

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

February 3, 2014

1:05 p.m.

**MEMBERS PRESENT**

Representative Eric Feige, Co-Chair  
Representative Dan Saddler, Co-Chair  
Representative Peggy Wilson, Vice Chair  
Representative Mike Hawker  
Representative Craig Johnson  
Representative Kurt Olson  
Representative Paul Seaton  
Representative Scott Kawasaki  
Representative Geran Tarr

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 163

"An Act prohibiting a person from burning certain materials in a solid fuel burning device; relating to solid fuel burning device emission standards; and relating to prohibitions on the burning of solid fuels."

- HEARD & HELD

HOUSE BILL NO. 268

"An Act relating to big bull moose derbies."

- HEARD & HELD

HOUSE BILL NO. 244

"An Act extending the termination date of the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date."

- MOVED HB 244 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 163

SHORT TITLE: REGULATION OF SOLID FUEL BURNING DEVICES

SPONSOR(s): REPRESENTATIVE(s) T.WILSON

03/11/13 (H) READ THE FIRST TIME - REFERRALS  
03/11/13 (H) CRA, RES  
03/21/13 (H) CRA AT 8:00 AM BARNES 124  
03/21/13 (H) Moved Out of Committee  
03/21/13 (H) MINUTE(CRA)  
03/22/13 (H) CRA RPT 5DP  
03/22/13 (H) DP: FOSTER, REINBOLD, DRUMMOND, LEDOUX,  
NAGEAK  
04/06/13 (H) RES AT 1:00 PM BARNES 124  
04/06/13 (H) Heard & Held  
04/06/13 (H) MINUTE(RES)  
02/03/14 (H) RES AT 1:00 PM BARNES 124

BILL: HB 268

SHORT TITLE: BIG BULL MOOSE DERBIES

SPONSOR(s): REPRESENTATIVE(s) T.WILSON

01/21/14 (H) READ THE FIRST TIME - REFERRALS  
01/21/14 (H) RES, FIN  
02/03/14 (H) RES AT 1:00 PM BARNES 124

BILL: HB 244

SHORT TITLE: ADVISORY COMMISSION ON FEDERAL MGT AREAS

SPONSOR(s): REPRESENTATIVE(s) KELLER, MILLETT, HUGHES, FEIGE,  
PRUITT, CHENAULT, OLSON, ISAACSON, THOMPSON, NEUMAN, STOLTZE,  
LYNN, SADDLER

01/21/14 (H) PREFILE RELEASED 1/10/14  
01/21/14 (H) READ THE FIRST TIME - REFERRALS  
01/21/14 (H) RES, FIN  
02/03/14 (H) RES AT 1:00 PM BARNES 124

#### **WITNESS REGISTER**

REPRESENTATIVE TAMMIE WILSON

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As sponsor of HB 163, outlined provisions  
of the proposed committee substitute, Version G.

ALICE EDWARDS, Director  
Division of Air Quality  
Department of Environmental Conservation (DEC)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions related to HB 163.

REPRESENTATIVE TAMMIE WILSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As the sponsor, introduced HB 268.

ANNA KIM, Chief of Revenue Options  
Tax Division  
Department of Revenue (DOR)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions related to HB 268.

AL BARRETTE  
Fairbanks, Alaska

**POSITION STATEMENT:** Spoke in support of HB 268.

GEORGE PIERCE  
Kasilof, Alaska

**POSITION STATEMENT:** Spoke in opposition to HB 268.

DAN JORDAN, Head Rifle Coach  
University of Alaska, Fairbanks (UAF)  
Fairbanks, Alaska

**POSITION STATEMENT:** Spoke in support of HB 268.

GRANT LEWIS, President  
Tanana Valley Sportsmen's Association (TVSA)  
Fairbanks, Alaska

**POSITION STATEMENT:** Spoke in support of HB 268.

MICHAEL TINKER  
Ester, Alaska

**POSITION STATEMENT:** Spoke in support of HB 268.

ROWENA PALOMAR, Executive Director  
Advocates for Victims of Violence, Inc. (AVV)  
Valdez, Alaska

**POSITION STATEMENT:** Spoke in support of HB 268.

DARRYL VERFAILLIE, Director  
Parks, Recreation, and Cultural Services  
City of Valdez Parks and Recreation  
Valdez, Alaska

**POSITION STATEMENT:** Spoke in support of HB 268.

JOE KOSS, Tax Auditor  
Gaming Group

Tax Division  
Department of Revenue (DOR)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions related to HB 268.

REPRESENTATIVE WES KELLER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As the sponsor, introduced HB 244.

RON SOMMERVILLE, Board Member  
Citizens' Advisory Commission on Federal Areas (CACFA)  
Juneau, Alaska

**POSITION STATEMENT:** Spoke in support of HB 244.

STAN LEAPHART, Executive Director  
Citizens' Advisory Commission on Federal Areas (CACFA)  
Fairbanks, Alaska

**POSITION STATEMENT:** Spoke in support of HB 244.

AL BARRETTE  
Fairbanks, Alaska

**POSITION STATEMENT:** Spoke in support of HB 244.

#### **ACTION NARRATIVE**

[1:05:44 PM](#)

**CO-CHAIR DAN SADDLER** called the House Resources Standing Committee meeting to order at 1:05 p.m. Representatives Tarr, Kawasaki, P. Wilson, Feige, and Saddler were present at the call to order. Representatives Seaton, Hawker, Johnson, and Olson arrived as the meeting was in progress.

#### **HB 163-REGULATION OF SOLID FUEL BURNING DEVICES**

[1:06:09 PM](#)

CO-CHAIR SADDLER announced that the first order of business is HOUSE BILL NO. 163, "An Act prohibiting a person from burning certain materials in a solid fuel burning device; relating to solid fuel burning device emission standards; and relating to prohibitions on the burning of solid fuels." [Before the committee was the proposed committee substitute (CS) for HB 163, Version 28-LS0248\R, Nauman, 4/4/13, adopted as the working document on 4/6/13.]

1:06:52 PM

REPRESENTATIVE P. WILSON moved to adopt the proposed committee substitute (CS) for HB 163, Version 28-LS0248\G, Nauman, 1/27/14, as the working document. There being no objection, Version G was before the committee.

1:07:07 PM

REPRESENTATIVE TAMMIE WILSON, Alaska State Legislature, sponsor of HB 163, outlined the provisions of Version G. She noted the bill's length is shortened due to the proposed [air quality] regulations being put forth by the Department of Environmental Conservation (DEC). She explained that the Fairbanks North Star Borough has been designated a particulate matter (PM) 2.5 nonattainment area by the U.S. Environmental Protection Agency (EPA). Space heating devices, predominantly wood and pellet stoves and hydronic heaters, are being used by a growing number of Fairbanks residents to heat homes and businesses. The amount of wood burning has nearly doubled since 2006, a direct response to increases in the price of heating oil and the lack of low cost, clean burning, alternative fuels. A governmental agency should not be allowed to shut down a resident's right to utilize a certified appliance burning approved materials, unless an emergency arises, she asserted. Version G would require an emergency [prohibition] by the governor for an area to have its wood burning completely banned and would set the emergency level at 351 micrograms per cubic meter [of air], the same level included in DEC's proposed regulations. Version G would also put into statute the list of things that, under regulation, cannot legally be burned in a wood stove or coal burner. This includes such things as painted material, railroad ties, and tires, to help people understand what should not be burned. Unfortunately, when people do burn those items, it is because they cannot afford the heating oil. This is all about a high cost of energy, she stressed. As heating oil has become more expensive, those in the Bush have had much higher expenses than other communities and have turned to alternative sources, which includes wood, pellets, and coal. Many of the borough's businesses have turned to coal burners, which are cleaner than some of the hand-loaded wood stoves. Hand-loaded wood stoves smolder when they cool down, she explained, which goes on throughout the day [as they burn the wood supply] and then have to be manually re-filled. However, pellet and coal stoves have an automatic feed that keeps the temperature constant.

REPRESENTATIVE T. WILSON said the bill has some issues, so she is requesting the committee to hold the bill today. She reported DEC is concerned the bill will cause the department to be unable to enforce what cannot be burned, which is not her intent and which she will discuss further with DEC. Also of concern to DEC is the five-year sunset, a date she chose in the hope that there would be affordable energy by then. The DEC commissioner would feel better with a two-year sunset, she said. The state is required to make an implementation plan that shows the EPA how the state is going to get from one point to the next. However, the numbers are ever moving because the EPA is always lowering the number. When EPA lowered [the maximum level] from 65 micrograms per cubic meter to 35, it put the borough into its current problem. Had the level stayed at 65, the borough would have been okay for a few more years; although, she conceded, the borough would probably be in nonattainment at this point because more wood is being burned.

[1:11:34 PM](#)

CO-CHAIR FEIGE inquired about the significance of the microgram number of 351, as per page 1, line 10, Version G.

REPRESENTATIVE T. WILSON responded this number is the emergency level proposed in the DEC regulations brought to her community, so she put this number in the bill.

[1:12:10 PM](#)

REPRESENTATIVE KAWASAKI asked whether the 351 micrograms is an acceptable level and whether [DEC] has set an acceptable level for pollution.

REPRESENTATIVE T. WILSON replied that 351 is the number set as the point for emergency [by DEC]. However, as she has told the DEC commissioner, she is not married to this number if DEC wants to recommend a different number.

REPRESENTATIVE KAWASAKI stated that if EPA is constantly trying to ratchet down the microgram level, then putting 351 micrograms into statute would result in having to change the statute if EPA changes the acceptable limits. He asked why the proposal is to do the level by statute rather than by regulation.

REPRESENTATIVE T. WILSON answered that right now the state must get down to 35 micrograms, not 351. An emergency is when [particulates] rise to a certain level and the question is how

far over that level it should get to call an emergency. In this bill, she is trying to look through the eyes of her constituents regarding an emergency. People leave for work with their wood stoves burning, she stated. The proposed regulations say that immediate action can be taken if it gets to an episode. However, since this plan has not been seen, it is unknown what an immediate action is. She expressed concern about people who have to leave work to go home to shut down their wood stoves and hope they have enough oil to last for the number of days it takes for the air quality to reach a certain level. She questioned if people can be asked to go through that kind of stress on a day-to-day basis. She said she is in favor of the borough's current volunteer shutdowns to improve the change-out programs, she said, or possibly subsidizing oil in certain areas that are worse. When people are forced to shut down qualified stoves while using the dry wood they are supposed to use, it is like grouping everyone together on the highway and picking out five or six cars because there are too many cars on the road. She asked what can be done until technology improves so people feel that they can stay in the community. She said the number of micrograms can be discussed by DEC staff or the commissioner.

REPRESENTATIVE KAWASAKI asked what the sponsor envisions will happen if the level is exceeded, given that the level would be in statute rather than regulations, and the proposed bill does not address what happens in the case of an emergency.

REPRESENTATIVE T. WILSON concurred the bill would supersede regulations should [DEC] want the number to be lower and the immediate action to be a forcible shutdown. That is what she is trying to prevent by taking it to the level of an emergency, she said, "and to an elected official, one who's a head of our state, that that should be his decision and not a commissioner or someone else down the line, when you're talking about this degree of impact on a community."

[1:16:37 PM](#)

REPRESENTATIVE SEATON noted a number of businesses burn waste petroleum products, one of the prohibited items within Section 2, but they are not burning the waste petroleum products in a wood or coal designed furnace. He surmised there is nothing in the bill that would impact someone burning waste petroleum products in a burner designed for liquid waste products.

REPRESENTATIVE T. WILSON agreed, saying such a burner would not be a solid fuel burning heating device as defined.

1:18:00 PM

REPRESENTATIVE SADDLER asked what the consequences are for violating the fuel prohibitions in Section 2.

REPRESENTATIVE T. WILSON replied that DEC's process is to first write a letter to the person and ultimately take the person to court. In further response, she said she did not know what the amount of a fine could be.

CO-CHAIR SADDLER, regarding page 1, line 9, that the prohibition be authorized by the governor, inquired whether the sponsor's intention is that it must be the governor personally or if it could be the governor's designee.

REPRESENTATIVE T. WILSON responded that this could have a major impact to an area of the state, so she would like it to be the governor since the governor is the elected official heading the state. [Subsection (k), page 1, lines 6-7,] is included in Version G, she added, because Juneau already has a State Implementation Plan and is therefore exempted from this bill. She further noted that she is working with the Municipality of Anchorage to answer its questions and ensure the bill does not negatively impact that community. Responding to Representative Seaton, she explained that subsection (k) is referring to the City and Borough of Juneau because it is the only one that has a wood smoke control area designated by name in state regulation.

CO-CHAIR SADDLER understood the repealer in Section 4 is because the sponsor is assuming that good things will be coming "down a pipeline" in the future.

REPRESENTATIVE T. WILSON said Section 4 would bring it back to the legislature again, at which point it can be assessed for whether this needs to be continued. For example, there could be improved technology with the solid fuel burning devices or a gas supply of some sort could have reached the borough by then.

1:21:34 PM

REPRESENTATIVE KAWASAKI, regarding the governor authorizing this type of prohibition, noted that Fairbanks has ceded this type of control over to the state. He asked, however, whether the state and governor making a decision on air quality, rather than the local community, is really the kind of policy that is wanted.

REPRESENTATIVE T. WILSON answered the governor already has this power during an emergency and she would take it up a notch because she thinks it is absolutely for the governor to do. In the past the state has been a big player in how her community has done energy, such as electricity and major projects, and with that comes some responsibility. When it came to whether her community was going to try meeting the air quality [standards], it was the state that made an agreement with EPA to get the community to meet any new numbers, no matter what that may take from the community. The point of HB 163, she said, is to refocus that Fairbanks is trying to bring in the best technology and replace older equipment to improve air quality. Not understood is why the air quality cannot just get better; instead, EPA's bottom line is that this number must be met even though the community cannot do it with the best technology out there. She said it is going to take some other type of energy besides even heating oil because heating oil is also at PM 2.5. Five years from now, if Fairbanks still does not have gas or the governor has had to frequently call an emergency, this will put pressure on the state that it must be a player. The borough does not have the finances, nor should it have to put its money there, when the state itself has not done it, she opined.

[1:23:52 PM](#)

CO-CHAIR SADDLER inquired about local ordinances and voter initiatives that the borough has adopted throughout the past.

REPRESENTATIVE T. WILSON reiterated that the EPA keeps changing the numbers. Another episode was in 2008, she said, when then-governor Sarah Palin gave \$1,200 to each state resident for energy needs. The month people received that money, along with their permanent fund dividend, the price of oil jumped over night to almost \$5 per gallon. People went into a panic mode and bought outdoor boilers, which are meant for big buildings rather than homes, and this increased the air quality issues even more. The borough then came up with an ordinance, mostly because of pressure from the EPA. The EPA only gives so much credit for voluntary measures even when those measures are working, she stated. Pressure is being put on the DEC commissioner to do enforcement on Fairbanks to bring the community into compliance because that is what the EPA requires, but weather inversion is the number one reason the borough is having issues. She said it is the big power plants which fill up the top of the airshed, wood stoves fill the next level of the airshed, and car emissions fill the lowest level. Using state funding, the borough did a wood stove change-out program,

but unlike Libby, MT, which did a one-on-one swap, the borough required that a borough employee come in to take a picture, the homeowner had to have the money up front, put in the paperwork, and then bring in the [new] appliance. Taking a picture was an issue because the people in her community are not very friendly when government wants to come into their homes, she noted. When the borough decides to fine people during these times, citizens' initiatives are put out that say the borough cannot fine people for trying to heat their homes. This puts it on the state level and the city level of Fairbanks and North Pole, but not the borough itself, because it is still the peoples' intent that as technology improves and as gas gets to homes, [air quality will improve]. For example, it was not the local testing of car emissions at a cost of \$70 per car every two years that improved air quality; rather, it was because technology got better and old cars died. Unfortunately, wood stoves do not die as easily as cars do and people become very attached to them. Once people see how much better the new technology is, they will do it, but it must be made to work in that direction, she stated.

[1:28:21 PM](#)

REPRESENTATIVE T. WILSON, in response to two questions from Co-Chair Saddler, defined airshed as the ambient air measurement done by monitors. A hydronic heater, she explained, is a big, rectangular, outdoor wood stove hooked up to a water heater that only needs to be filled once a day. Hydronic heaters do not work quite as well because the whole wood used in them is not as dry as split wood, plus the heaters are not turned up as high as they need to be because the area being heated in homes is small.

CO-CHAIR FEIGE noted natural gas is being burned in Eagle River.

[1:29:42 PM](#)

REPRESENTATIVE TARR stated that some of the prohibited items listed in proposed AS 46.14.570 produce fine particulate matter when combusted and therefore have some influence in overall air quality measurements. She asked why this proposed statute would be repealed on January 1, 2019, as per Section 4 of Version G, given those items should never be burned in a wood stove.

REPRESENTATIVE T. WILSON replied she does not understand the question because those items are listed in regulation and are only relisted in the bill.

REPRESENTATIVE TARR suggested that repeal of these prohibited items may not be wanted because the burning of plastics and rubber products is something that should never be done.

REPRESENTATIVE T. WILSON conceded that is a good point. She said the repeal is more related to the first part rather than the second, so she will consider the suggestion.

[1:31:22 PM](#)

CO-CHAIR FEIGE posited that a technological advance could occur in the next five years that would allow those prohibited items to be burned because they would not contribute to air pollution.

REPRESENTATIVE T. WILSON agreed, saying things have come a long way; for example, some stoves now take wood or oil. Section 4 would require a review of all prohibited items in five years.

[1:32:12 PM](#)

REPRESENTATIVE JOHNSON inquired whether the list of prohibited items would be applied to all municipalities or only to Fairbanks.

REPRESENTATIVE T. WILSON answered it would be applied to Anchorage as well as Fairbanks.

REPRESENTATIVE JOHNSON noted that Anchorage does its own monitoring and can now do its own emergency orders. He asked whether this would prevent Anchorage from having that ability.

REPRESENTATIVE T. WILSON responded that she does not believe so, but she is having discussions with Anchorage and will make sure that Anchorage's questions are addressed.

REPRESENTATIVE JOHNSON related there are people in Anchorage who burn for aesthetics rather than heat and for this they use treated plastic logs purchased at Fred Meyer's. He asked whether HB 163 would ban the sale or use of that product in any place in Alaska during an emergency order.

REPRESENTATIVE T. WILSON replied that is not her intent, so she will make sure that the bill does not. She pointed out that Anchorage, Fairbanks, and Juneau have air quality programs, but the Wasilla area is the next community that will probably have a problem with the PM 2.5; therefore, she will ensure this point applies to any community.

REPRESENTATIVE JOHNSON offered his agreement with Representative Kawasaki about keeping this with the city rather than putting it in the state's hand, especially in Anchorage where that control has not been given up and Anchorage still does the monitoring.

REPRESENTATIVE T. WILSON answered that is why it is just on an emergency level and the prohibited item list is already there for the state. It is not her intent to step on any of the municipalities. Her intent is to ensure that when there is the possibility of a huge negative impact, it is known who will be making those calls.

REPRESENTATIVE JOHNSON thanked the sponsor for working with Anchorage in regard to the bill.

1:35:28 PM

REPRESENTATIVE KAWASAKI noted that the issue of air quality has long been worked on in Fairbanks, and [state] regulations are currently being promulgated. Given that a quicker solution is wanted rather than a slower one, he inquired what impact HB 163 will have on the regulations currently being drafted.

REPRESENTATIVE T. WILSON responded that DEC has said it wants sold only those stoves that put out 2.5 [micrograms] per hour, and "the borough would still be able to be allowed in this." The intent is that DEC could still go after people who are burning prohibited items, but Legislative Legal and Research Services has said that that portion of the bill could be much clearer. All volunteer activities and programs could still take place. "It just takes it to a notch to where you are literally doing a complete banning of an energy source would make it clearer on who could absolutely do that portion of it," she said.

REPRESENTATIVE KAWASAKI expressed his concern that if a bill is passed by the legislature it will take a long time to promulgate the regulations. Delay has caused a lot of people in Fairbanks to move, he said, so he does not want to see any delay in implementing some sort of a policy to get to the root of the air pollution issue in the Fairbanks area.

REPRESENTATIVE P. WILSON agreed and said that is why the bill version that comes back to the committee will not impact the majority of what is in the proposed regulations. She clarified that they are proposed regulations and DEC is currently going

through the hundreds of comments it has received. The final regulations will be part of the State Implementation Plan, she explained, and passing a bill now is less likely to slow things down than waiting until after finalization of the regulations and plan.

[1:37:51 PM](#)

CO-CHAIR FEIGE asked whether the list of prohibited items is enforced at all times or only when the governor declares an emergency.

REPRESENTATIVE T. WILSON replied those items cannot be burned in a solid fuel burning heating device at any time. In further response, she confirmed that these prohibited items are included in current regulations.

CO-CHAIR FEIGE inquired whether there is an exemption for burning the prohibited items in a rural area, for example, a remote mining camp, where there would be no significant detriment to the overall air quality.

REPRESENTATIVE T. WILSON answered there is no exemption. However, she clarified, it is a solid fuel burning heating device being talked about here, so it might be different for an open bonfire.

CO-CHAIR FEIGE said these remote camps use incinerators for getting rid of all kinds of things, including some of the things on the prohibited list.

REPRESENTATIVE T. WILSON responded that incinerators would not be included in HB 163 because the bill defines solid fuel burning heating device, and those prohibited items cannot be burned in that type of device. If not in an urban area, the odds of DEC imposing a fine are probably little to none, she said, but these items still should not be burned in a solid fuel burning heating device as defined in the bill.

[1:40:44 PM](#)

REPRESENTATIVE HAWKER, regarding page 1, line 10, asked whether "region" is a defined term.

REPRESENTATIVE T. WILSON replied the bill's terminology is taken from the regulations as proposed by DEC, so she assumes DEC has

that definition. Her community is a nonattainment area, so most of the rules being talked about pertain to that actual region.

REPRESENTATIVE HAWKER said it seems vague to him because if it is not defined then it is unclear what constitutes the region.

REPRESENTATIVE T. WILSON agreed and said she will make sure it is defined.

[1:42:50 PM](#)

REPRESENTATIVE SEATON inquired whether the intent of page 1, lines 9-10, is that the governor cannot authorize the prohibition under any other circumstances.

REPRESENTATIVE T. WILSON answered neither the governor nor anyone else could mandatorily shut down a region's wood-fired devices unless the level [is at 351 micrograms per cubic meter]. She said she will talk further with the DEC commissioner about whether that number is correct.

REPRESENTATIVE SEATON asked whether there is, or will be, a definition of treated wood.

REPRESENTATIVE T. WILSON responded she will find out.

REPRESENTATIVE SEATON explained he is bringing this up because of Representative Johnson's question about pressed logs. He posited it could get into a situation where someone sues the state claiming that pellets are treated wood.

CO-CHAIR SADDLER understood only the governor could call the ban and the ban could only be called if the standard is exceeded.

REPRESENTATIVE T. WILSON said he is correct.

[1:45:08 PM](#)

REPRESENTATIVE KAWASAKI inquired how HB 163 would impact the regulations currently being promulgated by DEC.

ALICE EDWARDS, Director, Division of Air Quality, Department of Environmental Conservation (DEC), said the division is still looking through Version G and has had initial discussions with the bill sponsor. The division still needs to clarify some of that so it understands what the implications would be to the regulatory proposals that have gone out for public comment.

Therefore, she said, she cannot speak to that until DEC has had more time to review the proposed bill.

REPRESENTATIVE KAWASAKI reported the borough and the state have been going round and round on this and people are leaving Fairbanks due to the energy costs and the air quality. A delay would be difficult for him if the division thinks it is moving quickly on the proposed regulations. He asked whether the bill would impact the State Implementation Plan.

MS. EDWARDS said the division is looking at the bill to determine how it will impact the State Implementation Plan, both the parts that are already in place as well as the future plan for the Fairbanks North Star Borough. Clearly, the division is trying to find solutions and make emission reductions in the borough's nonattainment area as expeditiously as possible. It is important the division take that into context when reviewing this bill.

[1:47:14 PM](#)

REPRESENTATIVE KAWASAKI queried whether 351 micrograms per cubic meter of air is exactly what is in current regulation.

MS. EDWARDS replied that number was in the proposal. A section in the existing air quality regulations deals with emergency types of episodes, and for most pollutants the division has set three different levels of standards: an episode, a warning, and an emergency. The 351 micrograms per cubic meter at a 24-hour average is DEC's new proposal for the highest level for fine particulate matter; those have not yet been adopted.

REPRESENTATIVE KAWASAKI paraphrased from the Air Quality Index regarding 351 micrograms per cubic meter in a 24-hour period: "everyone should avoid physical activity outdoors; people with heart and lung disease, older adults, children should remain indoors; keep activity levels very low." He asked whether the state has given thought to making the standard higher than is currently proposed.

MS. EDWARDS answered DEC is looking at the comments it has received on that proposal. She confirmed it does tie back to the Air Quality Index and for the episode level DEC has proposed 56, which is when it is unhealthy for all individuals. An intermediate step and an emergency level were also proposed.

[1:49:05 PM](#)

CO-CHAIR SADDLER queried about the timeline for delivery of the proposed regulations.

MS. EDWARDS responded the comment period closed at the end of January [2014] and many hundreds of comments were received. The division is working to move through those relatively quickly, but there is a lot of information to look at. It will take a couple of months to work through the comments and with the commissioner and administration to get a final package.

[1:49:39 PM](#)

REPRESENTATIVE P. WILSON commented that the proposed regulations make a difference for the town of Fairbanks, while DEC is concerned about the actual health of the people living in Fairbanks. While there are two different angles to look at this, as a parent she would want to be warned when certain levels are reached so she could ensure her children are watching TV instead of running around. She inquired whether the town of Fairbanks wants to change what DEC has put into place so that it does not have to close down as soon.

MS. EDWARDS, qualifying she is unsure of the question, replied that DEC does currently call air quality advisories in Fairbanks and will continue to do so. The setting of the episode levels formalizes concentrations for fine particulate matter, which, to this point, DEC has not had in regulation. So, it is new, but is a statewide proposal that would then also factor into the situation in Fairbanks.

REPRESENTATIVE P. WILSON asked whether the majority of people commenting on the proposed regulations were for or against putting these levels in place.

MS. EDWARDS answered that federal requirements calling for the establishment of episode levels is one reason why the proposed regulations were brought forward. The department received many comments from people in the community about what those levels should be, and those are still being evaluated.

[1:52:11 PM](#)

REPRESENTATIVE TARR inquired whether the majority of people commenting wanted the regulations to be stricter or more lenient than proposed.

MS. EDWARDS responded DEC is still looking at the comments, but comments are being seen in both directions.

[1:52:54 PM](#)

CO-CHAIR SADDLER held over HB 163, saying public testimony would be held the next time the bill is brought up.

**HB 268-BIG BULL MOOSE DERBIES**

[1:53:06 PM](#)

CO-CHAIR SADDLER announced that the next order of business is HOUSE BILL NO. 268, "An Act relating to big bull moose derbies."

REPRESENTATIVE SEATON moved to adopt the proposed committee substitute (CS) for HB 268, Version 28-LS0851\N, Martin, 1/31/14, as the working document. There being no objection, Version N was before the committee.

[1:53:42 PM](#)

REPRESENTATIVE TAMMIE WILSON, Alaska State Legislature, Juneau, Alaska, introduced HB 268 by reading from the following sponsor statement [original punctuation provided]:

House Bill 268 would allow the Tanana Valley Sportsmen Association to raise funds for their organization and the University of Fairbanks Nanooks Rifle team equally. The big bull moose derbies would be operated much like other contests already allowed under statute. This will take place during the annual moose season, by individuals that have acquired all the proper documentation already implemented by the State of Alaska to stay within the legal boundaries of the moose season. Participants must purchase a derby ticket prior to the open day of the season. The winner would be determined based on the bull antlers; the widest spread legally taken and would receive a predetermined portion of the net proceeds from the fund raiser. Anyone who enters a bull would, regardless of the antler spread, be entered into a drawing for prizes.

The Tanana Valley Sportsmen's Association (TVSA) is a nonprofit organization that hosts training and completion events for the nationally ranked University

of Alaska Nanooks Rifle Team as well as the local high schools. It is home to a multitude of community and school events; NCAA tournaments, biathlon training & competition, gun safety and personal protection classes are among the many.

House Bill 268 would allow the raising of funds to further the use of the TVSA club house and support the efforts of the nationally ranked UAF Nanooks Rifle team who has produced Olympic level competitors.

REPRESENTATIVE T. WILSON pointed out that Version N adds [the Snow Town Ice Classic] to the bill, which would be administered by the Advocates for Victims of Violence, Inc. (AVV). The state has various kinds of derbies, such as salmon and halibut derbies, she explained, and communities must go through statute to be able to conduct these derbies. The capital budget is going down and she has always told her group that she would be behind any ideas it has for fundraising, so that is what brought this forward.

[1:56:05 PM](#)

REPRESENTATIVE SEATON inquired whether this big bull moose contest has been going on since before statehood.

REPRESENTATIVE T. WILSON responded no, it would be new. No one has done it at all, so this is what they are asking to do.

REPRESENTATIVE SEATON directed attention to page 3, lines 18-20, Version N, which state: "... an activity may not be licensed under this chapter unless it existed in the state in substantially the same form and was conducted in substantially the same manner before January 1, 1959." He asked whether the proposed addition of bull moose derbies is being put into the right section of the regulations, given it did not exist before. However, he then noted, perhaps big bull moose derbies fall under the exception provision on page 3, line 14, Version N, and it is therefore okay.

CO-CHAIR SADDLER offered his agreement with Representative Seaton's interpretation, saying bill drafters understand this sort of thing.

[1:57:46 PM](#)

REPRESENTATIVE TARR, regarding the mechanism, surmised a person would still need to apply for a permit through the traditional way, so this proposal would not impact the overall number of moose harvested.

REPRESENTATIVE T. WILSON concurred, saying a person who is going hunting anyway could purchase a ticket in the hopes of winning some money or a prize. No more permits would be given because of this proposed derby.

CO-CHAIR SADDLER added he thinks sports people and hunters tend to be big hearted and want to support civic activities, and the Tanana Valley Sportsmen's Association is a good activity.

[1:58:42 PM](#)

REPRESENTATIVE KAWASAKI observed the sponsor statement mentions the Tanana Valley Sportsmen's Association and the University of Alaska Nanooks Rifle Team, but the proposed bill does not state that they are the specific permittee. He queried as to what happens if someone other than these two organizations would like to be a permittee.

REPRESENTATIVE T. WILSON replied that absolutely anyone can take advantage of it; someone wanting to have just a moose derby rather than a big bull moose derby could do so. She said her bill is exclusively to help these groups and that is how they anticipate using it, but somebody in another part of the state could have a different type if it wanted to.

[1:59:48 PM](#)

CO-CHAIR SADDLER observed that Version N specifically and repeatedly states "big" bull moose derby, but in the existing language there is no "big" king salmon. He inquired about the necessity of the modifier "big".

REPRESENTATIVE T. WILSON answered it is the name that the rifle team liked and how they are going to promote it. She brought the name forward because at the time she did not realize that anybody could use it. She said she would be willing to accept a friendly amendment that takes out "big" or makes it just be a moose derby.

[2:00:55 PM](#)

REPRESENTATIVE HAWKER offered his support for the bill, but suggested "ice classics" in the title be tightened. The state has many ice classics, he said, and anything could be inserted into the bill that could affect any one of these other functioning ice classics rather than having it be as the bill intends to be, which is specific authority for "the Snow Town Ice Classic to be operated and administered by the Advocates for Victims of Violence, Inc." He said this change could be made any time before the bill goes to the House floor.

[2:02:56 PM](#)

REPRESENTATIVE KAWASAKI asked what the Snow Town Ice Classic is and what the organization is.

REPRESENTATIVE T. WILSON deferred to Co-Chair Feige.

CO-CHAIR FEIGE first offered his agreement with Representative Hawker regarding the title. He then noted that he is now a co-sponsor of the bill and thanked Representative T. Wilson for adding the Snow Town Ice Classic language. He said this classic is in Valdez, and Advocates for Victims of Violence, Inc. is a local charity in Valdez that is looking to broaden its revenue base to other sources besides the State of Alaska.

The committee took a brief at-ease.

[2:05:49 PM](#)

CO-CHAIR SADDLER announced he will be holding over HB 268 to provide an opportunity for further work regarding Representative Hawker's concern.

REPRESENTATIVE KAWASAKI inquired if any research has been done on whether incentivizing a derby or classic will result in more hunters or more moose being taken in an attempt to make money off the situation.

REPRESENTATIVE T. WILSON responded she has not done any surveys. She said her understanding of hunters is that they love to hunt and right now all of the permits are always taken up. This may make it more competitive or more people may try to hunt, she allowed, but the number of permits will still remain the same.

REPRESENTATIVE KAWASAKI asked how this will work for federal subsistence areas and areas where there is a tier.

REPRESENTATIVE T. WILSON understood that whatever a person must do now to be able to legally hunt for a moose will still have to be done under this bill. All HB 268 would do is allow a hunter to participate in this under a legal permit that has been done by the Alaska Department of Fish & Game.

[2:07:59 PM](#)

REPRESENTATIVE SEATON said he hears this bill as being one that requires people to go hunt. In classics, people are guessing what the size of the biggest bull moose is this year and it is a game of chance. He inquired whether the sponsor's intention is to allow either of these to go forward so that people can guess what is the biggest moose taken in a particular unit.

REPRESENTATIVE T. WILSON understood the organizer of these events would have to go through the Department of Revenue and follow the department's guidelines for how to set up the event. She said allowing people to guess sizes would provide even more revenue to the organizer because then it would not be limited to just the hunters. She deferred to the Department of Revenue for a further answer.

[2:09:57 PM](#)

CO-CHAIR SADDLER asked whether there is a technical distinction between what is a classic and what is a derby.

ANNA KIM, Chief of Revenue Options, Tax Division, Department of Revenue (DOR), replied she cannot answer that question fully but said there are actual definitions for games of chance versus games of skill when the department is reviewing things. In further response, she said she will get back to the committee regarding those definitions.

CO-CHAIR SADDLER inquired whether a derby is taking a chance while a classic is what someone else does.

MS. KIM replied she thinks the co-chair's assumption is correct.

[2:10:55 PM](#)

REPRESENTATIVE JOHNSON offered his understanding that a game of skill does not necessarily require permits to the gaming aspect as much as games of chance. He said he has trouble calling the hunting of a moose a game of chance because much skill is involved in getting a moose. He said he does not want to merge

the two. If it is drawing a permit to have a chance to get a moose, then he could see chance and a qualifier for being a gaming permit situation. He therefore asked whether this bill is actually necessary.

MS. KIM responded there is some past history that she has not been briefed on as far as this particular activity related to skill or chance. She said her understanding is that for this to move forward it would have to be chance.

REPRESENTATIVE JOHNSON inquired whether DOR's approval is needed to split the pot with the biggest moose because it is not chance and therefore [this bill] is unnecessary.

MS. KIM replied she does not know the answer and will get back to the committee in this regard.

REPRESENTATIVE JOHNSON said the ice classic is not an issue as he understands that. Guessing the length of the antlers is a different issue, but to just to go out and take the biggest moose is, to him, a skill and not a chance.

[2:12:56 PM](#)

REPRESENTATIVE TARR observed the list of activities allowed to be done for fundraising is growing. She asked how much the workload will be increased for the administrative support of these additional activities.

MS. KIM answered activities added in the past have, so far, been absorbed by the existing staff in DOR's gaming group.

[2:14:17 PM](#)

CO-CHAIR SADDLER opened public testimony on HB 268.

AL BARRETTE said he supported HB 268 and any time organizations have an opportunity to raise money, particularly collegiate organizations, it lessens the burden on the state budget. Regarding skilled hunting versus chance hunting, he said it takes skill to hunt an animal, but it is by chance that a hunter gets the largest moose for that derby. He therefore urged committee members to support the bill.

[2:16:13 PM](#)

GEORGE PIERCE said he opposed HB 268 because it is a scam to take the bull moose because moose populations are down all across the state. A derby will likely bring nonresidents to Alaska to kill moose that residents cannot even harvest in many locations. For example, king salmon on the Kenai Peninsula are targeted by one special interest group, and now there are no more big king salmon. Now there is another special interest group that wants to take Alaska's resources so it can make money through a fundraiser. These are his resources, he said, and he does not want them outsourced and sold for money because somebody wants to make some money. He urged members to step up for Alaskans and turn down HB 268.

[2:18:12 PM](#)

DAN JORDAN, Head Rifle Coach, University of Alaska, Fairbanks, noted he took over the rifle program about nine years ago. Over the years, ways have been looked at to cut costs as well as to increase revenue to take the burden off the university. One idea was to bring forth this big bull derby after looking at the success of the halibut derbies, salmon derbies, and ice classics. It would formalize what has already been going on informally in Fairbanks, he said. It was decided to bring in the Tanana Valley Sportsmen's Association because it is involved with youth as well as animal management. The hunters are already out there, he said, and he does not believe this derby will increase the number of hunters. It would provide a chance to bring in the people who are already harvesting moose and provide them with recognition while providing the organizations a chance to make some money that would benefit youth, college shooters, and the communities. The more funds from outside of the university the more things that can be done to support these activities.

REPRESENTATIVE TARR inquired whether Mr. Jordan would support a policy that limits derby participation to Alaska residents only.

MR. JORDAN answered he would have to think about that.

[2:20:37 PM](#)

GRANT LEWIS, President, Tanana Valley Sportsmen's Association (TVSA), related the roots of his organization began in 1911 in Fairbanks and it was incorporated as a club in 1937. In the last 20 years, the focus of TVSA has been on youth firearms education, with the group having its own youth shooting club and training about 75 kids a year in safe handling of firearms.

Additionally, TVSA works with high schools, junior high schools, and charter schools, as well as helping with the university. Last year, the TVSA junior club started a senior division and it won the national championship in its class. [The derby] would be conducted under TVSA's existing gaming permit; thus, TVSA is obviously in favor of the bill. It would allow TVSA to get operating money that it would not have to raise elsewhere or have to ask the state for. The TVSA always likes to support the national championship University of Alaska rifle team.

[2:22:34 PM](#)

MICHAEL TINKER stated he is a life member of TVSA and has had a long affiliation with the university's rifle team, which is working to win its eleventh national championship. During the 25 years he was associated with the Fairbanks Advisory Committee and the Board of Game, the research he saw indicated that hunters in the field always seek the biggest moose or caribou, although hunters concerned with just filling their freezer will take the very first one seen. Thus, this is not promoting anything that will cause a big shift in hunting numbers. It would be nice if this could subscribe hunters to begin moose hunting, but that is unlikely to happen. If, for example, the fee is \$10 and 1,500 tickets are sold and a substantial prize is given away, TVSA could still give the university's program about \$7,000-\$10,000, which would be significant in terms of equipment and support for the team. He said TVSA thinks this proposal will work and grow and that is why it is asking the committee to consider this proposal. His organization wants to get people to buy a ticket and anticipates weekly winners by drawing throughout the approximately four-week long season. An absolute scoring mechanism has not yet been decided upon, but TVSA will be trying to accommodate those who, by state regulation, are required to underscore the antlers. The TVSA will have a couple of check stations in Fairbanks to which the antlers can be brought for scoring eligibility in the contest.

[2:26:06 PM](#)

ROWENA PALOMAR, Executive Director, Advocates for Victims of Violence, Inc. (AVV), explained that AVV is one of twenty programs that provide services to victims of domestic violence and sexual assault. For fiscal year 2013 through 2014, AVV's basic operating costs have risen over \$20,000 for increased transportation for victims in villages, and for shelter, utility, energy, and insurance costs. At the current state funding level, AVV would need an additional \$25,000 to continue

to meet victims' basic needs. Unfortunately, the current proposed increment in state funding of about \$285,000 will be divided by 20 programs in the state, and AVV will need to make up the difference or be forced to cut services. By being eligible to receive funding from the Snow Town Ice Classic, AVV can use this money as emergency funding to meet the projected shortfall rather than making the difficult decision of what services to cut and not turning victims away.

CO-CHAIR FEIGE lauded Ms. Palomar for doing an excellent job in representing AVV.

[2:28:02 PM](#)

DARRYL VERFAILLIE, Director, Parks, Recreation, and Cultural Services, City of Valdez Parks and Recreation, said he supported HB 268 and is speaking in partnership with AVV to promote the addition of the ice classic in Valdez. The city was looking for an event that would provide both residents and visitors with additional winter entertainment in an area where winter goes on and on and on. It is hoped that the event will help promote the city's annual week-long Frosty Fever Winter Celebration, help promote winter tourism, and help strengthen partnerships between the City of Valdez and Advocates for Victims of Violence. He emphasized the City of Valdez would receive no revenues from the event. The city would simply coordinate the event, assist with event advertising, and provide monitoring of the site on behalf of AVV, thereby maximizing nonprofit revenues while bolstering Parks and Recreation's winter offerings.

[2:29:42 PM](#)

REPRESENTATIVE JOHNSON, addressing the Department of Revenue, queried whether [the moose derby] would be a game of chance.

JOE KOSS, Tax Auditor, Gaming Group, Tax Division, Department of Revenue (DOR), confirmed it does, adding that the full title of the statute, AS 05.15, is Games of Chance and Contests of Skill. While hunting is an exercise in skill, there is still an element of chance because an animal might not be seen or [the shot] might miss. The proposed activity definitely comes under the department's purview and under the statute, he said.

REPRESENTATIVE HAWKER recalled a debate in which it was maintained that poker is such a game of skill that it ought to be exempt from these statutes. This is absurd, he said, but it illustrates the point that Mr. Koss is bringing up in regard to

the relationship between games of skill and chance and the intent of this sort of activity.

[2:31:34 PM](#)

CO-CHAIR SADDLER requested a definition of derby versus classic.

MR. KOSS replied that classics tend to be based on guessing games, such as guessing when the ice will go out or how many fish pass a certain point. Derbies are based on catching the largest fish, and in this instance it would be the largest antlers, so derby definitely fits the proposed activity. In further response, he confirmed there is no real distinction between the two terms as far as distinct definitions.

[2:32:35 PM](#)

REPRESENTATIVE SEATON corrected his earlier question, observing that page 4, lines 11-12, define a big bull moose derby as harvesting a bull moose based on the size or spread of the antlers. Thus, he said, it eliminates classic, which is guessing which ones would be available. He questioned whether more will be gained by a few hunters than by people guessing the size of the largest bull caught this year, but said that is the choice being made in this bill.

[2:33:20 PM](#)

CO-CHAIR SADDLER drew attention to page 2, line 29, Version N, which states that DOR may issue a permit to a qualified organization. He asked what criteria an organization must meet and what the permit stipulations are.

MR. KOSS answered that the statute defines a qualifying organization as one that is not for profit, has at least 25 Alaska residents as members, and is at least three years old.

[2:34:13 PM](#)

CO-CHAIR SADDLER kept public testimony open and held over HB 268.

**HB 244-ADVISORY COMMISSION ON FEDERAL MGT AREAS**

[2:34:29 PM](#)

CO-CHAIR SADDLER announced that the final order of business is HOUSE BILL NO. 244, "An Act extending the termination date of the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date."

The committee took a brief at-ease.

[2:35:17 PM](#)

REPRESENTATIVE WES KELLER, Alaska State Legislature, introduced HB 244, stating it would extend the sunset date of the Citizens' Advisory Commission on Federal Management Areas (CACFA) [from June 30, 2014] to 2021. The Alaska Constitution talks about the legislature providing for the use, conservation, and development of the state's natural resources to the maximum benefit of the people. This implies some rights that Alaskans have, such as those defined by the statehood compact and federal laws like Alaska Native Claims Settlement Act (ANCSA) and Alaska National Interest Lands Conservation Act (ANILCA), as well as case law that regularly happens and regulations that are ongoing. He said CACFA exists to help Alaskans maintain the rights they have been given. He drew attention to CACFA's 2013 Annual Report in the committee packet, noting the topics that CACFA deals with are listed on page 1, [second] paragraph, and the federal agencies CACFA deals with are also listed on page 1. He reported that CACFA held a summit on August 12-13, 2013, which was attended by a couple hundred people, including the governor, U.S. Senator Lisa Murkowski, U.S. Senator Mark Begich, and Congressman Don Young. The summit's purpose was to gather people to document the areas in which they saw the federal government overreaching and stepping on the authority and management responsibilities of the state. The response was overwhelming and each presenter was also asked to offer a proposal, which resulted in the document included at the end of the annual report that gives all the recommendations brought forward at the summit. This list is not yet done, he advised, and a presentation will later be made to the legislature.

[2:39:41 PM](#)

REPRESENTATIVE KELLER said he believes CACFA is a strong commission because of its high quality executive director, Mr. Stan Leaphart. Displaying a copy of the Federal Register which lists every regulation that comes out from the federal government, he said Mr. Leaphart sorts through the federal regulations that come out every year and brings those of concern to CACFA's attention. However, not all of the changes, or

abuses, as he calls them, are brought up in the federal register. For example, every year the National Park Service comes up with a compendium, and it was found that the compendium was overriding the state's fish and game management policies by closing areas that the Alaska Department of Fish & Game had chosen not to close. While that might have been the right thing to do, the point is that it was being done unilaterally without being published in the Federal Register and this is the sort of thing that Mr. Leaphart catches, he said. Additionally, Mr. Leaphart maintains a dialog with the National Park Service, as well as the Department of Natural Resources. In addition to Mr. Leaphart being top of the line, his staff person, Karrie Improte, is also very capable, he opined. Representative Keller said CACFA's commissioners are another reason for its strength: Rod Arno, Senator John Coghill, Mark Fish, Teresa Hanson, Charlie Lean, Mike Meekin, Kathleen Liska, Warren Olson, Ron Somerville, Susan Smith, and Frank Woods.

[2:46:16 PM](#)

REPRESENTATIVE HAWKER thanked Representative Keller for introducing the bill, saying the report is something he appreciates and that CACFA's work stands on its own as far as why the bill should be supported. He inquired, however, whether there are any problems with the way the commission is functioning or whether there are any reasons why CACFA should not be reauthorized.

REPRESENTATIVE KELLER responded that he serves as CACFA's chair and, while its commissioners may spar, there is such a common thread of purpose that CACFA is a very healthy organization. If anything, CACFA needs to be expanded because the executive director is very overworked. While that is not part of the proposal, he urged the committee to consider that.

[2:48:14 PM](#)

REPRESENTATIVE KELLER, responding to Representative Kawasaki, said there is fiscal note. The cost to date, if there was an audit, would be for travel and lodging for three meetings per year. He said CACFA is still in the process of wisely spending the governor's special funding from after the summit.

REPRESENTATIVE KAWASAKI asked why CACFA was disbanded in 1999.

REPRESENTATIVE KELLER deferred to executive director Leaphart for an answer since he was involved before the disbanding.

REPRESENTATIVE KAWASAKI inquired whether the legislature or governor has utilized any of the recommendations in the 2013 Annual Report.

REPRESENTATIVE KELLER replied "most definitely, it is ongoing." For example, one role CACFA plays is interacting with the different agencies, such as the Department of Law. This was happening before the recommendation came out, such as working on the state transportation plan.

CO-CHAIR SADDLER brought attention to page 21 of the report.

[2:51:07 PM](#)

CO-CHAIR SADDLER opened public testimony on HB 244.

RON SOMMERVILLE, Board Member, Citizens' Advisory Commission on Federal Areas, advised that relative to the overreach issues, a detailed report with more comprehensive recommendations is forthcoming to the legislature. He maintained that when looking at the state's entitlement, the state is losing. He related that at the summit he asked how many people feel that the state has a severe overreach problem, and every person but one agreed. Not knowing how to address this issue is the problem, he opined. Drawing attention to the Alaska map on the committee room wall, Mr. Sommerville pointed out that much of it is colored green, which represents federal ownership. Private Alaska citizens are being overwhelmed with planning by federal agencies. An organization he belongs to in Juneau used to comment on issues relative to other parts of the state because they affected the organization, but now that cannot be done because the organization cannot even keep up with the [Tongass National Forest] land use planning systems in Southeast Alaska. This problem relates to CACFA because CACFA represents, in many cases, an individual person who comes to it with a problem that the agencies do not have the wherewithal to address. He supported the continuing of CACFA.

[2:54:21 PM](#)

STAN LEAPHART, Executive Director, Citizens' Advisory Commission on Federal Areas (CACFA), recalled that in 2012, CACFA reviewed approximately 15,000 pages of management plans from 4 different federal agencies. Next year CACFA is going to be looking at new management plans for the Tongass National Forest, the Chugach National Forest, the Central Yukon Planning Area, the Bering

Sea-Western Interior Resource Management Plan, plus revised management plans for Gates of the Arctic National Park and Preserve and Lake Clark National Park and Preserve. When reviewing a management plan, CACFA looks at how the guarantees and promises made in the Alaska National Interest Lands Conservation Act (ANILCA) are being complied with. As time goes by since the passing of ANILCA, the institutional memory and knowledge of the federal agencies is disappearing. Thus, CACFA is constantly reminding agencies that Alaskans are guaranteed access into these huge management areas by means that are not commonly used in the Lower 48. Also included in ANILCA were considerations for cabin use and commercial fishing in these areas, and CACFA must constantly remind federal agencies that these uses need to be recognized and provided for in their management plans. He related that CACFA talks to public user groups to find out their concerns with respect to management of these areas.

[2:57:17 PM](#)

REPRESENTATIVE KAWASAKI inquired what the state is doing as far as the type of work that CACFA is doing.

MR. LEAPHART responded the state's ANILCA program looks at many of these same management plans and regulatory proposals and tends to focus on how a planning effort or regulation package will affect state management prerogatives, while CACFA reaches out to the public and user groups. He related that Mr. John Sturgeon has brought suit against the National Park Service over a set of regulations that allows the National Park Service to regulate activities on any waters within the boundaries of a national park. The Citizens' Advisory Commission on Federal Areas spent several weeks researching the legislative history of ANILCA to provide that background information to the Department of Law. Thus, CACFA works well with state agencies and brings a little bit of different perspective into that process.

REPRESENTATIVE KAWASAKI asked why CACFA was disbanded during the time period of 1999-2007.

MR. LEAPHART responded he was hired in 1982 by the original commission created in 1981 by Senator Bettye Fahrenkamp. He worked as CACFA's director until it was defunded in June 1999 due to a state budget crisis. Like now, CACFA was attached to the Department of Natural Resources (DNR) and it was DNR that made the choice to eliminate CACFA due to its declining budget, although CACFA's authorization continued until 2001.

3:00:08 PM

AL BARRETTE offered his support for CACFA, noting he is vice chair of the Fairbanks Advisory Committee and also participates in the federal subsistence boards. He said CACFA has been very important in giving information to his organizations so they can make informed comments and decisions to the Board of Game and the federal subsistence arena. One federal document weighed 12 pounds, he said, and citizens were expected to read that to make comments on it. He urged members to support HB 244, saying CACFA board members are very well informed prior to their meetings and CACFA is a useful resource.

3:01:47 PM

CO-CHAIR SADDLER closed public testimony after ascertaining no one else wished to testify.

3:02:04 PM

REPRESENTATIVE P. WILSON moved to report HB 244 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE SEATON objected for discussion purposes, pointing out that passing HB 244 does not mean the committee supports all the recommendations included in CACFA's 2013 Annual Report. He then removed his objection.

REPRESENTATIVE JOHNSON said there is not much more the committee will be doing that is more important than this. He reported he is the incoming chair of the Council of State Governments (CSG) West. The western states are terribly overburdened, he said, and every state in the union is looking at doing something, except Delaware which has no federal land. Many organizations are tackling federal overreach. Alaska has the most to lose and is the most ahead. He said re-implementing CACFA is critical and he urges passage of HB 244.

REPRESENTATIVE KELLER clarified the 2013 Annual Report states that it is a comprehensive report of the recommendations which came forward from CACFA and the public. It is not intended that the committee is approving any or all of the recommendations.

CO-CHAIR SADDLER stated he is impressed with the work of CACFA and supports its mission. He said there is an unfair contest

between the state and the federal government, and CACFA helps to balance that contest.

[3:06:12 PM](#)

There being no further objection, HB 244 was reported from the House Resources Standing Committee.

[3:06:18 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:06 p.m.