

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

February 6, 2006

3:32 p.m.

MEMBERS PRESENT

Senator Thomas Wagoner, Chair
Senator Ralph Seekins, Vice Chair
Senator Ben Stevens
Senator Fred Dyson
Senator Bert Stedman
Senator Kim Elton
Senator Albert Kookesh

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 166

"An Act relating to an annual wildlife conservation tag; relating to bond requirements for vendors of fish and game licenses, permits, and tags; and providing for an effective date."

HEARD AND HELD

CS FOR HOUSE BILL NO. 37(FIN) am

"An Act relating to voluntary land trades and purchases to enhance public access to fishing streams."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 166

SHORT TITLE: WILDLIFE CONSERVATION TAG

SPONSOR(s): SENATOR(s) BUNDE

04/08/05	(S)	READ THE FIRST TIME - REFERRALS
04/08/05	(S)	RES, FIN
01/30/06	(S)	RES AT 3:30 PM BUTROVICH 205
01/30/06	(S)	Heard & Held
01/30/06	(S)	MINUTE(RES)
02/06/06	(S)	RES AT 3:30 PM BUTROVICH 205

BILL: HB 37

SHORT TITLE: PUBLIC ACCESS TO FISHING STREAMS

SPONSOR(S): REPRESENTATIVE(S) GARA

01/10/05 (H) PREFILE RELEASED 12/30/04
01/10/05 (H) READ THE FIRST TIME - REFERRALS
01/10/05 (H) FSH, RES
03/21/05 (H) FSH AT 8:30 AM CAPITOL 124
03/21/05 (H) -- Meeting Canceled --
03/23/05 (H) FSH AT 8:30 AM CAPITOL 124
03/23/05 (H) Heard & Held
03/23/05 (H) MINUTE(FSH)
04/15/05 (H) FSH AT 8:30 AM CAPITOL 124
04/15/05 (H) Moved CSHB 37(FSH) Out of Committee
04/15/05 (H) MINUTE(FSH)
04/18/05 (H) FSH RPT CS(FSH) NT 2DP 1DNP 2NR
04/18/05 (H) DP: ELKINS, THOMAS;
04/18/05 (H) DNP: SALMON;
04/18/05 (H) NR: KAPSNER, LEDOUX
04/18/05 (H) FIN REFERRAL ADDED AFTER RES
04/22/05 (H) RES AT 1:00 PM CAPITOL 124
04/22/05 (H) Moved CSHB 37(RES) Out of Committee
04/22/05 (H) MINUTE(RES)
04/25/05 (H) RES RPT CS(RES) NT 2DP 3NR
04/25/05 (H) DP: ELKINS, CRAWFORD;
04/25/05 (H) NR: OLSON, SAMUELS, LEDOUX
05/07/05 (H) FIN AT 2:00 PM HOUSE FINANCE 519
05/07/05 (H) Moved CSHB 37(FIN) Out of Committee
05/07/05 (H) MINUTE(FIN)
05/08/05 (H) FIN RPT CS(FIN) NT 3DP 6NR 1AM
05/08/05 (H) DP: CROFT, FOSTER, MOSES;
05/08/05 (H) NR: HAWKER, HOLM, STOLTZE, WEYHRAUCH,
JOULE, MEYER;
05/08/05 (H) AM: KELLY
05/09/05 (H) TRANSMITTED TO (S)
05/09/05 (H) VERSION: CSHB 37(FIN) AM
05/10/05 (S) READ THE FIRST TIME - REFERRALS
05/10/05 (S) RES, FIN
02/06/06 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

SARAH GILBERTSON, Special Assistant
Alaska Department of Fish & Game
PO Box 25526
Juneau, AK 99802-5226

POSITION STATEMENT: Supported SB 166.

GEORGE REIFENSTEIN, General Manager
Mt. Roberts Tramway
Juneau AK

POSITION STATEMENT: Opposed SB 166.

DOROTHY WILSON
Coastal Helicopters
Juneau AK

POSITION STATEMENT: Opposed SB 166.

MIKE WINDRID, Director of Operations
Alaska Travel Adventures
Juneau AK

POSITION STATEMENT: Opposed SB 166.

JEREMY GIESER, Manager
Gastineau Guiding Company
Juneau AK

POSITION STATEMENT: Opposed SB 166.

ACTION NARRATIVE

CHAIR THOMAS WAGONER called the Senate Resources Standing Committee meeting to order at [3:32:46 PM](#). Present were Senators Seekins, Stedman, Dyson, Elton, Ben Stevens and Chair Wagoner.

[3:33:49 PM](#)

SB 166-WILDLIFE CONSERVATION TAG

CHAIR THOMAS WAGONER announced SB 166 to be up for consideration.

SARAH GILBERTSON, Special Assistant, Alaska Department of Fish and Game (ADF&G), said the department supported SB 166. She said that SB 166 allows the department to collect user fees from new sector among both residents and non-residents of the state who benefit from the ADF&G.

She said that revenue generated by this bill would be deposited into the Fish and Game Fund where it would be used for fish and wildlife management. She said the department prepared amendments that clarify who would be responsible for buying and selling the tags that are proposed in the bill.

[3:35:51 PM](#)

SENATORS ALBERT KOOKESH and BEN STEVENS arrived.

MS. GILBERTSON noted a drafting error on page 1 and went on to explain that a title change was required to exempt the Alaska Marine Highway and the Alaska Railroad Corporation, concerns of Senators Elton and Stedman. She explained that while the amendment does not explicitly exempt the Inter Island Ferry, she believes that it addresses the concerns they had about how the bill would effect it.

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MS. GILBERTSON said that the first amendment corrects language in page 1 in Section 6 and clarifies that the vendors selling these tags would receive a one-dollar payment for every tag they sell. As drafted, this section's language affects all fish and game licenses and that was not the intent.

Housekeeping changes were made by renumbering page 2 to make it consistent with other changes. Another change on page 2 clarifies that the tag is purchased annually and that purchasers of Alaska commercial fishing permits, sport fishing and hunting licenses would be exempt. So the terms "Alaska" and "issued by the department" were added.

On page 5, line 18, "in actual possession" was deleted to clarify the people who merely sell the tag are not liable for checking a visitor for proof.

Language on page 5, line 19, through page 6, line 10, was deleted and new language was inserted to clarify who is required to purchase and sell the tags. This is where the Alaska Railroad, the Marine Highway, rented passenger recreational vehicles, non-stop flights listed in the Supplement to the Airmen's Guide published by the FAA or a business engaged in the carriage of persons by a method of transportation determined by the commissioner by regulation not to have a significant opportunity for viewing public wildlife are exempted.

"Not in captivity" was inserted on page 6, line 11, to cover concerns about visiting zoos, fish hatcheries and wildlife refuges. Language on lines 12 - 23 that refer to the transportation industry were also deleted in an attempt to clarify the bill. The effective date on page 7, line 14, was changed from 2006 to 2007.

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SENATOR ELTON asked whether people on flights from Juneau to the Taku River would be exempt from the tag requirement because the

service providers claim that the purpose of the flight is to have a meal at the Taku River Lodge, not to see wildlife.

MS. GILBERTSON replied that many of the flight seeing providers would have to be evaluated on a case-by-case basis.

SENATOR ELTON asked who would make that decision.

MS. GILBERTSON replied that the commissioner of the ADF&G would determine which parties would be exempt from the requirements.

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SENATOR ELTON asked if the department supported having a representative from the tourism industry on one of its boards given the likelihood that a substantial part of the revenue expected from this bill would come from that industry.

MS. GILBERTSON replied that she could not answer that question.

SENATOR ELTON commented that in the past, policy decisions have been made according to the maxim that those that generate tax revenue should have some representation in its management.

SENATOR DYSON asked if there are any lands in Alaska where this bill would not apply.

MS. GILBERTSON said that it is the intent of the sponsor that this bill would apply uniformly throughout the state.

[3:48:13 PM](#)

SENATOR DYSON asked if this fee would apply to federal parks, Native lands, and federal forests.

MS. GILBERTSON clarified that anyone taking a commercial tour that offers or advertises the opportunity of viewing wildlife would be subject to the requirements of this bill.

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GEORGE REIFENSTEIN, General Manager, Mt. Roberts Tramway, said that the passage of this bill would create logistical problems, increase labor costs, and cause a loss of customers for his business. He said that he did not understand how the passive viewing of wildlife, a non-consumptive activity, could generate management costs comparable to the consumptive activities for which the ADF&G has traditionally required licenses.

SENATOR ELTON said that he is concerned that this bill will place the tram operators in an awkward position in deciding whether or not to allow the continuation of their raptor viewing-program. Currently, people are not charged and he would be disappointed to see such an opportunity to disappear from one of the prime destinations in the state.

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DOROTHY WILSON said she owns Coastal Helicopters and opposed SB 166. She expressed her concern that imposing costs upon tourists will negatively affect the perception of Alaska's potential visitors. She added that she is also concerned about the administrative burden that the distribution and collection of tags will impose upon tourist companies.

She offered to sell tags in her gift shop that would be purchased on a volunteer basis and offered to give the state 80 percent of the proceeds for the management of it's wildlife.

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MIKE WINDRID, Director of Operations, Alaska Travel Adventures, opposed SB 166. He said that wildlife viewing is one of the most attractive features to Alaskan visitors and imposing a tax on wildlife viewing creates a major disincentive for entities trying to market this feature.

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He said that a typical visitor already faces a heavy burden in taxes and fees imposed to support local and state government. He said that this bill would increase this burden and create a large additional administrative cost. It would be a logistical strain for tourist operators who must distribute and collect the tags. He expressed concern that administering these tags to guests will diminish the quality of their experience by requiring them to fill out more paperwork.

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JEREMY GIESER, Manager, Gastineau Guiding Company, related that visitors to Alaska only have a certain amount of time to have a quality experience. The hardest thing in the visitor industry in Juneau, specifically, is trying to give people a quality experience when they only have five to eight hours in town. A larger operator has 150 to 250 people coming off a ship to go on a tour and all of them will need to have their tags verified before they leave the dock in a short amount of time. He asked what would happen if, out on the trail, one of their guests was

found without a tag and who would assume responsibility for that guest. Would it be enforced?

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SENATOR BUNDE said that he received an email in support of SB 166 from Rick Riddel, dean of conservative talk shows in Anchorage, pointing out that the tourist industry has an impact on Alaska's fish and wildlife. He also received a phone call from an outdoor writer from Minneapolis who had written an Associated Press story on SB 166 saying that he would be happy to pay an extra \$5 to have a chance to view Alaskan wildlife.

SENATOR BUNDE explained that the tourist industry asks for more money from the general fund every year to support their private business and now when it has an opportunity to allow its customers, who impact Alaska's fish and wildlife, to create a return to the state, they don't want to.

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SENATOR STEDMAN asked how the system would work, particularly in the cruise ship industry. He couldn't picture someone visiting Alaska without wanting to look at the wildlife.

SENATOR BUNDE replied that the transportation industry would be exempt, but if a business advertises wildlife viewing, it would pay. Only one tag would be purchased per year.

SENATOR SEEKINS asked what method he envisioned being used to demonstrate a tag had been purchased.

SENATOR BUNDE replied that he envisioned something like the purchaser wearing a cloisonné pin.

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SENATOR SEEKINS wondered what would keep someone from handing a pin with no particular identification on it to another person to use as proof he had paid the fee and he asked what percentage of ADF&G operating funds comes from hunting and fishing licenses.

SENATOR BUNDE replied the vast majority.

MS. GILBERTSON replied that the department receives 40 percent of its funding from the federal government, 20 percent from the general fund, and ADF&G fees bring in 20 to 30 percent.

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SENATOR AL KOOKESH noted that the fiscal note was zero and asked how that could be if the department has to purchase lapel pins or tags.

MS. GILBERTSON replied that there is fiscal note, but it is manageable and the program would bring in a lot of money. She suggested that pins cost less than 25 cents and could be collector items.

SENATOR KOOKESH reflected that he hadn't heard people say they were necessarily opposed to a fee, but rather that there were logistical problems with administering it for large numbers of people.

SENATOR BUNDE replied that the tag would add \$1 per head to a businesses income and he just didn't view that as a problem.

CHAIR WAGONER said he would hold the bill until next Monday.

[4:22:35 PM](#)

CSHB 37(FIN)am-PUBLIC ACCESS TO FISHING STREAMS

CHAIR THOMAS WAGONER announced CSHB 37(FIN) am to be up for consideration.

REPRESENTATIVE LES GARA, sponsor of HB 37, explained that it creates a process for Alaska Department of Fish and Game (ADF&G) to identify areas of high-use for fisheries in streams that might lose their public access in the future especially the fisheries located along the road system and to land-trade or buy easements and other public access along those areas. A lot of states have lost their public access and it's now too expensive for them to get it back.

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SENATOR STEDMAN said it seemed like the definition of "fishing waterways" could be virtually any waterway with fish in it and asked if that was correct.

REPRESENTATIVE GARA replied that it could be, but the bill asks the department to prioritize those areas with the greatest public fishery and recreational value. It asks the commissioner to come up with about two meander miles of land statewide that it would, then, consider ways to purchase or land trade for public access to in the future. These areas would not be appealable by members of the public, so people wouldn't be able to argue about what land should have been identified.

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SENATOR STEDMAN, referred to language on page 3, line 10, that says, "Before February 1 of each year the commissioner shall submit a plan to acquire public access to fishing waterways...." It looks like he could basically blanket a substantial amount of private land within the state of Alaska, particularly in Southeast where, "Virtually every creek has a fish in it."

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REPRESENTATIVE GARA clarified that the commissioner is supposed to prioritize two-miles worth of the highest-value public access areas. He said this bill doesn't use eminent domain; but requires voluntary land trades with landowners or voluntary land purchases. He couldn't think of very many areas in Southeast that were crying for this solution, but he knew of some in Southcentral and the Interior.

SENATOR STEDMAN said the navigable waters definition is far-reaching and asked if two miles beyond the meander line of the river is the targeted distance.

REPRESENTATIVE GARA reiterated the he is asking ADF&G to prioritize the most valuable, in terms of needed sport and subsistence fishing access, two miles of river that they can find. It could be five different parcels or one long parcel.

CHAIR WAGONER held CSHB 37(FIN) am until Monday and adjourned the meeting at [4:34:59 PM](#).