

**ALASKA STATE LEGISLATURE**  
**SENATE RESOURCES STANDING COMMITTEE**

April 12, 2006

3:38 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

SENATE BILL NO. 170

"An Act relating to the Department of Fish and Game, the Board of Fisheries, and the Board of Game; relating to the taking of big game and to the disposition of a mount, trophy, or part of a fish or game animal; setting fees for certain trapping licenses and certain hunting licenses, permits, and tags; setting fees for the resident combined hunting, trapping, and sport fishing license and the resident combined hunting and sport fishing license; relating to the resident small game hunting license; setting application fees for certain hunting permits and stamps; establishing a surcharge on hunting, trapping, and sport fishing licenses; relating to certain hunting, trapping, and sport fishing licenses, tags, permits, and stamps; relating to the fish and game fund; relating to violations of fish and game laws; relating to state management of wildlife; relating to endangered fish and wildlife; and providing for an effective date."

HEARD AND HELD

SENATE BILL NO. 278

"An Act creating the Alaska Climate Change Task Force; and providing for an effective date."

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
02/06/06	(S)	Heard & Held
02/06/06	(S)	MINUTE(RES)
02/13/06	(S)	RES AT 3:30 PM BUTROVICH 205
02/13/06	(S)	Scheduled But Not Heard
04/12/06	(S)	RES AT 3:30 PM BUTROVICH 205

BILL: SB 170

SHORT TITLE: BD/DEPT OF FISH & GAME POWERS & DUTIES

SPONSOR(s): SENATOR(s) SEEKINS

04/12/05	(S)	READ THE FIRST TIME - REFERRALS
04/12/05	(S)	RES, FIN
04/18/05	(S)	RES AT 3:30 PM BUTROVICH 205
04/18/05	(S)	Heard & Held
04/18/05	(S)	MINUTE(RES)
04/22/05	(S)	RES AT 3:30 PM BUTROVICH 205
04/22/05	(S)	Heard & Held
04/22/05	(S)	MINUTE(RES)
10/10/05	(S)	RES AT 6:30 PM NOME
10/11/05	(S)	RES AT 6:30 PM Fairbanks
10/12/05	(S)	RES AT 6:30 PM Coldfoot
10/14/05	(S)	RES AT 2:00 PM Barrow
10/15/05	(S)	RES AT 3:00 PM Chugiak
04/12/06	(S)	RES AT 3:30 PM BUTROVICH 205

BILL: SB 278

SHORT TITLE: ALASKA CLIMATE CHANGE TASK FORCE

SPONSOR(s): SENATOR(s) OLSON

02/13/06	(S)	READ THE FIRST TIME - REFERRALS
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02/13/06 (S) RES, FIN  
04/12/06 (S) RES AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

McKIE CAMPBELL, Commissioner  
Department of Fish & Game  
PO Box 25526  
Juneau, AK 99802-5226

**POSITION STATEMENT:** Commented on SB 170

SENATOR DONNY OLSON  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Sponsor of SB 278.

**ACTION NARRATIVE**

**CHAIR THOMAS WAGONER** called the Senate Resources Standing Committee meeting to order at [3:38:13 PM](#). Present at the call to order were Senators Bert Stedman, Kim Elton, Albert Kookesh, Fred Dyson and Chair Thomas Wagoner. Senators Ben Stevens and Ralph Seekins arrived soon thereafter.

**SB 166-WILDLIFE CONSERVATION TAG**

CHAIR THOMAS WAGONER announced SB 166 to be up for consideration. He noted the proposed committee substitute (CS) and asked for a motion.

SENATOR FRED DYSON moved to adopt the CSSB 166, Version I, as the working document. There was no objection and it was so ordered.

[3:40:39 PM](#)

SENATOR BEN STEVENS arrived.

CHAIR WAGONER informed members that the sponsor does not support the CS. However, because of the many questions and problems that came up during the initial hearing, he decided to have the CS drafted as a sort of compromise. If the Department of Fish and Game (ADF&G) elected to do so, it could have collectible pins designed for sale in gift shops, on cruise ships and other places in a program similar to the Iditarod or Anchorage Fur Rendezvous pin programs. He noted that the wood Iditarod pins sell for \$20 in the retail market.

[3:41:15 PM](#)

SENATOR RALPH SEEKINS arrived.

[3:41:20 PM](#)

SENATOR BERT STEDMAN referenced page 2, line 21, and asked if it would be mandatory that the department design, produce and make a pin available for sale even though the sale of the pins may be optional.

CHAIR WAGONER agreed it is mandated. Although the word "may" could be inserted, he thought that doing so "kind of backslides" it. He highlighted the proposed amendment to increase the price of the pin from \$5 to not more than \$20 and said he would entertain a motion.

[3:42:53 PM](#)

SENATOR DYSON said he was uncomfortable with the CS because it hijacked the original bill. He asked if the purpose is the same, which is to raise money for fish and game.

CHAIR WAGONER replied yes. He acknowledged the sponsor did not support the CS, but the original bill raised so many questions he thought this might be a compromise.

[3:44:42 PM](#)

SENATOR STEDMAN moved to adopt Amendment 1, by Senator Wagoner.

SENATOR KIM ELTON objected for discussion.

SENATOR ELTON suggested that the amendment would make the language on page 2, line 25, obsolete and questioned whether subsection (c) ought to be deleted.

CHAIR WAGONER said he didn't believe it was necessary; it gives more options. The emphasis of the amendment is to increase the price of the pins from \$5 to not more than \$20. The idea behind subsection (e) is to expand access to the pins to anyone who sells small collectibles.

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SENATOR ELTON again expressed concern with the possible conflict between the language in subsections (c) and (e). The amendment language makes it sound as though any Alaska businesses could sell the pin, but the language in subsection (c) makes it sound as though only Alaskan businesses that also sell hunting and fishing licenses could sell the pin.

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SENATOR DYSON suggested he place the bill at bottom of the agenda.

CHAIR WAGONER announced he would put SB 166 aside.

**SB 170-BD/DEPT OF FISH & GAME POWERS & DUTIES**

CHAIR THOMAS WAGONER announced SB 170 to be up for consideration. He noted the new draft and asked for a motion.

SENATOR FRED DYSON moved to adopt Version C, Sponsor Substitute to SB 170, as the working document. There was no objection and it was so ordered.

[3:52:07 PM](#) at ease [3:56:03 PM](#)

SENATOR RALPH SEEKINS, sponsor, recapped the legislative intent of SSSB 170, which is to increase revenue for the management of fish and game. Fee and license increases will be adopted in three stages beginning on January 1, 2007. The second increase will occur on January 1, 2009 and the third increase will occur on January 1, 2011.

The increases will bring resident and non-resident alien license tags and fees in line with other premium hunting destinations and a new trophy fee schedule for non-resident alien and non-resident hunters is added, which is also consistent with other premium hunting destinations.

SENATOR SEEKINS said that AS 16.05.130 provides that revenue from the sale of hunting and fishing licenses, tags etc must be allocated such that they directly benefit license purchasers. In the past the interpretation of "directly benefit" was stretched, but accountability is better now, he said.

SSSB 170 tightens diversion provisions to ensure that the fish and game fund monies are only used for programs that enhance the abundance, productivity, or harvest of fish or game populations that are important for human consumption. It also requires that the legislature receive a copy of the annual project report that is also posted to the ADF&G website.

SSSB 170 clarifies that the commissioner shall manage fish and game resources to achieve abundance for the use and benefit of the people of the state consistent with the public interest and to achieve maximum sustained yield. It further states that non-

game animals shall be managed for the benefit of the people of the state.

Certain functions of the subsistence section are clarified. Data will be collected on subsistence use of fish and game resources and compliance with state fishing, hunting, and trapping license requirements.

SENATOR SEEKINS explained that SSSB 170 allows the Board of Game to implement intensive management decisions without additional survey information. It would allow the use of community advisory boards made up of local people familiar with the fish and game populations to provide information demonstrating or confirming a need for enhancement or control action.

SENATOR SEEKINS outlined bear control methods and means. The intent is to provide a licensed hunter a higher probability to harvest a bear in an area where a high bear population is identified as a reason for depressed ungulate populations.

SSSB 170 adds a new subsection related to the sale of mounts and trophies. Senator Seekins expressed the view that a regulated in-state sale process of tagged mounts or trophies is a reasonable program that would have no threat to the resource whatsoever.

For resident hunters only - a non-resident may accompany a resident only in areas of intensive management. The idea is to put more hunters in the field. The limit is two persons each year, both must pass the department's hunter safety course, and the resident cannot receive any monetary benefit from the non-resident. This option is canceled when the bear population is back within the population objectives.

The military license fee is for military members and their non-resident dependents only while stationed in Alaska. Senator Seekins said the military and others in communities across the state broadly support this provision.

[4:03:53 PM](#)

SENATOR ALBERT KOOKESH asked how he proposed to get hunter education personnel into rural Alaska to teach the course.

SENATOR SEEKINS replied the course would be available in offices or on the Internet.

SENATOR KOOKESH commented it seems odd that someone who grew up hunting and fishing in rural Alaska would now be required to take the hunter safety course before taking anyone in the field.

SENATOR SEEKINS agreed and elaborated on the purpose, which is to enlist more knowledgeable people to hunt for bears in an area that is under intensive management. That is the one interest he is trying to protect. Although the intention is not to jeopardize the guide requirement, he suggested that if there were a court challenge that requirement would survive with difficulty.

SENATOR STEDMAN commented he completed the hunter safety course with his 11-year-old daughter. There was considerable hands-on weapon handling so he wasn't sure how effective an on-line class would be.

SENATOR SEEKINS acknowledged that is an obstacle, but a number of approaches could be employed to handle hands-on demonstrations.

[4:09:58 PM](#)

SENATOR ELTON referenced the letter to the president of the Alaska Professional Hunters Association from Bill Horn with Birch, Horton, Bittner and Cherot, and asked him to respond to the conclusion. It says:

To preserve the constitutionality of Alaska's guide requirement for non-resident hunters, we would strongly counsel against authorizing any exception to the guide requirement or a scheme in which special residents act as de facto guides in a non-commercial or quasi-commercial manner.

SENATOR SEEKINS disagreed that there is a constitutional issue. It is a statutory issue unless there could be a challenge based on the commerce clause. He reemphasized he is not trying to challenge the guide requirement, but the alternative is to do nothing and that isn't acceptable.

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SENATOR STEDMAN said the assistant guides that he knows have become experienced before taking anyone out brown bear hunting. His perspective in Southeast is that he would be very cautious around a weekend hunter who was hunting brown bear.

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SENATOR SEEKINS said first, he didn't think the areas in Southeast would be under intensive management for bear control and second, anyone who doesn't know what they're doing ought to have a guide. The point is that there is a problem that needs to be addressed. This is one approach to controlling bear populations in areas where they are having an adverse effect on the prey populations.

[4:17:40 PM](#)

SENATOR STEDMAN mentioned the increased cost for licenses and commented he was surprised to see how few licenses are sold in Western Alaska. He asked if there would be a mechanism to ensure that more people buy proper licenses and tags.

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SENATOR SEEKINS responded he learned about the disparity between the number of hunters and number of licenses sold a long time ago. The fee schedule is open for discussion but an increase is clearly needed.

[4:20:43 PM](#)

SENATOR STEDMAN asked what a resident would pay for a bear tag and hunting license.

SENATOR SEEKINS replied in certain areas the tags are given away.

SENATOR STEDMAN said he gets a brown bear tag every year so he wouldn't have to give up the bear in the event he was forced to shoot one.

SENATOR SEEKINS said a tag isn't required in the area he hunts and he's allowed one bear a year.

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SENATOR STEDMAN noted that the bill redirects fish and game expenditures somewhat and he questioned whether it wouldn't be better to leave that up to a finance subcommittee or the budgeting process.

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SENATOR SEEKINS replied, historically the money that goes into the allowable and designated fish and game fund has been used at the department's discretion. The sideboards are that the funds are for the direct benefit of hunters and fishers and an annual report is prepared to show how the funds were spent. Although there were difficulties with that process in the past, he

prefers that approach. If abuse occurs in the future perhaps the subcommittee process would be appropriate; at this point he wouldn't suggest it.

[4:27:01 PM](#)

SENATOR STEDMAN referenced page 21, line 12 and asked about the fee or license surcharge that would be used to acquire easements, rights-of-way, and land to provide access to hunters and fishers.

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SENATOR SEEKINS responded there are times when it is important for the state to be able to acquire land for public access to navigable streams, waters and state owned land. To do that it's important that owners are paid fair market value for the access. This creates a fund to accommodate that, but it mandates nothing.

[4:28:49 PM](#) at ease [4:29:42 PM](#)

McKIE CAMPBELL, Commissioner, Department of Fish and Game, described the bill as large and complex and the department's response is equally complex. ADF&G has no objection to some parts; it agrees with the intent - not the language - of some parts; it believes some parts may have counter effects to the intended cure; and it strongly disagrees with some parts.

[4:32:15 PM](#)

COMMISSIONER CAMPBELL thanked the sponsor for including a license increase and for highlighting the issue. When inflation is taken into account an Alaska hunting and fishing license costs less than half what it did at Statehood. However, he believes that the fee schedule contained in the original bill is more appropriate than the proposal in the committee substitute.

With regard to accountability he said the department owes it to the legislature and those who purchase fishing and hunting licenses to be totally accountable and transparent about how the monies are spent. When Senator Seekins informed him of the statutory requirement for an accounting, he quickly posted a report to the department website. This year an updated summary was published and detailed spreadsheets were furnished to the Finance Committee and other interested legislators.

With regard to the question about a definition for "project," he assured members that the response to the question is not an accurate reflection of departmental policy. The definition in

the bill is reasonable but, he emphasized, with or without it the department will continue to give a fully transparent accounting of the amount and way that fish and game fund money is spent.

4:35:15 PM

COMMISSIONER CAMPBELL said he has a number of concerns with the bill but the main issue is on page 3, Section 4, subsection (c), which says:

Notwithstanding other provisions of law, plan, strategy, agreement, guideline, or similar document that establishes or affects a policy for the management of fish, game or aquatic resources that is prepared by the department shall be submitted to the Board of Fisheries, the Board of Game, or both, as appropriate, for the board's approval before the department implements the policy.

Currently the department makes policy, plans, strategies, agreements, and guidelines every single day so that requirement is very problematic for two reasons. First it would likely require a fulltime board, but the fiscal note assumed that the current volunteer board would suffice. Second, any action that didn't go through the board would open the department to legal challenge. He understands the motivation, but he'd like to continue working with the sponsor.

COMMISSIONER CAMPBELL said he is also concerned about limiting the transfer of money between projects, but there again he understands the motivation.

4:39:20 PM

COMMISSIONER CAMPBELL expressed agreement with much that was in the PowerPoint but the devil is in the details as far the language is concerned. For example the department supports the provision about selling trophies, but would adamantly oppose anything that would encourage poaching for the sale of game meat or parts.

4:40:24 PM

SENATOR ELTON asked if the Department of Law (DOL) provided guidance so that ADF&G attorneys could address the implications of the different sections in the bill.

COMMISSIONER CAMPBELL said yes and based on that advice they prepared a sectional analysis. They provided that information to

Senator Seekins last year and no one else. He said he did not have a revised sectional reflecting the new CS.

SENATOR ELTON commented that the committee would need to review the DOL document before making a decision.

CHAIR WAGONER asked Commissioner Campbell to provide the committee with a revised sectional.

[4:43:29 PM](#)

SENATOR DYSON recapped what the sponsor was trying to do and asked if there was a better way.

COMMISSIONER CAMPBELL replied the bill is complex and it does many things so the department would like to continue to work with the sponsor to offer opportunities and language to reduce the chance for unintended consequences.

[4:45:27 PM](#)

SENATOR STEDMAN observed that the bill is very complex and he would hold his questions until the updated sectional was available.

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SENATOR SEEKINS commented subsection (c) on page 3 was precipitated because there are agreements that affect management policy in the state that neither the Board of Game nor the legislature knows about on a formal basis. He used the State Wildlife Grant Project as an example and said the question in that instance was whether the document committed particular management processes and actions without any there having been any external review. SSSB 170 just asks for the light of day so that the people who are charged with that fiduciary management responsibility are actually involved.

[4:48:00 PM](#)

COMMISSIONER CAMPBELL highlighted his concern using the halibut charter issue. At a recent North Pacific Management Council meeting the issue of whether or not skippers and crew should be able to retain fish was hotly contested. On behalf of the State of Alaska he made the policy decision to enforce no retention for skippers and crew in Southeast and to watch Southcentral closely. As such he was able to realize a goal that the sponsor also supported. Without the ability to make the policy call, the goal would not have been realized for at least another 30 days. He reiterated his commitment to transparency and full disclosure.

[4:50:43 PM](#)

SENATOR ELTON asked what would have happened if the language in subsection (c) had been law 6 months ago when there was a challenge to the predator control program that was based on procedural issues. He suggested the language creates questions that could potentially affect the predator control policy.

COMMISSIONER CAMPBELL replied it's not the intent but he is very concerned that the section could be used to attack any department action that didn't have board blessing. Whether or not it would have affected the predator control policy he couldn't say, but Section 15(e)(1) on page 9 certainly could have an affect. It contains language about consumptive use of the big game prey population as a preferred use. The new language is problematic because there are dramatically different conclusions from who is a reliable, reasonable or knowledgeable person. He suggested that with that language the department would be in court all the time even though that is not the intent.

CHAIR WAGONER announced he would hold SB 170.

**SB 278-ALASKA CLIMATE CHANGE TASK FORCE**

CHAIR WAGONER announced SB 278 to be up for consideration.

[4:55:52 PM](#)

SENATOR OLSON, sponsor of SB 278, read the sponsor statement into the record.

I introduced SB 278 to address the real implications that climate warming has for Alaska's economic and domestic well being. Climate change discussions usually center on the question of whether the measurable gradual warming we are currently experiencing is a natural cyclic change or the onset of some humanity induced environmental catastrophe. To many Alaskans, the reality of the warming situation is of direct and immediate concern that overshadows the global debate over causes and appropriate macro-solutions. What matters is that our region of the world is experiencing detrimental effects of the warming trend today and prospects for even the near future may be more damaging.

For these reasons, I think it is important for the state to take a hard and honest look at what can be

expected if warming temperatures continue. What are the implications for the social and economic health of our citizens, communities, and industries? Right now there are too many unanswered questions. What effect will this have on our forests, fish and game resources, river and shore line erosion? What does it mean for permafrost stability in areas of our homes, our community facilities, our roads and airports, our pipeline? How will it affect new development opportunities in Arctic and sub Arctic Alaska?

SB 278 creates an Alaska Climate Change Task Force to review and analyze warming impacts on Alaska and its citizens. This task force will be made up of thirteen individuals from diverse backgrounds. Five will have some expertise in Arctic climatology, geology, engineering, ecology or other appropriate discipline. There are four representatives of state agencies that have key responsibilities for the state's resources and transportation infrastructure.

The task force is charged with the following:

- Assess current and potential aspects of climate warming on the citizens, natural resources, and economy,
- Estimate the costs to the state and its citizens caused by climate warming, and
- Make recommendations to address the near and long-term effects of climate change on Alaska.

Climate change is one of the most important challenges to our way of life. This legislation is an important first step in preparing the state for the impacts.

[4:57:56 PM](#)

SENATOR STEDMAN asked why the university wouldn't work in conjunction with the task force and what the task force would do with the information.

SENATOR OLSON replied the task force is charged with determining whether there is a legitimate concern and then making recommendations. He noted that he had amendments for the committee to consider.

CHAIR WAGONER asked him to give the amendments to Ms. Jackson and announced he would hold SB 278 for further consideration.

CHAIR WAGONER adjourned the meeting at [4:59:40 PM](#).