

**ALASKA STATE LEGISLATURE  
SENATE RESOURCES STANDING COMMITTEE**

March 17, 2004

3:42 p.m.

**TAPE(S) 04-23, 24**

**MEMBERS PRESENT**

Senator Scott Ogan, Chair  
Senator Thomas Wagoner, Vice Chair  
Senator Ralph Seekins  
Senator Ben Stevens  
Senator Kim Elton

**MEMBERS ABSENT**

Senator Fred Dyson  
Senator Georgianna Lincoln

**COMMITTEE CALENDAR**

SENATE BILL NO. 247

"An Act amending the definition of 'project' in the Act establishing the Alaska Natural Gas Development Authority; and providing for an effective date."

MOVED SB 247 OUT OF COMMITTEE

SENATE BILL NO. 297

"An Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas."

HEARD AND HELD

SENATE BILL NO. 127

"An Act authorizing priority treatment of certain permit applications."

SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 247

SHORT TITLE: AK NATURAL GAS DEV. AUTHORITY INITIATIVE

SPONSOR(S): SENATOR(S) WAGONER

01/12/04 (S) PREFILE RELEASED 1/2/04  
01/12/04 (S) READ THE FIRST TIME - REFERRALS  
01/12/04 (S) RES, FIN  
01/21/04 (S) RES AT 3:30 PM BUTROVICH 205  
01/21/04 (S) Heard & Held  
01/21/04 (S) MINUTE(RES)  
01/28/04 (S) RES AT 3:30 PM BUTROVICH 205  
01/28/04 (S) Moved SB 247 Out of Committee  
01/28/04 (S) MINUTE(RES)  
03/15/04 (S) RES AT 3:30 PM BUTROVICH 205  
03/15/04 (S) PRIORITY TREATMENT OF PERMIT  
APPLICATIONS  
03/17/04 (S) RES AT 3:30 PM BUTROVICH 205

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

**WITNESS REGISTER**

Ms. Mary Jackson  
Staff to Senator Thomas Wagoner  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Commented on SB 247 for sponsor.

Mr. Harold Heinze, CEO  
Alaska Natural Gas Development Authority  
Department of Revenue  
PO Box 110400  
Juneau, AK 99811-0400  
**POSITION STATEMENT:** Supported SB 247.

Mr. Brian Hove  
Staff to Senator Ralph Seekins  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Commented on SB 297 for sponsor.

Mr. Matt Robus, Director  
Division of Wildlife Conservation  
Department of Fish & Game  
PO Box 25526

Juneau, AK 99802-5226  
**POSITION STATEMENT:** Opposed SB 297.

Ms. Jamie Purcell  
PO Box 33578  
Juneau AK 99803  
**POSITION STATEMENT:** Opposes SB 297.

Mr. Ken Day  
Emerald Air Service  
Homer AK  
**POSITION STATEMENT:** Opposes SB 297.

Mr. John Schoen  
Audubon Alaska  
Anchorage AK  
**POSITION STATEMENT:** Opposes SB 297.

Mr. Henry Tiffany  
Fairbanks AK  
**POSITION STATEMENT:** Commented on SB 297

Mr. Neil Webster  
Eagle River Guide  
**POSITION STATEMENT:** Supports SB 297.

Mr. Joe Clutch  
Alaska Professional Hunters  
King Salmon AK  
**POSITION STATEMENT:** Opposes SB 297.

Ms. Chris Day  
Emerald Air Service  
Homer AK  
**POSITION STATEMENT:** Opposes SB 297.

Mr. Henry Tiffany  
Fairbanks AK  
**POSITION STATEMENT:** Commented on SB 297.

Mr. Paul Joslin, Wildlife Director  
Alaska Wildlife Alliance  
Anchorage AK  
**POSITION STATEMENT:** Opposes SB 297.

Mr. Joel Bennett

Alaska resident and hunter  
Juneau AK  
**POSITION STATEMENT:** Opposed SB 297.

Mr. George Siavelis  
Master Guide  
Aniak AK  
**POSITION STATEMENT:** Opposes SB 297.

Ms. Roberta Highland  
Homer AK  
**POSITION STATEMENT:** Opposes SB 297.

Mr. Tom Kirstein  
Licensed Master Guide  
Fairbanks AK  
**POSITION STATEMENT:** Opposes SB 297

Ms. Karen Deatherage  
Defenders of Wildlife  
Anchorage AK  
**POSITION STATEMENT:** Opposes SB 297.

Mr. Derek Stonorov  
Homer AK  
**POSITION STATEMENT:** Opposes SB 297.

Mr. Myrl Thompson  
Wasilla AK  
**POSITION STATEMENT:** Submitted written testimony on SB 297.

Mr. Robert Archibald  
Homer AK  
**POSITION STATEMENT:** Submitted written testimony on SB 297.

Ms. Nina Faust  
Homer AK  
**POSITION STATEMENT:** Opposes SB 297.

Ms. Bobbie Jo Skibo  
Anchorage AK  
**POSITION STATEMENT:** Opposes SB 297.

Ms. Dorothy Keeler  
Professional wildlife photographer  
Anchorage AK  
**POSITION STATEMENT:** Opposes SB 297.

Mr. Bachrach  
Alaska Adventures  
Homer AK

**POSITION STATEMENT:** Opposes SB 297.

Captain Howard Starbard, Commander  
Alaska Bear Wolf Wildlife Enforcement  
Division of Alaska State Troopers  
Department of Public Safety  
PO Box 111200  
Juneau, AK 99811-1200

**POSITION STATEMENT:** Opposes SB 297.

**ACTION NARRATIVE**

**TAPE 04-23, SIDE A**

^#SB247

**SB 247-AK NATURAL GAS DEV. AUTHORITY INITIATIVE**

**CHAIR SCOTT OGAN** called the Senate Resources Standing Committee meeting to order at 3:42 p.m. Present were Senators Thomas Wagoner, Ben Stevens, Kim Elton and Chair Scott Ogan. Senator Ralph Seekins arrived shortly thereafter. The first order of business to come before the committee was SB 247.

MS. MARY JACKSON, staff to Senator Thomas Wagoner, sponsor of SB 247, said the bill had been before the committee two times and nothing had changed. The fiscal note is indeterminate.

**CHAIR OGAN** expressed concern over getting permits to build something to tide water in Cook Inlet and sending a mixed signal to the private sector that would invest in such a project.

At some point, we need to quit cutting bait and get our lines in the water and decide what we're doing here. I guess I want to get it on the record that at some point in the very near future, we're going to have to rally behind the project in this state.

**SENATOR THOMAS WAGONER** said this bill does what the governor wants it do, which is establish a spur line to Cook Inlet, which currently has state infrastructure for manufacturing in light of the fact that Alaska is short on proven gas reserves.

MS. JACKSON informed the committee that she attended an Alaska Natural Gas Development Authority (ANGDA) meeting in Kenai and was heartened by comments from members about the need to recognize the value of the Cook Inlet Basin. She pointed out that there is no permit yet for the Cook Inlet or the Southcentral route under the ANGDA. "Anything that can be done to elevate the Southcentral and Cook Inlet Basin is of value to the whole state."

SENATOR RALPH SEEKINS said he considered different possibilities for getting a line to Cook Inlet, but after much thought concluded that the market should determine which route would be used rather than the government.

In that regard, I'm willing to take a look at alternative routes to the ones that have already been suggested, because I think it opens it to market demand rather than legislative dictate. That's why I intend to vote for this particular bill.

CHAIR OGAN responded:

I'm not going to object to the bill moving today, but I do want to put on the record that a number of years ago - this is my 10<sup>th</sup> year working on commercializing natural gas; so I've got a little bit of history with it - a number of years ago, we had representatives that the governor's office hired, you might recall, Senator Elton, the consultants in Taiwan and Korea.... who said that Alaska appears dysfunctional to the market....

I agree with Senator Wagoner that at this point we don't want to close off our options and we need to keep all the tools we can in the toolbox. But, if we have a viable investor, when that happens we need to get unified and we need to send a positive message to the people that are going to risk billions of dollars. With that reservation on the record, I'm not going to object to the thing moving out today, but I do want to keep mindful of that.

SENATOR KIM ELTON said the chair had expressed his concerns, as well.

I do have a concern that we are kind of all over the dartboard on this and having more tools in the toolbox

isn't necessarily bad as long as we don't feel like we have to use them all and have a defused effort.... I also believe, that if in fact, there was an entity that wanted to advance the possibility of delivering to tidewater in Cook Inlet and it was a serious interest, I think at that time, we could do it in two weeks....

MR. HAROLD HEINZE, CEO, ANGDA, said he wanted to make sure that the authority would be looking at delivering gas via a spur line to the Cook Inlet area. His view is that from the 20,000 ft. level, the different routes cost about the same.

We will definitely be doing this. It is one of the most important parts of what the authority is about. It is a mandate in the ballot measure as it was passed.... In terms of determining the feasibility of the project, I am not uncomfortable in adding that part to the mission. If you told me I had to recommend to you a choice between the two routes, I would be extremely uncomfortable, but that would require a great deal of work that we have neither the funding nor time to do.

CHAIR OGAN said the feds hired a consultant who did a report on gas in Cook Inlet and asked if the report was out yet.

MR. HEINZE replied that he is one of the reviewers of that report in draft form and has had a chance to look through it. The report basically says that there is more gas to be found in Cook Inlet, but it is not cheap gas and that the price would go up close to the price of gas in the Lower 48. That price is what it takes to attract the capital necessary for exploration.

If we do the spur line, what I've roughly calculated at this point and it seems to be a similar number to what they have calculated, is that the price in this area would be around \$1 to \$1.50 less than the price in the Lower 48. So, that is some advantage of this in terms of pricing and it has to do with the fact that there's a different tariff to the Lower 48 than there is to here.... A lot of that has to be tested.

I will tell you also I have some other reports in draft form that don't necessarily reach that same conclusion. I am unable to tell you at this point how

the jury will come down in terms of the different viewpoints as they exist.

CHAIR OGAN said he would be interested to see what dollar amount gas would actually have to get to amortize a spur line. There were no further questions.

SENATOR WAGONER moved to pass SB 247 from committee with individual recommendations and attached fiscal note. There were no objections and it was so ordered.

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^#SB297

**SB 297-BEAR HUNTING/DISPOSAL OF HIDE/SKULL**

CHAIR SCOTT OGAN announced SB 297 to be up for consideration.

MR. BRIAN HOVE, staff to Senator Ralph Seekins, sponsor of SB 297, explained the bill.

There is no shortage of black or brown bears in Alaska. Here they are not 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 brown bear populations as high as 35,000. In certain game management units, estimates range from 70 to 90 percent of all the moose calves are dead before they reach two months of age due, in large part, to bear overpopulation. As a result, all recruitment is virtually zero and the reproductive base populations are crashing.

The well-publicized 2003 McGrath 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.

SB 297 addressed Alaska's bear overpopulation problem in those places called intensive management areas where the Board of Game has one: first - determined that consumptive use of the big game population is a preferred use; two - depletion of the big game population has occurred and may result in a

significant reduction in the allowable human harvest population; and three - 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 provisions in SB 297 only come into play if the Board of Game, advised by the Department of Fish and Game biologists, find that bears are a cause of the depletion or reduction of the big game productivity. If the above findings have been made, SB 297 allows for remediation efforts on two fronts. First, registered guides would be allowed to select and add a fourth guide use area within the intensive management area for black and brown bears. Then, methods and means would be relaxed and seasons extended for the taking of bears through the private sector by Alaska residents and their family and friends.

A strong point of emphasis is that this program in all reality is a predator control program. The provisions of this act do not apply to game management units in which intensive management is not necessary....

SENATOR THOMAS WAGONER asked what the bear relocation program cost in McGrath.

MR. MATT ROBUS, Director, Division of Wildlife Conservation, said it was a very expensive experimental effort and he remembered it being around \$50,000. There was a lot of aircraft time and it was a capture and relocate operation, which is high intensity and not something that could be done on a large area basis.

SENATOR SEEKINS expanded that he remembered it as an experiment to see if the reduction in bears, especially in the spring calving season, could show a larger recruitment of moose calves, which it did. However, it irritated a few people around the Interior who had the bears imported into their area to eat their moose.

MR. ROBUS urged a bit of caution saying that calf survival in the experimental area was better when the department flew over it in the fall than in surrounding areas or in previous years.

So, the tentative conclusion is that removal of the bears did help calf survival. As with most wildlife experiments, it's not without some fuzziness around the results.

SENATOR WAGONER asked if any of the bears had radio collars and if any of them migrated back to their original area.

MR. ROBUS replied that radio collars were put on a portion of the bears that were moved.

Collars are expensive enough that we thought that putting collars on some of the bears was about what we could afford to do. Looking at those collars, a few of those bears tried to move back to that area fairly quickly, but only a few. Most of the bears, as of the last time I heard, had still not returned to the area. I need to say that I need to check with staff to get the latest detailed results, but there did seem to be some movement of a small number back into the area.

CHAIR OGAN added anecdotally that he had spent thousands of hours in the field hunting moose and caribou. He quit hunting in area 13, because he took one of three bulls in a herd of 30 cows that didn't have a single calf. The cows are becoming very mature and probably incapable of having calves. He, personally, has seen a phenomenal increase in bears behind his house that are jumping bull moose on the trail. He has found a number of calf kills. There is a huge predation problem with animals other than just the weak and sick.

SENATOR SEEKINS repeated that he considers SB 297 to be a predator control program. A year ago, some critics said that the department wasn't relaxing methods, means, seasons and bag limits in order to reduce wolf predation in certain parts of the state. After talking with the department and hunters from all over the state, he came to the conclusion that some areas have bear overpopulation problems. He looked at relaxing methods and means and putting more hunters in the field who wanted to bag a bear as the approach to solve this very isolated bear problem.

There is no intent for this to be used anywhere except in those intensive management unit areas where it is documentable from evidence provided by the Department of Fish and Game to the Board of Game that intensive management is necessary and that bears are causing a significant portion of that problem. In areas like 13,

that you mentioned, for an example, grizzly bear population estimates are as high as 1,600 grizzly bears in that area. The population objective is, I don't know, less than a third of that. So, they're eating their way out of groceries, themselves.... It's not prudent management in an area that is so relied upon by humans to provide protein for their families to just let that go without managing it. So, I hope as we go forward through this discussion that it is viewed as a predator control program and it is not meant to apply to other areas where that concern is not manifested.

4:10

MS. JAMIE PERCELL, Juneau resident, strongly opposed SB 297.

The leverage this bill gives guides and hunters to kill bears when the state Board of Game declares intensive game management is egregious and unacceptable. It is unacceptable because it would sanction a knee-jerk response to the management of game versus scientific research directly pertaining to the intensive game management areas.

SB 297 targets and scapegoats black, brown and grizzly bears for the decreases in ungulate populations. It is well-known that other significant variables affect decreased ungulate populations. Those variables include harsh winters, disease, over-hunting and destruction and pollution of wildlife habitat. Global warming is also becoming a factor in its impact on wildlife populations. An example of this is the Perry caribou herd of the Arctic. This herd which lives on an island, Perry Island, off of the Arctic Coast has incurred a decrease in population due to global warming. The reason for this is because warming temperatures have caused snow to melt on top of the permafrost even during the winter. After the snow melts, it freezes creating ice. The Perry caribou cannot put their hooves through the ice to get to their food sources. This phenomenon has decreased their population through starvation.

It is clear that management of predator and prey populations cannot be determined by short-sighted or politically spurred methods. Management must always be

comprised of scientifically-based information pertaining to specific management areas. SB 297 would not facilitate that kind of management. It is not in the best interest of this state to jeopardize healthy bear populations with one day land and shoots, black and brown bear baiting, culling of sows and year-old cubs and deliberate hunting forays whose sole purpose is to decrease bear populations.

Yukon Territory, Canada, implemented a predator control program from 1992 to 1997, which included the use of the surgical sterilization of wolves to help bolster caribou and moose populations within the territory. This sterilization along with temporary closure of moose and caribou hunting areas, relocation of wolves, wolf trapping and hunting and the killing of wolves proved to be effective in bolstering ungulate populations. I use this as an example to emphasize the point that there are other viable means to increase game populations.

In addition to the aforementioned negative aspects of SB 297, let's not forget the bad public relations that such archaic methods promote for many and especially for those people who have plans to vacation in Alaska.

The Alaska Constitution proclaims that the priority use of game is for human consumption. There will not be sustainable populations of game unless it is managed scientifically. SB 297 does not manage predator and prey populations for sustainability. In the long run, Senator Seekins' bill will not provide Alaskans with moose, caribou and deer on their tables. Thank you.

MR. KEN DAY, Emerald Air Service, Homer, said in 1996 outfitters and air taxis from McGrath were calling all over the state for air taxis to haul hunters into the McGrath area, because they couldn't get enough airplanes to take hunters in. Hunters were being taken in in DC3s and four-wheelers.

They decimated the moose population over in that area and then they started screaming that wolves and bears are the ones that did it. It's just not so. With the advent of the airplane, four-wheelers and snow machines and motorboats and high powered rifles and all the pressure from the hunters, the moose and the

caribou have declined because of that not because of bears. Sure they take moose calves, but that's the way they make their living. Now the Board of Game has seen fit to allow taking of moose calves because the moose population is too high. So, you know, this is just flying in the face of this whole bill. It's because of the bears that the moose population is higher, according to the Fish and Game. Bears shouldn't be taken in the first year they are alive; they need to reach their age of maturity so they can keep the population going.

MR. DAY pointed out also that counting bears by flying over an area and estimating isn't a very accurate way of determining population.

CHAIR OGAN reflected that one of the most interesting days at work he had was one he spent in the field with a bear biologist in Fairbanks who personally knew every bear in the area he was studying and had tagged well over 1,000 bears in his career.

MR. JOHN SCHOEN said he is a senior scientist for Audubon Alaska. He offered the following comments on SB 297.

Allowing the methods and means in SB 297 will jeopardize responsible bear conservation, particularly brown and grizzly bears in significant portions of Alaska. Some of these methods may in fact significantly reduce populations in the long-term, far from what may be desired, because bears have low reproductive rates and populations are slow to rebound after significant declines. I might also mention that monitoring populations, especially in the lower densities, is very, very costly.

Relative to the comment about GMU [game management unit] 13 having a very high grizzly population, in fact, the Department of Fish and Game began a grizzly density estimate last spring and found it in the early part of that study to be very, very low and it appears to be declining. It would be preferable to simply liberalize seasons and bag limits rather than legalizing methods and means that are risky and highly controversial. Not only will these proposals increase conservation risks, they will also significantly increase public animosity toward hunting.

Prior to my work with Audubon, I served as a wildlife biologist with the Alaska Department of Fish and Game for more than 20 years, including many years as a brown bear researcher. I have also been a hunter most of my life. The legislation proposed in SB 297 significantly liberalizes the taking of black and brown bears in intensive management areas of Alaska. It also allows extraordinary methods and means far beyond the concept of fair chase. This legislation applies to sport hunting and will trivialize the value of bears and big game and may jeopardize bear conservation in some areas of the state. Taking brown bears over bait is not done anywhere in North America and runs counter to all recommendations that management agencies have provided the public regarding bear safety.

Taking bears the same day airborne for sport hunting is far beyond the bounds of fair chase. Few hunters and none of the big game guides I know would approve of using aircraft for hunting bears in Alaska. Taking of female brown bears with yearling cubs is not responsible management. In most cases, survival of yearling cubs will be significantly reduced without the mother's protection. No closed seasons on bears relegates them to the status of vermin.

CHAIR OGAN noted that telephonic transmission had failed and he would come back to Anchorage.

MR. NEIL WEBSTER, Eagle River Guide, said he has lived in Alaska for most of 42 years. He applauded Senator Seekins' bill for controlling the ungulate population. One concern he had is that several guides are displaced because of the loss of non-resident hunting opportunity for moose due to low populations in the areas with closed seasons. The only thing those guides have left is bears in units 13 and 16. A fourth guide use area, which is now under consideration in the Legislature, would further impact their operations.

MR. WEBSTER said he has testified at the Board of Game to liberalize the season and increase the bag limit and perhaps even waive the non-resident tag fee.

MR. JOE CLUTCH, Alaska Professional Hunters, King Salmon, thanked Senator Seekins for his efforts to ensure that Alaskans

have sufficient ungulate species of game available for human use on a sustained yield basis.

We've come through a decade with a virtual absence of any meaningful predator management and it's apparent without including predators in a management equation, availability for human harvest can be quickly reduced, if not eliminated. That being said, representing Alaska Professional Hunters Association, the members of our association are reluctant to support this legislation as it is currently crafted. It's the consensus of our members and most of the guys we've talked to around the state in the last month that the process of setting seasons and bag limits and methods and means is best left to the Board of Game. Let them make determinations on a case-by-case basis. It's going to take a measured approach in dealing with predators, whether it's wolves or it's bears. I know Senator Seekins and I believe that is his intent in this legislation.

MR. CLUTCH agreed with Senator Seekins' point about bag limits and limiting methods and means not working as well as hoped. The last meeting of the board illustrated the problems that come with intensive management and one of them is the threshold of what triggers it.

Basically, what it comes down to is allowable harvest level, harvest guidelines that are based on what current harvest records indicate people are using and what they say they need. One of the loose components of that equation has emerged as being that of unreported harvests. In unit 19A and unit 19B, we've seen unreported harvest data garnered by whatever means by the State Subsistence Division, go from 11 percent in 2000 to 34 percent in 2002. At the last day of the Board of Game meeting, all of a sudden there is 74 percent of unreported harvest. Factoring that into the harvest guidelines doesn't leave anything for non-resident or general resident allocation with or without bears.

CHAIR OGAN asked what was the source of the unreported harvest.

MR. CLUTCH replied that people are just not complying with harvest reporting.

I'm a member of an advisory committee here in Naknek-Quijak, have been for 22 years. It's common in the villages now - they are almost flaunting the fact that unreported harvest is acceptable behavior. They'll say it right in front of the public safety people. Then they go out and get a household survey to boost the level of animals necessary to eliminate other users to push you into tier 1 or tier 2. This is a major issue and one that, as it relates to this bill, I'm not sure the prescription you've outlined here, Senator Seekins, will help solve that problem.

Another dimension of the bill that is of considerable concern to us is our counsel in Washington, D.C., Bill Horn, advised that by eliminating the guide required provision even on a provisional basis unit by unit would undermine the defensibility of that provision in its entirety and he's prepared to provide a memo and documents to you to elaborate on that point. Naturally, that's a major concern for us in the guiding industry.

Additionally, as it relates to bears, we've got a brown bear management plan that's been crafted over many years of really hard work. Kodiak has just completed one - Southeast Alaska several years ago - a long-standing brown bear management plan in game management unit 9 on the Alaska Peninsula. Bear predation has always been a major factor as [has] wolf predation. We still somehow manage to get recruitment of animals. I think personally from my field of observation, wolves are probably accounting for more calf predation here than are the bears.... But, this is unit-specific and should be discussed at the Board of Game and probably not before your committee.

MR. CLUTCH agreed with Mr. Schoen's comment that inflicting the provisions in SB 297 could cause increased public disillusionment and resentment for hunting in general. However, he thought it was important to continue to look for good management practices and even suggested considering habitat enhancement. "To my knowledge, we haven't had any major habitat enhancement programs in this state for 15 years, whether it's controlled burns, whether it's creating corridors. [END OF SIDE A]

**TAPE 04-23, SIDE B**  
**4:30**

MR. CLUTCH said he is definitely a proponent of ethical and fair chase hunting and supports wide use of the resource and offered to work with the committee on developing language on those lines.

SENATOR SEEKINS asked if he would ask Mr. Horn to analyze how his ability as a resident to take all 20 of his cousins into the field to hunt for a bear is different than his being able to take his daughter's father-in-law. "Basically, what I'm doing is extending the privilege that we give to a resident in the second degree of kindred to include other family friends."

CHAIR OGAN said that was a good point. He went back to taking testimony from Mr. Schoen from Anchorage who was cut off earlier.

MR. SCHOEN said in his 28 years of wildlife work in Alaska, the state has always enjoyed the respect and confidence of wildlife professionals, hunters and the general public regarding bear management. "With this bill, that well-earned respect and confidence will evaporate over night. Clearly stated, this is bad wildlife legislation...."

MS. CHRIS DAY, Emerald air Service, Homer, strongly opposed SB 297 for biological reasons. "This whole predator control incident has been blown way out of proportion. I think we need to figure the human predator into this equation...."

MS. DAY said that biologists tell her they really don't know if there are too many bears or too few caribou.

There are simply no good numbers available, especially for bears. Census numbers are a calculated guess at best. Bear populations are easily knocked back and they recover slowly, if we do make mistakes in these rash proposals that we are talking about here.

I oppose this bill for ethical reasons. The techniques to hunt in these so-called intensive management areas fly in the face of ethical hunting technique....

But my biggest opposition is based on economics. Senator Seekins finds that the bill addresses the Alaska bear overpopulation problem. Who has determined

that we have a bear overpopulation problem? Also, in the third paragraph - item 1 - first determine that consumptive use of bears of the big game population is a preferred use. The Board of Game doesn't ask the general population what their preference is. I don't believe necessarily that consumption is the number one use.

People come to Alaska to see wildlife and bears are on the top of their list. These people come and spend millions of dollars in the state during the quest to see these animals. I don't deny that hunting moose and caribou brings revenue into the state, but the money brought in by hunting pales in the face of tourism. As our legislators, you have to wake up to reality. This is the year 2004; don't make huge strides backwards by passing SB 297. If for only purely monetary reasons, it makes no sense. Alaska's future depends on tourism and tourism depends to a great extent on the animals that exist here in abundance. If all folks want to see is pretty scenery, they can stop in Montana where, because of intensive management, that's basically all there is left - pretty scenery.

MR. HENRY TIFFANY, licensed master guide for 15 years, said he supported parts of SB 297, but supported letting the Board of Game handle methods and means. He was specifically concerned with subsection (2)(h), which allows non-resident hunters to be guided by residents over 19 years of age.

This would have a very detrimental impact on the guiding industry and many of the guides within Alaska. The Legislature found it necessary many, many years ago to require guides for brown bear and grizzlies, the reasons being - one, a matter of safety. Bears are not like hunting squirrels; they can be a dangerous animal. It takes time and experience to know how to hunt them properly and judge them and do a professional and safe job of it.

Allowing a resident hunter with maybe one or two years in the state to then guide anyone he would like would not only hurt the economics of the guiding industry, but also could be a safety issue. There are people who are simply not qualified to be in the field hunting for bears.

Section 1 of this could help relieve some of the problems if an area is found to have a predator problem. Allowing guides a fourth unit would help alleviate some of that pressure.... If that situation were to occur I imagine it would become much more affordable.... I thank you for your time.

MR. PAUL JOSLIN, Wildlife Director, Alaska Wildlife Alliance, strongly opposed SB 297.

We regard this as an attack on bears using a variety of techniques all of which would have a strong public backlash from unfair chase to unqualified means for attacking them. Many recognized authorities are speaking out against such liberalizations. The response to similar proposals recently considered by the Board of Game by the International Association for Bear Research and Management said, 'We believe that the potential detrimental effects of such regulation changes have not been adequately addressed and their implementation could jeopardize sustained yield management...of Alaska bear populations.'

The National Park Service in its review of brown bear management in the western Arctic said, 'Both subsistence and sport hunting opportunities for brown bears have been and continue to be liberalized in northwest Alaska without recent and rigorously reviewed scientific information about the status of the hunted populations.'

MR. JOSLIN said that bears have a low reproductive rate. It doesn't take much to over-harvest them. The National Academy of Sciences in its two-year review of wolf and bear management in Alaska recommended against the manipulation of bear populations. Bears are difficult to count and there is no concrete evidence when over harvesting has occurred. Shaun Farley, the top brown bear biologist in the state, said counting bears is a tough order and one of the reasons is that they hibernate and can't be counted against the snow - like, wolf, caribou and moose.

Bears, finally, are not vermin. While they may sometimes kill moose and caribou, it doesn't mean that the net effect is detrimental to the moose and caribou populations. Just because bears kill calves doesn't mean that the net effects of the moose population is bad. I think the evidence is that bears have

successfully co-existed with these species for tens of thousands of years. That ought to be a pretty good measure. The fact that we have over one million moose and caribou in this state ought to indicate that things can't be too bad with respect to the bears.

MR. JOSLIN strongly urged the committee to reject SB 297.

MR. JOEL BENNETT said he was representing himself as a 36-year state resident and active hunter for each of those years. For his allotted time, he wanted to comment on ethics and sportsmanship.

I think most hunters that I know of, a majority of hunters pride themselves on adhering to a certain commonly accepted code of sportsmanship and ethics. That's been a hallmark of hunting for a long time going back to Teddy Roosevelt. It's embraced by a number of organizations who strive to articulate those principles in their by-laws and formative rules. I think there is a commonly understood consensus in this state about where the limits are. That's why we have certain rules that have not been modified since statehood. It's interesting that this legislation seems to take each one of those rules that relates to bears and change the goalposts. This is unprecedented; it hasn't been done since statehood. It hasn't been done in almost every other state in this country; it hasn't been done in Canadian provinces that have large populations of brown bears, just like Alaska, like the Yukon and British Columbia. In fact, some of those jurisdictions are tightening their rules on bear management because of their vulnerability - the Yukon Territory being first and foremost. They define cubs for instance, as an animal that is three years of age or less, no motorized vehicles, no baiting, no trapping, no sale of parts. These are the very aspects of SB 297 that you see before you.

He used the analogy of a car sales business. Would it have a commonly accepted code of ethics and business practices? Probably it would. What if sales were lagging in certain areas? Would the code of ethics be changed? Would a breach in business practices be allowed? He didn't think so, but that is what this bill does to hunting with regard to bears in certain large and growing areas of the state. "I think [SB 297] is very unacceptable to the general public, I think it's unacceptable to

a majority of the hunting public. I urge you to reject the bill."

CHAIR OGAN explained that this is not about sport hunting or fair chase. "This is obviously an intensive management tool...."

MR. BENNETT responded that predator control is accepted by Alaskans if it involves state personnel in a very controlled limited way, whether it's wolves or bears.

This allows the general public, under the general hunting regulations, to adopt these methods and means. So, therefore, I think it is a hunting measure in the guise of a predator control bill.

CHAIR OGAN said that comment led him to ask Mr. Bennett if he would support the helicopter hunting of wolves or bears by state personnel.

MR. BENNETT replied, "No! Not unless it was an emergency...."

MR. GEORGE SIAVELIS said he is a master guide in Aniak and serves on the Board of Directors for the Alaska Professional Hunters Association and on the Western Interior Federal Subsistence Regional Advisory Council. He opposed SB 297, although for different reasons than they have heard today. He strongly supported Senator Seekins' concern about past administrations letting predator/prey ratios get completely out of balance. He generally supported measures to correct that problem in parts of SB 297. However, he didn't support any changes to Alaska's guide requirement laws. It was only a matter of time before some group would sue the State of Alaska, claiming if you don't need a guide in intensive management areas, you don't need a guide anywhere. Required guides for brown bear hunting was enacted originally because of real public safety concerns. Adding additional guide use areas for intensive management areas will not help, either. He is in full support of adjusting bag limits, methods and means to address the specific unit 13 problems. He felt that the Board of Game could adequately address the situation.

MS. ROBERTA HIGHLAND, Homer, said:

I'm feeling defeated by my government. I've already been brought to my knees by the CBM shallow gas lease fiasco, then they started shooting wolves from the planes. Now there is this bill that I personally do

not believe should see the light of day. Hunters are the successful predators. They have been so successful they have eaten themselves right out of moose close by their homes. Never mind that they moved into the moose', wolves', bears' backyard. Now, they must kill these predators to put food on their tables. I wonder how long before it is shown that hunters were by far the strongest predators and the moose just miraculously appear for the highest and best user, the hunter.

Here are some ideas: Do away with the politically appointed Board of Game and let the biologists and scientists do their jobs. Stop hunting in the over-hunted areas....

Move the capital to Anchorage where it belongs. There is a nice empty state-owned \$50 million building that would be a good start for a new capitol site. My government should not be causing me this much heartache and stress....

MR. TOM KIRSTEIN, Fairbanks, said he has been a licensed master guide for 30 years. His real concern is section (2)(h), which allows resident hunters to guide for bears. "What we're creating here is something that is not a good healthy thing for the industry for a lot of the reasons that have been mentioned already."

MR. KIRSTEIN said he could appreciate the desire to do something that is very intense in certain small areas of Alaska.

We're not dealing with a normal situation here. If it's found to be deemed necessary to control predators, you're going to have to take extraordinary measures to deal with them. I don't believe that dealing with it legislatively is necessarily the right way to do that. The Board of Game is really where this should be settled.

MS. KAREN DEATHERAGE, Defenders of Wildlife, said it has a neutral position with respect to hunting and trapping and strongly opposed SB 297.

There is not one component that is acceptable in any way to sane or ethical wildlife management. This bill, once again, takes the liberty to override public

process and the will of Alaskans when it comes to managing our state's wildlife - as we've done with aerial wolf killing, which was banned twice by the Alaska public. Even the Board of Game has rejected the means and methods outlined in this bill at their recent meeting in Fairbanks.

The concept of bear control is scientifically unsound. The 1997 National Academy of Science's Report, entitled Wolf, Bear and Their Prey in Alaska, states if given the opportunity, most or all bears would kill and eat an ungulate calf, but individual bears vary widely in predation success. Given this variation among bears, the outcome of bear control programs is highly unpredictable. It will depend on which bears are removed and the feeding habits of the removed bears....

MR. DEREK STONOROV said he is a hunter in game management unit 15C, probably one of the fastest growing areas in Alaska. He ardently opposed SB 297. His area has good wildlife management with bears and wolves and still has cow moose hunts. "Things seem to be in balance without having predator control." He said that SB 297 goes against fair chase and as a professional wildlife biologist, he can say it also goes contrary to current biologically determined practices for keeping sustainable brown bear populations.

This bill is a giant step backwards in time for successful wildlife conservation.... Predator control for bears could...economically impact my livelihood, which is a professional bear viewing guide....

The last point I'd like to make very quickly, I don't think the conclusions drawn by the McGrath relocation are necessarily scientifically valid. There's too many variables that come into play right here and it's a very short-term study.... I hope you will withdraw this bill.

MR. MYRL THOMPSON, Wasilla, and MR. ROBERT ARCHIBALD, Homer, submitted written testimony.

MS. BOBBIE JO SKIBO, Anchorage, said her family hunts and fishes, but SB 297 is extremely poor management. "We are adamantly opposed to this form of management of our resource."

She noted that the Kenai Peninsula has many problems that are adding to the decline of the population of the brown bear species, like the increase of defense of life or property kills. In 1980 there were zero and today there are 18. There has been no hunting season in over five years on the Kenai Peninsula. SB 297 is bad management, but she also felt that the animals deserved to be taken respectfully.

MS. NINA FAUST, Homer, stated that she and her family are in favor of fair chase. She is not a hunter, but is not against hunting.

I think SB 297 is one of the most backward proposals for managing brown bear that I've ever seen in recent times. It recalls to me the years of our early state history when some people called for the extermination of bears on Admiralty Island in the name of making it safe for logging.... Now the bears of Admiralty Island are one of Alaska's treasures and we are fortunate to have an incredible wildlife population in Alaska that still includes the major predators....

The state should be concentrating on balanced scientific management of all species. We should remember the example of Yellowstone where all the large predators were extirpated. Now, with the introductions of large predators, we're finally learning how important they are to a healthy natural system. Let's not make the same mistake in Alaska by trying to exterminate bears. Please don't pass SB 297.

MS. DOROTHY KEELER, professional wildlife photographer, said in the early 1900s over-hunting and predator control were big issues. Denali National Park was created primarily because hunters were decimating the sheep.

Aerial hunting and poisoning began in the 40s and 50s. Poisoning ended with statehood in '59, but aerial wolf control, including land and shoot, continued until 1994. This widespread effort essentially turned parts of Alaska into moose and caribou feed lots, the temporary explosion of game packs beyond what the habitat could handle. Populations of moose and caribou peaked and crashed. Predators were blamed and cries for control increased.

When poisoning ended with statehood and the aerial wolf control was banned in 1994, predator prey populations began to return to the balance nature intended. Then the Board of Game in cahoots with ADF&G took the historic artificially high peak population numbers created after decades of aerial wolf control and poisoning and used these estimates to set population and harvest targets for each game management unit. Protests to the Board of Game made up of only hunters and trappers were ignored. Meanwhile, proof of over-hunting abounds. ADF&G studies show portions of 19D east have a bull/cow ratio of 6/100. A 2001 trend count conducted along the Kulitna, Hoholitna Rivers in 19A and B, also verify bull/cow ratios of 6/100. In unit 21D, bull/cow ratios in Three-Day Slough were 15/100; at the Nunitna mouth bull/cow ratios were 12/100 with 2/3 of those bulls being yearlings. ADF&G's goal is 30 bulls per 100 cows in a hunted population. Neither wolves nor bears target adult bull moose, only man. Why haven't hunters been managed?

The areas eligible for predator control based on artificially high moose harvest objectives and the intensive game management law includes more than 40 percent of the State of Alaska and there are cries for more. To meet hunters' goals, predator control will continue forever. You want proof? In unit 28, after decimating predators, the moose population now exceeds the carrying capacity of the habitat. Does the Game Board limit the taking of predators so nature can return balance? No. Now ADF&G and the Board of Game are actively promoting killing cows and calves in unit 28 and removed the statewide moose hunting prohibition during the last meeting. Destroying predators, and bears in particular, will not solve the problem. Please oppose SB 297.

MS. KEELER offered to fax the committee a map showing the 40 percent of the state that is eligible for predator control.

CHAIR OGAN thanked her for her testimony and stated for the record that he had personally seen an adult bull moose that had been ambushed and killed on the trail by a bear.

MR. DAVID BACHRACH, Homer, said he has a wildlife viewing and photography business. He opposed SB 297; the methods are

controversial and scientifically and ethically unsound. They also override the public process.

CAPTAIN HOWARD STARBARD, Commander, Alaska Bear Wolf Wildlife Enforcement, Alaska State Troopers, Department of Public Safety (DPS), said the department does not oppose the intent of the bill, but has concerns from an enforcement standpoint relevant to a lot of issues brought up by previous speakers. One concern is in an intensive management area there would presumably be more bear bait stations including brown bear without any kind of registration requirement. From a public safety and enforcement standpoint, personnel wouldn't be able to identify the operator of a bait station that had been abandoned and was littering or otherwise out of compliance with location restrictions. The posting of a bear bait station for public notice is so that whoever sees the sign would know there is potential danger and that would be non-existent under SB 297.

The department is also concerned with the same day airborne for two reasons. One is that historically it has been frowned upon and the public has historically been educated against it from an ethical standpoint. Another concern is that under the provisions of SB 297, participants in the bear predator control could not be differentiated from people participating other types of activity. He had another concern with allowing the use of a motorized vehicle to herd and shoot an animal, which is currently restricted. He has concerns with electronic devices being allowed and those are currently restricted. It would be difficult to distinguish who was participating in the program without a registration process. Relaxing guide requirements to second-degree kindred is a potential concern because from a historical standpoint it has been argued that public safety is a big enough concern to require guides for hunting bears. [END OF TAPE 04-23, SIDE B]

**TAPE 04-24, SIDE A**

5:20

CHAIR OGAN thanked everyone for their comments and closed public testimony, stating that he didn't intend to move the bill today.

SENATOR SEEKINS reiterated that his intent is, after seeing how the Board of Game addressed some of these concerns in their new bear control policy, to work with its members to see what the Legislature needs to do to allow them to have some leeway in terms of methods and means.

I want to make it very clear that as I went through the testimony today, it appeared to me that people thought this was applied everywhere and that's not the case. This has to be something where the department and the Board of Game have to be satisfied that bears are causing the problem....

He said that humans are willing to curtail their hunting activities when they see a precipitous decline. Alaska's constitution is clear.

We are to provide sustained yield and that yield is for human harvest first. There's no way that I would ever envision that anyone would allow anybody to go in and thin out the bears at the McNeill River Viewing Sanctuary.... There are millions of acres in Alaska where virtually no bear control will ever be allowed to take place. All we're trying to do is find some of those areas that are important for human consumption where we can find a solution to get those bear populations back into control....

SENATOR SEEKINS said he would work on a CS that would address some of the concerns. He said the board has to make specific findings in writing as trigger points to get to where this bill even starts.

CHAIR OGAN said he wanted to address the issue of whether or not SB 297 would compromise guiding. There being no further business to come before the committee, he adjourned the meeting at 5:30 p.m.  
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