

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

February 13, 2018

11:02 a.m.

MEMBERS PRESENT

Representative Louise Stutes, Chair
Representative Geran Tarr
Representative Mike Chenault
Representative David Eastman

MEMBERS ABSENT

Representative Zach Fansler
Representative Jonathan Kreiss-Tomkins
Representative Mark Neuman

COMMITTEE CALENDAR

HOUSE BILL NO. 272

"An Act establishing the Tangle Lakes State Game Refuge; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 149

"An Act relating to meetings of the Board of Fisheries and the Board of Game."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 272

SHORT TITLE: TANGLE LAKES STATE GAME REFUGE

SPONSOR(S): REPRESENTATIVE(S) JOSEPHSON

01/12/18	(H)	PREFILE RELEASED 1/12/18
01/16/18	(H)	READ THE FIRST TIME - REFERRALS
01/16/18	(H)	FSH, RES
02/13/18	(H)	FSH AT 11:00 AM GRUENBERG 120

BILL: HB 149

SHORT TITLE: BOARDS OF FISHERIES AND GAME MEETINGS

SPONSOR(S): REPRESENTATIVE(S) CHENAULT

03/01/17 (H) READ THE FIRST TIME - REFERRALS
03/01/17 (H) FSH, RES
02/13/18 (H) FSH AT 11:00 AM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE ANDY JOSEPHSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented a summary of HB 272.

LISA DELANEY, Staff
Representative Andy Josephson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 272 on behalf of the prime sponsor, Representative Andy Josephson.

ED KING, Legislative Liaison
Office of the Commissioner
Department of Natural Resources (DNR)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of HB 272.

CLIFF EAMES, Chair
Board of Directors
Copper Country Alliance
Kenny Lake, Alaska

POSITION STATEMENT: Testified during the discussion of HB 272.

TOM WRIGHT, Staff
Representative Mike Chenault
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of the sponsor of HB 149, Representative Mike Chenault.

ACTION NARRATIVE

[11:02:14 AM](#)

CHAIR LOUISE STUTES called the House Special Committee on Fisheries meeting to order at 11:02 a.m. Representatives Stutes, Tarr, Eastman, and Chenault were present at the call to order.

HB 272-TANGLE LAKES STATE GAME REFUGE

11:03:08 AM

CHAIR STUTES announced that the first order of business would be HB 272 HOUSE BILL NO. 272, "An Act establishing the Tangle Lakes State Game Refuge; and providing for an effective date."

11:04:07 AM

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, as prime sponsor of HB 272, explained the conceptual origin of the bill. He said he would not have known there was an interest in establishing the Tangle Lakes State Game Refuge if it had not been for others. The genesis of the bill comes from its supporters, who tend to hail from the Copper Center and Kenny Lake area, as well as Fairbanks. He stated that some Fairbanksans travel via the Richardson Highway for hunting and recreation, to Valdez for boating, and to the Copper River for dipnetting.

REPRESENTATIVE JOSEPHSON said this bill would create a game refuge east of Paxson and north of the Alaska Highway. The goal of proposed HB 272 was to protect hunting, fishing, and recreational experience for this area. The Nelchina caribou herd frequents this area in the fall, with game management unit (GMU) 13 being important to urban areas of Anchorage and the Matanuska-Susitna (Mat-Su) valley. He said he anticipated that hunting interests would support this bill. Today, Felicia Riedel provided the committee a letter of support, and his office has received dozens of letters of support for HB 272. Further, he said he had received one e-mail in opposition. Any mining claims that have already been filed in the area would be able to proceed just as they would without the bill, he said.

11:07:10 AM

REPRESENTATIVE JOSEPHSON stated that the proposed refuge was not near the Alpha Claims block, which will be covered in the presentation. Mining and oil activity could also proceed as it does now, but prospectively the area would be for hunting, fishing, and other recreation. He related that he met with Department of Natural Resources (DNR) and the Alaska Department of Fish & Game (ADF&G) officials to address whether to follow a contour of natural features; however, the DNR surveying team

suggested the border contained in proposed HB 272 as a more practical solution.

[11:08:35 AM](#)

REPRESENTATIVE EASTMAN asked for the size of the proposed refuge.

REPRESENTATIVE JOSEPHSON responded that the proposed Tangle Lakes State Game Refuge consisted of approximately 156,000 acres of state land.

LISA DELANEY, Staff, Representative Andy Josephson, Alaska State Legislature, began her PowerPoint presentation by stating that this area was an easily accessible, scenic, and popular area for Alaskans which was filled with resources [slide 2]. The area is popular for hunting, fishing, trapping, tourism, subsistence use, and other sports.

[11:10:12 AM](#)

MS. DELANEY turned to slides 3-4, titled "Places of Note," which read as follows [original punctuation provided]:

There are 4 main categories:

1. State Range Areas
 - Provide habitat protection for wildlife, primarily moose & bison
 - 2 statewide, 220,051 acres
2. Anadromous Waters Catalog
 - Important for Alaska's economy, lifestyle & environment
 - Receive special protections to ensure they continue to support abundant runs of fish
 - Thousands of miles of rivers, lakes, streams statewide
3. Controlled Use Areas
 - Restricts certain methods/means of harvest for some game species
 - 26 statewide
4. State Refuges, Sanctuaries, & Critical Habitat Areas
 - Protect rich fish & wildlife habitats

- Possess outstanding fish & wildlife-related recreational opportunities
- 32 statewide, 3.2 million acres
- 32 statewide, 3.2 million acres

MS. DELANEY referred to a map of the refuge on slide 5, titled, "The Area in Question" and to a map on slide 6, titled "Wait, where?"

[11:11:07 AM](#)

CHAIR STUTES related her understanding mining claims in the area would not be affected.

REPRESENTATIVE JOSEPHSON responded yes; the [current] mining claims would proceed as they otherwise would.

[11:11:21 AM](#)

MS. DELANEY directed attention back to slide 6, noting the location of Sevenmile Lake and Tangle Lakes in relation to the proposed refuge. She turned to slide 7, which read, in part, as follows [original punctuation provided]:

- GMU 13B
- Clearwater Creek Controlled Use Area (ADF&G)
 - Closed to motorized vehicles (1971)
 - Many moose in this portion of the Alaska Range
 - Nelchina caribou in area during summer & early fall
 - Popular for walk-in hunters
- Delta National Wild & Scenic River Corridor (BLM)
 - Habitat for 100+ species of migrating birds/waterfowl & various fish species
- Tangle Lakes Archaeological District (DNR)
 - Resulted from demonstrated valuable cultural resources
 - Land is managed to maintain range of recreational, scenic, educational, archeological & unique natural resource opportunities

MS. DELANEY said that game management unit (GMU) 13B lies within the proposed refuge as does Clearwater Creek Controlled Use Area (ADF&G), Delta National Wild & Scenic River Corridor (BLM), and Tangle Lakes Archaeological District (DNR).

MS. DELANEY discussed slide 8. She directed the committee's attention to area 18, circled in pink, and related that the Nelchina caribou herd was located there. She pointed out that it was the sixth largest herd in the state, with 46,500 individuals.

[11:12:49 AM](#)

MS. DELANEY turned to the next slide describing a section-by-section analysis of HB 272. Section 1 (a) consisted of seven pages describing the proposed refuge boundaries, provided by DNR, and primarily following the geography [slide 10]. The bill contains the legal description of the proposed refuge boundaries, she said. She stated that Section 1(b) describes the purpose of the game refuge, which is to provide permanent protection for fish, wildlife, and habitats. The proposed game refuge would preserve the rights for subsistence uses, hunting, and fishing, as well as recreational, scientific, aesthetic, and educational purposes. The purposes would be accomplished by managing human use and activities in a manner compatible with the previously listed purposes [slide 11].

[11:13:53 AM](#)

MS. DELANEY explained that Section 1 (c-f) of HB 272 would provide land use restrictions on mining - except for existing claims - and oil and gas development, unless the [DNR] commissioner deemed the development was compatible with the goals of the proposed refuge [slide 12].

[11:14:18 AM](#)

CHAIR STUTES asked whether this bill would allow expansion of existing mining claims. She said it says, "except for existing claims ..." She asked for clarification on how the bill would affect someone wishing to expand a mining claim. She asked whether they were precluded from doing so under the bill.

MS. DELANEY responded it would depend on the conditions of the claim. She explained that existing claims would continue as before. She offered to further research this but added that an individual would not be allowed to apply for a new claim.

CHAIR STUTES suggested she must be referring to permits and questioned whether the permittees would be eligible for

additional permit expansion. She asked the sponsor to research this and report back to the committee.

MS. DELANEY agreed to research and report back to the committee on expansion of mining permits and existing claims.

[11:15:23 AM](#)

REPRESENTATIVE EASTMAN said he previously thought there was a process for new mining claims [under the bill]; however, he now understood new claims would not be allowed.

MS. DELANEY agreed new mining claims would be prohibited.

REPRESENTATIVE EASTMAN further asked if a new mineral deposit was discovered whether mining the deposit would be prohibited under the proposed refuge.

MS. DELANEY agreed it would be prohibited.

[11:16:30 AM](#)

REPRESENTATIVE JOSEPHSON offered clarification on an earlier question. He referred to page 7, lines 21-24 of HB 272, which would allow existing claims to be pursued but would prohibit prospective claims. He acknowledged that this would not necessarily answer questions on expansions of existing claims. He offered to research and report back to the committee.

[11:16:56 AM](#)

MS. DELANEY continued reviewing slide 12, noting that HB 272 would prohibit the sale of state land within the proposed refuge boundary. She said that the DNR and ADF&G would have the authority to issue leases provided the leases were compatible with the goals of the proposed Tangle Lakes State Game Refuge. She stated the effective date of HB 272 was January 1, 2019.

[11:17:30 AM](#)

REPRESENTATIVE CHENAULT said that in reviewing the brochure [in members' packets] Alaska has 32 existing refuges that encompass approximately 3.2 million acres. The proposed Tangle Lakes State Game Refuge would add 156,000 acres in national sanctuaries, refuges, and critical habitat areas in Alaska.

REPRESENTATIVE JOSEPHSON answered that the figure of 32 existing refuges includes critical habitat, sanctuaries, and other set asides of various forms.

REPRESENTATIVE CHENAULT specifically referred to page 4, number 4 of the brochure, which stated "... 32 refuges, sanctuaries, and critical habitat areas encompassing 3.2 million acres. He reiterated that this would add 156,000 additional acres to that figure.

REPRESENTATIVE JOSEPHSON agreed that those figures sounded correct.

[11:19:09 AM](#)

REPRESENTATIVE EASTMAN asked for the reason to create the proposed Tangle Lakes State Game Refuge now and not just wait another ten to twenty years.

REPRESENTATIVE JOSEPHSON offered that a general allowance exists for mining on state lands unless specifically prohibited. He explained that HB 272, to create this proposed refuge, has been under consideration for some time by those residing along the Richardson corridor between Fairbanks and Valdez and east toward Chitina. Part of the appeal [of HB 272, creating the proposed refuge] was that currently there were not a lot of mining claims made in the proposed Tangle Lakes State Game Refuge area. He explained that once a vested interest was entered, a property interest would be formed, and it becomes a "vested interest," although he noted a legal debate exists on this. He said that some hunting, fishing, and other recreational interests would like to create a refuge. Anecdotally having spoken to some hunters in the area, he has found that these hunters would prefer to do so without mining claims adjacent to their recreational activity.

[11:20:45 AM](#)

REPRESENTATIVE EASTMAN further asked for the status of the general health of the [Nelchina caribou] herd and if the herd was increasing or decreasing.

MS. DELANEY said she was unsure but offered to research this and report back to the committee.

[11:21:41 AM](#)

ED KING, Legislative Liaison, Office of the Commissioner, Department of Natural Resources (DNR), said that the DNR's interpretation of HB 272 was that if the bill were to take effect that no additional claims could be entered, so no additional acreage in any form could occur. He explained that mining claims were not like leases that expand and contract but are staked and claimed. This bill would prevent any new claims from being made in the refuge area. He related his understanding that the ability to pursue the claims already in effect would continue to be allowed, which could include expansion of the types of activities happening on the existing claims; however, no expansion beyond the claim could happen.

[11:22:39 AM](#)

REPRESENTATIVE TARR asked for further clarification on whether the sponsor had any information on any prior efforts at this issue. She noted one letter of support in members' packets expressed hope that this bill would pass this year.

REPRESENTATIVE JOSEPHSON said he was unfamiliar with previous efforts to create the [Tangle Lakes State Game Refuge]. He offered his belief that this has "been brewing" for many years. He further offered to research this and report to the committee on any history of prior efforts to create a refuge.

[11:23:36 AM](#)

REPRESENTATIVE EASTMAN asked for the strategy behind the effective date.

REPRESENTATIVE JOSEPHSON said he was unsure of any strategy taken for the bill. He suspected that the Legislative Legal and Research Services attorney prepared it that way.

[11:24:28 AM](#)

CLIFF EAMES, Chair, Board of Directors, Copper Country Alliance, stated that the Copper Country Alliance was a regional conservation organization whose mission is to protect the rural and wild character of the Copper Basin, Wrangell Mountain area.

MR. EAMES wanted to discuss his experiences in the proposed refuge boundary, but since some discussion has arisen with respect to mining, he directed his comments to mining. He stated that the map in the presentation was from 2012. He related his understanding that as of the end of 2017 no valid

existing mining claims fall within the proposed Tangle Lakes State Game Refuge boundary. The remaining mining interests lie north of the proposed refuge boundary.

MR. EAMES pointed out that his organization has reviewed more than two decades of mining interests in the area and a "fair" amount of exploration activity. One of the larger mining companies, Anglo American, invested approximately two to four summers in exploration efforts, plus a Japanese international mining company worked for one or two summers, but both companies failed to find any commercially valuable deposits and the companies have left the area. He further recalled another company failed to find viable resources in the area and this history suggests a strong likelihood that there were not large, commercially valuable deposits within the boundaries of the proposed Tangle Lakes State Game Refuge. Now seemed to be an appropriate time to establish a refuge to primarily protect the Nelchina caribou herd, since that herd is of huge importance to a large swath of the state, including the Railbelt communities of Anchorage, Fairbanks, and the Mat-Su valley. Additionally, the Copper River Basin residents rely on caribou for their winter food.

[11:28:07 AM](#)

MR. EAMES said that he has frequented the area, having backpacked, gone on day hikes, and watched birds, caribou, moose, and grizzly bears. He has also picked blueberries, cranberries, enjoyed wildflowers and has been a "sightseer" on all his trips to the proposed refuge area.

MR. EAMES noted that tour buses come across the Denali Highway and stop at the Maclaren River Lodge for lunch, creating opportunities for that lodge. Typically, he and his wife stop at the Meiers Lake Roadhouse at Gakona enroute from Kenny Lake to the proposed Tangle Lakes State Game Refuge site, which again provides some economic benefits. He reported that the area supports excellent grayling fishing and three watersheds of Tangle/Delta, Gulkana, and Chitina that could be affected by large-scale mining. He offered his belief that large-scale mining would not be the "mom-pop" operations, but international, industrial mining with significant side effects. He strongly recommended passage of the bill by the committee with a recommendation of passage by the full house. The sustainable resources in this area far outweigh any possible benefits that mining might bring, he said.

[11:30:47 AM](#)

CHAIR STUTES stated that the bill has two attached zero fiscal notes. She announced that the bill would be set aside for a hearing at a future date.

[HB 272 was held over.]

[11:30:59 AM](#)

The committee took a brief at-ease.

HB 149-BOARDS OF FISHERIES AND GAME MEETINGS

[11:31:50 AM](#)

REPRESENTATIVE STUTES announced that the final order of business would be HOUSE BILL NO. 149, "An Act relating to meetings of the Board of Fisheries and the Board of Game."

[11:32:12 AM](#)

REPRESENTATIVE CHENAULT made a motion to adopt Amendment 1, labeled 30-LS0605\D.1, Bullard, 3/6/17, which read as follows:

Page 1, line 12:

Delete "a year"

Insert "**every five years** [A YEAR]"

Page 2, line 1, following "Sound":

Insert "**i**"

(5) Southeast"

[11:32:26 AM](#)

REPRESENTATIVE TARR objected for the purposes of discussion.

[11:32:54 AM](#)

TOM WRIGHT, Staff, Representative Mike Chenault, Alaska State Legislature, stated that the proposed language was suggested by the Southeast Alaska Fishermen's Alliance. This language would clarify that board meetings would take place every five years under AS 16.05.300(b). He was unsure why Southeast Alaska had been included in the areas listed. He stated that Yakutat was removed from Prince William Sound and Southeast was added as another region.

[11:33:39 AM](#)

REPRESENTATIVE TARR removed her objection, but commented it seemed strange to be amending the bill before hearing about the bill.

CHAIR STUTES explained that Amendment 1 was a technical fix; that the bill affects five areas in Alaska, yet Southeast Alaska was omitted.

[11:34:16 AM](#)

REPRESENTATIVE EASTMAN asked for further clarification whether the bill would require the board to meet once every five years in each of these five [regions].

MR. WRIGHT answered yes; that is correct.

[11:34:44 AM](#)

There being no further objections, Amendment 1 was adopted.

[11:35:08 AM](#)

REPRESENTATIVE CHENAULT stated that HB 149 related to the meetings of the Board of Fisheries and the Board of Game. This bill would propose two changes. First, it would change the three-year meeting cycles for management of a specific fishery to five years. Secondly, it would add Kenai to the Southcentral region as a location to hold Board of Fisheries meetings.

REPRESENTATIVE CHENAULT explained that the main reason he was advocating for a change from the three-year meeting cycle to a five-year meeting cycle was to determine whether proposals adopted by the Board of Fisheries were working. A three-year cycle was simply too short of a timeframe to determine whether a policy adopted by the board was beneficial to the resource and the many user groups dependent on salmon, especially since most salmon runs range from three to seven-year cycles.

REPRESENTATIVE CHENAULT said that the Board of Fish or Game could still meet under emergency order to address those situations. The Commissioner of Alaska Department of Fish & Game (ADF&G) or two or more board members could also call a meeting.

REPRESENTATIVE CHENAULT explained the second change, noting that the board has not met on Upper Cook Inlet (UCI) issues in the Kenai-Soldotna area since 1999. These UCI issues have a direct impact on Kenai Peninsula residents as well as the rest of Southcentral Alaska. Although he said he was not against holding meetings in Anchorage or the Mat-Su areas, he believed due the impact on commercial fishermen and all user groups in the Kenai Peninsula area, that it was imperative they meet on a regular basis on the Kenai Peninsula area.

[11:37:29 AM](#)

REPRESENTATIVE EASTMAN asked for further clarification on whether the Kenai or the Mat-Su area would qualify for the meeting.

REPRESENTATIVE CHENAULT answered that was correct.

[11:37:49 AM](#)

CHAIR STUTES directed attention to the fiscal note in members' packets, noting that the bill has a cost savings to the state. She announced that the bill would be set aside for a future date at which time public testimony would be taken.

[HB 149 was held over.]

[11:38:44 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 11:38 a.m.