

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

10733 HOUSE COMMUNITY & REGIONAL AFFAIRS

Attachment 2 -- Native Environmental Summit Issue Paper 8/02

Food For Thought (and Perhaps - People)

Greg Roczicka - April, 2003 Revise

Under the John vs. Baker decision in 1999, the Alaska Supreme Court held that Alaska Tribes have inherent sovereignty over their members even without "Indian Country" and can decide "other matters to protect tribal self government". "Other matters" identified by the U.S. Supreme Court in Montana vs U.S. in 1981 were limited to 1) Consensual Relations & 2) matters affecting tribal health and welfare, economy or political integrity. Tribes and States also have concurrent jurisdiction (under P.L. 280) outside of Indian Country with the States tied to providing comit; for Tribal laws within their courts and jurisdiction.

It is undeniably true and widely recognized through myriad documentations, regional and statewide forums, that the "health, welfare, cultural & economic security tied to subsistence use is integral to the lives and essential to the survival of Alaska Native peoples and communities". Subsistence use is simply and inextricably tied to long term, consistent levels of harvest. This is especially important with a resource such as moose that provides such large amounts of meat (efficiency-economy of effort, community sharing, etc.) from the harvest of a single animal.

Ballot referendums in recent years sponsored and driven by imported value systems are in direct contradiction to long held management principles that facilitated subsistence needs, along with all other beneficial uses. They have prevented the Alaskan public at large from successfully maintaining established and balanced predator/prey ratios that, for decades, substantially contributed to providing sustained moose harvest levels throughout the state; even taking into account conditions affecting natural population fluctuations and mortality such as weather or habitat limitations. Under existing Alaska law and regulation, there still remains full recognition and authority for the State to appoint or hire agents to conduct airborne predator control activities for the purpose of enhancing or ensuring the viability of game populations. The State has unequivocally failed to do this in any realistic or effective terms under the threat of censure and economic boycotts from (primarily urban and lower 48 spawned) animal rights advocacy groups.

Under the comity provision of P.L. 280, and current Supreme Court (state and federal) premises regarding Tribal Law, it should be entirely consistent for a Tribe to adopt their own formal law or ordinance in accordance with the States' own existing laws and regulations. Through this authority, they could then designate their own agents to act on their behalf to reduce or maintain predator/prey ratios at levels determined and actively pursued prior to the 1996 ballot initiative; and conduct predator control activities at least for the "Amounts Reasonably Necessary for Subsistence Uses" (ARNSU) as established in SAAC 99.025.

A condition for application of comity requires that it not be in violation of "public policy". In this case, which "policy" takes precedence? Providing for subsistence use and sustained yield principles - to the long-term practical benefit of both consumptive and non-consumptive uses; or placating only animal welfare concerns - and their imposition on the state at large for significant, long-term, detrimental results to everyone else involved, with little to no biological justification. This question of course should be rhetorical given Alaska's stated subsistence priority and constitutional requirements of Common Use, Sustained Yield, and Uniform Application.

Legislative action via SB155 or HB 208 remains questionable and if passed may still fail in practical application through the inevitable ballot initiative that will occur. The Knowles' administration and now Murkowski's have both stated the intent that "local people" would/should be responsible for conducting any predator control activities in their own areas of (customary & traditional?) use. Conducting predator control activities to achieve ADFG & BOG sanctioned Amounts Necessary for Subsistence Use under tribal auspices does exactly that. Under the Consensual Relations provision, tribal agents would not necessarily even have to be tribal members. Additionally, through tribal immunity stipulations, AWA, PETA or ilk should also be pre-empted from suing to stop such an action. A main challenge here will be getting representative factions of Native and AOC/APHA interests together to carry this out.

Table 1. Holitna/Hoholitna Count Area Unit 19(A) fall aerial moose composition counts. regulatory years 1987-1988 through 2001-2002.

Regulatory year	Bulls:100 cows	Yearling bulls: 100 cows	Calves: 100 cows	Calves	Percent calves	Adults	Moose	Moose/hour
1987-1988	22	4	72	50	36	84	140	85
1988-1989	31	16	56	103	30	240	343	95
1989-1990	24	13	55	160	30	361	528	163
1990-1991	26	10	52	139	29	336	475	162
1991-1992								
1992-1993	31	15	63	172	32	360	542	169
1993-1994								
1994-1995	14	2	42	209	27	568	778	251
1995-1996								
1996-1997	22	10	50	146	29	355	502	152
1997-1998	14	11	34	85	23	286	371	169
1998-1999								
1999-2000								
2001-2002	6	3	8	13	7	183	196	59

March 2003

7.6% 109 116 29-39

line

month old calves in this drainage had a survival rate of <5%, which is very low. A density estimate made from results of the February 2001 survey was 0.70 moose/ml²; this is a low to moderate late winter moose density for areas with similar browse conditions in the western Interior. While it is unlikely the Unit 19(A) moose population is limited by available habitat, additional factors influencing these low numbers include poor calf survival through the fall season, low yearling bull recruitment, and poor over winter adult survival.

all directly indicative of predation as primary cause

Based on the results from the November 2001, Unit 19(A) trend count surveys, there have been further declines with very low numbers including very low bull:cow and calf:cow components. Based on the analysis of the fall 2001 survey results, there were only 6 bulls per 100 cows, a low calf:cow component of 8 calves per 100 cows, and the lowest number of total moose ever recorded for the trend count area (ADF&G in press). One possible explanation for these very low survey results, is the reported shallow snow cover along with relatively temperate late fall weather conditions that caused an atypical population distribution during that survey period. Hopefully, with further surveys these results will prove anomalous. NOT!!

Harvest

The reported annual moose harvest in Unit 19(A) declined from 1996 through 2002 (ADF&G in press). Analysis of reported total harvest for this period revealed a 20% average annual decrease (Table 2). The reported hunter success rate for Unit 19(A) averaged 47% (37-54%) for 1996-2001 (ADF&G 2002). Based on further results, ninety percent or greater of the reported harvests

**COMMITTEE: House
Community and Regional
Affairs Standing Committee**

**SUBJECT:
SB 155-PREDATOR CONTROL PROGRAMS**



DATE: May 13, 2003

PLEASE SIGN IN

PLEASE PRINT: **NAME & TITLE** **ADDRESS** **PHONE** **REPRESENTING** **DO YOU WANT TO TESTIFY ?**
(No acronyms unless for a state agency, please)

Joel Bennett	15255 Point Louisa Rd	907 789-1718	Defenders of Wildlife	Yes
E-mail address:	Sharon Clark		Sen Sullivan	No
Don Somerville	4506 Bobbin Ct. ^{Sum.}	780- 4812	Board of Game	Yes - if Fleagle not available
E-mail address:				
E-mail address:				
E-mail address:				
E-mail address:				
E-mail address:				
E-mail address:				
E-mail address:				
E-mail address:				

438350

SITE: FAIRBANKS LIO

COMMITTEE: House C&RA

DATE: May 13, 2003

SUBJECT OF MEETING:

SB 155

UPDATE #: 1

PLEASE SIGN IN

P R I N T YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

**DO YOU WANT
TO TESTIFY?
Y or N**

Dick Bishop		AK Outdoor Council	Y - SB155
Email address:			
Tom Scarborough			Y - SB155
Email address:			
Oliver Burris			Y - SB 155
Email address:			
Sharon McLeod-Everette		Board of Game	Y - SB155
Email address:			
Email address:			
Email address:			
Email address:			

SITE: Offnet
COMMITTEE: HCRA
DATE:

SUBJECT OF MEETING:
SB 155
UPDATE #:



PLEASE SIGN IN

P R I N T YOUR NAME **ADDRESS (MAILING & ZIP)** **REPRESENTING** **DO YOU WANT TO TESTIFY? Y or N**

Mike Fleagle			Y
Email address:			
[scribble]			
Email address:			
Fed Speaker			y
Email address:			
Math Robus			y
Email address:			
Donnie Fleagle			y
Email address:			
Email address:			
Email address:			

SITE: FAIRBANKS LIO

COMMITTEE: H C&RA

DATE: May 15, 2003

SUBJECT OF MEETING:

SB 155

UPDATE #: 1

PLEASE SIGN IN

P R I N T YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

**DO YOU WANT
TO TESTIFY?
Y or N**

Oliver Burris			Y -SB 155
Email address:			
Mike Tinker			Y- SB 155
Email address:			
Sharon McLeod-Everett		Bd Game	Y- SB 155
Email address:			
Tom Scarborough			Y -SB 155
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Wilderness Inspirations™

*Featuring the images of
Leo & Dorothy Keeler*



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SB 155 Testimony - Oppose Aerial Predator Control

5/15/2003

The 19D East (McGrath) Adaptive Management Team, of which I was a member, developed a DRAFT predator control plan. Before it was finished, scientific reports showed the moose population was growing, but the bull/cow ratio in popular hunting areas was the true problem. Because of the new science, the team never sent a "TEAM APPROVED" plan to the Governor.

Mike McEagle, now Board of Game Chairman, as a member of the McGrath Team, agreed with the subsistence science that justified reducing the moose population objectives from 6,000 to 3,000-3,500. Now that it is known that hunters keep the bull/cow ratio to as low as 6/100, he wants to re-establish the old 6,000 objective. This old 6,000 figure is a GUESS made from past high harvests during extreme predator control days, not from science. Some legislators hope to return to those extreme predator control days and are introducing legislation to benefit a single wildlife interest group... hunters.

Senate Bill 155B will authorize the Board of Game to continue to ignore public concerns with predator control, as they have done for years. If passed, the Legislature will again be ignoring their responsibility to protect all citizens' interests in Alaska's resources, just like they are ignoring Alaskans' interest in the subsistence issue. If passed, it will lead to lawsuits, initiatives, and ultimately the collapse of the Board of Game system.

Hopefully the Wildlife Board that will replace the BOG will represent all citizens, and all users. I hope it will remove the Legislature from the decision process and place control of Alaska's wildlife resources in the hands of all citizens, not just extremist hunters. If an initiative is needed to get a Wildlife Board, let's start now!

Sincerely,

Leo Keeler

**The Alaska Professional Hunters Association
PO Box 91932, Anchorage Alaska 99509-1932
(907) 522-3221**

May 15, 2003

APHA Senate Bill 155 Testimony for the House Community and Regional Affairs Committee.

Chairman Morgan and Committee members, my name is Robert Fithian, I live in Lower Tonsina, Alaska within GMU 13, and I am a Master Guide and eco-tour operator. In the past, I have worked with the Alaska Miner's Association as their elected statewide president and have served on the McGrath Fish and Game Advisory Committee. I have a substantial, over twenty year history of knowledge of GMU 19 and the game populations near McGrath. I am testifying today on behalf of the Alaska Professional Hunter's Association as their Executive Director, regarding Senate Bill 155.

I was at the Wasilla LIO on Monday and sent my written testimony down to you then. I hope that you received it. That testimony is the same as I have been presenting for the APHA on this bill. I hope you have time to review it, and the attachment that was sent with it.

Today I am going to present you with some additional testimony that the APHA feels that you need to hear.

As you well know, the ability to find resolution to any issue is to see what the middle ground is and work to bring both sides to an acceptable point. I would like to point out to you that Alaska has traded a vast treasure of our wildlife resources to the animal rights groups such as The Alaska Wildlife Alliance, Defenders of Wildlife, Friends of Animals etc. Since Alaska lost the ability to manage predators from the air, in many portions of the State the overall female populations of our moose, Dall's sheep, and caribou herds have declined by over 55%. The number of surviving female annual born of these species is under 31/2 percent which will not allow any recruitment to the declining populations. The annual harvest rate of these species by humans is under 4% while predation is accountable for over 36%. Natural mortality of old age, starvation or disease accounts for the remaining 10%. What these facts show is that if we stopped all hunting of these species in these large regions today, a year from now there will still be less of the animals. Human harvest is having no significant effect on the populations.

Nothing could be more pointed to this demise than the Chisana caribou herd on the north eastern end of the Wrangell Mountains, within the WSENP&P. These caribou are the only genetic strain of Woodland caribou indigenous to the United States. Once stable in population, numbering in excess of 4000, they currently number fewer than three hundred with no known survival of annual born for the past several years due to predation

predominantly by wolves during the first four weeks of their lives. Alaskan and Yukon Territory biologists predict that extinction of this treasure will occur within the next few years if nothing is done to remedy the problem. If any of the groups that I previously mentioned really cared about our common trust wildlife resources they would be lined up in droves picketing in front of the Department of Interior establishments and threatening boycotts of their parks. But we don't see any of that do we.

It was stated in Monday's testimony, that our population of ungulates is declining because of low male to female ratios due to hunting, resulting in poor pregnancy achievement. This is absolutely not true. In the Kuskokwim and Nelchina Regions where we have the best scientific data available, the senior biologists are Toby Boudrou in McGrath and Bob Toby in Glennallen. I have contacted both of them and found that there still exists an overall pregnancy rate of well over 90%. In fact, in the McGrath area, every female moose that was tagged during the past several years, and has survived predation where there is no hunting of cow moose, has born calves every year.

It was also stated that the annual wolf harvest has been increasing every year for the past decade and that there is no reason to consider additional management methods. May I point out that wolves have the ability to grow in number annually by over 40%? And that yes, the annual harvest of wolves by trapping and hunting has increased, because there are now well over three times as many wolves out there as there were a decade ago.

I also heard testimony that the snowmachine is now a very efficient tool in the management of our wolf populations and that this tool will provide our harvest requirements. I would like to inform you that I have personally sat in many BOG and public meetings and listened to the same person who gave this statement on Monday publicly state every possible reason that we should not be using snowmachine in any way for managing our wolves and that they are a detriment to our environment.

There has also been alot of testimony on how the last two ballot initiatives to ban land and shoot wolf management techniques clearly showed that Alaskan's plainly said no to this management tool. Please allow me to comment on that statement.

1. The initiative passed by only a 3.65% margin.
2. Alaskan's for predator control were outspent by over a 100 to one margin.
3. A significant portion of this initiatives funding came from outside organizations that thrive on using the sentimental naive of the uniformed to raise substantial funding for themselves.
4. The Knowles administration had a gag order in affect denying written or verbal public testimony regarding the known science or biology of any ADF&G biologists under threat of written reprimand or loss of their jobs if they disobeyed the order.

5. The measure as presented to the voters in the ballot box was written so confusing that many Alaskan's did not understand that a no vote actually meant a yes vote.

Another thing that is important for you to hear today is that I have, on many occasions posed or heard posed to these groups' spokespersons at public meetings "*when will the biological emergency be great enough to allow lethal management of predators?*" The answer has always been "*never*".

Another common theme from these organizations is, "*there is no definite proof of the ungulate decline and in many cases the ungulate numbers appear to be rising.*" If this was really the case, why then have non-resident hunters, over the past decade lost over 50 million acres of opportunity to hunt on lands open to sport hunting in Alaska. The answer is; "*because the state subsistence law mandates that in times of shortage the non-resident is the first to lose opportunity*". And why now, more than any time in the history of Alaska, have the wedges between urban and rural Alaskan's and the non-resident hunters been so deeply driven.

I can answer this by quoting the two-decade theme of the anti-hunter movement. It is simply called, "*divide and conquer*". You, just like all of the rest of us Alaskan's whose sustenance depends in some way on our wildlife resources, we, and our precious and formerly bountiful wildlife populations have been the pawns and the losers in this chess game.

Only two times in the history of Alaska have we seen such detriment dealt to our precious wildlife resources. Those two instances were the demise of the sea otter by the Russians, and the demise of our wild salmon during our territorial years.

In both of these cases the *error of our ways* was seen and measures implemented to overcome these near disasters. Our current demise however is by far the worst in history because we have had the proven science and our constitutional mandates right in front of us but they have been ignored for the sake of these same special interest groups.

SB 155 does not declare war on our wolves.

I do not know one Alaskan who does not care for or appreciate our wolves. We just do not understand the poor stewardship of putting them uncontrolled at the top of the food chain.

Chairman Morgan and committee members, my testimony comes from the heart of Alaska and our precious wildlife populations that depend on your ability to see the common sense truths and mandates of our constitution and our public trust obligations, our moral obligation to God as defined in Genesis if we are so inclined and our civic mandates as requested by our Board of Game which represents the most democratic process of wildlife management of any place in the world today. Regarding what I mentioned earlier about finding common ground to help find resolution to this issue. I am

sorry to state that although Alaska has continued to give, the other side will never give. You are at a crossroads; either Alaska's vast wildlife populations and our way of life that we have presented to the world for generations can become like the Chisana Caribou herd, or you can move and advocate for passage this bill.

The APHA warrants to you, that what Alaska will gain by passage of SB155 and the Administration's mandate of management for abundance will do far more benefit for Alaska's tourism industry and the vision that the world has of Alaska than any boycott can do us harm.

Respectfully,
Robert Fithian

ALASKA STATE SENATE

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Senator Ralph Seekins
District D

MEMORANDUM

Date: May 10, 2003

To: Office of Representative Carl Morgan

From: Senator Ralph Seekins

A handwritten signature in black ink, appearing to read "R. Seekins".

Re: Request for Hearing of SB 155

Attached please find Senate Bill 155 along with the corresponding Sponsor Statement and supporting documentation.

Senate Bill 155 alters language within Section 16.05.783 of the Alaska Statutes relating to the regulation of Fish and Game resources. These alterations provide the Fish and Game Board and Commissioner with necessary tools in the management of game populations throughout the state.

I respectfully request a hearing before your committee on this Bill at your earliest convenience. Thank you.

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Featuring the images of
Leo & Dorothy Keeler



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SB 155 Testimony - Oppose Aerial Predator Control

5/14/2003

My name is Dorothy Keeler. Evidently, the potential for predator control to create a tourism boycott is being taken seriously. What this new version of SB 155 tries is a vain attempt to hide who would be responsible for one.

If this bill passes, Governor Murkowski will have created a state-sanctioned predator control program where he can't be directly blamed. If this bill passes, the Legislature has created a smokescreen trying to hide responsibility, and the six Alaska Outdoor Council members now sitting on the Board of Game, who were not elected by the people and were selected based on their eagerness to kill wolves, may have the power to bring the state of Alaska to its financial knees with a tourism boycott... a tourism boycott that they have a vested interest in prolonging. Initiating predator control to meet the harvest objectives set by the Board of Game is initiating a never ending predator control program. The objectives set were based on historic high harvest levels established after years of poisoning and aerial hunting of predators.

If this bill passes, you have asked the bullies of the playground to bankrupt the parents of all the other kids that want to use it.

Nothing would please the extremists in Alaska more! Their goal is to use the Governor, and now the Legislature, to drive out all those pesky non-consumptive users who dare try to share in the use of Alaska's wildlife resources.

Pass this bill, and a tourism boycott, more initiatives, and referendums are certain. Pass this bill, and be prepared to set aside a lot of money for the lawsuits that are just as certain.

Pass this bill, and you deserve the shame of knowing you trashed Alaska's tourism industry to benefit a handful of extremist hunters whose dream is to monopolize the use of Alaska's wildlife, and return to the good old days of massive statewide predator control.

Most sincerely,

Dorothy Keeler

AMENDMENT#___

By: _____

TO: CSSB 155(RES)

Page 2, lines 22 and 23:

*Sec. 2. AS 16.05.783 is amended by adding a new subsection to read:

(e) When the Board of Game authorizes a predator control program that includes airborne or same day airborne shooting, the board shall establish predator reduction objectives and limits and the methods and means to be employed.

Authorized predator control programs shall be carried out only by Department of Fish and Game employees.

same day airborne

ACTIVATION POINTS FOR AN AIRBORNE PREDATOR CONTROL PLAN

1. There must be a game management plan for the particular Game Management Unit or Sub-unit ("GMU").
2. There must be an "intensive management" program in place for the GMU. AS 16.05.255(e) makes it clear that an intensive management plan is to restore the abundance of productivity of identified big game prey populations as necessary to achieve human consumptive use goals in an area where the board has determined that:
 - a. consumptive use of the big game prey population is the preferred use;
 - b. depletion of the big game prey population has occurred and may result in a significant reduction in allowable human harvest of the population; and
 - c. enhancement of abundance or productivity of the big game prey population is feasibly achievable utilizing recognized and prudent active management techniques.
3. Then, the Board must determine **BASED ON INFORMATION PROVIDED BY THE DEPARTMENT OF FISH AND GAME (DEGREED SCIENTISTS)** in regard to an identified big game population under an intensive management program that:
 - a. the objectives set by the board for the population have not been achieved; and
 - b. predation is an important cause for the failure to achieve the objectives set by the board; and
 - c. a reduction of predation can reasonably be expected to aid in the achievement of the objectives.
4. Also, if the department confirms that a disease or parasite of a predator population is threatening the normal biological condition of the predator population or that the disease or parasite, if left untreated, would spread to other populations, it can authorize an airborne program.

THIS PROGRAM ASSURES THAT ANY DECISION TO ACTIVATE AN AIRBORNE PROGRAM IS BASED ON THE BEST AVAILABLE SCIENCE.



Alaska State Legislature

Please enter into the record my testimony to the House Community Regional Affairs
Committee name

Committee on SB 155, dated 5-13-03
Bill/Subject

6 P
AGSS

Signed: Robert Fithian
Testifier

APHA
Representing (Optional)

HC60 Box 299C Copper Center AK 99523
Address

Phone number

The Alaska Professional Hunters Association Inc.
PO Box 91932, Anchorage Alaska 99509-1932
(907) 522-3221

May 13, 2003

Senate Bill 155 APHA Testimony for the House Community and Regional Affairs Committee.

Chairman Morgan and Committee members. My name is Robert Fithian, I live in Lower Tonsina, Alaska I am a master guide and eco tour operator, I am testifying on behalf of the Alaska Professional Hunters Association as their Executive Director. Regarding Senate Bill 155

The APHA represents Alaska's oldest tourism related industry. The guided sport hunting industry. This industry contributes to Alaska over 120 million new dollars to Alaska each year. A minimum of 75% of the annual ADF&G wildlife conservation budget comes from the non-resident clientele that this industry caters to.

Our contributions to Alaska's wildlife conservation through the efforts of our association, our members or former guides and non-resident hunters include creation of a few unique places like McNeil River and Denali National Park.

Article 1 Section 1 of our State Constitution defines the inherent rights of the States citizens. These include the rights to life, liberty, happiness and the rewards of our own industry. It also states that all persons are equal and entitled to equal rights. Then it closes with a statement that all persons have corresponding obligations to the people of the State. How unique this very first section of our constitution is in that it lays out our rights but then closes with a stewardship requirement for us.

Article 8 section 3 of the Alaska constitution states that wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use. Article 8 Section 4 mandates that fish forest wildlife grasslands and other replenishable resources belonging to the State shall be utilized, developed and maintained on the sustained yield principle subject to preferences among beneficial users.

During the past 15 years we have seen a continual decline in the cow moose population of at least 55%. The annual calf survival rate is under 7%. Only 3 1/2 percent of the surviving calves are female and fewer of that percentage are living to be of recruitment age to replenish the declining population.

The average annual harvest rate of moose statewide currently is as follows; 86% die by predation, 10% die of natural mortality factors and 4% by human harvest.

What these facts prove is that if we stopped all human harvest of moose today, a year from now we will still have fewer moose. Hunting and human harvest is having no significant effect on the State's moose population.

Let me assure you on another commonly overlooked fact here. If the facts were known regarding our Dall's sheep and caribou populations and they had as important of a role throughout the main river corridor communities of Alaska as meat and subsistence species you would find that their plight is as bad as that of our moose. This is a terrible representation of stewardship of these resources.

It is important for you to note that during the past ten years the non resident sportsman has lost opportunity to hunt on over 50 million acres of public lands that are open to sport hunting due to the continual reducing numbers of Alaska's moose, sheep and caribou populations and the mandates of the state subsistence law.

Only two times in the history of our State have we seen such detriment dealt to our precious wildlife populations as we have in the past 15 years. Those two instances were the near extinction of the sea otter by the Russians and the demise of Alaska's salmon during the territorial years.

In both of these cases the error of our ways was seen and measures implemented to overcome these near disasters. Our current demise is by far the worst in history because we have had the proven science and our constitutional mandates right in front of us and they have been ignored for the sake of special interest groups.

I represented the APHA in Aniak several weeks ago at the Central Kuskokwim Moose management committee meeting where I was fighting to preserve the guiding industry and the non-resident hunters opportunity to harvest 15 moose from GMU 19a. I would like to inform you that I really was not there because I was fighting to preserve the opportunity for non-resident hunters to have a allocation of 15 moose but I was there because I just like you, have been a pawn in the game of chess orchestrated for by the same special interest groups. The winning theme is called divide and conquer.

As an effort to help bolster the economy in rural Alaska and to maybe help keep some young people in the villages I recently completed participating on behalf of the APHA in a statewide series of workshops throughout rural Alaska teaching about private lands wildlife management and business planning for guided sport hunting, fishing and non consumptive tourism opportunities on private lands. Let me assure you Chairman Morgan and committee members that what you have in front of you is not just Senate Bill 155. It is the single most important piece of legislation that this legislature and this administration has to begin to build the bridge that is so vitally needed between urban and rural Alaska.

Senate bill 155 is not about declaring war on Alaska's wolves. Alaska's wolf populations have never been threatened or endangered. Please see the ADF&G wolf facts attachment to this testimony. I do not know one Alaskan who does not care for or appreciate our wolves. We just do not like or understand the poor stewardship of putting them uncontrolled at the top of the food chain.

The APHA warrants you that what Alaska will gain by passage of SB 155 and the Administrations mandate of management of Alaska's wildlife populations for abundance will do far more benefit for Alaska's tourism industries and the vision that the world has of Alaska than any boycott can do us harm.

There has been much testimony in recent months regarding this Bill and how Alaska clearly said no to this effort in the last ballot measure initiative dealing with this issue. Please allow me to comment in those regards.

- a. The initiative passed by a margin of four percent.
- b. Alaskans for predator control were outspent by over a 100 - 1 margin.
- c. A significant portion of this initiatives funding came from outside organizations that thrive on using the sentimental naïve of the unformed to raise substantial funding for themselves.
- d. The Knowles Administration had a gag order in effect denying public comment or testimony on the issue by any ADF&G biologists that were getting paid as state employees to produce the science regarding this issue.
- e. The measure presented to the voters was so confusing in print that many of us did not understand whether a yes or no vote would mean a pro or con vote.

It is past time for us to stand up for Alaska and the vision that the world has of our state. A vision of incomparable wildlands and bountiful populations of wildlife. Our civic, constitutional and moral stewardship requirements need to be adhered to. The APHA urges you for the sake of our precious wildlife resources, Alaska itself and the people of rural Alaska to support this bill

Respectfully, Chairman Morgan and committee members,
Thank you for the opportunity to testify today. If you have any questions I would be glad to answer them for you if I can.

Robert Fithian
APHA Executive Director

Alaska Wolf Facts

333 Raspberry Road
Anchorage, AK 99518
(907) 267-2180

1300 College Road
Fairbanks, AK 99701
(907) 456-5156



During the fall of 1991, the Alaska Board of Game adopted the Strategic Wolf Management Plan, a plan based upon the final report from a citizen planning team. The resultant plan was designed to help the Alaska Board of Game and Department of Fish and Game work with other agencies, and the public, to conserve Alaska's wolves and their prey. The department would like to offer the following information to individuals who are concerned about the well-being of Alaska's wolf population and the diverse management strategies described in the wolf plan.

- > Wolves never have been threatened or endangered in Alaska. Alaska's wolves are abundant and widely distributed across the state. It is unfortunate that wolves are endangered elsewhere, however, management of game animals in Alaska is not based on their status in other states. The factors that led to the wolf's decline in other states (primarily habitat alteration and protection of a large livestock industry) are not prevalent in Alaska.
- > In 1986, Alaska's wolf population was estimated at 5,000 to 6,500 animals and was comprised of approximately 677 to 886 wolf packs. At that time, the wolf population trend was stable or increasing throughout the state. In 1990-91, the wolf population was estimated at 5,900-7,200 animals (700-900 packs). It is noteworthy that research has shown wolf estimates to be conservative in most cases. Based on our annual wolf surveys, wolf numbers continue to exhibit a stable or increasing trend in all occupied habitat.
- > Wolf distribution in Alaska is as great now as at any time since the turn of the century, and wolf numbers are limited primarily by availability of big game prey rather than by annual harvests.
- > The Alaska State Constitution requires that the state's fish and wildlife resources (including wolves) be managed for the common use of the people and be maintained on a sustained yield principle. To meet these requirements, wolves and their prey have been managed for their intrinsic and ecological value as well as for human use (including hunting and trapping), enjoyment, and edification.
- > Because wolves have a high reproductive rate and young wolves commonly disperse away from their parent packs, wolves can safely sustain a relatively high harvest. Most of Alaska's wolf populations can support harvests of 25-40 percent annually. With lower harvests, most populations can increase, unless food is scarce. Currently, the state's wolf population is harvested at only 17 percent annually.
- > The department generally manages game species according to guidelines established in wildlife management plans. The Strategic Wolf Management Plan (the Plan) was developed to provide these guidelines. The Plan is designed to ensure the long-term conservation of wolves in relation to their prey and habitat and to provide for a broad range of human uses and values of wolves and their prey.
- > The Plan is largely the result of recommendations made by a 12-member citizens' advisory group (planning team) that repre-

(over)

Alaska Wolf Facts

333 Raspberry Road
Anchorage, AK 99518
(907) 267-2180

1300 College Road
Fairbanks, AK 99701
(907) 456-5156

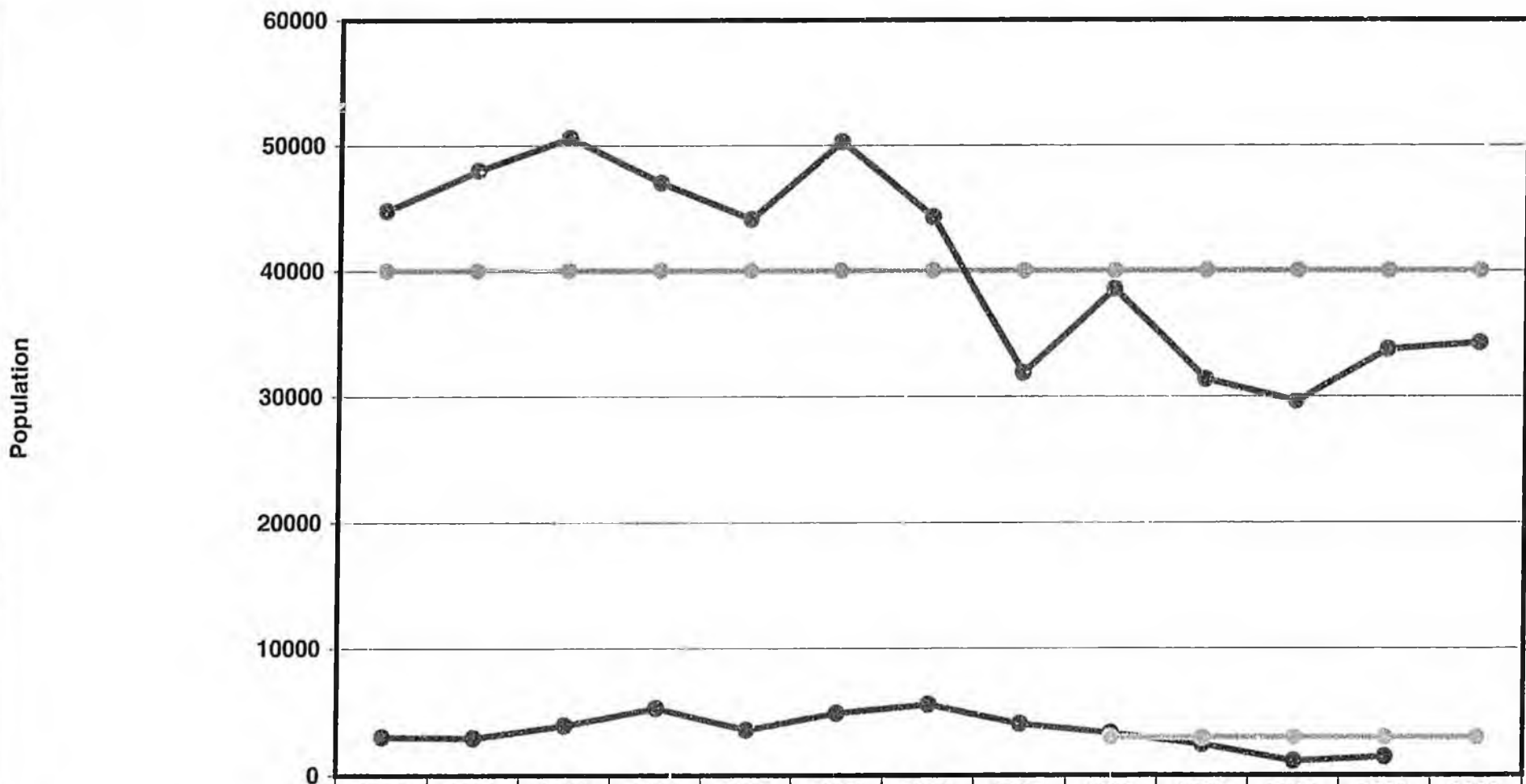


Zoning

Eventually, through the planning process, the entire state will be zoned 1-7. Zones 1 and 2 prohibit the hunting or trapping of wolves. Zones 3 and 4 allow the hunting and trapping of wolves but do not allow wolf control. Zones 5, 6, and 7 allow the hunting and trapping of wolves as well as the possibility of wolf control. In Zone 5 wolf control is not anticipated. In Zones 6 and 7 wolf control is likely.

- > The zones were constructed with careful consideration of the laws and management mandates on federal land, which comprises about 70 percent of Alaska. Most of the federal land, including all national parks, preserves and monuments, will be zoned 1-4 where no wolf control is allowed. That totals more than 112,000 square miles or about 19 percent of the state.
- > Although the planning process to date has focused only on portions of southcentral and interior Alaska (representing about one fifth of the state), already more than 8,000 square miles have been zoned to prohibit wolf hunting and trapping. When the rest of the state is zoned, that figure will at least double.
- > Although a large part of southcentral and interior Alaska have been zoned 5, 6, or 7, where wolf control is allowed, wolf control is unlikely to occur in most of it.
- > Areas in and around major population centers and Denali National Park have been zoned to prohibit wolf hunting and trapping. These zones are designed to accommodate wildlife viewing and protect Alaska's most visible wolves.
- > Particular care was exercised in zoning around Denali National Park to ensure maximum protection of wolves residing in the park if they leave the park. Wolves which live primarily in Denali and other national parks, preserves, monuments and refuges will not be subject to wolf control.

Neichina Herd Caribou Population Trends AWCA 103



	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
● Harvest	3020	2920	3927	5270	3573	4916	5601	4027	3306	2450	1090	1428	
○ Projected Harvest									3000	3000	3000	3000	3000
● Population Objective	40000	40000	40000	40000	40000	40000	40000	40000	40000	40000	40000	40000	40000
● Fall Population Est.	44800	48000	50600	47000	44093	50281	44273	31893	38552	31365	29600	33745	34280

Brown Bear Trend Information
Alaska Wildlife Conservation Association
January 2003

Sources: ADF&G Harvest Surveys, ADF&G Annual Performance Reports, Federal Aid in Wildlife Restoration Reports, BOG minutes, BOG Proposal Booklet(s).

Trends Graph: 8 years of information on brown bear population and human harvest. Board of Game population objective and ADF&G population estimate.

Analysis: A brown bear census has not been performed in several years. The estimated 1500 brown bears in the Unit is considered a very low number by many wildlife observers.

The ADF&G testified that a sustaining harvest of brown bears would be 2% to 5% of the population. The harvest has been over 125 bear for each year charted. If 125 brown bears is even 5%, the population would be 2500. If the 125 bear "average" is 2%, there are over 7000.

The Board has liberalized the brown bear harvest regulations by removing the resident tag fee, lengthening the season and changing the "one bear every four years" to one bear every year. The ADF&G stated, "Since regulations were liberalized in 1995, brown bear harvests have been high in Unit 13, yet no noticeable decline in brown bear numbers has been detected in the unit. Prolonged harvest at this level may effect a decrease in brown bear abundance that is dictated by our management objective." In the next paragraph they stated, "Current brown bear (harvest) levels are sustainable. Unless additional liberalization in seasons, bag limits, or methods and means are enacted, it is doubtful the Unit 13 brown bear population will be reduced substantially in the near future." Harvest statistics show that there has been no significant change in the sex or age.

What is missing is the fact that the number of hunters in Unit 13 is decreasing. There are many proposals to design a 2003 - 2004 moose hunt that will discourage hunters from Unit 13. The number of Tier II caribou permits will be further reduced to accommodate a reduced harvest objective. The number of large adult brown bear is only a small part of the population and few hunters are willing to spend the money to take care of a brown bear trophy for a sub-adult bear. The declining number of moose and caribou hunters causes a decline in bear harvest.

Note that nothing is said about black bear populations in Unit 13. This is a missing link that may be as out of balance as the brown bears. Brown bear population reduction will be very difficult under the best of circumstances.

Questions:

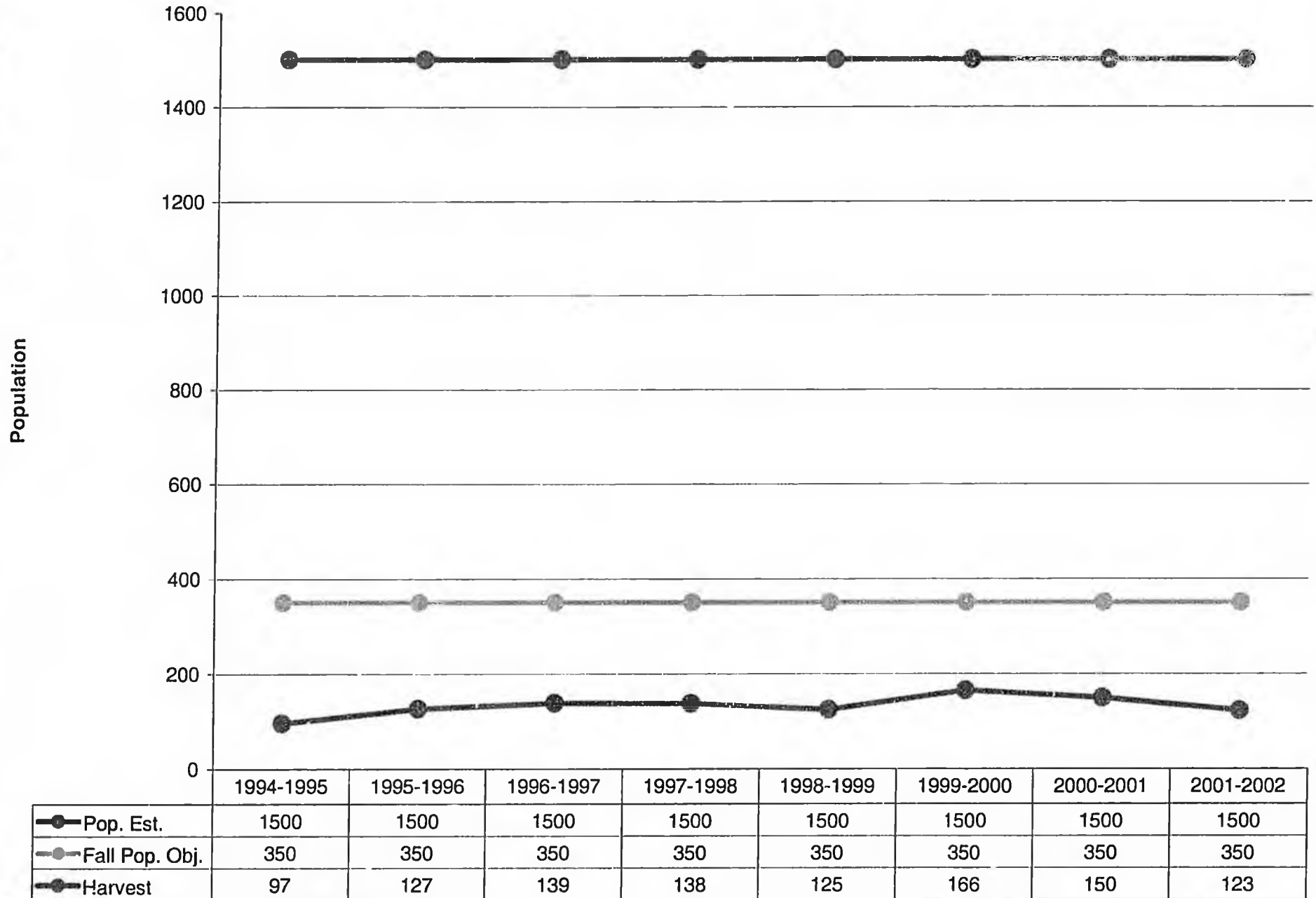
When will the ADF&G explain to the Alaskan public that they "made a mistake" in brown bear census and therefore the long term management strategy in Unit 13?

Why wait until moose and caribou populations bottom out (within the next three to four years) to discover the impact of this huge bear population?

How many years does it take to "recover" the moose and caribou populations under the present brown bear "management" regime?

There is a high population of black bears in GMU 13 in addition to the brown bears. The effects of predation by black bears is not well understood. Because of Tier II for caribou, antler and season restrictions for moose and a prohibition on non-resident hunters, few "first time" bear hunters can be expected in GMU 13. Are there ways to further increase the harvest?

GMU 13 Bear Trends AWCA 103



ALASKA STATE SENATE



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(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

SB 155 Sponsor Statement

An Act Relating to Predator Control Programs

Senate Bill 155 alters language within Section 16.05.783 of the Alaska Statutes relating to the Regulation of Fish and Game. These alterations provide the Fish and Game Board and Commissioner with necessary tools in the management of game populations throughout the state.

The first alteration clarifies Legislative intent with respect to airborne predator control programs. The second alteration provides for game population objectives to be taken into consideration in determining whether or not a predator control program should be implemented.

As an example, if the minimum game population objective is met, but the harvest level is not, a management decision—under current law—cannot be made even if it is determined that predators are limiting the game population. The second alteration allows the Board to use both prey *and* game population objectives when making a determination with respect to the use of a predator control program.

Senate Bill 155 makes changes that will allow the Fish and Game Board as well as the Department of Fish & Game to better manage wildlife by *balancing* predator and game populations based on the best science available.



Alaska State Legislature

Please enter into the record my testimony to the House Community & Regional Affairs
committee name

Committee on SB 155 Predator Control Programs, dated 5-13-03
bill # / subject public hearing date

PLEASE ACCEPT THE FOLLOWING PAGE AS
WRITTEN TESTIMONY

Signed:

D. S. Haeg

David S. Haeg

Testifier

Alaska's Western Wildlife Alliance

Representing (optional)

PO Box 123 Soldotna AK 99669

Address

907-262-9249

Phone number



Alaska's Western Wildlife Alliance
P.O. Box 123
Soldotna, Alaska 99669
(907) 262-9249 tel. (907) 262-8867 fax

May 13, 2003

Testimony in support of Senate Bill 155.

Chairman Morgan and Committee members. My name is David S. Haeg and I would like to testify for Alaska's Western Wildlife Alliance, of which I am the director.

We feel SB155 to be vitally important to returning wildlife numbers back to the healthy and abundant levels needed for use by people who depend on them to feed their families.

In the past 10 years we have seen such a drastic decline in moose numbers that many of us now have to make due without. How can this be in a state that possesses the best moose habitat in the world? In many areas caribou and sheep are following the same trend and will end up as bad off as moose unless something is done.

SB155 will allow the management of wildlife so desperately needed by virtually all of rural Alaska. It will do so by balancing predator and prey ratios at levels that are healthy and at the same time sustainable.

Again, we feel SB155 to be a huge step in the right direction and urge your strong support of it.

Sincerely,

A handwritten signature in black ink that reads "David S. Haeg". The signature is written in a cursive style.

David S. Haeg, Director
Alaska's Western Wildlife Alliance

SB

183

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 183
 (S) Publish Date: 5/1/03

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title Municipal Economic Deveopment BRU Comm Assist & Econ Dev (405)
 Component Community & Business
 Sponsor Senator Seekins Development
 Requester Senate Community & Regional Affairs Component No. 2486

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation proposes to add language to Title 29, Municipal Government, to explicitly provide for the municipal power to expend municipal revenues for the purpose of economic development. This would have no fiscal effect on the department.

Prepared by: Gene Kane, Director
 Division: Community and Business Development
 Approved by: Edgar Blatchford, Commissioner
 Agency: Department of Community and Economic Development

Phone 907-269-4580
 Date/Time 4/24/03 9:45 AM
 Date 4/24/2003



Alaska State Legislature

House Committee on Community and Regional Affairs

Representative Carl Morgan, Chair
State Capitol Building, Room 408
Juneau, AK 99801
907-465-3882

AGENDA

State Capitol 124
8:00 am – 10:00 am

- **Call to order, we had previously recessed to a call of the Chair.**
Today's date is May 21, 2003
The time is 10:30 am
- **Announcement:**
Testimony will be limited to two minutes.
- **SB 183 Municipal Economic Development**
Sponsor: Senator Seekins
- **Committee has a CS Work Draft 23-LS0970U Cook 5/17/03**
- **Adopt CS for discussion.**
- **CRA Staff, Sue Stancliff, will present the bill to the committee.**
- **Adjourn**

23-LS0970U

Cook

5/17/03

HOUSE CS FOR CS FOR SENATE BILL NO. 183(CRA)**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-THIRD LEGISLATURE - FIRST SESSION****BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE**

Offered:

Referred:

Sponsor(s): SENATORS SEEKINS, Wilken

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to municipal property taxation in annexed and detached areas;
2 relating to mergers and consolidations of municipalities; and authorizing certain
3 boroughs to use revenue collected on an areawide or nonareawide basis for economic
4 development; and providing for an effective date."

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

6 * **Section 1.** AS 29.06. is amended by adding a new section to read:

7 **Sec. 29.06.055. Property taxes in annexed or detached areas.** (a) Unless
8 the annexation takes effect on January 1, the municipality may not assess, levy, or
9 collect property taxes in an annexed area before January 1 of the year immediately
10 following the year in which the annexation takes effect.

11 (b) If an area is detached from a municipality, all property taxes that are levied
12 by that municipality on property in the detached area based on an assessment that
13 occurred before the effective date of the detachment remain valid. AS 29.45.290 -
14 29.45.500 apply to the enforcement of those taxes.

1 * Sec. 2. AS 29.06.100(a) is amended to read:

2 (a) Residents of two or more municipalities may file a merger or consolidation
3 petition with the department. The petition must be signed during a period that does
4 not exceed 365 consecutive days by a number of voters of each existing municipality
5 equal to at least 25 percent of the number of votes cast in each municipality's last
6 regular election.

7 * Sec. 3. AS 29.06.100 is amended by adding a new subsection to read:

8 (c) A petition for the merger or consolidation of a borough and more than one
9 city within that borough shall provide that, if the proposal is approved by a majority of
10 the votes in the borough area outside of the cities proposed to be merged or
11 consolidated but is not approved by a majority of the votes in each of the cities,

12 (1) the entire proposal is defeated; or

13 (2) the proposal is partially approved and the borough is merged or
14 consolidated with the cities in which the proposal has been approved.

15 * Sec. 4. AS 29.06.140(a) is amended to read:

16 (a) The Local Boundary Commission shall immediately notify the director of
17 elections of its acceptance of a merger or consolidation petition. Within 30 days after
18 notification, the director of elections shall order an election in the area to be included
19 in the new municipality to determine whether the voters desire merger or
20 consolidation. The election shall be held not less than 30 or more than 90 days after
21 the election order. A voter who is a resident of the area to be included in the proposed
22 municipality may vote. Unless the proposal includes the merger or consolidation
23 of a borough and one or more of the cities within that borough, if a majority of
24 the votes in each of the municipalities proposed to be merged or consolidated
25 favors the merger or consolidation, the proposal is approved. Votes on a
26 proposal that includes the merger or consolidation of a borough and one or more
27 of the cities within that borough shall be separately tabulated as follows: (1) in
28 the borough area outside of each city in that borough proposed to be merged or
29 consolidated; (2) in each of the cities in the borough proposed to be merged or
30 consolidated; and (3) if one or more municipalities outside of the borough are
31 also included within the proposal, in each of those other municipalities. The

1 entire proposal is defeated if it is not separately approved in the borough outside
2 of the cities in that borough that are proposed to be merged or consolidated and,
3 if municipalities outside of the borough are included in the proposal, in those
4 other municipalities. If the proposal is not approved in one or more of the cities
5 within the borough that are proposed to be merged or consolidated but is
6 otherwise approved in each of the areas separately tabulated, the proposal is
7 either entirely defeated or partially approved as provided in the petition under
8 AS 29.06.100(c). This subsection is intended to be consistent with the voting
9 requirements for annexation specified in AS 29.06.040(c)(1).

10 * Sec. 5. AS 29.35.110 is amended by adding a new subsection to read:

11 (c) Notwithstanding (a) of this section, a borough that has entered into an
12 agreement with a city located in the borough to cooperatively or jointly provide for
13 economic development may use borough revenue from taxes, whether collected on an
14 areawide or nonareawide basis, to carry out the terms of the agreement.

15 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 APPLICABILITY. The amendments to AS 29.06.100 in secs. 2 and 3 of this Act do
18 not apply to a merger or consolidation petition filed with the Department of Community and
19 Economic Development before the effective date of this Act. The amendment to
20 AS 29.06.140(a) in sec. 4 of this Act does not apply to an election held as a result of a petition
21 filed with the Department of Community and Economic Development before the effective
22 date of this Act, and AS 29.06.140(a) as it read before the effective date of this Act applies to
23 that election.

24 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE SENATE



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Juneau, Alaska 99801-1182
(907) 465-2327
(907) 465-5241 Fax

Interim:
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

SB 183 Sponsor Statement

An Act Authorizing Municipalities to Provide for Economic Development

Current state law places a limitation on second-class boroughs with respect to expending funds designated for economic development purposes.

Presently, second-class boroughs may only use these funds on a *non-areawide* basis. This means that the Fairbanks North Star Borough can only deploy these funds on projects located *outside* the city limits of Fairbanks and North Pole.

It is desirable for the Borough to have the ability to utilize economic development funds on an *areawide* basis. In this way, worthy projects can be funded irrespective of their location--within, or without, municipal boundaries--so long as the project remains within the greater Borough boundary. Such projects will benefit the *entire* Borough community while physical location, whether within city boundaries or not, is considered immaterial to this greater good.

This legislation is proposed at the request of the Fairbanks North Star Borough as well as the Cities of Fairbanks and North Pole. In summary, it will facilitate the development of economically attractive projects throughout the *entire* Fairbanks North Star Borough without regard to internal municipal boundaries. Senate Bill 183's companion is HB 126.

LEGAL SERVICES

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

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

State Capitol
Juneau, Alaska 99601-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

May 13, 2003

SUBJECT: Expenditure of Borough revenue for economic development
(CSSB 183(); version S)

TO: Senator Ralph Seekins, Chair, Senate Judiciary Committee
Attn: Brian Hove

FROM: Tamara Brandt Cook
Director *TBC*

You have asked for an explanation of the draft CSSB 183(); version S. AS 29.35.110(a) requires boroughs to spend revenue from taxes collected on an areawide basis on general administrative costs and on areawide functions only, and to spend revenue collected on a nonareawide basis on general administrative costs and nonareawide functions. The draft provides an exception to this requirement, permitting a borough to use revenue regardless of whether it was generated from an areawide or nonareawide tax collection to carry out the terms of an agreement between the borough and a city in the borough to provide for economic development cooperatively or jointly.

Existing law, AS 29.35.010(13), not amended in this draft, permits one municipality to "enter into an agreement, including an agreement for cooperative or joint administration of any function or power with a municipality..." It is under the authority of this paragraph that a borough and a city could enter into an agreement to provide for economic development.

TBC:mdr
03-119.mdr



217 Second Street, Suite 200 • Juneau, Alaska 99801
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

April 28, 2003

Senator Thomas Wagoner
State Capitol
Room 427
Juneau, AK 99801

Re: S.B. 183 – Municipal Economic Development

Dear Senator Wagoner,

The AML Policy Statement strongly supports local economic development activities. In fact, this year the AML created a special Economic Development Task Force to stimulate more local action in support of economic development. The AML Policy Statement also supports allowing municipalities optional powers and authority. Our understanding of SB 183 is that it simply creates an additional optional local power and is therefore consistent with AML Policy.

On a technical level, the ability to avoid areawide vs. nonareawide issues in economic development is basically simply broadening the current exemption in AS 29.35.100 for tourism marketing, which is also an economic development exemption.

Thank you for the opportunity to comment on this important legislation.

Sincerely,

Sarah A. Gilbertson
Policy and Program Coordinator

Cc: Senator Ralf Seekins

Introduced by: Mayor Thompson
Date: August 12, 2002

**RESOLUTION NO. 4015
A RESOLUTION IN SUPPORT OF THE AMENDING STATE LAW
REGARDING MUNICIPAL ECONOMIC DEVELOPMENT POWERS.**

WHEREAS, As a Home Rule municipality, the City has the power to expend funds to promote economic development for Interior Alaska without regard to the corporate boundaries of the City; and

WHEREAS, under current state law, second class boroughs like the Fairbanks North Star Borough only have non-area wide economic development powers, meaning that they face the impractical and illogical situation where they can technically only promote economic development in the areas of the borough outside cities; and

WHEREAS, amendment of state law so all municipalities may expend funds for economic development in their region of the state would grant the Fairbanks North Borough the authority to promote economic development for the Interior.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairbanks,

Section 1. The City of Fairbanks respectfully requests the Governor and the Alaska Legislature to amend state law to authorize all municipalities to expend funds to promote economic development of the region of the state in which they are located. Attached is suggested wording.

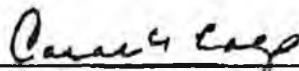
Section 2. That a copy of this Resolution be sent to the Governor, the Interior Delegation, and to the Alaska Municipal League.

Passed and Approved this 12 day of Aug, 2002.

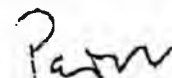

STEVE M. THOMPSON, MAYOR

AYES: 6
NAYS: 0
ABSTAIN:
ABSENT:
ADOPTED: August 12, 2002
ATTEST:

APPROVED AS TO FORM



Carol L. Colp, City Clerk



for Herbert P. Kuss, City Attorney

Introduced by: Mayor Jacobson
Adopted: August 5, 2002

CITY OF NORTH POLE

RESOLUTION 02-26

**A RESOLUTION IN SUPPORT OF THE AMENDMENT OF STATE LAW
REGARDING MUNICIPAL POWERS REGARDING ECONOMIC
DEVELOPMENT**

WHEREAS, the City of North Pole, as a Home Rule municipality, has the power to expend funds to promote economic development for Interior Alaska without regard to the corporate boundaries of the city; and

WHEREAS, over the past decades, the City has supported the visitor industry and other organizations that promote the economic development of the City of North Pole and the Interior; and

WHEREAS, under current state law, the Fairbanks North Star Borough only has non-area wide economic development powers, meaning that it faces the impractical situation where it can technically only promote economic development in the areas of the borough outside the City of Fairbanks and the City of North Pole; and

WHEREAS, amendment of state law to provide that all municipalities may expend funds for economic development will clarify that the Borough may promote economic development for Interior Alaska in the same manner as the City does.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Pole, that the City of North Pole respectfully requests the Governor and the Alaska Legislature to amend state law to authorize all municipalities to expend funds to promote economic development of the State and that a copy of this Resolution be sent to the Governor, the Interior Delegation, and to the Alaska Municipal League.

Passed and Approved this 5th day of August, 2002



Jeffrey James Jacobson
JEFFREY JAMES JACOBSON, Mayor

Kathryn Weber
KATHRYN WEBER, City Clerk



CITY OF FAIRBANKS

Steve M. Thompson, Mayor

800 CUSHMAN STREET
FAIRBANKS, ALASKA 99701-4615

OFFICE: 907-459-6793

FAX: 907-459-6787

smthompson@ci.fairbanks.ak.us

May 6, 2003

Senator Gary Stevens
Chair, Senate Affairs Committee
State Capitol, Room 417
Juneau, AK 99801-1182
By Fax to: (907) 485-3517

RE: Support for CS for Senate Bill 183

Dear Senator Stevens:

The City of Fairbanks supports any amendment to state law that gives second class boroughs the ability to use borough revenue, regardless of the source, for economic development that benefits the borough.

Today we received a fax of the Committee Substitute for Senate Bill 183, which simply adds a sub-section (c) to AS 29.35.110 to state:

"(c) Use of borough revenue for economic development that benefits the borough is not subject to (a) of this section."

This wording will accomplish a mutual goal of the City of Fairbanks and the Fairbanks North Star Borough. I am glad the population requirement has been removed from the Bill.

Thank you for your efforts and please feel free to call me if I can help in any way.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve M. Thompson".

Steve M. Thompson
City Mayor

Cc: Interior Delegation Members
Honorable Rhonda Boyles, Borough Mayor
City Council Members



CITY OF NORTH POLE

"Where the Spirit of Christmas Lives Year Round"

123 Sedwman Lane • North Pole, Alaska 99705
E-mail: npol@alaska.net • Website: www.np.alaska.com

City Hall
907-488-2281

Police
Department
907-488-6902

Fire
Department
907-488-2232

Utilities
907-488-6111

City Clerk
907-488-2281

City Engineer
907-488-2281

May 6, 2003

Honorable Senator Seelins,

Dear Senator Seelins,

The City of North Pole is very appreciative of your service to the people of the State of Alaska and the Interior.

As a Home Rule municipality, the City has the power to expend funds to promote economic development for Interior Alaska, without regard to the corporate boundaries of the City. Over the last five decades, the City has supported the visitor industry and other organizations that promote economic development in the Interior. It is important for boroughs in Alaska to be able to spend revenues unrestricted for economic development.

We support SB 183 amending AS29.35.110 which would authorize boroughs to expend revenue collected on an areawide or non-areawide basis to provide for the economic development that benefits the borough. This amendment makes good business sense and will help grow the economy. The North Pole City Council passed Resolution 02-26 in support of amending state law that SB 183 addresses.

Sincerely,

JEFFREY JAMES JACOBSON, Mayor



250 Cushman St., Suite 2D, Fairbanks, AK 99701-4665
phone: (907) 452-1105, fax: (907) 456-6968

e-mail: staff@fairbankschamber.org
website: www.fairbankschamber.org

March 4, 2003

Representative Jim Holm
State Capitol Building
Juneau, AK 99801

Dear Representative Holm:

On behalf of the Greater Fairbanks Chamber of Commerce Board of Directors, I would like to thank you for introducing House Bill 126, an act authorizing municipalities to provide for economic development and authorizing boroughs to expend revenue collected on an area-wide or non area-wide basis to provide for economic development.

This issue has been identified as one of the Chamber's top three legislative priorities for the year. The Board of Directors passed its first resolution of support for this change in state law in August 2002. Today, the Board made some simple revisions to the resolution and it attached.

We appreciate your leadership on this issue and we support House Bill 126 in its current form. We look forward to working with you on this issue. If you have any questions, please do not hesitate to give me a call.

Sincerely,

Kara Moriarty
President/CEO



250 Cushman St., Suite 2D, Fairbanks, AK 99701-4665
phone: (907) 452-1105, fax: (907) 456-6968
e-mail: staff@fairbankschamber.org
website: www.fairbankschamber.org

Introduced By: Board of Directors
Date Introduced: March 4, 2003
Date Passed: March 4, 2003
Date Transmitted: March 4, 2003

RESOLUTION 03-0304

**A RESOLUTION BY THE GREATER FAIRBANKS CHAMBER OF
COMMERCE SUPPORTING A CHANGE IN ALASKA STATE LAW
REGARDING MUNICIPAL POWERS AND ECONOMIC
DEVELOPMENT**

WHEREAS the City of Fairbanks is a Home Rule municipality; and

WHEREAS as a Home Rule municipality, the City of Fairbanks has the power to expend funds to promote economic development without regard to the city boundaries; and

WHEREAS this allows the City of Fairbanks to use public funds to promote economic development throughout Interior Alaska; and

WHEREAS the Fairbanks North Star Borough is a second class borough; and

WHEREAS as a second class borough, the Fairbanks North Star Borough may only expend funds for non-area wide economic development, which means the Fairbanks North Star Borough can only promote economic development in areas of the borough outside city limits; and .

WHEREAS non-area wide economic development powers do not allow the Fairbanks North Star Borough to effectively expend funds for economic development due to the impractical stipulation that the funds cannot be spent within the city limits; and

WHEREAS a change in Alaska state law allowing municipalities to expend funds for economic development in their region of the state would allow the Fairbanks North Star Borough the authority to promote economic development for the Interior, including inside the city limits:

GREATER ★ FAIRBANKS CHAMBER OF COMMERCE

250 Cushman St., Suite 2D, Fairbanks, AK 99701-4663
phone: (907) 452-1105, fax: (907) 456-6968


e-mail: staff@fairbankschamber.org
website: www.fairbankschamber.org

NOW THEREFORE BE IT RESOLVED that the Greater Fairbanks Chamber of Commerce fully supports a change in Alaska state law to authorize all local governments to fund economic development in their region of the state, regardless of the source of funding.

BE IT FURTHER RESOLVED that this resolution be distributed to:

- Representative Jim Holm
- Governor Frank Murkowski
- Interior Delegation
- Mayor Rhonda Boyles, Fairbanks North Star Borough
- Fairbanks North Star Borough Assembly
- Mayor Steve Thompson, City of Fairbanks
- Fairbanks City Council
- Mayor Jeff Jacobsen, City of North Pole
- North Pole City Council

PASSED in Fairbanks, Alaska this 4th day of March, 2003 by the Greater Fairbanks Chamber of Commerce Board of Directors.



Terry Aldridge
Board Chair



Kara Moriarty
President/CEO

By: Rhonda Boyles, Mayor
Introduced: 09/12/02
Adopted: 09/12/02

RESOLUTION NO. 2002 -70

A RESOLUTION IN SUPPORT OF AN AMENDMENT TO STATE LAW REGARDING MUNICIPAL POWERS AND ECONOMIC DEVELOPMENT

WHEREAS, the Fairbanks North Star Borough is a second class borough and has the power to provide economic development only on a non-areawide basis, outside the city limits; and

WHEREAS, the Fairbanks North Star Borough cannot expend revenue collected on an areawide basis for economic development; and

WHEREAS, the current separation of how funds may be expended for economic development reduces the overall effectiveness of city and borough funds; and

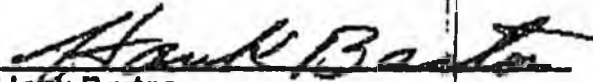
WHEREAS, an amendment of state law to provide that all municipalities may expend funds for economic development in their region of the state would grant the Fairbanks North Star Borough the authority to promote economic development for the Interior, including within the boundaries of the City of Fairbanks.

NOW, THEREFORE BE IT RESOLVED that Rhonda Boyles, Borough Mayor, and the Fairbanks North Star Borough Assembly supports an amendment to Alaska state law to authorize all local governments to provide economic development in their region of the state using areawide funds.

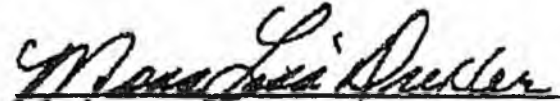
BE IT FURTHER RESOLVED that this resolution be distributed to:

- Governor Tony Knowles
- Interior Delegation
- Mayor Rhonda Boyles, Fairbanks North Star Borough
- Fairbanks North Star Borough Assembly
- Mayor Steve Thompson, City of Fairbanks
- Fairbanks City Council
- Mayor Jeff Jacobson, City of North Pole
- North Pole City Council

PASSED AND APPROVED THIS 12th DAY OF SEPTEMBER 2002.


Hank Bartos
Presiding Officer

ATTEST:


Mona Lisa Drexler, CMC
Municipal Borough Clerk

Ayes: Holm, Hutchison, Henry, Williams, Beck, Webb, Fouts, Sattley, Bartos
Noes: None

Daily News - Miner

"Independent in All Things ... Neutral in None"
Established in 1903

CHARLES L. GRAY
Publisher Emeritus

MARILYN ROMANO
Publisher

KELLY BOSTIAN
Managing Editor

DERMOT COLE
Columnist

ROD BOYCE
Assistant Managing Editor

A good fix, for now

The Senate Community and Regional Affairs Committee is scheduled to hear a bill today that seeks to remove a limitation on how the Fairbanks North Star Borough, and perhaps other local governments like it, can spend money raised to promote economic development.

The bill, Senate Bill 183, by Sen. Ralph Seekins of Fairbanks, is a good one, is supported by the Alaska Municipal League, and should be passed. A companion bill put forward in the House by Rep. Jim Holm of Fairbanks is reportedly being blocked by the chairman of that chamber's Community and Regional Affairs Committee for reasons of political strategy, so the Senate version will be the one to accomplish the task.

At issue is a description of how the Fairbanks borough can spend the portion of property-tax revenue it raises for economic development. The money is raised only from residents and businesses outside the cities of Fairbanks and North Pole, and state law limits the spending of money raised in such a manner to functions that serve only the area from which it was raised.

The Senate bill will bring the current Fairbanks situation into compliance with state law.

The problem with the economic development money is much like the problem with the money the borough spends on the garbage transfer sites. The dump sites are paid for with money raised outside the city of Fairbanks and aren't supposed to be used by city residents. But they are, and short of posting a guard and checking ID cards, nothing can be done about it.

• It's the same with economic development.

The Borough Assembly has already authorized the granting of \$310,000 this fiscal year and \$100,000 in the next fiscal year for the Fairbanks Economic Development Corp. That is money raised outside the cities of Fairbanks and North Pole.

But it will be difficult to spend that money without running afoul of state law. And yet there is simply no way to prevent the successful promotion of economic development from also benefiting those who live in the two cities. People might live in those cities, for example, and work outside them in some new business brought to town through FEDCO's efforts.

Opponents will argue that it is wrong for those outside the cities to be the sole means of financial support for local economic development, especially when the borough's economy as a whole gains.

In particular, those in the city of Fairbanks, whose economic development revenue is raised through the hotel and motel bed tax, are not pulling their weight, it is said. That may be true, but until we have a single local government, that inequity is one that we can live with.

This Senate bill is a good fix so that economic development can proceed in a legally clean manner.



CHINA

Good, s

WASHINGTON—Here's good news: Vigorous vituperation is coming back.

A lust for civil discourse almost stamped it out. Back in the mid-'90s, I took a pop at Colin Powell for having failed to finish off Saddam Hussein; in a New Yorker interview, he popped back mildly with "Safire is getting arrogant in his old age" (which didn't rate as genuine vituperation because it was too close to the truth). Even so, at a subsequent New Year's Eve party, the general felt the need to apologize.

Classic invective demands a vivid figure of speech. The current State Department reaction to criticism by the hawkish commentator Newt Gingrich offers examples of weak, and strong vituperation.

In a Washington speech, Gingrich had blazed away at "ineffective and incoherent" State for "six months of diplomatic failure" and its "propensity for appeasing dictators and propping up corrupt regimes." In contrast, he noted,

FOINM.
April 30, 2003

SB

1900

STATE OF ALASKA

Cooper Landing Fish & Game Advisory Committee

Frank H Murkowski, Governor

Bill Stockwell, Chair
PO Box 721
Cooper Landing, AK 99572-0721
Phone: 595-1540

March 20, 2004

Honorable Carl Morgan
Chair, House Community and Regional Affairs Committee
State Capitol Building,
Juneau, AK 99801-1182

SENT BY FAX 2 PAGES

SUBJECT: Senate Bill 190

Dear Chairman Morgan and Committee Members

At our meeting of March 18, 2004, the members of the Cooper Landing Advisory Committee voted unanimously to OPPOSE Section 4 of Senate Bill 190, changing the KRSMA Advisory Board Membership, and asked me to relay this opposition to our District Representative Paul Seaton which I did. His office informed me that your House Committee would be holding a hearing on March 23 and suggested that I contact you direct with our concerns.

The Cooper Landing AC SUPPORTS adding Lower River Lands to KRSMA, Section 2 of SB 190, and hope more additions can continue to be added in the future. However, we strongly feel that the proposed change to the voting membership of the KRSMA Advisory Board, Section 4 of SB 190, is certainly not in the best interest of Community of Cooper Landing and is bad policy for all Alaskans. We ask you to OPPOSE this section and AMEND TO REMOVE Section 4 before enactment of SB 190.

Cooper Landing is an unincorporated community whose residents depend on the health of the Kenai River Watershed and its adjacent land for their economic well-being and quality of life. While our voting population is small, much of the river's resources and viable habitat are in our area. The Community has depended for many years on good working relationships with ADF&G, DNR Lands and Parks, the Kenai National Wildlife Refuge, and the Forest Service for the management of our area's most vital resources. As proposed in Section 4 of SB 190, these land managers and resource experts would no longer vote on Kenai River issues vital to Cooper Landing while leaving the Municipalities of Soldotna, Kenai and the Borough as voting members. This change would shift the power to manage the Kenai River to the population base at the mouth of the river and be to the detriment of the residents of the Upper Kenai River and all Alaskans and other users in general.

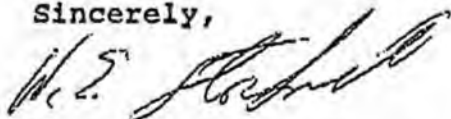
PAGE 2 COOPER LANDING ADVISORY COMMITTEE MARCH 20, 2004

We believe that the changes proposed in Section 4 of SB 190 violate the original intent of the 1984 KRSMA Act. In Section 1, Findings, of the 1984 Act it states: "A multitude of state and federal agencies with jurisdiction over various aspects of the river and adjacent public lands creates a labyrinth of regulation without effectively preventing the river's deterioration. The river's fishery and wildlife are its most important resources. The highest priority uses of the river and its adjacent land derive from its fishery and wildlife which must be protected and preserved to ensure their renewability and continued usefulness. To solve the river's problems a need exists for a comprehensive management plan for the river and its adjacent land and for coordinated management."

Coordinated management of the Kenai River Watershed requires that all land and water managers, resource managers, users and the public have equal seats at the table and that all have an equal voice and vote. To do otherwise violates the original findings of the act. Depriving all governmental entities except municipalities from vote is both unwise and poor public policy. While the health the Kenai River is of importance to adjacent municipalities, their expertise is not in management of fish and wildlife habitat and resources but in the development of land for growth and tax purposes. To leave the municipalities adjacent to the Kenai River as the only governmental entities with vote certainly seems to violate the finding that "The river's fishery and wildlife are its most important resources."

Thank you for allowing us this opportunity to provide testimony on Senate Bill 190 and thank you for examining our concerns and comments. We ask that Section 4 of SB 190 be removed in fairness to all Alaskans. If you need more information or have any questions, please contact Bill Stockwell by phone or fax at 595-1540.

Sincerely,



Bill Stockwell, Chair

cc: Representative Paul Seaton
ADF&G Board Support

COOPER LANDING
Community Club
P.O. Box 508
Cooper Landing, Alaska 99572

President *Mona Painter*

Vice President *Jack Britton*

Secretary/Treasurer *Mary Fort*

March 31, 2004

The Cooper Landing Community Club was organized and incorporated in 1949 for the good of the community. The club holds title to the community center, museum site, cemetery, and rifle range recreation site and is permitted for Helen Rhode Park. State and federal grants to move the community hall, build the fire hall and library, buy a new ambulance, etc. have come through the CLCC.

(907) 695-1248
 Painter@ardic.net

Honorable Carl Morgan
 Chair, House Community and Regional Affairs
 State Capitol Building
 Juneau, AK 99801-1182

Dear Chairman Morgan:

At our March 25, 2004 meeting, we discussed further Senate Bill 190 and in particular this night the matter of representation of the Kenai River Special Management Area board for our area.

Dave Westerman was asked by people in Cooper Landing to represent the upper Kenai River, Cooper Landing area along the lake and river when Jim Richardson stepped down from the board. He was a temporary Fish and Game employee at the time. Since then, he has become a full-time state employee for Fish and Game and the passing of SB 190 would mean he could not be a voting member of KRSMA.

As part of the discussion at our March 25 meeting, the March 20 letter sent to you by the Cooper Landing Fish and Game Advisory Committee was referred to. The result of all the discussion and testimony was two adopted motions:

1. The Cooper Landing Community Club voted to adopt the March 20, 2004 letter from the Cooper Landing Fish and Game Advisory Committee in regard to paragraph two supporting adding the lower river lands to KRSMA and opposing Section 4 of Senate Bill 190 in regards to changing the voting membership not allowing government employees to be voting members. It was stated that if the agency representatives (Fish and Game, etc.) were denied the vote and not government employees across the board that would be a better plan. Agency representatives would still be there to offer advice.
2. The Cooper Landing Community Club voted to send a letter of support for Dave Westerman as our local representative regardless of who he was employed by.

Thank you.
 Sincerely,

Mona Painter

*Copies to Rep. Seaton
 Rep. Wolf*

Subject: Testimony on SB 190 for House CRA

Date: Mon, 22 Mar 2004 23:04:39 -0900

From: <akscitec@alaska.net>

To: Representative_Carl_Morgan@legis.state.ak.us

March 22, 2004

Honorable Carl Morgan
Chair, House Committee on Community and Regional Affairs
State Capitol
Juneau, Alaska 99801

Subject: SB 190

Dear Representative Morgan,

This is testimony provided by the Friends of Cooper Landing (FOCL), for the House Committee on Community and Regional Affairs hearing on SB 190, Tuesday, March 23, 2004.

FOCL is a broad-based community organization, which acts to represent the majority position of Cooper Landing residents. We know from long experience that the Kenai River is one of the most important elements of the Kenai Peninsula economy. Maintaining the health of the Kenai River and its watershed is supremely important to the public.

SB 190 attempts to politicize management of the Kenai River Special Management Area Board, by removing voting privileges from the responsible management agencies. This unwisely meddles with a system that has been refined in practice and proven to work well. SB 190 seeks to benefit special interests that do not represent the best interest of the public. Good health of the Kenai River and its watershed is placed at risk by this bill.

FOCL is strongly opposed to this legislation, and requests that it not be supported by you and other members of the Committee.

Thank you,

Bob Baldwin, President
Friends of Cooper Landing
P.O. Box 815
Cooper Landing, AK 99572
<akscitec@alaska.net>

2020

23-LS0961\Q
Bullock
4/28/04

HOUSE CS FOR CS FOR SENATE BILL NO. 190()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR WAGONER

A BILL

FOR AN ACT ENTITLED

1 "An Act adding certain state-owned land and water to the Kenai River Special
2 Management Area; relating to the mineral estate of the state-owned land and water in
3 the Kenai River Special Management Area; relating to the Kenai River Special
4 Management Area advisory board; and providing for an effective date."

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

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 **PURPOSE.** The purpose of this Act is to further the implementation of the Kenai
9 River Comprehensive Management Plan by making additions of certain state-owned land and
10 water as described in this Act to the Kenai River Special Management Area.

11 * **Sec. 2.** AS 41.21.502(a)(4)(L) is amended to read:

12 (L) Other Lower River Land

13 **Township 5 North, Range 9 West, Seward Meridian**

14 **Section 22: Lots 4, 9, 10, NE1/4SW1/4**

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Township 5 North, Range 10 West, Seward Meridian

Section 6: Lot 8

Section 7: Lots 5 - 7, 15

Section 18: Lots 1, 2, 4 - 6,

Tract A, Larrv's Fishing Hole Subdivision, Plat
No. 90-42

Government Lots 4 - 7, 10 - 13

NE1/4SW1/4

E1/2NW1/4

Section 19:

Tracts A and B, Timberland Terrace Phase 1
Subdivision, Plat 97-26

Lot 4, Kobylarz Subdivision, according to the
official plat filed under Plat No. 92-24, Kenai
Recording Office

Beginning at the section corner common to
Sections 19, 20, 29, and 30, Township 5 North,
Range 10 West, Seward Meridian, traverse west
along the section line common to Sections 19 and
30 a distance of 1320 feet, thence north along the
1/16 section line a distance of 1420 feet to Corner
No. 1 and the point of beginning, thence west 100
feet to Corner No. 2, thence north to the thalweg
of the Kenai River and Corner No. 3, thence east
along the thalweg of the Kenai River to the point
of intersection with 1/16 section line and Corner
No. 4, thence south along the 1/16 section line to
Corner No. 1, and the point of beginning, located
in the Kenai Recording District, as may be
modified by a record of survey accepted by the
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Lot 16

Section 30: Tracts A, J, and K, Channel Shores Subdivision, Plat No. 85-102

Section 31: Lots 2, 3, and 11, excluding the following subdivisions, as shown in record of survey no. 96-7: Halcyon Subdivision, Lot 1, Block 1, plat of survey no. K-1706; Halcyon Subdivision Lot 5, Block 1, plat of survey no. 73-9; Halcyon Subdivision plat of survey no. 76-75; Halcyon Subdivision Addition No. 4, plat of survey no. 77-47; Halcyon Subdivision Addition No. 5, plat of survey no. 77-82; Halcyon Subdivision No. 3, plat of survey no. 78-25; Halcyon Subdivision Amended Plat Lot 1-B, Block 1, plat of survey no. 78-96; Halcyon Subdivision Addition No. 7, plat of survey no. 79-155; Halcyon Subdivision Addition No. 8, plat of survey no. 83-174; Halcyon Subdivision Addition No. 9, plat of survey no. 84-47; Halcyon Subdivision No. 10, plat of survey no. 84-244; Halcyon Subdivision No. 9, plat of survey no. 86-98RS; Halcyon Subdivision No. 9, plat of survey no. 86-99RS; Halcyon Subdivision No. 11, plat of survey no. 92-41; Halcyon Subdivision No. 8 Amended, plat of survey no. 92-72; and Halcyon Subdivision No. 12, plat of survey no. 93-8; and excluding that portion of Government Lot 3 east of Daisy Drive conveyed by warranty deed recorded March 10, 1989, in book 343, page 15, Kenai Recording Office.

Section 32: Lot 1-B-1, ASLS No. 97-25, a subdivision of Lot 1-B, Fisherman's Square Subdivision, Addition No. 1, within the W1/2SW1/4;

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Section 33: Lot 6-B, Mullen Homestead River

Addition Phase 1, Plat No. 97-89;

Section 34: Lot 7, NE1/4SE1/4

Township 5 North, Range 11 West, Seward Meridian

Section 1: Lots 9 and [LOT] 10

Section 11: Tract A-1A, Cone Tracts; Lot 3,

excluding that portion north of the south right-of-

way boundary of the Beaver Loop Road and all

land west of and including the Cone Tracts A-1A

and A-1B Subdivision and SE1/4NW1/4, and the

N1/2NW1/4, excluding that portion of the south

right-of-way boundary of the Beaver Loop Road

and all land west of and including the Cone Tracts

A-1A and A-1B Subdivision

Section 12: Lots 1 - 3, 7 - 10, 13

N1/2SE1/4

SE1/4NE1/4

NE1/4SW1/4

N1/2SW1/4SE1/4

Section 13: Lot 1

SW1/4NW1/4

Section 14: Lots 2, 7

Section 16: Lots 1 - 10

SE1/4

NW1/4NW1/4

SE1/4SW1/4

Section 24: That portion of Lot 11 within LSH 148

Section 25: Lot 3

Section 36: That strip of land between the line of

ordinary high water of the Kenai River and EPF

21-11. Block 1.

1 * Sec. 3. AS 41.21.502(c) is amended to read:

2 (c) The mineral estate in the state-owned land and water described in (a)
3 of this section is open to [EXCEPT FOR] oil and gas leasing under AS 38.05.180.
4 The [, THE] mineral estate in the state-owned [STATE-OWNED] land and water
5 described in (a) of this section is closed to mineral entry under AS 38.05.181 -
6 38.05.275.

7 * Sec. 4. AS 41.21.510(b) is amended to read:

8 (b) The advisory board appointed under this section shall be representative of
9 user groups, resident property owners, municipalities [, AGENCIES OF THE STATE
10 AND FEDERAL GOVERNMENTS], and other interest groups. An employee,
11 elected official, or other representative of a federal or state government may
12 be appointed to the advisory board. A majority of the members of the advisory
13 group shall be residents of the Kenai Peninsula Borough.

14 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

SB 190

Amendment # 7

pg 5 line 11 eliminate "not"

passed 11-2

ALASKA STATE LEGISLATURE



Official Business

SENATOR THOMAS H. WAGONER

- Co-Chair, Senate Transportation Committee
- Vice-Chair, Senate Resources Committee
- Vice-Chair, Senate Community and Regional Affairs Committee
- Member, Legislative Council

Session: January – May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May – December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907--283-3075

April 29, 2004

MEMORANDUM

To: Representative Carl Morgan, Chairman
House Community and Regional Affairs Committee

From: Senator Thomas Wagoner 

Subject: SB 190 Hearing

Now that SB 190 has been moved out of it's subcommittee, and we are under the 24-hour rule, I would appreciate your hearing Senate Bill 190 in the Community and Regional Affairs Committee at the earliest possible time.

You should have received any additional information as it came into my office, so I am just attaching the version of the bill I was given from the subcommittee.

Thank you.



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Co-Chair, Senate Transportation Committee
- Vice-Chair, Senate Resources Committee
- Vice-Chair, Community & Regional Affairs
- Member, Legislative Council

Session: January – May
 State Capitol, #427
 Juneau, AK 99801
 Phone: 907-465-2828 Fax: 907-465-4779

Interim: May – December
 145 Main Street Loop; Suite 226
 Kenai, AK 99611
 Phone: 907-283-7996 Fax 907--283-8127

DATE: April 15, 2004

TO: Rep. Carl Morgan, Chair
House CRA Committee

Rep. Kelly Wolf, Vice-Chair
House CRA Committee

Rep. Pete Kott, Rep. Tom Anderson, Rep. Ralph Samuels, Rep. Sharon Cissna, and Rep. Albert Kookesh
House CRA Committee Members

FROM: Senator Tom Wagoner 

RE: SB 190 – Kenai River Special Management Area

This bill was filed at the request of members of the Kenai River Special Management Area (KRSMA) Board. Initially, it was the same language as the Senate Committee Substitutes for HB 165 (from the 22nd session) sponsored by former Rep. Ken Lancaster.

In January 2004, members of KRSMA indicated that language in the bill eliminating agency representatives from voting was of concern and so I amended the bill to provide for agency representation in an ex-officio capacity.

The bill passed the Senate and was referred to the House CRA Committee on March 8, who in turn assigned it to a subcommittee chaired by Rep. Wolf on March 23. Rep. Wolf sent a memorandum (dated February 3, 2004) saying he wanted to eliminate the section of the bill that revised the representation of federal and state agencies.

Memorandum (-continued)
April 16, 2004

Page Two of Two

Further, he asked to insert a new section in the bill that would prohibit fishing derbies – apparently directed toward the Kenai River Classic that was initiated by U.S. Senator Ted Stevens.

I asked the KRSMA Board to review this and advise me.

Last night, they had a meeting and discussed SB 190. Two members of my staff participated from Juneau.

The result of that meeting is that the KRSMA Board continues to support SB 190 as written, by a vote of 10 yeas to 3 nays.

I respectfully request that the Committee consider the wishes of the local representation of the board and act accordingly.

-2- Attachments:

- Rep. Wolf memo dated Feb. 3, 2004
- Rep. Wolf proposed amendment

Representative
Kelly Wolf
145 Main Street Loop Road.
Suite 221
Kenai, Alaska 99611
(907) 283-2690
Fax: (907) 283-2763

Alaska State Legislature



While in Session
State Capitol, Room 418
Juneau, Alaska 99801-1182
(907) 465-2693
Fax: 465-3835
Toll Free:
1 866-463-2693

House District 33

House of Representatives

MEMORANDUM

To: Senator Tom Wagoner
From: Representative Kelly Wolf
Date: February 3, 2004
Re: SB 190 Amendment

A handwritten signature in cursive script that reads "Kelly".

In the attempt to work together, I'm proposing the following amendment to SB 190 in an effort to satisfy concerns of Kenai Peninsula residents. At the same time this will maintain the long-standing integrity of the KRSMA board through allowing the continued public and agency participation of one of the most available public resources we have on the Kenai Peninsula. In this same endeavor, I'm working to resolve the growing issue that has been of concern to Peninsula residents regarding the events taking place within this critical habitat area. By making these KRSMA recommendations a matter of law we further protect the Kenai River.

Amendment to SB 190

Page 5 Line 7 – 14

Delete Sec. 4

Add new Sec. 4 as follows:

All Derby style events on the Kenai River should be limited to those which do not occur at the peak of a particular fishery and are not designed to attract large numbers of additional fishers to the river, which do not occur during periods of projected low fish stocks that have been identified by the ADF&G for protection, and which are conducted by a 501 (c) 3 non-profit group that returns all of the funds generated to the Kenai River for conservation or education purposes, minus a reasonable deduction for event overhead and administrative costs.

Definitions:

"Fish derby" means a contest in which prizes are awarded for catching fish.

"Prizes" would be defined as any item of value.

"Education purposes" excludes the attempt to influence legislation or referendums and regulatory bodies.

ALASKA STATE HOUSE OF REPRESENTATIVES

Representative Carl Morgan, Chair
Representative Kelly Wolf, Vice Chair
Representative Tom Anderson
Representative Ralph Samuels
Representative Pete Kott
Representative Sharon Cissna
Representative Albert Kookesh



Alaska State Capital, Room 408
Juneau, AK 99801-1182
Telephone: (907) 465-3882
Fax: (907) 465-4527
representative_carl_morgan@legis.state.ak.us

HOUSE COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS Representative Carl Morgan, Chair

AGENDA

State Capital 124
March 23, 2004
8:00 am – 10:00 am

- Call to Order
- SB 190 Kenai River Special Management Area
- Next meeting is **Thursday at 9:00 am**
HB 322 Municipal Initiative and Referendum Elections
- Adjourn

BYLAWS

KENAI RIVER SPECIAL MANAGEMENT AREA ADVISORY BOARD

The Kenai River Special Management Area Advisory Board was originally created in 1985 under the authority of A.S. 4 .510. The original Board was charged with developing a comprehensive management plan for the Kenai River. The original Comprehensive Plan was completed and the Board disbanded in 1986. In 1988, a new Board was appointed to help advise the Department of Natural Resources on implementation of the Plan. In July of 1995, Governor Knowles reappointed the Board and redirected the Board to address a series of specific new goals including updating the Plan. These by-laws reflect the changed scope of work for the Board.

I. PURPOSES

A. The purposes of the Kenai River Special Management Area Citizens Advisory Board (hereinafter referred to as "the Board") are:

1. To advise the Governor of the State of Alaska and the Commissioner of the Department of Natural Resources on issues relating to the Kenai River watershed other than matters related to fisheries allocation;
2. To update the Kenai River Management Plan and monitor implementation of the new Plan;
3. To propose changes to regulatory processes to affect better interagency coordination;
4. To propose programs to educate the public about the importance of habitat protection along the Kenai River;
5. To review and encourage the adoption of the State, federal and local regulations which protect the habitat along the Kenai River while considering the legitimate rights of both public and private property owners;
6. To represent the broad public interest including those of property owners, the Kenai Peninsula Borough, municipalities, agencies of the State and Federal governments, and other interested groups, on issues related to the Kenai River;
7. To hold public meetings, consult with and solicit recommendations from the public;
8. To advise the Governor and the Commissioner of the Department of Natural Resources of regulations necessary to achieve implementation of the plan;
9. To address management issues, review and make recommendations on budgeting priorities, permits and other field operations or policy matters, and advise the Commissioner of the Department of Natural Resources of such recommendations;
10. To encourage the development of standard designs for boardwalks, docks, bank stabilization and other improvements that restore and protect habitat which may be permitted on an expedited basis; and
11. To review and make recommendations regarding major new permit applications not covered by standard designs for docks, boardwalks, bank stabilization and other within the Kenai River Special Management Area.

B. Other purposes of this advisory board are:

1. To provide a forum for the collection and expression of public opinions and recommendations on matters relating to the Kenai River Special Management Area and its watershed;
2. To promote the protection of resources of the Kenai River Special Management Area, including its aesthetic values, vegetation, wildlife, soils, fishery, water, educational, historic, and outdoor recreation opportunities ;

3. To inquire into matters of public interest relating to the Kenai River Special Management Area to bring matters of interest to the attention of the public; to appear and testify at public hearings as representatives of the Board;
4. To make recommendations, when the Board deems appropriate, to local, state, and federal agencies and to legislative bodies relating to issues affecting the Kenai River other than matters of fish allocation;
5. To promote interpretation and public awareness of the natural and human history of the Kenai River Special Management Area;
6. To increase public awareness and understanding of human impacts on the Kenai River Special Management Area and its resources;
7. To promote cooperation between the Kenai Peninsula Borough, municipalities, the Division of Parks and Outdoor Recreation, and other State and Federal organizations;
8. To propose and advise on cooperative agreements and land acquisitions or exchanges; and
9. To enlist public and legislative support for the Kenai River Special Management Area's policies and programs.

II. PUBLIC ATTENDANCE

Meetings of the Board are open to the public. The Board shall prescribe rules of procedure and decorum while specifying limits, and the manner of, public participation in the meetings, as further delineated under Section VI. F.

III. MEMBERSHIP

There shall be seventeen members on the Board consisting of public and agency members. Public members shall be selected to ensure representation of the broad spectrum of public interests involved with or affected by the Kenai River and to prevent domination of the Board by a single viewpoint unrepresentative of the river's broad constituency. It is the intention of these Bylaws that the Board's membership reflect representation of such adjacent geographical areas as the Cooper Landing area, the Sterling area, the cities of Soldotna and Kenai, as well as the river users in south central Alaska in general. The agency members shall be from: the Kenai Peninsula Borough, the City of Soldotna, the City of Kenai, the US Forest Service, the US Fish and Wildlife Service, the Alaska Department of Fish and Game, the Alaska Department of Natural Resources, and the Alaska Department of Environmental Conservation. The membership shall also reflect, by demonstrated interests, expertise, and advocacy for the river, various activities and skills such as fishing and hunting, motorized and non-motorized boat use, back-country hiking, trail-related use by hikers, runners, cyclists, and horseback riders, Nordic skiing, canoeing and kayaking, nature observation, natural sciences, outdoor education, appropriate commercial uses and concessions, and real estate and land use planning expertise.

Any Board member may, of course, represent viewpoints of more than one such area, activity, or skill. It is recognized that the Board's membership cannot accurately reflect all opinions of the interested populace on every issue, but there shall be no deliberate concentration of specific viewpoints on the Board which would be contrary to the balanced representation specified in these Bylaws. Each Board member carries the responsibility to represent the broad public interest and no member shall consider himself or herself merely an advocate of a specific group.

IV. NOMINATIONS AND APPOINTMENTS

A. The Commissioner of the Department of Natural Resources shall appoint the nine citizen members of the Board. Beginning December, 1997, four members shall be appointed for two-year terms and five members shall be appointed for three-year terms. Thereafter, the term of appointment shall be two years, with all terms scheduled to expire on October 1 of the appropriate year.

B. Each agency may select its representative for its position. One alternate may be appointed by each agency. The Commissioner of the Department of Natural Resources retains the right to approve or reject the agency's nominations for representative and alternate.

C. At least three months prior to expiration of the term of office of an incumbent member of the Board, the Board, through its nominating committee, shall solicit applicants from the public, from user groups, from area communities, and from the Commissioner of the Department of Natural Resources to fill the anticipated vacancy. Notice of the vacancy and the application procedures shall be published in local newspapers. The Board shall discuss the applications and shall, no later than one month prior to expiration of the term of office, nominate to the Commissioner no fewer than three individuals for each vacancy. The Commissioner shall, with thirty (30) days, appoint to each vacancy one member from among those nominated, the appointment to be effective upon expiration of the term of office of the incumbent. A Board member may be reappointed by the solicitation and nomination process specified in this paragraph.

D. If a Board vacancy occurs before the expiration of a member's term, the Board shall make three nominations from the current application list at any regular or special meeting. Any interested member of the public may be placed on an application list by submitting formal application to the Board. Such nominations shall be immediately forwarded to the Commissioner for appointment, which shall be made within fifteen (15) days following submission of the nominees to the Commissioner. An appointee to a vacant Board position shall serve the unexpired term of the person whose vacancy has been filled.

E. Any member desiring to resign from the Board shall submit his or her resignation in writing to the President.

V. REMOVAL OF BOARD MEMBERS

A. Removal Upon Unexcused Absence. A vacancy in the seat of any member may be declared to exist by an eleven (11) member vote of the entire Board if that member has, without previously being excused, failed to attend three regular meetings of the Board within any twelve month period, or two consecutive meetings.

B. Removal for Cause. A Board member may be recommended for removal for cause by an eleven (11) member vote of the entire Board. Upon approval of that action by the Commissioner, the member shall be removed and the seat declared vacant. Cause for removal of a Board member shall be limited to the following:

- 1) flagrant repeated violations of the rules and procedures developed by the Board for conduct of Board and Board committee meetings and
- 2) knowing violations of the Board Bylaws on conflict of interests.

C. Notice of Proposed Removal Action. Any motion that the Board remove any member under A or B above must be adopted by the Board as an agenda item for a regular or special meeting occurring at least one month after the motion is made to take such action. The member whose position is proposed to be declared vacant shall receive notice of the

proposed action at least twenty (20) days prior to the action, and shall be permitted to respond, in writing and orally, before such action is taken.

VI. MEETINGS

A. Meetings shall be held on the third Thursday of the month. The Board may establish other meeting schedules as it deems appropriate by majority vote. Rules and procedures governing all such meetings of the Board shall be according to the most recent edition of Robert's Rules of Order.

B. Special meetings may be called by the President (or, in his/her absence, the Vice President), or by any five board members, or by the Commissioner of the Department of Natural Resources. Special meetings may include polls by telephone or facsimile communications and voting for emergency situations.

C. The Commissioner of the Department of Natural Resources shall make a reasonable attempt to deliver notice of all special meetings to each member five (5) days prior to the meeting date. All notices of special meetings shall state the purposes thereof. All special meetings will be scheduled so as to ensure the greatest possible attendance by all members of the Board.

D. A quorum of the transaction of business at any regular or special meeting of the members shall consist of a majority of the members of the Board (9) with a minimum of not less than five members representing the public. Any number of members present at a duly called meeting constituting less than a quorum shall postpone the meeting to a time and place where a quorum is expected to be present. A majority of a quorum is required to approve items of business unless as otherwise required.

E. No person shall represent anything as the position of the Board, except when the position has been approved by vote of a majority of the quorum.

F. Each agenda for all Board meetings shall include public comment scheduled at a time during the agenda to ensure the greatest public participation. Testimony shall be limited to three (3) minutes.

G. The Board agenda shall be established by the President of the Board or in his or her absence, by the Vice President. Any Board member may, by request to the President, add items to the agenda. The Board agenda may be modified or amended by majority vote at the initiation of the meeting.

H. The Board will have an annual meeting in September of each year. In addition to the normal agenda, the following agenda items will be included: 1) elections of President and Vice-President; 2) review of the continuing need for standing and ad hoc committees; 3) appointment to committees; and 4) annual reports from the committees.

VII. OFFICERS AND COMMITTEES

A. The officers of the Board shall be a President and one Vice President, each of whom shall be elected by the Board. Such other officers and assistant officers as are deemed necessary may be elected by the Board. Board officers shall serve without salaries.

B. The officers of the Board shall be elected annually by the Board. Each officer shall hold office until his or her successor has been duly elected, except that a vacancy shall be filled in the manner hereinafter provided.

C. Any officer elected by the Board may be removed from that office by an eleven (11) member vote of the full Board membership whenever, in its judgment, the best interest of the Park and the public would be served thereby. Any such removal shall not affect that person's membership on this Board.

D. A vacancy in any officer position because of death, resignation, removal, disqualification, or otherwise, may be filled by majority vote at any regular or special board meeting.

E. The President may appoint such standing, and ad hoc committees as necessary, in order to promote the efficient conduct of Board business and maximum active participation by the public. Each committee may have non-Board members as nonvoting participants, but shall have at least one member of the Board. Ad hoc committees are established to accommodate specific tasks over a prescribed period of time.

F. The President shall, in general, supervise and coordinate all the affairs of the Board and shall, when present, preside at all meetings of the Board.

VIII. CONFLICT OF INTEREST

A Board member shall immediately disclose to the Board any significant conflict of interest involving any particular matter presented to the Board for action. A significant conflict of interest exists if the Board is asked to consider and recommend agency action, involving any real or personal property in which the Board member, or a member of his or her immediate family, holds a direct financial interest. If the Board determines a conflict of interest exists, the affected Board member shall not participate in discussion or vote on the issue. This conflict of interest policy shall not be construed to preclude Board members from participating in discussions or voting on issues in which the Board member has a general financial interest by as a result of being a member of a group or class of users affected by the proposed action.

Whenever any notice is required to be given to any member of the Board under the provisions of these Bylaws or under the provisions of the statutes of the State of Alaska, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice. Attendance at a meeting by a member constitutes notice of the meeting.

X. AMENDMENTS

The Board may adopt, alter, amend, or repeal the Bylaws with an eleven (11) member vote of the entire board, with the concurrence of the Commissioner of the Department of Natural Resources.

XI. SUPPORT

The State Department of Natural Resources shall furnish the following staff and services to the Board:

1. A designee to act as ex-officio as Secretary to the Board;
2. Upon request, furnish a meeting room;
3. Provide mail-out services for the notices and agendas of meetings, and provide public notice of the meetings by issuing press releases to all Kenai Peninsula radio stations and newspapers, as well as one Anchorage paper;
4. Prepare, circulate, and keep minutes of the meetings;
5. Furnish necessary maps, plans, and data for agenda items, as otherwise agreed from time to time;
6. In consultation with the President, the staff shall provide an agenda for each meeting.

Approved: *s/John Shively/* December, 1997

RE: SB 190, Kenai River Special Management Area
Department of Natural Resources
February 27, 2004
Senate Resources Committee

- The subsurface estate is the dominant estate.
- EVOS Conservation Easements only apply to the portion of the estate acquired with EVOS funds.
- The use of lands acquired with EVOS funds is controlled by the terms of the conservation easements on them. The KRSMA designation does not affect the conservation easements.
- Conservation easements associated with EVOS lands apply to the specific land interest acquired. If the subsurface estate was not part of the purchase, the conservation easement cannot limit access to the mineral estate any more than the surface owner of any parcel of land can limit access to the minerals underlying his estate.
- Typically we did not acquire the subsurface estate with EVOS funds. If we did acquire the subsurface estate on any of the EVOS funded parcels, utilization of the minerals on that specific parcel would be limited by the terms of the Conservation Easement.
- Typically the oil and gas rights on many of the EVOS acquired parcels were previously conveyed to the State of Alaska via patent and as such would not be subject to the terms of the Conservation Easement.
- Generally, the Conservation Easement on EVOS acquired parcels is consistent with Parks Management intent and the KRSMA designation.
- The conservation easement has no effect on adjacent parcels.