

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 16, 2018

1:03 p.m.

MEMBERS PRESENT

Representative Andy Josephson, Co-Chair
Representative Geran Tarr, Co-Chair
Representative John Lincoln, Vice Chair
Representative Harriet Drummond
Representative Justin Parish
Representative DeLena Johnson
Representative George Rauscher

MEMBERS ABSENT

Representative Chris Birch
Representative David Talerico
Representative Mike Chenault (alternate)
Representative Chris Tuck (alternate)

COMMITTEE CALENDAR

HOUSE CONCURRENT RESOLUTION NO. 23

Supporting enhanced efforts to protect wildlife and domestic animals in the state from infectious diseases, foreign pathogens, and nonendemic parasites.

- HEARD & HELD

HOUSE BILL NO. 315

"An Act relating to the confidentiality of certain records on animals and crops; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 260

"An Act relating to electronic possession of certain licenses, tags, and identification cards issued by the Department of Fish and Game; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HCR 23

SHORT TITLE: PROTECT WILDLIFE FROM FOREIGN PATHOGENS

SPONSOR (s) : REPRESENTATIVE (s) JOSEPHSON

02/21/18 (H) READ THE FIRST TIME - REFERRALS
02/21/18 (H) RES
03/02/18 (H) RES AT 1:00 PM BARNES 124
03/02/18 (H) -- MEETING CANCELED --
03/16/18 (H) RES AT 1:00 PM BARNES 124

BILL: HB 315

SHORT TITLE: CONFIDENTIALITY OF ANIMAL & CROP RECORDS

SPONSOR (s) : RULES BY REQUEST OF THE GOVERNOR

01/26/18 (H) READ THE FIRST TIME - REFERRALS
01/26/18 (H) JUD, RES
02/09/18 (H) JUD AT 1:00 PM GRUENBERG 120
02/09/18 (H) Heard & Held
02/09/18 (H) MINUTE(JUD)
02/12/18 (H) JUD AT 1:30 PM GRUENBERG 120
02/12/18 (H) Moved HB 315 Out of Committee
02/12/18 (H) MINUTE(JUD)
02/14/18 (H) JUD RPT 3DP 2NR 1AM
02/14/18 (H) DP: KOPP, KREISS-TOMKINS, CLAMAN
02/14/18 (H) NR: LEDOUX, MILLETT
02/14/18 (H) AM: EASTMAN
03/02/18 (H) RES AT 1:00 PM BARNES 124
03/02/18 (H) -- MEETING CANCELED --
03/16/18 (H) RES AT 1:00 PM BARNES 124

BILL: HB 260

SHORT TITLE: FISH & GAME LICENSES;ELECTRONIC FORM

SPONSOR (s) : SADDLER

01/16/18 (H) PREFILE RELEASED 1/8/18
01/16/18 (H) READ THE FIRST TIME - REFERRALS
01/16/18 (H) FSH, RES, FIN
02/20/18 (H) FSH AT 11:00 AM GRUENBERG 120
02/20/18 (H) Heard & Held
02/20/18 (H) MINUTE(FSH)
02/27/18 (H) FSH AT 10:00 AM GRUENBERG 120
02/27/18 (H) Moved HB 260 Out of Committee
02/27/18 (H) MINUTE(FSH)
02/28/18 (H) FSH RPT 6DP
02/28/18 (H) DP: EDGMON, EASTMAN, NEUMAN, KREISS-
TOMKINS, CHENAULT, STUTES
03/14/18 (H) RES AT 1:00 PM BARNES 124
03/14/18 (H) <Bill Hearing Canceled>
03/16/18 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

KEVIN KEHOE, President
Alaska Wild Sheep Foundation (AK WSF)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HCR 23.

REBECCA SCHWANKE, Staff Biologist
Alaska Wild Sheep Foundation (AK WSF)
Glennallen, Alaska

POSITION STATEMENT: Testified in support of HCR 23.

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

POSITION STATEMENT: Answered questions related to HCR 23.

PAUL FINCH, Agent
North Country Farm
North Pole, Alaska

POSITION STATEMENT: Expressed his concern with the current provisions of HCR 23.

TIANA THOMAS
Mutual Aid Network of Livestock Owners and Producers
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to HCR 23.

AMY SEITZ, Executive Director
Alaska Farm Bureau, Inc.
Soldotna, Alaska

POSITION STATEMENT: Testified in support of the intent of HCR 23, but urged other action be taken instead.

JOHN STURGEON, First Vice President
Alaska Outdoor Council
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HCR 23.

ROBERT GERLACH, DVM, State Veterinarian
Division of Environmental Health
Department of Environmental Conservation (DEC)
Anchorage, Alaska

POSITION STATEMENT: Answered a question related to HCR 23.

CHRISTINA CARPENTER, Director
Division of Environmental Health
Department of Environmental Conservation (DEC)
Anchorage, Alaska

POSITION STATEMENT: Provided a PowerPoint presentation in support of HB 315.

MARY ANN HOLLICK, DVM
Eagle River, Alaska

POSITION STATEMENT: Testified in support of HB 315.

JOHN ANDERSON
Fairbanks, Alaska

POSITION STATEMENT: Testified that HB 315 is comprised of both good and bad parts.

AMY SEITZ, Executive Director
Alaska Farm Bureau, Inc.
Soldotna, Alaska

POSITION STATEMENT: Testified in support of HB 315.

KEVIN KEHOE, President
Alaska Wild Sheep Foundation (AK WSF)
Anchorage, Alaska

POSITION STATEMENT: Expressed AK WSF's concern with HB 315.

REBECCA SCHWANKE, Staff Biologist
Alaska Wild Sheep Foundation (AK WSF)
Glennallen, Alaska

POSITION STATEMENT: Expressed AK WSF's concern with HB 315.

ARTHUR KEYES, Director
Division of Agriculture
Department of Natural Resources (DNR)
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 315.

REPRESENTATIVE DAN SADDLER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Speaking as the sponsor, introduced HB 260.

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

POSITION STATEMENT: Testified in support of HB 260.

ACTION NARRATIVE

[1:03:33 PM](#)

CO-CHAIR GERAN TARR called the House Resources Standing Committee meeting to order at 1:03 p.m. Representatives Tarr, Rauscher, Johnson, Lincoln, and Josephson were present at the call to order. Representatives Drummond and Parish arrived as the meeting was in progress.

HCR 23-PROTECT WILDLIFE FROM FOREIGN PATHOGENS

[1:05:01 PM](#)

CO-CHAIR TARR announced that the first order of business would be HOUSE CONCURRENT RESOLUTION NO. 23, Supporting enhanced efforts to protect wildlife and domestic animals in the state from infectious diseases, foreign pathogens, and nonendemic parasites.

[1:05:10 PM](#)

CO-CHAIR JOSEPHSON, speaking as the sponsor, introduced HCR 23. He said the resolution lays out facts and recommends the legislature and state agencies take seriously the concern held by many Alaskans of the potentiality of an outbreak of *Mycoplasma ovipneumoniae* (M. ovi) in Alaska's wild sheep, goat, and muskoxen populations, with sheep currently being the greatest concern. A [3/13/18 Alaska Department of Fish & Game (ADF&G)] press release announced that both sheep and goats have shown the presence of M. ovi. He said he understands that the meat of [infected] animals would not pose harm to humans from consumption but depending upon the severity of the strain there could be a die-off of populations.

CO-CHAIR JOSEPHSON related that this [respiratory pathogen] has been an ongoing problem in the Lower 48 Mountain West. It became topical in Alaska politics through two proposals brought before the Board of Game (BOG) about how to segregate domestic sheep from wild sheep, he said, most recently in fall [2017]. The proposals drew much attention from big game guides and hunters as well as domestic sheep owners. The Board of Game conducted fact finding, but the ultimate conclusion was that the board lacks jurisdiction over domestic animals. Domestic sheep brought to Alaska can have these pathogens and the tension arises in what to do about that fact, he explained. Should

animals be tested, and, if so, what should be done with the results of those tests, what is the remedy, if any?

CO-CHAIR JOSEPHSON said he suspects the most contentious part of HCR 23 is page 2, lines 6-8, which state: "WHEREAS screening, reporting, and mitigation are proven and widely used tools for preventing the import and transmission of disease pathogens to wild populations as well as domestic animals". The rest of the resolution is relatively pro forma, he continued. Principally, HCR 23 provides the opportunity to dialogue and gives the House of Representatives in particular a chance to express concern with the wild sheep population, which has been the subject of concern even without M. ovi, such concerns being climate change, browse, and declining populations in Southcentral Alaska.

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CO-CHAIR JOSEPHSON noted M. ovi could cause pneumonia resulting in major die-offs. At 45,000 Dall sheep, he said, Alaska has 25 percent of America's populations. In the Lower 48 wild sheep have died off, resulting in critical loss of population. There are threats as well to goats and muskoxen, he continued, and this week goats were detected as having M. ovi.

CO-CHAIR JOSEPHSON related he has pondered how domestic sheep at elevations of 500-1,000 feet would have contact with a Dall sheep that seemingly would be many miles away. While Alaska doesn't have free-range sheep herding, a disease could be spread through contact with fecal or other matter, he explained. [Alaska] has about 1,500 domestic sheep and it is potentially noteworthy that the infected sheep were found in Game Management Unit (GMU) 13 where it is believed contact or proximity may be the closest. He pointed out there is no vaccine or treatment for M. ovi.

CO-CHAIR JOSEPHSON further noted he has forwarded to the committee the e-mails he has received because he believes e-mails should be posted on BASIS given that BASIS is the archive and should reflect everything for future dialogue.

[1:12:36 PM](#)

REPRESENTATIVE PARISH inquired whether the farmers keeping these 1,500 domestic sheep have made official comment.

CO-CHAIR JOSEPHSON replied hundreds of people have made enormous comment through groups like the Alaska Farm Bureau, Inc. They

have lots of concern, he continued, and he and Co-Chair Tarr have paired the committee's consideration of HCR 23 with HB 315 because they are opposite sides of the same coin. The question, he explained, is how to reach a resolution that is fair to everybody and isn't overreaching or excessive in whatever the mitigation might be.

REPRESENTATIVE PARISH asked how large the population of wild sheep is in which this pathogen has been found.

CO-CHAIR JOSEPHSON deferred to ADF&G for an answer, but surmised it would be some fraction of 45,000.

CO-CHAIR TARR noted several organizations, as well as ADF&G, would be testifying after the sponsor.

REPRESENTATIVE JOHNSON said she presumes ADF&G would have all the facts.

[1:15:21 PM](#)

KEVIN KEHOE, President, Alaska Wild Sheep Foundation (AK WSF), testified in support of HCR 23. He said he is a retired U.S. Army officer and recently retired small business owner, and is managing the non-profit foundation as a nearly full-time volunteer. About 90 percent of the foundation's 600 members are Alaska residents, he continued. The foundation's mission is to protect Dall sheep and other wild Caprinae in Alaska, which are the Rocky Mountain goat and muskoxen. The foundation's current focus, he explained, is to prevent transmission of the foreign pathogen *Mycoplasma ovipneumoniae* (M. ovi) from domestic sheep and goats to wild populations. The foundation was tremendously distressed by the recent news that some transmission of some form of this pathogen has occurred.

MR. KEHOE said his organization supports HCR 23 because it directly affects achieving the foundation's mission. Twenty-five percent of North America's wild sheep live in Alaska and are commonly owned by all Alaskans, he pointed out. Alaska has 45,000 sheep, approximately 27,000 Rocky Mountain goats, and about 9,000 muskoxen. A highly desirable game species, wild sheep bring a tremendous amount of resources into the state annually from both resident and nonresident hunters. Alaska is the only state in the U.S. in which a sheep tag can be purchased across the counter. He further noted that Dall sheep are valued by tourists as well as by hunters.

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REBECCA SCHWANKE, Staff biologist, Alaska Wild Sheep Foundation (AK WSF), testified in support of HCR 23. She noted that as a biologist for ADF&G she used to manage GMU 13. She is before the committee, she continued, as the staff biologist for the AK WSF and as an Alaska resident hunter interested in protecting wild sheep and other public wildlife resources. She offered her respect for her former colleagues in ADF&G and said she understands what it is like to have other people interested "in what's going on in your sandbox." This resolution brings attention to protecting Alaska's wildlife from foreign pathogens, viruses, parasites, and infectious disease, and the need for this effort has never been greater.

MS. SCHWANKE stated she served on the Western Association of Fish and Wildlife Agencies' Wild Sheep Working Group from 2007-2014, and therefore has a unique perspective and history with the Dall sheep and bighorn sheep community. As the Alaska representative she worked closely with bighorn biologists, veterinarians, and agency representatives to understand the threats and issues affecting wildlife across the West. The number one threat and concern, she said, was foreign pathogens and respiratory disease in wild sheep and their relatives.

MS. SCHWANKE related that in 2008 as an ADF&G biologist, she helped establish the first Dall sheep capture and collar project in her management area. A main research goal, she said, was to establish baseline health and disease information because biologists knew it wasn't a matter of if Alaska's Dall sheep populations would ever experience large-scale respiratory disease, it was a matter of when.

MS. SCHWANKE addressed why this was the belief. She explained that wild sheep populations across the West are being tested and monitored now more than ever before because they have experienced continued effects of pneumonia. Large-scale die-offs and residual disease is the number one ongoing threat for wild sheep populations in North America. Alaska is facing the same possible outcomes, she said, and thinking it could never happen here is naive. The key at this time is *M. ovi*, an Old World pathogen that has been identified in domestic sheep and goats on every continent except Antarctica. Domestic animals often live with *M. ovi* showing no signs or limited signs of illness, but wild sheep often experience catastrophic effects when exposed. *M. ovi* has been identified in Alaska's domestic animals and now the state's wild sheep and goat populations, she continued.

This makes it even more critical than ever that all disease and pathogen testing continue and expand in the state, and HCR 23 offers the opportunity to keep it front and foremost before the Alaskan public.

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MR. KEHOE thanked the sponsor for introducing HCR 23 and said it symbolizes the emphasis on a proactive approach that is needed now more than ever. Four Dall sheep and two mountain goats have tested positive, which shows the need to get on top of this. Throughout his career he has advised people to manage things decisively and for no regrets, he continued, and HCR 23 would be the first policy statement of this type in North America. If there is one thing that is agreed upon, it is that there are more questions than answers. The resolution shows the need for being proactive and getting the questions answered fast. Every day the spread and impact goes a little farther and currently it is unknown whether this strain of M. ovi is benign or the beginning of a crisis.

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REPRESENTATIVE JOHNSON surmised [M. ovi] isn't a new issue and asked when it was first identified.

MR. KEHOE replied [AK WSF] brought it to attention in Alaska about two and a half years ago, but it was not based in fact until [3/13/18]. He said testing by ADF&G hasn't been extensive, but has included blood tests and nasal swabs for this particular pathogen. There has been no indication of infection until very recently when the test results came back.

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REPRESENTATIVE JOHNSON offered her understanding the positive tests came from GMU 13 and on the Kenai Peninsula. She inquired about the number of sheep in those two areas and whether these are the areas where sheep hunting generally occurs.

MR. KEHOE responded the Boulder Creek area is next to the road system, making it accessible and popular for viewing and hunting. It sits on the border to an adjacent range, he noted, and the challenge is that many of the southern sheep ranges in Alaska are contiguous - the Chugach Range to the Talkeetna Range to potentially the Wrangell's. The chance of spreading, quite often by traveling young males, is what concerns the AK WSF.

MS. SCHWANKE noted the four positive Dall sheep samples were reported in Boulder Creek, a central portion of the Talkeetna Mountain Range that is split by GMU 13A and 14A, with about 1,000-2,000 sheep in 13A and about 1,000-2,000 more sheep west of the border into 14A. As an area management biologist in the past, she continued, she has had concerns about some sort of pathogen load in this area from domestics from years ago. The Glenn Highway runs right through the middle of a really narrow spot between the Chugach Range and the Talkeetna's and there were many homesteaders in the area when the highway was built. These homesteaders had sheep and goats, plus there was market hunting during that time to feed the people building the road, and goats may have been used as pack animals. [Biologists] have felt there may have been some pathogen transfer in this spot in years past, Ms. Schwanke related. No large-scale die-offs have been seen in the Talkeetna Mountains to date.

MS. SCHWANKE said [ADF&G's] Glennallen area management staff is responsible for a very large section of sheep range in Southcentral Alaska. This huge area encompasses the Talkeetna Mountains, a large section of the Chugach Mountains, the South Alaska Range, and almost all the Wrangell Mountains. Thus, she explained, surveys get rotated and an area is surveyed every two to three years. She offered her understanding that the Talkeetna Mountains haven't been surveyed since 2015. While harvest numbers have kept up, she continued, it is important to go look at those populations to try to get a handle on it.

MS. SCHWANKE said the positive goat samples were from a capture operation in GMU 15C within the Kenai National Wildlife Refuge. She offered her understanding that those goats were radio collared and are being tracked, and no unexpected die-off or mortality has been seen to date in that population. She said her guess is that a couple thousand goats are in that area.

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REPRESENTATIVE JOHNSON asked whether sheep migrate by distance or by elevation. She further asked how the herds would be seen as intermingling.

MS. SCHWANKE answered sheep are not a migratory big game species in Alaska, but that unfortunately young males go on long forays on a regular basis. She related she has lived in the Copper River Basin for 17 years and has a long list of documented forays of mountain goats and Dall sheep. The latest was about

two years ago when a Dall sheep showed up on the Gulkana River in the middle of the Copper River Basin on a tiny clay bluff in the middle of the boreal forest, roughly 45 miles from the nearest known sheep range.

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REPRESENTATIVE RAUSCHER declared he has a conflict of interest because he is a sheep hunter and also raises goats. He said he has packed his goats into the hills to hunt sheep, but had to stop when about six years ago it was determined that sheep and goats were a problem and goat packing was disallowed from sheep hunting. He has therefore been involved in this argument as a member of the public, he stated, but not as a legislator.

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REPRESENTATIVE LINCOLN inquired whether M. ovi is transmitted only by direct contact, such as mouth-to-mouth contact.

MS. SCHWANKE replied it is an airborne pathogen, as far as is known. It is a matter of close proximity because the pathogen cannot live long outside of a host species, she explained. When an animal is carrying the pathogen, when it is detected in the nasal cavity, the thought is that it isn't transmitted a significant distance. However, an infected animal that actually becomes sick will start coughing or have nasal discharge and there would then be a longer distance for aerial transmission.

REPRESENTATIVE LINCOLN asked whether there is much opportunity for transmission between sheep and goats.

MS. SCHWANKE responded that during aerial surveys she has observed Dall sheep and mountain goats in the same groups. So, she continued, those two groups can come into nose-to-nose contact in areas where they overlap in range.

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REPRESENTATIVE LINCOLN observed that in its press release this week the Alaska Wild Sheep Foundation offered \$600,000 to fund a project of testing and replacing infected [domestic] animals. He requested further elaboration about the project.

MR. KEHOE answered that this is a unique solution tailored toward Alaska because unlike in the Lower 48, Alaska doesn't typically have herds grazing up in the mountains. After

checking with its technical experts to ensure its science was correct for coming up with a solution, AK WSF decided that the best way to allow for both a sheep hunting, guiding, and outfitting industry and a domestic sheep [industry] was to try an approach called M. ovi free. This approach was chosen over trying to do something with separation because even if a 15-mile-long foray range were used instead of 45 miles, it would virtually eliminate the entire industry of domestic sheep and goats. So, he explained, if people would come forward and have their animals tested, AK WSF has offered to pay for the vet visit, the testing which is about \$50 each in a sequence of three nasal swabs about two to three weeks apart, and also a serology test, all of which would be done by a laboratory at Washington State University and would be as seamless as possible [to the livestock owner]. Mr. Kehoe said the veterinarian would be able to tell the livestock owner the results and AK WSF would also have access to the test results it paid for of those animals found to be positive. Currently the only known solution for an animal testing positive for the presence of M. ovi is the following mitigation: destroy the animal; quarantine the animal for the rest of its days as long as an agency can inspect to ensure it is staying onside; or transport the animal to another location, preferably a non-sheep jurisdiction, for which AK WSF would pay the cost. He pointed out that this money comes from volunteer hours and donors, so there must be testing and mitigation stipulations, not just free testing.

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REPRESENTATIVE LINCOLN said HCR 23 is good and positive but also kind of vague. He inquired whether Mr. Kehoe thinks the AK WSF's proposal would be adopted if the resolution were passed.

MR. KEHOE replied it is designed to be separate, so would not be automatic if the resolution passes. He said it isn't vague, but rather it is in a general sense, because there is a whole host of pathogens, such as winter tick. With changing climate there are potential pathogens that could affect Alaska. So AK WSF is taking an approach that could potentially energize all of those different efforts. At the same time it would lay a foundation for building off of and in a year or so there could be specific legislation that might be required to actually implement this specific solution.

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REPRESENTATIVE PARISH remarked that this issue is profoundly disturbing. When a pathogen is first introduced into a wild population it is impossible to know how devastating it will be, he said. A few mutations and the pathogen becomes a high mortality disease that could cause extirpation. If it becomes pandemic in the sheep and goat populations in one region, it could extend into the populations statewide and could get into the muskoxen populations. He related that according to an article in the Journal of Animal Ecology it is associated with long-term declines in wild sheep populations. So, he continued, it could be possible that this is the beginning of the end for Alaska's wild sheep. He commended the Alaska Wild Sheep Foundation for committing a tremendous sum of money. According to the article, he related further, once this disease becomes established in a population it is extremely hard to eliminate. Just because animals aren't dying this year doesn't mean there won't be a mass die-off next year. If transmission of the disease is mouth-to-mouth, then common browse is all that's necessary.

CO-CHAIR TARR offered her belief that some of Representative Parish's statements are inaccurate. She inquired whether he has a specific question he would like to ask.

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REPRESENTATIVE PARISH asked what it would take to make Ms. Schwanke confident about the long-term health of the sheep populations.

MS. SCHWANKE replied, "A time machine is the only solution right now that would make me feel comfortable with what we're learning." She said Representative Parish's foresight is well focused and *M. ovi* is particularly frightening because it has evolved significantly over time - at least 60 strains of the pathogen are known with some strains more virulent and deadly to populations than others. There are different interactions between different strains of *M. ovi* and different wild sheep.

MS. SCHWANKE noted that currently almost all of the science is with bighorn, and in the vast majority of times when *M. ovi* has been documented to having entered a wild sheep population, the population has experienced some form of significant respiratory disease and die-off. Washington State University is watching this pathogen in bighorn sheep, she reported, and of the 42 bighorn populations being watched that are pneumonic, 42 are positive for *M. ovi*. Pneumonic means regular cases of pneumonia

come up year after year - sometimes it's adult mortality, sometimes lamb mortality, and sometimes it's delayed mortality. Of the 35 healthy non-pneumonic populations that the university is watching only four have tested positive for M. ovi.

MS. SCHWANKE said M. ovi is different from other respiratory bacteria affecting the Caprinae family because it affects and compromises the immune system, making [wild sheep] susceptible to many other respiratory pathogens. Once infected with M. ovi, she continued, populations generally have negative impacts. If they don't, it doesn't mean they aren't going to in the future. The pathogen could evolve or another strain of M. ovi could come in and current research says those animals will entirely have a negative response to it. Once a pathogen is in a wildlife population it is virtually impossible, if not impossible, to get rid of it in the population.

MS. SCHWANKE related that Western states have been dealing with this for over a decade and many difficult political decisions have been made in those states. The most successful management action is to test and cull, she explained, and if an animal tests positive for M. ovi it gets removed from the population. Test and cull is now happening in most of the Western states and is very emotional and controversial. It is something that will now likely be discussed in the state of Alaska for forever, she posited, because she doesn't see it going away.

MR. KEHOE added that the worst case is to have to eliminate a certain population when testing shows infection and it is warranted. That is why the Alaska Wild Sheep Foundation is pushing for more testing and more study of the wild population as soon as possible, he said. It would be up to organizations like AK WSF to explain [to the public] that that is the best solution. This year in Colorado three or four rams came into contact with domestic sheep. In Alaska mountain goats came into Palmer and were transported back to the mountain. But, he continued, this was an error - they probably should have been destroyed due to the potential of contact. If wild animals come into the proximity [of domestics], it is best to play it safe and eliminate those animals as a precautionary action, at least until more studies have been done and more is known.

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REPRESENTATIVE PARISH inquired about the cost to test and cull. He further inquired whether Ms. Schwanke found any of his remarks to be inaccurate.

MS. SCHWANKE replied she doesn't have budget figures, but that most Western bighorn populations are accessible by road, which provides opportunity for biologists to drive close to these areas. However, she continued, these Western state biologists must still charter helicopters to net-gun the animals, which costs thousands of dollars, and sometimes \$10,000 is spent to capture only a handful of animals. In the areas where *M. ovi* first started being detected the animals were presenting with illness. Hunters or biologists saw animals that were clinically ill, so a look was taken and the population tested. It took a long time for some of those states to come around to the decision to cull these animals, she related. It is brutal and hard to do, especially when they test positive but still look healthy. It is not as big of a deal if it can be done quickly and one or two animals at a time. A few populations have been extirpated on purpose by state agencies, she continued, because they were such small populations or they were all infected.

MS. SCHWANKE said she didn't find any specific inaccuracies with Representative Parish's statements. There are many different scenarios and lots of different populations have experienced pneumonic die-offs. Many different pathogens have been reported and different percentages had *M. ovi*, she advised, so lots of different numbers could be provided. An ongoing concern for populations with *M. ovi* is that once a die-off occurs, generally 5-20 percent of the population remains with the pathogen and becomes carriers and the population never recovers.

CO-CHAIR TARR, regarding her statement about the accuracy of Representative Parish's statements, said she was referring to two things she wants to ask Mr. Dale of the Alaska Department of Fish & Game. First is that just having the bacteria doesn't mean an animal is going to get sick. Second is that the strain detected has not been tied to the genetic strain found in domestic animals.

[1:57:30 PM](#)

REPRESENTATIVE DRUMMOND asked when construction of the Glenn Highway occurred, along with the market hunting of wild sheep and use of pack goats. She also asked how transmission occurs given the *M. ovi* pathogen cannot live long outside an animal.

MS. SCHWANKE replied she doesn't know the exact year, but a regularly traveled dirt trail existed by the mid-1930s from the Knik River Valley to McCarthy. Regarding market hunting, she

said Jim Reardon has written some excellent books and she has seen photos from those times of Dall sheep hanging from trees next to camps. Jim Reardon wrote about specific people along the Richardson Highway who made money market hunting and sheep was one of those species. She said she understands that market hunting occurred along the Glenn Highway during construction. She added that homesteaders, lodges, and roadhouses had goats to provide milk for travelers, so domestics were spread up and down those roads before they were turned into highways.

REPRESENTATIVE DRUMMOND asked how the pathogen lived from the 1930s to now.

MS. SCHWANKE responded that when population declines occurred in adjacent areas the thought was where pathogen transfer could have come from. Several of the respiratory pathogens have to be passed nose-to-nose or within a couple hundred yards, she said, and [ADF&G] is interested in many other respiratory pathogens when it does testing. It was felt that some historic transfer of pathogen could have occurred, but it was in passing given there has been no large-scale die-off. Different species of pathogens are found in pneumonic sheep, she explained, and over the past decade it's come to the attention of state biologists that a lot of those pathogens are now endemic and common in sheep populations across Alaska, including in the Talkeetna Mountains. When wild animals are in close proximity to homesteads and domestics it doesn't take much to have a Dall sheep come down to a yard where there is feed or water. There are photos from Dawson of Dall sheep and domestics in the same pen. Those Dall sheep had been living with some of those respiratory pathogens for a long time. *M. ovi* is a different pathogen, she continued. It has been difficult to detect and years ago testing didn't exist for it. She said her understanding is that the first testing for *M. ovi* was in the Chugach sheep population that was collared in 2008. The wild populations have therefore been sampled for *M. ovi* for the past 10 years and no evidence has yet been found of the pathogen in nasal cavities through nasal swabs or even exposure to it as evidenced through a blood serology test looking for titers.

MR. KEHOE added that he describes it as a "one-two punch" in that *M. ovi* is poly-microbial - it creates an immune deficiency by disarming the cilia in the linings of the airways, which then allows these other pathogens, which could have been transmitted way back when. The blood tests described by Ms. Schwanke have found that many of those are already in the population. He said it can be thought of as "kindling waiting for the match,"

meaning one is already out there and if the match can be prevented from hitting the kindling then there is a shot.

[2:05:05 PM](#)

REPRESENTATIVE DRUMMOND inquired whether test and cull is of the wild or the domestic population.

MS. SCHWANKE answered she is specifically talking about the wildlife populations in the Western states. It is the wildlife populations that have experienced pneumonic die-offs and those are the focus of how to stop it and how to get those herds healthy again.

REPRESENTATIVE DRUMMOND referenced a document reporting that 39 mountain goats on the Kenai Peninsula were captured and analyzed and 2 tested positive. She asked whether those goats were tested and released.

MS. SCHWANKE offered her understanding that they were released. She explained the goats were radio collared, samples taken, and the samples sent to a lab, and it can take days, weeks, or longer to get the full test results.

REPRESENTATIVE DRUMMOND surmised that to test and cull, the testers would have had to retain the animals.

MS. SCHWANKE replied right. At this time the technology that the department is utilizing is standard draw the blood, send it to a lab in Washington, and have it sampled. Newer technology is being tested by Washington State University that allows in the field-testing that takes up to 45 minutes to get a result.

REPRESENTATIVE DRUMMOND inquired about the testing of Alaska's domestic population, which is much smaller than the wild population, and which was talked about by Mr. Kehoe.

MR. KEHOE responded that cull is the option that would probably have to take place for the wild. But for domestic, mitigate is the term used because there are three options - cull, quarantine, or ship. To go M. ovi free it is essentially the same look in both cases.

REPRESENTATIVE DRUMMOND asked whether the meat of culled animals is edible.

MR. KEHOE answered the meat is not affected at all.

[2:07:42 PM](#)

REPRESENTATIVE RAUSCHER inquired how long before an animal dies once it has contracted this disease.

MS. SCHWANKE replied it depends on the strain and the interaction between the pathogen and the wild animal. It could be as quick as 24 hours or could take weeks or could be never. The hope is that it is a benign strain and nothing happens.

REPRESENTATIVE RAUSCHER surmised that if the disease had been passed to the wild animals by [pack goats] 10 years ago then they would have been "wiped out" by now.

MS. SCHWANKE responded not necessarily. These pathogens come in many different strains and some are more virulent than others. Had there been a virulent strain of M. ovi or another pathogen 60-80 years ago, then, yes, it would be remnant populations of Dall sheep and mountain goats in those areas.

REPRESENTATIVE RAUSCHER said that was not his question.

MR. KEHOE added that in current testing about 4-5 percent of the domestics were positive. It is possible that that group of pack goats wasn't infected and then there are the variables talked about by Ms. Schwanke.

[2:10:05 PM](#)

REPRESENTATIVE RAUSCHER offered his understanding it is being said that this is an emergency, that these animals could contact something that could wipe them out. He asked why it didn't wipe out the population 10 years ago if they contracted it. He further asked whether it is being said that the wild populations could contract it and not be wiped out.

MR. KEHOE confirmed it's possible the populations wouldn't be wiped out, which is what Ms. Schwanke explained. The hope is that it is relatively benign. But, he continued, the problem is that currently there are more questions than answers and what that says is there isn't an emergency that can absolutely be declared because not enough is known. It says there needs to be surveys and to take it aggressively to find out whether there is a problem. Perhaps that's an over-reaction, but it's the safest way because under-reaction could result in being bitten.

REPRESENTATIVE RAUSCHER opined that hunting with pack goats is not mating with wildlife and that they never touch each other.

[2:11:36 PM](#)

REPRESENTATIVE JOHNSON offered her understanding that the goats that were collared, tested, and released in the Kenai area came up positive. She asked why ADF&G biologists couldn't be sent back to [cull] those collared goats.

MS. SCHWANKE answered there are differing professional opinions on what to do with an animal that has tested positive with this. If it were up to her she would immediately helicopter out and euthanize those animals to remove them from the population. Other professionals take the wait-and-see approach and won't kill a healthy-looking animal when nothing has happened. Those are the two ends of a hotly debated discussion right now.

REPRESENTATIVE JOHNSON asked how the Alaska Wild Sheep Foundation would feel about hunters packing a test kit to swab animals at harvest.

MR. KEHOE replied AK WSF advocated for and offered funds last year to do that, but the money wasn't needed because the state came up with funds. Hunter-killed [Dall] sheep are required to be sealed by ADF&G, he explained, and he is unsure whether these animals were tested in the field by the hunters or by ADF&G at sealing. The department very aggressively tested at its check stations. He said AK WSF would be working aggressively this year to promote the testing of harvested animals.

REPRESENTATIVE JOHNSON inquired as to how many [tests] were received from hunters.

MS. SCHWANKE deferred to ADF&G for an answer. She offered her belief that about 300 samples were taken between hunter-reported kits and animals swabbed by ADF&G at sealing.

[2:14:50 PM](#)

REPRESENTATIVE LINCOLN asked whether ADFG currently has the statutory authority to make a decision to cull.

MS. SCHWANKE deferred to ADF&G to provide an answer.

[2:15:47 PM](#)

CO-CHAIR TARR requested Mr. Bruce Dale of ADF&G to discuss the recently received test results and whether it is correct that the strain detected is not tied to the genetic strain found in domestic animals. She further requested Mr. Dale to address the previous statements that it is unknown where and when [wild] animals may have been exposed.

2:16:26 PM

BRUCE DALE, Director, Division of Wildlife Conservation, Alaska Department of Fish & Game (ADF&G), reported ADF&G hasn't yet completed work with the laboratory on identifying the strain that was found in the wild goats and sheep. The work is ongoing, he said, and requires looking at additional genes and comparing them for matches with known samples in the gene bank.

CO-CHAIR TARR related that according to the ADF&G press release the positive-testing sheep were harvested by hunters and appeared to be healthy. She asked whether ADF&G is taking the wait-and-see/need-more-information approach or the approach of culling the positive-testing wild animals.

MR. DALE responded the positive-testing sheep appeared healthy in every respect to the hunters who brought them in. He said ADF&G is waiting to develop a monitoring plan for that population and is trying to decide whether to collar them. There is some chance that handling an infected animal and then handling other animals afterwards could spread the bacteria, he explained, so ADF&G is looking to identify the strains and then develop a monitoring plan. There are additional samples yet to be run and it may be found that it is a larger area that must be worked with. The monitoring plan for the sheep must be based on the area. He noted that samples have been collected from large parts of the state that did not test positive.

MR. DALE said the goats that tested positive are radio collared, so ADF&G is able to monitor their health. Regarding culling those animals, he noted it is two positive goats and three more still needing additional testing that are possibles. That is two out of 39, he continued, which tells that there very likely are many other positive goats on the Kenai. Removing the two from that sample wouldn't remove the bacteria from the population. Those two goats can tell the department whether or not they are going to get sick, so they are more valuable onsite right now so ADF&G can monitor their health and determine how extreme of a reaction should be had with these animals.

[2:19:43 PM](#)

REPRESENTATIVE LINCOLN urged his question not be misconstrued as being in favor of culling. He asked whether Mr. Dale believes ADF&G has the authority and tools necessary to make the best decision for how to address this issue in the wild populations.

MR. DALE answered ADF&G wishes it had more tools but, of the known tools, the department has those in its toolbox. Hundreds of samples have been collected, so ADF&G has done a good and aggressive job of getting out there, especially in the last few years, to screen as much as it can for this and other diseases. The department has been monitoring diseases for a long time, he said, it is part of what ADF&G does. For example, the department is monitoring other issues, such as winter kick and chronic wasting disease, both of which would be catastrophic to moose and caribou populations. Despite Alaska's lack of roads, he continued, ADF&G probably has a more extensive program of handling animals than do most states and can handle and cull animals. He reiterated he believes ADF&G has the tools.

[2:21:20 PM](#)

CO-CHAIR TARR opened public testimony on HCR 23.

[2:21:24 PM](#)

PAUL FINCH, Agent, North Country Farm, testified that his herd of goats reproduces to about 70 animals every summer and are marketed for their meat. He said HCR 23 is a complex issue that puts Alaska's small farms with goats and sheep at economic, legal, and emotional risk that may potentially not be survivable. He argued that theoretical data from the Lower 48 is being used to fuel the premise behind HCR 23. He urged the committee to allow appropriate input from farmers on this hunter-sponsored resolution to find a common-sense solution that protects all parties.

[2:23:01 PM](#)

CO-CHAIR JOSEPHSON inquired whether Mr. Finch is suggesting that the Mountain West die-off is not M. ovi related.

MR. FINCH replied that is not what he said. The issue is that the grazing habits in the Lower 48 have no bearing on the Alaskan picture. There are many barriers between domestic and wild populations that will never be overcome, he said, so the

initial proposals from the [AK WSF] and others were overreaching shock statements designed to produce results. It is worrisome that this is a unidirectional steppingstone toward unreasonable mitigation measures.

[2:24:26 PM](#)

REPRESENTATIVE PARISH asked what Mr. Finch would view as a reasonable solution.

MR. FINCH responded that various goat groups in the state have proposed very reasonable, step-wise solutions. While he doesn't have those handy, he continued, it is basically that the risk needs to be stratified and applied in appropriate geographical measure. Nobody wants to hurt wild populations, he stressed, but it isn't appropriate to impose draconian measures on a herd that will never see wild sheep habitat and that the closest they will come is in frozen packages in the freezer. More time and more input from these groups needs to happen, he added.

CO-CHAIR TARR stated she would be thinking about both angles as the committee considers HCR 23.

[2:25:26 PM](#)

TIANA THOMAS, Mutual Aid Network of Livestock Owners and Producers, testified that HCR 23 would be an ineffective, costly, and crippling blow against food security and food access in Alaska. She stated that 3 percent of the Alaska domestic sheep in which it was found are asymptomatic. She further said that these sheep cannot spread it past one foot because they are not sick and not coughing and so do not broadcast it into the air. She maintained that the goat variant, which is likely what the GMU 13A goats were exposed to many years ago, is not fatal. The sheep variant is fatal, especially when commercial-sized herds are going into habitat, but Alaska does not have that. Alaska also doesn't have transplanted animals that have lost their historic travel patterns and are more likely to interact with domestics. She said the quotes on science are conveniently ignoring studies that state packhorses are as lethal as pack goats with a different bacterium.

MS. THOMAS stated that to demand the state be *M. ovi* free is a scientific impossibility because it cannot be proved that it won't exist. She said the [AK WSF] has stated it will not allow an animal to be proved negative if it has tested positive once on serology, which means the animal has had it and beaten it off

and is no longer carrying it. She argued that if the nasal swab is negative and the animal just has an antibody remnant in its blood, it is no longer a transmitter or carrier. However, she continued, the [AK WSF] will not allow that animal to be proven negative no matter how many negative nasal swabs it has.

MS. THOMAS added that current science states a positive nasal swab does not indicate the presence of infection. Detection is not infection, she said. The same animal in many subsequent tests will come up negative; they can clear the mycoplasma. Infection is not lethal in every case. She charged that the science is being conveniently edited for the worst possible outcome. She said her organization's solution is to cull via isolation rather than to cull via euthanasia, but this [proposed] solution is being ignored.

[2:29:18 PM](#)

REPRESENTATIVE PARISH inquired about the percentages that were found in the results from voluntary testing.

MS. THOMAS replied that about 80 percent of her organization's members have had their flocks cleared through voluntary testing. Of the rest, about 3 percent of the sheep and 1 percent of the goats were asymptomatic detection. However, she reiterated, the goat strain is not as lethal as the sheep strain, so goat contact is not a concern. She noted that 1 percent could be a statistical anomaly; it could be a false positive.

[2:30:13 PM](#)

REPRESENTATIVE DRUMMOND asked whether the livestock producers who are members of Mutual Aid Network of Livestock Owners and Producers are in Alaska. She further asked whether Ms. Thomas is located in Alaska and, if so, where.

MS. THOMAS replied she is in Alaska and resides within GMU 14. She was born in Juneau and moved to her current location in 1985 and has been involved with livestock ever since.

[2:31:22 PM](#)

AMY SEITZ, Executive Director, Alaska Farm Bureau, Inc., testified the bureau agrees with HCR 23's intent to encourage agencies to protect the health of Alaska's wildlife and domestic animals. However, she continued, the bureau would like to address the clause on page 1, line 13, which states, "WHEREAS

the state subscribes to science-based wildlife management". She agreed that having effective practices in place is key, and said the Alaska Farm Bureau wants to ensure that the science used for managing Alaska's resources is relevant to Alaska. It isn't prudent to encourage agencies to implement decisions based on situations or information pertinent in other states.

MS. SEITZ stated that in working with agencies on the current issue of domestic and wild sheep and goat interaction and M. ovi, the bureau has found the agencies are doing what HCR 23 encourages. They are gathering the information necessary to base a decision on science relevant to Alaska and Alaska's Dall sheep populations. Taking this action is the necessary and prudent route as opposed to implementing a solution before having the facts. Instead of passing a resolution like this, she said, the legislature could encourage and support Alaska's agencies in their efforts by doing things like enacting [HB 315]. That bill would encourage people to test their animals so Alaska's agencies would know what diseases are out there, would help with early detection, and would give agencies time to respond appropriately. While the intent of HCR 23 is fine, she reiterated, the Alaska Farm Bureau believes there are other ways the legislature could show its support for agencies.

[2:33:36 PM](#)

JOHN STURGEON, First Vice President, Alaska Outdoor Council, testified in support of the Alaska Wild Sheep Foundation's efforts and thanked the sponsor for introducing HCR 23. He said HCR 23 is a good step to help solve a potentially devastating problem in Alaska's wild sheep, goats, and muskoxen. Alaska's wildlife is valuable for hunting and viewing and Alaska is the only state with Dall sheep, a treasure that needs to be kept healthy. In the Lower 48, he related, it is not unusual to require the testing of domestic animals to ensure they are free of disease that could infect other domestic animals or wildlife populations. From 25 years of hunting in Montana and Wyoming, he said, he is aware of mountain ranges where 70-80 percent of the sheep have been killed by M. ovi. This very deadly disease shouldn't be underestimated, he stressed. It lurks in the background until the conditions are right, then it gives the double whammy of another pathogen coming in and the sheep die in large numbers. Regarding the question about what the domestic folks would propose for a solution, he said he thinks the Alaska Wild Sheep Foundation's proposal to pay for testing is generous.

[2:36:48 PM](#)

CO-CHAIR TARR closed public testimony on HCR 23.

[2:37:06 PM](#)

CO-CHAIR TARR asked Dr. Gerlach whether eradicating the M. ovi bacteria from Alaska is a realistic goal.

[2:37:26 PM](#)

ROBERT GERLACH, DVM, State Veterinarian, Division of Environmental Health, Department of Environmental Conservation (DEC), replied that the total elimination of a disease is extremely difficult. Only two diseases have been completely eliminated in the world - rinderpest in cattle and small pox. Rinderpest was identified as cattle fever in the 1700's and most veterinary schools were formed to address that disease, he said. It took until just a couple years ago to eliminate rinderpest, he continued, so to totally eliminate a pathogen is an extremely large and costly task.

[HCR 23 was held over.]

HB 315-CONFIDENTIALITY OF ANIMAL & CROP RECORDS

[2:38:20 PM](#)

CO-CHAIR TARR announced that the next order of business would be HOUSE BILL NO. 315, "An Act relating to the confidentiality of certain records on animals and crops; and providing for an effective date."

[2:38:30 PM](#)

CHRISTINA CARPENTER, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), provided a PowerPoint presentation in support of HB 315 entitled, "HB315: Confidentiality of Animal and Crop Records," dated 3/16/18. Turning to slide 2, she said she and Dr. Gerlach are before the committee regarding HB 315, which would keep confidential certain records held by DEC and the Department of Natural Resources (DNR). [The departments] would continue to release general information found in their records, but the bill would prohibit [the departments] from being responsible for releasing records that may contain personally identifying information. It would also allow information disclosure from [the departments'] records if there were a threat [to the health or safety of an

animal, crop,] or the public, Ms. Carpenter stated. This can be compared to some of the other protections that are already provided to other commercial industries, one example being commercial fisheries. The Alaska Department of Fish & Game (ADF&G) has a clause in statute that allows it to keep certain information reported by commercial fishermen exempt from disclosure, which includes such things as fishing holes. She said ADF&G needs that information to properly manage commercial fisheries, but commercial fishermen wouldn't like that subject to disclosure because that's proprietary business information. So, she continued, [DEC and DNR] are trying to get similar confidentiality to Alaska's agricultural producers.

[2:40:23 PM](#)

MS. CARPENTER moved to slide 3 and noted the concept of HB 315 has been discussed between DEC, DNR, and Alaska's agricultural producers for at least 10 years. This concept is even timelier now given the recent M. ovi discussion, she added. The bill is mutually beneficial to state agencies as well as individual producers. She said [the departments] believe that animal and crop producers will be more willing to participate in voluntary surveillance sampling programs with DEC and DNR if they know the results of those tests are not subject to public disclosure. When the M. ovi discussion came up 18-24 months ago and Dr. Gerlach was trying to set up this M. ovi study in domestic sheep and goat populations, many Alaska livestock owners were reluctant to participate in the study because they knew the test results would be subject to disclosure if DEC were in possession of them. A benefit of passing HB 315 is that [DEC] will receive additional information on emerging threats and disease outbreaks so the department can work with its peers in the other resource agencies to properly manage Alaska's resources.

MS. CARPENTER addressed slides 4-5 to discuss the difference between a record versus information and what [DEC] is trying to do with this. She said the Office of the State Veterinarian is not looking to withhold information from public consumption, but is trying to protect the records it has on file. A record that is currently subject to disclosure has personal information like name, address, phone number, specific destination information, and test results, as well as potentially including identifying animal ear tag information. Right now if there was a Freedom of Information Act (FOIA) request, DEC would have to give out this record without redacting it. Under HB 315, she continued, DEC would still share information with the public, but it would be in a more generalized and anonymous format. For example, the

department would say that in late December nine reindeer were transported by air from Alaska to Texas and they came from a herd that was confirmed to be chronic wasting disease free. Ms. Carpenter explained that in an animal cruelty investigation DEC would release the information from its records that would help law enforcement officials in their investigation. But if there was disease information that required public outreach, such as rabies, DEC would coordinate with its peers in state public health and fish and game agencies, as well as coordinate with the local public health and veterinarian officials so they could increase public outreach and awareness so that everybody was looking for rabies symptoms in domestic and wild blocks.

MS. CARPENTER moved to slide 6 and said HB 315 would encourage better animal husbandry because animal owners would be engaging with the [state veterinarian's] office and participating in surveillance sampling, which is non-mandatory sampling and which owners can then use as a marketing tool for their Alaskan agricultural products. She stated the bill would also allow for early identification of and reaction to an emerging outbreak or threat that public health and animal health officials need to deal with. Further, proprietary information would be protected from disclosure to a competitor. Turning to slide 7, Ms. Carpenter said HB 315 would not keep DEC or DNR from releasing general information that the public needs to know if there is a public health threat. It would also not hamper efforts to control a disease outbreak or mitigate a threat and it wouldn't limit law enforcement agencies in animal cruelty investigations.

MS. CARPENTER reviewed the sectional analysis on slide 8. She said Section 1, the meat of the bill, would make certain records held by DEC and DNR exempt from the Alaska Public Records Act if they meet certain criteria. But, she continued, those departments would still be allowed to release information if there were a public health threat.

[2:46:24 PM](#)

REPRESENTATIVE RAUSCHER stated he understands what Ms. Carpenter is trying to convey about people being hesitant to declare or to have their animals tested, and that people would be less hesitant to come forward if HB 315 was passed. He said he was singled out as possibly being the reason for [wild] goats having this infection.

[2:47:29 PM](#)

REPRESENTATIVE DRUMMOND drew attention to slide 5 regarding an example of release of information. She inquired whether Ms. Carpenter is talking only about a zoonotic disease outbreak, which is a disease that can be transmitted from animals to humans, or whether it would also include pathogens [in animals only, such as M. ovi in sheep and goats].

MS. CARPENTER replied [DEC] would release information related to a disease outbreak that is zoonotic or transmittable but transmittable through domestic or wildlife herds. For example, rabies can impact domestic livestock and humans, so with rabies [DEC] would want to involve the Department of Public Health and ADF&G. However, she continued, M. ovi is not transmittable to humans, so [DEC] would have no reason to release that information to its peers in public health.

[2:49:24 PM](#)

REPRESENTATIVE PARISH drew attention to HB 315, page 2, lines 7-11, which state, "Notwithstanding (a) of this section or any other provision of law, the Department of Environmental Conservation and the Department of Natural Resources may disclose any records that are subject to this section if the Department of Environmental Conservation or the Department of Natural Resources determines there is a threat to the health or safety of an animal, a crop, or the public." He asked whether he is accurate in interpreting this language to mean that on any occasion in which an animal were diseased, it would be at the discretion of DEC and DNR whether or not to release the full records.

MS. CARPENTER responded that that is accurate.

REPRESENTATIVE PARISH offered his apologies for an earlier remark and said it was very unlikely that [Representative Rauscher's] animals were implicated.

[2:48:37 PM](#)

CO-CHAIR TARR opened public testimony on HB 315.

[2:51:10 PM](#)

MARY ANN HOLLICK, DVM, testified she has practiced veterinary medicine for the past 30 years and supports HB 315 because it represents an individual's medical privacy. Animal owners are currently required to disclose diagnostic test results to be in

compliance with state rules, she related. These results are currently public records. These owners know these records are available for all to see and they may very well be reluctant to have their animals tested voluntarily for these diseases. The owners and where they live should not be public knowledge, she said. Early detection is the key to controlling serious widespread outbreaks that could jeopardize animals and public health. These same test results are private in other states, she pointed out. If there is credible threat, she continued, the state veterinarian would disclose relevant information and act to ensure animal and public safety. Dr. Gerlach was in private practice before becoming the state veterinarian, she added, and is very well respected by the veterinary community.

[2:52:53 PM](#)

REPRESENTATIVE PARISH asked which diseases are not required to be reported to the state veterinarian.

DR. HOLLICK answered that diseases such as parvovirus, a small animal disease, are not required to be reported.

REPRESENTATIVE DRUMMOND inquired whether Dr. Hollick supports or opposes HB 315.

DR. HOLLICK replied she supports the bill.

[2:54:18 PM](#)

JOHN ANDERSON testified that HB 315 has good parts as well as questionable parts. He said he likes the [confidential] testing and that it is a way to get more animals tested. However, he continued, he has an issue with the import side of the bill as there are no checks and balances. He said he has looked at import records from the state veterinarian's office for the past two years and imported animals are being misrepresented and sold as Alaska Grown. When he brought this issue to the Division of Agriculture he was told there is no budget to be able to check even though the paperwork that a person signs to participate in Alaska Grown says the Division of Agriculture can come out to the participant's farm at any time. The division isn't checking Alaska Grown accountability through the state veterinarian's office, he said, and he has personally done that because he would like to protect his farm and the work he does with his cattle. For example, he is caring for his cattle at 50 degrees below zero while other people bring in animals and slip them in as Alaska Grown to receive a premium. He requested that import

records be looked at. He pointed out that import records can be obtained from the U.S. Department of Agriculture (USDA) as well as the Division of Agriculture and said there is no difference in the records. He reiterated that he likes the testing part of HB 315, but that the import records won't help because they can be found elsewhere.

[2:57:43 PM](#)

CO-CHAIR TARR requested Ms. Carpenter clarify whether HB 315 addresses the import issue.

MS. CARPENTER responded HB 315 would allow [DEC] to keep animal or crop importation records confidential that identify a particular animal, crop, business, or individual. She said she is sensitive to Mr. Anderson's concerns, but DEC's mission is to ensure that those animals imported into Alaska are healthy and disease free. Any marketing aspect issue would need to be answered to by DNR. The reason [DEC] would want to keep those animal importation records subject to a confidentiality clause, she continued, is because the records include the name, physical address, and location where those animals are going to and where they came from, and that could be considered private business or proprietary information that is part of what [DEC] is looking to do - keep people's business information private. The intent is to protect the state's agricultural producers so they can grow their business.

[2:59:36 PM](#)

CO-CHAIR TARR noted that Alaska Grown misbranding provisions are in another section of statute which the committee is looking at in HB 217.

[3:00:06 PM](#)

REPRESENTATIVE PARISH asked whether the USDA is already furnishing information about animal and crop importation records with the things that are trying to be protected with HB 315.

MR. ANDERSON answered correct, he has used the Freedom of Information Act (FOIA) to go through the state veterinarian's office as well as the USDA and he has those documents. The same truckloads of animals can be looked at from each agency and except for one or two lines they have the same information that can be compared. He offered to provide this information.

REPRESENTATIVE PARISH inquired whether there is a difference between the state and federal agencies in the fees or costs to access that information.

MR. ANDERSON replied there is no charge by either agency at this time. He added that the USDA takes a about a month to provide the records and the state takes about 10 business days.

[3:01:43 PM](#)

AMY SEITZ, Executive Director, Alaska Farm Bureau, Inc., testified in support of HB 315. Allowing confidentiality for certain personal and business records will afford Alaska's farmers some security in their business as well help to keep Alaska's agricultural sector healthy, she said. To comply with state and federal laws, farmers must supply certain information to DEC or DNR, she continued. There are also situations where a farmer may be required to submit test results or want to participate in a voluntary surveillance program. Records that DEC and DNR maintain can be specific to particular animals, crops, information on the farmers' businesses, and specific results from testing. Under current law these records are not protected, she noted. The bureau wants farmers to feel comfortable in working with state agencies in maintaining the health of animals and crops. Knowing that someone can access specifics on these results does not afford security to Alaska's farmers, she advised, and it does not encourage participation in these testing programs. Having more farmers participating in testing could help in producing higher quality products and increase efficiencies in production. It could also help with early detection of a possible outbreak or concern, which would give agencies time to respond appropriately.

MS. SEITZ noted HB 315 does cover general information on imports. She said general information on testing would still be available if the bill were passed and that this should be sufficient information to let people know what is happening in the state. Steps are available to take for a person with concerns about misuse of the Alaska Grown logo or concerns that the appropriate steps aren't being taken for a possible disease or pathogen. She reiterated the Alaska Farm Bureau's support for HB 315 for the aforementioned reasons.

[3:04:45 PM](#)

KEVIN KEHOE, President, Alaska Wild Sheep Foundation (AK WSF), testified his organization generally supports keeping personal

information private, but that AK WSF also thinks testing records should remain public. He allowed that trying to weigh these two is a big challenge and deferred to Ms. Schwanke to provide more specific information.

3:05:25 PM

REBECCA SCHWANKE, Staff Biologist, Alaska Wild Sheep Foundation (AK WSF), testified HB 315 is vague, which concerns her from a biological perspective. [The bill would cover] M. ovi that affects Alaska's wild sheep and goats as well as other diseases and pathogens that can affect any number of Alaska's wild animal populations, she said, so it is much bigger than M. ovi. To fully understand the current state of pathogens, parasites, viruses, and other diseases that may be detrimental to wildlife in Alaska, she continued, it will be critical to have access to all available test and import records.

MS. SCHWANKE said the components of HB 315 that concern her focus on the confidentiality of individual and specific test results. She stated that the general information which DEC says it will release is not good enough for independent scientific community members and isn't fair to domestic owners who wish to know what diseases or pathogens are present in the state. In M. ovi outbreaks in the western states, understanding the strains is critical to understanding what is being dealt with and where it came from, she continued. Understanding the pathways of disease is important and critical for mitigating and controlling disease. She said she is far more concerned with maintaining open access to what comes in the state through imports and what is already in the state as known from testing records than any individual names or personal information.

MS. SCHWANKE offered her belief that the majority of Alaska's domestic animal owners are responsible and don't let their animals come in contact with wild sheep and goats. However, she continued, not every owner is responsible, some animals escape farms, and some owners let their animals open-land graze when in the mountains, which is documented by photos. The recent importation and testing records must remain publically accessible in case a conflict is seen or a novel pathogen shows up in the state. Sometimes that will only be known through import records or the testing the state does. Geographic locations or at least the specific regions must remain public information when it comes to understanding any possible threat to wildlife or other domestic owners. In no way does AK WSF want to jeopardize individuals with these comments, she said,

but there are larger concerns when it comes to protecting Alaskan wildlife.

3:07:58 PM

REPRESENTATIVE PARISH drew attention to page 2 of the bill, lines 10-11, which state DEC and DNR can disclose any records if "there is a threat to the health or safety of an animal, a crop, or the public." He inquired whether in the case of any positive test result for a disease, [AK WSF] would argue that there exists such a threat. He further inquired whether [AK WSF] believes that if it came to a court case it would prevail.

MR. KEHOE responded that that is one of [AK WSF's] concerns and the hope is for a re-write of the bill so [AK WSF] could get behind this. As it stands currently, he noted, the committee just heard a debate on whether it is or isn't a threat. So there'd come a time when [AK WSF] would be blocked from any information simply because someone didn't think it is a threat and then it would evolve into a court case. That is a concern and [AK WSF] believes "threat" should be clearly defined in statute; for example, is or isn't M. ovi a threat. Otherwise, he continued, that information could be blocked and probably would be blocked from [AK WSF].

REPRESENTATIVE PARISH invited the Alaska Wild Sheep Foundation and DEC to work with him in his office to figure out what language would answer AK WSF's concern. He invited Mr. Kehoe to make a suggestion for today's record if Mr. Kehoe would like.

MR. KEHOE answered [AK WSF will] submit some language and some concepts on doing that. He said AK WSF would be happy to work with anyone to resolve these issues to get to where AK WSF and the sportsmen's groups that support AK WSF would also be comfortable with this particular language.

REPRESENTATIVE JOHNSON asked about the Division of Agriculture's position on HB 315 and whether the division has concerns.

3:10:33 PM

ARTHUR KEYES, Director, Division of Agriculture, Department of Natural Resources (DNR), replied he supports HB 315. He said the Division of Agriculture needs to collect information when working with farmers and there is a need to keep that information confidential. In regard to the Alaska Wild Sheep Foundation's position, he said that without the confidence the

information would be kept confidential there would be trouble trying to gather the information needed to make informed decisions.

REPRESENTATIVE JOHNSON stated her hope that a way can be found to facilitate this and bring both sides to agreement on something that will work for both. She surmised Mr. Keyes would be willing to work on that.

[3:12:28 PM](#)

CO-CHAIR TARR closed public testimony after ascertaining no one else wished to testify.

[3:12:32 PM](#)

CO-CHAIR TARR held over HB 315.

HB 260-FISH & GAME LICENSES;ELECTRONIC FORM

[3:13:06 PM](#)

CO-CHAIR TARR announced that the final order of business would be HOUSE BILL NO. 260, "An Act relating to electronic possession of certain licenses, tags, and identification cards issued by the Department of Fish and Game; and providing for an effective date."

[3:13:15 PM](#)

REPRESENTATIVE DAN SADDLER, Alaska State Legislature, speaking as the sponsor, introduced HB 260. He said HB 260 would let sportsmen keep their state hunting, fishing, and trapping licenses on their cellular phones. State law requires outdoorsmen to carry their paper licenses with them while enjoying the licensed activity. However, he continued, anyone who has fallen into a river or sat in a rainy duck blind knows those paper licenses will fall apart at the inopportune time of a state trooper asking to see the license, but a cell phone is always with a person.

REPRESENTATIVE SADDLER pointed out that since 2013 Alaskans have been authorized under law to display their auto insurance coverage by digital device, and this capability can be extended to fishing licenses as well. This would have several beneficial effects. It would make it easier for hunters, fishers, and trappers to obtain and carry their licenses. It would help

entice new entrants into these activities by lowering the barrier to entry. It would make Alaska a more attractive and enjoyable tourist destination because tourists could get nonresident fishing licenses online before their ship pulled in [to port]. It would improve compliance with Alaska's fish and game laws by making it easier for enforcement agents to verify that users are legal. It could save the state money through less cost for providing paper and less cost for supplies and equipment. It would also lay out the foundation for smart phone based applications that he hopes eventually will let the Alaska Department of Fish and Game (ADF&G) deliver information to fishermen on regulations, openings, closings, and hazards while letting outdoorsmen reciprocate by sharing information on harvest and conditions back with the department. Until then, Representative Saddler said, the benefits of HB 260 are significant enough to deserve swift approval of the bill.

[The committee treated public testimony as open for HB 260.]

[3:15:56 PM](#)

MARK RICHARDS, Executive Director, Resident Hunters of Alaska, testified that his organization fully supports HB 260.

[3:16:19 PM](#)

CO-CHAIR TARR closed public testimony after ascertaining no one else wished to testify.

[3:16:26 PM](#)

CO-CHAIR TARR held over HB 260.

[3:16:34 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:16 p.m.