

Brd. of
Fisheries
Confirmations

1999

Alaska State Legislature

House Resources Committee

Co-Chair Scott Ogan
(907) 465-3715
FAX (907) 465-3265
Capitol Building, Room 124
Juneau, Alaska 99801



Co-Chair Jerry Sanders
(907) 465-4945
FAX (907) 465-3476
Committee Meetings
M/W/F 1 - 3 p.m.

Members: Vice Chair Beverly Masek,
Representatives Ramona Barnes, John Harris, Carl Morgan, Jim Whitaker, Reggie Joule, Mary Kapsner

MEMORANDUM

DATE: April 23, 1999
TO: House Resources Committee Members
FROM: Lorali Meier
House Resources Committee Aide
RE: Additional Testimony on Board of Fisheries Confirmations

Please include the attached letters from the United Cook Inlet Drift Association in your packets regarding Board of Fisheries confirmations.

Attachments.



UCIDA

UNITED COOK INLET DRIFT ASSOCIATION

P.O. Box 389 • Kenai, Alaska 99611 - 0389
(907) 283-3600 • fax (907) 283-3306 e-mail: ucida@kenai.net

APR 23 1999

April 20, 1999

Representative Scott Ogan, Co-Chair
Representative Jerry Sanders, Co-Chair
Representative Beverly Masek, Vice-Chair
House Resources Committee
State Capitol, Room 128
Juneau, AK 99801-1182

Subject: Board of Fisheries Confirmation

Dear Representative members,

United Cook Inlet Drift Association (UCIDA) represents the 585 salmon drift permit holders in Upper Cook Inlet. Some 350-permit holders are current members of our association. UCIDA is also active at the state and federal levels as a member of the Executive Committee of United Fishermen of Alaska (UFA).

During the past three years our organization has written to the Legislature, sent POM's, and lobbied individual members with our concerns, criticisms, and requests about both the operation and conduct of the Board of Fisheries. Today, more than before, Alaska's commercial fisheries are in trouble. Specifically, our long-standing historical, economically viable Cook Inlet drift fishery is in serious trouble. Not because the salmon runs have failed, not because the markets have failed, and certainly not because we have failed to reinvest in our own economic future by doing all that was possible to cooperate with and promote the best biological management possible. We are in trouble because of the political-economic, social engineering decisions made by members of our present Board of Fisheries.

The three appointees seeking confirmation have demonstrated by past actions that they are more than willing to carry out the administration's agenda as to "how" and "who" will profit from the ongoing harvest of Alaska's renewable resources. Unfortunately, the Governor's "vision" for the future is altogether too single minded. In fact, his agenda can also be summed up in one word - tourism. There are thousands of "we Alaskans" who would prefer to continue the multiple use resource economy we have enjoyed in the past, and we are prepared to continue to argue our ideas before the Board of Fisheries and the Alaska State Legislature.

However, we believe and have previously stated, that the makeup of the Board is unfair and, effectively, has given the Governor more power than was intended. In fact, enough power to carry out his personal will as to the "how" and "who" of a subject so critical to so many people throughout our State. It only takes a majority of four appointees to get the job done for Governor Knowles.

Today, it is your turn to put forth your ideas concerning the economic use of our fishery resource. If you believe that commercial fishing should continue to be an important part of an Alaskan diversified economy, then you must seriously participate in the selection of individuals who will make those decisions for all Alaskans and Alaska's future.

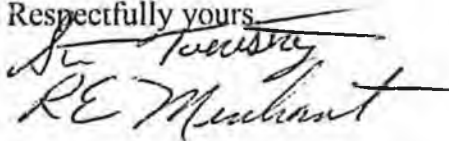
One appointee has proven to be up to the task. Though Mr. Coffey has more than once voted for proposals, which have negatively impacted our fishery, in all good conscience, we cannot doubt his professionalism, concern, and commitment to do his very best as a member of the Board. The Governor, the sport fishery, and the tourism industry have enjoyed excellent representation through the persona of Dan Coffey. He alone has proven capable of mustering enough support within the Board to make sweeping changes to our fisheries' future.

In addition to Mr. Coffey, we ask you to select, through your power of confirmation, at least two bono-fide professional commercial fishermen with a long-standing history and understanding of the importance and value of our commercial fishing industry. This representation on the Board is lacking and, in fact, absent from the process.

We ask you to ensure this representation, not for selfish reasons and, not to ram-rod our position, but rather to allow the thousands of us to go home to our families and once again be able to say that we received fair treatment and our views were adequately represented and argued during the process.

As we have said, the Governor has had his way and the commercial fisheries have suffered the results of his agenda. Now it is your time to remind this administration that there are more opinions than his own about how Alaska will benefit from our renewable resources.

Respectfully yours

The block contains two handwritten signatures in cursive. The first signature is for Steve Tvenstrup and the second is for Bob Merchant.

Steve Tvenstrup, 1st Vice President
Bob Merchant, Member, Board of Directors
United Cook Inlet Drift Association

ST/ch

cc: House Resources Committee



UCIDA

UNITED COOK INLET DRIFT ASSOCIATION

P.O. Box 389 • Kenai, Alaska 99611 - 0389
 (907) 283-3600 • fax (907) 283-3306 e-mail: ucida@kenai.net

April 23, 1999

Representative Scott Ogan, Co-Chair
 Representative Jerry Sanders, Co-Chair
 Representative Beverly Masek, Vice-Chair
 House Resources Committee
 State Capitol, Room 128
 Juneau, AK 99801-1182

Subject: Board of Fisheries Confirmation

Dear Representative members,

In a follow-up to our letter dated April 20, 1999, we would like to clarify the United Cook Inlet Drift Association's position. We recommend that the Legislature withhold the reconfirmation of Dan Coffey, Grant Miller & Virgil Umphenour to the Board of Fisheries.

UCIDA appreciates the hard working commitment required to serve on the Board of Fisheries and appreciates the willingness of all three appointees to serve another term. It has been our position, however, that the current Board is geographically and experientially unbalanced and does not serve the best interests of the state's largest employer, commercial fishing.

These three appointees have already sat on two regular cycle Cook Inlet meetings and three Board approved special meetings. If reconfirmed, they would sit on at least one more regular Cook Inlet meeting and be a part of a full decade of policy making for Cook Inlet. There has always been the tacit understanding that a Board member should serve no more than two terms.

The last three years of Board meetings on Cook Inlet issues have been very frustrating, time consuming, and expensive for commercial fishing in Cook Inlet. It is extremely important to the health and survival of commercial fishing in Cook Inlet to return balance to the Alaska Board of Fisheries. We respectfully request you use this opportunity to do so.

Respectfully Yours,


 Philip Squires
 President UCIDA


 Steve Tvenstrup
 Vice President UCIDA



Southeast Alaska Seiners

April 21, 1999

**Representative Scott Ogan
Co-Chair, House Resource Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182**

Dear Representative Ogan and members of the Resources Committee,

I am writing on behalf of Southeast Alaska Seiners, a membership organization which represents commercial fishermen, to urge you to support the confirmation of Grant Miller to the Board of Fisheries. In addition, we believe that it is time to include on the Board of Fisheries additional members who have knowledge of the commercial fisheries.

The Board of Fisheries is charged with stewardship of our fishery resources in compliance with the sustained yield principle of the Alaska Constitution. In order to accomplish this important function, the law calls for appointment to the Board of individuals with knowledge and ability in the regulation of the fisheries. Thus, in order to perform its function, the Board of Fisheries must have members who are conversant with the fisheries under its authority.

Most of the harvest of Alaska's fishery resources takes place in commercial fisheries. Most of this harvest occurs in marine waters with much of it comprised of species, such as shrimp, crab, and groundfish, that spend no part of their life cycle in the fresh water. As such, it is critical that the Board of Fisheries include individuals who have not only a commitment to the effective management of the commercial marine fisheries but who also bring their personal knowledge of these fisheries to the Board's deliberations.

In Southeast Alaska, the commercial fishing industry provides 7500 full-time, year-round jobs in a region with about 75,000 residents. Thus, effective regulation of the commercial fisheries that conserves the resource and provides for efficient harvest of surplus production is crucial to the continued economic health of the region. To assure effective regulation, the Board should have members who have knowledge of the marine commercial fisheries.

Subject: BOF confirmation

Date: Thu, 22 Apr 1999 11:03:12 -0800

From: Anne & John Herschleb <soundadv@gci.net>

To: Scott Ogan <Representative_Scott_Ogan@legis.state.ak.us>,
Jerry Sanders <Representative_Jerry_Sanders@legis.state.ak.us>,
Beverly Masek <Representative_Beverly_Mased@legis.state.ak.us>,
Ramona Barnes <Representative_Ramona_Barnes@legis.state.ak.us>,
John Harris <Representative_John_Harris@legis.state.ak.us>,
Mary Kapsner <Representative_Mary_Kapsner@legis.state.ak.us>,
Carl Morgan <Representative_Carl_Morgan@legis.state.ak.us>,
Reggie Joule <"Representative_Reggie_Joule"@legis.state.ak.us>,
Bill Hudson <Representative_Bill_Hudson@legis.state.ak.us>,
Jim Whitaker <Representative_Jim_Whitaker@legis.state.ak.us>,
Hal Smalley <Representative_Hal_Smalley@legis.state.ak.us>

I am writing with regards to the confirmation of Virgil Umphenour. I am against reconfirming Mr. Umphenour to the Board of Fisheries. He has not grown into the position the way many others have. His grasp of the often complex issues is poor, and biased. His contribution to the board has been ineffectual. It is time to give someone else a chance. There are plenty of candidates who could do a better job.

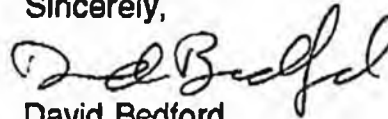
Sincerely,

John Herschleb

SEAS supports Grant Miller for reappointment to the Board of Fisheries because he has served well in his past term and because he is the only member of the Board with experience in the commercial fisheries beyond near-shore, terminal area salmon fisheries. In addition, SEAS believes that the Board of Fisheries would be well served by appointment of other members who can supply expertise in the commercial fisheries that are the life's blood of our coastal communities.

Thank you for your attention to these comments. If I can provide anything further, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Bedford".

David Bedford
Executive Director

Introduced by:

Scalzi, Brown,
Drathman
04/20/99

Date:

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 99-034 SUB**

**A RESOLUTION STRONGLY OPPOSING THE CONFIRMATION OF
CERTAIN MEMBERS TO THE ALASKA BOARD OF FISHERIES**

WHEREAS, the Kenai Peninsula Borough Assembly disagrees with certain stands taken by the Alaska Board of Fisheries; and

WHEREAS, the board of fish has circumvented local advisory boards and addressed Cook Inlet issues each and every year out of cycle; and

WHEREAS, the board of fish was instrumental in dismantling the Upper Cook Inlet Management Plan; and

WHEREAS, the Alaska Board of Fisheries members did not use their own guidelines regarding local economies and historical users in their decision making process; and

WHEREAS, the board of fish dramatically changed the escapement goals for sockeye, utilizing a sliding scale approach which may cause great damage to the Kenai River Habitat area; and

WHEREAS, the regulations and decisions made by the board of fish have resulted in lost opportunity and income to Cook Inlet commercial fishing families and associated local support industries; and

WHEREAS, it is in the best interest of Kenai Peninsula Borough, Cook Inlet commercial fishing families and businesses to deny confirmation of all current members of the Alaska Board of Fisheries;

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

SECTION 1. That the Kenai Peninsula Borough supports the wishes of the Cook Inlet commercial

fishing families and businesses and strongly opposes the confirmation of Dan K. Coffey, Virgil L. Umphenour and Grant Miller to the Alaska Board of Fisheries.

SECTION 2. The Kenai Peninsula Borough takes the position that two commercial fisherman should be appointed to the Alaska Board of Fisheries who have knowledge in large fisheries such as Cook Inlet, and that one of the appointees be a Cook Inlet commercial fisherman.

SECTION 3. That copies of this resolution shall be forwarded to Governor Knowles, the Alaska Board of Fisheries, other appropriate agencies and to each of the state legislators representing the Kenai Peninsula.

SECTION 4. That this resolution shall take effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF APRIL 1999.

Ronald Wm. Drathman, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk



P.O. Box 1649

APR 21 1999

Cordova, Alaska 99574-1649

907-424-3115

Fax: 907-424-3116

E-mail: crspa@copperriver.com Web: <http://www.copperriver.com>

Senators and Representatives
Alaska State Legislature
State Capital (MS3100)
Juneau, AK 99801-1182

April 17, 1999

Dear Senators and Representatives

The Copper River Salmon Producers represent the majority of commercial salmon harvesters in Prince William Sound and the Copper River Flats.

Please add our voices of strong opposition to the re-appointment of Virgil Umphenour to the Board of Fish. Appointees to this board must be open and unbiased, have a commitment to proper process and a passion for the preservation and fair allocation of the states fisheries resources. They must balance history, tradition, economic dependence, statutory requirements, the needs of fishing families, cannery workers, and coastal communities when making regulatory decisions.

Our experiences with, and observations of Mr. Umphenour have shown that he brings none of these traits to his board seat.

With a value to the state of over \$1 billion, the Commercial Fishing Industry expects appointees to the board who understand the delicate balance between all user groups; subsistence, commercial and sport. We feel that the state would be better served by a different appointee. The Governor can do a better job in this appointment, and we respectfully request that you remind him of his responsibilities by not confirming Mr. Umphenour.

Respectfully,

Bill Webber
President

cc. Governor Tony Knowles

\\Notebook\notebook c:\My Files\users\CRSPA\Letters&Faxes\Legis\Lu041799.wpd

Independent Fisherman Speaking with a United Voice

ALASKA CRAB COALITION

3901 Leary Way N.W. Ste. 6
Seattle, Washington 98107
206 547 7560
206 547 0130-Fax
Email: acc-crabak@accn.com

612 Cabrera
F.Y.I. #015
[Signature]

March 31, 1999

CORRECTION

The Honorable Tony Knowles,
Governor,
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811-0001

RE: APPOINTMENTS TO THE BOARD OF FISHERIES

Dear Governor Knowles:

On behalf of the Board of Directors of the Alaska Crab Coalition (ACC), I wish to recommend the reappointments of Dan Coffey, Grant Miller and Virgil Umphenour to the Board of Fisheries.

The ACC has been involved with the both the Board of Fisheries and North Pacific Fisheries Management Council processes for over twelve years.

All three of the Board Members identified above have gained extensive background on Alaskan fisheries, not only salmon and herring, but groundfish and crab. The knowledge they have acquired on Bering Sea and Aleutian Islands crab fisheries and the bifurcated roles of the Board of Fisheries and the NPFMC in crab, and groundfish is a significant factor in the consideration of today's appointments to the Board of Fisheries.

These Board Members also have extensive experience in the development of the Board Committee Process, which has been a significant improvement in the decisionmaking process.

Sincerely,

Gordon Blue

Gordon Blue, President
Alaska Crab Coalition

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 / Telephone (907) 424-3447 / Fax (907) 424-3430

April 20, 1999

Representative Scott Ogan, Co-Chair
House Resources Committee
State Capitol
MS 3100
Juneau, AK 99801-1182

SENT BY FACSIMILE TO (907) 465-3265

Dear Representative Ogan,

Cordova District Fishermen United (CDFU) would like to provide you with input regarding confirmations to the Alaska State Board of Fisheries. These confirmations are by far the most critical issue facing the small independent fishing families who comprise Alaska's second largest income-producing industry. The Board of Fisheries' actions and decisions affect our daily lives, and currently have an enormous impact on our abilities to sustain both our resources and our livelihoods.

The criterion required of the successful appointee(s) are:

- 1) It is imperative that an informed, competent and fair-minded individuals be appointed.
- 2) The successful appointee must be knowledgeable of, committed to, and have respect for the public process established at statehood for regulating Alaska's fisheries resources.
- 3) A clear understanding of the Board's regulatory and statutory authorities is requisite.
- 4) The qualified appointee must be an unbiased decisionmaker willing and able to factfind to make the best decision possible based upon the available information.
- 5) An appointee, at the very least, should maintain respect for those people represented by the process.

We believe that you have an opportunity to address the current imbalance on the Board. Although a majority of decisions made by the Board are nuts and bolts, day-in-and-day-out regulations governing the orderly prosecution of the fishery, only one person out of seven currently serving on the Board has extensive experience as a commercial fisherman, Grant Miller. The issues facing the state's largest private sector employer are diverse. They demand the kind of knowledge, skills and abilities come from a broader scope of experience than that which exists on the current Board.

We are strongly opposed to the re-appointment of Virgil Umphenour to the Board. Mr Umphenour has not met the criteria listed above during his tenure on the Board. CDFU is certain that after thoughtful application of the guidelines detailed here you will come to the conclusion that the Board of Fisheries process would benefit from a change in membership.

Respectfully submitted,



Sue Aspelund
Executive Director

cc: Senator Georgiana Lincoln
Representative John Harris

Bob Martinson
900 Iroquois Drive
Wasilla, AK 99654
phone: 907-373-2627
e-mail: danse@mtaonline.net

MEMO TO: House Resources Committee
Scott Ogan, Co-Chair
Jerry Sanders, Co-Chair

FROM: Bob Martinson

DATE: April 20, 1999

SUBJECT: Board of Fisheries - confirmation hearings

I would like to oppose the confirmation of Virgil Umphenour to the Board of Fisheries. His temper tantrum raised at the 1996 board cycle meeting in Cordova showed him to be both biased and uninformed. His cussing and false statements in front of the public, put the board into Executive Session. Other members had to calm him down. He clearly has a conflict of interest in dealing with matters of concern to Prince William Sound Aquaculture Corporation (PWSAC) and/or matters relating to the Copper River fishery.

During his tantrum he stated the we (Cordova) fishermen were allowed to "seine" up all the fish at the mouth of the river. Purse seining has never been allowed near the Copper River. Also, the "mouth" of the Copper River is about 60 miles wide across a delta, with many entrances. Mr. Umphenour's interest in a processing operation in Fairbanks provides him with biases and personal interests when it comes to dealing with certain areas of the state.

Because of his lack of judgment, the state should consider looking elsewhere for a Board of Fisheries candidate.

I am a resident of District 27, and rely solely on commercial fishing for my livelihood.

Thank you for the chance to comment.

cc: Representative John Harris
Senator Georgianna Lincoln
House Special Committee on Fisheries



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545
E-Mail: ufa@alaska.net

April 20, 1999

Representative Scott Ogan
Co-Chair
House Resources Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Representative Ogan,

UFA appreciates all the hours and time present Board of Fisheries (BOF) members dedicate to a very demanding job. However, we also feel the BOF is out of balance and does not have the necessary combination of management skills, commercial fisheries experience, and concern for the State as a whole. At present there is only one BOF member with extensive commercial experience in the mixed stock fishery, Grant Miller.

Alaska's fisheries face substantial challenges. Markets are changing for both salmon and halibut. Competition between traditional commercial, subsistence, and recreational users is occurring due to expanding population in some areas and an increase in tourism. There is the potential for significant interaction between the state federal resource managers (NMFS/North Pacific Fishery Management Council, and subsistence managers). Recent actions by the Board of Fisheries, could trigger changing management of crab fisheries beyond the three mile limit back to the federal government. The BOF must be prepared to address these and other issues based on sound biology, and a well founded understanding of the socio-economic impacts of their decisions. Alaska has managed its fishery resources well in the past and should not put these resources at risk for short term political gain.

Commercial fisheries are the largest private sector employer in the State and the second largest source of income after oil. Commercial fisheries pays taxes in excess of the cost of state commercial fisheries management. Improper management of commercial fisheries results in both short and long term losses to the State treasury and employment base. In a sense Alaska's commercial fisheries are a "permanent fund"; does the State select a board without an adequate balance of financial, managerial, and technical skills to manage the Alaska Permanent Fund?

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Longline Fishermen's Association • Alaska Trollers Association • Bristol Bay Drillnetters Association • Concerned Area "M" Fishermen
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Kona Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Northwest Seiners Association • Peninsula Marketing Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Puro Seine Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association • United Cook Inlet Drill Association • United Southeast Alaska Gillnetters

We need to bring the board back in balance and to have another experienced commercial fisheries person on the board; we need a change. The experience on the board now favors terminal fisheries which is a small fraction of the fisheries in the state. We need someone with recent experience who can quickly grasp nuances of fisheries for different species (halibut, cod, rockfish, scallops, etc) and gear types (pots, nets, long line, div, etc).

Because of the social and economic significance of commercial fisheries, we feel it is only fair that there be at least one more experienced commercial fisheries member.

Board members need open minds and strong consensus building skills. UFA supports Grant Miller for reappointment and hopes the legislature understands the seafood industry's critical need to at have at least another board member that understands current biological and management practices.

We know these appointments are tough decisions and hope you understand the rationale of why change is needed. We do not feel this is too much to ask due to the current makeup of the Board. Virgil Umphenour has served on the Board since 1994, almost two terms. The governor's recent nomination would add another three years. Normally a seat changes after two terms.

Thanks for consideration of our comments and the impact you can have on Alaska's largest private sector employer.

Sincerely,


Rich Davis
President