

Alaska State Legislature

House Fisheries Committee

Representative Geran Tarr, Chair

State Capitol, Room 128

Juneau, AK 99801

Phone: (907) 465-3424

**Representative Louise Stutes, Vice-Chair**

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Representative Andi Story

Representative Dan Ortiz

Representative Sarah Vance

Representative Kevin McCabe

To: Senator Click Bishop, Co-Chair Senate Finance Committee

From: Representative Geran Tarr, Chair House Fisheries Committee

Date: May 4, 2022

RE: HB 28 Senate Finance Hearing Follow-up Information

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THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Director's Office

550 West 7th Avenue, Suite 1070
Anchorage, Alaska 99501-3579
Main: 907.269.8600
TTY: 711 or 800-770-8973
Fax: 907.269.8904

May 2, 2022

The Honorable Senate Bishop, Chair
Senate Finance Committee
Alaska State Capitol, Rm 532
Juneau, AK 99801

Re: HB 28 Registration of Boats: Exemption

Chair Bishop,

Please see the Department of Natural Resources (DNR), Division of Mining, Land & Water (DMLW) response to questions posed on HB 28, heard in committee on April 27, 2022 and on the status of DNR-DMLW regulations and processes regarding the derelict vessel prevention program fund (the fund).

1. Please provide detailed information on how the vessel registration fees are spent by the Department of Natural Resources annually. What has the current value of the derelict vessel fund and how much has the fund had historically?

Senate Bill 92 was signed into law by the Governor on October 11, 2018. The Department of Administration (DOA) through its Division of Motor Vehicles (DMV) along with Division of Finance (DOF) administer the fund. DOA-DMV is the agency that collects the fee from the registrations of vessels and then provides the amount collected to DOA-DOF for them to move into the fund.

AS 05.25.096(b) requires that the legislature provide appropriations to DNR and DOA to carry out the purposes of AS 30.30. At the present time there has not been an appropriation given to DNR or DOA to spend from the fund. DOA has provided DNR-DMLW with the following accounting of the fund:

- FY19 – DOA-DMV received a supplemental out of boat receipts to implement the programming and process changes. No extra was available for the fund.
- FY20 – DOA-DMV set aside \$27,603 for the fund.
- FY21 – DOA-DMV set aside \$30,032 for the fund.
- FY22 – DOA-DMV reports that there is \$17,436 so far would go towards the fund.
- Balance in the fund managed by DOA-DOF is \$75,098.

The fund will not be appropriated to DNR-DMLW for expenditures as outlined in AS 30.30.096(a) until regulations are adopted and DNR-DMLW requests an appropriation from the legislature.

DNR has prioritized the creation of the regulations and will begin the regulation process as outlined in response to question 2.

2. The committee requested a list of regulations priorities inclusive of the fund regulations, as well as other regulations passed in recent years by DNR. Below is an outline of the process for regulation formulation and adoption, as well as recent regulations adopted, regulations in process, and future priorities. As requested, we have included information regarding regulations responsive to statutory changes.

The overall process for development and adoption of agency regulations through the Alaska Administrative Procedure Act (AS 44.62) is extensive and includes engagement with stakeholders, approval, and prioritization from the Governor's Office, drafting regulations with the Department of Law, engagement with the public through notice, and then reiterative and revision processes responsive to the needs of the public, administrative priorities, and legal considerations.

A short summary of the adoption process is as follows:

1. Request approval to initiate work on regulations from the Governor's Office as required by Administrative Order 266 (AO 266).
2. Engage with stakeholders on regulations framework and collect proposals for amendments via meetings, scoping notices, our online regulations portal, etc.
3. Open a regulatory file with the Department of Law and engage attorneys in the drafting process.
4. Draft initial regulatory amendments.
5. Briefings at the Director's, Commissioner's, and Governor's levels and request approvals of regulatory package in advance of public notice.
6. Publicly notice regulations.
7. Consider public input on regulations, and redraft or reconsider regulatory amendments with assistance from the Department of Law.
8. Propose regulations to Director, Commissioner, and Governor's Offices for approval.
9. Regulations are filed with the Department of Law, which then undertakes a final review.
10. Regulations are filed with the Lieutenant Governor.
11. If approved, regulations take effect 30 days after approval by the Lieutenant Governor.

AO 266 provides a framework for engaging stakeholders and seeking Governor's Office approval of regulatory packages. Timelines for regulations from initiation to adoption vary. For instance, SB 155 mining regulations were initially scoped in May 2020, and the regulations were recently sent to Law for filing. Another example is our coal regulations, which DNR-DMLW is required to adopt by June 30, 2022 for DNR-DMLW to maintain primacy of the state coal program. Those regulations required close coordination with the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) over several years to draft state regulations responsive to federal amendments. Additionally, DNR-DMLW sought to codify regulations adopted by reference into our administrative code to provide transparency and ease of use. While coordination with OSMRE required years of work, DNR-DMLW was able to file these regulations in April of this year after beginning administrative procedures in the summer of 2021.

DMLW regulations completed 2018 to present are as follows:

- 07/01/2018 – Fee regulation overhaul (11 AAC 05).
- 07/31/2019 – Mining Rental Revision (11 AAC 86.221 - .541).
- 11/21/2019 – Glacier/Winner Creek regulations adopted.
- 01/24/2020 – Hatcher Pass Special Use Area regulations adopted.
- 04/22/2020 – Competitive Permitting regulations adopted.

DMLW regulations in process include:

- 06/17/2015 Scoping Notice for Leasing Regulations related to surface uses of state land (11 AAC 58 and 11 AAC 05.230).
- 06/17/2015 Scoping Notice for Leasing Regulations related to grazing on state land (11 AAC 60).
- 06/17/2015 Scoping Notice for Leasing Regulations related to shore fishery leases (11 AAC 64 and 11 AAC 05.230).
- 06/17/2015 Scoping Notice for Materials Sales Regulations (11 AAC 71).
- 01/29/2018 Additional Scoping Notice for Material Sales Regulations (11 AAC 71) Proposed regulations need to be finalized before public notice for these regulations.
- 10/09/2019 Scoping Notice for Appeals regulations (11 AAC 02).
- 03/06/2020 Navigable Water regulations sent out for public comment (11 AAC 51.045(d)). Regulations were withdrawn and are currently under agency review.
- 01/15/2021 Revisions to 2018 Fee regulations sent out for public comment. Regulations await AO 266 approval.
- 01/15/2021 Water regulations sent out for public comment (11 AAC 93). DMLW is in the process of reviewing public comments on proposed regulations.
- 08/26/2021 Grant Lake Hydroelectric project regulations scoping notice published (11 AAC 96.014(b)(15)).
- 03/16/2022 Mining regulations were signed by the commissioner and forwarded to the Department of Law for final review (11 AAC 86 and 11 AAC 88).
- 04/22/2022 Surface Coal Mining regulations (a.k.a. OSMRE regs in 11 AAC 90) were forwarded to the Department of Law for final review.

For regulations priorities, please see the attached table with a summary of DMLW Regulation Priorities, including the legislation that precipitated the need for the regulatory packages.

The Legislative and Public Records Unit (unit) within the Program Support Section (section) of DMLW is the unit that works on regulations and includes three staff. However, this section, as well as the unit, is also responsible for all DMLW legislative initiatives, bill and fiscal analysis, division-wide policy formulation, division-wide support functions, responding to public records requests, and division-wide training.

3. Please provide the status of the DNR's work to address the barge moored in Kalinin Bay.

- March 2021 – The Southeast Regional Office (SERO) spoke with the owner of the barge. Owner claimed the barge would be moved on next high tide.
- January 2022 – SERO emailed the owner of the barge informing them of the need to submit a permit application if the barge is not moved.

- April 6, 2022 – SERO and DNR-DMLW ADV Program conducted inspections in the Sitka area, including documenting the remaining presence of the barge in Kalinin Bay.
- April 28, 2022 – DNR-DMLW ADV Program serialized the barge as an ADV case and sent notice to the owner of the vessel, informing them that their vessel is considered a derelict vessel and that the vessel needs to be moved or application for its presence needs to be submitted to SERO.
- The owner was given two weeks to provide an application or move the vessel, if neither is received a second trespass letter will be sent and DNR-DMLW will seek assistance from the Troopers and may take civil action against the vessel owner per AS 30.30.015.

DMLW reorganized in 2020 and created the Statewide Abatement of Impaired Lands (SAIL) Section. This action consolidated many responsibilities that the Regional Land Offices of DMLW manages into one new Section. The DNR-DMLW ADV Program is now managed by SAIL and in FY21 and FY22 they serialized a total of 60 ADV cases with resolution to 17 cases as well as coordination and collaboration with communities and effected stakeholders for the removal of these ADVs.

Sincerely,



Christy Colles
Chief of Operations
Division of Mining, Land & Water

cc: Kris Hess, Acting DMLW Director
Laura Boomershine, Legislative Liaison

Attachments: Table of DMLW Regulation Priorities

Table: Division of Mining, Land and Water Regulations Priorities

Status	Division or Program	Statutes	Regulations	Brief Summary
Filed with the Department of Law in March 2022	DMLW -Mining	AS 38.05	11 AAC 86	Proposed amendments bring regulations into compliance with statutes amended by SB 155. (SLA 2020, Chapter 31).
Filed with the Department of Law in April 2022	DMLW - OSMRE		11 AAC 90	Proposed amendments are required by the U.S. Office of Surface Mining Reclamation and Enforcement (OSMRE) for the state to maintain primacy of the program. Revisions include regulatory changes to valid existing rights and ownership and control. Additionally the Division and the Department of Law worked closely codify 11 AAC 90.002 - .911, regulations which are currently adopted into the administrative code by reference at 11 AAC 90.001.
Publicly-noticed FY21 Awaiting final AO266 approval.	DMLW - Fee		11 AAC 05 11 AAC 96	The Department expected a “shake out” period after the 2018 fee revisions to identify remaining necessary changes to ensure clarity and consistency in fees. The regulations we propose now provide clarification in fees or the application of fees, and appropriately split out fees based on cost of service and use. Proposed changes are responsive to requests for reductions in certain fees, such as Kasilof Mooring buoys or Kenny and Patty Barber shooting range fees.
Publicly-noticed FY21 Considering public comment.	DMLW -Water Management	AS 46.15 and AS 46.17	11 AAC 93	The Department is proposing to revise regulations in 11 AAC 93 relating to the closure of water right applications, the contents of instream flow reservation applications, the issuance of certificates for instream flow reservations, the review of instream flow reservations, procedures for temporary water use, public notices and hearings on critical water management areas, and definitions.
FY22-23 (Approved for drafting by CO and GO) <u>Drafted.</u>	DMLW - Grant Lake		11 AAC 96.014(b)(15)	The Department has received a permit application for a hydroelectric project within Kenai River Special Management Area Additions. To authorize the permit, the Division must revise the special use designation regulation at 11 AAC 96.014(b)(15). The Division received approval from the Commissioner’s Office and the Governor’s Office to move forward with this regulation package. A public scoping notice was published on August 26, 2021, regulations have been drafted and will be noticed if and when a required partner plan amendment is adopted.
Proposed for FY22-23	DMLW - Navigable Waters	AS 38.05.965(14)	11 AAC 51.045	The Division proposes revising 11 AAC 51.045. The application of the regulation as written may cause an increased financial burden on municipalities in acquiring entitlements, impact state and municipal land sales, and reduce municipal entitlement options. The intent of proposed amendment is a practicable application of the statute, which is otherwise overburdensome and may prevent efficient and cost-effective processing of municipal entitlements and state land sales.
Proposed for FY22-23	DMLW - Generally Allowed Uses	AS 38.05.020 AS 38.05.035 AS 38.05.850	11 AAC 96.020(a)(1)(E)	Regulations applicable to the use of an off-road or all-terrain vehicle have not kept up with the current types of vehicles currently used by a number of residents recreating on state lands. Specifically, a growing segment of the population own and use Utility Terrain Vehicles (UTVs) for recreation and as a means of access for hunting, fishing, or other outdoor activities. These vehicles are larger, in terms of dimensions and weight, than a standard ATV/OHV “four wheeler.” Current regulations should be revised to increase the listed weight of vehicles from 1,500 pounds to 3,000 pounds to recognize the current use trends already occurring on our lands. This is a Division of Parks coordinated package.
Proposed for FY22-23	DMLW - Derelict Vessels	AS 30.30.095-96	TBD	Implementation of Senate Bill 92, adopted in 2019 (Chapter 111 SLA 2018). In 2020, DMLW underwent a reorganization formalizing DNR’s role in managing derelict vessels by creating the Abandoned and Derelict Vessel Program (ADV Program) within the new Statewide Abatement of Impaired Land Section (SAIL). DMLW proposes to implement the Derelict Vessel Act, focusing on AS 30.30.096, which grants DNR control of the ADV fund and allows for money appropriated to the fund to be used without further appropriation. No monies have been spent from the ADV fund because of the lack of regulations to direct the equitable and transparent disbursement from the fund.
Proposed for FY23-24 (Approved by CO and GO to begin drafting; drafting in process)	DMLW - Leasing	AS 38.05.070 AS 38.05.073 AS 38.05.082-3	11 AAC 58 11 AAC 60 11 AAC 63 11 AAC 64 11 AAC 05.230	In 2012 and 2016, House Bill 361 and House Bill 274 enacted changes to AS 38.05.070 relating to surface use, grazing, and shore fishery leasing, necessitating either one large regulatory package or four separate packages. In 2021, House Bill 115 enacted changes to AS 38.05.083 relating to aquatic farmsite permits and leases. In 2015, the Division conducted public scoping for input on possible revisions to surface, grazing, and shorefish leasing regulations pursuant to the enactment of HB 361. In 2015 and 2016, the Division began drafting revisions to 11 AAC 58 (leasing of lands), 11 AAC 64 (shore fisheries leasing), and 11 AAC 60 (grazing leases). Public scoping still needs to be conducted for regulations relating to general lease extensions, pursuant to the 2016 enactment of House Bill 274, and relating to aquatic farmsite permits and leases, pursuant to the 2021 enactment of HB 115.
Proposed for FY23-24 (Approved by CO and GO to begin drafting; drafting in process)	DMLW - Material Sales and Flood Mitigation	AS 38.05.550-.565 AS 38.05.872	11 AAC 71	In 2012, the passage of House Bill 361 enacted material sales statutes (AS 38.05.550 - .565) and revised AS 38.05.872 for flood mitigation projects. In 2015, the Division conducted public scoping and held meetings to collect input on potential regulation revisions and found that regulations needed to be inclusive of changes to flood mitigation regulations. In 2018, the Division conducted additional scoping for possible regulations relating to the conveyance of material for flood mitigation projects. Regulations for both material and timber sales are currently listed under 11 AAC 71. Proposed regulations have been drafted under a new chapter (11 AAC 73) to implement AS 38.05.550-565 and AS 38.05.872, and the Division proposes to update, finalize, and publicly notice the regulations in FY23-24.

Status	Division or Program	Statutes	Regulations	Brief Summary	Statutory Change	Responsive to Statutory Changes	Regulation Amend or Repeal	State Costs	Public Costs
Publicly-noticed FY21	DMLW - Fee		11 AAC 05 11 AAC 96	The Department expected a “shake out” period after the 2018 fee revisions to identify remaining necessary changes to ensure clarity and consistency in fees. The regulations we propose now provide clarification in fees or the application of fees, and appropriately split out fees based on cost of service and use. Proposed changes are responsive to requests for reductions in certain fees, such as Kasilof Mooring buoys or Kenny and Patty Barber shooting range fees. Some fees provide fee options for actions the state might not otherwise take; allowing flexibility to users of state lands and the state.	NA	No	Amend	Anticipated overall slight reduction in fee revenue; amount depends on demand.	Overall reduction in fees to the public; however it is dependent upon the service.
Publicly-noticed FY21	DMLW -Water Management	AS 46.15 and AS 46.17	11 AAC 93	The Department is proposing to revise regulations in 11 AAC 93 relating to the closure of water right applications, the contents of instream flow reservation applications, the issuance of certificates for instream flow reservations, the review of instream flow reservations, procedures for temporary water use, public notices and hearings on critical water management areas, and definitions. Revisions clarify submittal requirements, providing guidance to applicants on the contents of the applications and reducing related errors and adjudication time. Public notice requirements in 11 AAC 93 are modernized and made consistent with other Department public notice requirements. Directions for providing complete applications will avoid delays in issuing authorizations. Changes in public notice requirements for critical water management areas are intended to reduce publication costs and broadly distribute notice through the State of Alaska’s Online Public Notice system.	NA	No	Amend	Possible operating cost reductions due to efficiencies in addition time. Reduction in notice costs.	Possible reductions in process time for applicants, and Possible cost effective alternative processes may be allowed under changes to the regulations.
Publicly-noticed FY21	DMLW -Mining	AS 38.05	11 AAC 86	Proposed amendments bring the regulations into compliance with statutes amended by SB 155. (SLA 2020, Chapter 31). Revisions reduce costs to miners by reducing penalty payments to cure abandonment of mining claims, reduce cost to miners associated with appeals and substantial compliance requests; and revisions reduce the Department’s time and cost, in the long term, associated with processing abandonments, substantial compliance requests, and appeals.	NA	Yes	Amend	Anticipated operating cost reductions	Reduces penalty payments to cure and costs to miners associated with appeals and compliance requests.
FY22-23 (Approved by CO and GO)	DMLW - Grant Lake		11 AAC 96.014(b)(15)	The Department has received a permit application for a hydroelectric project within the Kenai River Special Management Area Proposed Additions. To authorize the permit, the Division must revise the special use designation regulation at 11 AAC 96.014(b)(15). The Division received approval from the Commissioner’s Office and the Governor’s Office to move forward with this regulation package. A public scoping notice was published on August 26, 2021.	NA	No	Amend	No change.	No change.
FY22-23 (Approved by CO and GO)	DMLW - OSMRE		11 AAC 90	The Division is proposing two changes to surface coal mining regulations. The first change is codification of 11 AAC 90.002 - .911, regulations which are currently adopted into the administrative code by reference at 11 AAC 90.001. The second revision will implement required program amendments from the U.S. Office of Surface Mining Reclamation and Enforcement (OSMRE). These changes are required if the state is to maintain oversight of this program. The Division received approval from the Commissioner’s Office and the Governor’s Office to move forward with this regulation package. The public scoping notice was published on August 22, 2021.	NA	Responsive to changes in federal regulations	Amend	No change.	No change.

Status	Division or Program	Statutes	Regulations	Brief Summary	Statutory Change	Responsive to Statutory Changes	Regulation Amend or Repeal	State Costs	Public Costs
Propose for FY22-23	DMLW - Navigable Waters	AS 38.05.965(14)	11 AAC 51.045	The Division proposes revising 11 AAC 51.045. The application of the regulation as written may cause an increased financial burden on municipalities in acquiring entitlements, impact state and municipal land sales, and reduce municipal entitlement options. The intent of proposed amendment is a practicable application of the statute, which is otherwise over burdensome and may prevent efficient and cost-effective processing of municipal entitlements and state land sales.	NA	Yes	Amend	May reduce adjudication and survey resource cost.	Reduces costs to municipalities and private purchasers of land.
Proposed for FY22-23	DMLW - Generally Allowed Uses	AS 38.05.020 AS 38.05.035 AS 38.05.850	11 AAC 96.020(a)(1)(E)	Regulations applicable to the use of an off-road or all-terrain vehicle have not kept up with the current types of vehicles currently used by a number of residents recreating on state lands. Specifically, a growing segment of the population own and use Utility Terrain Vehicles (UTVs) for recreation and as a means of access for hunting, fishing, or other outdoor activities. These vehicles are larger, in terms of dimensions and weight, than a standard ATV/OHV "four wheeler." Current regulations should be revised to increase the listed weight of vehicles from 1,500 pounds to 3,000 pounds to recognize the current use trends already occurring on our lands.	NA	No	Amend	No change.	No change.
Proposed for FY23-24	DMLW - Dam Safety		11 AAC 93	The Division proposes to revise Chapter 93 (Water Management), Article 3 (Dam Safety) (11 AAC 93.150 - .201) to update dam safety regulations for clarity, consistency, and completeness. These regulations have not been updated since 2004. Anticipated benefits include clarifying ambiguous language; aligning regulations with statutes; addressing omissions; mitigating risk from water tailings dams; reducing the state's liability; providing transparency to the public; and improving public confidence.	NA	No	Amend	No change.	No change.
Proposed for FY23-24	DMLW - Leasing	AS 38.05.070 AS 38.05.073 AS 38.05.082-3	11 AAC 58 11 AAC 60 11 AAC 63 11 AAC 64 11 AAC 05.230	<p>In 2012 and 2016, House Bill 361 and House Bill 274 enacted changes to AS 38.05.070 relating to surface use, grazing, and shore fishery leasing. In 2021, House Bill 115 enacted changes to AS 38.05.083 relating to aquatic farmsite permits and leases. These statutory changes streamlined leasing processes by allowing for solicitation of interest prior to requiring an auction for potential competitive leases and allowing for lease renewals and extensions without requiring a full best interest finding. Updating leasing regulations would implement those statutory changes, allowing for greater efficiency and facilitating the development of state land consistent with the public interest.</p> <p>In 2015, the Division conducted public scoping for input on possible revisions to surface, grazing, and shorefish leasing regulations pursuant to the enactment of HB 361. In 2015 and 2016, the Division began drafting revisions to 11 AAC 58 (leasing of lands), 11 AAC 64 (shore fisheries leasing), and 11 AAC 60 (grazing leases). Public scoping still needs to be conducted for regulations relating to general lease extensions, pursuant to the 2016 enactment of House Bill 274, and relating to aquatic farmsite permits and leases, pursuant to the 2021 enactment of HB 115.</p>	NA	Yes	Amend	Anticipated operating cost reductions	Anticipated reductions in process delays for applicants

Status	Division or Program	Statutes	Regulations	Brief Summary	Statutory Change	Responsive to Statutory Changes	Regulation Amend or Repeal	State Costs	Public Costs
Proposed for FY23-24	DMLW -Material Sales and Flood Mitigation	AS 38.05.550-.565 AS 38.05.872	11 AAC 71	<p>In 2012, the passage of House Bill 361 enacted material sales statutes (AS 38.05.550 - .565) and revised AS 38.05.872 for flood mitigation projects. The legislation improved efficiency by separating timber sales from material sales; allowing for ongoing multiple sales from designated sites rather than requiring a new and separate best interest finding process for each individual sale; and allowing for special sales which do not require separate site designation. In 2015, the Division conducted public scoping and held meetings to collect input on potential regulation revisions. In 2018, the Division conducted additional scoping for possible regulations relating to the conveyance of material for flood mitigation projects.</p> <p>Regulations for both material and timber sales are currently listed under 11 AAC 71. Proposed regulations have been drafted under a new chapter (11 AAC 73) to implement AS 38.05.550-565 and AS 38.05.872, and the Division proposes to update, finalize, and publicly notice the regulations in FY22. The regulations would provide clarity by separating material sales regs from timber sales regs; establish clear procedures for regional material pricing; align regulations with statutory changes to streamline processes and create administrative efficiencies; and provide clarity to staff on processes for material site designations and sales.</p>	NA	Yes	Amend	Anticipated operating cost reductions.	Anticipated cost reductions for applying for purchase of material.

Information Regarding Potential Fine for Failure to Register a Vessel

Division of Motor Vehicle Vessel Registration:

Per AS 05.25.090(b)(2), a person who violates AS 05.25.055, relating to registration and numbering of boats, is guilty of a violation and may be fined up to \$50. This violation is included in the court's [bail schedule](#), which allows for the disposition of a citation without a court appearance.

Kelly Howell

Special Assistant to the Commissioner

[Department of Public Safety](#)

Commercial Fisheries Entry Commission Vessel Registration

AS 16.05.490 Vessel License - (a) As a condition to delivery or landing of fish or engaging in commercial fishing in the state, a license is required for a commercial vessel.

AS 16.05.510 Unlicensed Vessel Unlawful - A person may not operate a vessel to which AS 16.05.490 - 16.05.530 apply without a vessel license, whether the absence of a vessel license results from initial failure to purchase or from another reason.

Violation of AS 16.05.490 is included in the Fish & Game Bail Forfeiture Schedule as a \$200 fine.

Kelly Howell

Special Assistant to the Commissioner

[Department of Public Safety](#)

**Information on amount of vessel registration and title fees the Department of Commerce,
Community and Economic Development receives and how they are distributed**

DCCED does receive some Boat Registration Receipts, fund 1216. These receipts are collected by the Division of Motor Vehicles and transferred to DCCED/DCRA throughout the year. It is my understanding that some portion of the Boat Registration Receipts collected by DMV are also eventually transferred to the Derelict Vessel Fund. All funds received by DCCED/DCRA are distributed as a grant to the Alaska Marine Safety Education Association. A table of the boat receipts collected by DCCED since FY2016 (the first year of our current accounting system) is included below.

Fiscal Year	Revenue Received
2016	\$196,900.00
2017	\$192,058.07
2018	\$196,900.00
2019	\$191,411.84
2020	\$196,900.00
2021	\$196,900.00

Thank you,

Hannah Lager

ATTENTION VESSEL OWNERS! New Title & Registration Rules

In 2018, the Alaska Legislature changed vessel registration laws. New title & registration requirements are now in effect, which may involve your commercial fishing vessel operating in Alaska waters.

Undocumented vessels without a valid certificate of documentation issued by the U.S. Coast Guard must continue to be registered with the DMV and **now must ALSO be titled with the DMV.**

Documented vessels with a valid certificate of documentation issued by the U.S. Coast Guard **now must ALSO be registered with the DMV.** Federally documented vessels are exempt from the new title requirement, but are no longer exempt from the DMV registration requirement.

The state agency responsible for implementing the changes is the **Division of Motor Vehicles (DMV)**. The following is a portion of the information found on their [website](#), which we offer as an assist to fishermen as they familiarize themselves with the new requirements.

Exemptions - See the full list of exemptions on the DMV [website](#).

Exempt from Registration

- Lifeboats
- Non-powered boats
- A boat registered in another state or country that is not operated more than 90 consecutive days in Alaska.
- Foreign documented boats

Exempt from Titling

- An undocumented boat 24 feet or less in length
- A boat of any length documented with the U.S. Coast Guard
- Note: A documented vessel is also exempt from state numbering; however, the State of Alaska registration decal must be displayed.



What to take to the DMV Office or mail if you don't have a DMV in your location.

- Boat Application ([Form B1](#))
- Proof of ownership/registration/documentation ([see document lists below](#))
- Fees (Visa, Mastercard, personal check, or money order payable to State of AK or DMV)
- If you are mailing original documents, **send them certified mail**, if possible, to:
Department of Motor Vehicles 1300 W. Benson Boulevard Anchorage, AK 99503-3696

Documented Vessels Require Registration Only.

The DMV will accept a mailed, emailed (doa.dmv.correspondence@alaska.gov), or faxed (907)269-3762 application or in person registration at our DMV offices & Business Partner locations. **Send DMV Form B1** and a copy of the current **Certificate of Documentation** issued by the U.S. Coast Guard. **Make sure that you include a phone number so the DMV can call for payment of the fees.** DMV will mail the registration and decal after receiving payment.

IMPORTANT Information for Documented Vessels

- **RENEW YOUR USCG DOCUMENTATION** - This registration does not take the place of your documentation from the USCG – it is in addition to.
- **TAKE A COPY OF YOUR DOCUMENTATION to the State DMV office** when titling or registering. If no title is required you may mail, fax, or email to the DMV the completed Form B1, and a copy of your documentation.
- **DO NOT TITLE YOUR DOCUMENTED VESSEL WITH THE STATE of ALASKA** – only file for registration and make sure the registration paperwork is marked "No Title Issued" (NTI).
- **DO NOT ADD ANY ADDITIONAL ALASKA NUMBERS TO YOUR BOAT.**
- **MAKE SURE TO APPLY** the square registration decal to your boat.

Undocumented Vessels Require Both Title and Registration and forms must be submitted in person or mailed to DMV.

REMEMBER to send original documents by Certified Mail.

Documents accepted to prove boat ownership to obtain a title *and* registration:

- The original manufacturer's certificate of origin (MCO)
- The original manufacturer's statement of origin (MSO)
- The boat title and registration from the previous state of ownership
- Completed **CG-1261 Builders Certification**
- If proper ownership documentation cannot be provided the DMV provides a NTI Registration and no title fee is needed until next registration period.

Forms

Form B1 Title and/or Registration Application: <http://doa.alaska.gov/dmv/forms/PDFS/b1.pdf>

CG-1261 Builders Certification

https://www.dco.uscg.mil/Portals/9/DCO%20Documents/NVDC/CG1261%20Builder%27s_Certification.pdf

Fees

- Registration \$24 for powered boats, \$10 for non-powered boats, and \$75 for barge.
- Title is \$20

Additional Information

CONTACT: (907) 269-5551 Or Toll-Free in Alaska: (855) 269-5551 / Outside of Alaska: (907)269-5551

DMV EMAIL: doa.dmv.correspondence@alaska.gov / **FAX** (907) 269-3762

Mailing Address: Department of Motor Vehicles 1300 W. Benson Boulevard Anchorage, AK 99503

DMV Office Location and Contact Numbers: <http://doa.alaska.gov/dmv/office/index.htm>

DMV Boat Registration Webpage: <http://doa.alaska.gov/dmv/reg/boat.htm>

2018 Derelict Vessels Act (SB92): <http://www.legis.state.ak.us/PDF/30/Bills/SB0092Z.PDF>

Alaska Statute 05.25.055: <http://www.akleg.gov/basis/statutes.asp#05.25.055>

Record of Concerns Raised with SB 92 During the 30th Legislative Session

Senate Resources Committee Meeting Minute Excerpts

2.14.18

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CARL UCHYTIL, President, Alaska Association of Harbor Masters and Port Authorities (AAHPA), Juneau, Alaska, supported **SB 92**. AAHPA has 43-member harbors and has documentation from other communities outside their membership that also support it.

SENATOR STEDMAN asked what tool this bill would give to harbor masters that they don't currently have.

MR. UCHYTIL said the strongest argument he could make is when the M/V Challenger went down. She [the boat] was no longer welcome in the harbor and as a result was anchored on DNR tidelands. When she sank, the Coast Guard came out and opened the Oil Spill Trust Fund to raise and demolish her (for \$2 million). To this day, the Coast Guard doesn't know who the responsible owner is.

SENATOR STEDMAN said that ship should have had a marine title at some point, and the question is who owned it at the end. He wanted to know what useful tools **SB 92** would provide in this instance.

MR. UCHYTIL said he couldn't speak with great authority on what enforcement activity the Coast Guard is taking on the Challenger now, but the Juneau Harbor system has other instances of irresponsible boat owners that will transfer ownership of vessels on a bar napkin or flip ownership with a handshake. Just having a clear title would allow the harbor master to pursue the actual owner of several derelict vessels in their harbor system today.

SENATOR STEDMAN said he has concept issues with this bill, not that derelict vessels aren't a problem. He said marine titled vessels are usually small, in the neighborhood of 27 feet, and are required to have "AK" numbers and to get a sticker. If you don't, you get a ticket. So, the owner pays the harbor master once a month as a tenant, and all of a sudden someone else shows up to pay the monthly fee. He asked what tools he needs as a harbor master here in Juneau to ensure that a person who pays the rent owns the boat.

SENATOR STEDMAN said his boat is a "documented vessel" and that it is in the Juneau harbor now where he is also required to have an insurance document to show that it is not only insurable but that it is insured. So, he was really struggling with why organized harbors around Alaska can't keep track of their tenants - like he used to keep track of renters he was a

landlord.

MR. UCHYTIL answered that "registered" doesn't necessarily mean owner, and he does have difficulty with some harbor clientele in establishing clear ownership. For instance, someone could be behind in their rent and when they get kicked out, the client can say he sold the boat to someone at the Pioneer Bar last night. Lawyers have told him that title is important in establishing ownership.

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SENATOR STEDMAN said the situation is similar to used cars that eventually get "ditched out the road" and the owner can't be found. It is an enforcement issue, and he wasn't sure this wouldn't set boats up with the same solution. And at some point, the unorganized municipalities need to be addressed.

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KRIS HESS, Operations Manager, Division of Mining, Land and Water, Department of Natural Resources, Anchorage, Alaska, answered that they spent considerable time and resources between herself, Director Brent Goodrum, Deputy Commissioner Heidi Hansen, and others in terms of coordinating with federal, state, and local agencies to deal with this situation. From August 2017 when the Akutan suffered problems with its engines and the time of actual disposal, which was in January 2018, a rough estimate is at least 250 hours of staff time was spent.

SENATOR STEDMAN asked, when a derelict vessel is sitting on their tidelands, if it isn't it a matter of an appropriation of funds to the Department of Law. And if this bill is only going to produce \$100,000-200,000/year, it would take 10 years to just pay for the tug boat that sank in Juneau last year. He didn't think the ends were lining up very well outside of large appropriations from the legislature, with or without this bill.