

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9387 HOUSE RESOURCES

23

0-LS0618\B  
Utermohle  
3/11/97

CS FOR HOUSE BILL NO. 151(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE OGAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to personal hunting of big game by big game guides while  
2 clients are in the field, to use area registration for portions of additional guide  
3 use areas by registered guides, and to eligibility for big game guide licenses or  
4 a transporter license."

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

6 \* Section 1. AS 08.54.605(b) is amended to read:

7 (b) Notwithstanding (a) of this section, (a)(1)(B) and (C) [(a)(1)(C)] of this  
8 section are not applicable to offenses committed by a person who receives or received  
9 any class of guide license or a transporter license under sec. 13 [SECTION 13], ch.  
10 33, SLA 1996, if the offense was committed before May 23, 1996. This subsection  
11 does not apply when a person applies for a license that is different from the class  
12 of guide license or the transporter license received under sec. 13, ch. 33, SLA  
13 1996.

14 \* Sec. 2. AS 08.54.720(a) is amended to read:

- 1 (a) It is unlawful for a
- 2 (1) person who is licensed under this chapter to knowingly fail to
- 3 promptly report to the Department of Public Safety, division of fish and wildlife
- 4 protection, and in no event later than 20 days, a violation of a state game, guiding, or
- 5 transportation services statute or regulation that the person reasonably believes was
- 6 committed by a client or an employee of the person;
- 7 (2) person who is licensed under this chapter to intentionally obstruct
- 8 or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who
- 9 is not a client of the person;
- 10 (3) class-A assistant guide or an assistant guide to knowingly guide a
- 11 hunt except while employed and supervised by a registered guide;
- 12 (4) person who holds any class of guide license to knowingly enter or
- 13 remain on private land without prior authorization during the course of providing big
- 14 game hunting services;
- 15 (5) registered guide to knowingly engage in providing big game hunting
- 16 services outside of
- 17 (A) a game management unit for which the registered guide is
- 18 certified; or
- 19 (B) a use area for which the registered guide is registered under
- 20 AS 08.54.750 unless the registration requirement for the area has been
- 21 suspended by the Department of Fish and Game;
- 22 (6) person to knowingly guide without having a current registered
- 23 guide, class-A assistant guide, or assistant guide license and hunting license in actual
- 24 possession;
- 25 (7) registered guide to knowingly fail to comply with AS 08.54.610(e);
- 26 (8) person who is licensed under this chapter to knowingly
- 27 (A) commit or aid in the commission of a violation of this
- 28 chapter, a regulation adopted under this chapter, or a state game statute or
- 29 regulation; or
- 30 (B) permit the commission of a violation of this chapter, a
- 31 regulation adopted under this chapter, or a state game statute or regulation that

- 1 the person knows or reasonably believes is being or will be committed without  
2 (i) attempting to prevent it, short of using force; and  
3 (ii) reporting the violation;
- 4 (9) person without a current registered guide license to knowingly  
5 guide, advertise as a registered guide, or represent to be a registered guide;
- 6 (10) person without a current master guide license to knowingly  
7 advertise as, or represent to be, a master guide;
- 8 (!1) person without a current registered guide license to knowingly  
9 outfit a big game hunt, advertise as an outfitter of big game hunts, or represent to be  
10 an outfitter of big game hunts;
- 11 (12) person to knowingly provide transportation services to big game  
12 hunters without holding a current registered guide license or transporter license;
- 13 (13) person without a current transporter license to knowingly advertise  
14 as, or represent to be, a transporter;
- 15 (14) class-A assistant guide or an assistant guide to knowingly contract  
16 to guide or outfit a hunt;
- 17 (15) person licensed under this chapter to knowingly violate a state  
18 statute or regulation prohibiting waste of a wild food animal or hunting on the same  
19 day airborne; [OR]
- 20 (16) person to knowingly provide big game hunting service or  
21 transportation services during the period for which the person's license to provide that  
22 service is suspended or revoked;
- 23 (17) registered guide, except in the defense of life or property, to  
24 knowingly personally take big game while a client of the registered guide is in the  
25 field; or
- 26 (18) class-A assistant guide or an assistant guide, except in the  
27 defense of life or property, to knowingly personally take big game while a client  
28 of the registered guide by whom the class-A assistant guide or the assistant guide  
29 is employed is in the field unless the class-A assistant guide or assistant guide is  
30 not participating in, supporting, or otherwise assisting in providing big game  
31 hunting services to a client of the registered guide by whom the class-A assistant

**guide or assistant guide is employed.**

\* **Sec. 3.** AS 08.54.720(b) is amended to read:

(b) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who commits an offense set out in (a)(1) - (7), (17), or (18) of this section is guilty of a misdemeanor and is punishable by a fine of not more than \$10,000 or by imprisonment up to one year, or both.

\* **Sec. 4.** AS 08.54.720(f) is amended to read:

(f) In addition to the penalties set out in (b) - (e) of this section and a disciplinary sanction imposed under AS 08.54.710,

(1) the court may order the department to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(1), (3) - (5), [OR] (7), (17), or (18) of this section for a specified period of not more than three years;

(2) the court shall order the department to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(2) or (8) - (14) of this section for a specified period of not less than one year and not more than five years;

(3) the court shall order the department to suspend the guide license or transporter license for a specified period of not less than three years, or to permanently revoke the guide license or transporter license, of a person who commits an offense set out in (a)(15) or (16) of this section; and

(4) all guns, fishing tackle, boats, aircraft, automobiles, or other vehicles, camping gear, and other equipment and paraphernalia used in, or in aid of, a violation of (a) of this section may be seized by persons authorized to enforce this chapter and may be forfeited to the state as provided under AS 16.05.195.

\* **Sec. 5.** AS 08.54.750 is amended by adding a new subsection to read:

(e) Notwithstanding (b) of this section, a registered guide who is registered in three guide use areas may also register for and conduct big game hunting services in a portion of one additional guide use area on federal land adjacent to a guide use area in which the registered guide is already registered if the department finds that the portion of the adjacent guide use area for which the registered guide is seeking to be

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registered would otherwise remain unused by a registered guide because the boundaries of guide use areas do not coincide with boundaries of federal big game guide concession or permit areas.

**HB**

**168**

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. HB 168

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title Traditional Access for Traditional Activities BRU Wildlife Conservation  
 Component Wildlife Conservation  
 Sponsor Representative Masek  
 Requester House Resources Committee Component Serial No. 473

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES (1024)</b>	0.0	0.0	0.0	0.0	0.0	0.0

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

**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)

Prepared by Phil Koehl, Wildlife Biologist *PK* Phone 465-4190  
 Division Wildlife Conservation Date 2/2/98  
 Approved by Commissioner *[Signature]* Date 2-3-98  
 Agency Alaska Department of Fish and Game

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Alaska Boating Association \* P.O. Box 210430 \* Anchorage, Alaska 99521

TO: REP Bev Masek

4 Feb 1998

FROM: Don Sherwood

SUBJECT: HB168 "An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes".

We of the Alaska Boating Assn have always tried to create a fair and equitable way of motorized access on our states public land and waterways. But with DNR continuing in it's off handed way of imposing unnecessary, unscientific studied restrictions on OUR public lands, it has now become necessary to find away to protect the motorized public from these unwarranted attacks on our constitutional right to access. This has to cease or we the citizens of Alaska will continue to be crowded into less and less areas, just so the Preservationists can take away more areas from human use. With less than 1% of the land inuse today, this is nothing but a attack on our ability to develop both our renewable resources and natural resources. It has to stop and we think this bill help stop the elitist from taking away our rights of use of public property. With fishing , hunting, and outdoor recreation as a primary reason for so many of us to come to this Great state, it has now become necessary to protect those rights. We think HB168 will do this for us.



Don Sherwood  
Legislative Officer



# ALASKA OUTDOOR COUNCIL

211 4<sup>th</sup> St. #302A  
Juneau, AK. 99801  
(907) 463-3830

Feb. 2, 1998

The Honorable Beverly Masek  
Alaska State Capitol  
Juneau, Ak. 99801

Dear Representative Masek:

The Alaska Outdoor Council and its member organizations are once again indebted to your continued efforts to protect the general public's ability to access and utilize the common property resources we all have a share in. HB 168 will bring balance to the management of fish and wildlife resources by giving much needed guidelines to the Boards of Fish and Game when addressing access issues in the future.

The timely nature of passing legislation like HB 168 was made abundantly clear this past year when the Board of Game took it on itself to initiate a public controversy over whether motorized access should be continued in Game Management Unit 13. As evidenced by the large turn out of Alaskans opposed to restrictions in Unit 13, it appears the BOG was acting on its own agenda without regard to the needs and desires of many outdoor enthusiasts.

We need HB 168 as it will complete the process of providing meaningful guidelines to the managing agencies that was begun with HB 23 and SB 35. Without access, the natural resources of Alaska hold little value for most people. We hope you are successful in making sure the needs of all Alaskans are addressed whenever managing agencies are involved in decisions related to the public's use of our common property resources.

Sincerely,

Rod Arno  
President

## Susitna Expeditions

P.O. Box 520243  
Big Lake, Alaska 99652  
(907) 892-6916  
Fax (907) 892-7727

### FACSIMILE - TRANSMITTAL

Date: 2-5-98  
To: REP. SCOTT OGAN; RESOURCE Fax: 465-3878  
From: Toby Riddell; Susitna Expeditions Fax: (907) 892-7727  
Subject: HB 0168  
Pages: 3 (includes cover page)

**Items:**

- 1) LITER. 2 page s .
- 2) \_\_\_\_\_ page
- 3) \_\_\_\_\_ page

**Comments:**

Please call me at 892-6916 if you have any questions or need additional information. Thank you.



Toby Riddell, Owner  
Susitna Expeditions

CC: R. PHILLIPS, SENATE  
B. MASEK, HOUSE  
M. HANLEY, HOUSE.

## Susitna Expeditions

P.O. Box 520243  
Big Lake, Alaska 99652  
Phone / Fax  
(907) 892-6916



February 4, 1998

Re: HB0168

Dear Legislatures:

I oppose the restrictions proposed House Bill 0168 would place against the Board of Game to regulate access to game management units. I have several concerns regarding this bill, they are as follows:

1. Game and land management professionals can not protect our resources if we continue to erode their control over the resources we entrust them to manage?
2. The term "traditional access" needs to be clearly defined. The term "traditional access" appears to be used very loosely and without regard to historic means of travel. Under the current interpretation, it appears a bull dozer would comply with the definition. A "popular pattern of land use" can develop in a relatively short time. Do we allow access by all modes of transportation to be utilized for access even though it will be detrimental to the environment and perhaps, as a result, destroy the popularity of the area?
3. Many of the areas that will be impacted by this bill do not have adequate baseline studies of the existing resources. These studies are vital for our resource managers to determine if increased access by various modes of transportation have a detrimental effect on the resources. Denali State Park is a prime example of not having the information needed to effectively manage this resource. Denali State Park is one of our most popular parks and we are making decisions on development without the knowledge of baseline studies of existing wildlife and other resources. "If we don't know how many bear, moose, or swans are presently in the park, how can we possibly learn how increased or different means of access, or new developments will affect the resources of the park?"

Member

Matanuska-Susitna Convention & Visitors Bureau

Trade Association of Sea Kayaking

Big Lake Chamber of Commerce

Susitna Expeditions

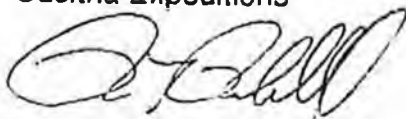
2

Many of these access problems could be worked out if the governing agencies had the resources needed to effectively manage our state lands. I urge you not to support House Bill 168.

Please contact me at (907) 892-6916 if you wish to discuss this further. Thank you.

Sincerely,

Susitna Expeditions



Roger "Toby" Riddell, Owner

# WESTCOAST INTERNATIONAL INN

3353 W. International Airport Rd., Anchorage, Alaska 99502  
TEL (907) 243-2233 FAX (907) 248-3796

Date 2/5/98

Deliver to Ray. Cass

Fax # 465-3265

From Jeff Parker

Re: HB 168 / <sup>for</sup> Hearing @ 6 p.m.

Comments: Testimony attached. Please include it  
I am sure that if Board of Fisheries demands I may not  
be able to testify as well. Here is my contact  
testimony  
Thank you.

Total number of pages (including transmittal) 3

If all pages are not received, please call (907) 243-2233.

*Law Office of*  
**GEOFFREY Y. PARKER**  
*Attorney at Law*

**500 L Street, Suite 502**  
**Anchorage, Alaska 99502**

**Tel: (907) 272-9377**  
**Fax: (907) 272-9319**

TESTIMONY OF JEFF PARKER  
Regarding HB 168  
February 5, 1998 Before House Resources

I serve on the boards of the Alaska Sportfishing Association, Trout Unlimited and the Anchorage Fish and Game Advisory Committee. They have opposed earlier versions of HB 168 in the past. I expect they will oppose HB 168, but none of the boards have met on the current version, so I'll simply give my individual thoughts.

HB 168 has three problems and should not move.

First, HB 168 is broad brush approach to issues that differ from one situation to the next. Second, it is vague. Third, it legitimizes use of illegal trespass roads on public lands.


I'll give some examples of why a board brush approach is unwise. The Board of Game has adopted about a dozen controlled use areas which regulate motorized access in one way or another. In many of these instances, the regulation of motorized access is the only alternative to triggering the subsistence preference. By regulating motorized access, the board is able to maintain non-subsistence opportunity, provide more of it, and not trigger the preference. HB 168 would defeat the ability of the board to do that, and would in effect leave it only with triggering the subsistence preference. Similarly, for 20 years the Board of Fisheries has prohibited helicopters in portions of southwest Alaska. The regulation furthers two goals. It supports the board's sustained yield policy for trout in southwest, which is to maintain the historic size and age composition. It supports the economics of and investment in the fishing lodge industry. On this point, I'll elaborate.

Many Alaskans harbor four misimpressions about sport fishing. We assume that easy access increases commerce, that the riverine fisheries draining into Cook Inlet are the most economically productive sport fisheries, that salmon are uniformly the chief target of sport fisheries, and that target species are more important concerns about crowding. In fact, no study supports such over-generalizations. Three studies, funded by ADF&G, the University of Alaska, and the U.S. Department of Commerce and the Bristol Bay Coastal Resources Service Area, all indicate that just three unroaded drainages in Southwest -- the Kvichak, Naknek, and Nushagak drainages -- produce about 20 percent more sport fishing commerce than all riverine fisheries draining into Cook Inlet combined, including all Kenai Peninsula, all Susitna Valley, and all west side streams. You ought to take note of that when you deal with bills such as HB 168. These studies also show that in

these drainages rainbow trout lead king and coho salmon as the chief target species. These studies also show that concern about crowding -- i.e. competition -- leads target species as a consideration driving all others in how people determine where to spend their sport fishing dollars. In other words, the broad brush approach of HB 168, by reducing the flexibility of the board of fisheries to adopt, and by repealing, regulations such as the 20-year-old prohibition of helicopters in southwest, operates against sustained yield policies of the board, operates against the factors which drive sport fishing expenditures of Alaskans and non-Alaskans, and operates against the economic interests of the State.

I said HB 169 is vague. It defines "traditional means of access" as that "for which a popular pattern of use has developed." That is too vague to be useful and demonstrates that the drafters of HB 168 themselves are unable to address in generality the different factual situations that exist on the ground. If the Legislature cannot say what it means, then it should not draft vague statutes.

I said HB 168 legitimizes motorized use of illegal trespass roads. In Ms. Masek's district is the North Fork of the Kashwitna River, which was the last hike-in trout fishery on the east side of the Parks Highway. Four years ago an individual bulldozed a trespass cat trail across two miles of state land into the river. CRVs now use it. The result will likely be closure of the coho fishery and inability to meet the board's goal of maintaining the historic size and age composition of the trout population. HB 168 precipitates such outcomes by legitimizing CRV use of trespass roads.



Author: rjburk@alaska.net at CCEMHS1

Date: 2/5/98 11:16 AM

Priority: Normal

TO: Representative Scott Ggan at LAA\_TRANS, Representative Bill Hudson at LAA\_CAP,  
Representative Beverly Masek at LAA\_TRANS, Representative Ramona Barnes at LAA\_HBAR,  
Representative Fred Dyson at LAA\_TRANS, Representative Joe Green at LAA\_TRANS,  
Representative Reggie Joule at LAA\_CAP, Representative Irene Nicholia at LAA\_CAP,  
Representative Bill Williams at LAA\_CAP

Subject: HB168-Teleconference of 02/05/98

I am unable to attend the Teleconference for HB168 scheduled before the  
House Resources Committee on Thursday, February 5, 1998 at 1:00 pm.

Thus, I would like to send these few brief comments for your  
consideration.

I encourage your support for HB168. Traditional means of access to  
assist in taking game or fish and traditional means of access for  
traditional outdoor activities are the right of all Alaskans electing to  
use the public lands of Alaska in such a manner. Everyone can expect  
that there could be exceptions in areas where safety or biological  
concerns could be a factor. These rights are also protected from any  
prohibition through the Board of Game or Board of Fisheries regulation  
changes.

I commend Representative Masek for sponsoring this fine bill, and  
encourage your swift approval, moving this  
bill on toward finalization.

Thank you,

Elizabeth June Burkhart  
P.O. Box 204  
Willow, AK 99688-0204  
907-495-3337  
rjburk@alaska.net

*Handwritten signature*



# Alaska State Legislature

Representative Beverly Masek  
Chair, Military & Veterans Affairs  
Vice Chair, Transportation  
Vice Chair, Resources  
Legislative Council

During Interim:  
600 East Railroad Avenue  
Wasilla, AK 99654  
907-376-2679  
907-376-6180 (fax)

During Session:  
State Capitol  
Juneau, Ak. 99801-1182  
(907) 465-2679  
(907) 465-2679 FAX  
(800) 505-2678

## MEMORANDUM

**TO:** Rep. Scott Ogan, Co-Chair House Resources  
**FROM:** Rep. Beverly Masek *Bm*  
**RE:** HB 168  
**DATE:** Jan. 16, 1998

I would appreciate it very much if you would consider placing HB 168 (Traditional Access related to Fish and Game Regs) on the House Resources Committee schedule in the near future. I feel the time has come that we address this issue as we did earlier with legislation concerning public lands.

The recent move by the Board of Game to address ORV access in Unit 13 should give rise to concern among those of us interested in protecting the ability of Alaskans to access and utilize public resources. According to my understanding of the legislative history on the Nelchina Public Use area, this portion of Unit 13 was set aside with the idea that motorized access would continue. I believe we all feel it is important to allow that tradition to continue as it spreads out users and allows them not only the ability to access the resource, but if they are successful in their hunt, to transport their game out of the field.

Thank you for your time and consideration on my request.



# Alaska State Legislature

**Representative Beverly Masek**

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

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## **SPONSOR STATEMENT – HB 168** **Bill Protecting Traditional Access on State Lands**

House Bill 168 follows up on the efforts of this Legislature to ensure the general public continues to have reasonable access to the land and resources they own. This legislation protects public access from arbitrary closures by the Department of Fish and Game and the Boards of Fish and Game.

Last year the House and Senate passed HB 23 and SB 35 which dealt with public lands and state park lands respectively. This past interim the Board of Game generated a set of proposals to inquire into whether motorized access should be allowed in Game Management Unit 13. Although at public hearings it was well demonstrated that the majority of Alaskans support access for hunting and fishing, the Board of Game at its November hearing on this issue appointed a special committee to explore this issue further.

Both HB 23 and SB 35 passed the House and Senate by solid majorities. The public's fears that those lands remaining open to access at this time will also be closed are fed by actions such as those taken by the Board of Game this past year. HB 168, like HB 23 and SB 35 will require legislative approval of those closures that are made without sound evidence pertaining to public safety or biological concerns.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

January 26, 1998

**SUBJECT:** Sectional Summary of HB 168; An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes. (HB 168)

**TO:** Representative Beverly Masek  
Attn: Eddie Grasser

**FROM:** George Utermohle   
Legislative Counsel

You have requested a sectional summary of HB 168; An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes.

As a preliminary matter, please note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill adds a new section (AS 16.05.794) to the Fish and Game Code to limit the authority of the Board of Game, Board of Fisheries, and the Department of Fish and Game to place restrictions on the means of access used to take game or fish. The boards and the department may prohibit the use of a traditional means of access to assist in the taking of game or fish only under the conditions specified in the bill. Regulations in effect before January 1, 1997 are exempt from application of this section. The term "traditional means of access" is defined for purposes of this section.

Section 2 of the bill adds a new section to AS 16.20 to prohibit the Department of Fish and Game, Department of Natural Resources, Board of Game, and Board of Fisheries from restricting traditional means of access for purposes of conducting traditional outdoor activities within a state game refuge, state game or wildlife sanctuary, threatened species habitat preservation area, state range area, or fish and game critical habitat area, except under specific situations described in the bill.

Representative Beverly Masek

January 26, 1998

Page 2

The terms "traditional means of access" and "traditional outdoor activities" are defined for the purposes of this section. Except for minor changes in wording these terms have the same meanings as given to the terms "traditional means of access" and "traditional recreational activity" in ch. 27, SLA 1997 (HCS CSSB 35(FIN) am H) which related, in part, to regulation of traditional means of access for traditional recreational uses within a park, recreational or special management area, or preserve.

Section 3 of the bill provides that sec. 1 of the bill is retroactive to January 1, 1997.

Section 4 of the bill provides that the bill takes effect immediately under AS 01.10.070(c).

GU:jdr

98-035.jdr



Alaska Boating Association \* P.O. Box 210430 \* Anchorage, Alaska 99521

TO: REP Bev Masek

4 Feb 1998

FROM: Don Sherwood

SUBJECT: HB168 "An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes".

We of the Alaska Boating Assn have always tried to create a fair and equitable way of motorized access on our states public land and waterways. But with DNR continuing in it's off handed way of imposing unnecessary, unscientific studied restrictions on OUR public lands, it has now become necessary to find away to protect the motorized public from these unwarranted attacks on our constitutional right to access. This has to cease or we the citizens of Alaska will continue to be crowded into less and less areas, just so the Preservationists can take away more areas from human use. With less than 1% of the land inuse today, this is nothing but a attack on our ability to develop both our renewable resources and natural resources. It has to stop and we think this bill help stop the elitist from taking away our rights of use of public property. With fishing, hunting, and outdoor recreation as a primary reason for so many of us to come to this Great state, it has now become necessary to protect those rights. We think HB168 will do this for us.



Don Sherwood

Legislative Officer

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### DIVISION OF WILDLIFE CONSERVATION

TONY KNOWLES, GOVERNOR

P.O. BOX 25526  
JUNEAU, ALASKA 99802-5526  
PHONE: (907) 465-4190  
FAX: (907) 465-6142

February 10, 1998

The Honorable Scott Ogan  
Alaska State Legislature  
State Capitol Building, Room 128  
Juneau, AK 99801-1182

Dear Representative Ogan:

I recently testified during a House Resources Committee hearing on House Bill 168. In retrospect, I believe I may not have communicated clearly to the committee my concerns and the department's objections to this bill.

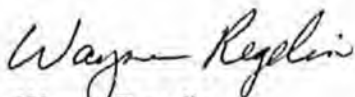
There is a wide variety in how Alaskans enjoy and use wildlife resources. For over forty years, the Boards of Fish and Game have provided Alaskans an opportunity to participate directly in making decisions about how Alaska's fish and wildlife resources should be used and enjoyed. The boards devote over eighty meeting days per year to these issues.

The Board of Game has worked to provide diverse opportunities for hunting experiences the public has requested. Managing means and methods of access through establishment of controlled use areas has been a very important tool for providing this variety and for managing conflicts between competing wildlife users.

As I said at the hearing, the legislature has the ability through statute to abolish or modify any controlled use area adopted by the Board of Game. I believe this is a far better approach to exercising legislative oversight of wildlife management, than completely removing this important tool from the Board of Game.

I realize this bill has already left the Resources Committee, but I want to correct any impression I may have left with the committee members that the department was neutral or in support of this legislation. We are opposed to House Bill 168.

Sincerely,



Wayne Regelin  
Director

Feb. 5, 1998

*Enter into  
Board -  
Provide to  
Committee  
members*

TO: House Resources Committee

HB 168 is a bad idea. For one thing it limits the ability of the boards of fish and game to regulate or limit means of access to hunting and fishing areas. For example it would nullify the restriction on use of airboats in the Minto Flats area, a "traditional" hunting area of the residents of Minto Village. Such license granted to urban sportsmen with expensive power sports equipment is a good way to invite aggressive regulation by federal authorities.

Natural resource management agencies have legitimate reasons for limiting access to critical habitat areas by mechanized equipment. HB 168 would virtually prohibit the ability of resource managers to protect habitat. Regulating fish and game is a huge, complicated job. We should let our designated state agencies do their work without tying their hands with unnecessary legislation like this.

Finally, there is the issue of fairness to those who choose to enjoy the outdoors without the intrusion of mechanized equipment. If the intensity of use is low, there is room for all types of use. However, closer to urban areas there should be provision to set aside areas for nonmechanized access for those who choose to go on foot, snowshoe or ski.

Please kill HB 168!

Daniel and Ann Swift  
3181 Anella Av.  
Fairbanks 99709  
dswift@ploarnet.com



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Resource

Committee on HB 1168 Committee Name Dated 2-5-97

I FAVOR - HB-168 Bill / Subject

Please keep in mind the following when considering HB-168 -

" ARTICLE VIII Section 3 - Common Use

This section, together with sections 15 and 17, emphatically prohibits the state from granting to any person or group privileged or monopolistic access to a natural resource"

The Supreme Court has declared -

SIGNED: Bill Steyer  
Testifier

Alaska Wildlife Conservation Association  
Representing

431 GATNEY RD EBIK AK - 99701 - 4536295  
Address / Phone Number



**The Alaska Boating Association**  
P.O. Box 210430  
Anchorage, Alaska 99521

Cliff Iudkins, President

---

March 2, 1998

To: Members of the Alaska House of Representatives  
State Capitol  
Interdepartmental Mail Stop 3101  
Juneau, AK 99801-1182

The Alaska Boating Association strongly supports HB168, dealing with Traditional Access for Hunting and Fishing Purposes

HB168 is necessary since Seventy (70) percent of our states population resides between Homer and Talkeetna, Alaska. The Game Management Units that this area covers includes GMU13, GMU14, GMU15, and GMU16. In these Game Management Unit areas there are Fourteen (14) state restricted areas that affect motorized access in one way or another. Many of these restrictions were orchestrated to benefit certain special interest groups. In some cases it allows a special interest group the exclusive use of an area. In other cases it benefits a special interest group financially. In the Fourteen (14) restricted areas hardly any restrictions were based upon game habitat protection and none were based upon the protection of the game resources.

**Example:** In GMU13 the Tonsina Controlled Use Area is closed to using motorized vehicles or pack animals for hunting from July 26 to September 30. There is nothing prohibiting a person to use a motorized vehicle or a pack animal during this period of time in this area as long as they are not hunting. It should also be noted that these restrictions not only apply to motorized access, but in some cases, to non-motorized as well.

When restrictions are placed on motorized access the consumptive users with physical disabilities and senior citizens are adversely affected. **Example:** Two hunters in their mid-twenties, who are in top physical condition, hunt in the same Game Management Unit. One hunter accesses the area by non-motorized means by walking. The other hunter accesses the area by motorized means. If the Game Board restricts this area to non-motorized access only, the before mentioned hunter who used motorized means to access will be required to walk in to use the area. However, if there was a third hunter who also hunted in this same area, who accessed the area by motorized means because he has physical limitations or he is physically disabled, when the Game Board restricts motorized access in the area, the disabled hunter does not have the choice of walking in. Instead, because he cannot physically walk in, as the other hunters do, he is in actuality restricted

from using the area

*Sec 16.05.255 of the Regulations of the Board of Game* gives the Board the authority, with specific guidelines, to set bag limits and seasonal openings, to establish the means and methods employed in the harvest of game consistent with resource conservation and development goals, and other authorities. Included within this regulation the Board of Game has the authority to establish means and methods that may be employed by persons with physical disabilities. The Legislature, in it's wisdom, recognized the social needs of the physically disabled and gave the Board of Game this authority to grant special access considerations to this group. The Board of Game has failed, almost totally, in this area. As stated previously, approximately Seventy (70) percent of our states population lives between Homer and Talkeetna, Alaska. Thus, it would stand to reason that this same area has Seventy (70) percent of the disabled population as well. In the four Game Management Units mentioned previously (GMU13, GMU14, GMU15, and GMU16), which are used the most by this Seventy (70) percent of the population, there are Fourteen (14) access restrictions. The Board of Game has made one exception in these Game Management Units for the disabled which is listed on Page Ten (10) of the 1997-98 Alaska Hunting Regulations, under the heading *Disability Provisions, paragraph Three (3)*. The only other exception for the entire State of Alaska is on the same page of the same regulation book under *Disability Provisions, paragraph Two (2)*. Within other State agencies within the State of Alaska there are numerous examples of where the special problems and concerns for the physically disabled are recognized. Businesses are required to provide Handicapped Parking as close to the building entrance as is possible. The Department of Motor Vehicles even gives complimentary Parking Stickers for the Handicapped with proper documentation from a medical doctor. Special ramps are required, not only for wheel chair access, but for people who are ambulatory but find stairways restrictive. Large buildings are now required to have elevators, again not just for wheel chair access, but for those who are stairway restricted. You could go to just about any shopping mall within the State of Alaska and park your vehicle as far away from the entrance as possible and it would be doubtful that you would have to walk more than 150 yards, probably all on a level surface, to get to the building entrances. The State of Alaska has recognized that a distance of 150 yards for many disabled and limited people, is a severe hardship. Yet, the Board of Game has issued in the before mentioned regulations only two exceptions for the physically handicapped. In one of these requirements a person must be restricted to a wheel chair for the exception to apply and in the other a person must be able to prove, through some medical source, that they are considered at least Seventy (70) percent disabled. Where does this agency and the Board get the authority to dictate what percentage or how severe a person is disabled?

The Alaska Boating Association has many elderly and disabled members. Within this group there are Disabled American Veterans, some of whom have become disabled through service to their country. Our members have in the past placed the preservation and protection of the fish and game resources and the habitat of those resources as the ultimate priority consideration. The preservation of both the resource and its habitat is probably the most on going effort getting our organizations attention. And when supported by scientific data and facts, any area concerning the preservation of resources and habitat requiring restriction will get our utmost support. However, we will not quietly sit back and be consistently restricted from our resources when no valid reason is evident. Going back to *Sec 16.05.255 of the Regulations governing the Board of*

Page Three (3): ABA Letter to House State Affairs Committee of March 2, 1998

Game there is no authority addressing the quality of an outdoor experience, which we consistently hear is reason for applying restrictions.

Another area that needs to be addressed in support of HB168 has to do with *Public Law 96-487 (ANILCA-Dec. 2, 1980), Sec 811. (a) and (b)* which I quote as follows:

*Access*

*Sec. 811.(a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.*

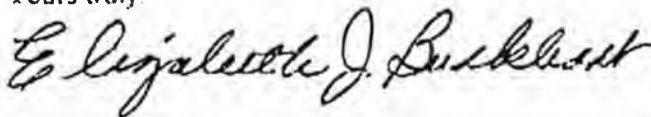
*(b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.*

Rural residents under this act, engaged in subsistence uses, are guaranteed access to Public Lands. Two of the methods specifically mentioned are snowmobile and motorboat. Should not the urban consumptive user have the same access rights?

During the first half of the current Legislative Session, two excellent Bills were introduced, debated, and successfully passed dealing with access to public land usage. Senate Bill 035 and House Bill 023 gives the Legislature the authority on restrictions to Public land useage, including Public Parks lands. House Bill 168, being discussed here, completes the circle! This bill will give the authority to the Legislature to approve or disapprove of restrictions to Public Land access for purposes of hunting and fishing.

Our Organization, the Alaska Boating Association, has carefully examined this Bill and we especially note that the Bill protects the fish and game resource and the resource habitat under it's Ammendment to Section 1 AS16.05.794, Item Number Three (3). Thus, our Association, its membership, including the disabled and the elderly limited members, urge you to vote for the passage of HB168 for, but not necessarily limited to, the reasons specifically described herein.

Yours truly,



Elizabeth J Burkhardt, Legislative Affairs Committee Member

cc: Representative Beverly Masek, Sponsor, HB168  
Cliff Judkins, President, Alaska Boating Association

**Alaska Quiet Rights Coalition**

P. O. Box 202592  
Anchorage, Alaska 99520  
(907) 566-3524

March 11, 1998

Members of the  
House of Representatives  
Alaska State Legislature

Re: Our Opposition to House Bill 168

Dear Members of the House:

On behalf of the Alaska Quiet Rights Coalition, I wish to register the strong opposition of the Coalition to this bill, and to the erroneous concepts which seem to lie behind it.

I am a former member of the Alaska Board of Game (1975-76), and I know from first-hand experience the great service this Board has performed for all Alaskans, in mediating conflicts between resource users, in supporting the concept of fair-chase hunting, and in attempting to insure a fair allocation of hunting opportunity and quality hunting experiences between all hunters, whether motorized or non-motorized. We do not believe that this is a role that the Alaska Legislature should assume, nor is it one which the Legislature is well-equipped to assume. Yet this will be the result of HB 168.

The unspoken assumption of HB 168 and its sponsor Rep. Masek is that motorized access to hunting and fishing opportunities is the desire of the overwhelming majority of Alaskan resource users, and that this desire must be accommodated without any consideration of non-motorized users, the quality of the outdoor experience, or the health of the resource itself. This notion is flat wrong.

Non-motorized recreation users in Alaska far outnumber the ones who believe they must depend on motorized access for their outdoor experiences. Yet the Boards of Fish and Game, and the Departments of Natural Resources and Fish and Game, are, by the Legislature, being rendered powerless to make a fair allocation of land and resource uses between motorized and non-motorized users

This blind unfairness is an abdication of responsibility to the citizens of the state, and a real "black eye" on the quality of Alaska's environmental credentials. Is it no wonder that, despite our continuing claim that Alaskans are "true environmentalists," we continually fail to convince the rest of the Nation that we could responsibly develop ANWR, for example? Clearly our actions, such as HB 168, speak much louder than our words.

We are particularly concerned with specific parts of HB 168 which, if enacted, can lead to long-term and irreversible resource damage. The burden on the Game and Fish Boards to demonstrate that a "traditional access" restriction is "biologically essential" for the protection of a species or its habitat is much too

Members of the  
House of Representatives  
Alaska State Legislature  
March 11, 1998  
Re: HB 168

high. First, it assumes scientific or biological certainty, which any scientist can tell you is a near impossibility. Second, it almost invites resource damage (rather than before-the-fact prevention) as "proof" that a restriction is necessary. In many cases, once the damage is done (particularly to terrain and vegetation), it will last for decades, or even centuries.

The definition of "traditional outdoor activities" in HB 168 goes far beyond those activities associated with hunting and fishing, which are the purview of the two Boards affected by HB 168. It includes "recreational mining" which has the potential of uncontrolled, long-term terrain damage.

There is no maximum weight limit in HB 168 for motorized "recreation vehicles." It is very possible that under HB 168, the Boards and the resource agencies would be unable to control or prevent the "recreational" use of a D-8 Cat, for example, anywhere on state land for the purpose of "recreational mining" or any other "traditional outdoor activity" for which a user might desire to use his tractor for access or sport. Even vehicles less damaging than a D-8 Cat may, over time and with concentrated use, leave scars on the land that will not heal for decades, if ever.

The Denali Highway hunting areas are one example where rampant ATV and tracked vehicle access have left permanent resource damage, and HB 168 would simply encourage and perpetuate this damage. If this is an example of Alaska's wise natural resource management attitudes and policies, then it is little wonder that the rest of the Nation cannot trust this state to develop ANWR responsibly. As a Congressman from Ohio or Tennessee, would you take a look at HB 168 and reach any other conclusion?

We urge that HB 168 not be approved. If it is approved, the Quiet Rights Coalition urges that amendments be adopted to encourage the prevention of natural resource damage *before* it occurs, that authority to make fair allocation of motorized and non-motorized areas be specifically retained by the Fish and Game Boards, and that the details of HB 168's definitions be amended to place a maximum weight limit or ground pressure per square inch on permitted motorized recreational vehicles, and to entirely prohibit tracked vehicles with metal tracks, lugs or blades.

Thank you for your consideration of this testimony on behalf of the Alaska Quiet Rights Coalition.

Sincerely yours,



Thomas E. Meacham



**Alaska  
Wilderness  
Recreation &  
Tourism  
Association**

**P.O. Box 22827  
Juneau, AK 99802  
Phone (907) 463-3038  
Fax (907) 463.3280  
Email [awrta@alaska.net](mailto:awrta@alaska.net)  
Web [www.alaska.net/~awrta](http://www.alaska.net/~awrta)**

March 9, 1998

House of Representatives  
Alaska State Legislature

Dear House Members,

We are writing to express our serious concern about HB 168, which essentially bars state agencies from regulating motorized access. This bill threatens the diversity of wild land experiences valued by Alaskans and visitors alike. It also threatens local businesses that provide these experiences, or support services for them, including guiding, rafting, skiing, wildlife viewing, hunting and fishing.

The Alaska Wilderness Recreation and Tourism Association is a statewide trade association representing about 300 members, mostly Alaskan owned and operated tourism businesses. Our members' businesses, operating in more than 50 communities across the state, represent a growing industry generating millions of dollars annually.

We are not against motorized access. However, we are extremely concerned about giving motorized uses a priority over all other uses, and eliminating state agencies' ability to help maintain a diversity of recreational and business opportunities on state lands and waters. Our members' businesses depend on being able to provide guests with a wide range of quality recreation experiences, including majestic scenery, wildlife, and quiet wilderness.

The ability to provide different areas for different levels and types of access and use, both to reduce conflict between incompatible uses, and to ensure a diversity of recreation experiences, is vital to the long-term attractiveness of Alaska to residents and visitors alike.

Denali State Park provides an example of the problem. A Talkeetna based outfitter is dropping permits there, after operating for years, because increasing noise from flight-seeing makes it impossible for him to continue to provide a wilderness experience for his guests. This is unfortunate for several reasons. It will increase his operational costs. It will also reduce the diversity of the local economy and the amount of money flowing into the Talkeetna area. It may put him in conflict with other operators who are already using the areas he will relocate to. It is also unnecessary. There is no reason why a variety of different experiences could not be maintained in Denali State Park.

We oppose HB 168 because it deprives our members, and the public, of the fair chance, and the tools, to work out local access problems, if and when such problems arise. It also reduces options for professional wildlife and land managers to protect wildlife. We do not see any demonstrated problem or need for such a sweeping measure. Please do not adopt this poorly thought out and unneeded legislation.

Sincerely,

Steven Behnke Executive Director

Distributed by  
Rep. Kim Elton

**HB**

**182**

HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: March 7, 1997

FURTHER REFERRALS:

Date of Committee Action: 2/12/98

The RESOURCES Committee considered:

HB 182

HOUSE BILL NO. 182

SEPARATE SEGREGATED FUNDS: POLIT. CONTRIB

"An Act relating to the qualifications of the state forester."

recommends it be replaced  
with the following committee substitute

CSHB182 (RES)

the same title  
 a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Fred Dixon</i> <i>DIXON</i>			<input checked="" type="checkbox"/>	
<i>W.K. Williams</i> <i>WILLIAMS</i>	<input checked="" type="checkbox"/>			
<i>Tamara H. Baruss</i> <i>BARUSS</i>			<input checked="" type="checkbox"/>	
<i>Emily Maxwell</i> <i>MAXWELL</i>			<input checked="" type="checkbox"/>	
<i>Scott Gern</i> <i>GERN</i>	<input checked="" type="checkbox"/>			
<i>Bill Hudson</i> <i>Hudson</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *Bill Hudson*

*Scott Gern*

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. HB 182**

Revision Date: \_\_\_\_\_ Dept Affected: Natural Resources  
 Title: An Act Relating to the qualifications BRU: Resource Development  
of the State Forester Component: Forest Mgmt & Development  
 Sponsor: Representative Williams  
 Requestor: House Finance Component Serial No. #435

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

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES (fund code)</b>	0.0	0.0	0.0	0.0	0.0	0.0

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ none

**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)

There is no anticipated fiscal impact associated with implementation of this legislation.

Prepared by: Jeff Jahnke, State Forester *Jeff Jahnke* Phone: 465-3379  
 Division: Forestry Date: 11-Feb-98  
 Approved by Commissioner: *John Sluiter* Date: 2-11-98  
 Agency: Natural Resources

# Alaska State Legislature

Committees:  
Transportation, Chairman  
Resources  
Economic Development  
Rules



Representative William K. Williams

During Session:  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3424  
Fax (907) 465-3793

In Ketchikan:  
50 Front Street, Suite 203  
Ketchikan, AK 99901  
(907) 247-4672  
Fax (907) 225-7157

## Memorandum

To: Representative Bill Hudson  
Co-Chairman, House Committee on Resources  
From: Representative William K. Williams  
Chairman, House Committee on Transportation  
Re: Hearing request for HB 182  
Date: January 28, 1998

---

Please schedule House Bill 182, "An act relating to the qualifications of the State forester.", as soon as possible.

The legislation will strengthen the position of state forester and ensure input from the fire chief's association during the hiring of the state forester.

This bill, like you and I, is a good one.

# Alaska State Legislature

Committees:  
Transportation, Chairman  
Resources  
Economic Development  
Rules



Representative William K. Williams

During Session:  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3424  
Fax (907) 465-3793

In Ketchikan:  
50 Front Street, Suite 203  
Ketchikan, AK 99901  
(907) 247-4672  
Fax (907) 225-7157

## Sponsor Statement

### House Bill 182

#### **“An act relating to the qualifications of the State forester.”**

This bill would require the state forester (director of the Division of Forestry) to be a professional forester as recognized by the Society of American Foresters (SAF) and have three years of field experience in forestry. It would also require the Board of Forestry to consider the recommendations of the state Fire Chief's Association while compiling a list of candidates to be forwarded to the Commissioner of Natural Resources.

A “forester” is a specialist in forestry. A person who has completed a college program that has accreditation from the SAF is a recognized specialist. The SAF analyzes and critiques academic programs in universities across the country for standards for curriculum, faculty, students, administration, physical resources and facilities. “Forestry”, as defined under the SAF accreditation procedures, is fairly broad including forest economics, silviculture, timber management, forest hydrology, and a host of other sub-disciplines. Under the current statute there are no forestry qualifications required to head the state division of forestry. Considering the statutory defined responsibilities of the division the lack of required forestry qualifications is alarming.

The state forester is charged with fire suppression on state land. In fact over half of the forester's job is related to fire suppression. Because of this fact it is logical that the Fire Chief's Association should have some input in the selection process of the state forester. While the legislation does not bind the Board of Forestry to act on any particular recommendation it does allow the Chief's to have some input during the hiring process.

0-LS0627B  
 Luckhaupt  
 2/10/98

CS FOR HOUSE BILL NO. 182( )  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:  
 Referred:

Sponsor(s): REPRESENTATIVE WILLIAMS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the qualifications of the state forester."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 41.17.020(b) is amended to read:

4 (b) The division shall be headed by a director who shall be the state forester,  
 5 appointed to the partially exempt service in accordance with law by the commissioner,  
 6 from a list of two or more candidates submitted by the board. The commissioner  
 7 shall solicit and consider recommendations of the Alaska Fire Chiefs Association  
 8 or successor organization when reviewing the candidates submitted by the board.  
 9 The commissioner may reject all candidates, in which case the board shall submit a  
 10 new list. The state forester shall have

11 (1) a bachelor's or higher degree in a forestry-related program that  
 12 is accredited by the Society of American Foresters; and

13 (2) at least three years of field experience in forestry [BE A  
 14 NATURAL RESOURCES LAND MANAGER WITH GENERALLY ACCEPTED  
 15 EDUCATIONAL CREDENTIALS. FAMILIAR AND EXPERIENCED WITH THE

1 RENEWABLE AND NONRENEWABLE RESOURCES AND THE VALUES OF  
2 FOREST LAND AND THE PRODUCTS, BENEFITS, AND SERVICES OBTAINED  
3 FROM THEM].

**DRAFT**

Memorandum

*WARRIOLUC*  
*LS* *Draft*  
*Longman*  
*FYI*

To: Jerry Luckhaupt, Legislative Legal Services  
From: Representative Bill Williams/Kyle  
Date: February 10, 1998  
Re: HB 182 (0-LS0627\E)

---

Please draft the following changes to the above referenced document.

1) Page 1, Line 6 after "board." Delete:

In selecting candidates for submission to the commissioner, the board shall solicit and consider recommendations of the Alaska Fire Chiefs Association or successor organization.

Insert:

The commissioner shall solicit and consider recommendations of the Alaska Fire Chiefs Association or successor organization when reviewing the candidates forwarded by the board.

2) Page 1, Line 11 delete:

(1) a bachelor's or higher degree in forestry from an educational institution accredited by the Society of American Foresters;  
and

Add:

(1) A bachelor's degree or higher in a forestry related program that is accredited by the Society of American Foresters.

# Alaska State Legislature

Committees:  
Transportation, Chairman  
Resources  
Economic Development  
Rules



Representative William K. Williams

Phone: (907) 465-3424  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3424  
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200 Front Street, Suite 230  
Ketchikan, AK 99901  
(907) 247-4072  
Fax: (907) 225-7157

## Memorandum

**To:** Members, House Resources Committee  
**From:** Representative Bill Williams *Bill Williams*  
**Date:** February 10, 1998  
**Re:** CS to HB 182

---

**Fellow House Resources member:**

The following is a brief description of the changes between HB 182 and the committee substitute that will be adopted as the working document during committee on Thursday, February 12, 1998.

**Change 1:** The input of the Alaska Fire Chiefs Association has been moved from the candidates reviewed by the board to the list the board forwards to the commissioner.

*Rationale:* The chiefs are content with reviewing the "short list" that the board of forestry sends to the commissioner of Natural Resources rather than review the usual 20 or 30 applications the board receives.

**Change 2:** The requirement that the candidate must have a bachelor's degree or higher in forestry from an institute accredited by the Society of American Foresters has been changed to include forestry related degrees from programs accredited by the Society of American Foresters.

*Rationale:* This broadens the field of potential candidates.

If you have any questions, please contact Kyle at 6576.

HB 182

HB0182a -1- HB 182

New Text Underlined [DELETED TEXT BRACKETED]  
O-LS0627\E



**HOUSE BILL NO. 182**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE WILLIAMS

Introduced: 3/7/97

Referred: Resources

**A BILL**

**FOR AN ACT ENTITLED**

**'An Act relating to the qualifications of the state forester.'**

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

\* **Section 1.** AS 41.17.020(b) is amended to read:

(b) The division shall be headed by a director who shall be the state forester, appointed to the partially exempt service in accordance with law by the commissioner,

from a list of two or more candidates submitted by the board. **In**

**selecting candidates**

**for submission to the commissioner, the board shall solicit and consider**

**recommendations of the Alaska Fire Chiefs Association or successor organization.**

The commissioner may reject all candidates, in which case the board shall submit a

new list. The state forester shall **have**

**(1) a bachelor's or higher degree in forestry from an educational**

**institution accredited by the Society of American**

**Foresters; and**

**(2) at least three years of field experience in forestry** [BE A NATURAL RESOURCES LAND MANAGER WITH GENERALLY ACCEPTED EDUCATIONAL CREDENTIALS, FAMILIAR AND EXPERIENCED WITH THE RENEWABLE AND NON RENEWABLE RESOURCES AND THE VALUES OF FOREST LAND AND THE PRODUCTS, BENEFITS, AND SERVICES OBTAINED FROM THEM].

CSHB182(RES)

HB0182a -1- HB 182

New Text Underlined [DELETED TEXT BRACKETED]  
0-LS0627\E



**HOUSE BILL NO. 182**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE WILLIAMS

Introduced: 3/7/97

Referred: Resources

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to the qualifications of the state forester."**

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

\* **Section 1.** AS 41.17.020(b) is amended to read:

(b) The division shall be headed by a director who shall be the state forester,

appointed to the partially exempt service in accordance with law by the commissioner,

from a list of two or more candidates submitted by the board. The

commissioner shall solicit and consider

recommendations of the Alaska Fire Chiefs Association or

successor organization when reviewing the candidates

forwarded by the board.

The commissioner may reject all candidates, in which case the board shall submit a

new list. The state forester shall have

(1) A bachelors degree or higher in a forestry related program

that is accredited by the Society of American Foresters; and

(2) at least three years of field experience in forestry [BE A

NATURAL RESOURCES LAND MANAGER WITH GENERALLY ACCEPTED EDUCATIONAL CREDENTIALS, FAMILIAR AND EXPERIENCED WITH

THE RENEWABLE AND NON RENEWABLE RESOURCES AND THE VALUES OF FOREST LAND AND THE PRODUCTS, BENEFITS, AND

SERVICES OBTAINED FROM THEM].

CS FOR HOUSE BILL NO. 182(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE WILLIAMS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the qualifications of the state forester."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 41.17.020(b) is amended to read:

4 (b) The division shall be headed by a director who shall be the state forester,  
5 appointed to the partially exempt service in accordance with law by the commissioner,  
6 from a list of two or more candidates submitted by the board. The commissioner  
7 shall solicit and consider recommendations of the Alaska Fire Chiefs Association  
8 or successor organization when reviewing the candidates submitted by the board.

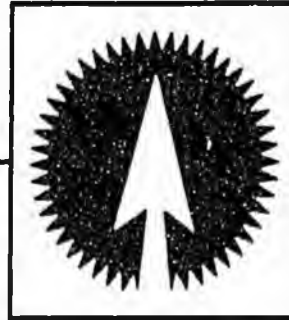
9 The commissioner may reject all candidates, in which case the board shall submit a  
10 new list. The state forester shall have

11 (1) a bachelor's or higher degree in a forestry-related program that  
12 is accredited by the Society of American Foresters; and

13 (2) at least three years of field experience in forestry [BE A  
14 NATURAL RESOURCES LAND MANAGER WITH GENERALLY ACCEPTED  
15 EDUCATIONAL CREDENTIALS, FAMILIAR AND EXPERIENCED WITH THE

1 RENEWABLE AND NONRENEWABLE RESOURCES AND THE VALUES OF  
2 FOREST LAND AND THE PRODUCTS, BENEFITS, AND SERVICES OBTAINED  
3 FROM THEM].

# Alaska Forest Association, Inc.



111 STEDMAN SUITE 200  
KETCHIKAN, ALASKA 99901-6599  
Phone 907-225-6114  
FAX 907-225-5920

January 23, 1998

The Honorable Bill Williams  
House of Representatives  
State Capitol  
Juneau, AK 99801

Dear Representative Williams: *Bill*

The Alaska Forest Association wishes to be on record in support of House Bill 182, "An Act relating to the qualifications of the state forester." The legislation requires the director of the division of forestry to be a professional forester, a concept which the AFA heartily endorses. The bill also gives the Alaska Fire Chiefs Association a role in the process of selecting the state forester. This is important to that organization, and AFA supports the fire chiefs' position.

The Division of Forestry is a professional division of state government with a specific mission in the field of forestry. It is principally staffed with professional foresters - men and women trained and working in the broad field of forestry. As with the USDA Forest Service, its focus can be affected by the experience and training of its leadership. Just as you would expect the head of the state's revenue division to be trained and experienced in accounting, it is reasonable to expect the state forester to be trained and experienced in forestry.

AFA believes that the focus of the division should be on forestry and that it should be managed by a qualified and experienced manager who is himself a professional forester. It should be noted that "forestry" as defined and encompassed by college programs under the SAF certification procedures is fairly broad. It includes forest economics, silviculture, timber management, forest hydrology and a host of other sub-disciplines.

Thank you for introducing this legislation. We urge its speedy passage.

Sincerely,

Jack Phelps  
Executive Director

## **House Bill 182**

### **Back-up Information**

- A) Statutory establishment and responsibilities of the division of forestry.**
- B) Society of American Foresters certification program explanation**
- C) List of forestry schools with SAF accreditation**
- D) List of accredited programs (by school)**

**Sec. 41.17.020. Division of forestry established.** (a) The governor may establish, within the department, a division of forestry to carry out this chapter and other appropriate duties designated by the governor.

(b) The division shall be headed by a director who shall be the state forester, appointed to the partially exempt service in accordance with law by the commissioner, from a list of two or more candidates submitted by the board. The commissioner may reject all candidates, in which case the board shall submit a new list. The state forester shall be a natural resources land manager with generally accepted educational credentials, familiar and experienced with the renewable and nonrenewable resources and the values of forest land and the products, benefits, and services obtained from them.

(c) The commissioner shall administer this chapter and is authorized and encouraged to delegate responsibilities for carrying out this chapter to the state forester. (§ 1 ch 108 SLA 1978; am § 42 ch 113 SLA 1981; am § 5 ch 91 SLA 1983)

**Revisor's notes.** — In 1983, this section was reorganized into present subsections (a)-(c) and two other sections. Present (b) was formerly part of (a) and present (c) was formerly designated (b). Former subsections (d)-(k) were renumbered as AS 41.17.020(a)-(g) and former subsection (j) was renumbered as AS 41.17.900(d).

**Opinions of attorney general.** — The allocation

of responsibility for administration of the forest practices regulations in coastal management consistency determinations is sufficiently unclear that it seems appropriate for resolution by the adoption of regulations since differing policy considerations emphasized in the Forest Practices Act, the Coastal Management Act, and proposed permit reform regulations will be served to a greater or lesser extent by assigning

responsibility for interpreting and applying the forest practices regulations to more than one agency and since a particular result is not compelled under the various pieces of authorizing legislation. April 20, 1981 Op. Att'y Gen.

The adoption of forest practices regulations by the

Department of Natural Resources in 11 AAC 95 has completely preempted the coastal policy council's regulations, 6 AAC 80.100, in regulating timber harvest and processing in the coastal area. April 20, 1981 Op. Att'y Gen.

**Sec. 41.17.030. Responsibilities of division.** (a) The division shall manage state forests and, as directed by the commissioner, provide technical advice to the division of lands on sound forest practices necessary to ensure the continuous growing and harvesting of commercial forest species on other state land.

(b) The division shall regulate operations on private forest land as authorized by the provisions of this chapter or state law.

(c) The division shall provide public information and assistance regarding forest practices and timber management generally. (§ 1 ch 108 SLA 1978)

A

SAF

# Certification



ABOUT SAF

Do you need assistance with ...

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- Securing legal advice in forest resources issues?
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## Certified Forester Program

The Society of American Foresters, the only national organization to credential professional foresters, established the Certified Forester program to recognize, serve, and support forestry professionals, and to provide the public with a consistent, national standard for identification of those individuals who meet minimum standards of education, experience, continuing education, and adherence to standards of professional practice. To obtain an application package describing the program contact Pat Cillay, Program Assistant, at SAF's national office (301-897-8720 ext. 122) or email [cillayp@safnet.org](mailto:cillayp@safnet.org).

## Certified Forester Directory

Annual directory that identifies those professionals, by state, who meet national certification requirements established by the Society of American Foresters (SAF). Available in 1997.

SAF does not endorse a specific business, firm, agency, consulting service, product, or program associated with the Certified Forester program.

National Office Science & Education Staff



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ABOUT FORESTRY



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SAF HOME

B

## Forestry Schools with SAF Accreditation

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The Society of American Foresters grants accreditation only to specific educational curricula that lead to a first professional degree in forestry at the bachelor's or master's level. The institutions named below have requested SAF accreditation and offer curricula that have been found to meet minimum standards for objectives, curriculum, faculty, students, administration, parent institution support, and physical resources and facilities.

Institutions certifying that their forestry curricula meet SAF standards and are progressing toward accreditation may apply as candidate programs.

The first year shown in each entry indicates the year initial accredited or candidate status was granted; the second year indicates the year the last on-site review was completed; and the third year indicates the year current accreditation expires. Not all forestry curricula within a degree are SAF-accredited. Contact either the institution or SAF for specific accredited curricula.

The SAF accreditation process is recognized by the Commission on Recognition of Postsecondary Accreditation. For further information contact the Department of Science and Education, Society of American Foresters, 5400 Grosvenor Lane, Bethesda, MD 20814-2198 (301) 897-8720, ext. 122.

### Institutions with SAF-Accredited Curricula (48)

#### Alabama

Auburn University, School of Forestry, Auburn 36849.

1950. 1993. 1998. .

#### Alaska

University of Alaska, Department of Forest Sciences, Fairbanks 99775.

1996. 1996. 2001.

#### Arizona

Northern Arizona University, School of Forestry, Flagstaff 86011.

1968. 1992. 1997.

#### Arkansas

University of Arkansas at Monticello, School of Forest Resources, Monticello 71655.

1984. 1989. 1999.

#### California

C

California Polytechnic State University, Natural Resources Management Department, San Luis Obispo  
93407.

1994. 1994. 1999.

University of California, College of Natural Resources, Berkeley 94720.

1935. 1993. 1998.

Humboldt State University, Department of Forestry, Arcata 95521.

1979. 1992. 1997.

#### **Colorado**

Colorado State University, College of Natural Resources, Fort Collins 80523.

1939. 1990. 2000.

#### **Connecticut**

Yale University, School of Forestry and Environmental Studies, New Haven 06511.

1935. 1993. 1998.

#### **Florida**

University of Florida, School of Forest Resources and Conservation, Gainesville 32611.

1942. 1994. 1999.

#### **Georgia**

University of Georgia, School of Forest Resources, Athens 30602.

1938. 1991. 1996.

#### **Idaho**

University of Idaho, College of Forestry, Wildlife and Range Sciences, Moscow 83843.

1935. 1994. 1999.

#### **Illinois**

University of Illinois, Department of Natural Resources and Environmental Sciences, Urbana 61801.

1963. 1993. 1998.

Southern Illinois University, Department of Forestry, Carbondale 62901.

1975. 1990. 2000.

**Indiana**

Purdue University, Department of Forestry and Natural Resources, West Lafayette 47907.

1942. 1991. 1996.

**Iowa**

Iowa State University, Department of Forestry, Ames 50011.

1935. 1991. 2001.

**Kentucky**

University of Kentucky, Department of Forestry, Lexington 40546.

1974. 1989. 1999.

**Louisiana**

Louisiana State University, School of Forestry, Wildlife and Fisheries, Baton Rouge 70803.

1937. 1994. 1999.

Louisiana Tech University, School of Forestry, Ruston 71272.

1984. 1989. 1999.

**Maine**

University of Maine, College of Natural Resources, Forestry and Agriculture, Orono 04469.

1937. 1993. 1998.

**Massachusetts**

University of Massachusetts, Department of Forestry and Wildlife Management, Amherst 01003.

1950. 1988. 1999.

**Michigan**

Michigan State University, Department of Forestry, East Lansing 48824.

1935. 1995. 2000.

Michigan Technological University, School of Forestry and Wood Products, Houghton 49931.

1968. 1994. 1999.

University of Michigan, School of Natural Resources and Environment, Ann Arbor 48109.

1935. 1991. 1997.

**Minnesota**

University of Minnesota, College of Natural Resources, St. Paul 55108.

1935. 1996. 2001.

**Mississippi**

Mississippi State University, School of Forest Resources, Mississippi State 39762.

1966. 1987. 1997.

**Missouri**

University of Missouri, School of Natural Resources, Columbia 65211.

1950. 1996. 2001.

**Montana**

University of Montana, School of Forestry, Missoula 59812.

1935. 1989. 1999.

**New Hampshire**

University of New Hampshire, Department of Natural Resources, Durham 03824.

1959. 1988. 1998.

**New York**

SUNY College of Environmental Science and Forestry, Faculty of Forestry, Syracuse 13210.

1935. 1992. 1997.

**North Carolina**

Duke University, School of the Environment, Durham 27706.

1939. 1987. 1997.

North Carolina State University, College of Forest Resources, Raleigh 27695.

1937. 1994. 1999.

**Ohio**

The Ohio State University, Faculty of Forestry, Columbus 43210.

1993. 1993. 1998.

**Oklahoma**

Oklahoma State University, Department of Forestry, Stillwater 74078.

1971. 1996. 2001.

**Oregon**

Oregon State University, College of Forestry, Corvallis 97331.

1935. 1990. 2000.

**Pennsylvania**

The Pennsylvania State University, School of Forest Resources, University Park 16802.

1935. 1992. 1997.

**South Carolina**

Clemson University, Department of Forest Resources, Clemson 29631.

1962. 1992. 1997.

**Tennessee**

University of Tennessee, Department of Forestry, Wildlife and Fisheries, Knoxville 37901.

1969. 1996. 2001.

**Texas**

Stephen F. Austin State University, College of Forestry, Nacogdoches 75962.

1965. 1990. 2000.

Texas A&M University, Department of Forest Science, College Station 77843.

1975. 1992. 1997.

**Utah**

Utah State University, College of Natural Resources, Logan 84322.

1937. 1988. 1998.

### Vermont

University of Vermont, School of Natural Resources, Burlington 05405.

1971. 1992. 1997.

### Virginia

Virginia Polytechnic Institute and State University, College of Forestry and Wildlife Resources,  
Blacksburg 24061.

1965. 1995. 2000.

### Washington

Washington State University, Department of Natural Resource Sciences, Pullman 99164.

1965. 1991. 2001.

University of Washington, College of Forest Resources, Seattle 98195.

1935. 1995. 2000.

### West Virginia

West Virginia University, Division of Forestry, PO Box 6125, Morgantown 26506.

1947. 1989. 1999.

### Wisconsin

University of Wisconsin, Madison, School of Natural Resources, Madison 53706.

1971. 1986. 1997.

University of Wisconsin, Stevens Point, College of Natural Resources, Stevens Point 54481.

1976. 1991. 2001.



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## FACSIMILE COVER PAGE

**Date:** 1/23/98  
**Time:** 15:51:44  
**Pages:** 7

**To:** Kyle Johansen  
**Fax #:** 9074653793,,300

**From:** P. Gregory Smith  
**Title:** Director, Science & Education  
**Company:** SAF  
**Address:** 5400 Grosvenor Lane  
Bethesda , MD 20814  
USA E-mail: smithg@safnet.org  
**Fax #:** 301/897-3690

**Message:**

**Current SAF accredited programs, as discussed.**

**Call with any other questions.**

D

**Institutions with SAF Accredited Programs - 1998 page 1**

University of Alaska  
 Dr. John D. Fox  
 Department of Forest Sciences  
 328 O'Neill Bldg.  
 University of Alaska  
 Fairbanks, AK 99775  
 Forestry Option leading to the B.S.  
 degree

Auburn University  
 Dr. Emmett F. Thompson  
 Dean, School of Forestry  
 Auburn University  
 108 M. White Smith Hall  
 Auburn University, AL 36849-5418  
 Forest Resources, Forestry Operations,  
 and Forest Engineering (Forest Resource  
 Minor) majors leading to the B.S. degree

Northern Arizona University  
 Dr. David R. Patton  
 Dean, College of Ecosystem Science and  
 Management  
 Northern Arizona University  
 Box 15018  
 Flagstaff, AZ 86011  
 Forestry major leading to the B.S. degree

University of Arkansas  
 Dr. B. G. Blackmon  
 Dean, School of Forest Resources  
 University of Arkansas  
 P.O. Box 3468  
 Monticello, AR 71655  
 Forestry curriculum leading to the B.S. in  
 Forestry (BSF) degree

University of California-Berkeley  
 Dr. J. Keith Gilles  
 Associate Dean for Forestry  
 College of Natural Resources  
 University of California-Berkeley  
 145 Mulford Hall  
 Berkeley, CA 94720  
 B.S. degree in Forestry

California Polytechnic State University  
 Dr. Norman H. Pillsbury  
 Head, Natural Resources Management  
 Department  
 California Polytechnic State University  
 San Luis Obispo, CA 93407  
 Forestry and Natural Resources major  
 with concentrations in Environmental  
 Management; Forest Resource  
 Management; Urban Forestry; Watershed,  
 Chaparral, and Fire Management; and  
 Parks and Forest Recreation leading to the  
 B.S. in Forestry and Natural Resources  
 degree

Humboldt State University  
 Dr. Larry Fox  
 Chair, Department of Forestry  
 Humboldt State University  
 Arcata, CA 95521  
 Forest Resources Management, Forest  
 Resources Conservation, and Forest  
 Production Management majors leading  
 to the B.S. degree

Colorado State University  
 Dr. Al Dyer  
 Dean, College of Natural Resources  
 Colorado State University  
 Fort Collins, CO 80523-1401  
 Natural Resource Management major,  
 and the following concentrations within  
 the Forestry major: Forest Biology Forest  
 Fire Science, and Forest Management  
 leading to the B.S. degree

Yale University  
 Dr. John C. Gordon  
 Dean, School of Forestry and  
 Environmental Studies  
 Yale University  
 205 Prospect Street  
 New Haven, CT 06511  
 Forestry major (two-year option) leading  
 to the Master of Forestry (MF) degree

### Institutions with SAF Accredited Programs - 1998 page 2

University of Florida  
 Dr. Wayne H. Smith  
 Director, School of Forest Resources  
 and Conservation  
 University of Florida  
 118 Newins-Ziegler Hall  
 P.O. Box 110410  
 Gainesville, FL 32611-0410  
 Forestry major leading to the B.S. in  
 Forest Resources and Conservation  
 (BSFRC) degree

University of Georgia  
 Dr. Arnett C. Mace, Jr.  
 Dean, School of Forest Resources  
 University of Georgia  
 Forest Resources Bldg., Room 2-229  
 Athens, GA 30602-2152  
 Forestry, Wildlife, and Forest  
 Environmental Resources (with Areas of  
 Emphasis in Environmental Resources  
 Assessment, Hydrology and  
 Environmental Systems, and Soil and  
 Water Resources) curricula leading to the  
 Bachelor of Science in Forest Resources  
 degree

University of Idaho  
 Dr. Charles R. Hatch  
 Dean, College of Forestry, Wildlife  
 and Range Sciences  
 University of Idaho  
 Moscow, ID 83844-1138  
 Forest Resources major with options in  
 Administration; Ecosystem Management;  
 Production, and; Science, leading to the  
 B.S. in Forest Resources (BSFR) degree

University of Illinois  
 Dr. Gary L. Rolfe  
 Head, Department of Natural Resources  
 and Environmental Sciences  
 University of Illinois  
 West 503 Turner Hall  
 Urbana, IL 61801  
 Forest Science option leading to the B.S.  
 in Forestry (BSF) degree

Southern Illinois University  
 Dr. John E. Phelps  
 Chair, Department of Forestry  
 Southern Illinois University  
 Mail code 4411  
 Carbondale, IL 62901  
 Forest Resources Management, and  
 Outdoor Recreation Resource  
 Management majors leading to the B.S.  
 degree

Purdue University  
 Dr. Dennis C. LeMaster  
 Head, Department of Forestry and Natural  
 Resources  
 Purdue University  
 1159 Forestry Bldg.  
 W. Lafayette, IN 47907-1159  
 Forestry major leading to the B.S. in  
 Forestry (BSF) degree

Iowa State University  
 Dr. Michael Kelly  
 Chair, Department of Forestry  
 Iowa State University  
 251 Bessey Hall  
 Ames, IA 50011  
 Forest Products and Forest Resource  
 Management majors leading to the B.S. in  
 Forestry (BSF) degree

University of Kentucky  
 Dr. Robert N. Muller  
 Chair, Department of Forestry  
 University of Kentucky  
 205 Thomas Poe Cooper Bldg.  
 Lexington, KY 40546-0073  
 Forestry curriculum leading to the B.S. in  
 Forestry degree

Louisiana State University  
 Dr. Stanley B. Carpenter  
 Director, School of Forestry, Wildlife and  
 Fisheries  
 Louisiana State University,  
 227 FWF Building  
 Baton Rouge, LA 70803-6200

### Institutions with SAF Accredited Programs - 1998 page 3

Forest Management major leading to the  
B.S. in Forestry degree

Louisiana Tech University

Dr. G. H. Weaver  
Director, School of Forestry  
Louisiana Tech University  
Box 10138, Tech Station  
Ruston, LA 71272  
Forestry major leading to the B.S. degree

University of Maine

Dr. G. Bruce Wiersma  
Dean, College of Natural Resources,  
Forestry and Agriculture  
University of Maine  
5782 Winslow Hall  
Orono, ME 04469  
Concentrations in Forest Management,  
Timber Utilization, Forest Biology, Forest  
Recreation, Urban Forestry, Forest  
Business Administration, Remote  
Sensing/GIS, Forest Engineering, and the  
dual degree in Forestry and Wildlife  
Management leading to the B.S. degree in  
Forestry; the Master of Forestry degree

University of Massachusetts

Dr. William McComb  
Head, Department of Forestry and  
Wildlife Management  
University of Massachusetts  
Holdsworth Natural Resources Center  
Box 34210  
Amherst, MA 01003-4210  
Forest Conservation option leading to the  
B.S. in Forestry (BSF) degree

Michigan State University

Dr. Daniel E. Keathley  
Chair, Department of Forestry  
Michigan State University  
126 Natural Resources  
East Lansing, MI 48824-1222  
Professional Forestry major leading to the  
B.S. degree

Michigan Tech University

Dr. W. E. Frayer  
Dean, School of Forestry and  
Wood Products  
Michigan Technological University  
1400 Townsend Drive  
Houghton, MI 49931  
Forestry major leading to the B.S. degree

University of Michigan

Dr. Daniel A. Mazmanian  
Dean, School of Natural Resources &  
Environment  
The University of Michigan  
3516 Dana Building - 430 E. University  
Ann Arbor, MI 48109-1115

Forestry major leading to the Master of  
Forestry (MF) degree

University of Minnesota

Dr. Al Sullivan  
Dean, College of Natural Resources  
University of Minnesota  
235 Natural Resources Admin. Building  
2003 Upper Buford Circle  
St. Paul, MN 55108-1030  
Forest Resources and Urban Forestry  
majors leading to the B.S. degree

Mississippi State University

Dr. John E. Gunter  
Dean, College of Forest Resources  
Mississippi State University  
P.O. Box 9680  
Mississippi State, MS 39762-9680  
Forest Management, Wildlife  
Management, and Environmental  
Conservation options of the Forestry  
major leading to the B.S. degree

University of Missouri

Dr. Albert R. Vogt  
Director, The  
School of Natural Resources  
University of Missouri  
130 Agriculture Building

**Institutions with SAF Accredited Programs - 1998 page 4**

Columbia, MO 65211  
Forest Resource Management option  
leading to the B.S. in Forestry (BSF)  
degree

University of Montana  
Dr. Perry Brown  
Dean, School of Forestry  
University of Montana  
Missoula, MT 59812  
Forest Resources Management major  
leading to the B.S. in Forestry (BSF)  
degree

University of New Hampshire  
Dr. Theodore E. Howard  
Chair, Department of Natural Resources  
University of New Hampshire  
215 James Hall  
Durham, NH 03824-3589  
Forestry major with options in Forest  
Management and Forest Science leading  
to the B.S. in Forestry (BSF) degree

State University of New York-ESF  
Dr. William R. Bentley  
Chair, Faculty of Forestry  
SUNY College of Environmental Science  
and Forestry  
320 Bray Hall  
1 Forestry Drive  
Syracuse NY 13210  
Forestry, Recreation Resources  
Management, Wood Products, and the  
Dual Program in Environmental Forest  
Biology/Forestry options of the Forest  
Resources Management major leading to  
the B.S. degree

Duke University  
Dr. Norman L. Christensen  
Dean, School of the Environment  
Duke University  
Box 90329  
Durham, NC 27708-0329  
Forest Resource Management leading to  
the Master of Forestry (MF) degree

North Carolina State University  
Dr. Frederick W. Cabbage  
Head, Department of Forestry  
College of Forest Resources  
North Carolina State University  
3119 Jordan Hall  
Raleigh, NC 27695-8008  
Forest Management major leading to the  
B.S. in Forestry (BSF) degree

The Ohio State University  
Dr. Frederick P. Miller Director, School  
of Natural Resources  
The Ohio State University  
2021 Coffey Road  
Columbus, OH 43210  
Forestry major leading to the B.S. degree

Oklahoma State University  
Dr. Edwin Miller  
Head, Department of Forestry  
Oklahoma State University  
008C Agriculture Hall  
Stillwater, OK 74078  
Forestry major leading to the B.S. in  
Agricultural Sciences and Natural  
Resources degree

Oregon State University  
Dr. George Brown  
Dean, College of Forestry  
Oregon State University  
154 Peavy Hall  
Corvallis, OR 97331-5704  
Forest Engineering, Forest Engineering-  
Civil Engineering (dual-degree), Forest  
Management, and Forest Recreation  
Resources majors leading to the B.S.  
degree, and Track 2 of the Forest  
Resources and Silviculture majors leading  
to the Master of Forestry (MF) degree

The Pennsylvania State University  
Dr. Larry A. Nielsen  
Director, School of Forest Resources  
Penn State University  
113 Ferguson Building

**Institutions with SAF Accredited Programs - 1998 page 5**

University Park, PA 16802-4300  
Forest Management and Forest Biology  
options of the Forest Science major  
leading to the B.S. in Forest Science  
degree

Clemson University  
Dr. Thomas Wooten  
Chair, Department of Forest Resources  
Clemson University  
130 Lehotsky Hall  
Clemson, SC 29634  
Forest Resource Management major  
leading to the B.S. degree

University of Tennessee  
Dr. George Hopper  
Head, Department of Forestry, Wildlife  
and Fisheries  
University of Tennessee  
P. O. Box 1071  
Knoxville, TN 37901-1071  
Forest Resources Management, and  
Wildland Recreation concentrations  
leading to the B.S. in Forestry (BSF)  
degree

Stephen F. Austin State University  
Dr. R. Scott Beasley  
Dean, College of Forestry  
Stephen F. Austin State University  
P. O. Box 6109, SFA Station  
Nacogdoches, TX 75962-6109  
Forestry, Forest Management, Forest  
Wildlife Management, and Forest  
Recreation Management options in the  
Forestry major leading to the B.S. in  
Forestry (BSF) degree

Texas A & M University  
Dr. Robert Merrifield  
Interim Head, Department of Forest  
Science  
Texas A&M University  
Horticulture/Forest Science Bldg.  
College Station, TX 77843-2135

Forest Management option of the  
Forestry major leading to the B.S. degree

Utah State University  
Dr. Terry L. Sharik  
Head, Department of Forest Resources  
Utah State University  
5215 University Blvd.  
Logan, UT 84322-5215

Forestry major with options in Computer  
Forestry, Forest Recreation, Forest  
Biology, Forest Watershed, Forest  
Management, Resource Policy, Urban  
Forestry, and the Minor option, and  
Recreation Resource Management majors  
leading to the B.S. degree. Forestry major  
leading to the Master of Forestry (MF)  
degree

University of Vermont  
Dr. Lawrence K. Forcier, Dean, School of  
Natural Resources  
University of Vermont  
330 Aiken Center  
Burlington, VT 05405-0088  
Forest Resources Management major  
leading to the B.S. degree

Virginia Polytechnic Institute and State  
University  
Dr. Gregory N. Brown, Dean, College of  
Forestry and Wildlife Resources  
Virginia PolyTech & State University  
324 Cheatham Hall  
Blacksburg, VA 24061-0324  
Forest Management, Forestry Operations,  
Natural Resource Recreation,  
Environmental Resources Management  
options leading to the B.S. in Forestry and  
Wildlife Resources degree

Washington State University  
Dr. Edward J. Deput  
Chair, Department of Natural Resource  
Sciences  
Washington State University

**Institutions with SAF Accredited Programs - 1998 page 6**

Pullman, WA 99164-6410  
Forest Management, Forest Business,  
Wildlife Habitat Management, and  
Directed Studies options in the Natural  
Resource Management (Forestry) major  
leading to the B.S. degree

Forest Management, Forest  
Administration, Urban Forestry, and  
Forest Recreation majors leading to the  
B.S. degree

University of Washington  
Dr. Dale W. Cole  
Acting Dean, College of Forest Resources  
University of Washington 107 Anderson  
Hall, AR-10  
Seattle, WA 98195  
Forest Management leading to the B.S.  
degree

West Virginia University  
Dr. James P. Armstrong  
Director, Division of Forestry  
West Virginia University  
P. O. Box 6125  
Morgantown, WV 26506  
Forest Resource Management curriculum  
leading to the B.S. in Forestry (BSF)  
degree

University of Wisconsin-Madison  
Dr. Ronald L. Giese  
Chair, Department of Forest Ecology and  
Management  
University of Wisconsin  
120 Russell Laboratory  
1630 Linden Drive  
Madison, WI 53706-1598  
Public Forestry, Industrial Forestry, and  
the BS./MS options in the Forest Science  
major leading to the B.S. degree. Forest  
Sciences curriculum leading to the BS-  
International Agriculture and Natural  
Resources degree.

University of Wisconsin-Stevens Point  
Dr. Alan Haney  
Dean, College of Natural Resources  
University of Wisconsin  
Stevens Point, WI 54481



# Alaska Society of American Foresters

9723 Trappers Lane  
Juneau, Alaska 99801  
February 12, 1998

Cook Inlet Chapter  
Dixon Entrance Chapter  
Juneau Chapter  
Sitka Chapter  
Stikine Chapter  
Yukon River Chapter

Representative Bill Williams  
State Capital  
Juneau, Alaska 99801

Dear Representative Williams:

The Alaska Society of American Foresters believes, consistent with the national Society's position relative to federal natural resource management agencies, that Alaska's state resource management agencies should be lead by professionals pertinent to the agencies' responsibilities.

As regards the Division of Forestry, we believe the State's best interests in behalf of professional scientific management of the State's forest resources, are best served by a professional forester. Requirements for professional membership in the Society of American Foresters (SAF) should serve as a working definition for this purpose. They follow:

- a. Must be a graduate of an SAF accredited forestry curriculum or of a candidate curriculum for accreditation or,
- b. be a recipient of a graduate degree in forestry from an institution that has an SAF accredited forestry curriculum or one that is a candidate for accreditation or,
- c. be a scientist or practitioner who holds a bachelor's or higher degree within the broad field of forestry based on a curriculum that is neither SAF accredited nor a candidate for accreditation and who has three or more years of qualifying experience within the broad field of forestry.

The characteristics of natural resources are such that their most effective management should not be subject to frequent leadership and personnel turnover and policy shifts that preclude continuity.

We support House Bill 182 to the extent that it would require a professional forester to fill the position of Director of the Division of Forestry, Department of Natural Resources, also called the State Forester.

Thank you for the opportunity to comment on this important legislation. We are available to provide additional help in any way we can and to answer any questions you or members of the Committee may have.

Sincerely,



*for* John C. Sherrod, Chairman  
Alaska Society of American Foresters

**HB**

**198**

HOUSE COMMITTEE REPORT

(9)  
Date Referred to Committee: April 10, 1997

FURTHER REFERRALS:

Date of Committee Action: April 10, 97

The RESOURCES Committee considered:

HB 198

HOUSE BILL NO. 198

DIVE FISHERY MANAGEMENT ASSN. & ASSESSMNT

"An Act relating to regional dive fishery development associations and to dive fishery management assessments; and providing for an effective date."

recommends it be replaced with the following committee substitute \_\_\_\_\_ [ ] the same title [ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee  
[ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[✓] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Paul Dean</u> DYSON	✓			
<u>W.K. Williams</u> WILLIAMS	✓			
<u>Joseph Green</u> GREEN	✓			
<u>Scott Dean</u> DEAN	✓			
<u>Bill Hudson</u> HUDSON	✓			
<u>Roger Adams</u> ADAMS				✓
	(5)		(1)	

CHAIR'S SIGNATURE Scott Dean co-ch Bill Hudson - Co-Ch.

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Dive Fishery Management Assn & Assessment BRU: Revenue Operation  
 Sponsor: REP WILLIAMS, Hudson, Kookesh, Grussendorf Component: Income and Excise Audit  
 Requestor: (H) FSH COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</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>
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( GF )	0.0	***	***	***	***	***

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF/Mental Health						
<b>TOTAL</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>

Estimate of any current year (FY97) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

\*\*\* See Attached Analysis

Prepared by: Paul E. Dick Phone: 465-3691  
 Division: Income and Excise Audit Division Date: April 9, 1997  
 Approved by Commissioner: Wilson L. Condon Date: April 9, 1997  
 Agency: Revenue

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DEPARTMENT OF REVENUE  
Income and Excise Audit Division

Dive Fishery Management Assn & Assessment  
CSHB 198(FSH)  
April 9, 1997  
Page 2 of 2

**BILL ANALYSIS**

Section 1 authorizes the formation of qualified regional dive fishery development associations for the purpose of developing dive fisheries in the state.

Section 2 adds new section to AS 43.76 (Salmon Enhancement and Marketing Taxes) which establishes provisions for an elective dive fishery management assessment. Qualified dive fishery development associations would be authorized to conduct an election to approve, amend or terminate a dive fishery management assessment based on a percentage of the value of the fishery resource. Terms for conducting the election are provided in this section.

Processors would collect applicable dive fishery management assessments from dive fishermen when they acquire or buy dive fishery resources. Processors would be required to file returns and remit assessment collections to Department of Revenue on a quarterly basis. Persons who export dive fisheries from the state would be required to file returns and pay assessments directly to the department on a quarterly basis. Assessment collections would be deposited in the general fund. The legislature may appropriate assessment revenue to the Department of Fish and Game for funding the qualified regional dive fishery association in the area in which the assessments were collected.

Section 3 provides for an immediate effective date.

**OPERATING EXPENDITURES**

Department of Revenue estimates that less than 40 dive fishery assessment returns would be filed each year. The department could handle collection of the fishery management assessments and processing returns with current resources.

**REVENUE**

It is not feasible to estimate revenue under this bill because the dive fishery assessment is contingent on (1) formation of a qualified dive fishery development association and (2) approval of an assessment and rate by a majority vote of association members. According to Department of Fish and Game, the total estimated value of dive fishery resources for calendar year 1997 will be between \$3.5 and \$4.0 million. Collections would likely begin in FY 1999 because of the time it would take to form associations and conduct an election for approval of an assessment.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 198

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Dive Fishery Management and Assessment BRU: CFMD  
 Component: Fisheries Management  
 Sponsor: Representative Williams  
 Requester: House Fisheries COMPONENT SERIAL NO. 1941

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

OPERATING EXPENDITURES	FY98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES		184.6	184.6	184.6	184.6	184.6
TRAVEL		9.3	9.3	9.3	9.3	9.3
CONTRACTUAL		42.8	42.8	42.8	42.8	42.8
SUPPLIES		5.9	5.9	5.9	5.9	5.9
EQUIPMENT		9.4	9.4	9.4	9.4	9.4
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS		50.0	50.0	50.0	50.0	50.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>301.9</b>	<b>301.9</b>	<b>301.9</b>	<b>301.9</b>	<b>301.9</b>

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGE IN REVENUES ( )</b>	0.0	301.9	301.9	301.9	301.9	301.9
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts		301.9	301.9	301.9	301.9	301.9
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>301.9</b>	<b>301.9</b>	<b>301.9</b>	<b>301.9</b>	<b>301.9</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

FULL-TIME	0	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

See attached page.

Prepared by: Bob Clasby  
 Division: Commercial Fisheries Management and Development  
 Approved by Commissioner: Frank Rue  
 Agency: Department of Fish and Game

Phone: 465-6143  
 Date: 4/8/97  
 Date: 4/8/97

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This fiscal note for ADF&G assumes no cost to the department associated with establishing the dive association.

Pass through funding for the administration of the dive association is estimated at \$50,000. This is shown under miscellaneous on the fiscal note. This portion of the fiscal note is built on the assumption that there is one group formed in Southeast Alaska. Additionally, if budget cuts go through as currently proposed in the Senate, staff associated with this process (Regional Resource Development Biologists) may no longer exist. Under this situation, the fiscal note would increase to cover the cost of a Fisheries Biologist III, at a cost for salary and travel of \$85,000 to reflect the need to hire new staff to administer oversight of dive associations.

This fiscal note does not cover costs associated with enforcement issues that are the purview of the Department of Public Safety.

This fiscal note does not cover costs associated with the Department of Revenue.

All expenditures in FY99 through FY03 are anticipated to be recovered by Program Receipts generated by a dive fishery association assessment.

# Alaska State Legislature

SENATOR  
**BERT SHARP**

DISTRICT P  
CO CHAIRMAN  
SENATE FINANCE COMMITTEE  
MEMBER  
RESOURCE COMMITTEE




Senate

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## MEMORANDUM

TO: Representative Scott Ogan, Co-chair  
House Resources Committee

FROM: Senator Bert Sharp, Co-Chair  
Senate Finance Committee 

SUBJ: Request for Hearing on SB 19

DATE: March 24, 1997

I am making a second request for a hearing on SB 19, "An Act relating to enforcement of federal laws relating to fish and game: and repealing the power and duty of the Commissioner of Fish and Game to assist in the enforcement of federal laws relating to fish and game." Senate Bill 19 was a section in SB 77 which was passed by both bodies last year and vetoed by Governor Knowles. Please schedule as soon as it is conveniently possible.

Thank you.



REPRESENTING  
GOLDEN HEART  
OF ALASKA

# Alaska State Legislature

Committee:  
Transportation, Chairman  
Resources  
Economic Development  
Rules

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State Capitol  
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Representative William K. Williams

## SPONSOR STATEMENT

### HOUSE BILL 198

"An Act relating to regional dive fishery development associations and to dive fishery management assessments; and providing for an effective date."

Southeast Alaska dive fishermen have been attempting for the past decade to establish orderly, consistent and stable fisheries capable of providing dependable economic opportunity for themselves, their families and the communities of southeast. The urgency to create an economically viable fishery is highlighted by the recent closure of the regions largest employer and other related negative economic effects on the economy of southeast Alaska.

Substantial untapped dive fishery resources have been identified through diver and ADF&G underwater activities for over a decade. Many of the southeast communities have placed the development of the dive fishery as a priority item in economic development documents and locally developed legislative budget priorities. The dive fishery resources appear to be abundant and diverse throughout the region. The small sea cucumber and geoduck fisheries in southeast have a combined annual ex-vessel value of \$2.0-2.5 million dollars. In California, the urchin fishery has ranged in ex-vessel value from \$16 to \$39 million dollars from 1990-1996. Geoducks range in price from \$6/lb. live to \$3.50/lb. processed. Alaskan waters contain abundant amounts of these fishery resources plus many others not currently harvested. This legislation will encourage the identification and development of these resources. The potential for future jobs for harvesters, processors and support industries is considerable.

The commitment to work together is evidenced in the red sea urchin fishery. In 1996, the Alaska Department of Fish & Game (ADF&G), after a test fishery, was unable to open the red sea urchin fishery because of lack of funding. Based on positive results in the test fishery and a vision to diversify and develop their local economy, the Ketchikan Gateway Borough provided funding to ADF&G to conduct bioassessment surveys needed to open the fishery. The Borough continued in its involvement by facilitating and participating in a local task force comprised of Borough personnel, divers, processors and ADF&G. The resulting plan was for processors to "forward fund" the management costs of the fishery with agreements to recoup their funding through a \$.05/lb. assessment on divers. Thus, in January 1997, a red urchin fishery opened in districts 1 through 4 in the Ketchikan and Craig areas.

Sponsor Statement  
HB 198  
Page Two

This temporary fishery opening is based on a one time source of funding that will expire June 30, 1997. In order to continue this fishery, and to develop the other dive fishery resources, a stable source of funding is necessary.

The August 1996 red urchin management plan states: "Developing a long-term program to fund the costs of stock assessment, research and management remains an outstanding issue. If sufficient funds are not provided to the department each year, the fishery will not open." This is the dilemma divers face and House Bill 198 provides a creative and progressive vehicle to move towards a solution.

House Bill 198 does not mandate but allows the creation of regional dive fishery development associations for the purpose of developing dive fisheries and creates a working relationship between the divers and ADF&G to develop annual operating plans. The legislation is permissive and once a regional association is formed, divers can hold a ballot election of all interim-use permit holders to answer two questions: 1) shall we assess ourselves, and 2) at what rate shall we assess ourselves.

If approved by election, divers would be assessed, the state would collect, and the legislature may appropriate the assessment back to ADF&G. The appropriation will be based on the mutually developed annual operating budget and plan. ADF&G would then fund the specific purposes outlined in the legislation for the regional dive fishery development association and ADF&G.

All the appropriate checks and balances are in place and all parties are held accountable. In addition, all other fisheries business taxes are collected and deposited into the general fund.

House Bill 198 is a positive step forward by the private sector to support economic development and diversification without seeing a general fund appropriation. Time is of the essence. I would appreciate your support of this legislation for passage this session to keep the economic development for southeast moving forward.



**Sec. 43.76.170. Amendment of dive fishery management assessment.**

- Allows the Department of Revenue to amend a dive fishery management assessment if:
  1. 25% of the number of persons who voted in the original election present a petition to the commissioner of Fish & Game;
  2. an election is held asking the question to amend;
  3. a majority votes to amend; and
  4. the regional association provides proper notice.

**Sec. 43.76.180. Termination of dive fishery management assessment.**

- Allows the Department of Revenue to terminate a dive fishery management assessment if:
  1. 25% of the number of persons who voted in the original election present a petition to the commissioner of Fish & Game;
  2. an election is held asking the question to terminate;
  3. a majority votes to terminate; and
  4. the regional association provides proper notice.

**Sec. 43.76.190. Collection of assessment.** (Follows current method in statute.)

- Requires assessment to be collected at point of sale.
- Requires quarterly remittal to Department of Revenue.
- Requires the maintenance of buyer records.
- Requires the "owner" of the fishery resources to remit the assessment and maintain records if they remove the fishery resource from the state.
- Assessment deposited into general fund.

**Sec. 43.76.200. Funding for qualified regional dive fishery development associations.**

- Provides for appropriation of revenue to ADF&G for funding of qualified regional dive fishery development associations.
- The assessment collected in a particular administrative area will be returned to that administrative area.
- Funds may be expended by regional association for the annual operating plan developed under (b) of the section.

- Requires associations receiving funding to:
  1. cooperate with the ADF&G to develop an annual operating plan;
  2. plan must describe activities for which funds will be spent including:
    - a. identification of species and areas for bioassessment surveys;
    - b. description of management and research activities, planning for dive fisheries, and administrative activities of the association.
- Funds appropriated to ADF&G for the regional association cannot be spent by either the association or ADF&G (except for administration costs of the association) unless both parties have approved the annual operating plan.
- Requires an annual financial report to be submitted by the association to ADF&G.

**Sec. 43.76.210. Definitions.**

Provides definitions for the legislation.

Section 3

The bill will become effective upon passage.

CS FOR HOUSE BILL NO. 198( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES WILLIAMS, Hudson, Kookesh, Grussendorf, Elton

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regional dive fishery development associations and to dive  
2 fishery management assessments; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. AS 16.40 is amended by adding a new section to read:

5 Article 4. Development of Dive Fisheries.

6 Sec. 16.40.240. Regional dive fishery development associations. (a) The  
7 commissioner shall assist in and encourage the formation of qualified regional dive  
8 fishery development associations for the purpose of developing dive fisheries in  
9 administrative areas of the state in which dive fisheries exist. A regional dive fishery  
10 development association is qualified if the commissioner determines that the regional  
11 association

12 (1) is incorporated as a nonprofit corporation under AS 10.20;

13 (2) represents commercial fishermen who participate in each dive  
14 fishery in the region: and

- 1 (3) possesses a board of directors that  
2 (A) is representative of commercial dive fishermen who fish in  
3 each of the significant commercial dive fishing areas in the administrative area;  
4 (B) has a member who is representative of fish processors who  
5 process dive fishery resources in the administrative area; and  
6 (C) has a member who is representative of municipalities in the  
7 administrative area.

8 (b) In this section, "administrative area" has the meaning given in  
9 AS 43.76.210.

10 \* Sec. 2. AS 43.76 is amended by adding new sections to read:

11 **Article 3. Dive Fishery Management Assessment.**

12 **Sec. 43.76.150. Dive fishery management assessment.** (a) A person holding  
13 a limited entry permit for dive gear or an interim-use permit for dive gear issued under  
14 AS 16.43 shall pay a dive fishery management assessment on fishery resources taken  
15 by dive gear that the person removes from the state or transfers to a buyer in the state.  
16 The species of fishery resources subject to the assessment and the rate of the  
17 assessment, as a percentage of the value of the fishery resource, must be determined  
18 by an election under AS 43.76.160.

19 (b) A dive fishery management assessment under (a) of this section may only  
20 be levied or collected on a fishery resource in an administrative area if

21 (1) there exists in that administrative area an association determined by  
22 the commissioner of fish and game to be a qualified regional dive fishery development  
23 association under AS 16.40.240; and

24 (2) the species of fishery resource subject to the dive fishery  
25 management assessment and the rate of the dive fishery management assessment is  
26 approved by an election under AS 43.76.160.

27 **Sec. 43.76.160. Election to approve, amend, or terminate dive fishery**  
28 **management assessment.** (a) A qualified regional dive fishery development  
29 association may conduct an election under this section after the commissioner of fish  
30 and game approves

31 (1) the notice to be published by the qualified regional dive fishery

1 development association; the notice must describe the species of fishery resources  
2 subject to the dive fishery management assessment and must include the rate of the  
3 dive fishery management assessment, as a percentage of the value of the fishery  
4 resource, to be approved, amended, or terminated at the election;

5 (2) the ballot to be used in the election; and

6 (3) the registration and voting procedure for the approval, amendment,  
7 or termination of the dive fishery management assessment.

8 (b) The dive fishery management assessment is levied under AS 43.76.150 in  
9 an administrative area on the effective date stated on the ballot if

10 (1) the assessment is approved by a majority vote of the eligible  
11 interim-use permit and entry permit holders voting in an election held in the  
12 administrative area under this section; and

13 (2) the election results are certified by the commissioner of fish and  
14 game.

15 (c) In conducting an election under this section, a qualified regional dive  
16 fishery development association shall adopt the following procedures:

17 (1) the qualified regional dive fishery development association in the  
18 administrative area shall hold at least one public meeting not less than 30 days before  
19 the date on which ballots must be postmarked to be counted in the election to explain,  
20 as appropriate, the reason for approval or amendment of the proposed dive fishery  
21 management assessment, the reason for the proposed rate of the dive fishery  
22 management assessment, or the reason for termination of the dive fishery management  
23 assessment and to explain the registration and voting procedure to be used in the  
24 election; the qualified regional dive fishery development association shall provide  
25 notice of the meeting by

26 (A) mailing the notice to each eligible interim-use permit and  
27 entry permit holder;

28 (B) posting the notice in at least three public places in the  
29 administrative area; and

30 (C) publishing the notice in at least one newspaper of general  
31 circulation in the administrative area at least once a week for two consecutive

1 weeks before the meeting;

2 (2) the qualified regional dive fishery development association shall  
3 mail two ballots to each eligible interim-use permit and entry permit holder; the first  
4 ballot shall be mailed not more than 45 days before the date ballots must be  
5 postmarked to be counted in the election; the second ballot shall be mailed not less  
6 than 15 days before the date ballots must be postmarked to be counted in the election;  
7 the qualified regional dive fishery development association shall adopt procedures to  
8 ensure that only one ballot from each eligible interim-use permit and entry permit  
9 holder is counted in the election;

10 (3) the ballot must

11 (A) indicate the species of fishery resources subject to the dive  
12 fishery management assessment and the rate of the dive fishery management  
13 assessment, as a percentage of the value of the fishery resource, to be levied  
14 on the fishery resources under AS 43.76.150 if the ballot measure is approved;

15 (B) ask the question whether the dive fishery management  
16 assessment on the fishery resources addressed on the ballot shall be approved,  
17 amended, or terminated, as appropriate;

18 (C) indicate the boundaries of the administrative area in which  
19 the dive fishery management assessment will be levied or terminated;

20 (D) provide an effective date for the approval, amendment, or  
21 termination of the dive fishery management assessment; and

22 (E) indicate the date on which returned ballots must be  
23 postmarked in order to be counted;

24 (4) the ballots shall be returned by mail and shall be counted by an  
25 auditor selected by the qualified regional dive fishery development association and  
26 approved by the commissioner of fish and game; the qualified regional dive fishery  
27 development association shall pay the costs of counting the ballots.

28 (d) The commissioner of fish and game shall certify the results of an election  
29 under this section if the commissioner determines that the requirements of (a) and (c)  
30 of this section have been satisfied.

31 (e) A qualified regional dive fishery development association may employ or

1 contract with another person to administer an election under this section subject to the  
2 supervision of the association.

3 (f) Except as otherwise provided under AS 43.76.170 and 43.76.180, an  
4 election to amend the rate of a dive fishery management assessment or to terminate  
5 a dive fishery management assessment shall be conducted under the same procedures  
6 established under (a), (c), and (d) of this section for an election to approve a dive  
7 fishery management assessment.

8 (g) In this section, "eligible interim-use permit and entry permit holder" means  
9 an individual who, 90 days before the date ballots must be postmarked to be counted  
10 in an election under this section, is listed in the records of the Alaska Commercial  
11 Fisheries Entry Commission as the legal holder of an interim-use permit for dive gear  
12 or an entry permit for dive gear that authorizes the individual to fish commercially in  
13 the administrative area for the species of fishery resource for which the dive fishery  
14 management assessment is to be approved, amended, or terminated.

15 **Sec. 43.76.170. Amendment of dive fishery management assessment.** (a)  
16 The rate of the dive fishery management assessment levied on a species of fishery  
17 resources under AS 43.76.150 may be amended by the commissioner of revenue upon  
18 majority vote at an election held under AS 43.76.160 in the administrative area in  
19 which the dive fishery management assessment is levied.

20 (b) The commissioner of revenue shall amend the rate of a dive fishery  
21 management assessment under (a) of this section following an election in an  
22 administrative area if

23 (1) a petition, that is signed by at least 25 percent of the number of  
24 persons who voted under AS 43.76.160 in the election approving the dive fishery  
25 management assessment on the fishery resource in the administrative area, is presented  
26 to the commissioner of fish and game requesting amendment of the rate of the dive  
27 fishery management assessment on a species of fishery resources; the petition must  
28 state the proposed rate, as a percentage of the value of the fishery resource, of the dive  
29 fishery management assessment; only a person who would be eligible to vote in an  
30 election to amend the rate of the assessment may validly sign the petition;

31 (2) an election is held in accordance with AS 43.76.160; the ballot must