

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

April 14, 2004

3:30 p.m.

TAPE(S) 04-39

MEMBERS PRESENT

Senator Scott Ogan, Chair
Senator Thomas Wagoner, Vice Chair
Senator Fred Dyson
Senator Ralph Seekins
Senator Ben Stevens

MEMBERS ABSENT

Senator Kim Elton
Senator Georgianna Lincoln

COMMITTEE CALENDAR

CS FOR HOUSE JOINT RESOLUTION NO. 44(RES)
Relating to research into the decline of the Southwest Alaska population of the Northern Sea Otter in the western Gulf of Alaska.

MOVED CSHJR 44(RES) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 409(FSH)
"An Act relating to the maximum length of salmon seine vessels; and providing for an effective date."

HEARD AND HELD

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

PREVIOUS COMMITTEE ACTION

BILL: HJR 44
SHORT TITLE: SEA OTTER RESEARCH/ENDANGERED SPECIES
SPONSOR(S): RESOURCES BY REQUEST

03/18/04 (H) READ THE FIRST TIME - REFERRALS
 03/18/04 (H) RES
 03/29/04 (H) RES AT 1:00 PM CAPITOL 124
 03/29/04 (H) -- Meeting Canceled --
 03/31/04 (H) RES AT 1:00 PM CAPITOL 124
 03/31/04 (H) Moved CSHJR 44(RES) Out of Committee
 03/31/04 (H) MINUTE(RES)
 04/01/04 (H) RES RPT CS(RES) 4DP 4NR
 04/01/04 (H) DP: STEPOVICH, WOLF, KERTTULA, LYNN;
 04/01/04 (H) NR: GATTO, GUTTENBERG, MASEK,
 04/01/04 (H) DAHLSTROM
 04/07/04 (H) TRANSMITTED TO (S)
 04/07/04 (H) VERSION: CSHJR 44(RES) AM
 04/08/04 (S) READ THE FIRST TIME - REFERRALS
 04/08/04 (S) RES, FIN
 04/14/04 (S) RES AT 3:30 PM BUTROVICH 205

BILL: HB 409

SHORT TITLE: SEINE VESSEL LENGTH

SPONSOR(s): REPRESENTATIVE(s) WILLIAMS BY REQUEST OF SALMON
INDUSTRY TASK FORCE

01/28/04 (H) READ THE FIRST TIME - REFERRALS
 01/28/04 (H) FSH, RES
 02/09/04 (H) FSH AT 9:00 AM CAPITOL 124
 02/09/04 (H) Heard & Held
 02/09/04 (H) MINUTE(FSH)
 02/16/04 (H) FSH AT 9:00 AM CAPITOL 124
 02/16/04 (H) Moved CSHB 409(FSH) Out of Committee
 02/16/04 (H) MINUTE(FSH)
 02/18/04 (H) FSH RPT CS(FSH) 3DP 4NR
 02/18/04 (H) DP: WILSON, HEINZE, GUTTENBERG;
 02/18/04 (H) NR: GARA, OGG, SAMUELS, SEATON
 02/18/04 (H) RES AT 1:00 PM CAPITOL 124
 02/18/04 (H) Moved CSHB 409(FSH) Out of Committee
 02/18/04 (H) MINUTE(RES)
 02/19/04 (H) RES RPT CS(FSH) 5DP 1DNP 2NR
 02/19/04 (H) DP: STEPOVICH, HEINZE, KERTTULA,
 02/19/04 (H) GUTTENBERG, MASEK; DNP: WOLF;
 02/19/04 (H) NR: LYNN, GATTO
 02/26/04 (H) TRANSMITTED TO (S)
 02/26/04 (H) VERSION: CSHB 409(FSH)
 02/27/04 (S) READ THE FIRST TIME - REFERRALS
 02/27/04 (S) L&C, RES
 03/11/04 (S) L&C AT 1:30 PM BELTZ 211
 03/11/04 (S) <Above Bill Hearing Postponed>

03/23/04 (S) L&C AT 1:30 PM BELTZ 211
03/23/04 (S) Heard & Held
03/23/04 (S) MINUTE(L&C)
03/30/04 (S) L&C AT 1:30 PM BELTZ 211
03/30/04 (S) Moved CSHB 409(FSH) Out of Committee
03/30/04 (S) MINUTE(L&C)
03/31/04 (S) L&C RPT 1DP 3NR
03/31/04 (S) NR: BUNDE, STEVENS G, FRENCH;
03/31/04 (S) DP: DAVIS
04/14/04 (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
03/17/04 (S) Heard & Held
03/17/04 (S) MINUTE(RES)
04/02/04 (S) RES AT 3:30 PM BUTROVICH 205
04/02/04 (S) Heard & Held
04/02/04 (S) MINUTE(RES)
04/07/04 (S) RES AT 3:30 PM BUTROVICH 205
04/07/04 (S) -- Rescheduled to 4 pm 04/07/04 --
04/14/04 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

Representative Dan Ogg
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor of HJR 44.

Ms. Julie Decker, Executive Director
Southeast Alaska Regional Dive Fisheries Association (SARDFa)

POSITION STATEMENT: Supports HJR 44.

Mr. Tim Barry
Staff to Representative Bill Williams
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Commented on HB 409 for sponsor.

Ms. Scott McCallister
Seine fisherman

POSITION STATEMENT: Supports HB 409.

Mr. Kenneth Mack
King Cove AK
POSITION STATEMENT: Opposes HB 409.

Mr. Matt Robus, Director
Division of Wildlife Conservation
Department of Fish & Game
PO Box 25526
Juneau, AK 99802-5226
POSITION STATEMENT: Commented on SB 297.

Lieutenant Gary Folger
Division of Alaska State Troopers
Department of Public Safety
PO Box 111200
Juneau, AK 99811-1200
POSITION STATEMENT: Commented on SB 297.

ACTION NARRATIVE

TAPE 04-39, SIDE A
^#HJR44

CSHJR 44(FSH)-SEA OTTER RESEARCH/ENDANGERED SPECIES

CHAIR SCOTT OGAN called the Senate Resources Standing Committee meeting to order at 3:30 p.m. Present were Senators Thomas Wagoner, Fred Dyson, Ralph Seekins and Chair Scott Ogan. Senator Ben Stevens arrived at 5:15. The first order of business to come before the committee was CSHJR 44(FSH).

REPRESENTATIVE DAN OGG, sponsor, of HJR 44, said the Southwest Alaska population of Northern Sea Otters has declines as much as 65 percent since the mid-1970s. In responds to this precipitous decline, the United States Fish and Wildlife Service recently proposed listing the sea otters in the Southwest region as threatened under the Endangered Species Act. This bill recognizes that drop. Studies funded by the federal government have found that the of another species, the Stellar Sea lion's decline is not necessarily related to commercial fisheries. This resolution asks the federal government to put \$5 million aside each year over the next five years to study this animal over a period in the area of Kodiak.

CHAIR OGAN asked how many sea otters were going to get studied for \$25 million. "That's a lot of money!"

REPRESENTATIVE OGG replied that he didn't know their numbers.

SENATOR RALPH SEEKINS asked for an estimate of economic damages that could potentially happen if the reasons for the sea otter decline were not studied.

REPRESENTATIVE OGG replied Kodiak Island salmon fishery, presently valued at \$25 million, could go away if information didn't show there was no connection between commercial fishing and the decline in sea otters. The Kenai Peninsula has another salmon fishery that the same thing could happen to. Possibly crab fisheries could be taken out. It could all add up to \$200 million to \$300 million. Pollock fisheries might be affected, because they are farther out, but impacts to the coastal communities that are struggling already could become very serious.

SENATOR SEEKINS remarked that he thought the money for a sea otter study would be well spent.

CHAIR OGAN asked if sea otters are listed as threatened now.

REPRESENTATIVE OGG replied that the Wildlife Service is going to list them as threatened and that is why public comment is being taken on it at this point. It can't be said for certain that commercial fishing doesn't have an impact until information is gathered.

They started putting large circles around where the Stellar sea lions live and they'll do the same thing with the sea otters.... It knocked out incredible portions of fisheries and we had to fight to get them back.

SENATOR SEEKINS urged that a study seemed to be a much better way of dealing with the decline than the shotgun approach.

REPRESENTATIVE OGG explained that the people who studied the Stellar sea lions suggested that \$5 million every year for five years would provide enough data for a sea otter study. The study on Stellar sea lions cost \$100 million.

CHAIR OGAN asked if he envisioned the study being done as government research.

REPRESENTATIVE OGG answered that usually the money is funneled through one of the government agencies. The Stellar sea lions study is presently done through the National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service (NMFS) in the Department of Commerce. Contracts are usually picked up by universities. This one would go through the U.S. Fish and Wildlife Service, which would decide on the program. Kodiak already has research facilities from the Stellar sea lion study.

CHAIR OGAN exclaimed, "There seems to be more money, sometimes, in researching why fishing isn't good than there is in fishing!"

REPRESENTATIVE OGG said it seemed like that, but in today's reality, people in the fishing industry understand that without the research they won't be able to fish.

CHAIR OGAN said he was concerned about specifying an amount to be spent and would feel more comfortable with language like, "Congress will provide adequate or sufficient funding." He wanted to know if there were other considerations behind focusing the study in Kodiak.

REPRESENTATIVE OGG replied that the sea otter population starts at the tip of the Kenai Peninsula and goes down the Alaska Peninsula including Kodiak Island and goes out the chain. One needs to look for research facilities that exist in that area and scientists who work in that field. Those are found in Kodiak; those are the scientists he talked to about what was needed to accomplish this type of study.

CHAIR OGAN asked if anyone knew how many sea otters were taken for subsistence hunting.

REPRESENTATIVE OGG replied he didn't really know and that those products can't be sold.

SENATOR THOMAS WAGONER informed them that the finished products made from sea otter pelts can be bartered or sold, but he said there had been very little hunting of sea otters in Kachemak Bay for several years. He thought Kodiak was a perfect area in which to conduct this research.

MS. JULIE DECKER, Executive Director, Southeast Alaska Regional Dive Fisheries Association (SARDFA), said she had submitted written comments in support of HJR 44. Research would not only indicate why there is a decline, but the extent of it as well.

She suggested adding three whereas clauses that contain language from the Federal Register noticing the proposed listing as threatened as follows:

1. On page 2, line 1, insert: "Whereas information from monitoring programs administered by NMFS indicates that interactions between sea otters and commercial fisheries result in less than one instance of mortality per year within the Southwest Alaska distinct population segment; and"
2. After the above, insert: "Whereas information from the MTRP estimates the subsistence harvest of sea otters from the Southwest Alaska distinct population segment (DPS) averaged less than 100 sea otters per year during the 1990s and the impacts of the subsistence harvest is negligible; and"
3. On page 2, line 4, insert: "Whereas the cause of the decline in abundance of the Southwest Alaska population of the Northern Sea Otter is unknown, although the weight of evidence of available information suggests that predation by killer whales may be the most likely cause of the sea otter decline in the Aleutian Islands; and"
4. On page 2, line 18, insert "and be it further resolved that the Alaska State Legislature respectfully requests the United States Fish and Wildlife Service not list the Southwest Alaska sea otter as threatened until the amount of decline and cause of decline is better understood through intensive research."

REPRESENTATIVE OGG responded that Ms. Decker is addressing the Southwest population where the Fish and Wildlife Service has done preliminary studies noticing the 65 percent decline. That's the reason they put up the public notice. He didn't know if the resolution could ask them to not list them as threatened as that is a scientific determination. That is why he is asking for money to get the scientific determination. He wanted to leave the resolution the way it is.

CHAIR OGAN asked if this is a decline from an all-time high or from an average number.

REPRESENTATIVE OGG couldn't answer that definitively. Some thought the reason for the Stellar sea lion decline is because of extensive whale hunting in the 30s and 40s - that it knocked out a whole segment of prey and the sea lion population filled that void by the 1970s. He speculated that maybe the 1970s was an all-time high of recovery.

SENATOR THOMAS WAGONER moved to pass CSHJR 44(FSH) from committee with a zero fiscal note. There were no objections and it was so ordered.

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^#HB409

HB 409-SEINE VESSEL LENGTH

CHAIR SCOTT OGAN announced HB 409 to be up for consideration.

MR. TIM BARRY, staff to Representative Bill Williams, who is sponsoring HB 409 at the request of the Joint Legislative Salmon Task Force, said it removes the statutory prohibition for the length of salmon seine vessels and leaves the authority for their length to the Alaska Board of Fisheries. This bill was discussed in the Production Subcommittee of the Task Force and by the Task Force as whole as something that could give the Board of Fisheries and Alaska's fishermen another tool to allow them to diversify and increase the value of their fish. This legislation does not eliminate the 58 ft. length limit on salmon seiners; it only puts these boats in the same regulatory regime as all other fishing boat size limits. The 58 ft. limit is one of only two commercial fishing boat length limits enshrined in statute and predates statehood.

In the 1950s, the Alaska fisheries were not nearly as well developed as they are today and territorial and early state lawmakers wanted to protect Alaska's fishing fleet from the dominant fleet of larger boats that fished out of Puget Sound primarily. This perceived threat was serious enough that legislators enshrined the length limit in statute rather than allowing the Board of Fish to have the same discretion it has now regarding all other length and gear restrictions. The concerns that drove lawmakers to make that decision 50 years ago are no longer present. There really is no threat from outside vessels or fleets today. Alaska's fishing fleet today is far stronger and healthier than, certainly, Puget Sound's is. HB 409 is supported by the United Fishermen of Alaska (UFA) and has a zero fiscal note from the Alaska Department of Fish and Game (ADF&G).

SENATOR WAGONER said the Kodiak seine fleet is already intercepting a lot of red salmon in Shelikof Straits. If they can get bigger vessels, they can seine more hours in more inclement weather and asked, "Is that a good idea?"

MR. BARRY deferred to Senator Wagoner's expertise in that particular fishery. "The intent of this legislation is to leave that sort of determination in the hands of the Board of Fisheries where it is with a whole lot of other fisheries in the state as opposed to leaving it in the hands of the Legislature.

SENATOR WAGONER responded:

I guess the point I'd make if the Board of Fish were to keep the seine fleet from Kodiak on the capes where they were originally, I wouldn't care if they had 150 ft. vessels, but it does worry me that there is a process being put in place now that a proliferation in size of vessels that can better handle the water at certain times in Shelikof Straits is taking place.

SENATOR RALPH SEEKINS asked why they wouldn't just say that the Board of Fisheries would provide for the maximum size of vessels to be used in any particular seine fishery.

MR. BARRY replied if this bill becomes law, and the Board of Fish does nothing, the current limit stays in place - unless it takes specific action on gear limits in a particular fishery.

CHAIR OGAN asked whose ox gets gored with this legislation.

MR. BARRY said testimony from others would provide the reasons why having a bigger boat might allow fishermen to do different kinds of things. He noted:

Even if the length limit would go up, an awful lot of people would still be able to make a perfectly good living. The other thing is that any of these arguments for or against allowing larger vessels will have to be made before the Board of Fish and the Board of Fish has a process that it goes through all the time.

He stated that he has had some conversations with fishermen who maintain they could add a lot of value to their fish if they could have another 10 ft. on board.

They would catch fewer fish, but be able to get a lot more money for them.... certain kinds of onboard processing and maybe handling the fish differently and taking better care of them.

MR. SCOTT MCCALLISTER, Alaska fisherman, said he currently confines his fishing efforts to Southeast Alaska due to market conditions. Southeast Alaska has a diverse array of species and a healthy processing industry. The costs are less here and it's easier to secure markets in Southeast.

Because of diversity of species, it has been my desire for a long time to be able to fish money fish and achieve a quality of fish across my deck and into the pipeline onto the tender or, preferably I think, the processor's dock by doing some primary processing on board - which would be primarily bleeding of the fish while that fish is still alive. To achieve this, I need more room in the length of the vessel....I need gravity to be able to channel fish and sort the fish into the fish holds or into a processing line....

He pointed out that the vessel lengths would be changed [or not] by region; the Board could not drop the limit statewide.

MR. KENNETH MACK, King Cove fisherman, opposed the intent of HB 409.

SENATOR SEEKINS asked what confidence he had that the Board of Fish would not change the length of seine vessels with the best interest of all fishermen in mind rather than just the ones in his area.

MR. MACK replied that he has a lot of confidence in the Board of Fish doing the right thing.

SENATOR SEEKINS asked if he would like to see the statute stay on the books so they wouldn't have that option.

MR. MACK replied yes because that would provide even more protection.

CHAIR OGAN said he thought value added processing was definitely the way to go and asked if there was a way to change the seine length limit to apply only to processing. He asked what the rationale is behind the 32 ft. limit for Bristol Bay gillnetters and the 58 ft. limit for seiners.

SENATOR FRED DYSON said he thought both of those were a misguided government attempt to keep the boats owned by local people. "Like most government efforts, it never works."

TAPE 04-39, SIDE B

SENATOR DYSON continued saying the larger the boat, the more flexibility a person has to change with the markets and regulatory environment. "Plus, it's safer.... I'm embarrassed we didn't do this 25 years ago."

SENATOR WAGONER said that Kodiak seiners used to fish off the capes and, therefore, they didn't intercept the salmon migrating around Kodiak Island into Cook Inlet.

All I was implying is, if you have a 58 ft. vessel - and the 58 ft. vessels that they use now are much different than the original 58 ft. vessels - the 58 ft. vessel they use today is much more seaworthy - much more adaptable boat to the fishing that they do. The point is, at one time the Board of Fish did pull the fishermen in Kodiak back onto the cape and then after the politics was all done, they let them go back off the capes again and intercept fish. So, they made a decision and they reversed their decision two years later. All I want is a little time to contact the fishermen in Cook Inlet and see what they feel about it....

CHAIR OGAN said that he would hold HB 409.

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4:35 - 4:46 - at ease

^#SB297

SB 297-BEAR HUNTING/DISPOSAL OF HIDE/SKULL

CHAIR SCOTT OGAN announced SB 297 to be up for consideration and that they had adopted SSSB 297, version W, at the last meeting.

MR. MATT ROBUS, Director, Division of Wildlife Conservation, said:

We believe the sponsor substitute made some important improvements to the original bill. Foremost of these is the change in approach from an expansion of hunting methods to the establishment of a bear predation management program. We think that's an important distinction to make. This avoids some of the ethical issues involved in the original bill which you heard about at previous hearings and it preserves hunting as

a fair chase activity, which the department feels is very important.

The sponsor substitute limits the use of ordinary additional methods for taking bears to specific situations where the Board of Game has found that a bear population needs to be reduced. The sponsor substitute language would now serve as an umbrella statute to the bear management policy in associated regs that were recently adopted by the Board of Game and do it in a way that is analogous to the structure of wolf predation management laws that we already have. The result of this would be to allow both wolf and bear predation issues to be addressed together in predation control plans formulated by the Board of Game.

The Board of Game and department have agreed for quite a while that the first step in reducing bear numbers when necessary should be through liberalized hunting regulations. Often, such attempts have been less effective than hoped because liberalized hunting rules did not result in higher hunter effort even though we had more liberal bag limits and seasons. If you don't have more hunters in the field, it really doesn't result in any more bears being taken.

Allowing non-residents to hunt brown and grizzly bears without a guide and treating first-year military personnel as residents are innovative approaches to increasing hunter effort in areas where we need to have more bears taken. At the last meeting of this committee, some members questioned why first year military personnel were included in the exemption for having a guide for taking brown bear and grizzly bear. Concerns are expressed that this might provide an opportunity to challenge the guide requirement based on safety issues. When this concept was first discussed, we in the department suggested that allowing first-year military residents to hunt without a guide would be something to look at because we thought it would likely provide the increase in the number of hunters that we were looking for to increase the harvest in the game management unit (GMU) 13 while having a minimal impact on the guiding industry through legal challenges. We would require all first-year military personnel obtaining a permit to attend a

training course where we would emphasize safety and we thought that would reduce the exposure to the safety argument. This could be done rather easily because the military population is a closed group of people that we would have relatively easy access to. Since the bill has been expanded now to allow other non-resident hunters to qualify for permits, it would probably not be necessary to deal with military people separately. However, whatever the permittee pool ends up being, we will consider requiring some level of training as a permit condition. I think this could provide some protection in case the statute is challenged along safety lines.

MR. ROBUS said he had some suggested changes. First changing the phrase "control of black and brown or grizzly bear" to something like "bear predation management" in the title and elsewhere in the statute. He thought it best to eliminate the connotation that the state is trying to eradicate bears. "We're trying to have a predation management tool when bears become part of the predation equation that needs to be addressed."

Secondly, since the Legislature would be making a distinction between hunting bears and taking them as a predation management measure, he thought it appropriate to not require non-residents to obtain a standard non-resident brown bear tag, because it's hunting related. He did agree with charging some sort of management or permit fee of about \$500 rather than \$50 - because of the importance of funding the division's management programs.

Even with the \$500 fee, this program would be the only time in North America that a person could hunt a brown or grizzly bear, with very limited exceptions, without engaging the services of a guide, which costs from \$5,000 up to \$8,000 for a hunt. The limited exception would be the second degree of kindred possibility that is presently in state regulation.

The department believes that the main purpose of the statute should be to establish the authority under which bear predation can be managed and should contain general sideboards for such programs. We believe that including detailed methods and means descriptions at this level is unwise. As the sponsor substitute is written, all of the described methods and means would be authorized in all cases where bear predation management is in effect under a program established by

the Board of Game. Since every wildlife management situation is unique and has different challenges, we believe the different bear predation management programs in different areas should be custom tuned and managers and the Board of Game should have the flexibility to choose the methods and means that would be most effective and most appropriate. I'm speaking in general here and have a short list of specific places in the present language where we believe specific methods and means should be removed from the statute language and taken care of at the Board of Game level.

In our opinion, a better way to approach all of this would be to have the Board of Game develop the details for each bear predation program and include them in a predation management plan that would be adopted in regulation. This is the way that wolf control is presently done. We think this would mesh nicely with it. This would allow the board to authorize measures appropriate and justifiable for the specific situation without including methods that are not necessary and probably very controversial.

The Board of Game developed the regulatory framework for conducting bear predation management at its March meeting and it did so because the members recognized the need to reduce bear predation in certain areas in order to reach regulatory management guidelines. The board adopted a bear management policy, which included provisions for reducing bear numbers when certain conditions are met. They adopted regulations to allow issuance of permits for bear population reduction. So, the regulatory structure for bear predation management is substantially in place already. The committee should note that in constructing its bear management policy, the Board of Game has already included most of the methods and means included in the sponsor substitute as potential ways to implement a bear reduction program. Methods and means included in the sponsor substitute that are not already in the regulation could be referred to the board for its consideration in mounting future bear predation programs.

Section 2 has two basic components, the first of which is to allow a qualified organization to accept

donations of bear hides and skulls - auction or raffle those off and return at least 50 percent of the net proceeds to the fish and game fund, which is the state money that funds the Division of Wildlife Conservation's management programs. It's the only money we have to match federal monies that are available to us....

The only concern we have here is an administration overhead to process and work these hides through some sort of a system of raffles or sales or auctions. We can make that work. I do have one request, though, and that is that the department be given the discretion to accept hides, because from our experience with dealing with defense of life and property hides or other types of bear hides that we come in possession of through enforcement actions, for instance, we could run up some very large disposal fees in getting rid of hides that really aren't worth anything - because of the time of year they are taken or the hair has slipped or whatever. So, we would appreciate some discretion there in picking ones that are worth taking through the sale process.... That concludes my testimony and would try to answer any questions the committee has.

SENATOR SEEKINS pointed out that section 2 says the department "may" accept a donation, not "shall".

MR. ROBUS replied, "The intent is noted and appreciated."

SENATOR SEEKINS asked if there was anything in Alaska law that would keep him from selling a bear skin from Alaska in Washington.

MR. ROBUS said he knew that was allowed in the state of Montana. Once the hide gets out of state, he turns that situation over to enforcement people.

SENATOR SEEKINS said he is trying to allow the sale of those things in the state on somewhat the same basis that they are sold outside the state - to provide some means of revenue.

LIEUTENANT GARY FOLGER, Alaska State Troopers, said troopers don't have jurisdiction over those actions, but if that is the Legislature's intent, it could be addressed instate.

SENATOR SEEKINS agreed that the title change would be appropriate because he wants it to be a bear predation management bill. He asked if the training course would be a Board of Game decision.

MR. ROBUS answered that he mentioned it as a potential condition of the permit, which he thought was within his division's authority. "It would be something we would discuss with the board before we implemented it."

SENATOR SEEKINS said it wasn't the intent of the Legislature to allow a permit that would be authorized by the Board of Game to have administrative discretion attached to it. He didn't have a problem with people who have never hunted big game being required to take a safety course. Some states require it to hunt any game.

CHAIR OGAN noted that bow hunters have to be certified by statute.

MR. ROBUS replied that he thought that requirement was associated with a Board of Game regulation. In reference to Senator Seekins' comment, he could also think of moose permits for an antler-restricted hunt where people are required to watch a short movie clip on distinguishing a legal moose from an illegal moose.

I believe that is done under our discretionary authority, which is given to us in regulation.... There are several examples where, as part of a permit process, you're required to upload some information before going in the field.

SENATOR SEEKINS said he didn't have a problem with there being reasonable training or a safety course provided that it's readily available. Since he couldn't find that authority in statute, he thought the Board of Game gave him that authority.

MR. ROBUS assured him if he was given one or more of those programs to run, he would figure out ways to provide what is necessary to people who were willing to provide the extra harvest pressure on a population the board had designated to be reduced. "I think we're fairly successful in providing the types of training I mentioned earlier...."

SENATOR SEEKINS said he would be very reluctant if the department with its permit issuing process would be able to

trump a decision made by either the Legislature or the Board of Game to implement a predator control program. "That's my concern." He asked Mr. Robus why the board hadn't come up with a bear predation program before their last meeting in March."

MR. ROBUS replied:

My perception is that for years we and the board have been involved in trying to get appropriate wolf predation control started - when we had a fairly wholesale change. A large portion of the board changed soon after this administration came on board. At the spring meeting in '03, some of the members approached us, on the record, asked us to start putting together some sort of bear predation approach. That resulted in us putting a draft before them at the next board meeting in November and they asked for it to be on the agenda this spring so they could take action. So, it took a year. Why it didn't happen prior to that is probably a combination of it not being as high a priority for the previous board. That previous board and we were fully involved, in addition to managing all the hunts around the state, were trying to get 19D started. That was the primary effort and in the wake of that, Unit 13.

SENATOR SEEKINS asked how soon the board, under the department's bear management policy would be able to consider implementation of a bear predation management plan in Unit 13.

MR. ROBUS replied the next regular meeting for the Southcentral region occurs next March and it would require that some findings be made. Those findings could be put on the November agenda. If something were put on the books at the March meeting, it could be implemented on July 1, when regulations are normally implemented.

SENATOR SEEKINS bemoaned the fact that two fall hunting seasons would be lost before anything would be done.

MR. ROBUS said that is correct unless emergency measures are taken.

SENATOR SEEKINS asked if other areas where bears are an emerging problem would have to go through the intensive management process and then go through the bear management process.

MR. ROBUS replied that the intensive management process has already been gone through statewide up to a certain point.

We've got about six predation management plans already in effect in regulation with primarily aimed at wolves, but where bears could certainly be spliced in relatively easily. Yes, normally you go around the two-year cycle that's presently in effect for board meetings and new areas would be added or areas taken off the books at those meetings unless some sort of special action was taken by the board.

SENATOR SEEKINS surmised that it could take up to four years to get a bear management plan in effect.

MR. ROBUS replied that is correct. However, a recent survey in unit 13 indicates that liberalized hunting regulations there may have had an effect.

We're seeing lower bear densities out there in our surveys. We're going to be doing more work in the next month - surveying bear there with the latest technique that we have. Yes, the bear predation management timeline is off in the future. I can say it's not like no progress has been made in 13. It looks like we may have reduced brown bear densities there.

SENATOR SEEKINS noted that Mr. Robus was monitoring the process and asked if he recalled what the dot points were for revising methods and means.

MR. ROBUS replied:

I was not there at the meeting during the final iteration of that. I know that a pool of methods and means that could be used was either specifically included at the bottom of that document or was referenced and included in the array of things from same day airborne access, which is in your sponsor substitute here, use of vehicles, baiting. There was a whole variety and it was not meant to be a closed box. It was a starting list of things that could be used depending on what was appropriate and effective in the situation. If and when it was determined by the board that either black or brown bear populations needed to be reduced.

SENATOR SEEKINS asked if the department made recommendations to the board on unit 13, would it pick out a couple of methods and wait for two years to see what happens or would it advise using all of the methods at once - to solve the problem expeditiously.

SENATOR BEN STEVENS arrived at 5:15 p.m.

MR. ROBUS replied:

I think it's only honest to say that the department and the board have spirited discussion sometimes from different points of view and while both the board and department are interested in getting into solving some of these problems, we are highly aware of the fact that whatever we mount, it needs to be a sustainable program - because these ungulate populations didn't get into the situations they are in instantly - and it's going to take more than an instant for things to return to a higher abundance - and we may urge some caution in these situations and it may be related to a particular technique. It may regard which area or the extent of the area. When that happens, it's going to basically be a judgment on how can we proceed with a program that's effective while not going so far and in a manner that might cause the whole thing to come to a halt. As I say, it may be judgment - there may be differences of opinion.

SENATOR SEEKINS said the reason he asked that question is because it's been his experience that a solution is applied slowly and, as a result, ineffectively. He wanted to hear specifics on methods and means.

CHAIR OGAN said he was concerned about the Legislature setting methods and means.

I agree we need to strike the bear control permits with bear predation management and I think we should work on some methods and means - maybe giving express authority for methods and means - require them to consider alternative methods and means beyond normal or standard hunting practices including, but not limited to, same day airborne, because that's probably one of the most effective ways....to hunt.

SENATOR SEEKINS said he wanted to solve the problem and if nothing else, this bill has moved the board toward a comprehensive bear management plan.

We didn't have that before in the State of Alaska.... That alone makes me very pleased.... Secondly, there are some things that absolutely have to be changed in statute if we're going to be able to address getting more hunters into the field. Because we have statutes that prohibit things, now we have to loosen those statutes....

I think, as Mr. Robus has suggested, that a safety training course for someone in these paragraphs that loosen up their ability to be able to participate in this bear predation management plan is a worthwhile suggestion.... I think beyond that if this committee believes that it may be wise for the time being to allow some discretion on the Board of Game to be able to implement methods and means over and above the ordinary, I have no objection to that.

CHAIR OGAN asserted that, "shall" should be used instead of "will" to "incorporate methods and means beyond seasons and bag limits."

SENATOR SEEKINS agreed that it shouldn't be a regular hunting license or tag and that there should be a ceiling fee that goes along with this type of program. He wouldn't change anything in (e) or (k). He had no problem with eliminating (f), (g) and (i) as long as he felt comfortable that those would be methods and means that would be considered by the Board of Game.

CHAIR OGAN said they would continue to work on this issue and adjourned the meeting at 5:30 p.m.

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