

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

April 12, 2019

3:30 p.m.

MEMBERS PRESENT

Senator Chris Birch, Chair
Senator John Coghill, Vice Chair
Senator Cathy Giessel
Senator Click Bishop
Senator Jesse Kiehl

MEMBERS ABSENT

Senator Lora Reinbold
Senator Scott Kawasaki

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 10

Urging the Alaska delegation in Congress, the United States Department of the Interior, and the Governor to facilitate the completion of a land grant endowment to the University of Alaska.

- HEARD & HELD

CONFIRMATION HEARING(S)

Alaska Board of Game

Allen Barrette - Fairbanks

Orville Huntington - Fairbanks

- CONFIRMATIONS ADVANCED

PREVIOUS COMMITTEE ACTION

BILL: SJR 10

SHORT TITLE: COMPLETION OF UNIVERSITY LAND GRANT

SPONSOR(S): SENATOR(S) STEVENS

03/25/19	(S)	READ THE FIRST TIME - REFERRALS
03/25/19	(S)	RES
04/12/19	(S)	RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

TIM LAMKIN, Staff
Senator Gary Stevens
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented an overview of SJR 10 on behalf of the sponsor.

MILES BAKER, Associate Vice President of Government Relations
University of Alaska
Anchorage, Alaska

POSITION STATEMENT: Provided an overview related to SJR 10.

ANDY HARRINGTON, Associate General Counsel
University of Alaska-Fairbanks
Fairbanks, Alaska

POSITION STATEMENT: Answered questions related to SJR 10.

MARTY PARSONS, Director
Division of Mining, Land, and Water
Alaska Department of Natural Resources
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SJR 10.

ALLEN BARRETTE, Appointee
Alaska Board of Game
Fairbanks, Alaska

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

ORVILLE HUNTINGTON, Appointee
Alaska Board of Game
Fairbanks, Alaska

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

LIN DAVIS, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to the confirmation of Mr. Barrette to the Alaska Board of Game.

RON SOMERVILLE, Secretary and Treasurer
Board of Directors
Territorial Sportsmen
Juneau, Alaska

POSITION STATEMENT: Testified in support of both appointees to the Alaska Board of Game.

MIKE TINKER, representative
Alaska Wildlife Conservation Association
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of both appointees to the Alaska Board of Game.

VIRGIL UMPHENOUR, representative
Fairbanks Fish and Game Advisory Committee

POSITION STATEMENT: Testified in support of both appointees to the Alaska Board of Game.

CRAIG COMPEAU, representative
Alaska Wildlife Conservation Association
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of the appointment of Mr. Barrette to the Alaska Board of Game.

SUSAN HANSEN, representing self
Fairbanks, Alaska

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

JOE KLUTSCH, representing self
King Salmon, Alaska

POSITION STATEMENT: Testified in support of both appointees to the Alaska Board of Game.

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

POSITION STATEMENT: Testified in support of both appointees to the Alaska Board of Game.

SYLVIA PANZARELL, representing self
Anchorage, Alaska

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

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

POSITION STATEMENT: Testified in support of both appointees to the Alaska Board of Game.

BARBARA BREASE, representing self
Healy, Alaska

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

ACTION NARRATIVE

[3:30:56 PM](#)

CHAIR CHRIS BIRCH called the Senate Resources Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Giessel, Coghill, Kiehl, and Chair Birch.

SJR 10-COMPLETION OF UNIVERSITY LAND GRANT

[3:32:16 PM](#)

CHAIR BIRCH announced the consideration of Senate Joint Resolution 10 (SJR 10).

[3:32:39 PM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, Juneau, Alaska, explained that SJR 10 addresses the underwhelming history of the University of Alaska as a land-grant university. This is an issue with the federal government that has been ongoing for a century. He noted that Senator Stevens, sponsor of SJR 10, is a student of history and stands by as a shepherd to make whatever changes necessary to address the University of Alaska land-grant deficit. The current budget climate is such that Senator Stevens wishes to provide the university with an opportunity to find other financial means to support itself in the form of its land holdings. The ultimate goal is to rely less on general funds. SJR 10 calls upon U.S. Senator Murkowski to help Alaska and call upon Congress to fix the university's land-grant deficit.

[3:33:39 PM](#)

SENATOR BISHOP joined the committee meeting.

[3:34:52 PM](#)

CHAIR BIRCH opened invited testimony for SJR 10.

[3:35:27 PM](#)

MILES BAKER, Associate Vice President of Government Relations, University of Alaska, Anchorage, Alaska, explained that the University of Alaska is a land-grant university. He noted that of the 49 states that received college land grants, only Delaware received less acreage than Alaska. He detailed that the State of Hawaii was given cash in lieu of a land grant.

MR. BAKER explained that a land-grant university is an institution of higher education that is granted federal land to raise funds to endow the university. The concept originated with the Morrill Land-Grant Act in the late 1800s. The land-grant mission was intended to focus on teaching of practical agriculture, science, military science, and engineering as a way of developing the west in response to the industrial revolution.

He said today there are approximately 70 land-grant institutions around the U.S., but under explicit terms included in the Alaska Statehood Act, Alaska is the only state that has not been extended the Morrill Land-Grant Act benefit. He noted that the Alaska Legislature has attempted several times to grant land to the university, but their efforts have not been successful.

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He addressed the slide titled, "University Land Grant" as follows:

- Only Delaware and Hawaii rank below Alaska in higher education land grants.
- The University of Alaska only received approximately 110,000 acres of its federal land grant entitlement.
- The University of Alaska's estimated land grant gap is 360,000 acres.
- A robust permanent land endowment would allow the University of Alaska to generate more revenue, and over time help moderate state general fund support.
- The state has repeatedly attempted to remedy the gap but is constitutionally precluded from doing so.
- The federal government's position is that the University of Alaska's land was included in Alaska's Statehood Act grant and has resisted remedies that rely solely on additional federal lands.

He detailed that the University of Alaska currently owns 150,000 acres, most of which was from the Sutherland Act in 1929. He added that the University of Alaska has also received land from private donations and local governments, but the university estimates that it is still left without 360,000 acres that the original federal land grant would have allowed. He said the federal government's position has been that the land for the university was included as part of the Alaska Statehood Act.

CHAIR BIRCH asked what the difference is between the University of Alaska land and the Mental Health Trust land.

[3:39:55 PM](#)

ANDY HARRINGTON, Associate General Counsel, University of Alaska-Fairbanks, Fairbanks, Alaska, explained that the university's land grant situation is parallel to the Mental Health Trust lands. Legislation was passed in 1978 that tried to treat all the granted land associated the Mental Health Trust and the University of Alaska as part of the general grant, but the university Board of Regents did not approve. He noted that the Mental Health Lands Trust brought a lawsuit that resulted in a ruling that the legislation violated the trust and the trust had to be reconstituted. The university is anxious to litigate the land-grant issue and that is why a collaborative legislative solution is being pursued.

MR. BAKER continued to address the University of Alaska lands as follows:

- 12,000 acres are educational lands used for campuses and research sites.
- The university's 139,000 acres allows for revenue:
 - \$10 million in gross receipts was generated in FY2018.
 - The 20-year annual receipts average is \$8.5 million.
 - \$221 million has been generated since 1987 through real estate, timber, mineral and mining, and oil and gas.
- The monetized activities benefit the university's educational programs, campuses, the university's foundation, and the Alaska's Scholar's Program which funds the top ten percent of high school graduates.

[3:43:24 PM](#)

He discussed the slide titled "Framework for a Solution" as follows:

- The University of Alaska's unfulfilled land grant is a Statehood Act issue.
- Congress assumed that the Alaska Legislature would be able to fulfill the entitlement.
- The Alaska delegation, the governor, the Alaska Department of Natural Resources, and the U.S. Department of Interior are discussing other issues related to Alaska's remaining 5-million-acre Statehood Act land selections.
- The anti-dedication clause has an explicit exemption that says, "when required by the federal government for state participation in federal programs."

- A solution may entail a structured federal program permissible under the constitution.

MR. BAKER noted that the most recent attempt to resolve the dispute ended with the 2009 Alaska Supreme Court decision that determined the endowment transfer of land to the university would be a violation of the dedication clause in the Alaska constitution. The fourth bullet point in the previous slide points out an exemption the university may use when the state participates in a federal program, a concept that the university has been working on over the last several years. The state has several outstanding issues as well with the federal government regarding its land selection of five million acres from the Alaska Statehood Act; the university believes it should be part of those negotiations.

[3:45:03 PM](#)

He turned to the slide titled, "Receipts by Resource Category" and noted that receipts from the land the university is sporadic. The university, just like with the state, would like to develop its endowment in a way that generates a predictable long-term revenue stream for educational benefit.

He referenced the slide titled, "UA Land Trust Balance" and detailed that the trust balance is approximately \$160 million.

SENATOR GIESSEL noted that the committee had a similar hearing on the university's land trust during a previous legislature. She asked if any progress had been made.

MR. BAKER answered yes. The university has had discussions with the Alaska delegation on possible federal legislation. He opined that the window is narrow over the next two years with the Department of Interior in trying to make the land grant happen.

[3:48:23 PM](#)

SENATOR KIEHL commented that the conversation so far has been fascinating and oblique. He admitted that he was lost on what result would occur.

MR. BAKER answered that the university has been in a quandary since 2009. He said there are many reasons why the land did not get transferred in previous years, but the federal government feels that the state has the land that should be transferred to the university and is not inclined to give more federal land. He reiterated that the Alaska Supreme Court decision prohibits the state from transferring the land to the university. The

university is trying to come up with a way to transfer land that complies with the state constitution.

SENATOR KIEHL asked how much land should be transferred.

MR. BAKER answered 360,000 acres. He admitted that the challenge will be for the university to receive the most valuable land to generate money.

SENATOR KIEHL asked who would ultimately choose the land.

[3:52:37 PM](#)

MR. HARRINGTON answered that the university and the DNR would jointly agree on the land coming out of the federal program.

SENATOR BISHOP asked if the land the university is trying to get is part of the five million acres that has already been appropriated by the federal government.

MR. HARRINGTON answered that the lands would come out of both the state's remaining five-million-acre entitlement and the land put through the federal program.

[3:56:43 PM](#)

MARTY PARSONS, Director, Division of Mining, Land, and Water, Alaska Department of Natural Resources, Anchorage, Alaska, said the department fully supports the university's effort to diversify its funding sources and the division is prepared to assist the university where appropriate. He suggested that portions of the resolution should be clarified to strengthen the resolution.

CHAIR BIRCH asked if the university may consider land around Prudhoe Bay.

MR. PARSONS admitted that most lands around Prudhoe Bay have already been selected and conveyed to the state. He pointed out that in 1993, all the state lands that could be selected were selected.

[3:59:15 PM](#)

CHAIR BIRCH held SJR 10 in committee.

CONFIRMATION HEARINGS:
Board Members, Alaska Board of Game

[3:59:31 PM](#)

CHAIR BIRCH announced the consideration of the governor's appointees to the Alaska Board of Game.

He explained that the function of the Alaska Board of Game is for the conservation and development of Alaska game resources. The board consists of seven members appointed by the governor on a basis of interest in public affairs, good judgement, knowledge, ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. Members must be residents of the state and appointed without regard to political affiliation or geographical location of residence. The board typically meets 3 times per year for a total of 20 to 27 meeting days.

He announced that the first appointee for consideration is Al Barrett of Fairbanks. He said Mr. Barrette is a new appointee to the board and, if confirmed, his term would run from July 1, 2019 to June 30, 2022.

[4:00:55 PM](#)

ALLEN BARRETTE, Appointee, Alaska Board of Game, Fairbanks, Alaska, provided committee members with an overview of his background, noting that he grew up hunting, fishing, and trapping. He disclosed that he used to manufacture wolf traps but sold the business five years ago and no longer manufactures traps. He provided committee members with additional background information as follows:

- Started to get involved with the Board of Game process in 1995.
- Elected for a seat on the Fairbanks Fish and Game Advisory Board in 2005:
 - Provided a process understanding of:
 - Public involvement,
 - Management,
 - Learning laws and regulations,
 - Biology,
 - Subsistence,
 - Sustained yield principles,
 - Providing wild resources for future generations.
 - Chairman of the trapping subcommittee.
 - Chairman for the game subcommittee.
 - Represented the advisory committee on special working groups on sheep, Fortymile Caribou, wood bison reintroduction, and the Western Arctic caribou.

- Several mentors have helped educate him in wildlife management.
- Learned from the local Fish and Game office.
- Received a class A guide's license in 2007.
- Subsistence hunts and traps.
- Teaches fur handling and trapping methods.
- Encouraged by peers and the public to apply to the Alaska Board of Game due to his strong background and wildlife knowledge throughout the state.
- Believes he will be a good Alaska Board of Game member because he understands the following:
 - Sustained yield principles,
 - Importance of protecting subsistence opportunities, traditional uses, and customs,
 - Complexity of statutory law,
 - Board process,
 - Importance of public knowledge through public testimony and written comments.

[4:05:47 PM](#)

SENATOR KIEHL asked Mr. Barrette when he could apply for the Wood Bison hunt along with the Delta Bison hunt.

MR. BARRETTE answered in approximately six or seven years.

SENATOR KIEHL asked him to address his past proposal on baiting brown bears and asked how his proposal would fit today.

MR. BARRETTE asked Senator Kiehl to specify which proposal because he had several.

SENATOR KIEHL said he hoped to draw out Mr. Barrette's philosophy on what might be appropriate with grizzly bears.

MR. BARRETTE replied that baiting is based on biological data and abundance or lack of abundance of grizzly bears. Input would be required from knowledgeable locals and advisory committees. He said he would use the suggested tools to make an informed decision based on a sustained yield basis.

[4:08:02 PM](#)

SENATOR KIEHL noted that the Alaska Board of Game is often adjusting and fine tuning some of the state's intensive management regime under the laws that the legislature has put into place. He asked if the Board of Game ever had a predator control proposal that went too far.

MR. BARRETTE answered that he did not know if he had an answer on a project that had gone too far. He emphasized that his decision would be based on statutory law for intensive management along with data that the department presents.

SENATOR KIEHL asked if he could envision a proposal that would go too far.

MR. BARRETTE replied that he could probably imagine somebody writing a proposal up that went too far.

SENATOR KIEHL promised Mr. Barrette that he was not trying to set traps. He explained that his intent was to get his thoughts on proposals that would go too far.

MR. BARRETTE replied a proposal that was not in statutory compliance.

[4:09:49 PM](#)

CHAIR BIRCH announced that the second Alaska Board of Game appointee for consideration is Orville Huntington. He said although Mr. Huntington served on the Alaska Board of Fisheries from 2012 to 2019, this appointment is Mr. Huntington's first term on the Alaska Board of Game. If confirmed, his term would run from July 1, 2019 to June 30, 2022.

[4:10:50 PM](#)

ORVILLE HUNTINGTON, Appointee, Alaska Board of Game, Fairbanks, Alaska, provided his background information to committee members as follows:

- Primary employer is the Tanana Chief Conference as wildlife and parks director.
- Wildlife biologist by training.
- Raised in rural Alaska by native elders and there is very little he does not know about native culture.
- Hunts, fishes, and used to trap.
- Does science work with international science boards and committees.
- Served on educational boards for most of his life.
- Served on the Alaska Board of Fisheries for seven years where he looked to protect all interests throughout Alaska.
- Supports the Alaska Department of Fish and Game.

[4:13:32 PM](#)

CHAIR BIRCH opened public testimony.

[4:14:55 PM](#)

LIN DAVIS, representing self, Juneau, Alaska, testified in opposition to the confirmation of Mr. Barrette. She said she is a wildlife appreciator, and rarely did she feel her interests and values were reflected on the Alaska Board of Game. She opined that the board is primarily served by hunters, trappers, guides, and people promoting non-resident killing of animals. She said there is concern regarding his past behavior. She opined that the board needs people who have demonstrated the highest level of professional judgement and communications.

[4:17:06 PM](#)

RON SOMERVILLE, Secretary and Treasurer, Board of Directors, Territorial Sportsmen, Juneau, Alaska, testified in support of both appointees to the Alaska Board of Game.

He said he has worked with Mr. Huntington a lot in the fisheries committee and views him as honorable, well positioned, and considerate.

He opined that Mr. Barrette is getting a bad rap. He pointed out that the Alaska constitution requires maximum use of state resources to the maximum benefit of its people. He added that the legislature passed an intensive management law that says if there is a conflict the resource must be managed to the benefit of the people for food.

[4:20:21 PM](#)

MIKE TINKER, representative, Alaska Wildlife Conservation Association, Fairbanks, Alaska, testified in support of both appointees to the Alaska Board of Game. He noted that the association drafted the intensive management statute to help the Alaska Department of Fish and Game focus on managing game resources for Alaskans. He opined that abundant wildlife resources are more productive to manage and allocate, and the Alaska Board of Game is the authority for allocation.

He said the Alaska Wildlife Conservation Association supports Alaskans on the Alaska Board of Game who are experienced hunters and trappers that have been involved in the management of regulatory system as advisory committee participants. The association always recognizes that there are Alaskans who do not support hunting and trapping and tries to be respectful of their needs as well.

MR. TINKER said the association supports both Mr. Barrette and Mr. Huntington to serve on the Alaska Board of Game. He opined that Mr. Barrette is one of the best qualified appointees to come before the committee in the three decades that he has been involved with the board. He said Mr. Huntington is an experienced board member coming off the Alaska Board of Fisheries and the state is lucky to have him continue his service to Alaskans by applying to the Alaska Board of Game. He added that Mr. Huntington is an appointee who understands subsistence needs of Alaskans.

[4:23:51 PM](#)

VIRGIL UMPHENOUR, representative, Fairbanks Fish and Game Advisory Committee, testified in support of both appointees to the Alaska Board of Game. He noted that Mr. Barrette is one of the advisory committee members and the committee thinks highly of him. He said Mr. Barrette has interacted directly with local hunters and fishermen. He emphasized that his integrity and ethics are beyond reproach.

[4:25:51 PM](#)

CRAIG COMPEAU, representative, Alaska Wildlife Conservation Association, Fairbanks, Alaska, testified in support of the appointment of Mr. Barrette to the Alaska Board of Game. He said he has known Mr. Barrette for 20 years and believes he has three important qualities that make him an ideal candidate to serve on the Alaska Board of Game: knowledge, effort, and fairness.

[4:28:11 PM](#)

SUSAN HANSEN, representing self, Fairbanks, Alaska, testified in opposition to the appointment of Mr. Barrette to the Alaska Board of Game. She asserted that Alaskan who are non-consumptive users are not being considered for the board. She pointed out that only 15 percent of Alaskans have hunting licenses and 1 percent have trapping licenses. She asserted that Mr. Barrette will not consider any non-consumptive views on the board.

[4:29:55 PM](#)

JOE KLUTSCH, representing self, King Salmon, Alaska, testified in support of both appointees to the Alaska Board of Game. He said Mr. Huntington has a tremendous community and family heritage as well as knowledge of both the wildlife resources and the culture of rural Alaska. He opined that Mr. Barrette has extensive committee experience and a good grasp of state statutes and regulations related to sustained yield and resource allocation. He asserted that testimony that questioned Mr. Barrette's motives and integrity is misguided.

[4:33:28 PM](#)

WAYNE KUBAT, Vice President, Alaska Professional Hunters Association (APHA), Wasilla, Alaska, testified in support of both appointees to the Alaska Board of Game. He said APHA supports both nominees with the feeling that they will provide balance on the board.

He noted that Mr. Barrette is a long-serving member of the Fairbanks advisory board. He opined that Mr. Barrette is genuine, hardworking, and fair. He is also knowledgeable about wildlife issues and cares about the process. He detailed that Mr. Barrette is a lifelong hunter and fisherman who is committed to ensuring that all Alaskans continue to have access to the state's fish and game resources that everyone holds dear.

He said regarding Mr. Huntington, APHA believes in the importance of having a mix of different voices and viewpoints on the board. He opined that while the Alaska Board of Game decisions affect all Alaskans, their decisions often have the greatest impact on rural areas. He emphasized that APHA believes having a strong rural voice is critical and Mr. Huntington will bring the rural voice to the board.

[4:35:43 PM](#)

SYLVIA PANZARELL, representing self, Anchorage, Alaska, testified in opposition to the appointment of Mr. Barrette to the Alaska Board of Game. She noted that he was voted down for an Alaska Board of Game appointment by the legislature 10 years ago due to his extreme opinions and a conflict of interest that could have affected his decisions. She recounted that Mr. Barrette has a history in trapping and aerial wolf hunting. She opined that adding him to the board would mean an extreme person will join an already extreme board.

[4:38:12 PM](#)

MARK RICHARDS, Executive Director, Resident Hunters of Alaska (RHAK), Fairbanks, Alaska, testified in support of both appointees to the Alaska Board of Game.

MR. RICHARDS said he was impressed with the way Mr. Huntington conducted himself and with his reasoned and deliberative approach while serving on the Alaska Board of Fisheries. His experience on the Alaska Board of Fisheries carries over well to the Alaska Board of Game. Mr. Huntington will be an asset to the board, particularly on subsistence issues.

He disclosed that he has known Mr. Barrette for over ten years in conjunction with wildlife management issues. He said Mr. Barrette was respectful to the public during advisory board meetings and will be a great asset to the Alaska Board of Game. He admitted that RHAK and Mr. Barrette do not agree 100 percent on what a resident hunting priority means, but RHAK does not just support individuals who support RHAK. He maintained that Mr. Barrette is eminently qualified to serve on the Alaska Board of Game and like Mr. Huntington, he can jump right into a seat with a full understanding of the process.

[4:40:14 PM](#)

BARBARA BREASE, representing self, Healy, Alaska, testified in opposition to the appointment of Mr. Barrette to the Alaska Board of Game. She suggested that a person does not have to kill wildlife, whether a trapper or hunter, to understand what is going on. She opined that Mr. Barrette has a conflict of interest with his business and an extremist ideology that makes him unqualified to make wise and ethical decisions on the Alaska Board of Game. She asked the committee to instead consider a nominee that creates a more balanced perspective.

[4:43:11 PM](#)

CHAIR BIRCH closed public testimony. He asked the Alaska Board of Game nominees to provide their closing comments.

MR. BARRETTE said he has learned a great deal from hearing opposing and favorable testimony on his appointment and will take all the comments into consideration and dwell on it.

MR. HUNTINGTON thanked the committee for considering his nomination.

[4:44:11 PM](#)

CHAIR BIRCH stated that in accordance with AS 39.05.080, the Senate Resources Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Board Member of the Alaska Board of Game:

Al Barrette - Fairbanks

Orville Huntington - Fairbanks

CHAIR BIRCH reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees;

the nominations are merely forwarded to the full legislature for confirmation or rejection.

4:44:53 PM

At ease.

4:45:49 PM

CHAIR BIRCH reconvened the meeting.

4:46:12 PM

There being no further business to come before the committee, Chair Birch adjourned the Senate Resources Standing Committee meeting at 4:46 p.m.