

**ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672**

**2607 SCOMM 114: HOUSE SPEC.COMM ON FISHERIES, 1999-2000**

(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**

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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**

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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**

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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**

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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

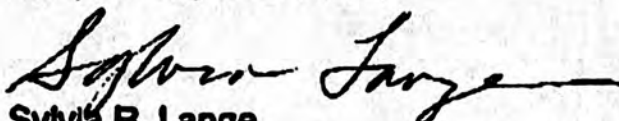
House Committee on Fisheries  
4/24/99  
P.2

"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

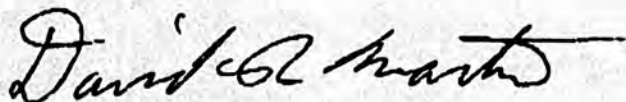
Dear Committee members,

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:**

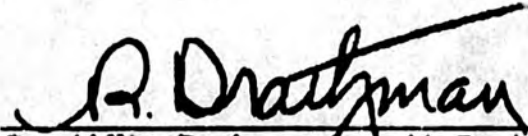
**SECTION 1.** That the Kenai Peninsula Borough supports the wishes of the Cook Inlet commercial fishing families and businesses and strongly opposes the confirmation of the three current members reappointed to the Alaska Board of Fisheries, who are Dan K. Coffey, Virgil L. Umphenour and Grant Miller.

**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**

|                                        | <b>1996</b>           | <b>1997</b>           | <b>1998</b>           |
|----------------------------------------|-----------------------|-----------------------|-----------------------|
| 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>        |
| <b>TOTAL PAYROLL EXPENSES</b>          | <u><b>560,179</b></u> | <u><b>549,686</b></u> | <u><b>505,439</b></u> |
| <br>FISH TAX (PROCESSOR)               | <br>72,965            | <br>62,346            | <br>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>         |
| <b>TOTAL TAXES</b>                     | <u><b>173,974</b></u> | <u><b>175,698</b></u> | <u><b>70,504</b></u>  |
| <br>UTILITIES (ELECTRIC, GAS, WASTE)   | <br><u>85,655</u>     | <br><u>89,852</u>     | <br><u>82,923</u>     |
| <br>PROF FEES (ACCOUNTING AND LEGAL)   | <br><u>19,060</u>     | <br><u>29,416</u>     | <br><u>17,270</u>     |
| <br><br>NO OF PERMITS FISHED - DRIFT   | <br><br>29            | <br><br>30            | <br><br>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>          |
| <br>NO OF PERMITS FISHED - SETNET      | <br>29                | <br>27                | <br>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, appearing to read "Mark Ducker", written in a cursive style.



# 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.

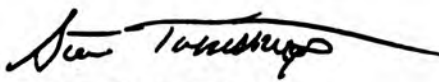
UCIDA appreciates the hard working commitment required to serve on the Board of Fisheries and appreciates the willingness of all three appointees to serve another term. It has been our position, however, that the current Board is geographically and experientially unbalanced and does not serve the best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

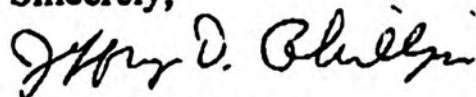
this was a court of law, Mr. Umphenour would not be able to hear a case concerning Copper River fishermen. We deserve no less from the Board of Fisheries.

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 99647, 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

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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**

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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**

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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**

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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**

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

# **CORRECTION**

**THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION**



Rev. 6/98

Central Microfilm Services  
Department of Education & Early Development  
State of Alaska

# 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

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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

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

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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  
committee name  
committee on BOARD OF FISHERIES  
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

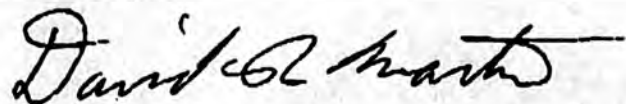
Dear Committee members,

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

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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 (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 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  
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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 BOF 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 <sup>should be</sup> 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 <sup>inlet</sup> (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 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, Soldotna, 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 on Re- 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~~ <sup>make</sup> their decisions without any Biological Basis. My daughters and I have ~~no~~ <sup>NO</sup> 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 <sup>group</sup> 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 99646  
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, ~~XXXXXX~~ 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

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 <sup>original</sup> 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 no-where 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 deleted prejudice, contempt, bias, discrimination, uninformed, arrogant~~ <sup>uninformed, arrogant</sup> have 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 Umpenhaver.

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: 595-1266  
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  
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**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.

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DATED: Dec 18, 1998

By: 

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## 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

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**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"