

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

April 10, 2015

1:03 p.m.

MEMBERS PRESENT

Representative Mike Hawker, Vice Chair
Representative Bob Herron
Representative Craig Johnson
Representative Kurt Olson
Representative Paul Seaton
Representative Andy Josephson
Representative Geran Tarr

MEMBERS ABSENT

Representative Benjamin Nageak, Co-Chair
Representative David Talerico, Co-Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 38

"An Act relating to the rapid response to, and control of, aquatic invasive species and establishing the aquatic invasive species response fund."

- MOVED CSHB 38(RES) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 20

Urging the United States Congress to enact legislation to clarify and recognize each individual state's authority to manage the fish and wildlife within its borders.

- MOVED CSHJR 20(RES) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 24

Urging the federal government to honor its commitments to transfer land to the state; and urging the United States Secretary of the Interior and the United States Congress to adhere to the recommendations of the United States Department of the Interior in its 2006 report under the Alaska Land Transfer Acceleration Act, including lifting withdrawals.

- MOVED HJR 24 OUT OF COMMITTEE

HOUSE BILL NO. 179

"An Act relating to donations of fish and game to food service programs."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 38

SHORT TITLE: AQUATIC INVASIVE SPECIES

SPONSOR(S): REPRESENTATIVE(S) SEATON

01/21/15	(H)	PREFILE RELEASED 1/9/15
01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	RES, FIN
04/08/15	(H)	RES AT 1:00 PM BARNES 124
04/08/15	(H)	Scheduled but Not Heard
04/10/15	(H)	RES AT 1:00 PM BARNES 124

BILL: HJR 20

SHORT TITLE: FISH & WILDLIFE MANAGEMENT BY STATES

SPONSOR(S): REPRESENTATIVE(S) NEUMAN

04/01/15	(H)	READ THE FIRST TIME - REFERRALS
04/01/15	(H)	RES
04/08/15	(H)	RES AT 1:00 PM BARNES 124
04/08/15	(H)	<Bill Hearing Postponed>
04/10/15	(H)	RES AT 1:00 PM BARNES 124

BILL: HJR 24

SHORT TITLE: LIFT FEDERAL LAND WITHDRAWALS

SPONSOR(S): REPRESENTATIVE(S) KELLER

04/07/15	(H)	READ THE FIRST TIME - REFERRALS
04/07/15	(H)	RES
04/10/15	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

JONI SCHARFENBERG, District Coordinator
Fairbanks Soil & Water Conservation District
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 38.

ELAINE BUSSE FLOYD, Director
Division of Environmental Health
Department of Environmental Conservation (DEC)

Anchorage, Alaska

POSITION STATEMENT: Answered questions regarding HB 38 and suggested an addition to the bill.

TOM BROOKOVER, Acting Director
Division of Sport Fish
Alaska Department of Fish & Game (ADF&G)
Anchorage, Alaska

POSITION STATEMENT: Answered questions regarding HB 38.

FRANCI HAVEMEISTER, Director
Division of Agriculture
Department of Natural Resources (DNR)
Palmer, Alaska

POSITION STATEMENT: Answered questions regarding HB 38.

BEN MULLIGAN, Legislative Liaison
Special Assistant to the Commissioner
Office of the Commissioner
Alaska Department of Fish & Game (ADF&G)
Anchorage, Alaska

POSITION STATEMENT: Answered questions regarding HB 38.

REPRESENTATIVE WES KELLER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As the sponsor, introduced HJR 24.

SARA TAYLOR, Executive Director
Citizens Advisory Commission on Federal Areas (CACFA)
Palmer, Alaska

POSITION STATEMENT: Answered questions regarding HJR 24.

ACTION NARRATIVE

[1:03:56 PM](#)

VICE CHAIR MIKE HAWKER called the House Resources Standing Committee meeting to order at 1:03 p.m. Representatives Seaton, Olson, Josephson, Johnson, Tarr, and Hawker were present at the call to order. Representative Herron arrived as the meeting was in progress.

VICE CHAIR HAWKER noted HB 179 will not be heard.

HB 38-AQUATIC INVASIVE SPECIES

[1:05:23 PM](#)

VICE CHAIR HAWKER announced that the first order of business is HOUSE BILL NO. 38, "An Act relating to the rapid response to, and control of, aquatic invasive species and establishing the aquatic invasive species response fund."

[1:05:39 PM](#)

REPRESENTATIVE JOHNSON moved to adopt the proposed committee substitute (CS), labeled 29-LS0226\H, Bullard, 4/2/15, as the working document. There being no objection, Version H was before committee.

[1:06:06 PM](#)

REPRESENTATIVE SEATON, sponsor, introduced HB 38, explaining that the bill addresses aquatic invasive species and trying to alleviate the problems being seen in Alaska. Aquatic invasive species are non-native animals and plants whose introduction causes economic or environmental harm or harm to human health. Invasive species can spread very rapidly, becoming impossible or costly to control. Alaska spends about \$6 million annually on fighting invasives and nationwide \$120 billion is spent annually.

REPRESENTATIVE SEATON began a PowerPoint presentation, defining invasive organisms as non-native, aggressive, and likely to cause harm (slide 1). An invasive currently in Alaska (slide 2) is *Didemnum vexillum* (Dvex), also known as sea vomit. It is near Sitka and is actually an animal, a colonial tunicate, but looks like a plant that grows over everything. Elodea, often seen in aquariums, is another invasive in Alaska. Another is northern pike in Southcentral Alaska. Pike are causing massive losses of salmon in the Matanuska-Susitna and Kenai Peninsula areas. Turning to slide 3, he said invasive species that could come to Alaska in the future and cause problems include the European green crab, which is currently 200 miles south of Ketchikan, zebra mussels, mud snails, Atlantic salmon, and a number of tunicates.

[1:08:36 PM](#)

REPRESENTATIVE SEATON addressed the rapid growth of Dvex in Whiting Harbor near Sitka (slide 4). He displayed photographs taken 10 weeks apart to show how quickly the tunicate grew

during that length of time. He projected an aerial photograph of Whiting Harbor (slide 5) then moved to a photograph of the sac roe herring fishery (slide 6) to depict why Dvex in Whiting Harbor is so detrimental. Boats pulling in the herring roe on seaweed could pull in Dvex if it is there, he explained, which would then be pumped into tenders and because the tenders do their processing in many ports around Alaska the Dvex could be widely spread (slide 7). This is why these invasives must be stopped when they first start, he stressed. Moving to slide 8 he pointed out that other methods of spreading invasives include fishing boats, ballast water, sport boats, and tsunami debris.

REPRESENTATIVE SEATON explained that northern pike (slide 9) are actually native in most of Alaska, but not Southcentral Alaska. When introduced the pike cause a big problem by eating salmon.

REPRESENTATIVE SEATON reviewed how fast zebra mussels have spread (slides 10-16) between the years 1986 and 2011. In 1986 zebra mussels were found in two small spots, but by 2011 they had gone all the way down the Mississippi River and spread to the West Coast. Zebra mussels cost billions of dollars because they clog up water intakes for industrial plants. So far Alaska is the only state not affected by zebra mussels.

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REPRESENTATIVE SEATON turned to the graph on slide 17 depicting a typical species invasion curve, explaining that what the sponsors are trying to do with HB 38 is seen at the bottom left of the curve. When an invasive species is first found it takes very little money and effort, relatively, to control it, but once the species begins its steep spread it is almost impossible to get stopped. After it has spread it will cost lots of money to control and will never be eradicated.

REPRESENTATIVE SEATON said HB 38 would prioritize the invasive species action over other department-controlled activities. For example, if the Alaska Department of Fish & Game (ADF&G) has a fishery such as sea urchins or sea cucumbers, it means that if ADF&G is going to eradicate the species in this much localized area, then that will have priority. The bill authorizes utilization of a variety of tools, including biological chemical means. It would coordinate among other state departments. For mariculture leases the Department of Natural Resources (DNR) would be required to include [hold harmless] language for the control of any invasives brought in by the mariculture operation. The bill would also require notice to consumers and

to private property owners that this is an issue to be aware of. The bill would also create a response fund, but that fund is not created here.

REPRESENTATIVE SEATON specified that the difference between Version H and the bill as introduced is the original bill had a requirement that the plans be put in place, which is a fiscal note issue. Version H requires the departments to coordinate, control, and make plans, but it doesn't require them to do that on any certain timetable and there won't be anything separate to fund.

[1:14:20 PM](#)

REPRESENTATIVE JOSEPHSON noted he likes this bill which he has cosponsored, but asked whether Representative Seaton is comfortable with the guidelines on page 1, subsection (b), in that the agency would know when to back off the suspension of the laws.

REPRESENTATIVE SEATON replied he believes so and said the emergency orders only last for a short period of time. The quarantine ability is currently with DNR and previous efforts stimulated DNR to quarantine Elodea, disallowing the sale or distribution of Elodea. The environmental law section will have public contact and will ensure coordination of these pre-plans with the public.

[1:15:48 PM](#)

REPRESENTATIVE JOSEPHSON drew attention to page 2, subsection (e), and asked whether this provision is overly broad and should there be some remedy for private property owners who feel they have been harmed in some way.

REPRESENTATIVE SEATON responded this issue came up with the Dvex in Sitka when a mariculture farm brought up the Dvex in some of its facilities. The response was delayed two years while the department tried to determine whether in doing anything with this farm that it authorized through a permit and mariculture lease, the department would be "liable for what they've done." This provision is really appropriate, he said. For example, "what happens in the Department of Agriculture is if you have an invasive weed and you're a farmer, they do the plan and you as the farmer are responsible for carrying out the plan, paying for the getting rid of that invasive weed." He said he thinks it is a much more contained situation here. The bill is just saying

that when someone asks for a state mariculture lease or tideland lease, if an invasive species occurs there [the state] can come in and control that without having to wait years going through court. He said he is comfortable with this provision.

[1:18:23 PM](#)

VICE CHAIR HAWKER opened public testimony on HB 38. He noted that any written testimony will be entered into the record.

[1:19:43 PM](#)

JONI SCHARFENBERG, District Coordinator, Fairbanks Soil & Water Conservation District, supported HB 38, stating that a goal of the Fairbanks Soil & Water Conservation District is to control and eradicate invasive species. A local example for which the bill would be helpful is Elodea. In 2010 this highly aggressive, aquatic invasive plant was found in the North Pole/Fairbanks area. Elodea destroys natural habitat for fish, displaces native vegetation, and impacts recreational use. But, not until this spring was there a draft state management plan in place for Elodea. Meanwhile, despite efforts by the district and its partners to stop the spread of Elodea, it has traveled to the Chena River, has been found in Chena lakes, and all of that leads on into important fish habitat in the Yukon and Tanana drainages. Elodea is now found across the state. She urged that HB 38 [be passed] for the immediate eradication or stopping the spread of Elodea. Cordova's waterways are overflowing with Elodea and have been for some years, but nothing is happening. She posed a scenario of two dandelions in a lawn, noting that the eradication program would be to pluck them. However, a lawn filled with dandelions will require much more time and expense for eradication. This is also the way it works with invasives, she pointed out. Getting a handle on Elodea requires the state's authority and backing.

[1:21:48 PM](#)

VICE CHAIR HAWKER closed public testimony after ascertaining that no one else wished to testify.

[1:22:11 PM](#)

VICE CHAIR HAWKER opened committee discussion on HB 38. He noted that the bill as introduced had three fiscal notes, two of which were zero. He requested confirmation that the fiscal notes will continue to be zero.

ELAINE BUSSE FLOYD, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), confirmed Version H would still have a zero fiscal note from her division.

VICE CHAIR HAWKER stated the bill as introduced included one fiscal note for the Division of Sport Fish that would have spent money. He requested the division to comment on the Version H fiscal note.

TOM BROOKOVER, Acting Director, Division of Sport Fish, Alaska Department of Fish & Game (ADF&G), replied he anticipates his division's fiscal note is now zero for Version H and that it would be covered under the division's normal budget.

VICE CHAIR HAWKER specified that if the bill passes out of the House Resources Standing Committee it will have two attached zero fiscal notes and one forthcoming zero fiscal note.

[1:25:11 PM](#)

REPRESENTATIVE JOHNSON said there is a fine balance with this kind of bill. He noted his district has a float plane lake and his concern is that planes will be able to continue using that lake without having to do a secondary landing to clean off their floats. Saying he doesn't want any impingement on the ability of people flying around the state, he inquired whether anything in HB 38 would prohibit or cause grief for those people flying around the state and maybe unknowingly transporting an invasive species.

REPRESENTATIVE SEATON said he worries much more about that kind of thing where there is a quarantined plant and someone with a float plane spreading that around the state, which possibly could be a liability to that person. The purpose of HB 38 is to get rid of that invasive species as it occurs, when it is an incipient population. Nothing in the bill would do what is being mentioned by Representative Johnson on any kind of a permanent basis. Right now there are controls for Elodea at Stormy Lake and Daniels Lake on the Kenai Peninsula and his understanding is that it has not interfered with any of the property owners or plane operators; it is being done over the winter. Without some kind of control, he said he could anticipate that something would happen where a lake might not be able to be used if it gets highly infected with Elodea. The purpose of the bill is to have plans in place so that invasives

are tackled when they first occur because nothing can be done after an invasive has become endemic.

1:28:10 PM

REPRESENTATIVE JOHNSON recalled that in a Matanuska-Susitna lake there was use of a fertilizer that enriched the water and doubled the proliferation of [Elodea]. He asked whether anything in HB 38 would prevent people from fertilizing their yards.

REPRESENTATIVE SEATON answered he is not aware of anything, but allowed he hasn't had any discussion on somebody using fertilizer. He explained that the bill addresses an incipient population and establishing a plan to control it.

REPRESENTATIVE JOHNSON noted he has spent quite a bit of time on invasive species and has heard most of the arguments for many years. He said he wants to ensure, with each bill, that it is clear what a bill does and doesn't do, and he wants to make certain nothing is being done that he would find objectionable.

1:29:27 PM

VICE CHAIR HAWKER requested additional clarity from department representatives regarding Representative Johnson's concerns.

FRANCI HAVEMEISTER, Director, Division of Agriculture, Department of Natural Resources (DNR), replied she is not concerned that HB 38 will put any additional requirements on landowners and users of lakes or will ban the use of fertilizer in lakes.

REPRESENTATIVE JOHNSON requested Ms. Havemeister to address the float plane issue.

MS. HAVEMEISTER responded that the Division of Agriculture did put a quarantine in place last spring for Elodea, but in no means does the quarantine impact a float plane owner's use and ability to fly around a lake. It quarantines the sale and the transfer of Elodea, the division intentionally did not include float plane use. The division did extensive outreach to the float plane community to let them know of Elodea in the area and ways that they can potentially mitigate that risk from transferring.

MR. BROOKOVER said his response is similar to Ms. Havemeister's. He specified he doesn't foresee effects from the bill, for example, on a landowner's use of fertilizer. He said he looks at, primarily, provision (a) and directing the activity on controlling the occurrence of, or eradication of, a particular species directly and he therefore does not see that type of unintended consequence. He said he defers to the Division of Agriculture in regard to the float plane issue.

[1:32:13 PM](#)

VICE CHAIR HAWKER requested Ms. Floyd to respond to the concerns of Representative Johnson.

MS. FLOYD answered that her division doesn't see any unintended consequences either. She said her division would suggest that the bill be amended to address terrestrial invasive species as well as aquatic invasives. As currently written, she explained, the statute requires a permit if an agency is going to apply pesticide on two or more private properties. That ties the hands of the soil and water conservation districts, other community organizations, and local governments from addressing terrestrial invasives in a timely manner in their area. The division therefore suggests a statute change to also allow for terrestrials.

VICE CHAIR HAWKER noted bills are often written to be limited in scope. He requested a response to Ms. Floyd's suggestion that the bill be expanded to include terrestrial invasives.

REPRESENTATIVE SEATON replied it is a broader topic that he hasn't considered and therefore is leery at this time to jump in and apply it to land invasives. While HB 38 requires other departments to cooperate with ADF&G, and ADF&G to cooperate with DNR, adding terrestrial species would suddenly become a lot more related to DNR than the bill was targeted at. So, he is uncomfortable with expanding the bill right now.

VICE CHAIR HAWKER said he is personally comfortable with a bill that is targeted to, and limited to, aquatic species.

[1:34:55 PM](#)

REPRESENTATIVE SEATON drew attention to page 2, subsection (g), of the bill, saying it gives him comfort for what Representative Johnson is talking about. Subsection (g) instructs that there be public outreach to private property owners and that a method

be selected that will have the most minimal effect on private property while accomplishing the goal of eradication or control.

REPRESENTATIVE JOHNSON said he doesn't disagree that land-based invasive species should be addressed, but he is not prepared to sacrifice the perfect for the good in this case. It is a totally different issue when getting into land based due to there being federal lands as well as Canada. He said he is comfortable moving the bill as it is.

REPRESENTATIVE TARR supported HB 38, noting she is a botanist. In regard to adding terrestrial species, she pointed out that the private property issues would be a lot more significant. Due to the nature of invasive species, she said a much better job must be done of responding more quickly and she is therefore supportive of the bill and moving it from committee today.

[1:37:34 PM](#)

VICE CHAIR HAWKER requested the ADF&G legislative liaison to address the 2/5/15 fiscal note attached to the original bill that involved some spending by the Division of Sport Fish and its change to a zero fiscal note under Version H.

BEN MULLIGAN, Legislative Liaison, Special Assistant to the Commissioner, Office of the Commissioner, Alaska Department of Fish & Game (ADF&G), confirmed that in working with the sponsor, ADF&G identified the provisions that would have required the fiscal impact, which was the rapid response management plans. Those were taken away, leaving the action and direction portions, and resulting in a zero fiscal note.

[1:38:52 PM](#)

REPRESENTATIVE JOHNSON moved to report the proposed CS, Version 29-LS0226\H, Bullard, 4/2/15, out of committee with individual recommendations and the accompanying zero fiscal notes. There being no objection, CSHB 38(RES) was reported from the House Resources Standing Committee.

The committee took an at-ease from 1:39 p.m. to 1:41 p.m.

HJR 20-FISH & WILDLIFE MANAGEMENT BY STATES

[1:41:29 PM](#)

VICE CHAIR HAWKER announced that the next order of business is HOUSE JOINT RESOLUTION NO. 20, Urging the United States Congress to enact legislation to clarify and recognize each individual state's authority to manage the fish and wildlife within its borders.

[1:41:51 PM](#)

REPRESENTATIVE NEUMAN, sponsor, introduced HJR 20, saying it encourages Congress to pass legislation that would clarify each individual state's authority to manage the fish and game resources within its boundary. Alaska has a history of successfully managing its fish and game resources and their habitats. Alaska has even restored the depleted fishery stocks that were received from the federal government at the time of statehood. Alaska has used its resources wisely calling on the different experiences of its people, from using professional scientists to the wisdom of Native elders to manage fish and game resources and the lands they inhabit. Doing so maintains yields for the benefit of the state's people, which is a requirement of the state's constitution. However, intrusions by the federal government have increased on a number of fronts, challenging Alaska's sovereign authority and responsibility to manage its fish and game resources. Those actions may forever impact the state's ability to determine both its sovereignty and management of resources as promised in the statehood compact and in the Alaska National Interest Lands Conservation Act (ANILCA). The resolution urges Congress to enact legislation reserving the authority to enforce state fish and wildlife laws and manage fish and wildlife on public land to the individual states in which the land is found.

REPRESENTATIVE NEUMAN added that the resolution grew out of discussions amongst [legislators]. For example, Representative Johnson is an active member of the National Assembly of Sportsmen's Caucuses, an organization of 42 states and over 2,500 legislators. Its main mission is to ensure continued protection of the outdoor heritage of hunting, fishing, and trapping, and the ability to manage that. There has been discussion on how important it is for the states to manage their own resources. He said he would like to use this model legislation to bring back to the National Assembly of Sportsmen's Caucuses in hopes of getting 30 plus states in order to show Congress that locals know what is best for their states.

[1:45:13 PM](#)

REPRESENTATIVE JOSEPHSON drew attention to the clause on page 2, lines 7-8, and asked where the National Park Service has restricted access of state employees to state land and water.

REPRESENTATIVE NEUMAN replied he believes this is happening more recently on the Kenai Peninsula for hunting and fishing and intensive management for brown bears. It is also happening with the Unimak Island caribou herd. The island is half federal land and half state land. The people of Cold Bay depend on those caribou for survival, but there are also wolves on that island and it has gotten to the point where the state wants to do some intensive management to reduce the number of wolves. The whole herd is close to being lost and the people of Unimak will not have that valuable resource to feed their families.

VICE CHAIR HAWKER recalled the case where the National Park Service overstepped its bounds on the Yukon-Charley Rivers National Preserve. Armed National Park Service officers literally commandeered Alaska citizens who were utilizing their right to progress over state navigable waters.

REPRESENTATIVE NEUMAN added that that was probably one of the most highlighted issues within the state when it happened.

[1:47:25 PM](#)

REPRESENTATIVE TARR noted that for fisheries there is the federal Magnuson-Stevens Act and the councils that have been set up through the Act. She inquired whether there is an existing federal wildlife law that is similar to the Magnuson-Stevens Act that would be amended if Congress were to take action as urged by HJR 20.

REPRESENTATIVE NEUMAN drew attention to a paper in the committee packet entitled, "Wildlife Management Authority: The State Agencies' Perspective," written by the Association of Fish & Wildlife Agencies. He noted that the fourth paragraph on page 2 talks about how the directors have identified that the National Environmental Policy Act of 1969 (NEPA) is a hindrance. The paper discusses the relationship between the federal government, not specific laws, and the ability for the states and the federal government to sit down and talk out these issues. It is not so much that federal laws are bad laws but rather the ability to work with the federal government in the management of those laws in regard to fish and wildlife management and resource development at the same.

REPRESENTATIVE TARR brought attention to page 1, lines 4-6, of the resolution and offered her understanding that the North American Model of Wildlife Conservation is not something that is in federal statute.

REPRESENTATIVE NEUMAN answered that the North America Model of Wildlife Conservation was adopted about 78 years ago and is what is now known as the Pittman-Robertson Act. The purchasers of outdoor sporting goods - hunters and fishermen - provide the funding for [state] fish and wildlife departments.

VICE CHAIR HAWKER added it is a federal excise tax of 11 percent on all sporting goods, ammunition, and archery supplies.

[1:50:51 PM](#)

REPRESENTATIVE JOHNSON said he supports HJR 20 and asked whether the sponsor would be amenable to adding additional names to the resolution's distribution list. For example, the National Assembly of Sportsmen's Caucuses could be added to the list as well as The Council of State Governments West. He posited that an official document coming from the state would be better than him handing out a copy of the resolution.

REPRESENTATIVE NEUMAN agreed, further suggesting that the National Conference of State Legislators would be another organization that could be added.

[1:52:22 PM](#)

REPRESENTATIVE TARR understood that the Upper Cook Inlet Drift Association (UCIDA) was about fishing in the Kenai National Wildlife Refuge and about where federal management ended and state management began. She further understood that the lawsuit asserted it is the state's right to manage for anadromous fish. She inquired whether that is an example of what the sponsor is hoping will come out of the resolution - that in situations like this the default would be that the state manages the resource.

REPRESENTATIVE NEUMAN offered his belief that the UCIDA lawsuit is asking for federal oversight. Currently there is shared management within Cook Inlet with the three-mile boundary that the state has and Cook Inlet is wider than six miles at points and so the federal government has said the state has the right to manage that on both sides. He said he therefore thinks that lawsuit is a separate issue. However, earlier this year a federal action was taken in regard to nets on the Kenai and

perhaps, he suggested, this is what Representative Tarr is referring to. Nets catch everything and could have a very detrimental effect on the world class fisheries there, as well as the non-targeted species in the river. State managers are there to closely watch that every day and their ability to manage that fishery is much better than federal managers. Responding further to Representative Tarr, he said this is a very good example of something that has happened recently.

[1:55:24 PM](#)

REPRESENTATIVE HERRON inquired whether the U.S. Fish and Wildlife Service is a supporter of, or signer on, the North American Model of Wildlife Conservation or whether the service considers that foreign to its mission.

REPRESENTATIVE NEUMAN offered his belief that the federal government is very supportive of the North American Model of Wildlife Conservation; it was federal law that enacted it.

REPRESENTATIVE HERRON concluded that what is being said between the lines of the resolution is that the U.S. Fish and Wildlife Service is not following the North American Model of Wildlife Conservation.

REPRESENTATIVE NEUMAN answered he suspects that in essence the North American Model of Wildlife Conservation has to do with the federal excise tax and passing that over to the states. He reported that last year there were conversations between the federal government and the Texas Parks and Wildlife Commission that the federal government may take over the funds that now go to states through Pittman-Robertson and Dingell-Johnson to fund fish and wildlife agencies at the federal level as opposed to bringing those funds over to the states. That, he added, would be opposing the objective of that model.

REPRESENTATIVE HERRON remarked that Congress has a difficult time passing and enforcing laws and so bureaucrats make their own rules.

[1:57:19 PM](#)

REPRESENTATIVE SEATON offered his hope that federal subsistence management not be mixed into this, saying that is what is being done when talking about the nets on the Kenai River, which was the federal subsistence board. Mixing this with subsistence would divide Alaskans rather than unite them, he warned.

REPRESENTATIVE NEUMAN replied that in no way does HJR 20 have any implications to subsistence within Alaska. Rather, it helps clarify the discussions and allow the state's wildlife biologists, citizens, and Native leaders to assist by having those discussions before decisions are made on the management of fish and wildlife, whether it is federal or state management.

VICE CHAIR HAWKER thanked Representative Neuman for making this clear on the record.

REPRESENTATIVE OLSON said the resolution has a nice title.

REPRESENTATIVE NEUMAN thanked Representative Olson.

[2:00:01 PM](#)

VICE CHAIR HAWKER opened public testimony on HJR 20, then closed it after ascertaining that no one wished to testify.

[2:01:05 PM](#)

REPRESENTATIVE JOHNSON moved to adopt Conceptual Amendment 1 to add on page 3, line 9: the National Assembly of Sportsmen's Caucuses, The Council of State Governments, The Council of State Governments West, and the National [Conference] of State [Legislatures].

VICE CHAIR HAWKER objected for discussion purposes and inquired whether the conceptual amendment applies to the appropriate division or committee of those entities.

REPRESENTATIVE JOHNSON responded he thinks that if the resolution is sent to the organizations it will get to the appropriate place within each entity.

VICE CHAIR HAWKER noted that these additional entities would be added under the section of the resolution pertaining to whom copies of the resolution shall be sent.

REPRESENTATIVE NEUMAN thanked Representative Johnson for the conceptual amendment, saying it would be sent to the presiding officers of the entities, of which Representative Johnson is one.

[2:02:45 PM](#)

VICE CHAIR HAWKER removed his objection. There being no further objection, Conceptual Amendment 1 was adopted.

[2:03:07 PM](#)

REPRESENTATIVE JOSEPHSON stated he doesn't believe he has ever seen a resolution he disagrees with more and he believes there are hundreds of thousands of Alaskans who would also disagree with it if it was put before them. He said he couldn't be more pleased that the federal lands in Alaska are managed by federal officials who are managing the land the way they are supposed to for protecting subsistence rights, protecting non-consumptive rights, and protecting the mission of the federal law. He said he has spent a lot of time studying, writing, and testifying on this issue. The idea that the state gets to manage all of it is wrong and has to be wrong because everyone knows that within the national parks, not the preserves, he has seen people stopped from removing a bone off the road, which is consistent with the fact that everyone knows hunting is not allowed in a national park. It is the federal government that says that. The idea that there is a universal rule that in all parts of the state the state alone manages wildlife is incorrect factually and legally. Then the question becomes, Where can the state manage? He said he has spoken before the visitor industry and he thinks that, quietly, the visitor industry shares his concern about Alaska's practices. This came up in the committee's confirmation hearing with Ms. Sager Albaugh who basically said if a person wants to walk a dog on a trail on the Kenai Peninsula it is that person's problem if he/she wants to walk the dog off leash. In other words, Ms. Sager Albaugh's view as a Board of Game member is that the Board will control everything adjacent to that trail and phooey on the dog walker; that is the policy of the State of Alaska. He said he could sit back and say, "Geez, I can't stop this." But when these times happen he thinks he is morally obligated to say "wait a minute" even though it shines a light on him that he doesn't want, although it may be better than an artificial light in a den. He maintained that the be-it-resolved clause that says the state is supposed to control federal land and federal reserve waters is wrong; that was the Katie John decision where the court said the state could lose that if the state doesn't do it properly. The resolution maligns natural diversity, he said, but the state's viewing industry wants natural diversity and it's a \$2 billion a year industry. Tourists don't want to take a yellow bus 80 miles to Wonder Lake and watch things getting blasted away. Fundamentally, he asks whether this can be explained to elementary kids and tourists. The answer is no. Regarding the

whereas clause on page 1 about the Kenai National Wildlife Refuge, he said he testified in that hearing and the federal biologist proved, and the state biologist Mr. Vincent Lang could not contend with those arguments, that the brown bears on the Kenai Peninsula are threatened. The idea that that is conservation based, that the state's threatening them when the U.S. Fish and Wildlife Service says it is unsustainable and isn't going to allow any more hunting on federal land, the land of the American people ... The idea that there is increasing inconsistency - of course there is because they are different conservation system units with different rules depending on whether it is the Bureau of Land Management or the National Park Service. Regarding the Unimak caribou herd, he pointed out that that intensive game management was supported by him and groups he worked with and it went forward to stop the demise of that herd, which was years ago and therefore not a recent phenomenon. So he looks at some of this and asks, "Wow, are we going to use this kind of management in Yellowstone?" Regarding the hot button subject about the armed officers, he said he doesn't know what happened there but guesses someone does. [The U.S.] is a very armed society, he said, and he would expect federal officers to occasionally carry a sidearm because they are at great risk if they don't. The state is out of compliance with ANILCA, which is federal law. It is the Indian Commerce Clause, it is [the nation's] founding fathers, 1789, which way pre-dates the Alaska Statehood Act. Testimony was heard last year in this committee about how the big game concessions on federal land work better than the state's system. Big game guide hunters testified that the federal system was a better system. He said he understands where HJR 20 is coming from, but couldn't disagree more with it.

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REPRESENTATIVE JOHNSON moved to report HJR 20, as amended, out of committee with individual recommendations and accompanying zero fiscal note. There being no objection, CSHJR 20(RES) was reported from the House Resources Standing Committee.

The committee took an at-ease from 2:10 p.m. to 2:12 p.m.

HJR 24-LIFT FEDERAL LAND WITHDRAWALS

[2:12:57 PM](#)

VICE CHAIR HAWKER announced that the final order of business is HOUSE JOINT RESOLUTION NO. 24, Urging the federal government to

honor its commitments to transfer land to the state; and urging the United States Secretary of the Interior and the United States Congress to adhere to the recommendations of the United States Department of the Interior in its 2006 report under the Alaska Land Transfer Acceleration Act, including lifting withdrawals.

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REPRESENTATIVE WES KELLER, Alaska State Legislature, sponsor, introduced HJR 24, explaining the resolution is talking about lands that are due the state as a result of the laws, policies, transactions, and negotiations that have gone on for decades. He pointed out that page 2, line 29, lists the things that drive this discussion of what land is still due the state. These include the Alaska Statehood Act, Alaska Native Claims Settlement Act (ANCSA), Cook Inlet Land Exchange, Alaska National Interest Lands Conservation Act (ANILCA), and the Alaska Land Transfer Acceleration Act. He said the western states have more federal land than the eastern states and he is convinced that this is a valid issue, but it is not an issue that is included in HJR 24. The resolution lays out a summary of the laws, the promises, regarding Alaska's lands since statehood. He has never met anyone who has disputed that Alaska is due land, but there are many disputes related to it and that is what HJR 24 is aiming at. The resolution is merely a summary of the arguments, issues, and laws that can be looked at in a summary format. He noted that [Ms. Sara Taylor] of the Citizens Advisory Commission on Federal Areas (CACFA) is on line to help with answering questions. He further noted he has not received any negative comment or concern about the resolution from the Department of Law. The point of the resolution is for the state to get the land that it is due. The Alaska Land Transfer Acceleration Act says that the value of the land has already been determined and there is no sense keeping these withdrawals levied on these huge chunks of land and they should be released so transfer can be done. According to Ms. Taylor, the federal people she deals with firsthand always presume that transfers are going to happen, but it has been going on and on. Therefore, HJR 24 says to get the transfers done.

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REPRESENTATIVE TARR said she likes the resolution, but noted that sometimes there are fiscal constraints in terms of land surveying or having enough money to get the final work done. She asked whether there is anything the state can do to speed up

the land transfer process, such as a partnership when a federal agency doesn't have the funds to get that kind of work done.

REPRESENTATIVE KELLER replied the Secretary of Interior was allowed to withdraw this land until it was evaluated for value and it is still withdrawn. The state's top-filings cannot go any further until the withdrawals are removed.

SARA TAYLOR, Executive Director, Citizens Advisory Commission on Federal Areas (CACFA), responded HJR 24 is about the state having 5 million acres that are due it and not so much that the interference is a lack of money or a lack of cooperation. There is significant cooperation between the U.S. Bureau of Land Management (BLM) and the Department of Natural Resources (DNR). This is about the things that are preventing the state from selecting high quality land. The BLM has these withdrawals, all of which are from the 1970s, and the state has certain areas it would like to be able to select but those withdrawals prevent this selection. Of the state's remaining 5 million acres, or whatever is the amount the state has left, the state would really like some of these lands and so the withdrawals need to be lifted for the state to be able to acquire them.

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REPRESENTATIVE TARR related that she has received communication from DNR talking about lifting the Public Land Orders (PLOs) and that the legislature can voice its support for making that happen more quickly. The department explained, for example, that there needs to be a full survey of any area that the state is interested in because there could be such things as contamination. It is this type of circumstance that she is asking whether the state could provide additional expediency.

MS. TAYLOR answered she would love to get to the point of whether any of the land is contaminated because right now the withdrawals prevent the state from even looking at the lands. Some of these withdrawals were in contemplation of ANILCA, but when ANILCA passed and all of the conservation system unit (CSU) boundary lines were drawn, the withdrawals to facilitate ANILCA remained and so the state is prevented from selecting lands that weren't eventually put into a refuge, park, forest, or wilderness area. The state is just waiting for the withdrawal to be able to see whether it wants the land that it has top-filed on. The very first step before the surveys, before analyzing how much acreage, or whether the state wants the land, is getting the withdrawal lifted.

2:24:58 PM

VICE CHAIR HAWKER opened public testimony on HJR 24, then closed it after ascertaining that no one wished to testify.

2:25:40 PM

VICE CHAIR HAWKER continued committee discussion on HJR 24.

REPRESENTATIVE SEATON understood the state has 5-5.5 million acres of selection left and has filed on 10-11 million acres. He inquired whether HJR 24 is asking to have 152 million acres of withdrawals gotten rid of so that the state can make selections other than the 10 million the state has currently said it would like that 5 million acres to come out of.

REPRESENTATIVE KELLER replied the way it worked is that the Secretary of Interior was allowed to withdraw this land because the value of the resources and value of the land was unclear. Instead of dispersing the land at ANILCA it was withdrawn. The state was then allowed to top-file over those and he doesn't know the number of acres that the state has top-filed over. Top-filing let the state express an interest in the land that had been withdrawn. The report in 2006 was that 95 percent of the withdrawals were no longer needed. If the withdrawals are removed, then the state can select among its top-filing interests, although he is unclear whether the state can add to that. The real question is that the state has expressed an interest but it cannot go to adjudication and the deal finished because it is all on land that is withdrawn. He deferred to Ms. Taylor for further explanation.

MS. TAYLOR explained there are about 159 million acres of [ANCSA Section 17(d)(1)] withdrawals in Alaska. There are a lot of overlapping withdrawals also that kind of go on top of a great many of those. If all 159 million acres of withdrawals were lifted, which BLM itself recommended in 2006, about 21.5 million acres would have no further encumbrances. Although she doesn't know the extent that Alaska has top-filed on those 21.5 million acres, she said Alaska would immediately jump on its selections if any of those lands were freed up. This isn't a re-opening of an opportunity to select land, this is land the state has already identified it wants and the land just needs to be moved from the back storeroom to the actual store so the state can finally buy it.

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REPRESENTATIVE SEATON said that is what is difficult to read in the resolution: if the state is asking for all of the land to be done on which it has top-filed, that is probably a smaller subset of this entire amount. He suggested the legislature might have more success if it says it wants 15-20 million acres of withdrawals cancelled instead of saying 152 million acres. He added, however, he is not opposed to the resolution.

VICE CHAIR HAWKER responded that a key in the resolution is that the legislature is not initiating something, it is asking the Secretary of Interior to honor the recommendations made in the 2006 report to Congress to lift the [152,181,400 acres] of land withdrawals specified in that report. The legislature is endorsing the recommendations made in this report as opposed to initiating the state's own analysis.

REPRESENTATIVE KELLER concurred with Vice Chair Hawker, saying he cannot imagine why the legislature would want to recommend less than what has already been recommended to be released.

REPRESENTATIVE SEATON reiterated he is not opposed to the resolution, but trying to figure out something given there has been no momentum since 2006. It would appear something is holding up the federal government from accepting that 2006 report. It was therefore a suggestion if all the state really wants is the release of those lands that it has top-filed on.

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REPRESENTATIVE TARR related that in its letter, DNR also said that some of the PLOs are related to ANCSA, which is discussed in the resolution. She understood that not all of those land selections have been completed and asked whether that could be, in part, what's slowing down the process for the state's selections.

MS. TAYLOR qualified this might be better answered by DNR, but replied that for purposes of this resolution members want to think about whether [the state] wants to take what's currently on offer or would like to take real high quality lands that could be available if the Section 17(d)(1) withdrawals are lifted. If those withdrawals are lifted, they also become available for selection by Native corporations. Native corporations have their own top-filings throughout the state, so the state and corporations would all be put back into the queue

of figuring out who would get the selections. Thus, it won't necessarily speed things up or slow things down at that point.

2:35:00 PM

REPRESENTATIVE TARR inquired whether there are tribal partners or others in this effort that should receive copies of the resolution and suggested that these names could be added if the sponsor so chooses.

REPRESENTATIVE KELLER replied he will consider this great suggestion as the resolution goes through the process.

REPRESENTATIVE TARR, responding to Vice Chair Hawker about making a conceptual amendment at this time, said she is trying to think who it would be best to include.

VICE CHAIR HAWKER pointed out that this resolution is being sent to those people who can act on the request and so the question is whether it is necessary to send the resolution directly to Native corporations as if it is an appeal to them. He noted that courtesy copies of resolutions are not usually sent, rather the resolutions are sent to the people whom the legislature wants to act on the resolutions.

REPRESENTATIVE TARR agreed and commented that everyone could benefit by trying to move all of the processes forward and resolve all of these issues since it has been decades. She said more time doesn't need to be spent on this today, but perhaps Ms. Taylor would have a suggestion for who could be added now or at a later date.

MS. TAYLOR answered the appropriate person to contact in that respect is Sally Jewell, Secretary of Interior, and she is included in the copies.

The committee took an at-ease from 2:39 p.m. to 2:40 p.m.

2:40:00 PM

REPRESENTATIVE JOHNSON moved to report HJR 24 out of committee with individual recommendations and the accompanying zero fiscal note.

2:40:23 PM

REPRESENTATIVE JOSEPHSON objected for discussion purposes, saying he applauds the resolution but takes note of Representative Seaton's comment about how much really needs to be withdrawn. He likes the resolution, he said, because it is pragmatic in just saying to get this done, no one is the devil or the angel, and there is no vitriol or boogeyman. Offering his appreciation to the sponsor, he removed his objection. There being no further objection, HJR 24 was reported from the House Resources Standing Committee.

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ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:42 p.m.