

**ALASKA STATE LEGISLATURE**  
**SENATE RESOURCES STANDING COMMITTEE**

April 20, 2018

3:30 p.m.

**MEMBERS PRESENT**

Senator Cathy Giessel, Chair  
Senator John Coghill, Vice Chair  
Senator Natasha von Imhof  
Senator Kevin Meyer  
Senator Bill Wielechowski

**MEMBERS ABSENT**

Senator Bert Stedman  
Senator Click Bishop

**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 SCS HB 130 (RES) OUT OF COMMITTEE

**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
04/07/17	(H)	Moved HB 130 Out of Committee
04/07/17	(H)	MINUTE (RES)
04/08/17	(H)	RES RPT 7DP 2NR

04/08/17 (H) DP: BIRCH, PARISH, WESTLAKE, JOHNSON,  
 DRUMMOND, JOSEPHSON, TARR  
 04/08/17 (H) NR: TALERICO, RAUSCHER  
 04/28/17 (H) TRANSMITTED TO (S)  
 04/28/17 (H) VERSION: HB 130  
 05/03/17 (S) READ THE FIRST TIME - REFERRALS  
 05/03/17 (S) RES  
 02/02/18 (S) RES AT 3:30 PM BUTROVICH 205  
 02/02/18 (S) Heard & Held  
 02/02/18 (S) MINUTE(RES)

**WITNESS REGISTER**

AKIS GIALOPSOS, staff to Senator Giessel and the Senate  
 Resources Committee  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Provided a sectional analysis for SCS HB 130  
 (RES) from version \A to version \J.

BRUCE DALE, Director  
 Division of Wildlife Conservation  
 Alaska Department of Fish and Game  
 Anchorage, Alaska

**POSITION STATEMENT:** Commented on HB 130.

TAMMY MASSIE, Biologist  
 Division of Habitat  
 Alaska Department of Fish and Game  
 Anchorage, Alaska

**POSITION STATEMENT:** Wanted more time to review HB 130.

MORGAN FOSS, Legislative Liaison  
 Alaska Department of Fish and Game (ADF&G)  
 Juneau, Alaska

**POSITION STATEMENT:** Commented on HB 130.

**ACTION NARRATIVE**

3:30:07 PM

**CHAIR CATHY GIESEL** called the Senate Resources Standing  
 Committee meeting to order at 3:30 p.m. Present at the call to  
 order were Senators Coghill, Meyer, Von Imhof, and Chair  
 Giessel. Senators Stedman and Bishop were excused. Senator  
 Wielechowski might join them later.

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

[3:30:39 PM](#)

CHAIR GIESSEL announced consideration of HB 130 [version 30-GH1871\A was before the committee], sponsored by the Rules Committee at the request of the Governor. It was first heard on February 2 and public testimony was opened and closed.

[3:31:01 PM](#)

SENATOR COGHILL moved to adopt SCS HB 130 (RES), version 30-GH1871\J, as the working document.

CHAIR GIESSEL objected for an explanation.

[3:31:19 PM](#)

AKIS GIALOPSOS, staff to Senator Giessel and the Senate Resources Committee, Alaska State Legislature, Juneau, Alaska, provided a section analysis for SCS HB 130 (RES) from version \A to version \J.

He said the first set of changes are formatting and legislative legal changes. This was done because this is a Governor's bill that is going through the legislative legal drafting process for the first time. So, certain conforming changes needed to occur. For example, Section. 2 of the CS (Page 2, Line 3 to Page 3, Line 15) formats reference to AS 16.20.030(a) by simply removing a superfluous cross reference. Nothing substantive was removed as a consequence.

The second changes are in Sections 10 and 11 of Version A and are moved to the beginning of the CS, now named Sections 3 and 4 (Page 3, Line 16 to Page 6, Line 18). No changes were made in the bill language for those sections.

Finally, the effective date in Version A was July 1, 2017. The effective date for the Senate Committee Substitute (SCS) is July 1, 2018 (Section 50, Page 40, Line 19).

[3:31:44 PM](#)

SENATOR WIELECHOWSKI joined the committee.

[3:32:44 PM](#)

MR. GIALOPSOS said the next set of changes clarify the purpose of State Game Refuges and Critical Habitat Areas as follows:

Section. 1 of the CS, a new section (Page 1, Line 11 to Page 2, Line 2), updates the language in AS 16.20.020 (Purpose of State

Game Refuges) that the purpose of state game refuges are "to conserve [PROTECT] and preserve the natural habitat and game population in certain designated areas of the state."

The same change happens on Section 41 of the CS (Page 32, Lines 15-19), that updates the language in AS 16.20.500 (Purpose of State Critical Habitat Areas).

[3:33:22 PM](#)

A third tranche has a majority of the changes as follows:

State game refuges which allow hunting are renamed "Game Refuges and Hunting Preserves." That change conforms with the Anchorage Coastal Wildlife Refuge being renamed the "Anchorage Coastal Wildlife Refuge and Hunting Preserve." (Section 6 of the CS).

That occurs with the Palmer Hay Flats State Game Refuge being renamed the "Palmer Hay Flats State Game Refuge and Hunting Preserve." And conforms with Section 7, 8, 9, and 10 of the CS.

It's true with Yakataga State Game Refuge being renamed the "Yakataga State Game Refuge and Hunting Preserve." The conforming references are found in Sections 11, 12, 13, 14, 15, 16, and 17.

The Mendenhall Wetlands State Game Refuge being renamed the "Mendenhall Wetlands State Game Refuge and Hunting Preserve." Conforming references found in Sections 18, 19, 20, and 21.

To the Susitna Flats State Game Refuge being renamed the "Susitna Flats State Game Refuge and Hunting Preserve." Conforming references found in Sections 22, 23, 24, and 25.

The Minto Flats State Game Refuge being renamed the "Minto Flats State Game Refuge and Hunting Preserve." Conforming references are found in Sections 26, 27, 28, 29, 30, 31, and 31.

The Trading Bay State Game Refuge being renamed "Trading Bay State Game Refuge and Hunting Preserve." Conforming references are found in Sections 33, 34, 35, 36, 37, and 38.

And Creamer's Field Migratory Waterfowl Refuge being renamed the "Creamer's Field Migratory Waterfowl Refuge and Hunting Preserve." Conforming references are found in Sections 39 and 40.

3:35:30 PM

Finally, he said the CS inserts transition language, which is a new section 49 (Page 40, Lines 12-18) clarifying the Departments of Natural Resources and Fish and Game will update physical signage and literature on an as-needed basis, and not specifically because of any changes in Sections 6-40, the renaming provisions. However, the transition language directs those departments to update their digital publications.

CHAIR GIESSEL thanked him and reiterated the reason for this CS:  
-Our hunting tradition drove the creation of these refuges and that needs to be reaffirmed.

-Pitman Roberts funds, which come from outdoorsmen purchasing ammunition keep our game refuges open.

-The word "refuge" means different things to different user groups. The refuges listed here are meant to be used by multiple user groups, hunting being a key activity.

-Nothing in changing the name changes how the refuge is managed or practices of the refuge.

-"This is proactive, protective measure of our outdoor heritage," and a legal opinion states that the bill does not amend any of the substantive provisions governing hunting in these areas. Hunting is allowed in these affected refuges.

-The transition is clear; the bill is not mandating physical changes to signage or pamphlets right now; that will happen on an as-needed basis.

-Lastly, the substantive changes in the original bill, the plots and coordinate corrections remain in this bill and are unchanged.

CHAIR GIESSEL maintained her objection and asked if the committee had further discussion.

3:37:36 PM

SENATOR WIELECHOWSKI said he received a few phone calls of concern today from people who live nearby the Anchorage Coastal Wildlife Refuge and the Creamer's Field Migratory Waterfowl Refuge, and he thought that some public comment was needed to hear from those people. He asked if the CS had come out today. He was also curious if the department had any comments on it.

CHAIR GIESSEL answered yes; it had come out just today and then referred members to the legal opinion and invited Mr. Dale to respond.

[3:40:04 PM](#)

BRUCE DALE, Director, Division of Wildlife Conservation, Alaska Department of Fish and Game, Anchorage, Alaska, said they had some uncertainty about what HB 130 would do, but the legal opinion that management plans wouldn't change or that refuges wouldn't be managed any differently negates that.

The word "protect" is used elsewhere in the enabling legislation in references for both Yakataga Refuge and Susitna Flats and they weren't sure what the contradiction would be in using different words.

MR. DALE said that one thing will cause confusion, however, and that is the change to the title. The term "Hunting Preserve" in the Lower 48 and Africa generally refers to a place where people can hunt for a fee, most often private lands, and generally enjoy good success because the lands are stocked or supplemented with food, water or minerals and often are fenced-in where predation is minimal. Both visitors and residents will wonder what the purpose of the area is, because of the title change.

Another thing: portions of Creamer's Field and Anchorage Coastal Wildlife Refuge are closed to hunting and that language reflects the authority to open or close hunting remains solely in the hands of the Board of Game.

CHAIR GIESSEL asked if this CS changes in any way the department's methodology in managing these areas.

MR. DALE answered no, based on the legal opinion.

CHAIR GIESSEL summarized that the Anchorage Coastal Trail and Creamers Field would still be managed as it always has been even. She assumed they would still not allow hunting in Creamer's Field.

MR. DALE said that is correct. That is something the Board of Game has authority over.

[3:43:40 PM](#)

SENATOR WIELECHOWSKI asked if the managers of Creamers Field had been consulted.

CHAIR GIESSEL said the director oversees that individual and asked Senator Wielechowski why he would want to speak to that individual.

SENATOR WIELECHOWSKI replied because he wants to hear what the director of Creamer's Field has to say. His office contacted the director and he was very surprised at this change and thought it was very unusual.

CHAIR GIESSEL said the line was open right now and to ask him to call in.

[3:44:18 PM](#)

TAMMY MASSIE, Biologist, Division of Habitat, Alaska Department of Fish and Game, Anchorage, Alaska, said she just saw this version of HB 130 this morning and would appreciate more time to look at possible ramifications.

CHAIR GIESSEL asked her if these areas are managed for hunting now.

MS. MASSIE replied no; the Board of Game makes the hunting regulations. But hunting is allowed in limited portions of the sectors described in the bill.

CHAIR GIESSEL asked if she is aware of any problems.

MS. MASSIE answered no.

CHAIR GIESSEL asked if she thinks the Board of Game will suddenly change the hunting guidelines for these areas.

MS. MASSIE answered no.

[3:46:08 PM](#)

SENATOR WIELECHOWSKI said he got multiple calls from people who are concerned about this draft and wants an opportunity to hear about this issue from the public. He also noted that changing names should have a fiscal note.

[3:47:54 PM](#)

MORGAN FOSS, Legislative Liaison, Alaska Department of Fish and Game (ADF&G), Juneau, Alaska, said their Habitat and Wildlife Divisions have reviewed this version of HB 130 today and see no fiscal impact to the department as the name changes can happen in their normal order of business.

CHAIR GIESSEL asked if she anticipates a zero fiscal note as the signage won't have to be changed immediately and can happen during the normal course of business.

MS. FOSS answered yes.

SENATOR VON IMHOF verified that hunting is allowed in these areas and for the foreseeable future as long as the Board of Game directs so. She asked if adding "hunting" to the signs will have any material impact.

MS. FOSS replied that the department does not foresee any impact to how it would manage these areas based on language in the bill. These are Board of Game decisions that they would defer to, as well.

CHAIR GIESSEL removed her objection and asked if there was further objection to adopting the CS.

SENATOR WIELECHOWSKI objected and said this version was drafted on April 4, two weeks ago, and was sprung on them a couple of hours ago. He got multiple calls from people who said they wanted to be able to testify on it. One Division of Habitat biologist said she wanted more time, and he asked for a few more days to hear from the public before adopting it.

CHAIR GIESSEL said they have also heard that this version makes no material change in how these areas are managed; that it is up to the Board of Game, and they will continue to manage them as they have.

A roll call vote was taken: Senators Meyer, von Imhof, Coghill, and Chair Giessel voted yea; Senator Wielechowski voted nay.

CHAIR GIESSEL announced that the committee substitute was adopted.

SENATOR COGHILL moved to report SCS HB 130(RES), 30-GH1871\J, from committee with individual recommendations and zero fiscal note.

SENATOR WIELECHOWSKI objected for the same reasons he stated for adopting the CS: the public should have an opportunity to testify on this.

A roll call vote was taken: Senators Meyer, von Imhof, Coghill, and Chair Giessel voted yea; Senator Wielechowski voted nay.

CHAIR GIESSEL announced that SCS HB 130 (RES) moved from committee.

[3:52:38 PM](#)

CHAIR GIESSEL adjourned the Senate Resources Committee meeting at 3:52 p.m.