

SCOMM

99:11

WORK ORDER REQUEST FORM

W.O. [19] LS-0631

KEYWORDS: BOARDS AND COMMISSIONS ASSIGNED: Utermohle

FISH/GAME, GAME

REQUEST FOR: New Bill

TAKEN BY: Collins

SUBJECT: Board of Game

REQUESTED FOR: REP BARNES BY: Wayne Maloney PHONE: 465-6589

DELIVER TO: Rep. Barnes, Cap. 403

INSTRUCTIONS: Please draft a House duplicate of SB 50, an Act relating to the Board of Game.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED []
AUTHORIZED TO CONFER WITH _____

RETURN _____
_____ TO REQUESTOR

APPROVED: X DIRECTOR, LEGAL SERVICES

REVIEWED _____

IN 02/01/95 DUE _____

TYPED: Draft _____ Date _____

Final _____ Date _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS to TYPING/PROOFING

Request for DRAFT

WORK ORDER REQUEST FORM

W.O. [19] LS-0632

KEYWORDS: BOARDS AND COMMISSIONS

ASSIGNED: Utermohle

FISH/GAME, FISHERIES

REQUEST FOR: New Bill

TAKEN BY: Collins

SUBJECT: Board of Fish

REQUESTED FOR: REP BARNES

BY: Wayne Maloney

PHONE: 465-6589

DELIVER TO: Rep. Barnes, Cap. 403

INSTRUCTIONS: Please draft a House duplicate of SB 49, an Act relating to the Board of Fisheries.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED []

AUTHORIZED TO CONFER WITH _____

RETURN _____

_____ TO REQUESTOR

APPROVED: X DIRECTOR, LEGAL SERVICES

REVIEWED _____

IN 02/01/95 DUE _____

TYPED: Draft _____ Date _____

Final _____ Date _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS to TYPING/PROOFING

Request for DRAFT

9-LS0631\A
Utermohle
2/1/95

HOUSE BILL NO.**IN THE LEGISLATURE OF THE STATE OF ALASKA****NINETEENTH LEGISLATURE - FIRST SESSION****BY REPRESENTATIVE BARNES**

Introduced:
Referred:

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to the Board of Game; and providing for an effective date."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 16.05.221(b) is amended to read:

4 (b) For purposes of the conservation and development of the game resources
5 of the state, there is created a Board of Game composed of three [SEVEN] members
6 appointed by the governor, subject to confirmation by a majority of the members of
7 the legislature in joint session. The governor shall appoint each member on the basis
8 of interest in public affairs, good judgment, knowledge, and ability in the field of
9 action of the board, and with a view to providing diversity of interest and points of
10 view in the membership. The appointed members shall be residents of the state and
11 shall be appointed without regard to political affiliation or geographical location of
12 residence. The governor shall designate one member of the board as chair of the
13 board. The member designated shall serve as chair for a term of two years, and
14 may be designated chair for successive two-year terms. A member of the board
15 may not have a vested economic interest in the utilization of game resources. The

commissioner is not a member of the Board of Game, but shall be ex officio secretary.

* Sec. 2. AS 16.05.221(c) is amended to read:

(c) Members of the Board of Game serve staggered terms of four years and until a successor is appointed. Members of the Board of Fisheries [OR BOARD OF GAME] serve staggered terms of three years and until a successor is appointed. An appointment to fill a vacancy in the membership of the Board of Fisheries or Board of Game shall be made in the same manner as the original appointment and for the balance of the unexpired term.

* Sec. 3. AS 16.05.290 is amended to read:

Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of the Board of Fisheries [A BOARD] is entitled to compensation at a rate equal to Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance at board meetings. For other meetings or conferences authorized by the [A] board, a member shall receive compensation at a rate equal to one-half of Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance. Each member of the [A] board is also entitled to travel expenses and per diem authorized for boards and commissions under AS 39.20.180.

* Sec. 4. AS 16.05.290 is amended by adding a new subsection to read:

(b) Members of the Board of Game are in the exempt service and are entitled to a monthly salary equal to Step C, Range 26, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

* Sec. 5. AS 16.05.320 is amended to read:

Sec. 16.05.320. QUORUM. A majority of the members of a board constitutes a quorum for the transaction of business, for the performance of any duty, and for the exercise of any power. However, a majority of the full board membership is required to carry all motions, regulations, and resolutions. A majority of the members of each of the boards of fisheries and game constitute a quorum for the transaction of business in a joint board meeting. A majority of the membership of each of the boards is required to carry all joint motions, regulations, and resolutions of the boards.

* Sec. 6. AS 39.25.110(11) is amended to read:

(11) the officers and employees of the following boards, commissions, and authorities:

(A) [REPEALED

(B)] Alaska Permanent Fund Corporation;

(B) [(C)] Alaska Industrial Development and Export Authority;

(C) [(D)] Alaska Commercial Fisheries Entry Commission;

(D) [(E)] Alaska Commission on Postsecondary Education;

(E) [(F)] Alaska Aerospace Development Corporation;

(F) Board of Game;

* Sec. 7. The governor shall appoint, and submit to the legislature for confirmation by the 10th legislative day of the Second Regular Session of the Nineteenth Alaska State Legislature, three persons qualified to serve on the Board of Game as restructured by secs. 1 - 6 of this Act. Notwithstanding AS 16.05.221(c), as amended by sec. 2 of this Act, the governor shall appoint one person to serve on the board for an initial term of two years, one person to serve on the board for an initial term of three years, and one person to serve on the board for a term of four years.

* Sec. 8. (a) This section of this Act does not take effect if sec. 9 of this Act is passed by concurrence of two-thirds of the membership of each house of the Alaska State Legislature as provided under art. II, sec. 18, Constitution of the State of Alaska.

(b) Notwithstanding secs. 1 - 6 of this Act, the persons serving as members of the Board of Game on the day before the effective date of sec. 1 of this Act, and their successors, shall continue to serve on the board until July 1 following the confirmation by the legislature of at least two of the three persons appointed by the governor to serve on the Board of Game as restructured by secs. 1 - 6 of this Act.

(c) Notwithstanding secs. 1 - 6 of this Act, the Board of Game shall operate under the provisions of AS 16.05.221, 16.05.290, 16.05.320, and AS 39.25.110 as those provisions read on the day before the effective date of sec. 1 of this Act until July 1 following the confirmation by the legislature of at least two of the three persons appointed by the governor to serve on the Board of Game as restructured by secs. 1 - 6 of this Act.

* Sec. 9. Sections 1 - 6 of this Act take effect on July 1 following the confirmation by the legislature of at least two of the three persons appointed by the governor to serve on the Board of Game as restructured by secs. 1 - 6 of this Act.

HB 149
SPONSOR SPEECH

MARCH 22, 1995
REPRESENTATIVE RAMONA BARNES

FISHERIES BOARD MEMBERS WOULD BE FULL-TIME
STATE EMPLOYEES AND WOULD BE COMPENSATED
BASED ON RANGE 26, STEP C.<<<<<<<<<<

THERE IS FRUSTRATION OVER THE WAY THE
PRESENT PART-TIME BOARD IS SELECTED.....AND
THAT IS THE REASON FOR THIS BILL.<<<<<<

STATE LAW REQUIRES THE GOVERNOR TO APPOINT
FISH BOARD MEMBERS.....AND I QUOTE...

"ON THE BASIS OF INTEREST IN PUBLIC AFFAIRS,
GOOD JUDGMENT, KNOWLEDGE AND ABILITY IN THE
FIELD OF ACTION OF THE BOARD....AND WITH THE
VIEW TOWARD PROVIDING DIVERSITY OF INTEREST
AND POINTS OF VIEW IN THE MEMBERSHIP."

IN FACT, THE MEMBERS OF THE BOARD HAVE BEEN
APPOINTED IN THE PAST ON THE BASIS OF WHERE
THEY LIVE AND WHAT THEY DO FOR A LIVING....

A PROVISION IN HB 149 WOULD PROHIBIT THE
GOVERNOR FROM APPOINTING TO THE BOARD
ANYONE WHO HAS A VESTED ECONOMIC INTEREST
IN FISHERIES.<<<<<<<<<<

THIS PROVISION IS ENDORSED BY INDIVIDUALS AND GROUPS WHICH INCLUDE KENAI RIVER SPORT FISHING, INCORPORATED. I WOULD LIKE TO QUOTE FROM THE TESTIMONY OF BEN ELLIS, EXECUTIVE DIRECTOR OF THE SPORT FISHING ASSOCIATION.

IN COMMENTS TO THE SENATE RESOURCES COMMITTEE ON FEBRUARY 20TH HE SAID.....
QUOTE...

"WE MUST HAVE A BOARD THAT IS PROHIBITED FROM ANY VESTED ECONOMIC INTEREST. IT APPEARS MORE AND MORE BOARD MEMBERS ARE BEING CONFLICTED OUT OVER FINANCIAL AND PERSONAL INTEREST."

ELLIS WENT ON TO SAY THAT WE MUST HAVE A LEVEL PLAYING FIELD WHERE DECISIONS ARE MADE THAT ARE IN THE BEST INTEREST OF ALL ALASKANS AND THE STATE.

HE SAID THERE IS A PUBLIC PERCEPTION THAT THE BOARD OF FISHERIES IS BIASED TOWARD THE FINANCIAL PROFIT OF A FEW COMMERCIAL USERS AT THE EXPENSE OF THOUSANDS OF NON-COMMERCIAL USERS.<<<<<<<<<

I BELIEVE THAT THE CONCEPT OF A FULL TIME BOARD IS A GOOD ONE. MEMBERS WOULD BE MORE LIKELY TO ACT IN THE INTERESTS OF THE STATE AS A WHOLE.....

AND THE PROVISION THAT FORBIDS A BOARD MEMBER FROM HAVING A VESTED ECONOMIC INTEREST WILL ENCOURAGE APPOINTMENT OF A BOARD THAT WILL MAKE IMPARTIAL DECISIONS.

THANK YOU.

FISCAL NOTE

STATE OF ALASKA				BILL NO.	HB149
1995 LEGISLATIVE SESSION					

Revision Date:			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:	House Fisheries			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					
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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
PART-TIME					
TEMPORARY					

ANALYSIS:	(Attach a separate page if necessary)				
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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:	3/9/95
Approved by Commissioner:	<i>Franklin</i>	Date:	3.14.95
Agency:	Fish and Game		

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[illegible]

FISCAL NOTE

STATE OF ALASKA		BILL NO. HB149	
1995 LEGISLATIVE SESSION			
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

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CHANGE IN REVENUES ()

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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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[illegible]

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.

SENATE RESOURCES SUBCOMMITTEE
Anchorage Legislative Information Office
February 24, 1995
3:36 P.M.

dp

SUBCOMMITTEE MEMBERS PRESENT

Senator Loren Leman, Chairman
Senator Lyman Hoffman

SUBCOMMITTEE MEMBERS ABSENT

Senator Drue Pearce, Vice Chairman

OTHER MEMBERS PRESENT

Senator Georgianna Lincoln

COMMITTEE CALENDAR

SENATE BILL NO. 49

"An Act relating to the Board of Fisheries; and providing for an effective date."

PREVIOUS ACTION

SB 49 - See Resources minutes dated 2/20/95.

WITNESS REGISTER

Kay Andrew
P.O. Box 7211
Ketchikan, AK 99901
POSITION STATEMENT: Opposed SB 49.

Ken Erickson, Legislative Aide
Senator Drue Pearce
State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Commented on SB 49.

Nevin May
P.O. Box 3160
Ketchikan, AK 99901
POSITION STATEMENT: Opposed SB 49.

Geneneiva Pearson
P.O. Box 669
Kodiak, AK 99615
POSITION STATEMENT: Opposed SB 49.

Senate Resources
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Chris Berns
P.O. Box 26
Kodiak, AK 99615
POSITION STATEMENT: Opposed SB 49.

Donald Fox
P.O. Box 2971
Kodiak, AK 99615
POSITION STATEMENT: Opposed SB 49.

John Bocci
Cordova District Fishermen United
P.O. Box 1312
Cordova, AK 99574
POSITION STATEMENT: Opposed SB 49.

James Mykland
P.O. Box 1214
Cordova, AK 99574
POSITION STATEMENT: Opposed SB 49.

Jack Hopkins
P.O. Box 343
Cordova, AK 99574
POSITION STATEMENT: Opposed SB 49.

Deborah Lyons
P.O. Box 296
Petersburg, AK 99833
POSITION STATEMENT: Opposed SB 49.

Gordon Jensen
Petersburg Vessel Owners
P.O. Box 264
Petersburg, AK 99833
POSITION STATEMENT: Opposed SB 49.

Chris Sharpsteen
Petersburg Advisory Committee
P.O. Box 1255
POSITION STATEMENT: Opposed SB 49.

Drew Scalzi
41685 Redoubt Circle
Homer, AK 99603
POSITION STATEMENT: Opposed SB 49.

Larry Smith
1520 Lakeshore Drive
Homer, AK 99603
POSITION STATEMENT: Commented on SB 49.

Senate Resources
Subcommittee

Dan Winn
North Pacific Fisheries Association
P.O. Box 1272
Homer, AK 99603
POSITION STATEMENT: Opposed SB 49.

John Foster
P.O. Box 225
Sand Point, AK 99661
POSITION STATEMENT: Opposed SB 49.

Joseph Carr
P.O. Box 294
Sand Point, AK 99661
POSITION STATEMENT: Opposed SB 49.

Peggy Osterback
P.O. Box 61
Sand Point, AK 99661
POSITION STATEMENT: Opposed SB 49.

Leonard Efta
P.O. Box 353
Kenai, AK 99611
POSITION STATEMENT: Opposed SB 49.

Dale Bondurant
HC 1, Box 1197
Soldotna, AK 99669
POSITION STATEMENT: Opposed SB 49.

Joseph Jolly
HC 2, Box 753
Soldotna, AK 99669
POSITION STATEMENT: Opposed SB 49.

Charles McKee
P.O. Box 143452
Anchorage, AK 99514
POSITION STATEMENT: Opposed SB 49.

Don Mitchell
1335 F Street
Anchorage, AK 99501
POSITION STATEMENT: Supported SB 49.

Chip Trien
18011 Golden View Dr.
Anchorage, AK
POSITION STATEMENT: Opposed SB 49.

Senate Resources
Subcommittee

Drew Sparlin, Jr.
P.O. Box 283
Kenai, Ak 99611
POSITION STATEMENT: Opposed SB 49.

Richard Andrew
P.O. Box 7211
Ketchikan, AK 99901
POSITION STATEMENT: Opposed SB 49.

Royce Ranniger
P.O. Box 702
Ward Cove, AK 99928
POSITION STATEMENT: Opposed SB 49.

Ken Duckett
P.O. Box 23178
Ketchikan, AK 99901
POSITION STATEMENT: Opposed SB 49.

Andy Rauwolf
7942 South Tongass Hwy
Ketchikan, AK 99901
POSITION STATEMENT: Opposed SB 49.

Kris Norosz
P.O. Box 232
Petersburg, AK 99833
POSITION STATEMENT: Opposed SB 49.

Oscar Dyson
P.O. Box 1728
Kodiak, AK 99615
POSITION STATEMENT: Opposed SB 49.

Virginia Adams
620 Hemlock Dr.
Kodiak, AK 99615
POSITION STATEMENT: Opposed SB 49.

Al Burch
P.O. Box 991
Kodiak Draggers Association
Kodiak, AK 99615
POSITION STATEMENT: Opposed SB 49.

Bruce Schactler
Area K Seiners
P.O. Box 2599
Kodiak, AK 99615
POSITION STATEMENT: Opposed SB 49.

Senate Resources
Subcommittee

Mike Milligan
SR 9121
Kodiak, AK 99615
POSITION STATEMENT: Opposed SB 49.

Ralph Lohse
P.O. Box 14
Cordova, AK 99574
POSITION STATEMENT: Opposed SB 49.

Charles DeVille
P.O. Box 632
Cordova, AK 99574
POSITION STATEMENT: Opposed SB 49.

Dennis Randa, President
Trout Unlimited
P.O. Box 3055
Soldotna, AK 99669
POSITION STATEMENT: Opposed SB 49.

Ben Ellis
Kenai River Sport Fish Association
P.O. Box 1228
Soldotna, AK 99669
POSITION STATEMENT: Supported concept behind SB 49.

Theo Matthews, Executive Director
United Cook Inlet Driftnetters Association
P.O. Box 69
Kasilof, AK 99610
POSITION STATEMENT: Opposed SB 49.

ACTION NARRATIVE

TAPE 95-13, SIDE A

Number 001
#SB49
SRESSUB 2/24/95

SB 49 RESTRUCTURE BOARD OF FISHERIES

CHAIRMAN LEMAN called the Senate Resources Subcommittee meeting to order at 3:36 p.m. and announced SB 49 to be up for consideration.

KAY ANDREW, commercial fisherman from Ketchikan, said she was very surprised to see this kind of legislation. She stated she is totally against it. She had served on the Board of Fisheries and

Senate Resources
Subcommittee

lost her seat because of a political conflict in the Northern part of the state. She did not think it right for the Governor to appoint three people who would be responsible strictly to the Governor. She thought it was important to specify qualifications for people who can be on the Board. She was confused about the length of the terms for the three appointees.

Number 56

KEN ERICKSON, Legislative Aide for Senator Pearce, explained that Section 7 deals with setting up the initial staggered terms. The person appointed to the first term would serve for two years, a person who is appointed to that seat in succeeding years would serve four year terms. He thought the appointees would be from throughout the state with varied backgrounds.

Number 99

NEVIN MAY, Ketchikan commercial/sport fisherman and a sport hunter, said he doesn't see anything in this bill that he likes at all. The system we now have might be refined a little, but it is the envy of the rest of the Pacific Coast as far as management goes. He thought there would be just as much politics, but just fewer people.

GENENEIVA PEARSON, Kodiak resident, said her family has been involved in the commercial fishing harvest since 1944. The industry is too complex to have a Board that doesn't have deep knowledge of the fisheries. It doesn't make any more sense to have lay people regulating fishermen than it does to have lay people regulating dentists, doctors, engineers, and lawyers. She noted SB 49 does not prohibit people who have interests in commercial sport fishing from participating.

Number 175

CHRIS BERNES, Kodiak commercial fisherman since 1958, said this bill is an attack on the fishing industry. To suggest that the Board have people with no commercial fishing experience is irresponsible. This resource is now one of the few remaining solely controlled by the State and should be managed in a responsible way. A professional Board would not lead to a less contentious process, but it would carry all the pitfalls of a lay Board. A Board should be made up of a group of peers who have an in-depth knowledge of the industry. A Board member should be more of a fisherman than a dentist or a lawyer.

MR. BERNES pointed out a contradiction on line 7 - 9 on page 1 and lines 1 and 2 on page 2 which describes the qualifications of the Board members.

Number 244

DONALD FOX, Kodiak commercial fisherman a member of the local Advisory Board for ten years, said there are problems within the Board of Fisheries the way it is constituted, but he thought it would better to try to fix it than to totally change it. He sees SB 49 as, "an attempt by the sport fishing interest, the Railbelt, and Mat-Su Valley legislators to get total control of our Board of Fish." He suggested just increasing the Board from seven to nine members according to specific geographic areas - with representation for everybody.

JOHN BOCCI, Cordova District Fishermen United, said he had problems with understanding the word "commercial" as it is used in SB 49. It is also a blatant attempt to put control where it doesn't belong and it certainly isn't going to cure any perceived problems in the Boards of Fisheries and Game. He commended HB 141 which confirms

members before they serve and said this should be applied to all boards and commissions. He strongly suggested gradually changing the existing system rather than gutting it. He added that he is also an avid sports fisherman and hunter.

Number 293

JAMES MYKLAND, Cordova commercial fisherman, strongly opposed SB 49. The Alaska commercial fishing industry is the state's largest private employer, providing jobs for 75,000 people during the peak of the season. He thought more funds needed to be allocated to fisheries management. The present structure of the Board seems to be working. "How else can you explain record harvests of salmon in Alaska during the last five years?" he asked.

MR. MYKLAND said he would like to see higher funding for the staff of the Board of Fisheries and for the local Advisory Board which help identify the specific problems each area is having. He does support HB 141 which would help depoliticize the confirmation process. He also agrees with the Knowles/Ulmer transition team recommendation to create regional management panels.

Number 330

JACK HOPKINS, Alaskan resident, said he is opposed to SB 49. He felt the current system is working, and any changes would be a great injustice to the state, the people, and the resource.

Number 348

DEBORAH LYONS, Petersburg, said she is a former member of the Board of Fisheries and was on the Governor's transition team, she is currently helping the Salmon Commission, and is a member of the Northern Southeast Regional Aquaculture Association. She noted

that some very wise legislators created the entire Board process, recognizing how much of our state is out of the eyes of the enforcement people. People have to make an individual decision whether or not to obey the regulations. We don't have the enforcement capability or the funding for the ADF&G to observe everything that goes on in this state. Legislators realize that public involvement in creating regulation is important to have effective fish and game management.

MS. LYONS said that the Board process isn't working very well at the present time, and it needs to in order for people to respect the regulations enough to obey them.

She didn't really see how this bill could make the situation any better.

GORDON JENSEN, Petersburg Vessel Owners Association, said he spent twenty years on the Board of Fish and Game and he thought it was probably the best system. He said people need to have the ability to participate, but this bill would minimize their input.

CHRIS SHARPSTEEN, Petersburg Advisory Committee, opposed SB 49. He said we have a system in place that works when it's not fiddled with. Now people have access to the process, and because of that access believe in the process. The input is incredible as long as it is acted upon. If you put three bureaucrats in charge of the Board of Fisheries, you're going to alienate entirely the users of this resource.

DREW SCALZI, Homer commercial fisherman, opposed SB 49. He was a member of the transition team and was surprised that this came up in the Legislature so quickly. He looked at the makeup of the APUC and AOGA, and the background required reflected what their jobs on the Commissions were. He said there is nothing wrong with the

process the way it is now.

Number 453

LARRY SMITH, Homer, said he spent a number of years on local Advisory Committees and he thought that was an important part of the process that has suffered over the years. He thought the concept of the bill was good, but it needed a lot of work, especially with public input, in all the phases. He thought, however, that the Board should be organized so that it could avoid going to the Legislature to accomplish its goals.

DAN WINN, North Pacific Fisheries Association, said they usually don't get involved in the Board of Fisheries process. They use the NPFC. One of the reasons is because they have such diverse user groups that they don't want it divided up. In SB 49 they find the "who may not be a member" section quite offensive and they voted today to oppose this legislation. He didn't think a professional Board would be any better than the current organization. The other fisheries on the west coast that have professional boards have declined because of it.

JOHN FOSTER, Sand Point commercial fisherman, opposed SB 49, because it prohibits the members of the Board from having an vested economic interest in the fisheries resources. There is nothing about sport fishing interests being prohibited. He, therefore, thought it was discriminatory.

He is aware of the problems in the Area M fishery; most of which are caused by political meddling. No other area has been hit as hard by Board politics, but he still believes in the Board process. It is very important to have people who are knowledgeable about the fishing industry making the decisions for the fishing industry.

JOSEPH CARR, Sand Point commercial fisherman, concurred with Mr. Foster's testimony.

PEGGY OSTERBACK, Sand Point commercial boat owner, opposed SB 49, because it is discriminatory in nature, because it keeps people who have a financial interest in the fisheries from being on the Board. It implies that a person does not have the integrity to serve on the Board just because they have an interest in fishing. Looking at the other state boards and commission you'll find those people still have a vested financial interest in the businesses they regulate. She used the Board of Education, the Board of Chiropractic Examiners, the Medical Board, and the Judicial Conduct Commission, as examples.

A person who participates in the fishing industry brings experience and knowledge to the Board that cannot be acquired in any other way than by participating in the industry.

SENATOR LEMAN noted that Senator Georgianna Lincoln was on line in Delta Junction.

LEONARD EFTA, Kenai commercial fisherman, opposed SB 49. He said in a Board with only three members that two people would have complete control of the fishery which could be a disaster. With a seven member Board there is representation from various user groups which he thinks is real important.

DALE BONDURANT opposed going to a three member Board. He said the reason the Boards were separated in the past was because it's a big job and the diversity and knowledge was needed. He agreed that it would be likely for "sweetheart deals" to happen with a three member Board. He said the playing field needs to be leveled on the existing Board, though. There should be some sort of economic requirements to get back to fair representation. He said this is

a common resource and all people in Alaska should be represented on it.

Number 532

JOSEPH JOLLY, commercial fisherman and Board member of United Cook Inlet Driftnetters Association (UCIDA), opposed reducing the number of people on the Board of Fisheries.

TAPE 95-13, SIDE B

MR. JOLLY pointed out that SB 49 proposes paying a Board the Legislature is having a hard time finding money to pay for other things. People have to remember that all user groups use the fish out there, he said, and they need to look at the habitat concerns that are happening on the rivers. Commercial fishermen put a portion of their income into renewing the resource; he thought it was time that everyone else did, too.

Number 571

CHARLES MCKEE, Anchorage resident, said it would be difficult to restructure the Board. He said there is a meeting on March 15 between Oregon, Washington, Montana, and Alaska on salmon recovery. He thought it was wiser to work in that direction rather than to put energy into a new Board structure.

DON MITCHELL, Anchorage attorney, said he had represented clients on both Boards over the last 20 years. He said Governor Cowper appointed a Task Force to look into this issue. He said anyone who knows about the regulatory process knows that its time has come and gone and it is more than inefficient. It is morally and ethically corrupt. Senator Pearce, in this bill, attacks only one of three components.

First, there is no way to test the quality of information provided by the public and ADF&G and there is no record of supporting evidence for decisions that are made.

Second, there are no standards for coming up with a decision. He said that people complain about too much politics in the Board process. Consulting the Alaska Constitution, one will find that the Congress of the State assigned the Legislature, not the Boards of Fisheries and Game, the responsibility for making these decisions. They recognized that who gets to use fish and game has a very important social and economic policy consequences. In 1958, when the Board process was created by the Legislature, there was no sport fishery and no one cared about the Native people. He said the only statutory guide to decision making is the subsistence statute. The Legislature needs to ask questions like, are mixed stock fisheries good or bad for the State of Alaska. Then the Board, based upon the facts, should make decisions.

The third issue, which Senator Pearce is addressing, is the issue of the composition of the Board itself. He said people are appointed to the Board now, because of their conflict of interest. That is why people are tired of this Board process.

MR. MITCHELL noted that the Natives are becoming more attracted to the Federal Subsistence Board and its because most people are not "mobbed up" with their decisions.

CHIP TRIEN, commercial and sport fisherman, said he didn't think regulating fish was as complicated as rocket science. But it requires a great deal of deliberation and consensus building. It should be compared to that kind of thing. Public trust is a very, very important part. The Board process requires a great deal of public input and should be considered seriously. A three member Board doesn't allow for the same kind of public input that a seven

member lay Board has.

MR. TRIEN was also concerned that a three member Board could be run by just two people. He thought it was insulting that commercial fishermen and anyone with a commercial interest is excluded and other people with self serving interests are not excluded.

Number 422

DREW SPARLIN JR. said he has been involved in the Board of Fisheries process for many years. He said this bill is interrupting the Board process. There is a consensus of minds working together right now to solve issues between many groups. No one is being excluded. This bill would allow only special interest groups to gain control over State-wide management.

Number 370

RICHARD ANDREW, Ketchikan fisherman, opposed SB 49. He said he couldn't think of anything to add to what had already been said.

ROYCE RANNIGER, Ketchikan commercial fisherman, opposed SB 49. He said it's heavily weighted down with politics. We have the last great fishery in the United States. The responsibility is awesome and it should be managed accordingly. Any Board can only be effective if it represents all the interests which it governs.

MR. RANNIGER suggested that the Boards of Fisheries and Game should be as far removed from the political arena as possible. Treat it like the Supreme Court, he said, with life-time appointments. The Board makeup would be from all user groups in each area and when a member quits or retires, a replacement must come from that area and group.

Due to the vastness of our State, there should be two separate Boards of Fisheries and Game, a Northern Board and a Southeast Board, he concluded.

Number 337

KEN DUCKETT said he served nine years on a local Advisory Board. He is a long-time commercial fisherman and resident of Ketchikan. He is adamantly opposed to SB 49 for all the reasons the Committee has heard. He said the people who use the resource are the ones who are most concerned with preserving it.

ANDY RAUWOLF, President of the Herring Coalition, opposed most of this bill. The Board of Fisheries does need some overhauling, but a three-member Board is not the answer. After sitting in on the last few Board meetings, he thought there was too much power generated among people who are unfamiliar with specific areas of Alaska. He thought it advisable to give each local Advisory Committee a vote on the proposal affecting their area. He thought this would generate a lot more public interest on the local level. Six or eight Advisory Committees in a specific area would make the Board of Fisheries pay more attention to what they are recommending. He has seen Advisory Committee recommendations totally ignored by the Board of Fisheries, he added.

KRIS NOROSZ, Petersburg Vessel Owners Association, opposed SB 49. They support the present system of a seven-member lay Board, although it's not without its problems. Historically, it has served the State quite well. The Governor's Transition Team on Fisheries fully supported the lay Board and made some excellent recommendations for improvement to the present system. One of the recommendations is in HB 141 which would allow for a change in the dates in terms of Board members. This would help depoliticize the confirmation process by holding confirmation hearings prior to the

appointee making any Board decisions. A professional Board would lack the important knowledge and experience of Alaska's fishing industry. This would alienate the public and erode the credibility of the Board.

The present Board system needs more funding to insure greater participation by local Advisory Committee chairmen at the Board meetings and to provide increased staff support for the Local Advisory Committee and the public.

Number 263

OSCAR DYSON, 48 year Alaskan commercial fisherman, opposed SB 49, because it wouldn't be any better than what we have. Looking at the historical record of management, we still have good healthy runs of fish and he would not want to endanger that with a Board that doesn't have knowledge of the fisheries.

VIRGINIA ADAMS, Vice President of the Northwest Setnetters Association, said she had been a commercial fisherman for 20 years and was very much against this bill. She spent many years gaining the knowledge to fish in a number of fisheries and she personally would like individuals on the Board who have knowledge of commercial fishing.

AL BURCH said he started fishing in 1946 and then the population was 146,000. We are now at 600,000. He has spent 13 years on the Board of Fisheries. In the early days when we had a small population, they addressed all problems of fish, game, and trapping. He said the people who serve now should get a medal for all the flack they take. One suggestion he had was to form a third Board to take some of the pressure off the people. He said he knew most of the people who testified today and they represent thousands of years of accumulated fishing experience - a corporate memory.

He urged that they kill SB 49 in Committee.

Number 221

BRUCE SCHACTLER, Area K Seiners, said there has been so much testimony against this bill, that there isn't anything left to say. He wrote a letter last week and pointed out that the Legislative Research Agency has not been able to find a Board like Senator Pearce is proposing. It doesn't exist anywhere in the United States or Canada. He didn't see any reason for Alaska to be the guinea pig when we have the best resource in the nation.

MR. SCHACTLER said the problem comes from the Governor not appointing the right people and from people in the Legislature that threaten the public with lack of funding for the most needed program in the State unless their people get put on the Board.

MIKE MILLIGAN, Kodiak, said he was concerned specifically with going to a three-member Board. He thought it would be a big mistake. The thing that has made this country great is our ability to compromise and to build consensus in the times of controversy. Going to three members would disenfranchise vast segments of Alaska. The second problem is with no vested interest in the fisheries. He thought having a vested interest in the resources is what still gives us the fish to fight over.

RALPH LOHSE, Cordova commercial/sport/commercial sport fisherman, opposed SB 49 and supported HB 141. He said the current Board process gives all people with a direct interest a say in the management. That is what good government is all about. It also makes for good resource management. It should be left as it is; it has worked in the past; it will work in the future.

MR. LOHSE asked why there was only one user group that was excluded

from the Board in SB 49. He said they needed as much representation as anybody else.

Number 92

CHARLES DEVILLE, Cordova fisherman, was dead-set against SB 49, because he wants to be represented on the Board by fishermen. He thought commercial fishermen could also represent subsistence and sport fishermen, but he didn't see how sport fishermen can represent commercial fishermen.

DENNIS RANDA, President, State Council of Trout Unlimited, said last year the Council took a position on the Board of Fisheries which they thought was flawed and was not responding to the social and economic needs of people across the State of Alaska. He said that politics has been the art of compromise and there hasn't been much compromise between sport and commercial users on the Board of Fisheries.

MR. RANDA said he was on the Knowles/Ulmer Transition Team and they did agree that the Board process wasn't working, but that they didn't want a professional Board. He noted that the Board continually uses historical uses as a priority in allocation without regard for social or economic considerations.

TAPE 95-14, SIDE A

BEN ELLIS, Executive Director, Kenai River Sport-Fish Association, said they prefer the current lay Board structure being maintained. If Governors and lawmaker continue to appoint and confirm Board members who have direct conflicts of interest and would eventually be "conflicted out," the Board could very easily come to a grinding halt. So he supported the concept behind the bill, but not the bill itself. With the growing emergence of non-commercial users in

the State, conflict over the allocation must be addressed in a positive form. There must be a level playing field where decisions are made which are in the best interests of all Alaskans. If that cannot be accomplished by a lay Board, maybe some form of SB 49 is the answer.

He commended Senator Pearce for addressing the issue in this bill.

Number 54

THEO MATTHEWS, Executive Director, United Cook Inlet Drift Association, opposed SB 49. They support the current lay Board process. The proposal in SB 49 would not produce any better results than are made now. Their primary objection is going to a three-member Board. He said there would be even more battles over confirmation, because there will be a smaller "pot" to work with - two people could dictate any outcome.

This process does not recognize the inherent conflicts that non-commercial users have. For people concerned with reallocation, no Board process is going to be fair until they get what they want.

MR. MATTHEWS suggested they get better pay for the current Board members. They need adequate staff for the current Board members and they also need a historian, because too often Board members don't know what deliberations went into the original regulations. They need better representation by the Advisory Committees. He emphasized that better pay, better staff, and better participation has been curtailed by this Legislature as they cut funding over the years.

#

Number 129

SENATOR LEMAN thanked everyone for their participation and

Senate Resources
Subcommittee

adjourned the meeting at 5:20 p.m.

Sec. 16.05.221. Boards of fisheries and game. (a) For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

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

Members of the Board of Fisheries or Board of Game serve staggered terms of three years and until a successor is appointed. An appointment to fill a vacancy in the membership of the Board of Fisheries or Board of Game shall be made in the same manner as the original appointment and for the balance of the unexpired term. (§ 3-101, SLA 1975; am § 118 ch 218 SLA 1976; am §§ 1, 2 ch 121 SLA 1977)

dp

SENATE RESOURCES SUBCOMMITTEE
Anchorage LIO
February 25, 1995
1:00 p.m.

MEMBERS PRESENT

Senator Loren Leman, Chairman
Senator Lyman Hoffman

SUBCOMMITTEE MEMBERS ABSENT

Senator Drue Pearce, Vice Chairman

COMMITTEE CALENDAR

SENATE BILL NO. 49

"An Act relating to the Board of Fisheries; and providing for an effective date."

PREVIOUS ACTION

SB 49 - See Resources minutes dated 2/20/95 and Resources Subcommittee minutes dated 2/24/95.

WITNESS REGISTER (via teleconference)

Geron Bruce, Legislative Liaison
Department of Fish and Game
P.O. Box 25526
Juneau, Alaska 99802-5526

POSITION STATEMENT: Stated support of the citizen lay board from the Administration.

Jerry McCune
United Fishermen of Alaska
211 Fourth Street
Suite 211
Juneau, Alaska

POSITION STATEMENT: Opposed SB 49, but recognized the system needed improvements.

Mike Wells, Commercial Fisherman
Valdez Advisory Board Member
P.O. Box 989
Valdez, Alaska 99686

POSITION STATEMENT: Opposed SB 49.

Don Daniels, Commercial Fisherman
P.O. Box 930
Valdez, Alaska 99686

POSITION STATEMENT: Opposed SB 49.

ACTION NARRATIVE

TAPE 95-15, SIDE A

#SB49

SRES - 2/25/95

SB 49 RESTRUCTURE BOARD OF FISHERIES

Number 001

CHAIRMAN LEMAN, in the Anchorage Legislative Information Office, called the Senate Resources Subcommittee meeting to order at 1:00 p.m. and introduced SB 49 as the only order of business before the subcommittee.

GERON BRUCE, Legislative Liaison for the Department of Fish and Game, stated that the Board of Fisheries provides a cost effective manner in which to utilize local knowledge and industry expertise in the regulatory process. Duplicating such knowledge and expertise with a staff effort would prove difficult. Another difficulty would be the social and economic issues the Board of Fisheries currently faces; a professional board would face such issues as well. He felt that most would agree that the system of resource management in Alaska has done a good job with conservation. The problem seems to be the social and economic issues regarding resources. In conclusion, Mr. Bruce said that the Administration supports the citizen lay board while recognizing the need for possible improvements.

SENATOR LEMAN suggested that Mr. Bruce forward any recommendations regarding possible venues for improvement in the process. He commented that the approach in HB 141 would probably achieve consensus. GERON BRUCE said that he would forward any suggestions. Mr. Bruce noted that the Administration supports HB 141 and would be working on some changes to that legislation.

SENATOR HOFFMAN inquired as to Mr. Bruce's comments regarding the suggestion of adding two members to the Board in order to improve its composition. GERON BRUCE recognized that adding two members could offer a broader representation of Alaska. The idea is worthy of review and consideration.

SENATOR HOFFMAN mentioned the concept of creating three regional fish boards in order to alleviate the current board's inability to address issues every year. The Board can only speak to issues every three years while the board's members serve from two to three years. GERON BRUCE noted that this idea has been before the legislature in the past. The main disadvantages to such a proposal would be the cost and the inability of the three boards to address issues that span the jurisdiction of all three. Mr. Bruce

presented another possibility; a Board historian could compile a record of the issues before the Board of Fisheries and the manner in which they have been handled up to date.

SENATOR LEMAN reiterated that Mr. Bruce should offer any suggestions regarding improvements to the Board of Fisheries. He indicated that he intended to use SB 49 as a vehicle, modifying to include those portions that will achieve consensus. GERON BRUCE appreciated the introduction of SB 49 because it provides a forum to discuss these issues.

JERRY McCUNE, United Fishermen of Alaska (UFA), stated that all 22 member groups of UFA oppose SB 49. He explained that the UFA would like to continue the current Board of Fisheries comprised of lay citizens. Currently, the Board of Fisheries is comprised of seven governor-appointed members who are subject to confirmation by the Alaska legislature. He noted that many states envy this structure.

Mr. McCune recognized that the system could use some improvements. He suggested following the change in dates and terms of board members as specified in HB 141. He also suggested returning the local advisory groups to the process in which the board addresses issues. There is controversy regarding the board's conflict of interest. He proposed discussing the conflict of interest issue and reviewing the possibility of amending the ethics act. He emphasized that if the committee would be willing to finance a professional board, then there should be money available for more staff and research. In conclusion, Mr. McCune pointed out that the increased usage along with the increased population has increased allocation conflicts. The best system would benefit all users of this resource.

SENATOR LEMAN inquired as to Mr. McCune's knowledge regarding other states' with professional board of fisheries. JERRY McCUNE said that he would forward that information to him. Mr. McCune thanked Senator Pearce for offering this legislation. UFA offered its assistance in working on the system.

SENATOR LEMAN informed everyone that he understood that Senator Pearce realized this legislation would probably not pass as is, but that it could be used as a vehicle to address necessary Board issues.

MIKE WELLS, commercial fisherman and member of the Valdez Advisory Board, opposed SB 49. He emphasized that SB 49 discriminates against commercial fishermen, processors and marketers of Alaska's fishery resources by not allowing their input on the Board. Their input would be denied by SB 49, but their access and usage of this resource would be affected by the board's decisions. He explained that a professional board is a contradiction in terms; how can a board member be a professional if the legislation mandates that the member have no knowledge of the issues before the board. The Board

should not be changed.

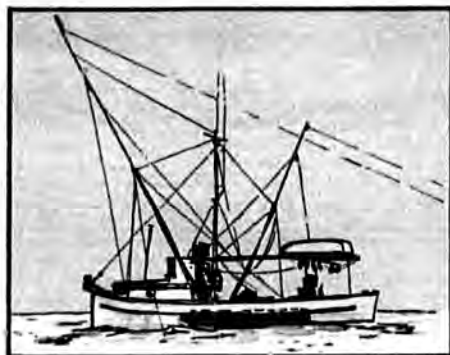
SENATOR LEMAN noted that SB 50 proposes a similar structure to the Board of Game.

DON DANIELS, commercial fisherman, opposed SB 49. He stated that the reasons for opposition had been identified well.

SENATOR LEMAN thanked all those who testified and those who had listened. He said that when Senator Pearce returned the subcommittee would discuss SB 49 further. He reminded everyone that written testimony was welcomed.

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There being no further business before the subcommittee, the meeting adjourned at 1:25 p.m.



Alaska Trollers Association

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

March 22, 1995

**Representative Ramona Barnes
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99811**

Dear Representative Barnes:

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

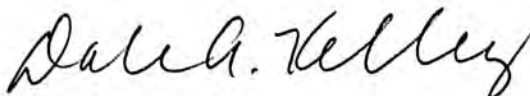
Page 2

- 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 your 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

"I'M OF THE OPINION"

Fishery management basically occurs on four levels. The first level is when the resource is numerous and only limited numbers of people take it. No management or limitations are needed on harvest.

The second level of resource management occurs when the use level reaches such proportions that, in order to perpetuate the fish run, it is necessary to limit catch (rather than participants). The second level usually occurs with commercial exploitation which adversely impacts the reproductive capacity of the resource.

The third level of management involves a prohibition against commercial take and reserves the resource to personal consumptive and recreational uses. As population increases and users increase, restrictions on gear use are applied (such as hook and line only) to assure a wide distribution of the catch.

The fourth level of management involves total prohibition of any catch in order to preserve the resource. This occurs when the resource becomes so limited that it is incapable of sustaining any harvest. At this point, it has become like a museum piece, to be seen but not used.

Support Sustained Yield: Habitat #(1) Resource #(2) Users #(3)

**Sam E. McDowell
National Director
Izaak Walton League of America
336 East 23rd Avenue
Anchorage, Alaska 99503**

#(1) B

(1) UPPER COOK INLET HISTORICAL SALMON RECORDS

and

'I'M OF THE OPINION'

by

SAM McDOWELL

(2) POPULATION OF BOROUGHs and CENSUS OF UPPER COOK INLET --
1980 - 1994.

MUNICIPALITY OF ANCHORAGE

MATANUSKA SUSITNA BOROUGH

KENAI PENINSULA BOROUGH

(3) (1992) SALES RECORD OF ALASKA SPORT FISHING LICENSES
PLEASE NOTE: CHILDREN UNDER AGE 16 AND RESIDENTS OVER 60
WHO RECEIVED FREE LICENSES NOT LISTED.

(4) NORTHERN COOK INLET KING SALMON HARVEST GRAPH -- 1893 -1993

(5) HISTORICAL HARVEST RECORDS OF COOK INLET SALMON: IN NUMBERS
OF FISH AND BY SPECIES -- 1893 - 1994

(6) KING SALMON HARVEST RECORD OF UPPER COOK INLET NORTHERN
DISTRICT ORIGIN -- 1969 - 1993

(7) UPPER COOK INLET COMMERCIAL SALMON HARVEST;

JANUARY 1 - JUNE 30

JULY 1 - August 15

AUGUST 16 - DECEMBER 31

CONCERNED ALASKANS, THE HOUR IS LATE AND THE TIME IS NOW TO
CHANGE THE UPPER COOK INLET MANAGEMENT PLAN PRIORITY TO PERSONAL
CONSUMPTIVE AND RECREATIONAL USE.

HAVE A GOOD DAY.

Sam E. McDowell
SAM McDOWELL

NATIONAL DIRECTOR
IZAACK WALTON LEAGUE OF AMERICA
336 EAST 23RD AVENUE
ANCHORAGE, ALASKA 99503

Table 2.1

**Population for Boroughs and Census Areas
by Labor Market Regions: 1980, 1990, 1991**

(2)

Labor Market Area	July 1, 1991 Population Estimate	Census Count		Change		Average Annual Rate of Change	
		April 1 1990	April 1 1980	April 1 1990 to July 1 1991	April 1 1980 to April 1 1990		
STATE OF ALASKA	570,300	550,043	401,851	20,257	148,192	2.89	3.11
Anchorage/Matanuska-Susitna Region	277,710	266,021	192,247	11,689	73,774	3.44	3.22
Anchorage Borough	237,216	226,338	174,431	10,878	51,907	3.75	2.59
Matanuska-Susitna Borough	40,494	39,683	17,816	811	21,867	1.62	7.61
Gulf Coast Region	66,493	64,063	43,569	2,430	20,494	2.98	3.81
Kenai Peninsula Borough	42,242	40,802	25,282	1,440	15,520	2.77	4.70

CERTIFICATION OF 1994 MUNICIPAL POPULATIONS

Under the authority vested in me by AS 29.60.020, AS 29.60.150, and AS 29.60.370, I, Remond Henderson, Acting Commissioner of the Department of Community and Regional Affairs, do hereby certify the population of each municipality as of July 1, 1994, as shown on the attached "1994 Municipal Population Certification."

12/15/94

Date

Remond Henderson

Remond Henderson
Acting Commissioner

→ 345,765

Municipality of Anchorage

→ 248,296

Matanuska-Susitna Borough

→ 50,058

Kenai Peninsula Borough

→ 44,411

(3)

Sales of Alaska Sport Fishing Licenses, by Location of Sale
and by Residency Class of the License, 1992.

Licenses Sold

Location of Sale	Resident	Nonresident	Total
Southeast Alaska	26,599	61,738	88,337
Glennallen Area	1,730	1,503	3,233
Prince William Sound	3,445	4,847	8,292
Cook Inlet Area	117,953	111,746	229,699
Kodiak Island	4,862	5,135	9,997
Bristol Bay/Alaska Pen.	3,375	8,040	11,415
Arctic-Yukon-Kuskokwim	24,260	14,660	38,920
Outside Alaska	21	847	868
Total	182,245	208,516	390,761

Sales of Cook Inlet Area Sport Fishing Licenses, by Location
of Sale and by Residency Class of the License, 1992.

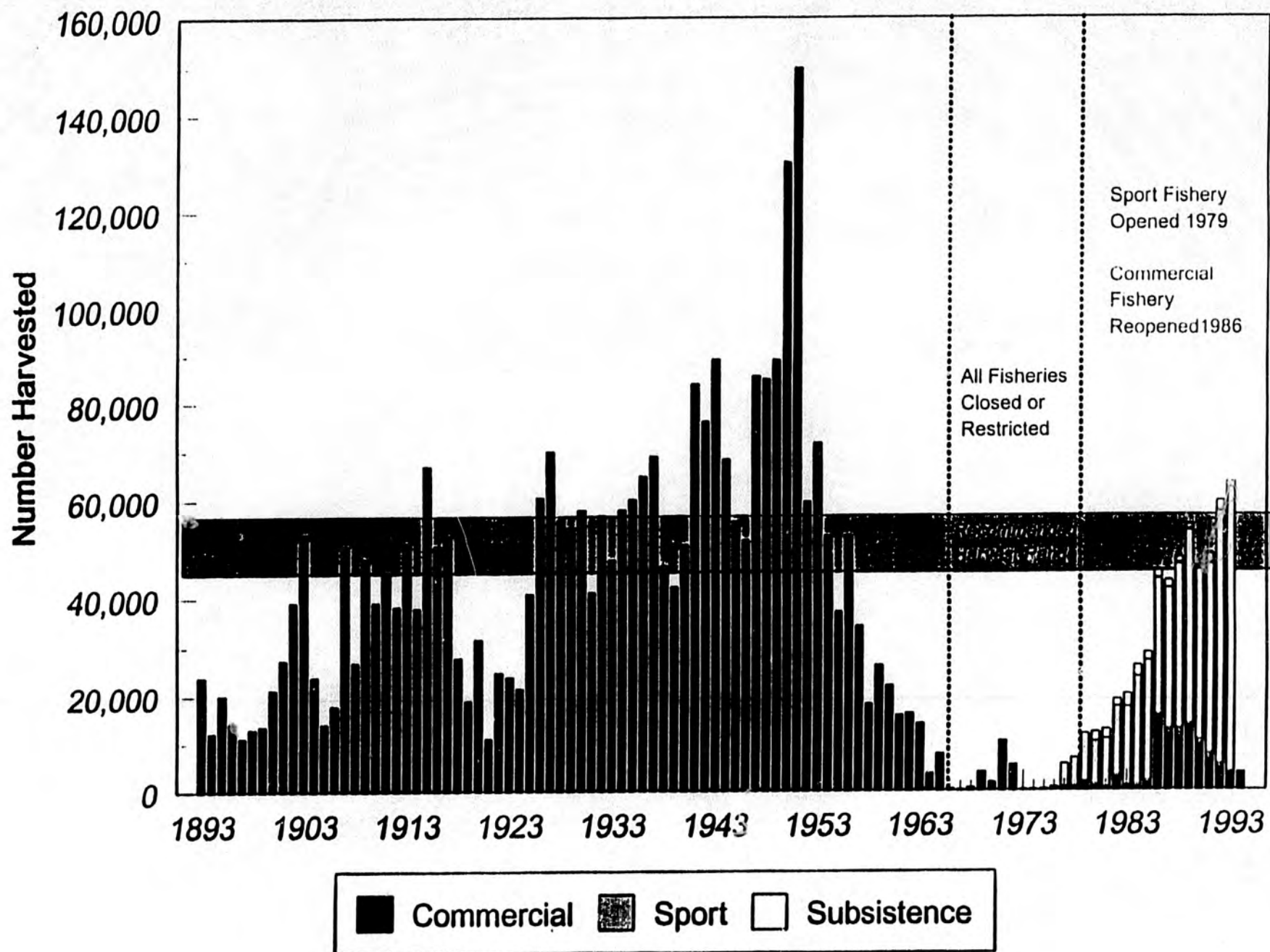
Licenses Sold

Location of Sale	Resident	Nonresident	Total
Knik Arm Drainage	15,245	7,550	22,795
Anchorage Area	73,295	56,215	129,510
East Susitna Drainage	1,559	2,536	4,095
West Cook Inlet- West Susitna Drainage	92	406	498
Kenai Peninsula	27,762	45,039	72,801
Total Cook Inlet Area	117,953	111,746	229,699

(4)

(4)

NCI King Salmon Harvests



(5)

Table 1. Historical harvest of Cook Inlet salmon in numbers of fish and by species (1893-1982). 1/ (continued)

Date	Chinook	Sockeye	Coho	Pink	Chum	Total
1941	104,822	1,293,234	359,224	715,211	272,345	2,744,836
1942	95,180	1,540,185	644,823	965,507	400,989	3,646,684
1943	111,381	1,468,279	279,852	1,457,161	301,899	3,618,572
1944	85,210	1,939,932	256,621	1,815,441	258,840	4,356,044
1945	69,202	1,556,713	329,828	1,367,950	305,901	3,629,594
1946	64,281	1,474,473	581,374	1,338,731	383,563	3,842,422
1947	106,804	1,473,973	443,879	681,731	279,227	2,985,614
1948	105,996	2,035,306	408,079	1,660,147	439,314	4,648,842
1949	111,281	2,153,213	279,701	443,003	238,646	3,215,844
1950	162,942	2,642,374	351,366	1,132,164	463,507	4,752,353
1951	187,511	2,481,170	271,384	408,454	290,478	3,638,997
1952	74,469	1,502,491	222,949	2,232,630	444,592	4,477,131
1953	89,429	1,489,972	224,280	546,116	533,661	2,883,458
1954	65,325	1,234,607	334,129	2,451,499	773,710	4,859,270
1955	46,495	1,059,079	174,292	1,230,014	313,906	2,823,786
1956	65,309	1,294,799	203,772	1,786,557	869,583	4,220,020
1957	42,647	667,753	127,080	305,566	1,207,889	2,350,935
1958	22,847	495,947	241,556	2,465,450	596,038	3,821,838
1959	32,723	634,728	107,162	94,590	408,332	1,277,535
1960	27,539	948,040	314,153	2,023,252	776,079	4,089,063
1961	19,778	1,185,079	119,397	337,394	405,221	2,066,869
1962	20,270	1,172,079	358,051	4,960,030	1,149,841	7,661,051
1963	17,632	958,101	203,876	234,052	525,537	1,939,198
1964	4,622	990,709	462,114	4,287,378	1,402,419	7,147,242
1965	9,751	1,426,352	154,481	139,561	344,521	2,074,666
1966	9,606	1,867,447	295,248	2,584,985	661,818	5,419,104
1967	8,035	1,409,106	180,455	407,717	382,282	2,387,595
1968	3,500	1,200,146	474,733	2,863,634	1,194,248	5,736,265
1969	12,471	815,040	101,585	236,474	331,045	1,496,615
1970	8,465	768,946	284,849	1,400,923	1,024,987	3,488,170
1971	19,838	659,032	105,197	428,495	475,631	1,688,193
1972	16,174	937,621	83,167	657,239	705,559	2,399,760
1973	5,339	699,234	106,747	633,586	783,074	2,227,980
1974	6,769	524,588	206,639	534,636	418,148	1,690,780
1975	4,918	706,878	227,950	1,399,061	972,627	3,311,432
1976	11,317	1,722,290	211,926	1,393,188	520,628	3,859,349
1977	15,009	2,152,567	195,471	1,846,008	1,379,011	5,588,066
1978	19,049	2,778,071	225,889	2,041,659	645,477	5,710,145
1979	14,976	988,832	277,416	3,059,516	873,385	5,214,125
1980	14,219	1,643,079	285,883	2,676,133	464,302	5,083,616
1981	13,326	1,549,490	495,926	3,403,390	1,172,642	6,634,774
1982	21,936	3,391,114	840,829	1,342,170	1,631,853	7,227,902
1983	20,634	5,049,733	516,322	70,327	1,114,858	6,771,874
1984	10,062	2,106,714	449,993	617,452	680,726	3,864,947
1985	24,088	4,060,429	667,213	87,828	772,849	5,612,407
1986	39,240	4,787,982	756,830	1,299,360	1,134,173	8,017,585
1987	39,661	9,500,186	451,404	109,801	349,139	10,450,191
1988	29,060	6,834,342	560,022	469,972	708,573	8,601,969
1989	26,742	5,010,698	339,201	67,430	122,027	5,566,098
1990	16,105	3,604,064	500,634	603,630	351,197	5,075,630
1991	13,535	2,177,576	425,724	14,663	280,223	2,911,721
1992	17,171	9,108,340	468,911	695,859	274,303	10,564,584
1993	18,719	4,754,698	306,822	100,918	122,767	5,303,924
1994	19,640	3,526,353	567,411	521,697	292,370	4,927,471

Table 1. Historical harvest of Cook Inlet salmon in numbers of fish and by species (1893-1982). 1/

Date	Chinook	Sockeye	Coho	Pink	Chum	Total
1893	30,000	170,000	34,000	0	0	234,000
1894	15,500	406,840	19,000	0	0	441,340
1895	25,199	324,277	0	0	0	349,476
1896	18,076	309,863	27,600	37,800	0	393,339
1897	14,083	354,800	28,000	0	0	396,883
1898	16,389	551,168	83,412	0	0	650,969
1899	17,102	558,529	54,890	0	0	630,521
1900	26,683	585,309	20,000	0	0	631,992
1901	34,319	482,406	8,967	5,591	0	531,283
1902	49,013	710,280	54,864	79,246	0	893,403
1903	66,023	564,189	58,968	0	0	689,180
1904	30,073	489,348	23,800	0	0	543,221
1905	17,668	95,547	0	0	0	113,215
1906	22,420	225,506	93,485	64,100	0	405,511
1907	62,944	460,620	177,276	6,420	0	707,260
1908	33,774	670,774	94,936	375,140	0	1,174,624
1909	59,624	582,562	88,350	3,740	0	734,276
1910	49,028	840,187	79,702	217,666	1,318	1,187,901
1911	55,845	1,249,154	87,909	70,665	749	1,464,322
1912	47,866	1,194,888	70,567	1,661,874	121,628	3,096,823
1913	63,652	1,369,196	81,484	10,926	10,813	1,536,071
1914	47,554	1,472,829	188,341	1,255,798	39,905	3,004,427
1915	83,793	1,860,684	122,028	19,308	27,833	2,113,646
1916	62,895	1,699,323	209,978	1,682,672	128,322	3,783,190
1917	65,499	1,659,907	60,776	54,286	78,468	1,918,936
1918	34,886	1,668,394	251,151	712,231	108,200	2,783,862
1919	23,801	943,694	172,855	43,447	54,333	1,238,130
1920	39,563	1,314,916	302,353	445,524	97,541	2,199,897
1921	13,946	983,625	20,519	4,717	42,409	1,065,216
1922	31,030	860,019	199,923	637,405	74,389	1,802,766
1923	29,911	1,099,465	142,926	39,146	23,481	1,344,929
1924	27,012	1,056,090	187,656	752,016	36,755	2,059,529
1925	51,033	1,510,861	198,146	11,828	15,064	1,786,932
1926	75,620	1,999,720	353,173	586,054	118,455	3,133,022
1927	87,404	1,459,068	387,746	251,866	59,380	2,245,464
1928	69,885	1,172,959	522,509	568,052	101,086	2,434,491
1929	67,694	1,049,851	184,858	376,863	134,601	1,813,867
1930	72,317	917,882	498,475	1,022,679	99,630	2,610,983
1931	51,402	805,526	328,294	472,221	62,628	1,720,071
1932	70,931	1,131,958	374,976	441,125	64,749	2,083,739
1933	59,281	1,336,135	187,972	118,187	57,245	1,758,820
1934	72,379	1,815,267	251,260	929,992	91,319	3,160,217
1935	75,075	1,355,787	170,438	430,540	161,424	2,193,264
1936	81,062	2,390,281	328,496	852,924	264,909	3,917,672
1937	85,982	1,581,183	215,700	487,692	148,869	2,519,426
1938	57,663	2,425,253	213,804	848,733	191,328	3,736,781
1939	52,726	2,334,904	163,010	319,312	231,645	3,101,597
1940	63,016	1,648,952	478,096	2,604,235	280,831	5,075,130

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Doug Vincent-Lang, Alaska Dept. Fish & Game, Division of Sport Fish
 November 28, 1994
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Breakdown of king salmon harvests of NCI origin, 1969-1993.

Year	<u>Commercial Harvest</u>			<u>Sport Harvest</u>					<u>Total</u>	<u>Subsistence Harvest</u>	<u>Total Harvest</u>
	<u>NCI</u>	<u>Kustatan</u>	<u>Total</u>	<u>Knik</u>	<u>Susitna</u>	<u>WCI</u>	<u>Marine</u>	<u>Anchorage</u>			
1969	2,904	1,023	3,927								3,927
1970	1,460	393	1,853								1,853
1971	9,598	896	10,494								10,494
1972	4,913	565	5,478								5,478
1973	170	76	246								246
1974	169	69	238								238
1975	129	172	301								301
1976	457	235	692								692
1977	565	207	772	207	3,994	473		52	4,726		5,498
1978	666	221	887	140	2,925	478	2,400	0	5,943		6,830
1979	1,714	159	1,873	800	7,066	98	2,035	0	9,999		11,872
1980	993	174	1,167	646	7,518	34	818	26	9,042	1,936	12,145
1981	725	43	768	1,466	6,926	192	1,356	0	9,940	2,002	12,710
1982	2,716	391	3,107	1,666	10,636	147	1,918	0	14,367	1,565	19,039
1983	933	163	1,096	1,255	12,420	1,185	1,416	2	16,278	2,750	20,124
1984	1,004	214	1,218	2,057	16,534	1,833	2,008	74	22,506	2,354	26,078
1985	1,890	211	2,101	1,889	17,986	2,029	2,924	61	24,889	1,720	28,710
1986	15,448	308	15,756	1,524	21,971	2,378	1,929	33	27,835	1,523	45,114
1987	12,701	176	12,877	2,476	21,953	1,477	2,436	485	28,827	1,552	43,256
1988	12,836	123	12,959	2,916	25,109	1,695	3,023	663	33,406	1,474	47,839
1989	12,731	1,144	13,875	4,341	29,126	2,290	2,693	950	39,400	1,314	54,589
1990	9,582	1,084	10,666	2,002	26,848	2,097	3,163	457	34,567	797	46,030
1991	6,859	925	7,784	2,277	30,890	762	3,410	1,169	38,508	2,100	48,392
1992	4,554	964	5,518	3,969	39,874	1,213	4,229	2,448	51,733	2,218	59,469
1993	3,277	424	3,701	3,602	44,023	2,019	5,668	3,041	58,353	1,247	63,301
1994	3,185	450	3,635	n/a	n/a	n/a	n/a		n/a	n/a	

UCI-CSH.XLS

UCI Salmon Commercial Harvest

Period: January 1 - June 30

							KS,RS,SS	
Year	KS	RS	SS	PS	CS	Total	# Del.	Total
69	8,432	49,775	30	3,096	300	61,633	1,338	58,237
70	2,924	19,786	283	133	111	23,237	1,195	22,993
71	15,937	11,289	10	339	85	27,660	1,135	27,236
72	10,132	23,148	86	77	183	33,626	1,007	33,366
73	528	7,369	11	1,683	192	9,783	320	7,908
74	254	5,797	7	16	39	6,113	178	6,058
75	539	10,967	21	1,372	105	13,004	333	11,527
76	1,499	28,845	30	35	303	30,712	442	30,374
77	1,456	85,919	31	4,825	1,109	93,340	670	87,406
Mean	4,633	26,988	57	1,286	270	33,234	735	31,678
78	2,554	111,777	1,181	967	9,528	126,007	1,097	115,512
79	4,356	93,424	870	1,592	6,883	107,125	1,381	98,650
80	2,096	82,593	135	25	1,125	85,974	915	84,824
81	1,681	151,647	675	1,105	3,210	158,318	1,858	154,003
82	5,556	48,372	332	33	14,538	68,831	1,270	54,260
83	2,886	39,604	578	51	1,431	44,550	493	43,068
84	1,415	54,773	2,510	96	7,670	66,464	630	58,698
85	2,335	33,672	947	609	4,321	41,884	629	36,954
86	16,656	85,859	12,947	165	9,372	124,999	1,534	115,462
87	13,517	144,420	593	2,225	1,867	162,622	1,980	158,530
88	12,454	90,280	1,540	209	7,515	111,998	1,016	104,274
89	14,962	23,058	20	142	234	38,416	815	38,040
90	10,818	38,048	131	29	6,192	55,218	1,572	48,997
91	7,774	25,302	7	6	41	33,130	689	33,083
92	5,717	78,954	434	150	708	85,963	1,633	85,105
93	4,018	90,240	90	48	1,910	96,306	1,331	94,348
94	3,635	11,220	167	36	744	15,802	274	15,022
Mean	6,614	70,779	1,362	440	4,546	83,742	1,125	78,755

UCI-CSH.XLS

UCI Salmon Commercial Harvest

Period: July 1 - August 15

								KS,RS,SS
Year	KS	RS	SS	PS	CS	Total	# Del.	Total
69	3,904	642,257	86,856	29,637	253,294	1,015,948	7,003	733,017
70	5,326	712,393	262,859	805,672	760,073	2,546,323	10,813	980,578
71	3,692	624,640	81,083	34,831	289,995	1,034,241	4,169	709,415
72	5,899	856,431	71,264	624,792	617,012	2,175,398	7,897	933,594
73	4,597	662,589	92,343	324,454	660,082	1,744,065	8,442	759,529
74	6,262	490,679	172,938	479,782	391,381	1,541,040	8,145	869,877
75	4,130	673,171	187,330	334,847	939,222	2,138,700	8,289	864,631
76	9,307	1,634,773	184,197	1,230,284	454,166	3,512,727	10,697	1,828,277
77	13,271	1,965,640	173,477	548,713	1,179,074	3,880,175	12,914	2,152,388
Mean	6,265	918,064	145,816	490,335	616,033	2,176,513	8,708	1,070,145
78	14,642	2,507,863	186,243	1,649,543	553,695	4,911,986	12,042	2,708,748
79	9,339	828,546	240,379	71,219	592,378	1,741,861	9,734	1,078,264
80	11,692	1,489,841	259,083	1,784,000	387,308	3,931,924	11,014	1,760,616
81	10,553	1,286,734	458,640	125,930	825,358	2,707,215	12,882	1,755,927
82	15,302	3,207,507	670,805	785,693	1,384,807	6,064,114	16,510	3,893,614
83	17,731	5,007,581	488,369	70,219	1,104,912	6,688,812	16,916	5,513,681
84	8,639	2,049,144	408,228	615,627	664,907	3,746,545	11,520	2,466,011
85	21,729	4,013,266	584,956	86,986	757,896	5,464,833	16,965	4,619,951
86	22,566	4,695,634	716,448	1,298,320	1,117,417	7,850,385	17,808	5,434,648
87	26,107	9,351,198	405,738	107,303	323,712	10,214,058	21,396	9,783,043
88	16,587	6,740,127	506,498	467,171	692,474	8,422,857	23,306	7,263,212
89	11,771	4,984,776	289,494	67,158	120,493	5,473,692	15,047	5,286,041
90	5,274	3,558,292	447,159	595,530	338,758	4,945,013	17,606	4,010,725
91	5,745	2,139,293	346,322	14,492	259,513	2,765,365	10,778	2,491,360
92	11,446	9,019,379	423,477	693,861	266,780	10,414,943	25,673	9,454,302
93	14,694	4,659,700	280,980	100,607	118,912	5,174,893	20,837	4,955,374
94	16,624	3,533,944	538,855	519,986	296,140	4,905,549	17,769	4,089,423
Mean	14,144	4,063,107	426,569	532,567	576,792	5,613,179	16,341	4,503,820

UCI-CSH.XLS

UCI Salmon Commercial Harvest

Period: August 16 - December 31

Year							KS,RS,SS	
	KS	RS	SS	PS	CS	Total	# Del.	Total
69	69	181	15,382	721	17,702	34,055	428	15,632
70	95	668	13,083	11,395	18,501	43,742	938	13,846
71	136	374	19,543	454	36,949	57,456	643	20,053
72	55	245	9,583	3,705	12,908	26,496	604	9,883
73	69	140	12,066	47	7,299	19,621	515	12,275
74	80	709	27,182	3,932	5,420	37,323	914	27,971
75	131	979	44,407	281	17,011	62,809	1,073	45,517
76	59	532	24,468	26,409	15,333	66,801	908	25,059
77	104	1,200	23,471	652	96,052	121,479	1,050	24,775
Mean	89	559	21,021	5,288	25,242	52,198	786	21,668
78	103	1,781	31,769	37,932	8,556	80,141	682	33,653
79	43	2,415	23,917	171	51,096	77,672	751	26,405
80	43	1,818	16,712	23,725	2,065	44,363	402	18,573
81	6	896	25,096	129	4,974	31,101	291	25,998
82	50	4,720	128,859	19,694	34,541	187,864	862	133,629
83	54	5,320	38,565	166	17,308	61,413	495	43,939
84	8	2,797	39,255	1,729	8,149	51,938	529	42,060
85	24	13,491	81,310	233	10,632	105,690	1,034	94,825
86	143	14,546	36,329	13,054	10,772	74,844	799	51,018
87	37	4,568	45,073	273	23,560	73,511	617	49,678
88	99	11,934	77,448	23,442	21,946	134,869	1,118	89,481
89	9	2,864	49,687	130	1,300	53,990	459	52,560
90	55	12,313	70,479	37,213	7,928	127,988	1,073	82,847
91	16	12,981	79,395	165	20,669	113,226	871	92,392
92	8	10,007	45,000	1,848	6,815	63,678	640	55,015
93	7	4,758	25,752	263	1,945	32,725	327	30,517
94	1	22,228	41,545	459	2,416	66,649	466	63,774
Mean	42	7,616	50,364	9,449	13,804	81,274	672	58,021

Studies show size of fish shrinking, as well as the runs

SEATTLE (AP) — With dwindling salmon runs, hatchery fish were seen as a way to save the industry. But fisheries officials now are worried the trend to hatchery fish may have created another problem — smaller salmon.

Bob Turner, director of the Department of Fish and Wildlife, said the state already is reassessing its hatchery production and major changes will be forthcoming.

The state has begun assuring a wider genetic diversity in hatchery fish. And officials say it will consider cutting hatchery production, changing gillnet mesh size and letting more wild fish spawn to compensate for their smaller size.

"We've got to look at ways to try to stop the decline and move the size back up," said Rich Lincoln, manager of ecological services for the state agency.

In the past decade or so, the average size of salmon returning to five Washington hatcheries shrank by 11 percent to 27 percent. In the run with the sharpest declines, average fish weight dropped from more than 6 pounds to less than 4 1/2.

There is strong evidence that salmon sizes have been decreasing for decades across the run of the North Pacific Ocean — from waters off California, Oregon, Washington and British Columbia through the Gulf of Alaska to seas off Russia and Japan.

The newest evidence comes from unpublished research by state Department of Fish and Wildlife biologist Steve Phelps, who found shrinkage in all of the six Washington hatchery coho runs he studied.

The average salmon from Washington's Puyallup Hatchery weighed 27 percent less in 1991 than in 1980, Phelps said. Fish size in other hatchery runs dropped by 25 percent, 24 percent, 19 percent, 11 percent and 1 percent.

The number of eggs per female salmon also declined because smaller fish carry fewer eggs. Over a 30-year period, the mean egg production per female dropped from roughly 2,500 to 1,500 at the state's Puyallup and George Adams hatcheries, Phelps said.

Another recent study found shrinkage in 45 out of 47 salmon runs harvested in commercial fisheries from California to Japan. That study was released late last year by Brian Bigler, biologist for Seattle-based Wards Cove Packing Co., and biologist John Helle of the National Marine Fisheries Service's Juneau, Alaska, laboratory.

The study found weight declines varying from 40 percent in British Columbia pink salmon to barely detectable losses in some sockeye.

Bigler contends the ocean is being overgrazed.

"The amount of salmon-sustaining resource in the North Pacific Ocean is being strained," Bigler said in an interview with the Seattle Post-Intelligencer.

Though causes are debated, biologists tend to blame human action, mainly fishing techniques that skim off the big fish and overgrazing of the ocean by billions of hatchery fish.

2-3-95

Idaho Fish, Game chief quits to begin Lake Iliamna-area fish guiding service

By DAN GALLAGHER
Associated Press Writer

SALMON, Idaho — With Idaho's salmon runs played out and its wildlife managers under siege, Norm Guth is leaving for a sportsman's paradise in Alaska.

The 56-year-old Salmon-area outfitter and Idaho Fish and Game Commission member says bureaucratic intrusion is making it increasingly difficult to make a living in the Idaho backcountry.

"Regulation in Idaho controls everything so we can't grow or expand."

So Guth and his two sons have purchased 60 acres near Lake Iliamna, about 50 miles from Anchorage.

His first glimpse of nearby Cook Inlet delighted him after years of watching Idaho's migratory fish runs decline.

"We didn't see thousands of salmon, we saw millions of salmon," Guth said.

The Guths will offer fishing on four streams choked with migrating salmon. When those adult spawners die their remains are eaten by zooplankton that in turn feed monster trout.

That kind of opportunity is all too rare in Idaho, despite efforts by a Fish and Game Commission created in 1938 to keep political meddling out of wildlife issues.

But the last days of Guth's 12 years on the panel have been spent defending its charter from often-bitter partisan challenges.

"Our responsibility is to protect, perpetuate and preserve the fish and wildlife resources of the state," he said. "It doesn't mean protecting logging, mining or other activities."

His last commission meeting is in early March.

When he moves north, Guth will leave behind an outfitting tradition started by his father along the Middle Fork of the Salmon River in 1942.

He took up the float trip and fishing business in 1953, and it was his rafts that carried President Jimmy Carter down the wild river in 1978.

Guth was appointed to the Fish and Game Commission by Gov. John Evans; then reappointed by Gov. Cecil Andrus. His district used to extend from the Nevada border to Salmon. And even when it was divided and the southern portion given to a new commissioner, Guth still was responsible for the sprawling country of Lemhi and Custer counties in central Idaho.

But wrangling over his remote lodge in the Frank Church-River of No Return Wilderness has been a far larger frustration.

Environmentalists challenged a Forest Service decision to grant Guth a lease he exchanged for

some mining claims to build the lodge. He said it was impossible to house clients in tents during the cold months they fish for steelhead on the main Salmon River.

The dispute continues, and the years of conflict have taken their toll.

"I had an immune system disease about five years ago," Guth said. "The stress of the appeal may have triggered it."

Guth said he will face no sales tax in Alaska, and his bill for licenses and permits will drop from upwards of \$30,000 to about \$300.

He also will be away from complaints about the Fish and Game Commission, even though Guth praised new Republican Gov. Phil Batt's decision to back away from a mid-January call for all six commissioners to submit resignations.

Batt had said he wanted to have the option of replacing the commissioners over complaints that they were running a renegade state agency out of touch with Idaho sportsmen. But he later apologized and started an effort to build a better working relationship with the Department of Fish and Game.

"In my book, it took a real big man to do what he did," Guth said. "He has my respect and gratitude for what he did there. When I was just appointed, I had the same people land on me."

MAR 13 1995

Walter Riley
P. O. Box 11052
Anchorage, Ak., 99511

March 10, 1995

Re: Suggested ways to
improve Fish Board process

Ken

Commissioner Frank Rue
Fish and Game Department
P. O. Box 25526
Juneau, Alaska 99801

Dear Commissioner Rue:

The Fish Board is:

- (1) Receiving too much information for its own good.
- (2) Fish Board not utilizing information correctly.
- (3) Fish Board is ignoring facts presented by poor people of the Yukon, Kuskokwim and Norton Sound areas.
- (4) Majority of Fish Board is biased toward Area M policies and commercial fishermen.
- (5) Reorganization of fish biologists - Bristol Bay and North of False Pass should be under the same biologist.
- (6) Shorter tenure for Area M biologists, need to transfer after 4-5 years; biologist becomes biased for Area M fisheries and fisher persons.
- (7) Fish Board has become too cumbersome for making hard decisions relating to conservation of fish resources.
- (8) It seems only three board members are conservation advocates - they are from Bethel, Bristol Bay and Interior.
- (9) Increasing salmon conservation and production would help Yukon, Kuskokwim, Norton Sound people to be self-sufficient.
- (10) Increasing salmon production for subsistence and commercial harvest would lessen welfare costs, thereby lessen domestic violence, child abuse and help create family unity.
- (11) Need new procedures for solving salmon allocation issues, rather than maintaining the status quo, thus beneficial to poor areas of the State of Alaska.
- (12) Some spawning areas and lakes are becoming sterile and needs to be restored; habitat restoration and stream clearance is needed to increase production of fish.
- (13) The State cannot afford to lose cash crop opportunities. Resource must be maintained for all Alaskans for generations to come.
- (14) All fish board members should be able to vote - representation is lost to fishermen of Area M and Bristol Bay. U.S Constitution requires equal representation under the law.

Sincerely yours,

Walter Riley
Walter Riley

CC: Gov. Tony Knowles Senator Drue Pearce Larry Engels
Lt. Gov. Fran Ulmer Rep. Gail Phillips Jeff Koening
Dr. David C. Harrison

March 6, 1995

Senator Pearce
State Senate
State Capitol
Juneau, Alaska 99801-1182

Ken
MAR 10 1995

Dear Senator Pearce;

I am a member of the Board of Game though I am not writing as a representative of that body but rather as an individual. I am not sure of the protocol in my writing to legislators about SB 50 therefore I am writing to you and will ask that you handle my opinions in an appropriate manner.

I believe there is merit to considering having professional members on the Board of Game. There is plenty of work which we should be doing; meetings with interested people to help craft regulations which are responsive to the various publics and which will continue to conserve our wildlife (eg. the Brown Bear working group in the Juneau area; Seward Peninsula residents and affected agencies working on a Muskoxen Management Plan; 40-mile Caribou Management Plan, etc.). By attending meetings of the Advisory Committees and of the Federal Regional Councils members of the BOG can more directly address the concerns and needs of the Alaskan public and help make this period of "dual management" as easy as possible for those people effected by both state and federal regulations. Members could then use information gained from attending these meetings in making state regulations.

My fear, however, is that a professional board of three people would be viewed as, and may in fact become, bureaucrats. To preclude this and to maintain a strong public voice in the system I would suggest that there also be four public members who would only attend regulatory meetings. If the consideration is cost perhaps the split could be 2 professional members and 3 public members. In either case the combination of professional members and public members would enable the BOG to work more closely with the public on a regular basis and at the same time to retain the public's direct input into the regulatory process.

Thank you for considering my comments. If you have any questions please feel free to contact me.

Sincerely,

Anne K. Ruggles

Anne K. Ruggles
P. O. Box 82950
Fairbanks, Alaska 99708

phone: 474-3755

Kodiak Salmon Work Group
710 Mill Bay Road
Kodiak, AK. 99615
Ph.: 907-486-9379/Fax: 486-9374

AR 09 1995

*Ken
fy.
Bd of Fish*

February 28, 1995

Dear Legislator

Pearce

Recently, there have been serious concerns expressed on the part of Mat-Su and Cook Inlet sportfish interests that Kodiak fishermen were somehow linked to the recent ADF&G decision to limit fishing in the Susitna and Deshka river systems.

Please find enclosed, several ADF&G graphs, and a report written by the Kodiak Salmon Work Group which was submitted to the Board of Fisheries recently. This packet provides factual information concerning Kodiak's catch history, and is validated by ADF&G statistics.

We hope you take the time to read this information, as it will prove invaluable as you continue to learn about Alaska's salmon industry. Our livelihoods depend on sound ADF&G data and we intend to ensure that decisions which affect us are made using all available information.

We are always available to answer any questions regarding this issue.

Sincerely,

Lacey Berns

Lacey Berns
Coordinator
Kodiak Salmon Work Group

KODIAK SALMON FISHERIES IN RELATION TO SUSITNA-DESHKA CHINOOK

Is Kodiak a new and expanding chinook fishery? No. Catches have gone up since 1988 but effort, gear, and fishing time have remained relatively constant. Chinook are a very small part of Kodiak's salmon fishery. They comprise between 1/10th to 3/10th percent (.001-.003%) by number and about one percent by value of the catch. Kodiak fishermen do not target Chinook salmon and there is no directed fishery for chinook salmon in the Kodiak Management Area.

Fishing time closures in the '70's and early '80's were used to rebuild Kodiak's depressed sockeye runs. These closures also greatly benefited Kodiak's two natural chinook runs (See Figure 1/Chinook Escapement). Kodiak chinook mostly return five years after the parents spawn. Graphing catches with escapements shows that our increased catches followed five years after achieving record escapements. (See attached Figures 1, 2, 3 graph regarding catch and escapement.)

Chinook catches in Kodiak, do not suggest that a new area, time period, or fishing pattern is responsible for catch amounts. The Southwest and Northwest Kodiak districts have the highest catches, which is to be expected because our chinook producing rivers are in these districts. The setnet fishery has had increased chinook catches as well as the seine fishery. The setnet increase is proportional to the increase in the seine fishery. Since setnet gear is stationary and is confined to just part of the Kodiak Management area, the proportionality of the increase in chinook catches is strong evidence that the only change is an increase in the abundance of chinook.

Chinook abundance has been affected by the huge increase in hatchery releases of chinook. A catch sampling program in Kodiak in 1994 found that 38% of the commercial catch was of hatchery origin. The increased releases correlate closely with Kodiak's increased catches. A portion of these new, released feeder kings, introduced into the Gulf of Alaska, were bound to show up in Kodiak catches and increase catch amounts. (See Figure 4, West Coast King Salmon Releases)

Kodiak chinook are smaller on average than Cook Inlet chinook. Recent average weights in the Kodiak catches of twelve to fourteen pounds is the expected weight of a mixture of returning mature Kodiak chinook at approximately twenty pounds or less and smaller feeder chinook of predominately hatchery origin. This average catch weight does not reflect an increased catch component of larger "Cook Inlet" chinook.

Media reports have claimed a link between Kodiak catches of Cook Inlet sockeye and alleged interception of Cook Inlet chinook salmon. During the time period that Cook Inlet sockeye are occasionally known to be present in Kodiak waters, July 6th-25th, the long-term average percentage of the Kodiak chinook harvest is forty percent of the total yearly harvest. In 1992, Kodiak experienced the all-time highest catch of Cook Inlet sockeye. The 1992 percentage of the Kodiak chinook harvest caught between July 6th to 25th was only 24%, well below average. This demonstrates that Kodiak chinook harvests are not associated with incidental catch of Cook Inlet sockeye. (See Figure 5)

Are there missing chinook in the Northern Cook Inlet? No. Escapements must be added to catches to calculate the "total" return to Northern Cook Inlet (NCI). Total NCI return numbers indicate that there has not been a precipitous decline in chinook stocks. 1993 was the fourth best total chinook return to NCI since 1979. Nevertheless, escapement goals were not met and sports fishermen claimed there were "missing chinook." The entire time period from 1985 to 1993 has shown consistently high total returns. It is important to note that the **sport harvest of NCI chinook has quadrupled** over the last decade. In the same time period the NCI commercial harvest has significantly declined. The **rapidly expanding sport harvest** has increased to the point that there are no longer enough fish to meet escapement goals. (See Figure 6)

The Deshka-Susitna chinook problem cannot be solved by Kodiak finfish management restrictions. An extremely small number of the chinook caught in Kodiak could possibly be of NCI origin. Chinook are caught in Kodiak over most of the island, throughout the entire summer by all gear types. No regulatory action, short of total closure of our fishery, would reduce the incidental catch of chinook.

The Deshka-Susitna chinook situation was a campaign issue in 1994 and is continuing to influence fisheries issues in the legislature. As often

happens in life and politics, a lack of accurate statistical data has led debate away from the real issue. A close look at what is known by the Department of Fish and Game about the Kodiak salmon fishery, Kodiak chinook stocks, Kodiak chinook catch information, and the total return to Northern Cook Inlet demonstrates that the Kodiak Management Area salmon fishery is not impacting the Northern Cook Inlet chinook fishery.

Sincerely,

Lacey Berns

Oliver Holm

Bruce Schactler

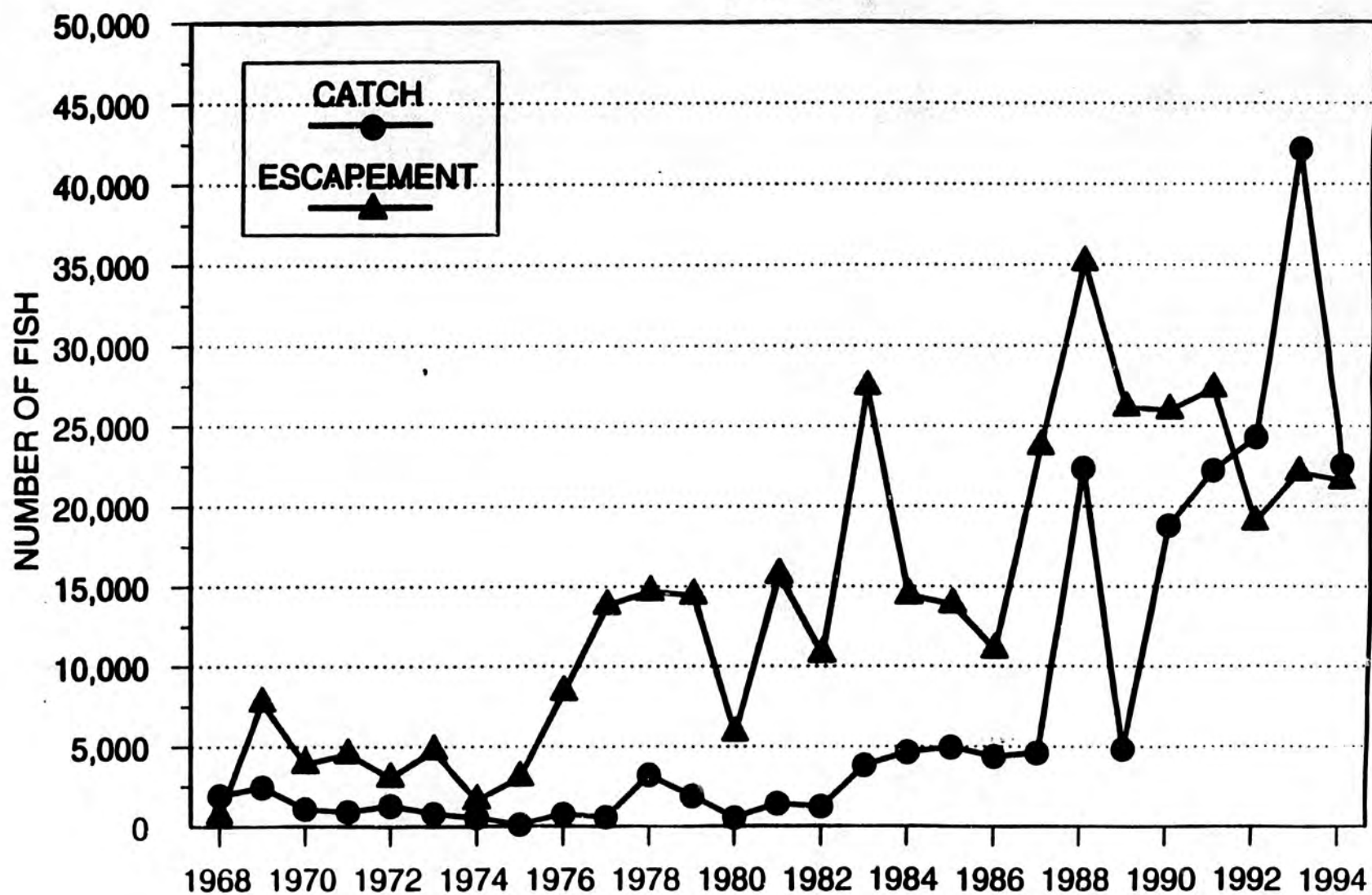
Members, Area K Seiners Association

KODIAK MANAGEMENT AREA
CHINOOK SALMON CATCH & ESCAPEMENT
1968 - 1994

	CATCH	ESCAPEMENT
1968	1,936	703
1969	2,469	7,752
1970	1,089	3,900
1971	920	4,524
1972	1,300	3,049
1973	800	4,762
1974	545	1,622
1975	101	3,059
1976	766	8,411
1977	585	13,824
1978	3,228	14,677
1979	1,905	14,441
1980	529	5,850
1981	1,418	15,720
1982	1,238	10,773
1983	3,839	27,445
1984	4,657	14,429
1985	4,970	13,876
1986	4,381	11,046
1987	4,612	23,744
1988	22,374	35,152
1989	4,851	26,131
1990	18,806	25,972
1991	22,233	27,306
1992	24,299	19,013
1993	42,199	22,113
1994	22,575	21,591

Record Catches Followed Five Years After Record Escapements

KODIAK MANAGEMENT AREA CHINOOK SALMON CATCH & ESCAPEMENT 1968 - 1994



Kodiak Weir Counts Show Dramatic Increase In Kodiak Chinook Stocks

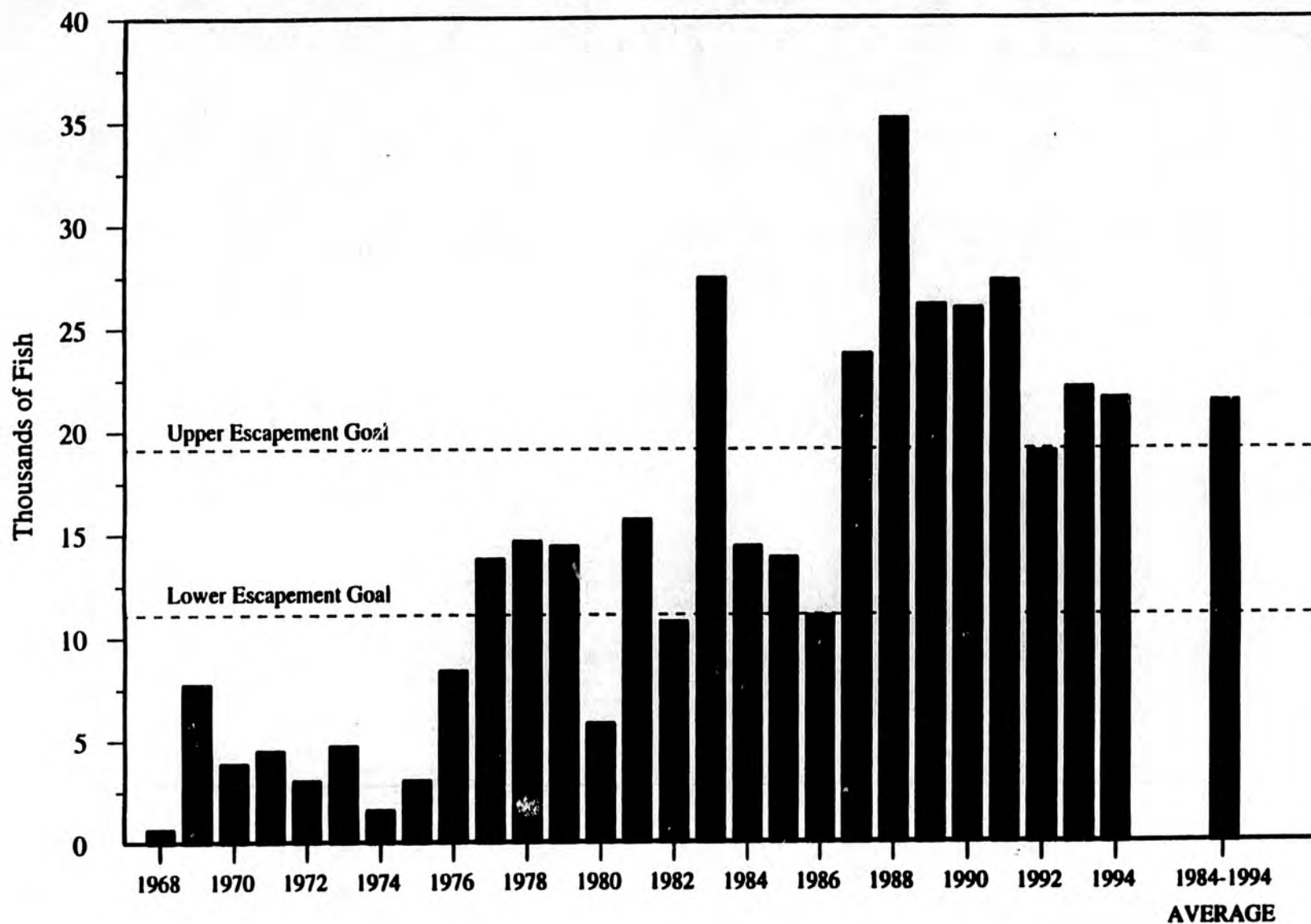
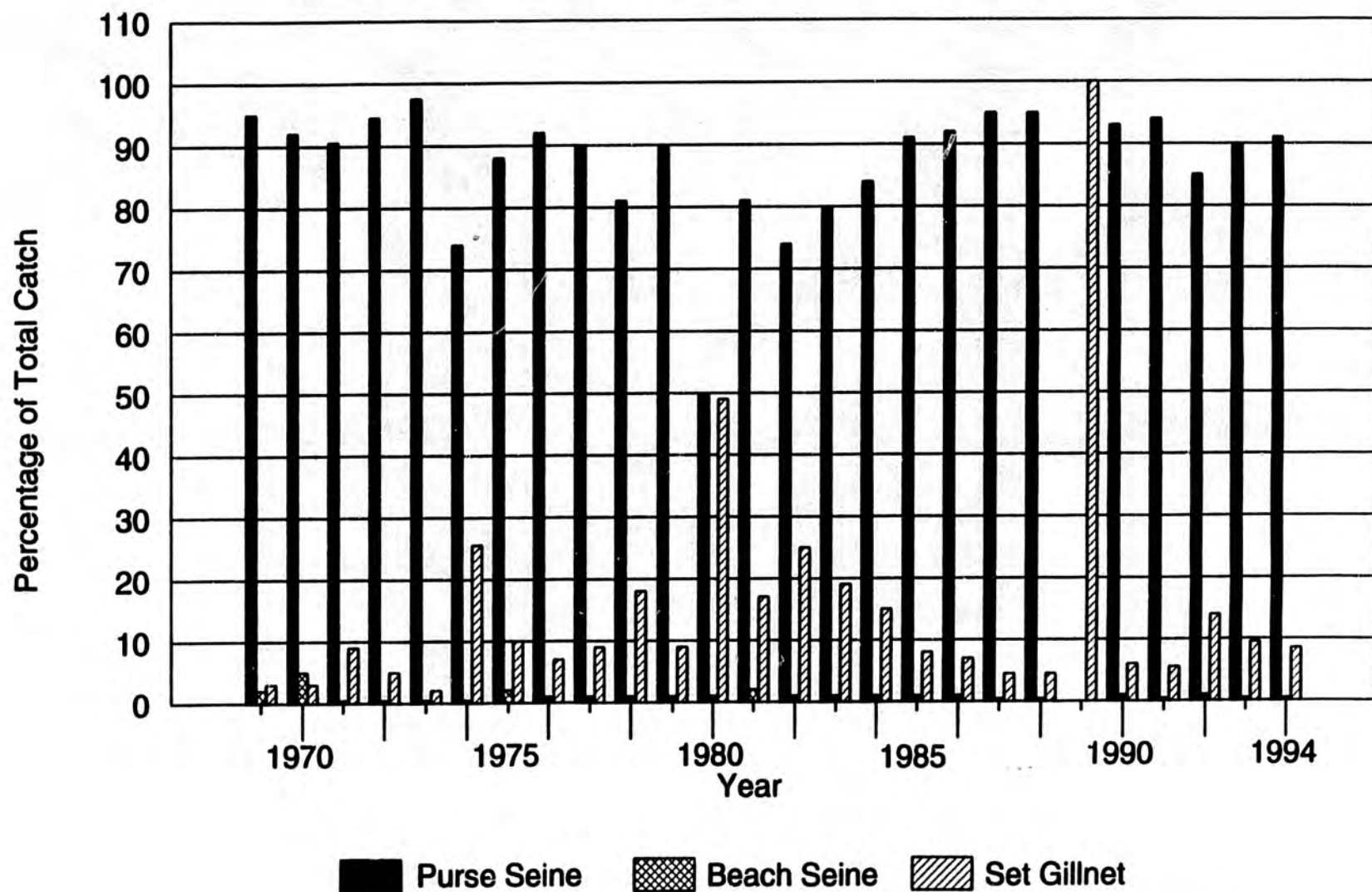


Figure 10. Chinook salmon escapement in the Kodiak Management Area, 1968-1994.

NO RECENT INCREASE IN SEINE PERCENTAGE OF CHINOOK HARVEST

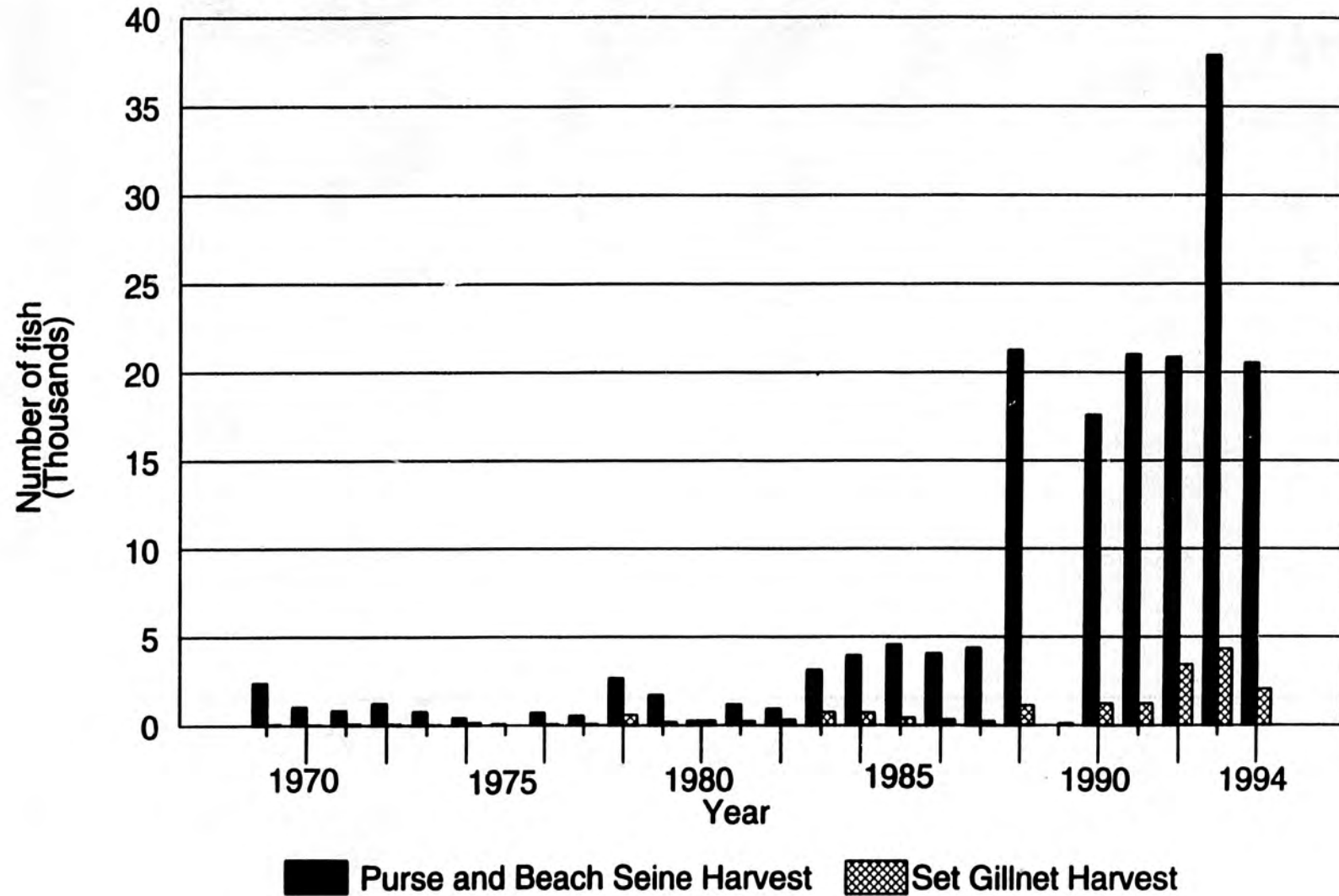
Percentage of Chinook Salmon Harvest By Gear Type Kodiak Management Area 1969-1994



Note: Fishery closures in 1989 due to the Exxon Valdez oilspill.

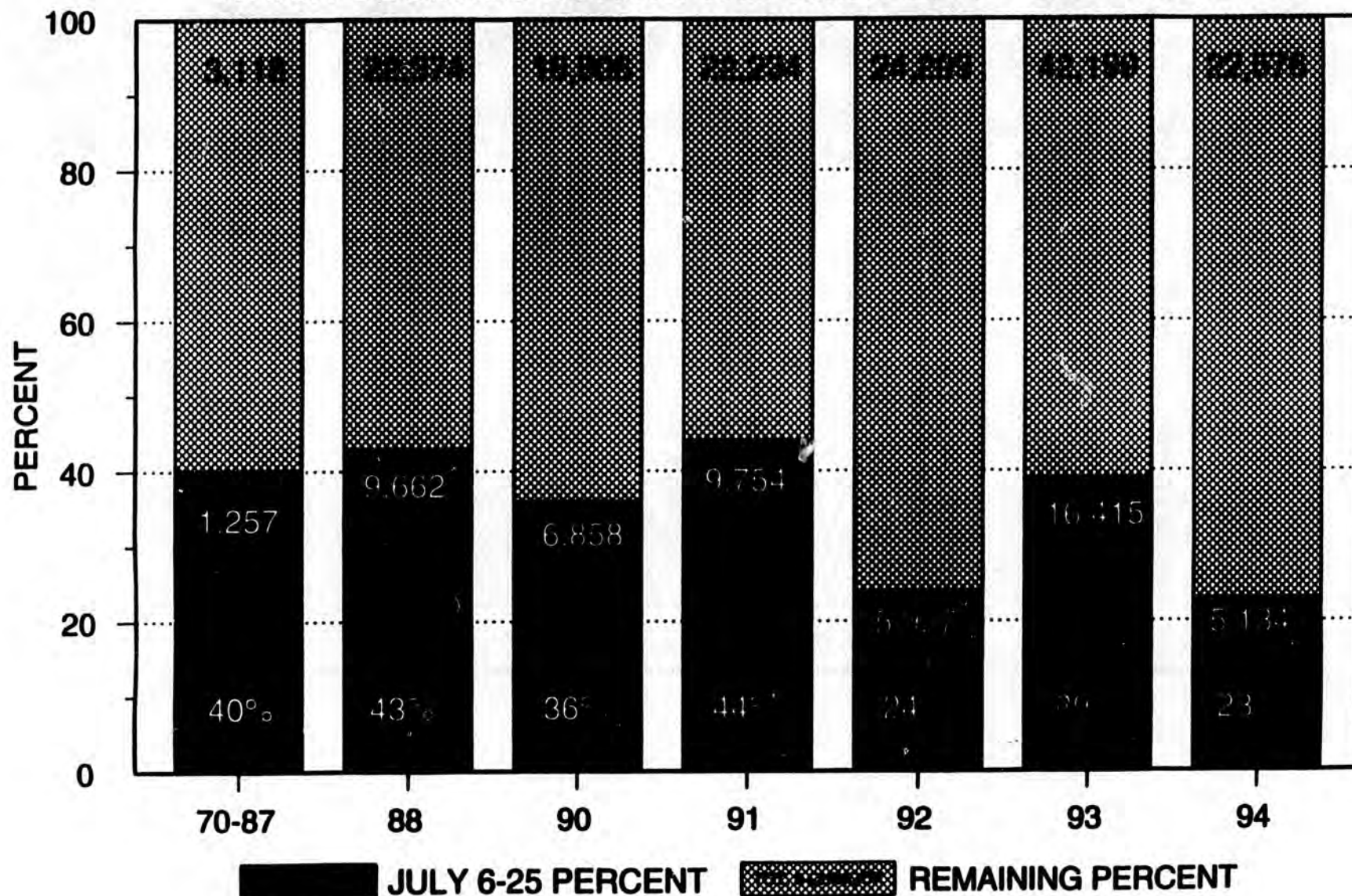
SETGILLNET HARVEST ROSE ALONG WITH SEINE HARVEST

Chinook Salmon Harvest By Gear Type Kodiak Management Area 1969-1994



1992 WAS YEAR OF HIGHEST COOKINLET SOCKEYE BYCATCH
 YET BELOW AVERAGE JULY CHINOOK PERCENTAGE
 KODIAK MANAGEMENT AREA

PERCENTAGE OF THE ANNUAL CHINOOK SALMON HARVEST
 WHICH OCCURED DURING THE TIME PERIOD JULY 6-JULY 25



WEST COAST KING SALMON RELEASES 1984-1991

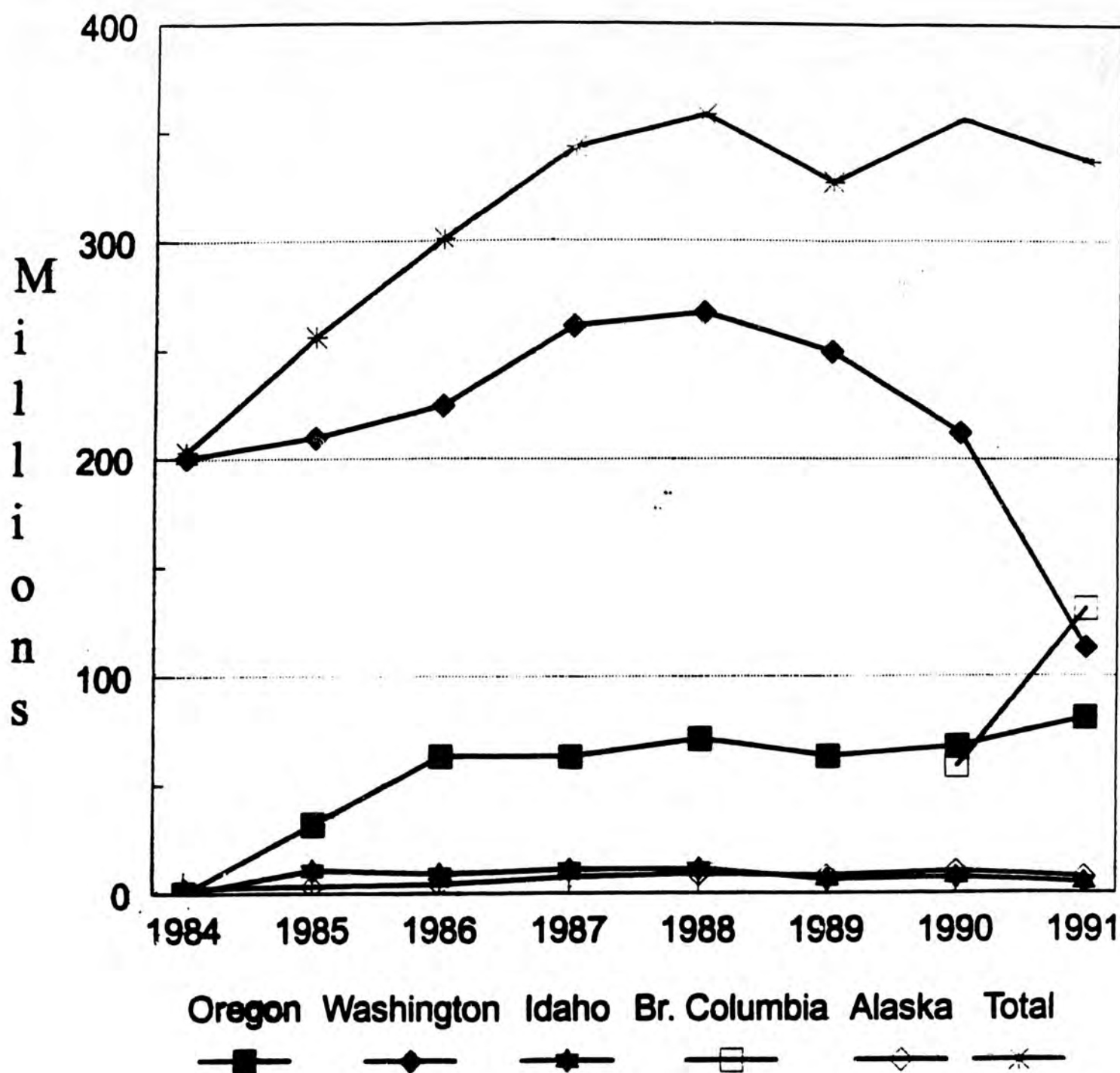


figure 2. Juvenile king Salmon releases from west coast hatcheries excluding California, 1984-89 data not available for British Columbia

CHINOOK RETURNS TO NORTHERN COOK INLET 1979 TO 1994

Year	escapement	total harvest	total return	exploitation rate
1979	46,006	+ 12,057	=58,063	21%
1980	no count	+ 12,179		
1981	10,262	+ 13,361	=23,623	57%
1982	39,016	+ 19,531	=58,592	33%
1983	60,073	+ 20,426	=80,499	25%
1984	55,345	+ 26,901	=82,246	33%
1985	60,885	+ 31,050	=91,935	34%
1986	52,353	+ 47,059	=99,412	47%
1987	48,990	+ 44,842	=93,832	48%
1988	72,126	+ 49,373	=121,499	41%
1989	32,085	+ 57,565	=89,650	64%
1990	50,925	+ 47,504	=98,429	48%
1991	40,137	+ 49,530	=89,667	55%
1992	36,413	+ 60,990	=97,403	63%
1993	31,825	+ 65,620	=97,445	67%
1994	21,065	not available yet		

Figures from Alaska Department of Fish and Game tables in the October 1994 report to the Board of Fisheries titled:

Northern Cook Inlet Chinook Salmon 1995 Season Outlook and Management Strategy

AN ALASKAN ADVENTURE

CHINOOK CHARTERS

TOM RAMISKEY

428 Tower • Ketchikan, Alaska 99901 • 907-225-9225

MAR 06 1995

March 1, 1995

Representative Pete Kelly
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Representative Kelly,

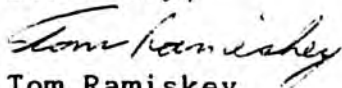
There is considerable merit to HB 165 in as much as it would ensure regional representation and diversity of resource use on the Board of Fisheries. Obviously, this is not and has not been the case with the Board of Fisheries.

However, this bill could intensify the discord between user groups within a specific region and could polarize the various regions. It also could further politicize appointment to the Board. It is not difficult to imagine a variety of scenarios as say: southeast and southcentral get sport fishing appointees which leaves no sportfishing appointee for the interior; or western and southcentral get commercial appointees and interior and Arctic get sportfishing appointees which leaves southeast with the option of personal use or subsistence. These types of scenarios can develop and will most likely intensify political pressure between regions and user groups.

I have been a proponent for a professional Board of Fisheries for sometime and I have submitted a letter of support for SB 49 to Senator Drue Pearce. I have enclosed a copy for your reference as several of the points are pertinent to HB 165.

I think that the professional Board concept of SB 49 combined with the regional representation requirements of HB 165 Section 1.(1) would de-politicize the Board of Fisheries and would be in the best interest of the State. I realize that commercial users will use the same old argument that knowledge of the fishery is essential to the Board in order to keep from losing their control. Expertise in the fishery may have been important to the development of fishery resources but it is irrelevant and often biased in allocation decisions.

Sincerely,



Tom Ramiskey

cc: Representative Cynthia Toohey

Senator Drue Pearce, President of the Senate



Alchemist Inc.

March 1, 1995



Allen Austerman

907-465-4956

Dear Sir,

I am sorry it is even necessary to write this letter. This is in response to printed letters by various people and the sport fishing caucus, pertaining to the Cook Inlet Sport Fishing group's claims of unfair treatment. It amazes me that these people actually believe their own rhetoric. They start by complaining about blame being laid on them for poor returns to the Deshka River starting in 1991. Their next statement blames Kodiak and Chignik for the decline of said escapement due to an expanded seine fishery. What pure crap! The number of commercial entry permits was set in the late seventies and has not significantly changed! The only user group to show a large increase in numbers is the sport fishing group in Cook Inlet. ADF&G records show that current management programs, in general, have shown a steady improvement in salmon production for the state (barring outside influences, like oil spills and late plankton blooms etc.). This whole business with Cook Inlet is nothing more than greed and trying to focus the blame for its own problems somewhere else. While asserting that a large number of Kings caught in Kodiak were bound for Cook Inlet, they admit there is no proof for that allegation. Yet, they want you to manage the fisheries based on their fears and accusations instead of on the experience and knowledge of the Alaska Department of Fish and Game regional managers. And if you won't do what they tell you to, you will be fired. Isn't that nice? How about a little reality check here?

It seems to me that all salmon have tails and they swim any where the currents, winds, and food sources take them. In their travels they may meet up with salmon from other areas and even other countries. A few may even travel with each other for a while. In fact, any salmon can, and probably does, transit any fishing area on its way home to spawn (Gee, how many of Kodiak's salmon are caught in other areas?). Anyway salmon have been traveling like this for millions of years.

Let me make a couple of points about the managing of our fisheries.

1. All commercial fishermen have entry permits and, when delivering their fish, all of the fish are counted and weighed by species. Makes it pretty easy to enforce rules and keep tabs on what is being caught.

2. Please tell me how easy it is to monitor 220,000 ? plus sport fishermen who don't deliver the fish and thereby prove their catch is within legal limits on species, size, and/or numbers. It makes management and enforcement virtually impossible!

Let's take an honest look at the reality of the two different user groups.

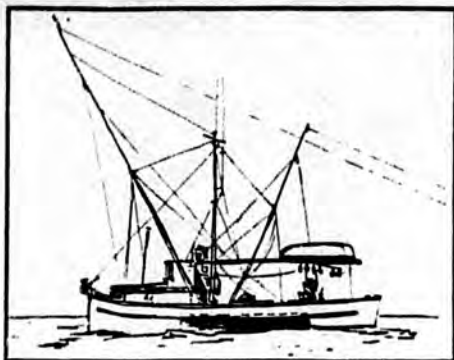
With commercial gear type management, you get an accurate count of who, where, when, what kind, and how much is caught. It makes management and enforcement possible.

With sport fishing you don't have an accurate method of telling who, when, where, how much, or even if they have a license! The probability for error, because of the easy access, egress and lack of controls, is unacceptably high. Their claims are nothing more than smoke and mirrors trying to focus attention elsewhere, rather than focusing on where and what the problems really are.

Sincerely,

Dave Mann

SO1K565450



Alaska Trollers Association

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

February 15, 1995

Senator Loren Leman, Chairman
Senate Resources Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99811

Dear Senator Leman:

The Alaska Trollers Association (ATA) opposes SB 49, 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.

February 15, 1995

SB 49

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, to allow individuals with a working knowledge of Alaska's fisheries to 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.

Finally, SB 49, 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 the guided sportfishing industry, and we question whether it currently fits the sponsor's description of "vested economic interest".

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 SB 49.

Sincerely,



Dale A. Kelley
Executive Director



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545

**Testimony on SB 49
Restructure of the Board of Fisheries
before the
Senate Resources Subcommittee Meeting**

February 24, 1995

All 22 member groups of United Fishermen of Alaska oppose SB 49 on the grounds that we would like to maintain a Board of Fish comprised of lay citizens.

Currently, the Board of Fish is comprised of seven members appointed by the Governor and are subject to confirmation by the Alaska State Legislature. This structure is the envy of many other states. However, as with any other Board, the system is not perfect. Therefore, we would like to make the following suggestions to improve the Board of Fisheries process.

House Bill 141, just recently introduced, would change the dates and terms of Board of Fish members and would allow for confirmation of a Board member prior to serving on the Board. In our opinion, this would bring forth many more candidate applications of persons interested in serving on the Board of Fish. The present system of confirmation encourages many possible candidates not to apply because serving before being confirmed causes too many problems.

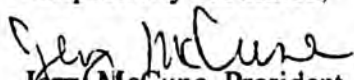
In the past, Local Advisory Committees played a large role in the Board of Fish. They settled some issues before the Board of Fish met and provided a local knowledge of their region for the Board of Fish. Advisory chairs should be at the Board of Fish meetings to give the local feeling on issues when asked for by the Board of Fish.

Conflict of interest needs to be discussed by the State and solved as applied by the Department of Law to the Board of Fish. United Fishermen of Alaska would like to have an investigation on an amendment to the Ethics Act to insure that Board of Fish members can take part on issues in fisheries they are involved in but where no significant conflict exist.

If the State of Alaska is willing to spend money on a Board of Fish professional board, there should be monies available to provide more staff and research dollars to the Board of Fish.

There will always be allocation battles but, some day, we have to realize even Alaska holds only so much resource pie for everyone to split up.

Respectfully submitted,


Jerry McCune, President
United Fishermen of Alaska

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Longline Fishermen's Association • Alaska Trollers Association • Area K Seiners Association
Bering Sea Fishermen's Association • Bristol Bay Driftnetters Association • Concerned Area "M" Fishermen
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Kenai Peninsula Fishermen's Association
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Peninsula Marketing Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association
Seafood Producers Cooperative • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Cook Inlet Drift Association • Western Alaska Cooperative Marketing Association

United Southeast Alaska Gillnetters

204 N. Franklin, Suite 2
Juneau, AK 99801
(907) 586-5860

February 15, 1995

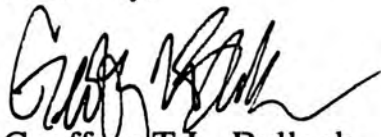
The Honorable Drue Pearce
President, Alaska State Senate
Room 111, State Capitol
Juneau, AK 99811

Dear Senator Pearce:

Thank you for taking the time to look at the Alaska State Board of Fish through your Senate Bill 49. As you know last year one of our members, Kay Andrew, was not confirmed by the legislature in her bid for a seat on the Board.

As I understand it, this bill will be referred to a sub-committee of the Senate Resources Committee. If possible, we would like to be involved in following this legislation and providing any information you might need from either our Association or Kay Andrew.

Sincerely,



Geoffrey T.L. Bullock
Executive Director

**KODIAK LONGLINE
VESSEL OWNERS' ASSOCIATION**



326 CENTER AVENUE, P.O. BOX 135
KODIAK, ALASKA 99615
(907) 486-3781 FAX (907) 486-2470

HALIBUT • SABLEFISH • PACIFIC COD • CRAB

February 22, 1995

Senator Loren Leman,
Chairman Senate Resources Committee
State Capitol
Juneau, AK 99801
Fax #: (907) 465-3810

RE: SB 49 Restructure Board of Fisheries

Dear Senator Leman:

The members of the Kodiak Longline Vessel Owners' Association would like to comment on SB49 regarding a restructure of the Board of Fisheries.

We have been working within the board process on issues dealing with crab in Alaska for several years and have often been both concerned and frustrated by the amount of time and energy the board has been able to invest in these issues. While we feel that there is a need for modification to the board process, we disagree with the manner in which this legislation proposes to do so.

We strongly oppose the creation of a professional board. Such efforts will not be in the best interests of the resource or Alaska and will become highly political. It is very important that the board continue to be composed of laypersons so that their decision making process will be tempered by experience within and knowledge of the industry.

Our proposal to the Knowles transition team supported the creation of a separate board for management of groundfish and shellfish. We believe the creation of a separate board would allow board members to devote more attention to the issues.

Our association will continue to participate in any discussions and comment on any proposed legislation regarding a restructure of the Board of Fisheries. This is an issue of concern to us and we would appreciate being notified of any revisions to SB49. We appreciate your consideration of our comments and look forward to continuing dialogue concerning this issue.

Sincerely,



Robert Wurm
President

CC:

Drue Pearce
Steve Frank
Rick Halford
Robin Taylor
Georgianna Lincoln
Lyman Hoffman

X-SB49A

TOTAL P.02



Ken
FEB 20 1995

February 13, 1995

COOK INLET SPORTFISHING CAUCUS
3620 PENLAND PARKWAY
ANCHORAGE, ALASKA 99508
(907) 276-2222 FAX (907) 278-0896

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

Dear Governor Knowles:

The attached letter to Frank Rue of February 6th, co-signed by 27 members of the legislature, speaks for itself. The entire Cook Inlet Salmon Management Plan, as adopted in 1978, has been pieced, patched and had many band-aids attached to it. Either the Board of Fish, the Legislature, or someone must attempt to totally re-vamp this old fashioned out-dated plan.

The legislators who signed this letter are to be commended for their actions in understanding the needs of tens of thousands of their constituents. We ask you to call upon the powers of your office and take whatever steps are necessary to save the King Salmon Fishery of the Mat-Su Valley and possibly direct the Board of Fish to have an emergency session review to correct the situation before it's too late, before this wonderful run of king salmon is gone forever. Future generations of Alaskans will either condemn or praise us for the actions that we take now.

One suggestion would be to direct the Department of Fish and Game to follow the lead of you, Governor Knowles, and the 37 legislators who stated in our pre-election survey that they would support allocating \$270,000 of the King Salmon Stamp fund (which is funded by sportfishing license fees) for use by the Department in researching why the Susitna King Salmon returns have declined so rapidly.

Sincerely,

Bob Penney

Phil Cutler

Bruce Knowles



Alaska State Legislature

1

Official Business

February 6, 1995

State Capitol
Juneau, AK 99801-1182

COMMISSIONER FRANK RUE
DEPARTMENT OF FISH AND GAME
P.O. BOX 25526
JUNEAU AK 99811-5526

Dear Commissioner Rue,

As you are well aware, the sport fisheries in the Susitna Valley are going to have heavy restrictions, including closures, placed on the king salmon fisheries this summer. These closures will cause enormous economic hardship on the local economies, as well as negative effects on other area river systems. Yet we, as sportsmen recognize that protecting the resource must take precedence over all other priorities!

Recent news articles have unfairly laid blame on over fishing by sport fishers as the primary cause of poor returns (in spite of the fact that the spawning escapement for the parent years of these poor returns were fairly large and should have produced sizable runs). The poor returns in the Deshka River began in 1991 and have continued to decline ever since. These declines correspond directly with recent expansion of the Kodiak and Chignik seine fisheries. The Kodiak fishery has increased its king catch from an annual average of 1500-3000 fish prior to expansion, to over 40,000 kings in 1993. Most certainly, a large number of these fish are bound for Cook Inlet. Other probable interceptors of Susitna-bound fish include the Northern District setnet fishery, the growing sport fishery off of Deep Creek, as well as the Western & Kustatan setnet fishery in the Central District. Likewise, the off-shore Trawl fisheries are taking enormous amounts of Kings, as well as other fish stocks, through incidental by-catch. While recognizing that this fishery takes place outside of your jurisdiction, it does have a severe negative effect on other fisheries and needs to be addressed.

While there is a great deal of speculation as to the actual cause of these declining runs, there are very few actual known facts. The N.C.I. tagging study certainly will provide critical information as to what fisheries are impacting these stocks; however, this information is still 3-5 years out. Quite simply, we cannot afford to wait to initiate protective measures to shield these extremely weak runs. Certainly, both the sport and commercial fisheries should be equally restricted.

Currently, A.D.F.&G. Comm. Fish. Div. plans to go ahead with the first opening for the Northern District setnet fishery. Although historically this opening has harvested approximately 2000-4000 kings, given that the sport fisheries will not be allowed to share in this harvest, we believe this places an unfair burden of responsibility upon the sport fishing community. Furthermore and most importantly, this may be 2000-4000 fish that we cannot afford to sacrifice. The conservative approach would be to see how the run materializes and then if run strength allows, issue commercial openings.

Additionally, we strongly believe that the Northern District setnet fishery, the Deep Creek sport fishery, the Central District Eastside setnet fishery, along with the expanding Kodiak seine fishery should be severely restricted or suspended until we have solid scientific information allowing these intercept fisheries to exist.

The declining king returns of late is of utmost concern to all residents and business owners in south-central Alaska. Not only is sport fishing critical to the local economy, it is a large part of the unique lifestyle that makes us Alaskans. We ask that A.D.F.&G. take whatever measures are necessary to protect and rebuild the king runs as quickly as possible and that these restrictions be distributed equally amongst all who harvest these stocks.

Respectfully,

Jason H. Green
Samuel H. Green

Vic Kohring

Lyda Green

Scott Ogan

John Sanders

Ira Pearce

Donna Conley

Frank Foster

Scott Lee

Can Bando

Tom Buis

Kirk Halford

Pete Cobb

Al Vazny

Norman Kolesky

Mike Miller

Terry Norton

Gene Thomaalt

Tim Kelly

Best Hay

San Russell

Joseph

Bumpy Davis

Beverly Masek

Tay Brown

Ly Elin

Cook Inlet Sportfishing Caucus
3620 Penland Parkway
Anchorage, Alaska 99508
(907) 276-2222

September 8, 1994

QUESTIONNAIRE

Q:1 BACKGROUND The Alaska Department of Fish and Game currently lacks a program to ascertain the large decline in returning king salmon in the Susitna drainage. This information is vital during the fishing season to help meet escapement goals and provide maximum sportfishing to anglers. The new King Salmon Stamp, funded by sportfishermen, now raises over two million dollars a year.

YES NO

☒

☐

Q:1 WILL YOU HELP SEE THAT \$270,000 IS FUNDED TO STUDY THIS PROGRAM, POSSIBLY FROM REVENUES GENERATED BY THIS KING SALMON STAMP?

Q:2 BACKGROUND Three of the seven members of the present Board of Fisheries have been appointed as sportfishermen; four as commercial fishermen.

YES NO

☐

☐

Q:2 DO YOU AGREE THAT THREE OR MORE MEMBERS SHOULD CONTINUE TO BE SPORTFISHERMEN APPOINTMENTS?

100% of Legislative Candidates that responded to questionnaire answered yes!



SEN. PEARCE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-FT. RICHARDSON

- CHAIR -
LEGISLATIVE COUNCIL

- CO-CHAIR -
HOUSE SPECIAL COMMITTEE ON
MILITARY AND VETERANS AFFAIRS

- CO-CHAIR -
MILITARY AFFAIRS FOR
ANCHORAGE CAUCUS

February 15, 1995

Karl Kircher President
Kenai Peninsula Fisherman's Association
34824 Kalifornsky Beach Road Suite E
Soldotna Alaska 99669

Dear Karl,

In response to your letter dated February 14, 1995 regarding a letter dated February 6, 1995 to Acting Commissioner Frank Rue.

I thank you for pointing out the typographical error on Page 2, Paragraph 2 where I mistakenly used the word Eastside instead of Westside. I assure you that this was completely unintentional. As I stated in Page 1, Paragraph 2, the probable interceptors of Susitna bound king salmon included the following; The Kodiak and Chignik seine fisheries, the Northern District setnet fishery, the Deep Creek sport fishery, the **Western & Kastatan setnet fisheries in the Central district.**

I hope that this clarifies the situation and that we can work together in the future to ensure an expedient recovery of the Susitna Valley king salmon resources.

Sincerely,

Representative Eldon Mulder

cc: Commissioner Frank Rue
All Signators



KENAI RIVER SPORTFISHING, INC.
P.O. Box 1228 • Soldotna, AK 99669
(907) 262-8588 • Fax (907) 262-8582

FACSIMILE TRANSMITTAL

TO: OFFICE OF SEN DRUE PEARCE

Attention: KEN ERICKSON

DATE 2/20/95

RE: SB 49

Mailed copy to follow: YES ☐ NO ☒

From: BEN ELLIS

We are sending a total of 3 page(s) including this transmittal. Please contact us at (907) 262-8588 if you encounter any problems receiving this transmission. Our fax number is (907) 262-8582.

Dear Ken,

Here is an advance copy of my testimony today on SB49.

A handwritten signature in cursive script, appearing to read "Ben", followed by a long horizontal flourish.

Dedicated to Preserving the Greatest Sportfishing River in the World, the Kenai.

Legislative Research Agency

Alaska State Legislature



130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 465-3991
Fax: (907) 463-3351

June 23, 1994

MEMORANDUM

TO: Senator Drue Pearce

FROM: Maria Gladziszewski 
Legislative Analyst

RE: Professional Fish & Game Boards in Other States
Research Request 94.215

You asked if other states operated fish and game boards with full-time, paid board members. Experts with whom we spoke were unable to confirm the existence of any full-time professional boards in other states or Canada.¹ Most states operate fish and wildlife commissions or boards similarly to Alaska with part-time commissioners appointed by the governor. Attached are a few pages from the *State Wildlife Law Handbook* regarding the appointment procedures and qualifications for state wildlife commissioners.

Fish and wildlife experts at the National Conference of State Legislatures report that no state operates full-time professional fish or game boards. According to Sandra Wolfe, the Secretary/Treasurer of the Western Association of Fish and Wildlife Agencies, none of their member states (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, New Mexico, Oregon, South Dakota, Utah, Washington, Wyoming) operate a full-time professional board. In addition, Ruth Musgrave, author of a 50-state survey of state wildlife laws, *State Wildlife Law Handbook* published by the Center for Wildlife Law at the University of New Mexico, did not find any full-time professional boards during her research.

I hope this information is useful for your purposes. Please do not hesitate to contact us if you have additional questions.

¹We spoke with representatives from the National Conference of State Legislatures, the Western Association of Fish and Wildlife Agencies, and the Center for Wildlife Law at the University of New Mexico.

State Wildlife Laws Handbook



Center for Wildlife Law

at the

Institute of Public Law
University of New Mexico
Albuquerque, New Mexico

(505)

Ruth S. Musgrave, J.D. *and* Mary Anne Stein, Ph.D., J.D.

with contributions from

Karen Cantrell, Ph.D., J.D.; Sara Parker, J.D.; *and* Miriam Wolok, J.D.



Government Institutes, Inc.

Government Institutes, Inc., Rockville, Maryland 20850

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Musgrave, Ruth S.

State wildlife laws handbook/Center for Wildlife Law at the Institute of Public Law, University of New Mexico, Albuquerque, New Mexico; Ruth Musgrave and Mary Anne Stein; with contributions from Karen Cantrell... (et al.). -- 1st ed.

p. cm.

Includes bibliographical references.

ISBN 0-86587-357-7

1. Wildlife conservation--Law and legislation--United States--States. I. Stein, Mary Anne. II. University of New Mexico. Center for Wildlife Law. III. Title.

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Introduction
Tables 1-3. Director, Commissioner and Commission:
Appointments and Qualifications

There is considerable variation in how the fish and wildlife director, commission, commissioners, and various agency advisory board members are chosen. We recommend that qualification requirements such as various types of examinations, qualifications by experience or training, representation from various state interest groups (sportsmen, farmers, ranchers, commercial fishermen, conservation groups, geographic location, etc.), and mixing members by age, sex, and ethnicity in commission and advisory board composition be imposed by all states. Limitations on the number of members allowed to be from the same political party may be desirable. Ideally, appointments would not be tied to one political party by Governor appointments. Criteria such as written exams, physical exams and interviews for hiring department leaders and conservation officers are a good idea (see New Mexico, South Carolina and others).

Some states provide that although the Governor appoints Commission members, they must be selected from a list of eligible candidates, so that at least some expertise can be guaranteed in those who are appointed. Other states expressly set up commissions and advisory boards to allow input from competing interests, and thus are able to mediate and discuss the concerns of such interests. Examples include Colorado's Habitat Partnership Council which consists of representatives of agriculture, wildlife and rangeland management interests, designed to resolve rangeland forage issues; the Hawaii Natural Area Reserves System Commission, whose members have academic degrees in wildlife or marine biology, botany, forestry, ecology, resource management, biogeography, zoology, or geology; the Indiana Heritage Trust Program committees, whose membership include various organized hunting and fishing, environmental and other groups; and the New Mexico Fish and Game Commission, which must have one farmer/rancher member whose land contains at least two species for which the state requires a license to hunt or fish, and one member with demonstrated involvement in wildlife and habitat protection.

Every state has experts in many relevant areas, and such expertise should be utilized to the benefit of fish and wildlife agencies. There are many excellent examples in the state summaries of required qualifications, representation of different state interests, and inclusion of persons with widely differing backgrounds. Maine mandates that the Commissioner shall review other states' provisions for developing good relationships between hunters and landowners and implement similar programs with emphasis on courtesy and responsibility for private lands.

Tables 1-3 give a rough outline of appointment qualifications of the director, commissioner and commission members. In states with no director, but rather a "secretary" of a natural resources department, such secretary was treated as a director for purposes of this table.

Table 1. Director of Agency: Appointment and Qualifications

State	Governor Appointed	Appointed by Commission or Other	Submitted from List	Legislative Approval	Gubernatorial Approval	Serves at Pleasure of Commission	Academic/ Experience Qualification	Knowledge/ Interest Qualification	Other Qualification
AK	Not applicable								
AL		*			*				
AR	No statute information								
AZ		*					*		
CA	*				*				
CO		*							*
CT	Not applicable								
DE	*								
FL		*							
GA	Not applicable								
HI		*							
IA	*			*			*	*	
ID							*	*	
IL	Not applicable								
IN		*							*
KS	*			*			*		*
KY	Not applicable								
LA	*				*				
MA		*				*	*	*	
MD	Not applicable								
ME	Not applicable								
MI		*							
MN	Not applicable								
MO		*							
MS	*		*	*			*		
MT	*			*					

* Commission establishes qualifications.

* Director serves at the pleasure of the governor.

* Director shall be appointed as provided by law.

Table 1. Director of Agency: Appointment and Qualifications (continued)

State	Governor Appointed	Appointed by Commission or Other	Submitted from List	Legislative Approval	Gubernatorial Approval	Serves at Pleasure of Commission	Academic/ Experience Qualification	Knowledge/ Interest Qualification	Other Qualification
NC							†		
ND	*				†				†
NE	Not applicable								
NH	* †						†	†	
NJ	*				†		†		
NM	No statute information								
NV	†		†				†	†	
NY	Not applicable								
OH	No statute information								
OK		†							
OR		†							
PA		*							
RI				†					
SC		†							
SD	Not applicable								
TN		*	†				†		
TX		†				†			
UT	Not applicable								
VA		†							
VT	Not applicable								
WA	†						†	†	†
WI	Not applicable								
WV	†						†	†	†
WY	*				†				

* Governor and Council jointly appoint Director.

† Governor shall seek recommendations from the Commission on the qualifications, skills and experience necessary for the position.

† Must be at least age 30.

Table 2. Commissioner: Appointments and Qualifications

State	Governor Appointed	Legislative Approval	Appointed from Within Commission	Serves at Pleasure of the Governor	Academic or Experience Qualification	Knowledge or Interest Qualification	Other Qualification
AK						*	
AL	*						
AR	Not applicable						
AZ	Not applicable						
CA							* ¹
CO	Not applicable						
CT	*	*			*		
DE	* ²						
FL	*	*	*				
GA	Not applicable						
HI	Not applicable						
IA	*	*			*	*	
ID	*		*			*	
IL	Not applicable						
IN	*						
KS	*	*		*	*		
KY					*	*	* ³
LA	Not applicable						
MA	No statute information						
MD	*	*		*	*		
ME	*	*			*		
MI	Not applicable						
MN	*						
MO	Not applicable						
MS	*		*		*		

¹ The president of the Commission may be a member ex officio of the Migratory Bird Conservation created by the Federal Migratory Bird Conservation Act.

² Secretary appointed, but Governor approved

³ Commission appoints Commissioner

Table 2. Commissioner: Appointments and Qualifications (continued)

State	Governor Appointed	Legislative Approval	Appointed from Within Commission	Serves at Pleasure of the Governor	Academic or Experience Qualification	Knowledge or Interest Qualification	Other Qualification
MT	Not applicable						
NC					*		
ND	Not applicable						
NE	*		*		*	*	
NH	Not applicable						
NJ	*	*		*	*		
NM	Not applicable						
NV	*		*		*		
NY	*	*		*			
OH	No statute information						
OK	Not applicable						
OR	*		*				*
PA	Not applicable						
RI	Not applicable						
SC	*	*					
SD	Not applicable						
TN	Not applicable						
TX	*	*					
UT	Not applicable						
VA	Not applicable						
VT	*						
WA	Not applicable						
WI	Not applicable						
WV	Not applicable						
WY	Not applicable						

* May not hold office in sports or commercial fishing organization or have ownership or direct interest in a commercial fishing business

* Appointed pursuant to the provisions of 10-2851.

Table 3. Commission Members: Appointments and Qualifications

State	Governor Appointed	Geographic Selection	Legislative Approval	Must be Mixed Party	Academic or Experience Qualification	Knowledge or Internal Qualification	Other Qualification
AK	Not applicable						
AL	Not applicable						
AR	No statute information						
AZ	*	*		*	*		
CA	Not applicable						
CO	*	*		*			
CT	Not applicable						
DE	Not applicable						
FL	*		*				
GA	*	*	*				
HI	*		*				
IA				*		*	*
ID	*	*		*		*	
IL	Not applicable						
IN	* ¹				*		
KS	*	*		*	*		
KY	*	*		*		*	*
LA	*	*	*				
MA	*	*					*
MD	Not applicable						
ME	Not applicable						
MI	*	*	*		*		
MN							
MO	*		*	*		*	

¹ Cannot hold any other state or federal office

² Governor appoints 5 of 12 positions.

³ Vacancies are filled by appointment by the Governor from a list of five names submitted by the sportsmen of each wildlife district.

⁴ The Governor appoints one member from 3 candidates submitted by the Massachusetts Audubon Society, Sierra Club, Appalachian Mountain Club and Trustees of Reservations.

Table 3. Commission Members: Appointments and Qualifications (continued)

State	Governor Appointed	Geographic Selection	Legislative Approval	Must be Mixed Party	Academic or Experience Qualification	Knowledge or Interest Qualification	Other Qualification
MS	*	*			*		
MT	*	*	*				*
NC	Not applicable						
ND	Not applicable						
NE	*	*		*	*	*	
NH	*	*		*	*	*	
NJ	*		*			*	*
NM	*	*	*	*	*		
NV	*	*			*		
NY	Not applicable						
OH	*		*	*		*	*
OK	*	*	*				
OR	*	*	*				*
PA	*	*	*				
RI	Not applicable						
SC	*		*				
SD	*	*	*	*	*		
TN	*	*	*			*	*
TX	*		*				*
UT	*	*	*	*		*	

* At least one member must be experienced in the breeding and management of domestic livestock.

* Appointed and approved by the Governor and Council.

* Six farmers and six sportsmen, one of whom serves as Chairman.

* At least two shall be engaged in farming as their principal means of support.

* May not hold office in sports or commercial fishing organization or have ownership or direct interest in a commercial fish processing business.

* Includes Commissioners of Environment and Conservation and Agriculture; strives to have one person at least 60 years old and at least one person of a racial minority.

* All nine members must be from the general public; members or spouses may not be employed by a business entity regulated by the Department or received funds therefrom, may not own or control more than a 10% interest in such business entity, or use/receive a substantial amount of tangible goods, services or funds from the Department, and may not be registered lobbyists on behalf of a profession related to the operation of the Commission, nor be employees or paid consultants of a statewide association in the field of conservation or outdoor recreation.

Table 3. Commission Members: Appointments and Qualifications (continued)

State	Governor Appointed	Geographic Selection	Legislative Approval	Must be Mixed Party	Academic or Experience Qualification	Knowledge or Interest Qualification	Other Qualification
VA	•	•	•				
VT	•	•	•				
WA	•		•			•	• "u
WI		• "					
WV	•	•	•		•		
WY		•		•		•	

" Shall not hold other office, must represent a balance reflecting all aspects of wildlife management

" No person may be appointed, or remain a member, who receives a significant portion of income directly or indirectly from permit holders or applicant of permits issued by the Department.

REPORT TO THE GOVERNOR
ON THE BOARD OF FISHERIES

Board of Fisheries Review Committee
February 23, 1988

STATE OF ALASKA

STEVE COWPER, GOVERNOR

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF AUDIT & MANAGEMENT SERVICES

P.O. BOX AM
JUNEAU, ALASKA 99811-0199
PHONE: (907) 465-3568

February 22, 1988

The Honorable Steve Cowper
Governor of Alaska
Pouch A
Juneau, Alaska 99811

Dear Governor Cowper:

As Chairperson of the Board of Fisheries Review Committee, I have the pleasure of submitting to you our report with its recommendations. In choosing committee members, you succeeded in selecting persons who are highly knowledgeable of the fishing industry in the State of Alaska and with a great concern to improve its regulatory processes. I believe that the given recommendations represent sound advice which will eliminate many of the problems currently associated with operations of the Fisheries Board.

Sincerely,

s/c A. Mathisen
Ale A. Mathisen, Chairman
Board of Fisheries Review
Committee

OM/lmy/jcb
om760/dams7

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1. INTRODUCTION

The effective management of Alaska's fisheries resources is a matter of considerable public concern. Many state residents depend on the harvest of fish stocks for subsistence needs, while commercial fishing is one of the most important segments of the Alaskan economy.

The regulatory system designed and implemented by the Alaska Legislature upon statehood was purposely crafted to provide substantial opportunities for fishermen and other interested members of the public to participate in the regulatory process. This was largely in response to a legacy of federal management, resource depletion, and special-interest bias during the territorial period.

Over the years this commitment to open participation has become an integral part of the regulatory process which the public strongly supports. To quote from the 1987 Senate Advisory Council report on fisheries management:

"It is difficult to emphasize just how strongly many believe that 'participatory democracy' is the essence of Alaska's fisheries management regime. They speak very critically of other systems, such as Canada's Department of Fisheries and Oceans and of the management agencies in California and Washington as bureaucracies which limit or essentially exclude public involvement. The legacy of territorial days during which Congress and federal regulators routinely ignored the concerns of local fishermen is strong."

While public participation is an essential part of the regulatory process, in recent years the virtually unlimited opportunity for such participation, combined with ever-increasing complexity of fisheries issues, has created an almost impossible working situation for the board. To again quote from the Senate Advisory Committee report:

"...many fishermen, past and present board members, and others expressed the conviction that some action to either control the agenda or to enhance the ability to cope with the workload was necessary. They referred to the present system as verging on chaos."

In response to public concern, Governor Cowper appointed a nine-member review committee in October 1987 to evaluate the structure and procedures of the Board of

Fisheries and to recommend changes necessary to facilitate effective management. Members of this committee are:

Ole Mathisen (Chair)	Pete Schaeffer
John Garner	Larry Edfelt
John White	Hank Pennington
Cheryl Sutton	Don Mitchell
Dick Jacobson	

Staff Assistance and support from the Office of the Governor was provided by John Halterman and Sam Stoker. This report was drafted by Sam Stoker based on the committee's deliberations.

In his charge to the committee, the governor instructed the members to address the following questions:

- a. Is the present system of fisheries regulations well suited to meet the challenges posed by an increasing complex utilization of valuable resources?
- b. Is the current Board of Fisheries regulatory process fair, efficient, and responsive? If not, what changes should be made to make it so?
- c. Does the current process integrate all available data, including the most recent biological information, economic considerations, and state fisheries policy, in considering regulatory decisions? If not, what changes are required?
- d. How should board members be selected? Should they represent different gear groups, geographic areas, or knowledge and expertise? What other qualifications should be considered? Should membership to the board require divestiture of a personal economic interest in fisheries regulations? Should membership be a full-time paid occupation?
- e. Does the current process provide for sufficient input from all user groups and regions without discrimination or bias, and does the process promote orderly and efficient review of regulatory proposals? If not, what improvements can be made?

On November 6-13, 1987, the committee met in Anchorage for initial deliberation and for receipt of public testimony through a statewide teleconference. On February 4-5 the committee reconvened in Juneau to finalize its discussion and recommendations. The content of these hearings and deliberations are summarized in the following report.

2. IDENTIFICATION OF PROBLEMS

The number and diversity of problems, real or perceived, which have been attributed to the board and its processes over the years are myriad and nearly all-inclusive. Many of the present problems with the board derive from the increasing value of the resource, consequent competition for that resource, acknowledgement and definition of competitive user-groups, and better organization and lobbying pressure on the board from these user groups.

The following outline of problems and suggestions relating to the board is summarized from written comments received by the Governor's Office, a recent public teleconference in Anchorage, deliberations of this committee, and recent reports from the Board of Fisheries and the Senate Advisory Council.

a. Policy:

- o Inadequacy of statewide fisheries policy, resource assessment documents and area management plans for use by the board.

b. Regulatory Process:

- o Relationship of the board to relevant agencies.
 - (1) ADF&G
 - (2) Local advisory committees and regional councils
- o Accountability and documentation.
- o Criteria and guidelines for regulatory decisions.
- o Reliability, applicability and consistency of information supplied to the board.

c. Structure of and appointment to the board:

- o Full-time "professional" versus part-time "lay" board concept.
- o Creation of regional boards.
- o Division of boards by resource category.
- o Process of and criteria for appointment to the board.

- o Conflict of interest and special interest bias by board members.
 - (1) divestiture of financial interests
 - (2) disclosure of financial and other interests
- d. Staff support for the board.
- e. Proposal submittal and review.
 - o Length of board meeting.
 - o Criteria for submittal and screening of proposals.
 - o Role of advisory committees and regional councils.
 - o Public access to the regulatory process
 - o Level of autonomy and authority of advisory committees and regional councils.

3. RECOMMENDATIONS OF THE COMMITTEE

The following were approved by the committee as recommendations to the governor. Many of these recommendations may also apply to or affect the Board of Game.

3.1 Policy:

(a) To a large extent the Board of Fisheries has been delegated the task of regulating the take of fish stocks without specific guidance in the form of comprehensive fisheries policy adopted by the legislature, which has the authority and responsibility to provide such guidance, pursuant to Article 8, Section 2 of the Alaska Constitution. The committee recommends therefore that the legislature and the governor develop more specific fisheries policy in order to direct and assist the Board of Fisheries in its decision making process.

(b) Objectives of the board should be to prepare, in cooperation with staff of the Department of Fish and Game, resource assessment documents (RADs) and develop and implement area management plans (MPs) for geographic areas which represent ecological systems or entities in so far as such can be defined by available data. The timing and priority for development of these RADs and MPs should be consistent with state fishery policy as defined by the legislature and/or the governor. Biological data contained in the RADs and MPs should have confidence limits or at least degrees of reliability clearly delineated so that all parties understand the biological risks associated with particular management and allocation decisions by the board. Ultimately, all regulatory proposals should be offered as amendments or revisions to management plans and considered against the objectives of those plans.

RADs and MPs should be updated on a biannual basis to incorporate new information, and should be made available to all segments of the regulatory system. Management plans should be promulgated for the purpose of developing both short-term and long-term sustained harvest and allocation policy addressing subsistence, commercial, sport and personal use needs as well as incidental catch.

The authorship of RADs and MPs and amendments to them should be noted and dated.

3.2 Regulatory Process

(a) The committee supports the board's return to a two-year cycle for proposal submittal and review, by alternate area, except as otherwise provided for.

(b) The board should address each section of the regulations as advertised, and should provide timely and public notification in the event of reconsideration or change of schedule.

(c) The location of board meetings should be determined by the board, based upon considerations of cost and efficiency, with the provision that adequate and timely notification of such decisions be made public.

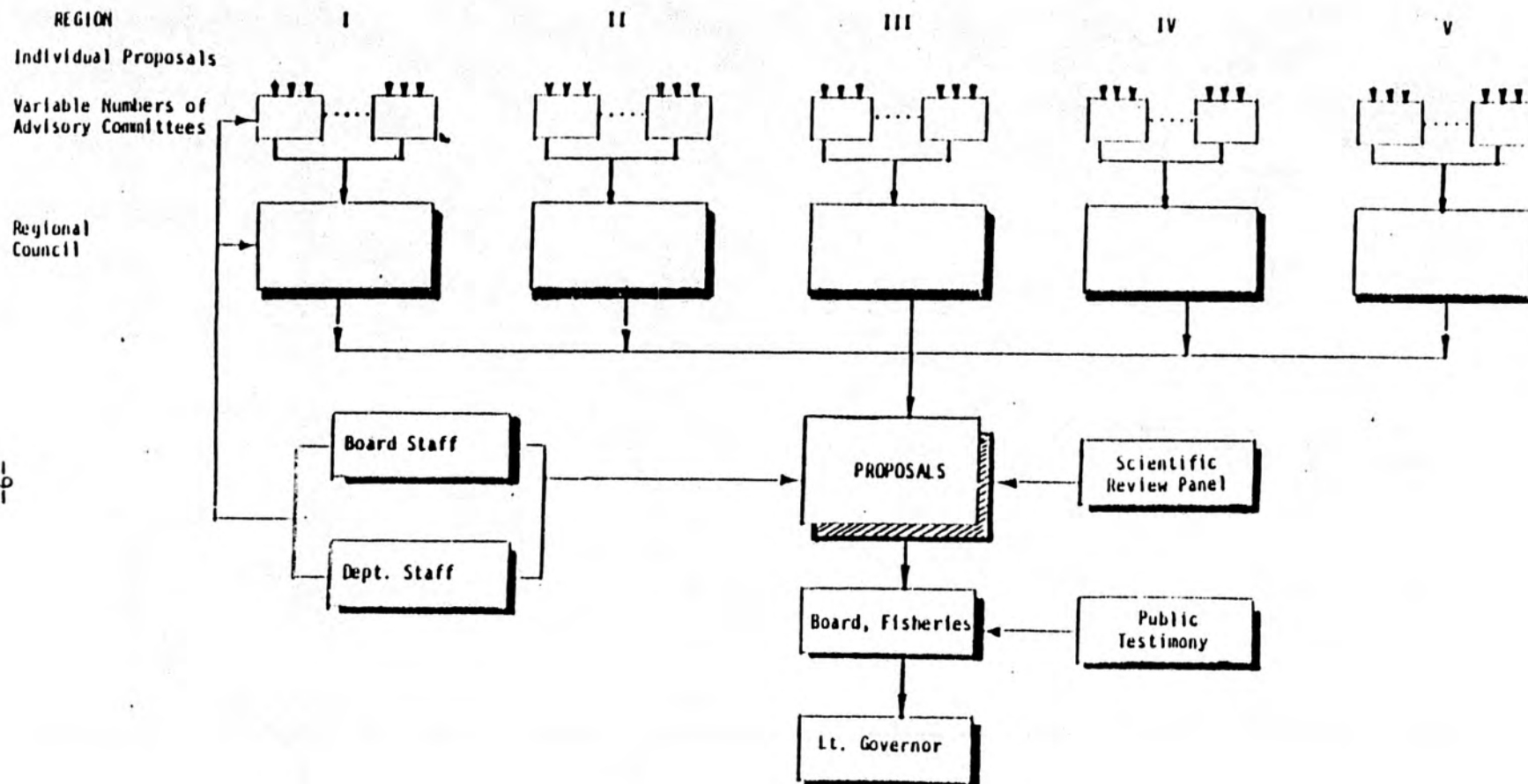
(d) In addition to the biannual cycle for proposals by area, all regulatory proposals should be submitted sufficiently in advance of board meetings to accommodate adequate review according to an established schedule similar to the following:

<u>Finfish</u>		<u>Shellfish</u>
January 1	Department proposed RADs and MPs should be published and distributed	January 1
February 1	deadline for submittal of proposals	May 1
March 1	deadline for publication and distribution of proposals	June 1
March 15	deadline for submittal of written comments relating to proposals, and meetings of Local Advisory Committees to discuss RADs and MPs	June 15
April 15	deadline for written comments on RADs and other proposals	September 15
May 15	meetings of regional councils for debate and comment on proposals	October 15
September 1	regional council meetings to review proposals for which new information has been acquired, with participation by the board and Department staff	November 1
October 1	deadline for submittal of recommendations by the regional councils	February 1
November 1	Board meeting	March 1

3.3 Appointment to the Board:

(a) The governor should appoint persons to the board who concur with and agree to implement state fishery policy. Such persons are expected to be knowledgeable and

ALASKA DEPARTMENT OF FISH & GAME
Flow Chart of Regulatory Process



experienced concerning aquatic renewable resources and their uses in Alaska.

3.4 Structure and Composition of the Board:

(a) After lengthy deliberation the majority view of the committee was that a full-time professional board is not necessary at this time and that the present lay board system should be retained. Other recommendations relating to this decision are as follows:

(b) Board of Fisheries appointments should be salaried, part-time positions within the state employee system.

(c) Appointment to the board should not require divestiture of financial interests in fisheries or fishery-related businesses. Board members, however, should not hold concurrent positions as officers or directors, paid or unpaid, of professional fisheries organizations.

(d) Members of the Board of Fisheries should be required to provide full public disclosure of interests, financial or otherwise, in fisheries related businesses or organizations. The board's current abstention policy should be maintained.

(e) Any member of the Board of Fisheries convicted of a violation of fish and game regulations should be subject to automatic removal. A minority of the committee felt a board member should be removed only for an intentional violation.

3.5 Ex parte Communication:

(a) Members of the Board of Fisheries may not have ex parte communication relating to regulatory proposals during meetings of the Board of Fisheries which they are attending, including periods of recess. Board members have the obligation to inform the public of this prohibition if improperly approached, and to disclose such approaches as soon as the board reconvenes. Failure to do so should be considered grounds for automatic removal of the board member. A minority of the committee felt that automatic removal was too severe.

In recognition of limitations which this places on the board and the public for information exchange, the committee recommends that chairpersons of advisory committees be allowed to participate in deliberation of issues relating to their areas at the discretion of the Board chairperson.

3.6 Documentation:

(a) The Board should provide written documentation which identifies evidence in the

administrative record upon which it relied in arriving at all decisions, along with a summary of reasons for such decisions. This administrative record should also include the voting record of board members on each decision.

3.7 Support Staff

(a) The executive director of the Board of Fisheries should be a partially exempt position, and should be hired and fired by mutual consent of the Board of Fisheries and the Commissioner of the Department of Fish and Game.

(b) The board should prepare and submit its own budget to the Governor for staffing and annual expenses.

(c) A professional staff, serving exclusively the board, should be hired and fired by the executive director of the board and should consist of partially exempt positions within the state employee system.

(d) Staff needs of the Board of Fisheries, as determined by its executive director, should be consistent with the recommendations of this report and the statutory duties of the board. The committee recognizes the need for both full and part-time staff to provide biological and socioeconomic advice as required.

(e) In addition to salaried staff, there should be appointed a non-salaried scientific review panel representing socioeconomic as well as biological, statistical and oceanographic areas of expertise. Funding for travel and expenses should be provided as necessary by the Board of Fisheries.

3.8 Criteria and Policy for Allocation:

The board should regulate personal use, subsistence, sport and commercial fisheries for long-term sustained utilization and with sufficient regulatory stability to facilitate efficient management and fair and reasonable utilization of such resources. In this context it is recognized that changes in biological, ecological, social and economic conditions may necessitate corresponding changes in allocation among the various user groups. In order to facilitate rational decisions by the board affecting such allocation, it is recommended that the following policy and criteria be adopted:

Management plans and regulations which allocate fishery resources among personal use, sport and commercial interests should:

- o Be based on the best scientific information available and be calculated to achieve conservation of the resource addressed,
- o Be designed to achieve fair and reasonable opportunities for the taking of fishery resources by user groups identified in the plan or regulation, be based on the best social and economic information available, and be consistent with sustained yield management and subsistence priorities as established by the legislature. Such plans and regulations should take into consideration natural fluctuations in resource standing stock and should be reasonably enforceable.

If the Board of Fisheries determines that it is necessary to restrict opportunities for the taking of fisheries resources, decisions should be based upon the following factors as appropriate to each particular decision:

(a) Ecological considerations, including:

- o The biological stock description of the resource addressed and,
- o Factors affecting the carrying capacity of the region or area for the resource addressed.

(b) Economic impact, including:

- o Losses or benefits which may accrue to relevant user groups,
- o An assessment of the dependency of affected users on the resource for their livelihood,
- o Alternative fishery resources available to affected users, and the cost to the affected user for switching to the alternative resource,
- o The importance of the affected fishery to state, local and regional economies.

(c) Social impact, including:

- o The history of the affected fishery and historic levels of utilization by various user groups,

- o The capacity of the area in terms of physical facilities available to resource users,
- o The importance of the fishery for personal use by local residents,
- o The importance and capacity of the affected fishery for providing recreational opportunities to residents and non-residents.

3.9 Future Actions:

(a) The committee recommends that the governor continue this evaluation process, either through this committee or a new committee. It is particularly important that representatives of Local Advisory Committees, Regional Councils, and the Board of Fisheries be included in such further evaluation in order to better define the role and responsibility of the advisory committees and regional councils in the regulatory process.

(b) Some of the preceding recommendations of the committee will require legislative action. Members of the committee could be available to assist in the drafting and review of such legislative proposals.

4. DISCUSSION

The following discussion relates by topic to recommendations presented earlier in this report.

4.1 Policy:

The committee agreed that a major problem in arriving at either conservation or allocation decisions derives from the fact that the state has no well-defined and comprehensive fisheries policy in place and that resource assessment documents (RADs) and area management plans (MPs) are often deficient or non-existent. The committee strongly recommends that the board, the department, the administration, and the legislature make every effort to develop a coherent statewide fisheries policy as soon as possible in order to provide structure and guidelines for the formulation and submittal of management plans and proposals, and to provide focus and direction to the board.

It is the committee's recommendation that the board be provided with adequate staff, independent of the department, in order to effectively review and summarize for the board relevant information received from the department and other sources, to work with the department in the formulation of RAD's and MP's, and to inform the department as to informational needs of the board. The board should, with the help of its staff and the department, construct over time a record of stock statuses for all major species, and should work with the department to summarize RAD's and MP's on file for use by the board, the advisory committees, and the regional councils. Whenever lacking, the board and the department should cooperate in formulating RAD's and MP's as consistent with the priorities of state fisheries policy, and should establish better sustainable yield estimates, with confidence limits, for major stocks and species whenever possible.

It is also the recommendation of the committee that the board and the department interact closely with each other and with the local advisory committees and regional councils as appropriate for formulation of resource assessment documents (RADs), area management plans (MP's) and regulations. In this regard it is recommended that representatives of the department and the board attend and participate in meetings of advisory committees and regional councils whenever possible and appropriate. The department should also make sure that RAD's and MP's are made available to the board, advisory committees, and regional councils for use in evaluation and deliberation of regulatory proposals.

4.2 Regulatory Process:

A major concern regarding the board process is the increasing number of proposals submitted to the board, the resultant work load on the board, and the need to somehow limit or screen the input of such proposals. However, while almost everyone agrees that there is a problem in this regard, there is no general consensus on how such screening or limitation should be accomplished. As discussed in the recent report by the Senate Advisory Council:

"The value of much of what the board must consider is questionable. Many proposals are nearly identical in intent or are trivial in content. Others are ghosts of proposals past, having suffered numerous previous rejections. There are usually several "pay back" proposals, the purpose of which is primarily to exact revenge on a user group by which the proposer feels it has been wronged. Still others concern actions clearly outside the authority of the board. No formal controls or screening to separate these proposals from the legitimate, thoughtful, articulate variety exists. All must be considered in one way or another by the board at its public meetings."

Suggestions as to methods for screening proposals include appointment of an independent committee to perform that function, screening and approval by the advisory committees and/or regional councils, and requiring multiple sponsorship for proposals.

After due consideration, the decision of the committee is that none of these methods are acceptable or appropriate, and would not serve to alleviate the problem. Screening of proposals by a committee or panel would not result in overall savings in either time or money, would probably not be effective, and would very likely lead to further criticism of the process. Similarly, screening by advisory committees and/or regional councils would be overly time-consuming and costly, would be of minimal benefit, and might make the process more vulnerable to special-interest pressure. As outlined in the section dealing with formal recommendations, the committee does suggest earlier submittal of proposals and more involvement of the advisory committees and regional councils in proposal review and evaluation.

And again, the recommendation of the committee is for board staffing to review, consolidate and evaluate proposals and to make appropriate recommendations regarding

them. It is felt that this in itself will greatly improve efficiency and reduce demands on the board.

The committee agrees with the decision of the board (November 9, 1987), to review proposals from each of two areas (Kodiak/Western and Cook Inlet/Gulf of Alaska/Southeast) on an alternate year basis. This plan will reduce to some extent the annual work load faced by the board, will allow more considered review of proposals, and will provide for increased regulatory stability. Protection of the resource can be accomplished in alternate years through emergency orders or regulations by the department, or the advisory committees can themselves undertake closures of threatened fisheries.

Several complaints were received by the governor's office and the committee about the process, or lack of such, used by the board to schedule debate on issues and regulations. Some complain that the board has at times dealt with an issue during the period scheduled for public testimony and then reconsidered that decision at a later time without adequate public notification.

The committee agrees that the board needs to incorporate new information as it is received, and may find it appropriate and necessary to undertake last minute reevaluations. When this occurs the board should be required to serve timely notification and should make public the reasons for such reconsideration.

Present law (AS 16.05.300b) requires the board to hold at least one meeting or hearing a year in each of four areas of the state. On the other hand, the same statute says that "Each board shall select the time and place in the state for the transaction of business".

Not surprisingly, this rule has been variously interpreted. Those living in outlying areas frequently feel disadvantaged by having to travel long distances (generally to Anchorage) to participate in board meetings, and are inclined to interpret this statute to mean that the board must hold full meetings in each region each year.

For the board to move meeting locations to regional centers would, of course, provide increased access for residents of that region. On the other hand, it would increase considerably the cost and time commitments of the board, and would not improve and might hinder access by residents of other regions. In addition, limitations on physical and communication facilities in some of the outlying regions would very likely complicate the process and reduce effectiveness and efficiency.

The consensus of this committee is that the board should not be constrained to hold full meetings in locations other than those it decides upon as practical and cost/time effective. On the other hand, it is recommended that board members, along with board and department staff, schedule and attend regular meetings on at least an annual basis in each region for purposes of explaining decisions and receiving testimony. It is also felt that better definition of the role of advisory committees and regional councils, and increased participation of these organizations in the regulatory process, will go far to improve public participation.

Local advisory committees were authorized and institutionalized by passage of AS 16.05.260, while regional councils resulted from the Alaska National Interest Lands Conservation Act (ANILCA). The number of advisory committees has increased greatly in recent years, from about 50 early in this decade to 76 at present. The roles of regional councils and advisory committees, however, and criteria for creation of advisory committees, have never been clearly defined. The recent (1987) report of the Senate Advisory Council states that:

"Fish and Game Advisory Committees are mandated by 5 AAC 96.050 to develop regulatory proposals, evaluate proposals, provide a "local forum" for fish and wildlife matters, to work with the appropriate regional councils regarding conservation and harvest strategies, and to interact with other interested parties. The department has interpreted that role as "committees are intended to provide a local forum for the collection and expression of opinions and recommendations on the management of fish and game" (ADF&G, 1981). Congress, in ANILCA, expressed a broader orientation and purpose for the advisory committee/regional council system (Gorsuch, 1983):"

The public participation system described in ANILCA section 805 and incorporated into state law was viewed by Congress as essential. The findings in ANILCA section 801 (5) reflect that assessment:

"[T]he proper regulation, protection and conservation of fish and wildlife...and the continuation of the opportunity for a subsistence way of life...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...in Alaska."

The intent of the advisory committees and regional councils was to draw upon the expertise of local residents and insure that local interests were represented in the regulatory process.

Some local advisory committees seem to function quite well and are effective organizations for providing local input to the regulatory process; others are essentially non-functional and are seldom if ever heard from. In some instances there is criticism that the local advisory committees are merely forums for special-interest groups, and that committees are in fact not representative of the resident population. As discussed in the Senate Advisory Council Report (1987).

"There has been considerable criticism of the advisory committee process and composition. Many assert that certain advisory committees are or have been formed around special interest groups and have not been representative of a community's entire user spectrum or are single issue in scope."

In southeast Alaska nearly every community, regardless of size, has its own advisory committee. In western Alaska four committees represent the forty some villages of the Calista region. Anchorage, with nearly half the state's population, has one advisory committee with a voice equal to that of any other committee.

And, while the stated role of the advisory committees is, among other things, "to develop regulatory proposals", the committees have been minimally effective in this regard. The report of the Senate Advisory Council (1987) states:

"Although the source of proposals is not always clear, the annual number of proposals noted as originating with advisory committees or regional councils has remained relatively unchanged since 1975; about 16% of the total voted on during the period 1975-1987."

Proposals regarding the role and function of advisory committees range from suggestions to reduce or limit the number of committees to suggestions that committees and/or regional councils be authorized to pass

local regulations or to veto regulations passed by the Board.

The recommendation of this committee is that participation by local advisory committees and regional councils in the regulatory process in formulation of resource assessment documents, area management plans, and statewide fisheries policy statements should be encouraged and that the format for such participation should be more clearly defined.

4.3 Appointment to the Board:

The recommendation of the committee is to retain the present process of appointment and removal, with the stipulation that certain specific causes for removal should be defined.

The committee recognizes that the present process of appointment of board members by the governor, subject to majority approval by the legislature in joint session, is by nature a political process. It is the responsibility of both the governor and the legislature, and ultimately the electorate, to see that the appointment system functions efficiently and fairly. Moreover, the committee agrees that the goal of the appointment process is to appoint board members who will direct and implement state fisheries policy as formulated by the administration and legislature, and that it is appropriate for the administration, with legislative concurrence, to control such appointments.

The committee strongly reaffirms that appointments to the board should not be representative of or accountable to narrow regional or user group interests, as has often been the case in the past, but should be responsible and responsive to the best interests of the resource and the state as whole.

A proposal was entertained to select board members from a list of nominations submitted by the local advisory committees and/or regional councils. The consensus of the committee was that such a process would only increase the vulnerability of the system to special-interest pressure and would remove much of the responsibility from where it rightly belongs--with the administration and the legislature.

Another proposal considered was that board members be elected from their region of residency. The decision of the committee was that election of board members, whether on a statewide or regional basis, would only increase special-interest pressure and would compromise the administration's ability to direct statewide fisheries policy.

Consideration was also given to the problem of removal of board members, including a proposal that members serve strictly at the pleasure of the governor, subject to removal for failure to follow and implement administration policy. The decision of the committee is that to so liberalize the process of removal would create further instability in the system. The majority of the committee did agree, however, on two specific causes for removal. These include violation of fish and game regulations and violation of ex parte communication prohibitions.

4.4 Structure and Composition of the Board:

The majority view of the committee was that, for the present at least, employment of a full-time board is not necessary and would not solve problems attributed to the present process. There was unanimous agreement that the board should be provided with increased and adequate staffing, and that this, along with other measures to be discussed, would increase efficiency and reduce the work load and time demands on the board members to a reasonable level. It was felt by some that formation of a full-time board might result in increased complexity and special-interest bias. The tendency could be for the board itself, if employed full-time, to expand and complicate issues to justify such a time commitment. In any case, a full-time board would very likely find itself under increased lobbying pressure from special interest groups. The North Pacific Fisheries Management Council operates under a system comparable to that proposed for the Board, with a part-time lay council augmented by strong professional staff and advisory committees support.

The committee also decided not to recommend the creation of regional boards with regulatory authority over local or intra-regional issues. It was felt that such a division of responsibility and authority would very likely result in increased regulatory complexity and inconsistency, and would heighten frustration and confusion among users whose interests cross regional boundaries. Also, local autonomy would probably result in increased inter-regional conflict and competition. Since most resources currently regulated by the board, as well as resource users, are not confined to a single region, local autonomy would very likely lead to increased complication and difficulty in management of inter-regional resources.

Also, the committee agreed that the tendency would be for regional boards to be even more susceptible to special-interest pressure and bias than is the case with the statewide board. The creation of regional boards would further complicate the appointment process and would make it difficult to find and appoint board members with statewide perspective.

Another proposal considered and rejected by the committee was to split the present board into two boards--one to deal with salmon and herring or anadromous and freshwater finfish, the other to deal with marine fish and shellfish. The committee agrees with concerns that salmon interests have tended to dominate the board process, sometimes to the neglect of other fisheries. It feels, however, that to split the board would complicate management of resources and would not be in the best interests of the state or the resources.

The committee consensus is that the board should be structured to provide a comprehensive assessment of fisheries and fishery resources as a whole, and that fragmentation of this responsibility would increase the difficulty of designing and implementing a cohesive statewide and resource-wide fisheries policy. The feeling is that better staff support to the board will permit appropriate attention to non-salmon concerns as well as reduce time and effort demands on the board.

Other major concerns voiced in regard to conduct of the board relate to conflict of interest, special-interest bias, and influence on board members by special-interest advocates.

While it is recognized by the committee that conflict of interest and special-interest bias can be and has at times been a problem with board members, the unanimous view of the committee, and the majority view received from the public, supports appointment to the board of persons with hands-on knowledge of and experience with fisheries resources and sport, commercial, subsistence and personal use fisheries. The feeling of the committee is that even with a full-time board divested of financial interest in the industry, persons of sufficient knowledge and experience to qualify for appointment will bring with them, by definition, certain views commensurate with their experience and background.

Conflict of interest and special interest bias is not necessarily limited to commercial or financial interests, but also extends to sport fishing, subsistence and personal use. Any broad interpretation of conflict of interest or special interest would, therefore, tend to severely limit the number of qualified and knowledgeable persons available for appointment to the board. This does not mean, however, that both the governor and the legislature should not use reasonable care in avoiding the appointment of persons perceived as advocates of special interest groups.

Divestiture of fisheries interests by persons appointed to the board was carefully considered and ultimately rejected by the majority of the committee. Part

of the problem lies in the definition of financial interest and to what lengths this definition should be taken. In many cases financial involvement in the fisheries industry involves heavy investment of capital for gear and equipment, with demanding payment schedules which cannot easily be divested. To require such divestiture would, again, seriously limit the number of qualified persons available for appointment.

In addition, the majority view of the committee is that it is possible to conceal financial interests, and that to require divestiture would not prove meaningful.

But while the majority of the committee did not feel it necessary to require divestiture of financial interest for appointment to the board, it did unanimously reaffirm the necessity for full and clear disclosure by appointees of any and all financial investments in fisheries or fishery related businesses as well as membership in organizations.

The committee also considered a proposal which would require board members to abstain from discussing or voting on issues in which the member has any economic interest, including subsistence or personal use. It was decided that such a requirement would seriously hinder the board's ability to function, and that, while laudable in principle, absention should be at the discretion of the board itself. Currently, the board chairperson has the authority to decide whether or not a member has a conflict of interest which might influence their position and which should preclude his or her discussion or vote on a given issue. The committee recommends that the chair diligently exercise this authority.

The committee does recommend that board members be compensated by an appropriate salary while on board business. The primary concern is that recent time demands on the board make it financially difficult for persons to accept appointment, and that this difficulty may compromise appointment of the most qualified persons to the board. Salaries for board members should be comparable to those received by members of the North Pacific Fishery Management Council for their service.

4.5 Ex parte Communication:

In regard to inappropriate or undue influence on a board member by special interest representation, the committee has drafted formal recommendations which expressly forbid ex parte communication with and lobbying of board members during board meetings. The purpose of this recommendation is not to forbid or curtail discussion of issues, but rather to ensure that such discussion takes place on the public record.

A minority of the committee, while sharing the concern that ex parte communications have at times presented the appearance of impropriety, believes that ex parte communications are frequently a valuable contribution to the board process. The ability of the unrepresented, unsophisticated public to have access to and influence on the rule makers is what in fact makes the board process so unique and advantageous in the view of many.

4.6 Documentation:

This issue is closely related to that of board conduct and special-interest bias. Board decisions are frequently made for reasons which are not made clear in the record, which fosters the perception that board members are "making deals" with each other or with special interest groups or are voting to further their own interests.

Consequently, the committee recommends that all information relied upon by the board in making a decision be identified in the administrative record, and that board members provide a summary of the reasons for decisions, including economic and other impacts of that decision. It is also recommended that the Board keep an accurate record on how each member votes on each issue and that such be public information. It is hoped that such documentation will serve to define and clarify, for both the board and the public, the criteria and process employed to reach decisions.

4.7 Support Staff:

There was unanimous agreement that the board should be provided with increased and adequate staffing.

The conclusion of this committee is that the present staff needs of the board are not being adequately met, and that the board must have the authority and funding to hire and fire its own research and advisory staff. This is not intended as a negative reflection on the department or its staff and their efforts to supply information to the board. It is absolutely essential, however, that in addition to department support the board retain its own staff, including socioeconomic, biological, and biostatistical expertise for the review, evaluation and summation of information acquired from the department and other sources, and to interact with the department year-round.

The committee also recognizes that many of the decisions the board is called upon to make, particularly those involving allocation, require socioeconomic information and advice which the department, except for subsistence issues, is poorly equipped to provide. It is

essential that the board have appropriate staff to supply such advice if it is expected to make informed allocative decisions.

In this context it is the committee's recommendation that biologists in the department should not deal with issues having socioeconomic implications, and that both the board and the department should retain appropriate staff to address those matters.

Another recommendation of the committee is that the executive director of the board be appointed and dismissed by mutual consent of the Board of Fisheries and the commissioner of the department. The board research and advisory staff should be hired and fired by this executive director and should be salaried, partially exempt positions within the state employee system. Funding for executive director and staff positions should be the responsibility of the board rather than the department, and will require that the board prepare its own budget, in consultation with the governor's office, for submittal to the legislature. This will place responsibility for funding and performance of the board more directly on the administration and the legislature, where it should properly reside, and will allow the board to structure its staff and budget requirements in response to demands placed on it.

In addition to salaried staff, the committee recommends that a non-salaried review panel be appointed to assist and advise the board. This committee would consist of persons of appropriate scientific and statistical background and expertise, and would be appointed by the board from the university system and the private sector. Primary duties of this committee would be to review and evaluate resource assessment documents, management plans, stock assessments, and other information supplied to the board for use in its deliberations. The committee would serve without salary, but would be reimbursed for expenses associated with its duties.

The committee also considered recommending an industry advisory panel, such as is also employed by the North Pacific Fisheries Management Council, but decided that this is not necessary given the composition of the board and the use of advisory committees and regional councils.

4.8 Criteria and Policy for Allocation:

It is the opinion of this committee that many of the difficulties experienced by the board in the past are attributable to the fact that allocation decisions should be based on socioeconomic considerations, which neither the board nor the department are adequately equipped to evaluate

and for which neither the legislature nor the executive have provided adequate standards or criteria.

It is clear that responsibility for allocating surpluses in fisheries resources fall to the Board of Fisheries. As these allocative decisions become more complex, which they are bound to do as our population expands and increasing competition develops for the fisheries, the more need there is for definitive criteria.

The Board of fisheries was mandated by the legislature to adopt criteria for the allocation of fishery resources among personal use, sport and commercial interests. In April, 1987, the board adopted seven criteria suggested by the legislature (AS 16.05.251). The Senate Advisory Council Report (1987) states, however, that:

"The failure to develop more specific criteria may result in inconsistencies in those (allocation) decisions and more legal problems for the board."

This same report goes on to say that:

"There has been widespread agreement among the industry, science, and public figures interviewed for this report that the allocation decisions and general management of fisheries by the board of fisheries would be improved significantly if relevant, timely socioeconomic data were routinely available to it."

In order to facilitate the meaningful utilization of these data, the board must have definitive criteria to apply, and must have adequate staff to evaluate and summarize such information.

In order to assist the board in developing allocation criteria, the committee has drafted formal recommendations as presented in an earlier section of the report.

5. HISTORY AND BACKGROUND OF THE BOARD

The first Alaska Fisheries Board was created in 1949 by the Territorial Legislature as part of the Alaska Department of Fisheries. Board members were appointed by the governor and confirmed by the legislature to serve staggered five-year terms. Membership consisted of one commercial fisherman from each of three regions, a processor, and one member at large. The board appointed its own executive director and was empowered to:

determine and promulgate reasonable rules and regulations not in derogation of restrictions imposed by the U.S. Fish and Wildlife Service...police the fisheries and investigate matters pertaining to the fisheries for fact-finding purposes...maintain, improve and extend the fisheries resources of Alaska in the interest of the economy and general well-being of Alaska (CH 68, SLA 1949).

In 1957, preparatory to statehood, the legislature created the Alaska Department of Fish and Game and the Alaska Fish and Game Commission. This commission consisted of seven members, including three commercial fisherman, a sport fisherman, a fish processor, a hunter, and a trapper appointed by the Governor and confirmed by the legislature. Appointments were for staggered terms of seven years. The mandate to this commission was "... to supervise the Department in maintaining, improving, and extending the fish and game resources of Alaska". After Statehood, in 1959, the new State Legislature created the Alaska Board of Fish and Game to replace the commission in response to charges of special interest bias.

The present Board of Fisheries was created by the state legislature in 1975, along with its counterpart the Board of Game. As defined in AS 16.05.221, "For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence...". In effect, however, appointments to the board have continued to be made along lines of both regional and industry or user group representation, as provided for in the original territorial Fisheries Board.

The procedural process for selection of board members has varied from administration to administration, and has

always been a political process. In all cases, a pool of potential candidates has been developed by the governor's staff, from which members are selected by the governor. Board members are appointed for three-year staggered terms. Members may be removed from the board for inefficiency, neglect of duty, or misconduct in office.

The board staff includes an executive director appointed by the commissioner of the Department of Fish and Game, an assistant executive director, six regulatory specialists, and a clerk typist.

Duties and authority of the board are established in the Administrative Procedure Act and AS 16.05.251. Duties include establishing seasons and areas, quotas and bag limits, and ways and means of taking fish. The board is also charged with classification of species as commercial, sport or predator for management purposes, promulgation of regulations regarding fisheries management, regulation of entrance into research agreements, regulations regarding harvest of aquatic plants, and regulation of licensing activities. Additionally, AS 16.05.251 mandates that the board should establish criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries along statutory guidelines.

The present advisory committee system was established under AS 16.05.260, while regional councils resulted from the Alaska National Interest Lands Conservation Act (ANILCA), section 805. In addition, AS 16.05.300 requires that the board either meet or hold hearings in each of five regions of the state each year, further expanding and facilitating public participation in the board process.

The board currently meets twice yearly, in the spring to consider shellfish regulations and in the winter to consider finfish regulations. In most sessions, statewide regulatory proposals have been considered. In 1983 the board adopted for the first time a system whereby the state is divided into two regions, with regulatory consideration by region in alternate years. The present board has reaffirmed that it will adhere to that approach. In years when an area is not open to regulatory consideration by the board, or when the board is not in session, management authority to open and close harvests and adjust their time or area, or to regulate ways and means of harvest, is delegated to the Department as provided for under AS 16.05.060. The intent is that the use of such emergency orders or emergency regulations be invoked only as necessary to protect the biological base of a stock if an unforeseen event occurs which threatens that stock, or to resolve unexpected conflicts over allocation. In addition, the advisory committees have the authority under statute to close seasons, though this authority has never been applied.

When the advisory committees were established, part of their function mandated by AAC 96.050 was to develop and evaluate regulatory proposals to the board. In practice, however, only about 16% of the proposals voted on by the board between 1975 and 1987 originated with advisory committees or regional councils, while 49% have originated with individuals or interest groups and 35% with the Department or the board itself.

It is clear that the number of proposals submitted to the board and its consequent workload has increased dramatically in recent years (since about 1975). In the sixties and early seventies meetings of the joint board consumed about 10-15 days total for the year, with 100 to 125 proposals considered. Since 1975 fisheries board meetings have occupied from 17 to 81 days per year, with as many as 895 proposals for consideration. In large part this expanded work load is a reflection of the increased value of and competition for fisheries resources themselves. For instance, ex-vessel values have increased from \$70 million in 1965 to nearly \$900 million in 1986, and wholesale values from \$166 million to \$1.6 billion (Senate Advisory/Council, 1987). The volume and complexity of conservation and allocation issues to which the board has been subjected have increased accordingly, though its capacity to deal with such volume and complexity, in terms of funding and technical assistance, probably has not.

Other major factors contributing to this increased work load include (1) the delineation of subsistence and personal use categories, (2) revitalization of the state's salmon fishery and, concurrently, increased harvests of non-salmonoid species, (3) lack of comprehensive state fisheries policy within which to formulate management and allocation guidelines and (4) generally increased public participation and access to the board process. The increased quantity, if not quality, of proposals with which the board must contend are described in a recent (1987) report of the Senate Advisory Council, as quoted below:

"The mushrooming quantity of information and proposals thus presented to the board and the time consumed in public testimony before it has constrained the board's ability to carefully and reasonably consider all of the proposals and issues before it.

The options, in light of such an increased and increasing work load, would seem to be: (1) limit the number of proposals submitted to the board or (2) increase the efficiency of the board. Due to 1988 budget limitations, the board is constrained to 27-30 meeting days this year, which is probably insufficient to deal with the issues facing it (Senate Advisory Council, 1987).

While problems with the board, either in terms of appointments or function, and public criticism of the board are nothing new, the recent unscheduled adjournment of the board in Anchorage last December (1986) has resulted in unprecedented criticism of the board and loss of confidence in the process. This adjournment served notice in a fairly dramatic way that the process was in trouble and badly needed attention. Several measures were undertaken by the legislature and the Governor in response to this situation.

One such response, originating with Senator Hensley, was proposed Senate Bill No. 188, which would establish a full-time, salaried, Alaska Fisheries Management Commission to replace The Board of Fisheries.

The legislature also authorized and budgeted a review of the board of fisheries by the Senate Advisory Council. This review, prepared by Sheila Helgath and Richard Rainery, is referred to and was used extensively during preparation of the present report.

A third response was appointment by the governor of a Board of Fisheries Review Committee, the determinations of which are presented in this report.

6. MINORITY VIEWS
(Prepared by Don Mitchell)

The recommendations of the Board of Fisheries Review Committee reflect a high degree of unanimity. All committee members agreed that board decisions should be based exclusively on information in the public record, that the board should identify the information in the record upon which it relied in making a particular decision, and that board members should not participate in ex parte communications during board meetings about matters related to regulatory proposals pending before the board. Committee members also unanimously agreed that, with the exception of its enactment of the 1978 and 1986 subsistence statutes, the Alaska Legislature has, in large measure, abdicated its responsibility pursuant to section 2 of article VIII of the Alaska Constitution to provide for the utilization, development and conservation of Alaska's fish stocks. To remedy the latter problem, the committee recommended that the Governor and the Alaska Legislature develop a fishery management policy which included standards for the allocation of fishing opportunities between commercial fisheries and among commercial, sport and personal use fishermen, and that the board implement the policy through the adoption of fishing regulations that are based on Resource Assessment Documents (which assess the biological status of fish stocks) and Management Plans (which identify the allocative goals the regulations are intended to advance).

However, despite the aforementioned unanimity, the committee's recommendation on the most important issue considered during its deliberations was not unanimous. While a majority of the committee agreed that the board should continue to be composed of part-time members who have "hands-on knowledge of and experience with fisheries resources and sport, commercial, subsistence and personal use fisheries," a minority did not. Based on the information acquired during the committee's deliberations, and for the reasons set forth below, the minority recommends that the Alaska Legislature amend the statute which establishes the Board of Fisheries to establish a board composed of full-time, rather than part-time, members who are salaried employees of the State of Alaska who have no economic or political interest in the fisheries they regulate.

A. The Workload Requires A Full-Time Board of Fisheries.

In 1960 when President Eisenhower transferred to the State of Alaska authority to regulate fishing inside its territorial boundaries, Alaska had a population of 226,167. Today, the population has almost doubled. Even more

importantly, fishing has become a labor and capital intensive industry of immense importance. Tens of thousands of Alaskans, most of whom live in rural villages, depend upon the harvest of salmon, herring and other fish stocks for their sustenance. In addition, since 1960 the economic importance of Alaska's commercial and sport fisheries has grown exponentially. In 1965 the ex-vessel value of the commercial fishery was \$70,000,000. In 1986 the ex-vessel value was \$890,000,000. The economic value of the sport fishery has grown at a similar pace. In 1987 the Alaska Department of Fish and Game estimated that the sport fishery annually contributes \$150,000,000 to the Alaska economy.

Unsurprisingly, the increase in population and in the economic value of Alaska fisheries has had two results: it has increased the number of allocation conflicts that must be resolved at each board meeting and it has generated an ever increasing amount of biological, social and economic information in the form of reports, statistical tables, graphs and oral testimony which board members must absorb and evaluate before they can cast informed votes.

During its deliberations, the committee received testimony from numerous persons who have observed or participated in board meetings each of whom attested to the fact that these two factors have increased the board's workload to a level approaching the intolerable. In 1975 the board met 17 days. In 1985 it met 56. Although the board's decisions to consider regulatory proposals bi-annually and to prevent advisory committee chairmen from participating in board debate are reforms intended to reduce the workload, they have not solved the problem. At the December 1987 meeting, for example, board members worked weekends and late into the night, but failed to complete the agenda. An even when the work gets done, when board members are required to work 10 to 12 hours a day, seven days a week, to absorb, synthesize and apply complex biological, economic and social data to resolve esoteric problems, marathon meetings frequently result in board decisions of questionable quality.

Although the procedural reforms the committee recommends are intended to reduce the board workload, if adopted, the recommendation that advisory committee chairman again be allowed to participate in board debate will offset a substantial portion of the gain. More importantly, in the years ahead the amount of biological, social and economic information that will be generated about particular fisheries can only be expected to increase.

Consequently, no matter what changes in board procedures are adopted, the regulation of Alaska's fisheries is a responsibility which can no longer be adequately discharged by part-time volunteers, even if they are paid a

fair wage. The committee report acknowledges this reality, albeit begrudgingly, by concluding that a full-time, salaried board is not necessary "at this time." For the reasons set forth above, the minority believes that a full-time, salaried board is not only necessary, it is at least half a decade past due.

In addition to ensuring that board decisions are made in a timely fashion after a thorough consideration of all available information, a full-time, salaried board would have a second benefit. The opportunity to testify orally and to answer questions from board members is an important part of the regulatory process. During its deliberations, the committee heard considerable testimony that the board's disinclination to meet at locations other than Anchorage and Juneau has prevented fishermen affected by board decisions, particularly fishermen who live in rural areas, from presenting oral testimony. A full-time board would have time to conduct meetings and hearings in communities located closer to the fisheries being regulated and to visit fisheries during their operation to observe the effect of regulatory decisions firsthand.

B. A Part-Time Board Composed Of Persons Who Participate In The Fisheries They Regulate Is Unlawful.

In the eyes of too many members of the public, the Board of Fisheries is entangled in a web of bias and conflict of interest that frequently results in unfair regulatory decisions that adversely affect fishermen who are dependent upon access to Alaska's fisheries for their sustenance, their livelihood or their recreation. Although reasonable minds may differ as to the truth of the allegation, everyone familiar with the situation agrees that the perception of bias and conflict of interest is real.

In response to the problem, the committee report recommends that ex parte communications be prohibited and that board members be required to publicly announce their biases and conflicts of interest. However, whatever their merit as policy, the committee's recommendations ignore the fact that the present composition of the board is unlawful. Not only does the appointment of individuals to the board who represent (either explicitly or implicitly) specific interest groups or fishermen who live in specific geographic areas violate the statute which governs the Governor's power of appointment, allowing board members with biases or conflicts of interest to vote on regulatory proposals violates the right to due process of law of fishermen who are adversely affected by the outcome of the votes.

In anticipation of statehood, in 1957 the Alaska Legislature enacted a statute which established a seven

member Fish and Game Commission composed of three commercial fishermen representing specific geographic areas, one hunter, one trapper and one sportfisherman. (ch 63 SLA 1957.) In other words, the Legislature purposely delegated its authority to regulate hunting and fishing to a group of individuals who would be appointed because they had substantial vested interests in, or prejudgments about, the regulations they were empowered to adopt.

The Congress was so appalled by this result that it amended section 6(e) of the Alaska Statehood Act to prevent the State of Alaska from regulating the taking of fish and game until such time as the Secretary of the Interior certified that the Alaska Legislature had made adequate provision for the administration, management and conservation of Alaska's fish and game resources. Subsequent to the enactment of the Statehood Act, Secretary of the Interior Fred Seaton informed Hugh Wade, the Acting Governor of Alaska, that, with respect to the composition of the Fish and Game Commission, section 6(e) required that:

[T]he policy-making officials should be selected for their ability and their dedicated interest in the resource, and no identification should be made between a policy-making official and any particular segment of the population; likewise, no official should be bound to represent the interests of a specific geographical region.

In response to Secretary Seaton's admonition, in 1959 the Alaska Legislature enacted a new statute which established a Board of Fish and Game composed of eight members "having a general knowledge of the fish and game resources of the State and selected without regard to political affiliation or special interest." (ch. 94 SLA 1959.) Secretary Seaton then certified that Alaska was in compliance with section 6(e), and on January 5, 1960, President Eisenhower transferred authority to regulate the taking of fish and game. Executive Order No. 10857. In 1975 the Legislature enacted a new statute which split the Board of Fish and Game into a Board of Fisheries and Board of Game, the members of which must be appointed by the Governor and confirmed by the Legislature "without regard to political affiliation or geographical location." ch. 206 SLA 1975.

However, despite the explicit aforementioned statutory prohibitions, for more than a quarter of a century Alaska Governors, aided and abetted by the Legislature, have appointed individuals to the board because of their identification with special interests or geographic areas. Three recent examples should suffice to make the point.

In 1983 the Alaska Legislature refused to confirm Governor Sheffield's board appointments because a majority of the Legislature was of the opinion that the Governor had not appointed an adequate number of persons who sportfishermen identified as representatives of their user group. In response, Governor Sheffield publicly promised to appoint a Fairbanks sportfisherman to the board, and then did so by appointing Ernie Carter.

When Chris Goll, a professional sportfisherman who had been appointed by Governor Hammond, left the Board of Fisheries, Governor Sheffield appointed Bix Bonney, an officer of the Kenai River Sportfishermen's Association, to take his place. When Mr. Bonney resigned from the Board in 1987, Governor Cowper appointed Bud Hodson, the owner of a sportfishing lodge, to the seat.

Lastly, as of the date of the filing of this report, Governor Cowper is seeking a replacement for Mike Haggren, a commercial fisherman from Kodiak. If tradition is a precedent, the Governor will appoint a Kodiak resident to fill Mr. Haggren's seat.

As these examples demonstrate, it is little wonder that many fishermen believe that controversial board decisions are frequently made based on bias or personal or special interest. However, whenever the impropriety of a part-time board composed of individuals who have obvious economic or political interests in the fisheries they regulate is challenged, the proponents of the present system, including a majority of this committee, answer that the appearance of bias and conflict of interest is an unavoidable by-product of a board composed of individuals who have "hands-on" fishing experience, and that such experience is somehow more important than eliminating the appearance of impropriety. Whatever the merit of this argument during the years immediately succeeding statehood, in 1988 it is a rationalization which is both morally and constitutionally bankrupt.

If a Governor attempted to appoint the president of the Chugiak Electric Association to a seat on the Alaska Public Utilities Commission and then attempted to justify the appointment by arguing that the commission needed members with "hands-on" experience in the public utility industry, the public outcry would be deafening. But for 28 years Governors have appointed processors, commercial fishermen, professional sportfishing guides, officers of fishing organizations, and persons appointed to represent the interests of fishermen who reside in specific geographic areas to the Board of Fisheries as a matter of course.

But no matter how strong the tradition, a board composed of part-time members who have vested interests in

the fisheries they regulate violates the statute which controls their appointment.

It is also unconstitutional.

The right to have regulatory decisions made by an impartial decision-maker is an elemental tenet of due process of law. However, it is a right which Governors and the Alaska Legislature have historically honored in the breach. Two, by no means exclusive, United States Supreme Court cases invalidating statutes which established regulatory boards composed of individuals with biases and conflicts of interest demonstrate the constitutional infirmity of the present system.

In Carter v. Carter Coal Co., 298 U.S. 238 (1936), the Court struck down a statute which established a regulatory board composed of coal producers who were empowered to regulate other coal producers. In doing so, the Court stated:

The difference between producing coal and regulating its production is, of course, fundamental. The former is a private activity; the latter is necessarily a governmental function, since, in the very nature of things, one person may not be intrusted with the power to regulate the business of another, and especially of a competitor. An a statute which attempts to confer such power undertakes an intolerable and unconstitutional interference with personal liberty and private property. The delegation is so clearly a denial of rights safeguarded by the due process clause of the Fifth Amendment, that it is unnecessary to do more than refer to decisions of the court which foreclose the question.

And in Gibson v. Berryhill, 411 U.S. 564 (1973), the Court affirmed a District Court decision which struck down a regulatory board composed of optometrists who were empowered to revoke the licenses of other optometrists. The case is of particular relevance to an analysis of the constitutionality of the Board of Fisheries because the District Court opinion makes unequivocally clear that the perception of bias or conflict of interest can be as violative of the right to due process of law as actual bias or conflict of interest.

According to the District Court:

The question of possible bias of the Board members in this case is not whether the members are actually biased but whether, in the natural course of events, there is an indication of a possible temptation to an average man sitting as a judge to try a case with bias for or against any issue presented to him. A basic element of justice in America is that the court must avoid, not only evil, but the appearance thereof.

Nevertheless, despite the clear constitutional command that the State of Alaska regulate fishing in a manner which, in both perception and deed, is truly impartial, in order to acquire the purported benefit of "hands-on" fishing experience, a majority of this committee is prepared to continue to allow members of the Kenai Sportfishing Association to regulate Cook Inlet commercial fishermen, to allow Bristol Bay drift net fishermen to regulate Bristol Bay set net fishermen and to allow processors who buy salmon caught in the False Pass fishery to vote on proposals to close that fishery so long as board members identify their biases and conflicts of interest on the public record before voting.

However, while requiring public disclosure of bias and conflict of interest is certainly a laudable reform, requiring board members to announce on the record what the fishermen who may be adversely affected by their votes already know cannot transform a biased, conflict-ridden regulatory board into an impartial decision-maker.

Consequently, for the reasons set forth above, the present Board of Fisheries should be replaced by a three to five member board composed of full-time, salaried members, none of whom have an economic, political or geographic interest in Alaska fisheries.

The Alaska Board of Fisheries
Fisheries Management Alternatives

Senate Advisory Council

Alaska State Legislature

October 1987

THE ALASKA BOARD OF FISHERIES

Fisheries Management Alternatives

Senate Advisory Council
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

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Prepared By:
Sheila Helgath
Richard Rainery

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INTRODUCTION

Management of Alaska's fisheries resources has once again achieved prominence in the public eye. Although this current public prominence is primarily due to a single newsworthy incident, the collapse of the December 1986 Board of Fisheries meeting, a number of fundamental and enduring concerns underlie the renewed call for a reappraisal of the board structure and process. The urge to address perceived shortcomings of the system began shortly after the State of Alaska assumed management of its fish and wildlife resources. This report considers some of the pertinent issues central to fisheries management in Alaska in terms of the effectiveness of the Board of Fisheries as presently organized. Its substance is an analysis of some of the significant implications and considerations associated with various conceptual reorganizations of the board. A brief discussion of the importance of fisheries to Alaskans and why the state is involved in fisheries management and allocation is presented first. The historic development of Alaska's Board of Fisheries is presented as a background to understanding why the current entity is shaped as it is and operates as it does. The broad variety of issues that affect the management process today and the burden they represent for regulators are next analyzed. An outline of alternative organizational structures for fisheries management follows, culminating in a discussion of some options for revising the Board of Fisheries structure and process. These options are presented in the context of identifying the best means of accomplishing a variety of possible public objectives which may ultimately be identified as appropriate for the board.

* * * * *

The authors gratefully acknowledge the frank and concerned comments of the various members of Alaska's fishing community who consented to be interviewed for this project. We would have liked to have been able to have considered the insights of many more people, for each individual offered something unique, but we also found that by the time we had talked to those people identified in the appendix, the significant issues had been firmly identified and the range of proposals for reform were also apparent. We also wish to acknowledge the contribution of Sarah Bibb, who was involved in the early stages of research and composition and Kathy Hathaway who provided assistance in the legal analysis section. Errors and omissions are, of course, the responsibilities solely of the authors.

SUMMARY

I) Alaska's Fisheries: Dollars and More

Alaska's fisheries are the backbone of its renewable resource economy. The value of commercial fisheries harvests is now in the billion dollar range annually, with processed value approaching twice that. It is one of the state's largest private sector employment sources. Sport fishing generates several hundreds of millions of dollars in local and tourist trade. Subsistence use of fisheries resources has immense unmeasured economic value. Alaska's fisheries are also an intrinsic element of the society and culture of the state. Over 160,000 Alaskans hold sport fishing licenses and 15,000 residents and non-residents operate the small businesses that characterize commercial harvesting. Fishing is a lifestyle within a trade, or perhaps the reverse, for most adherents. For those who rely upon subsistence fisheries, the framework of their traditional culture is bound up in that pursuit.

II) Public Stake in Fisheries Management

The state's constitution provides that fisheries will be utilized, developed, and conserved for the maximum benefit of the people. The Board of Fisheries must translate that mandate into regulation. Fish are unique among natural resources in that they remain common property until harvested. As such, fish stocks are susceptible to damage or depletion as a consequence of the collective harvest efforts of individuals acting in their own best interests, thus requiring state regulation.

The two major functions of the board are the conservation of fisheries stocks and the allocation of harvestable surpluses among user groups. A separation of these two functions is

deemed ideal by many; in Alaska there is a de facto separation as the board nearly always defers to the Alaska Department of Fish and Game (ADFG) on conservation issues. Allocation issues have mushroomed in complexity and number over time and a variety of social, cultural, and economic factors must be considered, whereas conservation decisions are more narrowly focussed on the biological factors. The board's focus has shifted to allocation, as conservation practices have matured. Recent legislation has stressed the importance of socio-economic aspects of regulation.

III) The Formative Years

The basic structure and process of fisheries management is the product of historical forces stirred up by federal management policies during Alaska's territorial days and still powerful today. Alaska's commercial salmon fisheries were the major component of the territorial economy, far outweighing the early gold mining industry and only in the last few decades displaced by public spending and the petroleum industry. For the bulk of the federal period, the industry was controlled by absentee packing interests, regulation was aimed at maximizing harvest, and the conservation and economic concerns of local fishermen and others went unheeded. The teeming fisheries eventually collapsed from overfishing, with 1959 harvests dropping to the lowest level in nearly 60 years, leaving Alaska with a legacy of anger and economic disaster from the federal era.

IV) The Board after Statehood

At statehood the Board of Fisheries as it now exists was created; the principle changes have been the split of the single board into separate boards for fish and game in 1975

and the emphasis on public participation begun in the late seventies. The board is located within ADFG and conducts regulatory activities at two annual public meetings. Members have been selected by a political process from user groups and from specific regions (despite a statutory prohibition) by the governor and confirmed by the legislature. The board's composition has prompted the question of whom it represents, specific interests or the public as a whole.

The public involvement process is the single most prominent feature of the board process, dictating issues and spurring action by the board. Local advisory committees and regional councils were supposed to be the focus of public participation, channeling local expertise and concerns to the board, but fishing groups and individual fishermen now dominate the process, possibly as a consequence of doubts about the efficacy, authority, and representativeness of the committees and councils. In any case, the emphasis on public participation changed the essential character of the board process and public expectations, opening it up to anyone and everyone with a regulatory proposal. The time consumed in the process and the workload of the board multiplied. Fervent debate swirls around the ability of the board to rationally handle that burden and whether it should have the ability to control it by limiting public access or providing it with the ability to perform more work between meetings.

In-season regulatory activity has been relatively successful as a result of the delegation of authority for emergency orders to ADFG. Much of the economic information provided to the board is developed by the Commercial Fisheries Entry Commission (CFEC) and the Subsistence Division of ADFG. The CFEC's ability to provide data has lately been curtailed by budget cuts.

V) Fisheries Management: Complexity, Scope, and Expectations

In recent years fisheries allocation issues have expanded in number and complexity. In Alaska, legal challenges to board regulations have become commonplace, based on failings to record the decision process, conflict of interest allegations, and an absence of decision standards. The board now must pay added attention to cultural and socio-economic implications of decisions. Only limited information in this area is available and the board does not have the capability to independently gather or analyze additional data. The board needs more information to truly assess regulatory impacts and to design regulation to maximize benefits to the citizens of the state. Part of the problem in this respect may be the lack of specific policy to guide the board's actions. The statutory charge of the board is broad and unsupported by explicit policy incorporating specific conservation and socio-economic goals. The fishing industry is rapidly evolving, both in terms of target species and the "fishing power" of participants. The power and mobility of fleets is such that the sustainability of stocks can quickly be threatened. There is sharp division over whether the present board process can keep pace with these changes. Regulation now severely retards the industry's efficiency. Management of Alaska's fisheries has been complicated in the last decade by the advent of a variety of federal and international management regimes with jurisdiction overlapping the state's own.

The collapse of the December 1986 board meeting brought to the public eye questions of conflict of interest which have been latent for some time. Public concern over the avoidance of even the appearance of conflict of interest can be expected to crystallize around a lay board composed of user interests. It seems likely that, given this concern over conflicts, the non-inclusive user group composition of the

board, and the economic stakes involved, allegations of unethical conduct, substantiated or not, will persist so long as there are winners and losers in an allocation process lacking defined standards.

VI) Management Goals and Responsibilities

The goals of management and the structures best suited to achieve those goals should be judged by an explicit set of criteria:

- 1) Management flexibility: Fisheries management must have the flexibility to respond quickly to unexpected situations, as well as to routine matters. The ability to identify problems immediately, the time to consider all relevant issues, and the resources to adequately analyze all matters are vital. The board does not appear to have the ability to study and resolve serious allocation disputes in a timely manner.
- 2) Public accessibility and influence: Public input to the board at present can overwhelm the system. The inability to coherently organize or manage input prevents the board from focussing on its relevant aspects. The board lacks the resources to analyze independent information. Explicit definition of the responsibilities of participants and of the objectives of the process are needed.
- 3) Structural and ethical integrity: The integrity of a board whose primary purpose is the distribution of economic opportunity will always be open to question when its members are competitors for those opportunities. Conflict of interest may be alleviated in a variety of ways, most effectively by prohibiting economic or institutional interests in any fishery for some or all board members.

4) Accountability and Stability: To whom the board must answer for its actions is not clear. The resultant confusion manifests itself in the collapse of meetings and legal challenges to decisions. There are means of insulating the board from political and interest group pressures, without sacrificing responsiveness. Stability is a concern in an industry as capital intensive as commercial fishing. A lay board suggests instability simply because faces change with some regularity, but actual management has been conservative.

VII) Meshing Management Alternatives and Alaskan Reality

The two most common fisheries management structures in the U.S. vest regulatory power in either a lay board or an executive agency head. Alaska's needs are unique and may require a different approach, however.

1) Part-time board: Most jurisdictions which operate under this structure do have a membership drawn totally from user groups, as does Alaska. For the current system to regain control of the process and fulfill the expectations of the public changes will have to be made in internal management, public participation, staff capabilities, and composition of the board membership, at the very least.

2) Full-time board: A paid full-time board is the object of divided opinion. Those opposed to it believe that it would add a layer of bureaucracy with attendant inefficiencies, lack direct expertise in and commitment to fisheries, and carry with it an agenda that may conflict with public goals. The hoped for strengths of a professional board, however, lie in just these same areas. A full-time board would be better able to completely and rationally deal with the current work load. The expertise of the board, if not in the membership, could be provided by staff. The opportunity for conflicts

will be greatly diminished by the absence of economic interests.

3) Agency Management: Arguments for vesting regulatory authority with an executive agency rest on the ability for quick response, the existence of defined lines of authority, and the separation of regulators from the regulated. The philosophy behind this system, that it is the duty and responsibility of government to govern, is markedly in contrast with that of the lay board. Ensuring meaningful public participation would be a necessity in such a system.

4) Regional Boards: The concept of regional boards was debated in Alaska during the late seventies. The primary motivation was to increase local influence by giving regional management authority to independent boards. The system would require a master board to settle inter-regional disputes and inconsistencies. It is likely that a master board would end up functioning much as does the present board.

Depending upon the ultimate objectives agreed upon as appropriate for the Board of Fisheries, the structure chosen will vary. If maximum public involvement is desired, then the present basic process is a paradigm. If relief of the stress on the system is the goal, then internal management changes and increased staff resources and/or a full-time board should be instituted. If the objective is to fully consider socio-economic issues, decision processes and criteria must be enunciated and analytic capability provided. If total avoidance of even the appearance of conflict of interest is sought, then the board's association with user groups must be loosened and its conservation authority eliminated. These are not mutually exclusive options and would be most effective if utilized as pieces of a comprehensive mechanism.

Chapter VII

MESHING MANAGEMENT ALTERNATIVES AND ALASKAN REALITY

A variety of basic management structures embody different features appropriate to the task of resource allocation. Four alternatives, with variations, are reviewed with specific references to how well each fulfills the particular needs of Alaska and the criteria of the previous chapter. Nationwide, two basic types of organization of fisheries management are most common: 1) the commission or board form and 2) the departmental head form. The major problem with comparing Alaska's fisheries management regime to that of other states, or nations for that matter, is that few fisheries elsewhere are of the social and economic importance of those in Alaska. Often fishery issues in other states are primarily recreational in nature, while in Alaska the commercial, subsistence, and personal use fisheries are also of signal importance.

A) Part-time Board

Part-time lay boards are usually composed of five to nine commissioners appointed by the governor and confirmed by the senate. Political partisanship is generally mitigated by appointing commissioners to staggered terms and sometimes by statutorily requiring a bipartisan balance on the board. On a voluntary or lay board, members are compensated with a nominal fee or honorarium; expenses often are also paid. "The functions normally assigned to a commission are: to employ a director for the agency, establish policy, and approve budgets, programs, and regulations" (CSG, 1975). The

duty of the board director is to administer the approved policies and programs of the commission and to recommend policies, programs, and other appropriate action to the commission. The director's responsibilities include the hiring of personnel and the direction of the day-to-day operations of the agency.

The rationale for this board structure is that it is more responsive to public needs and is neutral or bipartisan in approach. This approach predominates nationally, of the 53 fish and game organizational structures surveyed by the Wildlife Management Institute in 1987, 44 were guided by lay boards, with varying degrees of authority. However, the character and agenda of individual appointees can frustrate the intent of appointing a lay board. Careful attention must be paid to the character and interests of appointees. Most states do not appoint a board composed entirely of user group representatives as does Alaska. Where this is done, in Tennessee and Kentucky, for example, the resource is of marginal economic value. Missouri, which has a nationally recognized resource management system, has a board of lay people prohibited from having an interest in any resource, which successfully governs a wide variety of resources including fish.¹ Boards with jurisdiction over other sectors often include representatives of the wider public and officials from relevant management agencies (for example, the Alaska Power Authority).

It is the value of Alaska's fisheries economy that makes the board the target for reform. There is no public outcry for the reform of the Alaska Board of Game (although some

¹The Missouri system was recommended to Alaska's Constitutional Convention by Dr. Ira Gabrielson, a widely respected wildlife management expert.

concerned observers believe that it too should be examined, particularly if the state ever assumes management of marine mammals). It is the fact of the economic importance of our fisheries that has caused the stress breaking down the internal management mechanism of the Board of Fisheries. If Alaska's fisheries continue to grow in overall worth, this stress will intensify. Reform of the internal system is necessary before the failings of the management system threaten the resource. The areas on which the effort for reform should focus are:

- 1) The public participation and hearing system: the current workload of the board is unmanageable and expectations of its abilities are unrealistic. The board should have the capacity to review and evaluate all proposals prior to its public meetings and the authority to consider only those it deems relevant and justified at its main public hearings.
- 2) The board should address coherent and comprehensive management plans and reasonable alternatives, rather than individual, unrelated proposals. The plans should include a formal analysis of socio-economic impacts of allocation decisions as part of the regulatory process.
- 3) There should be some kind of separation between the conservation and allocation decisions. This is possible probably only if the board is relieved of its conservation duties.

In brief, for the Board of Fisheries to achieve such internal reforms, the following changes to the structure and process will be necessary:

- 1) Much of the board's workload will have to be assumed by subordinate entities. First, there should be some

type of advisory group of interested industry and public members, the NPFMC advisory panel provides a model. An alternative suggested by several observers is the establishment of a schedule of regional public hearings, each presided over by staff hearing officers and one or more board members. Thus local testimony could be collected in the region, rather than bringing regional representatives to board meetings. It could result in a broader representation of local interests than the current process and aid in reducing the pressure and congestion experienced at meetings now. In either case, a forum for presentation of public testimony prior to a full board meeting and the opportunity for review and evaluation of proposals and plans prior to a full meeting is provided. Public participation should be governed by reasonable, clear criteria for the acceptance of proposals, including relevance, justification, and analysis of impacts.

2) The board should be provided adequate staff to assist in the previous processes and also to gather and analyze the socio-economic data necessary to informed allocation decisions.

3) Placing the conservation decision making authority within the ADFG should be considered, to rid the board of the dual pressure of both elements.

B) Full-time Board

The workload of the board of fisheries, under the current process and with the level of public expectation is far greater and more complex than any other state fisheries

management agency. It is also more complex than any of the regional management councils established by the MFCMA. The expectations of the board are high, with multiple seasons, fisheries, and gear groups to be considered in its annual regulatory round. Other regulatory regimes faced with comparable complexities and workload are under the jurisdiction of full-time boards with staff at their direction, such as the Alaska Oil and Gas Conservation Commission, Commercial Fisheries Entry Commission, and Alaska Public Utilities Commission.

The management of complex public resources and services, with great economic value, presents the potential for conflict of interest, particularly if a variety of parties are contending for the opportunity to utilize resources or provide services. The economic stakes are extremely high and the temptation to influence the process is a well-known human trait. Whether such activity actually takes place, has been deemed nearly irrelevant by modern public opinion, which holds that even the appearance of a conflict of interest is improper. The most direct means of eliminating such opportunity or appearance is by placing decision power into the hands of individuals without an economic interest in the outcome of the decision process. That may mean a board of people with no prior interest in fisheries or it may mean that appointees would relinquish previous interests.

The idea of a full-time, professional board to manage our fisheries is anathema to many of the user groups such a board would regulate (see, for example, Alaska Fisherman's Journal, October 1987). They assert that such a board would be no improvement over the present system of user representation and would result in a decline in efficiency and expertise:

- 1) A professional board would simply add another layer of bureaucracy, with its attendant inefficiencies and

tendencies to invent work, formalize and impede the process, and unnecessarily intrude into situations which do not warrant regulatory action.

2) A professional board could not duplicate the wide scope of expertise found on the current user board. The type of people willing to serve on the board would be those who lacked personal commitment to the fishing lifestyle or were unsuccessful as fishermen, and thus would be unqualified for service. Eminently qualified people who were unwilling to relinquish their interests would be unavailable.

3) A professional board would not eliminate conflict of interest, since any member appointed would certainly bring with him or her an agenda and perspective developed as a result of previous experience, regardless of whether any economic or institutional ties to the resource existed. Certain perspectives, such as the regulatory or academic, would assume unjustified precedence over those of user groups.

These charges were repeated by virtually everyone who voiced opposition to the professional board concept. Few would acknowledge that these problems could be overcome. However, other concerns do suggest that a professional board should be considered.

1) The workload of the board now is unmanageable and strongly supports the increased resources for the board to address it. Hundreds of proposals must be considered annually. Long term disputes over general and specific allocation policies persist without definitive statements of policy on the part of the board. The legal system is being relied upon to settle regulatory conflicts. The board has additional

responsibilities as a consequence of the subsistence and allocation laws passed by the legislature in 1986.

2) The question of expertise of the board is one that can be answered in two different ways. It is not patently correct to assume that knowledgeable, concerned participants in various fisheries would not give up that participation in order to serve the public. It happens in many economic sectors, on many other boards and commissions throughout the nation. While the passionate dedication of the majority of fishermen to their avocation or business is undeniable, public spirited individuals can be found in all walks of life. The loss of livelihood, incidentally, would be most severely felt by commercial fishermen. Representatives of the subsistence, personal use, or sport categories would have another view, as would potential representatives of non-consumptive uses. Alternatively, the selection of intimately expert board members is not necessarily a precondition. If the board is supplied with adequate staff resources, the board members will be "brought up to speed" on issues. In terms of allocation decisions, the important information is socio-economic in nature and comprehension of it does not necessarily depend on voluminous direct knowledge of the fishing industry.

3) The perspective of non-industry board members may or may not be tinged by their experience, but to suggest that conflict of interest will persist is not reasonable. In specific, the objective is to eliminate the potential for economic conflicts. Paid board members, barred from holding economic interests in any fishery, certainly would have an advantage, particularly in the perception of the public at large. No accusations of conflict of interest have been

directed at any CFEC commissioners, although great economic stakes ride on their decisions. It is inconceivable that so long as the board is composed of user groups, but not all user groups, that it will escape further allegations of conflict of interest. The economic stakes are just too high now that value of Alaska's fisheries is measured in the billions of dollars.

C) Agency Management

A third approach is to vest full management responsibility in an agency chief appointed by the governor. Nine states have such departments with commissioners appointed by their governors. The fisheries of Canada, the largest exporter of fish in the world, are regulated by such a system. These commissioners have comprehensive regulatory authority, both for conservation and allocation. Arguments for this structure center on the ability of the regulator to respond quickly, the existence of direct lines of authority and responsibility, and the separation of regulators from the regulated.

Such regulatory processes have a different philosophical foundation than does the citizen board. The basis is the belief that it is responsibility of government to govern, as it was elected to do. That essence was probably most succinctly stated by the commission charged with formulating reforms for the management of Canada's Pacific fisheries:

...governments have the responsibility to govern and they cannot delegate their responsibilities to private groups...the allocation of rights to use public resources is a question of high public policy, which

must be settled with reference to legal, social and political considerations (Pearse, 1987).

There is no doubt that a proposed fisheries management structure centralized in the ADFG would encounter a storm of resistance. The effectiveness of public participation in management regimes in which executive agencies have ultimate authority has been a prime area for criticism. Canada's Department of Fisheries and Oceans (DFO) has been strongly taken to task for its diffuse and directionless public participation process (Pearse, 1982). Alaska's commercial fishing industry would not acquiesce to such a system, because of the feebleness of public participation. Although public testimony on regulatory packages may be invited and considered, the commercial sector's perception of the agency management process is that the decisions are made before public review occurs (this view holds true for professional boards also). The same opinion of Alaska's present system may be elicited, however, from sport fishing interests.

The obvious checks against the "wiring" of regulatory decisions are the existence of explicit rules of procedure, established decision criteria, and decision documentation requirements. Agency centered management in Alaska would have to be governed by such strictures and, additionally, ensure meaningful public involvement. The definition of "meaningful" would have to be different than it is at present, however. Perhaps most importantly, the joining of both the conservation and allocation powers into one agency, not immediately accountable to anyone except the governor, is not likely to be greeted with enthusiasm by either the agency or the interested public.

There are those that believe that systems directed by a department executive can successfully manage fisheries of complexity and controversy comparable to Alaska's. There are great expectations for the recently reorganized and

redirected DFO regime overseeing British Columbia's ocean fisheries. Many of the practices being implemented there hold great promise for the development of long term policy that should greatly improve the productivity of the resource and the efficiency and value of the associated economy. The flexibility and simplicity of the system, based on a constantly renewing cycle of review and adaptation of management goals and plans by both regulators and users, is expected to bring both near term and long term improvements.

D) Regional Boards

During the Hammond Administration, the notion of restructuring the Boards of Fisheries and Game into a system of regional boards with independent regulatory authority achieved some currency. This movement was sparked by a number of forces, primary among them the subsistence debate and support for increased public participation. Many rural Alaskans, in particular, did not believe that the advisory committee system was providing them with an effective voice in resource management. The concept was studied by the department, the Alaska Growth Policy Council, and the legislature's committee on subsistence.

While the movement eventually resulted in the formation of the present regional councils, much greater authority for individual regional boards was considered at the time. Full jurisdiction over regionally based resources and direct accountability to local residents were the significant features of the proposals. As many as twelve boards were suggested (to coincide with ANCSA corporation regions) with regional ADFG staff and election of members among the issues debated. A master board with oversight authority was deemed

necessary by some. The unresolved issues then, which helped to deflate the concept, still remain today, including:

1) The lines of authority of such a system would be the primary difficulty in its operation. Many species could not be managed regionally, since their habitat in Alaska waters would likely cross most conceivable artificial boundaries. It is unlikely that a system such as this would resolve disputes, but would engender disputes between the fishermen of different regions (Picture the False Pass dispute with two regional boards claiming jurisdiction). Would any master board be immune from the controversy prompted by the situation under the present system? How would the role of the master board differ from the present board?

2) How would regional boundaries be determined? Would social, economic, political or biological factors be paramount?

3) How could such a system prevent suspicions of conflict of interest by non-local fishermen if a regional board gave strong consideration to local factors in its fishery regulation as present law indicates is appropriate? What would legally prevent a regional board from restricting gear and openings to exclude all but local fishermen? There would have to be some requirements concerning consistency of regulation of the same species in different regions. Otherwise chaos and inefficiency would result as fishermen with permits in fisheries across the state tried to respond to regulations based on strictly local concerns.

The principal objective of such a system would be the enhancement of the effectiveness of local public

participation in guiding management. The other problems it would present could far outweigh this advantage.

E) Conclusions

The Alaska Board of Fisheries, like other fisheries regulatory agencies, has evolved both structurally and procedurally throughout its history. Since the establishment of the Territorial Fish Commission in 1919, the body has rarely retained any particular form for more than a decade or two without relatively significant modifications. Conditions and motivations dictating the structure of the board fifty years ago and even as recently as twenty or ten years ago have changed, multiplied, and become increasingly complex. As a result, the board structure and process are not as effective or as efficient as they were not long ago. The principles or criteria by which this structure and process should be evaluated, as outlined in Chapter VI, are:

- 1) Does the structure keep the board politically insulated but responsive to enduring public concerns?
- 2) Is the process flexible enough to respond to emergency situations?
- 3) Does the process provide for public involvement that meets Federal requirements and collection and consideration of appropriate information?
- 4) Does the structure require members to be neutral and act in the best interests of all Alaskans?
- 5) Is the division of roles and responsibilities between the ADFG and the board clearly defined and free of conflict?

In general, our analysis of the board suggests that the efficiency and effectiveness of the Board of Fisheries could be improved by addressing five major areas:

- 1) Additional staff resources should be provided to facilitate the fulfillment of the board's mandate or expectations of the board must be reduced;
- 2) More explicit statements of regulatory decision criteria and better documentation of the decision process are necessary;
- 3) Formal means of defining and directing meaningful public involvement must be initiated;
- 4) The issue of the representativeness and interests of the board should be laid to rest.
- 5) The roles and responsibilities of participants in the process should be explicitly defined.

* * * * *

How the Board of Fisheries should go about its business and what should be the essential elements of that business are matters of some subtlety and complexity. Much of this judgement revolves around legal questions and much, perhaps most of it, revolves around a far more difficult and contentious nucleus. In essence, the values of society as a whole and of certain segments of society, determine what is expected of the Board of Fisheries and how it should achieve those expectations. There are conflicting, sometimes mutually exclusive, goals which can be appropriately attached to fisheries allocation. The permutations are endless, but some ideas stand out.

I. If the objective is to retain the maximum public involvement in the allocation process, then the basic structure of the current board should be retained.

If this approach is followed, some minor changes to the board process already being pursued by the board, such as the alternating area regulatory schedule and improved proposal format, could help to lessen somewhat the burden on it. Attention should also be given to a clarification of the role of advisory committees and measures taken to ensure their representativeness.

The outstanding feature of the board process, as it now exists, is the access that the public has to the regulatory process. It is as open as such a system could be, and it would be difficult to overstate the fervency of opposition that any attempt to substantially change that situation would engender. It is obvious that public participation constitutes an important component of the process and should be retained as a significant element in it. The changes now being applied to the board process may have some affect, but have yet to demonstrate any efficacy in reducing the burden or stress on the system². To this point, no formal, specific decision criteria or process have been established, so legal challenges to regulation, on the basis of the failure to consider relevant information and to document the decision process, are likely to continue. The ability of the board to collect and analyze socio-economic data remains nonexistent, despite recent legislation directing the board to consider such information. The integrity of the process still remains directly linked to the integrity of individual board members. Seven board members selected from user groups will never be

²As this is written the Board of Fisheries is meeting to consider further improvements to the process.

able to directly represent all fisheries interests, so groups on the outside will have every reason to dispute the integrity and representativeness of the body when allocations are not to their liking. The economic stakes are so high that no less should be expected.

II. If the objective is to relieve the board of some of the burden and pressures that exist at present, the workload can be eased by implementing some internal management changes within the current structure.

It should be possible to significantly reduce the board's workload, within the basic structure as it exists now. In this case, in addition to the changes noted above, the board should be provided with increased analytical and administrative resources. The board should establish procedures (screening and evaluation of proposals based on explicit criteria for consideration) and structures (advisory panels and/or additional staff) which would enable it to control its agenda, conduct significant review and analysis prior to public hearing, and allow it to concentrate attention on the significant proposals at public hearings. A formalized process for decision making should also be adopted.

While this approach would substantially limit direct public participation, it could be designed in such a way that all proposals at least receive some consideration and a written response based on established standards. If the board is expected to continue to address all pertinent proposals as its public meeting time shrinks, then the capacity to conduct regulatory work in the interim between meetings is essential. This means the addition of staff resources to perform the bulk of regulatory groundwork. While it is unlikely that this approach will mollify those whose proposals would not

receive a direct hearing by the board, the depth of consideration given proposals would likely be greater. The adoption of specific decision making processes and allocation criteria would help to reduce challenges to decisions that were properly and fully documented. These internal management changes, however, would not help the board to fully consider socio-economic information or to collect and analyze such data itself. While the establishment of decision making standards and the application of allocation criteria should lessen conflict of interest concerns, if the board retains its traditional composition, questions about representation would persist. So long as that question endured, conflict of interest questions would be likely to linger also.

How advisory committees and regional councils fit into the regulatory process should be more formally defined as a focal point for local input. The means by which this input is gathered and presented to the board is sure to be a point of interest to committee members and others. Some means of insuring that the committees represent all local user groups and the broader public is necessary. Appointment by the board is one possibility. A revamping of the structure, with board members and/or staff taking advisory committee input locally in the interim between board meetings, could streamline the process.

III. If the objective is to enable the board to formally and rationally consider the socio-economic impacts of allocation decisions, then the decision process and criteria must be specifically enunciated and staff capabilities enhanced.

The explicit consideration of socio-economic factors could be enhanced from two directions. First, the State should develop a comprehensive, long term policy for the

conservation, development, and utilization of its fisheries resources. This policy should include relatively specific goals, in both the biological and socio-economic realms, and suggest operational approaches. Second, the board must develop specific regulations, governing both the decision process and what is considered in that process, to deal with the socio-economic issues pressed on it by statute. In order to do this, and to function efficiently and rationally once either or both of these are accomplished, the board must be provided with additional staff capacity to analyze these elements of the fisheries sector and to develop policy alternatives designed to achieve fisheries utilization consistent with the maximum possible benefit to Alaskans.

The ability of the board to meaningfully consider the socio-economic implications of regulation would require, as well as the addition of agency capacity to develop and analyze such information and the adoption of specific criteria and processes guiding its consideration, a significant dose of public participation. This latter would be significant source of socio-economic data and a review of the information considered by the board. This participation could be conducted under the process suggested in the immediately previous objective discussion. These capabilities and standards are essential if the board is to meet the intent of 1986 legislation establishing allocation criteria. The formal inclusion of such information into the system would provide the board the basis for resolving some long standing allocation disputes. The formal, explicit analysis of socio-economic factors would enhance the ability of the board to regulate with the maximum benefit of the people as a goal. Enunciating the specifics of this goal would be the purpose of a comprehensive policy on fisheries. The combination of these two elements would further strengthen the board process and decisions against legal challenge as noted above. While no system could hope to eliminate

disagreement, a process with clear standards, more complete information and specific goals would lessen their likelihood and fervor. There is little apparent dissent that the board and users would be well served by these enhancements to the process. Again, the issues of conflict and representation would be partially addressed by this approach, but not nearly eradicated by present ethical standards, since decisions will still be arrived at by the board, not by a formula.

IV. If the objective is to ensure that the potential for conflict of interest is eliminated to the extent possible, alternatives to the regulatory authority and membership composition of the board must be considered.

One area of latent conflict is the assignment of both conservation and allocation authority to the Board of Fisheries. Separation of those responsibilities would relieve the board of possible pressure to allocate resources beyond the sustainable capacity of stocks and recognize the virtually complete de facto cession of authority for conservation by the board to ADFG. A formal recognition of this fact should be considered. In order to effectively eliminate conflict of interest complaints prompted as a consequence of board composition, the membership of the board would have to be, in some way, divorced from economic or institutional interests in the resource. This could be accomplished either by a true lay board, meeting on a periodic basis like the current board, or a professional board in continuous operation.

An explicit division of conservation and allocation authorities is certain to cause some protest. User groups would be reluctant to give up the ability to intervene in conservation decisions. In a few instances the board has

gone its own way on conservation decisions, not always to the benefit of the resource. It is certain that any potential conflict presented by users of fisheries determining how many fish are available for their use would be eliminated by according conservation authority to ADFG. It may be that the separation would best be accomplished by making the board and its staff more autonomous from the department.

As for the potential conflict of interest created by delegating allocation authority to a non-inclusive body of resource users, the appearance of a possible conflict will persist in such a situation. However, user control of the board is an element of regulation that many strongly support because of the expertise and commitment of such interests. Ideally, at present the integrity of individuals and the checks provided by the presence of competing interests prevents conflicts. However, the most certain means in an imperfect world to avoid the appearance or actuality of a conflict is to remove the apparent incentive for conflict by placing regulation into the hands of parties without economic or institutional interests in any fishery. A lay board unassociated with the resource, a body composed of a mixture of interests including regulators, users, and the wider public, or a professional board required to be disassociated with the resource would accomplish that. The expertise needed in a complex arena should be provided both by staff and by board members. The complexity of the subject and the historic volume of work both suggest that a board operating full-time may be appropriate. In both areas, separation of powers and composition of the board, the aim is to replace the burden on the integrity of individual board members with institutional safeguards. In any case, a differently constituted board would require the procedural improvements and increased analytical capabilities outlined in preceding objective discussions in order to fulfill legislative and public expectations.

* * * * *

The objectives discussed above and the actions necessary to achieve them are obviously not mutually exclusive issues and alternatives. Comprehensive, efficient, and meaningful reform of the Board of Fisheries is accomplished in varying degrees by each approach discussed in this section. An effort to definitively address each of the major problem areas would include parts of each alternative. The Board of Fisheries is not a static model of resource regulation. Since the Territory of Alaska first attempted to manage its fisheries almost seventy years ago, the board has been constantly evolving. The historical imperatives which gave the board its basic shape at statehood, while still strong, no longer have the same meaning. The conditions defining fisheries allocation, biological, political, economic, and social, have been in ferment. The expectations of the public as a whole and user groups in particular have changed in the decades since statehood. Is the Board of Fisheries equal to the challenge of these changes, or must it too change to better meet them?

APPENDIX

AND

REFERENCES

Table A1
Board Of Fisheries Workload

Date	Place/ Subject	Length (Days)	-----Proposals-----					Miscellaneous Notes	
			Pub/Ind	AC/RC	Staff	Petition	Comments		
12/75	Juneau Finfish	n/a		120	78	n/a	n/a	93	

4/76	Kodiak Shellfish	5	Adopt Reject	3 34	5 6	44 1	n/a	32	25 bills considered
12/76	Soldotna Finfish	12	Adopt Reject	18 91	10 32	78 9	n/a	30	30 bills considered

Year's total		17		146	53	132		62	

3/77	Juneau Both	12	Adopt Reject	10 23	6 14	42 3		30	
12/77	Anchorage Finfish	14	Adopt Reject	23 127	12 28	112 10	4 1		

Year's total		26		183	60	167	6	30	

4/78	Anchorage Shellfish	9	Adopt Reject	12 56	12 8	50 5			
12/78	Juneau Both	22	Adopt Reject	26 135	8 63	122 6			

Year's Total		31		229	91	183	5	11	

4/79	Anchorage Subsistence Shellfish	10	Adopt Reject	10 58	5 12	122 13	2 5		25 proposals not acted on; 11 bills
12/79	Anchorage Finfish	22	Adopt Reject	45 128	10 38	148 12			141 proposals not acted on
Year's Total		32		241	65	295	7		166 no action
3/80	Anchorage Shellfish	11	Adopt Reject	16 25	5 5	37 6	2	36	6 proposals not acted on
12/80	Anchorage Finfish	44	Adopt Reject	42 128	17 38	87 10			Cook Inlet subsistence
Year's Total		55		211	65	140	2	36	6 no action
3/81	Anchorage Shellfish	21	Adopt Reject	7 29	8 11	51 1	2		
9,11/81	Juneau Finfish	29	Adopt Reject	15 62	14 33	46 4	3		12 bills considered
Year's Total		50		113	66	102	5		
3/82	Anchorage Shellfish	18	Adopt Reject	16 36	5 18	56 3			
12/82	Anchorage Finfish	26	Adopt Reject	29 59	16 12	61 6	5	81	53 proposals not acted on; 40 subsistence proposals deferred
Year's Total		44		140	51	126	5	81	93 no action

3/83	Anchorage Shellfish	16	Adopt Reject	19 51	16 14	34 4	4	4	60 proposals not acted on; area schedule
Year's Total		16		70	30	38	4	4	60 no action
2/84	Anchorage Finfish	14	Adopt Reject	2 7	1 5	7 0		143	
							14		
3/84	Anchorage/ Kenai Both	21	Adopt Reject	29 51	11 9	33 5	3 2	2	
9/84	Anchorage/ Ketchikan Both	8	Adopt Reject	0 6	0 0	12 1	3 1	9	
11/84	Anchorage/ Fairbanks Finfish	38	Adopt Reject	47 132	25 19	84 4	2 3	154	183 proposals not acted on
Year's Total		81		274	70	146	28	308	183 no action
2/85	Sitka SE Finfish	14	Adopt Reject	14 59	4 3	46 5	1 3	83	37 proposals not acted on; About 300 carried over proposals not acted on
3/85	Anchorage Shellfish	7	Adopt Reject	14 17	9 10	27 5	2 10	111	29 proposals not acted on
11/85	Anchorage W. Finfish	19	Adopt Reject	13 54	4 5	19 0		124	99 proposals not acted on
12/85	Petersburg SE Finfish	16	Adopt Reject	7 56	6 15	35 3		53	
Year's Total		56		234	56	140	18	371	450+ no action

3/86	Anchorage Shellfish	15	Adopt Reject	18 37	5 11	21 0		94	38 proposals not acted on
12/86	Anchorage Finfish	12	Adopt Reject	11 53	0 1	10 2	6 4	212	64 proposals not acted on; 550 proposals not considered when meeting abruptly adjourned
Year's Total		27		119	17	33	10	304	650 no action
4/87	Anchorage/ Juneau Finfish	10	Adopt Reject	6 6	1 0	5 0	0 7	191	33 proposals not acted on
Year's Total		10		12	1	5	7	191	33 no action

Notes: Numbers must be considered approximations due to differences in record keeping practices by board staff over time and otherwise incomplete or confusing records.

Only meetings involving full board included.

Pub/Ind = Member of general public, an individual fisherman, or an industry group.

AC = Advisory Committee RC = Regional Council

Staff = ADFG staff, board members, or DWP staff.

n/a = not available or recorded.

Source: Division of Boards, ADFG, 1975 - 87.

Table A2

Division of Boards, Commercial Fisheries Entry Commission,
and Subsistence Division FY 1985-88 Budgets
(\$000 of nominal dollars)

	FY 1985	FY 1986	FY 1987	FY 1988
Fish and Game Boards				
Personnel	462.0	612.3	524.4	536.3
Travel	558.3	428.4	332.4	347.3
Contractual	238.2	118.2	226.0	253.4
Other	57.2	31.5	12.5	-
Subtotal*	1,315.7	1,190.4	1,095.3	1,137.0
CFEC	2,169.8	2,583.2	2,406.8	1,886.8
Subsistence*	3,194.6	3,297.9	2,832.9	2,229.0
TOTAL	6,680.1	7,071.5	6,335.0	5,252.8

Source: Legislative Finance Division, 1987; ADFG, 1987; CFEC, 1987.

* Approximately \$500.0 are federal matching funds, the remainder are State of Alaska General Funds.

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Ken. keep

Summary of BOF & BOG Conflict of Interest Opinions and BOF Lawsuit

Geron referred me to the Department of Law. Steve Dougherty, Assistant AG, bundled up several conflict of interest opinions and the state's legal brief on BOF members Virgil Umphenour's and John Hanson's lawsuit against the State. Steve mentioned that his file on the BOF lawsuit is over 600 pages long. He will provide as little or as much as we want ... all we have to do is make the request.

Conflict of Interest Opinions: The legal opinions all tested the specific details of the board member's conflict against the ethics code. All of the members conflicted out where excused from board participation because their potential actions could have financially benefited themselves or their immediate family. If the Board's ethics supervisor (the Chair) determines that a conflict exists then the Chair must excuse the board member from exercising any decision making power. The board member still retains the right to provide information to the board as a private individual.

The pertinent Ethics Act statutes are:

Sec. 39.52.120

MISUSE OF OFFICIAL POSITION.

(a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.

(b) A public officer may not

(1) seek other employment or contracts through the use or attempted use of official position;

(2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests;

(4) **take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;** or

(5) attempt to benefit a personal or financial interest through coercion of a subordinate.

(c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.

Sec. 39.52.210

DECLARATION OF POTENTIAL VIOLATIONS BY PUBLIC EMPLOYEES.

(a) A public employee who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall

(1) refrain from taking any official action relating to the matter until a determination is made under this section; and

(2) immediately disclose the matter in writing to the designated supervisor.

(b) A public employee's designated supervisor shall make a written determination whether an employee's involvement violates AS 39.52.110 - 39.52.190. If the supervisor determines that a violation could exist or will occur, the supervisor shall,

(1) reassign duties to cure the employee's potential violation, if feasible; or

(2) direct the divestiture or removal by the employee of the personal or financial interests that give rise to the potential violation.

(c) A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.220

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS.

(a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor. The supervisor shall determine whether the member's involvement violates AS 39.52.110 - 39.52.190. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member shall refrain from voting, deliberating, or participating in the matter.

(b) The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

BOF Lawsuit: The lawsuit reduces to two arguments. The BOF members argue that the state is treating them differently and that owning permits isn't a significant interest.

The plaintiffs allege the state failed to apply the Ethics Act in a consistent manner. The state's legal brief documents a lengthy and significant process board members must follow when they have conflict of interest questions. I would bet they will lose this point.

Umphenour and Hanson allege that owning permits and using fisheries resources is not a significant conflict. The state counters that it applied the financial test and found that they or their family members had significant financial interests.

The Plaintiff's per se argument: The BOF members argue that owning a permit automatically eliminates them from voting on proposals affecting areas they hold their permits in. The Plaintiffs imply that under the Department's interpretation, a millionaire holding an unused permit worth only \$6000 would automatically face an impermissible conflict under the Ethics Act. The State's position is that an individualized determination as to each proposal would still be necessary in the case of a millionaire permit holder, and that while the potential for significant conflict would be reduced in such a case, some proposals might still prevent conflicts (i.e. proposals eliminating the relevant fishery) I would argue that millionaires are just as capable of committing an ethical breach as a pauper. A cynic would say that the millionaire probably became rich via systematic ethical breaches.

To: George Utermohle, Legislative Legal @ fax: 2029

From: Ken Erickson, Pearce @ 4993

Date: 3/3/95

re: SB-49 Committee Substitute.

Sorry to do this to you. I will be in during the late morning on Saturday so we can talk about these items if you need to. I may need a blank draft CS for committee on Monday afternoon. The subcommittee is deep in the process of reviewing ideas prior to serious negotiations. So the concepts don't have to be in polished form. Senator Pearce will be in late morning early afternoon and will then have a chance to review the following ideas. This fax is just to get the ideas flowing for you.

If we are going to do a CS it will probably contain some of these ideas.

Much of the testimony called for board members to be apprised of the historical basis for prior decisions and some even called for a position of board historian to be created. To go back in history and require all past decisions be documented in such a manner would require too high of a fiscal note to have any realistic chance of passage. My idea is to require the board to write "findings" for future board decisions. Much in the same way the U.S. Supreme Court posts opinions and dissenting opinions on their decisions. This would provide a body of written history more easily accessed by the average individual than board minutes. This might go a long way to decreasing the perception the Board has of being capricious in its decisions. Joe Sixpack may not agree with the decision, but he can see what deliberations went into making the heinous thing.

Much of the testimony collected by the Knowles Fisheries Transition Team centered around board decisions having too narrow a focus. Can you craft something that would counteract this. Most decisions only consider only one species. I do not know how you would write statute that would force the board to consider things from a ecosystem basis, but that would force decisions to be "conservation" minded. My bottom line is that I would like to see allocation battles still continuing to be fought 200 years from now; instead of 3-D holograms on the wall of a local school showing what salmon looked like before they became extinct.

Another item listed in the transition report claimed that the Board of Fish's current practice is to rely exclusively for staff background information on the division within F&G that manages the fishery for the user group taking the largest proportion of fish. I think the board should be allowed to hear minority opinions expressed by F&G staff. I do not know if the current practice is codified in statute, regulation, board bylaws, or merely custom. If it is in statute or regulation, I would like to see it changed to allow minority views held by F&G divisions to be aired before the board.

Include language that would only allow the Governor to remove board members for cause.

Let board members choose their own chairman.

Annette, Roger, and myself kicked around the idea of creating a more accessible appeals system. One of the things that creates the impression of a capricious board is that if your concern is reviewed and decided upon by the board ... you cannot bring it before the board again if new information surfaces for three more years. So ... who becomes the review panel, who can bring an appeal, and how does the process work. I don't know, but here is an idea: Make the review panel three members of the board who do not have a conflict of interest on the issue. Appeals can be requested by regional advisory committees. Restructure the bizillions of regional advisory committees into four regional advisory committees (with membership in the 10 to 20 member range) that conform to the four judicial districts. The four regional advisory committees should represent large enough geographic areas that they don't just become house organs for small provincial special interests.

Points you may want to make:

Vested Economic Interest Argument: Four of seven fisheries board members directly make money via fishing.

The Board often has too narrow a focus: The board should look at the effect its decisions have on ecosystems, rather than just focusing on a specific species. Ecosystems and the relationships between ecosystems are complex. If we are to be good stewards of the resource we should be making decisions based on the best information available.

The Board often doesn't hear minority ADF&G views: The BOF's current practice is to rely exclusively for staff background information on the division that manages the fishery for the user group taking the largest proportion of fish. I would argue for letting the BOF hear any viewpoint that the different divisions within ADF&G have, even when they disagree with one another.

The Board is not accountable: Currently, the board is not accountable to anyone and it does not have to explain its decisions. This fosters an image of a capricious board and this undermines the concept of fair allocation between user groups. I believe that requiring the board to make public an explanation of each decision as it is made would help combat this perception and would foster public mindedness amongst board members.

Create a timely appeal process: Another effort to dispell the capricious perception can be made. I believe a predictable and timely appeal process should be created. Groups should be able to appeal when new data or information becomes available which was not considered during the original decision process. This process would probably reduce the number of court suits brought against the board.

Dean Paddock was glad to talk with me and wants to be a resource. He mentioned some practical problems that concern him.

The current bill only mentions commercial fishing interests that are excluded from board membership. If the intent is to exclude all direct vested economic interests from membership we need to make the list more representative and inclusive. This offended bunches of folks he said.

He is hesitant to support a smaller board. After lots of talk, what he really has concerns over is the politicization of the appointment process. The bottom line is that the governor will ultimately be the one who appoints members. The board is only as good as the appointed members. If we could assure him of quality appointments he would support this.

He said we will get lots of static over not having geographic representation. The system has always had this.

He said the advisory boards are no longer representational. They are mainly voices for narrow parochial geographic interests.

He is worried about board members needing a long education process if they have no background in commercial fishing. I mentioned that this board will be a full time affair that pays a decent wage and members would have time and freedom to learn about all aspects of each fishery.

Board of Fish

Dean broke the people into two separate groups. Those who support intercept fisheries around Kodiak and those who support terminal end user fisheries.

Trefon Angason: Advocates from the Bristol Bay Native Corporation side of things. He supports terminal fisheries ideas. He owns a drift net permit and his family owns both set net and drift net permits.

Dick Bower: Retired teacher and administrator in the education system. He is perceived to be a sportfisherman appointment. He is also perceived to be fair and openminded. He has little practical knowledge about commercial fishing. He supported terminal fisheries ideas.

Larry Edfelt: Retired commercial fishies biologist. He is perceived to be a sportfisherman appointment. He makes no pretense towards being openminded. He is squarely in bed with Kodiak interception fisheries folks. APOC lists him as a free lance writer.

Larry Engel: Thirty year sportfishing biologist. He knows his biology. He is perceived to be an effective chair and is fair and openminded. He is an at large director for Trout Unlimited. He is self employed doing business as Mat Su Fisheries Services (???). His clients are the Mat Su Borough and Palmer.

Dick Jacobsen: He is a Sandpoint commercial fisherman. He supports Kodiak intercept fisheries ideas. APOC lists Peter Pan Seafoods and New West Fisheries as his buyers.

Virgil Umphenour: He is an active hunting guide and is conservation minded. He owns a smokery and purchases locally caught fish to process in it. He supports terminal end user ideas. He was a major in Viet Nam in charge of a sniper unit. APOC lists him as an owner of an upper yukon salmon fish wheel permit and confirms his guide business.

John White: He is a Bethel dentist who owns a Kuskokwim drift net permit. He served on Cowper's blue ribbon fisheries board task force several years ago. He is perceived to be the smartest one on the board. He advocated strongly for native concerns.

Board of Game

Richard Burley: He is the Chair and is a strong state's rights supporter. He is the voice of the hunting types across the state. He was very active in the advisory committees before he was appointed to the board. APOC lists him as a stockholder and secretary/treasurer in an inactive aircraft maintenance and ownership business. He is also employed by Commercial Printing Company.

Susan Entsminger: APOC lists taxidermy, art, furs, and partnership in a herring boat.

Larry Holmes: Nothing.

Thomas Johnson: APOC lists him as a salmon, herring, pollock, and cod commercial fisherman. He also is involved in gold mining and rental property.

Ernest Polley: Former mayor of Juneau. APUC lists Rene Dubois, Andy Kaufman, Channel Corportions, and Southeast Regional Resource Center as clients. APOC lists him as an assistant guide and confirms his consulting business.

Anne Ruggles: APOC lists Fairbanks North Star Borough School District, UAF - Geophysical Institute, State of AK Dept. of Administration, UAF Geophysical Institute as employers.

Walter Sampson: Nothing.

Game Board Confirmation Votes:

Richard A. Burley:

Senator Taylor moved and asked unanimous consent that the Governor's appointments to the following boards and commissions be confirmed:

Board of Game

Richard A. Burley - Fairbanks

Appointed: 02/19/91; Reappointed: 01/31/94; Expires: 01/31/97

Without objection, the appointees were confirmed.

Susan Entsminger:

Senator Taylor moved that Susan Entsminger be confirmed to the Board of Game. Senator Taylor objected.

The question being: "Shall Susan Entsminger be confirmed to the Board of Game?" The roll of the Senate was called with the following result:

SENATE

YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0

Yeas: Pearce, Phillips, Rieger, Salo, Sharp, Zharoff, Adams, Donley, Duncan, Ellis, Frank, Kerttula, Leman, Lincoln, Little, Halford

Nays: Taylor, Jacko, Kelly, Miller

The roll of the House was taken with the following result:

HOUSE

YEAS: 34 NAYS: 6 EXCUSED: 0 ABSENT: 0

Yeas: Barnes, Brice, Brown, Bunde, Carney, Davidson, B.Davis, G.Davis, Green, Grussendorf, Hanley, Hoffman, Hudson, James, Kott, Larson, MacLean, Martin, Menard, Moses, Mulder, Navarre, Nicholia, Olberg, Parnell, Phillips, Porter, Sanders, Sitton, Therriault, Toohey, Ulmer, Vezey, Willis

Nays: Davies, Finkelstein, Foster, Mackie, Nordlund, Williams

TOTAL: YEAS: 50 NAYS: 10 EXCUSED: 0 ABSENT: 0

and so, Susan Entsminger was confirmed.

Thomas Johnson:

Senator Taylor moved and asked unanimous consent that the Governor's appointments to the following boards and commissions be confirmed:

Board of Game

Thomas Johnson - Nome

Appointed: 04/08/94; Expires: 01/31/96

Without objection, the appointees were confirmed.

Ernest E. Polley:

Senator Taylor moved and asked unanimous consent that the Governor's appointments to the following boards and commissions be confirmed:

Board of Game

Ernest E. Polley - Juneau

Appointed: 05/11/93; Reappointed: 01/31/94; Expires: 01/31/97

Without objection, the appointees were confirmed.

Anne K. Ruggles:

Senator Taylor moved that Anne K. Ruggles be confirmed to the Board of Game. Objections were heard.

The question being: "Shall Anne K. Ruggles be confirmed to the Board of Game?" The roll of the House was taken with the following result:

HOUSE

YEAS: 37 NAYS: 3 EXCUSED: 0 ABSENT: 0

Yeas: Barnes, Brice, Brown, Bunde, Carney, Davidson, Davies, B.Davis, G.Davis, Finkelstein, Green, Grussendorf, Hanley, Hoffman, Hudson, James, Kott, Larson, MacLean, Martin, Menard, Moses, Mulder, Navarre, Nicholia, Nordlund, Parnell, Phillips, Porter, Sanders, Sitton, Therriault, Toohey, Ulmer, Vezey, Williams, Willis
Nays: Foster, Mackie, Olberg

The roll of the Senate was called with the following result:

SENATE

YEAS: 17 NAYS: 3 EXCUSED: 0 ABSENT: 0

Yeas: Salo, Sharp, Zharoff, Adams, Donley, Duncan, Ellis, Frank,
Kelly, Kerttula, Leman, Lincoln, Little, Pearce, Phillips, Rieger,
Halford

Nays: Taylor, Jacko, Miller

TOTAL: YEAS: 54 NAYS: 6 EXCUSED: 0 ABSENT: 0
and so, Anne K. Ruggles was confirmed.

Fisheries Board Confirmation Votes:

Trefon Angasan:

Senator Halford moved and asked unanimous consent that Trefon Angasan, Jr. be confirmed to the Board of Fisheries.

Without objection, Trefon Angasan, Jr. was confirmed.

Dick H. Bower, Sr.:

Senator Taylor moved that **Dick H. Bower, Sr.** be confirmed to the Board of Fisheries. Representative Brice objected.

The question being: "Shall Dick H. Bower, Sr. be confirmed to the Board of Fisheries?" The roll of the House was taken with the following result:

HOUSE

YEAS: 29 NAYS: 11 EXCUSED: 0 ABSENT: 0

Yeas: Barnes, Brown, Bunde, Carney, Davidson, Davies, B.Davis, G.Davis, Finkelstein, Green, Hanley, Hoffman, Kott, Larson, Mackie, Martin, Menard, Moses, Mulder, Navarre, Nicholia, Nordlund, Parnell, Phillips, Porter, Sanders, Toohey, Vezey, Willis

Nays: Brice, Foster, Grussendorf, Hudson, James, MacLean, Olberg, Sitton, Therriault, Ulmer, Williams

The roll of the Senate was called with the following result:

SENATE

YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0

Yeas: Kelly, Kerttula, Leman, Lincoln, Little, Miller, Pearce, Phillips, Rieger, Salo, Sharp, Donley, Ellis, Frank, Jacko, Halford

Nays: Taylor, Zharoff, Adams, Duncan

TOTAL: 45 NAYS: 15 EXCUSED: 0 ABSENT: 0

and so, Dick H. Bower, Sr. was confirmed.

Larry Edfelt:

Senator Taylor moved and asked unanimous consent that the following appointees be confirmed as members to the Board of Fisheries:

Larry Edfelt

John Hanson

Without objection, they were confirmed.

Larry J. Engel:

Senator Taylor moved that **Larry J. Engel** be confirmed to the Board Fisheries. Representative Brice objected.

The question being: "Shall Larry J. Engel be confirmed to the Board of Fisheries?" The roll of the Senate was called with the following result:

SENATE

YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0

Yeas: Kerttuia, Miller, Pearce, Phillips, Rieger, Sharp, Donley, Ellis, Frank, Jacko, Kelly, Halford

Nays: Leman, Lincoln, Little, Salo, Taylor, Zharoff, Adams, Duncan

The roll of the House was taken with the following result:

HOUSE

YEAS: 30 NAYS: 9 EXCUSED: 0 ABSENT: 1

Yeas: Barnes, Brown, Bunde, Carney, Davies, B.Davis, G.Davis, Finkelstein, Foster, Green, Hanley, Hoffman, Larson, Mackie, Martin, Menard, Moses, Mulder, Navarre, Nicholia, Nordlund, Parnell, Phillips, Porter, Sanders, Sitton, Toohey, Vezey, Williams, Willis

Nays: Brice, Grussendorf, Hudson, James, Kott, MacLean, Olberg, Therriault, Ulmer

Absent: Davidson

TOTAL: YEAS: 42 NAYS: 17 EXCUSED: 0 ABSENT: 1
and so, Larry J. Engel was confirmed.

Dick Jacobsen:

Senator Taylor moved and asked unanimous consent that Dick Jacobsen be confirmed to the Board of Fisheries.

Senator Donley objected.

The question being: "Shall Dick Jacobsen be confirmed to the Board of Fisheries?" The roll was taken with the following result:

HOUSE

YEAS: 37 NAYS: 3 EXCUSED: 0 ABSENT: 0

Yeas: Barnes, Brice, Brown, Bunde, Davidson, Davies, G.Davis, Finkelstein, Foster, Green, Grussendorf, Hanley, Hoffman, Hudson, James, Kott, Larson, Mackie, MacLean, Martin, Menard, Moses, Mulder, Navarre, Nicholia, Nordlund, Olberg, Parnell, Phillips, Porter, Sanders, Sitton, Therriault, Ulmer, Vezey, Williams, Willis

Nays: Carney, B.Davis, Toohey

SENATE

YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0

Yeas: Lincoln, Little, Miller, Pearce, Phillips, Rieger, Salo, Sharp, Taylor, Zharoff, Duncan, Frank, Jacko, Kelly, Leman, Halford

Nays: Adams, Donley, Ellis, Kerttula

TOTAL: YEAS: 53 NAYS: 7 EXCUSED: 0 ABSENT: 0

And so, Dick Jacobsen was confirmed.

Alaska State Legislature

During Interim:
3111 C Street, Suite 150
Anchorage, AK 99503-3925
(907) 561-2038
Fax (907) 561-4194



During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-4993
Fax (907) 465-3872

Senator Drue Pearce
District F

Sponsor Statement for SB 49

Senate Bill 49 will change the composition of the Board of Fisheries from the existing seven member part time board to a three member full time board. The bill would prohibit the members from having any vested economic interest in fishery resources: such as an interim use permit, an entry permit, an interest in a commercial fishing vessel or gear, or an interest in any fishery resource processing or marketing business. Each board member would serve a four year term and would be in a fully exempt position that serves at the pleasure of the governor.

Historically, the Legislature and the Governor have struggled over confirmations of board members. Different geographic districts and economic interests have always felt they were slighted and not proportionately represented. This has led to power struggles over appointments and confirmations and even alleged incidents of vote trading by members who represent certain user groups. Full time board members with no economic vested interests in fishery resources will go a long way to decrease this problem. Board members are often far too effectively lobbied by outside big money interests.

Three member boards will work more efficiently and can be cheaper to run. A board structured after Alaska's Public Utilities Commission or the Alaska Oil and Gas Commission allows single board members to independently hold public hearings in the field and to then bring their findings and recommendations back to the full board for a decision. Not requiring the full membership of the board to be present during field hearings will present a considerable cost savings by itself.

A full time board will more effectively serve the interests of all Alaskans once board members are prohibited from any vested economic interest in fishery resources.

SENATE BILL NO. 49

IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR PEARCE

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Board of Fisheries; and providing for an effective date."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 16.05.221(a) is amended to read:

4 (a) For purposes of the conservation and development of the fishery resources of
5 the state, there is created the Board of Fisheries composed of three [SEVEN] members
6 appointed by the governor, subject to confirmation by a majority of the members of the
7 legislature in joint session. The governor shall appoint each member on the basis of
8 interest in public affairs, good judgment, knowledge, and ability in the field of action of
9 the board, and with a view to providing diversity of interest and points of view in the
10 membership. The appointed members shall be residents of the state and shall be
11 appointed without regard to political affiliation or geographical location of residence.
12 The governor shall designate one member of the board as chair of the board. The
13 member designated shall serve as chair for a term of two years, and may be
14 designated chair for successive two-year terms. A member of the board may not

1 have a vested economic interest in an interim-use permit, entry permit, commercial
2 fishing vessel or gear, or in any fishery resource processing or marketing business.

3 The commissioner is not a member of the Board of Fisheries, but shall be ex officio
4 secretary.

5 * Sec. 2. AS 16.05.221(c) is amended to read:

6 (c) Members of the Board of Fisheries serve staggered terms of four years
7 and until a successor is appointed. Members of the [BOARD OF FISHERIES OR]
8 Board of Game serve staggered terms of three years and until a successor is appointed.
9 An appointment to fill a vacancy in the membership of the Board of Fisheries or Board
10 of Game shall be made in the same manner as the original appointment and for the
11 balance of the unexpired term.

12 * Sec. 3. AS 16.05.290 is amended to read:

13 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of
14 the Board of Game [A BOARD] is entitled to compensation at a rate equal to Step A,
15 Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day
16 going to and from and for each day in actual attendance at board meetings. For other
17 meetings or conferences authorized by the [A] board, a member shall receive
18 compensation at a rate equal to one-half of Step A, Range 20, of the salary schedule in
19 AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in
20 actual attendance. Each member of the [A] board is also entitled to travel expenses and
21 per diem authorized for boards and commissions under AS 39.20.180.

22 * Sec. 4. AS 16.05.290 is amended by adding a new subsection to read:

23 (b) Members of the Board of Fisheries are in the exempt service and are entitled
24 to a monthly salary equal to Step C, Range 26, of the salary schedule in AS 39.27.011(a)
25 for Juneau, Alaska.

26 * Sec. 5. AS 16.05.320 is amended to read:

27 Sec. 16.05.320. QUORUM. A majority of the members of a board constitutes
28 a quorum for the transaction of business, for the performance of any duty, and for the
29 exercise of any power. However, a majority of the full board membership is required to
30 carry all motions, regulations, and resolutions. A majority of the members of each of the
31 boards of fisheries and game constitute a quorum for the transaction of business in a joint

board meeting. A majority of the membership of each of the boards is required to carry all joint motions, regulations, and resolutions of the boards.

* Sec. 6. AS 39.25.110(11) is amended to read:

(11) the officers and employees of the following boards, commissions, and authorities:

(A) [REPEALED

(B)] Alaska Permanent Fund Corporation;

~~(B)~~ [(C)] Alaska Industrial Development and Export Authority;

~~(C)~~ [(D)] Alaska Commercial Fisheries Entry Commission;

~~(D)~~ [(E)] Alaska Commission on Postsecondary Education;

~~(E)~~ [(F)] Alaska Aerospace Development Corporation;

(F) Board of Fisheries;

* Sec. 7. The governor shall appoint, and submit to the legislature for confirmation by the 10th legislative day of the Second Regular Session of the Nineteenth Alaska State Legislature, three persons qualified to serve on the Board of Fisheries as restructured by secs. 1 - 6 of this Act. Notwithstanding AS 16.05.221(c), as amended by sec. 2 of this Act, the governor shall appoint one person to serve on the board for an initial term of two years, one person to serve on the board for an initial term of three years, and one person to serve on the board for a term of four years.

* Sec. 8. (a) This section of this Act does not take effect if sec. 9 of this Act is passed by concurrence of two-thirds of the membership of each house of the Alaska State Legislature as provided under art. II, sec. 18, Constitution of the State of Alaska.

(b) Notwithstanding secs. 1 - 6 of this Act, the persons serving as members of the Board of Fisheries on the day before the effective date of sec. 1 of this Act, and their successors, shall continue to serve on the board until July 1 following the confirmation by the legislature of at least two of the three persons appointed by the governor to serve on the Board of Fisheries as restructured by secs. 1 - 6 of this Act.

(c) Notwithstanding secs. 1 - 6 of this Act, the Board of Fisheries shall operate under the provisions of AS 16.05.221, 16.05.290, 16.05.320, and AS 39.25.110 as those provisions read on the day before the effective date of sec. 1 of this Act until July 1 following the confirmation by the legislature of at least two of the three persons appointed by the governor to serve on the Board of Fisheries as restructured by secs. 1 - 6 of this Act.

1 * Sec. 9. Sections 1 - 6 of this Act take effect on July 1 following the confirmation by the
2 legislature of at least two of the three persons appointed by the governor to serve on the Board
3 of Fisheries as restructured by secs. 1 - 6 of this Act.

**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

February 3, 1995

SUBJECT: Sectional Summary of SB 49, An Act relating to the Board of Fisheries.

TO: Senator Drue Pearce

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of SB 49, 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.

Senator Drue Pearce
February 3, 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.

GEM:klb
95-031.klb

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB49

Revision Date: 1/25/95 Dept. Affected: Fish and Game
Title: An Act relating to the BRU: Boards F&G
Board of Fisheries Component: Board Service
Sponsor: Sen. Pearce
Requester: Senate Resources 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 during regulatory meetings. This could increase time and expense.

See page two for a comparison of costs.

Prepared by: Beverly Reaume *BR* Phone: 465-6095
Division: Administration/Boards Support Section Date: 2/14/95
Approved by Commissioner: *[Signature]* Date: 2.14.95
Agency: Fish and Game

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 50

Revision Date:	Dept. Affected: Department of Law
Title: "An Act relating to the Board of Game; and providing for an effective date."	BRU: Legal Services
Sponsor: Senator Pearce	Component: Operations
Requester: Senator Pearce	COMPONENT SERIAL NO. 0093

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 16.05 and AS 39.25 to replace the existing seven-member Board of Game, who are members of the public with a three-member professional board, who would be full-time state employees in the exempt service. This proposed change in the composition of the Game Board represents a major departure in how the Board's activities will be conducted, and is properly a policy decision for the legislature and the administration. Nevertheless, the Department of Law provides extensive legal services assisting the Board of Game in carrying out its responsibilities. This level of service is not expected to change, whatever the composition of the Board.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 2/6/95
 Date: 2/6/95

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REPRESENTATIVE
RAMONA L. BARNES
District 22

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.

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(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

STATE OF ALASKA

Boards and Commissions

FISHERIES

BOARD: Board of Fisheries

BOARD IDENTIFICATION NUMBER: 037

DEPARTMENT: Department of Fish and Game

AUTHORITY: AS 16.05.221

STATUS: Active

REQUIREMENTS: Legislative Confirmation, Financial Disclosure

TERM: 3 years

DESCRIPTION: 7 members appointed by Governor: residents of the state, appointed without regard to political affiliation or geographical location of residence; Commissioner of the Dept. of Fish and Game is not a member, but serves as ex-officio secretary.

FUNCTION: Conservation and development of fishery resources.

CHAIR: Board selects.

SPECIAL FACTS: Regulatory; Quorum - majority of the members of the board; may be removed only for inefficiency, neglect of duty, or misconduct in office (AS 16.05.280). Statute requires board to hold at least one meeting a year where the board selects time and place, and at least one meeting or hearing a year in 4 general areas (see AS 16.05.300). May hold at least one meeting per year with the Board of Game in joint session. Historically meets four times each year, for a total of approximately 50-65 days. Joint Boards of Fisheries and Game historically meet for approximately 7-15 days each year. May meet at any time upon the call of the commissioner or upon the request of two board members. Compensation is based on salary schedule for Juneau.

COMPENSATION: Standard Travel and Per Diem. Range 20A for board meetings; 1/2 Range 20A for other mtgs.

MEETINGS: Historically meets 4 times/year, total 50-65 days; Joint F&G Boards meet approximately 7-15 days.

FOR FURTHER INFORMATION CONTACT: Mr. Laird Jones, Executive Director, Division of Fisheries, DF&G, P.O. Box 25526, M/S 1100, Juneau, AK, 99802 5526,
Phone: 907 465 4110



**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

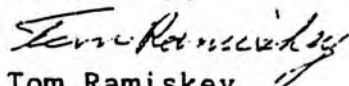
The Board of Fisheries has accomplished it's purpose and should be restructured for the purposes of conservation and allocation of fishery resources. An impartial Board is essential in matters of conservation and allocation to ensure fair and reasonable decisions. I believe that a professional Board 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

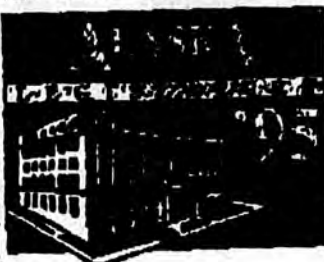
JUNEAU — Legislation by Senate President Drue Pearce would dramatically alter state boards of Fisheries and Game by barring commercial fishermen and hunting guides.

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."

State of Alaska - Boards and Commissions Membership Roster

FISHERIES (037)

Member	Appointed	Reappointed	Term. Exp
Trefon Angasan Public Bristol Bay Native Corporation P.O. Box 100220 Anchorage, AK 99510	01/31/92	02/09/95	01/31/98
Dick H. Bower, Sr. Public P.O. Box 3662 Soldotna, AK 99669	02/04/94		01/31/97
Larry Edfelt Public 1212 Pike Court Juneau, AK 99801	07/23/91	01/31/93	01/31/96
Larry J. Engel Public P.O. Box 197 Palmer, AK 99645	02/04/94		01/31/97
Dick Jacobsen Public P.O. Box 54 Sand Point, AK 99661	01/31/93		01/31/96
Frank Rue Commissioner/Fish and Game/ex officio secretary Commissioner Department of Fish & Game P.O. Box 25526 Juneau, AK 99802-5526	02/21/95		
Virgil L. Umphenour Public 2400 Davis Road Fairbanks, AK 99701	07/22/94		01/31/96
John R. White Public P.O. Box 190 Bethel, AK 99559	02/09/95		01/31/98

State of Alaska - Boards and Commissions Board Information

FISHERIES (037)

BOARD: Board of Fisheries

BOARD IDENTIFICATION NUMBER: 037

DEPARTMENT: Department of Fish and Game

AUTHORITY: AS 16.05.221

STATUS: Active

REQUIREMENTS: Legislative Confirmation, Financial Disclosure

TERM: 3 years

DESCRIPTION:

7 members appointed by Governor: residents of the state, appointed without regard to political affiliation or geographical location of residence; Commissioner of the Dept. of Fish and Game is not a member, but serves as ex-officio secretary.

FUNCTION:

Conservation and development of fishery resources.

CHAIR: Board selects.

SPECIAL FACTS:

Regulatory; Quorum - majority of the members of the board; may be removed only for inefficiency, neglect of duty, or misconduct in office (AS 16.05.280). Statute requires board to hold at least one meeting a year where the board selects time and place, and at least one meeting or hearing a year in 4 general areas (see AS 16.05.300). May hold at least one meeting per year with the Board of Game in joint session. Historically meets four times each year, for a total of approximately 50-65 days. Joint Boards of Fisheries and Game historically meet for approximately 7-15 days each year. May meet at any time upon the call of the commissioner or upon the request of two board members. Compensation is based on salary schedule for Juneau.

COMPENSATION: Standard Travel and Per Diem. Range 20A for board meetings; 1/2 Range 20A for other mtgs.

MEETINGS: Historically meets 4 times/year, total 50-65 days; Joint F&G Boards meet approximately 7-15 days.

FOR FURTHER INFORMATION CONTACT:

Mr. Laird Jones, Executive Director, Division of Fisheries, DF&G, P.O. Box 25526, M/S 1100, Juneau, AK, 99802 5526, Phone: 907 465-4110, Fax: 907 465 6094

RESUME
VIRGIL L. UMPHENOUR.
2400 Davis Road
Fairbanks, Alaska 99701
(907) 456-3885
Fax 456-3889

OBJECTIVE

Appointment to the Alaska Board of Fish

QUALIFYING EXPERIENCE

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

COMMERCIAL

Have fished commercially on the Tanana River in Fairbanks since 1984. In 1985 became a commercial fish processor, processing both fish and roe from my fish and buying from commercial fishermen in Fairbanks, Nenana, Norton Sound and villages along the Yukon River. Have expanded this business so that now my company operates year round doing smoked fish and value added salmon products. Company does approximately 50,000 lbs of value added salmon products a year. Upwards of 250,000 lbs of salmon and roe can be processed during the summer months pending availability of fish.

SPORT

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

SUBSISTENCE

Have subsistence fished for two seasons while living in Nome. As a commercial fish processor, have dealt extensively with the commercial/subsistence fishermen of the Yukon River Drainage and Norton Sound. For the most part, fishermen in these areas commercial fish to obtain cash to support their subsistence lifestyle. I have seen first hand the devastating effects of the failed fish runs on these people.

HUMAN RELATIONS

Past and present positions have required a wide range of interpersonal skills, public information management techniques and political awareness. As a commercial fisherman/processor and former military officer, have learned to deal with a wide range of individuals and be cognizant of their special interests and concerns. Am able to work with others to strike a consensus on critical issues. Was co-organizer of the Yukon River Drainage Fishermen's Association (YRDFA). Prior to the formation of this organization, it was a common belief that fishermen on the Yukon would never work together. YRDFA has since become a model of cooperation, by showing that when it comes to protecting the common resource, fishermen will set aside their differences and work together.

COMMUNICATION

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

EMPLOYMENT HISTORY

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

MEMBERSHIP

Delegate, US Canada Yukon River Salmon Treaty
Negotiating Committee since 1988
Co-Chairman, Yukon River Drainage Fishermen's
Association since Dec 1990
Tanana Valley Sportmen's Association, life member

REFERENCES

Lt. Governor Jack Coghill
State Senator Georgianna Lincoln
State Representative Richard Foster
State Representative Irene Nicholia
State Representative Allan Vezey
Charles Meechan, Deputy Commissioner, ADF&G
Roger Huntington, BOG

RESUME FOR DR. JOHN R. WHITE

BOARDS & COMMISSIONS

JAN 13 1995

01-02-95

POSITION DESIRED: APPOINTMENT TO ALASKA BOARD OF FISHERIES

I. ADDRESS: P.O. # 190
BETHEL, ALASKA 99559

II. COMMUNICATION:

A. TELEPHONE
1. WORK 907-543-3778
2. HOME 907-543-2926
B. FAX 907-543-4551

III. PRESENT EMPLOYMENT

A. COMMERCIAL SALMON FISHERMAN
KUSKOKWIM AREA
1974 TO PRESENT
B. OWNER, BERING SEA DENTAL CENTER
P.O. # 190
BETHEL, ALASKA 99559

IV. HEALTH/AGE/EDUCATION

A. HEALTHY, 47 MALE WITH NO RESTRICTIONS ON
PHYSICAL ACTIVITY.
B. DATE OF BIRTH: JANUARY 01, 1947
C. HIGH SCHOOL GRADUATE: 1965
CONNERSVILLE SENIOR HIGH SCHOOL
CONNERSVILLE, INDIANA
D. COLLEGE GRADUATE: 1969
B.A. IN BIOLOGY
DENISON UNIVERSITY
GRANVILLE, OHIO
E. PROFESSIONAL DEGREE: 1973
DOCTOR OF DENTAL SURGERY
NORTHWESTERN UNIVERSITY
EVANSTON, ILLINOIS

V. EXPERIENCE FOR POSITION

- A. TWENTY ONE YEAR RESIDENT OF ALASKA AND YUKON-KUSKOKWIM DELTA. ACTIVELY ENGAGED IN COMMERCIAL, SUBSISTENCE, AND SPORT FISH HARVEST ALL THOSE SAME YEARS. BACHELORS DEGREE IN BIOLOGY.
- B. PAST MEMBER: LOWER KUSKOKWIM ADVISORY COMMITTEE
- C. PAST MEMBER AND CHAIR: WESTERN ALASKA SALMON COALITION
- D. PRESENT MEMBER AND CHAIR: KUSKOKWIM RIVER SALMON MANAGEMENT WORKING GROUP
- E. PAST MEMBER: GOVERNOR COWPER'S BOARD OF FISH REVIEW COMMITTEE
- F. PAST MEMBER AND CHAIR: GOVERNOR COWPER'S ADVISORY GROUP ON ENDING HIGH SEAS SALMON INTERCEPTION
- G. PAST BOARD DIRECTOR OF: BERING SEA COMMERCIAL FISHERIES DEVELOPMENT FOUNDATION
- H. PRESENT BOARD DIRECTOR AND PRESIDENT OF: SALMON RESEARCH FOUNDATION

VI. REFERENCES

- A. GOVERNOR KNOWLES
- B. CHIEF OF STAFF JIM AYERS
- C. MYRON NANING, PRESIDENT
ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
BETHEL, ALASKA
- D. GENE PELTOLA
PRESIDENT, YUKON KUSKOKWIM HEALTH CORPORATION
BETHEL, ALASKA
- E. MS. MARY C. PETE
UNIVERSITY OF ALASKA, KUSKOKWIM CAMPUS
BETHEL, ALASKA

Reserve

DICK JACOBSEN
P.O. BOX 43, SAND POINT, ALASKA 99661

PHONE: 383 - 2042

DICK JACOBSEN: Life long Alaskan resident.

1946 Born in Squaw Harbor, Alaska.

Raised in Sand Point, Alaska.

Married with two daughters.

EDUCATION: Attended grade school in Sand Point.

1963 Graduated Sheldon Jackson High School.

1971 Completed Commercial Pilot training at Galvin
Flying School, at Boeing Field in Seattle, Wa.

WORK EXPERIENCE:

1966 to date Self-employed fisherman and boat owner
Salmon Setnetter 16 years.

1966 - 1982 King Crabbed.
Tanner Crabber as long as the Tanner Season
was active in Area C Western Region.

1971 to date: Salmon Purse seiner

1982: Dungeness Crabbed.
Dragged Shrimp one season.

1976 - 1977 Alaskan Bush Pilot. Flew for Sand Point Air.

BOARD EXPERIENCE:

1967: Helped organize and form the Peninsula
Marketing Association, (PMA). Served as
President of the PMA for first 13 Years.

1975 - 1979 Member of the Sand Point City Council.
1981 - 1987

1974 - 1975 Member Sand Point Advisory School Board.

1976 President Sand Point Advisory School Board.

DICK JACOBSEN
P.O. BOX 43, SAND POINT, ALASKA 99661

1977-1992 Member of the Shumagin Native Corporation
Board in Sand Point.

1980-1992 Served as President of the Shumagin Native
Corporation Board of Directors.

1978 to 1986: Member of the Sand Point Fisheries Advisory
Board.

 Served on a Task Force to review and stream
line function of the Alaska Board of Fish.

1987 to date: Mayor of Aleutians East Borough from the
beginning of borough's formation.

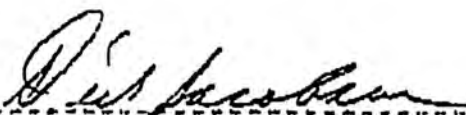
1989 - 1991 Member of Advisory Board for INPFC.

REFERENCES: Alex Samuelson Sr. past Mayor King Cove,
Phone: 497-2321.

 Robert Galovin, Harbor Master Sand Point,
Phone 383-2331.

 Arlene Gundersen, New President of the
Shumagin Native Corporation,
Phone 383-3525.

 Stanly Mack, Mayor Sand Point,
Phone 383-2696.



Dick Jacobsen

Resume

Larry J. Engel
P.O. Box 197
Palmer, Alaska 99645
(907) 745-4132

EDUCATION: Graduated Highschool 1956; Served U.S. Navy,
July 1956 - Sept. 1959, Honorable Discharge;
Graduated University of Washington, March 1964,
B.S. in Fisheries

WORK HISTORY: Seasonal technician and biologist with the Alaska
Department of Fish and Game, 1960 - June, 1964.

Full-time biologist with Alaska Department of
Fish and Game, Division of Sport Fish, 1964 to
August 31, 1992.

REFERENCES: R. Russell Redick, former ADF&G supervisor,
Anchorage; Telephone: (907) 522-2506

Kevin Delaney, supervisor, currently with ADF&G,
Anchorage; Telephone: (907) 344-0541

Jack Willis, President, Trout Unlimited,
Wasilla; Telephone: (907) 746-1666

Phil Cutler, President, Alaska Sport Fishing
Association, Anchorage; Telephone: (907) 243-4667



STATE OF ALASKA
OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811

Fisheries
Larry Edfelt
BOARDS & COMMISSIONS

BOARDS AND COMMISSIONS RESUME

AUG 8 1991

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resume. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying: *appointed*

Alaska Board of Fisheries

Please list any other Board or Commission on which you serve:

Name <i>Larry Edfelt</i>		Previous Name applied under
Mailing Address <i>Box 210483</i>		Residence Address
City, State and Zip Code <i>Anchorage AK 99521</i>		
Home Telephone <i>789-1771</i>		Business or Message Telephone

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter before the last general election:

Are you a registered voter? ☒ YES ☐ NO

Voter Registration Number (Optional)

Social Security Number (Optional)

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? ☐ YES ☒ NO

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required authorized meetings? ☐ YES ☒ NO

If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating? *No*

CONFLICTS OF INTEREST: Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so? ☒ YES ☐ NO

Could you or any member of your family be affected financially by decisions to be made by the Board or Commission for which you have applied? ☐ YES ☒ NO If "YES", explain.

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion or Parenthood.

TRAINING & EXPERIENCE: (If résumé attached, it is not necessary to complete items A-D)

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

B. List both formal and informal education and training experiences: (Use additional paper if necessary)

BS Fisheries, Univ Wash, 1965
Biologist ADF+G 1966-1986

C. List any community service positions, municipal government positions, state positions held, and list any awards received. These include both compensated and uncompensated positions (for example, president of a service organization or a mayor). Also include length of time served in the positions.

Board Member, Territorial Sportsmen 1987, 1988
Chairman Golden North Salmon Derby, 1987, 1991
SE Alaska Representative, International Game Fish Assoc. 1988-present

D. Employment work history: paid, unpaid or voluntary: (Use additional paper if necessary)

Biologist ADF+G 1966-1986
Charter Boat Owner/Operator 1986-1991
Writer - 1986-1991

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide the information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

SEX ☒ Male ☐ Female ETHNIC BACKGROUND ☒ White ☐ Black ☐ Hispanic ☐ Alaska Native ☐ Asian or Pacific Islander ☐ American Indian

Date of Birth

10-27-42

Military Service (If applicable, give dates)

CERTIFICATION: I swear that the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates or I may be removed from the position. I agree that the Office of the Governor may contact present or former employers or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature in Ink

Date

8/1/91

Resume file/fish

PROFESSIONAL RESUME

Dick H. Bower
PO Box 3662
Soldotna, AK. 99669
(907) 262-7132

PERSONAL

A native of the Puget Sound region of Washington State and a twenty year resident of Alaska. Presently resides on the banks of the Kenai River near Soldotna, Alaska with wife Patricia, one very large dog, assorted moose, birds, otters, and other river dwellers. Avld Kenai Peninsula sportfisherman since 1974.

PROFESSIONAL

Education:

Ed.D., General School Administration, Stanford University, 1965

M.A., School Administration, University of Puget Sound, 1959

B.A., History, University of Puget Sound, 1951

Undergraduate work under auspices of U.S. Army, ASTRP Program, at the University of Utah and Stanford University.

Additional graduate work at the University of Alaska and University of Hawaii

Certification:

Superintendent, State of Alaska

Superintendent, Elementary and Secondary Principal, Teacher, State of Washington

Elementary Teacher, State of California

Post retirement:

--Member, Steering Committee, Kenai River Sportfishing, Inc., 1993 -present.

--Member, Kenai Peninsula College Council, 1993 - present.

--Member, Board of Directors, Alaska Natural History Association, 1991- present.

--Member, Board of Directors, Chairman, one year, Alaska Botanical Garden, Inc., 1987-1991.

--Member, Technical Advisory Committee, Northwood Park Development Project, Municipality of Anchorage, Parks and Recreation Department, 1988-89.

--Member, Alaska Master Gardener Association, completed Master Gardener certification in 1985.

--Developed and taught Methods of Instruction Course, for instructor certification by State of Alaska of Firefighters seeking instructor status, Homer, AK, 1985.

--Consultant and crew member, Franz Pt., Inc, Port Moeller Area, commercial fishing 1984-1992

Experience:

--Superintendent, Aleutian Region School District. A district established in 1976 to serve eight communities, Akutan, Atka, Cold Bay, False Pass, Nelson Lagoon, Nikolski, Sanak, and Sand Point, scattered along the Aleutian Peninsula and chain of islands in Alaska, 1976 until retirement in 1984.

--Director, Program Services/Research and Development/Planning and Evaluation, during the decentralization and reorganization of Alaska Unorganized Borough School Districts/Alaska State Operated School System, 1973-1976.

--Part-Time Instructor, Public School Administration, University of Alaska, 1973-1976.

--Principal Consultant and Owner, Western Environmental Planners, Planning Consultants, Tacoma, WA., 1969 -1973.

--Consultant, Nature Center Planning Division, National Audubon Society, 1971-1973.

--Consultant, Davis-MacConnell-Ralston, National Educational Consultants, 1964-1965, 1967-1969.

Major Publications or Papers:

- An Investigation of the Instructional Materials Program of First Class School Districts of Washington State, Master's Thesis, 1959
- Conservation of Natural Resources: A Study of Governmental and Educational Activity in Santa Clara County, 1950 -1964, Doctoral Dissertation, 1965
- What About the R That Stands for Resources, 1964
- The Total Environment Concept of Education, 1967
- On Plans and Planning, 1967
- Natural Laboratory Settings for Education, Clallam County, Washington: A Pilot Project, 1967
- "Isn't Anyone Listening: The Plight of Education in Rural Alaska," Method, Alaskan Perspectives, University of Alaska, Juneau, Spring, 1981

Participant, one of 100 invited participants, the Brookings Institution/Pacific Lutheran University, "Pierce County and City of Tacoma Policy Process", 1973

Consultant, American Conservation Planning Associates, A Tropical Rainforest Interpretive Center for the Paper Industries Corporation of the Philippines, Island of Mindanao, Republic of the Philippines, 1974

Consultant, Nature Center Planning Division, National Audubon Society on environmental education or nature interpretation centers at Fort Lawton Park, Seattle, Washington; Madison, Wisconsin; Arkadelphia, Arkansas; Houston, Texas; and visitation/consultation in regard to programs and facilities at Aullwood Audubon Farm and Aullwood Audubon Nature Center, Dayton, Ohio; Cincinnati Nature Center, Milford, Ohio; Bays Mountain Park-Nature Interpretive Center, Kingsport, Tennessee; and the Schlitz Audubon Center near Milwaukee, Wisconsin.

Research Projects:

- Preparation of Recreation Exhibit, Application for Federal Power Commission(FPC) Licensing of proposed hydro-electric facility at Solomon Gulch, Valdez, Alaska, by Copper Valley Electric Corporation, 1975
- Research and preparation of Recreation, Environment and Fish and Wildlife Exhibits for FPC relicensing of Cushman hydro-electric facility in Washington's Olympic Mountains, by Tacoma City Light, 1973

Major Educational Planning Projects:

- Development of Education Specifications for:
 - High schools in Santa Barbara, California; Granite School District, Salt Lake City, Utah; and the Mead School District, Spokane, Washington;
 - Middle schools for the Renton School District, Renton, Washington and the Windward School District, Kaneohe, Hawaii;
 - College of Forestry Building of the University of Idaho, Moscow, Idaho.
- Served on a planning and development team for the prototype "Cultural Educational Cluster" secondary education center for the Chicago School District, Chicago, Illinois.
- Community College educational programming responsibility carried for West Valley Community College, San Jose, California and Fort Steilacoom Community College, Tacoma, Washington.
- Prepared master Educational Planning projects for Gilroy, California; Mercer Island, Washington; Casper-Natrona County, Wyoming; Community College District #11, Pierce County, Washington.
- Prepared programming portion of a master plan for Rainier School, a State Institution of the handicapped at Buckley, Washington.
- Developed planning framework for the educational element of a comprehensive master planning process for the 25,000 square mile Kenai Peninsula Borough in Alaska, 1970.

- Field Activity Coordinator, Northwest Regional Educational Laboratory, 1966-1967. serving the states of Alaska, Idaho, Montana, Oregon, and Washington.
- Supervisor of Social Studies and Conservation, Department of Education, State of Washington, 1965-1966.
- Research Assistant, School Planning Laboratory, Stanford University, 1963-1965.
- Assistant Superintendent, University Place School District, Pierce County, Washington, 1955-1963.
- Teacher, Elementary School, University Place School District, Pierce County, Washington 1951-1955.
- Served with the U.S. Army in WW II. One year was spent on occupation duty with the Eighth Army headquarters in Yokohama, Japan immediately after the war. Remained in the active Army Reserve until 1963 in various command and administrative positions.

Participant or Presenter:

Major presentations were made at the following:

- Rural and County Superintendents National Conference, Seattle, Washington
- Department of Audio-Visual Instruction, NEA National Conference, Seattle, Washington
- Organization for Reading Development, Washington State meetings, 2 years
- NEA National Conference on Instruction, "Spotlighting the Learner", Spokane, Washington, 1966
- National Council for the Social Studies Annual Conference, Miami, Florida, 1965
- Pinchot Institute National Conference on School Site Development, Milford, Pennsylvania, 1968
- Lifetime Sports Educational Project, National Conference on Facility and Site Development, Washington D.C., 1969
- American Association for Health, Physical Education and Recreation, National Conference, State Directors Section, Boston, Massachusetts, 1969
- Lifetime Sports Education Clinic, Banff, Alberta, Canada, 1970
- Lifetime Sports Education Project, Planning Conference, St. Louis, Mo., 1970
- Lifetime Sports Education Clinic, Pacific Lutheran University, Tacoma, Washington, 1972
- School Site Planning Workshop, U.S. Soil Conservation Service, 13 Western States, Salt Lake City, Utah, 1972
- Management Forecasting Seminar, State Board for Community College Education, Seattle Washington, 1972
- Total Environment/School-Community Regional Workshops, Evanston, Ill., Seattle, Washington, Oakland, California, 1972
- Guest Lecture, New York University, Urbanization and Environment, 1972

Professional Responsibilities Held:

Member

- Advisory Council for Vocational and Career Education, State of Alaska 1974 -1984
- Committee for Evaluation of Information Services, State of Alaska
- Council of Educational Facility Planners-International, instrumental in establishing the Alaska Chapter.
- Pacific Sea Grant Advisory Council 1969-73

Chairman

- Pierce County Instructional Material Association, Washington
- Region VII, Washington State School Library Association
- Legislative and Public Relations Committee, Washington State School Library Association
- Advisory Council for Vocational & Career Education, State of Alaska, 1979-1981

President, Council of Educational Facility Planners-International, Alaska Chapter, 1983 - 84.

Professional Organizations:

American Association of School Administrators
 Alaska Association of School Administrators
 Council of Educational Facility Planners, International
 Phi Delta Kappa

- Developed a master site plan for a 23-acre site for an elementary and middle school in the Renton School District near Seattle, Washington. Central focus on the plan is the optimum support of school and community needs in environmental studies, lifetime sports and activities, recreation and physical education. This site development plan was recognized as a national model by the U.S. Soil Conservation Service and the Ford Foundation's Education Facilities Laboratories.
- Developed proposals or project outlines in the areas of experimental schools, environmental education, model laboratory schools, occupational education, Indian education, developmental disability programs for the adult handicapped, and community centered planning projects of school districts, colleges, universities and governmental agencies. Special emphasis upon the interdisciplinary and broad involvement of appropriate individuals and agencies in the process of environmental assessment and development of environmental impact statements.

RESUME

NAME: Trefon Angasan Jr.

DATE OF BIRTH: March 3, 1947

MARITAL STATUS: Divorced

CHILDREN: Three

EDUCATION: Graduated Sheldon Jackson High School
Attended Sheldon Jackson College

REGIONAL CORPORATION: Bristol Bay Native Corporation

VILLAGE CORPORATION: Alaska Peninsula Corporation

SELF-EMPLOYMENT: Owner/operator, Bristol Bay Salmon fishery

EMPLOYER: Bristol Bay Native Corporation
Director Shareholder and Public Relations

DATE OF HIRE: January, 1977

EMPLOYMENT HISTORY: Bristol Bay Area Development Corporation
Regional Director

Alaska Federation Of Natives
JOM Evaluator
Assistant Director, Health Affairs
Representative, American Indian Policy
Review Commission
Grant Writer

Bristol Bay Native Association
Program Planner
Executive Director

Bristol Bay Housing Authority
Executive Director

Bristol Bay Native Corporation
Merger Consultant

POSITIONS HELD: South Naknek Village Council
Secretary

South Naknek Village Council

President

Qinuyang Ltd

Secretary

President

Alaska Peninsula Corporation

(merger of five Village Corporations)

President

Great Pacific Fish Company

Secretary

President

CURRENT POSITIONS: Alaska Federation of Natives Board
Education Committee
Convention Committee
Subsistence Task Force, Alternate
Legislative Committee

Alaska Peninsula Corporation

Secretary

Executive Committee

Bristol Bay Native Association

Board Member

PARTY AFFILIATION: Registered Republican

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB148

Revision Date: 2/3/95
Title: An Act relating to the
Board of Game
Sponsor: Rep. Barnes
Requester: House Resources

Dept. Affected: Fish and Game
BRU: Boards F&G
Component: Board Service

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	(59.0)	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)
CONTRACTUAL	(10.0)	(7.5)	(7.5)	(7.5)	(7.5)	(7.5)
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	209.6	221.1	221.1	221.1	221.1	221.1

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	209.6	221.1	221.1	221.1	221.1	221.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	209.6	221.1	221.1	221.1	221.1	221.1

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

POSITIONS

FULL-TIME	4	4	4	4	4	4
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This analysis assumes that the Board of Game will continue its present 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 2 for a cost comparison.

Prepared by: Beverly Reaume
Division: Administration/Boards Support Section

Phone: 465-6095
Date: 2/21/95

Approved by Commissioner: *[Signature]*
Agency: Fish and Game

Date: 2-21-95

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Analysis: House Bill 148

Background/Legislative Intent:

This legislation proposes replacing the current Board of Game 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) perceptions of conflict of interest associated with financial interests of Board of Fisheries members; 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 Game 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 interest in the commercial utilization of game resources. 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 department's primary concern is that this bill 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 game 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 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. A professional Game Board was not considered by the Transition Team, but it is safe to assume that the response would be the same.

Reducing the size of the board and making it a full-time body cannot guarantee an end to political in-fighting over appointments. Recreational hunters, commercial guides, commercial and recreational trappers and subsistence hunters will still have an intense interest in who is appointed to the board because of the essential role the board plays in allocating game resources. 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.

The perception of the conflict of interest on the Board of Fisheries appears to be the driving force behind the creation of professional boards. While there has not been the persistent conflict of interest associated with the Board of Game, this bill is a companion to SB49 which would maintain the same structure for both boards. The major conflict on the Board of Game is associated with the legal status of subsistence and the current dual federal/state management.

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 game 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 of Fisheries' three year cycle. Again, this is not a issue with the Board of Game. The major game animals - moose, caribou and deer - are considered on a two-year cycle. If necessary, the board has the flexibility to deal with issues more frequently than the schedule provides.

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

FISCAL NOTE

STATE OF ALASKA		BILL NO.		HB148	
1995 LEGISLATIVE SESSION					
Revision Date:		Dept. Affected:	Fish and Game		
Title:	An Act relating to the	BRU:	Boards F&G		
Board of Game		Component:	Board Service		
Sponsor:	Rep. Barnes				
Requester:	House Resources	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	(59.0)	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)
CONTRACTUAL	(10.0)	(7.5)	(7.5)	(7.5)	(7.5)	(7.5)
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	209.6	221.1	221.1	221.1	221.1	221.1

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	209.6	221.1	221.1	221.1	221.1	221.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	209.6	221.1	221.1	221.1	221.1	221.1

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

POSITIONS						
FULL-TIME	4	4	4	4	4	4
PART-TIME						
TEMPORARY						

ANALYSIS:	(Attach a separate page if necessary)
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This analysis assumes that the Board of Game will continue its present 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 2 for a cost comparison.

Prepared by:	Beverly Reaume <i>BR</i>	Phone:	465-6095
Division:	Administration/Boards Support Section	Date:	3/9/95
Approved by Commissioner:	<i>Travis</i>	Date:	3.9.95
Agency:	Fish and Game		

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Juneau, Alaska 99801-2105

MEMORANDUM

March 9, 1995

SUBJECT: Sectional Summary of HB 148, An Act relating to the Board of Game.

TO: Representative Ramona Barnes

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of HB 148, An Act relating to the Board of Game.

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 Game 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 utilization of game resources.

Section 2 of the bill amends AS 16.05.221(c) by providing that the members of the Board of Game 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 Game shall receive a salary equal to step C, range 26 for Juneau. The effect of these provisions is to make the Board of Game 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 Game and the Board of Fisheries.

Section 6 of the bill amends AS 39.25.110(11) to provide that the officers and employees of the Board of Game 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 Game and provides for initial terms.

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

Representative Ramona Barnes

March 9, 1995

Page 2

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 Game.

GEM:klb

95-143.klb