

**ALASKA STATE LEGISLATURE**  
**HOUSE SPECIAL COMMITTEE ON FISHERIES**

February 2, 2010

10:22 a.m.

**MEMBERS PRESENT**

Representative Bryce Edgmon, Chair  
Representative Wes Keller, Vice Chair  
Representative Craig Johnson  
Representative Charisse Millett  
Representative Cathy Engstrom Munoz  
Representative Robert L. "Bob" Buch  
Representative Scott Kawasaki

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 227

"An Act establishing state fish and game reserves; creating the Holitna River Basin Hunting, Fishing, and Trapping Reserve; and providing for an effective date."

- MOVED OUT OF COMMITTEE

HOUSE BILL NO. 252

"AN ACT RELATING TO THE DUTY OF THE COMMISSIONER OF NATURAL RESOURCES TO ADMINISTER AND SUPERVISE PROMOTIONAL AND MARKETING WORK FOR AGRICULTURAL AND AQUATIC FARM PRODUCTS."

- BILL HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: HB 227

SHORT TITLE: HOLITNA BASIN RESERVE

SPONSOR(S): REPRESENTATIVE(S) HERRON

04/10/09	(H)	READ THE FIRST TIME - REFERRALS
04/10/09	(H)	FSH, RES
01/19/10	(H)	SPONSOR SUBSTITUTE INTRODUCED
01/19/10	(H)	READ THE FIRST TIME - REFERRALS
01/19/10	(H)	FSH, RES
01/26/10	(H)	FSH AT 10:15 AM BARNES 124

01/26/10 (H) Heard & Held  
01/26/10 (H) MINUTE(FSH)  
02/02/10 (H) FSH AT 10:15 AM BARNES 124

#### **WITNESS REGISTER**

REPRESENTATIVE BOB HERRON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified on SSHB 227, as prime sponsor.

KEVIN SAXBY, Senior Assistant Attorney  
Natural Resources Section  
Civil Division  
Department of Law (DOL)  
Anchorage, Alaska

**POSITION STATEMENT:** Responded to questions on SSHB 227.

DAVE TRANTHAM  
Bethel, Alaska

**POSITION STATEMENT:** Testified in support of SSHB 227.

AARON BLOOMQUIST, Chairman  
Anchorage Fish and Game Advisory Committee  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SSHB 227.

DICK MYLIUS, Director  
Department of Natural Resources (DNR)  
Division of Mining, Land and Water  
Anchorage, Alaska

**POSITION STATEMENT:** Responded to questions on SSHB 227.

#### **ACTION NARRATIVE**

[10:22:00 AM](#)

**CHAIR BRYCE EDGMON** called the House Special Committee on Fisheries meeting to order at 10:22 a.m. Representatives Edgmon, Keller, Munoz, Kawasaki, and Buch, were present at the call to order. Representatives Johnson and Millett arrived while the meeting was in progress

#### **HB 227-HOLITNA BASIN RESERVE**

[10:22:11 AM](#)

CHAIR EDGMON announced that the only order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 227, "An Act relating to the establishment of state fish and game reserves; creating the Holitna River Basin Hunting, Fishing, and Trapping Reserve; and providing for an effective date."

[10:24:31 AM](#)

REPRESENTATIVE BOB HERRON, Alaska State Legislature, referred to the outstanding questions that are still being addressed by the appropriate state departments, including some legal questions and a delineation of the boundaries. He suggested that the next committee of referral may be able to receive these responses, in order to allow the department adequate response time.

[10:25:21 AM](#)

REPRESENTATIVE KELLER questioned why, because state statute already requires managing land for abundance, it would be necessary to designate an area specifically for that reason.

REPRESENTATIVE HERRON clarified that intensive management (IM) practices maximize big game populations for human consumption.

[10:28:02 AM](#)

KEVIN SAXBY, Senior Assistant Attorney, Natural Resources Section, Civil Division, Department of Law (DOL), stated that current statutory mandates to manage intensively for game is limited to certain ungulate species that have been identified by the Board of Game (BOG) as being important for high levels of human use. In the area being considered, it applies primarily to moose. However, the broad language of the bill refers to managing, in general, fish and game, for high levels of use. Therefore, the state would likely interpret that language to include fur bearers, predators, fish; and thus [the mandate] wouldn't be limited to ungulates.

[10:29:28 AM](#)

REPRESENTATIVE KAWASAKI inquired how these populations might be managed.

MR. SAXBY offered that animal populations naturally fluctuate, but with active human management the fluctuations could be minimized, providing a more constant harvest.

REPRESENTATIVE KAWASAKI surmised that the BOG would make management decisions.

[10:31:09 AM](#)

REPRESENTATIVE KAWASAKI asked if there are other statutes that apply similarly to the management of fish.

MR. SAXBY replied that it does occur to the extent that fish stocks can be separately identified and managed, or else they are managed as mixed stocks.

[10:31:56 AM](#)

REPRESENTATIVE MUNOZ referred to page 2, lines [5-9] and asked if there is a plan for prioritizing the named uses, or would they be equally managed.

MR. SAXBY indicated that this language does not establish a consumptive use priority, however, existing subsistence statute does provide preference.

[10:34:23 AM](#)

DAVE TRANTHAM, stated support for SSHB 227, sharing that he lives in this heavenly area, and believes the bill ensures preservation of the Basin for future generations.

[10:40:12 AM](#)

AARON BLOOMQUIST, Chairman, Anchorage Fish and Game Advisory Committee, stated support for HB 227. The committee sees this as a step towards creating other IM areas in the state, without impinging on the possibilities of development. Pro-abundance and predator control may again come under, and this may assist in fending off such scrutiny.

[10:42:22 AM](#)

CHAIR EDGMON closed public testimony.

[10:43:13 AM](#)

REPRESENTATIVE KAWASAKI asked Department of Natural Resources (DNR) how this legislation might impact upstream users that pursue developing natural gas or mining.

DICK MYLIUS, Director, Department of Natural Resources (DNR), Division of Mining, Land and Water, said it would add a layer of consideration when issuing permits, or leases, and determinations of whether activities would conflict with the intent of the legislation. Specifically, it would prohibit any land sales, and there is one area identified for potential sale in the upper reaches of the watershed.

[10:44:26 AM](#)

REPRESENTATIVE MUNOZ noted the private parcels adjoining the area and asked about ownership rights.

MR. MYLIUS responded that they would not be protected and that access is also protected.

REPRESENTATIVE MUNOZ inquired where that protection is stipulated in the bill.

REPRESENTATIVE HERRON referred to page 3, line 19, to indicate the language guaranteeing access.

[10:45:44 AM](#)

REPRESENTATIVE KAWASAKI asked about the private land holdings.

REPRESENTATIVE HERRON said that the west side parcels are primarily mining claims, some dating back 100 years. Additionally, there are Native allotments and homesteads.

REPRESENTATIVE KAWASAKI queried whether lease/land holders have been contacted to ensure that they have been informed of a potential change in their land status.

REPRESENTATIVE HERRON conceded that it may not have occurred, however, the consideration for this action has been in existence for about 30 years, and support in developing this legislation has come from some of the landholders.

[10:48:08 AM](#)

REPRESENTATIVE MILLETT inquired whether anyone holding existing mining claim would be grandfathered in or be hampered by permit requirements, under SSHB 227.

REPRESENTATIVE HERRON underscored that it is not the sponsor's intent to halt these types of extraction activities, as the historical makeup of the basin includes mining.

MR. MYLIUS concurred and pointed out that the bill does not restrict privately owned lands. State mining claims are an exception and would need to be developed in accordance with the purposes of the reserve.

REPRESENTATIVE MILLETT expressed concern for the ability to develop state mining claims in the area.

REPRESENTATIVE HERRON suggested that it could be taken up in the next committee of referral.

[10:50:41 AM](#)

REPRESENTATIVE JOHNSON stated his support for SSHB 227.

[10:51:22 AM](#)

REPRESENTATIVE KELLER moved to report SSHB 227 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SSHB 227 was reported from the House Special Committee on Fisheries.

[10:51:47 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:52 a.m.