

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

February 21, 2020

1:01 p.m.

MEMBERS PRESENT

Representative John Lincoln, Co-Chair
Representative Geran Tarr, Co-Chair
Representative Grier Hopkins, Vice Chair
Representative Sara Hannan
Representative Chris Tuck
Representative Ivy Spohnholz
Representative Dave Talerico

MEMBERS ABSENT

Representative George Rauscher
Representative Sara Rasmussen

OTHER LEGISLATORS PRESENT

Representative Gary Knopp

COMMITTEE CALENDAR

HOUSE BILL NO. 203

"An Act relating to transportation of live crab."

- MOVED CSHB 203 (FSH) OUT OF COMMITTEE

HOUSE BILL NO. 137

"An Act relating to the taking of big game by nonresidents; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 203

SHORT TITLE: TRANSPORTATION OF LIVE CRAB

SPONSOR(S): REPRESENTATIVE(S) KNOPP

01/21/20	(H)	READ THE FIRST TIME - REFERRALS
01/21/20	(H)	FSH, RES
01/30/20	(H)	FSH AT 11:00 AM GRUENBERG 120
01/30/20	(H)	Heard & Held

01/30/20 (H) MINUTE (FSH)
 02/04/20 (H) FSH AT 11:00 AM GRUENBERG 120
 02/04/20 (H) Moved CSHB 203 (FSH) Out of Committee
 02/04/20 (H) MINUTE (FSH)
 02/05/20 (H) FSH RPT CS 5DP
 02/05/20 (H) DP: VANCE, KOPP, EDGMON, NEUMAN, STUTES
 02/19/20 (H) RES AT 1:00 PM BARNES 124
 02/19/20 (H) Heard & Held
 02/19/20 (H) MINUTE (RES)
 02/21/20 (H) RES AT 1:00 PM BARNES 124

BILL: HB 137

SHORT TITLE: LIMIT NONRESIDENT TAKING OF BIG GAME

SPONSOR(s): REPRESENTATIVE(s) TUCK

04/16/19 (H) READ THE FIRST TIME - REFERRALS
 04/16/19 (H) RES
 02/19/20 (H) RES AT 1:00 PM BARNES 124
 02/19/20 (H) Heard & Held
 02/19/20 (H) MINUTE (RES)
 02/21/20 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

SCOTT JENKINS

Juneau, Alaska

POSITION STATEMENT: Testified in support during the hearing of HB 137.

ADAM HARRIS

Eagle River, Alaska

POSITION STATEMENT: Testified in support during the hearing of HB 137.

ADAM GRENDA

King Salmon, Alaska

POSITION STATEMENT: Testified in support during the hearing of HB 137.

ROBERT CASSELL DDS

Wasilla, Alaska

POSITION STATEMENT: Testified in support during the hearing of HB 137.

JOE KLUTSCH

King Salmon, Alaska

POSITION STATEMENT: Testified in opposition during the hearing of HB 137.

PAUL CLAUS, Co-owner
Ultima Thule Outfitter
Chitina, Alaska

POSITION STATEMENT: Testified in opposition during the hearing of HB 137.

DONNA CLAUS, Co-owner
Ultima Thule Outfitter
Chitina, Alaska

POSITION STATEMENT: Testified in opposition during the hearing of HB 137.

BRAD SPARKS, MD, President
Resident Hunters of Alaska
Eagle River, Alaska

POSITION STATEMENT: Testified in support during the hearing of HB 137.

VIRGIL UMPHENOUR
North Pole, Alaska

POSITION STATEMENT: Testified during the hearing of HB 137.

JACOB FLETCHER, Guide
Talkeetna, Alaska

POSITION STATEMENT: Testified in opposition during the hearing of HB 137.

TYLER LOKEN
Anchorage, Alaska

POSITION STATEMENT: Testified in support during the hearing of HB 137.

TOM KIRSTEIN, Licensed Master Guide
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition during the hearing of HB 137.

ZACH DECKER, Co-Owner
Glacier Guides
Gustavus, Alaska

POSITION STATEMENT: On behalf of Alisha Rosenbruch-Decker, licensed master guide, provided testimony in opposition during the hearing of HB 137.

JAMES CAMPBELL

Anchorage, Alaska

POSITION STATEMENT: Testified in support during the hearing of HB 137.

KURT WHITEHEAD, Licensed Master Guide

Klawock, Alaska

POSITION STATEMENT: Testified in opposition during the hearing of HB 137.

MIKE MCCRARY

Chugiak, Alaska

POSITION STATEMENT: Testified in support during the hearing of HB 137.

LUCAS GAMBLE

Anchorage, Alaska

POSITION STATEMENT: Testified in support during the hearing of HB 138.

ACTION NARRATIVE

[1:01:34 PM](#)

CO-CHAIR JOHN LINCOLN called the House Resources Standing Committee meeting to order at 1:01 p.m. Representatives Tuck, Hannan, Talerico, Tarr, Hopkins, and Lincoln were present at the call to order. Representative Spohnholz arrived as the meeting was in progress. Also present was Representative Knopp.

HB 203-TRANSPORTATION OF LIVE CRAB

[1:02:25 PM](#)

CO-CHAIR LINCOLN announced the first order of business would be CS FOR HOUSE BILL NO. 203(FSH), "An Act relating to transportation of live crab."

[1:03:44 PM](#)

CO-CHAIR TARR moved to report [CSHB 203(FSH)] out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 203(FSH) was reported out of the House Resources Standing Committee.

[1:03:59 PM](#)

The committee took an at-ease from 1:03 p.m. to 1:06 p.m.

HB 137-LIMIT NONRESIDENT TAKING OF BIG GAME

[1:06:18 PM](#)

CO-CHAIR LINCOLN announced the final order of business would be HOUSE BILL NO. 137, "An Act relating to the taking of big game by nonresidents; and providing for an effective date."

[1:06:41 PM](#)

CO-CHAIR LINCOLN reopened public testimony on HB 137.

[1:06:58 PM](#)

SCOTT JENKINS disclosed he is a member of Resident Hunters of Alaska (RHAK). Mr. Jenkins said he is a lifelong Alaskan and has hunted big game animals in Southeast and the Interior. He expressed his support for HB 137, and tourism, and acknowledged the contributions of nonresidents to the state. He opined there is a misconception about the bill related to when it would be enforced by the Alaska Department of Fish and Game (ADFG); HB 137 would only be enforced when there is a shortage of animals in certain areas, which is a plan that should be supported by all Alaskans. He noted ADFG works very hard to manage fisheries and wildlife; however, HB 137 would help protect big game in Alaska. In Southeast, the moose herds in Gustavus and in the [Berners Bay] area are nearly gone; in addition, there have been many closures in [Region 1-Southeast Juneau Area Section 11-A] for shrimp, king crab, salmon, and other species. Sometimes reasons for shortages are unknown, and are not caused by overhunting or overfishing, and it is important to implement a mechanism such as HB 137 before it is too late to respond to a population decline, as happened to the Central Arctic Caribou herd. Mr. Jenkins described how as a general contractor his business has been affected by changes in [building] codes, zoning, and restrictions; by making adjustments, he has successfully responded to changes, and other businesses can do so. He directed attention to the 2019-2020 Alaska Hunting Regulations on page 7, which read [in part][original punctuation provided]:

Nonresidents are allowed to hunt when there is enough game to allow everyone to participate. When there isn't enough game, nonresident hunters are restricted or eliminated first. If more restrictions are

necessary, seasons and bag limits may be reduced or eliminated for some residents.

1:10:08 PM

CO-CHAIR TARR asked whether under intensive management (IM) protocols some animals may not be harvested, which would not benefit anyone.

MR. JENKINS recalled the Central Arctic Caribou herd declined from 50,000 to 22,000, the [IM] target was 28,000, and the projection was 60 percent [harvest] to residents and 40 percent to nonresidents; however, the success rate was higher for nonresidents. He said it is better to rebuild a depleted herd by restricting hunting; for example, in Gustavus, ADFG restricted moose hunting year to year.

1:13:41 PM

ADAM HARRIS said he has been an Alaska resident for over ten years and expressed support for HB 137, which is a commonsense solution to a shortage of big game resources. He said those who are considered to own a resource should have a preference to harvest those resources over those who do not. He disputed the [fiscal note Identifier: HB137-DFG-DWC-2-14-20] estimate of a 25-75 percent reduction in nonresident licenses purchased, because shortages do not commonly occur. Further, HB 137 could increase revenue to ADFG because a license is purchased before one applies for a draw permit, so if a hunter fails to obtain a permit to hunt in an area of a shortage, he/she would use their license to hunt in another area of Alaska.

1:17:34 PM

ADAM GREENDA disclosed he is a RHAK board member and expressed his support for HB 137. He said the Board of Game (BOG), ADFG, does not allocate game in accordance with the state constitution and hunting regulations. In response to limited resources, it is commonsense that nonresident hunting would be first to be cut, put on a draw system, or put on a permanent registration system with a quota. Mr. Grenda said BOG supports the commercial hunting industry in Alaska by limiting tags or shortening seasons on an equal basis; HB 137 would hold BOG accountable when there is not enough game to meet the demands of Alaskans. He questioned why BOG restricts residents and nonresidents equally in times of shortages, which is contrary to the state constitution and hunting regulations and is not

allowed in other states. Mr. Grenda said his five children enjoy consuming game and he lives in Alaska to pursue hunting. He cautioned hunting in Alaska is becoming a rich man's sport.

[1:20:51 PM](#)

ROBERT CASSELL, DDS, disclosed he is a member of the Alaska Outdoor Council (AOC), vice-president of RHAK, and a member of other hunting organizations. He said HB 137 is welcome legislation because commercial hunters have influenced BOG allocation decisions. For example, on Kodiak Island, BOG allocates 40 percent of the brown bear permits to nonresident by issuing permits to guides. A resident must apply for a random permit with a 2 percent chance of receiving a permit and he has not had success. However, a nonresident is virtually guaranteed a permit, and some are granted more than one. Dr. Cassell proposed a 90 percent allocation for residents to BOG, which was denied. He opined BOG protects the commercial hunting industry at the expense of Alaska resident hunters, thus at personal expense, he has brought a [lawsuit, Robert Cassell v. State of Alaska, Board of Game, filed 5/29/19 in Superior Court, Third Judicial District at Anchorage] challenging the unconstitutional allocation of Alaska's wildlife resources by BOG. A favorable outcome of the lawsuit would increase his chances to obtain a brown bear permit from 2 percent to 4 percent but would not provide a guarantee. Dr. Cassell gave brief personal background information as a wildlife technician and assistant guide. He concluded, noting BOG plays politics with allocations. In response to Co-Chair Lincoln, he said the lawsuit is pending.

REPRESENTATIVE HANNAN asked for the plaintiff and jurisdiction of the lawsuit.

DR. CASSELL said he is the named plaintiff for the case filed in Anchorage Superior Court. In further response to Representative Hannan, he said it is a civil suit against BOG.

[1:25:57 PM](#)

JOE KLUTSCH said he has lived in King Salmon for almost 50 years and began working in the guiding industry in 1976. He said he has served as a member of the ADFG advisory council in the Bristol Bay region dealing with hunting, sport fishing, and commercial fishing issues and has lengthy and extensive experience with BOG, the Board of Fisheries, and federal agencies in many capacities and at all levels. He described the BOG process in detail, which he characterized as unlike any

process elsewhere. Mr. Klutsch said if proposals before BOG are properly presented and have merit, generally, BOG will act favorably; however, BOG does not allocate individual animals, but instead allocates opportunity. He opined the issues raised by RHAK have an underlying agenda, which is to eliminate nonresident guided hunting wherever possible. He noted his agreement with the previous testimony provided by AOC. Without reference to the specifics of the Nelchina and the Fortymile caribou herds, he questioned whether the issues raised are accurate, complete, or truthful. Further, Mr. Klutsch claimed the premise of the bill is flawed, and the language in the bill is vague.

[1:30:43 PM](#)

PAUL CLAUS said he co-owns and operates Ultima Thule Outfitter, which is a fly-in lodge located within Wrangell-St. Elias National Park and Preserve ("the park"), where he lives year around. He said he is a lifelong Alaskan, and the lodge provides ecotourism, guided hunting, and an air taxi. He expressed opposition to HB 137. Mr. Claus has three federal concession hunting areas in Wrangell-St Elias, which have been an integral source of income for four generations beginning in the early '60s.

[1:31:51 PM](#)

DONNA CLAUS, co-owner, Ultima Thule Outfitter, said she has been in Alaska for 44 years, and deals with governmental agencies such as the National Park Service (NPS), U.S. Department of the Interior, the Alaska Department of Transportation and Public Facilities, ADFG, the Department of Commerce, Community & Economic Development, the Internal Revenue Service, and others. She said Mr. Claus and she have great respect and support for ADFG and BOG, which makes decisions based on scientific methods; the bill would take scientific management away from the knowledgeable agency and give priority to one group of people, based on human satisfaction. She said this is not a good way to manage resources; furthermore, the change from "may" to "shall" takes management away from the professionals at BOG and begins mandating by legislation. The change has the potential to damage part of their business: four guides and a lodge staff depend on their business for their income. Good business decisions must be made for capital improvements and wages, and the uncertainty of a draw system does not work for business decisions. Ms. Claus advised clients are booked years in advance in order to provide excellent service for clients and

local Alaskan hunters. Hunt draws are announced once per year; she said as a resident of the park she and Mr. Claus are federally subsistence hunters and harvesters and they understand all perspectives. In 2019, over 88,000 resident hunters bought licenses and approximately 15,300 nonresident hunters bought licenses; residents contributed \$4.3 million to ADFG and nonresidents contributed \$9.8 million to ADFG. Ms. Claus urged the committee not to pass HB 137.

[1:36:23 PM](#)

BRAD SPARKS, MD, president of RHAK, and speaking on his own behalf, said his family decided to only consume wild game. He moved to Alaska for its hunting opportunities and worked at the Alaska Native Medical Center and is now in a private practice that provides jobs for over 100 employees. Regarding the economic impact of this issue, he pointed out 100,000 Alaska residents buy hunting licenses, live and work in Alaska all year, and spend 88 percent of their hunting dollars in Alaska, which would total in the billions of dollars. On average, 100,000 Alaska residents buy hunting licenses each year and there are approximately 1,700 guides, who are essentially lobbyists for nonresidents. Thus, guides total less than 2 percent of Alaska resident hunters; however, they feel it is fair for the state not to give preference to residents in times of shortages. In addition, guides believe it is fair to issue 40 percent of Kodiak bear tags to guides, which can be sold to nonresidents. In addition, [guides believe] resident next of kin tags should come out of the resident allocation, there should be restrictions on residents' ability to rent equipment in the field, and 50 percent of moose tags should go to nonresidents at the expense of resident opportunity. Dr. Sparks said no other state has a must-be-guided species restriction, restricts job opportunities for youth or adults as packers, or allocates 40-50 percent of tags to nonresidents. He questioned why 100,000 Alaskans must justify their priority to Alaska's resources, and stressed Alaska resident hunters provide 88 percent of hunting dollars. He stated his support for the bill.

[1:40:07 PM](#)

REPRESENTATIVE HANNAN asked Dr. Sparks for his profession.

DR. SPARKS said he is an orthopedic surgeon at Anchorage Fracture and Orthopedic Clinic. In further response to Representative Hannan, he said he has eaten a brown bear roast.

REPRESENTATIVE TUCK asked whether the national standard of 10 percent restrictions to nonresidents is in times of game shortages or in general.

DR. SPARKS said in other states residents have a strong priority in times of restrictions; when game is abundant, some states allow up to 10 percent.

REPRESENTATIVE HANNAN pointed out in the majority of other states much of the hunting occurs on private land; for example, in Wyoming, one can hunt elk on private land regardless of residency. She asked Dr. Sparks to clarify state nonresident hunt percentages in order to compare the aspect of land ownership.

DR. SPARKS explained the overall average in western states is up to 10 percent; however, in Alaska, big game wild animals are owned by the state and the state issues hunting tags.

[1:43:17 PM](#)

VIRGIL UMPHENOUR said he is a master guide who has lived in Alaska for 49 years. He spoke of his lengthy experience serving on the Board of Fisheries, the Pacific Salmon Commission, the Fairbanks Fish and Game Advisory Committee, ADFG, and others, and said he knows the BOG process extremely well. One action BOG cannot regulate is harvest success, which he illustrated by citing examples from his military experience. Mr. Umphenour said Alaska has the best process for the promulgation of fishing and hunting regulations; he represented Alaska at the Western Association of Fish and Wildlife Agencies and he advised Alaska is the only state with separate boards for fish and game. He said RHAK provided false and misleading information about the policies of other states and referred to a brochure sent to the committee that demonstrated the false information [document not provided]. Mr. Umphenour stated nonresident hunting licenses and tags produced 76.36 percent of "wildlife conservation's budget for calendar year 2019, and the nonresident fishing licenses and king salmon tags produced 80.77 percent of the budget for sport fishing."

REPRESENTATIVE HOPKINS asked for Mr. Umphenour's perspective on the game management of the Central Arctic Caribou herd.

MR. UMPHENOUR said the Central Arctic Caribou herd borders the [James W. Dalton Highway] north of the Brooks Range. In 2018, 295 resident hunters harvested 116 caribou, which is a hunter

success rate of 39 percent; 195 nonresident hunters harvested 99 caribou, which is a harvest success rate of 50 percent. Within five miles of the highway, hunters are only allowed to hunt with bow and arrow; from the total harvest of [215] the bow harvest was 70 caribou, 43 by resident hunters and 27 by nonresident hunters. The game population estimate for the herd in 2019 was 30,000 and the population objective was 28,000-32,000; at a 3 percent harvest rate, the Central Arctic Caribou herd has a harvestable surplus of 900, of which 215 were taken. Mr. Umphenour said the Fortymile caribou herd is the best example of intensive management and has a good population of caribou and hunters can use all-terrain vehicles (ATVs); however, one must walk five miles to hunt with a firearm in the Central Arctic Caribou herd.

REPRESENTATIVE TUCK asked whether hunters can fly in to hunt.

MR. UMPHENOUR said yes.

[1:52:34 PM](#)

JACOB FLETCHER expressed his opposition to HB 137. He is a guide and a member of the Alaska Professional Hunters Association (APHA). He worked in Kodiak Island and now guides in Talkeetna. Mr. Fletcher said the bill is not about shortages but whether a hunter will be satisfied. From his experience, he said BOG takes time and effort to review proposals; the change made by the bill would hamper BOG as it considers hunting opportunities in Alaska. He restated his opposition to HB 137.

[1:54:56 PM](#)

TYLER LOKEN disclosed he is a member of RHAK and expressed support for the bill; there is a regulation that mandates nonresidents must use a guide, and guides do not want to limit their opportunities. He opined the bill would not put guides out of business; Alaska residents who live and hunt here and support the legislature should not take a backseat to commercial hunting. Mr. Loken recalled a board-generated proposal "that went straight directly after residents," and suggested BOG is lobbied by business interests. He restated his support for HB 137.

CO-CHAIR LINCOLN inquired as to the aforementioned proposal.

MR. LOKEN explained [Proposal 207: Restrictions on the Use of Aircraft Associated with Sheep Hunting] limited residents' use

of their plane and BOG does not ensure that the interests of residents are before that of "high dollar hunting from the Outside."

1:58:30 PM

TOM KIRSTEIN, licensed master guide, disclosed he is a member of APHA, the National Rifle Association, the Safari Club, and other groups. He provided a brief history of his professional guiding career, beginning in the '70s, and said he has learned to be active in the game management decisions made by BOG that are important to his future. The BOG process provides public access to wildlife management decisions regarding big game renewable resources for all user groups. A nonresident hunter is the last to receive allocations and resident hunters receive priority due to the subsistence law. Further, nonresident hunters pay most of the cost of the conservation management of Alaska's big game resources. Mr. Kirstein said Alaskans should be unified in the management of game resources, and he urged the committee to take no action on HB 137.

2:00:47 PM

ZACH DECKER, co-owner, Glacier Guides, provided testimony on behalf of Alisha Rosenbruch-Decker. Ms. Rosenbruch-Decker is a lifelong Alaskan and has spent her entire life working in Alaska's original tourism industry - guiding. She has been a licensed guide for over 21 years and is one of two female master guides in Alaska. Glacier Guides is a second-generation business, operating for almost 50 years. It is the first special use outfitter in the Tongass National Forest and is an Alaska National Interest Lands Conservation Act (ANILCA) operation in Glacier Bay. Glacier Guides' goal is to continue its guiding business into the future for visitors who come to Alaska. Mr. Decker said HB 137, and the threat of a drawing hunt, would change and damage historic businesses that provide revenue to the state and the Bush. The language of the bill is subjective and would erase successful collaborative work by BOG, the U.S. Forest Service (USFS), U.S. Department of Agriculture, ADFG, the guiding industry, and the public, to ensure fair access to public land for all users, and sustainable huntable brown bear populations in Southeast. The bill would eliminate BOG's collaborative process; for example, recently BOG issued a memorandum of understating (MOU) between USFS, ADFG, the Big Game Commercial Services Board (BGCSB), and hunting guides; a drawing hunt would change the collaborative process and raise

hunting fees in Gustavus for deer, moose, and bear. He urged the committee not to move the bill forward.

CO-CHAIR LINCOLN asked for information regarding the MOU.

MR. DECKER explained the [Shoreline II Outfitter/Guide Project] was a five-year process to address issues related to outfitters, guides, and tour operators, such as service days and uses of the national forest, especially along the beach. The project sought better collaboration between ranger districts and user groups, and developed an MOU to address changes in ownership of businesses and access to the forest, and to ensure USFS and ADFG share biological reductions with outfitters, or other concerns that would be referred to BGCSB to protect the public.

CO-CHAIR LINCOLN surmised the MOU was specific to guide operations.

MR. DECKER said yes.

CO-CHAIR LINCOLN questioned whether there was participation by Alaska residents not affiliated with guide operations.

MR. DECKER responded other participants were the [Alaska Outdoor Council], Territorial Sportsmen, and a small ship tour operator brought forward an issue regarding a black bear hunt, which further involved local sporting groups.

CO-CHAIR LINCOLN asked what other options could be used to address [the issue of resident hunting preference].

MR. DECKER said in Southeast most of the land is owned by USFS, and most of the problems occur on state land; however, in Southeast there is an issue with transporters. He described in detail a situation of overharvesting in Southeast ADFG Game Management Unit (GMU) 3, which was resolved when BOG established a draw for nonresident, nonguided permits, and the harvest numbers were reduced, without affecting residents.

REPRESENTATIVE TUCK asked if there are ways, other than draw permits, by which BOG can restrict harvest in areas of game shortage.

[2:11:10 PM](#)

MR. DECKER recalled in the late '90s there was a concern in Southeast ADFG GMU 4 about the brown bear harvest, due to a loss

of habitat. A brown bear management strategy group looked at historical data and the number of hunts and worked with the land managers to establish a management number of 4 percent; the percentage was not based on the number of bears taken, but on the number of hunts, thus guides are in business, there are opportunities for resident hunters, and the harvest objective is maintained. He said another option is land management by agencies.

REPRESENTATIVE TUCK asked if the hunts are limited by draw hunt permit.

There followed a short discussion of the specific circumstances of GMU 4.

REPRESENTATIVE TUCK remarked:

So, it looks like they're just limiting guides, they weren't just limiting, in the attempt to limit hunts, it basically limits the amount of guides.

[2:16:01 PM](#)

MR. DECKER said guides and hunts were limited so as not to affect resident hunters' access to game; the service providers were reduced.

CO-CHAIR LINCOLN summarized as follows: the bear population is managed at a 4 percent take; residents hunters are not restricted; the number of guides was reduced through attrition; a set number of hunts is distributed between guides; a draw permit was established for nonresident, nonguided hunters using transporters.

MR. DECKER said the nonresident, nonguided hunters relates to black bear; the brown bear management strategy group established a certain number of nonresident next of kin hunts that could take place.

REPRESENTATIVE TUCK surmised a draw permit hunt is one option.

CO-CHAIR LINCOLN pointed out the use of concession programs enables federal land managers a level of control and allocation not available on state land.

MR. DECKER said correct. The land manager holds a key role; for example, in Southeast, a transporter can provide housing on

saltwater, but does not go ashore and is not a permittee or under control of USFS. Thus, is it important for a land manager to have control.

[2:20:06 PM](#)

JAMES CAMPBELL said he is a member of RHAK. He said his wife works in tourism and he understands the issue regarding businesses that bring in tourism dollars; however, many resorts and lodges are not affordable to residents and earn income from sources in addition to hunting. Further, some tourism income leaves the state, but money from residents stays in Alaska year around. Mr. Campbell agreed the state cannot regulate harvest but can regulate opportunity, and expressed his support for HB 137.

[2:22:39 PM](#)

KURT WHITEHEAD, licensed master guide, said he is a member of APHA, and he and his wife are full-time Alaskans who have operated a small hunting and fishing guide business in Klawock since 2006. He expressed their opposition of HB 137. Since 1995, he has worked in Alaska paying sales taxes, mortgage, utilities, fuel, and expenses. Like other guide outfitters, meat is distributed to the local community because his business supports Klawock. The bill seeks to mandate that draw hunts would be implemented to satisfy reasonable resident hunting opportunities, which would his damage business; in addition, HB 137 would require an overhaul of hunt structures by BOG. Draw hunts are damaging to guide operations and most guides would be put out of business. He said regulations are heavily mandated by state and federal governments for three small guide use areas, which is why guide outfitters are small business owners. A lottery is a destabilizing management tool proposed by RHAK. Nonresident clients choose guide outfitters to ensure their safety and pay a large share of ADFG's budget; in return, nonresident hunters enjoy a hunt in Alaska. He said his guide business would not survive under a draw hunt structure; in fact, draw hunts are necessary in hotly contested areas for certain game species. Mr. Whitehead pointed out the ADFG fiscal note which estimated a loss of revenue between \$5 million-\$25 million. Further, the guiding community would lose one-half of its total output, amounting to \$20 million-\$30 million annually, and lose 1,000 jobs. He concluded BOG can ensure resident hunting opportunities are met by limiting nonresident seasons, methods and means, selective closures, and controlled areas.

[2:26:15 PM](#)

REPRESENTATIVE TUCK pointed out the bill applies only during periods of restricted hunts for big game.

MR. WHITEHEAD said his point is the BOG process is the best way because BOG has options to limit nonresident seasons, limit methods and means, and to select closures and controlled use areas. He reviewed the aforementioned successful strategy utilized in Southeast by BOG. He said Alaska residents don't pay for certain tags, have the lowest resident hunting license fees in the U.S., and have the best hunting with few exceptions, such as sheep and brown bear on Kodiak.

REPRESENTATIVE TUCK asked Mr. Whitehead to restate the other options available to BOG.

MR. WHITEHEAD said BOG can limit nonresident seasons, limit methods and means, select closures of nonresident hunts, and select controlled use areas as demonstrated in Southeast in 2011. He further described events limiting guiding businesses in Southeast that did not affect resident hunters.

REPRESENTATIVE TUCK questioned how the bill would be a destabilizing management tool.

MR. WHITEHEAD explained if guides have a lottery drawing permit system, they cannot plan ahead or accept nonresident clients on short-term notice; the majority of his clients book hunts six months or one year in advance.

CO-CHAIR LINCOLN observed most testimony in opposition to the bill is directed at the drawing permit system; he asked whether another management system could be utilized instead.

MR. WHITEHEAD deferred to a member of BOG or the APHA lobbyist; however, he said drawing permits deprive small guide operators of flexibility. He restated guiding income stays in the state and supports local economies; he gave an example of a moose hunting guide in Unalakleet who distributes moose meat to the community.

CO-CHAIR TARR inquired as to how meat is distributed.

[2:36:35 PM](#)

MR. WHITEHEAD said operators most often drop off meat to the closest community instead of transporting it back to Anchorage; the meat is well cared for and sought after. He related several examples of how guides strive to be good and ethical businessmen.

[2:41:01 PM](#)

CO-CHAIR LINCOLN surmised Mr. Whitehead participates in a federal concession program.

MR. WHITEHEAD said every guide in Southeast is regulated through USFS and USFS requires guides to have permission from the upland landowner to access state land; in Southeast, with few exceptions, guides are heavily regulated through USFS, which prevents conflicts in the field.

CO-CHAIR LINCOLN clarified Mr. Whitehead operates under a concession program that limits use areas.

MR. WHITEHEAD further explained the guide concession program is overseen by BGCSB. All guides choose three small areas out of approximately one-hundred twenty-five guide use areas within the state, which is one limiting factor; [HB 137 would further] shackle guides with drawing permits.

CO-CHAIR LINCOLN expressed his understanding guides currently operating within limited areas, under concession programs, receive certain permit allocations, and asked for clarification.

MR. WHITEHEAD said there are mandates by USFS; for example, in GMU 2, he can conduct 15 guided hunts per year on USFS property based on his use in 2006-2007. There have been no new guides in GMU 2 since 2007. There were many problems regarding brown bear, and USFS has not allowed new brown bear guides since 1999. He remarked:

So there we're all capped, if we have a forest service permit, we're all capped to the specific number of hunts that we can conduct and that is set by, well, in my case, that was set in once they allocate those hunts so the ... the only hunts that I could do on Prince of Wales, that aren't allocated for this specific number, would be deer hunts ...

REPRESENTATIVE TUCK returned attention to the fiscal notes attached to HB 137, of which [Identifier: HB137-DFG-BBS-2-14-

20] was a zero fiscal note. The analysis of [Identifier: HB 137-DFG-DWC-2-14-20] read [original punctuation provided]:

This legislation is intended to limit nonresident taking of big game. The Board of Game (board) will retain their authority to make allocative decisions, but this bill requires the board to limit the harvest of big game by nonresidents and nonresident aliens through a permit system. Since this legislation does not entirely eliminate the board's authority to allocate game harvests among users, it is difficult to precisely predict where, when and for which species the mandated limitation on nonresidents would occur. For this reason, the department is submitting an indeterminate fiscal note. In any scenario, the decrease in revenue to the fish & game fund would be significant, ranging from \$2.2M to \$6.6M.

Currently, nonresidents and nonresident aliens must purchase a tag to harvest big game; prices range from \$3,000 for a nonresident alien muskox bull tag to \$300 for a nonresident deer tag. Nonresident license and tag fees account for approximately 73 percent of the revenue generated by license and tag sales.

Resident licenses and tag sales in FY2019: \$3.2M

Nonresident licenses and tag sales in FY2019: \$8.8M

In addition, license and tag revenues deposited into the fish & game (F&G) fund are the principal match for federal Pittman-Robertson (P-R) dollars. This reduction in match dollars would result in an overall revenue decrease to the department ranging from \$8.8M to \$26.4M

25percent reduction in nonresident license and tag sales deposited into the F&G Fund: \$2.2M
Combined P-R/F&G Fund reduction: \$8.8M

75percent reduction in nonresident license and tag sales: \$6.6M Combined P-R/F&G Fund reduction: \$26.4M

REPRESENTATIVE TUCK said the analysis of the indeterminate fiscal note indicates, during times of shortages, BOG would retain its authority to make allocation decisions, and the bill

does not entirely eliminate BOG's authority to allocate game harvest, thus it is difficult to predict "where, when, and for which species the mandated limitations on nonresidents would occur." He cautioned there are assumptions that millions of dollars of revenue to the state would be lost; however, an indeterminate fiscal note indicates the potential loss is unknown at this time.

2:47:30 PM

MIKE MCCRARY expressed support for HB 137. He returned attention to the GMU 26 caribou herd. Mr. McCrary pointed out BOG, at its discretion, shortened the nonresident season, reduced the nonresident bag limit, and established a registration system; also, at its discretion, BOG applied all of the limitations to residents and nonresidents alike. He opined the bill requires BOG to limit nonresidents first, when a hunt requires further restrictions than those already in place, and BOG should review the nonresident components and decide whether restrictions on nonresidents only would maintain the status of a herd population. He questioned whether BOG has ever taken this action but instead has generally applied limitations to residents and nonresidents. The change made by HB 137 from "may to shall" does not add to ADFG expenses related to conducting a draw or a registration hunt, and he suggested BOG has had this option for 45 years but has never done so. Mr. McCrary recalled statistics show nonresident hunting has never been restricted, and although the bill would not likely decrease the number of nonresident participation in hunts in Alaska, it would require BOG to first review how restrictions to nonresident hunting would affect a particular hunt.

2:52:12 PM

LUCAS GAMBLE expressed his support for HB 137. He said testimony in opposition to the bill reveals concern for hunting opportunities for nonresidents; although he is sympathetic and loves to share Alaska with Outside friends and family, providing an opportunity or experience differs from providing an opportunity to sustain a way of life for Alaska's residents. He said his primary concern is for his children's ability to participate in future hunting so they will value their way of life. Mr. Gamble observed arguments in opposition also muddy the principle of who should benefit from Alaska's resources; in fact, although managing game allocation is challenging, residents should have the best opportunity for the way of life they choose to live. He restated his support for HB 137.

2:54:15 PM

CO-CHAIR LINCOLN, after ascertaining no one further wished to testify, closed public testimony on HB 137.

HB 137 was held over.

2:54:37 PM

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:55 p.m.