

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

February 11, 2015

3:30 p.m.

MEMBERS PRESENT

Senator Cathy Giessel, Chair
Senator Mia Costello, Vice Chair
Senator John Coghill
Senator Peter Micciche
Senator Bert Stedman
Senator Bill Stoltze
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

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

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

SAM COTTEN, COMMISSIONER DESIGNEE
Alaska Department of Fish and Game (ADF&G)
Juneau, Alaska

POSITION STATEMENT: Presented overview of ADF&G.

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

POSITION STATEMENT: Related the license modernization effort taking place in his division.

ACTION NARRATIVE

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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 Costello, Wielechowski, Stedman, Coghill, Stoltze, and Chair Giessel.

Alaska Department of Fish and Game (ADF&G) Overview

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CHAIR GIESSEL announced an overview of the Alaska Department of Fish and Game (ADF&G) and invited Commissioner Cotten to the table.

SAM COTTEN, Commissioner Designee, Alaska Department of Fish and Game (ADF&G), Juneau, Alaska, said one the department's core services is managing the resources. It measures its success by level of commercial harvest, habitat permits issued, angler days, and user harvest. It participates in federal issues that affect the state. The more information they have the better job they can do of managing the resources.

He said the department provides another core service of stock assessment and research for meeting escapement goals, which addresses the sustained yield requirements of the constitution: meeting or exceeding threshold harvest or catch levels, performing wildlife surveys and research and performing subsistence surveys and research to help ensure sustainable and harvestable surpluses.

Their customer service and public involvement are core services that include program development to improve angling skills and to learn about wildlife and wildlife management, selling hunting and fishing licenses and providing a lot of information about hunting permit drawings. A lot of their public involvement has to do with the boards and advisory committees where the public has good opportunity to participate in the regulatory process as well as the advisory committee process.

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CHAIR GIESSEL asked if the boards are self-supporting.

COMMISSIONER COTTEN answered that the department provides some funding for the advisory committees and that the board support section of the budget has to do with funding the board's needs to travel, rent hotels, and hold meetings. Funding was not reduced in this budget round, but it was reduced in the past two

budgets. It was felt that reducing it more would too seriously affect the public's ability to participate.

CHAIR GIESSEL asked if fishing permits and licenses don't even come close to paying for the Board of Fisheries (BOF), do hunting license fees cover the Board of Game.

COMMISSIONER COTTEN replied that the money the state receives from fishing and hunting licenses goes into the Fish and Game Fund and those funds have to be used for either the Division of Wildlife or the Division of Sport Fish. Those divisions supplement the board support requirements in the budget.

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He showed a map of Alaska with their offices, but it didn't include a lot of the field offices that are seasonal, for instance for the weir and camp on the Deshka River. Hundreds of temporary people help with management activities like that.

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SENATOR MICCICHE joined the committee.

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COMMISSIONER COTTEN said the commissioner delegates some activities to the Deputy Commissioner; for example the Pacific Salmon Commission that is a treaty organization with Canada, Washington and representatives of the Washington Tribes.

Another very important extra responsibility is participation in the North Pacific Fisheries Management Council (NPFMC), which is what he has done for several years, but now, as commissioner, he will lead the state delegation on that council. It is an 11-member council that is one of several regional councils around the country that were established when the Magnuson Stevens Act provided for extended jurisdiction up to 200 miles. The regional council does the regulatory work for the federal waters. This includes codfish, pollock (the biggest biomass that is harvested in the Bering Sea), and dozens of other species. The halibut responsibilities are shared between the U.S. and Canada in a Treaty organization, although the NPFMC and the State of Alaska do some things with halibut, too. The State of Alaska manages crab under a federal plan in a combination of efforts.

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The department has fishery management plans that regulate things like bycatch levels. For example, in the Bering Sea, the state's effort has been to reduce the bycatch allowed by the trawl

fleets, because the halibut stocks are so far down that the directed fisheries - for example, in St. Paul - were down to almost nothing. They did the same thing with Chinook salmon bycatch limits in the Bering Sea.

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COMMISSIONER COTTEN said the Division of Commercial Fisheries manages all commercial, personal use and subsistence fisheries in state waters and some shell fish fisheries under delegation from the federal government. They do research, plan and permit salmon hatcheries and mariculture operations like oysters and mussels and negotiate fishing agreements subject to the Pacific Salmon Treaty and the Alaska/Yukon Treaty (requires a certain number of Chinook salmon to make it across the border into the Yukon). They participate in the Board of Fisheries process of which the commissioner is the ex-officio secretary, a non-voting member. The department always has a presence at the meetings in support of the boards.

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SENATOR STOLTZE said the FY16 proposed Division of Commercial Fish budget is a little over \$71.1 million and of that, \$51.7 million is from unrestricted general funds and incoming revenues are projected to be \$24.7 million (according to the Revenue Sources Book) and asked what his long-term goals were for having the largest private sector employer pay for all of their operations.

COMMISSIONER COTTEN answered that the long term goal is, if it's possible, to become pay as you go. There is interest in the outdoor community in proposing some options along those lines and there is a possible opportunity from the commercial fishing industry, but that might not be quite as voluntary. Who likes to pay taxes? But the commercial fishing industry recognizes that without a good management system in Alaska, they can't enjoy the success they have been having.

SENATOR STOLTZE asked how soon.

COMMISSIONER COTTEN said he didn't have a timeline, but time is running short.

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He showed a chart of the value of the commercial harvest in Alaska and stated that scientific management of the various fisheries contributes to the success of the seafood industry. Scientific management practices allow for the largest harvest

that can be biologically sustained over time. The ADF&G also plays a vital role by the adoption of regulations and fishery management plans in conjunction with the Board of Fisheries, fishermen, and processors. This provides an orderly fishery that produces high quality products in a cost effective manner for utilization by the seafood industry.

He reported that the 2014 commercial salmon fishery all-species harvest was 156 million fish with an estimated preliminary value of \$576 million.

COMMISSIONER COTTEN said the Division of Sport Fish is responsible for managing Alaska's sport fisheries as well as many personal use fisheries and some subsistence fisheries. They do fisheries enhancement through the two major hatcheries, one in Fairbanks and one in Anchorage. They maintain and improve boater and angler access for sport fishing and recreational opportunities. They give a lot of information to the public about recreational fishing opportunities, angler skills, management-related and conservation issues. It is the ADF&G lead on invasive species. It has three regional offices and 22 area offices.

SENATOR WIELECHOWSKI asked how likely it is that the decision that allows subsistence set netting halfway across the Kenai River by the Federal Subsistence Board can be reversed.

COMMISSIONER COTTEN responded that the department has a representative that sits on the Federal Subsistence Board as a non-voting member and four federal agencies have votes; three of those voted no and one voted yes. They were quite surprised and didn't have any advance warning that the National Park Service was going to vote in favor. He emphasized their conservation concerns about the details on where the nets will be placed; it could be on the spawning grounds or where it would affect other species. Geoff Haskett, Regional Director for the U.S. Fish and Wildlife Service (USFWS) in Alaska and he informed him that he, too, was surprised at that vote.

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He said that getting that vote turned around could be done through a reconsideration by the department, individuals, or maybe the legislature. Director Haskett suggested that the USFWS overturn it on an ANILCA compliance basis. ANILCA describes the purpose of the refuge, and if this isn't compatible with that purpose, then they can make a determination and disallow that

regulation; and that is what he is working on. But there is still plenty of time to request reconsideration.

SENATOR WIELECHOWSKI encouraged reconsideration of that decision and went on to another issue about salmon returns to the Susitna Drainage. He said it is about a two-hour drive to get to the Kenai and one hour to the Susitna, so they would prefer going to Susitna, but there has been a huge lack of fish coming back to that drainage. Changes were made at the Board of Fisheries last year and he wondered if they had gotten any data back on the effect of those changes.

COMMISSIONER COTTEN replied that he knew there was a good silver return, but he couldn't say if it was a result of the new regulations.

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SENATOR STOLTZE said Alaska statute provides that the Board of Fisheries "may" allocate among the uses, but it also says they "shall" provide the criteria on which to make those decision and asked if the board has the necessary tools to make those criteria decisions, particularly on the economic value of fisheries and its importance to a region.

COMMISSIONER COTTEN replied that information available to the department will certainly be available to the boards and that he hadn't heard any concerns expressed from board members that they were unable to get information that the department might have.

SENATOR STOLTZE said he was concerned that the economic studies on the benefits of sport fish uses had not been updated, and there is also an incredible lack of non-anecdotal data about personal use fisheries.

COMMISSIONER COTTEN said he had seen separate economic studies that show value as a result of the sport fishing industry, the personal use fisheries and the commercial fishing industries, and thought perhaps they could all be put altogether to make into one credible study as well as to have a comparison of existing fishing industries.

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SENATOR WIELECHOWSKI said the United Cook Inlet Driftnet Association (UCIDA) had filed a lawsuit that would allow the federal government to become more involved in management of the Cook Inlet, and asked if he knew the status of that lawsuit, and

whether or not it is appropriate to change the structure as UCIDA is suggesting.

COMMISSIONER COTTEN replied that he is very familiar with the lawsuit and dealt with that issue when he sat on the North Pacific Management Council (NPFMC). He explained that under the Magnuson Act, the federal government controls the waters beyond three miles, so many places in Alaska have been ceded to state government by the federal government for management for obvious reasons like a salmon run that might cross over a line into federal waters. There was concern that perhaps people would be able to fish out beyond three miles and not have to put up with any state regulations as long as they didn't land the fish in Alaska. That is one of the reasons the council decided it would be better to make sure that those authorities were with the State of Alaska. At that point, the state also said it would prefer to have comprehensive management of salmon. So, from the state and NPFMC's perspective the most logical thing was to allow salmon management within Alaska.

The argument from the advocates involved with the lawsuit suggested the Magnuson Stevens Act had national standards that should be considered by Alaska fish managers that had to do with a fishing community's sustainability, and perhaps if they were able to get those national standards at the table, their point of view might have carried more weight. He voted against that perspective as a member of the council, and his personal position is to allow the State of Alaska to have full management of the salmon.

SENATOR WIELECHOWSKI asked what actions the department is taking to minimize by-catch that is impacting returning king salmon.

COMMISSIONER COTTEN clarified that "bycatch" has more than one definition, but the one the council uses is a prohibited species that must be discarded or otherwise not kept for profit. In that regard, most of the by-catch takes place in federal fisheries, and as a member of the NPFMC, Alaska has a lot to say about that and has established by-catch limits in the Gulf of Alaska (that had not been there before the pollock industry) and for all other fishing in the Gulf (two different bycatch limits), and they will take final action in April to reduce Chinook salmon bycatch limits in the Bering Sea. They are also working on chum salmon bycatch restrictions in the Bering Sea. One of the problems, he explained, is if you get the fleets off of chum salmon they may have to move and land on the Chinook salmon, so they are forced to make some choices occasionally. From his and

now from the state's perspective they are being more aggressive on reducing bycatch. In June, they expect to take final action on some major halibut bycatch reductions.

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COMMISSIONER COTTEN said the chart on slide 10 surprised him when he discovered that there were more non-resident fishing licenses sold than resident. That's a good thing, because we enjoy a lot of visitors up here.

CHAIR GIESSEL said she is hearing from citizens that our fishing licenses are an incredible bargain and it's time to raise their price, particularly for non-residents.

COMMISSIONER COTTEN referenced the Carlson case that limited how much of a difference can be charged for a non-resident license, but he has an over-60 free license, which is really a bargain, and there are 87,000 of those. He said he had spreadsheets and statistics showing what all the states charge for different licenses and, by most accounts, Alaska is quite a bargain.

SENATOR MICCICHE said fishing is important in his district; a key industry is sport fishing guides and lodges and asked how the spread works between resident and non-residents in that regard.

COMMISSIONER COTTEN answered that some guidelines were used in the Carlson Case that required the State of Alaska to pay people back for having paid too much for their licenses and he would get those for him.

SENATOR STEDMAN said the state, in settling the Carlson Case, had to pay the attorney tens of millions of dollars and he would like to see the cost of hunting and fishing licenses for residents held to a minimum. A fundamental objective that Alaskans should have is access to and enjoyment of the great outdoors. It's not just for running around with your go-pro camera, but running around with your rifle and fishing pole. He likes not charging young Alaskans under the age of 16 to fish and hunt. He is just not interested in raising license fees for Alaskans.

SENATOR STOLTZE asked how much decreased opportunity there has been in Southcentral Alaska.

COMMISSIONER COTTEN said he would get that historical data for him.

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COMMISSIONER COTTEN said that the Division of Wildlife Conservation collects scientifically sound information and manages wildlife populations in Alaska on a sustained yield principle. Managers have to understand the animals Alaska has and the division has a lot of good scientific experts. It has a program that is intended to increase lower or declining ungulate populations through intensive management that has had good success. It helps maintain opportunities to hunt, trap and view wildlife; three shooting ranges conduct hunter education and safety programs.

SENATOR STEDMAN said the shooting ranges used to have a subsidy of \$360,000 a year and that needed to be reviewed at some point.

CHAIR GIESSEL said there is talk about a buffer zone around Denali National Park and asked what ADF&G is doing about maintaining state control of its lands and, therefore, hunting and fishing opportunities, as the federal government attempts to expand its land.

COMMISSIONER COTTEN answered that when he first got appointed to this job, he received a letter asking him to rescind a Board of Game action that allowed trapping in this buffer zone (that the state has authority over). Since the board had just made that decision, he declined to reverse it. It was an allocative issue that had a close vote. He suggested bringing any new information to the board and asking it to rule based on that.

He said the state is facing some pretty intense opposition to some of its management measures, both proposed and in place, and a lot of it has to do with intensive management. For example, the Board of Game wanted to extend a wolf hunting and trapping season, and that can be done on state land, but the federal government wouldn't allow it on refuge lands - suspecting the state's purpose was to increase moose or caribou populations, which they wouldn't allow. He is keeping a positive attitude, but hasn't had a lot of encouragement in meeting with the Park Service. Other meetings with the USFWS were coming up, too.

CHAIR GIESSEL asked how he would address the Endangered Species Act proposals.

COMMISSIONER COTTEN responded that he had a conversation with the director on that one and there is an interesting debate about wolves in Southeast. Some people want to refer to them as

the Archipelago Wolves and they aren't necessarily widely accepted as a distinct population. Prince of Wales Island has a lot of wolves and recently the board took action to limit the percentage of wolves that could be taken there on an annual basis. Green Peace had a proposal in to limit them to 30, but after hearing the state had a proposal to limit the numbers to 20, they quickly changed theirs to zero. The state has the responsibility of sustainably managing wolves and not causing their extinction or that of any other predators, and they probably won't be listed.

On the other hand, the state has had some "not so good" experiences over the years with Steller sea lions. A lot of the closures - that shouldn't have been - in the Aleutians seriously affected the fishing industry. It took a long time for the USFWS and the National Marine Fisheries Service (NMFS) to finally agree that they couldn't defend their case and many of those areas got reopened. "The struggle continues," he said.

CHAIR GIESSEL asked who will be the lead on addressing Endangered Species proposed designations.

COMMISSIONER COTTEN replied that he was very involved personally and he has a special assistant who is an attorney that has had some experience in that field and is coming up to speed pretty quickly. Some of the department staff has experience that will be used, as well, and they work closely with two attorneys from the Department of Law (DOL). They are currently involved with Ice Seals.

CHAIR GIESSEL said she heard the Department of Law is losing some of the attorneys who have been working on these federal overreach issues. They had seen some success, for example, the Bearded Seal designation.

COMMISSIONER COTTEN said there hadn't been a change of philosophy, and he couldn't comment on the DOL's budget.

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SENATOR STEDMAN said he was concerned about the federal government's 100-year view of invasive species, because he gets the impression that they view humans as the invasive species. Otters continue to proliferate and they are more invasive than humans.

COMMISSIONER COTTEN said Southeast Alaska isn't the only place with a few extra sea otters. Kachemak Bay used to have a lot of Dungeness and Tanner crab and shrimp, so he could relate to what

he was saying. He said he would be interested in working with Senator Stedman to see what could be done.

SENATOR STEDMAN added that it's pretty clear they can't have a bounty on otters as was done in the territorial days to thin them out. The state has to get the feds to at least do their research and keep accurate data on harvest numbers. Maybe the department could get back to him on some of the red crab surveys, as well.

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SENATOR MICCICHE asked his basic philosophy of where the management plans intersect and if there is any potential for improvement.

COMMISSIONER COTTON said he was keeping an open mind, but he hadn't had a lot of encouragement that he would have much success working with the federal agencies. But some meetings are currently set up to discuss some of these issues and he intended to give them a fair chance.

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SENATOR STOLTZE said there had been a lot of concern about proposals 207 and 208 regarding Dall sheep and a corresponding concern about a lack of information coming from the department in the upcoming Board of Game meeting.

COMMISSIONER COTTEN responded that the sheep issues will be predominant on the agenda and there will be a workshop Friday night that everyone can attend. All of the sheep proposals have to do with resident versus non-resident. But he would have to claim ignorance on whether the department has kept anything internal that should have been made public and promised to look into it.

He showed a graph indicating the big difference in non-resident versus resident hunting licenses and noted that the small uptick in resident hunting licenses might be the result of the department's hunter education programs.

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SENATOR STEDMAN said several years ago, he was surprised at the lack of both hunting and fishing licenses being sold in northern and western Alaska and asked for an update of those statistics, because they would be handy to have in discussing fee structures.

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SENATOR COGHILL said he also wanted to see histories of issues that require a tag or a specific license.

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COMMISSIONER COTTEN said the Division of Subsistence is primarily compiles and analyzes subsistence harvest information. People in the field actually go to villages, sometimes getting a local person to walk around and knock on doors with them. This is typically in the winter and they will end up sleeping at the school or wherever trying to get data in what is a "pretty personal" operation that takes a lot of time. But the data is extremely valuable and is used in a lot of areas.

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SENATOR STEDMAN, who represents a lot of subsistence communities, asked for subsistence numbers from around the state.

COMMISSIONER COTTEN replied that he would make sure to get back to Senator Stedman with that information.

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SENATOR STOLTZE said both personal use and subsistence are managed within the Division of Commercial Fisheries and asked his view of the similarities and differences between them, absent a federal definition. He said it was more of a philosophical question.

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COMMISSIONER COTTEN replied that those terms are defined by regulation.

He said the Division of Habitat has a new director, Tony DeGange, and it reviews applications, issues permits for activities in anadromous water bodies, fish bearing waters and legislatively designated special areas. It provides expertise to protect important fish and wildlife habitat, monitor and authorize projects, conduct compliance actions and maintain and revise the anadromous waters catalogue (important to industrial folks that need to know where to stay away from). It reviews proposed timber harvest activities and development projects (although it doesn't issue permits) and conducts applied research to develop methods and means to minimize impacts of development projects on fish and wildlife resources. It has six offices statewide.

CHAIR GIESSEL said Mr. DeGange has 30 years in the USFWS and USGS, both agencies that in some opinions overly protect federal jurisdiction in Alaska and asked if he was comfortable that he will have Alaska's best interest in terms of maximum use for Alaskans in mind.

COMMISSIONER COTTEN replied that he thinks Alaska is lucky to have Mr. DeGange in this position. He brings a lot of expertise with him and probably some ability on how to understand and work better with the federal agencies. He will also be a good advocate for Alaska.

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He said the Division of Administrative Services supports the other divisions' budget, accounting and IT. The Board Support Section has a person for the Board of Game and the Board of Fisheries. He really enjoys interacting with people at the Board of Fisheries on issues that they care a lot about.

SENATOR STOLTZE asked if he went as an interested citizen or as a compensated participant.

COMMISSIONER COTTON replied both. He did some work as an employee and later as a consultant for the Aleutians East Borough. Fishing is their only economy and one of his duties was to attend Board of Fisheries meetings and North Pacific Fisheries Management Council (NPFMC) meetings. He was later appointed to the NPFMC as a private citizen. He enjoyed working there and learned a lot.

COMMISSIONER COTTEN said a couple of independent agencies are the Commercial Fisheries Entry Commission (CFEC) and the Exxon Valdez Oil Spill Trustee Council.

SENATOR WIELECHOWSKI said he read the CFEC report and asked how it was generated and what actions he is taking at this point to enact any of the recommendations.

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COMMISSIONER COTTEN replied that his understanding is that last year Representative Seaton introduced a bill to get rid of CFEC. So, the department decided to do an independent review. They got it back, read it and decided to not make any changes, as it was a completed piece of work that the previous administration had initiated. They decided to put it out, let everybody see it and draw their own conclusions. He said it appears that some efficiencies could be gained, but cautioned that this commission

performs some extremely important functions that somebody would have to do, like registering and issuing permits for boats and people on an annual basis. Most of the proposed changes would require legislation.

SENATOR WIELECHOWSKI said it seems the CFEC has good people and it performs a necessary service and asked if he is going to lead the charge.

COMMISSIONER COTTEN replied that Representative Stutes said she was going to introduce a bill and he informed her they would be happy to work with her on it.

SENATOR MICCICHE asked if he had plans to look for more efficiencies in permitting through technology.

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TOM BROOKOVER, Acting Director, Division of Sport Fish, Alaska Department of Fish and Game (ADF&G), answered that the department had undertaken a licensing modernization effort that includes an on line store that will open within days. That will make it more efficient for people to apply and obtain licenses and other products in the future. His division is working on incorporating an electronic capability for personal use fresh water permits - for example, the Cook Inlet personal use fishery and the Chuitna dip net fishery - and couple it with an ability to report harvest electronically. It will be an option not a requirement. They are also working on a pilot electronic charter vessel log book program on the Kenai River.

SENATOR MICCICHE agreed with previous statements that it seems like CFEC is still a very manual process.

SENATOR STOLTZE cautioned against totally automating, because people buy a lot of gear where they buy their licenses.

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SENATOR WIELECHOWSKI asked when online harvesting for personal use will be ready to go and if he was getting complaints from people who have sent them in and are getting second and third notices. He sent his Copper River dip netting and Kenai River report in twice and that's not the first time it has happened.

MR. BROOKOVER answered that they are shooting for June for the online capability. He was not familiar with specific complaints about the paper system, but they do what they can to work with folks to minimize those.

SENATOR MICCICHE said the various user groups in his community have access challenges to the Kenai River and asked how he felt about the philosophy behind Exxon Valdez Oil Spill (EVOS) properties that are sealed off from public use or any level of development. Huge chunks of property along the Kenai River, specifically around the City of Soldotna, are off-limits.

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MR. BROOKOVER, the EVOS designee, explained Exxon Valdez Oil Spill Trustee Council is involved in purchasing land for habitat conservation reasons. In order to purchase land under EVOS guidelines, it has to add value to either the resources or the surfaces damaged by the spill. With those requirements there are requirements for habitat conservation. He was not aware of any hard and fast guidelines that prohibit some types of access. Some low scale development has taken place, such as board walks and signage. The importance of access to those properties and habitat conservation measures have been discussed recognizing the potential use that could be occurring there while still fulfilling the habitat conservation guidelines.

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SENATOR WIELECHOWSKI asked if he had any plans to file a motion with U.S. District Court to compel Exxon to honor their commitment to pay additional damages for the oil spill.

MR. BROOKOVER replied that is being currently considered in both the state and federal governments. A decision can be expected in about a year or so.

SENATOR STOLTZE asked him to comment on past EVOS expenditures now that a less money is available.

COMMISSIONER COTTEN said he would let Mr. Brookover respond on past expenditures and he offered to do more exhaustive work with the committee on this.

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He went on to the FY 2016 Budget by division and fund source and offered to answer questions on it.

SENATOR STOLTZE noted the 3.7 percent reduction for the Division of Commercial Fish and a 10-plus percent reduction for the Division of Sport Fish and asked about that evaluation process.

COMMISSIONER COTTEN replied that he was not prepared to respond to that right now, but he would like to go through the different reductions with him. He noted the full and part time positions and said since 2012, the overall department position count was down by 66 positions. He said the commercial component of the 2014 budget was \$576 million and the biggest component of that is in Bristol Bay. Kotzebue had a banner year for chum salmon, second largest on record; people hadn't seen a lot of those opportunities for quite some time.

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The department is currently implementing intensive management programs aimed at increasing caribou and moose numbers in portions of several game management units. It has allocated funds to support and intensified field monitoring and research to document population parameters to support, sustain and defend existing and new intensive management programs.

CHAIR GIESSEL asked for his plans going forward on unjustified Endangered Species listings by the federal government.

COMMISSIONER COTTEN replied that it would be on a case-by-case basis and, in fact, the Steller sea lion issue is not done. The state was on the prevailing side of recent litigation until the department was forced to open up some new fishing areas. Now, the same agencies are doing a brand new review of all critical habitat areas that were "amazingly" inspired by the delisting of the eastern sea lion populations. Now, they are concerned the federal government will head west. But they recently agreed to disclose all their new work products and to get a public and peer review before going out with a proposed rule.

CHAIR GIESSEL underscored that she didn't want the department to stand down on those issues, because the non-governmental organizations (NGO) won't.

COMMISSIONER COTTEN related how a recent proposal to create a brand new marine sanctuary that would have taken in the entire Aleutians, Alaska Peninsula and Bristol Bay was dropped.

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SENATOR STOLTZE asked what he thought were the department's failures or shortfalls, for instance meeting the harvest goals for moose in Game Management Unit 16.

COMMISSIONER COTTEN responded that Unit 16 is a pretty interesting subject, because there are three different

possibilities for hunts up there: a general hunt for a 50 inch bull (a regular hunting season that all can participate in), a drawing hunt for bull moose of less than appropriate size and a tier 2 hunt in the winter time that has received criticism, because a lot of moose are available in the winter time. They congregate along the rivers and migrate from other game units into the Susitna Yentna area. Last year hunters had a low level of success even though typically moose are easy to get, especially if you have a snow machine. He would look into that issue, because he didn't realize the numbers were down.

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SENATOR MICCICHE said that the commissioner has a tough job and that Alaska has changed. Groups are at each other's throats and he asked if he could make it better.

COMMISSIONER COTTEN replied that his goal was to diffuse polarized elements, a lofty goal that he didn't have a sure-fire plan to accomplish. One of the goals of this administration is to be transparent and let people see how decisions are being made. They want the face of ADF&G to be one of impartiality and science-based management. If those goals can be achieved, it will be a good start on a road toward less animosity.

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SENATOR MICCICHE wished Commissioner Cotton luck.

CHAIR GIESSEL thanked Commissioner Cotton for the overview.

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CHAIR GIESSEL adjourned the Senate Resources Committee meeting at 5:00 p.m.