

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

March 31, 2017

1:05 p.m.

**MEMBERS PRESENT**

Representative Andy Josephson, Co-Chair  
Representative Geran Tarr, Co-Chair  
Representative Harriet Drummond  
Representative Justin Parish  
Representative Chris Birch  
Representative DeLena Johnson  
Representative George Rauscher  
Representative David Talerico  
Representative Chris Tuck (alternate)

**MEMBERS ABSENT**

Representative Dean Westlake, Vice Chair  
Representative Mike Chenault (alternate)

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S) :

Alaska Big Game Commercial Services Board

Henry D. Tiffany IV - Fairbanks, Alaska  
Thomas H. Sullivan, Jr. - Anchorage, Alaska  
James A. "Tom" Atkins - Anchorage, Alaska

- CONFIRMATIONS(S) ADVANCED

Board of Game

Ted H. Spraker - Soldotna, Alaska  
Karen L. Linnell - Glennallen, Alaska  
Thomas K. Lamal - Fairbanks, Alaska  
Lawrence J. "Larry" Van Daele, PhD - Kodiak, Alaska

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 134

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

- MOVED CSHB 134 (RES) OUT OF COMMITTEE

HOUSE BILL NO. 129

"An Act relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; creating an exemption from payment of restitution for certain unlawful takings of big game animals; relating to commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of restitution; adding a definition of 'electronic form'; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

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
03/20/17	(H)	Heard & Held
03/20/17	(H)	MINUTE(RES)
03/22/17	(H)	RES AT 1:00 PM BARNES 124
03/22/17	(H)	Heard & Held
03/22/17	(H)	MINUTE(RES)
03/24/17	(H)	RES AT 1:00 PM BARNES 124
03/24/17	(H)	Scheduled but Not Heard
03/31/17	(H)	RES AT 1:00 PM CAPITOL 106

**WITNESS REGISTER**

HENRY D. TIFFANY IV, Appointee  
Big Game Commercial Services Board  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community & Economic Development  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified as appointee to the Big Game Commercial Services Board.

THOMAS H. SULLIVAN, JR., Appointee

Big Game Commercial Services Board  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community & Economic Development  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Big Game Commercial Services Board.

JAMES A. "TOM" ATKINS, Appointee  
Big Game Commercial Services Board  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community & Economic Development  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Big Game Commercial Services Board.

TED H. SPRAKER, Appointee  
Board of Game  
Alaska Department of Fish & Game  
Soldotna, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Game.

KAREN L. LINNELL, Appointee  
Board of Game  
Alaska Department of Fish & Game  
Glennallen, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Game.

THOMAS K. LAMAL, Appointee  
Board of Game  
Alaska Department of Fish & Game  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Game.

LAWRENCE J. "LARRY" VAN DAELE, PhD, Appointee  
Board of Game  
Alaska Department of Fish & Game  
Kodiak, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Game.

GARY STEVENS  
Chugiak, Alaska

**POSITION STATEMENT:** Opposed the confirmations of Ted Spraker and Karen Linnell, appointees to the Board of Game.

SAM ROHRER, President  
Alaska Professional Hunters Association  
Kodiak, Alaska

**POSITION STATEMENT:** Supported the confirmations of Ted Spraker, Larry Van Daele, and Karen Linnell, appointees to the Board of Game, and supported the confirmations of Henry Tiffany, Tom Atkins, and Thomas Sullivan, appointees to the Big Game Commercial Services Board.

ROBERT CAYWOOD  
Chugiak, Alaska

**POSITION STATEMENT:** Opposed the confirmations of Ted Spraker and Karen Linnell, appointees to the Board of Game.

LEWIS BRADLEY  
Palmer, Alaska

**POSITION STATEMENT:** Supported the confirmation of Tom Lamal, appointee to the Board of Game.

MARY BISHOP  
Fairbanks, Alaska

**POSITION STATEMENT:** Opposed the confirmation of Karen Linnell, appointee to the Board of Game.

NICOLE BORROMEO, Executive Vice President & General Counsel  
Alaska Federation of Natives  
Anchorage, Alaska

**POSITION STATEMENT:** Supported the confirmations of Ted Spraker, Karen Linnell, and Larry Van Daele, appointees to the Board of Game.

MARK RICHARDS, Executive Director  
Resident Hunters of Alaska  
Fairbanks, Alaska

**POSITION STATEMENT:** Supported the confirmations of Tom Lamal and Larry Van Daele, appointees to the Board of Game.

BRUCE CAIN  
Glennallen, Alaska

**POSITION STATEMENT:** Supported the confirmations of Karen Linnell and Ted Spraker, appointees to the Board of Game.

JESSE BJORKMAN  
Nikiski, Alaska

**POSITION STATEMENT:** Supported the confirmation of Ted Spraker, appointee to the Board of Game.

AARON BLOOMQUIST  
Copper Center, Alaska

**POSITION STATEMENT:** Supported the confirmations of all the appointees to the Board of Game and Big Game Commercial Services Board.

RICHARD BISHOP  
Fairbanks, Alaska

**POSITION STATEMENT:** Opposed the confirmation of Karen Linnell, appointee to the Board of Game.

ROD ARNO, Executive Director  
Alaska Outdoor Council  
Anchorage, Alaska

**POSITION STATEMENT:** Opposed the confirmation of Karen Linnell, appointee to the Board of Game.

BEN STEVENS, Representative  
Hunting and Fishing Task Force  
Tanana Chiefs Conference  
Fairbanks, Alaska

**POSITION STATEMENT:** Supported the confirmation of Karen Linnell, appointee to the Board of Game.

JAMES LOW  
Fairbanks, Alaska

**POSITION STATEMENT:** Supported the confirmation of Thomas Lamal, appointee to the Board of Game.

APRIL FERGUSON, Senior Vice President  
Bristol Bay Native Corporation  
Anchorage, Alaska

**POSITION STATEMENT:** Supported the confirmations of Ted Spraker and Karen Linnell, appointees to the Board of Game.

FREDRICK OLSEN, JR.  
Kasaan, Alaska

**POSITION STATEMENT:** Supported the confirmation of Karen Linnell, appointee to the Board of Game.

CARRIE STEVENS  
Fairbanks, Alaska

**POSITION STATEMENT:** Supported the confirmation of Karen Linnell, appointee to the Board of Game.

RICHARD PETERSON

Juneau, Alaska

**POSITION STATEMENT:** Supported the confirmation of Karen Linnell, appointee to the Board of Game.

WILBUR BROWN, Second Vice President  
Alaska Native Brotherhood Grand Camp  
Camp President, Sitka Local Camp  
Sitka, Alaska

**POSITION STATEMENT:** Supported the confirmation of Karen Linnell, appointee to the Board of Game.

DON HORRELL

Glennallen, Alaska

**POSITION STATEMENT:** Supported the confirmations of Karen Linnell and Ted Spraker, appointees to the Board of Game.

JESSICA BLACK

Fairbanks, Alaska

**POSITION STATEMENT:** Supported the confirmation of Karen Linnell, appointee to the Board of Game.

#### **ACTION NARRATIVE**

[1:05:13 PM](#)

**CO-CHAIR ANDY JOSEPHSON** called the House Resources Standing Committee meeting to order at 1:05 p.m. Representatives Josephson, Tarr, Talerico, Rauscher, Johnson, Birch, Parish, and Tuck (alternate) were present at the call to order. Representative Drummond arrived as the meeting was in progress.

#### **CONFIRMATION HEARING(S):**

**Alaska Big Game Commercial Services Board**

**Alaska Board of Game**

[1:06:18 PM](#)

**CO-CHAIR JOSEPHSON** announced that the first order of business would be the confirmation hearings on appointees to the Big Game Commercial Services Board and the Board of Game. He began with the Big Game Commercial Services Board.

[1:06:45 PM](#)

**HENRY D. TIFFANY IV**, Appointee, Big Game Commercial Services Board, testified he has served on this board for the past four

years, so this would be a re-appointment. He said he was born in Fairbanks and raised primarily in Anchorage and Juneau, and that he moved back to Alaska about 30 years ago. A licensed big game guide and outfitter, this year will be his 29th year as a professional guide. He stated that serving on this board is a challenging responsibility, but that it continues to be an honor and learning experience. There are very few ways within the big commercial services industry to give back to the community, the industry, and the state, he continued, and that is the reason why he originally requested to become more involved in the process and which eventually led to his being nominated to serve on the Big Game Commercial Services Board. He acknowledged it can be a thankless job, but said it is important to the industry, to the State of Alaska, and to the resources, and to all those who benefit and enjoy them.

CO-CHAIR JOSEPHSON asked whether Mr. Tiffany believes that state lands should have a concession system in a manner similar to federal lands.

MR. Tiffany replied yes, he firmly believes that that would be in the best interests of the state and of the resources. He said he is familiar with the Guide Concession Program (GCP), Department of Natural Resources (DNR), and was present, involved, and at the meetings when the GCP was initially proposed and throughout its integration and then later its development. It is probably one of the single greatest things that could happen in the foreseeable future to benefit the resources, the animals, the land, and the guides involved in the big game commercial services industry, he continued, and more importantly the resident and nonresident hunting public.

[1:09:53 PM](#)

REPRESENTATIVE BIRCH noted he is unfamiliar with the demands of the Big Game Commercial Services Board. He inquired as to the amount of time involved in serving on this board and how often the board meets per twelve-month period.

MR. TIFFANY responded that he was first asked to serve on the Board of Game, but that he respectfully declined because of the time commitment involved in serving on that board. Since his attitude is to do everything to the best of his ability, he felt at the time that either his service on the Board of Game, or his family, or his business would suffer if he were to accept. He was then asked to serve on the Big Game Commercial Services Board, which he was interested in doing because it is less of a

time commitment, he said, but he was very surprised to find how much of a time commitment it requires. Nine members serve on the board and some do more than others. It is difficult to average the number of hours, he continued, because many months of the year he is in the field working and not directly involved with the board.

MR. TIFFANY explained the board has two big public meetings per year in March and December, as well a teleconference in July. He said the chairman has been scheduling teleconferences more regularly than in the past, and currently the board has been having teleconferences every two months to deal with disciplinary actions and other executive session matters. He estimated he spends about three to four hours a week throughout the year working directly on [board matters]. As the two guide members on the board, he and board chairman Kelly Vrem review (redacted) cases brought to the board by the investigator and offer sanction recommendations to the investigator who in turn passes them along to the respondents and/or their attorneys. Beside the three normal public meetings and the three or four executive session-type meetings, he continued, quite a bit of work is done behind the scenes related to sanction recommendations and fielding calls from people in the industry as well as concerned people outside the industry. It is more time consuming than he initially anticipated, he reiterated, but now that he has done it for four years he understands it, and it is just one of the sacrifices a person makes when serving on a board one cares about.

[1:14:31 PM](#)

REPRESENTATIVE BIRCH asked whether the board's teleconferences are held at Legislative Information Office (LIO) facilities or outside LIO facilities.

MR. TIFFANY answered that to date the teleconferences have not been through LIO facilities, but have been orchestrated and set up by the board's division.

REPRESENTATIVE PARISH noted that HB 129 is before the committee. He said the bill is by request of the governor and includes a stipulation he is leery of. He surmised Mr. Tiffany is aware of the penalties imposed for the unlawful taking of large game animals from bears to wolverines. He explained that Section 17(b) of HB 129 would amend this law to say that a defendant may not be ordered to pay restitution if the defendant promptly reports it to the department or to a state law enforcement

officer engaged in fish or wildlife protection and surrenders to the department all salvaged portions of the animal. He requested Mr. Tiffany's thoughts on this proposed amendment.

MR. TIFFANY replied he has not read HB 129 and cannot speak for the board, but based on the aforementioned synopsis he is willing to give his personal thoughts. As a member of the Big Game Commercial Services Board and as someone who has reviewed a great many cases, he has observed and learned how clear it is that honesty truly is the best policy. When someone is forthright, forthcoming, admits to his or her mistake, and doesn't try to hide it, it is a benefit to everyone. No one is perfect, he noted, at some point in life every person has made mistakes and probably will in the future.

MR. TIFFANY stated violations should never be applauded, but when someone comes forward to the Alaska Wildlife Troopers and admits guilt of a violation, their willingness and cooperation in coming forward should be applauded. The more that is demonstrated, the more willing individuals might be to step forward. The animals belong to the State of Alaska and to all the people, he said, so it is unclear why it would be argued in HB 129 that no restitution to the state would be appropriate given that significant resources in many different departments are utilized to support wildlife habitat and research to maintain viable, sustainable populations. He said if he were asked to vote today on HB 129, and based on the aforementioned synopsis and having not read the bill, he guesses he would not support that particular clause. However, he added, it is possible that the rest of HB 129 is good but on that particular issue, he said he thinks that restitution is due to the state.

[1:19:53 PM](#)

REPRESENTATIVE TALERICO observed from Mr. Tiffany's application that he is on the board of directors for a small family business called Control Concepts. He asked whether this business has to do with big game or is something completely different.

MR. TIFFANY responded that Control Concepts manufactures primarily [indisc. - moving of microphone] for conveyer belts and sonic air horns for agricultural and industrial industries.

REPRESENTATIVE TALERICO inquired where Mr. Tiffany has done most of his professional guiding within the state.

MR. TIFFANY answered that over the last 28 years he has been fortunate enough to experience most all the major regions of Alaska. He said he is familiar, comfortable, and experienced in Southeast Alaska, Central Alaska, the Interior, the Brooks Range, Northwest Alaska, Southwest Alaska, the Alaska Peninsula, and Kodiak Island. During the past 20 years, the majority of his time has been spent on the Alaska Peninsula, a bit on Kodiak Island, the Interior, and the Brooks Range.

[1:22:03 PM](#)

THOMAS H. SULLIVAN, JR., Appointee, Big Game Commercial Services Board, testified he has lived in Alaska for thirty-four years, four in Fairbanks, and the rest in Anchorage. He retired from the U.S. Air Force after twenty-six years, with five of those in law enforcement. He currently works for the State of Alaska and plans to retire later this year or early next spring. He said he has three college degrees in management, business administration, and computers, and is an information technology manager and data network engineer by trade. His lifelong love of hunting and fishing is why he came to Alaska. While he is not a guide and has never worked in the industry, he pointed out that he has hunted many species in five other states and has used guides and transporters in three different states, and therefore he understands the need for oversight of the industry.

MR. SULLIVAN said he has been a competitive shooter in pistol, rifle, shotgun, and archery; a volunteer instructor with the Alaska Department of Fish and Game (ADF&G) teaching the Bowhunter Certification Course; and a Wildlife Conservation Officer at Eielson Air Force Base. He has over 45 years of work experience as a supervisor manager and project manager, he continued, and is very detail oriented and good at analyzing work processes and regulations and understanding their impacts and costs. He further pointed out that he has much experience in interpreting and applying regulations and laws. His work experience with the State of Alaska includes budgets, personnel issues, and information technology systems, and therefore he can contribute to the board members' understanding in those areas. Mr. Sullivan said he believes in the board's mission and is happy for this opportunity to do volunteer work in the industry. He added that this board, the Board of Fisheries, and the Board of Game interest him because they deal with something he cares a great deal about. He requested the committee give him a chance to serve on the board.

CO-CHAIR JOSEPHSON observed that Mr. Sullivan's application talks about how king salmon were jumping in the Kenai River in 1980 and that it would take really tough decisions to ever return to those days. He requested Mr. Sullivan to explain what he is meaning by these statements.

MR. SULLIVAN replied that to ever return to that level the number of king salmon in that river would have to increase significantly and probably the way to do that would be to restrict taking of king salmon in some way. He said he doesn't have the data to do that analysis, so ADF&G biologists would have to do it. He further stated that a lot of environmental factors are contributing to this as well. He related his experience in the Interior where restrictions were put on fishing for grayling. Everyone hated and complained about it, but within a couple years everyone was happy because the numbers and size of fish came back. While he doesn't know if that can happen with salmon, he would love to see it, he said.

REPRESENTATIVE BIRCH observed that Mr. Sullivan answered yes on his application to the question asking whether he or anyone in his family could be affected financially by decisions to be made by the board to which he is applying.

MR. SULLIVAN responded that if he did that it was a mistake. He said he does not have any relatives or family members that have anything to do with the board.

[1:26:10 PM](#)

REPRESENTATIVE RAUSCHER asked whether Mr. Sullivan believes the number of board members should be increased from seven to nine.

MR. SULLIVAN pointed out that the Big Game Commercial Services Board is already comprised of nine members.

REPRESENTATIVE RAUSCHER asked what unfinished work Mr. Sullivan would like to complete that he was unable to do during his previous term.

MR. SULLIVAN answered that this is his first appointment to the board and has only been on the board since March 1.

REPRESENTATIVE RAUSCHER asked what Mr. Sullivan would like to accomplish while on the board.

MR. SULLIVAN replied he would like to help with and accomplish some organizational things over the next year. He would like for the board to work on and simplify many of the regulations. The board is in the process of re-doing the examinations for assistant guides and guides, and he would like to be a part of that. The biggest thing is trying to remediate is the debt that this board has. He said he is looking forward to working with the board and getting some of these things resolved.

REPRESENTATIVE TALERICO observed from Mr. Sullivan's application that he used to live in Fairbanks, presumably stationed at Eielson Air Force Base. He inquired how long Mr. Sullivan lived in the Interior.

MR. SULLIVAN confirmed he was stationed at Eielson Air Force Base for four years and then the Air Force moved him to Anchorage. He said he loved being in Fairbanks, but the winter of 1989 convinced him to move south.

[1:29:39 PM](#)

JAMES A. "TOM" ATKINS, Appointee, Big Game Commercial Services Board, testified he is a current member of the board having served for about four years, and now he is re-applying. A resident of Alaska for forty-six years and retired construction electrician, he said he has been flying airplanes in Alaska for almost forty years. He has a small air taxi business and started out in the guiding industry as a packer, then went to work as an assistant guide, then a class A assistant guide, and then a registered guide. He no longer guides because the years have caught up with him, he said, so now he just flies airplanes. He added that it has been a privilege to work on the board and the biggest thing is that many of the guides are trying to understand all the rules and regulations.

CO-CHAIR JOSEPHSON noted that the Big Game Commercial Services Board has had a substantial deficit in its fees collection and has been the subject of a number of committee meetings, not in terms of the substance of what the board does, but in terms of the board funding itself. He asked whether Mr. Atkins would like to share how that happened and what the remedy might be.

MR. ATKINS replied he has been involved with the board for about four years. He said the board is very aware of the debt and there are different stories on how this came to be. The board was sunset for a while, he noted, and part of the debt came about during that sunset period. At this time the board has a

very good investigative staff, plus the guides and transporters have doubled a lot of their fees. The debt is getting paid down and the hope is to have it paid down by the deadline. He advised that it is not a real profitable business unless a person hits it big time. Many of the guides are small guides, he was one of them for several years, and these small guides are getting hit hard with all these fees. However, he continued, they are dedicated to the job they do and like what they do. The board is doing its best to get out of debt and stay intact to look after its membership.

REPRESENTATIVE TUCK stated he has known Mr. Atkins for most of his life and Mr. Atkins has been a "standup" guide. He said Mr. Atkins makes solid decisions after considering everybody else's concerns and rather than concentrating on what's good, Mr. Atkins is always standing up for what's best. He said he thinks committee members will all be pleased with Mr. Atkins' re-appointment.

[1:34:24 PM](#)

CO-CHAIR JOSEPHSON turned attention to confirmation hearings on appointees to the Board of Game. He advised the committee would take public testimony on the appointees to both the Board of Game and the Big Game Commercial Services Board following the testimony of the appointees to the Board of Game.

[1:34:46 PM](#)

TED H. SPRAKER, Appointee, Board of Game, testified he lives in Soldotna and is retired from 28 years of working as a wildlife biologist with the Alaska Department of Fish and Game (ADF&G). He said he was born in Louisiana, raised in Wyoming, and graduated from the University of Wyoming with a Bachelor's degree in Wildlife Management in 1970 and a Master's degree in Range Management in 1973. As a college student his dream career was to move to Alaska and work as a wildlife biologist for the state. He applied for every state job and even some federal jobs that were available, he said. About a month after graduation he was offered a three-month job with the U.S. Fish and Wildlife Service in Southeast Alaska and from there he has never looked back. That job led to several more temporary jobs and then in 1974 he was offered a permanent position with ADF&G.

MR. SPRAKER said his career with ADF&G was very rewarding. He worked during a time when the department was growing and developing the different methodologies for capturing animals,

determining survey techniques, and estimating populations. Additionally, one of his most valuable lessons was working with the public due to there being five advisory committees on the Kenai Peninsula. He retired from ADF&G in June 2002, was appointed to the Board of Game in January 2003 by Governor Frank Murkowski, and has been re-appointed by governors Murkowski, Palin, Parnell, and Walker. If confirmed, this will be his sixth and final term on the Board of Game, he said. He served as the vice chairman for two terms and is currently serving as the chairman. He is 68 years old, he noted, and while he enjoys being on the board and has the time to keep up with the demands, after one more term it will be time to "hang it up" and complete 45 years of serving in the wildlife management business in Alaska. He has thoroughly enjoyed being part of the Board of Game process, he added, and he hopes to serve one more term to give back what he can to the state that has given so much to him and his family.

[1:39:59 PM](#)

CO-CHAIR JOSEPHSON recalled that at this year's Board of Game meeting in Fairbanks, Mr. Spraker advocated for a proposal that would establish land-and-shoot programs for wolves in eight [game management units]. He asked whether the data on wolf numbers supported the land-and-shoot program that Mr. Spraker advocated.

MR. SPRAKER replied that historically Alaska had land-and-shoot available until a ballot measure in 1996. Before that time [the board] really didn't get too involved. While there were some predator control programs, the land-and-shoot [program] pretty much took care of it. There is so much contention about predator control, he said. Going back to land-and-shoot over the eight selected areas, not the whole state, could allow doing away with some predator control efforts, he maintained. Predator control costs ADF&G a tremendous amount in staff time and in actual dollars because of the high standards the board holds the department to before adopting a predator program. Going back to what was had in the 1970's to the 1990's, especially in those areas that produce a lot of game and where a lot of people in the state are interested in hunting, could probably allow moving away from some of these predator control costs.

CO-CHAIR JOSEPHSON offered his understanding that at a recent Board of Game meeting in Bethel the local advisory council opposed the wolf predator control program there, but that Mr.

Spraker advocated it. He requested Mr. Spraker to describe how that unfolded.

MR. SPRAKER responded that throughout his career with ADF&G and his time on the Board of Game he has always supported an active management program that sometimes includes predator control. He said he is very strong on the science end of it and that the board denies more predator control programs than it authorizes because it doesn't have all the science. As far as the predator control issue discussed in Bethel, if the science supports and demonstrates that there is a need for a temporary reduction in the impact caused by predators he has been very supportive of that across the state.

[1:43:53 PM](#)

REPRESENTATIVE RAUSCHER requested Mr. Spraker's opinion on [proposed HB 105] that would expand the [Denali National Park and Preserve] area as far as the taking of wolves.

CO-CHAIR JOSEPHSON clarified [HB 105] would not expand Denali National Park and Preserve because [the state] cannot do that.

REPRESENTATIVE RAUSCHER, correcting his statement, said [proposed HB 105] would [expand] a buffer zone for wolves and requested Mr. Spraker's thoughts on this idea. He further said the bill would stop the taking of wolves in an area around the park and asked whether Mr. Spraker knows why no wolves are there right now.

MR. SPRAKER answered he is familiar with [proposed] HB 105. He recalled that when he first came on the Board of Game in 2003 the buffer had been in place for a couple years. In about 2005 he voted for it to stay in place, but not because he thought it made good sense from a biological standpoint or really protected wolves. Rather, he thought it was good to leave it alone because it was already in place, it recognized the needs of a lot of people who were concerned about the buffer, and recognized that the board needs to deal with and represent all voices in the state. Then it came back, he said, and the board put a moratorium on it for six years. When it came back in 2010 he had the same feelings that from a biological standpoint it didn't serve its purpose because, based on his work across the state with capturing, monitoring, and tracking wolves, wolves are not contained. Wolves will seek out places where there is prey and other wolves and they do not always stay in the same place. The 2010 vote was split 3-4 and again he felt the

sleeping dog should be left alone because it satisfied quite a few people. There were certainly a lot of people disgusted with it, he noted, and so the board did away with it in 2010. It came back, and the board put another moratorium on it.

MR. SPRAKER continued, saying the buffer again came back recently and the board voted it down unanimously. The reason for the vote, he explained, was that when the National Park Service was last before the board it reported that about 49 wolves were in the park, but this year the park has 77 wolves. Another interest the board had was the revenue, he noted. The board heard concerns about lost revenues because wolves weren't being seen. However, the [National Park Service] reported that visitation went from about 400,000 visitors several years ago to nearly 600,000 currently. So, he said, with that information before him he was unwilling, this time, to support a buffer.

MR. SPRAKER advised that he thinks this issue has moved beyond the scope of the Board of Game and probably needs a legislative fix to solve it for a long term. For quite a while, he said, he has been suggesting that there be some sort of equitable trade either in land or like-kind opportunities. With the increase in lands to the national parks and preserves and to the U.S. Fish and Wildlife Service, about 25 percent of the sheep hunting in the state was lost. This issue could be solved, and the Denali buffer addressed, he posited, by negotiating at a much higher level than the Board of Game to make some sort of trade. It is a complicated question the board has struggled with for the entire time he has been a member, he said, and he doesn't see any way out other than some sort of equitable trade.

[1:48:54 PM](#)

REPRESENTATIVE PARISH related that the statute establishing the Board of Game states that the members "shall be appointed on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with the view of to provide diversity of interest and points of view in the membership." He inquired whether Mr. Spraker feels that the interests and points of view in the membership accurately represent those of the general Alaska public for whom they are the designees.

MR. SPRAKER replied that that changes between different boards and appointments. As of a month ago, he said, the Board of Game had seven individuals, all of whom were hunters or trappers of varying degrees - some are not very avid hunters and only one of

the two trappers is an avid trapper. At this time the board doesn't have a member who is a nonconsumptive user, someone who is not involved in actively hunting or trapping. In the past, both before he became a member and while he has been a member, he has seen situations where the board had members who were solely there to not approve any hunting opportunities and he does not think they were effective board members, although they did get their points across.

MR. SPRAKER stated that the best example he can think of is Ben Grussendorf who was chairman of the board when he was first appointed and a former representative in the legislature. During his early days on the board, he said, Ben and Jim Reardon were his mentors. Ben was one of the best when it came to representing the non-hunting public, he recalled. Ben was always the person the public went to and talked with and Ben brought their points forward. Ben was brilliant, did an outstanding job of that, and really helped to balance the board. But, Mr. Spraker continued, the other part is that when it came to issues where the board had to dig down into the science, Ben always sided with the science, even when it came to voting for predator control. Ben had a soft spot in his heart for bears and did not vote for predator removal and large seasons on bears, but when it came to others like wolves Ben would evaluate the science and more often than not Ben would vote for predator control. Ben is the kind of guy needed on the board, Mr. Spraker said. [Membership on the board] is beyond the board's purview, however. It is something for the governor to select and the legislature to confirm. A balanced board is needed, and a person who probably doesn't involve himself or herself with hunting would be a benefit to the board down the road.

[1:53:06 PM](#)

REPRESENTATIVE RAUSCHER cited the Constitution of the State of Alaska, Article 8, Section 3, which states, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." He asked what obligations Mr. Spraker, as a member of the board, sees himself as having under that section and article.

MR. SPRAKER responded that the obligation is clear - it is for the maximum benefit of all users. He noted that Alaska has a subsistence law and four species that have a resident priority while the rest of the species don't have a resident priority. Alaska has a system under its intensive management law that the board deals with. Several issues must be brought before the

board on each decision. The board gives residents a priority in almost every case, he said, and he has looked this up because this question has come up several times. Of recent, there has been quite an effort to eliminate nonresident hunters. The board looks at all uses. In the situation of abundance called "Tier I plus," he explained, there are enough animals to satisfy the state's priority subsistence needs, which are first, plus enough to satisfy the Tier I, which is all the residents, plus enough to allow some nonresidents.

MR. SPRAKER said he has been supportive of the aforementioned for two reasons. First, across the Lower 48 and the world Alaska is regarded as unique for its hunting opportunities and therefore he thinks Alaska should be a friendly state to outside income that is brought in. Nonresidents pay over 70 percent of the fees for licenses and tags, he pointed out. If nonresidents were eliminated and Alaska residents had to pay everything, a resident hunting license could cost hundreds or maybe even more than a thousand dollars. Today a resident hunting license costs about \$35 and the reason it is so cheap is because nonresidents pay for it. So, while he is a very strong advocate for residents, he understands the entire equation and thinks nonresident hunting is appropriate when populations are abundant enough to allow for it. The second reason, he continued, is the guiding industry, which last year brought \$82 million to Alaska. That money goes to everything from airplanes to hotels to restaurants to guides to packers to families. So, nonresidents have a place, but he recognizes that the residents have the priority.

[1:56:54 PM](#)

REPRESENTATIVE RAUSCHER inquired as to what Mr. Spraker's ultimate goal is [in serving on the Board of Game].

MR. SPRAKER answered that his ultimate goal includes two big issues that he would like to work on and see changed. The first big issue before the Board of Game is the Western Arctic Caribou Herd, which he thinks is going to be paramount soon. He said the board is trying to manage that herd for 200,000 caribou. The board's harvest objective is 12,000-20,000 since it has a positive Customary and Traditional (C&T) finding because of the subsistence in the Western Arctic. The amount of caribou reasonably necessary for subsistence (ANS) is 8,000-12,000. All these goals are being met right now, he said, but this population has come down from 490,000 in 2003. While caribou populations fluctuate, this downward trend is alarming. If the

herd drops below 200,000, the board will have to make some pretty tough decisions on hunting opportunities in the Western Arctic. Western Alaska, he pointed out, is the place where the term "food security" is an everyday household concern. The board starting to restrict these people because there are fewer animals to fill their freezers is of dire concern to him as a board member, so he wants to work with ADF&G to try to solve some of those issues.

MR. SPRAKER said the second big issue before the board is subsistence in Game Management Unit 13, an issue that started in 1983. A very strong Athabascan Native community is located at a crossroads in the highway with Valdez on one end, the Matanuska-Susitna Valley, Anchorage, and the Kenai Peninsula on the other end, and Fairbanks on another end. As a result of road access, about 80 percent of the people who hunt in the Nelchina Basin don't live in the Nelchina Basin. The Athabascans are trying to maintain their customary and traditional lifestyle like they've done for thousands of years in the midst of all these people who come into their area to hunt. The Board of Game just held a special meeting in Glennallen, he related, where he thought the board was going to do away with the community subsistence harvest. The system the board put in place in 2009 has failed, he said, it doesn't address the objectives that the board set for it. It is time for the board to move on, which he has stated publically in a meeting. There were a couple public proposals to allow the board to do that, he related, and while the board made a few good changes, it didn't get there. A burdensome paperwork community subsistence harvest process still exists that really doesn't reach the objectives it was designed to reach.

[2:01:05 PM](#)

KAREN LINNELL, Appointee, Board of Game, testified her father is from Chistochina on the north end of the Copper River and her mother is from Kake in Southeast Alaska. She and her husband hunt, fish, and gather within the Copper River Basin. She said her primary source of income is from her employment as executive director of the Ahtna Inter-Tribal Resource Commission (AITRC) [which does business as the Copper River-Ahtna Inter-Tribal Resource Conservation District]. The commission has a contract with the Department of Natural Resources (DNR) to do some wildfire protection plans for three communities, she said. The commission also has a memorandum of agreement (MOA) with the U.S. Department of Interior for cooperative management on

federal lands and this MOA allows for the formation of a subsistence local advisory committee.

MS. LINNELL noted she serves as a board member to Ahtna, Incorporated, an Alaska Native corporation that is a global company providing construction and integrative services to both government and private sector clients. She said she also serves on two committees of the Ahtna board, the Ahtna Land Committee and the Operations and Improvements Committee, neither of which has any financial interest in any fish or game industry. Additionally, she serves on the Wrangell-St. Elias Subsistence Resource Commission (SRC) where her term ends December 2017. The SRC, she explained, provides a venue for local subsistence users to have input into the management of subsistence resources within the Wrangell-St. Elias National Park and Preserve.

MS. LINNELL recognized she may have conflicts from time to time, but said she will continue to follow the procedure outlined in Alaska Statute (AS) 39.52 if conflicts exist, as she has been doing since appointed by the governor in November 2016. She has been involved with the Board of Game and regulation process for over a decade, she stated, first by providing public testimony and then by getting involved in her local advisory committee. She served as an officer on the Copper Basin Fish and Game Advisory Committee, but resigned upon her appointment to the Board of Game.

MS. LINNELL said she further served as chair of the Wildlife Committee on the Governor's Transition Team, a committee that consisted of a diverse group of users, including former department staff, guides, subsistence users, and nonconsumptive users. At the transition meeting, she said, committee members were able to come to consensus in form of final report to the governor. She offered her belief that healthy populations are important to the sustainability of wildlife and anybody's uses, and that this needs to be balanced before worrying about making sure users have access. "I think that if we take care of the resource, it will take care of us," she stated. This is something she has been taught all her life, she explained, so that is her goal.

[2:05:48 PM](#)

REPRESENTATIVE BIRCH acknowledged that Ms. Linnell has much public support. Noting her involvement with Ahtna, he asked whether Ms. Linnell would like to offer her perspective on the [Klutina Lake Road public access and the revised statute of the

Mining Act of 1866 known as R.S. 2477, an issue that is ongoing between Ahtna, the State of Alaska, and the U.S. Bureau of Land Management].

MS. LINNELL replied she has nothing to offer that would pertain to her position at the Board of Game. However, she continued, private property rights are involved in this matter and access would not be denied to the river, but control of the access would be put in place. As the landowner Ahtna has the right to protect that land and that river. Of concern to her is erosion and damage to the fish habitat and spawning beds.

CO-CHAIR JOSEPHSON observed from Ms. Linnell's application that she believes in managing for abundance. He inquired as to how Ms. Linnell sees that a balance can be struck so that nonconsumptive users can view predators.

MS. LINNELL responded that a balance is needed. In serving on the Wrangell-St. Elias SRC, she said, she has seen both sides of the picture and choosing not to act by limiting access to the land and having requirements to stay on specific trails limits the access within that park. Also, she continued, there must be a balance between the resources. Not acting and not managing carnivores damages the population of ungulates; there is a fine balance that needs to be walked. She recently read that on Unimak Island no predator control has resulted in the muskox declining to an all-time low that will take a long time to rebound. She comes from a family of trappers, she noted, and while she does not participate in it she sent her grandson out to learn how. Trapping provides an income to her family members, but the teaching that is passed on in traditional trapping is that when too many females have been trapped, it's time to stop so that life can be perpetuated. This teaching is for all the animals that are being taken - take what is needed and nothing more. For example, Ms. Linnell continued, today is the last day of caribou season and her permit is still open, but her freezer is full, so she is not worried about filling her permit and that is the way it should be.

[2:10:33 PM](#)

REPRESENTATIVE DRUMMOND, regarding the lack of predator control on Unimak Island, stated that predator control must be different when an island is involved as opposed the mainland where the ungulates can roam and escape. She asked how Ms. Linnell would have handled that had she been on the Board of Game at the time predator control was considered for the island.

MS. LINNELL answered that a similar discussion was had at the Copper Basin advisory committee. The committee looked at population objectives along with the populations of carnivores, the wolves, and determined that a trigger should be in place to prevent one population from getting so low that it doesn't survive. [It was decided that] if the moose dropped below management objectives, predator control will be implemented and then when the [moose] population rises to a certain level the predator control will cease. It is used as a management tool, she explained, and those kinds of things need to be taken into consideration.

[2:12:20 PM](#)

REPRESENTATIVE RAUSCHER concluded that Ms. Linnell looks at the issue of predator control as one where science is needed.

MS. LINNELL replied yes. Healthy populations, looking at the terrain, and what the land can sustain are important parts of that. Habitat is an important part of intensive management. Other ways of doing intensive management include controlled burns and mechanical manipulation to create additional habitat for additional feedstock.

REPRESENTATIVE RAUSCHER requested Ms. Linnell's opinion on what should be the ultimate goal of the Board of Game.

MS. LINNELL responded it is to have healthy populations and to provide for reasonable opportunity for individuals and that there is not one user group over another. There must be a balance in that as well.

REPRESENTATIVE RAUSCHER cited the Constitution of the State of Alaska, Article 8, Section 3, which states, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." He asked what obligations Ms. Linnell, as a member of the board, sees herself as having under that section and article.

MS. LINNELL answered that it is to provide and ensure that the resources are sustainable and available for all users, both consumptive and nonconsumptive.

REPRESENTATIVE RAUSCHER requested Ms. Linnell to explain how a community subsistence harvest program works.

MS. LINNELL replied that a community subsistence harvest is a permit that groups can apply for. She explained that originally the Ahtna Tene Nene brought forward a proposal to form a community hunt that consisted of members of the community who weren't necessarily local by location. While folks from several communities throughout the state participated in that hunt, they were members of that community by connectivity. A lawsuit was filed that said other groups might be eligible, and others have applied and received eligibility to participate in that hunt.

REPRESENTATIVE RAUSCHER inquired whether this program should be improved as suggested by earlier testimony.

MS. LINNELL responded yes, she thinks the actions taken at the recent board meeting may be a good step. There was a race to get to 100 bulls at the beginning of the season, she said, and now with implementation of the Tier II process within that community subsistence hunt those permits can be doled out and eliminate that need to be the first hunter out there to get what's there. It will lend to an improved quality of hunt.

REPRESENTATIVE RAUSCHER acknowledged receiving many letters in support of Ms. Linnell's appointment.

[2:17:33 PM](#)

REPRESENTATIVE JOHNSON stated that she too has received many letters in support of Ms. Linnell's appointment. She noted Ms. Linnell's impressive track record of public service and asked how Ms. Linnell will deal with possible conflicts of interest given all the other organizations with which she is involved.

MS. LINNELL answered that her current employer is the Ahtna Inter-Tribal Resource Commission. Upon her appointment to the Board of Game she stepped down from the Copper Basin Fish and Game Advisory Committee, she noted, and her term with the Wrangell-St. Elias Subsistence Resource Commission expires December [2017].

REPRESENTATIVE RAUSCHER requested Ms. Linnell to elaborate on the meaning of executive conflicts under AS 39.52.

MS. LINNELL replied that AS 39.52 outlines the procedure for declaring a person's conflicts of interest and she intends to abide by this statute.

[2:19:56 PM](#)

REPRESENTATIVE JOHNSON surmised Ms. Linnell would not want to step down from her employment to take a position on the Board of Game, and inquired how Ms. Linnell anticipates dealing with any conflicts of interest that might come up.

MS. LINNELL responded she isn't sure because the Ahtna Inter-Tribal Resource Commission and Chitina Native Corporation only recently signed the MOA with the U.S. Department of Interior to create moose browse on corporation land. That's about it so far, she said, given it is a new group that was formed in 2011. Work has been done in partnership with ADF&G, Division of Forestry, DNR, the U.S. Bureau of Land Management, and the National Park Service on a U.S. Department of Agriculture (USDA) conservation innovation grant that is being completed this year. This three-year grant, she explained, was for doing a vegetation analysis across the landscape of the Ahtna traditional territory, which goes from Cantwell to the Canadian border. All available public mapping information has been put into one database that is being shared with the aforementioned agencies. That information was used to ground truthing the vegetation analysis to enable better planning for habitat improvement on Ahtna and Chitina Native corporation lands.

REPRESENTATIVE JOHNSON requested Ms. Linnell to discuss how she sees her association with both subsistence and game hunting.

MS. LINNELL answered that traditional stewardship of the land is the main mission of the Ahtna Inter-Tribal Resource Commission. Habitat improvement is being done to increase populations and have healthy populations to provide food for Tribal members. She said she thinks they can work hand-in-hand, being done on private lands. Mechanical manipulation is being done to try to increase forage for moose and possibly increase the population. To date about 1,500 acres have been done and are being studied to ensure that beetle infestation isn't being encouraged, and so far, it hasn't. An increase in moose tracks as well as carnivores has been seen in those areas, she said, so it seems to be working. Not enough has been done yet to know if it has had a significant impact for populations, but moose have moved into the area.

[2:24:20 PM](#)

REPRESENTATIVE DRUMMOND offered her understanding that Ms. Linnell's employer is the Copper River-Ahtna Inter-Tribal Resource Conservation District. She observed that a document in

the committee packet states Ms. Linnell has served as the chair of the district since its inception in 2011.

MS. LINNELL pointed out that she put in her application for the Board of Game three years ago, and since then she has become employed by the district as its executive director and is no longer the chair.

REPRESENTATIVE DRUMMOND offered her further understanding that Ms. Linnell's paid position is as the district's executive director and that her time as the chair was not a paid position.

MS. LINNELL responded yes.

[2:25:13 PM](#)

THOMAS LAMAL, Appointee, Board of Game, informed the committee he lives in Fairbanks with his wife. He said he was born and raised in Wisconsin and came to Alaska in 1971 after graduating from Regis College in Denver, Colorado, with B.A. and a teaching certificate. He said he and his wife enjoy hunting, fishing, retriever field trial training, rafting, cross country skiing, flying, and gold mining. His various jobs have given him the opportunity to see and live in several parts of Alaska. He worked as a surveyor for the Division of Aviation in the early 1970's, giving him the opportunity to see the Seward Peninsula and Western Alaska while surveying in bush airstrips. During the pipeline era he worked staking the haul road from Yukon to Prudhoe and then he worked on the mainline. Surveying also gave him the opportunity to work on remote defense sites and airstrips in the Brooks Range. He worked in Southeast Alaska on a seine boat and fished from British Columbia to Juneau. He driftnetted Bristol Bay and had a Lower Yukon drift permit. He would drive his boat from Fairbanks to the mouth and drift for king salmon, a 1,000-mile trip one way. He had a Norton Sound herring permit out of Unalakleet. Mr. Lamal said he taught school in Fairbanks for 16 years, which allowed him to keep his commercial fishing active. Working in the school system gave him the opportunity to facilitate the hunter education program in the schools.

MR. LAMAL noted he is a life member of the National Rifle Association (NRA) and the Alaska Wild Sheep Foundation. He said he belongs to other outdoor groups, such as Ducks Unlimited, Pheasants Forever, Fairbanks Retriever Club of which he was president for six years, Resident Hunters of Alaska, Ruffed Grouse Society, Alaska Airmen's Association, Alaska Waterfowl

Association, and Clear Sky Sportsmen's Association. He served on the board of the Alaska Outdoor Council as well as the board of Resident Hunters of Alaska, and was also a member of the Fairbanks Fish and Game Advisory Council. He stated he is honored that Governor Walker has asked him to serve on the Board of Game. In the last 10-15 years he has been contemplating ways to maintain the ability of Alaskans to have quality hunting experiences and with this position he feels he can be effective at maintaining this experience.

[2:28:57 PM](#)

REPRESENTATIVE RAUSCHER cited the Constitution of the State of Alaska, Article 8, Section 3, which states, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." He asked what obligations Mr. Lamal, as a member of the board, sees himself as having under that section and article.

MR. LAMAL replied he would try to maintain optimum yields. When he commercial fished in Bristol Bay there seemed to be a good harvest year after year and the fishery was managed well. While it is not the same, game needs to be managed with predator control to keep the numbers on both sides healthy. If there is lots of moose, there is going to be lots of wolves.

REPRESENTATIVE RAUSCHER surmised Mr. Lamal would be using science for those methods.

MR. LAMAL responded yes. Recommendations are received from ADF&G and the Board of Game has the opportunity to decide whether it wants to accept or modify those recommendations.

REPRESENTATIVE RAUSCHER asked what Mr. Lamal's reasoning is for accepting this seat on the Board of Game.

MR. LAMAL answered he would like to see Alaska residents have quality hunting situations. He is a very strong advocate through the hunter education program to carry on family traditions, he said, and to make sure there are quality experiences for youth. Without providing situations where youth have an enjoyable outing they will not want to come back. It is important to create that situation, so kids get involved and stay involved.

REPRESENTATIVE RAUSCHER inquired as to how Mr. Lamal sees the current situation and the future situation in regard to moose and caribou in the Nelchina Basin.

MR. LAMAL replied he is not totally up to speed on this issue, but he drew a caribou permit there last year and he's never seen so many people. There is not a shortage of caribou in that area, he noted, but he didn't happen to see any in the two times he went. However, he did come home with a lot of blueberries.

[2:32:18 PM](#)

REPRESENTATIVE PARISH asked whether, in Mr. Lamal's estimation, the diversity of interest and points of view in the membership of the Board of Game are an accurate reflection of the diversity of interests and points of view in the general population for whom he is a designee.

MR. LAMAL surmised the question is whether he would consider all the different user groups.

REPRESENTATIVE PARISH replied yes, including the user groups who are not currently represented.

MR. LAMAL responded he respects all user groups, and respects people who don't want to hunt themselves but might enjoy a moose burger or maybe they're vegetarian. He related that he just returned from a month-long photo and sightseeing safari in Tanzania and he had no desire to go hunting while there because if he harvests something it goes into his freezer.

REPRESENTATIVE BIRCH observed that on his application Mr. Lamal answered yes to the question that asked whether the applicant or the applicant's family could be affected financially by the decisions made by the board. He requested an explanation.

MR. LAMAL replied he probably shouldn't have checked that box because there is no financial gain for him in any way serving on the board.

REPRESENTATIVE BIRCH acknowledged that many letters of support for Mr. Lamal have been received.

[2:35:34 PM](#)

LAWRENCE J. "LARRY" VAN DAELE, PhD, Appointee, Board of Game, testified that as the son of an Air Force fighter pilot he has

lived abroad as well as in the U.S. His father was sent to Galena and King Salmon and came home with lots of stories, fish, and crab, which tweaked his interest in coming to Alaska. Upon receiving his Bachelor of Science and Master of Science degrees from the University of Idaho, he and his wife moved to Alaska. He started as a wildlife biologist with ADF&G in 1981 in the first version of the Susitna Hydroelectric Project. He worked for ADF&G for a total of thirty-four years based in Kodiak, Dillingham, and Anchorage. During that time, he managed the Round Island Walrus Sanctuary, the Mulchatna Caribou Herd, and Kodiak brown bears. He earned his PhD in 2007 with some of the work he did on Kodiak bears. He has been fortunate, he said, to represent the State of Alaska in the Northern Forum and in the International Union for Conservation of Nature (IUCN), serving on the expert team for brown bears. He has made several trips to Russia, Sweden, Canada, and Japan to work with their biologists and he has brought their biologists to Alaska. During the last three years of his career he was regional supervisor of Region II, Southcentral Alaska. He also wrote a book on the history of Kodiak bears.

DR. VAN DAELE said he and his wife have continued to live in Kodiak since his retirement in September 2015. Their grown son also lives in Kodiak and works as a land manager for the local Native corporation. Since retiring he works part-time for Koniag [Incorporated] assisting with development of a bear viewing operation. He volunteers for the Kodiak Electric Association to help analyze the potential impacts to bears and other wildlife from expanding the local hydropower plant's capacity. He noted he is vice chairman of the Kodiak State Parks Citizens Advisory Board and helped to write another book about how to photograph bears. He stated that because of his positions with ADF&G he has opted to refrain from having memberships or positions in organizations that directly impact his decisions. However, he continued, he is an active member of The Wildlife Society (TWS) as a certified wildlife biologist and of the International Bear Association [International Association for Bear Research and Management]. He is chairman of the IUCN North Asian Brown Bear Expert Team, is a member of the Alutiiq Museum Collections Committee, and is a member of St. Mary's Catholic Church and Pioneers of Alaska.

DR. VAN DAEL expressed his honor in holding a seat on the Board of Game and noted the responsibility of that. He said Alaska has provided him with an education and many opportunities, and he would like to offer his talents and services to the board as a way of giving back to the people and wildlife of the state.

He noted that if confirmed, his primary goals will be healthy wildlife populations; food security; economic opportunities, including guiding and tourism; return of state management; revitalization of the trust by all groups in the Board of Game process. To do this, a sincere stewardship is needed that incorporates sustainability and conservation for the future, as well as respect for everyone's needs and desires. Of concern to him is the polarization that is being seen in national politics, which is also creeping into Alaska. With that polarization, folks will often belittle opposing views, and - in his opinion - that is eroding the country's democracy and its society. He offered his belief that it is the responsibility of elected officials and appointed officials to boards to do everything possible to bring people together and strive for common ground. That will help people understand and respect each other and that is would he would like to try to do if appointed to the Board of Game.

[2:40:49 PM](#)

CO-CHAIR JOSEPHSON requested Dr. Van Daele's opinion on the merits of trapping or snaring of brown bears.

DR. VAN DAELE replied that as a common practice trapping and snaring brown bears should not be done. It is an extraordinary method that could possibly be used when it is necessary to reduce bear numbers. However, he continued, there are too many dangers for both the bears and for the people that utilize that practice for it to be commonly used in the state.

CO-CHAIR JOSEPHSON remarked that Dr. Van Daele's background is impeccable and incomparable. He related his understanding, however, that at a meeting in Fairbanks earlier this year Dr. Van Daele asserted that people supporting the proposed wolf buffer were emotional and non-factual. He asked whether Dr. Van Daele thinks there was any merit in these people's written or oral statements or whether they were just acting out of emotion.

DR. VAN DAELE responded that that was a snippet of a longer comment he made. He said he and most board members took the time to read all 300 of the comments received and to read that there were about 18,000 others interested in the wolf buffer. His main concern is the need to work together with science-based facts. Emotions are legitimate, he said, but when dealing with wildlife populations that are shared for the beneficial use of everyone in the state, facts must be weighed as well as emotions. Several commenters from both sides were not relying

on facts. For example, statements were made that wolf numbers in Denali National Park and Preserve are declining. But that is not a fact. As Mr. Spraker stated, wolf numbers are increasing, and the National Park Service told Board of Game members that the only wolves it was concerned about were the few individuals that left the park and went into the Stampede buffer area. Also, he said, statements were made that people weren't coming to Denali National Park and Preserve, resulting in economic loss because of the wolves not being visible. But, according to the National Park Service, more people were coming than had in the past. Further, he continued, the Board of Game heard that there was a lot of communication between the local people, the National Park Service, and folks who wanted to see more wolves around, but the board did not hear that consistently from folks. Perhaps "emotion" was not the proper word to use, he allowed, but he was trying to relate that in order to get past the rhetoric and the feelings of people, facts must be looked at, ideas shared, and unique ways be found to satisfy the many desires of people. Alaska's constitution says to work for the maximum benefit for the people of the state, so the board will be looking at preferences among beneficial uses and as much factual information as it can.

[2:44:55 PM](#)

REPRESENTATIVE PARISH inquired whether, when speaking of beneficial uses, Dr. Van Daele is including consumptive and nonconsumptive uses, or strictly consumptive.

DR. VAN DAELE answered it is evident that it is both consumptive and nonconsumptive. He pointed out that for consumptive uses such as hunting, trapping, and fishing, very tight regulations and short seasons are set, and these are put into effect via lots of time in board and legislative meetings. Nonconsumptive uses are something everyone enjoys doing, he continued. Everyone loves seeing an eagle or a moose. However, not much time is spent in legislating or regulating what nonconsumptive use is. For example, bear watching is done at a time of year when the bears are most vulnerable because it is done when they are looking for food and it is done on a portion of the population that is most vulnerable, usually sows with cubs. Yet, that is not regulated much. That is something the Board of Game could spend more time doing, he advised, as it is a beneficial use and something [the board members] need to be cognizant of as stewards of the state's resources.

REPRESENTATIVE RAUSCHER requested Dr. Van Daele's thoughts regarding the hunts in the Nelchina area.

DR. VAN DAELE replied that like Mr. Spraker, he too went into that meeting thinking that the community subsistence harvest was something the board needed to get rid of. But, the deeper he looked into it and the more he heard testimony from both sides, the more he saw that this was a situation where fortunately there are a lot of moose and caribou. However, there are many people who want to share that resource. With the tools given through statute, the board felt that, yes, this community subsistence harvest could work but it needs to be worked in a way that is fair to everyone. Quite frankly, he continued, some folks are "gaming the system" and pushing the limits of what should be and shouldn't be allowed. Also, some folks are interested in the legal aspect of it, as much as the resource aspect of it. So, the Board of Game tried to craft something that would be fair to all. It didn't make everyone happy, but the board did the best it could. It provided an opportunity for folks who were truly community - a community being a group of people who have a vested interest in spending time looking to that resource, who need that resource, and with more than 25 people in the group - and blending that with the Tier II opportunity for a certain segment of the moose population that is not usually hunted. The board crafted something that will work to the benefit of the people and the benefit of the resource, he said, but it is a work in progress given that this issue has been ongoing for 30 years. The board will again address this issue at its Region IV meeting next winter. A sincere effort was made to make it work for everyone.

[2:49:53 PM](#)

CO-CHAIR JOSEPHSON opened public testimony on the appointees to the Big Game Commercial Services Board and the Board of Game.

[2:50:17 PM](#)

GARY STEVENS testified in opposition to Board of Game appointees Ted Spraker and Karen Linnell. He noted Mr. Spraker has been on this board for over 14 years and that one of Mr. Spraker's goals to complete before retiring from the board is to fix the mess in Game Management Unit 13. He expressed his opinion that Mr. Spraker has worked a long time to create a rural and perhaps go so far as a racial priority for moose and caribou. But, he said, this is not allowed by the state constitution. Regarding the wolf buffer at Denali, he stated that the federal government

should transfer more land to the State of Alaska for the contracts rather than the other way around. The more the size of the park is increased the more the wolves will expand until eventually the state will be a national park. He said he also opposes the confirmation of Karen Linnell. Given her affiliations and past experience, he opined, she is basically a career advocate for Alaska Native priority which is unconstitutional under the state constitution. He opined there is no way Ms. Linnell can be unbiased in her opinions. Mr. Stevens said six of the seven current Board of Game members reside in subsistence areas, while only one lives in a non-subsistence area. He offered his belief that it is reasonable to expect there be more than one member from Anchorage, Wasilla, Palmer, or Matanuska-Susitna area.

[2:53:13 PM](#)

SAM ROHRER, President, Alaska Professional Hunters Association (APHA), testified in support of Board of Game appointees Ted Spraker, Larry Van Daele, and Karen Linnell. He said APHA represents the big game guiding industry in Alaska and is made up of both rural and nonrural guides who are by and large Alaska residents. [APHA] supports sound wildlife management and the wise use of Alaska's resources. [APHA] supports Board of Game members who put conservation first, who are fair and open minded, who are accessible to the public, and who have a desire to serve both the public and Alaska's wildlife. He said APHA strongly feels that Mr. Spraker, Dr. Van Daele, and Ms. Linnell are such people and for these reasons APHA supports their confirmations.

MR. ROHRER testified in support of Big Game Commercial Services Board appointees Henry Tiffany, Tom Atkins, and Thomas Sullivan. He said Mr. Tiffany and Mr. Atkins are respected in the industry, knowledgeable of the industry, and experienced with the regulatory process, and for these reasons APHA supports their confirmations. He stated he has never met Mr. Sullivan and knows little about him, but that Mr. Sullivan's previous work experience should be beneficial to his work on the board. Given the board has had some challenges with administrative items, and it seems that Mr. Sullivan's previous work experience would be helpful in resolving those issues; therefore, APHA supports his confirmation.

REPRESENTATIVE DRUMMOND asked whether Mr. Rohrer is expressing his organization's opinion or is representing himself.

MR. ROHRER replied he is representing the Alaska Professional Hunters Association and his testimony was APHA's testimony.

[2:55:56 PM](#)

ROBERT CAYWOOD testified he served for over twelve years on the Anchorage Fish and Game Advisory Committee. He said the advisory committee dissolved because, for a majority of the members, the Board of Fisheries and the Board of Game did not do what the people of Alaska want. There were instances, he noted, where all the advisory committees in the state voted against a proposal, yet Mr. Spraker still pushed the proposal through. Board members are needed who will look out for Alaskans, not for special interest people, he stated. He offered his belief that Ms. Linnell would also be a special interest person.

[2:56:48 PM](#)

LEWIS BRADLEY testified he is a retired schoolteacher and coach from the Matanuska-Susitna Borough School District and a 45-year resident of Alaska. He noted he served on the Board of Game from 2008-2011 and that during this time Tom Lamal testified on different issues. He said Mr. Lamal was very concerned about Alaska's wildlife resources and how they were managed, and that because of Mr. Lamal's service on the Fairbanks Fish and Game Advisory Committee he is informed on issues involving wildlife and understands the Board of Game process. He has personally met Mr. Lamal, he continued, and Mr. Lamal is openminded, fair, and honestly seeks solutions to issues that are best for the wildlife. He related that Mr. Lamal once said to him that listening to all sides of an issue is very important in order to make informed decisions. Mr. Lamal's involvement in many organizations shows he is a well-rounded individual with diverse interests. Mr. Lamal's service with the Fairbanks advisory committee is very important because the advisory committee deals with all the issues that the Board of Game will be faced with. Additionally, Mr. Lamal has many older friends in the Fairbanks area who have a great deal of history behind them regarding hunting in Alaska, and Mr. Lamal highly values history and those individuals who have influenced Alaska over the past 60-plus years. Mr. Bradley urged that Mr. Lamal's appointment be confirmed, adding that Mr. Lamal's work ethic, respect for others' opinions, and willingness to listen make him a great candidate to serve as a Board of Game member representing all Alaskans.

[2:59:07 PM](#)

MARY BISHOP testified in opposition to the appointment of Karen Linnell to the Board of Game. She said her question to Ms. Linnell is whether, as a Board of Game member, she will be loyal to the mission of the Ahtna-Department of Interior memorandum of agreement (MOA) or loyal to the state's constitution, given it cannot be both ways. The constitution states all persons are equal and entitled to equal rights and opportunities, she said. By contrast, the MOA in Article III d) requires [Ahtna] and the federal government to work together towards the goal of wildlife harvest permits available to only Ahtna Tribal members on federal public lands of the immense Nelchina Basin area. That is above and beyond the federal rural priority, she maintained, and it is a priority for Cantwell Tribal members over Nenana Tribal members. It's a priority for Ahtna Village Tribal members over neighboring Tetlin Tribal members. Ahtna is rightly free to lease its substantial private land holdings in the area to professional hunting guides for their nonresident clients. The MOA in Article IV states that nothing herein is intended to conflict with federal, state, or local laws or regulations. She said she wishes it would say "nothing herein is intended to add to arguments for the [indisc.] Indian community and Indian country."

[3:01:20 PM](#)

NICOLE BORROMEO, Executive Vice President & General Counsel, Alaska Federation of Natives (AFN), testified that the confirmation process is important to the Native community. She offered AFN's support for the confirmations of Ted Spraker, Karen Linnell, and Larry Van Daele to the Board of Game. She said Mr. Spraker has proven himself an exemplary member from the time of his initial 2003 appointment to the board; is an avid hunter, fisher, and trapper; is committed to the conservation and development of Alaska's resources. Mr. Spraker has responsibly stewarded the board through many challenging discussions during his tenure. She stated that Ms. Linnell has proven herself to be an emerging leader on the board since Governor Walker appointed her last November. Ms. Linnell is a lifelong hunter and fisher for subsistence purposes, which is important, and for over a decade has worked on fish and game management issues in the Copper River region. Ms. Linnell provides a voice on the board that needs to be heard, along with her philosophy of taking care of the resources so they can take of the people. Dr. Van Daele, she continued, shares many of the same qualities as Mr. Spraker and Ms. Linnell and the AFN has been impressed by his eagerness to work with the Alaska Native

community and with Alaskans statewide on fish and game issues. She urged that their appointments be confirmed.

[3:03:27 PM](#)

MARK RICHARDS, Executive Director, Resident Hunters of Alaska, testified in support of the appointments of Tom Lamal and Larry Van Daele to the Board of Game. He said Mr. Lamal's long involvement in wildlife management and conservation issues is how he has come to know him. Mr. Lamal will be an asset to the board because of his personal experience across Alaska as a fisher and hunter, schoolteacher, dog trainer, board member of several hunting organizations, and member of the Fairbanks Fish and Game Advisory Committee. Mr. Lamal will be able to step right in because he knows the process and how it works, and will listen and encourage informed debate on all sides. He stated that Dr. Van Daele has already stepped right in at the Board of Game table, showing his long experience on the other side of the table as a fish and game biologist and supervisor. Dr. Van Daele is an asset and his experience and knowledge are profound.

[3:05:20 PM](#)

BRUCE CAIN testified in support of Karen Linnell's appointment to the Board of Game. He said she is a consensus-builder, is willing to listen to all sides, and does the work necessary. He also offered his support for Ted Spraker, stating that Mr. Spraker has been a great chairman. He said he usually disagrees with what Mr. Spraker is proposing, but respects him. He posited that most people disagree with Mr. Spraker because fish and game issues are very contentious, but stated that in the end the results produced from the board's decisions have been the best that could be made.

[3:07:39 PM](#)

JESSE BJORKMAN testified in favor of the appointment of Ted Spraker to the Board of Game. He said he has known Mr. Spraker for years and while he doesn't always agree with Mr. Spraker's positions on issues or the way Mr. Spraker rules on something, Mr. Spraker is a voice of reason, common sense, and conservation on the board. Mr. Spraker listens to people who have concerns and then adjudicates decisions based on scientific evidence and provides for a balanced and measured approach on the board. As a biologist by trade, he continued, Mr. Spraker knows his biology, the state's resources, and relates to those resources

in a special and pertinent way to the people of Alaska and all user groups.

[3:09:08 PM](#)

AARON BLOOMQUIST testified in support of the confirmation of all the appointees to the Board of Game and to the Big Game Commercial Services Board. He said he knows all the appointees in some way and all are well-qualified with each person having their own philosophy. Philosophies should be mitigated to some extent among these qualified people as long as they are honest people. For example, he continued, at the last Board of Game meeting he disagreed with Dr. Van Daele and Ms. Linnell on a proposal that he submitted regarding a different way to go about the community hunt. The proposal didn't go his way, but at the same time people with high integrity were in the room and he does not hold that against them. Both appointees provided great discussion, he said, and they are the two best new board members he has seen during his many years dealing with the Board of Game.

[3:11:15 PM](#)

RICHARD BISHOP testified in opposition to the confirmation of Karen Linnell, appointee to the Board of Game. He maintained that due to her responsibilities in the Ahtna community, Ms. Linnell has an intractable conflict of interest with the duties and obligations of a Board of Game member. As the executive director of the Ahtna Inter-Tribal Resource Commission, Ms. Linnell signed her approval of a memorandum of agreement (MOA) between the Ahtna Commission and the U.S. Department of Interior. He stated that the Ahtna Commission is comprised of representatives from Ahtna, Incorporated, eight Tribes, and one village corporation. The MOA anticipates establishing a new federal Ahtna cooperative structure under the federal subsistence board for regulation of management and harvest allocation of moose, caribou, other game, and fish on federal lands adjacent to lands of Ahtna, Incorporated, and the eight villages with Tribal representation. He maintained that a new structure would basically shut out the State of Alaska's game management, Board of Game, and state advisory committee structure and process, on federal lands in this area and would impair state management on adjacent state and private lands. Allocation of harvests would favor Tribal members of the eight villages in what amounts to a racial priority on top of the existing federal rural subsistence priority. These goals of the U.S. Department of Interior and the Ahtna Inter-Tribal Resource

Commission are substantially inconsistent with the State of Alaska's constitutional and statutory responsibilities and authorities. He reiterated his belief that Ms. Linnell as an official proponent of the MOA has a fundamental conflict of interest in relation to the duties and obligations of a member of the Board of Game.

[3:13:50 PM](#)

The House Resources Standing Committee recessed at 3:14 p.m., to be continued at 5:00 p.m.

[5:01:48 PM](#)

CO-CHAIR JOSEPHSON called the House Resources Standing Committee meeting back to order at 5:01 p.m. Representatives Josephson, Drummond, Johnson, Talerico, Parish, Rauscher, and Birch were present at the call back to order. Representatives Tuck (alternate) and Tarr arrived as the meeting was in progress.

CO-CHAIR JOSEPHSON resumed public testimony regarding the confirmations of Henry Tiffany, Thomas Sullivan, and Tom Atkins, appointees to the Big Game Commercial Services Board, and the confirmations of Ted Spraker, Karen Linnell, Thomas Lamal, and Larry Van Daele, appointees to the Board of Game.

[5:02:43 PM](#)

ROD ARNO, Executive Director, Alaska Outdoor Council (AOC), maintained that the November 2016 agreement signed by Karen Linnell as the executive director of the Ahtna Inter-Tribal Resource Commission puts her in direct conflict with the Alaska Constitution and the fish and game laws enacted by the legislature. He said the agreement, ["Memorandum of Agreement Between the United States Department of Interior and Ahtna Inter-Tribal Resource Commission for a Demonstration Project for Cooperative Management of Customary and Traditional Subsistence Uses in the Ahtna Region,"] formalizes a management partnership between the U.S. Department of Interior and the Ahtna Commission for the allocation and the harvest of moose and caribou by rural residents of Native villages in the Ahtna region. However, he continued, it is the Board of Game, authorized by the legislature, which is empowered to allocate moose and caribou.

MR. ARNO stated that at a [1/17/17] Federal Subsistence Board meeting Ms. Linnell complained about being treated as just members of the public before the Board of Game. But, he

continued, AOC contends that Ms. Linnell and her members of the Ahtna villages are members of the public. He said the state is guided by the constitutional mandates of common use equal access to a natural resource for the benefit of all Alaskans and not for the allocation of a particular race or exclusive group of people. He argued that Ms. Linnell cannot on one hand seek to erode the state's constitutional principles through agreements with the federal government while on the other hand purport to defend the state's constitutional principles. He related that at the Federal Subsistence Board meeting, Ken Lord, Interior Solicitor for the U.S. Department of Interior, stated that the MOA is not intended to be the end of the process but rather a start of something bigger. If that is the case, Mr. Arno said, there should be a red flag to the committee and to every Alaskan who believes in equality under the law. He said Mr. Lord is referring to the management of inholdings, lands adjacent to conservation system units, and Ahtna lands, and applying it also to fish.

MR. ARNO posited that the MOA with the U.S. Department of Interior defines the goals of the Ahtna Inter-Tribal Resource Commission. He said Ms. Linnell has demonstrated that her Ahtna interests squarely conflict with the obligations under the Alaska Constitution. While AOC recognizes Ms. Linnell's dedicated service to the Ahtna region and the goals of her people, he added, her position as executive director of the Ahtna Inter-Tribal Resource Commission in pursuit of Tribal or racially-based management and allocation of public resources disqualifies her for service on the Board of Game.

[5:06:06 PM](#)

CO-CHAIR JOSEPHSON stated he doesn't agree with anything said by Mr. Arno. He said he isn't an expert in this issue, but that he has studied it, including taking a course on Alaska Native rights and Tribal courts at the University of Alaska Anchorage. There is a supremacy clause, he noted, and under the Alaska National Interest Lands Conservation Act (ANILCA), the supreme law of the land, there are subsistence rights. People are allowed to meld their duty to the constitution and their rights under federal law and it happens all the time. Currently, he said, co-management is being done in the Bethel area as well as the Ahtna region.

MR. ARNO responded that Co-Chair Josephson's understanding is foggy because there is no place that allows for a racial preference. In following history back to the Alaska Native

Claims Settlement Act (ANCSA) and the negotiations of Title VIII of ANILCA, he said, a rural priority was established. The MOA is just with the Ahtna Inter-Tribal Resource Commission and is a racial priority, he argued. "You watch how quickly the Federal Subsistence Board follows through with this MOA," he stated.

CO-CHAIR JOSEPHSON replied that after the John v. Baker decision of 1999, written by Dana Fabe, a string of decisions/rulings have been made that infuse Tribes with additional rights, and that is what is being seen here.

MR. ARNO maintained that the Alaska Supreme Court would vehemently disagree with Co-Chair Josephson.

REPRESENTATIVE JOHNSON remarked that she finds it highly unusual to have the aforementioned exchange with someone testifying before the committee. She offered her appreciation for Mr. Arno stating his opinion.

CO-CHAIR JOSEPHSON stated the context is that some calls from earlier today regarding Ms. Linnell he found inappropriate.

[5:09:16 PM](#)

BEN STEVENS, representative, Hunting and Fishing Task Force, Tanana Chiefs Conference (TCC), testified in support of Karen Linnell's appointment to the Board of Game. He said Ms. Linnell's perspective, experience, knowledge, skills, and abilities are appropriate for resource management at this time. Ms. Linnell's experience and attention to the state's resources and all of the state's people are sorely needed, he continued. Instead of pillorying her experience, it should be embraced because that type of diversity is needed at this time. He said he disagrees with Mr. Arno that she represents a special interest. He stated that Ms. Linnell's many qualities and skills make her an asset to the Board of Game, the people of the state, the resources, and the state and therefore TCC fully supports her confirmation.

REPRESENTATIVE DRUMMOND offered her understanding that Mr. Stevens is testifying on behalf of the Tanana Chiefs Conference.

MR. STEVENS replied he works for the Tanana Chiefs Conference and helps support the Hunting and Fishing Task Force.

REPRESENTATIVE DRUMMOND inquired whether the Hunting and Fishing Task Force of TCC has taken a position on the appointment of Karen Linnell.

MR. STEVENS responded that it has taken a position in support.

[5:12:34 PM](#)

JAMES LOW, retiree of the Department of Public Safety, Division of Alaska Wildlife Troopers, testified in support of Thomas Lamal, appointee to the Board of Game. He said he has known Mr. Lamal for 30 years, most of their contacts being through the after-school hunter education program where Mr. Lamal was a teacher facilitator and he was part of the ADF&G crew. He related that he spoke to Mr. Lamal's Alaska studies classes on the topic of wildlife enforcement, one of the several topics that Mr. Lamal had presented to his class that included predator control, black bear baiting, trapping, and so forth. He said Mr. Lamal never tried to sway his class with his personal thoughts on any issue and would bring in speakers from both sides of an issue and let the students ask questions and make up their own minds.

MR. LOW explained that as a trooper he inspected the moose taken by hunters to ensure that all the required parts had been salvaged and proof of the gender had been left intact on the hindquarters. One inspection, he recalled, happened to be of a moose taken by Mr. Lamal and Mr. Lamal had labeled each [game] sack as to the contents inside, making the inspection very easy to do. He said he finds Mr. Lamal to be a person who will analyze all parts of an issue and then determine which course of action is appropriate to take. He offered his belief that Mr. Lamal is an excellent choice for the Board of Game.

[5:15:29 PM](#)

APRIL FERGUSON, senior vice president, Bristol Bay Native Corporation, testified in support of the appointments of Ted Spraker and Karen Linnell to the Board of Game. [Due to poor sound quality, Ms. Ferguson's remaining comments on Mr. Spraker and Ms. Linnell are indecipherable.]

[5:20:21 PM](#)

FREDRICK OLSEN, JR., noted he is Tribal vice president of the Organized Village of Kasaan on Prince of Wales Island and is also a member of the city council, but stated he is testifying

as a citizen, not as a representative of the aforementioned. He offered his support for the appointment of Karen Linnell to the Board of Game and said he appreciates the way Ms. Linnell uses science and biology over politics in her decision-making. Ms. Linnell's previous experience shows she understands the federal process, he said. She will bring this knowledge to her service at the state level with the Board of Game, which will be of help with regard to the state's federally recognized Tribes instead of ignoring Tribes or demonizing Tribes as mere special interest groups. The Tribes, as indigenous people of the land, have a lot to offer the state, he continued, especially in areas of collaboration and overlap of existing programs between the state and Tribes. In the era of budget crunching, efficiencies could perhaps be found that would help both the state and the people, and Ms. Linnell is the person to do the job.

5:23:01 PM

CARRIE STEVENS testified in support of Karen Linnell, appointee to the Board of Game. She said Ms. Linnell is a fair and honest woman who really does consider every side of the equation before she moves forward. Ms. Linnell has shown her leadership as an individual and constantly demonstrates her ability to critically think, look, read, ask, and pay attention to all perspectives in order to make good decisions. She pointed out that Ms. Linnell has been a well-read and literate board member on all the boards that she has served on. Ms. Linnell is an Alaskan who has lived her life around the fish and wildlife resources of the state and she has made sure that Alaska takes care of Alaskans. Ms. Stevens added that she cannot speak highly enough of Ms. Linnell's integrity in serving Alaskans.

5:25:07 PM

RICHARD PETERSON testified in support of Karen Linnell, appointee to the Board of Game. He said he supports Ms. Linnell because of her many years of experience in fish and game management and because she has proven she is capable of finding common ground with competing interests. He noted the importance of Ms. Linnell's belief that wildlife management decisions need to be based on science and biology and not politics. Because of her familiarity with the Board of Game process, Ms. Linnell will not need to get up to speed, he said. Ms. Linnell is a consensus-driven person, which is important and compatible with the philosophy she represents. Further, he added, Ms. Linnell understands the federal perspective from her past advisory

experience and will bring that knowledge to her service to the state.

5:26:27 PM

WILBUR BROWN, second vice president, Alaska Native Brotherhood Grand Camp; camp president, Sitka Local Camp, testified in support of Karen Linnell's appointment to the Board of Game. He said he has known Ms. Linnell for many years and while he may not always agree with her, he has always been able to come to a resolution with her in discussions. Ms. Linnell understands the Board of Game process and the federal prospective, he continued, and she understands the lifestyle of Alaskans because she lives the lifestyle. Ms. Linnell will provide fair representation for communities and is involved with communities. He offered his respect for Ms. Linnell and his understanding of her opinions.

5:27:59 PM

DON HORRELL noted he is a lifelong Alaskan and a 50-year member of the Copper Basin Fish and Game Advisory Committee. He testified in strong support of both Ted Spraker and Karen Linnell. He said Mr. Spraker's experience as the area biologist makes him very familiar with [Game Management] Unit 13, the most popular unit for all of the different user groups. He said he has worked with Ms. Linnell on federal issues for years and that she brings all kinds of knowledge of both the region and the federal issues. Ms. Linnell's background will be a real plus to the Board of Game, he continued. He added that she is very supportive of all Copper Basin residents and is very strong in Native issues as well as non-Native issues in the Copper Basin.

5:30:23 PM

JESSICA BLACK testified in support of Karen Linnell, appointee to the Board of Game. She said Ms. Linnell's wide experience on boards and her calm, organized, and fair demeanor will make her be an excellent board member. She stated that Ms. Linnell sees all sides of issues before she makes a decision and really does her homework by reading everything. She said she has been very impressed when she has seen Ms. Linnell in the different venues and that Ms. Linnell is already an excellent member of the Board of Game and will make fair decisions. She further related that Ms. Linnell lives in a community where she has to constantly consider different perspectives and does so with grace. Ms. Black offered her support, confidence, and high recommendation for Ms. Linnell.

[5:31:35 PM](#)

CO-CHAIR TARR [moved to advance the confirmations] of Big Game Commercial Services Board appointees Henry Tiffany, James "Tom" Atkins, and Thomas Sullivan, and Board of Game appointees Ted Spraker, Karen Linnell, Thomas Lamal, and Larry Van Daele. She stated that the House Resources Standing Committee has reviewed the qualifications of the governor's appointees to these boards and recommends their names be forwarded to a joint session for consideration. She advised that this does not reflect intent by any of the members to vote for or against these individuals during any further sessions for the purposes of confirmation. [There being no objection, the confirmations were advanced.]

[5:32:31 PM](#)

The committee took a brief at-ease.

**HB 134-BOARD OF GAME MEMBERSHIP**

[5:33:02 PM](#)

CO-CHAIR JOSEPHSON announced that the next order of business would be HOUSE BILL 134, "An Act relating to the composition of the Board of Game."

CO-CHAIR TARR moved to adopt the proposed committee substitute (CS) for HB 134, Version 30-LS0473\J, Bullard, 3/28/17, as the working document.

[5:33:18 PM](#)

CO-CHAIR JOSEPHSON objected for discussion purposes.

CO-CHAIR JOSEPHSON explained that the original bill proposed there be two members other than the general category of members on the Board of Game - one a dedicated tourism seat and one a dedicated nonconsumptive seat. He said Version J reduces the number of dedicated seats from two to one, removes the language that there shall be a tourism seat, and adds the language, "One member shall be appointed whose predominant use of game resources is nonconsumptive and who is actively engaged in wildlife conservation."

REPRESENTATIVE RAUSCHER recalled that a public hearing was held on the original bill and surmised that a public hearing would not be held on Version J [if adopted as the working document].

CO-CHAIR JOSEPHSON replied correct.

REPRESENTATIVE RAUSCHER asked whether the aforementioned explanation of Version J is the only difference.

CO-CHAIR JOSEPHSON responded correct.

[5:35:31 PM](#)

CO-CHAIR JOSEPHSON removed his objection. There being no further objection, Version J was before the committee.

[5:35:55 PM](#)

REPRESENTATIVE PARISH offered [Conceptual Amendment 1] as follows: Page 1, Section 1, line 13, delete "shall", and insert "should".

[5:36:03 PM](#)

CO-CHAIR TARR objected for discussion purposes.

CO-CHAIR TARR stated that either "shall" or "may" is the typical language that is used, rather than "should", when wanting a provision to be either prescriptive or permissive. Therefore, she would leave it up to the drafters at Legislative Legal Services, Legislative Affairs Agency, to determine whether the word should be changed from "shall" to "may".

REPRESENTATIVE TUCK agreed with Co-Chair Tarr and pointed out that page 1, line 7, states the governor "shall". He said "shall" and "may" constitute the standard language that is used throughout the state's statutes.

REPRESENTATIVE DRUMMOND said the committee needs to know whether "shall" or "may" agrees with the sponsor of the bill because, in her opinion, "should" sounds permissive.

REPRESENTATIVE RAUSCHER requested the sponsor to give an example of someone who would fit the description in the bill.

CO-CHAIR JOSEPHSON replied that this person shall reflect all the uses of game in the state by residents. In further response

to Representative Rauscher he clarified that he reads the language to mean the appointee should reflect these user groups, not necessarily that the appointee must be a sport and subsistence hunter, trapper, and tourist all at the same time.

REPRESENTATIVE RAUSCHER requested the sponsor to give an example of a person who can fill this, such as whether this person would be someone like a wildlife photographer or someone involved in conservation who has been involved in all these different types of situations.

CO-CHAIR JOSEPHSON noted that two different sentences are added in Version J and he thought that Representative Rauscher was addressing the second, but it seems the first one is now being addressed. He maintained that the current language on diversity on page 1, line 9, is not reflected in the makeup of the current board. He recalled Mr. Spraker, chairman of the board, and who has been on the board since 2002, definitively stating earlier that a nonconsumptive user is needed on the board. He further recalled Mr. Spraker stating that someone like Ben Grussendorf was the kind of person who is needed because nonconsumptive users thought that Mr. Grussendorf heard them.

[5:40:46 PM](#)

REPRESENTATIVE PARISH spoke further on Conceptual Amendment 1. He said the current language in Version J is strictly permissive and the proposed language change is aspirational rather than prescriptive or permissive. The proposed language would say this is the goal rather than something that shall be done and that failing to do so would be a violation of statute. He said he thinks it is best to have the language speaking to the [legislature's] purpose and he thinks it is best to leave a degree of flexibility in it.

CO-CHAIR JOSEPHSON asked whether it is Representative Parish's preference to persist with the proposed language of "should".

REPRESENTATIVE PARISH responded yes, subject to review by Legislative Legal Services.

REPRESENTATIVE RAUSCHER stated he is not speaking in favor of the bill, but is speaking in favor of the amendment because he understands what the maker of the amendment is trying to say. He said the amendment looks like the question he had previously asked because he is unsure this provision could really happen and then when it didn't it would be a violation of statute.

REPRESENTATIVE TUCK offered his understanding that the maker of the amendment believes "should" would be permissive rather than mandatory. He asked whether the bill sponsor's intention is that it be mandatory.

CO-CHAIR JOSEPHSON answered that, as stated by Co-Chair Tarr and Representative Tuck, "may" or "shall" are consistent with what he has read. There is no doubt, he continued, that there is a distinction between these two words.

[5:44:02 PM](#)

A roll call vote was taken. Representatives Rauscher and Parish voted in favor of Conceptual Amendment 1. Representatives Talerico, Tuck (alternate), Drummond, Johnson, Josephson, and Tarr voted against it. Therefore, Conceptual Amendment 1 failed to be adopted by a vote of 2-6.

REPRESENTATIVE JOHNSON said she received a suggestion which is that a definition of nonconsumptive should be included into the bill. She requested the sponsor's thoughts on this suggestion.

CO-CHAIR JOSEPHSON replied that thought was given to that very thing, which is why [Version J] describes it as someone who is actively engaged in wildlife conservation. For purposes of making a record for posterity, he said it would be someone who generally speaking, isn't necessarily going to be inclined to not vote for hunting - that is not what is intended. It is someone who has some belief that wildlife is also for watching and viewing, particularly when there are contentious issues involving methods and means. For example, he continued, Dr. Van Daele talked about his preference that bears not be trapped or snared, which is a minority opinion on the board, and that is the sort of diversity that a nonconsumptive user could bring.

REPRESENTATIVE TUCK (alternate) offered his appreciation for Representative Johnson's question. He pointed out that what is not being said by Version J is someone who just goes out and shoots game and doesn't eat it. What the bill says is "predominant use of game resources is nonconsumptive", so he would read this as excluding professional hunters. He noted the language goes on to state, "who is actively engaged in wildlife conservation." Many professional hunters are also into wildlife conservation, he continued, so the CS puts a balance in there to demonstrate that these are not necessarily nonhunters, but that

they are not predominantly for consumptive use as would be had in a profession.

REPRESENTATIVE PARISH related that consumptive is defined in Dictionary.com as pertaining to consumption by use, when something is consumed it is used up. Therefore, he concluded, when a person takes pictures of wildlife, wildlife is not necessarily damaged in the process, thereby making it a nonconsumptive use.

REPRESENTATIVE DRUMMOND commented she has heard a nonconsumptive user described as someone who only takes a photo from the field, the animal is not taken.

[5:48:33 PM](#)

REPRESENTATIVE RAUSCHER posited that nonconsumptive could mean conservation, and that could be management but not utilizing any of it for a refrigerator.

CO-CHAIR JOSEPHSON ascertained no one else wished to offer additional amendments and announced the committee is now under discussion of the proposed CS.

REPRESENTATIVE TALERICO stated he is not in favor of the proposed CS as written, nor the amendment. After reciting the proposed new language, he said Representative Tuck brought up a good point. He stated he considers himself to be a wildlife conservationist because he invests financially every year in the conservation of game via the purchase of a hunting license, which goes towards game conservation. He said he also regularly goes out to view animals with a spotting scope and does more viewing than actual taking of game. Therefore, he posited, his predominant use could very well be described as nonconsumptive. He noted that current statute states, "with a view to providing diversity of interest and points of view in the membership." He further noted that it is the governor at the time that makes the appointments to the Board of Game and because of the wording in current statute it is really the choice of the state's administrator at that particular time. He predicted a bumpy road ahead [if the bill is passed] that could result in coming to a point of having to determine what every seat will be and what the requirements will be for each seat, such as wildlife biologist or guide, along with a definition of consumer.

[5:52:20 PM](#)

REPRESENTATIVE JOHNSON addressed Representative Talerico's point by posing a scenario in which someone is a nonconsumptive user by virtue of snapping pictures and watching grouse but who also goes hunting occasionally. She asked whether this person would be excluded from appointment to the nonconsumptive seat.

CO-CHAIR JOSEPHSON replied that a lot of thought went into how to craft something like this and the history of the bill will reflect, starting with the invited testimony, what was trying to be achieved. He said a court would look at this and say, "They're trying to do something different in this sentence, this is different - this is different than the other six spots." The court would have to make that determination, he maintained.

[5:53:48 PM](#)

REPRESENTATIVE RAUSCHER said it is his understanding that whatever is talked about in this committee on this side when it goes to court will be used as the intent of what was intended here. So, when it does go to court committee members will need to define in their conversation the intent of what the sponsor is trying to get across here. He requested the sponsor to state his intent.

CO-CHAIR JOSEPHSON remarked:

This seat would be held by someone who does not oppose hunting, but who opposes the methods and means that I've seen employed in the last 15 years that are very unusual. And these include things like gassing of wolf pups and bear snaring and bear trapping and same-day airborne, and land and shoot at wolves, and intensive game management which didn't exist before, or at least wasn't implemented prior to 2002. ... They would have to follow the law. I'm not saying they wouldn't follow the law. So, if there was a proposal for intensive game management they'd have to follow that law. But they would give a voice to the 85 percent of the people who don't have hunting and trapping licenses. That's who they'd give a voice to. That's the plan. That's the goal.

REPRESENTATIVE PARISH recited the current statute, which states, "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."

Referring to today's testimony by the Board of Game appointees, he noted that Mr. Spraker has a great deal of reason to know, that Dr. Van Daele recognized the importance of nonconsumptive use, and that Ms. Linnell referenced the importance of having resources available for all the user groups including the nonconsumptive. However, he continued, his impression is that the status quo isn't, and hasn't been, working quite right in that [the Board of Game] does not have the diversity of interest and points of view that are really representative of the Alaska population as a whole, and that failure is what this bill aims to address. The word nonconsumptive is someone whose primary use is nonconsumptive, although this person can still certainly be a hunter so long as his or her primary use is elsewhere. He offered his support for the bill, but said he cannot promise he won't ask Legislative Legal Services about the difference between "should" and "shall".

[5:57:36 PM](#)

CO-CHAIR TARR pointed out that the Board of Game and Board of Fisheries statutes were written at the time of statehood. Since then the state has grown quite a bit, she continued, and there are now many more stakeholder groups. She said she sees this process as being a maturing and evolving of the state and that considering the viewpoints of a variety of interest groups is what is bringing things to this point, and which is why she is supporting the bill.

[5:58:13 PM](#)

REPRESENTATIVE RAUSCHER stated that naming a definition of one particular seat is inconsistent with the other six seats. For this reason alone, although he doesn't think a nonconsumptive seat should not be on the board, he offered his belief that the bill seeks to dictate the definition of one of the directors on this board but not the other six. This is not in the best interest, he posited, because it could lead toward naming the definition and dictating belief systems when the way it has been done to date has been fair. Therefore, he said, he would be voting no on the bill.

[5:59:37 PM](#)

CO-CHAIR TARR moved to report the proposed CS for HB 134, Version 30-LS0473\J, Bullard, 3/28/17, out of committee with individual recommendations and the accompanying fiscal note.

REPRESENTATIVE JOHNSON objected.

6:00:04 PM

A roll call vote was taken. Representatives Tuck (alternate), Drummond, Parish, Tarr, and Josephson voted in favor of the bill. Representatives Johnson, Rauscher, and Talerico voted against it. Therefore, CSHB 134(RES) was reported from the House Resources Standing Committee by a vote of 5-3.

6:00:48 PM

The committee took a brief at-ease.

6:01:02 PM

**ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 6:01 p.m.