

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 86/2

10124 SENATE RESOURCES

**S B**

**6 8**

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 2/10/99

FURTHER:

Date of 5-Day Notice: 3/4/99  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 3/30/99

Resources Committee considered

SENATE BILL NO. 68

"An Act relating to cooperation with federal programs relating to management of fish and game."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 68 (RES)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Alan Russell</i>	✓	<i>Amendment</i>			✓
<i>Lynne Green</i>	✓				
<i>Chris Taylor</i>	✓				
<i>Rick Halford</i>	✓				
CHAIR: <i>Rick Halford</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>FiG / DWZ</i>	<i>3/8</i>		✓
<i>FiG / SF</i>	<i>3/8</i>		✓
<i>FiG / SVB</i>	<i>2/22</i>		✓
<i>FiG / C. FUEL</i>	<i>3/9</i>		✓
<i>FiG / ADMIN</i>	<i>3/9</i>		✓

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill



Official Business

# Alaska State Legislature

## Senate

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HALFORD**

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## Senate Bill 68

### **"An act relating to cooperation with federal programs relating to management of fish and game."**

Alaska became a state in 1959. In accordance with the Statehood Act, Secretary Fred Seaton transferred the fish and wildlife management responsibilities to the new state in 1960. Since then, Alaskans have witnessed the continued erosion of their fish and wildlife management authorities.

Passage of federal legislation such as the Marine Mammal Protection Act, the Endangered Species Act, the Magnuson Fishery Conservation and Management Act, and the Alaska National Interest Lands Conservation Act have all contributed directly or indirectly to this loss of jurisdiction. Equally important are the administrative actions and legislative interpretations developed by the various federal agencies -- sometimes in stark contrast to Congressional action, the Statehood Act and existing federal law.

In a recent transmittal to the Superintendent of Glacier Bay National Park and Preserve, Governor Knowles clearly stated the growing conflict with the federal agencies:

"As a preliminary matter, the proposed rule contains several statements with which the State disagrees. Among the most significant of these is NPS' characterization of the marine waters within Glacier Bay National Park as federally owned and regulated."

"Under the constitutional doctrine of equal footing, confirmed by the Submerged Lands Act, the Alaska Statehood Act, and the Alaska Constitution, the State owns and therefore manages all water columns, shorelands, tidelands, and submerged lands, including the resources located within or on such lands and waters."

The Governor was commenting on the proposed NPS rule to phase out commercial fishing in Glacier Bay proper and to develop a "cooperative" management and planning system for the remainder of the marine waters. The 1998 Congressional

amendments to Glacier Bay National Park and Preserve did require NPS to cooperate in the development of a management plan; it is obvious from the Environmental Assessment that the agency will attempt to exercise its prerogative of overriding state management when the agency unilaterally decides it is necessary to protect Park "resources and values."

Alaska's fisheries management, which has included Glacier Bay National Park, has been far more successful than the Federal management it succeeded. Although most resources are transient to the Park, it is clear that Alaska will now be required to establish a much expanded and expensive research and management program just to satisfy the demands of the National Park Service. This has now taken the form of an unnecessary and unfunded mandate.

There are a growing number of unfunded mandates associated with the creeping preemption actions of the federal agencies. On June 6 and 7, 1996, the U.S. Fish and Wildlife Service released briefing material related to "Implications of Federal Management of Subsistence Fisheries in Alaska." In this document it states:

"Two scenarios could occur for Federal subsistence management. One scenario assumes that the State of Alaska will cooperate with Federal managers, allowing federal management activities to supplement State management in a partnership effort."

"The second scenario assumes that the State will not cooperate, requiring a complete duplication of the State system with Federal staff to perform all management activities in river systems with Federal reserved waters. This would be more expensive, approaching \$18 million in the first year, leading up to \$31 million annually thereafter."

"In either scenario, Federal managers would require access to all the information concerning fish stocks of a particular river system to develop management objectives and guidelines and perform in-season management activities."

"Such capability would include the discretion to override State in-season decision-making where Federal objectives are in conflict."

"Such cooperation would require direct involvement with ADF&G with in-season information gathering as well and a willingness of State managers to defer to Federal oversight."

It is obvious that proposed federal fisheries management will follow the same pattern as with the last 10 years of federal subsistence wildlife management on federal public lands. The Federal agencies will attempt to utilize state expertise and resources to

facilitate federal preemption. According to the briefing materials, federal management will cost anywhere from \$18 million to \$31 million, depending on the level of state cooperation in this preemption exercise.

Congress and the Federal courts have made it clear that states should not be faced with unfunded Federal mandates. During this period of severe state budget deficits, it is important the Federal government pay its fair share -- especially when it is the intent of the federal agency to preempt traditional state management of resources.

This bill does not prohibit cooperation with the Federal agencies. It just requires that when Federal actions restrict state management of fish and game resources, the state will be fully reimbursed for any action taken in that cooperative effort.

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. CSSB 68 (RES)

Revision Date (Note if correction) 3/31/99 Dept. Affected: Fish and Game  
 Title Cooperation with Federal Agencies BRU Commercial Fisheries  
 Component Commercial Fisheries  
 Sponsor Senator Halford  
 Requester Senate Resources Component Serial No. 2171

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

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	(15.0)	(15.0)	(15.0)	(15.0)	(15.0)	(15.0)
Travel	(12.0)	(12.0)	(12.0)	(12.0)	(12.0)	(12.0)
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>(27.0)</b>	<b>(27.0)</b>	<b>(27.0)</b>	<b>(27.0)</b>	<b>(27.0)</b>	<b>(27.0)</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES (1002)</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>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(27.0)	(27.0)	(27.0)	(27.0)	(27.0)	(27.0)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
<b>TOTAL</b>	<b>(27.0)</b>	<b>(27.0)</b>	<b>(27.0)</b>	<b>(27.0)</b>	<b>(27.0)</b>	<b>(27.0)</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 No state funds are expended for management activities to benefit federal programs that restrict state management of commercial, subsistence and personal use fisheries. We do tailor some state fisheries to be consistent with federally-managed fisheries (e.g. state water Pacific cod), and manage others consistent with federal regs such as scallops and crab. On an in-season basis, the division shares information (test fish data, aerial survey info, etc.) with many organizations. We do spend staff time coordinating with federal representatives on fisheries in the Copper, Yukon, and Kuskokwim Rivers. In the future, as we make management decisions in commercial, subsistence, and personal use fisheries, there will be additional staff time associated with questions on our decision-making from the federal representatives. The number of hours spent coordinating with federal representatives, and the amount we would request reimbursement for, are difficult to quantify at this point. Costs identified in this fiscal note are approximate, current division costs associated with attendance at federal advisory council meetings.

Prepared by Kevin C. Duffy, Acting Deputy Director *Kevin C. Duffy* Phone 465-6151  
 Division Commercial Fisheries Date 3/31/99  
 Approved by Commissioner *Simon Bruce Jones* Date 3/31/99  
 Agency Alaska Department of Fish and Game

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# FISCAL NOTE

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

**BILL NO. CSSB 68 (RES)**

Revision Date 3/31/99 Dept. Affected Fish and Game  
 Title An Act relating to cooperation with federal progra BRU Administration and Support  
relating to management of fish and game. Component Administrative Services  
 Sponsor Senator Halford  
 Requester Senate Resources Component Serial No. 479

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

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	51.8	53.6	55.1	56.9	58.8	60.7
Travel	0.0					
Contractual	0.0					
Supplies	0.2					
Equipment	7.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>59.0</b>	<b>53.6</b>	<b>55.1</b>	<b>56.9</b>	<b>58.8</b>	<b>60.7</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	59.0	53.6	55.1	56.9	58.8	60.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>59.0</b>	<b>53.6</b>	<b>55.1</b>	<b>56.9</b>	<b>58.8</b>	<b>60.7</b>

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

The financial analysis activities described in this proposed legislation are substantial. First the appropriate cost centers for instances of cooperation with the federal government must be determined. Then systems and accounting structures must be designed and implemented to capture the direct costs and allocate the indirect costs. Then costs must be summarized and reported using a consistent and objective methodology. Reimbursements from the federal government must be periodically billed and the balances due tracked. Finally, cost centers and the related systems and structures must be constantly monitored for changes that affect the amounts to be reported under the legislation. These activities would require the addition of a full-time cost accountant to department staff, along with equipment and support costs associated with this position.

Prepared by Kevin Brooks *Kevin Brooks* Phone 465-5999  
 Division Division of Administration Date 3/31/99  
 Approved by Commissioner Frank Rue *Frank Rue for* Date 3/31/99  
 Agency Fish and Game

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. CSSB 68 (RES)

Revision Date (Note if correction) 3/31/99 Dept. Affected: Fish and Game  
 Title Cooperation with Federal Agencies BRU Subsistence  
 Component Subsistence Field Office  
 Sponsor Senator Halford  
 Requester Senate Resources Component Serial No. 2250

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

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	18.5	18.5	18.5	18.5	18.5	18.5
Travel	10.8	10.8	10.8	10.8	10.8	10.8
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>29.3</b>	<b>29.3</b>	<b>29.3</b>	<b>29.3</b>	<b>29.3</b>	<b>29.3</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	(29.3)	(29.3)	(29.3)	(29.3)	(29.3)	(29.3)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>(29.3)</b>	<b>(29.3)</b>	<b>(29.3)</b>	<b>(29.3)</b>	<b>(29.3)</b>	<b>(29.3)</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Costs shown are based on current level of operations for participation in the federal regulatory process. Estimated costs do not include an analysis of all state-federal contacts by division personnel regarding state and federal fish and wildlife management, or research and harvest monitoring programs. This analysis assumes there will not be reimbursement by federal agencies to the division for current and anticipated expenditures, since these costs have been requested in prior years and have been denied. Not included are projected and increased costs that may be incurred to cooperate with the federal subsistence program if the federal program implements federal fisheries management.

Current state expenditures (29.3) reflect approximate costs incurred to cooperate with the federal subsistence program (funds for participation in the regulatory process by attending federal advisory councils and federal subsistence board meetings), and include personnel costs, travel and per diem. No state funds are expended for research activities that benefit or implement the federal program. All such activity reports fulfill contractual obligations, and are not contracts that restrict state management of fish and game.

Prepared by Mary Pete *(Signature)* Phone 465-4147  
 Division Subsistence Date 3/31/99  
 Approved by Frank Rue *(Signature)* Date 3/31/99  
 Agency Alaska Department of Fish and Game

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. CSSB 68 (RES)

Revision Date (Note if correction) 3/31/99 Dept. Affected: Fish and Game  
 Title Cooperation with Federal Agencies BRU Wildlife Conservation  
 Component Wildlife Conservation  
 Sponsor Senators Halford, Taylor, Pearce  
 Requester Senate Resources Component Serial No. 473

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

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	(15.0)	(15.0)	(15.0)	(15.0)	(15.0)	(15.0)
Travel	(10.8)	(10.8)	(10.8)	(10.8)	(10.8)	(10.8)
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>
<b>CAPITAL EXPENDITURES</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>
<b>CHANGE IN REVENUES (1002)</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>

**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)	(25.8)	(25.8)	(25.8)	(25.8)	(25.8)	(25.8)
<b>TOTAL</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>	<b>(25.8)</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

**Assumption:** Based on past discussions with the Fish & Wildlife Service, we anticipate that federal agencies would refuse to reimburse the state for current costs of cooperating with federal management programs that restrict state management of game. Accordingly, this bill would then bar state participation in the federal regulatory process, and effectively eliminate state input into federal subsistence harvest decision-making.

No state funds are expended for research, inventory or survey activities to benefit federal programs that restrict state management of game. (All such activities are reported to fulfill contractual federal aid obligations, and the federal aid program does not restrict state management.) Current state expenditures (\$25.8) reflect the additional costs incurred to cooperate with the federal subsistence program (funds for participation in the regulatory process by attending federal advisory councils and federal subsistence board meetings), and include personnel costs, travel and per diem. These funds would no longer be spent defending state interests in federal management.

Prepared by Wayne Regelin, Director  
 Division Wildlife Conservation  
 Approved by Frank Rue, Commissioner  
 Agency Alaska Department of Fish and Game

Phone 465-4190  
 Date 3/31/99  
 Date 3/31/99

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# FISCAL NOTE

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

**BILL NO. CSSB 68 (RES)**

Revision Date (Note if correction) 3/31/99 Dept. Affected: Fish and Game  
 Title Cooperation with Federal Agencies BRU Sport Fish  
 Component Sport Fish  
 Sponsor Senator Halford  
 Requester Senate Resources Component Serial No. 464

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

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	(17.6)	(17.6)	(17.6)	(17.6)	(17.6)	(17.6)
Travel	(8.0)	(8.0)	(8.0)	(8.0)	(8.0)	(8.0)
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>(25.6)</b>	<b>(25.6)</b>	<b>(25.6)</b>	<b>(25.6)</b>	<b>(25.6)</b>	<b>(25.6)</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES (1002)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)	(25.6)	(25.6)	(25.6)	(25.6)	(25.6)	(25.6)
<b>TOTAL</b>	<b>(25.6)</b>	<b>(25.6)</b>	<b>(25.6)</b>	<b>(25.6)</b>	<b>(25.6)</b>	<b>(25.6)</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

At present, no state funds are expended for research, inventory or survey activities to benefit federal programs that restrict state management of sport fisheries. All such activities are reported to fulfill federal aid contractual obligations, and the federal aid program does not restrict state management.

Current operating expenditures of 25.6 reflect additional costs incurred to attend federal advisory council and federal subsistence board meetings, and include estimates of personnel costs, travel and per diem only. Because we have extremely limited experience in this area, these figures do not include any costs to cover additional coordination with federal employees or additional operational costs required to comply with specific issues which might result from federal takeover of fisheries management.

It is assumed that federal agencies will refuse to reimburse the state for additional expenditures incurred to participate in the federal regulatory process because similar requests made to date have been denied. This bill would then bar state participation in that process and effectively eliminate state input into federal harvest decision-making.

Prepared by Kevin Delaney, Director Phone 465-4180  
 Division Sport Fish Date 3/31/99  
 Approved by Commissioner: Frank Rue Date 3/31/99  
 Agency Alaska Department of Fish and Game

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**CS FOR SENATE BILL NO. 68(RES)**

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

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY THE SENATE RESOURCES COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATORS HALFORD, Taylor, Pearce**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to cooperation with federal programs relating to management of  
2 fish and game."

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

4 \* **Section 1.** AS 16.05 is amended by adding a new section to read:

5       **Sec. 16.05.145. Cooperation with federal agencies.** (a) A state agency may  
6 not cooperate with a federal agency in the implementation of a federal program that  
7 restricts the state management of fish or game in the state unless the commissioner of  
8 fish and game finds in writing that the federal agency has entered into an agreement  
9 to reimburse the state for the additional costs incurred by the state to cooperate with  
10 the federal program and for the federal share of expenditures of state funds for  
11 management of fish and game that benefit the federal program. The commissioner  
12 shall include in the findings a description of the additional costs incurred by the state  
13 to cooperate with the federal program and of the federal share of state expenditures for  
14 management of fish and game that benefit the federal program.

1 (b) The commissioner shall annually prepare and update as necessary a list of  
2 federal programs that restrict state management of fish or game in the state. The  
3 commissioner shall submit the list to the legislature by January 31 of each year  
4 together with a report of actions taken under (a) of this section during the preceding  
5 calendar year. The report must

6 (1) include the findings for each instance in which the commissioner  
7 found that a federal agency agreed to reimburse the state for the additional costs  
8 incurred by the state to cooperate with a federal program and for the federal share of  
9 expenditures of state funds for management of fish and game that benefit the federal  
10 program;

11 (2) describe the nature of the cooperation extended to each federal  
12 agency to implement a program included on the list;

13 (3) describe the additional costs of cooperation incurred by the state  
14 and the amount of reimbursement received or expected by the state for that  
15 cooperation;

16 (4) describe the federal share of expenditures of state funds for  
17 management of fish and game that benefit the federal program and the amount of  
18 reimbursement received or expected to be received by the state for those expenditures;  
19 and

20 (5) describe each instance in which the commissioner determined that  
21 a federal agency did not agree to reimburse the state for the additional costs of  
22 cooperation with a federal program included on the list or for the federal share of the  
23 expenditures of state funds that benefit the federal program.

24 (c) In determining the additional costs incurred by the state to cooperate with  
25 a federal program, the commissioner shall include the direct cost and associated  
26 overhead cost of additional fish or game management or research activities that are  
27 requested or required by a federal agency for the purpose of implementing the federal  
28 program and the cost of acquiring, interpreting, and sharing additional information that  
29 is requested or required by a federal agency for the purpose of implementing the  
30 federal program. If cooperation with the federal program requires or is directly aided  
31 by the adoption of regulations or the enactment of law, the commissioner shall include,

1 as part of the additional costs incurred for cooperation, the direct cost and associated  
2 overhead cost incurred by the department, the Board of Fisheries, the Board of Game,  
3 local fish and game advisory committees, the Department of Law, the Department of  
4 Public Safety, the Department of Corrections, other state agencies, the legislature, and  
5 the court system in reviewing, considering, adopting or enacting, implementing, and  
6 enforcing the regulation or law and in prosecuting and punishing violations of the  
7 regulation or law.

8 (d) In determining the federal share of expenditures of state funds for  
9 management of fish and game that benefit a federal program, the commissioner shall  
10 prorate the expenditures of state funds for management of fish and game between the  
11 federal share and the state share of the expenditures in direct proportion to the extent  
12 that the federal program restricts state management of the fish or game resource for  
13 which the state expended the funds.

14 (e) In this section, "restrict" means preempt or otherwise limit the authority of  
15 the state under the Constitution of the State of Alaska to manage the taking of fish or  
16 game through regulation of seasons, areas, bag limits, or means and methods.

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. SB 68

Revision Date (Note if correction) _____	Dept. Affected <u>Fish and Game</u>
Title <u>An Act relating to cooperation with federal progra</u>	BRU <u>Administration and Support</u>
<u>relating to management of fish and game.</u>	Component <u>Administrative Services</u>
Sponsor <u>Senator Halford</u>	
Requester <u>Senate Resources</u>	Component Serial No. <u>479</u>

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

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	51.8	53.6	55.1	56.9	58.8	60.7
Travel	0.0					
Contractual	0.0					
Supplies	0.2					
Equipment	7.3					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>59.0</b>	<b>53.6</b>	<b>55.1</b>	<b>56.9</b>	<b>58.8</b>	<b>60.7</b>

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

FUND SOURCE	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
1002 Federal Receipts						
1003 GF Match						
1004 GF	59.0	53.6	55.1	56.9	58.8	60.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>59.0</b>	<b>53.6</b>	<b>55.1</b>	<b>56.9</b>	<b>58.8</b>	<b>60.7</b>

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

The financial analysis activities described in this proposed legislation are substantial. First the appropriate cost centers for instances of cooperation with the federal government must be determined. Then systems and accounting structures must be designed and implemented to capture the direct costs and allocate the indirect costs. Then costs must be summarized and reported using a consistent and objective methodology. Reimbursements from the federal government must be periodically billed and the balances due tracked. Finally, cost centers and the related systems and structures must be constantly monitored for changes that affect the amounts to be reported under the legislation. These activities would require the addition of a full-time cost accountant to department staff, along with equipment and support costs associated with this position.

Prepared by <u>Kevin Brooks</u>	Phone <u>465-5995</u>
Division <u>Division of Administration</u>	Date <u>3/9/99</u>
Approved by Commissioner <u>Frank Rue</u>	Date <u>3/9/99</u>
Agency <u>Fish and Game</u>	

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. SB 68

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title Cooperation with Federal Agencies BRU Commercial Fisheries  
 Component Commercial Fisheries  
 Sponsor Senators Halford, Taylor, Pearce  
 Requester Senate Resources Component Serial No. \_\_\_\_\_

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

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
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>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES (1002)</b>	<b>(4,041.0)</b>	<b>(4,041.0)</b>	<b>(4,041.0)</b>	<b>(4,041.0)</b>	<b>(4,041.0)</b>	<b>(4,041.0)</b>
----------------------------------	------------------	------------------	------------------	------------------	------------------	------------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	(4,041.0)	(4,041.0)	(4,041.0)	(4,041.0)	(4,041.0)	(4,041.0)
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
<b>TOTAL</b>	<b>(4,041.0)</b>	<b>(4,041.0)</b>	<b>(4,041.0)</b>	<b>(4,041.0)</b>	<b>(4,041.0)</b>	<b>(4,041.0)</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The department manages salmon fisheries in SE Alaska according to the provisions of the US/Canada Salmon Treaty. Salmon fisheries along the Yukon River are also managed bilaterally under an agreement (but not a treaty) between Canada and the US. These fisheries are managed differently at times than they would be if Alaska was managing these fisheries independently. A federal court imposed a chinook quota on Alaska in 1995. Under the provisions of SB 68, there are certainly other costs to the state from these bilateral agreements that are not being paid for by the federal government. Therefore, the department would not be able to cooperate with the federal government and the state would lose the existing funding provided by federal agencies to assist Alaska with management under the US/Canada Salmon Treaty and Yukon River agreement. \*We also tailor some state fisheries to be consistent with federally-managed fisheries (e.g. state water Pacific cod), and manage others consistent with federal regs such as scallops and crab. Potential fiscal impacts are difficult to quantify at this point.

Prepared by Kevin C. Duffy, Acting Deputy Director *Kevin C. Duffy* Phone 465-6151  
 Division Commercial Fisheries Date 3/8/99  
 Approved by Commissioner *Commissioner Billie Jon* Date 3/9/99  
 Agency Alaska Department of Fish and Game

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. SB 68

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title Cooperation with Federal Agencies BRU Subsistence  
 Component Subsistence Special Projects  
 Sponsor Senator Halford  
 Requester Senate Resources Component Serial No. 484

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

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
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>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES (1002)</b>	<b>(1,400.0)</b>	<b>(1,400.0)</b>	<b>(1,400.0)</b>	<b>(1,400.0)</b>	<b>(1,400.0)</b>	<b>(1,400.0)</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	(1,400.0)	(1,400.0)	(1,400.0)	(1,400.0)	(1,400.0)	(1,400.0)
1003 GF Match						
1004 GF	1,400.0	1,400.0	1,400.0	1,400.0	1,400.0	1,400.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
<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 (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The Division of Subsistence contracts for funds for projects related to ANILCA Title VIII implementation and subsistence harvest assessment of marine mammals, waterfowl and big game. These projects focus on subsistence activities and uses of fish and wildlife on federal lands or on resources subject to federal management. The division receives approximately \$1.5 million in federal funds for these projects which support 11 full-time and 9 part-time positions. These positions constitute over half of the division's staff. Failure to cooperate or to meet contractual obligations with federal agencies would result in a loss of approximately \$1.4 million of the \$1.5 million received.

Fiscal note assumption: This analysis assumes that a similar amount of general funds would be appropriated to replace the department's losses in federal funds.

Prepared by Mary C. Pete *MCP* Phone 465-4147  
Subsistence Date 2/22/99  
 Approved by Commissioner *Deon Bruce Jr.* Date 2/22/99  
 Agency Alaska Department of Fish and Game

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. SB 68

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title Cooperation with Federal Agencies BRU Sport Fish  
 Component Sport Fish  
 Sponsor Senators Halford, Taylor, Pearce  
 Requester Senate Resources Component Serial No. 464

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

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
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>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES (1002)</b>	<b>(10,394.0)</b>	<b>(10,394.0)</b>	<b>(10,394.0)</b>	<b>(10,394.0)</b>	<b>(10,394.0)</b>	<b>(10,394.0)</b>
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**FUND SOURCE** (Thousands of Dollars)

	(10,394.0)	(10,394.0)	(10,394.0)	(10,394.0)	(10,394.0)	(10,394.0)
1002 Federal Receipts						
1003 GF Match						
1004 GF	10,394.0	10,394.0	10,394.0	10,394.0	10,394.0	10,394.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
<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 (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The Division of Sport Fish presently cooperates with the Dingell-Johnson/Wallop-Breaux Federal Aid in Sport Fish Restoration program in nearly all of the division's programs. In return for \$13.740 million in federal aid funds, the department is contractually obligated to cooperate with and provide a variety of reports and information on projects/programs for which federal funds are expended. For every dollar of state funding the federal aid program provides three dollars. The division has several contracts with the federal aid program each fiscal year. Our assumption is that the only contract that would be affected by passage of SB68 would be the F-10 contract which funds our management and assessment work in the division. Data normally reported under the hatchery contract, access contract and outreach/education contract would not be used to potentially restrict fisheries. However, if we refuse any information from the F-10 contract we will lose the federal aid money that funds that contract. Preliminary estimates of failure to meet F-10 contractual obligations would be the loss of \$10.394 million in federal aid. It is assumed that general funds will be appropriated to make up the division's losses in federal aid funding.

Prepared by Kevin Delaney, Director *X* Book for Phone 465-4180  
 Division Sport Fish Date 2/25/99  
 Approved by Commissioner *Gene Bunn* Date 3/8/99  
 Agency Alaska Department of Fish and Game

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. SB 68

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title Cooperation with Federal Agencies BRU Wildlife Conservation  
 Component Wildlife Conservation  
 Sponsor Senators Halford, Taylor, Pearce  
 Requester Senate Resources Component Serial No. 473

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

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
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>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES (1002)</b>	<b>(6,000.0)</b>	<b>(6,000.0)</b>	<b>(6,000.0)</b>	<b>(6,000.0)</b>	<b>(6,000.0)</b>	<b>(6,000.0)</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	(6,000.0)	(6,000.0)	(6,000.0)	(6,000.0)	(6,000.0)	(6,000.0)
1003 GF Match						
1004 GF	6,000.0	6,000.0	6,000.0	6,000.0	6,000.0	6,000.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
<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 (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The Division of Wildlife Conservation presently cooperates with federal agencies in nearly all of the division's programs. In return for \$6.8 million in federal aid funds, the department is contractually obligated to cooperate with and provide a variety of reports and information on projects/programs for which federal funds are expended. The federal share of funds expended on these programs (under the Pittman-Robertson Act) is 75%. SB68 would end cooperation with federal agencies for all programs where state management is restricted and which are not fully funded by the federal government. State management is restricted in all programs with federal subsistence oversight (big game except bison and elk), and all migratory birds (waterfowl hunting, falconry, scientific/educational collecting). Preliminary estimates of failure to meet contractual obligations and the resulting loss of federal aid funding is approximately \$6.0 of \$6.8 received.

**Fiscal note assumption:** that general funds will be appropriated to make up the department's losses in federal aid

Prepared by Wayne Regelin, Director *WR* Phone 465-4190  
 Division Wildlife Conservation Date 2/19/99  
 Approved by Commissioner Simon Bruce *SB* Date 3/8/99  
 Agency Alaska Department of Fish and Game

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STEVE COWPER  
GOVERNOR



Rec'd 8/10/89

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

August 1, 1989

The Honorable Sidney Yates  
Chairman  
House Appropriations Committee  
Subcommittee on Interior and Related Agencies  
B-308 Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

I am writing to ask your support for three items in the Interior and Related Agencies appropriations bill. One is report language and has no fiscal impact. The other two support critical programs for Alaskans in remote villages.

Reimbursement for ANILCA Subsistence Program. The Alaska National Interest Lands Conservation Act (ANILCA) requires the State to promulgate separate and specific hunting and fishing regulations governing the subsistence use of Alaska's fish and wildlife resources on federal lands. The law also sets forth detailed requirements for participation in this regulatory decision-making by the subsistence users themselves, most of whom are villagers in remote communities throughout the state. It also calls for establishment of six regional councils and advisory committees in individual communities.

In enacting this program, Congress provided that the State would be reimbursed for half the cost up to \$5 million. The State has spent about \$4 million per year since passage of ANILCA to document subsistence uses, to enable village residents to participate in regulatory meetings, to staff the regional councils and assist 79 local advisory committees with meetings, to assist residents in preparation of regulatory proposals, and to prepare an annual report to the Secretary of the Interior from each of the six regional councils. Each year, the federal reimbursement has been less than half the expenditure, with a consistent annual reduction in the amount reimbursed. In FY 89, for example, the State spent about \$3.2 million and was reimbursed for \$980,000.

Honorable Sidney Yates

- 2 -

August 1, 1989

The Senate version of the Interior appropriation includes \$750,000 in the Fish and Wildlife Service budget. This falls far short of the 50 percent reimbursement called for by ANILCA. The House version of the bill, however, includes no reimbursement at all. I am writing to urge you to preserve the \$750,000 reimbursement in the conference bill. The State has done its part to implement the subsistence resource management program called for by ANILCA. Without the funds to support the advisory system called for in ANILCA, we could not meet the public participation requirement Congress has required. In our opinion, this is not a parochial state grant program, but fulfillment of an important federal mandate.

Moratorium on Oil and Gas Exploration in Bristol Bay. Both the House and Senate versions of the bill include a moratorium on oil and gas exploration in Bristol Bay. We ask that you not only support that moratorium, but also retain language that calls for a study of the options for cancelling the leases.

The State of Alaska has consistently opposed the development of oil and gas in this area. Bristol Bay is the site of the richest salmon runs in the world, and is the single most important region of the U.S. Outer Continental Shelf (OCS) for the conservation of marine mammals and endangered species. It is the only area on the entire Alaska OCS where we have opposed development.

Alaskans want to do their share to contribute to national energy security. However, after the grounding of the tanker EXXON VALDEZ in Prince William Sound, we are more committed than ever to protecting our other natural resources--like those in Bristol Bay--from the threat of such an event.

The relatively low probability of finding commercial deposits of oil in Bristol Bay does not justify the risk. Accordingly, we respectfully request the Conference Committee to retain in the appropriations bill not only the moratorium on exploration and drilling in Bristol Bay, but also the direction to the Secretary of the Interior to examine the prospects for cancellation of Lease Sale 92. We support the study called for in the Senate bill, but believe Congress would be much better informed of all of its options if the House study is included as well. Such a study would not compel a repurchase; it simply directs the Secretary to examine what options exist. When the State repurchased

Honorable Sidney Yates

- 3 -

August 1, 1989

leases in Kachemak Bay in the mid-1970s, we were able to avoid outright cash appropriations by providing an array of compensation mechanisms. The House study would apprise Congress of potential federal alternatives.

Community Health Aide Funding Increase. We ask that you support the Senate's provision, which would increase by \$7 million the funding for this crucial health care program.

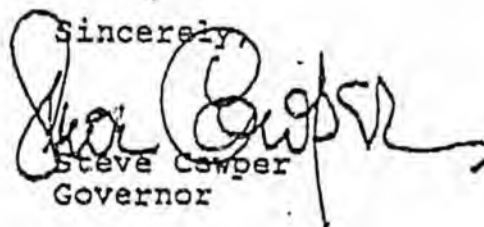
Community Health Aides are Alaska Native paraprofessionals who, with long-distance telephone and radio support from physicians in urban centers, provide primary and emergency care to 42,722 Alaskans--primarily Natives--who live in 171 remote Alaska villages.

Despite the fact that health aides are the very backbone of health care in these villages, the program is critically underfunded, leaving the health aides shockingly underpaid, undertrained, and overworked. Currently, most health aides earn an income below the poverty level for receipt of Aid to Families with Dependent Children. Nearly a third have received less than the first four weeks of basic training, while over half have less than eight weeks of training and are not certified. They receive inadequate supervision and support for their extremely demanding and stressful jobs. Given these problems, the attrition rate for health aides is 33 percent.

The proposed increase in the Senate bill, although not sufficient to the program's needs, is an important step in the right direction. Your support of the increase is critical to improve the health status of Alaska Native people.

Thank you for your consideration of these important appropriations issues.

Sincerely,



Steve Cowper  
Governor

Identical letter sent to Chairman Robert C. Byrd

cc: Senate Conferees  
Senator Frank Murkowski  
Congressman Don Young

August 2, 1989

The Honorable Manuel Lujan, Jr.  
Secretary  
Department of the Interior  
Room 6151  
C Street between 18th  
and 19th Streets, NW  
Washington, DC 20240

Dear Mr. Secretary:

The National Park Service (NPS) is proposing changes in the way the agency determines who is eligible to hunt and fish for subsistence purposes in Alaskan national parks and monuments. The proposal would replace the present concept of a "resident zone community" with a list of individual eligible users. In a preliminary stage is a proposed regulation that refers specifically to the Denali National Park, but also would apply to Lake Clark and other park units whose Subsistence Resource Commissions (SRC) recommend deletion of a resident zone.

The State of Alaska objects to this proposal for several reasons. First, the responsibility for regulating subsistence use lies with the State, and the National Park Service has not availed itself of our regulatory process to address this issue. Second, the substance of the proposal is not justified by the facts. Third, the proposal would foster divisiveness in rural communities at a time when the State is working hard to minimize conflicts among subsistence and other resource users.

The premise behind the agency's proposal is a concern that population growth in or near certain resident zone communities will result in increased competition for and overharvest of park wildlife resources. Consequently, members of the Denali and Lake Clark Subsistence Resource Commissions have suggested that these communities be deleted from the resident zone and that a "roster" comprised of those with a personal or family history of use of the park be developed.

Hon. Manuel Lujan, Jr.

- 2 -

August 2, 1989

The State has no evidence of significant changes occurring in either community structure or resource use in these park areas that would warrant such a drastic change to the current regulatory system. There also is no evidence that subsistence use is having any adverse effect on the resources of the park.

When Congress faced the question of subsistence use in passing ANILCA in 1980, it examined several alternative means for distinguishing who should be able to use the parks for subsistence. They rejected setting criteria for making individual determinations, and they rejected distinctions based on race. What Congress settled upon was a preference for such use by all residents of local, rural communities or areas having a customary dependence upon subsistence activities. That preference is not to be restricted or limited except to protect the viability of a wildlife population, and only in that case are individual, rather than community, allocations called for. Whenever restrictions are necessary, Section 804 of ANILCA specifies the criteria to be used: customary and direct dependence, local residency, and the availability of alternative resources. The agency's proposal does not reflect consideration of this provision.

I also am concerned about the long-term implications of this proposed rule on the State's ability to effectively manage wildlife resources. In 1982, the Alaska Department of Fish and Game and the NPS signed, pursuant to ANILCA, a Master Memorandum of Understanding (MMOU). The MMOU specifies that:

... implementation by the Secretary of the Interior of subsistence program recommendations developed by Park and Park Monument Subsistence Resource Commissions pursuant to ANILCA Section 808(b) will take into account existing State regulations and will use the State's regulatory process as the primary means of developing park subsistence use regulations (emphasis added).

The Joint Boards of Fisheries and Game regularly consider subsistence uses and have a public process that encourages local participation to tailor management and regulatory schemes to local needs. Rather than bringing concerns about resource use in the park to the Boards, the Park Service developed the proposed eligibility rules unilaterally.

Hon. Manuel Lujan, Jr.

- 3 -

August 2, 1989

Further, the State has wildlife population and resource use information that can be used to address concerns such as whether increased human population is putting pressure on wildlife. But until very recently, for example, State biologists and subsistence resource specialists were not included on the agenda of the Subsistence Resource Commission meetings and often were not even notified of the meetings. Participation, involvement, and exchanges of information between State and park officials and local commission members could go a long way toward dispelling concerns that resources are in jeopardy. This, in our view, is preferable to restrictive rulemaking and would promote consistency between State and federal approaches to subsistence use.

Finally, the proposed rule will unnecessarily complicate hunting regulations in many rural areas of Alaska and discourage local cooperation and compliance. Over time this type of distinction will create divisions within the communities where now all residents, because of the nature of the community, may qualify to hunt in parks. I believe the Congress intended to minimize this type of disruption and delete the resident zones only as a last resort if community harvests and use patterns in park areas changed significantly. The NPS has not demonstrated that any growth which may be occurring in park areas is actually jeopardizing park resources or causing use levels to exceed those of 1980.

The State of Alaska supports the implementation in national park areas of sound management programs in keeping with provisions of the MMOU. I urge you to abandon the proposed rulemaking and recommend that the NPS use the State's regulatory system to address concerns expressed by the SRCs, instead of taking unilateral regulatory action which preempts the State's management authorities.

Thank you for your consideration of this matter.

Sincerely,

S/S Steve Cowper

Steve Cowper  
Governor

cc: Senator Ted Stevens  
Senator Frank Murkowski  
Congressman Don Young

Excerpts FROM  
Briefing Material

Implications of Federal Management  
of  
Subsistence Fisheries in Alaska



June 6 and 7, 1996  
Washington, D.C.

U.S. Fish and Wildlife Service  
Department of the Interior



# EXECUTIVE SUMMARY

## IMPLICATIONS OF FEDERAL MANAGEMENT OF SUBSISTENCE FISHERIES IN ALASKA

This report is based on *A Preliminary Report to the Secretaries of the Interior and Agriculture - Federal Management of Subsistence Fishing in Navigable Waters of Alaska* (August 1994). It was triggered by the United States District Court decision in *Katie John v. Alaska* (April 1994). On appeal (*Alaska v. Babbitt*, March 1995) the Ninth Circuit Court of Appeals found that the United States has jurisdiction in navigable waters for which the U.S. has reserved waters for purposes of implementing Title VIII of the Alaska National Interest Lands Conservation Act.

This report will:

- provide an update on the Advance Notice of Proposed Rulemaking setting forth draft regulations that would implement the court's decision;
- inform key policy officials of the scope of management that would be required to implement the draft regulations; and
- substantiate the need for significant supplemental funding and staff for Fiscal Year 1997 and beyond.

In July, 1990, the Federal government assumed management of subsistence on Federal public lands in Alaska under Title VIII of ANILCA, when the State of Alaska could no longer comply. Federal regulations defined public lands as Federal lands not selected for conveyance by the State or Native Corporations. To date, application of this definition has primarily resulted in Federal regulation, for subsistence purposes, of terrestrial wildlife on Federal public lands. Jurisdiction in inland waters was restricted only to non-navigable waters except for certain navigable waters flowing through pre-statehood withdrawals and certain marine waters. As such, Federal management of fisheries has remained limited.

The Ninth Circuit Court's decision in *Alaska v. Babbitt* and the Supreme Court's refusal to hear the State's appeal, significantly expands Federal subsistence management of fisheries in Alaska. This requires Department of Interior agencies and the U.S.D.A. Forest Service to manage subsistence harvests of fish in all inland waters within the exterior boundaries of conservation system units and inland

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*The geographic scope of  
Federal fisheries  
management in Alaska  
would be immense,  
greater than found in any  
state and in most nations.  
Salmon management will  
be the primary focus.*

---

waters bordered by national forest lands. An Advanced Notice of Proposed Rulemaking considers this and other provisions that would further expand jurisdiction to certain selected but not conveyed lands, and off Federal public lands to insure the subsistence priority on Federal public lands. The District Court has urged promulgation of a final rule by January 31, 1997. The capabilities (funding and staffing) of participating Federal agencies to accommodate this expansion of jurisdiction does not exist.

]

The scope of fisheries management in Alaska is immense. For example, in 1995 the ex-vessel value of all commercial fisheries was \$1.26 billion, which includes 218 million salmon worth \$461 million. As a subsistence resource, salmon are used by over 200 rural villages. The Alaska Department of Fish and Game employs 286 permanent and 546 part-time employees to manage commercial and subsistence harvests. The budget for this management in 1995 was \$39 million with capital equipment exceeding \$1 billion. The primary management focus for subsistence is the five species of Pacific salmon. Salmon management involves two decision levels: pre-season planning which estimates run strengths or run outlooks, harvest allocations, escapement objectives, and other guidelines; and in-season decisions, which include setting fishing times and managing escapements. In large systems like the Yukon River, management is complex, given that there are over a hundred stocks and a large number of commercial and subsistence users. Such management must benefit from an understanding of the whole drainage system before responsible decisions can be made for any single fishery. A fragmented approach in these large systems would not represent sound conservation. Other important components of salmon management include stock abundance assessments and harvest assessments. Salmon management will be the primary focus of a new Federal subsistence fishery management program. The delegated authority to extend jurisdiction beyond Federal reserved waters will allow Federal managers to manage holistically.

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Two scenarios could occur for Federal subsistence management. One scenario assumes the State of Alaska will cooperate with Federal managers, allowing Federal management activities to supplement State management in a partnership effort. It would require coordinated pre-season planning and in-season decision making. Some level of duplication with State staffing at both levels would be required. Liabilities of this scenario include high costs, up to those presented in the August 1994 report, but lower than with no cooperation; and no practical means of enforcing Federal decisions. It is unknown whether the State will or can cooperate, and if so, the level of cooperation that can be expected. The second scenario assumes that the State will not cooperate, requiring a complete duplication of the State system with Federal staff to perform all management activities in river systems with Federal reserved waters. This would be more expensive, approaching \$18 million in the first year, leading up to \$31 million annually thereafter.

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*In large systems like the Yukon River, management is complex. A fragmented approach in these large systems would not represent sound conservation.*

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The funding level for both scenarios is predicated on the need to develop management systems, either fully or partially duplicating State systems, that cover whole river drainages, some of which cover vast areas that are not easily accessible, and contain a complex array of fisheries, stocks, and users. The need for timely, high quality data is critical in order to assure delivery of fish to subsistence users, and to not unnecessarily restrict high value commercial users, or even the mixed cash/subsistence based economies in the numerous rural communities.

The geographic scope of Federal fisheries management in Alaska would be immense, greater than found in any state and in most nations. For example, the portion of the Yukon River system in Alaska drains 205,000 square miles, equal to the land mass of the Pacific Northwest.

Other potential impacts to the Federal Subsistence Program include expansion of the Regional Advisory Council system, and expansion of jurisdiction on terrestrial lands and wildlife.

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includes forecasting run strengths, establishing allocations and escapement objectives, and subsistence management guidelines. Salmon systems range from short coastal drainages with single stock fisheries, to very lengthy river systems like the Yukon River that contain over a hundred stocks of the five Pacific salmon species with complex timing and mixing patterns and a large number of commercial and subsistence users. The active management of these more complex systems becomes more of an art than a science with management strategies evolving over a period of many years.

Because salmon are such an important subsistence resource and Federal lands border a significant portion of inland waters where salmon fisheries occur, salmon management will be the primary focus of a Federal subsistence fishery management program. ADF&G management of salmon has sustained a harvest exceeding 190 million salmon since 1991. Management varies in different regions of the state depending upon the value of fisheries. For lucrative species such as Bristol Bay sockeye salmon, optimum escapement goals are quantified for all river systems, a long-time series (>30 years) of accurate escapement estimates are available for each river, smolt out-migration is measured and quantified, environmental characteristics and density dependent factors are incorporated into forecasts and management, harvests are updated within 24 hours, and in-river monitoring provides accurate and instantaneous estimates of salmon abundance. For less valuable fisheries, escapement goals are not quantified, pre-season projections are not available, but rather, local biologists use average historical harvests and local knowledge of recent events to develop run outlooks; in-season monitoring is based upon crude aerial surveys; and harvests are not known in a timely manner. Under both scenarios, years of experience by administrators, fishery managers, and fishery biologists are required to successfully manage salmon stocks. Any Federal program will require five or more years to develop satisfactory management of salmon.

## Yukon River Salmon Fishery and Management

Any Federal subsistence fisheries program will include the Yukon River as a major component of salmon management. Herein we use the Yukon River as an example for examining the potential complexities of Federal management of subsistence fisheries because it portrays all management elements in a major way with the exception of high-intensity sport fishing.

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*Any Federal subsistence fisheries program will include the Yukon River as a major component of salmon management. Both subsistence and commercial fishing are inextricably intertwined in the subsistence lifestyle of Yukon River communities, as well as elsewhere in Alaska.*

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The Yukon River is the largest river in Alaska, draining approximately 35% of the state (205,000 square miles). The Alaska portion of the drainage equals the same land mass as the Pacific Northwest. The Yukon River is the largest provider of native chinook and chum salmon in North America. The fishery resources are extremely important to the indigenous peoples of the Yukon. Over sixty Alaskan villages, most of them economically

## Federal Management Strategy

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*Federal management would be futile if it does not take the approach of managing whole river systems.*

*Unfortunately, the nature of Federal jurisdiction, which is intermittent in much of the inland waters of the state, serves to fragment Federal management.*

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As with State management of anadromous fisheries, Federal management would be futile if it does not take the approach of managing whole river systems. This is a fundamental principle that must be embraced in designing any Federal management strategy. Holistic management includes obtaining information on all fish stocks within a system to the extent practicable, and,

consistent with a predetermined management

plan, retaining discretion for some level of in-season management intervention in all the fisheries (commercial, subsistence, and sport) throughout the migratory range of those stocks. This means managing those stocks as they pass through the marine environment and into and throughout the entire river system. The present system won't work, with the Federal Subsistence Board as the sole decision making authority in Alaska.

Unfortunately, the nature of Federal jurisdiction, which is intermittent in much of the inland waters of the state, serves to fragment Federal management. Therefore, the provision included in the Advance Notice, delegating authority to manage fishing outside federal reserved waters, is necessary to accommodate a holistic management approach. This authority may only be used to remedy situations where there may be a failure to provide the subsistence priority on the public lands. While this provision does not provide authority to regulate in a completely holistic fashion, it does allow Federal managers to consider management actions on commercial or sport fisheries, both on and off public lands, that may impact subsistence fisheries within Federal domain. In that sense, Federal management must be considered as managing whole systems even though only portions are within Federal jurisdiction.

Components of a Federal subsistence fisheries management program would include elements similar to those occurring within existing State management. Implementation of Federal management under the regulatory provisions contained within the Advanced Notice could occur under two scenarios. One scenario assumes that the State of Alaska would cooperate fully with the new Federal management regime thereby minimizing the amount of Federal involvement. A second scenario assumes

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*The Federal Subsistence Board, as currently structured, could approve pre-season fishery plans. It will take a cadre of experienced fishery managers and biologists to successfully implement in-season decisions.*

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that the State would not cooperate (for political or legal reasons), requiring Federal managers to assume all management functions, fully replicating all ADF&G management activities at least in those river systems where significant Federal reserved waters exist. In either scenario Federal managers would require access to all the information concerning fish stocks of a particular river system to develop management objectives and guidelines and perform in-season management activities. The major difference between the two scenarios would be the levels of involvement by either Federal managers or ADF&G in performing these functions.

**Federal/State Partnership:** In this scenario, Federal responsibilities would be achieved through supplementing rather than duplicating similar State-funded efforts. For example, Federal activities and in-stock assessment would augment those currently being performed by the State. In some systems, Federal projects (FWS, NPS and BLM) are already accomplishing this. These activities may include establishing test fishing sites, weirs and counting towers, sonar sites, or monitoring escapements with flight surveys. Even though ADF&G has an established network of field monitoring and sampling stations, there remain numerous opportunities to augment or supplement efforts to provide greater depth to both pre-season and in-season management decisions. ADF&G fisheries management in many parts of the State is significantly under-funded and understaffed. Augmenting the existing monitoring network would serve to provide much needed information about stocks targeted by subsistence users and could go a long way toward resolving

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*One could assume some level of cooperation given that State and Federal programs operate from a common goal of providing a priority for subsistence uses. The difference lies in the State's inability to establish this priority on the basis of rural or non-rural residence.*

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user conflicts. As an example, the U.S. Fish and Wildlife Service currently operates four monitoring sites, a fisheries genetics laboratory, tagging programs, and an outreach program to augment management activities within the Yukon River in support of the Yukon River Salmon Interim Agreement between the U.S. and Canada. Funding for this operation is \$1.4 million. Up to 10 additional monitoring network sites and expanded genetics, tagging, and

outreach programs are required if serious consideration is given to meeting the Title VIII mandate of providing a subsistence priority. These field operations are expensive given the high logistical costs of operating in remote locations, often distant from roads and home bases.

A second component of this scenario would be establishing pre-season management objectives and guidelines for the stocks within each river system to insure that the priority for subsistence uses in that system is achieved. This planning process would rely on the stock and harvest assessment work described above, and could be integrated on several levels with the State's planning process. The level of cooperation would be contingent on many factors and remains to be explored thoroughly with State officials. However, one could assume some level of cooperation, even though unknown at this time, given that State and Federal programs operate

from a common goal of providing a priority for subsistence uses. The difference lies in the State's inability to establish this priority on the basis of residence (rural or non-rural). Because many fisheries in or near Federal reserved waters are conducted by rural residents, user conflicts may be readily resolved with the same management objectives. However, conflicts may occur, for example, where there are differences in defining appropriate escapement levels within parts of the river system to provide adequate opportunities for subsistence uses. A core staff of fishery managers, counterpart to State regional fisheries managers, would be needed within the FWS's Office of Subsistence Management to perform this planning function. Moreover, this core staff would be supported by field fishery staffs (management biologists and technicians) located in regional or field locations of all the participating Federal agencies that would analyze data for ... input to this planning process. It is likely that the Federal Subsistence Board would approve these management plans for implementation by either Federal or State field managers.

Where conflicts could not be resolved, a third component of the this scenario would be establishing a Federal capability to oversee in-season monitoring conducted by State managers to insure that Federal subsistence management objectives are met. Such capability would include the discretion to override State in-season decision-making where Federal objectives are in conflict. This would involve some duplication of State staffing (the core and regional staffs mentioned above) and an extremely high level of State cooperation. In-season decisions that open and close fisheries and manage escapements at various points in the river system often occur within days or hours of receipt of the necessary data and information. Such cooperation would require direct involvement with ADF&G with in-season information gathering as well and a willingness of State managers to defer to Federal oversight.

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Funding for such a program will be high. While detailed analysis of this scenario remains to be completed, it is anticipated that earlier budget estimates (\$18 million expanding up to \$31 million over three years) outlined in the report to the Secretaries, *Federal Management of Subsistence Fishing In Navigable Waters of Alaska*, in August, 1994, would hold up. This high estimate is predicated on the need to manage whole systems across vast, remote, not easily accessible landscapes, and to significantly expand current information gathering activities to assure fulfillment of the ANILCA Title VIII mandate. If the State assures a high level of cooperation, it is possible that these estimates could be lower. The State may only grant such cooperation if Federal agencies reciprocate by expanding the existing stock and harvest assessment efforts to better manage the more complex fisheries. In view of reduced State funding levels, the State might likely expect the Federal government to assume an increased portion of the cost.

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*This high estimate is predicated on the need to manage whole systems across vast, remote, not easily accessible landscapes, and to significantly expand current information-gathering activities to assure fulfillment of the ANILCA Title VIII mandate.*

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One could suspect that the liabilities of this scenario are numerous. While it represents the minimum level of Federal involvement, it remains an expensive proposition. It is doubtful that the State will agree to cooperate to the extent necessary to insure a successful program. Furthermore, enforcement of Federal management decisions over State objections remains problematic. Resorting to the courts to enforce openings or closures is not practical considering the short lead times for decisions during in-season management. Leaving users in all categories to assume that Federal management will override State decisions may lead to chaos.

Even with these liabilities, this scenario, or a variation of it, may be the best approach to take. While it does assume some authority from the State, it can work in conjunction with any political strategy that moves the State toward regaining full management authority for fish and wildlife management statewide. This approach allows recognition of the skill and experience of the State management regime, and also allows State decision making to proceed if it aligns with Federal management goals and objectives.

*Without State Partnership:* In this scenario the underlying assumption is little or no cooperation by the State. Therefore, the Federal Subsistence Management Program would assume all of the management functions currently performed by the State in river systems where subsistence fisheries occur in Federal reserved waters. This would represent a duplication of all staffing and funding within those systems. It would take many years to build the management system, and acquire the skills and experience to develop and establish full management on many of the river systems, especially the complex systems such as the Yukon River. Moreover, it would be extremely expensive to duplicate a portion of the State's management regime and would not be likely to result in significant changes to subsistence harvests without significant economic impacts to the commercial sector. Budget estimates of this scenario are clearly on the high end of those outlined in the August, 1994, report to the Secretaries.

A significant issue that will create problems under either scenario is customary trade. Pursuant to Title VIII, customary trade for cash is a component of the subsistence lifestyle. In the context of fisheries, it has the potential to significantly exacerbate conflicts between subsistence and commercial users and between subsistence users from different communities who target the same salmon stocks, depending on the amount of cash received by individual subsistence users in exchange for their fish. Enabling subsistence users to sell salmon outside the restrictions of the limited entry permit system will increase demand for subsistence fish from rural residents. There will be two immediate effects of increased allocations for subsistence users: 1.) the amount of fish allocated to commercial users will be reduced; and 2.) there will be a redistribution of fishing income from rural commercial to subsistence fishers. Rural commercial fishers will likely see a significant reduction in their commercial catches. Although, rural commercial fishers may recoup some of the shortfall through customary trade, they may not be able to make up all the lost revenue. In addition, allocations of limited salmon stocks among subsistence users who have sequential in-river access are likely to become more contentious and increase conflicts between up and down river residents. Interestingly, subsistence users that fish within Federal reserved waters will have a decided advantage in the regulatory arena over subsistence users that fish in the same river but outside Federal reserved waters.

## Geographic Scope of Federal Management

The potential geographic scope of Federal management under the proposed rulemaking is immense. It is greater than found in any other state and most countries. While there are significant gaps statewide, given the necessity to manage whole systems, most of the major river systems in the state would have to be covered with at least some oversight capability. For systems such as the Yukon River, and other rivers where intense user conflicts currently exist, a significant Federal presence is required. It should also be recognized that subsistence fishing has been suppressed by State management in some locations. Federal managers may be asked to reopen those fisheries. The following is a synopsis of potential Federal management coverage.

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*The potential geographic scope of Federal management under the proposed rulemaking is immense: It is greater than found in any other state and most countries.*

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**Yukon River:** Management of Yukon River salmon stocks will be a high priority for Federal management. The geographic scope of direct management activities will include large portions of the Yukon River and major tributaries occurring within or adjacent to six national wildlife refuges (Yukon Delta, Innoko, Koyukuk, Kanuti, Nowita, Yukon

Flats, and one national preserve (Yukon Charley). This includes approximately 700 miles of the 1200 mile total Yukon River length within Alaska, and significant portions of the Koyukuk, Andraefsky, Anvik, Innoko, and Porcupine rivers (major tributaries of the Yukon). Management could extend to any part of the Yukon River if Federal managers extend jurisdiction off Federal reserved waters. This could include marine areas where commercial fisheries intercept salmon stocks inbound to the Yukon River system. A classic conflict with Yukon River stocks is the False Pass or Area M commercial fishery that occurs offshore near the end of the Alaska Peninsula primarily in the North Pacific Ocean. This fishery targets sockeye salmon headed for Bristol Bay, but incidentally harvests large numbers of chum salmon long suspected of being Western Alaska stocks with origins in the Yukon and other drainages. The Yukon River system contains a highly complex mix of stocks used by both subsistence and commercial users. Commercial harvests in the U.S. portion of the Yukon River have averaged 1.3 million salmon and subsistence harvests have averaged 400,000 salmon.

**Kuskokwim River:** Management of Kuskokwim River system salmon will also be a high priority. The geographic scope of direct management will include approximately 145 miles of the lower Kuskokwim River (of the 500 mile total Kuskokwim River length) occurring entirely within the exterior boundaries of the Yukon Delta National Wildlife Refuge. Similar to the Yukon River, management could be extended into marine commercial fisheries if required to protect subsistence fishing in the Kuskokwim. This includes the False Pass fishery. Approximately 1.1 million salmon are harvested annually from the Kuskokwim River by all user categories.

**Copper River:** Management of the Copper River system salmon will be a high priority. Approximately 250 miles of river run along the exterior boundary of Wrangell St. Elias National Park and Preserve and through the Chugach National Forest. Federal management will be directed at subsistence fishing occurring all along the main stem and could be extended to regulate a significant commercial fishery at the mouth of the Copper River in the North Pacific. Approximately 1 million salmon are harvested by all user categories from the Copper River.

**Southeast Alaska and Prince William Sound:** Most salmon fisheries, including subsistence and commercial, within these areas occur within marine waters outside the jurisdiction of the Tongass and Chugach National Forests established pursuant to the Advance Notice. Subsistence fisheries do however occur within several inland waterways within the forests. These fisheries use stocks that are intercepted by commercial fisheries occurring in marine waters. Some in-river subsistence fisheries (currently closed under State management) may be proposed for reestablishment under Federal management. These openings may result in conflicts with commercial uses. Importantly, most inland waters are short coastal rivers, some of which harbor popular sport fisheries for anadromous species such as salmon, steelhead and cutthroat trout. Conflicts may arise in these systems as subsistence uses are asserted in these fisheries. An example is the Situk River which supports a run of steelhead used largely by recreationalists. Mixed jurisdiction in this system may lead to extension of Federal jurisdiction off the national forest to provide for subsistence uses by local residents fishing within the forest. Several longer rivers, the Taku, Stikine, Chickamin, and Unik, extend from Alaska upstream into Canada, creating the scenario for international considerations.

**Bristol Bay Region:** Bristol Bay harbors world class commercial sockeye salmon fisheries occurring in marine waters along the coastal rivers on the north side of the Alaska Peninsula into inner Bristol Bay. Of the five major sockeye production systems, the Togiak River drainage, occurring in its entirety within the Togiak National Wildlife Refuge, is the only one with substantial Federal reserved waters. The Togiak River will be the primary focus of Federal subsistence management within Bristol Bay. Potential conflicts exist for significant commercial fisheries intercepting sockeye and other Pacific salmon species used by subsistence users in this system. Additionally, there are several smaller coastal rivers, including the Kanektok, Arolik, and Goodnews rivers, within the Togiak National Wildlife Refuge. Conflicts between subsistence and sport uses have increased as the popularity of these systems, well known for their trophy rainbow trout fishing, has grown among sport fishing enthusiasts. Some subsistence uses of salmon also occur in Lake Clark National Park and Preserve in the upper reaches of the Kvichak River drainage, one of the five key sockeye salmon producers in Bristol Bay, as well as upriver on some of the coastal rivers and lakes in Becharof and Alaska Peninsula national wildlife refuges.

**Cook Inlet Region:** This region contains major rivers such as the Susitna and the Kenai. Federal reserved waters are more limited in this region. Management within the Susitna basin may not be necessary. However, Federal management activities on the Kenai River may be needed if subsistence users assert rights to traditional harvest sites on the upper portion of the river located within the Kenai National Wildlife Refuge and the Chugach National Forest. The Kenai River is

## Impacts on Upland Management

Other than extension of jurisdiction into certain navigable waters, the two additional provisions in the Advance Notice will substantially expand Federal oversight in terrestrial wildlife management. These provisions are the extension of jurisdiction onto selected but not conveyed lands within conservation system units and national forests, and extension of jurisdiction off the public lands to insure that there will not be a failure of the subsistence priority on the public lands.

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*The extension of jurisdiction off public lands is more ominous in its impact. While the Advance Notice states that such authority will be used sparingly, once delegated it will be tested on a frequent basis.*

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The expansion of jurisdiction onto ~~certain lands selected but not yet~~ conveyed to Native Corporations and the State of Alaska, will add several million acres to the existing program.

The extension of jurisdiction off public lands is more ominous in its impact. While the Advance Notice states that such authority will be used sparingly, once delegated it will be tested on a frequent basis. It has already been a

key issue in several proposals that have come before the Federal Subsistence Board. As competition for wildlife resources grows, and when certain populations decline either from overharvest or as a result of natural cycling, it will be a provision that will be exercised with greater frequency. Closely tied to the use of this provision is the concern among subsistence users of encroaching competition for resources from non-rural or sport hunters. This provision will be used by those who believe that the presence of other users in or near their traditional hunting areas prevents them from using that area.

We anticipate a greater number of regulatory actions dealing with these two provisions. It remains to be seen how this will increase the administrative burden on the program, but some increase is expected.

## Conclusion

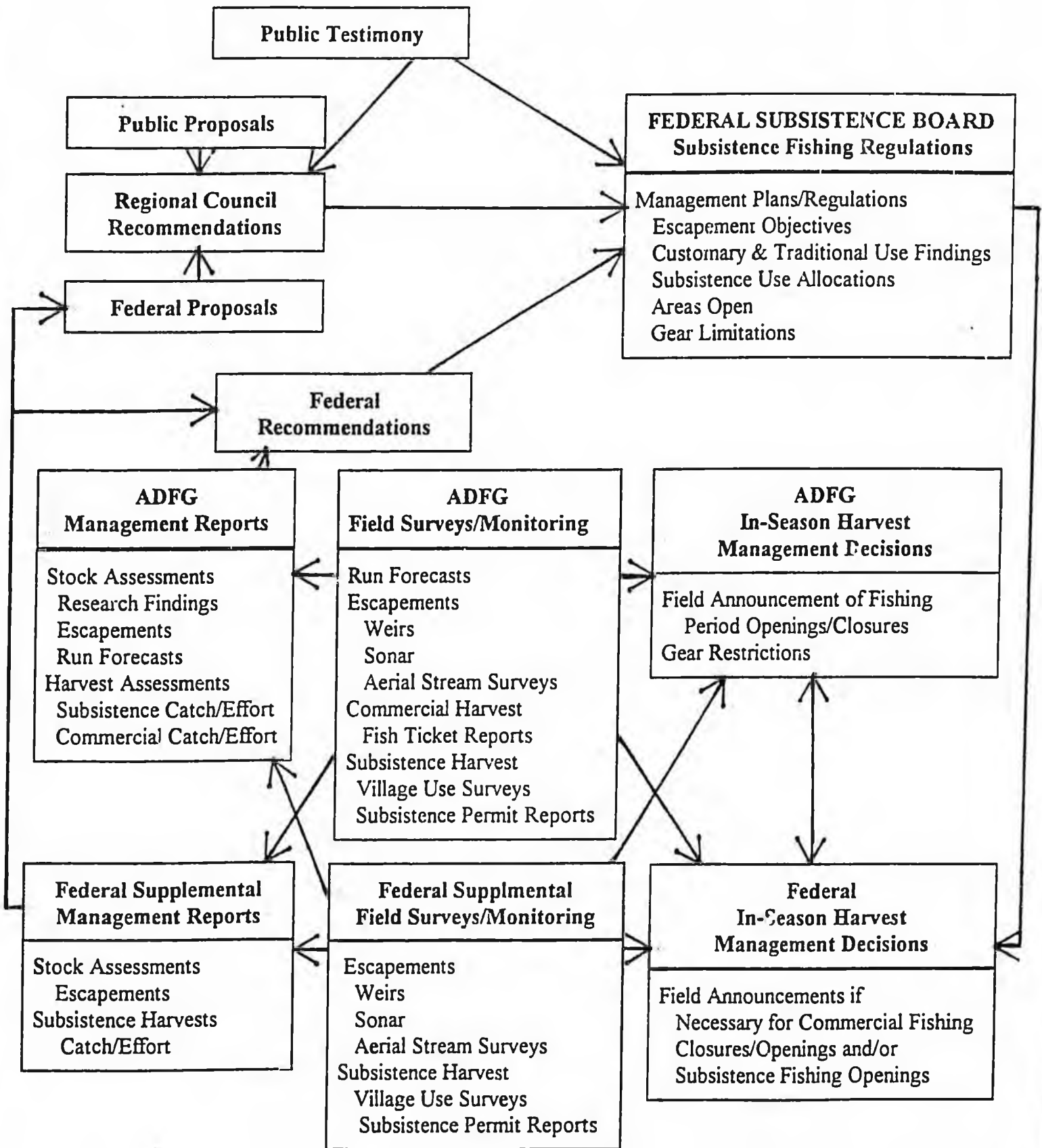
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The implication of implementing the regulations contemplated in the Advance Notice of Proposed Rulemaking is a significant expansion of the current Federal Subsistence Management Program. It will obviously move the Federal program into fisheries management in a substantial way. Costs and staffing for implementing a Federal fisheries management program will represent a large addition to the current program. Depending on the level of cooperation by the State of Alaska, it will approach the level of funding suggested in the August, 1994, report to the Secretaries of Interior and Agriculture, *A Preliminary Report to the Secretaries of the Interior and Agriculture - Federal Management of Subsistence Fishing in Navigable Waters of Alaska*. This could approach \$18 million in the first year, leading up to \$31 million annually thereafter. Cooperation with the State could reduce this amount substantially. However, such cooperation has not been discussed, and it is unknown whether the State will or can cooperate, and if so, the level of cooperation that can be expected. This funding level is predicated on the need to develop management systems, either fully or partially duplicating State systems, that cover whole river drainages, some of which cover vast areas that are not easily accessible, and contain a complex array of fisheries, stocks, and users. The need for timely, high quality data is critical in order to assure delivery of fish to subsistence users, and to not unnecessarily restrict high value commercial users, or even the mixed cash/subsistence based economies in the numerous rural communities throughout Alaska.

# ALASKA FEDERAL FISHERIES MANAGEMENT PROCESS WITH STATE PARTNERSHIP

INPUTS

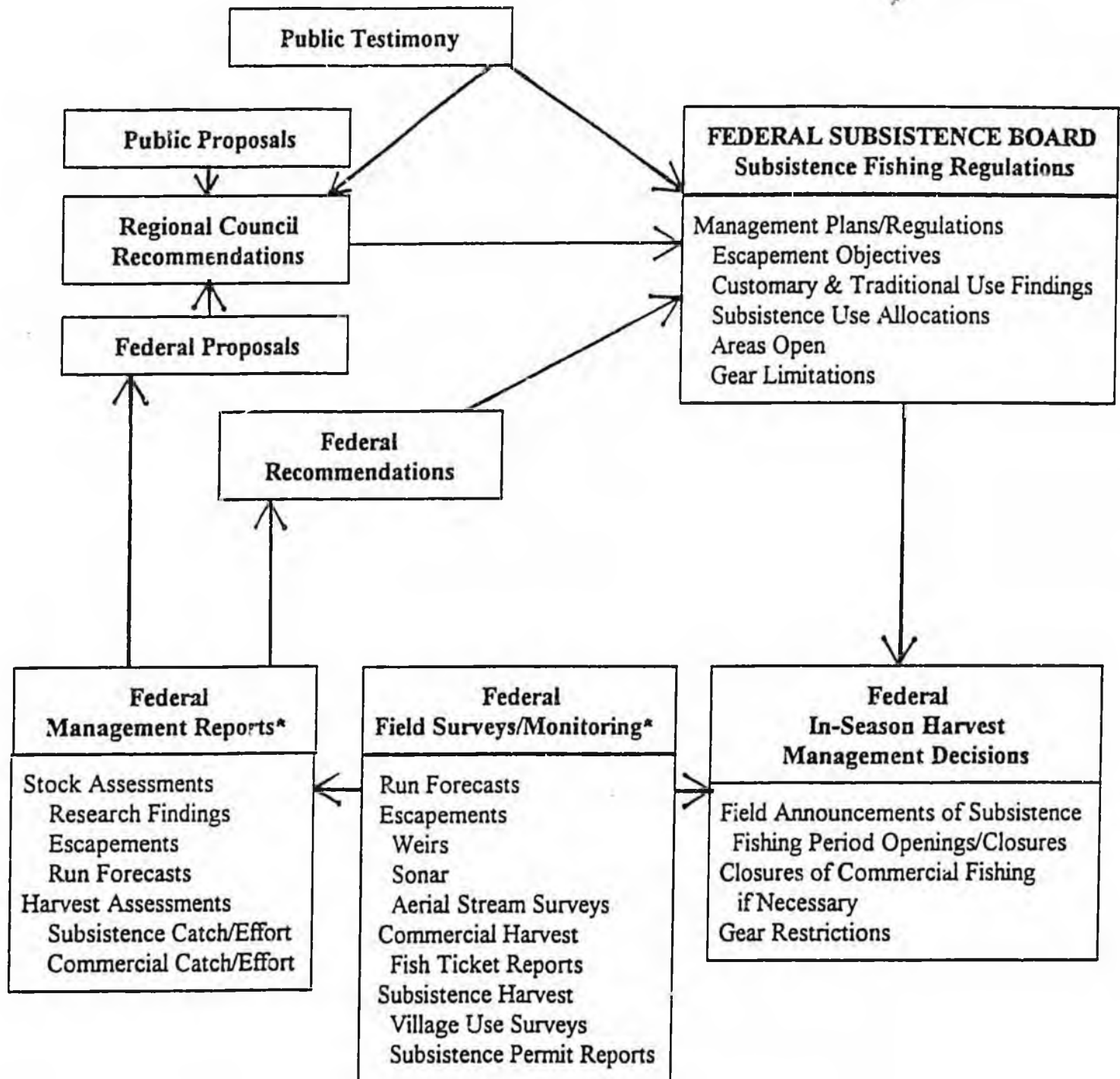
DECISIONS



# ALASKA FEDERAL FISHERIES MANAGEMENT PROCESS WITHOUT STATE PARTNERSHIP

INPUTS

DECISIONS



\* The scope of OSM field surveys/monitoring and resulting management reports would be equivalent to the existing State program with additional management work in areas presently lacking assessments of stocks and harvests.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

*Subsistence Reimbursement*

SEP 1 1992

## CRITERIA FOR PROJECT APPROVAL

### Introduction

*File: CSU-ANILCA  
reimbursements*

These Criteria control the annual reimbursement from the Secretary of the Interior to the State of Alaska under subsection 805(e) of the Alaska National Interest Lands Conservation Act (ANILCA). 16 U.S.C. § 3115(e). In accordance with the requirements of title VIII of ANILCA, 16 U.S.C. §§ 3111-3126, reimbursement will cover reasonable costs relating to the establishment and operation of regional councils and the operation of fish and game advisory committees. Final determinations on reimbursable costs will be made by the Secretary of the Interior.

In the event the State subsistence management and use program approved by the Secretary on May 14, 1982, its underlying statute, or its implementing regulations are modified so as to require a finding of noncompliance with title VIII, these Criteria shall cease to be in effect, and the project agreement shall terminate. These Criteria may be amended by agreement of the State and the Department of the Interior.

Subject to the availability of appropriated funds, reimbursement shall not exceed 50 per centum of costs approved pursuant to these Criteria. 16 U.S.C. § 3115(e)(1). Total payments to the State shall not exceed \$5,000,000 in any fiscal year. 16 U.S.C. § 3115(e)(2).

Effective October 1, 1982, project agreements and reimbursement requests shall be submitted to the Regional Director, Fish and Wildlife Service, Alaska Region.

#### Criteria

##### 1. Maintenance And Logistical Support

Reimbursement shall apply to expenditures covered by title VIII for the fish and game advisory system and for logistical support to that system. The regional councils and local committees form a structure through which the authorized council and committee functions can be fulfilled in accordance with the requirements of title VIII. Expenditures that allow the structure to exist are reimbursable; including, but not limited to, maintenance of membership rolls, communications among system units, and regional staff assigned as liaison to the councils and committees. Also reimbursable are the costs of providing the tools that allow the structure to operate; including, but not limited to, supplying to councils and committees copies of technical and scientific reports and qualified persons to assist

in interpreting and applying the reported data. Expenses associated with council and committee meetings are reimbursable; including, but not limited to, costs of members' travel and per diem, meeting rooms, and other meeting support services.

## 2. Socioeconomic Research

Information on subsistence uses and socioeconomic systems is essential if regional councils and local committees are to carry out their functions meaningfully within the structure discussed in Criterion 1, and reimbursement properly includes expenditures for social science research that supplies these data.

Reimbursement costs include the socioeconomic research program of the Division of Subsistence, Alaska Department of Fish and Game, which gathers, analyzes, and provides to the fish and game advisory system data on subsistence uses. Reimbursable costs include administrative functions and support services within the Division of Subsistence that are associated with socioeconomic research. Also reimbursable are other costs incurred in satisfying the requirements of title VIII.

## 3. Resource Program Adjustments

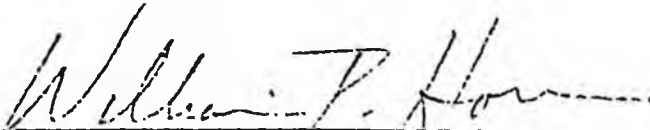
Other Divisions and Sections of the Alaska Department of Fish and Game make specific adjustments in their ongoing programs to

address subsistence management questions, to gather additional biological data on matters being addressed by the fish and game advisory system, and to provide services to the regional councils and local committees on subsistence resource issues. Reimbursement covers program adjustments made specifically to assist the regional councils and local committees in addressing subsistence management and resource questions. The connection between program adjustments and subsistence issues considered by regional councils and local committees will be documented in the reporting process.

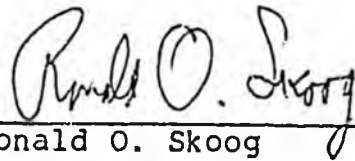
#### 4. Administrative Overhead

Reimbursement covers the indirect costs associated with the expenditures described in Criteria 1, 2, and 3. The indirect cost rate is established by the Indirect Cost Negotiation Agreement between the Alaska Department of Fish and Game and the U.S. Department of the Interior. The rate under these Criteria will conform to the rate set pursuant to that agreement.

The above Criteria and the statutory requirements upon which they are based will control the annual reimbursement process. Additionally, other costs will be allowed upon the State's showing that, although not included in the Criteria, the expenditures were reasonable costs relating to the establishment or operation of regional councils or the operation of local advisory committees.



William P. Horn  
Deputy Under Secretary  
Department of the Interior



Ronald O. Skoog  
Commissdioner  
Alaska Department of  
Fish and Game

Date: \_\_\_\_\_

9/10/82

13 Sep 82

**MEMORANDUM**  
**ALASKA DEPARTMENT OF FISH AND GAME**

**To: Division Directors**

*Date: 12/01/95*

**From: Robert Bosworth**   
**Deputy Commissioner**

**Subject: Current responsibilities in subsistence management**

The governor and lieutenant governor are working towards a comprehensive subsistence management solution, but even under the best case scenario it will be several years before dual federal/state subsistence management is behind us. The continuing evolution of "dual management" compels a review of the department's interaction with the federal subsistence management process. Based on what we know of the intransigence of the political and legal problems that surround subsistence management, the deficiencies in the current state system, and some of the directions the federal program is taking, it's easy to conclude that subsistence management in Alaska may face additional stress in the years ahead.

Clearly our primary goals in this arena are to sustain the state's wildlife and fish resources, and use of them, and then to regain fish and game management authority statewide. Our actions must be consistent with these goals.

In this memorandum I revisit the manner in which the department participates in dual federal/state subsistence management, and suggest an approach designed to serve both the public interest and the resources we are mandated to protect. Our response will necessarily be an evolving one. For the present, I want to emphasize certain staff responsibilities vital to our effective involvement in the federal system.

*Communication and Cooperation*

At the onset of dual management in 1990, the department and the federal agencies instructed their personnel to cooperate and communicate in mutual support. Former Commissioner Collinsworth and former Fish and Wildlife Service Regional Director Walt Stieglitz agreed that their respective staffs would exchange information and advice to expedite dual management with minimum disturbance to state and federal operations. This relationship has often foundered, and as a consequence our insights, analysis, and recommendations have carried little weight before the Federal Subsistence Board. The interests of the department and both rural and urban publics have on occasion been ill-served by a poorly integrated state-federal subsistence management effort.

Looking forward, it is important that the department maintain a cooperative attitude toward the federal subsistence program. If conflicts arise between the department and other participants in the federal subsistence process, we must ensure that the department is not the source of these problems. We must analyze and understand situations in which cooperation is not working. Communication and cooperation are so important in all aspects of our work that the attention we give them, both in interacting with other agencies and within the department, has much to do with our success.

### *Teamwork*

Working closely together within the department will enhance our ability to influence federal decisions, and our reputations as problem solvers. Fisheries and wildlife biologists and subsistence resource specialists must work more closely together to monitor local subsistence issues, notify supervisors and coordinators about the issues, and recommend appropriate department responses. There are three key players here. John Morrison will continue to serve as the primary liaison to the Federal Subsistence Board. Tina Cuning will continue to administer the ANILCA program. Terry Haynes will continue to work with Tina and John on all federal issues. Collectively they will advise us of the federal issues that merit our attention, and suggest an appropriate level of response.

Interdivisional collaboration is critically important for fully understanding all ramifications of an issue. The same holds true for constructing accurate, complete, department-wide positions on the issues. All staff proposals or comments on federal proposals from regional staff must be reviewed by regional supervisors from the subsistence division, and any other appropriate division, before being submitted to John. Regional supervisors in all divisions must encourage frequent communication between biologists and subsistence staff, in order to achieve mutual understanding of issues and agree on appropriate department responses to them.

### *Professional Interagency Relationships*

Much of the communication between department personnel and the federal subsistence program has occurred in the course of inquiries by federal staff seeking information to use in preparing their analyses of federal subsistence regulatory proposals. These discussions often are time consuming and can be aggravating, not only because of time demands but also because we cannot always be sure the data will be used wisely. As in the past, it is appropriate for staff to take control of such discussions to limit their duration, while nonetheless attempting to provide the needed information. The department can benefit from interactions with federal representatives if field staff work with those managers early in the regulation development process to share our understanding of the issues, the context for the issues, and pertinent scientific data. At a minimum, staff should keep John, Tina, and Terry informed when they discuss management or policy issues with federal agency representatives. I expect that you also wish to stay informed of any substantive interactions.

Currently, department staff appear to be following these general guidelines. It is important that we continue to find opportunities to influence and improve federal decisions by working to ensure appropriate use of data. This interaction will have other benefits as well, including improving our understanding of the effect of federal board actions, and solidifying the department's role as the principle repository of the needed expertise.

### *Understanding and Interacting With the Public*

In working with the federal subsistence program, and in the interest of our own management programs, we must maintain close contact with rural residents and their interests. Overall we have been doing a good job in this task, and consequently have benefited greatly in keeping current with most of the serious issues. However, we can gain even more benefit by taking the time needed to analyze the issues' rural groups advance, and addressing these at Regional Council meetings and in our comments on proposals with the appropriate scientific data. The latter task is of utmost significance. The federal subsistence staff has frequently made far more comprehensive use of department data in support of their actions than we have for our own purposes. Staff in area and regional offices must coordinate closely in producing thoroughly researched and documented responses to federal developments.

We must seek and employ new methods for understanding and responding to the needs of our broad array of constituents. This will greatly benefit our efforts to gain public understanding and support for the department's role in subsistence management. Sensitivity to the variety of cultural practices and expectations regarding subsistence opportunity must be integrated into all of our regular fish and wildlife management programs, including information and education projects. We must increase effort in this area. In a memorandum on 8/29/95 explaining his major goals as Director of the Division of Wildlife Conservation, Wayne Regelin announced a new social science program in that division that will integrate public opinion research results with the division's wildlife management programs. Recent discussions have emphasized the significance of this "human dimensions" research throughout the department, the contribution of the Subsistence Division in this arena, and the opportunities for mutually beneficial inter-divisional collaboration. Last spring's "Harvest Assessment" conference highlighted the importance of improving relationships and increasing our dialogue with rural residents and especially Alaska Natives, integrating local concerns and perceptions into our management programs, and acknowledging the value of traditional ecological knowledge.

Department representatives should participate in federal regional subsistence advisory council meetings, if at all possible. These meetings provide us with a prime opportunity to discuss issues of concern to the department, and to educate regional council members. Because of the deference given to regional council recommendations by the Federal Subsistence Board, council meetings may be the best place to influence the federal decision making process. John Morrison will assure that of the staff who attend council meetings, at least one will prepare a written summary of the meeting, focusing on topics

that may require further attention by the department. As part of our involvement in these meetings, we need to formulate more comprehensive department, rather than just division, positions. Regional supervisors must take responsibility for this, working with John and Terry, and for assuring that staff purporting to speak for the department at these meetings are in fact doing so. This structured approach to department positions should not preclude less formal but nonetheless professional involvement of knowledgeable, qualified staff in regional council debate. Once again, regional supervisors must assume the responsibility for this interaction.

### *An Integrated Response*

The evolution of "dual management" has placed increasing demands on department resources. We have commonly regarded this as an intrusion imposed on our regular duties, rather than being important components of planned work schedules. But we can anticipate even more and increasingly complex dual management issues for some time to come, possibly including significant fisheries issues. Subsistence management has become one aspect of our overall mission in which we are all engaged to one degree or another. To the extent to we can use it as an integrating factor rather than a divisive one, we can better fulfill our mission, serve the public, and strengthen the fabric of the department as a whole.

Please distribute this memorandum to appropriate staff. I invite feedback on these issues, and your suggestions for new approaches that maximize our effectiveness.

STEVE COWPER  
GOVERNOR



Rec'd 3/10/89

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

August 1, 1989

The Honorable Sidney Yates  
Chairman  
House Appropriations Committee  
Subcommittee on Interior and Related Agencies  
B-308 Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

I am writing to ask your support for three items in the Interior and Related Agencies appropriations bill. One is report language and has no fiscal impact. The other two support critical programs for Alaskans in remote villages.

Reimbursement for ANILCA Subsistence Program. The Alaska National Interest Lands Conservation Act (ANILCA) requires the State to promulgate separate and specific hunting and fishing regulations governing the subsistence use of Alaska's fish and wildlife resources on federal lands. The law also sets forth detailed requirements for participation in this regulatory decision-making by the subsistence users themselves, most of whom are villagers in remote communities throughout the state. It also calls for establishment of six regional councils and advisory committees in individual communities.

In enacting this program, Congress provided that the State would be reimbursed for half the cost up to \$5 million. The State has spent about \$4 million per year since passage of ANILCA to document subsistence uses, to enable village residents to participate in regulatory meetings, to staff the regional councils and assist 79 local advisory committees with meetings, to assist residents in preparation of regulatory proposals, and to prepare an annual report to the Secretary of the Interior from each of the six regional councils. Each year, the federal reimbursement has been less than half the expenditure, with a consistent annual reduction in the amount reimbursed. In FY 89, for example, the State spent about \$3.2 million and was reimbursed for \$980,000.

Honorable Sidney Yates

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August 1, 1989

The Senate version of the Interior appropriation includes \$750,000 in the Fish and Wildlife Service budget. This falls far short of the 50 percent reimbursement called for by ANILCA. The House version of the bill, however, includes no reimbursement at all. I am writing to urge you to preserve the \$750,000 reimbursement in the conference bill. The State has done its part to implement the subsistence resource management program called for by ANILCA. Without the funds to support the advisory system called for in ANILCA, we could not meet the public participation requirement Congress has required. In our opinion, this is not a parochial state grant program, but fulfillment of an important federal mandate.

Moratorium on Oil and Gas Exploration in Bristol Bay. Both the House and Senate versions of the bill include a moratorium on oil and gas exploration in Bristol Bay. We ask that you not only support that moratorium, but also retain language that calls for a study of the options for cancelling the leases.

The State of Alaska has consistently opposed the development of oil and gas in this area. Bristol Bay is the site of the richest salmon runs in the world, and is the single most important region of the U.S. Outer Continental Shelf (OCS) for the conservation of marine mammals and endangered species. It is the only area on the entire Alaska OCS where we have opposed development.

Alaskans want to do their share to contribute to national energy security. However, after the grounding of the tanker EXXON VALDEZ in Prince William Sound, we are more committed than ever to protecting our other natural resources--like those in Bristol Bay--from the threat of such an event.

The relatively low probability of finding commercial deposits of oil in Bristol Bay does not justify the risk. Accordingly, we respectfully request the Conference Committee to retain in the appropriations bill not only the moratorium on exploration and drilling in Bristol Bay, but also the direction to the Secretary of the Interior to examine the prospects for cancellation of Lease Sale 92. We support the study called for in the Senate bill, but believe Congress would be much better informed of all of its options if the House study is included as well. Such a study would not compel a repurchase; it simply directs the Secretary to examine what options exist. When the State repurchased

Honorable Sidney Yates

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August 1, 1989

leases in Kachemak Bay in the mid-1970s, we were able to avoid outright cash appropriations by providing an array of compensation mechanisms. The House study would apprise Congress of potential federal alternatives.

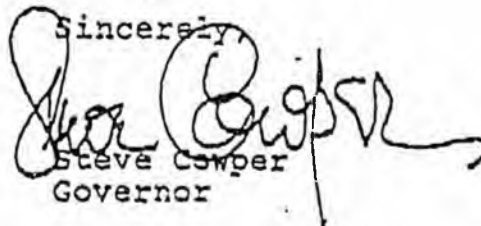
Community Health Aide Funding Increase. We ask that you support the Senate's provision, which would increase by \$7 million the funding for this crucial health care program.

Community Health Aides are Alaska Native paraprofessionals who, with long-distance telephone and radio support from physicians in urban centers, provide primary and emergency care to 42,722 Alaskans--primarily Natives--who live in 171 remote Alaska villages.

Despite the fact that health aides are the very backbone of health care in these villages, the program is critically underfunded, leaving the health aides shockingly underpaid, undertrained, and overworked. Currently, most health aides earn an income below the poverty level for receipt of Aid to Families with Dependent Children. Nearly a third have received less than the first four weeks of basic training, while over half have less than eight weeks of training and are not certified. They receive inadequate supervision and support for their extremely demanding and stressful jobs. Given these problems, the attrition rate for health aides is 33 percent.

The proposed increase in the Senate bill, although not sufficient to the program's needs, is an important step in the right direction. Your support of the increase is critical to improve the health status of Alaska Native people.

Thank you for your consideration of these important appropriations issues.

Sincerely,  
  
Steve Cowper  
Governor

Identical letter sent to Chairman Robert C. Byrd

cc: Senate Conferees  
Senator Frank Murkowski  
Congressman Don Young

August 2, 1989

The Honorable Manuel Lujan, Jr.  
Secretary  
Department of the Interior  
Room 6151  
C Street between 18th  
and 19th Streets, NW  
Washington, DC 20240

Dear Mr. Secretary:

The National Park Service (NPS) is proposing changes in the way the agency determines who is eligible to hunt and fish for subsistence purposes in Alaskan national parks and monuments. The proposal would replace the present concept of a "resident zone community" with a list of individual eligible users. In a preliminary stage is a proposed regulation that refers specifically to the Denali National Park, but also would apply to Lake Clark and other park units whose Subsistence Resource Commissions (SRC) recommend deletion of a resident zone.

The State of Alaska objects to this proposal for several reasons. First, the responsibility for regulating subsistence use lies with the State, and the National Park Service has not availed itself of our regulatory process to address this issue. Second, the substance of the proposal is not justified by the facts. Third, the proposal would foster divisiveness in rural communities at a time when the State is working hard to minimize conflicts among subsistence and other resource users.

The premise behind the agency's proposal is a concern that population growth in or near certain resident zone communities will result in increased competition for and overharvest of park wildlife resources. Consequently, members of the Denali and Lake Clark Subsistence Resource Commissions have suggested that these communities be deleted from the resident zone and that a "roster" comprised of those with a personal or family history of use of the park be developed.

Hon. Manuel Lujan, Jr.

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The State has no evidence of significant changes occurring in either community structure or resource use in these park areas that would warrant such a drastic change to the current regulatory system. There also is no evidence that subsistence use is having any adverse effect on the resources of the park.

When Congress faced the question of subsistence use in passing ANILCA in 1980, it examined several alternative means for distinguishing who should be able to use the parks for subsistence. They rejected setting criteria for making individual determinations, and they rejected distinctions based on race. What Congress settled upon was a preference for such use by all residents of local, rural communities or areas having a customary dependence upon subsistence activities. That preference is not to be restricted or limited except to protect the viability of a wildlife population, and only in that case are individual, rather than community, allocations called for. Whenever restrictions are necessary, Section 804 of ANILCA specifies the criteria to be used: customary and direct dependence, local residency, and the availability of alternative resources. The agency's proposal does not reflect consideration of this provision.

I also am concerned about the long-term implications of this proposed rule on the State's ability to effectively manage wildlife resources. In 1982, the Alaska Department of Fish and Game and the NPS signed, pursuant to ANILCA, a Master Memorandum of Understanding (MMOU). The MMOU specifies that:

... implementation by the Secretary of the Interior of subsistence program recommendations developed by Park and Park Monument Subsistence Resource Commissions pursuant to ANILCA Section 808(b) will take into account existing State regulations and will use the State's regulatory process as the primary means of developing park subsistence use regulations (emphasis added).

The Joint Boards of Fisheries and Game regularly consider subsistence uses and have a public process that encourages local participation to tailor management and regulatory schemes to local needs. Rather than bringing concerns about resource use in the park to the Boards, the Park Service developed the proposed eligibility rules unilaterally.

Hon. Manuel Lujan, Jr.

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August 2, 1989

Further, the State has wildlife population and resource use information that can be used to address concerns such as whether increased human population is putting pressure on wildlife. But until very recently, for example, State biologists and subsistence resource specialists were not included on the agenda of the Subsistence Resource Commission meetings and often were not even notified of the meetings. Participation, involvement, and exchanges of information between State and park officials and local commission members could go a long way toward dispelling concerns that resources are in jeopardy. This, in our view, is preferable to restrictive rulemaking and would promote consistency between State and federal approaches to subsistence use.

Finally, the proposed rule will unnecessarily complicate hunting regulations in many rural areas of Alaska and discourage local cooperation and compliance. Over time this type of distinction will create divisions within the communities where now all residents, because of the nature of the community, may qualify to hunt in parks. I believe the Congress intended to minimize this type of disruption and delete the resident zones only as a last resort if community harvests and use patterns in park areas changed significantly. The NPS has not demonstrated that any growth which may be occurring in park areas is actually jeopardizing park resources or causing use levels to exceed those of 1980.

The State of Alaska supports the implementation in national park areas of sound management programs in keeping with provisions of the MMOU. I urge you to abandon the proposed rulemaking and recommend that the NPS use the State's regulatory system to address concerns expressed by the SRCs, instead of taking unilateral regulatory action which preempts the State's management authorities.

Thank you for your consideration of this matter.

Sincerely,

S/S Steve Cowper

Steve Cowper  
Governor

cc: Senator Ted Stevens  
Senator Frank Murkowski  
Congressman Don Young

### 1997/98 STATE-FEDERAL REGULATION PROBLEM CATEGORIES

[KEY: Record # (Species) Subunit; \* = record # repeated, @ = federal land issue]

(SPECIES KEY: Bl = black bear; Br = brown bear; Bi = bison; Ca = caribou; D = deer;

E = elk; G = goat; M = moose; Mo = muskox; S = sheep; W = wolf;

We = wolverine; C = coyote; AF = Arctic Fox; RF = Red Fox;

L = lynx; Gr = grouse; H = hare; Pt = ptarmigan)

(Key to 1997 Changes: f = federal; s = State; ct = C&T finding)

96/SCAT doc

#### Difference in Season +/or Bag Limit

#### Positive Federal C&T

#### Determination

GMU	<u>Difference in Season +/or Bag Limit</u>					Total # Unique Records	<u>Positive Federal C&amp;T Determination</u>				GMU
	No Fed. Season	No Resident Difference	Biol. Problem	Complexity/ Confusion	Enforcement		Restrictions with No Federal C&T Determination	Restrictions to Traditional Users	Confusion/ Conflict with State C&T	Negative Federal C&T	
1	8(E) 9(G)A 21(M)C 24(M)D	1(BI) 2(Br) 3(D)A 4(D)B 5(D)C 7(D)D 11(G)AB 12(G)C-fs 13(G)C-fs 14(G)C 15(G)D 16(G)D 18(G)D 22(M)C 23(M)C 25(W) 26(We) 27(C) 30(Gr) 31(H) 32(Pt)	6(D)C 10(G)B 17(G)D 28(RF) 29(L.)	9(G)A* 10(G)B* 15(G)D* 17(G)D* 19(M)A 20(M)B 28(RF)* 29(L.)*	10(G)B* 19(M)A*		9(G)A 15(G)D 16(G)D 17(G)D 18(G)D 19(M)A 22(M)C 23(M)C 25(W) 26(We) 27(C) 28(RF) 29(L.) 30(Gr) 31(H) 32(Pt)	1(BI) 2(Br) 3(D)B 4(D)B 10(G)B-ct 11(G)AB 12(G)C 13(G)C 14(G)C 20(M)B-ct 24(M)D	5(D)C 6(D)C	7(D)D 8(E) 21(M)C	1
1 Total	4	21	5	2		32	16	11	2	3	1 Total
2	35(E)	33(BI) 36(M) 37(W)-fs 38(We) 42(Gr) 43(H) 44(Pt)	34(D)	39(C) 40(RF) 41(L)			33(BI) 37(W) 38(We) 39(C) 40(RF), 41(L) 42(Gr), 43(H) 44(Pt)	34(D)		35(E) 36(M)	2
2 Total	1	7	1	3		12	9	1		2	2 Total

### 1997/98 STATE-FEDERAL REGULATION PROBLEM CATEGORIES

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We = wolverine; C = coyote; AF = Arctic Fox; RF = Red Fox;  
L = lynx; Gr = grouse; H = hare; Pt = ptarmigan)

(Key to 1997 Changes: f = federal; s = State; et = C&T finding)

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#### Difference in Season +/- or Bag Limit

#### Positive Federal C&T Determination

GMU	No Fed. Season	No Resident Difference	Biol. Problem	Complexity/Confusion	Enforcement	Total # Unique Records	Restrictions with No Federal C&T Determination	Restrictions to Traditional Users	Confusion/Conflict with State C&T	Negative Federal C&T	GMU
3	46(Br) 49(E)s	45(BI) 47(D) 48(D) 50(M) 51(W) 52(We) 53(C) 56(Gr) 57(H) 58(Pt)	47(D)* 54(RF) 55(L)	47(D)* 50(M)* 54(RF)* 55(L)*			45(BI) 48(D) 50(M)-a 51(W) 52(We) 53(C) 54(RF) 55(L) 56(Gr) 57(H), 58(Pt)	47(D)		46(Br) 49(E)	3
3Total	2	10	2			14	11	1		2	3Total
4		59(Br) 61(Br) 62(Br) 65(G) 66(W) 67(We) 68(C) 71(Gr) 72(H) 73(Pt)	63(D)@ 64(D)@ 69(RF) 70(L)	60(Br)s 61(Br)* 63(D)* 64(D)* 69(RF)* 70(L)*	63(D)* 64(D)*		66(W) 67(We) 68(C) 69(RF) 70(L) 71(Gr) 72(H) 73(Pt)	59(Br) 60(Br) 61(Br) 62(Br) 63(D) 64(D) 65(G)			4
4Total		10	4	1		15	8	7			4Total

1997/98 STATE-FEDERAL REGULATION PROBLEM CATEGORIES

[KEY: Record # (Species) Subunit; \* - record # repeated; @ - federal land issue]

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We = wolverine; C = coyote; AF = Arctic Fox; RF = Red Fox;

L = lynx; Gr = grouse; H = hare; Pt = ptarmigan)

(Key to 1997 Changes: f - federal; s - State; ct - C&T finding)

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Difference in Season &/or Bay Limit

Positive Federal C&T

Determination

GMU	No Fed. Season	No Resident Difference	Biol. Problem	Complexity/ Confusion	Enforcement	Total # Unique Records	Restrictions with No Federal C&T Determination	Restrictions to Traditional Users	Confusion/ Conflict with State C&T	Negative Federal C&T	GMU
8	132(Ca) 136(E)-s 137(E)-s 138(E) 139(E)-s 140(G) 141(C) 143(L) 144(Gr)	142(RF) 145(H) 146(Pt)	130(Br)-r 131(Br)-r 134(D)-s 135(D)-s	130(Br)-r* 131(Br)-r*			142(RF) 145(H) 146(Pt)	130(Br) 131(Br) 133(D) 134(D) 135(D) 136(E)-ct 137(E)-ct 138(E)-ct 139(E)-ct		132(Ca) 140(G) 141(C) 143(L) 144(Gr)	8
8Total	9	3	4	1		17	3	9		5	8Total
9	150(Br)C 151(Br)D-s	147(BI) 149(Br)A 154(Ca)B-6 155(Ca)D 158(M)A 161(M)C 162(M)D 165(W) 166(We) 167(C) 169(RF) 170(L) 171(Gr) 172(H) 173(Pt)	148(Br)AB 153(Ca)AC 157(Ca)E 159(M)B-s 160(M)C 163(M)E	148(Br)AB* 152(Br)CDE -s 153(Ca)AC* 156(Ca)E 157(Ca)E* 159(M)B* 160(M)C* 163(M)E* 164(S) 168(AF)	163(M)E*		165(W) 166(We) 167(C) 168(AF) 169(RF) 170(L) 171(Gr) 172(H) 173(Pt)	147(BI)-ct 148(Br)AB 152(Br)CDE -ct 153(Ca)AC 154(Ca)B 155(Ca)D 156(Ca)E 157(Ca)E 158(M)A 159(M)B 160(M)C 161(M)C 163(M)E 164(S)	148(Br)AB* 149(Br)A 150(Br)C 151(Br)D 162(M)D	9	
9Total	2	15	6	4		27	9	14		4	9Total
10	175(Br) 185(L) 186(Gr)	176(Ca) 177(Ca) 179(Ca) 180(W) 181(We) 182(C) 183(AF) 184(RF) 187(H) 188(Pt)		178(Ca)			176(Ca) 178(Ca) 179(Ca) 180(W) 181(We) 182(C) 183(AF) 184(RF) 187(H) 188(Pt)	177(Ca) 176(Ca)*		175(Br) 185(L) 186(Gr)	10
10Total	3	10	1			14	10	1		3	10Total

# 1997/98 STATE-FEDERAL REGULATION PROBLEM CATEGORIES

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We = wolverine; C = coyote; AF = Arctic Fox; RF = Red Fox;  
L = lynx; Gr = grouse; H = hare; Pt = ptarmigan)

(Key to 1997 Changes: f = federal; s = State; ct = C&T finding) 96FSCAT.doc

GMU	No Fed. Season	No Resident Difference	Difference in Season +/- or Bag Limit			Total # Unique Records	Positive Federal C&T Determination			GMU
			Biol. Problem	Complexity/ Confusion	Enforcement		Restrictions with No Federal C&T Determination	Restrictions to Traditional Users	Confusion/ Conflict with State C&T	
14	247(BI)A	248(BI)BC*	274(L)*	248(BI)BC*			247(BI)A		249(Br)	14
	248(BI)BC	271(We)*	276(Gr)C*	270(W) *@			248(BI)BC		251(Ca)AC	
	249(Br)B-s	272(C)*		273(RF)*@			250(Br)		252(Ca)B	
	250(Br)AC			274(L)*@			270(W)		253(G)AB	
	251(Ca)AC			276(Gr)C*@			271(We)		254(G)C	
	252(Ca)B			279(I)C*@			272(C)		255(G)C	
	253(G)AB			280(Pt)*			273(RF)		256(M)A	
	254(G)C						274(L)		257(M)B	
	255(G)C						275(Gr)AB		258(M)C	
	256(M)A						276(Gr)C		259(M)C	
	257(M)B						277(H)A		260(M)C	
	258(M)C						278(H)B		261(M)C	
	259(M)C						279(H)C		262(M)C	
	260(M)C						280(Pt)		263(M)C	
	261(M)C								264(M)C	
	262(M)C								265(M)C	
	263(M)C								266(M)C	
	264(M)C								267(S)AB	
	265(M)C								268(S)C	
	266(M)C								269(S)C	
	267(S)AB									
	268(S)C									
	269(S)C-s									
	270(W)									
	271(We)									
	272(C)									
	273(RF)-s									
	274(L)-s									
	275(Gr)AB									
	276(Gr)C									
	277(H)									
	278(H)									
	279(H)									
	280(Pt)-s									
14 Total	34					34	14		20	14 Total

### 1997/98 STATE-FEDERAL REGULATION PROBLEM CATEGORIES

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L = lynx; Gr = grouse; H = hare; Pt = ptarmigan)

(Key to 1997 Changes: f = federal; s = State; ct = C&T finding)

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GMU	<u>Difference in Season +/-or Bay Limit</u>					Total # Unique Records	<u>Positive Federal C&amp;T Determination</u>				GMU
	No Fed. Season	No Resident Difference	Biol. Problem	Complexity/ Confusion	Enforcement		Restrictions with No Federal C&T Determination	Restrictions to Traditional Users	Confusion/ Conflict with State C&T	Negative Federal C&T	
18	365(Mo) 366(Mo)	359(BI) 360(Br) 362(Ca)-f 363(M) 367(W) 368(We) 369(C) 370(AF) 371(RF) 372(L) 373(Gr) 374(H) 375(Pt)	361(Ca) 364(M)	360(Br)* 362(Ca)* 364(M)*			367(W) 368(We) 369(C) 370(AF) 371(RF) 372(L) 373(Gr) 374(H) 375(Pt)	359(BI) 360(Br) 361(Ca) 362(Ca) 363(M)-ct 364(M)-ct		365(Mo) 366(Mo)	18
18Total	2	13	2			17	9	6		2	18Total
19	376(Bi)	377(BI) 379(Br)B 394(W) 395(We) 396(C) 397(RF) 398(L) 399(Gr) 400(H) 401(Pt)	380(Ca)A 382(Ca)C 386(M)A 387(M)A 389(M)C- 390(M)D- 391(M)D- 392(M)D 393(S)	378(Br)ACD 381(Ca)AB 383(Ca)D- 384(Ca)D- 385(M)A@ 386(M)A* 387(M)A* 388(M)B 389(M)C* 390(M)D* 391(M)D* 392(M)D* 393(S)*	388(M)B* 389(M)C* 390(M)D* 391(M)D* 392(M)D* 393(S)*		377(BI) 393(S) 394(W) 395(We) 396(C) 397(RF) 398(L) 399(Gr) 400(H) 401(Pt)	378(Br)B 380(Ca)A 381(Ca)AB 382(Ca)C 383(Ca)D 384(Ca)D 385(M)A 386(M)A 387(M)A 388(M)B 389(M)C 390(M)D 391(M)D 392(M)D	376(Bi)AB 376(Bi)CI* 377(Br)ACD	19	
19Total	1	10	9	6		26	10	14	1	1	19Total

# 1997/98 STATE-FEDERAL REGULATION PROBLEM CATEGORIES

[KEY: Record # (Species) Subunit; \* = record # repeated; @ = federal land issue]

(SPECIES KEY: BI = black bear; Br = brown bear; Bi = bison; Ca = caribou; D = deer;

E = elk; G = goat; M = moose; Mo = muskox; S = sheep; W = wolf;

We = wolverine; C = coyote; AF = Arctic Fox; RF = Red Fox;

L = lynx; Gr = grouse; H = hare; Pt = ptarmigan)

(Key to 1997 Changes: f = federal; s = State; ct = C&T finding)

98FSCAT.doc

GMU	<u>Difference in Season +/- for Bag Limit</u>				Total # Unique Records	<u>Positive Federal C&amp;T Determination</u>			
	No Fed. Season	No Resident Difference	Biol. Problem	Complexity/ Confusion Enforcement		Restrictions with No Federal C&T Determination	Restrictions to Traditional Users	Confusion/ Conflict with State C&T	Negative Federal C&T
22	477(Br)C-s 480(Ca)CDE 484(M)C 491(C)	475(BI) 479(Ca)AB 483(M)B 486(M)D 487(M)E 490(We) 492(AF) 494(L) 495(Gr)	476(Br)A 478(Br)B 488(Mo)-r	476(Br)A* 478(Br)B* 481(M)A 482(M)B-s 485(M)D-s 488(Mo)* 489(W) 493(RF) 496(H) 497(Pt)		488(Mo)A 489(W) 490(We) 491(C) 492(AF) 493(RF) 494(L) 496(H)	477(Br)C 479(Ca)AB-ct 480(Ca)CDE 482(M)B 483(M)B 484(M)C 486(M)D 487(M)E 488(Mo)BC*		22
22Total	4	9	3	7	23	8	10	5	22Total
23	505(S)	499(BI) 502(M) 508(We) 509(C) 510(AF) 511(RF) 512(L) 513(Gr) 514(H) 515(Pt)	504(Mo)-r 506(S)	500(Br) 501(Ca) 503(M) 504(Mo)* 506(S)* 507(W)		499(BI) 507(W) 508(We) 509(C) 510(AF) 511(RF) 512(L) 514(H)	500(Br) 501(Ca)-ct 503(M) 505(S) 506(S) 513(Gr) 515(Pt)	502(M) 504(Mo)-ct	23
23Total	1	10	2	4	17	8	7	2	23Total
24		516(BI) 518(Ca) 519(Ca) 521(M) 527(W) 528(We) 529(C) 530(RF) 531(L) 532(Gr) 533(H) 534(Pt)	523(M) 525(S)-s 526(S)	517(Br) 520(M) 521(M)* 522(M)-s 523(M)* 524(M) 525(S)* 526(S)*		527(W) 528(We) 529(C) 530(RF) 531(L) 532(Gr) 533(H) 534(Pt)	520(M) 521(M) 522(M) 523(M) 525(S)-ct 526(S)-ct	516(BI)-ct 517(Br) 518(Ca)-ct 519(Ca)-ct 524(M)	24
24Total		12	3	4	19	8	6	5	24Total

*AWA LPA*

IMPLEMENTATION

in subsection (d) of this section of this Act, the Secretary shall establish—

resource regions which, after notice and opportunity for public hearing, shall be established to assure that regional subsistence needs are adequately accommodated; (3)(D)(iv) of this subsection

each subsistence resource

posed of residents of the

proposals for regulations, rules, and orders relating to subsistence resources within the region;

expression of opinions and views in any matter related to subsistence resources within the region; regional participation in the decisionmaking concerning subsistence uses of fish and wildlife on the public lands;

report to the Secretary which

anticipated subsistence uses within the region; anticipated subsistence needs within the region; the management of fish and wildlife resources within the region to accommodate

management policies, standards, and procedures to implement the strategy. The Secretary may establish advisory committees or such local advisory councils in carrying out the

qualified staff to the distribution of all available information and data to the regional advisory committees or such local advisory councils; the Secretary may establish

monitoring responsibility of his closure and other actions, shall consider the advice of the regional advisory councils on public lands within their jurisdiction. The Secretary may choose not to act if the action does not appear to be in the public interest or if the action is not supported

by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation is not adopted by the Secretary, he shall set forth the factual basis and the reasons for his decision.

(d) The Secretary shall not implement subsections (a), (b), and (c) of this section if within one year from the date of enactment of this Act, the State enacts and implements laws of general applicability which are consistent with, and which provide for the definition, preference, and participation specified in, sections 803, 804, and 805, such laws, unless and until repealed, shall supersede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. Laws establishing a system of local advisory committees and regional advisory councils consistent with section 805 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based, to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall set forth the factual basis and the reasons for its decision.

Implementation.

(e)(1) The Secretary shall reimburse the State, from funds appropriated to the Department of the Interior for such purposes, for reasonable costs relating to the establishment and operation of the regional advisory councils established by the State in accordance with subsection (d) and the operation of the State fish and game advisory committees so long as such committees are not superseded by the Secretary pursuant to paragraph (2) of subsection (a). Such reimbursement may not exceed 50 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior.

Reimbursement to States.

(2) Total payments to the State under this subsection shall not exceed the sum of \$5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payments specified in this subsection are adequate to ensure the effectiveness of the program established by the State to provide the preference for subsistence uses of fish and wildlife set forth in section 804.

Report to Congress.

FEDERAL MONITORING

SEC. 806. The Secretary shall monitor the provisions by the State of the subsistence preference set forth in section 804 and shall advise the State and the Committee on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives and the Committees on Energy and Natural Resources and Environment and Public Works of the Senate annually and at such other times as

Report to congressional committees. 16 USC 3116.

# SENATE RESOURCES COMMITTEE

## MAJOR POINTS

SB 68

### ANILCA created an unfunded Federal mandate.

- To-date the federal preemption under ANILCA of state fish and game management has been mostly applied to wildlife.
- State management costs have increased significantly in an attempt to comply with the federal law.
- ANILCA provided for reimbursement of up to \$5 million for 50% of state's effort to implement subsistence provisions in law.
- The federal government has never provided over \$1 million despite the fact that the state has consistently submitted \$2.0 to \$3.5 million in reimbursable expenses.
- The reimbursable expenses submitted to the federal agencies should have been much higher as expenses associated with data gathering required by the Advisory Committees and Regional Boards were never submitted although they qualified for federal reimbursement.
- The federal agencies used the state technical staffs as management instructors until they reached a point of self sufficiency and technical independence. This is clearly illustrated by the areas where state wildlife management decisions have been preempted by the federal process.
- The federal agencies are now proposing to duplicate the same process for fisheries.
- To illustrate how much the state is spending to facilitate federal management, the Implications of Federal Management booklet indicated that it would cost \$9 million to implement with state cooperation and \$31 million to implement without state cooperation. In other words, the state is subsidizing the federal program to the tune of almost \$22 million per year.

**SB**

**74**

MAR 26 1999

Board of Game  
PO Box 25526  
Juneau, AK 99802

Honorable Rick Halford, Chair  
Senate Resources Committee  
State Capitol Building, Room 121  
Juneau, AK 99801-1182

March 24, 1999

Dear Senator Halford:

In official action at the March meeting of the Alaska Board of Game, the board has endorsed SB-74, same-day airborne for wolves by Department agents, and HB-114, eliminating the annual requirement for reauthorization of antlerless moose hunts.

The board recognizes the importance of predator control in managing Alaska's resources, and feels that the passage of Ballot Measure 3 in 1996 severely restricted the board's and the Department's ability to implement such action. By allowing Department personnel and agents to use same-day-airborne, and eliminating the "irreversible decline" clause, we feel that management of the state's wolves will be more readily attainable.

Regarding the reauthorization of antlerless moose hunts, the board agrees that the requirement to do so annually is a burden on the system. With our regional 2-year meeting cycle, the Department must have personnel travel long distances to address these reauthorizations. In cases where the hunt may not occur due to population estimates or bull:cow ratios, the hunt is reauthorized anyway, so that it is not lost in the future. By eliminating the annual reauthorization requirement, the board and Department will have more flexibility in using antlerless hunts in managing moose populations.

We encourage passage of both bills, and encourage distribution of this letter to other concerned legislators.

Sincerely,



Michael Fleagle,  
Member, Board of Game

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 2/17/99

FURTHER:

Date of 5-Day Notice: 2/18/99  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 2/24/99

Resources Committee considered

SENATE BILL NO. 74

"An Act relating to hunting on the same day airborne."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Adrian Taylor</i>	✓				
<i>Paul Spink</i>	✓				
<i>Kate Kelly</i>	✓				
<i>James M...</i>	✓				
<i>Lynne Green</i>	✓				
CHAIR: <i>Rick Halford</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
FISH & GAME	2/24/99	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# Alaska State Legislature

## Senate



Official Business

State Capitol  
Juneau, AK. 99801-1182

**Senator Pete Kelly**

**Sponsor Statement**

**Senate Bill 74**

### **An Act Relating to Hunting on the Same Day Airborne**

**Sound Wildlife management dictates that predation pressure on a low or declining prey population is reduced far before the situation becomes an emergency. The current statutory language precludes this option. This means that the Board of Game and Department of Fish and Game cannot respond quickly to precipitous declines or to long-term declines in important prey populations, caused by weather or any other reason, even if consequences for thousands of Alaskans would be severe.**

**The current statute would preclude taking immediate action without board approval of a control program. In 1994 the department had to take immediate action to medicate or remove two louse-infected wolves that left the Kenai Peninsula in order to prevent the spread of lice to other parts of the state. While uncommon, such situations do occur and aerial shooting should remain a clear option.**

**The current wording of AS 16.05.783 has the appearance of allowing the Board of Game to authorize a wolf control program using aerial shooting, but the language chosen would make that nearly impossible without legal challenge. The use of the terms "adequate data", "no feasible solution" and "biological emergency" in AS 16.05.783(a)(1) are problematic from both biological and legal points of view. Rather than establishing workable standards for determining when predation control is appropriate, the language creates ambiguity in that regard, which will lead to endless legal challenges.**

**This bill would preserve the original stated intent of the 1996 ballot measure, but would more clearly provide the board and department the latitude to employ aerial shooting for management purposes. Management actions should not be considered "hunting" when performed by department personnel or persons acting as agents of the state.**

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. SB 74

Revision Date: \_\_\_\_\_ Dept. Affected Fish and Game  
 Title: Same Day Airborne Hunting BRU: Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Senator Pete Kelly  
 Requester: Senate Resources COMPONENT SERIAL NO. 473

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY00	FY 01	FY 02	FY 03	FY 04	FY 05
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>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( 1024 )</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>
------------------------------------	------------	------------	------------	------------	------------	------------

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<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 (FY99) 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: Wayne Regelin, Director  
 Division: Wildlife Conservation  
 Approved by Commissioner: Dean Bruce  
 Agency: Department of Fish and Game

Phone: 464-4190  
 Date: 2/22/99  
 Date: 2/22/99

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(3) the person exhausted all other practicable means to protect life and property before the bear was taken.

(d) Notwithstanding (a) — (c) of this section, the department may authorize the taking of a problem brown or grizzly bear within one-half mile of a solid waste disposal facility at any time, if the taking of the bear is necessary to protect the public and is consistent with sound game management principles.

(e) In this section

(1) "criminal negligence" has the meaning given in AS 11.81.900(a);

(2) "property" means

(A) a dwelling, permanent or temporary;

(B) an aircraft, boat, automobile, or other conveyance;

(C) a domestic animal;

(D) other property of substantial value necessary for the livelihood or survival of the owner;

(3) "solid waste disposal facility" means a facility for the disposal of solid waste, other than sewage, for which a permit has been issued under AS 46.03.100. (§ 1 ch 64 SLA 1989)

**Sec. 16.05.783. Prohibition of same-day airborne hunting.** (a) A person may not shoot or assist in shooting a free-ranging wolf, wolverine, fox, or lynx the same day that a person has been airborne. However, the Board of Game may authorize a wolf control program involving the shooting of wolves from the air if

(1) the commissioner of fish and game makes written findings based on adequate data demonstrating that a biological emergency exists and that there is no feasible solution other than airborne control to eliminate the biological emergency, and

(2) the program is conducted only by Department of Fish and Game personnel

(3) the program is limited to the specific geographical area where the biological emergency exists, and

(4) the program removes only the minimum number of wolves necessary to eliminate the biological emergency.

(b) This section does not apply to a person who was airborne the same day if that person was airborne only on a regularly scheduled commercial flight.

(c) A person who violates this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both. In addition, the court may order the aircraft and equipment used in or in aid of a violation of this section to be forfeited to the state.

(d) In this section,

(1) "free-ranging" means that the animal is wild and not caught in a trap or snare; and

(2) "biological emergency" means a condition where a wolf population in a specific geographic area is causing the irreversible decline of a prey population to the point that the prey population may not likely recover without implementing wolf control. (§ 1 1996 Ballot Measure No. 3)

Effective dates. — 1996 Ballot Measure No. 3, 1996 election. It was certified on November 27, 1996 which proposed enactment of this section, was approved by a majority of the voters in the November 5, and took effect February 25, 1997.

**Sec. 16.05.785. Effect of failure to remove old markers.** If the Board of Fisheries by regulation uses department markers to establish waters closed to commercial fishing and the state fails to remove the old markers when new markers are posted to establish waters closed to commercial fishing, commercial fishing is expressly permitted in the waters between the new markers and the old markers until the old markers are removed. (§ 1 ch 70 SLA 1980)

seine and certain  
and hatchery re-  
prohibited  
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damage  
of AS 16.05.870 —  
used in exploration  
The taking of  
of a unit or  
under regulations  
based on biological  
or subunit have  
a majority of the  
annual game  
moose in any game  
waste disposal  
a person who with  
of a solid waste  
the court shall  
are not salvaged  
fine of up to  
that the person  
the bear shows by a  
or provocation of  
negligent disposal of  
who took the bear

02/24/99  
15:40:59

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
SCHEDULED FOR:02/24/99 15:00 TO 17:00  
SENATE RESOURCES

TCN:90220  
PUBLIC HEARING

LTN1150  
BY:FBX  
FOR:FBX

LOCATION:FAIRBANKS

SB 74	MR.	DAVE	KELLEYHOUSE	AK OUTDOOR COUNCTESTIFY
SB 74	MR.	RICHARD	SWISHER	TESTIFY
SB 74	MR.	WAYNE	HEIMER	TESTIFY
SB 74	MR.	BILL	HAGAR	TESTIFY

02/24/99  
15:24:14

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (TESTIFIERS ONLY)  
SCHEDULED FOR: 02/24/99 15:00 TO 17:00  
PUBLIC HEARING SENATE RESOURCES

LTN1150  
BY: JNU  
FOR: ALL

TCN: 90220

LOCATION: ANCHORAGE  
✓ SB 74                      PATRICK                      WRIGHT                      TESTIFY

LOCATION: FAIRBANKS  
✓ SB 74                      MR. DAVE                      KELLEYHOUSE                      AK OUTDOOR COUNCTESTIFY  
✓ SB 74                      MR. RICHARD                      SWISHER                      TESTIFY  
✓ SB 74                      MR. WAYNE                      HEIMER                      TESTIFY

LOCATION: GLENNALLEN

LOCATION: MATSU  
✓ SB 74                      MR. ROD                      ARNO                      TESTIFY  
✓ SB 74                      MR. WAYNE                      KUBAT                      TESTIFY

LOCATION: TOK  
✓ SB 74                      MS. MARYBETH                      HENNESSY                      40 MILE F&G ADVITESTIFY

**Statement of Richard T. Wallen  
To the Alaska Senate Resources Committee  
On Senate bill No. 74  
February 24, 1999**

*My name is Richard T Wallen.  
I am an artist; a long-time resident of  
Alaska. Shortly after statehood I worked  
5 years as a wildlife biologist for  
the ADF&G. I served a term on the  
Alaska Board of Game from 1989 to  
1992. More recently, I was a member  
of the steering committee for the initiative  
that banned same-day airborne hunting.*



**On issues like SB 74** I sometimes find it helpful to think of the Alaska public as divided into two broad publics--hunting and non-hunting. During my years on the board I observed that the much larger non-hunting public is, for the most part, accepting and tolerant of hunting, especially subsistence hunting, provided it thinks wildlife is getting a fair shake. In board meetings lasting six weeks, dealing with more than 400 proposals, my experience was that most issues were deliberated and settled without widespread controversy or lasting bitterness.

There are a handful of exceptions, however. Airborne hunting is one of them. Others include predator control such as poison and bounties, running down animals with snow machines or ATV's, bear baiting, and attempts to open popular areas closed to hunting such as Seymour Canal, or McNeil River. When proposed or approved such relatively few flash point issues ignite public outrage, polarizing hunters and pushing the non-hunting public in the direction of an anti-hunting public. The state gets a black eye, business suffers, (wolf control in 1992 cost many millions of dollars in Alaska trip cancellations) and all hunting is put in a very bad light. We have been through the cycle more than enough times.

I have heard the initiative criticized as "ballot box biology". In truth, some issues, including this one, transcend biology. For example, in the early days, Alaska paid bounties on almost 100,000 bald eagles. It is not a proud record, but there was no *biological* reason against killing some eagles. Fortunately, most would agree, public sentiment against the practice--for reasons that transcend biology--finally prevailed. Alaska's practice of paying bounties on the national bird was discontinued.

More than 100 years ago hunters began addressing the area between practices that might be biologically permissible but unacceptable to the public, in order to protect their sport.. They developed a code of ethics, the idea of fair chase. Airborne hunting breaches this code. As a subsidy to hunting, it is clearly offensive to the public.

The airborne hunting initiative was not a hunter Vs non-hunter issue. Indeed most of the steering committee were hunters. I studied the printouts of the vote returns. They proved not to be urban Vs rural. They proved not to be native Vs non-native. Nor were they region Vs region. The general public still has the notion that it has a say in wildlife management and I don't understand why the initiative, a clear expression by the public, is to be so soon dismantled.

JOEL BENNETT

15255 POINT LOUISA ROAD  
JUNEAU, ALASKA 99801  
PHONE: (907) 789-1718 (HOME)  
PH/FAX: (907) 789-2328 (BUS.)

TESTIMONY IN OPPOSITION TO SB 74

Today I am testifying on behalf of myself-as a 30 year Alaska resident, licensed hunter (for each of those years of residency), ex-state Game Board member ( 13 years between 1976 and 1989 ), and as the past co-leader of the Wolf Management Reform Coalition, the group responsible for the initiative that passed the statute that is the subject of today's bill, SB 74.

I believe the prevailing public view does not support any serious change to this statute. In my opinion, to do so would invite further needless divisiveness, erode the public's faith in the democratic process, and damage the best interests of the state.

I would draw your attention to the recent history behind passage of AS 16.05.783, prohibiting same-day airborne hunting of wolves, except by the Department of Fish and Game in the case of a biological emergency. For years, many Alaskans felt that this practice was out of step with responsible wildlife management and as a hunting method was against the principles of fair chase. When the state did not respond, in 1995 a statewide Dittman Research poll was conducted in an effort to gauge how the public might vote on an initiative to narrowly restrict airborne wolf hunting. 63% of those surveyed supported the initiative as presently worded. 71% felt the practice was unsporting and unethical.

In an effort to put the issue to rest, so far as the public was concerned, the initiative campaign was waged. A steering committee was formed which included an ex-governor and Lt. Governor, Commissioner of fish and game, regional supervisor of game, and 4 ex-game board members. In November of 1996, Proposition 3 passed by 58.5 % of the vote, having achieved a majority vote in all but 6 of the 40 election districts in the state. And it wasn't just a vote of the urban centers- it passed in towns and villages like Delta Junction, Chugiak, Wasilla, Palmer, Nome, Bethel, Aniak, Arctic Village, Koyukuk, Kivilina , Anaktuvuk Pass, Barrow, Wrangell, Craig and Kake, to name a few.

It has now been two years since the passage of Proposition 3. There has been no crisis of game management- no widespread clamor for wolf control, and the new law has yet to be applied. In the meantime, the statewide harvest of wolves has remained well over a thousand a year, conforming to the trend of high harvests since 1990.

Anticipating efforts to repeal this law, another statewide Dittman poll was commissioned in November of 1998. When asked whether the state legislature should repeal the current ban on same-day airborne wolf hunting, 70% said no. Again the geographical distribution of support was broad- 65% in the rural areas, 62% in central Alaska, and 76% in Anchorage and Southeast.

The public does not want to see this law changed.

There are those who say that some of the language of AS 16.05.783 is ambiguous and will lead to litigation. This is unfounded. Thus far, no situation has arisen to test the workability of the law, and it is a disservice to the public to conclude that it is unworkable. If there is a need to more precisely define a term, such as biological emergency, the Game board can do it by regulation. The commissioner of fish and game has sufficient latitude and discretion to make the threshold determinations under the law.

I urge the members of this committee not to misjudge the considerable public sentiment on this matter.

Thank you. Joel Bennett,

METHODOLOGY

In July 1995, five hundred seventeen (517), randomly selected Alaskans over the age of 18, located in 64 communities were personally contacted by professional interviewing employees of the Dittman Research Corporation. A random sample design was used which ensured that all households had an equal chance of being polled. Data processing was completed through a computer system featuring the Statistical Package for the Social Sciences (SPSS/PC+) program. Citizen opinion measurements by the Dittman Research Corporation, utilizing these methods and data processing systems, have proven to be virtually perfect predictors of political election results in Alaska for the past twenty-five years.

FINDINGS

Question: "Please tell me whether you agree or disagree with this next statement: No person should use an airplane in the act of hunting wolves, and is that strongly (agree/disagree) or just somewhat (agree/disagree)?"

Response: 66% agree (50% strongly agree, 16% somewhat agree)  
31% disagree (15% strongly disagree, 16% somewhat disagree)  
4% unsure

Question: "Do you agree or disagree with this statement: It is unsporting and violates a basic principle of hunting ethics for a person to use an airplane in the act of hunting wolves?"

Response: 71% agree (57% strongly agree, 14% somewhat agree)  
25% disagree (13% strongly disagree, 12% somewhat disagree)  
4% unsure

Question: "Do you agree or disagree with this statement: If a biological emergency exists, such as a moose or caribou population in danger of local extinction, the Department of Fish and Game should be allowed to use airplanes to conduct limited aerial wolf control programs?"

Response: 69% agree (39% strongly agree, 30% somewhat agree)  
26% disagree (17% strongly disagree, 9% somewhat disagree)  
5% unsure

Question: "If Alaska had a statewide ballot initiative that said, "No person may shoot a wolf, coyote, wolverine, fox or lynx that same day that person is airborne. However, if authorities conclude that a biological emergency does exist, a same-day aerial wolf control program conducted by Fish and Game personnel only may be authorized" - Do you think you would vote for or against that initiative?"

Response: 63% For  
33% Against  
4% Unsure

Please note that the support for the initiative exceeded opposition in all geographic regions of Alaska:

Rural: 57% for, 45% against  
Central: 55% for, 42% against  
Southcentral: 65% for, 33% against  
Anchorage: 66% for, 29% against  
Southeast: 62% for, 27% against

**BALLOT MEASURE NO. 3**  
**Bill Prohibiting Same Day Airborne Hunting**

**Ballot Language:**

This bill would bar hunting wild wolf, wolverine, fox or lynx the same day a person was airborne. However, the Board of Game could allow aerial wolf control if the Commissioner of Fish and Game decided a biological emergency, where wolves in a specific area were causing irreversible loss of a prey population. The law wouldn't apply to people airborne the same day on regular, scheduled commercial flights. Breaking the law would be a misdemeanor. The penalty could be jail time up to one year, a fine up to \$5,000, and forfeiture of aircraft or gear used in the offense.

**Town and Village Breakdown  
of Statewide Election Vote - November 6, 1996**

**YES VOTE: 137,635 (58.5%)**

**NO VOTE: 97,690 (41.5%)**

Majority				Majority			
Dist.	Town & Village	Yes	No	Dist.	Town & Village	Yes	No
1	Clover Pass	197	194	3	Lemon Creek	423	282
1	Hyder	27	18	3	Salmon Creek	334	126
1	Ketchikan	1620	1227	3	Switzer Creek	277	143
1	Mt. Point	157	136	3	District 3 Absentee	890	306
1	Saxman	321	256	3	District 3 Question	304	102
1	Wacker	82	75	4	Auke Bay	520	267
1	District 1 Absentee	529	394	4	Brotherhood Br.	472	248
1	District 1 Question	223	148	4	Fritz Cove	318	172
2	Kupreanof	9	3	4	Mendenhall	2107	1186
2	Petersburg	564	383	4	Lynn Canal	370	125
2	Scow Bay	147	120	4	District 4 Absentee	736	371
2	Wrangell	489	450	4	District 4 Question	297	140
2	Halibut Pt.	604	338	5	Angoon	130	104
2	Jamestown Bay	388	194	5	Chilkat	51	37
2	Mt. Edgecomb	68	26	5	Coffman Cove	47	45
2	Sitka	1135	570	5	Craig	287	169
2	District 2 Absentee	765	411	5	Gustavus	139	38
2	District 2 Question	207	75	5	Haines	342	291
3	Douglas	1041	451	5	Hydaberg	56	38
3	Juneau	2113	845	5	Kake	164	112

Dist. Town & Village		Yes	No	Dist. Town & Village		Yes	No
5	Kasaan	8	7	7	Diamond Ridge	335	225
5	Klawok	172	97	7	Fritz Creek	376	227
5	Klukwan	35	19	7	Kachemak Bay	93	62
5	Edna Bay	15	7	7	Homer	880	595
5	Peninsula	123	61	7	Seldovia	96	86
5	Pt. Baker	15	11	7	District 7 Absentee	753	500
5	Skagway	230	105	7	District 7 Question	210	137
5	Thorne Bay	133	131	8	Bear Creek	263	190
5	Yakutat	138	99	8	Cooper Landing	93	57
5	Hoonah	200	116	8	Moose Pass	72	54
5	Metlakatla	315	185	8	Seward	494	290
5	Pelican	55	28	8	Hope	35	26
5	Port Alexander	23	9	8	District 8 Absentee	582	492
5	Elfin Cove	17	10	8	District 3 Question	139	123
5	Tenakee	42	9	9	District 9 Absentee	423	390
5	District 5 Absentee	714	409	9	District 9 Question	110	104
5	District 5 Question	97	56		Anchorage(w/ A&Q)	58231	35294
6	Ouzinkie	47	29	26	Pioneer Peak	489	457
6	Port Lions	46	38	26	Fairview	315	309
6	Akhiok	22	6	26	Wasilla	1071	904
6	Cape Chiniak	40	24	26	Chugiak	888	752
6	Flats	471	201	26	District 26 Absentee	426	329
6	Karluk	12	4	26	District 26 Question	284	185
6	Kodiak	1077	536	27	Butte	376	368
6	Larsen Bay	22	21	27	Fish Hook	157	133
6	Mission Rd.	610	338	27	Greater Palmer	711	611
6	Old Harbor	45	26	27	Lazy Mountain	339	339
6	District 6 Absentee	723	277	27	Lakes	680	585
6	District 6 Question	159	74	27	Palmer	677	476
7	English Bay	34	28	27	Sutton	157	135
7	Port Graham	48	22	27	District 27 Absentee	515	418
7	Anchor Pt.	349	307	27	District 27 Question	242	159

Dist. Town & Village		Yes	No	Dist. Town & Village		Yes	No
28	Big Lake	354	342	33	District 33 Absentee	528	359
28	Bogard	197	156	33	District 33 Question	213	203
28	Houston	170	135	34	Anderson	65	64
28	Knik Goose	527	481	34	Denali Park	85	17
28	Meadow Lake	532	482	34	Healy	213	148
28	Schrock	793	622	34	Eielson	935	464
28	Susitna	112	94	34	North Pole	235	225
28	Talkeetna	176	119	34	District 34 Absentee	918	367
28	Wasilla Fishhook	102	85	34	District 34 Question	257	160
28	District 28 Absentee	564	433	35	Cordova	491	395
28	District 28 Question	235	174	35	Delta Jct.	155	145
29	Ester	334	318	35	Valdez #1	250	172
29	Geist	216	204	35	Valdez #2	281	170
29	University Campus	302	124	35	Valdez #3	298	184
29	University Hills	317	283	35	Whittier	66	28
29	District 29 Absentee	593	318	35	District 35 Absentee	581	421
29	District 29 Question	293	161	35	District 35 Question	141	125
30	Fairbanks #4	236	221	36	Aniak	95	81
30	Fairbanks #10	318	288	36	Anvik	14	9
30	Lemeta	271	240	36	Arctic Village	25	20
30	Shanly	222	205	36	Beaver	29	11
30	District 30 Absentee	415	238	36	Chuathbaluk	20	11
30	District 30 Question	228	137	36	Crooked Creek	21	19
31	Fairbanks #2	213	192	36	Fortuna Ledge	65	27
31	Fairbanks #6	348	300	36	Grayling	32	26
31	Fairbanks #7	336	320	36	Holy Cross	45	37
31	District 31 Absentee	371	231	36	Hughes	12	11
31	District 31 Question	257	198	36	Kaltag	49	30
32	Ft. Wainwright	801	264	36	Koyukuk	21	16
32	District 32 Absentee	649	273	36	Lower Kalskag	45	39
32	District 32 Question	213	119	36	Nulato	63	36

Dist. Town & Village		Yes	No	Dist. Town & Village		Yes	No
36	Rampart	10	8	37	Wales	27	9
36	Russian Mission	48	25	37	District 37 Absentee	198	109
36	Shageluk	33	24	37	District 37 Question	125	69
36	Sleetmute	13	11	38	Alakanuk	66	46
36	Tetlin	13	10	38	Brevig Mission	51	40
36	Tuluksak	60	40	38	Chevak	118	48
36	Tyonek	21	15	38	Elim	56	49
36	Venetie	38	27	38	Emmonak	113	81
36	Mentasta	14	14	38	Gambell	71	63
37	Ambler	59	39	38	Golovin	33	22
37	Anaktuvuk Pass	56	35	38	Hooper Bay	117	93
37	Atkasuk	35	30	38	Kotlik	87	55
37	Barrow	708	339	38	Koyuk	67	33
37	Browerville	147	75	38	Mekoryuk	51	25
37	Buckland	89	31	38	Mountain Village	106	91
37	Deering	34	21	38	Newtok	60	41
37	Diomedes	17	6	38	Nightmute	44	27
37	Kaktovik	62	36	38	Nome #1	285	214
37	Kiana	65	48	38	Nome #2	354	190
37	Kivalina	78	38	38	Pitkas Pt.	20	3
37	Kobuk	29	11	38	Scammon Bay	48	32
37	Kotzebue	463	229	38	Shaktoolik	47	33
37	Noatak	79	33	38	Sheldon Pt.	24	15
37	Noorvik	114	60	38	St. Mary's	103	56
37	Nuiqsut	77	34	38	St. Michael	71	47
37	Pt. Hope	109	84	38	Stebbins	80	34
37	Pt. Lay	33	17	38	Teller	39	33
37	Selawik	72	53	38	Toksook Bay	95	63
37	Shismaref	94	78	38	Tununak	68	48
37	Shungnak	53	28	38	Unalakleet	170	86
37	Wainwright	113	57	38	White's Mt.	44	25

Dist. Town & Village		Yes	No	Dist. Town & Village		Yes	No
38	District 38 Absentee	151	100	40	St. George	27	15
38	District 38 Question	119	152	40	St. Paul	84	57
39	Akiachak	87	57	40	Aleutians #2	482	201
39	Akiak	57	31	40	Kokhank Iguigig	44	22
39	Aleknagik	24	19	40	Levelock	24	9
39	Atmautluak	57	34	40	Naknek	108	85
39	Bethel #1	165	112	40	Non-Dalton	46	31
39	Bethel #2	186	119	40	Pedro Bay	11	9
39	Bethel #3	215	140	40	Sand Point	100	67
39	Chefornak	66	48	40	South Naknek	25	25
39	Clark's Point	15	8	40	District 40 Absentee	427	328
39	Dillingham	336	296	40	District 40 Question	74	55
39	Eek	48	35				
39	Ekwok	23	17				
39	Goodnew's Bay	35	26				
39	Kasigluk	76	65				
39	Kipnuk	74	53				
39	Koliganek	43	23				
39	Kwethluk	109	55				
39	Napaskiak	58	52				
39	New St. Uyahok	90	62				
39	Nunapitchuk	62	52				
39	District 39 Absentee	177	123				
39	District 39 Question	166	95				
40	Akutan	33	16				
40	Aleutians #1	22	19				
40	Chignik	23	17				
40	Cold Bay	37	13				
40	Egegiak - Pilot Pt.	19	12				
40	King Cove	60	45				
40	King Salmon	77	66				

Minority				Minority			
Dist. Town & Village		Yes	No	Dist. Town & Village		Yes	No
1	Meyers Chuck	3	10	32	Badger #1	228	365
1	Mud Bay	295	325	32	Badger #2	385	521
1	Pennock Gravina	10	19	32	Lakeview	64	79
1	Ward Cove	67	95	32	Steese East	247	346
7	Ninilchik	162	197	33	Chatanika	13	14
7	Kasilof	506	764	33	Chena Lakes	323	466
8	Ridgeway	317	551	33	Fox	105	189
8	Soldotna	537	659	33	Newby	333	449
8	Sports Lake	209	315	33	Plack	314	506
8	Sterling	230	497	33	Steele	521	693
9	Kenai Beach	366	577	33	Steese West	579	758
9	Kenai	937	1135	33	Two Rivers	173	246
9	Nikiski	389	618	34	Cantwell	29	51
9	Salamatof	199	322	34	Clear	52	59
27	Sheep Mountain	27	68	34	Moose Creek	88	120
27	Farm Loop	192	233	34	Richardson	409	515
28	Trapper Creek	65	73	34	Salcha	148	239
28	Willow	218	227	35	Big Delta	422	467
29	Chena	477	535	35	Gakona	21	54
29	Farmer's Loop	394	426	35	Glenallan	126	289
29	Goldstream	520	529	35	Kenny Lake	73	139
29	University West	493	500	35	Paxson	10	18
30	Airport	276	300	35	Tatitlek	11	10
30	Aurora	391	493	36	Allakaket	17	60
30	Fairbanks #5	251	339	36	Bettles	6	21
30	Pike	102	186	36	Central	18	50
31	Fairbanks #1	109	202	36	Chistochina	28	62
31	Fairbanks #3	246	336	36	Circle	12	13
31	Fairbanks #8	418	508	36	Copper Center	68	108
31	Fairbanks #9	352	469	36	Dot Lake	16	52

Dist. Town & Village		Yes	No	Dist. Town & Village		Yes	No
36	Eagle	33	55	36	Takotna	6	16
36	Ft. Yukon	86	88	36	Tanacross	15	33
36	Galena	56	120	36	Tanana	36	81
36	Huslia	36	46	36	Tok	149	245
36	Kalskag	25	31	36	District 36 Absentee	359	395
36	Livengood	8	20	36	District 36 Question	93	141
36	Manley Hot Springs	21	32	38	Savoonga	106	101
36	McGrath	29	128	39	Kongiganak	48	55
36	Minto	38	47	39	Kwigillingok	54	55
36	Nenana	80	127	39	Manokotak	33	46
36	Nikolai	6	32	39	Napakiak	32	50
36	Northway	46	51	39	Quinhagak	70	85
36	Pilot Station	71	72	39	Togiak	83	86
36	Ruby	16	33	39	Tuntutuliak	42	48
36	Stevens Village	17	21	40	Illiamna	36	40
36	Stony River	9	12	40	Port Heiden	9	14

**Anchorage Majority**

District	Senator	House Rep	Yes	No	Absentee Yes	Absentee No	Quest Yes	Quest No
10	Ward	Green	3391	2539	525	349	213	110
11	Pearce	Rokeburg	2734	1926	491	286	224	108
12	Pearce	Hanley	2849	2074	426	265	267	145
13	Leman	Berkowitz	3531	2083	574	290	316	115
14	Leman	Martin	2070	1070	935	286	392	134
15	Ellis	Croft	2443	1328	399	185	392	149
16	Ellis	Kemplen	1768	996	218	104	215	110
17	Parnell	Cowdery	2882	1822	482	251	256	143
18	Parnell	Bunde	4003	2592	749	412	187	78
19	Donley	Sanders	2904	1903	421	220	357	145
20	Donley	Porter	2830	1918	513	240	232	118
21	Kelly	Ryan	2829	1620	411	182	321	131
22	Kelly	Barnes	3541	2187	683	350	266	123
23	Phillips	Mulder	1640	897	512	165	211	81
24	Phillips	Kott	3003	1960	624	266	256	108
25	Halford	Dyson	3091	2295	471	319	183	116

Alaska Same-Day-Air Hunting Survey - November 1998  
Conducted by Dittman Research Corporation, Anchorage, AK

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METHODOLOGY

During the period of November 5 through November 16, 1998, five hundred six (506) Alaskans over the age of 16, located in 64 communities, were personally contacted via telephone by professional interviewing employees of the Dittman Research Corporation of Alaska. The views and opinions of Alaskan residents were recorded on a strictly confidential basis. A random sample design was used which ensured that all households had an equal chance of being polled. Data processing was completed through a computer system featuring the Statistical Package for the Social Sciences (SPSS) program. Citizen opinion measurements by the Dittman Research Corporation, utilizing the previously described methodology analytical procedures and data processing systems have proven to be virtually perfect predictions of political election results in Alaska for the past twenty-eight years.

FINDINGS

*In 1996 Alaskan voters approved an initiative to ban the same-day airborne killing of wolves by a margin of 58% to 42%. Today, two years later (1998), the margin appears to remain consistent - reported current support exceeds opposition by 17% (56% support, 39% oppose) and 70% say they would oppose legislative attempts to overturn the ban on airborne hunting.*

**Question:** "And what's your opinion now, two years later - do you support or oppose the hunting of wolves the same day that hunters had been flying?"

**Response:** 56% oppose  
39% support  
5% unsure

**Question:** "Under Alaska law, the State Legislature could attempt to repeal the current ban on same-day airborne wolf hunting early next year. Would you support repealing the ban, or do you feel the ban should be left in place?"

**Response:** 70% leave ban in place  
24% repeal the ban  
6% unsure

Opposition to repealing the same-day airborne hunting ban exceeds support in all geographic regions of Alaska and regardless of political affiliation.

Rural:	65% oppose, 30% support	Democrat	76% oppose	19% support
Central:	62% oppose, 31% support	Republican	60% oppose	37% support
Southcentral:	62% oppose, 32% support			
Anchorage:	76% oppose, 19% support			
Southeast:	76% oppose, 15% support			

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