

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

April 8, 2011

3:37 p.m.

MEMBERS PRESENT

Representative Eric Feige, Co-Chair
Representative Paul Seaton, Co-Chair
Representative Peggy Wilson, Vice Chair
Representative Alan Dick
Representative Neal Foster
Representative Bob Herron
Representative Cathy Engstrom Munoz
Representative Berta Gardner
Representative Scott Kawasaki

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 20

Urging the President of the United States, the United States Congress, and the Secretary of the United States Department of Agriculture not to implement protection of inventoried roadless areas under the "roadless rule" or otherwise restrict the development of necessary hydroelectric projects in the Tongass National Forest and the Chugach National Forest.

- MOVED CSHJR 20(ENE) OUT OF COMMITTEE

HOUSE BILL NO. 186

"An Act relating to the authority of the commissioner of fish and game with regard to the importation or relocation of wood bison in the state."

- MOVED OUT OF COMMITTEE

HOUSE BILL NO. 229

"An Act relating to activities, including violations and penalties, under the supervision of the Big Game Commercial Services Board."

- HEARD & HELD

HOUSE BILL NO. 113

"An Act creating the Stampede State Recreation Area."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 20

SHORT TITLE: ROADLESS RULE & CHUGACH AND TONGASS HYDRO

SPONSOR(s): REPRESENTATIVE(s) JOHANSEN

03/09/11	(H)	READ THE FIRST TIME - REFERRALS
03/09/11	(H)	ENE, RES
03/17/11	(H)	ENE AT 3:00 PM BARNES 124
03/17/11	(H)	Scheduled But Not Heard
03/22/11	(H)	ENE AT 3:00 PM BARNES 124
03/22/11	(H)	Moved CSHJR 20(ENE) Out of Committee
03/22/11	(H)	MINUTE(ENE)
03/23/11	(H)	ENE RPT CS(ENE) 6DP
03/23/11	(H)	DP: LYNN, TUCK, PETERSEN, SADDLER, PRUITT, FOSTER
04/06/11	(H)	RES AT 1:00 PM BARNES 124
04/06/11	(H)	Heard & Held
04/06/11	(H)	MINUTE(RES)
04/08/11	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 186

SHORT TITLE: WOOD BISON

SPONSOR(s): REPRESENTATIVE(s) DICK

03/10/11	(H)	READ THE FIRST TIME - REFERRALS
03/10/11	(H)	RES
04/04/11	(H)	RES AT 1:00 PM BARNES 124
04/04/11	(H)	Heard & Held
04/04/11	(H)	MINUTE(RES)
04/06/11	(H)	RES AT 1:00 PM BARNES 124
04/06/11	(H)	Heard & Held
04/06/11	(H)	MINUTE(RES)
04/08/11	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 229

SHORT TITLE: BIG GAME COMMERCIAL SERVICES BOARD

SPONSOR(s): REPRESENTATIVE(s) FEIGE

04/06/11	(H)	READ THE FIRST TIME - REFERRALS
04/06/11	(H)	RES, JUD
04/08/11	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 113

SHORT TITLE: STAMPEDE STATE RECREATION AREA

SPONSOR(S): REPRESENTATIVE(S) GUTTENBERG

01/21/11 (H) READ THE FIRST TIME - REFERRALS
01/21/11 (H) RES, FIN
04/08/11 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

DOUG VINCENT-LANG, Special Assistant
to Commissioner Cora Campbell; Acting Deputy Commissioner
Division of Wildlife and Subsistence
Alaska Department of Fish & Game (ADF&G)
Anchorage, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing on HB 186.

KATHY WALKER-CHASE
Holy Cross, Alaska

POSITION STATEMENT: Testified during the discussion of HB 186.

MIKE MILLER
Alaska Wildlife Conservation Center (AWCC)
Portage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 186.

PAUL VERHAGEN, Staff
Representative Alan Dick
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of HB 186.

MICHAEL PASCHALL, Staff
Representative Eric Feige
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 229 on behalf of the prime sponsor, Representative Feige.

DON QUARBERG
Delta Junction, Alaska

POSITION STATEMENT: Testified in support of HB 229.

VIRGIL UMPHENOUR, Master Guide
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 229.

REPRESENTATIVE DAVID GUTTENBERG
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 113 as prime sponsor of the bill.

BEN ELLIS, Director
Central Office
Division of Parks & Outdoor Recreation
Department of Natural Resources (DNR)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of HB 113.

ROGER HEALY, Director/Chief Engineer
Division of Statewide Design & Engineering Services
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion on HB 113.

HANNAH RAGLAND
Friends of Stampede
Healy, Alaska

POSITION STATEMENT: Testified during the discussion of HB 113.

JON NIERENBERG, Lodge Owner
Healy, Alaska

POSITION STATEMENT: Testified in support of HB 113.

ACTION NARRATIVE

[3:37:56 PM](#)

CO-CHAIR ERIC FEIGE called the House Resources Standing Committee meeting to order at 3:37 p.m. Representatives Feige, Seaton, Dick, Gardner, Kawasaki, P. Wilson, and Munoz were present at the call to order. Representatives Foster and Herron arrived as the meeting was in progress.

HJR 20-ROADLESS RULE & CHUGACH AND TONGASS HYDRO

[3:38:46 PM](#)

CO-CHAIR FEIGE announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 20, Urging the President of the United States, the United States Congress, and the Secretary of

the United States Department of Agriculture not to implement protection of inventoried roadless areas under the "roadless rule" or otherwise restrict the development of necessary hydroelectric projects in the Tongass National Forest and the Chugach National Forest. [Before the committee was the proposed committee substitute (CS) for HJR 20(ENE).]

[3:39:02 PM](#)

CO-CHAIR FEIGE, after first determining no one else wished to testify, closed public testimony on HJR 20.

[3:39:38 PM](#)

REPRESENTATIVE MUNOZ moved to report the proposed committee substitute (CS) for HJR 20, Version M, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, the CSHJR 20(ENE) was reported from the House Resources Standing Committee.

HB 186-WOOD BISON

[3:40:38 PM](#)

CO-CHAIR FEIGE announced that the next order of business would be HOUSE BILL NO. 186, "An Act relating to the authority of the commissioner of fish and game with regard to the importation or relocation of wood bison in the state."

[3:41:45 PM](#)

DOUG VINCENT-LANG, Special Assistant, to Commissioner Cora Campbell; Acting Deputy Commissioner, Division of Wildlife and Subsistence, Alaska Department of Fish & Game (ADF&G), spoke from the following written statement [original punctuation provided]:

My name is Doug Vincent-Lang. I am a Special Assistant to Commissioner Cora Campbell. One of my duties is to coordinate ESA policy for the state.

I am also the acting Deputy Commissioner for Wildlife and Subsistence.

As the state coordinator for ESA, I share many of Rep. Dick's concerns regarding the misuse of the ESA in Alaska. We are challenging several misapplications of

this act in Alaska from polar bears to beluga whales to ice seals to Steller sea lions. So I have a healthy skepticism regarding this act and its misapplication in Alaska.

That said, let me try to explain what it is we are trying to do in this case and how it differs from these other issues. In short, we are attempting to restore wood bison to select areas of Alaska in a manner that will not allow the application of the typical provisions of the ESA that the state has concerns with to occur.

A little background on the ESA might be helpful to place this effort in perspective. The original ESA resulted in problems with convincing private landowners to aid in the recovery of listed species. In short, landowners were reluctant of allowing the translocations of species onto their lands over concerns that their lands would be tightly regulated through designations of critical habitat, section 7 consultations, and incidental take restrictions.

This lead Congress to amend the act in 1982 to allow listed species to be designated as experimental populations, either as essential or non-essential. The amendment further specified that for non-essential experimental populations,

- Critical habitat could not be specified
- Section 7 consultations are not required on most lands
- Special rules governing allowable take could be developed that are less restrictive than otherwise allowed.

[3:43:43 PM](#)

MR. VINCENT-LANG continued, as follows [original punctuation provided]:

So where are we with wood bison in Alaska.

- We are working with the USFWS on the designation of wood bison as a non-essential experimental population.

- We are also working on a special rule that specifies allowable incidental take. In this case we are working with the USFWS to allow incidental take associated with activities such as recreation (e.g., fishing, boating, trapping, hiking, camping, shooting activities, or hunting of other species), forestry, agriculture, oil and gas exploration and development and associated activities, construction and maintenance of roads or railroads, buildings, facilities, energy projects, pipelines and transmission lines of any kind, mining, mineral exploration, travel by any means including vehicles, watercraft, snowmachines or aircraft, tourism, and other activities that are in accordance with Federal, State, and local laws and regulations and specific authorizations.
- We are also working with the USFWS to designate the geographic range where these rules would apply.

We hope to have a draft rule developed in the next several weeks that could be reviewed by all interested parties.

We have targeted 2012 as a desired release date, but are considering delaying this.

One question that has come up is how legally defensible these rules are. We had DOL examine this question and found these rules are very defensible. Their vulnerabilities are associated with

- Range
- Overlap with wild stocks

Neither of these applies in this case.

[3:45:22 PM](#)

MR. VINCENT-LANG continued, as follows [original punctuation provided]:

In closing, we simply ask that we be given the opportunity to develop the rule and let people decide for themselves whether the rule is adequate to protect their interests.

We have said that we will not release wood bison into the wild until landowners, local people, state agencies, and others are comfortable with the rule and the release of these animals onto the landscape.

[3:45:53 PM](#)

MR. VINCENT-LANG referred to questions raised during Representative Dick's constituent hearings. One question that arose about musk ox which Mr. Grasser answered correctly was musk ox had been released into the wild long before the Endangered Species Act (ESA) was enacted by the Congress. Thus, it wasn't necessary to designate the musk ox as a non-essential population or as a threatened or endangered species.

[3:46:37 PM](#)

REPRESENTATIVE KAWASAKI inquired as to the process the Alaska Department of Fish & Game (ADF&G) would undergo prior to allowing any species into an area.

MR. VINCENT-LANG responded that ADF&G has identified three areas of compatible habitat that the department feels the wood bison could be released into and survive in the wild. Additionally, he related that the department has undergone a public process to work with landowners of state, federal, or Native corporation land, to address any concerns. He reiterated that the ADF&G went through a very definitive process to identify concerns of public and how the department could best address the concerns in the special rule. Further, the department reviewed the impact of wood bison on wild animals in those areas to avoid affecting the natural flora and fauna.

[3:47:56 PM](#)

MR. VINCENT-LANG reassured members that the ADF&G has advised residents that unless the department can satisfy all concerns the wood bison will not be released. He commented that the department would have preferred to release wood bison in Minto Flats. However, Doyon Limited requested the wood bison not be introduced into the Minto Flats area and that is the reason the department has moved to the Innoko area. In fact, Doyon, Limited suggested the Innoko region. He pointed out the ADF&G has held a series of public hearings and plans to meet with Innoko residents next week. He hoped to spend time this summer

in the area to answer any questions local residents have about the re-introduction of wood bison in the area.

[3:48:44 PM](#)

REPRESENTATIVE KAWASAKI asked what would happen to the 90 wood bison currently located in Portage in the event that the department exhausts its efforts to find an area, but fails to do so.

MR. VINCENT-LANG related the department would work to control the population. He offered that the department would hold them indefinitely. He acknowledged that at some point in time the ADF&G will need to take measures to control the wood bison population since the area is limited.

[3:49:27 PM](#)

REPRESENTATIVE KAWASAKI inquired as to whether the ADF&G has an opinion on HB 186 and if the bill delays the implementation of re-introduction to 2013.

MR. VINCENT-LANG answered that HB 186 could delay re-introduction of the wood bison. He related a scenario in which consensus was reached and the department obtained a special rule from the U.S. Fish and Wildlife Service (USFWS) that could satisfy landowners and the administration. The necessity to come back to the legislature for approval would delay action until 2013, he said. He characterized this rule as somewhat redundant with ADF&G's commitment to people to resolve the issues they have with the potential release of wood bison.

[3:50:38 PM](#)

REPRESENTATIVE MUNOZ asked whether the special rule he mentioned was contingent on the "10(j)" exemption the department is currently pursuing.

MR. VINCENT-LANG explained that the ESA process is complex. Basically, the "10(j)" rule gives the state the ability to designate the population as experimental. Next, the federal agency would determine whether the re-introduction is essential or non-essential populations (NEP) to the recovery of the wood bison species. Once the determination was made through the "10(j)" process, a special rule could be developed to regulate the take of a non-essential population. He related that the special rule could allow take that would not normally be allowed

if the species were listed as a threatened or endangered species under the ESA. In this instance, the department has worked to craft the language to allow takes of the NEP designated populations with the kinds of activities that could potentially occur in the landscape that would be confining to people, including recreation, livestock grazing, oil and gas exploration and development, mineral exploration and development, timber harvesting, transportation, and other legal activities conducted by state tribal, federal, state, and local laws and regulations and specific authorizations.

[3:52:11 PM](#)

REPRESENTATIVE MUNOZ asked if all of that was established, whether the people of the region would have a personal use preference in hunting.

MR. VINCENT-LANG responded that automatically the Native people would be allowed to hunt since an exemption currently exists in the ESA to allow take by qualified Natives and residents of Native villages. Once the wood bison population grew large enough it would become regulated by either the Federal Subsistence Board or the Alaska Board of Game, in which case a general hunting provision would be allowed. He recalled previous testimony by Mr. Grasser that identified the struggle with USFWS on that rule. The ADF&G supports inclusion of a general hunting provision in the rule and continues its efforts to negotiate inclusion. He recapped that immediately upon release, some hunting opportunities would be available to Alaska Natives, but the department hopes to have a general hunting provision once the wood bison reached a viable population.

[3:53:27 PM](#)

CO-CHAIR SEATON inquired as to whether the non-essential experimental population (NEP) would happen if this is the only wood bison stock in the U.S. He asked whether the wood bison in Canada could be included as part of the consideration since the Canadian stock is part of the same genetic stock.

MR. VINCENT-LANG answered yes. He stated that in essence, when working with USFWS, the department describes the population as an experimental population in Alaska and as non-essential to the overall recovery because there are thousands of wood bison in Canada. Thus, even if the re-introduction of wood bison in Alaska failed and they completely disappeared, it would not jeopardize the overall wood bison population. Therefore, the

wood bison will be considered NEP, he said. Some people have asked whether someone could later petition to designate the population as a threatened or endangered population. He reported that the Department of Law reviewed the matter and determined that in every case the judge has upheld the NEP designations, except in instances in which a mix of the experimental with the wild population in the same range occurred. He reported that is not the case here.

3:55:10 PM

CO-CHAIR FEIGE inquired as to what population level the wood bison herd would need to rise to in Alberta, Canada in order for them to be "de-listed."

MR. VINCENT-LANG answered that currently the USFWS has noticed in the federal register the plan to downlist the U.S. species from endangered to a threatened species. In Canada, the wood bison is currently listed as threatened. The ADF&G believes the population should be completely "downlisted" and will submit comments to the USFWS to do so. He was unsure of the current number of the wood bison population in Canada and was unaware of any action to change its current endangered status.

3:56:14 PM

REPRESENTATIVE GARDNER related her understanding that the "10(j)" rule would allow the department to designate the population as experimental. She asked whether the special rule would allow the taking of animals that are designated as NEP.

MR. VINCENT-LANG answered yes.

REPRESENTATIVE GARDNER asked how the wood bison status would impact mining and other activities. She further asked for clarification between the special rule and other resource impacts, which she understood as one of the sponsor's concerns.

MR. VINCENT-LANG explained that when the Congress amended the ESA in 1982, it allowed for the designation of experimental populations to be further refined to essential or non-essential. In this instance, the ADF&G has concluded with the USFWS that the wood bison is a NEP. The federal act further allows for a special rule with respect to the taking of NEP species not otherwise allowed by the ESA. Further, taking has been broadly defined in the ESA to mean harass, harm, pursue, hunt, shoot, wound, capture, trap, collect, or attempt to engage in any such

conduct. In this instance, when the Congress amended the act and allowed for a special rule, it considered that it was not likely landowners would agree to introduction of animals if the "take" provisions applied. Thus, the Congress allowed for a special rule for the NEP. When the ADF&G prepared its list, it asked the stakeholders to address any concerns over the "take" provisions with respect to releasing wood bison. The list included recreation, livestock grazing, oil and gas exploration and development, mineral exploration and development, timber harvesting, transportation, and other legal activities conducted by state tribal, federal, state, and local laws and regulations and specific authorizations. He offered his belief about the only kind of "take" not allowable would be intentional poaching of an animal, which would still be considered illegal.

[3:58:53 PM](#)

REPRESENTATIVE GARDNER asked whether the Congressional provision in the ESA provides the ADF&G confidence that if the wood bison were released that there would be not be any federal change or impact not anticipated.

MR. VINCENT-LANG offered his belief that the department is fairly confident from its legal review that the rules and regulations are defensible in court. He commented that the ADF&G would like to see the draft rule published and the final rule after it has undergone public comment prior to determining whether the rule adequately protects re-introduction of the wood bison and also protects Alaska's interests.

[4:00:00 PM](#)

MR. VINCENT-LANG, in response to Representative P. Wilson, offered his belief that several of the wood bison rules have been challenged in the 9th Circuit Court of Appeals. He indicated that most commonly the experimental rules have pertained to wolves in the Lower 48. In those instances, problems occurred when wolves migrated off the NEP designated range and entered other states and were protected under the full ESA. The ADF&G has learned from that occurrence. It created a geographic range associated with the rule to ensure any wood bison that migrated would be covered by the NEP designation despite any migratory movement.

[4:01:18 PM](#)

MR. VINCENT-LANG pointed out that wolves have moved from Alaska and have mixed with natural wolves from Canada. In those cases the judge has stopped the rules to allow time to determine which wolves were wild or NEP since the natural wolves protected by the ESA mingled with the NEP wolves. He reiterated that type of case would not apply with respect to the wood bison since the species would not be subject to mixing with bison from other areas. Additionally, in order to be able to challenge the court, a person must demonstrate that he/she has been harmed.

[4:02:25 PM](#)

REPRESENTATIVE P. WILSON inquired as to whether wolves are predators of wood bison.

MR. VINCENT-LANG acknowledged that some wolves will probably take down some bison, but he offered his view the wolves would not be able to eradicate the wood bison. He pointed out that wolves and wood bison coexist in Canada.

[4:03:19 PM](#)

REPRESENTATIVE P. WILSON asked whether local residents would be able to hunt prior to the opening up hunts to the general public.

MR. VINCENT-LANG answered that an Alaska Native exemption would apply immediately upon wood bison re-introduction into the landscape. However, once there is a harvestable surplus of animals, the Federal Subsistence Board and the Alaska Board of Game would regulate harvest. In both cases, the subsistence priority exists over general hunts. He said the ADF&G hopes to grow the herd to accommodate subsistence and general hunting provisions in the area. In further response to Representative P. Wilson, he answered that the decisions with respect to allocation of resources will be made by the Federal Subsistence Board and the Alaska Board of Game. The Federal Subsistence Board has an obligation to provide for subsistence needs for rural Alaskans and the Alaska Board of Game has a priority to provide a subsistence priority for all Alaskans. He reaffirmed that only after providing for subsistence would the rest of Alaskans have a general hunting provision.

[4:05:52 PM](#)

KATHY WALKER-CHASE stated that she serves on the Grayling Anvik Holy Cross Shageluk (GASH) Fish & Game Advisory Committee. She

further stated that she supports relocation of the bison. In further response to Co-Chair Feige, she clarified that GASH stands for Grayling Anvik Holy Cross Shageluk. She said she represents Holy Cross on the advisory committee.

[4:06:46 PM](#)

REPRESENTATIVE DICK asked whether she had reviewed the video he posted on the wood bison.

MS. WALKER-CHASE answered no.

REPRESENTATIVE DICK offered his belief that if people in GASH viewed the video they would reconsider their position. He cautioned against possible irreversible long-term consequences with the re-introduction of wood bison. He suggested that she go to the internet to youtube.com and query wood bison Innoko. He offered to assist his constituents in achieving wood bison but the decision for re-introduction should be based on an informed decision and all the materials should be viewed. He further cautioned that the legislature deals with the federal government being very abusive to Alaskans and locking up the land. He related his fear that people will be locked up and the bison will be roaming free. He encouraged her to watch the video.

[4:08:51 PM](#)

MIKE MILLER, Alaska Wildlife Conservation Center (AWCC), stated that he has been managing the wood bison for the state. He related that for the past 30 years he has managed plains bison. He recalled previous testimony given. He offered his belief that there is not any reason to take action on HB 186 since it would only place another layer of unnecessary involvement. He thought that the endangered species animal under the protection of the "10(j)" should be out in the wild procreating. He stated the wood bison would have the same protection as other animals, such as caribou or squirrels. He recalled that in 1960, Canada faced a similar situation with only 23 animals. He reported that Canada fenced an area, similar to the 200 acres in Alaska, and implemented the Canadian wood bison recovery program resulting in eight herds numbering over 800 animals in each herd. He stated that the people are enjoying the resource. He said that Canada viewed the opportunity to bring back a species from extinction.

[4:11:19 PM](#)

MR. MILLER characterized his position at the center as frustrating, but rewarding. He related that over 200,000 legislators, members of the Congress, media, Native Alaskans and the general public come through the wildlife center every year. He said that the AWCC provides people with an educational opportunity. He pointed out environmentalist, hunters, and others have been working on the wood bison project together rather than fighting among themselves.

[4:12:49 PM](#)

MR. MILLER offered his belief that HB 186 creates a new problem that does not make any sense. In 2008, he participated in the capture of 60 wood bison in Canada and brought them back to the AWCC in Alaska. He urged members not to re-hash the wood bison issue. He understood Representative Dick's concerns, but if the Native people in the villages want these animals released the ADF&G would still not release them unless there is agreement on the "10(j)" rule. He said the Native people should decide if the wood bison are re-introduced and not the legislature. He viewed HB 186 as creating another unnecessary hurdle to re-introducing the wood bison into the wild.

[4:14:33 PM](#)

MR. MILLER pointed out the requirement for archeological findings to demonstrate the natural range of the wood bison, which became extinct in Alaska 90 years ago. He related prior disputes and concerns, including some were concerned that the bison were not wood bison, which was genetically proven. Some held unfounded fears that wood bison would trample eggs or displacing moose. He characterized the issues as unfounded and relentless, including the newest concern that re-introduction of wood bison would affect peat excavation. He listed donors to the AWCC that have provided feed and financial support for the project, including the Safari Club, the University of Alaska and the Wildlife Conservation Society, as well as the Defenders of Wildlife. He characterized the funding as diverse funding from many different user groups.

MR. MILLER disagreed that the wood bison project is a "Trojan horse." He urged members to take into consideration that land would not be locked up and new covenants would not be put into place. He offered his belief that the project would be easily defensible, given his conversations with the USFWS, since agriculture and fencing do not exist in the proposed re-

introduction area. He acknowledged that while any group could sue, many environmental groups have expressed their support for the wood bison project.

[4:19:36 PM](#)

MR. MILLER said he has a different point of view because he works with the wood bison every day. He pointed to the success of the Canadian project and would like to see the wood bison project. He hoped that once the "10(j)" ruling is released that people will respect it since it could result in numerous people enjoying the wood bison.

[4:21:01 PM](#)

REPRESENTATIVE P. WILSON noted that not everyone in Alaska, including herself has been aware of this project. She inquired as to whether the groups he mentioned benefit from the Delta bison herd.

MR. MILLER responded that the Delta bison herd provides watchable wildlife opportunities and sport hunting permits. The areas where these wood bison were once found have native habitat. He recalled testimony by Native elders who recalled seeing wood bison in the wild as children. The wood bison in the Neslin herd in Canada were transplanted in mid-80s and have grown to over 1,000 animals. The herd has grown to the point that special permits are no longer needed and residents simply obtain over-the-counter licenses to hunt wood bison. He characterized the habitat for the wood bison project as the best on earth and it could result in sizable herds 100 years from now. He offered his view that wood bison are as natural to the state as moose. He said if moose needed to be re-introduced it would be fully supported by Alaskans.

MR. MILLER urged members to quit thinking about all these hypothetical concerns. He recalled hearing concerns that the herd is getting too domesticated but a youtube.com video demonstrates otherwise. He acknowledged that this issue is emotional because the proposed re-introduction of wood bison is such a beautiful project and he hoped the Native people continue their push for the project.

[4:28:03 PM](#)

CO-CHAIR FEIGE, after first determining no one else wished to testify, closed public testimony on HB 186.

[4:28:31 PM](#)

REPRESENTATIVE GARDNER stated that she finds the issue difficult. She indicated she made a commitment that she would not resist moving this bill out of committee, but has been persuaded that this project is a good project. She indicated she would not support HB 186 if it comes to the floor for a vote.

REPRESENTATIVE DICK apologized for being a source of frustration, but already this bill has accomplished something. He reiterated that the bill does not say bison cannot be moved but rather that the legislature must approve it. He affirmed that he did not want to create another layer of government. He predicted that if the re-introduction of wood bison happens that the biologists will study the animals. He acknowledged that the issue is an emotional one for many people. Ten years from now his constituents might get to hunt some wood bison, but they could also be litigants and that raises his real concern with the project.

[4:31:37 PM](#)

REPRESENTATIVE DICK related the risk of a wolf taking down a wood bison is very small due to wind, but this time in his northern district is referred to as "crust time" because the wolves do not punch through the snow but the moose do and two wolves can take down a bull moose. He reported that Innoko is one of the areas where predator control is not allowed.

REPRESENTATIVE DICK, with respect to the Delta bison, pointed out that in three decades the state has not resolved the conflict between the farmers and the hunters in Delta Junction. He pointed out, with respect to the wood bison interbreeding, that bison live approximately 200 miles away from the proposed re-introduction site. He offered his belief that if the wood bison can mingle with the plains bison there will be trouble with interbreeding in Alaska.

REPRESENTATIVE DICK offered his belief that President Obama has attempted to violate the statehood act, which leads him to believe that agreements cannot be made with the federal government.

[4:36:33 PM](#)

PAUL VERHAGEN, Staff, Representative Alan Dick, referred to a map in members' packets that shows another 3,000 square miles was just locked up in Cook Inlet with the designation of beluga critical habitat. He stated this is the same area where two new jack-up rigs are on their way into the Cook Inlet. He expressed concern that if the wood bison are re-introduced, there will be lawsuits and unintended consequences. He reiterated the best method for determining the issue of the wood bison project is through legislative approval.

REPRESENTATIVE DICK pointed out that he trusts Doug Vincent-Lang, but it is not always possible to trust government officials. He recalled his view of when Governor Tony Knowles was governor and Frank Rue was appointed commissioner that "we were devastated." He expressed his preference that these decisions should not be made by the administration but by the legislature. He concluded it is not an issue of wood bison but whether the folks in Washington, D.C. can be trusted. He said, "I vote no on the folks in Washington."

[4:39:51 PM](#)

CO-CHAIR SEATON REPRESENTATIVE moved to report HB 186 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 186 was reported from the House Resources Standing Committee.

HB 229-BIG GAME COMMERCIAL SERVICES BOARD

[4:40:31 PM](#)

CO-CHAIR FEIGE announced that the next order of business would be HOUSE BILL NO. 229, "An Act relating to activities, including violations and penalties, under the supervision of the Big Game Commercial Services Board."

[4:41:03 PM](#)

MICHAEL PASCHALL, Staff, Representative Eric Feige, Alaska State Legislature, read from a prepared statement, as follows [original punctuation provided]:

HB 229 was introduced at the request of members of the Big Game Commercial Services Board addressing changes to rules regarding the administration and licensing of guides.

Big game guides are regulated under statute and regulation and oversight is provided by the Big Game Commercial Service Board. The proposed changes provide more flexibility in where guides can work when contracting with another guide, allows a registered guide-outfitter more flexibility in the use of class-A guides, and changes penalties for minor procedural violations by guides.

Section 1 of the bill allows registered guide-outfitters to be employed by another registered guide-outfitter versus contracting with a client to provide services either as a registered guide-outfitter in a certified area or as an a class-A assistant guide anywhere in the state.

Section 2 allows the registered guide-outfitter to work with those they employ to supervise hunts. Currently the contracting registered guide-outfitter must "stop-in," if only to shake the hand of a client, at a camp to comply with statute.

Section 3 adds a provision to allow the board to suspend or revoke a license for conduct involving unprofessionalism, moral turpitude, or gross immorality.

[4:42:30 PM](#)

MR. PASCHALL continued reading from his prepared statement [original punctuation provided]:

Section 4 standardizes penalties for violations of wanton waste, hunting on same day airborne, or providing services while license suspended or revoked.

Section 5 lessons (sic) the penalty for unspecified violations to allow the board the option to suspend a license instead of a mandatory suspension. The concern expressed by the board is a minor violation, such as a paperwork violation, would result in a mandatory suspension of a license.

Section 6 conforms AS 12.55.125(e) (Sentencing and Probation) with the changes in Section 4.

Section 7 completes the changes in Section 4 by removing language no longer needed.

[4:43:50 PM](#)

REPRESENTATIVE GARDNER requested a copy of the section by section analysis of the bill.

CO-CHAIR SEATON asked for clarification on the changes in the role of the master guide versus an assistant guide-outfitter. He asked for the expanded role of the assistant guide-outfitters and to address the assistant guide-outfitters' ability to operate independently.

MR. PASCHALL was uncertain whether he was referring to Section 2 of the bill or changes in employment.

CO-CHAIR SEATON answered that he was interested in the changes to supervision in the field. He wondered whether the changes would make assistant guide-outfitters more like a full or master guides.

MR. PASCHALL answered that the current statute only requires the licensed guide to be present at some point in the field. He related that meeting at the airport would not qualify but if weather prevented the guide from meeting the client in the field that the guide would be in violation of the statute. This bill would not give any additional authority to class-A assistant guide-outfitters.

[4:46:03 PM](#)

CO-CHAIR SEATON asked for clarification on whether the licensed master guide would have the same level of accountability for any violations that happen if he/she never observes the client in the field.

MR. PASCHALL answered yes. He pointed out that the supervision requirement does not change under HB 229, but offered to obtain an opinion on the scenario described. The bill would address guide-outfitters placing themselves in the field with the client once during the hunt.

[4:46:53 PM](#)

CO-CHAIR SEATON expressed interest in knowing whether the licensed/master guide is responsible for the client's actions absent any field contact.

[4:47:29 PM](#)

REPRESENTATIVE P. WILSON inquired as to whether the reason for HB 229 is that the master guide was not contacting anyone in the field.

MR. PASCHALL answered that under current statute the registered guide-outfitter must travel to the field and meet with the client in the field. The current statutes do not require the guide-outfitter to supervise the hunt or the camp. The guide-outfitter merely needs to be present at some point in the field. This, it would be sufficient to fly in, shake a client's hand or eat dinner with him/her since the bill does not pertain to supervision. He said the requirement in statute creates a huge economic issue for the guides. He also suggested that the guides may be able to better answer this.

[4:48:39 PM](#)

CO-CHAIR FEIGE interjected that the supervision can be provided by the assistant guide-outfitter's use of a satellite phone in communication with the master guide. This bill would delete the requirement for the master guide to be present in the field. He clarified that the master guide can provide communication to guides working under him/her, but he would not need to be physically present.

MR. PASCHALL, in response to Representative P. Wilson, agreed that the presence or lack of presence is a business issue between the master guide and his employees and the service the guide-outfitter provides to the client. However, to meet the actual statute the master guide needs only to make contact. Thus, the master guide could potentially see 10 people in a day and still meet the statutory requirement.

[4:50:01 PM](#)

DON QUARBERG related he is a 35-year Alaska resident who has never been a guide and does not intend on conducting any guided hunts. He acknowledged the importance of the economic benefits of guiding to Alaska and contributions of nonresident hunters to big game management in Alaska. He related he has served as chair of the local fish and game advisory committee in Delta

Junction. He attended a work session with five local guides as they reviewed DNR's concession. Additionally, he has attended the Alaska Professional Hunters conference in Anchorage, and the Big Game Commercial Services Board meeting with respect to the DNR's concession. He found one common concern that prevails among all of the user groups is to revisit the statutes that regulate this industry. He offered his belief that HB 229 represents a good start in this process. He encouraged members to support HB 229. In response to Representative P. Wilson, he said he attended the meetings due to his involvement in the Delta Junction Fish and Game Advisory Committee. He explained he did not represent the committee, but attended the meetings to become more informed about the big game guide-outfitter industry.

[4:52:59 PM](#)

VIRGIL UMPHENOUR, Master Guide, related that he has lived in the area since 1971 except for a period of time he spent in Nome. He stated that he is a master guide and the vice-chair of the Fairbanks Fish and Game Advisory Committee. He has previously served on the Board of Fisheries. He agreed with Mr. Quarberg that HB 229 is a good first start to clarify the statutes. He referred to Section 5 of the bill. Under current statutes, the court must suspend a guide's license for a year a guide if he/she makes an administrative error.

[4:54:51 PM](#)

MR. UMPHENOUR referred to Section 1 of the bill. He explained that currently a camp must be run by a class-A assistant guide-outfitter or a registered guide-outfitter, or master guide who is licensed for the game management unit. Currently, guide-outfitters are restricted to only three guide areas in the state. He explained the proposed change would allow a master guide or registered guide-outfitter who contracts with clients to hire another registered or master guide-outfitter to run a camp, including assistant guide-outfitters without being registered in the specific game management unit (GMU). He reiterated that under current law a guide-outfitter is restricted to three GMUs. He characterized this as badly-needed statute changes to allow guide-outfitters to be treated fairly and equally under the law. He offered his belief that guide-outfitters are not treated fairly under the U.S. constitution.

[4:56:27 PM](#)

CO-CHAIR SEATON inquired as to whether the effect of HB 229 is to eliminate the three unit GMUs so a master guide can employ someone to operate a camp.

MR. UMPHENOUR answered no. He explained he operates in GMU 21, 22, and 24, in the Seward Peninsula, the Koyukuk National Wildlife Refuge, and the Nulato Hills. Under the proposed bill, if he wanted to work with a friend who is a guide-outfitter who operates in the Alaska Peninsula, even though Mr. Umphenour has not been certified for GMU 9, he could work as a class-A assistant guide-outfitter for that contracting guide and supervise a camp. He clarified that this bill would allow him to be an employee but not be the contracting guide-outfitter. Instead, he would act as a class-A assistant guide-outfitter for the contracting guide-outfitter. He would be working under the supervision of the contracting guide-outfitter, he said.

[4:58:06 PM](#)

CO-CHAIR SEATON inquired as to what happens with respect to supervision if the contracting guide is not required to meet with clients in the field and provide direct supervision or field supervision. He wondered if under the scenario just described, that essentially it would allow him to operate as the contracting guide-outfitter.

MR. UMPHENOUR answered no. He explained that the contracting guide-outfitter would be responsible for any violations that would occur and for any other guide statutes. The licensed guide-outfitter would be responsible for any violation that occurred, but the assistant guide would not be responsible. He maintained that this bill does not address supervision. It would allow a guide-outfitter to work for another guide-outfitter in his/her GMU unit as an employee.

[5:00:01 PM](#)

CO-CHAIR SEATON surmised then that the contracting guide-outfitter could contact his employee and clients by satellite phone and would never have to appear in the field. He said this seems confusing and asked for further explanation.

MR. UMPHENOUR further explained that the regulation under 12 AAC 75.250 refer to participation in the hunt, and reads: "A registered guide-outfitter who contracts a guided hunt, in which participating in a hunt is required in statute should be in communication either personally or through an agent with an

assistant guide who is in the field with the client at least once during the hunt." Thus, the guide-outfitter must either show up in person or talk to the client on the satellite phone.

5:01:49 PM

REPRESENTATIVE GARDNER asked for examples of the administrative error that currently requires the suspension of license.

MR. UMPHENOUR answered that a guide-outfitter must fill out a hunt record for each client. He further explained that the guide-outfitter fills out the top portion out and signs it prior to the hunt. In 2008, when the ADF&G made changes and printed the form, it did not include any instructions along with the form. The department also removed the signature block for the contracting guide to sign and date to certify the information pertaining to the client's name, license name, big game tag number, and harvest ticket number, and guide-outfitter accompanying the client in the field. The bottom portion of the form lists the field dates, the species of game hunted, the date each animal was taken, the GMU, and specific details on the game taken. He expressed concern that only one signature block was available on the form which by regulation must be signed prior to the hunt. The signature implied the guide-outfitter approves of all the information on the form, yet the guide-outfitter could not ascertain the details of the kill since he/she was signing the form prior to the hunt. The form also specified the guide-outfitter will be prosecuted for unsworn falsification if any information on the form is incorrect.

5:05:45 PM

MR. UMPHENOUR reiterated the frustrations of having a form that makes it impossible for the guide-outfitter to accurately complete. He recalled a master guide-outfitter currently being prosecuted for this very thing. He referred to the hunt record and other issues that have arisen when clients carry the client copy instead of the field copy.

5:06:55 PM

CO-CHAIR FEIGE indicated that his office would work on this during the legislative interim.

REPRESENTATIVE P. WILSON said she would like more information on the process to become a master guide-outfitter and assistant guide-outfitter.

[HB 229 was held over.]

HB 113-STAMPEDE STATE RECREATION AREA

[5:08:21 PM](#)

CO-CHAIR FEIGE announced that the final order of business would be HOUSE BILL NO. 113, "An Act creating the Stampede State Recreation Area."

[5:08:42 PM](#)

REPRESENTATIVE DAVID GUTTENBERG, Alaska State Legislature, referred to a map provided in the committee members' packets that identifies the location of the proposed Stampede State Recreation Area.

[5:09:44 PM](#)

The committee took an at-ease from 5:09 p.m. to 5:10 p.m.

[5:10:36 PM](#)

REPRESENTATIVE GUTTENBERG explained that HB 113 would establish a state recreation area in the Stampede Road corridor, northwest of Healy and flanked on three sides by the Denali National Park. He described the land surrounding the proposed recreational area as federal land. The people of the Denali Borough, which this is part of, have decided to take control and create a recreation area to allow for traditional activities, ranging from walking to operating monster trucks. He explained that the Alaska Supreme Court made the Denali Borough part of the Fairbanks legislature district during legislative redistricting.

[5:11:56 PM](#)

REPRESENTATIVE GUTTENBERG offered his belief that the Denali Borough was created to prevent the Matanuska-Susitna Borough from extending north and the Fairbanks North Star Borough from extending south. The Denali Borough decided to turn this area into a recreational area and wishes to allow traditional uses. New trails cannot be put into place without undergoing a planning process, he said. He characterized the process of creating the recreational area as an inclusive process. He reiterated that the proposed Stampede Recreation Area would not

exclude any customary uses and he commended the people in his district for doing a good job.

5:14:02 PM

CO-CHAIR FEIGE inquired as to whether the land is currently state land.

REPRESENTATIVE GUTTENBERG answered yes.

CO-CHAIR FEIGE asked what for the advantage to designate the land as a recreation area.

REPRESENTATIVE GUTTENBERG answered it puts into place that an advisory board will decide what would be allowable in the proposed recreation area.

5:14:56 PM

REPRESENTATIVE P. WILSON asked him to describe the planning process and what it would entail.

REPRESENTATIVE GUTTENBERG responded that the Denali Borough would consider any new activities in the proposed Stampede State Recreation Area such as whether to build a new trail, add a parking lot with picnic tables, or other recreational activities that cannot occur on state land without undergoing the planning process.

5:15:25 PM

REPRESENTATIVE P. WILSON related her understanding that the land is surrounded by federal land. She asked for the current designation of the proposed land.

REPRESENTATIVE GUTTENBERG answered that the proposed Stampede State Recreation Area is state land surrounded by federal land. In further response to Representative P. Wilson, he indicated that the state land is currently without any designation.

5:15:55 PM

REPRESENTATIVE MUNOZ asked whether any current applications for land use are underway.

REPRESENTATIVE GUTTENBERG answered yes. He explained that the Usibelli Coal Mine, Inc. has some gas leases that may

touch the northern boundary, although these leases do not cross the national park.

[5:16:25 PM](#)

REPRESENTATIVE MUNOZ inquired as to whether the designation of the proposed state recreation area would affect any of the applications.

REPRESENTATIVE GUTTENBERG answered he did not think so.

[5:17:07 PM](#)

REPRESENTATIVE MUNOZ again asked whether any land use applications would affect the proposed site and how this bill, if passed, would affect land use.

BEN ELLIS, Director, Central Office, Division of Parks & Outdoor Recreation, answered that limited data is available, but the department believes some gas potential may exist. He offered to have someone else from the department provide additional information.

[5:18:01 PM](#)

REPRESENTATIVE DICK referred to a letter from Steve Borell of Alaska Miners Association opposing the designation. He read a portion of the letter, including the state has 8.5 million acres designated as parks, refuges, and other land closed to multiple uses. He asked the legislature to not block any additional state lands.

REPRESENTATIVE GUTTENBERG understood the letter was one just received.

[5:18:52 PM](#)

REPRESENTATIVE DICK asked for further clarification.

REPRESENTATIVE GUTTENBERG answered the letter goes right to the point that the proposed designation of the proposed Stampede State Recreation Area would not preclude anything, but would allow for a planning process for the area. He acknowledged some gas potential may exist in the area, plus the Usibelli leases dip into the area. He explained that the intent is not to lock up any land, but to establish a planning process to decide what could happen in the area. He did not think anything was being

precluded. He offered his view that the people in the Denali Borough are as open to economic development. He agreed the question raised is a good question to ask, but he maintained no activity would be precluded from planning.

5:20:15 PM

CO-CHAIR SEATON said he was not familiar with the restraints of the planning process in a state recreation area. He inquired as to whether such a designation would limit oil and gas and mining activities.

MR. ELLIS answered that he did not think so, but there could be exceptions. He offered to research this and get back to the committee.

CO-CHAIR SEATON requested an answer be sent to the committee in writing.

5:21:35 PM

REPRESENTATIVE KAWASAKI referred to Section 1 of HB 113, which discusses the purpose of the proposed Stampede State Recreation Area. The second part of the bill deals with incompatible uses and seems to say that if the uses are incompatible with the primary purposes of the recreation area that it would be up to the ADF&G to determine what would be allowed. The bill goes on to outline what the commissioner cannot restrict. He inquired as to whether language could be added that firms up the commissioner cannot restrict natural resource development such as the oil and gas development outlined in the Alaska Miners Association letter.

REPRESENTATIVE GUTTENBERG offered his belief the letter from the Alaska Miners Association made some big assumptions. He reported that currently there is not any active exploration. He understood leases to the north of the area have some oil and gas activity. He explained that some people in the Denali Borough would like restrictions and a significant number of the residents do not want restrictions. These residents recognize any gas activity could enhance their economic ability. At this time there are not any inholders in this area. The land does not contain timber, but consists of high alpine country. He indicated that as sponsor of HB 113, he did not object to ensuring oil and gas activity would not be restricted.

[5:23:47 PM](#)

REPRESENTATIVE KAWASAKI asked whether transiting the proposed Stampede State Recreation Area would be considered a compatible use in the event that potential oil and gas leases were adjacent to the area, but required crossing the proposed recreation land.

REPRESENTATIVE GUTTENBERG answered that if oil and gas facilities existed, access would be by roads directly to the east on state or borough land or else the parties would need permitting from the National Park Service (NPS).

[5:24:38 PM](#)

ROGER HEALY, Director/Chief Engineer, Division of Statewide Design & Engineering Services, Department of Transportation & Public Facilities (DOT&PF) referred to the department's testimony during the 26th legislature on a similar bill. He said the DOT&PF recommends reservation of a corridor not currently included in the proposed Stampede State Recreation Area bill for future transportation and utility infrastructure. This corridor would not consist of an easement, but would be a reservation of a corridor for rights-of-way purposes. Based on lack of survey and resource information, the department recommends a corridor 1,000 feet wide, 500 feet on either side of the centerline of the existing R.S. 2477 route, running the length of the route and connecting to existing infrastructure on the east end. He reported that the DOT&PF does not have any immediate plans for transportation infrastructure along the corridor and it also does not anticipate any long-term plans. However, the DOT&PF still recommends corridor reservation for transportation, and utility infrastructure would provide future Alaskans with the opportunity for transportation, energy resource, and recreation that may develop over time that is currently unknown. Additionally, it would also provide Alaskans an opportunity to enhance recreational opportunities in the proposed recreation area that cannot be seen or predicted today.

[5:26:26 PM](#)

CO-CHAIR SEATON indicated the map in members' packets does not show the R.S. 2477 trail. He asked for clarification on the location, in general terms, and whether it is a single trail.

MR. HEALY responded that the R.S. 2477 trail basically runs along the old Stampede road and generally along the northern portion of the proposed recreation area. He recalled the route

was shown on maps on a similar bill and that is what he is looking at today.

CO-CHAIR SEATON related his understanding the R.S. 2477 trail is located in the upper quadrant of the map.

MR. HEALY answered that he is correct.

[5:28:11 PM](#)

HANNAH RAGLAND, Friends of Stampede, stated local residents via the assembly initiated the process for the proposed Stampede State Recreation Area in 2006. Since October 2010, the local residents created an informal group to support the recreation area and other local issues. She reported that over 50 people have attended meetings and over 70 local people are on their e-mail list. She reported that the group has received statewide support and little or no opposition. She explained that the area is a pretty special place that has historically been used for recreation. It has seen more and more use, as well as an increase in search and rescues as people try to find Christopher McCandless's bus. She recalled a Swiss resident drowned while crossing a river in the area last summer. She pointed out that public safety issues will need to be addressed by establishing a recreation area. She concluded by reiterating local support for the bill. She encouraged members to pass HB 113.

[5:30:27 PM](#)

JON NIERENBERG, Lodge Owner, said he has resided at Mile 4, Stampede Road in Healy since 1983. He has lived for 13 years on a remote homestead, building his home and business on Stampede Road in 1996. He and his wife own and operate EarthSong Lodge and several other tourism businesses year round. The proposed Stampede State Recreation area would directly impact his personal and professional life. He asked to place on the record that he supports the proposal and all the goals of the Friends of Stampede local advocacy group and Denali Citizen's Council. He said his commercial operations relies 100 percent on the scenic and recreational values the proposed recreation area would protect and guarantee. He reported that their visitors come from all over the country and world, including visitors to the Denali National Park who stay at his lodge as an alternative to the commercial, overdeveloped establishments near the national park entrance. Visitors spend time at the lodge, hike, and berry pick along the road, and some hike the Stampede trail out to the bus from the film Into the Wild on the Sushana River.

5:32:03 PM

MR. NIERENBERG related that his winter guests seek an authentic, natural wilderness dogsled experience. He holds a concession for guiding in Denali National Park, which is accessed through the Stampede corridor, the Wolf townships, and the proposed Stampede State Recreation Area. He predicted that the proposed Stampede State Recreation Area would guarantee all tourist-related businesses some measure of security against conflicting development and other activities. He predicted the future of this area lies in tourism and recreation for visitors and local Alaskans. He said he came to the area for its spectacular recreational resources.

5:33:09 PM

MR. NIERENBERG reported in addition to a few other inholdings in the Stampede State Recreation Area, that his homestead would be an inholding in the proposed recreational area. However, he still supports the designation of the proposed Stampede State Recreation area. He offered his belief that too few protected lands are available for current traditional uses. He envisioned a land unit that would continue to allow for diverse activities for local residents. He said that protecting this area would demonstrate the legislature's commitment to proactively guarding the local resident's way of life. He urged members to move forward with creation of the Stampede State Recreation Area to better serve the residents of Healy, all Alaskans, and visitors from around the world.

5:34:36 PM

CO-CHAIR SEATON referred to page 3, lines 14-15 of HB 113. He related his understanding that the language indicates that the commissioner shall minimize additional infrastructure in order to maintain the natural character of the area. He asked whether that would limit the ability of residents to plan. He said it seems to say that the commissioner's duty shall not allow activities such as a natural gas line. He asked if this provision is essential to the bill.

REPRESENTATIVE GUTTENBERG responded that it has always been the intent that in situations like that the commissioner has the ability to make exceptions. He related his understanding that the commissioner could allow for natural gas development under the existing language.

[5:36:28 PM](#)

CO-CHAIR SEATON asked the sponsor to confirm with the commissioner whether this specific language would restrict the department with respect to approving infrastructure. He also suggested that the sponsor confirm his constituent's intentions with respect to removing infrastructure decisions from the local planning process.

REPRESENTATIVE GUTTENBERG agreed to do so. He noted he received an e-mail from his constituents and other testimony was given that confirmed his understanding that the local residents understood the commissioner would have the ability to allow resource development to happen. He offered to confirm this and provide additional information to the committee.

[5:37:43 PM](#)

[HB 113 was held over.]

[5:37:49 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 5:37 p.m.