

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 RES 12682

Sen. Huggins

February 2008

SB284

Northern District Monitoring & Research Priorities

Highest Priority

Accurate adult escapement and production data on Susitna sockeye are accorded the highest priority.

1. Yentna River Salmon Escapement (Long-term Monitoring Program)

The Bendix Sonar, in concert with fish wheel sampling, provides the only long term escapement information for Susitna sockeye. Recent research indicates that the sonar consistently undercounts actual abundance but may be an effective index of abundance. This index is the basis for the current Yentna sockeye SEG. The sonar needs to be continued until something better is in place and the alternative has been calibrated to the Bendix counts.

2. Didson Yentna Sonar Counter (Current Project)

The more-advanced Didson sonar may prove to be an effective long term replacement for the old Bendix sonar system. Both systems need to be operated concurrently for several years and compared in order to relate historical and current data.

3. Genetic Sockeye Stock Composition of the Commercial Harvest (Current Project)

This new data is critical to effective sockeye management in UCI and genetic stock identification needs to be incorporated in a systematic annual sampling program. Modern genetic methods for the first time allow accounting of the origin of all fish harvested in the commercial fishery with 100% accuracy. Results have shown that historical assumptions and stock apporionments were inaccurate, particularly with the failure to account for Susitna sockeye harvest in the East side set net fishery. Effects ripple through harvest and production estimates for all sockeye stocks in the inlet. In addition to regular post-season analysis and reconstruction of stock composition in the fisheries, this work should also include a trial application of genetic stock identification for in-season management in order to regulate harvest of northern district sockeye.

Priority

Priority projects would provide significant new information on sockeye numbers and production or extend useful data collected in current projects scheduled for completion.

1. Migration Routes & Timing of Susitna Sockeye through Upper Cook Inlet Fisheries (New Project)

This is a new project that is not currently proposed in the preliminary draft Susitna sockeye action plan. It includes additional genetic stock identification studies based on: 1) a retrospective genetic analysis of historical scale collections to accurately reconstruct historical runs, and 2) systematic test fisheries in the inlet statistically designed to collect time and area genetic samples. The retrospective analysis will reconstruct correct historical brood tables. Rather than waiting 5 or 7 years to compile an adequate picture one year at a time, the retrospective analysis can provide years of data in the near term. The systematic test fisheries are needed to explore effective alternatives for targeting or avoided specific stocks are needed because normal fisheries are limited in time and area. The project is a complement to existing genetic stock identification studies.

2. Major System Adult Weirs (Proposed Project in Action Plan)

Weirs in key production areas provide estimates of absolute abundance of significant populations. Weir counts provide useful points of reference to determine whether sonar

counts continue to be useful indices of escapement. Over time, weir counts can also provide population-specific escapement estimates. Differences in escapement patterns among populations will help identify limiting factors. Counts also provide useful recapture data for in-river abundance and distribution estimates. This project is best conducted in conjunction with the In-river Abundance and Spawner Distribution project.

3. In-river Sockeye Abundance and Spawner Distribution (Current Research Project)

This is a continuation of the current study. This work provides critical information on the whole population of Susitna sockeye rather than just the subpopulations being monitored in selected lakes. Without this more global view, we don't simply won't know whether intensively-monitored lake populations are representative of the entire population. Criticism of the technical merit of the mark-recapture portion of this study is unfounded. Regardless, the radiotelemetry data on spawner distribution provides useful information what portion of the run returns to any given area in any given year. This project is best conducted in conjunction with the major system weirs project.

4. Major System Sockeye Smolt Production (Proposed Project in Action Plan)

Estimates of smolt production concurrent with weir counts of adults in major sockeye systems will help distinguish the relative significance of freshwater and saltwater effects on production and the productive capacity of key systems. The smolt studies are a useful complement to the adult escapement estimates although the adult weir counts would be a higher priority in the face of funding limitations.

5. UCI Fisheries Model (New Project)

This project would build upon prototype models developed for UCI fisheries and incorporate them into fishery planning practice. Because northern district sockeye escapement is not counted until after fishing occurs, UCI commercial fisheries must be configured to meet northern district escapement goals in the absence of real-time in-season data on northern district run sizes and escapement. Fisheries must be planned and configured based on assumed movement and timing patterns from historical data. A fishery planning model is an effective tool for formalizing this analysis, explicitly weighing management tradeoffs, designing effective fishing strategies, defining fishery expectations, and documenting key assumptions that can then be evaluated with post-season data. A model is also an effective tool for evaluating the implications of new genetic and escapement data collected by other projects. The model is the means of applying and integrating the new information to get to the "so what" of how to meet escapement goals of northern district sockeye.

Other

A variety of additional projects are being proposed or considered. Many projects could provide information of some utility but other projects identified above will provide information of more direct application or more cost-effective returns on project investments. Other lower priority projects include:

1. Evaluation of Juvenile Sockeye Production from Susitna Watershed Lakes (Current Research Project)

The current project will need met the objective need for background limnology and habitat information from key sockeye lakes. The long term management application of additional mechanistic limnological and juvenile rearing research is limited. Additional information of a similar nature will provide diminishing returns and is of a lower priority than basic stock-specific escapement and harvest data. Portions of the current study of value for long term

management application are included in the major system adult weirs and smolt production studies identified above.

2. Additional Adult System Weirs (Proposed Project in Action Plan)

This project would provide more of the same type of information provided in the major system adult weir studies. This is labor intensive and costly work. The need is met by the major system studies.

3. Additional System Smolt Production (Proposed Project in Action Plan)

This project would provide more of the same type of information provided in the major system smolt production studies. This is labor intensive and costly work. The need is met by the major system studies.

4. Susitna River Fish Passage Restoration (Proposed Project in Action Plan)

Benefits of passage restoration will be limited by improvements affecting a limited local area (that do not affect a significant portion of the production area) or improvements that are temporary in nature (e.g. beaver dam removal). Rather than focusing on restoration and action-effectiveness monitoring of a few problem sites, a better approach for the long term would be a comprehensive inventory of the extent of potential problems throughout the drainage.

5. Fish Creek Sockeye Production

Intensive juvenile studies in Fish Creek might provide insight into the collapse of this sockeye population but might also just document what we already know (current production is poor). A better alternative might be a study focused on the effectiveness of remedial actions (discontinuation of hatchery releases, habitat improvements, etc.).

6. Abundance, Distribution, and Run Timing of Coho, Pink, Chum and Sockeye in Upper Cook Inlet

Tagging salmon from the Anchor Point test fishery with radiotags and subsequent aerial monitoring of freshwater escapement would be a very costly study relative to the information gained. This study will provide no direct information on movements in the inlet because radiotags are not detectable in salt water. Realistic sample sizes will impose serious limitations on statistical power to identify distribution and timing patterns. The study would also provide little or no information on a critical question of where and when fish would be subject to commercial harvest.

Alaska Fisheries Consultants ¹

LGL Alaska Research Associates Inc.

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Anchorage AK 99518
ph: 907.562.3339
Mike Link

R2 Resource Consultants

R2 Resource Consultants
2600 Cordova St.
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1020 Wasco Street, Suite I
Hood River OR 97031
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Greg Koonce

Natural Resources Consultants, Inc.

1900 West Nickerson Street, Suite 207
Seattle WA 98119 USA
ph: 206.285.3480
Greg Ruggerone

¹ *located or working in Alaska.*

SB

303

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 3/12/08

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/24/08

Resources Committee considered SENATE BILL NO. 303

SB 303 SANITATION AND WATER GRANTS

"An Act relating to certain grants awarded by the Department of Environmental Conservation."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
<input type="checkbox"/> Same Title
<input type="checkbox"/> New Title
HOUSE BILL:
<input type="checkbox"/> Same Title
<input type="checkbox"/> Technical Title Change
<input type="checkbox"/> New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
DEC	3/21	✓			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURE	RECOMMENDATIONS	INDET	ZERO	DO NOT PASS	FN#
<i>Dick Green</i>	Green	✓			
<i>[Signature]</i>	STREIB	✓			
<i>[Signature]</i>	wielechowski				✓
<i>[Signature]</i>	WAGNER	✓			
CHAIR: <i>[Signature]</i>	DUGAN	✓			

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee

Butrovich Room 205

Monday, March 24, 2008

3:30-5:30 p.m.

*long floor session SRES
gaveled in @ 4:30 PM*

AGENDA

- SB 303 Sanitation and Water Grants
- SB 306 Board of Game Regulations- POSTPONED-

Teleconference

Testimony: By Invitation

Senate Resources Committee 3:30 – 5:30 Monday, March 24, 2008

**1. Gavel In & Call to order:
Note time -- and members present**

**2. SB 303 Sanitation and Water Grants
Senator Gary Stevens
Ginger Blaisdell, Staff**

DEC testimony by teleconference:

**Lynn Kent, Director, Division of Water
Bill Griffith, Village Safe Water Facility Manager**

- a. Open Public Testimony [if no one on line or in room CLOSE public testimony]**
- b. Committee discussion and will of the committee.**

3. HB 348/SB 306 Board of Game Regulations

POSTPONED to another day

May not be necessary to mention postponement if you simply adjourn without bringing it up

**Reminder: Wednesday we'll hear 1. Governor's Board of Fish Appointments
And 2. HB 137 Fishing/Hunting/Trapping Licenses**

Meeting Adjourned @ _____

Senator Huggins
cmte packet

SB 303 Sanitation and Water Grants

March 24, 2008

out
no objections

SB 303

Referred: SRES & SFIN

- 1. Sponsor Statement**
- 2. Fiscal Note**
- 3. Legal Services Memo on Determination of Certain Grant amounts**
- 4. List of 149 Communities by Population & Type**
- 5. Senator Green questions re: Program & Funding
Narrative answers & spreadsheet**
- 6. Support**

Ak Municipal League

SB 303 Sanitation and Water Grants

March 24, 2008

SB 303

Referred: SRES & SFIN

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Narrative answers & spreadsheet**
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Ak Municipal League

SENATE BILL NO. 303

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST

Introduced: 3/12/08
Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain grants awarded by the Department of Environmental
2 Conservation."

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

4 * Section 1. AS 46.03.030(e) is amended to read:

5 (e) A grant under this section to a municipality for a project funded by an
6 appropriation made by the legislature

7 (1) before July 1, 1994, may not exceed 50 percent of the eligible costs
8 of the project:

9 (2) after July 1, 1994, may not exceed

10 (A) 85 percent of the eligible costs for a municipality with a
11 population of 1,000 persons or less;

12 (B) 70 percent of the eligible costs for a municipality with a
13 population of 1,001 to 10,000 [5,000] persons; and

14 (C) 50 percent of the eligible costs for a municipality with a

1 population greater than 10,000 [5,000] persons; however, if a municipality
2 with a population greater than 10,000 [5,000] persons seeks a grant for a
3 project that relates to a solid waste processing or disposal system that
4 incorporates resource recovery, the department may provide a grant for up to
5 60 percent of the eligible costs of the project.

ALASKA STATE LEGISLATURE



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Senator Gary Stevens Senate Rules Chair

SPONSOR STATEMENT – SB 303

“An Act relating to certain grants awarded by the Department of Environmental Conservation.”

A population criterion that determines water quality project reimbursement rates was last reviewed in 1994. Since that time project costs have skyrocketed and create an undue hardship on cities with population levels close to 5,000. The combination of rising construction costs and increased water and sewer improvement needs has created a financial hardship on the citizens of Alaska's middle-sized municipalities.

As small municipalities continue to invest in economic development and community growth, the cost of improved water and sewer are a detriment to those considering moving to those communities. Cities with populations slightly above 5,000 must pay the additional 20% from their budgets meaning that the tax rates must be increased significantly to a few households, or other services may be passed over to accommodate for basic water and sewer needs.

Current law allows 85% state reimbursement for water / sewer projects for municipalities with a population of 1,000 or less. Municipalities with populations from 1,001 to 5,000 are eligible for 70% state reimbursement. And municipalities with 5,001 or higher are eligible for 50% state reimbursement.

There are eight municipalities that are impacted by the population limits set at 5,000: Sitka 8,833, Ketchikan 7,622, Kenai 6,864, Wasilla 6,775, Kodiak 5,937, Bethel 5,812, Palmer 5,574, and Homer 5,454. Municipalities with populations greater than 10,000 jump to municipalities with more than 30,000 and include Juneau, Fairbanks and Anchorage.

Increasing the limit for the 1,001 to 5,000 population to be 1,001 to 10,000 would help eight municipalities to afford water and sewer projects.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB303
 () Publish Date: _____

Identifier (file name): SB303-DEC-FC-03-21-08 Dept. Affected: Department of Environmental Conservation
 Title: An Act relating to certain grants awarded by DEC RDU: Division of Water
 Component: Facilities Construction
 Sponsor: Senate Rules Committee
 Requester: Resources, Finance Component Number: 637

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	3,720.8		0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (GF 1004)	3,720.8		0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Capital expenditures are based on the assumption that the bill will only affect grants made beginning in FY2009 and later, and will not affect grants made prior to FY2009. The FY2009 capital cost projection is based on the increased costs to the state associated with providing 70% of project costs, instead of 50% of project costs, for projects in communities with populations between 5,000 and 10,000 included in FY2009 capital budget bills HB311 and SB221.

Detailed information about FY2009 projects and increased costs to the state are included on the next page.

Prepared by: Lynn J. Tomich Kent, Director
 Division: Water
 Approved by: Dan Easton
Department of Environmental Conservation

Phone 907-269-7599
 Date/Time 3/21/08 3:51 PM
 Date 3/21/2008

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

BILL NO. SB303

ANALYSIS CONTINUATION

FY2009 Projects	Current 50/50 Project Cost Sharing		Proposed 70/30 Project Cost Sharing		Difference Between 50/50 and 70/30 Project	
	State	Local	State	Local	State	Local
Homer Water Treatment Plant Upgrade	\$1,236,000	\$1,236,000	\$1,730,400	\$741,600	\$494,400	-\$494,400
Kenai New Water Transmission Main Phase II Wellhouse	\$698,625	\$698,625	\$978,075	\$419,175	\$279,450	-\$279,450
Kodiak Aleutian Homes Water & Sewer Replacement Ph 4	\$1,297,800	\$1,297,800	\$1,816,920	\$778,680	\$519,120	-\$519,120
Kodiak Ultraviolet Secondary Water Treatment Facility	\$2,080,000	\$2,080,000	\$2,884,000	\$1,236,000	\$824,000	-\$824,000
Palmer Steel Water Main Replacement Phase 6	\$1,389,793	\$1,389,793	\$1,917,710	\$821,878	\$547,917	-\$547,917
Palmer Wastewater Treatment Plant Improvements Design	\$148,781	\$148,781	\$208,293	\$89,269	\$59,512	-\$59,512
Palmer Southwest Utility Extension Phase II	\$1,768,605	\$1,768,605	\$2,473,247	\$1,059,963	\$704,642	-\$704,642
Wasilla Mission Hills Water Extension	\$724,500	\$724,500	\$1,014,300	\$434,700	\$289,800	-\$289,800
<i>FY 2009 Total</i>	<i>\$9,302,104</i>	<i>\$9,302,104</i>	<i>\$13,022,946</i>	<i>\$5,581,262</i>	<i>\$3,720,842</i>	<i>-\$3,720,842</i>

LEGAL SERVICES

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

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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 7, 2008

SUBJECT: Determination of certain grant amounts awarded by the Department of Environmental Conservation (Work Order No. 25-LS1445\A)

TO: Senator Lyda Green
Attn: Ginger Blaisdell

FROM: Alpheus Bullard *AB*
Legislative Counsel

This memorandum accompanies the draft bill you requested.

Ginger Blaisdell of your office had asked if the formula employed in determining what percentage of a municipal water quality enhancement, water supply, sewage, or solid waste project's cost could be met by a grant made by the Department of Environmental Conservation under AS 46.03.030(e)¹ was found elsewhere in the Alaska statutes.

Under AS 46.03.030(e)(2) the percentage of a municipal project's costs eligible for a grant is based on community population size. For a community with a population of (1) 1,000 persons or less, a grant is not to exceed 85 percent of a project's eligible costs, (2) 1,001 to 5,000 persons, a grant is not to exceed 70 percent of a project's eligible costs, and (3) 5,000 persons or more, a grant is not to exceed 50 percent of a project's eligible costs (unless the project relates to certain solid waste processing or disposal systems, in

¹ AS 46.03.030(e) provides in relevant part,

[a] grant under [AS 46.03.030] to a municipality for a project funded by an appropriation made by the legislature . . . may not exceed

(A) 85 percent of the eligible costs for a municipality with a population of 1,000 persons or less;

(B) 70 percent of the eligible costs for a municipality with a population of 1,001 to 5,000 persons; and

(C) 50 percent of the eligible costs for a municipality with a population greater than 5,000 persons; however, if a municipality with a population greater than 5,000 persons seeks a grant for a project that relates to a solid waste processing or disposal system that incorporates resource recovery, the department may provide a grant for up to 60 percent of the eligible costs of the project.

Senator Lyda Green
February 7, 2008
Page 2

which case the Department of Environmental Conservation may provide a grant for up to 60 percent of the project's eligible costs).

While community population size is a factor in the determination of other grants, the 85, 70, 50/60 percent formula for communities of 1,000 or fewer, 1,001 to 5,000, and 5,000 or more persons is unique to AS 46.03.030.

Changing what percentage of project costs are eligible for a grant under AS 46.03.030 does not necessitate conforming changes elsewhere in the Alaska statutes.

If you have any questions, please do not hesitate to contact me.

ALB:lmb
08-016.lmb

Enclosure

<u>Community</u>	<u>Population</u>	<u>Incorp Type</u>
Anchorage	282,813	Unified Home Rule Municipality
Juneau	30,850	Unified Home Rule Municipality
Fairbanks	30,552	Home Rule City
Sitka	8,833	Unified Home Rule Municipality
Ketchikan	7,822	Home Rule City
Kenai	6,864	Home Rule City
Wasilla	6,775	1st Class City
Kodiak	5,937	Home Rule City
Bethel	5,812	2nd Class City
Palmer	5,574	Home Rule City
Homer	5,454	1st Class City
Valdez	4,353	Home Rule City
Barrow	4,065	1st Class City
Unalaska	3,940	1st Class City
Unalaska	3,940	1st Class City
Soldotna	3,807	1st Class City
Nome	3,540	1st Class City
Petersburg	3,129	Home Rule City
Kotzebue	3,104	2nd Class City
Seward	2,827	Home Rule City
Dillingham	2,397	1st Class City
Cordova	2,211	Home Rule City
Wrangell	1,911	Home Rule City
North Pole	1,710	Home Rule City
Houston	1,537	2nd Class City
Hooper Bay	1,157	2nd Class City
Craig	1,105	1st Class City
Delta Junction	1,039	2nd Class City
Chevak	908	2nd Class City
Sand Point	890	1st Class City
Selawik	841	2nd Class City
Hoonah	829	1st Class City
King Cove	807	1st Class City
Emmonak	798	2nd Class City
Mountain Village	798	2nd Class City
Togiak	783	2nd Class City
Klawock	778	1st Class City
Akutan	741	2nd Class City
Point Hope	737	2nd Class City
Unalakleet	727	2nd Class City
Kwethluk	721	2nd Class City
Savoonga	712	2nd Class City
Alakanuk	663	2nd Class City
Quinhagak	648	2nd Class City
Gambell	643	2nd Class City
Noorvik	636	2nd Class City
Galena	636	1st Class City
Shishmaref	615	2nd Class City
Stebbins	612	2nd Class City
Kotlik	611	2nd Class City
Toksook Bay	598	2nd Class City

→ 1700 rate payers & 40% leakage in their pipe system
5,000 cut off

85% 1,000 cut off

Fort Yukon	596 2nd Class City
Pilot Station	574 2nd Class City
Nenana	553 Home Rule City
Saint Mary's	551 1st Class City
Nunapitchuk	547 2nd Class City
Anderson	536 2nd Class City
Kake	536 1st Class City
Scammon Bay	520 2nd Class City
Wainwright	517 2nd Class City
Aniak	512 2nd Class City
Angoon	482 2nd Class City
Thorne Bay	482 2nd Class City
New Stuyahok	472 2nd Class City
Napaskiak	464 2nd Class City
Chefornak	460 2nd Class City
Saint Paul	460 2nd Class City
Kachemak	458 2nd Class City
Buckland	457 2nd Class City
Saint Michael	446 2nd Class City
Gustavus	441 2nd Class City
Manokotak	423 2nd Class City
Saxman	422 2nd Class City
Nuiqsut	417 2nd Class City
Kiana	401 2nd Class City
Kivalina	391 2nd Class City
Marshall	387 2nd Class City
Napakiaik	370 2nd Class City
Koyuk	368 2nd Class City
Akiak	367 2nd Class City
Hydaburg	352 1st Class City
Russian Mission	329 2nd Class City
Brevig Mission	324 2nd Class City
McGrath	321 2nd Class City
Anaktuvuk Pass	299 2nd Class City
Elim	294 2nd Class City
Nulato	290 2nd Class City
Kaktovik	288 2nd Class City
Eek	287 2nd Class City
Seldovia	287 1st Class City
Ambler	277 2nd Class City
Upper Kalskag	271 2nd Class City
Lower Kalskag	269 2nd Class City
Tanana	261 1st Class City
Shungnak	260 2nd Class City
Huslia	259 2nd Class City
Teller	258 2nd Class City
Goodnews Bay	242 2nd Class City
Aleknagik	241 2nd Class City
Atkasuk	237 2nd Class City
Nightmute	237 2nd Class City
White Mountain	224 2nd Class City
Mekoryuk	217 2nd Class City

Shaktolik	214 2nd Class City
Port Lions	211 2nd Class City
Holy Cross	204 2nd Class City
Nunam Iqua	201 2nd Class City
Nunam Iqua	201 2nd Class City
Kaltag	199 2nd Class City
Nondalton	196 2nd Class City
Ouzinkie	193 2nd Class City
Old Harbor	192 2nd Class City
Ruby	183 2nd Class City
Grayling	174 2nd Class City
Newhalen	167 2nd Class City
Coffman Cove	162 2nd Class City
Golovin	154 2nd Class City
Adak	146 2nd Class City
Wales	139 2nd Class City
Deering	138 2nd Class City
Kobuk	135 2nd Class City
Shageluk	124 2nd Class City
Saint George	120 2nd Class City
Whittier	117 2nd Class City
Ekwok	111 2nd Class City
Diomede	110 2nd Class City
Eagle	110 2nd Class City
Tenakee Springs	109 2nd Class City
Pelican	106 1st Class City
Chuathbaluk	99 2nd Class City
Nikolai	98 2nd Class City
Allakaket	94 2nd Class City
Larsen Bay	90 2nd Class City
Anvik	88 2nd Class City
Koyukuk	88 2nd Class City
Cold Bay	87 2nd Class City
Chignik	85 2nd Class City
Port Heiden	79 2nd Class City
Egegik	76 2nd Class City
Atka	73 2nd Class City
Clark's Point	69 2nd Class City
Hughes	68 2nd Class City
Pilot Point	66 2nd Class City
Port Alexander	64 2nd Class City
Kasaan	59 2nd Class City
False Pass	54 2nd Class City
Akhiok	44 2nd Class City
Platinum	38 2nd Class City
Kupreanof	32 2nd Class City
Bettles	25 2nd Class City

From: Ginger Blaisdell [mailto:Ginger_Blaisdell@legis.state.ak.us]

Sent: Tuesday, February 05, 2008 11:27 AM

To: Easton, Dan (DEC)

Subject: here comes the request I warned you about

We are looking at the state/local match rates for water/sewer project funding population breakout listed in AS 46.03.030 (e).

What would the funding impact be for ranked projects for FY07 and FY08 for communities in the 1,001-5,000 population if the population criteria were changed to 1,001-10,000 population?

What if any programmatic impacts would this population change create?

Was all state funding expended in FY07 for water/sewer projects? Have we typically lapsed/carried forward funds for this program?

Please call if you have any questions - 465-5038.

Ginger

2/8/2008

Ginger Blaisdell

From: Easton, Dan (DEC) [dan.easton@alaska.gov]
Sent: Wednesday, February 06, 2008 4:33 PM
To: Ginger Blaisdell
Cc: Griffith, Bill (DEC sponsored)
Subject: FW: here comes the request I warned you about
Attachments: Senator Green Report.xls

Ginger -- I hope the attached spreadsheet and the below e-mail from Bill Griffith answer your questions.

I would only add to Bill's response to question 2. that funds are almost always quickly obligated through grant agreements and rarely (if ever) lapse, though it can be a number of years before they are completely expended. As Bill explains, that's because the projects take years to complete and funds are disbursed as costs are incurred over the duration of the construction project.

Please let me know if you have other questions or if we can help. -- Dan.

From: Griffith, Bill (DEC sponsored)
Sent: Wednesday, February 06, 2008 2:23 PM
To: Kent, Lynn J T (DEC)
Cc: Easton, Dan (DEC)
Subject: RE: here comes the request I warned you about

Lynn - I've attached a spreadsheet showing the projects that would potentially be affected by the change being discussed.

In addition, these are our initial responses to the questions posed by Ginger:

1. What, if any, programmatic impacts would this population change create?

- Assuming this change was applied only to projects funded in FY09 and later, there would be no programmatic impacts. Projects are administered the same way, regardless of the percentage of local matching funds.

- If the change was applied retroactively to projects originally funded in FY07 or FY08, complications would be created. Existing grant agreements would require amendments; accounting and funding adjustments would need to be made; and we would need to figure out how to deal with cities and projects that have already been substantially completed under the original match ratio and grant agreement.

2. Was all state funding expended in FY07 for water/sewer projects? Have we typically lapsed/carried forward funds for this program?

- State funding for FY07 (and FY08) has been partially expended. For projects that had designs in place, or where designs were completed quickly, some or all of the funding has been expended. In other cases, the design is still in progress, and little or no funding has been expended. These capital projects typically require 1 - 5 years to complete, so funding is almost always expended over several fiscal years.

Please let me know if there are any additional questions.

Bill

2/8/2008

Senator Green Report

		Current 50/50 Project Cost Sharing		Proposed 70/30 Project Cost Sharing		Difference Between 50/50 and 70/30 Project Sharing	
		State	Local	State	Local	State	Local
SFY 2007 Projects							
Homer	Water Treatment Plant Upgrades	\$1,062,727	\$1,062,727	\$1,487,818	\$637,636	\$425,091	-\$425,091
Ketchikan	Tongass Avenue Water and Sewer Phase 3	\$1,884,179	\$1,884,179	\$2,637,851	\$1,130,507	\$753,672	-\$753,672
Palmer	Steel Water Main Replacement Phase 5	\$1,016,964	\$1,016,964	\$1,423,750	\$610,178	\$406,786	-\$406,786
Sitka	Kimsham Landfill Closure	\$1,220,356	\$1,220,356	\$1,708,498	\$732,214	\$488,142	-\$488,142
<i>SFY 2007 Total</i>		<i>\$5,184,226</i>	<i>\$5,184,226</i>	<i>\$7,257,916</i>	<i>\$3,110,536</i>	<i>\$2,073,690</i>	<i>-\$2,073,690</i>

		Current 50/50 Project Cost Sharing		Proposed 70/30 Project Cost Sharing		Difference Between 50/50 and 70/30 Project Sharing	
		State	Local	State	Local	State	Local
SFY 2008 Projects							
Homer	Water Treatment Plant Upgrade Phase 3	\$1,310,160	\$1,310,160	\$1,834,224	\$786,096	\$524,064	-\$524,064
Kenai	Water Treatment Plant Upgrades Phase 3	\$648,945	\$648,945	\$908,523	\$389,367	\$259,578	-\$259,578
Ketchikan	Disinfection By-Products Reduction Project	\$3,347,500	\$3,347,500	\$4,686,500	\$2,008,500	\$1,339,000	-\$1,339,000
Kodiak	Aleutian Homes Water and Sewer Replacement, Phase 2	\$1,525,400	\$1,525,400	\$2,135,560	\$915,240	\$610,160	-\$610,160
Palmer	Water Main Replacement, Phase 5	\$1,035,000	\$1,035,000	\$1,449,000	\$621,000	\$414,000	-\$414,000
Sitka	Cove Lift Station Replacement	\$155,300	\$155,300	\$217,420	\$93,180	\$62,120	-\$62,120
Sitka	Japonski Island Submarine Water Crossing	\$776,300	\$776,300	\$1,086,820	\$465,780	\$310,520	-\$310,520
Sitka	Water Distribution System Improvements	\$466,785	\$466,785	\$653,499	\$280,071	\$186,714	-\$186,714
Wasilla	Garden Terrace Water Main Extension, Phase 2	\$1,376,100	\$1,376,100	\$1,926,540	\$825,660	\$550,440	-\$550,440
<i>SFY 2008 Total</i>		<i>\$10,641,490</i>	<i>\$10,641,490</i>	<i>\$14,898,086</i>	<i>\$6,384,894</i>	<i>\$4,256,596</i>	<i>-\$4,256,596</i>

		Current 50/50 Project Cost Sharing		Proposed 70/30 Project Cost Sharing		Difference Between 50/50 and 70/30 Project Sharing	
		State	Local	State	Local	State	Local
SFY 2009 Projects							
Homer	Water Treatment Plant Upgrade	\$1,236,000	\$1,236,000	\$1,730,400	\$741,600	\$494,400	-\$494,400
Kenai	New Water Transmission Main Phase II Wellhouse	\$698,625	\$698,625	\$978,075	\$419,175	\$279,450	-\$279,450
Kodiak	Aleutian Homes Water and Sewer Replacement, Phase 4	\$1,297,800	\$1,297,800	\$1,816,920	\$778,680	\$519,120	-\$519,120
Kodiak	Ultraviolet Secondary Water Treatment Facility	\$2,060,000	\$2,060,000	\$2,884,000	\$1,236,000	\$824,000	-\$824,000
Palmer	Steel Water Main Replacement Phase 6	\$1,369,793	\$1,369,793	\$1,917,710	\$821,876	\$547,917	-\$547,917
Palmer	Wastewater Treatment Plant Improvements Design	\$148,781	\$148,781	\$208,293	\$89,269	\$59,512	-\$59,512
Palmer	Southwest Utility Extension Phase II	\$1,766,605	\$1,766,605	\$2,473,247	\$1,059,963	\$706,642	-\$706,642
Wasilla	Mission Hills Water Extension	\$724,500	\$724,500	\$1,014,300	\$434,700	\$289,800	-\$289,800
<i>SFY 2009 Total</i>		<i>\$9,302,104</i>	<i>\$9,302,104</i>	<i>\$13,022,946</i>	<i>\$5,581,262</i>	<i>\$3,720,842</i>	<i>-\$3,720,842</i>



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

March 21, 2008

Senator Charlie Huggins, Chair
Senate Resources Committee
Room 119
State Capitol
Juneau, Alaska

RE: SB 303 – An Act relating to certain grants awarded by the Department of Environmental Conservation

Dear Senator Huggins,

The Alaska Municipal League would like to go on record as being in favor of SB 303. Without passage of this bill, many municipalities will be negatively impacted. Communities that are growing will find themselves supporting infrastructure and utilities that supply more and more people, yet are eligible for less grant money from ADEC.

This bill's passage would positively impact Bethel, Palmer, Homer, Kenai, Ketchikan, Kodiak, the North Slope Borough, the Northwest Arctic Borough, Sitka, and Wasilla. There are a few communities that are right on the cusp of having their population reach over 5,000 people and those communities will be positively impacted soon; Valdez, Unalaska and Barrow.

We think it is important that cities that thrive and grow their economy be eligible for grant funds in an amount that allow them to provide for the additional people added to their population.

Thank you for the privilege of commenting on this bill.

Sincerely,

Kathie Wasserman
Executive Director

SB

306/

HB

348

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 3/21/08

FURTHER: Rules

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/11/08

Resources Committee considered SENATE BILL NO. 306

SB 306 BOARD OF GAME REGULATIONS

An Act relating to the adoption of conservation, development, and utilization regulations by the Board of Game to address concerns relating to public assets.

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	4/10			✓	
F+G	3/22			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC.	AMEND
<i>[Signature]</i>	Green	✓			
<i>[Signature]</i>	Stapanian			✓	
<i>[Signature]</i>	Stapanian			✓	
CHAIR: <i>[Signature]</i>	Aug 11/08	✓			

speaking pts for Chairman

Bullets SB 306

This measure establishes that Alaskan's are well aware that wildlife is an asset.

We spend millions of dollars annually hiring professional wildlife managers

These trained professionals consult with the Board members and the public, endeavoring to assure an abundance of our magnificent wildlife.

~~It is the responsibility of the Board of Game to manage the asset of game and to determine how that asset is allocated.~~

What we are doing today is establishing and clarifying definitions for the Board of Game.

And acknowledging that we understand the Board's management of the asset is in some cases an allocation.

The Alaska Supreme Court has already determined that fish is an asset and would likely rule the same way on game were it to be addressed by the court. [see packet legal memos]

This bill does not try to second guess the Court it in fact agrees with it.

It clarifies the power of the Board of Game, in that methods, means, seasons and bag limits are allocative in nature.

It codifies in statute constitutional principals, as they bare on the utilization of game.

Passage of this bill will once again telegraph that Alaska is capable of managing the asset of game and will determine how that asset is allocated.

- legislature writes laws - we cannot unilaterly change the constitution or voters writes - only the people can change that
- this just adds item (k) to list of considerations a-j when making findings
- a statement from a branch of government about the expectations we have of game managers
- makes it clear that wildlife is important to state of Al and we take it seriously including the connection to common use

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
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800-862-3878

Senate Resources Committee Butrovich Room 205

Friday, April 11, 2008
8:30-9:30 p.m.

AGENDA

➤ SB 306 Board of Game Regulations

Teleconference

Testimony: Time Limit May Be Set

name as HB 348

SB 306 Board of Game Regulations

SB 306 vs /A

**Sec. 16.05.255 Regulations of the Board of Game;
management requirements**

1. Fiscal Notes X 2

2. Sponsor Statement

3. Legal x 2

**Brian Kane Legislative Counsel
Rabinowitz Pullen v. Ulmer**

4. Sample Board of Game Finding

5. ADF&G Div. of Wildlife Conservation

**Overview of Relationships Between Bears, Wolves, and
Moose in Alaska**

6. Support

7. Opposition

SB 306 Board of Game Regulations

SB 306 vs /A

**Sec. 16.05.255 Regulations of the Board of Game;
management requirements**

1. Fiscal Notes X 2

2. Sponsor Statement

3. Legal x 2

**Brian Kane Legislative Counsel
Rabinowitz Pullen v. Ulmer**

4. Sample Board of Game Finding

5. ADF&G Div. of Wildlife Conservation

**Overview of Relationships Between Bears, Wolves, and
Moose in Alaska**

6. Support

7. Opposition

SENATE BILL NO. 306

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

BY THE SENATE RESOURCES COMMITTEE

**Introduced: 3/21/08
Referred: Resources**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the adoption of conservation, development, and utilization**
2 **regulations by the Board of Game to address concerns relating to public assets."**

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

4 *** Section 1. AS 16.05.255 is amended by adding a new subsection to read:**

5 **(k) This section authorizes the board to regulate regarding the conservation,**
6 **development, or utilization of game in a manner that addresses whether, how, when,**
7 **and where the public asset of game is allocated or appropriated.**

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB306-LAW-CV-04-10-08
 Bill Version: SB306
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title An Act relating to the adoption of regulations by the Board RDU CIVIL
of Game. Component NATURAL RESOURCES
 Sponsor RESOURCES
 Requester SENATE RESOURCES Component Number 2212

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Requirec.	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES								
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
FUND SOURCE	(Thousands of Dollars)							
1002 Federal Receipts								
1003 GF Match								
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This bill constitutes a legislative statement that when the Board of Game acts within its authority to develop regulations for the conservation, development and utilization of game, it is allocating or appropriating a public resource.

Prepared by: Betty Martin, Administrative Services Director
 Division Administrative Services Division
 Approved by: Tails Colberg, Attorney General
Department of Law

Phone 907-465-5427
 Date/Time 4/10/08 4:30 PM
 Date 4/10/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 308
 () Publish Date: _____

Identifier (file name): SB308-DFG-BSS-03-22-08 Dept. Affected: Fish and Game
 Title: Board of Game Regulations RDU: Administration and Support
 Sponsor: Senate Resources Committee Component: F&G Boards & Advisory Committees
 Requester: Senate Resources Committee Component Number: 2825

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)
 Passage of this bill will have no fiscal impact on the Department of Fish and Game.

Prepared by: Kristy Tibbles, Executive Director, Board of Game Phone 465-6098
 Division: Boards Support Section Date/Time 3/22/08 2:00 PM
 Approved by: Tom Lawson, Director Date 3/22/2008
Division of Administrative Services, Department of Fish and Game

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
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Senate Resources Committee

SB 306

"An Act relating to the adoption of conservation, development, and utilization regulations by the Board of Game to address concerns relating to public assets."

For those us who live in Alaska, one of the wonders we enjoy is our wildlife. Our state biologists are charged with the challenging job of managing this resource and today the constitutional mandate for abundance management has been and continues to be a high profile priority.

The efforts of the Board of Game and the wildlife biologists are not always popular when protecting our most valuable renewable resources. Wild Game represents many things to many people. Be it commercial guiding, hunting, or simply viewing wildlife, Alaska is unique and every Alaskan and visitor enjoys the gift of the resource.

Wildlife is an asset for the state. We know visitors come to the state to see our diverse ecosystem and without moose, caribou, wolves, and bears not as many people would visit. That translates into a loss of revenue. Without an abundance of wildlife guides would not earn a living and hunters would not put food on the table.

The problem we face is that we have not allowed our Board of Game to manage the resource and ~~allocate~~ it for what it actually is: an **asset**. SB 306 will accomplish that by inserting those important words into statute. The language makes it clear to others that it is our asset and we will manage for abundance as promised in the Alaska Constitution.

We urge your support for the language in SB 306. It makes it clear we understand that our wildlife is a valuable resource to be managed by professionals. It protects Alaska's wildlife for all, not just a select few.

Sec. 16.05.255. Regulations of the Board of Game; management requirements.

(a) The Board of Game may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart game reserve areas, refuges, and sanctuaries in the water or on the land of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of game;

(3) establishing the means and methods employed in the pursuit, capture, taking, and transport of game, including regulations, consistent with resource conservation and development goals, establishing means and methods that may be employed by persons with physical disabilities;

(4) setting quotas, bag limits, harvest levels, and sex, age, and size limitations on the taking of game;

(5) classifying game as game birds, song birds, big game animals, fur bearing animals, predators, or other categories;

(6) methods, means, and harvest levels necessary to control predation and competition among game in the state;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of game;

(8) prohibiting the live capture, possession, transport, or release of native or exotic game or their eggs;

(9) establishing the times and dates during which the issuance of game licenses, permits, and registrations and the transfer of permits and registrations between registration areas and game management units or subunits is allowed;

(10) regulating sport hunting and subsistence hunting as needed for the conservation, development, and utilization of game;

(11) taking game to ensure public safety;

(12) regulating the activities of persons licensed to control nuisance wild birds and nuisance wild small mammals;

(13) promoting hunting and trapping and preserving the heritage of hunting and trapping in the state.

(b) *[Repealed, 12 ch 52 SLA 1986.]*

(c) If the Board of Game denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must provide that, consistent with the provisions of AS 16.05.258, the taking of moose, deer, elk, and caribou by residents for personal or family consumption has preference over taking by nonresidents.

(e) The Board of Game shall adopt regulations to provide for intensive management programs to restore the abundance or productivity of identified big game prey populations as necessary to achieve human consumptive use goals of the board in an area where the board has determined that

(1) consumptive use of the big game prey population is a preferred use;

(2) depletion of the big game prey population or reduction of the productivity of the big game prey population has occurred and may result in a significant reduction in the allowable human harvest of the population; and

(3) enhancement of abundance or productivity of the big game prey population is feasibly achievable utilizing recognized and prudent active management techniques.

(f) The Board of Game may not significantly reduce the taking of an identified big game prey population by adopting regulations relating to restrictions on harvest or access to the population, or to management of the population by customary adjustments in seasons, bag limits, open and closed areas, methods and means, or by other customary means authorized under (a) of this section, unless the board has adopted regulations or has scheduled for adoption at the next regularly scheduled meeting of the board regulations, that provide for intensive management to increase the take of the population for human harvest consistent with (e) of this section. This subsection does not apply if the board

(1) determines that intensive management would be

(A) ineffective, based on scientific information;

(B) inappropriate due to land ownership patterns; or

(C) against the best interest of subsistence uses; or

(2) declares that a biological emergency exists and takes immediate action to protect or maintain the big game prey population in conjunction with the scheduling for adoption of those regulations that are necessary to implement (e) of this section.

(g) The Board of Game shall establish population and harvest goals and seasons for intensive management of identified big game prey populations to achieve a high level of human harvest.

(h) *[Repealed, 2000 Ballot Measure No. 6.]*

(i) For the purpose of encouraging adults to take children hunting, the board shall establish annual hunting seasons in appropriate areas of the state for big game, other than bison and musk ox, that are open before schools start in the fall and before regular hunting seasons begin. Only a resident child accompanied by a resident adult or a child accompanied by the child's resident parent, resident stepparent, or resident legal guardian may take big game in an area where a season established under this subsection is in effect. The adult, parent, stepparent, or legal guardian who accompanies the child may only assist the child in taking big game. A big game animal taken under this subsection must be counted against the bag limits of both the child and the adult, parent, stepparent, or legal guardian who accompanies the child. In this subsection,

(1) "adult" means an individual who is 21 years of age or older;

(2) "child" means an individual who is not more than 17 years of age and not younger than eight years of age.

(j) In this section,

(1) "harvestable surplus" means the number of animals that is estimated to equal the number of offspring born in a game population during a year less the number of animals required for recruitment for population maintenance and enhancement, when necessary, and the number of animals in the population that die from all causes, other than predation or human harvest, during that year;

(2) "high level of human harvest" means the allocation of a sufficient portion of the harvestable surplus of a game population to achieve a high probability of success for human harvest of the game population based on biological capabilities of the population and considering hunter demand;

(3) "identified big game prey population" means a population of ungulates that is identified by the Board of Game and that is important for providing high levels of harvest for human consumptive use;

(4) "intensive management" means management of an identified big game prey population consistent with sustained yield through active management measures to enhance, extend, and develop the population to maintain high levels or provide for higher levels of human harvest, including control of predation and prescribed or planned use of fire and other habitat improvement techniques.

(5) "sustained yield" means the achievement and maintenance in perpetuity of the ability to support a high level of human harvest of game, subject to preferences among beneficial uses, on an annual or periodic basis.

((s ch 206 SLA 1975; am 5 ch 151 SLA 1978; am 10, 11 ch 132 SLA 1984; am 4, 5, 12 ch 52 SLA 1986; am 1 ch 6 SLA 1989; am 2 ch 13 SLA 1994; am 2 ch 54 SLA 1996; am 4 - 6 ch 76 SLA 1998; am 1 ch 20 SLA 2000; r 1 2000 Ballot Measure No. 6; am 1 ch 68 SLA 2001; am 1 ch 132 SLA 2003; am 4 ch 87 SL 2005))

LEGAL SERVICES

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

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FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 25, 2008

SUBJECT: Game as an asset and CSSSHB 348(FIN)
(Work Order No. 25-LS1328X)

TO: Represe *BJK* x Gruenberg

FROM: Brian J. Kane *BJK*
Legislative Counsel

You have asked the following: Can the legislature determine whether game is or is not an asset for purposes of art. XI, sec. 7 or art. VIII, sec. 2, sec. 3, or sec. 4? Or can the legislature determine whether game is or is not an asset in view of *Pullen v. Ulmer*, 932 P.2d 54 (Alaska 1996)?

I will answer these questions as accurately as I can in the short length of time I have to respond. The short answer is that the legislature cannot "determine" whether game is an asset for purposes of the state constitution.

The legislature can make reference to game as an asset, as is proposed in CSSSHB 348(FIN). However, the court would not be obligated to follow this statutory language when it is interpreting the meaning of a constitutional provision. Hence, I do not believe that the legislature would actually be "determining" anything in relation to the state constitution. The state constitution stands on its own, and issues that arise from constitutional provisions will only require the court to look to the constitutional provision involved. The court may look to a statute for guidance, or for the view of the legislature on the issue, but the actual constitutional provision will likely rule the day.

The court in *Pullen* focused on a legal interpretation of art. XI, sec. 7 of the Alaska state constitution. The court has said that it (i.e. the judiciary) has the obligation to expound on the meaning of a provision of the state constitution and, by extension, under the recognized separation of powers principle, that is not the function of the legislature. *Alaska Pub. Interest Research Group v. State*, 167 P.3d 27, 35 - 36 (Alaska 2007). In other words, independently of anything the legislature might consider doing by law to describe game management as involving an asset of the state, the court will make its own examination and reach its own conclusion. It may give no credence to the subsection added by this bill -- the language may, in fact, not be used by the court as it applies the prohibitions of art. XI, sec. 7.

distributed by Gruenberg

Representative Max Gruenberg

March 25, 2008

Page 2

It would seem that this bill attempts to expand and codify part of the ruling found in *Pullen*. In that case, the court stated: "We hold that the state's interest in salmon migrating in state and inland waters is sufficiently strong to warrant characterizing such salmon as assets of the state which may not be appropriated by initiative." *Pullen* at 61. This bill attempts to expand that qualification of salmon as an asset of the state to the area of game, in relation to the Board of Game's regulatory authority.

If I may be of further assistance, please advise.

BJK:med

08-218.med

Pullen v. Ulmer 923 P.2d 54; 1996 August 26, 1996, Decided

Chief Justice, Rabinowitz,

On November 7, 1995, appellants Harvey Pullen and United Fishermen of Alaska (Pullen) filed suit for declaratory and injunctive relief challenging, on several grounds, the Lieutenant Governor's certification of the initiative. More particularly, Pullen asserted that (1) the proposed bill is not a proper subject of an initiative because it would make an appropriation of the State of Alaska's salmon resources, (2) **the allocation of salmon resources of the state among common users is exclusively the responsibility of the legislature,**

Pullen's appeal from the superior court's decision on summary judgment raises two issues. First, Pullen argues (1996 Alas. LEXIS 13) that management of Alaska's salmon resources falls exclusively within the power of the state legislature as trustee of Alaska's wildlife, and therefore is not a proper subject of an initiative. Second, Pullen contends that the proposed initiative makes an appropriation of state property, in violation of article XI, section 7 of the Alaska Constitution. We address this latter contention first.

if the state's salmon population (1996 Alas. LEXIS 17) precipitously declines, the fishing industry would be devastated, causing even more harm to Alaska's economy and revenue base. The state benefits from the harvest of salmon through the collection of taxes imposed on business enterprises engaged in the fishery and license fees imposed on sport, personal use, and commercial fisheries.

Pullen's contention that the public trust responsibilities imposed on the state by the provisions of article VIII of our constitution compel the conclusion that fish occurring (1996 Alas. LEXIS 21) in their natural state are property of the state for purposes of carrying out its trust responsibilities. (923 P.2d 61) In short, we are in agreement with Pullen's position that it is the authority to control naturally occurring fish which **gives the state property-like interests in these resources.** For that reason, **naturally occurring salmon are, like other state natural resources, state assets** belonging to the state which controls them for the benefit of all of its people.

We hold that the state's interest in salmon migrating in state and inland waters is sufficiently strong to warrant characterizing such salmon as assets of the state which may not be appropriated by initiative. Thus we conclude that the superior court correctly reasoned that salmon are public assets of the state which may not be appropriated by initiative.

**Findings for the Alaska Board of Game
2006-165-BOG**

**Unit 12 and 20E Intensive Management Supplemental Findings
May 14, 2006**

The Board of Game finds as follows, based on information provided by department staff and residents and users of moose in Units 12 and 20E. These findings are supplemental to the findings set forth in 5AAC 92.108, in the Units 12 and 20E predation control implementation plan in 5 AAC 92.125 and in Board of Game Findings 2006-164-BOG.

1. The Fortymile Caribou Herd population size, currently estimated to be 40,000-42,000 caribou, is less than the population objective of 50,000-100,000 caribou. The population objective has not been achieved for at least the last 30 years.
2. The Fortymile Caribou Herd harvestable surplus, as described in 5 AAC 92.106(3)(A), currently estimated at 840-880 bulls, is less than the harvest objective of 1,000-15,000 caribou. The harvest objective has not been achieved for at least the last 30 years.
3. The moose population size in Unit 12 north of the Alaska Highway and Unit 20E, currently estimated to be 4,300-5,200 moose, is less than the population objective of 8,744-11,116 moose (derived from the combined Units 12 and 20E objectives based on proportionate area). The population objective has not been achieved for at least the last 20 years.
4. The harvestable surplus of moose in Unit 12 north of the Alaska Highway and Unit 20E, as described in 5 AAC 92.106(3)(A), currently estimated at 135-201 bulls, is less than the harvest objective of 547-1,084 moose (derived from the combined Units 12 and 20E objectives based on proportionate area). The harvest objective has not been achieved for at least the last 20 years.
5. The Fortymile Caribou Herd and the moose population in Unit 12 north of the Alaska Highway and Unit 20E are, thus, depleted and reduced in productivity, which has already resulted in a significant reduction in the allowable human harvest of the population.
6. Enhancement of abundance or productivity of both moose and caribou in this area is feasibly achievable utilizing the recognized and prudent active management technique of predator control.
7. The Board has repeatedly, since 1976, been required to significantly reduce the taking of Fortymile caribou by restricting harvest, seasons and bag limits as compared to the level and timing of hunting opportunity that was previously allowed when the population was not depleted and reduced in productivity.


8. The Board has, since 2000, been required to limit the taking of moose in Unit 12 north of the Alaska Highway and Unit 20E by restricting harvest, seasons and bag limits as compared to the level and timing of hunting opportunity that was allowed when the population was not depleted and reduced in productivity.

9. The population and harvest objectives for both moose and caribou in this area have not been achieved, at least in part, because wolf and brown bear predation have been important causes of mortality in the populations, to the extent that the populations are unlikely to recover, and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted.

10. Reducing predation can reasonably be expected to aid in achievement of the caribou and moose population and harvest objectives.

11. A person who has been airborne may on the same day take a brown bear with the use of bait or scent lure as authorized under a permit provided by the Department, providing the permittee is at least 300 feet from the airplane at the time of taking.

Vote: 6-0-1
May 14, 2006
Anchorage, Alaska


Mike Fleagle, Chairman
Alaska Board of Game

ADF&G - Division of
Wildlife Conservation



Overview of Relationships Between Bears, Wolves, and Moose in Alaska

Relationships between large predators and their prey in Alaska are complex, and no one model fits all situations. It is possible to generalize about some situations, particularly in Interior Alaska. This information on the biology of moose, bears, and wolves, represents highlights from 25 years of research and management programs conducted by universities and state, provincial and federal governments in Alaska and Canada. In 1997, the National Academy of Sciences published a summary and review of predator/prey interactions in Alaska (National Research Council, 1997). More research has been conducted since that review. The published references listed below can be found in most university or large municipal libraries.

In the boreal forest of northern Canada and Interior Alaska, where bears (either black bears, grizzly bears, or both) and wolves are lightly harvested and are major predators on moose, moose densities typically remain well below levels that their habitat can support. Under these circumstances, moose density fluctuates between about 0.1 and 1.0 moose/mi² over large areas; most commonly densities are 0.4 to 0.6 moose/mi². Biologists refer to this situation as the Low Density Dynamic Equilibrium or LDDE because moose density fluctuates yet remains low. This occurs primarily because, together, bears and wolves are efficient predators on moose calves, and kill most of the calves born each year. The highest densities reached in these systems (about 1 moose/mi²) tend to occur in very large burns where habitat is excellent and moose apparently are more successful at avoiding predators.

Although the LDDE prevails in much of remote interior Alaska, differences occur between areas. In most areas, bears are the major predator on moose calves. An exception occurs in Game Management Unit 20A where wolf control has been shown to be effective at maintaining high numbers of moose and high long-term harvests of moose. In Unit 20A, initial reductions in wolves increased moose population density, wolves also quickly increased after wolf control because, ultimately, the number of wolves in an area depends mostly on the number of prey animals in the area. Number of moose harvested also remained high after wolves increased. An abundance of trappers in Unit 20A has kept wolves from increasing to the point where they could cause declines in the moose population. A similar situation likely occurs in portions of Units 20B and 20D South.

Grizzly bears have been shown to be particularly effective predators of moose calves from birth to about 2 months of age and often kill adult moose in the spring. In this regard, one grizzly bear is

equivalent to many black bears. Not all bears are equal, however, and some bears seem to become specialists at killing both adult and calf moose.

Black bears have been found to be the most important predator of moose calves in some areas of Alaska where grizzly bears are uncommon. In these areas, black bears killed about 40% of all moose calves that were born. Most predation was by adult males.

Biologists expect that significant reductions in bear numbers (either black or grizzly or both) will also lead to higher numbers of moose for harvest. For example, in areas of Canada and the northern states where moose coexist only with wolves, moose are often found at high densities that fluctuate with weather and habitat (e.g. Isle Royale).

Numbers of grizzly bears have probably increased in Interior Alaska since the 1950s. We base this on incidental observations by older hunters, local residents, cabin owners, and Native elders, who all indicate that grizzly bear numbers have increased. This is corroborated to some degree by modern studies. For example, grizzly bears were recently found to be significant predators of moose calves on the Yukon Flats and are commonly seen by local residents, whereas 20-30 years ago, observations of grizzly bears were rare.

In the Anchorage and Fairbanks areas, where wolves and bears are not common, moose are abundant.

Grizzly bear populations appear to be much more resilient to harvest than previously believed. During the last 10 years, the Alaska Board of Game has made a deliberate effort to reduce numbers of grizzly bears in a few important hunting areas (e.g. Game Management Unit 13-the Nelchina Basin) by increasing the bag limit and extending hunting seasons. So far, these new regulations have had no noticeable affect on grizzly bear populations even though hunters have taken an increased number of bears.

Wolves have been found to be very adaptable and they recover from low numbers within a few years. Despite relatively heavy hunting and trapping over the last century in Alaska, wolves occur on nearly all of their traditional habitat throughout mainland Alaska. Historically, wolf numbers were greatly depressed. Specifically, wolves were rare in Interior Alaska between about 1910 and 1925, and during the 1950s. During 1910-1925 wolves may have succumbed to diseases brought in by sled dogs or to widespread poisoning. During the 1950s, federal predator control agents reduced wolves by poisoning and aerial shooting. Wolves have been abundant and have occurred in all of their historic ranges in Alaska since state management began in about 1960 (except for the Anchorage and Fairbanks areas, and the western Seward Peninsula).

Wolves are social animals that live in large family groups. Usually, only a single female per pack successfully raises pups, but depending upon the relationship of adult males and females in a wolf pack, multiple litters may occur in a single pack in a single year. Most pups born into a pack stay in the pack for at least one year, but virtually all have dispersed away from their natal pack by the age of 3. Large packs of 20 or more wolves may occur in areas where food is abundant and pup survival is high. Wolf populations in North America commonly sustain annual harvests or natural mortality rates of 20-40% without experiencing a year-to-year decline in numbers. High reproductive rates, high mortality rates and long distance dispersal behavior results in extensive gene flow within wolf populations and between wolf packs.

In Alaska and other areas, if wolves are not hunted or trapped, most mortality is from intraspecific aggression (fighting with other wolves). In trapped wolf populations, natural mortality rates are often lower than in untrapped populations.

In coastal areas of Alaska, where fox rabies is endemic, wolves are periodically reduced to low levels by rabies.

Practical Aspects of managing moose in areas where the LDDE exists

Usually, without predator control, hunters can take about 5% of a low-density moose population each year – almost all of the harvest must be bulls or the population will decline.

LDDE does not present a biological problem – moose are not likely to become threatened, endangered or extinct due to predation.

The fact that the LDDE prevails in large areas does not usually present a management problem either. Interior Alaska is sparsely populated and access to moose populations is often poor. This means that hunting pressure is relatively light in many areas anyway.

The LDDE can cause a management problem around villages, or in areas that have become important hunting areas for Alaskans near the road system. In these areas, people need or want to harvest more moose than the system can support. In Alaska, moose are valuable to people as a source of food and income (i.e. guiding and transporting hunters), particularly in rural areas. This is why people often express the desire for predator control.

In some areas, where there is a demand to increase moose harvests, it might be possible to harvest more moose by reducing bear predation. Although this idea is reasonable, it is a relatively new idea, has not been adequately tested in Alaska, and programs of this nature need to be viewed as experiments.

References:

- Ballard, W.B., J.S. Whitman, and D.J. Reed. 1991. Population dynamics of moose in southcentral Alaska. *Wildlife Monographs* 114:1-49.
- Boertje R.D., P. Valkenburg, and M.E. McNay. 1996. Increases in moose, caribou, and wolves following wolf control in Alaska. *Journal of Wildlife Management* 60(3):474-489.
- Gasaway, W.C., R.O. Stephenson, J.L. Davis, P.E.K. Shepherd, and O.E. Burris. 1983. Interrelationships of wolves, prey, and man in interior Alaska. *Wildlife Monographs* 84:1-50.
- Gasaway, W.C., R.D. Boertje, D.V. Grangaard, D.G. Kellyhouse, R.O. Stephenson, and D.G. Larsen. 1992. The role of predation in limiting moose at low densities in Alaska and Yukon and implications for conservation. *Wildlife Monographs* 120:1-59.
- Mech, L.D., L.G. Adams, T.J. Meier, J.W. Burch, and B.W. Dale. 1998. *The wolves of Denali*. University of Minnesota Press, Minneapolis and London.
- National Research Council. 1997. *Wolves, bears, and their prey in Alaska*. National Academy Press, Washington.
- Franzman, A.W., and C.C. Schwartz, Editors. 1997. *Ecology and management of the North American moose*. Smithsonian Institution Press, Washington and London.

Performance

State of Alaska > Governor > OMB > Performance > Agency List > Wildlife Conservation

Department of Fish and Game

Wildlife Conservation

Results Summary | Details | Questions/Comments

Mission

- The mission of the Division of Wildlife Conservation is to conserve and enhance Alaska's wildlife and habitats and provide for a wide range of public uses and benefits

Desired Results

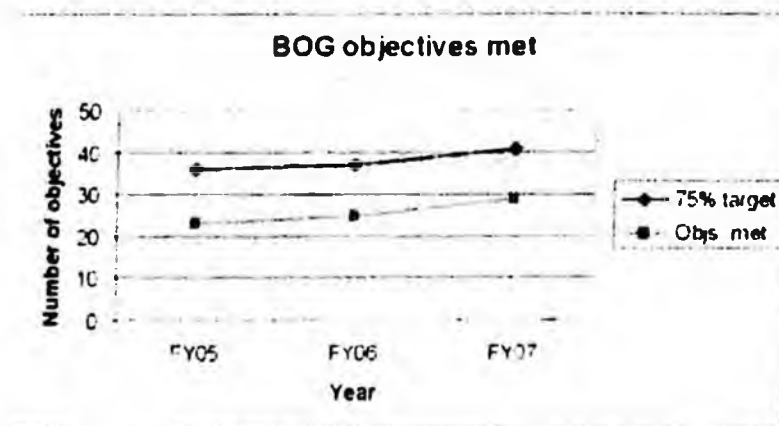
- A. Healthy and sustainable wildlife populations in Alaska that provide a diversity of opportunities for public use and enjoyment.

Performance Measure Detail

A: Result - Healthy and sustainable wildlife populations in Alaska that provide a diversity of opportunities for public use and enjoyment.

Target #1: Achieve population targets for at least 75% of big game populations for which the Board of Game (BOG) has set targets (i.e., objectives)

Measure #1: Percentage of BOG population targets attained.

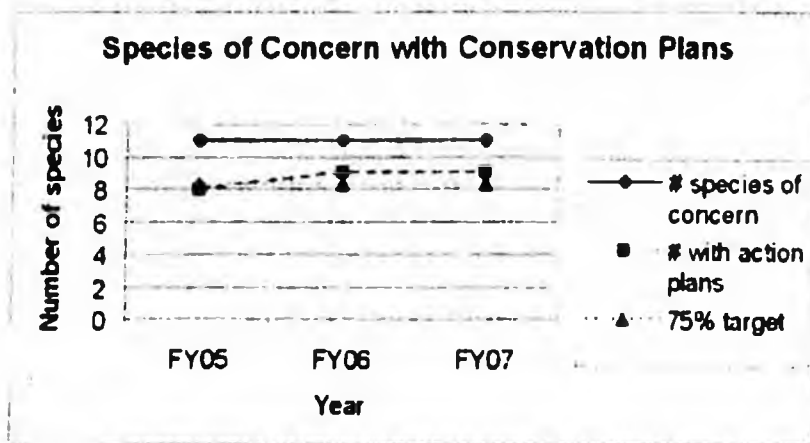


Analysis of results and challenges: The Board of Game (BOG) has set population objectives for selected ungulate populations that it has determined are important for providing high levels of harvest for human consumptive use. To meet BOG management objectives, sufficient animals must exist in a game management unit in order to meet the highest levels of hunter demand. For FY07, 29 of the population objectives set for deer, caribou and moose were met; out of a total of 54 objectives set by the BOG. Four more game management units (GMU) met management objectives in FY07 than in FY06. The division's target is 75% of the number of GMU objectives. Some big game surveys were not conducted due to poor weather conditions or a lack of funding. Some of the population objectives may not be possible to meet given the habitat capacity that can be achieved in some areas. Population objectives for those areas should be reviewed by the BOG and possibly revised.

Target #2: Develop and implement recovery strategies for 75% of those "species of concern" under primary division management

Measure #2: Percentage of species for which recovery strategies are being implemented.

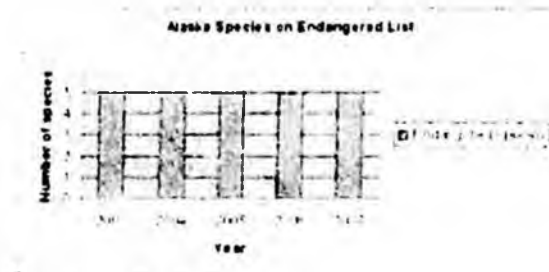
Wildlife Conservation - Results Summary



Analysis of results and challenges: There are 11 wildlife species of special concern under primary or shared division management. Conservation action plans are in place for 10 (91%) of these species, including blackpoll warbler, Townsend's warbler, olive-sided flycatcher, Steller's eider, spectacled eider, northern goshawk, Arctic peregrine falcon, American peregrine falcon, Aleutian Canada goose and Kenai brown bear. In 1999 the Pacific Flyway Council adopted a management plan for Aleutian Canada goose (updated in 2006) to resume "normal" management after delisting. A plan has not been prepared for the Gray-cheeked thrush. In the state Comprehensive Wildlife Conservation Strategy (CWCS), completed during FY06, both species are on the nominee list for species of special concern. The State of Alaska Species of Special Concern list was last revised in 1998; therefore, when the list is formally revised Aleutian Canada goose can be removed. Revision of that list is expected to occur within the next year.

Target #3: No increase in the number of species under state management designated as threatened or endangered in Alaska from the 2003 level.

Measure #3: Number of new threatened or endangered species designations



Analysis of results and challenges: The state endangered species list includes the Eskimo curlew, short-tailed albatross, humpback whale, right whale, and blue whale. There has been no change in the state endangered species list since 1993 and no new species were added to federal lists in FY07.

TO: Office of Senator Charlie Huggins

907-465-3878 Main
907-465-3265 Fax
State Capitol, Room 119
Juneau AK 99801

Sent: Monday, March 24, 2003 8:16 AM

To: Sharon Long

Subject: Support for SB306

Importance: High

Bobby Fithian, Alaska Professional Hunters Association, called to offer any and all support they can from the association for SB306, the companion bill to HB348. Please give him a call if you want to talk about what they can do for you.

From: Sen. Charlie Huggins
Sent: Thursday, March 27, 2008 8:15 AM
To: Sharon Long
Subject: FW: HB 348/ SB 306

Eagle River resident

-----Original Message-----

From: hopealaska@gci.net [mailto:hopealaska@gci.net]
Sent: Wednesday, March 26, 2008 9:21 PM
To: Sen. Charlie Huggins
Subject: HB 348/ SB 306

Senator,

I am requesting your support of HB 348/SB 306. The Alaska wildlife is an asset of the state. Thank you in advance.

v/r
Michael Morelli

Karen Sawyer

From: kymberlyf@msn.com
Sent: Saturday, March 22, 2008 8:33 AM
To: Sen. Charlie Huggins
Subject: The voters have spoken - TWICE - stop aerial gunning



Senator Charlie Huggins
Alaska State Legislature
State Capitol, MS 3100, Room 119
Juneau, AK 99801

Dear Senator Huggins,

Alaskans have twice voted to stop the aerial gunning of wildlife - and 56,000 Alaskans signed a petition to vote on this issue again in August. I urge you to oppose efforts to expand aerial gunning and to eliminate the voters' rights to vote on this issue.

H.B. 256/S.B. 176 ^{SEIN} would again expand the aerial gunning of wolves - and could even eliminate the voters' rights to vote on this issue in August.

Even worse, another bill, H.B. 348 ^{SB 306}, could eliminate the public's right to bring future wildlife issues to a vote.

As your constituent, I am outraged that the legislature is considering eliminating my right to vote on wildlife issues on the ballot. State law guarantees me the right to vote, and I urge you to protect that.

Thank you.

Sincerely,
Kymberly Fernandez
27339 Golden Eagle Ct
Chugiak, AK 99567

From: Wayne Heimer [mailto:weheimer@alaska.net]
Sent: Thursday, March 27, 2008 3:51 AM
To: Rep. Harry Crawford
Cc: Senator_Lyda_Green@legis.state.al.us; Sen. Charlie Huggins; Sen. Lesil McGuire; Sen. Bert Stedman; Sen. Gary Stevens; Sen. Gene Therriault; Sen. Joe Thomas; Sen. Tom Wagoner; Sen. Bill Wielechowski; Sen. Gary Wilken; Rep. John Coghill; Rep. Les Gara; Rep. David Guttenberg; Rep. Mike Kelly; Rep. Mary Nelson; Rep. Jay Ramras; Rep. Bill Stoltze
Subject: Re: testimony on HB 348

Rep. Crawford,

The constraints of time in public testimony certainly interfered with the clarity I hoped for in my testimony on March 14. I did not mean to be understood as saying Alaskans sponsoring initiatives make "big money." The big money is made by consultants, media, and outside anti-hunting groups which exploit the "saving of Alaska" to raise funds for their causes. These groups also spend big money supporting initiatives which suit their purposes. My comment about "big money" was in reference to the costs of promoting and fighting initiatives. I've been on both sides of the initiative fence as well as litigant relating to the process. I know, firsthand (as do you) that the folks who sponsor the initiatives (or litigate them) do, indeed, have a net fiscal and effort expenditure. My opinion is supported not only by our mutual experience, but by Pulitzer Prize winning author, David Broder's, book, "Democracy Derailed." This book chronicles the history and rise of the initiative industry. I recommend it because it is replete with examples of how initiatives came about as a societal response to corrupt legislatures, and how that noble enterprise has become the tool of special interests and spawned a fairly seamy industry.

Nobody sponsors a wildlife management initiative unless they are passionate and frustrated, but the outside anti-hunting groups are thrilled when Alaskans do it. In contrast, the outside pro-hunting groups are dismayed when it happens because they know it is going to cost them big money trying to preserve their opportunity to hunt in Alaska and defend their meta-values about wildlife management.

The idealistic notion that initiatives are a "grass roots" response to corrupt or monopolistic special interests is a romantic fantasy. At least that's not the way it happens with wildlife initiatives in modern times. The common way to get signatures today is to pay others to gather them. The proponents of the current methods and means initiative relating to aerial wolf and bear hunting stated at the outset they were going to use paid signature gatherers. I've no doubt Mr. Jans gathered signatures himself because he says he did. However, I suspect the significance of his gathering signatures was that he was able to do it effectively in the bush where he had contacts (as the initiative statutes were recently amended to increase the difficulty of "urban Alaska" dominating "rural Alaska"). The idea that any one person can collect 22,000 signatures or that volunteers are the only ones doing it because of their passion is untenable today. Alaska law limits the amount payable for signature gatherers to one dollar per signature and sets conditions for signature gatherers. These laws are routinely ignored. Paid signature gatherers, even high school students (who have accosted me) looking to make a buck are well enough trained that they will

argue with you about what the law says--even if they have no idea what "their" initiative intends. I reason that if 36,000 signatures are gathered, that represents a cost-equivalent effort of \$36,000. For me, this represents a "big money." However, this cost is trivial compared to selling of an initiative to the electorate.

The campaigning operation once a wildlife initiative is on the ballot is approximately the same regardless of which side of an initiative one chooses (and I've been on both sides). In my experience, the first requisite for success is realization that the issue will be decided by which side gets the most popular votes. In short, to prevail with a wildlife initiative (or to defeat one,) "your" side needs one more vote than the other side in a system which typically precludes rational debate. Making sure 'you" get that vote is very expensive in terms of effort, dollars, and morality. Lies and spin are common techniques I've seen utilized by both sides and their surrogates. To "win" it takes a viable message (regardless of truth) and the money to pound it at the susceptible section of the electorate for which it was designed until they embrace it for an instant in the election booth.

The way this is done in the wildlife initiative business is to hire a consultant to poll voters and determine which segment is most likely persuadable by 'trial messages' the polling people test market at your direction (sometimes this requires two polls, not one). Based on these results, a suitable message which will resonate with the targeted voters is selected. The message need not be factual, just effective; and is specifically market-targeted. (For example, we've not seen the striking television spots in Fairbanks that have run in Anchorage about the wolf methods and means initiative...the "target market" (most likely persuadable younger females) simply isn't in Fairbanks. The money is being spent by experienced advisors, pollsters, and campaigners in Anchorage (and maybe Juneau) where the target audience lives. This is "just business."

Next a media campaign is designed to hammer predictably persuadable voters with the "resonating message" (often a matter of generating disgust or fear, but always focused emotional manipulation--whether disgust at "Murkowski family nepotism" or how ugly killing wolves from Supercubs is). This is where "big money" begins to change hands. The cost of defeating the last bear bait ban initiative was about \$650K (paid by opponents to an outside consultant). Estimates for defeating the present aerial methods and means referendum (it's not really an initiative) to stop predator management are estimated at about \$850K. I believe Mr. Jans has quoted this figure in some of his publicity. It is likely a significant percentage of these "opposition dollars" will be raised from nonresident hunters who would like to come hunt in Alaska, as Mr. Jans has eloquently emphaized in indicting Safari Club etc. However, I suggest these "outside hunters" have an interest in abundant game to hunt in Alaska (where they will drop a huge amount of money in license, guide, travel, lodging, etc.) if the opportunity is here. Hunting (and associated industries) in Alaskas are "big money," and there's a lot at stake economically. Conversely, anti-hunting is a big emotional industry where the values of non-Alaskan anti-hunters may be offended if Alaska manages its wildlife constitutionally. This, too, generates "big money."

Additionally, the television campaign supporting the present wolf hunting referendum in Anchorage (and damning HB 348 as stealth legislation to take away the right to vote by dishonestly associating HB 348 with the VECO scandal) had to cost "big money." According to denials by the referendum's Alaskan sponsors, that money came from outside interests as well. Sure, it's 'not supported' by the local sponsors, but whether they pay for it or support it, or eventually

refute it with a news release matters little. The message is powerful, emotionally manipulative, and it's certainly been seen by the targeted audience.

The Alaskan media campaign (initially focused on emotionally depicting wolves as "intelligent," "like us," demonstrating that shooting from Supercubs can be ugly, that wolves are "chased to exhaustion" before being killed in land-and-shoot hunting--the YouTube movie starring Messrs. Bennett, Jans, McGuire, Van Ballenberghe, and the fellow from Kenai--had to be costly-- even though Joel Bennett is a film maker of considerable talent. In this aspect of the campaign, Joel's expenses may be lower than if he didn't have film making equipment, talent, and experience. Posting the footage on the internet doesn't cost much, and the marketing has been brilliant thus far. Also the "target press" has been willing. Joel did a great job of choosing photogenic spokespersons; getting Mr. Jans to be "the face" of the initiative was brilliant. Question: Are there "links" with that internet movie which allow viewers to "help?" If so, "outside" money could be involved. If not, somebody missed the boat on a significant funding source...or was constrained by morals which are not evident in the content of other aspects of the campaign material.

These sorts of things form the basis of my statement that there's "big money" in initiatives. I don't think any honest person will grow wealthy pushing initiatives, but consultants, media salespersons, and "outside interest" groups will (depending on their "administrative overhead," which is often sky high).

Still, the basic question in this discussion has to be: DO ALASKANS HAVE A "RIGHT" TO BE HEARD THROUGH THE INITIATIVE PROCESS?

Either the initiative vote is a universal, inherent right on par with those "endowed by the Creator" OR it is a limited means of political redress defined by government (of the people) through the Constitution and laws of the State.

I argue that, because the "right to be heard through the initiative process" is not in the US Constitution, is not available to citizens of many states in the USA, and perhaps most importantly, the initiative/referendum process is defined and limited in our Alaska Constitution, it is simply a means of redress defined by process, and not an inherent right.

In the Alaska Constitution Article XI Sec. 7 it is clear that (among other things proscribed by initiative/referendum) Alaska's resources cannot be allocated (or reallocated) by popular vote. Regulations about who may get how much of Alaska's resources (assets), how they may obtain it, and when they can do so are clearly allocative.

There should never have been a wildlife initiative defining methods and means of harvest because regulations about who, what, when, where, and how harvest may occur are allocative. Hence, I argue that HB 348 is not a "stealth" attempt to "deny the people the right to the initiative process." It can't be, because Alaskans have never had that right, and the process has been incorrectly applied. We've been in a period of misunderstanding about this, and now seems a good time to correct this ongoing mistake. Some initiatives I have backed were clearly unconstitutional, but I didn't know it at the time. Now I do.

As an example of "stealth" in the initiative process, the anti-mining "initiatives" are the exemplary. In this case, the referendum process is being abused to usurping the legislature's responsibility to regulate. We all understand the reason detailed laws relating to mining emissions are on the