

CONFIRM

HEARING

ROBERT

HINMAN

2/14/95

# Alaska State Legislature

## House of Representatives



Official Business

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3718

February 14, 1995

The Honorable Gail Phillips  
Speaker of the House  
State Capitol  
Juneau, AK 99801-1182

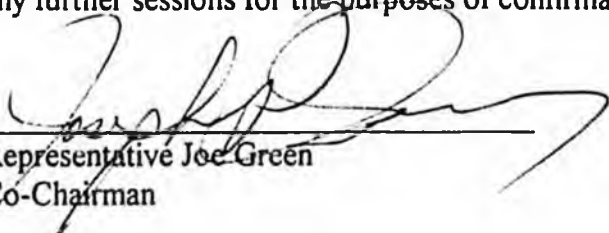
Dear Madam Speaker:

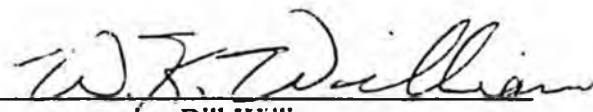
In Accordance with AS 39.05.080, the House Resources Committee has reviewed the qualifications of the following and recommends that appointment be forwarded to a joint session for consideration:


### Big Game Commercial Services Board

Robert A. Hinman

This does not reflect an intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

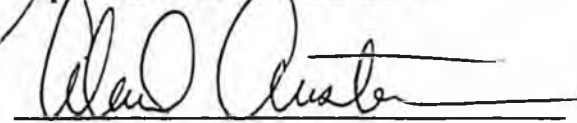
  
\_\_\_\_\_  
Representative Joe Green  
Co-Chairman

  
\_\_\_\_\_  
Representative Bill Williams  
Co-Chairman

  
\_\_\_\_\_  
Representative Scott Ogan

  
\_\_\_\_\_  
Representative Ramona Barnes

\_\_\_\_\_  
Representative Pete Kott

  
\_\_\_\_\_  
Representative Alan Austerman

\_\_\_\_\_  
Representative John Davies

\_\_\_\_\_  
Representative Eileen MacLean

\_\_\_\_\_  
Representative Irene Nicholia

**Robert A. Hinman**

P.O. Box 34195  
Juneau, AK 99803  
Ph: 790-2754

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**OBJECTIVE:**

Re-appointment to the Alaska Big Game  
Commercial Services Board

**EXPERIENCE:**

Self employed, Juneau

08/87 - 02/95 WILDLIFE CONSULTANT, CHARTER BOAT CAPTAIN  
Retired. Wildlife consulting, particularly  
on regulations and big game guiding.  
Operating charter boat in Juneau area during  
summer season. Significant amount of time  
spent on work related to membership on the  
Big Game Commercial Services Board.

State of Alaska, Dept. of Fish and Game, Juneau

08/76 - 08/87 DEPUTY DIRECTOR, GAME DIVISION  
Assisted in administration of Division;  
emphasis on hunting/trapping regulations and  
working with Game Board, as well as personnel  
management. Total of about 8 months as  
Acting Director.

Alaska Dept. of Fish and Game, Fairbanks

01/67 - 08/76 REGIONAL GAME SUPERVISOR  
Supervised Game Division staff and activities  
in Interior and Arctic Alaska. Responsible for  
wildlife research and management activities  
in Region; represented Region and Division  
with Board of Game.

Alaska Dept. of Fish and Game, Homer

07/65 - 01/67 AREA GAME BIOLOGIST  
General wildlife management activities on the  
Kenai Peninsula; game counts, data collection  
and analysis, interface with the public.  
Initiated work on the Kenai Moose Research  
Center facility.

Utah Dept of Fish and Game, Logan, Cedar City, Vernal, Ogden, Utah

07/59 - 07/65 CONSERVATION OFFICER. REGIONAL GAME MGR.  
Wildlife law enforcement, wildlife damage control (as Conservation Officer); supervision of game management activities in northern 5 counties of Utah; game counts, data collection, formulation of regulation recommendations, working with public on wildlife matters.

#### EDUCATION:

09/56 - 06/58 Utah State University, Logan, Utah  
MASTER OF SCIENCE, WILDLIFE MANAGEMENT  
Degree: 06/60  
GPA: 3.42

09/52 - 01/54 University of Alaska, Fairbanks, Alaska  
BACHELOR OF SCIENCE, WILDLIFE MANAGEMENT  
Degree: 06/54  
GPA: 2.01

09/51 - 06/52 University of Washington, Seattle, WA  
BIOLOGY. UNDERGRADUATE

09/49 - 06/51 Wenatchee Jr. College, Wenatchee, WA

#### PERSONAL

I am 66 years old, in good health, divorced with 4 children, all residing in Alaska. I worked with guides during my tenure with the Department of Fish and Game, and after retirement, was appointed to the Legislative Task Force on Guiding and Game. Following that, I was appointed to the Big Game Services Board in the "Commercial Use Permit Holder's" seat. I am presently the Vice Chairperson of the Board.

#### REFERENCES

Mr. Jim D. Rearden  
413 Lee Drive  
Homer, AK  
Ph: 907-235-8543

Mr. Joe Klutsch  
Box 313  
King Salmon, AK  
Ph: 907-246-3030

Mr. Carl Rosier  
8298 Garnet St.  
Juneau, AK  
Ph: 907-789-9117

Post-It™ brand fax transmittal memo 7871		# of pages	2
To	FBI L10	From	DICK BISHOP
Co.		Co.	AK OUTDOOR COUNCIL
Dept.		Phone #	907 455 4262
Fax #	456-3346	Fax #	907 455-4262, 6451 (A)

*None*  
 Testimony to ~~the~~ Resources Committee  
 on the Confirmation of  
 Robert Hinman  
 for the Big Game Commercial Services Board

...by Dick Bishop, Executive Director  
 Alaska Outdoor Council

The Alaska Outdoor Council supports the confirmation of Robert A. Hinman's appointment to the Alaska Big Game Commercial Services Board.

Mr. Hinman's most important qualification for the position is a genuine concern for the fish and wildlife of Alaska. His second most important qualification is a genuine concern for fair, critical, and well-regulated uses of those resources, particularly big game.

Mr. Hinman has over 30 years experience in wildlife management and use. His experience with the guide industry includes the earlier era—when guides were regulated by the Department of Fish & Game.

This experience coupled with very sound judgment and an open minded attitude makes Mr. Hinman an exceptionally valuable person to have involved in matters of public policy.

I raised the only reservation I have heard regarding Mr. Hinman's service on the Board: Why would anyone of sound judgment subject himself to the frustration of dealing with the present laws relating to guiding and outfitting? My answer: I believe that Mr. Hinman's commitment to sound wildlife management outweighs matters of personal concern or comfort.

PLEASE INCLUDE THIS TESTIMONY IN THE COMMITTEE RECORD,  
 SIGNED,

*Dick Bishop*  
 ALASKA OUTDOOR COUNCIL  
 P.O. Box 73902  
 FAIRBANKS AK 99707  
 PH/FAX 907-455-4262

CONFIRM

HEARING

LARRY

HOLMES

4/24/95



# Alaska State Legislature House of Representatives

Official Business

DATE: April 24, 1995

## COMMITTEE REPORT

Speaker Gail Phillips  
House of Representatives  
Capitol Building

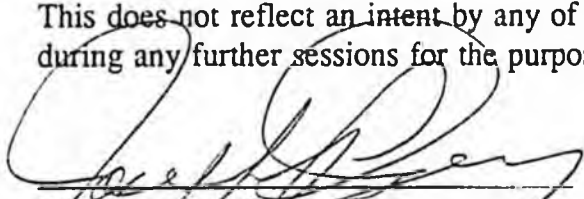
MADAM SPEAKER:

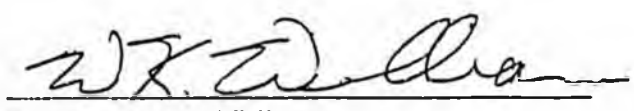
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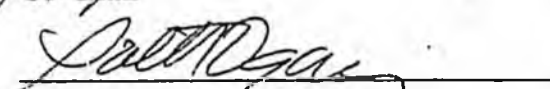
### BOARD OF GAME

Larry Holmes Jr.

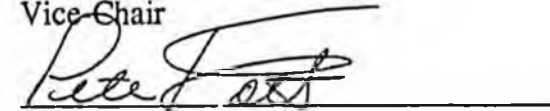
This does not reflect an intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

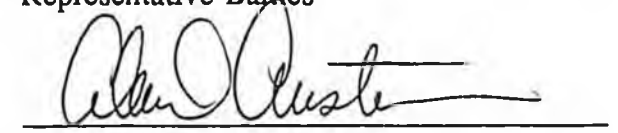
  
\_\_\_\_\_  
Representative Green  
Co-Chair

  
\_\_\_\_\_  
Representative Williams  
Co-Chair

  
\_\_\_\_\_  
Representative Ogan  
Vice-Chair

\_\_\_\_\_  
Representative Barnes

  
\_\_\_\_\_  
Representative Kott

  
\_\_\_\_\_  
Representative Austerman

\_\_\_\_\_  
Representative Davies

\_\_\_\_\_  
Representative MacLean

\_\_\_\_\_  
Representative Nicholia

## RESUME OF

Laurence (Larry) Holmes Jr.  
P.O. Box 454  
Girdwood, Alaska 99587  
Tel/Fax: 783-2180

February 12, 1995

**EDUCATION:**

1982	Master of Science	Biology	Western Kentucky University Bowling Green, Kentucky
1980	Bachelors of Science	Biology Agriculture	Western Kentucky University Bowling Green, Kentucky

**EMPLOYMENT HISTORY:**

1986 to present: Senior Treatment Plant Operator (6 years) and Treatment plant Operator II (3 years) with the Anchorage Water and Wastewater Utility. I operate the water and wastewater treatment systems for the community of Girdwood.

1984 to 1985: Laboratory Analyst (11 months) and Water Quality Technician I (4 months) with the Anchorage Water and Wastewater Utility. I performed chemical and biological analyses of wastewater and drinking water samples.

1982 to 1983: Laboratory Technician/Quality Control Chemist with Kentucky Agricultural Energy Corporation in Franklin, Kentucky. I performed physical, chemical and biological examinations of treated water, wastewater, and primary and secondary final products in a quality control laboratory for a new gasohol plant.

1981 to 1982: Graduate Teaching Assistant/Laboratory Technician with Western Kentucky University in Bowling Green, Kentucky. I assisted college faculty in teaching and research while attending graduate school.

1977 to 1981: Carpenter, Farm Tenant in Richardsville, Kentucky. I was a self-employed carpenter and farm tenant (beef cattle), while attending college.

- 1976 to 1977: Veterinary Assistant with Creekwood Veterinary Clinic in Bowling Green, Kentucky. Performed general duties including assisting in veterinary surgery, while attending college.
- 1973 to 1976: Carpenter and welder with Carter and Rector, Inc. in Bowling Green, Kentucky. I constructed wood residential and commercial structures and steel commercial structures.
- 1970 to 1973 Part-time construction worker with several different residential remodeling and construction companies while attending college part-time.

**MILITARY SERVICE:**

1968 to 1970 Service: U.S. Army Discharge: Honorable  
Rank: Sergeant E-5

**RELATED EXPERIENCE & PUBLIC SERVICE:**

**Appointments:**

- 1994 Knowles/Ulmer Natural Resources Transition Team  
Chairman of the Parks, Forestry, Water and Wildlife Subcommittee
- 1993 Girdwood Trails Committee
- 1992 ADF&G Hunting and Firearm Safety Committee
- 1989 ADF&G Wolf Management Planning Team

**Memberships:**

1986 to present Anchorage Fish & Game Advisory Committee  
Chairman since 1990

**PERSONAL:**

Age : 47  
Marital Status: Married to Kathleen Joy-Holmes  
Children: Nicolette, age 10  
Chelsea, age 8

**REFERENCES:**

Available upon request

CONFIRM  
HEARING

WALTER

SAMP-  
SON  
4/24/95



# Alaska State Legislature House of Representatives

Official Business

DATE: April 24, 1995

## COMMITTEE REPORT

Speaker Gail Phillips  
House of Representatives  
Capitol Building

MADAM SPEAKER:

In Accordance with AS 39.05.080, the House Resources Committee has reviewed the qualifications of the following and recommends that the appointment be forwarded to a joint session for consideration:

### BOARD OF GAME

Walter Sampson

This does not reflect an intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

Representative Green  
Co-Chair

Representative Williams  
Co-Chair

Representative Ogan  
Vice-Chair

Representative Barnes

Representative Kott

Representative Austerman

Representative Davies

Representative MacLean

Representative Nicholia

# WALTER G. SAMPSON

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P.O. Box 1088 • Kotzebue, Alaska 99752 • Telephone: 907-442-3605 (Home) 907-442-3301 (Work)

## PERSONAL

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Born: January 8, 1948  
Marital Status: Married with 4 children

## EDUCATION

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NOORVIK ELEMENTARY, NOORVIK, ALASKA  
CHEMAWA INDIAN HIGH SCHOOL, CHEMAWA, OREGON  
1968

## EXPERIENCE

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<sup>Lands</sup>  
NANA REGIONAL CORPORATION  
*Vice President, 1987 - Present*  
Responsible for enforcement of NANA Land Policies for all Native selected lands.

NANA REGIONAL CORPORATION  
*Director of Lands, 1985 - 1987*  
Administration of NANA Region Lands. Responsible for receiving conveyances and reconveyances under ANCSA. NANA is a corporation formed under the Alaska Native Claims Settlement Act (ANCSA) of 1971.

NANA REGIONAL CORPORATION  
*Land Technician, July 1973 - 1985*  
Responsible for land selection under ANCSA for 10 villages in the NANA region

BUREAU OF LAND MANAGEMENT  
*Emergency Fire Fighter, 1971 - 1972*

## MILITARY

VIETNAM VETERAN, UNITED STATES ARMY 1968 - 1971

ORIGINAL

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WALTER G. SAMPSON  
RESUME  
PAGE TWO

### BOARDS

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- VOLUNTEER, NANA REGIONAL SEARCH & RESCUE
- VOLUNTEER, KOTZEBUE SOUND SEARCH & RESCUE
- CHAIRMAN, EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL, MANILAQ
- CHAIRMAN, KOBUK VALLEY NATIONAL PARK RESOURCE COMMISSION
- MEMBER, KOTZEBUE FISH & GAME ADVISORY COUNCIL
- CHAIRMAN, BLM, NORTHERN ALASKA ADVISORY COUNCIL
- MEMBER, CIVIL AJR PATROL, KOTZEBUE

### PAST BOARDS

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- CHAIRMAN, NW ARCTIC BOROUGH PLANNING COMMISSION 1986 - 1994
- EMERGENCY STATE ADVISORY BOARD MEMBER 1983 - 1994
- VOLUNTEER FIREMAN, KOTZEBUE FIRE DEPARTMENT 1977 - 1990
- AMBULANCE CREWMAN, EMERGENCY MEDICAL SERVICE 1977 - 1990

ORIGINAL

CONFIRM

HEARING

BOARD

OF

FISH

**UCIDA****UNITED COOK INLET DRIFT ASSOCIATION**

P.O. Box 389 • Kenai, Alaska 99611 - 0389

(907) 283-3600 • FAX (907) 283-3306

April 22, 1996  
Sent via telefax

The Honorable Joseph Green  
House Resources Committee  
Room 24  
State Capitol  
Juneau, AK 99801-1182

Dear Mr. Green,

United Cook Inlet Drift Association (UCIDA) represents the 585 commercial salmon drift permit holders in Cook Inlet. As commercial fishermen we UCIDA Board members are well aware that Alaska's natural and renewable resources are it's lifeblood. The lifestyle every Alaskan enjoys today can be directly attributed to these resources.

The Alaskan Seafood Industry ranks second only to oil and gas in providing state revenues and is Alaska's largest private sector employer. The harvesting and processing of Alaskan seafood provides in excess of 35 thousand jobs. A study of the Economic Impact of the shoreside processing industry upon Alaska during 1993, compiled by Pacific Associates, shows a total impact of 3.8 billion dollars upon Alaskan communities from fishery resources.

The management and harvest of these valuable fisheries resources is governed by the Board of Fisheries, (BOF). People appointed to this board play a critical role in determining the importance of each fishery to the economy of the state, region and local area in which the fishery is located. It is imperative that the members of this board understand the complexity of the fisheries and govern them accordingly to provide a viable, sustainable resource that will benefit all Alaskans.

At present a great imbalance exists in the BOF concerning area and fishery type representation. We have 3 sport fishing people for Cook Inlet, a commercial fish person for Bristol Bay, a commercial fish person and a processor, sport fish person for Western Alaska/Yukon and a commercial fish person for Southeast. There is no one representing the Aleutians/Bering Sea, Alaska Peninsula, Kodiak or Prince William Sound.

Page 2  
April 19, 1996

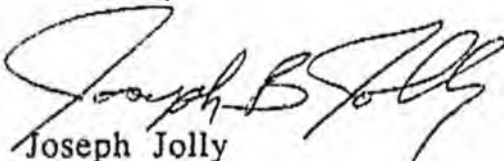
Nor is there anyone very familiar with the shell fishing industry. In addition, five people presently represent in-river fisheries.

The UCIDA Board supports the confirmation of Grant Miller to the BOF because of his background with Aquaculture and diverse knowledge of various fisheries and areas. He has fished troll, seine, longline and gillnet gear. His knowledge of Southeast issues and the Pacific Salmon Treaty would be an asset to the Board.

The UCIDA Board opposes the confirmation of Virgil Umphenour to the BOF because of the representation imbalance in the Board. Mr. Umphenour proclaims to be an avid sport fisherman and guide. With two sportfish seats on the Board and two additional up for confirmation, we cannot support his reappointment. Western Alaska/Yukon already has a representative from Bethel.

The UCIDA Board opposed the confirmation of Dan Coffey to the BOF because of the imbalance of representation of the Board. Also, UCIDA believes a conflict of interest exists because of Mr. Coffey's connection with the F.I.S.H. Initiative and Bob Penney's sportfish caucus. (Please see attachment). Two existing Board members who are in-river sport fishermen already represent Cook Inlet. The appointment of a third member representing the same thing for the same area shows great disregard for the importance of the commercial fisheries to the economy of Alaska. To confirm an appointee who has already made decisions that will have far reaching consequences on the economic well-being of the Kenai Peninsula and Anchorage would be travesty to the voters of Alaska.

Sincerely,



Joseph Jolly  
1st Vice President  
UCIDA

JJ/kmt

Attachment

## Resume - Grant J. Miller

747-5982

## Personal-

- Born** - 12 July '47: Toledo, Ohio
- Schools**
- Graduated Rossford High School: Rossford Ohio 1965
  - Ohio University: Athens Ohio 1966-67
  - Kildalls Navigational School: Seattle, WA 1978
  - Crawford's Nautical School: Seattle, WA 1991
  - Marine firefighting School: Juneau, AK 1991
  - Radar School: Seattle, WA 1992
- Married**
- Wife - Virginia E. Olney: Ginny 1973
  - Sons - Bae Olney-Miller Born 1973
  - Nick Olney-Miller Born 1977
- Employment**
- Self employed commercial fishing
  - Bottom dragging, scalloping, fish trap, lobster inshore and offshore: Cape Cod, Mass. 1966-71
  - Anchovy lampara seine, salmon troll Herring Gillnet: Sausalito, CA 1972-76
  - Salmon troll, Halibut Long Line, Herring Gillnet, Herring bait pound, SE Salmon Seine: Sitka, AK 1977-95
  - Herring Gillnet: Togiak and Norton Sound 1980-83
- Boards**
- Seafood Producers Co-op board 1981-85
  - President 1985
  - Northern Southeast Regional Aquaculture Association 1985-Present
  - President 1988-Present
  - United Fishermen of Alaska (NSRAA rep.) 1990-Present
  - Vice President 1991
  - Sitka committee on Alcohol and other drugs 1993-94
  - Sitka committee on fisheries 1994-Present
  - Seafood Producers Co-op 1994-Present
- Licenses**
- USCG mate uninspected vessels 500 tons 1978-94
  - USCG master any vessel 200 tons, master fishing vessels 500 tons, mate any vessel 1600 tons 1994-Present
  - Marine fire fighting and Radar observer 1994-Present

RESUME

VIRGIL L. UMPHENOUR.  
2400 Davis Road  
Fairbanks, Alaska 99701  
(907) 456-3885  
Fax 456-3889

OBJECTIVE

Appointment to the Alaska Board of Fish

QUALIFYING EXPERIENCE

Have been involved in all aspects of the fishing industry:  
commercial, sport, subsistence

COMMERCIAL

Have fished commercially on the Tanana River in Fairbanks since 1984. In 1985 became a commercial fish processor, processing both fish and roe from my fish and buying from commercial fishermen in Fairbanks, Nenana, Norton Sound and villages along the Yukon River. Have expanded this business so that now my company operates year round doing smoked fish and value added salmon products. Company does approximately 50,000 lbs of value added salmon products a year. Upwards of 250,000 lbs of salmon and roe can be processed during the summer months pending availability of fish.

SPORT

Have been an avid sport fisherman all my life. I have sport fished from the Kenai Peninsula to the Seward Peninsula and am well aware of the importance of the sport fishing industry to both the Alaskan sport fisherman and the tourism industry. My company processes in excess of 40,000 lbs/yr of sport caught fish.

SUBSISTENCE

Have subsistence fished for two seasons while living in Nome. As a commercial fish processor, have dealt extensively with the commercial/subsistence fishermen of the Yukon River Drainage and Norton Sound. For the most part, fishermen in these areas commercial fish to obtain cash to support their subsistence lifestyle. I have seen first hand the devastating effects of the failed fish runs on these people.

## HUMAN RELATIONS

Past and present positions have required a wide range of interpersonal skills, public information management techniques and political awareness. As a commercial fisherman/processor and former military officer, have learned to deal with a wide range of individuals and be cognizant of their special interests and concerns. Am able to work with others to strike a consensus on critical issues. Was co-organizer of the Yukon River Drainage Fishermen's Association (YRDFA). Prior to the formation of this organization, it was a common belief that fishermen on the Yukon would never work together. YRDFA has since become a model of cooperation, by showing that when it comes to protecting the common resource, fishermen will set aside their differences and work together.

## COMMUNICATION

Certified military instructor. Am completely at ease when speaking to large groups of people.

## EMPLOYMENT HISTORY

CEO, Interior Alaska Fish Processors,, Inc.  
Registered Alaskan Hunting guide  
Officer, US Army Reserve, Retired

## MEMBERSHIP

Delegate, US Canada Yukon River Salmon Treaty  
Negotiating Committee since 1988  
Co-Chairman, Yukon River Drainage Fishermen's  
Association since Dec 1990  
Tanana Valley Sportmen's Association, life member

## REFERENCES

Lt. Governor Jack Coghill  
State Senator Georgianna Lincoln  
State Representative Richard Foster  
State Representative Irene Nicholia  
State Representative Allan Vezey  
Charles Meechan, Deputy Commissioner, ADF&G  
Roger Huntington, BOG

RESUME'

This Resume' is being submitted in conjunction with my application for a position on the State Board of Fisheries.

Name and Address:Phone Numbers

Dan Kelly Coffey  
207 East Northern Lights Blvd.  
Suite 200  
Anchorage, Alaska 99503

(907) 274-3385 work  
(907) 243-5464 home

I was born August 6, 1946 in Seattle, Washington. I came to Alaska with my mother 3 days later aboard an Arnold Airlines DC-3. We landed at Merrill Field on August 10, 1946. I remember nothing about the trip. I've been an Alaska resident ever since.

My occupation is as an attorney. I have been admitted to the Alaska Bar since May, 1975 so I have been at this work for over twenty (20) years. I am currently a sole practitioner employing one associate and one paralegal. My law practice is limited to commercial/real estate work with some commercial litigation with an emphasis on the purchase and sale of businesses particularly licensed businesses. Prior to opening my own office I was a partner in the lawfirm of Kay, Saville, Coffey, Hopwood and Schmidt for several years.

I am also the owner of two businesses in Anchorage; Dollar Rent a Car and Q-Zar Laser Tag and Family Entertainment Center. I also own Dollar Rent a Car in San Diego, California. In addition, I own and operate several commercial real estate properties in Anchorage. Finally, I am currently developing a residential subdivision in west Anchorage.

I am divorced and have sole custody of my three sons, Ryan, Kevin and Shane aged 11, 9 and 7. Since finishing law school I have lived continuously in Anchorage, Alaska.

I am a member of the following organizations:

- 1) Alaska Bar Association
- 2) Anchorage Home Builders Association
- 3) ARBA/CHARR

My experiences relative to fishing are as follows:

- 1) 1969-1971 worked as a commercial fisherman in Homer and Prince William Sound.
- 2) Previously represented fish processor in Bristol Bay.
- 3) In the late 1970s and early 1980s assisted numerous clients in applications for shore fisheries/tridlands leases.

- 4) 1985-1990 owned 1/2 interest in 80 foot halibut, bottom fishing and commercial tendering boat.
- 5) Previously represented commercial fishermen involved in the Bering Sea crab fishery.
- 6) Previously represented clients in joint venture operations relative to bottom fishery.
- 7) I have been a sports fisherman, both fresh and salt water for many, many years.
- 8) My father was a founder of the Fisherman's Union in Alaska in the 1930s and 40s. He fished commercially in Bristol Bay in the days of sail boats. The goal of the Union was to allow the small commercial fisherman make a living by eliminating the fish traps controlled by Seattle based commercial processors. He was very proud of the role he played in eventually eliminating the traps.
- 9) I served on the Board of F.I.S.H., Inc which sponsored the initiative to increase the allocation of salmon to sports fishermen.

My experiences on previous governmental or public service Boards and Commissions are as follows:

- 1) Alaska Housing Finance Corporation Board, 1988-92.
- 2) Anchorage Museum Board, 1991-92.
- 3) Barrier Free Recreation Board, 1979-present.
- 4) Chairman of numerous Bar Association Fee Arbitration Panels.
- 5) Vice Chairman Governor's Task Force on Charitable Gaming.

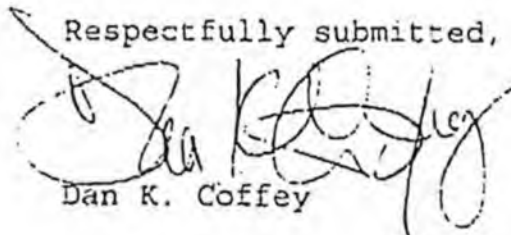
My qualifications for this position are as follows:

- 1) I am a problem solver, facilitator and a mediator. As a lawyer for twenty years, I know that the best way to resolve a difficult situation is to carefully listen to all sides, gather the facts, apply a sound criteria to the decision making process and then implement the decision in a fair and equitable manner so that all interested parties know what you are doing and why you are doing it.
- 2) I believe that reasonable solutions to difficult problems can be reached based a thorough understanding of the facts and on a willingness to engage in a dialogue with those who have differing opinions.
- 3) I have no preconceived notions about what should or should not be done. I have an open mind and a willingness to listen.
- 4) I do not represent any special interests nor do I have anything to gain from serving on the Board.

- 5) I have read the statutes establishing the Board of Fisheries, some of the regulations relative to the Board's operations and many of the cases decided by our Supreme Court relative to the duties, responsibilities and powers of the Board of Fisheries. I believe I know what is expected of the Board under the law.
- 6) Having lived in Alaska all my life, I know people all over the state in all walks of life. I can call on these people for information, for assistance and for ideas.
- 7) Having practiced as an attorney before various Boards and having sat on various Boards, I understand the public process within which the Board of Fisheries must operate.

I hope that this information is helpful to you in reaching a decision. If there is anything further which you require, please advise.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dan K. Coffey". The signature is written in dark ink and is positioned above the printed name.

Dan K. Coffey

*Kenai Peninsula Fishermen's Assoc.*  
*34824 K-Beach Rd. Ste. E*  
*Soldotna, Alaska 99669*  
*(907) 262-2492*

*United Cook Inlet Drift Assoc.*  
*P.O. Box 389*  
*Kenai, Alaska 99611*  
*(907) 283-3600*

---

Hand Delivered on February 17, 1996

Larry Engel, Chair  
Alaska Board of Fisheries  
P.O. Box 25526  
Juneau, Alaska 99802-5526

Re: Report of Potential Violation  
Executive Branch Ethics Act

Dear Chairman Engel:

Under AS 39 . 52 . 230, Kenai Peninsula Fishermen's Association and United Cook Inlet Drift Association wish to report potential violations of the Executive Branch Ethics Act by new Board member Dan Coffey.

Background

Mr. Coffey has been actively involved in the efforts of various Cook Inlet sport fishing interests to secure a greater allocation of Cook Inlet salmon by reducing commercial harvests. Mr. Coffey is the attorney for the Cook Inlet Sport Fishing Caucus, a group registered with Alaska Public Offices Commission and which has lobbied the legislature for passage of a bill to grant sport fishermen a specific allocation of Cook Inlet salmon. The president of this caucus is Bob Penney, the treasurer is Phil Cutler, and the deputy treasurer is Bruce Knowles.

Mr. Coffey is also associated with F.I.S.H., Inc. He was one of the incorporators of that group, along with Mr. Knowles; he served on its initial board of directors, together with Mr. Knowles and Mr. Cutler, and resigned only recently to accept appointment to the Board of Fisheries; and he is the corporation's registered agent. We also understand that Mr. Coffey helped write the initiative which F.I.S.H., Inc., submitted to the Lieutenant Governor for the November election.

Potential Violation No. 1

AS 16 . 05 . 120 (a) provides that "a public officer may not . . . intentionally secure or grant unwarranted benefits or treatment for any person." "Unwarranted

benefits or treatment" is defined, among other things, as "a deviation from normal procedures . . . . If the deviation is based on the improper motivation." 9 AAC 52 . 050 (a). "Improper motivation" means "a motivation not related to the best interests of the state, and includes giving primary consideration to a person's . . . . (B) financial association with a public officer, (C) potential for conferring a future benefit on a public officer; or (D) political affiliation." 9 AAC 52 . 990 (b) (4).

Our concern is that Mr.. Coffey may vote on proposals at this meeting based on his financial association or political affiliation with, or his potential for receiving future benefits from, persons and organizations, thereby granting them unwarranted benefits and treatment. The question we raise is whether Mr. Coffey should be allowed to vote on allocation proposals that are sponsored or supported by the individuals and organizations identified above, or from which they would receive any benefit, given his personal, financial, professional, and political involvement with them.

#### Potential Violation No. 2

AS 39 . 52 . 120 (b) provides that "a public officer may not \*\*\* (4) take or withhold action in order to affect a matter in which the public officer has a personal or financial interest. . ." A "personal interest" is

An interest held or involvement by a public officer, or the officer's immediate family member or parent, including membership, in any organization, whether fraternal, nonprofit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit.

AS 39 . 52 . 960 (18). A "financial interest" is

an interest held by a public officer or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit.

AS 39 . 52 . 960 (9) (A).

The potential violation concerns Mr. Coffey taking action on matters in which he has personal and financial interests. The matters in question are proposals to restrict Cook Inlet commercial fisheries in order to increase the allocation of Cook Inlet salmon to sport fishers. Mr. Coffey's personal interests include his involvement with the Cook Inlet Sport Fishing Caucus and with F.I.S.H., Inc., from which those organizations or other persons would receive a

benefit, namely, a greater allocation of Cook Inlet salmon to sport fishers. Mr. Coffey's financial interests include his current and potential future income as an attorney working for these organizations or for individuals associated with those organizations.

### Potential Violation No. 3

AS 39 . 52 . 120 (c) provides that a member of the Board of Fisheries may not act on a matter before the board if he "has not disclosed [on the record and in writing] all personal or financial interests in a business or organization relating to fish or game resources."

Our concern here is that Mr. Coffey may not fully reveal the extent of his financial interests as required by this section. As set forth above, a "financial interest" includes professional relationships that are a source of income. It is incumbent on Mr. Coffey to reveal his professional relationships, and specifically, his service as an attorney, with any and all businesses (including sole proprietorships and individuals carrying on a business, AS 39 . 52 . 960 (5)) and organizations relating to fish and game resources. In making these disclosures, Mr. Coffey must identify the extent of his involvement with such businesses and organizations -- including, at the least, the nature of his work for them and the amount of his income derived from that work -- so that you can assess the significance of his financial interests and determine whether any action he might take would have only conjectural effect on the matters before the Board.

Mr. Engel, we regret that circumstances compel us to file this report of potential violations of the Ethics Act. We support the Board process and have always tried to participate in that process in a fair and responsible manner. Nor do we intend this as a personal attack on Mr. Coffey. He obviously is an individual who has strong opinions on how Cook Inlet salmon should be allocated, and we respect his right to advocate those views. But we do not believe that Mr. Coffey, given his recent advocacy and his personal and financial interests, should be voting on the highly contentious sport-commercial allocation issues before the Board at this meeting. We trust that in your capacity as Board chair, and thus the designated supervisor for purposes of AS 39 . 52 . 220 and . 230, you will take appropriate action concerning the potential violations of the Act described above and declare that Mr. Coffey may not participate, deliberate or vote on proposals which pertain to sport-commercial allocation. These proposals include, but are not limited to the following:

169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 197, 198, 199, 200, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 248, 249, 251, 252, 253, 254, 255, 256

STATE OF ALASKA )  
 ) SS.  
THIRD JUDICIAL DISTRICT )

I, JOSEPH L MOORE, being first duly sworn, do hereby state: I have been authorized by United Cook Inlet Drift Association and Kenai Peninsula Fishermen's Association to make this verification; I have read the foregoing report of potential violation of the Executive Branch Ethics Act; and I verify that the facts stated therein are true to the best of my knowledge.

Joseph L Moore

SUBSCRIBED AND SWORN TO before me this 16<sup>th</sup> day of February, 1996.



Nancy J. Ziebler  
Notary Public for the State of Alaska.  
My commission expires: 6-1-99.

CONFIRM

HEARING

TREFFON

ANGASON

4/28/85



# Alaska State Legislature House of Representatives

*Official Business*

The Honorable Gail Phillips  
Speaker of the House  
State Capitol  
Juneau, AK. 99801-1182

Dear Madam Speaker:

In accordance with AS 39.05.080, the House Resources Committee has reviewed the qualifications of the following and recommends that appointment be forwarded to a joint session for consideration:

## BOARD OF FISHERIES

Trefon Angasan

This does not reflect an intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

Representative Joe Green  
Co-Chair

Representative Bill Williams  
Co-Chair

Representative Scott Ogan

Representative Ramona Barnes

Representative Pete Kott

Representative Alan Austerman

Representative John Davies

Representative Eileen Maclean

Representative Irene Nicholia

~~Board of Fisheries~~

Governor Elect-Tony Knowles  
P.O. Box 91989  
Anchorage, AK 99509-1989

November 30, 1994

Dear Tony,

I am interested in serving another term on the State Board of Fisheries. I was appointed to the Board by Governor Hickel on 2/92 and my term expires on 2/95.

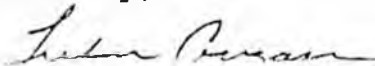
I believe that I can provide the balance that the Board needs in order to address issues that all user groups of the fishery throughout the State of Alaska brings before the Board. I have steadfastly upheld the principle during my term on the board that conservation must have the highest priority. During times when the resource has collapsed and in a rebuilding mode, I believe that subsistence use by the people of Alaska must be afforded the highest priority in the user chain.

The benefits that manifest itself from the principle that conservation must never be compromised has always been rewarding with sustained yield as we have witnessed during my term on the Board.

I also advocate that when there are conservation problems, everyone throughout the user chain must share the burden of conservation.

Although I am a commercial fisherman from Bristol Bay, I am also interested in the well-being of the other users of the resource. The other users are the sport and subsistence users. I believe that we as commercial fishermen must share the resource so that the beneficiaries of the resource can look forward to their fair share.

Sincerely,



Box 100-220  
Anchorage, Alaska, 00510

tele: 265-7829  
fax: 276-3924

Angus M. Peterson

ORIGINAL

November 30, 1994

RESUME

NAME: Trefon Angasan Jr.

DATE OF BIRTH: March 3, 1947

MARITAL STATUS: Divorced

CHILDREN: Three

EDUCATION: Graduated Sheldon Jackson High School  
Attended Sheldon Jackson College

REGIONAL CORPORATION: Bristol Bay Native Corporation

VILLAGE CORPORATION: Alaska Peninsula Corporation

SELF-EMPLOYMENT: Owner/operator, F/V Homeward  
Bristol Bay Salmon fishery

EMPLOYER: Bristol Bay Native Corporation  
Vice President, Corp. Affairs

DATE OF HIRE: January, 1977

PAST EMPLOYMENT HISTORY: Bristol Bay Area Development Corporation  
Regional Director

Alaska Federation Of Natives  
JOM Evaluator  
Assistant Director, Health Affairs  
Representative, American Indian Policy  
Review Commission  
Grant Writer

Bristol Bay Native Association  
Program Planner

Bristol Bay Housing Authority  
Executive Director

Bristol Bay Native Corporation  
Merger Consultant

ORIGINAL

**POSITIONS HELD:**

South Naknek Village Council  
Secretary

South Naknek Village Council  
President

Qinuyang Ltd (South Naknek Village Corp.)  
Secretary  
President

Alaska Peninsula Corporation  
(merger of five Village Corporations)  
President

Great Pacific Fish Company  
Secretary  
President

American High Seas Fisheries Association  
Vice-President, Alaska  
Board Member

Governor's Subsistence Task Force, (alternate)

Alaska Federation of Natives Board  
Vice Chairman

Bristol Environmental Services  
Chairman (interim)

**CURRENT POSITIONS:** Alaska Federation of Natives Board,

Education Committee  
Convention Committee  
Chairman  
Legislative Committee

Alaska Peninsula Corporation  
Secretary  
Executive Committee

Bristol Bay Native Association  
Personnel Policy Committee (chair)  
Strategic Planning Committee

Bristol Corporate Services  
Chairman

State Board of Fisheries

ORIGINAL

CONFIRM  
HEARING

VIRGIL

UMPHEN

OUR

2/13/85

HOUSE RESOURCES COMMITTEE  
COMMITTEE REPORT

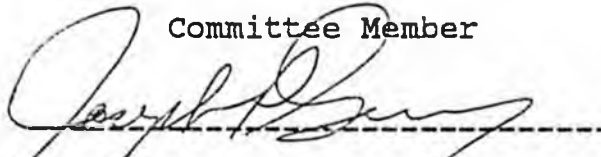
February 13, 1995

REGARDING THE CONFIRMATION OF VIRGIL UMPHENOUR  
AS A MEMBER OF THE ALASKA BOARD OF FISHERIES

The House Resources Committee has considered the confirmation of the appointment of Virgil Umphenour as a member of the Alaska Board of Fisheries. The recommendations of the members of the committee are as follows:

Committee Member

Recommendation



~~Do confirm~~



NR



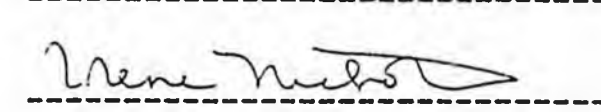
Do confirm



NR



NR



Do confirm

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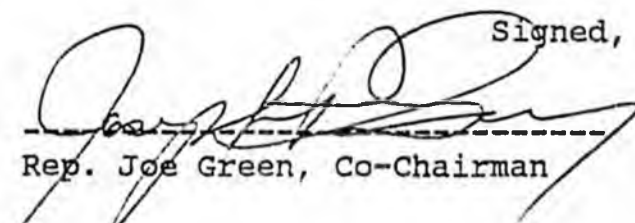
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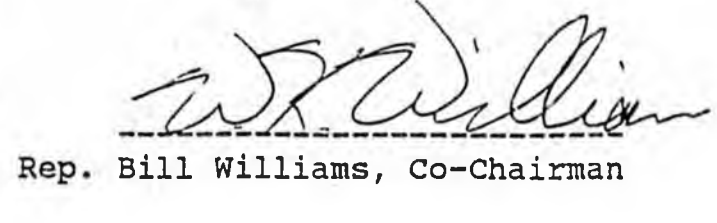
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Signed,  
Rep. Joe Green, Co-Chairman

  
Rep. Bill Williams, Co-Chairman

## RESUME

VIRGIL L. UMPHENDUR  
2400 Davis Road  
Fairbanks, Alaska 99701  
(907) 456-3885  
FAX 456-3889

## OBJECTIVE

Appointment to the Alaska Board of Fish

## QUALIFYING EXPERIENCE

Have been involved in all aspects of the fishing industry: commercial, sport, subsistence

### COMMERCIAL

Have fished commercially on the Tanana River in Fairbanks since 1984. In 1985 became a commercial fish processor, processing both fish and roe from my fish and buying from commercial fishermen in Fairbanks, Nenana, Norton Sound and villages along the Yukon River. Have expanded this business so that now my company operates year round doing smoked fish and value added salmon products. Company does approximately 50,000 lbs of value added salmon products a year. Upwards of 250,000 lbs of salmon and roe can be processed during the summer months pending availability of fish.

### SPORT

Have been an avid sport fisherman all my life. I have sport fished from the Kenai Peninsula to the Seward Peninsula and am well aware of the importance of the sport fishing industry to both the Alaskan sport fisherman and the tourism industry. My company processes in excess of 40,000 lbs/yr of sport caught fish.

### SUBSISTANCE

Have subsisted fished for two seasons while living in Nome. As a commercial fish processor, have dealt extensively with the commercial/subsistence fishermen of the Yukon River Drainage and Norton Sound. For the most part, fishermen in these areas commercial fish to obtain cash to support their subsistence lifestyle. I have seen first hand the devastating effects of the failed fish runs on these people.

## HUMAN RELATIONS

Past and present positions have required a wide range of interpersonal skills, public information management techniques and political awareness. As a commercial fisherman/processor and former military officer, have learned to deal with a wide range of individuals and be cognizant of their special interests and concerns. Am able to work with others to strike a consensus on critical issues. Was co-organizer of the Yukon River Drainage Fishermen's Association (YRDFA). Prior to the formation of this organization, it was a common belief that fishermen on the Yukon would never work together. YRDFA has since become a model of cooperation, by showing that when it comes to protecting the common resource, fishermen will set aside their differences and work together.

## COMMUNICATION

Certified military instructor. Am completely at ease when speaking to large groups of people.

## EMPLOYMENT HISTORY

CEO, Interior Alaska Fish Processors, Inc.  
Registered Alaskan hunting guide  
Officer, US Army Reserve, retired

## MEMBERSHIP

Delegate, US Canada Yukon River Salmon Treaty  
Negotiating Committee since 1988

Co-Chairman, Yukon River Drainage Fishermen's  
Association since Dec 1990

Tanana Valley Sportmen's Association, life member

## REFERENCES

Lt. Governor Jack Coghill  
State Senator Georgianna Lincoln  
State Representative Richard Foster  
State Representative Irene Nicholia  
State Representative Allen Vezey  
Charles Meechan, Deputy Commissioner, ADF&G  
Roger Huntington, BOG

878 Lynwood Way  
North Pole, AK 99705  
January 5, 1994

Honorable Walter J. Hickel  
Governor, State of Alaska  
PO Box 110001  
Juneau, Alaska 99811-0001

Dear Sir

I herein present myself as a candidate to fill the upcoming vacancy on the Board of Fish. I am a commercial fisherman/processor, sport fisherman, and in the past, have been a subsistence fisherman. Hence, I have had actual experience in the three areas where the BOF must try to reach an equitable balance in allocating the fisheries resource. Trying to achieve a balance between these various interests is almost an impossible task.

Currently there are a certain number of sport fisherman on the Board and a certain number of commercial fisherman. These people are from coastal communities. The vast interior region has no representation even though fish is one of their main sources of food. The dollar value of the fish resource on the commercial market exerts a strong influence on the BOF decisions. It is crucial that we get past looking at the fishing industry as how much we can sell the resource for. We must look at the resource with an eye toward conservation and as food and recreation for the people who live here. Unless we insure that enough fish return to the spawning grounds, there will be no fishing for anybody. Our tourist industry will suffer through the collapse of the sport fishery and our cherished Alaskan lifestyle of living off the land will be diminished when we are no longer able to subsistence and sport fish to feed our families. For the Alaskan living in the bush, the traditional lifestyle will be destroyed. I believe that it is time to appoint Board members who care about the state's common fisheries resources and who have a balanced view of the needs of all of the user groups.

I am a commercail fishermen, but my company (Interior Alaska Fish Processors in Fairbanks) yearly processes thousands of pounds of sport caught fish. For the past several years there has been virtually no sport fishing in the Fairbanks area. Visitors have asked us where they can fish. We tell them they must go elsewhere. The Fairbanks Visitor and Convention Bureau has expressed great concern about the impact of the failed fishery both on local businesses and residents who fish for personal use.

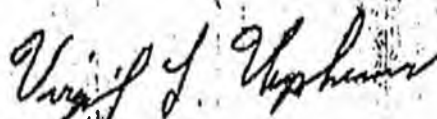
As a fish processor, I buy fish from fishermen on the Yukon and Tanana Rivers and at Norton Sound. For the most part, commercial fishermen in the Interior and Norton Sound are also subsistance fisherman. The money they get from selling their catch is used to buy fuel, etc for their subsistance fishing and hunting. The 1993 failure of the summer and fall chum runs was devastating to the people who rely on these fish to feed their families. The people in Elim, on Norton Spund, have also experienced closures of their subsistance fisheries. This past year, many commercial/subsistance fishermen had there electricity cut off in August. They have had to rely on welfare and government subsidies. The economic impact of the salmon failures on the state is immense...yet there is no subsistance fishery representation on the BOF.

Since 1988 I have been a representative on the US/Canadian Yukon River Salmon Treaty Negotiating Committee. Through this position and as a commercial/sport/subsistance fisherman, I have gained a degree of expertise in both in river and terminal fisheries management. There is currently no one on the BOF with this qualification.

I feel I would be as asset to the BOF. Request your favorable consideration. Resuma enclosed.

1 incl  
as

Sincerely

  
Virgil L. Umphenour

878 Lynwood Way  
North Pole, AK 99705  
January 19, 1995

Honorable Tony Knowles  
Governor, State of Alaska  
PO Box 110001  
Juneau, Alaska 99811-0001

Dear Sir

My name is Virgil Umphenour and am currently a member of the Board Fish and I want to remain on the Board until the expiration of the term to which I was appointed. The Interior has not had a representative on the Fish Board for 2 years. Since that time the fish resources in the northwestern and interior regions have been in serious decline.

Governor, have never met, but I would welcome the opportunity to meet with you before you make your final decision. For your information I have enclosed a copy of my resume and the letter of interest which I submitted in January 1994.

2 incl  
as

Sincerely

  
Virgil L. Umphenour

Box 1  
Alakanuk, AK 99584  
January 19, 1995

Honorable, Tony Knowles  
Governor, State of Alaska  
PO Box 110001  
Juneau, Alaska 99811-0001

Dear Sir

My name is John Hanson and am a sitting member of the Board of Fish. My current term will be up at the end of January. I would like to be considered for another term. My long term Fish Board experience and knowledge of the State's fishing issues make me a valuable asset to the board process.

Sincerely

John Hanson

# Alaska State Legislature

REPRESENTATIVE  
**JEANNETTE JAMES**

P.O. Box 56622  
North Pole, Alaska 99705  
(907) 488-1546  
FAX (907) 488-9006



While In Juneau  
State Capitol  
Juneau, Alaska  
99801-1102  
(907) 465-3743  
FAX (907) 465-2381

## House of Representatives

House District 34

A handwritten signature in dark ink, appearing to read "D. Smith", written over a horizontal line.

January 26, 1995

The Honorable Tony Knowles  
Third Floor Capitol Building  
Juneau, AK 99801

Re: Virgil Umpenhour - Board of Fish

Dear Governor Knowles,

We are very concerned about the prospect of your replacing Virgil Umpenhour as a Board of Fish member before his term ends a little over a year from now.

Mr. Umpenhour is extremely well qualified to act as a member of the Board of Fish and represents the interest of the Interior fisheries, which has had very little representation in the past. These fisheries interests include, but are not limited to, subsistence, personal use, sports and commercial processing.

Historically the Board of Fish has been heavily weighted in favor of the Southern Alaska Commercial Fish industry. We do not quarrel with the notion that commercial fishing interests in this state are important for our state's economy and the interests of our residents; however, we are not willing to have this interest overwhelm the interest of the Interior residents and the recovery of our fish stocks.

Mr. Umpenhour is a long time resident of this state and enjoys a lot of support for his knowledge and ability. His activities on the U.S./Canada/Yukon River negotiation team over the past six years are

indicative of his respect by the industry. He also helped form the Yukon River Drainage Group and contributed to their success in solving problems for the fishery.

As a small commercial fish processor, he gives hope and support for the subsistence fishermen along the Yukon River by buying their fish. He understands the needs of the village participants.

The next meeting of the Board of Fish will be addressing the peninsula fisheries. Mr. Umpenhour has the most extensive information and knowledge regarding the historical and biological information about Area M fishery and needs to be a part of that Board of Fish meeting as it relates to the interest of the Interior fishing concerns. Any attempt to remove him before that meeting will indicate to us that your interest is more political than realistic for the benefit of Alaska as a whole.

Please submit Mr. Umpenhour's name to the legislature for the Board of Fish and allow him to complete his term.

Sincerely,

Representative Jeannette James

JJ/bc

RECEIVED JAN 25 1995

### Keep Umphenour

Jan. 19, 1995

To the editor:

I am disappointed in Gov. Knowles. Bob King, the governor's press secretary, is quoted as saying that, "We're looking at putting our own people on all boards and commissions." The new administration is politicizing positions that were established to administer and allocate the state's resources and assets for the people. They were never intended to be used to pay off political debts or campaign promises to the big guys.

In the case of the Board of Fisheries currently held by Virgil Umphenour, it took the Interior eight long years to get it back. It was not traditionally held by Southeast. The Interior and Northwestern Alaska have had virtually no fish in their streams and rivers for the last four years. With Umphenour, we had a voice on the Board of Fisheries to

---

speaking for us against the big intercept fishermen on the coast.

Tony "The Boss" Knowles conned the Interior to get elected then

sold us out!  
RECEIVED  
Eric Alexander JAN 25 1995  
Fairbanks

RECEIVED JAN 27 1995

## Fish politics

Jan. 23, 1995

To the editor:

Tony Knowles is setting up Tammany Hall in Juneau. He is removing people from commissions and jobs that aren't supposed to be used to pay off political debts. We lost Ralph Seekins from the Permanent Fund Board and now we might lose Virgil Umphenour from the Board of Fish.

Gov. Hickel appointed Umphenour to the fish board because the Interior and northwestern Alaska need a voice on the board. There are no more fish coming into our rivers . . . no fish for the sportsman, no fish for the people in the villages to put up for their winter food. The big guys from False Pass and Southeast control the fish board. I guess they put a lot of money in Tony's "grab" pot!

Marvin Londere  
Fairbanks

# Lawyer says Knowles cannot dump Umphenour

## Governor wants to choose another

By KATE RIPLEY  
Staff Writer

JUNEAU.—A legislative attorney says Gov. Tony Knowles cannot kick a local fish processor off the state Board of Fisheries and replace him with his own appointee.

The Knowles administration, however, stands by its plan to replace Virgil Umphenour, owner of Interior Alaska Fish Processors Inc., of Fairbanks, with someone hand-picked by the governor.

Umphenour was appointed to the fish panel last July by former Gov. Walter J. Hickel to fill a vacancy. He has 1 1/2 years

left to serve.

The Legislature has not yet confirmed nor denied the appointment, so Knowles wants to put in his own nominee—most likely someone from Southeast Alaska.

But it's not that easy, according to a 12-page memo by Gerald Luckhaupt, an attorney for the Legislature. In a memo dated Friday, Luckhaupt told Nome Rep. Richard Foster that Knowles may not remove Umphenour on a political whim.

A Board of Fisheries member may be removed from office only for inefficiency, neglect of duty, misconduct in office, or for fish and game violations, Luckhaupt said.

Therefore, Umphenour's appointment is binding on Knowles—absent the Legislature's failure to confirm him.

Foster said he requested the legal opin-

ion because he views the seat as a statewide seat—not one reserved for any particular region. Umphenour has done a good job on the board, Foster said.

"I know him to be fair and impartial on all matters of fishing," he said. Rep. Jeannette James, of North Pole, said the memo is encouraging.

"My read on it is the governor doesn't have the legal option to take Umphenour away," she said.

Umphenour, who was in Dillingham for a fish board meeting, could not be reached Monday for comment.

Knowles should simply allow Umphenour to serve out his term, James said.

That's not acceptable, said Knowles' press secretary Bob King.

"We feel we are on firm legal footing in

putting a different name other than Umphenour's up for confirmation," King said. "We're aware of the different legal opinions."

Indeed, controversy over appointments by outgoing governors is nothing new. In 1982, former Gov. Jay Hammond appointed Michael Whitehead to the Alaska Commercial Fisheries Entry Commission. Then Bill Sheffield took office and appointed his own choice to the panel.

Like Knowles, Sheffield contended he had the authority to withdraw Hammond's nominee because the Legislature had not yet voted on the confirmation. But Whitehead sued to keep his job.

The state eventually settled the lawsuit by paying Whitehead his salary and benefits as a commission member through

June 1983, as well as an additional \$75,000. Luckhaupt said the Umphenour case seems identical.

Past court cases from other states imply the Legislature could ignore Knowles and vote on Umphenour's appointment, even without Knowles' stamp of approval. Or the Legislature could ignore Umphenour and simply vote on Knowles' new nominee.

Whatever happens, it's likely not to be anytime soon.

The Legislature will not vote on confirmations until the end of the 120-day session in May.

King said Knowles may have an announcement about fish board appointments later this week. Two other seats on the panel expire at the end of the month.

**STATE OF ALASKA - OFFICE OF THE GOVERNOR**  
**Boards and Commissions Office**

Applicant Endorsement List

Virgil Umphenour of Fairbanks  
has been endorsed for the following board(s):

Board	Position	Endorser	Date
037		Abel Saccheus	06/27/94
037		Albert Jackson	01/20/94
037		Alice Fagerstrom	01/20/94
037		Alvin Owletuck	01/10/94
037		Annie Conger	01/25/94
037		Bert Sharp	02/01/94
037		Bill Fliris	01/07/94
037		Bosco Olson	01/12/94
037		Byron Haley	01/28/94
037		Carl Morgan Jr.	01/07/94
037		Carol Oliver	01/20/94
037		Daniel Nelson	01/12/94
037		Dean Paddock	06/01/94
037		Dorothy Barr	01/07/94
037		Edgar Jackson, Sr.	01/20/94
037		Fred Sagoonick	01/07/94
037		Fritz Willie	01/10/94
037		Gene Therriault	02/01/94
037		George Berry	01/14/94
037		George Yaska	01/27/94
096		Georgianna Lincoln	07/28/93
037		Georgianna Lincoln	01/28/94
037		Gilbert Gutierrez	01/21/94
037		Harry Wilde	02/01/94
037		Irene Nicholia	02/01/94
037		Jack Carpenter	01/07/94
037		Jack Coghill	02/20/91
096		Jack Coghill	02/20/91
037		Jack Coghill	01/10/94
037		Jeannette James	01/19/94
037		Joe Sitton	01/12/94
037		Joel Kawahara	02/03/94
037		John Davies	01/27/94
037		Joseph Peter	01/21/94
037		Kenneth Kingeekuk	01/11/94
037		Loretta Bullard	01/07/94
037		Luci Eningowuk	01/07/94
037		Lucy Olick	01/24/94
037		Lyman Hoffman	01/24/94
037		Martina Azean	01/11/94
037		Mike Dalton	01/24/94
037		Mike Miller	01/21/94
037		Myron Naneng	01/07/94
037		Myron Naneng	06/08/94
037		Nina Nanouk	01/27/94

STATE OF ALASKA - OFFICE OF THE GOVERNOR  
Boards and Commissions Office

Applicant Endorsement List

Virgil Umphenour of Fairbanks  
has been endorsed for the following board(s):

Board	Position	Endorser	Date
037		Nina Patkotak	01/20/94
037		Oliver "Bud" Burris	01/18/94
037		Ralph Seekins	01/17/94
037		Richard Foster	01/11/94
037	retain	Richard Foster	01/10/95
037		Steve Frank	02/01/94
037		Tom Brice	01/12/94
037		Will Mayo	01/05/94
037		William Topsekok	01/12/94

Total Endorsements: 54

1-17-95

Applicants to the Board of Fisheries

- Trefon Angasan - Anchorage ✓
- Dr. John R. White, Bethel
- sp? - George Yasca, Fairbanks
- Louis H. Green, Jr.- Nome
- Mike Heimbuch - Homer
- Oliver N. Holm - Kodiak
- Richard Thummel - Kodiak
- Bruce F. Stanford - Anchorage
- Paul Swetzof - Anchorage
- Ralph E. Lohse, Cordova
- Gregory T. Williams - Cordova
- Robert Piorkowski, Fairbanks
- Dr. Patricia A. Crandell, Juneau
- Charles Haley, Sitka
- Dennis Hicks, Sitka
- Jeff Meucci, Petersburg
- Mim Robinson, Port Alexander
- Ronald K. Sparks, Sitka

1/12

1/18 (Noon)

## board needs Interior member

Interior Alaska may not have the vast fishing industry that coastal areas enjoy, but decisions about fish management still have a significant effect on life here. The Interior needs a voice in those decisions.

Gov. Tony Knowles has told Virgil Umphenour, the only member of the state Board of Fisheries from the Interior, that his name likely will not be on the list submitted to the Legislature for confirmation in the next few weeks.

Maybe Knowles isn't comfortable with Umphenour's style. That's his choice. But he should recognize the importance of having an Interior voice on the board.

Salmon allocations and limits have created great controversy along Interior rivers for the past several years. The board needs someone who carries the background and perspective of people from this area.

Umphenour, the owner of Interior Alaska Fish Processors in Fairbanks, has supplied that. However, he sits in an awkward spot. He was nominated last spring for a three-year term by former Gov. Walter Hickel. He replaced Kay Andrew of Ketchikan, an earlier nominee who the Legislature rejected. But the Legislature never confirmed Umphenour's appointment. He has participated in board meetings, as is accepted practice, but the appointment process was not complete.

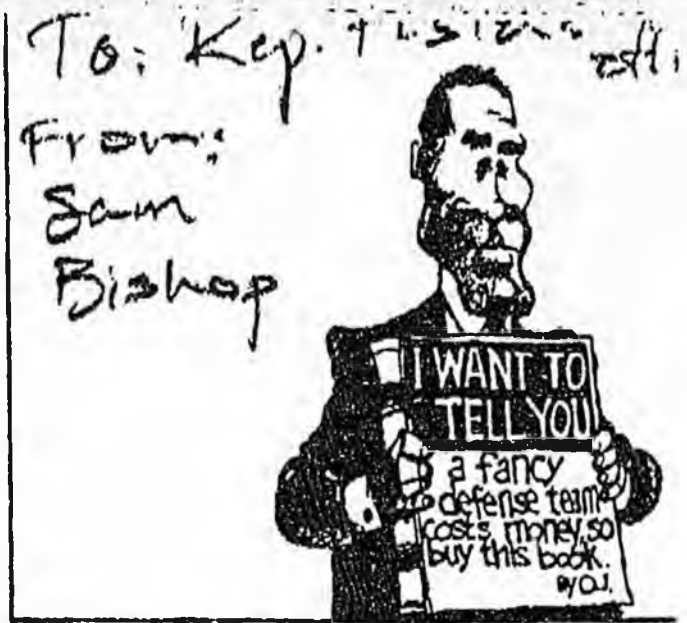
Now Knowles will submit a new list of nominees, for two seats that are scheduled to open, as well as for Umphenour's seat.

Fish issues are not easy to understand or resolve. Interior residents deserve to have someone studying the questions from their perspective.

For example, argument has raged for years over whether chum salmon catches off the Alaska Peninsula have hit Interior salmon stocks too hard. It appeared that the shrinking chum salmon runs in Interior and western Alaska rivers could be blamed in part on "by-catch" at False Pass off the Alaska Peninsula. Boats there pick up large numbers of chum salmon while looking for other salmon species.

The board each year has set a limit on the number of chum caught, but it refused to drop the by-catch limit below 700,000 fish even when chum stocks continued to decline. A majority of board members concluded that there wasn't enough evidence to show that the by-catch was causing a problem. Genetic studies are due next month that should shed more light on the subject.

We need a fish board member to take a close look at these studies and other issues from an Interior viewpoint. People here may not catch as many fish as coastal residents, but what fish we do have are critical for maintaining both subsistence lifestyles and sportfishing opportunities.



## Aeronautic four to feature lead

Let's not miss this one, Friday evening, Jan. 27, at the Westmark Gold Room. This is the 12th banquet for the Interior and Arctic Alaska Aeronautical Foundation, and what a series it has been!

The annual dinner occasion since 1984 has featured:

- Sen. Ted Stevens recalling his World War II experience as a fighter pilot flying the India-Burma-China "Over the Hump Route."

- Gregory "Pappy" Boyington, the famed and flamboyant U.S. Marine fighter pilot credited with 28 "kills," who commanded the somewhat unruly, unpredictable but highly successful "Black Sheep Squadron" during the dark days of ferocious fighting in the South Pacific.

- Adm. James Russell who flew the PBVs in the Aleutians as bombers, fighters, and reconnaissance craft out of Kodiak—every flight an improbable mission.

- The memorable Donald "Deke" Slayton, one of the original nine astronauts of the Apollo space project; and, Masajiro "Mike" Kawato, a Japanese Zero pilot who at age 18 had shot down "Pappy" Boyington. Both survived combat to write books about their daring exploits—one for Japan, one for America.

Here was a great beginning for the IAAAF's annual fund-raiser. Recognition and support followed for the efforts of Randy Acord, a handful of dedicated founding members, and a few others.

Their hard work and persistence made possible the Pioneer Air

The IAAAF Stevens, Al Bush pilot, and Delta air "Alaska Avia tailed and re and machine



area, who flew 237 against Japanese air was shot down twice to write about his "China Through the ger." After World came a test pilot, air racer, and hos radio talk show in Serbia, "Aviation Show mic speaker.

In the early '90s, land, civilian test heed, who holds a and speed records, Fairbanks audience, sonic Age. And G well-known U.S. media talk show actor, and humor



# Alaska State Legislature

Official Business

State Capitol  
Juneau, AK 99801-1182

January 17, 1995

Governor Tony Knowles  
PO Box 110001  
Juneau, Alaska 99811-0001

Dear Governor Knowles:

For quite some time the Interior delegation has worked to place on the Board of Fisheries an individual who is knowledgeable of Alaska's inland fisheries.

The recent Yukon River chum salmon collapse may have been more effectively mitigated had someone with experience and understanding of Interior fisheries been in place on the Board at that time. The 1994 appointment of Virgil Umphenour succeeded in shaping the make-up of the Board of Fisheries in such a manner.

We find it disconcerting that in less than a year Mr. Umphenour faces being removed from the Board of Fisheries and replaced by an individual from another area of Alaska. Before Mr. Umphenour's appointment, the Interior was not represented. The prospect of our region now being returned to that condition is unacceptable in our view.

Alaska's Interior fisheries are an important resource to large Native populations, to small commercial fish processing concerns, as well as to the sportfishing public. The issues are significant enough to warrant representation on the Board of Fisheries. We urge you to consider these constituencies with respect to Mr. Umphenour's tenure on the Board. He can meet and understand these needs. His appointment was and is appropriate.

Sincerely,

  
Senator Steve Frank

  
Rep. Tom Brice

Rep. Pate Kelly

  
Senator Mike Miller

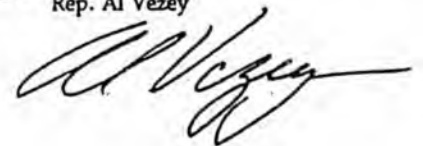
  
Rep. John Davies

Rep. Gene Theriault

  
Senator Bert Sharp

  
Rep. Jeanette James

Rep. Al Vezey



**DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

MEMORANDUM

January 20, 1995

**SUBJECT:** Removal of Board of Fisheries Member (Work Order No. 9-LS0468)

**TO:** Representative Richard Foster  
Attn: Bryce Edgmon

**FROM:** Gerald P. Luckhaupt   
Legislative Counsel

QUESTIONS PRESENTED

I. May Governor Knowles remove Virgil Umphenour as a member of the Board of Fisheries, effective January 6, 1995, without cause, and appoint someone else to Mr. Umphenour's position?

**ANSWER:** No. A member of the Board of Fisheries may only be removed from office by the governor for "inefficiency, neglect of duty, or misconduct in office, or because the member while serving on the board is convicted of a misdemeanor for violating a statute or regulation related to fish and game or of a felony. An interim appointee, as is Mr. Umphenour, may only be removed by the governor for the "cause" cited or, if the legislature should fail to confirm Mr. Umphenour, Mr. Umphenour would be removed from his position by operation of law - by the failure of the legislature to confirm. See discussion I.

II. What can the legislature do concerning the appointment of Mr. Umphenour to the Board of Fisheries if the governor does not forward Mr. Umphenour's name to the legislature or forwards someone else's name to the legislature for confirmation?

**ANSWER:** The legislature can confirm or reject Mr. Umphenour's appointment or do nothing concerning Mr. Umphenour's appointment. If the legislature fails to take any action regarding Mr. Umphenour's appointment then by operation of law, AS 39.05.080(3), Mr. Umphenour would be removed from his membership on the Board of Fisheries as of the last day of the legislative session. If the legislature rejects Mr. Umphenour's appointment by affirmatively voting in joint session not to confirm him, then by operation of law (AS 39.05.080(3)), Mr. Umphenour will be removed from his membership on the Board of Fisheries as of that day and the governor will be free to appoint someone else at that time. If the governor attempts to appoint someone else to Mr. Umphenour's position and forwards that new name to the legislature for confirmation and that person is confirmed without Mr.

Representative Richard Foster  
January 20, 1995  
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Umphenour being rejected, a court could rule that Mr. Umphenour is entitled to the office until the last day of the session (as Mr. Umphenour was not confirmed by the legislature) or could decide that the new appointee's confirmation was an implicit rejection of Mr. Umphenour, thereby entitling the new appointee to the office. See Discussion II.

### FACTUAL BACKGROUND

The facts as presented to me by Bryce Edgmon of your office are that Governor Hickel appointed Virgil Umphenour to the Board of Fisheries on July 22, 1994 to the position on the board that became vacant when Kay Andrew's appointment to the position was rejected by the legislature when the legislature failed to confirm Ms. Andrew. See 18th Alaska Legislature, Senate Journal, at 4662; House Journal, at 4324. On January 6, 1995, Mr. Umphenour was informed by a phone call from Jim Ayers, Chief of Staff for Governor Knowles, that Mr. Umphenour was being removed from position on the Board of Fisheries. To date Mr. Umphenour has not received any written notification that he has been removed from his position on the Board of Fisheries.

### DISCUSSION

#### I

In answer to your first question, it is my opinion that Governor Hickel's appointment of Virgil Umphenour to the Board of Fisheries is valid and binding on Governor Knowles and Mr. Umphenour cannot be removed from office by the Governor absent a finding by the Governor that there is cause for Mr. Umphenour's removal from office as provided in AS 16.05.280.

Article III, § 26 of the Alaska Constitution provides:

Section 26. Boards and Commissions. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor. [Emphasis supplied].

This provision clearly delineates the respective powers of the governor and the legislature regarding the appointment of members of boards and commissions. The governor has the

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exclusive power to appoint and the legislature has the exclusive power to confirm and to provide how a member of a board or commission may be removed from office."

AS 16.05.221(b) provides that the Board of Game is "composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session."<sup>2</sup> AS 16.05.280 provides:

The governor may only remove a board member for inefficiency, neglect of duty, or misconduct in office, or because the member while serving on the board is convicted of a misdemeanor for violating a statute or regulation related to fish or game or of a felony, and shall do so by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or through counsel at a public hearing before the governor or a designee upon at least 10 days' notice by registered mail. The member may confront and cross-examine adverse witnesses. Upon removal, the governor or a designee shall file in the proper state office the findings and a complete statement of all charges made against the member.<sup>3</sup>

The governor may appoint members of boards and commission, such as the Board of Fisheries, to fill vacancies that occur while the legislature is not in session pursuant to art. III, § 27 of the Alaska Constitution.

Further, AS 39.05.080(4) provides that

Pending confirmation or rejection of appointment by the legislature, persons appointed shall exercise the functions, and have the powers and be charged with the duties prescribed by law for the appointive positions or membership.

Based upon the facts as presented there was a vacancy on the Board of Fisheries and Governor Hickel, pursuant to statutory and constitutional authority appointed Mr. Umphenour to that vacant position. Mr Umphenour entered upon and was vested with all the duties of his office at that time. But is this interim appointment binding on Governor Knowles or may Governor Knowles withdraw Mr. Umphenour's appointment because he has not been confirmed by the legislature or otherwise remove Mr. Umphenour from office? It

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<sup>1</sup> Article III, § 26 of the Alaska Constitution only applies to boards and commissions that are "at the head of a principal department or a regulatory or quasi-judicial agency." The Board of Game is, I believe, clearly a regulatory board subject to art. III, § 26.

<sup>2</sup> AS 16.05.221 was amended by the legislature in section 1, chapter 121, SLA 1992. The quoted language was not affected.

<sup>3</sup> This section, as amended by section 3, chapter 121, SLA 1992, took effect September 20, 1992. The entire section is made applicable to all members of the Board as of September 20, 1992, by section 6, chapter 121, SLA 1992.

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is my opinion that Mr. Umphenour's appointment is binding on Governor Knowles and that Mr. Umphenour may not be removed from office absent the legislature's failure to confirm Mr. Umphenour or Governor Knowles' compliance with the procedure provided in AS 16.05.280 by removing Mr. Umphenour for cause.

Support for this conclusion is found in the plain language of the Constitution and in the court decisions. The Constitution recites in art. III, sec. 26 that the members of those boards or commissions shall be "appointed" by the governor. To determine the meaning of "appointed" we can look to other provisions of the Constitution for assistance. Article II, sec. 5 of the Constitution refers to the terms "nominated," "elected," or "appointed" as exclusive alternatives which are "clearly intended to catalogue the routes by which one may attain an office or position of profit." Beigich v. Jefferson, 441 P.2d 27, 32 (Alaska 1968). In Alaska, "appointed" clearly does not mean "nominated."

That "nominated" and "appointed" are not synonymous terms in this state is further supported by the proceedings of the framers of our constitution. Art. III, § 26 of our constitution, as originally proposed in Committee Proposal No. 10a, by the Executive Branch Committee of the Alaska Constitutional Convention stated:

Whenever a board or commission is at the head of a principal department or of a regulatory or quasi-judicial body, the members thereof shall be **nominated and appointed** by the governor, with the advice and consent of the senate. . . . [Emphasis supplied].

This "nomination" language and reasoning was specifically rejected by the framers of our constitution as it was finally enacted.

The distinction between "nominated" and "appointed" is significant. In the federal system, the president "nominates" persons to the senate for confirmation. A federal "nominee" does not take office pending confirmation. In that situation:

There is no appointment within the meaning of vesting final title to the office until acted upon affirmatively by the legislative branch of government. Justice Marshall states that until the legislature acts, the president is free to choose whom he will.

Munson v. Territory of Alaska, 16 Alaska 580 (1956). But, an "appointee" takes office and is vested with all the duties, powers, and responsibilities of the office subject only to the legislature's authority to fail to confirm the appointment. When a person is "appointed" and takes office and exercises the powers of the office, the governor has performed the "last act" necessary to vest the person with the powers of the office. The governor may not later withdraw or revoke the appointment except that he may remove the appointee as provided by law.

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In Division of Elections v. Johnstone, 669 P.2d 537, 539-540 (Alaska 1983) the supreme court held that the term appointment as used in the Constitution means "to designate for office." The court also found that the appointment of a superior court judge was effective on the completion of the "last act" of the appointing authority, in that case, the letter of appointment issued to the judge by the governor.

The Alaska Supreme Court, in Johnstone, cited McChesney v. Sampson, 232 Ky. 395, 23 S.W.2d 584 (1930) in support of this proposition. McChesney is strikingly similar to the present case. In McChesney, the Kentucky Supreme Court was confronted with a situation where the governor, having the authority to appoint members of a board subject to confirmation by the Senate, appointed in the interim (between sessions of the legislature), McChesney who entered upon and performed the functions of the office. Several months later, before the legislature had again convened, the governor removed McChesney without cause and appointed another person. McChesney sued to retain his office. The court held that the governor's purported removal of McChesney was illegal. The court stated that the governor by naming and appointing McChesney had exhausted his power to appoint and performed the "last act" necessary to vest McChesney with his office, subject only to the state senate's authority to confirm or fail to confirm and to the governor's authority to remove McChesney for cause as provided by law. The court further contrasted the situation where an officer is "appointed" subject to confirmation by the legislature (as exists in Alaska by art. III, sec. 26 of the Constitution) with the situation where an officer is "nominated" subject to confirmation (as exists for federal appointments) and said:

Furthermore, in cases where the nomination must be confirmed before the officer can take the office or exercise any of its functions, the power of removal is not involved and nominations may be changed at the will of the executive until title to the office is vested. But under our system the appointee of the Governor takes the office, enters upon the performance of its duties, and is charged with responsibility. He holds then subject alone to the action of the Senate. His status is not that of a nominee awaiting confirmation, but that of an officer invested with the powers, privileges, and responsibilities of the position until the Senate acts. A recall of his designation would operate as a removal from office. It is argued that appointment to the office consists of two separate acts, one by the Governor and one by the Senate, and until both have acted there is no appointment such as to bring the incumbent within the protection of the law. Even so, the two powers do not act concurrently, but consecutively, and action once taken and completed by the executive is not subject to reconsideration or recall . . . What, then, constitutes an appointment insofar as the chief executive has to do with it? Appointment to an office by one possessing the appointing power is the designation of another person to discharge the duties of the office. [Citation.] It is completed when the appointing authority has performed the acts incumbent upon him to accomplish the purpose. [Citations.] The fact that the title to the office, and the tenure of the officer, are yet subject to the

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action of the Senate, does not render incomplete the act of the chief executive in making the appointment. The appointment alone confers upon the appointee for the time being the right to take and hold the office, and constitutes the last act respecting the matter to be performed by the executive power. [Emphasis supplied].

McChesney, supra, at 587.

The court concluded by stating: "Such power as flows from the act of the Governor in making the appointment is invested by the statute in the appointee, and may not thereafter be recalled or bestowed upon another unless the consent of the Senate is withheld." See also Barrett v. Duff, 114 Kan. 244, 217 P. 918 (1923).

The rule discussed in McChesney v. Sampson has been variously stated by courts and commentators to be the "majority rule," the "general rule," and to be "universally held." See e.g., Barrett v. Duff, supra; State v. Essling, 128 N.W. 2d 307, 311 (Minn. 1964) ("well settled"); State v. Brewster, supra; 89 ALR 135 ("general rule").

McChesney and the rule discussed in it are based upon Marbury v. Madison, 1 Cranch 137, 5 U.S. 137, 159-60, 2 L.Ed 60, 68-69 (1803) in which Justice Marshall stated:

[W]hen the officer is not removable at the will of the executive, the appointment is not revocable, and cannot be annulled. It has conferred legal rights which cannot be resumed. The discretion of the executive is to be exercised until the appointment has been made. But having once made the appointment, his power over the office is terminated in all cases, where by law the officer is not removable by him.

While the principle of a strong executive is embraced by our Constitution and recognized by our courts, Bradner v. Hammond, 553 P.2d 1, 3, n.3 (Alaska 1976), that principle does not mandate a different conclusion than that reached by the United States Supreme Court, the McChesney court and their progeny. To state that a subsequent governor has the authority to recall the appointments of a previous governor, absent constitutional or statutory authority, would render appointments to office personal to the particular governor and his term. This is contrary to our Constitution which establishes an office of governor and provides for succession to that office. Under our Constitution there is a governor and a governor there will always be, though the individuals occupying that office may come and go. See e.g., People v. Shawver, 30 Wyo. 366, 222 P. 11 (1924); Barrett v. Duff, supra; State v. Brewster, 84 S.E.2d 231, 246 (W. Va. 1954); Tappy v. State, 82 So.2d 161, 169 (1955).

When Governor Hickel appointed Mr. Umphenour, that is, named him to the office in the letter of appointment, there was a present vacancy on the Board of Fisheries due to the legislature's failure to confirm Ms. Andrew. Under the rationale of the Alaska Supreme Court in Johnstone, supra, Mr. Umphenour was appointed at that time. If there is a present vacancy

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in office and when the governor performs that "last act," in this case the letter of appointment, then the appointment is effective and binding upon the executive branch, subject only to the legislature's power to confirm or not to confirm and the statutory authority of the governor to remove the appointee "as provided by law." If Governor Hickel had attempted to appoint Mr. Umphenour to a position where a vacancy did not then exist, but for which a vacancy was anticipated in the future (for example, a seat on the board that was currently occupied but the occupant's term was due to expire, say on January 1, 1995), then I would conclude that a purported appointment by Governor Hickel to take effect in the future, after Governor Hickel had left office, would not be binding on the subsequent administration."

This distinction was recognized in an Alaska Attorney General's opinion from Rodger Pegues to Vicki Clayman on December 10, 1979. (Copy attached). In that opinion the attorney general opined that appointments by an outgoing governor to take effect beyond the governor's term are not binding upon and may be withdrawn by the new administration. That opinion, though, recognizes that if "the appointments can be accomplished in their entirety before the expiration of the appointing authority's own term of office, midnight appointments make some sense." Presumably, if they make some sense, then they are also effective and binding upon the new administration. If there is a present vacancy in an office when the governor performs that "last act," in this case the letter of appointment of Mr. Umphenour in July of 1994, then the appointment is effective and binding on the new administration, subject only to the legislature's power to confirm or not to confirm and the statutory authority of the new governor to remove the appointee "as provided by law."

Support for this conclusion is found in the settlement of a lawsuit brought by a former member of the Alaska Commercial Fisheries Entry Commission, Michael Whitehead against the state. Mr. Whitehead was appointed to a position on the commission on October 16, 1982, by then Governor Hammond. Governor Sheffield took office in December, 1982, and on February 28, 1983, Governor Sheffield appointed another person to fill the position occupied by Mr. Whitehead. AS 16.43.030(a) provided that the members of the commission could only be removed for cause. Governor Sheffield contended that he had the authority to withdraw Mr. Whitehead's appointment as Mr. Whitehead had not as yet been confirmed by the legislature.<sup>3</sup> Mr. Whitehead then sued to retain his position on the commission. The state settled the lawsuit by paying Mr. Whitehead his salary and benefits as a member of the commission up to June 16, 1983, and an additional \$75,000.

The Whitehead case seems identical to the present case. The settlement by the state seems to support a conclusion that a subsequent administration may not withdraw or revoke the

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<sup>3</sup> A purported "appointment" to take effect at some date in the future is in actuality a "nomination" because the purported "appointee" is not then, at the time of "appointment," vested with all the duties, powers, and responsibilities of the office.

<sup>3</sup> It was apparently the state's position that Mr. Whitehead was a "nominee" and that the "last act" necessary to make his appointment effective was confirmation by the legislature.

Representative Richard Foster

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valid, effective appointments of a previous administration, or replace an appointee except "as provided by law," where the appointee has taken office and is exercising the powers, duties, and responsibilities of the office.

Further support for this position is found in Governor Hickel's purported removal of Peter Sokolov as a member of the Alaska Public Utilities Commission in 1991. Mr. Sokolov had been appointed by Governor Cowper in November, 1990, to begin a new term after the expiration of Mr. Sokolov's previous term. In January 1991, Governor Hickel notified Mr. Sokolov that his appointment was being "withdrawn." The legislature that year took up Mr. Sokolov's appointment, even though the governor failed to send Mr. Sokolov's name to the legislature for confirmation. The legislature then failed to confirm Mr. Sokolov's appointment.

Just last session the Alaska Legislature revisited this issue when Governor Hickel appointed Jack Didrickson to the Board of Game after the governor's previous appointment to the position was rejected by the legislature. Mr. Didrickson took office and performed the duties of that office until he was notified by the governor's office that his "nomination" was being withdrawn, he was being removed from office, and the governor was forwarding the name of a different person to the legislature for confirmation to the seat that had been held by Mr. Didrickson. Absent any communication from the governor the legislature took up the confirmation of Mr. Didrickson and rejected his appointment to the Board of Game.

✱ Be advised that the Alaska Attorney General in an opinion from James L. Baldwin to Kevin Bruce, dated February 3, 1983 (copy attached) advised the Sheffield administration that the governor had the authority to withdraw an appointment made by a previous governor. The opinion does not cite any authority for this position other than another Department of Law opinion from Rodger Pegues to Vicki Clayman issued on December 10, 1979, discussed earlier. That opinion also does not cite any authority other than Marbury v. Madison, discussed herein.

## II

You have asked what the legislature can do with reference the Umphenour matter. I see the legislature as having two options: (A) hold confirmation proceedings for Mr. Umphenour and treat Governor Knowles' purported removal of Mr. Umphenour as ineffective; and (B) do nothing. I will discuss these options each in turn.

### A

If the legislature decides that Governor Knowles's purported removal of Mr. Umphenour is ineffective then I believe the legislature can consider Mr. Umphenour for confirmation in the absence of a communication from the governor requesting the confirmation.

Art. III, sec. 26 provides:

When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.<sup>6</sup>

This provision provides that the governor has the authority to appoint the members of each board or commission that "is at the head of a principal department or a regulatory or quasi-judicial agency." These appointees are subject to the legislature's constitutional authority to confirm or reject them."

In Bradner v. Hammond, 553 P.2d 1, 7 (1976), the Alaska Supreme Court described the authority of the legislature to confirm the appointees described in sections 25 and 26 as:

not a distinct legislative power, but rather a part of the executive power of appointment which has in turn been delegated in some specific instances by constitution to the legislative branch of government.

Therefore, the power of confirmation of the governor's appointees to the "head of each principal department" and to membership on each board or commission that "is at the head of a principal department or a regulatory or quasi-judicial agency," though normally an executive branch function, has been exclusively delegated to the legislature by the Alaska Constitution.

To implement this confirmation power granted by the constitution the legislature has enacted AS 39.05.080. This section provides that the governor:

shall, within 30 days of the convening of the legislature in regular session, present to the legislature the names of the following persons: (A) persons appointed to a position or membership who have not previously been confirmed by the legislature or either house of it; (B) persons appointed subject to confirmation to fill an existing position or membership vacancy; (C) persons to be appointed subject to confirmation to fill a position or

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<sup>6</sup> Art. III, § 25 provides that the governor may appoint the "head of each principal department" of the state.

<sup>7</sup> Other appointments subject to legislative confirmation include certain military officers, art. III, § 19; the non-attorney members of the judicial council, art. IV, § 8; members of the Commission on Judicial Qualifications, art. IV, § 10, and members of the University of Alaska Board of Regents, art. VII, § 3.

membership the term of which shall expire before July 2, following the session of the legislature. If an appointment is made after the deadline but while the legislature is in session, the appointing authority shall, within five calendar days after the appointment is made, present to the legislature for confirmation the name of the person appointed. The deadline may be extended by the legislature by the approval of a concurrent resolution. . . .

But what if the governor fails or refuses to transmit the names of his appointments, or a particular appointment, to the legislature? Is the legislature without authority to confirm or reject the appointment if the governor does not commence the confirmation process by transmitting the name? The Alaska Supreme Court has never considered this issue but the courts of several other states have. The leading case on the subject of the legislature's authority to confirm or reject a gubernatorial appointment in the absence of a communication by the governor appears to be People v. Shawver, 30 Wyo. 366, 222 P.2d 11 (1924). Shawver was cited by the Alaska Supreme Court in Bradner for the proposition that confirmation is actually a portion of the executive's appointment power that has been delegated to the legislature by the constitution. Bradner, supra, at 7, n. 19. In Shawver, the Wyoming Supreme Court after reaching this conclusion addressed the next part of the issue presented by that case: Whether the Wyoming Senate (granted the power to confirm the appointees of the governor by the Wyoming Constitution) could act to confirm or reject an appointee when the governor did not transmit the appointee's name to the Senate and did not ask that the appointee be confirmed? The case involved the appointment of an individual to a state office by a governor who was then succeeded by another governor. The new governor failed to submit the appointment to the Senate for confirmation. The court said:

But why may not the Senate act upon an appointment of which it has knowledge, if the Governor should refuse or neglect to ask for such action especially where the appointee is known to have entered upon the duties of the office? A provision for an appointment by the Governor with the consent of or to be confirmed by the Senate directs not only what shall be done, but also in effect what shall not be done. The affirmative act of the two governmental agencies is required to confer title to an office under such a provision. A completed appointment cannot be made in any other way than as so provided. [Citations omitted] While the Governor's act in selecting the person to be considered for an office may be the principal and perhaps the more important one of the two, it is not alone sufficient. A construction of such provision denying the right of the Senate to act in any case unless directly requested to do so by the Governor or by a communication from his office would obviously provide him the power to ignore the coordinate right of the Senate, and might mean the abolition of that right, and certainly would make it entirely dependent upon the Governor's pleasure.

Shawver, supra, at 23 - 24. The court then held that the Wyoming Senate properly confirmed an appointee, though the governor had not requested the confirmation.

The Kansas Supreme Court reached a similar conclusion in Barrett v. Duff, 114 Kan. 220, 217 P. 918 (1923). That case involved the appointments to state offices by a governor during a recess of the legislature. The appointees entered upon the duties of their offices. A new governor took office and attempted to appoint others to the offices and removed the previous governor's appointees. By constitution, the Kansas Senate had the authority to confirm the appointees of the governor and the governor could not remove the state officers involved here except as provided by law, for cause. The court said:

The plaintiffs deny any force or validity to the action of the Senate in considering and confirming the appointments of defendants because of the failure of the executive to directly transmit the names of defendants. No good reason is advanced why the Senate would not consider such recess appointments without such direct word from the executive. Judicial notice or knowledge is the cognizance of certain facts which judges and jurors may properly take and act upon without proof because they already know them. Judicial notice means that the court will bring to its aid and consider, without proof of the facts, its own knowledge of those matters of public concern which are known to all well-informed persons. Legislative notice is far broader than judicial notice. 23 C.J. 58. The legislative department is equipped to deal with any condition, general or special, however manifested or brought to the knowledge of the law-making power. The mass of individual legislation found among the statutes of all the states demonstrates this legislative attribute. [Citation omitted].

The offices in controversy are all located in the capitol building, in which the Senate holds its deliberations. They are important departments of the state government. The Senate may, and often does, have official business with them. It receives reports from them. It considers the service which the departments are, by law, required to perform. It considers the extent of such service and its requirements. It considers and passes appropriations in order that they may lawfully and properly function. Under all the circumstances, the Senate cannot shut its eyes to the facts as to whether their respective offices are filled; whether they are functioning under the law, or whether there is a vacancy therein. . . . The Senate, which has official knowledge of all of the acts of another state department, may not close its eyes to an existing fact merely because the executive has failed to transmit a communication giving it the advice. The fact that the Senate is called upon to consent to or confirm appointments presupposes an investigation upon which to base its judgment as to whether or not it should confirm or reject the named appointee. It is a matter of common knowledge that the Senate of Kansas, likewise the Senate of the United States, may, and frequently does, investigate the character, fitness, and ability of the appointee submitted for its consideration. The Senate must be permitted to investigate on its own initiative, and without communication from the Governor, the status of offices; otherwise the

Governor could fill and refill them at his pleasure by simply failing to advise the Senate. . . . We conclude that the Senate did not go beyond its powers in making the investigation concerning the offices held by the defendants, and, having satisfied itself, that it could properly exercise its judgment thereon. While it is the usual and customary courtesy of the executive to transmit such facts to the Senate, we believe it the better view to hold that the Senate may, on its own initiative, if it so desires, ascertain the facts upon which to base its deliberative and final judgment in confirming or rejecting appointees of the Governor.

Barrett, supra, 925-926. The Kentucky Supreme Court in McChesney, supra, discussed in Discussion I also reaches the same conclusion.

In fact, virtually all other courts that have considered this issue have reached the same conclusion. See, e.g., Bell v. Sampson, 232 Ky. 376, 23 S.W.2d 575 (1930); State v. Halladay, 219 N.W. 125 (S.D. 1928); State v. Brewster, 84 S.E.2d 231, 248 (W. Va. 1954); Commonwealth v. Stewart, 286 Pa. 511, 134 A. 392 (1926). Our research has disclosed only two court decisions that have reached an opposite conclusion, Attorney General v. Warner, 299 Mich. 172, 300 N.W. 63 (1941) and Burke v. Schmidt, 191 N.W. 2d 281 (S.D. 1971)). In Warner, the court though, held that under the Michigan Constitution and that State's court decisions that the confirmation power of the legislature is a legislative power, not a delegation of the executive's appointment power. As such, its reasoning is contrary to the Alaska Supreme Court's decision in Bradner and is distinguishable on that ground. In Burke, it appears the court held that the board members involved were not entitled to succeed to their offices and perform the duties thereof until they were confirmed. Burke, Supra, at 285. This is contrary to the procedure that is provided here in Alaska by constitutional provision and statute and is clearly distinguishable on that ground. See Art. I, § 27 of the Alaska Constitution and AS 39.05.080(4).

Therefore, I conclude that the legislature may properly consider the confirmation or rejection of Mr. Umphenour as an art. III, § 26 appointee of the governor. While it is hoped that the governor will comply with the reasonable procedure for communication of appointments the legislature has provided in AS 39.05.080, if the governor fails or refuses to request the confirmation of an appointee (as apparently is the case with Mr. Umphenour), the legislature may take notice of previous appointments and of the persons occupying the constitutional offices listed in section 26. To hold otherwise would allow the governor to prevent the legislature from exercising its constitutional confirmation power at his whim, caprice, or neglect and would render the confirmation function a nullity. Shawver, supra. Such an absurd result was not intended by the framers of our constitution and would not, I believe, be embraced by our courts.

Cross references. — For appointment of members of Board of Education, see AS 14.07.085; for a description of districts of the state public school system, see AS 14.12.010.

Sec. 39.05.070. Purpose. It is the purpose of AS 39.05.070 — 39.05.200 to provide procedural uniformity in the exercise of appointive powers conferred by the legislature to eliminate, insofar as possible, recess or interim appointments except in the event of death, resignation, inability to act or other removal from office and the exercise, insofar as possible, of appointive powers only when the legislature is in session. (§ 1 ch 64 SLA 1955)

NOTES TO DECISIONS

Section repugnant to tacit confirmation. — The expressed intention of this section is repugnant to tacit confirmation of appointments. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

Sec. 39.05.080. Procedure for all appointments. Appointments shall be made in the following manner:

(1) The appointing authority shall, within 30 days of the convening of the legislature in regular session, present to the legislature for confirmation the names of the following persons: (A) persons appointed to a position or membership who have not previously been confirmed by the legislature or either house of it; (B) persons appointed subject to confirmation to fill an existing position or membership vacancy; (C) persons to be appointed subject to confirmation to fill a position or membership the term of which shall expire before July 2, following the session of the legislature. If an appointment is made after the deadline but while the legislature is in session, the appointing authority shall, within five calendar days after the appointment is made, present to the legislature for confirmation the name of the person appointed. The deadline may be extended by the legislature by the approval of a concurrent resolution.

(2) When appointments are presented to the legislature for confirmation,

(A) the presiding officer of each house shall assign the name of each appointee to a standing committee of that house for a hearing, report and recommendation; standing committees of the two houses assigned the same person's name for consideration may meet jointly to consider the qualifications of the person appointed and may issue either a separate or a joint report and recommendation concerning that person; then

(B) the legislature shall, before the end of the session in which the appointments are presented, in joint session assembled, act on the appointments by confirming or declining to confirm by a majority vote of all of the members the appointments presented.

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(3) When the legislature declines to confirm an appointment, the legislature shall notify the appointing authority of its action and a vacancy in the position or membership exists which the appointing authority shall fill by making a new appointment. The new appointment shall be presented for confirmation to the legislature within 20 calendar days following receipt by the appointing authority of the legislature's notification of its refusal to confirm the prior appointment. If the name of a person is submitted and is not confirmed, the appointing authority may not, upon resubmission of appointments, submit again the name of the person whose confirmation was refused for the same position or membership during the session of the legislature at which confirmation was refused. The person whose name is refused for appointment by the legislature may not thereafter be appointed to the position or membership during the interim between legislative sessions. Failure of the legislature to act to confirm or decline to confirm an appointment during the session in which the appointment was presented is tantamount to a declination of confirmation on the day the session adjourns.

(4) Pending confirmation or rejection of appointment by the legislature, persons appointed shall exercise the functions, and have the powers and be charged with the duties prescribed by law for the appointive positions or membership. (§ 4 ch 64 SLA 1955; am §§ 1 — 3 ch 1 SLA 1964; am § 1 ch 2 SLA 1967; am § 1 ch 65 SLA 1974; am § 2 ch 82 SLA 1975)

NOTES TO DECISIONS

Legislative history of ch. 82, SLA 1975. — See Bradner v. Hammond, Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

Laws requiring bilateral appointments are mandatory. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

Paragraph (2) of this section imposes a direct mandate upon the legislature to act upon the nominations of the governor. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

The reason for dual consideration of prospective officeholders is the benefit of the considered opinion of the legislators, to avoid the possibility of incompetency and injury to the public which may otherwise be perpetrated. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

Affirmative rejection not required. — Paragraph (2) of this section does not demand affirmative rejection. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

Failure of legislature to act on an

appointment is, in effect, rejection. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

And not tacit confirmation. — In acting upon an appointment, the legislature is not exercising a prerogative granted it in its own interest or that of its members; there can be no waiver of that duty so that inaction would be the equivalent of a tacit approval of an appointment. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

Tacit confirmation negated by paragraph (3). — The language of paragraph (3) of this section tends to negate any argument of tacit confirmation. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

The question of confirmation is determined at the first vote under paragraph (2) of this section. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

The purpose of paragraph (4) of this section is to vest authority in necessary interim appointees. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

# MEMORANDUM

## State of Alaska

TO: Kevin Bruce, Special Assistant  
Office of the Governor

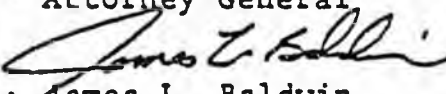
DATE: February 3, 1983

FILE NO: 366-391-83

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch  
Attorney General

SUBJECT: Withdrawal of  
appointment

  
By: James L. Baldwin  
Assistant Attorney General  
Governmental Affairs-Juneau

You have asked if Governor Sheffield may refuse to forward to the legislature the name of a person appointed by the former governor to an office in the executive branch of state government.

We have attached a copy of our earlier memorandum of advice of December 10, 1979. In that memorandum we advised the governor that he may remove a person before confirmation by withdrawing the nomination, or if the name has not been forwarded to the legislature, by informing the person that he or she is no longer under consideration. We reaffirm that advice. However, you should consider the fact that no authority is cited for our earlier advice and that no Alaska case exists to guide us concerning the resolution of this issue.

If our reasoning expressed in the earlier memorandum is rejected by a court, and the appointment is not considered to be a nomination, then an appointee whose name is summarily withdrawn may have a cause of action for denial of a property right without due process of law. See Breedon v. City of Nome, 628 P.2d 924 (Alaska 1981).

JLB/pjz

Enc.

Vicki A. Clayman  
Office of the Governor

DATE: December 10, 1979

FILE NO: J-66-334-80

TELEPHONE NO:

AVRUM M. GROSS  
ATTORNEY GENERAL

SUBJECT: Reappointments to  
boards or commissions

By:

Rodger W. Peppers  
Assistant Attorney General

You have asked whether, prior to the expiration of his own term, the Governor can make reappointments of members of boards or commissions whose terms expire thereafter. You also ask whether, if that is the case, the new Governor can revoke the reappointment and appoint someone else.

We believe that the answer to both questions is yes.

When a term for an office is set by law, the term continues until its conclusion, regardless of the actual tenure of any person who may hold the office from time to time. Thus, when an incumbent leaves office prior to the expiration of his term, his successor is appointed for the remainder of that term, and the successor must be reappointed if he is to hold the position beyond the end of that term. Accordingly, no matter what an incumbent may do, his term continues until its prescribed end.

Nothing, however, precludes the Governor, as appointing authority, from anticipating the end of terms of office and making present appointments to fill the offices as those terms expire in the near future. Indeed, he is required to do this during each session of the legislature with respect to offices which have terms which will expire before July 2, and to submit the names of his appointees to the legislature for confirmation. AS 39.05.080(1). Hence, the Governor, even though he may be leaving office in early December, may make appointments for terms which begin the following January.

If the appointments are subject to confirmation, they are not complete until the legislature confirms them. Prior to confirmation, the new Governor may withdraw the nomination. And indeed, he need not even submit it and can merely revoke the nomination outright. If the appointments are not subject to nomination, they take effect when the appointee qualifies and takes office. That cannot happen until the new term for the office begins. Until that time,

s. Vicki A. Clayman  
December 10, 1979  
page #2

The appointment can, as a general rule, be revoked.

It is probably because each new Governor has the power to countermand any appointive actions taken by each outgoing Governor which remain pending that the latter have not established a history of making midnight appointments to terms of office which begin after they leave office. Where, as in the famous case of Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803), the appointments can be accomplished in their entirety before the expiration of the appointing authority's own term of office, midnight appointments make some sense. But where they remain pending, they will have been futile unless the incoming chief executive approves of them as well.

WP/pjg



# Alaska Sportfishing Association

We've Moved !  
Alaska Sportfishing Association  
P.O. Box 241847  
Anchorage, AK  
99524-1847

TO: Members of the Senate and House Resources Committees

Re: Confirmation Hearings for Virgil Umphenour

Ladies and Gentlemen:

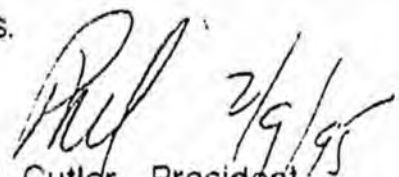
Thank you for holding the hearings for Virgil in such a timely manner. It is important for all of us fishery users to feel comfortable with who is on the Board of Fisheries and in what esteem they are held by their "bosses", you-the Legislature. These hearings will hopefully provide some insight into your feelings on the qualifications and abilities of Mr. Umphenour.

To us, the 'bottom line' is "What does Mr. Umphenour bring to the Board of Fisheries?" First, and most importantly, we feel he provides the Board with knowledge of several of the very important Interior in-river fisheries. Some of these fisheries are unique in that they are fished by all four user groups in Alaska-Subsistence, Commercial, Sport, and Personal Use. Additionally, the Yukon is co-managed with Canada. His knowledge of the international fisheries may be beneficial in managing our other treaty fisheries in Southeast.

As sport fishers, we have appreciated his in-river fishing perspective that he has imparted to the Board of Fisheries over the past year.

We know that you will give him a fair and open hearing and are anxiously awaiting the results of these hearings.

Thank You

  
Phil Cutler, President



February 9, 1995

Governor Tony Knowles  
P.O. Box 110001  
Juneau, Alaska 99811

Honorable Governor Knowles,

On behalf of ONC we would like to support the following of the  
appointment to the Board of Fisheries.

Trifon  
 Hanson  
 Umphenour

Thank You.

ORUTSARARMUIT NATIVE COUNCIL

*Henry Hunter*  
Henry Hunter, Chairman

cc: Senate Resource Committee  
House Resource Committee

2-10-95

Testimony for Senate Confirmation <sup>hearing</sup>  
 also for the House Confirmation <sup>hearings</sup> 2-13-95 ??

I am Byron Haley 1002 Pioneer Rd Fairbanks  
 AK 99701 a 47 yr. resident of Fairbanks, President  
 of Chitina Dipnetter's Assoc., Delegate of the  
 Yukon River Drainage Fishermen Assoc.  
 and I just gave up my seat on the  
 Fairbanks Advisory Committee to the Board of  
 Fish & Game after 19 years on this Committee.

I strongly support Virgil Wapfenour  
 appointment to the Board of Fisheries.

Virgil has good knowledge of the fisheries  
 resources of the interior and of the problems  
 of the Tanana, Yukon River system Commercial,  
 Subsistence, Personal use and sports fisheries.

He is a strong protector of the resources and  
 has knowledge of other area fisheries of the  
 State. The Board needs a member like  
 Virgil with his knowledge of the Tanana,  
 and Yukon River fishery for salmon and  
 also all of the sport fishing areas of the interior.  
 He also has good knowledge of the Chitina dipnet  
 fishery which is very important to the Personal  
 use fishermen of the interior. I strongly request  
 that you confirm Virgil to the position he now fills  
 on the Board of Fisheries. Thank you for taking my  
 Testimony Byron Haley  
 Over

I also support the confirmation of Robert Hinman  
to the Big Game Commercial Services Board

Testimony to <sup>House</sup> Senate Resources Committee  
on the Confirmation of  
Virgil Umphenour  
for the Alaska Board of Fisheries

...by Dick Bishop, Executive Director  
Alaska Outdoor Council

The Alaska Outdoor Council supports the confirmation of Virgil Umphenour's appointment to the Alaska Board of Fisheries.

Mr. Umphenour's most important qualification for the position is a genuine concern for the fish and wildlife of Alaska. His second most important qualification is his respect for the values that various resource users have in relation to their particular interests, be they considered commercial, recreational, personal use, subsistence, or some combination of these and other uses.

Mr. Umphenour has demonstrated his commitment to sound conservation, including wise use, by working hard on the Yukon River Fisheries Development Association and on the Yukon River salmon treaty negotiating group. He has historically worked with all interests to promote sound management and use of fish in the Interior. Mr. Umphenour is also well informed about fisheries issues and management due to his personal and business pursuits.

We believe that Mr. Umphenour has worked constructively as a Fisheries Board member during his first few months as a member. We believe that he will continue to be an asset to the Fisheries Board.

From a personal perspective, I know that Mr. Umphenour is a hard worker who likes to get things done. If anyone needs that perspective, it's a Fisheries Board member.

*PLEASE INCLUDE THIS TESTIMONY IN THE COMMITTEE RECORD.*

*SIGNED,*

*Dick Bishop*

ALASKA OUTDOOR COUNCIL

P.O. Box 73902

FARIBANKS, AK 99707

2-10-95

Testimony for Senate Confirmation <sup>and</sup> hearing  
also for the House Confirmation <sup>and</sup> hearings 2-13-95 ??

I am Byron Haley 1002 Pioneer Rd Fairbanks  
AK 99701 a 47 yr. resident of Fairbanks, President  
of Chitina Dipnitter's Assoc., Delegate of the  
Yukon River Drainage Fishermen Assoc.  
and I just gave up my seat on the  
Fairbanks Advisory Committee to the Boards of  
Fish & Game after 19 years on this Committee.

<sup>as secretary</sup>  
I strongly support Virgil Umphenour  
appointment to the Board of Fisheries.

Virgil has good knowledge of the fisheries  
resources of the interior and of the problems  
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He is a strong protector of the resources and  
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Virgil with his knowledge of the Tanana,  
and Yukon River fishery for Salmon and  
also all of the sport fishing areas of the interior.  
He also has good knowledge of the Chitina dipnet  
fishery which is very important to the Personal  
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that you confirm Virgil to the position he now fills  
on the Board of Fisheries. Thank you for taking my  
Testimony Byron Haley  
over

I also support the confirmation of Robert Hinson  
to the Big Game Commercial Services Board

**CONFIRM  
HEARING**

**JOHN**

**WHITE**

**4/28/95**



# Alaska State Legislature House of Representatives

Official Business

The Honorable Gail Phillips  
Speaker of the House  
State Capitol  
Juneau, AK. 99801-1182


Dear Madam Speaker:

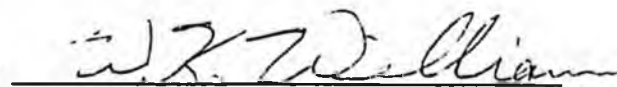
In accordance with AS 39.05.080, the House Resources Committee has reviewed the qualifications of the following and recommends that appointment be forwarded to a joint session for consideration:

## BOARD OF FISHERIES

John R. White

This does not reflect an intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

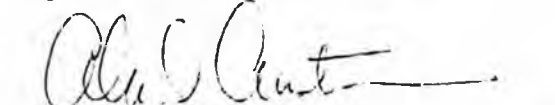
  
\_\_\_\_\_  
Representative Joe Green  
Co-Chair

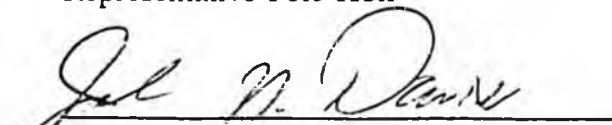
  
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Representative Bill Williams  
Co-Chair

  
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Representative Scott Ogan

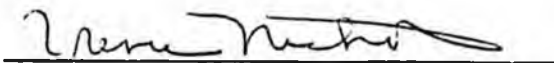
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Representative Ramona Barnes

  
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Representative Pete Kott

  
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Representative Alan Austerman

  
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Representative John Davies

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Representative Eileen Maclean

  
\_\_\_\_\_  
Representative Irene Nicholia

RESUME FOR DR. JOHN R. WHITE

BOARDS & COMMISSIONS

JAN 15 1995

01-02-95

POSITION DESIRED: APPOINTMENT TO ALASKA BOARD OF FISHERIES

I. ADDRESS: P.O. # 190  
BETHEL, ALASKA 99559

II. COMMUNICATION:

A. TELEPHONE  
1. WORK 907-543-3778  
2. HOME 907-543-2926  
B. FAX 907-543-~~4551~~  
5441

III. PRESENT EMPLOYMENT

A. COMMERCIAL SALMON FISHERMAN  
KUSKOKWIM AREA  
1974 TO PRESENT  
B. OWNER, BERING SEA DENTAL CENTER  
P.O. # 190  
BETHEL, ALASKA 99559

IV. HEALTH/AGE/EDUCATION

A. HEALTHY, 47 MALE WITH NO RESTRICTIONS ON  
PHYSICAL ACTIVITY.  
B. DATE OF BIRTH: JANUARY 01, 1947  
C. HIGH SCHOOL GRADUATE: 1965  
CONNERSVILLE SENIOR HIGH SCHOOL  
CONNERSVILLE, INDIANA  
D. COLLEGE GRADUATE: 1964  
B.A. IN BIOLOGY  
GRANVILLE, OHIO  
E. PROFESSIONAL DEGREE: 1973  
DOCTOR OF DENTAL SURGERY  
NORTHWESTERN UNIVERSITY  
EVANSTON, ILLINOIS

ORIGINAL

V. EXPERIENCE FOR POSITION

- A. TWENTY ONE YEAR RESIDENT OF ALASKA AND YUKON-KUSKOKWIM DELTA. ACTIVELY ENGAGED IN COMMERCIAL, SUBSISTENCE, AND SPORT FISH HARVEST ALL THOSE SAME YEARS. BACHELORS DEGREE IN BIOLOGY.
- B. PAST MEMBER: LOWER KUSKOKWIM ADVISORY COMMITTEE
- C. PAST MEMBER AND CHAIR: WESTERN ALASKA SALMON COALITION
- D. PRESENT MEMBER AND CHAIR: KUSKOKWIM RIVER SALMON MANAGEMENT WORKING GROUP
- E. PAST MEMBER: GOVERNOR COWPER'S BOARD OF FISH REVIEW COMMITTEE
- F. PAST MEMBER AND CHAIR: GOVERNOR COWPER'S ADVISORY GROUP ON ENDING HIGH SEAS SALMON INTERCEPTION
- G. PAST BOARD DIRECTOR OF: BERING SEA COMMERCIAL FISHERIES DEVELOPMENT FOUNDATION
- H. PRESENT BOARD DIRECTOR AND PRESIDENT OF: SALMON RESEARCH FOUNDATION

VI. REFERENCES

- A. GOVERNOR KNOWLES
- B. CHIEF OF STAFF JIM AYERS
- C. MYRON NANING, PRESIDENT  
ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS  
BETHEL, ALASKA
- D. PRESIDENT, YUKON KUSKOKWIM HEALTH CORPORATION  
BETHEL, ALASKA
- E. MS. MARY C. PETE  
UNIVERSITY OF ALASKA, KUSKOKWIM CAMPUS  
BETHEL, ALASKA

ORIGINAL

Alaska Sportfishing Association  
P.O. Box 24-1847  
Anchorage, AK 99524

**Re: Dr. John White's appointment to the Board of Fisheries**

Members of the House and Senate Resources Committees:

We have observed Dr. White at two recent Board of Fisheries meetings. We were pleasantly surprised at his quick grasp of the issues, his thorough thought process, and his ability to keep the entire picture of the fishery at his fingertips; not just the particular portion being addressed at the time. He appeared to be a quick study as he brought forth many salient points at the Kenai River Sockeye Salmon session. This was unanticipated by us as he lives and works on our West Coast and not near the Kenai Peninsula.

It is very apparent that his apprenticeships on local fish advisory and management committees have served him well. His knowledge of the various user groups and differing gear types was shown extensively at the meetings.

We feel that Governor Knowles made an excellent choice for the Board of Fisheries in Dr. White. The Alaska Sportfishing Association urges the confirmation of his appointment.

Phil Cutler, President

CONFIRM

HEARING

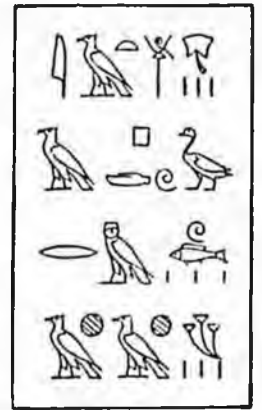
BOARD

OF

GAME

# THE WILDLIFE SOCIETY

## ALASKA CHAPTER



April 18, 1996

Representative Joe Green, Co-chair  
House Resources Committee  
Juneau, Alaska 99811

Dear Representative Green,

The Wildlife Society is an organization of professional wildlife researchers, managers and administrators dedicated to the sound stewardship of wildlife resources and the environment upon which wildlife and humans depend. The Society is non-profit and has over 8,000 members nationwide.

The Wildlife Society and individual state chapters (such as the Alaska Chapter) take an active interest in policy formation and management decisions that affect wildlife populations and habitats. We are called upon frequently to provide technical and professional advice.

The Alaska Board of Game plays a key role in managing our state's wildlife resources. We support the Board and its difficult and critical work of considering the desires of all Alaskans while properly managing our wildlife resources. As an organization of professional wildlife biologists, we feel that it is important that technical expertise be represented on the Board of Game. All perspectives need to be "brought to the table" during Board deliberations, and professional wildlife expertise is a valuable component.

Ms. Anne Ruggles and Dr. Vic Van Ballenberghe, members of The Wildlife Society, are currently being considered for confirmation to the Board of Game. The Alaska Chapter of The Wildlife Society recognizes both Ms. Ruggles and Dr. Van Ballenberghe as qualified professional wildlife biologists, with many years of education and experience in the wildlife management profession.

The Chapter welcomes the opportunity to be of assistance as needed to the state legislature, and to the Board of Game.

Sincerely,

Ellen G. Campbell, President  
Alaska Chapter, The Wildlife Society  
9399 Rivercourt Way  
Juneau, AK 99801

789-1262



# Alaska State Legislature

record

nony to the

House Resources  
committee name

dated

April 24, 1996

from Susan Kernes - 2 pages

Signed: \_\_\_\_\_

Testifier

\_\_\_\_\_  
Representing (Optional)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone No.

MY NAME IS SUSAN KERNES AND I'M A MEMBER OF THE HOMER CITY COUNCIL. I WOULD LIKE TO POINT OUT THAT THE HOMER AIRPORT HABITAT AREA HAS ALMOST UNPRECEDENTED SUPPORT AMONG ALL OF THE ELECTED BODIES AND MEMBERSHIP ORGANIZATIONS SUCH AS THE HOMER CHARTER ASSOCIATION, THE SOUTH PENINSULA SPORTSMEN'S ASSOCIATION, AND THE COOK INLET SEINERS ASSOCIATION. SB 198 ALSO HAS THE SUPPORT OF THE ALASKA DEPARTMENT OF FISH AND GAME AND THE HOMER FISH AND GAME ADVISORY BOARD. AND THAT'S NAMING JUST A FEW!

I ALSO WANT TO POINT OUT THAT THE BODY I SERVE ON, THE HOMER CITY COUNCIL, HAS VOTED NUMEROUS TIMES IN UNANIMOUS SUPPORT OF THIS CRITICAL HABITAT AREA. THE DEPARTMENT OF TRANSPORTATION HAS GIVE THIS CURRENT CONFIGURATION ITS STAMP OF APPROVAL.

YOU SHOULD KNOW THAT ANY OPPOSITION YOU MAY BE HEARING ABOUT IS FROM A SMALL, UNREPRESENTATIVE GROUP OF PEOPLE. I BELIEVE THEIR ISSUE IS NOT BIRDS GETTING CAUGHT IN PROPELLORS, IT'S LAND BEING RESERVED FROM DEVELOPMENT ANY LAND ANYWHERE.

ALTHOUGH YOU ARE HEARING TESTIMONY THIS MORNING FROM THE HOMER MAYOR, HE IS NOT REPRESENTING THE CITY OF HOMER. MORE PROPERLY, THE VIEWS OF THE ELECTORATE ARE REPRESENTED BY THOSE SUCH AS ME, WHO SERVE ON THE CITY COUNCIL AND WHO HAVE VOTED UNANIMOUSLY TO SUPPORT THE HOMER AIRPORT CRITICAL HABITAT AREA AFTER YEARS OF PUBLIC HEARINGS IN SUPPORT.

FINALLY, THIS LEGISLATION HAS THE FULL SUPPORT OF OUR REPRESENTATIVE, SPEAKER OF THE HOUSE GAIL PHILLIPS. SHE HAS TOLD ME IN PERSON AND IN WRITING AND HAS BEEN

QUOTED WIDELY IN THE LOCAL PRESS — THAT SHE UNCONDITIONALLY SUPPORTS THIS BILL.

SO PLEASE PASS IT OUT OF COMMITTEE AND BRING IT TO A FLOOR VOTE — I BELIEVE YOU CAN DO NOTHING LESS THAN HONOR THE 12 YEARS OF EFFORT IT HAS TAKEN TO BRING THIS BILL BEFORE YOU TODAY.

THANK YOU FOR YOUR TIME.

(SIGNED) SUSAN KERNES. MEMBER OF THE HOMER CITY COUNCIL

PO Box 984  
Homer, AK 99603



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE RESOURCES  
 committee name  
 committee on GAME BOARD APPOINTEES, dated 4-19-96  
 bill/subject

We oppose the appointment of Ann Ruggles and Vic Van Ballenberghe.  
 Mr. Ballenberghe: State Biologists and Fish & Wildlife officials are not  
 allowed on BOG because of a conflict of interest - a  
 Federal Biologist has the same conflicts PLUS the people  
 of Alaska are currently in a strong adversarial relationship  
 with the Federal Government! - There is no way we can  
 expect Alaskans to accept Mr. Ballenberghe or Mr.  
 Ballenberghe to not feel the conflict and let  
 that influence his decisions on the BOG. He even  
 admits he would abstain from voting on proposals ~~and~~  
 involving the Tongass National Forest. He should not even be considered  
 for the BOG <sup>until</sup> our current situation with regards to  
 Wildlife management and the Federal Government.

OVER →

Signed: Tony Russ  
 Testifier

ALASKA CHAPTER OF THE FOUNDATION FOR NORTH AMERICAN  
 Representing (Optional) WILD SHEEP

574 SARAH'S WAY, WASILLA AK 99654  
 Address

907-376-6474

Phone No.

P. 2 of Tony Russ's  
testimony

Mrs. Ruggles does not use science when she votes. She appears to not understand or believe in the science of wildlife management or maybe she just chooses to disregard our professional Wildlife Managers. An example of this is Mrs. Ruggles recent vote on the BOC concerning black bear baiting in Alaska. She said she voted no - the only no vote - because she thought it was unethical. State game regulations and the BOC don't dictate ethics; ethics are individual decisions. We ~~want~~ don't want a BOC member who disregards science when voting. We don't feel our wildlife will be best protected by Mrs. Ruggles.

# MOOSE JOHN OUTFITTERS

P.O. BOX 429 • GIRDWOOD, ALASKA 99587

April 29, 1996

Rep. Joe Green, Chair, House Res. Comm.  
Alaska State Legislature - State Capitol (Ms 3100)  
Juneau, AK 99801-1182

Dear Rep. Green:

I strongly urge you to support Victor VanBallenberghe's confirmation as a newly-appointed member of the Alaska Board of Game.

I've known Dr. VanBallenberghe for almost 20 years - first as employees of ADF&G and later during my term on the Game Board (1986-89). I can assure you there's no one better qualified. Vic is a nationally-respected wildlife researcher, an ardent hunter, and a genuinely good and honorable person - honest and fair in his dealings with people.

Don't be swayed by a few voices within the A.O.C. - extremists who want a Game Board member who can be led around like a sheep and who will always vote a particular way. This is precisely why we need VanBallenberghe at this time! - he is a wildlife scientist, thoughtful, not given to emotion or rash action.

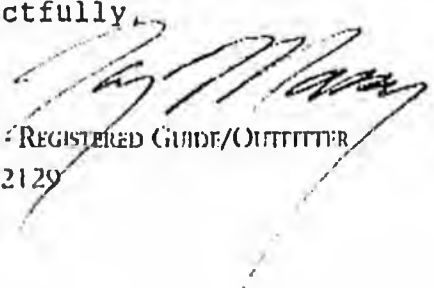
Incidentally, rank-and-file sportsmen in Alaska don't share the views of the A.O.C. leadership - they like VanBallenberghe. As one of the producers of the Great Alaska Sportman Show we've had Vic present lectures at each of the last six shows. His talks on moose behavior and moose hunting always "pack 'em to the ceiling" at the Sullivan Arena - usually the best-attended of the entire sportman show.

Aside from his vast knowledge of Alaska's wildlife, there's another reason we need Vic VanBallenberghe on the Game Board: he's thoroughly familiar with the issue of subsistence. During our terms on the board we spent many long hours wrestling with the rural/non-rural determinations - outnumbered though we were, against four hard-core subsistence advocates.

Incidentally, on Gov. Knowles' proposal for an advisory vote on a constitutional change, I'd urge you instead to press for an advisory vote on changing Title VIII of ANILCA. There's nothing wrong with our Constitution - it's the inherent unfairness of the federal law that needs to be changed. If we sign away equal access to fish and game resources our children and theirs will have to live with this abomination from now on.

How ironic that a few short-sighted individuals are fighting to keep Victor VanBallenberghe off the Game Board. They should be so lucky to have someone as eloquent and knowledgeable, given the issues facing us!

Respectfully,

  
JAY MASSEY - REGISTERED GUIDE/OUTFITTER  
(907) 783-2129

*P.S. Please copy  
other committee  
members. Thanks!*

April 29, 1996

Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

ATTN: Representative Joe Green, Chairman  
House Resources Committee

Re: Alaska Board of Game Appointment

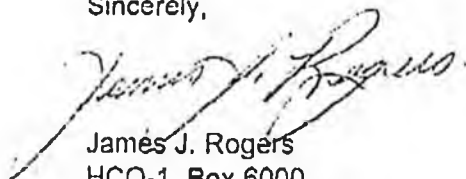
Dear Representative Green:

I urge you to support the conformation of Victor VanBallanberghe to the Alaska Board of Game.

Dr. VanBallenberghe is a nationally respected wildlife researcher, a hunter and is honest and fair in his dealings. His qualifications as a wildlife scientist, who is thoughtful in his decision making process is precisely what this position requires. In addition to his academic qualifications Dr. VanBallengergehe has had first hand experience with the issue of subsistence uses in our state.

It is my understanding that there is a small vocal minority that has opposed Mr. VanBallanberghe's appointment based upon the fact that there may be a conflict of interest due to the fact that he is currently working for the Institute of Northern Forestry. I cannot and do not support this position and urge you to support Mr. VanBallenberghe's appointment to the Alaska Board of Game.

Sincerely,



James J. Rogers  
HCO-1, Box 6000  
Palmer, Alaska 99645

**UCIDA****UNITED COOK INLET DRIFT ASSOCIATION**

P.O. Box 389 • Kenai, Alaska 99611 - 0389

(907) 283-3600 • FAX (907) 283-3306

April 22, 1996  
Sent via telefax

The Honorable Joseph Green  
House Resources Committee  
Room 24  
State Capitol  
Juneau, AK 99801-1182

Dear Mr. Green,

United Cook Inlet Drift Association (UCIDA) represents the 585 commercial salmon drift permit holders in Cook Inlet. As commercial fishermen we UCIDA Board members are well aware that Alaska's natural and renewable resources are it's lifeblood. The lifestyle every Alaskan enjoys today can be directly attributed to these resources.

The Alaskan Seafood Industry ranks second only to oil and gas in providing state revenues and is Alaska's largest private sector employer. The harvesting and processing of Alaskan seafood provides in excess of 35 thousand jobs. A study of the Economic Impact of the shoreside processing industry upon Alaska during 1993, compiled by Pacific Associates, shows a total impact of 3.8 billion dollars upon Alaskan communities from fishery resources.

The management and harvest of these valuable fisheries resources is governed by the Board of Fisheries, (BOF). People appointed to this board play a critical role in determining the importance of each fishery to the economy of the state, region and local area in which the fishery is located. It is imperative that the members of this board understand the complexity of the fisheries and govern them accordingly to provide a viable, sustainable resource that will benefit all Alaskans.

At present a great imbalance exists in the BOF concerning area and fishery type representation. We have 3 sport fishing people for Cook Inlet, a commercial fish person for Bristol Bay, a commercial fish person and a processor, sport fish person for Western Alaska/Yukon and a commercial fish person for Southeast. There is no one representing the Aleutians/Bering Sea, Alaska Peninsula, Kodiak or Prince William Sound.

Page 2  
April 19, 1996

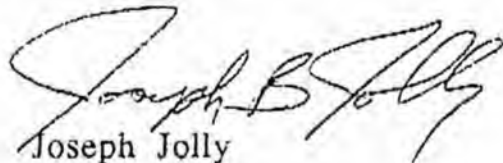
Nor is there anyone very familiar with the shell fishing industry. In addition, five people presently represent in-river fisheries.

The UCIDA Board supports the confirmation of Grant Miller to the BOF because of his background with Aquaculture and diverse knowledge of various fisheries and areas. He has fished troll, seine, longline and gillnet gear. His knowledge of Southeast issues and the Pacific Salmon Treaty would be an asset to the Board.

The UCIDA Board opposes the confirmation of Virgil Umphenour to the BOF because of the representation imbalance in the Board. Mr. Umphenour proclaims to be an avid sport fisherman and guide. With two sportfish seats on the Board and two additional up for confirmation, we cannot support his reappointment. Western Alaska/Yukon already has a representative from Bethel.

The UCIDA Board opposed the confirmation of Dan Coffey to the BOF because of the imbalance of representation of the Board. Also, UCIDA believes a conflict of interest exists because of Mr. Coffey's connection with the F.I.S.H. Initiative and Bob Penney's sportfish caucus. (Please see attachment). Two existing Board members who are in-river sport fishermen already represent Cook Inlet. The appointment of a third member representing the same thing for the same area shows great disregard for the importance of the commercial fisheries to the economy of Alaska. To confirm an appointee who has already made decisions that will have far reaching consequences on the economic well-being of the Kenai Peninsula and Anchorage would be travesty to the voters of Alaska.

Sincerely,



Joseph Jolly  
1st Vice President  
UCIDA

JJ/kmt

Attachment

May 1, 1996

MAY 03 1996

The Honorable Joe Green  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182

Dear Representative Green;

As you will soon be holding a confirmation vote on appointments to the Board of Game, I wish to introduce myself and clarify any misunderstandings regarding my service on the Board. I was appointed to the Board of Game by Governor Hickle in 1993, confirmed by the legislature and reappointed by Governor Knowles in 1996. The purpose of this letter is to summarize my voting record showing that I have consistently voted for proposals which maintain or increase hunting and trapping opportunity.

\* I have voted to increase opportunities for taking moose, caribou, sheep, goats, deer, elk, foxes, wolves, marten, coyotes, beavers, black and brown bears, waterfowl (including swans), grouse, ptarmagin, walrus and non-indigenous species by lengthening seasons or increasing bag limits. I also voted to allow falconers to take Peregrine falcons from the wild when Peregrines were removed from the endangered species list.

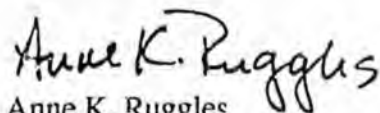
\* When Department of Fish and Game biologists documented conservation concerns for a particular population I along with a majority of Board members have voted to curtail hunting opportunity. On a small number of votes which seem to be the focus of critics the reasons for my vote have included conservation concerns and our inability to measure the effect (for dramatically increasing the number of brown bears taken in GMU 13), concerns of fair chase (same day airborne hunting of caribou and bear baiting), separating user groups where conflicts had become intense (establishing Controlled Use Areas on the Noatak and in GMU 20—both passed by a majority of the board) and managing a population specifically for viewing (McNeil River bears--also passed by a majority of the Board).

\* I voted against establishing bag limits for trapping, to eliminate trapping within city or borough limits, to close areas adjacent to Denali National Park to hunting and trapping, to require mandatory identification tags and trap checks for trapping, and establishing Controlled Use Areas when there were neither a conservation problem or user conflict.

\* I have voted for Intensive Management regulations (GMU 19D, 13, 20A, 20D) when the scientific data indicated that habitat was sufficient to support the population objectives, the actions being considered would likely have the desired impact and the result would be long term.

I hope this letter responds to the concerns which may have been raised regarding my reappointment. I wish to make it clear that I support hunting and trapping of our wildlife resources and wish to ensure that we can continue to do so into the future. Please contact me if you have any questions. I look forward to discussing these issues with you.

Sincerely



Anne K. Ruggles  
P.O. Box 82950  
Fairbanks, Alaska 99708

phone: 474-3755

## ALASKA WATERFOWL ASSOCIATION

3105A LAKESHORE DRIVE, SUITE 102  
ANCHORAGE, ALASKA 99517  
TEL. (907) 243-3235

May 2, 1996

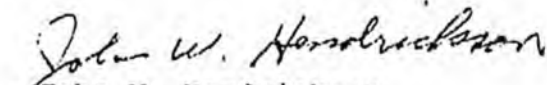
FAX TO 465-4316

Representative Joe Green  
State Capitol  
Juneau, AK 99801-1182

Dear Representative Green:

This is to advise that the Alaska Waterfowl Association opposes the confirmation of Anne Ruggles and Victor Van Ballenberghe to the Alaska Board of Game. Van Ballenberghe is a federal biologist and part of his job is to take over state management of fish and game.

Very truly yours,

  
John W. Hendrickson  
President

kmp

NO HARD COPY SENT!

cc: W. Sherwood  
R. Smith Sr.  
R. Smith Jr.  
Mark Akkola



# Alaska State Legislature

Please enter into the record my testimony to the House Resource  
committee name  
committee on Board of Fish, dated 4-22-96  
bill/subject

My Kodiak Seiner was rammed and sank by a tender vessel "Primus". At the Kodiak Harbor Office Dan Coffey was listed as part owner. The vessels local agent "Ebell, Jamn and Belger" mentioned "Dan Coffey" was involved with the boat for years. The "Primus" had no insurance and I might be having to cover some of my loss. I think it was irresponsible for the vessel to not have liability insurance. Can Dan Coffey be impartial to me when I testify before the board of Kodiak Salmon issues? I doubt it.

Signed: Daniel R. Miller  
Testifier

myself  
Representing (Optional)

Box 2037 Kodiak, AK  
Address

486-5458

To: House Resources

From: Dennis Cox

1 pg to follow

To: House Resources Committee  
; Representative Green

Dennis Cox  
P.O. Box 878786  
Wasilla, AK 99687  
April 19, 1996  
(907) 376-4323

To Whom it May Concern:

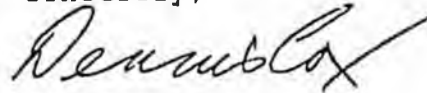
I am vehemently opposed to the seating of Ann Ruggles and Vic Van Ballenberghe on the Game Board (along with many others I have talked to) for the following reasons:

Ann Ruggles has demonstrated that she is more interested in making sure that her own personal value judgements and sense of morality are included in Game Board decisions than she is in sound game management principles. In her capacity as a Game Board member she has voted for additional hunt restrictions and closures where there was biological basis..to support such action. If confirmed to serve another term on the board there is no reason to believe she will not continue to do so.

Vic Van Ballenberghe raises some troubling conflict of interest issues as a federal biologist who, if he is confirmed, would also be entrusted to allocate game animals on Alaska state lands. I feel it would be extremely naive to think Mr. Van Ballenberghe would make unbiased decisions in cases where federal and Alaskan game management objectives conflict. As with Ms. Ruggles, he has shown he places a very low priority on human consumptive uses of game animals as evidenced by his (and Ms. Ruggles) opposition to any form of predator management when a substantial scientific body of evidence exists which indicates predator management can increase ungulate numbers and, in effect, feed more Alaskans.

Please contact me if I can be of further help in explaining my views on this matter. Thank you for your consideration.

Sincerely,



Dennis Cox



# National Audubon Society

ALASKA - HAWAII REGIONAL OFFICE

308 G STREET, SUITE 217 - ANCHORAGE, AK 99501 • (907) 276-7034 • FAX (907) 276-5069

April 19, 1996

Dear Legislator:

I am writing on behalf of the National Audubon Society, including its 2,500 members in Alaska, to urge that you confirm Dr. Vic Van Ballenberghe's appointment to the Alaska Board of Game. We consider him extremely well qualified for the position, and feel that his talents are critically needed on the board, particularly at this time.

Having worked as a wildlife professional in Alaska for some 22 years, Dr. Van Ballenberghe has become widely respected for his scientific studies in predator-prey relationships and big game population dynamics. This work has taken him into a variety of Alaska rural settings, and to state, national, and international public forums where he has ably presented his findings. In the process, Dr. Van Ballenberghe has developed both an in-depth understanding of the functioning of wildlife communities in Alaska, and a sincere appreciation of the diverse interests of people in the multiple values of wildlife (including aesthetic, scientific, educational, cultural, subsistence, and recreational values). Thus, he fully recognizes that the Board of Game must provide a more meaningful public forum for critical evaluation of proposals put forward by members of the public and the Alaska Department of Fish and Game. This is essential to help assure that the state's priorities are the public's priorities.

In addition to getting his facts straight before taking positions, Dr. Van Ballenberghe has demonstrated the ability to avoid getting into polarized situations because of blind allegiance to any one special interest group. Thus, he has a high level of credibility in both the scientific community and the public sector, and is respected even by most of those who disagree with him. As you know, these are indications of a very successful public servant.

Dr. Van Ballenberghe possess the special talents in leadership that are necessary if the Board of Game is to be successful in dealing with the array of increasingly complex and controversial wildlife issues being brought before it. On previous assignments, he consistently used these talents to lead his colleagues in constructive debate and help strike biologically and politically sound compromises. His commitment to the welfare of wildlife resources under the state's stewardship, and his desire to give fair consideration to all viewpoints on wildlife issues, are unshakeable.

Alaska is viewed by millions of people throughout the nation and the world as a last great stronghold for wildlife in a truly magnificent wild setting. It is also seen as a place where people of diverse backgrounds and interests can continue to derive benefits from wildlife without causing lasting damage to the resource. With the stakes so high, the public desires the most scientifically sophisticated and credible wildlife conservation program in the nation. But it will take good public servants like Dr. Van Ballenberghe to move Alaska in the right direction. The alternative will be to witness Alaska continue as a conservation battleground between a majority of citizens seeking more balanced protection and management of our diverse wildlife resources, and those who wish to pursue narrow, self-serving agendas.

We consider Dr. Van Ballenberghe eminently qualified to serve on the Alaska Board of Game. In fact, I personally consider him one of the two most effective members to have served on the board over the last 20 or so years. I'm confident he will prove a great credit to the state of Alaska by helping the board make more responsible and balanced decisions on Alaska wildlife policy.

Your consideration of this request is greatly appreciated.

Sincerely,

*David R. Cline for ORC*

David R. Cline  
Regional Vice President, Retired

(H) Resource Committee

Testimony for  
April 19 teleconference

APR-19-96 FRI 10:57

ANCHORAGE L10

FAX NO. 9072581261

P. 05

APR 12 '96 11:15 FROM THE AP-JUNEAU, ALASKA  
WildlifeConservation ID:9074656142

APR 11 '96

PAGE.001  
15:40 No.006 P.02

**THE DIVISION OF WILDLIFE CONSERVATION  
CONCERNS WITH CSSB 262(RES)**

4/9/96

- Will prohibit the spending of Fish and Game or Federal Aid funds on fish or wildlife education programs, special area management or planning, endangered species and nongame management, marine mammal management, law enforcement, public information services, and habitat protection.
- Will shift more than \$1 million in expenses to the general fund to cover costs of current programs which can no longer be funded from Fish and Game and Federal Aid funds.
- Contains definitions of "high level of human harvest", "intensive management", and "maximum sustained yield" that are without scientific basis and will result in poor management of fish and wildlife resources.
- Mandates management of wildlife, a "common use" resource belonging to all Alaskans, for a narrow, special interest group.
- Eliminates "methods and means" restrictions as a useful regulatory and management tool (used by all wildlife agencies in all states). The bill would allow a "methods and means" or access restriction to be imposed only when the same restriction is lifted from a nearby area that is 3 times larger in size. No such areas exist.
- Would prohibit any permanent closure of public land to hunting or trapping, including for purposes of public safety, even if endorsed by all regional residents.
- Eliminates all access restrictions to "special management areas," including state sanctuaries, unless the restriction is imposed to protect habitat. This will open up McNeil River, Pack Creek, and Round (Walrus) Island to unlimited and uncontrolled visitation, because current restrictions are for protection of wildlife populations, not for habitat protection.
- Eliminates access restrictions to "controlled use areas" created by the board to meet public demand for high quality hunting areas and to avoid conflicts between various consumptive user groups (e.g., Koyukuk controlled use area, Upper Kuskokwim controlled use area, Holitna controlled use area).
- Hamstrings responsible wildlife management by making public officials liable to lawsuits for proper performance of their jobs.

- 2) As populations of ungulates approach carrying capacity, the number of young successfully added to the population declines. This bill would mandate little or no harvest from such populations, although these animals could sustain a relatively heavy harvest.
- 3) Fixing the harvest at 1/3 of the harvestable surplus could be detrimental to some populations. For instance, small populations that are well below carrying capacity and growing could be limited at low numbers (and hence provide only a low harvest) or even extirpated by this regulation. This level of harvest would also require that predators be held at low numbers or eliminated from everywhere game is managed intensively. We question whether such sweeping and inflexible regulations constitute wise management.
- 4) The bill would exclude changes in bag limits or season lengths as means to intensively manage populations. This would prevent, for example, reducing harvest if it became clear a population was being overharvested.
- 5) This bill clearly does not allow the flexibility necessary for the wise management of wildlife in Alaska. Under some circumstances it even results in an outcome that is contrary to its apparent intent--a high human harvest of big game. We believe that mandating rules that are not scientifically sound is poor management, and this bill commits this error repeatedly.

In summary, Bill 77 is fraught with problems that are likely to lead to the mismanagement of valuable natural resources. We strongly urge you to veto this legislation.

R. Jerry Bayez	Gerald F. Shields
David R. Klein	Josh A. Cook
Kurt Schwarzgala	St. Mark
Richard D. Boone	James S. Selinger
[Signature]	Seet Bay
[Signature]	John P. [Signature]
[Signature]	
Joan Bradden	
Ed. J. Fallon	

DATE	4-18-96
------	---------

To	House Resources - 907-465-4316
From	Fish Hawk - 907-376-6572

Page	1
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from  
 Fish Hawk  
 P. Box 877442  
 NSI/10 DK  
 9/6/87

Dear House Resources Representative Green

Once again we must ask of you to take notice and help us with keeping Ann Ruggles and Uli Van Ballenberghe from being appointed to the Board of Game. If these two people were to be appointed to the Board of Game, it could, and would be, the biggest mistake ever made to the Alaskan Sportsman.

With these two people being appointed to the Alaskan Board of Game would be no different then putting a fish in the desert and expecting it to survive. The Alaskan Sportsman would survive their decisions about as well as the fish did in the desert. Anything to do with sport hunting or fishing and anything to do with Commercial operators or with ~~any~~ our own Alaskan wildlife would be a short lived time with either of these individuals on our Board of Game.

Just a few reasons as follows.

#1. Ann Ruggles

As seen in the past as well as present, Ann is very much opposed to any hunting unless it conforms to her personal standards and moral values. She is not in the least, open minded enough to let her personal feelings at home and stick to the facts and past knowledge of what works in this State.

TO	4-18-96	TO	
FROM		NO.	2

example - #A. In her past, she looks at all hunters as being trophy hunters wanting Borneo? Crochet animals and has missed the biggest issue of that most Alaskans just want some food for their families and can't be burdened with other people's values.

#B. She voted to close bear hunting on Point Barrow even though ADF's 6 presented data showing there wasn't any biological reasons for doing so.

#C. She is another one who forgets of what and who's dollars fund all or most of our wildlife projects to keep a stable wildlife population. (The Alaskan Sportsman and the non-resident hunter sportsman). Non Commercial and Commercial.

#D. In the last 3 years it is very evident from her statements that she is very opposed to any human intervention in the management of wildlife species. She goes as far to believe that humans may only hunt when there is a surplus of animals, and then only when the surplus occurs without human involvement in managing predator species to enhance prey populations.

#2. Vic Van Ballenberghe

Again I think that Vic has to many of his personal feelings involved, and they should be left at home when sitting on the Board of Game. A person in this position must not be bias and have a open mind and not let his past reflect on the ever changing events of our Alaskan wildlife. What are good 5 years

DATE	4-18-96
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To		DATE	
From		NO.	3

ago, may not be good today.

examples - #A. If we can not be allowed to have our own biologists serve, why should a Federal biologist be allowed to? This point alone, makes this appointment totally out of line!

#B. According to past Board of Game records, Dr Van Ballenberg's view of a sustained yield does not conform to most hunters view, and could jeopardize peoples opportunity to hunt.

#C. Different from what you've probably heard, a lot of the retired biologists do not support Dr. Van Ballenberg's appointment. They claim he is difficult to work with, holds unconventional views on management and is not supportive of the substantial research work which shows predator management can enhance ungulate populations. He is and has been especially reluctant to support managing predators to benefit human consumption.

I do truly believe that in the state of Alaska, we can find a few good people to appoint to this Board that will be in the best interest of all and not have a bias or personal opinion but a open mind to listen to facts, data and peoples real views on it all.

Thank You Richard [unclear]

DATE  
4-18-96

TO - House Resources 907-465-4316  
FROM Gary Fah1 907-376-7610

12.1  
162  
1

Dear House Resources Committee Representative Green

Once again we must ask of you to take notice and help us with keeping Ann Ruggles and Uri Van Ballenberghe from being appointed to the Board of Game. If these two people were to be appointed to the Board of Game, it could, and would be, the biggest mistake ever made to the Alaskan Sportsman.

With these two people being appointed to the Alaskan Board of Game would be no different then putting a fish in the desert and expecting it to survive. The Alaskan Sportsman would survive their decisions about as well as the fish did in the desert. Anything to do with sport hunting or fishing and anything to do with Commercial operators or with managing our own Alaskan wildlife would be a short lived time with either of these individuals on our Board of Game.

Just a few reasons as follows.

#1. Ann Ruggles

As seen in the past as well as present, Ann is very much opposed to any hunting unless it conforms to her personal standards and moral values. She is not in the least, open minded enough to let her personal feelings at home and stick to the facts and past knowledge of what works in this State.

1  
Gary Fah1  
Box 898549  
Pittman Rd  
Asilla, Ak  
99687

DATE	4-18-96
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To		DATE	2
From		TIME	

example - #A. In her past, she looks at all hunters as being trophy hunters wanting Boone & Crockett animals and has missed the biggest issue of that most Alaskans just want some food for their families and can't be burdened with other people's values.

#B. She voted to close bear hunting on Point Barrow even though ADF's 6 presented data showing there wasn't any biological reasons for doing so.

#C. She is another one who forgets of what and who's dollars fund all or most of our wildlife projects to keep a stable wildlife population. (The Alaskan Sportsman and the non-resident hunter sportsman). Non Commercial and Commercial.

#D. In the last 3 years it is very evident from her statements that she is very opposed to any human intervention in the management of wildlife species. She goes as far to believe that humans may only hunt when there is a surplus of animals, and then only when the surplus occurs without human involvement in managing predator species to enhance prey populations.

#2. Vic Van Ballenberg

Again I think that Vic has too many of his personal feelings involved, and they should be left at home when sitting on the Board of Game. A person in this position must not be bias and have a open mind and not let his past reflect on the ever changing events of our Alaskan wildlife. What was good 5 years

4-18-96

To  
From

3

ago, may not be good today.

examples - #A. If we can not be allowed to have our own biologists serve, why should a Federal biologist be allowed to? This point alone, makes this appointment totally out of line!

#B. According to past Board of Game records, Dr Van Ballenberg's view of sustained yield does not conform to most hunters view, and could jeopardize peoples opportunity to hunt.

#C. Different from what you probably heard, a lot of the retired biologists do not support Dr. Van Ballenberg's appointment. They claim he is difficult to work with, holds unconventional views on management and is not supportive of the substantial research work which shows predator management can enhance ungulate populations. He is and has been especially reluctant to support managing predators to benefit human consumption.

I do truly believe that in the state of Alaska, we can find a few good people to assist to this Board that will be in the best interest of all and not have a bias or personal opinion but a open mind to listen to facts, data and peoples real views on it all.

Thank You Donald R. Pahl

DATE	4-18-96
TIME	

To: Hans Reiersma Committee 907-465-4316  
 From: Matt Terecotte 907-373-5681

NO.	1
DATE	

Matt Terecotte  
 P.O. Box 874661  
 U.S. Alaska  
 99687

Dear Hans Reiersma Committee & Representative Gunn

Once again we must ask of you to take notice and help us with keeping Ann Ruggles and Uli Van Ballenberghe from being appointed to the Board of Game. If these two people were to be appointed to the Board of Game, it could, and would be, the biggest mistake ever made to the Alaskan Sportsman.

With these two people being appointed to the Alaskan Board of Game would be no different than putting a fish in the desert and expecting it to survive. The Alaskan Sportsman would survive their decisions about as well as the fish did in the desert. Anything to do with sport hunting or fishing and anything to do with Commercial operators or with our own Alaskan wildlife would be a short lived time with either of these individuals on our Board of Game.

Just a few reasons as follows.

#1. Ann Ruggles

As seen in the past as well as present, Ann is very much opposed to any hunting unless it conforms to her personal standards and moral values. She is not in the least, open minded enough to let her personal feelings at home and stick to the facts and past knowledge of what works in this State.

DATE	4-18-96
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To		DATE	2
From		NO.	

example - #A. In her past, she looks at all hunters as being trophy hunters wanting Boone & Crockett animals and has missed the biggest issue of that most Alaskans just want some food for their families and can't be burdened with other people's values.

#B. She voted to close bear hunting on Point Barrow even though ADFWG presented data showing there wasn't any biological reasons for doing so.

#C. She is another one who forgets of what and who's dollars fund all or most of our wildlife projects to keep a stable wildlife population. (The Alaskan Sportsman and the non-resident hunter sportsman). Non Commercial and Commercial.

#D. In the last 3 years it is very evident from her statements that she is very opposed to any human intervention in the management of wildlife species. She goes as far to believe that humans may only hunt when there is a surplus of animals, and then only when the surplus occurs without human involvement in managing predator species to enhance prey populations.

#2. Vic Van Ballenberghe

Again I think that Vic has too many of his personal feelings involved, and they should be left at home when sitting on the Board of Game. A person in this position must not be bias and have an open mind and not let his past reflect on the ever changing events of our Alaskan Wildlife. What was good 5 years

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ago, may not be good today.

example 3 - #A. If we can not be allowed to have our own biologists serve, why should a Federal biologist be allowed to? This point alone, makes his appointment totally out of line!

#B. According to past Board of Game records, Dr. Van Ballenberg's view of sustained yield does not conform to most hunters view, and could jeopardize peoples opportunity to hunt.

#C. Different from what you probably heard, a lot of the retired biologists do not support Dr. Van Ballenberg's appointment. They claim he is difficult to work with, holds unconventional views on management and is not supportive of the substantial research work which shows predator management can enhance ungulate populations. He is and has been especially reluctant to support managing predators to benefit human consumptive users.

I do truly believe that in the state of Alaska, we can find a few good people to appoint to this Board that will be in the best interest of all and not have a bias or personal opinion but a open mind to listen to facts, data and peoples real views on it all.

Thank You, Walter J. Smith

# FAX TRANSMISSION

TO: *House Resources Committee*  
FAX #: *465-4316*  
DATE: *4-19-96*  
MESSAGE: *Two-page letter to follow*

Loren Croxton  
P.O. Box 1410  
Petersburg, Ak. 99833  
(907)772-3622

April 19, 1996

Representative Joe Green  
Co-chairman  
Resource Committee  
House of Representatives  
Juneau, Alaska

Dear Representative Green,

I was unable to testify in person or by teleconference this morning on the qualifications of three persons for appointment to the Board of Game. I would like to express my opinions on this subject.

As a means of introduction: I came to Alaska in 1958 immediately prior to the enactment of statehood for the purpose of attending graduate school in the field of the Wildlife Sciences at the University of Alaska, Fairbanks. Following two years at the University, I took a position with the new Alaska Department of Fish and Game as a field biologist. Subsequently, through about fifteen years of tenure with the department in several different parts of the state from Ketchikan to the Alaska Range, I served in the following positions within the department:

Regional Supervisor, Division of Game, Anchorage  
Director, Division of Game, Juneau  
Deputy Commissioner, Department of Fish and Game

Subsequently, I served as the Deputy Regional Director, U. S. Fish and Wildlife Service, Alaska.

Since retiring in Petersburg a few years ago, I have served on the following Boards and Commissions.

Petersburg Fish and Game Advisory Committee  
S.E. Regional F. & G. Council  
Pacific States Marine Fisheries Commission  
National Park System Advisory Committee

I have known Dr. Victor Van Ballenberghe since he arrived in Alaska with a new PhD degree in the Wildlife Sciences and in my opinion he is a very competent biologist.

As he testified before your Committee, Victor served a term on the Board in the mid 80's. His performance there was weighted with controversy, and although I was gone from the Dept. by then, I believe most of those differences were of a biological or of a management nature. He apparently recognizes this and has stated that some of his opinions and thinking about some of those matters has changed. He said that he is now 10 years older and has matured somewhat in that time. I have no reason to believe that he is not sincere when he makes those statements.

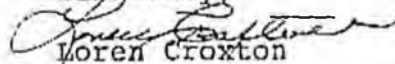
However Victor is not the only thing that has changed in those ensuing years. With the continuing encroachment of the Federal Government into the management of our fish and game resources the entire management picture has changed. I think it would be a mistake and a disservice to both the person and certainly to the State to appoint a Federal employee to the Board of Game, regardless of their qualifications.

Anne Ruggles is a non-consumptive user of the fish and game resources. While I do believe that there is more than one legitimate use of most of our fish and game, Anne has had her turn, I think that it is time for a change there.

I know little about Mr. Rosacea, but before he is confirmed to serve in any position representing the State of Alaska in any capacity on any board or commission it must be certain that he at least knows the provisions of our Constitutions. Most certainly he must know the contents of our State Subsistence Statute if he is to be a productive member of the Board of Game.

I want to thank you for letting me testify in this manner and I hope that my thoughts and comments will be of some value to you and your committee.

Sincerely,

  
Loren Croxton

Anne Kathryn Ruggles  
P.O. Box 82950  
Fairbanks, Alaska 99708  
phone: 474-3755 email: aruggles@igc.apc.org

**Career Goals:** I find myself most satisfied when I am given a share of a project which integrates research with application. I enjoy and am comfortable and effective as an educator and in interacting with the public. I enjoy the challenge of using research results and the needs and wishes of the public to devise ways in which humans can exist in the natural world with minimal impact on natural systems.

### Education

1972: BA Anthropology, University of Texas at Austin  
1981: BS Zoology, University of Texas at Austin  
1981-1985: 25 Graduate hours in Science Education, University of Texas, Austin  
1991: MS Wildlife Biology, University of Alaska Fairbanks  
Member Phi Kappa Phi Honor Society

### Professional Experience

#### I. Laboratory Research

From 1980-1987 I was a Research Scientist in the University of Texas Zoology Department. As such I worked in two different labs (at different times) in the Zoology Department: a biochemical genetics lab and a neurophysiology lab. In each lab, in addition to research activities I managed the daily running of the laboratory (purchasing, job assignment, data analysis, and other administrative activities), supervised technicians and graduate students. Specific duties included: field collection, rearing and maintenance of insect specimens (in Texas and Belize); karyological and biochemical analysis of insects; histological and cytological techniques; fluorescent and light microscopy; starch and polyacrilamide electrophoresis; laboratory culture of research animals (Cochliomyia hominivorax, Solenopsis invicta, and fish in the gymnotid group); data collection; computer data management; darkroom work and publication preparation. The general research goals of the labs in which I worked were: characterization of breeding populations of insect pests and tuning of electroreception in mildly electric fish.

#### II. Field Research

From 1988-to the present I have investigated habitat selection and use by Common Loons (Gavia immer) and interactions between loons and Bonaparte's gulls in the Matanuska-Susitna Valley of South central Alaska. This work has included: supervision of field assistants; identification and measurement of habitat variables; behavioral, natural history and time budget observations; population estimates; capture and marking of birds; grant and report writing; data analysis; preparation of manuscripts for publication and presentation of papers at professional meetings.

During the Winter of 1982-83 I was part of a team making field collections of screw worms, Cochliomyia hominivorax, for the University of Texas Zoology Department. We collected larvae from infected range cattle and horses, reared them to eclosure and preserved them for further analysis. In addition to field collection and rearing I acted as interpreter for the project.

From 1969-1972 as a member of the University of Texas at Austin Anthropology Department I collected ethnographic data in Olintipeque, Guatemala on the present day use of the Maya calender by inhabitants of the highlands; dynamics of the market round system and the role of women in maintaining Maya culture.

During 1991 in Reconquista, Argentina and 1993 in Ecuador, Bolivia and Puerto Rico I was translator and facilitator for the personnel participating in NASA projects. In Argentina we were running a field site in Reconquista as part of a campaign to map field lines in the southern hemisphere and to collect data from Critical Ionization experiments. I worked with U.S. and

Argentinean Air Force, embassy and Federal Aviation personnel to facilitate this work. In 1993 I facilitated the establishment of remote ground sites in Ecuador, Bolivia and Puerto Rico to collect magnetometer data simultaneous with airborne Intensified Camera data collection on cloud to ionosphere discharges.

### III. Teaching

From 1994 to the present I have worked as a lecturer for the University of Alaska. I developed and teach a course entitled "Mammals of Alaska" for the Center for Distance Education and Independent Learning of the College of Rural Alaska, University of Alaska Fairbanks and I teach Introductory Biology (lectures and labs) for biology majors on the Fairbanks campus. In addition to teaching this entails class organization, development of labs and supervision of Teaching Assistants.

From 1989-1992 I was a Teaching Assistant and Laboratory Coordinator for the University of Alaska Fairbanks Biology and Wildlife Department for introductory biology (for biology majors and for non-majors), genetics and anatomy and physiology.

From 1975-1978 I held several positions at Northwest Trek Wildlife Park. Trek is a part of the Point Defiance Zoo of Tacoma, Washington. I was a Naturalist, the Docent Coordinator, Public Programs Director and Park Photographer. My duties included: program development for the public and school groups (on-site and off-site programs); park interpretation (on-site and off-site); behavioral and habitat use observations of park animals and design and production of slide-tape shows and printed educational materials. I organized the use of park space by other organizations and designed and constructed museum exhibits and park interpretive displays and trained and supervised a cadre of 25+ volunteers who helped in the daily interpretation activities of the park.

### IV. Policy

I am currently a member of the Alaska Board of Game. I am one of 7 people appointed by the Governor to establish the regulations necessary to ensure the conservation of wildlife resources in Alaska. This position involves 40 to 50 days of meetings each year and entails working with federal and state officials and the public to review wildlife policy and biology in conjunction with public comment to amend and establish regulations and policy pertinent to wildlife conservation and use.

I am currently a member of the Research Committee for the Alaska Bird Observatory. It is our role to define and help direct the research goals of ABO. The primary research goals are to identify bird populations of concern in Alaska; identify factors leading to population declines; and to increase our understanding of the basic biology of Alaska's birds.

I was appointed to the Alaska Department of Fish and Game's Wolf Management Planning Team in November 1990. As a member of the Planning Team I was part of a citizen's group which, through a consensus process facilitated by Aspen Inc., wrote a report making recommendations to the Alaska Department of Fish and Game and The Alaska Board of Game on management goals and strategies for wolves in Alaska.

### Professional papers/Abstracts/presentations

1. Ruggles, A.K. in prep. Bonaparte's gulls (*Larus philadelphus*) and loon nest success in south central Alaska.
2. Haggstrom, D.A., A.K. Ruggles, C.M. Harms and R.O. Stevenson 1995. (in press) Citizen participation in developing a wolf management plan for Alaska: an attempt to resolve conflicting human values and perceptions. in Carbyn, L. (ed.) Ecology and Conservation of Wolves in a Changing World. Univ. of Alberta.
3. Ruggles, A.K. 1994. Habitat selection by common loons (*Gavia immer*) in South central Alaska. *Hydrobiologia* 279/280:421-430.

4. Invited Seminar: University of Texas, Zoology Department. April 12, 1993. Wolf Management in Alaska.
5. Invited presentation at Alaska Wolf Summit: January 1993. "The Alaska Wolf Management Planning Team; process, consensus points and points of non-consensus." Fairbanks, Alaska.
6. Ruggles, A.K. and N. Tankersley. 1992. Summer and winter distribution and population estimates for loons (Gaviidae) in Alaska. Alaska Department of Fish and Game unpub. rept.
7. Tankersley, N. and A. K. Ruggles. 1992. Status and Distribution of loons in Alaska. (presentation and abstract in proceedings of the Conference of the North American Loon Fund. Maine, August 1992).
8. Ruggles, A. K. 1992. Citizen participation in developing a wolf management plan for Alaska. Second International Wolf Symposium, Edmonton, Alberta. August 1992. (presentation).
9. Ruggles, A.K. 1992. Loons; Biology and management. Third Alaska Loon Fest. Alaska Dept. of Fish and Game. (presentation)
10. Ruggles, A.K. 1991. Habitat Selection by common loons (*Gavia immer*). Alaska Bird Conference, Anchorage, Alaska. (presentation and abstract in the Proceedings).
11. Ruggles, A.K. 1990. Loons and Bonaparte's Gulls in the Mat-Su Valley, Alaska. Second Alaska Loon Fest. Alaska Dept. of Fish and Game. (presentation)
12. Ruggles, A.K. 1989. Loons in the Mat-Su Valley, a preliminary consideration of habitat selection. First Alaska Loon Fest. Alaska Dept. of Fish and Game. (presentation)

#### Memberships

The Wildlife Society  
Society for Conservation Biology  
Cornell Laboratory of Ornithology  
Alaska Bird Observatory  
Nature Conservancy  
National Speleological Society  
Girl Scouts USA (currently a Brownie leader)

#### Reference

References are available on request.

## RESUME'

GREG ROCZICKA  
PO BOX 513  
BETHEL, AK, 99559  
P: (907) 543-2903

### WORK HISTORY

- 1988 - PRESENT Association of Village Council Presidents (AVCP), Inc.  
PO Box 219, Bethel, AK 99559; P/Fax: (907) 543-3521/3596.  
(1988-90, Resource Dept. dba Nunam Kitlutsisti, Protectors of the Land Inc.)  
Worked within various capacities/titles depending on need and availability, which have included: Resource Specialist, Rights Protection Assistant, Coastal Zone Management Coordinator (CZM), and Director of Natural Resources Department. Primary activities involve(d): serving as a liaison between tribal, state and federal governments; review, response, and generation of technical/regulatory documents; identification and solicitation of project funding sources, including fiscal oversight; overall focus on perpetuating integrity of renewable resources and subsistence lifestyle of Western Alaska.
- 1975 - PRESENT Intermittent crewman in seasonal commercial fishing operations.
- 1987-88 Lower Kuskokwim School District and Personal Projects.  
Worked as seasonal maintenance mechanic while building house for family in Kivethluk, Alaska.
- 1980-87 City of Bethel, Alaska.  
1984-87, Coastal Zone Management Planner implementing functional and technical aspects of City's CZM program; planning, coordination and hands on site supervision of community enhancement projects.  
1983-84, Coordinated Alcohol Safety Action Program, maintaining networking system between Courts, treatment agencies, and regional/village counseling programs; diagnostic assessments, placement and follow-up of clientele; generation of alcohol related crime statistics; fiscal oversight.  
1980-83, Supervisor of 24-hour detoxification facility, maintaining staff of 15 in emergency care and transport of up to 5,000 clients annually; provide Emergency Medical Service training to staff; generate agency statistics; fiscal program oversight.
- 1977-79 Employers varied. Mixture of temporary construction jobs, commercial fishing, cab driving, etc., while attending UAF-Kuskokwim community college, in Bethel.
- 1976 Provide food, shelter, etc. for self and dog, 70 river miles from nearest community.
- 1975-76 Northern Commercial Co.  
Performed general labor and clerical duties, maintaining daily business at bulk fuel storage and delivery facility in Bethel.
- 1974-75 Bethel Development Corporation.  
Shift maintenance for front office operations of 30 room hotel.
- 1973-74 Bethel Social Services, Inc.  
Teen Center Manager, working after school and week-ends w/community services director implementing Bethel's teen recreation program, including recruitment/supervision of 6-10 teen employees.
- 1971-73 Dispatcher for cab companies after school and week-ends.

## EDUCATION

1977-79 University of Alaska, Fairbanks - Kuskokwim Community College, Bethel, Alaska  
60+ credit hours majoring in Land/Resource Management. (LRM program discontinued at KuCC prior to fulfillment of degree requirements.)  
1970-74 Bethel Regional High School, Bethel, Alaska.  
1964-69 Holy Rosary Mission, Pine Ridge, South Dakota.  
1963-64 Wanblee Elementary, Wanblee, South Dakota

## SPECIAL TRAINING/CERTIFICATION

1/81 State of Alaska Certification: Emergency Medical Technician (EMT) I.  
4/81 Communications Skills Training.  
5/81 Substance Abuse Counseling and Personnel Management Seminars.  
10/81 Instructor's Course for CPR and Basic First Aid.  
6/82 Increasing Supervisory Skills and Short Term Client Counseling.  
9/82 Management Information Systems.  
10/82 EMT Recertification/Refresher Course.  
11/82 Practical Management of Assaultive Clients.  
5/83 Operations of IBM System 34.  
5/84 Developing Capable Young People.  
8/85 Applications of Lotus 1,2,3.  
3/90 Grant Writing Workshop.  
2/91 Managing Multiple Demands.

## COMMUNITY/AFFILIATIONS/APPOINTMENTS

1980 - 87 Bethel Ambulance Service Volunteer.  
1985 - Present Kuskokwim 300 Sled Dog Race Committee Volunteer.  
1988 - 90 Bethel City Planning Commission.  
1989 - 91 Kuskokwim River Salmon Management Working Group.  
1990 - 92 Lower Kuskokwim Fish & Game Advisory Committee (Bethel Representative).  
1991 - 92 Western Regional Fish & Game Advisory Council Secretary.  
1992 - 93 United States-Canada Yukon River Salmon Treaty Negotiations Delegate.

References available upon request.

Abbreviated Curriculum Vitae

Victor Van Ballenberghe  
Pacific Northwest Research Station, USDA Forest Service  
3301 C St., Suite 200  
Anchorage, AK 99503-3954

Date of Birth: November 12, 1943

Education: B.S. 1966--State University of New York College at Oneonta  
(Biology)  
M.S. 1970--University of Minnesota (Wildlife Management)  
PhD 1972 - University of Minnesota (Wildlife Management)

Doctoral  
Dissertation: Ecology and Population Characteristics of Timber Wolves in  
Northeastern Minnesota

Present Position: Research Wildlife Biologist, USDA Forest Service, Anchorage,  
Alaska (January 1980-Present)

Past Positions:

1. Game Biologist, Alaska Department of Fish and Game,  
Fairbanks, Alaska. Statewide Furbearer Biologist  
(November 1977-December 1979)
2. Research Biologist, Alaska Department of Fish and Game,  
Anchorage, Alaska (September 1974-November 1977)
3. Assistant Professor, Department of Wildlife and  
Fisheries Sciences, South Dakota State University,  
Brookings, South Dakota (October 1972-September 1974).
4. Research Assistant, Department of Entomology, Fisheries,  
and Wildlife, University of Minnesota, St. Paul,  
Minnesota (September 1967-September 1972).

Present University  
Affiliation: Affiliate Associate Professor, Institute of Arctic Biology,  
University of Alaska, Fairbanks, Alaska (1979-Present)

Affiliate Associate Professor, Department of Wildlife  
Resources, University of Idaho (1984-Present)

Professional  
Society

Memberships: The Wildlife Society, American Society of Mammalogists,  
Alaska Chapter, The Wildlife Society

#### PUBLICATIONS

- Van Ballenberghe, V. and J.M. Peek. 1971. Radiotelemetry studies of moose in northeastern Minnesota. *Journal of Wildlife Management* 35(1):63-71.
- Van Ballenberghe, V. 1973. A wolf pack kills another wolf. *American Midland Naturalist* 90(2):490-493.
- Van Ballenberghe, V. 1973. Animal damage control in South Dakota. Pp. 61-63. In: F.R. Henderson (Ed.). *Proceedings of the Great Plains Wildlife Damage Control Workshop*. Great Plains Ag. Council. University of Kansas, Manhattan, Kansas.
- Van Ballenberghe, V. 1974. Wolf management in Minnesota: an endangered species case history. *Transactions of the North American Wildlife and Natural Resources Conference* 39:313-322.
- Van Ballenberghe, V., A.W. Erickson and D. Byman. 1975. Ecology of the timber wolf in northeastern Minnesota. *Wildlife Monographs* 43. 43 pp.
- Van Ballenberghe, V. and L.D. Mech. 1975. Weights, growth and survival of timber wolf pups in Minnesota. *Journal of Mammalogy* 56(1):44-63.
- Seal, U.S., L.D. Mech and V. Van Ballenberghe. 1975. Blood analyses of wolf pups and their ecological and metabolic interpretation. *Journal of Mammalogy* 56(1):64-75.
- Van Ballenberghe, V. 1975. Recent records of the swift fox in South Dakota. *Journal of Mammalogy* 56(2):525.
- Van Ballenberghe, V. 1977. Physical characteristics of timber wolves in Minnesota. Pp. 213-219 In: Phillips, R.L. and C. Jenkel (eds.). *Proceedings of the 1975 Predator Symposium*. Montana Forest and Conservation Experiment Station, University of Montana, Missoula.
- Byman, D., V. Van Ballenberghe, J.C. Schlotthauer and A.W. Erickson. 1977. Parasites of wolves, *Canis lupus* L., in northeastern Minnesota, as indicated by analysis of fecal samples. *Canadian Journal of Zoology* 55(2):376-380.
- Van Ballenberghe, V. 1977. Migratory behavior of moose in southcentral Alaska. *International Congress of Game Biologists* 13:103-109.
- Van Ballenberghe, V. 1978. Final report on the effects of the Trans-Alaska Pipeline on moose movement. Joint State/Federal fish and Wildlife Team (ADFG) Special Report No. 23. Anchorage, Alaska. 41 pp.
- Van Ballenberghe, V. 1979. Productivity estimates of moose populations: a review and re-evaluation. *North American Moose Conference and Workshop* 15:1-19.

- Van Ballenberghe, V. 1980. Utility of multiple equilibrium concepts applied to moose populations. North American Moose Conference and Workshop 16:126-138.
- Van Ballenberghe, V. 1981. Population dynamics of wolves in the Nelchina Basin, southcentral Alaska. Pp. 1246-1259 In: J. Chapman and D. Pursley (eds.) Worldwide Furbearer Conference Proceedings. Appalachian Env. Lab., Frostburg, Maryland.
- Van Ballenberghe, V. 1982. Harvest yields from moose populations subject to wolf and bear predation. Alces 18:258-275.
- Van Ballenberghe, V. 1983. Growth and development of moose antlers in Alaska. Pp. 37-48. In: R.D. Brown (ed.) Antler Development in Cervidae. Caesar Kleburg Wildlife Research Institute, Kingsville, Texas.
- Van Ballenberghe, V. 1983. Extraterritorial movements and dispersal of wolves in southcentral Alaska. J. Mammal. 64:168-171.
- Van Ballenberghe, V. 1983. Two litters raised in one year by a wolf pack. J. Mammal. 64:171-172.
- Van Ballenberghe, V. 1983. Rate of increase of white-tailed deer on the George Reserve: a re-evaluation. Journal Wildlife Management. 47:4(1245-1247)
- Van Ballenberghe, V. 1983. Rate of increase of moose populations. Alces.19:98-117.
- Dyrness, C.T., R. Norum, C.W. Slaughter, V. Van Ballenberghe, L.A. Vierack, R.A. Werner, and J. Zasada. 1983. Forest management in the taiga of Alaska--issues for integrated research. In: Resources and dynamics of the boreal forest zone. Association of Canadian Universities for Northern Studies, Ottawa, Ontario.
- Van Ballenberghe, V. 1984. Review of the George Reserve deer herd by D.R. McCullough. Journal Wildlife Management 48: 305-306
- Van Ballenberghe, V. 1984. Injuries to wolves sustained during live-capture. J. Wildl. Manage. 48(4):1425-1429.
- Van Ballenberghe, V. and T.A. Hanley. 1984. Predation on deer in relation to old growth forest management in southeastern Alaska. In: W.R. Meehan and T.A. Hanley, eds. Fish and wildlife relationships in old-growth forests: Proceedings of a Symposium held in Juneau, Alaska. Amer. Inst. Fish. Res. Biol. 425 pp.
- Van Ballenberghe, V. 1985. Wolf predation on caribou: the Nelchina herd case history. J. Wildl. Manage. 49:711-720. 1985.

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04/19/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
 08:15:44 PARTICIPANT LIST (ALL PARTICIPANTS) BY:MAT  
 TCN:60756 SCHEDULED FOR:04/19/96 08:00 TO 10:00 FOR:MAT

PUBLIC HEARING HOUSE RESOURCES

LOCATION:MATSU  
~~CONFIRMATION/B~~ MR. NOEL WOODS *oppose Ann & Vic* *both oppose* *sustained by vic* TESTIFY  
~~CONFIRMATION/B~~ MR. TONY RUSS *" " "* *Fed-Employee* *of Foundation* TESTIFY

04/19/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
 08:10:01 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX  
 TCN:60756 SCHEDULED FOR:04/19/96 08:00 TO 10:00 FOR:FBX

PUBLIC HEARING HOUSE RESOURCES

LOCATION:FAIRBANKS  
 CONFIRMATION/B MS. DOTTIE LEONARD TESTIFY  
~~CONFIRMATION/B~~ MS. LYNN LEVENGOOD TESTIFY  
 CONFIRMATION/B MR. TOM SCARBOROUGH / *oppose vic & Ann* *choosing unit 26* TESTIFY  
~~CONFIRMATION/B~~ MR. ~~MIKE~~ TINKER TESTIFY  
~~CONFIRMATION/B~~ MR. ~~RALPH~~ SEEKINS TESTIFY  
*Gene* *Peter* *oppose vic & Ann* *interior air locators*

04/19/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
 09:38:30 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC  
 TCN:60756 SCHEDULED FOR:04/19/96 08:00 TO 10:00 FOR:ANC

PUBLIC HEARING HOUSE RESOURCES

LOCATION:ANCHORAGE  
 ✓ CONFIRMATION/B WILLIAM GOSSWELER *for vic* TESTIFY  
 ✓ CONFIRMATION/B DON SHERWOOD *against vic & Ann* *transport issue* TESTIFY  
 ✓ CONFIRMATION/B MATT SINGER *for both vic & Ann* *sk will life* TESTIFY  
 ✓ CONFIRMATION/B STEPHEN WELLS TESTIFY  
 ✓ CONFIRMATION/B LEO KEELER ✓ *vic & Ann* FRNDS MCNEIL RIVTESTIFY  
 ✓ CONFIRMATION/B NICOLE DI PADUA *self* TESTIFY  
 ✓ CONFIRMATION/B ERIC WILLIAMSON ✓ *guide outfitter* TESTIFY *FGG admin* *comm.*  
 ✓ CONFIRMATION/B CATHERINE DENNERLEIN ✓ / AUDUBON SOC TESTIFY

TO: House Resources Committee, Chair. Rep. Joe Green Fax 465-4316  
Chair. Rep. Bill Williams Fax 465-3793  
Attention: All members

Senate Resources Committee, c/o Chairman Loren Lemau  
Fax 465-3810 Attention: All members

FROM: Celia M. Hunter, 1819 Muskox Trail, Fairbanks, AK 99709  
(907) 479-2754

RE: Confirmation of Dr. Vic Van Ballenberghe to be a member of the  
Board of Game

I strongly support the selection of Dr. Vic Van Ballenberghe for membership on the Alaska State Board of Game. Dr. Van Ballenberghe is an outstanding biologist, whose presence on the Board of Game will add a vital element of balance among the diversity of viewpoints represented on the board.

Dr. Van Ballenberghe has an excellent record in research on wildlife topics, especially on the question of wolf predation in relation to survival of prey animals. Wildlife management in Alaska arouses strong opinions among most Alaska residents, both those who are hunters and sportsmen and those whose principal "use" of wildlife is to observe it and photograph it. All of these uses are equally beneficial in the overall management of all Alaskan wildlife species, and I feel that Dr. Van Ballenberghe has a lot of wisdom to contribute to these debates.

Sincerely,



Celia M. Hunter

# AVCP

Association of Village Council Presidents  
P.O. Box 219 • Bethel, Alaska 99559 • Phone 543-3521

April 16, 1996

The Honorable Bill Williams, Co-Chair  
House Resources Committee  
Room 128 State Capital  
Juneau AK 99801-1182

Dear Mr. Williams:

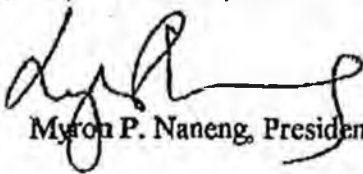
In regard to the upcoming confirmation hearings for Governor Knowles' Board of Game Appointees - Greg Roczicka, of Bethel, Anne Ruggles, of Fairbanks, and Vic Van Ballenberghe, of Anchorage - the Association of Village Council Presidents, Inc., AVCP, in Bethel, would like to extend their firm support for the three Appointees.

The addition of these three individuals would comprise a balance of background and expertise unprecedented in the history of the Alaska Board of Game, which would encompass the full spectrum of Alaska's diverse user groups. They have shown fairness, understanding, and sound judgment of the broad and complex issues surrounding the rules and regulations, which are the responsibility of the Board of Game.

We hereby urge your support for the well-qualified Appointees.

Thank you for your time and consideration.

Sincerely,  
Association of Village Council Presidents, Inc.  
David O. David, Chairman



Myron P. Naneng, President

CC: Senator Pearce, President of the Senate  
Senator Leman, Senate Resources Committee  
Representative Phillips, Speaker of the House  
Representative Green, House Resources Co-Chair

P.O. Box 1185  
Cordova, AK 99574  
April 16, 1996

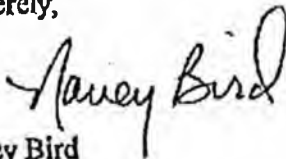
The Honorable Bill Williams  
Co-Chair, House Resources Committee  
Alaska State Senate  
Juneau, AK

Dear Representative Williams:

I am writing to encourage your support for the confirmation of Vic Van Ballenberghe to the Alaska Board of Game. Vic's extensive knowledge and experience on wildlife issues will be a great asset to this Board. He has had a wide range of exposure to Alaska, doing research work both in the Interior and in coastal areas like the Copper River Delta. In addition to offering exceptional research credentials, Vic Van Ballenberghe is open-minded and is a good listener and communicator. He will be an excellent Board member because of his strong commitment to the best interests for all Alaskans in game management issues.

Thank you for your consideration.

Sincerely,



Nancy Bird

cc: Members, House Resources Committee

add

My name is Richard Wallen, I live at 2940 Douglas Hwy in Juneau. I was a game biologist with the Alaska Fish and Game Department for about 5 years in the early 1960's. For the last 30 years I have been self employed as an artist and small businessman here in Alaska. I served a three year term on the Alaska Board of Game beginning in 1990.

I am here to urge the confirmation of Ann Ruggles and Vic Van Ballenberg to the Board of Game. In supporting these people I do not intend to imply that I do not support the third candidate. From everything I hear he is a valuable board member. However I do not know him or know much about him. I met both of the other candidates during my time on the board and was impressed with their interest, knowledge of wildlife matters and their competence and dedication to work on issues that come before the board. I believe both of them have fairly represented many diverse interests in wildlife management matters during their previous terms on the board, and will continue to do so in the future. Their judgement and balance is of great value to the board and to Alaskans.

**Sec. 16.05.255. Regulations of the Board of Game.** (a) The Board of Game may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart game reserve areas, refuges and sanctuaries in the water or on the land of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of game;

(3) establishing the means and methods employed in the pursuit, capture, and transport of game, including regulations, consistent with resource conservation and development goals, establishing means and methods that may be employed by persons with physical disabilities;

(4) setting quotas, bag limits, harvest levels, and sex, age, and size limitations on the taking of game;

(5) classifying game as game birds, song birds, big game animals, fur bearing animals, predators, or other categories;

(6) methods, means, and harvest levels necessary to control predation and competition among game in the state;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of game;

(8) prohibiting the live capture, possession, transport, or release of native or exotic game or their eggs;

(9) establishing the times and dates during which the issuance of game licenses, permits, and registrations and the transfer of permits and registrations between registration areas and game management units or subunits is allowed;

(10) regulating sport hunting and subsistence hunting as needed for the conservation, development, and utilization of game.

(b) *[Repealed, § 12 ch 52 SLA 1986.]*

(c) If the Board of Game denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must provide that, consistent with the provisions of AS 16.05.258, the taking of moose, deer, elk, and caribou by residents for personal or family consumption has preference over taking by nonresidents.

(e) The Board of Game shall adopt regulations to provide for intensive management programs to restore the abundance or productivity of identified big game prey populations as necessary to achieve human consumptive use goals of the board in an area where the board has determined that

(1) consumptive use of the big game prey population is a preferred use;

(2) depletion of the big game prey population or reduction of the productivity of the big game prey population has occurred and may result in a significant reduction in the allowable human harvest of the population; and

(3) enhancement of abundance or productivity of the big game prey population is feasibly achievable utilizing recognized and prudent active management techniques.

(f) The Board of Game may not significantly reduce the taking of an identified big game prey population by adopting regulations relating to restrictions on harvest or access to the population, or to management of the population by customary adjustments in seasons, bag limits, open and closed areas, methods and means, or by other customary means authorized under (a) of this section, unless the board has adopted regulations, or has scheduled for adoption at the next regularly scheduled meeting of the board regulations, that provide for intensive management to increase the take of the population for human harvest consistent with (e) of this section. This subsection does not apply if the board

(1) determines that intensive management would be

(A) ineffective, based on scientific information;

(B) inappropriate due to land ownership patterns; or

(C) against the best interest of subsistence uses; or

(2) declares that a biological emergency exists and takes immediate action to protect or maintain the big game prey population in conjunction with the scheduling for adoption of those regulations that are necessary to implement (e) of this section.

(g) In this section,

(1) "identified big game prey population" means a population of ungulates that is identified by the Board of Game and that is important for providing high levels of harvest for human consumptive use;

(2) "intensive management" means management of an identified big game prey population to enhance, extend, and develop the population to maintain high levels or provide for higher levels of human harvest, including control of predation and prescribed or planned use of fire and other habitat improvement techniques. (§ 3 ch 206 SLA 1975; am § 5 ch 151 SLA 1978; am §§ 10, 11 ch 132 SLA 1984; am §§ 4, 5, 12 ch 52 SLA 1986; am § 1 ch 6 SLA 1989; am § 2 ch 13 SLA 1994)

**Cross references.** — For legislative findings in connection with the enactment of (e)-(g) of this section, see § 1, ch. 13, SLA 1994 in the Temporary and Special Acts.

**Effect of amendments.** — The 1994 amendment, effective July 11, 1994, added subsections (e)-(g).

# Alaska State Legislature

SENATOR  
**BERT SHARP**  
DISTRICT P

CHAIRMAN  
SENATE STATE AFFAIRS COMMITTEE

MEMBER  
FINANCE COMMITTEE  
RULES COMMITTEE



## FAIRBANKS

DENALI BANK BUILDING  
119 N. CUSHMAN, SUITE 201  
FAIRBANKS, ALASKA 99701  
(907) 452-7885/7886

## SESSION ADDRESS

STATE CAPITOL, ROOM 514  
JUNEAU, ALASKA 99801-1182  
(907) 465-3004/4921

## Senate

Date: March 13, 1996  
To: Representative Jeanette James  
From: Senator Bert Sharp  
RE: Ann Ruggles re-appointment to the Board of Game

RECEIVED BY  
MAR 13 1996  
Rep. Jeanette James

---

Ann Ruggles record as a Board of Game member is clear. She has consistently been a decenting vote against hunting activities and proposals to increase depressed moose and caribou herd size by active management.

She has supported the elimination of hunting via closing areas, eliminating or reducing open seasons, restricting methods and means of taking and promoting bio-diversity which is keyed to removing human harvest from the equation of beneficial uses of the game resources.

Her philosophy is clearly illustrated by her own words on her resume. "My goal is to devise ways in which humans can exist in the natural world with minimal impact on the natural systems."

She is not qualified to serve as an objective policymaker in the management of game resources as required by the Constitution and laws of Alaska.

I strongly urge Ms. Ruggles NOT be confirmed by the Legislature.



REPRESENTING  
GOLDEN HEART  
OF ALASKA

CONFIRM

HEARING

MICHELE

BROWN



Alaska State Legislature  
House of Representatives  
*Office of the Chief Clerk*

*Official Business*

State Capitol, Rm 214  
Juneau, AK 99801-1182  
(907) 465-3725

**MEMORANDUM**

Date: March 25, 1996

TO: Representative Williams, Co-Chair  
Representative Green, Co-Chair  
Resources Committee

FROM: Suzi Lowell, Chief Clerk *SL*

SUBJECT: Governor's appointments

Speaker Phillips referred the following Governor's appointment to the Resources Committee:

**Commissioner of the Department of Environmental Conservation**

Michele Brown - Juneau  
Appointed: 01/24/96

Attached is her resume and a committee report for your use.

Attachments as noted.

DESCRIPTIVE TITLE: Transfer Domestic Wastewater Project to Statewide Public Services

<b>FROM</b>			<b>TO</b>	
AGENCY	_____		AGENCY	_____
BRU	Environmental Quality		BRU	Statewide Public Services
COMPONENT	Wastewater and Water Treatment #1426		COMPONENT	Statewide Public Services #2058

**DESCRIPTION:**  
As part of the DEC re-organization the Domestic Wastewater project originally budgeted in Wastewater and Water Treatment is transferred to Statewide Public Services. The Domestic Wastewater project ensures that wastewater from domestic sources is adequately treated to protect public health and the environment.

Amount	EXPENDITURES	Amount
(497.0)	Personal Services	497.0
(48.1)	Travel	48.1
(282.1)	Contractual	282.1
(13.5)	Supplies	13.5
(9.0)	Equipment	9.0
	Lands & Buildings	
	Grants & Claims	
	Miscellaneous	
(849.7)	Total	849.7
<b>FUNDING SOURCES</b>		
(35.0)	1002 Federal Receipts	35.0
	1003 General Fund Match	
(190.7)	1004 General Fund	190.7
(584.9)	1005 GF Program Receipt	584.9
	1037 GF Mental Health	
(39.1)	1061 CIP Receipts	39.1
(849.7)	Total	849.7
<b>STAFFING</b>		
	Permanent Full-Time	
	Permanent Part-time	
	Temporary	

**DESCRIPTION:**  
As part of the DEC re-organization the Domestic Wastewater project originally budgeted in Wastewater and Water Treatment is transferred to Statewide Public Services. The Domestic Wastewater project ensures that wastewater from domestic sources is adequately treated to protect public health and the environment.

#3002

**TRANSFER WITHIN  
ADJUSTED BASE**  
Form C4  
Revised 8/1/95

AGENCY Environmental Conservation  
BRU Statewide Public Services  
COMPONENT Statewide Public Services #2058

Page 1 of 1  
Revised Date: 10/6/95

FY 97

000252

# Alaska State Legislature

REPRESENTATIVE  
GENE THERRIAULT

Mailing Address:  
119 N. Cushman, Suite 101  
Fairbanks, Alaska 99701  
(907) 488-0857  
FAX: (907) 488-4271



While in Session  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-4797  
Fax: (907) 465-3884

House District 33

## House Of Representatives

Department of Environmental Conservation  
House Finance Budget subcommittee closeout

Subcommittee recommendations from Governor's amended budget:

1. Administrative Services:

- Reduce transfer from Air and Water Director \$13.0 GF
- Reduce transfer from Air Quality \$7.6 GF
- Reduce transfer from Environmental Health Director \$13.3 GF
- Reduce transfer from Animal Industries \$5.0 GF
- Reduce transfer from Laboratory Services \$62.8 GF
- Reduce transfer from Solid Waste \$68.1 GF

2. Statewide Public Services:

- Reduce transfer from Air and Water director \$25.5 GF
- Reduce transfer from Air quality \$15.4 GF
- Reduce transfer from Water Quality \$144.5 GF

3. Air and Water

- Reduce GF in Air Quality \$59.4
- Reduce water contracts \$225.0 GF/PR

4. Environmental Health

- Reduce transfer from Administrative Services \$76.9 GF
- Solid Waste reduction \$1.1 GF Match

5. Spill Prevention and Response

- Contaminated Sites Funding switch from GF to RF for APC clean-up

6. Exxon Restoration

- Fund source change from IA receipts to EVOSS receipts

7. Facility Construction and Operations

- Unallocated reduction \$97.1 GF

## MICHELE D. BROWN

410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801-1795

### Relevant Experience

- **Commissioner, Alaska Department of Environmental Conservation**  
Juneau, Alaska, Appointed January 24, 1996
- **Deputy Commissioner, Alaska Department of Environmental Conservation**  
Juneau, Alaska, January 30, 1995 to January 23, 1996
- **Senior Environmental Advisor, United States Agency for International Development,**  
Moscow, Russia, June 1993 to January 1995
- **Executive Director, Alaska State Legislature's Citizens' Oversight Council on Oil and Other Hazardous Substances**  
Anchorage, Alaska, February 1991 to August 1992
- **Regional Administrator, Southcentral Region, Alaska Department of Environmental Conservation**  
Anchorage, Alaska, March 1990 to February 1991
- **Assistant Attorney General, Alaska Department of Law**  
Anchorage, Alaska, October 1978 to February 1990

### Credentials

Published law journal articles on the *Exxon Valdez* oil spill and addressed many conferences on various topics, including environmental development programs in Russia, oil spill response, oil pipeline regulation, and public participation in environmental decision-making.

Law Clerk to Justice Roger G. Connor, Alaska Supreme Court, and to Chief Justice Donald R. Wright, California Supreme Court

J.D. Degree, University of California, Davis, 1977  
Phi Kappa Phi Honor Society; American Jurisprudence Award

A.B. Degree, University of California, Berkeley, 1973  
Honor Society

**CONFIRM  
HEARING**

**GENE**

**BURDEN**

**2/14/95**

HOUSE RESOURCES COMMITTEE  
Roll Call and Members' Bill Votes

\* (indicates first public hearing)

Room 124, Capitol Bldg.

TUES. 3:00pm.  
~~Mon., Wed., Fri.~~

Date: 2-14-95

Tape# 95-15 Joint \_\_\_\_\_

Time: 3:10 am/pm Time Adjourned: 4:15 am/pm

ROLL CALL:	PRES	ABS	TIME	AR			
Rep. Joe Green	✓				✓		
Rep. Bill Williams	✓				✓		
Rep. Scott Ogan	✓				✓		
Rep. Alan Austerman	✓				✓		
Rep. Ramona Barnes			3:24				
Rep. John Davies							
Rep. Pete Kott							
Rep. Eileen MacLean							
Rep. Irene Nicholia	✓				N		

Other Legislators Present \_\_\_\_\_

AGENDA:

Bill No.	Short Title	Action Taken
	Confirmation Robert Horman BGCSB	Advanced
"	" Gene Buerden, Commissioner DEC	Advanced
"	" John Strevely, Commissioner, DNR	Advanced

OTHER

\_\_\_\_\_  
\_\_\_\_\_

# LEGISLATIVE REFERENCE LIBRARY

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STATE OF ALASKA

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FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 400  
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Resources Committee  
Confirmation Hearing - Gene Burden  
2-14-95 3:00 PM  
Tape #95-15, Side A, #000

# Alaska State Legislature

## House of Representatives



Official Business

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3718

February 14, 1995

The Honorable Gail Phillips  
Speaker of the House  
State Capitol  
Juneau, AK 99801-1182

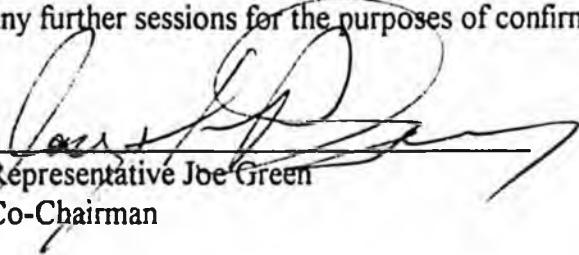
Dear Madam Speaker:


In Accordance with AS 39.05.080, the House Resources Committee has reviewed the qualifications of the following and recommends that appointment be forwarded to a joint session for consideration:

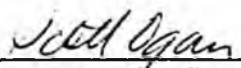
### Commissioner of the Department of Environmental Conservation

Gene Burden

This does not reflect an intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

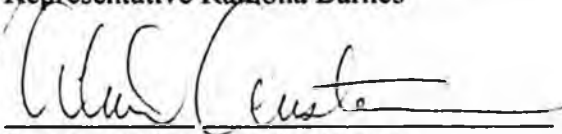
  
Representative Joe Green  
Co-Chairman

  
Representative Bill Williams  
Co-Chairman

  
Representative Scott Ogan

  
Representative Ramona Barnes

\_\_\_\_\_  
Representative Pete Kott

  
Representative Alan Austerman

\_\_\_\_\_  
Representative John Davies

\_\_\_\_\_  
Representative Eileen MacLean

  
Representative Irene Nicholia

**Resume**

**Gene Burden  
Commissioner-Designee  
Department of Environmental Conservation**

**Personal:**

Date of Birth: August 20, 1948  
Married: Marjorie L. Burden since May 24, 1970  
Children: Son: 18 years old  
Daughter: 14 years old

**Address:** 20320 Philadelphia Way  
Eagle River, Alaska 99577

**Educational Background:**

B.A. University of Texas at Arlington. 1970  
Major: Political Science;  
Minor: Chemistry

M.A. University of Texas at Arlington. 1974  
Major: Government

J.D. St. Mary's University, San Antonio, Texas. 1983

**Associations/Memberships**

Member of Alaska Bar Association; Texas Bar Association; American Bar Association; Resource Development Council (past Director); past Board member on Alaska Oil & Gas Association; past President of North Peninsula Chamber of Commerce; past President and member of the Board of Cook Inlet Alcohol and Drug Abuse (CICADA); past member of Rotary Club, Kenai; past member of Board of Boys & Girls Club; and volunteer service on initiatives on behalf of the Kenai Peninsula Borough and the Municipality of Anchorage.

**Professional Experience**

**Burden & Associates.** Feb. 94 to Jan. 95 Private law practice and consulting services located at 3000 A Street, Suite 402, Anchorage, Alaska 99503-4040.

**Tescro Petroleum Corporation and Tesoro Alaska Petroleum Company.**  
January 1989 to September 1981 and May 1986 to February 1994. Positions included Senior Vice President Marketing and Operations of Tesoro Alaska with responsibility for marketing, operations (non-refinery related), governmental affairs and environmental program development; Vice President of Administration & Government Affairs; Manager of Human Resources & Administration. During the first tenure with Tesoro served as Corporate Manager of Industrial Relations. Labor negotiations with variety of unions (OCAW, Teamsters, and Coal Workers independent). Resident of Kenai 1986 - 1990. Left Tesoro in 1981 to finish law degree.

Law Office of William McNall; Anchorage. July 1985 to May 1986. My family and I elected to relocate to Alaska during the summer of 1985 following my admission to the Alaska Bar and served as an attorney with the McNall firm which engaged in a general civil practice.

Satelco, Inc.; San Antonio, Texas. September 1983 to July 1995. Served as Vice President of Human Resources and Administration for this public telecommunications company (approximately 500 employees). Also served as legal representative following admission to Texas Bar in 1984.

General Telephone & Electronics; 1975 - 1979. San Angelo, Texas; Brownwood, Texas; and Erie, Pennsylvania. Served as Labor Relations Administrator; Area I Personnel Manager (Texas, Oklahoma, and New Mexico); and Director of Labor Relations (Pennsylvania). Experience in labor contract negotiations; arbitration; and other labor relations activities.

### **Other Experience**

I was employed by the City of Dallas Water Pollution Program and later the Air Pollution Program for approximately 3.5 years from 1970 to late in 1973. During this time I also worked on completing a M.A. from the University of Texas at Arlington. Also experience as an adjunct faculty member at the University of Texas at Arlington, Angelo State University, and at the University of Texas at San Antonio. Courses included Labor Relations, Personnel Management, and Business Law.

CONFIRM

HEARING

FRANK

RUE

4/21/95



# Alaska State Legislature

## House of Representatives

Official Business

DATE: 4/24/95

COMMITTEE REPORT

Speaker Gail Phillips  
House of Representatives  
Capitol Building

MADAM SPEAKER:

In Accordance with AS 39.05.080, the House Resources Committee has reviewed the qualifications of the following and recommends that the appointment be forwarded to a joint session for consideration:

**COMMISSIONER - DEPARTMENT OF FISH AND GAME**

**FRANK RUE**

This does not reflect an intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

Representative Green  
Co-Chair

Representative Williams  
Co-Chair

Representative Ogan  
Vice-Chair

Representative Barnes

Representative Kott

Representative Austerman

Representative Davies

Representative MacLean

Representative Nicholia

HOUSE RESOURCES COMMITTEE  
Roll Call and Members' Bill Votes

\* (indicates first public hearing)

Room 124, Capitol Bldg.

Mon., Wed., Fri.

Date: 4-21-95

Tape# 95-52 Joint \_\_\_\_\_

Time: 8:10 (am)pm Time Adjourned: 10:05 (am)pm

ROLL CALL:	PRES	ABS	TIME AR	_____	_____	_____
Rep. Joe Green	✓	_____	_____	_____	_____	_____
Rep. Bill Williams	✓	_____	_____	_____	_____	_____
Rep. Scott Ogan	✓	_____	_____	_____	_____	_____
Rep. Alan Austerman	✓	_____	_____	_____	_____	_____
Rep. Ramona Barnes	_____	_____	_____	_____	_____	_____
Rep. John Davies	_____	_____	<u>8:13</u>	_____	_____	_____
Rep. Pete Kott	✓	_____	_____	_____	_____	_____
Rep. Eileen MacLean	_____	_____	_____	_____	_____	_____
Rep. Irene Nicholia	_____	_____	<u>8:15</u>	_____	_____	_____

Other Legislators Present \_\_\_\_\_

AGENDA:

Bill No.	Short Title	Action Taken
	<u>Confirmation Hearing: Frank Rue Commissioner ADF + C1</u>	<u>No Action Taken</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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\_\_\_\_\_

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Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf ·

House Resources Committee  
Confirmation Hearing: Frank Rue  
4-21-95 8:10AM  
Tape #95-52 Side A #100

Suggested Questions  
Confirmation Hearing for Frank Rue  
Commissioner Designee, Department of Fish and Game

1. As you look at the proposed budget reductions, how will you prioritize reductions within the Department? Specifically, I would like to know how your priorities will relate to such items as:

Title 16 permits essential for economic development  
Forest Practices Act monitoring  
long-term research projects  
federal legislative initiatives  
international initiatives (United Nations proposals, for instance)  
departmental discretionary activities

2. In a recent budget memo to OMB, you offered some indication of what your response would be to the proposed budget cuts. You said you would have to cut FPA inspections in half, but you would continue to comment on both state and federal land use plans. FPA inspections are mandated by state law. Do you consider comments on federal land use plans to be more important to your mission than activities that are required by state law? What, in your opinion, should determine the priorities of a state agency?
3. Do you personally support opening the 1002 area for oil exploration? Will you direct your agency to support the state's efforts to get federal approval for oil exploration on the Coastal Plain?
4. In your opinion, is preserving future wildlife management options a higher priority than protecting the present ability of Alaskans to provide a strong and stable economy for their families?
5. We hear a lot of talk about habitat damage due to road building. Could you give us some specific examples of places where road building activities have led directly to significant losses in fish populations? If this link cannot be clearly established, can we expect ADF&G to make an effort not to hinder road building efforts around the state under the guise of habitat protection?
6. The Coastal Zone Management laws are designed to provide a mechanism for cooperation between federal and state interests in the coastal areas. There has been some fear expressed in the field that your department will use the elevation mechanism to put the resource commissioners in the position of dictating what will or will not occur on federal land. Please speak to these concerns.

## 1. Stream buffers

A. The Forest Resources and Practices Act requires 66' stream buffers on private land. Some ADF&G biologists have suggested increasing this requirement to 100', or even 300'. Do you believe this would be appropriate, and if so, is your opinion based on verifiable data indicating a significant gain in salmon habitat protection?

B. Have you determined and can you document any increased benefits to salmon habitat protection from incremental increases in stream buffer width? Or are stream buffer benefits too site-specific to be generalized in this way? In other words, is it possible that in some instances we may need large buffers to protect some streams, and in other situations buffers would have little value relative to some other means of protecting fish habitat?

C. Do ADF&G biologists routinely include cost/benefit analysis as part of their decision making process? Is cost/benefit analysis a factor you think should be considered when evaluating buffer zones and variance trees on private timber lands?

D. If an ADF&G recommendation prevents a private landowner from harvesting timber, do you think there is a point at which such a state decision constitutes a taking which requires compensation to the landowner? What is that point?

E. In a letter from Habitat Division to the Kodiak Island Borough dated January 25, 1995, your department suggested a minimum buffer of 100' with larger buffers "where appropriate." This is nothing new, but what is of concern here is that the letter also suggested this standard should be applied to waters containing resident fish populations as well as anadromous fish streams. This would seem to greatly expand the application of buffer zones and result in what could be a significant impact on property use and value. Please tell the committee what your views on this are, including how you see such a move affecting economic development and the personal use of private property.

F. In evaluating variance tree requests, your field staff has a pretty good reputation with industry people. Most variance tree requests since the Forest Practices Act went into effect have been granted. Basically, the system has worked very well in the field, to the satisfaction of the affected private land owners. Unfortunately, last year's media flap gave the general public quite a different impression. It appears that that whole event was triggered by the belief, above the field staff level, that too many variance tree requests were being granted. It seems that the state's only interest in whether or not a particular variance tree is cut is whether it will have an adverse effect on fish habitat. That is what field staff are required to help determine. The appearance is that philosophical opposition to timber harvest plays a role in the Department's position on

variance trees. Do you believe this is the case, and if so, is it appropriate and what will you do about it?

## 2. General Timber Issues

A. Do you personally support maintaining a healthy forest products industry in Southeast Alaska built around a sustainable harvest on the Tongass National Forest?

B. No Name Bay on Kuiu Island was selected by the state under the Statehood Act for a remote subdivision. The selection has now been designated as "wildlife habitat" despite studies that show that the land has no special significance for wildlife health and viability. In fact, the parcel lies adjacent to more than 100,000 acres of wilderness area. As it turns out, the state parcel at No Name Bay is now an impediment to the harvest of Forest Service timber already approved for harvest under an Environmental Impact Statement that took more than a decade to develop. As Commissioner, what will you do to reduce these kinds of administrative barriers to responsible use of timber resources in Southeast Alaska? Should we expect the state to block timber harvests under the guise of wildlife protection without good scientific reason?

C. ADF&G employees have often said that logging has harmed salmon or other wildlife populations. There are, however, many documented salmon population declines that can be attributed to natural factors such as oxygen depletion due to heavy fish concentrations. In other cases, salmon population decreases have occurred in areas with minimal timber harvest activity. Furthermore, Alaska salmon harvests during recent years have been at record levels. Can you name some specific examples of salmon population declines where there is documented evidence that the principal cause was timber harvest? Will you work to ensure that your department does not cast blame on specific activities unless the connection can be scientifically supported?

D. ADF&G officials often assert that they represent the commercial fishing, subsistence and recreational users of the forest, and this sometimes results in ADF&G being in an adversarial relationship with the timber industry. DNR, on the other hand, says they cannot represent the same industry they regulate. So, given that the timber industry is a legitimate user of state forest resources, who in state government represents the timber industry's concerns? Will ADF&G, under your direction, make every effort to represent equally the various users of our resources?

E. Philosophically, do you believe that Alaskans should have access to public land and resources unless there is good reason to restrict that access? Or do you believe that state land should be locked up until the person goes to a regulator for permission to develop the resources?

X  
F. I understand that your agency recently requested the cancellation of a Memorandum of Understanding between Alaska and the United States Forest Service which spelled out how and when the agencies would respond to proposed Environmental Impact Statements regarding timber sales. The MOU involved the state early in the process so that provisions not supported by the state could be identified going in, therefore reducing the time necessary to complete an EIS that would be satisfactory to both the state and the federal government. With the MOU cancelled, how will your department handle federal timber sale EISs? Should we anticipate time-consuming rewrites of EISs for timber sales on federal land?

### 3. Fisheries

Last year the department entered into an agreement to participate in an "ad hoc steering committee" for the "Identification of Pacific Salmon Stocks Potentially at Risk of Extinction in Alaska." I believe Tim Baker of CommFish is the Project Manager for the department. Please tell us about this study, how much state money is being spent on it, how many man/hours ADF&G has committed to it, how its findings might affect the Alaska fishing industry, and how you intend to justify continued participation in it considering the current budget crisis.

Bill -

The attached report shows 5 people from ADF+G involved in the project discussed in this last question. The highlighted parts on the third page indicate that the department has made a commitment to work on this in the future. Besides personnel + support costs (which may well be significant), the report seems to indicate (noted by the blue arrow) that ADF+G has made some funding commitments. Where did they get the authority (and the money) to do this? I wonder if this kind of policy call and commitment of funds ought not to have had some legislative oversight + approval.

8) At the most recent Board of Game meeting in Fairbanks the Board approved a wolf kill proposal, but then went back and rescinded their action to give the administration until January 1, 1996 to draft a proposal to deal with predator control. I realize it may be a bit early for you to tell me what is, or will be, in the plan...but I want to know what some of the philosophies are that the proposal will be built on. I understand you're proposing to do some kind of state-wide survey at a cost of \$300-thousand to \$500-thousand...I'd like to know more about how those survey results will be used.  *Surely it won't just be a popularity poll, which way is least controversial*

✓  
Note

9) Can habitat be used by man and protected at the same time?

(His standard line is that habitat is our "factory" which manufactures the fish and game that make Alaska so rich...lets see if he sticks to it.)

3

10) I don't want to believe this, but I'm beginning to see a pattern of agencies writing positive fiscal notes to bills that they don't like. Could you give me a thumbnail sketch of how you decide a bill will have an impact on your department?

6

11) At the federal level, our congressional delegation has been working to amend the Clean Water Act to allow us to develop some wetlands in Alaska. First, do you support this effort, and second, if the delegation is successful, how will your department react?

7

12) I'd like you to share your thoughts on the water quality standards prepared by the previous administration? Do you feel that they provide adequate protection now, or do you feel that they need to be redone.

★  
Ch on [unclear] [unclear]  
Frank Rue  
Page 3

Notwithstanding the <sup>current</sup> ~~current~~ Echo Bay / Cour d'Alain differences ---

2)  
★

(15) A few days ago we had before the committee representatives of some of the larger mining operations in Alaska. One of them testified that ...and I'd like to quote from the minutes here ...and we're talking about the Red Dog Mine..."in regard to state issues with the mixing zone, a better response is received from the northern office than the Juneau office". They noted "the Juneau office is reluctant to move on reclassification of stream issues." This person told us that some of these permits were taking 3-5 years to get. I don't feel that is acceptable. Until a few months ago you were the Director of the Habitat Division, in Juneau. Why would someone get a different response from Fairbanks than Juneau? Why are these permits taking so long, and how can we fix it...other than throw money at it?

7)

Do you have any ~~present ideas~~ ~~sort of plan for meeting~~ comments concerning the fire storm stirred up by the Governor's declaring <sup>he'd like to see</sup> the No. C.I. become the sports fishing capital of the world? other than the coordinator's compilation??

3) Very

thoughts about pro-active i.e.

2)

the satellite in my reference  
= NWR ?

Good  
concern

Plans commitment on cut too deep - you  
adversely affect industry by  
hree fish reaction of premature closures

12) [unclear] office for issue discussions

Questions for Frank Rue Confirmation  
House Resources Committee  
April 21, 1995

1) In your budget proposal to the House you requested an increase for additional staff to monitor the Endangered Species Act. What role do you see the Department taking with regards to ESA monitoring?

2) What departmental activities have you targeted for privatization or contracting out?

3) The state's handling of the Gold Creek fish kill here in Juneau has been...well, counterproductive. The press was given information that insinuated a possible connection between the dead fish and activities at the Echo Bay mine. When it became apparent that there was no connection, there was no apology to Echo Bay, or any attempt, to my knowledge, to correct the record. I want to know what you will do, as commissioner of Fish and Game, to prevent this kind of thing from happening, and I'd like to hear you state for the record that the State made a mistake by blaming Echo Bay?

4) What is restoration - I'd like a definition - and when do we know when it's finished? When do we know when the environment is restored? Does restoration include acquisition, and specifically, do you believe that locking up a piece of land "restores" another piece of land?

5) How do you feel about accelerated rehabilitation?

(ARCO has been promoting accelerated rehabilitation on the North Slope. The concept is that they clean up their pads sooner than they're required to, in exchange for mitigation credit. According to Becky Gay, it is a form of compensatory mitigation. Apparently federal agencies are split on the idea: EPA likes it, the Corps does not.)

6) What is your proposal to solve the subsistence problem in Alaska?

9th circuit out of appeals - Katie John Case - "Legislative  
not  
political"

results -  
your plan -  
appeal -

HOUSE RESOURCES COMMITTEE  
Roll Call and Members' Bill Votes

\* (indicates first public hearing)

Room 124, Capitol Bldg.

(Mon.), Wed., Fri.

Date: 4-24-95

Tape# 95-54 Joint \_\_\_\_\_

Time: 8:10 AM am/pm Time Adjourned: \_\_\_\_\_ am/pm

ROLL CALL:	PRES	ABS	TIME	AR	_____	_____	_____
Rep. Joe Green	✓	_____	_____	_____	_____	_____	_____
Rep. Bill Williams	✓	_____	_____	_____	_____	_____	_____
Rep. Scott Ogan	✓	_____	_____	_____	_____	_____	_____
Rep. Alan Austerman	✓	_____	_____	_____	_____	_____	_____
Rep. Ramona Barnes	_____	_____	_____	_____	_____	_____	_____
Rep. John Davies	_____	_____	_____	_____	_____	_____	_____
Rep. Pete Kott	✓	_____	_____	_____	_____	_____	_____
Rep. Eileen MacLean	_____	_____	_____	_____	_____	_____	_____
Rep. Irene Nicholia	_____	_____	_____	_____	_____	_____	_____

Other Legislators Present \_\_\_\_\_

AGENDA:

Bill No.	Short Title	Action Taken
	<i>Confirmation Hearings: Frank Roe</i>	_____
	<i>Henry Holmes</i>	_____
	<i>Walter Sampson</i>	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

*House Resources Committee  
Confirmation Hearing - Frank Rue  
4-24-95 8:10 AM  
Tape #95-54, Side A, \*000*

RESUME FOR FRANK RUE  
7083 Hendrickson Road  
Juneau, Alaska 99801

EDUCATION

University of Massachusetts, Department of Landscape and Architecture and Regional Planning, Master of Landscape Architecture, 1976

University of Pennsylvania, B.A., English, 1972.

Stanford University, Political Science and English, Summer, 1970.

PROFESSIONAL EXPERIENCE

Director, Habitat Division, Alaska Department of Fish and Game. March 1988 - Present.

As director I am responsible for a division with a \$3.5 million budget and 75 positions located in Juneau, Anchorage, Fairbanks, Sitka, Petersburg and Ketchikan. I directly supervise a deputy director, three regional supervisors and a pipeline coordinator. I represent the department on all land use and habitat issues. Recent accomplishments include: lead for the department in negotiating and securing passage of forest practices and mining reclamation legislation that were both developed and supported by consensus of a broad range of interests including the regulated industry, fishing organizations, native organizations and environmental groups; and, leadership of the department's participation in the Exxon Valdez oil spill response and cleanup.

Natural Resource Manager II, Resource Allocation Section, Alaska Department of Natural Resources, Anchorage. January 1986 - March 1983.

Directly supervised five project managers in Juneau, Anchorage and Fairbanks who were responsible for developing the Copper River Basin, Kuskokwim, Northwest Alaska, Prince William Sound, and Prince of Wales Island regional land use plans. The plans established policies and made land allocations among competing uses for approximately 30 million acres of state uplands, tidelands and submerged lands. Negotiated with agencies, local governments, coastal resource service area boards, and interest groups to develop land use policies. Worked with the section chief and project managers to devise creative approaches to staffing and project design so that plans could be completed in the face of lower budgets. Designed and managed professional services contracts. Conducted public meetings.

Acting Chief, Resource Allocation Section, Alaska Department of Natural Resources, Anchorage. August 1985 - January 1986.

Responsible for overall supervision of fourteen professional planners, four cartographers, and two clerks located in Juneau, Anchorage, and Fairbanks. Directly supervised the project managers for the Statewide Settlement Plan, and the Kuskokwim, Northwest Alaska and Prince of Wales Island regional land use plans. Prepared and managed the section's \$1 million budget. Designed and implemented a computerized budget tracking system enabling managers to be cost accountable, and providing critical information necessary for effective and informed budget reductions.

Natural Resource Manager II, Resource Allocation Section, Alaska Department of Natural Resources, Anchorage. 1982 - 1985.

Directly supervised the project managers of the Bristol Bay and Southwest Prince of Wales Island regional land use plans for approximately 13 million acres of state land. Conducted public meetings and facilitated the negotiations between agencies, local government, coastal resource service area boards and interest groups to establish the area-wide policies for forestry, fish and wildlife, settlement, recreation, mining, oil and gas and other resources. The Bristol Bay Plan required coordination of federal and state agencies under the auspices of the Alaska Land Use Council. Upon completion of these first two plans supervised the project managers of the Kuskokwim, Northwest Alaska, and Prince of Wales Island plans. This included working with the managers to develop work plans, and methods of doing resource analysis, public participation and plan production. Primary author of the Haines State Forest and Chilkat Bald Eagle Preserve management plans.

Natural Resource Manager I, Commissioner's Office, Alaska Department of Natural Resources, Juneau. 1979 - 1982.

Initiated the first tidelands plan prepared by the department and was the project manager until moving to Anchorage to accept a promotion. Successfully facilitated day-to-day negotiations between agencies, local citizens, interest groups, and local governments (all with widely divergent views) on legislation establishing the Haines State Forest and Chilkat Bald Eagle Preserve. Played a significant role in developing the department's regional planning process and was the Land and Resource Planning Section's liaison with the commissioner's office during that process. Worked with an advisory group of local residents, representatives of interest groups, and state and federal agencies to allocate and manage \$500,000 in soils, hydrology, topography, and fish and wildlife research contracts in the Haines area. Negotiated a

proposed land exchange with the Cape Fox Corporation.  
Developed state land selection recommendations.

Community Planner, Division of Community Planning, Department of  
Community and Regional Affairs, Juneau. 1977 - 1979.

Worked with local governments throughout Southeast Alaska in  
developing their district coastal management programs, and  
assisted with general community planning and zoning questions.  
Responsible for contract preparation, bidding and  
administration. Designed and wrote a statewide management  
handbook to explain the development of coastal management  
programs to local districts. Participated in state and  
federal planning projects.

#### PERSONAL DATA

Age: 40  
Married with two children

#### REFERENCES

Available upon request.

CONFIRM

HEARING

DAVE

NORTON

08/28/95

**J. DAVID NORTON, P.E.**

1208 "S" Street  
Anchorage, AK 99501  
(907) 276-2530

**EXPERIENCE****1995-Present HASKELL CORPORATION, Bellingham, Washington****Project Manager:**

Managing construction of \$20 million fueling facility at Anchorage International Airport for a consortium of cargo airlines. Facility includes tank farm, pipelines, Pump Station/Filter System, and fire suppression and control systems.

**1988-1995 ALYESKA PIPELINE SERVICE COMPANY, Anchorage, Alaska****Manager of Engineering/Engineering Supervisor:**

Managed transition of 200-person technical staff to smaller, leaner organization that met reduced expectations of pipeline throughput. Supervised pipeline integrity monitoring and corrosion mitigation program that focused on "fit-for-service" life-cycle planning for pipeline maintenance and repair. Maintained technical standards as the Design Authority for the company. Primary technical interface with regulators.

**Project Manager: Ballast Water Treatment System Expansion**

Managed permitting, design, and construction of \$40 million expansion of Valdez Marine Terminal Tankership Ballast Water Treatment System to meet terms of National Pollution Discharge Elimination System (NPDES) Permit. Completed on time and within budget expectations.

**1985-1988 MUNICIPALITY OF ANCHORAGE****Municipal Engineer, Department of Public Works:**

Manager of engineering division, \$6.5 million operating budget, 100-person staff. Responsible areas included: planning, design and construction of \$50 million/year capital improvement program, including roads, drainage, water quality, and traffic control; development of an automated mapping/facility management (AM/FM) system with an installed value of \$3.5 million; management of the private development/land use/subdivision process; and oversight of the traffic management system.

**J. DAVID NORTON, P.E.**

Page 2

**1977-1985 ALYESKA PIPELINE SERVICE COMPANY, Anchorage, Alaska**

**Project Supervisor:**

Provided project management for several pipeline/pump station repair and renovation projects, including a \$25 million above-ground pipeline reroute; a \$4 million line-wide pipeline corrosion study; installation of a pump station naphtha fuel conversion system; a line-wide fire foam system expansion; and rehabilitation of a fuel gas compressor/flare system.

**Pipeline and Civil Supervisor:**

Directed maintenance contractors in installation, operation, and repair of mainline pipe and appurtenances, including a fuel gas pipeline, drainage and river training structures, roads, and airports. Supervised hazardous waste spill response and clean-up in accordance with RCRA requirements within a 100-mile pipeline section.

**Civil Engineer:**

Responsibilities and projects included: geotechnical evaluation and foundation design for buildings, towers, and other pipeline facilities; thermal analysis of frozen soils relating to pipeline support; utilities delivery design for remote worker housing; and structural design and evaluation of pipeline components.

**1974-1977 MICHAEL BAKER ENGINEERS, Fairbanks, Alaska**

**Field Engineer: Trans-Alaska Pipeline Project**

Duties included: access road design and mineral material site planning; coordination of survey control for above-ground pipeline system; and supervision of construction engineering for above-ground pipe supports.

**REGISTRATION:** Professional Engineer: Alaska CE6253; Texas 58028 (inactive)

**EDUCATION:** RICE UNIVERSITY, Houston, Texas  
Bachelor of Science in Civil Engineering, 1974

**COMMUNITY:** Member, Alaska State Water Resources Board  
Former Member, Anchorage Public Transit Advisory Board  
Member, Gov. Knowles Transition Team - Transportation

**PROFESSIONAL:** Member, American Society of Civil Engineers  
Member, National Association of Corrosion Engineering  
Member, Alaska Pipeline Builders Association

References available upon request.

April 17, 1996

## **Norton Confirmation Hearing Statement to Senate Resources Committee**

### **Introduction**

Mr. Chairman and members of the committee, my name is David Norton. Thank you for inviting me to address the committee. I am sorry I cannot be in Juneau today but the commission is holding hearings this week in Anchorage on Prudhoe Bay's plan of development. I appreciate the committee holding this hearing to consider me for the commissioner's seat.

To refresh the committee on the Alaska Oil and Gas Conservation Commission, I have attached a one-page overview of the commission's responsibilities and functions. I have also attached a one page review of the history of the AOGCC.

The commission's role is to ensure the efficient depletion of the State's hydrocarbon resources. This is accomplished in three ways: preventing waste of the resource, ensuring maximum ultimate recovery of the resource, and protecting correlative rights of adjacent owners of oil and gas properties. These three aspects of the AOGCC's mission are the basis of the term "conservation" as used in oil and gas regulation and are typical of the mission that all petroleum producing states provide through conservation agencies like the AOGCC.

### **Qualifications**

I would like to address my qualifications as commissioner. The commissioner's seat I stand for today is reserved for an Alaskan "licensed engineer with an educational and professional background in the field of petroleum engineering". I believe you have my resume and a letter to Rep. Joe Green submitting additional detail of my qualifications.

After graduation from Rice University, I moved to Alaska in 1974 to work on the trans-Alaska pipeline. For the past twenty-two years, the majority of my career has been associated with design, construction and operation of the pipeline, including facilities for gas handling, refining, and metering. I have significant experience in managing development of complex oil and gas facilities in Alaska. I have been a licensed professional engineer in the state of Alaska since 1984.

I believe a commissioner is best qualified by a range of experience in the oil and gas industry that allows a broad perspective while maintaining an understanding of the technical challenges associated with public policy. There is a difference between technical staff work and the judgment required of a commissioner. The professional staff at the commission includes two petroleum engineers and a petroleum geologist. As do most commissioners and legislators, I will use my technical staff as is appropriate.

I believe I have a unique industry perspective because of my Alyeska pipeline experience. At Alyeska, I was required to obtain financial and technical approvals of the major owners: Arco, BP, and Exxon. As a result, I have intimate knowledge of the companies' various cultures, biases, and procedures. I am the only current commissioner with direct industry experience.

I would like to provide a response to criticism that I do not have appropriate petroleum engineering background for this seat.

Petroleum engineering is such a broad category that no one could claim experience in all areas under the commission's purview. Petroleum engineering can be viewed as encompassing three broad areas. It covers reservoir characteristics and petrophysics. It covers drilling and recovery techniques. And it covers surface equipment, processes and delivery. My background is in the area of surface equipment, processes and delivery.

The statute does not specifically require a licensed petroleum engineer. If the intent of the statute was to reserve the seat for licensed petroleum engineers, then according to state records only a small pool of about twenty people would be qualified, some of whom may have conflicts because of their employment. I am a licensed civil engineer with significant background in the oil and gas industry in Alaska.

I believe I am a good fit with the current commissioners and staff. We are working well together and I would like to apprise you of some current initiatives that I believe we should and can accomplish at the commission.

## Initiatives

### 1. Regulation Revision

We are in the process of completing the first comprehensive revision of our regulations since 1986. The focus is on streamlining technical and procedural requirements for drilling and reservoir management. AOGA is a key industry partner in this effort. We are deleting obsolete requirements and providing less prescriptive regulations to allow more latitude to regulate rapidly changing oilfield techniques. We are anticipating new requirements for abandoning offshore platforms in Cook Inlet. The first phase was completed this quarter and we hope to adopt the finished set this summer.

### 2. Alaska Energy Infobank

The Infobank is an exciting joint industry and government initiative championed by Arco and BP that puts non-proprietary private and public petrotechnical data on a common shared database. The prize is significant cost savings in not maintaining duplicate sets of data. Since the AOGCC is the primary state archive of well and production data, there are opportunities and challenges for the commission to be more efficient at less cost. I am on the Infobank Steering Board, along with representatives of Arco, BP, Exxon, Unocal and DNR. For more information on the Infobank see the website at: <http://www.alaska.net/~infobank/index.html>

### 3. Budget Discipline

The commission is committed to efficient use of state funds, including the Oil and Gas Conservation Tax, to monitor safe oilfield practices and to promote maximum recovery of the state's petroleum resources. To gain the efficiencies to live within our means, we are evaluating several options, including moving facilities to reduce cost and share infrastructure, sharing resources with other agencies, and upgrading technology to take advantage of opportunities to cut costs.

In closing, I would like to use an analogy I picked up at the annual petroleum industry Alliance meeting last January. Dick Olver, John Morgan's boss at BP, had flown in to give his assessment of the state of the industry in Alaska. He spoke about a metaphorical bridge between today and tomorrow by comparing it to a real bridge over the Gulkana River. The real bridge was a critical link in the completion of the trans-Alaska pipeline and required extraordinary innovation, teamwork and cooperation to complete on time.

Mr. Olver said that the girders of the metaphorical bridge will be marginal oil fields developed with new emerging technologies. This bridge will require the same extraordinary efforts used on the Gulkana bridge and will span today's gap between Prudhoe Bay and future opportunities such as ANWR and a gas pipeline.

I worked on that Gulkana bridge twenty years ago as a young engineer. Now, as a more seasoned bridge builder, I look forward to working on today's bridge to tomorrow. Thank you.



Sec. 31.05.005. Alaska Oil and Gas Conservation Commission created. (a) There is created as an independent quasi-judicial agency of the state the Alaska Oil and Gas Conservation Commission, composed of three commissioners appointed by the governor and confirmed by the legislature in joint session.

(b) The governor shall designate one member of the commission as chairman of the commission. This member shall serve as chairman for a term of four years, but may be appointed for successive terms. (§ 1 ch 158 SLA 1978)

Sec. 31.05.007. Term of office; vacancy; removal. (a) The term of office of each member is six years. The governor shall designate who among the initial appointees shall serve respectively for terms of two years, four years and six years. A commissioner, upon the expiration of a term, shall continue to hold office until a successor is appointed and qualified.

(b) A vacancy arising in the office of a commissioner shall be filled by appointment by the governor and confirmed by the legislature in joint session, and an appointee selected to fill a vacancy shall hold office for the balance of the full term for which the predecessor on the commission was appointed.

(c) A vacancy in the commission does not impair the authority of a quorum of commissioners to exercise all the powers and perform all the duties of the commission.

(d) The governor may remove a commissioner from office for cause including but not limited to incompetence, neglect of duty or misconduct in office. A commissioner, to be removed for cause, shall be given a copy of the charges and afforded an opportunity to be publicly heard in person or by counsel in the commissioner's own defense upon not less than 10 days' notice. If a commissioner is removed for cause, the governor shall file with the lieutenant governor a complete statement of all charges made against the commissioner and the governor's finding based on the charges, together with a complete record of the proceedings. (§ 1 ch 158 SLA 1978)

Sec. 31.05.009. Qualifications of members. Members shall be qualified as follows: one member shall be a licensed professional engineer with educational and professional background in the field of petroleum engineering; one member shall be a geologist with educational and professional background in the field of petroleum geology; one member need not be trained and experienced in the fields of petroleum engineering or petroleum geology. (§ 1 ch 158 SLA 1978)

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## ALASKA OIL AND GAS CONSERVATION COMMISSION

3001 PORCUPINE DRIVE  
ANCHORAGE, ALASKA 99501-3192  
PHONE: (907) 279-1433  
FAX: (907) 276-7542

February 14, 1996

Representative Joe Green  
Room 24 State Capitol  
Juneau, AK 99801

Dear Representative Green:

Thank you for meeting with me to discuss my appointment to the Alaska Oil and Gas Conservation Commission. As we discussed, I am providing you with additional information on my educational and professional background in the field of petroleum engineering.

I received a B.S. in Civil Engineering from Rice University in 1974. I have previously provided a transcript of my undergraduate academic record at Rice to Jack Chenoweth, at his request. Rice does not offer a degree program in petroleum engineering. However, the field of petroleum engineering is derived from the major engineering branches of Mechanical, Chemical, and Civil, and the principal sciences of Geology, Materials Science, Mathematics, Computer Sciences, Physics, and Chemistry. I have completed coursework at Rice in all of these disciplines except for Chemical Engineering.

My relevant post-undergraduate work includes Arctic Engineering credit from the University of Alaska Anchorage and NACE certification in corrosion engineering and cathodic protection/coatings inspection. I have also received significant training in Safety, Loss Control, Risk Management, and Quality Assurance in the oil and gas industry in Alaska.

In response to your concern about my educational background, I have engaged additional formal and informal coursework in reservoir engineering and drilling practices. Formal coursework includes (see attached course outlines for content):

University of Texas Austin "Basic Reservoir Engineering for the Oil and Gas Professional" 3.0 Continuing Education Credits

University of Alaska Fairbanks "Introduction to Drilling and Production"  
PETE 205 (audit)

MMS Well Control/Safety Certification, including drilling simulator

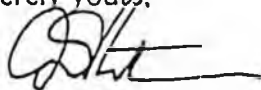
Rep. Green  
2/14/96  
page 2

I am also a member of the Society of Petroleum Engineers and avail myself to continuing educational and professional development opportunities afforded by membership in the Society.

My professional background includes management of highly technical projects and programs in pipelines and process facilities supporting North Slope development, and significant experience in regulatory affairs, including industrial wastewater treatment permitting and approval of "smart pigging" programs by regulators. I was Manager of Engineering at Alyeska Pipeline and was the single, designated Design Authority in the Alyeska Integrity Management System. I am also a member of the Alaska State Water Resources Advisory Board.

In summary, I believe my educational and professional background covers a significant portion of the oil and gas industry in Alaska, and I have endeavored to expand my knowledge base into the remaining areas of the Commission's responsible charge. I hope this information helps your understanding of my qualifications. If you have additional questions, I will be pleased to oblige.

Sincerely yours,



J. David Norton, P.E.  
Commissioner

attachments

cc: Pat Pourchot, Office of the Governor  
Senator Loren Leman, Chairman, Senate Resources Committee  
John B. Chenoweth, Legislative Affairs Agency

# Alaska State Legislature

WHILE IN SESSION  
CAPITOL BUILDING  
JUNEAU ALASKA 99801  
307 482-4241  
307 482-4177 FAX

INTERIM ADDRESS  
100 WEST 17TH AVENUE  
ANCHORAGE ALASKA 99501  
307 258-3799  
307 258-4077 FAX



CHAIR, RESOURCES COMMITTEE  
VICE CHAIR, JUDICIARY COMMITTEE  
MEMBER, STATE AFFAIRS COMMITTEE

FINANCE SUBCOMMITTEES  
DEPT. OF NATURAL RESOURCES  
DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT  
DEPT. OF ENVIRONMENTAL CONSERVATION

## Representative Joe Green

District 12

November 7, 1995

The Honorable Tony Knowles  
Governor of Alaska  
State Capitol Building  
Juneau, Alaska 99811

Governor Knowles:

It has come to my attention that you have appointed Mr. j. David Norton to a position on the Alaska Oil & Gas Conservation Commission (AOGCC) currently held by a registered professional petroleum engineer.

I have never met Mr. Norton, and certainly hold nothing against him personally. However, after reviewing his resume, I have grave concerns about his lack of qualifications for this position.

The statute establishing qualifications for AOGCC commissioners (AS 31.05.009) is very clear, as is the legislative intent reflected by the legislative record. Every version of the bill that created the commission required the seat to which Mr. Norton has been appointed to be filled by "a licensed professional engineer with educational and professional background in the field of petroleum engineering."

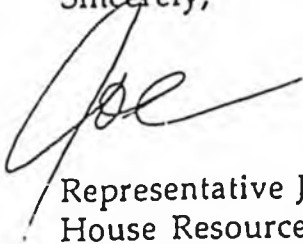
It is imperative from a safety, as well as a resource conservation standpoint, that the person filling the petroleum engineering position be proficient in subsurface hydrocarbon reservoir mechanics and the highly specialized technology required to analyze the design of drilling, completing, and producing oil and/or gas wells. The required level of expertise is only acquired through specific course study supplemented by actual field experience. As you learned during your days as a rig hand, drilling and completing oil and/or gas wells requires a specialized knowledge, skill, and implementation of proper safety precautions.

Governor Tony Knowles  
November 7, 1995  
Page 2

There is no single "blue print" or "go by" for this requirement as each well presents its own unique set of conditions. Mr. Norton is clearly deficient in this regard.

For the above reasons I cannot support, and feel compelled to oppose, Mr. Norton for the position to which you have appointed him.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe", written in black ink.

Representative Joe Green, Co-Chairman  
House Resources Committee

cc: Members, 19th Alaska Legislature



OFFICIAL BUSINESS

Alaska State Legislature  
Senate  
Office of the Secretary

STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-3701  
FAX: 465-2832

January 30, 1996

MEMORANDUM

TO: Senator Leman, Chair  
Resources Committee

FROM: Nancy Quinto *NQ*  
Secretary of the Senate

SUBJECT: Governor's Confirmations

Pursuant to AS 39.05.080, President Pearce has referred the following name for legislative confirmation to your committee for a hearing, recommendation and report:

Alaska Oil and Gas Conservation Commission  
J. David Norton, P.E. - Anchorage  
Appointed: 11/20/95; Expires: 12/31/00

NQ/vw

Resume attached

# GOVERNOR APPOINTS ENGINEER TO ALASKA OIL & GAS CONSERVATION COMMISSION

Governor Tony Knowles today appointed David Norton of Anchorage as the third member of the Alaska Oil & Gas Conservation Commission. "David Norton brings 20 years of Alaska engineering experience to this commission and I welcome his expertise and enthusiasm," Knowles said.

The commission regulates everything from development and production of oil and gas drilling to recovery of hydrocarbon resources. The governor selects the commissioners who serve for six years.

"The North Slope has produced more than 10 billion barrels of oil and additional barrels are becoming more difficult to extract," Norton said. "With gas sales on the horizon, the commission's work will become more complex. I'm excited and honored to be selected to serve and I look forward to the challenge of guiding the efficient use of the state's oil and gas."

Norton is currently Haskell Corporation's project manager for a \$20 million fueling facility for a group of airlines at the Anchorage International Airport. Norton has previously worked for Alyeska Pipeline Service Company as manager of engineering and a project manager. During his 15 years of work with Alyeska, Norton supervised pipeline integrity monitoring and managed expansion of the Valdez Terminal ballast water treatment plant. Norton served as Anchorage's municipal engineer in the mid 1980s.

Norton has a degree in civil engineering from Rice University, is a registered professional engineer in Alaska, a member of the American Society of Civil Engineers and the National Association of Corrosion Engineers. Norton has served on the state's Water Resources Board for the last four years.

Norton replaces Russell Douglass whose term expired at the end of 1994. Norton begins work November 20, 1995 and will earn approximately \$78,000 annually.

Return to the October listing of Press Releases.

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Posted by: R. Welton, 10/17/95, Alaska State Library

**STATE OF ALASKA  
ALASKA OIL AND GAS CONSERVATION COMMISSION**

**Commissioners: David W. Johnston, J. David Norton, P.E., Tuckerman Babcock**

**History**

The Alaska Oil and Gas Conservation Act (1955) created the Alaska Oil and Gas Conservation Commission. The Commission was composed of the Governor of the Territory of Alaska, the Territorial Commissioner of Mines, and the Territorial Highway Engineer. Rules and regulations governing Commission activities became effective on October 1, 1958.

Under the State Organization Act of 1959, the Oil and Gas Conservation Commission was abolished, its function and authority transferred to the Department of Natural Resources, Division of Mines and Minerals. A group within the department was designated to hold hearings and issue decisions on oil and gas matters. This group was the Alaska Oil and Gas Conservation Committee which consisted of the Director of the Division of Mines and Minerals (Chairman), the State Petroleum Geologist, the State Petroleum Engineer, and the Deputy Commissioner of the Department of Natural Resources.

In 1968 the Division of Oil and Gas was created within the Department of Natural Resources. The new division arose from the Petroleum Branch of the Division of Mines and Minerals. The Alaska Oil and Gas Conservation Committee was placed within the new division, and consisted of the Director, Chief Petroleum Geologist and Chief Petroleum Engineer. In 1976 the word "conservation" was added to the division's title, and it became the Division of Oil and Gas Conservation.

With the advent of production from Prudhoe Bay in 1977, the Legislature became concerned that there was the appearance of a conflict of interest with the Department of Natural Resources, an owner of oil and gas rights, also acting as the regulator of other owners of oil and gas rights. To obviate its concern, the Legislature amended AS 31.05 by Chapter 158, SLA 1978 to restore the Commission, effective January 1, 1979, as an independent quasi-judicial agency within the executive branch of the state. Initially, the new Commission was housed within the Department of Natural Resources, but in 1980 it was transferred to the Department of Commerce and Economic Development. More recently, Governor Hickel transferred the Commission to the Department of Administration on February 17, 1994.

The Commission continues to function as the regulatory agency overseeing the underground operation of the Alaska oil industry on private and public lands and waters. Its responsibilities include regulating drilling and production of oil and gas to ensure that physical waste does not occur, protecting the correlative rights of mineral interest owners, ensuring maximum ultimate resource recovery and managing the Class II Underground Injection Control (UIC) program for oil and gas wells in Alaska as authorized by the U. S. Environmental Protection Agency on June 19, 1988.

The Commission compiles and maintains a data bank of drilling, production and reservoir statistics, including information on oil production, associated gas production, non-associated gas production, and injection volumes on an individual well, pool and field basis. Other data includes drilling permits, well histories, well logs, and public hearings testimony. The Commission also monitors oil and gas reservoir depletion in Alaska. A reservoir surveillance system allows the Commission to provide other state agencies with detailed reservoir information, including production decline estimates.

An inspection arm of the Commission oversees drilling rig blowout prevention equipment tests and other safety requirements of oil and gas exploration and production.

STATE OF ALASKA  
ALASKA OIL AND GAS CONSERVATION COMMISSION

Overview of Statutory Responsibilities and Functions

The Alaska Oil and Gas Conservation Commission is an independent, quasi-judicial agency of the State of Alaska. It is established under the Alaska Oil and Gas Conservation Act, Title 31 of the Alaska Statutes; its regulatory authority is outlined in Title 20, Chapter 25 of the Administrative Code.

The Commission acts to prohibit the physical waste of crude oil and natural gas, ensure maximum ultimate resource recovery, and protect the correlative rights of persons owning oil and gas interest in lands subject to Alaska's police powers. It also administers the UIC program for oil and gas wells in Alaska, and oversees metering operations to determine the quality and quantity of oil and gas produced in the state. The Commission holds hearings and/or adjudicates decisions, which require the combined expertise of geology and reservoir and petroleum engineering.

Physical waste can occur at the surface from the failure of surface and subsurface equipment or below ground from inappropriate reservoir management practices. Surface waste is prevented by reviewing each drilling proposal to ensure proper well design (i.e., casing/tubing program, cement program, casing setting depth, etc.), well control equipment (i.e., mud system, diverter, blowout prevention equipment, etc.), hydrogen sulfide detection equipment, well logging program, production practices, plugging and abandonment procedures, and to check for shallow geohazards and over-pressure zones. The Commission's field inspection staff then verifies that operations are conducted in accordance with approved procedures and regulations.

Waste below ground has the potential for even greater impact to the state's economy since it directly determines the amount of oil and natural gas that will be recovered. It is prevented by ensuring proper reservoir management practices, and hinges on Commission decisions about well spacing, completion techniques, production rates, injection fluid type and rates, injection well pattern, gas/oil/water ratios, and pressure maintenance efforts. Findings and conclusions of the Commission are rendered in pooling rules and conservation orders.

Maximizing ultimate recovery is similar to preventing waste, but requires detailed understanding of the physical parameters of the reservoir (e.g., porosity, permeability, stratigraphy, faulting, reservoir pressure and drive mechanism), and its production performance over time (i.e., production decline curve analysis).

Correlative rights is the right of opportunity to produce an owner's just and equitable share of a reservoir, is generally accomplished by establishing drilling units and by unitized operations of pools and plans of development.

The UIC program requires the Commission to verify the mechanical integrity of injection wells, determine appropriate injection zones and overlying confining strata, determine the presence or absence of freshwater aquifers, ensure their protection, and prepare quarterly reports of both in-house and field monitoring for the U. S. Environmental Protection Agency.

The Commission's metering responsibilities require verification of the accuracy of crude oil sales meters used for royalty and severance tax determinations. In the field, Commission engineers and inspectors monitor water drawing and calibration of volumetric provers, and witness proving operations. Meter factor calculations and fluid volume calculation are verified to ensure that correct temperature and pressure factors were used.

In addition, the Commission also acts as Alaska's jurisdictional agency for the Natural Gas Policy Act as administered by the Federal Energy Regulatory Commission (FERC), and for qualifying enhanced recovery operations under the Windfall Profits Tax Act (1978) for the U. S. Treasury.

The Commission requires reports, data and material from operators ranging from drilling, testing and completion reports, production and injection volumes, well logs, cuttings, cores, maps, cross-sections, pressure and material balance reports, Gas/Oil Ratio reports, ownership and unitization agreements and development plans.

The University of Texas at Austin  
College of Engineering

*presents*

a 5 day short course

Basic Reservoir Engineering  
for the  
Oil and Gas Professional

January 8 - 12, 1996

*Presented by*

Petroleum & Geosystems Engineering Department

*Administered by*

Continuing Engineering Studies

UT AUST

## Schedule

### January 8, 1996 (Monday)

8:30	am	Welcome - Mike Jackson, Introductory remarks - Mark Miller
10:00	am	Break
10:15	am	Nature of petroleum reservoirs
11:45	am	Lunch
1:15	pm	Properties of petroleum reservoir fluids
2:45	pm	Break
3:00	pm	Properties of petroleum reservoir fluids (cont.)
4:30	pm	Adjourn

### January 9, 1996 (Tuesday)

8:30	am	Properties of petroleum reservoir rocks
10:00	am	Break
10:15	am	Properties of petroleum reservoir rocks (cont.)
11:45	am	Lunch
1:15	pm	Volumetric determination of initial oil and gas in-place
2:45	pm	Break
3:00	pm	Natural drive mechanisms and recovery factors
4:30	pm	Adjourn

### January 10, 1996 (Wednesday)

8:30	am	Material balance
10:00	am	Break
10:15	am	Reserves
11:45	am	Lunch
1:15	pm	Flow of fluids in reservoirs
2:45	pm	Break
3:00	pm	Flow of fluids in reservoirs (cont.)
4:30	pm	Adjourn

### January 11, 1996 (Thursday)

8:30	am	Pressure transient testing of oil and gas wells
10:00	am	Break
10:15	am	Pressure transient testing of oil and gas wells (cont.)
11:45	am	Lunch
1:15	pm	Deliverability testing of oil and gas wells
2:45	pm	Break
3:00	pm	Rate vs. time forecasting
4:30	pm	Adjourn

### January 12, 1996 (Friday)

8:30	am	Decline curve analysis
10:00	am	Break
10:15	am	Reservoir simulation
11:45	am	Lunch
1:15	pm	Enhanced oil and gas recovery
2:45	pm	Break
3:00	pm	Enhanced oil and gas recovery (cont.)
4:30	pm	Adjourn

U.A.F.

PETE 205: COURSE OUTLINE (SPRING 1996)

- Week 1 (1/23, 1/26) - Introduction to early days of oil activities, Geology of Pet. Reservoirs.
- Week 2 (1/30, 2/2) - Drilling Practices
- Week 3 (2/6, 2/9) - Drilling Fluids
- Week 4 (2/13, 2/16) - Drilling Problems dependent on drilling fluid control
- Week 5 (2/20, 2/23) - Drilling Hydraulics
- Week 6 (2/27, 3/1) - Well Control and BOP, Casing Program
- Week 7 (3/5) - Cementing - 3/8  
(3/8) - Mid-Semester Exam - 3/5 @ BA
- Week 8 (3/12, 3/15) - SPRING BREAK
- Week 9 (3/19, 3/22) - Early Production Methods, Field Development
- Week 10 (3/26, 3/29) - Formation Evaluation (logging, coring, etc)
- Week 11 (4/2, 4/5) - Completing the well
- Week 12 (4/9, 4/12) - Well testing, Production Concepts
- Week 13 (4/16, 4/19) - Production Methods, Improved Recovery Techniques
- Week 14 (4/23, 4/26) - Surface Production Equipment
- Week 15 (4/30, 5/3) - Production Problems & Workover Operations, Stimul. Methods
- Week 16 (5/7) - FINAL EXAM



# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF EDUCATION

## ALASKA VOCATIONAL TECHNICAL CENTER

701 E. Tudor, Suite 270 • Anchorage, Alaska 99503

Phone: (907) 561-4436

Fax: (907) 561-3563



Pctof

BRIAN GILLIS P.E.

(512) 471-3163

Fax (512) 471 944

### CURRICULUM FOR 32 HOUR MMS CLASS

#### FIRST DAY

Morning:

- Intro
- Formation pressures
- Causes of kicks
- Warning signs of kicks
- U - tube concept
- Pressure relationships - HP, SIDPP, SICP, HP loss due to influx
- Indicators of changing formation pressures
- Shut-in procedures
- Circulating pressures, ECD, slow pump rates and choke line friction if necessary
- Constant bottom hole pressure methods - drillers, wait & weight, concurrent

Afternoon:

- Boyles gas law - regarding expansion of gas during migration vs. circulating
- Wait & Weight method of well control - kill sheet
- Necessary math

#### SECOND DAY

Morning:

- MMS regs - Federal guidelines for drilling on leases
- Review constant bottom hole methods - advantages/disadvantages

Afternoon:

- Diverter operation
- Leak-off tests/formation integrity tests
- Pressure on the shoe
- Surface pressure limitations
- Riser displacement - if necessary
- Removal of stack gas - if necessary

Post-It® Fax Note	7571	Date	# of Pages
To	James Hankshaw	From	Brian
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	



STATE OF ALASKA  
TONY KNOWLES, GOVERNOR



DEPARTMENT OF EDUCATION  
**ALASKA VOCATIONAL TECHNICAL CENTER**

701 E. Tudor, Suite 270 • Anchorage, Alaska 99503  
Phone: (907) 561-4436 Fax: (907) 561-3563

THIRD DAY

Morning:

Tripping  
Correct fill  
Trip margin/overbalance  
HP loss pulling pipe and not filling the hole  
Kicks with pipe off bottom  
Safety valve/inside dart valve  
Stripping - using bag or rams

Afternoon:

Difference between gas/water kicks  
Volumetric well control  
Lubrication  
Lost circulation

FOURTH DAY

Morning:

Horizontal well control  
Completion activities  
Review

Afternoon:

Testing - written and simulator

Simulator is used twice a day. Slides and videos also shown periodically to emphasize topics



CONFIRM

HEARING

JOHN

SHIVELY

2/14/95

# Alaska State Legislature

## House of Representatives



Official Business

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3718

February 14, 1995

The Honorable Gail Phillips  
Speaker of the House  
State Capitol  
Juneau, AK 99801-1182

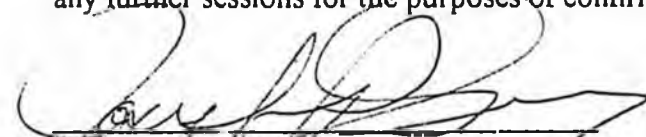
Dear Madam Speaker:


In Accordance with AS 39.05.080, the House Resources Committee has reviewed the qualifications of the following and recommends that appointment be forwarded to a joint session for consideration:


### Commissioner of the Department of Natural Resources

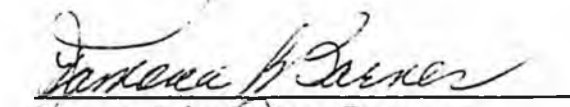
John Shively

This does not reflect an intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

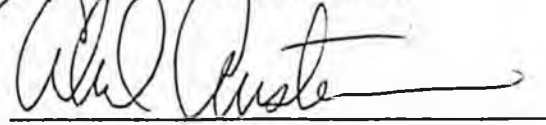
  
\_\_\_\_\_  
Representative Joe Green  
Co-Chairman

  
\_\_\_\_\_  
Representative Bill Williams  
Co-Chairman

  
\_\_\_\_\_  
Representative Scott Ogan


  
\_\_\_\_\_  
Representative Ramona Barnes

\_\_\_\_\_  
Representative Pete Kott

  
\_\_\_\_\_  
Representative Alan Austerman

\_\_\_\_\_  
Representative John Davies

\_\_\_\_\_  
Representative Eileen MacLean

  
\_\_\_\_\_  
Representative Irene Nicholia

Resume of:  
**JOHN TERRY SHIVELY**

Birthday: July 1, 1943

Wife: Alexandra

Daughter: Natasha

Residence: Anchorage, Alaska

Telephone: (907) 274-6472

---

### EMPLOYMENT BACKGROUND

#### March 1992 - September 1994

Senior Vice President and Chief Operating Officer  
NANA Development Corporation

Oversaw the business operations of NANA, including tourism, oilfield operations, security company, joint ventures, and Red Dog activities. Managed certain lobbying efforts in Washington, D.C.

#### October 1986 - March 1992

Senior Vice President  
NANA Regional Corporation

Supervised the Anchorage office which included oilfield operations, security company, joint ventures, Red Dog activities, and finance and accounting functions. Also, participated in lobbying efforts in Washington, D.C.

#### April 1987 - January 1988

Chairman and CEO  
United Bancorporation Alaska, Inc.  
and United Bank Alaska (UBA)

Served as Chairman and CEO during a process in which the holding company and the two banks (one of which was failing) it owned were merged with another failing bank which received new capital from the FDIC and private sources.

#### October 1985 - October 1986

Consultant  
Self-employed

Clients included Alaska Federation of Natives, NANA Regional Corporation, Alascom, and Brice, Inc. Worked as a lead lobbyist on AFN's 1991 legislation.

#### December 1983 - July 1985

Chief of Staff to Governor Bill Sheffield, State of Alaska.

Was the Governor's chief advisor on major policy issues, and oversaw the day to day operations of the Governor's office and the Cabinet.

September 1975 - November 1983

Vice President of Operations  
NANA Regional Corporation

Worked directly for the President of NANA in overseeing day-to-day business operations. Also responsible for lobbying efforts both in Juneau and Washington, D.C. on matters such as oil and gas taxation and land claims issues.

In May, 1977, transferred to the NANA Development Corporation office in Anchorage to work as Vice President of Operations. Duties continued in a similar vein, except no responsibility for operations in Kotzebue. Worked directly for the President of NANA Development Corporation in administering NANA's construction company, pipeline and oil field services, utilities and security companies. Promoted to Senior Vice President in 1982.

September 1974 - May 1975

Alaska Community College  
(Part-time)

Taught a three-credit course on the history and interpretation of the Alaska Native Claims Settlement Act.

December 1972 - August 1975

Alaska Federation of Natives  
Executive Vice President

Served as Executive Vice President responsible for overseeing the financial and administrative matters of the Alaska Federation of Natives, including \$10 million worth of grants and programs. These programs provided services in the fields of health, education, housing and business technical assistance. Also assisted in lobbying and working with the Congress, the Alaska State Legislature, and various state and federal organizations on matters relating to the Trans-Alaska Pipeline, Native Land Claims, Coastal Zone Management and OCS impact.

November 1969 - December 1972

Rural Alaska Community Action Programs  
Deputy Director, Executive Director

Served as Deputy director for a little over a year and was then hired as Executive Director. Responsible for overseeing the programs of the Community Action Program for Rural Alaska, including Headstart, Village Development, Heavy Equipment Program, Emergency Food and Medical Services Program, and several other programs. Annual budgets totaled approximately \$4 million.

May 1969 - November 1969

Alaska Federation of Natives  
Consultant

Served as a consultant to set up the health program that I developed while working for the Greater Anchorage Area Community Action Agency.

September 1968 - May 1969

Health Planner  
Greater Anchorage Area Community Action Program

Developed and worked on funding for a major health grant for the communities of Nome and Bethel. Also worked on funding proposal for Comprehensive Health Planning Grant for Anchorage.

July 1965 - August 1968

VISTA Volunteer

Served as a VISA Volunteer working in Bethel, Yakutat, and Fairbanks, Alaska. Worked primarily with youth groups and the court system in Bethel. In Yakutat worked as Assistant to the Mayor and with youth. While stationed in Fairbanks, was supervisor of 30 VISTA Volunteers for northern and western Alaska.

EDUCATION

Taft School, Watertown, Connecticut;  
University of North Carolina, Chapel Hill, North Carolina. Bachelor of Arts Degree in Political Science.

SELECTED MEMBERSHIPS AND ASSOCIATIONS:

Governor's Rural Affairs Council (1971 - 1976)

Governor's Manpower Commission (1971)

Greater Anchorage Area Comprehensive Health Planning Council  
(1974 - 1975)

Alaska Public Interest Research Group (AKPIRG) Board of Directors  
(1975, Founding Board Member), (1986 - 1991, Chairman 1987 -

1988)

Alaska Federation of Natives Steering Committee on Oil and Gas  
Taxation (1976 - 1977)

Unicorp, Inc., Board of Directors (Bank Holding Company)  
(1977 - 1983) (1987)  
City of Kotzebue OCS Impact Committee (1977)

Board of Regents, University of Alaska (1979 - 1983)

Alaska Commission on Postsecondary Education (1980 - 1982)

Alaska United Drilling, Inc. (1980 - 1983)

Alaska Board of Game (1983), Chairman (1983)

All Saints Episcopal Church Vestry (1988 - 1990)

Alaska Federation of Natives, Legislative Committee  
Chairman (1989 - )

Anchorage Symphony Board of Directors (1991 - )

Junior Achievement of Alaska, Inc. Board of Directors  
(1991 - 1994)

Democratic Leadership Council Board of Directors (1993 - )

Who's Who in the World

Who's Who in Business and Finance

Who's Who in the West

## **PUBLICATIONS**

"The Educational Needs of Alaska's Native Population and the Means to Improve School Programs as seen by the Rural Alaska Community Action Program" (22nd Alaska Science Conference, University of Alaska, August 18, 1971)

"An Assessment of the Alaska Native Claims Settlement Act"  
(Alaska Public Intere. Research Group, December 31, 1974)

"An Assessment of the Alaska Native Claims Settlement Act"  
(Manual of Indian Law, American Indian Law Training Program,  
Inc. 1976)

"Alaska Native Corporations and Native Lands" (Rocky Mountain  
Mineral Law Foundation, 1978)

"State of Alaska and the Alaska Native Claims Settlement Act"  
(Conference on Alaska's Future Frontiers, December 1979)

"Subsistence Hunting in Alaskan Parks" (National Parks, March  
1981)

13 Feb 1995

Senate Resource Committee  
Senator Loran Lemmon, Chair

The following letter voices my concern with the appointment of John Shively for Commissioner of Natural Resources. I will appreciate any consideration given to my concern.

Thank you

Dale Bondurant

Please furnish the House Resource Committee with a copy of my letter.

13 Feb 1995

To All Legislators

I am well aware and very concerned about the history of some of Mr. John Shively's involvement in the Natural Resources of Alaska. I am most concerned about what I consider his contempt for the peoples input and interest in such a public matter as the States Natural Resources.

I remember a series of meetings, held several years ago at which the subject was the attempt to gain private ownership of the public and navigable waters encompassed within the Native land selections. These meetings were well represented by Federal and Corporations interests but with very little presence for the most important interest of the people of the State.

Our Nation's past and present history reflects that these waters and the underlying lands and natural resources are retained, for the benefit of the public as a whole, by the State. In this instance the potential is in untold Natural Resource wealth (ie primary source of the Alaska Permanent Fund and State finance revenues) and most important the constitutional right of continued free public access to the waters.

At one of this series of meeting I, as one of only two public members present, well

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remember an off-hand remark by Mr Shively. His related remark was a lack of concern for the voiced public opposition by "two sportsmen" as they would not have the "money" to stay actively involved in this matter. To me such a statement, no matter who's interests a person may represent, shows a lack of respect for the public, no matter their size or concerned involvement.

Alaskans must ask if Mr Shively's position, in this Water and Natural Resources ownership matter also showed a personal obligation to a lesser concern for the good of the people as a whole; as was his "mistake" in the Fairbanks debauchery of the public's interests. I believe that such a cavalier attitude, as Mr Shively displayed in these two public incidents, is not an acceptable commitment to the public as is required of any Commissioner. I had hoped that Governor Knowles would reexamine his proposed appointment of Mr Shively Commissioner of Alaska's public Waters and Natural Resource.

Now I request legislators to withhold confirmation of Mr Shively to this most important position, in the interest of All Alaskans

Dale Bondurant

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