

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

April 12, 2019

1:02 p.m.

MEMBERS PRESENT

Representative Geran Tarr, Co-Chair
Representative Grier Hopkins, Vice Chair
Representative Sara Hannan
Representative Ivy Spohnholz
Representative Chris Tuck
Representative Dave Talerico
Representative George Rauscher
Representative Sara Rasmussen

MEMBERS ABSENT

Representative John Lincoln, Co-Chair

COMMITTEE CALENDAR

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 3

"An Act relating to the purchase and sale of state land; relating to discounts for veterans on state land purchases; and relating to the assignment of permanent fund dividends to purchase state land."

- MOVED CSSSHB 3 (RES) OUT OF COMMITTEE

CONFIRMATION HEARINGS(S) :

Board of Game

Al Barrette - Fairbanks
Orville Huntington - Huslia

CONFIRMATION(S) : ADVANCED

PREVIOUS COMMITTEE ACTION

BILL: HB 3

SHORT TITLE: STATE LAND SALE; PFD VOUCHER AND ASSIGN.

SPONSOR(S) : REPRESENTATIVE(S) RAUSCHER

02/20/19 (H) PREFILE RELEASED 1/7/19
02/20/19 (H) READ THE FIRST TIME - REFERRALS

| | | |
|----------|-----|---------------------------------------|
| 02/20/19 | (H) | MLV, RES, FIN |
| 03/13/19 | (H) | SPONSOR SUBSTITUTE INTRODUCED |
| 03/13/19 | (H) | READ THE FIRST TIME - REFERRALS |
| 03/13/19 | (H) | MLV, RES, FIN |
| 03/14/19 | (H) | MLV AT 2:00 PM GRUENBERG 120 |
| 03/14/19 | (H) | Heard & Held |
| 03/14/19 | (H) | MINUTE(MLV) |
| 03/26/19 | (H) | MLV AT 1:00 PM GRUENBERG 120 |
| 03/26/19 | (H) | Moved SSHB 3 Out of Committee |
| 03/26/19 | (H) | MINUTE(MLV) |
| 03/27/19 | (H) | MLV RPT 4DP 2NR |
| 03/27/19 | (H) | DP: THOMPSON, JACKSON, TARR, RAUSCHER |
| 03/27/19 | (H) | NR: TUCK, LEDOUX |
| 04/03/19 | (H) | RES AT 1:00 PM BARNES 124 |
| 04/03/19 | (H) | Heard & Held |
| 04/03/19 | (H) | MINUTE(RES) |
| 04/05/19 | (H) | RES AT 1:00 PM BARNES 124 |
| 04/05/19 | (H) | Heard & Held |
| 04/05/19 | (H) | MINUTE(RES) |
| 04/12/19 | (H) | RES AT 1:00 PM BARNES 124 |

WITNESS REGISTER

DARRELL BREESE, Staff
 Representative George Rauscher
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Rauscher, sponsor, answered questions regarding SSHB 3.

MARTY PARSONS, Director
 Central Office
 Division of Mining, Land and Water
 Department of Natural Resources (DNR)
 Anchorage, Alaska

POSITION STATEMENT: Answered questions regarding SSHB 3.

ORVILLE HUNTINGTON
 Huslia, Alaska

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

AL BARRETTE
 Fairbanks, Alaska

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

RON SOMERVILLE, Spokesperson
Territorial Sportsmen
Juneau, Alaska

POSITION STATEMENT: Testified in support of the appointments of Al Barrette and Orville Huntington to the Board of Game.

LIN DAVIS
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to the appointment of Al Barrette to the Board of Game.

MIKE TINKER, Spokesperson
Alaska Wildlife Conservation Association
Ester, Alaska

POSITION STATEMENT: Testified in support of the appointments of Al Barrette and Orville Huntington to the Board of Game.

VIRGIL UMPHENOUR, Spokesperson
Fairbanks Fish and Game Advisory Committee
Alaska Department of Fish and Game
North Pole, Alaska

POSITION STATEMENT: Testified in support of the appointments of Al Barrette and Orville Huntington to the Board of Game.

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

POSITION STATEMENT: Testified in support of the appointments of Al Barrette and Orville Huntington to the Board of Game.

JOE KLUTSCH
King Salmon, Alaska

POSITION STATEMENT: Testified in support of the appointments of Al Barrette and Orville Huntington to the Board of Game.

WAYNE KUBAT, Vice President
Alaska Professional Hunters Association
Wasilla, Alaska

POSITION STATEMENT: Testified in support of the appointments of Al Barrette and Orville Huntington to the Board of Game.

MARY MATTHIAS, Director
Natural Resources
Orutsararmiut Traditional Native Council
Bethel, Alaska

POSITION STATEMENT: Testified in opposition to the appointment of Al Barrette to the Board of Game.

ACTION NARRATIVE

[1:02:47 PM](#)

CO-CHAIR GERAN TARR called the House Resources Standing Committee meeting to order at 1:02 p.m. Representatives Tuck, Talerico, Spohnholz, Rauscher, Hopkins, and Tarr were present at the call to order. Representatives Hannan and Rasmussen arrived as the meeting was in progress.

HB 3-STATE LAND SALE; PFD VOUCHER AND ASSIGN.

[1:03:20 PM](#)

CO-CHAIR TARR announced that the first order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 3, "An Act relating to the purchase and sale of state land; relating to discounts for veterans on state land purchases; and relating to the assignment of permanent fund dividends to purchase state land."

[1:04:03 PM](#)

REPRESENTATIVE RAUSCHER, sponsor, specified SSHB 3 would provide for [Alaska residents] to utilize their permanent fund dividend (PFD) for the purchase of [state] land. Additionally, he said, SSHB 3 would provide a 33 percent [discount] to veterans who are bidding for land in state land disposal sales. He said he would be proposing an amendment that addresses some of the questions brought up during prior hearings of the bill.

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REPRESENTATIVE TUCK offered his understanding that [SSHB 3] would provide for a veteran to receive a 25 percent discount on his/her first purchase of land and a 33 percent discount on a second purchase. He asked whether [SSHB 3] would also provide a 33 percent discount on any additional land purchases beyond the second purchase.

REPRESENTATIVE RAUSCHER offered his belief that after looking over the original bill it was decided that "the first purchase was still going to be 25 or vice versa and the second purchase could have been 33 percent." The problem, he said, was that use of the 33 percent [by a veteran] was tied to [assigning his/her] PFD. "But they both were in existence," he continued, "giving a veteran two chances with a big percentage advantage on each one

of the parcels he was bidding on instead of once in a lifetime, which is where each program tried to be to begin with."

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REPRESENTATIVE TUCK offered his understanding that it would be two purchases at discounts. He said he supports the forthcoming amendment as a great fix, but suggested the committee discuss whether there should be a limit of two purchases or an indefinite number of purchases for the 33 percent discount.

CO-CHAIR TARR directed attention to Section 3, which states, "A veteran is entitled to [ONLY] one discount under (a) of this section and one discount under (f) of this section during the veteran's lifetime." She said she therefore thought the part about being able to use it once had been addressed.

[1:07:21 PM](#)

REPRESENTATIVE RAUSCHER deferred to Mr. Darrell Breese to answer the question.

CO-CHAIR TARR offered her understanding that the interest is in ensuring that the language be clear that [a veteran] only gets to use either the 25 percent or the 33 percent, and that both can be used but [a veteran] only gets to use each of them once.

DARRELL BREESE, Staff, Representative George Rauscher, Alaska State Legislature, on behalf of Representative Rauscher, sponsor, responded that under the bill as currently written without the amendment [SSHB 3], an individual can get the 25 percent discount on purchases before August 1, 2019, only one time. If the bill were passed, he explained, then [a veteran] could get the 33 percent discount after August 1 only one time. A third purchase is not available with the discount, he continued, the third sale would be at the full price of the property.

[1:08:27 PM](#)

REPRESENTATIVE TUCK offered his understanding of what he heard: "From this day forward you get a one chance at 33 percent, but, however, if you had been able to take advantage of the 25 percent before August 1, 2019, then you get a second stab with the 33 percent."

MR. BREESE answered that [SSHB 3] would allow [a veteran] to get both: 25 percent on land purchased beforehand and then 33 percent on land purchased after August 1. However, he noted, the [forthcoming] amendment would change things a bit and he doesn't want members to confuse the two.

[1:09:43 PM](#)

REPRESENTATIVE RAUSCHER moved to adopt Amendment 1, labeled 31-LS0028\M.1, Fisher, 4/6/19, which read:

Page 1, line 2:
Delete "**and**"

Page 1, line 3, following "**land**":
Insert "**; and providing for an effective date**"

Page 1, line 6:
Delete "25 percent on"
Insert "**one-third of** [25 PERCENT ON]"

Page 2, lines 9 - 11:
Delete all material.

Renumber the following bill sections accordingly.

Page 2, line 12:
Delete "new subsections"
Insert "a new subsection"

Page 2, lines 13 - 19:
Delete all material.

Page 2, line 20:
Delete "(g)"
Insert "(f)"
Following "another":
Insert "veterans'"

Page 3, following line 12:
Insert new bill sections to read:
"*** Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:
VETERANS' DISCOUNT; APPLICABILITY.
Notwithstanding the amendment of AS 38.05.940(a) by sec. 1 of this Act, AS 38.05.940(a), as it read on July 31, 2019, applies to discounted land sales to

eligible veterans under AS 38.05 that occurred on or before July 31, 2019.

* **Sec. 7.** This Act takes effect August 1, 2019."

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REPRESENTATIVE RASMUSSEN objected for discussion purposes.

REPRESENTATIVE RAUSCHER explained Amendment 1 would provide that going forward there would be only one choice. From listening to Representative Tuck at the last hearing, he continued, [SSHB 3] is too confusing. He offered his belief that Representative Tuck was "looking for one option here and getting rid of the 25 and increasing the only option now and letting it be 33 percent," which is what Amendment 1 is chasing.

CO-CHAIR TARR offered her understanding that if Amendment 1 were incorporated into the bill, the 25 percent [discount] would be eliminated after August 1, and after August 1 the only option would be the 33 percent discount and [the veteran] could assign his/her PFD to make the payment.

MR. BREESE replied correct. First in Amendment 1, he explained, the 25 percent would be changed to 33 percent and later in the amendment the 33 percent section would be deleted from the bill totally so that only a 33 percent discount is offered. He further explained that Amendment 1 would add a new section to the bill, Section 6, which would provide that if a veteran had taken the 25 percent discount before the bill's effective date, August 1, 2019, the veteran would be ineligible for the 33 percent discount. A veteran would be eligible for only one discount, he added, the 25 percent if it has already been taken or the 33 percent moving forward.

[1:12:16 PM](#)

REPRESENTATIVE SPOHNHOLZ observed Amendment 1 would delete all material on page 2, lines 9-11, of the bill, which is Section 3. She noted Section 3 is the limit on the number of times that a veteran is eligible to use these discounts. She requested the section of law be pointed out that allows any limitation on the number of times this can be used.

MR. BREESE drew attention to the language that is underlined and bold within Section 3 of the bill, and explained that that is what the bill is proposing to add to existing statute. By not adding that language to existing statute, he continued, it is

basically deleting this [proposed new language] from the bill. He said Section 3 looks at AS 38.05.940(c), which states: "A veteran is entitled to only one discount under this section during the veteran's lifetime."

CO-CHAIR TARR observed Amendment 1 would eliminate Section 4 as well, because the amendment would delete [page 2] lines 13-19, in the bill that add the 33 percent discount, thereby making the existing Section 1 the default discount section that gets updated to 33 percent.

MR. BREESE answered correct and noted Amendment 1 would not delete all of Section 4, only subsection (f). He explained Section 4 is the establishment of the 33 percent discount if [the veteran] uses his/her PFD, and under Amendment 1 this would go away. Subsection (g) of Section 4, he further explained, would remain under Amendment 1 and would be re-lettered to subsection (f), so Section 4 would state, "A discount under this section may not be combined with another discount under this section." He said this provision would prevent three veterans from getting together and purchasing a parcel of land for free.

[1:14:29 PM](#)

REPRESENTATIVE RASMUSSEN removed her objection to Amendment 1. There being no further objection, Amendment 1 was adopted.

CO-CHAIR TARR noted the bill, as amended, was now before the committee for discussion.

[1:14:56 PM](#)

REPRESENTATIVE HANNAN inquired about the length of residency for a veteran to qualify. She posed a scenario in which [a veteran] comes to Alaska for one year, gets the discount, buys the land, and then doesn't remain an Alaska resident.

REPRESENTATIVE RAUSCHER replied that, constitutionally, he doesn't think this could be stopped. He deferred to Mr. Breese or Mr. Marty Parsons to answer further.

MARTY PARSONS, Director, Central Office, Division of Mining, Land and Water, Department of Natural Resources (DNR), confirmed Representative Rauscher is correct. He said, constitutionally, [a veteran] must be a resident to qualify to purchase the land. If [the veteran] then left the state, he continued, it would be no different than someone purchasing land through the regular

auction which requires that the person be a resident of the state, and if that person left Alaska the next year, he/she would still have the land. The bill doesn't change that, he said.

[1:16:41 PM](#)

REPRESENTATIVE RASMUSSEN asked whether there is a clause in statute or regulation that if a person chooses to purchase the land with his/her PFD, and then leaves the state and no longer qualifies for the PFD, that a payment arrangement would be made when the person no longer qualifies for a PFD.

MR. BREESE replied that the bill, as restructured with the adoption of Amendment 1, now says a person can assign his/her PFD to make the payments. If the person leaves the state and is no longer eligible for the PFD, the person would have to make the payments out-of-pocket separately from any PFD funds that would have been received had the person remained in the state.

REPRESENTATIVE RASMUSSEN asked whether it says that in the bill.

MR. BREESE responded that the way the bill is now amended, the PFD is the only thing assigned to making the payment. While not addressed in the bill anywhere, he said, a purchaser loses the eligibility for PFD payment if he/she is no longer eligible for the PFD. The purchaser, he continued, is still on the hook for payment to fulfill his/her contractual obligations with DNR for the land purchase.

REPRESENTATIVE RAUSCHER added that [assignment of] the PFD is no longer tied to [a veteran receiving the 33 percent discount] for the land purchase. An Alaska resident, he said, would be able to purchase land regardless of whether he/she is a veteran and if the purchaser wants to put his/her PFD toward the purchase of this land, it can now be done at any time, even for [previously purchased land].

[1:19:24 PM](#)

CO-CHAIR TARR asked whether it would be a difficulty for DNR to have a purchaser switch from assignment of his/her PFD to another form of payment.

MR. PARSONS answered that under DNR's reading of the bill it wouldn't be any more of a burden. He said the purchaser would need to notify DNR that he/she is no longer pledging his/her PFD

to make a payment and DNR would continue to process the purchaser's contractual payments as the department normally would. If the purchaser failed to notify DNR and payment didn't come through, he stated, the purchaser would become in arrears and DNR would have to potentially start default proceedings.

[1:20:40 PM](#)

REPRESENTATIVE TUCK inquired where in the bill [the discount] is limited to a one-time use, given Section 3 is now eliminated.

MR. BREESE replied it is in the current statute, AS 38.05940(c), which states, "A veteran is entitled to only one discount under this section during the veteran's lifetime.

REPRESENTATIVE RAUSCHER stated he hopes he took everyone's concerns into account. He offered his belief that Amendment 1 fixed everyone's concerns, that everyone thought it was a good bill, and that the bill has been smoothed out for DNR. He asked for the committee's support of the bill.

[1:22:52 PM](#)

REPRESENTATIVE HOPKINS moved to report SSHB 3, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSSHB 3(RES) was reported out of the House Resources Standing Committee.

[1:23:29 PM](#)

The committee took a brief at-ease.

CONFIRMATION HEARINGS (S) :
Board of Game

[1:27:31 PM](#)

CO-CHAIR TARR announced that the final order of business would be confirmation hearings for Orville Huntington and Al Barrette, appointees to the Board of Game.

[1:28:09 PM](#)

ORVILLE HUNTINGTON, Appointee, Board of Game, testified he is originally from Huslia and is now working in Fairbanks as the Wildlife and Parks Director for the Tanana Chiefs Conference (TCC). He said neither he nor his immediate family members hunt

or trap commercially, but they do subsistence hunting, fishing, and trapping.

[1:29:17 PM](#)

CO-CHAIR TARR inquired whether Mr. Huntington previously served on another board.

MR. HUNTINGTON replied he served on the Board of Fisheries for seven years.

[1:29:45 PM](#)

REPRESENTATIVE HANNAN requested Mr. Huntington to describe why his interest has changed from the Board of Fisheries to the Board of Game and how that experience will help him serve on the Board of Game.

MR. HUNTINGTON responded that while on the Board of Fisheries he made regulations that helped the fisheries throughout the state, and he heard all sides of complicated issues. He said he needed more time to be at home with his family and to work. He offered his belief that the Board of Fisheries process is in good hands. He stated he would do a good job representing the interests of all Alaskans on the Board of Game because of his experience as a subsistence user, as a hunter and trapper, and as an assistant to guides. Additionally, he continued, he has an extensive fish and wildlife background and he is doing a lot of work in climate change. He noted he would be able to work on the shortfalls in fisheries and wildlife that are occurring in Alaska.

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REPRESENTATIVE RASMUSSEN inquired whether Mr. Huntington feels he has any conflicts of interest.

MR. HUNTINGTON answered no and referred members to his ethics statement. He said usually if he has a conflict, he states right out that he does. He added that he used to hunt a lot and gets along with the guides. With the agencies fighting amongst themselves, he said, it's hard to get the regulations to be fair - for example, fisheries in state waters - and it will be the same for the Board of Game in looking out for all the people.

REPRESENTATIVE RASMUSSEN asked what Mr. Huntington sees as the biggest issue or topic for the board over the next year or two.

MR. HUNTINGTON replied it is the migration northward of many species and other species, like caribou, are being threatened with extinction. He added that a lot of predator management is being done from other places and not by Alaskans, and he thinks Alaskans can manage them just fine if laws are kept on the book and made stronger.

[1:33:23 PM](#)

CO-CHAIR TARR inquired about Mr. Huntington's thoughts on what the Board of Game can do to look into some of these threatened populations as well as the controversial issue of predator control in relation to threatened populations.

MR. HUNTINGTON responded that it is difficult to look at any population unbiased. He said there are many users of these resources that put pressures on them, but a lot of it has to do with climate change and not because of any user group or government; it is just happening over time. The more flexible the management that is had the better, he continued. If all the users and agencies work together, the better off in the long it will be to protect the rights of people to keep hunting and fishing into the future. He stated he doesn't think about controversy too much - if it can be defended in court and if it is a proposal that is worthy of considering for all the people, then it is fine. He added he doesn't think it's worth going in to fight just to fight.

CO-CHAIR TARR remarked that this would be a great person to have on the board because some of the issues are so difficult to work through.

[1:35:49 PM](#)

The committee took a brief at-ease. [CO-CHAIR TARR turned over the gavel to Vice Chair Hopkins.]

[1:36:11 PM](#)

VICE CHAIR HOPKINS called the meeting back to order.

[1:36:33 PM](#)

AL BARRETTE, Appointee, Board of Game, began his testimony with a short family history. He said he learned to responsibly hunt, trap, and fish as a youth with his father. He served in the military as a mechanic, he related, and during his service he

was transferred to Fairbanks where he had wanted to be for a long time. When discharged in 1992, he stated, he started his fur tannery business in Fairbanks, and through his business he began interacting with the public and hearing about the complexity of regulations and why things existed as they did.

MR. BARRETTE said he found niches in the community to supplement his business, such as the shipping of meat and antlers for nonresident hunters, and the manufacture of traps, a business he sold about five years ago. In 1995 he began getting involved with the Board of Game process, he continued. In 2005 he was elected to the Fairbanks Fish and Game Advisory Committee, where he has served as chair of the trapping subcommittee, chair of the game subcommittee, and sat on several working groups. He stated this is his foundational basis to understanding process, public involvement, management, learning laws and regulations, biology, subsistence, sustained yield principles, and providing wild resources for future generations in Alaska.

MR. BARRETTE stated that in 2007 he received his Class A guide's license so he could temporarily fill in whenever a guide needed an assistant guide or registered guide. He said he continues to subsistence trap to supplement his income and he teaches fur handling and trapping methods. He also educates people about the advisory committee process and the Board of Game, he added.

MR. BARRETTE stated he applied to the Board of Game at the urging of others who said he had good knowledge of wildlife management around the state. He said he would be a good board member because he understands sustained yield principles, protecting subsistence opportunities, the complexity of statutory law, and the importance of advisory committee participation in the board process, and the importance of public knowledge.

[1:42:26 PM](#)

REPRESENTATIVE RASMUSSEN related that according to public testimony received by the committee, Mr. Barrette is perceived to support the perspectives of nonresident hunters. She requested Mr. Barrette's thoughts in regard to nonresident versus resident hunters. She further requested Mr. Barrette's thoughts on how non-consumptive users play into his view of how the Board of Game should be regulating Alaska's resources.

MR. BARRETTE replied he believes harvestable surpluses above and beyond the state's harvest objectives allow for nonresident

opportunity, and in these situations, he supports nonresidents being able to participate in this state. In regard to non-consumptive users, he said he thinks the Board of Game has the obligation to manage wildlife on a sustained yield basis. Having healthy populations of ungulates and predators benefits all users in Alaska, he stated, because people get to watch, use, and consume them.

[1:44:30 PM](#)

REPRESENTATIVE SPOHNHOLZ noted there has been some concern about Mr. Barrette's commitment to supporting a subsistence priority. She requested Mr. Barrette to address that.

MR. BARRETTE responded he supports and upholds the statutory law that gives preference to subsistence users, the highest level the state has, and therefore he doesn't understand why someone would think he doesn't support subsistence. He added that he is a person who promotes subsistence in the state.

REPRESENTATIVE SPOHNHOLZ offered her understanding that Mr. Barrette authored and supported joint proposals in 2013 that would have created non-subsistence areas around Bethel and Kodiak.

MR. BARRETTE confirmed he authored three proposals for the joint board in 2013. He said two proposals asked the joint boards to review the credentials for establishing a non-subsistence area in Kodiak and Bethel, and one proposal asked to reduce the size of the Fairbanks non-subsistence area.

REPRESENTATIVE SPOHNHOLZ said authoring a proposal that would create a non-subsistence area around Bethel is probably core to the concern about Mr. Barrette's commitment to subsistence, given the people of the Yukon-Kuskokwim Delta Region have been hunting and fishing in that area for over 10,000 years. She stated that the creation of a non-subsistence area surrounding the hub community of this region is deeply concerning to the people of the community, and she is not surprised that lots of concern is being raised about Mr. Barrette's commitment to subsistence. She asked Mr. Barrette to address that.

MR. BARRETTE answered it was only to bring discussion to the joint board that they go through the criteria of establishing or not establishing a non-subsistence area. He maintained that in no way and in no manner does a non-subsistence area preclude

anybody who lives within that area from participating in subsistence.

REPRESENTATIVE SPOHNHOLZ stated it is confusing because when talking about managing Alaska's resources for maximum sustained yield, increasing competition in an area could be perceived as reducing the available resource to subsistence users by introducing additional hunters who are not relying on that food for their living. Noting that in October 2013 the community of Bethel unanimously opposed Mr. Barrette's proposal, she asked whether Mr. Barrette had consulted the community when drafting the proposal.

MR. BARRETTE replied he did not consult; it was something he was reading, and he was looking at the criteria for establishing a non-subsistence area. He said the proposal stated that it may appear the Bethel area could be designated as a non-subsistence area. The joint boards discussed it at full length at that meeting, he continued, and the proposal failed.

REPRESENTATIVE SPOHNHOLZ said that when talking about changing the use of limited resource in a community, it strikes her that wise policy would be to start by communicating with people in that region, particularly when someone from another community is proposing something that would impact that community. She asked Mr. Barrette to provide an example of how he would uphold the state's current statutes requiring a subsistence priority.

MR. BARRETTE responded by using himself as an example. He said he resides in a Fairbanks non-subsistence area and for the last several years he has received a Tier II moose hunting permit, which is the subsistence permit for the Yukon Flats area that is limited to only a handful of permits. He stated he qualifies even though he lives in a non-subsistence area and he is able to provide for his family and to practice and participate in subsistence.

REPRESENTATIVE SPOHNHOLZ stated Mr. Barrette's response doesn't answer her question.

[1:49:50 PM](#)

REPRESENTATIVE HANNAN noted that during previous presentations before the Board of Game, Mr. Barrette has been engaged in discussions about predator control. She asked Mr. Barrette to discuss what actions he might see and propose before the board

for predator control in Interior Alaska and in buffer zones around Denali National Park and Preserve.

MR. BARRETTE answered that as a board member his position is spelled out in statute and his vote would be based on information provided by professional biologists in the Alaska Department of Fish and Game (ADF&G).

REPRESENTATIVE HANNAN requested Mr. Barrette to share his past advocacy positions before the board. She further inquired how Mr. Barrette would separate his personal advocacy of the past and his position as a Board of Game member on that issue.

MR. BARRETTE replied that when he testifies and makes comments dealing with intensive management (IM) he is usually reflecting back onto the statute that directs the board, ADF&G, or advisory committees to make viable comments on.

[1:51:33 PM](#)

REPRESENTATIVE TUCK recalled that Mr. Barrette served on the board in the past and talked about predator control. He asked what the best time period, or season, is for doing predator control on wolves.

MR. BARRETTE responded that predator control is most effective when snow is on the ground, so [the best time would be] November until the end of March or maybe April, depending on when breakup occurs.

REPRESENTATIVE TUCK inquired why snow on the ground helps.

MR. BARRETTE answered that the existing predator control program uses aircraft to locate wolves, so the wolves aren't camouflaged against the snow like they would be when there is leafy vegetation or bare ground. Additionally, he said, recovering the wolves that have been harvested is more accessible with an airplane with skis than an airplane with rubber wheels.

REPRESENTATIVE TUCK said he has seen reports by state biologists that spring is the best time of year because if harvested too early in the season the wolves will come back too soon to have effective predator control. He noted there has been debate and politics around trying to harvest wolves in the fall when their coats are much fluffier. But that is not the intention of predator control, he continued, and so he would think that in

the spring sometime after March would provide enough snow cover for airplanes as well as the wolves not being camouflaged.

[1:53:45 PM](#)

VICE CHAIR HOPKINS related that some letters say Mr. Barrette is eligible to be hired as an aerial gunner for aerial predator control. He asked whether Mr. Barrette is still eligible to be hired to do that job.

MR. BARRETTE replied he does not hold a permit. If it is being insinuated that eligibility requires a permit, he continued, he hasn't had a permit to be an aerial gunner for about five years, but that he could apply as could any other Alaskan.

VICE CHAIR HOPKINS stated there was no insinuation; rather, he was trying to clarify the conflict of interest issues. He asked whether Mr. Barrette, as a member of the Board of Game, would sign up to be an aerial gunner or would see that as a conflict of interest, given he would be voting on those issues.

MR. BARRETTE responded no, he wouldn't sign up, and hasn't for the last five years due to his commitment to work and family.

[1:54:57 PM](#)

REPRESENTATIVE SPOHNHOLZ recalled Mr. Barrette describing his subsistence hunting as a supplement to his income. She offered her understanding that it is illegal to sell meat or furs that are procured through subsistence. She requested Mr. Barrette to clarify his description.

MR. BARRETTE answered that if he said hunting, he misspoke, as it is subsistence trapping that he does to supplement his income.

REPRESENTATIVE SPOHNHOLZ requested Mr. Barrette to describe what subsistence trapping entails.

MR. BARRETTE replied that the furbearers in the area where he traps are classified as customary and traditional uses and he uses those furs and sells those furs either at auctions or to private individuals to supplement his lifestyle.

[1:56:20 PM](#)

VICE CHAIR HOPKINS noted there were some conflict of interest questions when Mr. Barrette was up for confirmation to the Board of Game in 2010. He asked whether Mr. Barrette has addressed those questions since then.

MR. BARRETTE responded that one thing of controversy was that he was manufacturing and producing traps. However, he said, he sold that business about five years ago and doesn't intend to start it again. He stated he doesn't see where there is a conflict as far as his fur tannery, guiding operations, and subsistence trapping. But, he continued, if there is a unit or a species that is particularly close to him, he will ensure he makes comments in his ethics statement at the beginning of the meeting and allow the Board of Game chairman and the Department of Law to determine whether he should be recused.

[1:57:33 PM](#)

REPRESENTATIVE TUCK recalled Mr. Barrette's proposal to allow the baiting of bears in the state and that the proposal gave preference to commercial guides and nonresidents by allowing them ten bait stations and residents only two. He requested Mr. Barrette to explain why he made that proposal.

MR. BARRETTE offered his belief that that was not his proposal and that it was a proposal generated through a town hall gathering after a meeting to hash out bear baiting issues with baits and that there were also several other things. He said [the proposal] is what came out of a subcommittee after a meeting with new draft language.

REPRESENTATIVE TUCK stated that Mr. Barrette definitely endorsed the proposal even if he didn't make it. He asked Mr. Barrette to explain why he endorsed and advocated for the proposal.

MR. BARRETTE answered:

There was a town hall meeting, I'll call it that ... a subcommittee meeting after ... the board chairman produces and all stakeholders show up and sit around a table and then negotiate and compromise what would satisfy the most user groups and still allow all the opportunity that we can, and so I voted for it. I didn't promote it, but I respected the committee substitute language that came out of that.

[1:59:24 PM](#)

REPRESENTATIVE SPOHNHOLZ asked whether in the past Mr. Barrette has opposed traditional use tags for funeral potlatches and to explain why if he has.

MR. BARRETTE replied no, he has not.

[1:59:50 PM](#)

VICE CHAIR HOPKINS opened public testimony for the two appointees to the Board of Game.

[2:00:12 PM](#)

RON SOMERVILLE, Spokesperson, Territorial Sportsmen, testified he is delivering a letter from his organization in support of all the nominees to the Board of Game and the Board of Fisheries. The reason for this support, he said, is that the nominations provide a balance on the board and provide a broad spectrum throughout the state.

MR. SOMERVILLE pointed out there is a law requiring intensive management and - unless [legislators] change the law - someone shouldn't be [criticized] for following this law. He stated he served four years on [former governor] Jay Hammond's "D-2 task force" and worked for ADF&G for 24 years. He was responsible for the boundaries and almost all the mapping that was done, he said, and the boundaries finalized in the [1980] Alaska National Interest Conservation Act (ANILCA) were accepted by all the conservation organizations. The core of Denali National Park was expanded by preserve and that was the buffer, he added.

MR. SOMERVILLE related that he was sitting on the [Board of Game] when it rejected expanding the buffer to cover wolf packs. Later the board adopted it, he continued, and then apparently rejected it when Mr. Barrette was on the board. He said his point is that "you can't keep going back and modifying these boundaries." The approximately 120 million acres of federal land in Alaska take away the state's management, he said. The Denali "wolf pack thing" is an anomaly and is important for the purposes of enhancing the park, he added, but wolves are going to move in and out of these boundaries. He maintained that asking for more buffers is unreasonable and that Mr. Barrette is being penalized because he stuck with these original boundaries. He stated his organization supports Mr. Barrette.

[2:03:17 PM](#)

REPRESENTATIVE TUCK requested Mr. Somerville to explain the buffer zone and his concerns with it.

MR. SOMERVILLE replied that a good part of the opposition to Mr. Barrette has to do with the trapping of wolves from the Denali pack when they wandered outside [the boundaries]; but, he reiterated, all the environmental groups accepted those boundaries when [ANILCA] was passed. He stated that the buffer environmentalists wanted, and agreed to, for [the Denali] packs, some of the Interior packs, and some of the caribou and moose, was in the preserve and it happens to be near the park and the road system. He said he always tells the Board of Game to not modify these boundaries because doing that penalizes Alaskans because "we bought a compromise back in 1980."

REPRESENTATIVE TUCK inquired whether expanding and contracting buffers could be considered a part of the role of predator control/intensive management or is just off the table.

MR. SOMERVILLE allowed it could be a part of it, but said that in most cases it is not. He noted he was serving on the Board of Game when the state's predator control program was started again, and said the areas were carefully selected, had local support, and had a good chance of success. The state had money to follow up and monitor the program, he added. He maintained that there isn't that much predator control throughout the state and that the conflicts are mostly with the federal agencies that refuse to provide predator control to benefit subsistence users.

REPRESENTATIVE TALERICO stated he lives less than a mile from the previous buffer zone and lives inside the last proposed buffer zone. He offered to provide information and maps to any committee members who might be interested.

[2:06:09 PM](#)

LIN DAVIS testified she has followed the Board of Game and its decisions over the years, and except for one two-year period she has been concerned that no board has represented her non-consumptive wildlife appreciator point of view. She stated that nothing said by Mr. Barrette today convinced her he would be looking out for Alaskans who do not wish to kill, and in many cases egregiously kill, these animals or eat them. She added that Mr. Barrette didn't say anything very specific or viable that would help her feel he would represent her. She expressed her concern that Mr. Barrette has a history of unusual behavior

and comments. She urged the committee to not approve Mr. Barrette's appointment and that someone more ethical and more responsive to the public be found.

REPRESENTATIVE RASMUSSEN requested Ms. Davis to elaborate on her statement about Mr. Barrette's unusual behavior and comments.

MS. DAVIS responded there is a video of Mr. Barrett skinning a wolf. She said some things are too hard to even talk about. There is the statement that he would love to take a snow machine and drive along the border and harvest wolves. She stated she feels that people don't need to sport those kinds of comments when they are doing professional work for the state's wildlife and for the people of Alaska.

REPRESENTATIVE RASMUSSEN offered her understanding that Mr. Barrette makes his living as a tanner and therefore her question is how that would be considered unusual behavior for him to video himself doing his work of skinning a wolf.

MS. DAVIS answered it was what Mr. Barrette said and the tone. There is a way of alienating people with his sporting doing it, she said, because he knows many people in Alaska really prize the wolves and it's a lifetime best to travel to Alaska and see a wolf in the wild. It seemed immature and inappropriate and it seems there have been a number of those things, she continued. She urged selecting someone more professional.

[2:10:51 PM](#)

MIKE TINKER, Spokesperson, Alaska Wildlife Conservation Association, testified that his organization drafted the intensive management statute to help the Alaska Department of Fish and Game focus on managing game resources for Alaskans' uses. He stated that a more abundant wildlife resource is a much more productive job to manage and to allocate, as is the job and authority of the Board of Game. He said his organization supports appointing Alaskans who are experienced hunters, trappers, and wildlife users, and who have been involved in management of the regulatory system, such as advisory committee members and participants in organizations that support wildlife. He maintained that those opposed to hunting and trapping are always critical of skinning an animal to get the value out of the fur.

MR. TINKER said Mr. Barrette is the best qualified appointee to the Board of Game that he has seen in his three decades of

involvement. It is a political process, he continued, but Mr. Barrette is the least political person he knows. He noted Mr. Barrette has served on the Fairbanks Fish and Game Advisory Committee, has participated on teams in complex matters, and volunteers to help trappers and hunters at the fur auctions.

MR. TINKER stated that regulations are on the book in regard to communities meeting the criteria for non-subsistence areas. Looking at the [regulations] doesn't mean a person is advocating for non-subsistence areas, he said; it is merely asking to follow the criteria to look at them and Mr. Barrette was not pushing for non-subsistence areas. He refuted that Mr. Barrette ever said anything about driving along on a snow machine.

MR. TINKER addressed the appointment of Mr. Huntington and said he is an experienced board member from having served on the Board of Fisheries. He expressed appreciation for Mr. Huntington agreeing to continue his service on the Board of Game. He stated Mr. Huntington is an appointee who understands the values of subsistence and the needs of other Alaskans to participate in the harvest, whether it is with a camera or some fatal means. He urged the committee's support of both appointees and noted that Alaska statute directs appointments be made and confirmed without regard to political affiliation.

[2:15:48 PM](#)

REPRESENTATIVE RAUSCHER surmised Board of Game applicants would have some experience in the field of taking or harvesting or some sort of connection with game, and unless a person was doing that, he/she wouldn't know much about what is going on in the board and how it all interrelates. He asked Mr. Tinker whether this is a fair statement.

MR. TINKER replied it is a fair statement. He cited his own years of experience as an advisory committee member and attendee at Board of Game and Board of Fisheries meetings, and said he is a hunter and trapper.

[2:17:54 PM](#)

VIRGIL UMPHENOUR, Spokesperson, Fairbanks Fish and Game Advisory Committee, Alaska Department of Fish and Game, testified that the advisory committee unanimously supports all of the governor's appointees to both the Board of Game and the Board of Fisheries. He said Mr. Barrette has been a member of the Fairbanks advisory committee for about 15 years. He added that

Mr. Barrette has a copy of the codified regulations, knows how to use them, and educates the public about hunting and fishing regulations and the regulatory process.

MR. UMPHENOUR stated he has known Mr. Huntington and his family for many years. He noted that Mr. Huntington's uncle, Sydney, served on the boards and worked on the salmon treaty with Canada for the Yukon River. He stated his support for Mr. Huntington.

MR. UMPHENOUR related that he served on the committee that the Board of Game chairman called to come up with a solution on bear baiting issues. He said the committee worked in the evening at that meeting with members of the public and hunting guides. He said he is a master hunting guide and stated it was at this meeting that the committee came up with 10 bait stations for registered guides and their clients, rather than trying to get clients to come into the Alaska Department of Fish and Game and register. He said the department participated and it was the department, the public, and the board that came up with this solution for bear baiting stations.

[2:22:18 PM](#)

MARK RICHARDS, Executive Director, Resident Hunters of Alaska (RHAK), testified in support of Mr. Barrette and Mr. Huntington, appointees to the Board of Game. He stated he knows Mr. Huntington from the Board of Fisheries and was always impressed by Mr. Huntington's conduct, reasoning, and rational approach during deliberations on controversial issues. He added that Mr. Huntington's time on the Board of Fisheries means he can step right into a Board of Game seat. He said Mr. Huntington brings a wealth of knowledge about hunting practices and subsistence issues to the table.

MR. RICHARDS addressed Representative Rasmussen's question about how Mr. Barrette treats residents versus nonresidents. He recalled Mr. Barrette's answer as being that as long as there is a surplus everyone should be able to participate. Mr. Richards said his organization disagrees with the allowance for nonresidents to take 80 percent of the sheep in Interior Alaska. He noted that RHAK doesn't only support appointees who agree with the organization; rather the support is based on an appointee's knowledge and experience in hunting and wildlife management issues. He related that he serves with Mr. Barrette on the Fairbanks Fish and Game Advisory Committee and said Mr. Barrette is known for his knowledge of fish and game issues and

regulations, and stated he cannot think of anyone better qualified to serve on the Board of Game.

[2:24:59 PM](#)

JOE KLUTSCH testified he has been an active hunting and fishing guide since 1976 and has served nearly 40 years on the Naknek/Kvichak Fish and Game Advisory Committee. He said he has attended countless Board of Game, Board of Fisheries, and regional council subsistence meetings and is therefore familiar with board process, as well as wildlife management in Alaska, particularly in his region of the state. He offered his support for the appointments of Mr. Huntington and Mr. Barrette to the Board of Game.

MR. KLUTSCH stated Mr. Huntington has a family heritage that is amazing in its years of dedication, understanding of Alaska's wildlife, and service by family members to the Board of Game and the Board of Fisheries. He said Mr. Huntington is particularly knowledgeable and sensitive to the needs and lifestyles of rural residents and offers a tremendous balance to the board. He expressed his wholehearted support of Mr. Huntington.

MR. KLUTSCH said Mr. Barrette is an unquestionably accomplished outdoorsman who is knowledgeable on subjects of game management and the codified regulations and process. It isn't just about what a person feels about things, he continued; a person must know about the process to be effective. He added that Mr. Barrette would serve the state and all user groups very well. He offered his opinion that both appointees would put wildlife conservation and hunting opportunities for all Alaska residents first and that they have the time and willingness to do this.

MR. KLUTSCH commented on the points made by Mr. Somerville about the history of ANILCA and how the withdrawals were made. He said as ANILCA was finalized in 1980, the preserves were considered as a compromise and were substantial extensions to all the parks. Many new refuges and monuments were created and they themselves are buffers, he stated.

MR. KLUTSCH addressed non-consumptive users and opined there is no such thing as non-consumptive use. Just because an area is closed to hunting and trapping, he said, doesn't mean visitors are not consumptive. It is to the contrary, he argued, because more infrastructure is required - buses, roads, bridges, ranger stations, and Princess tours. That isn't non-consumptive, he continued, it takes space, infrastructure, water, energy, and

more. He said he makes these comments with all due respect as he understands fully that many people don't appreciate hunting and trapping and think hunting is incompatible with wildlife viewing. But, he asserted, they are quite compatible. He further argued that hunting is a wildlife watching exercise.

[2:31:12 PM](#)

WAYNE KUBAT, Vice President, Alaska Professional Hunters Association (APHA), testified that his organization supports the appointments of Mr. Huntington and Mr. Barrette to the Board of Game and that their appointments will provide balance on the board. He cited Mr. Barrette's membership on the Fairbanks Fish and Game Advisory Committee and said Mr. Barrette is hardworking, fair, knowledgeable on wildlife issues, and cares about the process. He added that Mr. Barrette is a lifelong hunter and fisherman and is committed to ensuring that all Alaskans continue to have access to fish and game resources. He said APHA is confident that Mr. Barrette will be an asset to the board and will make the personal sacrifice of time and energy that serving on the board requires.

MR. KUBAT expressed APHA's belief that it is important to have a mix of different voices and viewpoints on the Board of Game. Decisions made by the board affect all Alaskans, he continued, but often have the greatest impact on rural areas. For this reason, APHA feels it is particularly critical to have a strong rural voice, he said, and Mr. Huntington will bring that voice to board deliberations. He noted it is challenging to find qualified people willing to serve on the board and said APHA appreciates Mr. Huntington's willingness to serve and looks forward to getting to know him through the process.

[2:33:22 PM](#)

MARY MATTHIAS, Director, Natural Resources, Orutsararmiut Traditional Native Council, testified in opposition to Mr. Barrette's appointment to the Board of Game. She cited Proposal 41, made by Mr. Barrette in 2013, and that would have designated Bethel as a non-subsistence area. She pointed out that the people of this area have practiced subsistence for millennia [and the proposal would have] impacted the people's subsistence use, culture, and economic culture. She said [the council] does not want to have officials who are openly hostile to Alaska Native hunting and subsistence in general, or who don't have the best intentions in recognizing subsistence values. She recommended that if Mr. Barrette does get confirmed that he

reach out to Bethel and other southwest communities that rely on subsistence for their food before passing a proposal. These are traditional hunting and fishing values, she added. Subsistence is the priority in this area, she continued, and [the council] would like to have officials who are there to serve with best intentions and not overrule or ignore the rights of Alaska Natives as subsistence users. She related that many people from her area travel to attend Board of Fisheries and Board of Game meetings, and [board members should] listen when these people testify about their needs and why they want their subsistence rights protected and recognized. Going back to the 2013 proposal, she said [these subsistence rights and needs] should not be ignored or disregarded.

REPRESENTATIVE RAUSCHER thanked Ms. Matthias for her testimony.

[2:38:54 PM](#)

VICE CHAIR HOPKINS invited the appointees to make closing comments.

[2:39:15 PM](#)

MR. HUNTINGTON stated he would do his utmost to carry out the duties of being on the Board of Game, as he has an obligation to do so. He said the last testimony really hit home in that there is a lot of cultural significance in all that rural Alaskans do and he really understands those issues since he was born and raised in it. But he is also a scientist, he continued, and he understands the issues of the Alaska Department of Fish and Game, works closely with ADF&G, and looks forward to helping as much as he can.

MR. BARRETTE thanked committee members for their questions.

[2:40:40 PM](#)

VICE CHAIR closed public testimony after ascertaining no one else wished to testify.

[2:40:50 PM](#)

REPRESENTATIVE SPOHNHOLZ paraphrased from the following statement:

The House Resources Standing Committee has reviewed the qualifications for the governor's appointees,

Orville Huntington and Al Barrette, to the Board of Game and recommends that the names be forwarded to a joint session for consideration. This does not reflect intent by any member present to vote for or against these individuals during any further sessions for the purpose of confirmation.

[2:41:40 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:42 p.m.