

SCOMM

#36:17

IDENTIFICATION	BILL NAME <i>An Act relating to management plans and regulations adopted by the Board of Fisheries.</i>		BILL NUMBER <i>#B521</i>
	SPONSOR(S) <i>MALONE</i>		DATE INTRODUCED <i>1/18/84</i>
			RELATED BILLS PENDING
			REFERRALS <i>Resources</i>
INITIAL RESEARCH	INITIAL SUMMARY COMPLETED	LEGAL DIVISION SUMMARY	
		DEPT OF LAW SUMMARY	
	SPONSOR CONTACTED FOR BACKUP MATERIALS	FISCAL NOTE	
	AGENCY RESPONSE	OTHER INTERESTED LEGISLATORS NOTIFIED	
BACKGROUND RESEARCH	SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES		OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC
	RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
HEARING PREPARATION	CHAIRMAN BRIEFED		DATE & PLACE SET
	STAFF MEMO TO COMMITTEE		TELECONFERENCE
	BACKGROUND MATERIAL DISTRIBUTED		PSA/PRESS RELEASE
	LIST OF WITNESSES		SUGGESTED AMENDMENTS/CS DRAFTED

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811



P.O. BOX 9
KENAI, ALASKA 99611

REPRESENTATIVE HUGH MALONE

TO: Rep. Adelheid Hermann, Chair
House Special Committee on Fisheries

FROM: Rep. Hugh Malone *H*

SUBJECT: HB 526 "An Act relating to management plans and regulations
adopted by the Board of Fisheries."

DATE: January 25, 1984

As you know this bill was introduced 1/18/84 and was subsequently referred to your special committee.

This legislation attempts to address some of the most fundamental issues surrounding our fishing resources. For this reason, I would like to request that you schedule the bill as soon as possible

Thank you for your prompt attention.

Introduced: 1/18/84
Referred: House Special Committee
on Fisheries and Resources

1 IN THE HOUSE

BY MALONE

2

HOUSE BILL NO. 526

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to management plans and regulations

7

adopted by the Board of Fisheries."

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

* Section 1. AS 16.05 is amended by adding a new section to read:

10

Sec. 16.05.252. ADOPTION OF MANAGEMENT PLANS AND REGULATIONS.

11

(a) Unless it would be inconsistent with the requirements of AS 16.-

12

05.251(b), a management plan or regulation adopted by the Board of

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Fisheries shall

14

(1) be designed primarily to achieve the maximum sustain-

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able yield of the fishery resources addressed in the plan or regula-

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tion;

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(2) be based on the best scientific information available

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from public and private sources; and

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(3) minimize costs to the state and user groups of adminis-

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tering the plan and avoid unnecessary duplication.

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(b) Except for regulations adopted under AS 16.05.251(b), if the

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Board of Fisheries determines that a regulation or management plan

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must include the allocation of fishery resources among different user

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groups in order to conserve or develop the fishery resources, the

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board shall establish restrictions and limitations on and priorities

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for the use of the fishery resources on the basis of the following

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factors:

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(1) the effect on the affected user group, including eco-

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nomie loss, if any, that may occur as a result of the limitation or

1 restriction;

2 (2) the economic effect on the communities affected by the
3 restriction or limitation; and

4 (3) the availability of alternative fishery resources and
5 the feasibility of providing an alternative fishery resource to the
6 user group that is subject to the limitation or restriction.

7 (c) Except for regulations adopted under AS 16.05.251(b), a
8 management plan or regulation that includes the allocation of fishery
9 resources among different user groups shall include the board's writ-
10 ten findings of fact supporting the conclusion that it is necessary to
11 exclude or limit a group's use of the fishery resources to prevent
12 jeopardy to the maintenance of fish stocks on a sustained-yield basis.

13 (d) The commissioner may participate in the development of a
14 Board of Fisheries management plan. During the period of public
15 notice required under AS 44.62.190 the commissioner shall review each
16 management plan and state in writing the department's position in
17 support of or in opposition to the plan. The commissioner's statement
18 shall be included in the record of the board's actions in adopting the
19 management plan.

20 (e) This section does not apply to emergency regulations adopted
21 under AS 44.62.250.

Introduced: 1/18/84
Referred: House Special Committee
on Fisheries and Resources

Hein
13-1374

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 526

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to management plans and regulations
7 adopted by the Board of Fisheries."

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13 Fisheries shall

14 (1) be designed primarily to achieve the maximum sustain-
15 able yield of the fishery resources addressed in the plan or regula-
16 tion;

17 (2) be based on the best scientific information available
18 from public and private sources; and

19 (3) minimize costs to the state and user groups of adminis-
20 tering the plan and avoid unnecessary duplication.

21 (b) Except for regulations adopted under AS 16.05.251(b), if the
22 Board of Fisheries determines that a regulation or management plan
23 must include the allocation of fishery resources among different user
24 groups in order to conserve or develop the fishery resources, the
25 board shall establish restrictions and limitations on and priorities
26 for the use of the fishery resources on the basis of the following
27 factors:

28 (1) the effect on the affected user group, including eco-
29 nomic loss, if any, that may occur as a result of the limitation or

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2 (2) the economic effect on the communities affected by the
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Introduced by: Kenai River
Spec. Committee
Date: Mar. 6, 1984
Vote: Unanimous
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 84-49

SUPPORTING SB 357 AND HB 526 PROVIDING FOR MANAGEMENT PLANS AND REGULATIONS FOR SUCH PLANS TO BE ADOPTED BY THE BOARD OF FISHERIES.

WHEREAS, HB 526 and SB 357 provide for adoption of management plans and regulations to implement management plans for the fisheries of the State of Alaska, and where such plans will include the allocation of fisheries resources among different user groups in order to conserve or develop fisheries resources; and

WHEREAS, such legislation would require findings-of-fact to support limitations or exclusions on a particular group's use of the fisheries; and

WHEREAS, such legislation would be beneficial to the fisheries within the Kenai Peninsula Borough;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Assembly of the Borough expresses its support of, and urges passage of SB 357, and its companion HB 526 providing for management plans and regulations to be adopted by the Board of Fisheries governing the allocation of fisheries resources among different user groups in Alaska.

Section 2. That the Borough Clerk shall distribute copies of this resolution to Senators Paul Fischer and Don Gilman, and to Representatives Hugh Malone, Bette Cato, Milo H. Fritz, and Vern Hurlbert.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 6 DAY OF March, 1984.

Sharon Jean, Vice President
Joseph C. Arness, Assembly President

ATTEST:

Frances Beymer
Borough Clerk

HB 526
by Malone

The purpose of this legislation is to establish for the first time, a set of policy standards and guidelines for the Board of Fisheries.

SECTIONAL

SEC. 1: AS 16.05 (Fish and Game Code) is amended by adding a new section.

(A) Sec. 16.05.252 State three criterias the Board of Fisheries shall use in developing a management plan. They are: (1) The plan should be primarily designed to achieve the maximum sustainable yield of the fishery resources. (2) The plan should be based on the best available scientific information. (3) The costs of administering the plan should be minimized. These criteria should be used unless it would be inconsistent with subsistence regulations and the maintenance of fish stock.

(B) Except for subsistence use, if the Board of Fisheries feels that their regulations or management plans need to allocate fishery resources among different user groups, the Board will use the following three criteria to establish restrictions, limitations, and priorities: (1) the effect (including economic loss) on the affected user group that may occur as a result of the restrictions or limitations. (2) The economic effect of the communities affected by the restriction or limitation. (3) The availability and feasibility of providing alternative fishery resources to the user group that is subject to the restriction or limitation.

(C) If the fishery resources are allocated among different user groups the Board is required to attach written findings to the management plan supporting their decision that it must exclude or limit a group's use to preserve the maintenance of fish stocks on a sustained yield basis.

(D) The commissioner may participate in the development of a management plan and shall review each management plan and state in writing the department's position to the plan. The commissioner's statement will be included in the record of the board's actions in adopting the management plan.

(E) This plan does not apply to emergency regulations.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 526

Title: Management plans and regulations

Sponsor: Malone

Requestor: House Fisheries Committee

Date of Request: _____

FISCAL DETAIL

Agency Affected: Fish and Game

Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected: _____

Boards of Fisheries and Game

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		76.0	79.8	83.8	88.0	92.4
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		76.0	79.8	83.8	88.0	92.4
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		76.0	79.8	83.8	88.0	92.4
FEDERAL FUNDS						
OTHER						
TOTAL		76.0	79.8	83.8	88.0	92.4

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME		1	1	1	1	1
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor of bill.

ANALYSIS: Attach a separate page for analysis

Prepared By: Beverly Reaume

Division: Administration

Phone: 465-4210

Date: 3/7/84

Approved by Commissioner: Opie Pellensworth

Agency: _____

Date: 3-12-84

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

12/1/83

Fiscal Impact Statement For Implementing
House Bill No. 526: Management Plans and Regulations

Board Staff

Assume:

- an additional Economist III, Range 21A
- an additional part-time Clerk Typist III, Range 8A

Calculation:

- | | |
|---|-----------------|
| - Salary and Benefits of
Economist III | = \$53,000 |
| - Salary and Benfits of
Clerk Typist III | = <u>23,000</u> |

TOTAL

\$76,000

HOUSE SPECIAL COMMITTEE
ON FISHERIES
March 13, 1984
3:30 p.m.

Members Present: Rep. Herrmann, Chairman
Rep. Fuller, Vice-Chair
Rep. McBride
Rep. Zharoff

Members Absent: Rep. Goll
Rep. Bussell
Rep. Grussendorf

COMMITTEE CALENDAR

HB 526 "An Act relating to management plans and regulations adopted by the Board of Fisheries."
HB 563 "An Act relating to master and regional fisheries boards; and providing for an effective date."
HB 645 "An Act changing the composition of the Board of Fisheries."
HB 658 "An Act relating to proposals for fisheries regulations."

WITNESS REGISTER

Byron Haley
Chitna Dip
1002 Pioneer Road
Fairbanks, Alaska 99701
456-4426

Position Statement: He did not support HB 526, HB 563, HB 645 and HB 658.

Gene Carlson
SR 10645
Fairbanks, Alaska 99701
479-4903

Position Statement: HB 526, HB 563 and HB 658 had good intentions, but they are all unnecessary. Need to amend HB 645.

Sam Lachapelle
CHIT Association
P.O. Box 75072
Fairbanks, Alaska 99701

452-4022

Position Statement: Didn't feel any of the legislation addresses the interests of the Interior residents.

Joseph Chimegalera
Kuskokwim Advisory Council
P.O. Box 963
Bethel, Alaska
543-2956

Position Statement: Opposed HB 563 and HB 645.

Sam McDowell
336 East 23rd
Anchorage, Alaska 99503
Position Statement: Opposed all of the bills.

Henry Mitchell
805 West 3rd
Anchorage, Alaska
277-5895
Position Statement: Did not think any of the bills were appropriate at this time.

Arthur S. Robinson
Box 3519
Soldotna, Alaska
Position Statement: Could be in favor of HB 526, supports HB 645, opposed HB 563 and the intent of HB 658 is good.

Larry Smith
President of
Katchimak Bay Subsistence Group
Member of the Homer Advisory Committee
Box 23-B SRA
Homer, Alaska 99603
Position Statement: HB 526 and 658 sounded good to him; opposed HB 645.

Terry Pardee
Upper Lynn Canal Council
Box 296
Haines, Alaska
766-2154
Position Statement: Opposed HB 563.

Albert Dick
Box 411
Hoonah, Alaska
945-3353
Position Statement: Opposed all of the bills.

Weaver Ivanoff
Southern Norton Sound Advisory Committee

and Arctic Regional Council

Box 28

Unalakleet, Alaska 99762

Position Statement: Opposed HB 563, HB 645 and HB 526

Matthew Luck

CDFU

Prince William Sound and

Copper River Fish & Game Advisory Committee

Board Member of United Fishermen of Alaska

Box 366

Cordova, Alaska 99574

424-3303

Position Statement: Opposed HB 526 and HB 645.

PREVIOUS ACTION

HB 526

1/18/84 - First Reading.

Committee Referrals - Fisheries, Resources
and Rules Committees.

No previous action in Fisheries Committee.

HB 563

2/1/84 - First Reading.

Committee Referrals - Fisheries, Resources,
Finance and Rules Committees.

No previous action in Fisheries Committee.

HB 645

2/13/84 - First Reading.

Committee Referrals - Fisheries, Resources,
Finance and Rules Committees.

No previous action in Fisheries Committee.

HB 658

2/13/84 - First Reading.

Committee Referrals - Fisheries, Resources
and Rules Committees.

No previous action in Fisheries Committee.

ACTION NARRATIVE

TAPE#58

Recording

Number 0008

Hello, This is Adelheid Herrmann. I'm
Chairman of the House Special Committee on
Fisheries. For the record I'd like to state

that Rep. Fuller, Rep. McBride and Rep. Zharoff are all in attendance. What I'd like to do today is give you a brief synopsis of the bills that we are taking up and then have Rep. Malone and Rep. Wendte, if he's in attendance, and Rep. McBride testify on their bills in that order. Then I'd like to open it up for public testimony.

I found out just recently that the position on the board and commissions comes out of the Governor's Office and not the Department of Fish & Game, so we'll try to get that by next Thursday's teleconference which is from 2:30 to 4:30 on Thursday. There will be no action taken on these bills today. It's most to gather information and take public testimony. I'd like to give the brief synopsis of the bills now.

Chairman Herrmann continues: HB 526 restricts the Board of Fisheries to adopting management plans and regulations which are designed for maximum sustainable use. If this must include an allocation between user groups, the board would have to follow the factors listed in the bill to make any decisions. These factors include effects on the allocation to the user group and the community, and availability of other resources for that user group. The bill also requires written findings of facts supporting the conclusion and a written position statement by the Department of Fish & Game. The sponsor is Rep. Malone.

HB 563 sets up four regional and one master Board of Fisheries. The four regional boards would have five members and would be for each of the following areas. Southeast Alaska, Southcentral Alaska, Southwestern Alaska, and Northern Region. The master board would consist of the Chairman of the regional boards and the Commissioner of the Department of Fish & Game. The Master Board would have the authority to veto or amend regulations of the regional boards, if there is a disagreement between two or more regional boards, or if a regional board exceeds its authority. Sponsor is Rep. Wendte.

HB 645 increases the membership on the Board of Fisheries from seven members to nine.

Sponsor is Rep. Wendte and Rep. M.M. Miller.

HB 658 sets up a procedure through which public proposals for regulation changes would have to go through before being heard by the Board of Fisheries. ADF&G employees will be able to submit proposals directly to the board, but they will also be sent to regional Fish & Game councils in a timely manner. Other proposals must first go to the local advisory committees for review and recommendations, within 30 days of receiving a public proposal, the local advisory committee will send it with a recommendation to the regional council. The regional council after review of all recommendations will either approve the proposal, forward it to the Board of Fisheries, or will reject the proposal and provide a written notice of the reason to the proposer.

Rep. Herrmann: Now I'd like to take up HB 526, which is Rep. Malone's bill and I'd like him to come forward and testify.

Number 0080

Thank you. For the record, my name is Hugh Malone, Representing House District 5 and I appreciate the Committee on Fisheries taking up this legislation relating to management and regulations adopted by the Board of Fisheries. Madame Chair, while you outline the general purpose of the legislation, I would like to emphasize a couple of points on this legislation. The reason that I introduced the bill was that I felt that it would be useful to the board and to the public to have in the Statutes a set of definite guidelines that would be used for making and development of plans pointing out what the goals of plans - management plans of regulations were supposed to be and setting out the points that had to be considered in the development of a plan.

That's the reason for introducing the legislation. There, at least in my mind, have been times in the past when the Board of Fisheries decisions have been regarded as arbitrary by the affected groups or members of the public. There have been times in fact when the decisions have not been clear to the courts. So, in order to avoid problems in the future and make sure to have a perception in the fact, clear reasons for

decisions, I've introduced HB 526.

In Section (1) of the bill, Subsection 252, I regard as the most important point. Subsection (2), the decision is to be based in development plan and regulations on the best scientific information available to the board, and there's goal setting in that section also, that the goal be the maximum sustainable yield of fishery resource, and to achieve that goal of a minimum cost to the State and to the people that participate in the fisheries. Rest of the legislation goes on to set out standards for the allocation of fisheries resources when the board has to make decisions that result allocation among the different user groups.

There's been some discussion since I introduced the legislation that maybe the maximum sustainable yield isn't the best standard set out for the allocation to different user groups which are economic loss, effect on the communities and availability to the fisheries resources, similar to the standards, by the way are used by the subsistence of the law aren't the best standards. Well maybe they're not, I welcome any improvements.

Rep. Malone continues: Subsection C of the same section, the requirement that there be written findings so that the people can know the reasons why the board made a particular decision, that there isn't any perception that there's some sort of Politics at play, if there are, fine, they would just be a part of the record and it has to be based on the best scientific information. I think by and large, the board tries to make decisions on that basis now. Any rational group of people will. But this would require that there be standards in the law. I think that having standards in the law or someplace, whether it's in the law or regulations, would make the boards job easier. It's not an easy job.

Number 0170

Chairman Herrmann asked if that completes the testimony.

Rep. Malone: Yes, thank you Madame Chairman.

Chairman Herrmann asked if there are any questions of the witness from the committee. I have a question of Rep. Malone. On the second page, line 14, says during the period of public notice requires under Alaska Statutes 44, says the Commissioner shall review each management plan and state in writing the Department's position and support of and/or opposition. Does he do that now?

Rep. Malone: In response, I think the Commissioner has that opportunity to do that right now. There's no requirement though. The reason for this bill is to make that a requirement. If the Commissioner agrees with the action by the board, then lists the reasons why he does. If not, I think there's a problem that needs to be resolved by revision of plan. But the Commissioner does have the opportunity to do that now. I think very rarely is the opportunity used. The tone of the legislation is the idea that we're going to make the judgments according to press standards and that there will be reasons on the record that are, provide an opportunity to the public or members of the court system to review what happened and that's the idea behind the legislation.

It's not necessarily these specific standards, although I think they would be workable. But that there be standards to adhere to them and that the basis for decision be made a matter of record.

Number 0204

Rep. Zharoff: Thanked the Chairman for the opportunity to speak. I'd guess I feel pretty much in support of this legislation and let me expand just a bit. The board does a very fine job but at times, makes some decisions that are detrimental to different types of user groups within particular areas and one proposal there that was presently before the board, I think was kind of a reflection on my concern and as a result I put in a piece of legislation which is in the committee and has not been before it yet. But basically state that when one particular user is favored over another, that the transfer of permits or types of permits be allowed. Sometimes decisions are made by the board that do not take into consideration all the different particular

user groups that are going to be affected and I would prefer to see something like this in effect first where in this case I guess that cart would be before the horse.

Looking at the outcome of the different types of regulations being passed that they're going to have on the different user groups.

Rep. Zharoff: Madame Chairman, I guess I really didn't address this piece of legislation directly, but rather I see this as a possible solution to some of the problems that could arise and have arisen as a result of some of the decisions made by the board of fish in the past where they have had to go back and to reevaluate their position and change some of their regulations adopted because they did favor one particular group over another and was not in some cases favorable to the resource. Madame Chairman, I just wanted to go over those points.

Number 0241

Rep. Malone: I appreciate Rep. Zharoff's remarks and I concur with them. If there's no further questions, I would like to thank the committee for reacting to the testimony.

Chairman Herrmann thanked Rep. Malone and called Rep. Wendte forward to testify.

Number 0245

Rep. Wendte: Thank you Madame Chairman. It's my understanding that the game plan is to have a broad discussion on all four proposals rather than take them one at a time.

Chairman Herrmann: Well I'd like you to give us your presentation on both of your bills that are before us today. Then you can give us additional comments if you want to.

Rep. Wendte: Thank you Madame Chairman. For the record I am Ron Wendte, member of the House from District 1 which comprises the communities of Ketchikan, Petersburg, Wrangell, and at the moment Metlakatla, as well as some other small communities. Early last fall I considered that what I considered the major concerns in terms of

the manner in which the Board of Fisheries is able to conduct their business and particularly looked at what I would consider to be the perception among many who deal with the board, and the frustrations that build up in the conduct of consideration of proposals by the Board of Fisheries and I think there are some things that we need to keep in mind.

Rep. Wendte: One, I think we have to take a look at the expeditious and fair handling of all proposals to the board and at the same time, maintain a perception or that real consideration and fair treatment is being given and that the participants of those meetings come away from those meetings feeling that even though the board did not decide on their favor that at least a very real effective opportunity in which to make their presentations.

Looking at and analyzing the situation that has developed I think we all realize that Alaska's fisheries are becoming more complex and information that is needed is more complex and the pressure is becoming greater and greater with every year as the economics become more marginal and the pressures build. The result of that consideration was the consideration of certainly I can call up candidate Hart and suggest that this is a new solution because it's not in that a proposal that ended up as House Bill 563 to create regional boards of fish. Establishing four boards within their region.

The primary reason in response to my concerns are that, one that it decentralizes what has been a bottleneck that I see created by a statewide board that provides an opportunity to have individuals who have more specific knowledge on the issues within their regions to participate in those decisions.

Secondly, it provides for a make up of the board that deals with a real life situation in each region. For example, we cannot be more cognizant of the conflicts in the Cook Inlet at the present time between sports fishermen and commercial fishermen. Because we do have a statewide board at the present

time that conflict effects is statewide to the extent that this session we are going to have to deal with appointments to the Board of Fish and the challenge of these because there's too many commercial fishermen. Its point of view being that the Cook Inlet situation dictates more sports representation on the board. It could be argued both ways whether that is of is not the case in Cook Inlet. But on a statewide basis that isn't necessary. We could have in the Cook Inlet situation; we could have a board that reflects the make-up of the fisheries and could dictate in that situation more sports fishermen. That's certainly not the case in Bristol Bay or in Southeast and I feel that on a Political Basis that regionalizing the board could deal with the situation, make it more democratic in my mind and secondly; the main point I've addressed is attempt to break down the bottleneck and frustration that exists from all those who participate before the Board of Fisheries. Many on how matters are effectively considered.

Rep. Wendte continues: Moving on to the second bill of which I'm the prime sponsor, HB 645 deals, I would acknowledge purely with the political situation that we are in.

The composition of House Bill 645 is to increase the members of the Statewide Board of Fish from seven to nine members. I think all of sitting here at the table at the present time are probably of a like mind in terms of support for the appointments to the Board of Fisheries. None the less, the political reality of the rail belt is that the appointments will not be confirmed. Due to the conflict that I've mentioned earlier in Cook Inlet. I do not feel that on a seven member board having more than one sport fisherman representative is warranted on a statewide basis. Nonetheless, if the pressure is there and frankly if the votes are there to eliminate that situation by denying confirmation of the appointments to the Board of Fish as happened last year.

This would force a situation in which the Governor would have to more seriously consider two or three members on the board representing the sports fish interest. This

is not a situation that the status of the State fisheries warrants. If by expanding the board to nine, that provides a release to have an additional sports fish representative either from Anchorage or Fairbanks.

I would hope that this committee would proceed with the quick consideration of HB 645 moving it through the process so that option is available should we hit a crunch and have to make those decisions. By expanding the board I think it would reduce some of the pressure, with the opportunity to be able to facilitate the sport fish community concern without having to eliminate all or one of the current board appointments. I would note in discussing all the bills today, that aside from the concern that specific decisions coming out of the board, that this board and the make up Governor Sheffield has put together seems to be working rather well. There is a fair mix, there seems to be a very serious effort on the part of all the board members to do the work of the board and a balance consideration of proposals. Nonetheless, if the political reality would require that any of those appointees be denied, would be a travesty of the state just as it was a travesty of the state what happened last year. I hope the legislature would consider this option and that's the soul reason that I've introduced that bill.

Rep. Wendte: I would comment further on HB 658 to the extent that it does, this is a bill that prime sponsor Rep. McBride and I concurred in the drafting of it. It does place additional responsibilities on the advisory committee and I think that's appropriate action for the legislature to take. The part of the concern right now with the magnitude of the fisheries and the various points of view that deal with proposals, that the magnitude of the proposals that they have to consider creates many of the problems that I addressed in my other bill. HB 658 by placing the requirement that the proposal be submitted by an individual would have to be approved by the advisory committee, prior to being moved up on to the process. Although the wording isn't exactly the best, it

essentially reads out proposals and makes sure that the serious proposals that have area or regional impact have some approval by the local advisory committee before moving up into consideration by the board.

This would lessen their work load and be able to allocate the considerable amount of time that they have to those that bear more serious chance of consideration. I would urge adoption of HB 658 either with the regional concept that I proposed or without it. It will benefit the existing process and it would under the regional process, benefit it as well. I have no testimony to give on any other legislation at this time.

Number 0401

Chairman Herrmann: Thank you for your testimony. I have a few questions that I'd like to ask on House Bill 563, then I'll turn it over to other Representatives. The first one is that, if there's suppose to be five members on each regional board, for example; I have forty-some villages in my district and can just imagine, you know people wanting those seats on that regional board, 5 member board, just to think of the confusion that would cause and the reason you're doing this is to avoid confusion and that the system is so complex now. I think the thing that would really cause confusion is a 5 member board.

Rep. Wendte: Well certainly, and not knowing the specific villages involved in the areas, I assume that they would at best have one of two slots and that there is that opportunity of five seats available provides for the different interest in that area to have a greater opportunity to participate directly in the process, particularly in the decisions that effect that region. Certainly doesn't in that situation, if we have a forty member board, everybody would have their shot. But to the extent that it enhances their chances for participation by regionalizing than they would have on the statewide board.

Number 0425

Chairman Herrmann: OK, then another question with regard, I know Finance takes care of the cost part of this. Could you tell me what the additional cost was. I saw

a fiscal note was four hundred and some thousand. Is that in addition to what they spend now or is that...?

Rep. Wendte: I would expect that the Department of Fish & Game whom I would assume would participate in the appropriation of that. Certainly, I readily acknowledge the cost involved of regional boards, plus a master board is a greater cost but I think that is felt in the consideration of proposals, the board at this time and the expense is warranted. I would hope that a good level of expertise be available to the board in terms of staffing and the input that they would have and by essentially going from one board to five, it clearly will cost.

Number 0442

Chairman Herrmann: OK, I have one last question for now. Could you explain the real simple process of say, the proposal came before the five member board and then could you explain how it goes through the process and if there's conflict and stuff like that. Just a real simple explanation.

Rep. Wendte: Basically, the process that I have dealt with as an individual or group that made a proposal, it'd be handled basically in the same way that it is right now except that it would go to the regional board instead of the statewide board. It would still be considered by the advisory committee within that area and considered by the regional council. The final decision would be made by the regional board. In a situation where you have a fishery involving more than one region, it would require joint consideration by the two regions, and they could not come to an agreement. Then the master board would make the decision. The master would also deal with issues of statewide interest, negotiations with the North Pacific Council or matters of statewide significance. Dealing with other federal bodies as well. But the only difference would be the fishery where they do cross the regional lines. And I guess I would note that in proposing this, it's legislating toward changes in the regions to accommodate trying to minimize the situations where that might occur. On the other hand, I would be opposed to expanding

the number of boards beyond the number of what I have clearly outlined, at some point in time cost does have an effect and to decentralization can get out of hand.

Rep. Goll: Rep. Wendte, maybe to lead up to the question, you speak about financial problems that would result in more than the number of regional boards, do you see any other problems other than the financial cost problem?

Rep. Wendte: Among the concerns I expect with regionalization, is still to have large enough in which there can still be a broad concern in essentially we wouldn't have a situation where only fishermen that are directly participating in each fishery or very small fishery would make all the decisions. In terms of a public policy, I think there is a point in which time so many regions, the region would be so small that it'd lose the broader perspective. I feel there is enough divergence within the state to warrant breaking it into the four regions as opposes to having the statewide board. I recognize the concern in which the statesman - like manner in which say someone from Bristol Bay making decisions in Southeast could be more objective. The regions as I devised, as they are on the map on the wall there, I think are broad enough to deal with that concern. If they were any smaller than that then I think you would have a problem with them being too parochial.

Number 0492

Rep. Goll: I think basically you led into the concern that I have. Which would be that giving areas you've drawn, that Southeast being the case in point, it appears that we might run the risk of politicizing what is already too political a process. My concern would be that where as this year we have politics being played with the appointments being confirmed, based upon management decisions. In the future by regionalizing the boards, you might increase the political pressures on the board members, increase parochial decisions on the part of those members. The interest of some particular fishery in relation to some other type of fishery would be much more prevalent in politics if the board were regionalized.

Number 0514

Rep. Wendte: Well clearly politics will never be out of the system and frankly I think you are disgruntled at I over the situation on the board now, where you're talking about denying confirmation of an individual not on the merits of the rational that he's not qualified. But on the pure basis that he didn't represent the proper political group.

Taking your example however of Southeast. I think there is enough divergence within each of the regions that I'd mentioned that you'll still have that balance. You have gillnetters, seiners, trollers, crab fisheries, the herring fisheries, the halibut, the divergence within those regions is still significant enough within my mind that you will have disinterested parties in terms of parochial interest. You have the difference in terms of the gillnet fisheries in Ketchikan and Lynn Canal is still significant. The regions are still large enough geographically within the make-up and the issues that those concerns would still be properly balanced. You would still have the arms length decision making. Clearly any time you have a fisherman on the board, he has to deal with fisheries issues that he participates, he's going to have a greater knowledge which can be a plus. On the other hand the selection of the individual clearly into the appointment to the board, that's what we should be concerned about. Whether that individual is still capable and has a background of being able to maintain the statesman, like consideration of issues.

Number 0535

Rep. Goll: I think that's what the essence of my second question if, will we face the situation? It may be in the best interest of these decisions and that's what I'm trying to determine. Do you think we'll face the situation through, whereby localizing the board will have a more up-front circumstance of board members being appointed because they represent certain user groups. When you have a local smaller area, with only 5 members, you have an opportunity to do that. Whereas, now something that I personally think it needs to be consciously avoided and unfortunately it's what led to the sports fish problem.

Nonetheless, it would seem to me that if we're trying to select a group of judges, impartial judges that we have to be aware of what we're getting into here. Are we going to end up with a group of representatives essentially, versus the theoretically impartial judges.

Rep. Wendte: I don't think that it compounds those concerns to any great degree. It does create a great outlet for people to participate and at the same time I go back to the first question I got from the Chairman. Where there's 40 different areas that want to be represented, there's still that preponderance of statesmanship that has to be considered. The other aspect in terms of individuals, frankly with all due regards to the people that it serves and I respect them tremendously because I think a person just has to be nuts to serve on the Board of Fisheries now. The amount of time that they have to put in, what their demand is to understand fisheries from every corner of the state. It's almost a thankless task that is placed upon somebody. And frankly, I think that if you look at the amount of time they have to put in that there are many extremely qualified individuals in the state and would make themselves available to serve on a board that does not have to meet the preponderance of time that the existing board has to. I think that cuts down on the interest of extremely qualified people who would make themselves available.

By regionalizing it by breaking down and decentralizing the number of proposals the board has to consider, I think that will enhance the number of citizens and the quality and the understanding of the time that they are willing to put in. An individual that would come in and spend a few weeks taking care of the business of the regions may not have the time or being able to afford coming in and spending months that the statewide board does. With all due regard to those guys that have committed themselves, if they have a family, or business in the fishery they have to maintain, I think we're asking too much of them now. That's as much of a reason to regionalize the board as any.

Number 0577

Chairman Herrmann: Are there questions of Rep. Wendte? If not, I have another question. Why did you decide the Governor shall designate the Chairman from every region?

Rep. Wendte: I have no strong vested interest in specifically designating the Chairman or having the board select the Chairman.

Chairman Herrmann: Yes, I was thinking, that's what the board does now.

Rep. Wendte: The only concern there of course would be that the make-up of the master board are the Chairman of the Regional Boards plus the Commissioner. So if in instances where you want to have consideration of the most highly qualified of the arms length type of individuals of that master board in particular could be that you'd want to get him out into the picture some specifically for that seat. It's not just appointment to the regional board but they'll also serve the master board.

Rep. Fuller: I have a great deal of concern about the regional plan because I think with a master board you have people that really see the statewide picture. What happens in one fishery definitely has impact on another fishery. I look at regionalization as a step backwards rather than one that is forward. I agree with Rep. Wendte, certainly it is an extremely large task, anybody that attends these board meetings realizes that there is a tremendous sacrifice that has to be made. I would have to wonder what are we going to do, regionalize the Game Board too? There's a definite relationship between the boards.

Number 0603

Chairman Herrmann: Thank you Rep. Fuller. Rep. Wendte, I have another question. On Page 3 of the bill, it says that a regional board of fisheries may adopt regulations it considers advisable for the area's jurisdiction. Isn't that the proposal that goes before the Board of Fish now then? So is this board going to be writing the regulations?

Rep. Wendte: It's my understanding at the present time that the Board of Fisheries is empowered to make regulations at this time. The powers that I am providing for are simply a duplication of the existing board, with the exception that they apply within that region. There are no additional powers that I'm intending, unless there's a drafting error, that gives to the board, the regional board that does not already possess in the existing statewide board.

Rep. Goll: Did you draw the lines on that map, or are those your conceptual lines?

Rep. Wendte: Yes.

Rep. Goll: Is there any reason you didn't put Fairbanks into that Southcentral, or is it? Why didn't you just, since there's all that coast line in that northern region, why didn't you bring that up to include the Fairbanks area?

Rep. Wendte: The intent again that I mention in terms of the lines that are drawn, I think quite frankly, the actual boundaries of the regions should be developed by the boards. The intent in drafting those lines are the drainages that are involved.

Rep. Goll: OK - then, so the Yukon River is up in the upper section and if you would have brought that up then you have split the rivers, is that it?

Chairman Herrmann: Thank you Rep. Wendte. I'd like to now call Rep. McBride to testify on his bill. I'm sorry that I passed you by. HB 658.

Number 0629

Rep. McBride: HB 658 is the bill that the Chairman mentioned earlier as the one that gives the local advisory board more power. Simply I looked at all of the proposals that I had heard bouncing around. I don't have any particular bothers with maybe making some changes in it. But I felt that regionalizing the boards as Rep. Fuller had mentioned parochialized it too much.

There's too many situations in the state in

which one region may be doing one thing and another region may be doing another thing and the situations may very well be the same. I felt that there should be another way and this is just one of the ways that I can say that we may accomplish some of the same things. I can certainly sympathize with everyone that the board is overworked and they have to make some tough decisions.

New members have to learn about all the other problems in the state and I think they've done a good job on it. I think that all of us can look back five years though today we're in heated discussion in which we think are life and death situations, but when we look back five years I think most of us feel that the board has made good decisions and it's turned out reasonably right. In cases where they didn't, usually the next year they recognized the error and it was changed.

Rep. McBride: I'm very much in favor of Hugh Malone's bill that sets criteria. I recall once that I sat on a planning commission and we had to go by a criteria. It makes the job easier, and less political. It helps the public or the fisherman know which criteria they have to abide by in order to get their proposals through. It makes the board look real closely as to if they're making their decisions according to the criteria. I think this would be an extension of that in that the local advisory board knows what that criteria is and makes their decisions by that.

Tape #59
Recording
Number 0004

Rep. McBride continues: I think we as legislators are many times guilty of the same thing. We think we have a perfect answer to a simple problem. We wind up creating five more problems while we're doing that, and I think the decision at home, and the discussion at the regional level and if the regional level says that this bears a decision by the board, then that shall happen. I was trying to save the board at least some time on one hand, and on the other hand, making the local board recognize the problems with any suggestions to change this. If this concept feels good

to anybody or putting this in with some other bill that also might try to correct this problem. But I think that it would be an error to over react and drastically change the situation, that we're sort of put together over the years and I think it has worked well and I think if we made any drastic changes, it would be an error. Thank you, Madame Chairman.

Chairman Herrmann: Thank you Rep. McBride. One question of comment for you. The way it stands now for like if an individual felt his regional advisory board was stacked one way, like if there was five drifters on there and one set netter and he had a set not proposal to go before the board. If he couldn't go through the advisory board, he has the option of going as a individual directly to the regional board. Do you see that person's process now as no more right he's have to go through the regional board and his proposal passed before he get anywhere.

Rep. McBride: Yes, that would be right. The first recommendation yea or nay, would come from the local advisory board. As I see it, they would give their reasons for either being for the proposal or being against. If it's controversial this would give both sides an opportunity to discuss this at a regional level. In other words sometimes it's, and especially maybe in the Bristol Bay where we only have one gear group and a minimum amount of area to fish in, the problems are far different than down here in the Southeast area where we have 25 hundred different river systems, 4 gear groups, subsistence and sport fishermen. It makes it more complicated. So I think that a regional level can look at a situation and probably make a decision that isn't quite as parochial than if it was their recommendation, then it would go on to the main board. The idea being that the way it is now, if I had a proposal that was turned down by the local advisory, I can go to the main board and take thirty other people with me and spend a lot of their time. I think we can do some of this work at the local level and not only that give the local advisory boards more authority than they have now.

Rep. Goll: Do you know why there is a 4 hundred plus thousand fiscal note on this?

Rep. McBride: I couldn't tell you that, Rep. Goll. I notice that in FY 85 it was \$374.5. I noticed that on Rep. Wendte's proposal where there's 4 regional boards which seems like it'd be vastly more expensive to me. The cost isn't that much greater and I just noticed that today and I don't know whether two different people wrote the note or what the problem is.

Number 0130

Rep. Goll: I find it hard to understand as I read the bill, it doesn't really seem that it would require any additional personnel or certainly contractual.

Rep. McBride: I would agree with you Rep. Goll. I can see where it may take another staff or two because of the education of the advisory board which previously hasn't been that extensive. But I don't see that it should be that cost. I will check on that.

Rep. Goll: One more question to clarify. At this time if an employee of the department proposes a regulation, they can just go directly to the board.

Rep. McBride: Yes that's right and the idea of that is that management should be protecting the species and resources and it would seem to me not to preclude that they could bring these to the advisory board, and I wouldn't expect that to happen that they do that because they would certainly want it discussed in the community where it was impacted. I didn't intend to preclude that, however, I didn't intend, when things became real parochial sometimes we would make bad management decisions if we allowed local advisory boards or the regional council to cut off any more discussion.

Rep. Goll: If the Department has a departmental recommendation to the Board of Fisheries, would they then have to form those after the local boards? Inaudible question regarding employee of the Department.

Rep. McBride: I didn't mean to have any difference between an employee of the

department and I would take it that what I would mean is the Department's recommendation. An employee of the Department who may be a fisherman and not a representative of the Department may very well go through the same process. I wouldn't expect because he was an employee that he would have any advantages that any other fishermen would have. So it really means that it's the Department of the department employee that does not have to be confirmed by the regional council.

Chairman Herrmann: Are there any other questions of the witness, if not, I'd like to now go to the public. If the people who are testifying could state their name who they're representing for the record, and also please state the bill that you are testifying on. I think there's 20 to 25 people to testify so if we could limit the time to 2 or 3 minutes. Also, we are taking testimony Thursday so if someone gets cut out today, they will be able to give testimony on Thursday from 2:30 to 4:30. With that, I'll turn it over to Tom, the moderator to call the first witness.

Tom: Hello this is Tom, the moderator and I just learned that we have some trouble on the line. We've traced it to a Juneau connection, I'll be causing some tones, we'll try to establish another connection with our bridge. Stand by for technical adjustment. Fairbanks, may we have your first person.

Byron Haley: Yes, my name is Byron Haley. I am a member of the Chitna Dip Netters Association, member of the TBSA, and the Alaska Trappers Association. On HB 526, we do not support this bill, most of this bill is already covered by management regulations by the Board of Fisheries. In regards to 31 and 2 of this bill, an economic study would have to be done on the sports fishing industry and its effect on the communities throughout the state, and not just the commercial fishing industry. Economic loss through the sports fisherman not shown because there is none that I know of. But to the sports fishing industry and to the tourist industry of the state or community could be of great concern.

On HB 563, I do not support this bill. There's already are six regional councils in the state which deal with fish and game matters. By making four more regional boards, it would be in conflict with the six regional councils that are now in place. By the Governor appointing all 20 members of the four regional boards of fisheries, also each Chairman of the Boards of Fisheries and each four Chairmen would sit on the master board of fisheries, this would make the board too political and would not represent the will of the people of the State of Alaska and would hamper the Department of Fish & Game and would be more likely to follow the will of the Governor and not the sound fish and game management.

Also the make-up of the master board is wrong. The Commissioner should never sit on the board or have a vote. He should provide advice to the board. There is already a good working system of advisory of committee throughout the state that work with and support the boards of fish and game, and the public of Alaska. Management of the fish and game should not be in the political arena. The only time it should be political is when the boards do not serve the will of the people of Alaska and they go to their legislators for relief of a certain regulation or management plan.

Byron Haley continues: On HB 645 and SB 487, I do not support these bills. There is no need to add two members to the Board of Fisheries as appointments are made now they would most likely be commercial fishermen. There are six commercial fishermen on this board now, what should be done with this board is to change the make-up of this board so that there is no more than three commercial fishermen, two sports fishermen, one neutral member, and a member from the Interior. There should not be a majority of any group on this board of fisheries.

Mr. Haley: HB 658, I do not support this bill. This bill would do more harm than good. First you are taking the power away from the public and the advisory committee. Six regional councils now are advisory councils to the advisory committee and the Board of Fish & Game and they can submit

their own proposals to the board. Same as their advisory council committee, or the public. Regional will act on dispute on advisory committees, but if they cannot be resolved within the regional council to each advisory committee's satisfaction, advisory committees could still go to the board with their proposals or disputes.

With this bill 658, you are putting the regional councils between the advisory committee and the Board of Fisheries, the only input to the Board of Fisheries would be through the regional councils which would destroy the advisory committees. The boards look to these advisory committees for a lot of what's going on and welcome their input into the deliberations on proposals. The public also can submit proposals directly to the board or the advisory committees and this should never be disallowed. The advisory committee receives and reviews proposals from the whole state and reviews them and sends the board their recommendations on the proposals. I also give testimony before the board on proposals that are of interest to them, all proposals that are turned into advisory committees have to be sent to the board regardless whether the committee supports or rejects the proposal.

Under this bill 658, the public would only go through the advisory committee, and not submit a proposal through the board which would destroy the public's input to the board and may be the advisory committees. The regional council does not and never should have the power to reject a proposal. They have the right to recommend rejection to the board. All proposals submitted to the regional council has to be sent to the regional board. If this bill 658 would pass, it could give the department employees more voice than the public. A clerk or a janitor of the department could submit a proposal to the regional councils but the public could not.

Tom: We'll now go to Anchorage for testimony.

Sam McDowell: Good evening, my name is Sam McDowell and I'll be speaking as a 31 year

resident and I'm Chairman of the Isac Walt Fisheries Resource Committee. We have a number of people here today so I'll make my testimony very brief. First, I will testify and make comments on HB 645, increase the Board of Fish from 7 members to 9. We do not support this and this is just a case of somebody trying to solve a problem that's not solved by increasing the board by two members. Fairbanks is entitled to have a member of that board. After all, having two sports fishermen and five commercial fishermen certainly is not unreasonable, now they're playing with dynamite and I want to tell you that if they don't get this thing corrected, we're going to hit the street with an initiative and we'll have that board elected. It'll be one landmark vote.

Sam McDowell continues: Now I'd like to comment on another bill. I read Hugh Malone's bill 526, I see in my eyes a commercial fisherman playing attorney or an attorney playing commercial fisherman from Kenai, whom I know very well. Now he's made several comments here on maximum sustained yield. Number of years ago, 1971 in fact, the same people filed a million dollar law suit because they weren't allowed to harvest when they tried to. Professional biologists that manage that resource want a sustainable yield. You go down to another paragraph here, effective user groups economic loss. Well I have documents including the latest report of U.S. Fish and Wildlife shows the king salmon in Upper Cook Inlet worth more than 500 dollars each. What I am reading in here, does that mean the commercial fishing will be shut down and not allowed to harvest kings. They'll also find that the silver salmon is worth well over 100 dollars, does that mean that this commercial fishing will again be shut down, I think not. Again we go back to professional management and you must make allocations to the various user groups. Please keep them on to deal with the mass of people. You're dealing with 70% of this state when you try to by-pass the sports fishermen from the Anchorage area.

No on the Regionalization of the Board of Fisheries. I cannot even understand why anyone would even introduce these bills in

the first place. I think that what they should do is send them notes to the Board of Fisheries for a job well done. I believe that if you look at the record you will find that they have harvested over one hundred million fish a year. That is a job well done, and this is strictly another case of trying to take control of the common property regionalist by local residents.

The Board of Fisheries should be made up as far as I'm concerned, of people that's knowledgeable. The Department of Fish & Game has done an outstanding job under a great political pressure, and under no circumstance will this work, because what happens when you do get regionalization and you start taking and by-passing the other user groups in this state. All will happen, is the people from this area, the masses of voters, is we'll start turning the screws and we'll turn off the money pot.

The money in this state is still allocated by professional management of the professional resources, the common resources of all the people in the state. And it won't work and I certainly personally feel that it's a mistake to introduce the bill and we're opposed to it. Thank you.

Haines:

Terry Pardee: Yes, my name is Terry Pardee and I'm Chairman of Upper Lynn Canal Advisory Committee and I also have a seat on the Alaska State Bald Eagle preserve, Chilkat. I've had an opportunity to live in Haines for the past 15 years and I'm a commercial fisherman participating, till I change my commercial fishing interest to Bristol Bay, I fished approximately 14 years in Southeast. I've been a member of the advisory committee here for approximately 7 years. There's been a great deal of discussion and comment on how the Board of Fish & Game could be more effective, and how the advisory committees could be more effective. We've certainly recognized problems of abuse and private interest abuses in some advisory committees and it certainly has been obvious in some areas.

Terry Pardee continues: However, I think that the concept of regionalizing Fish and Game boards, while it doesn't have all positive aspects, it is an idea worthy of some consideration. I've read through HB 563 and a lot of the discussion and ideas are familiar. The last gentleman that testified from Fairbanks made some good points. However, I think there are some positive aspects. The advisory committees right now, for instance if they did have the opportunity to disregard or not forward for consideration, proposals that were not felt for the use of the board. Now I recognize that this could seem to some people a problem in that it might not make their ideas and concerns available to the board.

I have seen some problems in the past where proposals coming directly from individuals did go directly to the board for consideration were passed and as a result there were some problems that could have been avoided had we had an opportunity to consider those proposals at the time when the specific proposals that I'm considering right now that dealt with moose.

In this instance, the Board of Fish and Game caught us by surprise, our committee originally voted against supporting the proposal and it would change about a week in the moose season to later in the fall. Knowing full well that we had colder weather in the critical time which dramatically increased the opportunity for harvesting moose at that time. That did occur and as a result, we had an overharvest of moose. Had we had an opportunity to not have that proposal considered by the Board of Game.

That's one example and I'm sure other advisory committees have others. It's a real touchie problem, and I think the legislature and everybody else needs to make some decisions on these things. We do already have regional councils, however, it's important to point out that these regional councils were formed after federal law required under ANILCA. Right now my participation in these regional councils, we're still trying to figure out just what the heck you can or can't do. They're not, I don't feel the councils in Southeast

Alaska are functioning as effectively as they can. I cringe every time the word politics comes up related to fish and wildlife management because having been a resident of the State of Washington for 15 years. About 25 years ago we started seeing politics play the key role in fish and wildlife, as a result the effects of that are just reknown, it's really unfortunate. I very much hate to see the same thing happen here in Alaska.

Cordova

Number 0442

Matthew Luck: Hello, my name is Matthew Luck, I'm Chairman of the Copper River Prince William Advisory Committee, I'm also a member of the Board of Fisheries of the UFA. I'd like to first testify on HB 526. As far as I can tell, the criteria set forth in this proposal are basically those that the board uses already when considering the development of management plans or making allocations decisions. The major I see proposed in this bill is under section 3D, which would mandate the Department of Fish & Game to support or oppose a specific management plan or allocation decision. As far as I know, this is contrary to the present policy. The Department has always in the past and I believe should continue in the future, provide biological, socioeconomical, and resource data that the board needs to evaluate a situation and developing management plans or allocative decisions. I don't believe the Department should be legislatively mandated to make value judgements concerning allocative decisions. It's always been my impression that this is solely a function of the Board of Fisheries. I believe it should reason that way. I believe it would be a political nightmare if the Department was to make public statements concerning the merit of allocative decisions and further I believe it would undermine the regulatory authority of the board.

Matthew Luck continues: On HB 645, in my opinion, this bill represents the only reasonable alternative to the present board's structure and function that's before the legislature. If it's felt that the present 7 member board is not large enough

to represent the diverse user groups in the state, it would seem reasonable to expand the board to include representation from those groups that feel they need representation. The structure and regulation, function of the board is what must be mentioned. The public input process involving individual groups and advisory committees has to be maintained.

Further I believe it's very important that those individuals selected to represent their specific regions and user groups on the Board of Fisheries should not be a paid professional board, but remain as a lay board as it is today. The Board of Fisheries as it functions today, the process by which it involves the Department of Fish and Game and public input to arrive at regulatory and allocative decisions is unique. It's the process that must be maintained if we hope to have equitable and expedient resources management in the future.

Matthew Luck: Finally, I'd like to speak to Rep. Wendte about regionalizing boards. Rep. Wendte stated in his discussion in the teleconference here in discussing HB 645, that he felt that the present board structure works quite well and I agree with him. I believe the present board structure and function that we have now has continually dealt successfully with providing more than adequate representation in making decisions concerning regional issues. I believe that with regional boards, the same conflicts today between user groups that occur today within the statewide process will occur again on the regional level, than when a proposal is brought before the statewide master board, I believe the conflict would again surface.

Regionalizing the Board of Fisheries would further create conflict between user groups rather than alleviate them. I sympathize with Rep. Wendte, but I just don't think that he can please all people all the time, especially when sport, subsistence and commercial fishermen sit down together.

The advisory committee as it operates today, again provides more than adequate regional

representation, in the case of the Copper River subsistence fisheries that the Board dealt with last winter. Six advisory committees representing virtually every user group on the Copper River, met a number of times over the winter to discuss the problems in the Upper Copper River. The avenue for discussion of major regional problems is already available through the advisory committee. Any reason to further complicate the system at the expense of losing the well structured and well represented, properly functioning Board of Fisheries that we have today. Thank you very much.

Bethel

Number 0496

Joseph Chimegalera: I'm with the folks of Kuskokwim Advisory Committee, I'm a commercial fisherman here in the Kuskokwim. I'd like to make a comment on HB 563 and HB 645. First, I'd like to comment on 645 where it asks for, to increase the number of board members. I like to comment on this because it makes the area concerns from our point of view, like right now I think the fish board is doing like one of the people said that the Department is doing all it can and I think the gentleman is right.

Secondly, I'm concerned because by increasing the number of people on the board could do good for some areas, but like for my area, because look at the economical basis, you know how much we make in the area. There's a lot different course because over the last two years that I've been a part of this Fish and Game Advisory Committee I had a chance to go to the Fish and Game, Anchorage to testify on some of our concerns. I could see that other areas able to bring in their people to talk for them. In our areas is so low you know, the commercial fishing income is so low that we can't afford to go into Anchorage on our own. If not, the State doesn't bring us in, we don't have no chance going in. This increase from seven to nine, I think it's too early. Our area will reject the idea.

HB 563, I like to comment on is this asking for creating master regional boards. You know, since I been involved in the

fisheries, not too long ago, that we given a chance to be involved in the Department of Fish and Game affairs ourselves. A local Fish and Game group in AYK area, and what happened in the local group were created was there was the role of fishermen, people from the villages, has to get involved or voice our concerns over things like this. Maybe two years ago it was the regional area groups were created. Region wide the local area would not like to see this HB 564 in because it's going to give the area the local Fish and Game advisory committee one more hurdle to fight with. Those are the two things that I want to comment on these two House Bills.

Joseph Chimegalera continues: I'd like to add one more idea concerning this HB 563, is that you know if we form master groups, like I said, it's another hurdle that we have to fight with. But if you, if somebody is thinking of putting this into like maybe put the regional Chairman be part of the Fish and Game Board, maybe they would go along with that idea. Because like I said, we're concerned because we got very, sometimes we can't even find money to bring us into the Fish Board and putting somebody from the regional council to the Fish Board meetings, that would help our area. Another thing that I would like to comment, like if HB 643 should pass. I think this local economic basis should be strongly considered. Like remember that we're solely dependent on state money to go into Anchorage and make a comment on some of the proposals, I feel that these proposals are going against the area or user groups. This is when I guess you're getting my point, if this was to pass, I would like two people from AYK area. Because this is a wide area. That's all I have, thank you.

Chairman Herrmann: I have one question that I need cleared up on HB 563, you said that it was another hurdle to go through on this master board and all that, then you spoke about regional chairman and you said that might be something that could be worked out on that level. Are you talking about Fish and Game Advisory Board Chairman or are you speaking with the bill with the regional boards?

Joseph Chimegalera: Yes ma'am, I'm talking about the regional councils. I'm saying that if this could be passed, I mean don't pass this House Bill. The idea is that from each council chairman, you put that Chairman in the fish board.

Chairman Herrmann: Ok, I get what you mean, Thank you.

Homer

Number 0598

Larry Smith: My name is Larry Smith, I'm President of the Katchimak Bay Subsistence Group and a member of the Homer Advisory Committee. As to HB 526 and 658, they sound good, particularly 658 in its attempts to reduce the work load of the board. This regional council bill, that's something that's interesting in many ways. I remember attending a conference in 1978 which came out with about 17 different proposals I think. My own idea is being in mind that ANILCA calls for six or more regional councils for both fish and game and also provides for subsistence contribution of federal money. First check I think was for \$900,000. Now I would like to consider regional councils which would make some policy to be made by statewide boards which could also smooth differences which arise in the regions. The regional council would be made up of representatives elected from regional councils with an equal number of at large members appointed by the Governor.

Larry Smith continues: As to HB 645, which approaches the most serious issue before us in the management of fish and game. Every Alaskan who wishes to participate in the determination of the proper management of fish and wildlife is entitled to be heard by all members of the Board of Fish and Game in a fair and impartial manner. To accomplish this purpose and to assure the conservation and development of these resources, should not be politically motivated. Members of these boards are entrusted with making public policy is very important that they should be elected for their ability, dedication to the fish and wildlife of Alaska, no identification should be made between the policy makers of any particular segment of the population on any particular

region. I'm a great admirer of those who do the work on these boards. It is not a negative comment about them to suggest that the process is being paralyzed by the mass participation as well as politics. The present law forbids using politics. The present law forbids using political identification or places of residence, but it seems this has been historically honored in the breach. All of the Governors have made appointments on just that basis. Some people with long memories might recall, that prior to state, the territorial legislature established the fish and game commissioner to be composed of three commercial fishermen representing the specific areas. One hunter, one trapper, and one sports fisherman.

During consideration of the Statehood Act, the U.S. Congress determined this commission was not acceptable because it purposely dedicated control to fish stock to the commercial fishing industry and excluded natives from the whole process. Congress withheld fish and wildlife management from the State until an impartial system was adopted. In 1959, the state legislature enacted the statutes establishing the Board of Fish and Game composed of eight members having a general knowledge of fish and game resources and selected without regard to political affiliation or special interest.

In 1975 when the legislature split the state board into two seven member boards, one for fisheries and one for game, it was required that they be appointed and confirmed affiliation or geographical location of residents.

In our highly political environment, it's no wonder the allocation process has become a breeding ground for law suits and the infinite fish and wildlife resources sometimes suffer from confused management. Our boards should not be political instruments, they should be made up of independent people with character, with a good knowledge of the subject, who are obligated only to the welfare of the wildlife. To reduce the number of lawsuits and the amount of political pressure on the Department of Fish and Game all parties to

allocation disputes, should unite in a common effort to people that advise the fish and wildlife decision making process. We all depend for on one thing or another on these resources. The position that we find ourselves in now is sort of defected seizure of power by the administration of the state.

The boards are perhaps not in the position to make any kind of valid regulation as year after year they may not be confirmed and as the Governor continues to establish more a different kind of task force to deal with fisheries issues, seems as if an ordinary, orderly public process for selecting people to sit on the boards and do this important work is becoming more and more disorderly... Thank you.

Hoonah

Number 0656

Albert Dick: Yes, this is Albert Dick and I would like to speak to one bill I'm in favor of and that's the HB 645. I agree I think we should go to a 9 member board.

Tape #60
Recording
Number 0001

Albert Dick continues: I do oppose the 563 and also oppose the 526. I do not agree with HB 658, thank you.

Soldotna

Arthur Robinson: This is Arthur Robinson from Soldotna, commercial set net fisherman in Cook Inlet. I'm here to speak on all the bills that are before the committee at this time. First, in reference to HB 526, I think that the reason that this bill is important for passage is that, no matter how the Board of Fisheries is constructed, whether we have a regional board, whether we have a 9 member board, whether we have advisory committees making initial decisions which can later be referred to. The question still comes down to this, what kind of issues must a board focus on in order to make orderly and rational decisions concerning conservation, development, utilization of fisheries resources in the state.

HB 526 seems to be an approach at trying to

develop on a substitute basis, a means by which the board can focus itself on those things that will require some determination about how those three processes can be next. Conservation, development, and utilization so that all persons interested in the effects of the Board of Fisheries regulations will have a very good understanding of why the board made certain decisions. It appears that because of the fact that the public is sort of disgruntled at this point from all points of view to the way the board has handled itself in the past that we have these various proposed views of the legislature. I think the drop of that was the foundation of this disgruntlement the fact that there are no standards and guidelines by which the board is to adhere to. If the legislature has saw fit to establish policies, guidelines and standards for other important administrative agencies, then I think it's only fitting that it should do so for this important administrative agency. If the members of the committee would take some time and review the examples to a lot of the administrative agencies that the legislature has created. The legislature has taken great pains to create standards and guidelines for these administrative agencies to go by so that they can make rational and orderly decisions and that the decision can be supported by the fact that they've went through certain procedural, and substantive process to make these final decisions. I could be in favor of HB 526.

Arthur Robinson continues: With regard to HB 645 which increases the number of board members from seven to nine, I would be in favor to that. I think that by having nine members on this board, it does allow for the appointing authority, in this case, the Governor to have more alternatives in terms of selecting people to serve on the Board of Fisheries in making their tough decisions. It will also help to increase participation if that be the case from other users who think that they are now excluded from participation like the Anchorage sportsman for instance.

With regard to HB 563, I don't think that regionalizing the Board of Fisheries is

going to resolve the public dissatisfaction with the way matters are handled at the moment, nor do I think it will solve any problems in the future. I think that we will only polarize ourselves as citizens of the state in general, if we left these important fisheries issues to the self interest of the very narrowed views of each individual regions, so I don't think that regional boards are the answer.

With regard to HB 658, which is the ability of the employees of the Department to propose regulations, at the moment, the staff of the Department of Fish and Game already makes proposals to the Board of Fisheries on a regular basis as to the regs that they would like to see adopted or repealed. I do think that if maybe a closer look was taken at this bill, that there may be some way, however, to increase the effectiveness of the advisory committees. The advisory committees are often closer to the problems than some of the disinterested workers are. I just don't think that this particular draft does that though. The intent of this bill I think is good. That's all I have to say, thank you.

Unalakleet

Weaver Ivanoff: My name is Weaver Ivanoff, I'm from the Southern Norton Sound Advisory Committee and Arctic Regional Council. I'd like to comment on HB 563, oppose it as it is, however, I think the concept is good. We have six regional councils existing right now and the regional council I'm on does, I think pretty well represent and are aware of the problems going on in the region. With four regional councils, it's too small and one master board. You have Southeast, Southcentral, Southwest and Northern part, there's nowhere mentioned of the Interior part where there is a fisheries established in Yukon River which is completely different than along the coast. If the bill was passed, I would rather see six regional councils and master council with no commissioner on there and Chairman of the board not appointed by the Governor.

With regards to HB 645, increasing the board members from 7 to 9 members, I also oppose.

The regulation changes in regards to Alaska Department of Fish and Game employees. That statement earlier, the employees are about to submit a proposal. I think it would be wise if they did go to the Regional Council and then to the Department of Fish and Game. It will make us aware of what the Department is going to do or wants to do and why if it went directly to the Regional Board that would than not give the advisory committees any say so or input into what the Department is trying to do. I think we need a close working relationship with the Departments in the areas. If this passed it would completely do away with out communication and relationship that's going on right now.

Weaver Ivanoff: We also oppose HB 526 maximum sustainable yield, thank you.

Fairbanks

Gene Carlson: My name is Gene Carlson, President of the Chitna Dip Netters Association. The first thing is that the legislature should not confirm any members of the Board of Fisheries board and I only say that because I heard one of the gentlemen indicate that they should. We do not need any more boards or board members. We've got more than adequate bureaucracy now. We do need regional appointments to the existing board, perhaps one per Senate Bill 288 we do need to amend HB 645 if it were adopted to not allow the make-up of the board to consist of a majority of one user group, commercial, sport, or subsistence.

There are other bills that we see, HB 526, 563, 658, probably had good intentions, but they're all unnecessary, they simply make more cumbersome what we've already got. A board of commercial fishermen cannot function for all of our best interests no matter how qualified they are. We heard about their qualifications and that should be their only criteria and we see right now what we have and they probably have a lot of qualifications. If the Governor were allowed to appoint regional board chairman and we did have regional boards, you'd have exactly what we have right now. He would simply appoint commercial fishermen to those Chairmanships and then they would be a

controlled master board. Politics and fish and game management scares all of us, however, unless the make-up of the board is mandated by the legislature, we will have exactly what we have now and I would suggest that the commercial interest can look forward to exactly what happened to the management of Washington. The fisheries board must act first in the best interests of the public of the State of Alaska and second in the interest of the commercial interest. Since the commercial interests are being allowed the privilege of making their living from a resource that belongs to the people of the State of Alaska, Thank you.

Fairbanks

Sam Lachapelle: Yes sir, my name is Sam Lachapelle, I'm a member of the Chitna Dip Netters Association and a five and one half year resident to the State of Alaska so I'm a relatively new comer. I'm opposed to the current legislation, I concur with the comments of Mr. Haley and Mr. Carlson who just preceded me. I feel that none of the legislation addresses the interests of Interior residents. The Copper River Dip Net Fisheries is a traditional user fishery for Interior residents. Supposedly last year sixty-eight hundred people caught approximately one hundred thousand fish in the Copper River. Sixty-eight hundred dip netters and one hundred thousand fish is only a drop in the bucket compared to the commercial take, but a lot of those sixty-eight hundred people are voters. Interior representation should be insured by any legislation. You talk about parochialism, the current board is comprised of commercial fishermen and a cannery operator. Another illustration of how politics are demonstrated in the current situation of the State of Alaska consider the demise of the king crab that's blamed on everything from cod to halibut but no one has ever addressed that it's possibly due to over fishing.

The board could have 100 members and if one group has a majority you'll never represent the best interest of the people of Alaska.

Last but not least, I feel that the fish and

game of the State of Alaska belong to the people of Alaska and if a surplus exists, then it should be harvested commercially, thank you, sir.

Anchorage

Number 0249

Henry Mitchell: My name is Henry Mitchell, Executive Director of the Bering Sea Fishermen's Association and I'd like to make a few short comments on the four bills that are before us today. First I'd like to talk about HB 658. I agree with Mr. McBride's goal which is to increase the influence and participation of the local advisory committees. I don't think it's a good idea to create a situation where every proposal would have to go through an advisory committee. You could run into some real problems in the future if you do that.

There are various scurrilous proposals, the board in the past has very wisely learned how to deal with those proposals and to set up a system that would short change somebody's ability to do that I don't think it's a good idea.

Henry Mitchell continues: As far as HB 645 which would increase the Board of Fisheries to nine members, this is not a good idea either. Seven members is an appropriate number where you go past seven members you're taxing the ability of anybody presenting their ideas to the board, just because of the sheer numbers of individuals present. I also don't think it's a good idea because it's purely a political motivation to do this. What would foreclose any one in the future, when there's a political problem to ask that it be increased to 13 or 20 members. I really think it should stay at seven and that's a workable number.

HB 526 by Malone, this bill I think has some merit and its merit should be dealt with by the board itself. Meaning that the board should adopt those internal regulations and internal procedures to accomplish what in fact this bill sets out to accomplish. I would be supportive of the board basically adopting after public hearing, a procedure based on this bill. But I don't think the

legislature at this point should enter into forced deliberations and tell them how to make their deliberations.

Henry Mitchell: HB 563 by Mr. Wendte I believe is not appropriate at this time. There was major debate in 1978 through 1980 on regionalization, as a matter of fact, many of you who have followed this will note that Terry Gardiner's bill in those days, regionalization bill which was supported by various people was perhaps the fore runner of this and lots of people would result in better resource utilization by local people. But I think that as a number of the speakers have pointed out that regionalization will probably create more internal conflicts.

The reason that I feel that it's a bad idea, is that it will tax the ability of the individual concerned with getting his viewpoint in front of the board. Meaning to say, if you're an individual who has a problem that cuts across two regions you have to appear in the local advisory committee to make your point, you will have to appear in the various local regional council meetings. In areas like in Western regions of the state you will have to spend twenty or twenty-five days traveling and enormous sums of money to get your point of view in front of those various regional councils and I think that the advisory committee that we have now with the developing regional council system which is made up of those advisory committee chairman along with the various staff support which is being partially funded by federal funds, is resulting in a very well functioning system that allows for advisory committee members to meet through that regional system. I wouldn't recommend at this time that this bill go forward.

Number 0322

Chairman Herrmann: Thank you for your testimony and I think I'd like to conclude the teleconference now. Like I mentioned earlier, these type of bills or proposals have been before the legislature and we have a lot of work to do on these bills. We'll continue to take testimony on Thursday so those of you who didn't get to testify will start up again on 2:30 on Thursday and start in with testimony again. Thanks everybody

for participating.

Chairman Herrmann adjourned the meeting.

HOUSE SPECIAL COMMITTEE ON FISHERIES

March 15, 1984 - 2:30 pm

Members Present: Rep. Herrmann
Rep. McBride
Rep. Zharoff

Members Absent: Rep. Goll
Rep. Bussell
Rep. Fuller
Rep. Grussendorf

COMMITTEE CALENDAR

Teleconference on HB 526, HB 563, HB 645, and HB 658.

PREVIOUS ACTION

Prior teleconference testimony taken on 3/13/84.

WITNESS REGISTER

Juneau

Paddy McGuire, Alaska Department of Fish and Game, Box 3-2000

Rupe Andrews, Alaska Outdoors

Earl Krygier, Alaska Trollers Association, 205 N. Franklin Street

Geron Bruce, Box 1066

Sand Point

Alvin Osterback, General Delivery

Anchorage

Jerry McCutcheon

Bob Hunter, 2015 Shepherdia, 99508

John Durkin, Box 8-752

Ray Rodgers, 5433 West 73rd

Dillingham

Jim Timmerman, Bristol Bay Native Association, 99576

Page Two

Hoonah

Raymond Dick, Box 291, 99829

Fairbanks

Tom Scarborough, SR Box 10219, 99701

Stan Bloom, 303 Bentley Drive, 99701

Soldotna

Ivan Every, Route 1, Box 970, Kenai

Robert Wiseman, Box 4651, Soldotna

Paul A. Shadura, Box 1632, Kenai

Mike Sutton, Box 214, Ninilchik

Joseph Molatesta, Box 318, Clam Gulch

Seward

Michael Wiley, Box 585, Moose Pass

Ketchikan

Bruce Wallace, 728 Water Street, 99901

Representating Southeast Seine Boat Owners & Operators

Petersburg

Marilyn George, Box 1031

Cordova

R.J. Kopchak, Cordova Independent Gill netters Association, Box 1126, 99574

ACTION NARATIVE

Tape #61

Number 001

Tom the moderator - The House Special Committee on Fisheries is meeting from 2:30 to 4:30. The teleconference is schedule for this afternoon and public hearing. At this time I'll turn the meeting over to the Chairperson, Rep. Herrmann.

Rep. Herrmann - Yes, this is Adelheid Herrmann, I'm Chairman of the Special Committee on Fisheries. I'd like to apologize today for the other members not in attendance. I'm the only one here at the time but Rep. McBride is supposed to be attending. The rest of the members are either in Judiciary Committee or Finance

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Committee. We'll be taking up where we left off Tuesday. We're still hearing HB 526 which is an act relating to management plans and regulations adopted by the Board of Fisheries. HB 563 which is an act relating to master and regional fisheries boards. HB 645 which is an act changing the composition of the Board of Fisheries and HB 658 is an act relating to proposals for fisheries regulations. I'd like to ask the people testifying to state their name and who they represent for the record, also which bill that you're testifying on. Thursday I had asked if the Department of Fish and Game could testify with their position and I'd like to take them first. Then after that, there is one person in Juneau here that needs to testify in order to catch a plane and I'll take him and then go to the sites.

Number 049

Paddy McGuire - Thank you Madame Chairman, my name is Paddy McGuire, I'm special assistant to Commissioner Don Collinsworth from the Department of Fish and Game. Carol Dirk, the special assistant to the Governor for boards and commissions ask me to testify today about the Governor's position on specifically HB 563 which would create 4 regional boards of fisheries and a master board of fisheries. The Governor is opposed to HB 563. Governor Sheffield is committed to putting a stop to proliferation of boards and commissions in the state and feels quite strongly that the current system is effective and does work and that his appointments to the Board of Fisheries adequately represent the broad range of concerns and interests that are represented within the fishing community around the state.

On HB 645 to expand the board to nine members, the Governor has taken no position on this board at this time. He has publicly stated on a couple of occasions that this is something that he is willing to consider and if a bill does get to his desk or something he will actively consider it. Neither the Department or the Governor's office has taken a position on either HB 526 or 658. That's all I have to say.

Earl Krygier - My name is Earl Krygier and I'm the acting Executive Director for the Alaska Trollers Association. (SEE ATTACHED WRITTEN TESTIMONY)

Rep. Herrmann - For the record, I'd like to note that Rep. McBride has arrived.

Number 204

Anchorage

Bob Hunter - This is Bob Hunter, President of the Alaska Sports Fishermen Association, a group of over a thousand members. I would like to address the four subjects that you are talking about.

On HB 526, we feel that that one will undermine the board's authority, making them unable to make decisions. That one just has no place, in fact in looking at all of these, we feel that the basic problem that is caused, that has caused all of this is that on the Board of Fisheries membership is nominated by the Governor. He has failed to live up to the promise that he has made to the legislature, and this fishing association, in that he would have two sport fishing representatives out of seven on that and just absolutely backed out of it leaving two hundred thousand commercial fishermen with six representatives. These legislative bills therefore have been introduced trying to mend some kind

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of fence, when in fact all the problem has come by the Governor mending his political fences with the appointments that he did.

HB 563, master and regional fishery boards has been discussed and attempted before. It is so derisive for the State of Alaska that it is impossible for me to comprehend anybody that would introduce legislation that way that would segregate this state something terrible. We would suggest that if there's four hundred thousand dollars to use on any one of these bills as additional cost that it be used to educate the advisory committees as they currently exist. The Board of Fisheries and the advisory committees are extremely democratic. They are very ineffective in many cases and that's simply because they put tiny little adds in one paper that they're going to meet. There's one add and then they expect a room full of people. They get rooms that are too small for the delegations that arrive, no signs, and unfortunately there is no interest by committee members at times. I think an education program for the existing committees would be well worth it. If there's four hundred thousand that we can spend, there I would like to know though why the Governor deleted three hundred twenty nine thousand for an economic survey that would be required going back to the HB 526.

Moving on to HB 645, going from a seven member board to a nine member board. It's exactly the same situation the Governor is trying to get out to that one. We do not feel that the nine member board is going to accomplish what they have to accomplish as easily as a seven member board can. It's just going to be two more members to argue. However, if it is insisted that there be a nine member board, we insist that three of those members not two, three members then be sport fishing representatives. We would also insist that those be named two weeks in advance by the Governor passes out to all legislators, and as far as I'm personally concerned, I'd have to see it published in the Times and the Daily News so that perhaps the credibility will be on track this time.

HB 658 we do not feel that that is a solution to any of the problems that exist under the current system, in fact it blocks out the individual and allows as one person stated that the janitor in Fish and Game could get his comments in. Not a good solution, let's just push the system we have and make it work and try to get the darn thing from being so politically motivated that it warps our entire fisheries resources. Thank you.

Number 289
Petersburg

Marilyn George - I am Marilyn George, a commercial salmon troller from Petersburg and I just want to go on record that I agree with the Alaska Trollers Association representative, Earl Krygier on these bills. I feel that we have a very good Fish and Game Board at this time and Bix Bonnie is doing a good job of representing the sports fishermen and with the importance of the Canadian salmon talks, we trollers need adequate representation on the board. This is a very crucial time for all of us. I feel that Terry Muset from Elfin Cove, who is a woman knows well both the hand troll and power troll problems and also those problems facing the smaller outlying communities. John Garner, the other representative from Juneau also knows the problems facing we Southeast trollers. In order to have this board confirmed, I would be willing to have the board enlarged to nine members because I think it would be a very sad state if these very able people were not confirmed. I could see on more sport fisherman and

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then maybe someone from the Upper Yukon that lost representation, getting it. That is all and thank you very much for listening to my ideas.

Number 325
Fairbanks

Tom Scarborough - This is Tom Scarborough, I'm speaking for myself today, I want to make that very clear but I also need to state that I'm Chairman of the Fairbanks advisory committee and I sit on the interior regional council.

HB 563, I'm very much opposed to this concept because of my experience with regional councils and advisory committees. I think it would be a disaster to try and regionalize the fisheries around the state. The interior which is the Yukon River, have fish that come all the way from the chain and are fished before they get to the Yukon River or Kuskokwim. Consequently, we'd have two management schemes working on these fish. We're having problems enough now without creating many many more. Again, it would drastically increase the bureaucracy and it would split the state into several regions wholly unnecessary. We're far better off to use our current advisory committee system with the one fisheries board, it may be a lot of work for one group of people but we're having a hard enough time finding seven people let alone divide this up into many more.

Going on to HB 645, this will not solve the problem any way by changing the number of people on the Fisheries Board. Our problem is with the composition of the board. I feel that no one industry should control that board. I don't see any difference between one and five, two and nine, doesn't make the slightest bit of difference, we still got the same problem. This problem will have to be solved one way or the other, or we people will solve it and it may not be to the advantage to the commercial fishermen. All one has to do is look at the state of Oregon and see what happened down there. That's the direction we're heading. If everyone wants to continue heading as they are currently insisting that the commercial fisheries control that board entirely, then I think we can look down the road and see disaster. So so much for that like I say two out of nine or one out of five or whatever is not going to satisfy the issue.

Moving on to HB 658, this is a bill that sort of boggles my mind. I can't believe that it would be submitted. We would totally revise our current system of moving proposals on to the Board for consideration. I know that boards have a lot of proposals, and we have a very democratic system but I'm also familiar with what it would take to have a regional council plus an advisory committee review every proposal that comes through. The fact that a citizen of the state could not submit a proposal directly to the board for their consideration is not very democratic and in no way get an amount of support. There is a problem with the proposal submitted by the Department which do not get a chance to be reviewed directly by the advisory committee or regional board. This probably could be handled in-house with the boards, there's no reason to have legislation on that issue.

The last one I want to talk a little bit about is HB 526. As far as I'm concerned, management plans should remain under the jurisdiction of the boards, I'm not sure we need very much legislation dictating on how they should be designed. We have a State Constitution that talks about sustainable yields. I'm not sure I like the word maximum because I don't know what that means. There's

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some species in the state that we don't know enough about to know what the maximum sustainable yield is. We start talking about economic losses, the effect on user groups, this depends on who we're talking about and whether that's the only economy they got. But there's other uses for fish besides commercial fishing. One section, I guess it would be D of that bill I think that should be totally deleted. I'm not sure the commissioner or his staff should have any say whatsoever in a fisheries management plan. We're talking about allocation of a resource and I think that should be done by the board and by the public. My experience is that when a commissioner puts his blessing or nonblessing on a proposal before a board, they generally get their way. Also when it's got to be available in writing prior to the board meeting, it sort of sways the direction the board goes. This would be totally unfavorable at times. So I think that should just be deleted.

Number 409

Cordova

R.J. Kopchak - Hello, my name is R.J. Kopchak and I represent the Cordova Independent Gill netters Association, with a membership group of 110 gill netters here in area E of Prince William Sound. I would like to first address HB 645. We do not endorse the changing of the board from seven to nine members. Seven member composition of the board would be able to continue to make judgements on the allocation and regulations effecting the resource they should be able to do that effectively. Changing the size of the board is not going to eliminate the current problems and conflicts between allocation issues that seem to be the cause of all this legislation being proposed. We again oppose HB 645.

Under HB 563, we also oppose. This bill again tries to deal with some political problems, it does not address these real issues as they present themselves statewide, it doesn't represent the people either. We have to have a board that's made up of representatives statewide who make decisions, that have a balanced position. and balanced information that comes from all over the state. Represents all of the commercial and sport interest throughout the entire state. Making regional boards is not going to solve that problem either. If we have a professional board we are going to lose out day to day prospective on the fishing industry.

On other comment, I like the concepts that are partially outlined in HB 526 and I think we can support HB 526 what sets some criteria for Board of Fish actions relating to the allocations of resources. We would like to endorse that passage of HB 526.

Number 433

Soldotna

Ivan Every - Yes, my name is Ivan Every, I'm a commercial fisherman, sports fisherman, I'm on the regional aquaculture and one of the Board of Directors. Also on the regional planning chain which had developed for the year 2000 for Cook Inlet. I have been until just recently on the advisory board. I was the first elected chairman of the council of the advisory board.

I'd like to address HB 526 and 658. I'll address HB 658 first. HB 658 by McBride, in past years there has been an attempt to make the participation of

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the advisory board more meaningful. One to stimulate interest in the advisory board because there was always a feeling that there were just sitting there and accomplishing nothing. When I was Chairman of the regional council we instigated the procedure where the advisory board chairman would be able to come back at the time of regulations being adopted. First the Chairman of the Board resisted all these efforts, there were three things that we came up with recommendations for. One thing that we came up with as a recommendation hasn't been adopted, it would lessen the board and speed up the operation was that the council could take all of the proposals and if all the advisory boards could come to a unanimous conclusion to reject or approve that they could handle all of those and do whatever is necessary just like the board now does. That would only take - if it wasn't unanimous amongst the council, than those particular proposals would go to the board for decisions. We figure the time it would take out, would be about 85% of the work load. The work has to be done by either the council or the advisory board. At that time the opinion of the advisory board were will to take this on, cause they felt that it would make the advisory board more meaningful plus help to education the advisory board. We find that these boards come from areas and there's special interest and when they get together and they sit down and they start to looking at all of the problems involved in coming to a decision, if they had to work with it then it would be an education process to take back home and then a'l people ate going to understand the problem much better. As the bill is written, I can't adopt it, but that is one idea that Mr. McBride could look at and possibly change this bill to incorporate the unanimous consent for rejection or approval than this bill could fly. The Board of Fish has not yet yielded to this request they've yielded to the others.

No I'll comment on HB 526, I am in favor of this bill. In Cook Inlet we have constantly had management disrupted every year, sometimes with almost a total change just to satisfy a politically influence group. it's very disconcerting because you can't make any progress if you don't establish some type of continuity for research and solving the problems from year to year. We set down and developed our plan we took out the interest of special interest groups, we took that totally out of the picture and looked at it from a resource management view. We quickly got down to what is really important each and every year in order to make gains we have to develop more knowledge on the brood stock. The only way that we can do this is to establish the level of maximum sustained yield, that's maximum sustained brood stock. Even though in some areas to day, here in Cook Inlet we have been doing this in the central district. The harvest proves this. Here we have the most intensive fishery, the most volital fishery politically and still we have gotten our stocks up. Because we went to a brood stock concept within the Department and all the players. I particularly do not care about anybody's harvest but my own. That's the way we all think. What's really important each and every year because the fish are produced in their brood stock year what your looking at this year to harvest is production from that harvest. The job this year is to get that brood stock. More people, higher demand, we need maximum brood stock, we need maximum production. We can't let the tail wag the dog. Thank you.

Number 516
Sand Point

Alvin Osterback - Hello, my name is Alvin Osterback here in Sand Point, Box 156, 99661. I'm a commercial fisherman and been fishing all my life and been fishing

when there was millions of fish and when they were gone and now their building back up again. I'm a former legislator, Chairman of the resources. Had all these problems before me from the sport fishermen. They all wanted me to put in some bills to tell the Fish and Game what they should do and I told them since they appointed the Board of Fish and Game, it should be in their hands to do the best they can for the entire state and try to keep the fisheries alive. I can't see it run by legislators, I was in there for six years and I think it should be run by the Board of Fish and Game. What's more, I think there's too much political control over the Board of Fish and Game, some of that ought to be kicked out. Let's get right down to the point, there's no use beating around the bush. The Board of Fish and Game changes every time the Governor changes. You talk about sport fishing and commercial fishing, I'm a commercial fisherman and I've been fishing since 1936 when there was millions of fish around and we fished in the Shumagins here and the Peninsula since the canneries started up here. Now they cut anywhere from 3 to 6 percent of the Bristol Bay run. Really nobody knows where those fish go that go by the Shumagin Islands if their heading for southeast, or Bristol Bay or some other place of local streams around here. Did a tagging program out here at one time and they picked up a bunch of stray dogs in the Russian waters and they want to know where they come from, so they start that tagging program. So we really haven't had a tagging program since but everybody is saying they own the fish. That's not true because nobody really knows where the fish are going. We have a hundred and thirty dog salmon streams around here locally and the Kuskokwim is only taking their chum salmon from the Yukon. We got a lot more dog salmon down here than go up the Yukon River, just pointing out that in case anybody don't know it. I'm Chairman of the advisory committee here but I'm talking for myself, I'm not from any group. The biggest problem with our advisory committee here is we get one representative out to Anchorage, he gets his transportation paid and he gets ten days on per diem. If we send out two them we only get five days. That's not very much for a representative to go out there for five days. You know how long them board meetings drag on. So the biggest problem we're having out here is the money problem. If they wanted to do something for advisory committee out here, well education would be good for a lot of them. Up here it's been going on since we became a state so their pretty well acquainted on what they want to do. It would really help if they could get a bill in and get some more money in for the advisory committee so they could go out and attend the meeting in Anchorage or where ever they are. That's one of the biggest projects we have up in this part of the country. Our airfare is over five hundred dollars round trip to Anchorage. Then you got to look at your hotel that's pretty high too, same way all over the state I guess.

I can't see the legislature trying to run the Board of Fish and Game, I don't think it will work, trying to put in some bills on guidelines, but if we need something else done we got to know who knows how to do the right things and tell them to same the fish in Alaska and see that everyone gets a fair shake in it. I want to bring to your attention that from the Aleutians out there, and Shumagin Islands, and Alaska Peninsula, we got about one quarter of the entire coast line of the fisheries of the State of Alaska. And we have only one representative up here and he was on the Board of Fish and Game on the board side and he was on the game side. We never did have a man in Juneau from the fisheries side. You hear people talking about they don't have enough representation, we've got the biggest area that goes all the way from Cuprianoff Point, it takes in the Bering Sea, the Pribilof Islands, and all the way out to Adak, we got a straight run here of some

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1500 miles in one straight direction, so it's a big area without any representatives on the Board of Fish and Game. And with that, I'll say thank you for your time and that's about all I have here.

Rep. Herrmann - Thank you Alvin. For the record I'd like to note that Rep. Zharoff has arrived.

Number 590
Ketchikan

Bruce Wallace - Thank you, my name is Bruce Wallace, I represent the Southeast Seine Boat Owners and Operators Association. I won't take up a great deal of your time because I talked to a few of you independently. I'd like to make a couple of comments, first on HB 526.

While the concept that Rep. Malone speaks to is a valid one, we are strongly opposed to HB 526 in that it puts the legislature into a position in that we think more properly, the board itself the regulatory structure should handle. It is not something that we see the necessity of legislative action on.

The HB 563 an act relating to master and regional fishery boards, we generally are opposed to it. While it solves some of the problems that would be unique to certain parts of Alaska, it tends to be somewhat parochial in nature in that, as someone mentioned earlier where there are fish stocks that pass through two of these areas, the master board would end up covering it in any event. It is just a conflictive type of thing and rather than do that, we'd prefer to stay with the board concept.

HB 645 which increased the number of board members from seven to nine, we support. We support generally because as the State of Alaska grows and the user of resources becomes more critical, representation, no matter how good the singular personalities of the board members, is much more difficult to come by in a singular sense rather than a general. We are short shellfish capacity on the Board. In fact, one of those seats, but obviously Anchorage has had a fair amount of impact on this whole structure is there is another sports seat that's fine but a lot of people wanting for at least direct understanding of their problems because there are only seven members. Also the load of the board itself is sufficient to warrant some distribution of effort. We strongly support the board as the Governor has appointed at the moment. We think that the seven members that are presently up for confirmation that they are new. There is a certain lack of continuity from past boards performances.

In closing, I'd like to say that the structure of the board is probably, if you care to review the United States, one of the best board management that's around, in my opinion it is the very best. I would strongly urge that the concept whether it be seven or nine members, be supported by the committee, and I would offer that my association has a tendency to work from that end. Thank you.

Number 631
Juneau

Rupe Andrews - Yes, Madame Chairman, my name is Rupe Andrews, I represent the Alaska Outdoor Council, it's a statewide group of thirty-five affiliate clubs

with a membership of some seven thousand members in Alaska. I'm here today to present testimony on HB 526, 563, 645, and 658. I will try not to repeat some of the remarks made in previous testimony and try to key my remarks brief.

On HB 526, we are opposed to. The language in this bill is not clear, it's ambiguous. In the first section there is trouble and concern with our group, when it says be designed primarily to achieve the maximum sustained yield of the fisheries resource addressed in the plan or regulation. Many fish in the State of Alaska don't meet this qualification, particularly in this recreational fisheries. Steelhead, Coastal Cut-throat, Grayling, and Rainbow Trout for example are not managed on maximum sustained yield. They're managed on the basis of optimum sustained yield. An example in case is the Iliamna drainage which is managed as a trophy Rainbow Trout area. We're talking about size of the species and abundance, not maximum sustained yield. Going on down to where this bill would require that the board, this is under section 1, paragraph B, that the board uh, I'll just read it briefly. User groups in order to develop or conserve the fisheries resources, the board shall establish restrictions and limitations on priorities for the use of the fisheries resources on the base of the following factors. One, the effect on the effected user group including economic loss, I submit that at the present time this kind of data does not exist. On many, many fisheries throughout the state, I would be interested to see how they do an economic study on allocation between a Cook Inlet set net fisherman and a Cook Inlet drift net fisherman for example. Or between the Southeast troll fisheries and Southeast Gill net fisheries.

Tape #62 - Number 001

Rupe Andrews (cont.) - We are opposed to the passage of HB 563 we feel that it would increase cost and not increase efficiency, of the decision making process by the Boards of Fisheries and Game, pardon me, it's just for Fisheries. We feel that because Fish and Game cross over geographic boundaries, that the possible situation would be created with regional having regulatory authority. It also decreases the role of the advisory committee, and we are in strong support of anything that strengthens the local advisory committee input into the regulatory process. We feel also it would cause hardship to various user groups particularly to the commercial fleet that fish in several of the proposed regions, they'd have to attend several board meetings, they'd have to carry several regulation books. There is a problem of getting the regulation published on time when you have a number of regulatory forces.

HB 645, an act changing the composition of the Board of Fisheries, we are opposed to this bill. We feel that an increase of board members will not necessarily increase the effectiveness of decision making in fact the opposite may be true. We feel somewhat in sympathy with the old saying that if God so loved the world he did not send a committee, again this bill would decrease the role of the local advisory committee, we can't express too much our support in the local advisory committees.

HB 658, an act relating to proposals for fisheries regulations. We are opposed to 658. We really have concerns that a private individual can not make a direct proposal to the board as it has been for 25 years. We feel that the present board system, even though it may need modification change in some areas, has been an effective process. To change this process we think would be contrary to the

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very democratic system that has been established in Alaska for the regulation of fish and game. I've heard comments today about how we shouldn't have a professional board of fisheries. Not to get into symatics, but I really feel the council support, that we should have a full time board. I believe that there would be a difference in the definition between a full time board, and a professional board. The problems that are facing the Board of Fisheries today in Alaska, with international agreements with more and more court decisions both federal and state courts making decisions on fish and game, the increase in the user group pressures. I do believe and also in the development of the fisheries critical habitat, that we do need a full time board that has to work twelve months out of the year. That concludes my testimony, if there's any questions, I'd be happy to answer them.

Number 092
Dillingham

Jim Timmerman - This is Jim Timmerman, representing the Bristol Bay Native Association, I'm the fisheries program manager. The first thing I'd like to comment on is the board system. We're satisfied with the system as it works now where the Governor has the legal authority to appoint and the legislative questions only if the qualifications of the applications are in doubt. Number two, this is Val Angasan's appointment to the state Board of Fish. I am also a commercial fisherman and I also sport fish as does Val. Urban sport fishermen needs are different from rural sports fishermen needs, and Val being a resident of the Bristol Bay Region, can better serve both the sport fishermen and the commercial fishermen in this region than can a sport fishermen from an urban area. Thank you.

Number 128
Fairbanks

Stan Bloom - Yes, this is Stan Bloom and I'm the legislative chairman for the Chitna Dip netters Association. I'd like to testify, I'm also a sports fisherman and I eat all the fish I catch.

I'd like to comment on HB 526 and tell the gal that the economic loss, was abided to be changes to income loss a while back by another testifier a while back. There's been a lot more economic value to fish than income, I consider it a recreation. I consider it helps me out in my food bill and the tourist comes up here and spends more money than a commercial fisherman has ever spent on a fish. If you were going to do an economic effect on a community you could go down to Chitna and find out exactly how much it costs those folks in case they shut us off down there, as the Board has already done. So we oppose, and I personally oppose HB 526 although I wouldn't mind seeing a cost benefit study done on the fisheries in Alaska, because if they did it in Texas, it sure surprised everybody that the sports fishing industry was contributing twice as much as the commercial fishery. They actually closed those buggers down and let the sports fishermen catch them and bring the money into the State. I know that the commercial fisherman thinks that he takes a lot of money into the State but I bet you that he takes a lot of that to Seattle with him when he runs on down there in his boat.

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On HB 658, I oppose that. I think that every man should be able to put a proposal into the Board of Fisheries even though the board is made up of all foxes and us chickens ain't got a chance.

HB 563 is totally bad and I oppose that. You know we are seeing in our Game and Fish regulations now where everybody makes them a little rule that only pertains to their area. I've never seen the Copper River Basin drawn on the map. I think that if you ever draw it on the map and show me how Tok and some of these other villages are down there in that Copper River Basin. If you have all these different regions, they're just going to draw a bunch more lines on the maps. We're already divided up just about as much as we can, we're already at each other's throats. Aquaculture corporations down there stated in their plan that they did not even want to consider dividing up shortages and fighting over it, and that's exactly what we're doing now. We oppose those bills, however, I think if you need to pass a bill, I think HB 645 would be a real good vehicle to pass with certain amendments. It could be a way to get something through the legislature, it's too late to get another bill introduced now anyway. Let me state that the numbers on the Board is immaterial, you know one out of nine or twelve out of five thousand is still not democratic representation. We've got the most democratic fish and game management in the World, in Alaska, up to the point where you get a top heavy commercial fisheries board. No where in the law that I can say does it read that all the fishermen have to be commercial fishermen. I can't see where by being a commercial fisherman qualifies you to manage fish any more than being a guide qualifies you to manage a guiding board. The Guiding Board is by the way not allowed to be made up of all guides. Our legislature says they are not going to confirm that board until we get some of our demands. We told them on Tuesday night's teleconference, and they said they are not even going to hold the hearings until some of our demands are met. Some of our demands are, we would like to see this HB 645 amended to include the make-up of the board will include at least one person from each of these Judicial units, that are outlines in HB 563. We like to see a member on the board from each of these areas. We would also like to see no user group, not even dip netters make up a majority of the board. If it's seven members that means three could be commercial fishermen and the Governor could take and leave his three best ones on there and he could take and get those confirmed. He's not going to get them confirmed any other way, I can tell you that. If we have to go to court and file a law suit, we're going to do it. But the make-up of the Board should not be a majority of any one user group. No proposal that is passed by a nonconfirmed board or a board that is made up of less than a majority of unconfirmed members should take effect until they are confirmed. The make-up of the board if it were nine members, could be four commercial fishermen, then four of those commercial fishermen would be confirmed. But we're not going to stand for a top heavy undemocratic board. There's no way anybody can tell me that those commercial fishermen are not making decisions on allocations such as they did at Chitna, that are top heavy and weighted in the direction of the commercial fishermen.

HB 645 and the companion bill in the Senate there, could be modified to be acceptable to us. Thank you very much.

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Number 239
Soldotna

Bob Wiseman - This is Bob Wiseman in Soldotna, I'm testifying on my own behalf today, a sport fishermen, and a part time guide on the Kenai River. I'd like to testify on all four bills today.

I'm opposed to HB 563, on the grounds that would increase the bureaucracy and the cost to the tax payer and probably decrease if it's possible the efficiency of the Board of Fish. Because it would divide the state into regional areas and everybody with their own little ax to grind instead of managing the fisheries for everybody in the State as a whole.

On HB 526, the intent seems to be well aimed but I feel that the fact of the bill would be to reduce the effectiveness of the Board of Fish because at the present time, there appears to be a lack of funds or a definite lack of information for them to work with on economic and biological information. To obtain that information particularly the economic information, I think would be very costly to the tax payer and probably wouldn't increase their effectiveness.

On HB 645, I cannot see where changing the number of members on the Board of Fish would in fact make them any more or less efficient than they are now, or more or less effective. We just need a good comprehensive Board of Fish and these seven members I think could do it if we had a good representation.

On HB 658, I think that this bill would decrease the effectiveness of the local advisory committees. I think that we should concentrate more on legislation that would make the local advisory committees more effective and helpful to the Board of Fish. Thank You.

Number 270
Soldotna

Joseph Molatesta - Thank you Mr. Moderator, my name is Joseph Molatesta and I'd like to speak today on HB 526 and companion SB 357. I would like to bring the legislative process into view here. The process for making laws in the State of Alaska or any place else is governed by a set of rules the judicial system of the United States is governed by a set of rules. We have to follow these rules and laws in order to make fair decisions. Let's talk about tribunals. Tribunals are groups of people that are appointed or elected to make decisions for other people, and they should also be governed by a set of rules so that they can make fair decisions. We have had in the past, a lot of inuendoes before facts are known by board members of our Fish Board and these inuendoes could come back to haunt people at a later date. If we had this bill passed it would give us a set of rules to guide decisions. Therefore these inuendoes, before the facts are known, would not even be a part of the decision making. When decision making rules have good sound rules to govern their policy making efforts, then the good of all the people are represented whether their fishing guides, commercial fishermen or any other user group. I am not a commercial fisherman, I am just a person that makes their living partially by working in the canneries. But I do sit on the board of the defense fund for the commercial fishermen down here on the Kenai Peninsula. This bill has to be approved without amendments so that there will be a guideline for any tribunal circle to make it a fair decision to all the people. If we

continue to go on like we are without hearing all the people's points and decisions are made that effect not only commercial fishermen down here but they effect the children to go and work in the canneries that are looking for an income to go to college. They effect truck drivers, trucking industries, they effect people like myself that may make one third of their income by working a job in the cannery as a mechanic or welder in the summer months. We have the right under the constitution, I've heard a lot of talk today, by people that don't seem to know what the constitution really means. The constitution guarantees people the right to make a living, it guarantees people the right to choose their livelihood and to work where they want to work and make a living at what they want to do. It seems that the bulk of the controversies are to try to tell the people down here that live on the Kenai Peninsula what to do with the resource that's down here. The resource is managed down here very well. The resource is proven managed very well, I disagree with anyone what feels that there's not sufficient information to state that. Because biologically, our resources down here on the Peninsula are strong. The commercial fishermen has taken his efforts foreward in Aquaculture to enhance the resource. This natural resource that we have here on the Kenai Peninsula, the salmon resources, is stronger than it ever was and it will continue to be strong. The policy making of all boards must be without political influence, that's the problem. You have to get the user group and the politics out of decision making and make the decisions on biological facts. Facts pertaining to the comeback of the resource, which last years catch was terrific, and it is going to continue to be terrific because it is being managed properly. It is important that when this Board of Fish meet this year, and do not try to repeat what they did last year and try to take the livelihood away from the commercial fishermen, because they're not just taking the livelihood away from the commercial fishermen, they're taking the livelihood away from a lot of other people. Cannery staff, cannery operators, cannery workers, truck drivers, and etc. I know we are going to ban together, and we're going to move so that we can stay and live in our homes down here, pay our mortgages like the people in Anchorage, Fairbanks, and etc. We're going to stay down here, we're going to earn our living. We need our commercial fishermen, we need HB 526 passed without amendment.

Number 345
Juneau

Philip Daniels - Madame Chairman and members of the committee, my name is Philip Daniels. I'm with United Fishermen of Alaska (UFA), which is a statewide commercial fishermen's organization representing 20 organizations throughout the state. We're very concerned about this whole set of legislation here before us today. The reason we are is because we're talking about commercial fishermen's livelihood. The industry is got a 1.3 billion dollar wholesale value. Last year it employed about 65,000 people statewide. The industry ranges from the Bering Sea to Ketchikan. The Board of Fish for example regulates the crab fishery off Kodiak up to the Bering Sea. Regulates the shrimp fishery off Kodiak. It's really a sad situation when we look at what we're looking at is this present confirmation between the sports fishermen and commercial fishermen. In a way from the UFA's perspective, we almost owe the sport fishermen a debt of gratitude, because their doubtlessly going to work to unify commercial fishermen as they've never been unified before. We're gravely concerned and at the same time very willing to admit that the sports fish in the State is very important, they're an important industry. We have gone before the legislature and offered

to support expansion of the board to nine members. We have been told that there was a promise made that the sports fishermen would have increased representation on the board and we're willing and acknowledge that promise. To say lets expand the board to nine members and say lets put another sports fisherman representative on the board. We would prefer that the other seat go to AYK subsistence, not asking that it be commercial. We think that those people up in the interior need representation as well, but the irony of it is that the sports fish community doesn't seem to be interest in expansion. The reason I think for that is I don't think they want the battle to be resolved. I think they are also using this as a rallying cry or as a flag to rally around. I just hate to see this kind of confrontation between two large important user groups in the industry. The saddest part to me is that the party that usually loses in this type of confrontation is the fish, the resources. The Board of Fish right now is operating under a rather interesting threat. That is, the strategy as I understand from the sport fishermen, is that they don't want to expand the board, they don't want confirmation until after the Cook Inlet hearings. Well that's pretty close to a threat, if you don't behave the way we want you to then we'll go after knocking off the entire board. The people are not addressing the individual members on the board, not looking at the people one at a time and saying, hey you're a good guy or you're a bad guy, or you seem to be able to make these kind of decisions or you don't seem to be able to make them. Last year the entire board was knocked down. If we choose the board and I think there is an extreme probability that we may do just that, then I think we'll be looking at a totally different structure from anything we've ever seen before. The hidden agenda is not a hidden agenda, actually I think there are a great many sports fishermen in the state that would like to see a professional board. We have real reservations about a professional board. One of the reservations is we don't want to see a retirement home for bureaucrats created. Talk about vertical integration, so that there isn't any give and take, no buffer, no ability for citizens to participate in the process, that worries us. Another think that worries us is that we have understood that there would be a no conflict of interest clause, in that piece of legislation creating a professional board. That means there could be no active commercial fisherman on the board. Well of course if there's no active commercial fisherman on the board, I suppose there can't be no active sports fisherman, and no active hunters on the board and I don't know where we're going to go find these anemic people. Perhaps in New York city or perhaps in San Francisco, somebody who's never been in the woods in their life. This doesn't seem to me to be where we should be headed. I've said this before on similar type confrontations, I hate these confrontations, I think they're harmful to the state, I think they're harmful to the resource. It really distresses me to see two groups of people go at each other like this with the board held hostage in between. But if we the commercial fishermen and the sports fishermen had spent one sixteenth as much energy trying to get more fish in the water, trying to solve these problems in a constructive way as we have spent in fighting each other, then we would be a lot further down the road. I've heard talk in the legislature from some legislators saying that the Cook Inlet set net sites should be condemned. We oppose that extremely. If you ever want to get the commercial fishermen unified, there's the way to get them unified. The reason we oppose it is because it is not going to stop in the Cook Inlet within the set net sites. The next will be the gill netters and it's not necessarily going to stop in Cook Inlet. If you want to know why people don't want roads into Cordova, this is why they don't want roads into Cordova. They don't want to get into the same kind of fight that we are in the Cook Inlet, the same kind of

fight that we have on the Copper River. People don't want roads across the Knik Arm, they don't want roads out into Bristol Bay for the same reason. I hate to see Anchorage isolate themselves this way. Obviously for the reason that at least in the voting place, they have more numbers than anywhere else in the state. This isn't the way to solve these problems the commercial fishermen; I just put these figures together so they're not quite firm, but in the last few years, commercial fishermen through the regional aquaculture project, have invested seventeen million dollars of their own money. This is money out of the commercial fishermen's pocket in order to put more fish in the water now only for themselves, but for the general public. UFA right now is supporting a resolution which has been introduced I believe would call for the state hatchery projects where they exist and where these intense user groups conflicts exist, to reorient their production and put out more sports fish types. Again the irony of it is, I hear sports fish leadership saying we don't want hatchery fish, we don't want enhancement projects. The reason they don't want enhancement projects is because they don't want the problem to disappear. I think it's really unfortunate again if we can solve the problem that has been stated, that problem being that there isn't enough representation on the board by expanding, we certainly support it. Anything we can do, within reason, we will support to accompany the interest of the sports fishermen. We think their important, I think it would just be a crying shame to tear that industry in Cook Inlet up over an issue like this. There are a lot of jobs and maybe that's why we feel so strongly about it. This is the employment for people. If you go to Naknek, Egiugik, and Dillingham, and Ninilchik and them places, there isn't any alternative occupation. In Anchorage and Fairbanks perhaps you do have the advantage of having something else to work at. It's a person's livelihood and the industry right now is the largest in the state and all I can ask is that I would hope is that any commercial fisherman listening to this and any sports fisherman that is listening to it, think real hard about it. We would like to help solve the problem, at the same time we're not going to stand by and watch the commercial fishery put out of business. Thank you very much.

Basically, we would like to see the same structure that we have, I think most commercial fishermen would prefer to see a seven man board. But with the problem as is expanding the board is something we're quite willing to do if it solves the problem. Unfortunately I suspect that really isn't the problem. I think the problem is the fight over fish and I think you're going to have to look in another direction if you're going to solve that problem. I think you're going to have to get some more fish put in the water.

Number 456
Soldotna

Mike Scott - My name is Mike Sutton and I'm a commercial fisherman, I'm a set netter mostly, I'd just like to support what Joseph Malatesta said that we're concerned about our livelihood down here. We'd like to see the board understand our concern. I think a lot of these bills wouldn't be necessary if the local fish and game office and their policies and the practices were more fully understood by the board because they really strive to do a good job. Their feelings have been inadvertant, we've got a real good group of men here at the local fish and game office and when the board sits in judgement on these issues, that they should give more heed to what these men have to say. So I really don't have much more to say today. Thank you for the opportunity.

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Number 473

Juneau

Geron Bruce - Thank you, my name is Geron Bruce and I represent United Southeast Alaska Gill netters. We're an organization of commercial fishermen operating in Southeast Alaska. Over the years since our organization has existed since 1978, we've had a number of occasions to work with the Board of Fish in trying to resolve these allocation problems that are the result or are the result of all these conflicts here. I think the Board of Fisheries will always be somewhat controversial no matter what you do because it's making decisions about which people have different opinions and very strong emotions. I do think that there are some things that can be done to improve the process, but certainly totally politicizing the process is not the way to accomplish that. As far as the present seven members recently appointed by the governor to the board are concerned, we went to the Board of Fish in February this year and had an opportunity to watch those people in action, and they are all extraordinarily hard working and knowledgeable people. It would be a great shame for the State of Alaska to lose those people as a result of a political fight over matters that really don't relate to whether those individual board members are doing a good job or not. I don't think you could get people that would be any better. They're not the only people in the state that could do the job, but they are good people and the Governor is to be commended on his choices.

As far as improving the board process, it has been our association's position for some time that a set of criteria or standards to be used in making allocation decisions would be a very large step in the right direction. We need to have some common understanding of what are the goals of our management, what are the values that we want our management to respond to. Certainly all users are important. The resource is important, the problem that the board members have are that they are operating frequently in a highly political situation with many different user groups that then may or may not be able to meet. But they don't have real clear direction from the constitution or from the legislature or the Governor as to what the goals are and how they are to weigh the different factors, what is one factor, how much do you place on one factor compared to another factor. Without these guidelines, they still manage to weed through a lot of testimony that we're at least in our case reasonable decisions and decisions that try to address the interest of groups that frankly were in opposition to one or another. So in that line, our association supports the concept embodied in HB 526. However, I don't feel like this bill, as presently drafted, will do the job. I think it is a good starting point. We would like to see it more specific in terms of the factors that it wants to see, the board should look at, and the various weights that should be given to those factors in making allocation decisions. But I do think that the bill in its intent has a lot of merit and I think that that probably is the single will of these four that you have before you that would do the most to improve the process and make more decisions based on factual basis, both social and economical information as well as biological facts.

Some of the other bills are different attempts to try to solve these problems that the board has. I think they don't come as close to solving the central problem. But certainly one other that we could support, would be the expansion of the board to nine members if the expansion of the board to nine members if that would be a way of trying to expand the representation of the state. If

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there are user groups that feel they are being left out or sections of the state that are being left out, this would be one way to address that. We also think there is some merit in regional Fish and Game Boards, however, it doesn't seem to be an idea that many other people find much merit in so I won't comment on it to much more than to say that I think it deserves a little closer look than what it's getting.

As far as HB 658 is concerned, there are several things that our association doesn't like about this approach. We do think the advisory committee process is important. This year we've tried to get to as many advisory committees as we could in Southeast Alaska. However, we do not like the idea that the public would be prohibited from putting a bill into the Board of Fisheries. We don't like the isolation of the public from the decision makers that this board would involve. Frankly, I think the mechanics of it would be very difficult to work out. The local advisory committees do not have staff, I don't believe they would be able to fulfill the obligations that this bill would place on them, so we can't support this bill number 658. I believe that's all I have to say. Thank you.

Number 553
Hoonah

Raymond Dick - My name is Raymond Dick, I'm a seiner from Hoonah. I'm also on the advisory committee and I think we have the best management plan in the United States, also. I think the advisory committee however could use a little bit more help. We're all for HB 645 and against HB 563, 526, and 658. I heard a little while ago about allocation problems. I don't think any fishery has an allocation problem. All the gill netters have to do is fish pinks like the seiners do and then the problem would be licked. I don't think we have any allocation problem at all. I think if we have a little bit more help with the advisory committee before the public hearings, I think we'll have a better understanding of what's happening during a meeting when we're giving our testimony and that's all I have to say at this time. Thank you.

Number 570
Anchorage

John Durkin - Madame Chairman, my name is John Durkin and I am speaking for myself in regards to the four bills, being that they are all linked basically in one way or the other to the same thing. I'd like to remind the legislature particularly in the expansion of the board. I'll link these all together and then I'll come on back for any questions. For about nine or ten years prior to statehood, we had a professional board, the professional board was a professional board gearing up for the statehood movement. If you do expand the board, possibly the answer would be into splitting the board up into possibly one permanent or one to three permanent board members and the other six for argument for the spring and fall meetings. I attended them and the break up of the board which I'd like to deal with a good portion of this. We have as mandated by the legislature subsistence, we don't see a subsistence member on the board. In the years as we referred to as Gordon's Board of Fisheries, and I go back particularly with the board for at least fifteen years. I been to almost every board meeting where ever it was held. I only remember three or four times the the Chairman Gordon Jensen abstained from voting. I don't think, in the progression

of time we seem to have graduated into a conflict of interest. I don't like to turn around and fish for fifty cents on the dollar. But I have to look at the board, when I go to the board and sit there and watch the board members, I don't particularly like the appointment of Garner, I'm not too enthusiastic with Blake. And you well realized what has went in particularly with breaking the back of the price structure. I offer this solution that the legislature define a seat as a processor seat. Now when Gordon Jensen first went on that board he was a fisherman. he graduated from the fisherman to a processor. I ask that you give some consideration to naming the seat, a processor seat, a subsistence seat, if you want to say it, seiner and gill netter, so that the different segments of the state will be able to turn around and be protected whoever they are where ever they are. I think that it can be arrived at if you are going to expand the board to nine members. But name those seats, if a person is a subsistence user. If he's a processor, he is on there to represent the processor seat. Seiner, Gill netter, troller, dragger, whatever you have. I'd like to offer that little solution and I'd like to turn it back to you with one last comment.

In the line of testimony that's been going on that I've listened to here in the allocation process. I watched the board and I watched the pressure on the board and they have to get worse. It showed up in the South Unimak in the section problem. Basically everybody that was from Sand Point and King Cove was out Tanner Crab fishing. The audience was filled with Seattle people with three hundred thousand dollar investments just in the licenses. You know you're talking million dollar seiners out there. Big lobbying is big money. TO turn around and to justify as an example, the \$300,000 licenses that False Pass have surpassed Chignik. Chignik reached up to \$500,000 and dropped back to \$300,000. So where you're going to see big money licenses it's like a ski balling effect. There's going to be pressures on the board and I think that however you're going to do it, I think that you should insulate the board from that lobbying pressure of those business investors, out to turn around and protect their million dollar investments. I'd like to leave it go as that. I'd like to thank you for the attempt to testify.

Number 638
Seward

Mike Wiley - Yes, my name is Mike Wiley I live in Moose Pass. I'd like to testify in favor of HB 526. In the past few, five or ten years we've seen too many Fish and Game decisions going to the courts for those decisions. I feel that this bill might help the Fish and Game Board in making their decisions on a biased or a sustained yield. We have a lot of competition for the fish for the salmon especially and I think this bill will help clarify that to a great extent. I wonder if I also might comment on the board. Would it be appropriate if I were to comment on the board appointments at this time?

Rep. Herrmann - Yes, go ahead.

Mike Wiley - Thank you, I would like to go on record favoring new appointments and if, I think were quite concerned about how the house did last session. Where the (inaudable) is quite critical and I think one of the indications that there is too much politics being played down there is, the fact. Thank you.

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Tape #63
Number 018
Soldotna

Paul Shadura - Yes, my name is Paul Shadura. I'd like to address HB 526 to start with. We need this bill to allow the Board of Fisheries to be effective in the management of all fisheries within the state for all user groups. Too much time is wasted with indecision of new members and established members on politically allocative issues. Establishing the statistics for all fisheries and user groups of now and for the future. Only with substantial information and rules of order can the Board of Fisheries or any other board properly make decisions that are fair for each area and user groups of the areas around Alaska. Opinions by politically motivated board members will be less of an issue, as well as the confirmation of these board members. Due to the establishing of these guidelines, maximum sustained yield literally means to establish every possible means to allow every single user groups a viable chance to participate in any one fishery.

On HB 563, I oppose this bill. This bill will confuse more than clarify. This state is too complex to manage by regional boards. We have a Department of Fish and Game and regional offices of the Department that already support the statewide Board of Fish with information for each distinct area.

On HB 658, I also oppose this. The advisory boards are extremely important in establishing clarity for regional issues, but they should not take the place of our constitutional right of our individual opinions, especially the opinion that would pursue to want to change the management of our natural resource. I feel the board will lose touch with the individual issues that may not always be popular but fair. I believe the Board of Fisheries is the only governing body that should approve or not approve the proposal of individuals or groups.

HB 645, I oppose without guidelines. Without the guidelines of HB 526, the same problems will arise with nine, twelve, or whatever number you have on the board. I believe that the seven member board is a very manageable board and that the problems are lack of information, and too much political opinion in the policies that they take. Thank you.

Number 077

Rep. Herrmann - I'd like to make some closing comments to the participants. What we've been listening to with these bills, deal with very complex issues and what I'm hearing in the testimony, and there's been very good testimony here on Tuesday and today. What I'm hearing is that there's problems with the existent system, but these bills before us might not necessarily be the answer. We're going to take all the testimony into consideration and then take a look at the bills again. We've heard a lot of comments on the advisory and we'll probably look more into that issue, it's come up quite a bit in the testimony. I appreciate everyone taking the time to give us their input on these bills. I'll now ask two committee members here if they have any more comments.

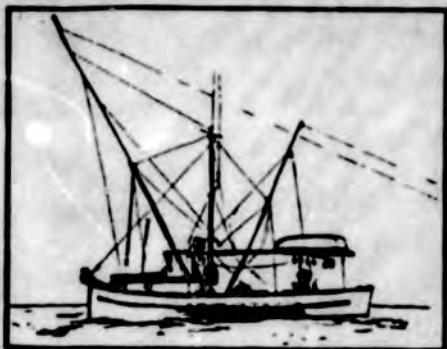
Rep. McBride - This is Rep. McBride, I just want to thank everybody who testified and I think all of the people that have presented bills understand that the problems are great. I think it was their way to provide a forum so that we could

somehow sort out what may or may not be and I would look at this as a positive forum, and would suggest that if anybody has got any ideas that would sound good to them, talk it over with the people you associate with and get them to us. I don't think that anybody here that introduced bills had any pride in authorship, was trying to look for some alternative that may help the situation and I don't think that these have to be the only guidelines in which to go by. I think that was open to any kind of suggestions.

Rep. Zharoff - This is Rep. Zharoff, I concur pretty much with what Rep. McBride says. I want to express appreciation and thanks to everyone that did participate and that the fishery issue is a great delicate issue, particularly with the number of user groups and to try to work out a balance that is acceptable to everybody is something that is very difficult to do and with input such as we've had here in the last few days, hopefully we can achieve an end that is acceptable to at least the majority of the people.

Number 136
Anchorage

Ray Rodgers - Hello my name is Ray Rodgers, I'm a set netter on the east side in Cook Inlet. I've been fishing in Cook Inlet for about 15 to 18 years. I think our fisheries should be managed biologically not politically and it's been managed politically quite a bit in the last few years. Right now the legislature in Juneau is being influenced by sports men and who has no knowledge of actually what east side set netting really is about. If you people down there would just inquire with the smoke news from the Cook Inlet Aquaculture Association. This newspaper put out a fairly good article on questions that they ask four different professional biologists and I don't see why the State of Alaska hires these professional biologists, pays them money and then disregards their expertise. For someone that wants to go down and exploit what is I feel are natural food resource salmon for sport fishing. Not sport fishing for food but sport fishing for trophies. I think that should be the least use of our resources. It is being ruined, it was ruined that way in other states, especially Oregon, Canada, and places. I don't think Cook Inlet should be managed as it was out there. If a person can spend two thousand dollars to catch a salmon, I don't think he should be down there catching that salmon which is like I said is our food resource. Then we keep talking about how many hundreds of thousands of people that have sports fishing licenses. I feel that there's between Anchorage and Seward and Kenai, there's almost 300,000 people. Over half of these people don't sport fish, they do to buy their fish somewhere. Where do you expect them to buy them from, Canada? These people have just as much right to the people that want to do down there and exploit our fisheries for sport and trophy fishing. I'm not against anybody going down there to catch a salmon to eat, they have all that right. But when a few want to do down and this is where all the problems started in the last few years. It started when they started catching some fairly good size King Salmon in the Kenai River. It got broadcasted all over in the newspapers and then they started bringing people up there from outside and all they want to do is close down all the different fisheries so a few of them could catch a king salmon. I don't think this is right. Fish and Game should manage our resource. I don't know how it was set up or why a seven member board were put there to manage the harvest fishery. You have a person there that has expertise in seining, come in gill netting, some in bottom fishing, and you got a person there for sport fishing. You don't manage it by the numbers of people you manage



Alaska Trollers Association

REPRESENTING ALASKA POWER TROLLERS

205 North Franklin Street
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March 15, 1984

Rep. Adelheid Herrmann, Chairman
House Special Committee on Fisheries
Pouch V (MS 3100)
Juneau, Alaska 99811

To All Special Committee Members:

The Alaska Trollers Association takes pleasure in commenting on the following bills:
HB 526, HB 563, HB, 658 and HB 645.

HB 526: ATA appreciates the intent of this bill, but will discuss a preferred option after giving specific suggestions as to the contents of this bill and the remaining. In paragraph (a)(1) "maximum sustainable yield" should be replaced with "harvest guideline". Harvest guideline may include maximum sustainable yield (MSY), but often the biological information for some species to define MSY is not available nor are the dollars for research, personnel nor time to define it. Ideally, it is a good idea, but not practical.

In paragraph (b)(1) change "economic" to "income" because as used here this is a more precise and definable term.

In paragraph (d) it should either be written "The Commissioner or the appointed substitute may participate in the development of a Board of Fisheries Management Plan in an advisory capacity" or strike paragraph (d). As written it would undermine the regulatory ability of the Board. The Department should not be allowed to make value judgements, particularly on allocative matters.

HB 563: Local provincial political pressure on a regional fisheries board would lose the objectivity of the Board. ATA believes the objectivity of this bill now being addressed by the new direction of the Board of Fisheries which is to encourage participation, input and direction from local advisory committees and regional advisory councils.

Increased bureaucracy needed to handle the structure of regional boards will decrease the Department's funds for other needed projects and from the committees. That is, the proposed costs will have many hidden costs such as per diem and travel costs to support additional board members which will be detrimental in times of decreasing funds.

Also, the Commissioner should not be seated as a voting member on the master board if the board is to remain non-professional. (And see comments on HB 526(d)).

Most species of fish are migratory and do not respect boundary lines developed by mankind. Many fisheries management plans by regions would overlap authority. In addition to coordination between the regions, often plans have to be developed to comply with the Magnuson Fishery Act and the North Pacific Fisheries Management Council. (i.e. Tanner crab, salmon, herring and groundfish plans now in existence).



HB 658: Again, ATA appreciates the intent of the bill, but feels that since each advisory committee must review each proposal within 30 days hardly anything would get to the regional councils. It is often impossible to get a quorum at advisory committees or regional councils in the summer when everyone is "gone fishing". And it is also difficult in the fall when many are out hunting. (This is Alaska).

Individuals should have the right to submit their proposals and expect consideration of their ideas. While ATA recognizes the importance of committees and councils and encourages their use, we would not like to see the regulation process slowed more. Proper staff and complete data is often not available to make complete and sound judgments. The current system does ask committees to review, discuss and make suggestions on all proposals before they are reviewed by the Board.

0145 HB 645: The composition of the seven member Board is satisfactory with ATA. If it is deemed politically necessary to expand the Board by two members in order to maintain and preserve the present board system, then we would agree. ATA does support confirmation of the present Board members.

Southeastern Alaska fisheries are as diversified as the entire remaining balance of the State of Alaska. The fisheries include such issues as king, tanner and dungeness crabbing; gillnet and seining herring; herring roe; pot and trawl shrimping; blackcod, halibut and groundfish longlining and jigging; gillnetting, surf setnetting, river setnetting, purse seining and trolling (power and hand) salmon of all species; plus sports and subsistence uses of all the above. Southeast Alaska also has hatchery and enhancement production from Federal, State, regional aquaculture associations and private non-profit groups which require thoughtful and knowledgeable allocation decisions. Plus, we have been deeply involved in negotiations of a treaty between Canada and the United States. For these reasons ATA supported retention of two Southeastern seats on the Board of individuals familiar with the resources.

There has been some discussion of changing the Boards of Fisheries and Game from lay composition to professional. The State of Alaska has established one of the most democratic methods of representation into it's fish and game management of perhaps any state of the Union. (Other states manage with legislation and/or departmental with little opportunity for public input). A professional board would negate much of this process and would allow paid, unbiased professionals to make resource decisions.

A true, unbiased professional board could not have seated any commercial fisherman, processor, businessman who depended upon the use of the resource in any manner (vessel loans, fish sales, insurance) nor sports, subsistence or personal use fishermen. Where in the State of Alaska could we find seven to nine individuals who have none of the above? Retired bureaucrats perhaps? What would happen to the advisory committee process?

What are the issues? Perhaps it is the composition of the Board. From the 1979 through the 1982 sessions the Board of Fisheries addressed 1,474 proposals of which 203 were sport issues. That is fourteen percent (14%) of the total proposals. Of this 14% only a few were allocative issues. One of the seven Board seats at present is held by a "sportsman". This is also 14% of the total. (Actually, most of the seven present members hold sports licenses and actively sportsfish; just poll them). But this is not the issue.



Alaska
Trollers
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0157 We suggest the real issue is representation on allocative problems. ATA does not support legislative mandated allocation guidelines; but rather guidelines suggested by the public. The Boards of Fisheries and Game should hold public hearings throughout the State to develop specific guidelines and criteria for these Boards to follow in all allocative issues. Indeed, this is precisely what the present Board of Fisheries would like to see implemented. Guidelines would eventually take a great part of the politics out of this process and allow the Boards to "get on with their work".

Sincerely,

Earl E. Krygier
Acting Executive Director

EEK:jmm