

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

April 12, 2006

1:24 p.m.

**MEMBERS PRESENT**

Representative Jay Ramras, Co-Chair  
Representative Ralph Samuels, Co-Chair  
Representative Jim Elkins  
Representative Carl Gatto  
Representative Gabrielle LeDoux  
Representative Kurt Olson  
Representative Mary Kapsner

**MEMBERS ABSENT**

Representative Paul Seaton  
Representative Harry Crawford

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Board of Fisheries

Bonnie Williams - Fairbanks

- CONFIRMATION(S) ADVANCED

Big Game Commercial Services Board

Leif Wilson - Tok

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 328

"An Act prohibiting mixing zones in freshwater spawning waters."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 328

SHORT TITLE: BAN MIXING ZONES IN SPAWNING AREAS

SPONSOR(s): REPRESENTATIVE(s) SEATON, OLSON, GATTO, LEDOUX

01/09/06	(H)	PREFILE RELEASED 12/30/05
01/09/06	(H)	READ THE FIRST TIME - REFERRALS
01/09/06	(H)	FSH, RES
01/20/06	(H)	FSH AT 8:30 AM CAPITOL 124
01/20/06	(H)	Heard & Held
01/20/06	(H)	MINUTE(FSH)
01/27/06	(H)	FSH AT 8:30 AM CAPITOL 124
01/27/06	(H)	Moved CSHB 328(FSH) Out of Committee
01/27/06	(H)	MINUTE(FSH)
01/30/06	(H)	FSH RPT CS(FSH) 3DP 2NR
01/30/06	(H)	DP: KAPSNER, SALMON, LEDOUX;
01/30/06	(H)	NR: ELKINS, THOMAS
04/03/06	(H)	RES AT 2:00 PM CAPITOL 124
04/03/06	(H)	<Bill Hearing Postponed to 04/05/06>
04/05/06	(H)	RES AT 1:00 PM CAPITOL 124
04/05/06	(H)	Heard & Held
04/05/06	(H)	MINUTE(RES)
04/12/06	(H)	RES AT 1:00 PM CAPITOL 124

#### **WITNESS REGISTER**

BONNIE WILSON, Appointee  
to the Board of Fisheries  
Fairbanks, Alaska  
POSITION STATEMENT: Testified as appointee.

RON RAINEY, Chair  
Kenai River Sport Fishing Inc.  
Soldotna, Alaska  
POSITION STATEMENT: Testified in support of Bonnie Wilson.

RICKY GEASE, Executive Director  
Kenai River Sport Fishing Inc.  
Soldotna, Alaska  
POSITION STATEMENT: Testified in support of Bonnie Wilson.

LEIF WILSON, Appointee  
to the Big Game Services Board  
Tok, Alaska  
POSITION STATEMENT: Testified as appointee.

LYNN KENT, Director  
Division of Water  
Department of Environmental Conservation (DEC)  
POSITION STATEMENT: Testified in opposition to HB 328.

MCKIE CAMPBELL, Commissioner  
Alaska Department of Fish & Game  
Juneau, Alaska

POSITION STATEMENT: Answered questions regarding HB 328.

KERRY HOWARD, Director  
Office of Habitat Management and Permitting  
Department of Natural Resources  
Juneau, Alaska

POSITION STATEMENT: Answered questions regarding HB 328.

### **ACTION NARRATIVE**

**CO-CHAIR JAY RAMRAS** called the House Resources Standing Committee meeting to order at [1:24:23 PM](#). Representatives Samuels, Gatto, LeDoux, Olson, Ramras, and Elkins were present at the call to order. Representative Kapsner arrived as the meeting was in progress.

### CONFIRMATION HEARING(S)

#### Board of Fisheries

CO-CHAIR RAMRAS announced that the first order of business would be the confirmation hearing for Bonnie Williams, appointee to the Board of Fisheries. He said Ms. Williams has been a great leader in his community.

[1:26:16 PM](#)

BONNIE WILLIAMS, Appointee, Board of Fisheries, said she applied because a member was needed from the Interior who would speak for sport and subsistence fishing interests. She started fishing as a child, and has fished all over the world. She said she has no expertise in fisheries management; however, she has experience in taking public comment, expert testimony, legal council, and common sense and forging a sound determination.

CO-CHAIR RAMRAS asked if she was tough.

MS. WILLIAMS said she might be the meanest person in Fairbanks. She noted her nine years of experience on the Fairbanks assembly. She attended the Fairbanks Local Advisory Council meeting, and it echoed life on the borough assembly. Her goal is to sustain a healthy population of fish for subsistence, commercial fishing, and sport fishing. If Alaskans act wisely, there will always be enough for all Alaskans, she stated.

1:28:47 PM

REPRESENTATIVE LEDOUX asked if she is familiar with rationalization or quota shares.

MS. WILLIAMS said she is beginning to become familiar with those issues. She attended a meeting that discussed rationalization, and she said she is not knowledgeable, but "I will be ready for my first meeting."

REPRESENTATIVE LEDOUX said common sense solutions might not be possible in the fisheries field.

MS. WILLIAMS said, "If we don't try, we won't get there, will we?"

CO-CHAIR SAMUELS asked about time spent in other parts of the state, because every part of Alaska has a unique challenge.

MS. WILLIAMS said she lived in Juneau for a while and she has fished in Kenai and the Matanuska-Susitna area. She went to St. Mary's and back on the Yukon River.

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RON RAINEY, Chair, Kenai River Sport Fishing Inc, said it is important that Ms. Williams is a sport fisher. He added that it is important to study the issues, be willing to learn, and listen to the constituencies. He supports her confirmation.

RICKY GEASE, Executive Director, Kenai River Sport Fishing Inc, said it is important to have people who can sift through data and ask questions, and he supports her confirmation.

1:34:15 PM

CO-CHAIR SAMUELS moved to advance the name of Bonnie Williams, appointee to the Board of Fisheries, to the joint session for consideration. Hearing no objection, it was so ordered.

Big Game Services Board

CO-CHAIR RAMRAS announced that the next order of business would be the confirmation hearing for Leif Wilson, appointee to the Big Game Commercial Services Board.

LEIF WILSON, Appointee, Big Game Services Board, said he is the president and director of operations of Forty-Mile Air, a commuter air taxi, which has a transporter license. He is a mechanic and has an airline transport pilot rating. He said he grew up in Tok and his father was a guide. He bought his air taxi in 1999, and he flies a "fair number" of hunters. He has been on the Fish and Game Advisory Committee for seven years.

[1:36:58 PM](#)

CO-CHAIR SAMUELS asked about any conflicts between transporters, and what he can bring to the table to resolve those conflicts.

MR. WILSON said he has seen those conflicts, and they vary around the state. He said he has the ability to see things from all aspects, and he has been on all sides. He has a good relationship with local guides. He said non-resident guides cause the biggest problems. He said he spent time in different parts of Alaska and believes he has a reasonable clue.

CO-CHAIR SAMUELS asked if he has ever worked as a guide.

MR. WILSON said he has only worked as a transporter.

[1:40:13 PM](#)

CO-CHAIR SAMUELS moved to advance the name of Leif Wilson, appointee to the Big Game Commercial Services Board, to the joint session for consideration. Hearing no objection, it was so ordered.

#### HB 328-BAN MIXING ZONES IN SPAWNING AREAS

CO-CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 328, "An Act prohibiting mixing zones in freshwater spawning waters." He noted that public testimony is closed and that CSHB 328, Version 24-LS1273\C, Bullock, 4/5/06, was before the committee.

The committee took an at-ease from 1:42 p.m. to [1:44:34 PM](#).

LYNN KENT, Director, Division of Water, Department of Environmental Conservation (DEC), said much of her testimony has been given in the House Special Committee on Fisheries. She explained that DEC is charged with providing water quality standards that are designed to protect the multiple uses of Alaskan waters including drinking water; public health, safety,

and welfare; growth and propagation of aquatic life; domestic, commercial, and industrial uses; and recreational uses. She defined a mixing zone as an area where treated wastewater is discharged and allowed to mix with a [non-treated] water body; the water quality standards may be exceeded within that permitted mixing zone but the overall use of the water body has to be protected. She said mixing zones are only allowed as a part of a publicly-reviewed wastewater discharge permit.

MS. KENT explained how mixing zones are engineered and the parameters that DEC employs to authorize them. She said all states use mixing zones, and they are highly regulated by DEC. She said DEC must consider the characteristics of the receiving water and the effluent, the cumulative effects, and measures to mitigate adverse effects to aquatic resources. In order to authorize a mixing zone DEC must find that the effluent will be treated to remove, reduce, and disperse the pollutants using the most effective methods that are technologically and economically feasible, consistent with statutory and regulatory treatment requirements. DEC must find that the designated and existing uses of the water body as a whole will be maintained and protected; overall biological integrity of the water body will not be impaired; and the mixing zone is as small as practicable.

MS. KENT said a mixing zone cannot result in a toxic effect in the water column, sediments, or biota outside the boundaries of the mixing zone; it cannot preclude or limit established processing activities, commercial, sport, personal-use, or subsistence fish and shellfish harvesting; it cannot result in a reduction of fish or shellfish; it cannot result in permanent or irreparable displacement of indigenous organisms; it cannot contain pollutants that bioaccumulate, bioconcentrate, or persist above natural levels; they can't produce objectionable taste or color in biota harvested for humans; and they can't cause mortality of passing organisms.

MS. KENT said DEC is opposed to the bill and has submitted testimony. She said the bill isn't necessary from a scientific basis to protect anadromous salmon. The regulations prohibit a mixing zone in anadromous salmon spawning areas, and that prohibition would be put in statute under HB 328. Such a flat-out prohibition isn't necessary from a scientific perspective, because DEC regulations go beyond sound science to address public perception and salmon marketing.

[1:52:52 PM](#)

MS. KENT said there is no justification for extending a mixing zone prohibition to also protect resident species listed in HB 328. She said the bill will prohibit reauthorization of a mixing zone that has later become a fish spawning area, unless the discharge is from a village wastewater facility. She opined that the bill defines "area" in a way that runs counter to current practices by ADF&G and DNR. Alaska's fishery resources have seasonal sensitivity, and wastewater discharge has been restricted on a seasonal basis. She said the bill places new restrictions on existing placer mines that don't take effect until the currently permitted operator applies for a reauthorization. She noted that there are 32 placer mines permitted to discharge with timing restrictions to avoid spawning. Most of those facilities have an authorized mixing zone that is greater than 500 feet in length, and most have already done everything they can do to make their mixing zone as small as practicable, so it is likely they cannot be re-permitted, even though they are currently operating without any impacts. She said new permits might set up a double standard. She spoke of the fiscal note and will rewrite it.

[1:56:24 PM](#)

REPRESENTATIVE LEDOUX said she represents communities on Lake Iliamna, and she asked what will happen if one of those communities needs a permit to discharge wastewater.

MS. KENT said if any communities need a new domestic wastewater discharge permit in spawning areas, this bill would preclude that.

REPRESENTATIVE LEDOUX asked what resident fish redds are.

MCKIE CAMPBELL, Commissioner, Alaska Department of Fish & Game, said it is an egg-laying depression in the gravel, and the term is used for areas of broadcast spawning.

KERRY HOWARD, Director, Office of Habitat Management and Permitting, Department of Natural Resources, said a redd is a nest in the gravel, and broadcast spawners don't use them.

[1:58:54 PM](#)

REPRESENTATIVE LEDOUX asked if most of the shoreline of Iliamna Lake will be off limits.

MS. KENT said she is not familiar with that area.

COMMISSIONER CAMPBELL said yes.

1:59:40 PM

[HB 328 was held over]

2:00:32 PM

**ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:00: PM.