SENATE BILL NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR OLSON

Introduced: 1/21/09

Referred: Community and Regional Affairs, Resources

permits for each administrative area;

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing an Alaska regional development organization to use the Alaska 2 Commercial Fisheries Entry Commission as an informational resource." 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA: 4 * Section 1. AS 16.43.100(a) is amended to read: 5 (a) To accomplish the purposes set out in AS 16.43.010, the commission shall (1) regulate entry into the commercial fisheries for all fishery resources 7 in the state: 8 (2) establish priorities for the application of the provisions of this 9 chapter to the various commercial fisheries of the state; 10 (3) establish administrative areas suitable for regulating and 11 controlling entry into the commercial fisheries; 12 (4) establish, for all types of gear, the maximum number of entry

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(5) designate, when necessary to accomplish the purposes of this

1	chapter, particular species for which separate interim-use permits or entry permits will
2	be issued;
3	(6) establish qualifications for the issuance of entry permits;
4	(7) issue entry permits to qualified applicants;
5	(8) issue interim-use permits as provided in AS 16.43.210, 16.43.220,
6	and 16.43.225;
7	(9) establish, for all types of gear, the optimum number of entry
8	permits for each administrative area;
9	(10) administer the buy-back program provided for in AS 16.43.310
10	and 16.43.320 to reduce the number of outstanding entry permits to the optimum
11	number of entry permits;
12	(11) provide for the transfer and reissuance of entry permits to
13	qualified transferees;
14	(12) provide for the transfer and reissuance of entry permits for
15	alternative types of legal gear, in a manner consistent with the purposes of this
16	chapter;
17	(13) establish and administer the collection of the annual fees provided
18	for in AS 16.43.160;
19	(14) administer the issuance of commercial fishing vessel licenses
20	under AS 16.05.490;
21	(15) issue educational entry permits to applicants who qualify under
22	the provisions of AS 16.43.340 - 16.43.390;
23	(16) establish reasonable user fees for services;
24	(17) issue landing permits under AS 16.05.675 and regulations adopted
25	under that section;
26	(18) establish and collect annual fees for the issuance of landing
27	permits that reasonably reflect the costs incurred in the administration and
28	enforcement of provisions of law related to landing permits;
29	(19) establish a moratorium on entry into commercial fisheries as
30	provided in AS 16.43.225; [AND]
31	(20) administer, when necessary to accomplish the purposes of this

1	chapter, a vessel permit system under AS 16.43.450 - 16.43.520; and
2	(21) when requested by a regional development organization
3	formed under AS 44.33.895, provide to the organization, without charge, public
4	information contained in the commission's data with respect to relevant fisheries,
5	including limited fisheries, fishery participants, and limited entry permit holders'
6	harvests and earnings.

FISCAL NOTE

STATE OF	FALASKA				Fiscal Note I	Number:		
2009 LEGISLATIVE SESSION					Bill Version:		SB0003A	
					() Publish Da	ate:		
Identifier (file	name): SB003-DFG-CI	FEC-02-02-09			Dant Affants	- 4	F: 1	
Title An Act authorizing an Alaska regional develop				ganization to	_Dept. Affecte		Fish and Gai heries Entry C	
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Sponsor			Senator Olson				To Livery 00	
Requester	Senate Comn	nunity and Regiona	Affairs Com	mittee	Component	Number	471	
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		Appropriation						
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Travel		0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual		0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies		0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment Land & Struct		0.0	0.0	0.0	0.0	0.0	0.0	0.0
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Prepared by: Shirley Penrose, Administrative Officer Phone				Phone 9	907-790-6960			
Division	Commercial Fisheries	Entry Commission				Date/Time 2	2/2/09 7:25 Al	И
Approved by:	Frank M. Homan, Chai					Date 2	2/2/2009	
	Commercial Fisheries	Entry Commission						

FISCAL NOTE

STATE OF ALASKA				Fiscal Note Number:					
2009 LEGISLATIVE SESSION					Bill Version:		SB 3		
					() Publish Da	te:			
Identifier (file	name): SB3-CED-OED	02-02-09			Dent Afforts	al.	DOOED		
Title	CFEC A	AS INFORMATION	RESOURCE RDU				DCCED iomic Develo	nmont.	
					Component	Office of Fo	onomic Develo	lonment	
Sponsor		Senator Olson					onornic Deve	портнети	
Requester	Senate (Community and Regional Affairs			Component N	Vumber	2743		
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Temporary									
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niaska ivegil	onal Development Org	anizations (ARDC	PRs). Curre	ntly there is	an ongoing	charge for th	nis informati	on from	
me Departin	ent of Fish and Game.								
Thaus :									
There is zero	fiscal impact on the D	epartment of Cor	nmerce, Co	mmunity an	d Economic	Developmer	nt.		
Prepared by:	Tyson Fick					Phone 4	65,2502		
Division	Legislative Liaison, DC	CED				Date/Time 0			
Approved by:	Emil Notti, Commission				·			dil)	
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		Cilicanty Cilic		evelopinent					

Alaska State Legislature

SENATOR DONALD C. OLSON



Alaska State Capitol Room 514 Juneau, Alaska 99801-1182

> (907) 465-3707 FAX (907) 465-4821

Senate Bill 3 – C.F.E.C. As An Information Source

Version 26-LS0018/A, February 5, 2009 STAFF: Tim Benintendi, 465-4989

SPONSOR STATEMENT and SECTIONAL ANALYSIS

SPONSOR STATEMENT:

SB 3 would allow ARDORs to benefit from commercial fishery and related information generated by the Commercial Fisheries Entry Commission (CFEC), at no cost. No confidential information may be disclosed, per AS 16.05.815.

There are eleven ARDORs (Alaska Regional Development Organizations) established under AS 44.33.895. These are non-profit organizations comprised of representatives of the economic, political, and social interests in each region. Their purpose is to encourage and assist economic development in their specific areas.

Eight ARDORs would especially benefit from this legislation: Southwest Alaska Municipal Conference, Bering Strait Development Council, Lower Kuskokwim Economic Development Council, Northwest Arctic Borough Economic Development Commission, Kenai Peninsula Borough Economic Development District, Mat-Su Resource Conservation & Development, Inc., Prince William Sound Economic Development District, and the Southeast Conference.

For these organizations, commercial fishing activities provide a substantial portion of their regions' economic base. To illustrate, the wholesale value of the 2005 commercial fishery exceeded \$3 billion. Earnings of the 27,700 participating fishermen accounted for \$1.2 billion. Another 22,500 persons participated in the seafood processing workforce, earning \$277 million in wages. For coastal communities, approximately 37% of private-sector workers were employed in fish harvesting and seafood processing activities. CFEC information

can be critical for ARDOR understanding of economic trends in their regions, and development opportunities which may emerge.

The CFEC supports Senate Bill 3, and regards the loss of fees under this bill as negligible.

SECTIONAL ANALYSIS:

SECTION 1: Would amend AS 16.43.100(a) by adding to CFEC responsibilities, providing without charge to regional development organizations formed under AS 44.33.895, public information relevant to fisheries, participants in fisheries, permit holders' harvests, and earnings data. No confidential information would be released under Senate Bill 3.

FISCAL NOTE: Zero note from CFEC.

STATE OF ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION

SARAH PALIN, GOVERNOR

8800 GLACIER HWY, #109 P O Box 110302 JUNEAU, AK 99811-0302 (907) 789-6150 Licensing Calls (907) 789-6160 Other Business (907) 789-6170 FAX

(907) 789-6180 BBS

INTERNET www.cfec.state.ak.us

January 30, 2009

The Honorable Donny Olson Alaska State Senator State Capitol, Room 514 Juneau, AK 99801-1182

RE: SB 3 "An Act authorizing an Alaska regional development organization to use

the Alaska Commercial Fisheries Entry Commission as an informational

resource"

Dear Senator Olson:

We have reviewed SB 3 and support this legislation.

We understand that the intent of SB 3 is to allow Alaska Regional Development Organizations (ARDORS) established under AS 44.33.895 to request public information from the Commercial Fisheries Entry Commission (CFEC) fishery database without charge. As you know, CFEC has a wealth of public information regarding Alaska's commercial fisheries that we regularly make available upon request to any person or entity. However, there may be a fee required depending on the extent of the effort needed to provide the data. Under SB 3 we would provide data to ARDORS just as we would without this bill, however, without charge.

As a clarification, any CFEC public information available from CFEC data sources must comply with AS 16.05.815 "Confidential nature of certain reports and records." (See enclosed) Basically this statute prohibits the release of any individual fisherman's earnings and harvests obtained from fish ticket information unless aggregated to protect confidentiality. That prohibition is not affected by SB 3.

We do not believe SB 3 would be a significant impact on CFEC resources since there are a limited number of ARDORS and not all represent coastal areas.

Thank you for the opportunity to comment on SB 3.

Sincerely

Frank Homan

Chairman

Enclosure

of aduring the first full 10 days after the time then a taking is prohibited, except as provided in (3) of this section;

 2τ if the fish or game or part of fish or game is in a preserved condition whether frozen, smoked, canned, salted, pickled, or otherwise preserved; or

(3) with respect to crab aboard a commercial crab fishing vessel, during the first full three days after the time when a taking is prohibited. (§ 26 art I ch 94 SLA 1959; am § 1 ch 42 SLA 1974)

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fishermen, buyers, and processors required by regulation of the department are confidential and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the recipients identified in this subsection if the recipient, other than a recipient under (5) — (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

(1) any of the records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone:

(2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;

(3) any of the records and reports to the Department of Revenue to assist the department in carry-

ing out its statutory responsibilities;

(4) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;

(5) such records and reports as necessary to be in

conformity with a court order;

(6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;

(7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the

(8) any of the records and reports to the Department of Public Safety for law enforcement purposes;

(9) fish tickets, fish ticket information, records required of sport fishing guides, and annual statistical reports of fishermen, buyers, and processors and information in those reports to the law enforcement personnel of the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration for the purpose of enforcing fishery laws in waters of this state and in waters of the exclusive economic zone adjacent to this state;

(10) fish tickets, fish ticket information, and records required of sport fishing guides regarding halibut to the International Pacific Halibut Commission;

(11) any of the records and reports to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law; and

(12) any of the records and reports to the Department of Natural Resources to assist the department in carrying out its statutory responsibilities in regard to sport fishing operations and sport fishing guides within the Kenai River Special Management Area under AS 41.21.500 - 41.21.514.

(b) Except as provided in (c) of this section, records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have

been taken are public information.

(c) Crab stock abundance survey information that reveals crab catch by sampling location is confidential and is not subject to inspection or copying under AS 40.25.110 - 40.25.120 until the close of the fishing season for which the survey was conducted.

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; and (E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requestor has been authorized by the department to perform specific activities and agrees to use the records and information only for

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Revisor 10.25.120" absection 09 25 110 99.25.110In 2004. 45.27.010° \S 25 27 0 with \$ 126; In 2007. ubsection Cross re seathervar li heries, 🖂 dmon pric Effect of 6, 2002, in a ind updated er to a dec paragraph paragraphs erted ". .in processors : changes. The 2004

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Sec. 11 The board

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purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 40.25.110 -- 40.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 40.25.350. (§ 1 ch 117 SLA 1970; am § 1 ch 117 SLA 1974; am § 1 ch 66 SLA 1980; am §§ 1, 2 ch 72 SLA 1982; am § 1 ch 84 SLA 1985; am §§ 1, 2 ch 115 SLA 1988; am § 1 ch 32 SLA 1989; am § 10 ch 200 SLA 1990; am § 1 ch 89 SLA 1994; am § 19 ch 87 SLA 1997; am § 1 ch 59 SLA 1999; am § 1 ch 119 SLA 2002; am § 5 ch 70 SLA 2004; am § 1 ch 41 SLA 2007)

Revisor's notes. — In 2000, in subsection (c), "AS 40.25.110 — 40.25.120" was substituted for "AS 09.25.110 — 09.25.120" and in subsection (d) "AS 40.25.110 — 40.25.140" was substituted for "AS 09.25.110 — 09.25.140" to reflect the 2000 renumbering of AS 09.25.110 — 09.25.140.

In 2004, "child support enforcement agency created in AS 25.27.010" was changed to "child support services agency created in AS 25.27.010" in paragraph (a)(11) of this section in accordance with § 12(a), ch. 107, SLA 2004.

In 2007, "AS 40.25.350" was substituted for "AS 44.99.350" in subsection (d) to reflect the 2004 renumbering of AS 44.99.350.

Cross references. — For exceptions to this section related to the weathervane scallop fishery, see AS 16.43.911(c) and to other fisheries, see AS 16.43.520(i); for reporting of wholesale canned salmon prices, see AS 43.80.050 — 43.80.100.

Effect of amendments.— The 2002 amendment, effective July 6, 2002, in subsection (a) inserted "fishermen" in the first sentence and updated an internal reference, added the language beginning ", or to a designee" to the end of paragraph (6), added present paragraph (7) and redesignated former paragraphs (7)-(10) as paragraphs ((8)-(11), rewrote paragraph (8), in paragraph (9) inserted ", and annual statistical reports of fishermen, buyers, and processors and information in those reports"; and made stylistic changes.

The 2004 amendment, effective January 1, 2005, in subsection (a), substituted "department" for "Department of Revenue" in paragraph (3), rewrote paragraph (8), and added paragraph (12).

The 2007 amendment, effective July 4, 2007, inserted "records required of sport fishing guides" in paragraphs (a 89) and (a 810), and made related changes.

Editor's notes. — The delayed amendments to this section by \$ 148(c), ch. 87, SLA 1997, as amended by \$ 53, ch. 132, SLA 1998, which were to take effect July 1, 2001, were repealed by \$ 15, ch. 54, SLA 2001.

Sec. 16.05.820. Research by the federal government. The Secretary of the Interior, the Secretary of Commerce, or the Secretary of Agriculture of the United States and their authorized agents or other appropriate federal agencies may conduct fish cultural operations and scientific investigations in the state in the manner and at the times jointly considered necessary or proper by the Board of Fisheries and the secretary and their authorized agents. (§ 29 art I ch 94 SLA 1959; am § 14 ch 206 SLA 1975; am § 10 ch 208 SLA 1975)

Sec. 16.05.822. Transplanting of musk oxen. The board may transplant surplus musk oxen from

Nunivak Island to appropriate areas on the mainland of the state, when good management practices dictate the action. The board shall determine which transplant sites are appropriate and whether a surplus of animals exists. (§ 1 ch 220 SLA 1975)

 ${\bf Revisor's\ notes.} \sim {\bf Formerly\ AS\ 16\ 05\ 865},\ {\bf Renumbered\ in\ 2008}$

Sec. 16.05.825. State upland game bird release program. (a) In addition to any other program for the stocking or propagation of game birds that the department has as of July 23, 1974, the department shall establish a special program for the raising, maintenance, and release of upland game birds in the state. Birds raised under this program may be released in an appropriate area of the state, at any time, but may be harvested only during regular hunting seasons, as specified by the board under AS 16.05.255(a)(2). The board shall adopt regulations necessary to implement this section.

(b) The department shall establish an appropriate facility for the raising and maintenance of upland game birds to be located at an appropriate place, as determined by the commissioner, in interior Alaska.

(c) The department shall employ a method of tagging game birds released under this section and compile harvest statistics.

(d) In this section, "upland game bird" means a game bird for which a season is established under AS 16.05.255(a)(2) as of July 23, 1974, excluding waterfowl. (§ 1 ch 31 SLA 1974; am § 15 ch 206 SLA 1975; am § 7 ch 126 SLA 1994)

Sec. 16.05.826. Waterfowl conservation stamp program. (a) The waterfowl conservation tag authorized in AS 16.05.340(a)(17) shall be produced annually in stamp form by the department in an amount the commissioner considers appropriate. The department shall make stamps available for the creation of waterfowl conservation limited edition prints and shall provide for the sale of stamps and prints to the public.

(b) The department shall provide by appropriate means for the selection of the design of the annual waterfowl conservation stamp and for the production and sale of the stamps.

(c) The department may contract to others the performance of the department's responsibilities under this section. Contracting under this subsection is governed by AS 36.30 (State Procurement Code), except that a contract may include provisions for advance payment or reimbursement for services performed under the contract. All costs incurred under this section may be paid from the fish and game fund.

(d) /Repealed, § 28 ch 90 SLA 1991./ (§ 5 ch 71 SLA 1984; am § 8 ch 106 SLA 1986; am § 31 ch 138 SLA 1986; am E.O. No. 73 § 12 (1989); am § 25 ch 90 SLA 1991)



Southwest Alaska Municipal Cenference

3300 Arctic Boulevard, Suite 203 Anchorage, AK 99503 p. 907.562.7380 f: 907.562.0438 www.swamc.org

Alaska Peninsula Aleutian Chain Bristol Bay Kodiak Island Pribilof Islands

January 23, 2009

Senator Donny Olson Alaska Legislature Juneau, AK 99811

Re: Senate Bill 3

Dear Senator Olson:

The Southwest Alaska Municipal Conference is an Alaska Regional Development Organization (ARDOR) and also a federally recognized Economic Development District. Our region includes three of the biggest seafood ports (2006) in the nation for total volume landed: Dutch Harbor (#1), Kodiak (#4), Naknek (#12) and includes the world's largest sockeye run — Bristol Bay. This region also includes three of the most valuable seafood ports (2006) in the nation for total landed value: Dutch Harbor (#2), Kodiak (#3), and Naknek (#8). The fisheries of Alaska have just been rated as the ninth largest fishery in the world and account for sixty two percent (62%) of the nation's total seafood catch.

Much of our region's economic vitality and development potential is based on commercial fisheries and their health. We do a lot of research and analysis of fisheries data for the region to assist in our efforts to promote development opportunities in the region. So for SWAMC to have free access to commercial fisheries data from the Commercial Fisheries Entry Commission is vital to our mission and the quality of work.

On behalf of our Board of Directors and staff we fully support your efforts to allow ARDORs free access to this critical economic data that is vital to our economic development efforts.

Sincerely,

Michael Catsi

Executive Director

chaelfal.





Cordova

Tatitlek

Valdez

Whittier

ECONOMIC DEVELOPMENT DISTRICT

January 26, 2009

Senator Donald Olson State Capitol, Room 514 Juneau, AK 99801-1182

RE: SB3 - Commercial Fisheries Entry Commission

Dear Senator Olson:

Prince William Sound Economic Development District became an ARDOR (Alaska Regional Development Organization) in 1991, and a federal economic development district in 2001. Our region is comprised of Chenega Bay, Cordova, Tatitlek, Valdez, and Whittier.

The fishing industry is of great importance to our regional economy, and therefore we are requesting that ARDORs have free access to economic data gathered by the Commercial Fisheries Entry Commission, as described in SB3, public information relevant to fisheries, participants in fisheries permit holders' harvests, and earnings data.

Thank you for considering our request.

Sincerely,

Sue Cogswell
Executive Director



Lower Kuskokwim Economic Development Council PO Box 2021, Bethel, Alaska 99559 * 907 543-5967

Jan 29, 2009

Senator Donny Olson Alaska State Senate Juneau, AK 99801

Dear Sen. Olson:

re: Senate Bill 3

This letter is written in support of your Senate Bill 3, introduced in the current session, that will provide Alaska fisheries information to Alaska Regional Development Organizations (ARDORs), and other economic development organizations that provide assistance to Alaskan commercial fishermen.

By providing current fisheries information to these organizations, the State of Alaska will provide timely and appropriate assistance to these self employed entrepreneurs and help to strengthen Alaskan commercial fisheries for the long term benefit of all Alaskans.

Very truly,

Carl Berger

Executive Director

Kenai Peninsula Economic Development District, Inc.

BUSINESS INNOVATION CENTER

January 30th, 2009

Senator Donny Olson Alaska Legislature Juneau, Alaska 99811

SENT BY FAX 907-465-4821

Reference Senate Bill No. 3

Dear Senator Olson

The Kenai Peninsula Economic Development District is an Alaska Regional Development Organization, (ARDOR) and also a federally recognized Economic Development District.

Our region includes the ports in Seward, Homer, Seldovia, Port Graham and other parts of the Cook Inlet.

Part of our responsibilities as an ARDOR is to do research, analysis and planning for our region. A large part of that is to have the free flow of information from other State and Federal agencies of the data that each is responsible to collect.

Your proposed legislation, Senate Bill No. 3, goes a long way to ensure that this data; exchange is open and free flowing.

The Kenai Peninsula Economic Development District is in full support of this legislation.

Thank you for taking a leadership role in providing this economic data to the effective

ARDORS,

Executive Director