

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

February 5, 2001

5:02 p.m.

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

HOUSE BILL NO. 61

"An Act authorizing the commissioner of fish and game to award grants for habitat restoration or enhancement projects; and providing for an effective date."

-MOVED HB 61 OUT OF COMMITTEE

PREVIOUS ACTION

BILL: HB 61

SHORT TITLE:HABITAT RESTORATION/ENHANCEMENT GRANTS

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

Jrn-Date	Jrn-Page		Action
01/16/01	0093	(H)	READ THE FIRST TIME - REFERRALS
01/16/01	0093	(H)	FSH, RES, FIN
01/16/01	0093	(H)	FN 1: ZERO(DFG)
01/16/01	0093	(H)	GOVERNOR'S TRANSMITTAL LETTER
02/05/01		(H)	FSH AT 5:00 PM CAPITOL 124

WITNESS REGISTER

KEN TAYLOR, Director
Division of Habitat and Restoration
Alaska Department of Fish & Game

PO Box 22526

Juneau, AK 99802-5526

POSITION STATEMENT: Presented sponsor statement and answered questions for HB 61.

SUE SCHRADER

Alaska Conservation Alliance

Alaska Conservation Voters

PO Box 22151

Juneau, AK

POSITION STATEMENT: Testified on behalf of Alaska Conservation Alliance and Alaska Conservation Voters in support of HB 61.

ACTION NARRATIVE

TAPE 01-5, SIDE A

Number 0001

CO-CHAIR PEGGY WILSON called the House Special Committee on Fisheries meeting to order at 5:02 p.m. Members present at the call to order were Representatives Stevens, Wilson, Scalzi, Dyson, Coghill, Kapsner, and Kerttula. Also present was Representative Chenault.

HB 61- HABITAT RESTORATION/ENHANCEMENT GRANTS

CO-CHAIR WILSON announced that the first order of business would be HOUSE BILL NO. 61, "An Act authorizing the commissioner of fish and game to award grants for habitat restoration or enhancement projects; and providing for an effective date."

CO-CHAIR WILSON stated that House Bill 61 was requested by Governor Tony Knowles.

Number 0182

KEN TAYLOR, Director, Division of Habitat & Restoration, Alaska Department of Fish & Game (ADF&G), explained that HB 61 would authorize the commissioner to have granting authority for federal funds for habitat and restoration projects. This same bill passed the House last session. However, it was passed too late to get final approval and consensus from the Senate.

MR. TAYLOR said the primary reason the department is looking for this granting authority is that the department has had a number of restoration projects throughout the state. They worked with municipalities and private interests, particularly, on the Kenai

River. Since 1995, the department has had 180 restoration projects granted and 170 completed on the Kenai River. However, in order to do this work on the Kenai River, the department has had to take funds that were available through the EVOS [Exxon Valdez Oil Spill] Settlement Funds and funds from CIP [Capital Improvement Projects], passed by the legislature in 1995. These funds were passed through the U.S. Fish and Wildlife Service and then back out to the public. In doing this, the U.S. Fish and Wildlife Service receives an 11 percent administrative fee for work that actually duplicates all of the division's administrative work. In short, it is a very inefficient process for handling these funds. The division [Division of Habitat and Restoration] feels that this process would be done better and more effectively if it [transferring of funds] was done directly to the individuals involved.

MR. TAYLOR said that HB 61 is restricted to federal funds for granting authority. It is further restricted to exclude Pitman-Robertson Funds, Dingle-Johnson Funds, and Wallop-Breaux Funds, which are standard federal funds that the ADF&G receives from excise taxes on sporting equipment. House Bill 61 would only encompass federal funds that "we" were successful in getting Congress to appropriate for this type of an activity.

MR. TAYLOR remarked that due to salmon restoration activities in Washington and Oregon, there is a strong national focus to restore salmon habitat in the Pacific Northwest. For this reason, Congress is appropriating a lot of funding for these types of activities. The department feels that with this authority they would be able to engage in these programs more efficiently than they are now.

Number 0412

CO-CHAIR GARY STEVENS asked if there was a state fee that follows these funds when they are granted to another agency, municipality, or nonprofit group.

MR. TAYLOR replied that he did not believe there was a state fee on these funds. He said typically when money is passed from one agency to another, there is about a 3 percent overhead in the Division of Habitat and Restoration.

Number 0480

REPRESENTATIVE COGHILL stated that he was not familiar with the scope of these funds (Pittman-Robertson, Dingle-Johnson, and

Wallop-Breaux programs). He asked Mr. Taylor to give him some concept of the scope of the programs.

MR. TAYLOR explained that Congress established the Pittman-Robertson fund in 1937, as an excise tax on rifles, shotguns, and ammunition. This fund is divided among the 50 states and is a continuing appropriation to the 50 states that is based on a formula of state size and population. Alaska receives 5 percent of this fund, which is the maximum of the Pittman-Robertson dollars. The Dingle-Johnson Fund was set up in 1950, along the same lines as the Pittman-Robertson fund, but for sport fishing. Alaska receives 5 percent of this excise tax on items such as fishing rods and tackle. The Wallop-Breaux fund was established [in 1952]. This fund is derived from additional excise tax on items such as motorboat fuels.

MR. TAYLOR summarized that these funds are a continuing appropriation through Congress to the state. They are the backbone of the Division of Sport Fish and Wildlife Conservation federal funding. For this reason, these funds are excluded from HB 61. The ADF&G and the legislature would not want to see funds that traditionally go to those programs [Division of Sport Fish and Division of Wildlife Conservation] siphoned off to go into something new and different.

Number 0733

REPRESENTATIVE COGHILL asked Mr. Taylor if there were specific criteria he anticipates looking at when dealing with habitat restoration grants.

MR. TAYLOR said it would depend on the area and what the habitat problem was. On the Kenai River, the department was looking at bank stabilization due to fishing pressure along the river. This was the focus of many grants that were done with the public "down there." However, in other areas such as Anchor River, there is a problem with ATV [all-terrain vehicles] crossings on the upper Anchor River through salmon and steelhead spawning grounds where "we" might want to put bridges or something like that across. In short, criteria would be developed around the problem that was trying to be addressed.

REPRESENTATIVE COGHILL stated that one of his concerns was that HB 61 would be used to "limit access rather than to enhance the habitat." He said that he is always a "little cautious about giving grants that's going to limit the access to the very people who generally are going to be using it."

REPRESENTATIVE COGHILL mentioned that one of things "we" have been trying to do on the Yukon and Tanana drainages is to "do weir counts and try to find where our habitat really is in our spawning grounds." He asked Mr. Taylor if these areas would be considered in the grants.

MR. TAYLOR reported that the department has talked about areas along the Chena River that would benefit from habitat restoration. But so far he has not heard "too much" on the Tanana River. However, this [HB 61] would be a statewide program. In response to Representative Coghill's first concern [HB 61 would limit access rather than enhance], the Division of Habitat and Restoration runs a project for "access defense." It is funded primarily by sports fish and wildlife dollars. However, it is a program for maintaining 17 easements [Alaska Easement Act of 1971] and R.S. 2477 [federal statute.] "We" are very conscious about protecting public access. These grants would not be used for limiting public access to any area. The projects on the Kenai River are called a 50/50 cost share grant where the applicant provides 50 percent of the cost and "we" provide a grant for the other 50 percent. It is strictly to restore his or her bank along the river. It has nothing to do with access, whether the person has allowed public access or not.

Number 0867

REPRESENTATIVE COGHILL asked what regulations would be required to implement this legislation.

MR. TAYLOR answered that currently [ADF&G] does not anticipate any regulations, since "we've been doing it through a federal agency and we would simply do it directly." House Bill 61 does provide the commissioner authority to develop regulations if they are needed at some point. However, he [Mr. Taylor] does not envision any at this time.

CO-CHAIR STEVENS remarked that it "sounds like a great idea to be more cost-effective." He then asked what the 11 percent (that has been going to fish and wildlife) represents in a dollar amount.

MR. TAYLOR said he believed "we've spent a little over a million five." Therefore, the dollar amount would be 11 percent of that which would be close to \$150,000-\$160,000.

REPRESENTATIVE STEVENS remarked that [Mr. Taylor's] feelings would be that whatever the dollar amount is would go directly into projects to restore habitat.

MR. TAYLOR confirmed Representative Stevens's statement.

SUE SCHRADER, Alaska Conservation Alliance/Alaska Conservation Voters (ACA/ACV), stated that many of the 35,000 members of "our" member organizations are hunters, fishers, and wildlife watchers. She said that they are all very supportive of HB 61. The members appreciate the need for habitat protection, restoration, and improvement. "We" are hoping that "you" [House Special Committee on Fisheries] will join us and support the legislation.

REPRESENTATIVE COGHILL remarked that he is "learning so much." He asked if currently there are logistical roadblocks keeping "us" from getting money in, or if HB 61 is just looking at a new source for funding to make it [the process] easier.

MS. SCHRADER said she preferred that the question be addressed to ADF&G. But, she said, "certainly we are not having to go through U.S. Fish and Wildlife Service." [With House Bill 61] ADF&G can give money directly to people who have won grant awards. Therefore, it seems that it "would probably save some time."

REPRESENTATIVE COGHILL asked Mr. Taylor if there is a "good logistical reason" for it [HB 61] or if there is just a "pot of money" that is now available.

Number 1139

MR. TAYLOR said that currently "we" have one "pot of money" that came to the governor's office last fiscal year, called the Southeast Salmon Recovery Fund. This was part of the Southeast Salmon Treaty negotiations. Congress appropriated 14 million dollars through this. But only a small portion of that (2-1/2 million) is tentatively set aside for restoration activities, and that would be in Southeast Alaska. Decisions have not been finalized on exactly how or where that money is going to be spent. However, there are other sources of funding out there, and there continue to be new sources "cropping up" for restoration activities. He said that "we" would like to be able to be in a position to take advantage of those [funding sources] in the most efficient and effective way.

REPRESENTATIVE COGHILL asked Mr. Taylor to explain what his scope of the enhancement part in the grant process might look like.

Number 1253

MR. TAYLOR replied that there are a number of different habitat-related issues in Alaska that can be addressed with this type of funding. He mentioned that the House Special Committee on Fisheries would be hearing a presentation on the Tongass Roads/culvert report after this hearing. This will provide the committee with an idea of some of the habitat impacts that "aren't all that obvious to people in the public but do affect productivity of salmon streams." It [enhancement] can range from replacing culverts to fixing stream banks or building bridges across salmon spawning areas. In short, there are a number of different things that could be done with these type of funds.

REPRESENTATIVE COGHILL remarked that there was a stream going by his house that might fit this description.

REPRESENTATIVE DYSON asked Ms. SCHRADER if she lived in Juneau and if she was an officer for ACA/ACV.

MS. SCHRADER answered that yes, she lived in Juneau, and that she was an employee of ACA/ACV.

REPRESENTATIVE DYSON asked if she could give a list of the 44 member organizations [within ACA/ACV.]

MS. SCHRADER said she would be happy to supply that information.

REPRESENTATIVE DYSON asked how many of the 35,000 Alaska registered voters [within ACA/ACV] have hunting and fishing licenses.

MS. SCHRADER responded that she is not sure if that information is available but she would check.

REPRESENTATIVE DYSON asked if any of the 44 member organizations were likely to bid or apply to get the grants for restoration work.

MS. SCHRADER said she did not know. However, several member organizations have applied for grants from the Department of

Environmental Conservation (DEC). Member organizations have received funds from DEC in past years.

REPRESENTATIVE DYSON asked how much ACA/ACV spent on or contributed to elections last fall.

MS. SCHRADER stated that this information was recently published in an Anchorage Daily News article. She was not able to recall specific numbers, but she believed that "better than half" of the amount that "we" [ACA/ACV] did raise and put towards the November elections was to predominantly work on ballot measure 1.

Number 1456

REPRESENTATIVE DYSON remarked that he was also interested in how much ACA/ACV spent on individual legislative campaigns. He then said,

To our co-chairs, who are both competent and delightful, one of the difficult things we always have is figuring out people to testify before us, whether or not they have a "dog in the fight," you know, a vested interest. You may want to, at the beginning of our session, to ask folks if indeed they have a vested interest, and I think this organization [ACA/ACV] has a vested interest in promoting the conservation of our natural renewable and non-renewable resources, which is very admirable. Thank you.

Number 1568

REPRESENTATIVE SCALZI made a motion to move HB 61 from committee with individual recommendations. There being no objection, HB 61 moved from the House Special Committee on Fisheries.

CO-CHAIR WILSON called for an at-ease at 5:30 p.m. in order to hear a presentation on the Condition of the Tongass National Forest roads and culverts in reference to Fish and Game. [The minutes for this presentation are found in the 5:35 p.m. cover sheet for the same date.]

