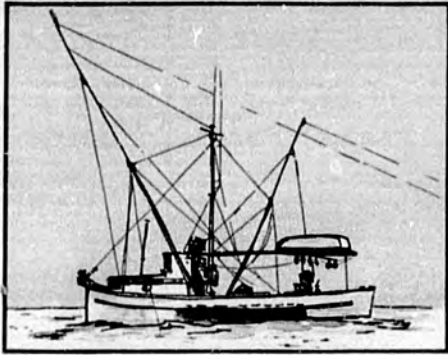


SCOMM

95:20



Alaska Trollers Association

130 Seward St., No. 505
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

March 22, 1995

Representative Alan Austerman, Chairman
Special Committee on Fisheries
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99811

Dear Representative Austerman:

The Alaska Trollers Association (ATA) opposes HB 149, which seeks to change the Board of Fisheries (Board) from a lay board to a professional board.

The state's practice of appointing Board of Fisheries members with experience in Alaska's fisheries has produced a superior fishery management program recognized coastwide. Importantly, the lay board process fosters an atmosphere of cooperation between those with a vested interest in the resource, fishermen and the state.

We stress that there is no substitute for personal experience when it comes to the development of industry regulations. However, we also acknowledge the Board of Fisheries process could be improved with some relatively minor adjustments. For instance:

- The Governor could make a greater attempt to balance Board appointments according to the statutory references "knowledge and ability in the field of action"; and, "providing diversity of interest and points of view". Alaska's fisheries are complex and diverse, and, while each fishery can't be represented, past experience has shown that a complementary mix of gears and regions can be achieved. Broad knowledge amongst Board members produces better deliberation of the issues at hand.

March 22, 1995

HB 149

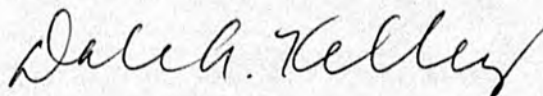
Page 2

- Board confirmations should take place prior to members serving, to reduce constituent pressure on the legislature to remove appointees based on votes relative to one or two high profile issues.
- Criteria must be established under the Ethics Act to fairly define "significant" conflict of interest, so individuals with a working knowledge of Alaska's fisheries can continue to fully participate in the Board process. The expected financial gain or loss of an individual in a fishery of 1500 permit holders would be quite different than another in a fishery of 50 permit holders. The current recusal process identifies each member's personal interests. Past chairmen have generally been good at excusing members from questionable votes, often at the request of the member themselves. Also, it should be pointed out that board members have often voted against their personal interest for conservation or fair-sharing purposes.

Finally, HB 149, as written, does not appear to consider the economic interest of the guided sportfishing industry. The State of Alaska has failed to develop a limited entry program for charterboats. The guided sportfishing industry is booming in Southeast Alaska, as evidenced by the explosive growth in the number of charterboats (225 in 1986 to 730 in 2/95). We question whether the sponsor's description of "vested economic interest" includes charterboat operators and guides.

ATA believes a lay-Board of Fisheries process helps to ensure conservation of the resource and reasonable regulations for small business operators. We encourage you to vote no on HB 149.

Sincerely,



Dale A. Kelley
Executive Director



Official Business

COMMITTEES:
Natural Resources
Legislative Council

Alaska State Legislature

Office of World Trade And State/Federal Relations

REPRESENTATIVE
RAMONA L. BARNES
District 22

Anchorage
P.O. Box 103382
Anchorage, AK 99510
(907) 337-7737
(907) 258-8163

State Capitol
Juneau, AK 99801-1182
(907) 465-3438

SPONSOR STATEMENT

House Bill 149 would create a full-time three member Board of Fisheries to replace the 7 member part-time board that currently exists. Members would serve staggered four year terms. One member of the board would be designated by the Governor to serve as chair for a two year term. That member may be designated chairman for successive terms. All members of the board would serve at the pleasure of the Governor.

Under the terms of the bill, members would be prohibited from having a vested economic interest in fisheries, such as an interim-use permit, entry permit, commercial fishing vessel or gear, or in the processing or marketing business. Requirements that members be appointed without regard to political affiliation or geographical location of residence would be retained.

A three member board could result in significant cost savings for the State. Single members would be able to hold field hearings and then present the findings to the full board at a later time for action. Changing the size of the board could also result in a smoother appointment and confirmation process. The battle for representation on the board by various geographic districts would lessen.

FISCAL NOTE

STATE OF ALASKA

1995 LEGISLATIVE SESSION

BILL NO. HB149

Revision Date: 2/3/95

Dept. Affected: Fish and Game

Title: An Act relating to the

BRU: Boards F&G

Board of Fisheries

Component: Board Service

Sponsor: Rep. Barnes

Requester: Resource, Fish Comm.

COMPONENT SERIAL NO.

#482

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	278.6	278.6	278.6	278.6	278.6	278.6
TRAVEL	(65.0)	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)
CONTRACTUAL	(15.0)	(10.0)	(10.0)	(10.0)	(10.0)	(10.0)
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	198.6	218.6	218.6	218.6	218.6	218.6

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	198.6	218.6	218.6	218.6	218.6	218.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	198.6	218.6	218.6	218.6	218.6	218.6

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	3	3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This analysis assumes that the Board of Fisheries will go to a two year cycle and that hearings will be held throughout the state by one board member. The total number of hearing and regulatory meeting days will be about the same as the board now meets in regulatory session. Space costs will be slightly reduced, however printing, mailing and advertising will be approximately the same. Also, it is assumed that advisory committees will remain as is for the present time.

There are some questions about process that could increase the cost. For example, all regulatory meetings are now taped. Will hearings be taped? Having a complete record is important for legal challenges. Taping will require staff as well as board member at hearings. It may be difficult for the board to confine public testimony to hearings and not allow testimony during regulatory meetings. This could increase time and expense.

See page two for a comparison of costs.

Prepared by:	Beverly Reaume <i>BR</i>	Phone:	465-6095
Division:	Administration/Boards Support Section	Date:	2/21/95
Approved by Commissioner:	<i>Frank</i>	Date:	2-21-95
Agency:	Fish and Game		

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Department of Fish and Game
Analysis: House Bill 149

Background/Legislative Intent:

This legislation proposes replacing the current citizen Board of Fisheries with a professional board. Alaska's citizen boards of fish and game were instituted in response to the lack of attention paid to the concerns of Alaskans by federal managers during the territorial period of fish and wildlife management.

The problems associated with the current board system which the legislation intends to address are: 1) the political in-fighting over appointments to board seats; 2) the perception of conflict of interest associated with a board composed of people with financial interests in Alaska's fisheries resources; 3) the delay in consideration of public proposals resulting from a part-time board process; and 4) the high cost of the current board process.

Analysis of Bill/Program Effects:

This legislation would replace the current seven member, citizen Board of Fisheries with a three member, professional board. The sponsor cites the Alaska Public Utilities Commission, the Alaska Oil and Gas Commission, and the Commercial Fisheries Entry Commission as potential models for a professional board. No specific professional qualifications are required of board members by this legislation, however, they are prohibited from having a vested economic interest in a commercial fishing permit, commercial fishing vessel or gear, or involvement in any fishery resource processing or marketing business. Board members would serve staggered four year terms, be members of the exempt service, and be paid at a Step C, Range 26 rate.

The primary concern the department has with this bill is that it may further confuse the public about the separation of functions between the board and the department. It is the department's job to carry out the scientific work required to manage Alaska's fisheries resources according to the sustained yield principle. It is the board's job to distribute the opportunities to use these resources among competing beneficial users. This separation of powers is rather symbolically embodied by a citizen board and a professional department. The creation of a professional board could eliminate or blur this distinction.

Because the board is housed within the department, and because the board uses the biological information provided by the department's scientists and managers, there is already some contention that the department inappropriately influences the board's allocation decisions. The most important counter to this perception is that the board members are private citizens, members of the user groups, and not members of the department. Professional board members may also have a tendency to second guess the department's scientific information and conservation concerns and substitute their own opinions. This would further muddy the separation of function and checks and balances that the current system supplies.

Our second concern is that whatever regulatory system the state uses, it must have the support and confidence of the public. The public must believe that they are getting a fair shake and that the process is open and responsive to their concerns. Despite some criticism, the present system appears to have widespread public support. The latest evidence of this is the unanimous recommendation of the Knowles/Ulmer Fisheries Policy Transition Team that the current citizen, lay board be maintained.

Reducing the size of the board and making it a full-time body cannot guarantee an end to political in-fighting over appointments. Recreational, commercial, and subsistence fishing groups will still have intense interest in who is appointed to the board because of the essential role the board plays in allocating fish stocks. They can be expected to lobby heavily for individuals who they believe will share, or at least be sympathetic, to their interests. The smaller size of the board may even intensify lobbying efforts.

Historically, most members of the Board of Fisheries have been representatives of the commercial fishing and seafood industries. These groups have held a majority of four or five seats on the fish board since the Board of Fish and Game was divided into a fish board and a game board by Governor Hammond. Perception of conflict of interest has primarily revolved around the conflict between user groups rather than questions of individual financial gain. Recreational fishing interests, and subsistence fishing interests to a somewhat lesser extent, view the majority position of commercial seafood representation as providing an unsympathetic atmosphere for the hearing of proposals advancing their interests. This has become a major issue during the last ten years.

It appears that the major impetus for HB 149 is the conflict of interest issue. While this bill would reduce the perception that the commercial seafood industry dominates the fish board, it cannot be expected to eliminate the perception entirely. Commercial use of Alaska's abundant fisheries resources will continue to be the dominant use.

Additionally, the proposed legislation has the disadvantage of dramatically reducing public participation in the board process. This has been one of the best attributes of Alaska's fisheries regulation process. Relinquishing this opportunity should not be undertaken lightly. The loss of expertise and local knowledge among board members resulting from this would have a substantial impact on the board. Duplicating this knowledge by staff work could be very costly and probably not achieve the same level of information.

The third issue addressed by this legislation is the delay in consideration of proposals caused by the board's three year cycle. The board went to a three year cycle for several reasons. One of the most important was to provide stability to regulatory regimes and to allow time to evaluate the pros and cons of a particular regulation, especially in the contentious, major allocation battles, before bringing it up for change. In reality, board deliberations are dominated by the big allocation issues in the state: recreational versus commercial in the Cook Inlet salmon fisheries, Area M chum and sockeye interceptions, etc. These issues carry over from board meeting to board meeting. Returning to an annual cycle would invite a hearing on these issues every year just by virtue of the contentious nature of the issues. If there is a good reason to take up an issue out of cycle, the board has the flexibility to do so.

The fourth issue is cost. As the attached fiscal note demonstrates, a professional board would be more expensive than the present citizen board system.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 9, 1995

SUBJECT: Sectional Summary of HB 149, An Act relating to the Board of Fisheries.

TO: Representative Ramona Barnes

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of HB 149, An Act relating to the Board of Fisheries.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.05.221(a) by changing the membership of the Board of Fisheries from seven to three members, providing that the governor appoint a chair of the board to serve a term of two years, and prohibiting members of the board from having a vested economic interest in fishing permits or fishing businesses.

Section 2 of the bill amends AS 16.05.221(c) by providing that the members of the Board of Fisheries shall serve four year terms.

Sections 3 and 4 of the bill amend AS 16.05.290 to provide that members of the Board of Fisheries shall receive a salary equal to step C, range 26 for Juneau. The effect of these provisions is to make the Board of Fisheries into a full time board and the members of the board into full time state employees.

Section 5 of the bill amends AS 16.05.320 by making technical amendments to the quorum requirements for the Board of Fisheries and the Board of Game.

Section 6 of the bill amends AS 39.25.110(11) to provide that the officers and employees of the Board of Fisheries are in the exempt state service.

Section 7 of the bill provides that the governor shall appoint, subject to confirmation by the legislature, three persons to serve on the Board of Fisheries and provides for initial terms.

Representative Ramona Barnes

March 9, 1995

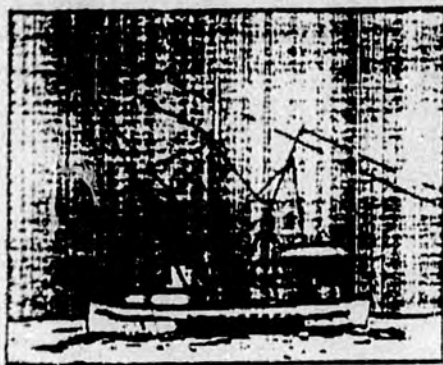
Page 2

Section 8 of the bill provides for the transition from the current Board of Fisheries to the new Board of Fisheries in the event that the effective date of the bill is not passed by the legislature.

Section 9 of the bill provides that secs. 1 - 6 of the bill take effect on July 1 following confirmation of at least two persons to serve on the new Board of Fisheries.

GU:glc

95-207.glc



Alaska Trollers Association

130 Seward St., No. 505
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

RECEIVED
MAR 22 1995
Ans'd.....

March 22, 1995

Representative Alan Austerman, Chairman
Special Committee on Fisheries
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99811

Dear Representative Austerman:

The Alaska Trollers Association (ATA) opposes HB 149, which seeks to change the Board of Fisheries (Board) from a lay board to a professional board.

The state's practice of appointing Board of Fisheries members with experience in Alaska's fisheries has produced a superior fishery management program recognized coastwide. Importantly, the lay board process fosters an atmosphere of cooperation between those with a vested interest in the resource, fishermen and the state.

We stress that there is no substitute for personal experience when it comes to the development of industry regulations. However, we also acknowledge the Board of Fisheries process could be improved with some relatively minor adjustments. For instance:

- The Governor could make a greater attempt to balance Board appointments according to the statutory references "knowledge and ability in the field of action"; and "providing diversity of interest and points of view". Alaska's fisheries are complex and diverse, and, while each fishery can't be represented, past experience has shown that a complementary mix of gears and regions can be achieved. Broad knowledge amongst Board members produces better deliberation of the issues at hand.

March 22, 1995

HB 149

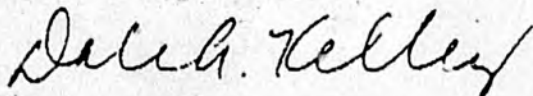
Page 2

- Board confirmations should take place prior to members serving, to reduce constituent pressure on the legislature to remove appointees based on votes relative to one or two high profile issues.
- Criteria must be established under the Ethics Act to fairly define "significant" conflict of interest, so individuals with a working knowledge of Alaska's fisheries can continue to fully participate in the Board process. The expected financial gain or loss of an individual in a fishery of 1500 permit holders would be quite different than another in a fishery of 50 permit holders. The current recusal process identifies each member's personal interests. Past chairmen have generally been good at excusing members from questionable votes, often at the request of the member themselves. Also, it should be pointed out that board members have often voted against their personal interest for conservation or fair-sharing purposes.

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ATA believes a lay-Board of Fisheries process helps to ensure conservation of the resource and reasonable regulations for small business operators. We encourage you to vote no on HB 149.

Sincerely,



Dale A. Kalley
Executive Director



**SENATE RESOURCES COMMITTEE
STATE SENATE
FEBRUARY 20, 1995
TESTIMONY BY BEN ELLIS
EXECUTIVE DIRECTOR
KENAI RIVER SPORTFISHING, INC.**

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS BEN ELLIS. I LIVE IN SOLDOTNA AND AM SPEAKING TODAY AS THE EXECUTIVE DIRECTOR OF KENAI RIVER SPORTFISHING, INC. OUR NONPROFIT SPORTFISHING ASSOCIATION REPRESENTS MORE THAN 400 SPORT ANGLERS. I AM SPEAKING TODAY IN TENTATIVE SUPPORT FOR SENATE BILL 49. IF WE ARE TO SUCCESSFULLY MANAGE OUR FISHERIES RESOURCE AND PROVIDE FAIR AND EQUITABLE ACCESS OF THE HARVESTABLE SURPLUS TO ALL USERS, WE MUST HAVE A BOARD THAT IS PROHIBITED FROM ANY VESTED ECONOMIC INTEREST. WE WOULD PREFER THE CURRENT LAY BOARD STRUCTURE BE MAINTAINED, BUT IF GOVERNORS CONTINUE TO APPOINT AND THE LAWMAKERS CONTINUE TO CONFIRM BOARD MEMBERS WHO WOULD HAVE DIRECT CONFLICTS OF FINANCIAL INTEREST, THEN CHANGES MUST OCCUR.

IT IS OUR BELIEF THAT WE ARE SEEING SIGNS FROM THE DEPARTMENT OF LAW THAT SUCH A CHANGE IS INEVITABLE. IT APPEARS, MORE AND MORE BOARD MEMBERS ARE BEING CONFLICTED OUT OVER FINANCIAL AND PERSONAL INTEREST. RECENTLY THE BOARD CHAIRMAN CONFIDED IN ME THAT A SPECIFIC BOARD OF FISHERIES MEETING COULD

BE IN JEOPARDY BECAUSE FOUR OF THE SEVEN BOARD MEMBERS MIGHT BE IN CONFLICT, LEAVING LESS THAN QUORUM TO DO BUSINESS.

AT THE HEART OF THIS CHANGE IS WHETHER A PROFESSIONAL BOARD CAN BRING THE EXPERTISE WHICH IS SAID TO BE NEEDED TO MAKE DECISIONS CONCERNING THE STATE'S COMPLEX FISHERIES. WHILE WE WOULD PREFER TO HAVE BOARD MEMBERS WHO ARE KNOWLEDGEABLE CONCERNING ALASKA'S FISHERIES, IT DOES NOT SEEM IMPERATIVE, ESPECIALLY IN LIGHT OF PAST BOARD DECISIONS.

WITH THE GROWING EMERGENCE OF NON-COMMERCIAL USERS IN THE STATE, CONFLICT OVER THE ALLOCATION OF THE HARVESTABLE SURPLUS OF THIS STATE RESOURCE MUST BE ADDRESSED IN A POSITIVE FORUM, ESPECIALLY AS IT RELATES TO COOK INLET. WE MUST PROVIDE A LEVEL PLAYING FIELD WHERE DECISIONS ARE MADE WHICH ARE IN THE BEST INTEREST OF ALL ALASKANS AND THE STATE. IF THAT CAN NOT BE ACCOMPLISHED BY A LAY BOARD, THEN WE BELIEVE THAT SB 49 MAY BE THE ANSWER.

THE KEY IT SEEMS IN ADDRESSING THIS PROBLEM, WHETHER WE CONTINUE WITH A LAY BOARD, OR MOVE TO A PROFESSIONAL PANEL, IS REMOVING WHAT MANY OF THE PUBLIC PERCEIVE IS A BIAS BY THE BOARD OF FISHERIES TOWARD THE FINANCIAL PROFIT OF A FEW COMMERCIAL USERS AT THE EXPENSE OF THOUSANDS OF NON-COMMERCIAL USERS. WHATEVER THE OUTCOME, WE BELIEVE THIS DISCUSSION IS NOT ONLY APPROPRIATE AT THIS TIME BUT HEALTHY. WE COMMEND THE LEGISLATURE AND ESPECIALLY SENATOR DURE PEARCE, SPONSOR OF THIS BILL, FOR THEIR INTEREST IN THIS IMPORTANT MATTER AND SETTING UP THIS IMPORTANT PUBLIC DISCUSSION. THANK YOU.

AN ALASKAN ADVENTURE

Ken

CHINOOK CHARTERS

TOM RAMISKEY

428 Tower • Ketchikan, Alaska 99901 • 907-225-9225 FEB 04 1995

February 2, 1995

Senator Drue Pearce
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Pearce,

I have long been an advocate for a professional Board of Fisheries or at least statutory revision of the Board membership criteria in a manner such that no single user group can have a majority position.

Established in 1975 "for purposes of the conservation and development of the fishery resources", the Board of Fisheries served the purpose of development well. Alaska's fishery resources are for the most part fully developed. The composition of the Board of Fisheries was, until recently, entirely commercial fishermen. And, it was the collective "expertise in the fishery" of the individual commercial fishermen appointed to the Board that was instrumental in the development of Alaska's fishery resources.

As fishery resources have become fully developed, conflicts within the commercial fishery user-group, between regional commercial fishery user-groups, sport and commercial, subsistence and commercial and sport have escalated annually Statewide. Competition among and between various user-groups for the use of a finite resource will most likely continue and become more divisive.

In the midst of the fray is a Board of Fisheries that still has a commercial use bias and which is not representative of the multiplicity of regional commercial uses let alone sport, subsistence, and personal uses. Compounding the problem, is the political appointment of persons who have a direct financial or personal interest in fishery resource use.

The Board of Fisheries served it's purpose but is ill suited to address the issues of allocation in a fair and reasonable manner that is consistent with the Constitutional mandates of common property resource use for the maximum common benefit consistent with the public interest. It is ludicrous to believe that a Board appointee with a direct interest in a fishery resource will vote against his interest.

Page 2

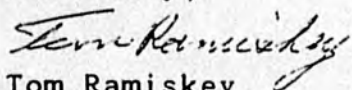
The Board of Fisheries has accomplished it's purpose and should be restructured for the purposes of conservation and allocation of fishery resources. An impartial Board is essential in matters of conservation and allocation to ensure fair and reasonable decisions. I believe that a professional Board would afford the greatest opportunity for impartiality in matters of conservation and allocation. And, I would recommend that you consider increasing the number of members to five or seven in order to reflect the unique "regionalism" that exists In Alaska.

The local advisory committee system that seems to be ignored by the Board system should be revitalized and afforded some position of consequence if a professional Board is established. The local advisory committee forum is democratic, responsive, and functions as a liaison between the public and technical experts. And, it is a forum that can and does benefit from knowledge and expertise in the fishery. Expertise in the fishery can be related to a professional Board in the form of public comment and will not be lost with the establishment of a professional Board.

Obviously, I have a personal and financial interest in fishery resource use. I have owned and operated a charter fishing service for the past nineteen years. I have been involved in the Board process since 1985. It has been frustrating and in my opinion unfair at times. But most of all, it has been the feeling of absolute futility and the realization that a lay Board comprised of a majority of commercial fishermen regulate themselves and can regulate me out of business that irritates me the most.

A professional Board may not be the most democratic according to some opinions. But, I certainly would rather take my chances with a Board that does not have a direct financial interest in fishery resource use rather than continue to get beat up in the present Board system!

Sincerely,



Tom Ramiskey

cc: Senate Resources Committee,
Senator Loren Leman, Chairman
Senator Robin Taylor
Representative Bill Williams

ADN 01 FEB 95

Pearce bills revamp Fish, Game panels

By IAN MADER
The Associated Press

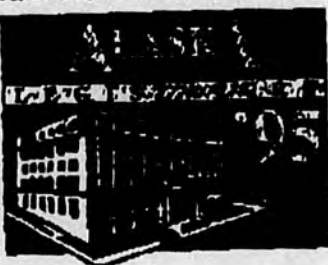
JUNEAU — Legislation by Senate President Drue Pearce would dramatically alter state boards of Fisheries and Game by barring commercial fishermen and hunting guides.

Also, three full-time commissioners would replace the seven part-time public members who currently decide how to allocate fish and game among commercial, sport and subsistence fishermen and hunters.

The proposal would attempt to "depoliticize" each panel and make them better able to handle a growing workload, the Anchorage Republican said.

Fishing and hunting groups generally

Please see Page B-3, FISH



FISH: Boards would be altered

Continued from Page B-1

oppose scrapping the lay boards, which they consider contentious but democratic, and more responsive to the public than a professional board would be.

Currently, governors are supposed to appoint members without regard to political party or regional residence. But in practice governors try to balance regions and user groups in their appointments, which must be endorsed by the legislature.

"Every year, one of the most divisive, bitter fights no matter who's the governor and who's in the legislature, are appointments to the Fisheries and Game boards," said Pearce. "Because every user group feels they are under-represented and are not getting their fair share."

Many lawmakers reserved comment until they could review Senate bills 49 and 50, introduced late last week. Pearce acknowledged it would be difficult to secure support.

"It's a major change we're proposing, and we'll just have to see what happens," she said.

Many people agree the system could be reformed, said Rep. Mark Hanley, R-Anchorage. "But everybody has a different idea about what the problems are," Hanley said Monday.

Most adamantly opposed to professional boards are commercial fishing groups, who say they have important expertise to bring to those panels.

"To bar commercial fishermen from the board, I consider that insulting," said Theo Matthews of United Cook Inlet Driftnetters Association. "I hope that legislation is dead on arrival."

Among perennial disputes for the board are that commercial fishermen in Cook Inlet want to net more salmon. Meanwhile, sport fishermen want more of those salmon to escape and swim into Kenai River, where they can be caught with rod and reel.

SEE Pg 2

ADN 01 FEB 95

CONT'D

Subsistence fishermen on the Yukon River argue that chum salmon caught by commercial fishermen south of the Alaska Peninsula otherwise would enter their river, and the subsistence fishermen push for limits on the commercial fishermen.

But those kinds of disputes are worked out under the current system, so why change it? Democracy can be messy, but at least it's democracy, said Dick Bishop of the sportsman's umbrella group Alaska Outdoor Council.

Bishop said a professional board would become a bureaucracy to compete with the state's Fish and Game Department, which currently does studies and makes recommendations to the boards.

A professional board might develop its own conclusions based on studies by its staff, and would be less swayed by public input, Bishop suggested.

"The purpose of the boards is to bridge the gap between the technical experts and the public, and to decide on allocations. And I think the responsiveness to the public is important," Bishop said.

Many parties agree the Fisheries Board is somewhat unwieldy.

The board meets about six times a year for two-week stretches. Despite the marathon sessions, it is able to review each fishery only once every three years unless there is an emergency.

The Knowles administration's policy team on fish and game — made up of a mix of commercial, sport and subsistence representatives — recommended keeping the lay boards. But it also considered splitting the Fisheries Board into two panels, one for fin fish and one for shellfish.

Larry Edfelt of Juneau, a current member of the Fisheries Board, said serving on the panel has become nearly a full-time job in recent years.

"I think the current system is still working, but eventually the work load will get to be so great that a professional board will be necessary."

TESTIMONY ON SB 49 & SB 50

Presented by: Eddie Grasser, Past member, Alaska Board of Game
Box 2193; Palmer, Ak. 99645 (907) 745-3772
Juneau: Box 34097; Juneau, Ak. 99803 (907) 463-3830

Date: Feb. 20, 1995

Presented to Senate Resources Committee

Mr. Chairman, members of the Resource Committee, my name is Eddie Grasser and I am here today representing myself. I would like to take this opportunity to thank you for this opportunity to testify on this important issue.

As a past member of Alaska's Board of Game, and as a lifelong resident of Alaska who has been interested in and has participated in natural resource management issues for some time now, I would urge you to reconsider the basic tenets of both SB 49 and SB 50. It is in my opinion a misdirected approach to resolving some of the basic problems currently confronting both Boards.

I would be the first to admit the Board of Fisheries faces much more difficult situations in addressing controversial issues and promulgating appropriate regulations than does the Board of Game. However, I believe strongly in the current process and feel anything else would seriously undermine the public's participation. After a couple of years on the Board of Game, I do have a couple of observations which I feel have validity and should be given consideration by the legislature, if it is felt some adjustments should be made. I recognize these observations were made as a Board of Game member and may or may not apply to the Fish Board.

First of all, I am entirely convinced the process would fare much better if the terms of each board member were extended. My suggestion at this time would be for five year terms. Secondly, I feel quite strongly there is a legitimate need for qualification standards for either board. I found on many occasions the lack of historical perspective created unnecessary problems and controversies. I am not sure how we could craft a standard which would meet constitutional muster, but at this time I would be very much in favor of requiring perspective board members to have at least 10 years residency before they could be considered as candidates.

I further believe some of the inherent problems associated with each board's work load could be alleviated with some changes in the way business was conducted. For instance, if we allowed the boards to meet as review committees prior to the public distribution of proposals, I believe we could reduce confusion and the amount of work at the regular board meeting by consolidating similar proposals and/or eliminating errant or inappropriate ones. The legislature could further assist the process by creating a more favorable situation in relation to judicial involvement. In other words, if we had a statute relating to the board process that mandated deference by the courts to the decisions made during the regular course of doing business, we would realize a fairly sizable reduction in each board's workload.

Lastly, in order to make the board process better, we should adjust the terms so they ended on April 30th. This would allow better continuity in the process as board members, members of advisory committees and members of the public would have been involved in the process leading up to the spring board meetings, which are traditionally the most important ones of the year.

Once again, thank you for the opportunity to present my views on this important subject. I sincerely hope you are able to consider some of my suggestions. Also, I would like to let you know I would be available at any time during the session if any member would like to discuss the above points or any further thoughts on how to improve these boards which are so important to the people of Alaska.