

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

April 18, 2007

4:19 p.m.

MEMBERS PRESENT

Senator Charlie Huggins, Chair
Senator Bert Stedman, Vice Chair
Senator Lyda Green
Senator Gary Stevens
Senator Lesil McGuire
Senator Bill Wielechowski
Senator Thomas Wagoner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

Confirmation Hearing: Board of Fisheries

Larry Edfelt - Juneau
Howard Delo - Big Lake
Claude Webster - King Salmon

CONFIRMATIONS ADVANCED

SENATE BILL NO. 80

"An Act relating to allowable lease expenditures for the purpose of determining the production tax value of oil and gas for the purposes of the oil and gas production tax; and providing for an effective date."

SCHEDULED BUT NOT HEARD

SENATE BILL NO. 44

"An Act making a special appropriation for a grant to the Alaska Railbelt Energy Authority Joint Action Agency to construct a wind farm on Fire Island and transmission lines to connect the wind farm to existing electrical infrastructure in Anchorage; and providing for an effective date."

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

No previous action to consider

WITNESS REGISTER

LARRY EDFELT

Auke Bay AK

POSITION STATEMENT: Nominee to the Board of Fisheries.

HOWARD DELO

Big Lake AK

POSITION STATEMENT: Nominee to the Board of Fisheries.

CLAUDE WEBSTER

King Salmon AK

POSITION STATEMENT: Nominee to the Board of Fisheries.

ROD ARNO

Alaska Outdoor Council

Anchorage AK

POSITION STATEMENT: Supported all three nominees.

RICKY GEASE, Executive Director

Kenai River Sport Fishing Association

Kenai AK

POSITION STATEMENT: Supported all three nominees.

RIK BUCY, Chairman

Kenai River Sportfishing Association

Soldotna AK

POSITION STATEMENT: Supported all three nominees.

BILL GIFFORD

Soldotna AK

POSITION STATEMENT: Supported all three nominees.

MONTE ROBERTS

Kenai River Professional Guide Association

Kenai AK

POSITION STATEMENT: Supported all three nominees.

RON RAINEY

Kenai AK

POSITION STATEMENT: Supported all three nominees.

GARY HOLLIER

Kenai AK

POSITION STATEMENT: Supported Mr. Webster and Mr. Delo, but not Mr. Edfelt.

PAUL SHADURA, Executive Director

Kenai Peninsula Fishermen's Association

Kenai AK

POSITION STATEMENT: Supported Mr. Webster, but not Mr. Delo or Mr. Edfelt.

GREG BRUSH

Kenai AK

POSITION STATEMENT: Supported all three nominees.

JOHN JENSEN, Member

Board of Fisheries

Petersburg AK

POSITION STATEMENT: Supported all three nominees.

STEVE WINSTRIP

United Cook Inlet Drift Association

Kenai AK

POSITION STATEMENT: Supported Mr. Webster, but not Mr. Delo or Mr. Edfelt.

MEL MORRIS, Chairman

Board of Fisheries

Kodiak AK

POSITION STATEMENT: Supported all three nominees.

ACTION NARRATIVE

CHAIR CHARLIE HUGGINS called the Senate Resources Standing Committee meeting to order at [4:19:01 PM](#). All members were present at the call to order.

Confirmation Hearing: Board of Fisheries

[4:20:03 PM](#)

LARRY EDFELT, Juneau, said he was first appointed to fill out the remainder of Rupe Andrews' term; Mr. Andrews passed away a few weeks ago. Mr. Edfelt said he has lived in Juneau for 36 years and is retired from the Alaska Department of Fish and Game (ADF&G) where he worked from 1963 - 1986. After that he operated a charter fishing business for 12 years. Since then he has been fully retired and participates in the Southeast Alaska marine recreational fisheries. He is a previous member of the Board of Fisheries from 1992 - 1997.

CHAIR HUGGINS asked if he had been labeled as a sport or commercial fisherman.

MR. EDFELT replied that most people recognize him as a sport fisherman, but he has many commercial fishing friends from all over the state.

CHAIR HUGGINS directed attention to the Kenai Sports Fishing information and then asked what areas he worked in for the ADF&G.

MR. EDFELT answered that he worked with the Division of Commercial Fisheries from 1963 - 1980 and spent the last five years as a deputy director. Then he transferred to the Division of Sport Fishing and Habitat. He ended his career serving in the Division of Boards. Most of his career was serving the Board of Fisheries and before that the Board of Fish and Game.

He explained that before there was a Division of Boards, each of the divisions provided staff to support the board process and he was that person within the Division of Commercial Fisheries. So, he has probably been to more Board of Fisheries meetings than anyone else in the state over the last 40 years.

CHAIR HUGGINS asked what talents or what things he has an appetite to work on that are challenges he sees for the state.

MR. EDFELT answered that he has always been a fan of the Board of Fisheries process that has always belonged to the fishermen rather than the bureaucrats and he wants to protect that process. He wants to preserve the maximum opportunity for public input in its decision making.

[4:23:48 PM](#)

SENATOR WAGONER asked where he sees a problem with the Cook Inlet escapement that has resulted in a decrease in size and number of smolt out-migrating each year. He understands the figures now show the probability of hardly any return in 2010.

MR. EDFELT replied that he was just appointed a month ago and didn't have recent scientific information from Cook Inlet. He expected that the board would get into this issue seriously next fall in the regular Cook Inlet cycle of meetings.

[4:25:36 PM](#)

SENATOR WAGONER asked what the outcome of Monday's Board of Fisheries meeting was.

MR. EDFELT responded that there was a petition to amend the Cook Inlet management plan. All the commercial fishermen were for it

and the sports fishermen were opposed. His position was that allocative issues are better addressed in cycle rather than at an emergency teleconference and he wanted to hear from all of the public on the issue. It wasn't an emergency in his view, but other board members felt differently.

SENATOR WAGONER said he knew that some commercial members had been dismissed from the board for having a violation and noted that Mr. Edfelt had disclosed a violation concerning a king crab pot and he asked if anything was in statute about members having a violation.

MR. EDFELT replied that interpretation has been relaxed. At least two commercial fishermen board members have past violations as well.

4:27:52 PM

SENATOR STEVENS wanted to hear about the violation.

4:28:09 PM

MR. EDFELT explained that he owned a king crab pot with two other gentlemen. He asked ADF&G if all names were needed on the buoy and was told that only one name was preferred. He put his name on it and his friends set the pot two hours early. He got the ticket and paid it.

4:29:20 PM

SENATOR STEDMAN asked what kind of makeup the board has and where is it going.

MR. EDFELT replied that it has been harder to represent all areas and all fisheries, but representation has been pretty well spread out geographically. Even a subsistence member has served for the last few years.

SENATOR STEDMAN asked what direction membership is going in terms of sports versus commercial.

MR. EDFELT replied that back in the days when there was one board, it usually had one sport representative and the rest were mostly commercial or processing interests, which was appropriate for the time. It is appropriate to have more sport fishermen now and they have about half the seats. He is happy with that makeup.

SENATOR STEDMAN asked for his background on boards and commissions.

MR. EDFELT replied he was on boards for the Territorial Sportsmen and the International Game Fish Association, but no sport fishing organization for many years. He has mostly been retired.

SENATOR STEDMAN asked if he had ever been a member of a policy-making board.

MR. EDFELT replied this is the most important policy making board he has been on.

[4:33:39 PM](#)

SENATOR STEVENS asked what his reaction was to a letter that said that a Board of Fisheries with his appointment would make a split of 5 to 2 in favor of sport and charter interests and so voices of commercial fishermen would continue to be unheard.

MR. EDFELT replied that he thought it was an unfair comment. The board at this week's meeting had 3 general sport representatives counting himself and 4 that were more closely associated with the commercial fisheries. The board has had a 4/3 split for quite a while now. He didn't think commercial fishermen objected to sport representation, but they wanted objective people who would make good policy decisions.

CHAIR HUGGINS asked how his name bubbled to the top.

MR. EDFELT replied that commercial fishing friends twisted his arm when Mr. Andrews retired for health reasons and so, he applied.

SENATOR STEVENS asked who he considers his constituents.

MR. EDFELT replied that he hoped to represent the fish and the process, not any one group.

SENATOR STEDMAN asked his thoughts on handling the biomass. If it's suppressed to a level where it impacts the commercial fishermen, should the sport fishermen be impacted as well, for instance.

[4:38:23 PM](#)

MR. EDFELT replied that Southeast has had a commercial red crab fishery for a long time and Juneau is lucky to have it close by. Naturally people were attracted to that because they didn't have to go very far to catch them for personal use. At first it was a

small fishery, but it became important commercially as the population of Juneau discovered a pool of king crab right out their back door. Eventually commercial fishermen had to be reduced in order to accommodate that local catch.

[4:40:06 PM](#)

SENATOR STEDMAN asked in situations like this with pressure from commercial groups, should a portion of the commercial quota be allocated to personal use, even though a move like that would delay buildup of the stocks - just so they can have both fisheries.

MR. EDFELT replied that the stock has been healthy enough to have both fisheries most years. But if the stock is so depressed it can't have a commercial fishery, it shouldn't have a personal use opening either. He understands that the allocation in this area has already been made.

[4:42:16 PM](#)

SENATOR WAGONER related that to salmon escapement on the Kenai River. If the escapement is coming in under prediction and the commercial fleet is shut down and not allowed to fish at all, what would be his attitude toward the personal use dip net fishery in the sport fishery? Should it be shut down at the same time until stocks show there will be enough to maintain the numbers necessary for escapement?

MR. EDFELT replied for an unexpected in-season shortage the ADF&G would close all fisheries.

SENATOR WAGONER said that is not what always happens in Kenai because there is so much pressure on the fisheries politically. He stated that he is in favor of the fish.

[4:44:34 PM](#)

CHAIR HUGGINS thanked Mr. Edfelt for his testimony and invited Howard Delo from Big Lake to testify about why he wanted to be on the Board.

HOWARD DELO, retired ADF&G employee from Big Lake, said he spent 21 years with the department - 15 years in the hatchery program and 6 years with the boating access program in the Division of Sport Fish. He didn't apply for this position, but he was asked to serve.

He said he could bring an objective view to board. He doesn't have an agenda and he is familiar with the issues. He has no

violations. He was elected to the Mat-Su Fish and Game Advisory Committee a few years ago, but he has resigned those positions to avoid a conflict.

CHAIR HUGGINS asked if he attended the earlier Board of fisheries meetings.

MR. DELO replied no.

CHAIR HUGGINS asked what he is labeled.

MR. DELO replied sports fisherman. He believes in the department's mission statement. His first concern is looking out for the resource and he appreciated the governor's phrase of "abundance."

[4:49:54 PM](#)

CHAIR HUGGINS asked if anyone is sponsoring him for this job.

MR. DELO replied no, but he had received a call from the governor's office asking him if he would be willing to serve on this board. He has talked to her a few times on a casual basis.

SENATOR STEVENS asked him to address the question of fairness on the board expressed in numerous letters.

MR. DELO replied that the bulk of the letters to the committee about him appear to be form letters and to his knowledge he had never met or spoken with any of the people who wrote them. One letter even mentioned that he should be confirmed because of his voting record, but Mr. Delo chuckled that he had never sat on the board and didn't have a voting record and he didn't know where the unfair comment came from. However, he admitted that he writes the outdoor column for the local newspaper and in it he had pointed out some differences between commercial and sport fish interests. Some people might have viewed that as being biased towards sport fish. "All I did is lay out the fact as they exist and basically let the readers draw their own conclusion."

SENATOR STEVENS asked how Mr. Delo could assure him that he would allocate the resource fairly.

MR. DELO simply stated that he would manage in favor of the resource and he doesn't have an agenda.

[4:55:09 PM](#)

SENATOR STEDMAN asked if he had been on policy-making boards before and he wanted a little more detail on the allocation issue when a fishery gets suppressed and should allocation shift from one group to the other.

MR. DELO replied that he had been nominated for the Board of Directors of the Upper Susitna Shooters Association in the Talkeetna area and the election is this Friday. To the allocation question, he answered that if the numbers of fish are such that the managers feel that commercial interests need to be closed, he would agree that the personal use should also be closed.

SENATOR WAGONER referenced one of the articles and asked him to explain how he knew that a good number of coho salmon destined for Valley rivers were intercepted because the department quit doing scale samples years ago and there is no way to identify those fish.

MR. DELO answered that he had some discussions recently with two different retired fish and game biologist who were involved in various aspects of Cook Inlet fisheries management. Both of them were more oriented toward the northern district and he asked them what they thought were legitimate interception rates. He heard 70 percent from one individual and 80 percent from the other who couched it in different terms of exploitation rates of the various fisheries in Cook Inlet.

He said the northern district set netters have had very restricted fishing opportunities and the fish getting into the rivers in his area must have been caught somewhat further down the Inlet, which would seem to indicate the central district has a rate of 70 to 80 percent of the returning stocks of the northern district fish.

SENATOR WAGONER asked if he is aware of the management plan and how the fish have been managed in the central district for the last five years.

MR. DELO replied yes.

SENATOR WAGONER said he has fished all those years except last year in the Cook Inlet central district. Inlet-wide openings were allowed very rarely and generally when very few fish were available and he would be hard-pressed to accept an interception rate of 70 to 80 percent of the fish heading to the northern district.

He said that everyone realizes there's a finite number of fish to satisfy an unlimited number of people and there's never going to be enough to make everybody happy. He asked how Mr. Delo would address this problem.

MR. DELO agreed that human nature is such that the more you have the more you want and he supported making a fair allocation between the different user groups, but the necessary brood stock to propagate the next generation of fish would need to be there first.

SENATOR WAGONER said there is definitely a problem up there.

MR. DELO agreed and said that it would have to be figured out.

[5:03:54 PM](#)

CHAIR HUGGINS thanked Mr. Delo for testifying before the committee today and asked Mr. Webster to give an overview of his qualifications and tell the committee why he wanted to serve.

CLAUDE WEBSTER, resident of King Salmon, noted that his resume' covered his background and offered to answer questions and that had been asked to apply by different user groups. He said he had been a set netter on the Kvichack River since 1984 and he has seen it go from the largest sockeye salmon run in the world to a stock of concern and if he had any agenda it would be to bring the Kvichack River back. He is well aware of the subsistence way of life and what happens when a stock disappears.

CHAIR HUGGINS asked him how he would do that.

MR. WEBSTER replied when they saw the Kvichack stock declining, the advisory committee along with ADF&G and the board came up with special harvest areas and management plans for the Naknek, the Egegik and the Ugashik Rivers to help prevent interception. They restricted sport fishing in the Iliamna Lake area so that all user groups contributed to conservation.

[5:07:24 PM](#)

SENATOR MCGUIRE said she spent her life fishing in the Bristol Bay fishery and wanted to know what he would do to not repeat what has happened there in the last two decades.

MR. WEBSTER replied that his personal opinion is that in 1984 the department decided to manage the Kvichack differently by doubling and quadrupling escapement goals that had been set and

used for decades. There were record returns for two cycles and then the third cycle crashed. The department has never officially said that it made a mistake, but it did reduce escapement goals back down to where they used to be. He said he hoped that lesson would not have to be learned again.

5:09:01 PM

CHAIR HUGGINS asked how he would balance that with his responsibility to the entire state.

MR. WEBSTER replied in areas he is not familiar with he would rely on the ADF&G for scientific and historical data for allocation issues.

CHAIR HUGGINS said he has been labeled as a commercial fisherman and asked what he would say to make sports fishermen more comfortable.

MR. WEBSTER related that he personally put in a proposal at the last Bristol Bay meeting to open up the Drift Lake in Katmai National Park that had been closed for no biological reason. He believed from his position as co-chair of the Naknek Kvichak Advisory Committee that local sport fishermen think he is, at least, fair to all user groups.

5:11:01 PM

CHAIR HUGGINS announced public testimony.

ROD ARNO, Alaska Outdoor Council, supported Mr. Delo, Mr. Webster and Mr. Edfelt as nominees to the Board of Fisheries. The Council's number one goal in selecting members for the Board of Fisheries is that they are aware of the process and these three gentlemen certainly are.

5:12:29 PM

RICKY GEASE, Executive Director, Kenai River Sport Fishing Association, Kenai, supported all three nominations. The Association believes each one will be fair and will bring different experiences and qualifications to the board that would make it productive.

RIK BUCY, Chairman, Kenai River Sportfishing Association, Soldotna, supported all three nominees.

5:13:46 PM

BILL GIFFORD, Soldotna, supported all three nominees commenting that they obviously have extensive experience in their respective areas.

5:14:19 PM

MONTE ROBERTS, Kenai River Professional Guide Association, supported all three nominees.

RON RAINEY, past chairman of the Kenai River Sportfishing Association, strongly supported all three nominees.

5:15:19 PM

GARY HOLLIER said he is a set net commercial fisherman in Cook Inlet and supported Mr. Webster. He said board members should be fair and impartial and look at data and make allocative decisions based on that data. He said the jury was out on Mr. Delo and Mr. Webster; but he had serious concerns about Mr. Edfelt because he just told Senator Wagoner that he didn't have much information about Cook Inlet over-escapement. But at Monday's teleconference he talked about it for five minutes and said arguments that over-escapement is biologically harmful to river systems seemed overblown. He did not think him suitable to be on the Board of Fisheries.

5:17:01 PM

PAUL SHADURA, Executive Director, Kenai Peninsula Fishermen's Association (KPFA), said he wanted to comment on conflicts of interest. He said the legislature must be assured that individuals are impartial and willing to listen to the stakeholders on an issue and then make unfettered decisions. He remarked that the previous actions and histories of two individuals lead one to believe "that the verdict would be guilty before they even started deliberations" and the crime would be being a commercial fisherman in Cook Inlet. He asked why two extremely biased commercial sport interest nominees are needed in Cook Inlet and why they are needed on the board. He asked where the fairness is for representation of the other regions of the state. He said KPFA supported Mr. Webster, but not Mr. Edfelt or Mr. Delo.

5:18:53 PM

GREG BRUSH, Kenai sport fisherman and Kenai River guide, supported all three nominees. He said it doesn't matter how the nominees are labeled, they are objective about making their decisions.

5:20:03 PM

JOHN JENSEN, Petersburg commercial fisherman, said he is a member of the Board of Fisheries and supported all three nominees. He had very high regards for Mr. Webster as being level-headed and knowledgeable on the issues he worked on with the board. He hadn't known Mr. Edfelt very long, but he worked with him on one regulatory meeting and was pleased with him. He has been involved with the Board of Fisheries before and is well respected and has a history with ADF&G that can be very useful. He hadn't met Mr. Delo, but he was satisfied with his testimony today.

[5:21:23 PM](#)

STEVE WINSTRIP, United Cook Inlet Drift Association, said Cook Inlet commercial fishermen are disappointed with the nominees because it had been assured that there would be a commercial fishing representative nominated since board hadn't had one on it since 1975. He also pointed out that Mr. Delo had a prearranged agenda as evidenced by his vote at an advisory meeting to create a conservation corridor through the center of Cook Inlet during July 9 - 25. If that happens, Mr. Winstrip said, there would not be a commercial fishery in Cook Inlet. He was concerned that the Board would not be fair and balanced with either Mr. Delo or Mr. Edfelt, but he supported Mr. Webster.

[5:25:28 PM](#)

MEL MORRIS, Chair, Board of Fisheries, Kodiak, supported all three nominees. He noted that the Board just lost three core board members and these three names would do a lot to replace that experience. He said that being fair is all a board member can be asked to do. He didn't think people could be identified as sport of commercial or whatever, because as Mr. Edfelt pointed out, they are representatives of the resource.

[5:28:05 PM](#)

SENATOR STEVENS thanked him for his service and asked if it was his experience that members of the board in general see themselves as representing the resource and neither sport or commercial fishing interests.

MR. MORRIS replied yes. He also commented that this is a difficult forum in which to make snap judgments about whether people are going to advocate for or against an issue or if they are going to be fair. He said:

Clearly all three people raise to the top.... In the five years I've been on the board, I haven't seen an advocacy that anybody was trying to accomplish. I

think everybody listens and makes up their minds when final deliberations are done. Some may understand some issues better than others, but that doesn't mean that's what you would support. We've all voted for various issues - sport fish, commercial, and subsistence issues and we're cognizant of our responsibilities.

[5:31:09 PM](#)

CHAIR HUGGINS said he intended to move all three of the names forward. He said unless there is an overriding legitimate reason, he would support the governor's appointments. He encouraged people who had concerns about who is going to be on the board to seek a seat themselves and take the destiny of the fishery in their own hands.

[5:32:10 PM](#)

SENATOR STEDMAN moved to forward the three names with individual recommendations. There were no objections and it was so ordered.

CHAIR HUGGINS added that this doesn't reflect intent by any of the members to vote either for or against the confirmation of individuals during any further sessions.

There being no further business to come before the committee, CHAIR HUGGINS adjourned the meeting at [5:32:58 PM](#).