

ALASKA STATE LEGISLATURE  
**SENATE RESOURCES COMMITTEE**

April 18, 2001  
3:45 p.m.

**MEMBERS PRESENT**

Senator John Torgerson, Chair  
Senator Rick Halford  
Senator Pete Kelly  
Senator Robin Taylor  
Senator Kim Elton

**MEMBERS ABSENT**

Senator Drue Pearce, Vice Chair  
Senator Georgianna Lincoln

**COMMITTEE CALENDAR**

CONFIRMATION HEARINGS:

Commercial Fisheries Entry Commission - Mr. Bruce Twomley  
Board of Game - Mr. William Dennerlein, Mr. Ben Grussendorf,  
Dr. Julie Maier  
Alaska Oil and Gas Conservation Commission - Ms. Julie Heusser

**ACTION NARRATIVE**

**TAPE 01-29, SIDE A**

Number 001

**CHAIRMAN JOHN TORGERSON** called the Senate Resources Committee meeting to order at 3:45 p.m. and announced the committee would start with the confirmation hearing for Mr. Bruce Twomley, Commercial Fisheries Entry Commission (CFEC).

MR. BRUCE TWOMLEY, CFEC, said he would be happy to respond to any questions members may have.

CHAIRMAN TORGERSON asked Mr. Twomley if he planned any major changes at the CFEC during the upcoming year.

MR. TWOMLEY said no major changes are planned. He noted, "We would just like to get through the work in front of us."

SENATOR TAYLOR asked about the status of the shrimp fishery.

MR. TWOMLEY responded:

The limitation is complete. Because the point system is a fairly simple point system, we have actually almost completed adjudications. There are at this point about 309 permits on the street. About half of those permits are non-transferable permits, which fulfills what was our hope and some of the fishermen's hope at the beginning of that process. As you know, the numbers got inflated the way it evolved. Having almost half of the permits non-transferable means that over time those permits will be retired and disappear from the fishery. We also note, and this is encouraging, although there were some 186 individuals participating in the fishery just prior to limitation, at this point the numbers of actual participants has dropped below that. So we have only 160 participants participating in the fishery currently.

SENATOR TAYLOR asked why the CFEC did not include a hardship provision for the shrimp fishery as it has for other fisheries.

MR. TWOMLEY said he had lengthy conversations with Mr. Collier regarding this concern and that:

The commission in some of its earlier point systems, particularly the salmon fisheries, had a provision labeled 'unavoidable circumstances' where in being ranked against other fishermen who were competing for the same permits, a fisherman could basically make an excuse for not having participated, but still be awarded the points they would have gotten if they had participated. There was a point when the commission thought this was a fair way to go even though it wasn't required by statute. It's not one of the requirements for a point system, but it wasn't something that was employed in all the fisheries prior to 1988. Since 1988, in all the fisheries we have limited, we have not employed it at all, because we found it tended to create some opportunities for fraud. It's very hard to evaluate what somebody would have done, but for some other circumstance that may or [may] not have prevented them from going fishing. There are so many reasons for not going fishing in a given season, it's very hard to be confident that we can really get a handle on that issue through adjudications. So, it was an issue that led itself to fraud in some cases and tended to slow down the adjudication process tremendously as you waded through all those cases and other fishermen had to wait

for further adjudications to find out where they stood. What we have tried to do in place of that and it's something we did in the shrimp point system, we made a point in the point system of insuring that someone didn't have to fish all of the years to get all of the points available...so they wouldn't be prejudiced if they missed a few years because of some intervening circumstance. As a result we have been able to get through those adjudications in record time... So, we're very close to wrapping up that fishery today.

SENATOR TAYLOR asked how CFEC determines a valid landing of a given amount of fish if there is a dispute with ADF&G.

MR. TWOMLEY replied that they rely initially on the direct reports from ADF&G, which are computerized. CFEC can come up with a final point award at a glance looking at that data. He explained, "If that data tells us, as it does in some cases, that there was a fisheries violation that led to a confiscation of the catch by Fish and Wildlife Protection officers, we will not credit that toward a permit."

He added that the individual may contest that determination and then he or she has a chance to prove that the computerized information is wrong.

SENATOR TAYLOR asked what CFEC does if it's not confiscated.

MR. TWOMLEY replied:

If it's not confiscated, it's normally invisible to us. It normally represents a less serious violation. Those are violations that aren't recorded in Fish and Game fish ticket data and consequently nothing has been triggered on our end. If you look back at the history of limited entry and adjudications, there are undoubtedly many cases of individuals who had those minor violations that were invisible to the commission and they have gotten credit for that fishing and have gotten permits. Where that has led us, as in the case pointed out by Mr. Collier, when fishermen are singled out and someone has pointed to them saying there is a violation but it turns out to be a similar minor violation, we haven't wanted to single those individuals out for the more serious treatment that we give more serious violations, because it would appear to us to be violative of the anti-discriminations provisions in the authorizing section of our statute.

SENATOR ELTON said Mr. Twomley is an appointee that is rare, if not

unique. He added, "He is a high-level appointee who has been appointed by Governor Hammond, Governor Sheffield, Governor Cowper, Governor Hickel and Governor Knowles. I don't know frankly if there's anybody else who's given us two decades of service in an appointed position in a rather contentious arena. I think that says something about the quality of the nominee."

Number 600

SENATOR HALFORD moved to forward Mr. Twomley's name to the full Senate for confirmation. There were no objections and it was so ordered.

CHAIRMAN TORGERSON introduced Ms. Julie Heusser, an appointee to the Alaska Oil and Gas Conservation Commission (AOGCC).

MS. HEUSSER said that she is a life-long Alaskan and has a degree in petroleum engineering. She said she really cares about what goes on in Alaska. She has 20 years of practical experience with the oil and gas industry.

CHAIRMAN TORGERSON said his office made a few calls and that Ms. Heusser comes highly recommended.

SENATOR TAYLOR moved to pass Ms. Heusser's name to the full Senate. There were no objections and it was so ordered.

CHAIRMAN TORGERSON introduced Mr. William Dennerlein, an appointee to the Board of Game.

MR. WILLIAM DENNERLEIN said that he has lived in Alaska for 27 years. He is personally interested in the full spectrum of the uses of wildlife. He worked for Governor Hammond as a State Park Director; he worked in local government; he worked with a private corporation managing a commercial fishing company; and now he is a regional director for a private citizen organization.

CHAIRMAN TORGERSON asked if he has any priorities he wants the Board of Game to address this year.

MR. DENNERLEIN answered that this is a very important time for wildlife management in the state. He hopes to see progress on a number of fronts, such as Unit 19. He added, "We really need to manage predators and we're going to need to manage them in different ways." He believes it is possible to rebuild moose populations in a way that will be acceptable to a large majority of Alaskans.

SENATOR HALFORD asked if his current employment is with the National Parks and Conservation Association (NPCA).

MR. DENNERLEIN answered it is.

SENATOR HALFORD asked if he would continue his employment there as a member of the Board of Game.

MR. DENNERLEIN said he would. He said his organization had not made any proposals to the Board, but he would not vote on any if it did.

SENATOR HALFORD said some of the upcoming proposals have to do with the north side of McKinley Park and closing hunting and trapping on state land in Units 19 and 20. He asked Mr. Dennerlein to comment on those proposals.

MR. DENNERLEIN said [he] would not want the wolves in Unit 19 killed, but in the McGrath area [he] would impose predator control and make some changes in subsistence hunting. He explained, "We're going to try to reduce the impact of bears, wolves and human take and that's all going to be part of that plan." He told members the Board looked at proposals in Unit 20 regarding the Stampede Road in November. He didn't think the board has to eliminate hunting or trapping altogether but the boundary is unmanageable so the board has been discussing ways to make it more manageable. However, he believes that is not a reason to overreach into local hunting and subsistence.

SENATOR HALFORD asked if he supports the elimination of subsistence trapping of wolves in the Savage River to Stampede Trail area on the north side of McKinley Park.

MR. DENNERLEIN said he does not and stated, "I think in small zones, some people would be willing to eliminate the taking of specific species, not trapping for wolves. The taking of a wolf [indisc.] in one given zone and that I would support. That doesn't mean steps for lynx, fur bearers, and all the other subsistence activities."

SENATOR HALFORD said he asked about subsistence trapping of wolves in an area that the congressional and state delegations fought very hard to maintain open to trapping. [The National Parks and Conservation Association] opposed that in the 1980 act, but the state was successful in keeping it open and now it appears there may be an effort to close it. He said they are, "talking about the subsistence trapping by local rural residents and it seems inconsistent with the position of the state and the entire federal management structure when McKinley Park was expanded and its name changed."

MR. DENNERLEIN responded that he thought this is the one particular area that is mentioned in the intent language in the bill on the addition to the park. He said it's important for people to know that there isn't any kind of agenda to change the balance and

purposes of what the federal act said about parks and preserves - they are supposed to protect the land and the integrity of wilderness and wildlife species dependent on wilderness. The purpose section of the act says, "to provide opportunities for rural residents engaged in subsistence to continue to do so."

MR. DENNERLEIN said he didn't think it was inconsistent to take a specific management action that may have a lot of additional benefits for the state. He saw the simple introduction of the wolves in Yellowstone change the economy of a number of the communities. It increased the flow of dollars into those communities and Denali plays an enormous role in our economy; people consistently visit to see bears and wolves.

SENATOR HALFORD asked, "I guess it's okay to have customary and traditional dependence on a species that hasn't been there for 100 years?"

MR. DENNERLEIN said he believes it will become more and more important that the boards cooperate on habitat issues and keep looking for quality habitat access that can sustain the populations. He said the board needs to communicate with landowners so they can work together to produce more animals.

Number 2200

SENATOR TAYLOR asked how long he has been a spokesman for the NPCA.

MR. DENNERLEIN responded that he has been a representative since 1993.

SENATOR TAYLOR said, "In just the last couple of years, you, as their spokesman, sent out a mail membership solicitation indicating that wolf hunting and trapping threatened the viability of Alaska's wolf population. That seems contrary to the statements you have just made. In addition to that, you are one of the advocates for this association, which puts out a document entitled 'National Park Activist Guide,' which explains the need to create emotional appeal and then gives a case study example of a very successful emotional campaign that was distorted, but was very compelling in its effectiveness." He asked if that is what Mr. Dennerlein is giving the committee today.

MR. DENNERLEIN answered that he hadn't seen any literature in which the NPCA said [wolf hunting and trapping] threatens the viability of the wolf population in Alaska. He stated, "If you have that, I'd love to see it. If it's dated, we'll make sure it gets buried forever. It's incorrect and I've never said that." He said his organization has an activist guide, which he works on, but if that statement is made someplace, he would like an opportunity to correct it.

**TAPE 01-29, SIDE B**

SENATOR TAYLOR said the Governor has repeatedly made it a criterion for appointment to this board that only "publicly acceptable methods will be used for predator management." He asked if Mr. Dennelein adheres to that principle.

MR. DENNERLEIN said he does and that he doesn't think shoving a program down people's throats is a good idea. He added, "Publicly acceptable does not mean everybody and there will always be people that will not abide by any act of wildlife management. People will accept management if it's clearly defined..."

SENATOR TAYLOR asked if he doesn't want to do any predator control until the game population was so beaten down that none of the people in the area could even hunt them any more and wait for the subsistence people who need the animals to come forward and promise they won't hunt them any more. He said he was frustrated by Mr. Dennerlein's answer and the situation that he thinks is going on. He asked Mr. Dennerlein which methods of game management are publicly acceptable.

MR. DENNERLEIN said a variety of methods could be used in combination. Lethal control is justified in some cases, but it doesn't mean that it should be used all of the time every year. This cannot be perceived as a war on predators. He said you have to be careful with poisoning, because it's non-selective. Denning has its place also, and, in some cases, expanding trapping seasons works better.

CHAIRMAN TORGERSON thanked Mr. Dennerlein for his comments and announced Mr. Ben Grussendorf as an appointee to the Board of Game.

Number 1900

MR. BEN GRUSSENDORF, testifying via teleconference, apologized for not being at the meeting in person. He said he enjoys the work, the subject and the people who are interested in the issues he is interested in. He noted that 85 percent of the time, the board has voted unanimously on issues and he believes that is remarkable for a seven-person board. The other 15 percent of the votes were not on a single subject, area or species. The one area where there was a disagreement among board members was on the use of motorized vehicles, such as snowmobiles, airboats and jet boats.

SENATOR KELLY asked what he thought about the Board's tools being acceptable to the public.

MR. GRUSSENDORF responded that what is understandable is a difficult question, but he intended to put out something that was

understandable even though it might not be liked by some parties, as with predator control. His arguments have not been whether there should be predator control, but who should be doing it. He maintains that it should be the Alaska Department of Fish and Game (ADF&G) or its agents.

SENATOR KELLY said he introduced a bill three years ago that allowed ADF&G to land and shoot, which was not allowed under the 1996 initiative. One provision he put in the bill was that only ADF&G or its agents would be allowed to land and shoot. He asked Mr. Grussendorf why he voted against it at the time and why he suggested an amendment to remove "or their agents" from the bill.

MR. GRUSSENDORF said he has moved from that in relation to intensive game management in Area 19 and perhaps some other areas. He also had some concerns about the terrain in Unit 19D.

CHAIRMAN TORGERSON indicated there were no further questions and noted that Mr. Grussendorf was getting off easy. He then introduced Dr. Julie Maier as an appointee to the Board of Game.

DR. JULIE MAIER said she has a variety of skills, education and knowledge that would make her valuable to the Board of Game. She has a commitment to public service and loves people. Most importantly, she is dedicated to the resource, its health, and long-term viability. She believes that humans are a natural component of the ecosystem.

SENATOR KELLY asked Dr. Maier to explain her stand on predator control and public opinion in Unit 19D East.

DR. MAIER responded that she was "beaten on" over a petition to close an area of the state to protect some wolf pups, which she voted against. She thought the state could do a better job of educating the public with a well thought-out program. She would support wolf control in the area of McGrath without question.

SENATOR KELLY asked if she would support lethal predator control.

DR. MAIER answered, "Absolutely."

SENATOR KELLY asked if she would support it now.

DR. MAIER answered, "Absolutely."

SENATOR KELLY asked if it would happen this winter.

DR. MAIER answered, "I hope so."

SENATOR KELLY noted that the Governor is talking about more studies and that area cannot afford to spend another five minutes on

studies. He commented, "Somebody has got to go shoot a wolf. Are you going to do that?"

DR. MAIER agreed, "There are only so many studies you can do."

Number 1000

SENATOR TAYLOR asked for a description of North Atlantic oscillation.

MS. MAIER explained that it's the movement of wind from the Western Hemisphere in North America to Europe and it affects the weather both here and in Europe.

SENATOR TAYLOR asked if it was driven by the El Nino effect.

DR. MAIER replied the North Atlantic oscillation is believed to be part of a northern hemispheric process and is the driving force behind large weather patterns. El Nino is a periodic event that just shows up sometimes here and there. The North Atlantic oscillation is constant although it changes direction.

SENATOR TAYLOR said that Penn State [studied] the North Atlantic oscillation and its effect on elk in Afognak and asked what they could tell by the study and what difference it would make since the elk are a planted species.

DR. MAIER replied that it was a curiosity. She explained that researchers could plug in population numbers from any species over the course of 12 years in this model. In the case of Afognak, they found that female elk were more susceptible to harsh winters. The ice and snow depth have a significant impact on the animals on the ground.

SENATOR TAYLOR said between August and September of last year, Dr. Maier lectured on wildlife topics including the effects of global warming on the population dynamics of elk in Alaska. He asked if those lectures were based on the Afognak elk.

MS. MAIER replied they were because it is the one population that she had continuous data on.

SENATOR TAYLOR commented that she also lectured on the subject of caribou responses to disturbance of low altitude jet aircraft overflights, which he thought seemed "awful esoteric."

DR. MAIER replied that the Air Force hired the University and AVR, Inc. to investigate the effects of Air Force jets on caribou for an EIS. They did the same project on desert big horned sheep and white tailed or mule deer in Arizona. She found that caribou were sensitive to jet noise during calving. The animals that got very

high doses of jet noise moved further than caribou that weren't flown over. This could cause problems like separation of mother and calf and increased predation rates. Folks in Canada found a higher mortality rate of caribou calves from sustained overflights in Canada.

Number 700

SENATOR TAYLOR asked what she thought was harder on a caribou herd, a pack of 50 wolves or a couple of jets that fly over it once a week.

DR. MAIER replied that the wolves would be significantly more damaging.

SENATOR TAYLOR asked how well the elk on Raspberry Island would do if a pack of wolves was relocated there, like in Yellowstone Park.

DR. MAIER said she didn't think they would do very well.

SENATOR TAYLOR said he appreciated her candor.

SENATOR KELLY asked her to explain the McGrath package. He said he wanted to know what the board is going to do this year because the working group in McGrath came up with a recommendation for further studies. He asked if that report had been presented to the board yet and what action it will take if it has.

DR. MAIER said she got hold of the McGrath plan before the March Board of Game meeting but she didn't know if the whole board got it. She understands that future studies will include watching what the effects of predator control are. There is a scheduled meeting for May 18 - 20, which is when there should be some proposals before the board that relate to the McGrath situation.

SENATOR KELLY asked what percentage of the pack the board intends to take out and whether that would happen this winter.

DR. MAIER answered that she thought the best time to get out there is during February and March when the weather is better. That is when both wolf and moose counts take place. She didn't know if they would do anything before that. They are going to do a calf mortality study in May/June, which is part of the further research. The board wants to know the exact numbers of predation by wolves and bears. She thought they would take out about 12 percent of the pack. She understands it would be from control areas where they would take 100 percent of the wolves. Any wolves that would stray over the line into the control area would also be taken out. She wasn't sure what the percentages were in the adjoining areas.

SENATOR KELLY said it was about 12 moose per wolf per year.

DR. MAIER said that is correct.

SENATOR KELLY said that was a lot of moose and he didn't know if the program would be worthwhile if they wait until February since last year was such a tough year.

**TAPE 01-30, SIDE A**

SENATOR KELLY commented that wolves could run across a crust of snow that the moose were stuck in. The remaining 1,400 animals in a herd that once numbered 6,000 could have very well have dropped below 1,000 this year. He stated, "If there is another year like last year, by February if they start taking the pack out, what's left of that herd may be so low, it's going to take 15 years to get it up to a level of 2,500 moose, which is far below the historic high of 5 or 6,000."

SENATOR ELTON moved to forward the names of Dr. Maier, Mr. Dennerlein and Mr. Grussendorf to the full Senate for a vote on confirmation. There were no objections and it was so ordered.

There being no further business to come before the committee, VICE-CHAIR KELLY adjourned the meeting at 5:15 p.m.