

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

May 9, 2004

4:40 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 Kelly Wolf
Representative Beth Kerttula
Representative David Guttenberg

MEMBERS ABSENT

Representative Nick Stepovich

OTHER LEGISLATORS PRESENT

Senator Ralph Seekins (via teleconference)

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 297(RES)

"An Act relating to bear predation management and the donation and sale of bear hides and skulls."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 297

SHORT TITLE: BEAR HUNTING/DISPOSAL OF HIDE/SKULL

SPONSOR(S): SENATOR(S) SEEKINS

02/06/04	(S)	READ THE FIRST TIME - REFERRALS
02/06/04	(S)	RES, FIN
03/17/04	(S)	RES AT 3:30 PM BUTROVICH 205
03/17/04	(S)	Heard & Held
03/17/04	(S)	MINUTE(RES)
04/02/04	(S)	RES AT 3:30 PM BUTROVICH 205
04/02/04	(S)	Heard & Held
04/02/04	(S)	MINUTE(RES)
04/07/04	(S)	RES AT 3:30 PM BUTROVICH 205

04/07/04 (S) -- Rescheduled to 4 pm 04/07/04 --
 04/14/04 (S) RES AT 3:30 PM BUTROVICH 205
 04/14/04 (S) Heard & Held
 04/14/04 (S) MINUTE(RES)
 04/16/04 (S) RES AT 3:30 PM BUTROVICH 205
 04/16/04 (S) Moved CSSB 297(RES) Out of Committee
 04/16/04 (S) MINUTE(RES)
 04/19/04 (S) RES RPT CS FORTHCOMING 5DP
 04/19/04 (S) DP: OGAN, DYSON, WAGONER,
 04/19/04 (S) STEVENS B, SEEKINS
 04/20/04 (S) RES CS RECEIVED NEW TITLE
 04/21/04 (S) FIN REFERRAL WAIVED REFERRED TO RULES
 04/29/04 (S) TRANSMITTED TO (H)
 04/29/04 (S) VERSION: CSSB 297(RES)
 05/01/04 (H) READ THE FIRST TIME - REFERRALS
 05/01/04 (H) STA, RES
 05/04/04 (H) STA AT 8:00 AM CAPITOL 102
 05/04/04 (H) Moved Out of Committee
 05/04/04 (H) MINUTE(STA)
 05/05/04 (H) STA RPT 3NR 2AM
 05/05/04 (H) NR: GRUENBERG, HOLM, LYNN;
 05/05/04 (H) AM: SEATON, WEYHRAUCH
 05/09/04 (H) RES AT 4:00 PM CAPITOL 124

WITNESS REGISTER

BRIAN HOVE, Staff
 to Senator Ralph Seekins
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented SB 297 on behalf of the sponsor,
 Senator Seekins.

PAUL JOHNSON (ph)
 (Address not provided)

POSITION STATEMENT: During discussion of SB 297, provided
 comments and suggested the bill should be amended.

ROB HOLT

Talkeetna, Alaska

POSITION STATEMENT: During discussion of SB 297, provided
 comments and expressed opposition to "the measures of this
 bill."

WILLIAM FRITZGERALD, Owner
 Denali Guides & Outfitters
 Talkeetna, Alaska

POSITION STATEMENT: Testified in opposition to SB 297.

JENNIFER YUHAS, Executive Director
Alaska Outdoor Council (AOC)
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 297.

WAYNE REGELIN, Deputy Commissioner
Office of the Commissioner
Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska

POSITION STATEMENT: During discussion of SB 297, provided comments and responded to questions.

ACTION NARRATIVE

TAPE 04-29, SIDE A

Number 0001

CO-CHAIR BEVERLY MASEK called the House Resources Standing Committee meeting to order at 4:40 p.m. Representatives Masek, Dahlstrom, Gatto, Heinze, Wolf, Guttenberg, and Kerttula were present at the call to order. Representative Lynn arrived as the meeting was in progress.

SB 297 - BEAR HUNTING/DISPOSAL OF HIDE/SKULL

Number 0046

CO-CHAIR MASEK announced that the only order of business would be CS FOR SENATE BILL NO. 297(RES), "An Act relating to bear predation management and the donation and sale of bear hides and skulls."

Number 0120

BRIAN HOVE, Staff to Senator Ralph Seekins, Alaska State Legislature, sponsor, presented SB 297 on behalf of Senator Seekins. He offered his belief that SB 297 is in essence a predator control program for bears only in those areas where bears are identified as being a problem. He paraphrased from the sponsor statement, which read [original punctuation provided]:

There is no shortage of black or grizzly/brown bears in Alaska. Here, they are neither threatened nor endangered. In some Game Management Units the bear

populations are many multiples of the established population objectives. The Alaska Department of Fish and Game estimates statewide black bear populations as high as 200,000 and the grizzly/brown bear population as high as 35,000.

In certain Game Management Units, estimates range from 70-90% of all the moose calves are dead before they reach two months of age due, in large part, to bear predation. As a result, fall recruitment is virtually zero and the reproductive base populations are crashing. The well publicized 2003 McGrath bear relocation experiment clearly demonstrated that a reduction in bear populations has a direct positive effect on increasing calf survivability and thus the long-term health of the resource. But relocation efforts do not solve the underlying problem.

Senate Bill 297 addresses Alaska's bear over-population problem in those places - called Intensive Management Areas - where the Board of Game has: (1) first determined that consumptive use of the big game population is a preferred use; (2) depletion of the big game population has occurred and may result in a significant reduction in the allowable human harvest of the population; and (3) enhancement of abundance or productivity of the big game prey population is feasibly achievable utilizing recognized and prudent active management techniques.

It is important to understand that the provisions in SB 297 only come into play if the Board of Game, advised by the Department of Fish and Game biologists, finds that bears are a cause of the depletion or reduction of big game productivity.

Once the above findings have been made, SB 297 allows for remediation efforts through the issuance of bear predation management permits. These special-purpose permits relax certain restrictions relative to the taking of bears in those areas where bear predation is identified as a problem. The Bill also provides guidance with respect to bear sealing as well as disposition of hides and skulls taken under this Act.

A strong point of emphasis is that this program in all reality is, and should be viewed as, a predator

control program. The provisions of the Act do not apply to Game Management Units in which intensive management is not necessary. Furthermore, proactive measures end as soon as the bear populations are once again within the population objectives that have been set by the Board of Game.

Number 0501

PAUL JOHNSON (ph) said that he has "been around" game management for many, many years. He relayed that Senator Seekins has acknowledged in a prior hearing that he is "taking a gamble" on "our guide-required law" and on a court case, likening it to a 50-50 coin toss. Mr. Johnson mentioned that an attorney he's heard from has indicated that should the bill engender litigation, the state would lose. He also mentioned that the Alaska Department of Fish & Game (ADF&G) could not predict how many more bears would be taken should the bill pass. He expressed concern that should Alaska lose its "guide-required" law, it would affect sheep and goat hunting and other aspects of the [hunting] industry. He opined that it would not be right or worth it to take a 50-50 gamble on this issue. If the goal is predator control, then just do predator control, he remarked, "but don't take it away from the guides." He concluded by offering his belief that the bill needs to be amended by taking the nonresident and nonresident alien sections out.

Number 0762

ROB HOLT mentioned that he is Vice President of the Alaska Professional Hunters Association, Inc. (APHA), and that he is speaking on behalf of himself and other concerned guides from the Talkeetna area. He said that he is opposed to "the measures of this bill," and relayed that he has submitted written comments. He expressed agreement with Mr. Johnson's comments, adding:

In areas where people rely on moose hunting and other animals that don't have a guide-required law, essentially the guiding business has gotten to the point where it's struggling to survive, at best. And in some of these areas where they've implemented intensive management, such as "16 and 13", the only resource that those guys have left is brown bears and black bears. And if you remove [the] guide-required law in any form in those areas, essentially those guys

will be put out of business by the wholesale market that will ... spring out of this. ...

The basis of my concern is the fact that this kind of an action, when you're looking at trying to control the numbers of these bears in this manner, devalues that wildlife on a scale that is recognized by people around the world. In other countries where they have valuable wildlife that they have to reduce in numbers, they do it professionally - by culling - and they do it in very specific areas to very specific numbers; they do not rely on a resident populace that's interested in hunting to bring about the reduction of those numbers.

Number 0921

And one of the reasons they do that is the political and scientific sensibility in what they're doing, and what the end result is, [is] they maintain the value associated to those animals. And I think that that's primary, here. I think that the state of Alaska does not want to put itself in a position where we're seen as devaluing our brown bears anywhere. A brown bear hunt in an area where intensive management is necessary should always be bringing top value and top dollar into the state, rather than reduced to the point where it's essentially a varmint hunt - I think that's going in leaps and bounds heading in the wrong direction.

MR. HOLT added:

And then the other thing, just in consideration of when we get into these areas where we're deciding that we need to reduce these brown bear numbers, I don't believe that the state has stepped up to the plate in [regard] to employing the most accurate technology available to have the right numbers to use. And I think that any time the state's going to make those kind of tests, it's absolutely essential that they do that, and we haven't gotten to that point with what the [ADF&G] uses for census and how they put their numbers together. ... I thank you very, very much for the opportunity to comment on this important issue.

CO-CHAIR MASEK acknowledged receipt of written testimony from Mr. Holt's wife.

Number 1133

WILLIAM FRITZGERALD, Owner, Denali Guides & Outfitters, mentioning that he is a registered guide, said he is opposed to SB 297. He outlined the number of brown bear hunts his company undertakes in a year, the location they occur, and the amount of time he spends flying over that area in search of bear and other big game animals. He went on to say:

I'm extremely aware of the populations of the animals, and I'm entrusted to self-manage, both as an ethical hunter and as [an] ethical business owner. What I've seen over the past few years is a definite increase in wolf populations, but under no circumstances can ... the same be said of the brown/grizzly bear population. As a matter of fact, I believe that [with regard to] the [ADF&G], the only reliable source of information ... they have on bear populations is the harvest of bears; I do not believe that they are actively in the field counting bears.

And I think this is paramount in any type of a bill like this - as a predator control. Actually, if this bill were to come to fruition, the results could be devastating to my business. In essence, the Alaska State Legislature would be unleashing an unprecedented number guides, hunting in competition for the resource, in the name of a management tool. ... Recently I drove down the highway and [saw] this billboard that tells how many moose have been killed by automobiles, and I think that [Senator] Seekins is genuinely concerned about the huntable populations of moose in Game Management Unit 13, and he should be working tirelessly to reduce the number of moose killed by automobiles and trucks in the Matanuska-Susitna valley.

MR. FRITZGERALD went on to say:

That number of moose killed by automobiles - 375 over the past seven months - does not include the number killed by railroad activities, and that's also traditionally a significant number. Also, right now in Game Management Unit 13, we have the longest season

and the most liberal hunting parameters for brown/grizzly bear hunting in North America. I'd like to finish by saying that I believe that those regulations that are in place for hunting bears in Game Management Unit 13 are enough to prevent overpopulation of bears, [and] will end predation on the moose. And again I just want to go on record as saying that I'm absolutely opposed to Senate Bill 297, and I'd like to thank you for allowing me this opportunity to speak and comment on this bill.

Number 1417

JENNIFER YUHAS, Executive Director, Alaska Outdoor Council (AOC), said simply that she is speaking on behalf of the board of directors of the AOC - "an umbrella organization representing over 54 member clubs and over 12,000 individual members including several former wildlife management professionals" - and that the AOC supports SB 297 and considers it a "useful wildlife management tool for the [ADF&G] in the areas designated for intensive management." She relayed that the AOC urges the committee to vote to pass the bill.

CO-CHAIR MASEK, after determining that no one else wished to testify, suggested that the committee direct questions to the sponsor's staff and the ADF&G's representative.

REPRESENTATIVE GATTO, referring to the sponsor's statement which asserted that 70 percent of moose calves are dead by the age of two months, asked what portion of that death rate can be attributed to bear predation, rather than weather conditions, wolf predation, disease, poaching, and lack of a food supply.

MR. HOVE replied, "We do know that bears are a big part of that number."

Number 1539

WAYNE REGELIN, Deputy Commissioner, Office of the Commissioner, Alaska Department of Fish & Game (ADF&G), relayed that about 70 percent of moose calves are killed in the first two months of life, almost all by bears, though the type of bear and the exact number of deaths varies in the different game management units.

REPRESENTATIVE GATTO questioned, "Would you say that the control of wolves is almost irrelevant compared to the control of bears?"

MR. REGELIN replied, "Absolutely not." He added that calf mortality in the first two months of life, when the calves are vulnerable, is very high, and that wolves tend to take older calves in the winter. He relayed that at least 30 percent of a "calf crop" has to survive a year in order to have a healthy moose population, and that goal is hard to achieve if 70 percent of calves are lost "right off the bat." Therefore, in some places, there must be a reduction in both wolves and bears in order to have increased moose populations.

MR. HOVE, in response to a question, offered his belief that statewide, Alaska's bear population is healthy.

REPRESENTATIVE WOLF offered his understanding, however, that the brown bear population on the Kenai Peninsula is in trouble to the extent that residents can't have a brown bear hunt. He remarked on this apparent discrepancy.

MR. REGELIN said:

On a statewide basis, we have very healthy black bear populations - I can't think of anywhere we don't. The same is true in most places for brown bears or grizzly bears also. The one exception is the Kenai Peninsula, where there's probably fewer than 300 grizzly bears left, and it's just an encroachment of population and people into an area. So that's the one place that we manage ...; essentially we haven't had a hunt there because the numbers of bears killed in defense of life and property exceed the sustainable harvest.

Number 1730

REPRESENTATIVE WOLF asked whether the same is true of "the valley."

MR. HOVE referred to a map, pointed out an area to members where there are sustainable-harvest issues with regard to bears, and surmised that the system proposed by SB 297 won't apply to that area.

MR. REGELIN offered his belief that the way the bill is currently structured, it would allow bear control programs similar to those for wolf; therefore, it would be up to the Board of Game to determine the methods and means that could be used and the areas they could be used in. Currently, the only

area for which the ADF&G feels it has adequate data to do such a program is in Game Management Unit 13, which is the "Nelchina basin." Remarking that the whole issue of bear control is a policy call for the legislature to make, he acknowledged that it would create a risk for the guiding industry due to the [possibility] that the change will engender litigation. The change proposed by the bill will provide an opportunity for the ADF&G to have more hunters go into the field in selected locations to target bear populations that need to be reduced for the purpose of reducing predation. He characterized the policy call that the legislature has to make on this issue as a difficult one.

REPRESENTATIVE WOLF asked whether the bill refers specifically to Game Management Unit 13.

MR. REGELIN said that the bill leaves the decision of whether to institute a bear control program in a particular area completely up to the Board of Game. He reiterated that the only area of the state for which the ADF&G has enough information to even consider instituting such a program is in Game Management Unit 13, and surmised that it probably wouldn't be instituted anywhere else in the state and in particular not in the three main trophy areas - the Alaska Peninsula, Kodiak, Admiralty Island.

Number 1918

REPRESENTATIVE GUTTENBERG referred to the testimony characterizing the proposed program as "a varmint hunt," and asked Mr. Regelin to comment.

MR. REGELIN said that the way the bill is structured, it does not propose a method of hunting; rather, it proposes instituting a predator control program in which a special permit would be required, and the Board of Game would be able to modify the standard methods and means for hunting. The Board of Game, in anticipation of the change proposed via SB 297, has discussed a variety of things that might be tried to increase the bear harvest, but one of things it has decided to exclude is allowing bears to be taken out of airplanes and helicopters.

REPRESENTATIVE GUTTENBERG asked how much field research has been done.

MR. REGELIN said that although bears are a difficult species to study, the ADF&G has had continuous, long-term research programs

in Game Management Unit 13 since about 1981, and feels that it has reasonably good estimates of the populations. He mentioned that because of the difficulty in studying bears, the method the ADF&G employs is to get population estimates in small portions of the area and then expand those numbers to the larger area.

MR. REGELIN, in response to a question, said that several years ago the Board of Game established a population goal of 300-350 [grizzly] bears for Game Management Unit 13, and the ADF&G estimates that currently there are approximately 1,500 grizzly bears in that area.

REPRESENTATIVE KERTTULA said she didn't see how SB 297 wouldn't be a "hunting bill," particularly since it would allow nonresidents to get a permit and go out and hunt. She asked whether anything similar is being done with other species.

MR. REGELIN said no, and characterized the bill as an innovative way of looking at the issue of predator control. He remarked that although in the eyes of the public the legislation might be seen as a hunting bill, from a legal standpoint it would be considered a predator control program, similar to the wolf control program. Also, a big game brown bear tag wouldn't be required; instead, a fee would be paid if a bear is harvested.

MR. HOVE said that there are few realistic alternatives to what's being proposed by SB 297.

Number 2216

REPRESENTATIVE KERTTULA offered her belief that the concept proposed by SB 297 for bear control is not similar enough to what's done for wolf control to warrant comparing the two, particularly given that people from out of state can come up and get a permit for bears. She remarked that the bill appears to threaten the guide system in Alaska, and asked whether the attorney general has provided an opinion on the proposed change with regard to the current guide system.

MR. REGELIN said that Kevin Saxby from the Department of Law (DOL) has written a letter wherein he says it will be very difficult to defend a court case that challenges "the guide requirement bill" if SB 297 is passed. He offered his belief that passage of SB 297 will allow people [from out of state] to come up and hunt with their friends and acquaintances without a guide.

REPRESENTATIVE KERTTULA asked Mr. Regelin to provide a copy of that letter to committee members.

MR. REGELIN acknowledged that passage of SB 297 will increase the risk of losing Alaska's guide-requirement law.

REPRESENTATIVE KERTTULA asked how many guides are currently registered for bear.

MR. FRITZGERALD offered his belief that there are currently 25 registered guides actively operating hunting camps in Game Management Unit 13.

MR. JOHNSON added that it is important to recognize that more than just the guides in that area that will be affected if the "guide" law is [overturned]; such will affect guides statewide, and will affect sheep and goat hunting as well as bear hunting.

MR. FRITZGERALD offered his belief that the aforementioned 25 guides are guiding 10-15 grizzly bear hunts per year, and characterized those numbers as already putting a significant amount of pressure on the resource. He offered his belief that ADF&G's is simply guessing that there are 1,500 bears in the area, and that the ADF&G gets its numbers from bears that have been taken rather than from aerial surveys. He concluded by saying that his aerial surveys of Game Management Unit 13 lead him to believe that the bear population in that area is not increasing.

Number 2497

REPRESENTATIVE GUTTENBERG asked how adoption of SB 297 would put guiding at risk.

MR. REGELIN explained that when the state originally established the requirements to have a guide, it was just for grizzly bears, brown bears, and sheep, and it was intended to ensure the safety of the hunter. So to then say, via adoption of SB 297, that some hunters won't be required to have a guide, puts the current law in jeopardy. He suggested, too, that changing the requirements in some areas but not in others could violate the commerce clause of the U.S. Constitution.

REPRESENTATIVE HEINZE asked what's required to become a big game [guide].

MR. REGELIN said that one must pass a test after being an assistant guide for several years, and that the registered guide permits are issued by the Department of Commerce, Community, & Economic Development (DCCED). He offered his belief that there are probably several hundred guides, for all different species, and that it is probably a \$200 million industry. In response to a question, he relayed that the cost of a grizzly bear hunt varies by area, but in Southeast Alaska, the Alaska Peninsula, and Kodiak the cost ranges between \$12,000 and \$15,000; in contrast, the cost in Game Management Unit 13 ranges between [\$5,000 and \$8,000].

REPRESENTATIVE HEINZE surmised that since moose calve out in the open, the odds are against calves surviving at all.

MR. REGELIN remarked that in certain areas of Alaska, both brown bear and black bear predation is a significant factor in moose calf mortality during the first two months of life. In most areas, he added, wolves take less than 10 percent of the calves that die within the first two months of life; wolves, however, do take a significant number of yearling moose at other times of the year. Thus, in order to effectively manage moose populations, the ADF&G must reduce both bear and wolf predation in certain areas. In response to a comment, he remarked that the goal of wildlife management is to try to stabilize populations of moose so that people can have a reliable number to harvest. Without human intervention, there will be extremely low densities of moose populations, especially in Interior Alaska.

Number 2824

REPRESENTATIVE GUTTENBERG asked how many moose are killed on the road system every year.

MR. REGELIN said that number varies greatly from year to year. This year, for example, he'd heard that from Willow down through Palmer, there were approximately 360 moose were killed, but that number can go as high as 500. With regard to how many moose have been killed on the railroad, he said that during one year in the early '80s, approximately 300 moose were killed, though that number has significantly decreased in recent years.

REPRESENTATIVE WOLF relayed that on the Kenai Peninsula a few years back, almost 1,000 moose were killed on the road system. With regard to the bill, he remarked that although it looks like [a predator control] bill, using nonresidents for that task

while potentially hurting a \$200 million industry defies good common sense. He indicated that he would be voting "no" on the bill.

ADJOURNMENT

Number 2920

The House Resources Standing Committee was recessed at 5:30 p.m. to a call of the chair. [The meeting was never reconvened.]