

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

April 7, 2017

2:04 p.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

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

**COMMITTEE CALENDAR**

HOUSE BILL NO. 130

"An Act relating to the Izembek State Game Refuge, Cape Newenham State Game Refuge, Palmer Hay Flats State Game Refuge, Port Moller Critical Habitat Area, Egegik Critical Habitat Area, Pilot Point Critical Habitat Area, Fox River Flats Critical Habitat Area, Kachemak Bay Critical Habitat Area, and Dude Creek Critical Habitat Area; and providing for an effective date."

- MOVED HB 130 OUT OF COMMITTEE

HOUSE BILL NO. 177

"An Act relating to the response to, and control of, aquatic invasive species; establishing the aquatic invasive species response fund; and relating to the provision of information about aquatic invasive species to users of the Alaska marine highway system."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 130

SHORT TITLE: GAME REFUGE/CRIT HABITAT AREA BOUNDARIES

SPONSOR(s) : RULES BY REQUEST OF THE GOVERNOR

02/15/17	(H)	READ THE FIRST TIME - REFERRALS
02/15/17	(H)	RES
04/05/17	(H)	RES AT 1:00 PM BARNES 124
04/05/17	(H)	Heard & Held
04/05/17	(H)	MINUTE (RES)
04/07/17	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 177

SHORT TITLE: AQUATIC INVASIVE SPECIES

SPONSOR(s) : TARR

03/14/17	(H)	READ THE FIRST TIME - REFERRALS
03/14/17	(H)	RES, FIN
04/05/17	(H)	RES AT 1:00 PM BARNES 124
04/05/17	(H)	Scheduled but Not Heard
04/07/17	(H)	RES AT 1:00 PM BARNES 124

**WITNESS REGISTER**

MORGAN FOSS, Legislative Liaison  
Office of the Commissioner  
Alaska Department of Fish & Game  
Juneau, Alaska

**POSITION STATEMENT:** Answered a question during the hearing of HB 130.

PAUL GRONHOLDT, Member, Aleutians East Borough Assembly  
Aleutians East Borough  
Sand Point, Alaska

**POSITION STATEMENT:** Representing the Aleutians East Borough, testified in support of HB 130.

CELESTE NOVAK, Staff  
Representative Geran Tarr  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 177 on behalf of Representative Tarr, sponsor.

WALT WREDE, Member  
Prince William Sound Regional Citizens' Advisory Council  
Anchorage, Alaska

**POSITION STATEMENT:** Speaking on behalf of the Prince William Sound Regional Citizens' Advisory Council, testified in favor of HB 177.

LISA EVANS, Assistant Director  
Division of Sport Fish  
Alaska Department of Fish & Game  
Anchorage, Alaska

**POSITION STATEMENT:** Answered a question during the hearing of HB 177.

TOM BROOKOVER, Director  
Division of Sport Fish  
Alaska Department of Fish & Game  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing of HB 177.

ROB CARTER, Manager, Plant Materials Center  
Division of Agriculture  
Department of Natural Resources  
Palmer, Alaska

**POSITION STATEMENT:** Answered questions during the hearing of HB 177.

MICHAEL NEUSSL, Deputy Commissioner  
Office of the Commissioner  
Alaska Marine Highway System  
Department of Transportation & Public Facilities  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing of HB 177.

DAVID MARTIN, Commercial Fisher  
Clam Gulch, Alaska

**POSITION STATEMENT:** Testified in support of HB 177.

ROBERT ARCHIBALD  
Kachemak Bay, Alaska

**POSITION STATEMENT:** Testified in support of HB 177.

#### **ACTION NARRATIVE**

[2:04:34 PM](#)

**CO-CHAIR ANDY JOSEPHSON** called the House Resources Standing Committee meeting to order at 2:04 p.m. Representatives Josephson, Rauscher, Johnson, Westlake, Parish, and Tarr were present at the call to order. Representatives Drummond, Birch, and Talerico arrived as the meeting was in progress.

**HB 130-GAME REFUGE/CRIT HABITAT AREA BOUNDARIES**

[2:04:56 PM](#)

CO-CHAIR JOSEPHSON announced that the first order of business would be HOUSE BILL NO. 130, "An Act relating to the Izembek State Game Refuge, Cape Newenham State Game Refuge, Palmer Hay Flats State Game Refuge, Port Moller Critical Habitat Area, Egegik Critical Habitat Area, Pilot Point Critical Habitat Area, Fox River Flats Critical Habitat Area, Kachemak Bay Critical Habitat Area, and Dude Creek Critical Habitat Area; and providing for an effective date."

[2:05:36 PM](#)

MORGAN FOSS, Legislative Liaison, Office of the Commissioner, Alaska Department of Fish & Game, in response to Co-Chair Josephson, provided additional information on how HB 130 would affect the Dude Creek Critical Habitat Area (CHA). She informed the committee the Dude Creek CHA was created in 1988, and the land between Dude Creek and tidelands was purchased by Nature Conservancy in 2004 and transferred to the state. The bill would include said portion of the land into the existing CHA, and the Alaska Department of Fish & Game (ADFG) would be responsible for developing a management plan for the entirety of the CHA. In further response to Co-Chair Josephson, she agreed the bill would be an expansion of the Dude Creek CHA.

[2:07:18 PM](#)

CO-CHAIR JOSEPHSON opened public testimony.

[2:07:30 PM](#)

PAUL GRONHOLDT, Member, Aleutians East Borough Assembly, Aleutians East Borough, speaking as a member of the Aleutians East Borough Assembly, expressed the Aleutians East Borough's strong support of HB 130, which would correct errors in the boundaries of two parcels of land within the Aleutians East Borough. He directed attention to a letter of support from the Aleutians East Borough dated 2/21/17, and found in the committee packet.

[2:08:53 PM](#)

CO-CHAIR JOSEPHSON, after ascertaining that no one else wished to testify, closed public testimony.

[2:09:22 PM](#)

CO-CHAIR TARR moved to report HB 130 out of committee with individual recommendations and the accompanying fiscal note.

[2:09:40 PM](#)

The committee took an at-ease from 2:09 p.m. to 2:11 p.m.

[2:11:13 PM](#)

CO-CHAIR TARR restated the motion to report HB 130 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 130 was reported from the House Resources Standing Committee.

[2:12:00 PM](#)

The committee took an at-ease from 2:12 p.m. to 2:15 p.m.

[CO-CHAIR JOSEPHSON turned the gavel over to Co-Chair Tarr.]

### **HB 177-AQUATIC INVASIVE SPECIES**

[2:15:55 PM](#)

CO-CHAIR TARR announced that the final order of business would be HOUSE BILL NO. 177, "An Act relating to the response to, and control of, aquatic invasive species; establishing the aquatic invasive species response fund; and relating to the provision of information about aquatic invasive species to users of the Alaska marine highway system."

[2:16:12 PM](#)

CELESTE NOVAK, Staff, Representative Geran Tarr, Alaska State Legislature, introduced HB 177 on behalf of Representative Tarr, sponsor. Ms. Novak informed the committee aquatic invasive species (AIS) are marine or freshwater organisms that when introduced to new habitats negatively affect aquatic ecosystems, as well as human use of affected natural resources. Nonnative species impact the environment and the diversity of life, affecting habitats and hindering economic development and recreational activities. In Alaska, fisheries are an important economic engine; however, AIS could affect the ecosystems and

the productive fisheries in Alaska. Although Alaska's marine environment remains relatively pristine, AIS present in Alaska include northern pike, reed canarygrass, orange hawkweed, Pacific chorus frogs, wasps, Atlantic salmon, European green crab, *Didemnum vexillum* (Dvex) - also known as Sea Vomit - elodea, crayfish, and rats. House Bill 177 would establish the AIS response fund and direct that related information is provided to certain users of the Alaska Marine Highway System (AMHS). Ms. Novak said the bill would: provide direction to prioritize invasive species actions over other activities; authorize the use of tools, including chemical and biological; direct coordination among state departments; include hold-harmless language; provide notice; relate to responses on affected private property; create a response fund; create a pamphlet to be distributed by AMHS. She displayed sample pamphlets that encourage boaters to stop the spread of aquatic invaders.

[2:20:30 PM](#)

REPRESENTATIVE PARISH asked for the cost and success of the efforts in Sitka to contain Dvex.

MS. NOVAK said Sitka was the first area to warrant a rapid response [to suppress an AIS threat], which cost the state approximately \$500,000.

CO-CHAIR TARR confirmed \$500,000 was appropriated in the capital budget to contain the aforementioned infestation.

[2:22:16 PM](#)

WALT WREDE, Member, Prince William Sound Regional Citizens' Advisory Council (Prince William Sound RCAC), speaking on behalf of the Prince William Sound RCAC, directed attention to a letter dated 4/6 from the Prince William Sound RCAC in support of the bill [document not provided]. He informed the committee that the Prince William Sound RCAC has been working closely with industry, regulators, scientists, and interested parties to monitor the introduction of invasive species and to manage the threat thereof, with particular focus on marine AIS that enter Prince William Sound through oil tanker ballast exchange and hull fouling, such as European green crab, that can do tremendous harm to the environment and to native species. The residents of the Prince William Sound region depend on an intact ecosystem for a healthy fishing industry that supports thousands of jobs, and for a cultural subsistence lifestyle that can be

destroyed by AIS. House Bill 177 is strongly supported by the Prince William Sound RCAC because the bill contains a rapid response plan to quickly address threats; in fact, it is of great benefit to the state to possess organizational structure and procedures for response. Mr. Wrede stated it is cheaper and more effective to respond rapidly, rather than delay and be forced to launch recovery and restoration plans, or to provide disaster assistance to communities and businesses. A rapid response plan can protect our economy, the environment, and the lifestyles of Alaskans. He restated the Prince William Sound RCAC strongly supports HB 177 and offered to provide further information.

CO-CHAIR TARR asked whether AIS besides green crab have been found in the Prince William Sound area.

MR. WREDE said monitoring has shown Prince William Sound is "overall in, in pretty good shape," with the exception of the green crab and smaller organisms.

[2:26:49 PM](#)

LISA EVANS, Assistant Director, Division of Sport Fish, Alaska Department of Fish & Game (ADFG), in response to Representative Parish, explained if there were another outbreak of Dvex, ADFG would use the protocols underway in Whiting Harbor, Sitka, if appropriate. In Sitka, ADFG has one more year to determine if the protocols are effective in eradicating Dvex; ADFG would look at a new outbreak on a case-by-case basis.

REPRESENTATIVE PARISH asked for the cost of the response [to the Dvex outbreak] in Sitka.

MS. EVANS expressed her belief that an appropriation of \$500,000 is correct; in addition, ADFG has submitted a proposal through the [Department of Systematic Biology, Smithsonian National Museum of Natural History], for additional grant funding to complete the field work in Sitka. She offered to provide further information.

REPRESENTATIVE PARISH was also interested in knowing the cost to the state to respond to outbreaks elsewhere.

REPRESENTATIVE BIRCH asked for the status of the eradication of northern pike.

[2:30:12 PM](#)

TOM BROOKOVER, Director, Division of Sport Fish, Alaska Department of Fish & Game, informed the committee ADFG has conducted a long-term pike suppression and eradication effort in Southcentral. For example, a suppression project in Alexander Creek has continued for over 5 years and has removed over 18,000 pike; signs of success are the declining catch numbers of pike and the positive signs for Chinook salmon throughout the creek. A weir counted almost 2,000 Chinook returning to the creek system last year. He said the goal is to run a maintenance-level program that will keep the pike population suppressed. The department has eradicated pike and planted hatchery fish in a number of lakes, including Cheney Lake in Anchorage, and lakes in the Kenai Peninsula. Recently, ADFG has started pike eradication in open water systems such as Soldotna Creek in the Kenai River drainage; although open water systems are a challenge there are positive signs of success. Mr. Brookover said the division's next objective is to expand pike suppression into the Matanuska-Susitna Valley in Cottonwood Creek and wherever pike are found, and added, "From then on we're looking at continuing pike work primarily in the valley, as Anchorage and the Kenai now have, have been taken care of, for the most part."

CO-CHAIR JOSEPHSON questioned how ADFG distinguishes "good pike from bad pike."

MR. BROOKOVER explained ADFG targets pike suppression and eradication efforts towards places where pike do not naturally occur; generally, pike are native in drainage systems north, but not south, of the Alaska Range. In further response to Co-Chair Josephson, he said ADFG is confident that its [chemical and biological] methodology is completely safe for humans, but harmful to fish. Further, in open water systems where rainbow trout, Dolly Varden, and other species are present, prior to treatment, species other than pike are captured, compartmentalized in another part of the system, and returned to the system after treatment.

REPRESENTATIVE PARISH asked whether [federal Dingell-Johnson Sport Fish Restoration Funds] are used for suppression efforts.

MR. BROOKOVER expressed his belief that federal restoration funds and general funds (GF) were used on Alexander Creek, combined with other sources. He offered to provide further information. In further response to Representative Parish, he said whether the pike are native, or migrating, is largely

unknown; however, there are reports of people transporting pike - decades ago - which explains the presence of pike in landlocked systems.

REPRESENTATIVE PARISH then asked for the approximate cost of exterminating pike populations in areas where they do not naturally occur.

MR. BROOKOVER said the cost would vary from system to system. For example, the cost of the Alexander Creek project may have exceeded one million dollars. However, single landlocked lakes, such as Cheney Lake, could cost less than one hundred [thousand] dollars. In further response to Representative Parish, he explained the criteria to eradicate a pike population are: whether the population is native; whether the population causes economic or environmental harm; whether the population causes harm to human health; the feasibility of [eradication] success; the potential benefit of other uses of the resource.

[2:40:23 PM](#)

CO-CHAIR TARR gave an example of a fishing lodge that closed because northern pike overwhelmed Chinook salmon, and asked for similar examples of economic costs associated with the loss of businesses.

MR. BROOKOVER said he was not aware of any.

REPRESENTATIVE DRUMMOND referred to a newspaper report regarding elodea in Anchorage lakes within the Anchorage Soil and Water Conservation District. She asked whether ADFG has jurisdiction to work to control elodea in local lakes, and "if the situation has improved since 2013."

MR. BROOKOVER said ADFG has jurisdiction for fish in Anchorage lakes, including invasive fish species and marine plants; fresh water aquatic plants and species, including elodea, are managed by the Department of Natural Resources (DNR). At Lake Hood, both departments assigned staff to prep and treat the lake. Also, there is a statewide invasive species coordinator who works with ADFG, DNR, and the Department of Environmental Conservation (DEC). The coordinator addresses logistics and the implementation of field projects. Mr. Brookover said he does not know the current status of elodea in Lake Hood.

[2:44:33 PM](#)

ROB CARTER, Manager, Plant Materials Center, Division of Agriculture, Department of Natural Resources, confirmed that DNR and ADFG share management of freshwater aquatic plants within the state. In fact, the invasive species coordinator for the Division of Agriculture worked with ADFG and DEC on the permitting process for the treatment of Lake Hood, during which 202 surface acres were treated in 2015 and 2016. The Department of Transportation & Public Facilities (DOTPF) is also part of the management of Lake Hood in its function as an airport. In 2016, no elodea was found in the lake, and the water and plants continue to be monitored. Other Anchorage lakes that were treated in 2015 and 2016 are DeLong Lake, Little Campbell Lake, and Sand Lake - a total acreage of 105 surface acres - through a partnership with U.S. Fish and Wildlife Service, Department of the Interior, as well. Mr. Carter informed the committee that elodea was recently found in Potter Marsh.

CO-CHAIR TARR observed that elodea is commonly used in aquariums and the infestation is a result of residents dumping elodea into freshwater lakes.

MR. CARTER advised the cause is not definitively known; however, many believe the sources are grade school science classes and goldfish aquariums. After the local lakes were contaminated, elodea was spread to outlying areas by floatplanes and boats. Mr. Carter noted his division compiled a listing of invasive species deemed to impact the state's economics, natural resources, and agricultural industry such as such Canada thistle in Anchorage DOTPF rights-of-way. Returning to elodea, he said in 2015 elodea was identified in Alexander Lake, and the affected area grew from 10 acres to 475 acres within a two-year period.

REPRESENTATIVE PARISH asked which department would manage tunicates and planktonics.

MR. CARTER said ADFG.

[2:50:26 PM](#)

MICHAEL NEUSSL, Deputy Commissioner, Alaska Marine Highway System, Department of Transportation & Public Facilities, addressing the impact on the Alaska Marine Highway System (AMHS) of distributing pamphlets as directed by HB 177, stated there are two ports that import vessels into Alaska on AMHS: Bellingham, Washington and Prince Rupert, British Columbia, Canada. The Alaska Marine Highway System carries boats on

trailers and a variety of other watercraft. Mr. Neussl said AMHS could distribute the pamphlets when passengers with boats check-in and present their tickets. He assumed the pamphlets would be provided to AMHS, thus DOTPF has attached a zero fiscal note to the bill.

CO-CHAIR TARR inquired as to the possibility of AIS transported on AMHS by personal watercraft.

MR. NEUSSL acknowledged that trapped water, trapped plant materials, seeds, and mud are easily transported on a boat or trailer in the same manner as in ballast water on oil tankers.

REPRESENTATIVE DRUMMOND expressed her concern about the simple presentation of a pamphlet to passengers boarding AMHS with watercraft, without an inspection of the watercraft.

MR. NEUSSL pointed out HB 177, as proposed, requires DOTPF to distribute pamphlets. Department contract employees at the Bellingham and Prince Rupert terminals are not AIS inspectors or enforcement officers, but distributing a pamphlet and information would conform with their responsibilities. He observed that providing information regarding AIS at the time a passenger is boarding with a boat and or trailer "might be a little too late in the process," and suggested that AIS policies and information could be published on the AMHS web site so those booking a reservation could see the policy beforehand.

REPRESENTATIVE DRUMMOND opined it would be more proactive to require watercraft to be cleaned prior to boarding AMHS.

MR. NEUSSL expressed his belief the enforcement of watercraft cleaning would not be within the job description of a ferry terminal agent.

REPRESENTATIVE DRUMMOND restated her concern about vessels from the Lower 48 transporting nonnative species on AMHS, and the futility of distributing pamphlets.

CO-CHAIR TARR stressed HB 177 is an "initial step that would begin a process of educating people about the potential for harm." She acknowledged there is a lack of sufficient staffing to require inspections, and returned attention to examples of pamphlets that illustrate potential problem areas, and how boat owners should clean watercraft in the proper way to prevent further infestation.

[2:56:53 PM](#)

REPRESENTATIVE DRUMMOND inquired as to whether a passenger reserving space for a towed vehicle is required to describe his/her trailer at the time reservations are made.

MR. NEUSSL responded that at this time AMHS reservations do not require a passenger to disclose that they have a boat trailer. He pointed out some watercraft - such as kayaks - are not towed but may be strapped on the roof of a vehicle. However, AMHS has the authority to deny boarding if a vehicle is leaking oil, for example. In fact, a vessel or trailer covered in mud and an obvious threat to the AMHS discharge stream would likely be rejected at the terminal. In further response to Representative Drummond, he agreed that travelers making a reservation may be warned to wash his/her boat and trailer, but some parties just show up and buy a ticket at the time of sailing.

REPRESENTATIVE BIRCH asked for an update on the suppression efforts underway in Lake Hood and Spenard.

MR. NEUSSL said information on aviation would be provided from John Binder, Deputy Commissioner, DOTPF.

REPRESENTATIVE PARISH supported the intent of the bill, and noted the lack of a funding mechanism. He asked for the number of boats entering the state on AMHS and by other means.

MR. NEUSSL said AMHS does not have an exact count; AMHS traffic reports reveal how many vehicles are coming north out of Bellingham and Prince Rupert and how many of those are towing trailers. Information could be provided from other sources for the routes into the state such as barge lines and roads. He said he would provide a reasonable estimate of the number of vessels traveling north on AMHS.

CO-CHAIR TARR stated her specific concern about zebra mussels being transported to Alaska from the Columbia River basin.

[3:02:52 PM](#)

CO-CHAIR TARR opened public testimony.

[3:02:56 PM](#)

DAVID MARTIN, Commercial Fisher, informed the committee he has been a commercial fisher in Cook Inlet for 45 years, and

currently serves on the board of directors for the Cook Inlet Aquaculture Association. Speaking in his own behalf, he said the Cook Inlet Aquaculture Association has been involved in "northern pike work" in the Matanuska-Susitna Valley and in "the elodea program." Mr. Martin expressed his support of HB 177; however, the bill does not have permits and funds in place to react immediately [to AIS] in a manner similar to that of oil spill response legislation. For example, in 2014, 5 acres of elodea were discovered in Alexander Lake, and by fall of 2016, elodea had spread to 500 acres. He estimated that \$15,000 to \$20,000 would have been sufficient to eradicate elodea from the original 5 acres, but as DNR must reapprove the herbicide treatment for every outbreak, response was delayed for 18-24 months, and now eradication will cost approximately \$250,000. For certain lakes in the Kenai Peninsula, northern pike treatment was delayed 15 years, and in the Susitna River drainage the presence of invasive northern pike has been known since the '60s, but they were allowed to spread. Northern pike are now known to be present in over 135 [river] systems in the Susitna River drainage, resulting in a 25-30 percent loss of salmon and trout production; in fact, at least 8 river systems have no species except northern pike. Mr. Martin said rapid response prevents the spread of AIS, saves money, and protects the natural flora and fauna. He opined elodea could be eradicated statewide at a cost of \$4,000,000 to \$5,000,000, but delay will increase the cost. He provided another example of the effect of northern pike on Shell Lake. Mr. Martin urged the committee to move HB 177, and "put some funding into it also."

CO-CHAIR TARR agreed a funding source is needed.

MR. MARTIN restated his support for legislation that enables rapid response.

[3:07:55 PM](#)

ROBERT ARCHIBALD stated he serves on the board of directors for the Prince William Sound Regional Citizens' Advisory Council, is a member of "several boards here in Kachemak Bay", and is speaking on his own behalf. Mr. Archibald noted he has over 40 years of experience as a marine engineer and warned that ballast water treatment systems on ships are insufficient to prevent the introduction of AIS. He opined HB 177 would address the infestation of AIS and of hawkweed in the Homer area. Mr. Archibald urged the committee to move HB 177.

CO-CHAIR TARR added public education on invasive plants is needed so residents are "not putting them in their gardens."

REPRESENTATIVE BIRCH asked how ballast water treatment facilities work on some ships.

MR. ARCHIBALD explained currently the U.S. Coast Guard (USCG) is approving ballast water treatment systems. The systems work either through filtration chlorination or ultraviolet light that kills organisms. He said USCG requires much more rigid specifications on said units than does the International Maritime Organization (IMO), and there is pending national legislation on ballast water issues.

[HB 177 was held over.]

[3:11:20 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:11 p.m.