

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 31, 2004

1:05 p.m.

MEMBERS PRESENT

Representative Nancy Dahlstrom, Co-Chair
Representative Beverly Masek, Co-Chair
Representative Cheryll Heinze, Vice Chair
Representative Carl Gatto
Representative Bob Lynn
Representative Nick Stepovich
Representative Kelly Wolf
Representative Beth Kerttula
Representative David Guttenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 36

Requesting the National Park Service to mitigate the adverse economic effects of commercial fishing closures and restrictions in Glacier Bay National Park and Preserve.

- MOVED HJR 36 OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 41

Relating to support for the Federal Land Recreational Visitor Protection Act.

- MOVED CSHJR 41(RES) OUT OF COMMITTEE

HOUSE BILL NO. 309

"An Act prohibiting the release of nonindigenous predatory fish into public water."

- HEARD AND HELD

HOUSE CONCURRENT RESOLUTION NO. 27

Relating to Take a Young Person Hunting Week.

- MOVED CSHCR 27(RES) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 44

Relating to research into the decline of the Southwest Alaska population of the Northern Sea Otter in the western Gulf of Alaska.

- MOVED CSHJR 44(RES) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 36

SHORT TITLE: MITIGATING GLACIER BAY FISHING CLOSURES

SPONSOR(S): REPRESENTATIVE(S) WEYHRAUCH

02/05/04	(H)	READ THE FIRST TIME - REFERRALS
02/05/04	(H)	FSH, RES
02/11/04	(H)	FSH AT 8:30 AM CAPITOL 124
02/11/04	(H)	-- Meeting Canceled --
02/25/04	(H)	FSH AT 8:30 AM CAPITOL 124
02/25/04	(H)	Moved Out of Committee
02/25/04	(H)	MINUTE(FSH)
02/26/04	(H)	FSH RPT 5DP
02/26/04	(H)	DP: OGG, SAMUELS, GUTTENBERG, WILSON,
02/26/04	(H)	SEATON
03/05/04	(H)	RES AT 1:00 PM CAPITOL 124
03/05/04	(H)	Heard & Held
03/05/04	(H)	MINUTE(RES)
03/31/04	(H)	RES AT 1:00 PM CAPITOL 124

BILL: HJR 41

SHORT TITLE: LAND RECREATIONAL VISITOR PROTECTION ACT

SPONSOR(S): REPRESENTATIVE(S) KERTTULA

02/16/04	(H)	READ THE FIRST TIME - REFERRALS
02/16/04	(H)	RES
03/31/04	(H)	RES AT 1:00 PM CAPITOL 124

BILL: HB 309

SHORT TITLE: PROHIBIT RELEASE OF PREDATORY FISH

SPONSOR(S): REPRESENTATIVE(S) WOLF

05/08/03	(H)	READ THE FIRST TIME - REFERRALS
05/08/03	(H)	FSH, RES
05/16/03	(H)	FSH AT 7:30 AM CAPITOL 124
05/16/03	(H)	Heard & Held
05/16/03	(H)	MINUTE(FSH)
03/22/04	(H)	FSH AT 9:00 AM CAPITOL 124
03/22/04	(H)	Moved CSHB 309(FSH) Out of Committee
03/22/04	(H)	MINUTE(FSH)

03/24/04 (H) FSH RPT CS(FSH) NT 3DP 2NR
03/24/04 (H) DP: GARA, WILSON, SEATON; NR: OGG,
03/24/04 (H) GUTTENBERG
03/31/04 (H) RES AT 1:00 PM CAPITOL 124

BILL: HCR 27

SHORT TITLE: TAKE A YOUNG PERSON HUNTING WEEK

SPONSOR(S): REPRESENTATIVE(S) WOLF

01/20/04 (H) READ THE FIRST TIME - REFERRALS
01/20/04 (H) RES
03/29/04 (H) RES AT 1:00 PM CAPITOL 124
03/29/04 (H) -- Meeting Canceled --
03/31/04 (H) RES AT 1:00 PM CAPITOL 124

BILL: HJR 44

SHORT TITLE: SEA OTTER RESEARCH/ENDANGERED SPECIES

SPONSOR(S): RESOURCES BY REQUEST

03/18/04 (H) READ THE FIRST TIME - REFERRALS
03/18/04 (H) RES
03/29/04 (H) RES AT 1:00 PM CAPITOL 124
03/29/04 (H) -- Meeting Canceled --
03/31/04 (H) RES AT 1:00 PM CAPITOL 124

WITNESS REGISTER

REPRESENTATIVE BRUCE WEYHRAUCH

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified as the sponsor of HJR 36.

JULIE LUCKY

Staff to Representative Beth Kerttula

Alaska State Legislature

POSITION STATEMENT: Presented HJR 41 on behalf of
Representative Kerttula, sponsor.

STEVE HANDY

Juneau Mountain Rescue

Juneau, Alaska

POSITION STATEMENT: Testified in favor of HJR 41 and answered
questions.

BOB JANES

National Ski Patrol;

Juneau Ski Patrol

Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 41 and answered questions.

BILL GLUDE, Director

Southeast Alaska Avalanche Center

Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 41 and answered questions.

DOUG VINCENT-LANG, Assistant Director

Division of Sport Fish

Alaska Department of Fish & Game (ADF&G)

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 309; answered questions and provided information.

REPRESENTATIVE DAN OGG

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified as the sponsor of HJR 44.

ACTION NARRATIVE

TAPE 04-17, SIDE A

Number 0001

CO-CHAIR NANCY DAHLSTROM called the House Resources Standing Committee meeting to order at 1:05 p.m. Representatives Masek, Dahlstrom, Gatto, Stepovich, Wolf, and Kerttula were present at the call to order. Representatives Heinze, Lynn, and Guttenberg arrived as the meeting was in progress.

HJR 36-MITIGATING GLACIER BAY FISHING CLOSURES

CO-CHAIR DAHLSTROM announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 36, Requesting the National Park Service to mitigate the adverse economic effects of commercial fishing closures and restrictions in Glacier Bay National Park and Preserve.

Number 0106

REPRESENTATIVE BRUCE WEYHRAUCH, Alaska State Legislature, sponsor, presented HJR 36 as follows:

The resolution before you asks the [National] Park Service (NPS) to use the services of those negatively affected by the closures of Glacier Bay first, and consider using those services before they go to other outside vendors, consultants, vessel use, vessel owners, and that sort of thing. And the basis for the request comes as follows:

The National Park Service closed portions of Glacier Bay National Park [and Preserve] and excluded commercial fishing from a large area and restricted certain areas to lifetime permit holders.

REPRESENTATIVE WEYHRAUCH directed attention to a map and pointed out that Glacier Bay National Park and Preserve extends from Excursion Inlet to the middle of Icy Strait and Cross Sound to three miles into Lituya Bay. Glacier Bay National Park and Preserve is about 500,000 marine acres. On the map he pointed out the area open to commercial fishing and the area restricted to lifetime permit holders. He said that when the lifetime permit holders die, commercial fishing [in Glacier Bay National Park and Preserve] will end. Therefore, there was a compensation program in which \$23 million was appropriated to those negatively affected by the closures. However, there are still some commercial fishermen and businesses in the area who ask to do business with the NPS. Therefore, this resolution asks the Park Service to consider using those businesses negatively affected by the closure before considering the use of other businesses. Representative Weyhrauch said, "We certainly can't require the federal government to do something, but it's a statement of intent by the Alaska [State] Legislature that we think you ought to look first for those negatively affected and then look elsewhere."

Number 0308

CO-CHAIR MASEK asked whether the federal government has procurement guidelines for goods and services. If so, she asked, how will that impact HJR 36?

REPRESENTATIVE WEYHRAUCH answered that it won't affect the federal government's procurement code. He related his belief that the federal government has procurement rules and guidelines as well as a special courts for settling contract disputes. Furthermore, the federal government can enter into sole-source contracts and put contracts out to bid as can the State of Alaska. [The federal government's process] is a lot more

complex, cumbersome, and Byzantine than the state's process, he remarked. Therefore, he opined that the answer to Co-Chair Masek's question is yes.

Number 0380

REPRESENTATIVE STEPOVICH inquired as to how many boats are still in the [Glacier Bay National Park and Preserve].

REPRESENTATIVE WEYHRAUCH replied that currently there are three fisheries that are conducted inside "the bay proper". The three fisheries are as follows: a Tanner crab pot fishery, a halibut longline fishery, and a salmon trawl fishery. He highlighted that there are also areas within [the Glacier Bay National Park and Preserve] that are wilderness waters in which fishing has been completely prohibited by the federal government.

CO-CHAIR DAHLSTROM, upon determining no one else wished to testify, announced that public testimony would be closed.

Number 0465

CO-CHAIR MASEK moved to report HJR 36 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, HJR 36 was reported from the House Resources Standing Committee.

HJR 41-LAND RECREATIONAL VISITOR PROTECTION ACT

CO-CHAIR DAHLSTROM announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 41, Relating to support for the Federal Land Recreational Visitor Protection Act.

Number 0525

REPRESENTATIVE BETH KERTTULA, sponsor of HJR 41, thanked Mr. Glude, Mr. Handy, and Mr. Janes, members of the Juneau community who do avalanche work and have helped save many lives.

JULIE LUCKY, Staff to Representative Beth Kerttula, introduced HJR 41, for the sponsor and testified:

Alaska does have the highest per capita death from avalanche rate, which is not a statistic we're particularly proud of. This legislature and previous legislatures have shown a commitment to avalanche safety by designating November as avalanche awareness

month. We did a bill just this year, and have done resolutions in the past. All of those have passed unanimously. But, we do need to do more for avalanche safety.

Senator Stevens [U.S. Congress] has introduced S. 931 ... in April of 2003. It sits currently in the Senate Committee on Energy and Natural Resources and has not had a hearing. ... What we would like to do with our resolution is send the message that this is also a priority for Alaska.

Number 0763

STEVE HANDY, Juneau Mountain Rescue, testified:

Juneau Mountain Rescue is responsible for snow and avalanche search and rescue operations in the Juneau operational area, which is rather large. It covers a great amount of area where people recreate in the snow skiing, snowboarding, [and] snow machining. We're also responsible for high angle technical rescue and back country search and rescue operations.

Many resources are put at risk during these search and rescue operations. Again, I'm here to speak on behalf of the search and rescue community -- we're the guys who go out there, it's not the fire department or anybody else, it's Juneau Mountain Rescue or maybe PJ's - Air Force para-rescue jumpers.

The knowledge and training and resources proposed by this bill [resolution] would not only have a tremendous impact on reducing the number of injuries [and] deaths ... caused to those who are recreating in the outback, but, from my perspective, it would also reduce the exposure of rescue individuals to these same things.

When you go out there, after an avalanche has ripped, all that tells you is that another one's going to go too, or it's high probable Granted, that we do exercise great safety and we generally don't jeopardize our own lives knowingly, we're still out there. We use a large number of resources, including Army resources, private helicopter operations, ... whatever we can to get out there.

I know, from my own exposure, and I live and play and work in the outback, I know that my friends and colleagues, through the efforts of the national ski patrol and Bill Glude's operation [Southeast Alaska Avalanche Center] with the avalanche research center, this education, this training, at this level, has greatly reduced a number of operations.

We can't measure how many haven't happened. However, if the resources are allocated, if we have these resources and this training can grow to spread out statewide, then it can have nothing but a ... huge impact on taking away our dubious title as the number one state for avalanche deaths.

Number 0979

REPRESENTATIVE GUTTENBERG referred to page 2 of the resolution, [line 4] where the National Park System is mentioned and asked if Mr. Handy could compare the avalanche problems in the National Park System with those outside of the system.

MR. HANDY replied that he could not but added that those who recreate in those areas don't know the difference either.

REPRESENTATIVE GATTO asked how often the rescuers themselves have to be rescued.

MR. HANDY stated that in the course of his five years of experience, they had not had one incident where this happened. He attributed this success to training.

REPRESENTATIVE GATTO noted that he believed that in the fire department's experience and statistically, the number of rescuers that die exceeds the number of people rescued.

MR. HANDY was not familiar with these statistics but noted that he believes the training and resources that would be made available by the passage of HJR 41 could greatly reduce those statistics as well. He said the fire department does not normally respond to incidents in the outback [in the Juneau area].

BOB JANES, National Ski Patrol; Juneau Ski Patrol, stated he was very active in winter sports recreation and had been involved in

the previous and current avalanche warning systems throughout the state.

I have been involved ... [with] especially the thrust to reinstate, if you will, some of the shortcomings of what has existed here in the overall system for the last 20 years. That's namely, credible avalanche forecasting methods and that is included in Senator Stevens' proposed [S.] 931, among other things. It's an overall umbrella effort for public education.

I represent the National Ski Patrol system today which includes the Alaska division of that national system, and the local Juneau ski patrol. I'm also a member of Bill Glude's Alaska Avalanche Center Board. I'm mainly endorsing this joint [House] resolution from the standpoint ... in order to get Senate Bill 931 out of committee and proceeding along because it covers everything that really is needed and some of these shortcomings I mentioned

Number 1252

REPRESENTATIVE STEPOVICH asked for the number one reason for avalanche death. He supported the facts that awareness is the key and that recreational activity is not curtailed by the resolution.

MR. JANES replied, "The awareness is the primary mission of the National Ski Patrol system. Their mission statement today is priority on public education, and training, and prevention, and all of this in the interest of public safety."

REPRESENTATIVE GUTTENBERG asked where does Juneau get armaments, weapons, and munitions for avalanche control.

MR. JANES replied, "Primarily through previous contacts with the military units, a lot of the previous surplus military ammunition for the recoilless rifle that's right across the channel here, the 105 millimeter and also 75, are used throughout the United States. There's still some of that military information available on the surplus market."

REPRESENTATIVE GUTTENBERG asked if there was a cost to train local personnel.

MR. JANES replied, "There's a cost involved in training because it's ... a technical maneuver. Generally, the cost of munitions, and transportation, getting them here through federal aircraft or what have you, is pretty nominal."

Number 1406

BILL GLUDE, Director, Southeast Alaska Avalanche Center, testified:

I've been an avalanche researcher, and educator, forecaster, and consultant since the 1970s. ... Since 1995 with the Avalanche Center, I've personally taught over 5,000 people in avalanche courses.

We currently have no operating budget at all and I've been keeping track of hours this year. I'll be donating about two to three thousand hours worth of time to avalanche education. The only funding that we have this year is \$3,000 for doing avalanche education throughout Southeast, which includes travel to the outlying communities, and \$10,000 in two small grants. One [is] from [the] Skaggs Foundation and one from Sea Dogs, which is covering some of our basic expenses to keep the program operational. Other than that, I'm volunteering all my time except for when I'm actually teaching courses. We are a non-profit.

These [a chart entitled US Avalanche Fatalities by State, the last 10 years] are some figures that were compiled last fall.

For the last 10 years, what you can see there is Alaska is number one for avalanche fatalities -- not just per capita, but total number of avalanche fatalities. If you looked out at per capita, we'd be far, far ahead of Colorado which is second. They are a much larger state than we are in terms of population and they have far more winter visitors.

The other key difference, I think, in Alaska, that's worth focusing on, is that in many of these states, most of the avalanche fatalities are recreationists. But, in Alaska, we have workers who are exposed. We lost an operator on the Seward Highway who was clearing debris from an earlier slide in the year 2000. We lost a person who was operating an excavator

on a construction project for a power plant in Cordova also a few years ago. We have a number of urban residents who are exposed. We also have a number of transportation corridors that are affected.

Number 1574

MR. GLUDE continued:

I got some figures from the State Division of Emergency Services, after the year 2000 avalanche cycle, and their best estimate of a ballpark cost for that whole avalanche cycle was about \$11,000,000 in total damages. What they didn't calculate was the disruption of commerce, the disruption of transportation, and all the ripple effects of those, which are considerable.

Avalanches are something that in Alaska really affects all of us. We lead the nation in avalanche fatalities, yet if you look at that chart, all of the states that have a significant number of avalanche fatalities on that chart have federally funded avalanche education and forecasting programs with the sole exception of Alaska. We're the one state that doesn't have anything.

We've got a couple little non-profits, we've got a number of groups like the ski patrol and the mountain rescue group that are working with us. We have in the Chugach National Forest, the Chugach National Forest Avalanche Center, which is simply one ranger who is out doing winter patrols who cares enough about avalanches to be looking at the snow while he's doing that and using their existing website to try to publicize the information. ...

There were a couple of questions about provisions in the bill that I can probably address. One that's a little confusing is why is Senator Stevens running this through the National Park Service (NPS) and Department of Interior when traditionally it's been agriculture and the Forest Service that has handled avalanche issues. The answer to that is, it's a simple matter of political strategy.

The Forest Service, as we all know, is very fond of their hierarchy. They like everything to be controlled right from the top all the way to the bottom and one of their priorities right now is that we not have any nationwide federal level earmarks of funding. The problem is when you're dealing with an issue like avalanches, you need a coordinated program nationwide to allocate the resources, so, for example, states like Alaska don't get left out. In order to go around the Forest Service's hierarchy, he has routed the money through interior, and put the Secretary of Interior in charge, and then set up a board which would administer the money.

The other issue is that this was originally set up at a bill to address the availability of weapons and ammunition for avalanche explosive work. It was expanded to cover research, education, and many of the other avalanche concerns, so, you'll notice there is quite a focus on the availability of weaponry in the bill, but it does cover other uses as well.

We had a question on the risk to rescuers. I know of, in the last 10 years, in Europe there was one instance where [an] avalanche rescue party that was searching for victims of a first avalanche was hit and its members were killed by a secondary avalanche. That's the only one I know of, but it's always a risk that we're quite aware of because avalanches are like salmon -- if there's one avalanche there are probably other avalanches - they come in runs.

Number 1769

CO-CHAIR MASEK stated she did not believe that Hatcher Pass was in the national parks and wondered how this resolution would affect the Hatcher Pass area where there are many avalanches.

MR. GLUDE replied that the funding in Senate Bill 391 was in no way restricted to national parks. He said:

We do lose quite a few climbers on Denali every year, most of them from out of state. But it would allow funding to any entity, including private businesses, departments of transportation, state, and local governments that have avalanche problems. It could be

used to address issues in Hatcher Pass and other areas of Alaska as well.

CO-CHAIR DAHLSTROM, upon determining no one else wished to testify, closed public testimony.

Number 1840

CO-CHAIR MASEK moved to report HJR 41 out of committee with individual recommendations and the accompanying fiscal notes.

Number 1858

REPRESENTATIVE KERTTULA stated that the committee had to finish considering her motion for one [conceptual] amendment, page 2, line 12, adding the Chair and the Ranking Member of the U.S. Senate Committee on Energy and Natural Resources, to those who are notified.

CO-CHAIR DAHLSTROM called for objections and seeing none, adopted Amendment 1.

Number 1908

CO-CHAIR MASEK moved to report HJR 41, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 41(RES) was reported from the House Resources Standing Committee.

HB 309-PROHIBIT RELEASE OF PREDATORY FISH

CO-CHAIR DAHLSTROM announced that the next order of business would be HOUSE BILL NO. 309, "An Act prohibiting the release of nonindigenous predatory fish into public water." [Before the committee was CSHB 309(FSH).]

Number 1956

CO-CHAIR MASEK moved to adopt the proposed committee substitute (CS), labeled 23-LS1097\W, Utermohle, 3/23/04, as the work draft. There being no objection, Version W was before the committee.

Number 1974

REPRESENTATIVE WOLF, speaking as sponsor, explained that HB 309 is a bill involving [nonindigenous] fish. He said Southcentral

Alaska, including the Matanuska-Susitna Valley and the Kenai Peninsula, have been facing a problem concerning Northern Pike and other species, specifically, Yellow Perch. Representative Wolf said this bill would give more "teeth" to the Alaska Department of Fish & Game (ADF&G) to try to [discourage] people from using "bucket biology." He noted that the bill does not involve any commercial fishing activities that currently take place in Alaska. He said he believes ADF&G is in support of the bill.

Number 2607

REPRESENTATIVE GUTTENBERG asked about the difference between Version W and [CSHB 309(FSH)].

REPRESENTATIVE WOLF explained that concerns were expressed in the House Special Committee on Fisheries with respect to current commercial fisheries activities involving the transportation of live crab and [live crab] eggs. He said the [House Special Committee on Fisheries] made sure that current activities involving commercial fisheries in Alaska were not affected and amended the bill to include a felony fine of not less \$1500.

Number 2126

REPRESENTATIVE LYNN turned attention to page 1, line 10, and asked if a [nonindigenous] fish were caught, could it be released, even if it shouldn't be [in that water system] in the first place.

REPRESENTATIVE WOLF said the bill does not involve catch-and-release fisheries. He indicated that the purpose of the bill is to address the transportation of [nonindigenous] fish from one area to another.

REPRESENTATIVE LYNN asked if a [nonindigenous] fish could be released in the same water it was caught in.

REPRESENTATIVE WOLF turned attention to page 1, [lines 4-6], and he said this does not prevent [participation] in a catch-and-release fishery.

Number 2212

DOUG VINCENT-LANG, Assistant Director, Division of Sport Fish, Alaska Department of Fish & Game (ADF&G), testified. Mr. Vincent-Lang said the [bill] would not hold a person eligible

for a class C felony and a \$1500 fine for releasing a [nonindigenous] fish that had been caught inadvertently. He said the bill is basically crafted to prevent people from stocking [nonindigenous fish] initially.

REPRESENTATIVE LYNN asked Mr. Vincent-Lang to explain [page 1], line 10.

MR. VINCENT-LANG explained, for example, if an individual caught a [nonindigenous] pike in Sand Lake and released it back into that lake, that individual would be excluded from this law and would not be held accountable for releasing the fish caught in that lake.

REPRESENTATIVE LYNN asked if it would apply even though the [nonindigenous fish] shouldn't be there to begin with, [and by not releasing the nonindigenous fish back into the water in which it were caught] would be helping to clear the lake out of that [species of nonindigenous] fish.

MR. VINCENT-LANG said [ADF&G] could have regulations to help clear the lake out [if desired], but it would exclude those anglers from being penalized.

Number 2279

REPRESENTATIVE WOLF directed attention to page 1, [lines 8-11], and he said this does not apply to catch-and-release fisheries.

REPRESENTATIVE STEPOVICH suggested that language on [page 1], line 12, contradicts language in subsection (b), with regard to "ornamental fish". He asked for an example of an ornamental fish.

REPRESENTATIVE WOLF explained that ornamental fish include tetras, goldfish, guppies, and so forth.

MR. VINCENT-LANG explained that his understanding is that [paragraph (1)] basically excludes ornamental fish from subsection (a), while [subsection (b)] goes on to say a person may not knowingly rear or release live ornamental fish in state waters. He said gar, for example, are fully capable of reproducing in Anchorage area lakes, and [ADF&G] does not want somebody releasing their pet gar into an Anchorage lake or rearing those gar in a pond in their back yard. Mr. Vincent-Lang said [ornamental fish] that are possessed and transported for the purpose of keeping in an aquarium should be excluded

from a class C felony. He said [ornamental fish] can be predatory or can carry diseases, which may be a threat to native species.

REPRESENTATIVE KERTTULA said Representative Stepovich raises a good point, and because it is a criminal statute it becomes even more important. She said she thought there might be some confusion between [subsections] (a) and (b), because [subsection] (a) exempts ornamental fish from being knowingly released, while [subsection] (b) says [ornamental fish] may not knowingly be released, and [subsection] (c) is a class C felony. She asked how it all works together.

MR. VINCENT-LANG said his understanding is that [subsection (b)] is specific about the activities that can't be done with ornamental fish, and he indicated the language could possibly be cleaned up so that only [one section] deals with ornamental fish. He said [ADF&G] didn't want people to be rearing or releasing ornamental fish in bodies of water that could potentially cause damage to native fish or release parasites.

REPRESENTATIVE KERTTULA said she thought it had to be changed because subsection (a) clearly allows the release of ornamental fish. She said she thought a defense attorney, in representing a client, would "walk through that," so it needs to be changed so it is clear that ornamental fish cannot be released. Representative Kerttula asked why [a violation] is a class C felony, and if other states punish it this harshly. She asked why it is just "knowingly", rather than having an "intentional state of mind," and suggested, "If it is going to be a felony, shouldn't it an intentional action instead of it just a knowing action."

MR. VINCENT-LANG said [ADF&G] is very concerned about the release of [nonindigenous] fish and the impact on the resources of Alaska. He said the level of penalty setting is [the legislature's] jurisdiction and responsibility.

REPRESENTATIVE KERTTULA asked what other state's penalties are for the release of nonindigenous fish. She said she knows it's serious, but she thought a class C felony is normally used for a fairly serious assault.

REPRESENTATIVE WOLF said a lake on the Kenai Peninsula was knowingly deposited with Yellow Perch, and it cost [ADF&G] about \$40,000 to exterminate the lake with Rotenone. He said the [Yellow Perch] have now moved into the Moose River, a spawning

system for coho salmon. He said [coho salmon] are part of a sport fishery, which directly affects the guiding industry, which affects people's lives.

Number 2594

REPRESENTATIVE GATTO offered some examples of other offenses punishable by a class C felony, as follows: Unlawful furnishing of explosives; possession of child pornography; incest; sexual assault in the third degree; tampering with a witness; endangering the welfare of a child; sexual abuse of a minor; and assault. He said he has a problem with the introduction of a [nonindigenous] fish being equal to all of those absolutely notorious indications of what qualify as a class C felony. He said he thinks if this goes to court, it is an overreach.

REPRESENTATIVE STEPOVICH offered an example of a child unintentionally releasing a goldfish into Alaskan waters, and he expressed concerns about [the bill] applying to minors or someone without "expertise."

REPRESENTATIVE WOLF noted that some of the points raised had not been considered previously. He said some other members had suggested that the bill be referred to the House Judiciary Standing Committee with regard to the class C felony.

Number 2726

CO-CHAIR DAHLSTROM suggested Representative Wolf's intent was good, and she said these [issues] are taken very seriously.

MR. VINCENT-LANG said ADF&G supports the concepts behind this bill and see it as an increasing problem across Alaska. He said the problem can't be dealt with on a "recover basis" and has to be dealt with on a "preventative basis." He noted that a conceptual amendment had been passed previously that dealt with lines 3 and 13. He said [ADF&G] is not opposed to limiting [subparagraph] (3) to saltwater commercial fishing and could not think of any instances in which commercial fishermen are currently moving live fish around or of instances in which it would be good [to do so].

CO-CHAIR DAHLSTROM asked Representative Wolf to take that into consideration while working with the bill. Co-Chair Dahlstrom said [the committee] does realize the seriousness of this and appreciates the department's support.

[HB 309 was held over.]

The gavel was passed to Co-Chair Masek.

HCR 27-TAKE A YOUNG PERSON HUNTING WEEK

CO-CHAIR MASEK announced that the next order of business would be HOUSE CONCURRENT RESOLUTION NO. 27, Relating to Take a Young Person Hunting Week.

Number 2831

REPRESENTATIVE WOLF, speaking as the sponsor of HCR 27, explained that the intent of HCR 27 is to return to what most people consider their national heritage as well as provide mentorship to young people with regard to the right to bear arms. The resolution recognizes "Take a Young Person Hunting Week", which was passed several years ago. The [resolution] provides an opportunity to reinstate the importance adults have with regard to taking children hunting as well as providing assistance with regard to correct firearm safety, handling, and the ethics of hunting.

REPRESENTATIVE KERTTULA turned to page 1, lines 10-11, which specifies: "we have an obligation to teach our young people about our hunting heritage". She mentioned that some might disagree with regard to the "obligation" statement. Therefore, she asked if the sponsor might be amenable to changing that clause.

REPRESENTATIVE WOLF said he wouldn't object to an amendment. However, he highlighted that a resolution has no weight in law.

TAPE 04-17, SIDE B

Number 2958

REPRESENTATIVE LYNN proposed changing the language on page 1, lines 10-11, such that it would read as follows:

WHEREAS it is beneficial for young people to have an understanding of our hunting heritage

REPRESENTATIVE WOLF said that he had no objection to that language.

REPRESENTATIVE KERTTULA said she would attempt to write some proposed language while the meeting continues.

Number 2931

REPRESENTATIVE GATTO highlighted that many of the "WHEREAS" clauses use the language "many of our". He suggested that the clause on page 1, lines 10-11, could repeat the aforementioned phrase, and say, "many of us wish to teach our young children". The aforementioned language would conform with most of the clauses, and would reflect that many people do [want to teach their children about hunting] but acknowledges that not everyone does.

REPRESENTATIVE WOLF said that he would have no objection to any amendment to this.

REPRESENTATIVE GATTO moved that the committee adopt [Amendment 1] as follows:

Page 1, line 10,
Delete "we have an obligation"
Insert "many wish"

CO-CHAIR MASEK asked if the members understood the conceptual amendment. She asked if there was any objection. There being none, [Amendment 1 was adopted].

Number 2849

REPRESENTATIVE GUTTENBERG turned attention to page 1, lines 6-7, and said he wasn't sure that "poor recruitment" actually reflects the situation. Therefore, he suggesting changing the "poor recruitment" language to refer to "diminishing numbers".

REPRESENTATIVE WOLF explained that he believes the "poor recruitment" thought came from the Girl Scouts in Fairbanks that was involved in getting young girls hunting.

Number 2784

REPRESENTATIVE GUTTENBERG offered [Amendment 2], which would [on page 1, line 7] replace the language "poor recruitment" with the language "diminishing numbers".

CO-CHAIR MASEK asked if there was any objection to Amendment 2. There being none, Amendment 2 was adopted.

Number 2751

CO-CHAIR DAHLSTROM moved to report HCR 27, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHCR 27(RES) was reported from the House Resources Standing Committee.

HJR 44-SEA OTTER RESEARCH/ENDANGERED SPECIES

CO-CHAIR DAHLSTROM announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 44, Relating to research into the decline of the Southwest Alaska population of the Northern Sea Otter in the western Gulf of Alaska.

Number 2699

REPRESENTATIVE DAN OGG, Alaska State Legislature, sponsor of HJR 44, testified that he represents District 36, and said:

I'm here today presenting a resolution number 44 that relates to the Northern sea otter in the Western Gulf of Alaska. ... They are a voracious animal; they eat lots of shellfish; they eat many times their weight in seafood every day. What the problem here, isn't that, and it's not that they are cuddly. It's that their numbers have been declining since the 1970s, as much as 65 percent in a section of the state that goes from about the tip of the Kenai Peninsula and heads out into the Aleutian Islands ... That would include the southern coast of the Alaska Peninsula, Kodiak Island, and then the islands as they go out into quite an extensive area.

What the resolution is addressing is saying that the Fish and wildlife service has recognized this decline and that they have noticed them for being listed as a threatened species. The impact of being a threatened species is that potential to shut down the commercial fisheries in that area. What this resolution says is that we would like to urge the Federal Government, through [the] U.S. Congress, to provide some funding into the research on these fuzzy, cuddly creatures so we can find out exactly what was going on with them.

Why we're doing it this time is to try to be proactive. The last creature that went into

threatened status and endangered was the Steller sea lion in the same area. We were not proactive, we were reactive, and some of our fisheries were shut down because we didn't have the research on these particular animals, the sea lion. In talks with [U.S.] Senator Stevens' staff who funded the Steller sea lion research close to \$100,000,000 over a recent period of time. They would like to have some documentation as to what it would take to get a research program up and going before we get into that period where [we are] being reactive.

We talked with folks with the FITC in Kodiak, which is the Fishery Industrial Technology [Center] arm for the University of Alaska and they indicated certain areas where work could be done and should be done. We have included their recommendations in the resolution and, with a sum of about \$5,000,000 per year that would be spread out for five years. Research would be centered around FITC; they would coordinate it. It would stretch from the southern end of the Kenai Peninsula out into the Aleutians.

Number 2535

REPRESENTATIVE STEPOVICH asked if Representative Ogg had already identified the source for the money in the federal budget.

REPRESENTATIVE OGG replied that Senator Stevens' staff had requested a proposal that would justify the funding. He said:

We did the background work, put a resolution together, and gave them a document they could put on the table and say, "Here's a reason, and here's some numbers that justify it, and here's a research program that would work out there." It would be through the Fish and wildlife service.

REPRESENTATIVE MASEK asked how much funding was spent on Steller sea lion [research] and whether this funding could be used for [research] on northern sea otters.

REPRESENTATIVE OGG replied that there has been research done in an eco-system model, regarding relationships between the fishing industry and the sea lion, between sea lions and their prey, and between the sea lions and their predators. They did not focus on the sea otter, except in a peripheral manner. This

resolution aims at a better understanding of the sea otter's ecosystem.

Number 2420

REPRESENTATIVE WOLF said he wondered how many sea lions and sea otters were being killed by Orcas.

REPRESENTATIVE OGG replied that tags from sea lion pups have been found in the bellies of Orcas that washed up on beaches in Prince William Sound. He noted that it is difficult to "follow a pod of Orcas around" to gather information.

REPRESENTATIVE WOLF indicated that sea lions are a favorite food of Orcas. He was concerned that environmental groups were blaming the fishing industry as being the killers of sea lions and sea otters. He feels that the growing population of Orcas is responsible. He said:

These environmental groups are making a tremendous amount of money from selling the idea that these horrible commercial fishermen are the reason [for] the decline. It's not a natural predator like the Orca.

REPRESENTATIVE OGG replied:

You're exactly right. That's exactly what this aims at. When we did the sea lion one the groups went to federal court and they said, "It's declining, it's the fishing industry." There was no empirical evidence or scientific evidence to say yes or no. We're dealing in a situation where people just dealt with innuendo. The court in that situation says, "I'm not going to take a chance here. I'm going to err on the conservative side, like our fisheries managers always do, if you don't have the answer you err." So, they just created big zones around our work areas. Which, once we got the fishing research money through the federal government, those things started closing down, because, after you got the research you found out no, it wasn't fishing that was causing the problem, it's something in the environment and that nature. That's why we're pushing this. We want to be ahead of the curve this time, instead of being in court under innuendo. We want to help our fishing industry.

Number 2221

REPRESENTATIVE GATTO wondered if it was fair for the people doing the research to also be the people living in the communities affected. He asked if the researchers should come from the inland, since the coastal community stood to gain the most as well as receiving the research monies.

REPRESENTATIVE STEPOVICH noted that \$25,000,000 is a lot of money, and he wondered if the money could be used for other projects as well.

REPRESENTATIVE OGG replied:

If Senator Stevens decides, and the fish and wildlife service decides, that this is an appropriate place to put the money, it will run through the fish and wildlife service and then they will determine, usually by grants, ... where these funds will be expended. I can tell you that the sea lion research ... was done by the University of Alaska, some done by British Columbia, through a consortium university, and folks going out on charter, but mostly into scientists and in the field research. Some into charters for getting people onto these rookeries and off of them.

It's not like they are going to drop \$5,000,000 in Kodiak. It's just that's the area we want to center. There are programs going on there. The National Marine Fisheries Service (NMFS) is involved right now in the Steller sea lion one and they'll probably track along with that and use economies. They needed a number and a period of time. This is a lot smaller number than the Steller sea lion number. They may adjust it when they have comments with fish and wildlife.

Number 2066

REPRESENTATIVE LYNN asked how it was decided to request \$5 million per year.

REPRESENTATIVE OGG replied:

Those numbers came from the folks at FITC. ... The person working on the sea lions, working with fish and wildlife service, said, "Here's how a program could work. This would address the problems, and here's the

amount of money [we] think that would cover it." ... This will end up on Senator Stevens' desk, Senator Murkowski's desk, and they'll make the appropriate relationships. Then fish and wildlife "circle" will come in and maybe they'll say, "\$5,000,000 is too much; we can do it for \$4,000,000," but you have to put something out.

Number 2005

REPRESENTATIVE GUTTENBERG turned attention to page 2, and asked if the sponsor wished to add the appropriations' chair or the resource committee chairs to the copies distribution.

REPRESENTATIVE OGG noted that he had no objection to this.

REPRESENTATIVE GUTTENBERG moved Conceptual Amendment 1 that would include the chairs of the resource committees in the House and Senate of the United States Congress.

Number 1941

CO-CHAIR DAHLSTROM noted there were no objections and Conceptual Amendment 1 was adopted.

CO-CHAIR MASEK REPRESENTATIVE moved to report HJR 44 as amended out of committee with individual recommendations and the accompanying fiscal notes. There being no objections, CSHJR 44(RES) was reported 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 2:15 p.m.