

**CONFIRM:
BOARD
OF
FISHERIES,
4/16/03**

Alaska State Legislature

Senate Resources Committee

Senator Scott Ogan, Chair

Senator Fred Dyson
Senator Kim Elton
Senator Georgianna Lincoln
Senator Ralph Seekins
Senator Ben Stevens
Senator Tom Wagoner



State Capitol, Room 103
Juneau, AK. 99801-1182
Phone: (907) 465-4907
Fax: (907) 465-3265

REPORT ON CONFIRMATION OF APPOINTMENTS

April 16, 2004

The Honorable Gene Therriault
President of the Senate
State Capitol
Juneau, Alaska 99801-1182


Dear President Therriault:

In accordance with AS 39.05.080, the Senate Resources Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration


Board of Fisheries – Art N. Nelson

This does not reflect an intent by any of the members to vote for or against the individual(s) during any further sessions.

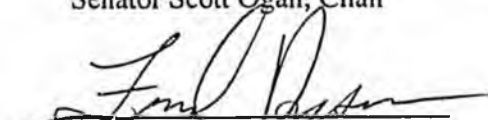
Respectfully,



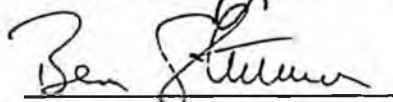
Senator Scott Ogan, Chair



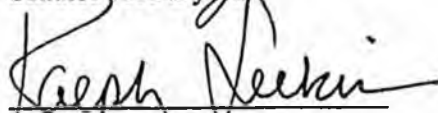
Senator Tom Wagoner, Vice Chair



Senator Fred Dyson



Senator Ben Stevens



Senator Ralph Seekins

Senator Georgianna Lincoln

Senator Kim Elton

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The Honorable Gene Therriault
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Juneau, Alaska 99801-1182

Dear President Therriault:

In accordance with AS 39.05.080, the Senate Resources Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration

Board of Fisheries – Robert Heyano

This does not reflect an intent by any of the members to vote for or against the individual(s) during any further sessions.

Respectfully,

Handwritten signature of Scott Ogan in cursive.

Senator Scott Ogan, Chair

Handwritten signature of Tom Wagoner in cursive.

Senator Tom Wagoner, Vice Chair

Handwritten signature of Fred Dyson in cursive.

Senator Fred Dyson

Handwritten signature of Ben Stevens in cursive.

Senator Ben Stevens

Handwritten signature of Ralph Seekins in cursive.

Senator Ralph Seekins

Senator Georgianna Lincoln

Senator Kim Elton



OFFICIAL BUSINESS

Alaska State Legislature

Senate

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JUNEAU, ALASKA 99801-1182
(907) 465-3701
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EMAIL: senate_secretary@legis.state.ak.us

April 2, 2004

MEMORANDUM

TO: Senator Ogan, Chair
Resources Committee

FROM: Kirsten Waid *KW*
Secretary of the Senate

SUBJECT: Governor's Confirmations

Pursuant to AS 39.05.080, President Therriault has referred the following names for legislative confirmation to your committee for a hearing, recommendation and report:

Board of Fisheries

Robert Heyano - Dillingham

Appointed: 07/01/2004 Term Expires: 06/30/2007

Art N. Nelson - Anchorage

Reappointed: 03/25/2004 Term Expires: 06/30/2007

KCW:lc
Resumes attached

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APP/037/Fish

February 16, 2004

BOARDS & COMMISSIONS

Robert Heyano

FEB 19 2004

Dillingham, Alaska 99576

439-6465 cell
842-1053 h

4715

B+C

Governor Frank Murkowski
Office of the Governor
Boards and Commissions
P.O. Box 110001
Juneau, Alaska 99811-0001

Dear Governor Murkowski;

I would like your consideration to be appointed to the Alaska Board of Fisheries. I believe, if appointed to serve, I can offer a positive contribution to the Board of Fisheries. I would like to submit the following information as to my qualifications for consideration for this appointment.

- 1) Currently serving member of the Nushagak Advisory Committee for approximately 20 years.
- 2) Past elected chairman of the Nushagak Advisory Committee for approximately 10 years.
- 3) Currently serving member on the Federal Subsistence Bristol Bay Rural Advisory Council since its creation.
- 4) Currently and active owner/operator of a Bristol Bay salmon drift gill net operation for 31 years.
- 5) Currently and active participant in the Togiak herring seine fishery for 24 years.
- 6) Owner/operator of a small sport fish camp on the Nushagak River for 7 years.
- 7) Active subsistence user
- 8) Public participant in the Board of Fisheries process for approximately 24 years.
- 9) Served as a committee member in development of the Southwest Alaska Rainbow Trout Management Plan.
- 10) Served as a committee member in the development of the Nushagak/Mulchatna Chinook Management Plan.
- 11) Served as a committee member in the development of the Nushagak/Mulchatna Coho Management Plan.
- 12) Served as a committee member in the development of the Wood River Special Harvest area.

Thank you for your time and consideration.

Robert Heyano

Robert Heyano

Fax Received

FEB 17 2004

Office of the Governor

276-8252 W
338-7142 h
Arthur N. Nelson

[REDACTED]
Anchorage, AK 99504
[REDACTED]
[REDACTED]
[REDACTED]

BOARDS & C. [REDACTED]
DEC 18 2002

E

Work experience

At-sea Processors Association October 1999 to present
Anchorage, Alaska

Employment/Development Coordinator. Managing an ongoing program to recruit and place Alaskans on catcher/processor vessels operated by member companies. Analyze catch and employment statistics. Represent the interests of member companies and their CDQ investors before the North Pacific Fisheries Management Council and the Alaska Board of Fisheries.

Bering Sea Fishermen's Association March 1996 to October 1999
Anchorage, Alaska

Fisheries Specialist. Coordinated and assisted with field projects monitoring and restoring chum salmon runs in Kotzebue and Norton Sounds and the Yukon and Kuskokwim Rivers. Principal Investigator to project examining alternative commercial fishery resources in the Kotzebue Sound region. Represented Western Alaska's small-boat fisheries interests at policy meetings such as the Alaska Board of Fisheries and the North Pacific Fisheries Management Council.

Kawerak, Incorporated March 1994 to March 1996
Nome, Alaska

Fisheries Specialist. Planned and directly implemented field projects monitoring and restoring chum salmon runs to the Norton Sound/Bering Strait region. Represented Native subsistence and commercial fishing interests of at policy meetings such as the Alaska Board of Fisheries and the north Pacific Fisheries Management Council.

F/V Gunvor May-August 1993
Elfin Cove, Alaska

Crewmember. Salmon trolling and halibut longlining in Southeast Alaska.

Alaska Department of Fish and Game May-July 1990
Cordova, Alaska

Technician I. Worked at remote project site, tagging Dolly Varden and Cutthroat Trout.

Veco, Incorporated

June-August 1989

Prince William Sound, Alaska

Oil Recovery Technician. Worked on Exxon Valdez oil spill cleanup efforts, including beach washing, skimmer barge operator and water pump operator.

F/V Orca and F/V Lady Dianne

May-August (many years)

Cordova, Alaska

Crewmember. Grew up working summers on family owned commercial fishing boats in Prince William Sound and on the Copper River flats.

E d u c a t i o n

Dimond High School, Graduated

University of Alaska, Fairbanks

Fairbanks, Alaska

Senior status, 4 credits remaining towards B.S. Biology degree

I n v o l v e m e n t i n F i s h e r i e s I s s u e s

Seafood Industry Human Resources Consortium, *Co-chair*

January 2001-present

Seafood Advisory Committee, *Advisor At-Large*

November 2000-present

United Fishermen of Alaska, *Alternate Board Member*

October 2000-present

Nome Chum Salmon Working Group, *Facilitator*

December - March 1999

Northern Norton Sound Fish and Game Advisory Committee, *Secretary*

July 1995 - March 1996

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Boards Support

ADF&G - Section of

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Board of Fisheries

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Meeting Information

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Board of Fisheries Forms

- › Proposal Form
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- › Petition the Board

Welcome to the Board of Fisheries!

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

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

The Board of Fisheries meets four to six times per year in communities around the state to consider proposed changes to fisheries regulations around the state. The board uses the biological and socioeconomic information provided by the Alaska Department of Fish and Game, public comment received from people inside and outside of the state, and guidance from the Alaska Department of Public Safety and Alaska Department of Law when creating regulations that are sound and enforceable.

Quick Picks

Go to....

Fisheries News



Members of the public in Ketchikan

[Front page](#)[PWS Workgroup to meet on proposals](#)[Board schedules special meeting on PWS](#)[Board creates Gene District in Bristol Bay](#)[Board makes finding GOA Groundfish](#)[Recommendations on Sustainable Salmon \(SSFP\) Available for Review](#)[BOF to make Recommendations on Halibut Subsistence](#)[GOA Groundfish meeting in February](#)[Joint Meeting with Council March 30](#)[Proposal Deadline for BOF: April 9, 2004](#)[All You Can Eat, Volume 2 now online](#)[Summary of January 2004 GOA Groundfish meeting available](#)[Summary of December](#)



Sec. 16.05.221. Boards of fisheries and game.

(a) For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

(b) For purposes of the conservation and development of the game resources of the state, there is created a Board of Game composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Game, but shall be ex officio secretary.

(c) Members of the Board of Game serve staggered terms of three years and, except as provided in AS 39.05.080 (4), each member serves until a successor is appointed. An appointment to fill a vacancy in the membership of the Board of Game shall be made in the same manner as the original appointment and, except as provided in AS 39.05.080 (4), an appointment to fill a vacancy is for the balance of the unexpired term.

(d) Members of the Board of Fisheries serve staggered terms of three years. The terms of members of the board begin on July 1. Notwithstanding AS 39.05.080 (1), by April 1 of the calendar year in which the term expires, the governor shall appoint a person to fill the vacancy that will arise on the board due to expiration of the term of a member of the board and submit the name of the person to the legislature for confirmation. If a vacancy arises on the board, the governor shall, within 30 days after the vacancy arises, appoint a person to serve the balance of the unexpired term and submit the name of the person to the legislature for confirmation. A person appointed to fill the balance of an unexpired term shall serve on the board from the date of appointment until the earlier of the expiration of the term or the failure of the legislature to confirm the person under AS 39.05.080.

Sec. 16.05.230. Term of office. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.240. Powers excluded [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.241. Powers excluded.

The boards have regulation-making powers as set out in this chapter, but do not have administrative,

budgeting, or fiscal powers.

Sec. 16.05.250. Regulations. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.251. Regulations of the Board of Fisheries.

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters 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 fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for persons 60 years of age and older to participate in sport, personal use, or subsistence fishing;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture, and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

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

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

(13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475 (d), that are registered under the laws of the state, as defined in AS 16.05.475 (c), after making a written determination

that an on-board observer program

(A) is the only practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530.

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

(c) If the Board of Fisheries 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, consistent with sustained yield and the provisions of AS 16.05.258, provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

(1) the history of each personal use, sport, guided sport, and commercial fishery;

(2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;

(3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;

(4) the availability of alternative fisheries resources;

(5) the importance of each fishery to the economy of the state;

(6) the importance of each fishery to the economy of the region and local area in which the fishery is located;

(7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

(f) Except as expressly provided in AS 16.40.120 (e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with a permit issued under AS 16.40.120.

(g) The Board of Fisheries shall consider a request of the commissioner for approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's next regular or special meeting that follows the receipt by the board of the request for approval of the petition and that allows time for the notice required under this subsection. The board may consider the request of the commissioner for approval of the petition only after 15 days' public notice of the board's intention to consider approval of the petition. The board shall consider whether the commissioner, in support of the request for approval of the petition, has adequately shown that the fishery meets requirements for a moratorium on new entrants under AS 16.05.050. The board by a majority vote of its members at the meeting when the petition must be considered shall approve or disapprove the petition.

(h) The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.

Sec. 16.05.253. Operation of stationary fishing gear.

(a) The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when the permit holder is at or traveling to or from the location of

- (1) a sale of fish caught in the gear; or
- (2) other stationary gear of the permit holder.

(b) In this section, "fishing site " means fishing site as defined by the Board of Fisheries and includes any structure used for providing shelter in support of the operation of the net gear or other stationary fishing gear.

Sec. 16.05.255. Regulations of the Board of Game; management requirements.

(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, taking, 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;

(11) taking game to ensure public safety;

(12) regulating the activities of persons licensed to control nuisance wild birds and nuisance wild small mammals.

(b) *[Repealed, Sec. 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) The Board of Game shall establish population and harvest goals and seasons for intensive management of identified big game prey populations to achieve a high level of human harvest.

(h) *[Repealed, 2000 Ballot Measure No. 6].*

(i) For the purpose of encouraging adults to take children hunting, the board shall establish annual hunting seasons in appropriate areas of the state for big game, other than bison and musk ox, that are open before schools start in the fall and before regular hunting seasons begin. Only a resident child accompanied by a resident adult or a child accompanied by the child's resident parent, resident stepparent, or resident legal guardian may take big game in an area where a season established under this subsection is in effect. The adult, parent, stepparent, or legal guardian who accompanies the child may only assist the child in taking big game. A big game animal taken under this subsection must be counted against the bag limits of both the child and the adult, parent, stepparent, or legal guardian who accompanies the child. In this subsection,

(1) "adult" means an individual who is 21 years of age or older;

(2) "child" means an individual who is not more than 17 years of age and not younger than eight years of age.

(j) In this section,

(1) "harvestable surplus" means the number of animals that is estimated to equal the number of offspring born in a game population during a year less the number of animals required for recruitment for population

maintenance and enhancement, when necessary, and the number of animals in the population that die from all causes, other than predation or human harvest, during that year;

(2) "high level of human harvest" means the allocation of a sufficient portion of the harvestable surplus of a game population to achieve a high probability of success for human harvest of the game population based on biological capabilities of the population and considering hunter demand;

(3) "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;

(4) "intensive management" means management of an identified big game prey population consistent with sustained yield through active management measures 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.

(5) "sustained yield" means the achievement and maintenance in perpetuity of the ability to support a high level of human harvest of game, subject to preferences among beneficial uses, on an annual or periodic basis.

Sec. 16.05.256. Nonresident and nonresident alien permits.

Whenever it is necessary to restrict the taking of big game so that the opportunity for state residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game may, through a permit system, limit the taking of big game by nonresidents and nonresident aliens to accomplish that purpose.

Sec. 16.05.257. Subsistence hunting regulations. [Repealed, Sec. 12 ch 52 SLA 1986].

Repealed or Renumbered

Sec. 16.05.258. Subsistence use and allocation of fish and game.

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to

preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

(4) the amount and distribution of cash income among those domiciled in the area or community;

(5) the cost and availability of goods and services to those domiciled in the area or community;

(6) the variety of fish and game species used by those domiciled in the area or community;

(7) the seasonal cycle of economic activity;

(8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;

(9) the harvest levels of fish and game by those domiciled in the area or community;

(10) the cultural, social, and economic values associated with the taking and use of fish and game;

(11) the geographic locations where those domiciled in the area or community hunt and fish;

(12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;

(13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

Sec. 16.05.259. No subsistence defense.

In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses.

Sec. 16.05.260. Advisory committees.

The Board of Fisheries and the Board of Game may adopt regulations they consider advisable in accordance with AS 44.62 (Administrative Procedure Act) establishing, at places in the state designated by the individual boards, advisory committees to be composed of persons well informed on the fish or game resources of the locality. The boards shall set the number and terms of each of the members of the advisory committees, shall

delegate one member of each committee as chairman, and shall give the chairman authority to hold public hearings on fish or game matters. Recommendations from the advisory committees shall be forwarded to the appropriate board for their consideration but if the Board of Fisheries or the Board of Game chooses not to follow the recommendations of the local advisory committee the appropriate board shall inform the appropriate advisory committee of this action and state the reasons for not following the recommendations. The commissioner shall delegate authority to advisory committees for emergency closures during established seasons. The commissioner is empowered to set aside and make null and void only opening of seasons set by the advisory committees under this section. The appropriate board shall adopt the necessary regulations governing these closures.

Sec. 16.05.261. [Renumbered as AS 16.05.259].

Repealed or Renumbered

Sec. 16.05.270. Delegation of authority to commissioner.

For the purpose of administering AS 16.05.251 and 16.05.255, each board may delegate authority to the commissioner to act in its behalf. If there is a conflict between the board and the commissioner on proposed regulations, public hearings shall be held concerning the issues in question. If, after the public hearings, the board and the commissioner continue to disagree, the issue shall be certified in writing by the board and the commissioner to the governor who shall make a decision. The decision of the governor is final.

Sec. 16.05.280. Removal of board members.

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.

Sec. 16.05.290. Compensation of board members.

Each member of a board is entitled to compensation at a rate equal to Step A, Range 20, of the salary schedule in AS 39.27.011 (a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance at board meetings. For other meetings or conferences authorized by a board a member shall receive compensation at a rate equal to one-half of Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance. Each member of a board is also entitled to travel expenses and per diem authorized for boards and commissions under AS 39.20.180.

Sec. 16.05.300. Board meetings.

(a) Each board shall hold at least one meeting a year and as many other meetings as it considers necessary. Each board shall select the time and place in the state for the transaction of business. Each board shall maintain its office at the principal office of the department.

(b) In addition, the Board of Fisheries shall hold at least one meeting or hearing a year in each of the

following general areas:

- (1) Upper Yukon - Kuskokwim - Arctic
- (2) Western Alaska (including Kodiak)
- (3) Southcentral
- (4) Prince William Sound (including Yakutat).

Sec. 16.05.305. Clerical assistance for boards.

The Board of Fisheries and the Board of Game are authorized to hire and set the compensation for one clerical assistant for each board.

Sec. 16.05.310. Special board meetings.

A board may meet at any time upon the call of the commissioner or upon the request of two board members.





Sec. 16.05.315. Joint board meetings.

The Board of Fisheries and the Board of Game may hold a joint meeting upon the call of the commissioner or a board to resolve any conflicts in regulations of the boards and to consider matters, as determined by the commissioner or a board, that require the consideration of both boards.

Sec. 16.05.320. Quorum.

A majority of the members of a board constitutes a quorum for the transaction of business, for the performance of any duty, and for the exercise of any power. However, a majority of the full board membership is required to carry all motions, regulations, and resolutions. A majority of the members of the boards of fisheries and game constitute a quorum for the transaction of business in a joint board meeting. A majority of the membership of the boards is required to carry all joint motions, regulations, and resolutions of the boards.

Article 03. LICENSING OF SPORT FISHING AND HUNTING

Sec. 16.05.330. Licenses, tags, and subsistence permits.

(a) Except as otherwise permitted in this chapter, without having the appropriate license or tag in actual possession, a person may not engage in

- (1) sport fishing, including the taking of razor clams;
- (2) hunting, trapping, or fur dealing;
- (3) the farming of fish, fur, or game;
- (4) taxidermy; or

(5) [Effective July 1, 2004]. control of nuisance wild birds and nuisance wild small mammals for compensation.

(b) When obtaining the appropriate license or tag in (a) of this section, an applicant who asserts residency in the state shall provide the license vendor with the proof of residence that the department requires by regulation.

(c) The Board of Fisheries and the Board of Game may adopt regulations providing for the issuance and expiration of subsistence permits for areas, villages, communities, groups, or individuals as needed for authorizing, regulating, and monitoring the subsistence harvest of fish and game. The boards shall adopt these regulations when the subsistence preference requires a reduction in the harvest of a fish stock or game population by nonsubsistence users.

(d) A person may not receive a sport fishing, hunting, or trapping license or other permit or tag issued under AS 16.05.330 - 16.05.430, if the person's right to obtain, or exercise the privilege granted by, a sport fishing, hunting, or trapping license is suspended or revoked in another state. A person who applies for a sport



UNITED FISHERMEN OF ALASKA

April 16, 2004

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

Senator Scott Ogan, Chair
Senate Resources Committee
Alaska State Senate
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senator Ogan,

United Fishermen of Alaska supports that Governor's appointments of Mr. Art Nelson and Mr. Robert Heyano to the Board of Fisheries. The Board faces many issues that will impact both the health of the resource and the wellbeing of Alaska communities. The issues are complex and demand well qualified Board members who have experience and skills equal to the task, and UFA feels that Art Nelson and Robert Heyano would serve the people of Alaska well on the Board.

Art Nelson has experience with fisheries in several parts of the state and has lived in geographically diverse communities where fishing is a critical part of the community fabric. Mr. Nelson brings organizational experience, especially development and facilitation, and a fair and open-minded approach to Board issues.

Robert Heyano has been active in fishery related issues for many years, including ongoing Bristol Bay restructuring studies, UFA's 2001 Salmon revitalization meetings, and the Joint Legislative Salmon Industry Task Force Finance Subcommittee in 2003.

United Fishermen of Alaska represents thirty-two commercial fishing groups and hundreds of individual members, altogether representing over 10,000 Alaska commercial fishermen. We encourage your support of the appointments of Art Nelson and Robert Heyano.

Sincerely,

Bob Thorstenson, Jr.
President

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Chignik Regional Aquaculture Association • Chignik Seiners Association • Concerned Area "M" Fishermen • Cordova District Fishermen United
Crab Rationalization and Buyback Group • Douglas Island Pink and Chum • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
Kodiak Seiners Association • North Pacific Fisheries Association • Northern Pacific Scallop Cooperative • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association
Seafood Producers Cooperative • Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Salmon Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

Alaska State Legislature

Sen. Ogan

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Juneau, Alaska 99801-1182
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Fax: (907) 283-2763

Representative Kelly Wolf *House District 33*

April 16, 2004

Governor Frank Murkowski
P.O. Box 110001
Juneau, Alaska 99811-0001

Dear Governor Murkowski,

In an interesting turn of events concerning the Governor's selection of Board of fish appointments, it has come to my attention that one of the endorsements for the two individuals has come from a 501 (c) 3 non-profit organization. As a point of information, the Internal Revenue Service clearly states that an exempt organization may not endorse a candidate for public office and may be subject to sanctions of their exempt status. In review of executive ethics, the Board of fish commissioners are public officers and are subject under this IRS ruling.

What I find disconcerting is that these two persons were considered for these positions when the Governor of Alaska is the honorary Co-chair of the endorsing non-profit's fund raising activity and that Mr. Mark Hamilton of the University of Alaska is a board member of this organization which endorsed both men. Believing that as an elected official of the great State of Alaska you, of all people, would fully understand the possible implications of what an endorsement from a non-profit organization could mean legally under the Internal Revenue Service regulations pertaining to the exempt status of the organization.

The organization's response to my clearly legitimate question as a House resource committee member and your administration's inclusion of this endorsement as a recommendation for appointment to the board of fish is questionably arrogant. Seemingly, it appears that your administration and this organization believe that because it's Kenai River Sportfishing Association, who pointedly has strong political support, that no one would dare question this. Please review AS 39.52.120 (c) through AS 39.52.220 executive ethics.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Wolf".

Representative Kelly Wolf

Cc: Mr. Paul Lyle (Executive Ethics)
Mr. Marshal Jackson IRS investigations

Alaska State Legislature

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Representative Kelly Wolf *House District 33*

April 14, 2004

Mr. Ricky Gease, Executive Director
Kenai River Sportfishing Assn.
PO Box 1228
Soldotna, Alaska 99669

Dear Ricky,

As a matter of clarity, I'm asking you to clearly inform my office as to whether or not the letter dated February 25, 2004 was a KRSA Board decision. A copy of the letter is being sent to you.

If I do not receive a response by the close of business on Thursday, April 15, 2004, I will acknowledge the letter as a KRSA Board decision using KRSA's time and resources to determine your organization's support for these individuals for appointment to the Board of Fisheries.

Thank you in advance for your timely response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kelly Wolf".

Representative Kelly Wolf



Kenai River Sportfishing Association, Inc.

PO Box 1228 • 224 Kenai Avenue, Suite 102

Soldotna, Alaska 99669

907.262.8588 phone 907.262.8582 fax

www.kenalriversportfishing.org • kenairiv@ptialaska.net

Dedicated to preserving the greatest sportfishing river in the world, the Kenai.

April 15, 2004

Dear Representative Kelly Wolf:

Thank you for your inquiry to me as to whether or not the KRSA letter dated February 25, 2004 was a KRSA Board decision.

As a matter of clarity, I am clearly informing you and your office that the KRSA letter dated February 25, 2004 was not a KRSA Board decision – it was a KRSA fisheries committee decision.

You can acknowledge this response as indicating that the KRSA Fisheries committee decision used our fisheries committee members' volunteer time and resources to make this recommendation to Governor Frank Murkowski. KRSA's direct expenses for mailing out the letter to the Governor were 37 cents and the piece of letterhead was 2 cents. Add in a 15% cost of overhead and we can come up with a total of an additional 6 cents. Thus the direct and indirect cost to KRSA for this lobbying expenditure was about 45 cents, which will be noted on our 2004 Form 990 to the IRS.

For a matter of clarity, I am clearly informing you and your office of my request to know why you are interested in this information.

1. Is this information for an investigation specifically by you and your office?
2. Is this information for a third party whom you are working on behalf of?
3. Is this information for a House committee investigation?
4. Is this information for a special investigation authorized by the House?
5. Is this information for the Department of Revenue review of whether the Kenai River Classic is a fish derby?

Unless otherwise noted and fully explained, I will assume that state time and resources were used by you and/or your office in your inquiry with official Alaska State Legislature letterhead dated to me on April 14, 2004.

Since you were gracious enough to allow me one day of response time to your inquiry, I will return the same graciousness to you and ask that you respond to my request for complete answers to the above five questions by 5 pm, Friday, April 18.

Please respond either by email or FAX.

Sincerely,

Ricky Gease, Executive Director
Kenai River Sportfishing Association

Alaska State Legislature

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Representative Kelly Wolf *House District 33*

April 15, 2004

Mr. Ricky Gease, Executive Director
Kenai River Sportfishing Assn.
PO Box 1228
Soldotna, Alaska 99669

Dear Ricky,

Thank you for your timely response to my question regarding KRSA fisheries committee endorsement of Alaska board of fish appointments. As a legislative committee member of House Resources, scheduled to review these two Board of fisheries appointees on Friday, April 16, 2004, I found it prudent to verify whether or not KRSA's board of directors approved these endorsements. It is my understanding from last summer's announcement of Kenai River Sportfishing Association that University President Mark Hamilton is now a board member of KRSA. I was justly concerned that Mr. Hamilton's endorsement as a KRSA board member and KRSA's status as a 501 (c) 3 nonprofit organization was a violation of the Internal Revenue Service regulations preventing non profits from endorsing candidates for public office.

I believe this should clearly explain the reasons for my interest and answer all five of the questions you listed in your response to my inquiry, which will be made public, due to the nature of my inquiry and as a member on House Resources, in regards to your organization's endorsement of these two individuals for a politically appointed board made by an honorary member of your organization.

In closing, I will regard your response as a hostile one. Since a board of directors governs KRSA, the board approved the placement of your members on the fishery committee. Therefore, the KRSA board of directors ultimately assumes responsibility of KRSA's endorsement of these two board of fish appointees.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kelly Wolf".

Representative Kelly Wolf



Kenai River Sportfishing Association, Inc.

PO Box 1228 • 224 Kenai Avenue, Suite 102

Soldotna, Alaska 99669

907.262.8588 phone 907.262.8582 fax

www.kenairiversportfishing.org • kenairiv@ptialaska.net

Dedicated to preserving the greatest sportfishing river in the world, the Kenai.

April 15, 2004

Dear Representative Kelly Wolf:

Thank you for your timely response to my timely response to your latest interesting request for information from KRSA. I hope you do not consider my reply to the misinformed conclusions in your reply to my timely request as an act of hostility. My response has no basis in hostility, but instead pure disdain for sloppiness in thinking.

The IRS (Internal Revenue Service) states the following:

Lobbying Activity

In general, no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as lobbying). A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks loss of tax-exempt status.

Legislation includes action by Congress, any state legislature, any local council, or similar governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by executive, judicial, or administrative bodies.

Note that the KRSA fisheries committee letter was addressed to Governor Murkowski, who is part the executive branch of Alaska government. In case you miss the point above, the IRS states that lobbying "does not include actions by executive, judicial, or administrative bodies." The letter in question was sent to Governor Murkowski and referred to appointments to the board of fisheries – such action is not considered lobbying by the IRS.

Thank you in advance for your continuing concern for the activities of Kenai River Sportfishing Association, a non-profit organization dedicated to preserving one of the greatest sportfishing rivers in the world, the Kenai

Sincerely,

Ricky Gease, Executive Director

Kenai River Sportfishing Association

Alaska State Legislature

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Fax: (907) 283-2763

Representative Kelly Wolf *House District 33*

April 15, 2004

Mr. Mark Hamilton, President
University of Alaska
PO Box 755000
Fairbanks, Alaska 99775

Re: Letter of Endorsement

Dear Mr. Hamilton,

As a Board Member of Kenai River Sport Fishing Association please clarify if you were aware of or part of the decision process to endorse two Board of Fisheries appointments, Art Nelson & Robert Heyano, in a letter dated February 25, 2004, that was sent by Ron Rainey, Chairman of the KRSA Board. A copy of the letter is enclosed for your reference.

Please provide your response to me by noon tomorrow, Friday, April 16, 2004.
Thank you in advance for your timely reply.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kelly Wolf".

Representative Kelly Wolf



FILE COPY

Kenai River Sportfishing Association, Inc.
PO Box 1228 • 224 Kenai Avenue, Suite 102
Soldotna, Alaska 99609
907.262.8588 phone 907.262.8582 fax
www.kenairiversportfishing.org • kenairiv@ptnet.net

Dedicated to preserving the greatest sportfishing river in the world, the Kenai

RECEIVED
MAR 2 2004
+121
BVC

February 25, 2004

BOARDS & COMMISSIONERS

MAR - 2004

Frank Murkowski, Governor
State of Alaska
PO Box 110001
Juneau, AK 99811

Dear Governor,

We have reviewed the applicants to the Board of Fisheries and would like to strongly endorse the following two candidates for a three year appointment:

Art Nelson, Anchorage

Robert Heyano, Dillingham

You have a fair make-up of this Board now. While having commercial backgrounds, we believe these two gentlemen will be fair in their decisions and will give recognition to the needs of 215,000 sport anglers in South Central Alaska.

We will work actively through our members and the sport fishing public to help insure their confirmation.

Sincerely,

Ron Rainey
Chairman of the Board

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MAR 05 2004

GOVERNOR'S OFFICE

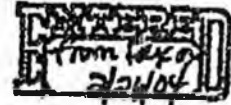
Cc: Gene Therriault, President, State Senate
Pete Kou, Speaker of the House
Alan Austerman
Ms. Lorraine Derr
Eldon Mulder



FILE COPY

COOK INLET SPORTFISHING CAUCUS
3620 PENLAND PARKWAY
ANCHORAGE, ALASKA 99508
(907) 278-2222 FAX (907) 278-0896

February 25, 2004



Frank Murkowski, Governor
State of Alaska
PO Box 110001
Juneau, AK 99811

Dear Governor,

We have reviewed the applicants to the Board of Fisheries and would like to strongly endorse the following two candidates for a three year appointment:

Art Nelson, Anchorage

Robert Heyano, Dillingham

You have a fair make-up of this Board now. While having commercial backgrounds, we believe these two gentlemen will be fair in their decisions and will give recognition to the needs of 215,000 sport anglers in South Central Alaska.

We will work actively with the Legislature to help insure their confirmation.

Sincerely,

Robert C. Penney

- C/C Gene Therriault, President, State Senate
- Pete Kott, Speaker of the House
- Alan Austerman
- Ms. Lorraine Derr
- Eldon Mulder
- Phil Cutler
- Bruce Knowles

RECEIVED

MAR 01 2004

GOVERNOR'S OFFICE

Subject: Fwd: Fw: Question

Date: Wed, 30 Apr 2003 12:45:10 EDT

From: RCPenney@aol.com

To: Representative_Kelly_Wolf@Legis.state.ak.us

CC: kenairiver@salmonhaus.com, emulder@gci.net, rbucy@tesoropetroleum.com

Mr. Wolf, my name is Bob Penney. I am the cofounder of KRSA, its 1st chairman, & with Sen. Stevens am also the cofounder of the Kenai River Classic. I have been active in KRSA from its inception. I believe I know what I'm talking about on KRSA's historical background.

I have seen a copy of your e-mail of 4/29 & prior messages from you. Quite bluntly, I'm quite sick & tired of your false innuendoes & misstatements of issues you quite obviously know nothing about.

As chairman of the Education Committee, Eldon Mulder was doing his board appointed review of potential B of F candidates, that's his job. We have interviewed all such applicants, as we have the right to do, since our inception.

I was part of that process as I am on Eldon's committee. He made no such positions in that interview. As a 'Legislator,' you owe him an immediate apology.

As a 52 year resident of Alaska & a person who has been very active in Alaskan politics, I have never even heard of anyone in all those years who continues to make such outlandish statements as you do. And, you do so from an official State e-mail address. We very much respect Legislators who serve all of us. Your actions certainly don't enhance that trust. If you wish to "bring the US Senator into this whole mess," please feel free to do so. We'll see what he has to say after I talk to him.

Mr. Kelly, the only thing I can figure out is that you have evidently been standing out in the rain in Juneau too long without your hat on. We look forward to your reelection efforts some 1 & 1/2 years from now.

Please gain some respect, knock off any more debasing drivel. If you have any question understanding what I'm talking about, my cell # is 907-230-7156, and/or, I look forward to talking to you in person when you return from Juneau.

Subject: Fw: Question

Date: Tue, 29 Apr 2003 17:30:24 -0700

From: "Bill Wirin" <wirin@att.net>

To: "Dick Ladd" <dickladd@aol.com>, "Don McKay" <donmckay@ptialaska.net>, "Kevin Branson" <kevinb@thgcpa.com>, "Rik Bucy" <rbucy@tesoropetroleum.com>, "Robert Edmund" <koykka@edmundoptics.com>, "Ron Rainey" <ronaklo@att.net>, "Steve O'Hara" <sohara@bankston.to>, "Brett Huber" <kenairiv@ptialaska.net>, "Robert Penney" <rcpenney@aol.com>, "Reuben Hanke" <harrygainesfishing@kenai.net>, "Dave Lowery" <lowerydb@yahoo.com>, "Eldon Mulder" <emulder@gci.net>

Any thoughts! Bill

----- Original Message -----

From: "Kelly Wolf" <Representative_Kelly_Wolf@Legis.state.ak.us>

o: <wirin@worldnet.att.net>

Sent: Tuesday, April 29, 2003 4:02 PM

Subject: Question

Heather Bradner
Office of the Governor
PO Box 110001
Juneau, AK 99811

To: Heather Bradner Page 1 of 1
Fax: 465-3632

From: Tim Huffman
Fax: 563-8432

Re: Board of Fish Appointments

1/20/98

Dear Ms. Bradner:

I was pleased to learn that Jeff Parker is a candidate for the Board of Fisheries. I offer my unqualified support for his appointment.

As a member of the Anchorage Fish and Game Advisory Committee (I serve as the Chairman of the Fisheries Subcommittee), I have worked closely with Mr. Parker on a variety of fisheries issues. He has been an invaluable resource to our committee, not only because of his vast experience sportfishing in Alaska, but also because of his wealth of knowledge regarding state and federal law. I believe Mr. Parker's resume and list of references accurately convey his history of commitment to fishery resources and his ability to work effectively with individuals and groups from such widely divergent backgrounds as timber, environmental, sportfishing, and commercial fishing.

It is my understanding that Mr. Dan Coffey is also being considered. I strongly oppose Mr. Coffey's appointment. When the resumes of these two candidates are compared only one conclusion can be drawn: Mr. Coffey's sole qualification is his political association with the sponsors of the FISH Initiative. If anything, this affiliation should disqualify him as a candidate because of the disruptive and divisive effects the FISH Initiative has had on all user groups, and because the FISH Initiative undermines the Board of Fish process. The FISH Initiative sponsors do not represent the sportfish community, as evidenced by the conspicuous lack of endorsement from any of the three statewide membership-based sportfishing groups (Alaska Sportfishing Association, Alaska Flyfishers, and Trout Unlimited -- which by contrast, all endorse Mr. Parker's candidacy). Additionally, the FISH initiative alienated the commercial fishing community, and the existence of the initiative nearly derailed the Governor's Mediation Task Force (of which I am also a member and active participant). If appointed, Mr. Coffey would bring to the Board a disturbing lack of knowledge and experience, giving him little or no credibility with any of the user groups that would be affected by his decisions.

I am confident that when the governor compares the qualifications of Mr. Coffey and Mr. Parker, he will conclude that Mr. Parker is by far the superior candidate.

Sincerely,

Tim Huffman

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

Don Kelly Coffey
287 West Northern Lights Blvd.
Suite 200
Anchorage, Alaska 99503

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

I was born August 5, 1948 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, 1948. 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, 1978 as 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 law firm of Kay, Saville, Coffey, Hogwood and Schmidt for several years.

I am also the owner of two businesses in Anchorage; Dollar Rent a Car and G-Bar 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 13, 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) ARRA/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/tidal lands leases.

- 4) 1985-1990 owned 3/2 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. 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 those 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,



Dan E. Coffey

P.S. I am Bob Penney's attorney and my appointment to the Board of Fisheries will help pay back some of the debt the Governor owes to Bob for the most generous contributions he has made.

STATE OF ALASKA - OFFICE OF THE GOVERNOR

Boards and Commissions Office

Endorsement Listing for

FISHERIES (037)

Total Endorsements = 28

<u>Applicant Name</u>	<u>City</u>	<u>Seat</u>		
Endorser	Organization of Endorser	Comment	Date	Active
<u>Robert Hevano</u>	<u>Dillingham</u>			
Bryce Edgmon	Choggiung Limited			
Terry Hoeffler	Bristol Bay Native Associ			
Lyman Hoffman	Alaska State Legislature			
Hazel Nelson	Becharof Corporation			
Robert Penney	Cook Inlet Sportfishing C			
Ron Rainey	Kenai River Sport Fishing			
H. Robin Samuelsen	Bristol Bay Economic Dev			
Henry Strub Jr.	Dillingham Electric Co./C			
Thomas Tilden	Curyung Tribal Council			

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Art Nelson

Anchorage

Michael (Buck) Laukitis North Pacific Fisheries As

Tom McLaughlin Seafood Producers Coop

Robert Penney Cook Inlet Sportfishing C

Ron Rainey Kenai River Sport Fishing

Bob Thorstenson, Jr. United Fishermen of Alas

Mark Vinsel United Fishermen of Alas