

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7994 HOUSE RESOURCES

289

Confirmation

Board of

Fisheries

3-8-93

APPOINTMENTS UNDER CONSIDERATION

BOARD OF FISHERIES:

Larry Edfelt

John Hanson

Dick Jacobsen

Deborah Lyons

BOARD OF GAME:

Susan Entsminger

Roger Huntington

Ernest Polley

Anne Ruggles

Jack Didrickson

Darrell F. Smith - Anchorage  
Original term began 8/19/88, reappointed 8/20/91 and 05/08/92,  
expires 7/1/94

The following appointments were referred to the Resources Committee:

Big Game Commercial Services Board

Glenn W. Fredericks - Anchorage  
Term began 10/28/92, expires 6/30/96

Paul E. Johnson - Elfin Cove  
Original term began 8/29/89, reappointed 7/13/92,  
expires 6/30/96

Alaska Commercial Fisheries Entry Commission

Bruce C. Twomley - Juneau  
Original term began 10/6/82, reappointed 8/18/88 and 7/21/92,  
expires 7/1/96

Board of Fisheries

Larry Edfelt - Juneau  
Original term began 7/23/91, reappointed 1/31/93,  
expires 1/31/96

John Hanson - Alakanuk  
Original term began 2/8/89, reappointed 7/13/92,  
expires 1/31/95

Dick Jacobsen - Sand Point  
Term began 1/31/93, expires 1/31/96

Deborah A. Lyons - Petersburg  
Original term began 1/31/90, reappointed 1/31/93,  
expires 1/31/96

February 10, 1993

Board of Game

Susan Entsminger - Tok  
Term began 1/31/93, expires 1/31/96

Roger Huntington - Galena  
Original term began 4/14/92, reappointed 1/31/93,  
expires 1/31/96

Ernest E. Polley - Juneau  
Term begins 4/5/93, expires 1/31/94

Anne K. Ruggles - Fairbanks  
Term began 1/31/93, expires 1/31/96

Alaska Oil and Gas Conservation Commission

David W. Johnston - Anchorage  
Original term began 1/19/89, reappointed 12/31/92,  
expires 12/31/98

The following appointments were referred to the State Affairs Committee:

Athletic Commission

Carolyn J. Michels - Nome  
Term began 10/28/92, expires 5/14/95

Sylvia J. Reynolds - Juneau  
Term began 9/2/92, expires 5/14/96

Gary R. Wilken - Fairbanks  
term began 6/11/92, expires 5/14/96

State Commission for Human Rights

Augusta Sayoko D. Mimoto Greenheart - Anchorage  
Term begins 1/31/93, expires 1/31/98

Robyn F. States - Fairbanks  
Term began 1/31/93, expires 1/31/98



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
Pouch A  
Juneau, Alaska 99811

*Submitted*  
*2/29*

BOARDS AND COMMISSIONS RESUMÉ

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 resumé. 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: *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>759-1771</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

John Hanson

August 1992

Address: Box 1, Alakanuk, AK 99554

Phone: (907)238-3016

Personal: Date of Birth: July 16, 1931  
Marital Status: Married to Alice Joseph  
Father to six children  
Numerous grandchildren

Education: Akulurak Mission, 1939-1948

Employment and Experience

Present: Heavy Duty Equipment Operator, 1957 to present

Board of Fisheries member 1989 to present

Board Member, Lower Yukon School District

Alaskan Advisor, United States-Canadian Trans-  
boundary Salmon Negotiation, 1982 to present

Member, Alaskan Governor's High Seas Salmon Task  
Force, 1987 to present

Commercial Fisherman, 1947 to present

Past: President and Chairman, Alakanuk Native  
Corporation, Box 89, Alakanuk, AK 99554

First Sergeant (Ret.), Alaskan National Guard,  
1953-1973

Private, Territorial Guard, 1942-1945

Other: Fisheries Manager, Yupik Star Fisheries,

Member, Alaska Board of Game, 1978-1982

Advisor, International North Pacific Fisheries  
Commission, 1975-1987

Advisor, United States Department of State,  
Bilateral Re-negotiations of INPFC/MFCMA, 1977-1978

Advisory Panel, North Pacific Fisheries Management  
Council, 1979

RESUME, continued  
John Hanson

Lower Yukon Fish and Game Advisory Committee, 1974  
through 1978

Nunam Kitlutsisti Board of Directors, 1972 through  
1984

Board Member, Cenaliulriit, Yukon-Kuskokwim Coastal  
Resources Service Board, 1985-86

Member, Waterfowl Conservation Committee, in  
cooperation with Association of Village Council  
President, Nunam Kitlutsisti, and Federal Fish and  
Wildlife Service, 1983 through 1987

Board Member, Alakanuk Native Corporation, 1974-  
1978

Board Member, Lower Yukon School Board, 1983

Alakanuk City Council member, 1943 through 1953

*Fisherman's Club  
Log*

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.

1965 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 J Western Region.

1971 to date: Salmon Purse seiner

1982: Dunghess 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.
- 1979 to 1986: Member of the Sand Point Fisheries Advisory Board.  
Served on a Task Force to review and streamline 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.

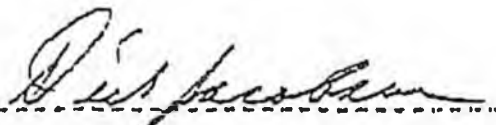
REFERENCES:

Alex Samuelson Sr. past Mayor King Cove,  
Phone: 497-2321.

Robert Galovin, Harbor Master Sand Point,  
Phone 383-2331.

Arlene Gunderzon, New President of the  
Shumagin Native Corporation,  
Phone 383-2525.

Stanly Mack, Mayor Sand Point,  
Phone 383-2696.

  
-----  
Dick Jacobsen

RESUME FOR DEBORAH A. LYONS  
NOMINEE FOR THE BOARD OF FISH

DEBORAH A. LYONS NE CARPENTER

907-772-3572

BOX 296

PETERSBURG, AK. 99833

AGE 38

MARRIED TO DAVID R. LYONS OWNER F/V KRAKEN

FISHERIES EXPERIENCE: Handtrolled 1978 thru 1983. Holder of S.E. Handtroll permit. Skiffman F/V FANTASIA abalone 1980. 1985 thru 1989 fished aboard F/V KRAKEN, longlined for sablefish and halibut in areas 2C and 3A during these years, as well as powertrroll Cape Adington to Yakutat.

BUSINESS EXPERIENCE: Contractor for pre-commercial tree thinning to USFS 1976 thru 1985. Successfully completed contracts in Sitka, Petersburg and Ketchikan Districts. Working alone in 1984 I completed over 90 acres. In 1986 David and I began Sea Otter Seafood Farm. We delivered our first crop of oysters to SPC Sitka Nov. 30 1989. We are involved in a prototype processing and marketing program for shellfish with them. Before coming to Alaska I worked with Hoedads Co-op, a multi-million dollar reforestation business. I was a Contract Representative responsible for negotiations with the USFS. Prior to this my work experience consisted of seasonal employment to pay for college. I worked two summers as a camp counsellor for Easter Seal Society with handicapped children and adults. I worked one summer as a cook at a summer camp run by Portland YMCA. I taught soil science with the Multnomah School District Outdoor School program for one season. I also worked for Del Monte at a fruit cannery where I was promoted to shift manager my second year.

EDUCATION: I last attended Oregon State as a Junior with a General Science Major. Most of my classes were in biological science.

PUBLIC SERVICE: 1983 thru 1987 I represented Edna Bay Homeowners and Edna Bay Community Concerned Citizens in correspondence and two appeals of USFS logging plans which impacted the community. These appeals dealt with degraded fisheries values, loss of carrying capacity for deer and furbearers, and other subsistence issues. I also obtained original community funding for such projects as the dock system

BOARDS AND COMMISSIONS: Chairman of the Board of Directors, Edna Bay Home-owners Association 1983. Member of the Board of Directors, Alaska Shellfish Growers 1989.

ORGANIZATIONS AND AFFILIATIONS: Salmon Bay Protective Association, SEACOFS, Alaska Trollers Association, SEACC, World Wildlife Fund, Audubon Society, National wildlife Association and National Rifle Association.

ADDITIONAL COMMENTS: I also trapped for five winters and have worked on a part-time basis at The Taxidermy Shop, Sitka. In 1985 I researched, wrote and filed a report with the USFS titled "Subsistence and Other Uses of Shakan Bay, Deweyville and Other Areas". I have worked actively to discourage salmon farming. I would come to the Board of Fish with support from commercial gear groups and processors.

MAJOR DRAWBACKS OR HANDICAPS: I am a lousy typist.

MARCH 16, 1993

BILL WILLIAMS, CHAIR  
HOUSE RESOURCES COMMITTEE  
JUNEAU, ALASKA

FAX # 907-465-3793

IN THE MATTER OF THE STATE BOARD OF FISHERIES SEATS, IT IS IMPORTANT TO THE STATE OF ALASKA AND TO THE COMMERCIAL FISHING INDUSTRY THAT THE APPOINTMENTS OF DEBORAH LYONS AND DICK JACOBSEN TO THE ALASKA BOARD OF FISHERIES BE CONFIRMED.

COMMERCIAL FISHING BRINGS MILLIONS OF DOLLARS INTO THE STATE TREASURY OF ALASKA, AND IS VITAL TO THE CONTINUED HEALTH OF THE ENTIRE STATE. BECAUSE THE SEAFOOD INDUSTRY IS SO IMPORTANT, THE STATE NEEDS TO HAVE BOARD MEMBERS WITH A WORKING KNOWLEDGE OF FISHERIES AND WHO WILL SERVE ALL USERS FAIRLY.

PLEASE MAKE COPIES OF THIS FAX AND DISTRIBUTE TO THE HOUSE RESOURCES COMMITTEE MEMBERS. THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER.



WALTER A. STENSLAND, JR.  
CAPTAIN, F/V SEA MONSTER #38006  
C/O INLET SALMO  
KENAI, ALASKA

RONALD L. STENSLAND  
CAPTAIN, F/V EAGLE  
C/O INLET SALMON  
KENAI, ALASKA

LAWRENCE A. STENSLAND  
CAPTAIN, F/V SEA BEAST #5847  
C/O INLET SALMON  
KENAI, ALASKA

GARRY L. STENSLAND  
CAPTAIN, F/V SHADOW  
C/O INLET SALMON

KAREN STENSLAND SHERMAN  
CAPTAIN, F/V SEA ANIMAL  
C/O INLET SALMON  
KENAI, ALASKA

Dear Sir

As a 15 year resident of Gustavus Alaska, and a 19 year resident of Alaska, I would like to voice my support for the re-appointment of Debra Lyons to the Board of Fisheries. Nearly 100% of my income comes from commercial fish activity in the troll and long-line fisheries.

The commercial troll and long-line fisheries are a vital component of the economics of communities in Southeast Alaska and Debra has a thorough understanding of the issues affecting the troll fleet and the fishing industry.

As our government is locked into a treaty battle with Canada and we are now facing the loss of the waters in Glacier Bay, we need knowledgeable representatives on the Board of Fish. Please help support Debra Lyons on Wednesday's Confirmation hearing.

Sincerely

*Doug Ogilvy*  
Doug Ogilvy  
F/V Whisper

Attention!

Bill Williams

Chair

House Resources

Comm.

Frank Hebert Box 1101  
Willow Alaska 99688  
3/8/93

To whom it may concern  
I lived in Fairbanks when  
Jack Diedrickson came to Alaska  
and went to work for fish & game  
I know he has about thirty  
years experience in fish &  
Game management so why  
should he be replaced by some  
individual that does not know  
as much as Jack has forgot,  
Jack's ~~large~~ knowledge is  
valuable to us Alaskans so  
keep him on the board

Thank you's

Sincerely

Frank Hebert  
+  
Marie

phone  
495-6747

# SALMON BUSTERS

Guided Fishing

3222 Tide Avenue South  
Ketchikan, Alaska 99901

Owner - Dan McQueen

Telephone - 907-225-2731

Alaska State Legislature  
House + Senate Resource Committees  
Sen Miller, Rep. Williams, Chairmans  
State Capitol  
Juneau, Alaska.

9 MAR. 93

Honorable Members of the Resource Committees,  
I feel I first must take time to say that  
The Confirmation Hearings for the Board of Fish  
is making a believer out of me that may be the  
whole mess our resources are in is getting nearer  
to being corrected.

This current Board has made decisions time  
after time that pit Commercial against Sport +  
Subsistence Fishermen. You don't need to look at  
the voting record. The Fax I sent yesterday  
about the Reduction of Bag limits by  $\frac{1}{3}$   
for Sockeye Salmon, the questions you asked  
about Reducing the Comm Fish catch by  $\frac{1}{3}$ ,  
and then the answers the appointees gave  
should be more than enough reason for Rejecting  
John Hanson, Dick Jacobson + Debra Lyons.

One thing I would like to say about one of  
Ms. Lyons replies to a question concerning "how  
should the board be composed?" Her reply was  
2 Sport, 2 Subsistence 2 Comm Fish and 1 woman  
I agree entirely as long as the woman is a  
economist. I have always been taught that  
the Fish + Game I pursue for Sport + personal

# SALMON BUSTERS

Guided Fishing

3222 Tide Avenue South  
Ketchikan, Alaska 99901

Owner - Dan McQueen

Telephone - 907-225-2731

use is valuable. I know this for sure when I pay to take my pick up to Prince of Wales on the FERRY so I can Fish & Hunt for a week to feed my family for the winter I will spend \$3-500.00 for Fuel, Food, once in a while a tire.

Some times I know that the venison burger I'm eating cost close to \$35.00/lb.

The same type of spending occurs while on a TRIP to go sportfishing.

This is the value monetarily.

The other value is what I would call;

Bonding with my kid.

Relaxing after a hard years work

Stress Relief

Companionship with your fishin Buds.

Less Drug & Alcohol addiction due to Boredom.

The Rush one gets when they've hooked a Fish

I could go on and on but I'm sure you get the picture.

Lets change the make up of the Board of Fish  
1 user group doesnt need representation by  
4 different gear groups.

Lets use what we have to Alaska's advantage  
It our resource just as much as it is theirs  
but should every decision that is made by

# SALMON BUSTERS

Guided Fishing

3222 Tide Avenue South  
Ketchikan, Alaska 99901

Owner - Dan McQueen

Telephone - 907-225-2731

The Board of Fish be based on Commercial Fishing  
FIRST?

I heard it said yesterday by all 3 appointees that was how it was done and escapement was regulated by raising or lowering the Sport Bag limits. This must end. You have the chance to change this now by seeing that the make up of the Board of Fish is changed to 2 Sport 2 Subsistence & 2 Comm Fish + 1 Economist. Also there was a lot of people who took time off to testify yesterday and I feel more time should have been allotted for the Hearings. MR Miller, MR Williams I hope you will see that we all get to testify in this process.

Tis a tough job you all have but we need your help to protect Alaska from over harvest of our Resources. Our present Board is so Bias they wouldn't even consider that Herring Coalitions petition. What does that tell you? It tells me that the voiced concerns of over 2000 SE. Alaska Residents don't mean anything to them.

# SALMON BUSTERS

*Guided Fishing*

3222 Tide Avenue South  
Ketchikan, Alaska 99901

Owner - Dan McQueen

Telephone - 907-225-2731

So please continue the great job you are doing  
now. You are asking the right questions but  
the answers have yet to be heard.

Thanks & Good Fishin to Ya!

Dan McQueen

Sherry Tuttle

Box 211134

Auke Bay AK 99821

March 16, 1993

Dear House Resources Committee Members,

Debra Lyons has been recommended for appointment to the Board of Fish. Debra has demonstrated her insight into fishing issues and rendered fair and balanced decisions as a past member of the Board of Fish.

The issues facing our fisheries are varied and complex. We must not lose the valuable insight and experience Debra has to offer.

Sincerely

Sherry Tuttle



March 15, 1993

Dear Chairman Williams and Committee Members:

It is my hope that this committee will give serious consideration to recommending confirmation of Debra Lyons for another term on the Board of Fisheries.

I have been attending Board of Fish meetings for a good many years. It is my opinion that Debra is one of the few members of the current Board that knows the issues and that can make a fair and educated decision based on the facts.

Debra has brought a refreshing diversity to the Board. Along with her commercial fisheries knowledge, she has supported reasonable management of sport, subsistence and charter fisheries and has been for many years active in watch-dogging the environmental and cultural effects of resource extraction activities.

Another very important issue at stake is the necessity of geographic representation of the southeast commercial fisheries on the Board. The Southeast Commercial Fisheries are many and diverse compared with other areas in the state. It is important that the commercial and sport fishing seats on the Board remain in Southeast.

Thank you

Dennis Watson, Mayor

JOHN & ANNE HERSCHLEB  
P. O. BOX 447  
GRIFFOON, ALASKA 99587

March 15, 1993

Bill Williams  
Chair  
House Resources Committee  
The Capitol Building  
Juneau, Ak

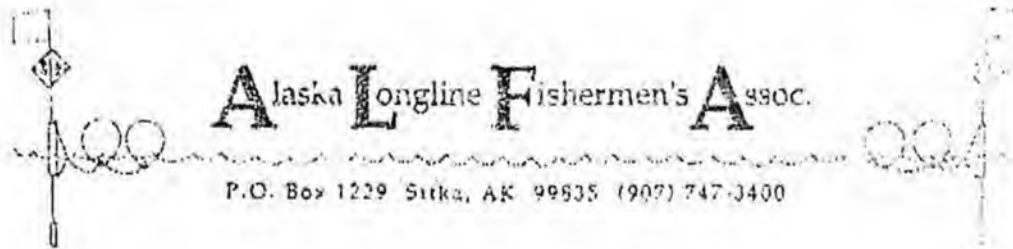
Dear Rep. Williams,

My husband and I are commercial fishermen on Prince William Sound, our industry is in poor condition and we need all the help we can get to make things right.

I feel that Deborah Lyons and Doc Jacobson should be appointed to the Alaskan Board of Fisheries. It seems that sportfish interests would like an additional seat on the Board, this would come at the expense of the commercial fishing industry.

Commercial fishing is vital to the economy of the state of Alaska and it is imperative that commercial fishing maintain it's historical presence on the Alaskan Board of Fisheries.

Please distribute copies of this letter to your committee members. Thank you,  
Anne Herschleb



March 15, 1993

Representative Williams, Chair  
House Resources Committee  
The Capitol Building  
Juneau, AK 99801-1182

Dear Representative Williams,

First, I would like to express the appreciation of our membership for the efficient manner in which the House Resources Committee acted on H.B. 123, the State loan program for fishing quota shares. I am hopeful that the bill will be passed during this legislative session and will provide Alaskans with a competitive advantage in purchasing quota shares. Such an advantage will ensure that the obvious benefits provided by the quota share program will accrue to Alaskan fishermen, communities, and the State as a whole.

Discussions surrounding H.B. 123 emphasized the value of the State's commercial fisheries. The sablefish and halibut fisheries contribute significant revenue to the State, as do the salmon, crab and shellfish resources. These renewable resources will become increasingly important as Alaska's non-renewable resources dwindle. Careful management of these valuable fisheries is essential.

The Alaska Board of Fisheries is tasked with the challenging responsibility of devising management policy for the State's fisheries. The composition of the Board has never been more important. Only through the appointment of knowledgeable Board members, well-versed in the commercial fisheries and the management process, will the full value of the fisheries be realized on a continuing and long-term basis. For this reason, it is imperative that the historical composition of the Board be maintained, and that appointees continue to represent the regional and technical diversity of Alaska's commercial fisheries. It is also essential that the appointees be individuals capable of treating all resource users fairly and equitably. Deborah Lyons and Dick Jacobsen are two such individuals. They have been nominated and appointed with wide-based support from

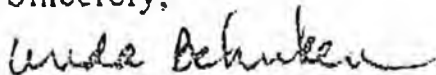
Bd.  
of  
Fisheries

the commercial fishing industry. They are knowledgeable and have demonstrated their commitment to fair, effective management. They are the Board members the State needs to guide Alaska's fisheries through the challenging years ahead.

On behalf of ALFA's membership, I respectfully request that the Resources Committee maintain the historical composition of the Alaska Board of Fisheries and confirm the appointment of both Deborah Lyons and Dick Jacobsen.

Thank you once again for your decisive action on H.B. 123 and for the opportunity to comment on this and other important issues.

Sincerely,



Linda Behnken  
(Exec. Director, ALFA)

cc: Representative Grussendorf

Please distribute to all Committee members.

From: Dan McQueen  
 3222 Tide Ave.  
 Ketchikan, AK 99901  
 225-2731

I came here today to Rip Ms Lyons apart but I think it would be unfair to place the blame for the mess our Resource management is in on her shoulders alone.

So instead I would like to talk about the make up of our Board of Fisheries. When you look at our Board the first thing you will see is 4 Commercial Reps. & 3 Sport Reps. This is a unfair advantage for 1 user group. So its no wonder that this mornings paper had a article about how the Bag limit on Sockeye was reduced again for Sport fishermen on the Kenai River. Here is one of the most popular and well known fresh water Salmon fisheries in the World. And what is the basis for managing it ~~the~~ this way? Commercial greed pure & simple. The management plan put in place reserves 90% of the Sockeye for Commercial use. This is not right. NOR is the current composition of our Board of Fish. Its ~~unfair~~ unfair to us Sport & Subsistence fishermen whom live year round in this state to have 1 user group dominate the board. True these user groups uses many different types of gear but they are still 1 user group Commercial. They should get only 2 seats for Comm fish

(2)

2 seats for Sport fish and 2 subsistence seats. And one <sup>seat</sup> ~~chair~~ should be reserved for a Ecologist with no ties to any gear group.

So I urge you to stop & take a look at the past decisions of the Board of Fish. now compare that to the make up of the Board and its no wonder that all decisions made by this Board benefit only the Commercial fishing interest. I feel that if the Commercial user groups can't find 2 reps to represent all Comm gear groups then thats their problem and should not be a reason to have 4 out of 7 seats filled with Commercial interest.

Alaska's resource does not belong to the Commercial fishing interest of Japan But instead belongs to us Alaskans. Each year sees another record harvest for Commercial fishing But each year also sees a reduction in Sport Bag limits. How can one user group have a record catches when another user group is having Bag limits reduced. You have the chance today to change this. Don't confirm any more Commercial fishermen ~~to be~~ ~~added~~ ~~to~~ ~~the~~ ~~board~~ ~~be~~ ~~plenty~~. ~~where~~ ~~ever~~ instead do something that

(3)

will forever change the way our States  
Resource is managed. ~~all~~ some

Overhaul the Board of Fish so this State  
doesn't end up like Wash OR & Calif. with  
little or no Salmon runs. due to overharvest  
& loss of Habitat.

## Ketchikan Daily News

Monday, March 8, 1993

## Kenai River red salmon bag limit lowered

HOMER (AP) — Kenai River anglers may take two red salmon a day, down from three, as managers work to contain one of Alaska's fast-growing sport fisheries.

The Department of Fish and Game said this year's reduced bag limit will help meet goals of the Cook Inlet management plan, which reserves most Kenai River reds for commercial fishing.

The new limit announced this week renewed tensions between sport and commercial fishermen, as anglers say they are losing out to commercial fishing. Sport fishermen say the state should allow more reds past commercial nets and into the Kenai River.

"They're slamming the door on this growing fishery, which has a tremendous economic ripple through the community," said Ben Ellis, executive director of the advocacy group Kenai River Sportfishing.

Proposals to change the management plan were offered by sport fishermen and rejected last year by the state Board of Fisheries, which allocates salmon runs.

The board urged improved enforcement to limit sport fishermen to 10 percent of salmon passing a sonar counter in Soldotna.

The sport-fish catch has risen to nearly 17 percent the past two years.

Commercial fishermen supported the reduced daily limit.

"The management goal was to have 10 percent of the fish (caught by anglers), and they've been getting quite a bit more than that," said Brent Johnson, president of the Kenai Peninsula Fishermen's Association, a setters organization. "This is a fair way to meet the goals."

The reduced bag limit, together with a new ban on fishing the river between 11 p.m. and 6 a.m., should ensure goals are met, state biologists said. The department rejected a proposal to cut the daily limit to one fish.

"This is a meat fishery," said Kevin Delaney, regional sportfish management supervisor for Fish and Game.

"People will still go down from Anchorage for two fish a day. When you go to one, you change the character of the fishery."

Delaney said Fish and Game didn't want to close the river for entire days because that would disrupt vacations. Closing certain portions of the river would just shift fishermen to riverbanks that are open, he said.

The popular Russian River fishery, a Kenai tributary which is managed separately, will still have a three-fish limit.

## Alas. Survey sa in na

By MARTIN CR  
AP Economic

WASHINGTON — Administration says its age doesn't hit any particular state harder than another, but the people of Alaska, who rank at the bottom on the impact of Clinton's

On the other hand, home state of Arkansas, Ohio, Alabama, Tennessee and Kentucky come out of the projected growth beneath the national average.

Regional financial economic forecasting Chester, Pa., producer assessment of Clinton's age, taking into account per capita income of a number of jobs in manufacturing, the number of jobs, the amount of electricity and oil-fired generators.

A new tax on mine from public lands throughout the mining industry throughout the West," Sen. Ted Stevens, in response to Clinton's address Saturday.

The states that do the best to be in the South and have lower per capita

## DNA test could figure in murder

FAIRBANKS (AP) — A murder trial set to begin in May could be the vehicle for a landmark state court ruling on the admissibility of DNA testing.

Nearly 10 months after Brenda Keehr's body was found in her cabin off the Old Steese Highway, attorneys in the case are battling over whether genetic tests will be admitted in the murder trial.

Genetic analysis has linked Stephen Harmon, 33, to the rape and killing of Keehr, according to court documents. His trial is set for the week of March 24.

cells. It contains an individual's unique genetic code.

Since 1989, the FBI has been using the tests to help solve crimes.

But the relatively new process has been challenged by other scientific experts, who say it is not exact enough to support a conviction. FBI experts say that there is a 1 in 30,000 chance that the same "genetic markers" found in a DNA sample could be found in another person.

FBI and state crime lab experts found

Several FBI experts are expected to testify at an evidentiary hearing ruled by Superior Court Judge John Steinkruger in early April.

Never before in Alaska has a court ruled on the admissibility of DNA testing.

While FBI officials have used genetic tests in other Alaska cases, the defendants have changed their pleas before reaching trial.

The court documents

TO:

HOUSE RESOURCES COMMITTEE MEMBERS:

House Resources Chair Bill Williams  
Rep. Hudson  
Rep. Bunde  
Rep James  
Rep. Mulder  
Rep. Finkelstein  
Rep. Carney  
Rep. Davies

FROM:

Tate Hayes  
2310 E. 20th Ave.  
Anchorage, Ak. 99508  
#272-3943

RE: Confirmation hearings for: BOF: Larry Edfelt  
John Hanson  
Deborah Lyons  
Dick Jacobsen  
BOG: Sue Entsminger

Dear House Resources Committee Members,

I respectfully express my opposition to 2 BOF Appointments, which are scheduled for confirmation this week. I am strongly opposed to any confirmations of Deborah Lyons and Dick Jacobsen.

## DEBORAH LYONS:

- Doesn't intend to do anything with HB541 (BOF must adopt a mixed-stock fisheries policy).
- She has stated that the present policy is more than adequate.
- Legislative intent of HB541: protecting the fisheries, is the utmost of concern for the majority of Alaskan residents.
- This shows Lyon's irresponsible and reckless attitude towards the fisheries, statewide
- Lyons has shown clear evidence to a lack of concern for the conservation of wild salmon stocks.
- Her bias towards intercept fisheries shows this.
  - example: Nov. 1992 BOF UCI hearings; Lyons voted no on Prop. # 363. This proposal's intent was to help insure conservation of wild salmon stocks. 363 passed, despite Lyon's opposition.
  - ex: Fall 1992 BOF UCI hearings Proposal 71. The intent was to insure N. District escapement through management of drifters. Lyons was firm on the point

From: Tom Ramiskey  
Ketchikan Marine Charters  
Box 7896 Ketchikan  
99901

Mr. Chairman, My name is Tom  
Ramiskey. I am the president of  
Ketchikan Marine Charters  
and here today representing this  
association. ~~...~~  
~~...~~ A copy of  
our position is being passed to the  
Chairman for the committee's reference.

RE: RESOU

5. 070

hook

In our opinion, appointments  
to the Alaska Board of Fisheries  
have been, and currently are, inconsistent  
with the statutory provisions regarding  
the creation of the Board and Board  
diversity. The Board of Fisheries  
was established "for the purposes  
of the conservation and development"  
of state fishery resources. Historically,  
Board appointments were  
representatives of a single user group  
created. This is an inherent bias  
in a Board established for the potentially  
contradictory principles of conservation  
and use of fishery resources and  
although the composition of the Board's  
membership has changed somewhat over time  
the Governor's recent appointments have  
only preserved the status quo and inherent  
user group bias.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

TO:

HOUSE RESOURCES COMMITTEE MEMBERS:

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Rep. Hudson  
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  - ex: Fall 1992 BOF UCI hearings Proposal 71. The intent was to insure N. District escapement through management of drifters. Lyons was firm on the point

that the drift fishery was more important than meeting escapement goals of other fisheries.  
 -Lyon's alliance's with several of the state's largest intercept fisheries: Kodiak Seiners (Sheikof Strait), S.E. Trawlers and Upper Cook Inlet Drifters (UCIDA) shows little, if any, of her concern for all other fisheries up river.

DICK JACOBSEN:

- Has direct conflict of interest to HB541
- Strong bias towards intercept fisheries.
- Fishes in the state's most controversial intercept fishery.
- He has a valued stake in maintaining current intercept fisheries and developing future intercept fisheries.
- His community receives vast economic wealth from intercept fisheries. (Sand Pt. Councilman).

For these, and other reasons, I respectfully wish to state my opposition to both Deborah Lyons and Dick Jacobsen. I feel that both appointments severely jeopardize the future of the fisheries throughout Alaska.

Thank you for your time and consideration.

*Tate Hayes* 3/7/93

Tate Hayes

SOME QUESTIONS I MIGHT ASK BOF APPOINTMENTS/ ON THE RECORD--

- How can intercept fisheries take place, and allow for insured conservation of all stocks?
- Are intercept fisheries economic revenue's more important than the conservation of individual stocks?
- Can you effectively manage individual stocks, with large intercept fisheries harvesting many mixed-stocks?
- As BOF members, would you support a mixed-stock policy, that would give preference to discrete stock fisheries over intercept fisheries?
- Will you as BOF members, make decisions that distribute the resources to all fisheries/ more of the people?
- Will you as BOF members, make decisions that place conservation over economic and social factors?
- Will you as BOF members, require **biological** data in order to make significant decisions regarding allocation (changes or status quo)?
- Will you as BOF members take into consideration, overwhelming public testimony that demands changes to current regulations, due to ineffectiveness?
- Will you as BOF members do all in your power to preserve all the fisheries of Alaska for current and future generations of Alaskans? Including going against current allies and own personal fisheries?

From: Tom Ramiskey  
Ketchikan Marine Charters  
Box 7896 Ketchikan  
99901

Mr. Chairman, My name is Tom  
Ramiskey. I am the president of  
Ketchikan Marine Charters  
and here today representing this  
association. ~~of independent~~  
~~businessmen~~ A copy of  
our petition was filed to the  
Chairman for the committee's reference.

Re: Resou

5. 070

In our opinion, appointments  
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and use (of fishery resources) and  
although the composition of the Board's  
membership has changed somewhat over time  
the Governor's recent appointments have  
only preserved the status quo and inherent  
user group bias.

Furthermore, appointments to the Board of Fisheries have been and currently are inconsistent with the statutory provision, established when the Board was created, of "providing diversity of interests and points of view in the membership." In our opinion, "diversity of interests" should reflect the diversity of fishery resource use and not the diverse interests of one particular user group.

Therefore, the membership of Alaska Marine Charters is unanimously opposed to the confirmation of <sup>Debra</sup> Lynne for the Board of Fisheries in as much as the commercial user group interest is represented by three other Board appointees. Confirmation of another representative of the commercial user group is inconsistent with Board diversity and would only perpetuate an historical "use" bias on a Board created to manage as well as develop <sup>the</sup> fishery resources of the State.

Thank you for your timely consideration

From: Donald Westland  
Box 7883  
Ketchikan, AK 99901

As it stands Today The Current  
MAKE UP OF THE BOARD OF FISH DOES NOT  
REPRESENT FAIRLY, THE THREE PRIMARY USER  
GROUP OF THE FISHERS RESOURCE.

INSTEAD YOU HAVE FOUR REPRESENTATIVES  
FROM ONE USER ~~GROUP~~ GROUP REPRESENTING  
FOUR GEAR GROUPS.

THEIR FOUR WHEN THE BOARD OF FISH MAKES  
ANY DECISION PITTING ONE COMMERCIAL  
GEAR GROUP OR ANOTHER, AGAINST SPORT FISH  
OR SUBSISTENCE GROUP, PAST DECISIONS OF  
THE BOARD OF FISH SHOWS OF THE BIAS  
THAT WE SPEAK OF.

WITH THE NEW PAY INCREASE WE  
NOW HAVE PROFESSIONAL FROM USER  
GROUPS THAT PROMULGATE REGULATIONS  
THAT IS BENEFICIAL TO CERTAIN GEAR GROUPS  
AT MY EXPENSE

THEIR FOUR I FEEL THAT IN ORDER  
TO BE CONSISTENT WITH THE STATUTORY  
PROVISION OF PROVIDING DIVERSITY OF  
INTEREST, THE BOARD OF FISH SHOULD BE  
MADE AS FOLLOWS

- 2 COMMERCIAL REPRESENTATIVES
- 2 SPORT FISH REPRESENTATIVES
- 2 SUBSISTENCE REPRESENTATIVES

ONE ECONOMIST REPRESENTIVES  
NOT AFFILIATED WITH ANY USER  
GROUPS. THIS WAY NO ONE USER  
GROUP CAN DOMINATE THE USE  
OF OUR COMMON RESOURCE

# SALMON BUSTERS

Guided Fishing

3222 Tide Avenue South  
Ketchikan, Alaska 99901

Owner - Dan McQueen

Telephone - 907-225-2731

Legislative Resource Committee  
Senator Miller Chair  
Rep. Williams Chair  
State Capital  
Juneau Alaska,

Enclosed you will find a few examples  
of how to place value on a sport fish.

Also you will find a copy of the ADF&G's  
"S.E. Alaska Sportfish Economic Survey"

And a clipping on Atlantic Salmon.

I also hope you will allow the public a chance  
to testify on these Board of Fish appointees.  
Since we did not get a chance to do so today

Thanks &

Good fishin to Ya!

Dan McQueen

To Determine the value of a sport caught Salmon one must take into consideration several factors.

### ① Price of Gear

The Term Gear includes Pole reel Line swivel Sinker Hook Flasher or Dodger Landing Net. Not to mention that each Type of fishing for Salmon takes a different Type of Gear for instance the above gear would be for Trolling OR even Mooching. But would not be suitable for fly fishing. A pole & reel suitable for King Salmon in a river would probably be too heavy for Sockeye.

② Transportation. For those who drive this is 28¢ (IRS Allowance) per mile. Once you get to the water to fish you either own a boat OR you charter one to take you out OR you fish from the Bank OR Dock.

If you own a Boat you already know that it is not a cheap item to maintain MORE than just gas is needed to keep it a float.

To charter or rent a boat cost money also.

2 of 2

## Lodging if

Now ~~with~~ you are real lucky and own both a Boat & Airplane this next item won't cost much but for the rest of us we have to pay for meals & a place to sleep.

So When you figure

Gear - 150.00 per pole

Transportation 500 mi R.T. x 28¢

Boat Moorage \$300.00 year-

Maintenance \$750.00

Fuel \$30.00-100.00 Day

OR

Charter - \$150.00 - \$385.00 Day per person

+ Meals - Lodging

Taxis if from out of Town or state

Total ÷ # of Fish caught.

Now divide this by the number of Fish you catch and its no wonder a sport caught fish is worth so much.

see Attached article on the value of a sport caught Atlantic Salmon vs. a net caught. Also take a look at the ADF+G study the Board laughed at in Mar 1992 in Juneau. (S.E. Alaska Sport Fishing Economic Study)



# GAZETTE

VOLUME VIII, NUMBER 43

HARROWSMITH COUNTRY LIFE

JANUARY/FEBRUARY 1993

## Spare the Salmon

Three centuries ago, Atlantic salmon ran up Northeastern rivers by the hundreds of thousands and were caught in such numbers that they were sometimes used to fertilize corn. Now, only a few salmon find their way back to those rivers from ocean feeding grounds to spawn in the fall. Faced with a near total collapse of Atlantic salmon stocks, both the United States and Canada have banned all harvesting of the fish off their coasts.

Orri Vigfusson, an Icelandic vodka distiller, has observed the decline of the salmon firsthand. A passionate angler, he realized that the fish were becoming scarce during the '70s and '80s. "Every year I would go out and wonder what the hell was going on," he says. "There was hardly a fish left." Outraged and determined to find a way to restore the salmon, he came up with the idea of paying commercial fishermen not to catch them.

The number of salmon that can be caught in the open sea is regulated by the North At-

## Peeved Indeed

"Our descendants are going to be mightily peeved to learn that they're going to have to wait 10 million years—or five times the full length of the entire history of the human species since its evolutionary origin—to see it [biodiversity] recover from what we're doing in less than 100 years."

—*Biologist Edward O. Wilson, quoted in Defenders magazine*

lantic Salmon Conservation Organization, which assigns quotas to fishermen from various nations. In the case of salmon, the largest quota has



*An Atlantic salmon is worth about \$15 in a commercial fisherman's net, but \$500 or more at the end of an angler's line.*

been given to Greenland, which is permitted to take 840 metric tons, or about 185,000 fish, a year. (Actually, salmon stocks are so low that Greenland's fishermen have been able to catch less than half their quota in recent years.) Vigfusson's plan is to pay the fishermen for their quota, but leave the fish in the ocean to breed. Unlike their Pacific counterparts, Atlantic salmon can return to their native rivers to spawn more than once, so a protected breeding stock might increase the population dramatically in a short time.

Reducing the number of salmon taken at sea would have little effect on prices in supermarkets, since 96 percent of the salmon they sell is farm raised. On the other hand, increasing the number of fish returning to fresh water each fall could be a major boost to the sport fishing industry.

Vigfusson has already per-

suaded several countries on the other side of the Atlantic to test his plan. Last year, the United Kingdom, Norway, Ireland and Iceland put up funds to

percent of the hatchery fish wind up in processing plants before they have a chance to reproduce.)

The fee paid for the salmon quota would be used to help Greenland's fishermen find new jobs. Ocean monitoring programs, scallop fishing, aquaculture and tourism are some of the alternatives that have been suggested. The fishermen's union will meet this spring to decide whether to adopt Vigfusson's plan.

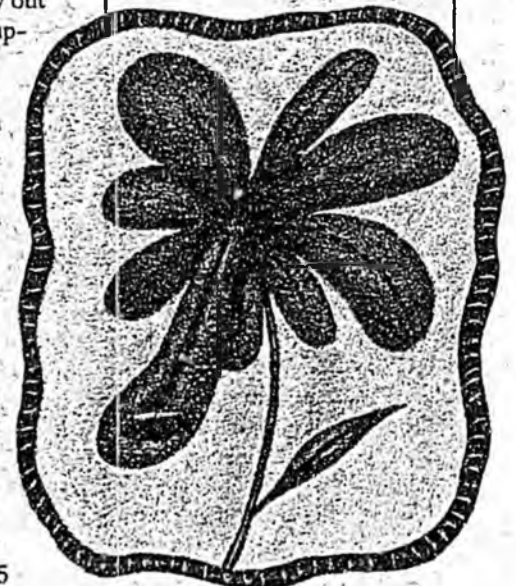
—*Deidre A. Stapleton*

## One-a-Day for Plants

When it comes to vitamins, what's good for the gardener is good for the garden. That's the news from University of Wisconsin entomologist Dale Norris, who has discovered that plants treated with minute doses of vitamins C and E are better able to cope with stress. "From birth to death," Norris says with a laugh, "it's just a matter of degrees of stress. The source isn't crucial—it can be

buy the Faeroe Islands' quota of 550 metric tons, or 120,000 salmon. The result: the number of salmon spawning in northern European rivers in the fall almost doubled, and the fish were 10 to 20 percent larger than they had been in recent years.

The proposal to buy out Greenland's quota is supported by the North Atlantic Salmon Conservation Organization and fisheries officials in both the United States and Canada, the two countries that would have to pay the largest share of the cost, estimated at between \$1 million and \$1.5 million a year. (That's less expensive than current efforts to restock salmon with fish from hatcheries, which cost the U.S. \$2.6 million a year. And as many as 25



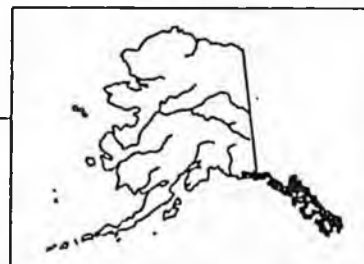
Executive Summary

# Southeast Alaska Sport Fishing Economic Study



Alaska Department of  
Fish and Game

December 1991



## INTRODUCTION

Southeast Alaska stretches about 500 miles from the U.S./Canada international boundary line southeast of Prince of Wales Island to Cape Suckling (Figure 1). The area is a narrow and rugged strip of coastline along the west side of the Coast Mountains and includes over 1,000 islands strung immediately offshore from the mainland. Over 90% of Southeast Alaska is in the Tongass National Forest, which is rich in fish and wildlife, forestry, and other natural resources.

As the population and economy of the region have grown, competition for the area's natural resources has increased. In the early 1980s, conflicts began over the allocation of salmon, primarily king and silver salmon, between recreational anglers and commercial fishermen in the region. Ratification of the U.S./Canada Salmon Treaty, which resulted in a ceiling on Southeast Alaska's annual king salmon harvest, also has contributed to competition between user groups. In recent years, conflicts also have intensified over the harvest of timber and mineral resources and the maintenance of wilderness and relatively pristine environments for high-quality sport fishing in Southeast Alaska.

Managing the region's natural resources in the face of increasing demands requires using information on the economic importance of the resources to affected user groups. Although information is available on the economic importance of the region's resources to commercial operations, such as commercial fishing and forestry activities, less is known about the value of the area's unique resources to anglers and nonconsumptive users. These values are more difficult to determine because markets are not available to ascribe a monetary value to them.

The primary goal of the study summarized here was to develop appropriate economic data and models for evaluating management alternatives

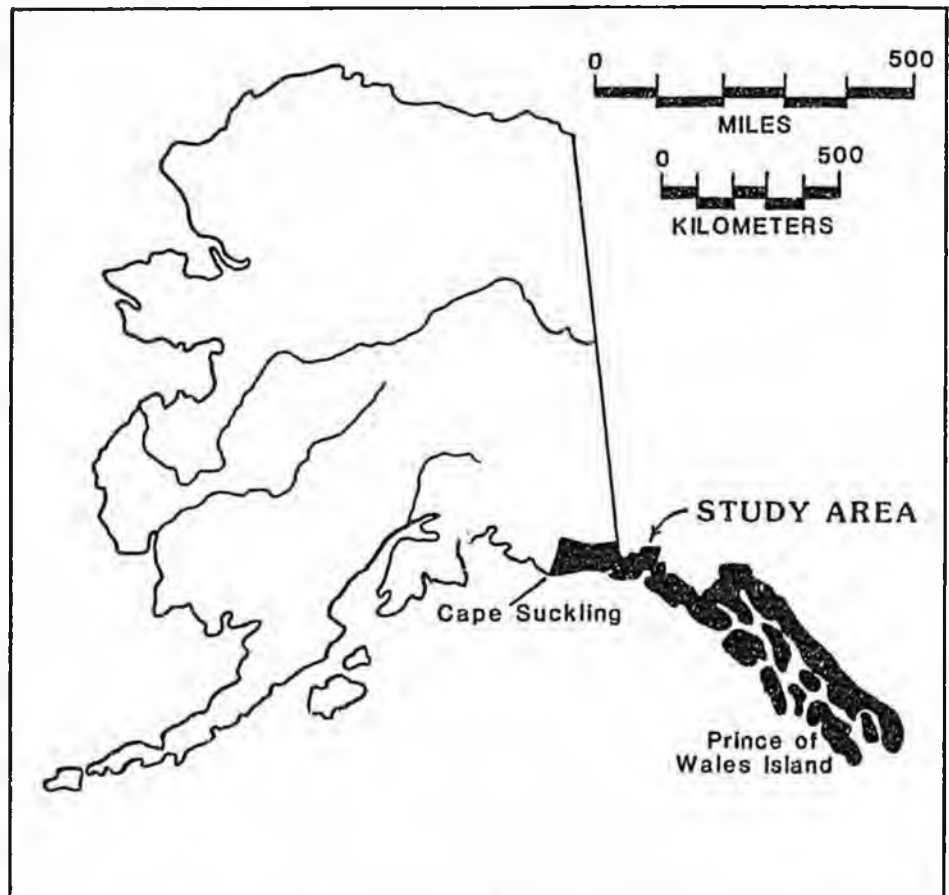


Figure 1. Southeast Alaska study region.

affecting sport fisheries in Southeast Alaska. Specific study objectives were:

- to estimate spending by resident and nonresident anglers and related economic impacts on the Southeast and state economies associated with sport fishing in Southeast Alaska during 1988;
- to estimate nonmarket values by harvest area associated with sport fishing activities of resident and nonresident anglers in 1988; and
- to develop a computer modeling system capable of evaluating changes in market and nonmarket values associated with sport fishery enhancement programs, resource allocation proposals, and land use planning alternatives.

These study objectives were accomplished by collecting and analyzing data obtained through surveys of resident and nonresident

anglers and businesses in Southeast Alaska that serve anglers.

Complete results of the study are documented in Jones & Stokes Associates, Inc. (1991)<sup>1</sup> prepared by Jones & Stokes Associates, Inc. of Sacramento, CA, in association with Robert D. Niehaus, Inc., ASK Marketing and Research Group, Dr. W. Michael Hanemann, Dr. Richard Carson, and Steven Waters.

For additional information or to obtain a copy of the complete report contact:

Alaska Department of Fish and Game  
Sport Fish Division, Research and  
Technical Services Section  
333 Raspberry Road  
Anchorage, Alaska 99518-1599  
(907) 267-2369.

1. Jones & Stokes Associates, Inc. 1991. Southeast Alaska sport fishing economic study. Final Research Report. December 1991. (JSA 88-028.) Sacramento, CA. Prepared for Alaska Department of Fish and Game, Sport Fish Division, Research and Technical Services Section, Anchorage, AK.

## ANGLER SPENDING

In 1988, anglers spent \$83.1 million (\$209 per day fished) for sport fishing in Southeast Alaska (Figure 2).

For resident anglers, \$21.0 million was spent on sport fishing trips in the Juneau area and about \$6.6 million was spent on sport fishing trips in the Ketchikan area (Table 1). Sport

accounting for 23.1% of total resident angler spending.

For nonresident anglers, sport fishing in the Ketchikan area generated the most spending, \$13.7 million or 32.3% of all nonresident angler spending. Sport fishing in the Petersburg area was the next highest, accounting for \$6.7 million in spending by nonresident anglers (Table 1). Of all species sought by nonresident anglers, king salmon generated the most spending, accounting for \$9.6 million, or 22.6% of all nonresident spending in Southeast Alaska. Nonresident anglers also spent \$1.7 million (4.0%) for silver salmon fishing and \$5.3 million (12.5%) on halibut fishing in Southeast Alaska.

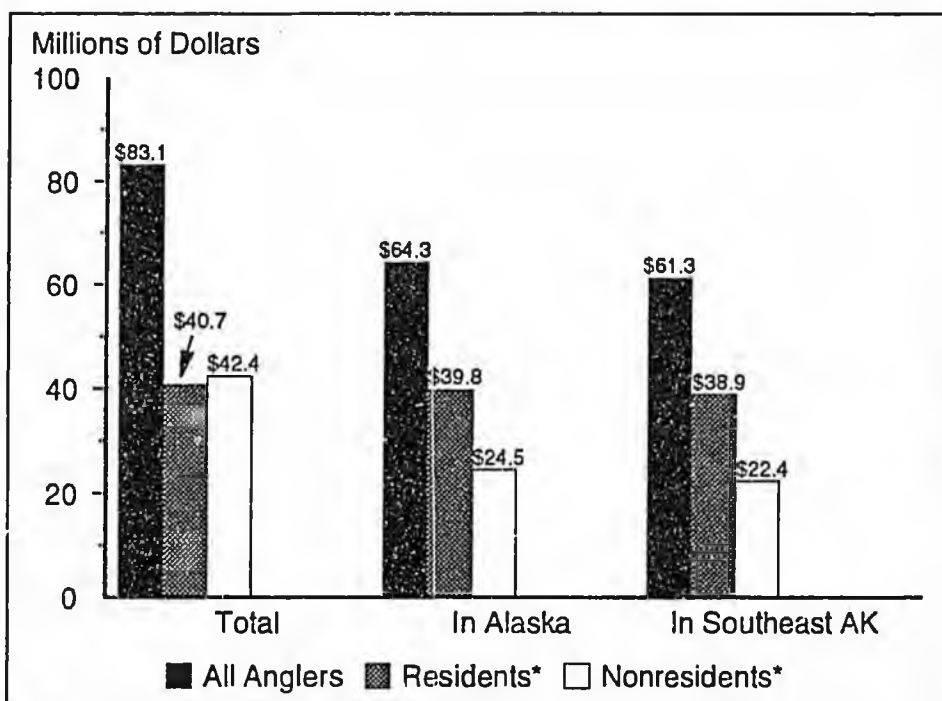


Figure 2. Angler spending for 1988 Southeast sport fishing.

Resident\* anglers spent \$40.7 million and nonresident\* anglers spent \$42.4 million. Of the \$83.1 million, \$64.3 million was spent in Alaska (\$39.8 by residents and \$24.5 million by nonresidents) with \$61.3 million being spent in Southeast Alaska (\$38.9 by residents and \$22.4 million by nonresidents). Transportation to and from Alaska accounted for \$16.3 million in spending by nonresidents of Alaska.

Annual spending per household averaged \$2,196 for residents of Southeast Alaska and \$1,971 for nonresident households that visited Southeast Alaska to sport fish in 1988. Anglers spent \$22.9 million on king salmon fishing (\$923 per fish harvested), \$11.1 million on silver salmon fishing (\$255 per fish harvested), and \$13.8 million on halibut fishing (\$245 per fish harvested) in Southeast Alaska (Figure 3).

fishing for king salmon generated the most spending by resident anglers, accounting for \$13.3 million, or 32.7% of all resident angler spending. Sport fishing for silver salmon generated the next largest amount of spending,

### Angler spending per fish harvested:

King salmon \$923

Silver salmon \$255

Halibut \$245

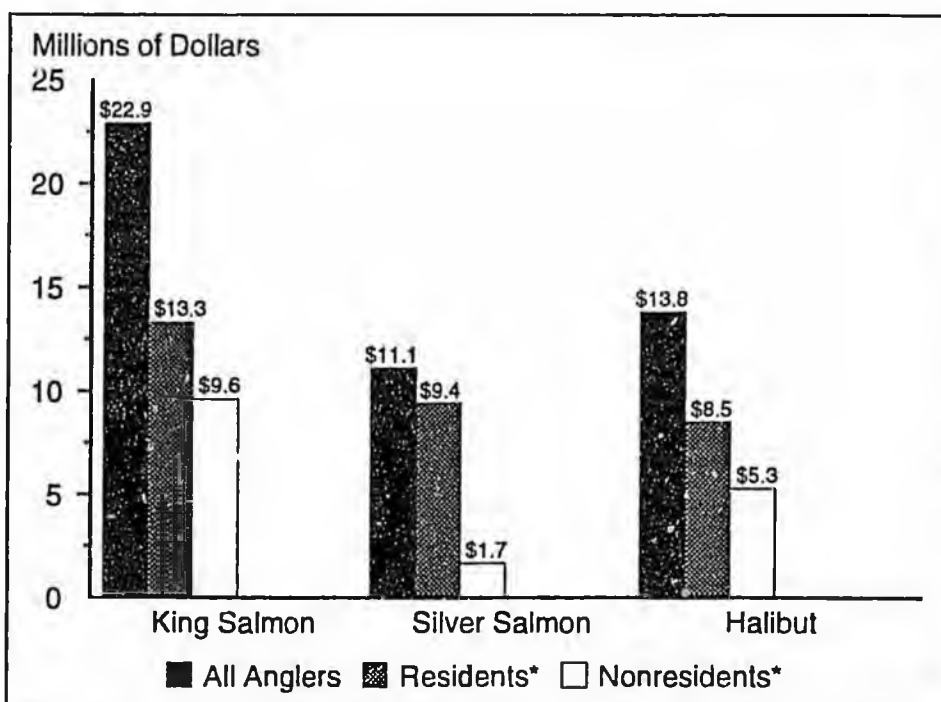


Figure 3. Angler spending by species, 1988 Southeast sport fishing.

\* Resident(s): Southeast Alaska residents.  
Nonresident(s): Anglers not residing in Southeast Alaska.

**Table 1. Estimated angler spending (millions of dollars) by harvest area for 1988 Southeast Alaska sport fishing.**

Harvest Area	Resident Angler Spending	Nonresident Angler Spending	Total Angler Spending
Ketchikan	6.6	13.7	20.3
Petersburg	3.0	6.7	9.7
Sitka	6.1	4.6	10.7
Juneau	21.0	6.2	27.2
Prince of Wales	2.1	3.9	6.0
Haines-Skagway	1.1	4.5	5.6
Glacier Bay	0.3	0.4	0.7
Yakutat	0.5	2.4	2.9
Total	\$40.7	\$42.4	\$83.1

## RELATED ECONOMIC EFFECTS

Anglers who sport fished in Southeast Alaska purchased goods and services in many types of businesses throughout the region, including variety and department stores, general sporting goods stores, specialty fishing stores, hotels and motels, guide service businesses, fishing lodges and camps, and retail food stores. Angler spending at these stores in Southeast Alaska in 1988 directly supported nearly 1,700 full- and part-time jobs, or the equivalent of 657 full-time positions.

Total effects of sport fishing activity in 1988 on the Southeast Alaska economy, which include multiplier effects as angler spending ripples through the economy, consist of the equivalent of about 950 full-time jobs, more than \$22.5 million in earnings, and \$66.0 million in output.

Total effects of angler spending associated with sport fishing in Southeast Alaska on the statewide economy include the equivalent of 1,113 full-time jobs, \$28.3 million in earnings, and \$78.8 million of the state's output.

---

**Effects of 1988 Southeast sport fishing on the Southeast Alaska economy:**

**950 full-time jobs**

**\$22.5 million earnings**

**\$66.0 million output**

---



---

**Effects of 1988 Southeast sport fishing on the statewide Alaska economy:**

**1,113 full-time jobs**

**\$28.3 million earnings**

**\$78.8 million output**

---

Angler spending associated with sport fishing in Southeast Alaska also was a source of revenues to state and local governments, including the generation throughout Alaska of \$1.6 million in local sales tax revenues, \$129,500 in lodging tax revenues, \$1.2 million in state fishing license revenues, and \$142,000 in state corporate income tax revenues.

## NONMARKET VALUES

In addition to its economic effect on the state and regional economies, sport fishing provides substantial benefits to anglers that cannot be measured in the marketplace. These nonmarket values can be measured, however, in terms of the dollar amount that anglers who sport fish in Southeast Alaska would be willing to pay (over and above what they currently pay) to ensure the continued availability of sport fishing opportunities. Nonmarket benefits to Southeast Alaska anglers were valued at \$49.2 million in 1988, with resident\* anglers willing to pay an estimated \$31.3 million and nonresident\* anglers willing to pay approximately \$17.9 million for sport fishing opportunities in Southeast Alaska (Figure 4).

Nonmarket benefits for king salmon sport fishing were \$15.3 million (\$616 per fish harvested), \$7.8 million for silver salmon sport fishing (\$177 per fish harvested), and nearly \$7.6 million for halibut sport fishing (\$134 per fish harvested) in Southeast Alaska (Figure 5).

---

### Angler willingness to pay per fish harvested:

**King salmon     \$616**

**Silver salmon    \$177**

**Halibut            \$134**

---

Fisheries in the Juneau area provided the most benefits to resident anglers, who were willing to pay an estimated \$18.7 million to maintain sport fishing opportunities in this area. King salmon is the most highly valued species by resident anglers in Southeast Alaska, comprising \$10.1 million in value to resident anglers. For nonresident anglers, fisheries in the Ketchikan area were the most valued, with an annual willingness-to-pay value of \$7.5 million.

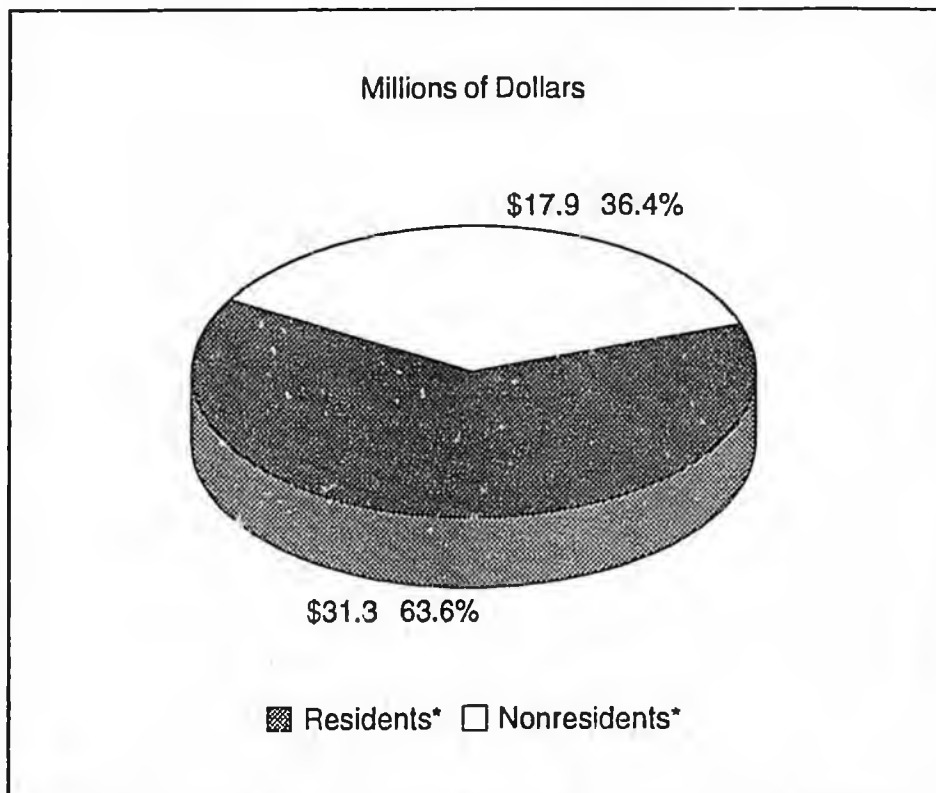


Figure 4. Net willingness to pay for 1988 Southeast sport fishing.

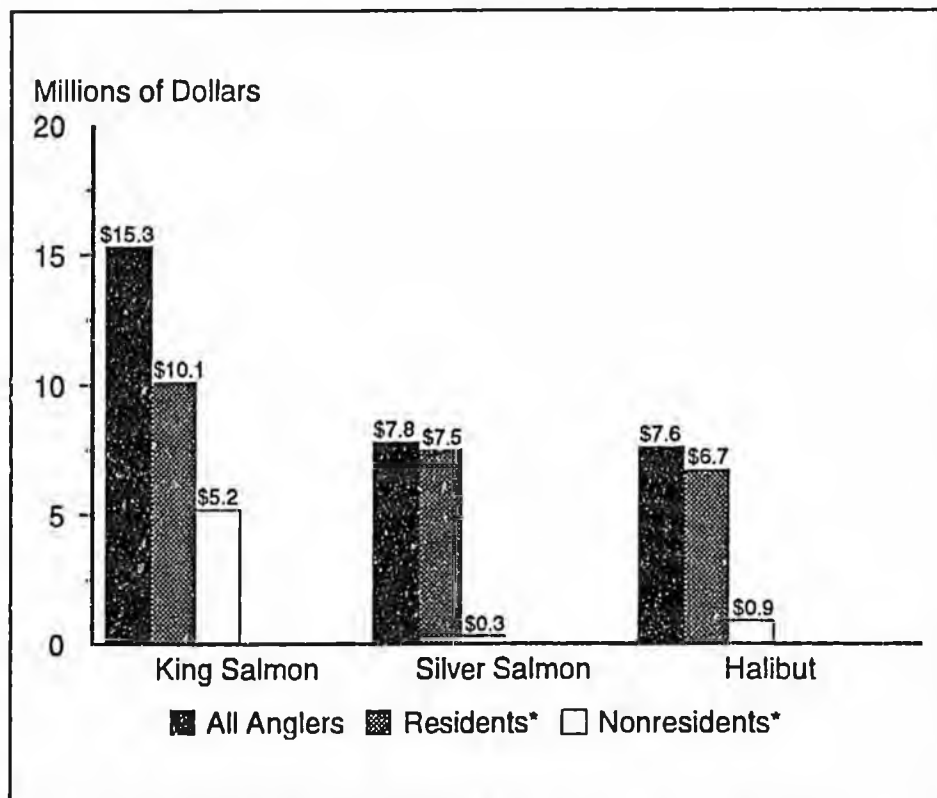


Figure 5. Net willingness to pay by species, 1988 Southeast sport fishing.

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\* Resident(s): Southeast Alaska residents.  
Nonresident(s): Anglers not residing in Southeast Alaska.



# ALASKA CRAB COALITION

3901 Leary Way (Bldg.) N.W., Suite #6 • Seattle, WA 98107 • (206) 547-7560 • FAX (206) 547-0130

DATE: March 8, 1993 (DIRECT BY TELECOPIER)

TO: Senator Mike Miller, Chairman, Senate Resources  
 Representative Bill Williams, Chairman, House Resources  
 Alaska State Legislature  
 Juneau, Alaska 99801-1182

FROM: Arni Thomson, Executive Director *Arni Thomson*  
 Alaska Crab Coalition

RE: JOINT HOUSE/SENATE RESOURCES COMMITTEE CONFIRMATION HEARING, BOARD OF FISHERIES APPOINTEES

The Alaska Crab Coalition, representing 65 Bering Sea crab owners and 4 major crab processing companies is pleased to endorse the appointments of Deborah Lyons, Dick Jacobsen, John Hanson and Larry Edfelt to the Board of Fisheries.

The ACC has worked with these representatives at Board of Fisheries meetings and the members are generally impressed with their knowledge of fisheries and their professionalism during the course of meetings.

The ACC would also like to point out that commercial fisheries in Alaska, is number one in all States of the Union, in the value of seafood landed. Fisheries are Alaska's largest private sector employer, employing almost one fourth of the work force in the State. Seafood is the State's largest export product, valued at \$1.3 billion.

Fisheries are sustainable resources that require diligent and professional management under the supervision of experienced and professional scientists, managers and fishermen.

The ACC hopes the Legislature will keep these thoughts in mind as it engages in confirmation hearings this week and in the future.



**Executive Director**

Ben Ellis  
 P O. Box 1228  
 Soldotna, AK 99669  
 1-800-478-0724  
 (907) 262-8598

**Board of Directors**

Bob Penney, Chairman  
 Ron Rainey, President  
 Joe Connors, V-President  
 Six Bonney, Secretary  
 Bill Bass  
 Jim Carter  
 Pat Carter  
 Todd Fisher  
 Allan Norville  
 Tim Stevens

March 7, 1993

Dear member of the State Senate and House Resource Committee:

We strongly oppose the reconfirmation of Deborah Lyons to the Alaska Board of Fisheries. It is our belief that Mrs. Lyons has demonstrated an outstanding prejudice against sportfishing and because of her preconceived convictions should be allowed to sit on this state panel. We urge you to follow the lead of our organization, the Alaska Sportfishing Association, the Ketchikan Marine Charters, Inc., the Territorial Sportsman, the Northern District Snetter Association, and hundreds of Alaskans in opposing Mrs. Lyons position on this board.

Ben Ellis  
 Executive Director  
 Kenai River Sportfishing, Inc.

Former State Senator Dick Eliason respectfully submits the attached letter to the Resources Committees as written testimony regarding the confirmation of the re-appointment of Deborah Lyons to the Alaska Board of Fisheries.



# Alaska State Legislature

SENATOR RICHARD I. ELIASON

*President of the Senate*

P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3755

December 2, 1992

The Honorable Walter Hickel  
P.O. Box A  
Juneau, AK 99811

Dear Governor Hickel:

I would like to urge your re-appointment of Deborah Lyons to the Board of Fisheries. She has been an excellent board member during her first term and the state would be well served to have her continue in that capacity.

In recommending Deborah for initial appointment to the board in 1990 I wrote, "Deborah is a bright, fair-minded person, willing to put the necessary time and effort into being a conscientious board member. She is a "real Alaskan" with a strong commitment to public service and the future of our state and resources."

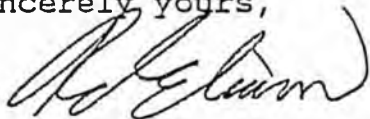
Deborah's service on the Board of Fisheries has certainly proven that assessment to be true. She has put in countless hours researching issues, preparing for and participating in board meetings, and going the extra mile to see that fisheries management decisions and the board process in this state are the best and fairest that they can be.

Deborah has a background in biology, and experience in commercial and sport fishing, shellfish farming, timber work, hunting, trapping and taxidermy. While Deborah is well-versed in fisheries issues all over Alaska, she resides in Southeast, and thus provides geographic balance on the board which is extremely important.

Recently the Board of Fisheries changed its cycle for consideration of particular fisheries from a two year cycle to a three year cycle. While this change seems to work quite well and saves time for the board and the department, it does have a major drawback. Board members serve staggered three year terms. So under the former two-year regulatory cycle, whenever an issue came before the board some members of the present board would also have been on the board during the hearing of that issue in the previous cycle. Now that both the regulatory cycle AND board terms are three years, the process will not automatically have the benefit of historical knowledge which has been a valuable part of deliberations in the past. That loss can be avoided by making some RE-appointments. The continuity and experience provided by the re-appointment of Deborah Lyons would be a great asset to the board's work.

Serving on the Board of Fisheries is a grueling and thankless task. We are very lucky that a person of Deborah Lyons's calibre and dedication is willing to serve. I urge that you avail the state of the opportunity for her continued membership on the board.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Dick Eliason".

Senate President Dick Eliason

cc: Office of Boards and Commissions

# Ketchikan Marine Charters, Inc.

representing Alaska's largest sportfishing charter boat fleet

March 4, 1993

House Resources Committee  
Representative Bill Williams, Chairman  
Alaska State Legislature  
P.O. Box V (MS-3100)  
Juneau, AK 99801-1182

re: Board of Fisheries confirmation hearings; Debra Lyons

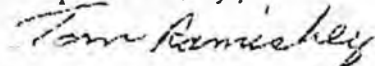
Dear Chairman Williams and Committee members,

In our opinion, the Governor's recent appointments to the board of Fisheries are inconsistent with the statutory provision of "providing diversity of interests" on the Board and are not representative of the diversity of resource use within the State in as much as there are four other "user-groups" besides commercial use. The Governor has merely preserved the status quo and has ensured that the commercial user-group maintains a majority position on the Board of Fisheries.

A majority position of commercial users on the Board is not in the best interests of common property resource management, conservation of fishery resources, and the people of the State. Our association is not an advocate of "designated" seats but believes that no single user-group should enjoy a majority on the Board of Fisheries.

Consequently, the membership of Ketchikan Marine Charters Association is unanimously opposed to the confirmation of Debra Lyons in as much as the "commercial user-group" interest is well represented by three other Board appointees.

Respectfully,



Tom Ramiskey  
president, K.M.C.



Alaska  
Trollers  
Association

130 Seward St., No. 213  
Juneau, Alaska 99801  
(907) 586-9400

March 5, 1993

Dear Senate and House Resource Members:

The Alaska Trollers Association (ATA) would like to assert its strong support for the Board of Fisheries member Debra Lyons and ask that you confirm her seat on the Board of Fisheries.

ATA believes that Debra's knowledge of Alaska's fishing industry and her previous experience on the Board of Fisheries should be vital determinants towards her confirmation. Debra has proven herself as a committed member of the Board by carefully analyzing the issues and rendering thoughtful, balanced management decisions. Her studious attention to the issues will enable her to approach a second term with a level of fisheries savvy matched by few in the state.

From ATA's perspective, the Board of Fisheries should represent a cross-section of the gear groups which utilize Alaska's fisheries resource. This way, a broad working knowledge of the gear and the issues confronting the fleets can be shared amongst Board members. Trolling is one of the few Alaska fisheries affected by state, federal, and international fisheries management. Debra has spent considerable time understanding the relationship between these forums; it would be disastrous to lose Debra's seasoned insight.

As you may know, Alaska is facing one of its most difficult negotiating cycles at the Pacific Salmon Commission (PSC). It is likely that the Board will be asked to confront some difficult issues relative to these negotiations. Debra's leadership will be essential to newer Board members as they work through the very complicated and confusing PSC process.

Given the intensity of the issues confronting all users of Alaska's fisheries resources, a well rounded representative is necessary. Alaska Trollers Association feels Debra has proven her ability in the past, and we encourage her confirmation.

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

March 5, 1993

**COPY**

The Honorable Bill Williams, Chairman  
and Members  
House Resources Committee  
The Capitol Building  
Juneau, Alaska 99801

Dear Representative Williams and Committee Members:

At the February 1993 Board meeting of the United Fishermen of Alaska, the Board unanimously voted to support the confirmation of Deborah Lyons and Dick Jacobsen to the Alaska Board of Fisheries.

On behalf of all of our member associations, UFA wholeheartedly supports Ms. Lyons' reappointment and Mr. Jacobsen's appointment to the Board.

Sincerely,

Jerry McCune  
President

cc: UFA Board of Directors  
Deborah Lyons  
Dick Jacobsen

#### MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Longline Fisherman'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 • Seafood Producers Cooperative  
Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association  
United Cook Inlet Drift Association • Western Alaska Cooperative Marketing Association



# Alaska State Legislature

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

committee on AK. BOARD OF FISH CONFIRMATION dated MARCH 17, 1993  
bill/subject

Mr. Chairman and committee members;

Having been involved in the regulatory process as a member of the Alaska Board of Fish and Game, Alaska Board of Fisheries and as a voting member of the North Pacific Fisheries Management Council, I am fully aware of the time commitment an individual makes by accepting an appointment. We need Board members that are knowledgeable of our fishing resources, willing to listen, and can be objective when dealing with our renewable fishery resources and the various user groups.

I've known Dick Jacobson and Deborah Lyons personally, and as long as they are both willing to accept these appointments, I would urge their confirmation. I am certain the State and its vast fishery resources would benefit from their knowledge and their ability to communicate with the various user groups.

Signed: Joseph Demme  
Testifier

Representing (Optional)  
2724 - 4<sup>th</sup> AVE. KETCHIKAN, AK 99901  
Address  
907 225 5376  
Phone No.



HOUSE RESOURCES COMMITTEE

DATE: Wed. March 17, 1993



PLACE: Capitol, Room 124

SUBJECT OF MEETING:

Confirmation of Appointees to Boards of Fisheries and Game — Public testimony

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT WHICH BOARD / Appointee
④ Jim BACON	Southeast Alaska Seiners	9226 Long Run Dr Juneau	99801	789-2405	789-5117	(Y) N	Fish & Game Deborah Lyons
⑦ RUSSELL LEATH	Alc Env. LOBBY	P.O. Box 22151 Juneau	99802	586-1891	463-3366	(Y) N	Game SUE FARMINGER
⑪ JIMMY Mc CURR	UNITED FISHERMEN OF ALASKA	211 Fourth Street Suite 112 Juneau AK	99801	586-2820	586-2820	(Y) N	Deborah Lyons DICK JACOBSEN
⑬ RICHARD HOFMANN	ALASKA TROLLERS ASSOC	5025 THANE Rd Juneau	99801	586-3451	586-9400	(Y) N	DEBORA LYONS
⑭ John George	AK Outdoor Council	9515 Moraine Way Juneau AK	99801	9-0172		(Y) N	Debra Lyons
⑰ BILL BURK	SELF	PO BOX 240742 DOUG	99824	7806019	—	(Y) N	SUE FARMINGER
⑱ Chip Thomas						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

LTNS

30370

PSG  
OTS.  
WRG

Sitka

(2) Linda Rehnken 747-3400  
403 Lincoln St.  
Sitka 99835

(6) Greg ~~Cashman~~ <sup>Cushing</sup> 747-3195  
407 Hamlock St

Petersburg

(3) Gordon Jensen 772-4705  
Box 264 99833

(8) Max Holtzinger 772-3627  
Box 846 99833

(13) Loren Croxton  
Box 1410 772-3622

Ketchikan

(5) Tom Ramiskey <sup>Ketch Marine Charters</sup> 225-2225  
428 Towler 99901

(1) Don McQueen 225-2731  
3222 Tide Ave 99901

(15) Brian Warmath 225-0432  
Box 6382 99901

(12) Andy Ramwolf 225-3697  
7942 Sky Hwy  
S. Tongass

(19) Bob Tahake 247-8207  
Box 991 Wood Cove 99928

(21) Dave Otte  
Box 3069 225-7814

Wrangell

(9) Tony Gudenbichler <sup>Guggenbuecker</sup>  
Box 393 Wrangl 99829  
874-3658

(14) ~~Gayne~~ <sup>Gayne</sup>  
Box 1183 874-3192  
99929

Display

Anchorage

(10) Nicole Evans 277-0897  
P.O. Box 202022  
99520

(17) Dennis Randa 262-5920  
P.O. Box 3055 Soldotna  
99669

(20) Steve Wells 277-0897  
P.O. Box 202219 99520

Kodiak

(18) Larry Malloy  
104 Center Ave Suite  
Kodiak 99615 202

TOK

(25) Alan <sup>Keach</sup> Teach  
Box 362  
883-5330  
99929

03/17/93  
08:36:59

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:30370 SCHEDULED FOR:03/17/93 08:00 TO 10:00  
PUBLIC HEARING HOUSE RESOURCES

LTN1150  
BY:KOD  
FOR:KOD

LOCATION: KODIAK

ALL ITEMS

MR.

LARRY

MALLOY ✓

*Testify*  
~~OBSEVE~~

03/17/93  
08:03:56

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:30370 SCHEDULED FOR:03/17/93 08:00 TO 10:00  
PUBLIC HEARING HOUSE RESOURCES

LTN1150  
BY:SIT  
FOR:SIT

LOCATION:SITKA  
PUBLIC TESTIMO MS.  
PUBLIC TESTIMO MR.

LINDA  
GREG

BEHNKEN ✓ *Time Constraint* ALFA  
CUSHING ✓ *Time Constraint*

TESTIFY  
TESTIFY

03/17/93  
08:11:45

TCN:30370  
PUBLIC HEARING

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
SCHEDULED FOR:03/17/93 08:00 TO 10:00  
HOUSE RESOURCES

LTN1150  
BY:PSG  
FOR:PSG

LOCATION:PETERSBURG

ALL ITEMS  
ALL ITEMS  
ALL ITEMS

MR. GORDON  
MR. MAX  
MR. LOREN

JENSEN ✓  
HOLTZINGER ✓  
CROXTON ✓

TESTIFY  
TESTIFY  
TESTIFY

03/17/93  
08:17:14

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)

LTN1150  
BY:ANC  
FOR:ANC

TCN:30370 SCHEDULED FOR:03/17/93 08:00 TO 10:00  
PUBLIC HEARING HOUSE RESOURCES

LOCATION:ANCHORAGE

PUBLIC TESTIMO  
PUBLIC TESTIMO  
PUBLIC TESTIMO

BEN  
NICOLE  
DENNIS

ELLIS ✓  
EVANS ✓  
RANDA ✓

KENAI SPORTFISH OBSERVE  
AK WILDLIFE ALL TESTIFY  
TROUT UNLTD TESTIFY

ONE More

03/17/93  
08:13:29

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:30370 SCHEDULED FOR:03/17/93 08:00 TO 10:00  
PUBLIC HEARING HOUSE RESOURCES

LTN1150  
BY:KTN  
FOR:KTN

LOCATION:KETCHIKAN

PUBLIC TESTIMO MR.  
PUBIC TESTIMO MR.  
PUBIC TESTIMO MR.  
PUBIC TESTIMO MR.  
PUBIC TESTIMO MR.  
PUBIC TESTIMO MR.

DAN  
TOM  
BRIAN  
BOB  
ANDY  
DAVE

MCQUEEN ✓  
RAMISKEY ✓  
WARMUTH ✓  
JAHNKE ✓  
RAUWOLF ✓  
OTTE ✓

TESTIFY  
TESTIFY  
TESTIFY  
TESTIFY  
TESTIFY  
TESTIFY

Please Print



HOUSE RESOURCES COMMITTEE

DATE: Monday, March 8, 93

PLACE: Capitol, Room 124

SUBJECT OF MEETING:  
Confirmation Hearings  
Board of Fisheries  
Board of Game

Please fill in all requested information

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Russell Heath	ALASKA ENVIRONMENTAL LEADERS	PO Box 22151 Juneau AK	99802	586-1841	961-3366	<input checked="" type="radio"/>	<input type="radio"/>	Board of Game Sue Entsminger
John George	AOC	9515 Mountain Way Juneau		789-0172		<input checked="" type="radio"/>	<input type="radio"/>	Sue Entsminger
1 John Hanson						<input type="radio"/>	<input type="radio"/>	
2 Dick Jacobsen						<input type="radio"/>	<input type="radio"/>	
3 Irene Nicholia						<input type="radio"/>	<input type="radio"/>	
4 Deborah Lyons						<input type="radio"/>	<input type="radio"/>	
5 Susan Entsminger						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	

Confirmation

Board of

Game

3-8-93

## 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 25, 1993

**SUBJECT:** Board of Game Member (Work Order No. 8-LS0656)

**TO:** Representative Bill Williams  
Attn: Mary McDowell

**FROM:** Jerry Luckhaupt   
Legislative Counsel

#### QUESTIONS PRESENTED:

I. May Governor Hickel remove Jack Didrickson as a member of the Board of Game effective April 5, 1993, without cause, and appoint someone else to Mr. Didrickson's position?

**ANSWER:** No. A member of the Board of Game may only be removed from office by the governor for "inefficiency, neglect of duty, or misconduct in office, or because the member while serving on the board is convicted of a misdemeanor for violating a statute or regulation related to fish and game or of a felony. An interim appointee, as is Mr. Didrickson, may only be removed by the governor for the "cause" cited or, if the legislature should fail to confirm Mr. Didrickson, Mr. Didrickson would be removed from his position by operation of law - by the failure of the legislature to confirm. See discussion I.

II. What can the legislature do concerning the appointment of Mr. Didrickson to the Board of Game absent any communication from the governor?

**ANSWER:** The legislature can confirm or reject Mr. Didrickson's appointment or do nothing concerning Mr. Didrickson's appointment. If the legislature fails to take any action regarding Mr. Didrickson's appointment then by operation of law, AS 39.05.080(3), Mr. Didrickson would be removed from his membership on the Board of Game as of the last day of the legislative session. If the legislature rejects Mr. Didrickson's appointment by affirmatively voting in joint session not to confirm him, then by operation of law (AS 39.05.080(3)) Mr. Didrickson will be removed from his membership on the Board of Game as of that day and the governor will be free to appoint someone else at that time. If Mr. Polley is confirmed without Mr.

Didrickson being rejected, a court could rule that Mr. Didrickson is entitled to the office until the last day of the session or could decide that Mr. Polley's confirmation was an implicit rejection of Mr. Didrickson, thereby entitling Mr. Polley to the office. See Discussion II.

### FACTUAL BACKGROUND

The facts as I understand them are that Governor Hickel's appointment of Donald Hanks to the Board of Game was rejected when the legislature failed to confirm Mr. Hanks. See 17th Alaska Legislature, Senate Journal at 3171 - 3172; House Journal at 3704 - 3705. Governor Hickel appointed Jack Didrickson to the position on the Board of Game that was vacant due to Mr. Hanks' rejection by the legislature. In late January or early February of 1993, Mr. Didrickson was notified by the Office of the Governor that Mr. Didrickson's appointment would not be submitted to the legislature for confirmation and that Mr. Didrickson was to be removed from his membership on the Board of Game sometime in late March or early April of 1993. Governor Hickel notified the legislature that he was submitting the name of Ernest E. Polley for the position on the Board of Game that will apparently become vacant when Mr. Didrickson is removed from office by the governor on April 4, 1993. 18th Alaska Legislature, Senate Journal at 304; House Journal at 279. Mr. Didrickson continues to serve as a member of the Board of Game. In news reports, Tuckerman Babcock, Director of Boards and Commissions for Governor Hickel, has stated that Mr. Didrickson was a mere "nominee" for a position on the Board of Game and that the Governor Hickel could withdraw Mr. Didrickson's nomination at anytime.

### DISCUSSION

#### I

In answer to your first question, it is my opinion that Governor Hickel's appointment of Jack Didrickson to the Board of Game is valid and binding and Mr. Didrickson cannot be removed from office by the Governor absent a finding by the Governor that there is cause for Mr. Didrickson's removal from office as provided in AS 16.05.280.

Article III, § 26 of the Alaska Constitution provides:

Section 26. Boards and Commissions. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appoint-

ment shall be subject to the approval of the governor. [Emphasis supplied].

This provision clearly delineates the respective powers of the governor and the legislature regarding the appointment of members of boards and commissions. The governor has the exclusive power to appoint and the legislature has the exclusive power to confirm and to provide how a member of a board or commission may be removed from office.<sup>1/</sup>

AS 16.05.221(b) provides that the Board of Game is "composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session."<sup>2/</sup> AS 16.05.280 provides:

The governor may only remove a board member for inefficiency, neglect of duty, or misconduct in office, or because the member while serving on the board is convicted of a misdemeanor for violating a statute or regulation related to fish or game or of a felony, and shall do so by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or through counsel at a public hearing before the governor or a designee upon at least 10 days' notice by registered mail. The member may confront and cross-examine adverse witnesses. Upon removal, the governor or a designee shall file in the proper state office the findings and a complete statement of all charges made against the member.<sup>3/</sup>

The governor may appoint members of boards and commission, such as the Board of Game, to fill vacancies that occur while the legislature is not in session pursuant to art. III, § 27 of the Alaska Constitution.

Further, AS 39.05.080(4) provides that

Pending confirmation or rejection of appointment by the legislature, persons appointed shall exercise the functions, and have the powers

---

<sup>1/</sup> Article III, § 26 of the Alaska Constitution only applies to boards and commissions that are "at the head of a principal department or a regulatory or quasi-judicial agency." The Board of Game is, I believe, clearly a regulatory board subject to art. III, § 26.

<sup>2/</sup> AS 16.05.221 was amended by the legislature in section 1, chapter 121, SLA 1992. The quoted language was not affected.

<sup>3/</sup> This section, as amended by section 3, chapter 121, SLA 1992, took effect September 20, 1992. The entire section is made applicable to all members of the Board as of September 20, 1992, by section 6, chapter 121, SLA 1992.

and be charged with the duties prescribed by law for the appointive positions or membership.

Clearly, Mr. Didrickson was appointed to the Board of Game in 1992 by Governor Hickel and he entered upon and was vested with all the duties of his office at that time. But is this interim appointment binding on Governor Hickel or may Governor Hickel withdraw Mr. Didrickson's appointment because he has not been confirmed by the legislature or otherwise remove Mr. Didrickson from office? It is my opinion that Mr. Didrickson's appointment is binding on Governor Hickel and that Mr. Didrickson may not be removed from office absent the legislature's failure to confirm Mr. Didrickson or Governor Hickel's compliance with the procedure provided in AS 16.05.280 by removing Mr. Didrickson for cause.

Support for this conclusion is found in the plain language of the Constitution and in the court decisions. The Constitution recites in art. III, sec. 26 that the members of those boards or commissions shall be "appointed" by the governor. To determine the meaning of "appointed" we can look to other provisions of the Constitution for assistance. Article II, sec. 5 of the Constitution refers to the terms "nominated," "elected," or "appointed" as exclusive alternatives which are "clearly intended to catalogue the routes by which one may attain an 'office or position of profit.'" Begich v. Jefferson, 441 P.2d 27, 32 (Alaska 1968). In Alaska, "appointed" clearly does not mean "nominated."

That "nominated" and "appointed" are not synonymous terms in this state is further supported by the proceedings of the framers of our constitution. Art. III, § 26 of our constitution, as originally proposed in Committee Proposal No. 10a, by the Executive Branch Committee of the Alaska Constitutional Convention stated:

Whenever a board or commission is at the head of a principal department or of a regulatory or quasi-judicial body, the members thereof shall be **nominated and appointed** by the governor, with the advice and consent of the senate. . . . [Emphasis supplied].

This "nomination" language and reasoning was specifically rejected by the framers of our constitution as it was finally enacted.

The distinction between "nominated" and "appointed" is significant. In the federal system, the president "nominates" persons to the senate for confirmation. A federal "nominee" does not take office pending confirmation. In that situation:

There is no 'appointment' within the meaning of vesting final title to the office until acted upon affirmatively by the legislative branch of government. Justice Marshall states that until the legislature acts, the president is free to choose whom he will.

Munson v. Territory of Alaska, 16 Alaska 580 (1956). But, an "appointee" takes office and is vested with all the duties, powers, and responsibilities of the office subject only to the legislature's authority to fail to confirm the appointment. When a person is "appointed" and takes office and exercises the powers of the office, the governor has performed the "last act" necessary to vest the person with the powers of the office. The governor may not later withdraw or revoke the appointment except that he may remove the appointee as provided by law.

In Division of Elections v. Johnstone, 669 P.2d 537, 539-540 (Alaska 1983) the supreme court held that the term appointment as used in the Constitution means "to designate for office." The court also found that the appointment of a superior court judge was effective on the completion of the "last act" of the appointing authority, in that case, the letter of appointment issued to the judge by the governor.

The Alaska Supreme Court, in Johnstone, cited McChesney v. Sampson, 232 Ky. 395, 23 S.W.2d 584 (1930) in support of this proposition. McChesney is strikingly similar to the present case. In McChesney, the Kentucky Supreme Court was confronted with a situation where the governor, having the authority to appoint members of a board subject to confirmation by the Senate, appointed in the interim (between sessions of the legislature), McChesney who entered upon and performed the functions of the office. Several months later, before the legislature had again convened, the governor removed McChesney without cause and appointed another person. McChesney sued to retain his office. The court held that the governor's purported removal of McChesney was illegal. The court stated that the governor by naming and appointing McChesney had exhausted his power to appoint and performed the "last act" necessary to vest McChesney with his office, subject only to the state senate's authority to confirm or fail to confirm and to the governor's authority to remove McChesney for cause as provided by law. The court further contrasted the situation where an officer is "appointed" subject to confirmation by the legislature (as exists in Alaska by art. III, sec. 26 of the Constitution) with the situation where an officer is "nominated" subject to confirmation (as exists for federal appointments) and said:

Furthermore, in cases where the nomination must be confirmed before the officer can take the office or exercise any of its functions, the power of removal is not involved and nominations may be changed at the will of the executive until title to the office is vested. But under our system the appointee of the Governor takes the office, enters upon the performance of its duties, and is charged with responsibility. He holds then subject alone to the action of the Senate. His status is not that of a nominee awaiting confirmation, but that of an officer invested with the powers, privileges, and responsibilities of the position until the Senate acts. A recall of his designation would operate as a removal from office. It is argued that appointment to the office consists of two

separate acts, one by the Governor and one by the Senate, and until both have acted there is no appointment such as to bring the incumbent within the protection of the law. Even so, the two powers do not act concurrently, but consecutively, and action once taken and completed by the executive is not subject to reconsideration or recall . . . What, then, constitutes an appointment insofar as the chief executive has to do with it? Appointment to an office by one possessing the appointing power is the designation of another person to discharge the duties of the office. [Citation.] It is completed when the appointing authority has performed the acts incumbent upon him to accomplish the purpose. [Citations.] The fact that the title to the office, and the tenure of the officer, are yet subject to the action of the Senate, does not render incomplete the act of the chief executive in making the appointment. The appointment alone confers upon the appointee for the time being the right to take and hold the office, and constitutes the last act respecting the matter to be performed by the executive power. [Emphasis supplied].

McChesney, *supra*, at 587.

The court concluded by stating: "Such power as flows from the act of the Governor in making the appointment is invested by the statute in the appointee, and may not thereafter be recalled or bestowed upon another unless the consent of the Senate is withheld." See also Barrett v. Duff, 114 Kan. 244, 217 P. 918 (1923).

The rule discussed in McChesney v. Sampson has been variously stated by courts and commentators to be the "majority rule," the "general rule," and to be "universally held." See e.g., Barrett v. Duff, *supra*; State v. Essling, 128 N.W. 2d 307, 311 (Minn. 1964) ("well settled"); State v. Brewster, *supra*; 89 ALR 135 ("general rule").

McChesney and the rule discussed in it are based upon Marbury v. Madison, 1 Cranch 137, 5 U.S. 137, 159-60, 2 L.Ed 60, 68-69 (1803) in which Justice Marshall stated:

[W]hen the officer is not removable at the will of the executive, the appointment is not revocable, and cannot be annulled. It has conferred legal rights which cannot be resumed. The discretion of the executive is to be exercised until the appointment has been made. But having once made the appointment, his power over the office is terminated in all cases, where by law the officer is not removable by him.

While the principle of a strong executive is embraced by our Constitution and recognized by our courts, Bradner v. Hammond, 553 P.2d 1, 3, n.3 (Alaska 1976), that principle does not mandate a different conclusion than that reached by the United

States Supreme Court, the McChesney court and their progeny. When Governor Hickel appointed Mr. Didrickson, that is, named him to the office in the letter of appointment, there was a present vacancy on the Board of Game due to the legislature's failure to confirm Mr. Hanks. Under the rationale of the Alaska Supreme Court in Johnstone, supra, Mr. Didrickson was appointed at that time. If there is a present vacancy in office and when the governor performs that "last act," in this case the letter of appointment, then the appointment is effective and binding upon the administration, subject only to the legislature's power to confirm or not to confirm and the statutory authority of the governor to remove the appointee "as provided by law."

Support for this conclusion is found in the settlement of a lawsuit brought by a former member of the Alaska Commercial Fisheries Entry Commission, Michael Whitehead against the state. Mr. Whitehead was appointed to a position on the commission on October 16, 1982, by then Governor Hammond. Governor Sheffield took office in December, 1982, and on February 28, 1983, Governor Sheffield appointed another person to fill the position occupied by Mr. Whitehead. AS 16.43.030(a) provided that the members of the commission could only be removed for cause. Governor Sheffield contended that he had the authority to withdraw Mr. Whitehead's appointment as Mr. Whitehead had not as yet been confirmed by the legislature.<sup>4/</sup> Mr. Whitehead then sued to retain his position on the commission. The state settled the lawsuit by paying Mr. Whitehead his salary and benefits as a member of the commission up to June 16, 1983, and an additional \$75,000.

The similarities between the Whitehead case and the present case are numerous. The settlement by the state seems to support a conclusion that a subsequent administration may not withdraw or revoke the valid, effective appointments of a previous administration, or replace an appointee except "as provided by law," where the appointee has taken office and is exercising the powers, duties, and responsibilities of the office. Similarly, if a subsequent administration cannot revoke the interim appointments of a previous administration, they surely cannot revoke their own.

Further support for this position is found in Governor Hickel's purported removal of Peter Sokolov as a member of the Alaska Public Utilities Commission in 1991. Mr. Sokolov had been appointment by Governor Cowper in November, 1990, to begin a new term after the expiration of Mr. Sokolov's previous term. In January 1991, Governor Hickel notified Mr. Sokolov that his appointment was being "withdrawn." The legislature that year took up Mr. Sokolov's appointment, even though the governor failed to send Mr. Sokolov's name to the legislature for confirmation. The legislature then failed to confirm Mr. Sokolov's appointment.

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<sup>4/</sup> It was apparently the state's position that Mr. Whitehead was a "nominee" and that the "last act" necessary to make his appointment effective was confirmation by the legislature.

Be advised that the Alaska Attorney General in an opinion from James L. Baldwin to Kevin Bruce, dated February 3, 1983 (copy attached) advised the Sheffield administration that the governor had the authority to withdraw an appointment made by a previous governor. The opinion does not cite any authority for this position other than another opinion from Rodger Pegues to Vicki Clayman issued on December 10, 1979. (Copy attached). That opinion also does not cite any authority other than Marbury v. Madison, *supra*, discussed earlier, but it is significant that in that opinion the Department of Law finds that midnight appointments by an outgoing governor that can be accomplished in their entirety "make some sense." Presumably if they make some sense they are also binding and effective on the new administration. And if they are binding and effective on a new administration they are most certainly binding upon the same administration, as in this case where the midnight appointment is analogous to an interim appointment.

## II

You have asked what the legislature can do reference the Didrickson matter. I see the legislature as having two options: (A) hold confirmation proceedings for Mr. Didrickson and treat Governor Hickel's purported removal of Mr. Didrickson as ineffective; and (B) do nothing. I will discuss these options each in turn.

## A

If the legislature decides that Governor Hickel's purported removal of Mr. Didrickson is ineffective then I believe the legislature can consider Mr. Didrickson for confirmation in the absence of a communication from the governor requesting the confirmation.

Art. III, sec. 26 provides:

When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.<sup>5/</sup>

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<sup>5/</sup> Art. III, § 25 provides that the governor may appoint the "head of each principal department" of the state.

This provision provides that the governor has the authority to appoint the members of each board or commission that "is at the head of a principal department or a regulatory or quasi-judicial agency." These appointees are subject to the legislature's constitutional authority to confirm or reject them.<sup>6/</sup>

In Bradner v. Hammond, 553 P.2d 1, 7 (1976), the Alaska Supreme Court described the authority of the legislature to confirm the appointees described in sections 25 and 26 as:

not a distinct legislative power, but rather a part of the executive power of appointment which has in turn been delegated in some specific instances by constitution to the legislative branch of government.

Therefore, the power of confirmation of the governor's appointees to the "head of each principal department" and to membership on each board or commission that "is at the head of a principal department or a regulatory or quasi-judicial agency," though normally an executive branch function, has been exclusively delegated to the legislature by the Alaska Constitution.

To implement this confirmation power granted by the constitution the legislature has enacted AS 39.05.080. This section provides that the governor:

shall, within 30 days of the convening of the legislature in regular session, present to the legislature the names of the following persons: (A) persons appointed to a position or membership who have not previously been confirmed by the legislature or either house of it; (B) persons appointed subject to confirmation to fill an existing position or membership vacancy; (C) persons to be appointed subject to confirmation to fill a position or membership the term of which shall expire before July 2, following the session of the legislature. If an appointment is made after the deadline but while the legislature is in session, the appointing authority shall, within five calendar days after the appointment is made, present to the legislature for confirmation the name of the person appointed. The deadline may be extended by the legislature by the approval of a concurrent resolution. . . .

But what if the governor fails or refuses to transmit the names of his appointments, or a particular appointment, to the legislature? Is the legislature without authority

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<sup>6/</sup> Other appointments subject to legislative confirmation include certain military officers, art. III, §19; the non-attorney members of the judicial council, art. IV, §8; members of the Commission on Judicial Qualifications, art. IV, §10, and members of the University of Alaska Board of Regents, art. VII, §3.

to confirm or reject the appointment if the governor does not commence the confirmation process by transmitting the name? The Alaska Supreme Court has never considered this issue but the courts of several other states have. The leading case on the subject of the legislature's authority to confirm or reject a gubernatorial appointment in the absence of a communication by the governor appears to be People v. Shawver, 30 Wyo. 366, 222 P.2d 11 (1924). Shawver was cited by the Alaska Supreme Court in Bradner for the proposition that confirmation is actually a portion of the executive's appointment power that has been delegated to the legislature by the constitution. Bradner, supra, at 7, n. 19. In Shawver, the Wyoming Supreme Court after reaching this conclusion addressed the next part of the issue presented by that case: Whether the Wyoming Senate (granted the power to confirm the appointees of the governor by the Wyoming Constitution) could act to confirm or reject an appointee when the governor did not transmit the appointee's name to the Senate and did not ask that the appointee be confirmed? The case involved the appointment of an individual to a state office by a governor who was then succeeded by another governor. The new governor failed to submit the appointment to the Senate for confirmation. The court said:

But why may not the Senate act upon an appointment of which it has knowledge, if the Governor should refuse or neglect to ask for such action especially where the appointee is known to have entered upon the duties of the office? A provision for an appointment by the Governor with the consent of or to be confirmed by the Senate directs not only what shall be done, but also in effect what shall not be done. The affirmative act of the two governmental agencies is required to confer title to an office under such a provision. A completed appointment cannot be made in any other way than as so provided. [Citations omitted] While the Governor's act in selecting the person to be considered for an office may be the principal and perhaps the more important one of the two, it is not alone sufficient. A construction of such provision denying the right of the Senate to act in any case unless directly requested to do so by the Governor or by a communication from his office would obviously give him the power to ignore the coordinate right of the Senate, and might mean the abolition of that right, and certainly would make it entirely dependent upon the Governor's pleasure.

Shawver, supra, at 23 - 24. The court then held that the Wyoming Senate properly confirmed an appointee, though the governor had not requested the confirmation.

The Kansas Supreme Court reached a similar conclusion in Barrett v. Duff, 114 Kan. 220, 217 P. 918 (1923). That case involved the appointments to state offices by a governor during a recess of the legislature. The appointees entered upon the duties of their offices. A new governor took office and attempted to appoint others to the

offices and removed the previous governor's appointees. By constitution, the Kansas Senate had the authority to confirm the appointees of the governor and the governor could not remove the state officers involved here except as provided by law, for cause. The court said:

The plaintiffs deny any force or validity to the action of the Senate in considering and confirming the appointments of defendants because of the failure of the executive to directly transmit the names of defendants. No good reason is advanced why the Senate would not consider such recess appointments without such direct word from the executive. Judicial notice or knowledge is the cognizance of certain facts which judges and jurors may properly take and act upon without proof because they already know them. Judicial notice means that the court will bring to its aid and consider, without proof of the facts, its own knowledge of those matters of public concern which are known to all well-informed persons. Legislative notice is far broader than judicial notice. 23 C.J. 58. The legislative department is equipped to deal with any condition, general or special, however manifested or brought to the knowledge of the law-making power. The mass of individual legislation found among the statutes of all the states demonstrates this legislative attribute. [Citation omitted].

The offices in controversy are all located in the capitol building, in which the Senate holds its deliberations. They are important departments of the state government. The Senate may, and often does, have official business with them. It receives reports from them. It considers the service which the departments are, by law, required to perform. It considers the extent of such service and its requirements. It considers and passes appropriations in order that they may lawfully and properly function. Under all the circumstances, the Senate cannot shut its eyes to the facts as to whether their respective offices are filled; whether they are functioning under the law, or whether there is a vacancy therein. . . . The Senate, which has official knowledge of all of the acts of another state department, may not close its eyes to an existing fact merely because the executive has failed to transmit a communication giving it the advice. The fact that the Senate is called upon to consent to or confirm appointments presupposes an investigation upon which to base its judgment as to whether or not it should confirm or reject the named appointee. It is a matter of common knowledge that the Senate of Kansas, likewise the Senate of the United States, may, and frequently does, investigate the character, fitness, and ability of the appointee submitted for its consideration. The Senate must be permitted to investigate on its own initiative, and without communication from the Governor, the status of offices; otherwise the Governor

could fill and refill them at his pleasure by simply failing to advise the Senate. . . . We conclude that the Senate did not go beyond its powers in making the investigation concerning the offices held by the defendants, and, having satisfied itself, that it could properly exercise its judgment thereon. While it is the usual and customary courtesy of the executive to transmit such facts to the Senate, we believe it the better view to hold that the Senate may, on its own initiative, if it so desires, ascertain the facts upon which to base its deliberative and final judgment in confirming or rejecting appointees of the Governor.

Barrett, supra, 925-926. The Kentucky Supreme Court in McChesney, supra, discussed in Discussion I also reaches the same conclusion.

In fact, virtually all other courts that have considered this issue have reached the same conclusion. See, e.g., Bell v. Sampson, 232 Ky. 376, 23 S.W.2d 575 (1930); State v. Halladay, 219 N.W. 125 (S.D. 1928); State v. Brewster, 84 S.E.2d 231, 248 (W.Va. 1954); Commonwealth v. Stewart, 286 Pa. 511, 134 A. 392 (1926). Our research has disclosed only two court decisions that have reached an opposite conclusion, Attorney General v. Warner, 299 Mich. 172, 300 N.W. 63 (1941) and Burke v. Schmidt, 191 N.W. 2d 281 (S.D. 1971)). In Warner, the court though, held that under the Michigan Constitution and that State's court decisions that the confirmation power of the legislature is a legislative power, not a delegation of the executive's appointment power. As such, its reasoning is contrary to the Alaska Supreme Court's decision in Bradner and is distinguishable on that ground. In Burke, it appears the court held that the board members involved were not entitled to succeed to their offices and perform the duties thereof until they were confirmed. Burke, Supra, at 285. This is contrary to the procedure that is provided here in Alaska by constitutional provision and statute and is clearly distinguishable on that ground. See Art. I, § 27 of the Alaska Constitution and AS 39.05.080(4).

Therefore, I conclude that the legislature may properly consider the confirmation or rejection of Mr. Didrickson as an art. III, § 26 appointee of the governor. While it is hoped that the governor will comply with the reasonable procedure for communication of appointments the legislature has provided in AS 39.05.080, if the governor fails or refuses to request the confirmation of an appointee (as apparently is the case with Mr. Didrickson), the legislature may take notice of previous appointments and of the persons occupying the constitutional offices listed in section 26. To hold otherwise would allow the governor to prevent the legislature from exercising its constitutional confirmation power at his whim, caprice, or neglect and would render the confirmation function a nullity. Shawver, supra. Such an absurd result was not intended by the framers of our constitution and would not, I believe, be embraced by our courts.

B

The second alternative I have identified is for the legislature to do nothing. One result of this alternative would be that the legislature has refused to consent to Mr. Didrickson's removal. The ultimate result would be that the legislature would have failed to confirm Mr. Didrickson's appointment to the Board of Game. Such an act would be tantamount to a rejection under AS 39.05.080(3) on the day the session adjourns.<sup>7/</sup> Munson v. Territory of Alaska, discussed earlier in answer to question 1, reaches a similar conclusion.

Although, AS 39.05.080(3) does anticipate an orderly procedure for confirmation or rejection of all appointments by providing that all appointments will be presented to the legislature, (and if not confirmed they are rejected by operation of law), it does not anticipate the situation where an appointment has been made and a request for confirmation is not communicated to the legislature. But, just as the legislature may take notice of an appointment for the purpose of confirming an appointee, as discussed in answer to your first question earlier, so too, is the legislature charged with notice when it fails to confirm a gubernatorial appointee even without communication from the governor. Shawver, supra; Bell v. Sampson, supra. Therefore, if the legislature does not act to confirm Mr. Didrickson with or without a communication from the governor, Mr. Didrickson's appointment will have been rejected by the legislature on the day the legislature adjourns this session. At that time, there will be a vacancy on the Board of Game and Governor Hickel will be free to appoint someone else to the seat.<sup>8/</sup> I do not believe that Governor Hickel is free to appoint anyone else to that seat, including Mr. Polley as the governor has attempted to do, until the last day of the legislative session. If the legislature affirmatively votes and rejects Mr. Didrickson, then governor Hickel would be free to appoint someone to Mr. Didrickson's seat as of that day.

If the legislature were to confirm Governor Hickel's appointment of Mr. Polley to Mr. Didrickson's seat without refusing to confirm Mr. Didrickson, I believe a court could conclude that Mr. Didrickson is entitled to the office until the last day of the session or, I suppose, Mr. Polley's confirmation could be viewed as an implicit rejection of Mr. Didrickson's appointment, and Mr. Polley would be eligible to assume membership on the Board of Game at that time.

GPL:pl  
93-127.plm  
Enclosures

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<sup>7/</sup> AS 39.05.080(3) provides in part: "Failure of the legislature to act to confirm or decline to confirm an appointment during the session in which the appointment was presented is tantamount to a declination of confirmation on the day the session adjourns."

<sup>8/</sup> This new appointment will, of course, be subject to confirmation at the next regular session of the legislature.

Vicki A. Clayman  
Office of the Governor

DATE: December 10, 1979

FILE NO: J-66-334-80

TELEPHONE NO:

AVRUM M. GROSS  
ATTORNEY GENERAL

SUBJECT: Reappointments to  
boards or commissions

By:

Rodger W. Pegues  
Assistant Attorney General

You have asked whether, prior to the expiration of his own term, the Governor can make reappointments of members of boards or commissions whose terms expire thereafter. You also ask whether, if that is the case, the new Governor can revoke the reappointment and appoint someone else.

We believe that the answer to both questions is yes.

When a term for an office is set by law, the term continues until its conclusion, regardless of the actual tenure of any person who may hold the office from time to time. Thus, when an incumbent leaves office prior to the expiration of his term, his successor is appointed for the remainder of that term, and the successor must be reappointed if he is to hold the position beyond the end of that term. Accordingly, no matter what an incumbent may do, his term continues until its prescribed end.

Nothing, however, precludes the Governor, as appointing authority, from anticipating the end of terms of office and making present appointments to fill the offices as those terms expire in the near future. Indeed, he is required to do this during each session of the legislature with respect to offices which have terms which will expire before July 2, and to submit the names of his appointees to the legislature for confirmation. AS 39.05.030(1). Hence, the Governor, even though he may be leaving office in early December, may make appointments for terms which begin the following January.

If the appointments are subject to confirmation, they are not complete until the legislature confirms them. Prior to confirmation, the new Governor may withdraw the nomination. And indeed, he need not even submit it and can merely revoke the nomination outright. If the appointments are not subject to nomination, they take effect when the appointee qualifies and takes office. That cannot happen until the new term for the office begins. Until that time,

Ms. Vicki A. Clayman  
December 10, 1979  
Page #2

the appointment can, as a general rule, be revoked.

It is probably because each new Governor has the power to countermand any appointive actions taken by each outgoing Governor which remain pending that the latter have not established a history of making midnight appointments to terms of office which begin after they leave office. Where, as in the famous case of Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803), the appointments can be accomplished in their entirety before the expiration of the appointing authority's own term of office, midnight appointments make some sense. But where they remain pending, they will have been futile unless the incoming chief executive approves of them as well.

RWP/pjg

# MEMORANDUM

State of Alaska

TO: Kevin Bruce, Special Assistant  
Office of the Governor

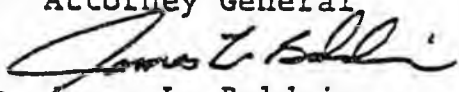
DATE: February 3, 1983

FILE NO: 366-391-83

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch  
Attorney General

SUBJECT: Withdrawal of  
appointment

  
By: James L. Baldwin  
Assistant Attorney General  
Governmental Affairs-Juneau

You have asked if Governor Sheffield may refuse to forward to the legislature the name of a person appointed by the former governor to an office in the executive branch of state government.

We have attached a copy of our earlier memorandum of advice of December 10, 1979. In that memorandum we advised the governor that he may remove a person before confirmation by withdrawing the nomination, or if the name has not been forwarded to the legislature, by informing the person that he or she is no longer under consideration. We reaffirm that advice. However, you should consider the fact that no authority is cited for our earlier advice and that no Alaska case exists to guide us concerning the resolution of this issue.

If our reasoning expressed in the earlier memorandum is rejected by a court, and the appointment is not considered to be a nomination, then an appointee whose name is summarily withdrawn may have a cause of action for denial of a property right without due process of law. See Breeden v. City of Nome, 628 P.2d 924 (Alaska 1981).

JLB/pjg

Enc.

Darrell F. Smith - Anchorage  
Original term began 8/19/88, reappointed 8/20/91 and 05/08/92,  
expires 7/1/94

The following appointments were referred to the Resources Committee:

Big Game Commercial Services Board

Glenn W. Fredericks - Anchorage  
Term began 10/28/92, expires 6/30/96

Paul E. Johnson - Elfin Cove  
Original term began 8/29/89, reappointed 7/13/92,  
expires 6/30/96

Alaska Commercial Fisheries Entry Commission

Bruce C. Twomley - Juneau  
Original term began 10/6/82, reappointed 8/18/88 and 7/21/92,  
expires 7/1/96

Board of Fisheries

Larry Edfelt - Juneau  
Original term began 7/23/91, reappointed 1/31/93,  
expires 1/31/96

John Hanson - Alakamuk  
Original term began 2/8/89, reappointed 7/13/92,  
expires 1/31/95

Dick Jacobsen - Sand Point  
Term began 1/31/93, expires 1/31/96

Deborah A. Lyons - Petersburg  
Original term began 1/31/90, reappointed 1/31/93,  
expires 1/31/96

Board of Game

Susan Entsminger - Tok  
Term began 1/31/93, expires 1/31/96

Roger Huntington - Galena  
Original term began 4/14/92, reappointed 1/31/93,  
expires 1/31/96

Ernest E. Polley - Juneau  
Term begins 4/5/93, expires 1/31/94

Anne K. Ruggles - Fairbanks  
Term began 1/31/93, expires 1/31/96

Alaska Oil and Gas Conservation Commission

David W. Johnston - Anchorage  
Original term began 1/19/89, reappointed 12/31/92,  
expires 12/31/98

The following appointments were referred to the State Affairs Committee:

Athletic Commission

Carolyn J. Michels - Nome  
Term began 10/28/92, expires 5/14/95

Sylvia J. Reynolds - Juneau  
Term began 9/2/92, expires 5/14/96

Gary R. Wilken - Fairbanks  
term began 6/11/92, expires 5/14/96

State Commission for Human Rights

Augusta Sayoko D. Mimoto Greenheart - Anchorage  
Term begins 1/31/93, expires 1/31/98

Robyn F. States - Fairbanks  
Term began 1/31/93, expires 1/31/98

RESUME

Carma P...  
24

ROGER HUNTINGTON

PERSONAL DATA: Born: March 2, 1944 In Koyukuk Alaska,  
Father Sidney Huntington, Mother Angela Pitka Huntington,  
Carola Carlson Huntington, Sons: Thomas, Dwayne, and  
Charles, Address is P.O. Box 26 Galena, Alaska 99741

EDUCATION: 1-12 Grades, Holycross, Alaska Mission, Huslia  
BIA School, High School in Mt. Edgecumbe: Post High School  
in Haskell Jr. College, in Lawrence Kansas, Received Degree  
in Electronic Technology, Western Carolina University, 28  
semester credits in Business Management and Accounting,  
University of Alaska Anchorage. 26 Credits Business  
Management and Accounting, Several hours in Seminars  
relating to Tax Planning, Business Management Techniques,  
Banking, Management in Banking: ANCSA and ANILCA Analysis,  
Other Short Seminars on Small Business Principles.

PAST EXPERIENCES: First work was following my Father on the  
Hunting and Trapping grounds in the winter and cutting fish  
for dogs in summer, Wage Labor came when Bureau of Land  
Management needed Fire Fighters, One summer involved Killing  
and blubbering Fur Seals on the Pribiloffs for the U.S.  
Government and Being a Deck Hand loading and unloading River  
Barges. With Electronic Training I worked in Kansas City  
Mo. for 18 Months, Before being drafted in the Army, where

after Basic Training I continued my Electronic career which took me to Chitose, Japan for 22 months and to New Jersey, Virginia, New Mexico, Arizona, Massachusetts, and California. Out of Service Honorably in 1971 I came back to Alaska and accepted a job as a Local Government Specialist which required me to travel throughout the state to assist Rural Communities with their Self Government problems. At the time became involved in the Tanana Chiefs Conference and its formation of Doyon Limited. My personal priority went from Electronic's to Public service oriented activities thus formulating a decision to go back to school for business training. In 1975 I accepted the Leadership of Gana-A-Yoo Limited, the Joint ANCSA Village corporation for Galena, Koyukuk, Nulato, and Kaltag, During that period I was a Boardmember and also Chairman for the Doyon Limited, to 1978, Board member of United Bank of Alaska, and Alaska Housing Financial Corporation up to 1981. In 1977 Carole and I started a Retail Business in Galena, Today we continue the Business. During periods of not having a wage earning job I earned money Trapping and Fishing Commercially; although having a full or part time jobs and continuing the Business, we maintained our Trapline each season.

**PUBLIC ACTIVITIES:** I been involved in several Public functions, they include: Being City council Member, Mayor, and Fireman to the Firechief, Traditional Council Member, and Chief; Board member on the Alaska Native Commission on