

4/7/10

CONFIRMA-

TION:

BRUCE

TWOMLEY

ACFEC

SENATE CONFIRMATION COMMITTEE REPORT

Date: 4-7-10

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

Alaska Commercial Fisheries Entry Commission

Bruce C. Twomley - Juneau




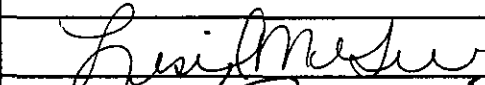

Appointed: 8/2/2005

Reappointed: 3/1/2006

Reappointed: 3/1/2010

Term Expires: 3/1/2014

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

Signature:	Printed Last Name
	French
	WAGONER
	HUGGINS
Co-Chair 	McBurre
Co-Chair 	Wielechowski

Please return to the Senate Secretary's Office (Room 211).

BRUCE TWOMLEY
P.O. Box 020972
Juneau, AK 99802-0972
Work Phone: (907) 790-6944
Home Phone: (907) 586-3251

December 29, 2009

The Honorable Sean Parnell
Governor of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Parnell:

Respectfully, I ask you to reappoint me to the Alaska Commercial Fisheries Entry Commission (CFEC). I would welcome the opportunity to help complete the substantial work in progress before CFEC.

Before Governor Jay Hammond first appointed me to the commission, I had 10 years' experience as a lawyer suing state and federal bureaucracies on behalf of Alaskans and also representing Alaska fishermen before the Limited Entry Commission. My experience made me sensitive to the effects of limited entry on Alaskans (especially rural Alaskans) and qualified me to help the Commission avoid unnecessary legal issues and controversy. Enclosed is a copy of my resume.

I believe limited entry is a tool for the development and protection of the resource, as well as a historic means to protect local jobs and families. We do everything we can under the law to help keep limited entry permits in the hands of Alaska's local residents.

Most recently, I served on an advisory panel for a study commissioned by the Bristol Bay Economic Development Corporation to explore the means to increase the number of limited entry permits held by local Bristol Bay residents. In part from my urging, the Bristol Bay Economic Development Corporation and the Bristol Bay Native Association earlier created their own local agency to protect and maintain limited entry permits in their local areas. And, for more than 10 years, I have advocated for local and regional groups to participate in a loan guarantee program with the State Commercial Fishing Revolving Loan Fund to help local residents acquire and keep limited entry permits.

Additionally, I have worked closely with the IRS to help keep limited entry permits in the hands of local people. To help provide Alaska fishermen a tool to achieve voluntary compliance with their federal tax obligations, I worked for passage of a bill reinstating the Tax Obligation Loan Program within the Commercial Fishing Revolving Loan Fund. As the result of my work with the IRS, the U.S. Treasury Secretary appointed me to the National Taxpayer Advocacy Panel (TAP), where I was elected chairman of the TAP Multilingual Initiative Committee, served from 2002-2006, and did my best to ensure that remedies for taxpayers under the 1998 IRS Reform Act continued to be available and known to Alaska commercial fishermen and other taxpayers.

At the request of an earlier administration, I was a principal author of the *Outline of Options for Fleet Consolidation in Alaska's Salmon Fisheries*, a paper to provide Alaska fishermen with fundamental information about various potential remedies for the crisis in Alaska's salmon fisheries.

The paper has helped fishermen take a realistic view of the various options and continues to be a basis for discussion of salmon remedies today.

In addition to these overriding issues affecting the rights and well being of Alaska fishermen, my primary focus at the commission is on our fundamental tasks. During the period I have served on the commission, the commission limited entry into some 35 fisheries (overall, some 68 Alaska fisheries are currently under limitation).

While limiting entry is always controversial, we have spent considerable time communicating with members of the industry in an effort to ensure actions by the commission are predictable and understandable. We believe the fishing industry deserves a climate of regulatory stability at a time when there are few other sources of stability in commercial fishing.

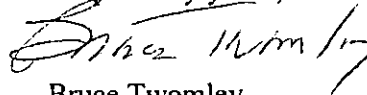
In addition to limiting fisheries, our primary responsibility is adjudicating the high volume of cases that has been before the commission. I have participated in and written more than 2,900 commission decisions. My experience enables me to do this work efficiently and to make our decisions stick: from 1996, in the course of 20 appeals from our decisions, the commission has suffered only 2 partial reversals by the Alaska Supreme Court. Reversals of limited entry decisions can have serious consequences, because the courts may apply them retroactively to open cases previously closed and thereby undermine limitations of entire fisheries. The attached chart shows our steady progress through commission cases (despite the continuous influx of new appeals from more recently limited fisheries).

CFEC's decisions affect people in such personal and emotional ways (much like decisions affecting our childrens' health and education) that our decisions are always controversial. Nonetheless, since 1982, the number of pending court appeals from commission decisions has dropped from approximately 150 to 9 today. (This reduction in court appeals is despite the fact that an applicant can continue to fish as long as the individual can maintain an appeal.) Fewer appeals save the state money and provide stability to the fishing industry. Additionally, fewer appeals is a measure of acceptance by those affected. Although we must often disagree with claimants, I believe generally they regard the commission as fair.

Protecting fishermen's rights and preserving our ability to perform the fundamental tasks of the commission present some creative opportunities to shape cases that we know will go to court. For example, our recent favorable decision from the Alaska Supreme Court in *Simpson v. State*, CFEC, 101 P.3d 605 (Alaska 2004), will protect permit holders and enhance the commission's ability to complete adjudications expeditiously.

In short, at the Entry Commission, we have work in progress that serves goals of your administration. I am asking you to please grant me the opportunity to complete these tasks.

Respectfully yours,

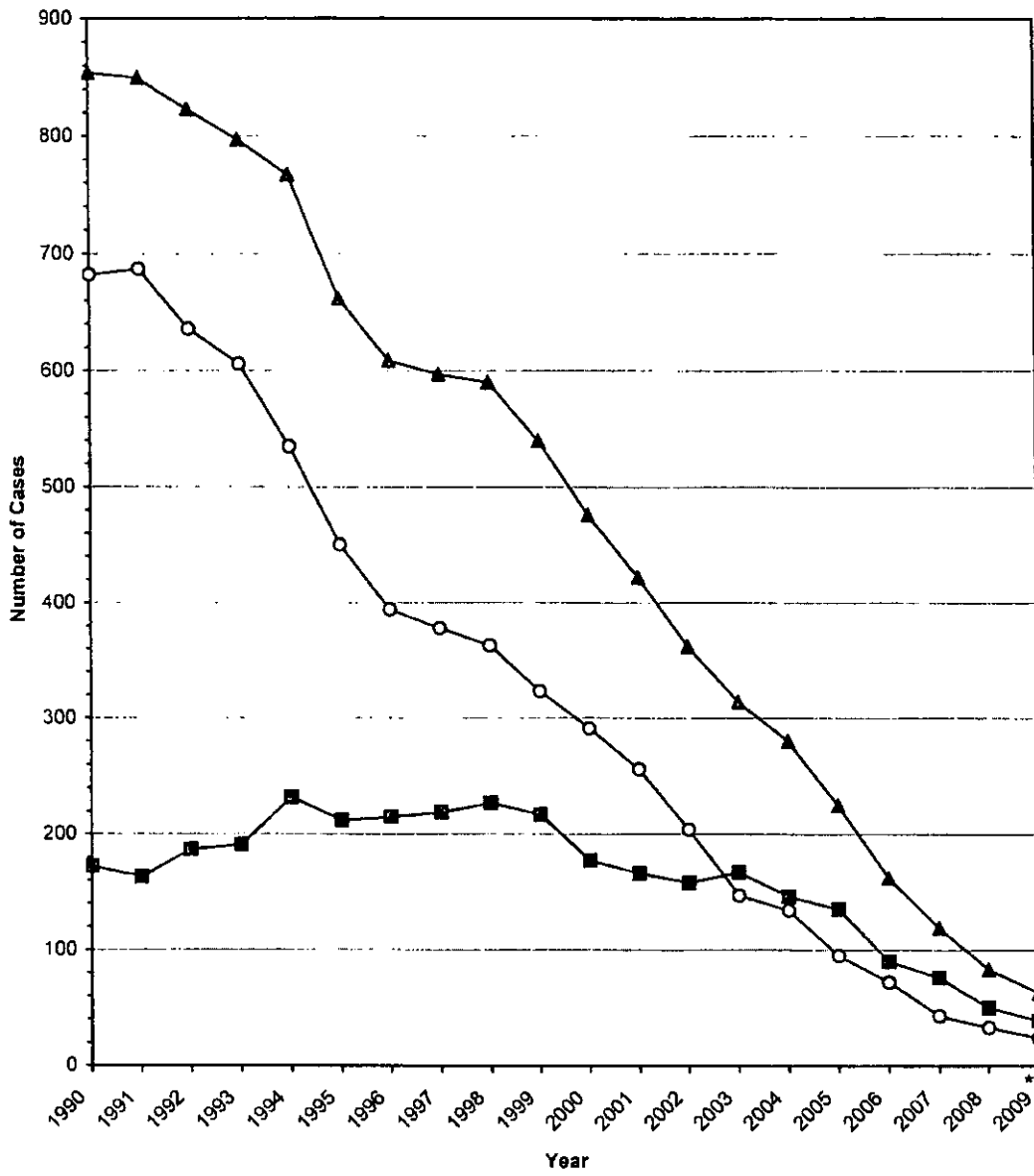


Bruce Twomley

Enclosure

cc: Michael Nizich, Chief of Staff
Cora Campbell, Fisheries Policy Advisor
Jason Hooley, Director of Boards & Commissions
Daniel Saddler, Deputy Director of Boards and Commissions

Commission's Overall Adjudication Caseload



○ Hearing Officer Decisions Pending
 ■ Commission Decisions Pending
 ▲ Total Decisions Pending at Year End

* as of 11/09/2009

RESUME
(December 2009)

of

BRUCE TWOMLEY
P.O. Box 020972
Juneau, AK 99802-0972
Work Phone: (907) 790-6944
Home Phone: (907) 586-3251
bruce.twomley@alaska.gov

Marital Status: Married to Sara Minton
Children: Christopher (20)
Jonathan (18)

WORK EXPERIENCE: Starting with Governor Jay Hammond, appointed by 6 succeeding Governors to the Alaska Commercial Fisheries Entry Commission (CFEC).

Commissioner, CFEC. 1982 to present.
Chairman, CFEC. 1983 to 2005.
Member, Governor's Fisheries Cabinet. 1983 to 1990.
Attorney, Alaska Legal Services. 1973 - 1982.
VISTA Volunteer. 1972 - 1973.
Legal Research for San Francisco Neighborhood Legal Assistance Foundation (as a law student).
Indigent Adult Criminal Appeals (as a law student).
Legal research for Professor Roscoe T. Steffen and private attorneys (as a law student).

POST LAW SCHOOL: National Judicial College, University of Nevada, Administrative Law: Advanced Course (recruited to serve as a group discussion leader). 1988.
National Judicial College, University of Nevada, Administrative Law: Fair Hearing. 1983.

LAW SCHOOL: Hastings College of Law, San Francisco, California.
1967 - 1970. Graduated with J.D. in upper 15% of the class.

EDUCATION: Northwestern University, Evanston, Illinois.
1963 - 1967. Graduated with A.B. in upper quarter of the class.
Elgin High School, Elgin, Illinois. 1960 - 1963.

BAR MEMBERSHIPS: Alaska State Bar
California State Bar (inactive)
United States District Court for the District of Alaska
United States Court of Appeals for the Ninth Circuit

HONORS: President's Volunteer Service Award. 2005
Alaska Legal Services Award. 1992.
Martindale-Hubbell highest (a v) lawyer rating. 1983
Alaska Legal Services Distinguished Service Award. 1983
Elected to Senior Men's Honorary, Northwestern (Deru).
Elected to Junior Men's Honorary, Northwestern (Norleggama).
Illinois State Scholarship Winner.
Elected Most Outstanding Male Graduate (Marie K. Ekvall Award),
Elgin High School (student body: 2,000).

SELECTED PRESENTATIONS,
PUBLICATIONS, AND
PROJECTS:

2009 Advocacy: Served as a witness and consultant for the Office of Public Advocacy and Alaska Legal Services to ensure that applicants for Medicaid and SSI Disability were not unfairly denied benefits because they held an Alaska limited entry permit.

From 2006-2008, served on the **Guided Sportfish Task Force** (sponsored by the Sport Fish Division of the Alaska Department of Fish and Game).

In 2008, prepared and submitted a report on the status of permit adjudications for the **Alaska Department of Fish and Game's Northern Southeast Inside sablefish fishery industry meeting.**

In 2007, prepared and submitted a report to the **Southeast Alaska King and Tanner Crab Task Force** on the status of commission adjudications.

Throughout 2007, served on the advisory panel to a study commissioned by the **Bristol Bay Economic Development Corporation** to explore means to increase the number of limited entry permits held by local Bristol Bay residents.

Appointed by the U.S. Secretary of the Treasury to the **National Taxpayer Advocacy Panel** (served from 2002 through 2006; elected Chairman of the Multi-lingual Initiative Committee; worked to ensure that remedies provided for taxpayers under the 1998 IRS Reform Act continued to be available and known to Alaska commercial fishermen and other taxpayers).

Salmon Consolidation: Are Co-ops Dead Or Is Buyback Ahead? (panel presentation, Pacific Marine Expo, Seattle, November 2005).

Contributor and Editor of **Charting New Courses for Alaska Salmon Fisheries: The Legal Waters** (published by the University of Alaska Marine Advisory Program in November of 2003).

License Limitation in Alaska's Commercial Fisheries [at the request of former Governor Walter J. Hickel and the Institute of the North, wrote and presented a paper to the first Alaska meeting of the International Association for the Study of Common Property (IASCP), which has published the paper. August 2003].

Member, Advisory Panel for **An Analysis of Options to Restructure the Bristol Bay Salmon Fishery** (an independent study funded and published by the Bristol Bay Economic Development Corporation March 2003).

Status of Limited Entry Permits in Southeast Alaska Native Communities (presentation to the **Salmon for Success Summit in Juneau** sponsored by the Central Council of Tlingit and Haida Indians of Alaska. February 2003).

Presentation of Legal Issues in **A Workshop on Options for Restructuring Alaska's Salmon Fisheries at the University of Alaska in Anchorage** (sponsored by the Institute for Social and Economic Research, the University of Alaska Marine Advisory Program, and the Washington Sea Grant Program as part of the "Tools for the Salmon Industry Initiative." October 2002).

Commercial Fishing License Limitation in the State of Alaska: A Controversial System of Grandfather Rights (paper presented to and subsequently published by the International Institute of Fisheries Economics and Trade, Oregon State University, July 2000).

Fleet Reduction in Alaskan Salmon Fisheries (panel presentation, Alaska Salmon Forum '99, Anchorage).

Fleet Reduction in Bristol Bay Salmon Fisheries (panel presentation, Bristol Bay Native Association Forum, Anchorage, 1999).

**Consolidating Salmon Fleets: Is Fewer Better than More?
Different Alternatives to Managing Salmon** (panel presentation,
Fish Expo Seattle, 1999).

Coauthor, **Outline of Options for Fleet Consolidation in
Alaska's Salmon Fisheries** (CFEC December 1998).

Contributor, **Limiting Access to Marine Fisheries: Keeping the
Focus on Conservation**. Center for Marine Conservation and
World Wildlife Fund U.S. 1994.

License Limitation in Alaskan Salmon Fisheries. Paper and
panel presentation to Conference on Managing Marine Fisheries by
Limited Access sponsored by World Wildlife Fund and Center for
Marine Conservation. Annapolis, MD. 1992.

**Getting and Keeping Alaska Limited Entry Permits in Local
Rural Communities**.

- Bristol Bay Native Association, Bristol Bay Fisheries
Conference, Dillingham, 1992.
- Southeast Alaska ANCSA Economic Summit.
Saxman, 1991.
- AFN Convention. Anchorage, 1991.

The IRS and Alaska Limited Entry Permits, University of Alaska
Commercial Fishing Business Seminar, Federal Tax Impact on
Commercial Fishermen. Anchorage, 1987.

Parental Involvement, Local Control, and Quality of Education,
Alaska Native Education Association. Anchorage, 1981.

**Alaska Native Control of Local Village Secondary School
Programs**, Lawyers Clinic on Parental Liberty in Education.
Washington, D.C. December 1978.

SELECTED CASES,
AND DECISIONS:

Simpson v. State, CFEC, 101 P.3d 650 (Alaska 2004).
The Alaska Supreme Court affirmed the commission's optimum
number decision for the Northern Southeast Inside sablefish
fishery.

Crivello v. State, CFEC, 59 P.3d 741 (Alaska 2002). The Alaska Supreme Court affirmed a CFEC decision that advanced commission adjudications by limiting the extent to which the commission was required to grant additional hearings under *Forquer v. State*, CFEC, 677 P.2d 1236 (Alaska 1984).

In re Francis S. Carle, CFEC 96-003-P (1996). In the face of a demand by the Internal Revenue Service to force the transfer of a Southeast salmon herring seine permit held by a 61-year-old resident of Hydaburg, the commission (in a 96 page decision, including exhibits) declined to transfer the permit.

Wilson v. Watt, 703 F.2d 395 (9th Cir. 1983). Class action with co-counsel Kathleen Strasbaugh, sought preliminary injunction against Secretary of Interior James Watt to restore BIA general assistance payments to Alaska Natives.

Fairbanks Correctional Center Inmates v. Williamson, 600 P.2d 743 (Ak. Sup. Ct. 1979).

Ferdinand v. City of Fairbanks, 599 P.2d 122 (Ak. Sup. Ct. 1979).

Co-counsel for plaintiff class of 2,667 Alaska Native secondary school age children in *Tobeluk v. Lind* (known as the Molly Hootch case), 589 P.2d 873 (Ak. Sup. Ct. 1979), which by consent decree established the entitlement of Alaska Native children in 126 villages throughout the state to attend secondary school in their home villages and further required the state to expend more than \$158-million for the construction of local secondary facilities.

Horton v. Horton, 519 P.2d 1131 (Ak. Sup. Ct. 1974).

Attorney for plaintiff class of Alaska Native women and minor children in *Finnesand v. Kleppe*, No. A75-42 Civ. (U.S. District Court Alaska), which by consent decree abolished a discriminatory eligibility standard for BIA General Assistance.

Represented more than 100 Alaska Native Allotment applicants before the Department of Interior. 1972-1982.

Attorney for the Akiak Indian Reorganization Act Council and parents of grade school children in *Akiak v. Lind*, No. 4BR 8-39 Civ.

Amicus Curiae (in cooperation with the Office for Civil Rights) in *The Matter of Alaska State Department of Education and Twenty-One Regional Educational Attendance Area School Districts S-134*, a proceeding before the Department of Health, Education and Welfare, to enforce Title VI of the 1964 Civil Rights Act on behalf of Alaska Native school children.

SUBJECT OF

BIOGRAPHICAL NOTICE: *Who's Who in the World* (17th Ed. 2000)
Who's Who in America (53rd Ed. 1999)
Who's Who in the West (28th Ed. 2000)
Who's Who in Society (1988)
Who's Who of Emerging Leaders in America (1st Ed. 1987)
The Dictionary of International Biography, Vol. XX. (Cambridge, England 1986)

ACTIVITIES:

Appointed by the U.S. Treasury Secretary to the National Taxpayer Advocacy Panel and elected Chairman of the Panel's Multilingual Initiative (2002-2006))
Secretary, Juneau Youth Football League Board of Directors (2002-2003)
Member, Bristol Bay Native Association Blue Ribbon Commission on Limited Entry (1994)
Member, Alaska Child Support Enforcement Division Rural Task Force (1995)
Member, Alaska Federation of Natives Task Force on IRS and Alaska Native Fishermen (1994)
Reading, Skiing, Hiking, Kayaking
Juneau Racquet Club Advisory Board (1989)
Guest Chef, Summit Restaurant (1987)
International Law Club, Hastings
President, Interfraternity Council, Northwestern
Kappa Sigma Fraternity, Northwestern
President, Student Council, E.H.S.

REFERENCES:

Will be furnished upon request.