

**ALASKA STATE LEGISLATURE  
HOUSE COMMUNITY AND REGIONAL AFFAIRS  
STANDING COMMITTEE**

May 15, 2003  
8:05 a.m.

**MEMBERS PRESENT**

Representative Carl Morgan, Chair  
Representative Pete Kott  
Representative Tom Anderson  
Representative Ralph Samuels  
Representative Sharon Cissna  
Representative Albert Kookesh

**MEMBERS ABSENT**

Representative Kelly Wolf, Vice Chair

**COMMITTEE CALENDAR**

CS FOR SENATE BILL NO. 155(RES)

"An Act relating to predator control programs; and providing for an effective date."

- MOVED CSSB 155(RES) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 63(STA)

"An Act relating to transition provisions related to municipal mergers, consolidations, dissolutions, reclassifications, annexations, detachments, and incorporations; and relating to municipal property taxation in annexed, detached, and newly incorporated areas."

- SCHEDULED BUT NOT HEARD

CS FOR SENATE BILL NO. 183(STA)

"An Act authorizing certain boroughs to use revenue collected on an areawide or nonareawide basis for economic development."

- SCHEDULED BUT NOT HEARD

**PREVIOUS ACTION**

BILL: SB 155

SHORT TITLE: PREDATOR CONTROL/AIRBORNE SHOOTING

SPONSOR(S): SENATOR(S) SEEKINS

Jrn-Date	Jrn-Page		Action
03/20/03	0551	(S)	READ THE FIRST TIME - REFERRALS
03/20/03	0551	(S)	JUD, RES
03/31/03		(S)	JUD AT 1:30 PM BELTZ 211
03/31/03		(S)	Heard & Held
03/31/03		(S)	MINUTE(JUD)
04/04/03		(S)	JUD AT 1:30 PM BELTZ 211
04/04/03		(S)	Heard & Held
04/04/03		(S)	MINUTE(JUD)
04/16/03		(S)	JUD AT 1:00 PM BELTZ 211
04/16/03		(S)	Moved CSSB 155(JUD) Out of Committee -- Permanent Time Change --
04/16/03		(S)	MINUTE(JUD)
04/17/03	0892	(S)	JUD RPT CS 2DP 2DNP 1NR NEW TITLE
04/17/03	0892	(S)	DP: SEEKINS, THERRIAULT;
04/17/03	0892	(S)	DNP: FRENCH, ELLIS; NR: OGAN
04/17/03	0892	(S)	FN1: ZERO(DFG)
04/30/03		(S)	RES AT 3:30 PM BUTROVICH 205
04/30/03		(S)	Moved CSSB 155(RES) Out of Committee
04/30/03		(S)	MINUTE(RES)
05/01/03	1073	(S)	RES RPT CS 5DP 1DNP NEW TITLE
05/01/03	1074	(S)	DP: WAGONER, DYSON, LINCOLN, STEVENS B,
05/01/03	1074	(S)	SEEKINS; DNP: ELTON
05/01/03	1074	(S)	FN1: ZERO(DFG)
05/02/03	1105	(S)	RULES TO CALENDAR 5/2/2003
05/02/03	1105	(S)	READ THE SECOND TIME
05/02/03	1105	(S)	RES CS ADOPTED UNAN CONSENT
05/02/03	1106	(S)	ADVANCED TO THIRD READING 5/3 CALENDAR
05/02/03	1106	(S)	COSPONSOR(S): LINCOLN, OGAN, COWDERY,
05/02/03	1106	(S)	GREEN, DYSON, WAGONER, STEVENS B,
05/02/03	1106	(S)	THERRIAULT
05/03/03	1133	(S)	READ THE THIRD TIME CSSB 155(RES)
05/03/03	1133	(S)	COSPONSOR(S): HOFFMAN, WILKEN, TAYLOR
05/03/03	1133	(S)	PASSED Y14 N1 E5
05/03/03	1133	(S)	EFFECTIVE DATE(S) SAME AS PASSAGE

05/03/03	1133	(S)	ELTON NOTICE OF RECONSIDERATION
05/04/03	1147	(S)	RECONSIDERATION NOT TAKEN UP
05/04/03	1148	(S)	TRANSMITTED TO (H)
05/04/03	1148	(S)	VERSION: CSSB 155(RES)
05/05/03	1306	(H)	READ THE FIRST TIME - REFERRALS
05/05/03	1306	(H)	RES, CRA
05/08/03	1481	(H)	CROSS SPONSOR(S): MORGAN
05/09/03		(H)	RES AT 8:00 AM CAPITOL 124
05/09/03		(H)	Moved Out of Committee -- Recessed to 1:00 pm -- MINUTE(RES)
05/10/03	1537	(H)	RES RPT 6DP 3AM
05/10/03	1537	(H)	DP: MASEK, GATTO, MORGAN, WOLF, LYNN,
05/10/03	1537	(H)	FATE; AM: GUTTENBERG, CISSNA, HEINZE
05/10/03	1538	(H)	FN1: ZERO(DFG)
05/13/03	1619	(H)	CROSS SPONSOR(S): WOLF
05/13/03		(H)	CRA AT 8:00 AM CAPITOL 124
05/13/03		(H)	Heard & Held -- Recessed to Thurs. 8:00 AM -- MINUTE(CRA)
05/15/03	1682	(H)	CRA RPT 3DP 1NR
05/15/03	1682	(H)	DP: KOTT, ANDERSON, MORGAN; NR: SAMUELS
05/15/03	1683	(H)	FN2: ZERO(DFG)
05/15/03		(H)	CRA AT 8:00 AM CAPITOL 124

**WITNESS REGISTER**

DOROTHY KEELER

Anchorage, Alaska

POSITION STATEMENT: Expressed concerns with CSSB 155(RES).

MIKE FLEAGLE

McGrath, Alaska

POSITION STATEMENT: Testified in favor of [CSSB 155(RES)].

LEO KEELER

Adaptive Management Team

Anchorage, Alaska

POSITION STATEMENT: Expressed concerns with CSSB 155(RES).

ROBERT FITHIAN, Executive Director

Alaska Professional Hunters Association

Copper Center, Alaska

POSITION STATEMENT: Testified in support of [CSSB 155(RES)].

TED SPRAKER

Soldotna, Alaska

POSITION STATEMENT: Testified in support of [CSSB 155(RES)].

DONNE FLEAGLE, General Manager

MTNT, Limited

McGrath, Alaska

POSITION STATEMENT: Testified in support of [CSSB 155(RES)].

OLIVER BURRIS

Fairbanks, Alaska

POSITION STATEMENT: Urged the passage of [CSSB 155(RES)].

MIKE TINKER, Chair

Fairbanks Fish and Game Advisory Committee

Ester, Alaska

POSITION STATEMENT: Urged the passage of [CSSB 155(RES)].

SHARON McLEOD-EVERETTE

Fairbanks, Alaska

POSITION STATEMENT: Urged the passage of SB 155 unamended.

TOM SCARBOROUGH

Fairbanks, Alaska

POSITION STATEMENT: Urged the passage of SB 155 without the amendment that would include the commissioner.

JESSE VANDERZANDEN, Executive Director

Alaska Outdoor Council

Fairbanks, Alaska

POSITION STATEMENT: Urged the passage of [CSSB 155(RES)].

MATT ROBUS, Acting Director

Division of Wildlife Conservation

Alaska Department of Fish & Game

Juneau, Alaska

POSITION STATEMENT: Explained Amendment 2 to CSSB 155(RES).

#### **ACTION NARRATIVE**

**TAPE 03-19, SIDE A**

Number 0001

**CHAIR CARL MORGAN** reconvened the House Community and Regional Affairs Standing Committee meeting at 8:05 a.m. [This is a continuation of the May 13, 2003, hearing.] Representatives Morgan and Samuels were present when the meeting reconvened. Representatives Kott, Anderson, Cissna, and Kookesh arrived as the meeting was in progress.

SB 155-PREDATOR CONTROL/AIRBORNE SHOOTING

CHAIR MORGAN announced that the committee would continue its hearing on CS FOR SENATE BILL NO. 155(RES), "An Act relating to predator control programs; and providing for an effective date."

CHAIR MORGAN noted that this legislation had received extensive public testimony in the House Resources Standing Committee. Therefore, he announced that the committee will take action on this legislation by 9:00 a.m.

Number 0205

DOROTHY KEELER provided the following testimony:

Evidently the potential for predator control to create a tourism boycott is being taken seriously. ... this new version of SB 155 ... is a vain attempt to hide who would be responsible. If this bill passes, Governor Murkowski will have created a state sanctioned predator control program where he cannot be directly blamed. If this bill passes, the legislature has created a smoke screen trying to hide responsibility. And the six Alaska Outdoor Council members now sitting on the Board of Game, who were not elected by the people and were selected based on their eagerness to kill wolves, may have the power to bring the State of Alaska to its financial knees with the tourism boycott -- a tourism boycott that they have a vested interest in prolonging. Initiating predator controls [that] meet the harvest objectives set by the Board of Game is initiating a never-ending predator control program. The objectives set were based on historic high levels established after years of poisoning and aerial hunting of predators. If this bill passes, you have asked the bullies of the playground to bankrupt the parents of all the other kids that want to use it. Nothing would please the extremists in Alaska more -- their goal is to use the governor, and now the legislature, to drive out all

those pesky nonconsumptive users who dare try to share in the use of Alaska's wildlife resources. Pass this bill and a tourism boycott or initiatives and referendums are certain. Pass this bill and be prepared to set aside a lot of money for lawsuits that are just as certain. Pass this bill and you deserve the shame of knowing you trashed Alaska's tourism industry to benefit a handful of extremist hunters whose dream is to monopolize the use of Alaska's wildlife and return to the good old days of massive statewide predator control.

Number 0426

MIKE FLEAGLE informed the committee that he was speaking on his own behalf, although he is the chair of the Board of Game (BOG) and is the Tribal leader of McGrath. Mr. Fleagle spoke in favor of the legislation. As a rural resident in a wolf predation zone where moose populations have plummeted, he said he is looking for any attempt by the legislature or the governor to help restore the balance of predator to prey, which [CSSB 155(RES)] does. This legislation removes the politics and allows the decisions to be based on biology. Mr. Fleagle related his understanding that the administration is opposed to the section that removes the commissioner's written findings, which some interpret as taking some of the administration's authority. However, the legislation in its current form leaves the fiscal and administrative authority in the hands of the administration and leaves only regulatory authority with BOG. Mr. Fleagle reiterated his support of [CSSB 155(RES)].

CHAIR MORGAN inquired as to Mr. Fleagle's stance on the amendment [specifying that the administration has the ultimate authority].

MR. FLEAGLE answered that he is neutral on the amendment because the administration already has the ultimate authority through its administrative and fiscal authority.

Number 0778

LEO KEELER, Adaptive Management Team, whose testimony was read by Dorothy Keeler, as follows:

I was a member of the [Adaptive Management Team] and developed the draft predator control plan. Before it was finished, scientific reports showed the moose

population was growing but the bull:cow ratio in popular hunting [areas] was the true problem. Because of the new science the team never sent a team-approved plan to the governor. Mike Fleagle agreed with the subsistence science that justified reducing the moose population objectives from 6,000 to 3,500. Now it is known that hunters keep the bull:cow ratio as low as six per hundred. He wants to reestablish the old 6,000 objective. This 6,000 figure is a guess made from past high harvest during extreme predator control days, not from science. Some legislators hope to return those extreme predator controls and this legislation is an attempt to benefit a single wildlife interest group, hunters. Senate Bill 155 will authorize the Board of Game to continue to ignore concerns with predator control. If passed, the legislature will again be ignoring their responsibility to protect all citizens' interest in Alaska's resources. If passed, it will lead to lawsuits, initiatives, and ultimately the collapse of the Board of Game system. Hopefully, the Wildlife Board that will replace the Board of Game will represent all citizens and all users. I hope it will remove the legislature from the decision process and place control of Alaska's wildlife resources in the hands of all citizens, not just extremist hunters. If an initiative is needed to get a Wildlife Board, let's start now.

Number 1025

ROBERT FITHIAN, Executive Director, Alaska Professional Hunters Association, began by informing the committee that he, a master guide and eco-tour operator, lives within Game Management Unit 13 (GMU 13). He also informed the committee that he has worked with the Alaska Miner's Association as its elected statewide president and has served on the McGrath Fish and Game Advisory Committee. Mr. Fithian said that he has over 20 years of knowledge of GMU 19 and the game populations near McGrath.

MR. FITHIAN noted that the committee should have a copy of his written testimony and provided additional testimony as follows:

As you well know, the ability to find resolution on any issue is to see what the middle ground is and work to bring both sides to an acceptable point. I would like to point out to you that Alaska has traded a vast

treasure of our wildlife resources to the animal rights groups, such as the Alaska Wildlife Alliance, Defenders of Wildlife, Friends of Animals, et cetera. Since Alaska lost the ability to manage predators from the air, in many portions of the state the overall female populations of our moose, Dahl sheep, and caribou herds have declined by over 55 percent. The number of surviving female annual born of these species is under three-and-a-half percent, which will not allow any recruitment to the declining populations. The annual harvest rate of these species by humans is under 4 percent, while predation is accountable for over 86 percent of them. Natural mortality of old age, starvation, or disease accounts the remaining 10 [percent]. What these facts show is that if we stopped all hunting of these species in these large regions today, a year from now there would still be less of these animals. Human harvest is having no significant effect on the populations. Nothing could be more pointed to this demise than the Chisana caribou herd on the northeastern end of the Wrangell Mountains within the Wrangell St. Elias National Park and Preserve. These caribou are the only genetic strain of woodland caribou indigenous to the United States. Once stable in population, numbering in excess of 4,000, they currently number fewer than 300 with no known survival of annual born for the past several years, due to predation predominately by wolves during the first four weeks of their lives. Alaska and the Yukon Territory biologists predict that extinction of this treasure will occur within the next few years if nothing is done to remedy the problem.

MR. FITHIAN continued:

Committee members and chairman, if any of the groups that I've previously mentioned really cared about our common trust wildlife resources, they'd be lined up in droves picketing in front of the Department of Interior establishments and threatening boycotts of their parks. But we don't see any of that today, do we. It was stated in Monday's testimony that our population of ungulates is declining because of the male to female ratios due to hunting, resulting in poor pregnancy achievement. This is absolutely not true. In the Kuskokwim and Nelchina regions where we

have the best scientific data available, the senior biologist are Toby Bodro (ph) in McGrath and Bob Tobey in Glennallen. I have contacted both of them and found that there still exists an overall pregnancy rate of well over 90 percent. In fact, in the McGrath area every female moose that was tagged in the past several years that has survived predation where there is no hunting of cow moose has born calves every year. It was also stated that the annual wolf harvest has been increasing every year for the past decade and that there's no reason to consider additional management methods. May I point out that the wolves have the ability to grow in number annually by over 40 percent. And that, yes, the annual harvest of wolves by trapping and hunting has increased because there are now well over three times as many wolves as there were a decade ago.

MR. FITHIAN concluded by urging the committee to carefully consider his testimony and pass this legislation.

Number 1379

TED SPRAKER informed the committee that his is a 30-year resident who has recently retired from the Alaska Department of Fish & Game (ADF&G) where he served as a wildlife biologist for over 28 years. He noted that although he is a member of the BOG, he is testifying on his own behalf. Mr. Spraker announced his strong support of SB 155 because he believes the state is at a crossroads in which it will rebuild prey populations or continue to simply monitor their decline. Passage of this legislation would provide the department with the tools necessary to again be a proactive agency in the management of predators. Mr. Spraker told the committee that he has trapped during his years in Alaska. As a department biologist, Mr. Spraker said that he has had the opportunity to live capture hundreds of wolves, aerial shoot wolves, and land and shoot wolves. From his 28-plus years of experience and discussions with trappers across the state, Mr. Spraker related that simple land-based trapping operations aren't going to remove the 70-80 percent necessary to allow the depressed moose populations to [rebound]. Mr. Spraker mentioned that he has recently spent time in Aniak where many people have related that it's difficult to get too far away from the rivers to reach the corridors to travel. Therefore, these people have expressed the need for some sort of aerial or land and shoot hunting in order to remove the high number of wolves necessary in these areas. With regard

to earlier testimony that the wolf harvest is increasing, Mr. Spraker said that there's strong evidence illustrating that the wolf harvest is increasing because the number of wolves is increasing. Regardless, it isn't enough as evidenced by the situation in McGrath.

MR. SPRAKER clarified that although he supported [CSSB 155(RES)], he doesn't support the amendment to reinstate the commissioner's control over the board. Mr. Spraker pointed out that the commissioner still has the ability to issue permits or not and thus the commissioner continues to have control over any predator control program that's authorized by the board. He turned to McGrath, which he characterized as an example of political involvement in management decisions. The McGrath [management plan] has been on the books for over eight years, and furthermore it has been approved by the board three times. However, nothing has really been done. According to ADF&G, almost \$500,000, has already been spent on McGrath in order to keep it on the books so that if predator control is authorized it can be completed.

MR. SPRAKER turned to those who oppose predator control and said that everyone has to agree that there will never be sufficient data. If the McGrath program had started, the seasons would have probably been increased and the department certainly would have saved money. He recalled earlier testimony regarding the fact that this is the only issue before the Board of Fish or the Board of Game in which the commissioner has oversight. He echoed earlier sentiments that he wasn't concerned with regard to this administration's support, although he was concerned with future administrations. Mr. Spraker related his belief that predator management decisions should be made by the board, after reviewing information provided by the department and hearing from the public.

Number 1737

DONNE FLEAGLE, General Manager, MTNT, Limited, informed the committee that MTNT, Limited, is a village corporation that represents the villages of McGrath, Takotna, Nikolai, and Telida. All four of the communities rely heavily on harvested game and thus the availability of a healthy moose population is very important. Ms. Fleagle said that [predator control] is something that these communities have been struggling with for over 10 years. Repeatedly intensive management plans for the area have been approved. She related that various scientific data has been reviewed and there have been discussions with many

statewide organizations. Furthermore, [area residents] as hunters, trappers, gathers, and subsistence users have taken an active interest in wildlife management. However, the moose population continues its downward spiral while the issue seems to be a public debate versus a [scientific] debate. Ms. Fleagle acknowledged that there have been some gains in the field, although she credited those to the local efforts in the region. Ms. Fleagle announced that MTNT, Limited, supports SB 155 because it provides an additional tool for game management, which may have an impact on turning the trend in the region. Furthermore, MTNT, Limited, does support giving BOG the authority to institute a predator control program because the scientific data is present [to support] it and the state has the resources to support it, she said.

Number 1943

OLIVER BURRIS informed the committee that he is testifying on his own behalf, although he is a member of the Alaska Wildlife Conservation Association and the Alaska Outdoor Council as well as many other pro-management groups. Mr. Burris provided the following testimony:

The Alaska Constitution gives the legislature the responsibility and the authority to manage game. At statehood, the legislature gave authority for predator control to the [Alaska] Department of Fish & Game. In 1983 the Department of Law settled out of court to transfer predator control to the Board of Game. In 1987 Governor Cowper canceled all predator control on habitat improvement programs. His authority to do that was never legally questioned. Since the various administrations have assumed authority for predator control and de facto all wildlife management despite several laws passed by the legislature to force the administration to manage game as directed by the constitution.

The referendums that were passed and written into law by the Department of Law gave the commissioner of [the Alaska Department of] of Fish & Game the authority for aerial shooting and same day land and shooting. I don't believe this was legal, but the legislature has the authority to correct this and the current Senate and House bills will do just that. We must return to active constitutional management of our wildlife resources; it's necessary for our traditional and

cultural values and the economic health of our state. We have lost millions of dollars, maybe billions, in the loss of meat and other economic benefits to resident hunters because of declining game populations. Economic loss for nonresident hunters, who are the original Alaskan tourist, has been equal or greater. The bottom line is we manage our renewable wildlife resources or we lose them. You have heard testimony that the decline of our moose and caribou are inevitable, and it's just not true. SB 155 is a great step in the right direction and I urge you to pass this bill on. The proposed amendment that came about to give the commissioner a seven-day veto period on predator control, I'd just like to comment that the commissioner has no more ability to determine the effectiveness of airborne shooting than the Board of Game. From 1978 to 1986 the Board of Game made that determination. From 1959 to 1972 the department regulated public aerial shooting and ... same day aerial shooting. My bottom line message is use it or lose it -- management or lose it.

Number 2129

MIKE TINKER, Chair, Fairbanks Fish and Game Advisory Committee, urged the legislature to take back the responsibility of game management given by the constitution. The Fairbanks Fish and Game Advisory Committee would like to see Alaska's wildlife resources utilize the habitat because it's the only way all the user groups can be helped, he related. Mr. Tinker urged the committee to look upon these threats of lawsuits and referendums with disdain, those folks have never been successful with a boycott in North America and there's no reason why they would be now. Furthermore, it remains important for Alaska to stand up for what it believes to be right in managing its wildlife so that it utilizes its habitat and can be used by Alaskans. The aforementioned is why predator control is necessary, he said. Mr. Tinker concluded by urging the passage of this legislation.

Number 2244

SHARON McLEOD-EVERETTE clarified that although she is a member of the Board of Game, she is testifying on her own behalf. Ms. McLeod-Everette informed the committee that she has lived in Alaska all but the first 11 months of her almost 54 years. She noted that she grew up in Unit 13 when it was still quite rural.

For meat, her family hunted moose and caribou and snared rabbits and caught fish. Ms. McLeod-Everette said that her family has seen firsthand the demise of the moose population in Unit 13, primarily when airborne hunting of wolves ended. She recalled her childhood when moose were [plentiful]. In 1983 she was an assistant guide who spent about a month each fall up close with wildlife and by 1989 it was clear that populations of animals were changing. The moose were dwindling and the predators exploded. For example, it became the norm to have six different bear tracks in her tracks every day and no moose calves for about five years. Finally, there are about one or two calves a year in areas where there were once lots of single calves and twins.

MS. McLEOD-EVERETTE said she is very much in favor of this legislation in its unamended version. She pointed out that Alaska's constitution lays out goals and activities, which she paraphrased as follows:

First, the legislature provides for the use and conservation of all of our natural resources, which includes fish and game for the maximum benefit of the people. Second, that these resources are reserved for common use. Third, that these resources are supposed to be used, developed, and maintained on the sustained yield principle, which means that they're supposed to be nurtured, weeded, and maintained so that they last in perpetuity. And fourth, the legislature can provide for improvements of services to assure greater use and development of fish wildlife and waters.

MS. McLEOD-EVERETTE said SB 155 provides the tools to achieve these mandates for Alaska's game resources. Ms. McLeod-Everette related that when Governor Murkowski asked each prospective member to serve on the BOG, he made it clear that he wanted to return game to abundance in Alaska and manage it for maximum sustained yield. She said she agreed to work to achieve those goals. She informed the committee that there are many areas that have suffered from the failure to reduce predators, such as McGrath, the remainder of Unit 19 and Units 13, 20, 21, and 24. From testimony at the March 3, 2003, BOG meeting it sounds as if Units 14 and 16 also have dreadfully low moose numbers accompanied by high predators. This legislation [SB 155] takes great strides to ensure that the constitutional mandates can be met and that the state isn't stuck with the wait-and-see approach. By allowing airborne hunting, a tool is returned to the management toolbox in order to keep predators in check.

Removing the commissioner approval step, which hasn't always been present, for the airborne activity for a BOG authorized management program assures that future administrations can't [oppose] the board's finding to reduce predators by airborne methods. Ms. McLeod-Everette urged the passage of SB 155 unamended.

Number 2434

TOM SCARBOROUGH noted that he is testifying on his own behalf, although he is a member of various pro-management organizations. He reiterated that wildlife is a valuable resource. He recalled that in the 1980s ADF&G produced a study which valued each moose in the amount of about \$6,500. With inflation the aforementioned would amount to over \$10,000 today. Therefore, the decline of Alaska's wildlife has cost the state probably into the billions. Mr. Scarborough characterized SB 155 as a step in the right direction, and therefore he urged its passage to the House floor without the amendment including the commissioner.

Number 2578

JESSE VANDERZANDEN, Executive Director, Alaska Outdoor Council (AOC), provided the following testimony:

We represent about 50 outdoor clubs for a collective membership of nearly 12,000 Alaskan hunters, fishers, trappers, and public access advocates. I appreciate the opportunity to testify today in support of one of our top priorities for this legislative session, ... Senate Bill 155. I also appreciate the folks who testified before me in support of this bill. They did a superb job making the case for passage of this bill.

Perhaps it's most appropriate to start by stating what this bill is not. It's not about fair chase or ethics. It's not about aiding and abetting trophy hunters. It's not about fostering, as I've heard in previous testimony, wild-eyed Super Cub pilots. And most important, it's not about eliminating wolves or even being against predators. These are popular myths created by folks who seek to put wolves on a pedestal, and by doing so, create public sympathy for them at the expense of other wildlife species. This undermines the integrity of scientific wildlife management and every Alaskan who wishes to utilize

wild food for sustenance. These myths can and should be refuted. You have an opportunity to do that today.

This bill is about asserting the state's right to manage wildlife in a scientific manner for the benefit of its citizenry. It's about helping the state meet its statutory and constitutional obligations of managing wildlife for sustained yield. It's about putting wildlife management back into the hands of professional managers who know it best - who know population levels, predation impacts, habitat and weather conditions, use patterns, and the myriad of factors that must be accounted for in managing wildlife for sustained yield.

This bill is narrow in focus. It would limit airborne or same day airborne predation management to only those areas where big game populations are depressed and where predation has conclusively been determined to be a factor in that decline. This management tool could only be activated on 10-20 percent of Alaska's lands once federal lands, closed areas, urbanization, and "rocks and ice" are accounted for.

This bill requires authorization by the Board of Game to conduct airborne or same day airborne predation management within the context of an approved wildlife management plan. These plans are founded on the recommendations of professional wildlife managers and are regularly scrutinized and commented on by the public in one of the most open and deliberative public processes in the nation.

This bill seeks to establish consistency and clarity regarding the commissioner's role in the board's process. Currently, the commissioner cannot intervene in the Board of Fisheries' process unless by emergency authority. This authority is generally only exercised during times of conservation crisis resulting from unforeseen circumstances that could not and were not addressed by the board beforehand. The authority for such matters should be consistent between the Board of Fisheries and the Board of Game.

It should be recognized that airborne or same day airborne predation management is not a widespread practice, but one we believe must be available to

respond to ever changing environmental and predator-prey dynamics. It's also available in nearly every other state in the Union and given Alaska's challenging geography and wildlife management, it should be allowed here.

This bill also ties predation management to approved population objectives. These objectives seek to establish how many moose and how many predators could co-exist in a long-term sustainable manner in a certain area. Predators are part of the management equation - they are conserved for, they are accounted for, and they are managed for, not against. It's not a question of how we manage wolves - it's a question of how we manage wildlife. These population objectives also account for human harvest; they must, if hunting is to continue and if predator and prey populations are to be conserved and maintained.

And herein lies the crux of the issue before you today. We believe that human harvest of wildlife for sustenance is vitally important and should be factored into the wildlife management equation. Airborne and same day airborne predator management is an essential part of keeping that equation manageable. Animal rights groups opposed to this bill - quite frankly - often do not believe human harvest should be managed for; they would rather discontinue predator harvest altogether in favor of a "natural" predator-prey cycle void of human intervention. By taking this position, we believe they relegate food for harvest to the lowest common denominator of wildlife management. I submit to you that if the legislature wants to talk about ethics, that's the question.

We urge you to put Alaskans who utilize wild food for sustenance, who share a strong conservation ethic for nature's predators and prey, who rely on individual responsibility back into the management equation by passing this bill out of committee and sending it to the floor.

The committee took an at-ease from 8:50 a.m. to 9:05 a.m.

CHAIR MORGAN noted that there are two amendments to be offered.

Number 2926

REPRESENTATIVE CISSNA moved that the committee adopt Amendment 1, which reads as follows:

Page 2, lines 22 and 23:

\*Sec.2. AS 16.05.783 is amended by adding a new subsection to read:

(e) When the Board of Game authorizes a predator control program that includes airborne or same day airborne shooting, the board shall establish predator reduction objectives and limits and the methods and means to be employed. Authorized predator control programs shall be carried out only by Department of Fish and Game employees.

REPRESENTATIVE ANDERSON objected.

REPRESENTATIVE CISSNA explained that Amendment 1 attempts to address what she and her constituents feel to be the most problematic part of this issue.

**TAPE 03-19, SIDE B**

REPRESENTATIVE CISSNA related that the analysis that she has reviewed specify that people have mixed feelings about predator control and there seems to be a wide disparity of views on this issue. However, there appears to be uniform concern with regard to having professionals execute predator control that is based on evidence-based scientific decisions made with local input. This amendment doesn't speak to who should make the final decision.

Number 2856

REPRESENTATIVE SAMUELS said that it seems that if the desire is to hunt the predators, the season could be opened for those.

REPRESENTATIVE CISSNA agreed that it could be done.

REPRESENTATIVE SAMUELS remarked that then there could just be a hunting season as opposed to only allowing ADF&G employees the ability to execute predator control. He related his belief that the [predator] populations could most efficiently be managed by increasing the bag limits.

REPRESENTATIVE ANDERSON mentioned that the governor doesn't want the type of change [proposed in Amendment 1].

Number 2816

SENATOR SEEKINS said that the governor has specifically said that he wants local involvement not department personnel or aircraft to perform airborne hunting. Senator Seekins noted that it isn't uncommon for there to be certified airborne gunners throughout the nation. Furthermore, properly trained private citizens are as capable and humane as department personnel. Moreover, when private individuals perform this the state doesn't bear any expense, although it can monitor the program.

REPRESENTATIVE CISSNA offered an amendment to Amendment 1, which would insert language such that the bold and underlined language would read as follows: "**Authorized predator control same day airborne programs shall be carried out only by Department of Fish and Game employees.**"

SENATOR SEEKINS opined that most of the communities outside of downtown Anchorage have no problem with that because the desire is to have effective, efficient, and humane predator control. Senator Seekins pointed out that the federal Airborne Hunting Act requires only that those who participate be properly permitted or licensed by the controlling state organization.

REPRESENTATIVE CISSNA turned to the two statewide initiatives on same day airborne predator control and said that she has to pay attention to those.

REPRESENTATIVE ANDERSON remarked that this is a matter of opinion with regard to the process. He noted that this amendment would oppose the intent of the legislation, and therefore he maintained his objection.

A roll call vote was taken. Representative Cissna voted in favor of the adoption of Amendment 1 as amended. Representatives Samuels, Anderson, and Morgan voted against it. Therefore, Amendment 1 failed by a vote of 1-3.

Number 2557

REPRESENTATIVE ANDERSON moved that the committee adopt Amendment 2, which reads as follows:

Page 1, line 9, through page 2, line 17:

Delete all material and insert the following:

"(1) the Board of Game has determined based on information provided by the department

(A) in regard to an identified big game prey population under AS 16.05.255(g) that [COMMISSIONER OF FISH AND GAME ACTING UNDER A REQUEST FROM THE BOARD OF GAME MAKES WRITTEN FINDINGS BASED ON PREY POPULATION] objectives set by the board for the population have not been achieved, [UNDER AS 16.05.255(g) that

[(A)] predation is an important cause for the failure to achieve the objectives set by the board [FACTOR CONTRIBUTING TO A LOW OR DECLINING PREY POPULATION THAT IS INCONSISTENT WITH A GAME MANAGEMENT PROGRAM AUTHORIZED BY THE BOARD OF GAME], and that a reduction of predation can reasonably be expected to aid in the achievement of the objectives [RESULT IN AIDING AN INCREASE IN THE PREY POPULATION OR IN ARRESTING THE DECLINE OF THE PREY POPULATION]; or

(B) that a disease or parasite of a predator population

(i) is threatening the normal biological condition of the predator population; or

(ii) if left untreated, would spread to other populations; unless [AND]

(2) the commissioner, within seven days after adoption of the plan, determines in writing that [AIRBORNE OR] same day airborne shooting is not necessary to achieve the objectives set [ACCOMPLISH A GAME MANAGEMENT PROGRAM AUTHORIZED] by the Board of Game."

CHAIR MORGAN objected for discussion purposes.

Number 2514

MATT ROBUS, Acting Director, Division of Wildlife Conservation, Alaska Department of Fish & Game, explained that Amendment 2 attempts to offer a compromise between the original SB 155 and HB 208. There were proposals for some fairly technical adjustments to the current statute in order to overcome the difficulty of having the commissioner go through the finding

process at the request of the BOG for the McGrath predator control program that BOG forwarded to the department. However, the legislation has changed into a much broader change of the existing same day airborne statute. Mr. Robus acknowledged that Senator Seekins and his staff have been good about working with the department and modifying some language. However, whether or not the commissioner will retain a role in generating a predation control program that involves aerial methods or same day airborne methods remains. The main reason the commissioner doesn't have a role in the current bill is because currently, the commissioner can receive a request from the board and never make a finding. Furthermore, the commissioner doesn't have to give a reason for not making the finding.

MR. ROBUS explained that Amendment 2 specifies that a predator control program would go forward unless the commissioner, within a seven-day window after the board takes action, justifies in writing why [the action] should not occur. The administration believes the aforementioned would prevent the indefinite delay of a program while allowing the commissioner and the administration as a whole to have a role in finalizing the predator control programs.

Number 2344

SENATOR SEEKINS expressed concern with the following language of Amendment 2: "unless [AND] (2) the commissioner, within seven days after adoption of the plan, determines in writing that [AIRBORNE OR] same day airborne shooting is not necessary to achieve the objectives set [ACCOMPLISH A GAME MANAGEMENT PROGRAM AUTHORIZED] by the Board of Game." The language doesn't specify that the commissioner has to publish findings as to why same day airborne shooting isn't necessary, which isn't a scientifically based program, he opined. Senator Seekins then drew attention to a document in the committee packet entitled "ACTIVATION POINTS FOR AN AIRBORNE PREDATOR CONTROL PLAN" and pointed out that the process is extensive and requires departmental participation, and thereby the commissioner, through his people, is involved in the entire process. Furthermore, it's an open public process. Senator Seekins pointed out that paragraph number three on the document entitled "ACTIVATION POINTS FOR AN AIRBORNE PREDATOR CONTROL PLAN" specifies that the board must determine that the objectives established by the board haven't been achieved, predation is an important cause, and a reduction of predation could reasonably be expected to aid in the achievement of the objectives. The aforementioned information would be provided by degreed scientists in the department.

Therefore, Senator Seekins opined that there are plenty of avenues for the commissioner's input regarding whether the program would be necessary or not. He said that he couldn't agree with the language in Amendment 2 because it interjects politics. However, Senator Seekins informed the committee that during the earlier at-ease he spoke with the governor's staff and agreed to continue to review additional information such that an emergency method could be developed. Without Amendment 2, the current program assures that any decision to activate an airborne program is based on the best available science.

Number 2127

REPRESENTATIVE CISSNA asked if there is any way to add language to Amendment 3 that would answer Senator Seekins' hesitation because the buck ultimately stops with the commissioner. She said it seems like a good idea to include the commissioner.

SENATOR SEEKINS pointed out that no other place in ADF&G regulations does a commissioner have veto power; it was done for political purposes. Furthermore, the Alaska Supreme Court has ruled that the commissioner cannot effectively veto a decision by the Board of Fisheries. Senator Seekins highlighted that the governor appoints the Board of Game who have to be approved by the legislature. If the board is given this responsibility, shouldn't it also have the authority to carry out its job, he asked. Senator Seekins pointed out that although he understands the governor's concern, the legislature can act to correct an abuse. However, he didn't believe that the BOG would put forth an ill-conceived airborne control program and the legislature wouldn't allow that to happen. Senator Seekins opined that if the governor was able to show that something was done on a scientifically unsound basis or that the process wasn't followed correctly, then [the administration] could go to court to stop it. Senator Seekins said that he wouldn't have a problem with having an emergency order option to stop a program that isn't based on sound science.

MR. ROBUS said that [the department] is willing to continue to work with Senator Seekins and the administration on this issue.

SENATOR SEEKINS announced that he would continue to work with the chair of the House Rules Standing Committee.

Number 1851

REPRESENTATIVE CISSNA inquired as to how much testimony has been heard on [the issue encompassed in] Amendment 2.

SENATOR SEEKINS answered that in the Senate there was no testimony on a [similar amendment], although it was proposed. He noted that [the similar amendment] was rejected. He said that there was extensive testimony on [the issue encompassed in Amendment 2] in the House Resources Standing Committee. He recalled that at least 99 percent of the testimony has not been in favor of Amendment 2.

REPRESENTATIVE CISSNA asked if there is anyone who wished to testify on Amendment 2.

MS. KEELER said that she would like to specifically speak to Amendment 2.

REPRESENTATIVE ANDERSON cautioned [allowing testimony on Amendment 2] because if everyone who testified was allowed to speak to each amendment before the committee, a committee couldn't get through even one piece of legislation. Therefore, he suggested that Ms. Keeler not be allowed to speak to Amendment 2 otherwise everyone would have to be allowed to speak on Amendment 2 and every other amendment.

CHAIR MORGAN agreed with Representative Anderson and related his belief that Amendment 2 has had ample discussion in this committee and the House Resources Standing Committee.

REPRESENTATIVE CISSNA said that she hasn't heard any testimony, save the department, on Amendment 2.

SENATOR SEEKINS recalled that he heard several members of the Board of Game testify in opposition to Amendment 2 as well as the representative of AOC and a couple of folks from the Fairbanks Legislative Information Office.

CHAIR MORGAN reiterated his belief that Amendment 2 has received ample discussion. He noted that he believes those on-line and off-net did know about Amendment 2. He reminded the committee that there is a motion to adopt Amendment 2 before the committee. He maintained his objection to Amendment 2.

A roll call vote was taken. Representatives Anderson, Samuels, and Morgan voted against it. Representative Cissna abstained. Therefore, Amendment 2 failed by a vote of 0-3.

The committee took an at-ease from 9:36 a.m. to 10:00 a.m.

Number 1504

REPRESENTATIVE ANDERSON moved to report CSSB 155(RES) out of committee with individual recommendations [and the accompanying fiscal notes]. There being no objection, CSSB 155(RES) was reported from the House Community and Regional Affairs Standing Committee.

**ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 10:02 a.m.