

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES**

May 2, 2007

8:40 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Kyle Johansen
Representative Craig Johnson
Representative Gabrielle LeDoux
Representative Peggy Wilson
Representative Bryce Edgmon
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING

Alaska Board of Fisheries

Howard Delo - Big Lake

- CONFIRMATION(S) ADVANCED

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 188

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

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 188

SHORT TITLE: BOARD OF FISHERIES' AUTHORITY

SPONSOR(S): REPRESENTATIVE(S) WILSON

03/12/07	(H)	READ THE FIRST TIME - REFERRALS
03/12/07	(H)	FSH, RES, JUD
04/27/07	(H)	SPONSOR SUBSTITUTE INTRODUCED
04/27/07	(H)	READ THE FIRST TIME - REFERRALS
04/27/07	(H)	FSH, RES, JUD
05/02/07	(H)	FSH AT 8:30 AM BARNES 124

WITNESS REGISTER

HOWARD DELO, Appointee
Board of Fisheries (BOF)
Big Lake, Alaska

POSITION STATEMENT: As appointee to the BOF, offered a brief biography, and responded to questions.

RICHARD THOMPSON
Soldotna, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Howard Delo, to the Board of Fisheries.

DAVID MARTIN
Clam Gultch, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Howard Delo, to the Board of Fisheries.

PAUL SHADURA, Executive Director
Kenai Peninsula Fisherman's Association
Kenai, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Howard Delo, to the Board of Fisheries.

BILL GIFFORD
Soldotna, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

RICHARD GEASE, Executive Director
Kenai River Sportfishing Association
Kenai, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

ANDY SZCESNY
Soldotna, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

REUBEN HANKE
Kenai, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

GREG BRUSH

Soldotna, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

STEVE MCCLURE

Soldotna, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

MARK GLASSMAKER

Soldotna, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

DR. ROLAND MAW

Kasilof, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Howard Delo, to the Board of Fisheries

WESLEY HUMBYRD

Homer, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Howard Delo, to the Board of Fisheries.

KEVIN HOGAN

Homer, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Howard Delo, to the Board of Fisheries.

RICHARD BISHOP, President

Alaska Outdoor Council (AOC)

Fairbanks, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

RICHARD BUCY, Chairman

Kenai River Sportfishing Association

Soldotna, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

JOHN JENSEN, Member

Board of Fisheries

Petersburg, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

ANDREW COUCH, Member

Matanuska-Susitna Valley Advisory Committee
Palmer, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

THOMAS BRUCE KNOWLES

Willow, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

RON R. WILSON

Willow, Alaska

POSITION STATEMENT: Testified with support for the confirmation of Howard Delo, to the Board of Fisheries.

ALEC BRANSON

Seward, Alaska

POSITION STATEMENT: Testified in opposition to SSHB 188.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House Special Committee on Fisheries meeting to order at [8:40:23 AM](#). Representatives Johnson, LeDoux, Wilson, Edgmon, and Johansen were present at the call to order. Representative Holmes arrived as the meeting was in progress.

[8:40:54 AM](#)

CHAIR SEATON provided an update on the escapement goals for sockeye in the upper range headwaters, by region. This is a follow-up from Alaska Department of Fish & Game (ADF&G), requested from an earlier presentation. He reviewed the statistic totals, how they will relate to management of the fisheries, and encouraged the committee members to share this information with their interested constituents.

[8:44:53 AM](#)

REPRESENTATIVE JOHNSON asked what the values represent.

CHAIR SEATON stated that he understands them to be the fish market values.

CONFIRMATION HEARING

Alaska Board of Fisheries

CHAIR SEATON announced that the next order of business would be a confirmation hearing for Howard Delo to the Alaska Board of Fisheries (BOF).

8:46:09 AM

HOWARD DELO, Appointee, Board of Fisheries (BOF), Big Lake, provided a brief biography including education, his work in the field with Alaska Department of Fish & Game (ADF&G), and his interest in serving on the board and protecting the resource.

8:49:03 AM

REPRESENTATIVE LEDOUX referred to a column that he wrote for a 2005 edition of the magazine "The Frontiersman." The article suggests that the BOF is stacked against the sport fishing interests. She asked, "If you were on the BOF, how would you be doing things differently than they're doing them now?"

MR. DELO stated that he has an extensive hatchery background, and said he would utilize that tool. Further, he brings a public access knowledge to the board, which may not have previously existed. Decisions should be based on ADF&G recommendations, what's best for the resource, and what will allow for the maximum use of the harvestable surplus of the resource, he opined.

REPRESENTATIVE LEDOUX queried if he believes that the resources are currently being managed based upon the biology of the specific animal, or the requirements of the habitat of concern.

MR. DELO responded that the department probably factors in both, however, it may depend on the specific area. Some areas the habitat situation is not a problem, and it becomes more the department's task to manage the number of animals. In other areas, habitat is more of a concern. He speculated that the department would probably like to be able to do more to address those specific issues.

8:52:05 AM

REPRESENTATIVE LEDOUX referred to a portion of the September 2005 column, and read [original punctuation provided]:

Does anyone out there still believe that our state's fish and game resources are primarily managed based on

the biology of the specific animal or the requirements of the habitat of concern? Do you think that politics and socioeconomic factors play only a minor role in our natural resources management and development? If you honestly believe the above, I applaud your principals but I'm going to burst your bubble.

REPRESENTATIVE LEDOUX asked him to elaborate on this comment, and to explain how he expects to do things differently than they are being done now.

MR. DELO clarified that he was pointing a finger back at ADF&G, as an ex-employee. During his tenure, he often observed that, due to lack of staff and funding, the department has not been able to manage the entire resource; only addressing the "people aspect." He said that they can set seasons and bag limits, to control the use of the resource, but they have not had the funds to fulfill extensive research. This research could result in major gains in managing habitat and dealing with the biology of the animals. The comments were primarily directed to the game situations, as opposed to the fisheries. He pointed out that the three wildlife staffers, in the Palmer office, are in charge of an area the size of West Virginia. Those individuals have their hands full dealing with everything that is not related to habitat and biology management, which is what the criticism was leveled at, he said.

REPRESENTATIVE LEDOUX opined that, in reading the entire article, it appears to be directed to fishing interests.

[8:55:16 AM](#)

CHAIR SEATON asked what his opinion is of how the fisheries are managed: biologically, or socially.

MR. DELO acknowledged that the managers do their best, given the information/research available. However, he noted that there is a social factor involved, and many demands by special interest groups on overlapping resources. His agenda, for serving on the BOF, includes asking the department to report on their ability to utilize the new techniques and technology to enhance, refine, and move forward with some of the management oriented research, in an effort to refine the management of species and stocks. If that is possible, it would be beneficial in managing mixed stocks, and provide better escapement to all areas.

CHAIR SEATON asked whether his view is that the department is managing sociologically, or that the BOF, in adopting regulations, is managing socially instead of biologically.

MR. DELO the department is doing their best to manage biologically, given the information available to them. The department is required to answer the dictates of the BOF, while addressing biological concerns. The board's task is allocation, which involves the socioeconomic factors. He stressed the need for the department to pursue new techniques in achieving higher levels of biological management.

[8:59:06 AM](#)

REPRESENTATIVE WILSON summarized his opinion to be that the department is doing well given the level of funding that it is provided; additional funding would allow better management.

MR. DELO agreed, and said that funding would be the bottom line, and the continuing issue. The fisheries divisions are dedicated, hard working, well educated biologists, however, they are hindered by funding limitations. With additional funding they may be able to more precisely manage the fisheries, barring unforeseeable variables, he predicted.

[9:01:15 AM](#)

REPRESENTATIVE LEDOUX asked how, assuming that ADF&G may not get additional allocations to fund further research, he will address this situation as a BOF member.

MR. DELO said that, as an individual, he may not make a significant difference, and pledged to strive to maintain standards. He might urge the department to focus on the problem areas, and referred to the governor's statement to manage for abundance, as a long-term goal.

[9:04:45 AM](#)

REPRESENTATIVE JOHANSEN inquired what experience he has had on issues in Southeast Alaska, as his resume does not indicate a familiarity with the issues in this region.

MR. DELO said his approach would be to rely on the information provided from ADF&G, public testimony, and other board members.

[9:07:10 AM](#)

CHAIR SEATON asked how he foresees managing a weak stock in a mixed run area; which stock would be protected.

MR. DELO responded that the constitution mandates that all the state resources will be managed for sustainable yield, which he interprets to include all watersheds. Meeting minimum escapement goals should be paramount, given the human ability to monitor the streams and manage the resources. Many areas do not have information available, which makes management impossible. He said, "Generally, I'm a believer in the sustainable salmon policy."

CHAIR SEATON affirmed that the BOF, not the managers, sets policy, and asked Mr. Delo to provide an example of the Cook Inlet/Yentna River escapement issue, and how decisions for allocations should be made.

MR. DELO acknowledged that it is the board, not the department, that establishes allocations. However, the board relies heavily on information provided by the department to set the allocations. If information is not being provided, it is difficult to make decisions. He stated that in a situation where information was not available, he would take a conservative approach, pending research for protecting the resource. The pie cannot be cut until you know how much is there and who will get a piece, he said. The upper and lower parts of Cook Inlet require restriction on all user groups.

[9:13:13 AM](#)

CHAIR SEATON emphasized that appointment to the board will require him to make the discussed regulations in the absence of knowledge. He asked if that means he may recommend closure of the sport fishery on the Yentna, or impose closures downstream.

[9:14:12 AM](#)

MR. DELO pointed out that the department manages the fish, not the board. The Yentna has been catch and release, for several years, because it has not been realizing escapement goals. The subsistence fishery is continuing, but that is a small number of fish. Given this recent history the in-river stocks need to be supported. Adequate returns are imperative to allow a healthy harvest and continued propagation, he reminded.

CHAIR SEATON understood him to be stating that, as a BOF member, he would support a policy that the sport fisheries are not going to be taking place in any of the rivers that haven't met their minimum escapement goals, or are not anticipated to meet their minimum escapement goals.

MR. DELO stated that he would answer yes to those parameters, pending additional information. If one industry is being restricted but still operational, it would not seem appropriate to shut another one down completely; a balance must be sought.

[9:17:46 AM](#)

CHAIR SEATON recalled the discussion regarding the report titled "Success in Achieving Escapement Goals in Monitored Systems." He quoted statistics of escapement goals for various systems, and asked if the escapement percentages represent a problem in maximizing benefit to the users, or the allocations to ensure upstream use.

MR. DELO suggested that he would not use the word problem, however, the escapement level needs to be closely monitored. He said that his understandings of the streams included in the report are sustainable escapement goals, as apposed to biological escapement goals. This harkens back to the better ability to manage. Additional information could allow the commercial fishery to zero in on the over escapement species, and allow a better balance for what is harvested commercially and what is escaping to the river. He referred to a recent Board of Game meeting that indicated the low bear count on the McNeal River, and how it relates to the low fish count. These environmental factors need to be studied, he said, and stressed the importance of gathering data.

CHAIR SEATON using the McNeal River example, pointed out that the commercial fishery, on that system, has been closed for a number of years, and asked whether the sport fishery should be addressed, also.

MR. DELO responded that the low fish returns need to be studied. The Division of Commercial Fisheries, has an ongoing genetics project to identify the various stocks within Cook Inlet. The same technique may provide a means to identify what is occurring in the McNeal River system. It could mean a "throttled back" sport fishery to allow the stocks to rebuild, he opined.

[9:23:57 AM](#)

CHAIR SEATON referred to a letter in the committee packet, dated 2/14/07, to ADF&G, and read [original punctuation provided]:

Historically, the Central District drift fleet has been fished according to the inaccurate preseason forecast; and they fish in the center of Cook Inlet where Northern District stocks move through. To protest depressed northern bound salmon stocks, a conservation corridor may need to be established through the center of Cook Inlet in the Central District during the period from July 9-25.

CHAIR SEATON asked if the commercial fishery in Cook Inlet needs this conservation corridor in the time frame indicated in the AOC letter. As it would effectively close the entire fishery, he asked if Mr. Delo still holds this position.

MR. DELO explained that the referenced correspondence was a cover letter which he wrote to summarize the position of the AOC. It was his job to express the opinion of the AOC on a white paper, that had been distributed by the BOF.

[9:28:35 AM](#)

CHAIR SEATON inquired whether he agrees with having a conservation corridor in Cook Inlet, as described in the letter.

MR. DELO said that he does not know whether it is a measure that needs to be implemented or not. The letter was based on other advisory board information, and was an attempt to bring ideas to the table for the BOF.

[9:29:58 AM](#)

REPRESENTATIVE LEDOUX noted that there was a discussion and a vote, on this topic. She asked if he voted for it or against it.

MR. DELO said that he voted to agree with the AOC position paper.

REPRESENTATIVE LEDOUX underscored that the position of the AOC letter suggested the establishment of a conservation corridor.

MR. DELO said he could not recall if it was specifically stated.

[9:30:55 AM](#)

CHAIR SEATON opened public testimony.

[9:31:37 AM](#)

RICHARD THOMPSON stated opposition to the confirmation of Howard Delo, and cited the appointee's biases against the commercial fleet, and a preconceived agenda. These will prevent sound judgment from prevailing, he predicted.

[9:32:46 AM](#)

DAVID MARTIN stated opposition to the confirmation of Howard Delo, and cited concern for the appointee's approach to addressing escapement goals, based on the previously discussed AOC letter, suggesting the conservation corridor in Cook Inlet as a management plan. He suggested that such an action would "kill the drift fleet," and remove the emergency order authority from the department.

[9:34:37 AM](#)

PAUL SHADURA, Executive Director, Kenai Peninsula Fisherman's Association, stated opposition to the confirmation of Howard Delo, due to his interests in the sport charter fishery. He provided related bias points that the association has identified as areas of concern for this appointment.

[9:37:15 AM](#)

BILL GIFFORD stated support for the confirmation of Howard Delo, and said his education, coupled with his experience at ADF&G, will be an added benefit to the BOF.

[9:37:44 AM](#)

RICHARD GEASE Executive Director, Kenai River Sportfishing Association, stated support for the confirmation of Howard Delo.

[9:38:19 AM](#)

ANDY SZCESNY stated support for the confirmation of Howard Delo.

[9:38:48 AM](#)

REUBEN HANKE stated support for the confirmation of Howard Delo.

[9:39:20 AM](#)

GREG BRUSH stated support for the confirmation of Howard Delo, opining that he will "put the resource first," and that he has the ability to remain objective on issues.

[9:40:41 AM](#)

STEVE MCCLURE stated support for the confirmation of Howard Delo.

[9:41:09 AM](#)

MARK GLASSMAKER stated support for the confirmation of Howard Delo.

[9:41:57 AM](#)

DR. ROLAND MAW stated opposition to the confirmation of Howard Delo. He referred to the work being done on the Yentna River escapement that has been available, and opined that the appointee could have availed himself of this information prior to writing the AOC letter.

[9:44:23 AM](#)

WESLEY HUMBYRD stated opposition to the confirmation of Howard Delo, stating that the scope of his fishery knowledge does not encompass the entire state.

[9:45:28 AM](#)

KEVIN HOGAN stated opposition to the confirmation of Howard Delo, citing the need to have a commercial fishery appointment.

[9:46:12 AM](#)

RICHARD BISHOP, President, Alaska Outdoor Council (AOC), stated support for the confirmation of Howard Delo, stating the need to have appointees who pledge protection for the resource.

[9:47:20 AM](#)

RICHARD BUCY, Chairman, Kenai River Sportfishing Association, stated support for the confirmation of Howard Delo.

[9:47:43 AM](#)

JOHN JENSEN, Member, Board of Fisheries, stated support for Howard Delo.

[9:48:15 AM](#)

ANDREW COUCH, Member, Matanuska-Susitna Valley Advisory Committee, stated support for Howard Delo, citing his knowledge of fisheries, and his approachability.

[9:49:25 AM](#)

THOMAS BRUCE KNOWLES stated support for the confirmation of Howard Delo, and claimed credit for writing the AOC letter, which Mr. Delo signed. He suggested that anyone concerned with the contents of the letter, should contact him directly. He praised the skills of the appointee, and urged his confirmation.

[9:50:32 AM](#)

RON WILSON stated support for the confirmation of Howard Delo. Over the past twelve years his and the appointees opinions have not always been in accord, however he said he believes that the appointee will focus on protecting the resource.

[9:51:19 AM](#)

CHAIR SEATON closed public testimony.

[9:51:30 AM](#)

CHAIR SEATON referred to a hearing of the BOF, which discussed the possibility of prioritizing sport and subsistence fisheries together over the commercial catch, and asked for comment.

MR. DELO replied that he did not attend that hearing. He stressed that it would be important to know why that is being proposed.

[9:53:40 AM](#)

CHAIR SEATON stated that the Special Committee on Fisheries has reviewed the qualifications of Mr. Delo, to serve as a member of the BOF, and requested committee action.

[9:54:19 AM](#)

REPRESENTATIVE WILSON moved to advance the confirmation of Howard Delo to the joint session of the House and Senate. There being no objection, the confirmation of Howard Delo to the Alaska Board of Fisheries, was advanced.

HB 188-BOARD OF FISHERIES' AUTHORITY

9:54:40 AM

CHAIR SEATON announced that HB 188 would not be heard today, and he explained that the sponsor substitute is on the table. This bill will be held until the Friday meeting [5/4/07].

9:55:41 AM

CHAIR SEATON opened public testimony on HB 188.

9:56:06 AM

ALEC BRANSON, testified in opposition to SSHB 188. This bill appears to provide a carte blanche to the BOF, opening a loop hole for the cooperative fisheries. As a member of the Chignik Coop he said, "We don't want to see that again."

[HB 188 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 9:57 a.m.