmed salmon. Commercial fishermen put food on people's tables, and it is an industry that is not likely to go away.

9:04:55 PM

ANDREW COUCH testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He noted he is a guide and sport fishing business owner. He said the Matanuska-Susitna Valley, northern Cook Inlet, has more stocks of concern than any area of the state. He supports Mr. Johnstone because as chair of the board Mr. Johnstone put the stock of concern discussion at the start of the Upper Cook Inlet meeting because this area was, and still is, having great problems. That allowed some decisions to be made that helped the stocks. At the northern end of the inlet the fishing opportunities are much different than they are in Homer, much more restrictive, and much less harvest allowed for commercial, sport, and personal use, and some subsistence fishing is limited too. Being on the board is a balancing act and members must be able to consider different user groups. Mr. Johnstone is a good advocate for sport fishing groups.

9:06:56 PM

EARL LACKEY testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He noted he is with the Alaska Outdoor Council and Mat-Valley Sportsmen. He said that if all user groups are going to be represented then all four nominations should be accepted.

9:07:41 PM

REED MORISKY testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He stated that during Mr. Johnstone's time on the board, particularly as chair, he proved to be a valued mentor to all members. Mr. Johnstone promoted and maintained amiable and cordial relationships with board members, the department, and the public.

9:08:24 PM

ROB BOYER testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl

Johnstone, appointees to the Board of Fisheries. He said he has listened to Board of Fisheries meetings and Mr. Johnstone was articulate and understanding of the different issues. He finds it curious that all those who opposed Mr. Johnstone are commercial fishermen. He doesn't think Mr. Johnstone is trying to end commercial fishing in any way. In regard to attacking Mr. Johnstone on an op-ed piece about one segment, he said the majority of Alaskans are those 400,000 in that area that use that personal use fishery, as opposed to a very small group of commercial fishermen with a lot of lobbyists and money behind them and who continually promote an agenda. The constituents of the committees' members drive to the Kenai River to find that commercial fishing has been open for two weeks and the fish have been hammered. The fish have a chance once they get in the river, but they don't have a chance in the [commercial] nets that have cut off the whole fishery coming back. He encouraged the committee to confirm all four appointees.

[9:09:44 PM](#)

RAYMOND NESBETT, Esq., testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He noted he is an attorney and a life-long Alaskans with "no dog in the fight" between the commercial and recreational fishery interests; he has participated in both. He said Mr. Johnstone demonstrated during his previous board tenure that he was one of the board's hardest working and most knowledgeable members. During last week's Senate Resources Standing Committee hearing, it was clear that one user group is opposing Mr. Johnstone by means of a well-orchestrated campaign attacking his motives and character, not his lack of competency and hard work. These personal attacks should be rejected. Attacks on the messenger when one doesn't like the message should have no place in the management of Alaska's most important resource. He urged the committee to do what is right for the state and the resource and confirm Mr. Johnstone's appointment.

[9:11:02 PM](#)

SUSAN DOHERTY, Executive Director, Southeast Alaska Seiners Association (SEAS), testified in opposition to the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. She stated that Alaska is bigger than Cook Inlet and the Matanuska-Susitna Valley. There are fisheries in Southeast Alaska, and they should not be controlled by what is happening in Cook Inlet. The governor's [choice of] appointees totally disregards

Robert Ruffner who has exhibited all the attributes that a Board of Fisheries member should have. She only has history with Mr. Payton, who would be fine if the other candidates didn't have the same demonstrated interest singularly for subsistence that Mr. Payton has. Therefore, SEAS is opposed to the whole slate of appointees. The slate of candidates should be balanced to represent the entire state and all the interests, including Southeast Alaska, not only subsistence and Cook Inlet.

[9:12:54 PM](#)

JOE MERTISHEV, Board Member, Kachemak Bay Fisheries Association, testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries.

[9:13:48 PM](#)

BURT BOMHOFF testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said he has known Mr. Johnstone for 45 years, and Mr. Johnstone is a man of integrity, judgment, and fairness, and whose history proves that. While Mr. Johnstone has a strong personality that may be intimidating for some, he is always fair. Mr. Johnstone's court service proves that, as does his prior service on the Board of Fisheries where he was unanimously elected three times as chairman. Mr. Johnstone wouldn't have been elected chair if the other board members didn't trust his impartiality, judgment, and fairness. Mr. Johnstone is a great man and a great addition to the board.

[9:14:51 PM](#)

TED CROOKSTON testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He cited his own experience with the Board of Fisheries process and said Mr. Johnstone is not the right man for the job. There are valid reasons for why this much controversy is being raised; it isn't just the commercial fishermen making a fuss over nothing. He urged that Mr. Johnstone's name is not advanced for a vote.

[9:15:37 PM](#)

CLAY BEZENEK testified in opposition to the confirmation of Karl Johnstone and in support of the confirmations of Israel Payton, Gerad Godfrey, and Marit Carlson-Van Dort, appointees to the Board of Fisheries. He said this is his first time in 37 years of commercial fishing that he has spoken against a Board of

Fisheries nominee. Mr. Johnstone is a brash person and not because of his integrity. Mr. Johnstone is against commercial fishing and has not been fair. He said the other nominees seem to be pretty good and workable appointees and he looks forward to participating in the system with them.

9:17:00 PM

SHAWNA WILLIAMS BUCHUAN testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. She stated that Mr. Johnstone has already had an opportunity to serve on the Board of Fisheries and during that time he proved to be divisive. He used bullying and strong-arm tactics to intimidate the public, department staff, and other board members to further his own agenda. Mr. Johnstone appears to have no respect for the process. She said that on 4/10/19, Mr. Johnstone stated to the Senate Resources Standing Committee: "I suppose I was as assertive as any. I think I was pretty effective in using my persuasive and my advocacy skills in getting people to come around to my way of thinking." She maintained that here he admits the coercion and prides himself in being aggressively persuasive. This is not conducive to the board process, especially when said person claims to want to be a mentor to new [board] members. Over the last week during phone conversations, she encountered five people who did not want to testify or come out on public record against Mr. Johnstone for fear of retribution for doing so.

9:18:44 PM

ERIC SPADE testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said it's high time to have someone advocating for sport fishermen and personal use. The board and ADF&G have been wiping out the people in Upper Cook Inlet. The total mismanagement around the state is exemplified in Cook Inlet. Someone needs to be on the board who is not run by the commercial fishermen. Commercial fishermen have a stranglehold on fish allocation and that needs to be broken up and the resources brought to the people.

9:20:08 PM

ANDREW SZCZESNY testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said his first Board of Fisheries meeting was 25 years ago and six of the seven board members were commercial fishermen. So, this is the controversy that is being heard right now - suddenly there is a

little bit of balance and someone who is strong for sport fishing - and everybody is freaked out. There are losers and there are winners in every type of meeting all the time. Mr. Johnstone is the smartest prepared member that he has seen in 25 years. During his own 40 years in Alaska there have been a lot of changes in the state's fisheries and a board member like Mr. Johnstone is needed to take the state into the future.

[9:21:14 PM](#)

STEVE MCCLURE testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He stated he has attended every Board of Fisheries meeting since 1999. Mr. Johnstone was the one board member that he could speak to, who would listen, who would consider what he was saying, who would look at all other information before him, and who would then come to his own conclusion on which way to vote on each issue. He supports Mr. Johnstone for looking at all information and trying to be a fair and reasonable board member.

[9:21:53 PM](#)

KAREN MCGAHAN testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. She stated she has been a commercial drift fisher and currently she is an Upper Cook Inlet setnetter and an enthusiastic sport fisherman. When politicians are running for office, they almost always agree that fisheries should be run by scientific management decisions and not by political decisions. However, there is an actual scientist on the Board of Fisheries who has not been re-appointed and who lives in the area most utilized in the whole state, and that is Robert Ruffner. The governor seems to be abdicating his responsibility to provide a balanced Board of Fisheries and is instead granting favors with these appointments to campaign insiders and lobbyists. Mr. Johnstone has a record from his previous tenure on the board and is absolutely in lockstep with the Kenai River Sportfishing Association and has written opinion pieces that verify this. Bob Penney, founder of the association, was one of the largest contributors to Governor Dunleavy's campaign. Committee members may remember Mr. Johnstone's poor decisions and heavy-handed directives as a Board of Fisheries member as well as poor personal decisions in taking per diem while returning from his place in Prescott, Arizona, to stay in the hotel rather than plowing his own driveway. The type of public servant who does these things is one who hasn't been elected and has some poor moral judgment problems. These appointees may be nice people in other realms,

but with Mr. Johnstone's appointment to the board, commercial fishermen in Upper Cook Inlet will be facing another round of punitive, politically motivated, and financially devastating regulations.

[9:23:47 PM](#)

RICHARD MCGAHAN testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said he began fishing on Salamatof Beach in 1955, is still there at 82 years old, and now the fifth-generation fishes on that beach, when they can fish. In 2012 there was one day of fishing and in 2018 there was three days. How can a person make a living off a fishery with someone running the board like Mr. Johnstone, who won't even talk to the public? A proposal can be made, it goes to the board in the afternoon, that night the board works it over, and the next day it is unrecognizable. He requested that Mr. Johnstone be replaced with Mr. Ruffner so there will be some representation for commercial fishermen.

[9:24:49 PM](#)

BRIAN MERRITT testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said he is a commercial fisherman, so he is one of the old and faded. When he started in the gillnet fishery 20 years ago, he paid \$30,000 for his permit and now it is worth \$90,000. He was getting 11 cents a pound for chums and now he is getting 90 cents, king salmon was \$3 a pound and this last winter he got \$13. Therefore, Mr. Johnstone is not as knowledgeable as he purports himself to be.

[9:25:39 PM](#)

WINSTON DAVIES testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said he is opposed to Mr. Johnstone's appointment due to Mr. Johnstone's statements about the viability of commercial fishing and that it is dated, and because of Mr. Johnstone's bias against commercial fishing and lack of transparency. Mr. Davies stated that commercial fishing pays his bills so he can sport fish, subsistence fish, and do personal use.

[9:26:15 PM](#)

TIMOTHY MOORE testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He stated

he is an avid sport fisherman and his family is active in personal use fishing, but he makes his living commercial fishing. He has been a part of the Board of Fisheries process for over 35 years. He urged that Mr. Johnstone not be confirmed mainly because in all of the tough allocation decisions that the Board of Fisheries makes the science must be considered first and he has witnessed Mr. Johnstone's disrespect of the department, which at times caused the meetings to be stopped. If the department doesn't follow along with the decisions that Mr. Johnstone sees fit, he calls them out on it and that is not what is needed for a fair and balanced board.

[9:27:42 PM](#)

JAMES HONKOLA testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said Mr. Johnstone's past service and published opinion pieces have shown bias favoring sport fishing and a lack of science-based decision-making. The Board of Fisheries needs to be balanced in order to act effectively and fairly regarding the many proposals that can pit Alaskans and the various user groups against each other. Mr. Johnstone's appointment would tip the ratio of board members representing one user group on the board.

[9:28:25 PM](#)

JOHN RENNER, Cordova District Fishermen United (CDFU), testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He noted CDFU is comprised of multiple gear groups - gillnetters, setnetters, and salmon seiners. He said he personally has been involved in the Board of Fisheries process for over 35 years, many of them as chair of a fish and game advisory committee (AC). He has had many dealings with Mr. Johnstone and found him to ask for opposing science when his opinion wasn't justified by the department's science. He said the reason for having to come up with some parameters on board generated proposals was because under Mr. Johnstone's tenure the board "went crazy" with board generated proposals for everything - it wasn't by choice that the chairman did that. Coastal Alaska depends on these salmon fisheries and is scared to death with these appointments to the Board of Fisheries. The balance will sway in the favor of sport and guided sport fishing. This is a pressure operation by Kenai River Sportfishing Association and hopefully legislators won't let it happen.

[9:30:17 PM](#)

MICHAEL MICKELSON testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He stated he is a commercial and subsistence fisherman who grew up working in his family's bird watching and sport fishing lodge near Cordova. He has been to every Board of Fisheries meeting for his region as well as several statewide meetings while Mr. Johnstone was on the board. He has witnessed Mr. Johnstone's approach with fellow board members, the department, and the public. Mr. Johnstone was very forceful at times, aggressive, and blatantly opposed to the commercial fishery. Board members who are as nonpartisan as possible are needed. As a young commercial fisherman small business owner, he must point out that commercial fisheries are the lifeblood of Coastal Alaska. Prince William Sound has a rapidly growing contingent of fishermen and women who are under 40 and they have a vested interest in [Alaska's] fisheries for their generation and future generations. He supports the Board of Fisheries process, but Mr. Johnstone has already served. He urged that room be made on the board for qualified Alaska residents.

[9:31:20 PM](#)

CHELSEA HAISMAN testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. She said she is a commercial fisherman in Area E. For full disclosure she noted she is the executive director of Cordova District Fishermen United but is speaking today on her own behalf as a commercial and recreational fisher. She is concerned with Mr. Johnstone's prior history on the board and public writings that speak out against the commercial fishing industry. She questions Mr. Johnstone's ability to remain neutral when making difficult allocation decisions. She is also concerned that his appointment has drawn a great deal of controversy, which in and of itself shows Mr. Johnstone's divisive nature. To confirm a candidate who is so divisive, and whose ethics and transparency have been called into question repeatedly over the years, is shortsighted and erodes public trust. Alaskans deserve a Board of Fisheries that is reflective of a variety of user groups and communities. While half of Alaskan's residents live in the Anchorage/Matanuska-Susitna area, the other half lives in the rest of the state. She is concerned the board will be more heavily towards urban board members residing in Anchorage, Matanuska-Susitna, Eagle River, and Fairbanks and very little representation from rural Alaska.

[9:33:05 PM](#)

MICHAEL BABIC testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He stated he is a fourth-generation commercial fisherman. Putting Mr. Johnstone on the board would drastically erode the trust in the public process of the board.

[9:33:36 PM](#)

TRACY NUZZI testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. She said she is a subsistence born user and a commercial fisherman. She appreciates that the state has invested quite a bit of money over the past decade in mentorship to help the graying of the fleet by getting the next generation into commercial fisheries through the state loan program and putting on the Young Fishermen's Summit, which have helped her and her peers get into the fishery and try to make a living. She doesn't trust that Mr. Johnstone has her future in mind when he talks about changes to the fishery. During her first Board of Fisheries meeting, Chair Johnstone's first comments were to highlight the past year's growth in income of the fishermen, he didn't talk about a five, ten, or twenty-year average. She perceived this as a snarky comment on one of the Copper River's record runs. Mr. Johnstone didn't talk about the benefits to the other user groups or the fluctuations that fishermen experience over the years. She urged committee members to consider the state's work to help her and her peers continue making a living in Alaska's coastal communities.

[9:35:11 PM](#)

MAX WORHATCH, Executive Director, United Southeast Alaska Gillnetters (USAG), testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He noted he is a commercial fisherman and a member of the Petersburg Fish and Game Advisory Committee. He said Mr. Johnstone's well-documented history regarding allocation between sport and commercial fish is very threatening to the livelihoods of USAG's members. His organization has witnessed Mr. Johnstone's lack of accessibility to stakeholders as well as Mr. Johnstone's inability or indifference in regarding a proposal on its merit. That Mr. Johnstone's confirmation is so polarized should be sending a clear message that Mr. Johnstone is not viewed as a fair, considerate, or good choice to the board by many of the people who regularly take part in the Board of

Fisheries process. As a volunteer of an advisory committee he is appalled at Mr. Johnstone's appointment.

[9:36:16 PM](#)

ERIC GRUNDBERG testified in opposition to the confirmations of Karl Johnstone and Marit Carlson-Van Dort, appointees to the Board of Fisheries. He noted he is representing himself as is a small business owner and that he serves on the Petersburg Fish and Game Advisory Committee. He maintained that Mr. Johnstone and Ms. Carlson-Van Dort are "KRSA stooges."

[9:36:47 PM](#)

DAVE THYNES testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He noted he is a sports, personal use, subsistence, and second-generation commercial fisherman. He said Mr. Johnstone states he is in favor of new commercial fisheries while projecting the demise of commercial fishermen's livelihoods. He urged that Mr. Johnstone is not confirmed.

[9:37:37 PM](#)

MARY EVENS testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. She said Mr. Johnstone has stated that commercial fishing is an old and fading business and that the state should no longer manage in its interest and should be faded out. People have fought hard to develop management programs for a sustainable industry. She grew up in the industry and Mr. Johnstone's agenda [would end] her future as a young Alaskan commercial fisher as well as the way of life of countless rural Alaskans.

[9:38:21 PM](#)

CHAD HEWITT testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He said he operates three different lodges and supports all four appointees. Balance is needed on the board given that a lot of tough decisions need to be made. He has known and respected Mr. Johnstone for about 15 years, a man of integrity and strong will. This isn't a sport fish-commercial fish situation; it is a fish situation. Management is needed so Alaska doesn't end up like Oregon, Washington, or California. Mr. Johnstone's appointment will bring balance.

9:39:56 PM

NATHAN GRUENING testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He stated he is a commercial fisherman and Mr. Johnstone's opinion pieces show Mr. Johnstone's blatant anti-commercial fishing stances. Mr. Johnstone's vision of the future does not include commercial fishing. It is one thing to be pro sport fishing and another thing entirely to be anti-commercial fishing. Mr. Johnstone has a long history of being an impediment to the public process that commercial fishermen feel is important for mutual respect and a spirit of cooperation between all of Alaska's user groups.

9:40:52 PM

CHRIS CLEMENS testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He stated he grew up commercial fishing in Kodiak with his father. Appointing a person who lives half the year in Arizona isn't wise; a person should live in Alaska full time to have the state and its best interests come first. He recalled Mr. Johnstone while last serving on the board as saying, "Science doesn't matter; it's apologist politics." He said people who believe such things have no business making large decisions on a resource that is managed heavily on science-based data.

9:42:09 PM

PAUL HOLLAND testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said he would call Mr. Johnstone's opinion piece far reaching, bold, and looking at the facts, even if the facts scare a person. Commercial fishers calling Mr. Johnstone biased is a bit like the pot calling the kettle black. During his past 20 years of attending Board of Fisheries meetings his experience with commercial fish board members is their cross-eyed focus on only their interest. He maintained that 35,000 dipnetters and their families found Mr. Johnstone fair and open minded, which is not something commercial fish board members have ever been accused of.

9:43:12 PM

BIRCH YUKNIS, DDS, testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He stated he

has commercial, subsistence, personal use, and sport fished across the state, as well as shell fished. He has worked personally with Mr. Payton on the Matanuska Valley Fish and Game Advisory Committee and Mr. Payton has been, and will continue to be, an exemplary Board of Fisheries member. Mr. Johnstone weighs the facts and makes decisions based on those facts; some people don't like it when the facts change the status quo. Mr. Johnstone has been in Alaska a long time and therefore has ruffled a few feathers. All four appointees will look at issues with an open mind and consider all users of the resources.

[9:44:28 PM](#)

BILL IVERSON testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He noted he is president of the Alaska Outdoor Council and that he lives a subsistence lifestyle getting moose, caribou, and fish using a normal hunting and fishing license. In his younger years he was a commercial fisherman out of Bristol Bay, so he understands the mindset. The Board of Fisheries has been dominated by the commercial industry for years and during their rule the in-river opportunities have continued to get worse. It is not wanted for the commercial fishing industry to go away, but a fair allotment to in-river fishers and protection of future stocks is wanted. A return to a balanced board is needed, which it hasn't been for a long time. Mr. Johnstone is being unfairly targeted by the well-orchestrated and biased commercial industry because he won't always vote their way. Something needs to change, as the way of doing things is not working. Although the commercial industry has value and no one wants it to go away, the value to thousands of Alaskans and to the huge tourist industry far away gives such preference to this group. The return on investment does not make sense. Although the commercial appointed board members talk about being nonpartisan, they never have been. Confirming all four nominees would restore balance to all the user groups.

[9:46:14 PM](#)

JACK OLIVE testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He said part of being an Alaskan is catching fish and salmon, both commercially and sport fishing. Salmon are just a commodity to commercial fishermen and eating salmon and catching salmon are part of what it's like to be Alaskan. What is one king salmon worth to a commercial fisherman compared to a kid who catches it with a rod

and reel? Fishing is closed now in Upper Cook Inlet where 400,000 people live and where only 2 percent of the commercial catch is generated. Someone like Mr. Johnstone is needed on the Board of Fisheries. For too long commercial fishers have ruled the roost. He urged Mr. Johnstone's confirmation.

[9:47:52 PM](#)

GREG BRUSH testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He stated his belief that each nominee will remain open minded and objective, putting the sustainability of the fish first, but also equally representing all the users throughout their terms on what would, could, and should be called a fair and balanced board. After all these years it saddens him somewhat that the allocation tug of war in Cook Inlet never seems to wane, usually at expense of the fish. Tonight, he hasn't heard one commercial fisher comment on sustainability or on conservation, which is sad. But he has heard Mr. Johnstone bring it up tonight. It is interesting to note that Mr. Johnstone has come under fire by one user group despite his proven track record. It is time to move forward. He urged the confirmation of the nominees to ensure fish for the future for all users.

[9:49:11 PM](#)

KENT HUFF testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He noted he is a member of the Charter Halibut Management Committee for Southeast Alaska and a lodge owner. Having researched the proposed members he is convinced that all four would be excellent choices for the Board of Fisheries. The four proposed members would bring experience in the commercial seining sector, conservation and fishery science, commercial fishing, and law. With two of the proposed members having served on the Board of Fisheries in the past, these proposed members make a great choice for the board.

[9:50:21 PM](#)

MIKE SZYMANSKI testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He noted he is a former state senator and has worked in and around commercial fisheries since getting out of the legislature 30 years ago, both at the Board of Fisheries and the [North Pacific] Fisheries

Management Council. In reviewing the public records and comments related to Mr. Johnstone, he finds them to be totally inconsistent with his personal interaction with Mr. Johnstone and with Mr. Johnstone's past performance on the Board of Fisheries. Mr. Johnstone is conscientious, well prepared, approachable, and listens like a former judge would listen. Mr. Johnstone's experience is valuable and needed on the board because there are going to be some major issues associated with state and federal fisheries. Mr. Johnstone will be a board member who can deal with parallel fishery issues. While Mr. Johnstone has made some people angry, he has a strong commitment to protecting Alaska's fishery resources and maintaining a sustainable fishery into the future for future generations.

[9:52:23 PM](#)

LINDA BEHNKEN, Executive Director, Alaska Longline Fishermen's Association, testified in opposition to the confirmation of Karl Johnstone and in support of the confirmations of Israel Payton, Gerad Godfrey, and Marit Carlson-Van Dort, appointees to the Board of Fisheries. She said the association's members live up and down Alaska's coast and are committed to sustainable fisheries, thriving communities, and science-based management. She served nine years on the North Pacific Fisheries Management Council, has been involved in fisheries management for almost 30 years in Alaska, has been involved in the Board of Fisheries process, and served on the International Pacific Halibut Commission. Mr. Johnstone is the first candidate against which she has ever testified, and she takes that seriously. The association's experience working with Mr. Johnstone is that he does not have a deep commitment to science-based management that is the association's guiding principle. Mr. Johnstone has also been willing to disregard the impacts to coastal communities and the people who are most affected by the decisions that are being made. Right now, Alaska's fisheries face big challenges with climate change and ocean acidification. Managers and policymakers are needed who are willing to work together to take care of the resource and to pull people together to find solutions. Mr. Johnstone is divisive, and the association cannot support him.

[9:54:16 PM](#)

KURT WHITEHEAD testified in support of the confirmation of Israel Payton, appointee to the Board of Fisheries. He said he and his wife operate a sport fishing and hunting lodge. He has known Mr. Payton since about 1997, professionally and

personally, and Mr. Payton has great ethics, is involved, objective, and is pro-Alaskan with no dog in the fight.

[9:55:06 PM](#)

JOE HINTON testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He stated he has fished off the Alaska Peninsula for the last 32 years. The appointment of Mr. Johnstone is very far reaching because Mr. Johnstone has a solid history of being difficult in dealing with the public, as well as having a bad relationship with ADF&G. Mr. Johnstone is very unapproachable to talk with at the board meetings and seems to have his mind made up before testimonies are even started. A full-time Alaskan is needed, not one who flies up from the golf course in Arizona.

[9:56:23 PM](#)

VICKY JO KENNEDY, Fish Watch, testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. She said she started the Fish Watch organization. She related that she approached Mr. Johnstone several years back about the Department of Defense (DOD) having its war exercises in the Gulf of Alaska between Cordova and Kodiak and Mr. Johnstone didn't see that there was any problem with it. She told Mr. Johnstone that it was proving it was a problem. Mr. Johnstone supported the war games and they are slated to start again this May. Mr. Johnstone thinks the war games are okay, but they aren't - 12 whales washed up on Kodiak two years ago when the war games were held. The war games are right in the middle of salmon season when everything is swarming out in the gulf. Mr. Johnstone is a no-go.

[9:57:53 PM](#)

RICHARD YAMADA, Alaska Tribal Association, testified in support of the confirmations of Israel Payton, Gerard Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He said he was surprised when he heard about the backlash on Mr. Johnstone's appointment. He watched Mr. Johnstone during his first four years on the board, which was during the fish wars, and Mr. Johnstone was always fair. Members of the board take a lot of bullets and there are not always winners and always some losers. Mr. Johnstone supports sustainable fisheries and so the association supports his appointment.

9:59:05 PM

NANCY HILLSTRAND testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. She said adding these four appointees to the board will create a balance of expertise and experience critical to the difficult issues. Currently on the board are two commercial fishers and one sport and subsistence, so these appointees will add a good mix and balance to the board. The Board of Fisheries has been in Alaska since 1949 and has always been contentious. It is important that these issues are debated because these four people can uphold the intention of democracy. The most important thing is to fight for the fish. She urged the four appointees be confirmed and allowed to make the hard decisions.

10:00:17 PM

ROBERT PENNEY testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He noted he sent a letter to each legislator in support of Mr. Johnstone. He said Mr. Johnstone is the most qualified person in the state to serve on the Board of Fisheries. He has known Mr. Johnstone for 45 years when Mr. Johnstone was his attorney and then watched Mr. Johnstone become a judge. He cannot believe there aren't more people thanking Mr. Johnstone for taking the time out of his life to do what he is doing. Mr. Penney noted he and his wife own a large percentage of Trapper's Creek Smoking Company, which buys more king salmon than any other company in Alaska. In 2018 the company bought 1.2 million pounds of king and 800,000 pounds of sockeye. He supports sport and commercial fishing, as the company would be out of business without it. But the balance in Cook Inlet between sport fishing and commercial must be turned around, it is unfair; there are 60 licensed anglers in Southcentral Alaska to one commercial license. The people want to have their share. He encouraged the committee to endorse all four appointees.

10:02:10 PM

GEORGE PIERCE testified in opposition to the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He praised the committee's vetting of the appointees and asked why anyone without a science or biology background would be appointed to the board. He said the board is being stacked with unqualified

appointees; the nominees are for special interest groups, not Alaskans. Scientists and biologists are needed, people who know science. This board is bad for Alaskans and these appointees are bad choices. Robert Ruffner, a scientist, should be put back on the board. A change is needed, not the same good old boys. Pebble Mine advocates are not wanted. One appointee is calling in from Arizona to be on the board; Mr. Johnstone is too one sided and is not wanted back.

[10:04:00 PM](#)

JOHN WHISSEL, Native Village of Eyak, testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He offered his appreciation for how difficult it is to fill positions on the Board of Fisheries. He said it is critical to use scientific evidence. The Native Village of Eyak is not a commercial fishing enterprise, he noted, and supports sustainable fisheries for all user groups. The village spends lots of time and energy to collect additional data to supplement what ADF&G collects on its own for better management of the fisheries. Mr. Johnstone does not believe in science and does not use science to make his decisions, which is unacceptable. Mr. Johnstone is openly dismissive of science and that cannot be part of the decision-making body that governs Alaska's fisheries.

[10:05:26 PM](#)

ANDY HALL, President, Kenai Peninsula Fishermen's Association, testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He stated he is a setnetter and the association represents setnetters in Cook Inlet. He offered his hope that the committees will read, or have already read, the two email messages he sent earlier. He was nervous about sending them for fear of retaliation from Mr. Johnstone. Mr. Johnstone lacks impartiality and lacks the demeanor necessary to serve on this board and effectively interact with the public.

[10:06:37 PM](#)

KASEY LOOMIS testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. She noted she is the secretary/treasurer of the Kenai River Professional Guide Association. She said she researched the opinions of business owners and fellow guides regarding Mr. Johnstone and found that

Mr. Johnstone was a fair and experienced board member. Mr. Johnstone will be an asset to the board as well as being a fair, effective, and experienced board member for the maximum benefit of all Alaskans.

10:07:40 PM

RAY DEBARDELABEN, President, Kenai River Professional Guide Association, testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He said he is speaking for the association in support of all four appointees. From his 24 years of guiding he thinks this will provide a balanced board and provide an opportunity for all Alaskans to benefit from the state's fisheries.

10:08:37 PM

PAUL SHADURA II testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He recounted a 2014 Cook Inlet regulatory meeting in which, well into the meeting process, a board member proposal by Mr. Johnstone was submitted as a substitute proposal. Considering that all written proposals from the public are due in early April of the previous year, any individual board member proposals submitted after the year and well into the deliberation process completely subverts the public process. Later he also learned that the support division's lead staff worked on and wrote this proposal at the bequest of Chair Johnstone months before. When he asked why the department did not present this before all the public submissions and testimony was given, Mr. Johnstone concluded that the Board of Fisheries chair has the power to present a board member proposal whenever [the chair] so determines without the public having a prior knowledge or any public release of the information contained with, or at, the division. Mr. Shadura maintained that this was a gross abuse of the public process and an example of the questionable ethics that Mr. Johnstone will pursue to obtain his personal objective.

10:09:58 PM

MONTE ROBERTS testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He said all four appointees were carefully considered and do represent (indisc. - audio difficulties).

10:11:06 PM

FRED STURMAN testified in opposition to the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He stated he has been fishing for 50 years and the 150 kids who worked for him over the years have gone on to become doctors, lawyers, veterinarians, teachers, and other professionals. However, he won't be able to do that anymore because of [reduced fishing days]. He is opposed to all four appointees because none of them will look out for the fish. The governor should be asked to appoint biologists who will look at the history and biology of the fish, not special interests.

10:12:20 PM

RON CARMON testified in opposition to the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He said he opposes Mr. Johnstone and all the people on the Board of Fisheries. The guides don't even have a license and their testimony shouldn't be included. He said the guide association has taken out \$44 billion of resource; the guides fish for free and without a license and they need to pay that back.

10:13:04 PM

GARY STEVENS testified in support of the confirmations of Israel Payton, Gerad Godfrey, Marit Carlson-Van Dort, and Karl Johnstone, appointees to the Board of Fisheries. He stated he supports all the appointees because it is about time that in-river users - sport, personal use, and subsistence users - have somewhat equitable representation on the Board of Fisheries. Many of the people questioning Mr. Johnstone's integrity or bias were supporters of Roland Maw; it is sour grapes; they don't want equitable representation for all Alaskans on this board. Commercial fishers are not the only people who vote.

10:14:08 PM

JARED DANIELSON testified in opposition to the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He stated he is a third-generation commercial fisherman and fishes the Alaska Peninsula. His family started fishing when there were fish traps in the 1950s. He opposes Mr. Johnstone because his past experiences while attending Board of Fisheries meetings

indicate to him that Mr. Johnstone is unfit for the role. Mr. Johnstone's disagreeable personality reflects his attitude. Mr. Johnstone is hard to approach, is close-minded, and grumpy. Even though Mr. Johnstone's credentials are passable, his personality traits do not make for a well-equipped board member. Mr. Johnstone has been quoted for saying science doesn't matter, it's all politics. This kind of behavior is unacceptable. Mr. Johnstone has served his time already and it's time to move forward, give others an opportunity, and fill his seat with someone who is competent.

[10:15:27 PM](#)

TODD SMITH testified in support of the confirmation of Israel Payton and in opposition to the confirmation of Karl Johnstone, appointees to the Board of Fisheries. He stated he has a variety of outdoor interests and does a lot of fishing, including commercial fishing on a small family setnet site off the Kasilof River, a river that had record personal use fishing this year. Fishing is very good on the Kasilof River. He supports Mr. Payton's appointment. While Mr. Payton doesn't always vote how he would like, Mr. Payton is honest, reads all the department's reports, and asks tough questions. He opposes Mr. Johnstone's appointment. While Mr. Johnstone is a smart and effective board member, he has an agenda and his off-the-record conduct is not befitting of a board member and his views are polarizing. More cohesiveness is needed on the board, not polarization. He has seen many times when Mr. Johnstone set the board agenda to benefit Mr. Johnstone's interests.

[10:17:02 PM](#)

CLEM TILLION testified in support of the confirmation of Karl Johnstone, appointee to the Board of Fisheries. He suggested that if Mr. Johnstone is not confirmed "the deck is going to be stacked" and the replacement appointee would be a sports fisherman. Mr. Tillion said his sympathies are with the commercial and Mr. Johnstone has been very helpful to Alaska's cod fishermen and crab fishermen and the small boat operations to the westward. He would rather keep that than end up with another appointee who is a sport fish advocate that may have lots less knowledge than Mr. Johnstone. He reiterated that Mr. Johnstone is good for the fisheries westward.

[10:17:55 PM](#)

CHAIR STUTES closed public testimony after ascertaining that no one else wished to testify. She offered time for each appointee to make final comments.

MR. GODFREY expressed his appreciation for the people who shared their thoughts in the public process and thanked the committee for providing that public process.

CHAIR STUTES re-opened public testimony after discovering that one witness was overlooked.

[10:19:27 PM](#)

ROLAND MAW, PhD, stated that since his name was mentioned by one of the appointees and one of the witnesses, he thinks it appropriate that he does not make any comments about the suitability of any of the nominees.

CHAIR STUTES again closed public testimony and again offered time for each appointee to make final comments.

[10:20:31 PM](#)

MS. CARLSON-VAN DORT stated that the policy of Alaska's constitution is straightforward regarding the management of resources for the maximum benefit of the public interest. To her, that means the principles of conservation must govern the management of that resource and everybody should be treated equally by management rules, especially those rules adopted in the interest of conservation that limit the access of some groups to certain resources. Much was heard about that tonight and it has given her a lot to think about. She reiterated that she is up to that challenge.

MR. JOHNSTONE thanked the committee members and witnesses. To those who testified against him he said he takes their comments seriously, not personally, and there is no need to fear him if he is appointed because he does not begrudge the comments. He is humbled by the support he received in tonight's testimony along with the approximately 250 letters written in his support.

MR. PAYTON stated he had no comments.

[10:23:01 PM](#)

CO-CHAIR TARR spoke to the positive testimony about Mr. Payton and suggested that perhaps more [board members] need to do more of what Mr. Payton is doing.

10:23:22 PM

REPRESENTATIVE HANNAN addressed the testimony requesting the committee to appoint someone who wasn't one of the nominees. She pointed out that the committee is only able to review the nominees for the board and then the nominees' names go forward to a full vote of the joint session. The committee cannot hold a nomination [from being advanced from] committee, she added, and the committee cannot choose the people who are nominated.

10:24:02 PM

CHAIR STUTES passed the gavel to Co-Chair Lincoln and prefaced that her forthcoming remarks are nothing personal. She noted she is the representative of a coastal district, the chair of the House Special Committee on Fisheries, and an Alaskan who is passionate about the state's fisheries and resources, and her comments come from that perspective. She spoke as follows:

Mr. Johnstone has my thanks for his many years of public service. However, I am morally and ethically compelled to oppose his confirmation because of what it would mean to the health of our fisheries, the board's balance, and the public trust in the board's process. As a representative of a coastal district that boasts strong commercial, personal use, subsistence, and sport constituencies, I want to see a balanced board. Mr. Johnstone represents the second Anchorage appointment on this board along with one from Eagle River and one from Wasilla. That makes four seats that regionally are from the same area. Aside from the obvious Cook Inlet centric nature of the appointees, Mr. Johnstone has proven himself to be extremely biased against commercial fishing in both published papers since his first time on the board as well as his voting record and personal interactions while on the board. Not only that, but his comments on salmon farming are beyond alarming to Alaskans, regardless of what user group they hail from. Aquaculture is not the way of the future for Alaskan commercial fishing families and communities. Furthermore, as an Alaskan who believes in the public process, transparency, and science-based management

decisions, the body of evidence and reputation surrounding his career demonstrate clearly that those are exactly the qualities that are coming into question regarding his confirmation. Many people I have spoken to who vehemently oppose his confirmation are fearful of speaking out because of the retribution they are sure that will follow if he is confirmed, leaving me to agree with the people who are telling me he created this atmosphere while he was on the board. Aside from the identical form letters we have received in support of the governor's nominees, the vast majority who have contacted me are singling out Mr. Johnstone for opposition out of genuine fear of what is in store for the fisheries if he is ... [appointed]. A list goes on, but the dramatic shift in the board balance that Mr. Johnstone represents, his clear bias, the lopsided regional makeup of the nominees, as well as his lack of transparency and residency issues, are too much for me to ignore. I understand that any nominee for this seat will not be a commercial fishing advocate and I'm fine with that. This will be a sport seat. However, I firmly believe that Mr. Johnstone's reputation and history of biases show that he is not the right person for this board. Again, I thank him for his past service, but I will be opposing his confirmation.

[10:27:48 PM](#)

CO-CHAIR LINCOLN, seeing there were no further comments from members, stated that the House Special Committee on Fisheries and the House Resources Standing Committee have reviewed the qualifications for the governor's appointees and recommend that the names be forwarded to a joint session for consideration: Gerad Godfrey from Eagle River, Israel Payton from Wasilla, Karl Johnstone from Anchorage, and Marit Carlson-Van Dort from Anchorage. He reminded both committees that this does not reflect intent by any of the members to vote for or against these individuals during any further sessions for the purposes of confirmation.

CO-CHAIR LINCOLN thanked the people who gave testimony and said it was nice to see this many people engaged in the process.

[10:28:46 PM](#)

ADJOURNMENT

There being no further business before the committees, the joint meeting of the House Special Committee on Fisheries and House Resources Standing Committee was adjourned at 10:29 p.m.