

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

April 15, 2009

3:46 p.m.

MEMBERS PRESENT

Senator Lesil McGuire, Co-Chair
Senator Bill Wielechowski, Co-Chair
Senator Charlie Huggins, Vice Chair
Senator Hollis French
Senator Gary Stevens
Senator Thomas Wagoner

MEMBERS ABSENT

Senator Bert Stedman

COMMITTEE CALENDAR

CONFIRMATION HEARING

Teresa Sager-Albaugh - Board of Game
CONFIRMATION ADVANCED

SENATE JOINT RESOLUTION NO. 22

Opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye salmon personal use dip net fisheries; and requesting the governor to re-examine the disproportional influence of the commercial fisheries industries on fisheries management in the state.

MOVED CSSJR 22(RES)

CS FOR HOUSE JOINT RESOLUTION NO. 25(ENE) AM

Urging the United States Congress to classify hydroelectric power as a renewable and alternative energy source.

MOVED CSHJR 25(ENE) AM

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 14(STA)

"An Act designating the Alaskan Malamute as the official state dog."

HEARD AND HELD

CS FOR HOUSE JOINT RESOLUTION NO. 27(RES)

Relating to sovereign powers of the state.

HEARD AND HELD

CS FOR HOUSE CONCURRENT RESOLUTION NO. 10(RES)

Urging the Governor to exercise all available legal options to restrain the United States Department of the Interior, National Park Service, from intruding on the sovereign right of the state to exercise jurisdiction over navigable water and submerged land and urging the Governor to allocate sufficient resources to the Department of Law, the Department of Natural Resources, and the Department of Fish and Game to defend the state's right to manage the public use of its navigable water.

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SJR 22

SHORT TITLE: FEDERAL PREEMPTION OF SALMON MANAGEMENT

SPONSOR(S): SENATOR(S) HUGGINS

04/09/09 (S) READ THE FIRST TIME - REFERRALS
04/09/09 (S) RES, JUD
04/15/09 (S) RES AT 3:30 PM BUTROVICH 205

BILL: HB 14

SHORT TITLE: ALASKAN MALAMUTE AS STATE DOG

SPONSOR(S): REPRESENTATIVE(S) GARDNER

01/20/09 (H) READ THE FIRST TIME - REFERRALS
01/20/09 (H) STA
01/20/09 (H) PREFILE RELEASED 1/9/09
02/26/09 (H) STA AT 8:00 AM CAPITOL 106
02/26/09 (H) Moved CSHB 14(STA) Out of Committee
02/26/09 (H) MINUTE(STA)
02/27/09 (H) STA RPT CS(STA) 4DP 2NR 1AM
02/27/09 (H) AM: GATTO
02/27/09 (H) DP: SEATON, GRUENBERG, WILSON, PETERSEN
02/27/09 (H) NR: JOHNSON, LYNN
04/07/09 (H) TRANSMITTED TO (S)
04/07/09 (H) VERSION: CSHB 14(STA)
04/08/09 (S) STA, RES
04/08/09 (S) READ THE FIRST TIME - REFERRALS
04/14/09 (S) STA RPT 4NR
04/14/09 (S) NR: MENARD, FRENCH, PASKVAN, KOOKESH
04/14/09 (S) STA AT 9:00 AM BELTZ 211
04/14/09 (S) Moved CSHB 14(STA) Out of Committee
04/14/09 (S) MINUTE(STA)
04/15/09 (S) RES AT 3:30 PM BUTROVICH 205

BILL: HJR 25

SHORT TITLE: HYDROELECTRIC POWER; RENEWABLE ENERGY

SPONSOR(S): REPRESENTATIVE(S) THOMAS

03/13/09 (H) READ THE FIRST TIME - REFERRALS
03/13/09 (H) ENE, RES
03/24/09 (H) ENE AT 3:00 PM BARNES 124
03/24/09 (H) Moved CSHJR 25(ENE) Out of Committee
03/24/09 (H) MINUTE(ENE)
03/25/09 (H) ENE RPT CS(ENE) 5DP
03/25/09 (H) DP: RAMRAS, DAHLSTROM, TUCK, JOHANSEN,
MILLETT
04/08/09 (H) RES AT 1:00 PM BARNES 124
04/08/09 (H) Moved CSHJR 25(ENE) Out of Committee
04/08/09 (H) MINUTE(RES)
04/10/09 (H) NR: KAWASAKI
04/10/09 (H) AM: GUTTENBERG
04/10/09 (H) DP: EDGMON, OLSON, TUCK, SEATON,
JOHNSON, NEUMAN
04/10/09 (H) RES RPT CS(ENE) 6DP 1NR 1AM
04/13/09 (H) TRANSMITTED TO (S)
04/13/09 (H) DIVIDE THE AMENDMENT
04/13/09 (H) VERSION: CSHJR 25(ENE) AM
04/14/09 (S) RES
04/14/09 (S) READ THE FIRST TIME - REFERRALS
04/15/09 (S) RES AT 3:30 PM BUTROVICH 205

BILL: HJR 27

SHORT TITLE: STATE SOVEREIGNTY

SPONSOR(S): REPRESENTATIVE(S) KELLY

03/19/09 (H) READ THE FIRST TIME - REFERRALS
03/19/09 (H) RES
03/30/09 (H) RES AT 1:00 PM BARNES 124
03/30/09 (H) Moved CSHJR 27(RES) Out of Committee
03/30/09 (H) MINUTE(RES)
04/01/09 (H) RES RPT CS(RES) 5DP AM2
04/01/09 (H) DP: OLSON, SEATON, WILSON, JOHNSON,
NEUMAN
04/01/09 (H) AM: GUTTENBERG, TUCK
04/06/09 (H) TRANSMITTED TO (S)
04/06/09 (H) VERSION: CSHJR 27(RES)
04/07/09 (S) READ THE FIRST TIME - REFERRALS
04/07/09 (S) RES
04/15/09 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

TERESA SAGER-ALBAUGH, Nominee

Board of Game

POSITION STATEMENT: Provided information related to her appointment to the Board of Game.

DAVID CRAMER

Summit Consulting Services, Inc.

POSITION STATEMENT: Supported confirmation of Teresa Sager-Albaugh to the Board of Game.

SUE ENTSMINGER, representing herself

POSITION STATEMENT: Supported confirmation of Teresa Sager-Albaugh to the Board of Game.

RON SOMERVILLE, Board Member

Territorial Sportsmen

Juneau, AK

POSITION STATEMENT: Supported confirmation of Teresa Sager-Albaugh to the Board of Game and SJR 22.

ROD ARNO, Executive Director

Alaska Outdoor Council

POSITION STATEMENT: Supported confirmation of Teresa Sager-Albaugh to the Board of Game and SJR 22.

ANDREW JOSEPHSON, President

Alaska Wildlife Alliance (AWA)

Anchorage, AK

POSITION STATEMENT: Opposed confirmation of Teresa Sager-Albaugh to the Board of Game.

WADE WILLIS, Alaska Representative

Defenders of Wildlife

Anchorage, AK

POSITION STATEMENT: Opposed confirmation of Teresa Sager-Albaugh to the Board of Game.

BYRON HALEY, President

Chitina Dipnetters Association

Fairbanks, AK

POSITION STATEMENT: Supported confirmation of Teresa Sager-Albaugh to the Board of Game.

TED MORFUS, representing himself

Fairbanks, AK

POSITION STATEMENT: Supported confirmation of Teresa Sager-Albaugh to the Board of Game.

SHARON LONG, Staff
to Senator Huggins
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Introduced SJR 22 on behalf of the sponsor.

RICKY GEASE, Executive Director
Kenai River Sportfishing Association
Soldotna, AK

POSITION STATEMENT: Supported SJR 22.

BYRON HALEY, President
Chitina Dipnetters Association
Fairbanks, AK

POSITION STATEMENT: Stated strong support for SJR 22.

KACI SCHROEDER-HOTCH, Staff
to Representative Bill Thomas
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Introduced HJR 25 on behalf of the sponsor.

HAP SYMMONDS, Chair
Cordova Electric Coop and
Cordova - Ocean Beauty Seafoods

POSITION STATEMENT: Supported HJR 25.

JODI MITCHELL, General Manager and CEO
Inside Passage Electric Cooperative (IPEC)

POSITION STATEMENT: Supported HJR 25.

TIM MCCLEOD, President and General Manager
Alaska Electric Light and Power (AEL&P)
Juneau, AK

POSITION STATEMENT: Supported HJR 25.

THOMAS BOLEN, Manager
Haines Borough
Haines, AK

POSITION STATEMENT: Supported HJR 25.

KATHLEEN MENKE, representing herself
Haines, AK

POSITION STATEMENT: Suggested amendments to HJR 25.

STEFAN JOHNSON, sixth grade

Academy Charter School

POSITION STATEMENT: Testified on HB 14 and supported the husky as the state dog.

REPRESENTATIVE BERTA GARDNER

Alaska State Legislature

Juneau, AK

POSITION STATEMENT: Sponsor of HB 14.

JAMIE RODRIGUEZ, teacher

Polaris K-12 School

POSITION STATEMENT: Supported HB 14.

KAI ROBERTS, fourth grade

Polaris K-12 School

POSITION STATEMENT: Supported HB 14.

OCEANA GAMEL-HOWES, third grade

Polaris K-12 School

POSITION STATEMENT: Supported HB 14.

MADELINE FLORES, fifth Grade

Polaris K-12 School

POSITION STATEMENT: Supported HB 14.

ESTHER ERICKSON, sixth grade

Academy Charter School

POSITION STATEMENT: Testified on HB 14 and supported the husky as the state dog.

ZACHARY BLOOM, sixth grade

Academy Charter School

POSITION STATEMENT: Testified on HB 14 and supported the husky as the state dog.

STEVEN MURPHY, sixth grade

Academy Charter School

POSITION STATEMENT: Testified on HB 14 and supported the husky as the state dog.

BRANDY BOOKOUT, sixth grade

Academy Charter School

POSITION STATEMENT: Testified on HB 14 and supported the husky as the state dog.

ELLI WALTON, sixth grade

Academy Charter School

POSITION STATEMENT: Testified on HB 14 and supported the husky as the state dog.

ELIAS STRATTON, sixth grade
Academy Charter School

POSITION STATEMENT: Testified on HB 14 and supported the husky as the state dog.

COLE CLEMENTS, sixth grade
Academy Charter School

POSITION STATEMENT: Testified on HB 14 and supported the husky as the state dog.

LOGAN METZLER, sixth grade
Academy Charter School

POSITION STATEMENT: Testified on HB 14 and supported the husky as the state dog.

MEGAN THOMAS, sixth grade
Academy Charter School

POSITION STATEMENT: Testified on HB 14 and supported the husky as the state dog.

SHEILA MARTIN, dog breeder
Palmer, AK

POSITION STATEMENT: Testified that recognizing the malamute as the official state dog would be a mistake.

DEREK MILLER, staff
to Representative Mike Kelly
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Introduced HJR 27 on behalf of the sponsor.

ACTION NARRATIVE

[3:46:34 PM](#)

CO-CHAIR LESIL MCGUIRE called the Senate Resources Standing Committee meeting to order at 3:46 p.m. Senators French, Huggins, Wagoner, Stevens, Wielechowski, and McGuire were present at the call to order.

CONFIRMATION HEARING

[3:47:28 PM](#)

CHAIR MCGUIRE announced the first order of business to be a confirmation hearing.

TERESA SAGER-ALBAUGH, Nominee, Board of Game, said she was born in Fairbanks and has lived in the Mentasta Pass area for the past 25 years. In her youth hunting and fishing was a family activity and it continues to be. She has a family cabin in the Interior with great opportunities for hunting and fishing. She worked as staff for some Interior delegation members from 1983 to 1995 and since then has worked for her neighbor designing construction projects in remote Alaska villages. Personally she has devoted quite a bit of her free time to organizations of wildlife conservation. She feels it is important for youth to connect with the natural environment and learn resource stewardship. It is a logical transition for her to serve on the Board of Game. Her background provides a good basis for providing good outdoor and wildlife use opportunities for the public.

[3:50:32 PM](#)

DAVID CRAMER, Summit Consulting Services, Inc., said he is Ms. Sager-Albaugh's employer. The company does design and construction of sewer and water projects throughout the state. He has known Ms. Sager-Albaugh for 15 years and has found her to be a good and conscientious employee with a balanced approach in everything she does. He will make his business as flexible as need be to accommodate her schedule with the board. He has a strong rural Alaska tie that extends across the state and believes that Ms. Sager-Albaugh has the same global view. She will make an excellent addition to the Board of Game.

[3:52:57 PM](#)

SUE ENTSMINGER said she has known Ms. Sager-Albaugh for 26 years. She has high moral standards, is gentle and kind and will listen to all the users. She understands the lifestyle of people in both urban and rural Alaska. She will hear all sides and can look at all aspects of each problem that comes up.

RON SOMERVILLE, Juneau, said he has known Ms. Sager-Albaugh since she worked as staff in the Legislature and has always been impressed. She is from the Interior and is a good replacement if Mr. Burly is going to be replaced. He has served on the board and knows that you do rely on the local people for input. Ms. Sager-Albaugh has demonstrated her ability to do that.

[3:55:57 PM](#)

CHAIR MCGUIRE noted that Ms. Sager-Albaugh worked for the Legislature from 1983 to 1995.

ROD ARNO, Executive Director, Alaska Outdoor Council (AOC), said he has worked with Ms. Sager-Albaugh on Board of Game issues for more than 10 years. Her knowledge of the process was clearly shown at her first board meeting. She was very effective. AOC appreciates that she is personable and allows the public to see that they have representation. She is approachable and listens with an open mind, which legitimizes the board process and is of high value. Her attention to detail and knowledge of the state constitution and the statutes dealing with game management is important. She will try to follow the Legislature's wishes to meet the constitutional requirement for developing resources.

[3:58:52 PM](#)

ANDREW JOSEPHSON, President, Alaska Wildlife Alliance (AWA), Anchorage, said AWA is the only local non-profit environmental group that advocates for a variety of resources uses including the right to non-consumptive uses. He explained that he has lived in Anchorage, Fairbanks, Kenai, Kalskag, and as a state prosecutor in Kotzebue. He worked as legislative staff in 1990 and 2003. He doesn't know Ms. Sager-Albaugh and didn't attend the March board meeting during which she served as a member. AWA did submit comments to the board. His concern is that Ms. Sager-Albaugh does not represent diversity as required in AS 16.05.221(b). She represents the extreme end of what AWA views as extreme policy. For example, last year the public learned that eight or nine wolf pups were killed in their den and his sense was that ADF&G was reluctant for the public to know that. That is now public policy, as is the right for black bear not to be used in entirety, bear snaring, and expanded aerial wolf hunting. There is no advocate for the point of view of the alliance and AWA believes there needs to be some balance. If the visiting public knew these policies, they would find it disturbing, he said. AWA's concern with Ms. Sager-Albaugh is that she represents the far reaches on this issue. She spoke to being a good steward of natural resources but that is not what has been reported to him following the March meeting.

[4:03:00 PM](#)

WADE WILLIS, Alaska Representative, Defenders of Wildlife ("Defenders"), said this is a nonprofit conservation organization that promotes scientific management of wildlife resources. He is a former biologist for the Alaska Department of Fish and Game (ADF&G) and the U.S. Fish and Wildlife Service in Alaska. Mr. Willis said that Defenders opposes Ms. Sager-Albaugh's confirmation to the Board of Game because she brings extreme non-science views to Alaska wildlife management issues. She does not offer the diverse representation that is

desperately needed on this board. Her extreme agenda and views on wildlife management were made clear at the first board meeting she attended. She voted to expand aerial wolf hunting into Denali State Park without considering or discussing the cost to the tourism industry or that the Division of Parks and Recreation prefers that predator control not be conducted within the park. She voted to allow the use of helicopters by private citizens to support killing wolves and bears, which is something Alaskans have vigorously opposed. She voted to authorize citizens to do shooting, including sows and cubs. She voted to allow citizens to snare both brown and black bears, including sows and cubs and she voted to allow the sale and resale of bear parts. This was strongly opposed by the Alaska Wildlife Troopers. These votes supported changing long standing, fundamental wildlife policy in Alaska. Ms. Sager-Albaugh is the past president of the Alaska Outdoor Council and maintains close ties. She was found to have a conflict of interest in three votes at the board meeting showing that her ties to the AOC will make her biased.

[4:06:04 PM](#)

BYRON HALEY, President, Chitina Dipnetters Association, Fairbanks, said he supports confirmation of Ms. Sager-Albaugh to the Board of Game. He has worked with her on conservation and game management issues. She is very knowledgeable.

TED MORFUS, Fairbanks, said he knows Ms. Sager-Albaugh and she is forthright and honest. She would make a very good Board of Game member. The attacks on her from the other groups are unfounded because they don't know her. She understands game management.

[4:07:49 PM](#)

SENATOR HUGGINS moved to advance the name Teresa Sager-Albaugh to the Board of Game for consideration of the full legislature. Hearing no objection, it was so ordered.

SJR 22-FEDERAL PREEMPTION OF SALMON MANAGEMENT

[4:09:04 PM](#)

CHAIR MCGUIRE announced the consideration of SJR 22.

SENATOR WIELECHOWSKI moved to adopt proposed committee substitute (CS) for SJR 22, labeled 26-LS0866\R as the working document. There being no objection, version R was before the committee.

SENATOR HUGGINS, sponsor of SJR 22, said his aide will present the bill and describe how the United Cook Inlet Drift Association (UCIDA) has "grabbed a tiger by the tail" in this instance.

SHARON LONG, Staff to Senator Huggins, said SJR 22 takes aim at the lawsuit filed by the United Cook Inlet Drift Association (UCIDA). The complaint, calling for the return of federal management, is an affront to this state. It was a colossal failure of federal salmon management that largely drove the statehood movement. UCIDA fishers participate in gillnet and drift gillnet in Cook Inlet and can keep an unlimited number of commercially caught fish for personal use. Their goal is to have the state-managed personal-use dipnet fishery declared unconstitutional and preempted by federal law. SJR 22 seeks a fair shake for Alaskans who dipnet fish without commercial gear. It asks the governor to intervene in defense of the state's authority to responsibly manage its fisheries.

[4:10:55 PM](#)

SENATOR FRENCH asked the source of the "Whereas" clause relating to the UCIDA's desire to outlaw personal dipnetting.

MS. LONG said UCIDA claims that they are harmed by state regulations pertaining to salmon management in Cook Inlet. The relief they ask for is to declare that the state authorized resident only salmon fisheries in Cook Inlet are unconstitutional and therefore preempted by federal law.

SENATOR FRENCH said he would call that black and white.

SENATOR HUGGINS added that his neighbors and many of his friends have been very tolerant "over the piece of where you live and how you get to fish." The salmon task force talked about the sizeable number of commercial fishers in Cook Inlet, residents and non-residents alike. Rod and reel fishers would likely say those commercial fishers have almost no limit. Now this group is saying they want to preempt his friends and neighbors who dipnet because non-resident commercial dipnetters can't dipfish. "There is something wrong with that." Hence my comment about their having a tiger by the tail, he said.

[4:13:28 PM](#)

SENATOR WAGONER said his understanding is that this started as a petition to the Secretary of Commerce. It was ignored and the time ran out on the petition. The lawsuit was filed out of frustration and was an effort to get the attention of the

Secretary of Commerce. However, even that hasn't elicited a response or comment from the Secretary of Commerce.

[4:14:36 PM](#)

SENATOR HUGGINS said he doesn't disagree, but now it is a lawsuit. The beauty of it is that a number of people who are commercial fishers want to sign on to this resolution because this is against Alaskans and the Alaskan way of life. He predicts others will also sign on because Alaskans will not allow this sort of thing happen.

ROD ARNO, Executive Director, Alaska Outdoor Council (AOC), said AOC represents 10,000 Alaskans and advocates for Alaskans that participate in the harvest of wild food. The dipnet fisheries in Chitina and the fisheries in the Kenai and Kasilof rivers are important sources of wild food for thousands of Alaskan families. AOC is opposed to the lawsuit and in support of SJR 22. The idea of having this suit going to the federal court, preempting state rights and the Submerged Lands Act is dangerous for the state of Alaska.

[4:17:23 PM](#)

RON SOMERVILLE, Territorial Sportsmen board member, Juneau, said if the lawsuit were successful it would target nearly all resident-only fisheries. The lawsuit addresses Cook Inlet but there is a Jenson case in Cordova that is identical. "Where does it stop?" The state should be interested, but can't just file an amicus brief. If the governor will not do that, the legislative council should consider the options. It is an affront to Alaskans to try to preempt state management; that was the essence of seeking statehood.

[4:19:05 PM](#)

RICKY GEASE, Executive Director, Kenai River Sportfishing Association, Soldotna, said KRSA is a fishery conservation organization. He agrees with previous two testifiers. He suggested expanding the scope of the resolution to include the similar Jensen lawsuit. It is important for the state to intervene in both lawsuits in case there are out of court settlements, he said. The lead attorney for these lawsuits indicated they are seeking out of court settlements, such as personal use dipnet fishing on the Kenai River only occurring after the upper end of the escapement goal has been achieved. Predictability is important for people to plan vacations to go dipnetting. The association supports an out of court settlement that involves oversight by the Board of Fisheries and ADF&G management.

BYRON HALEY, President, Chitina Dipnetters Association, Fairbanks, stated strong support for SJR 22. Commercial fishers have been trying to close this dipnet fishery for a long time. This is another tool they are using.

[4:21:48 PM](#)

CHAIR MCGUIRE closed public testimony and asked Senator Huggins if he wanted to offer an amendment.

SENATOR HUGGINS replied he would need to do the research.

SENATOR WIELECHOWSKI said he would support expanding the resolution to include the Jenson case and others. He suggested a conceptual amendment.

SENATOR HUGGINS moved conceptual Amendment 1 to incorporate into SJR 22 the essence of the [Herbert T.] Jensen lawsuit. Hearing no objection, Amendment 1 was adopted.

CHAIR MCGUIRE said a neighbor recently reminded her how important dipnetting is to his feeding his large family in the winter. It affects Alaskans.

SENATOR WIELECHOWSKI moved to report CS for SJR 22, version R as amended, from committee with individual recommendations and attached fiscal note(s).

SENATOR WAGONER objected saying that he would like to hear testimony from the people who wrote the lawsuit. He noted that it has been said that the process in this committee is to hear a bill and to move it the next hearing. If that's the standard procedure then it should be followed. He removed his objection.

CHAIR MCGUIRE said fair enough.

[4:25:25 PM](#)

MS. LONG noted that the legislative drafters said this was filed on March 7 and according to court rules intervention should be done by early to mid-May.

CHAIR MCGUIRE said she is aware of that and the committee generally moves expeditiously. Finding no further objection, CSSJR 22(RES) moved from committee.

HJR 25-HYDROELECTRIC POWER; RENEWABLE ENERGY

CHAIR MCGUIRE announced the consideration of HJR 25. [CSHJR 25(ENE) AM was before the committee.]

4:26:43 PM

KACI SCHROEDER-HOTCH, staff to Representative Bill Thomas, said HJR 25 asks Congress to include hydroelectric power in the definition of renewable power.

4:27:26 PM

HAP SYMMONDS, Chair, Cordova Electric Coop, and representing Cordova - Ocean Beauty Seafoods, said the coop has been trying to get the federal government to classify hydroelectric facilities as renewable for a number of years. The National Rural Coop Association has classified hydro as a renewable resource and will lobby congressional delegations of all 50 states. It has been impossible to get federal funding for hydro unless it was by specific earmark and was virtually excluded from the stimulus package. There should be no exceptions in this resolution. Every hydro project is cited for a specific watershed and each must be reviewed individually for the environmental impact if there is any. Hydro projects are not cookie-cutter projects like a coal or nuclear plant.

JODI MITCHELL, general manager and chief executive officer, Inside Passage Electric Cooperative (IPEC), said IPEC provides the Southeast Alaska villages of Angoon Hoonah, Kake, Klukwan and the Chilkat Valley with diesel generation. Every year IPEC seeks federal funding for projects to reduce the cost of power for member owners. Recently Senator Murkowski's energy staff said they had been unsuccessful in amending the stimulus bill with respect to renewable energy for the benefit of Alaskans. Had those amendments passed, Alaska may have been eligible for millions of dollars for hydroelectric infrastructure. IPEC rates last year peaked at more than 67 cents per kilowatt power. "Obviously, federal stimulus funds could have meant long-term clean and lower cost power for IPEC customers." This affects the entire state.

4:30:38 PM

SENATOR WAGONER asked if the congressional delegation ran into problems getting hydro approved as renewable because there wasn't any interest or because hydro dams are not renewable.

MS. MITCHELL said she isn't sure, but there have been changes in federal law that affects hydro classification. She believes it relates to the types of dams that have been constructed and the

affect on fish habitat. In Alaska precautions are taken in permitting projects to avoid those problems.

SENATOR WAGONER said he is not sure there is an answer.

CHAIR MCGUIRE said hydroelectric power generation is either renewable or it's not. There may be political reasons for it not passing, but that still doesn't clarify how it is not renewable energy.

[4:32:46 PM](#)

TIM MCCLEOD, President and General Manager, Alaska Electric Light and Power (AEL&P), Juneau, said AEL&P has been providing hydroelectric power to Juneau since 1893. Some of the hydro projects have been operating for over 100 years, fueled solely by rain and snow, and are expected to continue to function for the next century. Conditions in Alaska are favorable for hydro projects. The environmental impacts are low compared to any other resource. Hydro is excluded from the federal definition of renewable energy for the purpose of discouraging further development of new hydro resources. There may be locations throughout the country where hydro should be discouraged, but those concerns should be addressed individually during the permitting process rather than the broad scope approach discouraging hydro development nationwide. It's clear that no consideration was given to Alaska when the federal government chose to exclude hydro from the benefits that are given to other renewable resources. Hydro projects in Alaska are some of the cleanest and most environmentally friendly energy resources in the world. In Southeast Alaska there are no alternative resources with a lower environmental impact than hydro. In many Alaska cases the only reasonable alternative to hydro is diesel. Alaskans are currently deprived of the funding opportunities for other renewable resources. The current status may jeopardize Alaska's ability to comply with future renewable resource portfolios, increasing costs to Alaska residents. AEL&P supports HJR 25.

CHAIR MCGUIRE said it would be a cruel irony for Alaska to pay penalties for not meeting a portfolio standard even though it had renewable energy in the form of hydro.

[4:35:35 PM](#)

THOMAS BOLEN, Manager, Haines Borough, said the Haines Borough and Skagway live on hydropower. At times hydropower is insufficient so there is need for additional hydropower development. Hydro resources are available but limitations on

federal funding hamper efforts to develop that hydropower. He noted that hydropower has a bad reputation to some in the Lower 48 because it impedes river travel, disrupts fish migration, and floods productive land. But the federal government needs to understand that many hydro resources in Alaska are alpine lakes. Usable lands are not flooded, fish migration is not impacted and stream navigability is not interrupted. The fact that the federal government does not recognize hydropower as a renewable energy source curtails the ability to get funding to take advantage of this free resource. The Haines Borough endorses sending a resolution to the federal government to make a special exemption for alpine lake hydropower development.

KATHLEEN MENKE, representing herself, Haines, said she has equivalent to a master's degree in fisheries. She has followed fishery and watershed projects for the last 30 years. Currently she is in the uncomfortable position of contradicting some in the Haines Borough but she feels there is need to give a heads up to legislators about the controversy over local hydro proposals. There are high alpine lakes in the upper Lynn Canal that could have serious negative impacts to Alaska's wild fish stocks. Her concern with HJR 25 is the lack of recognition of wild fish stocks in Alaska. She proposed amendments to ensure that there are few or no environmental impacts to wild fish stocks. Clarify that hydroelectric projects are appropriate in some, not all, areas. She pointed out that it is dangerous to say that hydropower projects should be developed without restriction. Development should occur when it can be shown that negative impacts to wild stocks will not occur. She cited a proposal in the Chilkoot watershed that is strongly opposed by many in the community. There is a better alternative. She cautioned the committee to exercise caution with the language in the resolution. She strongly supports hydropower; it's an excellent choice in numerous locations. However, HJR 25 does not acknowledge that it's not appropriate in all locations.

[4:44:05 PM](#)

CHAIR MCGUIRE closed public testimony.

At-ease from 4:44 p.m. to 4:51 p.m.

CHAIR MCGUIRE noted that the congressional delegation is looking for this resolution.

SENATOR WIELECHOWSKI moved to report HJR 25 from committee with individual recommendations and attached fiscal note(s). There being no objection, CSHJR 25(ENE) AM moved from committee.

HB 14-ALASKAN MALAMUTE AS STATE DOG

[4:52:38 PM](#)

CHAIR MCGUIRE announced the consideration of HB 14. [CSHB 14(STA) was before the committee.]

STEFAN JOHNSON, sixth grade, Academy Charter said the fifth graders want the malamute as the state dog, but he believes the husky is a better choice. He noted that the husky, Balto, ran on the serum run. He concluded that the husky has a longer history, is more familiar, and would reflect Alaska better than the malamute.

[4:55:02 PM](#)

REPRESENTATIVE BERTA GARDNER, Alaska State Legislature, said HB 14 was brought to her by students in her district. She met with the school community to talk generally about the legislative process. After one girl noted there wasn't a state dog, the class did some research and then asked for her help. She said her first question was why the state dog shouldn't be the husky. The students gave a lot of persuasive reasons and their choice is good. However, this is not about the dog but about the legislative process. "It's been just a wonderful project no matter what the outcome." She expressed the hope that the committee keeps their minds open until they hear all the testimony. She pointed out that everything in the packet was written or elicited by the students.

SENATOR HUGGINS asked if the students discussed Alaska dogs, because multiple dogs with a renowned history in this state.

[4:57:18 PM](#)

REPRESENTATIVE GARDNER said they did have that discussion. On the House floor two amendments were offered. One was to make the sled dog the state dog and the other was to make the husky the state dog. Both amendments were voted down. Although the husky is well known and beloved, she believes the husky and all dogs are honored by having dog mushing as the official state sport.

SENATOR HUGGINS mentioned the wolf and said you can make the case that multiple canines have a significant history in the state. He encouraged everyone to maintain the open minded approach that the students have demonstrated.

SENATOR WAGONER asked if the famous Balto was supposed to be returned to the state.

REPRESENTATIVE GARDNER replied she thinks she saw Balto in the Anchorage museum, but she isn't sure if he was on loan of there permanently.

5:00:04 PM

JAMIE RODRIGUEZ, teacher, Polaris K-12 School, introduced herself, fellow teacher, Carol Bartholomew and the five students who would testify.

KAI ROBERTS, fourth grade, Polaris K-12 School, related that the Alaskan malamute is the right choice as the official dog because of its long history in helping explorers and miners during the gold rush. "Theoretically, today's malamutes are doing the same job as their ancestors. In other words, they continue to be the same amazing dogs that they were throughout Alaska's long history." The malamute is huge, just like Alaska.

OCEANA GAMEL-HOWES, third grade, Polaris K-12 School, said the Alaskan malamute was named after the Inuit tribe called Malamute. This breed has been in Alaska for over 5,000 years, perhaps much longer. Recent DNA tests confirm that it is one of the oldest breeds of dogs.

5:03:23 PM

MADELINE FLORES, fifth Grade, Polaris K-12 School, said Alaskan malamutes stayed with Inuit children while their parents were out on hunts. They allowed babies to crawl in and snuggle up with their puppies. Explorers often reported that the work dog kept by the Malamute people was less wild, more friendly, and capable of an enormous amount of work. She pointed out that the husky is already recognized through the official state sport. Alaska dog mushing wouldn't be the same without the husky, but that breed cannot match the long and varied history of the malamute, she concluded.

ADELINE WRIGHT, second grade, Polaris K-12 School, said Alaskan malamutes continued to be valuable freight dogs long after the gold rush. They played an important role in the 1925 run to deliver lifesaving serum to Nome. During World War I they were called into service delivering supplies to stranded French soldiers. In World War II Alaskan malamutes pulled sleds in areas that were not accessible by other transportation.

5:07:08 PM

YUNG SHU WONG, fifth grade, Polaris K-12 School, asked the committee to set aside any bias about a favorite breed of dog

and consider the intent of HB 14. "The Alaskan malamute's 5,000 plus years represents the entire history of Alaska." This breed has impressed explorers, miners, and settlers. The Alaskan malamute participated in the serum run and hauled massive amounts of freight. The list goes on. The Alaskan malamute has been involved in Alaska's history and has been a good team member for over 5,000 years. The legacy of the Alaskan malamute speaks for itself; passing HB 14 honors that legacy and won't cost the state a cent."The Alaskan malamute deserves to be recognized as our official state dog," he concluded.

MS. RODREGUEZ said the children have worked for over two years on this bill; they have done the research and they are correct. "We totally support them."

CHAIR MCGUIRE thanked the students and teachers for their hard work. The testimony has been compelling, she said.

[5:10:08 PM](#)

ESTHER ERICKSON, sixth grade, Academy Charter School, said the husky should be the state dog because it helped carry serum to kids in Nome and it has a great history in Alaska.

MARIAH YOUNG, sixth grade, Academy Charter School, said she is testifying against making the Alaska malamute the state dog. She loves malamutes but the husky is steeped a little deeper into Alaska history. The husky pulled a sled over 1,000 miles to get medicine for a sick boy in Anchorage when the medicine and the doctor were in Nome. The husky was specifically bred to have thick fur, their paws work as snow shoes. The husky participated in Alaska's first great race; it would be a good dog to represent Alaska.

[5:12:55 PM](#)

ZACHARY BLOOM, sixth grade, Academy Charter School, said the husky should be the state dog. It ran the great race over the Iditarod Trail. Huskies were bred to make it across tough terrain. "People come to Alaska to see huskies and not malamutes," he said.

STEVEN MURPHY, sixth grade, Academy Charter School, said the husky should be the Alaska state dog because of the Iditarod race. They saved lives and helped people. Huskies are more widely known around America than the malamute. "Huskies are specifically the Alaska dog," he said.

BRANDY BOOKOUT, sixth grade, Academy Charter School, stated her belief that some of the information about the malamute is not correct; it is about the husky instead. The husky participated in the serum run to Nome and restored hope to the sick. They are thought of as an Alaskan dog, not the malamute. Most people don't know what a malamute is.

[5:16:24 PM](#)

ELLI WALTON, sixth grade, Academy Charter School, testified that the husky should be the state dog. People in the Lower-48 think of huskies when they think about an Alaskan dog. Why make another dog the symbol of Alaska? The husky was bred in Alaska for Alaskans while the malamute is an ancient dog that came from Siberia.

ELIAS STRATTON, sixth grade, Academy Charter School, said the husky should be the state dog because he owns a husky. Last weekend his dog pulled him on his bike along the Coastal Trail. People don't know what a malamute is; Alaska is known for its huskies.

COLE CLEMENTS, sixth grade, Academy Charter School, said he believes that huskies should be the state dog because of previous testimony. They have heavy fur, they like the cold weather, and they helped a sick kid in Nome. He polled the audience asking how many have seen a malamute and how many have seen a husky. "That kind of proves that everybody's seen a husky. That is my point," he concluded.

SENATOR WIELECHOWSKI asked if the Academy Charter School has a nickname.

MR. CLEMENTS replied his school is known as "Home of the Huskies."

[5:21:11 PM](#)

LOGAN METZLER, sixth grade, Academy Charter School, said until today he had no idea what a malamute is, but even when he lived in Arizona he knew about the husky. His grandpa is a spokesperson for the Iditarod and he supports the husky as the state dog. They are built for Alaska while the malamute was just brought over with hunters. He believes the husky should be the state dog.

MEGAN THOMAS, sixth grade, Academy Charter School, said the husky should be the state dog because she has lived in Alaska her whole life and has seen a malamute just once. She sees

huskies all the time and there are more huskies in the Iditarod. It would be honorary to make the husky the state dog.

At ease from 5:23 p.m. to 5:29 p.m.

[5:29:12 PM](#)

CHAIR MCGUIRE said these students have put forward good arguments on both sides. She related that sometimes the goal in bringing a bill forward is to elicit a healthy debate. That has happened here. She thanked the Polaris students for bringing this bill forward and getting so many fellow Alaskans to weigh in. She encouraged them to continue to participate in the legislative process.

SHEILA MARTIN, dog breeder, Palmer, said she has lived in Alaska for 25 years. She breeds and trains dogs and thus is familiar with the American Kennel Club (AKC) recognized breeds. She expressed the opinion that recognizing the malamute as the official state dog would be a mistake. The AKC recognizes the Alaskan malamute as a breed that is separate and distinct and doesn't encompass the many dogs used in sled dog racing. The state dog should represent the dog that has been used by past, present and future Alaskans, she said. This can only be the sled dogs of Alaska. This is the dog that mushers and Alaskans call the Alaskan husky.

[5:34:31 PM](#)

CHAIR MCGUIRE asked if she has thought about compromises to recognize both a state dog of sport and a state dog.

MS. MARTIN expressed reservations.

CHAIR MCGUIRE asked if there is an Alaskan malamute.

MS. MARTIN said that is apples and oranges. Someone familiar with the AKC thinks about a breed standard when asked about the Alaskan malamute, but a Mackenzie River malamute that she purchased in Alaska didn't fit the standard. That dog was considered an Alaskan husky too.

CHAIR MCGUIRE asked the sponsor if she's thought of a way to accommodate both canines.

REPRESENTATIVE GARDNER said it is the prerogative of the committee, but the bill says the Alaskan malamute. The AKC has its own rules. Initially she favored the husky, but it is a mixed breed.

CHAIR MCGUIRE asked if she would support amending the bill to include the Alaskan malamute as the official state dog and the Alaskan husky as the official state sled dog.

REPRESENTATIVE GARDNER replied dog sledding is already the state sport and that encompasses all dogs that are used in mushing. The malamute has a multi-thousand year history in Alaska and is associated with the first Alaskans. The malamute is the only AKC recognized breed that is indigenous to North America.

CHAIR MCGUIRE asked the committee if they support the compromise.

[5:39:34 PM](#)

SENATOR HUGGINS proposed letting Alaska students vote on the issue.

SENATOR WAGONER concurred with Senator Huggins.

SENATOR FRENCH said this is what democracy is all about. Having ballots distributed to students across the state is a great idea.

[5:42:31 PM](#)

SENATOR HUGGINS encouraged the committee to seriously consider letting the students vote.

REPRESENTATIVE GARDNER said this bill is largely about student engagement and learning about the process. Another school might want to bring forward another bill or amend existing statute if this were to pass.

SENATOR WAGONER supported letting sixth grade Alaskan students vote on the issue. It would be a very educational process.

CHAIR MCGUIRE asked the teachers at Polaris if they would continue the quest for democracy if the committee decided to have students vote on the issue.

SENATOR STEVENS suggested turning this over to the commissioner of education. "If the commissioner is worth his salt, he'll find a way to have an election and figure it out."

[5:45:54 PM](#)

MS. RODRIGUEZ said her group disagrees because it took 2.5 years to get to this point. The necessary information can't get out in

time to have a vote. Putting this to a vote would be an entirely different process. This isn't how you pass laws; you don't put an issue out to a small group of people to speak for everyone, she said. "We very respectfully object," she said.

SENATOR WAGONER disagreed saying this is the way the legislative process works.

[5:49:05 PM](#)

SENATOR HUGGINS agreed with Senator Wagoner saying with due respect to each of the kids that worked hard on this there are lots of differing ideas.

MS. RODRIGUEZ said we understand that things can happen to a bill, but the intent of the bill is to honor the whole history of Alaska, not just dog mushing. The Alaskan malamute has been a part of the entire history of Alaska. "We hope that you can understand that," she said.

[5:50:41 PM](#)

CHAIR MCGUIRE said this bill just came to the Senate this week and is moving quickly because of the good work the students have done.

At ease from 5:50 p.m. to 5:51 p.m.

[5:51:48 PM](#)

CHAIR MCGUIRE noted that she was part of the bills regarding the state seal and the state flag song; they elicited lots of emotion. She thanked the students and held HB 14 in committee.

HJR 27-STATE SOVEREIGNTY

[5:53:47 PM](#)

CHAIR MCGUIRE announced the consideration of HJR 27. [CSHJR 27(RES) was before the committee.]

At ease from 5:52 p.m. to 5:53 p.m.

DEREK MILLER, staff to Representative Mike Kelly, sponsor of HJR 27, said this resolution serves as a notice to the federal government to cease and desist efforts to encroach on state's rights.

CHAIR MCGUIRE announced she would hold HJR 27 in committee.

[5:55:22 PM](#)

There being nothing further to come before the committee,
Senator McGuire adjourned the Senate Resources Standing
Committee at 5:55 p.m.