

Writer blasts professional fish board

Dear Gov. Steve Cowper:

Should the lay Board of Fisheries be changed to a "professional" board? There is no reason to believe that a "professional" board will function any "better," in the aggregate, than the existing board of volunteer peers.

As the vice president of the Alaska Independent Fishermen's Association Co-op and secretary treasurer of United Fishermen of Alaska, I know that most commercial fishermen do not think any net benefit will be gained by restructuring the Board of Fisheries.

This is not to say that alternative options should not be explored from time to time as an exercise in oversight.

Presently we have a volunteer *board of professionals* responsible for adjudicating regulatory matters within the harvesting sector of our fisheries. This group of peers adjudicates in-house, so to speak, issues and conflicts which from time to time occur among the various factions. This board of peers must look their fellow fishermen in the eye and often adjudicates emotionally charged issues. As peers, these decisions are not taken lightly.

The public testimony process, which makes up an important component of the decision process, functions as an important safety valve and allows fishermen an opportunity to actively participate in formulating the regulatory structure. This opportunity for public participation is an important ingredient in the regulatory process, because decisions are structured by the participants themselves.

The term "professional board" has to be carefully defined and its merits analyzed — we cannot allow a *non sequitur* to pose as rationale for restructuring the existing system. What is meant by "professional"? At present we have a *lay board of professionals*. If, under the proposed *professional board*, members receive salary and benefits does that become the governing criteria? Or is it that they will be professional bureaucrats, for example, who specialize in the regulatory process but may have little or no sense for the nuances of fishery issues?

It is certain that the allegiance of a professional board will be different. The allegiance of the present board of peers is to fellow fishermen with whom some thread of common identity exists. Board members must live with the regulations they impose, as well as face their fellow fishermen if and when their decisions are questioned.

Obviously their allegiance is to the welfare of the fishing community at large. A "professional" board, however, is part of the state bureaucratic system and, thus, one step removed from directly answering to the fishing community. Public par-

ticipation will not be as significant. Furthermore, it can be expected that a whole new bureaucratic process will evolve — perhaps not as sensitive to nuances of issues important to the fishing community.

The problem of the overworked board can easily be resolved by reducing the number of regulations considered each year. Hearings could be organized to coincide with administrative areas, or administrative regions.

There is no compelling reason for considering, or reconsidering, a set of regulations each year. In the past we had a two-year cycle for a given set of regulations. Perhaps a three- or four-year cycle could be implemented, if necessary.

Emergency regulations could be given special hearing time, if necessary. Additionally, a support staff which would analyze technical aspects of various proposals could conceivably help to reduce the workload.

By and large, I do not believe that a "professional" board will eliminate or avoid the issue of politics — to the extent that it may or may not exist — only the process of politicizing will be different. One would expect a fisherman board member not to be as amenable to legislative pressures, for example, as a professional board member who might well be concerned with his or her *professional career*.

Furthermore, the public forum, so important to the present board process, mitigates against any group blatantly politicizing an issue to their advantage.

In reality, is it reasonable to suppose that any public decision-making process is truly devoid of politics — including the U.S. Supreme Court?

I believe that the burden of proof lies with those who would see our *board of professionals* replaced with their *professional board*. Their burden of proof must include an overwhelming benefit-to-cost ratio, including social issues, to justify replacing a system that has, on average, worked so well. The heterogeneity of the fishing community precludes elimination of conflict, and perhaps litigation, when emotionally charged issues are adjudicated.

The conclusions used to justify a "professional board" constitute a *non sequitur* and leave much to wishful thinking, and the imagination, in trying to visualize the merits of a "professional" board of bureaucrats as preferred to the "volunteer" board of peers.

Sincerely,
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