

SR

4

THE
FOLLOWING
DOCUMENT(S)
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COPIES

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 5/3/04

FURTHER:

Date of 5-Day Notice: _____
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 5-4-04

Resources Committee considered SENATE RESOLUTION NO. 4

SR 4 AMEND WILDERNESS ACT

Requesting the United States Congress to amend the federal Wilderness Act to authorize fishery enhancement programs and similar activities in wilderness areas.

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title
 Change
 New Title w/
 SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
S. Res	5/3/04			✓	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Ralph Veltri</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
CHAIR: <i>[Signature]</i>	✓			



Alaska State Legislature

Senate Majority Web: <http://www.akrepublicans.org>

Sponsor: Senate Resources Committee
Current Version: SR 4
Contact: Linda Hay, 465-3878 Interim: 376-4866
Date: May 10, 2004

Fact Sheet for: Senate Resolution 4

Short Title: Amend Wilderness Act

Summary:

- Expresses the Alaska State Senate's request to Congress to amend the Wilderness Act to exclude noncommercial activities such as the sockeye salmon enhancement program in Tustumena Lake from consideration as a commercial enterprise under provisions of the Act.

Benefits:

- Loss of the enhancement program would result in a reduction of 100,000 adult fish, totaling 400,000 pounds of harvestable salmon, in Cook Inlet and the Kasilof River.
- The lawsuit has broad economic implications throughout Alaska and the nation concerning conduct of any commercially related activities such as guiding, trapping, customary trade, commercial lodges, eco-tourism and other similar operations, within or near wilderness areas.
- The decision of the en banc panel could be broadly construed to prohibit other fish and wildlife management and research programs in wilderness areas designed to benefit a wide variety of users.
- The U.S. Fish and Wildlife Service should have the discretion to permit fishery enhancement programs in wildlife refuges and refuge wilderness areas if the activity is consistent with the wilderness and refuge values.

Background:

The Wilderness Society and the Alaska Center for the Environment brought suit against the U.S. Fish and Wildlife Service in federal court to challenge the legality of the long-standing sockeye salmon enhancement program in Tustumena Lake, which is located in the Kenai Wilderness, under provisions of the federal Wilderness Act. Despite recognition by the U.S. Fish and Wildlife Service, the U.S. District Court for Alaska and a three-judge panel of the Ninth Circuit Court of Appeals that the stocking of sockeye salmon fry is consistent with the Wilderness Act, an en banc panel of the Ninth Circuit Court ruled that the stocking is an impermissible "commercial enterprise" prohibited by the Act. The Department of Justice has determined that a further appeal of the decision of the U.S. Court of Appeals of the Ninth Circuit would not be appropriate.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SR 4
 () Publish Date: 5/3/2004

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Amend Wilderness Act BRU _____
 Component _____
 Sponsor Senate Resources Committee Component No. _____
 Requester _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Linda Hay Phone 465-4907
 Division: Senate Resources Committee Aide Date/Time 5/3/04 2:26 PM
 Approved by: Senator Scott Ogan Date 5/3/2004
 Agency: Senate Resources Committee