

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

February 15, 2017

1:08 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. 105

"An Act establishing the Gordon Haber Denali Wolf Special Management Area."

- HEARD & HELD

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

PREVIOUS COMMITTEE ACTION

BILL: HB 105

SHORT TITLE: DENALI WOLF SPECIAL MANAGEMENT AREA

SPONSOR(S): REPRESENTATIVE(S) JOSEPHSON

02/03/17	(H)	READ THE FIRST TIME - REFERRALS
02/03/17	(H)	RES, FIN
02/10/17	(H)	RES AT 1:00 PM BARNES 124
02/10/17	(H)	Heard & Held

02/10/17 (H) MINUTE(RES)
02/15/17 (H) RES AT 1:00 PM BARNES 124

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
02/06/17 (H) Heard & Held
02/06/17 (H) MINUTE(RES)
02/08/17 (H) JUD REFERRAL ADDED AFTER RES
02/08/17 (H) RES AT 1:00 PM BARNES 124
02/08/17 (H) Heard & Held
02/08/17 (H) MINUTE(RES)
02/15/17 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

BRUCE DALE, Director
Division of Wildlife Conservation
Alaska Department of Fish & Game (ADF&G)
Palmer, Alaska

POSITION STATEMENT: Answered questions during the hearing of HB 105.

FRAN MAUER
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 105.

KNEELAND TAYLOR
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing of HB 105.

JOEL BENNETT
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing of HB 105.

GERALD BROOKMAN
Kenai, Alaska

POSITION STATEMENT: Testified in support of HB 105.

AL BARRETTE
Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing of HB 105.

JOHNNY JOHNSON
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 105.

SCOTT OGAN
Palmer, Alaska
POSITION STATEMENT: Testified in opposition to HB 105.

ED SCHMITT
Soldotna, Alaska
POSITION STATEMENT: Testified in support of HB 105.

PAULINE STRONG
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 105.

JOAN FRANKEVICH, Spokesperson
National Parks Conservation Association
Girdwood, Alaska
POSITION STATEMENT: Testified in support of HB 105.

MARILYN HOUSER
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 105.

PATTI BARBER
Palmer, Alaska
POSITION STATEMENT: Testified in opposition to HB 105.

JOHN JOHNSON
Willow, Alaska
POSITION STATEMENT: Testified in opposition to HB 40.

TEMPLE DILLARD
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HB 40 and provided comments that were not on topic with the published agenda for the hearing of HB 40.

MARK LUTRELL
Seward, Alaska
POSITION STATEMENT: Testified in support of HB 40.

JOSHUA ROSS
Homer, Alaska
POSITION STATEMENT: Testified in support of HB 40.

PAULINE STRONG
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 40.

WAYNE HALL
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 40.

JASON HOKE, Executive Director
Copper Valley Development Association
Alaska Regional Development Organizations
Department of Commerce, Community & Economic Development
Glennallen, Alaska

POSITION STATEMENT: Speaking as the executive director of the Copper Valley Development Association and for himself, testified in opposition to HB 40.

SYLVIA PANZARELLA
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 40.

MARGARET RUNSER
Palmer, Alaska

POSITION STATEMENT: Testified during the hearing of HB 40.

KNEELAND TAYLOR
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 40.

JODY LOFGREN
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 40.

MICHAEL STOLTZ
Talkeetna, Alaska

POSITION STATEMENT: Testified during the hearing of HB 40.

BILL MOHRWINKEL
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 40.

BARBARA BREASE
Healy, Alaska

POSITION STATEMENT: Testified in support of HB 40.

JOEL BENNETT

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 40.

NICK STEEN

Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to HB 40.

ACTION NARRATIVE

[1:08:52 PM](#)

CO-CHAIR ANDY JOSEPHSON called the House Resources Standing Committee meeting to order at 1:08 p.m. Representatives Josephson, Talerico, Parish, Drummond, Johnson, and Westlake were present at the call to order. Representatives Birch, Rauscher, and Tarr arrived as the meeting was in progress.

HB 105-DENALI WOLF SPECIAL MANAGEMENT AREA

[1:09:18 PM](#)

CO-CHAIR JOSEPHSON announced that the first order of business would be HOUSE BILL NO. 105, "An Act establishing the Gordon Haber Denali Wolf Special Management Area."

CO-CHAIR JOSEPHSON advised the committee would be a forthcoming committee substitute (CS) to the bill that would change the special management area to a critical habitat area. He said representatives from both the Alaska Department of Fish & Game (ADF&G) and the Department of Law were online and available for invited testimony, and the committee had heard previous invited testimony on the bill.

CO-CHAIR JOSEPHSON asked Mr. Dale to share his thoughts on the forthcoming CS that would move control of the special management area, currently under the Department of Natural Resources (DNR), to a critical habitat area to be controlled by ADF&G.

[1:12:14 PM](#)

BRUCE DALE, Director, Division of Wildlife Conservation, Alaska Department of Fish & Game (ADF&G), stated that the department has thirty-two special areas that it currently manages, including McNeil River State Game Sanctuary and Refuge. He noted that there are three or four classifications of areas, one of which is a critical habitat area that generally involves a management plan with the Division of Habitat. He explained that

the enabling legislation "lines out" the purposes and then the department creates a management plan to meet those purposes.

CO-CHAIR JOSEPHSON asked Mr. Dale to clarify whether he is the director of the Division of [Wildlife Conservation] or the Division of Habitat.

MR. DALE replied he is the director of the Division of Wildlife Conservation.

CO-CHAIR JOSEPHSON inquired whether the department holds a position on HB 105.

MR. DALE answered that the state is neutral to HB 105. He said the department always remains neutral and makes recommendations on allocation issues. He noted that this is not a biological concern, but is an issue surrounding the allocation of resources between viewers of wildlife and those who have other wilderness values, versus those who are interested in hunting and trapping.

CO-CHAIR JOSEPHSON inquired whether the department considered the issue an allocation issue even though there are a few wolf packs that may no longer exist.

MR. DALE stated that he would not speak on behalf of the National Park Service (NPS), U.S. Department of the Interior. He explained that Denali National Park and Preserve ("park") wolves are harvested at a very low level that does not affect population size or population dynamics. He said ADF&G looks at wildlife in terms of populations and is tasked to manage wildlife on a sustained yield basis. He shared that there has been little to no disagreement among biologists that the pack population is not affected by low harvests, and there is no debate that packs come and go as a part of wolf ecology. He added that packs can break up and be recolonized - sometimes with no loss of den and pup production. He referenced a 1997 study that looked into the idea that family groups persist for a long length of time. He said the study looked at the genetics of wolves in Denali National Park and Preserve and in the Superior National Forest, Minnesota, and basically found that wolves strongly avoid inbreeding, which indicates that there is regular turnover of the genetic makeup in packs [document not provided].

CO-CHAIR JOSEPHSON shared his understanding that the department is neutral on HB 105. He asked whether data suggesting that the

wolf population decreased from 160 in 1990, to 57 in 2015, was a concern to the department.

MR. DALE replied there is still a healthy and viable wolf population there. He informed the committee that wolves are just like any other game where populations rise and fall. He affirmed that there is clear evidence of this supported by publications by the U. S. Geological Survey (USGS), U.S. Department of the Interior. He mentioned a book called "Wolves of Denali" that explains how caribou numbers fluctuate, caused by weather events in Denali National Park and Preserve, and that the wolf population followed that same trend. He noted that wolf populations that are not heavily harvested are affected mostly by prey, ungulate availability, and the vulnerability of prey in terms of environmental conditions, such as snow, and the nutritional status and condition of the prey species.

[1:18:58 PM](#)

CO-CHAIR JOSEPHSON opined that the department is not concerned with trapping but instead is interested in climate and browse.

REPRESENTATIVE TALERICO offered his understanding that the department currently has no data from the east side of the Nenana River. He said that he would refer to the wolves of the area as the Totatlanika pack, the Healy Creek pack, and the Wood River pack. He asked whether the department was going to have any data from that area available during [the 2017-2018 legislative] session.

MR. DALE said the department has recent data for the area that will be presented to the Board of Game (BOG), DNR, meeting beginning 2/17/17. He said the density of wolves is over twice as high east of the park as it is in the park.

CO-CHAIR JOSEPHSON reopened invited testimony.

[1:21:18 PM](#)

FRAN MAUER informed the committee he is a 46-year resident of Alaska and has worked as a wildlife biologist for almost 30 years. He stated his support for HB 105 which would establish a special management area to protect wolves from hunting and trapping on state lands adjacent to the northeast corner of Denali National Park and Preserve. He noted that the area is sometimes referred to as the wolf townships. He said previous testifiers already described how the area is important for

Denali National Park and Preserve wildlife, especially wolves. He added that the aforementioned speakers also described situations where hunters and trappers used extreme methods, such as bait stations and animal carcasses, to lure wolves out of the park to their deaths. He explained that ecologists define a decline in wolf population as a "population sink" if annual mortality exceeds reproduction on an annual basis. He opined that a population sink is occurring in the proposed special management area and would continue to decrease the Denali wolves as long as "these silly practices are allowed to continue."

MR. MAUER disagreed with Mr. Dale and expressed his understanding that the bill is focused on wolves and specific den sites in the northeast part of the park, that are commonly seen by visitors on the Park Road. Although a decimated wolf population can repopulate the area, a population sink will continue as long as mortality rates are higher than reproduction rates. He pointed out there is evidence that if a breeding male or female is killed during the breeding season it would affect the pack by possibly breaking up the entire pack. He opined that Mr. Dale is "dancing around the actual specifics of what is going on in Denali." He shared his belief that BOG seems to be incapable of solving the population sink problem because it only looks out for hunters and trappers. He recommended fostering a responsible wildlife viewing program that is renewable and holds great economic benefit for Alaska. Mr. Mauer urged for the passage of HB 105.

[1:25:13 PM](#)

KNEELAND TAYLOR said he has lived in Alaska for 41 years and has served on three BOG subcommittees. He agreed with Mr. Dale that the problem is an allocation issue between the interests of two hundred and fifty thousand people who ride the buses through Denali National Park and Preserve in the summer, versus one to four hunters and trappers. He explained that according to the Alaska State Constitution, wildlife is a publically-owned resource and opined while preferential uses are permitted, in this choice between the desire of many people to view them, versus a few individuals who want to take the wolves, the choice should be obvious. He recalled from 2001 to 2003 he served on a BOG subcommittee that was unable to reach consensus on the Denali wolf buffer. As the non-consumptive user representative, he said he felt "his side" asked for too much land, and he encouraged the committee to consider a smaller parcel of land that was only in the wolf township-Stampede Trail area. He said that protection of a smaller area worked well with the wolves

next to the Park Road and Teklanika and Toklat Rivers. Further, he related a suggestion from a trapper that when family groups leave the park, there could be an emergency closure because the packs could be located by radio collars on alpha wolves. Recently, there have been several requests for emergency closures, but the commissioner [of the Alaska Department of Fish & Game] failed to act because there was no biological emergency. He suggested the committee consider giving the commissioner express authority to close areas for trapping and hunting of wolves when there is information that particular groups of wolves have left the park. He offered his belief that BOG feels that the closure of wolf hunting and trapping outside the park is some sort of a bargaining chip for the state to get the federal government to be more accommodating to the state. He reiterated that according to the state constitution wild animals belong to all and are to be managed for the maximum possible benefit. Mr. Taylor opined using the animals as a bargaining chip is unconstitutional.

[1:30:30 PM](#)

CO-CHAIR JOSEPHSON opened public testimony.

[1:31:02 PM](#)

JOEL BENNETT said he has lived in Alaska for forth-eight years, is an active licensed hunter, and disclosed he was legislative counsel for seven years. Also, he served on BOG for thirteen years - including 1992 when the first buffer zone was created - and the debate at the time was an allocation issue and a recognition that there were competing interests, as well as the fact something should be done about the issue. Although it was difficult to define geographic borders, BOG created the buffer zone in good faith; however, this issue is coming forward again, after twenty-five years, showing BOG cannot deal with this issue. In his experience, the legislature becomes involved in such issues because the greater public interest requires resolution by statute. He stressed there is an urgency for action due to the special geography and the location of the wolf townships that make the issue more than just a trapping and hunting closure issue. He urged the legislature to create a special area, if only for economic reasons. Mr. Bennett reiterated many tens of thousands of visitors to the park are state residents, and wildlife viewing is growing in popularity. He urged for the committee to pass a reasonable bill that would stop the issue from reoccurring.

REPRESENTATIVE WESTLAKE asked Mr. Bennett for the reason the past wolf buffer zone agreement included a sunset date.

MR. BENNETT answered that the action of BOG in 1992 was a compromise, because some wanted a larger area and some a smaller area.

[1:36:12 PM](#)

GERALD BROOKMAN stated that he has been an Alaska resident since 1957 and he currently lives in Kenai. He said he used to hunt, and trapped with his father as a youth. He expressed his strong support for the bill and opined the area affected is a relatively small area. Mr. Brookman urged the committee to pass the bill as written.

[1:37:58 PM](#)

AL BARRETTE said that at the last hearing he heard a lot about tourism and protecting the tourism economy; in fact, in a recent state parks and recreational area budget overview it was stated there were over five million visitors to state parks and recreational areas. According to his research, tens of millions of dollars are being invested outside the entrance to the park, which indicates tourism is thriving. Mr. Barrette stated Denali National Park and Preserve has had record-setting years with hardly a decrease in visitations over the past two decades. He pointed out the bill proposes to protect wolves from being hunted and trapped, yet trapping will still be allowed in the area, and he inquired if a trapper incidentally catches a wolf in a trap not initially set for a wolf, then all other trapping will be shut down. He referred to evidence that trappers catch wolves in sets not designated for wolves. Turning to BOG, he said BOG has to comply with state law and the Alaska State Constitution. In [Article] 8, [Section] 3, the common use clause led the legislature to enact AS 16.05.258, which dealt with subsistence uses, preferences, and priority. He opined that even if BOG's decisions are not popular, it is bound to comply with the law. Finally, Mr. Barrette said he was disturbed that a proposed special use area was named after a person who was known to commit game violations.

CO-CHAIR JOSEPHSON asked whether Mr. Barrette was claiming that the late Gordon Haber committed game violations.

MR. BARRETTE answered yes.

[1:41:02 PM](#)

JOHNNY JOHNSON testified in support of HB 105. He said he has lived in Alaska for almost 50 years and has many connections to Denali National Park and Preserve, beginning in 1968 as a park ranger, and later as a wildlife photographer. Mr. Johnson said he has hunted and trapped in the area, although not for wolves, and was a close personal friend of Gordon Haber. Referring to testimony by the previous speaker, he informed the committee the [alleged game violation] incident in question was when Mr. Haber released a wolf that he was told was trapped in an area closed to wolf trapping. Mr. Johnson expressed his support for the proposed bill because it is the right thing to do, and added that wolves are important to the integrity of the park, and the park is of great value to Alaska. He acknowledged there are a lot of people who dislike wolves; in fact, at one time it was common to poach wolves in the park. For his wildlife photography business, photographs of wolves are difficult to obtain, and his best have been taken inside the park and have contributed substantially to his income. He opined the wolves hold great value both for tourism and for commercial photographers.

REPRESENTATIVE JOHNSON shared her appreciation for Mr. Johnson's photography and testimony.

MR. JOHNSON read from the Alaska State Constitution, [Article 8, Section 3] as follows:

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

[1:45:29 PM](#)

SCOTT OGAN spoke in opposition to HB 105, noting that he spent 25 years working on federal overreach issues. The federal government is currently managing and classifying more lands as national parks, and is doing a horrible job managing wildlife on federal lands, as in the [Alaska Peninsula National Wildlife Refuge]. He shared that he has spent thousands of hours flying and in the bush, and it is very rare to see a wolf; in fact, the proposed bill may decrease wildlife sightings "if there's too many wolves knocking down the ungulates." He stated that he is opposed to expanding boundaries beyond the federal park for a buffer zone. Mr. Ogan restated his strong opposition to extend

federal management scenarios beyond the boundaries of federal lands.

[1:47:20 PM](#)

ED SCHMITT said that although he has only lived in Alaska since 2007, recently he has taken notice of the decline in Denali wolf pack populations. He mentioned the six-year moratorium BOG placed on the issue, and added an organization with which he is involved encouraged BOG to discuss the situation, and although BOG acknowledged the Denali wolves were disappearing, it still took no action. He opined management should include an active and appropriate response to the numbers of wildlife in the population, which is not occurring from BOG. Mr. Schmitt said he is in support of the proposed bill and a management plan that could acknowledge that the importance of wildlife viewing is in the state's best interest.

REPRESENTATIVE TALERICO asked Mr. Schmitt to identify the aforementioned organization.

MR. SCHMITT answered he is the president of the Alaska Wildlife Alliance.

REPRESENTATIVE BIRCH asked whether there were additional witnesses waiting to testify.

CO-CHAIR JOSEPHSON said there were about 19 and stated his intention to leave public testimony open on HB 105 and move to the next bill at 2:00 p.m.

[1:50:56 PM](#)

REPRESENTATIVE BIRCH has heard from witnesses who have had to wait. He inquired as to whether the committee extends the invitation to testify, and to whom.

CO-CHAIR JOSEPHSON answered that it is the prerogative of the chair to invite testimony.

CO-CHAIR TARR added that the sponsor of a bill works with the committee chair to choose invited testimony, for example, witnesses who are experts on a particular item related to the bill.

REPRESENTATIVE BIRCH surmised there is no expectation that invited testimony will represent both sides of an issue.

REPRESENTATIVE JOHNSON questioned whether in the case of a committee bill, the committee determines invitees.

CO-CHAIR JOSEPHSON said no. In further response to Representative Johnson, he said he did not intend to reopen public testimony during the hearing of the forthcoming CS for HB 105.

CO-CHAIR TARR, in further response to Representative Johnson, said sometimes a second round of public testimony on a CS is necessary.

[1:53:03 PM](#)

PAULINE STRONG stated her support for HB 105. Ms. Strong said Alaska should be large enough for one area where a wolf pack can live without being trapped or hunted. She said Gordon Haber's studies showed that wolf packs can develop long-term institutional knowledge that makes them different from wolf packs with less experienced members [document not provided]. Furthermore, the loss of the eastern buffer zone set up to protect wolves is the reason long-established wolf packs no longer exist. Recently, it is common to hear that one of the remaining few adult wolves - often a pregnant one - was killed, which breaks up the formation of packs. If baiting stations are allowed close to the park boundary, the park will not contain the wolf pack, and wolves on the eastern park boundary need more room; however, with the reestablishment of a buffer zone, there is a possibility that a wolf pack could develop naturally, over time, into more than just a few inexperienced or orphaned juveniles. Ms. Strong said it would be wonderful to know there is room in Alaska for at least one truly wild, unaltered wolf pack.

[1:55:01 PM](#)

JOAN FRANKEVICH, Spokesperson, National Parks Conservation Association (NPCA), said NPCA is a nationwide nonprofit, with over 2,000 members in Alaska, that was founded in 1919 to protect national parks. She said NPCA supports HB 105, noting that the issue addressed by HB 105 really needs a long-term solution. She stated that this is not a hunting versus a non-hunting issue, nor is it a state versus federal issue. Ms. Frankevich opined that the best question to ask is, "What is in the best interest of the state, and what makes the most sense on how wolves are managed on this land?" One of the core services

of the Division of Wildlife [Conservation], ADF&G, is to maintain and enhance opportunities to hunt, trap, and view wildlife. Furthermore, she said in 1992, when BOG created the first wolf buffer, it clearly wrote in its findings, "The wolves that inhabit Denali National Park are valued resources of the people of Alaska and the United States" and she agreed. Ms. Frankevich stated she and her husband are employed in tourism and tourism feeds many Alaska families. In a manner similar to the state protection of bears in the [McNeil River State Game Sanctuary and Refuge], and walrus in the [Walrus Islands State Game Sanctuary], it needs to protect the wolves primarily inhabiting Denali National Park and Preserve because they can be easily seen in the wild by Alaskans and visitors. Finally, she invited the committee to visit the park and use a map to understand how state land, and critical habitat for caribou, extends into the park and creates an issue in need of a permanent solution.

[1:59:27 PM](#)

MARILYN HOUSER stated that she supports HB 105, which would protect wolves by establishing a no hunting, trapping area on state land adjacent to the northeastern park boundary. She observed that the removal of an established buffer area in 2010 by BOG has led to a reduction in the number of wolves and stable wolf packs in the park, and has significantly reduced viewing opportunities for both Alaskans and tourists. She opined that in the time of dwindling revenue, the state needs to do all that it can to support the tourism industry, and wildlife viewing is a primary motivation for many of the visitors who come to Alaska. Ms. Houser said that in the almost 40 years she has lived in Alaska, during numerous trips to Denali National Park and Preserve, she used to occasionally hear or see a wolf in the park, but in recent years she has not. She urged the committee to quickly move the bill from committee.

[2:01:01 PM](#)

PATTI BARBER stated that she is opposed to HB 105. She explained that anti-trapping groups petitioned BOG to establish a protective zone along the boundary of Denali National Park and Preserve, but later it was removed because animals did not observe the boundaries. She surmised that the proposal is a back door attempt to close hunting and trapping near national parks around the state. Wolf packs have eaten all of the available ungulates. Ms. Barber requested a map of the area that would be affected by the proposed bill.

[2:02:09 PM](#)

CO-CHAIR JOSEPHSON announced HB 105 was held over with public testimony open.

HB 40-TRAPPING NEAR PUBLIC TRAILS

[2:03:18 PM](#)

CO-CHAIR JOSEPHSON announced that the final 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."

[Public testimony on HB 40 was opened at the hearing on 2/8/17.]

[2:03:56 PM](#)

JOHN JOHNSON said he traps with his family and HB 40 restricts the use of trails by trappers who are disabled, elderly, and overweight. Limiting trapping to 200 feet from a trail would create another trail, or paths of least resistance, that would become points of curiosity for canines and might lead them right to a trap. He described various types of traps that are outlawed in the bill which could not possibly trap a dog, such as beaver, weasel, and squirrel traps. Mr. Johnson said the bill prevents those trappers who cannot get 200 feet from a public use trail, from using trails on which they have a right to travel. In the Matanuska-Susitna (Mat-Su) valley, trappers work with dog mushers as trappers do not want to trap a dog. He stated his opposition to the bill.

CO-CHAIR TARR, in regard to Mr. Johnson's concerns about the 200-foot distance, asked whether he could offer a reasonable compromise.

MR. JOHNSON explained trap placement allows a trapper to be species specific. However, if a dog is loose the likelihood is high that the dog will be caught as winter is breeding season for canines, and if a fox travels off the main trail, a dog's natural instinct is to follow the fox.

CO-CHAIR JOSEPHSON noted the number of concerns throughout the state about this issue. He inquired whether Mr. Johnson held

the opinion that it should be the policy of the state, relative to dogs getting into traps, to do nothing.

MR. JOHNSON answered absolutely not. He said trappers must choose an area in which to trap and dog owners should never let their dogs off leash when in trapping areas. He suggested people should be notified of set traps in an area, and in urban environments during certain times of the year dogs may be loose, but not in the bush.

2:08:20 PM

TEMPLE DILLARD said he is a lifelong resident and Native Alaskan. Mr. Dillard opined HB 40 is a solution to an urban problem that inflicts a 200-foot setback onto the rest of the state. The bill is so vague and openly written that a trapper thousands of miles from a road would have to set a trap line 200 feet from a trail, which would then establish another trail, and the same individual would have to set traps another 200 feet from the newly-formed trail. In regard to trapped dogs, he noted that there is a leash law in the Fairbanks North Star Borough that is almost universally ignored. He shared that he frequently traps within 100 miles of Fairbanks and he has yet to trap a loose dog. Mr. Dillard provided comments that were not on topic with the published agenda for the hearing of HB 40.

2:12:01 PM

MARK LUTRELL testified in support of HB 40. He said the bill will help protect dogs from traps set on popular trails by careless and clueless trappers, such as the trap that killed a neighborhood dog in West Anchorage recently. Mr. Lutrell said in Seward there is support for protecting family pets and there are many trails in Seward heavily used by mushers, skiers, and hikers. Dogs and traps are allowed on the trails; however, he opined that traps should not be allowed on the trails because traps kill and maim. He stated that trappers will not be significantly inconvenienced by placing their traps farther into the woods, and have a responsibility to protect other users. Mr. Lutrell acknowledged that trappers are self-policing, and don't intend to trap dogs, but trappers need to be accountable for careless cruelty.

REPRESENTATIVE BIRCH asked whether Mr. Lutrell was aware that the trap set in West Anchorage was an illegal trap, and questioned if Seward has any constraints against trapping within city limits.

MR. LUTRELL said he was aware the trap in West Anchorage was set illegally. He said traps are not allowed within Seward city limits.

CO-CHAIR JOSEPHSON related the Matanuska-Susitna Borough attorney believes the borough has very limited ability to control this issue.

[2:15:35 PM](#)

JOSHUA ROSS spoke in support of HB 40. He shared a personal story of his family dog caught in a trap along a main trail system his relatives have used for over 30 years. Mr. Ross said Alaska's laws are not sufficient to protect all user groups. He pointed out that 4 percent of public land users are registered trappers, and others' use of the trails is restricted, which is not appropriate management.

CO-CHAIR JOSEPHSON asked what type of trail Mr. Ross was traveling when his dog was trapped.

MR. ROSS answered it is a public use trail that is maintained full-time by one of the snow machine associations on the Kenai Peninsula.

[2:17:36 PM](#)

PAULINE STRONG spoke in support of HB 40. She opined that a general statewide regulation is reasonable, as is the footage setback. She said she was unsure of all the rules on trails regarding dogs that are off-leash.

[2:19:03 PM](#)

WAYNE HALL spoke in support of HB 40. He said he is a long-time Alaska resident and he doesn't like trapping for a number of reasons. He shared his belief that trapping is prevalent in Alaska because it is largely out of sight. Mr. Hall said making compromises is in trappers' long-term interest. Referring to a previous suggestion that dog owners avoid areas where there are traps, he added that without required notice or marking of trap lines, there is no way to know where traps are located.

[2:20:49 PM](#)

JASON HOKE, Executive Director, Copper Valley Development Association, Alaska Regional Development Organizations, Department of Commerce, Community & Economic Development, said he was speaking on his own behalf and for many others in his region. He stated his opposition to HB 40 because it usurps existing leash laws throughout the state. He reminded the committee that his region is an unorganized borough and the legislature is its borough assembly. Illegal trapping and incidents with dogs happen within other boroughs, and should be dealt with by borough regulations. Speaking on behalf of his Alaska Regional Development Organization, he advised in his region many live a subsistence or supplemental lifestyle and trapping in the winter helps support their families; he questioned whether there was information on the beneficial economics of the furbearer industry to the state. Furthermore, putting a ban on trapping within 200 feet of a trail would hamper trappers' abilities to trap. Mr. Hoke related trapping is part of Alaska's history and of its cultural history throughout the state.

MR. HOKE continued testifying on his own behalf and told a personal story of trapping with his family, and of learning to trap on a traditional Native trap line that is now a state trail. He suggested the sponsor work with the boroughs on this issue, including appropriations to cover the enforcement of trapping violations, within legislation that does not include unorganized boroughs.

[2:25:13 PM](#)

SYLVIA PANZARELLA said she has lived in Alaska for almost 18 years. She testified in support of HB 40, noting that public trails are made for the public. Although adults need to control pets and children, she opined that a hurt child or a dead or maimed dog is too much of a price to pay for veering off of a public trail. Ms. Panzarella restated that trails belong to everyone and expressed her belief that a 200-foot setback would not prevent trappers from trapping.

[2:26:41 PM](#)

MARGARET RUNSER said she has lived in the Anchorage and Palmer areas for over 54 years and she has seen a great increase in trapping in heavily-used public use areas over the past ten years, especially in the Lazy Mountain/Knik River Public Use Area, of which the nearby population is over 3,000 residents. She said there are traps placed near private property and on

trails used by hundreds of pedestrians, bicyclists, horseback riders, and skiers with dogs. Ms. Runser said she hikes with her trained trail dog who stays with her and alerts her of any potential threats from wildlife.

[2:30:47 PM](#)

KNEELAND TAYLOR said he has provided the committee written testimony related to local control, in particular to that of second class boroughs. He expressed his support for HB 40 and urged for clarity in the legislation so all parties and municipal governments will know the parameters of their authority.

CO-CHAIR JOSEPHSON informed the committee Mr. Taylor is an attorney who has experience working on wildlife management issues. He asked Mr. Taylor whether he believed the Board of Game (BOG), Alaska Department of Fish & Game, could allow trapping in Kincaid Park in Anchorage over the objection of the Anchorage Assembly.

[2:32:54 PM](#)

MR. TAYLOR offered his understanding that there currently is no municipal ordinance in Anchorage that forbids trapping in Kincaid Park. However, BOG enacted a regulation many years ago that prohibited trapping in the Anchorage Management Area, ADF&G, that includes the City of Anchorage from "the top of the mountains you can see when you're in Anchorage all the way to the sea." Therefore, there is no trapping in Kincaid Park by state regulation, but BOG could authorize trapping if it wished, and then the city could pass an ordinance prohibiting trapping. Mr. Taylor further explained Anchorage is a home rule municipality which, in his opinion, has the authority to prohibit trapping in developed areas.

CO-CHAIR JOSEPHSON asked for clarification that home rule municipalities can [prohibit trapping] and governments without home rule status cannot [prohibit trapping].

MR. TAYLOR answered that it was more complicated than that, and expressed his hope legislation would bring some clarity to the issue, particularly for the Matanuska-Susitna (Mat-Su) Borough. He restated that some municipalities have the power to restrict trapping and some have limited authority.

REPRESENTATIVE DRUMMOND urged for changes to the bill in order to address problems in urban areas without affecting rural Alaska.

REPRESENTATIVE JOHNSON encouraged the committee to direct its focus on a local solution.

CO-CHAIR JOSEPHSON said he was researching case law on special class legislation and exceptions to special class legislation; in fact, there is an argument that the bill should not be applied statewide.

REPRESENTATIVE WESTLAKE told of a trapper from Utqiaguik who runs a trap line 200 miles long with 60 traps, and pointed out that is one of the "things that we do" in his district. Whether restricting the placement of traps is a good idea or not, municipalities and boroughs already enforce ordinances, and he cautioned that state interference is overreach.

[2:38:02 PM](#)

JODY LOFGREN testified in support of HB 40. She has been an avid hiker since 1982 and was shocked to find out there is active trapping on public use trails. Ms. Lofgren expressed her concern about kids and dogs in areas of increased population. She is not against trapping, but said the proposed bill is common sense regulation and 200 feet on either side of a public trail is a small buffer to help protect children and pets. In addition, she spoke in support of identification requirements for traps in a manner similar to those for vehicles, boats, and snowmobiles. Although most trappers are responsible, it is important that irresponsible trappers are held accountable. Lastly, she said the bill may save the state money by preventing a possible lawsuit.

[2:41:22 PM](#)

MICHAEL STOLTZ said he owns lodging in Talkeetna that allows dogs, and his guests come from Anchorage, Eagle River, and Palmer. He expressed his support for HB 40 although he suggested the bill focus on second class boroughs. He spoke of the effects of rapid growth and tourism on Mat-Su that has impacted all parts of life in addition to the use of trails. In response to Co-Chair Josephson, he clarified trails in areas, including Glennallen, are heavily used in winter. Due to increasing populations, he suggested unincorporated areas should

incorporate and govern themselves, as does the Matanuska-Susitna Borough.

[2:43:48 PM](#)

BILL MOHWINKEL testified in support of HB 40. He said his dog was trapped this winter on a trail close to his house in Palmer. He stated he is not anti-trapping, and has friends who are ethical trappers. Mr. Mohwinkler is a hunter and fisher, and pointed out there are few regulations for trapping except for guidelines for ethical trapping, which are insufficient. The bill applies to high-use recreational areas, which ethical trappers should support because they do not intend to trap dogs. He reported finding a trap two feet off a high-use trail nearby a school and playground, and said there was nothing to be done; however, HB 40 would allow a response to traps found close to trails. He restated his support for the bill. In response to Co-Chair Josephson, he said he could not remember the name of the school.

[2:48:16 PM](#)

BARBARA BREASE said she has lived year-around in the Denali Borough for almost 35 years. She said HB 40 is a sensible bill; in fact, one of the pleasures of living in Alaska is the opportunity to enjoy the wilderness with her dogs, and she feels shut out of the woods and trails because of traps concealed near trails. She noted that trappers refuse to tell where the traps are, although signs may warn of traps on trails. She related two incidents of family dogs caught in traps. Ms. Brease suggested that the proposed bill could be a "default over the state," subject to local ordinances, and said she been unable to "make it happen in my borough."

[2:51:32 PM](#)

JOEL BENNETT previously disclosed he served on BOG and was legislative counsel for seven years. He said he was on BOG when a rather extensive and comprehensive system [related to trapping] was devised for Juneau, and supports HB 40 because it seeks to impose a statewide standard. If clearly defined, he opined HB 40 is a limited and conservative standard on a contentious issue that most residents can support; in fact, regulations in some areas of the state, such as Juneau, are more strict. The system in Juneau was established over 20 years ago and is undisputed. The system imposes a one-quarter mile distance requirement all along the coastline, lakes, and on a

list of commonly-used trails. At that time, BOG recognized a compromise in this regard was necessary for specific urban areas of the state, and Mr. Bennett said this idea is good public policy.

CO-CHAIR JOSEPHSON observed BOG disallowed a Southeast rule that traps need to be tagged, and overruled the "local option." He referred to the restrictions in the City and Borough of Juneau and asked whether BOG intervened, or has the ability to do so.

MR. BENNETT said the Juneau restrictions are a BOG regulation that applied to Juneau, and which was devised after extensive public testimony as part of an effort to raise public support for trapping. Gustavus and Yakutat have specific BOG limitations on trapping related to snare size and trap check requirements. He opined that there is room for progress on the issue and HB 40 is a step in the right direction.

REPRESENTATIVE DRUMMOND noted BOG has avoided this issue for several years, yet established limits for Juneau. She inquired whether the regulations were at the request of Juneau.

MR. BENNETT answered that it was a very different BOG; at that time, BOG was a blend of interests working for solutions to contentious issues. Furthermore, there was widespread local testimony due to the fact there were regulations for the city of Juneau that did not affect the borough. The board responded to a public request to develop reasonable trapping restrictions, and he added that one-quarter mile is a commonly-used distance by enforcement authorities.

CO-CHAIR JOSEPHSON noted a document supporting a 500-foot buffer on federal land was included in the committee packet.

[2:58:20 PM](#)

NICK STEEN testified in opposition to HB 40. He said the distances in the bill are unenforceable and, as written, the bill would potentially close trapping along all waterways throughout the state. He questioned whether under HB 40 a trail that was put in by a trapper, after another person walks on it, would become a public trail. He restated the regulations are unenforceable and should be left up to BOG.

[2:59:33 PM](#)

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

[3:01:30 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:01 p.m.