

11992 SENATE RESOURCES

written

My name is Nicole Fliss. I am a physician board certified in Family Medicine. I have lived in Fairbanks since 1998. In my free time, I am a dog musher, skier and hunting partner. We frequently travel the Dalton Highway and recreate within the 5 mile corridor that Senator Seekins' bill, SB 85, will eliminate.

I stand opposed to repealing AS 19.40.210 for several reasons. First, no land use provision should go forward without extensive input and study by the involved state agencies. And COSTS must be considered. We are kidding ourselves not to think that SB 85 would be VERY expensive in the long run. Second, I fear that this bill will devastate my friends in Wiseman and Coldfoot in their ability to provide food for their families. Their subsistence lifestyle would likely lose out to intensified hunting pressures. And third, mining trails from decades ago are still visible as scars in the tundra even though they are no longer used. Do we really want to unleash off-road vehicles to wreak this kind of long-term damage?

This bill proposes to open this area to the "average Alaskan." With sky-rocketing rates of obesity, diabetes and heart disease, I would think policy-makers would be directing legislation at increasing healthy lifestyles (such as walking) instead of making it easier for us sit and ride.



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Senate Resources Committee
Work Session
Fairbanks, October 11, 2005

Written Comments:
SB 170 – Fish & Game

SB 170 testimony LHG

My name is Wayne Heimer. I live at 1098 Chena Pump Road, and I'm speaking for myself.

For the last 7 years, I have been an active observer of the Department. During the preceding 25.4 years, I was a proud employee in the Department working in species research, species management, general management, and management problems occasioned by ANILCA.

I still identify with the Department, and its mission of managing, protecting, maintaining, improving, and extending the fish, game, and aquatic plant resources of Alaska. When I began to work with the Department in 1972, my mentor provided an orientation to the Department mission which began with "the resource," explained that wildlife is the common property of all Alaskans, showed me how our Constitution makes this clear, and went on to the Department's mission I just paraphrased from Title 16. I was expected to make my specific jobs relevant to that framework.

While I still love the Department, I can no longer take pride in what it has become. The reason for my change of attitude is that the Department has walked away from its mission of even "maintaining" (look at the declines in game across our state) let alone "improving" it. Similarly, if the Department were concerned with "maintaining" game it would actively "protect" populations from over-exploitation by human harvests (e.g. unregulated "cultural harvests") and predators, the two most manageable game mortality factors. If the Department had continued to embrace "enhancement," two things would have happened. There would never have been an intensive management law because it wouldn't have been needed, and the Department would not have opposed intensive management at every turn. It did.

Rather than embrace its clear Constitutional mission, the Wildlife Division wrote a modern mission statement in the mid-1990s. This watered down mission statement is attached to Article VIII and Title 16 as *attachment "A"* with my written testimony. Please compare the three statements. I suggest "mission drift" is clearly evident. If the Division wanted to "update" its mission, it would have been appropriate to propose changes in Title 16 and the Constitution rather than having the enlightened elite in the Department simply change the mission statement...and then follow it instead of the original Constitutional intent.

Most basically, if the Department were presently inclined toward Constitutional and statutory wildlife management, it would look to the intent of the Alaska Constitution and actively manage to produce sustained yield of specific wildlife species for human food. My conclusion here is based on the official State of Alaska Publication, *SUSTAINED YIELD Alaska's Constitutional Mandate for Action*, (Coghill and Campbell 1994). This well-researched and well-documented publication shows the intent of the Natural Resource Committee which drafted Article VIII of our Constitution clearly intended that

the "sustained yield" be maximized production of game as food for humans, not the sustainable yield of "hunting opportunity" or sustainable yield of "the opportunity to view and photograph wildlife." Campbell and Coghill also show that parasites and predators which might cause game to decline were specifically excluded from management for maximum sustained yield.

These days, enlightened ADF&G employees, often called "conservation biologists" rather than "wildlife managers," consider the Constitution's original intent to be archaic, unsophisticated, fairly "icky," and out of touch with modern "ecosystem management" in Alaska. However, the Constitution was clear when written, and because it has not been amended to the contrary, I reason it still means what it says.

Several years ago, I volunteered to serve as the Commissioner of Fish and Game. My goal was to re-invigorate the Constitutional imperative in the Department. In the course of this considered decision, I researched the duties of the Commissioner as well as the history and evolution of the Department's organizational culture. I have provided a white paper detailing my findings as part of my written testimony (*attachment "B"*). Those studies revealed that the Department's Divisions (other than the Division of Subsistence established by the legislature for the specific purposes of its day) exist primarily as extensions of the Commissioner's authority. I have already listed the Commissioner's duties as described in Alaska Statute 16, and suggested reasons to believe that modern Commissioners have stepped away from the intent of the Constitution-implementing legislation.

Hence, it is my conclusion that the Department is "broken," and needs to be fixed.

The most basic fix, which I encourage you implement in SB 170, would be define the duties of the Commissioner tightly in the terms established by the existing Constitution and Alaska state law. The job of being the fish, game, and aquatic plant manager for the state, as it has evolved and expanded, is simply too big for even the most capable person. As a result, authority has been delegated to politically driven administrators and biologists who, too frequently, let their personal opinions or overriding special interest concerns trump Alaska's Constitution and its laws.

In further testimony, you will most certainly hear details of specific areas where the Department needs the constitutionally-mandated legislative guidance placed in the legislature as trustee for the people. Such guidance is not meddling, in spite of what you may have read in Alaska Magazine, but the legislature's Constitutional duty. Had the Department not strayed from its task, this would not be necessary. Sadly, it is.

You will also hear from folks who are very happy with the direction the Department has taken in the last three decades. I have attached some "talking points" circulated by the Fairbanks Environmental Center with my written testimony (*attachment "C"*). Please examine them carefully. Here's how we got to this point:

Departure from Constitutional mission began in the mid 1970s with Rep. Sally Smith's (Mr. Smith was acting director of the Fairbanks Environmental Center till May) initial special appropriation of general-fund money for a "non-game" program. I consider the original "non-game" program significant because, starting there, the Department began to pursue money more than mission. This pursuit of money continues to distract the Department as manifested through ever-more ancillary programs and activities which assume high Departmental priorities (the State Wildlife Grant money is the ultimate example). These departures, while well-intentioned and worthwhile in themselves, have become compelling distractions from the original intent of the Constitution. Plainly put, these additional appropriated functions and programs show every sign of becoming the "tail" that "wags the Departmental dog."

I have made serious charges here, and I urge your critical analysis of my conclusion and its background justification. Similarly, I urge you to apply the same level of scrutiny to the opinions of those Alaskans who feel good about where the Department is headed and where the Department has clearly stated it intends to continue going.

In conclusion, I think the most basic approach to fixing what I consider a "broken" Department of Fish and Game would be to narrowly define the duties of the Commissioner (or perhaps separate Commissioners for fish and for game) in terms of the existing Constitutional mandate. Alternately you could define and prioritize the terms "manage, protect, maintain, improve, and extend" currently found in Title 16. I have attached proposed definitions with my written testimony as *attachment "D."*

I think ancillary programs such as "watchable wildlife," hunter safety, recruitment of outdoorswomen, management of bear and walrus viewing, and other marine mammal programs as well as the many State Wildlife Grant programs presumably justified by industry's need to keep critters and habitats off the endangered species list are worthy.

Nevertheless, I think it incumbent on the legislature to *either place those programs in the appropriate Departments* such as Environmental Conservation, DNR's Division of Parks, or the Department of Education and fund them from general fund dollars *OR pursue broadening the scope of the Departmental mission* to include them, legitimately, in the Department's mission and funding structure. It is unseemly and counterproductive to leave the existing, vagrant situation uncorrected.

Thank you.

ATTACHMENT "A"

The Constitution of the State of Alaska

Article VIII Natural Resources

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

SECTION 2. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

SECTION 3. Wherever occurring in the natural state fish, wildlife and waters are reserved to the people for common use.

SECTION 4. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

SECTION 5. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

Alaska Statute Title 16

Article 1. The Department of Fish and Game

Sec. 16.05.020. Functions of the commissioner. The commissioner shall

(1) supervise and control the department, and may appoint and employ division heads, enforcement agents (amended out), and the technical, clerical and other assistants necessary for general administration of the department;

(2) manage, protect, maintain, improve, and extend the fish, game, and aquatic plant resources of the state in the interest of the economy and general well-being of the state. [emphasis added WEH]

Division of Wildlife Conservation Mission Statement

The role of the Division of Wildlife Conservation is to conserve and enhance Alaska's wildlife and to provide for a wide range of uses for the greatest benefit of current and future generations of the people.

ATTACHMENT "B"

(Lengthy and appended see overleaf)

ATTACHMENT "C"

Excerpted from the Fairbanks Environmental Center's e-alert, urging their members to come out and testify in opposition to SB 170.

IN ADDITION -- Senate Bill 170:

At the same set of meetings, the Senate Resources Committee will address a second piece of legislation, Senate Bill 170. This bill would change state law such that revenue from the sale of hunting, trapping, and sport fishing licenses, tags, stamps, and permits would not only have to benefit sport hunting and fishing resources (as is already the case) but would have to be separately tracked at every stage, and never mixed with other revenues. This is also a problematic bill, for the following reasons:

- Many scientifically based management actions by Fish and Game might benefit all users, or whole ecosystems; it is impossible and unreasonable to expect the benefits to be separated in the manner suggested by SB170
- The extra financial tracking and accounting would waste time and create more paperwork rather than increase efficiency
- The bill redefines "fish" and "game" as only including species "for which the Board of Game has adopted regulations authorizing consumptive use or that the Board of Game has authorized the department to manage," thus leaving a potential gap in protections for species that don't meet these criteria
- The bill also transfers the power to define a species as endangered from the Commissioner of Fish and Game to the Boards of Fish and Game. It is unclear why this would be a useful change, or why it is being Made.

ATTACHMENT "D"

Proposed definitions of duties of the Commissioner (Note: I suggest amending "functions" to read "duties" because "duty" is more directive.)

*Under *Sec. 10.AS 16.05.940 I suggest the following definitions:*

"manage" means to intervene in natural processes such as plant succession, natural predation, and human harvests to produce and maintain fish, ungulate game, and furbearer populations near their biological carrying capacity, consistent with the sustained yield mandate of the Alaska Constitution as defined in AS 16.05.020 (B).

"protect" means to prevent irreversible declines in populations of all Alaskan wildlife and fish populations, through maintaining habitats which favor production of game, fur, and fish populations for human food, yet remain suitable for diverse non-game species, and specific management of predation to produce sustained yield as defined in AS 16.05.020 (B), and prevention of non-endemic diseases and parasites.

"improve" means to re-establish the ranges and abundance of fish, game, and fur resources which have declined to the point where they do not provide maximum sustainable yields for human uses limited only by their biological carrying capacities consistent with the sustained yield mandate of the Alaska Constitution and which is consistent with the protection of fish and wildlife defined in this title.

"extend" means to culture the establishment of fish and game populations in biologically suitable habitats subject to the definitions of "protection" and "improvement" as defined in this act.

"near their biological carrying capacity" means the maximum number of wildlife and fish which will not permanently degrade their habitats sufficiently to preclude "protection" as defined in this act and to comply with the sustained yield intent of the Alaska Constitution.

ATTACHMENT "B"

ADF&G Renaissance

November 13, 2002 (with an addendum in early spring 2005)

To: Murkowski Transition Team

From: Wayne E. Heimer
Fairbanks, Alaska 99709

Re: The Alaska Department of Fish and Game

INTRODUCTION: Why should you care what I think?

With the impending change of administration, many Alaskans are asking what the future may hold for the Alaska Department of Fish and Game. It may be reasonable to consider me a credible commentator because, during my 25-year ADF&G career, I have worked as a game/wildlife biologist under every Governor Alaska has ever had. This experience included species-specific wildlife research and management (15 years on Dall sheep), general wildlife management (five years on interior game and furbearer species), and a statewide five-year immersion in ANILCA history and implementation of both state and federal subsistence preferences. As a result of this diverse experience, I've had unusual opportunities to observe the history, structure, and function of the Department from within for more than a quarter of a century, yet with some "distance" from the mainstream of ADF&G because I had an atypical background and perspective. Throughout the five years since my retirement, I have continued this study of the Department from the outside. When I sum the years of careful study of the Department, I can honestly say I've spent more than 15 years as a careful observer and analyst of Departmental structure and function. I've summarized my experience here both to "credential" myself for those who may not know me, and as a means of declaring that I did not think this stuff up "overnight." Here, I'll do my best to summarize my position. I'll follow with more details.

SUMMARY OF MY CONCLUSIONS AND SUGGESTIONS:

*Because of increasing politicization by "progressive" administrations over time, Alaska's intended Constitutional and Legislative management formula has eroded to the point that I consider ADF&G and the Alaska fish and game management system "broken."

*To fix this broken system, we must de-politicize it. On the state/federal level, this begins with reestablishment of state authority for fish and game management. There is no legal underpinning for Federal fish and game management in Alaska. Neither the Alaska Statehood Compact or Statehood Act nor ANILCA gives the Feds the right/mandate to take over management of fish and game. The Feds must go. This should greatly de-politicize the Department with respect to federally related special interests, and reinvigorate the Department.

*De-politicizing the Department on the state level requires re-establishing the management responsibility/authority for Alaska's fish and game in the Office of a Commissioner whose duties are tightly defined in terms of Constitutional intent and Alaska law. This will require legislative action, most basically getting the Boards of Fish

and Game out of the management policy arena. Once this is done, and the Department is seen as an extension of a Commissioner's office with definite legislative guidelines, the Department should be reorganized with adherence to biologically based practical management with Alaska law as its guideline. The present structure of the Department works against this goal.

Several legislative actions will be required to make this work. In order, they are:

- a. Define the highest priority use of Alaska's fish and game as "human food" (which Alaskans can understand as a common value, not "subsistence" which is, sadly, in the eye of the beholder).
- b. Restore management authority to the Commissioner's Office by getting the Boards out of management policymaking by (among other things) repealing the state's Intensive Wildlife Management Law and narrowly defining the duties of the Commissioner in the intended Constitutional terms.
- c. Repeal the state's Subsistence Law (and the Division of Subsistence's enabling legislation). If we have defined "use as human food" as the highest priority use of Alaska's fish and Game, the biologically impossible and divisive subsistence law is redundant.
- d. Approach the "subsistence problem" by considering a new approach that recognizes Alaska Native special-ness by establishing a Canadian style co-management program. This would require a long-sought constitutional amendment (although not one to allow Federal management under state rules), and would establish co-management on Native lands in exchange for deleting "subsistence management" on public lands. This would recognize the validity of both cultures by separating them geographically.

Additionally, we must take legislative action to protect our fish and wildlife, to the extent we can, from infection by diseases. Allowing infection of Dall sheep by domestic sheep pneumonia or infection of any wildlife by chronic wasting disease is a definite threat. We can recover from any management mistake we may make... except this one.

Chronic Wasting Disease can be most effectively prevented by prohibiting the use of "recycled animal proteins" as livestock feed in Alaska, and tightly regulating game farming practices with respect to location, security, and use of exotic feeds. This change can be most rapidly accelerated by putting the State Veterinarian's office under the Commissioner of Fish and Game. Likewise, regulation of game farming should also fall under the Commissioner of Fish and Game... not under Agriculture.

Infection of Dall sheep with domestic sheep pneumonia could be easily preventable by legislating against domestic presence near Dall sheep habitats.

BACKGROUND, RATIONALE, AND ARGUMENTS FOR THE SUMMARY ITEMS

THE PROBLEM:

Over the last eight years, the outgoing administration has engaged in unprecedented manipulation of the Department and the management process for what appear to be political and ideological purposes. Consequently, many very concerned Alaskans are wondering what course Governor Murkowski will choose. Clearly, our new Governor will not continue in the operational mode of the outgoing administration.

The course Governor Murkowski chooses will be determined by whether he embraces the traditional "hands-off" gubernatorial position by simply appointing more highly qualified people and letting them and the system "work," or whether he perceives the Department and management system are sufficiently dysfunctional after eight years of abuse and domination that more extensive corrective actions are necessary.

It is my opinion that the latter course should be carefully considered. With the possible exception of the four years of the Hickel administration (which was eight years ago), the Department has been under "progressive" remaking for most of the last 25 years. The cumulative effects of these "progressive" administrations have been a marked shift *toward politicization* of the Department and the management process and *away from the Constitutional intent* for management of Alaska's fish and game. **POLITICIZING THE DEPARTMENT OVER THE LAST 25 YEARS HAS COMPROMISED ITS CONSTITUTIONALLY DEFINED FUNCTION.**

EXAMINING THE CONSTITUTIONAL MANDATE:

As I have consistently read Article VIII of the Alaska Constitution and the laws required to implement it (Alaska Statutes Title 16 Natural Resources), I've concluded that the Department is not a "state entity" for which a Commissioner is responsible. Rather, it is an extension of the Commissioner's Office. Viewing the Department in this light will effect a radical functional change.

As I understand it from early versions of AS Sec. 16.05.020 (circa 1960), the Commissioner basically has one huge job. It is to "*manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the interest of the economy and general well-being of the state.*" This, of course, is too big a job for one person, so the Commissioner has been given the specific ability to hire helpers and do other things required to get the job of "managing" done. Hence, I infer that the Department (the Commissioner's legally designated helpers) exists functionally, not as

an agency of state government, but as a way to allow the Commissioner to manage Alaska's fish and game.

This is important because re-establishing the credibility and Constitutional/Legislative function of the Department will require a change in the way both the Commissioner and those he/she hires see themselves and their mission. I suggest this change in understanding fits well with the Governor's positive approach to fixing what's broken in Alaska. If Alaskans, (starting with the Governor, through his Commissioner, and to all Alaskans) begin to perceive the Department of Fish and Game as a functional entity in fish and wildlife management for the production of human benefits as prescribed in the Constitution, rather than a "state agency" to be manipulated to their specific ends, all Alaskans will benefit. These benefits will result from following the explicit scientific approach to management prescribed in the Constitution.

THE CONSTITUTIONAL PRESCRIPTION:

The Constitution prescribes management for maximum sustained yield to produce Legislatively defined human benefits (economic benefit and general well-being of the state, i.e. Alaskans). In the Constitution's context, this means science-based management. This notion, that the best management possible is based on the best knowledge (i.e. science) available, dates from the origins of natural resource conservation, and is known as the "Roosevelt (that would be Teddy, *not* Franklin) Doctrine." This implies the chief officer responsible for management of Alaska's fish and game, the Commissioner, should know the Alaska management system intimately, know difference between science and public opinion, and be willing to take the heat for managing within the constraints of Alaska Law, which basically codifies the Roosevelt Doctrine as the way to produce human benefits on a maximum sustained yield basis.

Consequently, if the Governor decides to return to Constitutional mandates for management, it will be necessary for him to select a Constitutionally responsible Commissioner. Such a Commissioner must understand that the Department is responsible to him/her rather than he/she being responsible for maintaining or protecting "it." That is, restoration of the Department of Fish and Game to proper Constitutional function would begin with Governor Murkowski's selection of a Commissioner unlike past Commissioners. In my opinion, following the best of the established, non-invasive traditions (appointing "good people" and staying out of the way) will be unlikely to effect the changes required to re-Constitutionalize the Department because the "now-progressive traditions" of the Department and management system have drifted so far from what was envisioned when the Constitution was written.

APPLICATION:

If the Governor should agree this is the case, I suggest his search for a Commissioner should focus on meeting five basic criteria. The ideal Commissioner should have the following qualifications:

1. The Commissioner should be fiercely loyal to the Constitution (which would include reassertion of the State's sovereign right to manage its common property resources, e.g. fish and game).
2. The Commissioner should clearly view the Department as an extension of the Commissioner's Office, and not a state government agency, and he/she should be willing to manage it as such. Here, I would add that the task of modern management has become so complex that the only practical way to succeed is, paradoxically, to simplify. A return to the Constitution and its enabling laws should achieve this depoliticizing simplification.
3. The Commissioner should be familiar with the Department, its history, its successes its failures, the reasons for them, and be willing to make the necessary corrections..
4. The Commissioner should be sufficiently well-versed in subsistence history, dual management, and ANILCA implementation issues to advise the Governor on innovative solutions to the problem. The well-worn, approaches simply haven't worked. They are unlikely to in the future.
5. The Governor and his Commissioner should realize that we have a "golden moment" where much of the public, the Governor, and the Legislature are looking for positive change and clear, open leadership. Hence, there should no timidity in asking the Legislature for changes required to fix what is mutually understood as "broken." Movement of the State Veterinarian's office from DEC (where it ended up after being taken from the Div. of Agriculture) to Fish and Game is but one example.

WHAT A COMMISSIONER WOULD HAVE TO DO TO DEPOLITICIZE THE DEPARTMENT:

I suggest a Constitutionally-driven, modern Commissioner should seriously consider updating Departmental structure because the existing, inherited structure of the Department predisposes it to failure in the modern management environment. The present structure functioned well when management was less complex. However, in the present environment, the Department's structure works against its intended function. Three examples demonstrate the inherent conflicts between structure and function:

1. Having a Division of Commercial Fisheries (a numerically small but economically important special interest group with a traditional-but-not-legislatively-codified priority), a Division of Sport Fisheries (another huge special interest group with a traditional low priority), and a Division of Subsistence (yet another special interest group, but one with a legislated priority) all "fighting over the same salmon" is a recipe for failure. Similarly,

the traditional "Commercial Fish Commissioner" model, while relevant when commercial fishing was the *de facto* priority may be outmoded now that Alaska Law makes subsistence the highest priority use. I suggest a differing organizational model built around king, chum, silver, red, etc. salmon teams where all special interests work together, without regional or Divisional boundaries, to provide the human benefits all Alaskans rightfully expect from their salmon resource would be more relevant to the modern situation.

2. The Regional/Area structure of the Wildlife Conservation (formerly Game) Division is inconsistent with the common ownership/use provision of the Constitution. Formerly (until about 1969) the Game Division was organized differently. Prior to the existing Regional/Area organization, management was carried out by statewide species programs. The present regional organization (which eventually produced administratively duplicative, essentially autonomous regions and nearly autonomous "area managers" (who are susceptible to local pressure) was created to allow more local (i.e. political) influence on management decisions, thus compromising scientific management.

Until things got so complex with "subsistence" the Division/Region/Area organizational model was workable. Today it isn't. It results in excessive Departmental susceptibility to local pressure (outside of and in addition to the established Advisory Committee System input), and causes more problems than I can discuss here. Duplications of administrative structure and Divisional/Regional infighting are wasteful as well.

Not the least of the present wildlife and fish Division models' problems is that they tend to separate "local" from "non-local" and "commercial" from "non-commercial" users at a time when unity is more necessary than ever. Additionally, these organizational models compromise biologically-driven management decisions. In short, the existing Division/Regional/Area structure inherently politicizes the system (both within and outside of the Department).

3. The existing Draft Strategic Management Plan for Wildlife Conservation is an example of bureaucratic growth/inefficiency. This plan actually has more to do with justifying use of CARA funding than meeting the Constitutional and Legislative mandates for fish and game management. Certainly, the opportunity to see and enjoy wildlife is important to Alaska's economy, but good Constitutional management should logically provide for these opportunities without the expense of duplicative administrative programs or compromises in traditional management programs.

A PLAN FOR RECOVERY OF THE DEPARTMENT OF FISH AND GAME AND ASSURANCE OF A CONSTITUTIONALLY DRIVEN FUTURE:

If we would de-politicize the system and return to the "Roosevelt Doctrine" as envisioned by the framers of the Alaska Constitution (see below), several steps must be taken.

First: Alaskans must elect a Governor committed to this process. Alternately, Alaskans must elect a legislature committed to this process.

Second: For longer-term beneficial changes to occur, Alaska's new Governor or the legislature will have to recognize the system has been corrupted by "progressives" over many years to the point of needing overhaul. Failing this recognition by the Governor, the legislature will have to act to redirect the Department of Fish and Game toward Constitutional management.

Third: The end result of either approach should be a Commissioner's Office with the vision and fortitude to fix a badly broken management system. This would require a Commissioner who understands the job and that he/she is responsible *for*, not *to*, the Department. A "custodial Commissioner" will be unable to "right the Department" in these trying times. [Author's note: 10/11/2005: I do not see the present Commissioner rising beyond the custodial role.]

Fourth: The Legislature will have to support the Governor or lead the Governor to several requisite Legislative changes. I suggest the most basic of these Legislative efforts will center on revitalizing the Constitutional and legal office of the Commissioner.

This process begins with redefining the duties of the Commissioner by tying them more tightly to the Constitution. These changes were first suggested as modifications to HB 178 in spring of 2002.

The most basic of these changes would define the highest priority use of Alaska's fish and game as human food (thus paving the way for getting out of the subsistence morass as well).

The second-most basic would have put the Commissioner back in control of management policy *under strict Constitutionally founded and Legislatively codified duties*.

Over time, the policy-making function of the Commissioner's office has been gradually shifted to, and been assumed by, the Boards of Fish and Game, resulting in notable failures too numerous to mention here. This needs to be fixed to de-politicize the system (as the previous administration so graphically demonstrated).

The "Board/Commissioner-policy" fix will require searching out the Constitutional and legislative intent for, and responsibilities of, the Boards of Fish and Game. Once this is understood, Legislative action will be

required to strip these Boards of any now-codified assumptions of the Commissioner's management responsibility and the authority required to do the job of management.

The Intensive Wildlife Management Act serves as an example here. Well-meaning Alaskans tried to drive wildlife management back to its Constitutional roots through this law. This failed because the Department and its "progressive" allies were more effective in protecting Departmental "flexibility" in legislative committees than the outside-the-system proponents of Constitutional management were in securing meaningful change. The resulting law increased the Board of Game's role in management, thus politicizing the process further. For this reason, *the Intensive Wildlife Management Act should be repealed, and any legislatively codified empowerment of the Board of Fisheries to manage must be similarly researched and eliminated.*

Fifth, the subsistence issue: Revitalizing the Department of Fish and Game will require addressing the subsistence issue. Here I suggest the Governor/Legislature/Commissioner take a fresh look at the problem, which also has its roots in federal politicization of Alaska's fish and game management. I suggest the following, perhaps "outside the box" steps:

First: The feds have to go. Acting in concert, the Governor, the Legislature, and the state's Commissioner should act to terminate federal involvement in management of Alaska's fish and game resources. If the legislature acts as trustee of the common property assets of Alaskans for the people of Alaska, and if the Governor resists federal usurpation of his responsibilities to Alaskans by involving the Departments of Fish and Game and Public Safety in simply refusing to recognize administratively-constructed (through the Federal Subsistence Board) federal subsistence regulations the feds could be "out" in a short time... unless they want to sue the state where they would most probably lose. If this series of actions were taken in concert with the Department of Interior, where Alaska presumably has a friend on the issue of Federal oversight, I would have to be positive about the outcome.

Second: The state's subsistence law should be repealed because it will be redundant if the Legislature has established the highest priority use of fish and wildlife as "human food" (as recommended under the fourth item above). If this were to be the case, Alaska would have met the original intent of the morass of subsistence laws and regulations (both state and federal).

Additionally, both state and federal subsistence laws are mechanically and practically impossible to comply with as a management formula. It's

impossible to know all the things required to make the priority allocations called for in the existing law. Furthermore, the state's subsistence law is administratively cumbersome and inimical to success in scientific management because it politicizes the process.

Going along with this repeal would be *repeal of the Division of Subsistence's legislative existence as a "state agency."* This will be necessary if the Commissioner is to reorganize the Department on a "species management program/team" concept more likely to result in management success (because it would allow placing valuable subsistence specialists on each management team without the redundant and excessive administrative costs of carrying these people as a separate "division").

Third: Once we have achieved the first and second steps, we can approach solution of the subsistence problem. I see this problem as having two components.

The first is assuring opportunities to obtain fish and wildlife for food in rural Alaska. If we make the highest priority use of Alaska's wildlife and fish "human food," it then becomes a matter of managing for abundance rather than some vaguely perceived "natural ecosystem" where we "take what Mother Nature gives" and prioritize use of any remaining scarce resource. There are many who think the subsistence problem will "go away" if we supply an abundance of resources for food (and associated cultural uses). I don't agree. Hence, my perception of the second part of this problem.

The second has to do with a yearning on the part of Alaska Natives for some sort of codified recognition of their specialness as a unique group of human beings. I see this as the most legitimate driver of the subsistence movement. I suggest, most simply (and perhaps naively), that if we manage to create resource abundance as stated above, this second need can be met through a real (as opposed to what we have seen the Department offer so far) co-management program.

This would involve a Constitutional amendment allowing any private landowner with acreage of sufficient ecological significance (enough land) the option of negotiating a co-management agreement on allocation with the state. Since there are no other private landowners with such holdings, this would produce a *de facto* recognition of Native specialness. Through this means, we could allow Natives equal allocation and management

authority with the state on their land holdings of significant "ecological size." This would be, of course, a major concession for those of us tied to the "common use" ethic, and would have to be conditional upon Native willingness to "swap" this increased recognition of cultural autonomy in exchange for "ANILCA subsistence management" on federal public lands.

SB 170

My name is Pete Buist, Box 71561, Fairbanks. I am a Master Guide and retired State employee. I wish to speak in favor of SB 170.

I am not unfamiliar with ADFG's budget process. I served for nearly 20 years on the Fairbanks Advisory Committee and more recently on the Alaska Board of Game. I was not appointed to the Board after twice refusing to knuckle under to demands from the Governor's Office to change my vote. I guess I am now branded "not a Team player," But while on the Board, as now, I tried to do what was best for the resource, not what was politically expedient. Even though it apparently cost me my seat on the Board.

We still have a lot of terrific wildlife biologists at the working levels of the Department. But at the top of the Fish and Game food chain, there are political appointees who apparently have set a very different goals and objectives and a penchant for spending other people's money on their pet projects.

The Fairbanks office is a good example of no competence such competence

Diversion of funds to these pet projects has become the norm in the past few years. To those of us more concerned with

abundant and healthy wildlife populations for human use and consumption, this has been very disconcerting.

As a member of the Board of Game, I heard over and over from Area Biologists that their budgets, controlled of course by the political appointees in the Department, were being cut.

“We don’t have the people to do the work” they told us.

“We don’t have money for surveys” they said. “Much less any money to manage wildlife stocks.”

We would ask them for data to help us make tough Board decisions and they would tell us that they did not have the data because their budgets had been cut.

Yet, amazingly, at the same time, the Department was expanding programs for non-consumptive use and had plenty of money to throw at “non-game species,” non-consumptive uses and expensive “planning” efforts.

We cannot afford to do moose and sheep surveys, but we are inventorying “frogs and owls?” Obviously there has been

significant diversion of funds and our trust in our public officials at the Dept has been misplaced.

Let me briefly address how this has affected the ability of the public to give input to the Boards of Fisheries and Game.

The same political appointees who are launching and promoting expensive "planning" projects seem to pursue a common theme. They seem to want to make it easier to include more ANTI-consumptive use and animal rights groups in the public input process.

Have these political appointees just been blinded by offers of grants and entitlements from federal programs for "non-game?" They often refer to a plethora of federal programs and matching funds as the reason they have diverted funds that should have ^{been} used to benefit consumptive users.

Something is drastically wrong here and leads me to believe that we simply can no longer trust the political appointees within the Dept with our license dollars and matching funds.

It seems a bit odd to me that we can fly representatives of animal rights groups to “planning meetings” in the Bush at state expense, but we cannot “find” adequate travel money for duly-elected Advisory Committee members to attend Board meetings.

Some of the rural Advisory Committees have been told that, because of budget restrictions, they can only meet ONCE A YEAR. And they are charged with advising the Boards on hundreds of regulation change proposals.

The Advisory Committee representatives are sent to Board meetings, but are told that, because of the budget restrictions, they can stay only for the day they give their 15 minutes of testimony. They are generally not authorized to stay to participate in committee work or deliberations where their experience and expertise is so desperately needed by the Boards.

The Board of Game ^{was} ~~has been~~ told that “because of budget restrictions” we were to keep our meetings as short as possible. Last March, my last meeting as a member, we routinely spent

12 to 14 hours per day, trying to keep the total number of days low and thus reduce the cost.

We were told we could only meet in urban settings. Allegedly this was because meeting in rural areas was expensive, but obviously those who hold the purse strings must know that by holding meetings in urban centers, we make it far easier to marginalize local usersⁱⁿ rural areas. ~~But~~^{had}, it makes it a slam dunk for the urban non-consumptive users to pack the meetings to pressure the Board members.

I worked as a state bureaucrat for almost 30 years. I understand very well that having the Legislature insist on "firm adult supervision" of one's budget is frustrating.

But the arrogance of the upper echelon at Fish and Game has brought us to this point and requires the actions described in SB 170.



These people have twisted and manipulated the mission of the department.

They have diverted and mismanaged the funds collected from legitimate license holders.

And they have continued to defy you, the Legislature, in order to keep funding their pet projects instead of what the money was allocated to accomplish.

I think that the changes outlined in SB 170 to require more accountability are, unfortunately, long overdue. Alaskans and other license purchasers who harvest our wildlife resources deserve better. After all it is THEIR money.

Let's more closely and more specifically define the duties and powers of the Commissioner of Fish and Game.

And let's put in place a system of oversight for the Fish and Game budget that benefits Alaskans and Alaskan wildlife resources, instead of just furthering the pet projects of a handful of political appointees.

The Dept of Fish and Game wants fee increases? I say "Fine."

**But they should agree to ensuring that it is spent responsibly
and with oversight by the Legislature. SB 170 ensures that
responsibility and necessary oversight.**

Thank you.

11 October 2005

FAIRBANKS
SB 170

813 Lancaster Dr.

Fairbanks, AK 99712

Dear Senators Seckin & Wagoner:

Through my work at the Alaska Bird Observatory, I have met tens of thousands of people who value Alaska's non-game wildlife and game resources. I have yet to meet a hunter that doesn't care about Alaska's environment, and I know a lot of birdwatchers and ornithologists that are hunters. Non-consumptive use of wildlife and hunting are not mutually exclusive, nor does everyone fall into only one of these user groups.

Through my work I am also acutely aware of the huge economic value of Alaska's non-game wildlife. Rather than quote statistics & dollar figures, I instead want to focus on what I believe is a primary concern driving SB 170: Sportsmen shouldn't bear the cost of protecting our non-game wildlife.

I don't think many people disagree with this (although one could argue that there are non-game programs that also benefit fish & game, and hence sportsmen). Non-consumptive wildlife users want to "pay their own way" and tried for years to implement an excise tax on outdoor gear to do so. The "Teaming with Wildlife" Act proposed such a tax and generated incredibly broad support from user groups, small businesses and corporations across America. Unfortunately, anti-tax groups defeated the bill. My understanding is that sportsmen's groups in Alaska fought this Act out of fear

(2)

that it would give non-hunters "a voice at the table." If this is true, it is unbelievably short sighted and arrogant.

Maintaining healthy wildlife systems means more than just managing for maximum moose harvests. We need healthy ecosystems for such things as trapping, maintaining our fisheries, and sustaining upland game birds and furbearers. Fortunately, Rep. Don Young saw the value of America's non-game resources and showed the leadership to obtain a source of funds through the Conservation and Reinvestment Act. This Act was rejected by the Bush Administration, and the compromise to the states was the State Wildlife Grant program (which requires matching dollars from States).

This is a great program-- the Feds give us three dollars for every one of ours, but we need to raise the matching funds. If you don't want it to come from license fees, then I ask you to "do like Don Young" and help non-consumptive users secure alternate funding. For two years the Alaska legislature has offered up a bill that would implement a user fee for viewing wildlife. Please work out the kinks in that bill and get it passed! Sell it as a conservation stamp, and people will buy them just for the sake of collecting them. Some states allow purchasers of hunting and fishing licenses to add on a donation to support nongame programs.

I would be happy to tack on a donation to the fishing/hunt license I buy each year. Many states sell special license plates and/or allow people to add a dollar to their vehicle registration fee to support nongame programs. We should consider doing the same.

We are shooting ourselves in our collective feet by not leveraging state fees to grab all the Federal dollars we can to maintain Alaska's incredible wildlife. Our non-game resources generate an extraordinary amount of revenue in Alaska and shouldn't be ignored. Please take the lead in being proactive to help non-consumptive users pay their own way, so ADF+G can adequately manage our non-game resources too. Thank you.

Sincerely,
Nancy Bennett

P.S. Is it constitutional to dedicate proceeds from a state license to these specific purposes outlined in SB 170?
(see Article IX, Section 7)

**Testimony of the Alaska Outdoor Council
To the Senate Resources Committee
on SB 170 and SB 85,**

*also
verbal*

Fairbanks, October 11, 2005
By Dick Bishop, Interior Vice President

Mr. Chairman: I am Dick Bishop, Interior Vice President of the Alaska Outdoor Council. Thank you for holding hearings on these important bills. The Council appreciates the efforts of Senator Seekins, his staff and advisors in developing these bills.

SB 170

The Council appreciates that SB 170 addresses the Division of Wildlife Conservation's need for additional funding. SB 170 contains considerable detail with regard to how the Division and Department function. Rather than attempt to comment on all these matters at this time, The Council offers the following comments on what it believes SB 170 should help accomplish:

1. Financial accountability and transparency – which encompasses the notion that not only do we want to see where the money is going, but we want it to be *easy to see* where the money is going.
2. Enforceability – This encompasses the notion that the current statute has allowed regulations and rules that are not enforceable, and could not possibly be enforced. This leads to inconsistency and confusion among hunters and people at fish and game. The new bill language should be clear in this regard.
3. Efficient organizational structure – which encompasses the notion that license fees pay for fish and game programs. As payers, we want an organization structure that gets us the most bang for the buck.
4. Increased hunter harvest – we want more game available to harvest; not simply more opportunity, we want more production.
5. Attract qualified management biologists – which encompasses the notion that a number of experienced biologists have left the department in recent years and another large group is nearing retirement. We would like to see a statutory framework that gives managers the tools to make a positive difference in the field, which we believe will make ADF&G a more attractive place to work.
6. Integrate and empower boards and advisory committees – which encompasses the notion that our system envisions a bottom-up approach in establishing management goals and objectives, which we may have gotten away from in recent years.

Alaskans have always held the conservation of their fish and wildlife in high regard, as reflected in Alaska's Constitution, which emphasizes management on the sustained yield principle and common use by all Alaskans. Early in Statehood the Legislature chose to establish a separate Department of Fish and Game. The Legislature also established an extensive public input system, the Board of Fisheries and Game and their Advisory Committees. These provisions are virtually unique in the United States.

It follows, then that adequate funding is essential to accomplish these important functions. The Council has over the past year or so, advocated increased funding, both from the General Fund and other sources, to improve research, management and enhancement of fisheries and wildlife. The Council has also advocated that dollars derived from fishers, hunters, and trappers be used to the best advantage to provide for fishing, hunting and trapping.

SB 85

The Alaska Outdoor Council has supported SB 85 since soon after its introduction. The Council agrees with the Legislative intent which cites Sections 1 through 3 of the Alaska State Constitution.

Lands and waters adjacent to the Dalton Highway provide greatly expanded opportunities for public uses of public resources. Early restrictions on access and activities in the Dalton Highway corridor to accommodate industrial development no longer seem necessary or appropriate.

The bill's provision for an extended planning period will ensure that appropriate regulations will apply to access and uses of the lands and waters adjacent to the Dalton Highway. The Council wishes to emphasize its interest and intent in participating in the planning process established under SB 85.

Thank you.

Wick Bristow

MT Testimony for Senate Resources on SB 170

Chairman Wagoner and members of the Senate Resources Committee welcome to Fairbanks. My name is Mike Tinker and my address is 478 Alpha Way, Ester.

I am representing myself and my family. My Alaskan background in Fish and Game issues comes from over 40 years of hunting and fishing for food. I hold Registered Guide license #480 and operated a hunting business for 20 years. I am a member of the Fairbanks F&G Advisory Committee and served ten years as chairman. I have been in a million meetings, had two million phone calls, received 500,000 emails but I never exaggerated except, like the Department, when I was counting moose. I networked with dozens of other AC chairman and participated in a dozen "special planning teams" all with the goal of trying to bring logic and common sense to fish and game resource decisions.

My topic for your hearing tonight is how the Alaskan Public is involved in fish and game issues, especially regulatory decisions by the Boards, and how you can make it work better.

Before I talk about Public involvement, I'd like to re-state my support for opening lands along the haul road to normal recreational use. I continue to support DNR's environmental conditions for use, such as snow depth prior to snowmachine use. There is no reason to differentiate between land use south of the Yukon River and north of the Yukon River.

Just before I became an Alaskan, the framers of our state constitution and our first lawmakers in the legislature realized how important fish and game resources are to Alaska and especially to those Alaskans who hunt and fish for food. They crafted Title 16, and required three basic sets of responsibilities for fish and game management and regulations. Our Governor, thus the

Administration, is charged with appointing a Commissioner who runs the Department of Fish and Game and members for the Boards of Fish and Game. The Legislature, as trustee for all of our resources, confirms those appointments, sets the statutory sideboards for management and allocation and authorizes the funding for the Department and the Boards. The Department is charged with protecting and managing those resources. The Boards make the allocative decisions.

Where then does the public come into the process?

In Sec. 16.05.260, our early lawmakers recognized the importance of public participation in fish and game resource management. This section is the one that authorizes and sets the criteria and regulations for our community based Advisory Committee system. Nearly 80 AC's with over five hundred Alaskans participating. At one time regional councils made up of AC representatives provided a more in-depth review for the Boards.

Unlike some fevered, single issue, special interest groups, our AC's have a statutory responsibility to all of the issues. They don't represent the Department and they don't represent the Boards. These 100% volunteer participants spend thousands of hours each year going over hundreds of proposed changes to various management and allocation issues. Most AC's take their responsibilities very seriously.

Early on, the AC system was administered and funded through the Boards. When Sec. 16.05.261 was repealed, for cost savings, the AC's were made wards of the Commissioner's office.

When times were good and resources plentiful and game populations were still benefiting from pre-statehood Federal and state sponsored predator control, the relationship between the ACs and the Department was good. As the resources diminished, and

because Department leadership was terrified of controversy, the AC's became a problem. They often did not agree with the Department's party line. Special interests from animal rights activists, anti-hunter organizations, and eco terrorists were schmoozing the Department's leadership and the Governor's office. The differences of opinion on "how to manage" caused significant controversy. Rather than learn to manage controversy, the Department turned its back on its long term public review and subscribed to a new form of public involvement. This touchy-feely era of special planning teams and large stakeholder groups was a forum for the special interests and eco terrorist groups to derail the whole management process.

I'm thankful that in the Legislature you have the responsibility to vote for decisions rather than attempt "consensus" decision making. These special "planning efforts" were and are tremendously expensive and time consuming. I'm talking about hundreds of thousands of dollars per effort.

The "new" public involvement process ground management to a standstill. A result desired by some of the activists. There was further deterioration of the big game populations and no improvement to solving the controversy. The new process had the effect of pouring sand into the gears. Many of the special interests led the initiative efforts to further restrict management options for the Department.

The result, especially in the last fifteen years, has been a complete disenfranchising of the AC's by the Department evidenced by cut after cut to the AC's budget by the Commissioner's office. Those of us who worked with you in the Legislature to get additional money for the AC's saw any funds re-routed, that is diverted to other priorities, by the Commissioner.

Many of our rural AC's are now funded for one meeting a year. At that meeting they are responsible to review and advise on hundreds of fishery proposals AND hundreds of game proposals. They saw the special interests monopolizing Board members and time and able to stay as long as it takes to get what they want. It's not a surprise to me that many of the most experienced AC representatives, threw up their hands and resigned.

Alaska has been applauded worldwide for the AC's system of public involvement. Most states get very little community review for fish and game resource decisions. Ours was a terrific model and at one time, worked very well. Alaska's AC system represented thinking "outside the box" for its innovation and it was relatively low cost.

Now, that system, like other processes used by the Department, is broken. AC's are expected to provide input and discussion with the Boards, yet are lucky to be funded (by the Department) to do any more than provide public comments in the first hours of a two week long meeting. Like your own review processes, fish and game proposals change during the course of a Board meeting and AC's are conspicuously absent when there are changes or compromises. They have been told, "Sorry, we can't afford for your representative to stay for deliberations or questions."

How do we fix it? I recommend you consider adding to SB 170 the original concept of the Boards being responsible for their own administration and budgets. Get them and the AC's out of the stranglehold of the Department. Perhaps put the budget for the special planning teams into the AC budget. I recommend you consider further empowering the AC's in some regional or local decisions. They now have statutory authority for some seasonal closures.

FAIRBANKS
SB 170

THOMAS N. SCARBOROUGH
1676 TAROKA DRIVE
FAIRBANKS, ALASKA 99709
(907)479-3412
FAX(907) 479-6602
October 10, 2005

Subject: Testimony for Senate Judiciary Committee, Senate Bill 170

From: Thomas N. Scarborough

I will not attempt to critique SB 170 in depth as it is only in draft stage and is evolving and will likely be rewritten after these hearings are completed. I will deal in concepts only and attempt to point out where I see the Department of Fish and Game and more particularly the Division of Wildlife has evolved to.

I have over 30 years of observing the actions of the Division of Game (now called Wildlife). From my perspective the Div. of Wildlife has evolved into a nonfunctional entity that no longer understands its mission as prescribed by the Alaska Constitution and State Statutes. The public trust responsibilities for managing our wildlife resources on a sustained yield bases have been and are currently being grossly mishandled.

It appears to me that the Division leadership believes they are free to take any action they see fit, move monies around irregardless of restriction imposed by State and Federal Law and undertake or ignore management actions requested by Legislature, all with no repercussions from the Legislature or anyone else. This Leadership appears to consider any input, suggestions, etc. by general public or Legislature as meddling. The Division knows best. All the while we have seen state wide moose populations decline more than 50% and in some areas close to 100%. Sheep harvest is now one half of that of 10 years ago. The Divisions response is to request higher fees for resident and non-resident hunters while offering them less to harvest. Active management (predator control) has been opposed and only taken place when forced by Legislature.

The Division Leadership complains it has no funds to perform basic wildlife counts, yet in fiscal 2005 they transferred \$500,000 of funds generated by hunter license fees to match Federal funds to prepare documents for non-game studies. This appears to be a direct violation of State Statutes.

I will suggest that the time has come for the Legislature to exert their authority and take an active roll as the State of Alaska Trustees to bring the Department of Fish and Game, namely the Division of Wildlife, back to its proper mission as specified by Title 8 of Constitution.

The Board of Game (BOG) must be separated from the Department by separate funding. The Board must be allowed to select its own staff and legal council.

I believe it should be clearly understood by the Legislature that the Board is an arm of the Legislature and not part of the Executive Branch. The Department of Fish and Game now considers the BOG as an entity of the Executive Branch to be used to further their addenda of non-management. In addition they attempt to have Executive Branch Council represent both Dept. and Board. The BOG and the Dept. do not have the same legal responsibilities. This puts Council in the position of either attempting to present both sides of an issue or selecting one side and neglecting the other side. I believe the Alaska Bar has some very strict prohibitions on Council attempting to perform this balancing act. This situation must be corrected.

The responsibilities of the BOG must be clarified to clearly show they are not there to manage, but direct the managers. This clarification must include the Advisory Committee system to show it is a function of the BOG. It appears the Dept. now considers the Advisory Committee's of little more than a group to be ignored if possible when they do not like their advice, and circumvented when they get in the way. Thus we see separate working groups such as the Forty Mile Caribou and Koyukuk Moose Committees which it appears to me have no basis in law.

I will assist where I can to see that the above suggested changes are made. Hundreds of millions of dollars of renewable wildlife and associated recreation resources are at stake. Corrective actions must be taken, and the sooner the better.

Thank you,

A handwritten signature in cursive script, appearing to read "Don A. Seaberg". The signature is written in dark ink and is positioned below the typed text "Thank you,".

ALASKA WILDLIFE CONSERVATION ASSN.
1625 Old Steese Hwy. - Fairbanks, AK 99701 - (907) 456-1992

October 10, 2005

Dear Senate Resource Committee Members:

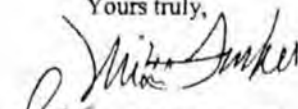
A death in my family has prevented me from attending this meeting personally, so I will provide an outline of some serious issues facing fish and wildlife resource management by the Department of Fish & Game.

Federal and Alaska Law (AS 16.05.130) prohibits Alaska's Fish & Game fund license revenues from being spent on anything other than programs that directly benefit license holders. This Statute also requires ADF&G to annually report to the legislature, by project, all expenditures from the Fish & Game fund.

Unfortunately, the Department of Fish & Game classifies all Fish & Game fund monies as unrestricted and does not report to the legislature on Fish & Game fund expenditures on a project basis. The Department of Fish & Game has, and does, use Fish & Game fund license monies for purposes not related to consumptive use species management. Nearly \$1 Million per year is being diverted to seek Federal monies for non-game species. The Department of Fish & Game has, over the last decade, expanded their scope to include, and even the definition of the word "game" to include all species of wildlife including insects, aquatic invertebrates, all bird life, salamanders, toads and frogs, to name but a few.

ADF&G's budget reveals that for the past two years over half of ADF&G research is being done on non-game species. The Department has expanded their activities to secure funding from nearly 20 different Federal projects in return for tens of millions of dollars. (See attached). At the same time, the Department has been restricting consumptive use game management expenditures and has been consistently reducing its active management of Alaska's consumptive use species. The Department's monitoring of the rapid decline of Alaska's consumptive use species is unprecedented and should be of serious concern to all of us. I shall forward additional material to you.

Yours truly,


for Lynn E. Levensgood
E Board Member

USDOC 11.0024-DC 2001-18
USDOJ 16 202
USDOJ 16 523
USDOJ 16 540

U DOJ 16 541

USDOJ 16 548
USDOJ 16 549

Phase II
Code Blue (Improve Rural Emergency Health Care) 71,233
Offender Reentry Program 31,042
Juvenile Accountability Incentive Block Grants 1,607,589
Juvenile Justice and Delinquency Prevention: Allocation to States 475,067
Juvenile Justice and Delinquency Prevention: Special Emphases 294,749
Title V: Delinquency Prevention Program 37,633
Part E: State Challenge Activities 98,491

ALASKA DEPARTMENT OF FISH AND GAME



Department Summary

Commercial Fisheries
 Sport Fish
 Wildlife Conservation
 Administration and Support

ALASKA CONSTITUTION: Article VIII, Section 4. Sustained Yield. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

MISSION: To protect, maintain, and improve the fish, game, and aquatic plant resources of the state, and manage their use and development for the maximum benefit of the people of the state, consistent with the sustained yield principle.

FY06 Funding Sources

Federal Receipts	61,116,600
General Funds	33,800,800
Interagency Receipts	11,553,800
EVOS	4,237,700
Fish & Game Fund	26,948,600
Commercial Fisheries Loan Fund	1,976,300
CIP Receipts	5,213,300
Statutory Designated Program Receipts	5,222,600
Test Fish Receipts	2,475,900
Receipt Supported Services (CFEC Receipts)	3,400,900
Other	64,300
Total	156,010,800

FY06 Budget

Commercial Fisheries: Manage subsistence, commercial, and personal use fisheries in the interest of the economy and general well being of the citizens of the state, consistent with the sustained yield principle, and subject to allocations through public regulatory processes.	54,752,900
Sport Fish: Protect and improve the state's recreational fisheries resources.	43,444,100
Wildlife Conservation: Conserve and enhance Alaska's wildlife and habitats and provide for a wide range of public uses and benefits.	31,502,400
Administration and Support: Provide support and management direction to departmental programs.	26,311,400
Total	156,010,800

Core Services

- Provide opportunities to utilize fish and wildlife resources
- Ensure sustainability and harvestable surplus of fish and wildlife resources
- Provide information on Alaska fish and wildlife resources to all customers
- Involve the public in management of fish and wildlife resources
- Protect the state's sovereignty to manage fish and wildlife resources



Tagging salmon. ©ADF&G.

ALASKA DEPARTMENT OF FISH AND GAME



Division of Commercial Fisheries

MISSION: To manage subsistence, commercial, and personal use fisheries in the interest of the economy and general well being of the citizens of the state, consistent with the sustained yield principle, and subject to allocations through public regulatory processes.

FY06 Funding Sources

Federal Receipts	16,014,900
US Dept of the Interior	1,546,900
US Dept of Commerce	14,075,700
US Dept of Agriculture	392,300
General Funds	24,873,400
Interagency Receipts	1,669,300
Fish & Game Fund	1,551,800
Commercial Fisheries Loan Fund	1,865,900
CIP Receipts	3,080,700
Statutory Designated Program Receipts	2,246,600
Test Fish Receipts	2,475,900
Other	974,400
Total	54,752,900

FY06 Budget

Stock Assessment and Applied Research	31,283,700
Harvest Management	20,642,600
Aquaculture Permitting	1,257,300
Information Services and Public Participation	1,569,300
Total	54,752,900

Core Services

- **Stock Assessment & Applied Research:** Maintain ongoing programs for the enumeration, assessment, and understanding of salmon, herring, groundfish, and shellfish stocks.
- **Harvest Management:** Control the harvest of fishery resources for subsistence, commercial, and personal uses according to plans and regulations.
- **Aquaculture Permitting:** Permit and provide regulatory, technical, and planning services to aquatic farmers and private nonprofit hatchery operators.
- **Information Services and Public Participation:** Develop, maintain and disseminate data, analyses, and published reports.



Trawler. ©ADF&G.



Measuring halibut. ©ADF&G.

ALASKA DEPARTMENT OF FISH AND GAME



Division of Sport Fish

MISSION: To protect and improve the state's recreational fisheries resources.

FY06 Funding Sources

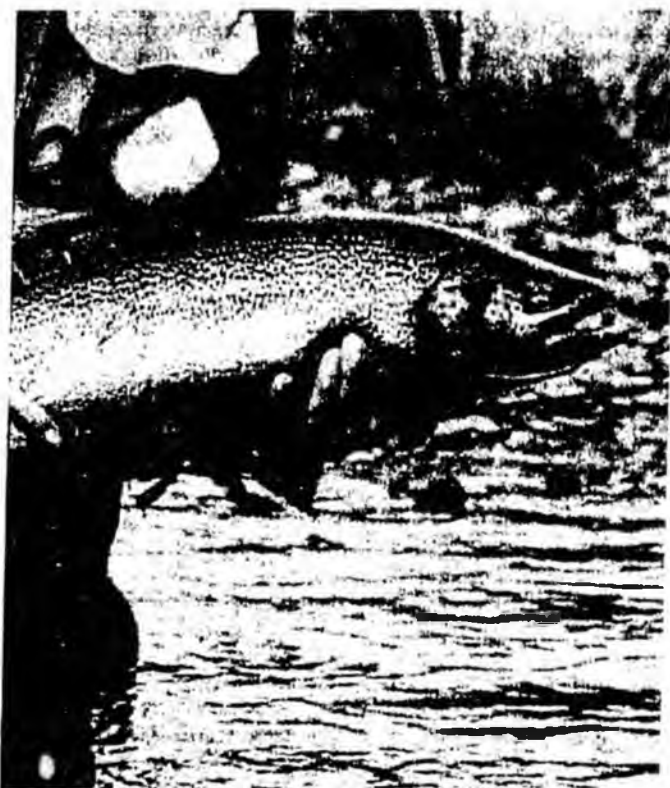
Division of Sport Fish	
Federal Receipts	21,555,000
US Dept of the Interior	19,269,100
US Dept of Commerce	1,874,200
US Dept of Agriculture	329,300
Other Federal Receipts	82,400
General Funds	383,600
Interagency Receipts	2,455,600
Fish & Game Fund	14,904,600
CIP Receipts	1,774,400
Statutory Designated Prog. Rcpts.	1,965,800
Other	405,100
Total	43,444,100

FY06 Budget

Research/Stock Assessment	16,608,277
Management	7,748,014
Hatchery Production	6,380,718
Access Development & Maintenance	5,064,062
Habitat Assessment & Restoration	4,452,671
Information & Education	2,633,312
Enforcement	202,562
Planning & Survey	354,484
Total	43,444,100

Core Services

- **Research/Stock Assessment:** Assess fish populations that are the basis of our state's recreational and personal use fisheries to assure sustained yield from these fishery resources.
- **Management:** Develop fishery regulations and management plans in coordination with the Alaska Board of Fisheries and other regulatory boards to manage recreational and personal use fisheries consistent with the sustained yield principle.
- **Hatchery Production:** Maintain 3 hatcheries producing chinook/coho salmon, rainbow trout, char and grayling to provide added/more diverse recreational fishing opportunities that do not affect wild stocks or their fisheries.
- **Access Development & Maintenance:** Build, buy, lease, and maintain physical access to fisheries for the benefit of Alaska's recreational and personal use fishers.
- **Habitat Assessment & Restoration:** Provide habitat restoration expertise, permitting and management of legislatively designated Special Areas, review of resource development projects, and identification of legal access to public resources.
- **Information & Education Services:** Support an outreach program to inform and educate the public regarding sport fishing opportunities, regulations, and the life histories of fishes and their habitat needs.
- **Enforcement:** Assist in enforcement of state laws and regulations to assure orderly and legal recreational and personal use fisheries.
- **Planning & Survey:** Monitor the preferences of Alaska's public regarding the management of Alaska's recreational and personal use fisheries through strategic planning and surveys of public opinion.



Rainbow trout. ©ADF&G.

ALASKA DEPARTMENT OF FISH AND GAME



Division of Wildlife Conservation

(including Hunter Education Public Shooting Ranges)

MISSION: To conserve and enhance Alaska's wildlife and habitats and provide for a wide range of public uses and benefits.

FY06 Funding Sources

Federal Receipts	18,311,500
US Dept of the Interior, USFWS, Wildlife Restoration	9,574,400
US Dept of the Interior, USFWS, State Wildlife Grants	3,172,100
US Dept of Commerce, National Marine Fisheries Service	3,095,700
Other Federal Receipts	2,469,300
General Funds	1,271,400
Interagency Receipts	939,400
Fish & Game Fund	10,368,200
Statutory Designated Program Receipts	561,900
EVOS	50,000
Total	31,502,400

FY06 Budget

Management/Coordination	10,840,400
Species Survey & Inventory	6,399,500
Public & Hunter Information	1,826,600
Wildlife Research	10,273,300
Refuges and Sanctuaries	804,900
Hunter Education	570,600
Shooting Facilities	787,100
Total	31,502,400

Core Services

- **Management/Coordination:** Biological, technician, and management staff housed in 24 area/regional offices. Interagency coordination with federal land partners, Board of Game.
- **Species Survey & Inventory:** Field work within Game Management Units to monitor species populations and prepare study data for yearly Board of Game meetings.
- **Public & Hunter Information Services:** Public interaction by biologists and information center staff regarding hunting opportunities and other uses of wildlife.
- **Wildlife Research:** Multi-year field studies including data collection and analysis.
- **Refuges and Sanctuaries:** Management of McNeil River, Pack Creek, Creamers Field, Potter Marsh, Palmer Hay Flats, Round Island, Mendenhall Wetlands, Minto Flats, and Wolverine Creek.
Hunter Education: Coordinate volunteer instructors and administer hunter education classes.
- **Shooting Facilities:** Operate shooting range facilities in Anchorage, Fairbanks and Juneau.



Moose. ©ADF&G.

ALASKA DEPARTMENT OF FISH AND GAME



Administration and Support

MISSION: To protect, maintain, and improve the fish, game, and aquatic plant resources of the state, and manage their use and development for the maximum benefit of the people of the state, consistent with the sustained yield principle.



Recording data. Photo by Jim Craig. ©ADF&G.

FY06 Funding Sources


Federal Receipts	5,235,200
General Funds	7,272,400
Interagency Receipts	6,489,500
EVOS	3,470,500
Fish & Game Fund	124,000
Commercial Fisheries Loan Fund	104,500
CIP Receipts	358,200
Statutory Designated Prog. Rcpts.	448,300
Receipt Supported Services (CFEC fees)	2,808,800
Total	26,311,400

FY06 Budget

Commissioner's Office	1,300,200
Administrative Services	8,058,300
Boards & Advisory Committees	1,742,700
Subsistence Division	4,313,800
EVOS	4,277,800
Facilities Maintenance & Rent	3,366,500
Commercial Fisheries Entry Commission	3,252,100
Total	26,311,400

Core Services

- **Commissioner's Office:** Provide support and management direction to departmental programs.
- **Administrative Services:** Provide professional support services to the programs of the department.
- **Boards and Advisory Committees:** Administer the public process for the state's regulatory system relating to fish and wildlife resources; administer the advisory committee system and ensure the general public is provided an opportunity to participate in the state's regulatory process relating to fish and wildlife resources. Ensure that the state's regulatory system relating to fish and wildlife resources operates efficiently and effectively. Ensure that the advisory committees and the general public are given an opportunity to participate in the state's regulatory process.
- **Subsistence Division:** Gather, quantify, evaluate, and report data about uses, users, and methods of subsistence hunting and fishing, and make recommendations on the impacts of federal and state laws and regulations on subsistence uses and users.
- **Exxon Valdez Oil Spill Council:** Sustain a healthy and biologically diverse marine ecosystem in the northern Gulf of Alaska and the human use of the marine resources in that ecosystem through greater understanding of how its productivity is influenced by natural changes and human activities.
- **Facilities Maintenance & Rent:** Account for expenditures for annual facility operations, annual maintenance and repair, and periodic renewal and replacement for Fish and Game facilities; manage state-owned and leased facility rental costs.
- **Commercial Fisheries Entry Commission:** Limit entry into commercial fisheries for purposes of resource conservation and to prevent economic distress among fishermen and those dependent on them for a livelihood.



DALTON HEARING—John Lyle, middle, holds a map showing the Dalton Highway corridor as he voices his opposition to Senate Bill 85 during public testimony Tuesday in the Fairbanks City Council Chambers. A standing-room-only crowd turned out to testify before senators, seated with backs to camera from left, Ralph Seekins, R-Fairbanks, the bill's sponsor; Danny Olson, D-Nome; Tom Wagoner, R-Kenai; and Kim Elton, D-Juneau. The bill would repeal the state's long-standing motorized vehicle ban along the Haul Road and the pipeline corridor.

Speakers criticize Dalton ORV plan

By R.A. DILLON
Staff Writer

Members of the Senate Resource Committee took public comment Tuesday night on a proposal to lift restrictions on off-road vehicle use along the Dalton Highway.

More than 100 people filled the second-floor Fairbanks City Council chambers to comment on the controversial measure, which would likely increase traffic on the Prudhoe Bay Haul Road.

While outdoor enthusiasts have supported the use of snowmachines and four-wheelers in the area for the increased public access it would allow, nearly all of those who testified Tuesday were critical of the proposal.

Conservationists and hunters alike argued, sometimes angrily and once even in verse, that lifting the long-standing ban would damage the area's landscape, increase hunting pressure on caribou and moose populations, disrupt sensitive scientific data collection at the Toolik Field Station research facility and increase safety and security concerns along the 414-mile road.

Testimony in favor of opening the area Tuesday night was scarce and centered on the access it would provide for the disabled. Fairbanks Republican Sen. Ralph Seekins, the bill's sponsor, said concerns about the environmental impact of allowing off-road vehicles along the road would be limited by state and federal management.

"Every issue that was raised here has

“
Show me a place where there's ATVs that there's not people pointing out problems. We don't have ATVs there presently and that's a good thing.
”

—David van den Berg, executive director
Northern Alaska Environmental Center

already been addressed in the bill," he said.

The purpose of removing the restriction is to provide greater public access to a large part of the state for recreational and hunting opportunities, Seekins said.

Many of those who testified, though, argued that access to the area is more than sufficient. Under the current law, the public can stop their vehicles anywhere along the highway and walk, ski or dog team into surrounding countryside.

"There already is access to the area," said Nancy Fresco of the Northern Alaska Environmental Center. "This is more about a certain kind of access."

Off-road vehicles are currently prohibited from driving within five miles of either side of the Dalton Highway between the Yukon River and the Arctic Coast. The proposal would remove the restriction north of the Yukon River crossing. The road serves as the main supply route for Prudhoe Bay and the prohibition on off-road vehicle use along was put in place when the trans-Alaska oil pipeline, which runs par-

allel to the highway, was built in the 1970s.

Seekins maintains that since the highway was opened to the public in 1994, it should be managed like other public land along state highways.

It's also unfair that residents in the regions' few communities, such as Wiseman and Coldfoot, can access the area with off-road vehicles and other users cannot, Seekins said.

The majority of the criticism centered on the use of four-wheelers and the ruts the vehicles can inflict on the spongy tundra during the summer.

Kotzebue Democrat Rep. Reggie Joule, an Inupiaq Eskimo, said there was concern among Native and non-Native residents who live in the area about the impact the proposal would have on subsistence and tourism activities.

Scientists from the Toolik Field Station, 284 miles up the highway, testified on the potential effect of four-wheelers. The station attracts \$36 million in research funding and about 350 scientists annually who

conduct climate research on the tundra.

"We have real concerns that the use of wheeled vehicles in the area would jeopardize the research that's done at the station," said Brian Barnes, director of the Toolik Field Station. Barnes said he would not object to granting greater access to snowmachines during the winter.

David van den Berg, executive director of the Northern Alaska Environmental Center, said efforts to open the land along the highway to off-road vehicles has been a perennial fight.

"This is a bill that keeps coming up," he said. "It's originated by the same author and it's unpopular."

Seekins first introduced legislation to lift the ban in 2004 and again in 2005. If it doesn't pass this session, the bill will die. Conservationists said Tuesday that's exactly what they hope will happen.

"Show me a place where there's ATVs that there's not people pointing out problems," van den Berg said. "We don't have ATVs there presently and that's a good thing."

The bill, if passed, would not take effect for a year to give state and federal land managers adequate time to develop management plans. All of the concerns raised by user groups could be addressed in those plans and that the use of wheeled vehicles would likely be restricted in many areas, Seekins said.

"You have to trust the public process," he said. "They're not just going to allow

See DALTON, Page B2

Fairbanks Daily News-Miner, Wednesday, October 12, 2005

Any other inquiries can be made to 323-4192 or 323-3031.
 The Daily News-Miner prints obituaries as a public service. There is no fee. The News-Miner reserves the right to delay printing of obituaries or edit for space or content. Obituaries are limited to 500 words. Please submit type-written obituaries with contact phone number no later than 8 p.m. the day before the item should be printed. Obituaries and photos may be dropped off in the newsroom at 200 N. Cushman St., mailed to Obituaries, Fairbanks Daily News-Miner, P.O. Box 70710, Fairbanks, AK 99797, faxed to 482-7917 or e-mailed to obituary@newsminer.com.

EVENTS

Today

- 7 a.m.—Chana Kwanis breakfast meeting, Zach's at Sophie Station.
- 9 a.m.—Senior Aqua Fitness, Mary Siah Recreation Center.
- 10-11:30 a.m.—Fairbanks Women's Connection, continental breakfast (\$7.75), Friends Church, 1485 30th Ave. Special speaker: Dala Connor. Todd from GVEA will give a presentation on conserving energy. Information and reservations: 488-9201.
- 10 a.m.-2 p.m.—American Red Cross blood drive, Bassett Army Community Hospital, 1060 Gaffney Road. Walk-ins welcome. Information: Sgt. Havins, 353-9452.
- 11 a.m.—TOPS (Take Off Pounds Sensibly) meeting at Rebekah Lodge, 825 First Ave. Information: 451-7491.
- 11:15 a.m.—Preschool Storytime. Stories, fingerplays and songs for 3-5 years of age. No registration required. North Pole Library.
- 11:30 a.m.—Fairbanks Retired

- Teachers Association meeting. Arctic Winter be featured. Members, retired teachers welcome. Hotel. Information: 479
- Noon—Greater Fairbank of Commerce Education meeting, Denali School.
- Noon—Alaska Outd lunch meeting. Public Big Daddy's Barbecue Avenue and Wickerst Information: 465-6151.
- Noon—North Pole Ring, Pagoda Restaurant, Guest speaker from MAL
- Noon—Fairbanks Kiwanis meeting, Last Roundup, 1st man Street.
- Noon-1 p.m.—Fairbank Star Borough Toastmas

DALTON: Public hearings

Continued from Page B1

unfettered access."

Land along the first 180 miles of the Dalton Highway is under federal management. The Bureau of Land Management, which oversees 2 million acres along the Dalton Highway, has had a land-use plan prepared since 1991, Seekins said.

While the state would have to develop its own plan, both management directives would be subject to a public review process,

Seekins said.

The committee has public meetings to gather additional public comment on Senate Bill 85 this week in Coldfoot, Barrow and Peters Creek.

The proposal, which stalled in committee at the end of the last legislative session, is expected to go to the Senate floor for a vote when the Legislature returns to Juneau in January.

Staff writer R.A. Dillon can be reached at 459-7503 or rdillon@newsminer.com.

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Jackson Hole, Wyoming



Skaters pictured from left to right: Bianca Rose Burbank, 9th grade West Valley High School; Baxter Burbank, 12th grade West Valley High School; Jocelyn Ribar, 9th grade Monroe High School; Michael Skulstad, 9th grade Raven School YKSD; Ariel Ellison, 10th grade Lathrop High School; Jordan Lizotte, 7th grade Tanana Middle School; Cordero Zuckerman, 8th grade Tanana Middle School. Not pictured: Laura Woodman, 8th grade Reno, NV; Valeria Green, 12th grade Eagle River, AK; Kimmi Jeffers, 11th grade Salt Lake City, UT.

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Fairbanks Daily News-Miner, Wednesday, October 17, 2005

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Department of Public Safety Commissioner's Office



SR 85

P. O. Box 111200
Juneau, Alaska 99811-1200
Telephone: (907) 465-4322
Fax: (907) 465-4362

Date: 10/6/05 Time: 16:20

To: MARY JACKSON Fax # 283-8177

From: P. Cliff

Number of pages including cover sheet: (2) SR 85

Message: Original in mail

*As promised - please ensure Mary x
Senator Wagoner sees this before
hearing with B for public hearings*

The information contained in this fax is **CONFIDENTIAL AND/OR PRIVILEGED**. This fax is intended for the individual named below. If you are not the intended recipient or a representative of the intended recipient, any review, dissemination, or copy of this fax or the information contained herein is prohibited. If you have received this fax in error, please immediately notify the sender by telephone and return this fax to the sender at the above address. Thank you.



State of Alaska
Department of
Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

October 6, 2005

The Honorable Tom Wagoner
Chairman, Senate Resources Committee
145 Main Street Loop, Suite 226
Kenai, AK 99611

Re: Senate Bill 85 – Off-road use on the Dalton Highway

Dear Senator Wagoner:

This letter is written in response to your correspondence dated September 15, 2005 regarding the same subject.

In your letter, you inquire about the Department of Public Safety's fiscal note regarding this legislation. Part of the rationale behind our zero fiscal note and analysis is the fact that the Bureau of Land Management (BLM) and the Alaska Department of Natural Resources have done a good job when it comes to managing our land in Alaska. As it has been noted in public testimony, the first 180 miles of this road is federal property and BLM has had a draft land use plan for this area since 1991. Another consideration is that the repeal on the ban would not take effect for one year from the date when the bill is signed into law.

If this bill passes, the Alaska State Troopers do expect to see an increase in off-road traffic due to the unrestricted access for hunting, fishing and other uses. Eventually, this will lead us to supplement staffing at the Coldfoot Post with additional troopers on a seasonal basis. From our management standpoint, this can be done by assigning AST personnel from Fairbanks on temporary duty (TDY) to this area. I feel this is a prudent and responsible approach to administer the increased demands that we will face on the Dalton corridor.

Since a land use plan will be in effect, I feel that the impact on the department along the Dalton corridor will be moderate for the foreseeable future.

If you should have any further questions about our fiscal note or need additional information, please don't hesitate to call my office.

Sincerely,

A handwritten signature in black ink, appearing to read "William Tandeske".

William Tandeske
Commissioner

cc: Tom Irwin, Commissioner
Department of Natural Resources

Office of the Commissioner
450 Whittier Street - Juneau, AK 99811 - Voice (907) 465-4322 - Fax (907) 465-4362

MARY JACKSON

SENATE RESOURCES COMMITTEE

Hello Mary,

This is a belated followup from the SB 85 hearings you recently held. The Fairbanks Daily News Miner article highlights an issue which I think is relevant to the potential costs associated with increased usage of the Dalton Highway - search & rescue. The terrain along the Kaul Road is often challenged, be it tundra or mountains, & the weather can get nasty, real fast, & ~~come~~ earlier in the year than people are accustomed to. Mistakes & mishaps will happen, & given the remoteness of the region, search & rescue costs will be high.

Thank you,

Jenny Lindsey

2240 RAILROAD DR.

FAIRBANKS, AK 99709

9/05

...and-degree sexual assault. was already in custody on her case at the time of his tment and is being held on \$100 bail.

According to Fairbanks Police Department Detective Chris Nolan, the 28-year-old alleged victim reported the incident on Nov. Nolan said the woman was at her home on Dunkle Street house a group of other people for a party the night before. The woman was drinking, Nolan said.

After the woman went to sleep in one of the rooms at the house, Nolan said. She told police she awoke the next morning finding an unknown man having sex with her. She told him off and went back to bed. She was unsure what happened after that, Nolan said.

Police officers took her to the hospital where a sexual assault examination was consistent with her report.

Nolan said Bolden denied the allegations.

Nolan said Bolden denied the allegations. He denied any sexual contact with the victim," he said.

John Hagen/News-Miner

ON THE HUNT—A boater backs a truck and trailer to the side of the Tanana River at the Chena Park Wayside on Friday. With moose hunting season in full swing, the recreation area is packed with vehicles hauling boat trailers belonging to hunters out on the Tanana River searching for moose.

Hunter injured

Rifle explodes on first day of season

By **AMANDA BOHMAN**
Staff Writer

On Thursday, opening day of moose hunting season in the Interior, a .300 Winchester Magnum rifle exploded instead of firing, critically injuring a North Carolina hunter, and three Fairbanks hunters called for help after encountering rougher-than-expected weather.

It's one of the busiest times of year for backcountry rescuers.

Brian C. Ward, 24, of Morrisville, N.C., remains in stable condition at Fairbanks

Memorial Hospital, said the hospital's nursing supervisor.

A military helicopter airlifted him from near the confluence of the Goodpaster River and Slate Creek, northeast of Delta Junction, on Thursday.

"He was trying to shoot at a moose," said Sgt. Brian Wassmann of Alaska State Troopers. "When he fired the gun, the gun exploded and the stock, the wooden part of the gun, exploded and came back and hit him in the

See HUNTER, Page B2

Recreation several managers at the meeting, the Fairbanks Assembly Chamber. While the several authorized crowdily little from outdoor recreation. Goodwin with

"Most of them have come from a viewpoint," said Goodwin to get a better view.

"If it's one thing that everybody looks at what everybody draft something all of a sudden say, "That's no

Some of the weight restriction vehicles and is missing a design that will reduce the weight and develop

Air Force security group aims to help injured

THE MEND: An airman Eielson, serving at Camp Eielson in Iraq, suffered serious injuries in August when the vehicle he was riding in rolled over.

Airman Michael Fletcher, who was assigned to the 354th Security Squadron at Eielson Air Force Base a year, was working as a gunner when the accident occurred, according to the Eagle chapter of the Air Force Security Association in the Washington, D.C., area.

Fletcher's wife, who is also in the Air Force and stationed at Eielson, is currently six months pregnant, according to a report on the association's website early this week.

Fletcher was treated at the Walter Reed Army Medical Center and transported to Kuwait for emergency surgery before being flown back to the United States. Fletcher, who lost an arm in the accident, remains hospitalized at the Walter Reed Army Medical Center in Washington, D.C.

Melodie Villarreal, a member of the Air Force Security Police Association, contacted me to "get the word out to the community so



Dermot Cole

that financial assistance can be provided to our local hero."

He said a local fund may be established, but in the meantime, he suggested making donations to the Air Force Security Police Association. Check out www.afspaeagle.com for details. There are 30 chapters of the Air Force Security Police Association and the Eagle chapter has started a "Proud Warrior" program to provide support for injured airmen.

HOST FAMILIES: Two Fairbanks women are trying to find host families for hurricane refugees in Fairbanks.

Melodie Byrd of the Northstar Weekly and Karen Garrity of Fairbanks Title Agency happened to be talking about the disaster and both were thinking of ways

in which local people might provide temporary help.

Garrity, the community relations director at Fairbanks Title, said the first step is to assess whether there are others in the community who might want to host families for two months. It would be similar to what the Alaska Goldpanners do every summer for visiting baseball players.

Garrity said the two-month time period is based on comments she heard from the president on the TV news about how the Federal Emergency Management Agency will have emergency shelter ready in a matter of weeks.

Garrity said that one question is what people in Louisiana will think about the prospect of going to Alaska for a couple of months, but she said that it's likely to sound better to many people than an extended stay in the Astrodome.

Byrd is setting up a link on the Northstar Weekly Web page where people can list whether they can host an individual or a

family or if they are able to donate air miles to help with transportation.

"Once we have an idea of how many refugees we can help, we can research local and national resources for transportation and aid," said Byrd.

Garrity said donating air miles may allow people to get to Fairbanks or to some other U.S. community for temporary shelter. Byrd, the editor of the Northstar Weekly, said the paper's Web site should have a link on it today with a form that people that can fill out.

For information, go to www.northstarweekly.com and click on the "I can help" button.

PUZZLING: A recent Sunday puzzle by Will Shortz on National Public Radio dealt with an aspect of Alaska.

His challenge: "Take a two-word phrase meaning 'a difficult puzzle.' Drop the first letter, read the remaining letters backward and you'll get a word for part of Alaska. What is it?"

More with the not one

The puzzle the "h" nut" is ward.

RAD Railroad ate Mor near Pa Day fes house 1 engine i by Dece

TELE annual Telethor on Chan Sunday. twist: P devoted the victi

SCOU Hackney Boy Scou as the I

10 special session to get the governor created a address the issue in the legislators have contin- wrangle with ways to up the deficit without further cuts to benefits. June public hearing on in Anchorage, the com- gathered information on oblems other states are covering the escalating expenses.

ing longer. While the problem is wide- spread, Weyhrauch said it needs to be addressed in Alaska before it becomes a drain on state resources. "We need to find out if that unfunded liability puts the state's other essential programs at risk," he said. "Are we at risk or not; I'm not sure we know the answer." Ron Woolf, chief financial officer for the city of Fairbanks,

to make it up," he said. "We probably can't now." The Fairbanks City Council will hear a resolution at its Sept. 12 meeting that would establish a maximum employer contribu- tion rate to the retirement sys- tem for the city and require the state to pay anything over that amount, said Pat Cole, chief of staff for Fairbanks Mayor Steve Thompson. Mike Fisher, chief financial

Public testimony will be tak- en Thursday from 1 p.m. to 4 p.m. at the Legislative Informa- tion Office at 119 N. Cushman, Suite 101.

The conference will be tele- conferenced with Legislative Information Offices across the state. The committee has plans to hold additional meetings in Juneau and Kenai.

Staff writer R.A. Dillon can be reached at 459-7503 or rdillon@news- miner.com.

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HUNTER: Another group lost tents

Continued from Page B1

face."

Ward's eye was injured and he suffered blunt trauma and abra- sions to his face and head, Wass- mann said.

"We don't know why the gun exploded," Wassmann said.

Chris Buckley, 26, of Anchor- age, Ward's hunting companion, called for help from a satellite telephone.

"He was airlifted within two hours," Wassmann said.

Wassmann did not know if Ward was conscious when res-

cuers reached him.

Also on Thursday, troopers sent a search party to Augustana Creek near Summit after three hunters called a friend to say they were having problems before their cell phone went dead.

The hunters, Jerry Freel, 53, Britt W. Freel, 45, and Evan Freel, 16, all of Fairbanks, encountered 30-degree tempera- tures with snow and rain, Wass- mann said.

"Rain blew our tent apart and got our sleeping bags all soaked," Jerry Freel said on Friday. "Of course, in the middle of the night, it started snowing. We basically had to leave our camp and do a forced march out of there."

Searchers swept the area once, regrouped and prepared to resume searching when the hunt-

ing party reached their vehicle near 221 Mile Richardson High- way, Wassmann said. The hunters appeared in good condition, although they were cold and wet.

The two incidents came on the heels of a fatal backcountry episode last week.

Steven Lynch, 54, of Cody, Wyo., died of exposure after he reportedly spent the night Sun- day outside in the Alaska Range in chilly, damp conditions. He wore a cotton sweatshirt cut off at the sleeves, jeans and a light rain jacket, troopers said.

Lynch got lost after he sepa- rated from a friend, according to troopers, who recovered his body on Tuesday.

Reporter Amanda Bohman can be reached at abohman@newsminer.com or 459-7544.

Pets for people

Mamma (6/27#1) is a young adult lynx point. She spent her first month in foster care taking care of her kittens. She is now avail- able for adoption. She gets along great with other cats and loves attention.



She is a very mellow cat t/l love to have a ho could get lots of l

Billy Bob (8/2 had it easy. Whe found running lo very scared and that he is at the doing well. He t adorable chubby quite the talker! love who likes ot



We have a small selection of pocket pets at the shelter right now. Hamsters, rats, mice and even a Guinea pig. They're all very friendly, and ready to be adopted.



This week's pets are avail- able at the Fairbanks North Star Borough Animal Shelter, 2408 Davis Road, 11 a.m. to 6:00 p.m. Monday through Friday, and noo rday. 459-1451. Visit www.fnsb.petfinder.com

If you are unable to adopt one of these wonderful pets, you animal shelter and the animals by sending your tax-deductible nonprofit Fairbanks Animal Shelter Fund, P. O. Box 71267, Fairb

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SB

85/170

(FILE 4)

NOME
SB170

Testimony on SB 170

I have some concerns over the proposed bill as follows:

1) Under the proposed changes to AS 16.05.094, the State would collect information on subsistence users on their, "compliance with state fishing, hunting, and trapping license requirements." I have concerns about this information being collected and made public. I have further concerns that the subsistence users are being singled out. No other consumptive user group is being looked at by the State under this proposed bill.

2) Under the proposed changes to AS 16.05.130(d), the revenue collected by the state and matching Federal funds are diverted to ONLY benefit consumptive users of fish and game resources. I believe that non consumptive, (such as wildlife viewing) users should benefit from these funds. The proposed language also requires the Department to allocate resources to track the funds being spent on projects that do not directly benefit consumptive uses. This seems like a very difficult and time consuming burden that takes away resources from the Department.

3) Under the proposed changes to AS 16.05.340(a)(2), resident license fees double. At a time when gas is \$4.00 per gallon in Nome, this increase in basic license fees will make it more difficult for bush residents to comply with state law. Such a huge spike in license fees also seems rather abrupt.

4) Under a new subsection AS 16.05.930, the State is creating a potential market of fish and game resources by allowing the sale, barter, or purchase of game and fish. I am concerned that this potential market may impact the harvest of game and fish resources by creating a financial incentive to harvest our common resources by a select few at the detriment of all of us.

Thomas Sparks
P.O. Box 1343
Nome, AK 99762

Senate Resources Committee Work Session

Nome, Alaska October 10, 2005

SB 85 – Dalton Highway and SB 170 – Fish and Game Powers & Duties

6:45pm

Present: Senator Tom Wagoner, Chair, Senator Ralph Seekins, Vice-Chair, Senator Kim Elton, Member, and Senator Donny Olson.

There was no public signed up to comment on SB 85, so Chair Wagoner invited Senator Seekins, to introduce SB 170.

Senator Seekins: As history, the Department of Fish and Game indicated they would like to increase costs for tags and licenses, which lead to the question of what do you do with the money now, and what will you do with the money if you get more. Those revenues would go into the Fish and Game fund and all matching federal funds would also go there. AS 16.05.130 – Diversion of Funds Prohibited, states that, except as provided in (c) of this section, money accruing to the state from sport fishing, hunting, and trapping licenses, tags, or permit fees may not be diverted to a purpose other than the protection, propagation, investigation, and restoration of sport fish and game resources and the expenses of administering the sport fish and game divisions of the department.

Further on in subsection D it says: "Revenue from the sale of general hunting, trapping, and fishing licenses and tags together with the federal matching funds from Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs shall be allocated by the department to programs intended to directly benefit license purchasers of general hunting, trapping, and fishing licenses. The department shall prepare an annual report by project of expenditures from the fish and game fund and notify the legislature that the report is available."

When I asked for that report I was told it was not available. The answer was that "project" was not defined in statute, so the report was this much money came in and this much money came out. I believe the Department is working on trying to assure a by-project report will be made available to the legislature. Part of the intent of this bill is to ensure that it will be made available to not only the legislature but also to the general public on the web site.

So that is one purpose of the bill, but like other bills, it has grown and several sections were added at the request of many hunters and fishers around Alaska. The current draft of the bill is "L".

Section one expresses the intent that revenue generated by the increase in hunting and trapping fees be used to maximize hunting and trapping opportunities and those revenues used for species for which general human consumptive use exists. This is consistent with sustained yield principles and our constitution.

Section 2 of bill amends 16.05.020, to provide that the commissioner shall protect only resources for consumptive uses. The intent is to obtain abundance for maximum sustained yield for human consumptive uses. The intent is to get focus of department back to providing food for human consumptive uses because there is strong public belief that the mission of the department has

focused on other non-consumptive projects. Abundance would mean that people in urban areas can harvest close to home so they don't travel to rural areas to harvest.

Section 3 of bill amends numerous areas in 16.05.050 about the powers and duties of the commission of fish and game. Subsection (c) provides that the commissioner uses his authority only for those that the board of fish or game authorizes, or to the extent provided by law. The Legislature is the primary trustee of the resources, they are public trust assets owned equally by Alaskans.

We assign certain responsibility by law to the Boards of Game and Fish and the Department. The intent here is that the focus is directed by the legislature unless they provide otherwise by law.

He then pointed out that there are great concerns by people watching programs like the state wildlife grants, where the federal government may commit the state to certain management priorities that are not approved by the legislature or game or fish boards, or the advisory commissions throughout the state.

He also noted that there are people (who don't pay into the funds) who would like to have use of the hunter and fisher funds, but the primary focus with this bill is to make sure that those funds are used for primary purpose of sustained yield for consumptive use of fish and game.

So the question is are you willing to give the department more money to return Alaska to an abundance of fish and game - to real management of its fish and game. That is the gist of the bill. Put the matter on the table, let's discuss it, and see what folks are thinking.

Senator Elton: Question of the sponsor, about section 5 provisions?

Senator Seekins: Section 5 - One of things brought to his attention is that the use of subsistence licenses in some areas have been abused. I know of some people who have homes in Arizona, some are over 60 and no longer have to purchase a license, and from their Alaska summer home, "subsistence" hunt. I would like to see data on the people who claim this license - it can be gathered along with other data and be provided to Boards of Game and Fish.

Senator Elton: As a follow-up, I don't expect the sponsor to answer right now, and to alert the Department of Fish and Game, is, under his reading of the bill, that it seems as if the subsistence division would not be able to get money from the fish and game fund. And it seems, especially if we are adding a requirement that they get licenses, that money would go to the fund. Is that the correct reading of the bill?

Senator Seekins: If money came from the people who bought licenses, under the way the bill is written, it would go into the fish and game fund, where it would be used for the benefit of the people who bought licenses.

Senator Elton: It seems to me, and I may be wrong, but that the fish and game fund dollars would go to wildlife, sport fish, and not necessarily to habitat or subsistence.

Senator Seekins: I don't know – but habitat is in the Department of Natural Resources and subsistence, if you produce an abundance of game then you are providing for subsistence users who have a higher priority and you are also providing for consumptive users who don't qualify as subsistence users. A rising tide raises all ships here – if the emphasis of the Department is on producing an abundance for human harvest, it addresses the needs of subsistence users and others. So to say it couldn't be used for subsistence is overlooking the fact that the mission of the department is to provide primarily for human consumption, which is subsistence users.

Senator Olson: One question, how is this date going to be used against subsistence users?

Senator Seekins: I don't know that it would – it is supposed to be provide information on who are real subsistence users and who are phony that don't fall under the definition. He can show homes on Gulkana River who are barely Alaskans and certainly not subsistence users.

Senator Seekins: There are some other sections of the bill that address questions with current law. For example, if you shoot a trophy moose, leave it to your estate and die, your family can't sell the trophy mount it unless they take it out of state. If you meet them there they can sell it and then you can bring it back to Alaska.

Chair Wagoner then took public testimony on SB 170 (no one signed up for SB 85).

Austin Ahmasuk: The first thing he pointed out is that the only version he had access to is version "I", and he was just know show how to get access to the new version. So there needs to be work done to let people know about the other version, it's a lengthy bill.

He agrees that the Department needs more funding – he is an elected advisory committee member and is the subsistence director for Kurroak. The advisory committees only meet once per year because of the funding they receive from the legislature. Their region is extremely under funded.

Section 2, Functions of the Commissioner, greatly politicizes what that person normally does to manage the resources. It's something he feels can vary at the whim of these governor appointees - issues go back and forth and things can nearly turn upside down in terms of subsistence.

Section 3 – It appears that the Board of Game and Fish are stripping what the Commissioner does. While there are many positive points to having some sort of checks and balance system, politicizing it is dangerous and may add more time to the Board of Game and Fish cycle for regulation development or interaction with the Commissioner.

Section 4 – It appears that what is being proposed is to leave totally in the hands of governor creation of divisions. As we saw with the move of Habitat to DNR, this only strengthens to do the wrong thing.

Section 5 – This is a very drastic change in what they normally due for the residents of our region. This Division has a long-standing duty and tradition of gathering data that formerly and currently assists the board of game and fish in developing regulations. If the division of

subsistence merely collects information and compares and contrasts with how people follow laws, it is a very bad thing for residents of our region to endure. You need to recognize that in our region, license vendors, postal delivery, internet service is not always reliable. There are communities that go for months without phone or mail services. He doesn't know that in reckoning out how subsistence users buy licenses and then on top of that, being required or subjected to management, when people of our region actively co-manage – they assist the department in making regulations and make regulations better for all Alaskans. This turning the division of subsistence into an enforcement arm is not something he would favor.

Section 6 is a very peculiar and confusing section. He doesn't know what is being accomplished, the best he can reason is that that after appropriations have been made – you would then again appropriate. Which in his mind leaves it to those who are close to Juneau to lobby you – it leaves out people here in the Nome area because they don't have a lot of resources to get to Juneau to lobby for a project. This section leaves to a whim of appropriation those with the most ability and the greatest ability to do so.

Section 7 is not favorable for the same reasons as section 6. It leaves into the hands of the legislature after you have appropriated to appropriate again.

Senator Seekins: Where's is the double appropriation – he is confused?

Austin Ahmasuk: It says, under section 6, it is indicated that the fish and game fund shall be made up of the following money and other money the legislature appropriates, then again it is said that in accordance with appropriations. His read is that the legislature will appropriate and then appropriate again.

Senator Seekins – for clarification, for the fish and game fund, if you look further up where it comes from, you can see that it primarily comes from license, tags, federal funds and any other money the legislature appropriates in there, which would be very little. It basically says that it would be spent in accordance with the appropriations made by the legislature. For example, we could appropriate monies to the fish and game fund for additional studies for wildlife. I think we just did that, in the last legislature, we appropriated \$250,000 to be used for census, so we would expect when we appropriate it into the fund it would be used for that. That is what was meant to portray.

Austin Ahmasuk: – thinks that this particular clause would be tested in court.

Senator Seekins: this is the way drafters put the language in the bill and what they thought it meant.

Austin Ahmasuk: Section 7 – he believes those are interdepartmental accounting and perhaps it is an improvement.

Section 9 – he sees an attempt here to gather and funnel funds to the department which may improve the situation and if that indeed is the intent then he is fairly supportive.

Section 10, 11 and 12 no comment.

Section 13 is in his opinion, a very peculiar section to add in Alaskan law. It reads similar to 258 the classic subsistence law. It is very unclear to him as to how a board of fish or board of game with multiple priorities would be able to make decisions that allow for either priority. Consumptive use, in his opinion, could be any consumptive use – like commercial fishing – so that it, just like subsistence, is a priority. How the board then is expected to handle that dual priority is very confusing and he envisions that there would be extreme problems when it comes time to develop those regulations.

Section 14 – no comment.

Section 15 – this is for intensive management. He supposes that if this particular section were to be approved, and if it were to specifically name a process or laid out some framework for how this intensive management is done, the intensive management, then the “who” that is being asked to develop these management plans, might better suit the issue. But he believes leaving the issue as it is now is adequate. A mishmash of persons who may not be informed about certain things and deriving and making or suggesting intensive management laws, even if it’s subsistence users, he believes it still requires a coordination between what subsistence users and who and when and which agencies that they choose to deal with regarding these matters. We have systems in place to carry out those mandates.

Senator Seekins: To give Austin some idea of this ... is that one of the things we are constantly faced is anti-hunting groups trying to challenge the determination by the board of game that an area go into intensive management - they say we don’t have enough data. You need to study for another 5 years before you can make a decision. We’ve had at least 2 lawsuits – is that right Matt? (unclear from audience) Do you know what your authority is on the advisory committee? If you make a suggestion to the Board of Game and they don’t follow it, there has to be an explanation. We are trying to get to the point where a reasonable person who has field experience can give input to the process, it doesn’t have to always be a published, peer review biologist to come up with the findings necessary for an intensive management situation.

We are trying to lower the bar in terms of the amount of scientific evidence that is necessary in order to defend it in court. So we can say to someone, who lives in the Nome area, what’s happening up there, and they say the bears are overpowering the moose, I know because I’ve seen it. As a result of that, you can use that as part of your determination that an area needs to fall into intensive management to reduce the predators, without it being challenged in court as unscientific, not enough, not thorough enough. So that we don’t get into what he calls a C O and F D - confusion, obfuscation and foot dragging.

A lot of that goes on by people that don’t like those of us that hunt and fish and would like to stop it, and who would like to eliminate any predator control programs. We are trying to make this a less easily challenged standard in the courts, that’s what the intent is. Quite frankly, it is to give you greater impact on your input from the advisory committees.

Austin Ahmasuk: Section 17 – no comment.

Section 18 – it’s hard to follow what’s going on because the new sections are not underlined. The additions of k and l, again adds to a confusing dilemma the board of game and board of fish may be faced with when it comes time to make regulations.

Senator Seekins: Let me explain a little here as well. Have you seen the 600 plus pages, 800 or so by now, state wild life grant document? You can get it on the website. What we are trying to say here is that the department can't unilaterally set policies to apply in the state of Alaska - there has to be some checks and balances through the board of game process. What that is - we don't know, but we don't feel comfortable that a select group of people can come in and put together 75 different management programs.

Some of which do things like manage eelgrass invertebrates or sea lice, or establish separate subspecies for Kenai Peninsula brown bears and bind the State Alaska into a management plan that has not public review to the same extent the board of game or fish would do. We are just trying to say look, the Commissioner, a political appointee, can not propagate a management system that has not had the same opportunity for public scrutiny that the board of fish or game puts in place.

It would require additional support in terms of dollars, but since he has been in the legislature, we've given the department every dime they asked for in terms of board support. This year we bumped it up \$100,000 after cutting it back \$250,000 over the previous years. And at the same time we cut back and only allow one meeting a year for advisory groups, we are putting together study groups and funding those, who don't have the same statutory authority of the advisory boards. At the end, the study be either meaningless or used as an authority. He agrees with speaker and would like to see that. What he's trying to go back to is to breathe life into the statutory system of boards of game and advisory. This is targeted at the wild life grant scenario. He trusts the gentlemen here but this is a political process and they may not be here next year. He's trying to make the system more open to public scrutiny and a little more difficult sometimes, but let's put the authority back into the statutory system.

Austin Ahmasuk: The section indicates that utilization of these species and determination thereof is based solely upon uses that have been authorized by the board of game or board of fish. There are many fish and game species for which the board of game has not authorized regulations. Those are not subordinate uses, white fish, tom cod, marine mammals, those are very important subsistence uses that appear to be subjugated to a subordinate priority here. I don't believe that I'm reading anything different here than what I have indicated here.

Senator Seekins: Mr. Chairman, marine mammals are outside the management purview of the state of Alaska, it's federal and can only be done by contract so that's why they have not been addressed.

Austin Ahmasuk: Section 19 - it's proposed that persons who engage in subsistence hunting and fishing shall possess a valid resident sports fishing license. For reasons that I cited earlier, license vendors are not 100% reliable in our regions and so persons cannot always obtain those things. People in our region are poor and granted there are provisions for low income licenses, they largely are not purchased. Regardless of that scenario or situation, many of our people believe that by manner of what they are what they do and what they make, how much money they have available to them, do not purchase licenses. Such a requirement is already in law and doesn't need to be restated to us.

Regarding the increases, he does approve non-resident hunting and fishing fee increases but does not support resident increases.

Senator Olson: Asked a question of the sponsor on Section 19, where it says that a person engaging in subsistence fishing and hunting shall possess a resident sports license - how does it read now, without the section being added? Is it correct to assume that subsistence hunters and fishers don't currently have to have a license?

Senator Seekins: I don't believe that is correct but Mr. Robus can probably answer that.

Matt Robus (Director, Division of Wildlife Conservation): Right now subsistence hunters are required to have a resident hunting license but fishers are not because it's designated sport fishing - commercial fishing (unintelligible).

Senator Elton: What about waterfowl?

Matt Robus: Waterfowl needs state and federal stamps (unintelligible).

Senator Seekins: Intent here is not to unnecessarily burden those people in very remote parts of the state of Alaska but there are many subsistence areas in not so remote areas who abuse this situation regularly. There is no reason why a retired Alaska airlines captain who lives in Cantwell, Alaska should not buy a hunting license to be a subsistence user. To avoid that, for whatever reason, puts them in the same category (to many of the people that are hunters and fishers who do contribute) of being a free rider without cause. It shouldn't be too hard for someone in Nome to get a license. In many of the remote villages he visits on a regular basis in the interior have better computer access than his grandchildren have. He's not trying to put an undue burden on anyone. But by making a \$5.00 fee they are at least contributing something to the process. Most people really don't mind contributing to a degree that they can afford.

No one is trying to say if you couldn't get a license you shouldn't hunt or fish to feed your family. But you do have a duty to become a full member of the system, so to speak, to come up with the management funds necessary to make sure you could continue to harvest. That's the intent, not to be draconian. He knows many people who live in the interior regions who are true subsistence users that say I don't have much money, but I want to be a real part of the system too and if that is too hard, we can find a way to come up with the \$5.00. This is trying to take the phony subsistence user and at least make them buy a \$5.00 hunting license. He knows of many wealthy suburban owners with three or four snow machines on the back - subsistence hunting and he has a problem with that.

Senator Olson: He thinks section 19 certainly has its people that are going to be caught from abuses from the system. But to try to catch one person that lives down on the road system while putting the burden on 10,000 people out in bush Alaska, with all due respect. We all know about Tom Cod Tod who sites an 80 year old lady fishing on the jetty who then had to go to court. That's where the distaste comes from, oppressing those that are out here because of trying to catch the 1/2 percent of people who are living outside the area.

He's not saying the concerns aren't valid but there are subsistence users not aware of this, if you get an overly aggressive enforcement you have a problem. He personally had a situation where at 2am on the Teller highway he had to land at the side of the road. His airplane was hit by a state trooper who said he was catching snaggers - at 2 in the morning - thankfully we make sure he then got transferred out of the area. He was personally involved with it and took offense, and he's an elected official. But some poor man who doesn't speak English or lady who is elderly doesn't have the same defenses. He is concerned with this section and would like to talk to the sponsor about this section.

Senator Seekins: His son is a prosecuting attorney and he would not have prosecuted that poor lady - he agrees, that's terrible and stupid.

Senator Wagoner: We're going to have to leave here at 8:30 so let's go on.

Austin Ahmasuk: The last couple sections regarding fish and game, it appears to concentrate effort on management on only those fish or game species for which there are authorizing regulations. There are fish and game species for which there are no authorizing regulations - primarily fish. These species of fish are not subordinate to any subsistence resource. Many of them are caught in large quantities and represent a substantial portion of our diet. There's a section within this bill that requires legislative approval of co-management agreements. The fact that people do not purchase licenses in our region - there are co-management agreements to specifically document those subsistence uses. Those have been very efficiently run systems and projects and document exactly what the licensure process are there for - a listing of who hunts, what they get, who they are, some sort of a roster. They adequately replace licensure. Thank you for your time and coming to Nome.

Senator Wagoner: Thank you for testifying and rest assured that probably the first month we are back in Juneau, in January, we will be having additional hearings on this bill so you have plenty of time to review and make additional comments in writing or through the L.I.O.

Rose Fosdick: Welcome to Nome. She has not had a lot of time to review the bill but she has some points to consider. First, the bill was lengthy and complicated - it's hard to read it at times where some text is underlined and some is not and at the end, there are two statutes suggested for repeal which were not printed or bracketed and she didn't have time to check the references out.

In regards to subsistence division, this bill reduces the effectiveness and validity of an important part of fish and game. It reduces the department's ability to recommend actions to the boards of game and fish. Instead, it creates a special unit to report on consumption of resources by people who are subsistence users and she objects to that intent.

The legislature is given final authority for appropriation of fish and game funds which places the decision in a political forum, where people will have to lobby for those funds and she doesn't care for that. This region wants to benefit from the Pittman-Robertson funds also and if you are changing the distribution streams for this revenue, please distribute them to this region equitably.

She objects to the resident license fee increases, especially for those, according to this bill, who would be required to show proof of eligibility. It would create another layer, and IRS tax documents might be required for this proof as well as Division of Human and Family Service eligibility.

New section, permit deferral fee, she doesn't understand – just put the funds in the right columns in first place. Finally, the word "Wildlife" is included as a replacement for game - it is confusing and she doesn't quite understand. The document she looked at was "I" and she will take a look at the other one, version "L".

Senator Wagoner: We may have several more versions before this is over, we may get to Q.

Senator Seekins: Maybe I can help with a couple of things. First of all, the way it's drafted, it's the rules we have to go through. Any time you see that it's amended by added new subsections, it means that all of it is not in current law. But if you see where it says amended to read, then those notes at the bottom, text underlined, will come into play. Those are drafting rules in providing text with bills and it's a little cumbersome.

The permit deferral fee section was suggested by a member of the board of game and dealt with wildlife refuges where a population may be eligible for harvest. We put it in the bill at that request – it says if you're a tree-hugger and want to save a bear, you can pay \$30,000 for a bear for one more year of life, then ok, but he's not particularly enamored with that section. It's there for discussion.

On the term wildlife, quite frankly we are trying to get the words in the proper juxtapositions. In that game is game, he's an advocate of making sure there's not a board of fish and wildlife. The focus should be on game animals to provide food for humans primarily and wildlife is an all-inclusive term but they don't want to water the word "game" down.

The Pitman-Robertson funds are matching and go to the direct benefit of people buying licenses for hunting and fishing and, in his opinion, should make more money available for all regions.

Rose Fosdick: Are you tracking the revenue that comes from Pitman-Robinson?

Senator Seekins: Don't mean this to be inflammatory to my good friend Mr. Robus, but I can't track any of the money that's being spent in the division of game and that's part of his complaint.

Senator Wagoner: Would you do me a favor, go to the LIO at your convenience and fax a copy of your comments and questions to Mary Jackson for our records?

Roy Ashenfelter: He was born and raised on White Mountain and sits on the local advisory council in Nome as chair for some 10 years. He hasn't had a chance to read the bill, but heard some comments that concern him. As a chair, he goes to the board of game and fish meetings and presents minutes from the AC meetings and listens to the public about their concerns. The public also has the opportunity to submit proposals to the AC or the Board of Fish or Game.

At the same time, the subsistence division gives a report to the board of game or board of fish. He thinks those reports are very thorough. Last year in Barrow, there was a very thorough report

on Teller. The focus was on what do you do with the game, how much to you catch, with whom do you share it. There was a single man and he provided to two or three different families. One person will share it with other people and it's very common, it's the way things are done. He doesn't violate any rules but he provides and, as a single man he gets things in return like those homes he helped would feed him as though he was a member of the family. So there are reciprocal benefits to providing and sharing. There's other people there he's probably also looking after like a widowed lady. The point is that the subsistence division, if you look at the reporting and what's going on, they provide a very good report to the board of game and fish. There are instructions provided by the boards if they are not thorough enough to go back out and question.

In terms of dollars and focus, he's been on the AC for over 10 years. They used to have two meetings a year. They now have one meeting per year. The funds for meetings of council are cut so low that they only have a round trip ticket and a place to stay – no funds for anything else. The per diem is about \$35 and takes 3 weeks so they are here on their own dime responding to the departments needs – it's a very poorly run and supported system. Even if you change to this bill, you haven't funded it. Why not look at current system, find loopholes and fix them.

Senator Wagoner: Let me ask you while we are on the AC's – what would be the optimum number, 3 or 4 times a year – what was the number before the budget cuts?

Roy Ashenfelter: There are two reporting periods in the process. One, there's a deadline for proposals, in this case the deadline was June 30. We had an AC meeting the last week in June to submit proposals to the Board of Game. That's a very important meeting because you want peoples input and 30 of the 40 proposals are from our region for moose and musk ox and whatever else for the coming year. So that's one meeting and that was funded in conjunction with the musk ox and co-operators meeting where different agencies helped fund people coming in, provided per diem, so we maximized that meeting.

The next meeting is tomorrow and has to do with the proposals themselves. We as the AC have an opportunity to look at all proposals, talk about them and make comments and then he, as chair, gives the information to the board of game which he attends. So you should try to get at least two meetings per year funded.

The Board of fish has the same cycle but during different time periods. What we end up trying to do is to have our AC meeting deal with both Fish and Game. We need hotel and per diem because there can be a problem of a quorum. Anchorage and other areas don't have this problem of getting there where they just drive to the place. Obviously, if you live out in a rural area and have to fly in to get in, you are asking people who are employed to take off job and do the meeting. The same board or same person coming to any other meeting is going to get their room paid for, per diem, it encourages them to participate. It's a system that needs to be looked at in terms of funding.

Senator Wagoner: So 2 meetings per game and 2 meetings for the fish, four annually.

Senator Seekins: When you go to meetings, do you get travel, hotel and per diem?

Gov Ashenfelter: Yes, if you are a chair you can stay for the whole period and they pay a per diem of \$35.00 a day, which is not very much.

Senator Seekins: Part of the problem when we talk about this, and we're going to correct it so we can address it, is that we don't know where the money is going. The legislature is the trustee and we look to the local AC's and the boards. If it is short changed, in his opinion, the legislature is not living up to their duty as a trustee of the resource. He hears it all over that the AC's don't get the funding they need to hold hearings they are required to by statute. But on the Fish and Game budget subcommittee, unless he knows where that \$80 million per year that goes into them with matching funds, he can't make a good decision on where that money goes. That's kind of what this is intended to do. It's around that isn't it, Matt?

Matt Robus: It's probably around \$50 million for both divisions.

Senator Seekins: Well around \$50 million and he doesn't know where it goes and this is part of the fix to figure out where the money is going. He agrees that the AC system appears to be broken.

Senator Elton: A quick question of the Fish & Game folks, it appears, Section 9 beginning on page 6, that the revenues of tagged fish can only be used for the "protection, propagation, investigation and restoration of sport fish and game resources and the expenses of administering the sport fish and wildlife conservation divisions". So it would seem to me that it would preclude use of the existing fees, or added fees if they are raised, for board of fish or board of game support - is that correct?

Senator Wagoner: Asked Mr. Hepler to come to the table and noted that he would think the AC's are defined as part of the administrative process.

Senator Elton: Noted that's only the administration for the two divisions.

Kelly Hepler: Director of Division of Sport Fish. Senator, we actually put \$150,000 a year into the Board support section. The reason we can do that, looking at that statute, is that, if you go back and look at what the board of fisheries does for sports fishing opportunity in the State of Alaska, and the discussion we have in terms of research plans, action plans and management plans, he thinks he can show a federal auditor a direct benefit back to sports fishing opportunity. We kind of balance that, because the bulk of the proposals in from of the board of fish are commercial fisheries oriented typically. So we try to balance it out with what Doug put in when he was Director and what he is putting in. But for years and years, we didn't put any money into it. So it's one of those things that's probably debatable, but in his mind, it's a worthwhile investment and a very good process. So he felt comfortable being able to do that.

Senator Seekins: Mr. Chairman, if I could comment on that too. Presently there's a very loose definition of "for the direct benefit of a license holder" in the statute. He hasn't introduced it to you yet, but he has redrafted it to tighten that up a bit. That also is part of the issue brought up earlier by Austin. The reason that we sometime will say we are going to appropriate additional money out of there for specific things that we are talking about, raising the appropriations in the budget process, which is required now for board support, through a line item portion of the budget. He thinks it is our responsibility to take a look at the suggestions that come from the

department which you can either approve or disapprove or cut and add to it as we think would be appropriate to fulfill the function and hopefully when we get done with that, that will be very clear. Right now it's kind of a loose definition – what is “for the direct benefit of the license purchaser”? The commissioner has said, to the Anchorage Board or the AOC, that in his opinion there have been some inappropriate but not illegal funding of things over time that he wants to address. So, no one's going to ever admit that they take anything illegally, but maybe inappropriately is ok. We want to try to find a way to make it more appropriate as well as legal.

Senator Elton: I know that we are running out of time, so maybe the department can respond to him later, they may need to do a little bit of research, but it seems that the way Section 9 is written you are not adding subsistence, board support, commercial fish or AC's. An AC in Dutch Harbor has the same issues with timing and lack of financial resources, but under this language, they may be at a disadvantage because they may be dealing with commercial issues instead of sport hunting, sport fishing, or trapping issues.

Kelly Hepler: He sits on a national committee that is working on a federal aid handbook that details how money can be spent on all these hundreds of millions of dollars between Matt's fund and his fund. What you find is that there is some latitude, as Senator Seekins said, there is not consistency between the states on how that is done so we are trying to clear that up. When you go back to the direct benefit of an angler, the first look at that would be me because I have to be accountable to not only the legislature but also to an auditor.

But we go through those things, he sits down with Doug, we share projects in the southeast, most projects in southeast are coho salmon and king salmon and are done by the division of sport fish, whereas Doug or Denby does work on the other side. We will have the same discussion, we're going to have some with Senator Wagoner, on some work we're going to be doing on sockeye in the Cook Inlet and so there will be some sharing of that. But for the Division of Subsistence, we have been told by the federal people, that there is a hard line for subsistence, that we cannot be giving money directly to the division of subsistence.

We do find ways to help the division of subsistence, either through IT support or through biometric support. It's not like we are ignoring them. So your earlier question, can we give directly to the Division of Subsistence – that would be an interesting discussion. If the senate said this is what you have to do, and you are the appropriators, versus what the federal government is going to say on the other side, that's the type of discussion we just have to work out in committees and see how it would go. To be honest, we just haven't done that in the past.

Senator Elton: But I see the Division of Subsistence being excluded here.

Kelly Hepler: It is right now. I'm just telling you that there is some latitude and different division directors honestly probably deal with it differently. I try to be as wide as possible in that for the benefit of the State of Alaska because we are blessed with a very good budget and an excellent research staff and we can use that as much as we can to help other divisions.

Senator Elton: I apologize to the Chair because we are taking up time.

Senator Wagoner: Yes, we are taking up public testimony time for something that can probably be taken care of later. Go ahead Roy.

Roy Ashenfelter: I'm basically done, I thank you very much and I assume there's going to be opportunity to submit comments later?

Senator Wagoner: Absolutely, in January we will have oral and written testimony.

Senator Seekins: I would like to ask Roy a question - as chairman of local advisory committee do you have a predator problem in this area?

Roy Ashenfelter: Yes - you'll see at our AC minutes - at just about every board of game meeting - we come up with ways for board of game to consider to take more bear. Unfortunately, the way the system is set up, is really kind of backwards. If you want to reduce the bear population, the best way to do it is to shoot the younger ones, the smaller bears, the female bears. But the way the system is setup is to shoot the trophy bear and it takes a while to whittle those down before you get to bears that are the problem bears. So even though there is a one bear a year system here, it's still designed to shoot the biggest bear. The boar bears help to keep the population down by killing the smaller bears. So if you kill the boar bears you increase the population. I think the one bear a year situation has been in place for 3 or 4 years now. It's going to take a little while before the end result of reducing the bear population takes affect. But in the meantime, you really put the balance out of swing when you kill the boar bears until you are finally down to shooting the small bears. More thoughts needs to be given - if you want to change the population - on how to do that in a way that the population maintains a very stable effective way of doing it. So yes, there is a predator problem but is not being dealt with in a way he thinks could be done.

Senator Seekins: He asked Roy to look at the sections of the bill trying to put more hunters into the field and also relaxing some of the statutory and regulatory restrictions on hunting bears, provided that they find that an area deserves intensive management for bear predation. And to provide him with some comments on that as well because he doesn't talk to the people out here that much but he gets a lot of anecdotal information that this area gets as many of the problems with bear predation as other areas of the state do as well.

Roy Ashenfelter: Very quickly - bow hunters are the same as trophy hunters. There's a bow hunter here that's right across the street, and the only bear, only moose, only caribou he'll shoot are the trophy ones. He won't shoot anything else - he'll walk by a moose that most people are happy to get and would provide for any subsistence. But any trophy hunter or professional hunter that comes into our region or who lives here is out for the trophy hunter. Bow hunters are probably the best at that - or at least this guy is, he's very persistent and makes every effort to shoot the biggest animal he's going after.

Senator Wagoner: Thanks for your testimony and by the way, I think that the problem with your subsistence hunter from Teller is that he doesn't like to cook for himself. And I don't blame him, if I was a bachelor, I'd be the same way. Next person to testify is Charles Leen.

Charles Leen: Thank you for having me, I understand you are under a time limit. I am a retired fish and game biologist, I worked for the state for 25 years. Fifteen of those years I was the area

management biologist in Northwest Alaska for fisheries, not just commercial but for sport fish too, I was unique in that position. There was no research biologist then so I was research biologist as well. So I was a one-man band. There's a couple of red flags in here, but first I'd like to say thanks for being responsible and coming out here. I think this is one of the few times I've ever seen a delegation come by and talk to us.

I think that this has some really strong points. I very much like the return of the authority to the board of fish and the board of game. I think that's one of the shining stars of Alaska, that the democratic process and the chance for each of us to get our say in to the board of fish and game. Even though I'm an "ologist" and there seems to be a little less authority for us "ologists", that's exactly right. The boards of fish and game should hear from the people as well as the biologists.

So I like those aspects of this. I also like spending monies intended for fish and game management on fish and game management. I've always been kind of wondering where that has been happening, when it fell into the general fund and seemed to bypass the intended agency.

My concerns are that with some of the subsistence language here, and I point out as a manager, it's doubly difficult for a manager to get reliable harvest information or mortality information from the public. I remember vividly some of my subsistence surveys - I was known as "lean times" with a pun on my last name. I'd walk into a village and try to ask somebody how they did and often got an earful instead of the information I was after. It's really important that the people collecting harvest information don't have the label of being an enforcement officer. If you want real information, you have to have the party collecting it that's perceived as neutral. It just won't work otherwise - and if you're a manager, you need to know all sorts of mortality. So this language to me, maybe I'm reading it otherwise, but it seems like it affects not only subsistence division but only divisions as well on how they collect their information and it's really important that they be able to go in there as a neutral party - it has to be.

And just to keep my green label on, subsistence division has done a good job, in my opinion. Subsistence information it isn't just the harvest number it's an analysis of the trends up and down. It's the analysis that tells you why people do what they do. As a manager, that was useful. I didn't always agree with my counterparts in the subsistence division, but it was always thought provoking and more often than not it was useful.

One last point to raise - I am a manager and I believe in managing fish and game by consumptive use. That's not to say that non-consumptive uses don't have their place occasionally, by and large, that's how you manage fish and game. I'm concerned that this language might affect how habitats are managed or how species are managed. We have a lot of tom cod here in Norton Sound. It's subsistence food, a little bit, but tom cod are a driver of king salmon, king crab, and other species that are highly important - seals too. So when something goes haywire with the tom cod - and in the last 25 years we've had two epidemics and two crashes in the population - it affects everything else. It's nice to be able to know that and the only way I found out was by accident - people need to pay attention to things like that.

And this is more of a question, but I'm sure you all realize that kelp is sold throughout this state and harvested in southeast Alaska. It's even been sold in Norton Sound to be a spawn on kelp substrate so you talk about fish and wildlife but you didn't mention plants and there are a few that are commercial viable and fish and game has managed that.

One more, the Commissioner, by giving authority back to boards of fish and game you rightly place the corporate history and the management of fish and game where it should be. The commissioner is properly placed in his spot. He is the chairman in charge of operations but the recipes for allocation and so forth should be with boards of game and fish. I was particularly dismayed when the habitat division got pulled out of fish and game – I thought that was a mistake. I know everybody has their own view on that, but thought that was decisions made by people who didn't fully understand what that division did and how it worked. Thank you.

Senator Wagoner: Thank you - are there any questions?

Senator Seekins: If I go back to the responsibility of the commissioner – they would still have some responsibility for aquatic plants. I don't think we have affected that, we've just said that the license fees don't go there. I hope we haven't stepped on that responsibility and there is no intent to do that and if we end up that way, we want to change it. A subspecies that was used in making sure there was an abundance of consumptive use fish I think would be very important that it be managed properly. That is part of the process.

Charles Lean: I can think of several examples where I have concerns.

Senator Seekins: It's like where a rancher wouldn't overgraze his pastures because of its effect on his cattle – I think that's important and if there is a threat to that, it is not intended and we'll examine that to make sure that it doesn't happen.

Senator Wagoner: And like I've told the other people, we will be holding additional hearings in January - available for either oral or written testimony. Senator Elton?

Senator Elton: I was just going to say, that I will look at this more closely but I think aquatic plants are mentioned because that was a concern I had especially because of the spawn on kelp issue. My recollection is – and I've been reading through it but haven't found it yet – but I think aquatic plants are mentioned here.

Charles Lean: Here in Norton Sound we had the fucas kelp and we sold that as a herring spawning substrate. We studied that for several years, trying to develop a growth curve on and so forth so we knew that we weren't damaging that – it's really important for the herring, even though the kelp itself isn't typically a food.

Senator Seekins: If you look at page two, section two, you could read it that way, where it says "and aquatic plant resources of the state". I've redrafted that for the next addition to try to make that very clear – it's a little bit vague,

Senator Wagoner: We have one more individual – Mark Kelso.

Mark Kelso: In the interests of time, I will make this brief. I have two comments regarding things in this bill. Number one would be the deferments – the purchase and deferments you referred allowing anti-hunting groups to come up. I was disturbed by that and I think it's setting a bad precedent that would spread like a cancer and would like to see it stricken from the bill.

The second is in regards to this expansion of bear hunting here, and non-residents being able to hunt with a hunter with three years of experience and 19 years of age and older. I'd like to see that expanded beyond just the predator depravation area. My passion is hunting, that's one of the reasons I moved to Alaska, and I have cousins, third degree relationship, and friends that are like brothers, I don't have a brother myself, that like to hunt bear. But have this guide clause or whatever you want to call it – this barrier there – that I find challenging. So many of them come up and hunt moose, which probably doesn't help the moose population on the peninsula, but it's a hunting activity that we enjoy. So if we struck the language there, without making it a predator depravation area, and just putting that in altogether, I'd be strongly in favor of that. I don't know what your position is on that, but that's mine.

Senator Seekins: Mr. Chairman, I could comment on that. There are some areas of the state that are managed as trophy bear areas. We have a suffering big game bag industry because prey populations have gone down so far that we've limited non-resident hunting in many parts of the state. Unit 13 in the central part of the state is one example. The only thing left for guides to go after there is bears and if somebody took too many of them there'd be a kind of revolt. But there's no moose that they could hunt, as a non-resident, no caribou they could hunt as a non-resident.

There's an opinion of the attorney general's office on non-resident hunting and big game accompanying. It's a very thin thread I believe, that says that in general the validity of the big game guide requirements is premised upon the need to protect the public resources and the hunting public. (Reading from the opinion) "As rugged terrain, dangerous animals and inclement weather have also been raised as justification for requiring hunters to be accompanied by guides. Similarly, the need to protect public resources from hunters unfamiliar with the state conservation laws has also been cited as the basis for requiring a guide". However, if you live here 12 months, suddenly by osmosis you've assumed all those categories to safely hunt those animals.

If it ever got challenged in court, I think it would be struck down quickly. It's an attempt here to widen the opportunity, especially in those areas of intensive management, to reduce those populations - but not to threaten where we manage for trophy animals. And still help by somewhat emulating the requirements for an assistant guide - in your ability to be able to safely guide someone out there. You probably can - I know I could. I can't take my daughter's father-in-law, and I'd love to. So it's not only, call it a compromise, but it's an attempt to try to address the area by getting more hunters in the field for bears, but at the same time, not unduly compromise the big game guide industry in areas where they're managed for trophies.

Mark Kelso: Well, here it's one bear a year - as long as you change the language to areas of the state where one bear can be taken each year, versus the bear deprivation clause.

Senate Seekins: Mr. Chairman, I think you would find out that this unit could be – is this unit out here under intensive management determination? Matt –

Matt Robus: It's not under (unintelligible) and the moose herd here is I believe designated as an intensive management herd.

Senator Seekins: So, more than likely, the findings could take place right now by the board of game to put that in place. What I'm trying to do is say, once we get there and if bear has been identified as a cause of that predation, under intensive management, that this is automatic in statute. So you don't have a menu of things that can be done, these things now can be done and they try to attempt to address what Roy brought up to. We change the methods and means to make it possible for someone to take younger bears and sows a little earlier, use more successful means to be able to help reduce those populations. I understand exactly where you're coming from and I feel the same way. But I have this responsibility kind of in those trophy areas to help the guide industry. It's gone down so terribly that it's drastic. Texas brings in \$9 billion a year in non-resident hunting revenue - that's in Texas, and we are less than a half a billion, aren't we Matt? (unintelligible) But I agree with you but I don't know how to address it but I can try.

Mark Kelso: But these new fees at \$900 a pop for a non-resident bear ...

Senator Seekins: ... Won't be there in intensive management area - that's \$250.00 - after you get the bear.

Mark Kelso: I thought a non-resident is a proposed \$750 plus \$150 ...

Senator Seekins: If it fits into this category it would be after you get the bear.

Senator Wagoner: So you go hunting, and then after you're successful, if you are, you

Senator Seekins: We're trying to put more hunters in the field. I want your college roommate your friends, your third cousins and my daughter's father-in-law to be able to go after a bear to help reduce that population and have a great hunting experience at the same time.

Mark Kelso: That's what I want as well, but if you loosened it a little more it would happen today, versus waiting for that deprivation ruling.

Senator Seekins: I like what you're saying, I don't know if I can do it, but I'll give it a shot.

Senator Wagoner: The last thing I want to see, because I'm on the commercial side of fisheries, the last thing I want to see is the legislature to start making decisions in place of the board of fish and the board of game. That's a system that's always worked and should continue to work. In the long run, I think we can make it work, but I'm not in favor of legislating anything without the board of fish and the board of game having the final say.

Senator Elton: A question of the department - I tried to do a little bit of my home work before I got here and I couldn't find a definition of consumptive use. So maybe at the next meeting, if you could let us know how consumptive use applies. I think it's easy for me to understand in the taking of a moose, but what about the taking of a king salmon in a commercial troll fishery, when that salmon is being sold, at a Carr's in Juneau for example? And also, what consumptive use can mean, for example, the taking of a bird for use and cultural artifacts. Just let me know what consumptive use means and how it's applied to the different situations other than going out and taking a game animal.

Senator Wagoner: I'm going to conclude the meeting because the plane for once is on time. I want to thank every body for coming – it was a pleasure to be here. And if we can do this again, I hope you all can attend another hearing.

Ended at 8:30pm.



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FROM: Fannie L. Woods DATE: October 11, 2005

Of pages, including this page 2

ADDITIONAL INFORMATION:

Please find Rose Fosdick's comments presented at Senators Wagoner, Seeks,

Elton and Olson on October 10, in Nome. Additional comments later.

This message may contain confidential information, therefore should not be forwarded to non-participants unless the sender gives permission. If you receive this message in error, please notify the sender immediately. Thank you.

☺ *Have a nice day* ☺

Rose Fosdick
P.O. Box 1485
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October 10, 2005

In regards to Senate Bill No. 170, I have several points for you to consider. Thanks for taking the following into consideration as you deliberate.

- The draft bill was lengthy and complicated. It didn't make it any easier when, in several places there was new text added, such as in places that read "is amended by adding a new section to read:..." the document didn't follow the legend in which new text was supposed to be underlined. Therefore I marked my version up to show new sections. Also at the end two statutes were suggested for repeal and they were not printed and bracketed.
- In regards to the Subsistence division, this bill reduces the effectiveness and validity of an important part of ADFG. This bill reduces the department's ability to recommend action to ADFG, BOG, BOF. Instead it creates a special unit to report on consumption of resources by people who are subsistence users. I object to that intent.
- The legislature is given the final authority to approve appropriations of the fish and game fund which just places the decision in a political forum, where factions will lobby for funds.
- We want to benefit from the Pittman-Robertson funds also, so if you are changing the distribution streams for this revenue, please distribute equitably throughout the state.
- I object to the fact that residents' licenses and fees for hunting, trapping, and sport fishing are proposed for increases and especially for those, according to this bill would be required to show proof of eligibility. The only proof available would create another layer of tracking and proving because IRS tax reports would have to be provided as well as Division of Human and Family Services' proofs of eligibility.
- There is a new section called "permit deferral fee" and I don't understand it and object to it's being suggested.
- Finally, it's frustrating to see the word "wildlife" included as a replacement for "game" throughout the document and I'm not sure what purpose that serves unless the State is trying to get away from the use of the word "game."

Thank you.