

**ALASKA STATE LEGISLATURE**  
**HOUSE RESOURCES STANDING COMMITTEE**

March 20, 2017

2:05 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. 105

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

- MOVED CSHB 105(RES) OUT OF COMMITTEE

HOUSE BILL NO. 134

"An Act relating to the composition of the Board of Game."

- 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  
02/15/17 (H) Heard & Held  
02/15/17 (H) MINUTE(RES)  
03/20/17 (H) RES AT 1:00 PM BARNES 124

BILL: HB 134

SHORT TITLE: BOARD OF GAME MEMBERSHIP  
SPONSOR(S): REPRESENTATIVE(S) JOSEPHSON

02/20/17 (H) READ THE FIRST TIME - REFERRALS  
02/20/17 (H) RES  
03/20/17 (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, prime sponsor, explained changes made by the committee substitute, Version O, for HB 105.

DOUGLAS MCINTOSH  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 105.

**ACTION NARRATIVE**

[2:05:39 PM](#)

**CO-CHAIR ANDY JOSEPHSON** called the House Resources Standing Committee meeting to order at 2:05 p.m. Representatives Josephson, Drummond, Parish, Westlake, and Tarr were present at the call to order. Representatives Birch, Johnson, Rauscher, and Talerico arrived as the meeting was in progress.

**HB 105-DENALI WOLF SPECIAL MANAGEMENT AREA**

[2:06:25 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."

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CO-CHAIR TARR moved to adopt the proposed committee substitute (CS) for HB 105, labeled 30-LS0408\0, Bullard, 3/16/17, as the working document. There being no objection, Version 0 was before the committee.

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CO-CHAIR JOSEPHSON, sponsor of HB 105, noted that the original bill has a fiscal note from the Department of Natural Resources (DNR). However, he advised, Version 0 may generate a fiscal note with minimal impact from the Department of Public Safety, Division of Alaska Wildlife Troopers, and will possibly have a fiscal note with zero impact from the Alaska Department of Fish & Game (ADF&G). He reminded members that during today's House of Representatives floor session he announced that the committee would convene within 15 minutes of adjournment of the floor session.

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MEGAN ROWE, Staff, Representative Andy Josephson, Alaska State Legislature, on behalf of Representative Josephson, prime sponsor of HB 105, explained that the original bill version would have created the Denali Wolf Special Management Area to protect wolves near Denali National Park and Preserve ("Denali Park") and that the title in which it was drafted was administered by DNR. However, she noted, DNR does not have the authority to manage wildlife, and therefore, per advice of the administration, Version 0 includes the same geographic area but closes this area to the hunting and trapping of wolves.

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CO-CHAIR JOSEPHSON reminded members that HB 105 was before the committee on 2/10/17 and 2/15/17 and public testimony was taken. He again opened public testimony on the bill.

DOUGLAS MCINTOSH testified that he has lived in Fairbanks for 46 years and wholeheartedly supports HB 105. He said he specifically likes that the bill's purpose remains to protect wolves for future generations of Alaskans and, as well, bolsters the economy of Alaska through tourism. Seeing wild animals living free in their natural environment is one reason he came to Alaska, he added.

CO-CHAIR JOSEPHSON closed public testimony on HB 105, after ascertaining that a previous witness, Mr. Al Barrette of Fairbanks, had no comment on the changes made in Version O.

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CO-CHAIR JOSEPHSON recalled that during the 2/10/17 hearing committee members raised questions on the original bill, such as questions about private lands and whether the narrative which stated that wolves come before all other things in the buffer zone would mean "just that." To dispense with those legitimate questions, he said, Version O would make a simple closure. He related that ADF&G's web site lists about 37 areas as presently closed to hunting or trapping. Regarding the closure concept, he noted that a provision in the constitution [prohibits] special and local legislation. However, he continued, case law says that if something is of statewide importance and applies in a local way, it may not necessarily be prohibited. For example, on 2/10/17 it was heard that Denali Park has 650,000 visitors per year and over \$800 million is spent in salaries at the park. Some people, he related, believe that as few as three trappers are impacting the ability of visitors to see wolves in the park. While they have rebounded some, the decline of wolves roughly parallels when the State of Alaska, ADF&G, and the Board of Game removed the buffer in question, or at least a buffer in similar size and similar location near the Stampede Trail and east of the George Parks Highway, although, he allowed, this may be a contestable point.

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REPRESENTATIVE BIRCH advised that his vote on the bill will be no. He said he has lived and worked in this area, including at the Stampede mine in the late 1960s, and President Carter used the Antiquities Act to set aside the area in the late 1970s. This is a solution in search of a problem, he maintained. A witness from ADF&G indicated that the wolf population in the park ebbs and flows with game availability and game availability impacts the wolf population greater than anything else, he recalled. Alaska has enough park and reserve lands, he opined, and work should be done on how to better utilize the lands that are available to the state rather than setting aside properties. He offered his belief that all or part of this proposal is in the Denali Borough and suggested looking to the borough for leadership regarding the trapping aspect.

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REPRESENTATIVE TALERICO apologized for arriving late to the meeting and inquired whether the vote is for the committee substitute (CS) or adoption of the bill.

CO-CHAIR JOSEPHSON replied that he will treat Representative Birch's statement as an objection, and said the vote is for the question of whether the bill should move from committee.

CO-CHAIR TARR added that the committee adopted Version 0 as the bill under consideration, but that no motion has been made to move bill.

CO-CHAIR JOSEPHSON reiterated his earlier explanation that Version 0 creates a closure and no other designation.

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REPRESENTATIVE TALERICO said he is intimately familiar with this area and will not be supporting the bill. Drawing attention to the map of the proposed area, he said that the east side of the Nenana River where the boundary goes is "absolutely crawling with wolves." Wolves follow their food source and a portion of the packs that were in the Stampede area have probably drifted over due to the high moose population on that side of the river. It is the largest pack he has ever seen, he added, and he believes this pack will split soon. He related a conversation he had with a Denali Park bus driver in which the driver said the wolves were seen during one period of time because they had chosen to den near the road, but once the den location changed the wolves were only seen one at a time every once in a while. Representative Talerico reported that this issue came up before the Denali Borough while he was mayor of the borough, but a draft ordinance before the borough died.

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REPRESENTATIVE JOHNSON said it makes sense to listen to the local people's comments. One major wolf was killed, she recalled, but one cannot go back in time and fix it. She maintained that the bill is trying to address a specific wolf pack that was being researched and was near and dear to people's hearts, rather than the general wolf packs around the park. One wolf is just as valuable being seen in the park as any other, she continued, not just those being researched, and therefore she will vote no.

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REPRESENTATIVE RAUSCHER referred to an article he read and said that the science needs to be considered. Plenty of wolves are there, he maintained, and without a food source a wolf pack cannot be kept there, so trapping may not be the problem. It is difficult to write a law so that maybe a wolf will be viewed since what is trying to be done is to have wolf viewing by not trapping. He questioned whether there is science behind the bill and reiterated that there may be more involved than trapping as the reason for why the wolves moved on.

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REPRESENTATIVE PARISH noted he has a degree in biology and is heartened to hear science being referenced. Because he comes from a tourist town, he noticed that the North Star Borough's resolution states that when the area was closed to trapping 49 percent of visitors saw wolves, while over the last three years that number was only 4 percent, an all-time low. Since the wolf population was decreased by about one-third of what it was during that time, he said he cannot help but think that for the residents of that area and for whoever would make a trip to Denali Park, it could be a major economic factor going forward. For example, he continued, the value of an individual humpback whale has been assessed in terms of generating additional tourist revenues and it is not cheap, so he would bet that the value to the state overall of a single wolf in that area is very considerable. It is economically wise to set aside a certain area, he stated. All nature asks for is a space to exist and it provides such incredible dividends - a pure stream of water provides salmon, an area of wilderness provides all sorts of economic drivers such as food for subsistence and other sorts of harvest, as well as non-consumptive uses like from a tourist dollar. Additionally, he continued, there is the loss of a decades-long [research] data set, a rare and precious thing.

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CO-CHAIR TARR offered her appreciation of Representative Parish's comments because in large part that is what is drawing her to support the legislation. Denali Park has more than 500,000 visitors a year, she continued, and right now with the state's fiscal situation the state is looking towards the industries that are known to be sustainable and have growth potential, and the state's tourism industry is certainly one of those. Her hope is that people coming to Denali Park for that

experience will "stick around and spend a lot more money while they're here." Tourism is important given that it is currently the state's number three industry. Referencing a National Geographic story and an article in the Los Angeles Times, she reported that in 1999 a collared alpha female was shot and in 2012 a trapper dragged a horse carcass to an active wolf site and set traps that caught a pregnant female belonging to the East Fork Pack. In 2012 this same trapper caught the only remaining breeding female in the Granite Creek Pack; consequently, that pack produced no pups and was reduced from 15 wolves to 3. The trapper's comment, seemingly spoken with pride, was that that was the third time he ruined millions of people's Denali Park viewing experience. These types of articles are not a good image for Alaska and give the state a "black eye," she opined. Offering her support for the bill, she said it is the right move for now and can be revisited in the future and something else tried if the bill does not work.

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REPRESENTATIVE WESTLAKE stated he has always viewed wolves as a biological resource, whether it is to put money in his wallet when he personally handles it or to put money into the state from people coming into Denali Park. If he sees more than two wolves when out camping, he continued, then he has seen too many. He said he is conflicted in that only half the battle is won if it is done on the visitors' side; having the money come in makes sense but it is a tough decision. Alaska should be exciting for everyone, he opined, and whether it is moose or wolves it translates into dollars for the economy or provides a great story to tell the kids.

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REPRESENTATIVE DRUMMOND offered her appreciation for Co-Chair Tarr's reference to the Los Angeles Times article because that is where many of Alaska's tourists originate. She would much prefer for it to be in the Los Angeles Times that Alaska is working to protect these wolves and increase their numbers, she continued, rather than aerial spotting of wolves by ADF&G and the gassing of [pups] in their dens. Offering her support for the bill, she noted that while wolves do not have regard for boundaries, people do, and if this isn't done it will never be known if it works. If this doesn't work it can be revisited in the future, but at this point in time it would be wise to respect the signs and help the wolves rebound.

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CO-CHAIR TARR moved to report CSHB 105, Version 30-LS0408\O, Bullard, 3/16/17, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE TALERICO objected.

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A roll call vote was taken. Representatives Westlake, Drummond, Parish, Tarr, and Josephson voted in favor of the motion to report CSHB 105, Version 30-LS0408\O, Bullard, 3/16/17, out of committee with individual recommendations and the accompanying fiscal notes. Representatives Rauscher, Talerico, Birch, and Johnson voted against it. Therefore, CSHB 105(RES) was reported out of the House Resources Standing Committee by a vote of 5-4.

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The committee took an at-ease from 2:35 p.m. to 2:39 p.m.

[Co-Chair Josephson passed the gavel to Vice Chair Westlake.]

**HB 134-BOARD OF GAME MEMBERSHIP**

[2:39:09 PM](#)

VICE CHAIR WESTLAKE announced that the final order of business would be HOUSE BILL NO. 134, "An Act relating to the composition of the Board of Game."

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CO-CHAIR JOSEPHSON, sponsor, introduced HB 134. He noted that he has some concerns with the way the Board of Game (BOG) operates and explained that the bill provides for a tourism seat and a non-consumptive seat on the seven-member board. There would be no impact on board members who are currently appointed and unconfirmed, or appointed and confirmed, he continued. The bill clearly states that these seats would be filled in the future. The bill is very important, he said, because about 85 percent of Alaskans do not hunt or trap. However, he added, he would be surprised if that number also applied to the fishing predilections because he assumes that most people fish. He said he has received 20 or 30 e-mails from the public expressing concern with the board not hearing from non-consumptive users.

In the 1990s, he recalled, the Board of Game had members like Joel Bennett, Victor VanBellenberghe, and Thomas Meacham who were willing to hear, entertain, and take seriously the interests of non-consumptive users. Former Senator Johnny Ellis filed, or considered filing, a bill that created a Board of Wildlife. As to the question raised in HB 105 on whether Denali Park's wolves need further protection, Co-Chair Josephson said, "You see a Board of Game that has become so politicized that if a person where, ... for example..."

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REPRESENTATIVE JOHNSON interjected that since no members of the Board of Game are present, care should be taken when talking about the board's makeup.

CO-CHAIR JOSEPHSON allowed that that is a fair statement. He shared his experience that if during an appointee's confirmation hearing the appointee indicated in the slightest way that he/she cared about the wildlife watcher, that appointee's confirmation would most likely be sunk. It didn't used to be this way, he continued. In the 1990s there was a culture on the Board of Game that was more accepting of wildlife viewing. He posited that there would be more dialog and diversity before the board if HB 134 was passed, and there would be an avenue for people who share different values to be heard. He pointed out that CSHB 105(RES), the bill the committee moved out earlier today, will help protect Denali wolves. However, he related, last month the Board of Game defeated a comparable proposal by seven votes to zero, while CSHB 105(RES) passed by five votes to four. He read from the current statute, AS 16.05.221(b), which identifies who may serve on the Board of Game and states:

For purposes of the conservation and development of the game resources of the state, there is created a Board of Game composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership.

CO-CHAIR JOSEPHSON said he is not suggesting that there is not a diversity of views on the board. For example, there is a difference of opinion between "residential hunters" and those

supporting interests that may come from out of state. So, it is not like the hunting or trapping communities are monolithic. However, he continued, there is a huge swath of Alaska residents, 85 percent, who have essentially no voice on the Board of Game. Therefore, HB 134 says, "What would be wrong with those who are concerned with watchable wildlife, frankly in the end losing most proposals 5-2?" For the non-consumptive or tourism seat it could be a difficult experience, he said, because they are often going to have a hard time convincing the other five of something, such as that predator control is not needed in a certain unit because there is some important bear viewing going on there. So, while they will generally lose those struggles by five votes to two, at least they will have a voice, and that is very important to the people of Alaska. Co-Chair Josephson pointed out that many times people will not attend the Board of Game meetings because they view it as an exercise that is, from their vantage point, hopeless. He therefore urged that Title 16 as written be infused with more delineation and more description so there can be real diversity.

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REPRESENTATIVE RAUSCHER offered his understanding that under HB 134, these two seats would be the only defined seats on the board.

CO-CHAIR JOSEPHSON replied that is correct. He posited, "That's what this has come to; the ... other five will surely represent the consumptive users." He said he does not have a particular problem with that, but that one could argue that there should be a little more parity, a "four to three kind of thing." He agreed there should be a strong voice for consumptive users because they know a lot about allocation and many know a lot about biology and what it takes to harvest wildlife. They reflect Alaska in all its abundance, but this other cohort is absolutely cut out of the process.

REPRESENTATIVE RAUSCHER said he understands and agrees, but that it seems like it would be creating two seats of equal value as opposed to the others.

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REPRESENTATIVE JOHNSON argued that this is inserting government to determine what decisions the board should make and the outcomes of the votes. The governor gets to appoint and the legislature gets to confirm, she said, and every time that the

legislature does not like the makeup of the board it has the option of voting that down and having the governor appoint someone else. The legislature already has the option of saying it wants a certain makeup on the board. It is not set in statute that there will be this one and that one, she added. It allows for everyone being represented when everyone in the state gets to have a voice through the representatives when they vote on the makeup of the board. As the makeup of Alaska changes, she posited, there may be changes on the way the Board of Game's seats are being applied. As far as needing to define seat-by-seat, the bill would bind the hands of the governor as well as those of legislators to really represent their constituents.

CO-CHAIR JOSEPHSON responded that he is saying it is a policy call and is in the interest of the legislature and the people of Alaska to be bound by this. There is nothing atypical about saying there will be X number of pedicurists and Y number of hairdressers on a board, it is typical. This would give an audience to some ideas that nine times out of ten will fail, but members of the public will say, "I had a voice and I couldn't attend that meeting, but someone who sees the world approximately the way I do did [attend] and they tried . . . and they raised some sensitivities and concerns that never would have been raised otherwise."

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REPRESENTATIVE RAUSCHER related that as a photographer and wildlife viewer, he appreciates wildlife and being able to photograph and also appreciates the sponsor's interest in being able to view and take photos. There should be a voice out there of some sort, he said, and he commends the sponsor's idea somewhat. He inquired as to how HB 134 and the provision in the constitution that wildlife be managed for maximum benefit of the state's people on the sustained yield principle would work together.

CO-CHAIR JOSEPHSON answered that the committee's vote today on [HB 105] said there is an economic interest in living animals and that reflected the maximum benefit. Requiring a tourism seat and a non-consumptive seat does not, in his view, run counter to that constitutional mandate.

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REPRESENTATIVE BIRCH stated that fish and game are renewable resources that have been managed effectively one way or another

since statehood. He said he is concerned about having folks on the Board of Game who do not have some interest in the sustainable use and consumption of that resource. He inquired whether there would be an analogous situation with the Board of Fisheries (BOF) if someone who objects to fishing were to be on that board. For example, he continued, it would be like the board of regents for a university having somebody that doesn't think kids should go to a university.

CO-CHAIR JOSEPHSON replied no, people do not see fish the way they do wildlife and that is the main difference. It is an interesting question, he allowed. For example, the new director of the Environmental Protection Agency (EPA) isn't as concerned with environmental protection and so why is he working for that department. The idea that Board of Game members should be about consumptive use only, and so why would it be appropriate to have someone who is non-consumptive, is something he thinks about. He said his concern and experience from the Board of Game meetings that he has attended is that any proposal to conserve rather than take is generally defeated. While the Board of Game does have concerns about sustainability generally, it is his opinion that board members react viscerally when somebody has a proposal that board members red flag and identify as being just in the interest of wildlife watching. But, he maintained, it should receive a voice and another reason is the economic interest in tourism.

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REPRESENTATIVE BIRCH drew analogy with proponents of alternative energy not being a good fit to serve on the Alaska Oil and Gas Conservation Commission (AOGCC). While alternative energy proponents are well intentioned, he continued, the AOGCC is trying to reasonably manage and produce Alaska's oil and gas resources. He said he does not see how someone opposed to hunting or trapping would be a good fit on a board that is primarily constructed to efficiently manage and maintain a game resource that is collectively owned.

CO-CHAIR JOSEPHSON responded that if HB 134 were to become law, it would likely be found that the non-consumptive seat holder, and surely the tourism seat holder, is not bound to looking at an issue from one perspective. For example, he said, the Yukon-Charley National Wild and Scenic River Area probably does not have scads of tourist, so the person in the dedicated tourism seat might say that there is not much interest in the tourism

industry there and would cast a vote for a proposal to take X number more wolverines in a sustainable way in that area.

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REPRESENTATIVE TALERICO asked whether the assumption is that the 85 percent of the state's population who don't hunt are anti-hunting.

CO-CHAIR JOSEPHSON answered no and said the cohort he is talking about may view some of the practices that are allowed in state law as abhorrent, not part of the North American model, not fair chase, and not sporting. They want some concern for intact ecosystems, he continued, and they want an Alaska that remains wild rather than a place that is all about abundance and nothing else. There is nothing in the aforementioned that would preclude some responsible and sustainable hunting.

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REPRESENTATIVE TALERICO posited that he and the sponsor probably have different understandings of the Board of Game. He related that he has been involved in a board meeting that had 213 proposals. He has seen the board take data and allocation considerations from ADF&G and structure seasons, closures, or openings [accordingly]. For example, a big thing for his area was when the board took numbers and allocations and set antler restrictions so that there would be a maximum yield of that particular resource to continue. Because he is a reasonably aggressive consumptive user of that resource, those restrictions meant a lot to him, he said. The governor can choose people of any background and diversity. The Board of Game has, in his opinion, made decisions based on the allocation and data that is presented to it and has acted to manage the resource correctly for the advantage of Alaska's people.

CO-CHAIR JOSEPHSON agreed the board has done the aforementioned and allowed his comments to have been unfair to the Board of Game in that respect. The board has followed the recommendations of the department and its biologists and has made some good decisions about methods and means, he said. However, 95 percent of the time the board is truly dismissive about any non-consumptive view of the world. Generally, those dismissals have not been for areas way off the beaten path, but in places where the other interests of Alaskans should be considered.

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REPRESENTATIVE JOHNSON remarked that she is having a hard time wrapping her mind around this because growing up she did her fair share of consuming. It was up to the game managers to ensure that the game was not over or under hunted and remained a useable resource for food. Now it is being said that it could be a useable resource for wildlife viewing. But, she continued, wildlife viewing does not reduce the number of animals, so why would the Board of Game have to worry about how many pictures were taken of something? Viewing, not hunting, is why national parks were set aside. This does not make sense, she said, because wildlife viewing is a whole other way of approaching game policy.

CO-CHAIR JOSEPHSON responded by citing HB 105 and noting that 5 percent of the people are seeing wolves now. In his opinion, he continued, this is because the state is complicit in the demise of wolves that leave Denali National Park and Preserve ("Denali Park"); it is part of a policy. Now, under the new [federal] administration, there is going to be less federal control and oversight in the preserves and refuges and that is going to be put back on the State of Alaska at some cost to the state. For example, on the Kenai Peninsula top federal biologists have said that no more brown bears can be taken because it is unsustainable; however, the state's position is that things are fine. His observation, he said, is that the state generally sides with "the take" and rarely "the non-take."

REPRESENTATIVE JOHNSON commented, "You can disagree with the policy of how the allocations are made ... and you can disagree with game policy, but that's not the same as establishing a seat on the board." Anybody who doesn't get a moose might think that the game in his/her management area could be managed better. Disagreeing with the board's policy is not the same as saying someone needs to be put on the board that is not into game management for a sustainable use, she said.

[HB 134 was held over.]

3:09:54 PM

#### **ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:10 p.m.