

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

April 25, 2001

1:12 p.m.

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARINGS

Board of Fisheries

Dr. John White - Bethel
Russell Nelson - Dillingham

- CONFIRMATIONS ADVANCED

Board of Game

Julie Maier - Fairbanks
Ben Grussendorf - Sitka
William H. "Chip" Dennerlein - Anchorage

- HEARD AND HELD

HOUSE CONCURRENT RESOLUTION NO. 17

Expressing the legislature's support for sale of a portion of Alaska's North Slope natural gas for electrical generation to power data centers within the North Slope Borough.

- MOVED CSHCR 17(RES) OUT OF COMMITTEE

HOUSE BILL NO. 241

"An Act relating to a railroad utility corridor for extension of the Alaska Railroad to Canada and to extension of the Alaska Railroad to Whitehorse, Yukon Territory, Canada."

- BILL HEARING POSTPONED TO FRIDAY, 4/27

CONFIRMATION HEARINGS

Commissioner, Department of Natural Resources

- SCHEDULED BUT NOT HEARD

Oil & Gas Conservation Commission

- SCHEDULED BUT NOT HEARD

PREVIOUS ACTION

BILL: HCR 17

SHORT TITLE:SALE OF NATURAL GAS TO POWER DATA CENTERS

SPONSOR(S): RLS

Jrn-Date	Jrn-Page		Action
04/20/01	1096	(H)	READ THE FIRST TIME - REFERRALS
04/20/01	1096	(H)	RES
04/23/01		(H)	RES AT 1:00 PM CAPITOL 124
04/23/01		(H)	Heard & Held MINUTE(RES)
04/25/01		(H)	RES AT 1:00 PM CAPITOL 124

WITNESS REGISTER

JOHN McCOMBS

PO Box 87

Ninilchik, Alaska 99639

POSITION STATEMENT: Testified in opposition to the reappointment of Dr. John White and Mr. Russell Nelson to the Board of Fisheries.

STEVE VANEK

PO Box 103

Ninilchik, Alaska 99639

POSITION STATEMENT: Testified in opposition to the reappointment of Dr. John White to the Board of Fisheries.

JAN KONIGSBERG, Director
Alaska Salmonid Biodiversity Program of Trout Unlimited (ASBPTU)
7511 Labrador Circle
Anchorage, Alaska 99502
POSITION STATEMENT: Testified in support of the reappointment
of Dr. John White and Mr. Russell Nelson to the Board of
Fisheries.

ROSE FOSDICK
PO Box 1485
Nome, Alaska 99762
POSITION STATEMENT: Testified in support of the reappointment
of Dr. John White and Mr. Russell Nelson to the Board of
Fisheries.

RION VANEK
PO Box 251
Ninilchik, Alaska 99639
POSITION STATEMENT: Testified in opposition to the
reappointment of Dr. John White to the Board of Fisheries.

DAVID MARTIN
71065 Sterling Highway
Clam Gulch, Alaska 99568
POSITION STATEMENT: Testified in opposition to the
reappointment of Dr. John White to the Board of Fisheries.

ROBERT HEYANO
PO Box 1409
Dillingham, Alaska 99576
POSITION STATEMENT: Testified in favor of the reappointment of
Dr. John White and Russell Nelson to the Board of Fisheries.

ROBIN SAMUELSEN
PO Box 412
Dillingham, Alaska 99576
POSITION STATEMENT: Referred to previous testimony he gave at a
House Special Committee on Fisheries meeting, regarding
reconfirmation of Dr. John White and Mr. Russell Nelson to the
Board of Fisheries.

TERRY HOEFFERLE
PO Box 310
Dillingham, Alaska 99576
POSITION STATEMENT: Testified regarding the reappointment of
Dr. John White and Mr. Russell Nelson to the Board of Fisheries.

JOE MALETESTA

PO Box 318

Clam Gulch, Alaska 99568

POSITION STATEMENT: Testified in opposition to the reappointment of Dr. John White to the Board of Fisheries.

CHRIS GARCIA

PO Box 203

Kenai, Alaska 99611

POSITION STATEMENT: Testified in opposition to the reappointment of Dr. John White and Mr. Russell Nelson to the Board of Fisheries.

BOB MERCHANT, President

United Cook Inlet Drift Association (UCIDA)

PO Box 389

Kenai, Alaska 99611

POSITION STATEMENT: Testified regarding the reappointment of Dr. John White and Mr. Russell Nelson to the Board of Fisheries.

BILL SULLIVAN

PO Box 943

Kenai, Alaska 99611

POSITION STATEMENT: Testified regarding Dr. John White and the present policies of the Board of Fisheries.

NANCY HILLSTRAND, Secretary/Treasurer

Pioneer Alaskan Fisheries

PO Box 674

Homer Alaska 99603

POSITION STATEMENT: Testified in support of the reappointment of Dr. John White and Mr. Russell Nelson to the Board of Fisheries.

GERALD P. MERRIGAN

Petersburg Vessel Owners Association (PVOA)

PO Box 232

Petersburg, Alaska 99833

POSITION STATEMENT: Testified on behalf of the PVOA in opposition to the reappointment of Dr. John White to the Board of Fisheries.

CHERYL SUTTON

PO Box 39214

Ninilchik, Alaska 99639

POSITION STATEMENT: Testified in opposition to the reappointment of Dr. John White to the Board of Fisheries, and in support of the confirmation of Mr. Ben Grussendorf to the Board of Game.

PAUL A. SHADURA II, Self-appointed Board of Fisheries Nominee
PO Box 1632
Kenai, Alaska 99611-1632

POSITION STATEMENT: Testified in opposition to the reappointment of Dr. John White to the Board of Fisheries.

JULIE MAIER, Ph.D., Appointee
to the Board of Game
2140 Twin Flower Drive
Fairbanks, Alaska 99709

POSITION STATEMENT: Testified as appointee to the Board of Game.

BEN GRUSSENDORF, Appointee
to the Board of Game
1221 Halibut Point Road
Sitka, Alaska 99835

POSITION STATEMENT: Testified as appointee to the Board of Game.

WILLIAM H. "CHIP" DENNERLEIN, Appointee
to the Board of Game
Alaska Regional Director
National Parks Conservation Association
329 F Street, Suite 208
Anchorage, Alaska 99501

POSITION STATEMENT: Testified as appointee to the Board of Game.

ACTION NARRATIVE

TAPE 01-42, SIDE A
Number 0001

CO-CHAIR DREW SCALZI called the House Resources Standing Committee meeting to order at 1:12 p.m. Representatives Fate, Green, Chenault, Stevens, and Scalzi were present at the call to order. Representatives McGuire, Kapsner, Kerttula, and Masek arrived as the meeting was in progress.

CONFIRMATION HEARINGS

Board of Fisheries

[Contains brief testimony by Cheryl Sutton in favor of the appointment of Ben Grussendorf to the Board of Game]

CO-CHAIR SCALZI brought before the committee the confirmations of the appointments to the Board of Fisheries of Dr. John White and Mr. Russell Nelson.

Number 0249

JOHN McCOMBS testified via teleconference in opposition to the reappointment of John White and Russell Nelson to the Board of Fisheries. He cited an October 2000 Board of Fisheries meeting in Anchorage at which the failure of "10 salmon systems" in Western Alaska was announced. He mentioned "cycle areas" and the wasting by the Board of Fisheries of "hundreds of thousands" of dollars over the last six years. Mr. McCombs stated that both John White and Russell Nelson "sat silent" in August 2000 while 40 million pink salmon returned to Cook Inlet, with no harvest allowed. He told the committee, "Nelson and White are both guilty of wanton waste - do not confirm either one of them."

Number 0335

STEVE VANEK testified via teleconference in opposition to the reappointment of Dr. John White to the Board of Fisheries. He said:

[Dr. White] has used his position on the Board of Fisheries to further Governor Knowles' agenda for Cook Inlet, which is to turn Cook Inlet into a tourist attraction and get rid of commercial fishing. His decisions have had nothing to do with conservation, as proven by the pink salmon "wastage" last year in Cook Inlet. The department biologist said there was no coho conservation concern, as was borne out by the record run of coho last year in Cook Inlet. But as a result, all those pinks were wasted.

Furthermore, he has cost me hundreds and hundreds of dollars during his six years on the board, by taking up Cook Inlet every year for the purpose of putting me out of business by increasing the escapement goals well above the MSY [maximum sustained yield] for the Kenai River.

Number 0565

JAN KONIGSBERG, Director, Alaska Salmonid Biodiversity Program of Trout Unlimited (ASBPTU), testified via teleconference on behalf of (ASBPTU) in support of the reappointment of Dr. John White and Mr. Russell Nelson to the Board of Fisheries. He said:

In particular, I think, with his leadership on the sustainable salmon fisheries policy, Dr. White did tremendously, bringing scientific and precautionary measures to fisheries management, and against which Alaskan salmon fishery can be evaluated more reliably than ever before. Whatever the specific disagreements may be about whether or not certain runs came in above or below escapement, I find it hard to blame any particular board member for a run failure or an over-escapement. Nonetheless, the principle under the sustainable policy, I think, will provide the best cushion for conserving Alaska's wild salmon stocks.

I also think that had Dr. White been in the Pacific Northwest - or two or three of them - they may have avoided some of the problems they've had there, particularly the collapse of the commercial salmon fisheries. And I guess it's also not surprising that a lot of the opposition to Dr. White comes from those who are concerned, rightfully, about the future economy of the salmon fishery, but ought to recognize that none of this is a precise science. And to err on the side of conservation, or simply conservative management, makes a lot of sense in the long run for most of us.

Finally, I'd like to say that I've been impressed with the Board [of Fisheries] process and dedication and thoroughness of ... its staff, and with the department's advice, as well as the federal government's advice on subsistence fisheries management. But I also think that the budget [it is] operating on is much too lean for the important work that has to be accomplished, and there's not enough there to ensure the kind of public participation that we all value, and that the board values, in terms of coming to a decision.

Number 0779

ROSE FOSDICK testified via teleconference in support of the reappointment of Dr. John White and Russell Nelson. She said several years ago the Board of Fisheries was in Nome, where its members listened to testimony. Ms. Fosdick added that the Board of Fisheries members are aware of the dire situation in that area regarding the lack of salmon available for subsistence or commercial fishing.

Number 0858

RION VANEK, a Cook Inlet fisherman, testified via teleconference in opposition to the confirmation of Dr. John White to the Board of Fisheries. He said, "Since [John] White has been on the Board of Fisheries, I've seen our fisheries in Cook Inlet all but destroyed." He added that two out of the last three seasons were "disasters." Mr. Vanek mentioned 20 million pink salmon going unharvested due to the Board of Fisheries' actions and regulations, which have allowed over-escapement to destroy red salmon runs, and due to mandatory closures, which have disallowed fishing on "abundant pink and silver stock." In conclusion, Mr. Vanek said, "In every case, John White has voted in favor of the restrictive measures which have strangled our fishery, sent canneries packing, and had ... a detrimental effect on local families and the local economy." He said he hoped the Board of Fisheries members would promote the fisheries industry, rather than destroy it. He asked the House Resources Standing Committee not to reconfirm John White.

Number 0957

DAVID MARTIN, testifying via teleconference in opposition to the reappointment of Dr. John White and Russell Nelson, mentioned having sent a letter to the House Resources Standing Committee [included in the committee packet]. He said two terms were sufficient, and he stated that a person's past actions are a good indication of what his future action will be.

MR. MARTIN told the committee [the Board of Fisheries] has met seven years straight in Cook Inlet [despite the fact that the meetings are scheduled] on a three-year cycle. Consequently, a great burden is placed on the public and the department. He said, "That's all the department does now, is ... work for the Board of Fisheries to generate the data that's requested of them." He acknowledged that the board has developed many of the plans in [Cook] Inlet, such as designs for over-escapement. He

related his belief that over-escapement ties the biologists' hands, with the result that fishermen sat on the beach while 20 million pink salmon went up the rivers last year because there was no way [that fishery] was going to be opened.

MR. MARTIN reiterated the concern heard in previous testimony that because the Board of Fisheries ignores [ADF&G's] conservation determinations, the scientific data of the biologists, and the people, fish are being wasted and people's livelihoods are adversely affected. He told the committee that half of the processors [in Cook Inlet] have closed down, and people who have fished for five decades have had to put mortgages on their homes. He added that the "undue" restrictions set up by [the Board of Fisheries] affect not only the commercial fishing industry, but the sport fishing and charter fishing industries as well.

Number 1173

ROBERT HEYANO, testifying via teleconference, stated that he had previously given testimony in support of Dr. White and Mr. Nelson at a House Special Committee on Fisheries hearing; he said he would appreciate having those comments incorporated.

CO-CHAIR SCALZI noted that some members of the House Resources Standing Committee are also members of the House Special Committee on Fisheries and thus already may have heard Mr. Heyano's testimony. Co-Chair Scalzi also indicated the committee packet should include Mr. Heyano's testimony; therefore, members will have heard, in some form, that Mr. Heyano is in favor of the reappointment of Dr. White.

Number 1221

ROBIN SAMUELSEN, testifying via teleconference, said he would echo Mr. Heyano's comments, since he, too, had testified before the House Special Committee on Fisheries.

Number 1248

TERRY HOEFFERLE, testifying via teleconference, also noted that he had testified before the House Special Committee on Fisheries, but said he wanted to add testimony. He highlighted the fact that currently fisheries throughout the state are experiencing a great deal of pressure. He pointed out that environmental causes result in stress on fish stocks for which numerous user groups are vying. Mr. Hoefflerle remarked that

many comments regarding these appointments have to do with people whose "oxes have been gored - one way or another"; he didn't blame board members for failures of fish stocks on the Kvichak River or the Yukon River, however, or some of the user groups in Cook Inlet. In conclusion, Mr. Hoefflerle said both [Dr. White and Mr. Nelson] are doing an excellent job.

Number 1355

JOE MALETESTA testified via teleconference in opposition to the reappointment of Dr. John White, noting that he had previously testified at the House Special Committee on Fisheries meeting. Mr. Maletesta highlighted several points of Dr. White's "Kenai River record" during his tenure on the Board of Fisheries, which contradict the opinions of other testifiers who described Dr. White as a steward of the resource who protects the habitat.

MR. MALETESTA stated that Dr. White has done everything in his power to circumvent the public process and destroy the legal and local advisory board processes. He said Dr. White has "over-escaped" the Kenai River by constantly raising the escapement levels, which will have disastrous results.

MR. MALETESTA mentioned eroding river banks that "house" many species of fish, and said over-escapement has caused "miles of degradation to the habitat." Millions of dollars of grant money is being spent to build boardwalks on those eroding banks, he noted. He told members that [Dr. White] "championed written comment only, attempting to displace citizens from speaking their minds at the so-called stacked committee meetings," adding that no law exists for the formation of those committee processes.

MR. MALETESTA stated that [Dr. White] took away the emergency order (EO) authority of the local managers in Cook Inlet, but doesn't have that authority, which is the legislature's. He said the rest of the [fisheries] in the state are still managed - some of them entirely - by EO authority. He continued:

We were told - and he was told - at the last meeting, that there [were] no conservation ... reasons regarding the coho, that they were strong. But what happened? They let 20 to 40 millions pink [salmon] go up that river "unharvested." This is a wrongful taking from all the users, especially the commercial fleet, [a] slam-dunk lawsuit. We could have fed many hungry dogs and many hungry people with those ...

salmon. Any legislator that votes "yes" to confirm Dr. White is sending a clear message to the whole United States that they support wanton waste of 160 million pounds of precious food.

I've testified at many Board of Fisheries hearings during Dr. White's tenure. The last time, I had two elderly people, six generations' old. [Dr. White] was rude and he was arrogant toward us, afterwards and during. This man has got a predisposed mind, and that was proven when Dan Coffey sent his letter to "Representative that was sitting and voted out," and he said there that no one should be able to make a living in six weeks. This is 100 percent wrong. The legislature should be holding hearings on the wanton waste of food, and jailing Dr. White for not supporting the proper efforts in allowing those fish to be harvested.

MR. MALETESTA mentioned the fiduciary obligations of "boards like this" to the state, and said a board member who breaches his/her fiduciary obligation can be held liable. He asked the committee not to recommend [Dr. White] for reappointment because "he's just killing this community."

Number 1568

CHRIS GARCIA, testifying via teleconference in opposition to the reappointment of Dr. John White and Mr. Russell Nelson to the Board of Fisheries, stated, "This Board of Fisheries is operating on a 'kill commercial fishing at [any] cost' concept." He said a change is needed, and "our community" needs the commercial fishing dollars. Mr. Garcia claimed that [Governor Knowles] is economically crippling "our community" and should be sent a message stating that "we're tired of this nonsense" and demanding that he rebalance the board by appointing new people.

MR. GARCIA cited an example of the Board of Fisheries' harming of his community, the recent net restrictions on the hooligan fishery in the Kenai River, which is heavily used by both Native and non-Native people. He said the restriction cripples that fishery to the point that it may as well have been closed. He concluded, "I think this is total nonsense, and it's just another example of how our governor has total disregard for the area of this state that I live in."

Number 1650

BOB MERCHANT, President, United Cook Inlet Drift Association (UCIDA), testifying via teleconference, made the following statement:

Some 30 years ago, I chose to commercial fish for a living here in Cook Inlet. At the time, I believed that since I was participating in a renewable-resource industry, the industry had the potential, if properly managed, to continue on and on and on. On Monday last, Representative Kapsner stated that the reason Dr. John White was not commercial fishing was because their commercial fishery has been closed for years due to a lack of fish. Evidently, what was once a viable, profitable fishery for residents of Bethel appears to be only a memory now.

Committee members have also been asked why so much attention centers on these confirmation hearings. There are many reasons, but we choose to express our concerns by saying, first, this attention should serve to prove to the legislature how important the resource is to Alaskans. And second, as far as UCIDA is concerned, we certainly don't want what happened to John White's commercial fishery to happen here in Cook Inlet. That's why we participate and why we argue and disagree with the policies of the current Board of Fisheries.

Is this to say that we blame the Board of Fisheries for the salmon collapse in Western Alaska? Not completely. After all, ADF&G managers were on-the-job the whole time. Salmon cycles average two years and four years. With the exception of Russell Nelson, the rest of the board has been making regulations for one, two, and - for some members - multiple salmon cycles. This collapse in Western Alaska happened on their watch. We can safely say that the salmon collapses in California, Oregon, Washington, and British Columbia were manmade.

So why should we (indisc.) the actions or inactions of the Board [of Fisheries] and ADF&G from the reasons for the failures here in Alaska? Remember that they were, and are, in charge. It should not be surprising to you why we in the commercial fishing industry want a change in the [Board of Fisheries.] During the

times when commercial fishermen supposedly controlled the board, Alaskan salmon runs were the envy of other states and nations.

Last, we don't want our children to have to rebuild decimated salmon stocks, as we had to after the "feds" left the fisheries - certainly not because the governor insisted on continuity. To us, continuity simply means more of the same: declining wild salmon stocks and failing fisheries.

Number 1818

BILL SULLIVAN testified via teleconference. He said the record shows that whenever the Board of Fisheries meets on Cook Inlet issues, the commercial fishery loses "time and area" to fish salmon. In regard to consideration of issues that might adversely impact the economics of the sport fishing industry, Mr. Sullivan said the board acts conservatively and, in at least one recent instance, recklessly. He expressed concern with the lack of parity and continuity between how the board deals with the Cook Inlet fishery and how it might deal with fisheries in other areas of the state. Mr. Sullivan continued:

Our local Department of Fish & Game has voiced concerns to the board over the possible and quite probable demise of five ocean chinook salmon in the Kenai River. The five ocean chinook are sold to the public by sport fishing guides as "trophy kings." An agenda change request was brought before the Board of Fisheries last February, on an emergency by the guide industry, to petition the board to allow retention of over-52-inch trophy kings, at a time when smaller kings must be released if they are hooked. The source of the emergency, in this agenda-change request [ACR] issue, was the economic impact that releasing these trophy kings would have on the guide industry. The Board of Fisheries subsequently passed the ACR request with a 7-0 vote in favor of the guide industry.

Conversely, during a ... season termed to be an economic disaster for the commercial salmon fishing industry - last year's season - the board refused to hear a request that would allow commercial fishers ... harvest access to ... a 20-plus-million-strong pink salmon run, using the lack of in-place pink and chum salmon plans as its justification.

Please understand that while these plans may be beneficial to have in place, our own state-employed biologists have indicated to the Board [of Fisheries] that there is little likelihood that Cook Inlet pink and chum salmon stocks are anything but healthy.

MR. SULLIVAN summarized that the Board of Fisheries would sanction a small group of guides benefiting economically at the expense of a genetic class of trophy kings, but would not even give consideration to healthy Cook Inlet chum and pink salmon stocks and a 20-million run of pinks that would offer minimal economic relief to the commercial fishery. Additionally, he urged the House Resources Standing Committee to look into the demoralization of "our local Board of Fisheries biologists," by polling department personnel about their experiences dealing with the current board members, including Dr. White.

Number 1981

NANCY HILLSTRAND, Secretary/Treasurer, Pioneer Alaskan Fisheries, testified via teleconference in support of the reappointment of Dr. John White and Mr. Russell Nelson to the Board of Fisheries. She explained that Pioneer Alaskan Fisheries has existed for 38 years and is now a commercial and custom processor, located on Homer Spit. She also mentioned that she has been a member of the fish and game advisory committee for 13 years, is very aware of the Board of Fisheries process, and has been "going to them" for over 17 years.

MS. HILLSTRAND stated that Dr. White and Mr. Nelson have worked diligently through the "North Pacific regime shift," and have done everything in their power to try to uphold the mandate of the sustainability clause of the constitution. She said, "Fisheries are very complex, and these people have the needed knowledge and the wisdom, as well as the courage, to make the difficult decisions needed to uphold the sustainability clause."

MS. HILLSTRAND told the committee that prior to the present board, the Board of Fisheries was very commercially biased, which resulted in the a loss of resources, including four species of crab, four species of shrimp, and miscellaneous shellfish. She expressed her belief that most people would not be very proud of its actions in the 1970s and 1980s. Ms. Hillstrand said the present board has been trying to "clean up the mess" from the past. She emphasized how huge an area the

Board of Fisheries oversees and said its members have the knowledge to do the job.

Number 2203

GERALD P. MERRIGAN testified on behalf of Petersburg Vessel Owners Association (PVOA) - a group of 62 commercial vessel owners - in opposition to the reappointment of Dr. John White to the Board of Fisheries. He said he has been participating at the Board of Fisheries [meetings] since 1985. Mr. Merrigan said although he has had agreements and disagreements with Dr. White and Russell Nelson over the years, Russell Nelson still listens, while Dr. White has stopped listening.

MR. MERRIGAN stated the [PVOA's] belief that two terms is enough and that the time for change is overdue. He pointed out that the entire Board of Fisheries membership is composed of individuals on their second or third term. He said, "There needs to be a better balance between the desire for continuity and the desire to get new and interested members of the public involved." Mr. Merrigan described the moment people have served too long on a board as the moment they start to think they don't need public [input] anymore. He said this [attitude] was evident when the Board of Fisheries came to a position on the halibut charter IFQ (individual fishery quota) issue, without ever holding a public meeting, taking public input, or giving public notice. Mr. Merrigan indicated he was using a March 28 letter from the North Pacific [Fishery Management] Council as a reference.

MR. MERRIGAN said [the PVOA] thinks commercial fishing is underrepresented by the present composition of board membership, particularly in regard to knowledge of blue-water ocean fisheries, as opposed to "terminal in-river fisheries." He added that it is ironic that "the legal and dental industries have more representation on the board than the commercial fishing fleet."

MR. MERRIGAN commented that the increasing length of the board meetings has discouraged stakeholder participation. He said the board is called "the board that can't say no" for the following reasons: issues that should not be taken up out of cycle, such as Copper River, are taken up; and issues over which the board has no authority, such as chum hatchery production, are tabled endlessly, "forcing us to attend more meetings, and breaking our budget."

MR. MERRIGAN concluded by saying there were other viable candidates who might bring a fresh viewpoint to the Board of Fisheries, including Art Nelson and Paul Shadura. He asked the House Resources Standing Committee not to reappoint Dr. White, but rather to thank him for his service and "wish him luck in his participation on the research board to which he was recently appointed."

Number 2360

REPRESENTATIVE KAPSNER mentioned Mr. Merrigan's comments about some board members who are not listening to the public's requests and that issues should not be taken up out of cycle. She also referred to the characterization of the board as "the board that can't say no"; she suggested that the board was responding to a cry for help.

MR. MERRIGAN replied, "I think you have to balance it out with the regulations the board has to operate on - [for instance], the agenda change request policy." He said taking an issue out of sequence meant taking it out of the three-year cycle for that area, which requires that the issue be a conservation concern, involve an unforeseen circumstance of regulation, or involve an error in regulation. The regulations clearly state that an [issue] must not be "taken up" for allocation. Mr. Merrigan mentioned trying to take the public input without violating rules.

MR. MERRIGAN said he shared ADF&G's opinion that the Copper River issue was not a conservation concern. He added that after considerable expense by lots of people, the Board of Fisheries finally concluded that it was not a conservation concern, "but they did take it up." He concluded:

The public should take the issue up to the "RPT" teams, in terms of the chum hatchery. The Board of Fisheries did not have the authority, and the Board of Fisheries' standing rule states, "If you do not have the authority, you pick 'no action' - you table [the issue] if you're trying to get more information." But we ended going five years on this issue, and the Board of Fisheries finally concluded it did not have the authority. So, I guess you have to bifurcate giving public access and giving public access in the proper forum.

REPRESENTATIVE KAPSNER commented that she took offense to Mr. Merrigan's statement that "the legal and dental industries have more representation on the board than the commercial fishing fleet." She stated that she has known Dr. White "her whole life," and said most people in the Yukon/Kuskokwim delta would identify him first and foremost as a fisherman, then as a dentist. She pointed out that the Board of Fisheries is not a professional board, even though some people think it should be, and, therefore, it is appropriate that those on the board have jobs in other fields.

MR. MERRIGAN explained that "we're" looking for broad commercial fishing representation on the Board of Fisheries. He listed some of the permits held by present board members, most of which do not represent ocean fisheries.

Number 2563

CHERYL SUTTON read her written testimony (included in the committee packet), as follows:

My name is Cheryl Sutton, and I am representing my family. We live in Ninilchik and have commercially fished in the set gillnet fishery in Cook Inlet for 28 years. I am sorry to say that we are the "youngsters" of this fishery, which is comprised of mostly third- and fourth-generation fishing families.

The confirmation of individuals to the Board of Fisheries is perhaps the most important vote the members of this committee and the members of the entire legislative body will make in joint session. The legislature, as the policy makers, has empowered the board with wide rule-making authority. The regulations adopted by this seven-member lay board regulate a multi-billion dollar industry and affect the lives of all Alaskans. I would like to speak to some of the policy issues surrounding these confirmations.

Representative McGuire has often asked questions and sought resolutions involving regulatory agencies' exceeding the statutory powers invested in them by the legislature. When the policies generated by the board are examined with care, it becomes immediately apparent that the legislative intent and statutory

mandate has been greatly exceeded in some areas and ignored in others.

I have had more experience with this process than I care to remember or recite. In addition, I served on the Board of Fisheries Review Committee by appointment of Governor Cowper. This committee was created because four members of the board, in the midst of their agenda in December of 1986, resigned. They resigned because of vote-trading and undue outside pressure to take actions contrary to sound scientific management. This tragic episode was recorded in our report [Board of Fisheries Review Committee, February 23, 1988] as [an] "unscheduled adjournment of the board in Anchorage." And, further, "This adjournment served public notice in a fairly dramatic way that the process was in trouble and badly needed attention." The four members who resigned included the chair, and they took the honorable action.

Following this meltdown of the board, Governor Cowper made some appointments, which dramatically changed the ethical conduct of the board. The individual who changed the process was Gary Slaven, from Petersburg, who brought his personal integrity and fair dealings to the process. Gary operated the board in a manner consistent with fair public process and in accordance with the policies set forth by the legislature. Unfortunately, it was Gary's integrity that made the difference. After Gary's tenure on the board, the process once again began to degenerate. "Agenda forwarding" on the board has now become somewhat more sophisticated, and honorable actions are no longer in vogue.

The legislature understands the need for ethics. You have a process for investigating alleged ethical violations among your members. The legislature cannot legislate integrity, which would result in sound ethical behavior. Therefore, the importance of the [governor's] putting forth names whose personal integrity allows them to rise above personal biases, or particular philosophies - which we all have - is essential. If the governor does not take this care, then the check and balance you have provided for yourselves is to not confirm.

The legislature, in statute [16.05.010], has charged the Department of Fish & Game, via their chief executive officer, the commissioner, to "be a qualified executive with ... knowledge of the requirements for the protection, management, conservation, and restoration of the fish and game resources of the state." In order to accomplish these objectives, the legislature appropriates money to the agency for the development of the scientific body of information required to meet this mandate.

The legislature has clearly recognized the scientific professionals [who] are within the department, and it is their responsibility to present their best information to the board to facilitate sound decision-making. I have said all this to say that the record of the current board is that they chiefly ignore or exceed your statutory mandates in this area. The role this board has assumed far exceeds what a lay board should be doing under your direction.

Having board members serve consecutive terms has not added to the continuity in decision-making. Each time the board meets, [it] assumes ground zero. The cumulative effect of this process has been devastating to some fisheries and many people in the state. A simple compilation of the historical record of actions taken by the board relative to the issues before them would serve as a meaningful guide. Continuity is something that those of us in the fishing community desire, and [we] do not believe that this is an unreasonable expectation.

Some members of your body have expressed great interest in developing a coherent statewide fisheries policy. This has been advocated by reviewers of the board process since its present organization in 1975 and, actually, since statehood. It is long overdue and clearly your responsibility as the policy makers. This committee and other committees have sufficient expertise to undertake the development of this policy, and it is something that could provide continuity in the board process.

Representative McGuire asked Mary McDowell of the Commercial Fisheries Entry Commission how a particular bill your committee heard would provide for the

entrance of the younger generation of Alaskans into commercial fisheries. I ask the same question relative to the policy direction of the current board. We will not encourage our children to look toward a future in our fishery and, quite frankly, that saddens me. Our fishery has the highest resident participation in salmon limited entry fisheries and, as I mentioned earlier, is largely comprised of third- and fourth-generation fishing families. However, my comments are not about Cook Inlet. Nor are they about sport versus commercial versus personal use versus subsistence. But, rather, they are about the policy issues surrounding the board process. Their record bears your scrutiny.

For all these reasons, I must oppose the reappointment of John White.

MS. SUTTON told the House Resources Standing Committee she supports the confirmation of [former] Representative Grussendorf to the Board of Game, saying she has known him for a "long time" and stating her belief he is an "honorable man."

Number 2893

PAUL A. SHADURA II read the following testimony:

I reside in the Kenai Peninsula Borough. I've traveled a thousand miles today to testify on the reconfirmation of Board of Fisheries member John White. There [are] some key points that I believe you should consider.

[First], how has the record of this board member proved to the committee that he has made fair and unbiased decisions that benefit all the users of the state? Section 6(e) of the Alaska Statehood Act states, the policy-making officials should be selected for their ability and their dedicated interest in the resource, and no identification should be made between a policy-making official and any particular segment of a population. Likewise, no official should be bound to represent the interest of a specific geographical region.

In addition, an excerpt from the Board of Fisheries review committee dated February 23, 1988, [says] in

1975 the legislature enacted a new statute which split the Board of Fisheries and the Board of Game, the members of which must be appointed by the governor and confirmed by the legislature "without regard to political affiliation, or geographical location" (ch. 206 ... SLA [1975]).

TAPE 01-42, SIDE B

[Not found on the tape because of the tape change, but contained in Mr. Shadura's written testimony, was the following: "However, despite the explicit aforementioned statutory prohibitions, from more than a quarter of a century, Alaska governors aided and abetted by the legislature have appointed individuals to the board because of their identification with special interests or geographical areas."]

MR. SHADURA continued:

Reappointing board members for two or three terms does not adhere to any diversity of interests and, in fact, would solidify or ingrain the inherent bias or idealism of one member from one area and from ... only one perspective or resource user. If we are attempting to reduce [the] temptation of an administration or body from exerting political philosophies on board members that are ... not to be considered by a political affiliation, ... then it would seem proper that new blood and new ideas would help to ensure that there would be less collusion and a stronger attempt for ... Board of Fisheries members to balance the decisions they promulgate.

Have decisions made by this board member resulted in sweeping losses to resource users? In the Kuskokwim region, this area will now be closed for real conservation reasons. This is Mr. White's backyard; yet in six years, which included his time as chairman, he could not find a solution and has severely impacted the economic viability for the fishing families of the region.

Number 2900

REPRESENTATIVE KAPSNER asked Mr. Shadura how he could assert that Dr. White is the reason that there is a salmon disaster [in

Western Alaska.] She said his testimony sounded both offensive and personal.

MR. SHADURA responded:

I didn't mean that to be personal. I just said, as the chairman of the Board [of Fisheries], there [were] no solutions that have averted this calamity that's happened at this point. And taking responsibility for his position is what I was talking about. I was not talking about Chairman White by himself.

MR. SHADURA continued reading his written testimony:

In Cook Inlet in August 2001, Mr. White failed to approve ... an emergency petition that resulted in a surplus stock of pink salmon in excess of 20 million [fish]. Information from local ADF&G personnel gave the Board [of Fisheries] their best available information on the need for surplus fishery, and assessments that the conservation species that the board had been concerned about were returning in record numbers. In the final analysis, [it was] the best return to the Kenai River in 20 years.

MR. SHADURA indicated Dr. White was instrumental in deflecting the responsibilities for the decline of chum salmon away from his turf and placing the blame elsewhere. He mentioned that board member [Dan] Coffey had alluded, in a recent legislative committee report, to the fact that these new regulations will not make the Kuskokwim whole [again]. [In keeping with the time limit for testimony, Mr. Shadura did not read the rest of his testimony, but offered to answer questions.]

Number 2765

CO-CHAIR MASEK moved that the House Resources Standing Committee forward the name of Dr. John White to the joint session for consideration of reappointment to the Board of Fisheries.

Number 2745

REPRESENTATIVE McGUIRE noted the considerable amount of controversy surrounding [Dr. White's] appointment. She encouraged members not to impede the discussion, but to allow it to be carried forward, in order to allow all legislators to have an opportunity to "weigh in."

Number 2708

CO-CHAIR SCALZI asked if there were any objections to Co-Chair Masek's motion. There being no objection, the confirmation of Dr. John White was advanced.

Number 2699

CO-CHAIR MASEK moved that the House Resources Standing Committee forward the name of Russell Nelson to the joint session for consideration of reappointment to the Board of Fisheries.

REPRESENTATIVE McGUIRE reiterated her statement regarding the considerable amount of controversy surrounding this appointment, and allowing all members of the full body to have an opportunity to weigh in.

Number 2674

CO-CHAIR SCALZI clarified that by signing, a committee member is just recommending that the appointee's name be forwarded [to the joint session for consideration].

Number 2635

CO-CHAIR SCALZI asked if there were any objections to Co-Chair Masek's motion. There being no objection, the confirmation of Russell Nelson was advanced.

Board of Game

Number 2605

CO-CHAIR MASEK announced that the committee would consider the confirmations of three appointees to the Board of Game: Dr. Julie Maier; former Representative Ben Grussendorf; and William H. "Chip" Dennerlein.

Number 2544

JULIE MAIER, Ph.D., Appointee to the Board of Game, came forward to testify. She informed members that she has a Ph.D. in wildlife management from the University of Alaska Fairbanks, where her research focused on caribou. Since then, she worked for eight years on moose research, for the most part in the Interior, and lived in Kodiak for 18 months, where she

volunteered for [the Alaska Department of] Fish and Game (ADF&G) doing technician work sealing bear hides, answering questions, and so forth.

DR. MAIER noted that she has held hunting licenses and has hunted; although she hasn't hunted since her babies were born, she said she intends to continue once her children are old enough to come along or once they are in school. She said her husband also hunts, and they eat exclusively wild game and fish, without buying beef.

DR. MAIER stated her belief that her variety of skills and knowledge, when combined, will make her an effective member and a good choice for the Board of Game. She cited as examples her education and experience in wildlife biology; her commitment to public service; her love of people and willingness to talk to, listen to, and learn from people; and perhaps most important, her dedication to the resource.

DR. MAIER informed members that her first and foremost concern will always be the health and long-term viability of wildlife populations in Alaska. She said she believes that humans are a natural component of the ecosystem. She stated, "Every time I vote, I will vote for healthy populations of wildlife, which in turn will allow for consistent and long-term use of wildlife by humans, and also other uses as well - nonconsumptive and consumptive."

Number 2365

CO-CHAIR MASEK referred to the recent spring meeting of the Board of Game; she said the area biologist had presented information demonstrating that the moose population is in severe decline in Unit 13, and that the only way to reverse it is through "predator-prey management," primarily on wolves. She asked why the Board of Game didn't act on that information.

DR. MAIER answered that in Unit 13 the biologist, Bob Tobey, told [board members] the proposals before the board were to just change the "brow tine" requirements; as a result, [the board] changed the requirement from three brow tines to four. There was no proposal to implement wolf control; there already is a wolf management plan for [Unit 13] that just hasn't been implemented, which she suggested is up to the ADF&G to do; she added that as far as she knows, there is nothing more the board can do in that regard.

CO-CHAIR MASEK asked Dr. Maier what, if any, actions she would take to restore the moose population in Unit 13.

DR. MAIER answered that she believes the wolf-control plan should be implemented in Unit 13. She offered that there should be an attempt to remove more brown bear and possibly black bear from the area as well; she noted that the take on brown bears has been increased by allowing one bear a year for residents, which would not have a very large impact because "most folks don't want a bear every year." She suggested that legislative action also could be taken, such as removing the guide requirement in [Unit] 13 for nonresidents for [hunting] bears, which isn't a Board of Game issue. She suggested that bear hunting is as liberalized as feasible, and that further liberalizing it for residents will make no difference.

Number 2224

CO-CHAIR MASEK asked Dr. Maier whether she had voted on any issue relating to the predator-prey management and controls on wolves in Unit 13.

DR. MAIER answered that there were no wolf or predator management issues that she recalled in Unit 13.

CO-CHAIR MASEK asked Dr. Maier how she would vote if there were such an issue before the board.

DR. MAIER responded that in [Unit] 13, she would support those measures. She restated that she supports the wolf-control implementation plan in place now, and that the key now is implementing it, which - to her understanding - is out of the board's hands.

CO-CHAIR MASEK asked whether Dr. Maier would support the stand of the governor and the administration regarding not using same-day-airborne shooting of wolves to alleviate the moose problem.

DR. MAIER answered that she believes the [passage of] the recent initiative made it illegal for a citizen to land and shoot, but that she would support having the ADF&G or one of its agents use that technique.

Number 2140

REPRESENTATIVE FATE asked Dr. Maier whether she would support the proposal before the Board of Game at the May meeting to reduce moose populations in that harvest by half.

DR. MAIER answered that she hadn't looked closely at the proposals that would be before the Board of Game in May, since she might not be a member [if her appointment isn't confirmed]; however, she believes the proposal to reduce the harvest by 50 percent was the recommendation of the McGrath adaptive management team. She asked whether that was correct.

REPRESENTATIVE FATE said he wasn't really sure.

DR. MAIER proposed that before getting to that board meeting, she would have to look into the issue more carefully in order to know what the reasoning was and where the data came from that suggest the need for that; questions would include what the historical high [number of moose] was, for example.

REPRESENTATIVE FATE noted that there also is a proposal to make a buffer zone in what is called the "Wolf Township" right next to Denali National Park; it would expand the current size by approximately three and a half times. He said both the Board and Game and the National Park Service biologists have indicated no buffer zone is needed, even though there is a real effort to make a buffer zone. He asked Dr. Maier how she would vote on that.

DR. MAIER replied that she had not studied those proposals, but believes that particular proposal was submitted by ADF&G. However, her approach to the Board of Game will primarily be as an analyst who makes sound "biological decisions" based on data. Dr. Maier offered her present understanding that the home range of "that pack" does not extend any further than the current buffer zone. She would need to study the information, but at this time would lean against voting for it, based on the fact that it does not sound necessary. Dr. Maier emphasized that she abstained from voting "on a couple of votes in Anchorage" because ADF&G had no data to show her, due to the fact that it was an out-of-cycle issue. She described that she would feel irresponsible if she had voted on an issue without first studying all the available research, just as she would feel irresponsible giving a definitive answer to [Representative Fate's] question right now.

Number 1929

REPRESENTATIVE GREEN asked Dr. Maier if she believes there is as an inherent conflict between [allowing animals to be hunted and preserving them for viewing].

DR. MAIER said no.

REPRESENTATIVE GREEN asked Dr. Maier if she believes there are adequate places for viewing [wildlife] in the national and state parks.

DR. MAIER responded that [60] percent of Alaska sounds adequate to her.

Number 1895

REPRESENTATIVE KERTTULA stated her interest in learning how Dr. Maier looks at issues and makes her decisions.

DR. MAIER responded that the first stage of her approach has been biological: ferret out all the data; talk to as many biologists as possible who have been involved in the both past and current research; talk to hunters and people who have been "out there" for a long time; and take notes. She likes to listen to people, enjoys the "characters" she has met at meetings, and is most comfortable in a multicultural environment; her diverse upbringing included being an "Air Force brat" in Germany and Greece, having an adoptive grandfather who is half Paiute, and having a grandmother who is one-quarter Kiowa. Her approach is to listen to all sides while bringing in as much data as possible in order to make a reasonable decision. She added, "I will vote on the issue at hand; I am beholden to nobody."

Number 1746

REPRESENTATIVE KERTTULA asked Dr. Maier if she could also "live by the statutes and the regulations."

DR. MAIER answered, "I will support the statutes; it's the law." In addition, she said, she meets the qualifications of the Board of Game's statute, which says a member should have an interest in public affairs, good judgment, knowledge, and ability in the field of action.

Number 1635

BEN GRUSSENDORF, Appointee to the Board of Game, came forward to testify. He stated that although he was reluctant to accept appointment to the Board of Game at first, he became "attracted to the process" after looking at the materials and attending a ten-day meeting; he said the people [involved] and the subject are "absolutely fascinating," and have always held his interest.

MR. GRUSSENDORF alluded to the great number of critical public opinion messages (POMs) that had been sent to the House Resources Standing Committee regarding his [appointment], and noted that none of the comments were in reference his voting record. He told the committee that with a total of 185 proposals and amendments and 400 votes before it, the Board of Game was divided on its vote only 15 percent of the time, never on any single topic, species, or geographical area. The only area where there was a "split" was the issue of motorized access, submitted to the Board of Game by the public.

MR. GRUSSENDORF highlighted the fact that the Board of Game [task force] was unanimous in its resolution and ten proposals regarding McGrath and "19 D/E," the wolf management predator control issue. He noted that included in those proposals was a comprehensive package encouraging the activity of bear-baiting; he indicated [the Board of Game] would like to implement much of the package in May 2001.

MR. GRUSSENDORF referred to a comment for which he was criticized regarded HB 144, which addresses the issue of [guides for nonresident moose hunters]. He said he personally thought [HB 144] was a good idea, although it had "some upsides and downsides to it," but the question [before the Board of Game] was, "What if the legislative body passes it?" Even though HB 144 had some merit, Mr. Grussendorf said he felt it would run into "some political flack." He clarified that his comment had been, "If the legislative body - House and Senate - approves that piece of legislation, they will also have to be aware of the fiscal notes that would be attached, as to the loss of revenue, and maybe find some other funding sources." He pointed out [the irony] that his opponents had called him "naive," even though [as a former state Representative] he was on [the House Finance Committee] for 10 [to] 12 years.

MR. GRUSSENDORF explained an issue - in which he believed Representative Scalzi to be involved - for which he was criticized: the McNeil River [State Game] Sanctuary. He singled out Representative Scalzi to receive his explanation as follows: A group of fishermen from Representative Scalzi's

district had approached Mr. Grussendorf because the [U.S. Army] Corp of Engineers was seeking an injunction against them in regard to monies the fishermen had received for a project. He said, "The Friends of McNeil also felt that I might be a good arbitrator." He stated that he liked both fish and bears.

MR. GRUSSENDORF said he approached both the Representative and the Senator of that district and called Mayor Don Gillman; he asked whether they had any objections to his involvement in the issue, and they said, "Have at it." He recalled thinking that [solving the issue] would be easy. His first idea was to make the entire area, which included the McNeil sanctuary and the Paint River, a sanctuary. He said the fishermen and the Friends of McNeil favored the idea, but Bill Holesworth (ph), from the Miner's association, [objected to it]. Mr. Grussendorf said he realized then that "back up in the Paint River" there are some mineral claims, which would be untouchable if the area were designated with sanctuary status. He recalled thinking, "OK, Mr. Solomon, how do we handle this?"

MR. GRUSSENDORF stated that he gave the Paint River "refuge" status and, in anticipation of objections from the Friends of McNeil, squared off the boundaries for the sanctuary, including a strip on the beach that left the bears vulnerable. Because of the injunction, he said, the U.S. Army Corp of Engineers still wanted the provision [left in] proscribing the shooting of brown bear in the refuge. Mr. Grussendorf said, "It got to the point where something was going to have to give." Mr. Grussendorf explained:

So when I went up to the House Finance [Committee]. I laid it out to them. I said, "Here's the problem: The Corp of Engineers, because of the injunction ... by the Friends of McNeil, would like the bear thing in. The Department of Fish and Game doesn't want it in, would like the Board of Game to do it." I left the meeting, ... fish and game, saying, ... "Here, go ahead and do it, whatever you do." Mark Boyer, I believe, made the amendment to delete it. McKie Campbell, who's the representative from the Department of Fish and Game, said that the sponsor had no objection to that amendment. And also, I believe, in the Senate Finance [Committee], Senator Schultz, who was in the House at one time, asked whether I was happy and (indisc.) said, "Yeah, I'm happy."

MR. GRUSSENDORF asked Representative Scalzi [to understand] that he did not push his nose in [the issue], and stated his belief that he thought he had done a wonderful thing by making everybody a little bit happy. He admitted that the project was not that successful from the fishing point of view. He expressed his hope that he would be given a chance to answer to his critics in the future, regarding legislation.

MR. GRUSSENDORF mentioned a Board of Game meeting [in Anchorage] where three of the people on the board had not been confirmed, but where the dynamics were excellent and each knowledgeable person had something to offer to the process. He stated that good decisions were made at that meeting.

Number 0993

REPRESENTATIVE GREEN talked about statistics the committee had seen regarding the cause of death of game animals, saying he believes 3 percent were killed by hunters. He mentioned [Senator] Pete Kelly and a presentation that had been given.

MR. GRUSSENDORF replied, "Without a doubt, the greatest 'taker' of wildlife is the weather and weather conditions. This is a key factor - and then, also, what is happening to the habitat in regard to that." He referred to an earlier question regarding the decreasing numbers of moose, from 6,000 to approximately 3,500; when there was an historical high in "that area," it was eight years after a major burn, he said, which was good for the habitat. The national government did an extensive poisoning program, which wiped out black bear, brown bear, wolves, coyotes - "everything." Mr. Grussendorf explained, "We can't do that anymore." He said biologists are saying the historical high set back then was too high for the realities that must be dealt with now. He agreed that the amount [of game] that humans take for consumption is very small.

Number 0843

REPRESENTATIVE GREEN suggested there were case studies of the fact that wolf packs will eradicate certain species, and certainly will cause deterioration due to killing their prey, then abandoning it without consuming it. He asked Mr. Grussendorf, "How would you view situations like 16 B, where you take a group of hunters - closure - and put them in an area like 13, which is probably already in trouble?" He said that is in contrast to considering how to deal with the effect of predators other than man.

MR. GRUSSENDORF answered that "we" were faced with the decision "in that area" of dropping into Tier II. He predicted that nonresident hunting would be closed in many areas, after which [the board] would have to work on predator control to avoid dropping into Tier II. He talked about an estimation on March 1 [2001] that about 100 wolves existed in [Unit] 19 D/E; that number would have to be reduced to 40 percent, with at least 20 percent remaining by "pupping" time. He mentioned there are already Tier II hunts in relation to caribou near Anchorage and said, "In my mind, that particular herd has been turned back on itself so many times by hunting pressure that ... they have problems." He mentioned the low weight and productivity rate of those caribou.

REPRESENTATIVE GREEN said he understood that Mr. Grussendorf's recommendation for [Unit] 16 B would be to first limit nonresident hunters, then to look at predator control. He asked whether he would recommend the same program order for other areas.

Number 0508

MR. GRUSSENDORF replied, hypothetically, that in many cases [the Board of Game] would probably look at predator control before going to a Tier II phase.

Number 0427

CO-CHAIR MASEK stated that Mr. Grussendorf's past record [as a legislator] shows he voted against most of the measures brought before the House of Representatives having to do with, for instance, wolf control, which made her question whether he would be a good Board of Game member; she said he appeared to be representing the other side of the issue, rather than protecting the people's right to hunt.

MR. GRUSSENDORF answered that Co-Chair Masek would not see that in his present voting record in regard to 19 D East. In response to a follow-up statement from Co-Chair Masek that she was referring to his vote in the House on wolf predator control, Mr. Grussendorf stated, "We have to separate this into intensive game management and predator control." Regarding predator control, he said the voters of the state were against "land and shoot," and he is driven by public opinion. He mentioned a bill and an amendment he supported, which would take out the words, "as their agents." Regarding intensive game management, Mr.

Grussendorf clarified that he had objected to it when it was an ambiguous proposal, but now that it is law, he would abide by it, even if he may object to it. He summarized that intensive game management and wolf predator control are laws now, no longer a proposal for discussion.

Number 0115

CO-CHAIR MASEK asserted that Mr. Grussendorf's record still reflects that he voted "no" consistently for any hunting issues that have come before the legislative body.

MR. GRUSSENDORF replied, "Madam Chair, you'll find that is not so."

CO-CHAIR MASEK continued, stating that Governor Knowles sent a letter to the "previous" [Board of Game] members, [dated] February 29, 2000, in which he stated: "The time to establish significant and appropriate areas of complete protection for wolves is long overdue." She also read the following: "Alaska needs additional areas where bear populations are protected and where bear viewing is a priority use." She asked Mr. Grussendorf if he would be operating under the same orders from the governor about the Board [of Game's] direction on management policy.

MR. GRUSSENDORF responded that he was familiar with the letter, and mentioned looking at factors and "game unit upon game unit."

TAPE 01-43, SIDE A

MR. GRUSSENDORF said [someone on the board] has stated that "we" do not allow fires to burn anymore. Down in "your" area there is, for example, blue joint (ph) grass, which is changing the habitat and other things.

CO-CHAIR MASEK asked if Governor Knowles's direction that he gave to the board is why no action was taken on the wolves in Unit 13.

MR. GRUSSENDORF responded that a program has been established, but unfortunately it cannot be implemented by the mandates of the public. He stated that [Governor Knowles's direction] was not one of the main issues. Each game unit is different. There are areas where the moose are flourishing and areas where they are floundering. He said around the Anchorage area there are a

tremendous number of people hunting. He added that everything varies by pressure and he could not give a stock answer.

Number 0181

CO-CHAIR MASEK stated that a discussion took place at the spring meeting concerning four-wheelers and other motorized methods of transportation. The statute that created the Nelchina public-use area states that motorized access for the purpose of hunting, fishing, and trapping shall be allowed. She asked if Mr. Grussendorf, as a board member, would uphold this provision of law or consider action to eliminate motorized uses in the Nelchina Basin, as some environmental groups have pressed for.

MR. GRUSSENDORF answered that [the Board of Game] has had several proposals in regard to this; the board, after looking at it, decided not to close those areas. However, he said, that doesn't mean there is not a problem. In a couple of seasons that herd swung back into the area that already had been browsed and worked over.

CO-CHAIR MASEK asked if he would consider taking action to eliminate motorized uses, specifically in the Nelchina Basin.

MR. GRUSSENDORF responded yes, he would consider it.

CO-CHAIR MASEK asked why he would consider that if [the area] was created as a public-use area in the statutes, which allows motorized access for the purpose of hunting, fishing, and trapping.

MR. GRUSSENDORF replied, "Action is one thing, but what you do with that motorized vehicle after you have gotten your access and pursue [it] as a rodeo or that type of thing is another question." [The Board of Game] was asked to close some areas by some groups but did not. He remarked that there are some concerns, and [the Board of Game] has been shown pictures of the Kenai area of what has happened to some of the terrain and stream crossings. There are a lot of people who have different ideas of what hunting is, he concluded; that needs to be taken into consideration.

Number 0456

CO-CHAIR MASEK stated that also at the spring meeting an area biologist presented information demonstrating that the moose population in Unit 13 is severely on the decline, and that the

only way to reverse it is predator-prey management, primarily on wolves. She asked Mr. Grussendorf, in his opinion, why the board did not act on the information provided by the area biologist.

MR. GRUSSENDORF answered that he does not believe there was a proposal to that fact, other than a report.

CO-CHAIR MASEK asked what actions he would take to restore the moose population in Unit 13.

MR. GRUSSENDORF responded that, unfortunately, one of things [the board] had to do was remove nonresident; then it went to a spike-fork, and then 50 inches with four brow tines. He stated that this is pretty restricted: it's bull-only. He explained that it was very difficult in dealing with that, and that he supposed [the board] could have said "55 inch ... with four brow tine on each side." However, there would have been a lot of people out there hunting, but would not have been able to shoot a legal moose.

Number 0589

REPRESENTATIVE FATE commented that if only 3 percent [of game] is taken by humans, then that would reduce the take in [Unit] 13 to less than that. He said, "You're feeding the wolves and taking the moose away from the people." He asked Mr. Grussendorf if he would expand the buffer zone around the northeast corner of Denali Park called the Wolf Townships. He added that there is a move to do this, and that biologists have said that they do not need the buffer.

MR. GRUSSENDORF responded that if the biologists are saying that a buffer isn't needed, and if people are satisfied in relation to the preservation of that pack, then he probably would not. He added that in order to gain predator control, there might have to be some "give and take" in some areas where there is not a prey problem.

REPRESENTATIVE FATE asked Mr. Grussendorf if it was true that he would not subscribe to strict predator control unless it was in an intensive game management area.

MR. GRUSSENDORF answered that Representative Fate had misunderstood, [possibly because] he had been trying to separate the issues of predator control and intensive game management.

REPRESENTATIVE FATE said intensive game management leads to the other question of sustained yield, about which the constitution is very clear. He asked Mr. Grussendorf if he would agree that whether the [issue] involves an intensive game unit or not, [the Board of Game] must apply the sustained yield principle, which intermittently may involve predator control.

MR. GRUSSENDORF reminded the committee that when [Co-Chair Masek] had previously asked about his voting record, he had divided the voting issues into two categories: intensive game management and fixed-wing predator control by people other than the department. He suggested some confusion might have resulted from having done that.

Number 0792

REPRESENTATIVE GREEN mentioned a priority for subsistence, the reduction of hunters due to more frequent Tier II hunts, and the 3 percent take from hunting. He asked Mr. Grussendorf if he thought it would be possible to reduce the other predators through proper management and thereby avoid the necessity for Tier II hunts in the state. Representative Green pointed out that on Adak Island, where there are no predators other than man, the caribou are approximately one-third to one-half again as big as in other parts of the state. He added that [those caribou] "impact the habitat area; it doesn't seem to have caused them any problem." He questioned whether the conflict statewide was due to habitat and other related [causes], or was truly caused by predation. He asked whether there would be a chance, if "we" were more aggressive on predator control, of avoiding Tier II hunts.

MR. GRUSSENDORF responded that he would like to say "yes," but gave an example of how many things were beyond "our" control in dual [federal-state] management; he said the Board of Game can try to manage for the health of game, but would be overshadowed by the plans of the national government. He mentioned a "customary and traditional" [standard], established in 1950 and used on goats in Kodiak; he said the [Board of Game] can limit hunting to [males] only, while the "feds" can say "any goat," which could be a [female] goat with kids. He cited other examples, including the management of ewe and ram sheep, and cow and bull moose. Mr. Grussendorf stated that dual management is causing a problem in balancing these, even when predator control is practiced.

Number 1101

REPRESENTATIVE GREEN remarked that the federal government owns twice as much land as [the state] does. He mentioned the 44 million acres [in the Native land selection]; when added to [the 104 million acres controlled by the state], it adds up to approximately 150 million acres, or one-third of the state, [with the other two-thirds of Alaska being federally owned land]. Although there is no control over the federal government, it would help to take active predator control in the areas that [the state] does control. He offered that the [state] is only dealing with the symptoms, rather than attacking the cause.

MR. GRUSSENDORF indicated his belief that on the federal land one cannot "land and shoot," and that although the ADF&G has been authorized to do some of that, it is not on federal lands. He clarified that before the Board [of Game] makes a decision, it first gets the opinions of legal counsel, the enforcement agencies, and the biologists. He concluded that the [Board of Game] process is an interesting process that he enjoys.

Number 1267

REPRESENTATIVE KERTTULA asked Mr. Grussendorf why he wants to serve on the board.

MR. GRUSSENDORF replied that he is interested in the subject. He likened the experience to sitting around a campfire listening to stories of people with the same interests.

Number 1282

CO-CHAIR MASEK stated her intent of hearing Board of Game appointee Chip Dennerlein's opening statement, then moving on to HCR 17.

Number 1375

WILLIAM H. "CHIP" DENNERLEIN, Appointee to the Board of Game, testifying via teleconference, told the committee he has family in Alaska and has been both resident and hunter in Alaska for 27 years, enjoying "watchable" to "edible" wildlife. Mr. Dennerlein disagreed with a line from an article by Mike Doogan, from the Anchorage Daily News, stating that Alaskans are just "Americans who live here" and who don't have a real Alaskan identity. Conversely, Mr. Dennerlein suggested that [Alaskans] do have an identity, at the core of which is a very powerful

connection to fish and wildlife. He said, historically, wildlife has sustained Alaskans and drawn people to move to Alaska.

MR. DENNERLEIN stated that how [the board] meets the challenges of today would determine whether healthy wildlife populations can be sustained throughout the state for all users. He said it was important for the Board [of Game] and the committee to consider the following factors: federal management of land in Alaska; growth in population; changes in land ownership, including state, private, and Native; changes in land use and economic use that affect access and habitat; changes in weather patterns, wildlife populations and distributions; new challenges dealing with moose in Gustavus and the Yukon/Kuskokwim Rivers; changes in laws from the legislature, legal constraints by the courts, and initiatives from the public; and changes in economic and hunting habits, for example, less trapping than in the past. He said subsistence is vital in Alaska, but many people do hold jobs in a mixed economy, and it takes a great deal of work to go out and run trap lines for four weeks at a time, "especially when it comes to predators."

Number 1630

MR. DENNERLEIN told listeners that the challenges are real and affect how [the Board of Game] has to think about game management; tough decisions have led to bitter debates and often have hampered, delayed, or complicated management. He shared three firm beliefs: [The board] can meet the challenges; the solutions are not mutually exclusive in a great majority of situations; and [the members] can find solutions when there is a balanced board committed to sustaining subsistence, sport, and personal use and recreation and wildlife viewing.

MR. DENNERLEIN emphasized the importance of framing the issues for the public so they can understand the often-controversial management actions that need to be taken. He suggested looking at the "whole toolbox" of management tools, and being willing to use the tools in effective combinations. He mentioned habitat, as well as a fire policy combined with hunting regulations and active predator management, "whether nonlethal, in the Fortymile, or lethal, as we have suggested in 19-D."

MR. DENNERLEIN recommended acquiring additional tools by working with biologists, the public, and the legislature. He mentioned the need for a tool to regulate air transport, which is emerging as a major issue in some areas. He also mentioned the names of

some groups which, he said, could work cooperatively [with the Board of Game]: the Board of Fisheries, the Federal Subsistence Board, and Native landowners, who own tremendously important lowland and riparian habitat through the [Alaska Native Claims Settlement Act (ANCSA)].

MR. DENNERLEIN cited his involvement in the successful effort of creating a sheep management plan in Chugach State Park, which now sustains, annually, one of the finest trophy hunts for sheep in the state. He also mentioned his involvement in creating safe pullouts on the highway for viewing of Dahl sheep; migratory bird treaty efforts that have successfully restored goose populations; and the "19-D East" plan, which Mr. Dennerlein predicted would move forward and use predator control to be successful, and about which he offered to answer questions from the committee.

Number 1868

CO-CHAIR MASEK reminded committee members that they would listen to testimony and ask questions regarding Mr. Dennerlein's appointment on Friday [April 27, 2001].

Number 1883

REPRESENTATIVE GREEN referred to statements made by Mr. Dennerlein regarding lethal/nonlethal [methods] and the Fortymile [caribou] herd. Representative Green said the Canadians had successfully used sterilization for wolf control for several years; he asked Mr. Dennerlein for his view on sterilization as a compromise between eradication and "just letting wolves proliferate."

Number 1921

MR. DENNERLEIN answered that [sterilization] is a recent tool that "we" are learning more about. He pointed out that the Canadians hadn't known whether a sterilized alpha male or female would defend its territory anymore. He said, "We learned - and contributed to the science - that [it] would." Mr. Dennerlein continued:

What happened, I think, to be honest, is that sterilization/nonlethal work, as a public program, combined with continued trapping -- there were wolves on the outskirts that otherwise would have filled that vacuum that trappers took, under "trapping and legal

harvest." So, that's what I mean by a combination of tools, if that's helpful.

MR. DENNERLEIN referred to his previous points about [biologists] and using new tools while working with the public. He stated that it was those key points that contributed to the results in the Fortymile.

[The confirmation hearings for the Board of Game were held over.]

HCR 17-SALE OF NATURAL GAS TO POWER DATA CENTERS

CO-CHAIR MASEK announced that the next order of business would be HOUSE CONCURRENT RESOLUTION NO. 17, Expressing the legislature's support for sale of a portion of Alaska's North Slope natural gas for electrical generation to power data centers within the North Slope Borough.

Number 2102

REPRESENTATIVE GREEN made a motion to adopt Amendment 1, which read [original punctuation provided]:

Page 1, line 8:

**Strike "is seeking"
Insert "has proposed"**

Rationale: This still recognizes that Netricity is the only company that has approached the state with this idea, but does not assert any propriety to the company for future sale.

Page 2, line 2:

**After "a portion of"
Strike "Alaska's North Slope"
Insert "The State's Royalty Natural Gas from Alaska's North Slope"**

Rationale: This incorporates Royalty Gas, and leaves the resolve to the generic sale of the gas, with no companies mentioned.

There being no objection, Amendment 1 was adopted.

CO-CHAIR MASEK called a brief at-ease at 3:18 p.m. She called the meeting back to order at 3:20 p.m.

Number 2195

REPRESENTATIVE GREEN offered Amendment 2 [which was Senator Torgerson's Amendment 1 to SCR 10, the companion resolution in the Senate]. Amendment 2 read [original punctuation provided]:

Page 2, line 1:

After "natural gas resources;"
Insert

"**WHEREAS** AS 38.05.183 mandates that any sale of the state's oil and gas royalty "shall be by competitive bid" unless the commissioner of the Department of Natural Resources: (1) determines, in writing with specific findings and conclusions, that the best interest of the state does not require competitive bidding or that no competition exists and (2) gives notice to the Alaska Royalty Oil and Gas Development Advisory Board;

WHEREAS AS 38.05.183 mandates that if the commissioner determines to sell royalty oil or gas non-competitively, the commissioner must consider the criteria in AS 38.05.183(e) and 38.06.070;

WHEREAS 11 AAC 03.03.010 mandates that the commissioner [sic] before the sale of royalty gas is completed, whether by competitive bid or not, the commissioner must make a public finding that the sale is in the best interests of the state

WHEREAS AS 38.06.050 requires that before any long-term, substantial sale of the state's oil or gas can [sic] made, the sale must be reviewed by the Alaska Royalty Oil and Gas Development Advisory Board and it must issue a written recommendation to the legislature about the sale;

WHEREAS AS 38.06.055 requires that before any long-term, substantial sale of the state's oil or gas can be made, the sale must be approved by the legislature;"

Page 2, line 3

After "natural gas"
Insert "at a competitive, reasonable price"

Page 2, line 5

FURTHER RESOLVED that the Alaska State Legislature requests that the commissioner determine in a written finding whether the state's royalty share of North Slope natural gas must be competitively bid at this time, and, if it must, conduct a competitive sale;

FURTHER RESOLVED that the Alaska State Legislature requests that, if the commissioner determines that the state's royalty share of North Slope natural gas need not be competitively bid, the commissioner: (1) enter into negotiations with Netricity, L.L.C., or other qualified purchaser, for the sale of the state's royalty share of North Slope natural gas consistent with the procedures and policies set forth in AS 38.05.183, AS 38.06.010 - .080, and 11 AAC 03.010 - .250; and (2) by the first day of the 2nd session of the 22nd legislature, either present the legislature with a contract for the sale of the North Slope royalty gas for approval or a report explaining why the state should not sell its royalty gas.

REPRESENTATIVE GREEN explained that Amendment 2 would not conflict with the previous amendment, but was, in a sense, an addendum. While the state is very receptive to the offer made by Netricity, it wants to make certain there is no misunderstanding: it wants to protect its resources while getting the absolute best value that it can. He added, "I think that was incumbent upon us when we took the oath."

Number 2295

CO-CHAIR MASEK asked if there was any objection to Amendment 2. There being no objection, Amendment 2 was adopted.

Number 2319

REPRESENTATIVE McGUIRE made a motion to move HCR 17, as amended, from committee with individual recommendations. There being no

objection, CSHCR 17(RES) was moved out of the House Resources Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:23 p.m.