

SCOMM

114:1

Alaska State Legislature

HOUSE OF REPRESENTATIVES

Rep. Bill Hudson, Chair
Rep. Fred Dyson
Rep. John Harris
Rep. Carl Morgan
Rep. Jim Whitaker
Rep. Mary Kapsner
Rep. Harold Smalley



State Capitol
Juneau, Alaska
99801-1182
(907) 465-6890 or
465-3744
Fax (907) 465-2273

Special Committee on Fisheries

AGENDA

Confirmation Hearing: Board of Fisheries
Monday, April 26, 1999
5 PM to 7 PM

- I. Call to Order.
- II. Establish Quorum.
- III. Board of Fisheries Appointees:

Dan Coffey in Anchorage (via teleconference)
Grant Miller in Sitka (via teleconference)
Virgil Umphenour in Fairbanks (via teleconference)

- IV. HCR 2, relating to state sovereignty

Joanne Grace -- Department of Law is available to testify and answer questions.

Alaska State Legislature

HOUSE OF REPRESENTATIVES



Rep. Bill Hudson, Chair
Rep. Fred Dyson
Rep. John Harris
Rep. Carl Morgan
Rep. Jim Whitaker
Rep. Mary Kapsner
Rep. Harold Smalley

State Capitol
Juneau, Alaska
99801-1182
(907) 465-6890 or
465-3744
Fax (907) 465-2273

Special Committee on Fisheries

MEMORANDUM

April 23, 1999

TO: Fisheries Committee
FR: Liz Cabrera, Committee aide
RE: Board of Fish Appointments

Attached are the resumes for the Governor's appointees to the Alaska Board of Fisheries:

Dan Coffey of Anchorage
Grant Miller of Sitka
Virgil Umphenour of Fairbanks

Also, included in this packet are letters supporting and/or opposing these appointments from various individuals and organizations.

RESUME'

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

Name and Address:

Phone Numbers

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

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

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

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

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

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

I am a member of the following organizations:

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

My experiences relative to fishing are as follows:

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

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

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

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

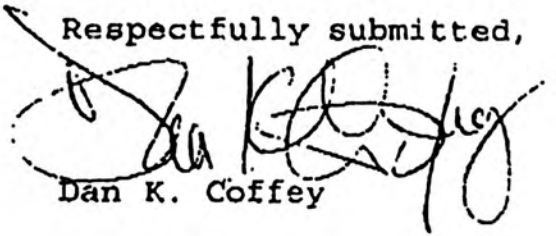
My qualifications for this position are as follows:

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

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

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

Respectfully submitted,



Dan K. Coffey

Grant J. Miller

**PO Box 6097
Sitka, Alaska 99835
(907) 747-7870**

Education/ Training

Rossford High School, Rossford Ohio	Graduated	1965
Ohio University, Athens Ohio		1966-67
Kildalls Navigational School, Seattle WA	Certificate	1978
Crawfords Nautical School, Seattle WA	Certificate	1991
Marine Firefighting School, Juneau AK	Certificate	1991
Radar School, Seattle WA	Certificate	1992

Employment

Commercial fishing

- Salmon Troll, Halibut Long Line, Herring Gillnet, SE Salmon Seine, Sitka, Alaska 1977-1998.
- Herring Bait Pound, Sitka, Alaska 1987-Present
- Herring Gillnet, Togiak and Norton Sound 1980-83.
- Anchovy Lampara Seine, Salmon Troll, Herring Gillnet, Sausalito, CA 1972-76
- Bottom Dragging, Scalloping, Fish trap, Lobster inshore and offshore, Cape Cod, Mass. 1966-71

Tour Boat Operator

- Allen Marine Sitka, Alaska 1998

Licenses

Marine fire fighting 1991-Present

Radar observer 1992-1998

USCG master any vessel 200 tons, master fishing vessels 500 tons, mate any vessel 1600 tons 1994-Present.

USCG mate uninspected vessels 500 tons 1978-94.

Boards

Alaska Board of Fish	1996- Present
Sitka Committee on Fisheries	1994- Present
United Fishermen of Alaska (NSRAA rep.)	1990- 1997
Vice President	1991
Northern Southeast Regional Aquaculture Association	1985- 1997
President	1988- 1997
Seafood Producers Co-op	1994-1996
Sitka Committee on Alcohol and Other Drugs	1993- 1994
Seafood Producers Co-op	1981-1985
President	1985

Service on Vessels Requiring License

Aleut Packer	500 GT	1978-79
Kodiak Queen	500GT	1983
Woodbine	500GT	1994
Sea Otter	27GT	1998

RESUME
VIRGIL L. UMPHENOUR
2400 Davis road
Fairbanks, Alaska 99701
(907) 456-3885
FAX 456-3889
E mail akhunt@ptialaska.net

OBJECTIVE

Appointment to the Alaska Board of Fish.

QUALIFYING EXPERIENCE

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

Commercial

Fished commercially on the Tanana River in Fairbanks from 1984 until 1995 when I gave my permit to my son. In 1985 became a commercial fish processor, processing both fish and roe from my fish and buying from commercial fishermen in Fairbanks, Nenana, Norton Sound and villages along the Yukon River. Have expanded this business so that now my company operates year round doing smoked fish and value added salmon products per year. Upwards of 250,000 lbs of salmon and roe can be processed during the summer months pending availability of fish.

SPORT

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

SUBSISTENCE/PERSONAL USE

Have subsistence or personal use fished in Nome, Copper River and Yukon River drainage since 1976. As a commercial fish processor and big game hunting guide, have dealt extensively with the commercial/subsistence fishermen of the Yukon River drainage and Norton Sound. For the most part, fishermen in these areas commercial fish to obtain cash to support their subsistence lifestyle. I have seen first hand the devastating effects of the failed fish runs on these people.

HUMAN RELATIONS

Past and present positions have required a wide range of interpersonal skills, public information management techniques and political awareness. As a commercial fisherman/processor and former military officer, have learned to deal with a wide range of individuals and be cognizant of their special interests and concerns. Am able to work with others to strike a consensus on critical issues. Was co-organizer of the Yukon River

together.

COMMUNICATION

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

EMPLOYMENT HISTORY

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

MEMBERSHIP

Member, Alaska Board Of Fish, August 1994 to present
Delegate, US Canada Yukon River Salmon Treaty Negotiating Committee since 1988
Co Chairman, Yukon River Drainage Fishermen's Association, Dec 1990 to July 1994
Tanana Valley Sportsmen's Association, life member

REFERENCES

Jack Coghill, former Lt. Governor
State Senator Georgianna Lincoln
State Representative Richard Foster
Irene Nicholia, former State Representative
Allan Vezey, former State Representative
Charles Meecham, former Deputy Commissioner, ADF&G

To: House Fisheries Committee

Subject: Re-appointment of three board members to board of fisheries

Date: April 26, 1999

I come before this committee today to express my discontent with the current make up of the B.O.F. Of the three members up for re-appointment, two members have served for at least one complete term and still do not know how to present motions in any unstatutable regulatory language. Therefore they are incompetent to serve the people of Alaska. The third member has a pre-disposed agenda and is not open to any new concepts other than his own. There is no compromise in this position. Does this serve the people of Alaska? The current make up of the B.O.F. ignores the impact of their decisions and how they affect the local long term residents on the Kenai Peninsula. These board members tailor biological data that changes an abundant economy into one that is meager and of limited growth. A Profile of the Commercial Fishing Industry (Kenai Peninsula Borough) states that 22% of the residents and participants of the Kenai Borough's Commercial Fishery are of Alaskan Native ancestry. The B.O.F. states that they review the history before making impacting regulations, but they do not consider the impact on all the small communities and the impact by percentage of commercial fisherman in these communities.

These small communities are the backbone of rural economies of Alaska and in the Kenai Borough they are seriously overlooked by the B.O.F. The 1998 Soldotna board of fish dismantled the 1978 Cook Inlet Management Plan but stated that they implemented like considerations in their new step-down plan. Upon reviewing the B.O.F. considerations in the original 1978 plan, #2 "The commercial fishing industry in the Cook Inlet is a valuable long-term asset of the state and must be protected.....", #3 "...as recreational demands increase, the recreational users must be aware of what stocks will be managed primarily for commercial harvest in order that they don't become overly dependent on the fish for recreational purposes.....". These considerations are nowhere written in these new step-down plans. Forgotten? Or purposely negated?!! This board does not have equal representation and has never had an advocate of the Commercial Set-Net fishery statewide or even in Cook Inlet in spite of the fact that it is the dominant Limited Entry Permit Holder statewide! At present time, there is no represented, commercially knowledgeable, B.O.F. member who understands or has any commercial history in Cook Inlet. Yet there are three members that represent lesser users of the total resource. It is no wonder that recent regulations adopted for the major traditional user restricts that user to a lesser, non-viable category. Prejudice, contempt, bias, dipsomania, un-informed, arrogant, DIRTY DEEDS DONE DIRT CHEAP are all terms that I could use in describing the current board re-appointees. PLEASE, out of fairness and decency, DO NOT RE-CONFIRM: DAN COFFEY, GRANT MILLER, and VIRGIL UMPENHAUER.

From a hundred year family resident of the Kenai Peninsula.

Paul A. Shadura II

Paul A. Shadura II

MAY 03 1999



Alaska State Legislature

Please enter into the record my testimony to the HOUSE FISHERIES
committee name
committee on DAN COFFEY TO BO OF FISHERIES, dated 5-3-99
bill # / subject

May 2, 1999

Dear Committee Chairman Hudson:

I would like to inform you and your committee that I strongly support the reappointment of Dan Coffee to the Board of Fisheries.

I am a member of the Cooper Landing Fish and Game Advisory Committee. Neither I nor any other member of our committee, to my knowledge, was surveyed for our opinion regarding the reappointment of Mr. Coffee. The Kenai Peninsula Borough Assembly is completely out of touch with the majority of its constituency, especially those of us in Cooper Landing. We are aware that the Fisheries Board, and the Alaska Dept. of Fish and Game are doing a fine job and are to be commended for preserving the Kenai River fishery. I understand that there is an active commercial fishing minority who would like to catch all the fish in Cook Inlet. Their short focus does not allow them to see what is obvious to the rest of us. If the fish don't make it to their spawning grounds, there will be no fish for the commercial fishermen. Commercial fishermen have consistently over-fished. There are plenty fish for everyone except for the fact that there are too many commercial fishermen.

The present Board, which includes Mr. Coffee, has done a fine job of balancing the commercial/sport fishing dynamic. I hope you will not be influenced by a very powerful and well-financed commercial lobby and will reconfirm Dan Coffee.

Thank you,

George R. Siter, Jr.
14865 Sterling Highways
Cooper Landing, AK 99572

Signed:

George R. Siter, Jr.

Testifier

Representing (Optional)

14865 STERLING HWY, COOPER LANDING, AK 99572

Address

907-595-1266

Phone number

May 3rd 1999

Subject's Board of Fisheries

Dear Representative Members:

I have lived in Soldotna Alaska since 1958. My name is Connie Davis, I have commercial fished almost my whole life, I support the commercial fishing industry in the State of Alaska.

I urge you to reject delete Dan Coffey off the board of fisheries. I'm upset with the fact that the board of fish was instrumental in dismantling the Upper Cook Inlet Management Plan, and the AK Board of fish members did not use their own guidelines regarding local economic and historical users in their decision making process.

Respectfully Yours
Connie Davis



MAY 03 1999

Alaska State Legislature

Please enter into the record my testimony to the SENATE RESOURCES
committee name

committee on BD OF FISHERIES CONFIRMATION, dated 5-3-99
bill # / subject DAN COFFEY REAPPOINTMENT

REMOVE DAN COFFEY, FROM THE BOARD OF FISHERIES
HE IS INCAPABLE OF EVALUATING A FISHING
ISSUE, WITH AN OPEN MIND,

A BALANCED MEMBERSHIP ON THE BOARD OF
FISHERIES, SHOULD BE A PRIORITY, AND IS ESSENTIAL
TO MAKING FAIR DECISIONS

Signed:

Eugene Svetc (EUGENE SVETC)
Testifier

Representing (Optional)

1407 W 32ND AVE ANCHORAGE, AK 99503-3638

Address

907-274-6200

MAY-03-99 MON 13:31
05/02/99 SUN 15:47 FAX

KENAI LIO

FAX NO. 2833075

P.01
0001

FROM : Riddles Guided Fishing & Lodge PHONE NO. : 9072833253+51

May. 02 1999 11:45 AM
5 1999



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries Committee
committee name

committee on Confirmation of Dan Coffey to, dated 5/2/99
bill # / subject Board of Fish

Written Message attached - 2 pages

Signed: Joseph F. Cannors
Testifier
KENAI RIVER Professional Guide Association, President
Representing (Optional)
P.O. Box 1085, Sterling, AK 99672
Address
(907) 262-9496
Phone Number

5/2/1999

Dear Legislator:

The Kenai River Professional Guide Association is a organization that represents the Kenai River fishing guides. There were 347 licensed issued in 1998 of which 85% were Alaskan residents. Our organization has a 92% Alaskan resident component. We represent approximately 50% of those licensed.

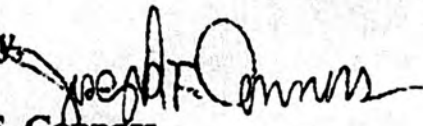
KRPGA has taken a serious and committed interest in the Board of Fish public process. This past year we had designated members in attendance at the hearings held in Homer, Wasilla, Kodiak and Soldotna. They participated extensively in the public process; offering testimony as well as participating in various committees. It is our feeling that the Board when out of it's way to insure that the public was heard. However, in the end decisions had to be made and everyone could not be a winner on each issue. From a guide perspective we will have 2 more serious restrictions imposed upon us in the year 2,000. The first will not allow us to take clients fishing on Mondays in May and June; this is a 14.3% reduction in our work week). The second will reduce the number of paid clients we can have in our boat from 5 to 4: this is a 20% reduction.

We strongly challenge you to look beyond the irresponsible emotional rhetoric that has been spewed forth by certain special interest groups in an attempt to discredit and thus prevent the confirmation of Dan Coffey, Grant Miller and Virgil Umphenour. We urge you to confirm the reappointment of the 3 above named individuals. They and their fellow boat members have met the challenge of determining when and how to provide opportunity to an every increasing number of Alaskans and Americans to utilize

our common resources while making sure that the habitat and resource is protected.

If I can be of any further assistance to you or the confirmation process please do not hesitate to contact me. Thank you for your time and attention to this most important matter.

Sincerely,


Joseph F. Connors
President, KRPGA
Phone-(907) 262-9496
Fax-(907) 260-9014
jconnors@corecom.net

P.O. Box 1085
Sterling, AK 99672



Alaska State Legislature

MAY 03 1999

Please enter into the record my testimony to the ALFSA
committee name
committee on Board of Fisheries, dated 5/3/99
bill # / subject

To the House Special Committee on Fisheries for testimony on the Board of Fisheries
Confirmation hearing, 5/3/99.

Dan Coffey and the Fisheries Board have done a fine job in protecting the Alaska fishing
resource for all Alaskans. I strongly support the confirmation of Dan Coffey. Thank you.

From: Please PRINT the information below.

Mr. Name	First name	Initial	Last name	Room
MR	GEORGE	R	SITER	52
Address				Room
14865 STERLING HIGHWAY, COOPER LANDWG, AK				99572
Telephone (Area code & number)				Date
595-1266				5/3/99
Signature (Print name)				
George R. Siter, Jr.				

Signed:

Testifier

Representing (Optional)

Address

Phone number



Alaska State Legislature

MAY 03 1999

Please enter into the record my testimony to the House Fisheries Committee

On Dan Coffey to Bd. Of Fisheries, dated 5/3/99.

Please enter into the record, my testimony to the House Fisheries Committee on the confirmation hearing, 1999. Mr. Dan Coffey has shown on numerous occasions that he is not afraid to make the tough decisions that are required in order to preserve our precious fisheries resources. He is always well read and well prepared to discuss with and listen to both sides of any fisheries issue, and then make solid, common sense decisions, always erring on the side of conservation.

I feel strongly that the committee process that Mr. Coffey started has greatly enhanced the decision-making process and to a large degree lessened the posturing. The committee process also gets to the essential elements of fisheries problems, therefore building consensus rather than constant stonewalling.

Mr. Coffee is a leader in the Sustainable Fisheries Study initiated by this BOF. I cannot believe that we can continue the practice of Maximum Sustained Yield, and continue to have healthy fisheries for all user groups, especially in Cook Inlet. With Mr. Coffee's leadership and organization, the current BOF is on the right track to adopting Optimum Sustained Yield and putting behind us the politics of fisheries policy for commercial interests only, with all other groups getting the leftovers.

We, the sport fishers and personal use fishers of this state, need the current BOF members, all of them, to continue with the fine job they have started.

Please reconfirm Mr. Coffey, Mr. Umphenaur and Mr. Miller.

Signed:

Stephen S. Riddle

Stephen S. Riddle

Testifier

Board of Directors KRP&A

Representing (Optional)

1535 Angler Drive, Kenai, AK 99611

Address

Phone: (907) 283-5853 FAX: (907) 283-5813

Phone Number



Alaska State Legislature

MAY 03 1999

Please enter into the record my testimony to the House Fisheries Committee

On, Dan Coffey to Bd. Of Fisheries, dated 5/3/99.

Please enter into the record my testimony to the House Fisheries Committee on the confirmation hearing, 1999. Mr. Dan Coffee needs to be reconfirmed to the Board of Fisheries.

We need people of his caliber to help mold the decisions of the Board of Fisheries as the difficult process of saving the fisheries with Optimum Sustained Yield instead of the current policy. We need people who will not be intimidated by the sheer emotionalism and anger directed their way daily by the different user groups who depend on the Cook Inlet fish.

We, the sport fishers and personal use fishers of this state, need the current BOF members, all of them, to continue with the fine job they have started.

Please reconfirm Mr. Coffey, Mr. Umphenaur and Mr. Miller.

Signed: Donna L. Riddle Donna L. Riddle

Testifier

Sports & Personal Use Fishers

Representing (Optional)

1535 Angler Drive, Kenai, AK 99611

Address

Phone: (907) 283-5853 FAX: (907) 283-5813

Phone Number

MAY-03-99 MON 13:34
05/02/99 17:05
APR-30-99 FRI 17:06

KENAI LIO
FAX 9072834575
KENAI LIO

FAX NO. 2833075
KUNIS AB LODGE
FAX NO. 2833075

P. 07
P. 02/06



MAY 03 1999

Alaska State Legislature

Please enter into the record my testimony to the HOUSE FISHERIES
committee name
committee on DAN COFFEY TO BO OF FISHERIES dated 5-3-99
bill # / subject

Please enter into record my testimony on the House Fisheries Committee on the confirmation hearing, 1999.

Mr. Dan Coffey is one of the best BoF members I have ever observed. He without question places our resources first and is unafraid to face the disbelievers. Mr. Coffey is responsible for starting the Committee Process which brings the stakeholders together to discuss issues. This to a large degree lessens the posturing and gets to the essential elements of fish questions.

In addition, Mr. Coffey is a strong proponent of this Boards Sustainable Fisheries Study. If we don't embrace the sustainable concept proposed by Mr. Coffey and this BoF and eliminate maximum yield maximum harvest, Alaska will go the way of the Pacific NW and the East Coast

Please reconfirm Mr. Coffey, Mr. Umphenour and Mr. Miller.

Ron Rainey, Chairman
Cook Inlet Public Fisheries Council

Signed:

Ron Rainey

Testifier

Cook Inlet Public Fisheries Council

Representing (Optional)

P.O. Box 549 Seldovia, Ak 99699

Address

(907) 283-4333

Phone Number

MAY 03 1999

2833078

Regarding House Fisheries
confirmation of Colleg, Miller and Umphreys.
I strongly disapprove of these three; first
because of their unbalanced, sports fish bias and
second because of their support of intentionally
overescaping the Kenai River system with
red salmon i.e. "optimal sustained yield" instead
of max sustained yield.

Thor Eversom
1300 W 7th 208
Anchorage AK 99501
274.8705



Alaska State Legislature

MAY 03 1999

Please enter into the record my testimony to the HOUSE FISHERIES
committee name
DAN COFFEY TO
committee on BOARD OF FISHERIES, dated MAY 3 1999
bill/subject

Dear Chairman Hudson and Committee Members,

I STRONGLY SUPPORT THE REAPPOINTMENT AND CONFIRMATION OF DAN COFFEY TO THE BOARD OF FISHERIES.

As a member of a local advisory committee and a member of the public, I have testified before this Board member and served in the committee process several times recently. While we may not always agree, I feel his positions on issues have been well thought out and in the best interests of Alaska's resources and people. At no time is it possible to satisfy ALL special interests, including mine.

I ask you also to please disregard Kenai Peninsula Borough Resolution 99-034 strongly opposing the confirmation of the three current members. I am appalled and embarrassed that my local government, the Kenai Peninsula Borough Assembly, would blatantly advocate and lobby for a special segment of our local economy to the detriment of other viable and vital parts of our local business sector, let alone the damage this type of thinking does to the public's uses of our common resources.

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. This board member has worked hard to insure that these needs are met.

Please support the confirmation of the reappointment of Dan Coffey to the Board of Fisheries.

Signed: W. S. Stockwell
Testifier
BY STOCKWELL
Representing (Optional)
P.O. Box 721, COFFEY LANDING, AK 99572
Address
(907) 595-1540
Phone No.

MAY 03 1999



Alaska State Legislature

Please enter into the record my testimony to the

House Fisheries
committee name

committee on Fisheries
bill # / subject

dated

5/3/99

I HAVE PROVIDED ALL OF YOU FOLKS A REPORT PREPARED BY ME. THIS REPORT WAS TITLED "UNITED TO HELP THE PEOPLE OF OUR LAND."

PLEASE UTILIZE THE REPORT AS MY WRITTEN COMMENTS WHY I AM OPPOSED TO CONFIRMATION OF THE THREE FISH BOARD MEMBERS THAT ARE UP FOR RECONFIRMATION.

Signed:

[Signature]
Testifier

COMMERCIAL FISHING FAMILIES

Representing (Optional)

Box 318, CLAM GULCH, ALASKA 99568

Address

907-567-3419 - 907-262-9164

Phone number

I would like to oppose the confirmation of Virgil Umphenour, Dan Coffey and Grant Miller to the Board of Fish. I attended the Board of Fish hearings which were held in Soldotna in February of this year. I was disappointed in the Board's lack of regard for local and state economics as well as their circumvention of local advisory boards.

The sub-committee process this Board came up with was a complete sham in my opinion. Although the legislature has been led to believe that the public was allowed to comment and give testimony during this process, I witnessed otherwise. These sub-committees were actually meeting at the same time in different parts of the same room. There was no way any one person could participate or even listen to all that was going on. It was wrong!

Another example of the unprofessionalism that was also exhibited was an incident that my 11 -year old daughter and I witnessed. My daughter had gone to listen to the public testimony with me and a short break was called for. My daughter whispered that she wanted me to point out who Bob Penney was. I looked all around and finally spotted him alone in the parking lot. Just then Dan Coffey walked up to him, they exchanged a few words and Mr. Penney tucked a folded piece of paper into the front shirt pocket of Mr. Coffey. We will never know if it was a check or just a note but the fact remains that this is a definite lack of professionalism by this Board member.

My family and our state have been hurt deeply by this Board and their dismantling of the Upper Cook Inlet Management Plan. My

children are fourth generation commercial fishermen in Cook Inlet. I know our great state of Alaska can rise above the terrible precedent our Board of Fish has set by displacing hard-working families and disregarding biological data given in testimony and by our own Dept. of Fish and Game.

Please show your support of Alaskan families and fish by denying the confirmation of Virgil Umphenour, Grant Miller and Dan Coffey.

Marilyn Keener, Life-long Alaskan

Marilyn Keener

P.O. Box 2833 Kenai

283-9513



MAY 03 1999

Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name
committee on Virgil Umphenour to Board of Fisheries dated 5/3/99
bill # / subject

I oppose the reappointment of Virgil Umphenour to the Board of Fisheries, he has demonstrated a complete lack of competence in dealing with the Alaskan public, during his present term on the Board. A qualified appointee must be knowledgeable of, committed to, and have respect for the public process established at statehood for regulating Alaska's fisheries resources.

Signed:

Kenneth L. Lute

Testifier

7715 Highlander Dr; Anchorage, AK 99518

Representing (Optional)

(self)

Address

907-349-6028



Alaska State Legislature

Please enter into the record my testimony to the HOUSE FISHERIES
committee name

committee on DAN COFFEY TO BO OF FISHERIES dated 5-3-99
bill # / subject

I am opposed to the reappointment of Dan Coffey to the Board of fish.

He has consistently proven his personal bias against commercial fishing - downgraded, even ridiculed the testimony of the Cook Inlet Comm. fish biologists - and openly stated in his first year of board membership that he was a "one-issue" board member - to get more fish up to the Mat-Su Valley.

Signed:

James Y. Gunnerson (TIM EVENSON)
Testifier

SELF

Representing (Optional)

Box 324 KENAI, ALASKA 99641

Address

776-8060



Alaska State Legislature

Please enter into the record my testimony to the HOUSE FISHERIES
committee name

committee on DAN COFFEY TO BO OF FISHERIES dated 5-3-99
bill # / subject

Dear Sirs,

I urge you not to confirm Dan Coffey to the Board of Fisheries. I am a commercial fisherman in Cook Inlet. Dan Coffey has spearheaded the effort to reallocate fish from our fishery. This reallocation has been successful to the extent that I have lost over 40% of the access to our resource. This is simply too much reallocation for our fishery. The recent Board of Fisheries meeting in Soldotna resulted in unanimous votes to reallocate fish. Please create a vacancy in Dan Coffey's place which could be filled with someone who understands the effects of destroying 40% of an industry.

Signed:

Rion T. Vampk

Testifier

Self

Representing (Optional)

P.O. Box 251 Ninilchik, Ak 99639

Address

567-7394

Phone number

In my opinion the present Fish Board has shown total disregard for the health and well being of the Kenai River with no consideration to (and in fact encouraging) over escapment and habitat destruction.

I feel this board has a predetermined goal of killing the entire Cook Inlet drainage. Therefore I urge the legislature to not confirm:

Dan Coffee

Virgil Umphenour

Grant Miller

They have also shown total disregard for the economy of the entire Kenai Peninsula.

A handwritten signature in cursive script, appearing to read "Chris Garcia".

With these considerations allotted in
this brief time period I insist you do not
confirm Dan Coffey to the board of fish and
remember he is the one who brought most the
controversy to this board.

thank you
John McCombs
Ninilchik, AK

JOHN McCOMBS

Box 87

NINILCHIK, AK 99639

343

Northern District set netters catch 1.5
cohos for every sockeye harvested.
Staff reported no conservation
concerns in the Northern District.
Mr. Coffey spent the last three ^{years} trying to
find fault with the dept., restrict the
drift fleet, and enhance the most
marginal fishery in existence, the
northern district set netters. Finally
this winter he succeeded in getting the
drift fleet restricted 3 of their last
openings in a massive allocation, to
the Northern District. He trivialized
the 40% cut to the fleet by calling it
a viable fishery, yet did not consider
the financial impact which the board
is mandated to be based on their own
allocation criteria. Mr. Coffey
authorizes rules but can't operate by
them. In an interview this last winter
Mr. Coffey referred to himself as a friend of
the governors and when asked about a
controversial action he mockingly quipped
"call me the anti-christ". ^{nam et with said in jst.}

Dining with Bob Penney during deliberation
having a tourism related business, recent
employment by the Wazilla Fire-Meyer,
a new business partnership with Grant
Miller, could speak to a possible
conflict of interests.

May 02, 1999

Three years ago Dan Coffey was confined to the board of Fish, after copious public outcry against, at 11:46 P.M. After authoring the F.I.S.H. initiative and a scrape with the A.P.O.C. about a deposition, Mr. Coffey became Bob Penny's second attorney on the board. He started his own Cook Inlet agenda, bringing forward agenda change requests, Cook Inlet issues out of cycles every year, creating the board generated proposals, and re-inventing the committee process. Mr. Coffey became the chairman of the committee committee, determined the proposals, groupings, a road map, and was put in charge of who was seated on the various committees.

A once successful public process has been turned into the Dan Coffey show. He did his best to alienate and trivialize the local advisory committees, Affected major changes in ~~which~~ or how the board conducts business without the traditional public notice and comment period, and ignored staff reports to such a degree as to harmfully impact both resource and habitat.

The 7-0 votes on the Cook Inlet management plan and its components and the language therein could have only been something carried in some one's laptop rather than proposals actually deliberated on in Soldotna.

I would like to oppose the confirmation of Virgil Umphenour, Dan Coffey and Grant Miller to the Board of Fish. I attended the Board of Fish hearings which were held in Soldotna in February of this year. I was disappointed in the Board's lack of regard for local and state economics as well as their circumvention of local advisory boards.

The sub-committee process this Board came up with was a complete sham in my opinion. Although the legislature has been led to believe that the public was allowed to comment and give testimony during this process, I witnessed otherwise. These sub-committees were actually meeting at the same time in different parts of the same room. There was no way any one person could participate or even listen to all that was going on. It was wrong!

Another example of the unprofessionalism that was also exhibited was an incident that my 11-year old daughter and I witnessed. My daughter had gone to listen to the public testimony with me and a short break was called for. My daughter whispered that she wanted me to point out who Bob Penney was. I looked all around and finally spotted him alone in the parking lot. Just then Dan Coffey walked up to him, they exchanged a few words and Mr. Penney tucked a folded piece of paper into the front shirt pocket of Mr. Coffey. We will never know if it was a check or just a note but the fact remains that this is a definite lack of professionalism by this Board member.

My family and our state have been hurt deeply by this Board and their dismantling of the Upper Cook Inlet Management Plan. My

children are fourth generation commercial fishermen in Cook Inlet. I know our great state of Alaska can rise above the terrible precedent our Board of Fish has set by displacing hard-working families and disregarding biological data given in testimony and by our own Dept. of Fish and Game.

Please show your support of Alaskan families and fish by denying the confirmation of Virgil Umphenour, Grant Miller and Dan Coffey.

Marilyn Keener, Life-long Alaskan

Marilyn Keener

P.O. Box 2833 Kenai

283-9513

Fax 907-283-7205

May 03, 1999

Dick & Molly Musgrove
PO Box 3522
Kenai, Alaska 99611

We oppose the reconfirmation of Mr. Coffee to Board of Fish.

He voted to increase the maximum escapement goal for the Kenai River with out any concern about the future survival of this magnificent system. As Fish & Game have shown over escapement of salmon year after year is detrimental to the future of this fishery. He must realize too many fish up this River just decreases the number of spawners that return. His interests seem to be about getting more fish in the river for sportsmen and guides immediate compensation, than the health of this system.

Also Mr. Coffee does not seem concerned about the jobs lost or the effect on the local economy.

For these reasons we are opposed to Mr. Coffee being reappointed to the Board of Fish. Please consider future board members who are concerned about the health and the environment of this River for future generations to enjoy.

Sincerely yours

Dick Musgrove
Dick Musgrove

Molly Musgrove
Molly Musgrove

To: House Fisheries Committee

Subject: Re-appointment of three board members to board of fisheries

Date: May 3, 1999

I come before this committee today to express my discontent with the current make up of the B.O.F. Of the three members up for re-appointment, two members have served for at least one complete term and still do not know how to present motions in any unstatutable regulatory language. Therefore they are incompetent to serve the people of Alaska. The third member has a pre-disposed agenda and is not open to any new concepts other than his own. There is no compromise in this position. Does this serve the people of Alaska? The current make up of the B.O.F. ignores the impact of their decisions and how they affect the local long term residents on the Kenai Peninsula. These board members tailor biological data that changes an abundant economy into one that is meager and of limited growth. A Profile of the Commercial Fishing Industry (Kenai Peninsula Borough) states that 22% of the residents and participants of the Kenai Borough's Commercial Fishery are of Alaskan Native ancestry. The B.O.F. states that they review the history before making impacting regulations, but they do not consider the impact on all the small communities and the impact by percentage of commercial fisherman in these communities.

These small communities are the backbone of rural economies of Alaska and in the Kenai Borough they are seriously overlooked by the B.O.F. The 1998 Soldotna board of fish dismantled the 1978 Cook Inlet Management Plan but stated that they implemented like considerations in their new step-down plan. Upon reviewing the B.O.F. considerations in the original 1978 plan, #2 "The commercial fishing industry in the Cook Inlet is a valuable long-term asset of the state and must be protected.....", #3 "...as recreational demands increase, the recreational users must be aware of what stocks will be managed primarily for commercial harvest in order that they don't become overly dependent on the fish for recreational purposes.....". These considerations are nowhere written in these new step-down plans. Forgotten? Or purposely negated?!! This board does not have equal representation and has never had an advocate of the Commercial Set-Net fishery statewide or even in Cook Inlet in spite of the fact that it is the dominant Limited Entry Permit Holder statewide! At present time, there is no represented, commercially knowledgeable, B.O.F. member who understands or has any commercial history in Cook Inlet. Yet there are three members that represent lesser users of the total resource. It is no wonder that recent regulations adopted for the major traditional user restricts that user to a lesser, non-viable category. Prejudice, contempt, bias, dipsomania, un-informed, arrogant, DIRTY DEEDS DONE DIRT CHEAP are all terms that I could use in describing the current board re-appointees. PLEASE, out of fairness and decency, DO NOT RE-CONFIRM: DAN COFFEY, GRANT MILLER, and VIRGIL UMPENHAUER.

From a hundred year family resident of the Kenai Peninsula.

Paul A. Shadura II

Paul A. Shadura II



Alaska State Legislature

HOUSE FISHERIES

Please enter into the record my testimony to the _____
committee name

committee on BD OF FISHERIES CONFIRMATION, dated 5-3-99,
bill # / subject DAN COFFEY REAPPOINTMENT

REMOVE DAN COFFEY, FROM THE BOARD OF FISHERIES
HE IS INCAPABLE OF EVALUATING A FISHING
ISSUE, WITH AN OPEN MIND.

A BALANCED MEMBERSHIP ON THE BOARD OF
FISHERIES, SHOULD BE A PRIORITY, AND IS ESSENTIAL
TO MAKING FAIR DECISIONS

Signed:

Eugene Svetc (EUGENE SVETC)
Testifier

SELF

Representing (Optional)

1407 W 32ND AVE ANCHORAGE, AK 99503-3638

Address

907-274-6200

Phone number



Alaska State Legislature

Please enter into the record my testimony to the HOUSE FISHERIES
committee name

committee on BOARD OF FISHERIES CONFIRMATION dated 5-3-99

bill # / subject VIRGIL L, UMPHENOUR REAPPOINTMENT

REMOVE VIRGIL L, UMPHENOUR, FROM THE BOARD OF FISHERIES.
HE HAS DEMONSTRATED A COMPLETE LACK OF KNOWLEDGE,
WHEN DEALING WITH FISHING ISSUES.

A COMPETENT BOARD MEMBER MUST UNDERSTAND THE
FISHING RESOURCES

A BALANCED AND INFORMED MEMBERSHIP ON THE
BOARD, IS ESSENTIAL TO MAKING FAIR DECISIONS

Signed: _____

Testifier

SELF

Representing (Optional)

1407 W 32ND AVE ANCHORAGE, AK 99503-3630

Address

PHONE 907-274-6200

1 of 2

TO: HFSH RE: BD OF FISHERIES 5-399

I urge you to reject Dan Coffey
to the B.O.F.

He has already served a term and
has been involved in the F.I.S.H. initiative
and should never have been
appointed in the first place.

Dan Coffey, as well as all the
B.O.F. members were appointed by the
Governor. There is not one on the
Board from the Cook Inlet area
who fishes in the main fishery
that's being affected — it couldn't be
more unbalanced or unfair —

I've been in the fishing
industry for 25 yrs and more, and
have never seen mismanagement
and arrogance for our
fisheries and local economy

It appears to me it's all
being sacrificed for tourism and
in-river fisheries which will
soon ruin the nurseries.
Salmon cannot live without
the habitat — they don't spawn
in the salt water, so this makes
the tributaries precious and
a very sensitive area.

Please do not confirm Dan Coffey
Virgil Thompson or Grant Miller.
I don't feel that any of them are

2 of 2

qualified
Steve Kenel



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on Dan Coffey TO BO of Fisheries dated 5.3.99
bill # / subject

I would like to urge you not to confirm Dan Coffey, Virgil Umphenour, and Grant Miller as they showed no regard for economics, people or fish habitat. It was clear they had a predetermined agenda, they ignored the local advisory committee recommendations further they formed committees at the Alaska Board of Fish meeting in Soldotna.

I sent you representatives a packet of signatures from concerned people from the community voicing their concerns over the total disregard ~~to~~ from the board of fish process, over the people, economy, fish habitat.

Signed: _____

Testifier

Self

Representing (Optional)

23259 S. Coho Loop Rd. Kaslo AK 99610

Address

262-7989

Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on Dan Coffey to Bd of Fisheries dated 5-3-99
bill # / subject

I would urge you to not confirm
Dan Coffey
Virgil Umphreus
Grant Miller
as they have shown no regards to
the people, habitat, economies of the
Kenai peninsula people.

Thank You
Suzanne L. Ducker

Signed:

Suzanne L. Ducker
Testifier

Self

Representing (Optional)

23259 S. Coho Lp. Rd. Kenai, AK 99610

Address

262-7989

Phone number



Alaska State Legislature

Please enter into the record my testimony to the HOUSE FISHERIES
committee name

committee on DAN COFFEY TO BO OF FISHERIES dated 5-3-99
bill # / subject

I would like to ask that you do not
Confirm:

Dan Coffey
Virgil Umphenour
Grant Miller

to the Alaska Board of Fisheries.

I believe ~~you~~ they have shown no
regard to the people, economies or habitat
of the Kenai peninsula.

Signed:

Chad Davis

Testifier

Self

Representing (Optional)

353 WEST BELUGA ST AK 99669

Address

(907) 262-9309

Phone number

Bill Hudson, Chair
Alaska House of Representatives
Select Committee on Fisheries

Sitka, AK
April 19, 1999

Dear Chairman Hudson,

My name is Eric Jordan. I am a lifelong Alaskan fisherman. I have served 15 years on the Sitka Fish & Game Advisory Committee, 8 as secretary and 4 as chair. I served 8 years on the Advisory Panel to the North Pacific Fisheries Management Council. My grandfather, father, and sons have or presently commercially fish in Alaska. I troll salmon, work as a charter operator, and subsistence fish and hunt to sustain myself. I am a current member of the Sustainable Fisheries Committee advising the Board OF Fisheries.

I am here representing myself.

I have worked with and testified to Boards of Fisheries since 1973. I have worked closely with this board. I have found this board and the individual members commitment to public process and fact finding unparalleled. I have participated in the Board sub-committee process and support it. I find that it compliments and amplifies the advisory committee process.

I support the Governor's nominations and urge you to confirm all these incumbents, Grant Miller, Dan Coffey, and Virgil Umpenour. This is one of the best, hardest working Board OF Fisheries in a legacy of fine Alaskan fisheries boards. Service on the Board OF Fisheries takes a great deal of work and dedication. Alaska is fortunate that these dedicated, experienced members are willing to serve again. I urge unanimous support from the legislature.

Sincerely,



Eric Jordan
F/V I Gotta
103 Gibson Place
Sitka, AK 99835
(907) 747-6743



TELECOPY COVER SHEET
Sitka Legislative Information Office
Office - (907) 747-6276 Fax - (907) 747-5807

TO: HOUSE SPECIAL COMMITTEE ON FISHERIES
ATTN: REP. BILL HUDSON, CHAIRMAN FAX: (907) 465-2273 PHONE: _____
FROM: SITKA LIO PHONE: 747-6276
INSTRUCTIONS: WRITTEN TESTIMONY FROM ERIC JORDAN

SENT: Date 5-3-99 Time 5:35 P.M.
DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup _____
NUMBER OF PAGES: 1 (NOT counting cover sheet)
TRANSMITTED BY: B.B.



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on Dan K. Coffey dated 5/3/99
bill # / subject

I oppose the reappointment of Dan K. Coffey to the Board of Fisheries, he has shown his bias against the Cook Inlet commercial fishing industry by his actions during his present term on the Board. A qualified appointee should be an unbiased decisionmaker willing and able to factfind to make the best decision possible based upon the available information.

Signed:

Testifier

(self)

Representing (Optional)

7715 Highland Drive; Anchorage, AK 99518
Address 907-349-6028

Bruce J. Gabrys
10229 Baffin Street
Eagle River, AK 99577
(907) 694-3874

May 3, 1999

Representative Bill Hudson
Chairman,
Special Committee on Fisheries
State Capitol, Room 108
Juneau, Alaska 99801-1182

Sent By: FAX (907) 465-2273

Re: Objection to Appointment of Dan K. Coffey to Board of Fisheries

Dear Representative Hudson,

I ask your support in rejecting the confirmation of Dan K. Coffey to the Board of Fisheries. The current Board of Fisheries is not a balanced, well-rounded board. The Board of Fisheries currently has three members, including Mr. Coffey, which reflect Cook Inlet sport fishing interest. I urge you to use this board seat vacancy to balance Cook Inlet influence by rejecting the confirmation of Mr. Coffey and urging the Governor to appoint a commercial harvester to the board. The Governor had received requests to serve on the board from myself and other qualified applicants from which he could select to balance the board.

I will be at the Anchorage LIO for the 5:00 p.m. hearing today and would like to speak on behalf of balancing the board. I can be contacted at the address listed above, by telephone at (907) 694-3874, by fax at (907) 694-3832, or by e-mail at: gabrys@alaska.net.

Sincerely,



Bruce J. Gabrys

Bruce J. Gabrys
10229 Baffin Street
Eagle River, AK 99577
(907) 694-3874

March 30, 1999

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

Sent By: FAX (907) 465-3532
and USPS

Re: Request for Appointment to the Board of Fisheries

Dear Governor Knowles,

I am requesting appointment to the Board of Fisheries. Adding my name to the list of applicants provides an option for you to balance the composition of the Board. I am a twenty year resident of Alaska, a small business owner in Eagle River, a sport fisherman, and a commercial fisherman with fifteen years of experience fishing Gulf of Alaska and Cook Inlet waters. I am confident that I have the broad range of experience and integrity required for serving on this very important board.

My background includes over twenty years of public service, fifteen of which has been in the Alaska National Guard. As a reference of my integrity, dedication and character, I offer one of your former commissioners, Jake Lestenkof. I had the privilege to work for Major General Lestenkof for the four years prior to his retirement.

I can be contacted at the address listed above, by telephone at (907) 694-3874, by fax at (907) 694-3832, or by e-mail at: gabrys@alaska.net. I am looking forward to serving on the Board of Fisheries. I am certain you will be pleased with my performance as your appointee.

Sincerely,


Bruce J. Gabrys

Commercial Fishing

Property Management

GABRYS & COMPANY
P.O. Box 771751
Eagle River, Alaska 99577

Bruce J. Gabrys

10229 Baffin St.
Eagle River, AK 99577

(907) 694-3874
FAX (907) 694-3832
E-Mail: gabrys@alaska.net
FAX (907) 694-3832



TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

April 26, 1999

Mr. Bruce J. Gabrys
10229 Baffin Street
Eagle River, AK 99577

Dear Mr. Gabrys:

The appointment in which you have expressed an interest has been made. The deadline for making these appointments was March 31, 1999, the day we received your application. Each candidate had impressive professional and personal qualifications.

Governor Tony Knowles has reappointed Dan K. Coffey of Anchorage, Grant J. Miller of Sitka, and Virgil L. Umphenour of Fairbanks to public seats on the Board of Fisheries.

We appreciate your willingness to assist Governor Knowles by applying for service on the board. If there are other boards or commissions that you would like to be considered for, please notify my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cindy Smith".

Cindy Smith
Coordinator
Boards and Commissions

**Lake and Peninsula Borough**

P.O. Box 495
King Salmon, Alaska 99613

Telephone: (907) 246-3421
Fax: (907) 246-6602



April 30, 1999

Bill Hudson
Co-Chair of House Resources Committee
Facsimile Message: 465-2273

RE: Alaska Board of Fisheries Reappointment

Dear Representative Hudson,

The Lake & Peninsula Borough has a strong interest in maintaining the health of the fisheries resources adjacent to the fishing communities within Borough boundaries. The Assembly is active in working to minimize bycatch in commercial fisheries and protecting essential habitat for all marine resources within State waters.

We wholeheartedly support the reappointment of Virgil Umphenour because he is not hesitant to address these sensitive issues.

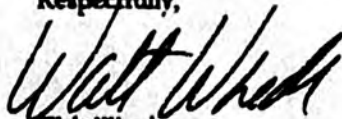
As you know there are different vessel types and sizes that harvest different species within state waters. These differences bring a sharp awareness to fishermen that target the same stocks, intercept stocks, or ruin habitat in areas that others rely on for other species. All this is said because different regions support different appointees to the Alaska Board of Fisheries.

We support Virgil Umphenour because he has stood strong in the face of tough opposition on these tough issues. As Co-Chair of House Resources Committee, we ask you to recognize his unwavering stance in telling the industry to clean up their act. Fishing can be conducted profitably and still reduce bycatch and stop ruining crab habitat.

He also encourages reducing intercept fisheries where possible. Resources within our state are for all of us to use. If fisheries were managed to allow maximum intercept in some areas, our state would lose in the long run because the impact would decimate discrete stocks.

Thank you for considering our recommendation. Virgil takes his appointment seriously and does a good job for the state.

Respectfully,


Walt Wrede,
Borough Manager



Alaska State Legislature

Please enter into the record my testimony to the HOUSE FISHERIES
 committee on DAN COFFEY TO committee name
BOARD OF FISHERIES dated MAY 3, 1999
 bill/subject

Dear Chairman Hudson and Committee Members,

I STRONGLY SUPPORT THE REAPPOINTMENT AND CONFIRMATION OF DAN COFFEY TO THE BOARD OF FISHERIES.

As a member of a local advisory committee and a member of the public, I have testified before this Board member and served in the committee process several times recently. While we may not always agree, I feel his positions on issues have been well thought out and in the best interests of Alaska's resources and people. At no time is it possible to satisfy ALL special interests, including mine.

I ask you also to please disregard Kenai Peninsula Borough Resolution 99-034 strongly opposing the confirmation of the three current members. I am appalled and embarrassed that my local government, the Kenai Peninsula Borough Assembly, would blatantly advocate and lobby for a special segment of our local economy to the detriment of other viable and vital parts of our local business sector, let alone the damage this type of thinking does to the public's uses of our common resources.

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. This board member has worked hard to insure that these needs are met.

Please support the confirmation of the reappointment of Dan Coffey to the Board of Fisheries.

Signed:

W. S. Stockwell
 Testifier

BY STOCKWELL
 Representing (Optional)

P.O. Box 721, COFFEY LANDING, AK 99572
 Address

(907) 595-1540
 Phone No.



Chugach Regional Resources Commission

May 3, 1999

Chenega Bay

Eyak

Nanwalek

Port Graham

Quetzak
Native Tribe

Tatitlek

Valdez Native
Tribe

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol - MS 3100 (Fax 907/465-2273)
Juneau, Alaska 99801-1182

Dear Representative Hudson,

On behalf of the tribes and their members of the Chugach Regional Resources Commission, I am writing to oppose the re-appointment of Virgil Umphenour to the Board of Fisheries. The Chugach Regional Resources Commission is an inter-tribal fisheries and wildlife commission dedicated to assisting the tribes in the Chugach Region to address natural resource issues and concerns and to assist them in developing responsible natural resource management programs.

In reviewing the transcripts of the confirmation hearings in the House Resources Committee on April 21, 1999, it is evident that Mr. Umphenour has demonstrated prejudice toward fish hatcheries, and commercial fishing in general. The people of the Chugach Region depend upon the fisheries for their livelihood, both commercially and for subsistence. Two of the tribes in this region operate hatcheries to the benefit of the resources and the people. The Port Graham Village Council operates a salmon hatchery, providing fish for the communities in Lower Cook Inlet. They have responsibly managed this hatchery to the point that Nanwalek is able to harvest red salmon commercially and the pink salmon returns are at a level where the cannery in Port Graham has reopened.

The Qutekcak Native Tribe in Seward is currently operating a shellfish hatchery to will provide shellfish spat to commercial farmers in Alaska, and is also working to re-establish the clam beds in Port Graham, Nanwalek, and Tatitlek. I would hope that these admirable efforts are recognized by Board of Fish representatives when voting on fish hatchery issues that could effect the livelihoods of the people in this area.

The people of the Chugach Region are dedicated to the sound management of the fisheries resources, and as such, would be better served by placing a representative on the Board of Fisheries who recognizes the positive aspects of fish hatcheries and commercial fishing. I believe it would be in the best interests of the fisheries resources in general to place someone on the Board of Fisheries who is unbiased and willing to fully explore all aspects of any particular issue before taking a position on it.

Thank you for the opportunity to express our concerns. If you have any questions regarding our opposition to the re-appointment of Virgil Umphenour to the Board of Fisheries, please do not hesitate to contact me at 907/562-6647.

Sincerely,



Patty Brown-Schwalenberg
Executive Director

cc: Senator Georgiana Lincoln
Representative Gail Phillips
Representative John Harris
Representative Ethane Berkowitz
Representative Joe Green
Senator Johnny Ellis
Senator Jerry Mackie
CRRC Board of Directors

NATIVE VILLAGE OF EYAK

P.O. BOX 1388, CORDOVA, ALASKA 99574

TEL-907-424-7738/FAX-907-424-7739

May 3, 1999

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182

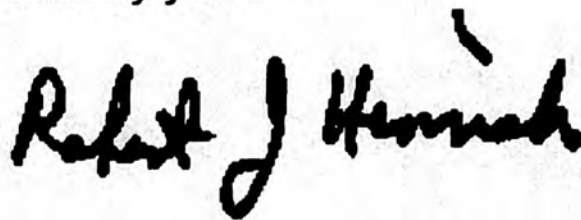
Chairman Hudson

The Native Village of Eyak, with over 500 members, is the largest Tribe on the Copper River and Prince William Sound. Our members have been involved in fishing for the past 10,000 years.

Our Tribe opposes the reappointment of Virgil Umphenour to the Board of Fish. We don't believe Mr. Umphenour is able to examine all the fisheries issues with an open mind.

Thank you for your consideration on this issue.

Sincerely yours



Robert J. Henrichs
President
Native Village of Eyak
Traditional Council

**COPPER RIVER-PRINCE WILLIAM SOUND
NATIVE FISHERMANS ASSOCIATION
P.O. BOX 1388, CORDOVA, ALASKA 99574
TEL-907-424-7738 FAX-907-424-7739**

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182

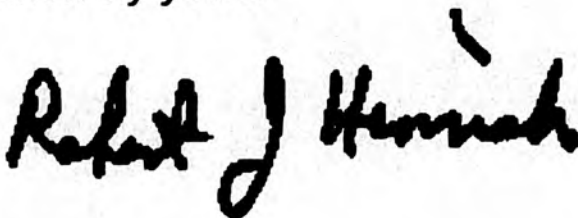
Chairman Hudson

The Native Village of Eyak, with over 500 members, is the largest Tribe on the Copper River and Prince William Sound. Our members have been involved in fishing for the past 10,000 years.

Our Tribe opposes the reappointment of Virgil Umphenour to the Board of Fish. We don't believe Mr. Umphenour is able to examine all the fisheries issues with an open mind.

Thank you for your consideration on this issue.

Sincerely yours



Robert J. Henrichs
President
Native Village of Eyak
Traditional Council



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on Dan K. Coffey dated 5/3/99
bill # / subject

I oppose the reappointment of Dan K. Coffey to the Board of Fisheries, he has shown his bias against the Cook Inlet commercial fishing industry by his actions during his present term on the Board. A qualified appointee should be an unbiased decisionmaker willing and able to factfind to make the best decision possible based upon the available information.

Signed:

Kenneth L. Svetc (Kenneth L. Svetc)

Testifier

(self)

Representing (Optional)

7715 Highland Drive; Anchorage, AK 99518

Address

907-349-6028

Bruce J. Gabrys
10229 Baffin Street
Eagle River, AK 99577
(907) 694-3874

May 3, 1999

Representative Bill Hudson
Chairman,
Special Committee on Fisheries
State Capitol, Room 108
Juneau, Alaska 99801-1182

Sent By: FAX (907) 465-2273

Re: Objection to Appointment of Dan K. Coffey to Board of Fisheries

Dear Representative Hudson,

I ask your support in rejecting the confirmation of Dan K. Coffey to the Board of Fisheries. The current Board of Fisheries is not a balanced, well-rounded board. The Board of Fisheries currently has three members, including Mr. Coffey, which reflect Cook Inlet sport fishing interest. I urge you to use this board seat vacancy to balance Cook Inlet influence by rejecting the confirmation of Mr. Coffey and urging the Governor to appoint a commercial harvester to the board. The Governor had received requests to serve on the board from myself and other qualified applicants from which he could select to balance the board.

I will be at the Anchorage LIO for the 5:00 p.m. hearing today and would like to speak on behalf of balancing the board. I can be contacted at the address listed above, by telephone at (907) 694-3874, by fax at (907) 694-3832, or by e-mail at: gabrys@alaska.net.

Sincerely,



Bruce J. Gabrys

Bruce J. Gabrys
10229 Baffin Street
Eagle River, AK 99577
(907) 694-3874

March 30, 1999

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

Sent By: FAX (907) 465-3532
and USPS

Re: Request for Appointment to the Board of Fisheries

Dear Governor Knowles,

I am requesting appointment to the Board of Fisheries. Adding my name to the list of applicants provides an option for you to balance the composition of the Board. I am a twenty year resident of Alaska, a small business owner in Eagle River, a sport fisherman, and a commercial fisherman with fifteen years of experience fishing Gulf of Alaska and Cook Inlet waters. I am confident that I have the broad range of experience and integrity required for serving on this very important board.

My background includes over twenty years of public service, fifteen of which has been in the Alaska National Guard. As a reference of my integrity, dedication and character, I offer one of your former commissioners, Jake Lestenkof. I had the privilege to work for Major General Lestenkof for the four years prior to his retirement.

I can be contacted at the address listed above, by telephone at (907) 694-3874, by fax at (907) 694-3832, or by e-mail at: gabrys@alaska.net. I am looking forward to serving on the Board of Fisheries. I am certain you will be pleased with my performance as your appointee.

Sincerely,



Bruce J. Gabrys

Commercial Fishing

Property Management

GABRYS & COMPANY
P.O. Box 771751
Eagle River, Alaska 99577

Bruce J. Gabrys

10229 Baffin St.
Eagle River, AK 99577

(907) 694-3874
FAX (907) 694-3832
E-Mail: gabrys@alaska.net
FAX (907) 694-3832



TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

April 26, 1999

Mr. Bruce J. Gabrys
10229 Baffin Street
Eagle River, AK 99577

Dear Mr. Gabrys:

The appointment in which you have expressed an interest has been made. The deadline for making these appointments was March 31, 1999, the day we received your application. Each candidate had impressive professional and personal qualifications.

Governor Tony Knowles has reappointed Dan K. Coffey of Anchorage, Grant J. Miller of Sitka, and Virgil L. Umphenour of Fairbanks to public seats on the Board of Fisheries.

We appreciate your willingness to assist Governor Knowles by applying for service on the board. If there are other boards or commissions that you would like to be considered for, please notify my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cindy Smith".

Cindy Smith
Coordinator
Boards and Commissions



Lake and Peninsula Borough

P.O. Box 495
King Salmon, Alaska 99613

Telephone: (907) 246-3421
Fax: (907) 246-6602



April 30, 1999

Bill Hudson
Co-Chair of House Resources Committee
Facsimile Message: 465-2273

RE: Alaska Board of Fisheries Reappointment

Dear Representative Hudson,

The Lake & Peninsula Borough has a strong interest in maintaining the health of the fisheries resources adjacent to the fishing communities within Borough boundaries. The Assembly is active in working to minimize bycatch in commercial fisheries and protecting essential habitat for all marine resources within State waters.

We wholeheartedly support the reappointment of Virgil Umphenour because he is not hesitant to address these sensitive issues.

As you know there are different vessel types and sizes that harvest different species within state waters. These differences bring a sharp awareness to fishermen that target the same stocks, intercept stocks, or ruin habitat in areas that others rely on for other species. All this is said because different regions support different appointees to the Alaska Board of Fisheries.

We support Virgil Umphenour because he has stood strong in the face of tough opposition on these tough issues. As Co-Chair of House Resources Committee, we ask you to recognize his unwavering stance in telling the industry to clean up their act. Fishing can be conducted profitably and still reduce bycatch and stop ruining crab habitat.

He also encourages reducing intercept fisheries where possible. Resources within our state are for all of us to use. If fisheries were managed to allow maximum intercept in some areas, our state would lose in the long run because the impact would decimate discrete stocks.

Thank you for considering our recommendation. Virgil takes his appointment seriously and does a good job for the state.

Respectfully,

Walt Wrede,
Borough Manager



Alaska State Legislature

Please enter into the record my testimony to the HOUSE FISHERIES
 committee on DAN COFFEY TO committee name
BOARD OF FISHERIES dated MAY 3, 1999
 bill/subject

Dear Chairman Hudson and Committee Members,

I STRONGLY SUPPORT THE REAPPOINTMENT AND CONFIRMATION OF DAN COFFEY TO THE BOARD OF FISHERIES.

As a member of a local advisory committee and a member of the public, I have testified before this Board member and served in the committee process several times recently. While we may not always agree, I feel his positions on issues have been well thought out and in the best interests of Alaska's resources and people. At no time is it possible to satisfy ALL special interests, including mine.

I ask you also to please disregard Kenai Peninsula Borough Resolution 99-034 strongly opposing the confirmation of the three current members. I am appalled and embarrassed that my local government, the Kenai Peninsula Borough Assembly, would blatantly advocate and lobby for a special segment of our local economy to the detriment of other viable and vital parts of our local business sector, let alone the damage this type of thinking does to the public's uses of our common resources.

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. This board member has worked hard to insure that these needs are met.

Please support the confirmation of the reappointment of Dan Coffey to the Board of Fisheries.

Signed: W. S. Stockwell
 Testifier
Bill Stockwell
 Representing (Optional)
P.O. Box 721, Cape Landing, AK 99572
 Address
(907) 595-1540
 Phone No.



Chugach Regional Resources Commission

Chenega Bay

Lyak

Nanwalek

Port Graham

Quetzal
Native Tribe

Tatitlek

Valdez Native
Tribe

May 3, 1999

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol - MS 3100 (Fax 907/465-2273)
Juneau, Alaska 99801-1182

Dear Representative Hudson,

On behalf of the tribes and their members of the Chugach Regional Resources Commission, I am writing to oppose the re-appointment of Virgil Umphenour to the Board of Fisheries. The Chugach Regional Resources Commission is an inter-tribal fisheries and wildlife commission dedicated to assisting the tribes in the Chugach Region to address natural resource issues and concerns and to assist them in developing responsible natural resource management programs.

In reviewing the transcripts of the confirmation hearings in the House Resources Committee on April 21, 1999, it is evident that Mr. Umphenour has demonstrated prejudice toward fish hatcheries, and commercial fishing in general. The people of the Chugach Region depend upon the fisheries for their livelihood, both commercially and for subsistence. Two of the tribes in this region operate hatcheries to the benefit of the resources and the people. The Port Graham Village Council operates a salmon hatchery, providing fish for the communities in Lower Cook Inlet. They have responsibly managed this hatchery to the point that Nanwalek is able to harvest red salmon commercially and the pink salmon returns are at a level where the cannery in Port Graham has reopened.

The Qutekcak Native Tribe in Seward is currently operating a shellfish hatchery to will provide shellfish spat to commercial farmers in Alaska, and is also working to re-establish the clam beds in Port Graham, Nanwalek, and Tatitlek. I would hope that these admirable efforts are recognized by Board of Fish representatives when voting on fish hatchery issues that could effect the livelihoods of the people in this area.

The people of the Chugach Region are dedicated to the sound management of the fisheries resources, and as such, would be better served by placing a representative on the Board of Fisheries who recognizes the positive aspects of fish hatcheries and commercial fishing. I believe it would be in the best interests of the fisheries resources in general to place someone on the Board of Fisheries who is unbiased and willing to fully explore all aspects of any particular issue before taking a position on it.

Thank you for the opportunity to express our concerns. If you have any questions regarding our opposition to the re-appointment of Virgil Umphenour to the Board of Fisheries, please do not hesitate to contact me at 907/562-6647.

Sincerely,


Patty Brown-Schwalenberg
Executive Director

cc: Senator Georgiana Lincoln
Representative Gail Phillips
Representative John Harris
Representative Ethane Berkowitz
Representative Joe Green
Senator Johnny Ellis
Senator Jerry Mackie
CRRC Board of Directors

NATIVE VILLAGE OF EYAK

P.O. BOX 1388, CORDOVA, ALASKA 99574

TEL-907-424-7738/FAX-907-424-7739

May 3, 1999

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182

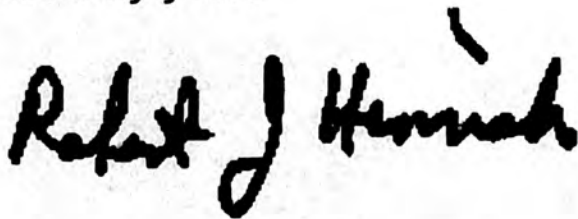
Chairman Hudson

The Native Village of Eyak, with over 500 members, is the largest Tribe on the Copper River and Prince William Sound. Our members have been involved in fishing for the past 10,000 years.

Our Tribe opposes the reappointment of Virgil Umphenour to the Board of Fish. We don't believe Mr. Umphenour is able to examine all the fisheries issues with an open mind.

Thank you for your consideration on this issue.

Sincerely yours



Robert J. Henrichs
President
Native Village of Eyak
Traditional Council

**COPPER RIVER-PRINCE WILLIAM SOUND
NATIVE FISHERMANS ASSOCIATION
P.O. BOX 1388, CORDOVA, ALASKA 99574
TEL-907-424-7738 FAX-907-424-7739**

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182

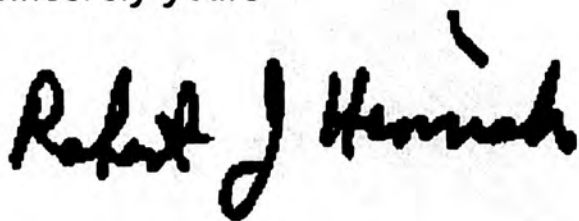
Chairman Hudson

The Native Village of Eyak, with over 500 members, is the largest Tribe on the Copper River and Prince William Sound. Our members have been involved in fishing for the past 10,000 years.

Our Tribe opposes the reappointment of Virgil Umphenour to the Board of Fish. We don't believe Mr. Umphenour is able to examine all the fisheries issues with an open mind.

Thank you for your consideration on this issue.

Sincerely yours



Robert J. Henrichs
President
Native Village of Eyak
Traditional Council

TO: Board of Fish Confirmation Committee Members

From: Edwin Welles & Elizabeth Hagerman, Cook Inlet Drift Permit #64714G

Re: Reject Dan Coffey, Grant Miller, and Virgil Umphenour

We strongly urge you to reject Dan Coffey, Grant Miller and Virgil Umphenour as board members. The Kenai river Sockeye allotment is already contentious. These individuals will arrive on the board with no intention of finding a rational solution. They will inflame the conflict between the commercial and sports fishing interests with their emotionally entrenched biases.

TO: Board of Fish Confirmation Committee Members

From: Edwin Welles & Elizabeth Hagerman, Cook Inlet Drift Permit #64714G

Re: Reject Dan Coffey, Grant Miller, and Virgil Umphenour

We strongly urge you to reject Dan Coffey, Grant Miller and Virgil Umphenour as board members. The Kenai river Sockeye allotment is already contentious. These individuals will arrive on the board with no intention of finding a rational solution. They will inflame the conflict between the commercial and sports fishing interests with their emotionally entrenched biases.

TO: Board of Fish Confirmation Committee Members

From: Edwin Welles & Elizabeth Hagerman, Cook Inlet Drift Permit #64714G

Re: Reject Dan Coffey, Grant Miller, and Virgil Umphenour

We strongly urge you to reject Dan Coffey, Grant Miller and Virgil Umphenour as board members. The Kenai river Sockeye allotment is already contentious. These individuals will arrive on the board with no intention of finding a rational solution. They will inflame the conflict between the commercial and sports fishing interests with their emotionally entrenched biases.

To: House Fisheries Committee
Kenai Legislative Affairs office

Re: Appointments of Dan Coffey, Grant
Miller and Virgil Openhouse (or?)

It is our understanding that these three men are not pro-commercial fishing. We have 2 Cook Inlet permits so have a vested interest in the Cook Inlet area. We are deeply concerned that this Committee would elect people who are not entirely concerned about the fisheries and the welfare of the fisherman. We would hope you reconsider your choices.

Dick & Sandy Yraskoff
5731 Faust Rd
Ellensburg, WA. 98926

(509) 925-4947

To: House Fisheries Committee
Kenai Legislative Affairs Office

Re: Appointments of Dan Coffey, Grant
Miller and Virgil Oppenhour (or?)

It is our understanding that these three men are not pro-commercial fishing. We have 2 Cook Inlet permits so have a vested interest in the Cook Inlet area. We are deeply concerned that this committee would elect people who are not entirely concerned about the fisheries and the welfare of the fisherman. We would hope you reconsider your choices.

Dick & Sandy Yraskoff
5731 Faust Rd
Ellensburg, WA. 98926

(509) 925-4947

To: House Fisheries Committee
Kenai Legislative Affairs Office

Re: Appointments of Dan Coffey, Grant
Miller and Virgil Oppenhouse(er?)

It is our understanding that these three men are not pro-commercial fishing. We have 2 Cook Inlet permits so have a vested interest in the Cook Inlet area. We are deeply concerned that this committee would elect people who are not entirely concerned about the fisheries and the welfare of the fisherman. We would hope you reconsider your choices.

Dick & Sandy Yraskoff
5731 Faust Rd
Ellensburg, WA. 98926

(509)925-4947

Dear Sir:

I am writing concerning the confirmation hearings of Mr. Virgil Umphenour. In my opinion he should not be a member of the Board of Fisheries.

Mr. Umphenour's statements concerning PWSAC and Copper River fishermen have more than effectively demonstrated his unsuitability for the Board.

I have been a Copper River fisherman for 20 years and find his comments extremely offensive.

It is absurd to think Copper River fishermen want to "kill every fish", as Mr. Umphenour maintains. My family and I are dependent on a healthy run which means we have a direct interest in the future of the Copper River salmon returns.

Mr. Umphenour's demonstrated bias against PWSAC also concerns me. PWSAC restructured its debt in 1997. Payments are expected to start June, 1999 which is earlier than originally anticipated. According to Bud Perrine, CEO, Mr. Umphenour should be aware of this from meeting's he attended earlier this year.

Mr. Umphenour has stated to you, "I don't remember any executive sessions during the last Area E Board meetings". Since these meetings are a matter of public record, a tape of this occurrence should be listened to by every committee member. Not only would this be proof an executive session was called, it would also be another demonstration of Mr. Umphenour's unsuitability to be a Board member. I would also recommend that committee members read through the entire record of this meeting and see for themselves how consistently Mr. Umphenour demonstrates his bias concerning Copper River fishermen.

Mr. Umphenour's statements to you and his record from previous Board meetings should disqualify him from future consideration. If

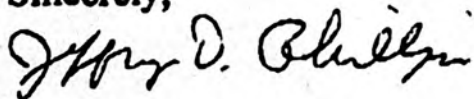
this was a court of law, Mr. Umphenour would not be able to hear a case concerning Copper River fishermen. We deserve no less from the Board of Fisheries.

In my experience testifying and observing Fish Board meetings I have seen many Board members leave their biases at the door and deliberate with open minds. Mr. Umphneour seems incapable of this. As a comercial fisherman, sports fisherman, and an Alaskan resident I deserve open-mindedness from my Board members.

Mr. Umphenour should not be retained as a Board of Fisheries member

Thank-you.

Sincerely,



Jeffrey D. Phillips
Box 1565
Cordova, AK. 99574
(907) 424-3174

To: Representative Bill Hudson, Chairman Fisheries Committee

Robert D. Schell
From: Robert D. Schell, Chairman, Board of Directors, Seafood Producers Co-op

Subject: Board of Fish Appointees

Date: April 23, 1999

Seafood Producers Cooperative endorses the reappointment of Grant Miller of Sitka to the board of fish. Our cooperative consists of 495 members who participate in hook and line fisheries, primarily the troll salmon fishery and the various long line fisheries of Alaska.

Grant is knowledgeable of these fisheries as well as the net and sport fisheries of Alaska. This knowledge combined with the demonstrated ability to listen to the various constituencies who use these resources makes him much too valuable a board member to be lost to the political vagrancy of the various factions involved in fishery allocations.

The board of fish is a tough assignment. I have participated in their meetings over the past decades and know only too well the animosities that can develop if decisions do not go the way some parties would prefer. The board of fish members should not be scapegoats for making the tough decisions.

Box 1367
Sitka, Alaska 99835
907-747-8541

April 24, 1999

Representative Bill Hudson
Chairman: Fisheries Committee
State Capitol Rm. 108
Juneau, Alaska 99801-1182

Dear Mr. Hudson,

I have been a commercial fisherman residing and fishing out of Kodiak for the past 33 years. During that time, I have been on the Board of Directors of the United Fisherman's Marketing Association for over 20 years and more recently I have been the Vice President of the Alaska Dragger's Association for the last 4 years. My involvement in fisheries politics has up until now been on a local level.

At the January Board of Fisheries meeting held in Kodiak I testified as a stakeholder on Proposal #132: Ban Bottom Trawling in State Waters-Kodiak, and subsequently became a member of the groundfish committee. From there I was appointed by the BoF to serve on the Non-Pelagic Trawl Task Force which I did for 2 months before the March BoF meetings in Anchorage. I must say that the inclination of the BoF to close ALL State waters to non-pelagic trawling had me in disbelief. That this governing body was making decisions affecting so many people and would be so biased and unwilling to listen to both sides of the issue was shocking. In particular, Mr. Umpenhower's manner of professional conduct could not have been LESS professional.

During the March BoF meeting in Anchorage, and more specifically the final deliberations by the BoF on Proposal #132, Mr. Umpenhower's predisposed, biased and totally unprofessional conduct was rampant, as is demonstrated by the enclosed tape. The tape begins with Dr. White, Chairman of the BoF, asking Mr. Dave Jackson, Dept. of Fish & Game-Kodiak, about safety issues relating to proposed closed areas. Following, Mr. Umpenhower launches his perspective.

You be the judge. Is this the kind of individual who will make intelligent, fair, unbiased decisions that will not only affect the livelihoods but also the

(2)

lives of many coastal Alaskan fishermen and their families? I don't think so.
Do not confirm Mr. Umpenhower!

Sincerely,

Skip Bolton
Box 2852
Kodiak, Alaska 99615
907-486-4099/486-2030-FAX

cc: Rep. Alan Austerman
Senator Jerry Mackie



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name
committee on Confirmations Bd of Fish, dated 4-26-99
bill # / subject

Anthony J. Cange

P.O. Box 29647, Anchorage, Alaska 99507 • Telephone (907) 345-6867 • Fax (907) 344-5909

April, 23 1999

To whom this may concern,

I am writing this letter today to express my concern for the conformation of Dan Coffey, Grant Miller, and Virgal Umphenour to the Board of Fisheries. I am a concerned vessel owner and Limited Entry Permit holder in the Cook Inlet. I am also A life long resident of Alaska. I can't express enough my strenuous objection to these individuals being confirmed to the board. Thank you for your time concerning this matter.

Respectively submitted,

A handwritten signature in cursive script, appearing to read "Anthony J. Cange".

Anthony J. Cange

Signed: _____

Testifier

Representing (Optional)

Address

Phone number

POM for Representative Hudson

From: Ms. Brenda Strother
PO Box 3517

Telephone: 283-4981

Kenai, AK 99611

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS
Message:

I DO NOT WANT COFFEY, MILLER OR UMPHENOUR REAPPOINTED. OUR FISHERIES HAVE BEEN GOING DOWNHILL. THE COMMERCIAL FISHERMEN HAVE BEEN STARVED OUT. THESE THREE FAVOR SPORT OVER COMMERCIAL FISHERIES. THERE IS PLENTY OF FISH FOR EVERYONE IF IT WAS MANAGED RIGHT. SO FAR, IT HAS NOT BEEN MANAGED RIGHT. EVERY YEAR THEY ARE WANTING MORE FISH UP THE KENAI RIVER, WHICH HAS NOT GOTTEN ANY LONGER, JUST A LITTLE WIDER DUE TO SPORT FISHERMEN'S HIGH-POWERED BOATS.

Entered in SOL on 4/23/99 POMID: 7172

Distribution: 60

Main Menu

Store All

Store This One

Prev POM

Next POM

Message 1 out of 3.

POM for Representative Hudson

From: Mr. Thomas Strother
PO Box 3517

Telephone: 283-4981

Kenai, AK 99611

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS

Message:

I DON'T WANT COFFEY, MILLER & UMPHENOUR REAPPOINTED BECAUSE THEIR TREATMENT OF COMMERCIAL FISHERMEN IS UNFAIR. THEY ARE MOSTLY IN FAVOR OF SPORT FISHERMEN. WHEN THE COMMERCIAL FLEET IS CONSIDERED, THE DRIFTERS ARE LOW MAN ON THE TOTEM POLE. BECAUSE OF THIS, OUR PERMITS HAVE DROPPED RAPIDLY IN VALUE & OUR ESCAPEMENTS HAVE BEEN POOR WITH LOW NUMBERS OF FISH FOR US TO HARVEST. WE'VE BEEN ON A DECLINE FOR THE PAST 10-15 YEARS. SOMETHING MUST CHANGE!

Entered in SOL on 4/23/99 POMID: 7176

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 2 out of 3.

POM for Representative Hudson

From: Mr. Mel Erickson
PO Box 1127

Telephone: 262-2980

Soldotna, AK 99669

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS

Message:

**WE SUPPORT THE RECONFIRMATION OF GRANT MILLER, VIRGIL UMPHENOUR AND
DAN COFFEY TO THE BOARD OF FISHERIES.**

Entered in SOL on 4/23/99 POMID: 7218

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 3 out of 3.

POM for Representative Hudson

From: Ms. Francine J Bennis
21407 Bowery Ln

Telephone: 688-7827

Chugiak, AK 99567

NON Constituent

Registered Voter: Y

Subject: CONFIRMATION

Message:

I STRONGLY SUPPORT THE CONFIRMAITON FOR THE REAPPOINTMENT OF VIRGIL UMPHENOUR. I FISHED COMMERCIALY FOR 16 YEARS AND AM FAMILIAR WITH A NUMBER OF FISHERY ISSUES AND I BELIEVE VIRGIL WORKS IN THE BEST INTEREST OF THE PEOPLE OF ALASKA. HE IS WILLING TO TAKE THE TIME TO STUDY ISSUES AND HAS DONE AN EXCELLENT JOB ON THE BOARD OF FISH.

Entered in ANC on 4/23/99 POMID: 7105

Distribution: 8

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 1.

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 25, 1999

**Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182**

SENT BY FACSIMILE TO (907) 465-2273

Dear Members,

Cordova District Fishermen United (CDFU) would like voice its opposition to the confirmation of Virgil Umphenour to the Alaska Board of Fisheries.

CDFU is an organization comprised of Prince William Sound and Copper River fishing families dependent upon commercial fisheries. Board of Fisheries proceedings are by far the most critical issue currently facing the small independent fishing families who constitute Alaska's largest private sector employer and second largest income-producing industry. The Board of Fisheries' actions and decisions affect our daily lives, and have an enormous impact on our abilities to sustain both our resources and our livelihoods.

As we have discussed the many issues that surround the Board of Fisheries and its functions, one of the greatest concerns to emerge is the composition of the Board, an issue that you have the opportunity to address through your confirmation process.

We are strongly opposed to the re-appointment of Virgil Umphenour to the Board. We believe that Mr. Umphenour's demonstrated prejudices and unwillingness to critically examine the facts should preclude him from further service on the Board. The issues facing our industry are diverse. They demand the kind of knowledge, skills and abilities that come from a broader scope of experience than which currently exists on the Board. We believe that the appointment of someone other than Mr. Umphenour could provide for improved balance and performance.

At the confirmation hearings in House Resources on Wednesday, April 21, 1999, Mr. Umphenour exemplified the bias and inaccurate assumptions that so often accompany his participation in this process. Contrary to Mr. Umphenour's assertions that Copper River fishermen "don't like responsible fish management" while "they kill 97-100% of king salmon when present" by the way they are "seining the king salmon out," a simple

check of ADF&G data will quickly prove that subsistence, personal use and commercial fishermen have enjoyed historic high king salmon harvests on the Copper River in recent years. These certainly have not occurred because Copper River fishermen "like to be able to kill every last fish" and "catch all they can at the mouth of the river." It is irresponsible, insulting and untrue statements such as these that impair Mr. Umphenour's ability to serve in a functional and credible fashion on the Alaska Board of Fisheries.

CDFU is certain that after thoughtful examination of the concerns 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

Sue Aspelund
Executive Director

cc: Senator Georgiana Lincoln
Representative John Harris
Representative Ethane Berkowitz
Representative Joe Green
Representative Gail Phillips
Senator Johnny Ellis
Senator Jerry Mackie
UFA
CRSPA
USA - PWS

April 24, 1999

Representative Bill Hudson
Chairman: Fisheries Committee
State Capitol Rm. 108
Juneau, Alaska 99801-1182

Dear Mr. Hudson,

I have been a commercial fisherman residing and fishing out of Kodiak for the past 33 years. During that time, I have been on the Board of Directors of the United Fisherman's Marketing Association for over 20 years and more recently I have been the Vice President of the Alaska Draggers Association for the last 4 years. My involvement in fisheries politics has up until now been on a local level.

At the January Board of Fisheries meeting held in Kodiak I testified as a stakeholder on Proposal #132: Ban Bottom Trawling in State Waters-Kodiak, and subsequently became a member of the groundfish committee. From there I was appointed by the BoF to serve on the Non-Pelagic Trawl Task Force which I did for 2 months before the March BoF meetings in Anchorage. I must say that the inclination of the BoF to close ALL State waters to non-pelagic trawling had me in disbelief. That this governing body was making decisions affecting so many people and would be so biased and unwilling to listen to both sides of the issue was shocking. In particular, Mr. Umpenhower's manner of professional conduct could not have been LESS professional.

During the March BoF meeting in Anchorage, and more specifically the final deliberations by the BoF on Proposal #132, Mr. Umpenhower's predisposed, biased and totally unprofessional conduct was rampant, as is demonstrated by the enclosed tape. The tape begins with Dr. White, Chairman of the BoF, asking Mr. Dave Jackson, Dept. of Fish & Game-Kodiak, about safety issues relating to proposed closed areas. Following, Mr. Umpenhower launches his perspective.

You be the judge. Is this the kind of individual who will make intelligent, fair, unbiased decisions that will not only affect the livelihoods but also the

(2)

lives of many coastal Alaskan fishermen and their families? I don't think so.
Do not confirm Mr. Umpenhower!

Sincerely,

A handwritten signature in cursive script, appearing to read "Skip Bolton".

Skip Bolton

Box 2852

Kodiak, Alaska 99615

907-486-4099/486-2030-FAX

cc: Rep. Alan Austerman
Senator Jerry Mackie



Alaska State Legislature

HOUSE SPECIAL
Please enter into the record my testimony to the COMMITTEE ON FISHERIES
BOARD OF FISHERIES committee name
committee on CONFIRMATION HEARING, dated APRIL 26, 1999
bill/subject

I WILL BE UNABLE TO ATTEND

TODAYS HEARING.

PLEASE INCLUDE MY LETTER

ATTACHED AS MY TESTIMONY.

THANK YOU.

Signed:

M. J. Stuckwell
Testifier

SELF

Representing (Optional)

P.O. BOX 721, EMER LANDING AK 99572
Address

595-1540

Phone No.

DATE: April 25, 1999

TO: House Special Committee on Fisheries.
Representatives Hudson, Dyson, Harris, Morgan, Whitaker,
Kapsner, and Smalley

FROM: Bill Stockwell
P.O. Box 721
Cooper Landing, AK 99572-0721
Phone & Fax 595-1540

SUBJECT: April 26, 1999 Board of Fisheries Confirmation Hearing

Dear Chairman Hudson and Committee Members,

I STRONGLY SUPPORT THE REAPPOINTMENT AND CONFIRMATION OF DAN COFFEY, GRANT MILLER AND VIRGIL UMPHENOUR TO THE BOARD OF FISHERIES.

As a member of a local advisory committee and a member of the public, I have testified before these Board members and served in the committee process several times recently. While we may not always agree, I feel their positions on issues have been well thought out and in the best interests of Alaska's resources and people. At no time is it possible to satisfy ALL special interests, including mine.

I ask you also to please disregard Kenai Peninsula Borough Resolution 99-034 strongly opposing the confirmation of the three current members. I am appalled and embarrassed that my local government, the Kenai Peninsula Borough Assembly, would blatantly advocate and lobby for a special segment of our local economy to the detriment of other viable and vital parts of our local business sector, let alone the damage this type of thinking does to the public's uses of our common resources.

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. These board members have worked hard to insure that these needs are met. Please support the confirmation of the reappointments of these current members.

Sincerely,


Bill Stockwell

Sylvia R. Lange
Box 135
Cordova, Alaska 99574

House Special Committee on Fisheries,
Mr. Bill Hudson, Chair

April 24, 1999

Dear Mr. Hudson,

I am a lifetime resident of Alaska. I was raised in Cordova by my parents, who like their parents before them, lived off the bounty of the area. I have been a subsistence and commercial fisherman dependent on the Copper River and Bering River for my entire life. My husband and I operate a fish processing facility which employs 100+ workers, and is wholly dependent on the PWS and Copper River and Bering River Districts. I write today, for the first time ever, because I am opposed to the re-appointment of Mr. Virgil Umphenour to the Board of Fisheries.

I have been involved as an advocate for my industry for the past 25 years. In all those years of interaction with the Board of Fisheries, I have come to respect the difficult job those individuals who serve on the Board face. The position often requires the problem solving of Solomon and the patience of Job. As a member of the general public, the most frustrating thing when coming forward to testify or participate in the Board of Fisheries process, is the obvious bias some members bring to the table. Conversely, it is a breath of fresh air when a member admits he is ill informed and brings to the hearings a willingness to learn, thereby making judgments based on the public process.

Mr. Umphenour has demonstrated repeatedly he comes to the table with a set agenda. Common decency dictates a certain demeanor of public officials in the course of their appointed business. While attending the Board of Fish meeting in Cordova, Mr. Umphenour behaved rudely to those of the public with differing opinions or facts which contradicted his prejudices. Other Board Members, at the conclusion of the meeting, congratulated the public participants on the congeniality and the hospitality of our community.

Mr. Umphenour has decided against all manner of facts, that the commercial salmon fishery of the Copper River Flats is run by individuals who have no regard for the resource. This is simply not true and the facts bear me out. The Copper River Flats has had a thriving commercial fishery and operating canneries on the Delta since 1898. Mr. Umphenour has accused the drift gillnetters of

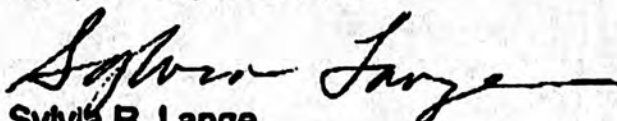
House Committee on Fisheries
4/24/99
P.2

"seining" king salmon in the shallows of the Copper River Delta inside the so-called "barrier islands". These barrier islands he keeps referring to are sand bars which in fact define the Copper River Flats from the Gulf of Alaska. Of course the fishermen oppose being shut out of this area--it is the traditional and customary fishing ground of the fishery, and has been for over 100 years! As for "seining" with drift gillnets in an area that has 10 knot tide influences, it defies imagination and reveals an ignorance of the area and fishery.

It is true that our fleet has become very efficient in recent years. It is also true that the quantum leap in efficiency happened about ten years ago with the advent of light, fast, shallow vessels, and improved net materials. The local managers of the Alaska Dept. of Fish & Game have been able to gauge and factor in this variable in the course of making their management decisions for many years now. As a result to their management of the resource, the Copper River Sockeye and King Salmon runs have remained strong, viable and experiencing record runs in 1997, '98, and '99.

I applaud our managers at ADF&G for their diligence and hard work. We owe our economic survival to the health of the Copper River. It is in our best interest to protect the resource while maintaining a good working relationship with members of the Board of Fish. We understand we will not always agree on allocation issues, but we must retain basic respect for the process and participants. Mr. Umphenour does not fit the bill.

Respectfully submitted,


Sylvia R. Lange

David R. Martin
71605 Sterling Hwy.
Clam Gulch, Ak. 99568
April 26, 1999

House Special Committee of Fisheries

Bill Hudson, Chair

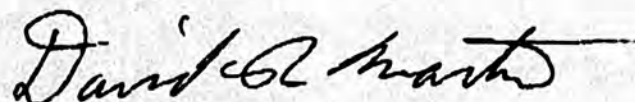
Dear Committee members,

I have been involved in the Boards of Fish and Board of Game local Advisory Committee process for over 20 years. I have been the Chairman of the Central Peninsula Advisory Committee for the past seven years. I am a firm supporter of the local Advisory Committees which were formed to be a channel for the local public to voice their opinions, expertise on local fish and game issues, and their concerns on regulations effecting them, the resource and habitat to the Boards. This has been a good system. Unfortunately the current Board of Fish has neglected and actually fought in opposition to many Advisory Committees Statewide. Check the record for Advisory Committees, other local groups, businesses, governments and even the Fish and Game Departments position on various issues and you will find the BOF often does the exact opposite. This is all to true here in Cook Inlet. One example is Dan Coffey's Board generated, out of cycle, allocation Proposal D three years ago. All the Board members voted to take up this proposal. Not only did it undermine the Advisory Comm. and Board process, it created a burden on the Advisory Comm., the public and the Dept. because of three extra meetings and at a cost of over \$100,000. The end result was an apology from Mr. Coffey, after he fought hard all winter to try to push it through. Gentlemen, this action was not professional, it was not responsible to the Board and Advisory Committee process, and it was not a responsible use of State money.

The Advisory Committee process has really deteriorated in the last three years because of the dictatorship approach the current Board has taken. Several good people and Chairmen have resigned. I hear many volunteer AC members state there frustration and say "what is the use wasting our time and money. The Board already has there minds made up and are going to do what they want to do anyway. There is nothing we can do to stop them. It doesn't even matter what the biology and science says. The Board still does its own thing." These are sad comments about Board of Fish members that are suppose to be creditable stewards of the resource and habitat and be responsible members working with the public not dictating to them.

Gentlemen, it is time for new blood on the Board of Fish. Please do not confirm Dan Coffey, Virgil Umpenhour, or Grant Miller for reappointment. I am alarmed, and you should be too, that this current Board is making regulations that are not based on sound biological and scientific data but ever more so on antidotal information from special interest groups. Habitat, Maximum Sustained Yield management (a Constitution mandate) the people's and the State's economic futures are not being protected. Managing fisheries socially, instead of biologically, has always destroyed salmon runs worldwide. It will happen in Alaska too if we let it. We must protect our great fish resource and the people that depend on it. Thank you for your time and efforts.

Sincerely,



We need to send this message out to each and every Assembly member.

My name is John J. Williams and I live at Kenai Ak.
I have lived in Alaska for 37 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial
fishers in retaining their historical fishing businesses. Their
livelihoods have been severely damaged by the present day
Alaska Fish Board. **I'm not happy with the current board of
fish members**

- **Dan K. Coffey**
- **Virgil L. Umphenour**
- **Grant Miller**

Because of creating undo hardships on these commercial fishers
and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to
travel to the Fish Board hearings in Soldotna. These groups
have been successful in taking away a large portion of their
income. This results in tax dollars being taken away from the
local coffers.

Please support their efforts in maintaining their businesses on
the Kenai Peninsula and please help them in retaining their
historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A.
Malatesta Sr. described to you at your Borough Assembly
meeting, any way that you can.

Thank you,

occupation

John J. Williams
Mayor City of Kenai

Introduced by: Scalzi, Brown, Drathman
Date: 04/20/99
Action: Adopted as Amended
Vote: 7 Yes, 1 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 99-034
(Popp Substitute)**

**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 the Kenai Peninsula Borough, Cook Inlet commercial fishing families and businesses to deny confirmation of all current members reappointed to the Alaska Board of Fisheries;

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

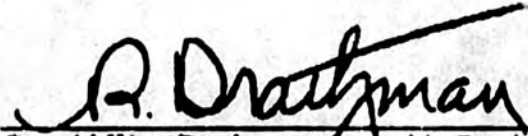
SECTION 1. That the Kenai Peninsula Borough supports the wishes of the Cook Inlet commercial fishing families and businesses and strongly opposes the confirmation of the three current members reappointed to the Alaska Board of Fisheries, who are Dan K. Coffey, Virgil L. Umphenour and Grant Miller.

SECTION 2. The Kenai Peninsula Borough takes the position that two commercial fishermen 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 Legislature, Alaska Board of Fisheries, Commissioner of Fish and Game, and Commissioner of the Department of Natural Resources.

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



SALAMATOF SEAFOODS, INC.
CONTRIBUTIONS TO LOCAL ECONOMY

	1996	1997	1998
DIRECT LABOR (INCL PR TAX)	177,825	205,265	197,334
INDIRECT LABOR (INCL PR TAX)	<u>382,354</u>	<u>344,421</u>	<u>308,105</u>
TOTAL PAYROLL EXPENSES	<u>560,179</u>	<u>549,686</u>	<u>505,439</u>
 FISH TAX (PROCESSOR)	 72,965	 62,346	 14,341
ASMI TAX (PROCESSOR)	7,297	6,235	1,434
AQUACULTURE TAX (FISHERMAN)	34,856	40,993	9,561
MARKETING TAX (FISHERMAN)	17,428	20,497	4,723
SALES TAX	3,150	3,543	3,831
PROPERTY TAX + MISC. TAXES AND PERMITS	<u>38,278</u>	<u>42,085</u>	<u>36,614</u>
TOTAL TAXES	<u>173,974</u>	<u>175,698</u>	<u>70,504</u>
 UTILITIES (ELECTRIC, GAS, WASTE)	 <u>85,655</u>	 <u>89,852</u>	 <u>82,923</u>
 PROF FEES (ACCOUNTING AND LEGAL)	 <u>19,060</u>	 <u>29,416</u>	 <u>17,270</u>
 NO OF PERMITS FISHED - DRIFT	 29	 30	 29
REVENUE EARNED - DRIFT	<u>962,855</u>	<u>882,270</u>	<u>245,184</u>
AVERAGE PER DRIFT PERMIT	<u>33,202</u>	<u>29,409</u>	<u>8,455</u>
 NO OF PERMITS FISHED - SETNET	 29	 27	 26
REVENUE EARNED - SETNET	<u>907,023</u>	<u>904,760</u>	<u>205,564</u>
AVERAGE PER SETNET PERMIT	<u>31,277</u>	<u>33,510</u>	<u>7,908</u>

Date 4/23/99

Representative Hal Smalley
State Capital, Room 428
Juneau, Alaska 99801-1182

Dear Representative Smalley,

Please be advised that all the petitions that were forwarded to your office have been signed by the individual businesses, non-fisher persons as well as commercial fisherman. These petitions were a tool utilized to make our Kenai Peninsula Borough Assembly persons aware of the severe cut to the local economy, caused by the Alaska Fish Board's latest round of regulations.

The petitions are just another way for the local residents, from Homer to Nikiski, to make all the State of Alaska Legislators know that the citizens are not happy with this fish board and the way it conducts the business of the people.

Many of the petition signers gave public testimony at two regular Borough Assembly meetings as well as giving testimony at private meetings with assembly members. They not only asked for assistance in fighting to maintain their way of life, they asked for assistance to protect the resource and the habitat.

Please let this correspondence make it clear that the folks that signed the petitions are trying to send you a clear message and that is enough is enough. The Kenai Peninsula Borough needs to maintain the strength of the commercial fishing industry in order to generate income for the Cities, Borough and local families.

The petitions were delivered to the Borough Assembly with the understanding that the signers and presenters were asking the Legislators not to confirm the three Fish Board Members that have been re-appointed by the Governor. They are the same petitions that have been forwarded to your office. The reason they were presented to the Borough first was to have the Kenai Peninsula Borough join it's citizens with the non-confirmation request to the Legislators.

Please take note that the honorable John Williams, Mayor of the city of Kenai has also signed a petition. He has made his position clear at many fish board hearings.

Included within this correspondence is a letter drafted by the United Cook Inlet Drift Association on April 23, 1999 and signed by the organizations President and Vice President.

Mark Ducker

A handwritten signature in black ink that reads "Mark Ducker". The signature is written in a cursive, flowing style with a large, prominent "M" and "D".



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 Hal Smalley
State Capitol, Room 428
Juneau, AK 99801-1182

Subject: Board of Fisheries Confirmation

Dear Representative Smalley,

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.

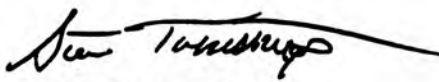
UCIDA appreciates the hard working commitment required to serve on the Board of Fisheries and appreciates the willingness of all three appointees to serve another term. It has been our position, however, that the current Board is geographically and experientially unbalanced and does not serve the best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

cc: Alaska State Legislature

Dear Sir:

I am writing concerning the confirmation hearings of Mr. Virgil Umphenour. In my opinion he should not be a member of the Board of Fisheries.

Mr. Umphenour's statements concerning PWSAC and Copper River fishermen have more than effectively demonstrated his unsuitability for the Board.

I have been a Copper River fisherman for 20 years and find his comments extremely offensive.

It is absurd to think Copper River fishermen want to "kill every fish", as Mr. Umphenour maintains. My family and I are dependent on a healthy run which means we have a direct interest in the future of the Copper River salmon returns.

Mr. Umphenour's demonstrated bias against PWSAC also concerns me. PWSAC restructured its debt in 1997. Payments are expected to start June, 1999 which is earlier than originally anticipated. According to Bud Perrine, CEO, Mr. Umphenour should be aware of this from meeting's he attended earlier this year.

Mr. Umphenour has stated to you, "I don't remember any executive sessions during the last Area E Board meetings". Since these meetings are a matter of public record, a tape of this occurrence should be listened to by every committee member. Not only would this be proof an executive session was called, it would also be another demonstration of Mr. Umphenour's unsuitability to be a Board member. I would also recommend that committee members read through the entire record of this meeting and see for themselves how consistently Mr. Umphenour demonstrates his bias concerning Copper River fishermen.

Mr. Umphenour's statements to you and his record from previous Board meetings should disqualify him from future consideration. If

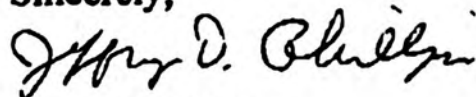
this was a court of law, Mr. Umphenour would not be able to hear a case concerning Copper River fishermen. We deserve no less from the Board of Fisheries.

In my experience testifying and observing Fish Board meetings I have seen many Board members leave their biases at the door and deliberate with open minds. Mr. Umphneour seems incapable of this. As a commercial fisherman, sports fisherman, and an Alaskan resident I deserve open-mindedness from my Board members.

Mr. Umphenour should not be retained as a Board of Fisheries member

Thank-you.

Sincerely,



Jeffrey D. Phillips
Box 1565
Cordova, AK. 99574
(907) 424-3174

To: Representative Bill Hudson, Chairman Fisheries Committee

Robert D. Schell
From: Robert D. Schell, Chairman, Board of Directors, Seafood Producers Co-op

Subject: Board of Fish Appointees

Date: April 23, 1999

Seafood Producers Cooperative endorses the reappointment of Grant Miller of Sitka to the board of fish. Our cooperative consists of 495 members who participate in hook and line fisheries, primarily the troll salmon fishery and the various long line fisheries of Alaska.

Grant is knowledgeable of these fisheries as well as the net and sport fisheries of Alaska. This knowledge combined with the demonstrated ability to listen to the various constituencies who use these resources makes him much too valuable a board member to be lost to the political vagrancy of the various factions involved in fishery allocations.

The board of fish is a tough assignment. I have participated in their meetings over the past decades and know only too well the animosities that can develop if decisions do not go the way some parties would prefer. The board of fish members should not be scapegoats for making the tough decisions.

Box 1367
Sitka, Alaska 99835
907-747-8541

April 24, 1999

Representative Bill Hudson
Chairman: Fisheries Committee
State Capitol Rm. 108
Juneau, Alaska 99801-1182

Dear Mr. Hudson,

I have been a commercial fisherman residing and fishing out of Kodiak for the past 33 years. During that time, I have been on the Board of Directors of the United Fisherman's Marketing Association for over 20 years and more recently I have been the Vice President of the Alaska Dragger's Association for the last 4 years. My involvement in fisheries politics has up until now been on a local level.

At the January Board of Fisheries meeting held in Kodiak I testified as a stakeholder on Proposal #132: Ban Bottom Trawling in State Waters-Kodiak, and subsequently became a member of the groundfish committee. From there I was appointed by the BoF to serve on the Non-Pelagic Trawl Task Force which I did for 2 months before the March BoF meetings in Anchorage. I must say that the inclination of the BoF to close ALL State waters to non-pelagic trawling had me in disbelief. That this governing body was making decisions affecting so many people and would be so biased and unwilling to listen to both sides of the issue was shocking. In particular, Mr. Umpenhower's manner of professional conduct could not have been LESS professional.

During the March BoF meeting in Anchorage, and more specifically the final deliberations by the BoF on Proposal #132, Mr. Umpenhower's predisposed, biased and totally unprofessional conduct was rampant, as is demonstrated by the enclosed tape. The tape begins with Dr. White, Chairman of the BoF, asking Mr. Dave Jackson, Dept. of Fish & Game-Kodiak, about safety issues relating to proposed closed areas. Following, Mr. Umpenhower launches his perspective.

You be the judge. Is this the kind of individual who will make intelligent, fair, unbiased decisions that will not only affect the livelihoods but also the

(2)

**lives of many coastal Alaskan fishermen and their families? I don't think so.
Do not confirm Mr. Umpenhower!**

Sincerely,

**Skip Bolton
Box 2852
Kodiak, Alaska 99615
907-486-4099/486-2030-FAX**

**cc: Rep. Alan Austerman
Senator Jerry Mackie**



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name
committee on Confirmations Bd of Fish, dated 4-26-99
bill # / subject

Anthony J. Cange

P.O. Box 29647, Anchorage, Alaska 99507 • Telephone (907) 345-6867 • Fax (907) 344-5809

April, 23 1999

To whom this may concern,

I am writing this letter today to express my concern for the conformation of Dan Coffey, Grant Miller, and Virgal Umphenour to the Board of Fisheries. I am a concerned vessel owner and Limited Entry Permit holder in the Cook Inlet. I am also A life long resident of Alaska. I can't express enough my strenuous objection to these individuals being confirmed to the board. Thank you for your time concerning this matter.

Respectively submitted,

A handwritten signature in cursive script, appearing to read "Anthony J. Cange".

Anthony J. Cange

Signed: _____

Testifier

Representing (Optional)

Address

Phone number

POM for Representative Hudson



From: Ms. Brenda Strother
PO Box 3517

Telephone: 283-4981

Kenai, AK 99611

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS
Message:

I DO NOT WANT COFFEY, MILLER OR UMPHENOUR REAPPOINTED. OUR FISHERIES HAVE BEEN GOING DOWNHILL. THE COMMERCIAL FISHERMEN HAVE BEEN STARVED OUT. THESE THREE FAVOR SPORT OVER COMMERCIAL FISHERIES. THERE IS PLENTY OF FISH FOR EVERYONE IF IT WAS MANAGED RIGHT. SO FAR, IT HAS NOT BEEN MANAGED RIGHT. EVERY YEAR THEY ARE WANTING MORE FISH UP THE KENAI RIVER, WHICH HAS NOT GOTTEN ANY LONGER, JUST A LITTLE WIDER DUE TO SPORT FISHERMEN'S HIGH-POWERED BOATS.

Entered in SOL on 4/23/99 POMID: 7172

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 3.

POM for Representative Hudson

From: Mr. Thomas Strother
PO Box 3517

Telephone: 283-4981

Kenai, AK 99611

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS

Message:

I DON'T WANT COFFEY, MILLER & UMPHENOUR REAPPOINTED BECAUSE THEIR TREATMENT OF COMMERCIAL FISHERMEN IS UNFAIR. THEY ARE MOSTLY IN FAVOR OF SPORT FISHERMEN. WHEN THE COMMERCIAL FLEET IS CONSIDERED, THE DRIFTERS ARE LOW MAN ON THE TOTEM POLE. BECAUSE OF THIS, OUR PERMITS HAVE DROPPED RAPIDLY IN VALUE & OUR ESCAPEMENTS HAVE BEEN POOR WITH LOW NUMBERS OF FISH FOR US TO HARVEST. WE'VE BEEN ON A DECLINE FOR THE PAST 10-15 YEARS. SOMETHING MUST CHANGE!

Entered in SOL on 4/23/99 POMID: 7176

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 2 out of 3.

POM for Representative Hudson

From: Mr. Mel Erickson
PO Box 1127

Telephone: 262-2980

Soldotna, AK 99669

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS

Message:

**WE SUPPORT THE RECONFIRMATION OF GRANT MILLER, VIRGIL UMPHENOUR AND
DAN COFFEY TO THE BOARD OF FISHERIES.**

Entered in SOL on 4/23/99 POMID: 7218

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 3 out of 3.

POM for Representative Hudson



From: Ms. Francine J Bennis
21407 Bowery Ln

Telephone: 688-7827

Chugiak, AK 99567

NON Constituent

Registered Voter: Y

Subject: CONFIRMATION

Message:

I STRONGLY SUPPORT THE CONFIRMAITON FOR THE REAPPOINTMENT OF VIRGIL UMPHENOUR. I FISHED COMMERCIALY FOR 16 YEARS AND AM FAMILIAR WITH A NUMBER OF FISHERY ISSUES AND I BELIEVE VIRGIL WORKS IN THE BEST INTEREST OF THE PEOPLE OF ALASKA. HE IS WILLING TO TAKE THE TIME TO STUDY ISSUES AND HAS DONE AN EXCELLENT JOB ON THE BOARD OF FISH.

Entered in ANC on 4/23/99 POMID: 7105

Distribution: 8

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 1.

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 25, 1999

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182

SENT BY FACSIMILE TO (907) 465-2273

Dear Members,

Cordova District Fishermen United (CDFU) would like voice its opposition to the confirmation of Virgil Umphenour to the Alaska Board of Fisheries.

CDFU is an organization comprised of Prince William Sound and Copper River fishing families dependent upon commercial fisheries. Board of Fisheries proceedings are by far the most critical issue currently facing the small independent fishing families who constitute Alaska's largest private sector employer and second largest income-producing industry. The Board of Fisheries' actions and decisions affect our daily lives, and have an enormous impact on our abilities to sustain both our resources and our livelihoods.

As we have discussed the many issues that surround the Board of Fisheries and its functions, one of the greatest concerns to emerge is the composition of the Board, an issue that you have the opportunity to address through your confirmation process.

We are strongly opposed to the re-appointment of Virgil Umphenour to the Board. We believe that Mr. Umphenour's demonstrated prejudices and unwillingness to critically examine the facts should preclude him from further service on the Board. The issues facing our industry are diverse. They demand the kind of knowledge, skills and abilities that come from a broader scope of experience than which currently exists on the Board. We believe that the appointment of someone other than Mr. Umphenour could provide for improved balance and performance.

At the confirmation hearings in House Resources on Wednesday, April 21, 1999, Mr. Umphenour exemplified the bias and inaccurate assumptions that so often accompany his participation in this process. Contrary to Mr. Umphenour's assertions that Copper River fishermen "don't like responsible fish management" while "they kill 97-100% of king salmon when present" by the way they are "seining the king salmon out," a simple

check of ADF&G data will quickly prove that subsistence, personal use and commercial fishermen have enjoyed historic high king salmon harvests on the Copper River in recent years. These certainly have not occurred because Copper River fishermen "like to be able to kill every last fish" and "catch all they can at the mouth of the river." It is irresponsible, insulting and untrue statements such as these that impair Mr. Umphenour's ability to serve in a functional and credible fashion on the Alaska Board of Fisheries.

CDFU is certain that after thoughtful examination of the concerns 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

**Sue Aspelund
Executive Director**

cc: **Senator Georgiana Lincoln
Representative John Harris
Representative Ethane Berkowitz
Representative Joe Green
Representative Gail Phillips
Senator Johnny Ellis
Senator Jerry Mackie
UFA
CRSPA
USA - PWS**

April 24, 1999

Representative Bill Hudson
Chairman: Fisheries Committee
State Capitol Rm. 108
Juneau, Alaska 99801-1182

Dear Mr. Hudson,

I have been a commercial fisherman residing and fishing out of Kodiak for the past 33 years. During that time, I have been on the Board of Directors of the United Fisherman's Marketing Association for over 20 years and more recently I have been the Vice President of the Alaska Draggers Association for the last 4 years. My involvement in fisheries politics has up until now been on a local level.

At the January Board of Fisheries meeting held in Kodiak I testified as a stakeholder on Proposal #132: Ban Bottom Trawling in State Waters-Kodiak, and subsequently became a member of the groundfish committee. From there I was appointed by the BoF to serve on the Non-Pelagic Trawl Task Force which I did for 2 months before the March BoF meetings in Anchorage. I must say that the inclination of the BoF to close ALL State waters to non-pelagic trawling had me in disbelief. That this governing body was making decisions affecting so many people and would be so biased and unwilling to listen to both sides of the issue was shocking. In particular, Mr. Umpenhower's manner of professional conduct could not have been LESS professional.

During the March BoF meeting in Anchorage, and more specifically the final deliberations by the BoF on Proposal #132, Mr. Umpenhower's predisposed, biased and totally unprofessional conduct was rampant, as is demonstrated by the enclosed tape. The tape begins with Dr. White, Chairman of the BoF, asking Mr. Dave Jackson, Dept. of Fish & Game-Kodiak, about safety issues relating to proposed closed areas. Following, Mr. Umpenhower launches his perspective.

You be the judge. Is this the kind of individual who will make intelligent, fair, unbiased decisions that will not only affect the livelihoods but also the

(2)

lives of many coastal Alaskan fishermen and their families? I don't think so.
Do not confirm Mr. Umpenhower!

Sincerely,

A handwritten signature in black ink, appearing to read "Skip Bolton", with a horizontal line extending from the end of the signature.

Skip Bolton

Box 2852

Kodiak, Alaska 99615

907-486-4099/486-2030-FAX

cc: Rep. Alan Austerman
Senator Jerry Mackie



Alaska State Legislature

Please enter into the record my testimony to the HOUSE SPECIAL
COMMITTEE ON FISHERIES
BOARD OF FISHERIES committee name
committee on CONFIRMATION HEARING, dated APRIL 26, 1999
bill/subject

I WILL BE UNABLE TO ATTEND
TODAYS HEARING.

PLEASE INCLUDE MY LETTER
ATTACHED AS MY TESTIMONY.

THANK YOU.

Signed:

H. J. Stuckwell
Testifier

SELF
Representing (Optional)

P.O. BOX 721, CAMPER LANDING AK 99572
Address

595-1540
Phone No.

DATE: April 25, 1999

TO: House Special Committee on Fisheries.
Representatives Hudson, Dyson, Harris, Morgan, Whitaker,
Kapsner, and Smalley

FROM: Bill Stockwell
P.O. Box 721
Cooper Landing, AK 99572-0721
Phone & Fax 595-1540

SUBJECT: April 26, 1999 Board of Fisheries Confirmation Hearing

Dear Chairman Hudson and Committee Members,

I STRONGLY SUPPORT THE REAPPOINTMENT AND CONFIRMATION OF DAN COFFEY, GRANT MILLER AND VIRGIL UMPHENOUR TO THE BOARD OF FISHERIES.

As a member of a local advisory committee and a member of the public, I have testified before these Board members and served in the committee process several times recently. While we may not always agree, I feel their positions on issues have been well thought out and in the best interests of Alaska's resources and people. At no time is it possible to satisfy ALL special interests, including mine.

I ask you also to please disregard Kenai Peninsula Borough Resolution 99-034 strongly opposing the confirmation of the three current members. I am appalled and embarrassed that my local government, the Kenai Peninsula Borough Assembly, would blatantly advocate and lobby for a special segment of our local economy to the detriment of other viable and vital parts of our local business sector, let alone the damage this type of thinking does to the public's uses of our common resources.

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. These board members have worked hard to insure that these needs are met. Please support the confirmation of the reappointments of these current members.

Sincerely,


Bill Stockwell

Sylvia R. Lange
Box 135
Cordova, Alaska 99574

House Special Committee on Fisheries,
Mr. Bill Hudson, Chair

April 24, 1999

Dear Mr. Hudson,

I am a lifetime resident of Alaska. I was raised in Cordova by my parents, who like their parents before them, lived off the bounty of the area. I have been a subsistence and commercial fisherman dependent on the Copper River and Bering River for my entire life. My husband and I operate a fish processing facility which employs 100+ workers, and is wholly dependent on the PWS and Copper River and Bering River Districts. I write today, for the first time ever, because I am opposed to the re-appointment of Mr. Virgil Umphenour to the Board of Fisheries.

I have been involved as an advocate for my industry for the past 25 years. In all those years of interaction with the Board of Fisheries, I have come to respect the difficult job those individuals who serve on the Board face. The position often requires the problem solving of Solomon and the patience of Job. As a member of the general public, the most frustrating thing when coming forward to testify or participate in the Board of Fisheries process, is the obvious bias some members bring to the table. Conversely, it is a breath of fresh air when a member admits he is ill informed and brings to the hearings a willingness to learn, thereby making judgments based on the public process.

Mr. Umphenour has demonstrated repeatedly he comes to the table with a set agenda. Common decency dictates a certain demeanor of public officials in the course of their appointed business. While attending the Board of Fish meeting in Cordova, Mr. Umphenour behaved rudely to those of the public with differing opinions or facts which contradicted his prejudices. Other Board Members, at the conclusion of the meeting, congratulated the public participants on the congeniality and the hospitality of our community.

Mr. Umphenour has decided against all manner of facts, that the commercial salmon fishery of the Copper River Flats is run by individuals who have no regard for the resource. This is simply not true and the facts bear me out. The Copper River Flats has had a thriving commercial fishery and operating canneries on the Delta since 1898. Mr. Umphenour has accused the drift gillnetters of

House Committee on Fisheries
4/24/99
P.2

"seining" king salmon in the shallows of the Copper River Delta inside the so-called "barrier islands". These barrier islands he keeps referring to are sand bars which in fact define the Copper River Flats from the Gulf of Alaska. Of course the fishermen oppose being shut out of this area--it is the traditional and customary fishing ground of the fishery, and has been for over 100 years! As for "seining" with drift gillnets in an area that has 10 knot tide influences, it defies imagination and reveals an ignorance of the area and fishery.

It is true that our fleet has become very efficient in recent years. It is also true that the quantum leap in efficiency happened about ten years ago with the advent of light, fast, shallow vessels, and improved net materials. The local managers of the Alaska Dept. of Fish & Game have been able to gauge and factor in this variable in the course of making their management decisions for many years now. As a result to their management of the resource, the Copper River Sockeye and King Salmon runs have remained strong, viable and experiencing record runs in 1997, '98, and '99.

I applaud our managers at ADF&G for their diligence and hard work. We owe our economic survival to the health of the Copper River. It is in our best interest to protect the resource while maintaining a good working relationship with members of the Board of Fish. We understand we will not always agree on allocation issues, but we must retain basic respect for the process and participants. Mr. Umphenour does not fit the bill.

Respectfully submitted,


Sylvia R. Lange

David R. Martin
71605 Sterling Hwy.
Clam Gulch, Ak. 99568
April 26, 1999

House Special Committee of Fisheries

Bill Hudson, Chair

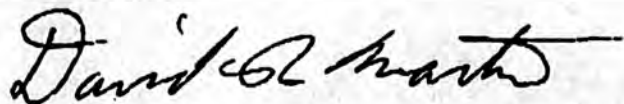
Dear Committee members,

I have been involved in the Boards of Fish and Board of Game local Advisory Committee process for over 20 years. I have been the Chairman of the Central Peninsula Advisory Committee for the past seven years. I am a firm supporter of the local Advisory Committees which were formed to be a channel for the local public to voice their opinions, expertise on local fish and game issues, and their concerns on regulations effecting them, the resource and habitat to the Boards. This has been a good system. Unfortunately the current Board of Fish has neglected and actually fought in opposition to many Advisory Committees Statewide. Check the record for Advisory Committees, other local groups, businesses, governments and even the Fish and Game Departments position on various issues and you will find the BOF often does the exact opposite. This is all to true here in Cook Inlet. One example is Dan Coffey's Board generated, out of cycle, allocation Proposal D three years ago. All the Board members voted to take up this proposal. Not only did it undermine the Advisory Comm. and Board process, it created a burden on the Advisory Comm., the public and the Dept. because of three extra meetings and at a cost of over \$100,000. The end result was an apology from Mr. Coffey, after he fought hard all winter to try to push it through. Gentlemen, this action was not professional, it was not responsible to the Board and Advisory Committee process, and it was not a responsible use of State money.

The Advisory Committee process has really deteriorated in the last three years because of the dictatorship approach the current Board has taken. Several good people and Chairmen have resigned. I hear many volunteer AC members state there frustration and say "what is the use wasting our time and money. The Board already has there minds made up and are going to do what they want to do anyway. There is nothing we can do to stop them. It doesn't even matter what the biology and science says. The Board still does its own thing." These are sad comments about Board of Fish members that are suppose to be creditable stewards of the resource and habitat and be responsible members working with the public not dictating to them.

Gentlemen, it is time for new blood on the Board of Fish. Please do not confirm Dan Coffey, Virgil Umphenhour, or Grant Miller for reappointment. I am alarmed, and you should be too, that this current Board is making regulations that are not based on sound biological and scientific data but ever more so on antidotal information from special interest groups. Habitat, Maximum Sustained Yield management (a Constitution mandate) the people's and the State's economic futures are not being protected. Managing fisheries socially, instead of biologically, has always destroyed salmon runs worldwide. It will happen in Alaska too if we let it. We must protect our great fish resource and the people that depend on it. Thank you for your time and efforts.

Sincerely,



We need to send this message out to each and every Assembly member.

My name is John J. Williams and I live at Kenai Ak.
I have lived in Alaska for 37 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial fishers in retaining their historical fishing businesses. Their livelihoods have been severely damaged by the present day Alaska Fish Board. I'm not happy with the current board of fish members

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to travel to the Fish Board hearings in Soldotna. These groups have been successful in taking away a large portion of their income. This results in tax dollars being taken away from the local coffers.

Please support their efforts in maintaining their businesses on the Kenai Peninsula and please help them in retaining their historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A. Malatesta Sr. described to you at your Borough Assembly meeting, any way that you can.

Thank you,

occupation

John J. Williams
Mayor City of Kenai

Business

We need to send this message out to each and every Assembly member.

My name is Phil Squires and I live at Lot # 16 EDDY DR
KENA.
I have lived in Alaska for 26 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial
fishers in retaining their historical fishing businesses. Their
livelihoods have been severely damaged by the present day
Alaska Fish Board. I'm not happy with the current board of
fish members

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers
and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to
travel to the Fish Board hearings in Soldotna. These groups
have been successful in taking away a large portion of their
income. This results in tax dollars being taken away from the
local coffers.

Please support their efforts in maintaining their businesses on
the Kenai Peninsula and please help them in retaining their
historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A.
Malatesta Sr. described to you at your Borough Assembly
meeting, any way that you can.

Thank you,



Business name F/V LIBERTINE

We need to send this message out to each and every Assembly member.

My name is ROBT. E. MERCHANT and I live at KENAI.
I have lived in Alaska for 25 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial
fishers in retaining their historical fishing businesses. Their
livelihoods have been severely damaged by the present day
Alaska Fish Board. I'm not happy with the current board of
fish members

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers
and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to
travel to the Fish Board hearings in Soldotna. These groups
have been successful in taking away a large portion of their
income. This results in tax dollars being taken away from the
local coffers.

Please support their efforts in maintaining their businesses on
the Kenai Peninsula and please help them in retaining their
historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A.
Malatesta Sr. described to you at your Borough Assembly
meeting, any way that you can.

Thank you,

RE Merchant
occupation

We need to send this message out to each and every Assembly member.

My name is STEVE TVENSTRUP and I live at 4928 BEAURELP
I have lived in Alaska for 41 YEARS years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial fishers in retaining their historical fishing businesses. Their livelihoods have been severely damaged by the present day Alaska Fish Board. I'm not happy with the current board of fish members

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to travel to the Fish Board hearings in Soldotna. These groups have been successful in taking away a large portion of their income. This results in tax dollars being taken away from the local coffers.

Please support their efforts in maintaining their businesses on the Kenai Peninsula and please help them in retaining their historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A. Malatesta Sr. described to you at your Borough Assembly meeting, any way that you can.

Thank you,

Steve Tvenstrup
4-23-99

occupation

OWNER OPERATOR of
THE ALASKAN LADY

[Fwd:]

Subject: [Fwd:]

Date: Mon, 26 Apr 1999 14:59:54 -0800

From: Representative Bill Hudson <Representative_Bill_Hudson@legis.state.ak.us>

Organization: Alaska State Legislature

To: Liz_Cabrera@legis.state.ak.us

Subject:

Date: Mon, 26 Apr 1999 16:40:55 -0400

From: sbourgeois@mindspring.com

To: <Representative_Bill_Hudson@legis.state.ak.us>

To Representative Bill Hudson

My husband is a commercial fisherman in Cordova and it has been brought to our attention that the Board of Fisheries is currently filling vacancies. We feel very strongly about this matter because his livelihood and our family's financial support will often depend on decisions made by the Board of Fisheries.

Therefore, I ask you to please **not** vote to confirm Virgil Umphenour to the Alaska Board of Fisheries. He is biased, does not function from a broad perspective, and has little respect for some of the public he is charged with representing. He clearly should not be allowed to represent the public on this critical Board.

Thank you for listening to our opinion on this crucially important matter.

Chris and Susan Bourgeois

TO: Board of Fish Confirmation Committee Members

From: Edwin Welles & Elizabeth Hagerman, Cook Inlet Drift Permit #64714G

Re: Reject Dan Coffey, Grant Miller, and Virgil Umphenour

We strongly urge you to reject Dan Coffey, Grant Miller and Virgil Umphenour as board members. The Kenai river Sockeye allotment is already contentious. These individuals will arrive on the board with no intention of finding a rational solution. They will inflame the conflict between the commercial and sports fishing interests with their emotionally entrenched biases.

To: House Fisheries Committee
Kenai Legislative Affairs office

Re: Appointments of Dan Coffey, Grant
Miller and Virgil Openhouse(er?)

It is our understanding that these three men are not pro-commercial fishing. We have 2 Cook Inlet permits so have a vested interest in the Cook Inlet area. We are deeply concerned that this committee would elect people who are not entirely concerned about the fisheries and the welfare of the fisherman. We would hope you reconsider your choices.

Dick & Sandy Yuskoff
5731 Faust Rd
Ellensburg, WA. 98926

(509) 925-4947

04/26/99
17:57:30

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)

TCN:90584 SCHEDULED FOR:04/26/99 17:00 TO 19:00
PUBLIC HEARING HOUSE SPECIAL COMMITTEE ON FISHERIES

LTN1150
BY:COR
FOR:COR

LOCATION:CORDOVA

CONFIRMATION H MR
CONFIRMATION H MS
CONFIRMATION H MR
CONFIRMATION H MR
CONFIRMATION H MR
CONFIRMATION H MR
CONFIRMATION H MR
CONFIRMATION H MS
CONFIRMATION H MR
CONFIRMATION H MS

~~JOHN~~
~~SUE~~
~~JOHN~~
~~LAIFE~~
~~DEAN~~
~~JEFF~~
~~ERIC~~
~~DENNY~~
~~DEAN~~
~~THEA~~

HOPKINS
ASPELUND
RENNER
WEATHERS
CURRAN
PHILLIPS
WEATHERS
WEATHERS
~~KRAMER~~
THOMAS

CDFU

TESTIFY
TESTIFY
TESTIFY
TESTIFY
TESTIFY
TESTIFY
OBSERVE
TESTIFY
OBSERVE
TESTIFY



Alaska State Legislature

Please enter into the record my testimony to the FISHERIES
committee name

committee on B.O.F. CONFIRMATIONS, dated 4/26/99
bill # / subject

MY NAME IS REUBEN HANKE. I OWN AND OPERATE A GUIDE BUSINESS ON THE KENAI RIVER. I AM ~~REUBEN~~ HERE TODAY IN SUPPORT FOR RECONFIRMATION OF ALL THREE BOARD MEMBERS. I FEEL THAT THIS BOARD IS THE BEST TEAM THAT WE HAVE HAD. I HAVE ATTENDED B.O.F. MEETINGS FOR THE PAST 10 YEARS AND ATTENDED NEARLY ALL OF THE MEETINGS THIS YEAR AND HAVE FOUND THIS BOARD TO BE EXTREMELY FAIR, UNBIASED AND APPROACHABLE. THESE ARE THINGS THAT HAVE NOT BEEN THERE IN THE PAST. ONCE AGAIN I WOULD LIKE TO VOICE MY SUPPORT FOR MR. VIRGIL UNPHEENHOUR, MR. GRANT MILLER AND MR. DAN COFFEE.

THANK YOU

Signed:

Reuben A. Hanke

Testifier

SELF

Representing (Optional)

P.O. Box 624 KENAI, AK 99611

Address

262-5097

Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on Boat Appointments, dated 4/26-99
bill # / subject

I as a Commercial fisherman, say's you have to go!! Because your statement is for getting fish up the river for sport fisherman. You just said it. Believe me fish up the river for substance growth ^{should be} is the only reason your here.

The river is a Sanctuary it's a mother's birth canal it is for fish. all sport fishing should be done out side the river.

The lake or mouth of the ^{inlet} (river) only. fly fishing maybe. as I said be fore. you are here for the sport only. listen to you Lack of data lack of data. get real I don't want you here Your a drain on our funds please step down

Signed: Lu. Carmon

Testifier

Representing (Optional)

Rt 1 Box 1314-7 Kenai AK 99611

Address

907-776-8862

Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on BOF APPOINTMENTS, dated 4-26
bill # / subject

I Support the REAPPOINTMENTS OF
Grant Miller, Virgil UNIPER hour, and
Dan COFFEY TO THE BOARD OF FISH.
They have the CONSERVATION OF THE
Fishery Resource AS THERE IS 1 GOAL
and Support Sustainable Fisheries.

Signed:

Mel E Rickson

Testifier

Deep Creek Charter Boat ASSOC.

Representing (Optional)

P.O. Box 1127 Soldotna 99669

Address

262-2980

Phone number



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name

committee on BOF, dated 4-26-99
bill # / subject

For the record I am in favor for reappointment
of Don Coffey, Vergil Up. and Ernest Miller.
I think it would be an injustice not
to let this board finish the work they
have started. I've been to every BOF
meeting for the last 5 yrs. and I'm very
satisfied with the work they have done.

Signed:

Andy Szczesny (ANDY SZCZESNY)
Testifier

Representing (Optional)

198 Hillcrest Ave, Soldotona, AK
Address

907-262-8439
Phone number



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name

committee on BD of fisheries, dated 4-26-99
bill # / subject

I disagree with certain
stands taken by the AK
Board of fisheries and
don't want to see Dan K.

Coffey, Virgil L Umphenour
and Grant Miller — ~~and~~

Please: Deny confirmation to these
current members —

Signed:

Conie M. Davis

Testifier

Representing (Optional)

Box 2837 Soldotna, AK
Address 99669

907-283-7569
Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

Re-
committee on B.O.F. Appointment, dated 4/26/99
bill # / subject

My name is Donna Schouweiler, I have fished in Cook Inlet commercial Fisheries for 38 years. I now run my commercial fishing boat along with my 3 daughters. And if this Board of Fish continues to ~~make~~ ^{make} their decisions without any Biological Basis. My daughters and I have ~~no~~ ^{NO} hope for a lively hood. I was shocked at the lack of consideration concerning my lively hood that the Fish Board showed during the Soldotna meeting last month. I can't believe Governor Knowls' is even considering re-appointing Dan Coffee-Grant Miller and Virgil Umphenour. I strongly believe that there should be a least 2 commercial fisherman (salt water) from the Cook Inlet Area. Their ~~decisions~~ decisions were not made on any Biological Basis or even common sense.

Signed: _____

Testifier

Representing (Optional)

Address

Phone number

Donna Schouweiler
Myself and my lively hood
38150 Panoramic Dr. Soldotna AK 99669
907-262-8462



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name
committee on Brd of Fisheries, dated 4/26/99
bill # / subject

I feel it is in the best interest to deny confirmation of Han Coffee, Virgil Umphenour and Grant Miller to the Board of Fisheries. They have served their time. Their political management of the fisheries will cause damage to the Kenai Rivers habitat areas. Let's have someone locally familiar with the Kenai River. My family has been dependent on the Kenai fishing for 3 generations. Legislation passed by the board of fish has caused lost income, jobs and support industries, and processors.

Signed:

Pauline Ledman

Testifier

(self)

Representing (Optional)

P.O. Box 469 Kenai, AK 99611

Address

907-283-9512

Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on B.O.F. Appointment, dated 4-30-99
bill # / subject

I am opposed to the reappointment of Mr Dan Coffey
Virgil Umphenour and Grant Miller to the AK Board of Fish.
Dan Coffey's ideas do not coincide with the nature of the
Salmon runs of Cook Inlet. Such as wanting more fish
to the Northern District for Northern Settlers in my
mind is disguised as a design for growth in the
guiding business in the Mat-Su Boro district, totally
biased. Grant Miller lives in Sitka no real knowledge
of Cook Inlet stocks of Salmon, Sitka yes. Cook Inlet
is not of that as Yukon delta. We need someone
who is knowledgeable of Cook Inlet there are plenty
of people who are qualified to put together a
program that might work. Also you cannot blame
the disappearance of Beluga whales on commercial
fishing.

Signed: _____

Donald E Bridges

Donald E Bridges

Testifier

PS I have
given the
best years of
my life towards
fishing in Cook
Inlet

Myself & my lively head & the Kenai River

Representing (Optional)

PO Box 903 Kenai AK 99611

Address

283-7046

Phone number



Alaska State Legislature

Please enter into the record my testimony to the HFS+I

committee name

committee on Board of Fisheries Reappointment, dated 4/26/99
bill # / subject

I am apposed to the reappointment of all 3 board of fisheries board members. When the upper the escapement levels on the Kenai River, they were not taking for the Kenai. Too much escapement will starve out all fish & destroy spawning beds. Plankton are what feed salmon feed on. Plankton can be measured & it can be determined how many fish can be fed. This is pushing the feeding limits. For example if I have enough food to feed six people for dinner I could actually maybe feed up to twenty people but if I try & feed a hundred people everyone will be hungry and if I tried to feed that same size meal to a hundred every night they would all starve to death over time. This is what will happen with these over escapement. Please do not reappoint these people they are not using their heads.

Signed:

Testifier

Representing (Optional)

Address

Phone number

ALC/ Box 8530 Sel, AK 99662
907-262-6648



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name

committee on Board of Fisheries, dated 4-26-99
bill # / subject

I urge you to not re-appoint Dan Coffey, Virgil Upshuman & Grant Miller to the B.O.F. They are biased, in favor of sports fishing; I feel that we do not get a fair representation concerning the ecological damage that is being done to the Kenai River, and they seem blinded to this problem. Their only answer is to put more fish in the Kenai River, no matter what the consequences! All groups should be equal; if one ^{group} is shut down from fishing due to low escapement goals, all should be shut down! Thank you for your time.

Signed:

Jeffrey Howers
Testifier

Myself
Representing (Optional)

P.O. Box 1693, Kenai, AK 99661
Address

283-9492
Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries Committee
Board of Fisheries committee name
 committee on Re-Appointment of Three B.F. Members, dated 4-26-98
 bill # / subject

I come before this committee today to express my discontent with the current make up of the B.O.F. Of the three members up for re-appointment, two members, who have served for at least a complete term still do not know how to present motions in any institutable regulatory language, therefore they are incompetent to serve the people of Alaska. The third member has a pre-disposed agenda and therefore is not open to any other concepts than his own. There is no compromise in his position. Does this serve the ~~the~~ people of Alaska? The current make-up of the B.O.F. ignore the impact's of these decisions that effect the local long term residents of the Kenai Peninsula, ~~these~~ These board members take biological data, that changes an abundant economy to one that is meager and has limited growth. A profile of the Commercial Fishing Industry (Kenai Penn Borough) states that 92% of the residents and participants of the Commercial fishing are Alaska natives/ancestry. The B.O.F. states that they review the history before making decisions. regulation but they do not consider impact to all the small communities and the impact by all of commercial fishing in these communities.

"OVER"

Signed:

Paul A. Shadorn II
 Testifier

SELF

Representing (Optional)

P.O. Box 1632

Kenai, AK

99611

Address

867-1771

Phone number

Date April 26, 1999

TO: House Special Committee of Fisheries
Representatives Hudson, Dyson, Harris, Morgan, Whitaker, Kapsner,
And Smalley

From: George R. Siter, Jr.
14865 Sterling Highway
Cooper Landing, AK 99572-9796
Phone: 595-1266
Fax: 595-1681

Dear Chairman Hudson:

I would like to inform you and your committee that I strongly support the reappointment of Dan Coffey, Virgil Umphenour and Grant Miller to the Board of Fisheries.

I am a member of the Cooper Landing Fish and Game Advisory Committee. Neither I nor anyone on our committee, to my knowledge, was surveyed for our opinion on the reappointment of the aforementioned men. The Kenai Peninsula Borough Assembly is completely out of touch with the people in the community, especially Cooper Landing. They haven't figured it out yet that "It's the economy, Stupid". The Board has been doing a fine job as have the men mentioned above.

Thank you,

George Siter
George Siter

April 26, 1999

State of Alaska
House of Representatives
House Fisheries Committee
Rep. Bill Hudson, Chair

Re: Board of Fisheries--Confirmation hearings

Members of the Committee:

I strongly disagree with Virgil Umphenhour's reappointment to the Board of Fisheries, based on the following concerns. The responsibility of being a Board member, requires that each member informs themselves with all related facts concerning each user group in all areas of the state. After all facts are presented, each board member is supposed to make an unbiased, and informed vote. Each member should vote on facts not hearsay. Mr. Umphenhour has proven by his comments during his term on the board, that he clearly has a bias towards commercial fishermen and hatcheries, not only in Prince William Sound, but statewide. Statements he has made include:

"The Copper river fishermen use their gillnets as beach seines." This statement is false, we fish drift gillnets, meaning we lay them out in a straight line, then drift with the current. The current in the Copper river delta runs anywhere from one to fifteen miles per hour.

He quoted that the Copper river is "ten feet deep" and that we "fishermen like to kill every last fish". These are also false statements. Commercial fishermen on the Copper river, fish waters anywhere from 3 to 300 feet deep. Channels inside the barrier islands (our historic fishing grounds) can be anywhere from 80 to 100 feet deep, it is a delta, to say its all "ten feet deep" is an uninformed statement. If we are stopping all the fish, how can it be that in the last three years, we have had record breaking king and red salmon runs on the Copper river? King salmon return as 3, 4, and 5 year fish. This means that in 93, 94, and 95, the return escapement was large enough to produce record runs in 96, 97, and 98.

Umphenhour states that commercial fishermen have no respect for the resource. The fishermen of Cordova, along with Fish and Game have made, 5, 10, and 15 year plans to build a sustainable resource on the upper Copper river. In the last 10 years, the Copper river fishery has been the bright spot in the states management of fisheries. The king and red catches have been on the increase. The escapement has not only met, but exceeded the Department's goals 7 out of the last 10 years.

Any informed person should be praising the Alaska Department of Fish and Games ability to

page 1
P.L.L.

manage the resource. Instead, Mr. Uphenhour keeps on making damaging and false statements to both board members and the public. This should not continue. After his years on the Board of Fisheries, Mr. Umphenhour should have a better understanding on fisheries within the State of Alaska. Instead he makes false statements which have a lasting effect on both the board and the public's opinion on commercial fishermen in general. **I strongly urge the committee to not reappoint Mr. Umphenhour to the Board of Fisheries, because of his biased and unknowledgeable opinions!**

I have fished the Copper river since 1972 and thank you for the opportunity to have my views heard on this matter.

Sincerely,

Kory Blake
P.O. Box 1706
Palmer, AK 99645

Phone: 376-8325

April 26, 1999

State of Alaska
House of Representatives
House Fisheries Committee
Rep. Bill Hudson, Chair

Re: Board of Fisheries Confirmation Hearing

Members of the House Fisheries Committee:

After submitting a letter to the House Resource Committee last week, I feel it is of the utmost importance to object to the confirmation of Virgil Umphenhour for another term on the board. Apparently, my letter of truth, set him off and showed his true colors. My letter was as follows:

"I would like to oppose the confirmation of Virgil Umphenhour 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 towards his handling of matters concerning the Prince William Sound Aquaculture Corporation, (PWSAC) and/or matters relating to the Copper river fishery.

During his tantrum he stated that 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 a 60 mile wide delta, with many entrances. Mr. Umphenhour'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 judgement, the state should consider looking elsewhere. I am a resident of District 27, and rely solely on commercial fishing for my livelihood."

Mr. Umphenhour, denied this event occurring in 1996, and further explained his bias to the Committee. I now have record that the board did indeed go into Executive Session. He went on to refer to we Copper River gillnetters as a bunch of people who don't care about the resource. I've fished the Copper river for 31 years, and am an original permit holder. My father fished there for 40 years, and taught me the trade with my own boat when I was 11 years old. I've personally witnessed the fine management of the Alaska Department of Fish and Game. Committee members, I ask you to think about this: Who would care more about the fishery and its well being, than one who depends on feeding a family, a commercial fisherman. We

Page 2 of 3

commercial fishermen have escapement levels to achieve before we go fishing, its always been under strict guidelines and that is just as it should be. The Copper river commercial fishery is over 100 years old and only recently have the upriver reaches become accessible to many users. I don't think its proper to have a biased and unknowledgeable person, making decisions on how the resource should be protected. Mr. Umphenhour is purely allocative and while trying to sound scientific, he forgets, this arena is to be left to properly trained biologists. This man makes accusations towards my user group and makes false claims about genetic diversity on king salmon stocks. I would like to see his credentials to make such statements. These statements have been made to the board as well as the public, damaging our credibility and reputation. One story I didn't relate in my previous letter was when myself and three or four other fishermen were outside of the 1996 meeting in Cordova, with Mr. Umphenhour. He looked out at the massive flock of seagulls in front of us and said: "they used to be thick like that up in Fairbanks, but I think I ended up shootin' them all, now you hardly see 'em." It is the truth I speak, and I have other witnesses to attest to his statements. Conservation does not seem to be his strong point! You'll have to forgive me if I don't put my trust in a man who has such disregard for protected wildlife.

Members of the Committee, please stop and think about the of lack of fairness we are facing while trying to protect our livelihood and our resource. Also please remember, no one cares more about the health of the fishery, than one who stakes their very life on it, the commercial fisherman. **It is wrong for political appointees to think of themselves as biologists. Mr. Umphenhour must be removed from this position, he is very inappropriate.** I am enclosing a transcript of Mr. Umphenhour's comments to House Resources after they read my letter to him.

Thank you for the chance to comment,

Bob Martinson
900 Iroquois Drive
Wasilla, AK 9965

Enclosure

page 3 of 3
Martinson

Virgil Umphenour's response to Ramona Barnes' questioning re: Bob Martinson's letter to the House Resources Committee's Alaska Board of Fisheries Confirmation Hearing on Wednesday, April 21, 1999

On PWSAC:

"People in PWSAC don't like me and there is a good reason for it. PWSAC owes the State of Alaska 28 million dollars currently. The Department of Investment has extended their loan with no interest. Their not paying any interest on it. PWSAC, I don't feel, has operated in a responsible manner to production of chum and pink salmon. As high as 97% of the harvest in 1996 of chum salmon harvested in Prince William Sound was hatchery-produced. I feel it is irresponsible to mass produce salmon from hatcheries to the detriment of the wild stocks. The Board is mandated by the Constitution of the State and the Legislature to manage salmon resources in such a manner that the wild stocks take priority over enhanced or hatchery-produced stocks. That's why the people from PWSAC do not care for me because I think they have been producing too many chum salmon and pink salmon, and they have put the wild stocks in Prince William Sound at risk because of that."

On the Cordova 1996 BOF meeting and the Copper River:

"To the best of my memory the Board did not enter into Executive Session in the meeting of December 1996 which was conducted in Cordova. So I don't know what they are talking about as far as the Board going into Executive Session. I do know that some of the driftnet fishermen fish inside the barrier islands of the Copper River and the water is 10 feet deep and using drift gillnets that are 29 feet deep. And using them in a manner, in the manner that you would use a beach seine. And they are seining the king salmon out. They're causing a problem with seining salmon."

FAX TRANSMISSION

PELAGIC RESOURCES INC.

P.O. Box 3845
KODIAK, AK 99615
(907) 486-6933
FAX: (907) 486-6943

APR 19 1999

To: Representative Allen Austerman **Date:** April 18, 1999
Fax #: **Pages:** 1, including this cover sheet.
From: Jay E. Stinson
Subject: Board of Fish Confirmation

COMMENTS:

Dear Allen,

I understand that the House Resources Committee will hold BOF confirmation hearing on April 21.

I can not emphasize enough that Virgil Umpenhour not be reappointed. The same applies to Dan Coffy, however I would think that he has enough political support to survive the hearing process.

Virgil is an unbalanced individual that is doing his damndest to destroy the commercial fishing industry in the Gulf of Alaska. He has proven himself to be ignorant of marine fisheries. He hides behind the curtain of conservation to allocate resources to his chosen cronies. He has shown himself to be rude, disrespectful, prejudiced and less than enlightened (an image of a spruce stump come to mind). Maybe its just a personal thing, but I find him to be contemptible.

Coffy is probably more dangerous to the commercial fisheries of Alaska, in that he is extremely bright and efficient at reforming the board process into a vehicle to support the interests of his constituency.

After watching both of these men in action recently, its my understanding that they really don't care about the concerns of the commercial fishing industry. It appears that their intend is to turn Alaska fisheries resources into the exclusive domain of the sport and western Alaska fishermen.

Grant Miller is the only commercial fisherman on the board. If he wants the job, he needs to remain seated.

Good Luck.



APR 21 1999

Alaska State Legislature

Please enter into the record my testimony to the

House Special
Committee for
Fisheries

committee name

committee on HC-2, dated 4-19-99
bill # / subject

I submitted a copy of my oral testimony of 19 April 99. I mention the we had submitted an Amicus Curiae Brief in support of the Alaska Legislative Council lawsuit filed in Washington D.C.

At this time I am submitting a copy of that Brief. We feel that it reflects the need as stated in HCR 5. The need for a US Supreme Court decision on the Subsistence is truly needed.

Signed: Nate Bondurant

Testifier

The Alaska Constitutional Legal Conservation Defense Fund

Representing (Optional)

31864 Moonshine Drive Soldotna 99669

Address

262-0818

Phone number

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

THE ALASKA LEGISLATIVE COUNCIL,
et al.,

Appellants,

vs.

BRUCE BABBITT, et al.,

Appellees.

Case No. 98-5405

Oral Argument April 8, 1999

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Honorable Randolph
Honorable Wald
Honorable Garland

BRIEF OF AMICUS CURIAE

Robert C. Erwin
LAW OFFICES OF ROBERT C. ERWIN
4041 B Street, Suite 201
Anchorage, Alaska 99503
(907) 561-6985

Roberta C. Erwin
WADE & DE YOUNG
4041 B Street, Suite 200
Anchorage, Alaska 99503
(907) 561-4222

on
e.

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES**(A) *Parties and Amici.***

Except for the following, all parties, intervenors and *Amici* appearing in this court are listed in the Brief of The Alaska Legislative Council, Alaska State Legislature et al.

Dale Bondurant
Warren Olson
Alaska Constitution Legal Defense Conservation Fund, Inc.

Corporate Disclosure Statement

The Alaska constitutional Legal Defense Conservation Fund, Inc., certify that there are no parent companies, subsidiaries or affiliates of Alaska constitutional Legal Defense Conservation Fund, Inc., which have outstanding securities in the hands of the public.

(B) *Rulings Under Review.*

Not applicable to *Amicus Curiae* per FRAP 28.

(C) *Related Cases.*

Not applicable to *Amicus Curiae* per FRAP 28.

LAW OFFICE OF ROBERT C. ERWIN
Attorney for Amicus Curiae

DATED: Dec 18, 1998

By: 

Robert C. Erwin
4041 B Street, Suite 201
Anchorage, Alaska 99503
Ph. (907) 561-6985
Ak Bar Association # 6101004

TABLE OF CONTENTS

	<u>PAGE</u>
TABLE OF CONTENTS	i
TABLE OF AUTHORITIES	ii
STATUTES AND REGULATIONS	v
LEGAL AUTHORITY	vii
TITLE VIII OF ANILCA	vii
UNITED STATES CONSTITUTION	vii
ALASKA CONSTITUTION	viii
THE ALASKA STATEHOOD ACT	viii
THE ALASKA OMNIBUS ACT	ix
PRESIDENTIAL PROCLAMATION NO. 3269	ix
EXECUTIVE ORDER NO. 10857	ix
SUBMERGED LANDS ACT	x
STATEMENT OF INTEREST	1
SUMMARY OF ARGUMENT	2
HISTORY OF ARGUMENT	4
ARGUMENT	6
I. WHEN CRAFTING A SOLUTION TO THE DISPUTE BETWEEN THE FEDERAL GOVERNMENT AND ALASKA, UNDERSTANDING THE BASIS OF THAT CONFLICT AND THE LAW APPLICABLE TO IT IS ESSENTIAL	6
A. EQUAL FOOTING DOCTRINE	6
B. TITLE VIII OF ANILCA	8
C. THE PROPERTY CLAUSE	10
D. THE FOURTEENTH AMENDMENT	12
E. STATUTE OF LIMITATIONS	13
II. THE REQUIREMENTS AND IMPLICATION OF THE PUBLIC TRUST DOCTRINE ARE INTEGRAL TO RESOLVING THE CONFLICT BETWEEN THE FEDERAL GOVERNMENT AND ALASKA.	14
A. PUBLIC TRUST DOCTRINE	14
B. SUBMERGED LANDS ACT	16
III. IT IS VITAL THAT THE COURT RECOGNIZE THE DISTINCTION BETWEEN "USE" AND "USER".	18
CONCLUSION.	21

TABLE OF AUTHORITIES

<u>CASES</u>	<u>PAGE</u>
<u>Arizona Center for Law in the Public Interest v. Hassell.</u> 837 P.2d 158 (Ariz. App. Div. 1 1991)	15
<u>Baldwin v. Fish & Game Commission of Montana.</u> 436 U.S. 371, 98 S.Ct. 1852, 56 L.Ed.2d 354 (1978)	7
<u>Dandridge v. Williams.</u> 397 U.S. 471, 90 S.Ct. 1153, 25 L.Ed.2d 491 (1970)	9
<u>Eubanks v. Louisiana.</u> 356 U.S. 584, 78 S.Ct. 970, 2 L.Ed.2d 991, 995 (1958)	4
<u>Evans v. City of Chicago.</u> 689 F.2d 1286 (7th Cir. (Ill.) 1989)	12
<u>Fisher v. Everett.</u> 66 F.Supp. 510 (D. Alaska 1945)	3
<u>Idaho v. Coeur d'Alene Tribe of Idaho.</u> 521 U.S. 261, 117 S.Ct. 2028, 138 L.Ed.2d 438 (1997)	6,8
<u>*Illinois Central Railroad v. Illinois.</u> 146 U.S. 387, 13 S. Ct. 110, 36 L.Ed 1018 (1892)	15
<u>Kansas v. Colorado.</u> 206 U.S. 46, 27 S.Ct. 655, 51 L.Ed.2d 956 (1907)	10
<u>Kenaitze Indian Tribe v. State of Alaska.</u> 860 F.2d 312, 414-16 (9th Cir. 1988); <i>cert. denied</i> , 491 U.S. 904 (1988)	14
<u>Katie John v. U.S.,</u> 1994 WL 487830	20
<u>*Kleppe v. State of New Mexico.</u> 426 U.S. 529, 96 S.Ct. 2285, 49 L.Ed.2d 34. (1986)	9,11,19,20
<u>*Martin v. Lessee of Waddell.</u> 41 U.S. 367, 16 Pet. 367, 10 L.Ed. 997 (1842)	9
<u>M'culloch v. Maryland.</u> 17 U.S. 316, 4 Wheat. 403, 4 L.Ed. 579 (1819)	9
<u>*McDowell v. Alaska (McDowell D.</u> 785 P.2d 1 (Alaska 1989)	4

*Authorities upon which we chiefly rely are marked with asterisks.

<u>McDowell v. United States (McDowell II).</u> Case No. A92-0531-Cv (D.Alaska 1992)	13
<u>*Metlakatla Indian Community v. Egan,</u> 369 U.S. 45, 82 S.Ct 552, 7 L.Ed.2d 562 (1962)	7
<u>*Metlakatla Indian Community v. Egan,</u> 362 P.2d 901, 927 (Alaska 1961)	8
<u>Montana Coalition for Stream Access v. Curran,</u> 682 P.2d 163, (Mont. 1984)	16
<u>Montana Outfitter Action Group v. Fish and Game Commission,</u> 417 F.Supp. 1005 (Mont. 1976)	7
<u>Oregon State Land Board v. Corvallis Sand & Gravel,</u> 429 U.S. 363, 97 S.Ct. 582, 50 L.Ed 550, 553 (1977)	16,17
<u>Owsicheck v. Alaska,</u> 763 P.2d 488 (Alaska 1988)	15
<u>Payton v. Alaska,</u> 938 P.2d 1036 (Alaska 1997)	19
<u>*Romer v. Evans,</u> 517 U.S. 620, 116 S.Ct. 1620, 134 L.Ed.2d 855 (1996)	12
<u>*Evans v. Romer,</u> 854 P.2d 1270 (Colo. 1993)	13,14
<u>Evans v. Romer,</u> 882 P.2d 1335 (Colo. 1994)	13
<u>Shapiro v. Thompson,</u> 404 U.S. 618, 89 S.Ct. 1322, 22 L.Ed.2d (1969)	5
<u>Shelly v. Kramer,</u> 334 U.S. 1, 68 S.Ct. 836, 92 L.Ed. 1161 (1948)	4
<u>*State of Alaska v. Bruce Babbitt, et al.,</u> 72 F.3d 698 (9th Cir. 1995)	20, 22
<u>State v. Hume,</u> 52 Or. 1, 5, 95 P. 808 (1908)	11
<u>State of Alaska v. United States,</u> 662 F.Supp. 455 (D.Alaska 1987)	16
<u>Taylor v. Becham,</u> 178 U.S. 548, 20 S.Ct 890, 44 L.Ed 1187 (1900)	12

<u>Totemoff v. Alaska.</u> 866 P.2d 125 (Alaska 1993)	5, 22
<u>Townsend v. Swank.</u> 404 U.S. 282, 92 S.Ct. 502, 30 L.Ed. 448 (1971)	5
<u>United Bldg Trade v. Camden New Jersey.</u> 465 U.S. 208, 104 S.Ct. 1020, 79 L.Ed.2d 249 (1984)	11.
<u>United States v. Alaska.</u> 521 U.S. 1, 117 S.Ct. 1888, 138 L.Ed.2d 231 (1997)(No 84, Orig.)	6.7.8.17
<u>United States v. State of California.</u> 447 U.S. 1, 100 S.Ct. 1994, 64 L.Ed.2d 681 (1980)	17,18
<u>United States v. Shauver.</u> 214 F. 154 (1914)	11

STATUTES AND REGULATIONS

16 U.S.C. §§3111-3126 (ANILCA)	vii,2,8,11,13,14,19,20,21
*Alaska Omnibus Act, Public Law 86-70	ix
*Submerged Lands Act, 43 U.S.C. §§1301-1311	x,15,16,17,21
28 U.S.C. §2407(a)	14

U.S. CONSTITUTIONAL PROVISIONS

*Equal Footing Doctrine	6,7
*The Tenth Amendment	10,11
*The Fourteenth Amendment	5,12,13
U.S. Constitution, Art. I, §1	8
U.S. Constitution, Art. I, §8	10
U.S. Constitution, Art. IV, §3, cl.2.	viii,10
U.S. Constitution, Art. VIII, §1	8
U.S. Constitution, Art. X	vii
U.S. Constitution, Art. XIV § 1	vii

ALASKA CONSTITUTIONAL PROVISIONS

Article I, §1	viii,5
Article I, §7	viii,5
*Article VIII, §3	viii,4
*Article VIII, §15	viii,4
*Article VIII, §17	viii,4

ALASKA STATEHOOD ACT

*Article 1, §1	viii,7
*Article 1, §6(c)	viii
*Article 1, §6(m)	ix,17
*Article 1, §8(c)	ix

OTHER

*Presidential Proclamation No. 3269	ix,6,7
*Executive Order No. 10857	ix,18
*Public Trust Doctrine	6,14,15,16,21

LEGAL AUTHORITY

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT, TITLE VIII

6 U.S.C. 3111 Sec. 801. The Congress finds and declares that -

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence;

(2) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residence dependent on subsistence uses;

(3) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management;

(4) in order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents; and

(5) the national interest in the proper regulation, protection and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by residents of rural Alaska require that an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.

UNITED STATES CONSTITUTION

U.S. Constitution, Art. X

Powers reserved to states or people. The powers not delegated to the United States by the Constitution, no prohibited by it to the states, are reserved to the states, are reserved to the states respectively, or to the people.

U.S. Constitution, Art. XIV, § 1.

Citizenship rights not to be abridged by states. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal

protection of the law.

U.S. Constitution, Art. IV, §3 cl.2.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

THE ALASKA CONSTITUTION

Article I, Section 1. Inherent Rights. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Article I, Section 7. Due Process. No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of legislative executive investigations shall not be infringed.

Article VIII, Section 3. Common Use. Wherever occurring in their natural state, fish, Wildlife, and waters are reserved to the people for common use.

Article VIII, Section 15. No Exclusive Right of Fishery. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State.

Article VIII, Section 17. Uniform Application. Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to subject matter and purpose to be served by the law or regulation.

THE ALASKA STATEHOOD ACT

Section 1. [U]pon issuance of the proclamation required by section 8(c) of this Act, the State of Alaska is hereby declared ... admitted to the Union on an equal footing with the other States in all respects whatever.

Section 6(e). All real and personal property of the United States situated in the Territory of Alaska which is used for the sole purpose of conservation and protection of the fisheries and wildlife in Alaska ... shall be transferred and conveyed to the State of Alaska by the appropriate federal agency, provided that the administration and management of the fish and wildlife resources of Alaska shall be retained by the federal government under existing laws until the first day of the first calendar year following the expiration of ninety legislative days after the Secretary of the Interior certifies to Congress that the Alaska State Legislature has made

adequate provision for the administration, management, and conservation of said resources in the broad national interest ...(emphasis added)

Section 6(m). The Submerged Lands Act of 1953 ... shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

Section 8(c). Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act.

THE ALASKA OMNIBUS ACT

Section 45(a) of the Omnibus Act.

If the President determines that any function performed by the federal government in Alaska has been terminated or curtailed by the federal government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may, until July 1, 1966, in his discretion, transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with such function, the assumption of which function is pursuant to this Act or the Act of July 7, 1958 (72 Stat. 339).

PRESIDENTIAL PROCLAMATION NO. 3269

Proclamation No. 3269.

"I, Dwight D. Eisenhower, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Alaska to entitle that State to admission into the Union have been completed with in all respects and that admission into the Union on an equal footing with the other States of the Union is now accomplished.

EXECUTIVE ORDER NO. 10857

WHEREAS section 6(c) of the act of July 7, 1958 ... as amended ... provides that the administration and management of the fish and wildlife resources of Alaska shall be transferred to the State of Alaska on the first day of the first calendar year following the expiration of ninety calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of such resources in the broad national interest; and

WHEREAS the Secretary of the Interior made such certification to Congress on April 27, 1959; and

WHEREAS section 45(a) of the Alaska Omnibus Act ... provides that if the

President determines that any function performed by the federal government has been terminated by the federal government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may ... transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with such function; and

WHEREAS it appears that it would be in the public interest to delegate to the Secretary of the Interior, to the extent hereunder indicated, the authority vested in the President by section 45(a) of the Alaska Omnibus Act.

NOW THEREFORE, by virtue of the authority vested in me by section 45(a) of the Alaska Omnibus Act ... and section 301 of title 3 of the United States Code, as the President of the United States, it is ordered as follows:

Section 1. It is hereby determined that the functions performed by the United States in Alaska pursuant to the Alaska game law of July 1, 1943 ... the Act of June 26, 1906 ... and act of June 6, 1924 ... and the acts amending or supplementing such acts, will terminate on December 31, 1959, and that the same functions or substantially the same functions will be assumed by the State of Alaska
....

Section 2. There is hereby delegated to the Secretary of the Interior, effective January 1, 1960, the authority vested in the President by section 45(a) of the Alaska Omnibus Act to transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal situated in Alaska which is owned or held by the United States in connection with the functions described in section 1 hereof. (Emphasis added)

SUBMERGED LANDS ACT

Public Law 31, 83rd Congress, Second Session, §1311. Section 3. Right of States (a) Confirmation and establishment of title and ownership of lands and resources; management, administration, leasing, development, and use. It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States in which the land is located ... (emphasis added). Section 2(e) The term "natural resources" includes without limiting the generality thereof, oil, gas, and all other minerals and fish, shrimp, oyster, clam, crabs, lobster, sponges, kelp and other marine animals and plant life.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

THE ALASKA LEGISLATIVE COUNCIL,

et al.,

Appellants,

vs.

BRUCE BABBITT, et al.,

Appellees.

)Case No. 98-5405

Oral Argument April 8, 1999

**APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**Honorable Randolph
Honorable Wald
Honorable Garland**

BRIEF OF AMICUS CURIAE

Robert C. Erwin
LAW OFFICES OF ROBERT C. ERWIN
4041 B Street, Suite 201
Anchorage, Alaska 99503
(907) 561-6985

Roberta C. Erwin
WADE & DE YOUNG
4041 B Street, Suite 200
Anchorage, Alaska 99503
(907) 561-4222

BRIEF OF AMICUS CURIAE**STATEMENT OF INTEREST**

Pursuant to Federal Rule of Appellate Procedure 29, and Court Order dated December 9, 1998, *Amici* submit this brief as *Amicus Curiae*. *Amici* consist of the Alaska Constitutional Legal Defense Conservation Fund, a non-profit corporation, Dale Bondurant and Warren Olson.

Dale Bondurant is a citizen of Alaska, resides in Soldotna, Alaska and has resided in Alaska for fifty years. Dale Bondurant is also president of the Alaska Constitutional Legal Defense Conservation Fund, Inc., which is a non-profit corporation existing under the laws of Alaska. It is currently in good standing under the laws of Alaska, as it has filed the necessary reports and paid all fees and taxes required of such corporations under Alaska law.

Warren Olson is an Alaskan citizen, resides in Anchorage, Alaska, and has been a resident of Alaska for forty years. Warren Olson is also secretary/treasurer of The Alaska Constitutional Legal Defense Conservation Fund, Inc., and receives the correspondence and acts as the registered agent for such fund at his address in Anchorage, Alaska.

The Alaska Constitutional Legal Defense Conservation Fund, Inc. is a public interest group and its purpose is to guarantee the protection of Alaska's natural resources and preserve them for all people of Alaska for common use without special privilege to any one group in the State of Alaska.

Dale Bondurant and Warren Olson hold hunting and fishing licenses from the State of Alaska permitting them to hunt and fish on all state-owned land within Alaska open to hunting and fishing. They both have applied to federal authorities in Alaska to hunt on federally-owned land in Alaska in areas opened to "subsistence"

hunting. It is anticipated that fishing will be similarly treated under federal regulations to be adopted on October 1, 1999. Dale Bondurant and Warren Olson were denied permits to hunt on federal land because they were "urban residents" of Alaska under ANILCA and its regulations.

Appeals of the denial to hunt on federal land have led to an affirmance of the denial by federal regulatory offices in Alaska under the control of the Department of Interior and the Department of Agriculture. Dale Bondurant and Warren Olson are informed and they believe that the new federal regulations related to hunting and fishing on federal land, effective October 1, 1999, will contain restrictions against hunting and fishing by "urban" residents which will continue to deny them the equal right to hunt and fish on federal lands in Alaska in the future.

Dale Bondurant, Warren Olson, and The Alaska Constitutional Legal Defense Conservation Fund, Inc. maintain such statutes and regulations restricting the right of urban residents to hunt and fish on federal lands in Alaska are unconstitutional and are in violation of their rights as citizens of the United States and residents of Alaska.

SUMMARY OF ARGUMENT

In 1980, Congress enacted Title VIII of the Alaska National Interest Lands Conservation Act ("ANILCA"), 16 U.S.C. §§ 3111-3126, to respond to a perceived failure on the part of the State of Alaska and federal authorities to protect subsistence hunting and fishing in Alaska. Title VIII demands an absolute preference for "rural" Alaskan residents for the taking of all renewable natural resources - including fish and wildlife - on federal public lands in Alaska for subsistence purposes. While recognizing that fish and game regulation has traditionally been a prerogative of the state, Congress authorized the federal government to implement ANILCA's subsistence priority only if Alaska failed to

enact laws of general applicability consistent with ANILCA.

It is the firm conviction of *Amici* that when a federal law, such as ANILCA, is applied uniquely to an individual state, the danger does not lie in that fact alone. The danger lies when such application spawns new doctrines, precedents, interpretations, regulations and/or acts which abrogate the integrity of that state's constitutional sovereignty. When this occurs it must be judicially challenged. *Amici* submit that the application of ANILCA has spawned all sorts of new doctrines, erroneous interpretations of precedents, unconstitutional regulations and acts which have or will abrogate Alaska's sovereignty.

Specifically, ANILCA has been repeatedly adapted and unilaterally adopted into new legal doctrines which have falsely redistributed the time-honored divisions of state and/or federal constitutional sovereignty. ANILCA's ambiguities have fostered these erroneous prescriptions assigned to concepts such as "subsistence," "rural residency," and "customary and traditional".¹ All are undefined and have been consistently interchanged with the concepts of "use" and "user". This interchange has erroneously caused every preferential use to become an exclusionary class of priority user.

Amici believe that a better result is achieved by explicitly identifying the preference use of fish, wildlife and water resources as "personal consumption" which is readily accepted as unambiguous and equally applicable to all users. ANILCA correctly recognizes that federal public lands shall be reserved for enumerated purposes, with identified preferences among beneficial uses. But ANILCA cannot permit Congress to designate an exclusionary class of priority users.

¹Fisher v. Everett, 66 F.Supp. 510 (D.Alaska 1945).

However, under ANILCA, Congress has unilaterally identified rural residents as an exclusive class of priority users and their preference use as customary and traditional subsistence. A classic oxymoron exists when the label of "priority / customary² and traditional subsistence³" is synonymously applied to both use and user. This confusion has inappropriately formed the underpinning for the current political efforts by the federal government to put pressure on Alaska's legislature to pass unconstitutional legislation amending Alaska's Constitution - a core concern of *Amici*.

HISTORY OF ARGUMENT

For years, Alaska's legislature has been under mounting pressure to approve and place before the voters a proposition amending the state constitution to permit the imposition of a rural resident subsistence priority. In 1989 the Alaska Supreme Court struck down similar statutory language, ruling that state legislation attempting to create a rural subsistence priority violated the common use and Equal Protection provisions of Alaska's Constitution;⁴ i.e., specifically, Article VIII, Sections 3 (Common Use), 15 (No Exclusive Right of Fishery), and 17 (Uniform Application Clause). The Court declined to address the question of whether the

²*Shelly v. Kramer*, 334 U.S. 1, 92 L.Ed 1161, 68 S.Ct. 836, 3 A.L.R.2d 441, 445 (1948) ("Racial discriminations which are merely the wrongful acts of individuals can remain outside the ban of the Constitution only so long as they are unsupported by state authority in the shape of laws, customs or judicial or executive proceedings.")

³*Eubanks v. Louisiana*, 356 U.S. 584, 78 S.Ct. 970, 2 L.Ed 2d 991, 995 (1958) ("But local traditions cannot justify failure to comply with the constitutional mandate requiring equal protection of the laws.").

⁴ *McDowell v. Alaska*, 785 P.2d 1, 11 (Alaska 1989) (The Alaska Supreme Court ruled that Title VIII of ANILCA violates the Alaska Constitution. The State cannot discriminate against one class of citizens. The Supreme Court went on to note that several other jurisdictions have struck down intrastate residential preferences in fish and game statutes, stating "This is an equal protection case, and an easy one at that." *McDowell*, 785 P.2d at 1).

priority also violated Article I, Section 1 - The Equal Rights Clause and Article I, Section 7, The Due Process Clause. *Amici* argues that it does.

In 1995 the Alaska Supreme Court held in Totemoff v. Alaska,⁵ that the federal government had no authority to regulate hunting and fishing in Alaska's navigable waters, the state was not obligated to follow decisions by the 9th Circuit Court of Appeals on those issues, nor is it bound by decisions of federal courts other than the United States Supreme Court.⁶ However, federal takeover is slated to begin October 1999 despite the Alaska Supreme Court's holding in Totemoff.

The State of Alaska, as well as citizens within the state, have vehemently opposed a federal takeover of wildlife management within its borders. However, faced with an impending federal takeover, the Governor of Alaska and Congress have opined, as the state's only option, that Alaskans must amend their constitution to allow for the subsistence priority. This proposed Federal-State Compact requires that the Alaska Constitution will be amended to permit, but not require, the Alaska Legislature to grant a subsistence priority to rural residents. However, the State of Alaska will agree to simultaneously amend its statutes to create a rural subsistence priority. *Amici* believe that such an amendment will serve only to deny each Alaskan citizen as well as all citizens of the United States equal protection to life, liberty and property. Moreover, Congress is without the authority to enter into such a joint federal-state program when such program violates the equal protection of the Fourteenth Amendment to the U.S. Constitution.⁷

⁵905 P.2d 954, 964-968 (Alaska 1995).

⁶*Id.* 905 P.2d at 963.

⁷Shapiro v. Thompson, 394 U.S. 618, 89 S.Ct. 1322, 22 L.Ed.2d 600, 619 (1969); Townsend v. Swank, 404 U.S. 282, 92 S.Ct. 502, 30 L.Ed 448, 456 (1971).

When attempting to craft a solution to the federal government versus Alaska dilemma, it is important for this court to understand the basis of the conflict and law applicable to it. It is equally important for this court to understand the requirements of and the implications of the Public Trust Doctrine, which establishes the right of the public to fully enjoy public trust lands, waters and living resources for recognized public uses. Lastly, it is vital that this court understand the distinction between "use" and "user." Below are several essential elements of the issues before the court.

ARGUMENT

- I. **WHEN CRAFTING A SOLUTION TO THE DISPUTE BETWEEN THE FEDERAL GOVERNMENT AND ALASKA, UNDERSTANDING OF THE BASIS OF THE CONFLICT AND THE LAW APPLICABLE TO IT IS ESSENTIAL.**

A. EQUAL FOOTING DOCTRINE:

By virtue of the Equal Footing Doctrine, as proclaimed by President Eisenhower's historic January 3, 1959 Proclamation⁸, Alaska was admitted into the Union on an equal footing with the other States. In 1977, the United States Supreme Court held that title to public trust assets passed from the federal government to Alaska at statehood through the equal footing doctrine as an element of state sovereignty - not by federal permission.⁹ The federal government

⁸Presidential Proclamation Number 3269.

⁹*United States v. Alaska*, 521 U.S. 1, 117 S.Ct. 1888, 138 L.Ed.2d 231 (1997). *See also Idaho v. Coeur d'Alene Indians of Idaho*, 521 U.S. 261, 117 S.Ct. 2028, 138 L.Ed.2d 438 (1997) (A State's title to these sovereign lands arises from the Equal Footing Doctrine and is conferred not by Congress but by the Constitution itself.)

recognizes Alaska as a beneficiary of the equal footing doctrine.¹⁰

Therefore, the Secretary of Interior's power to control fishing in Alaska's navigable waters and wildlife within its boundaries was extinguished at statehood. At statehood, Alaska's sovereignty contained several essential attributes relevant to control of her resources. One of those is ownership and management authority of submerged lands and its associated benefits of title, which includes Alaska's ownership of all living creatures in those waters. Another essential attribute is the ability to control and manage its wild game.¹¹

As recently as June 19, 1997, Justice O'Connor, writing for the majority in United States v. Alaska,¹² concluded that the State of Alaska succeeded to the federal government title to the beds of navigable waters within Alaska's boundaries at statehood and, thereafter, the State of Alaska had the power to control fishing in Alaska's waters. Alaska also gained management authority over its wild game as an inseparable attribute of its new-found sovereignty in the same measure of administration and jurisdiction as possessed by other states.¹³ Therefore, after title passed to Alaska, any attempt by the federal government to now defeat that title

¹⁰ Section 1 of the Alaska Statehood Act provides: [T]he State of Alaska is hereby declared ... admitted into the Union on an equal footing with the other States in all respects whatever. Presidential Proclamation No. 3269 provides: [T]hat admission of the State of Alaska into the Union on an equal footing with the other States of the Union is now accomplished.

¹¹ Montana Outfitter Action Group v. Fish and Game Commission, 417 F.Supp. 1005, 1009 (Mont. 1976). This decision was upheld by the U.S. Supreme Court in Baldwin v. Montana Fish and Game Commission, 436 U.S. 371 (1978), where the U.S. Supreme Court recognized that 75% of the elk taken in Montana are killed on federal land. Yet, the Court held that the state had the power to manage and conserve the elk, to make such laws as are necessary to protect and preserve the elk, and that the elk are entrusted to the care of the state by the people of Montana).

¹² 521 U.S. 1, 117 S.Ct. 1888, 138 L.Ed.2d 231 (1997).

¹³ See, also, Metlakatla v. Egan, 369 U.S. 45, 57, 82 S.Ct. 552, 7 L.Ed.2d 562 (1962).

cannot succeed. The Court held:

To withhold sovereignty over its inland waters from the state in the absence of compelling reasons and without definitely describing the act of admission the extent of the sovereignty intended to be withheld, would be a violation of the equal footing doctrine.¹⁴

The meaning of the United States Supreme Court is clear. At statehood, Alaska received title to all submerged lands that had not been expressly retained by the United States prior to statehood. A later act of Congress cannot reclaim property already given away.¹⁵ Alaska, in its sovereign and collective capacity, holds title to the fish within trust waters and wildlife in the state for the benefit of the people. That title was perfected 21 years before ANILCA. Therefore, *Amici* contend that this Court should rule that the federal government has no authority due to Alaska's sovereignty to take over management of fishing and hunting on federal trust property in Alaska.

B. TITLE VIII OF ANILCA

The United States Constitution does not make a general grant of legislative power. It reads: "Article 1, §1. All legislative powers herein granted shall be vested in a Congress ..." And then, in Article VIII, §1 it mentions and defines the legislative powers that are granted. Because there is no general grant of legislative power it has become an accepted constitutional rule that the federal government is a government of enumerated (not unlimited) powers.¹⁶ Therefore, when Congress

¹⁴Metlakatla Indian Community v. Egan, 362 P.2d 901, 927 (Alaska 1961).

¹⁵See, also, Idaho v. Coeur d'Alene Tribe of Idaho, *supra* page 6. (this case went to great lengths to reach an even more expansive rendering of the principles expressed in United States v. Alaska, *supra* page 6.)

¹⁶See M'culloch v. Maryland, 17 U.S. 316, 4 Wheat. 403, 4 L.Ed. 579, 601 (1819) ("This government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it seems too apparent to have required to be enforced by all

claims a legislative power, even when it applies to public lands, the question is whether or not that power is one of those granted by the Constitution. The allocation of Alaska's fish and wildlife to a special class based on residence is not one of the powers granted to Congress by the Constitution.

Title VIII of ANILCA demands a priority for Alaska residents who live in rural areas within the state. The lifestyle ANILCA claims to "protect" is limited to this state. ANILCA does not demand any similar priority in any other state in the nation.

Alaska, on an equal footing with the other states, has the power to regulate, control, or prohibit the hunting and killing of fish and wild game within its sovereign boundaries.¹⁷ Therefore, allocation or appropriation of fish and wild game in Alaska is clearly an internal Alaska affair.¹⁸ Contrary to its argument, the federal government does not have any enumerated power under the U.S. Constitution to interfere in Alaska's internal affairs.¹⁹

those arguments which its enlightened friends ... found it necessary to urge. The principle is now universally admitted").

¹⁷See Kleppe v. New Mexico, 426 U.S. 529, 545 (1976) (No doubt it is true that as between a state and its inhabitants the state may regulate the killing ... of [wildlife]).

¹⁸Id. 426 U.S. at 545.

¹⁹Dandridge v. Williams, 397 U.S. 471, 90 S.Ct. 1153, 25 L.Ed.2d 491, 502 (1970); See also Martin v. Lessee of Waddell, 41 U.S. 367, 16 Pet. 367, 367-369, 10 L.Ed 997 (1842).

- C. THE PROPERTY CLAUSE

When Congress manages federal property, its authority comes from the Art. IV, §3 cl.2. (property clause) to the U.S. Constitution.²⁰ The federal government claims in this action that because the property clause gives Congress the power to make "needful rules" and "regulations" respecting federal lands, then (a) any action taken by Congress by virtue of that Clause with respect to federal lands is valid, (b) Congress has unlimited power over the administration of public lands, and (c) normal constitutional constraints are not effective against such rules. Hence, they claim, Congress can, by virtue of the property clause, grant the Secretary of the Department of the Interior the power to allocate wildlife harvest on federal public lands in Alaska and to allocate fish harvest in certain (if not all) of Alaska's navigable waters simply by passing an act authorizing those actions.

A similar argument was presented to the U.S. Supreme Court in Kansas v. Colorado,²¹ but held untenable. The Court held that the Tenth Amendment constrains Congress, even when Congress acts under the property clause.²² Furthermore, Congress cannot act outside the enumerated powers granted by Article I, Section 8 of the United States Constitution. Therefore, since fish and

²⁰U.S. Constitution, Art. IV, §3 cl.2. It reads: The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

²¹206 U.S. 46, 27 S.Ct. 655, 51 L.Ed 956 (1907).

²²Id., 206 U.S. at 90.

wildlife are not federal property²³ and the navigable waters are not federal property, the property clause cannot authorize a federal takeover of the management of Alaska's fisheries or wild game.

The property clause very clearly bans any action prejudicing the rights or claims of any individual state. The Tenth Amendment clearly reserves to the people those powers not granted to Congress. It is settled law that, when it comes to internal affairs, the states retained their police power.²⁴

Amici contend that management and regulation of fish and wild game is a universally recognized police power belonging to the states. The "rural" allocation scheme now demanded by the federal government utilizing ANILCA violates Alaska's broad trustee powers and police powers over its wild animals on federal lands within state boundaries. The State of Alaska, not the federal government, has trust title to and regulates the harvest of wild animals on federal lands within its boundaries. Moreover, Title VIII of ANILCA violates both the federal government's and Alaska's traditional trustee duties over the common property fish, wildlife and water resources by discriminating in favor of one group of citizens based on where they live.²⁵ Therefore, any police power over a state's

²³ The rule of law which all American courts have recognized is that wild game are owned, to the fullest extent that any wild animal may be owned, by the states in their sovereign capacity as the representatives and for the benefit of all their people in common. See United States v. Shauver, 214 F. 154 (1914); State v. Hume, 52 Or. 1, 5, 95 P. 808, 810 (1908).

²⁴ Kleppe, 426 U.S. 529, 96 S.Ct. 2285, 49 L.Ed.2d 34 (1986).

²⁵ United Building Trade v. Camden New Jersey, 465 U.S. 208, 104 S.Ct. 1020, 79 L.Ed.2d 249, 252-253 (1984) (The New Jersey Supreme Court declined to apply the privileges and Immunities Clause in the context of a municipal ordinance that had identical effects upon out-of-state citizens and New Jersey citizens not residing in the locality. The Supreme Court of New Jersey further rejected appellant's privileges and immunities attack on the ground that the ordinance discriminated on the basis of municipal, not state, residency. The U.S. Supreme Court conclude that the challenged ordinance is properly subject to the structures of the Privileges and Immunities

internal affairs belongs solely to the state.

D. THE FOURTEENTH AMENDMENT

The Fourteenth Amendment to the U.S. Constitution guarantees life, liberty and property to each citizen of the United States and should be interpreted as embracing every right that may be brought within judicial cognizance. Therefore, no right of that kind can be taken without due process of law.²⁶ Property, within the meaning of the Fourteenth Amendment, is more than mere ownership, and includes right to acquire, use, enjoy, and dispose of acquisitions subject only to the law of the land.²⁷ *Amici* contend that the Fourteenth Amendment is being violated in the current push to amend Alaska's Constitution to allow for a rural preference and to take guaranteed, constitutionally protected rights from Alaskan citizens without due process of law.

The U.S. Supreme Court's decision in Romer v. Evans²⁸ addresses the constitutional guarantee of equal protection. This decision recites the historical arguments made to protect the Fourteenth Amendment against a vote by the majority to infringe upon a citizens fundamental constitutional rights. The Supreme Court's decision ruled a constitutional amendment was unconstitutional because it identified persons by a single trait then denied them protection across the board. Previously in two separated decisions the Colorado Supreme Court had also found that the

Clause.)

²⁶Taylor v. Beacham, 178 U.S. 548, 20 S.Ct 890, 44 L.Ed 1187 (1900).

²⁷Evans v. City of Chicago, 689 F.2d 1286, 1297 (7th Cir. (Ill.) 1989).

²⁸Romer v. Evans, 517 U.S. 620, 116 S.Ct. 1620, 134 L.Ed.2d 855, 865-867 (1996).

state constitutional amendment was violative of the Fourteenth Amendment.

One's right to life, liberty and property ... and other fundamental rights may not be submitted to a vote; they depend on the outcome of no election.²⁹

The Court stated, ... neither majorities nor minorities can be trusted to define the proper spheres of democratic authority and individual liberty. To place that power in one or the other would visit either tyranny by the majority or tyranny by the minority. Where the words of the Constitution are unambiguous, we need look no further.³⁰ (*emphasis added*).

The Fourteenth Amendment to the U.S. Constitution, and the common use and equal protection clauses of the Alaska Constitution are unambiguous. Therefore, *Amici* contend that if the State of Alaska succumbs to the pressures of the federal government and submits a constitutional amendment to popular vote, the amendment would be null and void because fundamental rights may not be submitted to a vote.

E. STATUTE OF LIMITATIONS

The federal government has consistently argued with varying degrees of success that a challenge to Title VIII of ANILCA is barred by the six-year statute of limitations. However, in McDowell v. United States,³¹ the U.S. District Court held that plaintiff's claims were not barred by the statute of limitations because, contrary to the government's argument that plaintiffs were attacking the constitutionality of the legislation itself, the plaintiffs were seeking declaratory and injunctive relief against the future application of ANILCA. The court stated as

²⁹ Evans v. Romer, 854 P.2d 1270, 1286 (Colo. 1993).

³⁰ Romer v. Evans, 882 P.2d 1335, 1351-1352 (Colo. 1994).

³¹ McDowell v. United States of America (McDowell II), Case No. A92-531 Cv (D.Alaska 1992).

follows:

The urban/rural distinction challenged by the plaintiffs applies on a continuing basis, and thus arguably presents an ongoing violation of plaintiffs' constitutional rights. No single event has occurred that would trigger the operation of 2401(a).³² Moreover, because the State of Alaska enacted and implemented a complying subsistence law of its own as authorized by 16 U.S.C. §3115(d), Title VIII of ANILCA was superseded by the Alaska subsistence law. In the words of the Ninth Circuit Court of Appeals, Title VIII of ANILCA was "stayed" and "federal regulations...withheld."³³

The instant appeal challenges the future application of ANILCA and the proposed federal takeover. Therefore, *Amici* firmly believe that to dismiss the present case on the technical ground that the statute of limitations has run, without an examination of the merits, disregards the ambiguities of ANILCA. Furthermore, it leaves unaddressed the constitutional challenges that Title VIII of ANILCA violates the equal footing doctrine, the privileges and immunities clause of the United States Constitution, the equal protection clause, due process, and the state police powers. It also does injustice to the policy consideration that one does not lose their individual constitutional rights either by the failure of technicalities nor are they subject to majority vote.³⁴

II. THE REQUIREMENTS AND IMPLICATIONS OF THE PUBLIC TRUST DOCTRINE ARE INTEGRAL TO RESOLVING THE CONFLICT BETWEEN THE FEDERAL GOVERNMENT AND ALASKA.

A. PUBLIC TRUST DOCTRINE

The Alaska Supreme Court has embraced the Public Trust Doctrine in its

³² 28 U.S.C. § 2407(a) reads in part: (a) Except as provided by the Contract Disputes Act of 1978, every civil action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues.

³³ *Kenaitze Indian Tribe v. State of Alaska*, 860 F.2d 312, 314-316 (9th Cir. 1988), cert. denied, 491 U.S. 905 (1989).

³⁴ *Evans v. Romer*, 854 P.2d at 1271.

recognition of the state's constitutional mandate of equitable common use of the state's renewable fish, wildlife and water resources.³⁵

The Public Trust Doctrine provides that public trust lands, waters and living resources in a state are held by the state in trust for the benefit of all of the people. It establishes the right of the public to fully utilize public trust lands, waters and living resources for a wide variety of recognized public uses. This doctrine has been used and upheld by the United States Supreme Court, the lower federal courts and state courts since the earliest days of this nation.³⁶

The "trust" referred to is an actual trust in the legal sense. The trust assets are generally in the form of navigable waters, the lands beneath and the living resources within those waters, and free roaming wildlife. The beneficiaries are the public, which includes "not just present generations but those to come."³⁷ The trustees are the state legislatures or, in some limited circumstances, the United States Congress. The trustees have an absolute duty that cannot be abrogated to protect the trust. The purpose of the trust is clear; i.e., to preserve and continuously assure the public's ability to fully use and enjoy public trust lands, waters and resources for authorized public uses.

³⁵ Owsichek v. Alaska, 763 P.2d 488 (Alaska 1988) (The Alaska Supreme Court referenced "common use" and "public trust" over twenty times).

³⁶ "The right of fishery in tidal waters is a public right, common to all. It cannot, therefore be exclusive in any individual and prescription. See Illinois Central Railroad v. Illinois, 146 U.S. 387, 13 S.Ct. 110, 36 L.Ed. 1018 (1892).

³⁷ Arizona Center for Law in the Public Interest v. Hassell, 837 P.2d 158, 169 (Ariz. App. 1991).

B. SUBMERGED LANDS ACT

The Submerged Lands Act³⁸ is a codification of the Public Trust Doctrine, which historically applied to the fish, wildlife and water resources and created a common property for the public as a whole. As such, these common property resources do not depend upon the whims of either the executive or the legislative branches of federal or state governments. These two branches are bound by the common interest of all people and can not abrogate that interest or responsibility.

The Submerged Lands Act is a quitclaim of federal authority or ownership and provides that, like all other states, Alaska owns its navigable waters, submerged lands and the fish that swim in those waters. It also provides that management of those resources is subject to state (not federal) law. The Act gave all states servitude title in trust and management authority of the natural resources within their borders. The Act also specifically included fish as well as other marine animals and plant life in all the navigable waters therein.

The U.S. District Court's decision in State of Alaska v. United States (Gulkana)³⁹ repeatedly refers to the state's sovereign rights and supports the established doctrine that these navigable waters and the Submerged Lands Act give Alaska title to the estimated 30 million acres of submerged lands and 100,000 to 187,000 miles of rivers and resources therein.

"Where a river is navigable ... at the time of statehood, title to the river bed was owned by the federal government, [and] upon the state's admission to the

³⁸43 U.S.C. §§1301-1311.

³⁹662 F.Supp 455 (D.Alaska 1987)

Union, title to the river beds was transferred to the state."⁴⁰ In Oregon State Land Board v. Corvallis Sand and Gravel,⁴¹ the United States Supreme Court held that upon admission to the Union, a state's title to lands underlying navigable waters within its boundaries is conferred, not by Congress, but by the Constitution itself, and the title thus acquired by the state is absolute so far as any federal principle of land title is concerned.⁴² The court further held that lands once having passed from the federal government to the states are then subject to the laws of that state in which it lies.⁴³

The Submerged Lands Act unequivocally provides that title to the fish in Alaska's navigable waters belongs to the State of Alaska.⁴⁴ In United States v. State of California,⁴⁵ the U.S. Supreme Court held that "when Congress enacted the Submerged Lands Act of 1953 ... the United States, in effect, quitclaimed ... whatever interest the federal government may have had in, and to all lands and natural resources lying within three geographical miles seaward of the ... coastline."⁴⁶

⁴⁰Montana Coalition for Stream Access v. Curran, 682 P.2d 163, 167-168 (Montana 1984) (The Public Trust Doctrine responsibility of the state can never be abrogated.)

⁴¹ 429 U.S. 363, 97 S.Ct. 582, 50 L.Ed.2d 550, 553 (1977).

⁴² Id. 50 L.Ed.2d at 553.

⁴³ Id.

⁴⁴United States v. Alaska, 521 U.S. 1, 117 S.Ct. 1888, 138 L.Ed.2d 231 (1997).

⁴⁵ 447 U.S. 1, 100 S.Ct. 1994, 64 L.Ed.2d 681 (1980).

⁴⁶Id. 447 U.S. at 3.

So there would be no confusion about Alaska being a beneficiary of the Submerged Lands Act, Section 6(m) of the Alaska Statehood Act clearly provided that the Act "shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder." The Alaska Statehood Act, anticipated and provided that the United States would transfer administration, jurisdiction and management of fish and game to the State of Alaska equal to that possessed by other states.

Executive Order No. 10857 (December 29, 1959) accomplished that transfer and terminated federal management of fish and wildlife in Alaska effective December 31, 1979. As discussed supra, this Order also affirmatively quitclaimed all fish and wild game to the State of Alaska.

As an essential element of sovereignty and by quitclaim from the federal government, title to fish and wild game in Alaska rests in the sovereign State of Alaska in its trustee capacity for all its people. Although it may have authority to "protect" wildlife resources found on federal trust property, since statehood the federal government has had no authority to make any rule or regulation allocating fish and wild game which belong in common to the citizens and are held in trust by the State of Alaska.

III. IT IS VITAL THAT THE COURT RECOGNIZE THE DISTINCTION BETWEEN "USE" AND "USER".

With respect to any analysis of the issues raised relative to this appeal, understanding of the difference between uses and users is crucial. Fish and wildlife may be managed for preferences among uses, but equal protection mandates an equality among the users of such uses. Federal public lands are reserved for specific purposes (uses). For example, the Kenai National Wildlife Refuge's primary purposes are managed for fish, wildlife and recreation (uses), but these

resources must be available for taking on the basis of equal consideration among all people using those resources (users). Public land ownership, whether state or federal, sets up the purposes (or uses) for which those lands are reserved. After beneficial uses are selected, the state can then utilize its police powers to regulate the users, or the beneficiaries, of the common public trust property (fish, wildlife and water resources) on both federal and state land.

If one looks to ANILCA for a clear understanding of the term rural residency, the nearest attempt at a definition is the phrase "customary and traditional." Unfortunately, the terms within that phrase, i.e., "custom" and "traditions" have been defined either broadly or narrowly depending upon the various perspectives of the courts which have done so. Their struggle with this ambiguous phrase is reflected in the Alaska Supreme Court's statement: "Despite repeated legal challenges to and multiple revisions of the subsistence laws, 'subsistence uses' have long been defined in terms of 'customary and traditional uses'; accordingly, we consistently have interpreted customary and traditional to refer to 'uses' rather than 'users'."⁴⁷

Kleppe v. State of New Mexico,⁴⁸ is often cited by proponents of federal management over what was traditionally managed under state police power. However, this decision, in fact, recognizes the Secretary of the Interior's responsibility to decide preferences among resource uses that are compatible with the purpose for which they were reserved. But the decision neither implicitly nor explicitly attempts to establish a preference of users for those uses. No effort was

⁴⁷ Payton v. Alaska, 938 P.2d 1036, 1042 (Alaska 1997). (The Supreme Court did not remand this case to the Superior Court, but instead ordered the Board of Fisheries to grant the Paytons their right to participate as equal users in the subsistence fisheries.)

⁴⁸ Kleppe, 426 U.S. 529, 96 S.Ct. 2285, 49 L.Ed.2d 34 (1986).

made by the Supreme Court to designate any preference of users for the identified uses whatsoever. However, the Court's decision is repeatedly cited for just such a proposition. Accordingly, Kleppe and the 9th Circuit's decision in Alaska v. Babbitt (Katie John)⁴⁹ are illustrative of what occurs when the distinctions between use and user are confused.

It is important to note that in the 9th Circuit's confusion in the Katie John⁵⁰ decision between "use" and "user" created an entirely new doctrine. For the first time a court ruled that reserved water rights on federal public lands unilaterally entitled the federal government (not the state) to manage fishing and hunting on such lands in Alaska for purposes of Title VIII of ANILCA.⁵¹ The 9th Circuit erroneously concluded that "reserved water rights" extends federal jurisdiction over navigable waters above and beyond the government's traditional and constitutional authority to regulate commerce and transportation. This decision changed the long established rule that reserved water rights did not carry with them any federal management authority over fishing and hunting in navigable waters on federal public lands. Unfortunately, rulings after the 9th Circuit's decision have allowed the federal government to further expand its claim to management authority over fish and wildlife outside of federal lands due to their migration through such lands.

⁴⁹1994 WL 487830. The Katie John v. United States litigation was consolidated in the U.S. District Court, District of Alaska with the litigation in Alaska v. Babbitt (The latter being ultimately decided by the 9th Circuit at 72 F.3d 698 (9th Cir. 1995)).

⁵⁰Alaska v. Babbitt, 72 F.3d 698 (9th Cir. 1995) and Katie John v. United States, 1994 WL 487830, were consolidated before Judge Russell Holland in the District of Alaska.

⁵¹In being self-critical of their own position, the 9th Circuit in Katie John stated, "We recognize that our holding may be inherently unsatisfactory. By holding that public lands include some specific navigable waters as a result of reserved water rights, we impose an extraordinary administrative burden on federal agencies."

Taken to its logical conclusion, under this theory the federal government could claim management authority over all anadromous fish since they pass through federal waters beyond the state's three mile limit.⁵²

This is the first time in this country's history that such a doctrine has been recognized. And its application impinges on Alaska's title and management authority recognized under both the Public Trust Doctrine and the Submerged Lands Act. Essentially, application of this doctrine strips Alaska of all pretense of equal footing status as is guaranteed to the other 49 states.

CONCLUSION

Amici agree without question that Congress has the complete power and authority to manage federal lands. But the issue before this court is not about "land management." It is about the illegal allocation of Alaskan public trust assets (fish and wild game) to a select portion of Alaska's citizens to the exclusion of others - based solely on where they live.

Neither Congress nor the Alaska State Legislature can allocate fish or wild game or any other trust asset to any one class or portion of its citizens to the exclusion of others. The concept of impartiality is embodied in both the Alaska and United States Constitutions. It is that concept which has been violated for over twenty years by Title VIII of ANILCA.

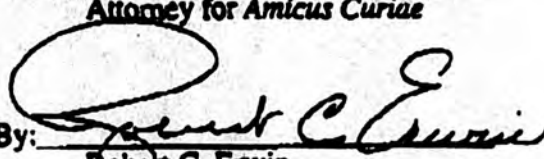
Amici have submitted this brief in an effort to address the merits of Alaska's Constitutional dilemma and the politically motivated pressure exerted by Congress and self-interested Alaskans to amend its Constitution. These groups continue to call for a vote which will essentially cause the citizens of Alaska to surrender their fundamental equal rights protection.

⁵²*Id.* (*Amici* argue that the language relied upon by the 9th Circuit speaks only to the management of "uses" not "users.")

In reaching a decision in this appeal, this court must accept its responsibility to settle the conflicting decisions by the Alaska Supreme Court and the 9th Circuit Court of Appeals.⁵³ Such a decision should conclude that the State of Alaska has sovereign servitude authority regarding the taking of its common property fish and wildlife public trust resources, as well as equal footing rights under the Submerged Lands Act and the Alaska Statehood Act.

LAW OFFICE OF ROBERT C. ERWIN
Attorney for Amicus Curiae

DATED: Dec 18, 1998

By: 

Robert C. Erwin
4041 B Street, Suite 201
Anchorage, Alaska 99503
Ph: (907) 561-6985
Ak Bar Association # 6101004

⁵³Alaska v. Babbitt (Katie John), 75 F.3d 698 (9th Cir. 1995) and Totemoff v. State, 866 P.2d 125 (Alaska 1993).

I HEREBY CERTIFY THAT ON THIS 19th day of December, 1998, I caused to be served a true and correct copy of the foregoing instruments by DHL Worldwide Express on:

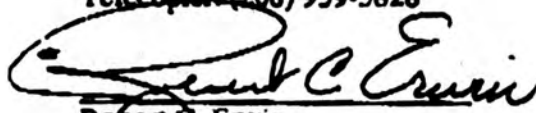
Clerk of Court, Civil Division
United State Court of Appeals
For the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave. N.W.
Washington, D.C. 20002-2866
Phone: (202) 216-7000

and by U.S. Mail on:

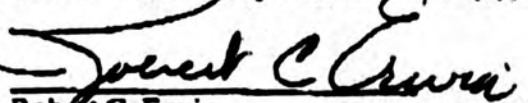
Civil Process Clerk
Office of the U.S. Attorney
555 4th Street, N.W.
Washington, D.C. 20001

Robin W. Grover
Michael, Best & Friedrich
77 West Wascker Drive, Suite 4300
Chicago, IL 60601-1635
Phone: (312) 845-5800
Telecopier: (312) 845-5828

Mark L. Pollot
12516 West Engleman Drive
Boise, Idaho 83713
Phone: (208) 939-1081
Telecopier: (208) 939-5828


Robert C. Erwin

I HEREBY CERTIFY THAT the brief of ~~Amicus Curiae~~ does not exceed the number of words allowed by Fed. Cir. R. 28(d)(1).


Robert C. Erwin

RESUME**VIRGIL L. UMPHENOUR****2400 Davis road****Fairbanks, Alaska 99701****(907) 456-3885****FAX 456-3889****E mail akhunt@ptialaska.net****OBJECTIVE**

Appointment to the Alaska Board of Fish.

QUALIFYING EXPERIENCE

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

Commercial

Fished commercially on the Tanana River in Fairbanks from 1984 until 1995 when I gave my permit to my son. In 1985 became a commercial fish processor, processing both fish and roe from my fish and buying from commercial fishermen in Fairbanks, Nenana, Norton Sound and villages along the Yukon River. Have expanded this business so that now my company operates year round doing smoked fish and value added salmon products per year. Upwards of 250,000 lbs of salmon and roe can be processed during the summer months pending availability of fish.

SPORT

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

SUBSISTENCE/PERSONAL USE

Have subsistence or personal use fished in Nome, Copper River and Yukon River drainage since 1976. As a commercial fish processor and big game hunting guide, have dealt extensively with the commercial/subsistence fishermen of the Yukon River drainage and Norton Sound. For the most part, fishermen in these areas commercial fish to obtain cash to support their subsistence lifestyle. I have seen first hand the devastating effects of the failed fish runs on these people.

HUMAN RELATIONS

Past and present positions have required a wide range of interpersonal skills, public information management techniques and political awareness. As a commercial fisherman/processor and former military officer, have learned to deal with a wide range of individuals and be cognizant of their special interests and concerns. Am able to work with others to strike a consensus on critical issues. Was co-organizer of the Yukon River

together.

COMMUNICATION

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

EMPLOYMENT HISTORY

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

MEMBERSHIP

Member, Alaska Board Of Fish, August 1994 to present
Delegate, US Canada Yukon River Salmon Treaty Negotiating Committee since 1988
Co Chairman, Yukon River Drainage Fishermen's Association, Dec 1990 to July 1994
Tanana Valley Sportsmen's Association, life member

REFERENCES

Jack Coghill, former Lt. Governor
State Senator Georgianna Lincoln
State Representative Richard Foster
Irene Nicholia, former State Representative
Allan Vezey, former State Representative
Charles Meecham, former Deputy Commissioner, ADF&G

Bill Hudson, Chair
Alaska House of Representatives
Select Committee on Fisheries

Sitka, AK
April 19, 1999

Dear Chairman Hudson,

My name is Eric Jordan. I am a lifelong Alaskan fisherman. I have served 15 years on the Sitka Fish & Game Advisory Committee, 8 as secretary and 4 as chair. I served 8 years on the Advisory Panel to the North Pacific Fisheries Management Council. My grandfather, father, and sons have or presently commercially fish in Alaska. I troll salmon, work as a charter operator, and subsistence fish and hunt to sustain myself. I am a current member of the Sustainable Fisheries Committee advising the Board OF Fisheries.

I am here representing myself.

I have worked with and testified to Boards of Fisheries since 1973. I have worked closely with this board. I have found this board and the individual members commitment to public process and fact finding unparalleled. I have participated in the Board sub-committee process and support it. I find that it compliments and amplifies the advisory committee process.

I support the Governor's nominations and urge you to confirm all these incumbents, Grant Miller, Dan Coffey, and Virgil Umpenour. This is one of the best, hardest working Board OF Fisheries in a legacy of fine Alaskan fisheries boards. Service on the Board OF Fisheries takes a great deal of work and dedication. Alaska is fortunate that these dedicated, experienced members are willing to serve again. I urge unanimous support from the legislature.

Sincerely,



Eric Jordan
F/V I Gotta
103 Gibson Place
Sitka, AK 99835
(907) 747-6743

TO: Board of Fish Confirmation Committee Members

From: Edwin Welles & Elizabeth Hagerman, Cook Inlet Drift Permit #64714G

Re: Reject Dan Coffey, Grant Miller, and Virgil Umphenour

We strongly urge you to reject Dan Coffey, Grant Miller and Virgil Umphenour as board members. The Kenai river Sockeye allotment is already contentious. These individuals will arrive on the board with no intention of finding a rational solution. They will inflame the conflict between the commercial and sports fishing interests with their emotionally entrenched biases.

To: House Fisheries Committee
Kenai Legislative Affairs office

Re: Appointments of Don Coffey, Grant
Miller and Virgil Openhouse (or?)

It is our understanding that these three men are not pro-commercial fishing. We have 2 Cook Inlet permits so have a vested interest in the Cook Inlet area. We are deeply concerned that this committee would elect people who are not entirely concerned about the fisheries and the welfare of the fisherman. We would hope you reconsider your choices.

Dick & Sandy Yraskoff
5731 Faust Rd
Ellensburg, WA. 98926

(509) 925-4947

10 May 99

Representative Hudson,

The Kvichak Setnetters' Association fully supports the reconfirmation of Dan Coffey, Grant Miller and Virgil Umphenour. They have shown the ability to make difficult decisions of volatile issues. In 1998, at the Bristol Bay cycle meeting, they brought drift and setnet fisherman together on issues. That was no easy feat.

These Board members listen to the stakeholders, weigh issue in regards the fish stocks' overall needs for survival and make intelligent decisions. Issues are looked at from all angles by these three because their different personalities. It's a good mix.

Al Bauman
president
Kvichak Setnetters' Association

MAY 03 1999

Introduced by: Scalzi, Brown, Drathman
Date: 04/20/99
Action: Adopted as Amended
Vote: 7 Yes, 1 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 99-034
(Popp) Substitute**

**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 the Kenai Peninsula Borough, Cook Inlet commercial fishing families and businesses to deny confirmation of all current members reappointed to 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 the three current members reappointed to the Alaska Board of Fisheries, who are Dan K. Coffey, Virgil L. Umphenour and Grant Miller.

SECTION 2. The Kenai Peninsula Borough takes the position that two commercial fishermen 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 Legislature, Alaska Board of Fisheries, Commissioner of Fish and Game, and Commissioner of the Department of Natural Resources.

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



MAY 03 1999

**COPPER RIVER-PRINCE WILLIAM SOUND
NATIVE FISHERMEN'S ASSOCIATION
P.O. BOX 1388, CORDOVA, ALASKA 99574
TEL-907-424-7738 FAX-907-424-7739**

May 3, 1999

May 3, 1999

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182

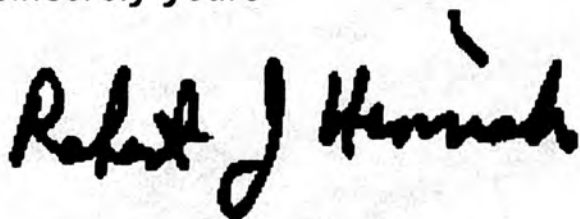
Chairman Hudson

The Copper River/Prince William Sound Native Fishermen's Association (CR/PWSNFA) is made up of Native Fishermen who have a history of fishing the Copper River/Prince William Sound area for the past 10,000 years.

CR/PWSNFA opposes the reappointment of Virgil Umphenour to the Board of Fish. After reading Mr. Umphenour's recent statements at the conformation hearings, we don't believe he is capable of examining all the fisheries issues with an open mind.

Thank you for your consideration on this issue.

Sincerely yours



Robert J. Henrichs
President
Copper River/Prince William Sound
Native Fishermen's Association

MAY 03 1999

NATIVE VILLAGE OF EYAK

P.O. BOX 1388, CORDOVA, ALASKA 99574

TEL-907-424-7738/FAX-907-424-7739

May 3, 1999

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182

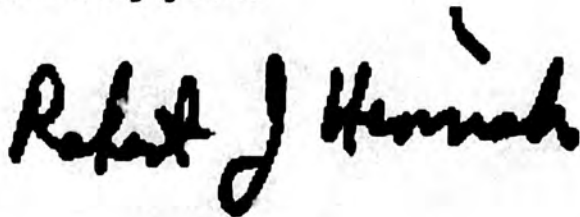
Chairman Hudson

The Native Village of Eyak, with over 500 members, is the largest Tribe on the Copper River and Prince William Sound. Our members have been involved in fishing for the past 10,000 years.

Our Tribe opposes the reappointment of Virgil Umphenour to the Board of Fish. We don't believe Mr. Umphenour is able to examine all the fisheries issues with an open mind.

Thank you for your consideration on this issue.

Sincerely yours



Robert J. Henrichs
President
Native Village of Eyak
Traditional Council

We need to send this message out to each and every Assembly member.

My name is John J. Williams and I live at Kenai Ak.
I have lived in Alaska for 37 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial fishers in retaining their historical fishing businesses. Their livelihoods have been severely damaged by the present day Alaska Fish Board. I'm not happy with the current board of fish members

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to travel to the Fish Board hearings in Soldotna. These groups have been successful in taking away a large portion of their income. This results in tax dollars being taken away from the local coffers.

Please support their efforts in maintaining their businesses on the Kenai Peninsula and please help them in retaining their historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A. Malatesta Sr. described to you at your Borough Assembly meeting, any way that you can.

Thank you,

occupation

John J. Williams
Mayor City of Kenai



Alaska State Legislature

Please enter into the record my testimony to the House & Senate Fisheries
committee name

committee on BOF Confirmation, dated 4-28-99
bill # / subject

Please enter into record my testimony to the House and Senate Fisheries Committees.

On BOF Confirmation Hearings, 1999

This letter is in strong support of the present Board of Fish and the reappointment of Dan Coffey, Virgil Umphenour and Grant Miller to this board for another term.

This Board is innovative and places the resource first as their sustainable fish study indicates. In addition, they have initiated the committee process that requires stakeholders to sit down together to discuss issues. This avoids much of the posturing and positioning and helps reach consensus on at least some issues. The Local Advisory Board is a sham as local commercial fisherman load the election meeting and elect only people that support their cause. Even so, this BOF has weighed all testimony and given all user groups fair consideration.

Please don't let us return to the days of a BOF made up of only commercial fishing interests. Mr Coffey, Mr. Umphenour and Mr. Miller are fair minded and not afraid to make change and decisions.

Ron Rainey, Chairman
Cook Inlet Public Fisheries Council

Signed:

Ron Rainey
Testifier

Cook Inlet Public Fisheries Council
Representing (Optional)

P.O. Box 549 Soldotna, Ak 99699
Address

(907) 283-3375
Phone number

April 26, 1999

State of Alaska
House of Representatives
House Fisheries Committee
Rep. Bill Hudson, Chair

Re: Board of Fisheries--Confirmation hearings

Members of the Committee:

I strongly disagree with Virgil Umphenhour's reappointment to the Board of Fisheries, based on the following concerns. The responsibility of being a Board member, requires that each member informs themselves with all related facts concerning each user group in all areas of the state. After all facts are presented, each board member is supposed to make an unbiased, and informed vote. Each member should vote on facts not hearsay. Mr. Umphenhour has proven by his comments during his term on the board, that he clearly has a bias towards commercial fishermen and hatcheries, not only in Prince William Sound, but statewide. Statements he has made include:

"The Copper river fishermen use their gillnets as beach seines." This statement is false, we fish drift gillnets, meaning we lay them out in a straight line, then drift with the current. The current in the Copper river delta runs anywhere from one to fifteen miles per hour.

He quoted that the Copper river is "ten feet deep" and that we "fishermen like to kill every last fish". These are also false statements. Commercial fishermen on the Copper river, fish waters anywhere from 3 to 300 feet deep. Channels inside the barrier islands (our historic fishing grounds) can be anywhere from 80 to 100 feet deep, it is a delta, to say its all "ten feet deep" is an uninformed statement. If we are stopping all the fish, how can it be that in the last three years, we have had record breaking king and red salmon runs on the Copper river? King salmon return as 3, 4, and 5 year fish. This means that in 93, 94, and 95, the return escapement was large enough to produce record runs in 96, 97, and 98.

Umphenhour states that commercial fishermen have no respect for the resource. The fishermen of Cordova, along with Fish and Game have made, 5, 10, and 15 year plans to build a sustainable resource on the upper Copper river. In the last 10 years, the Copper river fishery has been the bright spot in the states management of fisheries. The king and red catches have been on the increase. The escapement has not only met, but exceeded the Department's goals 7 out of the last 10 years.

Any informed person should be praising the Alaska Department of Fish and Games ability to

manage the resource. Instead, Mr. Umphenhour keeps on making damaging and false statements to both board members and the public. This should not continue. After his years on the Board of Fisheries, Mr. Umphenhour should have a better understanding on fisheries within the State of Alaska. Instead he makes false statements which have a lasting effect on both the board and the public's opinion on commercial fishermen in general. **I strongly urge the committee to not reappoint Mr. Umphenhour to the Board of Fisheries, because of his biased and unknowledgeable opinions!**

I have fished the Copper river since 1972 and thank you for the opportunity to have my views heard on this matter.

Sincerely,

Kory Blake
P.O. Box 1706
Palmer, AK 99645

Phone: 376-8325

April 26, 1999

State of Alaska
House of Representatives
House Fisheries Committee
Rep. Bill Hudson, Chair

Re: Board of Fisheries Confirmation Hearing

Members of the House Fisheries Committee:

After submitting a letter to the House Resource Committee last week, I feel it is of the utmost importance to object to the confirmation of Virgil Umphenhour for another term on the board. Apparently, my letter of truth, set him off and showed his true colors. My letter was as follows:

"I would like to oppose the confirmation of Virgil Umphenhour 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 towards his handling of matters concerning the Prince William Sound Aquiculture Corporation, (PWSAC) and/or matters relating to the Copper river fishery.

During his tantrum he stated that 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 a 60 mile wide delta, with many entrances. Mr. Umphenhour'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 judgement, the state should consider looking elsewhere. I am a resident of District 27, and rely solely on commercial fishing for my livelihood."

Mr. Umphenhour, denied this event occurring in 1996, and further explained his bias to the Committee. I now have record that the board did indeed go into Executive Session. He went on to refer to we Copper River gillnetters as a bunch of people who don't care about the resource. I've fished the Copper river for 31 years, and am an original permit holder. My father fished there for 40 years, and taught me the trade with my own boat when I was 11 years old. I've personally witnessed the fine management of the Alaska Department of Fish and Game. Committee members, I ask you to think about this: Who would care more about the fishery and its well being, than one who depends on feeding a family, a commercial fisherman. We

commercial fishermen have escapement levels to achieve before we go fishing, its always been under strict guidelines and that is just as it should be. The Copper river commercial fishery is over 100 years old and only recently have the upriver reaches become accessible to many users. I don't think its proper to have a biased and unknowledgeable person, making decisions on how the resource should be protected. Mr. Umphenhour is purely allocative and while trying to sound scientific, he forgets, this arena is to be left to properly trained biologists. This man makes accusations towards my user group and makes false claims about genetic diversity on king salmon stocks. I would like to see his credentials to make such statements. These statements have been made to the board as well as the public, damaging our credibility and reputation. One story I didn't relate in my previous letter was when myself and three or four other fishermen were outside of the 1996 meeting in Cordova, with Mr. Umphenhour. He looked out at the massive flock of seagulls in front of us and said: "they used to be thick like that up in Fairbanks, but I think I ended up shootin' them all, now you hardly see 'em." It is the truth I speak, and I have other witnesses to attest to his statements. Conservation does not seem to be his strong point! You'll have to forgive me if I don't put my trust in a man who has such disregard for protected wildlife.

Members of the Committee, please stop and think about the of lack of fairness we are facing while trying to protect our livelihood and our resource. Also please remember, no one cares more about the health of the fishery, than one who stakes their very life on it, the commercial fisherman. **It is wrong for political appointees to think of themselves as biologists. Mr. Umphenhour must be removed from this position, he is very inappropriate.** I am enclosing a transcript of Mr. Umphenhour's comments to House Resources after they read my letter to him.

Thank you for the chance to comment,

Bob Martinson
900 Iroquois Drive
Wasilla, AK 9965

Enclosure

Virgil Umphenour's response to Ramona Barnes' questioning re: Bob Martinson's letter to the House Resources Committee's Alaska Board of Fisheries Confirmation Hearing on Wednesday, April 21, 1999

On PWSAC:

"People in PWSAC don't like me and there is a good reason for it. PWSAC owes the State of Alaska 28 million dollars currently. The Department of Investment has extended their loan with no interest. Their not paying any interest on it. PWSAC, I don't feel, has operated in a responsible manner to production of chum and pink salmon. As high as 97% of the harvest in 1996 of chum salmon harvested in Prince William Sound was hatchery-produced. I feel it is irresponsible to mass produce salmon from hatcheries to the detriment of the wild stocks. The Board is mandated by the Constitution of the State and the Legislature to manage salmon resources in such a manner that the wild stocks take priority over enhanced or hatchery-produced stocks. That's why the people from PWSAC do not care for me because I think they have been producing too many chum salmon and pink salmon, and they have put the wild stocks in Prince William Sound at risk because of that."

On the Cordova 1996 BOF meeting and the Copper River:

"To the best of my memory the Board did not enter into Executive Session in the meeting of December 1996 which was conducted in Cordova. So I don't know what they are talking about as far as the Board going into Executive Session. I do know that some of the driftnet fishermen fish inside the barrier islands of the Copper River and the water is 10 feet deep and using drift gillnets that are 29 feet deep. And using them in a manner, in the manner that you would use a beach seine. And they are seining the king salmon out. They're causing a problem with genetic diversity of the king salmon stocks in the Copper River because they kill between 97-100% of king salmon when they're present, knowing when king salmon are getting accustomed to the change from saltwater to freshwater. They spend 7 days to 2 weeks milling in out of the mouth of Copper River. I don't think that is a responsible way to fish, and because I was one of the people that caused that fishery to be restricted a little bit to allow king salmon up the river unmolested, some of the commercial fishermen involved in that practice naturally do not like me and consider me a ? because they don't like responsible fish management. They like to be able to kill every last fish and they don't care if the sport fishery and personal use fishermen and subsistence fishermen get restricted upriver as long as they can catch all they can at the mouth of the river first."

**COPPER RIVER-PRINCE WILLIAM SOUND
NATIVE FISHERMANS ASSOCIATION
P.O. BOX 1388, CORDOVA, ALASKA 99574
TEL-907-424-7738 FAX-907-424-7739**

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182

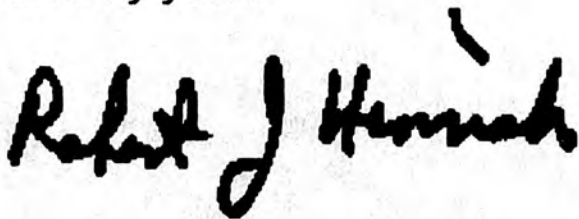
Chairman Hudson

The Native Village of Eyak, with over 500 members, is the largest Tribe on the Copper River and Prince William Sound. Our members have been involved in fishing for the past 10,000 years.

Our Tribe opposes the reappointment of Virgil Umphenour to the Board of Fish. We don't believe Mr. Umphenour is able to examine all the fisheries issues with an open mind.

Thank you for your consideration on this issue.

Sincerely yours



Robert J. Henrichs
President
Native Village of Eyak
Traditional Council



Chugach Regional Resources Commission

May 3, 1999

Chenega Bay

Eyak

Nanwalek

Port Graham

Quetzekak
Native Tribe

Tatitlek

Valdez Native
Tribe

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol - MS 3100 (Fax 907/465-2273)
Juneau, Alaska 99801-1182

Dear Representative Hudson,

On behalf of the tribes and their members of the Chugach Regional Resources Commission, I am writing to oppose the re-appointment of Virgil Umphenour to the Board of Fisheries. The Chugach Regional Resources Commission is an inter-tribal fisheries and wildlife commission dedicated to assisting the tribes in the Chugach Region to address natural resource issues and concerns and to assist them in developing responsible natural resource management programs.

In reviewing the transcripts of the confirmation hearings in the House Resources Committee on April 21, 1999, it is evident that Mr. Umphenour has demonstrated prejudice toward fish hatcheries, and commercial fishing in general. The people of the Chugach Region depend upon the fisheries for their livelihood, both commercially and for subsistence. Two of the tribes in this region operate hatcheries to the benefit of the resources and the people. The Port Graham Village Council operates a salmon hatchery, providing fish for the communities in Lower Cook Inlet. They have responsibly managed this hatchery to the point that Nanwalek is able to harvest red salmon commercially and the pink salmon returns are at a level where the cannery in Port Graham has reopened.

The Qutekcak Native Tribe in Seward is currently operating a shellfish hatchery to will provide shellfish spat to commercial farmers in Alaska, and is also working to re-establish the clam beds in Port Graham, Nanwalek, and Tatitlek. I would hope that these admirable efforts are recognized by Board of Fish representatives when voting on fish hatchery issues that could effect the livelihoods of the people in this area.

The people of the Chugach Region are dedicated to the sound management of the fisheries resources, and as such, would be better served by placing a representative on the Board of Fisheries who recognizes the positive aspects of fish hatcheries and commercial fishing. I believe it would be in the best interests of the fisheries resources in general to place someone on the Board of Fisheries who is unbiased and willing to fully explore all aspects of any particular issue before taking a position on it.

Thank you for the opportunity to express our concerns. If you have any questions regarding our opposition to the re-appointment of Virgil Umphenour to the Board of Fisheries, please do not hesitate to contact me at 907/562-6647.

Sincerely,


Patty Brown-Schwalenberg
Executive Director

cc: Senator Georgiana Lincoln
Representative Gail Phillips
Representative John Harris
Representative Ethane Berkowitz
Representative Joe Green
Senator Johnny Ellis
Senator Jerry Mackie
CRRC Board of Directors



Alaska State Legislature

Please enter into the record my testimony to the HOUSE FISHERIES
committee name
DAN COFFEY TO
committee on BOARD OF FISHERIES . dated MAY 3, 1999
bill/subject

Dear Chairman Hudson and Committee Members,

I STRONGLY SUPPORT THE REAPPOINTMENT AND CONFIRMATION OF DAN COFFEY TO THE BOARD OF FISHERIES.

As a member of a local advisory committee and a member of the public, I have testified before this Board member and served in the committee process several times recently. While we may not always agree, I feel his positions on issues have been well thought out and in the best interests of Alaska's resources and people. At no time is it possible to satisfy ALL special interests, including mine.

I ask you also to please disregard Kenai Peninsula Borough Resolution 99-034 strongly opposing the confirmation of the three current members. I am appalled and embarrassed that my local government, the Kenai Peninsula Borough Assembly, would blatantly advocate and lobby for a special segment of our local economy to the detriment of other viable and vital parts of our local business sector, let alone the damage this type of thinking does to the public's uses of our common resources.

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. This board member has worked hard to insure that these needs are met.

Please support the confirmation of the reappointment of Dan Coffey to the Board of Fisheries.

Signed: W. S. Stockwell
Testifier

BILL STOCKWELL
Representing (Optional)

P.O. BOX 721, CAPEE HANDING, AK 99572
Address

(907) 595-1540
Phone No.



Lake and Peninsula Borough

P.O. Box 495
King Salmon, Alaska 99613

Telephone: (907) 246-3421
Fax: (907) 246-6602



April 30, 1999

Bill Hudson
Co-Chair of House Resources Committee
Facsimile Message: 465-2273

RE: Alaska Board of Fisheries Reappointment

Dear Representative Hudson,

The Lake & Peninsula Borough has a strong interest in maintaining the health of the fisheries resources adjacent to the fishing communities within Borough boundaries. The Assembly is active in working to minimize bycatch in commercial fisheries and protecting essential habitat for all marine resources within State waters.

We wholeheartedly support the reappointment of Virgil Umphenour because he is not hesitant to address these sensitive issues.

As you know there are different vessel types and sizes that harvest different species within state waters. These differences bring a sharp awareness to fishermen that target the same stocks, intercept stocks, or ruin habitat in areas that others rely on for other species. All this is said because different regions support different appointees to the Alaska Board of Fisheries.

We support Virgil Umphenour because he has stood strong in the face of tough opposition on these tough issues. As Co-Chair of House Resources Committee, we ask you to recognize his unwavering stance in telling the industry to clean up their act. Fishing can be conducted profitably and still reduce bycatch and stop ruining crab habitat.

He also encourages reducing intercept fisheries where possible. Resources within our state are for all of us to use. If fisheries were managed to allow maximum intercept in some areas, our state would lose in the long run because the impact would decimate discrete stocks.

Thank you for considering our recommendation. Virgil takes his appointment seriously and does a good job for the state.

Respectfully,

Walt Wrede,
Borough Manager



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name
committee on Dan K. Coffey dated 5/3/99
bill # / subject

I oppose the reappointment of Dan K. Coffey to the Board of Fisheries, he has shown his bias against the Cook Inlet commercial fishing industry by his actions during his present term on the Board. A qualified appointee should be an unbiased decisionmaker willing and able to factfind to make the best decision possible based upon the available information.

Signed: Kenneth L. Svetc (Kenneth L. Svetc)
Testifier
(self)
Representing (Optional)
7715 Highland Drive; Anchorage, AK 99518
Address 907-349-6028

WHAT ABOUT CONSERVATION?

L. Hogan

Fisherman's Signatures

If you have been negatively impacted by the Upper Cook Inlet fishery during the 1998 season please sign below.

Print name	Sign	Phone
Robert G. Ross	Robert G. Ross	776-5893
Christopher D. Ross	Christopher D. Ross	776-8110
Wray McLaughlin	Wray McLaughlin	776-8759
John J. McBride	John J. McBride	776-5135
Nick Cathelmer	Nick Cathelmer	776-2100
Jack Montagna	Jack Montagna	776-8570
Ronald A. Haden	Ronald A. Haden	776-4057
Clyde Quinn	Clyde Quinn	776-5189
A. Carl Jauriainen	A. Carl Jauriainen	776-8526
DARRIS CRESSLEY	DARRIS CRESSLEY	776-5602
Robert F. Ernst	Robert F. Ernst	776-8650
Robert Monroe	Robert Monroe	776-2140
Leanne King	Leanne King	776-9069
JAMELA R. Lytle	Jamela R. Lytle	776-8992
Mary Pratt	Mary Pratt	776-5828
Carl Liches	Carl Liches	776-5690
MICHAEL FASTER	Michael FASTER	776-8110
ROGER FORSTER	Roger Forster	776-5158
FRED HUDSON	Fred Hudson	776-8479
Keith T. Raham	Keith T. Raham	776-8885
SUSAN JAURIJAINEN	Susan Jauriainen	776-8867
Kurt L. Melvin	Kurt L. Melvin	776-8788
Tim O'Brien	Tim O'Brien	776-8496
WAYNE NORTON	Wayne Norton	776-8635
GARY KLUGG	Gary Klugg	776-5458
Don A. Butterbrecht	Don A. Butterbrecht	776-8027
Lynnda Stroud	Lynnda Stroud	776-8249
Charles W. McLean	Charles W. McLean	776-2106
ALEXANDER ROSS	Alexander Ross	776-8388
Michael Cole	Michael Cole	6-7696
PAUL JACKSON	Paul Jackson	6-8817
Stuart Meyer	Stuart Meyer	

Attn: Assembly Member
Pete Sprague

We need to send this message out to each and every Borough Assembly member.

My name is Marvin Druseth and I live at Kenai.
I have lived in Alaska for 65 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I am requesting that the Kenai Borough assist me in retaining my historical fishing business. My livelihood has been severely damaged by the present day Alaska Fish Board. The income I make from my business allows me and my family to live here in the Kenai Borough all year long.

The Mat-Su Borough has allocated money to various groups to travel to the Fish Board hearings in Soldotna. These groups have been successful in taking away a large portion of my income. This results in tax dollars being taken away from the local coffers.

Please support my efforts in maintaining my residence on the Kenai Peninsula and please help me in retaining my historical way of life and livelihood.

I am asking that you support the law suit that Joseph A. Malatesta Sr. described to you at your Borough Assembly meeting, any way that you can.

Thank you,

Marvin Druseth

Subject: [Fwd: Board of Fisheries Hearings on Dan Coffey]

Date: Mon, 03 May 1999 15:49:58 -0800

From: Representative Bill Hudson <Representative_Bill_Hudson@legis.state.ak.us>

Organization: Alaska State Legislature

To: Liz_Cabrera@legis.state.ak.us

Subject: Board of Fisheries Hearings on Dan Coffey

Date: Mon, 03 May 1999 10:42:19 -0800

From: susan cutler <scutler@sinbad.net>

To: Representative_Bill_Hudson@legis.state.ak.us

Dear Rep. Hudson,

I just learned that your **Fisheries Subcommittee** will be reviewing the reappointment of **Dan Coffey** to the Board of Fisheries this afternoon. We would like the following entered into the record:

As President of the **Alaska Sportfishing Association**, I would like to advise you and the other members of the committee that we have the upmost respect for Mr. Coffey. Although we didn't always agree with his decisions, he has made us somewhat comfortable by explaining on the record why he was voting the way he did. His high intellect, being a quick study, and his ability to get to the bottom line quickly has provided the Board with one of its best members in my memory. He's a champion of sustained yield management. He makes sure that subsistence has the management priority our constitution decries. He was the leader in the Board's new process which is to allow meeting attendees (the public) to volunteer to serve on committees which discuss and forward recommendations to the Board prior to their deliberations. The new approach enhances public participation in the Board process. His legal background has been beneficial to the Board as he has brought out many nuances that may have prevented the Board being sued and therefore saving the State a lot of legal fee expense.

The Alaska Sportfishing Association has endorsed Dan's reappointment and recommends an affirmative recommendation from the Fisheries Committee.

thank you

Phil Cutler, President
907-561-1461



TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

April 26, 1999

Mr. Bruce J. Gabrys
10229 Baffin Street
Eagle River, AK 99577

Dear Mr. Gabrys:

The appointment in which you have expressed an interest has been made. The deadline for making these appointments was March 31, 1999, the day we received your application. Each candidate had impressive professional and personal qualifications.

Governor Tony Knowles has reappointed Dan K. Coffey of Anchorage, Grant J. Miller of Sitka, and Virgil L. Umphenour of Fairbanks to public seats on the Board of Fisheries.

We appreciate your willingness to assist Governor Knowles by applying for service on the board. If there are other boards or commissions that you would like to be considered for, please notify my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cindy Smith".

Cindy Smith
Coordinator
Boards and Commissions

Bruce J. Gabrys
10229 Baffin Street
Eagle River, AK 99577
(907) 694-3874

May 3, 1999

Representative Bill Hudson
Chairman,
Special Committee on Fisheries
State Capitol, Room 108
Juneau, Alaska 99801-1182

Sent By: FAX (907) 465-2273

Re: Objection to Appointment of Dan K. Coffey to Board of Fisheries

Dear Representative Hudson,

I ask your support in rejecting the confirmation of Dan K. Coffey to the Board of Fisheries. The current Board of Fisheries is not a balanced, well-rounded board. The Board of Fisheries currently has three members, including Mr. Coffey, which reflect Cook Inlet sport fishing interest. I urge you to use this board seat vacancy to balance Cook Inlet influence by rejecting the confirmation of Mr. Coffey and urging the Governor to appoint a commercial harvester to the board. The Governor had received requests to serve on the board from myself and other qualified applicants from which he could select to balance the board.

I will be at the Anchorage LIO for the 5:00 p.m. hearing today and would like to speak on behalf of balancing the board. I can be contacted at the address listed above, by telephone at (907) 694-3874, by fax at (907) 694-3832, or by e-mail at: gabrys@alaska.net.

Sincerely,



Bruce J. Gabrys

Bruce J. Gabrys
10229 Baffin Street
Eagle River, AK 99577
(907) 694-3874

March 30, 1999

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

Sent By: FAX (907) 465-3532
and USPS

Re: Request for Appointment to the Board of Fisheries

Dear Governor Knowles,

I am requesting appointment to the Board of Fisheries. Adding my name to the list of applicants provides an option for you to balance the composition of the Board. I am a twenty year resident of Alaska, a small business owner in Eagle River, a sport fisherman, and a commercial fisherman with fifteen years of experience fishing Gulf of Alaska and Cook Inlet waters. I am confident that I have the broad range of experience and integrity required for serving on this very important board.

My background includes over twenty years of public service, fifteen of which has been in the Alaska National Guard. As a reference of my integrity, dedication and character, I offer one of your former commissioners, Jake Lestenkof. I had the privilege to work for Major General Lestenkof for the four years prior to his retirement.

I can be contacted at the address listed above, by telephone at (907) 694-3874, by fax at (907) 694-3832, or by e-mail at: gabrys@alaska.net. I am looking forward to serving on the Board of Fisheries. I am certain you will be pleased with my performance as your appointee.

Sincerely,


Bruce J. Gabrys

Commercial Fishing

Property Management

GABRYS & COMPANY
P.O. Box 771751
Eagle River, Alaska 99577

Bruce J. Gabrys

10229 Baffin St.
Eagle River, AK 99577

(907) 694-3874
FAX (907) 694-3832
E-Mail: gabrys@alaska.net
FAX (907) 694-3832

FAX TRANSMISSION

PELAGIC RESOURCES INC.

P.O. Box 3845
KODIAK, AK 99615
(907) 486-6933
FAX: (907) 486-6943

APR 19 1999

To: Representative Allen Austerman **Date:** April 18, 1999
Fax #: **Pages:** 1, including this cover sheet.
From: Jay E. Stinson 
Subject: Board of Fish Confirmation

COMMENTS:

Dear Allen,

I understand that the House Resources Committee will hold BOF confirmation hearing on April 21.

I can not emphasize enough that Virgil Umphenhour not be reappointed. The same applies to Dan Coffy, however I would think that he has enough political support to survive the hearing process.

Virgil is an unbalanced individual that is doing his damndest to destroy the commercial fishing industry in the Gulf of Alaska. He has proven himself to be ignorant of marine fisheries. He hides behind the curtain of conservation to allocate resources to his chosen cronies. He has shown himself to be rude, disrespectful, prejudiced and less than enlightened (an image of a spruce stump come to mind). Maybe its just a personal thing, but I find him to be contemptible.

Coffy is probably more dangerous to the commercial fisheries of Alaska, in that he is extremely bright and efficient at reforming the board process into a vehicle to support the interests of his constituency.

After watching both of these men in action recently, its my understanding that they really don't care about the concerns of the commercial fishing industry. It appears that their intend is to turn Alaska fisheries resources into the exclusive domain of the sport and western Alaska fishermen.

Grant Miller is the only commercial fisherman on the board. If he wants the job, he needs to remain seated.

Good Luck.



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries Committee

On BOF Confirmations, dated 4/26/99.

I would like to speak in support of reconfirming Mr. Dan Coffey, Virgil Umphinauer, and Grant Miller to the Alaska Board of Fisheries for another term.

As a sports and personal use fisher I cannot understand how the State of Alaska can take a natural resource like Salmon and guarantee one user group a set amount of fish year after year no matter what numbers are coming in on that year's run. The practice of guaranteeing one user group before another user group is unconstitutional. The State Board of Fish should remain as it is now - they understand more of the issues of all user groups than any Board I've seen work.

Signed:

Donna L. Riddle

Donna L. Riddle

Testifier

Representing (Optional)

1535 Angler Drive, Kenai, AK 99611

Address

Phone: (907) 283-5853 FAX: (907) 283-5813

Phone Number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries Committee

On BOF Confirmations, dated 4/26/99.

I would like to speak in support of reconfirming Mr. Dan Coffey, Virgil Umphrauer, and Grant Miller to the Alaska Board of Fisheries for another term. After attending most BOF meetings for the past 3 years and being involved in the sport fishing business in Alaska for 15 years, it is evident to me these three gentlemen are forward looking, well read, conservation-minded BOF members who should be reconfirmed.

It is time that state policy and state regulations be crafted to look toward conservation of our wonderful salmon populations rather than continue the management for maximum sustained yield for the salmon gill-netters of Cook Inlet. These 3 gentlemen see that we must look more at an optimal sustained yield concept. In other words, provide for greater escapement into our rivers and also greater escapement to the spawning grounds of sockeyes, Kings, and silvers. The general public, i.e., personal use fishers, subsistence fishers, and sport fishers have always taken the leftovers from the small minority (the commercial gill-netters) of Cook Inlet. Now, just because a person bought a limited entry permit from the State does not mean they should be guaranteed a living by the State. The State certainly does not guarantee that sportfishing guides/charter boat operators get a guaranteed income. Commercial fishermen pay \$60.00 per year to the State to fish while sport fishing guides (on the Kenai River) pay \$500.00 (for residents) and \$1,400.00 (for nonresidents) for the privilege of fishing and they still only get the leftover fish after drift gill-netters and set gill-netters.

Some of the new rulings by the BOF during the 1999 cycle give sport fishers/personal use fishers a more fair portion of this public asset (salmon), but sport fishing guides were restricted more than set and drift gill-netters. The bottom line is, sport fishers can live with these restrictions for the sake of the resource and gill-netters need to suck it up and do the same.

Signed:

Stephen S. Riddle

Stephen S. Riddle

Testifier

Sports Fishermen

Representing (Optional)

1535 Angler Drive, Kenai, AK 99611

Address

Phone: (907) 283-5853 FAX: (907) 283-5813

Phone Number



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name
committee on Bo. of Fisheries Conf., dated 4-26-99
bill # / subject

As Cook Inlet set netters since 1973, we highly oppose the confirmation of Mr. Coffey, Mr. Miller and Mr. Umphenour to the Board of Fisheries. They showed their total disregard for the health of the Kenai River by increasing the maximum salmon escapement to 1.2 million fish. Fish & Game records show an escapement of over 1.0 million fish per year decreases the amount of returning adults four to five years later, thereby eventually destroying the Kenai River for the future of our children, grandchildren and great-grandchildren.

Signed: Richard Musgrave
Testifier

Representing (Optional)

Box 3522 Kenai AK 99611

Address

907-263-7233

Phone number

SALAMATOF SEAFOODS, INC.
CONTRIBUTIONS TO LOCAL ECONOMY

	1996	1997	1998
DIRECT LABOR (INCL PR TAX)	177,825	205,265	197,334
INDIRECT LABOR (INCL PR TAX)	<u>382,354</u>	<u>344,421</u>	<u>308,105</u>
TOTAL PAYROLL EXPENSES	<u>560,179</u>	<u>549,686</u>	<u>505,439</u>
 FISH TAX (PROCESSOR)	 72,965	 62,346	 14,341
ASMI TAX (PROCESSOR)	7,297	6,235	1,434
AQUACULTURE TAX (FISHERMAN)	34,856	40,993	9,561
MARKETING TAX (FISHERMAN)	17,428	20,497	4,723
SALES TAX	3,150	3,543	3,831
PROPERTY TAX + MISC. TAXES AND PERMITS	<u>38,278</u>	<u>42,085</u>	<u>36,614</u>
 TOTAL TAXES	<u>173,974</u>	<u>175,698</u>	<u>70,504</u>
 UTILITIES (ELECTRIC, GAS, WASTE)	 <u>85,655</u>	 <u>89,852</u>	 <u>82,923</u>
 PROF FEES (ACCOUNTING AND LEGAL)	 <u>19,060</u>	 <u>29,416</u>	 <u>17,270</u>
 NO OF PERMITS FISHED - DRIFT	 29	 30	 29
REVENUE EARNED - DRIFT	<u>962,855</u>	<u>882,270</u>	<u>245,184</u>
AVERAGE PER DRIFT PERMIT	<u>33,202</u>	<u>29,409</u>	<u>8,455</u>
 NO OF PERMITS FISHED - SETNET	 29	 27	 26
REVENUE EARNED - SETNET	<u>907,023</u>	<u>904,760</u>	<u>205,564</u>
AVERAGE PER SETNET PERMIT	<u>31,277</u>	<u>33,510</u>	<u>7,906</u>

Friday, April 23, 1999

Rep. Alan Austerman
State Capitol
Juneau, Alaska 99801

Dear Rep. Austerman,

I would like to take this opportunity to comment on the confirmation of Virgil Umpenhower to the Alaska Board of Fisheries. Since Mr. Umpenhower was appointment to the BoF I have attended all BoF meetings relating to my area, Kodiak. I have attended these BoF meetings as the President of Northwest Setnetters Association, as a Board member of United Fishermen of Alaska and as a member of the Kodiak Salmon Working Group. Most recently I attended the BoF meetings in Anchorage dealing with State shellfish/groundfish proposals as a BoF appointed member of the Kodiak Non-Pelagic Trawl Committee. I feel I have had a great deal of time and interaction with Mr. Umpenhower on which to base my opinions regarding his qualifications.

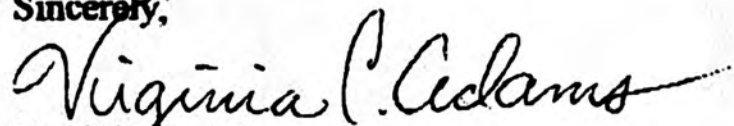
Mr. Umpenhower consistently shows an inability to keep an open mind when deciding complex issues, and in fact can be absolutely counted upon to bring his own strong opinions and preconceived ideas to important BoF deliberations and votes. I witnessed this recently in January at the BoF meetings in Kodiak. Mr. Umpenhower, making a point in the evening to several BoF attendees, took a bag of potato chips, dumped them on the floor, ground them with his foot and then commented; "That's what a King Crab looks like after a trawl runs over it!" This to me is not the kind of behavior I would expect out of a person holding such an important position as a BoF member does.

Mr. Umpenhower, has earned the reputation as a closed minded, opinionated Board member whose vote can be counted on any issue BEFORE the BoF even meets. Mr. Umpenhower is very forthright in his predisposition towards several commercial gear types such as non-pelagic trawl, as well as aquaculture associations in Alaska. This type of attitude is inexcusable in an individual who holds so much power in such an important industry to the State.

(2)

I feel the Legislature has an opportunity at this time to send the Governor a message that it is time to put some balance back on the Board of Fisheries. It is my sincere hope that Mr. Umpenhower will not be confirmed to the BoF and that his vacancy will give the Governor an opportunity to appoint an individual with commercial fish experience and knowledge. Alaska's fishing industry deserves a BoF that is unbiased, intelligent and knowledgeable of the intricacies involved in the crucial decisions they make, many coastal families lives depend on those qualities. Quite frankly, Mr. Umpenhower does not possess those qualities and his time on the BoF should end.

Sincerely,



Virginia C. Adams

Box 8905

Kodiak, AK. 99615

907-486-6834/486-8803-FAX

vadams@ptialaska.net

cc: Rep. Bill Hudson
Senator Jerry Mackie
Rep. Ethan Berkowitz
Senator Johnny Ellis

APR 23 3 55 PM 4:02 PM C. D. P. O. FAX NO. 5074245450 P. 1

Dear Sir:

I am writing concerning the confirmation hearings of Mr. Virgil Umphenour. In my opinion he should not be a member of the Board of Fisheries.

Mr. Umphenour's statements concerning PWSAC and Copper River fishermen have more than effectively demonstrated his unsuitability for the Board.

I have been a Copper River fisherman for 20 years and find his comments extremely offensive.

It is absurd to think Copper River fishermen want to "kill every fish", as Mr. Umphenour maintains. My family and I are dependent on a healthy run which means we have a direct interest in the future of the Copper River salmon returns.

Mr. Umphenour's demonstrated bias against PWSAC also concerns me. PWSAC restructured its debt in 1997. Payments are expected to start June, 1999 which is earlier than originally anticipated. According to Bud Perrine, CEO, Mr. Umphenour should be aware of this from meeting's he attended earlier this year.

Mr. Umphenour has stated to you, "I don't remember any executive sessions during the last Area E Board meetings". Since these meetings are a matter of public record, a tape of this occurrence should be listened to by every committee member. Not only would this be proof an executive session was called, it would also be another demonstration of Mr. Umphenour's unsuitability to be a Board member. I would also recommend that committee members read through the entire record of this meeting and see for themselves how consistently Mr. Umphenour demonstrates his bias concerning Copper River fishermen.

Mr. Umphenour's statements to you and his record from previous Board meetings should disqualify him from future consideration. If

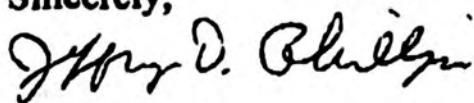
this was a court of law, Mr. Umphenour would not be able to hear a case concerning Copper River fishermen. We deserve no less from the Board of Fisheries.

In my experience testifying and observing Fish Board meetings I have seen many Board members leave their biases at the door and deliberate with open minds. Mr. Umphneour seems incapable of this. As a comercial fisherman, sports fisherman, and an Alaskan resident I deserve open-mindedness from my Board members.

Mr. Umphenour should not be retained as a Board of Fisheries member

Thank-you.

Sincerely,



Jeffrey D. Phillips
Box 1565
Cordova, AK. 99574
(907) 424-3174

To: Representative Bill Hudson, Chairman Fisheries Committee

Robert D. Schell
From: Robert D. Schell, Chairman, Board of Directors, Seafood Producers Co-op

Subject: Board of Fish Appointees

Date: April 23, 1999

Seafood Producers Cooperative endorses the reappointment of Grant Miller of Sitka to the board of fish. Our cooperative consists of 495 members who participate in hook and line fisheries, primarily the troll salmon fishery and the various long line fisheries of Alaska.

Grant is knowledgeable of these fisheries as well as the net and sport fisheries of Alaska. This knowledge combined with the demonstrated ability to listen to the various constituencies who use these resources makes him much too valuable a board member to be lost to the political vagrancy of the various factions involved in fishery allocations.

The board of fish is a tough assignment. I have participated in their meetings over the past decades and know only too well the animosities that can develop if decisions do not go the way some parties would prefer. The board of fish members should not be scapegoats for making the tough decisions.

Box 1367
Sitka, Alaska 99835
907-747-8541

April 24, 1999

Representative Bill Hudson
Chairman: Fisheries Committee
State Capitol Rm. 108
Juneau, Alaska 99801-1182

Dear Mr. Hudson,

I have been a commercial fisherman residing and fishing out of Kodiak for the past 33 years. During that time, I have been on the Board of Directors of the United Fisherman's Marketing Association for over 20 years and more recently I have been the Vice President of the Alaska Draggers Association for the last 4 years. My involvement in fisheries politics has up until now been on a local level.

At the January Board of Fisheries meeting held in Kodiak I testified as a stakeholder on Proposal #132: Ban Bottom Trawling in State Waters-Kodiak, and subsequently became a member of the groundfish committee. From there I was appointed by the BoF to serve on the Non-Pelagic Trawl Task Force which I did for 2 months before the March BoF meetings in Anchorage. I must say that the inclination of the BoF to close ALL State waters to non-pelagic trawling had me in disbelief. That this governing body was making decisions affecting so many people and would be so biased and unwilling to listen to both sides of the issue was shocking. In particular, Mr. Umphenower's manner of professional conduct could not have been LESS professional.

During the March BoF meeting in Anchorage, and more specifically the final deliberations by the BoF on Proposal #132, Mr. Umphenowers predisposed, biased and totally unprofessional conduct was rampant, as is demonstrated by the enclosed tape. The tape begins with Dr. White, Chairman of the BoF, asking Mr. Dave Jackson, Dept. of Fish & Game-Kodiak, about safety issues relating to proposed closed areas. Following, Mr. Umphenower launches his perspective.

You be the judge. Is this the kind of individual who will make intelligent, fair, unbiased decisions that will not only affect the livelihoods but also the

(2)

**lives of many coastal Alaskan fishermen and their families? I don't think so.
Do not confirm Mr. Umpenhower!**

Sincerely,

**Skip Bolton
Box 2852
Kodiak, Alaska 99615
907-486-4099/486-2030-FAX**

**cc: Rep. Alan Austerman
Senator Jerry Mackie**



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name
committee on Confirmations Bd of Fish, dated 4-26-99
bill # / subject

Anthony J. Cange

P.O. Box 29647, Anchorage, Alaska 99507 • Telephone (907) 343-6967 • Fax (907) 344-5909

April, 23 1999

To whom this may concern,

I am writing this letter today to express my concern for the conformation of Dan Coffey, Grant Miller, and Virgal Umphenour to the Board of Fisheries. I am a concerned vessel owner and Limited Entry Permit holder in the Cook Inlet. I am also A life long resident of Alaska. I can't express enough my strenuous objection to these individuals being confirmed to the board. Thank you for your time concerning this matter.

Respectively submitted,

A handwritten signature in cursive script, appearing to read "Anthony J. Cange".

Anthony J. Cange

Signed: _____

Testifier

Representing (Optional)

Address

Phone number

POM for Representative Hudson

From: Ms. Brenda Strother
PO Box 3517

Telephone: 283-4981

Kenai, AK 99611

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS
Message:

I DO NOT WANT COFFEY, MILLER OR UMPHENOUR REAPPOINTED. OUR FISHERIES HAVE BEEN GOING DOWNHILL. THE COMMERCIAL FISHERMEN HAVE BEEN STARVED OUT. THESE THREE FAVOR SPORT OVER COMMERCIAL FISHERIES. THERE IS PLENTY OF FISH FOR EVERYONE IF IT WAS MANAGED RIGHT. SO FAR, IT HAS NOT BEEN MANAGED RIGHT. EVERY YEAR THEY ARE WANTING MORE FISH UP THE KENAI RIVER, WHICH HAS NOT GOTTEN ANY LONGER, JUST A LITTLE WIDER DUE TO SPORT FISHERMEN'S HIGH-POWERED BOATS.

Entered in SOL on 4/23/99 POMID: 7172

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 3.

POM for Representative Hudson

From: Mr. Thomas Strother
PO Box 3517

Telephone: 283-4981

Kenai, AK 99611

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS

Message:

I DON'T WANT COFFEY, MILLER & UMPHENOUR REAPPOINTED BECAUSE THEIR TREATMENT OF COMMERCIAL FISHERMEN IS UNFAIR. THEY ARE MOSTLY IN FAVOR OF SPORT FISHERMEN. WHEN THE COMMERCIAL FLEET IS CONSIDERED, THE DRIFTERS ARE LOW MAN ON THE TOTEM POLE. BECAUSE OF THIS, OUR PERMITS HAVE DROPPED RAPIDLY IN VALUE & OUR ESCAPEMENTS HAVE BEEN POOR WITH LOW NUMBERS OF FISH FOR US TO HARVEST. WE'VE BEEN ON A DECLINE FOR THE PAST 10-15 YEARS. SOMETHING MUST CHANGE!

Entered in SOL on 4/23/99 POMID: 7176

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 2 out of 3.

POM for Representative Hudson

From: Mr. Mel Erickson
PO Box 1127

Telephone: 262-2980

Soldotna, AK 99669

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS

Message:

**WE SUPPORT THE RECONFIRMATION OF GRANT MILLER, VIRGIL UMPHENOUR AND
DAN COFFEY TO THE BOARD OF FISHERIES.**

Entered in SOL on 4/23/99 POMID: 7218

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 3 out of 3.

POM for Representative Hudson

From: Ms. Francine J Bennis
21407 Bowery Ln

Telephone: 688-7827

Chugiak, AK 99567

NON Constituent

Registered Voter: Y

**Subject: CONFIRMATION
Message:**

I STRONGLY SUPPORT THE CONFIRMAITON FOR THE REAPPOINTMENT OF VIRGIL UMPHENOUR. I FISHED COMMERCIALY FOR 16 YEARS AND AM FAMILIAR WITH A NUMBER OF FISHERY ISSUES AND I BELIEVE VIRGIL WORKS IN THE BEST INTEREST OF THE PEOPLE OF ALASKA. HE IS WILLING TO TAKE THE TIME TO STUDY ISSUES AND HAS DONE AN EXCELLENT JOB ON THE BOARD OF FISH.

Entered in ANC on 4/23/99 POMID: 7105

Distribution: 8

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 1.

Sylvia R. Lange
Box 135
Cordova, Alaska 99574

House Special Committee on Fisheries,
Mr. Bill Hudson, Chair

April 24, 1999

Dear Mr. Hudson,

I am a lifetime resident of Alaska. I was raised in Cordova by my parents, who like their parents before them, lived off the bounty of the area. I have been a subsistence and commercial fisherman dependent on the Copper River and Bering River for my entire life. My husband and I operate a fish processing facility which employs 100+ workers, and is wholly dependent on the PWS and Copper River and Bering River Districts. I write today, for the first time ever, because I am opposed to the re-appointment of Mr. Virgil Umphenour to the Board of Fisheries.

I have been involved as an advocate for my industry for the past 25 years. In all those years of interaction with the Board of Fisheries, I have come to respect the difficult job those individuals who serve on the Board face. The position often requires the problem solving of Solomon and the patience of Job. As a member of the general public, the most frustrating thing when coming forward to testify or participate in the Board of Fisheries process, is the obvious bias some members bring to the table. Conversely, it is a breath of fresh air when a member admits he is ill informed and brings to the hearings a willingness to learn, thereby making judgments based on the public process.

Mr. Umphenour has demonstrated repeatedly he comes to the table with a set agenda. Common decency dictates a certain demeanor of public officials in the course of their appointed business. While attending the Board of Fish meeting in Cordova, Mr. Umphenour behaved rudely to those of the public with differing opinions or facts which contradicted his prejudices. Other Board Members, at the conclusion of the meeting, congratulated the public participants on the congeniality and the hospitality of our community.

Mr. Umphenour has decided against all manner of facts, that the commercial salmon fishery of the Copper River Flats is run by individuals who have no regard for the resource. This is simply not true and the facts bear me out. The Copper River Flats has had a thriving commercial fishery and operating canneries on the Delta since 1898. Mr. Umphenour has accused the drift gillnetters of

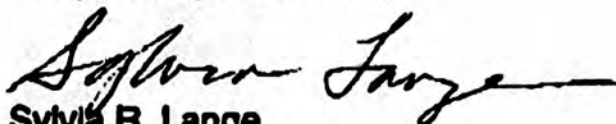
House Committee on Fisheries
4/24/99
P.2

"seining" king salmon in the shallows of the Copper River Delta inside the so-called "barrier islands". These barrier islands he keeps referring to are sand bars which in fact define the Copper River Flats from the Gulf of Alaska. Of course the fishermen oppose being shut out of this area--it is the traditional and customary fishing ground of the fishery, and has been for over 100 years! As for "seining" with drift gillnets in an area that has 10 knot tide influences, it defies imagination and reveals an ignorance of the area and fishery.

It is true that our fleet has become very efficient in recent years. It is also true that the quantum leap in efficiency happened about ten years ago with the advent of light, fast, shallow vessels, and improved net materials. The local managers of the Alaska Dept. of Fish & Game have been able to gauge and factor in this variable in the course of making their management decisions for many years now. As a result to their management of the resource, the Copper River Sockeye and King Salmon runs have remained strong, viable and experiencing record runs in 1997, '98, and '99.

I applaud our managers at ADF&G for their diligence and hard work. We owe our economic survival to the health of the Copper River. It is in our best interest to protect the resource while maintaining a good working relationship with members of the Board of Fish. We understand we will not always agree on allocation issues, but we must retain basic respect for the process and participants. Mr. Umphenour does not fit the bill.

Respectfully submitted,


Sylvia R. Lange

David R. Martin
71605 Sterling Hwy.
Clam Gulch, Ak. 99568
April 26, 1999

House Special Committee of Fisheries
Bill Hudson, Chair
Dear Committee members,

I have been involved in the Boards of Fish and Board of Game local Advisory Committee process for over 20 years. I have been the Chairman of the Central Peninsula Advisory Committee for the past seven years. I am a firm supporter of the local Advisory Committees which were formed to be a channel for the local public to voice their opinions, expertise on local fish and game issues, and their concerns on regulations effecting them, the resource and habitat to the Boards. This has been a good system. Unfortunately the current Board of Fish has neglected and actually fought in opposition to many Advisory Committees Statewide. Check the record for Advisory Committees, other local groups, businesses, governments and even the Fish and Game Departments position on various issues and you will find the BOF often does the exact opposite. This is all to true here in Cook Inlet. One example is Dan Coffey's Board generated, out of cycle, allocation Proposal D three years ago. All the Board members voted to take up this proposal. Not only did it undermine the Advisory Comm. and Board process, it created a burden on the Advisory Comm., the public and the Dept. because of three extra meetings and at a cost of over \$100,000. The end result was an apology from Mr. Coffey, after he fought hard all winter to try to push it through. Gentlemen, this action was not professional, it was not responsible to the Board and Advisory Committee process, and it was not a responsible use of State money.

The Advisory Committee process has really deteriorated in the last three years because of the dictatorship approach the current Board has taken. Several good people and Chairmen have resigned. I hear many volunteer AC members state there frustration and say "what is the use wasting our time and money. The Board already has there minds made up and are going to do what they want to do anyway. There is nothing we can do to stop them. It doesn't even matter what the biology and science says. The Board still does its own thing." These are sad comments about Board of Fish members that are suppose to be creditable stewards of the resource and habitat and be responsible members working with the public not dictating to them.

Gentlemen, it is time for new blood on the Board of Fish. Please do not confirm Dan Coffey, Virgil Umpenhour, or Grant Miller for reappointment. I am alarmed, and you should be too, that this current Board is making regulations that are not based on sound biological and scientific data but ever more so on antidotal information from special interest groups. Habitat, Maximum Sustained Yield management (a Constitution mandate) the people's and the State's economic futures are not being protected. Managing fisheries socially, instead of biologically, has always destroyed salmon runs worldwide. It will happen in Alaska too if we let it. We must protect our great fish resource and the people that depend on it. Thank you for your time and effort

Sincerely,





Alaska State Legislature

Please enter into the record my testimony to the HOUSE SPECIAL
COMMITTEE ON FISHERIES committee name
BOARD OF FISHERIES
committee on CONFIRMATION HEARING , dated APRIL 26, 1999
bill/subject

I WILL BE UNABLE TO ATTEND
TODAYS HEARING.

PLEASE INCLUDE MY LETTER
ATTACHED AS MY TESTIMONY.

THANK YOU .

Signed:

M. J. Stockwell
Testifier

SELF
Representing (Optional)

P.O. BOX 721, EMER LANDING AK 99572
Address

595-1540
Phone No.

DATE: April 25, 1999

TO: House Special Committee on Fisheries.
Representatives Hudson, Dyson, Harris, Morgan, Whitaker,
Kapsner, and Smalley

FROM: Bill Stockwell
P.O. Box 721
Cooper Landing, AK 99572-0721
Phone & Fax 595-1540

SUBJECT: April 26, 1999 Board of Fisheries Confirmation Hearing

Dear Chairman Hudson and Committee Members,

I STRONGLY SUPPORT THE REAPPOINTMENT AND CONFIRMATION OF DAN COFFEY, GRANT MILLER AND VIRGIL UMPHENOUR TO THE BOARD OF FISHERIES.

As a member of a local advisory committee and a member of the public, I have testified before these Board members and served in the committee process several times recently. While we may not always agree, I feel their positions on issues have been well thought out and in the best interests of Alaska's resources and people. At no time is it possible to satisfy ALL special interests, including mine.

I ask you also to please disregard Kenai Peninsula Borough Resolution 99-034 strongly opposing the confirmation of the three current members. I am appalled and embarrassed that my local government, the Kenai Peninsula Borough Assembly, would blatantly advocate and lobby for a special segment of our local economy to the detriment of other viable and vital parts of our local business sector, let alone the damage this type of thinking does to the public's uses of our common resources.

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. These board members have worked hard to insure that these needs are met. Please support the confirmation of the reappointments of these current members.

Sincerely,



Bill Stockwell

ALASKA CRAB COALITION

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

hiz Cabrera
E.Y.I. #015
Cabri

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 Umphenoong 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



2550 Denali Street, Suite 1201
Anchorage, Alaska 99503-2737
(907) 276-2007 Fax (907) 279-7913

March 17, 1999

Edward E. Crane
President

The Honorable Tony Knowles
Governor, State of Alaska
Post Office Box 110001
Juneau, Alaska 99801-0001

Dear Governor Knowles,

We understand that Mr. Frank Homan has requested your favorable consideration for appointment to the Alaska Board of Fisheries. This is to express our strong support of that request.

Frank has been known to this institution since its establishment; he was the first Chairman of its Board of Directors. I have personally known Frank since I became CFAB's CEO in 1985. During that period I have sought information, counsel, and guidance from Frank many times.

Frank has an established and unblemished record of integrity, thoughtful analysis, considered judgement, and commitment to duty. His participation on the Board of Fisheries would undoubtedly temper the air of partisanship which has been imposed upon, and sometimes exhibited by, that Board in recent years. Your appointment of Frank Homan will be an incremental but meaningful step toward raising the Board's dialogue to the levels embodied in the language of its governing statute, and will reflect most favorably on the Knowles Administration. I cannot imagine any other candidate who might more clearly personify the standards implied by those who advocate a "professional" Board - Frank Homan has demonstrated that he can, and will, bring a professional approach to any challenge before him!

Very truly yours,

Edward E. Crane
President

Alaska Commercial Fishing and Agriculture Bank



P.O. Box 1649

Cordova, Alaska 99574-1649

907-424-3115

Fax: 907-424-3116

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

APR 21 1999

April 17, 1999

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

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:\MyFiles\msd\CRSPA\Letters&Faxes\Legisl\041799.wpd

Independent Fisherman Speaking with a United Voice



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 20, 1999

Representative Hal Smalley
House Fisheries Committee
State Capitol, Room 438
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 bona-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,



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

ST/ch

cc: Alaska State Legislature



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 Bill Hudson, Chair
House Fisheries Committee
State Capitol, Room 108
Juneau, AK 99801-1182

Subject: Board of Fisheries Confirmation

Dear Representative Hudson,

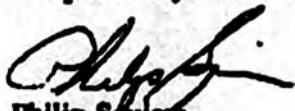
In a follow-up to our letter dated April 20, 1999, we would like to clarify the United Cook Inlet Drift Association's position. We recommend that the Legislature withhold the reconfirmation of Dan Coffey, Grant Miller & Virgil Umphenour to the Board of Fisheries.

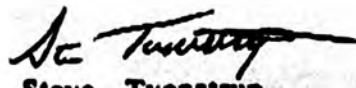
UCIDA appreciates the hard working commitment required to serve on the Board of Fisheries and appreciates the willingness of all three appointees to serve another term. It has been our position, however, that the current Board is geographically and experientially unbalanced and does not serve the best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



UNITED FISHERMEN OF ALASKA

April 22, 1999

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

Representative Bill Hudson
Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Representative Hudson,

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 Driftnetters Association • Concerned Area "M" Fishermen
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Kenai 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 • Purse Seine Vessel Owners Association • Sealood Producers Cooperative
Southern Alaska Seiners Association • Southern Southeast Regional Aquaculture Association • United Cook Inlet Drift 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).

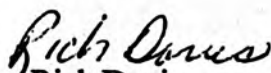
Because of the social and economic significance of commercial fisheries, we feel it is only fair that there be at least one more experienced commercial fisheries member.

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



Southeast Prince William Sound Kodiak South Peninsula Chignik
P.O. Box 1669 Cordova, Alaska 99574
(907) 424-3767 phone (907) 442-3867 fax

April 22, 1999

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, Alaska 99801

Dear Representative Hudson;

United Salmon Association strongly opposes the re-appointment of Virgil Umphenour to the Board of Fisheries. We feel a member of the board must be able to make unbiased decisions regarding issues that affect us, the second largest income-producing industry in the state of Alaska. The decisions made by the Board of Fisheries have a large affect on our daily lives and livelihoods as small independent fishing families.

We believe you have an opportunity to correct the present imbalance on the Board, and that the Board of Fisheries would benefit from such a change in membership.

Sincerely;

A handwritten signature in cursive script that reads "Herb Jensen".

Herb Jensen
Chairman Prince William Sound

cc: Senator Georgiana Lincoln
Representative John Harris

Introduced by: Scalzi, Brown, Drathman
Date: 04/20/99
Action: Adopted as Amended
Vote: 7 Yes, 1 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 99-034
(Popp Substitute)**

**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 economics 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 the Kenai Peninsula Borough, Cook Inlet commercial fishing families and businesses to deny confirmation of all current members reappointed to the Alaska Board of Fisheries;

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

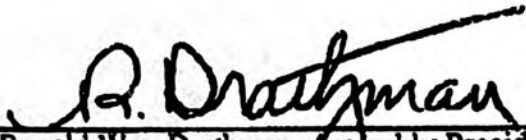
SECTION 1. That the Kenai Peninsula Borough supports the wishes of the Cook Inlet commercial fishing families and businesses and strongly opposes the confirmation of the three current members reappointed to the Alaska Board of Fisheries, who are Dan K. Coffey, Virgil L. Umphenour and Grant Miller.

SECTION 2. The Kenai Peninsula Borough takes the position that two commercial fishermen 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.

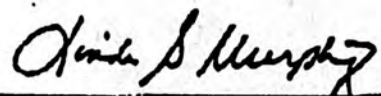
SECTION 3. That copies of this resolution shall be forwarded to Governor Knowles, the Alaska Legislature, Alaska Board of Fisheries, Commissioner of Fish and Game, and Commissioner of the Department of Natural Resources.

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



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 25, 1999

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182

SENT BY FACSIMILE TO (907) 465-2273

Dear Members,

Cordova District Fishermen United (CDFU) would like voice its opposition to the confirmation of Virgil Umphenour to the Alaska Board of Fisheries.

CDFU is an organization comprised of Prince William Sound and Copper River fishing families dependent upon commercial fisheries. Board of Fisheries proceedings are by far the most critical issue currently facing the small independent fishing families who constitute Alaska's largest private sector employer and second largest income-producing industry. The Board of Fisheries' actions and decisions affect our daily lives, and have an enormous impact on our abilities to sustain both our resources and our livelihoods.

As we have discussed the many issues that surround the Board of Fisheries and its functions, one of the greatest concerns to emerge is the composition of the Board, an issue that you have the opportunity to address through your confirmation process.

We are strongly opposed to the re-appointment of Virgil Umphenour to the Board. We believe that Mr. Umphenour's demonstrated prejudices and unwillingness to critically examine the facts should preclude him from further service on the Board. The issues facing our industry are diverse. They demand the kind of knowledge, skills and abilities that come from a broader scope of experience than which currently exists on the Board. We believe that the appointment of someone other than Mr. Umphenour could provide for improved balance and performance.

At the confirmation hearings in House Resources on Wednesday, April 21, 1999, Mr. Umphenour exemplified the bias and inaccurate assumptions that so often accompany his participation in this process. Contrary to Mr. Umphenour's assertions that Copper River fishermen "don't like responsible fish management" while "they kill 97-100% of king salmon when present" by the way they are "seining the king salmon out," a simple

check of ADF&G data will quickly prove that subsistence, personal use and commercial fishermen have enjoyed historic high king salmon harvests on the Copper River in recent years. These certainly have not occurred because Copper River fishermen "like to be able to kill every last fish" and "catch all they can at the mouth of the river." It is irresponsible, insulting and untrue statements such as these that impair Mr. Umphenour's ability to serve in a functional and credible fashion on the Alaska Board of Fisheries.

CDFU is certain that after thoughtful examination of the concerns 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

Sue Aspelund
Executive Director

cc: Senator Georgiana Lincoln
Representative John Harris
Representative Ethane Berkowitz
Representative Joe Green
Representative Gail Phillips
Senator Johnny Ellis
Senator Jerry Mackie
UFA
CRSPA
USA - PWS



Alaska State Legislature

Please enter into the record my testimony to the FISHERIES
committee name

committee on B.O.F. CONFIRMATIONS, dated 4/26/99
bill # / subject

MY NAME IS REUBEN HANKE. I OWN AND OPERATE A GUIDE BUSINESS ON THE KENAI RIVER. I AM ~~REPRESENTED~~ HERE TODAY IN SUPPORT FOR RECONFIRMATION OF ALL THREE BOARD MEMBERS. I FEEL THAT THIS BOARD IS THE BEST TEAM THAT WE HAVE HAD. I HAVE ATTENDED B.O.F. MEETINGS FOR THE PAST 10 YEARS AND ATTENDED NEARLY ALL OF THE MEETINGS THIS YEAR AND HAVE FOUND THIS BOARD TO BE EXTREMELY FAIR, UNBIASED AND APPROACHABLE. THESE ARE THINGS THAT HAVE NOT BEEN THERE IN THE PAST. ONCE AGAIN I WOULD LIKE TO VOICE MY SUPPORT FOR MR. VIRGIL UMPHREY, MR. GRANT MILLER AND MR. DAN COFFEE.

THANK YOU

Signed:

Reuben A. Hanke

Testifier

SELF

Representing (Optional)

P.O. Box 624 KENAI, AK 99611

Address

262-5097

Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on BoF Appointments, dated 4/26-99
bill # / subject

I as a Commerical fisherman, say's you have to go!! Because your statement is for getting fish up the river for sport fisherman. You should be just said it. Believe me fish up the river for sustance Growth is the only reason your here.

The river is a Santuary it's a mother's birth Canal it is for fish. all sport fishing should be done out side the river,

The lake or mouth of the (inlet) river only. fly fishing maybe. as I said be fore. you are here for the sport only. listen to you Lack of data lack of data. get real I don't want you here Your a drain on our funds please step down

Signed:

L. Carmon

Testifier

Representing (Optional)

Rt 1 Box 1314-7 Kenai AK 99611

Address

907-776-8862

Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on BOF APPOINTMENTS, dated 4-26
bill # / subject

I Support the ReAPPOINTMENTS of
Grant Miller, Virgil Umphreys, and
Dan Coffee TO THE BOARD OF Fish.
They have the Conservation of the
Fishery Resource as there #1 GOAL
and Support Sustainable Fisheries.

Signed:

Mel E Rickson

Testifier

Deep Creek Charter Boat ASSOC.

Representing (Optional)

P.O. Box 1127

SOLDOTNA 99619

Address

262-2980

Phone number



Alaska State Legislature

Please enter into the record my testimony to the HFS4
committee name
committee on BOF, dated 4-26-99
bill # / subject

For the record I am in favor for reappointment
of Dan Coffey, Vergil Up. and Ernest Miller.
I think it would be an injustice not
to let this board finish the work they
have started. I've been to every BOF
meeting for the last 5 yrs. and I'm very
satisfied with the work they have done.

Signed:

Testifier

Representing (Optional)

198 Hillcrest Ave, Seldovia, AK

Address

907-262-9439

Phone number



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name

committee on BD of fisheries, dated 4-26-99
bill # / subject

I disagree with certain
stands taken by the AK
Board of fisheries and
don't want to see Dan. K.

Coffey, Virgil L Umphenour
and Grant Miller — ~~added~~

Please: Deny confirmation to these
current members —

Signed:

Conie M. Davis

Testifier

Representing (Optional)

Box 2837 Soldotna, AK
Address 99669

907-283-7569
Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

Re-
committee on B.O.F. Appointment, dated 4/26/99
bill # / subject

My name is Donna Schouweiler, I have fished in Cook Inlet commercial Fisheries for 38 years. I now run my commercial fishing boat along with my 3 daughters. And, if this Board of Fish continues to ~~make~~ ^{make} their decisions without any Biological Basis, my daughters and I have ~~no~~ ^{no} hope for a lively hood. I was shocked at the lack of consideration concerning my lively hood that the Fish Board showed during the Soldotna meeting last month. I can't believe Governor Knowl's is even considering re-appointing Dan Coffee - Grant Miller and Virgil Umphenour. I strongly believe that there should be a least 2 commercial Fishermen (salt water) from the Cook Inlet Area. Their ~~decisions~~ decisions were not made on any Biological Basis or even common sense.

Signed:

Testifier

Representing (Optional)

Address

Phone number

Donna Schouweiler
Myself and my lively hood
38150 Panoramic Dr Soldotna AK 99669
907-262-8462



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name

committee on Brd of Fisheries, dated 4/26/99
bill # / subject

I feel it is in the best interest to deny confirmation of Alan Coffee, Virgil Umphenour and Grant Miller to the Board of Fisheries. They have served their time. Their political management of the fisheries will cause damage to the Kenai Rivers habitat areas. Let's have someone locally familiar with the Kenai River. My family has been dependent on the Kenai fishery for 3 generations. Legislation passed by the board of fish has caused lost income, jobs and support industries, and processors.

Signed:

Russell L. Delman

Testifier

(self)

Representing (Optional)

P.O. Box 469 Kenai, AK 99611

Address

907-283-9512

Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on B.O.F. Appointment, dated 4-30-99
bill # / subject

I am opposed to the reappointment of Mr Dan Coffey
Virgil Umphenour and Grant Miller to the AK Board of Fish.
Dan Coffey's ideas do not coincide with the nature of the
Salmon runs of Cook Inlet. Such as wanting more fish
to the Northern District for Northern Settlers in my
mind is disguised as a design for growth in the
guiding business in the Mat-Su Boro district, totally
BIASED. Grant Miller lives in Sitka NO real knowledge
of Cook Inlet stocks of Salmon, Sitka yes. Cook Inlet
is not of that as Yukon delta. We need someone
who is knowledgeable of Cook Inlet there are plenty
of people whom are qualified to put together a
program that might work. Also you cannot blame
the disappearance of Beluga Whites on commercial
fishing —

Signed:

Testifier

Representing (Optional)

Address

Phone number

PS I have
given the
best years of
my life towards
fishing in Cook
Inlet

Myself & my lively head & the Kenai River

PO Box 903 Kenai AK 99611

283-7046



Alaska State Legislature

Please enter into the record my testimony to the HFS+I

committee name

committee on Board of Fisheries Reappointment, dated 4/26/99
bill # / subject

I am apposed to the reappointment of all 3 board of fisheries board members. When the upper the escapement levels on the Kenai River, they were not taking for the Kenai. Too much escapement will starve out all fish & destroy spawning beds. Plankton are what feed salmon feed on. Plankton can be measured & it can be determined how many fish can be fed. This is pushing the feeding limits. For example if I have enough food to feed six people for dinner I could actually maybe feed up to twenty people but if I try & feed a hundred people everyone will be hungry and if I tried to feed that same size meal to a hundred every night they would all starve to death over time. This is what will happen with these over escapement levels. Please don't reappoint these people they are not using their heads.

Signed: Dawn Musgrave

Testifier

Representing (Optional)

Address

Phone number

AK 99530 Sel, AK 99562

907-262-6648



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name

committee on Board of Fisheries, dated 4-26-99
bill # / subject

I urge you to not re-appoint Dan Coffey, Virgil Uptham & Grant Miller to the B. of F. They are biased, in favor of sports fishing; I feel that we do not get a fair representation concerning the ecological damage that is being done to the Kenai River, and they seem blinded to this problem. Their only answer is to put more fish in the Kenai River, no matter what the consequences! All groups should be equal; if one ^{group} is shut down from fishing due to low escapement goals, all should be shut down! Thank you for your time.

Signed: Wendy Howard

Testifier

Myself
Representing (Optional)

P.O. Box 1693, Kenai, AK 99661
Address

283-9492
Phone number



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries Committee
Board of Fisheries committee name

committee on Re-Appointment of Three B.F. Members, dated 1-26-98
 bill # / subject

I come before this committee today to express my discontent with the current make up of the B.O.F. Of the three members up for re-appointment, two members, who have served for at least a complete term still do not know how to present motions in any institutable regulatory language, therefore they are incompetent to serve the people of Alaska. The third member has a pre-disposed agenda and therefore is not open to any other concepts than his own. There is no compromise in his position. Does this serve the ~~the~~ people of Alaska? The current make-up of the B.O.F. ignore the impacts of these decisions that effect the local long term residents of the Kenai Peninsula, ~~Kenai~~ These board members fail to use biological data, that changes an abundant economy to one that is meager and has limited growth. A profile of the Commercial Fishing Industry (Kenai Peninsula Borough) states that 92% of the residents and participants of the Commercial fishing are Alaskan natives, and the B.O.F. states that they review the history before making impacting regulation, but they do not consider impact to all the small communities and the impact by all of commercial fishing in these communities.

"OVER"

Signed: _____

Testifier

Representing (Optional)

P.O. Box 1422

Kenai, AK 99641

Address

302-1771

Phone number

These small communities are the backbone of rural economies of AK and in the Kenai Borough they are seriously overlooked by the BOF. The 1998 Soldotna board of fish dismantled the 1978 Cook Inlet Management plan but stated that they implemented like considerations in there new step-down plan. In reviewing the BOF consideration in writing the ^{original} plan, # 2. "The commercial fishing industry in Cook Inlet is a valuable long-term asset of the state and must be protected..."; # 3. "as recreational demands increase the recreational user must be aware of what stocks will be managed primarily for commercial harvest in order that he not become overly dependant on these fish for recreational purposes...". These ~~considerations~~ considerations are nowhere written in these new step-down plans. Forgotten? Or purposely negated!! This board does not have equal representation and has never had an advocate of commercial SET-NET fishing statewide or even in Cook Inlet yet it is the dominant limited entry permit holder. At present there is no represented commercially knowledgeable BOF member who understands or has any ~~history~~ history in Cook Inlet. Yet there are three members that represent lesser users of the total resource. It is no wonder that recent regulations adopted on the major traditional user restricts the user to a lesser non-viable category. ~~The~~ ^{These} ~~board~~ ^{board's} ~~prejudice~~ ^{prejudice} ~~contempt~~ ^{contempt} ~~bias~~ ^{bias}, ~~disparaging~~ ^{disparaging} uninformed, arrogant ^{and} ~~are~~ ^{are} all terms that I could use in describing the current Board re-appointees. Please, out of fairness and decency, Do Not Re-Confirm Dan Coffey, Grant Miller and Virgil Umpenhauer.

From a 100 yr family resident
of the Kenai Peninsula.

Date April 26, 1999

TO: House Special Committee of Fisheries
Representatives Hudson, Dyson, Harris, Morgan, Whitaker, Kapsner,
And Smalley

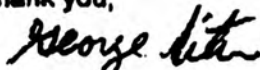
From: George R. Siter, Jr.
14865 Sterling Highway
Cooper Landing, AK 99572-9796
Phone: 595-1288
Fax: 595-1681

Dear Chairman Hudson:

I would like to inform you and your committee that I strongly support the reappointment of Dan Coffey, Virgil Umphenour and Grant Miller to the Board of Fisheries.

I am a member of the Cooper Landing Fish and Game Advisory Committee. Neither I nor anyone on our committee, to my knowledge, was surveyed for our opinion on the reappointment of the aforementioned men. The Kenai Peninsula Borough Assembly is completely out of touch with the people in the community, especially Cooper Landing. They haven't figured it out yet that "It's the economy, Stupid". The Board has been doing a fine job as have the men mentioned above.

Thank you,


George Siter

April 26, 1999

State of Alaska
House of Representatives
House Fisheries Committee
Rep. Bill Hudson, Chair

Re: Board of Fisheries--Confirmation hearings

Members of the Committee:

I strongly disagree with Virgil Umphenhour's reappointment to the Board of Fisheries, based on the following concerns. The responsibility of being a Board member, requires that each member informs themselves with all related facts concerning each user group in all areas of the state. After all facts are presented, each board member is supposed to make an unbiased, and informed vote. Each member should vote on facts not hearsay. Mr. Umphenhour has proven by his comments during his term on the board, that he clearly has a bias towards commercial fishermen and hatcheries, not only in Prince William Sound, but statewide. Statements he has made include:

"The Copper river fishermen use their gillnets as beach seines." This statement is false, we fish drift gillnets, meaning we lay them out in a straight line, then drift with the current. The current in the Copper river delta runs anywhere from one to fifteen miles per hour.

He quoted that the Copper river is "ten feet deep" and that we "fishermen like to kill every last fish". These are also false statements. Commercial fishermen on the Copper river, fish waters anywhere from 3 to 300 feet deep. Channels inside the barrier islands (our historic fishing grounds) can be anywhere from 80 to 100 feet deep, it is a delta, to say its all "ten feet deep" is an uninformed statement. If we are stopping all the fish, how can it be that in the last three years, we have had record breaking king and red salmon runs on the Copper river? King salmon return as 3, 4, and 5 year fish. This means that in 93, 94, and 95, the return escapement was large enough to produce record runs in 96, 97, and 98.

Umphenhour states that commercial fishermen have no respect for the resource. The fishermen of Cordova, along with Fish and Game have made, 5, 10, and 15 year plans to build a sustainable resource on the upper Copper river. In the last 10 years, the Copper river fishery has been the bright spot in the states management of fisheries. The king and red catches have been on the increase. The escapement has not only met, but exceeded the Department's goals 7 out of the last 10 years.

Any informed person should be praising the Alaska Department of Fish and Games ability to

page 1
R.H.

manage the resource. Instead, Mr. Uphenhour keeps on making damaging and false statements to both board members and the public. This should not continue. After his years on the Board of Fisheries, Mr. Umphenhour should have a better understanding on fisheries within the State of Alaska. Instead he makes false statements which have a lasting effect on both the board and the public's opinion on commercial fishermen in general. **I strongly urge the committee to not reappoint Mr. Umphenhour to the Board of Fisheries, because of his biased and unknowledgeable opinions!**

I have fished the Copper river since 1972 and thank you for the opportunity to have my views heard on this matter.

Sincerely,

Kory Blake
P.O. Box 1706
Palmer, AK 99645

Phone: 376-8325

APR 26 1999

April 26, 1999

State of Alaska
House of Representatives
House Fisheries Committee
Rep. Bill Hudson, Chair

Re: Board of Fisheries Confirmation Hearing

Members of the House Fisheries Committee:

After submitting a letter to the House Resource Committee last week, I feel it is of the utmost importance to object to the confirmation of Virgil Umphenhour for another term on the board. Apparently, my letter of truth, set him off and showed his true colors. My letter was as follows:

"I would like to oppose the confirmation of Virgil Umphenhour 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 towards his handling of matters concerning the Prince William Sound Aquaculture Corporation, (PWSAC) and/or matters relating to the Copper river fishery.

During his tantrum he stated that 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 a 60 mile wide delta, with many entrances. Mr. Umphenhour'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 judgement, the state should consider looking elsewhere. I am a resident of District 27, and rely solely on commercial fishing for my livelihood."

Mr. Umphenhour, denied this event occurring in 1996, and further explained his bias to the Committee. I now have record that the board did indeed go into Executive Session. He went on to refer to we Copper River gillnetters as a bunch of people who don't care about the resource. I've fished the Copper river for 31 years, and am an original permit holder. My father fished there for 40 years, and taught me the trade with my own boat when I was 11 years old. I've personally witnessed the fine management of the Alaska Department of Fish and Game. Committee members, I ask you to think about this: Who would care more about the fishery and its well being, than one who depends on feeding a family, a commercial fisherman. We

Page 2 of 3

commercial fishermen have escapement levels to achieve before we go fishing, its always been under strict guidelines and that is just as it should be. The Copper river commercial fishery is over 100 years old and only recently have the upriver reaches become accessible to many users. I don't think its proper to have a biased and unknowledgeable person, making decisions on how the resource should be protected. Mr. Umphenhour is purely allocative and while trying to sound scientific, he forgets, this arena is to be left to properly trained biologists. This man makes accusations towards my user group and makes false claims about genetic diversity on king salmon stocks. I would like to see his credentials to make such statements. These statements have been made to the board as well as the public, damaging our credibility and reputation. One story I didn't relate in my previous letter was when myself and three or four other fishermen were outside of the 1996 meeting in Cordova, with Mr. Umphenhour. He looked out at the massive flock of seagulls in front of us and said: "they used to be thick like that up in Fairbanks, but I think I ended up shootin' them all, now you hardly see 'em." It is the truth I speak, and I have other witnesses to attest to his statements. Conservation does not seem to be his strong point! You'll have to forgive me if I don't put my trust in a man who has such disregard for protected wildlife.

Members of the Committee, please stop and think about the of lack of fairness we are facing while trying to protect our livelihood and our resource. Also please remember, no one cares more about the health of the fishery, than one who stakes their very life on it, the commercial fisherman. **It is wrong for political appointees to think of themselves as biologists. Mr. Umphenhour must be removed from this position, he is very inappropriate.** I am enclosing a transcript of Mr. Umphenhour's comments to House Resources after they read my letter to him.

Thank you for the chance to comment,

Bob Martinson
900 Iroquois Drive
Wasilla, AK 9965

Enclosure

page 3 of 3
Martinson

Virgil Umphenour's response to Ramona Barnes' questioning re: Bob Martinson's letter to the House Resources Committee's Alaska Board of Fisheries Confirmation Hearing on Wednesday, April 21, 1999

On PWSAC:

"People in PWSAC don't like me and there is a good reason for it. PWSAC owes the State of Alaska 28 million dollars currently. The Department of Investment has extended their loan with no interest. Their not paying any interest on it. PWSAC, I don't feel, has operated in a responsible manner to production of chum and pink salmon. As high as 97% of the harvest in 1996 of chum salmon harvested in Prince William Sound was hatchery-produced. I feel it is irresponsible to mass produce salmon from hatcheries to the detriment of the wild stocks. The Board is mandated by the Constitution of the State and the Legislature to manage salmon resources in such a manner that the wild stocks take priority over enhanced or hatchery-produced stocks. That's why the people from PWSAC do not care for me because I think they have been producing too many chum salmon and pink salmon, and they have put the wild stocks in Prince William Sound at risk because of that."

On the Cordova 1996 BOF meeting and the Copper River:

"To the best of my memory the Board did not enter into Executive Session in the meeting of December 1996 which was conducted in Cordova. So I don't know what they are talking about as far as the Board going into Executive Session. I do know that some of the driftnet fishermen fish inside the barrier islands of the Copper River and the water is 10 feet deep and using drift gillnets that are 29 feet deep. And using them in a manner, in the manner that you would use a beach seine. And they are seining the king salmon out. They're causing a problem with genetic diversity."

Subject: [Fwd: BOF confirmation]

Date: Thu, 22 Apr 1999 11:44:43 -0800

From: Representative Bill Hudson <Representative_Bill_Hudson@legis.state.ak.us>

Organization: Alaska State Legislature

To: Liz_Cabrera@legis.state.ak.us

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

Subject: [Fwd: BOF process and appointees]

Date: Mon, 29 Mar 1999 12:17:51 -0900

From: Representative Bill Hudson <Representative_Bill_Hudson@legis.state.ak.us>

Organization: Alaska State Legislature

To: Liz_Cabrera@legis.state.ak.us

Subject: BOF process and appointees

Date: Wed, 24 Mar 1999 10:14:50 -0900

From: Debbie & Curt Shuey <shuey@concentric.net>

To: Representative_Bill_Hudson@legis.state.ak.us

Representative Hudson:

Yesterday I sent the following message to Governor Knowles. Please consider the following thoughts, and consult with the Governor and other Legislators on finding people who will work to diffuse the contentious nature so prevalent in current discussions. Thank you for your service.

Curt Shuey
907-283-6650

Governor Knowles:

I spent 2+ weeks attending the Upper Cook Inlet Board of Fish meeting in Soldotna in February. I do not wish to address the end result of these deliberations, but rather the process by which these results are achieved, and the part played by the various board members. The animosity and contention at that meeting were palpable, as they have been in the past. Some seem to believe that this is an unavoidable situation when "competing" user groups are involved, and that the only alternative to winning in this scenario is to lose. This creates the desperate "do or die" mindset that leads to such inflexible positions seen at the BOF meetings. It rips the unity from our small communities around Cook Inlet. I feel that we are all responsible for this state of affairs.

I am a commercial setnetter (currently serving on the Kenai Peninsula Fishermen's Association board) and sport fisherman in Cook Inlet, and have lived here for the past 20 years. I am chairing a newly created Outreach committee at KPFA, the mission of which is to develop a working relationship with open-minded individuals representative of other user groups in order to collaborate on areas of common interest and work towards resolving areas of disagreement. Many are cynical about these efforts, believing them to be naïve and subject to manipulation by the politically well-connected.

Unfortunately, this cynicism is sometimes borne out by the actions of the Board of Fish and/or its individual members. We in the user groups often approach our differences like school children on a playground, complete with gangs and bullies. The BOF members are our playground monitors. To the extent that they enter into collusion with special interests or act as advocates for a particular group or individual, they fail in their role as public servants, and confound the efforts of the peacemakers in the community. You, as governor, contribute to this problem if you appoint BOF members because of, or in spite of these

biases.

I understand that three BOF member's terms are expiring this year, and that all have expressed interest in reappointment. Please consider this carefully. I feel that the essential traits required in a person serving in this capacity are:

1. an open mind (unbiased)
2. strength of character (not susceptible to being lead by

other,

controlling, appointees)

3. a consensus-building nature (not win/lose)

4. a quick study (able to come up to speed on myriad unfamiliar issues quickly)

5. a basic understanding of biological systems

Experience in fisheries and regional balance are also considerations, but, in the absence some of the aforementioned traits, often lead to the advocacy roles which are so damaging to positive decision making.

Dan Coffey is very skilled at the BOF process as it is currently practiced. His bias is in question, although at the Soldotna meeting he appeared to act fairly. There is a danger in his manipulation of the present BOF process, as well as its members, over whom he has a large degree of control. Grant Miller is overly willing to follow Mr. Coffey's lead, rather than thinking independently. Virgil Umphenor's actions demonstrate a lack in all five of the above listed traits. He has taken on the role of board buffoon. Please do not submit his name for reappointment.

I urge you to make the most of this opportunity to move of the BOF and its decision-making process towards a healthier, collaborative, community enhancing manner of resolving differences. This will lend credibility to the efforts of some of us farther down the line.

Thank you,
Curt Shuey

907-283-6650

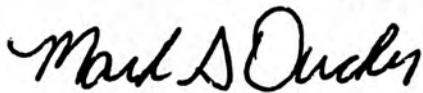
Harold Smalley and to whom it may concern:

Here is a packet containing signatures of 350 to 400 concerned business owners, local, fisher people and a very strongly worded resolution from the Kenai Peninsula Borough Resolution 99-034 sub.

Signatures are continuing to come in daily in support of these commercial fishing families. We are asking for your help and support in seeing that **Dan K. Coffey, Virgil L. Umphenour and Grant Miller** are not confirmed to the Alaska Board of Fisheries as they showed no regard for Kenai Peninsula's economy, people or fisheries habitat.

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.

Thank you for you help.

A handwritten signature in cursive script, reading "Mark S. Ducker".

Mark S. Ducker

POM for Representative Hudson

From: Ms Ella Ring
POB 103212

Telephone: 373-2080

Anchorage, AK 99510

NON Constituent

Registered Voter: U

Subject: BOARDS & COMMISSIONS
Message:

I AM IN FAVOR OF THE CONFIRMATION OF COFFEY AND UMPHENOUR.

Entered in MAT on 4/20/99 POMID: 6551

Distribution: 12

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 1.

POM for Representative Hudson

From: Mr. Martin Mullin
PO Box 969

Telephone: 262-7262

Kasilof, AK 99610

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS

Message:

I HAVE LIVED IN ALASKA FOR 35 YEARS AND DO NOT LIKE THE WAY THE BOARD OF FISHERIES IS POLITICALLY STACKED. PLEASE DO NOT REAPPOINT DAN COFFEY, VIRGIL UMPHENOUR AND GRANT MILLER.

Entered in SOL on 4/22/99 POMID: 6974

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 1.

POM for Representative Hudson



From: Mr. Samuel Brow
PO Box 1161

Telephone: 262-7984

Soldotna, AK 99669

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS
Message:

TO WHOM IT SHOULD CONCERN: I AM VERY CONCERNED ABOUT THE DIRECTION THE BOARD OF FISH IS HEADING. I BELIEVE THEY ARE NOT ACTING IN THE BEST INTEREST OF THE STATE. THE BOARD IS LOP SIDED AND IN THE BEST INTEREST OF THE STATE, VIRGIL UMPHENOUR, GRANT MILLER AND DAN COFFEY SHOULD BE REPLACED.

Entered in SOL on 3/24/99 POMID: 2119

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 92 out of 259.

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

[Fwd:]

Subject: [Fwd:]

Date: Mon, 26 Apr 1999 14:59:54 -0800

From: Representative Bill Hudson <Representative_Bill_Hudson@legis.state.ak.us>

Organization: Alaska State Legislature

To: Liz_Cabrera@legis.state.ak.us

Subject:

Date: Mon, 26 Apr 1999 16:40:55 -0400

From: sbourgeois@mindspring.com

To: <Representative_Bill_Hudson@legis.state.ak.us>

To Representative Bill Hudson

My husband is a commercial fisherman in Cordova and it has been brought to our attention that the Board of Fisheries is currently filling vacancies. We feel very strongly about this matter because his livelihood and our family's financial support will often depend on decisions made by the Board of Fisheries.

Therefore, I ask you to please **not** vote to confirm Virgil Umphenour to the Alaska Board of Fisheries. He is biased, does not function from a broad perspective, and has little respect for some of the public he is charged with representing. He clearly should not be allowed to represent the public on this critical Board.

Thank you for listening to our opinion on this crucially important matter.

Chris and Susan Bourgeois

We need to send this message out to each and every Assembly member.

My name is STEVE TIENSTRUP and I live at 4928 BEAVER LP
I have lived in Alaska for 41 YEARS years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial fishers in retaining their historical fishing businesses. Their livelihoods have been severely damaged by the present day Alaska Fish Board. I'm not happy with the current board of fish members

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to travel to the Fish Board hearings in Soldotna. These groups have been successful in taking away a large portion of their income. This results in tax dollars being taken away from the local coffers.

Please support their efforts in maintaining their businesses on the Kenai Peninsula and please help them in retaining their historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A. Malatesta Sr. described to you at your Borough Assembly meeting, any way that you can.

Thank you,

Steve Tienstrup
4-23-99

occupation

OWNER OPERATOR of
THE ALASKAN LADY

We need to send this message out to each and every Assembly member.

My name is ROBT. E. MERCHANT and I live at KENAI.
I have lived in Alaska for 25 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial
fishers in retaining their historical fishing businesses. Their
livelihoods have been severely damaged by the present day
Alaska Fish Board. I'm not happy with the current board of
fish members

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers
and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to
travel to the Fish Board hearings in Soldotna. These groups
have been successful in taking away a large portion of their
income. This results in tax dollars being taken away from the
local coffers.

Please support their efforts in maintaining their businesses on
the Kenai Peninsula and please help them in retaining their
historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A.
Malatesta Sr. described to you at your Borough Assembly
meeting, any way that you can.

Thank you,

RE Merchant
occupation

Business

We need to send this message out to each and every Assembly member.

My name is Phil Squires and I live at LOT # 16 EBDTIDE DR
KENAI.
I have lived in Alaska for 26 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial fishers in retaining their historical fishing businesses. Their livelihoods have been severely damaged by the present day Alaska Fish Board. I'm not happy with the current board of fish members

- **Dan K. Coffey**
- **Virgil L. Umphenour**
- **Grant Miller**

Because of creating undo hardships on these commercial fishers and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to travel to the Fish Board hearings in Soldotna. These groups have been successful in taking away a large portion of their income. This results in tax dollars being taken away from the local coffers.

Please support their efforts in maintaining their businesses on the Kenai Peninsula and please help them in retaining their historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A. Malatesta Sr. described to you at your Borough Assembly meeting, any way that you can.

Thank you,



Business name F/V LIBERTINE

We need to send this message out to each and every Assembly member.

My name is JOHN J. Williams and I live at KENAI AK.
I have lived in Alaska for 37 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial fishers in retaining their historical fishing businesses. Their livelihoods have been severely damaged by the present day Alaska Fish Board. **I'm not happy with the current board of fish members**

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to travel to the Fish Board hearings in Soldotna. These groups have been successful in taking away a large portion of their income. This results in tax dollars being taken away from the local coffers.

Please support their efforts in maintaining their businesses on the Kenai Peninsula and please help them in retaining their historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A. Malatesta Sr. described to you at your Borough Assembly meeting, any way that you can.

Thank you,

occupation

John J. Williams
Mayor City of Kenai

David R. Martin
71605 Sterling Hwy.
Clam Gulch, Ak. 99568
April 26, 1999

House Special Committee of Fisheries

Bill Hudson, Chair

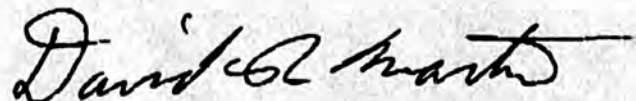
Dear Committee members,

I have been involved in the Boards of Fish and Board of Game local Advisory Committee process for over 20 years. I have been the Chairman of the Central Peninsula Advisory Committee for the past seven years. I am a firm supporter of the local Advisory Committees which were formed to be a channel for the local public to voice their opinions, expertise on local fish and game issues, and their concerns on regulations effecting them, the resource and habitat to the Boards. This has been a good system. Unfortunately the current Board of Fish has neglected and actually fought in opposition to many Advisory Committees Statewide. Check the record for Advisory Committees, other local groups, businesses, governments and even the Fish and Game Departments position on various issues and you will find the BOF often does the exact opposite. This is all to true here in Cook Inlet. One example is Dan Coffey's Board generated, out of cycle, allocation Proposal D three years ago. All the Board members voted to take up this proposal. Not only did it undermine the Advisory Comm. and Board process, it created a burden on the Advisory Comm., the public and the Dept. because of three extra meetings and at a cost of over \$100,000. The end result was an apology from Mr. Coffey, after he fought hard all winter to try to push it through. Gentlemen, this action was not professional, it was not responsible to the Board and Advisory Committee process, and it was not a responsible use of State money.

The Advisory Committee process has really deteriorated in the last three years because of the dictatorship approach the current Board has taken. Several good people and Chairmen have resigned. I hear many volunteer AC members state there frustration and say "what is the use wasting our time and money. The Board already has there minds made up and are going to do what they want to do anyway. There is nothing we can do to stop them. It doesn't even matter what the biology and science says. The Board still does its own thing." These are sad comments about Board of Fish members that are suppose to be creditable stewards of the resource and habitat and be responsible members working with the public not dictating to them.

Gentlemen, it is time for new blood on the Board of Fish. Please do not confirm Dan Coffey, Virgil Umpenhour, or Grant Miller for reappointment. I am alarmed, and you should be too, that this current Board is making regulations that are not based on sound biological and scientific data but ever more so on antidotal information from special interest groups. Habitat, Maximum Sustained Yield management (a Constitution mandate) the people's and the State's economic futures are not being protected. Managing fisheries socially, instead of biologically, has always destroyed salmon runs worldwide. It will happen in Alaska too if we let it. We must protect our great fish resource and the people that depend on it. Thank you for your time and efforts.

Sincerely,



Sylvia R. Lange
Box 135
Cordova, Alaska 99574

House Special Committee on Fisheries,
Mr. Bill Hudson, Chair

April 24, 1999

Dear Mr. Hudson,

I am a lifetime resident of Alaska. I was raised in Cordova by my parents, who like their parents before them, lived off the bounty of the area. I have been a subsistence and commercial fisherman dependent on the Copper River and Bering River for my entire life. My husband and I operate a fish processing facility which employs 100+ workers, and is wholly dependent on the PWS and Copper River and Bering River Districts. I write today, for the first time ever, because I am opposed to the re-appointment of Mr. Virgil Umphenour to the Board of Fisheries.

I have been involved as an advocate for my industry for the past 25 years. In all those years of interaction with the Board of Fisheries, I have come to respect the difficult job those individuals who serve on the Board face. The position often requires the problem solving of Solomon and the patience of Job. As a member of the general public, the most frustrating thing when coming forward to testify or participate in the Board of Fisheries process, is the obvious bias some members bring to the table. Conversely, it is a breath of fresh air when a member admits he is ill informed and brings to the hearings a willingness to learn, thereby making judgments based on the public process.

Mr. Umphenour has demonstrated repeatedly he comes to the table with a set agenda. Common decency dictates a certain demeanor of public officials in the course of their appointed business. While attending the Board of Fish meeting in Cordova, Mr. Umphenour behaved rudely to those of the public with differing opinions or facts which contradicted his prejudices. Other Board Members, at the conclusion of the meeting, congratulated the public participants on the congeniality and the hospitality of our community.

Mr. Umphenour has decided against all manner of facts, that the commercial salmon fishery of the Copper River Flats is run by individuals who have no regard for the resource. This is simply not true and the facts bear me out. The Copper River Flats has had a thriving commercial fishery and operating canneries on the Delta since 1898. Mr. Umphenour has accused the drift gillnetters of

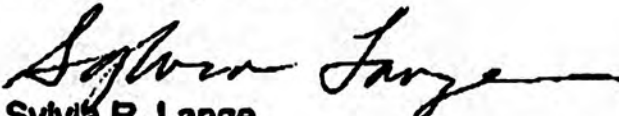
House Committee on Fisheries
4/24/99
P.2

"seining" king salmon in the shallows of the Copper River Delta inside the so-called "barrier islands". These barrier islands he keeps referring to are sand bars which in fact define the Copper River Flats from the Gulf of Alaska. Of course the fishermen oppose being shut out of this area--it is the traditional and customary fishing ground of the fishery, and has been for over 100 years! As for "seining" with drift gillnets in an area that has 10 knot tide influences, it defies imagination and reveals an ignorance of the area and fishery.

It is true that our fleet has become very efficient in recent years. It is also true that the quantum leap in efficiency happened about ten years ago with the advent of light, fast, shallow vessels, and improved net materials. The local managers of the Alaska Dept. of Fish & Game have been able to gauge and factor in this variable in the course of making their management decisions for many years now. As a result to their management of the resource, the Copper River Sockeye and King Salmon runs have remained strong, viable and experiencing record runs in 1997, '98, and '99.

I applaud our managers at ADF&G for their diligence and hard work. We owe our economic survival to the health of the Copper River. It is in our best interest to protect the resource while maintaining a good working relationship with members of the Board of Fish. We understand we will not always agree on allocation issues, but we must retain basic respect for the process and participants. Mr. Umphenour does not fit the bill.

Respectfully submitted,


Sylvia R. Lange



Alaska State Legislature

HOUSE SPECIAL
Please enter into the record my testimony to the COMMITTEE ON FISHERIES
BOARD OF FISHERIES committee name
committee on CONFIRMATION HEARING, dated APRIL 26, 1999
bill/subject

I WILL BE UNABLE TO ATTEND
TODAYS HEARING.

PLEASE INCLUDE MY LETTER
ATTACHED AS MY TESTIMONY.

THANK YOU.

Signed:

M. J. Stuckwell
Testifier

SELF
Representing (Optional)

P.O. BOX 721, EMER HARBOR AK 99572
Address

595-1540
Phone No.

DATE: April 25, 1999

TO: House Special Committee on Fisheries.
Representatives Hudson, Dyson, Harris, Morgan, Whitaker,
Kapsner, and Smalley

FROM: Bill Stockwell
P.O. Box 721
Cooper Landing, AK 99572-0721
Phone & Fax 595-1540

SUBJECT: April 26, 1999 Board of Fisheries Confirmation Hearing

Dear Chairman Hudson and Committee Members,

I STRONGLY SUPPORT THE REAPPOINTMENT AND CONFIRMATION OF DAN COFFEY, GRANT MILLER AND VIRGIL UMPHENOUR TO THE BOARD OF FISHERIES.

As a member of a local advisory committee and a member of the public, I have testified before these Board members and served in the committee process several times recently. While we may not always agree, I feel their positions on issues have been well thought out and in the best interests of Alaska's resources and people. At no time is it possible to satisfy ALL special interests, including mine.

I ask you also to please disregard Kenai Peninsula Borough Resolution 99-034 strongly opposing the confirmation of the three current members. I am appalled and embarrassed that my local government, the Kenai Peninsula Borough Assembly, would blatantly advocate and lobby for a special segment of our local economy to the detriment of other viable and vital parts of our local business sector, let alone the damage this type of thinking does to the public's uses of our common resources.

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. These board members have worked hard to insure that these needs are met. Please support the confirmation of the reappointments of these current members.

Sincerely,


Bill Stockwell

April 24, 1999

Representative Bill Hudson
Chairman: Fisheries Committee
State Capitol Rm. 108
Juneau, Alaska 99801-1182

Dear Mr. Hudson,

I have been a commercial fisherman residing and fishing out of Kodiak for the past 33 years. During that time, I have been on the Board of Directors of the United Fisherman's Marketing Association for over 20 years and more recently I have been the Vice President of the Alaska Dragger's Association for the last 4 years. My involvement in fisheries politics has up until now been on a local level.

At the January Board of Fisheries meeting held in Kodiak I testified as a stakeholder on Proposal #132: Ban Bottom Trawling in State Waters-Kodiak, and subsequently became a member of the groundfish committee. From there I was appointed by the BoF to serve on the Non-Pelagic Trawl Task Force which I did for 2 months before the March BoF meetings in Anchorage. I must say that the inclination of the BoF to close ALL State waters to non-pelagic trawling had me in disbelief. That this governing body was making decisions affecting so many people and would be so biased and unwilling to listen to both sides of the issue was shocking. In particular, Mr. Umpenhowe's manner of professional conduct could not have been LESS professional.

During the March BoF meeting in Anchorage, and more specifically the final deliberations by the BoF on Proposal #132, Mr. Umpenhowe's predisposed, biased and totally unprofessional conduct was rampant, as is demonstrated by the enclosed tape. The tape begins with Dr. White, Chairman of the BoF, asking Mr. Dave Jackson, Dept. of Fish & Game-Kodiak, about safety issues relating to proposed closed areas. Following, Mr. Umpenhowe launches his perspective.

You be the judge. Is this the kind of individual who will make intelligent, fair, unbiased decisions that will not only affect the livelihoods but also the

(2)

lives of many coastal Alaskan fishermen and their families? I don't think so.
Do not confirm Mr. Umpenhower!

Sincerely,



Skip Bolton

Box 2852

Kodiak, Alaska 99615

907-486-4099/486-2030-FAX

cc: Rep. Alan Austerman
Senator Jerry Mackie

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 25, 1999

**Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, AK 99801-1182**

SENT BY FACSIMILE TO (907) 465-2273

Dear Members,

Cordova District Fishermen United (CDFU) would like voice its opposition to the confirmation of Virgil Umphenour to the Alaska Board of Fisheries.

CDFU is an organization comprised of Prince William Sound and Copper River fishing families dependent upon commercial fisheries. Board of Fisheries proceedings are by far the most critical issue currently facing the small independent fishing families who constitute Alaska's largest private sector employer and second largest income-producing industry. The Board of Fisheries' actions and decisions affect our daily lives, and have an enormous impact on our abilities to sustain both our resources and our livelihoods.

As we have discussed the many issues that surround the Board of Fisheries and its functions, one of the greatest concerns to emerge is the composition of the Board, an issue that you have the opportunity to address through your confirmation process.

We are strongly opposed to the re-appointment of Virgil Umphenour to the Board. We believe that Mr. Umphenour's demonstrated prejudices and unwillingness to critically examine the facts should preclude him from further service on the Board. The issues facing our industry are diverse. They demand the kind of knowledge, skills and abilities that come from a broader scope of experience than which currently exists on the Board. We believe that the appointment of someone other than Mr. Umphenour could provide for improved balance and performance.

At the confirmation hearings in House Resources on Wednesday, April 21, 1999, Mr. Umphenour exemplified the bias and inaccurate assumptions that so often accompany his participation in this process. Contrary to Mr. Umphenour's assertions that Copper River fishermen "don't like responsible fish management" while "they kill 97-100% of king salmon when present" by the way they are "seining the king salmon out," a simple

check of ADF&G data will quickly prove that subsistence, personal use and commercial fishermen have enjoyed historic high king salmon harvests on the Copper River in recent years. These certainly have not occurred because Copper River fishermen "like to be able to kill every last fish" and "catch all they can at the mouth of the river." It is irresponsible, insulting and untrue statements such as these that impair Mr. Umphenour's ability to serve in a functional and credible fashion on the Alaska Board of Fisheries.

CDFU is certain that after thoughtful examination of the concerns 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

Sue Aspelund
Executive Director

cc: **Senator Georgiana Lincoln**
Representative John Harris
Representative Ethane Berkowitz
Representative Joe Green
Representative Gail Phillips
Senator Johnny Ellis
Senator Jerry Mackie
UFA
CRSPA
USA - PWS

Dear Sir:

I am writing concerning the confirmation hearings of Mr. Virgil Umphenour. In my opinion he should not be a member of the Board of Fisheries.

Mr. Umphenour's statements concerning PWSAC and Copper River fishermen have more than effectively demonstrated his unsuitability for the Board.

I have been a Copper River fisherman for 20 years and find his comments extremely offensive.

It is absurd to think Copper River fishermen want to "kill every fish", as Mr. Umphenour maintains. My family and I are dependent on a healthy run which means we have a direct interest in the future of the Copper River salmon returns.

Mr. Umphenour's demonstrated bias against PWSAC also concerns me. PWSAC restructured its debt in 1997. Payments are expected to start June, 1999 which is earlier than originally anticipated. According to Bud Perrine, CEO, Mr. Umphenour should be aware of this from meeting's he attended earlier this year.

Mr. Umphenour has stated to you, "I don't remember any executive sessions during the last Area E Board meetings". Since these meetings are a matter of public record, a tape of this occurrence should be listened to by every committee member. Not only would this be proof an executive session was called, it would also be another demonstration of Mr. Umphenour's unsuitability to be a Board member. I would also recommend that committee members read through the entire record of this meeting and see for themselves how consistently Mr. Umphenour demonstrates his bias concerning Copper River fishermen.

Mr. Umphenour's statements to you and his record from previous Board meetings should disqualify him from future consideration. If

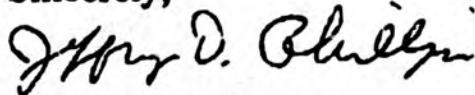
this was a court of law, Mr. Umphenour would not be able to hear a case concerning Copper River fishermen. We deserve no less from the Board of Fisheries.

In my experience testifying and observing Fish Board meetings I have seen many Board members leave their biases at the door and deliberate with open minds. Mr. Umphneour seems incapable of this. As a comercial fisherman, sports fisherman, and an Alaskan resident I deserve open-mindedness from my Board members.

Mr. Umphenour should not be retained as a Board of Fisheries member

Thank-you.

Sincerely,



Jeffrey D. Phillips
Box 1565
Cordova, AK. 99574
(907) 424-3174

To: Representative Bill Hudson, Chairman Fisheries Committee

Robert D. Schell
From: Robert D. Schell, Chairman, Board of Directors, Seafood Producers Co-op

Subject: Board of Fish Appointees

Date: April 23, 1999

Seafood Producers Cooperative endorses the reappointment of Grant Miller of Sitka to the board of fish. Our cooperative consists of 495 members who participate in hook and line fisheries, primarily the troll salmon fishery and the various long line fisheries of Alaska.

Grant is knowledgeable of these fisheries as well as the net and sport fisheries of Alaska. This knowledge combined with the demonstrated ability to listen to the various constituencies who use these resources makes him much too valuable a board member to be lost to the political vagrancy of the various factions involved in fishery allocations.

The board of fish is a tough assignment. I have participated in their meetings over the past decades and know only too well the animosities that can develop if decisions do not go the way some parties would prefer. The board of fish members should not be scapegoats for making the tough decisions.

Box 1367
Sitka, Alaska 99835
907-747-8541

April 24, 1999

Representative Bill Hudson
Chairman: Fisheries Committee
State Capitol Rm.108
Juneau, Alaska 99801-1182

Dear Mr. Hudson,

I have been a commercial fisherman residing and fishing out of Kodiak for the past 33 years. During that time, I have been on the Board of Directors of the United Fisherman's Marketing Association for over 20 years and more recently I have been the Vice President of the Alaska Draggers Association for the last 4 years. My involvement in fisheries politics has up until now been on a local level.

At the January Board of Fisheries meeting held in Kodiak I testified as a stakeholder on Proposal #132: Ban Bottom Trawling in State Waters-Kodiak, and subsequently became a member of the groundfish committee. From there I was appointed by the BoF to serve on the Non-Pelagic Trawl Task Force which I did for 2 months before the March BoF meetings in Anchorage. I must say that the inclination of the BoF to close ALL State waters to non-pelagic trawling had me in disbelief. That this governing body was making decisions affecting so many people and would be so biased and unwilling to listen to both sides of the issue was shocking. In particular, Mr. Umpenhowers's manner of professional conduct could not have been LESS professional.

During the March BoF meeting in Anchorage, and more specifically the final deliberations by the BoF on Proposal #132, Mr. Umpenhowers predisposed, biased and totally unprofessional conduct was rampant, as is demonstrated by the enclosed tape. The tape begins with Dr. White, Chairman of the BoF, asking Mr. Dave Jackson, Dept. of Fish & Game-Kodiak, about safety issues relating to proposed closed areas. Following, Mr. Umpenhowers launches his perspective.

You be the judge. Is this the kind of individual who will make intelligent, fair, unbiased decisions that will not only affect the livelihoods but also the

(2)

**lives of many coastal Alaskan fishermen and their families? I don't think so.
Do not confirm Mr. Umpenhower!**

Sincerely,

**Skip Bolton
Box 2852
Kodiak, Alaska 99615
907-486-4099/486-2030-FAX**

**cc: Rep. Alan Austerman
Senator Jerry Mackie**



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name
committee on confirmations Bd of Fish, dated 4-26-99
bill # / subject

Anthony J. Cange

P.O. Box 99647, Anchorage, Alaska 99507 • Telephone (907) 345-6867 • Fax (907) 344-5309

April, 23 1999

To whom this may concern,

I am writing this letter today to express my concern for the conformation of Dan Coffey, Grant Miller, and Virgal Umphenour to the Board of Fisheries. I am a concerned vessel owner and Limited Entry Permit holder in the Cook Inlet. I am also A life long resident of Alaska. I can't express enough my strenuous objection to these individuals being confirmed to the board. Thank you for your time concerning this matter.

Respectively submitted,

A handwritten signature in cursive script, appearing to read "Anthony J. Cange".

Anthony J. Cange

Signed: _____

Testifier

Representing (Optional)

Address

Phone number

POM for Representative Hudson

From: Ms. Brenda Strother
PO Box 3517

Telephone: 283-4981

Kenai, AK 99611

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS
Message:

I DO NOT WANT COFFEY, MILLER OR UMPHENOUR REAPPOINTED. OUR FISHERIES HAVE BEEN GOING DOWNHILL. THE COMMERCIAL FISHERMEN HAVE BEEN STARVED OUT. THESE THREE FAVOR SPORT OVER COMMERCIAL FISHERIES. THERE IS PLENTY OF FISH FOR EVERYONE IF IT WAS MANAGED RIGHT. SO FAR, IT HAS NOT BEEN MANAGED RIGHT. EVERY YEAR THEY ARE WANTING MORE FISH UP THE KENAI RIVER, WHICH HAS NOT GOTTEN ANY LONGER, JUST A LITTLE WIDER DUE TO SPORT FISHERMEN'S HIGH-POWERED BOATS.

Entered in SOL on 4/23/99 POMID: 7172

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 3.

POM for Representative Hudson

From: Mr. Thomas Strother
PO Box 3517

Telephone: 283-4981

Kenai, AK 99611

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS

Message:

I DON'T WANT COFFEY, MILLER & UMPHENOUR REAPPOINTED BECAUSE THEIR TREATMENT OF COMMERCIAL FISHERMEN IS UNFAIR. THEY ARE MOSTLY IN FAVOR OF SPORT FISHERMEN. WHEN THE COMMERCIAL FLEET IS CONSIDERED, THE DRIFTERS ARE LOW MAN ON THE TOTEM POLE. BECAUSE OF THIS, OUR PERMITS HAVE DROPPED RAPIDLY IN VALUE & OUR ESCAPEMENTS HAVE BEEN POOR WITH LOW NUMBERS OF FISH FOR US TO HARVEST. WE'VE BEEN ON A DECLINE FOR THE PAST 10-15 YEARS. SOMETHING MUST CHANGE!

Entered in SOL on 4/23/99 POMID: 7176

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 2 out of 3.

POM for Representative Hudson

From: Mr. Mel Erickson
PO Box 1127

Telephone: 262-2980

Soldotna, AK 99669

NON Constituent

Registered Voter: Y

Subject: BOARDS & COMMISSIONS
Message:

**WE SUPPORT THE RECONFIRMATION OF GRANT MILLER, VIRGIL UMPHENOUR AND
DAN COFFEY TO THE BOARD OF FISHERIES.**

Entered in SOL on 4/23/99 POMID: 7218

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 3 out of 3.

POM for Representative Hudson

From: Ms. Francine J Bennis
21407 Bowery Ln

Telephone: 688-7827

Chugiak, AK 99567

NON Constituent

Registered Voter: Y

Subject: CONFIRMATION

Message:

I STRONGLY SUPPORT THE CONFIRMAITON FOR THE REAPPOINTMENT OF VIRGIL UMPHENOUR. I FISHED COMMERCIALY FOR 16 YEARS AND AM FAMILIAR WITH A NUMBER OF FISHERY ISSUES AND I BELIEVE VIRGIL WORKS IN THE BEST INTEREST OF THE PEOPLE OF ALASKA. HE IS WILLING TO TAKE THE TIME TO STUDY ISSUES AND HAS DONE AN EXCELLENT JOB ON THE BOARD OF FISH.

Entered in ANC on 4/23/99 POMID: 7105

Distribution: 8

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 1.

Business

We need to send this message out to each and every Assembly member.

My name is Phil Squires and I live at Lot # 16 EBDTAK DR
KENAI.
I have lived in Alaska for 20 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial fishers in retaining their historical fishing businesses. Their livelihoods have been severely damaged by the present day Alaska Fish Board. I'm not happy with the current board of fish members

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to travel to the Fish Board hearings in Soldotna. These groups have been successful in taking away a large portion of their income. This results in tax dollars being taken away from the local coffers.

Please support their efforts in maintaining their businesses on the Kenai Peninsula and please help them in retaining their historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A. Malatesta Sr. described to you at your Borough Assembly meeting, any way that you can.

Thank you,



Business name F/V LIBERTINE

We need to send this message out to each and every Assembly member.

My name is ROBT. E. MERCHANT and I live at KENAI.
I have lived in Alaska for 25 years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial
fishers in retaining their historical fishing businesses. Their
livelihoods have been severely damaged by the present day
Alaska Fish Board. I'm not happy with the current board of
fish members

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers
and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to
travel to the Fish Board hearings in Soldotna. These groups
have been successful in taking away a large portion of their
income. This results in tax dollars being taken away from the
local coffers.

Please support their efforts in maintaining their businesses on
the Kenai Peninsula and please help them in retaining their
historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A.
Malatesta Sr. described to you at your Borough Assembly
meeting, any way that you can.

Thank you,

RE Merchant
occupation

We need to send this message out to each and every Assembly member.

My name is STEVE TVENSTRUP and I live at 4828 BEAVER LP
I have lived in Alaska for 41 YEARS years and I am
in support of the commercial fishing industry in the State of
Alaska.

I have requested that the Kenai Borough assist commercial fishers in retaining their historical fishing businesses. Their livelihoods have been severely damaged by the present day Alaska Fish Board. I'm not happy with the current board of fish members

- Dan K. Coffey
- Virgil L. Umphenour
- Grant Miller

Because of creating undo hardships on these commercial fishers and their families who live in the Kenai Peninsula all year long.

The Mat-Su Borough has allocated money to various groups to travel to the Fish Board hearings in Soldotna. These groups have been successful in taking away a large portion of their income. This results in tax dollars being taken away from the local coffers.

Please support their efforts in maintaining their businesses on the Kenai Peninsula and please help them in retaining their historical way of life and livelihood.

I am asking that you support the lawsuit that Joseph A. Malatesta Sr. described to you at your Borough Assembly meeting, any way that you can.

Thank you,

Steve Tvenstrup
4-23-99

occupation

OWNER OPERATOR of
THE ALASKAN LADY

David R. Martin
71605 Sterling Hwy.
Clam Gulch, Ak. 99568
April 26, 1999

House Special Committee of Fisheries

Bill Hudson, Chair

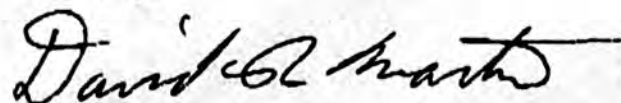
Dear Committee members,

I have been involved in the Boards of Fish and Board of Game local Advisory Committee process for over 20 years. I have been the Chairman of the Central Peninsula Advisory Committee for the past seven years. I am a firm supporter of the local Advisory Committees which were formed to be a channel for the local public to voice their opinions, expertise on local fish and game issues, and their concerns on regulations effecting them, the resource and habitat to the Boards. This has been a good system. Unfortunately the current Board of Fish has neglected and actually fought in opposition to many Advisory Committees Statewide. Check the record for Advisory Committees, other local groups, businesses, governments and even the Fish and Game Departments position on various issues and you will find the BOF often does the exact opposite. This is all to true here in Cook Inlet. One example is Dan Coffey's Board generated, out of cycle, allocation Proposal D three years ago. All the Board members voted to take up this proposal. Not only did it undermine the Advisory Comm. and Board process, it created a burden on the Advisory Comm., the public and the Dept. because of three extra meetings and at a cost of over \$100,000. The end result was an apology from Mr. Coffey, after he fought hard all winter to try to push it through. Gentlemen, this action was not professional, it was not responsible to the Board and Advisory Committee process, and it was not a responsible use of State money.

The Advisory Committee process has really deteriorated in the last three years because of the dictatorship approach the current Board has taken. Several good people and Chairmen have resigned. I hear many volunteer AC members state there frustration and say "what is the use wasting our time and money. The Board already has there minds made up and are going to do what they want to do anyway. There is nothing we can do to stop them. It doesn't even matter what the biology and science says. The Board still does its own thing." These are sad comments about Board of Fish members that are suppose to be creditable stewards of the resource and habitat and be responsible members working with the public not dictating to them.

Gentlemen, it is time for new blood on the Board of Fish. Please do not confirm Dan Coffey, Virgil Umpenhour, or Grant Miller for reappointment. I am alarmed, and you should be too, that this current Board is making regulations that are not based on sound biological and scientific data but ever more so on antidotal information from special interest groups. Habitat, Maximum Sustained Yield management (a Constitution mandate) the people's and the State's economic futures are not being protected. Managing fisheries socially, instead of biologically, has always destroyed salmon runs worldwide. It will happen in Alaska too if we let it. We must protect our great fish resource and the people that depend on it. Thank you for your time and efforts.

Sincerely,



DATE: April 25, 1999

TO: House Special Committee on Fisheries.
Representatives Hudson, Dyson, Harris, Morgan, Whitaker,
Kapsner, and Smalley

FROM: Bill Stockwell
P.O. Box 721
Cooper Landing, AK 99572-0721
Phone & Fax 595-1540

SUBJECT: April 26, 1999 Board of Fisheries Confirmation Hearing

Dear Chairman Hudson and Committee Members,

I STRONGLY SUPPORT THE REAPPOINTMENT AND CONFIRMATION OF DAN COFFEY, GRANT MILLER AND VIRGIL UMPHENOUR TO THE BOARD OF FISHERIES.

As a member of a local advisory committee and a member of the public, I have testified before these Board members and served in the committee process several times recently. While we may not always agree, I feel their positions on issues have been well thought out and in the best interests of Alaska's resources and people. At no time is it possible to satisfy ALL special interests, including mine.

I ask you also to please disregard Kenai Peninsula Borough Resolution 99-034 strongly opposing the confirmation of the three current members. I am appalled and embarrassed that my local government, the Kenai Peninsula Borough Assembly, would blatantly advocate and lobby for a special segment of our local economy to the detriment of other viable and vital parts of our local business sector, let alone the damage this type of thinking does to the public's uses of our common resources.

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. These board members have worked hard to insure that these needs are met. Please support the confirmation of the reappointments of these current members.

Sincerely,


Bill Stockwell

April 24, 1999

Representative Bill Hudson
Chairman: Fisheries Committee
State Capitol Rm. 108
Juneau, Alaska 99801-1182

Dear Mr. Hudson,

I have been a commercial fisherman residing and fishing out of Kodiak for the past 33 years. During that time, I have been on the Board of Directors of the United Fisherman's Marketing Association for over 20 years and more recently I have been the Vice President of the Alaska Draggers Association for the last 4 years. My involvement in fisheries politics has up until now been on a local level.

At the January Board of Fisheries meeting held in Kodiak I testified as a stakeholder on Proposal #132: Ban Bottom Trawling in State Waters-Kodiak, and subsequently became a member of the groundfish committee. From there I was appointed by the BoF to serve on the Non-Pelagic Trawl Task Force which I did for 2 months before the March BoF meetings in Anchorage. I must say that the inclination of the BoF to close ALL State waters to non-pelagic trawling had me in disbelief. That this governing body was making decisions affecting so many people and would be so biased and unwilling to listen to both sides of the issue was shocking. In particular, Mr. Umpenhower's manner of professional conduct could not have been LESS professional.

During the March BoF meeting in Anchorage, and more specifically the final deliberations by the BoF on Proposal #132, Mr. Umpenhower's predisposed, biased and totally unprofessional conduct was rampant, as is demonstrated by the enclosed tape. The tape begins with Dr. White, Chairman of the BoF, asking Mr. Dave Jackson, Dept. of Fish & Game-Kodiak, about safety issues relating to proposed closed areas. Following, Mr. Umpenhower launches his perspective.

You be the judge. Is this the kind of individual who will make intelligent, fair, unbiased decisions that will not only affect the livelihoods but also the

(2)

lives of many coastal Alaskan fishermen and their families? I don't think so.
Do not confirm Mr. Umpenhower!

Sincerely,

A handwritten signature in black ink, appearing to read "Skip Bolton", with a horizontal line extending from the end of the signature.

Skip Bolton

Box 2852

Kodiak, Alaska 99615

907-486-4099/486-2030-FAX

cc: Rep. Alan Austerman
Senator Jerry Mackie



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 20, 1999

APR 20 1999

Representative Bill Hudson, Chair
House Fisheries Committee
State Capitol, Room 108
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.

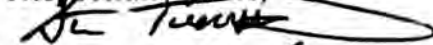
One appointee has proven to be up to the task. Though Mr. Coffey has more than once voted for proposals, which have negatively impacted our fishery, in all good conscience, we cannot doubt his professionalism, concern, and commitment to do his very best as a member of the Board. The Governor, the sport 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 bona-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,



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

ST/ch

cc: House Fisheries Committee



UNITED FISHERMEN OF ALASKA

April 22, 1999

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

Representative Bill Hudson
Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Representative Hudson,

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 Driftnetters Association • Concerned Area "M" Fishermen
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Northwest Setnetters Association • Peninsula Marketing Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association • United Cook Inlet Drift 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



COOK INLET SPORTFISHING CAUCUS
3620 PENLAND PARKWAY
ANCHORAGE, ALASKA 99508
(907) 276-2277 FAX (907) 278-0896

January 27, 1999

BOARDS & COMMISSIONS

FEB 09 1999

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

Dear Governor Knowles,

Since statehood, Alaska had never had a finer slate of board members on the Board of Fisheries than it has today. They represent the state wide areas fairly and have been very responsive to the public's wishes.

We strongly urge you to keep this great team in place by reappointing:

Dan Coffey
Grant Miller
and Virgil Umphenour

Our congratulations go to you for assembling the finest Board of Fisheries that our state has ever had.

Sincerely,

Robert C. Penney
Spokesman

cc: Senator Druc Pearce, President, Alaska Senate
cc: Representative Brian Porter, Speaker, Alaska House of Representatives

Mat-Su Sport Fish Caucus

Box 871906 Wasilla, Alaska 99687 373-6555 fax 892-6566

January 28, 1999

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

Dear Governor Knowles,

One of the most difficult and important tasks in Alaska belong to the members of the Board of Fish. The current Board has distinguished itself as the most capable, qualified and fairest Board of Fish since Statehood.

We support reappointing:

Dan Coffey
Grant Miller
and Virgil Umphenour

One of the highlights of the Knowles Administration has been the protection and allocation of our native fish stocks. Your excellent appointments to the Board of Fish have contributed to that effort.

Sincerely,

Robert Hall

Robert Hall
Chairperson

BOARDS & COMMISSIONS
JAN 29 1999



Alaska Sportfishing Association

P. O. Box 24-1847 Anchorage, AK 99524-1847

State of Alaska
External Affairs

Recommendations to the Governor for the ALASKA BOARD OF FISHERIES.

The Board of Directors of the Alaska Sportfishing Association has voted to support the following candidates for the Board of Fisheries:

We enthusiastically support the re appointment of Grant Miller, Dan Coffey, and Virgil Umphenour.

We have watched, listened and been astounded time and time again as the current Board members, including these three fine individuals, work in harmony around the state managing our fisheries. The current Board, under the able chairmanship of Dr. White and assisted by Vice Chair Coffey, have proven that the mandate to manage this resource for the benefit of all Alaskans is indeed achievable. Their forward thinking in leading the way in supporting the Sustainable Fisheries movement in Alaska will benefit future generations of Alaskans.


Phil Cutler, President

BOARDS & COMMISSIONS

JAN 29 1999

UNITED SALMON ASSOCIATION*Wild Salmon***Southeast Prince William Sound Kodiak South Peninsula Chignik**

P.O. Box 1669

Cordova, Alaska 99574

(907) 424-3767 phone

(907) 442-3867 fax

April 22, 1999

Representative Bill Hudson, Chair
House Special Committee on Fisheries
State Capitol
MS 3100
Juneau, Alaska 99801

Dear Representative Hudson;

United Salmon Association strongly opposes the re-appointment of Virgil Umphenour to the Board of Fisheries. We feel a member of the board must be able to make unbiased decisions regarding issues that affect us, the second largest income-producing industry in the state of Alaska. The decisions made by the Board of Fisheries have a large affect on our daily lives and livelihoods as small independent fishing families.

We believe you have an opportunity to correct the present imbalance on the Board, and that the Board of Fisheries would benefit from such a change in membership.

Sincerely;



Herb Jensen
Chairman Prince William Sound

cc: Senator Georgiana Lincoln
Representative John Harris



Post Office Box 20761 • Juneau, Alaska 99802

Telephone: (907) 463-3830 • Fax: (907) 586-6020

May 13, 1999

Senator Rick Halford 465-4928
Representative Jerry Sanders 465-3476
Representative Bill Hudson 465-2273
Representative Scott Ogan 465-3265

Dear Legislator:

The Territorial Sportsmen, Inc. urges you to reconfirm Dan Coffey, Virgil Umphenour and Grant Miller to the Alaska Board of Fisheries. These individuals have proven that they can make rational and unbiased decisions on a variety of fishery issues. They have been part of the most logical, rational and unbiased Board of Fisheries that we've worked with in nearly 30 years. They have improved both the integrity of the Board of Fisheries and public confidence in our public regulatory system.

Again, we urge you to reconfirm Dan Coffey, Virgil Umphenour and Grant Miller to the Alaska Board of Fisheries.

Respectfully,


Mike Bethers
President

May 9, 1999

John (Jack) Hopkins
P.O. Box 343
Cordova, AK 99574

MAY 15 1999

House of Representatives
State Capitol
MS 3100
Juneau, AK 99801-1182

Dear Members,

Thank you for the opportunity to comment to you regarding the upcoming Board of Fisheries confirmation hearings. I would like to go on record as being opposed to the reappointment of Mr. Umphenour.

I am an Alaskan Native and a lifelong fisherman, both sports and commercial. I would like to respond to a few inflammatory remarks that Mr. Umphenour made at the April 21, 1999 House Resources Committee confirmation hearing.

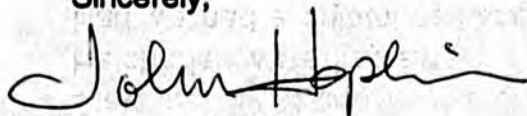
First, about the Prince William Sound Aquaculture Corporation (PWSAC) debt: PSWAC, as you probably know, would have been in fine shape if we had not helped the State out by taking over the two hatcheries that the state was having difficulty managing. Hatcheries were implemented because our area was heavily hit by the 1964 earthquake. Had we had a crystal ball and known of the oil spill we may have chosen a different plan.

I do not believe that PSWAC would ever be allowed to produce salmon to the detriment of wild stocks. PWSAC is being watched closely by ADF&G and other state agencies to prevent any harm to the wild stocks. These are the groups that allow us to create the fish we produce.

As far as the Copper River Flats, I have fished them since 1964. I think any person with an inkling of common sense would realize that it is not in the best interest of any commercial fisherman to even think of wiping out the fishery. I hope that we have learned something from the buffalo. We are drift gillnetters on the Copper River, not seiners. We work hard with ADF&G and try to make suggestions to make management easier for them, and to be a part of the team. For these reasons we have experienced record runs of king salmon and sockeye. We would like our children to fish--that is the most important reason to be conservation-minded. We would also like to always be able to eat salmon ourselves since it is the best food in the world.

This is why I am opposed to Mr. Umphenour's reappointment: he is uninformed and he doesn't try to find out the facts. He shouldn't be allowed to be making important decisions for the State or its people. Thank you.

Sincerely,



John (Jack) Hopkins

Subject: Board of Fisheries Hearings on Dan Coffey

Date: Mon, 03 May 1999 10:42:19 -0800

From: susan cutler <scutler@sinbad.net>

To: Representative_Bill_Hudson@legis.state.ak.us

Dear Rep. Hudson,

I just learned that your **Fisheries Subcommittee** will be reviewing the reappointment of **Dan Coffey** to the Board of Fisheries this afternoon. We would like the following entered into the record:

As President of the **Alaska Sportfishing Association**, I would like to advise you and the other members of the committee that we have the upmost respect for Mr. Coffey. Although we didn't always agree with his decisions, he has made us somewhat comfortable by explaining on the record why he was voting the way he did. His high intellect, being a quick study, and his ability to get to the bottom line quickly has provided the Board with one of its best members in my memory. He's a champion of sustained yield management. He makes sure that subsistence has the management priority our constitution decries. He was the leader in the Board's new process which is to allow meeting attendees (the public) to volunteer to serve on committees which discuss and forward recommendations to the Board prior to their deliberations. The new approach enhances public participation in the Board process. His legal background has been beneficial to the Board as he has brought out many nuances that may have prevented the Board being sued and therefore saving the State a lot of legal fee expense.

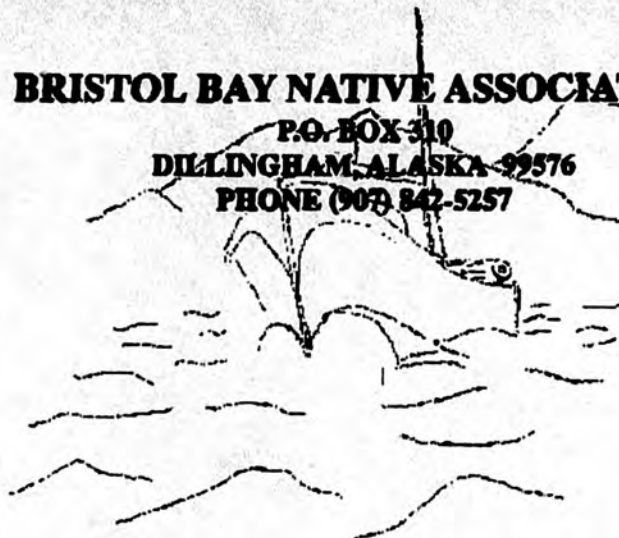
The Alaska Sportfishing Association has endorsed Dan's reappointment and recommends an affirmative recommendation from the Fisheries Committee.

thank you

Phil Cutler, President
907-561-1461

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310
 DILLINGHAM, ALASKA 99576
 PHONE (907) 842-5257



Tribal Councils
 Served by BBNA:

Alakanagik

April 29, 1999

Chignik Bay

Chignik Lagoon

Chignik Lake

Clarks Point

Dillingham

Egegik

Eluk

Elwot

Igiugig

Ilamna

Ivanof Bay

King Salmon

Kokhanok

Koliganek

Levick

Manokotak

Naknek

New Smythok

Newhalen

Nondalton

Pedro Bay

Perryville

Pilot Point

Port Heiden

Portage Creek

South Naknek

Togiak

Twin Hills

Ugashik

State Representative Bill Hudson
 State Capitol (MS 3100)
 Juneau, AK 99801-1182

Dear Representative Hudson;

I understand Virgil Umphenour's reappointment to the Board of Fish is in trouble. For someone in the Interior, Virgil has always demonstrated exceptional understanding of maritime issues related to anadromous fish, nearshore and offshore fisheries, and our fishing communities.

The approaches this Board of Fish has taken to establish a "fresh" regulatory regime are a product of the dynamics among and between its members. Mr. Umphenour is a key element of that mix. While these new approaches cause some irritation among many members of the State's fish politicians, most, including yourself would agree I hope, that they are on a good course and should maintain.

Please work toward his confirmation.

Sincerely,

Terry Hoeflerle
 Chief of Operations

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310 Dillingham, AK 99576 (907) 842-5257
Toll Free (Alaska Only) 1-800-478-5257 Fax: (907) 842-5932

FAX TRANSMISSION COVER SHEET

DATE: 4/30/99
TO: Bill Hudson
FAX: 465-2273
SENDER: Terry H NH

RE: _____

YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (907) 842-5257.

HARD COPY WILL FOLLOW IN MAIL ON THIS DATE: _____

☒ HARD COPY WILL NOT FOLLOW

FOOD BANK
(907) 842-3663

HEAD START
(907) 842-4059
1-800-478-4059
FAX: (907) 842-2388

SOCIAL SERVICES
(907) 842-4139
1-800-478-4139
FAX: (907) 842-4106



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

H. 112 share with comm. members!

April 23, 1999

APR 29 1999

Representative Bill Hudson, Chair
House Fisheries Committee
State Capitol, Room 108
Juneau, AK 99801-1182

Subject: Board of Fisheries Confirmation

Dear Representative Hudson,

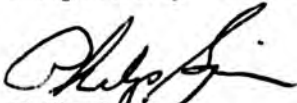
In a follow-up to our letter dated April 20, 1999, we would like to clarify the United Cook Inlet Drift Association's position. We recommend that the Legislature withhold the reconfirmation of Dan Coffey, Grant Miller & Virgil Umphenour to the Board of Fisheries.

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