

**ALASKA STATE LEGISLATURE
JOINT MEETING
HOUSE RESOURCES STANDING COMMITTEE
HOUSE SPECIAL COMMITTEE ON FISHERIES**

May 1, 2002
1:06 p.m.

RESOURCES MEMBERS PRESENT

Representative Beverly Masek, Co-Chair
Representative Drew Scalzi, Co-Chair
Representative Hugh Fate, Vice Chair
Representative Joe Green
Representative Mike Chenault
Representative Lesil McGuire
Representative Gary Stevens
Representative Mary Kapsner
Representative Beth Kerttula

FISHERIES MEMBERS PRESENT

Representative Gary Stevens, Co-Chair
Representative Peggy Wilson, Co-Chair
Representative Drew Scalzi
Representative Fred Dyson
Representative John Coghill
Representative Mary Kapsner
Representative Beth Kerttula

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR SENATE CONCURRENT RESOLUTION NO. 30(RES)
Relating to Alaska Salmon Day.

- MOVED CSSCR 30(RES) OUT OF COMMITTEE

CONFIRMATION HEARING

Board of Fisheries

Gerry Merrigan - Petersburg
Arthur N. Nelson - Anchorage
Brett Huber - Soldotna

- CONFIRMATIONS ADVANCED

PREVIOUS ACTION

BILL: SCR 30

SHORT TITLE:ALASKA SALMON DAY

SPONSOR(S): LABOR & COMMERCE

Jrn-Date	Jrn-Page		Action
03/18/02	2450	(S)	READ THE FIRST TIME - REFERRALS
03/18/02	2450	(S)	STA,RES
04/09/02		(S)	STA AT 3:30 PM BELTZ 211
04/09/02		(S)	Moved Out of Committee
04/09/02		(S)	MINUTE(STA)
04/10/02	2709	(S)	STA RPT 4DP
04/10/02	2709	(S)	DP: THERRIAULT, DAVIS, STEVENS, HALFORD
04/10/02	2709	(S)	FN1: ZERO(S.STA)
04/17/02		(S)	RES AT 3:30 PM BUTROVICH 205
04/17/02		(S)	Moved CS(RES) Out of Committee
04/17/02		(S)	MINUTE(RES)
04/18/02	2837	(S)	RES RPT CS 6DP SAME TITLE
04/18/02	2837	(S)	DP: TORGERSON, HALFORD, STEVENS,
04/18/02	2837	(S)	WILKEN, LINCOLN, ELTON
04/18/02	2837	(S)	FN1: ZERO(S.STA)
04/22/02		(S)	RLS AT 9:30 AM FAHRENKAMP 203
04/22/02		(S)	MINUTE(RLS)
04/24/02	2924	(S)	RULES TO CALENDAR 4/24/02
04/24/02	2934	(S)	READ THE SECOND TIME
04/24/02	2934	(S)	RES CS ADOPTED UNAN CONSENT
04/24/02	2934	(S)	PASSED Y20 N-
04/24/02	2936	(S)	TRANSMITTED TO (H)
04/24/02	2936	(S)	VERSION: CSSCR 30(RES)
04/25/02	3122	(H)	READ THE FIRST TIME - REFERRALS
04/25/02	3122	(H)	RES
05/01/02		(H)	RES AT 1:00 PM CAPITOL 124

WITNESS REGISTER

KRISTY TIBBLES, Staff
to Senator Ben Stevens
Alaska State Legislature

Capitol Building, Room 119
Juneau, Alaska 99801

POSITION STATEMENT: Presented the CS for SCR 30 on behalf of the sponsor, Senator Ben Stevens.

GERRY MERRIGAN, Appointee
to the Board of Fish
Box 1065

Petersburg, Alaska 99833

POSITION STATEMENT: Testified as an appointee to the Board of Fish; provided background information and answered questions.

BRETT W. HUBER

P.O. Box 822

Soldotna, Alaska 99669

POSITION STATEMENT: Testified as an appointee to the Board of Fish; provided background information and answered questions.

ARTHUR N. NELSON, Appointee
to the Board of Fish

2132 Clark Street

Anchorage, Alaska 99504

POSITION STATEMENT: Testified as an appointee to the Board of Fish; provided background information and answered questions.

VIRGIL UMPHENOUR, Member

Board of Fisheries

878 Lynnwood Way

North Pole, Alaska 99705

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber and Mr. Nelson.

ED DERSHAM, Chairman

Board of Fisheries

P.O. Box 537

Anchor Point, Alaska 99556

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber, Mr. Merrigan, and Mr. Nelson.

MARVIN PETERS, Chairman

Homer [Fish and Game] Advisory Committee

P.O. Box 2623

Homer, Alaska 99603

POSITION STATEMENT: Testified in opposition to the confirmation of Mr. Huber to the BOF.

DAVID MARTIN, Chairman

Central Peninsula [Fish and Game] Advisory Committee
71605 Sterling Highway
Clam Gulch, Alaska 99568

POSITION STATEMENT: Testified in opposition to the confirmation of Mr. Huber to the BOF.

IRV CARLISLE
P.O. Box 2349
Soldotna, Alaska 99669

POSITION STATEMENT: Testified in opposition to the confirmation of Mr. Huber to the BOF.

HERMAN FANDEL
702 Lawton Drive
Kenai, Alaska 99611

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

IRENE FANDEL
702 Lawton Drive
Kenai, Alaska 99611

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

BIX BONNEY
P.O. Box 3292
Soldotna, Alaska 99669

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

ELLIE SNAVELY
61113 Deer Valley Drive
Bend, Oregon 97702

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

SAM McDOWELL
P.O. Box 149
Sterling, Alaska 99672

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

BRUCE KNOWLES
P.O. Box 873206
Wasilla, Alaska 99654

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

DON JOHNSON

P.O. Box 876

Soldotna, Alaska 99669

POSITION STATEMENT: Testified in support of the confirmation of Mr. Nelson and Mr. Huber. However, he noted that was in disagreement with a lot of things about them, but remained supportive because they are common users.

CARL ROSIER

Alaska Outdoor Council (AOC)

8298 Garnet Street

Juneau, Alaska 99801

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

DAVID BEDFORD, Executive Director

Southeast Alaska Seiners Association (SEAS)

526 Main Street

Juneau, Alaska 99801

POSITION STATEMENT: Testified in support of the confirmation of Mr. Merrigan.

BILL SULLIVAN

United Cook Inlet Drift Association (UCIDA)

PO Box 943

Kenai, Alaska 99611

POSITION STATEMENT: Testified in opposition to the confirmation of Mr. Huber to the BOF.

LES PALMER

P.O. Box 631

Sterling, Alaska 99672

POSITION STATEMENT: Testified in opposition to the confirmation of Mr. Huber to the BOF.

DALE BONDURANT

31864 Moonshine Drive

Soldotna, Alaska 99669

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

DON McKAY

32992 Johnson Drive

Soldotna, Alaska 99669

POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

TERRY SAPPAN
P.O. BOX 1253
Sterling, Alaska 99672
POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

BUD HARRIS
P.O. BOX 7013
Nikiski, Alaska 99635
POSITION STATEMENT: Testified in opposition to the confirmation of Mr. Huber to the BOF.

PAUL SEATON
58395 Bruce Street
Homer, Alaska 99603
POSITION STATEMENT: Testified in opposition to the confirmation of Mr. Huber to the BOF.

JERRY McCUNE
United Fishermen of Alaska
211 4th Street
Juneau, Alaska 99801
POSITION STATEMENT: Testified in support of the confirmation of Mr. Nelson and Mr. Merrigan to the BOF.

PAUL SHADURA
Kenai Peninsula Fishermen's Association (KPFA)
PO Box 1632
Kenai, Alaska 99610
POSITION STATEMENT: Testified in opposition to the confirmation of Mr. Huber to the BOF.

ROLAND MAW
P.O. BOX 530
Kasilof, Alaska 99610
POSITION STATEMENT: Testified in opposition to the confirmation of Mr. Huber to the BOF.

RUBEN HANKE
P.O. BOX 624
Kenai, Alaska 99611
POSITION STATEMENT: Testified in support of the confirmation of Mr. Huber to the BOF.

RONDI McCLURE

P.O. BOX 2263
Soldotna, Alaska 99669
POSITION STATEMENT: Testified in support of the confirmation of
Mr. Huber to the BOF.

STEVE McCLURE, Vice President
Kenai River Professional Guide Association (KRPGA)
P.O. BOX 2263
Soldotna, Alaska 99669
POSITION STATEMENT: Testified in support of the confirmation of
Mr. Huber to the BOF.

RYAN HOWLETT
P.O. BOX 1647
Soldotna, Alaska 99669
POSITION STATEMENT: Testified in support of the confirmation of
Mr. Huber to the BOF.

RON RAINEY
P.O. BOX 2004
Kenai, Alaska 99611
POSITION STATEMENT: Testified in support of the confirmation of
Mr. Huber to the BOF.

CHRIS GARCIA
P.O. BOX 203
Kenai, Alaska 99611
POSITION STATEMENT: Testified in support of the confirmation of
Mr. Nelson and Mr. Merrigan to the BOF and in opposition to the
confirmation of Mr. Huber to the BOF.

DAVE LOWERY
34715 Keystone Drive
Soldotna, Alaska 99669
POSITION STATEMENT: Testified in support of the confirmation of
Mr. Huber to the BOF.

BOB MERCHANT, President
United Cook Inlet Drift Association (UCIDA)
43961 K-Beach Road
Soldotna, Alaska 99669
POSITION STATEMENT: Testified in opposition to the confirmation
of Mr. Huber to the BOF.

PAT CARTER
P.O. Box 3805
Soldotna, Alaska 99669

POSITION STATEMENT: Testified in support of all three appointees to the BOF.

GREG BRUSH

P.O. Box 4278

Soldotna, Alaska 99669

POSITION STATEMENT: Testified in support of the nomination of Mr. Huber to the BOF.

MURRAY FENTON

P.O. Box 2594

Soldotna, Alaska 99669

POSITION STATEMENT: Testified in support of the nomination of Mr. Huber to the BOF.

STEVE TVENSTRUP

4928 Beaver Loop

Kenai, Alaska 99611

POSITION STATEMENT: Testified in opposition to the nomination of Mr. Huber to the BOF, but in support of the nomination of Mr. Merrigan and Mr. Nelson.

DREW SPARLIN

37020 Cannery Road

Kenai, Alaska 99611

POSITION STATEMENT: Testified in opposition to the nomination of Mr. Huber to the BOF, but in support of the nomination of Mr. Merrigan and Mr. Nelson.

RAY DeBARDELABEN

P.O. BOX 4357

Soldotna, Alaska 99669

POSITION STATEMENT: Testified in support of the nomination of Mr. Huber to the BOF.

CHERYL SUTTON

PO Box 39214

Ninilchik, Alaska 99639

POSITION STATEMENT: Testified in support of the nomination of Mr. Merrigan and Mr. Nelson.

ACTION NARRATIVE

TAPE 02-41, SIDE A

Number 0001

CO-CHAIR DREW SCALZI called the joint meeting of the House Resources Standing Committee and the House Special Committee on Fisheries to order at 1:06 p.m. Representatives Wilson, Dyson, Kerttula, Stevens, Fate, McGuire, Green, Chenault, Masek, Scalzi were present during the call to order. Representatives Coghill and Kapsner arrived as the meeting was in progress.

SCR 30-ALASKA SALMON DAY

CO-CHAIR SCALZI announced that the first order of business before the House Resources Standing Committee would be CS FOR SENATE CONCURRENT RESOLUTION NO. 30(RES), Relating to Alaska Salmon Day.

Number 0035

KRISTY TIBBLES, Staff to Senator Ben Stevens, Alaska State Legislature, explained that the CS for SCR 30 would proclaim June 30, 2002, as "Alaska Salmon Day." Furthermore, this proclamation will recognize the salmon industry as a huge part of all of Alaskan's lives and raise public awareness of one of Alaska's most important industries. She said passage of SCR 30 will also support the Alaska Seafood Marketing Institute (ASMI) and its efforts to market Alaska salmon in the United States in the coming summer.

Number 0242

REPRESENTATIVE MCGUIRE moved to report CSSCR 30(RES) out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSSCR 30(RES) was moved out of the House Resources Standing Committee.

Number 0356

CONFIRMATION HEARING

Board of Fisheries

CO-CHAIR SCALZI announced that the next order of business would be the confirmation hearing on the appointment of Gerry Merrigan, Brett Huber, and Arthur N. Nelson to the Board of Fisheries (BOF).

Number 0492

GERRY MERRIGAN, Appointee to the Board of Fisheries, informed the committee that he has been a resident since 1979 and has been fishing off and on since that time, including power trolling for salmon and fishing halibut [individual fishery quota] IFQs in Southeast [Alaska]. Mr. Merrigan explained that in the winters he has worked on fishing policy issues, including the US - Canada [Salmon] Treaty in the early 1990s and some Bering Sea issues with the North Pacific [Fisheries Management] Council (NPFMC). He noted that for the past three years he has been the director of Petersburg Vessel Owners Association.

MR. MERRIGAN reviewed his work experience, which includes crabbing, tendering, seining, and being a crew member. He mentioned that although he may not have a lot of experience in some fisheries, he knew enough people to steer him in the right direction. Mr. Merrigan related that he owned a 35 foot wooden troller that he had been fishing since 1985 and has 6,000 pounds of halibut IFQs. He informed the committee that he was exposed to the diversity of some of the BOF issues through a vessel owner's association. The association included everything from 150 freezer longliners down to 26 foot Dungeness crab skiffs, and vessels fishing from [the] Bering Sea down to Tree Point. He noted that he attended quite a few BOF meetings as the director of the vessel owners. He said he started going to BOF meetings in 1988, and has seen several boards at work. With regard to why a person would want to be on the BOF, Mr. Merrigan said he was sure he'll be asking himself that over and over again. However, he related that he may be able to add something to this [process].

MR. MERRIGAN characterized himself as a nuts and bolts person who is good with numbers. "I think I can help make things work," he said. Furthermore, he indicated that he helps move along good ideas. "I don't have an agenda ... other than ... I'd like to see the meetings get shorter," he remarked. He explained that the shorter meetings could help keep the public involved. Mr. Merrigan expressed the desire to keep things real simple at the BOF and maintain a board that is viewed as fair. Above all, resource conservation is the priority because that's what the constitution specifies. Without the resource, it's all moot.

Number 0833

REPRESENTATIVE GREEN asked if Mr. Merrigan would have a predisposition in favor of commercial fishing if there are

commercial fisheries issues that are at odds with other fisheries.

MR. MERRIGAN talked about regulations and policies of the board, including the allocation criteria. He noted subsistence priorities, as well as commercial, sport, guided sport, and personal use [priorities] and said a good board member would have to review those to establish that allocation. He hoped that his decisions would be justified by the allocation criteria. He noted his belief that personal use is an important fishery. He mentioned doing things to get along with neighbors and in that regard, trollers have done things such as not opening up close to town until the [local] salmon derby has concluded.

Number 1028

REPRESENTATIVE FATE asked Mr. Merrigan how familiar he is with the inland personal use and commercial fisheries, and also inquired as to his perception of the management of the Interior fishery in the scheme of the total management of the allocation in the fisheries.

MR. MERRIGAN explained that he probably has the least amount of experience with the inland [fisheries]. He noted that [fishing in] Bristol Bay was about as close as he got to [inland fisheries]. However, when he worked for the Alaska Department of Fish and Game (ADF&G) in the early 1980s it gave him an idea of the complexity of "rearing habitat" depending on water heights. Mr. Merrigan remarked that although these are complex issues, he said he has always felt everyone agrees with escapement goal, and therefore the fish have to be delivered first, and then the in-river allocations can occur. He noted that there's a conservation issue and if you have a subsistence priority, the conservation issue is proportional to the impact of each group. Therefore, fishermen are encouraged to keep participating in conservation because they will receive the benefits at some point. "If it's done ... equitably and proportionately, ... the end result is the fish have to end upstream with the ... end river user as well," he pointed out.

MR. MERRIGAN emphasized:

... The management's got to start from the outside in, and you have to know how much to deliver escapement, plus the in-river goal. I understand some of your fisheries aren't, maybe, getting the necessary returns

that you'd like and there may be some information or data shortages as well. ... My knowledge of those systems is probably weak, and ... [as] one previous board member commented ... he realized how little he knew until he put his name in for the board of fish, and I am realizing that just as well.

Number 1204

REPRESENTATIVE STEVENS turned to the conflict of interest issues that seem to affect the board occasionally and asked Mr. Merrigan if he would have a conflict. If so, would that conflict preclude him from being involved in issues or would it be [acceptable] for [a board member] to state a conflict and continue to participate in the debate.

MR. MERRIGAN offered his belief that a [board member] with a conflict should be allowed to participate in the debate, because the reason that person is on the board is to include his or her expertise [on the issues]. In terms of voting, he thought [that member] should declare his or her conflict and [allow] the chairman to establish whether that member would financially benefit from [voting]. He mentioned that if something benefited the Southeast [Alaska Commercial] Troll [Fisheries Management] Plan, he might receive an infinitesimal gain as one of 1,500 trollers. However, he was unsure as to whether that would constitute a conflict. Mr. Merrigan said if the issue was regarding some area where he fished that spot, he would have to declare a conflict. He opined that people should be allowed to participate in a debate and state their conflict, unless there's a real direct financial gain. He suggested that having the [conflict] on the record might be sufficient.

Number 1328

REPRESENTATIVE DYSON turned to the Bristol Bay fishery as soon and pointed out that when the end river users, particularly subsistence and personal use, obtain their allocation, ... the run may be gone for the commercial fishermen located at those river of origin fisheries. He inquired as to how that problem could be managed.

MR. MERRIGAN said he wasn't suggesting curtailing fisheries so those fish are delivered. He explained:

It's active management, and I think the system the state has of in-season emergency order using the gut

judgment of the area biologists; ... the pulse fishing; you're going to try to deliver 'X' amount and they got to do their best judgment to it. If you wait to measure those fish 20 miles upstream, ... you've missed the bulk of the run and you've missed the intent of Bristol Bay management, which is to sample all run segments of that.

Bristol Bay gets complicated between the in-river, the set, the drift ..., but I think you have to take your best cut at trusting the area management system, but they need to know how much they're trying to deliver, get that quantified ... statement They enter the system but they don't advance, so escapement's kind of there, but hasn't got up to that river system. ... I would have to just go with our area management and EO authority that we have and trust fish and game in the best judgment; ... we all learn from our errors.

Number 1477

REPRESENTATIVE DYSON mentioned that the Kvichak [River system] has not been getting its escapement for several years and is an area of contention. He explained that the commercial fishermen cannot fish that area, but that there are still in-river fisheries, sport fishing, and other fisheries. Representative Dyson asked Mr. Merrigan if he thought all of the fisheries should be shut down until the escapement goals are met.

MR. MERRIGAN answered, "I think it would have to be ... proportionate." He said he would have to look at the magnitude of the impact in the sports fishery, however he didn't think it necessarily meant everyone gets shut down. There could probably be catch-and-release, he opined.

Number 1561

REPRESENTATIVE MCGUIRE told Mr. Merrigan that he struck her as a no-nonsense kind of guy that speaks his mind, and that she appreciated that. She asked Mr. Merrigan if he could be "king for a day," what kind of a make-up he would [envision] on the BOF. She also asked him how the make-up of the BOF relates to the future of the salmon industry and resource protection.

Number 1605

MR. MERRIGAN response that there would be another [board member] from Southeast, including several fishermen other than himself. He remarked I think He remarked that one can't go by categories a lot of times because it's a mix of personalities with a variety of expertise, experiences, and skills. He noted his belief that Ed Dersham is one of the best BOF members he has seen.

Number 1739

REPRESENTATIVE GREEN suggested that perhaps there are more commercial fishermen fishing [than revenue being generated to] support them all. He noted that the state and some fishing groups have considered buy-back [programs]. He asked Mr. Merrigan his thoughts on this issue.

MR. MERRIGAN related his belief that each fishery would have to be reviewed. He noted that CFEC's [Commercial Fisheries Entry Commission] website provides a good picture of each fishery. Perhaps [the fishing industry] needs to make itself more efficient and determine where the business should go. Mr. Merrigan said he wasn't sure it's the BOF's job to develop innovative solutions because those should come from the task force and the people bringing proposals forward. He reiterated the need to review the situation fishery by fishery because it depends on the level of participation.

Number 1870

REPRESENTATIVE KERTTULA asked Mr. Merrigan why would he want to [be on the BOF]. She asked him about his goals.

MR. MERRIGAN said that he has a lot of knowledge of [fisheries issues], and although he has never really done a lot of public service, he thought this was the [right] time. Mr. Merrigan mentioned that if he didn't make it on the BOF, it wouldn't be that disappointing after having [witnessed what previous BOF members] go through. He remarked, "The long meetings, high anxiety, and low pay were simply irresistible."

Number 1960

REPRESENTATIVE SCALZI pointed out that the BOF had been reviewing proposals concerning Local Area Management Plans (LAMPs). Furthermore, [the BOF seems to be] working with the North Pacific Fishery Management Council (NPFMC) closer than he has seen in the past to develop fisheries that relate to both

federal and state waters. He inquired as to how Mr. Merrigan would deal with U.S.-Canada relationships and he also inquired as to what BOF's approach should be with mixed interception fisheries within Alaska.

MR. MERRIGAN explained that international treaties trump some of BOF's actions. Although the king salmon number for Southeast comes from a treaty, the BOF determines the allocations between the [various fisheries]. Mr. Merrigan also pointed out that some of the restrictions placed on the seine and gillnet fisheries come from treaties and can't be changed by the BOF either. He suggested that the board is going to be working more frequently with [NPFMC] on issues such as crab management, LAMPs, and paralleling with sea [indisc.] devices. Mr. Merrigan mentioned that he thought "the big ticking bomb" is going to be on sea lion issues. He discussed intercepting stocks and suggested that interception is in the eye of the beholder. He echoed his earlier testimony regarding the need to share the burden of conservation. Mr. Merrigan also discussed the need for data in determining how best to conserve. The more data there is the simpler [and more accurate] the job is.

Number 2192

REPRESENTATIVE STEVENS asked what the responsibility is of the BOF to try and utilize resources that are not currently being used.

MR. MERRIGAN related his understanding that at the last fisheries meeting he attended there was a new fisheries policy in draft [format], which he believes is currently in place. Mr. Merrigan said he believes the difficulty was that a new fishery couldn't be developed without a management plan. The Southeast dive fisheries got around that by assessing themselves enough to do the research to develop a management plan. Mr. Merrigan said that initially he was concerned about groups paying for research; however, he doesn't have a better idea.

MR. MERRIGAN said:

... I think the board's job is to maybe allow a fishery to get going in a limited way to gain their resource information before you endanger it, but not just to take precautionary approach and slam the door until we have everything we need to know. I think most of the fisheries management is done in small steps. ... Occasionally, you have to step backwards,

... but you've got to keep moving ahead; you don't make giant leaps; you've got to go with what you know or what you think you know and move ahead on that basis. I think ... it's a process.

REPRESENTATIVE GREEN recalled Mr. Merrigan's mention of the need for good data and related that he has heard in the past that there may be a lack of really reliable data on one of the [state's] more popular rivers. He mentioned that Mr. Merrigan had indicated that U.S. Senator Stevens might be helpful in getting funds for more data. Representative Green asked Mr. Merrigan how he would feel about [using that] information [for] discreet stock management.

MR. MERRIGAN remarked:

Stock ID work; I know we've got U.S.-Canada money for Southeast. We don't necessarily have that for ... the rest of ... Alaska outside of the treaty area, but it's really hard to make ... decisions without the data, and I think stock ID work and just escapement numeration, to me, is a big issue If you don't have an escapement goal everybody agrees with, ... it's pretty tough.

... Sometimes we experience at U.S.-Canada ... escapement goals with a little bit of something else mixed in. ... They had never readjusted ... escapement goals in the Columbia river since they built the dams, 'cause people were using them as a benchmark of what they used to get. ... I didn't want to lose those numbers; ... those ... had some other reference other than biology.

... I think the biological escapements goal has got to be arrived at. Hopefully, if you can get the information to do a spawn - a recruit curb, that's great. If not, then you have to start taking some historic references. ... Sometimes leak-stop management can be used in a harmful way and it also has its merit, and there are chinook abundance; for example, in Southeast we have an aggregate abundance index.

... It's also tempered by if you have 'X' number of stocks that aren't performing and then you have a couple that are doing great; you don't get the full

magnitude of that abundance; it's reduced a bit. ... They have a little bit of that built in. ... On the negative side, I would say [the] Endangered Species Act; when we were reduced through the Snake River, and here you are taking hits of 40,000 king salmon to deliver three quarters of one fish back on the spawning ground.

That'd be like the worst, ... discreet stock management; it would use a schedule to deliver fish to other places and really didn't accomplish anything. ... I think you have to look out for protecting, like we do in our wild stock policy; if you've got a strong hatchery run and a weak wild run. Well, we're not going to be fishing on those hatchery fish if it's going to endanger the wild ones.

... In a sense we protect our wild stocks; we have to protect our stock segments. I can see that going too far when people started identifying every little valley in Southeast as a ... discreet stock segment, then you're kind of in trouble; you won't be able to harvest anything. ... I think it's something you'd take in consideration, but it can be taken too far.

Number 2500

BRETT HUBER, Appointee to the Board of Fisheries, related that he has been a resident of Alaska for 18 years and lives with his wife and four children on the banks of the Kenai River. He told the committee that he thinks it is an honor and a privilege to be appointed to the BOF. Mr. Huber said the question that he is most frequently asked since being appointed is, "Why in the world do you want to do that." He noted that as an observer of the board process throughout the years, he himself had asked that same question of numerous people. Mr. Huber explained that his reasoning is that the states' fisheries are an integral part of Alaska, its residents, economics, and culture.

MR. HUBER suggested that [serving on the BOF] is a huge and important responsibility as well as a great opportunity for public service. Serving on the BOF is an opportunity to return something that he's so enjoyed to the fisheries and the state. Furthermore, it's an opportunity to ensure that these opportunities are available for future generations of Alaska's children. Mr. Huber said he thinks he brings some skills and tools to this position such as his familiarity with the

constitutional, statutory, and regulatory framework on which fishery management decisions are made. Mr. Huber suggested that his service as staff to the legislature has given him some insight into the process and the interaction between management, regulators, and legislators. He noted his familiarity with management agencies and suggested that he could bring some personal skills to this position, such as the ability to listen and help facilitate discussions. He mentioned that he's had a long interest in management and resource management issues because he's been a resource user. Mr. Huber explained that he became the most actively involved about 10 years ago when he realized that if he cared about the resource, wanted to participate, and continue to have the opportunity, then he would have to be involved in the regulatory process.

MR. HUBER turned to constitutional common property ownership and said that along with the right to harvest their fish comes a commensurate stewardship responsibility. Mr. Huber related his view that if it's a common property resource and belongs to all [Alaskan's], then it's not just about harvest; it's about taking care of those fish, and that helped him get involved in the process. He explained that he started out by participating in BOF meetings and serving in various committees during meetings, task force mediation groups, and he also noted his experience in serving on a couple of committees on [NPFMC]. He mentioned that he doesn't have as much experience or as good of an understanding of the process with NPFMC as he does with the BOF. Mr. Huber noted that his participation also prompted him to run for office in 1994. Although he was defeated by Representative Masek, his help with her general election campaign led to staff positions with Senator Lyda Green, Senator Rick Halford, and the Senate Resources Standing Committee.

MR. HUBER explained that his experience dealing with the Senate Resources Standing Committee offered him an opportunity to look at fisheries and resource issues, as well as agency legislative regulative interaction, which had been one of his ways of becoming involved. He said another way he's become involved is by being affiliated with or by being appointed to other positions, entities, or organizations, which is listed on his resume. Mr. Huber pointed out that one position that doesn't appear on his resume is that he is an ex officio director of the Alaska Fisheries Development Foundation.

MR. HUBER informed the committee that he is the executive director of the Kenai River Sportfishing Association (KRSA), which is a nonprofit member-based conservation organization

whose mission is the preservation of the Kenai River through protecting habitat, providing education, and promoting responsible sport fishing. He explained work is done in three main areas: habitat improvements and angler access projects; fishery conservation work, underwriting and studies participating in research work; and public education, outreach through the schools, state agencies, and the general public. Mr. Huber specified that his job as executive director of KRSA is an annual salaried position; he handles the administrative functions of the association; supervises the staff and volunteers; and implements the programs and policies that are established by the board. He said he had a lengthy discussion with the 13-member policy board prior to applying for the BOF position. Mr. Huber remarked:

One of the things that I wanted to make sure was taken care of or discussed early on is the policy board - if I have 13 directors that believe one way on an issue and they bring that to the board of fish. Would I be on that board of fish, I would look at that advice as I would advice from another user group, another entity, another advocate. Another advocate would weigh and balance that advice and from all of the information, if my conclusion differed with that opinion, they could expect me to vote against their position. I not only told them that, I told them if I couldn't say that, and if I didn't mean it, I had absolutely no business applying for this position; they have no problem with that.

So again, I do not have a policy-making role in KRSA, and my position or the association generally is not either conditioned or dependant on the board of fish decisions. ... There are potential conflicts with any candidate or any member of the board of fish. ... My understanding of the way that's solved is we're required to ... disclose any potential conflicts and the chairman ... makes a ruling on whether a conflict exists and what level of participation you can have. I have no problem with that process, and would obviously abide by those decisions and rulings.

MR. HUBER noted that other affiliations listed on his resume do have policy roles and a potential conflict. Those include: vice president, Alaska Outdoor Council (AOC); vice president, Alaska Outdoor Council Political Action Committee; and ex officio, Alaska Fisheries Development Foundation. Mr. Huber

said he had informed all three of those entities of his intent to resign his positions upon confirmation to the BOF. He informed the committee that he is also vice [president] of the Kenai River Special Management Area (KRSMA) Advisory Board, which is as advisory in capacity and gives advice to state parks on the management of the KRSMA land [indisc.] that the legislature designated. That's not a policy role, it's an advisory role in which the decision maker is [the Division of Parks & Outdoor Recreation], he explained. The Exxon Valdez Oil Spill (EVOS) Trustee Council Public Advisory Committee is also advisory in capacity, and the decision makers are the trustees. Mr. Huber explained that he enjoys service on those groups and doesn't see a conflict, but rather he sees a benefit from crosspollination of ideas and information. He remarked:

As it's not uncommon with the Cook Inlet sport fish appointment to the board of fish, my appointment's generated some interest. Representative Berkowitz told me yesterday that he thinks I may have actually headed out daylight savings time. I let him know today I called 100 of my friends, asked them to send emails on daylight savings time and I was hoping to push them back over the [indisc.]. We'll see how that goes.

MR. HUBER acknowledged that since his appointment he has been characterized as everything from the devil to the best thing since sliced bread. The truth lies, he said, somewhere in between those two, and it's up for [the legislature] to decide. He turned to the accusations of being against consumptive use and said that would come as a huge surprise to his wife, kids, friends, and family who participate in the fisheries with him. He said that although he is a consumptive user, it doesn't mean that he kills every fish he catches. However, consumptive use of Alaska's fishery resources for Alaskan families is obviously a priority use. "I don't oppose consumptive use," he said. Mr. Huber then turned to the accusations of ignoring science and even worse, advocating against good biological information. "That's just patently wrong," he stated. He explained that there are always socioeconomic considerations that come into play with the biology when making resource management decisions. However, he opined that when there is good biology that points to a conclusion, no amount of public testimony or haranguing ought to ask [a board member] to ignore that biology. [Biology] is the basis of managing and regulating these fisheries. It would be a lot easier if all the biological answers were available. The difficulty comes when a board is tasked with

addressing conservation and development of Alaska's fishery. "If you had to do just one or the other, it'd probably be pretty easy," he remarked.

TAPE 02-41, SIDE B
Number 2965

MR. HUBER pointed out that often times, there isn't clear, concise biological information that points to an answer. In that case, the best biological information and the best advice from managers, stakeholders, and others that know about the resource is obtained and the best decision is made.

Number 2950

MR. HUBER said:

... Regardless of what I say today, [I] will not convince some people that this is not the case. But I am not, nor have I ever been, an advocate for the demise [of] commercial fisheries in Alaska. That makes no sense to me at all. The commercial fisheries in Alaska are incredibly important to individual fishermen, to fishing families, the coastal communities, and to the general welfare of the state.

MR. HUBER commented that one of the reasons he wants to serve on the board right now is because it's an incredibly dynamic time with real opportunities. Some ideas are coming forward from the industry, which is where he believes they should. He related his belief that having a [member] with a sport fish perspective makes real sense; sport fish and [commercial] fish are not mortal enemies, he opined. He expressed the need to find answers to overcapitalization issues; product issues; delivery issues; competition issues; [and] farmed salmon issues. "We've got to figure out how to do things better in order to take that important industry into the future, have it viable and sustainable, and I think I can help in that discussion," he said. Furthermore, Alaskan's deserve a BOF that listens to all the users in the gear groups; relies on sound science; manages conservatively if good information is lacking; and seeks advice from the managers. The BOF should fully consider the implications of its decisions and utilize a transparent and understandable process. The public and the users have to be involved in the regulatory process.

MR. HUBER concluded:

Should you choose to confirm my appointment, ... I'll do my level best to meet those expectations; I look forward to the opportunity to work with other new board members and the four dedicated individuals that are continuing service on the board, and I'll do the job to the best of my ability. I do my homework; I try to be thorough; there's a huge learning curb, I think, for anybody ... appointed to the board ... regardless of their background. It's a board; it's not an individual, and the dynamics of that board say if you bring differing perspectives; differing view points; and differing expertise from areas; as a whole you're probably going to do a better job than making decisions in the myriad fisheries throughout the state.

REPRESENTATIVE GREEN asked Mr. Huber to explain his position on the hook and release of king [salmon].

Number 2756

MR. HUBER indicated that Representative Green was referring to actions by BOF at its most recent upper Cook Inlet meeting and the position taken by Mr. Huber's association at that meeting. He explained that the issue began with a department biologist managing the Kenai River king fisheries who began to see a trend in decline of the numbers of "five ocean fish" - seven-year-old fish, and the largest of the Kenai kings. Concern over that decline has been increasing from year to year. Although there was some internal debate in the department about whether it was going to bring a proposal forward, it did not.

MR. HUBER explained that the biologist met with the local ADF&G advisory committee and presented his information and concerns. The ADF&G advisory committee drafted a proposal calling for protection of five ocean fish and a non-retention slot limit. [The biologist] suggested that fish of this size shouldn't be retained. [The biologist] noted that the proposal had come before the board meeting and received a lot of testimony. A number of options were discussed, including a non-retention limit. However, it couldn't be decided what size range shouldn't be kept. Mr. Huber explained that currently, there is a two-fish annual limit on the Kenai [River] and one option was the possibility of reducing that limit to one fish annually or to make that two-fish annual limit happen outside of a specific time period. Another consideration was limiting the number of

days on the river that would be available for fishing. The association, KRSA, reviewed that issue and provided what management technique could be used to continue participation, yet drastically reduce the harvest. The association favored a catch-and-release fishery for the first run for a life cycle of the run. As far as that being a benefit to the guides, Mr. Huber related his belief that slightly over 70 percent of the first run fishery is guided clientele, which he indicated consisted of a high percentage of Alaskans using guides to access the fishery. "You either have to drastically reduce participation or reduce harvest because you have more demand than you have supply of the resource," he said.

Number 2607

REPRESENTATIVE GREEN mentioned his belief that [obtaining accurate] data in regard to the Kenai River is very difficult. He mentioned the number of salmon in the river versus the amount being efficiently caught. He asked if the reason it takes so much longer on average [to catch a salmon] was because there are more anglers on the river or are the harvest numbers down. He also asked how it is determined if there are fewer "five-year fish" in the river.

MR. HUBER explained that the department uses a number of techniques to try to determine how many fish are entering [the river]; what escapement levels are; and what river entry patterns are. Sonar is one of the primary tools utilized but other methods include a creel census; trips along the river; observations along the river; and harvest sampling data. Mr. Huber said there are a number of reasons why it can take longer to catch a fish, such as poor water condition. He said the escapement range for the early run Kenai kings is 7,200 to 14,000 fish, and has fallen in that range in most years. He explained that it has required some type of restriction to meet those ranges in 6 of the last 12 [years], and there's been some kind of in-season regulatory change in 9 of the last 12 years either to restrict or to localize. He said the components of the run itself really come from creel census and from a determination made about what percentage component exists and what those numbers are relative to run size and a percentage of the run itself. That's what's dwindled, he noted. He said it was about biological concern - the loss of or diminishing of large fish.

REPRESENTATIVE FATE recalled that last year the Yukon River was closed to commercial fishing. Basically, he explained, the

cooperation between ADF&G and the federal subsistence board only went as far as the subsistence board wanted it to go because [ADF&G] wanted to wait until the fish had entered [the river] before it had an emergency closure in case there wasn't enough fish. However, the subsistence board wanted to close [the river] regardless of the number of fish that came in. As it turned out, the run was not too bad and yet there was no commercial fishing of king [salmon]. Representative Fate asked Mr. Huber what he thought should or could be done to form a better cooperative agreement between the federal government and Alaska. He also asked Mr. Huber what he could do to mitigate the problem if there is a decline in the number of salmon.

MR. HUBER said the relationship between the federal subsistence board and its management and the state BOF and its management is really quite different. The federal subsistence board is tasked with providing subsistence for federally qualified users and the state BOF is tasked with providing subsistence as a priority, but also is concerned about all of the other user groups. He said in regard to the Yukon [River], the department and board have taken a lot of time and effort trying to come up with some management protocol and memorandums of agreement and understanding. He mentioned that the first [effort] entailed a two-year process [which was rejected].

MR. HUBER said the state's position in the [Yukon] fishery was to commence the fishery and then close it if numbers deemed that it was reasonable to do so. He added that the state felt it had the "tools" to be able to assess that run strength and make that call. He pointed out that the issue was dealt with specifically in cycle, right after the federal subsistence board came in and the federal managers said they were shutting everything down and starting with a subsistence only fishery.

MR. HUBER turned to the question of how to make it better and related his belief that the state board has to look to what the state constitution and legislature specify [that the board should do]. Furthermore, the BOF has to act in the state's best interest whether that means going along with the federal board or not. "I think we need to make sure that we're the ones that have the best information that our managers are on the ground and know more than [the federal] managers do," he said. As long as co-management and jurisdictional issues exist, the process will continue.

Number 2314

REPRESENTATIVE FATE reiterated his question about mitigating the problem of the lack of kings and chum [salmon] on the [Yukon] River. He noted that there had been some talk about hatcheries and other conservation methods.

MR. HUBER answered that everyone's still trying to determine what's happening with those fish. "When a run is depressed to that point where it's met a level of ... a stock of concern, I think you have to manage very conservatively," he remarked. Furthermore, the burden of conservation must be borne equitably among the user groups. He explained the need to obtain better science and better information in order to understand more about the fish and develop answers with regard to rebuilding those stocks. Mr. Huber noted his hesitation with regard to planting hatchery fish in a system containing as much wild genetic integrity as it does. "You can't disregard wild fish and replace them with hatchery fish," he said. The mandate is to make sure the wild fish are sustainable and being conserved. The wild fish must be managed conservatively, he opined.

Number 2232

REPRESENTATIVE CHENAULT, referring to the Kenai River, talked about catch-and-release and the opportunity to keep the larger king [salmon]. He mentioned a past implementation of the "52 inch rule" in times of shortage or short escapement, either during the first run or the second run. He said the rule allowed one to keep any fish over 52 inches in times of shortage. He asked if it was a good management skill to advocate keeping the larger fish, when now the concern is not having the big fish in either run. He remarked, "Not being a biologist I would feel that if you take the big fish out of the river, pretty soon what you're going to end up with is little fish."

MR. HUBER explained that the department has managed the fishery kind of with a fishery as a restricted fishery in which one restricts a catch-and-release and allows trophy retention or full closure depending on the level of the run and the in-season call the [department] makes. The 52 inch [came into play] during times of catch-and-release when the [department] projects that there isn't enough fish to allow a normal harvest pattern and still make minimum escapement levels. One of the options available is to go to a catch-and-release fishery that reduces the level of harvest. However, in that catch-and-release fishery there was a trophy retention of fish over 52 inches. Mr. Huber specified that the discussion on the catch-and-release

provision occurred when it was initially instituted and then it was reinstituted. He recalled that department staff said in the years when catch-and-release retention occurred in the early run, there were 60-66 fish harvested. The department characterized that number was statistically insignificant.

MR. HUBER said:

The majority of the five ocean fish fall in a sized range, and there's ... some disagreement on it. Some say 40 to 55; some say 42 to 52; some say 45 to 55. I guess as I've thought about it and as I've reflected on it, I'm not certain that it does make sense to retain. As I've talked to people they say, 'Okay but if there's that few of them but they're statistically insignificant with the catch and the total harvest, then isn't it all the more reason to protect those fish,' and I'd have to say that's a pretty convincing argument.

MR. HUBER suggested staying off of those largest of the large fish for a life cycle to see the impact. However, the concern with that is the possibility of the Kenai River losing research monies because of the lack of opportunity to yield the next world record. He pointed out that the Kenai River has had more management dollars spent and more information gathered on it than any other because it is a world class king salmon fishery.

Number 1973

MR. HUBER recalled that only a couple years ago the department said that size is probably not even a heritable characteristic and now it seems the department is saying, at this last meeting, that size characteristics are at least partially heritable. However, there might be other things that contribute to the size such as competition for spawning beds. He explained that KRSA's position is very different than the BOF's decision because the board saw information that KRSA didn't. However, Mr. Huber said he has been swayed; "I think those big fish probably need to just be laid off of for a while."

Number 1939

REPRESENTATIVE McGUIRE commented on the number of emails, which tended to focus on the catch-and-release issue, received in regard to Mr. Huber's [pending appointment] to the BOF. She asked if he believes that catch-and-release has been used in

Alaska or other states as an effective management tool for fish resources.

MR. HUBER replied yes and related that catch-and-release management practices have been used in a number of fisheries where the level of participation won't allow a harvest in sustained populations. The upper Kenai River rainbow fishery is an example of a catch-and-release fishery. Although there was a lot of consternation and concern regarding whether it would work and whether participation would continue. He noted that participation in that fishery is up as well as the population of the trout in that fishery. Mr. Huber highlighted that catch-and-release fisheries have been used in other areas of the Lower 48 in that same type of situation. "Certainly, it's a viable management alternative; is it the right management alternative for all fisheries, no; is it an option, yes," he remarked.

REPRESENTATIVE MCGUIRE said she was most disturbed by the letter from the Kenai-Soldotna [F&G] Advisory Committee. The Kenai-Soldotna [F&G] Advisory Committee's claims that Mr. Huber is a non-consumptive advocate because he is in support of the concept of catch-and-release. Representative McGuire asked if that concept stemmed from Proposal 297, which was brought up by that advisory committee.

Number 1822

MR. HUBER explained that, in that situation, management biologists had an initial concern with big fish, which they brought to the local advisory committee. However, the proposal that the local advisory committee drafted was not a catch-and-release proposal, rather it was advocating a non-retention slot. Therefore, it was a catch-and-release proposal only within a certain size limit that allowed catch and retention of the other fish. He pointed out that the "laundry list of options" such as less fishing days; change in annual limits; catch-and-release; non-retention; elimination of trophies spawned from a discussion that began with [Proposal 297].

REPRESENTATIVE MCGUIRE asked Mr. Huber if the Kenai-Soldotna [F&G] Advisory Committee ever invited him to come before their committee to explain his position before the non-recommendation was issued.

MR. HUBER response no and added that he found out about the decision made at that meeting the following day. He said that he did not know the [Kenai-Soldotna [F&G] Advisory Committee]

was planning on taking that action, nor was he asked to participate in the discussion. "Certainly, that's their opportunity however; I'm not suggesting that they can't hold a meeting and take that kind of action," he remarked.

Number 1708

REPRESENTATIVE WILSON asked Mr. Huber how important he believed the in-season emergency order authority is for local managers.

MR. HUBER answered that adaptive management - the ability to react to changes in fishing conditions in season - is imperative; fishery forecasting is just as much of an art as it is a science. He likened fishery forecasting to a crystal ball. Still, the ability for managers to react in season is very important.

Number 1662

REPRESENTATIVE DYSON commented that he was most disturbed by some of the comments that talked about Mr. Huber being arrogant, not listening, and inaccessible. Representative Dyson asked Mr. Huber to comment about what may have prompted those kinds of observations.

MR. HUBER responded, "Certainly, we all have our times that we are probably more abrupt than we ought to be and that we probably should have listened more intently than we were supposed to, but I certainly try to be a good listener; I certainly try to be a productive participant in discussions or things that I'm involved in." He said he had no idea what to say about what motivates or makes a person feel like that's the case and to act out on it. Mr. Huber noted that he had seen a variety of comments "from the worst thing in the world, to the best thing in the world" and he suggested that he was probably somewhere in between those two.

REPRESENTATIVE DYSON said his friend Bob Penny (ph) has made an eloquent case for how much more a sport cod fish makes economic sense to the economy of Alaska and how much more dollars that fish attracts and brings to the economy as opposed to the commercial fish. He said of course, some folks make the case that fishing has been a part of their family tradition or heritage for a long time, and other people say "if I can't fish, I'd go nuts and I'd end up ... being in one of your mental hospitals or where ever else" He said there's a whole lot of benefit that fish bring, some of which is difficult to

quantify. He asked Mr. Huber how to begin to evaluate what is the best way to spend those renewable resources, such as the fish in [Alaska].

Number 1504

MR. HUBER noted that some people make arguments about the per pound value of sport caught fish and those [arguments] are kind of made from extrapolated general dollars and the amount of fish. However, when the value of commercial fisheries are looked at, it's a lot easier because it's always reported next vessel value. Mr. Huber related that he views the sport fisheries as adding value. However, that doesn't mean that the sport fishery has the harvest power and ability to turn all of the renewable resource fisheries into money through that value added process; there is no way that the sport fishery can harvest all of the fish that are available to harvest. There's no way that a sport fish economy that's very important in one region will necessarily be the answer in another region that's virtually dependant on the commercial fishery for its cash economy. He suggested that it's not a "one-size-fits-all" and each region and each fishery must be looked at individually with the allocation criteria being applied individually. He mentioned not looking at just direct pound-for-pound value but value to the local economy; the availability of other resources; and other cash economy in the area. Mr. Huber remarked, "I don't think you can do it as a cookie cutter, ... I think you have to make those calls on a fishery by fishery basis."

REPRESENTATIVE DYSON turned to the Cook Inlet fishery, an area where allocation issues are "butting heads" the most noticeably. He noted that Mr. Huber has been representing one of the user groups in the Cook Inlet fishery, and, if confirmed, would sit in a position that would very keenly affect those allocations. Therefore, [Mr. Huber's confirmation] is problematic. Representative Dyson inquired as to the results of the board's vote on the catch-and-release issue.

Number 1351

MR. HUBER response that the board voted on and adopted a modified kind of non-retention slot. He explained that there are no fish between 40 and 55 inches for the beginning of the run through June 10; catch-and-release of fish other than 55 inches in the last 20 days of June, and then back to management with no changes in the second run. Mr. Huber said it was a

compromise that was offered by one of the participants and was adopted by the board with a vote of 7-0.

REPRESENTATIVE DYSON asked Mr. Huber if he was on the board.

MR. HUBER replied no, and said if he is confirmed, his appointment would not take effect until July 1.

REPRESENTATIVE CHENAULT, referring to Upper Cook Inlet, said there are currently more than 30 management plans for the area. He noted that at a recent BOF meeting, Mr. Huber had supported the development of several new management plans that would basically limit the EO authority of local managers.

MR. HUBER answered that he did not think that was correct [information] and that he had, in fact, participated in the drafting and submittal of Proposal 216, which called for the adoption and development of a management plan for the Kasilof River. He explained that there were several other proposals that weren't management plan proposals, but instead were changes to the management plan. He noted that one of the things that was proposed was linking a fishing time to abundance, and he said "they adopted an abundance-based method of a below 2, 2 to 4, and over 4 million fish in the past cycle."

MR. HUBER said it wasn't specified and was, in fact, linked to hours and was [recommended to be] at the discretion of the managers. He noted support for a mandatory Friday window in the king plan and a mandatory 24-hour window in the sockeye plan. He explained that the idea was to tie it to abundance, but leave the managers the flexibility to determine when they use those additional hours, whether it's extending a period or opening a period. Depending on the tides, the winds, or the push of fish, 24 hours can make a huge difference, he said.

CO-CHAIR SCALZI mentioned there were a few things of concern in regard to the BOF request, one of which was the agenda change request - "the board taking things out of cycle." He noted that there's legislation regarding the agenda change request. Co-Chair Scalzi turned to Mr. Huber's support of biological science for concerns raised to the board and asked Mr. Huber if he agreed that ADF&G is the best suited [department] to make those biological decisions, for instance, for endangered runs.

MR. HUBER, in response, said certainly, managers of the resource, the "folks on the ground," and the people that have the data are going to be able to provide the best biological

advice on those fisheries. Furthermore, the aforementioned folks would be able to give their judgment with the information to say whether they believe there's some type of conservation issue that exists; they would be best equipped to provide that advice to the board.

CO-CHAIR SCALZI, referring to aquiculture, said it produces 40 percent of salmon in-state and currently, there are aquiculture associations throughout Alaska. He asked Mr. Huber if he was in support of the aquiculture program as long as it doesn't conflict with natural runs.

Number 1040

MR. HUBER said the mandate to the BOF, generally, is to protect the wild runs first and foremost. Basically it comes down to knowing what the wild run is and having some kind of management assessments of the wild run. Mr. Huber said he would be in support if the situation is such that the wild run is known in a way that an aquiculture association can participate in enhancing runs or providing additional fish that don't do harm to the wild runs and that make economic sense. He said enhancement aquiculture works in some areas; although, in some areas of the state, aquiculture has struggled significantly. Mr. Huber remarked, "I think the aquiculture in how we use hatcheries and what makes sense for hatcheries is a legitimate part of the discussion that the industry needs to have ... looking at how we're going to move forward with a successful, sustainable salmon industry." Some projects may make sense, some projects may not, he said. He reiterated that he thought individual circumstances need to be reviewed.

CO-CHAIR SCALZI noted his belief that the Cook Inlet Aquiculture Association (CIAA) has been very successful in promoting a lot of the runs throughout the area. Furthermore, it seems to have created a greater opportunity for commercial and sport [fishing], generating about \$7 million statewide. He asked Mr. Huber if he was supportive of the aquiculture association in Cook Inlet and the continued funding for it.

MR. HUBER asked if the funding in question was generated by the industry.

CO-CHAIR SCALZI explained that funding is completely generated by the industry, although other funds from federal agencies have been sought; for example, the Kenai Borough successfully lobbied

for \$1.5 million from U.S. Senator Stevens to help during some of these low-cost times.

MR. HUBER acknowledged that there are projects that CIAA is involved in that have been successful and haven't been detrimental. He said in looking at the situation found in the Big Lake system and Fish Creek, it can be seen that the run has reached a level of stock that is of concern. There are some habitat considerations and some fish migratory considerations. Additionally, a large consideration is the enhancement program that took place in the area without having very good information on the wild run; without having wild-run escapement data; without having a very good way of setting escapement goals. He opined that the aforementioned was detrimental to where that fishery is today. He clarified that he didn't believe "you ought to just shut their doors and send them away," but each individual project should be scrutinized and everyone participating in aquiculture should be held to a high standard.

CO-CHAIR SCALZI noted that the committee has dealt with both the EO and the aquiculture associations throughout the state with agenda change requests. In regard to the conflict of interest, it would be his purview to make it broad, similar to what the legislature has. He noted his personal belief is that knowledgeable people involved in the industry should be on boards throughout the state. Co-Chair Scalzi expressed concern with Mr. Huber's appointment because of his involvement with KRSA. He asked Mr. Huber if he thought he will have a conflict on a lot of Cook Inlet issues that specifically pertain to the Kenai River because of his employment and associations.

Number 0707

MR. HUBER reiterated that he doesn't have a policy role in KRSA. "What I've told Kenai River Sport Fishing [Association] is, ... this either takes you out of the proposal business or you know that obviously I'd be conflicted out on voting on any proposals that Kenai River Sportfishing Association brings forward," he related. However, he didn't believe that his conflicts would not allow him to participate on any issues that deal with sport fishing in Cook Inlet. He noted that his position or association is not conditioned upon how that sport fishery is conducted or what the board decisions are. Mr. Huber said it would be hard for him to suggest that he knows where a potential conflict would arise, but he said he would certainly disclose any time he felt a conflict existed and he would abide by the ruling of the chair.

Number 0561

ARTHUR N. NELSON, Appointee to the Board of Fisheries, told members that he moved to Alaska in the early 1980s and settled in Anchorage where he graduated high school. He explained that he grew up spending quite a bit of time on his parents gillnet boats in Prince William Sound. He noted that a lot of the other summers were spent in his bicycle shop building and selling bikes. Mr. Nelson said he had spent a summer trolling in one of the last derby halibut openers out of Elfin Cove and has had an extensive fisheries advocacy career. He explained that he worked for the regional native non-profit Kawerak, Inc., based in Nome as a fisheries specialist advocating subsistence and small boat commercial fishing as well as trying to help them assess and rebuild the chum salmon stocks in the region. He said he also worked for the Bering Sea Fishermen's Association in a similar capacity, but across a broader region from Bristol Bay all the way North to Kotzebue Sound, including the Yukon River into the Interior. Mr. Nelson said most recently he's working for the At-Sea Processor's Association, which is a sector of the Bering Sea Pollock Fishery. Although he didn't really know why he wants to be on the board, he said he has wanted to pursue it for a while and has been active in board issues for a number of years.

MR. NELSON stated that is fairly familiar with certain areas of the state and has always loved fishing and fisheries in the state. He said he is an avid sport fisherman and spends every free moment he can get during the summertime on his boat out of Whittier or Seward, and that he would like to learn more about other fisheries in the state and help them with their problems. He mentioned his desire to ensure that the resource is taken care of and help deal with allocation issues. Mr. Nelson offered his belief that within the next five to ten years the board is going to have some monumental tasks, especially dealing with rationalization or revitalization for the commercial salmon fisheries. He noted that there isn't going to be a one-size-fits-all solution for the state; there might be fisheries that don't need or want any change right now, and it's not the boards' role to be forcing "anything down people's throats."

REPRESENTATIVE STEVENS asked Mr. Nelson to address the conflict of interest issue, how that would impact him, and how he would foresee it actually working if he had a conflict. He noted that Mr. Nelson would have some conflicts due to his current

employment and asked him if that meant he would not be able to participate in those related areas.

MR. NELSON said he didn't know, but noted that he approached his employer about his interest in pursuing a seat on the BOF and the possibility that he that he could be "conflicted out." He pointed out that a lot of the issues for these companies represented by At-Sea Processor's Association are related to fisheries that are largely addressed in the NPFMC arena; only every few years do a handful of proposals with a direct affect on the companies in the association come before the BOF. He said that if he, the Department of Law, or the BOF's chairman has the opinion that he's conflicted, then he is conflicted. Mr. Nelson explained that he would certainly like to have the opportunity to bring the perspective and understanding for some of the other fisheries into the arena and into the discussions. Whether voting would be allowed is ultimately up to the chair, he said.

Number 0095

CO-CHAIR SCALZI noted that currently, the BOF has adopted more of the old federal-type management where the opening and closing dates are more restrictive. He asked Mr. Nelson his opinion of in-season management and emergency order authority.

MR. NELSON said he thought it is an incredibly valuable tool to have, and that it is necessary to trust the department because they are the experts who know these fisheries just about as intimately as the people participating in the fishing. Mr. Nelson suggested the [number of fish] is never really known until the fish show up. He said if there is a highly prescribed management plan that really ties the departments hands, "the fish are either going to go through or they're going to get nailed, so you really need to have that flexibility."

TAPE 02-42, SIDE A
Number 0001

CO-CHAIR SCALZI mentioned interception fisheries and some of the conflicts that arise between False Pass, Chignik, Kodiak, and Cook Inlet.

MR. NELSON said in some fisheries it's simply an allocation issue between different commercial fishing registration areas or it might be an issue in which true escapement needs are not being met or subsistence, which has a higher priority under the

law, might have to be looked at differently. Basically, most cases "boil down to sharing the burden in your relative proportion on the stock of concern," he said.

CO-CHAIR SCALZI asked Mr. Nelson what he thought about aquiculture programs throughout the state.

MR. NELSON related his belief that [aquiculture programs] have provided some tremendous benefits to many areas of the state, and therefore he is supportive of the program.

CO-CHAIR SCALZI inquired as to Mr. Nelson's thought on the role of the BOF in relation to what comes out of the salmon task force. He also inquired as to Mr. Nelson's thought of the legislation that was put forth in an effort to stimulate the industry.

MR. NELSON said it's not up to the BOF to necessarily come up with the answers. The stakeholders, fishermen, and user groups need to come up with suggestions and it's the boards job to make them fit, such as with conservation needs or certain allocations between different groups.

Number 0232

CO-CHAIR SCALZI asked Mr. Nelson how he felt ADF&G's role fits in with the conservation agenda changes that often take place.

MR. NELSON said he thought [ADF&G] does have a very important role in deciding which agenda change requests should be brought up. He mentioned the boards role criteria for accepting agenda change requests, which is a rather stringent set of requirements. "However, you can always ... massage things a little bit to get something in under a certain thing, but the authority of the department or the recommendations of the department and the conservation needs should be one of the primary reasons for accepting something out of cycle," he remarked. Mr. Nelson said that often times issues arise that are much larger than the surface value of the agenda change request, which really puts a much higher burden of time and effort on the BOF.

CO-CHAIR SCALZI said he thought a lot of it has to do with the stability that the various fishing entities feel they would like to see in the board process. He said he thought those were most of the concerns that he's heard about why the board needs to "stay on it's course and maintain that."

REPRESENTATIVE McGUIRE asked Mr. Nelson what he thought the ideal make-up of the board should be and if he thought there should be something such as a sport fish versus [commercial] fish categorization.

Number 0468

MR. NELSON opined that the board should consist of [members] from a variety of regions across the state and a range of experience in different fisheries. The experience of the board members along with public interaction can bring a lot more information into the process than might otherwise be available. Ideally, it really wouldn't matter who was on the board, he remarked, as long as the appointees are willing to be fair and consistent and make sure that when the resources of this state are managed right that there's enough fish for everybody. As long as there are members willing to appreciate the value of each of the different fisheries and the importance of them to the residents of the state and the people that use those resources, it doesn't really matter where they're from or they're fishing interest.

REPRESENTATIVE McGUIRE turned to the aforementioned notion that sport fishing added value to the salmon resource and she asked Mr. Nelson for his response to that notion.

MR. NELSON said it is an interesting way to look at it and he would agree to some extent. However, he said he wouldn't want to say that sport caught fish are more valuable than fish in another fishery because there are a lot of other factors to consider, such as family history or culture.

REPRESENTATIVE FATE mentioned the inland fisheries and said he didn't know if there was a appointee or current board member that represents the "brown water" fishery, which is in trouble. He asked Mr. Nelson where he would turn for expertise on the board to deal with the brown water fishery problems.

MR. NELSON pointed out that he is somewhat familiar with issues of the Yukon [River] and the Interior through his work while living in Nome and working for the Bering Sea Fisherman's Association. He noted that he is certainly not as knowledgeable as residents and fishermen in the region, who would be one of the primary groups from whom to obtain information, as well as the department. He said he certainly understands the crisis of the fisheries right now; the fact that there wasn't any

commercial fishing last year; and that on the Yukon River subsistence and commercial fishing are integrated. Mr. Nelson said ultimately those resources need to be returned to a healthy status so that everyone can enjoy the fruits of it all again.

Number 0908

VIRGIL UMPHENOUR informed the committee that he was a BOF member for eight years and has worked with both Mr. Huber and Mr. Nelson on committee work dealing with a lot of different issues. Mr. Umphenour announced his support of the confirmation of both Mr. Huber and Mr. Nelson.

Number 0960

ED DERSHAM, Chair, Board of Fisheries, said he supports all three confirmations and does so based on the process that the BOF has. Mr. Dersham explained that one of the biggest responsibilities of the chairman of the board is to get the board through its workload in each cycle and meet the budget requirements. He said a good reason that's been done the last couple of years is because of the experience of the board members and the ability of everyone to understand exactly what's happening so as to work quickly through the workload.

MR. DERSHAM related his belief that the three [appointees] all have experience that will serve them well in the board process. For instance, Mr. Nelson and Mr. Merrigan have extensive experience with NPFMC, an organization that the board works with frequently. Furthermore, the experience of Mr. Nelson and Mr. Merrigan with the BOF will give them a "jumpstart" on that learning curve.

MR. DERSHAM characterized Mr. Huber as having some experience with NPFMC and extensive experience with the BOF process, in fact Mr. Huber probably knows the process better than anyone who is not currently a sitting member of the board. He remarked, "... From that perspective of having three out of seven new members and being able to get through our workload in the allotted time, which is a big concern of mine, ... I think that all three of these gentlemen will be the best - if you're going to have new members, these will probably be some of the best we could ... have to accomplish that goal."

Number 1140

MARVIN PETERS Chair, Homer [Fish and Game] Advisory Committee, provided the following remarks:

I would ... agree with Ed [Dersham] that Brett Huber knows the system probably better than anybody; sometimes I think he knows the system better than some of the sitting board members, but I don't consider that a plus. I think that there are other things more important than expediency [In] the Homer area, we see Mr. Huber as a serious threat; we don't see him as the devil, but we sure don't see him as the best thing since sliced bread.

I noticed he ... questioned ... why none of the advisory committees asked him to come speak and it's because we've heard him over the years; it's a matter of record, we don't need to hear his opinion because it's in writing, and it's almost always contradicting ours; he's doing our sport and commercial fisheries damage when he proposes ... extensive management plans every cycle.

... He mentioned that haranguing and public testimony don't necessarily provide the best information, but often the haranguing and public testimony are asking the board and people like Mr. Huber to listen to the biologists. Instead, they've been known to hire biologists ... from outside to tell the local area biologists how to do their job and explain why the extreme measures they ask for should be taken at the expense of the local people who are trying to make a living either sport or commercial fishing.

We have to strongly oppose Mr. Huber and it's with some trepidation that we do it because there's always a very good chance he'll be confirmed. ... We'll see what happens, but anyway, we oppose him.

Number 1297

CO-CHAIR SCALZI asked that criticism be kept constructive and "above board." He mentioned that the [confirmation hearing] would be conducted in a proper manner.

Number 1329

DAVID MARTIN, Chair, Central Peninsula [Fish and Game] Advisory Committee, informed the committee that he has 30 years of fishing experience in Cook Inlet. He provided the following remarks:

It was talked about in-season abundance based management and EO authority of the ... biologists here, and that they need those tools to perform their job. I think we have a real good tool, you guys down there for this confirmation hearing on Brett Huber. I heard him talk and he sounds good; he sounds great, but unfortunately or fortunately the tool that we have on the confirmation is his past history - past performance.

I've been at the board of fish meetings for the last 25 years and this last 10 years I've seen Mr. Huber drafting proposals and supporting proposals that do exactly the opposite of what he testified today and what he's representing. And that's taking away EO authority from the managers that'll manage the fisheries; ... disregarding the reliable science and data; and, in fact, hiring outside biologists to dispute the local biologists' and scientists' data; putting mandatory closures in.

He's was talking about abundance-based in-season management; he was in favor of 48 windows in a fishery that used to be ran by the hour, so now the fish can steam in the river for 48 hours - two days - and the biologists have their hands tied and they can't do anything. He supported the closures on the silver fisheries where you can't retain a silver on October 1 for the local sports fishermen. These are all controversy for what he stated.

... There's a lot of people in this state that are qualified and the controversy of the board of fish will just continue and probably escalate under Mr. Huber's confirmation. ... I think it's the best interest of the state, the fisheries, and the people that depend upon these fisheries both for recreation and for their livelihood to have a person that will truly represent the fisheries and biological management and using the science available. ...

Please consider all of the information that you guys have received ... in the last several weeks on this 'cause this is serious business for fisheries here that [have] been basically, almost regulated out of business

Number 1547

IRV CARLISLE explained that he was originally a Kenai River fishing guide back in the mid-1970s, when the only requirement was to have a business license. He said he's been a businessman in Soldotna for more than 30 years and has served two terms as president of the Soldotna Chamber of Commerce, and has served on a lot of boards both non-profit and profit. Mr. Carlisle said he has been involved in fisheries for more than 30 years, including 13 years as the secretary of the Soldotna Fish and Game Advisory Committee and has been appointed by 5 different governors to fisheries issues around the state. He explained that he was on the original Kenai River task force and was vice chairman of the original Kenai River special management area board as well as vice chairman of the BOF.

MR. CARLISLE announced his opposition to Mr. Huber's confirmation to the BOF. He explained that because of his involvement over the years, he gets a lot of phone calls and conversations with people regarding fisheries issues, and in the past has never opposed nor promoted a nominee to the board. He said his phone and his email have been clogged with people calling him about Mr. Huber and their opposition, and the term that is consistent throughout all of these is arrogance. Mr. Carlisle said he knows from his experience on the BOF that one has to be a good listener. He commented that if he were taking everything Mr. Huber said at face value he'd be suggesting Mr. Huber be the commissioner of ADF&G. However, Mr. Carlisle said he doesn't feel Mr. Huber has the qualities to be a good board member.

Number 1694

REPRESENTATIVE STEVENS asked Mr. Carlisle his thoughts on whether the subcommittee process is working.

MR. CARLISLE response that he doesn't like the committee process because an open process during which everyone in the public can [participate] is the best process. Mr. Carlisle pointed out that the fisheries statewide are so complex and no one can understand all of them. During a committee meeting people can

say things that never get challenged. However, when meetings are held in an open forum before the public people will offer corrections. "I think it's a much more open process; I think the public gets to participate a great deal more and I think everybody is served better by an open process. I don't like the committee," he said.

REPRESENTATIVE FATE asked Mr. Carlisle if Mr. Huber did a good job of administering the process that the board that he worked for promulgated.

MR. CARLISLE said he could not answer that because he wasn't present during all of Mr. Huber's actions. He remarked, "If I was there, I could say whether or not - I know of certain things that I ... did hear him say; I question when I've read written testimony contrary to what he said he supports." He said he believes wholeheartedly in Mr. Huber's statement that he'd given during this hearing, and he couldn't disagree with anything that was said. "But having not been there present, I don't want to rely on somebody else's second-hand information to make my judgment; I'd rather make it by being present and I wasn't, so I can't make that judgment," Mr. Carlisle remarked.

REPRESENTATIVE FATE pointed out that Mr. Carlisle had stated that he'd received numerous calls and letters opposing Mr. Huber and took that as a reason to object. He asked Mr. Carlisle if the reason he objected to Mr. Huber's confirmation is because he thought Mr. Huber was arrogant.

MR. CARLISLE replied that [Mr. Huber's arrogance] is one of the reasons and the other reason is because he has been in meetings with Mr. Huber and concurred with [the opposition's] assessments of [Mr. Huber].

Number 1876

HERMAN FANDEL informed the committee that he is a 34-year resident of Alaska; the owner of a commercial fishing permit; a sport fisherman; and a licensed guide in Alaska. He said he is the owner of 3 businesses in Alaska that rely on fish in Alaska. Mr. Fandel said he and his family have known Mr. Huber and his family for many years, and he knows Mr. Huber to be a fine, honest, hardworking person. He said Mr. Huber is confident not arrogant. Mr. Fandel suggested Mr. Huber will do an excellent job on the BOF because he knows how the board works and is very knowledgeable with regard to Alaska fisheries. He said he highly recommends the confirmation of Mr. Huber to a position on

the BOF and he truly believes that all Alaskan's would benefit from Mr. Huber being on the BOF.

Number 1929

IRENE FANDEL noted that she is a 34-year resident of Kenai; a sport fisher; and a sport hunter. She said she is the owner of Irene's Lodge, and fish are why her business prospers. She said she recommends Mr. Huber's confirmation to the BOF because Mr. Huber has worked hard in the past for Alaska's fisheries and will be a knowledgeable addition to the group. She commented that she would feel secure in knowing Mr. Huber is looking out for all [Alaskan's] interests. She urged the committee to confirm Mr. Huber to the BOF.

Number 2000

BIX BONNEY mentioned that he has been a resident of Alaska for 51 years and is a past member of the BOF. He is also the owner and operator of North Star Adventures Incorporated, which is a guiding institution. Mr. Bonney said he supports the appointment of Mr. Huber to the BOF. He explained that he and Bob Penny (ph) created Kenai River Sportfishing Association a number of years ago, and as executive director of that organization Mr. Huber has been highly successful in carrying out the goals of the organization, which are the conservation of the species, the preservation of the river banks, and the education of the public in accomplishing these goals.

MR. BONNEY characterized Mr. Huber as having an in-depth knowledge of fisheries management, and furthermore Mr. Huber has proven to be a very effective leader in that field. He said he has never known Mr. Huber to involve himself in any action that would be other than beneficial to the fisheries in the state. Mr. Bonney said Mr. Huber is a strong leader and like any strong leader he has those that take "pot shots" at him. "But if you investigate the adverse statements of some, you will find that just about all of them have no basis in fact, but rather, basis in personal interest," he charged. Mr. Bonney urged the committee to look with favor on Mr. Huber's appointment to the BOF.

Number 2077

ELLIE SNAVELY explained that she is a resident of Oregon and for the last seven years she has traveled every summer to the Kenai River for its wonderful fishing and truly beautiful scenery.

She stated that she is in support of Mr. Huber's appointment to the BOF. Ms. Snively said she has observed the diminishing numbers of king and silver salmon and has been extremely happy to see Mr. Huber taking the lead in effectively carrying out the conservation of the salmon species. Speaking as a tourist to Alaska, she believes that if there were more efforts made in this area, it would be for the betterment of "us all". Ms. Snively highly recommended the appointment of Mr. Huber to the BOF.

Number 2131

SAM McDOWELL informed the committee that he came to Alaska in 1948 and has been involved in fisheries for at least 50 years. He said Mr. Huber has spoken out many times regarding his support of habitat, resources, users, and what needs to be done. Mr. McDowell suggested that Mr. Huber knows if the BOF does not support habitat, resources, and users, then there will be no resources for the users, which is really important. He said he has been deeply involved in fisheries and had, in fact, come to Juneau years ago and testified at the request of the House and Senate Resources Committees. Mr. McDowell told the committee that Mr. Huber supports sustained yield.

MR. MCDOWELL suggested that resources in Cook Inlet are in trouble. He said that Mr. Huber realizes there are no hydroelectric dam problems; no stream pollution; and no "judge bolt decisions." Furthermore, Mr. Huber doesn't want the Kenai River to end up like the Columbia River. He said he would bet that if something is not done now, the king salmon fisheries and sport fishing in the Kenai River will be over. He recalled that in 1951, commercial fishermen took 158,000 kings and the fishery was only opened for five and a half days a week. Mr. McDowell said 20 years later that same fishery was down to 10,000. H Mr. McDowell mentioned that Mr. Huber has a copy of the records from 1893 to 2001 that he had prepared years ago.

Number 2265

BRUCE KNOWLES informed the committee that he serves on the Matanuska Valley [Fish and Game] Advisory Committee. He said the committee had voted earlier in the year to support Mr. Huber's appointment to the BOF, which was maintained during a more recent poll of the members. He noted that the committee has worked with Mr. Huber on numerous occasions. Mr. Knowles stated that the runs in his area have been in trouble for 10 to 15 years, and in working with Mr. Huber, he has helped the

committee overcome some of the problems; he has helped create new plans that are getting the fish back into the Valley. He said he has personally known Mr. Huber for 10 years and knows him to be an honorable person. Mr. Knowles said he feels like Mr. Huber is getting pot shots that he doesn't deserve, and that he knows Mr. Huber will do the right thing on the BOF. He urged members to approve Mr. Huber's appointment to the BOF because Mr. Huber's knowledge will keep Alaska from losing the runs in the way that Oregon and Washington did.

Number 2336

DON JOHNSON announced support, in general, of all confident common user representatives to the BOF. However, he said, he does oppose some of Mr. Huber's management ideas for the Kenai River. He suggested that sometimes Mr. Huber is difficult to approach with opposing ideas. Mr. Johnson remarked, "The hook and release mentality may sound like an effective way to manage fisheries, but carried out to it's basic, ultimate ... destination, you end up basically taking fish away from ... fishermen"

MR. JOHNSON, noting that he is a 20-year sport fishing guide, remarked, "I actually could stand to make a lot of money off of turning everything into hook and release, but I can't see actually sacrificing that catch and release mentality to people putting something on the dinner table." Mr. Johnson stated that although he was in support of Mr. Nelson's and Mr. Huber's appointment to the BOF, he disagreed with them on quite a few things. However, he said, he can't disagree with any common user being appointed to the board since it has been so "lop-sided" from the other side - from the limited entry perspective - for so many years.

Number 2436

CARL ROSIER, President, Alaska Outdoor Council (AOC) testified. that AOC strongly urges the confirmation of Mr. Huber to the BOF. He said he's had the pleasure of working with Mr. Huber for a number of years through the AOC. Mr. Rosier remarked:

He's been characterized as a real leader here today, I'd like to say I agree with that description as well; I also agree with the fact that ... he said I'm no angel, and I would certainly vote for that, but nevertheless, anytime that you're in a leadership role ... there's going to be some pot shots at you.

Especially, if you've been effective in terms of getting your views across and getting it worked through the system, and Brett has been very, very successful in terms of working with the board on this. He's made it a point to ... learn the board process and he brings a great deal of knowledge and capability to that board process. He'd be a good board member for the entire state, and I think that's exactly what the board of fish needs.

Number 2528

DAVID BEDFORD, Executive Director, Southeast Alaska Seiners Association (SASA), began by noting that he is also licensed to practice law in Alaska. Mr. Bedford said he's known Mr. Merrigan for about 25 years and had met him fighting a forest fire outside Kake. He stated that both he and SASA strongly recommend Mr. Merrigan's confirmation. Mr. Bedford talked about his expectations of Mr. Merrigan as a BOF member and said he would expect to see Mr. Merrigan work to protect the resource and foster effective fisheries. He also noted his expectation that Mr. Merrigan would put in the hard work necessary as a member of the BOF. Mr. Bedford recalled Mr. Merrigan digging through "absolutely remarkable" reams of technical information and staff analysis, when working on the Pacific Salmon Treaty, in order to deal with complex international negotiations on a coast wide chinook resource, and he was remarkably effective in doing that, he said.

MR. BEDFORD related his belief that Mr. Merrigan will take those kinds of talents to the BOF, and also in his deliberations, "shine a bright light" on all of the issues that come in front of the board. He said another expectation would be that Mr. Merrigan use his incisive intellect and keen mind to try to work towards reasonable solutions to problems that the board confronts. Furthermore, he expected Mr. Merrigan will work toward reasonable solutions to the problems that the board confronts, and that he will make decisions that are good public policy for the people of this state, and for the resources upon which the people depend. He said during Mr. Merrigan's tenure on the board if confirmed, he doesn't expect to see a representative for commercial fishermen, but instead, he expects to see someone who is knowledgeable of the commercial fisheries and who will bring that kind of knowledge into the board's deliberation to help enlighten them and bring them to good decisions.

Number 2645

BILL SULLIVAN, United Cook Inlet Drift Association (UCIDA), encouraged the confirmation of Mr. Merrigan and Mr. Nelson, but requested that the committee deny such consideration for Mr. Huber. Mr. Sullivan noted that he attended a salmon summit forum held in Kodiak a few weeks ago. During that meeting U.S. Senator Stevens and Alaska Senator Allen Austerman challenged the industry to come together to think creatively to [address fisheries issues]. "These two visionaries, as well as other state leaders offered government as the entity to facilitate the evolution of this whole industry," he highlighted.

MR. SULLIVAN related:

With careful consideration of the challenges put forth at this event, as well as our organizations discussion of it's past experience with Mr. Huber, we find him lacking the leadership maturity necessary to foster or to contribute to a salmon industry of tomorrow that would compliment the industry which endowed this state for such a length span of our history. Mr. Huber aggressively pursues catch-and-release play with your food fisheries that afford scant opportunity for other resource users. Mr. Huber has chosen to promote arguments and regulations that compromise ... emergency order authority given to the department of fish and game by the legislature to such an extent that managers trained in biology and steeped in experience claim their mandate's unattainable. Salmon runs are fluid and dynamic and demand the flexibility of in-season emergency order authority by their very nature.

Mr. Huber advocates escapement goals of ... salmon that beget fry of a size that incur mortality rates at up to 95 percent. Mr. Huber personally complained about the venue for the fish and game advisory committee meetings in his area. With the venue of alternating meetings changed to accommodate him, Mr. Huber has attended not 1 of approximately 12 meetings held in over a six-month period.

When queried by a Kenai Peninsula reporter about the Kenai-Soldotna advisory committee's rejection of his nomination Mr. Huber expressed a veiled surprise that

the advisory committee met to discuss his nomination This sort of unwillingness to take responsibility for ones own actions, we feel, is consistent with Mr. Huber's style and level of leadership maturity that is all too evident in his present interactions with the board of fisheries and would ultimately serve to impede rather than to facilitate the evolution this great state is now encouraging the salmon industry to embrace. Please afford us leaders that will assist our industry and it's difficult task of adapting to changes already well underway.

Number 2855

LES PALMER announced that he doesn't believe Mr. Huber should be on the BOF either, mainly because of his obvious attraction to politics. He informed the committee that Mr. Huber has run for the state House, worked on election campaigns, worked as a legislative aide, has close ties to Juneau, and has friends in the legislature. Furthermore, Mr. Huber is the executive director of KRSA, one of the politically influential sport fishing organizations in the world. Mr. Palmer predicted that as a BOF member, Mr. Huber is certain to remain more interested in politics than biology. "We can't risk Alaska's fisheries in the political arena. Please vote no on Brett Huber's confirmation to the board," he said.

Number 2893

DALE BONDURANT informed the committee that he supports Mr. Huber's appointment to the BOF. Mr. Bondurant noted his respect for Mr. Huber and KRSA's efforts to habitat protection and reclamation along the Kenai River. Mr. Huber is well aware of the fishing issues in the entire Cook Inlet area and is a very capable communicator with a well-rounded background in the way that the administration's and legislature's process work. Mr. Bondurant characterized Mr. Huber as a well-organized representative of the common personal users at the BOF in Anchorage, which was the first hearing at which the common user had a presentation equal to past "monopoly control by the commercial fish interest in Cook Inlet." Mr. Bondurant noted that the credibility of the Kenai Peninsula [F&G] Advisory committees have been questioned by past board of fisheries, which is one of the reasons many folks don't attend their meetings.

Number 2959

DON MCKAY informed the committee that he doesn't make a living on the river, isn't a guide, and isn't in the hospitality business.

TAPE 02-42, SIDE B
Number 2970

MR. MCKAY continued by announcing his enthusiastic support for the confirmation of Mr. Huber to the BOF. He emphasized that if the BOF is to best serve the interests of all Alaskans, there should be balance with adequate representation of the sport fishing community. Mr. Huber has demonstrated that he is balanced, fair in demeanor, and has a vast knowledge of the resource. Most importantly, if there's any question of the viability of a given run, Mr. Huber would put the fish first.

Number 1950

TERRY SAPPAH, a lifelong Alaskan, informed the committee that he is a fishing guide on the Kenai Peninsula and he owns a small fish camp business in Sterling. He said he supports Mr. Huber's nomination because he will do a great job and puts the resource first.

Number 2887

BUD HARRIS noted that he has attended the BOF meetings for the last 20 years and in the last 12 years it has really changed. He reminded the committee of the fish initiative, which was voted down by the voter's in the state. However, the [fish initiative] group found a way to put one of its members on the BOF and "we just got done with six years of him, and now we're going to get a disciple of his on the board of fish," he said. As a commercial fisherman in the upper Cook Inlet, Mr. Harris has a major problem with another person from Cook Inlet being put on the BOF, let alone, a highly active sports advocate. Mr. Harris said he has a lot of respect for Mr. Huber and believes he would do a really good job on one of the other boards. However, he asked the committee not to put Mr. Huber on the BOF.

Number 2818

PAUL SEATON suggested that Mr. Huber's nomination creates a concentration of expertise on the BOF because both he and Chairman Dersham represent Cook Inlet salmon sport fisheries.

He urged the committee to reject Mr. Huber's nomination because Mr. Huber's nomination does not maintain the adversity of experience that is a requirement for the BOF. Mr. Seaton mentioned his experience working with the BOF over the years, including work on a Cook Inlet salmon allocation plan, on the Alaska state water Pacific cod fisheries, and most recently on an attempt to develop a Cook Inlet directed dogfish shark fishery. He said he thought it is vital that a board member be willing to work beyond single issue focus and he suggested that Mr. Huber will further pulverize the board between users groups. Mr. Seaton urged the committee to reject Mr. Huber's nomination in order to maintain the healthy diversity that is necessary to represent all of the geographical areas of the state.

Number 2756

JERRY McCUNE, United Fishermen of Alaska (UFA), voiced UFA's support for the names of Mr. Merrigan and Mr. Nelson to the BOF, and suggested they'd be really good statewide candidates.

Number 2728

PAUL SHADURA, Kenai Peninsula Fishermen's Association (KPFA), related KPFA's commitment to the legislative review process that allows it to inform and educate legislators of the complexities on the BOF appointments. Mr. Shadura said, "We would like to start a discussion with a realistic approach to assessing the current direction to the Board of Fisheries." He turned to the last ten years of fisheries returns to the Cook Inlet area, where the Kenai River and the Kasilof River are approximately 12 miles apart. The rivers have similar glacier-fed lake systems that are supportive of immature sockeye salmon. In reviewing the systems and one sees the production of the Kenai declining at an alarming rate while it's smaller sister, the Kasilof, is showing a strong, sustained return. The Kasilof system is a spawning limited and rearing limited regime while the Kenai watershed is spawning rich and has rearing limitations much higher than the Kasilof.

MR. SHADURA offered one explanation in which the fish leaving the systems are traveling to different areas in the ocean and thus are being affected by different factors. Although the North Pacific and Gulf of Alaska are large by any definition, the fluctuations in salmonids populations due to weather or current patterns affect the individual species as a whole rather than part of the whole. There is also a regional perspective. He explained that the entry pattern of the typical Kasilof red

salmon is early in the summer and the late run of Kenai sockeye is later. However, there was a definite mixing of stocks that happened in the middle of July, which is the primary fishing season for salmon for all primary users. Mr. Shadura mentioned that the other main factor determining future returns of salmon is the management of returns for spawning and allocated decisions by the BOF.

MR. SHADURA pointed out that the Alaska Department of Fish and Game has a very knowledgeable staff that administers regulatory changes in policies that the board directs the department to initiate. In years past, the expertise of area managers was of great importance to the board; unfortunately, this respect has not been afforded to local managers who have been, in some instances, denied from entering into any decision-making discussions of several current regulatory cycled meetings. In order to determine what is creating these changes one must look at the attitudes and agendas of this strong arm of the legislature for the answers.

MR. SHADURA turned to the BOF as a corporate board and inquired as to the economic, social, and productivity factors that one would assess. Mr. Shadura said this board has taken a very shallow view for the future of Alaskan salmon fisheries and its development. "Our state's fisheries are in a mess," he stated. The emphasis and direction of the current board has been to micromanage the Cook Inlet area fisheries. He noted that a current member on this board commented in February that it would be his final Cook Inlet meeting because he joined the board with the purpose of reallocating the fisheries in Cook Inlet and he felt that had not been accomplished. Mr. Shadura then turned attention to [AS] 16.05.221 and urged the committee not to support Mr. Huber's nomination to the BOF. "We'd ... prefer that a new board be appointed that will view the state's resources with a statewide vision; a board that is knowledgeable about the fisheries around the state," he said.

MR. SHADURA said:

A board that cares for all of it's people, Native and non-Native; that will protect the rights of the residents and respect the [indisc.] that our pioneers have sacrificed; that can understand the word commitment; that are selfless in their views; that do not wish to manipulate the system or intimidate others into submission; that does not have a preconceived agenda that benefits one group over another; a board

member who respects the professional expertise of our ADF&G staff and willingly enjoins them with decisions on regulatory and policy issues; that truly understands the term sustained yield and biological management.

This board must have new blood that signifies the vision of an Alaskan sunrise; not the darkness and not the controversy and divisiveness that this current board has shown us.

Number 2441

ROLAND MAW informed the committee that he has been a blue water charter out of Seward, but is currently a commercial fisherman for salmon and halibut in the upper Cook Inlet. He stated support for Mr. Nelson's and Mr. Merrigan's confirmation to the BOF. However, Mr. Maw noted his grave concerns about Mr. Huber whose nomination he cannot support. He turned to the issue of emergency order authority and said one of the geniuses of Alaska salmon management is in-season abundance-based management. Such management hires biologists that can be trusted and given emergency order authority to manage our fishery resources using their best biology and judgment. On several occasions Mr. Huber has given public testimony to the BOF suggesting that local biologists should have restricted emergency order authority. Mr. Maw pointed out that past legislators directly and specifically gave emergency order authority to the commissioner and his local biological staff in order to conduct in-season abundance-based management. However, Mr. Huber is in opposition to the statutory direction of the legislature, and therefore he should not be confirmed. Furthermore, Mr. Huber has consistently advocated escapement policies that have resulted in smaller smolts with very poor freshwater and ocean survival rates. The results of these high escapement goals have resulted in small returns of adult salmon to Southcentral Alaska, especially the Kenai. There is the loss of an economic opportunity of about \$12-\$22 million dollars annually, he related. The aforementioned loss has resulted in lost harvest and economic activity worth hundreds of millions of dollars over the last few years, which he partially attributed to Mr. Huber's view and public testimony on salmon management. For biological and economic policies, Mr. Maw said he believes Mr. Huber is an unacceptable candidate to the BOF. The legislative-sponsored salmon task force, the eight regional fishery areas, and the BOF all need individuals who are multi-dimensional and have mediation and problem solving skills and abilities, he

specified. Mr. Huber is a part of the problem, not a part of the solution, which is evidenced by the public outcry and heightened level of conflict concerning this candidate.

REPRESENTATIVE FATE recalled Mr. Maw's testimony that Mr. Huber provided adverse testimony to the BOF. He asked Mr. Maw if he thought it was Mr. Huber's fault or the BOF's fault that the aforementioned [biological and economic issues] occurred.

Number 2281

MR. MAW opined that the testimony was given and the BOF chose to follow it.

REPRESENTATIVE FATE asked if the BOF's actions were the cause.

MR. MAW replied yes.

REPRESENTATIVE FATE interpreted Mr. Maw's testimony to indicate that Mr. Huber's testimony was the cause.

MR. MAW agreed that [Mr. Huber] certainly entered that debate.

Number 2243

RUBEN HANKE voiced strong support for Mr. Huber and related his belief that Mr. Huber is an honest man. He said he has seen Mr. Huber involved in the BOF process for about 10 years and that Mr. Huber is very active and understands the process. He suggested that Mr. Huber is very well versed in fisheries in the state and thus would make an excellent board member.

Number 2186

RONDI McCLURE noted that she has been a resident of Alaska for 16 years; has lived on the Kenai Peninsula for 10 years; and makes her living as a fishing guide. She said she has worked with Mr. Huber on several volunteer activities and is in support of Mr. Huber's nomination to the BOF.

Number 2057

STEVE McCLURE Vice President, Kenai River Professional Guide Association (KRPGA), informed the committee that KRPGA has over 200 members the majority of which strongly and enthusiastically support Mr. Huber's nomination to the BOF. He remarked, "We

believe it all just comes back to believe in what you stand for."

Number 2136

RYAN HOWLETT noted that he is a lifelong resident of Alaska and is a guide on the Kenai River. He voiced his support for Mr. Huber.

Number 2114

RON RAINEY, a sport fisherman, mentioned that he is an 18-year resident of the Kenai area. Mr. Rainey informed the committee that he has been on the Kenai River Sportfishing Association for many years. During the discussion of Mr. Huber's appointment to the BOF, the question regarding what Mr. Huber would do if his views differed from the KRSA. To which Mr. Huber answered, without hesitation, "I will do what's best for the fish and the resource." Therefore, Mr. Rainey said he strongly supports the appointment of Mr. Huber.

Number 2054

CHRIS GARCIA, who has been in Alaska since 1946, voiced his strong support of Mr. Nelson and Mr. Merrigan to the BOF and his strong opposition to Mr. Huber. "I think it's a fallacy that Mr. Huber supports sport fish; Mr. Huber supports guided sport fish," he remarked. Mr. Garcia informed the committee that he also runs a bed and breakfast on the Kenai River and the salmon that run up and down that river are important to his business. The policies that Mr. Huber is trying to create will finish killing the salmon on the Kenai River, he charged. Control needs to be returned to the ADF&G in order to get this resource working again. Since the present BOF took over in the 1990s, it has nearly killed the Kenai River. He reiterated his opposition to Mr. Huber's appointment to the BOF.

Number 1972

DAVE LOWERY informed the committee that he has been a resident of Alaska for 27 years; a 4-year resident of Kenai; and he and his family have been a user of the fisheries resource for the entire 27 years. Mr. Lowery noted that he has no business ties and is retired. He said it is obvious to him that the governor, in his wisdom, has recommended Mr. Huber's appointment. He offered his belief that Mr. Huber's extensive knowledge in the Alaska fisheries, his keen intellect and integrity coupled with

his tenacity and undying efforts would make him a valuable asset to the board and to the resource. Despite the negative press, Mr. Huber continues to enjoy widespread support throughout the state. Mr. Lowery voiced his strong support for Mr. Huber.

Number 1907

BOB MERCHANT, President, United Cook Inlet Drift Association (UCIDA), announced that UCIDA is opposed to the confirmation of Mr. Huber to the BOF, but is in support of the appointments of Mr. Merrigan and Mr. Nelson. He suggested that Mr. Huber has consistently proven, by his actions and statements, that commercial sport fishing and tourism promotion must take precedent over and grow without limits at the expense of every other historical use. Such one-dimensional thinking about resource uses displayed by Mr. Huber comes at a particularly bad time given the statewide effort to help the commercial salmon industry recover and compete with farmed salmon. He remarked, "We at UCIDA ask you to think long and hard about who you confirm to serve on the board; it is our contention that anyone appointed to the board must take into account the consequences of their actions, whether those consequences be to the resource, it's habitat, or the toll it may take on other residents lives." Mr. Merchant stated that disregarding the damage done to people, especially residents, should never be justified in the name of economic development. He asked the committee not to confirm Mr. Huber.

Number 1807

PAT CARTER noted that he has been involved in the BOF process for the past 12 years and has been a guide on the Kenai River for the past 6 years. He said that he is in support of all three appointees to the BOF. Mr. Carter explained that he has served on the board of directors of KRSA for the past 11 years, and is currently serving as co-chair of KRSA's Fisheries Committee. He explained that the fisheries committee very actively interacts with a number of agencies, including the BOF, regarding fisheries research and management practices. He echoed earlier testimony that serving on the BOF is a tireless and thankless job. Mr. Carter characterized fisheries management as more art than science because often the scientific information available is less than exact. Furthermore, the board is often scrutinized by individuals who neither attend the board meetings or fully comprehend the reasoning for the proposed regulatory change. Therefore, consternation is created with some of the user groups. A lot of people believe the

conservation of fisheries is a good idea until it impacts them, he remarked. Such a mentality has destroyed many a fishery throughout the world. Mr. Carter related his belief that one must look beyond one's own self-interests if Alaska's fisheries are to be preserved.

MR. CARTER said that the main quality he looks for in a board member is a willingness to put the protection of the resource ahead of all user groups. Mr. Huber is such an individual and his skills, abilities, and integrity speak well for him. Mr. Carter described Mr. Huber as a bright, objective, and articulate individual who can grasp complex issues with ease. Most importantly, Mr. Huber is curious. Perhaps Mr. Huber's best asset is that he is uncompromising when it comes to protecting the resource. With regard to the comments that Mr. Huber has made decisions and pushed a certain agenda, Mr. Carter clarified that Mr. Huber doesn't make policy, the KRSA makes policy and its board of directors directs Mr. Huber to implement that policy. For instance, the early run king salmon plan was a decision Mr. Carter made after consulting the board of KRSA. Mr. Carter concluded by reiterating his support of all three candidates.

Number 1608

GREG BRUSH spoke in support of the nomination for Mr. Huber to the BOF. Mr. Brush related his belief that Mr. Huber's knowledge of the process is unquestionable. The debate seems to revolve around whether Mr. Huber can remain objective because the perception is that Mr. Huber has a conflict of interest, being anti-commercial fishing and anti-consumptive use. However, Mr. Huber consistently puts the fish first, which should be the intent of every BOF member. Thus far, Mr. Brush has heard testimony that people either support or oppose Mr. Huber because he has hurt one particular industry or user group. There has been little testimony about the fish, which Mr. Brush said seems wrong to him. With regard to the question of Mr. Huber's arrogance, Mr. Brush said Mr. Huber can be as arrogant as he wants provided that he keeps an open mind, listens well, considers the data provided, and does what's in the best interest of the fish. Mr. Brush stated that he fully believes Mr. Huber is capable of the aforementioned, which is why Mr. Brush supports and encourages Mr. Huber's confirmation to the BOF.

Number 1513

MURRAY FENTON also spoke in support of Mr. Huber's nomination to the BOF. He related his belief that Mr. Huber will represent all user groups fairly. Although Mr. Huber is a confident individual, he isn't arrogant. He characterized Mr. Huber as conservation- and habitat-minded. It seems to bother some that Mr. Huber wants some fish to get into the fresh water to spawn.

Number 1429

STEVE TVENSTRUP noted that he agrees with all of the opposition to Mr. Huber. He expressed concern that [with the confirmation of Mr. Huber] the Cook Inlet area would have a political person on the BOF. Mr. Tvenstrup informed the committee that he has attended the BOF for 20 years and in the last 12 years, he said he has seen the downfall of the commercial fisheries. He noted that he owns land on the Kenai River and he has watched his banks wash away due to boat wakes. Mr. Tvenstrup mentioned that he has been at odds with Mr. Huber before, most recently at the last meeting during which it was decided that the trophy-size rainbow trout in the middle section of the Kenai River couldn't be kept because they need to be protected. However, when the king salmon fisheries needed to be protected it wasn't done, in his opinion. With regard to the confirmation of Mr. Merrigan and Mr. Nelson, Mr. Tvenstrup related his belief that those two should be confirmed.

Number 1260

DREW SPARLIN informed the committee that he is a 36-year resident of the Kenai Peninsula who has participated in commercial fishing for halibut, herring, and salmon. Over the years, Mr. Sparlin has served on various boards, task forces, and fishing organizations and has attended nearly every BOF meeting concerning Cook Inlet. Mr. Sparlin recognized the value of remaining active, but pointed out that while participating in resource discussions and actions credibility is of the utmost importance. He acknowledged that there is nothing wrong with being an advocate of one's position or occupation, however there is no place for a member of an organization such as the BOF to have a member who has been in open opposition to an important industry, such as commercial fishing, in Alaska. Mr. Sparlin pointed out that if the current slate of appointees are confirmed, the BOF would contain four members who would predominantly reside in the Cook Inlet drainage and three of those four members would be associated with sport fishing. Therefore, the regions of Kodiak and Prince William Sound, which are a huge economic value to the state, would remain without a

representative. Furthermore, he pointed out that there hasn't been a Cook Inlet commercial fishermen on the BOF for more than 20 years. For these reasons and others, Mr. Sparlin announced support of the confirmations of Mr. Merrigan and Mr. Nelson, but not Mr. Huber. Mr. Sparlin recalled Mr. Huber's earlier testimony that the Cook Inlet Aquaculture Association initiated [the Big Lake Project] and clarified that it was initiated by the state. Mr. Sparlin said, "It's time that you people send a message to the governor that no nominees should be forwarded that carry an agenda."

Number 1082

RAY DeBARDELABEN announced his support of Mr. Huber's appointment to the BOF. He noted that he has fished in Alaskan waters for over 16 years and has been involved in the BOF process for over five years. The BOF members need to keep in mind all of the user groups and, most importantly, the fish. Mr. DeBardelaben characterized Mr. Huber's appointment to the BOF as a crucial part of salmon fishing in Alaska.

Number 1007

CHERYL SUTTON noted that she is a commercial fisherman from Cook Inlet. After listening to the testimony of Mr. Merrigan and Nelson, Ms. Sutton supported their confirmation. Ms. Sutton said that she couldn't speak to the nomination of Mr. Huber because she has no knowledge of him or the circumstances that have been alluded to today. Ms. Sutton emphasized the importance of the board, which creates regulations for a multi-billion dollar industry. She noted that she has often said that it matters little to her who sits on the board so long as those individuals receive and assimilate the information from ADF&G, and ultimately make decisions that are beneficial to all users in the state.

CO-CHAIR SCALZI, upon determining no one else wished to testify, closed public testimony. He then thanked the members of both committees and their staff, the testimony of the public, and the nominees.

Number 0521

CO-CHAIR MASEK moved that the House Resources Standing Committee forward the names of Mr. Huber, Mr. Merrigan, and Mr. Nelson to the full body for consideration. There being no objection, the names were forwarded.

REPRESENTATIVE WILSON moved that the House Special Committee on Fisheries forward the names of Mr. Huber, Mr. Merrigan, and Mr. Nelson to the full body for consideration. There being no objection, the names were forwarded.

ADJOURNMENT

There being no further business, the joint meeting between the House Resources Standing Committee and the House Special Committee on Fisheries was adjourned at an unspecified time.