

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

January 30, 2013

3:30 p.m.

**MEMBERS PRESENT**

Senator Cathy Giessel, Chair  
Senator Fred Dyson, Vice Chair  
Senator Peter Micciche  
Senator Click Bishop  
Senator Anna Fairclough  
Senator Hollis French

**MEMBERS ABSENT**

Senator Lesil McGuire

**COMMITTEE CALENDAR**

PRESENTATION: ALASKA DEPARTMENT OF FISH AND GAME (ADF&G)  
OVERVIEW

- HEARD

PRESENTATION: DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)  
OVERVIEW

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

CORA CAMPBELL, Commissioner  
Alaska Department of Fish and Game (ADF&G)  
Juneau, Alaska

**POSITION STATEMENT:** Presented overview of the Department of Fish and Game.

LARRY HARTIG, Commissioner  
Department of Environmental Conservation (DEC)  
Anchorage, Alaska

**POSITION STATEMENT:** Presented overview of the Department of Environmental Conservation.

## **ACTION NARRATIVE**

3:30:00 PM

**CHAIR CATHY GIESSEL** called the Senate Resources Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Dyson, Fairclough, Micciche, Bishop, French and Chair Giessel.

### **Presentation: Alaska Department of Fish and Game (ADF&G)** **Overview**

3:30:35 PM

CHAIR GIESSEL said they would start today with of the Alaska Department of Fish and Game (ADF&G) and invited Commissioner Cora Campbell forward.

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CORA CAMPBELL, Commissioner, Alaska Department of Fish and Game (ADF&G), Juneau, Alaska, said her presentation would provide a high level overview of the department and presented slides of the departments mission statement and the statutes they were derived from.

She said the department has six core services:

- harvest management: look at the commercial harvest, the purchases of hunting and fishing licenses, number of angler days on the water and the success the users have
- stock assessment: look at how frequently escapement goals are met for salmon; how often wildlife surveys are conducted
- customer service: enacted to have angling skills programs, hunter, heritage and educational programs; informing people about wildlife and wildlife management and generally providing information to their constituents
- public involvement: ensuring public has the information and the ability to participate in the regulatory processes through the Boards of Fisheries and Game; conducting a lot of outreach making sure the public has the ability to weigh in on its decisions
- state sovereignty: protect the state's sovereignty in federal land management planning and Endangered Species Act work; support the Department of Law (DOL) when it has a challenge in one of those areas; spend time in the federal subsistence board process and just spend energy on attempting to protect the state's authority to manage fish and wildlife
- habitat protection: protect important fish and wildlife habitat during permit and project review; ensuring compliance with

permits and making sure permitting is happening in a consistent and timely manner

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COMMISSIONER CAMPBELL included an overview of the department's locations throughout the state indicated regional and area offices in many communities. She said the department is designed to be fairly broadly distributed and to have biologists on the ground in the field near the resources and the users. The overview didn't include the many places where the department has a seasonal camp or is running a weir or sonar.

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COMMISSIONER CAMPBELL next ran through the three large management divisions: Commercial sport Fisheries, Sport Fisheries and Wildlife Conservation and several smaller divisions.

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Starting with the largest she said, the Division of Commercial Fisheries is responsible for managing commercial fisheries and research related to those resources, but they are also responsible for management of many personal use and subsistence fisheries in state waters. It manages some species and resources from 3 to 200 miles under agreements with the federal government. This division is also responsible for permitting any aquaculture or mariculture operations in the state.

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The Division of Sport Fish is responsible for management of sport fisheries and research related to those resources. They also have responsibilities for promoting boater access, angler access and programs designed to preserve access opportunities for anglers.

The Division of Wildlife Conservation is responsible for management of wildlife, hunting and scientific surveys of wildlife; it also operates three shooting ranges throughout the state and has a number of hunter education programs and partnerships that are aimed at getting to learn about the outdoors and gun safety.

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The Division of Subsistence is smaller and its primary function is research and gathering information on customary and traditional use of Alaska's fish and wildlife. It is not a management division.

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The Division of Habitat is another small division; its responsibilities include permitting activities that take place on anadromous water bodies or in fish bearing waters and also permitting anything that could have an impact on fish and wildlife that takes place in any of the state's 32 special areas (critical habitat areas and wildlife refuges). They also monitor in-the-field compliance with the permits they issue.

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The Division of Administrative Services does budget and HR activities.

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The Board Support Section is a very small part of the department but performs an important function providing all the logistical support for the state's fish and wildlife regulatory meetings including 80 advisory committee meetings and assists the public in understanding what is happening in those forums.

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They also have two independent agencies that are attached to ADF&G for administrative purposes: the Commercial Fisheries Entry Commission (CFEC) and the Exxon Valdez Oil Spill Trustee Council (made up of three state and three federal trustees) who administer some of the research and restoration funding that came about as a result of the oil spill (the ADF&G Commissioner is one of the trustees).

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SENATOR DYSON commented that he was in Gulf shortly after the platform blowout along with quite a few scientists, but sadly the word was that the same mistakes on containment and reclamation were being made; so not much was learned from the Exxon Valdez. However, that was just his preamble for saying that establishing the Exxon Valdez Oil Spill Counsel was one of the wisest things that has been done with oil spills. Among the worthwhile things it has done is establish a pre-accident base line so a damage assessment could be made.

COMMISSIONER CAMPBELL thanked him for those comments.

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She said the department has about 933 full-time staff positions, but more than 1700 total positions. This reflects the seasonal

nature of their work and the fact that three of the divisions are very large and make up the bulk of the staffing.

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She had a chart of their overall budget both by division and funding source. The three management divisions account for a large portion of the budget and their three largest funding sources are general fund, federal funds and the Fish and Game Fund.

SENATOR MICCICHE asked how many test fisheries exist in the state that bring \$19 million in revenue to the state.

COMMISSIONER CAMPBELL said she didn't have the exact number, but there are a number of test fisheries throughout the state. Their focus is on test fisheries that serve a scientific purpose that is relevant to the management of the fishery as opposed to revenue fishing when the department harvests fish to support management activities and the fish don't provide direct scientific information for management. She offered to get him that information.

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She outlined the major department accomplishments in 2012:  
-salmon research programs: the completion of the Western Alaska salmon stock I.D. program that was the largest of its kind to date, a multi-year effort to better understand the genetic makeup of salmon that were harvested in Western Alaska fisheries. It involved a lot of consultation with stakeholders and a lot of work by the genetics lab that has produced nine reports that are now being used in the current Board of Fisheries cycle to help inform the management decisions the board is making about those fisheries.

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SENATOR BISHOP asked if the I.D. program is working as advertised and if she had enough staff and resources to bring information forward in a timely manner.

COMMISSIONER CAMPBELL replied that the Western Alaska Salmon Stock I.D. program specifically had a number of goals, many of which were met upon completion of the program. The one that was not met is that users were hoping for better differentiation of returning chum salmon up and down the Western Alaska coast. They want to specify when a chum is harvested where it was headed. That level of detail isn't currently possible as a result of

this project, but it is something they will continue to work towards in the future.

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She noted that the department is requesting some funding as part of the Chinook salmon research initiative that is specifically for genetics work. Base line information for King salmon needs to be improved in terms of their understanding of genetic differences between different river systems, so that when they analyze a fish it can be attributed to its river of origin. But in general, the genetics lab is doing a good job of analyzing the samples that they have and getting the information out to inform decision makers.

Some of their intensive management programs have increased wildlife populations and increased harvest opportunities in certain areas the commissioner reported. The South Alaska Peninsula herd had increased its moose population as well as in Game Management Unit 20. Other programs were being modified as the impacts of various predators were being learned.

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COMMISSIONER CAMPBELL said a couple of years ago the Subsistence Division was identified as a real challenge. In many cases it was dealing with data for communities that was decades old (in many cases more than 25 years). So, that division was coordinating with DNR and DOTPF so as development projects are proposed one of the things that is required in the permitting process is up-to-date subsistence information, so the impacts on subsistence harvesters can be understood. This work has the dual benefit of enabling the decision making process for whatever permits may be required on those projects to go faster by having the information that is needed at hand, but also for them to update their own data bases for use by the Boards of Fisheries and Game when they are making determinations about the amount necessary for subsistence or those types of things.

She said the department requested some funding last year for the Habitat Division to be more involved early on in the pre-permitting project design phase for some of the larger projects just to be able to keep up with the demand in that division for timely permitting, and they have been able to keep their permitting turn-around days within the targets they had set for them.

The Commissioner said their two sport fish hatcheries in Anchorage and Fairbanks are up and running, producing fish that

are being used to stock lakes and rivers and providing fishing opportunities. Stock levels are back to the level they were before they lost the ability to use the waste heat from the Elmendorf Air Force Base. The quality of the smolts is very good; they're growing fast and are healthy when released.

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Issues and Challenges:

-Chinook salmon abundance and productivity is in a period of decline throughout the state, more severe in some regions than others. The need to ensure their escapement this summer led to a number of restrictions on fisheries that had tremendous impacts on Alaskans. It really illustrated quite clearly this summer the extent to which Alaskans rely on healthy Chinook salmon whether it's for subsistence, commercial or sport fishing, or personal use.

In response to that the department, developed the Comprehensive Chinook Salmon Research Plan in order to shore up their understanding of the causes for this period of low abundance. That plan has identified 12 stocks throughout the state they consider to be good fits for indicator stocks to give them an indication of what is happening in that region. Then it is proposing projects to increase their understanding of the trends in adult harvest, escapement, and smolt out-migration, and some additional coded wire tagging to better understand where the fish go and are harvested in the marine environment, some genetics work and some increased biometrics. Overall, the goal of the plan is to be able to understand the driving factors behind the decrease in Chinook Salmon productivity to be able to better forecast the length of time of low abundance or what returns can be expected on an annual basis so that the department can better target providing fishing opportunities where it is available, where they can better plan for the need to provide opportunity on other species while protecting Chinook Salmon and make modifications in order to do that and to help users who rely on Chinook Salmon to be able to plan accordingly.

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COMMISSIONER CAMPBELL said a couple of initiatives last year that were targeted in places where a better understanding of what was happening with the stock would allow them to provide increased fishing opportunity on that stock. A species of rock fish is being studied, for example; they are long lived and are not fast reproducers and so they want to be sure that they are understood before doing anything. A small investment by the state and an increased level of understanding about a stock

could really lead to a big payoff for Alaskans in terms of either sport fishing opportunity or commercial fishing opportunity, an economic benefit in either case.

The commissioner said this was related to another challenge: reductions in their salmon management tools. The department has absorbed a number of cost increases related to inflationary pressures and negotiated salary increases, but the result of that is that fewer funds are available for projects in the water. So a weir that ran for two months might now run for six weeks and not provide as good a sense of what's happening on the shoulders of the season. So when putting together their budget request for FY14 together they put requests to bring those salmon management tools back up to past levels. It would increase their understanding in a way that would allow them to provide additional opportunity and additional benefit.

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CHAIR GIESSEL said she has the Kenai River in her district, a hot spot this summer for a controversy surrounding a new counting device; there was a question about whether it was providing the same data as the old one. She asked how she was managing the counting.

COMMISSIONER CAMPBELL responded that counting the escapement on the Kenai has been a challenge. The department found that the old sonar wasn't providing an accurate picture of King Salmon escapement primarily because Kings at times can be overwhelmed by the number of sockeyes that are entering the river. The old sonar misidentified sockeyes as King salmon inflating the number for their escapement and that pattern got more severe in recent years. In response to that, they deployed a Didson sonar, a different type of sonar technology that allows different species to be differentiated. A Didson doesn't just count blips like the old sonar; it's almost video quality. You can see the fish moving as it swims up the river.

She explained that the escapement goal was indexed to the old system and having an escapement goal that was in a unit of measure they were no longer able to count in really caused a controversy this year. In response, the department developed a new escapement goal that is based on and measured by the Didson sonar. She remarked that it sounds like a simple thing to have your escapement target and your measuring tool in the same unit of measure, but that had not happened on the Kenai for several years. When there is as much at stake as there is in those Cook Inlet fisheries it is very difficult for users when you cannot

clearly point them to a single number and relate that to your management target and the department thinks the 2013 season is going to be a big improvement.

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SENATOR BISHOP asked if she were king for a day and could buy any sonar on the planet what she would buy.

COMMISSIONER CAMPBELL answered at this point the Didson sonar is the best technology they are aware of for doing these kinds of counting projects. It varies depending on the river you are talking about - the width of the river and whether it has a lot of debris - the challenges vary. They have a good level of confidence in the Didson for this particular application and have run an independent mark recapture program to verify King salmon abundance that is completely separate from the sonar.

SENATOR FAIRCLOUGH asked the notification process for people affected by closures when they are coming up quickly. One of her constituents spent tens of thousands of dollars to outfit a boat and then found out within a 24/48 hour period that the fishery was closed and they couldn't return the products they had purchased.

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COMMISSIONER CAMPBELL answered they forecast pre-season in late winter early spring what they expect to see coming back to these rivers. Then they have a series of pre-season meetings with users to try as best they can to get the word out if they expect to see low abundance and restrictions. They are working on better communication pre-season, but they don't always know pre-season what they will see in-season and sometimes they have to react quickly. When they make an announcement for a restriction they always try to include the abundance information that led to that restriction and whether they believe that further restrictions or even a closure is possible in the future if that trend continues. A wide range of media outlets are on their press release list, they use radio and have recorded announcements so people can call the office and get the latest information, and they update the web page quite regularly.

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SENATOR DYSON said Bristol Bay is a very dynamic situation where until the fish show up you don't know what's coming back. He explained that millions of fish can go up three rivers in three tides and that over-escapement can be an issue as well.

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SENATOR MICCICHE said he is a commercial fisherman in Cook Inlet and the department does an excellent job of notification. The problem in several of the last 10 years (and last year) is that the upper end of the escapement goal for Chinook was learned too late for hundreds of families in his district (and the northern district as well) to salvage a living. He asked if the department was working on a plan for a reaction time that does a better job of understanding what the later fish will be in order to maximize potential in harvesting other species.

COMMISSIONER CAMPBELL agreed that the King salmon run was unusually late this year to the extent that their prediction around the middle of July was considerably lower than the final number ended up being. But the question a manager always asks himself when there is a low number - when maybe only half the run is in is, "Is it weak or is it late or is it both?" That resulted in this year's situation. So they are having a number of discussions with users through the Board of Fisheries process about the ability to have more of a step-down situation when they see that. The management plan now is such a blunt tool; it's essentially either on or off. And if you're predicting to miss the lower end of that escapement goal, it is off according to the management plan; the in-river fishery closes, the east side set net fishery closes, and the marine water sport fishery closes. So they would like to have more flexibility early in the season to be able to step people down and provide some opportunity while conserving Chinook until they get a better sense of what the run timing is. This is what they hope to achieve through that task force process.

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COMMISSIONER CAMPBELL said they had increased their efforts in the past year or so to get more involved in research on species where they see a listing decision being made by a federal agency in the future in terms of state sovereignty and endangered species issues. They want to get into that process with state science that is specifically targeted at the questions those federal agencies will be asking about the status of the stock. They had received additional funding and have targeted it at that type of research to help prevent additional listings.

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The reason she lists it as a challenge is despite the fact that the Department of Law has had a couple of important victories lately - the Polar Bear Critical Habitat and the partial victory on the Stellar Sea lion lawsuit related to the NEPA process -

they are seeing a trend by the federal government that they hadn't seen in the past to list healthy species that are stable and have good numbers as endangered based solely on speculation about future climate change that is often based on computer models. The most recent decision by the National Marine Fisheries Service (NMFS) to list a species of Ice Seal with a population of about 7 million really illustrates the fact that if that is your logic, any species could be listed. Listing a stable population that numbers in the millions where the agency itself admits there is no immediate threat to the species in the next several decades really skews the original purpose of the Endangered Species Act.

SENATOR FAIRCLOUGH asked if Alaska is joining with other coastal states that may be experiencing the same issues.

COMMISSIONER CAMPBELL answered yes; Alaska has a strong alliance through the Western Association of Fish and Wildlife Agencies (our contemporaries in the western states) and the National Association of Fish and Wildlife agencies. The State Attorney General has been quite active in getting the National Attorney General's group to take an interest in Endangered Species Act issues. As these climate listings proliferate, they see that Alaska is gaining more allies among states that are similarly affected.

SENATOR MICCICHE said a third impact has been the dip net fishery at the mouths of the Kenai and the Kasilof Rivers and asked if she thinks she had adequate staff to enforce and manage those two fisheries to her satisfaction.

COMMISSIONER CAMPBELL answered that department area staff is down there at times monitoring what is happening in that fishery. The Alaska Wildlife Troopers are primarily responsible for enforcement of the regulations in that fishery and they have to prioritize their resources based on everything that is going on, but from her point of view, there would be a benefit to an additional presence when that fishery is going on. It has grown dramatically.

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SENATOR FRENCH said as a participant in that fishery, he found both the Wildlife Trooper and the City Police presence to be fairly strong. A lot of people were enjoying the fishery, but enforcement people were checking tickets, counting fish and making sure the rules weren't being broken - at least when he was there.

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COMMISSIONER CAMPBELL said she noted invasive species, whether it's the invasive tunicate in Whiting Harbor or the invasive pike in Southcentral lakes and rivers, they are trying to eradicate, and that the department is putting efforts towards eradicating invasive species when they are found but also focusing on the prevention and educational aspects of this program (that is housed within the Division of Sport Fish).

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She also noted the need to modernize the licensing system, because they sell about 700,000 licenses a year and it's primarily a paper system both at the consumer end and the vendor reporting end. Using paper is labor intensive and not providing the level of service that many customers want. People want to be able to do online reporting for their personal use harvest instead of mailing in a post card and many sport fish guides would like electronic log books. An item in the capital budget would allow them to bring that program into modern times.

CHAIR GIESSEL thanked her for providing them with such a good overview.

**Presentation: Department of Environmental Conservation (DEC)**  
**Overview**

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SENATOR GIESSEL announced that the next presentation would come from the Department of Environmental Conservation (DEC) Commissioner Hartig.

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LARRY HARTIG, Commissioner, Department of Environmental Conservation (DEC), Anchorage, Alaska, introduced his entire department. He said their mission is to protect human health and the environment saying that there is a direct linkage between the two and that is how they measure their success as a department.

He said the department has five divisions:

- Administration
- Environmental Health
- Air Quality
- Spill Prevention and Response
- Water

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COMMISSIONER HARTIG said the Division of Air Quality is the smallest division. To maintain healthy air, they set standards and incorporate them into permits and authorizations. Then they monitor for compliance and effectiveness to make sure it's working. They help people come into compliance if needed.

The department has an air permits program that issues three types of permits; two are under delegation from the federal Environmental Protection Agency (EPA) under the Clean Air Act. Those are: pre-construction (for large facilities) and operating permits (pulls all the conditions on air quality once the facility is built into one permit) that are renewed every five years; the third kind are minor permits that are issued for smaller facilities. He said the monitor for compliance with those.

Two other programs are a non-point source program for things that don't come out of stacks such as road dust and monitoring conditions in various communities and reporting to them on that.

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Challenges: Fairbanks has exceeded the human health level national standards for fine particulate matter from combustion of hydro carbons wood, coal or fuel oil that can cause adverse health effects. They are required under federal law to work with them in putting a plan together to attain those health-based standards. It's challenging now because people are switching to using cheaper fuels for heating like wood and coal, but they are also high in particulate matter. He said the ultimate solution may be gas.

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SENATOR BISHOP asked the consequences of failing to implement a plan relative to the Clean Air Act.

COMMISSIONER HARTIG replied that the EPA could withhold about \$11 million in federal highway funding and put restrictions on new federally permitted projects - for instance if a project has X amount of (particulate matter) PM<sub>2.5</sub> emissions, you would have to have 2X reduction before you could put it in. That could impact future development like a gas line project in Fairbanks.

SENATOR BISHOP asked if using gas would help lessen the PM<sub>2.5</sub> problem.

COMMISSIONER HARTIG said yes, but even if you get gas in there with state subsidies, people would have to switch, which would mean that gas would have to be relatively affordable compared to wood and coal.

SENATOR BISHOP said that was everyone's goal.

CHAIR GIESSEL asked if wood pellets produce less particulates than regular wood.

COMMISSIONER HARTIG replied generally yes, although you can have very clean burning wood and coal stoves, too.

SENATOR DYSON said he and Senator Fairclough represent an area that has sometimes exceeded federal standards just because of glacial dust and asked him to comment on that.

COMMISSIONER HARTIG answered that glacier dust is not quite as fine a material as PM<sub>2.10</sub>, the difference being .10 microns, but it still has health impacts. He said that the EPA excludes natural events in evaluating an area; for instance forest fires generate a lot of PM<sub>2.5</sub> emissions and those are excluded.

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SENATOR FAIRCLOUGH said she experienced minus-40 in Fairbanks recently and asked how the feds view the inversion weather system that could be holding in the emissions.

COMMISSIONER HARTIG replied that Fairbanks is a special situation and the EPA is very understanding and trying to provide as much flexibility as they can. But their driving goal is to protect human health.

SENATOR FAIRCLOUGH said the issue for Fairbanks is that the stick may be coming at them and they don't have a lot of choice, because some families have built their lives there and have invested hundreds of thousands if not millions of dollars.

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COMMISSIONER HARTIG said he sees two issues with Fairbanks: overall coming into compliance with the PM<sub>2.5</sub> human health-based standards so the community has healthy air and on that there are certain tools they can use to incentivize things like burning dry wood versus wet wood and getting better burning devices before getting natural gas. The other thing they are dealing with is at the neighborhood level where there may be a particular problem like a bad boiler.

SENATOR FAIRCLOUGH asked if the federal government has appropriately placed the PM testing stations in Fairbanks to capture the human health data. And secondly, she said the legislature is promoting two engineering buildings in the Fairbanks area and the campus uses a coal-gen operation for heat and electricity. She wanted to know the likelihood of a coal generation plant license being issued if Fairbanks has an unresolved PM<sub>2.5</sub> violation. She said she could talk to him later about it.

SENATOR BISHOP said maybe they need to get the commissioner to Fairbanks when the session is over and have a good thorough vetting of this issue. He was concerned about spring forest fires that could "bust air quality for a day" and the feds need to take that into consideration.

SENATOR MICCICHE said it's fascinating and counterproductive that the EPA would restrict federal highway funds from a community that is struggling to heat their homes and develop an economy and asked if the EPA has a program for reducing PM emissions that could help a community that has limited choices for fuel sources.

COMMISSIONER HARTIG said he believed that EPA is trying to work with the state and Fairbanks and recognizes their unique situation and wouldn't use the hammer liberally or quickly. The EPA has "making reasonable progress" as a policy.

CHAIR GIESSEL remarked and yet the air quality in Fairbanks was cited as justification for the emission control area that is being instituted for ships 200 miles along the coast of North America.

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COMMISSIONER HARTIG said the department is doing permit reform by looking for efficiencies (for the department and the public) and getting priorities right.

Going back to air quality issues, he said dust is an issue in rural communities and they are working collaboratively with a number of communities and DOTPF on keeping dust down.

He said the federal government is aggressively adopting new standards that work for most of the country but not in Alaska.

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COMMISSIONER HARTIG said the Division of Environmental Health is food safety, sanitation, public water systems (for 15 people or more) and solid waste management (landfills primarily).

He said that basically the EPA adopts national rules that apply to all public drinking water systems in the country and then the states are required to implement those. Alaska gets about \$11 million per year in grant funds from them for this program, but it isn't directly related to new rules. So they are always struggling to keep up with the new rules. It's a real struggle for rural communities because sometimes the rules are complex and difficult to implement. So, a big piece of what they do is work with the rural communities to upgrade or adapt to new rules.

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CHAIR GIESSEL asked if he manages the Village Safe Water Program.

COMMISSIONER HARTIG answered that the Water Division does that. They also manage the pesticide program, restricting their application to certain lands and water and aerial applications. He thought there would be more pressure to use pesticides for invasive species and Alaska has been very hesitant to use it that often.

Going back to permit reform, he explained that pesticides have to be approved by the EPA, which is where the science happens; its use and sales must be registered with the DEC in the state. Once they are registered the science should be done, and as long as they are being applied in compliance with all the federal requirements, which the state adopts, he thought the department shouldn't have to issue the same permit each time and go through the same debate each time and that he would rather put his money towards actually being in the field making sure they do what they are supposed to do. So, he had been changing regulations to move his agencies away from issuing a lot of permits to going towards requiring an integrated pest management plan that looks at alternatives to using pesticides, and if they use them how they are going to train and oversee their people and apply it safely. The money saved from not issuing permits will be spent on more inspections. That will come into effect this summer.

CHAIR GIESSEL asked if he was also talking about herbicides.

COMMISSIONER HARTIG explained that pesticides is a broader category that includes herbicides.

He said the solid waste refers to landfills; the big ones being 5 tons or more a day, like Anchorage; they are all permitted and regulated. It's a little more challenging in the rural areas where he was trying to move towards more of a best management practices to lessen the impacts of their landfills rather than spending a lot of time trying to get communities to comply with permits. This would also lessen the permitting work for the department.

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Under Food Safety and Sanitation, Commissioner Hartig said they oversee food produced and consumed in the state. If it's shipped outside the state the federal government oversees that, but they contract with DEC to do their inspections, and the DEC works off of that for state inspections in some of the rural communities.

SENATOR BISHOP said he wanted to talk to him after the meeting about a food safety issue regarding a fish processor in his neighborhood.

COMMISSIONER HARTIG said within Alaska, Anchorage is the only community that has its own food inspection program, so the department does it for everyone else in the state.

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He said the State Veterinarian is located in the DEC and has a number of responsibilities. He explained that a lot of human diseases arise in animal populations; so it's important that the Federal Human Health Lab track animal diseases. The DEC lab is located directly next to it, so they can work collaboratively on things like the bird flu.

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Another thing they do is surveillance of various contaminants in fish in the state, analyzing fish tissues for mercury and other potential contaminants. They are seeing an increase in levels of mercury, for instance, and that gets reported to the Department of Health and Social Services (DHSS) that analyzes what it means in terms of potential impact to subsistence or other users in Alaska.

Another thing that is new to the department is monitoring of the Japanese tsunami marine debris. It is a very active area for the Division of Environmental Health that just finished putting together a plan for next summer. It is going really well with good collaboration from the National Oceanic and the Atmospheric

Administration (NOAA). However, Commissioner Hartig said it is a real challenge for the state, because we already have the bulk of the debris.

SENATOR FRENCH asked which part of the state had been impacted the most severely by the debris.

COMMISSIONER HARTIG said that Alaska has collector beaches - Montague Island, Kayak Island, and Hinchinbrook Island - that get the bulk of marine debris even before the tsunami; but Prince William Sound is getting hit the hardest (less so in Southeast Alaska or the Chain).

SENATOR FRENCH asked what is happening with that stuff.

COMMISSIONER HARTIG answered they prioritize based on the impact to the environment. They are primarily seeing Styrofoam and polystyrene types of materials that breaks down into smaller pieces in the surf. The big concern is that that the plastics could be ingested by birds, mammals and other marine life that would cause them to either quit eating because they feel full or start actually plugging up their system. They are talking with NOAA about getting better research on that and they are aware that is the bulk of the type of debris that is being seen here. You expect to get the higher windage items (that float higher in the water) first. So, this year was no indication of what we might get next season and the season after that.

He reported that they are evaluating how much of that debris needs to be removed, but it's difficult because it's bulky and light. It can't be burned because you get acid gas and other things that are not good for human health. It's a question of money and how much effort you want to put into these remote areas. It's a balance that is being worked out among the agencies and depends on federal funds and other things.

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SENATOR DYSON encouraged them to privatize the cleanup by stationing receiving barges around and letting all the commercial fishermen and recreational boaters pick it up, compress it and weigh it or go by volume. But mobilize an army of hundreds to go out and do it, because government isn't equipped to.

COMMISSIONER HARTIG said that is what they are doing; the only time DEC would have someone out there is if they encountered something that might be hazardous. Several experienced

contractors like Gulf of Alaska Keeper are experienced in going out there and are part of the planning group.

SENATOR DYSON said he just hoped that some local folks could be employed.

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The next department he talked about was Spill Prevention and Response (SPAR) saying that first you try to prevent a spill and the Industry Preparedness and Pipeline Operations programs work on preventing spills at an industry level. The Prevention and Emergency Response Program (PERP) is involved in prevention, but they are also the SWAT crew if something spills or is about to spill. Once that emergency situation is taken care off, if there is still contamination that needs to be cleaned up or monitored over time, that would be under the Contaminated Sites Program. The last program is the Response Fund Administration People, which he would address shortly.

COMMISSIONER HARTIG said the total number of reported spills per year on both land and water is gradually creeping down toward the 1700 range from 1500 to 2000.

SENATOR MICCICHE said that prevention science and best practices in certain industries have reduced spills dramatically and asked if DEC has a program to help train people who are handling fluids.

COMMISSIONER HARTIG answered that depending on the facility they might be required to have a spill plan that would have prevention measures in it. In that case, they would have to describe what that training would be and the oversight. The department looks at training and testing people and having drills. They put a heavy emphasis on prevention, because that is a lot easier than response.

SENATOR MICCICHE said a lot of reported spills are in smaller operators or independents and it would be helpful also for those who don't handle as many fluids to learn about some of those practices.

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In 2012, 72 percent of reported spills volume was from diesel, which are mainly from fuel tanks around the state. The big industrial people like crude oil are around 10 percent.

SENATOR FAIRCLOUGH asked what is considered a "spill."

COMMISSIONER HARTIG replied that a spill is into the environment as opposed to a release into another containment area.

SENATOR FAIRCLOUGH asked for a quantity.

COMMISSIONER HARTIG said he would get the minimum volume and range. It would vary, but you look for a pattern of going down.

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Historically half the spills happen on federal properties and 33 percent on private, the rest are on local government and state properties.

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He said this division also does drills and exercises and the regional government response plans; they work with local communities emphasizing training people to be first responders and installing equipment in these communities so it's readily available in the event of a spill. Most spills are small.

Marine transportation is one area that is being worked on closely: you have the goods going between North America and Asia on the great circle shipping route and that is increasing with bitumen and coal coming from the Northwest ports to Asia. Drift groundings have happened in that area like the Selendang Ayu. The Northern sea route goes through the Bering Straits and 46 ships went through it last year. Southeast Alaska might be the scariest area because of the large cruise ships in confined areas where you might have passengers and fuel in the water at the same time. Cook Inlet is similar to the Arctic in that it has ice infested waters; it also has the big tides and volcanoes, oil rigs and the big salmon fishery.

COMMISSIONER HARTIG showed a conceptual slide of what would be needed for a marine disaster saying first of all, you have to be able to recognize one; some ships don't speak English and how do you track those and know when they are getting into problems? A vessel has to go out to them if they have lost power, you have to get a tow on them and have somewhere to take them that is safe both from the weather and if there is a spill that is still occurring that it is to someplace that won't impact valuable resources in the area. Eventually you have to get them somewhere where repairs can be done. This is what they look for in the Aleutians as well as other areas.

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The Division of Industry Preparedness and Response works with contingency plans. You have to have more than a plan, you have to have the resources identified that you're going to implement that plan with. Those plans are drilled so people actually know how to perform them. This is unique to Alaska.

SENATOR FRENCH said when the BP Gulf spill happened, BP and some of the oversight agencies suffered some embarrassment when it turned out their plan had some significant holes in it - protecting walrus was one. He asked the commissioner if he had gone through some of the oil contingency plans on file with DEC to a degree that made him certain Alaska wouldn't suffer the same kind of embarrassment.

COMMISSIONER HARTIG replied yes, but he hoped Alaska wouldn't have any of those kinds of situations. They looked at what happened in the Gulf to see if anything could be learned; in fact, Larry Dietrich, Director of SPAR, participated on the national Coast Guard panel to review that incident.

CHAIR GIESSEL said it was 5:00 and asked if he could start on slide 31 on Saturday, because he was at a significant part of his responsibility with spill issues, water and waste water.

COMMISSIONER HARTIG said he would be happy to do that.

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Finding no further business to come before the Senate Resource Committee, Chair Giessel adjourned the meeting at 5:01 p.m.