

**HB**

**178**

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: 3rd SS HB 178  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish & Game  
Title: Management of Fish and Game BRU: Wildlife Conservation  
Component: Wildlife Conservation  
Sponsor: Representative Fate  
Requester: House Resources Component No.: 473

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	**	**	**	**	**	**
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)	**	**	**	**	**	**
<b>TOTAL</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

\*\* Section 3 of this bill would require the department to provide public notice before entering into any cooperative "arrangement." This term is vague and would be interpreted broadly to include a wide variety of situations. This would include permits, contracts, and agreements to receive funding. Example of potential costs: Wildlife Conservation issues ~200 permits annually. Public notice of each permit in 3 major newspapers in the state would conservatively cost \$100,000/annum. (The dept. as a whole issues over 600 permits annually.)

Other aspects of the bill may also have fiscal impacts on Wildlife Conservation and/or other divisions, but the department needs additional clarification of some sections before we can determine potential costs.

Prepared by: Matt Robus, Deputy Director Phone: 465-4190  
Division: Wildlife Conservation Date/Time: 3/29/02 3:00 PM  
Approved by: Commissioner Frank Rue Date: 4/1/2002  
Agency: Department of Fish and Game



22-LS0695VB  
Utermohle  
4/16/02

**CS FOR 3d SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 178( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - SECOND SESSION**

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES FATE, Coghill, Dyson

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the powers and duties of the commissioner of fish and game, the  
2 Department of Fish and Game, and the Board of Game, to taking and use of certain  
3 game animals, and to consideration of the budget of the Department of Fish and Game  
4 by the legislature; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* Section 1. AS 16.05.020 is amended to read:

7 **Sec. 16.05.020. Functions of commissioner.** The commissioner shall

8 (1) supervise and control the department, and may appoint and employ  
9 division heads [, ENFORCEMENT AGENTS,] and the technical, clerical, and other  
10 assistants necessary for the general administration of the department;

11 (2) manage, protect, maintain, improve, and extend the fish, game, and  
12 aquatic plant resources of the state

13 (A) in the interest of the economy and general well-being of the  
14 state; and

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(B) to achieve an abundance of fish and wildlife resources sufficient to provide the maximum sustained yield of those resources;

(3) have necessary power to accomplish the foregoing including, but not limited to, the power to delegate authority to subordinate officers and employees of the department.

\* Sec. 2. AS 16.05.050(a) is amended to read:

(a) The commissioner has, but not by way of limitation, the following powers and duties:

(1) to cooperate with and assist the Board of Fisheries, the Board of Game, and the advisory committees established under AS 16.05.260 in allocating the fish, game, and aquatic plant resources of the state [UNITED STATES FISH AND WILDLIFE SERVICE IN THE ENFORCEMENT OF FEDERAL LAWS AND REGULATIONS PERTAINING TO FISH AND GAME];

(2) through the appropriate state agency and under the provisions of AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other lawful means, land, buildings, water, rights-of-way, or other necessary or proper real or personal property when the acquisition is in the interest of furthering an objective or purpose of the department and the state;

(3) under the provisions of AS 36.30, to design and construct hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish and game resources of the state;

(4) to accept money from any person under conditions requiring the use of the money for specific purposes in the furtherance of the protection, rehabilitation, propagation, preservation, or investigation of the fish and game resources of the state or in settlement of claims for damages to fish or game resources;

(5) to collect, classify, and disseminate statistics, data, and information that, in the commissioner's discretion, will tend to promote the purposes of this title except AS 16.51 and AS 16.52;

(6) to take, capture, propagate, transport, buy, sell, or exchange fish, [OR] game, or eggs, or to authorize a person as agent of the commissioner to take, capture, propagate, transport, buy, sell, or exchange fish, game, or eggs, for

1 propagating, scientific, public safety, or stocking purposes;

2 (7) under the provisions of AS 36.30, to provide public facilities where  
3 necessary or proper to facilitate the taking of fish or game[, AND TO ENTER INTO  
4 COOPERATIVE AGREEMENTS WITH ANY PERSON TO EFFECT THEM];

5 (8) to exercise administrative, budgeting, and fiscal powers;

6 (9) to assign the highest priority to the allocation of the fiscal,  
7 personnel, and other resources of the division of wildlife conservation for  
8 implementation of the plans, programs, and regulations adopted by the Board of  
9 Game under AS 16.05.255(e) - (g) in a timely and effective manner;

10 (10) under the provisions of AS 36.30, to construct, operate, supervise,  
11 and maintain vessels used by the department;

12 (11) [(10)] to authorize the holder of an interim-use permit under  
13 AS 16.43 to engage on an experimental basis in commercial taking of a fishery  
14 resource with vessel, gear, and techniques not presently qualifying for licensing under  
15 this chapter in conformity with standards established by the Alaska Commercial  
16 Fisheries Entry Commission;

17 (12) [(11)] not later than January 31 of each year, to provide to the  
18 commissioner of revenue the names of those fish and shellfish species that the  
19 commissioner of fish and game designates as developing commercial fish species for  
20 that calendar year; a fish or shellfish species is a developing commercial fish species  
21 if, within a specified geographical region,

22 (A) the optimum yield from the harvest of the species has not  
23 been reached;

24 (B) a substantial portion of the allowable harvest of the species  
25 has been allocated to fishing vessels of a foreign nation; or

26 (C) a commercial harvest of the fish species has recently  
27 developed;

28 (13) [(12)] to initiate or conduct research necessary or advisable to  
29 carry out the purposes of this title except AS 16.51 and AS 16.52;

30 (14) [(13)] to enter into cooperative agreements with [AGENCIES OF  
31 THE FEDERAL GOVERNMENT, EDUCATIONAL INSTITUTIONS, OR OTHER]

1 agencies or organizations, when in the best public interest, to carry out the purposes of  
2 this title except AS 16.51 and AS 16.52;

3 (15) [(14)] to implement an on-board observer program authorized by  
4 the Board of Fisheries under AS 16.05.251(a)(13); implementation

5 (A) must be as unintrusive to vessel operations as practicable;

6 and

7 (B) must make scheduling and scope of observers' activities as  
8 predictable as practicable;

9 (16) [(15)] to sell fish caught during commercial fisheries test fishing  
10 operations;

11 (17) [(16)] to establish and charge fees equal to the cost of services  
12 provided by the department, including provision of public shooting ranges, broodstock  
13 and eggs for private nonprofit hatcheries, department publications, and other direct  
14 services, and reasonable fees for the use of state facilities managed by the department;  
15 fees established under this paragraph for tours of hatchery facilities, commercial use of  
16 sport fishing access sites, and for operation of state hatchery facilities by private  
17 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

18 (18) [(17)] to permit and regulate aquatic farming in the state in a  
19 manner that ensures the protection of the state's fish and game resources and improves  
20 the economy, health, and well-being of the citizens of the state;

21 (19) [(18)] to operate state housing and facilities for employees,  
22 contractors, and others in support of the department's responsibilities and to charge  
23 rent that is consistent with applicable collective bargaining agreements, or, if a [NO]  
24 collective bargaining agreement is not applicable, competitive with market conditions;  
25 ~~rent received from tenants shall be deposited in the general fund;~~

26 (20) [(19)] to petition the Alaska Commercial Fisheries Entry  
27 Commission, unless the Board of Fisheries disapproves the petition under  
28 AS 16.05.251(g), to establish a moratorium on new entrants into commercial fisheries

29 (A) that have experienced recent increases in fishing effort that  
30 are beyond a low, sporadic level of effort;

31 (B) that have achieved a level of harvest that may be

1 approaching or exceeding the maximum sustainable level for the fishery; and

2 (C) for which there is insufficient biological and resource  
3 management information necessary to promote the conservation and sustained  
4 yield management of the fishery.

5 \* Sec. 3. AS 16.05.080 is amended by adding new subsections to read:

6 (b) Before entering into a cooperative agreement with any entity for the  
7 management of fish or game resources in the state, the department shall provide the  
8 public with notice of the proposed agreement and a reasonable opportunity to  
9 comment on the agreement. The department shall provide a copy of the proposed  
10 agreement to the presiding officers of each house of the legislature.

11 (c) The department shall include a clearly defined description of its  
12 administrative expenses for the fiscal year in the information compiled and submitted  
13 under AS 37.07.050(a)(1) - (12).

14 \* Sec. 4. AS 16.05.090(a) is amended to read:

15 (a) The commissioner may, with the approval of the governor, establish a  
16 departmental division of commercial fisheries, a departmental division of sport  
17 fisheries, a departmental division of wildlife conservation [GAME], and other  
18 departmental divisions as are necessary.

19 \* Sec. 5. AS 16.05.130(d) is amended to read:

20 (d) Revenue from the sale of general hunting, trapping, and fishing licenses,  
21 [AND] tags, and permits and from application fees for tags and permits together  
22 with the federal matching funds from Pittman - Robertson, Dingell - Johnson/Wallop -  
23 Breaux programs shall be allocated by the department to programs that [INTENDED  
24 TO] directly benefit license purchasers of general hunting, trapping, and fishing  
25 licenses. ~~The department shall prepare an annual report by project of expenditures~~  
26 from the fish and game fund that describes the anticipated results and benefits of  
27 each project in regard to fish stock and game population abundance goals and  
28 harvest goals set by the department and the boards and notify the legislature that  
29 the report is available.

30 \* Sec. 6. AS 16.05.255(a) is amended to read:

31 (a) The Board of Game, as it considers advisable to allocate, protect,

1 maintain, improve, and extend the game resources of the state to achieve  
2 abundance for maximum <sup>benefit</sup> sustained yield of game and for other purposes, may

3 adopt regulations [IT CONSIDERS ADVISABLE] in accordance with AS 44.62  
4 (Administrative Procedure Act) for

5 (1) setting apart game reserve areas, refuges, and sanctuaries in the  
6 water or on the land of the state over which it has jurisdiction, subject to the approval  
7 of the legislature;

8 (2) establishing open and closed seasons and areas for the taking, of  
9 game;

10 (3) establishing the means and methods employed in the pursuit,  
11 capture, taking, and transport of game, including regulations, consistent with resource  
12 conservation and development goals, establishing means and methods that may be  
13 employed by persons with physical disabilities;

14 (4) setting quotas, bag limits, harvest levels, and sex, age, and size  
15 limitations on the taking of game;

16 (5) classifying game as game birds, song birds, big game animals, fur  
17 bearing animals, predators, or other categories;

18 (6) methods, means, and harvest levels necessary to control predation  
19 and competition among game in the state;

20 (7) watershed and habitat improvement, and management,  
21 conservation, protection, use, disposal, propagation, and stocking of game;

22 (8) prohibiting the live capture, possession, transport, or release of  
23 native or exotic game or their eggs;

24 (9) establishing the times and dates during which the issuance of game  
25 ~~licenses, permits, and registrations and the transfer of permits and registrations~~  
26 between registration areas and game management units or subunits is allowed;

27 (10) regulating [SPORT] hunting [AND SUBSISTENCE HUNTING  
28 AS NEEDED FOR THE CONSERVATION, DEVELOPMENT, AND  
29 UTILIZATION OF GAME];

30 (11) taking game to ensure public safety.

31 \* Sec. 7. AS 16.05.255(e) is amended to read:

1 (e) The Board of Game shall adopt regulations to provide for intensive  
2 management programs to restore the abundance or productivity of identified big game  
3 prey populations as necessary to achieve human consumptive use goals of the board in  
4 an area where the board has limited the harvest of the population, with the  
5 exception of musk ox populations, and has determined that

6 (1) consumptive use of the big game prey population is a preferred use;

7 (2) depletion of the big game prey population or reduction of the  
8 productivity of the big game prey population has occurred and may result in a  
9 significant reduction in the allowable human harvest of the population; and

10 (3) enhancement of abundance or productivity of the big game prey  
11 population is feasibly achievable utilizing recognized and prudent active management  
12 techniques.

13 \* Sec. 8. AS 16.05.255(g) is amended to read:

14 (g) The Board of Game shall establish population goals based on the highest  
15 possible population levels consistent with the estimated maximum carrying  
16 capacity of the habitat for the population, high [AND] harvest goals to provide for  
17 high levels of human harvest, and regulations, including seasons, bag limits, and  
18 methods and means for intensive management of identified big game prey  
19 populations to achieve a high level of human harvest. The board shall annually  
20 review the effectiveness of intensive management programs established under (e)  
21 of this section to determine whether planned progress toward established goals  
22 has been achieved. The board shall adjust the intensive management programs  
23 as necessary to achieve interim management goals.

24 \* Sec. 9. AS 16.05.255(j)(2) is amended to read:

25 (2) "high level of human harvest" means the harvest of not less than  
26 10 percent [ALLOCATION OF A SUFFICIENT PORTION] of the harvestable  
27 surplus of an identified big [A] game population [TO ACHIEVE A HIGH  
28 PROBABILITY OF SUCCESS FOR HUMAN HARVEST OF THE GAME  
29 POPULATION BASED ON BIOLOGICAL CAPABILITIES OF THE  
30 POPULATION AND CONSIDERING HUNTER DEMAND];

31 \* Sec. 10. AS 16.05.940 is amended by adding a new paragraph to read:

1 (37) "maximum <sup>benefit</sup>sustained yield" means the highest number of a  
2 population that can be removed for human use without reducing the ability of the  
3 population to replenish its numbers, consistent with the carrying capacity of the habitat  
4 and sound biological principles.

5 \* **Sec. 11.** AS 16.30 is amended by adding a new section to read:

6 **Article 2. Nuisance and Other Game.**

7 **Sec. 16.30.050. Taking and use of certain game animals.** The  
8 commissioner of fish and game or the commissioner of public safety or a  
9 representative of either commissioner may

10 (1) take or may authorize another person to take a game animal if the  
11 animal poses a danger or a nuisance to a person, property, or the public and the taking  
12 of the animal is consistent with sound game management principles; or

13 (2) authorize a person to use a game animal that is accidentally killed.

14 \* **Sec. 12.** AS 16.43.210(c) is amended to read:

15 (c) To the extent that the commissioner of fish and game authorizes it under  
16 AS 16.05.050(a)(11) [AS 16.05.050(a)(10)], the commission may grant an interim-use  
17 permit to a person to engage in the commercial taking from a fishery on an  
18 experimental basis.

19 \* **Sec. 13.** AS 37.05.146(b)(4)(U) is amended to read:

20 (U) commercial fisheries test fishing operations  
21 (AS 16.05.050(a)(16)) [(AS 16.05.050(a)(15))];

22 \* **Sec. 14.** AS 43.75.290(3) is amended to read:

23 (3) "developing commercial fish species" means those species of fish  
24 and shellfish annually designated by the commissioner of fish and game under  
25 AS 16.05.050(a)(12) [AS 16.05.050(a)(11)];

26 \* **Sec. 15.** AS 44.39 is amended by adding a new section to read:

27 **Sec. 44.39.060. Budget.** In reviewing the proposed annual operating budget  
28 of the department and in making appropriations for the operations of the department,  
29 the legislature shall consider increases and decreases in the resource abundance and  
30 the human harvest of the fish and game resources of the state.

31 \* **Sec. 16.** This Act takes effect July 1, 2002.



# Audubon ALASKA

308 G Street, Suite 217  
Anchorage, AK 99501  
Tel: 907-276-7034  
Fax: 907-276-5069  
www.audubon.org

April 1, 2002

Committee Members  
House Resources Committee  
Alaska House of Representatives  
Juneau, Alaska

Re: Committee Hearing on HB 178

Dear Committee Members:

I am recommending that the House Resources Committee defer any action this year on HB 178 "An Act relating to the powers and duties of the commissioner of fish and game, the Department of Fish and Game, and the Board of Game, to taking and use of certain game animals, and to consideration of the budget of the Department of Fish and Game by the legislature; and providing for an effective date."

I am a professional wildlife biologist and have lived in Alaska for 25 years. I am retired from the Alaska Department of Fish and Game after 20 years of service. I currently am the senior scientist for Audubon Alaska in Anchorage. I am also a life-long hunter and wildlife enthusiast. I have reviewed HB 178 and believe that this legislation is confusing and will be divisive for Alaska. HB 178 attempts to mandate a "cook book" approach to game management. I do not believe that the simplistic approach that HB 178 applies to game management decisions would be effective or suitable for Alaska.

HB178 requires high population goals based on historic high population levels. Management based on this prescriptive formula is unrealistic and dangerous. Wildlife populations are dynamic and population levels change, often beyond our control (e.g., following a series of severe winters and overused range conditions). Mandating this kind of management is not professionally or scientifically responsible. High levels of human harvest have been defined as "the harvest of at least 15 percent but not more than 33 percent of the harvestable surplus of an identified big game prey population." Again, mandating this prescriptive approach will lead wildlife managers into difficulties and potential conservation problems.

The Alaska Constitution does not mandate maximum sustained yield. It states: "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." Wildlife scientists and professional wildlife managers get very nervous when there are mandates for maximum sustained yield. This approach is not responsible. Furthermore, the language "subject to preferences among

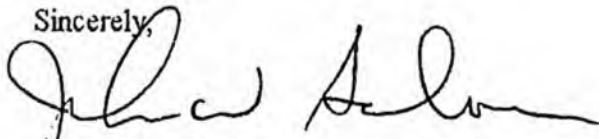
beneficial uses" recognizes the need to set priorities for alternative uses. The Alaska Constitution also addresses common use. "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." This suggests that these resources belong to all the people.

Managing big game for maximum sustained yield would be inconsistent with other values such as trophy hunts or wildlife viewing where a management goal is diversity of uses rather than maximum use for one kind of user. Maximum use would also require, in some cases, the hunting of females and young of the year. Clearly, many Alaskans don't want that kind of management.

In summary, this bill is confusing, inconsistent, and is not based on sound wildlife management principles. This bill will also further increase the divisiveness among Alaskans about wildlife management. At the least, this bill needs much more careful analysis before it is brought to a vote of the full House. I urge you to review this legislation carefully and seek out the review and recommendations from professional wildlife managers at the Alaska Department of Fish and Game.

Thank you for considering my comments.

Sincerely,



John W. Schoen, Ph.D.  
Senior Scientist

Cc: Frank Rue, Commissioner, ADF&G  
Wayne Regelin, Director, DWC,

Conceptual Amendments adopted by (H)RES -- and passed with bill 4-24-2002

HB178

Replace all Maximum Sustained Yield with Maximum Beneficial Use.

No new definition is needed on page 8 line 1-4



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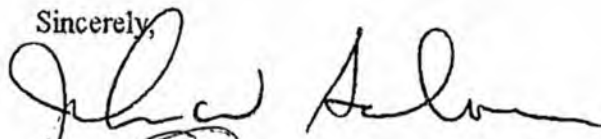
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Sincerely,



John W. Schoen, Ph.D.  
Senior Scientist

Cc: Frank Rue, Commissioner, ADF&G  
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<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

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Part-time	0	0	0	0	0	0
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Prepared by: Matt Robus, Deputy Director Phone: 465-4190  
 Division: Wildlife Conservation Date/Time: 3/29/02 3:00 PM  
 Approved by: Commissioner Frank Rue Date: 4/1/2002  
 Agency: Department of Fish and Game



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308 G Street, Suite 217  
Anchorage, AK 99501  
Tel: 907-276-7034  
Fax: 907-276-5069  
www.audubon.org

April 1, 2002

Committee Members  
House Resources Committee  
Alaska House of Representatives  
Juneau, Alaska

Re: Committee Hearing on HB 178

Dear Committee Members:

I am recommending that the House Resources Committee defer any action this year on HB 178 "An Act relating to the powers and duties of the commissioner of fish and game, the Department of Fish and Game, and the Board of Game, to taking and use of certain game animals, and to consideration of the budget of the Department of Fish and Game by the legislature; and providing for an effective date."

I am a professional wildlife biologist and have lived in Alaska for 25 years. I am retired from the Alaska Department of Fish and Game after 20 years of service. I currently am the senior scientist for Audubon Alaska in Anchorage. I am also a life-long hunter and wildlife enthusiast. I have reviewed HB 178 and believe that this legislation is confusing and will be divisive for Alaska. HB 178 attempts to mandate a "cook book" approach to game management. I do not believe that the simplistic approach that HB 178 applies to game management decisions would be effective or suitable for Alaska.

HB178 requires high population goals based on historic high population levels. Management based on this prescriptive formula is unrealistic and dangerous. Wildlife populations are dynamic and population levels change, often beyond our control (e.g., following a series of severe winters and overused range conditions). Mandating this kind of management is not professionally or scientifically responsible. High levels of human harvest have been defined as "the harvest of at least 15 percent but not more than 33 percent of the harvestable surplus of an identified big game prey population." Again, mandating this prescriptive approach will lead wildlife managers into difficulties and potential conservation problems.

The Alaska Constitution does not mandate maximum sustained yield. It states: "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." Wildlife scientists and professional wildlife managers get very nervous when there are mandates for maximum sustained yield. This approach is not responsible. Furthermore, the language "subject to preferences among

LEGISLATIVE INFORMATION OFFICE  
 PO BOX 1189  
 DELTA JCT., AK 99737  
 PHONE: (907) 895-4236  
 FAX: (907) 895-5017

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FACSIMILE TRANSMITTAL SHEET

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TO:	FROM:
House Resources Committee	Jackie W Becker <i>JWB</i> Delta Junction LIO
COMPANY:	DATE:
Delta Junction LIO	April 3, 2002
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
907-465-4822	2
PHONE NUMBER:	SENDER'S PHONE NUMBER:
907-465-2679	907-895-4236
RE:	SENDER'S FAX NUMBER:
Written Testimony	907-895-5117

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# Alaska State Legislature

Please enter into the record my testimony to the House Resource  
 committee on HB 432 dated 4/3/02  
 bill/subject

April 3, 2002

Alaska State Legislators  
 State Capitol (MS 3100)  
 Juneau, Alaska 99801-1182

Dear Representatives,

I urge you to support Bills HB432 and SB353 which will establish a position to help prevent wide spread habitat destruction from noxious and invasive plants. The funding of this is vital to Alaska's future.

As a Delta farmer we have spent thousands of dollars on chemicals, time and equipment to try and control and eradicate this problem in our area. It is impossible for a few of us in the area to control this problem without the assistance of the legislators. The plants are aggressive and highly competitive and left unattended they can destroy state and public lands.

The current infestations in Alaska are still at a manageable level where immediate eradication and prevention efforts can dramatically reduce the future financial burden of controlling widespread infestations. Prevention is much cheaper than control. The funding of this position is vital to Alaska's future. Identifying outbreaks early and responding to them quickly will greatly reduce the substantial economic loss and ecological damage that puts our agricultural lands at risk and also detrimental to our forests, wilderness areas, parks and recreational sites.

Recreational vehicles, horseback riding can spread the noxious weed at a very high rate.

Signed: E. L. Hillert  
 Testifier  
A DELTA FARMER  
 Representing (Optional)  
 Address H.C 60 BOX 4210 DELTA JUNCTION AK 99737  
 Phone No. 907-895-4338 FAX 907-895-5481  
gipaw@willak.net



State of Alaska  
Legislature

PLEASE ENTER MY TESTIMONY INTO THE RECORD TO THE

HRES COMMITTEE IN REGARD TO THE  
(COMMITTEE NAME)

HJR 47 ON 4/2/02  
(BILL/SUBJECT) (DATE)

ALASKA POWER AND TELEPHONE  
STRONGLY SUPPORTS HJR 47.  
PLEASE FORWARD TO COMMITTEE  
MEMBERS.

SIGNED DON MAHON  
(PLEASE PRINT)

ALASKA POWER AND TELEPHONE  
(ADDRESS AND PHONE NUMBER)

**Alaska Power & Telephone  
Comments on Ultra Low Sulfur Fuel  
March 5, 2002**

Alaska Power & Telephone supports any controls that have a clear human health or environmental benefit. However, while studies indicate that pollutants caused by high sulfur fuel may contribute to respiratory disease, the impact of these pollutants in isolated remote Alaskan communities is negligible. Where is the justification in mandating Ultra Low Sulfur Diesel Fuel by 2010 in rural Alaska?

The financial impact on the consumers from these same communities will be of such proportion to adversely affect virtually every aspect of community life. In addition to the direct impacts this mandate will cause, such as increased fuel costs, compatibility with existing equipment, and storage concerns during the transition period, this mandate will increase an already high electric kilowatt-hour rate.

- Rural Alaska is heavily dependant on diesel generation.
- Fuel cost is estimated to increase approximately 23 cents per gallon.
- The BTU rating will be decreased by 14%, increasing fuel consumption.
- Dual fuel storage and dual delivery and metering systems will be required.

Electric consumers, whose kilowatt-hour rates are as much as 45 cents today could expect an increase of up to 5% if these costs are passed on to the consumer. These increased costs will also place an additional burden on the state PCE program.

Alaska Power Company (APC) currently provides electric service to 24 rural communities throughout Southeast and Interior Alaska. Of these, 19 communities depend strictly on diesel as the primary fuel source for generation, and the remaining five are hydroelectric facilities that depend on diesel generation as a backup.

The 19 APC communities that currently use diesel-powered generation are:

- Naukati
- Coffman Cove
- Hydaburg
- Whale Pass
- Hollis
- Tok
- Tanacross
- Dot Lake
- Tetlin
- Bettles
- Evansville
- Mentasta Lake
- Chistochina

- Eagle & Eagle Village
- Healy Lake
- Northway & Northway Village
- Allakaket
- Alama
- Alcan Border Station

The five APC hydroelectric communities that still depend on diesel generation as a back-up are:

- Craig
- Skagway
- Haines
- South Thorne Bay
- Klawock

We suggest the committee adopt a resolution with provisions that would require the DEC request the EPA to reevaluate and address the ramifications and costs to rural Alaska consumers.

Respectfully submitted,



Donald E. Mahon  
Vice President, Operations  
Alaska Power Company

*Adopted - word changed - no obj*

WORK DRAFT

WORK DRAFT

WORK DRAFT

*Moved Fate*

22-LS0695\B  
Utermohle  
4/16/02

*Y N*  
*Shaw* *Ferris*  
*Alaska*  
*Scale*  
*change*

**CS FOR 3d SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 178( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES FATE, Coghill, Dyson**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the powers and duties of the commissioner of fish and game, the  
2 Department of Fish and Game, and the Board of Game, to taking and use of certain  
3 game animals, and to consideration of the budget of the Department of Fish and Game  
4 by the legislature; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* Section 1. AS 16.05.020 is amended to read:

7 **Sec. 16.05.020. Functions of commissioner.** The commissioner shall

8 (1) supervise and control the department, and may appoint and employ  
9 division heads [, ENFORCEMENT AGENTS,] and the technical, clerical, and other  
10 assistants necessary for the general administration of the department;

11 (2) manage, protect, maintain, improve, and extend the fish, game, and  
12 aquatic plant resources of the state

13 (A) in the interest of the economy and general well-being of the  
14 state; and

L

1 (B) to achieve an abundance of fish and wildlife resources  
2 sufficient to provide the maximum sustained yield of those resources;

3 (3) have necessary power to accomplish the foregoing including, but  
4 not limited to, the power to delegate authority to subordinate officers and employees  
5 of the department.

6 \* Sec. 2. AS 16.05.050(a) is amended to read:

7 (a) The commissioner has, but not by way of limitation, the following powers  
8 and duties:

9 (1) to cooperate with and assist the Board of Fisheries, the Board of  
10 Game, and the advisory committees established under AS 16.05.260 in allocating  
11 the fish, game, and aquatic plant resources of the state [UNITED STATES FISH  
12 AND WILDLIFE SERVICE IN THE ENFORCEMENT OF FEDERAL LAWS AND  
13 REGULATIONS PERTAINING TO FISH AND GAME];

14 (2) through the appropriate state agency and under the provisions of  
15 AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other  
16 lawful means, land, buildings, water, rights-of-way, or other necessary or proper real  
17 or personal property when the acquisition is in the interest of furthering an objective or  
18 purpose of the department and the state;

19 (3) under the provisions of AS 36.30, to design and construct  
20 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish  
21 and game resources of the state;

22 (4) to accept money from any person under conditions requiring the  
23 use of the money for specific purposes in the furtherance of the protection,  
24 rehabilitation, propagation, preservation, or investigation of the fish and game  
25 ~~resources of the state or in settlement of claims for damages to fish or game resources;~~

26 (5) to collect, classify, and disseminate statistics, data, and information  
27 that, in the commissioner's discretion, will tend to promote the purposes of this title  
28 except AS 16.51 and AS 16.52;

29 (6) to take, capture, propagate, transport, buy, sell, or exchange fish,  
30 [OR] game, or eggs, or to authorize a person as agent of the commissioner to take,  
31 capture, propagate, transport, buy, sell, or exchange fish, game, or eggs, for

1 propagating, scientific, public safety, or stocking purposes;

2 (7) under the provisions of AS 36.30, to provide public facilities where  
3 necessary or proper to facilitate the taking of fish or game, AND TO ENTER INTO  
4 COOPERATIVE AGREEMENTS WITH ANY PERSON TO EFFECT THEM];

5 <sup>high</sup> (8) to exercise administrative, budgeting, and fiscal powers;

6 ~~(9) to assign the highest priority to the allocation of the fiscal,~~  
7 personnel, and other resources of the division of wildlife conservation for  
8 implementation of the plans, programs, and regulations adopted by the Board of  
9 Game under AS 16.05.255(e) - (g) in a timely and effective manner;

10 (10) under the provisions of AS 36.30, to construct, operate, supervise,  
11 and maintain vessels used by the department;

12 (11) [(10)] to authorize the holder of an interim-use permit under  
13 AS 16.43 to engage on an experimental basis in commercial taking of a fishery  
14 resource with vessel, gear, and techniques not presently qualifying for licensing under  
15 this chapter in conformity with standards established by the Alaska Commercial  
16 Fisheries Entry Commission;

17 (12) [(11)] not later than January 31 of each year, to provide to the  
18 commissioner of revenue the names of those fish and shellfish species that the  
19 commissioner of fish and game designates as developing commercial fish species for  
20 that calendar year; a fish or shellfish species is a developing commercial fish species  
21 if, within a specified geographical region,

22 (A) the optimum yield from the harvest of the species has not  
23 been reached;

24 (B) a substantial portion of the allowable harvest of the species  
25 ~~has been allocated to fishing vessels of a foreign nation; or~~

26 (C) a commercial harvest of the fish species has recently  
27 developed;

28 (13) [(12)] to initiate or conduct research necessary or advisable to  
29 carry out the purposes of this title except AS 16.51 and AS 16.52;

30 (14) [(13)] to enter into cooperative agreements with [AGENCIES OF  
31 THE FEDERAL GOVERNMENT, EDUCATIONAL INSTITUTIONS, OR OTHER]

1 agencies or organizations, when in the best public interest, to carry out the purposes of  
2 this title except AS 16.51 and AS 16.52;

3 (15) [(14)] to implement an on-board observer program authorized by  
4 the Board of Fisheries under AS 16.05.251(a)(13); implementation

5 (A) must be as unintrusive to vessel operations as practicable;

6 and

7 (B) must make scheduling and scope of observers' activities as  
8 predictable as practicable;

9 (16) [(15)] to sell fish caught during commercial fisheries test fishing  
10 operations;

11 (17) [(16)] to establish and charge fees equal to the cost of services  
12 provided by the department, including provision of public shooting ranges, broodstock  
13 and eggs for private nonprofit hatcheries, department publications, and other direct  
14 services, and reasonable fees for the use of state facilities managed by the department;  
15 fees established under this paragraph for tours of hatchery facilities, commercial use of  
16 sport fishing access sites, and for operation of state hatchery facilities by private  
17 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

18 (18) [(17)] to permit and regulate aquatic farming in the state in a  
19 manner that ensures the protection of the state's fish and game resources and improves  
20 the economy, health, and well-being of the citizens of the state;

21 (19) [(18)] to operate state housing and facilities for employees,  
22 contractors, and others in support of the department's responsibilities and to charge  
23 rent that is consistent with applicable collective bargaining agreements, or, if a [NO]  
24 collective bargaining agreement is not applicable, competitive with market conditions;

25 ~~rent received from tenants shall be deposited in the general fund;~~

26 (20) [(19)] to petition the Alaska Commercial Fisheries Entry  
27 Commission, unless the Board of Fisheries disapproves the petition under  
28 AS 16.05.251(g), to establish a moratorium on new entrants into commercial fisheries

29 (A) that have experienced recent increases in fishing effort that  
30 are beyond a low, sporadic level of effort;

31 (B) that have achieved a level of harvest that may be

1 approaching or exceeding the maximum sustainable level for the fishery; and

2 (C) for which there is insufficient biological and resource  
3 management information necessary to promote the conservation and sustained  
4 yield management of the fishery.

5 \* Sec. 3. AS 16.05.080 is amended by adding new subsections to read:

6 (b) Before entering into a cooperative agreement with any entity for the  
7 management of fish or game resources in the state, the department shall provide the  
8 public with notice of the proposed agreement and a reasonable opportunity to  
9 comment on the agreement. The department shall provide a copy of the proposed  
10 agreement to the presiding officers of each house of the legislature.

11 (c) The department shall include a clearly defined description of its  
12 administrative expenses for the fiscal year in the information compiled and submitted  
13 under AS 37.07.050(a)(1) - (12).

14 \* Sec. 4. AS 16.05.090(a) is amended to read:

15 (a) The commissioner may, with the approval of the governor, establish a  
16 departmental division of commercial fisheries, a departmental division of sport  
17 fisheries, a departmental division of wildlife conservation [GAME], and other  
18 departmental divisions as are necessary.

19 \* Sec. 5. AS 16.05.130(d) is amended to read:

20 (d) Revenue from the sale of general hunting, trapping, and fishing licenses,  
21 [AND] tags, and permits and from application fees for tags and permits together  
22 with the federal matching funds from Pittman - Robertson, Dingell - Johnson/Wallop -  
23 Breaux programs shall be allocated by the department to programs that [INTENDED  
24 TO] directly benefit license purchasers of general hunting, trapping, and fishing  
25 licenses. ~~The department shall prepare an annual report by project of expenditures~~  
26 from the fish and game fund that describes the anticipated results and benefits of  
27 each project in regard to fish stock and game population abundance goals and  
28 harvest goals set by the department and the boards and notify the legislature that  
29 the report is available.

30 \* Sec. 6. AS 16.05.255(a) is amended to read:

31 (a) The Board of Game, as it considers advisable to allocate, protect,

1       maintain, improve, and extend the game resources of the state to achieve  
2       abundance for maximum sustained yield of game and for other purposes, may  
3       adopt regulations [IT CONSIDERS ADVISABLE] in accordance with AS 44.62  
4       (Administrative Procedure Act) for

5               (1) setting apart game reserve areas, refuges, and sanctuaries in the  
6       water or on the land of the state over which it has jurisdiction, subject to the approval  
7       of the legislature;

8               (2) establishing open and closed seasons and areas for the taking of  
9       game;

10              (3) establishing the means and methods employed in the pursuit,  
11       capture, taking, and transport of game, including regulations, consistent with resource  
12       conservation and development goals, establishing means and methods that may be  
13       employed by persons with physical disabilities;

14              (4) setting quotas, bag limits, harvest levels, and sex, age, and size  
15       limitations on the taking of game;

16              (5) classifying game as game birds, song birds, big game animals, fur  
17       bearing animals, predators, or other categories;

18              (6) methods, means, and harvest levels necessary to control predation  
19       and competition among game in the state;

20              (7) watershed and habitat improvement, and management,  
21       conservation, protection, use, disposal, propagation, and stocking of game;

22              (8) prohibiting the live capture, possession, transport, or release of  
23       native or exotic game or their eggs;

24              (9) establishing the times and dates during which the issuance of game  
25       ~~licenses, permits, and registrations and the transfer of permits and registrations~~  
26       between registration areas and game management units or subunits is allowed;

27              (10) regulating [SPORT] hunting [AND SUBSISTENCE HUNTING  
28       AS NEEDED FOR THE CONSERVATION, DEVELOPMENT, AND  
29       UTILIZATION OF GAME];

30              (11) taking game to ensure public safety.

31       \* Sec. 7. AS 16.05.255(e) is amended to read:

1 (e) The Board of Game shall adopt regulations to provide for intensive  
 2 management programs to restore the abundance or productivity of identified big game  
 3 prey populations as necessary to achieve human consumptive use goals of the board in  
 4 an area where the board has limited the harvest of the population, with the  
 5 exception of musk ox populations, and has determined that

6 (1) consumptive use of the big game prey population is a preferred use;

7 (2) depletion of the big game prey population or reduction of the  
 8 productivity of the big game prey population has occurred and may result in a  
 9 significant reduction in the allowable human harvest of the population; and

10 (3) enhancement of abundance or productivity of the big game prey  
 11 population is feasibly achievable utilizing recognized and prudent active management  
 12 techniques.

13 \* Sec. 8. AS 16.05.255(g) is amended to read:

14 (g) The Board of Game shall establish population goals based on the highest  
 15 possible population levels consistent with the estimated maximum carrying  
 16 capacity of the habitat for the population, high [AND] harvest goals to provide for  
 17 high levels of human harvest, and regulations, including seasons, bag limits, and  
 18 methods and means for intensive management of identified big game prey  
 19 populations to achieve a high level of human harvest. The board shall annually  
 20 review the effectiveness of intensive management programs established under (e)  
 21 of this section to determine whether planned progress toward established goals  
 22 has been achieved. The board shall adjust the intensive management programs  
 23 as necessary to achieve interim management goals.

24 \* Sec. 9. AS 16.05.255(j)(2) is amended to read:

25 (2) ~~"high level of human harvest" means the harvest of not less than~~  
 26 10 percent [ALLOCATION OF A SUFFICIENT PORTION] of the harvestable  
 27 surplus of an identified big [A] game population [TO ACHIEVE A HIGH  
 28 PROBABILITY OF SUCCESS FOR HUMAN HARVEST OF THE GAME  
 29 POPULATION BASED ON BIOLOGICAL CAPABILITIES OF THE  
 30 POPULATION AND CONSIDERING HUNTER DEMAND];

31 \* Sec. 10. AS 16.05.940 is amended by adding a new paragraph to read:

Rep Keating - Human  
why 10% harvest

~~Public closed~~

---

Rep Fate

<sup>Fate</sup>  
Append #1 - conceptual  
replace all max SW. yield  
w/ max beneficial use

Model Fate

~~w/ new definition for max benefit.~~

no objection

3/11/11

Even though he's on our side

1 (37) "maximum sustained yield" means the highest number of a  
2 population that can be removed for human use without reducing the ability of the  
3 population to replenish its numbers, consistent with the carrying capacity of the habitat  
4 and sound biological principles.

5 \* Sec. 11. AS 16.30 is amended by adding a new section to read:

6 **Article 2. Nuisance and Other Game.**

7 **Sec. 16.30.050. Taking and use of certain game animals.** The  
8 commissioner of fish and game or the commissioner of public safety or a  
9 representative of either commissioner may

10 (1) take or may authorize another person to take a game animal if the  
11 animal poses a danger or a nuisance to a person, property, or the public and the taking  
12 of the animal is consistent with sound game management principles; or

13 (2) authorize a person to use a game animal that is accidentally killed.

14 \* Sec. 12. AS 16.43.210(c) is amended to read:

15 (c) To the extent that the commissioner of fish and game authorizes it under  
16 AS 16.05.050(a)(11) [AS 16.05.050(a)(10)], the commission may grant an interim-use  
17 permit to a person to engage in the commercial taking from a fishery on an  
18 experimental basis.

19 \* Sec. 13. AS 37.05.146(b)(4)(U) is amended to read:

20 (U) commercial fisheries test fishing operations  
21 (AS 16.05.050(a)(16)) [(AS 16.05.050(a)(15))];

22 \* Sec. 14. AS 43.75.290(3) is amended to read:

23 (3) "developing commercial fish species" means those species of fish  
24 and shellfish annually designated by the commissioner of fish and game under  
25 AS 16.05.050(a)(12) [AS 16.05.050(a)(11)];

26 \* Sec. 15. AS 44.39 is amended by adding a new section to read:

27 **Sec. 44.39.060. Budget.** In reviewing the proposed annual operating budget  
28 of the department and in making appropriations for the operations of the department,  
29 the legislature shall consider increases and decreases in the resource abundance and  
30 the human harvest of the fish and game resources of the state.

31 \* Sec. 16. This Act takes effect July 1, 2002.

<sup>AWCA</sup>  
Paul Seelye - Sports

Dick Bishop - <sup>IOC</sup>

MSU next for Moose - not double  
Mr. Valente

Rep Scari - doesn't have a biological definition for MSU?

Paul Iselin AK Wildlife Alliance

Still does not like new language  
MSU - all species

Wayne Reagin - opposes

Scari Q: where in Bill is wolf control?

Fate Q: were not into managing - love @ mission / means

A: YES - I'd rather do that in mission / means

Rep Kattala - How much \$?

Wayne Reagin - indeterminate

Rep Chenault - Fish issues

Q - optimum escapement level vs. Max Sust Yield

A - I can't address - no knowledge

Scari Q - explain fiscal process

A - how the dot spends the \$

SITE: ANCHORAGE LIO

COMMITTEE: HRES

DATE: 4-3-02

SUBJECT OF MEETING:

HB 178

UPDATE #: 1



P R I N T YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

DO YOU WANT  
TO TESTIFY?  
Y or N

<b>Vic Van Balleberghe</b>			<b>Y-HB 178</b>
Email address:			
<b>Kevin Saxby</b>		Dept of Law	<b>Y-HB 178</b>
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			







22-LS0695\B  
Utermohle  
4/16/02

**CS FOR 3d SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 178( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES FATE, Coghill, Dyson**

**A BILL**

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9 division heads [, ENFORCEMENT AGENTS,] and the technical, clerical, and other  
10 assistants necessary for the general administration of the department;

11 (2) manage, protect, maintain, improve, and extend the fish, game, and  
12 aquatic plant resources of the state

13 **(A) in the interest of the economy and general well-being of the**  
14 **state; and**

1 (B) to achieve an abundance of fish and wildlife resources  
2 sufficient to provide the maximum sustained yield of those resources;

3 (3) have necessary power to accomplish the foregoing including, but  
4 not limited to, the power to delegate authority to subordinate officers and employees  
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6 \* Sec. 2. AS 16.05.050(a) is amended to read:

7 (a) The commissioner has, but not by way of limitation, the following powers  
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13 REGULATIONS PERTAINING TO FISH AND GAME];

14 (2) through the appropriate state agency and under the provisions of  
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16 lawful means, land, buildings, water, rights-of-way, or other necessary or proper real  
17 or personal property when the acquisition is in the interest of furthering an objective or  
18 purpose of the department and the state;

19 (3) under the provisions of AS 36.30, to design and construct  
20 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish  
21 and game resources of the state;

22 (4) to accept money from any person under conditions requiring the  
23 use of the money for specific purposes in the furtherance of the protection,  
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25 ~~resources of the state or in settlement of claims for damages to fish or game resources;~~

26 (5) to collect, classify, and disseminate statistics, data, and information  
27 that, in the commissioner's discretion, will tend to promote the purposes of this title  
28 except AS 16.51 and AS 16.52;

29 (6) to take, capture, propagate, transport, buy, sell, or exchange fish,  
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3 necessary or proper to facilitate the taking of fish or game[, AND TO ENTER INTO  
4 COOPERATIVE AGREEMENTS WITH ANY PERSON TO EFFECT THEM];

5 (8) to exercise administrative, budgeting, and fiscal powers;

6 (9) to assign the highest priority to the allocation of the fiscal,  
7 personnel, and other resources of the division of wildlife conservation for  
8 implementation of the plans, programs, and regulations adopted by the Board of  
9 Game under AS 16.05.255(e) - (g) in a timely and effective manner;

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14 resource with vessel, gear, and techniques not presently qualifying for licensing under  
15 this chapter in conformi., with standards established by the Alaska Commercial  
16 Fisheries Entry Commission;

17 (12) [(11)] not later than January 31 of each year, to provide to the  
18 commissioner of revenue the names of those fish and shellfish species that the  
19 commissioner of fish and game designates as developing commercial fish species for  
20 that calendar year; a fish or shellfish species is a developing commercial fish species  
21 if, within a specified geographical region,

22 (A) the optimum yield from the harvest of the species has not  
23 been reached;

24 (B) a substantial portion of the allowable harvest of the species  
25 ~~has been allocated to fishing vessels of a foreign nation; or~~

26 (C) a commercial harvest of the fish species has recently  
27 developed;

28 (13) [(12)] to initiate or conduct research necessary or advisable to  
29 carry out the purposes of this title except AS 16.51 and AS 16.52;

30 (14) [(13)] to enter into cooperative agreements with [AGENCIES OF  
31 THE FEDERAL GOVERNMENT, EDUCATIONAL INSTITUTIONS, OR OTHER]

1 agencies or organizations, when in the best public interest, to carry out the purposes of  
2 this title except AS 16.51 and AS 16.52;

3 (15) [(14)] to implement an on-board observer program authorized by  
4 the Board of Fisheries under AS 16.05.251(a)(13); implementation

5 (A) must be as unintrusive to vessel operations as practicable;

6 and

7 (B) must make scheduling and scope of observers' activities as  
8 predictable as practicable;

9 (16) [(15)] to sell fish caught during commercial fisheries ~~rest~~ fishing  
10 operations;

11 (17) [(16)] to establish and charge fees equal to the cost of services  
12 provided by the department, including provision of public shooting ranges, broodstock  
13 and eggs for private nonprofit hatcheries, department publications, and other direct  
14 services, and reasonable fees for the use of state facilities managed by the department;  
15 fees established under this paragraph for tours of hatchery facilities, commercial use of  
16 sport fishing access sites, and for operation of state hatchery facilities by private  
17 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

18 (18) [(17)] to permit and regulate aquatic farming in the state in a  
19 manner that ensures the protection of the state's fish and game resources and improves  
20 the economy, health, and well-being of the citizens of the state;

21 (19) [(18)] to operate state housing and facilities for employees,  
22 contractors, and others in support of the department's responsibilities and to charge  
23 rent that is consistent with applicable collective bargaining agreements, or, if a [NO]  
24 collective bargaining agreement is not applicable, competitive with market conditions;  
25 ~~rent received from tenants shall be deposited in the general fund;~~

26 (20) [(19)] to petition the Alaska Commercial Fisheries Entry  
27 Commission, unless the Board of Fisheries disapproves the petition under  
28 AS 16.05.251(g), to establish a moratorium on new entrants into commercial fisheries

29 (A) that have experienced recent increases in fishing effort that  
30 are beyond a low, sporadic level of effort;

31 (B) that have achieved a level of harvest that may be

1 approaching or exceeding the maximum sustainable level for the fishery; and  
2 (C) for which there is insufficient biological and resource  
3 management information necessary to promote the conservation and sustained  
4 yield management of the fishery.

5 \* Sec. 3. AS 16.05.080 is amended by adding new subsections to read:

6 (b) Before entering into a cooperative agreement with any entity for the  
7 management of fish or game resources in the state, the department shall provide the  
8 public with notice of the proposed agreement and a reasonable opportunity to  
9 comment on the agreement. The department shall provide a copy of the proposed  
10 agreement to the presiding officers of each house of the legislature.

11 (c) The department shall include a clearly defined description of its  
12 administrative expenses for the fiscal year in the information compiled and submitted  
13 under AS 37.07.050(a)(1) - (12).

14 \* Sec. 4. AS 16.05.090(a) is amended to read:

15 (a) The commissioner may, with the approval of the governor, establish a  
16 departmental division of commercial fisheries, a departmental division of sport  
17 fisheries, a departmental division of wildlife conservation [GAME], and other  
18 departmental divisions as are necessary.

19 \* Sec. 5. AS 16.05.130(d) is amended to read:

20 (d) Revenue from the sale of general hunting, trapping, and fishing licenses,  
21 [AND] tags, and permits and from application fees for tags and permits together  
22 with the federal matching funds from Pittman - Robertson, Dingell - Johnson/Wallop -  
23 Breaux programs shall be allocated by the department to programs that [INTENDED  
24 TO] directly benefit license purchasers of general hunting, trapping, and fishing  
25 licenses. ~~The department shall prepare an annual report by project of expenditures~~  
26 from the fish and game fund that describes the anticipated results and benefits of  
27 each project in regard to fish stock and game population abundance goals and  
28 harvest goals set by the department and the boards and notify the legislature that  
29 the report is available.

30 \* Sec. 6. AS 16.05.255(a) is amended to read:

31 (a) The Board of Game. as it considers advisable to allocate, protect,

1       maintain, improve, and extend the game resources of the state to achieve  
2       abundance for maximum sustained yield of game and for other purposes, may  
3       adopt regulations [IT CONSIDERS ADVISABLE] in accordance with AS 44.62  
4       (Administrative Procedure Act) for

5               (1) setting apart game reserve areas, refuges, and sanctuaries in the  
6       water or on the land of the state over which it has jurisdiction, subject to the approval  
7       of the legislature;

8               (2) establishing open and closed seasons and areas for the taking of  
9       game;

10              (3) establishing the means and methods employed in the pursuit,  
11       capture, taking, and transport of game, including regulations, consistent with resource  
12       conservation and development goals, establishing means and methods that may be  
13       employed by persons with physical disabilities;

14              (4) setting quotas, bag limits, harvest levels, and sex, age, and size  
15       limitations on the taking of game;

16              (5) classifying game as game birds, song birds, big game animals, fur  
17       bearing animals, predators, or other categories;

18              (6) methods, means, and harvest levels necessary to control predation  
19       and competition among game in the state;

20              (7) watershed and habitat improvement, and management,  
21       conservation, protection, use, disposal, propagation, and stocking of game;

22              (8) prohibiting the live capture, possession, transport, or release of  
23       native or exotic game or their eggs;

24              (9) establishing the times and dates during which the issuance of game  
25       ~~licenses, permits, and registrations and the transfer of permits and registrations~~  
26       between registration areas and game management units or subunits is allowed;

27              (10) regulating [SPORT] hunting [AND SUBSISTENCE HUNTING  
28       AS NEEDED FOR THE CONSERVATION, DEVELOPMENT, AND  
29       UTILIZATION OF GAME];

30              (11) taking game to ensure public safety.

31       \* Sec. 7. AS 16.05.255(e) is amended to read:

1 (c) The Board of Game shall adopt regulations to provide for intensive  
2 management programs to restore the abundance or productivity of identified big game  
3 prey populations as necessary to achieve human consumptive use goals of the board in  
4 an area where the board has limited the harvest of the population, with the  
5 exception of musk ox populations, and has determined that

6 (1) consumptive use of the big game prey population is a preferred use;

7 (2) depletion of the big game prey population or reduction of the  
8 productivity of the big game prey population has occurred and may result in a  
9 significant reduction in the allowable human harvest of the population; and

10 (3) enhancement of abundance or productivity of the big game prey  
11 population is feasibly achievable utilizing recognized and prudent active management  
12 techniques.

13 \* Sec. 8. AS 16.05.255(g) is amended to read:

14 (g) The Board of Game shall establish population goals based on the highest  
15 possible population levels consistent with the estimated maximum carrying  
16 capacity of the habitat for the population, high [AND] harvest goals to provide for  
17 high levels of human harvest, and regulations, including seasons, bag limits, and  
18 methods and means for intensive management of identified big game prey  
19 populations to achieve a high level of human harvest. The board shall annually  
20 review the effectiveness of intensive management programs established under (e)  
21 of this section to determine whether planned progress toward established goals  
22 has been achieved. The board shall adjust the intensive management programs  
23 as necessary to achieve interim management goals.

24 \* Sec. 9. AS 16.05.255(j)(2) is amended to read:

25 (2) "high level of human harvest" means the ~~harvest of not less than~~  
26 10 percent [ALLOCATION OF A SUFFICIENT PORTION] of the harvestable  
27 surplus of an identified big [A] game population [TO ACHIEVE A HIGH  
28 PROBABILITY OF SUCCESS FOR HUMAN HARVEST OF THE GAME  
29 POPULATION BASED ON BIOLOGICAL CAPABILITIES OF THE  
30 POPULATION AND CONSIDERING HUNTER DEMAND];

31 \* Sec. 10. AS 16.05.940 is amended by adding a new paragraph to read:

1 (37) "maximum sustained yield" means the highest number of a  
2 population that can be removed for human use without reducing the ability of the  
3 population to replenish its numbers, consistent with the carrying capacity of the habitat  
4 and sound biologic principles.

5 \* Sec. 11. AS 16.30 is amended by adding a new section to read:

6 **Article 2. Nuisance and Other Game.**

7 **Sec. 16.30.050. Taking and use of certain game animals.** The  
8 commissioner of fish and game or the commissioner of public safety or a  
9 representative of either commissioner may

10 (1) take or may authorize another person to take a game animal if the  
11 animal poses a danger or a nuisance to a person, property, or the public and the taking  
12 of the animal is consistent with sound game management principles; or

13 (2) authorize a person to use a game animal that is accidentally killed.

14 \* Sec. 12. AS 16.43.210(c) is amended to read:

15 (c) To the extent that the commissioner of fish and game authorizes it under  
16 AS 16.05.050(a)(11) [AS 16.05.050(a)(10)], the commission may grant an interim-use  
17 permit to a person to engage in the commercial taking from a fishery on an  
18 experimental basis.

19 \* Sec. 13. AS 37.05.146(b)(4)(U) is amended to read:

20 (U) commercial fisheries test fishing operations

21 (AS 16.05.050(a)(16)) [(AS 16.05.050(a)(15))];

22 \* Sec. 14. AS 43.75.290(3) is amended to read:

23 (3) "developing commercial fish species" means those species of fish  
24 and shellfish annually designated by the commissioner of fish and game under  
25 AS 16.05.050(a)(12) [AS 16.05.050(a)(11)];

26 \* Sec. 15. AS 44.39 is amended by adding a new section to read:

27 **Sec. 44.39.060. Budget.** In reviewing the proposed annual operating budget  
28 of the department and in making appropriations for the operations of the department,  
29 the legislature shall consider increases and decreases in the resource abundance and  
30 the human harvest of the fish and game resources of the state.

31 \* Sec. 16. This Act takes effect July 1, 2002.

**Subject:** HB178

**Date:** Wed, 21 Mar 2001 10:17:34 -0800

**From:** "Emma Lee Grennan" <elgrennan@yahoo.com>

**To:** <Representative\_Hugh\_Fate@legis.state.ak.us>

*Dist 30*

Dear Representative Fate,

We read with interest the Fairbanks Daily News Miner about your proposed legislation that would ensure that the state is dedicated to hands-on management, including predator control, to provide Alaskan hunters with the maximum possible abundance of game animals.

Our state needs to provide a maximum sustained yield of game resources for the residents of Alaska. This is food for our families! We fully support your proposed legislation.

Thank you,

Fenton & Emma Lee Grennan  
Fairbanks, AK

*SUPPORT*

**Subject: HB 144 and HB 178**

**Date:** Tue, 20 Mar 2001 10:07:29 -0900

**From:** "Bud Willard" <budwillard@hotmail.com>

**To:** Representative\_Hugh\_Fate@legis.state.ak.us

Thank you for introducing HB 178, its about time some one took the lead on this issue. Now if we could get something done on HB 144.

Thanks again,  
Bud Willard

---

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**MEMORANDUM:**

**Alaska State Legislature**

REPRESENTATIVE  
**HUGH "BUD" FATE**

Mailing Address:  
119 N. Cushman, Suite 101  
Fairbanks, AK 99701  
(907)488-0862  
Fax: 488-4271



While in session:

State Capitol  
Juneau, Alaska  
99801-1182  
(907)465-4976  
Fax: (907)465-3883

**House Of Representatives**

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House District 33

**To: Representative Masek and Representative Scalzi**

**From: Representative Fate**

**Concerning: House Bill 178**

**Date: January 17, 2002**

I would like to request a hearing for House Bill 178, "An Act relating to the powers and duties of the commissioner of fish and game, the Department of Fish and Game, and the Board of Game, to nuisance game animals, and to consideration of the budget of the Department of Fish and Game by the legislature; and providing for an effective date" in the House Resources Committee at your earliest possible convenience.

I have attached relevant information for the back up packet. Thank you for your assistance.

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: 3rd SS HB 178  
 () Publish Date: \_\_\_\_\_

Session Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish & Game  
 Title: Management of Fish and Game ERU: Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Representative Fate  
 Requester: House Resources Component No.: 473

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	**	**	**	**	**	**
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)	**	**	**	**	**	**
<b>TOTAL</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

\*\* Section 3 of this bill would require the department to provide public notice before entering into any cooperative "arrangement." This term is vague and would be interpreted broadly to include a wide variety of situations. This would include permits, contracts, and agreements to receive funding. Example of potential costs: Wildlife Conservation issues ~200 permits annually. Public notice of each permit in 3 major newspapers in the state would conservatively cost \$100,000/annum. (The dept. as a whole issues over 600 permits annually.)

Other aspects of the bill may also have fiscal impacts on Wildlife Conservation and/or other divisions, but the department needs additional clarification of some sections before we can determine potential costs.

Prepared by: Matt Robus, Deputy Director Phone: 465-4190  
 Division: Wildlife Conservation Date/Time: 3/29/02 3:00 PM  
 Approved by: Commissioner Frank Rue Date: 4/1/2002  
 Agency: Department of Fish and Game



# Audubon ALASKA

308 G Street, Suite 217  
Anchorage, AK 99501  
Tel: 907-276-7034  
Fax: 907-276-5069  
www.audubon.org

April 1, 2002

Committee Members  
House Resources Committee  
Alaska House of Representatives  
Juneau, Alaska

Re: Committee Hearing on HB 178

Dear Committee Members:

I am recommending that the House Resources Committee defer any action this year on HB 178 "An Act relating to the powers and duties of the commissioner of fish and game, the Department of Fish and Game, and the Board of Game, to taking and use of certain game animals, and to consideration of the budget of the Department of Fish and Game by the legislature; and providing for an effective date."

I am a professional wildlife biologist and have lived in Alaska for 25 years. I am retired from the Alaska Department of Fish and Game after 20 years of service. I currently am the senior scientist for Audubon Alaska in Anchorage. I am also a life-long hunter and wildlife enthusiast. I have reviewed HB 178 and believe that this legislation is confusing and will be divisive for Alaska. HB 178 attempts to mandate a "cook book" approach to game management. I do not believe that the simplistic approach that HB 178 applies to game management decisions would be effective or suitable for Alaska.

HB178 requires high population goals based on historic high population levels. Management based on this prescriptive formula is unrealistic and dangerous. Wildlife populations are dynamic and population levels change, often beyond our control (e.g., following a series of severe winters and overused range conditions). Mandating this kind of management is not professionally or scientifically responsible. High levels of human harvest have been defined as "the harvest of at least 15 percent but not more than 33 percent of the harvestable surplus of an identified big game prey population." Again, mandating this prescriptive approach will lead wildlife managers into difficulties and potential conservation problems.

The Alaska Constitution does not mandate maximum sustained yield. It states: "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." Wildlife scientists and professional wildlife managers get very nervous when there are mandates for maximum sustained yield. This approach is not responsible. Furthermore, the language "subject to preferences among

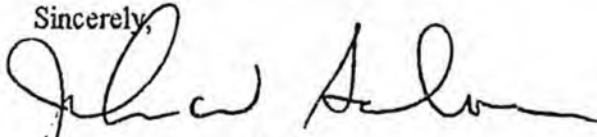
beneficial uses" recognizes the need to set priorities for alternative uses. The Alaska Constitution also addresses common use. "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." This suggests that these resources belong to all the people.

Managing big game for maximum sustained yield would be inconsistent with other values such as trophy hunts or wildlife viewing where a management goal is diversity of uses rather than maximum use for one kind of user. Maximum use would also require, in some cases, the hunting of females and young of the year. Clearly, many Alaskans don't want that kind of management.

In summary, this bill is confusing, inconsistent, and is not based on sound wildlife management principles. This bill will also further increase the divisiveness among Alaskans about wildlife management. At the least, this bill needs much more careful analysis before it is brought to a vote of the full House. I urge you to review this legislation carefully and seek out the review and recommendations from professional wildlife managers at the Alaska Department of Fish and Game.

Thank you for considering my comments.

Sincerely,



John W. Schoen, Ph.D.  
Senior Scientist

Cc: Frank Rue, Commissioner, ADF&G  
Wayne Regelin, Director, DWC,

LEGISLATIVE INFORMATION OFFICE  
PO BOX 1189  
DELTA JCT.. AK 99737  
PHONE: (907) 895-4236  
FAX: (907) 895-5017

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**FACSIMILE TRANSMITTAL SHEET**

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TO:	FROM:
House Resources Committee	Jackie W Becker <i>JWB</i> Delta Junction LIO
COMPANY:	DATE:
Delta Junction LIO	April 3, 2002
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
907-465-4822	2
PHONE NUMBER:	SENDER'S PHONE NUMBER:
907-465-2679	907-895-4236
RE:	SENDER'S FAX NUMBER:
Written Testimony	907-895-5017

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# Alaska State Legislature

Please enter into the record my testimony to the House Resource  
 committee on HB 432, dated 4/3/02  
bill/subject committee name

April 3, 2002

Alaska State Legislators  
 State Capitol (MS 3100)  
 Juneau, Alaska 99801-1182

Dear Representatives,

I urge you to support Bills HB432 and SB353 which will establish a position to help prevent wide spread habitat destruction from noxious and invasive plants. The funding of this is vital to Alaska's future.

As a Delta farmer we have spent thousands of dollars on chemicals, time and equipment to try and control and eradicate this problem in our area. It is impossible for a few of us in the area to control this problem without the assistance of the legislators. The plants are aggressive and highly competitive and left unattended they can destroy state and public lands.

The current infestations in Alaska are still at a manageable level where immediate eradication and prevention efforts can dramatically reduce the future financial burden of controlling widespread infestations. Prevention is much cheaper than control. The funding of this position is vital to Alaska's future. Identifying outbreaks early and responding to them quickly will greatly reduce the substantial economic loss and ecological damage that puts our agricultural lands at risk and also detrimental to our forests, wilderness areas, parks and recreational sites.

Recreational vehicles, horseback riding can spread this noxious weed at a very high rate.

Signed:

*E. L. Hillert*

Testifier

A DELTA FARMER

Representing (Optional)

Address

H.C 60 Box 4210 Delta Junction AK 99757

Phone No.

907-895-4338

FAX 907-895-5481

gipaw@willak.net



State of Alaska  
Legislature

PLEASE ENTER MY TESTIMONY INTO THE RECORD TO THE

HRES COMMITTEE IN REGARD TO THE  
(COMMITTEE NAME)

HJR 47 ON 4/2/02  
(BILL/SUBJECT) (DATE)

ALASKA POWER AND TELEPHONE  
STRONGLY SUPPORTS HJR 47.  
PLEASE FORWARD TO COMMITTEE  
MEMBERS.

SIGNED DON MAHON  
(PLEASE PRINT)

ALASKA POWER AND TELEPHONE  
(ADDRESS AND PHONE NUMBER)

**Alaska Power & Telephone  
Comments on Ultra Low Sulfur Fuel  
March 5, 2002**

Alaska Power & Telephone supports any controls that have a clear human health or environmental benefit. However, while studies indicate that pollutants caused by high sulfur fuel may contribute to respiratory disease, the impact of these pollutants in isolated remote Alaskan communities is negligible. Where is the justification in mandating Ultra Low Sulfur Diesel Fuel by 2010 in rural Alaska?

The financial impact on the consumers from these same communities will be of such proportion to adversely affect virtually every aspect of community life. In addition to the direct impacts this mandate will cause, such as increased fuel costs, compatibility with existing equipment, and storage concerns during the transition period, this mandate will increase an already high electric kilowatt-hour rate.

- Rural Alaska is heavily dependant on diesel generation.
- Fuel cost is estimated to increase approximately 23 cents per gallon.
- The BTU rating will be decreased by 14%, increasing fuel consumption.
- Dual fuel storage and dual delivery and metering systems will be required.

Electric consumers, whose kilowatt-hour rates are as much as 45 cents today could expect an increase of up to 5% if these costs are passed on to the consumer. These increased costs will also place an additional burden on the state PCE program.

Alaska Power Company (APC) currently provides electric service to 24 rural communities throughout Southeast and Interior Alaska. Of these, 19 communities depend strictly on diesel as the primary fuel source for generation, and the remaining five are hydroelectric facilities that depend on diesel generation as a backup.

The 19 APC communities that currently use diesel-powered generation are:

- Naukati
- Coffman Cove
- Hydaburg
- Whale Pass
- Hollis
- Tok
- Tanacross
- Dot Lake
- Tetlin
- Bettles
- Evansville
- Mentasta Lake
- Chistochina

- Eagle & Eagle Village
- Healy Lake
- Northway & Northway Village
- Allakaket
- Alatna
- Alcan Border Station

The five APC hydroelectric communities that still depend on diesel generation as a back-up are:

- Craig
- Skagway
- Haines
- South Thorne Bay
- Klawock

We suggest the committee adopt a resolution with provisions that would require the DEC request the EPA to reevaluate and address the ramifications and costs to rural Alaska consumers.

Respectfully submitted,



Donald E. Mahon  
Vice President, Operations  
Alaska Power Company

1 task of resolving submerged land ownership and navigable water determinations has been  
2 painfully slow, counter-productive from an orderly resource management standpoint, and  
3 costly as the state, private landowners, and the federal government attempt to initiate long-  
4 range planning processes. For this reason, it is determined by the legislature that the State of  
5 Alaska and the United States should cooperate in establishing a joint commission to proceed  
6 efficiently and effectively to

7 (1) expedite the process of quieting legitimate title to the state's submerged  
8 lands;

9 (2) determine, to the extent possible, which bodies of water are navigable or  
10 non-navigable; and

11 (3) provide recommendations to the state and the federal governments  
12 concerning ways to improve the process of making water use and navigability decisions and  
13 ways to quiet title to the state's submerged lands fairly and expeditiously.

14 \* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to  
15 read:

16 JOINT FEDERAL AND STATE NAVIGABLE WATERS COMMISSION FOR  
17 ALASKA. (a) A Joint Federal and State Navigable Waters Commission for Alaska is  
18 established as authorized by federal law.

19 (b) The governor or the governor's designee and the member appointed by the  
20 President of the United States shall serve as co-chairs of the commission. The initial meeting  
21 of the commission shall be called by the co-chairs.

22 (c) Three state and three federal members of the commission constitute a quorum. All  
23 decisions of the commission shall require concurrence by at least three state and three federal  
24 members of the commission.

25 (d) A vacancy in the membership of the commission does not affect its powers. The  
26 vacancy shall be filled in the same manner in which the original appointment was made.

27 (e) Subject to procedures adopted by the commission, the co-chairs, in accordance  
28 with applicable state and federal laws, may

29 (1) appoint and fix the compensation of the commission staff and personnel as  
30 they consider necessary; and

31 (2) procure temporary and intermittent services.

1 \* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3 STATE MEMBERSHIP OF THE COMMISSION. (a) The state membership on the  
4 Joint Federal and State Navigable Waters Commission for Alaska is composed of the  
5 governor or the governor's designee, two members appointed by the governor, one member  
6 appointed by the president of the senate, and one member appointed by the speaker of the  
7 house, all of whom serve at the pleasure of the appointing authority.

8 (b) At least one member appointed by the governor shall be an Alaska Native.

9 \* Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to  
10 read:

11 COMPENSATION AND PER DIEM. (a) A state member of the Joint Federal and  
12 State Navigable Waters Commission for Alaska who is a state officer or employee serves  
13 without compensation in addition to that received for regular employment. Other state  
14 members of the commission receive compensation as authorized for the Board of Fisheries  
15 under AS 16.05.290.

16 (b) State members of the commission are entitled to per diem and travel expenses  
17 authorized by law for boards and commissions under AS 39.20.180.

18 \* Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to  
19 read:

20 DUTIES OF THE COMMISSION. The Joint Federal and State Navigable Waters  
21 Commission for Alaska shall

22 (1) establish a process for researching navigability determinations that affect  
23 land title;

24 (2) develop procedures for involving private landowners and the general  
25 public in the navigability determination process of the commission;

26 (3) undertake a process of navigable waters identification under criteria  
27 established in law;

28 (4) make recommendations to improve coordination and consultation between  
29 the state and federal governments in making water use and navigability decisions and  
30 decisions concerning title to submerged lands.

31 \* Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 HEARINGS. The Joint Federal and State Navigable Waters Commission for Alaska  
3 or, on the authorization of the commission, any subcommittee or member of the commission  
4 may, for the purposes of carrying out its duties, hold hearings, take testimony, receive  
5 evidence, print or otherwise reproduce and distribute all or part of commission proceedings  
6 and reports, and sit and act at those times and places as the commission, subcommittee, or  
7 members consider desirable.

8 \* Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to  
9 read:

10 INFORMATION FOR THE COMMISSION. Each agency, department, board, or  
11 commission of the state government is authorized to furnish to the Joint Federal and State  
12 Navigable Waters Commission for Alaska, upon request of a co-chair, information the  
13 commission considers necessary to carry out its functions under this Act.

14 \* Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to  
15 read:

16 REPORTS. (a) On or before January 31 of each year, the Joint Federal and State  
17 Navigable Waters Commission for Alaska shall submit to the President of the United States,  
18 the United States Congress, the governor, and the state legislature a written report describing  
19 its activities during the preceding year and its recommendations regarding its duties under sec.  
20 5 of this Act.

21 (b) The commission shall submit its final comprehensive report at least 10 days  
22 before the date the commission is terminated.

23 \* Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to  
24 read:

25 TERMINATION OF THE COMMISSION. The Joint Federal and State Navigable  
26 Waters Commission for Alaska is terminated two years after the effective date of this Act.

27 \* Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29 REVISOR'S NOTIFICATION. The Attorney General shall notify the revisor of  
30 statutes of the effective date specified in sec. 11 of this Act.

31 \* Sec. 11. This Act takes effect on the date that formation of a Joint Federal and State

1 Navigable Waters Commission for Alaska is authorized by federal law.



# Alaska State Legislature

Please enter into the record my testimony to the House Resources

committee on HB 178, dated 4-8-02  
bill/subject committee name

Signed: *Michael C. [Signature]*  
Testifier

Representing (Optional)  
PO Box 1656 Delta Tot, AK  
Address  
907-895-2076  
Phone No.

AND THE SUCCESSFUL PROPAGATION OF THESE NUISANCE ANIMALS ARE THE DIRECT RESULT OF THESE ANIMALS FORAGING ON AGRONOMIC CROPS AND HAS NOTHING TO DO WITH MANAGEMENT ON OTHER STATE LAND ESPECIALLY IN THE DELTA JUNCTION AREA.

AS A FORMER EMPLOYEE OF THE ALASKA DEPARTMENT OF FISH AND GAME AND AS A FEDERAL GAME WARDEN IN THE PAST I DO NOT TAKE THE KILLING OF NUISNANCE GAME LIGHTLY. HOWEVER, AS A FARMER I CANNOT SURVIVE WITH THE LOSSES I SUSTAIN EACH YEAR FROM THESE GAMEANIMALS AND THEY NEED TO BE CONTROLLED AS FAR AS AGRONOMIC CROPS ARE CONCERNED. FAMERS NEED TO BE COMPENSATED FOR THEIR LOSSES OR LET FARMERS DESTROY OR HARVEST NUISANCE GAME THAT ARE DESTROYING AGRONOMIC CROPS.

I URGE YOU TO REWRITE THIS SECTION OF THE LAW SO THAT FARMERS ARE ALLOWED TO PROTECT THEIR CROPS NECESSARY FOR FARM INCOME.

IF YOU WANT TO INCREASE THE BUFFALO AND THE MOOSE POPULATIONS THEN SO BE IT BUT DON'T DO IT A THE EXPENSE OF FARMERS. AS A FARMER I WILL GLADY GROW MY CROPS FOR THESE NUISANCE ANIMALS AS LONG AS THE STATE COMPENSATE ME FOR THE CROPS.

ONE OTHER THING THE SATE SHOULD DO IS PROVIDE FARMERS A WAY TO EITHER DESTROY THESE ANIMALS OR BETTER YET, PROVIDE US WITH AN INTERST FREE LOAN TO FENCE THESE ANIMALS OUT OF OUR CROPS.

LAST BUT NOT LEAST ANY FARMERS WHO PREFERS NOT TO FENCE OUT NUISANCE GAME SHOULD BE GIVEN SPECIAL FARM TAGS (PERMITS) LIKE OTHER STATES LIKE MISSOURI AND LET THEM SHOOT THE ANIMALS ON THEIR LAND. EITHER THAT OR LET THE FARMERS SELL THE PERMIT TO SOMEONE ELSE AS COMPENSATION FOR CROP LOSSES CAUSED BY NUISANCE GAME.

THANK YOU FOR ALLOWING ME THE OPPORTUNITY TO SPEAK ON THIS MATTER TODAY.

HELLO I AM MIKE PURVIANCE I AM A DELTA JUNCTION FARMER WHO OWNS AND OPERATES GRANITE MOUNTAIN FARMS HERE IN DELTA JUNCTION.

MY COMMENTS HERE CONCERN ARTCILE 2. OF HB 178. NUISANCE AND OTHER GAME.

IN THE YEAR 2000 OUR FIRST FORMAL YEAR OF FARMING IN DELTA JUNCTION WE HAD PLANTED OVER 400 ACRES OF OUR 640 ACRE FARM INTO GRAIN CROPS. AFTER THE CROPS BEGAN TO GROW WE SEEN A LARGE INFLUX OF LOCAL MOOSE, BUFFALO, AND BROWN BEARS CONVERGE ON THESE CROPS AND START EATING ON THEM. THEY STAYED ALL SUMMER AND NEVER LEFT. DAMAGE TO OUR CROPS WAS FAIRLY EXTENSIVE.

THAT YEAR WAS THE WORSE WEATHER YEAR FOR FARMING ON RECORD FOR DELTA JUNCTION BECAUSE OF RAIN AND THE COOL WEATHER. OUR GRAIN CROPS NEVER MADE IT OUT OF THE FIELDS. THAT WINTER WE OBSERVED A RESIDENT HERD OF SIXTY FIVE MOOSE IN ONE DAY EATING ON OUR CROPS. ALSO A LOCAL HERD OF BISON WERE OBSERVED THROUGH OUT THE WINTER FORAGING ON THE SNOW COVERED CROPS IN OUR FIELDS.

THAT SPRING MY HOPES WERE FURTHER SHATTERED WHEN THE SNOW MELTED AS THE CROPS I HAD HOPED TO SALVAGE WERE TOTALLY EATEN AND WALLOWED ON BY THE MOOSE AND BUFFALO. THERE WAS NO CHANCE TO RECOVER ANY OF THESE CROPS. BECAUSE THE CROPS WERE DESTROYED WE SUFFERED A TOTAL LOSS OF OUR NEEDED INCOME TO PAY OUR EXISTING FARM LOANS.

THIS PAST YEAR I AGAIN SEEN OUR CROPS RAVAGED BY THE BUFFALO AND MOOSE AND OUR OAT FIELDS ONCE AGAIN DESTROYED. THERE WAS NOTHING LEFT OF THE FIELD.

AS A FARMER I AM SICK AND TIRED OF THE EXCUSES THAT THE WILDLIFE WERE LIVING HERE BEFORE I WAS. THAT NUISANCE WILDLIFE ARE A PROBLEM THAT AM RESPONSIBLE TO DEAL WITH AT MY OWN EXPENSE.

IT WAS NOT THE FARMERS WHO DESIGNATED STATE AGRICUTURAL LAND BUT IT WAS THE STATE OF ALASKA WHO MANADATED AND DECLARED THE LAND AS AGRICUTURAL SUBJECT TO STATE LAWS AND REGULATIONS.

AS FARMERS WE ARE IN A CATCH 22 SITUATION BECAUSE NUISANCE GAMES DESTROY OUR CROPS. CROPS THAT WE NEED IN ORDER TO PAY OUR FARM LOANS AND TO SURVIVE. PERSONALLY I CANNOT EVEN BE

CONSIDERED FOR A FARM FENCE LOAN TO PROTECT MY CROPS BECAUSE OF THE CURRENT LENDING REQUIREMENTS. WE NEED A FENCE TO PROTECT OUR CROPS BUT WE CAN'T AFFORD TO REPAY A LOAN BECAUSE THE GAME ANIMALS EAT IT BEFORE IT CAN BE SOLD FOR A SOURCE OF INCOME. IT IS A NO WIN SITUATION FOR US.

MY BEST FRIEND RECENTLY SUMMED IT UP FOR ME. PEOPLE IN THIS STATE DON'T WORRY ABOUT CROP PREDATION LOSSES. ALTHOUGH THEY LOVE TO SEE AND HUNT THE MOOSE AND BUFFALO THEY DON'T REALIZE WHY WE HAVE A HEALTHY AND REPRODUCTIVE HERD HERE IN DELTA BECAUSE THE FARMERS FEED THEM NOT BECAUSE THE STATE PROVIDES THE HABITAT. THE PUBLIC DOESN'T CARE BECAUSE IT DOESN'T AFFECT THEM AND THEIR ABILITY TO MAKE A PERSONAL INCOME AND IT IS NOT COMING OUT OF THEIR OWN POCKETS.

THIS STATE IS ONLY ONE IT SEEMS THAT IT IS MORE SERIOUS TO KILL A BUFFALO OR A MOOSE THAN IT IS TO KILL A HUMAN BEING.

I FEEL IT IS TIME FOR THE STATE TO STEP UP TO THE PLATE AND ACCEPT SOME RESPONSIBILITY FOR THE DAMAGE NUISANCE GAME DOES TO OUR AGRONOMIC CROPS HERE IN THE STATE AND ON STATE AGRICULTURAL LAND. IT TIME FOR THE STATE TO COME TO GRIP THE FACT THAT THE REASON WE HAVE A BISON HERD IN DELTA IS BECAUSE OF GOOD FEED FROM AGRONOMIC CROP PREDATION BY THESE GAME ANIMALS.

I PROPOSE THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES BE INCLUDED IN THE DECISION MAKING PROCESS OF LETTING FARMERS DESTROY THESE NUISANCE ANIMALS IN ORDER TO PROTECT THEIR CROPS THEY NEED FOR INCOME ALONG WITH FISH AND GAME AND PUBLIC SAFETY COMMISSIONER.

FURTHERMORE I FEEL THE STATE SHOULD APPOINT THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES (OR PUBLIC SAFETY OR FISH AND GAME) TO ASSESS CROP DAMAGE BY NUISANCE GAME ON AGRICULTURAL LAND AND THAT FARMERS BE COMPENSATED FOR THESE MONETARY LOSSES.

I ALSO PROPOSE THAT AN INTEREST FREE LOAN BE PROVIDED TO FARMERS ON AGRICULTURAL LAND FOR FENCING IN ORDER TO PROTECT AGRONOMIC CROPS FROM NUISANCE GAME IN THE STATE.

EVERY YEAR I SEE THOUSANDS OF DOLLARS BEING RAKED BY FISH AND GAME FOR SPECIAL BUFFALO AND MOOSE PERMITS TO HUNT IN DELTA JUNCTION, WHEN IT IS DELTA JUNCTION FARMERS WHO MUST SUSTAIN THE CROP LOSSES AND FEED THESE ANIMALS AT THEIR OWN EXPENSE WITHOUT ANY CONSIDERATION ON THE PART OF THE STATE. THE HEALTH