

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

April 8, 2016

1:22 p.m.

MEMBERS PRESENT

Representative Benjamin Nageak, Co-Chair
Representative David Talerico, Co-Chair
Representative Bob Herron
Representative Craig Johnson
Representative Kurt Olson
Representative Paul Seaton
Representative Andy Josephson
Representative Geran Tarr
Representative Mike Chenault (alternate)

MEMBERS ABSENT

Representative Mike Hawker, Vice Chair

COMMITTEE CALENDAR

CONFIRMATION(S):

Board of Fisheries

Alan Cain - Anchorage
Israel Payton - Wasilla
Robert Ruffner - Soldotna

- CONFIRMATION(S) ADVANCED

SENATE BILL NO. 204

"An Act naming a shooting range in the Knik River Public Use Area the Kenny and Patti Barber Shooting Range."

- MOVED SB 204 OUT OF COMMITTEE

HOUSE BILL NO. 371

"An Act naming a shooting range in the Knik River Public Use Area the Kenny and Patti Barber Shooting Range."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 204

SHORT TITLE: KENNY & PATTI BARBER SHOOTING RANGE

SPONSOR(s): STATE AFFAIRS

03/16/16 (S) READ THE FIRST TIME - REFERRALS
03/16/16 (S) STA
03/22/16 (S) STA AT 9:00 AM BUTROVICH 205
03/22/16 (S) Moved SB 204 Out of Committee
03/22/16 (S) MINUTE (STA)
03/23/16 (S) STA RPT 4DP
03/23/16 (S) DP: STOLTZE, COGHILL, HUGGINS,
WIELECHOWSKI
04/01/16 (S) TRANSMITTED TO (H)
04/01/16 (S) VERSION: SB 204
04/04/16 (H) READ THE FIRST TIME - REFERRALS
04/04/16 (H) RES
04/08/16 (H) RES AT 1:00 PM BARNES 124

BILL: HB 371

SHORT TITLE: KENNY & PATTI BARBER SHOOTING RANGE

SPONSOR(s): COMMUNITY & REGIONAL AFFAIRS

03/18/16 (H) READ THE FIRST TIME - REFERRALS
03/18/16 (H) RES
04/08/16 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

ALAN CAIN, Appointee
Board of Fisheries
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

DWIGHT KRAMER
Kenai Area Fishermen's Coalition
Kenai, Alaska

POSITION STATEMENT: Testified in support of Alan Cain, Israel Payton, and Robert Ruffner, appointees to the Board of Fisheries.

LYNN WHITMORE
Anchor Point, Alaska

POSITION STATEMENT: Testified in support of Alan Cain and Robert Ruffner, appointees to the Board of Fisheries.

ISRAEL PAYTON, Appointee

Board of Fisheries
Wasilla, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

COKE WALLACE
Healy, Alaska

POSITION STATEMENT: Testified in support of Israel Payton, appointee to the Board of Fisheries.

GARY STEVENS
Chugiak, Alaska

POSITION STATEMENT: Testified in support of Israel Payton and Robert Ruffner, appointees to the Board of Fisheries.

ROBERT RUFFNER, Appointee
Board of Fisheries
Soldotna, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

EDDIE GRASSER, Lobbyist
Safari Club International Alaska Chapter
Palmer, Alaska

POSITION STATEMENT: Testified in support of Alan Cain, Israel Payton, and Robert Ruffner, appointees to the Board of Fisheries.

DANIEL GEORGE, Staff
Senator Bill Stoltz
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During the hearing of SB 204/HB 371, presented SB 204 on behalf of the Senate State Affairs Standing Committee, sponsor of SB 204.

REPRESENTATIVE CATHY TILTON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During the hearing on SB 204/HB 371, discussed the bills on behalf of the House Community and Regional Affairs Standing Committee, sponsor of HB 371.

HEATH HILYARD, Staff
Representative Cathy Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions regarding SB 204/HB 371.

JOHN STURGEON
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 204.

ROD ARNO, Executive Director
Alaska Outdoor Council (AOC)
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 204.

MIKE COONS
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 204.

ACTION NARRATIVE

[1:22:54 PM](#)

CO-CHAIR DAVID TALERICO called the House Resources Standing Committee meeting to order at 1:22 p.m. Representatives Olson, Josephson, Tarr, Herron, Nageak, and Talerico were present at the call to order. Representatives Seaton, Johnson, and Chenault (alternate) arrived as the meeting was in progress.

CONFIRMATION(S): **Board of Fisheries**

[1:23:45 PM](#)

CO-CHAIR TALERICO announced that the first order of business is the confirmation hearing for Alan Cain, Israel Payton, and Robert Ruffner, appointees to the Board of Fisheries.

[1:24:14 PM](#)

ALAN CAIN, Appointee, Board of Fisheries, said he has lived in Alaska 46 years and worked as a Wildlife Trooper for 25 years stationed mainly in Southeast. He said he also worked for the Department of Fish & Game for 10 years as its criminal justice planner, and during the last five years he has contracted with state departments assisting with enforcement issues and writing regulations. He said he has enjoyed spending 15 of those years as an enforcement advisor to the Board of Fisheries, and that he values the process of putting measures in place to benefit

people and to protect and sustain Alaska's resources. He would be honored to serve on the Board of Fisheries, he said.

CO-CHAIR TALERICO opened public testimony on Mr. Cain's appointment to the Board of Fisheries.

[1:26:19 PM](#)

DWIGHT KRAMER, Kenai Area Fishermen's Coalition, noted that his organization is a private angler sport fishing group with a membership of 200, including 10 retired fisheries biologists. He said the coalition supports Mr. Cain because while working with him in past meetings it has witnessed his professional demeanor and capacity as an advisor to the Board of Fisheries on enforcement issues. Mr. Cain treats people with respect and is willing to listen to all sides before rendering a decision based on the facts. The coalition believes Mr. Cain's board experience and fisheries knowledge will make him an excellent board member.

[1:27:14 PM](#)

LYNN WHITMORE advised he has been a member of the "Fish and Game Advisory Committee" for 17 years and has worked through many issues with Mr. Cain. Mr. Cain as a "class act," he said, and he is thrilled that Mr. Cain is crazy enough to serve on the Board of Fisheries because the board will do well to have him in that capacity.

CO-CHAIR TALERICO closed public testimony on Mr. Cain's appointment after ascertaining no one else wished to testify.

[1:28:50 PM](#)

REPRESENTATIVE TARR noted Mr. Cain has had a long career with the Wildlife Troopers. She asked whether anyone on the committee has worked with Mr. Cain, because some level of scrutiny should be given appointees and the committee did not ask questions.

CO-CHAIR TALERICO said he spoke with someone who worked with Mr. Cain in law enforcement and he was impressed because the words used about Mr. Cain included integrity, loyalty, trust, and more. As a side note, he added, that the teleconference aide worked with Mr. Cain and speaks highly of him, as well.

REPRESENTATIVE JOSEPHSON said the person currently holding this seat is from Anchorage and noted Mr. Cain is from Anchorage.

1:30:35 PM

ISRAEL PAYTON, Appointee, Board of Fisheries, said he is a lifelong Alaskan, born and raised in Skwentna on the Hayes River. He stated he has lived a subsistence way of life and was taught to only take what was needed and to never waste anything. He is currently a resident of Wasilla and salesman for Airframes Alaska and he has worked as a hunting and fishing guide in Southcentral and Western Alaska for nearly 20 years. Additionally, he is a member of the Matanuska Valley Fish and Game Advisory Committee, and has actively participated in Board of Fisheries and Board of Game meetings, joint board meetings, and various other fish and game meetings over the past six years. He pointed out that he has good relationships with other advisory committees, other involved Alaskans, Alaska Department of Fish & Game staff, and other board members participating in different fisheries and regions of Alaska, including guided, sport, personal use, and subsistence. While his familiarity of commercial fishing is not as strong as in personal use, subsistence, and sport fisheries, Mr. Payton said he will make a conscious effort to reach out to those users and become familiar with all of the fisheries and the participating groups. The commercial and economic values are important to communities around Alaska and Alaskan families, and he was taught at a young age that involvement in fish and game issues is his civil duty and giving back to the community. He described the fish and game process as being unique and special to Alaska because it allows any individual to come up with a regulation, submit it, have it vetted through a public process, and, possibly, put into the Alaska Department of Fish & Game regulations. He said he strongly believes in this unique process and he wants to see it continue for many generations.

1:33:18 PM

MR. PAYTON related that, if confirmed he will be a good board member and will try his best to: be fair and impartial with no personal agenda; be an active and involved participant; put boots on the ground in the different fisheries across the state to get a firsthand experience; reach out to all users; build strong trusting relationships; and make decisions based on all available resources of fish and game data, science, public testimony, and tribal knowledge. He said it is key to be accessible to the public and an advocate. He noted that board

members do not represent a specific interest or user group, but rather represent all regions of the state and all users and fisheries equally. He allowed he is nervous about serving on this board because he does not have all of the answers and fixes, but he stressed that he is a hard worker and fast study. Having resources available for upcoming generations is at the core of his beliefs, he said. His unique upbringing will serve the board and Alaskans well, he stated, and he would be honored and humbled with the committee's vote for his confirmation.

CO-CHAIR TALERICO opened public testimony on Mr. Payton's appointment to the Board of Fisheries.

[1:36:11 PM](#)

COKE WALLACE said he has 40-plus years of using resources from berries to bears and met Mr. Payton specifically through the Dall Sheep Working Group of the advisory committee process. He stated that the committee would be hard pressed to find a better-rounded individual to serve in such a capacity and that Mr. Payton will make good informed decisions based on all available information at hand. He offered his hope that Alaska will sustain its resources and maybe even have some abundance.

[1:37:13 PM](#)

GARY STEVENS noted he has lived in Alaska 45 years and met Mr. Payton through the advisory committee process as well as the Board of Fisheries and Board of Game public meetings. He said he feels strongly that Mr. Payton would be a good member of the Board of Fisheries as it is a difficult job, and Mr. Payton is not only willing, but happy, to get on that board. He related that he supports Mr. Payton 100 percent and would like to see the committee support him as well.

[1:38:19 PM](#)

DWIGHT KRAMER, Kenai Area Fishermen's Coalition, testified that his organization supports Mr. Payton's appointment to the Board of Fisheries. The coalition does not know Mr. Peyton well, he said, but it appreciates his understanding and knowledge of Matanuska Valley fishery issues and the coalition knows Mr. Payton will be an asset to the board. He said he has discussed various fishing issues with Mr. Payton in the past and although they didn't always agree, Mr. Payton was respectful, engaging, and interested in what he had to say and interested in considering all points of view.

CO-CHAIR TALERICO closed public testimony on Mr. Payton's appointment after ascertaining no one else wished to testify.

1:39:48 PM

ROBERT RUFFNER, Appointee, Board of Fisheries, noted that this is the second time around for him as an appointee and not much has changed in the past year. He said he resides south of Soldotna between the Kenai and Kasilof rivers. For the past 20 years he has worked professionally for a conservation organization that dealt with various fisheries conservation related projects across the Kenai Peninsula and on up into the Matanuska-Susitna area. He knows many of the players involved in the statewide fisheries. His motivation is that in having learned a lot about Cook Inlet and a little bit about the rest of the state, he is eager to learn more about how fisheries operate statewide. Academically, his background is in science with a degree in geology and he has applied that degree in rivers and river mechanics. He has a good understanding of modeling, statistics, and mathematics, he said, all of which will come into play when board members are deliberating and trying to make good decisions based on data, so his understanding of how that data is derived will be helpful.

1:41:50 PM

REPRESENTATIVE HERRON recalled the conversations of last session and referred to Mr. Ruffner's 2/20/15 letter to the governor when applying for the seat, contained within the committee packets. He asked whether there is anything Mr. Ruffner would change.

MR. RUFFNER responded that he does not have a copy in front of him, but does not believe so in that nothing in his professional career has changed except that he has stepped down from the position of executive director of the Kenai Watershed Forum.

REPRESENTATIVE HERRON asked Mr. Ruffner for his thoughts about the confirmation process last year when he applied for the Board of Fisheries seat.

MR. RUFFNER answered that he had been pretty excited and hopeful he would receive the confirmation, but it didn't happen. He acknowledged he was disappointed at the time but realized that the loss did not diminish his resolve to do what he thought was best for Alaska's fisheries and fishermen across the state. He

said he learned to be more patient but it didn't dampen his enthusiasm in the board.

CO-CHAIR TALERICO opened public testimony on Mr. Ruffner's appointment to the Board of Fisheries.

[1:44:12 PM](#)

DWIGHT KRAMER, Kenai Area Fishermen's Coalition, pointed out that many members of the coalition have served with Mr. Ruffner on various boards, committees, and working groups. He described Mr. Ruffner as the consummate professional in that he is always well prepared and well-studied on the subject matter. Mr. Ruffner's scientific credentials with habitat and resource issues will be a welcome addition to the board, and his familiarity with Kenai Peninsula and South Central Alaska fishery issues will prove to be a welcome asset to the board, as well. Mr. Ruffner's biggest personal asset is his integrity, and the coalition believes this attribute will become infectious and will have a positive effect on the character of the whole board. He thanked Governor Walker for his excellent choices to be considered for positions on the Board of Fisheries for this legislative cycle.

[1:45:33 PM](#)

LYNN WHITMORE stated he agrees with everything said by Mr. Kramer in support of Mr. Ruffner's appointment to the Board of Fisheries. The board is overdue for more scientists serving on it, he opined. He offered his belief that, unlike what he has seen at past board meetings, Mr. Ruffner will represent the resource first and the fishermen and other user groups second.

[1:46:35 PM](#)

GARY STEVENS said committee members may remember that last session he was opposed to Mr. Ruffner's confirmation primarily due to the seat that Mr. Ruffner had been appointed to. However, he continued, this session he supports Mr. Ruffner's nomination given the seat he has been appointed to and with the other two nominees. Prior to the last session's vote, he related, he took Mr. Ruffner to lunch and found him to be a gentleman and very intelligent, and therefore he would be a great addition to the board.

[1:47:34 PM](#)

EDDIE GRASSER, Lobbyist, Safari Club International Alaska Chapter, said the organization he represents supports all three candidates for the Board of Fisheries. He added that all three appointees would make a significant contribution to the constructive nature of the board and its ongoing duties.

CO-CHAIR TALERICO closed public testimony on Mr. Ruffner's appointment after ascertaining no one else wished to testify.

[1:48:23 PM](#)

REPRESENTATIVE OLSON advised he has known Mr. Ruffner for almost the entire time he has been in the Soldotna area. He said he wholeheartedly supported Mr. Ruffner's appointment last year and wholeheartedly supports him this year as he cannot think of a better person for the job.

REPRESENTATIVE SEATON noted he worked with Mr. Ruffner in the past and found his protection of habitat to be responsible and helpful for the entire fisheries resources on the Kenai Peninsula. He expressed his hope that that will translate into the Board of Fisheries and offered his support the confirmation.

REPRESENTATIVE JOHNSON referred to Mr. Ruffner's application and noted Mr. Ruffner had listed that his family would be affected financially by decisions made by the board. He requested Mr. Ruffner to explain.

MR. RUFFNER described it as a mistake last year that he thought had been corrected. He stated he does not have a conflict of interest, financial or otherwise.

REPRESENTATIVE TARR noted that Mr. Ruffner is from the Kenai area and is replacing the de facto Bristol Bay commercial seat. She recalled last session's discussion as to whether Mr. Ruffner was more of a commercial or sport person. She commented that Bristol Bay is Alaska's most important fishery and said she is hopeful that in the future there will be someone from that region back on the board, although she appreciates the Bristol Bay folks not opposing Mr. Ruffner's appointment due to loss of that seat.

[1:52:28 PM](#)

REPRESENTATIVE OLSON said there have been specific seats by type of fisheries, but never specific geographic seats. He opined that the Kenai Peninsula has never had a seat on the Board of

Fisheries even though it is engaged in a number of the major fisheries.

REPRESENTATIVE CHENAULT clarified that the Kenai Peninsula had a representative on the Board of Fisheries approximately 20 years ago. He noted his appreciation for there not being the usual opposition to the Board of Fisheries appointments. He said he has known Mr. Ruffner for a number of years and Mr. Ruffner exemplifies what he is looking for in a Board of Fisheries member, such as someone who can start in the middle. He opined that the public is not concerned whether a board member is a commercial fisherman or a sports fisherman, but that the person is on the board to protect and look after Alaska's resource. He said he does not know the other two gentlemen but has heard about them from different folks and thinks they all will do well on the Board of Fisheries.

CO-CHAIR TALERICO noted that after his brief experience watching the Board of Fisheries he appreciates anyone willing to put their name in and serve on the board as it is not easy.

[1:54:26 PM](#)

CO-CHAIR NAGEAK moved to advance the confirmations of Alan Cain, Israel Payton, and Robert Ruffner, appointees to the Board of Fisheries, to the joint session of the House and Senate for consideration. He reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection. There being no objection, the confirmations were advanced.

[1:55:04 PM](#)

The committee took an at-ease from 1:55 p.m. to 1:57 p.m.

SB 204-KENNY & PATTI BARBER SHOOTING RANGE
HB 371-KENNY & PATTI BARBER SHOOTING RANGE

[1:57:52 PM](#)

CO-CHAIR TALERICO announced that the next order of business is SENATE BILL NO. 204, "An Act naming a shooting range in the Knik River Public Use Area the Kenny and Patti Barber Shooting Range," and HOUSE BILL NO. 371, "An Act naming a shooting range

in the Knik River Public Use Area the Kenny and Patti Barber Shooting Range."

[1:58:28 PM](#)

DANIEL GEORGE, Staff, Senator Bill Stoltz, Alaska State Legislature, addressed the committee on behalf of the Senate State Affairs Standing Committee, sponsor of SB 204 and of which Senator Stoltz is the chair. He said Representative Cathy Tilton would discuss the companion bill, HB 371.

REPRESENTATIVE CATHY TILTON, Alaska State Legislature, addressed the committee on behalf of the House Community and Regional Affairs Standing Committee, sponsor of HB 371 and of which she is the chair. She presented a video clip of the shooting range proposed to be named the Kenny and Patti Barber Shooting Range. [The video clip played from 1:59:38 to 2:01:54.]

[2:01:54 PM](#)

REPRESENTATIVE TILTON explained that the Knik River Public Use Area is the 246,000 acre multiple use recreational area established by House Bill 307, passed in 2006. There was public outcry to try to clean up that area and a management plan was adopted that restricted shooting in some areas and created a shooting range. The shooting range was created with the assistance of Dan Sullivan, former commissioner of the Department of Natural Resources (DNR), the Office of Management & Budget (OMB), and the legislature, with the backing of the National Rifle Association (NRA) and funds committed from other groups. The intent is for a clean and safe place for people to go, with a state-of-the-art facility in one of the beautiful areas of Alaska. Turning to SB 204, she explained it honors Kenny and Patti Barber, fairly ordinary and unassuming individuals, who are described by DNR Deputy Commissioner Ed Fogels as "extraordinary stewards" of the land. Kenny and Patti Barber spent decades trying to put this together through community involvement and volunteering. They are one of the most dedicated husband and wife teams in Alaska when it comes to observing the traditions of hunting and fishing, with both of them involved in the Matanuska Valley Sportsmen and the Alaska Outdoor Council. They played a central role in forming the Alaska Outdoor Access Alliance, spearheading the creation of this area and shaping policy of the shooting range. Representative Tilton pointed out that it is named the Kenny and Patti Barber Shooting Range because it is alphabetical. There have been 6,699 visitors and the rules are posted at the range,

but no signs will be replaced until they are worn out so that funds can go straight into the shooting range. Therefore, she pointed out, the sign to honor Kenny and Patti Barber will probably not exist during their lifetime.

[2:08:29 PM](#)

REPRESENTATIVE CHENAULT recalled from the video that there are garbage cans. He asked whether there are restroom facilities or porta-potties.

HEATH HILYARD, Staff, Representative Cathy Tilton, Alaska State Legislature, confirmed there are blue porta-potties.

REPRESENTATIVE CHENAULT noted he is unsure whether construction is complete and how much further the plans will take the shooting range. He observed that the rules do not allow shotgun shot and so assumed there are no clay pigeons or birds to shoot.

MR. GEORGE responded that this is a slightly different shooting range than what most folks are familiar with, such as the Rabbit Creek Shooting Range in Anchorage where younger folks can be taught to shoot. The facility discussed within SB 204 is run by the Department of Natural Resources, not the Alaska Department of Fish & Game. The facility does not have staff from DNR, but is assisted by the land manager from DNR and the facility is run by volunteers.

[2:11:00 PM](#)

REPRESENTATIVE HERRON referred to Representative Tilton's comment regarding the order of names and asked whether people would prefer it be Patti and Kenny Barber.

REPRESENTATIVE TILTON replied that the order of Kenny and Patti Barber is fine, and that she was just pointing out that Patti volunteers a lot of her time and sometimes the woman behind the man is the one who backs him up.

REPRESENTATIVE CHENAULT offered to make a friendly amendment.

REPRESENTATIVE TILTON shook her head no.

CO-CHAIR TALERICO opened public testimony.

[2:12:27 PM](#)

JOHN STURGEON advised he knows Kenny and Patti Barber well and knows them to be tireless workers in supporting public access and especially in trying to establish a shooting range. He said he strongly supports SB 204.

ROD ARNO, Executive Director, Alaska Outdoor Council (AOC), offered his organization's support and said the AOC is "tickled to death" to have the name change for the shooting range. This is a unique area, he said, because the Knik River is at the edge of urban sprawl. The Barbers live close to this area and have worked to make this a public use area. Not only did they work to create the legislation to establish the public use area, but they continued implementing what was agreed upon in the legislation that established it. Alaska is fortunate to have a couple of folks interested in preserving outdoor traditions and willing to take a stand to make it safer, he said.

MIKE COONS testified in support of SB 204 and noted he is part of the volunteer group with Ken and Patti Barber. He described them as rock stars and stewards of the area and said they put this together and they work tirelessly every day cleaning it up. He remarked that during the last two times he was at the shooting range there were Dall sheep on the mountains that did not twitch once from the shooting. Ken and Patti Barber are humble and the quiet silent type, he said, but are getting the job done where everyone else would be making noise. He added that according to DNR, this winter there was an average of 400 vehicles driving to the range, which equates to 400 shooters per week this winter alone.

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

[2:17:33 PM](#)

REPRESENTATIVE SEATON stated he has reviewed the pictures and it is one of the nicest outdoor shooting ranges he has seen in Alaska.

CO-CHAIR TALERICO added that Kenny and Patti Barber are well known beyond their community and are well known in his community. They have been involved in more than this shooting range over the years, he noted, such as cleanup efforts along roadways and highways for which they've spent a lot of their own time and money.

[2:18:33 PM](#)

CO-CHAIR NAGEAK moved to report SB 204 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 204 was moved out of the House Resources Standing Committee.

[HB 371 was held over.]

[2:19:45 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:19 p.m.