

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

April 21, 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. 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. 314

"An Act limiting retroactive adjustments in the sale price of state royalty oil sold by the state to a refiner."

SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

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
04/12/06	(S)	Heard & Held
04/12/06	(S)	MINUTE(RES)
04/21/06	(S)	RES AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

CLARK WHITNEY, Master Guide  
Soldotna, AK

**POSITION STATEMENT:** Opposed SSSB 170.

DALE ADAMS  
Southeast Alaska Guides Association  
Sitka, AK

**POSITION STATEMENT:** Opposed SSSB 170.

WAYNE HEIMER  
Fairbanks AK

**POSITION STATEMENT:** Offered suggestions and perspective on SSSB 170 as a former ADF&G employee.

DAVE LYON  
Alaska Backcountry Hunters and Anglers (ABHA)  
Homer AK

**POSITION STATEMENT:** Opposed SSSB 170.

ROD ARNO, Director  
Alaska Outdoor Council  
Fairbanks AK

**POSITION STATEMENT:** Supported SSSB 170.

STEVE PERRINS, Master Guide  
Anchorage AK  
**POSITION STATEMENT:** Opposed SSSB 170.

MARK WAGONER, Registered Guide  
Kodiak, AK  
**POSITION STATEMENT:** Opposed SSSB 170.

PAUL SHADURA, Executive Director  
Kenai Peninsula Fishermen's Association  
Kenai, AK  
**POSITION STATEMENT:** Opposed SSSB 170.

Koreen Lamoureux  
Anchorage, AK  
**POSITION STATEMENT:** Opposed SSSB 170.

TRACY VREM, Master Guide  
**POSITION STATEMENT:** Opposed SSSB 170

MIKE LITZEN, Licensed Master Guide  
Nikiski, AK  
**POSITION STATEMENT:** Opposed SSSB 170.

JOE KLUTSCH, President  
Alaska Professional Hunters Association (APHA)  
AK Peninsula, AK  
**POSITION STATEMENT:** Opposed SSSB 170.

GLORIA STICKWAN  
Glennallen, AK  
**POSITION STATEMENT:** Opposed SSSB 170

DR. ROLAND MAW, Executive Director  
United Cook Inlet Driftnet Association (UCIDA)  
Kenai, AK  
**POSITION STATEMENT:** Outlined concerns with SSSB 170

RICKY GEASE, Executive Director  
Kenai River Sportfishing Association (KRSA)  
Soldotna, AK  
**POSITION STATEMENT:** Opposed SSSB 170

JOEL BENNETT, former Board of Game member,  
Juneau, AK  
**POSITION STATEMENT:** Pointed out shortfalls in SSSB 170

BOBBY FITHIAN, Executive Director  
Alaska Professional Hunters Association (APHA)  
Lower Tonsina, AK

**POSITION STATEMENT:** Supported the primary objective of SSSB 170 and opposed other aspects of SSSB 170.

**ACTION NARRATIVE**

**CHAIR THOMAS WAGONER** called the Senate Resources Standing Committee meeting to order at [3:38:04 PM](#). Present at the call to order were Senators Ben Stevens, Bert Stedman, Ralph Seekins, Kim Elton, Albert Kookesh, Fred Dyson, and Chair Thomas Wagoner.

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

CHAIR THOMAS WAGONER announced SB 170 to be up for consideration and opened public testimony. [The committee was working from SSSB 170, labeled, 24-LS0494\C. It was adopted as the working document on 4/12/06.]

CLARK WHITNEY, Master Guide, Soldotna, said although the issues in SB 170 are of concern statewide, his comments would relate to Units 9, 17, and 19 in particular. Clearly the ungulate population is in trouble and that has already impacted his business. However, if Units 9 and 17 are declared intensive management areas and the guide requirement is dropped, the financial impact on registered and master guides in those areas will be devastating. He noted that much of Unit 19 is already under intensive management.

In recent years both the number of guides and the number of bears that are harvested has increased dramatically. That coupled with the predator control program will result in increased ungulate survival. Guides are closely regulated and they must meet stringent registration and reporting requirements. The industry is working with the Big Game Commercial Services Board to improve the industry standards.

MR. WHITNEY asserted that SB 170 would impose severe financial handicaps on a viable guiding industry. Furthermore it would create hardship on fish and game management, and negate the hard work that many people have done to properly control and manage wildlife resources.

[3:41:16 PM](#)

He suggested that if Senator Seekins wants to make changes in fish and game matters he ought to work with the entities involved to develop a more realistic approach.

SENATOR SEEKINS asked Mr. Whitney if he was aware of his efforts to work with various groups around the state.

MR. WHITNEY replied he is a member of Alaska Professional Hunters Association (APHA) and he got the indication that he had not worked closely with that group.

3:42:16 PM

DALE ADAMS, Southeast Alaska Guides Association, Sitka, said he had three points to make. First the association believes that a license tag fee increase is reasonable but the proposed increases would drive clients away. Most of the hunters he works with aren't wealthy and they don't have to come to Alaska if it is too expensive. The second point relates to lifting the guide requirement in intensively managed units. He suggested that opening some areas to resident guiding would open a crack that could snowball and be difficult to stop. Finally, the guide requirement is a great benefit to Alaskans because it ensures residents have the opportunity to hunt for sheep, goats and brown bear every year. Other states have lost this opportunity.

3:45:03 PM

SENATOR SEEKINS asked Mr. Adams if he had a fee schedule to propose.

MR. ADAMS replied the association was thinking that a 40 percent or 50 percent increase would be understandable, but increasing the fees by several hundred percent is not. When the license, tag, and trophy fees for a brown bear hunt potentially approach 60 percent of the cost of the hunt clients will balk.

SENATOR BERT STEDMAN asked if he's found that a novice has difficulty distinguishing between a male and female bear.

MR. ADAMS replied it's extremely difficult and without considerable experience the odds of taking a sow are tremendous.

SENATOR STEDMAN asked if he would expect that Tongass hunters would run into more wounded bears in the woods if the guide requirement were dropped.

MR. ADAMS replied the wounding loss would increase dramatically. He noted the new regulation that requires a hunter to stop

hunting if he or she wounds an animal and said any guide in Alaska that's worth his salt has a 100-yard rule. We want to be no more than 100 yards away, have a good rest, and make sure the bear is dead. Non-residents don't look at it that way, he said.

[3:48:41 PM](#)

SENATOR SEEKINS asked if someone who has lived in Alaska 12 months would be a better shot or more capable of judging an animal's size or sex than someone who has not lived here that long.

MR. ADAMS replied without a lot of experience it would be difficult for anyone to differentiate the size and sex of an animal regardless of residency.

SENATOR SEEKINS asked if there ought to be a guide requirement for residents.

MR. ADAMS replied no, but it is a tricky area. Certainly education could be part of a program, but nothing takes the place of an experienced guide that has been in the field for multiple trips and is able to keep a handle on the situation.

[3:50:18 PM](#)

CHAIR WAGONER asked what a reasonable fee increase might be for a non-resident hunter.

MR. ADAMS replied he hadn't penciled it out but a 45 percent increase is a starting point.

[3:51:16 PM](#)

CHAIR WAGONER said Alaska residents are getting a free skate in that they don't pay tag fees. He asked for his perspective because one of the ideas behind the fee increase is to get a better predator control program going.

MR. ADAMS replied it wouldn't be out of line to increase resident fees and that would bring more money in to deal with predator issues.

[3:53:00 PM](#)

WAYNE HEIMER, Fairbanks, said he was speaking for himself as a retired fish and game employee. The reason we're here, he said, is because the decisions the department has made over the last 25 years are not within the constitutional mandate. When the constitution was new there weren't modern notions about fish and game management.

When Title 16 was passed there was no need to define the commissioner's duties because it was commonly understood that they were to manage, protect, improve, and extend fish and game resources. Now there is confusion about the meaning of those terms.

He suggested that much of the controversy surrounding SB 170 is a matter of perception and much of the confusion could be mitigated if the commissioner's functions were defined upfront. He recommended changing that language to "duties" because it is more directive. Furthermore, management, protection, improvement and extension ought to be defined early in the bill.

[3:55:43 PM](#)

SENATOR SEEKINS asked if his professional wildlife experience had centered on sheep.

MR. HEIMER replied his experience was with Dall sheep originally and at the end of his career he worked in state federal relations.

SENATOR SEEKINS asked for his perspective on how the state is doing in the management of wildlife.

MR. HEIMER replied not very well because the state is confused about what it means to manage. He further suggested that the state has lost the will to manage, which is the result of the federal take over of management on federal land.

[3:58:10 PM](#)

DAVE LYON, Alaska Backcountry Hunters and Anglers (ABHA), Homer, said ABHA supports the hunting license and tag fee increases that ADF&G requested. He remarked that is what the bill addressed initially.

Currently SB 170 addresses the issue of the demand for moose and caribou exceeding supply and attempts to mandate an increase in the supply and harvest of ungulates. He said we keep taking authority for managing fish and game away from the trained biologists and managers at ADF&G and putting it in the hands of politicians. Let fish and game do its job, provide adequate funding, and stress adaptive management over intensive management.

ABHA supports the original funding increase that fish and game requested. It does not support changes to Title 16 beyond the

required amendment dealing with license and tag fee increases and transparency via annual budget reports made available online. ADF&G should not be forced into practicing or promoting biologically unsound or unscientific management practices.

[4:03:09 PM](#)

ROD ARNO, Director, Alaska Outdoor Council, Fairbanks, thanked the committee for the work it had done on the bill and urged its passage so that the next committee could further refine the language. He emphasized that the system is broken, but that is not a vote of no confidence in the commissioner or the department. He aired the view that the state finally has the right governor and the right commissioner to make needed positive changes in Title 16.

[4:08:39 PM](#)

STEVE PERRINS, Master Guide, Anchorage, said he operates in Unit 16 and has been a guide for 30 years. He said ADF&G has made great strides to increase the ungulate populations and decrease the number of wolves and bears. From his perspective dropping the guide requirement in the intense management areas is self-serving and would be devastating to the guide industry. Furthermore, the tag increases that Senator Seekins proposed would cause hunters to simply go elsewhere. Although there is talk that a 45 percent increase in license and tag fees would cover inflation, the sponsor is proposing increases as high as 600 percent over the next five-year period.

He outlined the annual cost for a resident fishing, hunting, and trapping license and said it's time for an increase. Non-resident fees could sustain increases and he would recommend they be more in line with a 15 percent increase every other year for the next 5 to 6 years. Let ADF&G do its job in cooperation with the biologists and professional organizations that report back to it he said in conclusion.

[4:12:22 PM](#)

SENATOR SEEKINS asked Mr. Perrins if he knew where the suggested license fees came from.

MR. PERRINS said no.

SENATOR SEEKINS informed him that the Anchorage Advisory Committee recommended the fee schedule.

[4:13:40 PM](#)

MARK WAGONER, Registered Guide, Kodiak, said he is opposed to any aspect of SB 170 and he's particularly concerned about the non-resident tag increases. He related that it's difficult to sell an Alaska hunting trip when a Canadian trip costs the same or less and the license and tags are included. Mr. Wagoner made the point that if a trip isn't competitive, the hunter can and will go somewhere else in the world.

A reasonable increase in license and tag fees is acceptable, but the proposed increases are out of line. The notion of charging residents for species tags may be a hot potato, but it ought to be considered. It's the right thing to do at this stage, he said.

[4:18:57 PM](#)

PAUL SHADURA, Executive Director, Kenai Peninsula Fishermen's Association, Kenai, said the association opposes SB 170 as written, but it agrees with the concept of maximum sustained yield for major fish stocks. However, for management of lesser stocks the concept would be devastating for the commercial fishing industry, he said.

MR. SHADURA made the observation that the Board of Fisheries is already burdened with more political assessments than biological assessments and the proposed changes would exacerbate the situation by creating more controversy and reducing the decisions that are based on best available science practices.

[4:20:10 PM](#)

KOREEN LAMOUREX, Anchorage, said she was representing herself as a homemaker and a hunter. She characterized the changes proposed in SB 170 as broad based and sweeping the result of which would be to divide Alaskans, jeopardize the industry, lessen the integrity of fish and game, and provide future challenges for problems it purports to fix.

The legislature should not set or govern regulations or expenditures that are earned and set aside for wildlife and game management, she said. SB 170 would lower professional standards and weaken management by allowing legislative control to open the door for special interests to govern fish and wildlife policies in Alaska. Those policies should be based on biology and what has been learned historically.

MS. LAMOUREX reported that non-resident sportsmen bring over \$200 million to Alaska's coffer each year and pay for over 76 percent of the wildlife conservation costs. SB 170 jeopardizes

that money without any apparent gain to the state, the people, or the wildlife and fishery resources. She expressed the view that the proposed increases for licenses and tag fees are ridiculous because non-resident sportsmen already bear the brunt of stocking the state's wildlife and fish management fund. It's reasonable to expect resident fees to increase somewhat, but for non-resident fees to increase over 400 percent is out of line.

MS. LAMOUREX suggested that resident, non-resident, and alien hunters should all be required to use a locking metal tag for all big game species in all areas of the state regardless of whether the area is intensively managed or not. She elaborated that the locking tag is a management tool that would provide income to the state.

She noted that selling licenses and big game tags on the Internet is user friendly yet SB 170 proposes a 5 percent discount with a \$1 to \$5 surcharge, which would penalize those without Internet access.

Waterfowl stamps provide a statewide management tool and the federal government uses the information as well. No one should be exempt from the need to purchase a stamp, she asserted.

If Musk ox are permitted and don't require a big game tag it ought to be done the same way as all other permitted animals. The system is already splintered and a new category of permits isn't necessary, she said.

MS. LAMOUREX said SB 170 liberalizes bear harvests beyond the realm of ethical standard and would harm future hunting in Alaska more than it would help. Furthermore, it vacillates between charging more or nothing depending on who you are and where you come from.

MS. LAMOUREX further stated that SB 170 negates section 16.05.255 throughout and in areas would destroy the heritage of hunting and trapping in Alaska.

[4:26:38 PM](#)

TRACY VREM, Master Guide, Anchorage, said SB 170 completely undercuts guided hunts. The fee structure isn't well thought out and would cause sportsmen to go hunting in Russia or Canada instead of Alaska.

[4:27:34 PM](#)

MIKE LITZEN, Licensed Master Guide, Nikiski, described SB 170 as a single bill that makes too many sweeping changes to the industry. He suggested that the concerns that brought the bill about should be addressed in measured steps. Although he supports reasonable tag fee increases for non-resident hunters and believes that residents ought to begin paying a nominal amount for big game tag fees, the proposed increases for non-residents are excessive and would put hunting in Alaska out of reach for some of his clients.

MR. LITZEN said he is adamantly opposed to unlicensed people taking bear hunters out in certain areas. There were reasons for establishing the guide requirements and licensing standards. Currently the Big Game Commercial Services Board is working to strengthen those standards to protect the resource and public safety. The proposed change would undermine the industry and devalue the service.

MR. LITZEN suggested that the current predator control program is beginning to show positive results and said he favors implementation in new areas where relief is needed from predator prey imbalances. Give the programs a chance to work before resorting to more radical measures, he said. Mr. Litzen expressed confidence in the existing Board of Game process as well as the conservation expertise that ADF&G brings to the board. It should stay this way, he said.

[4:31:53 PM](#)

JOE KLUTSCH, President, Alaska Professional Hunters Association (APHA), Alaska Peninsula, informed the committee of his letter sent on behalf of the association expressing concern with SB 170. He said Ms. Lamoureux accurately outlined the economic contribution of the guiding industry. The \$200 million per year includes money going out of guide's pockets for supplies, boats, insurance, air taxi support, license and permitting fees and to government agencies.

Up to 70 percent of the Division of Wildlife Conservation budget is funded from the sale of non-resident license and tag fees and the association supports a reasonable increase. His letter supported a 25 percent increase, but those suggested by the Anchorage Advisory Committee are totally different. With regard to the issue of tag fees for residents, he said that's reasonable because the department needs the money.

MR. KLUTSCH urged the committee to carefully consider Mr. Horn's letter regarding the legal ramifications of exempting brown bear

hunters from the guide requirement in areas of intensive management. Don't dismiss his analysis as just another attorney's opinion, he cautioned. This provision has serious unintended consequences. It would carry over to areas not under intensive management and to other guide-required species. Furthermore, it provides potential for abuse of the system in the form of barter, trade and cash under the table.

He stated agreement with the concept of managing for abundance and sustained yield for human use and with including predators in the management equation. However, the legal thresholds for that process are set too high. If you reach a threshold of biological emergency then there's been a management failure, he said. The bill should not direct management plans, methods and means. That is a board process and function.

We are in your camp in the respect that we're working for what is good for guides, what is good for residents, and what is good for wildlife, he concluded.

SENATOR SEEKINS asked what he thinks of the second degree of kindred law.

MR. KLUTSCH outlined the historical origin and opined that there are probably a number of residents who are capable, ethical and experienced enough to accompany someone in the field and do a good job. However, they are not insured, they don't have land use authorization, and they don't always know about regulatory conditions. He expressed the opinion that it puts too much in jeopardy for the guide-required species.

SENATOR SEEKINS asked if the Board of Game ought be required to check with the governor's office before authorizing a predator control program.

MR. KLUTSCH said no. Providing for explicit management direction in statute is of major concern because the board should be given latitude. He expressed the view that the anti-predator management contingent has forced us into this arena, but the sponsor is on the right track.

[4:43:21 PM](#)

SENATOR ELTON described Mr. Horn's letter as compelling and said he'd like him to testify if the bill had a subsequent hearing. He could also discuss whether the sale of bear hides or trophies could negatively implicate the guiding industry.

MR. KLUTSCH said Mr. Horn was amenable to testifying. He noted that he had neglected to mention that APHA has always been on record opposing the sale of hides and trophies.

[4:44:26 PM](#)

GLORIA STICKWAN, Glennallen, represented herself and testified that she was opposed to many aspects of SB 170. [Abbreviated testimony due to audio difficulties.]

[4:48:43 PM](#)

DR. ROLAND MAW, Executive Director, United Cook Inlet Drift Association, Kasilof, said his comments on SB 170 relate to separating hunting issues from fishing issues. Sections 9, 11, and 17 are particularly troublesome and require further discussion. [Dr. Maw was speaking to the original version of SB 170, labeled 24-LS0494\I]

Section 9 talks about "expenditure for projects that directly benefit purchasers of..." but it's not practical in the instance of a hatchery or enhancement program that's designed primarily for sport fishing when the fish move through a commercial fishery. The reverse wouldn't work either because a project that's designed for commercial fishing always has an allowance for the sport harvest. Section 11 has similar problems, but Section 19 is particularly egregious and would probably cause some commercial fisheries to close. If those items are left in he could not support the bill.

DR. MAW stated full support with Paul Shadura's comments and expressed the personal view that the proposed fees are not particularly egregious.

CHAIR WAGONER asked Dr. Maw which version he was speaking to.

DR. MAW said he downloaded it from the Internet. [Original version of SB 170, labeled 24-LS0494\I]

[4:52:31 PM](#)

RICKY GEASE, Executive Director, Kenai River Sportfishing Association, Soldotna, echoed Paul Shadura's comments and said it's not effective to pile more responsibilities on the Board of Fisheries when its plate is already full. He expressed concern with Section 2 and said some sport fisheries are already doing well operating under optimum sustained yield. Also, he said, we do manage for species we don't harvest. Northern Pike on the Kenai Peninsula are an example and he would not want to limit the department's ability to manage those fish.

He highlighted Section 74, which allows the purchase or sale of sport or personal use fish, and said this would create severe law enforcement problems for the Kenai Peninsula in its Sockeye and King fisheries.

[4:54:03 PM](#)

JOEL BENNETT, Juneau, presented the perspective of a former member of the Board of Game who served from 1977 to 1990. He identified Sections 4 and 18 of the sponsor substitute as the areas that contain the most sweeping changes. They require the department to receive the appropriate board approval before implementing any plan, strategy or guideline that establishes or affects the management of fish and game. Mr. Bennett described the requirement as unprecedented and said it's unworkable to expect the board to review and approve what are essentially day-to-day department matters.

Under the current system these lay-member boards have revolving schedules. They consider regulations every two years for the different five regions and every four years for statewide regulations. If SSSB 170 were to be implemented, it would call for a full-time board. That means it would be a professional board rather than a lay-member board, which it has been since Statehood. Mr. Bennett noted that the bill does not address revamping the board system and reiterated his perspective that the most sweeping provision is the most defective.

[4:57:31 PM](#)

BOBBY FITHIAN, Executive Director, Alaska Professional Hunters Association (APHA), Lower Tonsina, said APHA supports the primary objective of SSSB 170, which is to facilitate more active management of Alaska's fish and wildlife resources to provide maximum sustained yield. In particular APHA supports the provisions for changing the legal standard of review for entering into intensive management.

APHA does not support deleting the guide requirement in intensive managed units. Although it has existed in state law for 47 years, it exists through a narrow window of allowance in federal constitutional law. The three factors that are allowed in federal law are public safety, enforcement, and conservation. Legal counsel has said that to deviate and drop the guide requirement in intensive management areas and allow non-resident hunters to be accompanied by resident hunters puts the scope of that activity beyond that narrow window of allowance. If this bill were to pass as written, there is the risk of eliminating a

\$200 million per year industry that has sustained itself for 100 years.

He asked the committee to envision what would happen in the state if the guide requirement were dropped and suggested that the level of effort would skyrocket. Other states have faced this issue and they have gone to drawing permits for quality hunting. That, he asserted, would pit every Alaskan resident against every non-resident who wanted to harvest a big game animal. He described that eventuality as a loss for Alaska as a whole.

APHA is on record supporting a 25 percent increase in non-resident license and tag fees. Furthermore, APHA would like the committee to consider implementing resident tag fees because it's time for Alaska residents to step up and provide adequate and equitable support for the wildlife conservation effort.

[5:02:46 PM](#)

MR. FITHIAN read the following ADF&G sectional analysis of Section 74, dealing with the sale of trophies and said it parallels APHA concerns and historic comments.

The apparent intent of this section is to allow the sale of big game trophies, but the language allows the sale of any legally taken fish or game. As mentioned in comments on previous versions, this would include meat from game animals as well as well as parts such as gall bladders, claws, teeth - some which have market demand.

This section could lead to market hunting, sale of fish caught for personal use, sport, or subsistence use. Moreover, it turns all cases into commerce thus, bringing Alaska within the scope of case law limiting state's abilities to regulate interstate commerce. This imperils all of Alaska's existing preferences and quotas for residents including but not limited to limiting subsistence uses to residents, reserving drawing permit quotas to residents, and closing non-resident uses before closing resident uses.

[5:04:05 PM](#)

MR. FITHIAN discussed brown bear conservation history. In 1925 the newly formed Alaska Game Commission banned the harvest of brown bears for the sale of the hides. In 1957 the commission made it illegal statewide to harvest a maternal brown bear and a

year later it became illegal statewide to harvest a bear cub. In 1964 it became illegal to harvest a bear the same day that a hunter was airborne and in 1967 the one bear every four years provision was implemented for both resident and non-resident hunters. Those sound bear conservation measures were in place through the late 1980s thus creating a widespread distribution of enhanced ungulate populations that was unique to Alaska.

Various lawsuits and ballot measures in the 1980s brought on the loss of ability to control wolves that started the downward spiral of ungulate populations. "Those initiatives were brought on by anti-hunters and animal rights organizations" but they aren't here now because we're right where they want us to be. We're hunters and unique Alaskans that are fighting among ourselves for what is left. The solution is to focus on the efforts that brought us here, he said, and APHA is available to help the sponsor in that effort.

[5:07:11 PM](#)

MR. FITHIAN stated that APHA encourages reigning in the Division of Subsistence and developing a truthful accountability to accommodate the needs and concerns of true subsistence users. Historically APHA has worked with ADF&G and the Board of Game and we are gaining ground, he said. Also, the creation of the Big Game Commercial Services Board is a positive step for establishing accountability and sustainability in the guide and transporter industries.

[5:11:46 PM](#)

SENATOR SEEKINS asked Mr. Fithian if he was familiar with the Ballard study on the effect of bear predation on moose calf survival rates.

MR. FITHIAN said he does not have good knowledge of the study.

SENATOR SEEKINS asked if he knew how moose calf survival was affected as a result of bear relocation in the McGrath area.

MR. FITHIAN replied he was very familiar with that.

CHAIR WAGONER announced he would hold SB 170 in committee. CHAIR WAGONER apologized that the committee did not have time to hear SB 314.

There being no further business to come before the committee, Chair Wagoner adjourned the meeting at [5:13:15 PM](#).