

**ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON FISHERIES**

March 24, 2011

5:06 p.m.

**MEMBERS PRESENT**

Representative Steve Thompson, Chair  
Representative Craig Johnson, Vice Chair  
Representative Alan Austerman  
Representative Lance Pruitt  
Representative Scott Kawasaki

**MEMBERS ABSENT**

Representative Bob Herron  
Representative Bob Miller

**COMMITTEE CALENDAR**

HOUSE BILL NO. 181

"An Act requiring the Department of Fish and Game annually to collect confidential information related to days worked by commercial fishing crewmembers and to compile statistical data."

- MOVED CSHB 181(FSH) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 181

SHORT TITLE: COMMERCIAL FISHING CREWMEMBER STATISTICS

SPONSOR(S): REPRESENTATIVE(S) AUSTERMAN

03/09/11	(H)	READ THE FIRST TIME - REFERRALS
03/09/11	(H)	FSH, FIN
03/15/11	(H)	FSH AT 5:00 PM CAPITOL 120
03/15/11	(H)	Heard & Held
03/15/11	(H)	MINUTE(FSH)
03/24/11	(H)	FSH AT 5:00 PM CAPITOL 120

**WITNESS REGISTER**

ERIN HARRINGTON, Staff  
Alan Austerman  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the committee substitute (CS) for HB 181, on behalf of Representative Austerman, prime sponsor.

GERON BRUCE, Assistant Director  
Division of Commercial Fisheries  
Alaska Department of Fish & Game (ADF&G)

**POSITION STATEMENT:** Responded to questions, during the hearing on HB 181.

ANDY VARNER, Executive Director  
Southeast Municipal Conference  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 181.

SHAWN DOCHTERMANN, Executive Director  
Crewman's Association  
Kodiak, Alaska

**POSITION STATEMENT:** Testified with concern on HB 181.

GERALD McCUNE, Lobbyist  
United Fishermen of Alaska (UFA)  
Cordova, Alaska

**POSITION STATEMENT:** Testified in support of HB 181.

#### **ACTION NARRATIVE**

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**CHAIR STEVE THOMPSON** called the House Special Committee on Fisheries meeting to order at 5:06 p.m. Present at the call to order were Representatives Thompson, Austerman, Kawasaki, Johnson, and Pruitt.

#### **HB 181-COMMERCIAL FISHING CREWMEMBER STATISTICS**

CHAIR THOMPSON announced that the only order of business would be HOUSE BILL NO. 181, "An Act requiring the Department of Fish and Game annually to collect confidential information related to days worked by commercial fishing crewmembers and to compile statistical data."

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REPRESENTATIVE JOHNSON moved to adopt the proposed committee substitute (CS) for HB 181, Version 27-LS0292\E, Kane, 3/22/11,

as the working draft. There being no objection, Version E was before the committee.

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ERIN HARRINGTON, Staff, Alan Austerman, Alaska State Legislature, presented CSHB 181, paraphrasing from a memo to Chairman Thompson, dated March 24, 2011, RE: Changes to House Bill 181 from Version B to Version E, which read as follows [original punctuation provided]:

The following changes have been implemented into House Bill Version E, based on feedback from industry, the Alaska Department of Fish and Game (ADF&G), Commercial Fisheries Entry Commission (CFEC), and committee members. Except where noted, page and line numbers refer to the draft committee substitute, Version E.

Deletion of Section 1 from Version B—Section 1 in Version B directed ADF&G to issue crew activity forms to crewmembers at the time when crew licenses are purchased. The department instead envisions mailing forms to crewmembers at the end of the season. Section 1 was deleted to allow the department the flexibility to design the best possible distribution system for crewmember activity forms.

Throughout the bill—where the term “vessel” was previously used, it has been expanded to include vessels and set net sites. This is because fishing activity at set net sites does not necessarily occur on board a vessel.

Page 1, Line 14 to Page 2, Line 6—The data that crewmembers will be mandated to report has been changed somewhat, following additional conversations with ADF&G and CFEC. An important goal of the data collection is to link the crew database with existing harvest and databases, in order to tie crew to fishing activity. We recognize that doing this successfully may require some amount of experimentation in program design. We have provided flexibility so the department can design a successful program without the need to return for legislation. Additionally, on Page 2, Line 14 and Page 3, Line 2, we have specified some information that the agencies feel will be critical.

Page 2, Line 9–The reporting date has been changed to April 15, as it is envisioned that crewmembers may choose to complete their annual crew activity forms at the same time they prepare their federal income taxes.

Page 2, Lines 13 and 14–We have provided the opportunity for vessel and set net site owners as well as operators to review the data. This is because hired skippers sometimes operate vessel or sites.

Page 2, Line 25–The United States Department of Labor was added to the list of federal agencies with which ADF&G can share data. This is because the U.S. Department of Labor administers the Trade Adjustment Assistance program, which has been applied to harvesters in Alaska several times in the last decade.

Page 3, Line 11–The sunset date was advanced by one year. This ensures at least three years of complete data, but brings the program back before the legislature on a quicker timeline to ensure the program is effective.

CHAIR THOMPSON opened public testimony.

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REPRESENTATIVE KAWASAKI asked how the reporting will be enforced, observing that it appears to be a voluntary effort.

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GERON BRUCE, Assistant Director, Division of Commercial Fisheries, said the Department of Public Safety (DPS) would be in charge of enforcement activities, and agreed that it will be difficult to ensure compliance.

REPRESENTATIVE KAWASAKI suggested that it could be a stipulated requirement to be completed prior to license renewal, and asked whether that would be a mechanism.

MR. BRUCE said that approach was considered; however, crew licenses are sold in a manner that does not conform to that type of requirement or enforcement by the vendor.

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REPRESENTATIVE KAWASAKI moved Amendment 1, labeled 72-LS0202\E.1, Kane, 3/24/11, which read:

Page 1, line 11:

Delete "in which a crewmember"

Insert "on which a fishing vessel or set net site operator"

Page 1, line 12:

Delete "employment"

Insert "each crewmember employed by the fishing vessel or set net site operator"

Page 2, line 8:

Delete "(e) and (f)"

Insert "(f) and (g)"

Page 2, line 9:

Delete "crewmembers"

Insert "fishing vessel or set net site operators"

Page 2, following line 11:

Insert a new subsection to read:

"(e) The failure of a fishing vessel or set net site operator to return all crew activity forms for the vessel to the department is a violation and, upon conviction, is punishable by a fine of not more than \$500."

Re-letter the following subsections accordingly.

Page 2, lines 13 - 18:

Delete all material.

Renumber the following paragraphs accordingly.

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REPRESENTATIVE JOHNSON objected for discussion

REPRESENTATIVE KAWASAKI explained that the amendment offers a means to ensure reporting compliance. The second part imposes a penalty for non-compliance. He said depending on voluntary reporting may not be the best way to gain meaningful information to build a data base.

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REPRESENTATIVE AUSTERMAN stated support for the intent of Amendment 1, but said there are a number of ways to collect and enforce the reporting of data. The ideal situation would be to minimize the lag time. If the program works, in three years compliance could be honed, and the possibility of a swipe card could be considered.

REPRESENTATIVE KAWASAKI pointed out that the second part of the amendment deals specifically with the collection of voluntary data, which, he maintained, may not be reliable. He asked if the department has objection to the amendment.

MR. BRUCE indicated that the department has discussed the amendment, but the intent of the bill is to create a pilot program first, and a great deal of outreach and widespread partnerships will need to be cultivated during the educational period of the program. It is important to introduce the concepts in as simple a manner as possible: a one page form, minimal questions, and a postage paid self addressed return envelope to the department. Until a more sophisticated program is developed this needs to be simplistic, he opined.

CHAIR THOMPSON agreed that a three year period will be a good trial time.

REPRESENTATIVE AUSTERMAN said that the department is creating a data base warehouse, which is currently not available, but should eventually become a valuable aspect of this program.

REPRESENTATIVE JOHNSON described his experience of purchasing a dip netting permit, and said the department does send out mildly threatening letters requesting the return of the license.

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REPRESENTATIVE KAWASAKI withdrew Amendment 1.

[5:30:07 PM](#)

ANDY VARNER, Executive Director, Southeast Municipal Conference, stated support for HB 181, and said a perfect system may not be possible, without a high cost. He opined that the bill is appropriate.

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SHAWN DOCHTERMANN, Executive Director, Crewman's Association, said the bill requires significant modification as it does not fulfill the 12 recommendations made to ADF&G by an advisory committee, which met on the subject and reviewed the project. Further, it appears to place onus, for reporting, on the crew members. He reported that the Crewman's Association developed a proposal suggesting the utilization of swipe cards, and based on the e-landing program that is in place for many state fisheries. Instead of pushing this forward as a pilot program, he suggested implementing a plan utilizing a swipe card, and to also consider the program from a crew members point of view.

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GERALD McCUNE, Lobbyist, United Fishermen of Alaska (UFA), stated support for HB 181 and said real time data would be important, which can be provided by a swipe card. However, the technology is not yet available for that type of data collection/delivery. He said the bill will be a good start to get the program off the ground and eventually a swipe card can be implemented.

CHAIR THOMPSON closed public testimony.

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REPRESENTATIVE AUSTERMAN said that funding and development of the program will eventually allow implementation of technology and connection with the comprehensive warehouse data base being established by ADF&G.

[5:42:25 PM](#)

REPRESENTATIVE JOHNSON moved to report CSHB 181 (FSH), Version LS0292\E, Kane, 3/22/11, out of committee with individual recommendations and the accompanying fiscal notes. Without objection CSHB 181 (FSH) was reported from the House Special Committee on Fisheries.

[5:43:06 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 5:44 p.m.