

**ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672**

**10988 HOUSE RESOURCES**

identified, detailed information about its size and uses is necessary for an accurate navigability determination. Because of Alaska's undeveloped and remote character, gathering navigability information is both time consuming and expensive. Finally, administrative navigability determinations made by the state or the federal government are always subject to legal challenge, since only the courts can authoritatively determine title to submerged lands.

Despite these difficulties, both the state and the federal government are frequently called upon to issue navigability determinations. Although the requirement that BLM adhere to the meandering requirements of the BLM Survey Manual has eliminated the need for navigability determinations on the larger rivers, lakes, and streams, which must now be meandered regardless of navigability, navigability determinations are still required for the smaller rivers, lakes, and streams to determine if they are to be meandered at the time of survey. Because of this, some navigability determinations are still made for nearly every federal land conveyance under ANCSA or the Alaska Statehood Act. The management plan for nearly every federal Conservation System Unit (CSU) also addresses the navigability issue.

Federal navigability determinations are reviewed by the state to insure that available information sources were used and interpreted correctly. Where the federal government determines non-navigable a waterbody which is considered navigable by the state, the state may provide the government with supplemental information about the uses and characteristics of the waterbody to obtain a redetermination of navigability. Under some circumstances the state needs to make its own navigability determinations, such as for a oil and gas lease sale, land disposal, material sale, mining claim, or another use of state land or resources requiring a determination of ownership of submerged lands within the affected area.

For large, undeveloped regions of Alaska there may be little or no accurate waterbody use or physical characteristics information available for making navigability determinations. When information is lacking, and it must make a navigability determination, the state is forced to rely solely upon the physical characteristics shown on maps and aerial photographs. In these cases, the state identifies as navigable all streams depicted on the U.S.G.S. maps with double lines (generally at least 70 feet wide) and having an average gradient over the length of the stream of no more than 50 feet per mile. With rare exceptions, the state's experience has been that streams of this type are deep enough and wide enough to be navigable by boats carrying persons or goods and must, therefore, be considered legally navigable. Streams depicted with single lines, although narrower in width, may also be listed as potentially navigable if they have gradients of substantially less than 50 feet per mile and are at least 10 miles.

If there is no public use or physical characteristics information readily available for lakes, those lakes which are shown on maps and aerial photographs as having a navigable water connection with other navigable waters, or which are accessible by short overland portages, are considered navigable regardless of the size of the lake. These

lakes are part of a system of interconnected navigable waters. If a lake is totally isolated, it will be included on the state's navigability maps if it is at least 1 1/2 miles long. That length insures that the lake can be used as a "highway". Future judicial decisions interpreting the "highway" requirement for isolated lakes could shorten or lengthen this 1 1/2 mile "rule of thumb."

The state recognizes that, under some circumstances, lakes smaller than 1 1/2 miles long can be and are used as navigable highways. In those cases, when known, these smaller lakes are also depicted on the state's navigability map. Moreover, as a matter of administrative policy and convenience only, the state may sometimes make an exception to the 1 1/2 mile standard in the extremely wet regions of the state, including some areas in the Yukon- Kuskokwim Delta, Yukon Flats, and on the North Slope. In these areas, an isolated lake might need to be 2-3 miles long to be included on the state's navigability maps. Although smaller lakes in these areas are capable of being used for transportation and should be found navigable by the courts, the state has decided to concentrate its limited resources in protecting the larger waterbodies first.

[Return to Table of Contents](#)

## NAVIGABLE WATERS WITHIN PRE-STATEHOOD FEDERAL WITHDRAWALS

Although disputes over which waters in Alaska are navigable are the most frequent cause of submerged land ownership disputes, there is another major legal issue which poses a threat to Alaska's sovereign claim to the beds of navigable waters. Even where navigability is conceded, the federal government often contends that title to the submerged lands did not vest in the state if the area was withdrawn or reserved by the federal government on the date of statehood. Within native conveyance areas, the federal government has used this claim of "reserved submerged lands" to justify its attempts to convey the beds of navigable waters in fulfillment of the native entitlements. Within state selections, the federal government has used the same claim to charge the acreage of submerged lands against the state's entitlement.

The state strongly disagrees with this federal claim and has actively pursued a number of court challenges to resolve the issue. In addition to numerous appeals from federal decisions to convey or charge for the beds of navigable waters, the state was actively involved as a friend of the court in one case before the United States Supreme Court and continues to be involved in another Supreme Court case which presents this issue. The pending case is *United States v. Alaska*, U.S. Supreme Court 84 Original (filed June, 1979).

On June 8, 1987 the Court issued its decision in *Utah v. United States*, No. 85-1772 (filed Oct. 14, 1986). In this case the federal government, in 1976, issued oil and gas leases for land underlying Utah Lake, a navigable waterbody located in Utah. The suit sought a declaratory judgement that Utah, rather than the United States, holds

the lands under navigable waters in the territories in trust for future states, and, absent a prior conveyance by the federal government to third parties, a state acquires title to such land upon entering the Union on an "equal footing" with the original 13 states.

The Supreme Court held that title did pass to the state upon Utah's admission to the Union. They held that there is a strong presumption against finding congressional intent to defeat a state's title, and, that in light of the longstanding policy of the federal government's holding land under navigable waters for the ultimate benefit of future state absent exceptional circumstances, an intent to defeat a state's equal footing entitlement could not be inferred from the mere act of the reservation itself. The United States would not merely be required to establish that Congress clearly intended to include land under navigable waters within the federal reservation, but would additionally have to establish that Congress affirmatively intended to defeat the future state's title to such land.

This decision has significant ramifications within Alaska, since over 95 million acres - more than 25% of the total area of the state - was enclosed within various federal withdrawals and reservations at the time Alaska became a state.

[Return to Table of Contents](#)

## NAVIGABLE WATERS WITHIN ANILCA CONSERVATION SYSTEM UNITS

On December 2, 1980, the Alaska National Interest Lands Conservation Act became law. This act created or added 104.3 million acres to various federal conservation system units. Because these "withdrawals" occurred after the date of statehood, there is no disagreement between the state and federal governments that navigable waters within the various CSU's are owned by the state. However, there is some disagreement on the amount of authority the federal land managers may have to regulate these state owned submerged lands.

The U.S. Constitution gives Congress certain limited powers to control uses on state owned submerged land. These are known as the Property Clause, Navigational Servitude and the Commerce Clause. The extent of these powers involves complex legal questions. However, even assuming that Congress has the power to regulate state-owned submerged lands in Alaska, the United States Supreme Court has ruled that Congress may choose not to exercise that power, thus leaving regulation totally up to the state. *Esplanada Co. v. Chicago*, 107 U.S. (17 Otto.) 678 (1883). Whether Congress has done that can only be determined by examining the federal laws passed by Congress dealing with Alaska lands. Another possibility is that the state and federal governments have concurrent jurisdiction, sharing the authority to regulate submerged lands.

In ANILCA, Congress did not take away the state's power to regulate state-owned submerged lands within federal CSU's in Alaska. Numerous

provisions in ANILCA recognize and respect the state's authority over state-owned land. In some cases, however, Congress may have attempted to give the federal land managers some concurrent authority to regulate navigable waters within CSU's.

The state, where possible, cooperates with rather than confronts the federal land managers. This cooperation often takes the form of a memorandum of understanding that discusses management issues and how they will be resolved. Differences do occur, however, over issues such as column management and restrictions on mining.

[Return to Table of Contents](#)

## II. LEGAL AND POLICY GUIDELINES GOVERNING MANAGEMENT OF SUBMERGED LANDS AND PUBLIC WATERS

### PUBLIC TRUST DOCTRINE

The state has special duties and management constraints with respect to state-owned land underlying navigable waters. These special duties and management constraints arise from the Alaska Constitution. The Alaska Constitution contains numerous provisions embracing the principles commonly known as the public trust doctrine. The public trust doctrine is remarkable both for its age and for its vigor. Rooted in the customs of the seafaring Greeks and Romans, it has evolved to become one of the most effective safeguards of public rights. Basically, the trust reflects an understanding of the ancient concept that navigable waters, their beds and their banks, should be enjoyed by all the people because they are too important to be reserved for private use.

In America, the concept of public rights to public waters was recognized since the early days of the Massachusetts Bay Colony where the great Pond Ordinance of 1641 guaranteed the right to fish and fowl in ponds greater than 10 acres, along with the freedom to pass through private property to do so.

By 1821, American courts were pronouncing the law of public trust as we know it today. This does not mean that no water-related development can take place. The public trust doctrine permits states to improve waterways by constructing ports, docks and wharves, thus furthering the purposes of the trust. Generally speaking, the people's trust rights may be alienated only in ways that further overall trust uses, and in relatively small parcels.

Illinois Central Railroad Company v. Illinois, 146 U.S. 387, 452 (1892), involved a grant by the State of Illinois of one thousand acres of the bed of Lake Michigan, constituting the entire harbor of the City of Chicago, to the Illinois Central Railroad. The U.S. Supreme Court held

that the grant was revocable, that the state held the land in trust for the public, and that it was powerless to relinquish its rights as trustee.

The court went on to say that land underlying navigable waters is much more than a simple property right.

[I]t is a title different in character from that which the state holds in lands intended for sale. It is different from the title which the United States holds in the public lands which are open to preemption and sale. It is a title held in trust for the people of the state that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein freed from the obstruction or interference of private parties... The trust devolving upon the state for the public, and which can only be discharged by the management and control of property in which the public has an interest, cannot be relinquished by a transfer of the property.

In the 19th century the purposes of the trust were generally described as "commerce, navigation and fishery." This was logical because the major waterways were essential highways of commerce. But as other values became increasingly important, courts began to recognize recreation and environmental protection among the purposes for which the trust exists. As a California court said in 1971, "with our ever increasing leisure time...and the ever increasing need for recreational areas it is extremely important that the public need not be denied use of recreational water...the rule is that a navigable stream may be used by the public for boating, swimming, fishing, hunting and all recreational purposes." *People ex rel. Baker v. Mack*, 19 Cal. App. 3d 1040, 1044 (1971).

The Alaska constitution provides protections similar to the public trust doctrine protections that cannot be disregarded by the legislature or overruled by the courts. Article VIII, Sec. 3 provides; "Wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use." After reviewing the public trust doctrine in *Owsichek v. State*, Guide Licensing, 763 P.2d 488 (Alaska 1988), the Alaska Supreme Court explained that "the common use clause was intended to engraft in our constitution certain trust principles guaranteeing access to the fish, wildlife and water resources of the state."

In *CWC Fisheries, Inc. v. Bunker*, 755 P.2d 1115 (Alaska 1988), the Alaska Supreme Court applied the public trust doctrine to tidelands, holding that, even after conveyance, the title remains subject to continuing public easements for purposes of navigation, commerce and fishery.

The 1985 Alaska legislature recognized the constitution application of public trust doctrine principles in Alaska. In an Act relating to the public or navigable waters of the state, the legislature found that "the people of the state have a constitutional right to free access to the navigable or public waters of the state" and that the state "holds

and controls all navigable or public waters in trust for the use of the people of the state". 85 SLA Ch. 82. In the same act, the legislature ruled that submerged lands are "subject to the rights of the people of the state to use and have access to the water for recreational purposes or any other public purpose for which the water is used or capable of being used consistent with the public trust."

Courts in other states over the years have defined in somewhat different ways the public uses that are permitted and protected by the public trust as it applies to submerged lands. In reviewing these other cases, it can clearly be seen that through time an ever expanding definition of the public uses protected by the public trust doctrine is being adopted. The California Supreme Court recently held that:

Although early cases had expressed the scope of the public's right in (lands subject to the public trust) as encompassing navigation, commerce and fishing, the permissible range of public uses is far broader, including the right to hunt, bathe or swim, and the right to preserve the (public trust) lands in their natural state as ecological units for scientific study. *City of Berkeley v. Superior Court of Alameda*, 606 P.2d 362, 365 (Cal. 1980)

It is clear under the Alaska Constitution that the State of Alaska has the responsibilities of a trustee with respect to management of land underlying navigable waters. Moreover, the Alaska legislature has adopted a broad view of the public uses protected or permitted by the public trust. Accordingly, the Alaska Attorney General's Office has determined that, until the Alaska Supreme Court rules on the question, the state should assume that a broad definition of public rights protected by the Alaska Constitution and the public trust doctrine applies in Alaska, similar to the one adopted by the California Supreme Court. 1982 Atty. Gen. Op. No. 3 (June 10, 1982).

[Return to Table of Contents](#)

## PUBLIC WATERS

It is not only the beds of navigable waters in Alaska that are reserved in public ownership for public use. Under article VIII, Section 3 of the Alaska Constitution, all waters occurring in their natural state are reserved to the people for common use. Article VIII, Section 14 of the Alaska Constitution also provides for the broadest possible access to and use of state waters by the general public.

Section 14. Access to Navigable Waters. Free access to the navigable or public waters of the state, as defined by the legislature, shall not be denied any citizen of the United States or resident of the state, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

Pursuant to this grant of authority, the Alaska State Legislature, in

AS 38.05.365(12), defined "navigable waters" as follows:

"navigable waters" means any water of the state forming a river, stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal sea or ocean, or any other body of water or waterway within the territorial limits of the state or subject to its jurisdiction, that is navigable in fact for any useful public purpose, including but not limited to water suitable for commercial navigation, floating of logs, landing and takeoff of aircraft, and public boating, trapping, hunting waterfowl and aquatic animals, fishing, or other public recreational purposes.

This definition of navigable waters does not define state ownership of submerged land in Alaska. The definition of navigability for ownership purposes was discussed earlier in this paper. This definition, however, does define what types of waterbodies in Alaska are available for public use under the Alaska statutes.

The Alaska State Legislature has broadly construed the constitutional protections for public use of the waters of the state. In an Act (85 SLA chap. 82, codified as AS 38.05.128) relating to the navigable or public waters of the state, the state legislature found:

(a) The people of the state have a constitutional right to free access to the navigable or public waters of the state.

(b) Subject to the federal navigational servitude, the state has full power and control of all of the navigable or public waters of the state, both meandered and unmeandered, and it holds and controls all navigable or public waters in trust for the use of the people of the state.

(c) Ownership of land bordering navigable or public waters does not grant an exclusive right to the use of the water and any rights of title to the land below the ordinary high water mark or subject to the rights of the people of the state to use and have access to the water for recreational purposes or any other public purposes for which the water is used or capable of being used consistent with the public trust.

(d) This Act may not be construed to affect or abridge valid existing rights or create any right or privilege of the public to cross or enter private land.

AS 38.05.128 provides:

#### OBSTRUCTIONS TO NAVIGABLE WATER

(a) A person may not obstruct or interfere with the free passage by a member of the public on any navigable water as defined in AS 38.05.965 unless the obstruction or interference is:

- (1) authorized by a federal or state agency;
- (2) authorized under a federal or state law or permit;

- (3) exempt under 33 U.S.C. 1344(f) (Clean Water Act);
- (4) caused by the normal operation of freight barging that is or consistent with law; or
- (5) authorized by the commissioner after reasonable public notice

(b) A violation of (a) of this section is a class B misdemeanor.

(c) An unauthorized obstruction or interference is a public nuisance and is subject to abatement. The cost of abatement shall be borne by the violator and is in addition to any penalty imposed by the court.

(d) This section may not be construed to affect or abridge valid existing rights.

Thus, under the Alaska Constitution and this statute, any surface waters capable of use by the public defined in AS 38.05.365(12) are available to the public, irrespective of streambed ownership. Further, such public use is not considered a taking and is not subject to inverse condemnation action. Private ownership is subject to the public rights that are protected by the public trust.

In two Montana Supreme Court cases involving the nature of public rights where the submerged lands are privately owned, the court rules that public portaging, anchoring, and other uses incidental to the use of the water are allowed. The court also found that if travel on the water or streambed is obstructed, the public is allowed to use the adjacent private land to portage around the barrier in the least intrusive way possible, avoiding damage to the property holder's rights. However, the public does not have the right to enter into or trespass across private property in order to enjoy the recreational use of state-owned waters. The State of Alaska agrees with this ruling and believes a similar ruling would be made by our state courts.

[Return to Table of Contents](#)

## BOUNDARIES OF NAVIGABLE WATERS

The state is often asked where public ownership of water bodies ends and private ownership begins. There are two types of water body boundaries to address: 1) non-tidal water boundaries and 2) tidal water boundaries. Non-tidal boundaries are boundaries of lakes, rivers, and streams. Tidal boundaries are the boundaries along any body of water which is influenced by the rise and fall of the tides.

### 1. Non-tidal Water Boundaries

The boundary between public and private ownership is the "Ordinary High Water Mark" which is defined in 11 AAC 53.900(23) as being - The mark along the bank or shore up to which the presence and action of the non-tidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, vegetation, or other

distinctive physical characteristics. Also see the Alaska State Supreme Court definition in Department of Natural Resources v. Pankrantz 538 P.2d 984, 988-89 (Alaska 1975). The ordinary high water line can usually be observed by the laymen simply by noting the vegetation line or well defined stream banks.

## *2. Tidal Water Boundaries*

The boundary between tidal water bodies and private/public owned uplands is the Mean High Water Line. Mean high water line as defined by 11 AAC 53.900(15) is: The tidal datum plane of the average of all the high tides, as would be established by the National Geodetic Survey, at any place subject to tidal influence.

This line is not readily observable because it is a line of known elevation which intersects the land surface. The mean high water line can be a considerable distance below the vegetation line because extreme high water will denude the beach above the line of mean high water. The only way that the location of mean high water line can be accurately determined is by differential leveling from known bench marks or by operating a tide gauge for a sufficient period of time to determine the mean high water elevation. The line of mean high water line can be approximated by time coordinated observations of the daily predictions for high and low waters, predicted by NOAA, as they relate to the published mean high water elevation. This method can be highly unreliable because small errors in the predictions or observations can transform into large errors in the horizontal location; this is especially true in areas where the beach gradient is very flat.

It is important to note that in some areas, such as Prince William Sound, the mean high water line boundary is considerably higher than the current mean high water line because the boundary became fixed at the 1964 pre-quake location. In this instance the boundary between state-owned tidelands and the uplands would be established at an elevation which equals the sum of the mean high water elevation plus the published amount of uplift or, in some cases, submergence.

[Return to Table of Contents](#)

## CONCLUSION

This paper describes the state's policies and procedures for managing and protecting state submerged lands and public waters. As further legal and practical developments occur in this area, these policies and procedures will be reexamined by the state and, if necessary, appropriate changes will be made.

[Return to Table of Contents](#)

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SB

329



Alaska State Legislature

Senator Con Bunde  
Senate District P

Vice Chair: Senate Finance Committee  
Chair: Senate Labor & Commerce Committee  
Member: Legislative Budget & Audit Committee

## Sponsor Statement

CS SB 329 (RES)

“An Act relating to control of nuisance moose.”

Moose are a highly valued asset of the State of Alaska and to all Alaskans. Preventing the unnecessary loss of moose to vehicle accidents should be a priority of the State. Protecting the public safety and managing moose for sustained yield for all Alaskans are responsibilities of the Legislature.

Unfortunately, in the more urban areas of the state, their interactions with humans pose a significant risk to the health and safety of both moose and humans. Six hundred moose and two to three people are killed each year in moose/vehicle collisions. Each collision costs \$15,000 in substantial vehicle repair costs, costing Alaskans \$9 million each year, not counting loss of wages, increased insurance premiums, or medical costs.

Yet, in rural areas where moose are vital to the subsistence lifestyle, the lack of moose has negatively impacted many who live in rural villages.

CS SB 329 (RES) adds a new section to AS 16.05 in order to assure maximum possible translocation of nuisance moose from urban areas of the state to suitable rural areas.

- Instructs the Department of Fish and Game to avoid destruction of nuisance moose if the moose can be relocated to a suitable rural habitat.
- Allows the department to authorize one or more private individuals or groups to relocate nuisance moose to suitable habitat if the commissioner finds that the individual or group is qualified to relocate the moose without undue danger to the public, themselves, or the moose.
- The group relocating the moose shall cover the costs of relocation.
- The state is protected against liability arising from actions taken by the group.

CS SB 329 is supported by the Alaska Moose Federation, the Department of Fish & Game, the Alaska Board of Game, the Anchorage Police Department, the Anchorage School District, the City of Wasilla, and the Central Kuskokwim Fish and Game Advisory Committee, to name just a few.

I respectfully request your support.

**Subject: SB329****Date:** Fri, 16 Apr 2004 11:01:44 -0800**From:** "John Schoen" <[jschoen@alaska.net](mailto:jschoen@alaska.net)>**Reply-To:** <[jschoen@audubon.org](mailto:jschoen@audubon.org)>**To:** <[Representative\\_Nancy\\_Dahlstrom@legis.state.ak.us](mailto:Representative_Nancy_Dahlstrom@legis.state.ak.us)>,  
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Dear Members of the House Resources Committee:

I appreciate and applaud the intent of SB 329, the control of nuisance moose bill. The goal of the bill is on target. However, the logistics and implementation of the legislation is very problematical. I spent 20 years working for ADF&G and have immobilized and handled many large mammals. The drug of choice for moose (carfentanil) is very dangerous to humans and must be handled by experts. Only a licensed ADF&G staff or veterinarian can acquire this scheduled drug and great care must be taken in handling it. Transporting adult moose any distance also requires significant care, expertise, time and money. To move moose to the Nelchina or McGrath for example, would require substantial resources and time. The expense and cost effectiveness of this program, in my view, makes the probability of long-term success for this program very low. As much as we would all like to find a quick and easy fix for reducing moose problems in Anchorage and augmenting populations in bush communities, I don't think this project has much prospect for success. It would probably be more cost effective to ship the processed meat from nuisance kills and vehicle collisions to the bush than trying to transport live animals.

Again, I appreciate the intent of this bill, but its long-term effectiveness needs close review.

Thanks for considering my comments.



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APR 21 2004

April 21, 2004

Members of the House Resources Committee,

In addition to the points I have previously raised in opposition to SB 329, the Nuisance Moose Bill, there are several other serious problems that have recently emerged in discussions of this bill. These apply to problems at both ends of the moose transplant--capture, holding, and transport of moose in Anchorage, and stocking moose in distant areas away from Anchorage.

SB 329 lacks detail on specific objectives and goals of the Moose Federation's plan. The Federation has sold their concept on the basis that there will be reduced accidents and injuries caused by moose if the moose capture plan is implemented. But Anchorage residents have no information on the scope and duration of the plan. Will dozens or hundreds of moose be captured, where in Anchorage will captures occur, when will moose be captured, and what are the associated risks and problems? Lacking these details, passage of the bill is premature, as those affected have had no input.

In winter, Anchorage has a population of about 1,000 moose. If the objective is to reduce accidents and injuries, to what level must the population be reduced? No one has provided the answer and no one likely can. If we had 800, or 600, or 500 moose, would the problems be solved? Reducing the risk to zero would mean eliminating the moose population. Most Anchorage residents oppose elimination of moose.

If about 150 moose were taken from the current 1,000 each year that would likely stabilize (but not reduce) the existing population. And, proportionate numbers would have to be taken in each subsequent year. Again, this would not reduce the present population. To accomplish that, 100-200 more moose (in addition to 150) would need to be removed initially.

For those who thought that only a handful of moose would be removed, the prospect of removing several hundred moose from the city casts the program in an entirely different light. It certainly multiplies the safety, mortality, and private property concerns.

Secondly, the Moose Federation has sold this program as an opportunity to increase existing populations elsewhere in Alaska. My previous points partially addressed the concern that this was very unlikely. Moose transported from Anchorage in winter when they are in poor condition and placed in a strange environment with deep snow to compete with local resident moose and be killed by wolves would survive at very low rates. I have talked with several moose biologist colleagues both inside and outside Alaska. None were aware of a successful moose-stocking program anywhere in North America that augmented an existing population. Augmenting an existing population is not the same as introducing moose into areas lacking them, or natural range extensions. Moose stocking advocates have confused these two very different situations.

In light of these and many other problems, I strongly urge the House Resources Committee to hold this bill until more discussion occurs and Anchorage residents affected by capturing moose in the city have additional input.

Vic Van Ballenberghe  
Anchorage

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSSB 329(RES)  
(S) Publish Date: 3/26/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
Title: Nuisance Moose RDU: Wildlife Conservation  
Component: Wildlife Conservation  
Sponsor: Senator Bunde  
Requester: Senate Finance Component No. 473

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

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

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

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

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

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson, Legislative Liaison Phone 465-6137  
Division: Alaska Department of Fish & Game Date/Time 3/25/04 2:48 PM  
Approved by: Commissioner Kevin Duffy Date 3/25/2004  
Agency: Alaska Department of Fish & Game



Post Office Box 231028, Anchorage, Alaska 99523 (907) 33-MOOSE

**MISSION STATEMENT:** Believing in the value of healthy moose populations for all Alaskans, The Alaska Moose Federation will be the leader in the effort to both initiate and maintain the quantity and quality of Alaska's moose population.

Advisory Board

Senator Ted Stevens  
Senator Lisa Murkowski  
Congressman Don Young  
Governor Frank Murkowski  
Lt. Governor Loren Leman  
Senator Gene Therriault  
Senator Ben Stevens  
Senator Con Bunde  
Senator Raiph Seckins  
Senator John Cowdery  
Senator Lyman Hoffman  
Senator Lyda Green  
Senator Scott Ogan  
Senator Gary Wilken  
Senator Thomas Wagoner  
Senator Fred Dyson  
Representative Pete Kott  
Representative John Coghill Jr.  
Representative Mary Kapsner  
Representative Lesil McGuire  
Representative Carl Morgan  
Representative Nancy Dahlstrom  
Wasilla Mayor Dianne Keller  
Denali Borough Mayor  
David Talerico  
Rick Rydell—KENI Radio  
Talk Show Host  
Bill Collins—Range Scientist  
Bud Burris—Biologist  
Sterling Eide—Biologist

March 14, 2004

The Alaska Moose Federation Conservation Fund, Inc. Advisory Board Members

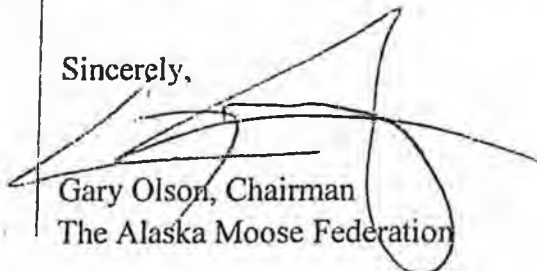
Dear Advisory Board Members;

Anchorage is very close to surviving its 2nd highest record snowfall winter. Our previous mild winters have spoiled a number of us who thought we were residents of a new banana belt but this winter has shown how not only Alaskans but also moose must cope with high snow levels in every day life. A major development The Alaska Moose Federation is close to accomplishing is its effort to provide a tool to the state of Alaska in the form of Senate Bill #329 that will be assigned to committees this week in Juneau. The bill is attached for your review. This bill allows the problem of ever-growing urban moose populations to be dealt with pro-actively by removing 'nuisance' urban moose from where they are a liability to rural Alaska where they will be an asset. Moose transplants of yesteryear were a common place with moving moose to the Copper River Delta, Berner' Bay and to other areas of Alaska. Major transplants have also occurred throughout areas of the 'lower 48' to re-establish herds in the states of Utah, Colorado and Michigan.

Please keep in mind that we are neither proposing something cavalier nor are we proposing unfunded mandates with putting the burden for these programs on the state that already is seeing major budget constraints. The primary biologist who is overseeing our efforts is the former state biologist who oversaw the caribou transplant to the Kenai Peninsula, muskox to the north slope of Alaska, bison, moose, sheep, etc. back when transplanting was the norm for the Department of Fish & Game. Our major cities in moose country are becoming incubators that must be dealt with. Being reactive to the negative aspects of growing moose populations is no longer acceptable.

We hope you enjoy the attached newsletter and also some detailed support for our senate bill. Thank you again for being on our Advisory Board. Many who have viewed our letterhead are enthused by such a substantial group of Alaskans coming together for the good of our moose and our state. I hope we are meeting your expectations as a non-profit. We look forward to your ideas and input of how we may better perform the mission of healthy moose statewide.

Sincerely,



Gary Olson, Chairman  
The Alaska Moose Federation



Post Office Box 231028, Anchorage, Alaska 99523 (907) 33-MOOSE

**MISSION STATEMENT:** Believing in the value of healthy moose populations for all Alaskans, The Alaska Moose Federation will be the leader in the effort to both initiate and maintain the quantity and quality of Alaska's moose population.

#### Advisory Board

Senator Ted Stevens  
Senator Lisa Murkowski  
Congressman Don Young  
Governor Frank Murkowski  
Lt. Governor Loren Leman  
Senator Gene Theriault  
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Senator Con Bunde  
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Rick Rydell—KENI Radio  
Talk Show Host  
Bill Collins—Range Scientist  
Bud Burris—Biologist  
Sterling Eide—Biologist

February 16, 2004

Dear Senate Bill #329 Supporters;

Please review the following Senate Bill #329 that would allow an organization such as the Alaska Moose Federation to transplant a minimum of 250 moose annually out of the Anchorage Bowl to begin to gain control of this ever growing moose population. Moose are definitely a unique aspect to Alaska's cities whose residents and visitors look forward to the occasional sight of a moose interacting with us. The problem is that the populations in cities throughout the state are growing thus putting more moose on our school grounds, roads, trails and neighborhoods at an alarming rate. Some schools in Anchorage have a near daily occurrence of 'pushing' moose off the playgrounds. We must have the tools to transplant moose to address these ever growing populations because inactivity continues to force us to experience negative aspects of life with moose.

It is imperative that we gather as many letters of support for the following Senate Bill #329 as possible this week. Address for Juneau is Senator Bunde, State Capitol Room #506, Juneau, Alaska 99801. Please provide an additional copy to The Alaska Moose Federation, P.O. Box 231028, Anchorage, Alaska 99523. Typical points of discussion/support to build your letters for supporting the bill are as follows:

- #1 South central Alaska is currently experiencing its 2nd highest snow fall this winter. Moose are continually placed in harms way on our roads, school grounds
- #2 Moose are a highly valued asset to the State of Alaska, and are important to all Alaskans.
- #3 People from all over the state will benefit from this one bill. Public safety is paramount in the cities where the moose populations are at a dangerous surplus and the Alaskan lifestyle is paramount throughout rural Alaska where moose are very scarce. The ability to transplant moose to rural Alaska to help rebuild existing populations is crucial.
- #4 From 1996—2000, there was an average of 661 moose/vehicle collisions throughout Alaska. According to 1995 DOT study, vehicle damage averages \$15,000 per hit. Also per that study, we can expect 2 times the number of moose/vehicle hits due to a heavy snow year that will total 1,322 moose/vehicle hits this year. \$15,000 per hit x 1,322 hits = \$19,830,000 in vehicle cost alone. We can no longer to allow moose (and people) to deal with these problems any more.

- #5 According to AKDOT 1995 study, 50% of all moose hit on roads are cows, 40% are calves (half are cows) and the remaining 10% are bulls. Each cow lost means a large reduction in future moose populations. This is unacceptable. Move moose away from the roads into safe areas where habitat is ample.
- #6 Public safety is a basic responsibility of the legislature. Please pass this legislation that will help stem off the negative aspect of moose when they interact with people. The UAA professor that was stomped to death a number of years ago at UAA was avoidable. If organizations are allowed to move animals out of harms way, both the moose and people will benefit. Public safety must be a driving component of this legislation.
- #7 Alaska's Constitution, Article VII, mandates moose management by the sustained yield principle (primarily for human food, based on the notes of the Natural Resources Committee from the Alaska Constitutional Convention) for the benefit of all Alaskans. In rural Alaska, moose are primarily used for food for human sustenance. However, failure to manage for the sustained yield of moose in remote Alaska has led to acute moose shortages in and around many Alaskan villages. Meeting the needs for moose in these situations should be a priority of the legislation.
- #8 Currently Department of Fish & Game has the population of moose at 2400 in the Anchorage Bowl. This population is healthy and ever increasing. Neighborhoods, roads and schools are continuing to be built while the human population also grows. Cars are getting smaller and faster while moose are continually coming onto our roads in increasing numbers. Currently the #1 moose/vehicle location is at Tudor and Bragraw. These tools that will allow proper stewardship of moose in our cities is absolutely necessary. Please support this legislation to help not only our moose but our residents too.
- #9 Imagine the concept of using surplus 'urban' moose to help rebuild dangerously low 'rural' moose populations. The old argument that has prevailed with some in power to continually pit Alaskans against each other has not produced any moose for any of us. Managing for minimums does not benefit anyone let alone anything. This is the beginning of Alaska handling our own affairs and is a great tool to show the Lower 48 that we know what the problems are and we are going to take care of our own business. This is the beginning of the healing of the urban-rural divide.
- #10 The Alaska Moose Federation was founded upon the concept that moose (a natural resource owned by all Alaskans) are too valuable to all Alaskans to allow to be wasted on our roads and in the cities of Alaska. Oil is also a commonly owned natural resource that has justified major action in verifying its quantity and quality for all Alaskans. Unlike oil, our moose are a renewable resource that can (if managed correctly) be here for generations to come. The AMF was created when the Alyeska pipeline was shot and the state agencies responded immediately to that state of emergency. Senate Bill #329 will begin to give Alaska's moose the same worth as Alaska's oil. It is a tool that will allow organizations like the AMF begin to 'fix' our moose problems to return Alaska to its earlier reputation of the world's greatest moose.
- #11 Transplanting moose is nothing new to the State of Alaska. Moose were collected throughout south central Alaska and moved to the Copper River Delta near Cordova from 1949 to 1958. Moose were also sent near Juneau and to Kalgin Island. Moose have also been successfully transplanted in Utah, Colorado and Michigan to establish new populations. The Alaska Moose Federation is offering to raise all funds associated with these projects while under the oversight of the Alaska Department of Fish & Game.

Thank you for staying involved and let's grow some moose!

Gary Olson, Chairman  
The Alaska Moose Federation

# ALASKA MOOSE FEDERATION

## Moose Facts to Get You Involved!

### DID YOU KNOW #1

Sweden, the size of California, harvested over 170,000 moose last year. Alaska currently has around 150,000 moose total. Alaskans can manage better.

### DID YOU KNOW #2

What about nature's way? We run our Railroad through some of the best habitat in the state, we push our roads through moose's migration routes and we put most fires out as soon as they start which is nature's way of creating moose food. We are all part of nature.

### DID YOU KNOW #3

With 600+ moose hit by cars in our cities with each collision costing \$15,000.00, Alaskans annually pay \$9,000,000.00 and climbing. This does not take into account loss of wages, medical costs or even loss of human life. Alaskans must do better on our roads.

### DID YOU KNOW #4

The 600 moose lost each year on our roads consist of 50% cows, 40% calves and 10% bulls. Since a cow is worth around 30 animals because of her population potential and half of the calves are cows, we really lose 12,780 moose on our roads alone. We need to do better!

### DID YOU KNOW #5

Each year, about 650,000 moose, caribou and sheep babies are born in Alaska. Of this population, less than 3% will be harvested by human hunters. About 10% will die of natural causes while the remaining 87% (600,000 animals) will be killed by predators.

### DID YOU KNOW #6

In Unit 13, once considered the bread basket of the state that consists of 23,000 square miles, the moose population reached a high in the fall of 1988 of 27,500 moose. In 2000, the fall population was 9,000 moose. It has been said that given these trends, there may likely be no moose in a majority of the unit in the near future.

### DID YOU KNOW #7

The Alaska State Constitution mandates the State of Alaska to manage moose on sustained yield principle for the benefit of the resource and the people of the state. With our new State Administration, the Dept. of Fish & Game, Department of Natural Resources and the Alaska Moose Federation working together, we can take proactive roles of rebuilding our moose.

### DID YOU KNOW #8

A moose, in order to stay healthy, must eat 40 pounds of browse daily.

### DID YOU KNOW #9

Large bull moose are extremely vital to healthy moose populations. In the rut (annual mating season), large groups of cow moose (called harems) gather under the protection of ideally a large bull (greater than 50" spread). The cows all come into estrus simultaneously. Only large bulls can sire all the cows in their first cycle. If a younger bull is overseeing the harem, some of the cows will miss being impregnated until the next cycle that will cause the calves to drop a month late in the spring. Not only do these calves face much higher mortality rates because they have one month less to prepare for winter, but also the window of opportunity for predators to take these newborns is extended thus impacting the herd twice as hard. The Alaska Moose Federation will establish herds where large, dominant bulls are the norm and not the exception.

TED STEVENS, ALASKA, CHAIRMAN

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## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

[www.senate.gov/appropriations](http://www.senate.gov/appropriations)

JAMES W. MORHARD, STAFF DIRECTOR  
TERENCE S. SAUVAGE, MINORITY STAFF DIRECTOR

July 31, 2003

Gary Olson  
Chairman  
The Alaska Moose Federation  
P.O. Box 231028  
Anchorage, Alaska 99523

Dear Gary:

Thank you for your offer of a position on the Advisory Board of the Alaska Moose Federation. I appreciate the efforts you are undertaking in rebuilding and maintaining stable moose populations and I look forward to participating in your efforts. An issue such as this one is important to the state as a whole and it seems that you have been conscious of this in your efforts to solicit state-wide opinion. I congratulate you for this and you may include my name in your letterhead.

With best wishes,

Cordially,



TED STEVENS

LISA MURKOWSKI  
ALASKA  
MAJORITY DEPUTY WHIP

COMMITTEES:  
ENERGY AND NATURAL RESOURCES  
CHAIRMAN, SUBCOMMITTEE ON  
WATER AND POWER  
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## United States Senate

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(202) 224-5301 FAX

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(907) 456-0233

P.O. Box 21647  
JUNEAU, AK 99802-1647  
(907) 586-7400

130 TRADING BAY ROAD, SUITE 350  
KENAI, AK 99611-7716  
(907) 283-5808

540 WATER STREET, SUITE 101  
KETCHIKAN, AK 99901-6378  
(907) 225-6880

851 EAST WESTPOINT DRIVE, SUITE 307  
WASILLA, AK 99654-7142  
(907) 376-7665

February 23, 2004

Gary Olsen  
Alaska Moose Federation  
P.O. Box 231028  
Anchorage, AK 99523

Dear Gary:

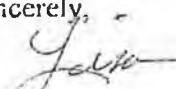
I read with great interest the Sunday Anchorage Daily News story about the Federation's work related to moose and traffic accidents, the lack of moose in many parts of the state and the need to address solutions for both subsistence hunters and Alaskan drivers. For subsistence hunters who rely on moose to meet their basic dietary needs the lack of moose in rural Alaska is devastating, while Alaska's sport hunters also feel the frustration with declining moose populations; for Alaskans who live on the road system the threat of hitting a moose at high speed is a life and death issue.

As a member of the Senate's Environment and Public Works Committee, which has jurisdiction over highway programs, I am particularly interested in learning more about your suggestions for road fencing and over- or under-passes to allow moose to safely cross the road. Consideration of wildlife crossings was an integral part of the highway authorization bill that recently passed the Senate. This is an especially important issue for parents whose children attend school in areas with high moose populations. Playing on the playground and waiting for school buses can be dangerous if moose are in the area.

I would also welcome further information on your idea of transplanting moose to areas of Alaska where the populations are declining. If practical, this idea could help both the overpopulation problem in urban areas while also addressing the subsistence and hunting problems in rural Alaska. I would be interested in seeing data from Fish and Wildlife experts on this suggested approach. Recalling that moose were transplanted from Southcentral Alaska to the Copper River Delta and to Southeast Alaska in the 1950's I know this is a possibility that needs to be fully examined.

Having lived in Alaska all my life I know the unique needs moose fill for many Alaskans and anything we can do to stabilize their populations can only help. I look forward to hearing more from you in the future.

Sincerely,

  
Lisa Murkowski  
United States Senator

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Oliver E. Burris  
2801 Talkeetna Avenue  
Fairbanks, AK 99709  
907 474-0437

The Honorable Senator Con Bundy  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Bundy:

Thank you for sponsoring SB329 to allow the transplanting of moose from the Anchorage Bowl Area.

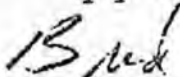
I organized the capture and transplant of bison from Delta Junction to May Creek and Farewell. Also the capture and transplant of caribou from Chistochina to the Kenai Peninsula. These transplants were done with adult and subadult animals. The transplant of moose from the Anchorage Bowl will help to alleviate many public safety problems. You may already be aware of the cost to Alaskans in human casualties and property damage. The Alaska Moose Federation has documented these tremendous costs to the public and our economy.

Transplanting adult, subadult and calf moose is a practical way to help reduce moose problems. The Board of Game unanimously supported the bill on March 10, 2004. The Division cautioned the Board because of concerns that the private transplant efforts may put additional strain on the already reduced budget of the Division of Wildlife Conservation. Ron Scriver suggested that we could learn more about the effects of transplanting moose by radio collaring them. The Department reiterated that the Board's preceding actions to more actively manage moose in several intensive management areas would already be a burden on Division budgets.

Clearly the benefit of your bill will be to reduce the severe problems in the Anchorage Bowl. The benefits to areas where moose may be transplanted is a secondary benefit. It will not put additional strain on Fish and Game budgets unless they choose to become financially involved.

I am on the Advisory Board of the Alaska Moose Federation. I have been involved with the planning and design since its' inception. I would enjoy discussing moose management in the Anchorage area and other areas in our State. I have stayed actively involved in wildlife management since I retired from the Game Division in 1986 after 25 years with the Division.

Sincerely yours,



Oliver "Bud" Burris

## **Moose Relocation Comments**

**Dr. Victor VanBallenberghe**

**Provided to Senator Con Bunde via e-mail from a constituent.**

I see several problems with the idea of transplanting adult moose and cows with calves out of urban areas and releasing them in distant places to boost moose populations:

- 1) Capturing and transporting adult moose long distances has not been tried in Alaska. It has been done elsewhere including moose captured in Canada and transported to Michigan. It must be done carefully and with experienced people including wildlife vets. ADFG would have to be heavily involved as they have the expertise. Private citizens do not. Even with experienced people, transport is risky and mortalities result. Several years ago caribou were captured near Glennallen by ADFG and transported to Kenai. In one operation using cattle trailers many of the animals were injured and some died.
- 2) The plan to transport adult moose to distant, remote places like McGrath is probably not feasible because of the time necessary to capture, hold, and fly the animals out. Keeping adults under anesthesia for long periods is very risky and can result in high death rates. The only feasible areas to receive moose are along the road system where, in some cases, moose are already plentiful including the Kenai Peninsula, and the Mat-Su Valley. Putting more moose there would be foolish.
- 3) The narcotic drugs used to capture moose (Carfentanil and Naltrexone) are very dangerous to humans--a single drop on the skin can be fatal. When darting moose, shots are sometimes missed and lost loaded darts end up on the ground. If the moose capture program was in effect in Anchorage and involved many moose, there would be lost darts. In urban areas people, including children) can find lost darts and be exposed to very high risks. This is a serious problem. Another problem is that people cannot eat moose meat from darted animals for long periods (months) without the danger of narcotic poisoning. How could local hunters (and poachers) distinguish recently transplanted moose from other moose in the area?
- 4) Transporting adult moose out of their normal home ranges and putting them in strange areas where they have no knowledge of foraging locations would likely result in high rates of mortality. They would also likely have to adapt to a new diet. Most moose in Alaska are seasonally migratory. They learn migration routes from their mothers. Moose in strange areas with no knowledge of migration routes or destinations would likely perish. Moose in Alaska are typically subject to predation by bears and wolves and are hunted by people. Moose in strange areas with no knowledge of predator escape features (ponds, lakes, streams, dense cover, etc.) would likely be easy prey.
- 5) The history of wildlife stocking programs in the U.S. is that cost:benefit ratios are not favorable. It is much wiser and prudent to work on improving habitat quality for wild populations. Stocking programs generally involve game birds. The only ungulate programs are for re-introducing certain species like bighorn sheep into areas where they are absent, not trying to boost existing natural populations. Is there a single example where this has been successfully done elsewhere?
- 6) The goal of increasing moose numbers in other areas by stocking adults from urban areas has a very low probability of success. Low moose numbers exist for several reasons--severe winters, poor habitat, bear and wolf predation, and overhunting. So, putting additional animals into the population would not result in a higher population unless the underlying limiting factors were addressed. To boost moose numbers in the Glennallen area (where densities are already moderate) it would likely

take transplanting several hundred animals if they had high survival rates. As mentioned above, they would actually likely have low survival rates.

7) The Cordova moose transplant of the 1950s has been mentioned as an example of a successful program. It's important to know that this effort involved transporting young calves to Cordova where they were raised and later released on the Copper River Delta. No wild moose were there at the time. There were also no wolves. The habitat was very high quality--some of the best in Alaska. Winters were mild. In short, all the necessary conditions were present in order to have moose thrive. In southcentral and interior areas with existing moose populations, severe winters, bears, wolves, and mediocre habitat, the situation is much different.

8) The proposed capture and transport program would very likely be highly controversial in Anchorage, just as the proposed moose hunts were several years ago. Many people enjoy moose and will object to lowering the population greatly. Others will object to moose being pursued and darted in their yards. And, this program will likely not lower the risk of car-moose collisions and moose-human interactions significantly unless a very high fraction of the moose population is removed.

Hope this helps!

Vic

## Summary of Biologists' Responses to Dr. Van Ballenberghe's Comments About Moose Relocation

### Oliver Burris

Retired in 1986 after 25 years with AKF&G. Last post was Region III Management Coordinator for the Game Division. Also served as Biologist in charge of game transplants from 1962 to 1965. Authored "Game Transplants in Alaska." Planned and organized bison and caribou transplants. Also captured deer and elk in California.

- 1) There may be some moose mortality associated with the relocation of moose. However, that risk must be put into perspective with the risk to animals and humans but not relocating them.
- 2) Adult animals are captured and held for considerable time and transported all over the world by ground, sea and air.
- 3) There are areas along the road systems where moose are not plentiful, such as Unit 13, where there is an ongoing predator control program.
- 4) The risk to humans from capture drugs must be placed in perspective with moose attacks. ADF&G regularly uses drugs to capture moose, caribou, bears, etc. The department deals successfully with the problem.
- 5) Moose have been successfully transplanted in Alaska. Moose are able to adapt to new diets; they eat bird feed, farm plants, ornamental garden plants, etc.
- 6) Moose avoid predators naturally. It is not just a learned behavior.
- 7) There were bears and wolves in the Copper River delta to which moose were transported in the past.
- 8) The AK Moose Federation looks at moose relocation as one part of an overall plan that includes under passes, over passes, directional fencing, diversionary habitat, trails, supplemental feeding.

**Summary of Biologists' Responses to Dr. Van Ballenberghe's Comments About Moose Relocation**  
**Page 2**

Wayne Heimer

Retired AK Dept. of Fish and Game biologist. Now operates a wildlife consulting business in Fairbanks. Has degrees in chemistry, zoology, molecular biology and physiology. Worked primarily with Dall sheep and authored approximately 100 published papers ranging from physiology to politics. Candidate for post of Commissioner of F&G.

Dr. Van Ballenberghe's comments should be taken in light of his record from which his philosophical position can be inferred. He often works with the AK Wildlife Alliance and the AK Defenders of Animals. Please evaluate my comments in the light of my perspective also. While he has considerable wildlife experience, his record shows he has typically taken an opposing position regarding active wildlife management. He is risk-averse to the point of being inactive.

- 1) **Capturing and transporting adult moose has not been tried in Alaska, ADFG would have to be heavily involved because they have the experience. Even with experienced people, transport is risky and mortalities result.**

There is no doubt that transplant of adult moose must be done carefully. It is desirable that this be done by experienced people. However, veterinarians are not required, and neither are people with specific experience relocating moose. What is needed are adaptable people who understand the animals and the system. Experience is gained by trying. If we dare not try for fear of failure, we'll never do anything. Dr. Van Ballenberghe's position must be seen as an extension of his reluctance to act without assurance of success.

- 2) **The plan to transport adult moose to remote distant places is probably not feasible. The only feasible places to move moose to are on the road system where putting more moose would be foolish.**

The AK Zoo has offered to act as a holding facility. Efforts are under way to arrange rational transportation to Department-identified transplant sites where survival will be maximized. Past successes are greater than Dr. Van Ballenberghe admits.

- 3) **Drugs are too dangerous to humans, darts can be lost and lay on the ground. Also, people cannot eat moose that have been darted for months.**

Moose were successfully immobilized by several generations of drugs before those commonly used today. If the drugs are so dangerous to humans the Department is taking unacceptable risks with the lives of its employees. As for the "lost dart" problem, this can be managed. I believe current technology allows the attachment of a tiny radio transmitter to any dart for recovery. When darts hit something - moose or dirt or tree - the tiny explosive charge that makes the injection fires, discharging the drug. Re: persistence of drugs in moose meat, some of the older drugs were processed by the animal in much shorter time. In addition, physical capture should be investigated. Getting a moose into an enclosed area with the lure of food would greatly reduce the chances of darts going astray.

- 4) **Moving moose out of their home ranges would greatly increase mortality because the forage would be different, as would escape routes from predators.**

Moose are adaptable. After all, calves, not adults, were successfully transplanted to the Copper River area. Yet they survived and multiplied. If "knowing the territory" protects moose from predation, why are so many resident moose being driven to low levels by predation? Numerous wildlife transplants have been successful down South and in Alaska.

**Summary of Biologists' Responses to Dr. Van Ballenberghe's Comments About Moose Relocation**  
**Page 3**

**5) Failed history of wildlife stocking. Better to improve habitat.**

Dr. Van Ballenberghe is mistaken. There are numerous examples in Alaska and elsewhere where large hoofed mammals have been successfully introduced. Ex: deer to Kodiak, goats to Kodiak, bison to Delta and Farewell, moose to Kalgin Island, moose to Copper River, elk to Raspberry Island, elk to Etolin Island, caribou to Adak and St. Matthew Island, etc.

**6) The goal of increasing moose in other areas has a very low probability of success due to severe winters, poor habitat, predation, and overhunting.**

The AK Moose Federation is not interested in transplanting moose from Anchorage just to get rid of them. They have no intention of placing moose where predation is high, poaching is uncontrolled or habitats are unsuitable. The goal is to move moose from where they are a liability to where they can be an asset.

**7) Cordova Moose Relocation is a poor example – used calves, no wolves, best habitat, and mild winters.**

See #4.

**8) Proposed program would be controversial and will likely not reduce car-moose collisions and moose-human interactions significantly unless many moose are removed.**

Some Anchorage residents might not like it. If education could solve the problem with no action, couldn't education be used to help Anchorage residents understand and support the relocation program? I also agree that a meek approach to relocation will not fully address the problem of nuisance moose. The answer is to significantly reduce the moose population in Anchorage. In Fairbanks, hunting is allowed. In Anchorage, where it is not, prudent action calls for other means.

My comments are not the last word on this program and Dr. Van Ballenberghe's should not be, either.

Dr. Karen Rudolph, Idaho Dept. of Fish and Game

The idea that transplant of animals via F&G agencies have an implicit 5% rule, with or without the presence of a wildlife vet to try to keep mortality under 5%. We transplant animals in Idaho frequently without a vet.

In addition, high moose density spells potential disease hell. Take a look at Yellowstone and the artificially high density of elk for viewing and bison.

Oliver E. Burris  
2801 Talkeetna Avenue  
Fairbanks, AK 99709  
907 474-0437

April 6, 2004

TO: Karen McCarthy  
Staff for Senator Con Bunde

FROM: Oliver "Bud" Burris  
Alaska Moose Federation Advisory Board

RE: SB 329

I retired in 1986 after 25 years with the Alaska Department of Fish and Game. At the time of my retirement I was the Region III Management coordinator for the Game Division. I was the Biologist in charge of game transplants for four years, 1962 to 1965. I authored the publication "Game Transplants in Alaska." I planned and organized the bison transplants to May creek and Farewell and caribou to the Kenai peninsula. Prior to coming to Alaska I had captured deer and elk in California

1) Capturing and transporting adult moose may result in some mortality. With the sophisticated drugs now available, (22 years after the transplant of adult bison and caribou) there can still be drug and trauma mortality. the risk to the animals must be put in perspective to the risk to the animals and the public by not capturing and transporting them.

2) Adult animals are captured and held for a considerable period of time and transported all over the world by ground, air and sea. Adult elephants, rhinoceros, zebras, and buffalo to name a few. The hunting of exotic big game in Texas has resulted from transporting adult animals. Adult bison were captured and held at Delta Junction for over a week before being transported by aircraft to Farewell. Adult muskox were transplanted to the Seward Peninsula, the Yukon Kuskokwim Delta and the north slope.

There are areas along road systems where moose are not plentiful. Unit 13 once contained 30,000 moose and now contain 7,000 to 8,000. Unit 13 has five major highways. There is an on-going predator control program in Units 13 and 19 which will reduce the risk to transplanted moose.

3) The risk to humans from capture drugs must be placed in perspective to the risk from moose accidents and attacks. ADF&G regularly uses drugs to captured moose, caribou, bears etc. in areas where these animals can be legally hunted. The department deals successfully with the problem.

4) Moose have emigrated into parts of Alaska since the early 1900's. In the late 1950's and early 1960's moose emigrated into the Seward Peninsula, northwest Alaska and the north slope. Moose have moved from locations where they were captured to new areas never to return. Moose have the ability to adapt to new diets like ornamental and exotic plants, bird feeders, new agricultural areas and farms etc.

The inherent behavior of moose is to avoid predators it is not just a learned behavior specific to a moose's individual niche.

5) Cost benefit ratios of transplanting game are not just measured in the benefits to the transplanted population but to the benefits to the area from which they are transplanted.

6) Increasing moose numbers by transplanting is a secondary goal. Considering the deplorable state of moose management in the state it falls into the category of "anything might help".

7) There were certainly black and brown bears in the Copper River Delta and wolves were either there or there shortly after the transplant.

8) The moose capture and transplant in the Anchorage Bowl area is no more controversial than the human casualties and property damage from moose.

The State (Alaska Department of Fish and Game) has failed to deal with the impacts of urban development on wildlife and likewise the impact of wildlife on urban development.

The Alaska Moose Federation is dealing with these issues on a broad basis. The development of under passes, over passes, directional fencing, development of diversionary habitat, trails and supplemental feeding are a few of the other factors the AMF is trying to consider to reduce moose mortality and the cost to human lives and property. Capturing and transplanting moose is not a panacea to all the wildlife problems in the Anchorage area. Authorizing this program will awaken the public to the need for imaginative wildlife management to sustain our Alaskan Wildlife heritage.

vanballengerghе manifesto

April 6, 2004

To: Karen McCarthy  
Staff for Senator Con Bunde

From: Wayne E. Heimer  
Fairbanks, Alaska

Re: Van Ballenberghe Critique of SB 329

I am a biologist, retired from the Alaska Department of Fish and Game, and I operate a wildlife consulting business in Fairbanks. I have degrees in chemistry, zoology, molecular biology, and physiology. I worked, primarily with Dall sheep for the Alaska Department of Fish and Game, and am the author of approximately 100 published papers (most scientific, some non-technical) ranging from physiology to politics. There was considerable support for my appointment as Commissioner of the Department of Fish and Game during the transition period of the Murkowski administration. I may fairly be challenged with respect to expertise on the specifics of moose immobilization and transplant because I don't have much direct experience with it. Still, I suggest my record shows I am a capable researcher, and possess the ability to understand a broad range of issues with respect to SB 329. The Alaska Moose Federation has asked me to comment on the concerns from one of Senator Bunde's constituents in Anchorage. I received this request by fax this morning. I infer from the correspondence that the author is Dr. Victor Van Ballenberghe. I have known and watched Dr. Van Ballenberghe for almost 30 years.

My first suggestion is that any comments Dr. Van Ballenberghe makes with respect to SB 329 be considered in light of his record from which we may infer his philosophical position. I consider this important because one's philosophy will affect the perspective from which one speaks, and the content of subsequent suggestions. This is true for me as well as Dr. Van Ballenberghe. Please evaluate my comments in the light of my perspective. Dr. Van Ballenberghe and I have virtually opposite philosophies of management, particularly where the politics of risk are involved.

While Dr. Van Ballenberghe has considerable wildlife experience (much of it with moose), speaks in a quiet and well-modulated tone, and alleges considerable scientific credibility, the record shows he has typically taken an opposing or obstructionist position regarding active wildlife management to benefit humans unless a positive outcome can be absolutely assured. Dr. Van Ballenberghe's public record shows he is risk-averse to the point of being inactive as a manager. Dr. Van Ballenberghe has, I recall, been appointed to the Board of Game two times. Both appointments seemingly served the anti-management stance of the Governor who made them. Hence, I do not find Dr. Van Ballenberghe's opposition to SB 329 the least bit surprising. For this reason, I am willing to discuss his comments in the light of a differing perspective.

Dr. Van Ballenberghe often works with the Alaska Wildlife Alliance, Gordon Haber, and Alaska Defenders of Animals to oppose moose-related actions which are likely to increase human benefit. Because of Dr. Van Ballenberghe's record (which I infer stems more from philosophy than being steeped in pragmatic wildlife management), I suggest we critically consider his comments in some depth. They may represent perspective more than objective reality.

**Allegation 1, Expertise does not exist:** There is no doubt that transplant of adult moose must be done carefully. I agree it is desirable that this be done by experienced people. However, it is rational to question whether, as Dr. Van Ballenberghe alleges, it "*Must be done by. . .experienced people including wildlife vets.*" Dr. Van Ballenberghe raises some subsequent issues that are readily disputable and refutable. Hence, I infer he is willing to make expansive statement such as this one because it serves the greater purpose of frustrating the intent of SB 329. This statement is expansive, and so intuitively desirable that one must be fairly guarded to examine it closely. If no "experienced people" exist in Alaska, whether the bill passes or not doesn't matter. Hence, Dr. Van Ballenberghe speaks to defeat the bill when he makes this statement. In truth, the statement is false because of its expanse. Sure, it would be nice if we had experienced people and vets to do the work, but vets, particularly, are not a requisite, and neither are people with specific experience doing this very work. What is needed for the program to succeed are adaptable people who understand the animals and the system well enough to be effective. In fact, one never knows what is going to happen in any anticipated experience till it is undertaken. Experience is gained by trying stuff. If we dare not try because we fear or allege failure, we'll never do anything. This has been a common position taken by Dr. Van Ballenberghe over the years, particularly with respect to wolf/predator management. I suggest the position taken on SB 329 may be rationally seen as an extension of this reluctance to act without assurance of success. Obviously, I'm less frightened by what might go wrong (and more inclined to view the positives of the issue as a worthwhile challenge) or I wouldn't be going to the trouble to make these comments.

**Allegation #2: "Catch and carry" won't work:** The Alaska Moose federation fully realizes the difficulties in transplant, and is actively working on them. Efforts are being made to obtain a safe holding facility for moose removed from Anchorage, and arrange rational transportation to Department-identified transplant sites when survival will be maximized. The importance of SB 329 is not that every aspect of the program be codified in law. Rather the necessity for SB 329 is that the Department has given up efforts to manage moose in the best interests of the economy and general well-being of the state (from AS 16.05) in the Anchorage area. Hunting is apparently off the table, and social/economic/resource costs are too high to ignore any longer. If the Department lacks the vision to act, the legislature, as ultimate trustee of the moose resource must pursue alternate approaches to letting the Department do nothing. I see this as the essence of SB 329. Besides that, it might really work! The situation is less grim than Dr. Van Ballenberghe alleges, and past successes are greater than he admits. The assumptions Dr. Van Ballenberghe makes as to how the moose would be handled betray ignorance of the longer range plans of the Alaska Moose Federation. Raising potential "bogey men

level" details is an insufficient reason to give up on the concepts of SB 329. That level of detail doesn't belong in law anyway...does it?

**Allegation #3: Drugs are too dangerous:** Dr. Van Ballenberghe paints the worst possible scenario here. Moose were successfully immobilized by several generations of drugs before Carfentanil and Naltrexone became the drugs of choice. These drugs did not become "the standards" because other drugs didn't work, they just work better for the moose than what was used for years. I don't claim to know everything about these drugs, but somehow we used to dart moose and many other things with "acceptable" levels of mortality before these drugs were discovered. If these drugs are so dangerous to humans that one drop on the skin kills, the Department is taking unacceptable risks with the lives of its employees by allowing them to use these drugs in routine field capture operations. I realize there is a stringent safety protocol, but in my career, I have known many biologists who would have been killed on the job if they'd been using this drug. Nobody should be taking this level of risk because the rewards are not worth it. What do we routinely gain from biologists routinely taking these risks? As for the "lost dart" problem, I believe this can be managed. First rule...don't miss. Second rule...recover any missed darts. I think I have read that current technology allows the attachment of a tiny radio transmitter to any dart one may use...hence all should be recoverable. Additionally, it seems the likelihood of an inaccurate dart remaining intact (with the contents not sprayed into the area it impacts) are remote. This means the contents of the dart don't lie there like an unexploded land mine. Typically when a dart misses the target the explosive charge that would normally make the injection fires, discharging the drug into the air (or ground). What this means is that the normal oxidative decomposition process resulting from exposing a finely divided drug load to atmospheric oxygen, water, soil etc. begins immediately to change the chemical composition of the drug. We don't know this process, but it is probably well beyond a neat package of drugs lying in a dart. This, of course, does not negate the responsible management requirement for any immobilizing agent, but is intended to, again, raise the possibility that there are some practical chemical reactions Dr. Van Ballenberghe may not have considered. With respect to the persistence of drugs in animals that may be eaten, this issue has been dealt with for years. Some of the earlier drugs (which may be adequate and more suitable for this sort of work) were processed by the animal body in times considerably shorter than the "months" alleged by Dr. Van Ballenberghe. Given other expansive statements he makes here, I would want to see some data from a qualified animal pharmacologist before taking this as invariably true. Here, there seems to have been some evolution of concern with the Department. In my memory the Department's ANWR caribou team actually turned caribou loose with live darts aimed at their necks so they could be recaptured later. That now seems unthinkable, but didn't at the time. How much of this drug issue is real and how much is paranoia? I don't think Dr. Van Ballenberghe is the last word on this issue. I'm certainly not either.

Addendum (April 7, 2004): Heard back from ADF&G vet about drugs...phone message only. The current drug of choice is Carfentanil, and it is dangerous to humans. Reversal is through the other drug Dr. Van Ballenberghe mentions, Naltrexone. I suggest someone may want to ask if the reversal drug is as dangerous as the narcotic immobilizer.

Typically the "reversal drugs" are not toxic...they are antagonists to the drug that knocks the critter down.

Also, yesterday when we spoke, I mentioned that physical capture should be investigated. This has never really been considered by ADF&G simply because the Department usually works in the field. In an urban setting with tolerant moose, I suggest the possibilities for physical capture and less dramatic immobilization/sedation may open vistas of handling moose which have not yet been "thunk up." Nobody's tried.

**Allegation #4, You shouldn't move a moose:** The grim scenario predicted by Dr. Van Ballenberghe here doesn't sufficiently respect the adaptive behavior of moose or other large hoofed mammals. If moose are really as unable to adapt as Dr. Van Ballenberghe suggests, the successful introduction of moose to the Copper River could not have occurred. After all, calves (not adults) were successfully transplanted to that area. These calves were habituated to the area somewhat before they were released, but they certainly didn't know the country outside the pen when they were let go. Somehow they survived, had more calves, and we have sustained a harvestable population there for what...40 years...now? It can't be as bad as Dr. Van Ballenberghe would have you believe. As for the fear that moose would be easy prey for wolves in areas where they don't "know the territory," one should ask, "If knowing the territory protects moose from predation, why are so many resident moose populations being driven to low levels by predators?" Were there no predators when those hapless calves were transplanted in days of old? Somehow, against all odds according to Dr. Van Ballenberghe's accounting, numerous wildlife introductions (including large hoofed animals) have been successful and produce human benefits...even in Alaska.

**Allegation #5, Appeal to failed history of wildlife stocking:** Here, Dr. Van Ballenberghe is clearly mistaken. What is the cost/benefit ratio of introducing deer to Kodiak Island? What is the cost/benefit ratio of introducing goats to Kodiak Island? What is the cost/benefit ratio of introducing plains bison to Delta...or Farewell? What was the cost/benefit ratio of introducing moose to Kalgin Island? What was the cost/benefit ratio of introducing moose to the Copper River? What was the cost/benefit ratio of introducing elk to Raspberry Island? What was the cost/benefit ratio of introducing elk to Etolin Island? The number of bighorn sheep in North America has doubled in the last 25 years. This increase has been primarily due to translocation of bighorn sheep to empty habitats. However, in the bighorn sheep business transplants are now routinely proposed to boost existing populations (and to presumably increase genetic diversity). Yes, there are numerous examples, given above in Alaska, where large hoofed mammals have been successfully introduced. I have not even mentioned those where the introductions succeeded, but the resulted human benefits were not realized. These examples are primarily related to introducing caribou to Adak Island, St. Matthew Island etc.

**Allegation #6: Taking urban moose to augment rural populations won't work:** The Alaska Moose Federation has made it abundantly clear that it is not interested in transplanting moose out of Anchorage just to get rid of them. It has no intention of

placing moose where predator loads are high, poaching is uncontrolled, or habitats are unsuitable. The Department of Fish and Game is expected to be a fully funded participant in any decisions of this type. At present, the Foundation is looking primarily to GMU 18. This area is presently at one tenth the ADF&G population goal. Hence, I presume the habitat is adequate for 2,000 (not 200) moose. The primary environmental resistance has been presumed to be unregulated harvest, but this has recently been addressed by the Alaska Village Initiative. I don't know what the predator situation may be on the Kuskokwin below Bethel, but presume it is not of great significance to the moose population because ADF&G reports never mention it prominently. Dr. Van Ballenberghe might be right. The transplant might fail. However, the immediate issue with SB 329 is remove moose from where they are a liability to the people of the state and attempt to turn them into an asset. I can't help wonder what Dr. Van Ballenberghe might suggest as a remedy to the economic losses resulting from dangerously dense (to humans and vehicles) in Anchorage might be. I suggest the possible benefits outweigh the potential risks.

**Allegation #7: See allegation #4:**

**Allegation #8, Folks in Anchorage might not like it:** I agree with Dr. Van Ballenberghe that some folks in Anchorage won't like it. I have little doubt that he and his friends will assure they are heard and encouraged. His arguments here are similar to those Ms. Karen Deathridge made before the Senate Resources Committee. At that point, Ms. Deathridge argued that education was the way to help Anchorage residents coexist with high moose densities. If education, the common proposed solution offered by those who dislike active wildlife management, could solve the problem with no action (which I doubt), couldn't education bring the moose-loving residents of Anchorage to support a population reduction in the name of public safety? If the public in Anchorage knew of the economic losses and human costs resulting from moose-vehicle collisions alone, and if they thought these moose could provide an eventual sustainable resource for use in rural Alaska, would these people be selfish enough to insist that the Anchorage moose population not be significantly reduced?

I also agree with Dr. Van Ballenberghe that, as currently structured, SB 329 (if it is still the "three strikes and you're out" program for individual moose the Department of Fish and Game crafted as an amendment) will produce no benefit for anyone. Not enough moose will be moved to alter the existing problem (and therefore not address the problems associated with high urban moose populations), and little subsequent benefit is likely to occur elsewhere. If SB 329 is to rationally address the problem that I think actually exists, the answer is to significantly reduce the moose population in Anchorage (and Fairbanks). In Fairbanks, hunting is allowed. If this solution is unthinkable in Anchorage (because the residents there have been "educated" concerning the value of viewable moose), prudent action calls for removal by another means. Oddly, the Department of Fish and Game is sufficiently interested in lowering moose numbers in the Tanana Flats that it is willing to endure considerable public hatred and disrespect for promoting the harvest of four-month old calves; those moose are not a risk to anything other than the willows they eat. In contrast, the Department is insufficiently interested in

lowering the moose population in Anchorage to even consider anything beyond "education." Hence, I am supportive of legislative action as the trustees of the moose resource in all of Alaska.

There's more to this than Dr. Van Ballenberghe and I have offered. Certainly, I'm not the last word on this issue, and I don't think Dr. Van Ballenberghe is either.

**Subject: Fwd: RE: SB 329 analysis of "Vic's" comments**

**Date: Wed, 07 Apr 2004 09:45:06 -0700**

**From: Wayne Heimer <weheimer@alaska.net>**

**To: Senator\_Con\_Bunde@legis.state.ak.us**

**CC: Karen Rudolph <krudolph@IDFG.STATE.ID.US>**

Karen,

This from a colleague in Idaho...sent piece there for review. Dr. Rudolph doesn't know who Vic Van Ballenberghe is. Thought you might find Dr. Rudolph's mention of disease potential interesting...particularly in urban settings where risk of transmission of disease to moose is higher for a number of reasons. Of course, it hasn't happened yet...Delta brainworm issue notwithstanding. Those of us who consider wildlife diseases (imported ones primarily) a threat have always been more concerned about moose and other critters that move in out of areas where domestic livestock and pets are present. Where do you think the lice that infected the Kenai wolves originated? Domestic doggies is the best answer. There are other examples. As I said before, if moose densities were as high in the wild as they are in our cities, the Department would be falling all over itself to reduce those densities.

Regards,

Wayne

>Date: Wed, 07 Apr 2004 10:11:01 -0600

>From: "Rudolph, Karen" <krudolph@IDFG.STATE.ID.US>

>Subject: RE: SB 329 analysis of "Vic's" comments

>To: Wayne Heimer <weheimer@alaska.net>

>Thread-topic: SB 329 analysis of "Vic's" comments

>Thread-index: AcQcNhaDfeI3zXNVTmeNTR1OWs8TsgAhAGdV

>X-MS-Has-Attach:

>X-MS-TNEF-Correlator:

>X-ACS-Spam-Status: no

>X-ACS-Scanned-By: MD 2.38; SA 2.63; spamdefang 1.93

>Original-recipient: rfc822;weheimer@alaska.net

>

>Wayne,

>

>What a travesty to game mgmt to have a wildlife vet (is that what he is?)  
>speak on the public record so. Wow. I had only a couple of supporting  
>comments, to include the idea that transplant of animals via F&G agencies  
>have an implicit 5% rule, with or without the presence of a wildlife vet,  
>to try to keep mortality under 5%. We transplant animals in Idaho (or  
>sample, etc) frequently without a vet. And we have 2 W/L vets for the  
>state. Second, if folks want their moose for viewing in Anchorage &/or  
>Fairbanks, they should consider the implications. High moose density  
>spells potential disease hell. Tell 'em to look at Yellowstone and the  
>artificially high density of elk for viewing (feed in, of course), and bison.  
>  
>You keep it up guy!

K. Rudolph

>

State of Alaska  
 Department of Public Safety  
 Moose-related Case Activity  
 FY 2002 - FY 2003

Motor Vehicle Accident / Moose-Related Case Activity				
Description	Code	FY02	FY03	Notes:
Fatal MVA Involving Moose	9501	2	1	MVA = Motor Vehicle Accident
MVA with Injuries Involving Moose	9503	60	51	
MVA with Injuries Involving Moose (Comm Veh)	9503V	0	1	Commercial Vehicle
MVA-Damage to Vehicle Only with Moose	9505	731	651	
MVA-Damage Only Comm. Vehicle with Moose	9505V	21	11	Commercial Vehicle
MVA-with Department Vehicle with Moose	9512	2	4	
Vehicle in Ditch/Tfc Hazards Due to Moose	9576/9570	21	10	
		837	729	Total

Other People / Moose-Related Case Activity				
Description	Code	FY02	FY03	Notes:
Misc. Calls Ref. Moose	8027	48	27	
Moose Attacking Humans Complaints	8710	9	8	
Moose Nuisance Complaints	8712	74	59	
Calls Related to Defense of Life and Property	8721	10	6	
Complaints Concerning Dogs Harrassing Moose	8762	45	20	
Complaints of Illegal Feeding of Moose	8766	17	5	
Suspicious Circumstances Concerning Moose	9549	15	21	
Assist to Other Agencies Concerning Moose	9605	17	24	
Misc.Moose Related Offenses/Complaints	9610	100	60	
		335	230	Total

The Above Data does not include the Municipality of Anchorage

Numbers of moose donated to charities as result of motor vehicle accidents or other similar circumstances. These numbers are *September 1, 2003 to present.*

Municipality of Anchorage	112
Mat-Su Valley, Talkeetna areas	307
Soldotna/Keani Area	194
	706 Total



March 2, 2004

Gary Olson  
Chairman  
Alaska Moose Federation  
PO Box 231028  
Anchorage, AK 99523

Re: Senate Bill #329

Dear Mr. Olson:

The Alaska Zoo has worked with the Alaska Department of Fish and Game (ADFG) for over 35 years – caring for orphaned moose calves, among other things. We have developed the expertise needed to care for young calves - preparing them for transport to the Moose Research Center on the Kenai Peninsula, or to zoos Outside.

The zoo recently upgraded its' moose pens to provide additional flexibility and capacity – allowing us to keep more moose in more areas. One reason we built the pens as we did was the hope that the zoo will participate in research projects valuable to the community of scientists studying moose.

We are ready to partner with ADFG, and groups authorized by the department – like the Alaska Moose Federation – to participate in the management of our moose population. The zoo can provide facilities and personnel to assist in that management.

Gary – you, or other interested parties, are welcome to call me at 346 – 2133 for more information concerning our willingness and ability to work with moose management. I look forward to working with you in the future.

Sincerely,

Louis (Tex) Edwards  
Director, Alaska Zoo

# STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

BOARD OF GAME

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 25526  
JUNEAU, AK 99802-5526  
PHONE: (907) 465-4110  
FAX: (907) 465-6094

March 10, 2004

Senator Con Bunde  
Alaska State Legislature  
State Capitol (506)  
Juneau, AK 99801-1182

Re: SB 329 Control of Nuisance Moose

Dear Senator Bunde,

The Alaska Board of Game wishes to note their unanimous support for the concept of relocating moose from urban areas where they are a nuisance to areas where moose are scarce.

We urge careful consideration of this concept and remain hopeful that it will be yet another tool for rebuilding ungulate populations. Further, we urge crafting of the legislation to allow adequate oversight by the Alaska Department of Fish and Game while minimizing cost to the department.

Thank you for considering this recommendation from the Board of Game

Respectfully yours,

Mike Fleagle,  
Chairman, Alaska Board of Game

# STATE OF ALASKA

Frank H Murkowski, Governor

## Anchorage Fish & Game Advisory Committee

Bob Churchill, Chair  
3415 Wentworth  
Anchorage, AK 99508  
Home: 279-8927  
Work: 261-5421  
FAX: 272-7675  
Email: rock4@gci.net

Dear Senator Bunde:

The Anchorage Fish & Game Advisory Committee met on March 16, 2004 as normally scheduled. Mr. Gary Olson, Chairman of the Alaska Moose Federation, testified regarding Senate Bill 329, which you have sponsored. We reviewed the content of the bill and after a discussion voted in the majority to send you a letter in support of the objectives of the bill.

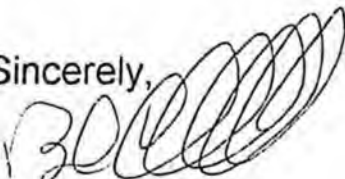
Our discussion focused, as did Mr. Olson's testimony, on safety related concerns generated primarily by incidents of vehicles colliding with moose. Mr. Olson clearly testified that the total cost of relocating these animals would be approximately \$1000.00 per animal and an upward estimate would be that 250 animals per year would require relocation.

*no. of  
moose*

If these incidents can be significantly reduced and the safety of people in the Anchorage area can be improved by relocating moose at a reasonable cost, we support effective efforts made to achieve this goal.

As you know other efforts have been made to achieve these same results, however they have failed due to a lack of implementation.

Sincerely,



Bob Churchill

Email:

Non Constituent Supports

BILL#: SB 329 NUISANCE MOOSE

SUBJECT:

MESSAGE: Please pass this bill. As the Chairman of the Central Kuskokwim Fish and Game Advisory Committee we support this bill.

DISTRIBUTION: 12

Lawrence F Ctibor

Po Box 1201

Po Box 1201

Bethel AK, 99559

Lower Kuskokwim SD

Email: larry\_ctibor@lksd.org



# Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4431 • Fax: (907) 343-4499 <http://www.anumut.org>

*Mayor Mark Begich*

Office of the Mayor

March 9, 2004

Gary Olson, Chairman  
Alaska Moose Federation  
P.O. Box 231028  
Anchorage, AK 99523

Dear Mr. Olson,

This letter is to show my support for the intention of Senate Bill 329 and the relocation of "nuisance" moose from in and around the Municipality of Anchorage to a more rural setting.

I appreciate the effort of your organization to try to address the growing problem of moose encounters with cars and people that often result in injury for the human, the animals, and also economic costs resulting from damage to property and medical bills.

Public safety is a primary goal of my administration, and efforts to reduce the potential negative consequences of interactions with these magnificent animals should be carefully considered.

My understanding is relocation of the moose will be done with great concern for the health of the animal, and that any costs associated with the program will be assumed by your group or similar private organizations. My support is based on both of those considerations.

Thank you for stepping forward to take on an issue of concern to myself and many Alaskans.

Sincerely,

Mark Begich  
Mayor



# Municipality of Anchorage

4501 Bragaw Street • Anchorage, Alaska 99507-1599 • Telephone (907) 786-8500 • <http://www.muni.org>



Mayor Mark Begich

## Anchorage Police Department

February 26, 2004

To Whom It May Concern:

The Anchorage Police Department offers its general support to the ideas presented by the Alaska Moose Federation through Senate Bill 329.

The Anchorage Police Department recognizes the efforts of the Alaska Moose Federation to maintain the quality and quantity of Alaska's moose populations. Clearly, any efforts to mitigate the potential negative consequences of moose-person interactions also support our primary goals as well. The Anchorage Police Department is currently required to respond to hundreds of moose related incidents a year.


Without having an opportunity to fully evaluate the costs and externalities associated with active intervention plans such as transplanting moose away from the Anchorage Bowl area, we are unable to offer complete unqualified endorsement of SB329. However, we do endorse a sincere investigation into this proposal.

*no endorsement*

Additionally, the Anchorage Police Department supports the passive measures outlined by the Alaska Moose Federation, which included:

- feasibility study of "wildlife-overpasses"
- directional fencing
- wildlife trail development
- other diversionary methods

Please feel free to contact my assistant, Officer Derek Hsieh at 907-786-2477 with your questions.

  
Walt Monegan  
Chief of Police

*Community, Security, Prosperity*



**Anchorage  
School  
District**

4600 DeBarr Road  
P O. Box 196614  
Anchorage, Alaska 99519-6614  
(907) 742-4000

**SCHOOL BOARD**

Jake Metcalfe  
President

Tim Steele  
Vice President

Mary Marks  
Clerk

Macon Roberts  
Treasurer

Jeff Friedman

Crystal Kennedy

John Steiner

**SUPERINTENDENT**

Carol Comeau

March 4, 2004

Alaska Moose Federation  
PO Box 231028  
Anchorage, AK 99523

Attn. Gary Olson  
RE: SB 329

Dear Mr. Olson:

This letter is to confirm my support for your initiative for relocating moose away from our school grounds and in our neighborhoods near schools in the Anchorage School District. We are having increasing numbers of problems for our students who walk to and from school in various neighborhoods, and our principals and teachers report that moose are getting to be more aggressive and a nuisance for our students and staff.

We have had excellent support from Rick Sinnott, and others in protecting our students when we call his department, but this proposed nuisance moose relocation program would insure our students and staff are safe.

Sincerely yours,

Carol Comeau  
Superintendent

cc School Board Members  
Senator Con Bunde  
Larry Wiget, Executive Director, Public Affairs

DIANNE M. KELLER  
MAYOR

---

CITY OF WASILLA  
290 E. Herning Ave.  
Wasilla, AK 99654-7091  
Phone: (907) 373-9055  
Fax: (907) 373-9096

February 25, 2004

Senator Con Bunde  
Alaska State Senate  
State Capitol Bldg., Rm. 506  
Juneau, AK 99801

Dear Senator Bunde:

This letter is written in support of Senate Bill 329 relating to the relocation of "nuisance" moose in urban Alaska to alternative suitable habitat where in rural Alaska where the moose and people will benefit.

The ever-growing moose population continues to pose a significant risk to the health, safety and/or economic well being of people in the area. The populations in cities throughout the state are growing, thus forcing more moose onto our roads, trails, school grounds, and neighborhoods at an alarming rate. Human beings have been placed in danger by the increase in the moose population, and the moose are suffering as well. DOT studies show an increasing amount of moose/vehicle collisions throughout Alaska.

People from all over the state will benefit from this one bill. Public safety is paramount in the cities where the moose populations are at a dangerous surplus and the Alaskan lifestyle is paramount throughout rural Alaska where moose are very scarce. The ability to transplant moose to rural Alaska to help rebuild existing populations seems to make good sense. If organizations like the Alaska Moose Federation are allowed to move moose out of harms way, both the moose and people will benefit.

I look forward to seeing this legislation pass. Thank you for your support of SB 329.

Sincerely,



Mayor Dianne M. Keller  
City of Wasilla

cc: Alaska Moose Federation



THOMAS R. PLOOY, CLU, Agent  
Auto - Life - Health - Home and Business

2900 Boniface Parkway, Suite 100 Anchorage, Alaska 99504  
Bus: 907-333-6575 Fax: 907-333-1186 Res: 907-248-9186

March 10, 2004

Gary Olson  
Alaska Moose Federation  
PO Box 231028  
Anchorage, AK 99523

Dear Gary,

I have been a State Farm agent for over 31 years, and have seen the property damage and body injury a moose can do when they collide with my client's vehicle.

Your proposal to relocate moose is a win-win situation for everyone. The policyholder wins, the insurance company wins, the police department wins, and most importantly, the moose wins, by being relocated to a rural area.

I strongly support SB 329 and look forward to seeing this legislation passed.

Sincerely,

Tom Plooy

---

**ALASKA FEDERATION OF NATIVES, INC.**

1577 C Street, Suite 300, Anchorage, Alaska 99501  
907-274-3611 Fax 907-276-7989

March 15, 2004

The Honorable Scott Ogan, Chair  
State Senate Resources Committee  
State Capitol, Room 103  
Juneau, AK 99801-1182  
VIA FACSIMILE: 907-465-3265

RE: S. 329

Dear Chairman Ogan:

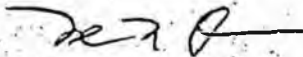
We understand that the State Senate Resources Committee is considering on acting on S. 329, an Act relating to control of nuisance moose, in the near future. If and when the committee considers S. 329, please consider voting in favor of this bill if and only if the State of Alaska will not use its limited financial resources to implement the intent of this bill. Considering the fiscal status of the State of Alaska, we believe that Alaska's limited fiscal resources can be best used for education, health and welfare purposes before they are used to relocate moose.

You may want to consider authorizing the people living in an area where the nuisance moose are located with the right to legally harvest such animals for consumption. This may be the most fiscal means of dealing with nuisance moose, whatever they may be.

Attached, herewith, please find a copy of a resolution that the delegate to the 2003 AFN Convention considered and passed supporting the efforts of Alaska Moose Federation in enhancing the moose population.

Thank you for your consideration.

Sincerely,



Nelson N. Angapak, Sr.  
Vice-President

CC: The Honorable Georgianna Lincoln

Attachment: AFN Convention Resolution 03-78

ALASKA FEDERATION OF NATIVES, INC.

2003 ANNUAL CONVENTION

RESOLUTION 03-78

TITLE: IN SUPPORT OF PURPOSE AND EFFORTS OF THE ALASKA MOOSE FEDERATION

WHEREAS: Alaska has many organizations dedicated to maintaining the welfare of certain animal species such as ducks, grouse, wild sheep, elk, bears and fish but until recently, none for the benefit of moose; and

WHEREAS: Urban dwellers seem to think that moose populations across the State are all doing well simply because they see so many in the streets of Anchorage, when in actuality many moose populations in rural Alaska have been experiencing significant declines over the last decade; and

WHEREAS: Other nations in the world that are much smaller than Alaska, with more limited space and habitat successfully produce more moose for human harvest than Alaska currently has for its total number of moose; and

WHEREAS: Moose are extremely important as a basic food source in supporting the seasonal round of harvest that constitutes the subsistence way of life; and

NOW THEREFORE BE IT RESOLVED that the Alaska Federation of Natives supports and endorses the purpose of the Alaska Moose Federation in their efforts to rebuild and enhance moose populations across the State; and

BE IT FURTHER RESOLVED that this resolution should be forwarded to the State of Alaska, RAC and the Federal Subsistence Board.

SUBMITTED BY: ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS

CONVENTION ACTION: SUSPENSION OF RULES/PASSED





1577 "C" Street, Suite 304, Anchorage, Alaska 99504 • (907) 274-5400 • FAX (907) 263-9971 • Email: avi@ruralak.org

March 2, 2004

Gary Olson, Executive Director  
Alaska Moose Federation  
PO Box 231028  
Anchorage, AK 99523

Re: Senate Bill 329

Dear Mr. Olson:

On behalf of Alaska Village Initiatives, I would like to express our support for Senate Bill 329. Senate Bill 329 is a straightforward approach which, if successful, would greatly benefit public safety in urban areas such as Anchorage and Fairbanks. We understand that the Anchorage School District has identified moose as a safety concern for young children attending school, and we support efforts that would increase their safety and well-being.

We are also interested in where the moose will be transported. Many rural areas of the state have moose populations which are insufficient to support pressures from hunting and predation, and supplementing their population would have positive effects.

While the idea of transporting moose is very complex, we are hopeful that scientific and technical expertise would be sufficient to accomplish the task with the highest rate of success and with the most efficient means available.

Please contact us if you have any questions, or if there are ways we can be of assistance.

Sincerely,

Tom Harris  
President/CEO



# Ninilchik Traditional Council

P.O. Box 39070

Ninilchik, Alaska 99639

Ph: 907 567-3313 / Fx: 907 567-3308

E-mail:

Web Site: [www.ninilchiktribe-nsn.gov](http://www.ninilchiktribe-nsn.gov)

---

March 8, 2004

Alaska Moose Federation  
PO Box 231028  
Anchorage, Alaska 99523

Dear Mr. Olsen:

On behalf of the Ninilchik Traditional Council, the Federally and State of Alaska recognized governing body of the Ninilchik Village Tribe, I am sending you this letter to show the support for Senate Bill No. 329 addressing the control and transplanted of nuisance moose. We feel that as good custodians, and in the interest of public safety, we should proactively address these issues.

Thank you.

Sincerely,

 / for:

Ivan Encelewski  
NTC Executive Director

c: file

**Main Identity**

---

**From:** "Maggie Strobbe" <maggiedcs@alaska.com>  
**To:** <molson@gci.net>  
**Sent:** Wednesday, March 10, 2004 8:17 PM  
**Subject:** mooseattack

March 10, 2004

Dear Gary,

How odd that you should call us tonight, for just this afternoon I took our daughter, Hannah, to see a counselor regarding the moose attack last summer. She had been asking to see someone that could help her with her fear and anxiety of the woods now, something that I feel will definitely impact our summers up here for years to come. I sat and listened to her story yet once again and am, as always, amazed that she is still with us.

On June 9, 2003 (about) I was flying back from Atlanta, GA and my husband was at work. My daughter's grandmother was babysitting and Hannah, age 10, and her friend were walking down a well used trail in the lot next to our house, about 20 yards from the edge of our yard, something that they had done numerous times. My husband is an avid outdoorsman and we had cautioned her many times that the woods weren't safe in the spring, but being kids, they were oblivious. Hannah was leading and they apparently walked past a cow with a calf that was bedded down and hidden in the long grass. The moose never saw them until the last moment and they never saw her until it was too late. The cow rushed my daughter and knocked her down, trampling her as she went over, then she turned around and trampled her again. Hannah then saved her own life by curling into a ball and staying there. She listened until she heard the cow call her calf and left. Then got up and walked out of the woods with a broken collar-bone, a compression fracture to the back of her skull and an ear that was practically torn from her head. By that time a neighbor had called 911 and her grandmother was struggling to get to her. Within minutes the fire department, police and paramedics were at our house and treating her (no doubt that OUP house is in the 911 database). She was rushed to Providence Hospital where the doctors sewed her ear back on and she was x-rayed and sent home in a sling for her collarbone. Several days later, we took her back for a CAT scan of her skull because she was having dizzy spells and headaches. Luckily, there was no bleeding under her skull where she was kicked, but we were eventually forced to have surgery to plate her collarbone. The force of the moose's first attack had not only broken the bone, but also pushed one end of it behind the muscle so that surgical intervention was necessary. I feel absolutely that our daughter could have died, if just one of those kicks was less glancing and more direct.

This is an accident without guilty parties. The moose was simply protecting her calf and my daughter and her friend were simply walking down a trail. I have lived here 24 years and feel that the moose have transformed from an occasional amusing spectacle to a dangerous population. If I had so wanted a more rustic lifestyle we would certainly not live in Alaska's largest city. We can't hunt them in the Anchorage area, so what are our options to protect our children and ourselves?

Thank you for trying to find a win-win solution to this escalating problem.

Sincerely,

Maggie & Steve Strobbe  
maggiedcs@aol.com  
907-346-40094

3/10/2004

## PERMISSION TO USE PHOTOGRAPH & QUOTE

I authorize The Alaska Moose Federation and/or Gary Olson to use photographs of my daughter, Hannah Strobbe, a minor, and the quote from me for educational or promotional purposes in conjunction with senate bill #329. The photographs or the quote may not be used for profit without my express permission. I understand that I will not be paid or rewarded for providing this authorization.

Signature:

Margaret D.C. Strobbe

Printed Name:

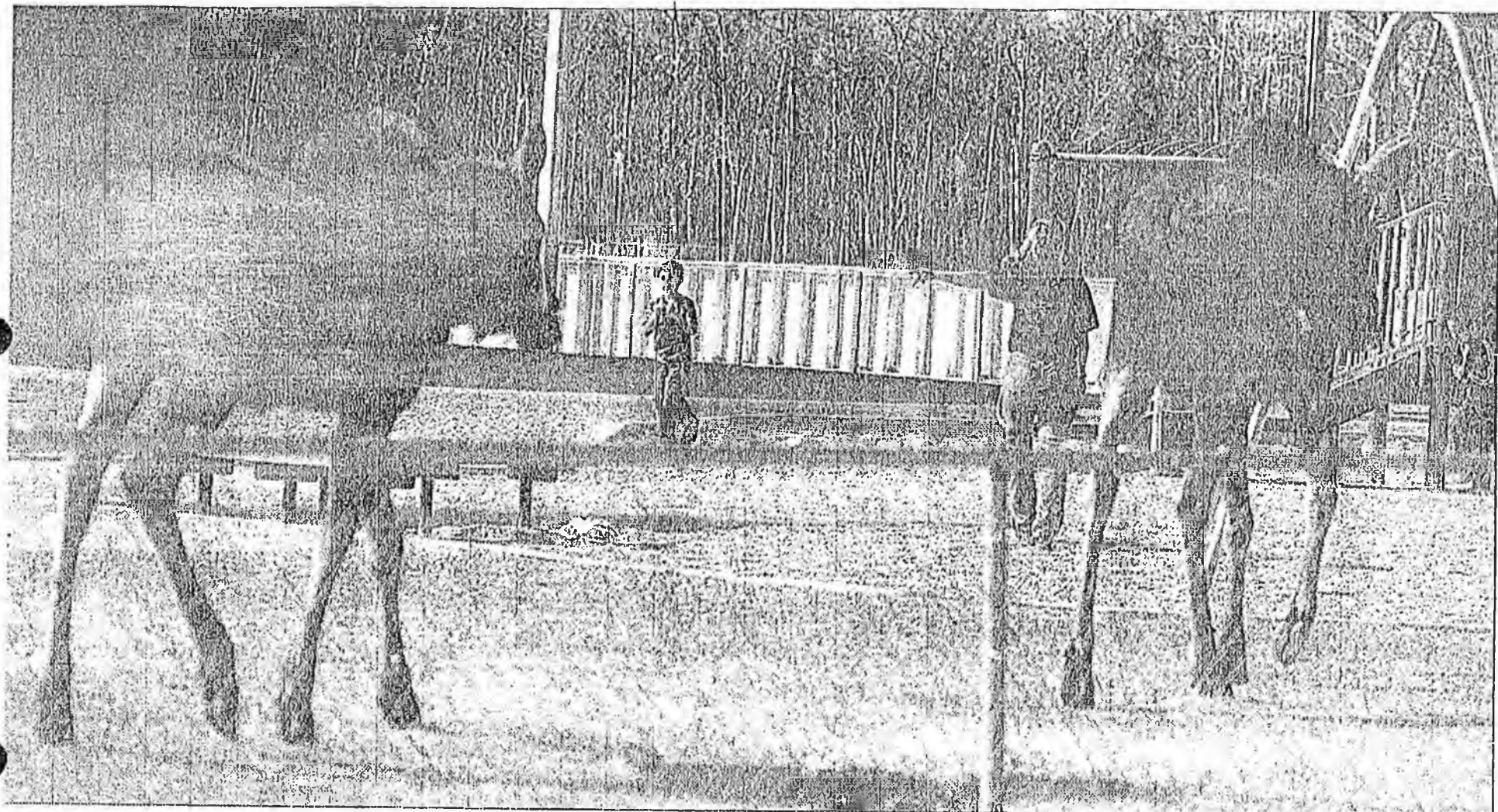
MARGARET D.C. STROBBE

Date:

3/12/04

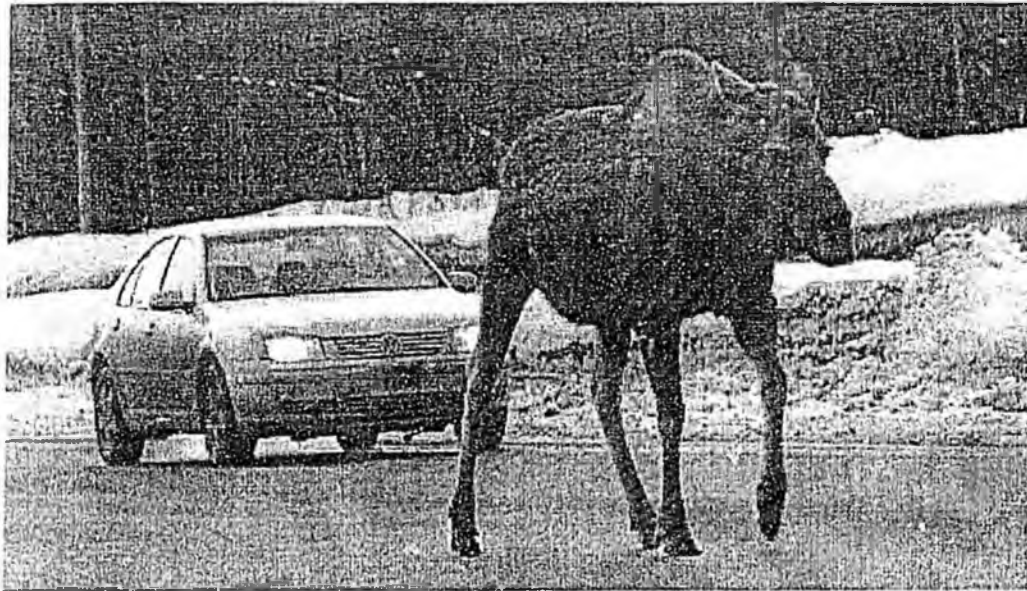


*Picture of Hannah 2 days after moose attack.*



moose and her calf walk through the Turnagain Elementary School playground as children are herded into the school.

BOB HALLINEN / Daily News archive



# Anchorage Daily News

Friday, February 10, 2004 ALASKA'S NEWSPAPER www.adn.com

## FAIRBANKS MOOSE COMES TO THE END OF THE LINE



ERIC ENGMAN / Fairbanks Daily News Miner

A bull moose lunged as Golden Valley Electric Association linemen Walt Becker, right, tried to free it from an old electric line Saturday afternoon in Fairbanks. Alaska Bureau of Wildlife Enforcement officers and GVEA workers tracked the moose as it ran through residential yards and into a wooded area, dragging the line behind it. The moose was shot and killed after it turned and charged a wildlife officer.

# SUNDAY

TV News • Books • Outdoors • Science

Final Edition

# Anchorage Daily News

February 24, 2002

ALASKA'S NEWS PAPER

## Moose carnage prompts concern

■ **PROPOSAL:** Group aims to curb collisions, conserve ungulates.

By **DOUG O'HARRA**  
Anchorage Daily News

Alaskans have been crashing cars and trucks into moose about five or six times per day since the start of the year.

The carnage includes a tragedy near Mile 105 of the Parks Highway on Jan. 5. John J. High of Trapper Creek died after his Subaru Legacy smashed into a moose with hardly enough time to tap the brakes. A family man survived by his wife and two young children, High was driving home from work.

That same day, drivers near Willow, Sutton, Palmer, Wasilla, Kenai and Seward also plowed into moose, according to the Alaska State Troopers. These were among more than 230 moose knocked down on rural highways since Jan. 1, about 100 more than the same period last year.

At least 16 people have been hospitalized or hurt, while hundreds have limped their cars home with dented fenders and shattered glass.

In Anchorage, where deep snow has driven an estimated 1,000 moose into neighborhoods, parks and streets, more than 120 moose have been killed since summer.

The specter of a huge brown animal lurking at the fringe of headlights continues to be the white-knuckle nightmare of every Alaska driver: 1,000 pounds of meat and bone threatening to bolt across your path.

Driving highways becomes a seasonal moose roulette that annually kills one to three people and injures at least 100 more. Last March, a 13-year-old boy died when a car driven by his mother crashed into a moose dashing across the Glenn Highway near the weigh station.

Even when no one gets hurt, moose collisions cost millions of dollars in property damage and lost time, and leaves hundreds of wild animals mangled by the

*See Back Page, MOOSE*

# MOOSE: Group proposes transporting ungulates from Anchorage Bowl

Continued from A-1

roadside.

Despite fences, lights and periodic campaigns to alert drivers or get them to slow down, the annual toll has averaged 650 across the state and 155 inside Anchorage since the early 1990s.

Biologists and wildlife advocates say the current situation unnecessarily risks lives while wasting one of the state's most valued food resources and wildlife icons.

Most of the moose kills in the Anchorage Bowl are from cars — not predators, said Anchorage area biologist Rick Sinnott, with the Alaska Department of Fish and Game. "We salvage as many of the moose as possible for human food, but I'd guess dozens die that aren't found until it's too late to salvage them."

Each accident can easily cost thousands of dollars, often more than the vehicle is worth, said Nancy Carpenter, spokeswoman for State Farm Insurance in Alaska.

"Our claims adjusters look at anywhere from three to six moose-car type collisions per week in the winter," she said. "Because of the stature of the animal, their height and their long legs, they tend to get tossed onto the car, doing significant damage to hoods and windshields."

But a new statewide group wants to sponsor an aggressive program to conserve moose and head off accidents. The Alaska Moose Federation wants to find a way to transplant up to 250 moose per year out of Anchorage into rural areas with open habitat.

A "nuisance moose" bill introduced this month by Sen. Con Bunde, R-Anchorage, would authorize that.

The group proposes to raise money for research or to help build structures to keep moose off roads. With a board of advisers that includes the governor and the state's congressional delegation, the federation hopes to launch a moose movement that will include youth moose troops. Its Web site is [www.growmoremoose.org](http://www.growmoremoose.org).

"What we're in right now is absolute genocide, with everyone in Mat-Su and Anchorage and the Kenai playing Russian roulette at night with their vehicles," said Gary Olson, the group's organizer and chairman. "Regardless of your perspective,

it's unacceptable."

At the same time, state and federal biologists have been pushing detailed studies of new road projects to find ways to reduce moose-car crashes.

Planners working on an extension of Bragaw Road across the Campbell Creek bottomland in Anchorage are also trying to find some recipe of fences, lighting and underpasses to keep moose off the road.

"It's a big issue on this project," said Kristen Hansen, with Dow Engineers.

The Alaska experience with moose mirrors a growing crisis in some Lower 48 cities with exploding deer populations. In a sense, the phenomenon is part of a broad ecological shift that allows human-tolerant animals to thrive near settlements without fear of natural predators. With habitat crisscrossed by roads, these animals must negotiate traffic to feed or bed down.

All these factors converge in Anchorage. Park-side boulevards like Tudor Road and Lake Otis Parkway, and Hillside collectors like Abbott and O'Malley and Rabbit Creek roads, concentrate the problem.

"It's a bad death zone in town because the moose are moving down through from the hills and coming out of (Far North) Bicentennial Park," said assistant state biologist Jessy Coltrane. "In order for moose to reach habitat, they have to cross a lot of high-speed, high-volume roads, and there's really no crossing structures."

Through the end of January, Anchorage drivers had killed 28 more moose than they had by the same time last winter. Since October, Sinnott and Coltrane have shot 20 crippled moose and found a couple of dozen others dead from unknown causes.

"It could be that they're dying of internal injuries, that they got hit by a car," Coltrane said. "Or it could be that they're feeding on garbage and they're getting blocked up."

Motorists north and south of Anchorage are also smashing into moose more often than usual, though the Alaska Railroad has reduced crashes from the 1990s. Through last week, the death toll was 286 moose on Mat-Su roads, and 276 moose on the Kenai, according to state biologists. Trains have killed 57 moose through Friday, including eight inside Anchorage and 27 in Mat-Su, said

chief engineer Tom Brooks.

"We're probably on track to have either the second or third highest road kill numbers since we started keeping records," said Mat-Su-area state biologist Gino Del Frate.

Finding a long-term solution to the problem means finding where moose migrate during winter and why, preferably by tracking moose with collars, said Kenai-area biologist Jeff Selinger. That would allow planners to design specific fixes for specific stretches of roads, whether fencing, lights, by-passes or changing vegetation.

High moose numbers in Anchorage and reports of low moose numbers in some rural areas inspired Olson to propose moving the city moose out of town. He argues that Anchorage could serve as a kind of moose incubator.

"We need to take moose where they are a liability right now and move them into an area where they are an asset, and that's something that's never been done before," he said. "This could go a long way to heal the rural-urban divide in this state."

But Sinnott, responsible for managing the city's moose, said transplanting moose presents logistical problems. Catching so many moose would be a full-time job that would become increasingly difficult after "the dumb ones" got snatched. Only certified people working under the supervision of a veterinarian can use the drugs that knock out and revive moose.

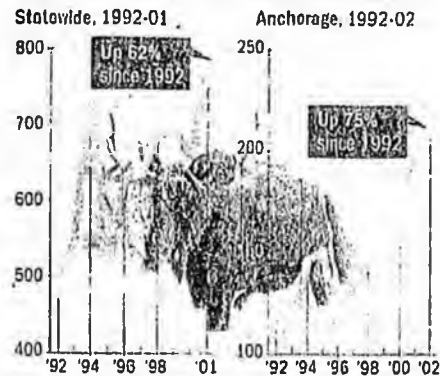
And then there would be other matters to resolve: Should moose be immobilized for hours, or allowed to wake up inside a trailer? Could an adult moose ride in an airplane safely? Would city-born moose survive when faced for the first time with wolves or an unfamiliar forest.

Still, it's worth thinking about, Sinnott said. "And it may be worth doing some limited experimentation."

The federation organizers are "very sincere and their heart is in the right place," he added. "They just need to do the right thing, and I think they're willing to do that. But I don't think we know what the right thing is right now."

Meanwhile the carnage marches on. On Feb. 12, an ordinary winter Thursday, drivers in Livengood, Nenana, Richardson, Tazlina, Palmer

## Moose-vehicle collisions rise



NOTE: 2002 statewide total's not available

Source: Department of Transportation

RON ENGSTROM / Anchorage Daily News

and Wasilla killed moose, according to the Alaska State Troopers. On Abbott Road of the Anchorage Hillside, a yearling bull leapt in front of a Dodge pickup heading east from Lake Otis Parkway at 6:17 a.m.

The result was typical: the truck sustained damage to the right front fender; the moose broke its legs, couldn't get up and was shot by police. The driver, Anchorage resident Travis Parry, was unhurt and received no citation, police said.

"The problem is that moose are so dark, and that area there is not well lit," said patrol officer Michael Busey. "If the moose walked out in front of him, there's not much he could do."

The moose was so mangled that only 40 pounds of meat could be salvaged for hamburger for two needy families, said Troy Nicholson, an Army National Guard sergeant who collected the carcass an hour later.

"I'm sure the vehicle just saw it at the last minute," said Nicholson, who himself ran into moose with his truck three years ago in Turnagain Pass, sustaining \$13,000 in damage.

Daily News reporter Doug O'Hara can be reached at [do'hara@adn.com](mailto:do'hara@adn.com).

SB

364

# SB 264, REPEAL PIPELINE PREAPPLICATION DEADLINE

Department of Natural Resources

February 26, 2004

## SUMMARY OF INTENT:

- The purpose of the Department of Natural Resources (DNR) proposed bill is to repeal the sunset date in AS 38.35.145(c). This statute allows DNR to enter into agreements with prospective lessees to recover the costs for preliminary work (preapplication work) on a pipeline right-of-way (R/W) lease application. This provision ended on December 31, 2003.
- This provision has been used most recently for pre-application work on the Pt. Thompson project, before that project was delayed; and the Kenai-Kachemak extension.
- Applicants initiate the request for the services and are under no obligation to do so. However, without this legislation DNR is not able to work with applicants until we receive an application.

## BACKGROUND:

Pipeline R/W lease applicants must submit detailed applications that require significant engineering and design work. (AS 38.35.050 and .100) Applicants invest significant financial resources to a project just to complete the application. Revisions to the application are costly and may be the pivotal point for an applicant's decision on the feasibility of a project. Applicants have found that it is critical that agencies be involved in the preapplication phase so that industry is aware of permitting issues at an early stage and they can build the issues into their application. Agency participation during the pre-application phase expedites the review and approval of the project.

## DNR NEEDS THIS BILL IN ORDER TO ENTER INTO REIMBURSEMENT AGREEMENTS.

- AS 37.10.050 prohibits a State agency from charging a fee unless the fee is set or otherwise authorized by statute. Generally DNR is authorized to charge fees and enter into agreements under AS 37.10.050-.058.
- AS 37.10.058(5) specifically excludes pipeline R/W leases under AS 38.35.
- Fees and charges for pipeline R/W authorizations issued under AS 38.35 are addressed in AS 38.35.140 and .145.
- AS 38.35.140 specifically addresses fees for processing a pipeline R/W application filed under AS 38.35.050, including reasonable costs associated with the monitoring, construction, operation, maintenance and termination of the R/W.
- AS 38.35.145 specifically addresses preapplication costs. AS 38.35.145(c) includes a sunset date of 12/31/03. Absent this bill, DNR is prohibited from entering into agreements for reimbursement for preapplication costs associated with pipeline R/W applications under AS 38.35 after December 31, 2003.

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF THE COMMISSIONER

- 400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FAX: (907) 465-3886
- 550 WEST 7<sup>TH</sup> AVENUE, SUITE 1400  
ANCHORAGE, ALASKA 99501-3650  
PHONE: (907) 269-8431  
FAX: (907) 269-8918

March 17, 2004

The Honorable Beverly Masek, Co-Chair  
The Honorable Nancy Dahlstrom, Co-Chair  
House Resources Committee  
Alaska State Legislature  
Juneau, AK 99801

RE: SB 264

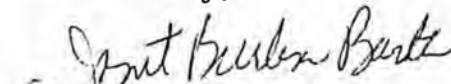
Dear Representatives Masek and Dahlstrom:

The purpose of this letter is to request a hearing in the House Resources Committee for SB 264. We request a hearing before the Committee the week of March 22. For your information, I have enclosed a copy of the Governor's transmittal letter (sponsor statement) and an information packet.

SB 264 repeals the sunset provision in AS 38.05.145(c). Repealing the sunset provision allows the Department of Natural Resources (DNR) to continue to enter into reimbursable agreements, on a voluntary basis, with pipeline right-of-way lease applicants, for costs incurred by DNR when assisting applicants in the preparation of their lease applications. SB 264 passed the Senate unanimously. It passed out of the House Oil and Gas Committee on March 16.

Thank you in advance for scheduling this bill. Please contact Janet Burleson Baxter at 465-4730 if you have any questions. You may also contact Marty Rutherford, DNR Deputy Commissioner, at 269-8431.

Sincerely,

  
Thomas E. Irwin  
Commissioner

Enclosure

cc: Marty Rutherford, Deputy Commissioner, DNR  
Tony Braden, JPO  
Mike Tibbles, Legislative Liaison, Office of Governor  
Janet Burleson Baxter, Legislative Liaison, DNR

*"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."*

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 264  
(S) Publish Date: 1/14/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
Title: Repeal Sunset: Pipeline RDU: Resource Development  
Rights-of-Way Component: Pipeline Coordinator  
Sponsor: Rules  
Requester: Governor Component No. 1191

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

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

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

CAPITAL EXPENDITURES						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
This bill repeals the sunset provision in AS 38.05.145(c). Repealing the sunset provision allows DNR to continue to enter into reimbursable agreements with pipeline right-of-way lease applicants for costs incurred by DNR when assisting them in the preparation of their lease applications. The fiscal impact of passing this legislation is \$0.0. The impact of not passing the legislation is significant. For FY 04 DNR budgeted about \$336.0 for these services. If we are no longer able to enter into reimbursable services agreements with these prospective clients we will not be able to participate in the pre-application review. Applicants are required to submit detailed applications that include significant engineering and design work. It is critical that DNR participate at the pre-application phase before applicants have invested substantial time and money in a project that may not be feasible.

Prepared by: Janet Burleson Baxter Phone 465-4730  
Division: Commissioner's Office Date/Time 12/31/03  
Approved by: Thomas Irwin, Commissioner Date 12/31/03  
Agency: Natural Resources

SB 264

FRANK H. MURKOWSKI  
GOVERNOR

GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

P.O. Box 110001  
JUNEAU, ALASKA 99811-0001  
(907) 465-3500  
FAX (907) 465-3532  
WWW.GOV.STATE.AK.US

January 12, 2004

The Honorable Gene Therriault  
President of the Senate  
Alaska State Legislature  
State Capitol, Room 107  
Juneau, Alaska 99801-1182

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill allowing the Department of Natural Resources (DNR) to continue to enter into reimbursement agreements with applicants for DNR's preliminary work on oil and gas pipeline right-of-way lease applications. DNR's preliminary work streamlines the application process. An effective permitting process is critical to revitalizing the oil and gas industry and growing Alaska's economy. DNR's current authority to enter into reimbursement agreements "sunset" on December 31, 2003. The bill contains a retroactive provision to ensure there is no "window" period when reimbursement agreements could not be entered into by DNR.

AS 38.35 requires pipeline right-of-way lease applicants to submit detailed applications that include significant engineering and design work. Substantial investments of time and money are needed even before an application is officially submitted to DNR. Costs of pre-application work by state agencies like DNR can range from about \$40,000 for a simple pipeline to several millions of dollars for a project like the proposed Alaska natural gas pipeline. Incomplete applications or applications that must be revised later are costly, create delays that could cost a producer the construction season, and may directly impact a decision on the feasibility of a project.

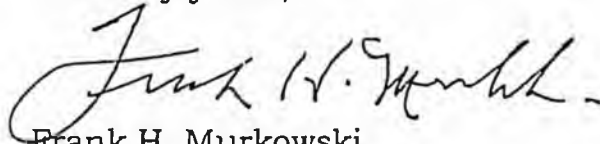
DNR's assistance and guidance results in a good working relationship with the applicant. It also results in early communication and explanation of state law requirements to applicants, complete initial applications, quicker

The Honorable Gene Therriault  
January 12, 2004  
Page 2

processing by DNR, fewer revisions, and a greater chance of approval of the project by DNR.

I urge your prompt and favorable action on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Frank H. Murkowski". The signature is written in a cursive style with a long horizontal flourish at the end.

Frank H. Murkowski  
Governor

Enclosure

**HOUSE COMMITTEE REPORT**

(7)

Date Referred to Committee: February 26, 2004

FURTHER REFERRALS: Resources

Date of Committee Action: March 16 2004

The HOUSE SPECIAL COMMITTEE ON OIL AND GAS considered:

SB 264

SENATE BILL NO. 264

REPEAL PIPELINE PREAPPLICATION DEADLINE

"An Act repealing the time limitation on the authority of the Department of Natural Resources to enter into agreements with a person or persons desiring to own an oil or natural gas pipeline proposed to be located on state land for the purposes of providing for payment of the reasonable costs incurred in preparing for activities before receipt of an application under the Alaska Right-of-Way Leasing Act; and providing for an effective date."

Recommends it be replaced with  HCS or  CS for \_\_\_\_\_ (\_\_\_\_\_)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LEG  
 LAW  
 LWF  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
/				

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DNR				✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Cheryl Heintze</i>	HEINZE	✓			
<i>Harvey Crawford, Jr.</i>	CRAWFORD			✓	
<i>W. K. Korte</i>	KORTE	✓			
<i>Ann Rokob</i>	Rokob	✗			
Chair: <i>W. K. Korte</i>	Korte	✗			
Chair:					

SJR

4



# ALASKA STATE LEGISLATURE

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SENATOR THOMAS H. WAGONER  
CHAIR, SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
VICE-CHAIR, SENATE RESOURCES COMMITTEE

---

Date: February 12, 2003

To: Representative Mike Chenault  
Representative Bud Fate  
Co-Chairs, House Resource Committee

From: Senator Tom Wagoner 

Re: SJR 4 ANWR Leasing

I would appreciate your consideration to schedule SJR 4 before the House Resource Committee. Attached, find the Sponsor Statement for the resolution and two fiscal notes.

There are many individuals and groups that have indicated their support for this resolution and I would be asking them to present their testimony when the measure is heard.

Thank you for your time and consideration.

# ALASKA STATE LEGISLATURE



Official Business

## SENATOR THOMAS H. WAGONER

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

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

### Sponsor Statement of SJR 4

**A Resolution urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production.**

The need for expanding Alaska's resource based industries is imperative if we want to maintain or increase the State's economic base. Development of our oil and gas reserves is our most viable option to increase the revenue stream and supply new jobs for those entering the workforce.

North Slope production peaked in 1988 at 2.005 million barrels per day and has declined steadily since. Current production is approximately half of the peak production. Development of the Coastal Plain will allow Alaska to derive economic benefits and at the same time provide stability to our national energy demands during the ongoing turmoil in the Middle East and Venezuela.

This resolution is not a new piece of legislation. It has been introduced on several occasions and has always enjoyed overwhelming support from the Governor and Legislature, as well as the citizens of Alaska. With George Bush as our current President, and support from the leadership in both the Senate and the House of Representatives, it is the time for the Coastal Plain to be explored and developed.

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SJR4  
(S) Publish Date: 2/5/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
Title Endorsing ANWR Leasing BRU Oil & Gas Development  
Component Oil & Gas Development  
Sponsor Sen. Wagoner ...  
Requester (S) RES Component No. 439

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (FY2003) cost: 0.0  
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)

No fiscal impact anticipated with passage of this resolution.

Prepared by: Mark Myers, Director Phone 269-8800  
Division Oil & Gas Date/Time 1/31/03 3:15 PM  
Approved by: Tom Irwin, Commissioner Date 1/31/2003  
Agency Natural Resources

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: SJR 4  
 (S) Publish Date: 2/5/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
 Title Endorsing ANWR Leasing BRU Administration and Support  
 Component Office of the Commissioner  
 Sponsor Wagoner  
 Requester Senate Resources Committee Component No. 123

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (FY2003) cost: 0.0  
 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)

There is no reliable estimate of future potential state revenues from oil and gas exploration in ANWR if this resolution is successful, other than to say the revenues could be substantial.

Prepared by: Larry Persily, Deputy Commissioner Phone 465-5469  
 Division Department of Revenue Date/Time 1/31/03 4:07 PM  
 Approved by: Larry Persily, Deputy Commissioner Date 1/31/2003  
 Agency Department of Revenue

SJR

12

**SESSION ADDRESS:**  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4925  
Fax: (907) 465-3517  
Toll Free: 1-800-821-4925

# **Senator Gary Stevens**

## **Alaska State Legislature**

**INTERIM ADDRESS:**  
112 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-4925  
Fax: (907) 486-5264



### **Sponsor Statement SJR 12** (Updated April 2, 2003)

Senate Joint Resolution 12, "Supporting the halibut by-catch utilization project of the Alaska Food Coalition"

This resolution comes in response to the Alaska Food Coalition's on-going efforts to help those less fortunate with much needed food assistance.

Currently, fishermen operating trawl vessels are prohibited from retaining accidentally caught halibut, and are required by federal regulation to discard halibut by-catch at sea, even dead halibut.

Kodiak processors have indicated an interest in handling and processing otherwise unused halibut by-catch for charitable purposes. The Alaska Food Coalition has established a plan, has acquired funds, and is ready to distribute the halibut by-catch to assist Alaskans in need.

This resolution will be sent to the North Pacific Fishery Council and the National Marine Fisheries Service to support the issuance of a Prohibited Species Donation Permit using halibut by-catch from vessels with observers. I urge your support.

SESSION ADDRESS:  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4925  
Fax: (907) 465-3517  
Toll Free: 1-800-821-4925

*Senator Gary Stevens*  
*Alaska State Legislature*

INTERIM ADDRESS:  
112 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-4925  
Fax: (907) 486-5264

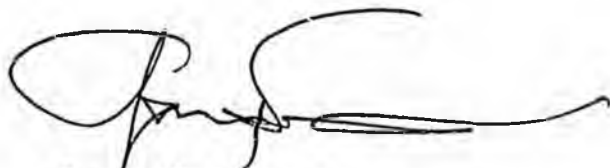
**Memorandum**

DT: April 9, 2003  
TO: Representative Bud Fate, Chair  
House Resources Committee  
FR: Senator Gary Stevens  
RE: SJR 12

I would like to request a committee hearing at your earliest convenience on Senate Joint Resolution 12, "Supporting the halibut by-catch utilization project of the Alaska Food Coalition".

Thank you for your consideration of this request.

Sincerely,



Senator Gary Stevens

**SESSION ADDRESS:**  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4925  
Fax: (907) 465-3517  
Toll Free: 1-800-821-4925

**Senator Gary Stevens**  
**Alaska State Legislature**

**INTERIM ADDRESS:**  
112 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-4925  
Fax: (907) 486-5264

**Sponsor Statement SJR 12**  
(Updated April 2, 2003)

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This resolution comes in response to the Alaska Food Coalition's on-going efforts to help those less fortunate with much needed food assistance.

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Kodiak processors have indicated an interest in handling and processing otherwise unused halibut by-catch for charitable purposes. The Alaska Food Coalition has established a plan, has acquired funds, and is ready to distribute the halibut by-catch to assist Alaskans in need.

This resolution will be sent to the North Pacific Fishery Council and the National Marine Fisheries Service to support the issuance of a Prohibited Species Donation Permit using halibut by-catch from vessels with observers. I urge your support.

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SJR 12  
 (S) Publish Date: 4/4/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Supporting the halibut by-catch BRU: Commissioners Office  
utilization project Component: Commissioners Office  
 Sponsor: Senator Gary Stevens  
 Requester: Senate Resources Component No. \_\_\_\_\_

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**FUND SOURCE (Thousands of Dollars)**

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

Estimate of any current year (FY2003) cost: 0.0  
 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)*  
 The issues addressed in SJR 12 are under federal jurisdiction.

Prepared by: Gordy Williams, Legislative Liaison Phone 465-6143  
 Division: Commissioners Office Date/Time 4/1/03 5:00 p.m.  
 Approved by: Gordy Williams, Legislative Liaison Date 4/1/2003  
 Agency: Department of Fish and Game

MAR 10 2002



1944 EAST REZANOF DRIVE  
KODIAK, ALASKA 99615  
(907) 486-4126 FAX 486-5567

KODIAK ISLAND FOOD BANK

March 3, 2003

Dear Senator Stevens:

It was a real honor to be your first constituent visitor on 2/24 following your appointment to the Senate, thank you. While there in Juneau with the Alaska Food Coalition I also met with Senator Dyson and he proposed to sponsor a Legislative Resolution supporting our by-catch project. Being the Senator from where this project is originating I thought you should be aware of the proposed resolution in the event that you might desire to cosponsor. In the event that you would be interested I am forwarding some proposed wording that may be helpful toward that end. We are also looking for someone in the House if you have any ideas.

This project is being developed in response to a critical need, one that is growing ever more serious with the progressing fishing crisis now underway in Alaska. In Kodiak and certainly other coastal communities 60% of the people seeking food bank assistance are either un or underemployed workers from the fishing industry. The impact of this project is two fold as it provides labor to those now most in jeopardy (fishery workers) while providing them and others in need across the state much needed food assistance.

Alaska is undeniably blessed with remarkable resources and with these resources we are given the obligation of stewardship. This year in the GOA alone, 4,409,171 pounds of dead caught halibut will simply be dumped at sea. Clearly this is a tragedy, especially when we consider the present need for this resource. Everyone would like to see these otherwise wasted fish put to good use and we are hopeful that this project can play a small part toward that end.

To accomplish this goal our proposal will have to successfully go before and receive the approval of the North Pacific Fishery Council and NMFS. Making NMFS aware that support for this project is not only wide spread but that is also at the highest levels will be quite beneficial. A legislative resolution could go a long way toward that end.

We are very much looking forward to seeing this project mature beyond a dream and a concept to become a tangible expression of this broadly held desire to see an unutilized and presently wasted resource put to good use. Any part you can play in making that happen is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Jones".

Trevor Jones,  
Alaska Food Coalition Chair

# **Southeast Alaska Fishermen's Alliance**

9369 North Douglas Highway  
Juneau, AK 99801



Phone 907-586-6652

Fax 907-586-5648

E-mail: [seafa@gci.net](mailto:seafa@gci.net)

---

April 23, 2003

House Resources Committee  
Representative Fate, Chair  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801

RE: Support HB 105

Dear Members of the House Resource Committee,

The Southeast Alaska Fishermen's Alliance supports HB 105, which allows the Division of Investments to satisfy past due federal tax obligations and to delete the section requiring a refinance fee of one-half percent.

While most fishermen have likely refinanced their loan already it would be nice in the future to not have this cost. The Division of Investments has a very simple refinance application that is not burdensome on the fishermen or the staff of Division of Investments to process these applications.

Reinstating the loan program would be very helpful to Alaskan residents who have fallen behind in their tax obligations due to the condition of the industry.

This was legislation that did not make it through the process last year but was supported by the fishing industry and is legislation that was supported through the Joint Legislative Salmon Industry Task Force. We hope that you will support the passage of this legislation through House Resource today and get this legislation moving forward through the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy H.", followed by a horizontal line.

Kathy Hansen  
Executive Director

SJR

26

# 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

March 01, 2004

### MEMORANDUM

To: Representative Beverly Masek, Co-Chair  
Representative Nancy Dahlstrom, Co-Chair  
House Resources Committee

From: Senator Tom Wagoner 

Subject: SJR 26 hearing

---

I would like to request a hearing for SJR 26 in the House Resources committee at your earliest convenience.

I have attached a packet of information including the resolution, sponsor statement, letters, and other information pertaining to this resolution. If you should have any questions please contact my staff, Amy Seitz, x 3421.

Thank you.

# ALASKA STATE LEGISLATURE



Official Business

## SENATOR THOMAS H. WAGONER

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

## SJR 26

### SALMON ENHANCEMENT IN WILDERNESS AREAS

For about 30 years the Department of Fish and Game, in cooperation with Cook Inlet Aquaculture Association have stocked Tustumena Lake with Sockeye salmon. 6 million salmon fry are dumped into the lake every year in early spring where they stay for a year and follow the regular cycle of a salmon; swim out to the Cook Inlet, mature, then return to Tustumena Lake.

On December 30, 2003 the Ninth Circuit Court of Appeals decided that the salmon stocking enhancement project in Tustumena Lake is an improper commercial activity-taking place inside a wilderness area, which violates the Wilderness Act. Tustumena Lake falls within the Wilderness area set out in the 1980 Alaska National Interest Lands Conservation Act as part of the Wilderness System initially created in 1964, but the Hatchery and areas where the various fisheries take place are outside of the area.

This enhancement program was designed to smooth out those times when the numbers of fish returning to this region are low. It was not designed to add income to commercial fisheries, although they do benefit from the program, as do others.

SJR 26 requests that the federal defendants in this case seek an immediate temporary stay of the Ninth Circuit Court decision to allow for this established enhancement program to continue until the appeal process is completed. SJR 26 also requests that the Department of the Interior and the United States Department of Justice support appealing this far-reaching decision made by the court. If the decision is not stayed and reversed, 6 million salmon fry will have to be disposed of, and in future years there will not be the cushion those salmon provide. It will also set a strict guideline for what constitutes a commercial activity, which will affect more than just the Kenai Peninsula, commercial fishing and the State of Alaska.