

**ALASKA STATE LEGISLATURE  
SENATE RESOURCES STANDING COMMITTEE**

April 30, 2003

3:33 p.m.

**MEMBERS PRESENT**

Senator Thomas Wagoner, Vice Chair  
Senator Fred Dyson  
Senator Ralph Seekins  
Senator Ben Stevens  
Senator Kim Elton  
Senator Georgianna Lincoln

**MEMBERS ABSENT**

Senator Scott Ogan, Chair

**COMMITTEE CALENDAR**

SENATE BILL NO. 56

"An Act relating to sport fishing license fees and anadromous king salmon tag fees for residents of Yukon, Canada."

MOVED SB 56 OUT OF COMMITTEE

SENATE BILL NO. 155

"An Act relating to hunting on the same day airborne; and providing for an effective date."

MOVED CSSB 155(RES) OUT OF COMMITTEE

**PREVIOUS ACTION**

SB 56 - No previous action to record.

SB 155 - See Judiciary minutes dated 3/31/03, 4/4/03 and 4/16/03.

**WITNESS REGISTER**

Mr. Ben Brown  
Alaska State Chamber of Commerce  
217 Second Street  
Juneau, Alaska 99801  
**POSITION STATEMENT:** Supports SB 56

Mr. Gordy Williams

Department of Fish & Game  
PO Box 25526  
Juneau, AK 99802-5226  
**POSITION STATEMENT:** Opposed to SB 56

Honorable Dennis Fentie  
Premier  
Yukon Legislative Assembly  
Box 2703  
Whitehorse, Yukon  
Canada Y1A 2C6  
**POSITION STATEMENT:** Supports SB 56

Mr. Rob Bentz  
Division of Sport Fish  
Department of Fish & Game  
PO Box 25526  
Juneau, AK 99802-5226  
**POSITION STATEMENT:** Answered questions about SB 56

Mr. Brian Hove  
Staff to Senator Seekins  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Testified for the sponsor of SB 155

Ms. Gina White  
No address provided  
**POSITION STATEMENT:** Opposed to airborne hunting of predators

Mr. Paul Joslin  
Alaska Wildlife Alliance  
PO Box 202  
Anchorage, AK 99520  
**POSITION STATEMENT:** Opposed to SB 155

Ms. Dorothy Keeler  
No address provided  
**POSITION STATEMENT:** Opposed to SB 155

Mr. Robert Fithian  
Alaska Professional Hunters Association  
PO Box 3225  
Palmer, AK 99645  
**POSITION STATEMENT:** Strongly supports SB 155

Mr. Wayne Kubitt  
**POSITION STATEMENT:** Supports SB 155

Mr. Jessie VanderZanden  
Alaska Outdoor Council  
PO Box 73902  
Fairbanks, AK 99707-3902  
**POSITION STATEMENT:** Supports SB 155

Mr. Lynn Levensgood  
Alaska Wildlife Conservation Association  
No address provided  
**POSITION STATEMENT:** Supports SB 155

Mr. Tom Scarborough  
Fairbanks, AK  
**POSITION STATEMENT:** Supports SB 155

Mr. Matt Robus  
Director of the Division of Wildlife Conservation  
Department of Fish & Game  
PO Box 25526  
Juneau, AK 99802-5226  
**POSITION STATEMENT:** Expressed concerns with the committee  
substitute to SB 155

Ms. Donnie Fleagle  
No address provided  
**POSITION STATEMENT:** Supports SB 155

Ms. Ruthann Warden  
Ahtna Incorporated  
PO BOX 649  
Glennallen, Alaska 99588  
**POSITION STATEMENT:** Supports SB 155

Mr. Ron Somerville  
Alaska Board of Game  
Department of Fish & Game  
PO Box 25526  
Juneau, AK 99802-5226  
**POSITION STATEMENT:** Supports SB 155

Mr. Joel Bennett  
Juneau, AK

**POSITION STATEMENT:** Opposed to SB 155 because it does not exclude public involvement in predator control

**ACTION NARRATIVE**

**TAPE 03-36, SIDE A**

**VICE-CHAIR TOM WAGONER** called the Senate Resources Standing Committee meeting to order at 3:33 p.m. Senators Stevens, Dyson, Seekins, Elton and Wagoner were present. Senator Lincoln arrived momentarily. The first order to come before the committee was SB 56. Chair Ogan was excused.

**SB 56-SPORT FISHING FEES FOR YUKON RESIDENTS**

SENATOR FRED DYSON, sponsor of SB 56, gave the following explanation of the measure.

A couple of times former Senator Randy Phillips worked on getting reciprocity of resident fishing licenses for our neighbors in the Yukon. In anticipation of that happening, the Yukon Parliament passed a bill to extend the same courtesy to Alaskans. The Yukon Territory has a population of slightly less than 30,000, and unless one of the glaciers continues to recede, it has no saltwater frontage on the Pacific. Yukoners are indeed the closest neighbors to most of Alaska and a few hundred of them, maybe even more than a thousand of them, come down to fish our waters. This measure is just one of several activities being taken to build a relationship with our Yukon neighbors. They are, I believe, very appreciative of those efforts.

The Alaska Department of Fish and Game (ADF&G) has estimated a negative financial impact from this legislation. However, there will probably be a net financial gain for the people of Alaska. The Yukoners will spend time and money in our coastal cities.

The State of Alaska is working very closely with the Yukon Government to build a natural gas pipeline and to tie together their railroad systems. Both governments engage in some game co-management, particularly for caribou, and work together on a number of cooperative tourism efforts. The Premier may be visiting Juneau in the next three weeks. Alaska has

a bilateral agreement with the Yukon government to continue to work on issues of common interest. SB 56 is a small gesture on Alaska's part to be good neighbors. The Government of Yukon is more than willing to reciprocate and has, in fact, done that.

He asked that the committee interrupt its proceeding to hear from Premier Fentie as soon as he is available via teleconference.

VICE-CHAIR WAGONER announced that Senator Lincoln was present. He then said Premier Fentie was not on-line yet so he would take public testimony.

MR. BENJAMIN BROWN, representing the Alaska State Chamber of Commerce, stated strong support for SB 56 and Senator Dyson's efforts to extend a hand of friendship to our Canadian neighbors to the east. The Yukon Territory and Alaska share a lot of similarities in personality and geography. One similarity they do not share is the saltwater coastline. The Yukon Territorial Assembly has already passed legislation enabling Alaskans to obtain resident fishing licenses in the Yukon Territory. SB 56 may seem like a small gesture but it fits into a larger framework of developing friendly relations with the Yukoners.

MR. GORDY WILLIAMS, legislative liaison for the Alaska Department of Fish and Game (ADF&G), introduced Rob Bentz, deputy director of the Division of Sport Fisheries. He said ADF&G has had several spirited discussions with the sponsor of SB 56 over the last few days. He appreciates and supports the sponsor's desire to be a good neighbor, however ADF&G has some concerns to point out to committee members. The first is the fiscal note, which represents a decrease in revenue in the amount of about \$46,000 from the fish and game fund. He admitted it is a bit difficult to quantify the numbers and would answer any questions about the fiscal note but pointed out the figure provided is ADF&G's best estimate. The second issue is the public policy call of granting this privilege to Yukon residents and the precedent that may set for the residents of British Columbia.

VICE-CHAIR WAGONER asked Mr. Williams to postpone the remainder of his testimony as Premier Fentie was on-line.

PREMIER DENNIS FENDIE, Government of Yukon, said his recent discussions with Senator Dyson renewed an issue for Yukoners

that has been around for awhile, that being reciprocal licensing fees between Alaska and the Yukon. He said the Yukon Assembly has already made regulatory changes to allow Alaska residents to purchase a fishing license at a predetermined rate, which he believes is \$15. SB 56 would provide Yukoners that same reciprocal arrangement when purchasing fishing licenses in Alaska. He indicated that the Yukon has no intention of creating problems for the state; the agreement will be between two jurisdictions and would not set a precedent because the Yukon does not have similar arrangements with other Canadian jurisdictions. SB 56 will do a lot for relationship building. The Government of Yukon and the State of Alaska work on many issues collectively with a common purpose and interest, for example, SHAKWAK, the railway, and the gas pipeline. This gesture is one small component of what is growing into a very productive relationship between the two jurisdictions. He said the Government of Yukon is ready to enter into the reciprocal agreement but, despite the outcome of SB 56, it desires to continue to work together with the State of Alaska.

SENATOR DYSON said his sense is that reducing the cost of the fees will not make a huge economic difference to the Yukoners who come to the coast to fish, but it will send a friendly signal. He asked Premier Fendie if he believes SB 56 will increase the number of Yukoners that come to the coast to fish.

PREMIER FENDIE said it is highly unlikely because the number of Yukoners who travel to the coast today is not driven by the cost of the license but rather by the close proximity. He repeated this is more about furthering relationships; he does not believe SB 56 will create a mad rush of Yukoners to Alaska. He pointed out the Yukon Territory's population has decreased by about 3,000 people over the last six years. He said that Yukoners hope this will also entice more Alaskans to come fish in the Yukon Territory. He then informed members he will be traveling to Juneau soon to visit with Governor Murkowski.

There being no further questions, VICE-CHAIR WAGONER asked Mr. Williams to resume his testimony.

MR. WILLIAMS continued by telling members it is important to remember that British Columbia shares a significant border with Alaska and a significant portion of its population does not have access to saltwater. He also pointed out that Alaska and the Yukon have significant differences in their sport fishing limits. In the Yukon, the limit is an amalgamation of two salmon

per day; in Alaska, non-residents are allowed an amalgamation of 26 salmon per day and access to halibut and other saltwater species. Much of the Yukoners' saltwater fishing efforts are concentrated in the Southeast area of Juneau, Haines and Skagway. He deferred to Mr. Bentz to recount discussions about those areas at Board of Fisheries meetings. He concluded by saying ADF&G supports the commitment to maintain a good relationship with the Government of Yukon, but it wants the committee to be informed of the issues that surround this kind of approach.

SENATOR ELTON said the least of his concerns is the decrease of \$46,000 in the fish and game fund because ADF&G has dollars warehoused in a lot of different components. He said the issue of concern to him is that the Premier said he does not anticipate any further effort on the part of Yukoners in Southeast waters. However, right now non-residents catch two out of three king salmon and there is a cap on the take of king salmon each year by the sport component. He asked for reassurance that the enactment of SB 56 will not create cap problems that make it more difficult for Southeast residents to catch salmon.

MR. ROB BENTZ, deputy director of the Sport Fish Division, ADF&G, said there are limits on the sport fishery. The Board of Fisheries has delineated the limits and restrictions for residents and non-residents. The board met in Ketchikan last February and amended the king salmon management plan to make the restrictions on non-residents a little more stringent. The daily limit for king salmon will be one per day and three fish annually, regardless of the abundance. In contrast, the resident daily limit will remain at two king salmon with no annual limit. If the number of fishermen from the Yukon Territory remains static, he does not anticipate any impacts to resident anglers.

SENATOR ELTON asked if ADF&G and the Board of Fisheries define resident anglers by where they live, not by whether they have a resident fishing license. He asked if under SB 56, a Yukoner would be considered a non-resident yet hold a resident fishing license.

SENATOR DYSON clarified that resident status will only apply to the fee so that Yukoners will pay a resident fee for a non-resident license.

SENATOR LINCOLN asked if the amount in the fiscal note was calculated by changing the amount charged for the number of licenses sold to Yukoners in the past.

MR. WILLIAMS referred to a chart distributed to members and indicated that the first column total reports the number of licenses sold, which was 2,741. Currently, the non-resident annual fee is \$100 per year. In addition, non-residents who want to make multiple trips can buy a one or three-day license for less than the cost of an annual permit. Therefore, of the total 2,741 purchases, some people may have purchased multiple-day permits while other people may have purchased annual permits.

SENATOR LINCOLN asked if ADF&G anticipates an increase in the number of Yukoners who would come to Alaska if the license fee is reduced.

MR. WILLIAMS said the resident rate is for an annual license so it may not entice more people to come but it is likely to entice those with licenses to come more often.

MR. BENTZ added that when the legislature raised non-resident license fees in the mid-1990s, ADF&G was concerned that it might see a decline in the number of non-resident anglers. The increased fee did not have that effect. He does not believe the license fee is a deterrent. Those who want to fish will do so. He said in the past, in a group of six, two may have fished. If SB 56 is enacted, perhaps four of the group will purchase licenses.

SENATOR DYSON asked if the purchase of one annual license as opposed to several day licenses will reduce ADF&G's administrative cost.

MR. BENTZ said sales will be easier for the license vendors.

SENATOR LINCOLN asked what effect the currency exchange will have.

VICE-CHAIR WAGONER said it should have no effect on Alaska but it will be cheaper for Alaskans buying licenses in the Yukon.

SENATOR ELTON asked that someone get back to him with an answer on whether Yukoners will have to register the boats they trailer to Alaska.

MR. WILLIAMS said he did not think so and believes that is only a requirement for boats being registered in Alaska.

VICE-CHAIR WAGONER asked if Mr. Williams said the bag limit in Alaska is 26 salmon per day.

MR. WILLIAMS said the non-resident limit is an amalgamated total of 26 salmon per day including pinks, chums and cohos.

MR. BENTZ said the bag limits, except for king salmon, are the same for residents and non-residents. In most saltwater areas, the limits are 6 per day for each species of coho, chum, sockeye and pink. The king salmon limit is one per day for a non-resident or 2 for a resident. Therefore, a non-resident or resident could keep 25 fish per day.

VICE-CHAIR WAGONER said he has done a lot of saltwater fishing and has never caught close to that number.

MR. WILLIAMS said he made that point to show what the availability will be if a Yukoner buys an Alaska license.

VICE-CHAIR WAGONER noted there were no further questions and asked the will of the committee.

SENATOR STEVENS moved SB 56 from committee with individual recommendations and its attached fiscal note.

There being no objection, VICE-CHAIR WAGONER announced the motion carried.

#### **SB 155-PREDATOR CONTROL/AIRBORNE SHOOTING**

SENATOR RALPH SEEKINS, sponsor of SB 155, moved to adopt a proposed committee substitute, labeled Version V, as the working document of the committee.

SENATOR ELTON objected for the purpose of an explanation.

SENATOR SEEKINS told members there has been a title change to clarify the intent of the legislation. He said the original title read, "An Act relating to hunting and predators and providing for an effective date." The new title reads, "An Act relating to predator control programs and providing for an effective date," which pertains to predator control programs and has nothing to do with hunting.

MR. BRIAN HOVE, staff to Senator Seekins, gave the following explanation of the measure.

SB 155 revises language with Section 16.05.783 of the Alaska statutes relating to the regulation of fish and game. These revisions provide the fish and game board and commissioner with necessary tools in the management of game populations throughout the state. The first revision clarifies legislative intent with respect to airborne predator control programs. The second revision provides for game population objectives to be taken into consideration in determining whether or not a predator control program should be implemented. It allows the board to use both prey and game population objectives for making the determination with respect to the use of a predator control program.

SB 155 makes changes that will allow the fish and game board, as well as the Department of Fish and Game, to better manage wildlife by balancing predator and game populations based on the best science available.

VICE-CHAIR WAGONER announced with no further questions from members, the committee would take public testimony.

MS. JENNA WHITE stated opposition to the essence and practice of SB 155, which will allow same day airborne hunting by the public. She said she is well aware of the importance of harvesting moose as a necessary food for the table. She has lived many years in remote locations where hunting, gathering, and gardening were her only means of food. However, she has many concerns about implementing this practice. She made the following points.

- Moose population numbers are unknown in much of Alaska, even in many areas where intensive predator control management is utilized. For example, two times as many moose are now known to inhabit Unit 19D East and Unit 13 as were previously estimated. The area is very large with vast topographical variations. Although harvest levels are estimated, true population numbers are not known. Intensive management practices should not be utilized when population numbers and trends are simply "guestimates."

- Removal of the commissioner's authority to act on findings of the Board of Game to decide whether this intensive management procedure should be utilized overrides the existing system of checks and balances.
- Aerial shooting by members of the public creates a threat to public safety and property rights. Many areas of Alaska have minimal wildlife law enforcement. The probability that non-targeted wildlife and people could be shot is high.
- Alaskans have voted down this method of hunting twice.
- It is likely that moose numbers are decreasing statewide from the elevated populations of the 1980s. However, keeping population numbers at high levels for extended periods of time is inevitably unsustainable and will lead to population crashes.

MS. WHITE said there are more moderate and acceptable ways to manage wildlife and to represent the needs and desires of Alaskans.

MR. PAUL JOSLIN, conservation biologist for the Alaska Wildlife Alliance, said the Alliance is opposed to SB 155 and its companion bill, HB 208. The Alliance sees this legislation as highly divisive and unnecessary. Same day airborne hunting of wolves has not reduced the overall killing of wolves in Alaska in the past. He noted he provided members with copies of data, the harvest records from 1978 to 2002 to support that statement. Over the last 25 years, the number of wolves killed each year has increased from 600 to 1500 per year. It is obvious why this jump occurred even though airborne hunting of wolves occurred: during that time, the population of Alaska has increased over 50 percent, meaning the wolves are more at risk because of human presence. Newer hunting tools have exploded onto the scene, such as M-16s. The number of snowmobiles has increased substantially. He said the Board of Game has already liberalized, for purposes of control, the ability to pursue wolves actively on snow machines. He questioned why anyone would want to add this extra method to the toolbox.

MR. JOSLIN said the legislature needs to be concerned about the current number of wolves being killed in the state. He believes voters have become more aware that the take has jumped 150 percent in the past 25 years and they question whether things have changed that much. They will look to legislators for a more reasonable alignment if the Board of Game does not do it. The legislature has already heard from Alaskan voters on this

question twice. Instead of looking for predator control expansion, Mr. Joslin asked members to look at other ways to solve this problem. For example, in McGrath, there is a need to add another 30 moose to the harvestable take. He said this bill moves in the wrong direction.

MR. JOSLIN said, regarding the recent change to remove the commissioner from the process, he agrees with the previous speaker that a check and balance is necessary. He recalled that Mr. Robus pointed out at the last meeting that biology is not the only consideration.

SENATOR LINCOLN thanked Mr. Joslin for his testimony but pointed out the Dittman survey he referred to asked the question: Do you feel the State of Alaska should or should not sponsor an experiment to see if killing all wolves and removing as many black bear ... would result in significantly more moose? She said the general public was not responding to reducing the predator population but was responding to a question of killing all wolves. She said there is a vast difference between the eradication of wolves and merely reducing the numbers.

**TAPE 03-36, SIDE B**

[Part of Mr. Joslin's response was lost due to the tape change.] MR. JOSLIN responded that more than one question was asked. One addressed the McGrath area, and asked about removing all of the wolves and as many bears as possible. Another question was broader and asked how people felt about predator control in general. Negative responses to both of those questions were in the high 70th percentile.

MS. DOROTHY KEELER, representing herself, told members the threat that an aerial predator control program will create a tourism boycott is being taken seriously. The new version of SB 155 is a vain attempt to hide who would be responsible for such a boycott. If this bill passes, Governor Murkowski will have created a state-sanctioned predator control program for which he can't be blamed directly. If this bill passes, the legislature has removed ADF&G's final decision-making capacity. The six Alaska Outdoor Council members, now sitting on the Board of Game, who were not elected by the people and answer to no one, may have the power to bring the State of Alaska to its financial knees with a tourism boycott. The Board of Game has a vested interest in prolonging that boycott. Initiating predator control to meet harvest objectives set by the Board of Game is

initiating a never-ending predator control program. The objectives were set using historically high harvest levels established after years of poisoning and aerial hunting predators. If SB 155 passes, the legislature has, "asked the bullies of the playground to bankrupt the parents of all of the other kids that want to use it." This assumes the bullies have the legal authority to do so.

MS. KEELER said the goal of the extremist [hunters] is to use the Governor, and now the legislature, to drive out those pesty non-consumptive users who dare try to share in the use of Alaska's wildlife resources. She cautioned that if this bill passes, a tourism boycott, more referenda and initiatives are certain, as well as lawsuits. She stated, "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."

MS. KEELER then read the following testimony from Mr. Leo Keeler, who was unable to attend. She informed members that Mr. Keeler was a member of the Unit 19D East adaptive management team and was intimately involved in this issue.

The 19 East McGrath adaptive management team, of which I was a member, developed a 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 [indisc.] science, the team never sent a team-approved plan to the governor. Mike Fleagle, now Board of Game chairman, as a member of the McGrath team, agreed with the subsistence science that justified using the moose population objectives from 6,000 to 3,000 to 3,500 moose. Now that it is known that hunters keep the bull-cow ratio to as low as 6 bulls per 100 cows, he wants to reestablish the old 6,000 objective. This old 6,000 figure is a guess made from [indisc.] during extreme predator control days, not from science. Some legislators hope to return to those extreme predator control days and are introducing legislation to benefit a single wildlife interest group - hunters.

SB 155 will authorize the Board of Game to continue to ignore public concerns with predator control as they

have done for years. If passed, the legislature will again be ignoring their responsibility to protect all citizens' interest in Alaska's resources just like they are ignoring Alaskans' interests in the subsistence issue. 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 one now.

MS. KEELER said obviously Mr. Keeler is opposed to SB 155.

MR. ROBERT FITHIAN, Alaska Professional Hunters' Association (APHA) executive director, informed members he is an eco-tour operator and master guide. APHA strongly supports SB 155. APHA represents Alaska's oldest tourism related industry, an industry that contributes in excess of \$120 million to Alaska's economy every year. During the past 10 years, the non-resident hunters to Alaska have lost over 50 million acres of opportunity as a direct result of the state subsistence law and low ungulate populations, despite the fact that they contribute a minimum of 75 percent of ADF&G's wildlife conservation budget. In his travels throughout rural Alaska, he has found user groups to be extremely distressed with current management policies. Many moose populations have lost 55 percent and the calf survival rate has dropped to lower than 7 percent in many parts of the state. Only 3.5 percent of surviving moose are female. He provided the following statistics on the statewide moose harvest:

- 86 percent are being harvested by predators
- 10 percent are dying by natural mortality of old age, starvation or disease
- 4 percent are being harvested by humans

He pointed out these two equations tell us if all hunting stops today, next year there will still be fewer moose. Article VIII, Sec. 3 of the Alaska Constitution states that wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use. Sec. 4 of Art. VIII mandates that

fish, forests, wildlife, grasslands and all other replenishable resources belonging to the state shall be utilized, developed and maintained on the sustained yield principle subject to preferences among beneficial users.

MR. FITHIAN said Alaska's wolf populations have never been threatened or endangered. He asked members to pass SB 155.

MR. WAYNE KUBAT, representing himself, commented that a previous speaker testified against predator management because accurate surveys haven't been done. He said surveys have been used as a tool for years and are extremely expensive. He said there are a lot fewer moose because predators are taking 85 to 90 percent of them. He stated support for SB 155.

MR. JESSIE VANDERZANDEN, executive director of the Alaska Outdoor Council (AOC), said that SB 155 is one of AOC's top priorities. He maintained this bill is not about fair chase or ethics; it is not about providing trophy hunters with bigger moose racks; it is not about eliminating wolves or allowing every SuperCub to shoot wolves. Most important, this bill is not anti-predator. These myths are being created by animal rights groups who 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 should be refuted.

MR. VANDERZANDEN said SB 155 is about asserting the state's right to manage wildlife in a scientific manner for the benefit of its citizenry. SB 155 is about helping the state meet its statutory and constitutional obligations to manage wildlife for sustained yield. It is about putting wildlife management back in the hands of professional managers who know it best. He indicated 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 can only be activated on 10 to 20 percent of Alaska's lands once federal lands, closed areas, and topography are accounted for. Airborne or same day airborne predation management is not a widespread practice, but it is available in almost every other state in the nation. Given Alaska's challenging topography, it should be available here. He said tying predation management to improving population objectives to determine how many moose and predators can co-

exist in a long term sustainable manner in a certain area will allow predators to be part of the management equation. It is not a question of how wolves are managed, but how wildlife is managed.

MR. LYNN LEVENGOOD, executive board member of the Alaska Wildlife Conservation Association (AWCA), stated support for the committee substitute for SB 155 and urged its passage. AWCA believes this bill will provide one tool for the Board of Game to use to restore an abundance of wildlife in Alaska to benefit all Alaskans and user groups. ADF&G data shows a decline of up to 75 percent of the sustainable population base of moose and caribou in some game management units. In the last decade, the Board of Game has traded intensive management areas and has not implemented predation control programs. This year, the acting commissioner has refused to certify to the Board of Game precisely what ADF&G biologists testified to the board. Most recently, ADF&G has done nothing while it watched and counted the sustained base of ungulate populations decline by up to 75 percent. ADF&G is currently at risk of being perceived as rendering itself irrelevant by advocating its responsibilities. SB 155 allows the Board of Game one tool to help restore an abundance of wildlife in concert with ADF&G scientific data. He urged members to pass CSSB 155(RES).

MR. TOM SCARBOROUGH, representing himself, stated support for SB 155. He said that although Governor Murkowski keeps saying he wants to develop Alaska's resources, he doesn't understand that wildlife is renewable and worth billions of dollars. The moose population has declined up to 75 percent in some places and up to 50 percent in others. That equates to hundreds of millions of dollars' worth of wildlife both for the tourism industry and for use as food for Alaskans. SB 155 will provide tools to allow the Board of Game to manage this renewable resource.

MR. MATT ROBUS, Director of the Division of Wildlife Conservation, ADF&G, told members that ADF&G has several concerns with Version V. He explained that AS 16.05.783 pertains to same day airborne hunting. The first sentence of that statute, and of the bill as it remains, prohibits the taking of certain species through same day airborne hunting or airborne hunting. However, the rest of the bill deals with various forms of predation control programs using two pathways. The second pathway that this bill does not deal with allows ADF&G staff to use aerial methods to take predators as part of a game management program. SB 155 deals with the first pathway and the

current statute deals with the first pathway, which evolved from the original initiative language. According to the Department of Law, [the first pathway] allows the public to participate in airborne or same day airborne predator control activities, but not hunting. That is what is being discussed here.

MR. ROBUS said, regarding Version V, ADF&G appreciates that wolverine have been retained as a species prohibited from same day airborne hunting because of the vulnerability of that species to those methods. The remainder of Section 2 has the effect of taking the commissioner of ADF&G out of a fairly complicated process in existing statute. The Board of Game can authorize a predation control program including these types of methods, but it must be run through the commissioner for a finding based on three criteria. This process would remove the commissioner from that process. It will allow the Board of Game, after considering wildlife management objectives established for the area and using two of the three criteria available to the commissioner in his finding process, to authorize a predation control program that could allow the public to use airborne or same day airborne methods to take predators. He said while this changes the commissioner's role in the whole process, it does not change ADF&G's authority to either implement or not implement a predation control program.

MR. ROBUS told members that ADF&G's next concern is on page 2, line 16. The language deleted is the third criterion the commissioner is held to that would not be required of the board when authorizing a predation control program. The board would have to find that predation is preventing the achievement of management objectives for an ungulate population and that reduction of that predation is likely to recover the ungulate population. The third criterion the commissioner must find, that is not included in the bill, is that same day airborne methods are required or necessary to make the reduction in predation.

MR. ROBUS said his next point about the bill is in regard to Section 2, which would be a new section of statute. It lists what the board must do when authorizing a predation control program: establish predator reduction objectives and limits; determine the methods and means to be employed in the program; and determine who is authorized to participate and the conditions under which they can participate. This is an area of concern because ADF&G understands from the Department of Law that the board has the authority to do all of these things at its option. ADF&G is concerned that if the board is mandated to

do all of those things every time a program is authorized, it could lead to a very narrowly defined program that would be unacceptable to the executive branch. ADF&G would prefer more flexibility and asked the committee to reconsider using the word "shall" on line 22.

MR. ROBUS concluded by telling members the Federal Airborne Hunting Act bears on this whole situation and affects ADF&G's role in any predation control programs put forth by the state. That act prohibits anyone from taking an animal from the air or with the use of an aircraft in any way that harasses animals. Several exceptions are contained in the Act. One exception pertains to this legislation as it exempts a person with a state-issued permit that certifies that person is participating in a program to protect wildlife and is following reporting procedures. Therefore, the airborne hunting act will keep ADF&G involved to prevent the risk of violating the federal act if the public is allowed to participate.

SENATOR SEEKINS asked Mr. Robus if he anticipates that ADF&G will not cooperate to ensure that the provisions of the federal act are met if this legislation is enacted and the board implements an airborne predator control.

MR. ROBUS said it is likely ADF&G would issue those permits.

SENATOR SEEKINS asked if, in so doing, ADF&G would coordinate with its legal experts to make sure the participants are not violating any federal law.

MR. ROBUS said it would.

SENATOR SEEKINS said his intent, regarding the words added on line 20, page 2, was to retain a certain amount of control on the Board of Game by requiring it to determine the number of predators to be eradicated, to clearly define methods and means to be employed, and to specify who can participate and the conditions. He said he knows that is within the board's prerogative now. He did not intend to reestablish the board's prerogatives, but rather to say that when the board implements a predator control program, it shall be careful to define the terms and conditions of the program. He explained:

...I wanted the board to be responsible stewards of the resource and not say, well, if you can go find 900 wolves somewhere, go kill those 900 wolves and they

only needed to have 200 of them taken out of there based on the testimony that came from the department to meet those kinds of objectives. I think it was meant - rather than to try to constrain or to intervene in the department's authority - the department's part of the equation, but to kind of remind the Board of Game that when they authorized a predator control program they had to exercise a certain amount of responsibility. That was my intent.

MR. ROBUS said he had his documents scrambled and can see those words were added to Section 2.

SENATOR ELTON asked what the administration's position is on constraining the commissioner's ability to make written findings to determine that airborne or same day airborne shooting is necessary.

MR. ROBUS said it is important to remember that it removes the commissioner from a Board of Game process. Currently, when the Board of Game is going through the process of implementing a predator control program, there is a loop where it goes through the commissioner. The administration's position is that in the final analysis, the commissioner and administration's ability to conduct or not conduct the program that is handed to ADF&G still remains in the executive branch. That authority is not affected by taking the commissioner out of the board process.

SENATOR ELTON asked if Mr. Robus is saying that removing that language will not constrain ADF&G at all.

MR. ROBUS said that is correct. It will significantly streamline a fairly complicated process but the result will be the same.

SENATOR SEEKINS remarked that first of all, the need for an intensive management program must be established that entails an extensive process requiring cooperation between the Board of Game and ADF&G. ADF&G must present a lot of scientific data to the board before any determination is made. This legislation will only apply to a population that has met the terms of an intensive management program and that conclusion will be determined through input from ADF&G. It is not his intent to allow the board to go around ADF&G. This bill only eliminates the commissioner's second bite at the apple to certify what ADF&G technical staff has already told the board.

5:00 p.m.

MS. DONNY FLEAGLE, representing MT&T Limited, a for-profit village corporation consolidated in 1976, told members that MT&T has five communities in the McGrath region. It has participated in the Board of Game process for almost 10 years in an attempt to get some relief. It has seen intensive management plans adopted and extended and emergency petitions heard, but all action stopped at the commissioner level. Therefore, regardless of the scientific data or broad public support, implementation of any intensive management plan gets narrowed down to the philosophy of the governor's office. She said McGrath residents have taken steps to try to sustain the crippled moose population and will continue to do so. However, SB 155 provides a small glimmer of hope that the McGrath area might get some relief. She stated support for giving the board the authority to implement an airborne predator control program.

MS. RUTHANN WARDEN, representing the Ahtna Corporation, read the following letter submitted to committee members by Gloria Stickwan.

The Ahtna people support land and shoot same day airborne hunting in Unit 11 and Unit 13. The caribou herds in Unit 11 and Unit 13 are at a low population. The wolves and bears prey upon the calves in these two units. The ungulate population will continue to decline if nothing is done to protect their calves. Brown bears and black bears should be added to the list of predators for Unit 11 and Unit 13. The black and brown bears are numerous and are killing the calves of caribou and moose. Unit 13 is a popular and impacted place during the hunting seasons for caribou and moose. This will help to reduce the ungulate population even more so. Please read and take into consideration, when you vote on this, my statement. The Copper Basin is and will become more impacted. The moose and caribou calves need to be protected from predators in Unit 11 and Unit 13.

SENATOR ELTON asked Mr. Robus why fox and lynx are being removed from lines 4 and 5 but wolverine remain.

SENATOR SEEKINS informed members that fox and lynx were in the original statute but will be removed because biologists were not concerned that anyone would get a concerted airborne effort

against foxes and lynx; it is next to impossible to land and shoot them as they are too fast. He said their removal was a matter of streamlining the statute. ADF&G did ask that wolverine remain in the statute because a wolverine is a slower animal. The wolverine population could be impacted by concentrated airborne efforts.

MR. RON SOMERVILLE, newly appointed member of the Board of Game, stated strong support of SB 155. He indicated the major focus of the discussion about SB 155 has been Unit 19D East. SB 155 attempts to establish a mechanism in statute that recognizes the roles of the various boards, departments and governor's office. It uses a scientifically defensible process that the National Academy of Sciences would say can occur when predators are keeping an ungulate population way below its desirable level to meet the needs of the local residents as well as other residents, if at all possible. He said Unit 19D East is an example of a whole system going array. Three different boards have identified a biological emergency in that area.

**TAPE 03-37, SIDE A**

MR. SOMERVILLE said the board, at its last meeting, again made an exhaustive review of the scientific information and heard a lot of public testimony about how something needed to be done. Had SB 155 been in effect, the board could have initiated, in this selective area, some aerial hunting or land and shoot options that the Governor said were available. As it stands right now, residents are very discouraged that anything will ever be done. He said in a practical sense, this legislation does not really deviate in any substantive way from the two initiatives that passed. It retains very stringent requirements on the board and the department. It retains many hoops requiring scientific justification. It says in areas with extremely suppressed ungulate populations, where the needs of the local people have been demonstrated and are extreme, some action should be taken to alleviate that condition. He said this is not a massive hunting effort. SB 155 will go a long way to provide another tool for the board to use without sacrificing the good nature and survival of wolves in Alaska. He pointed out he is a biologist himself and believes wolves are economically important to a lot of rural Alaskans and to the tourism industry.

SENATOR LINCOLN asked Mr. Somerville if he was testifying on his own behalf.

MR. SOMERVILLE said he is representing the Board of Game.

SENATOR LINCOLN asked why Mr. Somerville is puzzled by the Governor's rejection of the approach he first came on board with regarding land and shoot. She asked if the Board of Game discussed that issue with the administration and was involved in making that decision.

MR. SOMERVILLE said Mike Fleagle, the board chair, did discuss the predator control issue with the Governor's Office. He indicated the Governor's Office said the board could not require state personnel to take wolves with helicopters. When the board did its findings and recommendations, it felt the most effective method should be used for a variety of reasons: efficiency and cost. With that in mind, the board was prepared to approve the option of using local residents. However, the board bumped up against the narrow interpretation of the existing law that says the objectives in place prohibit the board from doing that.

SENATOR LINCOLN asked Mr. Somerville if SB 155 will allow the board to implement such a program.

MR. SOMERVILLE said SB 155 will allow the board and the department to implement exactly what the Governor said he would support.

SENATOR LINCOLN asked if SB 155 passes, the Governor could still stop the program or whether it will take it out of the hands of the Governor.

MR. SOMERVILLE said the Governor holds the purse strings of any program. SB 155 removes the conflict between the commissioner and the board regarding the commissioner's findings. He said something this important will not be done with the board and the Governor or the board and the legislature at loggerheads. He said the board would have preferred the use of helicopters for a variety of reasons but the Governor wanted to use aircraft, trapping, and local residents as much as possible. SB 155 will allow the board to do that.

SENATOR LINCOLN commented:

In talking with the Governor, perhaps - I could have misunderstood him because by use of local residents for trapping - we're beyond that this year.... I'm from a village. I live in a village. I've been out

there for the hunting. I don't see how the Governor can say use local people to control the wolves because that is impossible in some of the areas where they have expanded so greatly and they are a very smart animal. So, I don't see how we can use traps to assist on predator control and that's why I've always supported aircraft to do that because I feel that's the safest, most humane way of reducing the predators - or the wolves in the area that we're primarily talking about - the McGrath area. So I may have misunderstood his intent there.

MR. SOMERVILLE said he personally agrees that trapping is not an adequate means of dealing with the number of animals that need to be removed. Most staff say a good predator control program will require 75 to 80 percent be removed. However, in some areas, trappers have been able to take a significant number of animals, which is an inexpensive way to go if the remaining animals can be taken by aircraft. It's a win-win situation because locals get to sell the [pelts] or use them.

MR. JOEL BENNETT, testifying on his own behalf, told committee members he coordinated and organized the initiative in 1996 and the referendum in 2000. He asked to respond to Mr. Somerville's statement that SB 155 does not do any violence to those public votes. He said one way it does is that both public votes had to do with whether or not the public should be involved in predator control efforts. Clearly, both measures excluded the public, and any agents in the case of the second vote. He said that fundamentally, he believes people still support using professional ADF&G personnel only when necessary to conduct predator control. History has demonstrated that when the public does get involved, there is a marked lack of accountability, increased wounding, and inefficiency in general in the program. Some local people have participated in the past and have been effective, but by and large, the most effective aerial shooters have been from urban areas and there have been some real problems associated with that. That's why both public measures clearly sought to exclude the public from this business. He said he believes the public would vote the same way again on that point.

SENATOR LINCOLN said she hopes Mr. Bennett can understand her viewpoint. The people in her villages do not have meat on their table because wolves, in particular, have been taking a huge number of moose.

MR. BENNETT said his position has clearly been that when necessary, predator control should be done using professional means and in the most efficient way, by helicopter. He cannot answer why that is not happening in this case.

There being no further testimony, SENATOR DYSON moved CSSB 155 (RES), Version V, from committee with its attached fiscal note and individual recommendations.

SENATOR ELTON objected.

The motion carried with Senators Seekins, Lincoln, Stevens, Wagoner, and Dyson in favor and Senator Elton opposed.

There being no further business to come before the committee, VICE-CHAIR WAGONER adjourned the meeting at 5:25 p.m.