

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

February 6, 2017

1:05 p.m.

MEMBERS PRESENT

Representative Andy Josephson, Co-Chair
Representative Geran Tarr, Co-Chair
Representative Dean Westlake, Vice Chair
Representative Harriet Drummond
Representative Justin Parish
Representative Chris Birch
Representative DeLena Johnson
Representative George Rauscher
Representative David Talerico

MEMBERS ABSENT

Representative Mike Chenault (alternate)
Representative Chris Tuck (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 40

"An Act prohibiting and providing penalties and civil remedies for trapping within 200 feet of certain public facilities, areas, and trails; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 6

"An Act establishing the Jonesville Public Use Area."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 40

SHORT TITLE: TRAPPING NEAR PUBLIC TRAILS

SPONSOR(S): REPRESENTATIVE(S) JOSEPHSON

01/18/17	(H)	PREFILE RELEASED 1/13/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	RES, FIN
02/06/17	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 6

SHORT TITLE: JONESVILLE PUBLIC USE AREA

SPONSOR(S): REPRESENTATIVE(S) RAUSCHER

01/18/17	(H)	PREFILE RELEASED 1/9/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	RES, FIN
01/27/17	(H)	RES AT 1:00 PM BARNES 124
01/27/17	(H)	Heard & Held
01/27/17	(H)	MINUTE(RES)
02/06/17	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

MEGAN ROWE, Staff
Representative Andy Josephson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Josephson, sponsor, explained the differences between HB 40 Versions D and O, and the committee substitute for HB 40, Version U.

KEN GREEN
Cooper Landing, Alaska

POSITION STATEMENT: Testified during the hearing of HB 40.

LYNN MITCHELL, President
Alaska Safe Trails
Palmer, Alaska

POSITION STATEMENT: Testified during the hearing of HB 40.

PAT O'BRIEN
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing of HB 40.

SCOTT LAPIENE, President
Mat-Su Trails Council, Inc.
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 40 as originally drafted.

LYNNE WOODS
Sutton, Alaska

POSITION STATEMENT: Testified in support of HB 6.

ACTION NARRATIVE

[1:05:41 PM](#)

CO-CHAIR ANDY JOSEPHSON called the House Resources Standing Committee meeting to order at 1:05 p.m. Representatives Josephson, Birch, Drummond, Johnson, Parish, Rauscher, Talerico, Westlake, and Tarr were present at the call to order.

HB 40-TRAPPING NEAR PUBLIC TRAILS

[1:06:22 PM](#)

CO-CHAIR JOSEPHSON announced that the first order of business would be HOUSE BILL NO. 40, "An Act prohibiting and providing penalties and civil remedies for trapping within 200 feet of certain public facilities, areas, and trails; and providing for an effective date."

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CO-CHAIR TARR moved to adopt the committee substitute (CS) for HB 40, Version 30-LS0168\U, Nauman/Bullard, 2/6/17 [as the working document].

[1:08:24 PM](#)

REPRESENTATIVE TALERICO objected for discussion purposes.

CO-CHAIR JOSEPHSON passed the gavel to Co-Chair Tarr.

[1:08:30 PM](#)

The committee took an at ease from 1:08 p.m. to 1:09 p.m.

[1:10:10 PM](#)

MEGAN ROWE, Staff, Representative Andy Josephson, Alaska State Legislature, speaking on behalf of Representative Josephson, sponsor, provided a summary of changes made by the committee substitute (CS) for HB 40, Version U. The original version, Version D, was incorrectly labeled as a sponsor substitute, so changes in Version D and Version O were redrafted as CSHB 40, Version U. Version U adds Section 1, which imposes a requirement that a tag issued by the Alaska Department of Fish & Game (ADF&G) be affixed to a trap, and adds a violation penalty provision. The second change is that the bill more narrowly defines areas near which people cannot place traps to within 200 feet of a campsite, recreational beach, roadside rest, scenic site or other public facility or area, and a public trail to

those that are developed or improved by public funds. Also, Version U removes a reference to the statute that created all state parks, and thus restricted trapping in all state parks. She stated the intent of the bill is to narrow the areas where trappers cannot trap to places that are frequently peopled and to places that the government has maintained, developed, and improved. The bill leaves public land areas where trappers have made trails, and trails that have not been improved by the government, still free for trapping within 200 feet.

CO-CHAIR TARR directed attention to materials found in the committee packet further describing the aforementioned changes.

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REPRESENTATIVE TALERICO removed his objection, and pointed out that the committee is adopting a committee substitute without hearing the original bill.

REPRESENTATIVE BIRCH asked for clarification of the distinction between a committee substitute and a sponsor substitute.

CO-CHAIR TARR explained that changes in a bill made by a committee substitute become the working document. This is not an endorsement, and after a motion is made to move the bill out of committee, members can vote as they wish.

REPRESENTATIVE BIRCH expressed his interest in learning whether the problem addressed by the bill is a recurring problem in District 17 and other parts of Anchorage.

REPRESENTATIVE RAUSCHER asked if permission from the original sponsor is required prior to drafting a committee substitute.

CO-CHAIR TARR responded that the bill sponsor is Representative Josephson, who supports the committee substitute.

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CO-CHAIR JOSEPHSON informed the committee he represents 17,000 residents of Anchorage, however, as a member of the committee and of the legislature, he is compelled to deal with issues from all over the state. Although one may believe that the sponsor of the bill would be active with dog or pet organizations, this is untrue; in fact, the reason he has sponsored the bill is due to the many documented instances throughout Alaska - in the last four to five years - of animals other than the target species

caught in traps, and concerns for potential harm to human life. The bill is supported by thousands, as evidenced by a Matanuska-Susitna (Mat-Su) Valley petition signed by 3,500 that would remove two trails [from trapping]. Mat-Su has experienced population growth and there is an outcry supported by three members of the Mat-Su Borough Assembly to try to protect domestic animals, children, snow machine riders, and sled dog teams. The problem is unresolved because other than in the Fairbanks North Star Borough, there have been no adequate compromises. Representative Josephson related his own experience before the Board of Game (BOG), ADF&G, is that a proposal offered to remedy this problem before BOG will be unsuccessful as the board does not represent the diverse interests of Alaskans, but represents the consumptive interests of outdoorsmen, and he provided an example. He agreed trapping can be the purview of BOG, but it is also the purview of the legislature. The bill requires that in a described public trail and related places, one cannot have a trap that can kill a dog - he acknowledged that there are traps that don't kill dogs - within 200 feet. Often when dogs are trapped, there is a violation of leash laws; however, leash laws vary by geography, in relation to electronic collars, and for working animals in training. Further, the punishment for the violation of a leash law is not the dog's death.

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CO-CHAIR JOSEPHSON recalled relevant case law and gave an example. He cautioned the issue is getting more intense, particularly in Mat-Su. The bill requires traps to be moved off of public trails for 200 feet, and he suggested a forthcoming amendment would include school property. He concluded the trapping community will continue to use 99 plus percent of the opportunity available and the public would be better protected.

REPRESENTATIVE BIRCH asked whether identification tags have ever been required on traps - in a manner similar to crab pots - and suggested that ADF&G could impose regulations to do so.

CO-CHAIR JOSEPHSON expressed his belief ADF&G holds statutory authority, but BOG "has currently stripped away that requirement." Opponents to the bill may believe dog walkers would deliberately move a trap so it merits sanction, or disgruntled dog owners would call ADF&G and harass trappers.

REPRESENTATIVE WESTLAKE suggested ordinances addressing this issue are better suited at a local, borough, or municipal level

rather than statewide legislation which would have implications for all districts.

CO-CHAIR JOSEPHSON agreed the language of the bill could be improved to satisfy both interests. In the Fairbanks North Star Borough, traps must be marked, but the trails would have to be developed and improved by government. He opined that boroughs have not been responsive to media coverage on this issue, and BOG will not seriously consider a non-consumptive concern. He agreed trapping is part of the state's heritage and culture; however, people need a remedy.

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REPRESENTATIVE TALERICO asked to review [Alaska Statutes] Title 29 related to homerule, first class, and second class municipal governments to better understand municipalities' abilities to respond.

CO-CHAIR JOSEPHSON referred to legal memoranda supplied by the Mat-Su Borough attorney stating that the borough has no authority to issue regulations in this regard [memoranda not provided]. He offered to provide an analysis on the rules in Anchorage, and the differences between municipalities and boroughs.

REPRESENTATIVE JOHNSON noted "the Mat-Su Borough did have this before them and voted. It did not pass." She expressed her concern about seeking a statewide solution to a local problem; populated areas located near wilderness invite this type of conflict. Her personal experience is the identification of traps is a separate issue, and also one that would require a fiscal note to implement a registry system.

CO-CHAIR JOSEPHSON said there may be a way to fashion the bill to satisfy different types of areas in the state. Regarding a fiscal note, the bill requires the tags to be self-funded, thus a small fee would fund the resources needed by ADF&G.

REPRESENTATIVE TALERICO directed attention to [page 2, lines 6 through 10] Section 2, paragraph 1, identifies within "200 feet [of] a developed or improved campsite." He pointed out there are registered guides who hold Department of Natural Resources (DNR) permits for developed campsites well beyond the road system that would be covered by this definition. Also, scenic sites in Alaska are too numerous to list and therefore the definition is too broad.

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CO-CHAIR JOSEPHSON explained that scenic sites are previously defined in law. Regarding "off system campsites of a guide," the bill is focused on developed and improved public facilities such as accessible sites near Russian Creek or Cooper Landing, which are completely open to trapping. In further response to Representative Talerico, he agreed that the language as currently written may not be accurate.

REPRESENTATIVE PARISH asked what proportion of the aforementioned incidents involved leg-hold traps.

CO-CHAIR JOSEPHSON responded the majority are leg-hold, foot-hold, conibear, and snare traps that are not box traps to keep the animal alive. Some are crushing devices. In further response to Representative Parish, he said none of the incidents involved noose traps.

REPRESENTATIVE BIRCH expressed his concern with the "urban/rural divide" in which those living in urban areas seek to change the way others live in rural Alaska. He suggested working with ADF&G to identify traps, and said this is not a concern in South Anchorage. Representative Birch cautioned the bill would affect a subsistence lifestyle in rural parts of the state.

CO-CHAIR JOSEPHSON observed South Anchorage abuts Chugach State Park, where the issue has surfaced. He acknowledged the difficulty defining subsistence, as the Mat-Su and Kenai areas are both urban and rural. Research into this issue revealed that 10 years ago, and perhaps still, this issue was seen as a blemish on good, ethical, trapping, and he said a trapping group in Delta Junction is supportive of portions of the bill.

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REPRESENTATIVE BIRCH noted poor behavior is widespread and said he is interested in hearing from all viewpoints.

REPRESENTATIVE WESTLAKE stated subsistence trapping is a way of life in his, and other, prime trapping areas and he cautioned against adding an extra burden for trappers at licensing. He expressed his interest in hearing testimony from BOG as it has been working on this issue for about 10 years.

REPRESENTATIVE JOHNSON spoke of her personal experience trapping and said that "a trap being set so close to a trail, it goes against everything I was ever taught about ... trapping and things like that." She noted identification tags on traps can be difficult and requested further information on the actions taken by the Mat-Su Borough, the powers held by local government, and pertinent testimony from ADF&G.

REPRESENTATIVE RAUSCHER inquired as to whether trapping and affected sportsman's groups have offered, or been approached to offer, solutions.

CO-CHAIR JOSEPHSON related one question by trappers is whether new trails made to access traps would be included in the scope of the bill. The answer is no, because the new trails would not be state or locally maintained public trails. In Kenai, groups have tried to resolve the issue by self-policing and through signage but the compromise failed, therefore, the dog owner user group's view is a law is needed because the problem is ubiquitous.

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REPRESENTATIVE RAUSCHER said he is searching for consensus on how to write a law amongst all of the user groups.

REPRESENTATIVE WESTLAKE suggested rather than an attempt at a statewide resolution, ADF&G use game management units to act specifically with municipalities and boroughs for local management.

CO-CHAIR JOSEPHSON opined 10 or 15 years ago, ADF&G and BOG were more sympathetic to the "non-consumptive side."

REPRESENTATIVE JOHNSON pointed out that people steal traps and game. She inquired as to how ADF&G would implement the identification process and determine ownership.

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CO-CHAIR TARR opened invited testimony on HB 40.

CO-CHAIR TARR returned the gavel to Co-Chair Josephson.

[1:55:14 PM](#)

KEN GREEN informed the committee he is involved in the trapping issue because his dogs were caught in traps on a beach near a town. The issue will take a lot of detailed work to progress. Speaking from his personal experience, the Alaska Trappers Association (ATA) and BOG have sidestepped the issue for many years. Mr. Green submitted proposals to BOG with the intent to narrow the scope and reach a compromise with local trapping interests; however, his proposal was not heard. He restated there is no cooperation from ATA and during multiple meetings, BOG would not hear proposals, including discussion about using smaller traps close to town. Further, if a proposal is taken to BOG it can be rejected without debate or work toward a compromise, and he provided an example. Mr. Green opined the only approach to solve the problems is HB 40. He cautioned there will be more numerous and egregious conflicts in the future and the two opposing sides must be brought together.

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MR. GREEN, in response to Co-Chair Josephson, said his puppy was caught in a trap on Waikiki Beach and he kept the trap; another dog was caught in a snare close to town, and another under a powerline. He then formed a group in Cooper Landing called Footloose Alaskans that proposed to BOG 250-foot setbacks on certain trails, which encompassed a large area. As a result, signage was placed informing users trapping was not recommended in certain areas.

REPRESENTATIVE BIRCH asked whether the witness has approached local government to identify areas.

MR. GREEN said he went to a [Kenai Peninsula] Borough meeting in Soldotna, where members were unaware of the problem, and was told there was nothing they could do.

2:12:19 PM

LYNN MITCHELL, President, Alaska Safe Trails, informed the committee her organization has been advocating for changes regarding trapping in highly populated areas and along high use recreational trails for about four years. In response to Co-Chair Josephson, she said the Mat-Su Borough Assembly has not made a decision on traps near trails at this time. Although her organization presented petitions to the assembly approximately one year ago related to two popular trails and school property, it has made no presentation to the assembly. In further response to Co-Chair Josephson, she said three of seven assembly

members have expressed sympathy to her organization's position. Ms. Mitchell opined the issue must be solved legislatively on a state level because incidents continue to be reported that local recreational trails are being used as trap lines, against ADF&G guidelines. She said residents are unaware of the frequency of these incidents; in fact, the Mat-Su animal shelter has two spaces for animals in traps. Due to the increase in population, trail use has increased, as have encounters. Unethical trappers are "lazy" and incidents are happening throughout the state along trails that are established for recreational uses such as hiking and skiing. Ms. Mitchell gave an example. She advised 0.4 percent of the state's population is controlling 99.6 percent of the use of public land in winter. A brochure distributed by ADF&G advises residents to leave an area if a trap line is encountered; in fact, hikers with pets are encouraged to pack rope, wire, zip-ties and other equipment necessary to save a dog or a person from a trap.

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CO-CHAIR JOSEPHSON added that ADF&G recommends the aforementioned precautions and teaches pet owners how to free a pet from a trap.

MS. MITCHELL opined most pet owners would not be able to save a pet from a conibear trap or a snare. She said a leash law is no defense because there is no statewide leash law, with the exception of some areas of state parks; in addition, electronic collars are legal. Further, search and rescue, hunting, and sled dogs are exceptions to a leash law and have been trapped.

REPRESENTATIVE JOHNSON noted the bill may have financial implications and asked "Is anyone really making a living trapping by the trails in the valley or is it just hobby trapping?"

MS. MITCHELL said the code of ethics [document not provided] for trapping directs that trapping should be concentrated in areas where animals are overabundant for the supporting habitat, and opined this is not applicable to an urban trail system. Speaking from her experience as a certified public accountant, she said she lost clients after forming Alaska Safe Trails and concluded the former clients are trappers who do not claim income thus trapping is not for subsistence purposes in urban areas. In the last 19 years, BOG has received 88 proposals for setbacks on trails and none have passed.

[2:28:04 PM](#)

REPRESENTATIVE BIRCH said he has a license to trap which he keeps as an option. His concern is the initiative may be directed at eliminating trapping; in addition, highly populated areas have a form of local governance that is attuned to issues within its community.

CO-CHAIR TARR questioned whether pertinent requirements on federal public land are effective.

MS. MITCHELL was unaware of requirements on federal public land.

REPRESENTATIVE RAUSCHER inquired as to the stance of the Mat-Su Borough Assembly.

MS. MITCHELL said the Alaska Trappers Association (ATA) in Fairbanks intervenes in local affairs and read from a document [document not provided].

CO-CHAIR JOSEPHSON, in response to Representative Rauscher, said he has been told the Mat-Su Borough could not act, but only the state could intervene, and offered to research [Alaska Statutes] Title 29.

[2:34:28 PM](#)

REPRESENTATIVE WESTLAKE read from a document found in the committee packet dated 1/8/17, as follows:

As suburbia replaces frontier, Mat-Su considers restricting trapping for the first time ... numerous Alaska towns and cities already restrict trapping in some way including Anchorage, Valdez, Fairbanks, and Juneau, but efforts to address trail conflicts outside city limits have run into opposition around the state.

REPRESENTATIVE WESTLAKE suggested other viewpoints are to make local control the option.

MS. MITCHELL pointed out statewide legislation creates uniformity. For example, the state took the step to consider the welfare of pets during a divorce.

[2:37:13 PM](#)

PAT O'BRIEN informed the committee she has lived in Alaska for almost 50 years in Hoonah and Juneau. Last year she presented a proposal to BOG which was rejected. The proposal included a 200-foot setback [near trails] similar to the bill. Ms. O'Brien referred to the March 2016, BOG meeting at which Juneau's rule for trapping tags was removed and at which Proposal 78 by the Alaska Trappers Association was passed. Proposal 78 proposed removal of all requirements for identification tags on traps and snares, and a statement of legislative intent in opposition to future implementation of any regulations requiring trap identification tags.

CO-CHAIR JOSEPHSON asked for clarification that Juneau had a local policy which a statewide commission overrode, and also on the legislative statement.

MS. O'BRIEN said Proposal 78 read in part as follows [document not provided]:

Legislative intent in opposition to future implementation of any regulation that would require trap ID tags.

MS. O'BRIEN spoke in support of CSHB 40 and cautioned there will be a lot of opposition from trappers. She read further from Proposal 78 related to Section 1 of the bill, and stated during a meeting of the local advisory committee to BOG a crab fisherman noted crab pots are required to have identification (ID) tags. She recalled recently in Juneau traps were placed near buildings in Auke Bay but because there was an ID tag, the trapper was caught, and she expressed her support of ID tags on traps. Finally, she opined trappers are concerned about the potential for uneven enforcement, which is a concern about all laws and regulations. Turning to Section 2, Ms. O'Brien said Section 2 of the bill is well-crafted and directs ADF&G to further identify areas where trapping is prohibited. As an aside, she advised 200 feet is about 40 paces for an average person. She expressed her support for Section 2, subsection (c), and related a personal experience of dogs attracted to baited traps. She closed, noting that the ADF&G Trapping Regulations booklet [document not provided] advises trappers to minimize conflict between trappers and other users by avoiding high recreational use areas; however, the trappers' code of ethics [document not provided] does not contain a like provision.

[2:45:10 PM](#)

REPRESENTATIVE BIRCH inquired whether the use of radio frequency (RF) tags, which allow remote monitoring, has been considered. He expressed his support for tagging traps.

MS. O'BRIEN agreed RF tags are a great idea, but are very expensive.

REPRESENTATIVE JOHNSON questioned whether a trapper would mark a certain number on each trap, or if individual traps would be registered.

CO-CHAIR JOSEPHSON opined a tag would be purchased for each trap which would correlate with the owner of the trap.

REPRESENTATIVE JOHNSON cautioned purchasing an ID tag for each trap would be more complicated.

REPRESENTATIVE WESTLAKE expressed his interest in learning how Anchorage and other cities accomplished tagging. He also sought testimony from BOG on its delay or conclusions in this matter.

[2:47:36 PM](#)

CO-CHAIR JOSEPHSON announced HB 40 was held over with public testimony open.

HB 6-JONESVILLE PUBLIC USE AREA

[2:48:02 PM](#)

CO-CHAIR JOSEPHSON announced that the final order of business would be HOUSE BILL NO. 6, "An Act establishing the Jonesville Public Use Area."

[2:48:24 PM](#)

SCOTT LAPIENE, President, Mat-Su Trails Council Inc., informed the committee the Mat-Su Trails Council is a nonprofit trails organization that has been in existence for about 20 years. Mat-Su Trails Council has a long history in the Eska area, assisting in the development of multi-use trails, construction of a hiking trail, rebuilding sections of the all-terrain vehicle (ATV) trail and signage for multiple use: hiking, ATV, and off-road vehicles. The council also brushed trail between Sutton and Buffalo Mine Road. He provided brief information on his personal experience. Mr. Lapiene recalled the original

intent of the [Jonesville/Slipper Lake Action Committee] that proposed this legislation was to address public safety from uncontrolled shooting. Attendees from the Alaska State Troopers (AST) and the Division of Mining, Land & Water, DNR, explained AST is "spread thin" and DNR has no enforcement authority for activities in the area. Mr. Lapiene advised the Knik River Public Use Area was held as an example of a formerly out-of-control area for which legislation was passed and a management plan was created, with a fiscal note, authorizing DNR with specific enforcement authority and thereby improving recreation and use of the area. He observed the members of the Slipper Lake committee do not want to change or restrict activities in the area; furthermore, a mining reclamation group has invested several million dollars creating campgrounds, and the council has counted over 400 campsites around the lake on a busy weekend. The majority of campers are recreating with ATVs, motorcycles, and other vehicles.

[2:52:34 PM](#)

CO-CHAIR JOSEPHSON asked whether Mr. Lapiene supports the bill.

MR. LAPIENE expressed support for HB 6 and urged the committee to leave the motorized components of the bill as originally drafted.

REPRESENTATIVE RAUSCHER asked for the reasons Mr. Lapiene opposes the forthcoming amendments.

[The referenced amendments were not before the committee.]

MR. LAPIENE referred to a forthcoming amendment containing the language "on trails designated and constructed for their use." He said there are 10 miles of trails in the Mat-Su Borough constructed for ATV use; the existing trails are from legacy mining, forestry, and trapping, and it is unlikely trails will be constructed specifically for motorized use. He cautioned an additional forthcoming amendment containing the language "to correct existing damage and minimize future" may deny access or limit the opportunity to create new trails because of the expense.

CO-CHAIR JOSEPHSON surmised there is no money to enforce the proposed new management plan, thus the amendment is aspirational.

MR. LAPIENE warned if the language is included in the bill it would be law, and could be interpreted as such. He suggested the aforementioned language would be more appropriate in a management plan.

[2:56:51 PM](#)

LYNNE WOODS urged support for HB 6 because members of the Sutton community will benefit from the legislation as will all users of the public lands in the Jonesville area. She said she is a lifelong resident who lives on the Jonesville Mine Road. Creating a public use area will provide DNR, the Mat-Su Borough, and the community a tool to effectively manage the area. She related her experience at the time the Knik River Public Use Area was created, which was in response to "the very same concerns." Ms. Woods stated the legislation is needed and urged for its passage. She expressed regret at the lack of funding.

REPRESENTATIVE RAUSCHER asked Ms. Woods to explain why a public use area designation is needed to accomplish her stated goal.

MS. WOODS explained with the authority of a public use area [designation], a management plan can be established. She recalled in the past access to various recreation areas have been realized after DNR was granted a public use area and has the tools to proceed with the help of the Mat-Su Borough.

[3:02:04 PM](#)

[CO-CHAIR JOSEPHSON announced HB 6 was held over with public testimony open.]

[3:03:11 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:02 p.m.