

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

10119 SENATE RESOURCES



ANNE RAUP / Anchorage Daily News

Marilyn Heiman, special assistant on natural resource issues to Gov. Tony Knowles, meets

with Knowles and Kachemak Bay constituent Michael McBride on McNeil River.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME


Habitat and Restoration Division

TONY KNOWLES, GOVERNOR

333 Raspberry Road
Anchorage, AK 99518-1599
PHONE: (907) 267-2285
FAX: (907) 267-2464

MEMORANDUM

TO: Janet Kowalski
Director
Habitat and Restoration Division

FROM: Lance L. Trasky 
Regional Supervisor
Region II

DATE: January 19, 1999

SUBJECT: DNR Public Notice ADL 225906
Proposed 906k Concurrence for Chenik Institute, Inc. Proposed Land Lease

Per Deputy Commissioner Bosworth's E-Mail of January 11, 1999, staff have reviewed the paperwork you hand carried from him concerning the Chenik Institute's proposal to lease several acres of state selected land at Chenik Head. We have also thoroughly reviewed the historic case file on this proposal, sought additional background data from BLM, and interviewed several persons knowledgeable of the state's Cook Inlet land selections. As a result, we respectfully request that Commissioner Rue reevaluate his November 22, 1996, decision which reversed the department's long standing opposition to a long-term validation of a trespass facility on state selected lands.

We make this recommendation for several reasons. In reviewing Deputy Commissioner Bosworth's November 22, 1996, summary chronology of the lease application file we note that several items appear to be taken out of context or misinterpreted. The entry for 3/28/78 states in part, "...A receipt for the permit is on file. BLM acknowledges the application was accepted and 'serialized' with AK-016-8064. BLM has been unable to locate the necessary files and cannot verify whether a permit was issued or not." However, the summary does not clarify that the receipt is for a \$10.00 application and contains an advisory note stating, "This notice is a receipt for monies paid the United States. If these monies are for required fees in conjunction with your application to lease, purchase, enter, or otherwise acquire an interest in public lands or resources, this receipt is not an authorization to utilize the land applied for and does not

convey any right, title, or interest in the land for which application is made (emphasis added)."

The November 1996 summary chronology does not mention a June 20, 1979, letter that Mr. McBride sent to BLM. This letter says in part, "I would like to request a Recreational Use Permit for the same area I applied last year. Perhaps you'll remember my coming into your office in about May to discuss this matter with Mr. John Marik and Dave Mobratten. At that time I did file a permit but was told **it would probably not be acted upon (emphasis added)** . . . Since this land was deficiency selection land for the Seldovia Village, I sought and was given permission by the Native Corporation president Fred Elvsas to maintain a temporary tent camp on Chenik head . . ."

The November 1996 summary chronology for the period 1979-1987 misses several key statements made by Mr. McBride which go to his knowledge and intent of required permits for the Chenik Camp. They include a letter to the Seldovia Native Association (SNA) of June 11, 1985, in which he states, "The original BLM permit was for temporary structures. As the years have passed our original tents have worn out and with your permission we have replaced them with first a tin roofed and plywood building in which to serve clients hot meals and where they can have shelter from the frequent violent storms in the area. Our smaller guest tents have nearly worn out. Last year we replaced one tent with a small, simple plywood and tin cabin." He continues, "Each of these more permanent steps was done with great trepidation on our part because while we had your permission, we had **no legal claim to the land (emphasis added)**. You explained that if SNA did acquire the land through conveyance from the state, then you would give us first option to lease it."

Further, in an October 21, 1993 letter to SNA, Mr. McBride provides a history of his use of the Chenik Site. Pertinent entries of the history state the following:

"1979 Clients at Chenik, continued improvements to facility but laboring under constraint of 'temporary improvement' as specified by BLM, **still concerned about the outcome of the land status (emphasis added)** . . . I assume in light of this ongoing research that SNA will soon be my landlord."

1981 . . . now in our 4th season with clients in tents. I was still laboring under the concern for the BLM restriction so I was conservative in the financial investment and in the 'permanence' of the facility in spite of the fact that tents are ill suited to the savage weather of Kamishak Bay . . .

1982 similar to above, tents now in 5th year of severe weather and **land status still uncertain (emphasis added)**, during communication with Elvsas in his Seldovia office, request permission to transition from tents to buildings observing that the standard Alaskan Wall Tents in 12x24 are about \$2,000 and the amount will buy plywood, 2x4's and metal roofing for similar structure (emphasis added). He concurs with this

plan. Further, it appears from above communication that SNA will soon receive title to land and we will receive lease (emphasis added), we proceed.

1983 the first building is replaced using minimal materials and investment since I am still worried about status (emphasis added) . . .

1986 another tent is replaced with a minimalist cabin, barely big enough to be called a cabin, still afraid to proceed with any good improvements as my future in Chenik is uncertain unless SNA does indeed gets the land (emphasis added) . . . "

The November 1996 summary chronology for 1995 states that the, "Draft McNeil River State Game Refuge/Sanctuary Management Plan language would allow for a commercial operation such as the Chenik Lodge." The inclusion of this statement in the chronology is confusing and inaccurate. Because the chronology is a portion of a November 1996 piece of correspondence it should have referenced the final version of the plan which went into effect August, 23, 1996, when the June 1996 final plan was also adopted as regulation under 5AAC 95.540. The final management plan does not say that a commercial operation such as Chenik Lodge is allowable. The plan states, "To protect fish and wildlife habitat, conserve fish and wildlife populations, and maintain public use opportunities in a high quality environment, permanent commercial facilities will not be allowed in either the refuge or the sanctuary except that the commissioner will, in the commissioner's discretion, allow a permanent commercial facility in the refuge specifically for the purpose of facilitating the brown bear viewing program under appropriate terms and conditions and in a manner compatible with the purpose for which the area is established, only after a finding of fact indicates that refuge and sanctuary management goals are better served with a commercial facility than without (emphasis added)."

If such a finding were made, it should include a detailed description of the services to be provided and the conditions under which they would be conducted. The services would then be advertised for bid and a contract awarded or some other type of agreement reached with the successful bidder to provide the services. To our knowledge, such a finding of fact has not been made. If this were the case, a recommendation to support leasing the property at this time would appear to be in violation of state regulations.

From the above synopsis it is clear that Mr. McBride was well aware of the fact that he needed permits from BLM to legally establish and maintain a facility at Chenik and that BLM told him in 1979 that the application probably would not be acted upon. Authorization from the State through concurrence of any BLM lease of the site was also required pursuant to Section 906(k) of ANILCA because the State of Alaska had selected this land in the early 1970's. Circa 1975/76 the State entered into the Cook Inlet Land Agreement with CIRI and the state's land selections including the Chenik Head area were confirmed by the agreement. Seldovia Native Association litigation of the agreement postponed transfer of the land to the state but judicial proceedings have reconfirmed the state's selections. It appears that in 1982 Mr. McBride made an economic,

business decision to begin replacing wall tents with hard structures. Throughout the entire time he also gambled that SNA would receive the land. They did not.

While we sympathize with the applicant, the basic issue remains legal authorization for the facility. While his actions may be interpreted as well intentioned concerning fish and wildlife, the preponderance of evidence shows his actions were speculative business decisions and the land use was irresponsible and unauthorized. Over the past several years, Mr. McBride has met with BLM officials and state officials from DNR, ADF&G, and OMB/DGC on this matter. The issue of the Chenik Institute taking over operation of the facility is not relevant to whether or not this is an authorized use that should be continued. In fact, from the literature provided by Deputy Commissioner Bosworth, it would appear that the institute has been founded in part to "fund its obligations for the existing infrastructure and investment owed to Chenik Camp founders . . .". We note that the Chenik Camp founders also happen to be the President and the Secretary of the Chenik Institute.

Under state law (Article VIII, Section 17), it is unconstitutional to transfer a parcel of public land property into private ownership, without allowing other interested parties equal access to that or similar parcels. By approving or concurring with the BLM lease or remaining silent, the state would establish a policy of rewarding trespassers and penalizing citizens who have not built unauthorized structures on public land. Such an action could have far reaching implications for hundreds of other trespass structures around the state.

Given that the State Legislature saw fit to create the McNeil River State Game Refuge, it is incumbent upon the department to be fair and impartial when dealing with land use proposals within the refuge. Decisions must be made based on the guidance contained in the refuge management plan, state regulations, and in the public forum. When the state takes possession of the Chenik Head area from the federal government the land must be free of any encumbrances. If the trespass facilities are grandfathered on the land through a BLM lease the public process will have been circumvented and our ability to effectively regulate activities within the refuge hindered.

Therefore the department should continue to oppose any long-term BLM authorization of this trespass facility, regardless of who the applicant might be. Awarding a transferable lease to a trespass facility should not be condoned. There are many unauthorized structures on state-managed lands in Alaska and while the details of each case vary, the precedent and the principle apply to all.

We have briefly reviewed the 16 conditions and the operations plan associated with DNR's public notice of ADL 225906. Both appear to be inadequate in term of overall content and specificity. It would take a considerable amount of time to prepare an adequate set of stipulations for a commercial brown bear viewing operation in the McNeil River State Game Refuge, none-the-least being selection of an appropriate site for such a facility. Please advise whether you wish us to continue in that regard.

Janet Kowalski

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January 19, 1999

cc: J. Hughes, ADF&G/WC
J. Westlund, ADF&G/WC
J. Brady, ADF&G/CF
W. Bucher, ADF&G/CF
D. McBride, ADF&G/SF

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH 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 15, 1999

SUBJECT: Lease of state land within McNeil River State Game Sanctuary or State Game Refuge for a lodge (Work Order No. 21-LS0479)

TO: Senator Rick Halford
Attn: Brett Huber

FROM: George Uternohle *GU*
Legislative Counsel

You have asked what procedures must be followed for a lease of state land within the McNeil River State Game Sanctuary or State Game Refuge for a recreational facility such as a lodge.

The procedures for the lease of state land are set out at AS 38.05.070 - .105. The procedures for the lease of state land for development of a recreational facility, such as a resort or lodge, are set out at AS 38.05.073. The additional procedures that are applicable to the lease of land within the McNeil River State Game Sanctuary or State Game Refuge are set out in AS 16.20.162 and AS 16.20.041 - .060, respectively.

The first step in leasing state land for a recreational facility is for the commissioner of natural resources to identify those state lands where the development of such a facility is appropriate. AS 38.05.073(a). Lands suitable for development of a recreational facility are identified through a regional land use plan or site-specific plan adopted under the land use and planning procedure established by AS 38.04.065.

If the planning process identifies land suitable for development as a recreational facility, the commissioner may request proposals from potential lessees who are interested in developing the specific type of facility identified in the plan. AS 38.05.073(a). Thirty days before soliciting proposals from potential lessees, the commissioner shall provide public notice of the location and specific type of recreational facility being considered by the commissioner. AS 38.05.073(c). The public notice must be provided to certain municipalities, Native regional corporations, and Native village corporations in the vicinity of the proposed development. *Id.* Other persons who are affected by the proposed development or who have requested to be notified are also entitled to notice of the potential development. *Id.* Notice shall also be published in newspapers. *Id.*

If the commissioner decides to proceed to the solicitation of proposals to develop the recreational facility, the commissioner shall prepare a written solicitation describing the

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essential elements of the request. AS 38.05.073(d). The request for proposals must be sent to interested persons and be published in certain newspapers. AS 38.05.073(e). Those persons who respond to the solicitation for proposals must specifically describe their ability to develop the land and to abide by the terms set out in the solicitation of proposals. Id.

If only one potential lessee is acceptable to the commissioner, the commissioner may begin to negotiate with that person regarding the terms and conditions of the lease. AS 38.05.073(f). If there is more than one potential lessee who is acceptable to the commissioner, the commissioner may select the person who submits the highest bid that exceeds the minimum bid established by the commissioner. AS 38.05.073(g). Once the commissioner has determined the successful bidder, the commissioner may negotiate the terms and conditions of the lease with the successful bidder. Id.

After the lease terms and conditions have been agreed to with the potential lessee, the commissioner may issue a preliminary decision that the lease is in the best interest of the state. AS 38.05.073(h). During the process of preparing the preliminary best interest finding, the commissioner must consult with other agencies regarding those matters that are within the jurisdiction and expertise of the respective agencies. Id. The commissioner shall give public notice of the preliminary best interest determination and shall request comments from the public and state agencies. The commissioner shall hold a public hearing in the area of the proposed lease if there is sufficient interest. Id.

After reviewing the comments received on the preliminary best interest finding, the commissioner shall make a final determination of whether the lease is in the best interest of the state. AS 38.05.073(i). If the commissioner makes the determination that the lease is in the best interest of the state, the commissioner shall offer the lease to the potential lessee, subject to such terms, conditions and study requirements that the commissioner determines appropriate. If a study or plan is required, then the potential lessee may be required to provide and pay for the plan or study. Under the appropriate circumstances, a financial feasibility plan and/or fish and game study may be required. Id. Development of a recreational facility within a state game sanctuary or state game refuge would be an appropriate circumstance in which to require a fish or game study.

The property subject to the lease must be surveyed before the lease is issued. AS 38.05.073(o). The commissioner shall require the lessee to post a performance bond, as the commissioner determines necessary, to cover the completion of the development, maintaining the development under the lease, and/or restoring the lease site if the lease is abandoned. AS 38.05.073(p).

The term of a recreational development lease may not exceed 55 years though there is a possibility that the lessee may receive another lease at the expiration of the original lease. AS 38.05.073(q). The annual compensation paid for the lease shall be reevaluated and adjusted every five years. AS 38.05.073(n). A violation of AS 38.05.073 or a provision of the lease may result in termination of the lease. AS 38.05.073(r).

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In addition to the requirements established under AS 38.05, the lease of land within the boundaries of the McNeil River State Game Sanctuary is also subject to AS 16.20.160 and 16.20.162. Land within the sanctuary is potentially available for lease if the commissioner of fish and game finds that the activity conducted under the lease would be compatible with the purposes for which the sanctuary was established. AS 16.20.162(c)(2). The Board of Game and Board of Fisheries may adopt regulations governing access, development, construction, and entry within the sanctuary that affect the natural habitat, fish and wildlife, and public use of the sanctuary. AS 16.20.162(e).

In addition to the requirements established under AS 38.05, the lease of land within the boundaries of the McNeil River State Game Refuge is also subject to AS 16.20.041. Land within the refuge is potentially available for lease if the commissioner of fish and game finds that the activity conducted under the lease would be compatible with the purposes for which the refuge was established. AS 16.20.041(e)(2). Before land within the refuge is leased by any state agency, that agency must notify the commissioner of fish and game. AS 16.20.050. The commissioner shall require the person or government agency to submit full plans for the anticipated use, full plans and specifications of proposed construction work, complete plans and specifications for the proper protection of fish and game, and the approximate date when the construction or work is to commence, and shall require that written approval be obtained from the commissioner of fish and game as to the sufficiency of the plans or specifications before construction is commenced. AS 16.20.060. A special area permit is required under 5 AAC 95.540 for development and construction activities within the sanctuary or refuge.

CONCLUSION. In order to obtain a lease of state lands for the development of a lodge, a potential lessee must comply with the requirements established for the lease of state land for recreational facilities development under AS 38.05.073. The leasing of land for a lodge on state land within the McNeil River State Game Sanctuary and the adjacent State Game Refuge are further subject to approval of the commissioner of fish and game and to further conditions for the development of the facility that may be established by the commissioner or the boards of fisheries and game under relevant provisions of AS 16.20.

If I may be of further assistance, please advise.

GU:pl
99-013.plm

MCNEIL RIVER STATE GAME REFUGE
AND STATE GAME SANCTUARY
MANAGEMENT PLAN



Prepared by
Alaska Department of Fish and Game
June 1996

If measurable impacts to brown bear viewing in the sanctuary is attributed to camping activities in the refuge, specific campsites should be established and camping activity limited.

Sanctuary Policy: To protect fish and wildlife habitat, conserve fish and wildlife populations, and maintain unique brown bear viewing opportunities in the sanctuary, camping in the sanctuary may be allowed through the wildlife conservation access permit process (5 AAC 92.065), in designated locations. In addition, establishment of a camp in excess of 14 consecutive days or relocating a camp within a 14-day period within a 2-mile radius of a previous camp requires authorization through a special area permit.

COMMERCIAL FACILITIES/STRUCTURES

Refuge/Sanctuary Policy: To protect fish and wildlife habitat, conserve fish and wildlife populations, and maintain public use opportunities in a high quality environment, permanent commercial facilities will not be allowed in either the refuge or the sanctuary except that the commissioner will, in the commissioner's discretion, allow a permanent commercial facility in the refuge specifically for the purpose of facilitating the brown bear viewing program under appropriate terms and conditions and in a manner compatible with the purpose for which the area is established, only after a finding of fact indicates that refuge and sanctuary management goals are better served with a commercial facility than without. Temporary structures (not exceeding one season's use) including tent platforms may be allowed by individual special area permit only if they meet a public need for which there is no feasible alternative and are compatible with maintaining the brown bear viewing opportunities in the sanctuary. Use of temporary structures does not convey any future or exclusive rights. To allow for monitoring of levels and periods of use, permits for commercial operations will include a requirement to report frequency, location, and timing of aircraft landings in the refuge and sanctuary and numbers of visitors transported.

OIL AND GAS

Refuge/Sanctuary Policy: To avoid damage to fish and wildlife habitats, disturbance to fish and wildlife populations (especially impacts to brown bears), and displacement of public use in a high quality environment, surface entry for oil and gas development and transportation, including supplies and equipment storage for off shore exploration or development, will not be allowed in the refuge or sanctuary. Exploration may be allowed under terms and conditions compatible with statutory goals, including appropriate restrictions.



State of Alaska

Department of Natural Resources

Department Order: 134

Title: Trespass on State Selected Land

Original Date Signed: September 26, 1989

Original Author: Lennie Gorsuch

Status: Reconfirmed

Date: December 2, 1994

By: Harry A. Noah

The following is the Department procedure for dealing with known trespass situations on state-selected land.

Although land selected by the state is under Bureau of Land Management (BLM) jurisdiction, the BLM often does not take appropriate action to clear state-selected land of unauthorized use situations before title is issued to the state. The net result of this inadequate BLM effort is to transfer these unauthorized situations along with the land to the state. This often results in preference right, land use permit and lease applications received from persons who have not had their claims adjudicated by BLM. It also puts the state in a liability situation when "improvements" are involved.

The purpose of this order is to set up a simple and straightforward procedure whereby such unauthorized use situations will be identified, noted to the appropriate land selection file, and notification sent to BLM informing them that the state will not accept title without first resolving the unauthorized use situation. The procedure is as follows:

1. DNR line agencies (Division of Agriculture, Division of Forestry, Division of Land & Water Management, Division of Mining, Division of Oil & Gas, Division of Parks & Outdoor Recreation) will identify during their normal operations instances where unauthorized use may exist on state selected land. This information will be documented and forwarded to the affected regional office of the Division of Land & Water Management, with a copy sent to the Title Administration Section. The regional office will maintain files which will be reviewed at the time BLM sends a draft

Sec. 16.20.041. McNeil River State Game Refuge. (a) The following state-owned land and water, including the tideland but exclusive of marine water and submerged land, lying within the parcels described in this subsection is established as the McNeil River State Game Refuge:

Township 10 South, Range 29 West, Seward Meridian

Section 19: S $\frac{1}{2}$

Section 20: SW $\frac{1}{4}$

Section 29: W $\frac{1}{2}$

Sections 30 — 31

Township 10 South, Range 30 West, Seward Meridian

Section 3: SW $\frac{1}{4}$

Section 4: SE $\frac{1}{4}$

Sections 10 — 11

Sections 14 — 16

Section 17: E $\frac{1}{2}$

Sections 20 — 23

Sections 25 — 29

Section 30: SE $\frac{1}{4}$

Section 31: NE $\frac{1}{4}$, S $\frac{1}{2}$

Sections 32 — 36

Township 11 South, Range 29 West, Seward Meridian

Sections 1 — 35

Section 36, except Nordyke Island and its tideland
Township 11 South, Range 30 West, Seward Meridian

Sections 1 — 36

Township 11 South, Range 31 West, Seward Meridian

Sections 1 — 36

Township 11 South, Range 32 West, Seward Meridian

Sections 1 — 36, except land within Katmai National Park and Preserve

Township 12 South, Range 31 West, Seward Meridian

Sections 1 — 36

Township 12 South, Range 32 West, Seward Meridian

Sections 1 — 36, except land within Katmai National Park and Preserve

Township 13 South, Range 33 West, Seward Meridian

Section 1, except land within Katmai National Park and Preserve.

(b) The McNeil River State Game Refuge is established to

(1) provide permanent protection for brown bear and other fish and wildlife populations and their habitats, so that these resources may be preserved for scientific, aesthetic, and educational purposes;

(2) manage human use and activities in a way that is compatible with (1) of this subsection and to maintain and enhance the unique bear viewing opportunities in the McNeil River State Game Sanctuary established under AS 16.20.160;

(3) provide opportunities that are compatible with (1) of this subsection for wildlife viewing, fisheries enhancement, fishing, hunting, and trapping, for temporary safe anchorage, and for other activities.

(c) The Board of Game shall determine whether hunting of brown bears within the McNeil River State Game Refuge should be prohibited.

(d) The use and enjoyment of valid rights and interests in mineral claims, including the right of access, within the McNeil River State Game Refuge is protected. This subsection does not affect the power of the commissioner of natural resources to open or close land within the McNeil River State Game Refuge to new mineral entry under AS 38.05.185 — 38.05.275.

(e) The department and the Department of Natural Resources

(1) may not enter into sales of land within the McNeil River State Game Refuge;

(2) may enter into leases within the McNeil River State Game Refuge if the commissioner finds that activity conducted under the lease is compatible with the purposes for which the refuge is established.

(f) The commissioner shall prepare a report and notify the legislature of its availability by January 30 of each year on

(1) the status of the brown bears and other fish and wildlife resources within the McNeil River State Game Refuge; and

(2) the effect of hunting, fishing, and trapping, fishery enhancement activity, and mineral resource development on these resources. (§ 2 ch 56 SLA 1991; am § 21 ch 21 SLA 1995)

Delayed repeal. — Under §§ 7 and 9, ch. 56, SLA 1991, this section is repealed upon entry of a final order permanently enjoining the operation of the Paint River fish ladder and the expiration of any time for appeal of the order. The commissioner of fish and game shall certify to the revisor of statutes the date determined under § 9, ch. 56, SLA 1991.

Cross references. — For legislative findings in connection with the enactment of this section, see § 1, ch. 56, SLA 1991 in the Temporary and Special Acts.

Effect of amendments. — The 1995 amendment, effective August 8, 1995, substituted the present in-

troductory language of subsection (f) for "The commissioner shall report to the legislature by January 30 of each year."

Editor's notes. — Under §§ 2 and 8, ch. 56, SLA 1991, this section was to take effect on the date the Paint River fish ladder begins operation. Under § 8, ch. 56, SLA 1991 the commissioner of fish and game was to certify to the revisor of statutes the date the fish ladder began operation. That certification was given on December 29, 1992, and this section took effect on January 1, 1993.

Under § 8, ch. 56, SLA 1991, the enactment of this

area, or private land in a critical habitat area, the responsible state department or agency or private landowner shall notify the commissioner.

(b) No person or governmental agency may undertake an activity listed in 5 AAC 95.420(a) within a special area unless the commissioner has been notified and a permit for the activity has been issued by the commissioner under 5 AAC 95.700 — 5 AAC 95.760. (Eff. 6/5/86, Register 98)

Authority: AS 16.05.020	AS 16.05.255	AS 16.20.130
AS 16.05.050	AS 16.20.050	AS 16.20.170
AS 16.05.251	AS 16.20.120	AS 16.20.250

5 AAC 95.420. ACTIVITIES REQUIRING A SPECIAL AREA PERMIT. (a) No person or governmental agency may engage in the following uses or activities within a special area without first obtaining a special area permit following the procedures of 5 AAC 95.700 — 5 AAC 95.760:

- (1) construction, placement, or continuing use of any improvement, structure, or real property within a special area;
- (2) destruction of vegetation;
- (3) detonation of an explosive other than a firearm;
- (4) excavation, surface or shoreline altering activity, dredging, filling, draining, or flooding;
- (5) natural resource or energy exploration, development, production, or associated activities;
- (6) water diversion or withdrawal;
- (7) off-road use of wheeled or tracked equipment unless the commissioner has issued a general permit under 5 AAC 95.770;
- (8) waste disposal, placement, or use of a toxic substance;
- (9) grazing or animal husbandry; and
- (10) any other activity that is likely to have a significant effect on vegetation, drainage, water quality, soil stability, fish, wildlife, or their habitat, or which disturbs fish or wildlife other than lawful hunting, trapping, fishing, viewing, and photography.

(b) The commissioner makes the final determination as to whether a specific activity is subject to the provisions of this chapter. (Eff. 6/5/86, Register 98)

Authority: AS 16.05.020	AS 16.05.255	AS 16.20.130
AS 16.05.050	AS 16.20.060	AS 16.20.170
AS 16.05.251	AS 16.20.120	AS 16.20.260

5 AAC 95.430. CONDITIONING, APPROVAL, OR DENIAL OF SPECIAL AREA PERMITS. If the procedural requirements of 5 AAC 95.700 — 5 AAC 95.760 are met, the commissioner will permit a use or activity listed in 5 AAC 95.420 that meets or can be conditioned to meet the following standards:

and restoration division, 333 Raspberry Road, Anchorage, AK 99518-1599.

5 AAC 95.540. MCNEIL RIVER STATE GAME REFUGE AND STATE GAME SANCTUARY MANAGEMENT PLAN. The McNeil River State Game Refuge and State Game Sanctuary goals and policies stated in the McNeil River State Game Refuge and State Game Sanctuary Management Plan dated June 1996 are adopted by reference. The plan presents management goals and policies for the refuge and sanctuary and their resources that the department will use in determining whether proposed activities in the refuge and sanctuary are compatible with the protection of fish wildlife, their habitats, and public use of the refuge and sanctuary. Under 5 AAC 95.420, a special area permit is required for certain activities occurring in a designated state game refuge or state game sanctuary. The department will review each special area permit application for consistency with the goals and policies of the management plan adopted by reference in this section. A special area permit for an activity in the McNeil River State Game Refuge or the McNeil River State Game Sanctuary will be approved, conditioned, or denied based on the criteria set out in the goals and policies stated in the McNeil River State Game Refuge and State Game Sanctuary Management Plan and on the standards contained elsewhere in this chapter. (Eff. 8/23/96, Register 139)

Authority: AS 16.05.020	AS 16.20.041	AS 16.20.160
AS 16.05.050	AS 16.20.050	AS 16.20.162
AS 16.20.020	AS 16.20.060	

Editor's note: A copy of the McNeil River State Game Refuge and State Game Sanctuary Management Plan dated June 1996 is available at the Alaska Depart-

ment of Fish and Game, habitat and restoration division, 333 Raspberry Road, Anchorage, Alaska 99518-1599.

ARTICLE 6. STATE CRITICAL HABITAT AREAS.

Section	Section
600. Anchor River and Fritz Creek Critical Habitat Area Management Plan	615. Redoubt Bay Critical Habitat Area goals and policies
610. Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan	620. Tugidak Island Critical Habitat Area Management Plan

5 AAC 95.600. ANCHOR RIVER AND FRITZ CREEK CRITICAL HABITAT AREA MANAGEMENT PLAN. The goals and policies of the Anchor River and Fritz Creek Critical Habitat Area Management Plan dated June 1989 are adopted by reference. The plan presents management goals and policies for the critical habitat area and its resources which the department will use in determining whether proposed activities in the critical habitat area are compatible with the protection of fish and wildlife, their habitats, and public use of

ARTICLE 7. PERMIT PROCEDURES.

Section	Section
700. Application procedures	750. Retention of permit; inspection of permit sites
710. Permit decision	760. Renewal of permit
720. Permit conditions and assignment	770. General permits
730. Permit term	
740. Amendments to the permit	

5 AAC 95.700. APPLICATION PROCEDURES. (a) An applicant for a permit shall submit a completed application on a form or in a manner approved by the commissioner. The application must be correct and complete to the best of the applicant's knowledge and be signed and dated by the applicant or the applicant's designee. The submission completed application satisfies any related notification required by AS 16 and this chapter. An application form is available from the department's offices.

(b) The completed application must include the anticipated commencement date, duration, and area of proposed activity including a scaled map, identification of waterbodies at the site, description of type of activity, description of any proposed facility, the description of proposed access route and means and time of travel, and other information necessary for the commissioner to determine whether the activity will comply with the applicable provisions of this chapter.

(c) A completed application must be submitted to the department's habitat division office representing the region or area in which the proposed activity will occur. (Eff. 6/5/86, Register 98)

Authority: AS 16.05.020	AS 16.20.050	AS 16.20.170
AS 16.05.050	AS 16.20.060	AS 16.20.250
AS 16.05.251	AS 16.20.120	AS 16.20.260
AS 16.05.255	AS 16.20.130	

Editor's note: Habitat division office addresses are:

Regional offices:

Juneau: P.O. Box 20, Douglas, Alaska 99824-0020; phone: 465-4290

Anchorage: 333 Raspberry Road, Anchorage, Alaska 99518-1599; phone: 267-2346

Fairbanks: 565 University Avenue, Fairbanks, Alaska 99701; phone: 479-3104

Area offices:

Ketchikan: 415 Main Street, Ketchikan, Alaska 99901; phone: 225-2027

Petersburg: P.O. Box 667, Petersburg, Alaska 99833; phone: 772-3801

Sitka: P.O. Box 510, Sitka, Alaska 99835; phone: 747-5828

5 AAC 95.710. PERMIT DECISION. (a) The commissioner will issue a permit if he or she determines that the requirements of this chapter are met.

(b) The commissioner will notify an applicant in writing of any denial. The notice will include

- (1) the reason for the denial; and

(2) a statement that the applicant may appeal under 5 AAC 95.920 or submit new or additional information and ask for reconsideration under (c) of this section.

(c) The commissioner will, in his or her discretion, reconsider a denial of an application if the applicant submits, to the appropriate habitat division office, factual information which is new or additional to that supplied with the original application. An applicant may submit the new or additional information as an amendment to the original application, or the applicant may submit a new application. The procedures of 5 AAC 95.700 — 5 AAC 95.760 apply to reconsideration. (Eff. 6/5/86, Register 98)

Authority:	AS 16.05.020	AS 16.20.050	AS 16.20.170
	AS 16.05.050	AS 16.20.060	AS 16.20.250
	AS 16.05.251	AS 16.20.120	AS 16.20.260
	AS 16.05.255	AS 16.20.130	

5 AAC 95.720. PERMIT CONDITIONS AND ASSIGNMENT.

(a) To provide for the proper protection and management of fish and wildlife, and their habitats, the commissioner will consider and will, in his or her discretion, include as conditions of the permit

(1) the duration of the proposed activity, including any provision for changing the time period during which the permit is valid and any provision for changing the effective time period of the permit;

(2) any other seasonal use restrictions on a specific activity;

(3) limitation of the a real extent of the activity;

(4) any provision for the mitigation of damage to fish or wildlife, or their habitats;

(5) any provision to facilitate periodic monitoring of the proposed land or water use or activity by an authorized representative of the state, including inspection and sampling;

(6) reporting requirements;

(7) any provision for the posting of a performance bond or other surety as authorized in 5 AAC 95.950, necessary to insure compliance with the provisions of this chapter or conditions of the permit; and

(8) any other necessary condition.

(b) A permit may not be transferred but may be assigned upon written consent by the commissioner.

(c) The commissioner will, in his or her discretion, require a permit applicant to sign and date the permit before its validation as acknowledgement of the permittee's agreement to, and full understanding of, all conditions of the permit. (Eff. 6/5/86, Register 98)

Authority:	AS 16.05.020	AS 16.05.255	AS 16.20.130
	AS 16.05.050	AS 16.20.060	AS 16.20.170
	AS 16.05.251	AS 16.20.120	AS 16.20.260

5 AAC 95.730. PERMIT TERM. (a) Except as provided in (b) and (c) of this section a permit will in the commissioner's discretion be issued for a fixed term not to exceed two years, subject to the provisions of this chapter.

(b) A permit for a personal use cabin issued concurrent with 11 AAC 65 will, in the commissioner's discretion, be issued for up to six years.

(c) A permit will, in the commissioner's discretion, be issued for a fixed term exceeding two years if the commissioner determines that the activity meets the purposes and requirements of this chapter and the activity is permanent in nature. (Eff. 6/5/86, Register 98)

Authority: AS 16.05.020	AS 16.05.255	AS 16.20.130
AS 16.05.050	AS 16.20.060	AS 16.20.170
AS 16.05.251	AS 16.20.120	AS 16.20.260

5 AAC 95.740. AMENDMENTS TO THE PERMIT. (a) The commissioner will, in his or her discretion, initiate action to amend a permit to correct any condition or change any method authorized by the permit which was reasonably unforeseeable at the time of permit approval and which threatens to cause a substantially adverse effect upon

(1) fish or wildlife, or their habitat; or

(2) if the permit is a special area permit, the purpose for which the special area was established.

(b) Any action a permittee desires to take which increases the overall scope of the project or which negates, alters, or minimizes the intent or effectiveness of any condition contained in a permit, is a deviation from the approved plan and requires an amendment before initiation of the action.

(c) A permittee may request amendment of a permit by submitting, to the department's habitat division office where the permit was issued, a written statement explaining why the amendment is necessary, including the amended plan, the location, commencement time, duration, and type of activity requiring amendment.

(d) The commissioner will issue an amendment to the permit if he or she determines that the requirements of this chapter will be met. Review of a request for amendment after receipt of the written statement in the appropriate habitat division office will not exceed 30 days. The procedures of 5 AAC 95.700 — 5 AAC 95.760 apply to a request for amendment.

(e) An amendment approved by the commissioner becomes effective upon receipt by the permittee, or at a later date specified by the amendment. An amendment is valid for the duration of the permit or for a shorter specified period. (Eff. 6/5/86, Register 98)

Authority: AS 16.05.020	AS 16.05.255	AS 16.20.130
AS 16.05.050	AS 16.20.060	AS 16.20.170
AS 16.05.251	AS 16.20.120	AS 16.20.260

5 AAC 95.750. RETENTION OF PERMIT; INSPECTION OF PERMIT SITES. (a) A permittee shall keep a copy of the permit, including any amendments, at the work site until completion of the project, and shall make it available for inspection upon request by an authorized representative of the state.

(b) For the purpose of inspecting or monitoring compliance with any condition of the permit or the requirements of this chapter, a permittee shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the permit site. A permittee shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes. (Eff. 6/5/86, Register 98)

Authority:	AS 16.05.020	AS 16.05.255	AS 16.20.130
	AS 16.05.050	AS 16.20.060	AS 16.20.170
	AS 16.05.251	AS 16.20.120	AS 16.20.260

5 AAC 95.760. RENEWAL OF PERMIT. (a) A permittee may request renewal of an existing permit before the expiration of the current term of the permit. Procedures in this chapter apply to renewal, except that the filing of a new application under 5 AAC 95.700 is not required.

(b) If an existing permit expires or is revoked, a permittee may obtain a new permit only by filing a new completed application in accordance with 5 AAC 95.700. (Eff. 6/5/86, Register 98)

Authority:	AS 16.05.020	AS 16.05.255	AS 16.20.130
	AS 16.05.050	AS 16.20.060	AS 16.20.170
	AS 16.05.251	AS 16.20.120	AS 16.20.260

5 AAC 95.770. GENERAL PERMITS. Notwithstanding 5 AAC 95.700 and 5 AAC 95.750 — 5 AAC 95.760, the commissioner will, in his or her discretion, issue a permit to the public at large for a specific activity in a specific area. (Eff. 6/5/86, Register 98)

Authority:	AS 16.05.020	AS 16.05.255	AS 16.20.130
	AS 16.05.050	AS 16.20.060	AS 16.20.170
	AS 16.05.251	AS 16.20.120	AS 16.20.260

ARTICLE 8. GENERAL PROVISIONS.

Section	Section
900. Mitigation of damages	940. Exemption for emergency and police power activities
910. Failure to adhere to standards	950. Bonding or security
920. Appeals	990. Definitions
930. Exclusion periods	

5 AAC 95.900. MITIGATION OF DAMAGES. (a) Each permittee shall mitigate any adverse effect upon fish or wildlife, or their habitat, which the commissioner determines may be expected to result from, or

Confirm.

Bd. of

Fisher.

5/3/99



Official Business

ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

State Capitol
Juneau, AK 99801

Chairman: Senator Rick Halford
Vice Chair: Senator Robin Taylor
Senator Lyda Green
Senator Pete Kelly
Senator Jerry Mackie
Senator Sean Parnell
Senator Georgianna Lincoln

May 3, 1999

The Honorable Drue Pearce
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

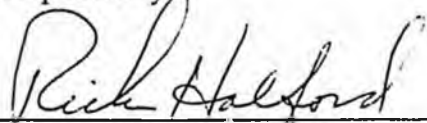
Dear Madam President,

In accordance with AS 39.05.080, the Senate Resources Committee reviewed the following with regard to confirmation of the Governor's appointment:

ALASKA BOARD OF FISHERIES:

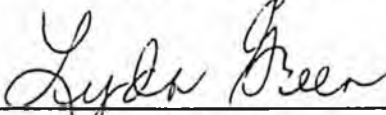
Grant Miller - Sitka

Respectfully,



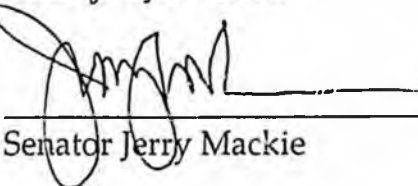
Senator Rick Halford, Chairman

Senator Robin Taylor



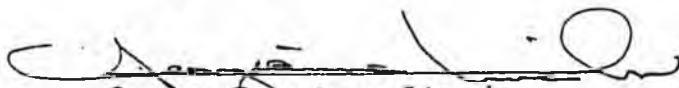
Senator Lyda Green

Senator Pete Kelly



Senator Jerry Mackie

Senator Sean Parnell



Senator Georgianna Lincoln



Official Business

ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

State Capitol
Juneau, AK 99801

Chairman: Senator Rick Halford
Vice Chair: Senator Robin Taylor
Senator Lyda Green
Senator Pete Kelly
Senator Jerry Mackie
Senator Sean Parnell
Senator Georgianna Lincoln

May 3, 1999

The Honorable Drue Pearce
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

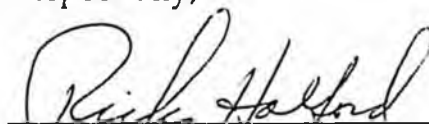
Dear Madam President,

In accordance with AS 39.05.080, the Senate Resources Committee reviewed the following with regard to confirmation of the Governor's appointment:

ALASKA BOARD OF FISHERIES:

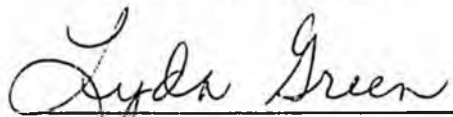
Dan Coffey - Anchorage

Respectfully,



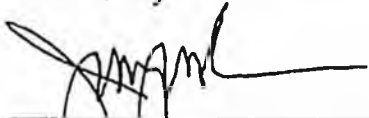
Senator Rick Halford, Chairman

Senator Robin Taylor



Senator Lyda Green

Senator Pete Kelly



Senator Jerry Mackie

Senator Sean Parnell



Senator Georgianna Lincoln



Official Business

ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

State Capitol
Juneau, AK 99801

Chairman: Senator Rick Halford
Vice Chair: Senator Robin Taylor
Senator Lyda Green
Senator Pete Kelly
Senator Jerry Mackie
Senator Sean Parnell
Senator Georgianna Lincoln

May 3, 1999

The Honorable Drue Pearce
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

Dear Madam President,

In accordance with AS 39.05.080, the Senate Resources Committee reviewed the following with regard to confirmation of the Governor's appointment:

ALASKA BOARD OF FISHERIES:
Virgil Umphenour - Fairbanks

Respectfully,

Senator Rick Halford, Chairman

Senator Robin Taylor

Senator Lyda Green

Senator Pete Kelly

Senator Jerry Mackie

Senator Sean Parnell

Senator Georgianna Lincoln



OFFICIAL BUSINESS

Alaska State Legislature

Senate

Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2632

April 6, 1999

MEMORANDUM

TO: Senator Halford, Chair
Resources Committee

FROM: Nancy Quinto *NQ*
Secretary of the Senate

SUBJECT: Governor's Confirmations

Pursuant to AS 39.05.080, President Pearce has referred the following names for legislative confirmation to your committee for a hearing, recommendation and report:

Board of Fisheries

Dan K. Coffey - Anchorage

Appointed: 02/12/96 Reappointed: 03/30/99 Expires: 06/30/02

Grant J. Miller - Sitka

Appointed: 02/12/96 Reappointed: 03/30/99 Expires: 06/30/02

Virgil L. Umphenour - Fairbanks

Appointed 07/22/94 Reappointed: 02/12/96, 03/30/99 Expires: 06/30/02

NQ/kw
Resumes attached

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

6
P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

April 1, 1999

The Honorable Drue Pearce
President of the Senate
Alaska State Legislature
State Capitol, Room 107
Juneau, AK 99801-1182

Drue
Dear President Pearce:

In accordance with AS 39.05.080, I submit the following names for legislative confirmation of appointment to the positions noted:

Board of Fisheries

Dan K. Coffey - Anchorage

Appointed: 02/12/96 Reappointed: 03/30/99 Expires: 06/30/02

Grant J. Miller - Sitka

Appointed: 02/12/96 Reappointed: 03/30/99 Expires: 06/30/02

Virgil L. Umphenour - Fairbanks

Appointed: 07/22/94 Reappointed: 02/12/96, 03/30/99 Expires: 06/30/02

The resumes for these appointments have been submitted to the offices of the Senate Secretary and the Chief Clerk.

Sincerely,

A handwritten signature in cursive script that reads "Tony Knowles".

Tony Knowles
Governor

RESUME'

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

Name and Address:

Phone Numbers

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

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

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

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

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

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

I am a member of the following organizations:

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

My experiences relative to fishing are as follows:

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

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

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

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

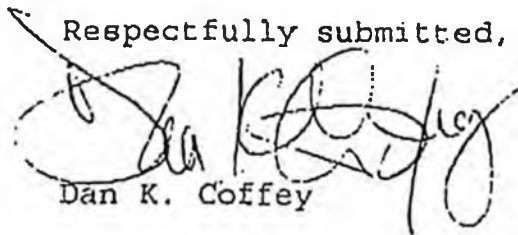
My qualifications for this position are as follows:

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

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

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dan K. Coffey", written in dark ink. The signature is fluid and somewhat stylized, with a large initial "D" and "C".

Dan K. Coffey

Grant J. Miller

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

Education/ Training

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

Employment

Commercial fishing

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

Tour Boat Operator

- Allen Marine Sitka, Alaska 1998

Licenses

Marine fire fighting 1991-Present

Radar observer 1992-1998

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

USCG mate uninspected vessels 500 tons 1978-94.

Boards

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

Service on Vessels Requiring License

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

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

OBJECTIVE

Appointment to the Alaska Board of Fish.

QUALIFYING EXPERIENCE

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

Commercial

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

SPORT

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

SUBSISTANCE/PERSONAL USE

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

HUMAN RELATIONS

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

together.

COMMUNICATION

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

EMPLOYMENT HISTORY

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

MEMBERSHIP

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

REFERENCES

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



Native Village of Port Lions

PORT LIONS TRADITIONAL TRIBAL COUNCIL
P.O. BOX 69
PORT LIONS, ALASKA 99550
PHONE: 907-454-2234 / FAX 907-454-2434

April 30, 1999

Governor Tony Knowles
P.O. Box 110001
Juneau, Alaska 99811
Re: Board Of Fish Nominations

Dear Governor Knowles:

The Port Lions Traditional Tribal Council supports your nominations of Dan Coffey, Grant Miller and Virgil Umphenour to the Board of Fish. We had hoped that you would appoint someone from Kodiak Island to the Board. Nevertheless, we believe these candidates have focused on resource preservation and responsible fisheries management.

This past board cycle the Board of fish addressed two issues of importance to Port Lions. The hard on bottom trawl issue protected the waters adjacent to our village and the tanner crab management plan gave us some hope for future tanner crab seasons. It is important to note that Virgil Umphenour was the leader on the Board in drafting the Kodiak Area tanner crab management plan and that he sought out the advice of industry as well as folks from the rural communities as he worked with the Board to put this plan together. The tanner crab management plan is exactly what the village fisherman in Kodiak wanted. Regarding the limitation of haed on bottom trawling, we can only say that it's about time - finally the Board of Fish responded to our concerns. We still have a small "donut hole" in federal waters in the northern part of Marmot Bay that needs protecting.

While we support your current Board nominations. We again want to stress our desire for you to appoint someone from Kodiak as soon as possible.

Very Truly Yours,

Helen M. Harris, President
Port Lions Traditional Tribal Council

cc: Senator Jerry Mackie
Representative Alan Austerman
Senator Rick Halford, Senate Resource Chariman
Chairman John White, Board of Fish

Subject: Fish Board Appointments

Date: Mon, 26 Apr 1999 14:34:55 -0700

From: "cjudkins" <cjudkins@customcpu.com>

To: "Scott Ogan" <Representative_Scott_Ogan@legis.state.ak.us>,
"Rick Halford" <Senator_Rick_Halford@legis.state.ak.us>

This note is to endorse the reappointment of Dan Coffey, Virgil Umphenour and Grant Miller to the Fish Board. These folks have spent hundreds of hours dealing with fish management issues in the interests of various fish user groups. They have not pleased any of us all the time or even a majority of the time; however they have listened to all sides and gone to great lengths to incorporate all of our wants and needs within the biological constraints of our salmon stocks. This is a difficult task! I think the Board members should be complimented the positive work that they accomplished for the Cook Inlet fisheries; not chastised because they did not give the commercial fishermen all the fish in the inlet. If we do not put adequate numbers of salmon in the rivers we will continue to have less and less fish. I testified for the Boating Association on four issues before the Fish Board, I prevailed on one; still I feel that they made their decisions fairly without favor to any of us and with the biology of the fish as their major concern.

Thank you, Cliff Judkins, President
Alaska Boating Association



APR 2 1999
P.O. Box 1649

Cordova, Alaska 99574-1649

907-424-3115

Fax: 907-424-3116

E-mail: crspa@copperriver.com Web: <http://www.copperriver.com>

Senators and Representatives
Alaska State Legislature
State Capital (MS3100)
Juneau, AK 99801-1182

April 17, 1999

Dear Senators and Representatives

The Copper River Salmon Producers represent the majority of commercial salmon harvesters in Prince William Sound and the Copper River Flats.

Please add our voices of strong opposition to the re-appointment of Virgil Umphenour to the Board of Fish. Appointees to this board must be open and unbiased, have a commitment to proper process and a passion for the preservation and fair allocation of the states fisheries resources. They must balance history, tradition, economic dependence, statutory requirements, the needs of fishing families, cannery workers, and coastal communities when making regulatory decisions.

Our experiences with, and observations of Mr. Umphenour have shown that he brings none of these traits to his board seat.

With a value to the state of over \$1 billion, the Commercial Fishing Industry expects appointees to the board who understand the delicate balance between all user groups; subsistence, commercial and sport. We feel that the state would be better served by a different appointee. The Governor can do a better job in this appointment, and we respectfully request that you remind him of his responsibilities by not confirming Mr. Umphenour.

Respectfully,

Bill Webber
President

cc. Governor Tony Knowles

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MATANUSKA VALLEY ADVISORY COMMITTEE

P.O. BOX 1062, PALMER ALASKA 99645

Date: 26 April 1999

To: Senator Rick Halford
Chairman Senate Resources Committee
Juneau, Ak. FAX 465-4928

From: Carl A. Grauvogel and a majority of advisory committee members.

Subject: Reappointment of Dan Coffee and Virgil Umphenour to the Board of Fisheries

It is our understanding that Dan Coffee and Virgil Umphenour are coming before your resources committee in the near future for consideration of reappointment to the Board of Fisheries. I took a telephone poll of our entire advisory committee last night. On this short notice, I contacted 11 of our 15 members and all but one (who voted to abstain because of lack of personal knowledge) were strongly in favor of reappointment of these two individuals. Bruce Knowles, Andy Couch and I were in attendance at the Board of Fisheries meeting in Soldotna this past February for the entire two weeks. We participated in all aspects of the Board meeting (and several other past Board meetings) including the personal and up close "stake holder" subcommittee meetings. Therefore, we are very familiar with the qualifications and commitment of these two Board members. We found these two members to be fair and unbiased in their consideration of proposals, and most importantly both demonstrated a strong desire to protect the fishery resources first, even though this point of view was not always favorable with some of the various resource users, particularly some commercial resources users who often tended to argue on the side of what was best for their pocket book, rather than what was best for the long-term conservation of the fishery resource.

We strongly favor reappointment of Dan Coffee and Virgil Umphenour to the Board of Fisheries. It will be very difficult to find individuals who have similar qualifications, and the tremendous commitment of time needed to take their place.

April 22, 1999

Governor Knowles
P O Box 110001
Juneau, AK 99811

Regarding: Board of Fish

Dear Governor Knowles,

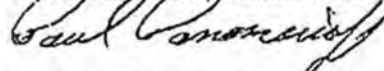
The Ouzinkie Round Table has recently learned of your reappointment of Dan Coffey, Virgil O and Grant Miller to the Board of Fish. Although we would like to see a representative from Kodiak on the Board, we believe that your choices have proven to be guardians for Alaska's resources. During the past year, fishermen from Ouzinkie have interacted with the Board on several issues. Our experience is that the Board has give us a fair hearing

Recently the Board of Fish voted to eliminate hard on bottom trawling in our backyard, Marmot Bay. This Board action illustrates the Board's commitment to resource conservation and a desire by the board to be proactive on several issues -- like the return of crab to the Gulf of Alaska. We support your board nominees and hope the Board of Fish will continue its current commitment to rebuilding depleted or depressed fishery stocks.

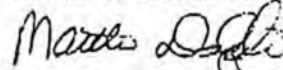
Thank you for your consideration of our views.

Sincerely yours,

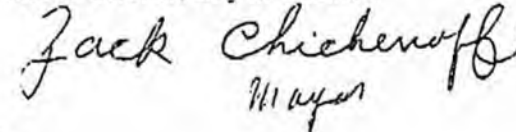
Paul Panamarioff, Ouzinkie Tribal Council



William Anderson, Ouzinkie Native Corporation



Debra Gardner, City of Ouzinkie



cc Senator Jerry Mackie
Representative Alan Austerman
Senator Rick Halford, Senate Resource Chairman
Chairman John White, Board of Fish

Apr-27-99 04:25P Duncan & Leslie Fields 907-486-8836

P.02

April 27, 1999

Honorable Tony Knowles, Governor
P O Box 110001
Juneau, AK 99811

Re: Hard on Bottom Trawling

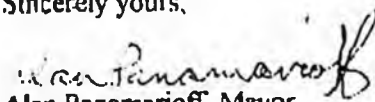
Dear Governor Knowles:

As you may be aware, the Board of Fish acted in March to reduce hard on bottom trawl fishing around Kodiak Island. While many of our concerns were addressed by the Board actions, the Board failed to completely close the State waters of most importance to our community — the west side of Shelikof Straits. We understand that the Board had a desire to protect smaller (and presumably local) trawlers but we continue to believe that the Board should have closed this area. In short, we believe that the rural communities of Larsen Bay and Karluk continue to be adversely effected by hard on bottom trawlers.

Despite being unhappy with the Board's trawl decision, we want to communicate our support for the Board process and our positive interaction with Board members. We found all of the current Board members accessible during the Board's meeting and open to the views of our community regarding the trawl issue. We were surprised by the knowledge about trawling demonstrated by Board members Larry Engle, Virgil Umphenour and Dan Coffey. It was clear that these Board members have good understanding of the resource related economies throughout rural Alaska. We are pleased that you have re-appointed Mr. Umphenour and Mr. Coffey to the Board for another term.

If you have any questions regarding the City of Larsen Bay's views on Board of Fish issues, please do not hesitate to contact me.

Sincerely yours,


Alan Panamarioff, Mayor

cc Senator Jerry Mackie
Representative Alan Austerman
Senator Rick Halford, Senate Resource Chairman
Chairman John White, Board of Fish



Old Harbor Tribal Council

P.O. Box 62, Old Harbor, Alaska 99643
Phone: (907) 286-2215 Fax: (907) 286-2277

April 27, 1999

Honorable Tony Knowles
P.O. Box 110001
Juneau, AK 99811

Re: Decisions by Board of Fish

Dear Governor Knowles,

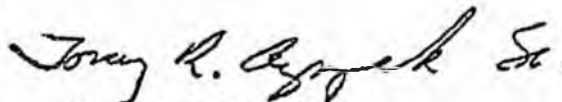
The Old Harbor Tribal Council wishes to thank you and the Board of Fish for the closure of Sitkalidak Straits to hard on bottom trawling. This is an important marine rearing area adjacent to our community that should have been protected many years ago. Finally, during their March meeting, the Board of Fish resolved to limit the destruction caused by the hard on bottom trawls.

We wish to commend Chairman John White for his deliberative management of the trawl issue and especially want to recognize the efforts of the Board's ground fish committee, Larry Engle, Ed Dursham and Virgil Umphenour to understand the issue and to work with stakeholders toward compromise. Virgil Umphenour, in particular, took the time to visit with representatives from our community and to discuss their concerns.

I would also want to thank the Board of Fish for their cautious approach to tanner crab management in the Kodiak area. We believe the new Tanner Crab Management Plan will prove an effective tool for conservative use of tanner crab stocks. We remain concerned, however, about the status of red king crab in the Gulf of Alaska and encourage you and your staff to motivate ADF&G to develop a comprehensive red king crab recovery plan for the Gulf of Alaska.

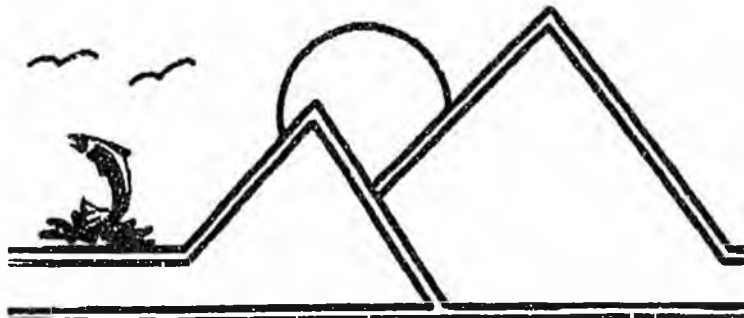
If you have any questions about our comments, please contact our office in Old Harbor.

Very truly yours,


Tony Azuyak, President

cc Senator Jerry Mackie
Representative Alan Austerman
Senator Rick Halford, Senate Resource Chairman
Chairman John White, Board of Fish

4/28



City of Port Lions

Administrative Offices

P.O. Box 110

Port Lions, AK 99550-0110

(907) 454-2332 (Fax) 454-2420

April 28, 1999

Governor Tony Knowles
P.O. Box 110001
Juneau, Alaska 99811

Re: Proposal 132--Hard on Bottom Trawling

Dear Governor Knowles,

The City of Port Lions recently passed a resolution encouraging the Board of Fish to eliminate hard on bottom trawling in the waters of Marmot Bay adjacent to our community. We have tried for years to move the trawl fleet further offshore and only recently felt like the Board would consider our concerns. As you are aware, the Board of Fish closed most State waters in the Kodiak Management Area to trawling in March. We applaud this decision.

All Board of Fish members were actively engaged in the trawl issue. Nevertheless, we wanted to mention three Board members that showed particular interest in the concerns of rural communities. Virgil O, Grant Miller and Dan Coffey responded to our resolution by questioning our representatives further about Port Lions concerns. It was gratifying to see this demonstration of Board concern and realize that Board of Fish members were reading and considering our written materials. We believe that you have made a good decision to reappoint these three gentlemen to the Board of Fish.

If you have any additional questions regarding Port Lions views on the Board of Fish, please do not hesitate to contact me.

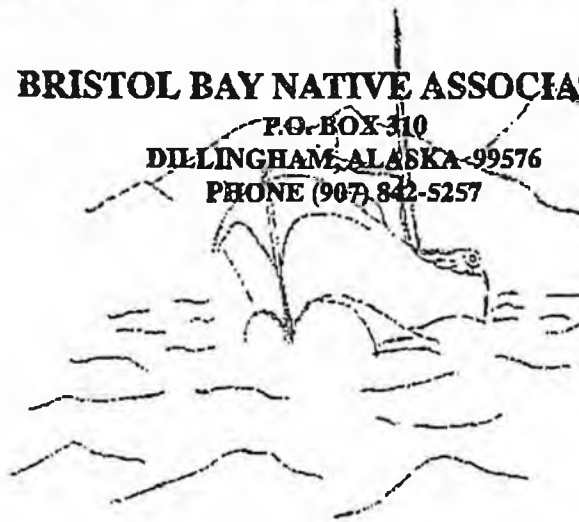
Sincerely yours,

Robert Wagner, Mayor

cc: Senator Jerry Mackie
Representative Alan Austerman
Senator Rick Halford, State Resource Chairman
Chairman John White, Board of Fish

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310
 DILLINGHAM, ALASKA 99576
 PHONE (907) 842-5257



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April 29, 1999

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Chignik Lagoon

Chignik Lake Senator Rick Halford

Clarks Point State Capitol

Dillingham Juneau, AK 99801-1182

Egegik

Eruk

Elwok

Igiugig

Iliamna

Ivanof Bay

King Salmon

Kokhanok

Koliganuk

Levelock

Manokotak

Naknek

New Stoyshok

Newhalen

Nondalton

Pedro Bay

Perryville

Pilot Point

Port Heiden

Portage Creek

South Naknek

Togiak

Twin Hills

Ugashik

Dear Senator Halford;

I understand Virgil Umphenour's reappointment to the Board of Fish is in trouble. For someone in the Interior, Virgil has always demonstrated exceptional understanding of maritime issues related to anadromous fish, nearshore and offshore fisheries, and our fishing communities.

The approaches this Board of Fish has taken to establish a "fresh" regulatory regime are a product of the dynamics among and between its members. Mr. Umphenour is a key element of that mix. While these new approaches cause some irritation among many members of the State's fish politicians, most, including yourself would agree I hope, that they are on a good course and should maintain.

Please work toward his confirmation.

Sincerely,

Terry Hoeffler
 Chief of Operations



May 3, 1999

Senator Rick Halford, Chair
Senate Resources Committee

RE: Reappointment of Virgil Umphenour
Facsimile Message: 465-4928

Dear Senator Halford,

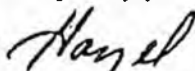
Becharof Corporation shareholders put high value in efforts protecting essential habitat for all marine resources within State waters. This means we do not appreciate the impacts from trawlers who drag on the bottom and destroy fisheries resources and the habitat that they depend on.

We wholeheartedly support the reappointment of Virgil Umphenour to the Alaska Board of Fisheries because he is not hesitant to address controversial issues in State waters. We like knowing where Board members stand on issues rather than constantly having to figure out where our resource managers are coming from.

Mr. Umphenour also takes the time to listen to the concerns of fishermen in regard to conservation of weak stocks.

His commitment has been steady and he does a good job for the state residents who rely on Board of Fisheries members to make sure we have a future in fisheries not just a short-term exploitation of our resources.

Very truly yours,


Hazel Nelson,
President



Lake and Peninsula Borough

P.O. Box 495
King Salmon, Alaska 99613

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



April 30, 1999

Rick Halford
Chairman of Senate Resources Committee
Facsimile Message: 465-4928

RE: Alaska Board of Fisheries Reappointment

Dear Senator Halford,

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

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

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

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

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

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

Respectfully,

Walt Wrede,
Borough Manager

THE CHITINA DIPNETTERS ASSN.

1002 PIONEER ROAD
FAIRBANKS, ALASKA 99701

May 3, 1999

Senator Rick Halford Chairman
Senate Resource Committee
and Committee members.

The Chitina Dipnetters Association strongly
support the reappointment of Virgil
Umphenour to the Alaska Board
of Fisheries.

Thank you
Byron W. Haley President
Chitina Dipnetters Association
1002 Pioneer Road.
Fairbanks, Alaska 99701-2818
Phone/Fax 456-4426



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- SHAKTOOLIK
- SHISHMAROFF
- SILOMON
- STEBBINS
- ST MICHAEL
- TELLER
- UNALASKA
- WALLES
- WHITE MOUNTAIN

April 30, 1999

Senator Halford, Chair
 Senate Resources Committee
 Alaska State Legislature
 State Capitol (MS 3100)
 Juneau, Alaska 99801-1182

Dear Members:

Per this correspondence, we are encouraging members of the Senate Resources Committee to recommend confirmation of Virgil Umphenour and Dan Coffey for re-appointment to the Alaska Board of Fish.

The Alaska Board of Fish held a meeting here in Nome the week of March 29, 1999. The leading issue on the agenda was whether or not the Nome Subdistrict should be declared a Tier II fishery for chum salmon. While there are some individuals in Nome who do not feel the Board should have made the decision they did - those of us familiar with the State subsistence statute recognize they made the only decision they could under the law. The fact that Nome residents historically took 2,500 chums annually and that department biologists estimated that only 2,000 chums would be available, legally mandated that the Nome Subdistrict had to be declared a Tier II fishery for chums.

I've attended Board of Fish meetings off and on for the past five or six years. Under the leadership of John White, the Board process has improved immeasurably. Virgil Umphenour contributes fully to the Board process with his knowledge of the fisheries in western and interior Alaska. Dan Coffey, with his legal background, has streamlined and expedited the Board decision making process. All three of these gentlemen are an asset to the Board of Fish and I encourage you to support their confirmation.

Sincerely,

KAWERAK, INCORPORATED

L. Bullard
 Loretta Bullard
 President

DATE: May 2, 1999

TO: Senate Resources Committee
Senators Halford, Taylor, Green, Pete Kelly, Mackie, Parnell,
and Lincoln

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

SUBJECT: May 3, 1999 Board of Fisheries Confirmation Hearing

Dear Chairman Halford and Senate Resources Committee Members,

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

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

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. In a salmon fishery as complex as Cook Inlet, managing for the sustainability of these mixed weak and strong stocks while allocating for public uses, further complicates the issues. These three board members have worked hard to insure that all needs are met.

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

Please support the confirmation of the reappointments of current BOF members Coffey, Miller and Umphenour.

Sincerely,



Bill Stockwell

Otto Florschutz
PO BX 547
Wrangeli AK, 99929

Senator Rick Halford, Chairman

I would like you to support Dan Coffey, Grant Miller and Virgil Umphenours confirmation to the Board of Fish. I have attended 2 different board meetings that these three sat on. Many very complex issues were discussed and I believe for the most part solved at these meetings. They have listened to the issues and testimonies and tried to act on that knowledge. I urge you to support the Governors appointments.

Thank you. Respectfully, Otto Florschutz

To: Senator Rick Halford, Chairman, Senate Resources Committee

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

Subject: Board of Fish Appointees

Date: May 2, 1999

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

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

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

Box 1367
Sitka, Alaska 99835
907-747-8541



MAY 03 1999
UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545
E-Mail: ufa@alaska.net

May 3, 1999

Senator Rick Halford
Chair
Senate Resources Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senator Halford,

UFA appreciates all the hours and time present Board of Fisheries (BOF) members dedicate to a very demanding job. However, we also feel the BOF is out of balance and does not have the necessary combination of management skills, commercial fisheries experience, and concern for the State as a whole. At present there is only one BOF member with extensive commercial experience in the mixed stock fishery, Grant Miller.

Alaska's fisheries face substantial challenges. Markets are changing for both salmon and halibut. Competition between traditional commercial, subsistence, and recreational users is occurring due to expanding population in some areas and an increase in tourism. There is the potential for significant interaction between the state federal resource managers (NMFS/North Pacific Fishery Management Council, and subsistence managers). Recent actions by the Board of Fisheries, could trigger changing management of crab fisheries beyond the three mile limit back to the federal government. The BOF must be prepared to address these and other issues based on sound biology, and a well founded understanding of the socio-economic impacts of their decisions. Alaska has managed its fishery resources well in the past and should not put these resources at risk for short term political gain.

Commercial fisheries are the largest private sector employer in the State and the second largest source of income after oil. Commercial fisheries pays taxes in excess of the cost of state commercial fisheries management. Improper management of commercial fisheries results in both short and long term losses to the State treasury and employment base. In a sense Alaska's commercial fisheries are a "permanent fund"; does the State select a board without an adequate balance of financial, managerial, and technical skills to manage the Alaska Permanent Fund?

MEMBER ORGANIZATIONS

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

We need to bring the board back in balance and to have another experienced commercial fisheries person on the board; we need a change. The experience on the board now favors terminal fisheries which is a small fraction of the fisheries in the state. We need someone with recent experience who can quickly grasp nuances of fisheries for different species (halibut, cod, rockfish, scallops, etc) and gear types (pots, nets, long line, div, etc).

Because of the social and economic significance of commercial fisheries, we feel it is only fair that there be at least one more experienced commercial fisheries member.

Board members need open minds and strong consensus building skills. UFA supports Grant Miller for reappointment and hopes the legislature understands the seafood industry's critical need to at have at least another board member that understands current biological and management practices.

We know these appointments are tough decisions and hope you understand the rationale of why change is needed. We do not feel this is too much to ask due to the current makeup of the Board. Virgil Umphenour has served on the Board since 1994, almost two terms. The governor's recent nomination would add another three years. Normally a seat changes after two terms.

Thanks for consideration of our comments and the impact you can have on Alaska's largest private sector employer.

Sincerely,


Rich Davis
President

Sunday, May 02, 1999

Senator Rick Halford, Chairman
Senate Resources Committee
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Halford and Resource Committee Members,

Enclosed please find a letter I have written regarding Mr. Virgil Umpenhower's performance on the Board of Fisheries. Since writing this letter I have listened to Mr. Umpenhower's response to the substantial criticism of his BoF professionalism that has come from all over Alaska. I would like to say that this is not a personality contest. We are talking about a very powerful Board position. The commercial fishing industry, the largest employer in the State of Alaska, lives and dies by the decisions made at the BoF.

Mr. Umpenhower has repeatedly defended his bias and outbursts by claiming, "They just don't like me because I decide against them." I would categorically like to say that there are several BoF members I don't like, but they remain professional and attempt to listen to the very complex issues brought before them. This is absolutely not true of Mr. Umpenhower. His mind is always already made up.

I truly hope that Mr. Umpenhower will not be confirmed, and by that Governor Knowles will attempt to put some balance back on the BoF. As sweeping decisions are made in the groundfisheries in the State, there is not one Board member who has any blue water experience, or UNDERSTANDING, of the complexities of those fisheries. We, as such an important industry to the revenue of this State, deserve a BoF which can make critical decisions with all the information they need. The composition of the BoF must be balanced. Begin that by not confirming Virgil Umpenhower.

Sincerely,

Virginia C. Adams
Virginia C. Adams

Friday, April 23, 1999

Rep. Alan Austerman
State Capitol
Juneau, Alaska 99801

Dear Rep. Austerman,

I would like to take this opportunity to comment on the confirmation of Virgil Umpenhower to the Alaska Board of Fisheries. Since Mr. Umpenhower was appointment to the BoF I have attended all BoF meetings relating to my area, Kodiak. I have attended these BoF meetings as the President of Northwest Setnetters Association, as a Board member of United Fishermen of Alaska and as a member of the Kodiak Salmon Working Group. Most recently I attended the BoF meetings in Anchorage dealing with State shellfish/groundfish proposals as a BoF appointed member of the Kodiak Non-Pelagic Trawl Committee. I feel I have had a great deal of time and interaction with Mr. Umpenhower on which to base my opinions regarding his qualifications.

Mr. Umpenhower consistently shows an inability to keep an open mind when deciding complex issues, and in fact can be absolutely counted upon to bring his own strong opinions and preconceived ideas to important BoF deliberations and votes. I witnessed this recently in January at the BoF meetings in Kodiak. Mr. Umpenhower, making a point in the evening to several BoF attendees, took a bag of potato chips, dumped them on the floor, ground them with his foot and then commented; "That's what a King Crab looks like after a trawl runs over it!" This to me is not the kind of behavior I would expect out of a person holding such an important position as a BoF member does.

Mr. Umpenhower, has earned the reputation as a closed minded, opinionated Board member whose vote can be counted on any issue BEFORE the BoF even meets. Mr. Umpenhower is very forthright in his predisposition towards several commercial gear types such as non-pelagic trawl, as well as aquaculture associations in Alaska. This type of attitude is inexcusable in an individual who holds so much power in such an important industry to the State.

(2)

I feel the Legislature has an opportunity at this time to send the Governor a message that it is time to put some balance back on the Board of Fisheries. It is my sincere hope that Mr. Umpenhower will not be confirmed to the BoF and that his vacancy will give the Governor an opportunity to appoint an individual with commercial fish experience and knowledge. Alaska's fishing industry deserves a BoF that is unbiased, intelligent and knowledgeable of the intricacies involved in the crucial decisions they make, many coastal families lives depend on those qualities. Quite frankly, Mr. Umpenhower does not possess those qualities and his time on the BoF should end.

Sincerely,



Virginia C. Adams

Box 8905

Kodiak, AK. 99615

907-486-6834/486-8803-FAX

vadams@ptialaska.net

cc: Rep. Bill Hudson
Senator Jerry Mackie
Rep. Ethan Berkowitz
Senator Johnny Ellis



P.O. Box 846
Cordova, Alaska 99574

Ph (907) 424-7750 Fax (907) 424-7751
Anchorage Ph/Fax (907)-274-3176
E-Mail salmon@pssifish.com
jeff@pssifish.com

FAX: Page 1 of 1

TO: Senator Rick Halford — Chairmen Senate Resources Committee

May 3, 1999

Dear Senator Halford,

I am writing to express my displeasure with Board of Fisheries board member Virgil Umphenour. He has repeatedly acted inappropriately during Board of Fish meetings with outrageous and false accusations towards many state commercial fisheries. This behavior is slanderous and should not be present on the Board of Fish.

It has become obvious that Mr. Umphenour has little understanding how his sometimes bizarre behavior during Board of Fish meetings undermines the whole board process.

As a Anchorage resident who spends his commercial fishing dollars in Anchorage year round I urge you to remove Mr. Umphenour from his current board seat before he causes irreversible damage to the commercial and sport fisheries as a whole.

Sincerely,

Jeff Bailey
President
Prime Select Seafoods Inc.
Cordova / Anchorage

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 / Telephone (907) 424-3447 / Fax (907) 424-3430

May 30, 1999

Senator Rick Halford, Chair
Senate Resources
State Capitol
MS 3100
Juneau, AK 99801-1182

SENT BY FACSIMILE TO (907) 465-4928

Dear Members,

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

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

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

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

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

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

CDFU is certain that after thoughtful examination of the concerns detailed here you will come to the conclusion that the Board of Fisheries process would benefit from a change in membership.

Respectfully submitted,



Sue Aspelund
Executive Director

cc: UFA

Sylvia R. Lange
P.O. Box 135
Cordova, Alaska 99574

Mr. Rick Halford, Chairman
Senate Resources Committee
fax #465-4928

April 30, 1999

Dear Mr. Halford,

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

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

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

Mr. Umphenour has decided against all manner of facts, that the commercial salmon fishery of the Copper River Flats is run by individuals

4/30/99
Senate Resources Committee
P.2

who have no regard for the resource. This is simply not true, and the facts bear me out. The Copper River Flats has had a thriving commercial fishery and operating canneries on the Delta since 1898. Mr. Umphenour has accused the drift gillnetters of the Flats of "seining" king salmon in the shallows of the Copper River Delta inside the so-called "barrier islands". These barrier islands he keeps referring to are sand bars which in fact define the Copper River Flats from the Gulf of Alaska. Of course the fishermen oppose being shut out of this area--it is the traditional and customary fishing grounds of the fishery, and has been for over 100 years! As for "seining" with drift gillnets in an area that has 10 knot tide influences, it defies imagination and reveals an ignorance of the area and fishery.

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

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

Respectfully submitted,


Sylvia Lange

Toby Sullivan
P.O. Box 3047
Kodiak, AK 99615
(907) 486-1481
tobys@ptialaska.net

Senator Rick Halford
Chairman
Senate Resources Committee
fax 907-465-4928

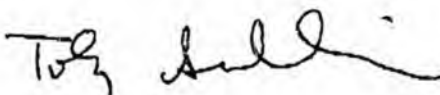
May 2, 1999

Dear Senator Halford:

I have fished commercially out of Kodiak and Dutch Harbor since 1974. Since that time I have watched Boards of Fish come and go. As you are no doubt aware, the current board is somewhat lacking in expertise in commercial fishing. In particular this board is, in my opinion, totally bereft of any semblance of awareness or experience in bottomfish or crab industry issues. These industries are important contributors to the economy of the state, and it is a disservice to the people of the state to have a Board of Fish that does not understand them. The time has come to redress this imbalance on the Board.

A start in this direction would be to remove Virgil Umphenour from the Board of Fish. He has shown a remarkable lack of open mindedness about marine issues in general, and a prejudicial ignorance of trawling and bottomfish issues in particular. I urge you not to approve his reappointment.

Yours sincerely



**C.A.M.F.****Concerned Area M Fishermen**5126 Foster Avenue S.E., Auburn, WA 98092
(208) 833-5776 • Fax (206) 833-5776

May 2, 1999

Senate Resource Committee
Senator Rick Halford
State Capitol Rm. 121
Juneau, Alaska 99801-1182

RE: Board of Fisheries Confirmation Hearing

Dear Senator Halford and others,

Concerned Area M Fishermen is writing to oppose the confirmation of Virgil Umphenour to the Alaska Board of Fisheries. Our membership consists of 120 Area M drift gillnet permit holders.


As commercial fishermen, we feel it is important, even critical, that the present Board of Fish composition be changed to address both its serious lack of commercial fishing expertise and the vast geographical regions of Alaska that are not represented on the present Board.

The existing Board is weighted heavily to Cook Inlet sport and Western interior Alaska with very little consideration given to the coastal salt water fisheries ("blue water fisheries") that range from Southeast to the Bering Sea. This systemic shortcoming has been compounded with what has appeared to us, many times, as egregious personal bias on the part of Virgil Umphenour.

From our perspective, Mr. Umphenour has brought a deliberate and preconceived agenda to all Area M meetings in an attempt to restrict our fishery. Mr. Umphenour repeatedly has ignored science and logic. Time and again, his intent seems more to have been to impair or destroy our fishery, than to improve his.

We hope that Mr. Umphenour's replacement will enhance the Board of Fisheries process in terms of competence, quality, and blue water fisheries experience.

Thank you


Brad Barr, President
Concerned Area M Fishermen

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

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

**A RESOLUTION STRONGLY OPPOSING THE CONFIRMATION OF
CERTAIN MEMBERS TO THE ALASKA BOARD OF FISHERIES**

WHEREAS, the Kenai Peninsula Borough Assembly disagrees with certain stands taken by the Alaska Board of Fisheries; and

WHEREAS, the board of fish has circumvented local advisory boards and addressed Cook Inlet issues each and every year out of cycle; and

WHEREAS, the board of fish was instrumental in dismantling the Upper Cook Inlet Management Plan; and

WHEREAS, the Alaska Board of Fisheries members did not use their own guidelines regarding local economies and historical users in their decision making process; and

WHEREAS, the board of fish dramatically changed the escapement goals for sockeye, utilizing a sliding scale approach which may cause great damage to the Kenai River Habitat area; and

WHEREAS, the regulations and decisions made by the board of fish have resulted in lost opportunity and income to Cook Inlet commercial fishing families and associated local support industries; and

WHEREAS, it is in the best interest of the Kenai Peninsula Borough, Cook Inlet commercial fishing families and businesses to deny confirmation of all current members reappointed to the Alaska Board of Fisheries;

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

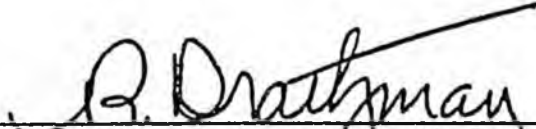
SECTION 1. That the Kenai Peninsula Borough supports the wishes of the Cook Inlet commercial fishing families and businesses and strongly opposes the confirmation of the three current members reappointed to the Alaska Board of Fisheries, who are Dan K. Coffey, Virgil L. Umphenour and Grant Miller.

SECTION 2. The Kenai Peninsula Borough takes the position that two commercial fishermen should be appointed to the Alaska Board of Fisheries who have knowledge in large fisheries such as Cook Inlet, and that one of the appointees be a Cook Inlet commercial fisherman.

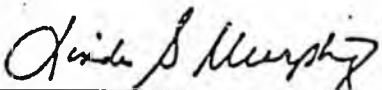
SECTION 3. That copies of this resolution shall be forwarded to Governor Knowles, the Alaska Legislature, Alaska Board of Fisheries, Commissioner of Fish and Game, and Commissioner of the Department of Natural Resources.

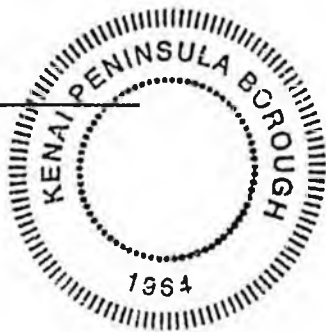
SECTION 4. That this resolution shall take effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF APRIL 1999.


Ronald Wm. Drathman, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk



Dean Curran
P.O. Box 42
Cordova, AK 99574

May 3, 1999

Senator Rick Halford, Chair
Senate Resources Committee
Capitol Building
MS 3100
Juneau, AK 99801-1182

Dear Members,

I am a commercial fisherman and resident since 1951.

I oppose the appointment of Virgil C. Umphenour to the Alaska Board of Fisheries. As a commercial gillnetter on the Copper River Delta since 1970, and planning to gillnet another 20 to 30 years if my health holds up, I find Virgil Umphenour's comments against us as gillnetters very disturbing. If he thinks we can catch every king salmon on the Delta with 5 1/4" mesh he has no comprehension how a gillnet works or he is quite biased against the Copper River gillnetters.

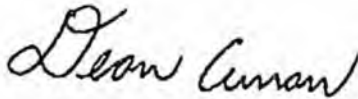
Has Virgil Umphenour even checked into the history of this fishery? We have given up our king nets where we had a mesh size of anything over 8" mesh, we could use 40 meshes. Anything less than 8" was 60 meshes. We have a leadline weight restriction of 150 lbs. over 100 fathoms. We went from a book-regulated time of a 48-hour period and 36-hour period per week to whatever the Alaska Department of Fish & Game wants regulated per week.

I was also at the Board meeting held in Cordova, when Virgil Umphenour had a conservation buffer put in place where it closed the complete middle of the Copper River Delta the first period. This was not needed as the Copper River was already getting more than a sufficient escapement due to the good management by the ADF&G.

It comes to my mind that Virgil Umphenour processes chum salmon for the roe and gets his fish from the Yukon. He doesn't like Prince William Sound hatcheries because they produce chum salmon. The timing for the return of these chum salmon is before the run gets to the Yukon so the PWS chum salmon is brought to market before the Yukon chum salmon. It seems to me that Mr. Umphenour has a conflict of interest.

Thank you for letting me provide you with my input.

Sincerely,



Dean Curran



Alaska State Legislature

Please enter into the record my testimony to the SENATE RESOURCES
 committee on BOARD OF FISHERIES committee name
CONFIRMATION dated MAY 3 1999
 bill/subject

Dear Chairman Halford and Senate Resources Committee Members,

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

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

While conserving habitat and resource, the members of the Board of Fisheries must recognize the needs of subsistence, personal use, sport fishing, commercial sport fishing, and commercial fishing. In a salmon fishery as complex as Cook Inlet, managing for the sustainability of these mixed weak and strong stocks while allocating for public uses, further complicates the issues. These three board members have worked hard to insure that all needs are met.

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

Please support the confirmation of the reappointments of current BOF members Coffey, Miller and Umphenour.

Signed: W. E. Stockwell

Testifier

BILL STOCKWELL

Representing (Optional)

P.O. BOX 721, CAMPER LANDINGS AK 99572

Address

(907) 595-1540

Phone No.

285 3078

Regarding Senate Resources
confirmation of Colley, Miller and Umphreys,
I strongly disapprove of these three; first
because of their unbalanced, sports fish bias and
second because of their support of intentionally
over-escaping the Kenai River system with
red salmon i.e. "optimal sustained yield" instead
of max sustained yield.

Thor Eneverson
1300 W 7th 208
Anchorage AK 99501
274-8705



Alaska State Legislature

Please enter into the record my testimony to the SRES
 committee name
 committee on Board of Fisheries, dated 5/3/99
 bill #/1 subject

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

The present Board of Fisheries have done a fine job of protecting the Alaskan Fishing Resource. I strongly support the confirmation of Dan Coffey, Virgil Umphenour and Grant Miller. If the commercial fishing industry had its way, there would be no fish in four years or less. Please reappoint these members. Thank you.

From: Please PRINT the information below.

MR	GEORGE	R	SITEL, JR	
14865 STERLING HWY.				
COOPER LAUNDING, AK				99572
5951266		George L. Sittel, Jr.		5/2/99

Signed: _____
 Testifier

 Representing (Optional)

 Address

 Phone number



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources
committee name

committee on Confirmation hearings on Coffey, Miller & Umphenour, dated 5-3-99
bill # / subject

I request that you support Confirmation of Dan Coffey, Grant Miller and Virgil Umphenour to the Board of Fisheries. I have a long history of participation in Fisheries issues especially in the Cook Inlet region. At the recent Board Hearing in Soldotna the Board made a long needed decision to support sustained yield management for all Cook Inlet salmon stocks. This was necessary because there are several Northern District stock which are approaching near endangered species status, due to massive interception by Central District fishermen. Even though this Board action was absolutely necessary, there was a outcry by the commercial fish industry on the Kenai Peninsula; and a political driven Resolution by the Assembly. I have included a copy of my response, which I intend to present at a public Assembly meeting at the first opportunity. I have enclosed this reply to what I see as the highly orchestrated political based opposition mounted against these three members as well as threats of legal action against the whole Board.

Please vote in favor of confirmation of Board members Dan Coffey, Grant Miller, and Virgil Umphenour Thank You

Signed: Rala Bandurant

Testifier

Self

Representing (Optional)

31864 Moonshine Drive Soldotna 99669

Address

262-0818

Phone number



Alaska State Legislature

Please enter into the record my testimony to the SENATE RESOURCES
committee name
committee on BO OF FISHERIES CONFIRMATION, dated 5-3-99
bill # / subject

Please read into record my testimony to the Senate Resources Committee on the confirmation of Mr. Dan Coffey, Mr. Virgil Upenhouer and Mr. Grant Miller.

BoF Confirmation Hearings 1999.

This letter is in strong support of the present Board of Fish and the reappointment of Mr. Dan Coffey, Mr. Virgil Umphenour and Mr. Grant Miller to another term on this board.

This Board is innovative and places the resource first as their sustainable fish study indicates. In addition, they have initiated the committee process that requires stakeholder to sit down together to discuss issues. This avoids much posturing and positioning and helps reach consensus on at least some issues. The Local Advisory Board is a sham as local commercial load the election meeting and elect only people that support their cause. Even so, this BoF has weighed all testimony and given all user groups fair and equal consideration.

Please don't let us return to the days of a BoF made up of only commercial fishing interests. Mr. Coffey, Mr. Umpherour and Mr. Miller are fair-minded and not afraid to make decisions and changes.

Signed: Ron Rainey, Chairman
Cook Inlet Public Fisheries Council

Testifier

Cook Inlet Public Fisheries Council

Representing (Optional)

P.O. Box 549 Seldovia, AK 99609

Address

(907) 283-4333

Phone number



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources Committee

On BOF Confirmations, dated 5/3/99.

Please read into the record of testimony to the Senate Resources Committee on the confirmation of Mr. Dan Coffey, Mr. Virgil Umphenour and Mr. Grant Miller, BOF Confirmation Hearings, 1999.

I would like to speak in strong support of the present Board of Fish and the reappointment of Mr. Coffey, Mr. Umphenour and Mr. Miller to another term on this Board. This BOF has proven that they are up to the task of making tough, forward looking and conservation minded fishery policy. The sustainable fisheries study they have initiated will go a long way toward insuring the health of our vast mixed stock salmon fisheries and all other species. The committee process used by the BOF has improved and streamlined the process greatly by stopping short much of the posturing and insuring that stakeholders sit down together and discuss issues. This process has short stopped the Local Area Advisory Committee's ability to "pack the house" with commercial fishing interests. As a member of the Kenai/Soldotna Committee, I can assure you it is all one way (commercial fishing).

This BOF is the most hardworking, knowledgeable, open to all viewpoints, of any I have ever seen. It is imperative that we continue to march forward with this more conservative minded BOF if we expect to continue to have healthy fisheries of all user groups. Please don't let us return to the old days of a BOF made up of only commercial fishing interests.

Mr. Coffey, Mr. Umphenour, and Mr. Miller are all fair minded and willing to work hard to insure that fishery decisions are made with conservation concerns put first and fair and equitable changes are made.

Signed: Stephen S. Riddle Stephen S. Riddle

Testifier

Board of Directors K.R.P.G.A.

Representing (Optional)

1535 Angler Drive, Kenai, AK 99611

Address

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

Phone Number

FROM : Riddles Guided Fishing & Lodge PHONE NO. : 9072835853+51

May. 02 1999 06:12PM P2



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources Committee

On BOF Confirmations, dated 5/3/99.

Please read into the record of testimony to the Senate Resources Committee on the confirmation of Mr. Dan Coffey, Mr. Virgil Umphenour and Mr. Grant Miller, BOF Confirmation Hearings, 1999.

The State of Alaska needs to keep the current Board of Fish members.
This BOF is the most hardworking, knowledgeable, open to all viewpoints, of any I have ever seen. It is imperative that we continue to march forward with this more conservative minded BOF if we expect to continue to have healthy fisheries of all user groups.

Mr. Coffey, Mr. Umphenour, and Mr. Miller are all fair minded and the caliber of people we need on this emotional issue of fish allocation.

Signed: Donna L. Riddle Donna L. Riddle
Testifier

Sports + Personal Use Fisher
Representing (Optional)

1535 Angler Drive, Kenai AK 99611
Address

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

5/2/1999

Dear Legislator:

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

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

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

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

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

Sincerely,



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

P.O. Box 1085
Sterling, AK 99672

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

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

**A RESOLUTION STRONGLY OPPOSING THE CONFIRMATION OF
CERTAIN MEMBERS TO THE ALASKA BOARD OF FISHERIES**

- WHEREAS, the Kenai Peninsula Borough Assembly disagrees with certain stands taken by the Alaska Board of Fisheries; and
- WHEREAS, the board of fish has circumvented local advisory boards and addressed Cook Inlet issues each and every year out of cycle; and
- WHEREAS, the board of fish was instrumental in dismantling the Upper Cook Inlet Management Plan; and
- WHEREAS, the Alaska Board of Fisheries members did not use their own guidelines regarding local economies and historical users in their decision making process; and
- WHEREAS, the board of fish dramatically changed the escapement goals for sockeye, utilizing a sliding scale approach which may cause great damage to the Kenai River Habitat area; and
- WHEREAS, the regulations and decisions made by the board of fish have resulted in lost opportunity and income to Cook Inlet commercial fishing families and associated local support industries; and
- WHEREAS, it is in the best interest of the Kenai Peninsula Borough, Cook Inlet commercial fishing families and businesses to deny confirmation of all current members reappointed to the Alaska Board of Fisheries;

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

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

SECTION 2. The Kenai Peninsula Borough takes the position that two commercial fishermen should be appointed to the Alaska Board of Fisheries who have knowledge in large fisheries such as Cook Inlet, and that one of the appointees be a Cook Inlet commercial fisherman.

SECTION 3. That copies of this resolution shall be forwarded to Governor Knowles, the Alaska Legislature, Alaska Board of Fisheries, Commissioner of Fish and Game, and Commissioner of the Department of Natural Resources.

SECTION 4. That this resolution shall take effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF APRIL 1999.

R. Drathman
Ronald Wm. Drathman, Assembly President

ATTEST:

Linda S. Murphy
Linda S. Murphy, Borough Clerk



FROM : Riddles Guided Fishing & Lodge PHONE NO. : 907-233-0531

may. 02 1999 11:45 AM P2



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources Committee
committee name

committee on Confirmation to Board of Fish: Coffey, dated 5/3/99
bill # / subject Miller & Umphenour

Written Message Attached - 2 pages

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

Kenai Peninsula Borough Assembly

Subject: Resolution 99.034

There is the growing isolation attitude on the Kenai Peninsula, promoted by a recognizable demeanor of intended intimidation. As such it harms the constitutional mandated equality among intra state residents and the interstate citizenry as a whole.

I consider the hasty enacted Borough

Assembly's Resolution 99-034, of an intimidating demeanor and a shame full act to promote the

claim of narrow-minded residency superiority,

which is totally unacceptable in a free society.

Such demeanor may be temporary salve to those

with narrow-minded goals; but it not only

fosters injury to all others but eventually

destroys the perpetrators.

It is an absolute necessity to recognize

that the common property fisheries requires

the essential responsibility under the

Public Trust Doctrine, to assure that

those sustainable resources belong to no

individual or exclusionary groups but

on any claim of a history as USERS

The constitution mandates the responsibility of common use and sustained yield management requires an absolute commitment to equal consideration; with "No Exclusive Right or Special Privilege of Fisheries" for the present and the future USERS.

The threat of lawsuits is familiar rhetoric in the politics of Cook Inlet commercial fisheries. In the past when the Kenai River escapement goal was only 150,000 sockeye and by mistake in the count, allowed 200,000; the Central District commercial fisherman filed a ^{state} claim for \$1,000,000 because of the waste of fish.

As one of the authors of the Cook Inlet Comprehensive Salmon Management Plan; I well remember the violent opposition to the Board's adoption. First I need to point out the circumstances that convinced the Board the necessity of such a plan. The reaction to the ^{\$100} August 15th closure of commercial fishing, was for approximately 300 to obtain subsistence permits and return to fishing. When the list of the 300 names were submitted, the Board adopted the Plan. The commercial fishermen angrily lamented that they had lost everything. Does this sound familiar?

Due to consistent pressure, from the non-commercial public, for increased escapement goals; the commercial harvest gained from a prior average of one million up to three million annually. In fact the 1987 and 1992 combined commercial harvest of over 18 million was greater than the total for 16 years prior to the Plan.

The growing charge is still that of wasted fish due to "over escapement", which lacks support in other Alaska fisheries. It is not recognized as a logical hypothesis by the American Fishery Institution; but instead they support the need of extra rotten carcass, beyond the number of spawners, to replenish the food chain of the whole eco-system.

The guntlet design of Cook Inlet commercial fisheries and the management priority for maximum harvest of the stronger Kenai and Kaslof River sockeye runs, results in massive interception of Upper Northern District stocks. This interception has resulted in a decline of near endangered species status for many discrete stocks.

It was the present Board of Fisheries' decision to adopt strategies insuring responsible sustained yield goals for all Cook Inlet mixed stocks fisheries. This in turn

has again raised the anger of the Central District, Kenai Peninsula commercial fishery to lament that they have lost everything. They threaten legal action, demand narrow-minded representation and "special privileges" based on local residency and history of use. They now love the Plan.

The Assembly's Resolution in opposition to the reappointment of the three Board members indicates an irresponsible political bias against true-constitutional mandated sustained yield management of all Cook Inlet stocks.

The Assembly's position that two commercial fisherman should be appointed to the Alaska Board of Fisheries who have knowledge in large fisheries such as Cook Inlet, and that one of the appointees be a Cook Inlet commercial fisherman; has implied a right of prescribed self interest representation. Such narrow political prescribed constraints flout true democracy. It also emphasizes the need to be careful for what you wish for because that may be what is received.

I propound that if one new member is from Kodiak-False Pass sector and one from Upper Northern District, Cook Inlet set matter; the resulting Central District, Kenai Peninsula

rhetoric will reach a new level of threats.

A small personal sampling of other "families and businesses" incurred some highly indignant response, against the Assembly's political position, as voiced in Resolution 99-034.

I see it as additional fuel to growing public concern with the constant selfish demands of exclusive right or special privileges of a superior class based on local residency.

I believe the continuation of such shameful actions^{as} condoned by the Assembly will in the end damage the integrity of our neighborhood.

Thank you

Dale Bondurant

31864 Moonshine Drive

Soldotna AK 99669

Nome Fishermen's Association

Box 747

Nome, Alaska 99762

(907) 443-5352 Voice (815) 364-2565 eFax

Senator Rick Halford
Alaska Senate
(907) 465-4928

May 3, 1999

Dear Senator Halford:

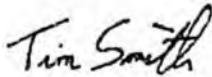
The Nome Fishermen's Association opposes the reappointment of Virgil Umphenour, Dan Coffey and Grant Miller to the Alaska Board of Fisheries.

We believe the State of Alaska needs a fisheries board that listens to the public, bases its decisions on sound biological principles and allocates fisheries resources fairly among the users.

This spring, these three board members showed callous disregard for the public when they ignored the recommendations of the Nome Subsistence Salmon Working Group they had created and imposed Tier II salmon regulations on the Nome area. The working group represented a broad spectrum of community fisheries users who had spent more than year working on the issues of managing subsistence salmon fishing in the Nome area. The Nome Fishermen's Association was a member of that group. The board did not care what our community wanted and imposed regulations we believe are both oppressive and unnecessary.

This is only the most recent example of the current board's high-handed and arbitrary approach to fisheries management in our area and we urge you to not reappoint these three members.

Sincerely,



Tim Smith, President

May 3, 1999

State of Alaska
Senate Resources Committee
Senator Rick Halford, Chair

Re: Board of Fisheries Confirmation Hearing

Dear Members of the Senate Resources Committee:

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

"I would like to oppose the confirmation of Virgil Umphenhour to the Board of Fisheries. His temper tantrum raised at the 1996 board cycle meeting in Cordova, showed him to be both biased and uninformed. His cussing and false statements in front of the public, put the board into Executive Session. Other members had to calm him down. He clearly has a conflict of interest towards his handling of matters concerning the Prince William Sound Aquiculture Corporation, (PWSAC) and/or matters relating to the Copper river fishery.

During his tantrum he stated that we (Cordova fishermen) were allowed to "seine up" all the fish at the mouth of the river. Purse seining has never been allowed near the Copper river. Also, the "mouth" of the Copper river is about a 60 mile wide delta, with many entrances. Mr. Umphenhour's interest in a processing operation in Fairbanks provides him with biases and personal interests when it comes to dealing with certain areas of the state. Because of his lack of judgement, the state should consider looking elsewhere. I am a resident of District 27, and rely solely on commercial fishing for my livelihood."

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